



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—Thursday, September 6, 2001

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 6, 2001.

I hereby appoint the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Roy Mays, III, Southland Christian Church, Lexington, Kentucky, offered the following prayer:

Dear Gracious Father, for years we have sung "America, America, God shed his grace on thee," and in this prayer we affirm You have done it and we ask You to do it again.

As the Giver of grace, we need Your presence and assistance; Your good favor and great power. For whatever situation we face today, show us that Your strength is sufficient.

On the day following my diagnosis with myeloma cancer, You gave me an insight for experiencing grace in the metaphor of a railroad track, one rail represented healing and one rail symbolized dealing. I was invited to embrace Your grace and endure my race, keeping both rails parallel or I would wreck. Your part was to establish Your purpose and supply Your power. My part was to pray and persevere.

For all of the Members of this House and those they represent, we implore You to please touch us with Your healing grace, forgive us when we have forgotten You, lift us up when we have let You down, deliver help to those who are hurting, and provide peace for those who are in pain.

Also, we entreat You to please give us Your dealing grace: wisdom for our work, discernment for our decisions,

resources for our responsibilities, and joy for our journey.

In all these requests, Heavenly Father, we pray that Your will be done, and we accept that Your grace is sufficient. For thine is the kingdom and the power and the glory, forever and ever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. FLETCHER) come forward and lead the House in the Pledge of Allegiance.

Mr. FLETCHER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. FLETCHER) will be recognized for 1 minute. There will be only one 1-minute until after the joint meeting of the House and Senate.

### WELCOMING THE REVEREND ROY H. MAYS III

(Mr. FLETCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLETCHER. Mr. Speaker, I rise today to thank a dear friend and classmate, Reverend Roy Mays, for his beautifully insightful prayer opening today's session of the United States House of Representatives.

Within the hallowed walls of this Chamber, my colleagues and I gather

to attend to the business of this great Nation. Since the beginning of our democracy, we have begun each day's work petitioning our creator that we might know truth and have the wisdom and understanding to rightfully fulfill our duties. As Reverend Mays so eloquently stated in his prayer, our creator grants us grace and strength sufficient for our duties.

Reverend Mays continues to be a beacon for everyone who has crossed paths with him or who has made his acquaintance, including people in over 40 States where Roy ministered as an evangelist, also among the students, faculty and administration whose lives he has touched during 12 years of service at Cincinnati Bible College and Seminary. For the past 16 years, Reverend Mays has blessed thousands through the congregation at Lexington's Southland Christian Church as the senior executive associate minister.

Additionally, it is said that the character of a person is reflected in the countenance of one's spouse and children so it is with Roy and his lovely wife of 28 years, Beth, and his two children, Amanda and Ryan, who reflect the grace and peace engendered by mutual unconditional love.

Even after being diagnosed with multiple myeloma cancer in 1999, Reverend Mays continues to touch the lives of those around him, refusing to allow his testimony to fade and his countenance to dim, even when struggling to overcome persistently failing health. He stands humbly but firm with God, and with God's help of peace and perseverance during the most trying times of life. Through this example, countless others have received hope.

In this House, we pray alongside Reverend Roy Mays that we might be touched with both our Father's healing grace and dealing grace. We are inspired by Reverend Mays' unflagging faith and his steadfast confidence in God's plan for all.

Mr. Speaker, it is with deep appreciation that I recognize Roy Mays, not only for his service to us here today,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

but also to countless others across our Nation.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Vicente Fox, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 10:48 a.m. the following proceedings were had:

□ 1048

#### JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY VICENTE FOX, PRESIDENT OF THE UNITED MEXICAN STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Vicente Fox, the President of the United Mexican States, into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentleman from Illinois (Mr. HYDE);

The gentleman from North Carolina (Mr. BALLENGER);

The gentleman from Arizona (Mr. KOLBE);

The gentleman from California (Mr. DREIER);

The gentlewoman from New Mexico (Mrs. WILSON);

The gentleman from Texas (Mr. BONILLA);

The gentleman from Texas (Mr. BARTON);

The gentleman from Utah (Mr. CANNON);

The gentleman from Missouri (Mr. GEPHARDT);

The gentleman from Michigan (Mr. BONIOR);

The gentleman from Texas (Mr. FROST);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentleman from Arizona (Mr. PASTOR);

The gentleman from California (Mr. LANTOS);

The gentlewoman from New York (Mrs. LOWEY);

The gentleman from Texas (Mr. REYES);

The gentlewoman from California (Ms. ROYBAL-ALLARD);

The gentleman from Texas (Mr. RODRIGUEZ);

The gentlewoman from California (Mrs. NAPOLITANO);

The gentleman from California (Mr. BACA);

The gentleman from Texas (Mr. ORTIZ);

The gentleman from New York (Mr. SERRANO);

The gentleman from California (Mr. BECERRA);

The gentleman from Illinois (Mr. GUTIERREZ);

The gentleman from Guam (Mr. UNDERWOOD);

The gentlewoman from New York (Ms. VELÁZQUEZ);

The gentleman from Texas (Mr. HINOJOSA);

The gentlewoman from California (Ms. SANCHEZ);

The gentleman from Texas (Mr. GONZALEZ);

The gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ); and

The gentlewoman from California (Ms. SOLIS).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency Vicente Fox, the President of the United Mexican States, into the House Chamber:

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Massachusetts (Mr. KERRY);

The Senator from West Virginia (Mr. ROCKEFELLER);

The Senator from Washington (Mrs. MURRAY);

The Senator from Illinois (Mr. DURBIN);

The Senator from California (Mrs. BOXER);

The Senator from Massachusetts (Mr. KENNEDY);

The Senator from South Carolina (Mr. HOLLINGS);

The Senator from Delaware (Mr. BIDEN);

The Senator from Vermont (Mr. LEAHY);

The Senator from Mississippi (Mr. LOTT);

The Senator from Oklahoma (Mr. NICKLES);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Idaho (Mr. CRAIG);

The Senator from Tennessee (Mr. FRIST);

The Senator from New Mexico (Mr. DOMENICI);

The Senator from North Carolina (Mr. HELMS);

The Senator from Indiana (Mr. LUGAR);

The Senator from Texas (Mr. GRAMM); and

The Senator from Kansas (Mr. BROWNBACK).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, the Honorable Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

□ 1100

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

□ 1115

At 11 o'clock and 15 minutes a.m., the Assistant to the Sergeant at Arms announced the President of the United Mexican States, His Excellency Vicente Fox.

The President of the United Mexican States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the President of the United Mexican States, His Excellency Vicente Fox.

[Applause, the Members rising.]

#### ADDRESS BY HIS EXCELLENCY VICENTE FOX, PRESIDENT OF THE UNITED MEXICAN STATES

(Portions of the following address were delivered in Spanish, with a simultaneous translation in English.)

President FOX. Thank you. The applause in this room welcoming me has been heard by 100 million Mexicans which, in the name of them, I thank all of you for being so kind with us in Mexico.

Honorable Members of the Congress of the United States of America, it is a distinct honor for me to meet you here in the oldest legislative assembly on the American continent, a Congress whose deliberations have such a strong influence not only on the history of this country, but of the entire world.

This is an historic moment between our two nations in which the governments of Mexico and the United States have decided to begin a new era of friendship and cooperation to benefit both our peoples.

Mexico and the United States wish to bring together our principles and interests, as well as our traditions and hopes. The meeting of our two countries at the dawning of this new century may represent the beginning of the most promising chapters in our common history.

My presence in this Chamber bears witness to that will to bring our countries closer together. It is our very firm wish as Mexicans and Americans to establish a new relationship, a more mature, full and equitable relationship based on mutual trust.

Honorable Members of the United States Congress, I stand before you today with a simple message. Trust needs to be the key element of our new relationship. I am aware that for many Americans and for many Mexicans the idea of trusting their neighbor may seem risky and perhaps even unwise. I am sure that many on both sides of the border would rather stick to the old saying that good fences make good neighbors.

This perception has deep roots in history. In Mexico, they derive from a long-held sense of suspicion and apprehension about its powerful neighbor. And in the United States, they stem from previous experiences with a political regime governing Mexico which for the most part was regarded as undemocratic and untrustworthy.

Our countries, thus, cautiously distanced themselves from one other to pursue this frame of mind; but circumstances have changed. We are now bound closely together, whether in trade or tourism, economic or family ties. Our links are countless and ever growing. No two nations are more important to the immediate prosperity and well-being of one another than Mexico and the United States.

That is why our two great nations must go forward together to establish wider and deeper forms of cooperation and understanding. In this task, trust will be essential to achieve our goals. We must, therefore, leave behind the suspicion and indifference that have so often in the past been the source of

misunderstandings between our two peoples, for it is only by engaging more fully as neighbors and partners that we can make a difference to our societies, and we now have before us a historic opportunity to achieve this end which has proved so elusive in the past.

We intend to be forthright in our friendship and unwavering in our commitment. For as Corinthians states so simply and truly, it is required that those who have been given a trust must prove faithful. The relationship between Mexico and the United States has changed in one fundamental way. True democracy in Mexico, for decades an unfulfilled dream, is now a reality.

As a result of last year's vote, Mexico now has a legitimate and truly democratic leadership. This has meant a change in government, but it is also a reflection of a profound change in the values and aspirations of Mexican society. I am, therefore, determined to make democracy and tolerance the principles that guide all government actions, and to ensure that public institutions in Mexico become the guarantors of the rights and highest aspirations of citizens.

I have also pledged to address the most pressing problems now confronting Mexico, some of which are perhaps unintended, but nonetheless tangible legacies from our authoritarian past. Among them, the poverty and inequality that for so many decades have condemned millions of Mexicans to a life of disadvantage and insecurity; the crippling disease of corruption, which has had such an insidious effect on the life of our country; and the fragility and weakness of our judicial system, which itself must be reformed in order to bring an end to impunity and to consolidate the rule of law throughout the country.

I am convinced that it is time to bring Mexico up to date on all fronts, both within and beyond our borders. It is also time to bring Mexico up to date in its relations with the United States. Both of our nations now fully share, without qualification, the fundamental values of freedom and democracy. Thanks to those democratic changes inaugurated in Mexico last year on July 2, the time has come for Mexico and the United States to trust each other.

Simple trust, that is what has been sorely absent in our relationship in the past, and that is what is required for us to propel and strengthen our relationship in the days, weeks, and years to come. Let us foster trust between our societies. Let us build trust along our common borders. Let us take the road less-traveled-by and build confidence every step of the way. Only trust will allow us to constructively tackle the challenges our two nations face as we undertake to build a new partnership in North America.

Take, for example, our common struggle against the scourge of drugs.

It should be clear by now that no government, however powerful, will be able to defeat on its own the forces of transnational organized crime that lie behind drug trafficking. Intense cooperation is required to confront this threat, and trust is certainly a prerequisite of cooperation.

This is why since I took office last year, Mexico has enhanced its cooperation with U.S. authorities. We have arrested key drug kingpins and extradited drug traffickers wanted by the United States Justice Department.

However, much more needs to be done. Trust will be crucial to enhance intelligence and information sharing between both governments. We are committed to becoming a full partner with the United States in the fight against drugs. But trust requires that one partner not be judged unilaterally by the other.

Members of this honorable Congress, give trust a chance. Give both governments a chance. The bill to suspend drug certification for 3 years, S. 219, will allow us to move forward. In the fight against drugs, cooperation is not a nicety; it is a necessity.

We ask that you demonstrate your trust in us by passing this legislation as a gesture of your faith and confidence in this new country that we are working so hard to build.

We must also trust each other if we are to deal successfully with the issue of migration. In recent months, President George Bush and I have already shown our willingness to trust each other by agreeing to discuss this most complex matter.

As the history of this country shows, migration has always rendered more economic benefits to the United States than the costs it entails. Let us also not forget that migrants invariably enrich the cultural life of the land that receives them. Many among you have a parent or a grandparent who came into this country as an immigrant from another land.

Therefore, allow me to take this opportunity to pay homage to those brave men and women who in the past took on the challenge of building a new life for themselves and for their families in this country.

And let me also salute the Mexican migrants living in this country and say to them, Mexico needs you. We need your talent and your entrepreneurship. We need you to come home one day and play a part in building a strong Mexico.

When you return, when you retire, we need you to come back and help us convince other Mexicans that the future lies in a prosperous and democratic Mexico. My dear countrymen, Mexico will not forget you and will support you. We will not fail you.

There is one crucial fact that we must not lose sight of. Migration flows that respond to deep underlying economic incentives are all but impossible

to stop and must instead be regulated. Mexico is therefore seeking an agreement that will lend greater security and orderliness to the migration flows between our two countries.

That is why trust in dealing with migration entails reaching common ground to address the status of Mexican migrants already working and living in the United States, already contributing to enrich this Nation. Let me be clear about this: regularization does not mean rewarding those who break the law. Regularization means that we will provide them with the legal means to allow them to continue contributing to this great Nation.

The agreement that we seek would establish a higher ceiling for permanent visas awarded to Mexicans coming to this country, and it would also expand opportunities for Mexican workers to obtain temporary work visas so they can enter the United States safely and legally. Additionally, the agreement would require us to enhance our cooperative efforts to improve border safety, save lives and crack down on criminal smuggling gangs, or polleros. And, finally, it would demand that we promote economic growth in Mexico, and we know this is our responsibility, to promote specific opportunities for all those kids and young persons specifically in those regions that are the source of most migrants.

Progress regarding migration will not be easy. Yet it is essential that we maintain our commitment to an open and frank discussion, so that we may find a lasting solution that is acceptable to both our countries.

Such a discussion can only take place in a climate of trust. We have a fundamental decision to make. It is a decision that provides us with an opportunity to achieve the highest aspiration of any politician, leaving a lasting legacy of well-being to their people.

Mexico and the United States must also work constructively to promote our common values within our region. By adopting a clear and consistent stance, our governments may jointly address some of the most relevant and pressing issues of our hemisphere, such as the deepening of democracy and the promotion of human rights. This should be our most noble cause in the Americas and in the rest of the world.

On issues of common concern, such as the situation in Colombia, the promotion of economic development across Central America, the establishment of the Free Trade Area of the Americas, the negotiation of a democratic charter for the OAS, or the shared goal of fostering financial stability and disarming financial crises throughout our region, it is vital that Mexico and the United States work together, each one as a partner that we are, in building peace and stability throughout the Americas on the basis of our own principles and interests.

Evidently, we will not always see eye to eye. But both countries should convey to each other, in all sincerity and candor, their respective perceptions about how best to tackle issues of common concern for the well-being of our peoples. Trust will allow us to do this.

Members of the Congress of the United States of America, we have before us today the opportunity to dramatically change the future of our relationship. This meeting between Mexico and the United States is today the meeting between two democracies willing to build a better future.

The relationship between Mexico and the United States is now in our hands. It is up to us to open wide the windows of opportunity before us. We are the architects of our common destiny.

This means that we must re-create the relationship between our two great nations in a conscious and deliberate manner, moving forward firmly without leaving anything to chance. We must fully share this commitment in order to later enjoy together the fruits of our common labors.

Obviously, we all know full well that there are no easy answers nor magical solutions to the challenges faced by Mexico and the United States, but there is a path along which we can make progress with firm steps towards their solution, the path of mutual trust, trust that our governments will always behave with integrity in their daily work, trust that the strength of our relationship as partners and friends is strong, trust in our future of shared prosperity.

□ 1145

Honorable Members of the U.S. Congress, the political change currently under way in Mexico is the most powerful reason why we are now able to establish new forms of friendship and cooperation with the United States. We are ready to turn this change into the seed of a better future for both of our countries.

I hope that the United States will embrace this historic opportunity to build a new era of prosperity and understanding between our peoples. It requires will, as well as vision, to take advantage of this favorable turn in history and forge a new friendship between Mexicans and Americans.

This legislative body, along with its peers in Mexico, can play a decisive role in bringing our two countries together. You are a key partner in fostering trust between our two peoples.

Years ago, the United States Congress faced a difficult decision and chose to vote in favor of a greater integration with Mexico through the North American Free Trade Agreement.

The partnership between Mexico and the United States is still incomplete. There remain many unresolved issues that must be dealt with in order to achieve our common goals as partners.

One of these goals is an issue which this great body will soon consider and which entails an important obligation under NAFTA; it is the issue of access to the United States for Mexican trucks. For this, as in many other items of our common agenda, we need your trust. Trust will allow both countries to comply responsibly and maturely with their obligations to one another.

The overarching question is not, then, whether we can afford to trust each other, but whether we can afford not to. The growing convergence of our nations can lead to shared responsibility and prosperity and to the strengthening of those values that we have in common.

Let us begin anew, as those who founded our modern nations once did, remembering on both sides that there can be no friendship without trust and no trust without true commitment.

When history comes knocking on our doors, as it has done now, bold decisions are required. Let us make one today. Let us decide to trust one another.

John F. Kennedy believed in new beginnings. In accepting his party's nomination as President he spoke of a New Frontier, "We stand today on the edge of a New Frontier . . . the New Frontier of which I speak is not a set of promises—it is a set of challenges." That was in 1960.

Today, at the dawn of a new century, our two great nations face new challenges. But we do so with new opportunities, unimaginable even a few years ago.

Our new frontier will be conquered not by confrontation, but through cooperation; not by threats, but by common aspirations; not by fear, but by trust.

My friends, let us pledge today to create a new special partnership between the United States and Mexico for the benefit of our two great peoples.

Senoras y senores:

Viva Mexico!

Viva Estados Unidos!

Viva nuestro futuro en comun!

[Applause, the Members rising.]

At 11 o'clock and 51 minutes a.m., the President of the United Mexican States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

#### JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 52 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

□ 1215

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 12 o'clock and 21 minutes p.m.

#### PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. PENCE. Madam Speaker, I ask unanimous consent that proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### STATEMENT FROM FAMILY OF CHAPLAIN JAMES DAVID FORD

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, I have been asked to read a statement by the entire Ford family on the death of Chaplain Ford.

"The Ford family thanks everyone for their sympathy and concern about the death of Chaplain James David Ford.

"We wish to clarify that Chaplain Ford was very ill for an extended period of time. Many people did not realize this. This physical illness gave him no hope of regaining his zest for life.

"The family is at peace with his decision. We have supported him his entire life in everything he did and thought and we support him still. Most importantly, he is at peace now with his Creator. Of this we are certain."

This is signed by Marcy Ford and the entire Ford family.

#### PRESIDENT FOX'S VISIT AND IMMIGRATION REFORM

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, today I rise to reemphasize the need for immigration reform in the United States. In recent days, we have heard lengthy discussions from opponents and proponents on this issue. I want to make

sure that the people, the hardworking immigrants and the many families that I represent, are not lost in that debate.

Millions of immigrants have lived here for an extended period of time. They go to work every single day. They pay taxes just like you and me. They own homes and many own businesses, and many have played by the rules. They also have children who are U.S. citizens. These people deserve respect. They deserve to be acknowledged for the many contributions that they have made to this great country.

Mexican President Vicente Fox has done a superb job of highlighting the need for immigration reform. He recognizes the immense contributions all immigrants make to the U.S. economy and to foreign economies such as his own, and a majority of U.S. citizens recognize the important contributions that immigrants have made to this country. A recent bipartisan poll found that 62 percent of voters support legalization for immigrants who pay taxes, break no laws, and play by the rules.

I ask for this Congress to begin discussions, as President Fox stated yesterday at the White House, to begin discussions on immigration reform.

#### CONGRATULATIONS TO UNITED STATES LITTLE LEAGUE CHAMPIONS FROM APOPKA, FLORIDA

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Madam Speaker, I rise today to congratulate the United States Little League champions from Apopka, Florida. While I may represent the people of Apopka in the U.S. Congress, the Apopka Little Leaguers represented our entire country with class and dignity.

Led by Coaches Brewer and Tapley, these 11 young men put the little town of Apopka, Florida, front and center on the world stage. They entered the 16-team world series tournament as underdogs, but they fought their way to the top of the heap to become national champions. Their persistence and hard work will surely inspire thousands of future Little Leaguers.

On behalf of myself, Senator NELSON, and the entire U.S. Congress, we say to the Apopka Little Leaguers, congratulations on a job well done, and we thank them for inspiring us all.

#### U.S.-MEXICO RELATIONS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I join President Bush and my colleagues in welcoming His Excellency Vicente Fox to the U.S. Capitol today.

Listening to President Fox's words this morning confirms the special rela-

tionship that we enjoy between Mexico and the United States.

We all know, as my colleague and friend just mentioned, that immigration policy is crucial and should be the focus of discussions between the United States and Mexico. We should be an America that welcomes again, and I say that from the heart as the grandson of an Irish immigrant to this country.

But we must also look, Madam Speaker, beyond immigration. We have a historic opportunity to expand our relationship rooted in free trade, to which President Fox also alluded. President Fox accurately acknowledged that we share the most dynamic border in the world. Let us show the world how neighbors can improve lives through mutual trust and mutual respect.

Today more than ever it is time for America and Mexico to prove that adage that we ought to love our neighbors as ourselves.

#### VIET NAM HUMAN RIGHTS ACT

Mr. SMITH of New Jersey. Madam Speaker, pursuant to a previous order of the House, I call up the bill (H.R. 2833) to promote freedom and democracy in Viet Nam, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 2833 is as follows:

H.R. 2833

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Viet Nam Human Rights Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purpose.

#### TITLE II—PROMOTION OF FREEDOM AND DEMOCRACY IN VIET NAM

Subtitle A—Prohibition on Nonhumanitarian Assistance to the Government of Viet Nam

Sec. 201. Bilateral nonhumanitarian assistance.

Sec. 202. Multilateral nonhumanitarian assistance.

Subtitle B—Assistance to Support Democracy in Viet Nam

Sec. 211. Assistance.

Subtitle C—United States Public Diplomacy

Sec. 221. Radio Free Asia transmissions to Viet Nam.

Sec. 222. United States educational and cultural exchange programs with Viet Nam.

Subtitle D—United States Refugee Policy

Sec. 232. Refugee resettlement for nationals of Viet Nam.

Subtitle E—Annual Report on Progress Toward Freedom and Democracy in Viet Nam

Sec. 241. Annual report.

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. FINDINGS.

Congress finds the following:

(1) Viet Nam is a one-party state, ruled and controlled by the Vietnamese Communist Party.

(2) The Government of Viet Nam denies the people of Viet Nam the right to change their government and prohibits independent political, social, and labor organizations.

(3)(A) The Government of Viet Nam consistently pursues a policy of harassment, discrimination, and intimidation, and sometimes of imprisonment and other forms of detention, against those who peacefully express dissent from government or party policy.

(B) Recent victims of such mistreatment, which violates the rights to freedom of expression and association recognized in the Universal Declaration of Human Rights, include Dr. Nguyen Dan Que, Dr. Nguyen Thanh Giang, General Tran Do, Most Venerable Thich Huyen Quang, Most Venerable Thich Quang Do, Father Nguyen Van Ly, numerous leaders of the Hoa Hao Buddhist Church and of independent Protestant churches, and an undetermined number of members of the Montagnard ethnic minority groups who participated in peaceful demonstrations in the Central Highlands of Viet Nam during February 2001.

(4) The Government of Viet Nam systematically deprives its citizens of the fundamental right to freedom of religion. Although some freedom of worship is permitted, believers are forbidden to participate in religious activities except under circumstances rigidly defined and controlled by the government:

(A) In 1999 the Government issued a Decree Concerning Religious Activities, which declared in pertinent part that “[a]ll activities using religious belief in order to oppose the State of the Socialist Republic of Viet Nam, to prevent the believers from carrying out civic responsibilities, to sabotage the union of all the people, to against the healthy culture of our nation, as well as superstitious activities, will be punished in conformity with the law”.

(B) The Unified Buddhist Church of Viet Nam (UCBV), the largest religious denomination in the country, has been declared illegal by the Government, and over the last twenty-five years its clergy have often been imprisoned and subjected to other forms of persecution. The Patriarch of the Unified Buddhist Church, 83-year-old Most Venerable Thich Huyen Quang, has been detained for 21 years in a ruined temple in an isolated area of central Viet Nam. Most Venerable Thich Quang Do, the Executive President of the Unified Buddhist Church, has also been in various forms of detention for many years, and was recently rearrested and placed under house arrest after he had proposed to bring Most Venerable Thich Huyen Quang to Saigon for medical treatment.

(C) The Hoa Hao Buddhist Church was also declared to be illegal until 1999, when the Government established an organization which purports to govern the Hoa Hao. According to the United States Commission on International Religious Freedom, “[t]his organization is made up almost entirely of Communist Party members and apparently is not recognized as legitimate by the vast majority of Hoa Haos . . . [n]evertheless, [this government-sponsored organization] has sought to control all Hoa Hao religious activity, particularly at the Hoa Hao village, which is the center of Hoa Hao religious life”. Hoa Hao believers who do not recognize the legitimacy of the government organization are denied the right to visit the Hoa Hao village, to conduct traditional religious

celebrations, or to display Hoa Hao symbols. Many have been arrested and subjected to administrative detention, and several Hoa Hao have been sentenced to prison terms for protesting these denials of religious freedom.

(D) Independent Protestants, most of whom are members of ethnic minority groups, are subjected to particularly harsh treatment by the Government of Viet Nam. According to the United States Commission on International Religious Freedom, such treatment includes “police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities (such as collective worship, public religious expression and distribution of religious literature, and performing baptisms, marriages, or funeral services) . . . [i]n addition, it is reported that ethnic Hmong Protestants have been forced by local officials to agree to abandon their faith”.

(E) Other religious organizations, such as the Catholic Church, are formally recognized by the Government but are subjected to pervasive regulation which violates the right to freedom of religion. For instance, the Catholic Church is forbidden to appoint its own bishops without Government consent, which is frequently denied, to accept seminarians without specific official permission, and to profess Catholic doctrines which are inconsistent with Government policy. A Catholic priest, Father Nguyen Van Ly, was arrested in March 2001 and remains in detention after submitting written testimony to the United States Commission on International Religious Freedom.

(F) The Government has also confiscated numerous churches, temples, and other properties belonging to religious organizations. The vast majority of these properties—even those belonging to religious organizations formally recognized by the Government—have never been returned.

(5) Since 1975 the Government of Viet Nam has persecuted veterans of the Army of the Republic of Viet Nam and other Vietnamese who had opposed the Viet Cong insurgency and the North Vietnamese invasion of South Viet Nam. Such persecution typically included substantial terms in “re-education camps”, where detainees were often subjected to torture and other forms of physical abuse, and in which many died. Re-education camp survivors and their families were often forced into internal exile in “New Economic Zones”. Many of these former allies of the United States, as well as members of their families, continue until the present day to suffer various forms of harassment and discrimination, including denial of basic social benefits and exclusion from higher education and employment.

(6)(A) The Government of Viet Nam has been particularly harsh in its treatment of members of the Montagnard ethnic minority groups of the Central Highlands of Viet Nam, who were the first line in the defense of South Viet Nam against invasion from the North and who fought courageously beside members of the Special Forces of the United States Army, suffering disproportionately heavy casualties, and saving the lives of many of their American and Vietnamese comrades-in-arms.

(B) Since 1975 the Montagnard peoples have been singled out for severe repression, in part because of their past association with the United States and in part because their strong commitment to their traditional way of life and to their Christian religion is regarded as inconsistent with the absolute loyalty

and control demanded by the Communist system.

(C) In February 2001 several thousand Montagnards participated in a series of peaceful demonstrations throughout the Central Highlands, demanding religious freedom and restoration of their confiscated lands, and the Government responded by closing off the Central Highlands and sending in military forces, tanks, and helicopter gunships.

(D) Credible reports by refugees who have escaped to Cambodia indicate that the Government has executed some participants in the demonstrations and has subjected others to imprisonment, torture, and other forms of physical abuse.

(E) The Government of Viet Nam has also taken steps to prevent further Montagnards from escaping, and there are credible reports that Vietnamese security forces in Cambodia are offering bounties for the surrender of Montagnard asylum seekers.

(7) The Government of Viet Nam has also persecuted members of other ethnic minority groups, including the Khmer Krom from the Mekong Delta, many of whom fought alongside United States military personnel during the Viet Nam war and whose Hinayana Buddhist religion is not among those recognized by the Government.

(8) The Government of Viet Nam also engages in or condones serious violations of the rights of workers. In August 1997, the United Nations Children's Fund (UNICEF) reported that child labor exploitation is on the rise in Viet Nam with tens of thousands of children under 15 years of age being subjected to such exploitation. The government's official labor export program also has subjected workers, many of whom are women, to involuntary servitude, debt bondage, and other forms of abuse, and the reaction of government officials to worker complaints of such abuse has been to threaten the workers with punishment if they do not desist in their complaints.

(9)(A) United States refugee resettlement programs for Vietnamese nationals, including the Orderly Departure Program (ODP), the Resettlement Opportunities for Returning Vietnamese (ROVR) program, and resettlement of boat people from refugee camps throughout Southeast Asia, were authorized by law in order to rescue Vietnamese nationals who have suffered persecution on account of their wartime associations with the United States, as well as those who currently have a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

(B) In general, these programs have served their purpose well. However, many refugees who were eligible for these programs were unfairly denied or excluded, in some cases by vindictive or corrupt Communist officials who controlled access to the programs, and in others by United States personnel who imposed unduly restrictive interpretations of program criteria. These unfairly excluded refugees include some of those with the most compelling cases, including many Montagnard combat veterans and their families.

(10) The Government of Viet Nam systematically jams broadcasts by Radio Free Asia, an independent broadcast service funded by the United States in order to provide news and entertainment to the people of countries in Asia whose governments deny the right to freedom of expression and of the press.

(11) In 1995 the Governments of the United States and Viet Nam announced the “normalization” of diplomatic relations. In 1998

then-President Clinton waived the application of section 402 of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment"), which restricts economic assistance to countries with non-market economies whose governments also restrict freedom of emigration. In 1999 the Governments of the United States and Viet Nam announced "agreement in principle" on a bilateral trade agreement. This agreement was signed in 2000 and has been presented to Congress for approval or disapproval.

(12) The Congress and the American people are united in their determination that the extension or expansion of trade relations with a country whose government engages in serious and systematic violations of fundamental human rights must not be construed as a statement of approval or complacency about such practices. The promotion of freedom and democracy around the world—and particularly for people who have suffered in large part because of their past associations with the United States and because they share our values—is and must continue to be a central objective of United States foreign policy.

#### SEC. 102. PURPOSE.

The purpose of this Act is to promote the development of freedom and democracy in Viet Nam.

### TITLE II—PROMOTION OF FREEDOM AND DEMOCRACY IN VIET NAM

#### Subtitle A—Prohibition on Nonhumanitarian Assistance to the Government of Viet Nam

##### SEC. 201. BILATERAL NONHUMANITARIAN ASSISTANCE.

###### (a) ASSISTANCE.—

(1) IN GENERAL.—Except as provided in subsection (b), United States nonhumanitarian assistance may not be provided to the Government of Viet Nam—

(A) for fiscal year 2002 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 241 that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period covered by the report.

(2) REQUIREMENTS.—The requirements of this paragraph are that—

(A) the Government of Viet Nam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government;

(C) the Government of Viet Nam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands or elsewhere in Viet Nam; and

(D)(i) neither any official of the Government of Viet Nam nor any agency or entity wholly or partly owned by the Government of Viet Nam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Viet Nam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

###### (b) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) shall not apply for any fiscal year with respect to the provision of United States nonhumanitarian assistance for any program or activity for which such assistance was provided to the Government of Viet Nam for fiscal year 2001 in an amount not to exceed the amount so provided for fiscal year 2001.

(2) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Viet Nam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Viet Nam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

###### (3) EXERCISE OF WAIVER AUTHORITY.—

(A) IN GENERAL.—The President may exercise the authority under paragraph (2) with respect to—

(i) all United States nonhumanitarian assistance to Viet Nam; or

(ii) one or more programs, projects, or activities of such assistance.

###### (c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term "severe form of trafficking in persons" means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106-386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term "United States nonhumanitarian assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

##### SEC. 202. MULTILATERAL NONHUMANITARIAN ASSISTANCE.

The President shall ensure that section 701 of the International Financial Institutions Act (22 U.S.C. 262d), relating to human rights, is carried out with respect to Viet Nam.

#### Subtitle B—Assistance to Support Democracy in Viet Nam

##### SEC. 211. ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote human rights and nonviolent democratic change in Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) \$2,000,000 for each of the fiscal years 2002 and 2003.

#### Subtitle C—United States Public Diplomacy

##### SEC. 221. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to such amounts as are otherwise

authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) \$9,100,000 for the fiscal year 2002 and \$1,100,000 for the fiscal year 2003.

##### SEC. 222. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIET NAM.

It is the policy of the United States that programs of educational and cultural exchange with Viet Nam should actively promote progress toward freedom and democracy in Viet Nam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

#### Subtitle D—United States Refugee Policy

##### SEC. 232. REFUGEE RESETTLEMENT FOR NATIONALS OF VIET NAM.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to offer refugee resettlement to nationals of Viet Nam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including the inability to pay bribes demanded by officials of the Government of Viet Nam) were unable to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) AUTHORIZED ACTIVITY.—Of the amounts authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2001, 2002, and 2003, such sums as may be necessary are authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

#### Subtitle E—Annual Report on Progress Toward Freedom and Democracy in Viet Nam

##### SEC. 241. ANNUAL REPORT.

Not later than May 31 of each year, the Secretary of State shall submit to Congress a report for the 12-month period ending on the date of submission of the report, on the following:

(1)(A) The determination and certification of the President that the requirements of subparagraphs (A) through (D) of section 201(a)(2) have been met, if applicable.

(B) The determination of the President under section 201(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Viet Nam in accordance with section 221(a).

(3) Efforts to ensure that programs with Viet Nam promote the policy set forth in section 222 and with section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(4) Steps taken to carry out the policy under section 232(a).

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 5, 2001, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

## GENERAL LEAVE

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2833.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, let me thank my good friend, the gentleman from California (Mr. LANTOS), and other cosponsors of this important human rights legislation for their strong support for this measure that is before the body today.

Madam Speaker, to hear some of our colleagues talk, we would think that Viet Nam was well on its way to being a human rights success story. Unfortunately, this is simply not the case. Just this week, a Buddhist monk in Danang committed suicide by self-immolation to protest the increasingly harsh repression of the Unified Buddhist Church of Viet Nam.

Just yesterday, the Hanoi security cadres arrested two prominent reform advocates, retired Colonel Phan Que Duong and writer Hoang Minh Chinh. Their only crime appears to have been asking permission to start a non-governmental organization that would expose corruption and promote transparency in government.

Yet, these thoughtful and courageous men were dragged away from their homes and families on the very eve of the vote on the trade agreement whose supporters say is evidence that the Vietnamese Government is on the road to reform.

It is true that there have been some improvements since the dark days of the late 1970s and early 1980s, when hundreds of thousands of people were confined to so-called "reeducation camps;" and as we know, many died there, simply because they had taken the side of freedom. But in recent years, there has been no such progress. Indeed, in the last few months, the government of Viet Nam has substantially increased the frequency and the severity of its human rights violations.

Madam Speaker, the Government of Viet Nam systematically denies the fundamental right to freedom of religion. Although some freedom of worship is permitted, believers are forbidden to participate in religious activities except under circumstances rigidly defined and controlled by the government.

In 1999, the government issued a Decree Concerning Religious Activities which declared, in pertinent part, "All activities using religious belief in order to oppose the State of the Socialist Republic of Viet Nam, to prevent the believers from carrying out civic respon-

sibilities, to sabotage the union of all the people, to go against the healthy culture of our Nation, as well as superstitious activities, will be punished in conformity with law."

The Unified Buddhist Church of Viet Nam, Madam Speaker, the largest religious denomination in Viet Nam, has been declared illegal by the government, and over the last 25 years its clergy have often been imprisoned and subjected to other forms of persecution.

□ 1230

The Patriarch of the Unified Buddhist Church, 83-year-old Most Venerable Thich Huyen Quang, has been detained for 21 years in a ruined temple in an isolated area of central Vietnam. Most Venerable Thich Quang Do, the Executive President of the Unified Buddhist Church, has also been in various forms of detention for many years, and was recently rearrested and placed under house arrest after he had proposed to bring the most Venerable Thich Huyen Quang to Saigon for medical treatment. For that, he was punished.

The Hoa Hao Buddhist Church was also declared to be illegal until 1999, when the government established an organization which purports to govern the Hoa Hao, but is dominated by government and Communist cadres, which is not acceptable to the believers. Several Hoa Hao have been sentenced to prison terms for protesting this denial of their religious freedom.

Independent Protestants, most of whom are members of ethnic minority groups, are subjected to particularly harsh treatment by the Government of Vietnam. According to the United States Commission on International Religious Freedom, such treatment includes police raids on homes and house churches, detention, imprisonment, confiscation of religious and personal property, physical and psychological abuse, and fines for engaging in unapproved religious activities such as collective worship, public religious expression, the distribution of religious literature, and performing baptisms, marriages, and funeral services. In addition, the U.S. Commission's report goes on to say, it is reported that ethnic Hmong Protestants have been forced by local officials to agree to abandon their faith.

A Catholic priest, Madam Speaker, Father Nguyen Van Ly was arrested in March of 2001, just a few months ago, and remains in detention after submitting written testimony to the United States Commission on International Religious Freedom. For that, this great trading partner of the United States, this man, this priest, was arrested: submitting testimony to an official organ, a function of the United States Government that investigates religious persecution.

Madam Speaker, the other human rights violation in Vietnam right now is the recent intensification of the government's systematic repression of the Montagnards. Since 1975, the Montagnard people have been severely persecuted, in part because of their wartime association with the United States, and in part because of their strong commitment to their traditional way of life and to their Christian religion, and that is regarded as inconsistent with the absolute loyalty and control demanded by the Communist system.

In February 2001, several thousand Montagnards participated in a series of peaceful demonstrations throughout the Central Highlands, demanding religious freedom and restoration of their confiscated lands. The government responded by closing off the Central Highlands and sending in military forces, tanks and helicopters. Credible reports by refugees who have escaped to Cambodia indicate that at least one participant in the demonstration was killed and that the government has subjected others to imprisonment and torture and other forms of physical abuse. The Government of Vietnam has also taken steps to prevent further Montagnards from escaping, and the Vietnamese security forces in Cambodia are offering bounties for the surrender of Montagnard asylum seekers.

Madam Speaker, I want to also call attention to the active involvement of officials and entities of the Vietnamese Government in severe forms of trafficking in persons. There is evidence that the government's official labor export program has subjected workers, many of whom are women, to involuntary servitude, debt bondage, and other forms of abuse. In the recent case of several hundreds of workers who were trafficked by Vietnamese-owned corporations to the Daewoo factory in American Samoa, the reaction of government officials to worker complaints of severe mistreatment was to threaten the workers with "punishment under the laws of Vietnam" if they continued to complain.

Madam Speaker, as most Members know, these are not the only human rights violations committed by the Vietnamese Government. The Government of Vietnam also pursues a policy of harassment, discrimination, intimidation, and other types of detention against those who peacefully express dissent from the government or the party policy. The arrests of Mr. Chinh and Colonel Duong are just the latest episode in that awful story.

Madam Speaker, the Human Rights Act for Vietnam will ensure that putting an end to those egregious abuses remains central to U.S. foreign policy toward Vietnam. It will not restrict trade in any way, but it uses other forms of leverage to construct a human rights program that is comprehensive yet reasonable and flexible.

First, the act tells the truth about human rights and the situation of human rights in Vietnam. It describes the violations by the Government of Vietnam of the rights to freedom of expression, association, and religion, and the rights of workers, as well as the persecution of ethnic minorities, as I said, including the Montagnards and persons associated with the United States prior to 1975. The act concludes that Congress and the American people are united in their determination that expansion of trade relations should not be construed as approval or complacency or complicity about human rights violations, and that the promotion of freedom and democracy must be central to U.S. foreign policy.

Second, the act will link increases in foreign aid, other than humanitarian assistance to the Government of Vietnam, to a finding by the President that the government has made "substantial progress" toward meeting certain human rights benchmarks. These benchmarks are reasonable and easily attainable: substantial progress toward release of political and religious prisoners; substantial progress toward respect by the Government of Vietnam to the right of freedom of religion, including the right to participate in religious organizations not connected to the Government of Vietnam; substantial progress, Madam Speaker, toward respect for the rights of members of ethnic minority groups in the Central Highlands and elsewhere; and an end to the government complicity and severe forms of trafficking in human persons.

Madam Speaker, the Vietnam Human Rights Act does not require cuts in current levels of assistance or impose any restrictions at all on assistance that goes to nongovernmental organizations or private sector enterprises. It affects only increases in nonhumanitarian aid that goes to the Government of Vietnam. It also has a waiver capability that the President can exercise in the national interest or if he feels that the purposes of the act would be better served by waiving its provisions.

Madam Speaker, finally, just let me say the act also authorizes assistance to NGOs committed to promoting freedom and democracy in Vietnam. It will support efforts by the United States to overcome Hanoi's systematic jamming of the profreedom broadcasts by Radio Free Asia. It is amazing to me that right now, as we are about to approve a bilateral trade agreement, they are jamming every day the broadcast coming out of Radio Free Asia.

The act would require the State Department to take steps to ensure that U.S. cultural and exchange programs are open to people who share our values not just of the Vietnamese Government and Communist Party officials and persons close to those officials.

Finally, Madam Speaker, the act declares it to be the policy of the U.S. to

offer refugee resettlement to pro-American combat veterans and other residents of Vietnam who meet the statutory criteria for U.S. refugee programs, who have been wrongfully denied access to these programs for reasons beyond their control, including but not limited to their inability to pay bribes that have been demanded by the Vietnamese Government officials.

The act does not change existing refugee law and does not mandate the admission of any person or group. The act does insist, however, that discretion under current law should be exercised to promote fairness for people who have been persecuted for 25 years because of their wartime associations with the U.S. or simply because they share our values.

Madam Speaker, I urge a positive vote on this bill, and I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 2833.

First, I would like to commend my good friend and distinguished colleague, the gentleman from New Jersey (Mr. SMITH), for introducing this very important legislation and for doggedly pursuing the Vietnam human rights issue, as indeed he has been pursuing so many human rights issues during his entire course of great service to this Nation. I would also like to express my appreciation to the chairman of the committee, the gentleman from Illinois (Mr. HYDE), for moving this legislation so expeditiously.

Madam Speaker, yesterday afternoon I returned from the Durban Conference in South Africa on Racism and Discrimination, as the American delegation was withdrawn by Secretary of State Colin Powell, a decision I fully support.

It is ironic to listen to the gentleman from New Jersey (Mr. SMITH), outlining in great detail the discrimination and persecution unfolding in Vietnam against religious and ethnic minorities, because Vietnam was not on the agenda at Durban. The Sudan was not on the agenda at Durban, although as we speak, slave trade is taking place in the Sudan.

Afghanistan and the Taliban were not on the agenda in Durban, although we know what happens to individuals who attempt to introduce Christianity into that country. There are few things Afghanistan needs more than some Christian values.

Saudi Arabia was not on the agenda, although the persecution of women continues unabated, discrimination against women continues unabated.

The only country singled out for criticism at the farce which was Durban was the democratic state and our ally in the Middle East, the State of Israel. So the timing of this legislation, as it comes before us, could not be more opportune.

I would like to identify myself with the statements made by the gentleman from New Jersey with respect to all the specific acts of religious and ethnic persecution which unfold in Vietnam. None of us here should be under any illusion about the nature of the Vietnamese Government. According to the State Department's Human Rights Report, the Vietnamese Government is an unrepentant authoritarian regime. True political opposition in that country is not allowed. Freedom of expression does not exist, and Vietnamese are put in prison for good for simply expressing political opinions the government does not approve of.

The Vietnamese Government places the most severe restrictions on the expression of religious beliefs, particularly beliefs in Buddhism, as my good friend and colleague so eloquently outlined.

Madam Speaker, today the House will approve the U.S.-Vietnam bilateral trade agreement. I support that agreement, but it is critical that we send a signal to Hanoi that the U.S. continues to care about the human rights and the religious freedom situation in Vietnam, not just trade. Passage of the Smith legislation will indicate to the administration and to the Vietnamese Government that the Congress expects to see true progress on the human rights front, and we have not forgotten those Vietnamese who are being persecuted for their religious beliefs or their political views.

The legislation that we are considering will ensure that there is not a rollback in our trade and aid relationship with Vietnam, only a cap on the level of our aid to Vietnam unless decent human rights conditions are created.

□ 1245

It is ironic that this legislation is before us today, because if it were not and if it would be merely a discussion of trade with Vietnam, we ourselves would be engaging in hypocrisy as are the delegates in Durban as we speak. It is important to promote trade. But it is important to stand up for human rights as well.

I commend and congratulate the gentleman from New Jersey (Mr. SMITH) for introducing this legislation. I urge all of my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself 10 seconds.

Madam Speaker, I thank my good friend for his outstanding statement and for pointing out the hypocrisy of the Durban conference, especially in leaving out some of these egregious violators and, as he pointed out, focusing on the state of Israel. I want to thank him for that statement and for his support for that bill.

Madam Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today in support of H.R. 2833, the Viet Nam Human Rights Act of 2001.

As an original co-sponsor of this landmark legislation, I believe passage of the Viet Nam Human Rights Act will send a strong message to the Hanoi regime and to its victims that expansion of trade relations does not imply approval of or complacency about the continuing pattern of severe human rights violations in Vietnam.

As an ardent supporter of human rights and a strong proponent of free trade, I want to stress that the Viet Nam Human Rights Act is about aid, not trade. This legislation sends a clear message to Hanoi, and also to other interested observers including the Vietnamese-American community, that the U.S. is serious about our commitment to the principles of free speech, freedom of expression, and the freedom of religious exercise.

As a founding member of the Congressional Dialogue on Viet Nam and a member of the Congressional Human Rights Caucus, I am acutely aware of the Vietnamese government's human rights violations, including religious persecution and indefinite criminal sentences for political prisoners.

On May 12 of this year, I attended a hearing which addressed the issue of religious suppression and persecution in Vietnam. My colleagues and I heard testimony from many religious Vietnamese-American leaders who shared their perspectives on this important issue. Many of them had suffered personally at the hands of the Vietnamese government. In July, I sent a letter to Secretary of State Colin Powell before he went to Vietnam, asking him to raise these very issues with the government.

This legislation sets a framework for an honest and detailed assessment of the human rights situation in Vietnam. It accurately identifies violations by the Vietnamese government against the rights of the Vietnamese people to exercise their freedom of expression, association, and religion, and the rights of workers, as well as persecution of religious figures and ethnic minorities including the Montagnards and other people associated with the U.S. prior to 1975.

In addition, H.R. 2833 summarizes the history of U.S. policy towards Vietnamese refugees and of normalization of U.S.-Vietnam diplomatic and trade relations. This legislation concludes that Congress and the American people are united in their belief that expansion of trade relations should not and must not be construed as approval of or ignorance about the Vietnamese government's human rights violations. Furthermore, we, the government and

the American people, seriously believe that the promotion of freedom and democracy must be central to U.S. foreign policy.

This legislation makes conditional any increases in foreign assistance, other than humanitarian assistance, to the Vietnamese government on a finding by the President that they have made substantial progress toward meeting certain human rights benchmarks, which include the release of all political and religious prisoners from all forms of detention including imprisonment and house arrest; respect by the Vietnamese government towards the right to freedom of religion, including the right to participate in religious organizations not connected to the Vietnamese government; respect for the rights of members of ethnic minority groups in the Central Highlands and elsewhere; and an end to government complicity in severe forms of trafficking in human beings, in particular, women and children.

This bill will also require an enforcement of a provision of a current law designed to withhold non-humanitarian loans and other extensions of funds from international financial institutions to governments that consistently commit gross violations of fundamental human rights.

This legislation will help to actively promote freedom and democracy in Vietnam by authorizing assistance to nongovernmental organizations committed to encouraging and advancing these principles in Vietnam.

Additionally, this legislation declares it to be the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Vietnamese government. It requires periodic reports on efforts by the U.S. government to secure transmission sites for Radio Free Asia in countries near Vietnam. It also authorizes additional funding to enhance transmission facilities in order to overcome jamming.

This bill seeks to ensure that U.S. educational and cultural exchange programs promote American values. It requires the U.S. State Department to take steps to make sure that U.S. cultural and exchange programs are open to people who share our values, not just Vietnamese government and Communist Party officials and persons close to them.

Finally, this bill would declare it to be the policy of the United States to offer refugee resettlement to residents of Vietnam who met the statutory criteria for the Orderly Departure Program and other refugee programs, but who were incorrectly deemed ineligible for such programs or who, for reasons beyond their own control including but not limited to inability to pay bribes demanded by Vietnamese government officials, were denied access to U.S. programs in time for deadlines imposed

by State Department officials. This legislation also requires the State Department to report on what steps it has taken to provide such persons with access to U.S. refugee resettlement.

This bill does not affect any form of humanitarian assistance, nor does it limit assistance that is provided through nongovernmental organizations. Essentially, the Viet Nam Human Rights Act will require the Vietnamese government to make substantial progress towards the release of political and religious prisoners, and an end to religious persecution, respect for the rights of ethnic minorities, and elimination of trafficking in human beings before receiving any further increases in government-to-government U.S. aid. It is my strong belief that this is the least we can do for all those being oppressed by the Communist Government.

For these reasons, I urge all of my colleagues to support H.R. 2833 so that we can hold the Vietnamese government accountable for the human rights abuses committed by their regimes and hopefully bring justice to the Vietnamese people.

I commend the gentleman from New Jersey (Mr. SMITH) and his staff for their hard work and commitment in bringing attention to this important issue.

Mr. LANTOS. Madam Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. LOFGREN) who has been a persistent and outspoken champion of human rights.

Ms. LOFGREN. Madam Speaker, I rise in strong support of 2833, the Viet Nam Human Rights Act, a resolution to promote democracy and freedom in Vietnam.

Madam Speaker, last weekend many of us were celebrating Labor Day with our constituents and families honoring our country's proud traditions of democracy and freedom. But last weekend in Da Nang, Vietnam, a 61-year-old monk set himself on fire in protest of the communist authorities' repression of religious freedoms.

Before his death, Ank wrote letters to the U.N. Human Rights Commission, the Human Rights Commission of the European Union and other international groups, stating simply, "I have decided that the only way I can protest is by setting my body on fire to denounce repression against the UBCV and all other religions."

I have with me the Declaration of Vietnamese Priests Abroad, an open letter to the international community condemning the vicious repression of religious and other basic human rights in Vietnam. This letter, dated August 15, was signed by 144 Catholic priests worldwide and calls upon "freedom-loving governments to defend the values of human rights which are being trampled on in Vietnam."

Madam Speaker, I include the letter for the RECORD.

DECLARATION OF VIETNAMESE PRIESTS  
ABROAD

We, the undersigned Vietnamese priests abroad, want to express our great concern about the present urgent situation of Vietnam's religious life in general, and the life of the Vietnamese Catholic Church in particular.

Though living and serving away from the Fatherland, we as Vietnamese and as priests remain attached to our people and country. We always pray for our people to be truly free and for our country to be prosperous, in which every Vietnamese is loved and respected in accordance with his or her human dignity.

As for religious life in Vietnam, we are convinced that religious freedom is absolutely a basic and spiritual need for man and society. For the future of Vietnam, religious freedom is not only a legitimate demand but also a matter of human rights that needs to be urgently solved. Vietnam will lose an opportunity to create a bright future if the Vietnamese people do not have true religious freedom. The history of Vietnam has proved that religious life is strongly tied with the destiny of the people. Once religion is free, society will be peaceful and healthy and a human development will be secured for the country.

It is unfortunate for the Vietnamese people that what is happening in our country increasingly proves that religion is at risk of being used as an instrument by the Vietnamese Communist Government and enslaved by it to the point of dying away in the end. Using this as its strategy involves agonizing policies of the legal system (especially the procedure of begging the government permission and policies of discrimination), unreasonable administrative system, "divide and conquer" causing division among leaders of the same religion, etc. All of these aim to deprive religious belief of sacred values and to render it meaningless and finally useless. Religious freedom in Vietnam is being distorted and trampled brutally and shamelessly by the Vietnamese Communist Government. The present conditions of society are unstable and only conducive to bribery and power abuse at all levels. In the face of these great social problems, religious organizations do not have a right to truly speak out. If they say anything, they must espouse the policies of the government.

Concerning the Vietnamese Catholic Church, we are in one accord with the pastoral approach of the Vietnamese Episcopal Conference as stated in the Joint Letter May 1, 1980: "To live the Gospel in the midst of the people." It is also for the sake of living the Gospel in the midst of the people that we cannot fail to share the common concern of our people as stated in the above observations.

In the spirit of those observations, we, the undersigned Vietnamese priests abroad, want to declare our position regarding several urgent issues of the present situation of religions in Vietnam as follows:

1. We fervently support the spirit of self-engagement of Reverend Thaddeus Nguyen-Vaen-Lyù, a Catholic priest of the Archdiocese of Hueá, and his demands regarding true religious freedom. At the same time, we also support other religious leaders' legitimate demands regarding religious freedom. We demand that the Vietnamese Communist Government guarantee religious leaders' safety and security and their right to freely exercise religious duties.

2. We demand the Vietnamese Communist Government, for the sake of the future of our people and country, bring to an end religious persecution and insidious and malicious strategy, which is ordered to use religions in Vietnam as instruments leading to their destruction.

3. We call freedom loving governments and international human rights organizations to defend the values of human rights, which are being trampled on in Vietnam, especially the right to religious freedom according to the Universal Declaration of Human Rights.

Declared in Washington, D.C.

On the Fifteenth of August, 2001.

Solemnity of the Assumption of the Blessed Virgin Mary, Body and Soul, into Heaven.

Signed by the following Vietnamese priests abroad:

Rev. Msgr. Dominic Mai-Thanh-Lông, Archdiocese of New Orleans, USA  
Rev. Joseph Ninh-Coàng-Huyôn, Archdiocese of Philadelphia, USA  
Rev. Peter Nguyen-Thanh-Long, Archdiocese of Washington, USA  
Rev. Joachim Traàn-Quyù-Thiê, Diocese of Arlington, USA  
Rev. Andrew Nguyen-Hồu-Leã, Diocese of Auckland, New Zealand  
Rev. Paul Traàn-Xuân-Taâm, Archdiocese of Washington, USA  
Rev. Joseph Traàn-Kim-Thiê, Archdiocese of Philadelphia, USA  
Rev. Vincent Nguyen-Hồu-Duì, O.P. Canada  
Rev. John Ninh-Xuân-Minh, Diocese of Mainz, Germany  
Rev. Joseph Phaim-Xuân-Thaêng, Diocese of Richmond, Virginia, USA  
Rev. Joseph Nguyen-Phu-An, Diocese of Camden, New Jersey, USA  
Rev. Joseph Toáng-Thiê-Liê, Diocese of Dallas, Texas, USA  
Rev. Joseph Phaim-Thanh-Lông, Diocese of Camden, New Jersey, USA  
Rev. Joseph Traàn-Vaen-Huân, Archdiocese of San Antonio, Texas, USA  
Rev. Vincent Kim-Vaen-Toan, Diocese of Hamilton, Ontario, Canada  
Rev. Anthony Ngao-Kim-Traing, Diocese of Richmond, Virginia, USA  
Rev. Dominic Vuô-Ngoic-An, Archdiocese of Washington, USA  
Rev. Peter Phaim-Vaen-Chinh, Diocese of St. Petersburg, Florida, USA  
Rev. Joseph Phaim-Vaen-Tueã, Archdiocese of New Orleans, Louisiana, USA  
Rev. John Baptist Nguyen-Huông-Laân, O.F.M., Diocese of Bruxelles, Belgium  
Rev. Matthias Vuô-Ngoic-Naung, Diocese of San Jose, California, USA  
Rev. Peter Ninh-Ngoic-Queã, C.Ss.R., Archdiocese of Los Angeles, USA  
Rev. Alphonsus Nguyen-Hoà-Naenh, Diocese of Pontoise, France  
Rev. Vincent Phan-Hồu-Toà, Archdiocese of Mobile, Alabama, USA  
Rev. John Vuô-Haân, Archdiocese of New Orleans, Louisiana, USA  
Rev. Peter Phan-Phaüt-Huân, C.Ss.R., Archdiocese of Los Angeles, USA  
Rev. John Nguyen-Thaiph-Chung, Archdiocese of Philadelphia, Pennsylvania, USA  
Rev. Joseph Phaim-Mainh-Cồ, Diocese of Camden, New Jersey, USA  
Rev. Joachim Nguyen-Dao-Kim, Diocese of Galveston-Houston, Texas, USA  
Rev. Joseph Hoaông-Minh-Thaêng, Archdiocese of Rome, Italy  
Rev. Vincent Nguyen-Vaen-Kiê, Diocese of Honolulu, USA  
Rev. Peter Nguyen-Vaen-Huông, S.S.C., Taiwan

Rev. Alexis Nhoan-Quang-Trồ, Diocese of Hsinchu, Taiwan  
Rev. Peter Nguyen-Huông-Cồ, M.M., New York, USA  
Rev. Joachim Vuô-Ninh-Thoân, Diocese of Chiayi, Taiwan  
Rev. Joseph Nguyen-Minh-Chinh, Archdiocese of Taipei, Taiwan  
Rev. Andrew Traàn-Cao-Tồ, Archdiocese of New Orleans, Louisiana, USA  
Rev. Joseph Nguyen-Theã-Quang, Archdiocese of Birmingham, London, England  
Rev. Anthony Traàn-Hồu-Laân, Archdiocese of Seattle, Washington, USA  
Rev. Joseph Ngao-Quang-Nôn, Archdiocese of Tokyo, Japan  
Rev. Christopher Lê-Huy-Baung, C.Ss.R., Houston, Texas, USA  
Rev. Joseph Mai-Thaiph-Haân, Archdiocese of Brisbane, Queensland, Australia  
Rev. John Traàn-Ngoic-Bich, Diocese of Tucson, Arizona, USA  
Rev. Joseph Nhoan-Huy-Chồ, Diocese of Galveston-Houston, Texas, USA  
Rev. Paul Chu-Vaen-Chi, Archdiocese of Sydney, Australia  
Rev. Dominic Nguyen-Vaen-Noãi, Archdiocese of Sydney, Australia  
Rev. Canut Nguyen-Thaiph-Hoãi, Archdiocese of Sydney, Australia  
Rev. Joachim Nhoan-Sô-Thuic, Archdiocese of Sydney, Veritas Radio, Philippines  
Rev. Joseph Vuô-Minh-Nguyen, Archdiocese of Sydney, Australia  
Rev. Dominic Mai-Minh-Luân, Diocese of Springfield Cape Girardeau, USA  
Rev. Joseph Chu-Coàng, O.Cist., Diocese of Worcester, Massachusetts, USA  
Rev. Joachim Nguyen-Ninh-Naom, Diocese of Pittsburgh, Pennsylvania, USA  
Rev. Joseph Vuô-Xuân-Trồ, Diocese of Brooklyn, New York, USA  
Rev. Joseph Lê-Phuông, C.Ss.R., Diocese of Galveston-Houston, Texas, USA  
Rev. Paul Lê-Anh-Vông, S.V.D., Diocese of San Bernadino, California, USA  
Rev. Anthony Traàn-Tri-Tueã, Diocese of Hsinchu, Taiwan  
Rev. Thomas No-Minh-Taâm, Diocese of St. Paul-Minneapolis, Minnesota, USA  
Rev. Mark Nhoan-Quang-Baù, C.M.C., Archdiocese of Boston, Massachusetts, USA  
Rev. Peter Vuô, Diocese of Grand Rapids, Michigan, USA  
Rev. Michael Nguyen-Linh-Ghi, Diocese of Chiayi, Taiwan  
Rev. Joseph Trồ-Vaen-Phuic, Diocese of Hsinchu, Taiwan  
Rev. Peter Lê-Vaen-Quang, Diocese of Hsinchu, Taiwan  
Rev. Dominic Ninh-Duy-Khiêm, Diocese of Tulsa, Oklahoma, USA  
Rev. Joseph Nho-Vaen-Nhồ, Archdiocese of Saig Gon, Retired, Louisiana, USA  
Rev. Peter Lê-Thanh-Quang, Diocese of Little Rock, Arkansas, USA  
Rev. Peter Nguyen-Thanh-Baeng, Incarnation Consecration (Hereafter: I.C.), Archdiocese of New Orleans, USA  
Rev. Francis Nguyen-Vaen-Hoà, Archdiocese of Oklahoma, USA  
Rev. Vincent Traàn Ninh-Phuic-Quyù, Archdiocese of New Orleans, Louisiana, USA  
Rev. Louis Nguyen-Haân, C.Ss.R., Archdiocese of Paris, France  
Rev. John Nguyen-Kim-Ngoân, Diocese of Meaux, Paris, France  
Rev. Joseph Vuô-Ngoic-Chaâu, Archdiocese of Taipei, Taiwan  
Rev. Peter Trồ-Baù-Hoãi, Diocese of Chiayi, Taiwan  
Rev. Vincent Traàn-Quang-Niêm, Diocese of Orange, California, USA

Rev. Joseph Cháu-Xuân-Báu, C.Ss.R., Diocese of Dallas, Texas, USA

Rev. Joseph Nguyễn-Viên-Thaùi, Archdiocese of Chicago, Illinois, USA

Rev. Peter Nguyễn-Ninh-Nê, Diocese of San Jose, California, USA

Rev. Paul Phaím-Viên-Hoài, Diocese of Orange, California, USA

Rev. Joseph Nguyễn-Coàng-Hoàn, Diocese of Fresno, California, USA

Rev. Philip Nguyễn-Viên-Hiếu, Diocese of Sioux City, Iowa, USA

Rev. Peter Nôa-Quang-Cháu, Diocese of Nashville, Tennessee, USA

Rev. Philip Ninh-Viên-Thiếp, Diocese of Green Bay, Wisconsin, USA

Rev. Joseph Nguyễn-Duy-Huông, Diocese of Stockton, California, USA

Rev. Joseph Phaím-Minh-Viên, Chaplain for Vietnamese Catholics in Switzerland

Rev. Joseph Nguyễn-Viên-Son, Diocese of Dallas, Texas, USA

Rev. Leo Vũ-Huyền, C.M.C., Diocese of San Bernardino, California, USA

Rev. Peter Traàn-Viên-Trôi, S.J., Australia

Rev. Augustine Nguyễn-Nôc-Thui, S.J., Australia

Rev. Joseph Vũ-Moàng-Thô, Diocese of Tours, France

Rev. Maurice Nguyễn-Viên-Danh, O.S.B., Monastery of Buckfast, England

Rev. Stephen Nguyễn-Minh-Taàn, O.F.M., Archdiocese of San Francisco, USA

Rev. Peter Mary Nguyễn-Hồu-Hiễn, Archdiocese of Tokyo, Japan

Rev. Andrew Duông-Laïc Cao-Duy-Linh, O.F.M., Diocese of Nayoga, Japan

Rev. John Baptist Nguyễn-Việt-Huy, S.J., Australia

Rev. Vincent Traàn-Viên-Baêng, Diocese of Bamberg, Germany

Rev. Peter Hoàng-Kim-Huy, O.S.B., Archdiocese of Hobart, Tasmania, Australia

Rev. Paul Tai-Thanh-Binh, C.Ss.R., Archdiocese of New Orleans, Louisiana, USA

Rev. Joseph Phan-Nông, C.Ss.R., Diocese of Oakland, California, USA

Rev. Joseph Vũ-Ngôc-Thaân, Diocese of Baton Rouge, Louisiana, USA

Rev. Peter Nguyễn-Huông-Nôc, Diocese of Sioux City, Iowa, USA

Rev. Paul Nguyễn-Huông-Côông, S.V.D., Iowa, USA

Rev. Joseph Vũ-Thaôn, Diocese of Galveston-Houston, Texas, USA

Rev. Louis Vũ-Laâm, Diocese of Lafayette, Louisiana, USA

Rev. Francis Xavier Nguyễn-Trung-Duông, Diocese of Nagasaki, Japan

Rev. Joseph Cao-Phông-Kyû, Diocese of Honolulu, Hawaii, USA

Rev. Dominic Nguyễn-Viên-Hào, Diocese of St. Jean Longueuil, Canada

Rev. Peter Ngô-Ninh-Thoua, C.Ss.R., Archdiocese of Los Angeles, USA

Rev. Joseph Nôang-Viên-Vinh, Archdiocese of Perth, Australia

Rev. Andrew Phaím-Quang-Phong, Diocese of Grand Rapids, Michigan, USA

Rev. Joseph Traàn-Minh-Nhaät, Archdiocese of Perth, Australia

Rev. Stephen Bui-Thôiing-Lôu, Diocese of Rottenburg-Stuttgart, Germany

Rev. Joseph Vũ-Nôc, Archdiocese for the Military Services, USA

Rev. Michael Joseph Nguyễn-Ngôc-Vinh, Archdiocese of New Orleans, USA

Rev. Joseph Vũ-Nôc, S.V.D., Indiana, USA

Rev. Joseph Traàn-Theá-Maân, Archdiocese of New Orleans, USA

Rev. Joseph Nguyễn-Chinh, Archdiocese of Boston, Massachusetts, USA

Rev. Francis Bui-Quyết, Diocese of Houma-Thibodaux, Louisiana, USA

Rev. John Baptist Nguyễn-Viên-Hiễn, Diocese of Long Island, New York, USA

Rev. Peter Mary Bui-Coàng-Minh, Diocese of Orange, California, USA

Rev. Joseph Ninh-Xuân-Long, Diocese of Charlotte, North Carolina, USA

Rev. Peter Traàn-Niên, Retired, Carthage, Missouri, USA

Rev. Joseph Nguyễn-Nôc-Duông, Archdiocese of Hartford, Connecticut, USA

Rev. Joseph Nôa-Bau-Aui, Wyoming, Michigan, USA

Rev. Jerome Nguyễn-Thanh-Laâm, O.S.B., Carthage, Missouri, USA

Rev. Peter Nguyễn-Viên-Phong, (Society of the House of the Lord), Diocese of Dallas, Texas, USA

Rev. Dominic Nôa-Duy-Nho, Diocese of Little Rock, Arkansas, USA

Rev. Peter Traàn-Việt-Huông, Archdiocese of Newark, New Jersey, USA

Rev. John Baptist Traàn-Viên-Taàn, Diocese of Des Moines, Iowa, USA

Rev. Anthony Nguyễn-Viên-Nôa, Archdiocese of Oklahoma, Oklahoma, USA

Rev. Peter Traàn-Ninh-Thaùi, Diocese of Hoalien, Taiwan

Rev. Joseph Vũ-Xuân-Minh, Archdiocese of St. Paul and Minneapolis, Minnesota, USA

Rev. John Bosco Phaím-Trung-Thôi, C.M.C., Archdiocese of Boston, USA

Rev. Martin Nguyễn-Thanh, I.C., Diocese of Baton Rouge, Louisiana, USA

Rev. Thomas Thiên-Nhôn, I.C., Diocese of Baton Rouge, Louisiana, USA

Rev. Peter Nguyễn-Việt-Taàn, I.C., Diocese of Baton Rouge, Louisiana, USA

Rev. Msgr. Philip Traàn-Viên-Hoại, Vatican, Rome, Italy

Rev. Thomas Nguyễn-Viên-Chaân, Archdiocese of New Orleans, Louisiana, USA

Rev. Joseph Nguyễn-Huông-Côông, Diocese of Wichita, Kansas, USA

Rev. Thomas Nôa-Thanh-Ha, Diocese of Orange, California, USA

Rev. Thomas Nguyễn-Xuân-Toaôn, Archdiocese of San Francisco, California, USA

Rev. Peter Ngô-Coàng-Thaêng, Archdiocese of Los Angeles, California, USA

Rev. Dominic Ninh-Minh-Haui, C.Ss.R., Diocese of Dallas, Texas, USA

Rev. Joseph Phaím-Nôc-Khôi, Diocese of Stockton, California, USA

Rev. Vincent Phaím-Minh-Cháu, S.V.D., Archdiocese of St. Louis, Missouri, USA

Rev. Joseph Traàn-Ninh-Huynh, S.V.D., Archdiocese of Taipei, Taiwan/R.O.C.

Madam Speaker, a few months ago the gentleman from Virginia (Mr. Tom DAVIS) and the gentlewoman from California (Ms. SANCHEZ) and I held a hearing on human rights in Vietnam. Several of our invited guests, prominent religious leaders in Vietnam, were unable to leave Vietnam to give their testimony. As a result of this hearing, the congressional dialogue on Vietnam relaunched its Adopt a Voice of Conscience campaign. My colleagues and I have been in constant contact with the Vietnamese American community and the Department of State about the safety of Father Nguyen Van Ly, Venerable Thich Quang Do, and other leaders we know are being harassed or detained.

I invite my colleagues to again join this bipartisan campaign and make the release of these prisoners of conscience

a prominent issue in U.S. policy towards Vietnam.

The Vietnamese people deserve to live in full freedom. Countless brave Vietnamese are currently in prison, under house arrest, or suffering other kinds of persecution.

These "voices of conscience" are both our inspiration and our responsibility. It is our duty to ensure that those who are courageous enough to speak out against injustice have our support and our protection.

Our offices have received hundreds of letters from our Vietnamese American constituents, calling upon Congress to pass the Vietnam Human Rights Act.

This bill tells the truth. It does not restrict trade in any way. It does not limit humanitarian aid to Vietnam. It remembers by name those who have been persecuted because of their beliefs. It is important human rights legislation that I am proud to support, and I urge my colleagues to do the same.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in strong support of H.R. 2833. Let me commend the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) for the strong leadership they have provided. It has been my honor to stand with these two gentlemen on numerous occasions on issues dealing with human rights.

I only wish our other colleagues had the commitment to freedom and democracy and human rights that the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH) have because America truly could save the world if we had that type of commitment. It is up to us to try to reach out to our colleagues, and that is what we are doing today.

The Vietnam Human Rights Act stresses the importance of human rights in American policy towards Southeast Asia. During the last 24 hours, let us take a look at what has happened. The Vietnamese communists understand what is going on with the debate here. In fact, some people in Hanoi may understand this debate more than some of our colleagues who are not paying attention to this debate right now. They prepared for this debate by what? What happened in Vietnam?

Well, two prominent elderly dissidents were arrested, one simply after he applied to set up an anti-corruption body in Vietnam to try to deter corruption in Vietnam. Think about that.

The Vietnamese government, the regime, the dictators in Vietnam, have sent us their message. We talk about human rights in Vietnam. They start arresting dissidents. The British Broadcasting Corporation reports that

dozens of other dissidents have been called and questioned by police, called into the police departments and been given the message. These incidents exemplify the reality of what we are voting on today. They have verified themselves by their own arrogance the need for us to pass a bill concerning human rights in Vietnam.

During the past 6 years, the United States has normalized relations and extended trade subsidies through waivers in the Jackson-Vanik Act, and we have a bilateral trade agreement with Communist Vietnam. These initiatives by our government have made absolutely no impact on promoting democracy and human rights in Vietnam. To paraphrase a song I heard as a kid, when will we ever learn. Trying to cozy up and ignore the pitfalls and the bad parts of a dictatorial regime, trying to ignore the violence and the crimes of gangsters will not make this a better world.

Right now the Hanoi regime is proving that they are as stubborn and as brutal as ever in their campaign against Buddhists, Catholics, and others. They are proving their very nature by continuing these attacks on anyone who believes in religion in Vietnam who has not succumbed to the temptation of simply trying to register their church and run their church affairs in the way that the government would have them run.

Finally, we know now of a brutal suppression of the Montagnard hill tribes people. These people fought valiantly alongside Americans during the war and since then have faced brutal repression; and now that the war is long over when these chapters should be closed, the Vietnamese Communist Government is reopening this type of repression against the Montagnards. I feel a personal obligation for the Montagnards. I was in a Montagnard village in 1967, and I believe that my life was a lot safer with those Montagnards because they were on the side of the United States. It is up to us to be on their side now, and on the side of all religious believers throughout the world, especially in Vietnam, who are persecuted, and to be on the side of those people who believe in democracy throughout the world, especially Vietnam. That is what this legislation does.

Madam Speaker, I would ask my colleagues to join us in supporting it.

□ 1300

Mr. LANTOS. Madam Speaker, I am delighted to yield as much time as she might consume to my good friend and distinguished colleague, the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Madam Speaker, I thank the gentleman from California (Mr. LANTOS), my colleague, for being such a defender and proponent of human rights, not just in this debate

today, but in his recent work also when he was in South Africa.

Madam Speaker, I rise today as a cosponsor and a strong supporter of H.R. 2833, which promotes the development of freedom and democracy in Vietnam. While the United States should move toward promoting economic relations with Vietnam, we must first address the current human rights violations, religious persecution, and the social injustice that is faced by so many in that country.

In our support for the economic revitalization of Vietnam, we cannot ignore these basic human rights. We cannot ignore that they go unresolved in that country. Although diplomatic and trade relations between the United States and Vietnam have improved in recent years, very little headway has been made with respect to the rights of people in that country.

Madam Speaker, I have the privilege of representing the largest Vietnamese community outside of the country of Vietnam. They are the parents, siblings, the children of families who fought communism for 2 decades.

The majority of the people that I represent feel that the economic relations with Vietnam should not be established until specific immigration, political and human rights are addressed; and in this debate, I am their voice.

On their behalf, I support H.R. 2833, which links bilateral, non-humanitarian aid to Vietnam's progress on human rights. While encouraging economic revitalization of Vietnam, it will require a climate of freedom and democracy.

At this point, the Vietnamese Government has not made sufficient progress. In fact, in the 4 years, now 5 years that I have been in Congress, very little progress has been made.

When we held a human rights hearing recently on Vietnam with my other colleagues, we reviewed the United States State Department records, and they reported that the Vietnamese Government has made some change, but their human rights record remains poor.

Moreover, human rights groups report that over the past year the Vietnamese Government, in order to avoid international criticism, has cracked down on political and religious dissidents by isolating and intimidating them through such practices as house arrest and constant surveillance rather than imprisoning them.

In fact, I myself saw some of this while I was in Vietnam this past year. I was supposed to meet with six of the leading dissidents on human rights in Vietnam. Unfortunately, two were unable to make it because of that constant watch and the ability to stop them.

The four that I did meet with, Professor Nguyen Thanh Giang, General Tran Do, Mr. Pham Que Duong and Mr.

Hoang Minh Chinh, discussed the restrictions. They talked about the rising fear that they have because of this government oppressing them in particular as they continue to speak out on human rights.

The Government of Vietnam systematically deprives its citizens of the fundamental right to freedom of religion. Numerous respected religious leaders, including the Most Venerable Thich Huyen Quang and the Most Venerable Thich Quang Do, Father Ly, all of these have been under house arrest in the last few years. The Venerable Thich Quang Do, 28 of our colleagues in this House and I signed a letter to the Nobel peace prize people because of the work he has done on behalf of trying to stop this religious persecution.

The Patriarch of the Unified Buddhist Church, Thich Huyen Quang, has been detained for 21 years, 21 years, in a ruined temple, and Thich Quang Do has recently been put under house arrest once again simply because he wanted to get his colleague to Saigon for medical treatment.

Contrary to the pretense of the Vietnamese Government that it has no political or religious prisoners, many Vietnamese continue to languish in prisons because of their beliefs. All they simply do is say they broke the law. Well, if the law is to ask for the right to assemble, if the law would be the right to free speech, if the law would be the right to religious freedom, if it was a right to collective bargaining, if it was a right to own the press or speak up in the press, then the laws of that country would be correct; but currently all of that is deprived these people in Vietnam.

Madam Speaker, today I will support H.R. 2833 because I believe we must keep the pressure on the Government of Vietnam to improve its record on religious and human rights.

It is the United States' responsibility, the world's beacon of democracy, to make certain that the Vietnamese Government is making sufficient progress with the human rights of their own people before we give them concessions with respect to trade normalization.

I urge my colleagues to join me in keeping the spotlight on the Government of Vietnam so that it may improve its political and human rights record.

Vote yes to end that religious persecution. Vote yes to promote free speech and democracy. Vote yes on H.R. 2833.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the distinguished chairman of the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Madam Speaker, I rise in strong support of the Viet Nam Human Rights Act.

Last year I led a delegation to Vietnam to survey the political, social and

economic situation there in the country. During my trip, I paid a visit to the Venerable Thich Quang Do, who was imprisoned there under house arrest. He is the leader of the banned Unified Buddhist Church of Vietnam. Because of his years of peaceful protest in support of religious and political freedom, he has suffered constant harassment, constant imprisonment; and even though he was under house arrest and under surveillance, Thich Quang Do nevertheless welcomed my visit.

Because of my private visits with this brave dissident and Le Quang Liem, another courageous fighter for freedom, I came to the conclusion that we needed frankly to speak out. What was surprising was how quickly I was denounced by the government, by the Communist government of Vietnam. That told me something. That told me that the Vietnamese Government is sensitive to international criticism. And I think this obliges the United States to speak out constantly against Vietnam's human rights violations. We may not always realize it, but protests by the American Government and the American people do help the cause of freedom in Vietnam and elsewhere. Silence I think for us, Madam Speaker, is not an option.

However, I am afraid that we as a Nation have been tepid when it comes to challenging human rights abuses in Vietnam. Our last ambassador to Vietnam even went so far as to say, "I don't hear anyone reporting problems here. Vietnam by any standard has been rated a success." That is what he said. By no standard is Vietnam a success. Just ask those who were forced to flee their country. Just ask those who want freedom of speech. Just ask, as I did, Thich Quang Do or Le Quang Liem.

Today is our chance to correct the mistakes of the previous administration and to act against human rights abuses in Vietnam. The bill before us today is a good one. The legislation links human rights as a condition to nonhumanitarian aid to Vietnam, it authorizes assistance to democratic forces in Vietnam, and it provides additional funding of Radio Free Asia to overcome jamming efforts by the Communist government of Vietnam.

I am particularly supportive of the Radio Free Asia provisions in this act, because it should now be more able to bring objective news, the truth, to the Vietnamese people. The spread of democratic values in Asia is critical to U.S. security interests. Radio Free Asia is a step in the right direction. The Vietnamese service airs important programs on issues like democracy and press freedoms, and it tells the Vietnamese people what the world is saying, what this Congress is saying, about their repressive government. It gives critical moral support to Thich Quang Do and Le Quang Liem. We

know that these broadcasts are effective. Why do we know that? Because the Vietnamese Government spends so much time trying to block them. With this bill, that will be a harder task.

I urge its passage.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, let me thank the distinguished gentleman from California for yielding the time.

Today, as we consider improving our relations with the country of Vietnam, we must not overlook our longstanding commitment to human rights in our global relationships. In recent months, the Government of Vietnam has significantly increased its suppression of religious and personal freedoms within its borders. The regime has imprisoned scores of religious leaders, mostly Christians, who have courageously spoken out against their government's repressive actions, and it has caused hundreds more to flee into Cambodia to avoid imprisonment. Still other Vietnamese religious leaders are currently under government-ordered house arrest, effectively cutting off contact with their parishioners and congregations.

In addition to its actions against free expression and religious activities, the Vietnamese Government has also confiscated church properties, where in some cases they have turned church sanctuaries into state-run nightclubs.

In light of these continued crackdowns on religion, dissidents and minorities, Congress must make it clear to the Vietnamese Government that in order for the U.S. and Vietnam to have a closer relationship, they must do more to improve their human rights record.

The Viet Nam Human Rights Act, H.R. 2833, seeks to establish such human rights safeguards. H.R. 2833 would prohibit any increase in non-humanitarian assistance to the Vietnamese Government unless there is clear progress on human rights on their part. It would also authorize \$2 million to help promote human rights and democratic change within Vietnam and support additional Vietnamese refugee resettlement.

I urge my colleagues to support H.R. 2833.

Mr. SMITH of New Jersey. Madam Speaker, I ask unanimous consent that debate time be extended by 10 minutes, equally divided between the gentleman from California (Mr. LANTOS) and myself.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Com-

mittee on International Relations, who has been a forceful advocate for human rights worldwide, including Vietnam, and is one of the cosponsors of this legislation.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

□ 1315

Mr. HYDE. Madam Speaker, I thank the gentleman for yielding me time.

I strongly support H.R. 2833, the Viet Nam Human Rights Act. I want to congratulate the gentleman from New Jersey (Mr. SMITH), the vice chairman of the House Committee on International Relations, and other cosponsors of this comprehensive human rights legislation.

Later this afternoon, the House will consider a resolution to approve the U.S.-Vietnam Bilateral Trade Agreement. We are all hopeful that free trade will improve the lives of the Vietnamese people and that it will eventually create irresistible domestic pressure for human rights and democracy in Vietnam. In the meantime, however, the Vietnamese Government remains one of the most repressive regimes on Earth. Religious persecution, especially of Buddhists and of Evangelical Protestants, has taken a turn for the worse during the last year. Since February, the government has engaged in a brutal crackdown against members of the Montagnard ethnic minority groups who participated in peaceful demonstrations seeking the return of their traditional lands.

I think it is important, therefore, that in expanding trade relations we avoid sending a message of approval or complacency about Hanoi's human rights record.

This bill makes clear that progress towards freedom and democracy will continue to be a central theme of U.S. foreign policy toward Vietnam. It uses forms of leverage other than trade sanctions to promote this objective, such as conditions on nonhumanitarian foreign assistance, guarantees that U.S. educational and cultural exchange programs will be open to people who share our values, and serious efforts to overcome the jamming of Radio Free Asia.

I urge a unanimous vote in favor of this important human rights legislation.

Mr. LANTOS. Madam Speaker, I am delighted to yield such time as she may consume to my good friend and colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), who has been an eloquent champion of human rights across the globe.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished gentleman from California for his leadership and the gentleman from New Jersey (Mr. SMITH) for his leadership on this legislation.

Clearly, I believe it is important that those of us who may go in the face of adversity on issues that may provide a certain degree of contention and tension, that we continue to be united around the question of human rights and the right kind of human rights.

Let me thank the gentleman from New Jersey (Mr. SMITH). The gentleman helped me out. Although my constituent is still incarcerated in Vietnam, we spoke a couple of months ago about the gentleman who simply walked across the border because he had a sense of concern. A Vietnamese citizen out of Houston walked across the border in Vietnam trying to express the desire for political freedom.

I thank the gentleman for assisting his family, though we know that he is still incarcerated and his family, of course, is suffering greatly in my community.

I come here today because I support H.R. 2833 because it is important for America to know that Vietnam is our friend. The Vietnamese stood alongside of us in the Vietnam War, and those same Vietnamese are now here in our country. They are our friends and neighbors. They have simply asked us to allow the freedom that they experience in this country to be the same kind of freedom that their friends and relatives could achieve in Vietnam.

We are friends of Vietnam. There are many of us who lost good relatives and friends in that country. But now, today, this legislation is needed, because it simply ties to the funding process a very strong statement: no increase in appropriations from the United States of America until you address the human rights abuse.

What do I mean by that? The incarceration of a Catholic priest, who simply wanted to include testimony in the U.S. Commission's hearing on International Religious Freedom; also the incarceration of the cofounder of the Inter-Religious Council, a leader of the banned Buddhist church, incarcerated; since 1992, the detaining of the Patriarch 82 year old Mr. Nguyen of the Unified Buddhist Church. These people are ailing. They are seeking justice, and they are seeking freedom.

Madam Speaker, these individuals are simply an example of those who we have lost contact with, who because of their particular views or their desire to practice their religion without intimidation, have been lost in the prison system of the Vietnamese Government, the present Vietnamese Government.

So I would simply say that the United States has its responsibility to ensure that the message of freedom, the opportunity of equality, most importantly, human rights and religious freedom, is promoted to our friends. And the Vietnamese community here has exhibited for us a true partnership. I stand with them in supporting H.R. 2833, thanking the gentleman from

California (Mr. LANTOS) for his leadership and the gentleman from New Jersey (Mr. SMITH).

I am hoping and praying that my neighbor, who is still incarcerated, leaving his family in financial destitution, can raise his head again in dignity and come back home. But if I do not stand for him on the floor of the House with this legislation, then I would say to my friends and colleagues in this Congress, we do a disservice to those who lost their lives and stood alongside of us as brothers as we fought for justice and peace in the Vietnam War. That, I consider to be a war that was for a just cause, and I will never, never, I will never cease thanking those brothers and sisters who served in the Vietnam War from the United States of America.

Madam Speaker, I rise in support of the Vietnam Human Rights Act, HR 2368.

Madam Speaker, last year the United States signed a sweeping bilateral trade agreement with Vietnam. The World Bank estimates that this world increase U.S. imports from Vietnam by \$800 million from last year—a gain of 60 percent.

Madam Speaker, the U.S. State Department's year 2000 review of human rights in Vietnam noted that Vietnam has made improvements in its human rights record. Despite these improvements, the State Department still rated Vietnam as "proof" overall on human rights. The State Department noted that the Vietnam Government continues to repress basic political freedoms, is intolerant of dissenting viewpoints, and selectively represses the religious rights of its citizens.

In protest of these practices, I voted to disapprove normal trading relations with Vietnam prior to the recess. By doing so, I did not seek to disparage the gains Vietnam has made in re-engaging the world. Rather, I hoped my vote would cause this body to seek a consistent balance between our trade priorities and the principles we use to steer this nation. We cannot continue to hold ourselves out as a nation of laws and turn our back on our convictions at every economic opportunity. Therefore, I am supportive of the provisions of H.R. 2368, because it brings promise for human rights reform that is needed in Vietnam. This bill establishes a Congressional-Executive Commission on Vietnam to monitor the acts of the Government of Vietnam which reflect compliance with or violation of human rights, in particular those contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights, the rule of law in Vietnam and the development of U.S. programs and activities and private organizations to increase the interchange of people and ideas between the United States and Vietnam.

The bill also prohibits U.S. non-humanitarian assistance to the Government of Vietnam unless the President determines and certifies to Congress that the Government of Vietnam has complied with certain human rights requirements. It directs the Secretary of the Treasury to instruct the U.S. Executive Director of specified international financial institutions to use the U.S. vote to deny multilateral non-humani-

tarian assistance to Vietnam unless the President determines and certifies to Congress that such requirements have been met. It authorizes U.S. assistance for the support of individuals and organizations to promote human rights and nonviolent democratic change in Vietnam. It sets forth U.S. policy with respect to overcoming the jamming of Radio Free Asia by Vietnam, U.S. educational and cultural exchange programs to promote freedom and democracy in Vietnam and the offer of refugee resettlement to Vietnam nationals.

It is crucial that we do whatever is possible to ensure that Vietnam complies with human rights, particularly in connection with its guarantee of the freedom of religion, association and expression and its treatment of prisoners. I have closely followed the persecution of religious leaders, including the Vietnamese government's restriction on church activities. I have commended and supported the work of courageous individuals such as Catholic priest Father Nguyen Van Ly, a champion for religious freedom in Vietnam. For example, Father Ly's parish bravely planted a large banner with the words "We Need Freedom or Religion" on the church property. It should not have to be an act of bravery to stand up for religious freedom. It should be an assured right. Father Ly also submitted written testimony for hearing of the U.S. Commission on International Religious Freedom and joined with other religious leaders in Vietnam to organize an Inter-religious Council to campaign peacefully for religious rights. In May, Vietnamese authorities arrested Father Ly.

I have also received dozens of letters from Vietnamese constituents expressing their own profound concern over the persecution of Father Ly and of religious leaders from the Buddhist Church. I must conclude that these concerns of my constituents are representative of those of Vietnamese heritage across the nation. More importantly, it is our role as leaders of the free world to promote the core values of our human rights.

Mr. SMITH of New Jersey. Madam Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Madam Speaker, I thank the gentleman for yielding me time, and also the gentleman from California (Mr. LANTOS) for coming up with this bill.

Madam Speaker, I am fortunate to have many Montagnard tribesmen living in my district, so it is a pleasure today to be able to speak out in favor of this bill, H.R. 2833.

Today, we have an opportunity to send a clear message to Hanoi that human rights abuses will not be forgotten with the passage of a resolution to codify the trade agreement recently negotiated between the U.S. and Vietnam. Vietnam's record on human rights has remained poor, with very few real improvements. Government crackdowns on religious groups and political dissidents continue today. In a 1999 State Department report, it said, "In areas populated by ethnic minorities, authorities allow little discretion in practicing their faith."

One particular group that bears heavy-handed Hanoi treatment are the Montagnard people of the Central Highlands. Since 1975, the Montagnards have been singled out, in part for their past assistance to the United States, their strong commitment to the Christian religion, and a traditional way of life.

In February of 2001, several thousand Montagnard protestors gathered for a series of peaceful demonstrations throughout the Central Highlands. These peaceful demonstrations were forcibly stopped by the Vietnamese military, using helicopter gunships and tanks. In addition, refugees that did escape to Cambodia are being sought now by Hanoi for their return and, in some cases, bounties are offered by the Vietnamese Government to ensure their return.

With these events occurring on a daily basis, it is imperative that the international community know that the United States remains committed to improving the human rights situation in Vietnam. The bill we are debating now, H.R. 2833, the Viet Nam Human Rights Act, is a positive step forward in that direction.

I urge my colleagues to support this bill. By passing this resolution, we will reaffirm our resolve to help the Montagnards, along with other ethnic minorities in the same position. The Montagnards fought hard alongside members of the United States Army Special Forces in the war in the North. Do not give up the fight for them now.

I urge all my fellow Congressmen to vote yes on H.R. 2833.

Mr. SMITH of New Jersey. Madam Speaker, I yield 5 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on International Operations and Human Rights who has been a very potent and strong force on behalf of human rights worldwide, but also on behalf of the Vietnamese.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, on behalf of the people of Vietnam who clamor for democracy and the right to live free of oppression, on behalf of all the faithful and religious leaders who have been imprisoned, tortured and subjected to the most barbaric persecution simply for exercising their universal rights, as a refugee from another Communist regime, and as chairman of the Subcommittee on International Operations and Human Rights, I rise in strong support of the Viet Nam Human Rights Act.

The Vietnamese regime continues to systematically violate the human rights, the civil liberties and the religious freedoms of its people. In March of this year, the Vietnamese authorities prevented the Hoa Hao Buddhist believers from participating in a mass

pilgrimage to their sacred ground. Key leaders were arrested or their homes surrounded by police. Devotees were threatened or detained on their way to visit the holy site. Those who were finally able to reach the Hoa Hao village were met by police and security officials.

The extent of the human rights violations and religious persecution is so acute that on Tuesday of this week Amnesty International reported that a Buddhist monk killed himself as a form of protest for the heinous practices used by the Vietnamese authorities to usurp the rights of their people to practice their religious beliefs.

Just last night, Hong Kong AFP reports that a dozen dissidents were detained in dawn raids by Vietnamese authorities. After several hours of interrogation, they were released with warnings from security police to stop their activities.

Vietnam uses a maze of laws, decrees and regulations to prohibit religious worship and to justify the arbitrary arrest, detention, harassment, abuse and censorship of those seeking to exert their religious liberty and their right to free association.

Article IV of the Vietnamese constitution, for example, enables the security apparatus to enforce an extralegal administrative decree against any dissidents under the pretext of endangering national security. The regime is among the totalitarian or authoritarian regimes specifically rebuked by the State Department in its annual reports on religious freedoms and human rights practices.

Earlier this year, the report issued by the U.S. Commission on International Religious Freedom also stated that human rights and religious freedoms are "severely repressed in Vietnam in a manner common to Communist countries in general: through arbitrarily enforced registration laws, tightly controlled official organizations and strict limitations on religious activities."

This same commission created by the Congress called on the new administration and on us to factor into the development and implementation of U.S.-Vietnam policy the protection of religious freedom and human rights. It underscored the need for the Congress to pressure the Vietnamese authorities to "make substantial improvements in the protection of religious freedoms" and to "undertake obligations to the United States to make such improvements."

It further called on the Congress to incorporate Vietnam's progress in the protection and respect of human rights and religious freedoms as part of an annual review of the normal trade relation status for Vietnam.

The Viet Nam Human Rights Act is an integral component of such a strategy, using nonhumanitarian assist-

ance, democracy programs and U.S. Government broadcasts to support the Vietnamese people in their struggle to exert their rights as human beings and as citizens. It sends a clear signal to the Vietnamese authorities that the U.S. Congress is keeping a watchful eye.

As the wife of a proud Vietnam veteran, I ask my colleagues to support this important piece of legislation, and I congratulate the gentleman from New Jersey (Chairman SMITH) for once again being the forceful leader that he is on the issue of international human rights.

Mr. SMITH of New Jersey. Madam Speaker, I yield myself the balance of my time.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her kind comments and strong support and advocacy for human rights in Vietnam.

This is an issue, especially with the trade bill pending later on this afternoon, where we have to make a strong, cogent statement on behalf of those who are persecuted. We must stand with the oppressed and not the oppressor. I know some people, and I think it is naive, but some people honestly believe if we just engage in trade, somehow that will mitigate, and some day end, these egregious abuses. The evidence would suggest otherwise.

Having said that, we have in this legislation some very significant milestones that we call upon the Government of Vietnam to achieve. Among these are the release of political and religious prisoners, an expansion of a provision of religious freedom which allows these Buddhist and Evangelical Christians, and so many others being repressed at this particular time, to engage freely in the exercise of their religion; and stop the repression of ethnic minorities, especially the Montagnards, who have suffered a cruelty that many of us would find absolutely appalling.

Finally, on the issue of trafficking, Members may recall I was the prime sponsor last year of the Victims of Trafficking and Violence Protection Act of 2000. Vietnam has a trafficking problem. There is some complicity on the part of the government.

□ 1330

This bill calls upon our own government to make a finding as to whether or not and to what extent the Government's complicity in trafficking is real or whether or not there has been progress in ending trafficking. Hopefully, for the sake of those who have been abused in modern slavery-like conditions, we will see an end to this abuse of women and children.

Madam Speaker, as we come to a close of the debate on this legislation, I want to especially thank my good friend and my former staff director on the Subcommittee on International Operations and Human Rights which I used to chair, Grover Joseph Rees, who has done an extraordinary job in helping to shape this legislation. He has done great work getting the facts for all of us. We only deal with facts, no hyperbole, no exaggeration. What is the situation on the ground right now? What is the prognosis for reform, and how do we get there?

I want to thank Peter Yeo on the Democratic staff of the Committee on International Relations who not only serves the gentleman from California (Mr. LANTOS) so well, but serves the entire committee so well, and I want to thank him for his contributions.

I want to thank Uyen Dinh, in the office of the gentleman from Virginia (Mr. TOM DAVIS) who weighed in and helped. Also thank to Tom Mooney, the staff director of the full International Relations Committee, for all the work that he and his staff did. This has been a true team effort. This is a bipartisan effort. The government of Vietnam should be very clear that we go on record today with the support of human rights organizations, the support of the American Legion, who submitted an effective letter, which I will include as part of the RECORD, from Steve Robertson, the director of the National Legislative Commission of the American Legion.

I just want to say again how important this legislation is and, hopefully, it will pass with a vote as close to unanimous as humanly possible.

Those who vote against this are saying that human rights do not matter, because this has a waiver in it. This legislation has a provision that gives the President the ability to decide whether or not waiving a provision, a sanction, if you will, is in the national interest.

So I strongly support this legislation. It is a bipartisan product.

THE AMERICAN LEGION,  
Washington, DC, July 24, 2001.

Hon. CHRISTOPHER SMITH,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE SMITH: The American Legion thanks you for authoring H.R. 2368, the Vietnam Human Rights Act of 2001. The American Legion fully supports this important legislation which seeks to promote freedom and democracy in Vietnam.

The American Legion opposes Normal Trade Relations (NTR) with Vietnam based on what we believe is less-than-full cooperation by the Vietnamese government in regard to the accounting of the over 1,900 Americans still missing from the Vietnam War. The current state of human rights in Vietnam requires as much, if not more, attention than normalized trade relations.

Currently, Vietnamese authorities are targeting many ethnic groups who were faithful allies of U.S. forces during the Vietnam War, and denying them their basic human rights.

The Montagnards of the Central Highlands are just one example. We believe H.R. 2368 will help ensure compliance with the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights by the Vietnamese government.

Although trade may be increasing between both countries, The American Legion does not believe this will, in any way, guarantee Vietnam's speedy transition to democracy. Continual pressure needs to be applied to the Vietnamese government to treat their citizens in a fair and equitable manner.

Once again, The American Legion fully supports H.R. 2368, the Vietnam Human Rights Act of 2001. The American Legion appreciates your continued leadership in addressing the issues that are important to veterans and their families.

Sincerely,

STEVE A. ROBERTSON,

Director, National Legislative Commission.

Madam Speaker, I yield any remaining time to the gentleman from Virginia (Mr. WOLF).

Mr. LANTOS. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I rise in strong support of H.R. 2833, the Vietnam Human Rights Act, and I encourage my colleagues, as did the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS), to vote for passage of this very important legislation. I want to applaud the gentleman from New Jersey, my good friend, for his hard work and devotion and dedication in bringing this legislation to the floor, and the gentleman from California (Mr. LANTOS) for his efforts on not only this, but on frankly all of the major important human rights issues that we have had before the Congress. I also applaud the bipartisan group of colleagues who have cosponsored this piece of legislation.

I would say to the government, is it too much to ask that the government of Vietnam be required to make "substantial progress" toward the releasing of political prisoners, ending religious persecution, increasing respect for the rights of ethnic minorities, and eliminating their participation in the trafficking of human beings before they receive any further increases in government-to-government, nonhumanitarian assistance from the United States? These steps should be at a minimum, the minimum actions taken by any Nation who is serious about establishing normal relations with the United States.

Madam Speaker, H.R. 2833 requires that the President of the United States certify that the government of Vietnam make substantial improvements in the area of human rights. Those of us who have held hearings and listened to the heartbreaking testimonies of witness after witness who have endured

the persecution from Hanoi policies know that these substantial improvements are long overdue. Witnesses attest that many groups of people in Vietnam have suffered unending persecution since the war ended in 1975, and the persecution has continued.

Regarding religious persecution, no faith, no faith is untouched by Hanoi's persecution. In January, 42 colleagues in the House sent a letter to Vietnamese Prime Minister Phan Van Khai expressing concern for the lack of religious freedom and continued persecution of religious leaders in Vietnam. Catholic bishops, Buddhist monks, leaders of Christian house churches and Muslims have all endured nonstop persecution by the Communist government in Vietnam since 1975.

Earlier this year, prominent leaders of the outlawed Unified Buddhist Church of Vietnam, UBCV, the 83-year-old patriarch, Thich Huyen Quang, and Thich Quang Do, a Nobel Peace Prize nominee, were detained and placed under house arrest for what the government described as "as a number of wrongful acts they have recently committed." This action was followed by the detaining of Catholic Father Nguyen Van Ly and a stepped up offense against the Montagnard people of the Central Highlands in Vietnam, as the gentleman from California was talking about.

Many of the Montagnard are people who fought alongside American troops years ago and are now victims of imprisonment, torture, and death for speaking out against the Communist government abuses. Christians in Vietnam have had their property confiscated and their leaders imprisoned and tortured for simply trying to worship their God. It should be clear that imprisonment, torture, and killing of innocent citizens, based on their religious beliefs by any country, will always stand in the way of normal relations with the United States.

Madam Speaker, H.R. 2833 also tries to address the issue of the complicity of the Vietnamese government in severe forms of trafficking in human beings. In June of this year, the Congressional Human Rights Caucus chaired by the gentleman from California (Mr. LANTOS), held a hearing on the trafficking of women and children into sex markets around the world. One of the expert witnesses showed covertly filmed negotiations of girls as young as 7 and 8 years old being sold into sex markets in Vietnam, 7 and 8 years old. So as Members come pouring in down here to talk about the opportunities for trade in Vietnam, think in terms of these young girls, 7 and 8 years old. Governments who tolerate or participate in this type of cruel and inhumane behavior should never qualify, should never qualify for foreign aid or expect to enjoy Normal Trade Relations with the United States.

It is my hope that the passage of the Viet Nam Human Rights Act will send a strong message to the government in Hanoi that continued abuses of its citizens will not lead to an expansion of trade, increases in aid, or normal relations with the United States or the rest of the Free World. I encourage my colleagues to protect the innocent in Vietnam by voting for H.R. 2833. I am sure the gentleman from New Jersey and the gentleman from California will ask for a rollcall vote on this, I would assume. But hopefully, hopefully there will be no negative votes against this so that the message goes into Hanoi of the United States Congress and the people of the United States Congress, and so that the people in Hanoi and the people in Vietnam who will wake up tomorrow and find out that the Congress has passed this legislation, take hope because of the overwhelming vote.

So again, in closing, I thank the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS). I hope this bill passes with 435 votes or, if there is somebody missing, 434 to nothing, because if we really want to open up the gulags of Vietnam and allow the Catholic priests and the bishops and the monks and the Montagnard people to be heard, and stop the sexual trading that has gone on in the past, the passage of this bill will really do it.

Mr. SMITH of New Jersey. Madam Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, Justice, State and the Judiciary, for his very, very strong statement. We both got elected back in 1981; and we have worked together on human rights issues all around the world, including in Vietnam. It was the gentleman's idea years ago to go to a gulag called Perm Camp 35, 1,000 miles outside of Moscow in the Ural Mountains. There we met with political prisoners who had been abused, who had been tortured, and that meeting and the subsequent representation that he and I and others made—but he led the way on that—helped to secure the freedom of those individuals.

We did the same thing in China and in other places in Asia. He has been all over Africa. When he speaks—and he and the gentleman from California (Mr. LANTOS) speak with enormous amounts of credibility—on humanitarianism and respect for human rights and respect for life, the gentleman from Virginia (Mr. WOLF), I think, takes a second to no one.

I do hope Members are listening—and K Street and some of the lobbyists, and the government of Vietnam itself, which through its embassy has admonished this Congress not to support this

legislation. Why? I went to their Web site, Madam Speaker, just the other day and looked and they had a statement about how religious freedom is respected, it is constitutionally protected. Then what do they have to worry about? This simply says there has to be “substantial progress” in that area; we are not even saying achievement. We are saying progress; move in the right direction. I would hope that Members would find it in their hearts to vote for this and say, we are going to give away the store and have free trade with the hope and expectation that will lead to a liberalization of human rights. I do believe that is naive, but if this is our belief, I do not know how we cannot support this legislation. This is waivable. It provides the President, who we hope will make an honest determination, to decide whether a waiver is in the best interests of the tenets that are contained within this legislation.

Madam Speaker, we want to see real progress. We are tired of words. We want deeds by the government of Vietnam. They are repressing people. They are beating people. They are killing people. That is not hyperbole, that is the truth on the ground. There are religious believers such as the Unified Buddhist Church, as we mentioned earlier, and others have mentioned it, who have suffered immeasurably simply because of their faith. Again, the gentleman from Virginia was the prime sponsor of the International Religious Freedom Act, legislation that the previous administration did not want and then signed. I hope this administration does not follow that course as well. Embrace human rights. Be real, transparent, up front.

Again, I want to thank the gentleman from Virginia (Mr. WOLF) for his very, very strong advocacy. He is a champion and someone for whom I have a tremendous amount of respect. I hope my colleagues hear these words and will support this legislation.

Mr. LANTOS. Madam Speaker, I yield myself the remaining time.

I want to thank all of my colleagues for their eloquent statements. Earlier this year, under the leadership of the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader in the House, a number of us went to Vietnam to see on the ground the development of that country that has suffered so much during the long and painful war. We feel for the Vietnamese people. They are an enormously talented and hardworking, committed people to leading better lives. But we have to stand with them, not just in terms of their economic aspirations, but in terms of their aspirations along individual and human rights, rights of religious freedom, political freedom, press freedom, none of which they enjoy at the moment. This legislation attempts to address those issues.

As we open up our relations with Vietnam, politically and economically, it is critical that this body speaks out loud and clear on the issue of human rights in Vietnam. I again want to pay tribute to the gentleman from New Jersey (Mr. SMITH), my friend and colleague, who has led us on this issue, and I call on all of my colleagues to vote for this legislation.

Mr. HYDE. Madam Speaker, I submit two letters relating to the consideration of H.R. 2833, the “Viet Nam Human Rights Act.”

COMMITTEE ON INTERNATIONAL  
RELATIONS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 6, 2001.

Hon. F. JAMES SENSENBRENNER, JR.,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR JIM: I am writing to you concerning the bill H.R. 2833, the “Viet Nam Human Rights Act,” which contains legislative language which may be the subject of a sequential referral of the bill to your committee. From your letter of this date, I understand that you are willing to waive the right to a sequential referral which will permit this committee to move expeditiously to the floor.

I understand that this waiver in no way affects your subject matter jurisdiction, and I will support appointment of conferees from your committee on these or other related matters within your jurisdiction.

I appreciate your assistance in this matter.

Sincerely,

HENRY J. HYDE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, September 6, 2001.

Hon. HENRY J. HYDE  
Chairman, House Committee on International  
Relations, U.S. House of Representatives,  
Washington, DC.

DEAR HENRY: I write regarding H.R. 2833, the “Viet Nam Human Rights Act,” which was referred to the Committee on International Relations, the Committee on Financial Services, and the Committee on Rules. As you know, the Committee on the Judiciary has a jurisdictional interest in this legislation, and I appreciate your acknowledgment of that jurisdictional interest. While the bill would be sequentially referred to the Judiciary Committee, I understand the desire to have this legislation considered expeditiously by the House; therefore, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on the Judiciary's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the provisions within the Committee's jurisdiction is in no way diminished or altered, and that the committee's right to the appointment of conferees during any conference on the bill is preserved. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference

with the Senate be convened on this or similar legislation.

Again, thank you for your cooperation on this important matter. I would appreciate your including this letter in the Congressional Record during today's debate of H.R. 2833.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,

*Chairman.*

Mr. OXLEY. Madam Speaker, I rise today in strong support of H.R. 2833, the Viet Nam Human Rights Act. This legislation is an important component of our Viet Nam trade policy.

This bill was additionally referred to the Committee on Financial Services, which I chair, because it contains provisions relating to international financial institutions and multilateral banking organizations. I am including for the record a letter to the Speaker memorializing the cooperation between my committee and the Committee on International Relations in reaching this important compromise.

I want to thank the Chairman of the Subcommittee on International Monetary Policy and Trade, the gentleman from Nebraska (Mr. BEREUTER) for his hard work, and Chairman HYDE and Chairman SMITH for their willingness to engage the Committee on Financial Services on matters within its jurisdiction.

Madam Speaker, I urge all of my colleagues to support this important measure.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,

*Washington, DC, September 6, 2001.*

Hon. J. DENNIS HASTERT,

*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing with regard to H.R. 2833, the Viet Nam Human Rights Act, which is scheduled to be considered by the House today. This bill is similar to H.R. 2368 which was reported by the Committee on International Relations yesterday and additionally referred to the Committee on Financial Services. As you are aware, both bills contain provisions relating to international financial institutions and multilateral banking organizations which fall within the jurisdiction of the Committee on Financial Services pursuant to clause 1(g) of rule X of the Rules of the House of Representatives.

As a result of the continuing consultation between the Committees on Financial Services and International Relations, H.R. 2833 contains language responsive to the concerns raised by Members of my committee. Therefore, I have no objection to allowing the Committee on financial Services to be discharged from the further consideration of both H.R. 2833 and H.R. 2368. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over either measure. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of H.R. 2833 that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this or related legislation.

Thank you for your assistance in this matter.

Sincerely,

MICHAEL G. OXLEY,

*Chairman.*

Mr. GILMAN. Madam Speaker, I want to commend Chairman Smith for crafting this important bill. I also wish to commend Com-

mittee Counsel Joseph Rees for his excellent work in helping to prepare this comprehensive measure.

Madam Speaker, the Vietnam Human Rights Act is a landmark initiative that sets out clear goals and direction for our Nation's policy towards Vietnam. It is an example of the sort of policy the State Department should be doing with other repressive governments.

Unfortunately, in the past few years, our government delinked trade restrictions to human rights improvement in Vietnam. This action was shortsighted and an insult to the memory of these American and Vietnamese men and women who died during the war attempting to bring about positive change. Their sacrifice to promote democratic governments in the region must not be forgotten.

The Vietnam Human Rights Act will ensure that the State Department puts our Nation's best foot forward. Accordingly, I strongly urge my colleagues to support it.

Mr. LANTOS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). All time for debate has expired. Pursuant to the order of the House of Wednesday, September 5, 2001, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 19, as follows:

[Roll No. 335]

YEAS—410

Abercrombie  
Ackerman  
Aderholt  
Akin  
Allen  
Andrews  
Armey  
Baca  
Bachus  
Baird  
Baker  
Baldacci  
Baldwin  
Ballenger  
Barcia  
Barr  
Barrett  
Bartlett  
Barton  
Bass  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehlert

Boehner  
Bonilla  
Bonior  
Bono  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (OH)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clay  
Clayton

Clement  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Doggett

Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (WA)  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (OH)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)

Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Klecicka  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meeks (NY)  
Menendez  
Mica  
Millender  
McDonald  
Miller (FL)  
Miller, Gary  
Miller, George  
Mink  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Pallone  
Pascrell  
Pastor  
Payne  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps

Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schaffer  
Schakowsky  
Schiff  
Schrock  
Scott  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skeltan  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sununu  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Towns  
Turner  
Udall (CO)  
Udall (NM)

Upton	Watson (CA)	Wicker
Velázquez	Watt (NC)	Wilson
Visclosky	Waxman	Wolf
Vitter	Weiner	Woolsey
Walden	Weldon (FL)	Wu
Walsh	Weldon (PA)	Wynn
Wamp	Weller	Young (FL)
Waters	Wexler	
Watkins (OK)	Whitfield	

## NAYS—1

Paul

## NOT VOTING—19

Conyers	Horn	Portman
Crane	Jones (NC)	Sherman
Davis (IL)	Kaptur	Trafigant
Frank	Lipinski	Watts (OK)
Gillmor	Meek (FL)	Young (AK)
Hastings (FL)	Mollohan	
Hayes	Oxley	

□ 1407

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WATTS of Oklahoma. Madam Speaker, on rollcall No. 335 I was unavoidably detained. Had I been present, I would have voted "yea".

Mr. HAYES. Madam Speaker, I was unable to be present for rollcall vote 335 due to my recovery from hip surgery. Had I been present, I would have voted "yea" on rollcall 335.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 144

Mr. PICKERING. Madam Speaker, I ask unanimous consent that my name be withdrawn as cosponsor from H. Con. Res. 144.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### APPROVING EXTENSION OF NON-DISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF THE SOCIALIST REPUBLIC OF VIETNAM

Mr. THOMAS. Madam Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 51) approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 51 is as follows:

## H.J. RES. 51

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam transmitted by the President to the Congress on June 8, 2001.*

The SPEAKER pro tempore. Pursuant to the order of the House of

Wednesday, September 5, 2001, the gentleman from California (Mr. THOMAS) and a Member opposed to the joint resolution each will control 1 hour.

Is there a Member opposed to the joint resolution?

Mr. McNULTY. Madam Speaker, I claim the time in opposition to the joint resolution.

The SPEAKER pro tempore. The gentleman from New York (Mr. McNULTY) will control 60 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Madam Speaker, I ask unanimous consent to yield one-half of my time to the gentleman from Michigan (Mr. LEVIN), and that he be permitted to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

House Joint Resolution 51, as appropriate with its title, deals with a trade agreement with the Socialist Republic of Vietnam. This is the most comprehensive trade agreement with a nonmarket economy country that the United States has ever entered into. That is why I want to underscore that it is with the Socialist Republic of Vietnam.

Normal trade relations used to be called Most Favored Nation treatment, and frankly, it was a misnomer; most nations receive Most Favored Nation treatment. And so a few years ago we appropriately changed the terminology. I think, therefore, if we are asking that we have normal trade relations with the Socialist Republic of Vietnam, who do we not have normal trade relations with? And in this part of the world, in the Far East, there are basically two nations that do not enjoy normal trading relations with the United States. Those are Laos and North Korea. All other countries in the Far East enjoy this status.

The idea of having a bilateral trade agreement with the Socialist Republic of Vietnam in a comprehensive way allows us to deal with access in areas of industrial and agricultural goods, in services, in intellectual property rights, in investment, and in the transparency of all of those activities.

□ 1415

It is a trade agreement that will allow us to continue to improve the relations between one of the fastest growing countries, both in terms of population and in terms of economy, in Southeast Asia.

Madam Speaker, I would place in the RECORD a Statement of Administration Policy with regard to H.J. Res. 51.

This statement says, "The administration supports H.J. Res. 51 which would approve the extension of non-dis-

criminatory, i.e., normal trade relations treatment for products of Vietnam."

The closing of the paragraph says that "the Bilateral Trade Agreement's entry into force completes a normalization process that has spanned four administrations. Completion of this process will facilitate important bilateral engagement on other issues of concern."

#### EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 6, 2001.

#### STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

H.J. Res. 51—Approving the Extension of Normal Trade Relations Status for Vietnam)—(Rep. Armey (R) TX and 2 cosponsors)

The Administration supports H.J. Res. 51, which would approve the extension of non-discriminatory, i.e., Normal Trade Relations (NTR), treatment for the products of Vietnam.

The Administration has continued to work with Vietnam to incrementally normalize our bilateral political, economic, and consular relationship. U.S. engagement helps promote the development of a prosperous Vietnam and integrates it into world markets and regional organizations, which, in turn, helps contribute to regional stability. In addition, U.S. involvement has secured Vietnamese cooperation and engagement on a range of important U.S. policy goals, including achieving the fullest possible accounting of POW/MIAs from the Vietnam War. U.S. engagement also gives hope of producing gains in respect for human rights as well.

The U.S. has extended a Jackson-Vanik waiver to Vietnam for the past 3 years. This waiver, which is a prerequisite for NTR trade status, has permitted U.S. businesses operating in Vietnam to make use of U.S. Government programs supporting U.S. exports to and investments in Vietnam. U.S. business views Vietnam the thirteenth most populous country in the world, as an important potential market.

On June 8th, President Bush submitted the U.S.-Vietnam Bilateral Trade Agreement (BTA) to Congress for its approval as part of extending NTR to Vietnam. This BTA binds Vietnam to an unprecedented array of reforms, including tariff reductions for key U.S. exports, elimination of non-tariff barriers, intellectual property rights protection, market access for American service industries, protections for American investors, and mechanisms to promote the rule of law.

The BTA's entry into force completes a normalization process that has spanned four Administrations. Completion of this process will facilitate important bilateral engagement on other issues of concern.

#### PAY-AS-YOU-GO SCORING

Any law that would reduce receipts is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, H.J. Res. 51, which would reduce revenues, will be subject to the pay-as-you-go requirement. The Administration will work with Congress to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President's objectives to reduce the debt, fund priority initiatives, and grant tax relief to all income tax paying Americans.

Madam Speaker, the U.S.-Vietnam Bilateral Trade Agreement marks a milestone in the strengthening of our bilateral relations. This agreement is a sensible and necessary step. Vietnam has emerged as one of Southeast Asia's more promising economies, and it has the potential to be a strong trading partner for America.

Continued engagement with Vietnam must lie at the core of our relationship. It has already produced concrete results in terms of the achievement of U.S. policy objectives, such as the fullest possible accounting of U.S. servicemen missing in action and resolution of remaining emigration cases.

This trade agreement—the product of many years of bipartisan effort—will allow this engagement to continue, offering us the opportunity to promote significant change in Vietnam's trade and economic policies, enhancing both internal reform and regional stability. It commits Vietnam to the core principles of a market economy: open goods and services markets, expanded rule of law, and broader economic freedoms.

You get off the plane in Vietnam and sense immediately the profound changes that interaction with the world at large has already brought. Vietnam moves at a vibrant pace. Its streets teem with new enterprises alongside the old. Young entrepreneurs sell modern electronic goods beside ancient shopkeepers and purveyors of hand-painted bowls. Joint ventures create modern factories where remote rice paddies once lay.

But Vietnam is a work in progress. Its commitment to reform has been tested by two years of slow economic growth following an extended period of strong improvement. The economy is now recovering, but that recovery remains fragile.

The country leapt toward a market economy in the last 1980s, and its GDP doubled in the '90s, making it one of the fastest growing economies in the world with 7.6 percent growth over the last decade.

In a country where official per capita GNP hovers at \$370, poverty is declining sharply as a direct result of the government's recognition of the value of market forces.

Vietnam's ongoing commitment to structural reform has laid the path for this continuing recovery. But its economic promise has yet to be fulfilled. The bilateral trade agreement and American engagement will help move Vietnam toward fulfillment of that promise. Its exports to the U.S. are expected to more than double once the agreement is in place, helping to create jobs and raise living standards.

Just as important, what does the agreement mean for the U.S.?

First, American business gets greater access to Vietnam's market of almost 80 million people, as well as lower tariffs on U.S. goods.

The agreement also reinforces Vietnam's full commitment to cooperate in accounting for the remaining American servicemen still missing in action.

Most of all, continued engagement maximizes U.S. influence over the pace and direction of Vietnam's reforms, allowing our voice to be heard as Vietnam determines its future. And a strong Vietnam matters to America. It matters because history has proved that we pay a heavy price for instability in Southeast Asia.

I urge you to vote yes for H.R. 51.

Madam Speaker, I reserve the balance of my time.

Mr. McNULTY. Madam Speaker, I ask unanimous consent that half of my time be yielded to the gentleman from California (Mr. ROHRBACHER) and that he be permitted to allocate that time as he sees fit, and that, further, I be permitted to yield the time that I have remaining.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McNULTY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H.J. Res. 51, a resolution approving the U.S.-Viet Nam Bilateral Trade Agreement.

As my colleagues know, this debate is no longer about the limited use of issue of whether Vietnam should be eligible to participate in U.S. credit and credit guarantee programs, which I also oppose at this time. Approval of this resolution would allow Vietnam to be eligible to receive normal trade relation status, or NTR, on an annual basis similar to what China had for the last 20 years.

I also believe, Madam Speaker, that this debate is about something much more important. As I said last year, I do not oppose the eventual normalization of relations with Vietnam, but I do oppose declaring business as usual when the remains of American service personnel are still being recovered. According to the Department of Defense Prisoner of War Missing Personnel Office, we are receiving newly discovered remains on a fairly frequent basis.

In the most recent joint field activity accounting which concluded on August 7, 2001, just 4 weeks ago, Madam Speaker, the remains of five more American military personnel were identified. They will be formally repatriated in the next few weeks. Two of the identified are unilaterals meaning the Vietnamese simply handed over the remains. In my opinion, this indicates that the Vietnamese government has more information about our missing personnel.

My question, Madam Speaker, is this: Cannot we just wait until this process is completed?

I have stated before on this floor, Madam Speaker, the story of my family as it relates to Vietnam. On August 9 of 1970, my brother, Bill, HM-3 William F. McNulty, was killed in Vietnam. He was a Navy medical corpsman transferred to the Marines. He spent his time patching up his buddies, and one day he stepped on a land mine and lost his life. That was a tremendous loss to the members of our family. I can tell my colleagues from personal experience that while the pain may subside, it never goes away.

There is a difference between what the McNulty family went through and what an MIA family goes through because Bill's body was returned. We had a wake and a funeral and a burial. What we had, Madam Speaker, was some closure. I can only imagine what the family of an MIA has gone through over these past several decades.

Madam Speaker, until there is a more complete accounting for those missing in action, I will propose that my colleagues vote against NTR for Vietnam.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, clearly our relationships with Vietnam represents a major challenge. There is the troubled past, and the gentleman from New York (Mr. McNULTY) has once again reminded all of us here in the Nation of that past. The present reality is, as the chairman has indicated, we are dealing in relationships with an economy and a society still controlled by a single political entity. So the question in facing this major challenge is how do we respond.

I think we are struggling once again for a formula that combines engagement and pressure. The bill that we just passed reflects the need for pressure from this country on the country of Vietnam.

What has happened in terms of engagement is, more or less, this: we are dealing with a large nation of over 80 million people. As some progress was made in 1994 regarding POW/MIA's, the embargo was lifted. In 1995 diplomatic relationships were established. At that time, there was the beginning of negotiations for a bilateral trade agreement. These negotiations went on for several years. They were finalized within a few years, by 1997.

As the gentleman from California (Mr. THOMAS) indicated, this agreement has some very major ingredients, and I think basically positive ingredients in terms of our national interest: market access for industrial and agricultural goods; protection of intellectual property rights; market access for services on a broad basis, assuming they are enforced in a country with a weak rule of law; investment provisions; and also, very importantly, some transparency provisions to try to strengthen the rule of law within Vietnam.

So here we are today considering normal trade relations as a result of this trade agreement. We have waived Jackson-Vanik several times now, and that allowed an agreement to provide certain economic support for our businesses.

Madam Speaker, I support this agreement, realizing and pointing out its shortcomings. One of those relates to the failure to address labor market issues. Several years ago, a number of

us urged our Ambassador in our administration to address these issues. As we review the chronology that was sent to us by the former Ambassador, Pete Peterson, it is clear that the embassy and the administration attempted to move the ball in terms of labor market issues. And I will not relate the entire history of it, but it included involvement of OPIC, of the AFL-CIO, of teams from the AFL-CIO under OPIC auspices, to discuss worker-rights issues within Vietnam.

We urged that the administration and the Ambassador go further, and I think in part because of that there was a Memorandum of Understanding that was reached with the Vietnam Government that provided for technical assistance, including by the ILO regarding labor market issues.

However, those are provisions for technical assistance. And the question remains as Vietnam goes further, what efforts will be made not only to free up their capital markets but also to free up their labor markets.

In July of this year, a letter was sent by the gentleman from New York (Mr. RANGEL) and Senator BAUCUS, Chairman of the Senate Committee on Finance, and myself to the Ambassador saying the following: "Since the BTA was signed last year, we have been working to ensure that as we move forward in strengthening the U.S.-Vietnam economic relationship, we also move forward to advance the issue of labor standards in Vietnam. Vietnam has taken some steps in that regard, including by signing a Memorandum of Understanding on labor issues with the United States last November. However, more should be done."

"To that end, we urge the administration to include a positive incentives labor provision in the eventual U.S.-Vietnam bilateral textile and apparel agreement. This approach would provide incentives for Vietnam to take additional, concrete measures to strengthen adherence to core labor rights and would reward Vietnam with tangible, commercial benefits as it continues to strengthen labor standards."

"We encourage the administration to make clear its intent to pursue a labor provision in the textile and apparel agreement as the BTA resolution moves through the Congress. We know that a number of Members of Congress share our belief that addressing these concerns will strengthen the bipartisan support necessary for prompt congressional approval of the BTA, and will represent positive action on trade legislation."

The response we received some weeks ago from Mr. Zoellick on behalf of the administration was disappointing, essentially noncommittal, so I want to say just a few things rather quickly about the labor provision.

Number one, there is no use of calling it a social issue. It is an economic

issue. It is part of the trade equation. I refer to a letter that was sent by Senator LOTT and a number of other Senators and House Members to Mr. Zoellick on February 9, 2001. It is just one example of how labor market issues are relevant to the trade and competitive equation. I quote from this letter. "We are concerned about imports from Vietnam of an Asian-type catfish displacing U.S. farm-raised catfish in the U.S. and world market."

"Most of the fish from Vietnam are grown in floating cages under the fishermen's homes under the Mekong River Delta. Vietnam can produce these fish at a much lower cost because of cheap labor and very loose environmental regulations for ponds, therapeutics and feed."

The letter continues, "It is our hope that as the USTR, you will keep our concerns foremost in mind when you meet with top Vietnamese trade officials. It is essential that we take every action possible to preserve the U.S. catfish industry."

Another example is the agreement that was negotiated with Cambodia regarding the textile and apparel industry. I refer to an article of July 12, 2001, in the New York Times, and I urge that everybody read this article if they have any doubt about the importance of labor market issues in our relationships in our competition. This article talks about this negotiation, about the efforts by Cambodia to adopt a labor code with the help of the AFL-CIO and the ILO. I quote, "The incentive to improve working conditions and permit unions has come from Washington where in 1998 trade negotiators were preparing to put quotas on fast-growing Cambodian garment imports. Amid pressure from American unions and public opinion, the Clinton administration pushed Cambodia to accept unprecedented conditions. If Washington decided in an annual review that its industry was in substantial compliance with Cambodian labor law and international standards, it would raise Cambodia's quota by 14 percent."

□ 1430

This article describes how it is an uneven picture, but I think it is basically clear that with the help of this provision in the textile agreement there has been improvement in the ability of workers in Cambodia to associate, to represent themselves, and to get a piece of the action.

So this is what I want to make clear. As we did in Cambodia, as was done in the Jordan agreement, as was done in the CBI agreement, it is important that labor market issues be part and parcel of trade negotiations.

There is going to be an annual review of Vietnam and its progress; and I want everybody to know that for myself and many, many other members, we will be watching this administration. We will

be watching Vietnam to see, if and when there is an apparel and textile agreement, there is due consideration of labor market issues as there was with the Cambodia agreement and in other trade agreements.

I consider it to be not a social issue alone. It is clearly an economic issue and indispensable issue. How we handle this can be basis for disagreement but not whether it is relevant.

So I urge support within that statement, within these circumstances for this agreement, while I also indicate that we have to be vigilant. As we are in human rights through the agreement or the resolution we just passed, we have to be vigilant that as our relationship with Vietnam unfolds, it broadens in a way that makes sense in terms of Vietnam, in terms of its ability to progress; but that we, as these relationships unfold, take into account the full economic competitive picture.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRBACHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong opposition to the bilateral trade agreement with the Communist government of Vietnam.

Madam Speaker, we just had a vote in this body of 410 to 1 reconfirming that we believe that human rights in Vietnam is something of importance to the people of the United States.

I would submit that large votes like that, being followed by basically agreeing to a treaty to treat the Communist government of Vietnam the same way we treat economically democratic countries of not only that region but throughout the world, is one reason why, number one, the dictators of the world do not pay attention to us and think that we are being either frivolous or lying about our commitment to human rights.

It also is a disheartening factor for people who live under tyranny, because those people who live under tyranny, their only hope for many of these people who live under tyranny is the commitment by the people of the United States of America to try to make this a better world.

These types of contradictions between human rights, but giving precisely the same trade rights and economic rights to these vicious dictatorships as we do to democracies, is very disillusioning to most of the free people of the world who struggle for democracy.

I urge my colleagues to vote no on this Vietnam bilateral trade agreement. Let us remember, as we have just stated in the last debate, during the last 12 months, despite presidential waivers, the Communist regime has actually increased its brutal repression of religious clergy, advocates of democracy and ethnic tribal minorities,

many of whom were actually loyal to the United States during the war.

What does voting against this agreement really do, and what are we talking about? What will happen with this agreement? We are not talking about breaking relations or isolating Vietnam. That is not what this debate is about. This will not in any way, no matter how we vote, break our relations with Vietnam. We will not be isolating Vietnam.

People will still be free to trade. Americans can still go over there and sell their goods and services, and so it is not about whether or not we are going to have relations or isolate Vietnam. It is not about whether American companies can sell their products there, because there will be no law in the United States preventing that.

So what is this bill all about? I have repeated this on numerous occasions because we have studied this trying to find what other reason a bill like this has such momentum in Congress.

This bill is about whether or not American businessmen who want to build factories in Vietnam to exploit the near slave labor there and the lack of labor rights that they have in Vietnam, whether or not those American businessmen will be eligible for taxpayer subsidies or loan guarantees so that they can set up their factories over there, literally putting American workers out of work and setting up factories to exploit the near slave labor of this Communist tyranny in Vietnam done with American taxpayer subsidies and guaranteed loans through the Export-Import Bank and other international financial institutions that are supported by the taxpayer.

This is a travesty. I do not know anybody who can really defend that policy. But, as I have presented the case, those people on the other side have refused to even acknowledge this part of the debate. And over the years, even though I have made this charge over and over again, no one seems to even comment on it, the people who are advocating from the other side. I would like to hear the proponents of this trade agreement tell me why it is a good thing for the American taxpayers, our working people, to be taxed in order to subsidize and guarantee loans to American businessmen so they can build factories over there which will produce goods that will compete with the jobs of the American people over here. I want to hear a comment on that. I would hope that my colleagues who are supporting this trade agreement will at least take that into consideration. So we are extending American tax dollars to subsidize and insure the businesses going into a Communist dictatorship.

This is bad business, for one thing, because the reason they need the government to guarantee, meaning our tax dollars, to guarantee their investments over there is that it is a risky propo-

sition to invest in a dictatorship. And it is especially risky to invest in Vietnam. It is a risky thing, because when you do not have really the rule of law working in a country and it is a dictatorial regime, they can have their property confiscated. Many American businessmen have already fled Vietnam. But they will not invest with their own money and our banks certainly will not give them a loan, unless the taxpayers guarantee it.

That is bad business, and it is also contrary to American values. If we really do believe in democracy and human rights, it is contrary to our values. If we are going to be using taxpayer dollars to guarantee loans so that American businessmen can do business in a foreign country, and I do not think we should even be doing it anywhere, but if we do, at the very least it should be with democratic countries. And by insuring these loans and insuring this type of an incentive for American businessmen to go use that slave labor, we are not only hurting our own people, we are hurting governments and people like who are in the Philippines.

In the Philippines they are struggling to have democratic government. They have got opposition newspapers. They have got opposition parties. They have trouble with keeping a truly democratic system because of corruption there. But there are honest people who want to have democratic government in the Philippines. What are we doing? Instead of encouraging our businessmen to go to the Philippines, a country that loves us, we are subsidizing our businessmen to plant factories in a Communist dictatorship. This makes no sense. No wonder why the dictators of the world do not believe us when we pass 410-1, a resolution claiming that we believe in human rights and that it is important to us.

Let me talk about one last element here, and I appreciate the gentleman from New York (Mr. McNULTY) yielding me the time that he has and the points that he made about American POWs in Vietnam. This is an important point. I have been in Vietnam numerous occasions. I took this personally upon myself.

My chief staff member here, Al Santoli, was wounded three times in Vietnam. I was not in the military, but I spent time in Vietnam during the war in 1967 doing political work there; and so I have over these last 30 years had a personal interest and have gone back many times, as has Mr. Santoli, to Vietnam.

The idea that the Communist regime in Vietnam has in good faith cooperated with us on the POW issue is a fraud. It is not true. There is no basis to it. They have exploited the POWs search since day one. Even to this day they are charging the American Government a million dollars every time

we go out and try to search for some bones. What they have done is relegated our search for justice and our search for real truth about what happened to our POWs to a search for bones which they give up every now and then. The fact is that there were over 200 Americans last seen in captivity, alive and in captivity, in Communist hands that were never accounted for. Since that time, during this supposed cooperation, the Government of North Vietnam has done nothing that will help us determine what happened to those 200 men.

I have repeatedly asked during this debate, during trips to Vietnam in which I talked directly to the leaders of North Vietnam, I asked for the records of the prisons in which American POWs were held during the war. Why? Because if we get those records, we can find out exactly who was in the prison, how many people were kept there, how much food was bought because they had the number of prisoners and we can determine if there is a difference between the number released and the number that they were taking care of during the war. What have I been told? "Oh, those records aren't available. They were destroyed in B-52 raids near the end of the war."

Well, baloney. The Communist regimes throughout this world have been noted time and again for the fact that Communists keep such incredible records. They keep records of everything. When they have meetings of their central committee, they keep intricate notes. They did not throw away those records. They were not burned by B-52 raids. They will not give them to us because it indicates that they kept Americans after the war. Now, why with a regime like this are we going to give our businessmen subsidies to invest over there and create jobs over there, exploiting their slave labor? This is ridiculous.

I would hope that we can see an evolution in Vietnam. The people of Vietnam are wonderful people. In fact, I represent many Vietnamese in my area, Vietnamese Americans. They came to the United States and under freedom these very people have prospered. They are the very best of citizens. They love democracy. They have taken advantage of the opportunity to increase the standard of living of their lives. That could be true of all of the millions of people who live in Vietnam if they were not suffering under the yoke of tyranny. This is not the time to ignore what that government has done about the POWs. It is not time for us without any democratic reform going on in Vietnam.

We have heard about what was happening in Cambodia. In Cambodia, they have not had those same reforms in

Vietnam that they have had in Cambodia. In Cambodia there are opposition parties. There are actually opposition newspapers. They have got nothing like that in Vietnam. Let us see some reform there before we bestow upon them subsidies by our taxpayers and incentives for our businessmen to go over there and create jobs over there.

I strongly urge my colleagues to vote against this bilateral trade agreement with Vietnam and to really take human rights seriously. If the United States takes human rights seriously like we did with Ronald Reagan and the Soviet Union during the Cold War, we will be striking a blow for peace. Ronald Reagan never provided most-favored-nation status for the Soviet Union. And the Soviet Union fell apart, and we have a chance for true democratic government there today. Let us do the same thing in China, and let us do the same thing in Vietnam. Let us do the same thing with dictatorships around the world. Let us let America be a shining light of hope of liberty and justice for all.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I rise in support of the resolution.

There has been such a long period now between our war on Vietnam and now that I think it is only appropriate to have a trade agreement which symbolizes how far our two countries have come.

It was not very long ago that President Carter and President Ford were unable to establish any kind of relationship with Vietnam, accordingly, the first Bush Administration got more positive responses to their attempts to begin a new relationship. This set the stage for President Clinton in 1994 to order the lifting the trade embargo against Vietnam. The following year the two countries established ambassadorial-level diplomatic relations. And former Congressman Peterson who had been held as a POW in Vietnam was sent as our first ambassador. I think it says a lot about the need for healing that we have the Vietnam Trade Agreement before us today. Of course, it would not have occurred if the Vietnamese had not become sensitized to our need to return American bodies to their families. And to also have yearly reports made on their progress on human rights—a subject we will discuss later today.

But it is here! A bilateral trade agreement which took almost five years to craft. When one goes to Vietnam one expects to be confronted as an American for what took place during the war but 50% of the population were not alive at that time. This is really an old country with very young population who do not see Americans in the same light as their parents and want to establish a new relationship with us.

They are eager to open up their country to trade even though to this day there is dis-

agreement between the economic hard-liners and those who want to really open up the Nation.

This agreement will do that. Although we do not export much to Vietnam and vice versa at the present time, this is a young and vibrant nation that wants to participate in global economics.

They have a high literacy rate and the desire to open up their markets. And American industry wants to sell them lots of goods. Who would have thought that all these years later that our war with Vietnam would result in what could be a highly productive relationship. I believe this is the beginning of a whole new era.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

First of all, all of us express continued regret about the loss of American lives in Vietnam and treatment that Americans received during that war. Some of those very same individuals have been and are Members of the United States Congress.

□ 1445

The stories that they tell are ones that truly depict a very difficult and troubled time. I do believe, however, that we can make a relatively firm statement that a no vote on this measure will not increase our ability to work with the Vietnamese for the fullest possible accounting of missing Americans.

I also want to respond briefly to my colleague from Michigan about the question of a lack of a labor agreement in this particular provision. The last administration, in November of 2000, entered into a very specific labor agreement with the Socialist Republic of Vietnam. I might underscore that they are no longer on my map as a North Vietnam and a South Vietnam. There is a Socialist Republic of Vietnam.

That agreement, which was announced on November 17, 2000, was a United States and Vietnam agreement on labor cooperation. The press release issued by the last administration stated, in the Secretary of Labor's words, "This is a significant step in establishing labor issues as an important component of our overall relationship with Vietnam. In fact, more than \$3 million in technical assistance is being provided in collaboration with the International Labor Organization to address such issues as establishing skills training and employment services, including placement services, development of unemployment insurance and pension systems, improving access to employment for workers with disabilities, eliminating child labor and child trafficking, and launching workplace education to prevent HIV and AIDS."

So although there is no specific labor component in this particular agreement, clearly the two countries have entered into an ongoing relationship to

improve the labor standards and working conditions in Vietnam.

I would respond to my friend from California to indicate that this is a bilateral trade agreement to establish normal trade relations with the Socialist Republic of Vietnam. It pertains to the tariffs that apply to Vietnamese goods coming into the United States. It does not apply to credits extended to American business people who wish to do business in Vietnam. That is a provision of the Jackson-Vanik structure, and this body voted 91 no, 324 yes on the Jackson-Vanik waiver. That was the structure that provided the credits to the Socialist Republic of Vietnam.

A no vote on this particular measure, House Joint Resolution 51, would be a vote against allowing Americans, consumers, business people, to bring Vietnamese goods into the United States not subject to the tariff. So if you are looking for a measure to stop the international credits going to business people doing business with Vietnam, that is under the Jackson-Vanik waiver. If you vote no on this particular measure, you are trying to make sure that Americans do not get the benefit of a tax-free relationship with the products that are going to be imported into the United States.

Madam Speaker, I yield 4 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Subcommittee on Trade of the Committee on Ways and Means.

Ms. DUNN. Madam Speaker, I rise in support of this joint resolution to approve the United States-Vietnam Bilateral Trade Agreement. I am very happy to see that we are finally passing this important trade agreement with the third largest nation in ASEAN, which is the Association of Southeast Asian Nations, and the second most populous country in Southeast Asia.

This is an historic agreement. It will reduce tariffs and it will improve market access for United States services and for our products.

I am also very pleased with Vietnam's commitment to adopt international standards to protect intellectual property rights. This is a very important step for Vietnam, and it will help very much in reducing piracy and in safeguarding American innovation.

For the State that I represent, Washington State, this agreement could mean more high-paying jobs. The Vietnamese Government has made a commitment to purchase four 777 airplanes. These are commercial aircraft. Their construction will be directed by people who live in the district I represent.

For our farmers in eastern Washington, lower tariffs and better transparency rules will reduce the red tape that has caused us great trouble in finding markets abroad, and it will expand the exports of our apples, potatoes and wheat to Vietnam.

I think it is very important, as we continue this debate, to reaffirm that

continuing economic engagement with Vietnam does not diminish our commitment for a full accounting of American soldiers still missing in action. I would say to the gentleman from California that engagement with Vietnam also does not diminish our commitment toward pressing the Vietnamese Government to respect basic human rights. This is important to all of us, and we will not take our eyes off the interaction between our governments.

We appreciate that much must be done before Vietnam can join the global community, but by expanding economic freedom, I think that we can foster an environment for further political reforms that can lead to greater openness and tolerance.

It seems to me that it is time that we no longer view Vietnam simply as a war. We have got to begin seeing the Vietnamese as a people who want to build a stronger relationship with us and who will provide enormous economic opportunity for our American producers. Continuing our policy of engagement is the best way, I believe, to help both our people and the Vietnamese people.

I ask my colleagues to support this joint resolution.

Mr. McNULTY. Madam Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Madam Speaker, I rise in opposition to H.J. Res. 51, a bill that would grant permanent normal trade relations with the communist country of Vietnam. I am especially concerned that until Vietnam stops illegally substituting an inferior species of fish for U.S. farm-raised catfish, the American consumer and the American farmer will continue to suffer.

The catfish industry in Alabama and in the southeast is a very vital industry that employs tens of thousands of workers in primarily rural and economically depressed areas, and contributes hundreds of millions of dollars annually to these states' economies. In Alabama, for example, catfish production ranked second nationally and had over \$81.6 million in sales last year. Nationwide, the catfish industry accounts for over 50% of the total volume and value of all U.S. aquaculture at 600 million pounds.

Additionally, the catfish industry has contributed over \$50 million to familiarize the American consumer with the superior quality of the U.S. farm-raised, grain-fed catfish product. As such, the substitution of fish that are not even in the same genus or species as the North American channel catfish has led to consumer confusion. These Vietnamese fish are raised in cages in rivers, the same polluted rivers that sewer and waste are dumped into. Moreover, they are fed a diet of various things including other fish, not a completely grain-fed diet like the U.S. farm-raised catfish.

Efforts to substitute the cheaper Vietnamese species of fish, through what I and many believe is the improper use of the name "catfish", has also led to unprecedented levels of imports that have displaced American catfish.

In fact, Vietnamese fish imports are displacing U.S. catfish at a rate of 70 million pounds annually according to U.S. Census Bureau estimates in May. This is equivalent to an estimated 15–20% of the total U.S. farm-raised catfish market.

It also appears that Vietnam is encouraging increased production and export of these fish by recently announcing new incentives for collateral-free loans until 2005 for investment in aquaculture. Figures from the Department of Commerce indicate that imports of these fish from Vietnam have tripled from what they were this time last year, and now account for 84% of catfish imports into the U.S. This has also led to the decreased exports of farm-raised catfish from the U.S. to other countries.

U.S. catfish farmers have spent millions of dollars and years of hard work to build a market for their product based on its guaranteed quality and safety and do not deserve to have it destroyed. Moreover, consumers deserve to know exactly what kind of food they are putting on their dinner tables.

Industry officials have met with the Administration, and with the government of Vietnam and so far have not had their problems addressed. Until the Administration and the government of Vietnam address this issue satisfactorily, I cannot support normalizing trade relations with Vietnam.

Mr. McNULTY. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Madam Speaker, I stand before you today to speak of something that I care deeply about and have been working hard to correct, irresponsible trade agreements that ignore the needs of rural communities. I am not opposed to free trade, but I am opposed to trade agreements which further harm communities, families and industries in Mississippi and across rural America.

Today we are considering extending normal trade relations with Vietnam. We must promote reasonable, responsible trade agreements, and we must be mindful of some of the unintended consequences trade agreements have had on rural America, and especially in Mississippi.

Where I come from in rural Mississippi, some of our trade agreements, like NAFTA, have failed our rural communities. The result has been factory shutdowns and job losses that have devastated communities throughout my district. This is the case in rural communities and urban cores across America.

We know that NAFTA has worked fine for many of the places in our Nation, but our rural communities have been ignored. Hard-working people in places like Prentiss, Collins, Magee or Centerville have been hurt by these trade deals. When a factory shuts down in a rural community like this, it is devastating to every family.

We have a responsibility to fight for fair trade that supports American workers, families and communities from unwise trade agreements. Today I stand in opposition to extending normal trade relations to Vietnam.

One example is the damage even restrictive trade with Vietnam has done to the catfish industry in Mississippi. Domestically grown catfish, which meet strict environmental and health standards, are being displaced by inferior and potentially unsafe products from Vietnam. These fish products are disguised by labels that imitate those placed on legitimately farm-raised catfish to mislead the consumer about the origin of the product.

I urge a no vote on this measure.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today to speak about an issue that is very important to some the citizens of my district. Over the August recess I met with a large group of Southeast Asian and Vietnamese Americans about issues of importance to them. The issue they expressed the greatest concern about had to do with human rights in Vietnam. They expressed to me their fear that an increase of trade with Vietnam may only serve to strengthen the hand of the Communist government that denies its citizens basic freedoms of association, religion and other human rights. I believe those fears are valid and important for us to consider.

I do not believe we can discuss trade with Vietnam without addressing the human rights violations of the Vietnam Government. Therefore, I was very pleased that the legislation we passed earlier today addressed precisely these issues. Without adequately monitoring human rights situations and without real consequences for non-compliance, I would have had strong reservations about passing the Vietnam trade agreement we are debating now. But by considering these bills in conjunction, we will be able to send a message that the U.S. believes in engaging Vietnam and strengthening economic and political ties, but we still demonstrate our concern for the lack of rights afforded to the Vietnamese people.

I think it is especially important to send to the Vietnamese Government the message that it remains unacceptable for them to continue to imprison religious leaders, including individuals such as Father Nguyen Van Ly, the Venerable Thich Tam An, Thich Khong Tanh, Thich Quang Hue, Ly Tong, and other religious and political prisoners.

Madam Speaker, I will vote in favor of this legislation, but only because this body has assured us that we will continue to put pressure on this country to further human rights.

Mr. ROHRABACHER. Madam Speaker, may I inquire how much time is remaining?

The SPEAKER pro tempore (Ms. BIGGERT). The gentleman from California (Mr. ROHRABACHER) has 18 minutes remaining, the gentleman from

California (Mr. THOMAS) has 19½ minutes, the gentleman from Michigan (Mr. LEVIN) has 17 minutes remaining and the gentleman from New York (Mr. McNULTY) has 25 minutes remaining.

Mr. ROHRABACHER. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, let us, as this debate goes on, remember that Vietnam as it is today does not have an independent court system, does not have opposition parties, does not have freedom of the press, not to mention all the political prisoners they have thrown in jail, et cetera, and the persecution of religion. But without courts, without opposition parties, without freedom of the press, what does that mean normally? What it means is exactly what you have got in Vietnam, a corrupt system.

We may try to say, well, we have already given these loan guarantees and these subsidies with the Jackson-Vanik waiver already passed by this House. The fact is, this vote freezes that into place. This vote freezes those loan guarantees and those subsidies into place that we put into place over my objection with the passage of the Jackson-Vanik waiver.

We should not in a situation, in an environment where there are no courts or opposition parties or freedom of the press, expect that our businessmen are going to go over there and find anything available to them without a bribe. What they are going to find, and that is what is happening there, our businessmen are faced with bribes, they are faced with a corrupt regime they are not used to.

And then what happens? The American taxpayer, because we have given these subsidies and loan guarantees, has to pick up the check when these businessmen close up their operation and flee back to the United States of America.

This is a bad deal. It is bad business. Not only is it bad in terms of American values, in terms of human rights and freedom, but it is just a bad deal all around, having the taxpayers subsidize loans and guarantee these loans in order to go into this corrupt environment where you do not even have a court system that can operate independently and provide judgments there, when you have people asking for bribes, et cetera, et cetera.

This is not what we should be doing. It is bad business and contrary to our values.

Mr. THOMAS. Madam Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. WATKINS), a member of the Committee on Ways and Means.

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

□ 1500

Mr. WATKINS of Oklahoma. Madam Speaker, I stand in support of H.J. Res-

olution 51. Let no one be fooled. What this basically does is normalize the trade relationship with Vietnam. We are trying to have a bilateral trade relationship with this country. I am very proud of the fact that the State of Oklahoma was the first State to have an office in Vietnam to do trade. We are still the only office basically there that has a presence, but we have an office there, and we have people there.

Yes, Oklahomans are there trying to engage in having a normal trade relationship, but we are also trying to work with educational and cultural exchanges, because we know the only way we are going to resolve the human rights problems are to be able to engage and be able to carry on that conversation one on one with our values, our values. I started to say we normalized California. A lot of Okies went out that way, but the chairman is from California so I have to be very careful about what I say about California.

But let me say I know there are conditions there, and I visited with the gentleman from Alabama (Mr. CALLAHAN) about some economic trade policies that we need to continue to be concerned about and aware of, and I yield to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Madam Speaker, I thank the gentleman for yielding and for bringing this point up.

First let me say that I have great respect for the Committee on Ways and Means chairman and the subcommittee and all of my colleagues who have worked so feverishly and so effectively on these free trade policies. I am a free trader I do not deny, and I am quite proud of it, and I have voted for each and every bill they have brought to the floor. But sometimes we have to talk to our own administration and the only chance we have to talk to them effectively, and usually I do this on the appropriation bills, is by threatening to withhold their money.

But we do have a tremendous problem in the catfish industry. The catfish industry in Alabama is a growing industry that is employing thousands of people. They have developed a hybrid catfish that is raised in fresh water ponds that are grain fed, that are high quality catfish. Now we find that the Vietnamese, and the Commerce Department or the FDA is allowing them, to ship into the United States, the Vietnamese, a poor quality fish that is not even a catfish, that is labeled a catfish.

The reason I stand here today is to shoot a bow over the front of the ship of the FDA, and I have written Ms. Janice Oliver a letter and asked for her immediate decision on this classification.

We do not mind importing any product from the Vietnamese that is a safe, edible product, but we do not want it mislabeled, and the FDA can do some-

thing about it. My message today to the FDA is to do something about it and do it immediately, or else they are going to be facing my wrath when these appropriation bills come to the floor.

I had to do it one other time. I remember I had the same problem with the chairman that is sitting right behind my colleague now, and I threatened to withhold \$1 million a day until they made a decision. I am not threatening to withhold \$1 million a day from the FDA; I am just insisting that FDA make this decision today, make it as expeditiously as they can, and let us get on with this ability to trade with Vietnam and other countries.

Mr. ROHRABACHER. Madam Speaker, I yield myself 1 minute.

I would ask our colleague, the gentleman mentioned the catfish industry. Is the gentleman aware of whether or not the American company dealing with the catfish industry there, was there any loan guarantees by the Export-Import Bank to any American company that was involved or a subsidy from the American taxpayer involved in the creation of the catfish industry in Vietnam that is now wreaking such havoc in the gentleman's State?

Mr. CALLAHAN. Madam Speaker, if the gentleman would yield, I am not familiar with anything that the Ex-Im Bank has done there, although I am a big supporter of the Ex-Im Bank. I do know that the government of Vietnam is offering interest-free loans for people, which I think is in violation of all of our agreements, is offering interest-free loans to people to start catfish farms, and if they want to do that and play on the same level playing field that we are playing on here in the United States, that is all right with me too.

Mr. ROHRABACHER. Madam Speaker, reclaiming my time, there is a real possibility, and neither one of us knows that now, but I do not think there is anyone on this floor that would step up and say, no, it is impossible; the catfish industry in Vietnam has not been created with the help of subsidies from the American taxpayers. We cannot say that, because we do not know. We are laying down the rules now, so that would be a real possibility.

Mr. McNULTY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I urge my colleagues in the House to vote for this legislation.

Mr. Speaker, I urge my colleagues in the House to vote for this legislation to establish a bilateral trade relationship with Vietnam. This legislation is the product of long negotiations between our governments, and builds on the trade relationship we have been developing over the past decade. Just a few weeks

ago, this House again voted by an overwhelming vote against imposing trade restrictions on Vietnam; now, we should pass this BTA by just as overwhelming a vote.

We all recognize the sensitivity of any legislation involving Vietnam because of our nation's past history. But we in the House have begun a healthy, expanding and maturing relationship with this country of nearly 80 million people. And this legislation is not about the past; it is about the future relations of our governments and our economies.

I have had the opportunity to visit Vietnam, to meet with government leaders and private citizens, and to talk at length with our former ambassador, Pete Peterson, who has been one of the most passionate supporters of improved political and economic relations with Vietnam. Ambassador Peterson has devoted countless hours during his years of service to developing improved economic and political relationships between Washington and Hanoi, and between the American and Vietnamese people. Our vote today is, in no small way, a testament to the success of his efforts and a credit to his hard work.

Vietnam is a large and changing country. There are multinationals involved in production of oil and gas and the manufacture of sportswear; Vietnam is also a country where most people labor in rice paddies and start businesses with micro-loans of less than \$100. It is a country of educated, industrious people that will continue to play a key role in the future of Southeast Asia. We should not cut ourselves off from that nation, but rather work closely to help it advance and to encourage moves towards a more open economy.

We are building a new and positive relationship with Vietnam, which is the 12th largest population in the world and plays a key role in the political and economic security of Southeast Asia. Last year, the Congress enacted legislation I helped to write creating a program to promote higher education exchanges between our countries. We should continue to build on these efforts, because they are in the best interests of both nations.

Some may wish to turn this debate into one over sensitive issues between the United States and Vietnam. That strategy is inappropriate here, and should be rejected. Vietnam, as illustrated by our annual Jackson-Vanik votes, has made great strides on immigration and is a full partner in the effort to locate remaining American soldiers missing in action. Negative and unjustified attacks on Vietnam's efforts at cooperation can only injure future efforts, and have no place in this debate.

However, let us note that this BTA does not end our review of Vietnam's moves towards openness and transparency. We will still engage in annual reviews of its practices. Nor does this BTA or the memorandum of understanding concerning labor standards adequately address concerns I have, along with many others, about the need for a free labor movement in Vietnam that allows workers to organize and collectively bargain with their employers. As we move towards the next stages of trade agreements, we will continue to press for assurances that the working men and women of Vietnam will enjoy the basic rights to free association recognized by the International Labor Organization.

Free trade unionism, improved environmental policies, expanded political and religious rights for all Vietnamese: these are, and should be, legitimate factors for securing improved and lasting trade relations with the United States and other democracies. We will continue to work with the Vietnamese to assure that these goals are achieved.

Those are issues that remain to be discussed in the course of future negotiations. For today, we should move ahead and pass this Bilateral Trade Agreement which sets the stage for those future discussions, while helping to bring our countries and our people together.

Mr. McNULTY. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I rise today in opposition to House Joint Resolution 51, which extends temporary most favored nation status to the Socialist Republic of Vietnam. The Vietnam-U.S. bilateral trade agreement is unwarranted until Vietnam demonstrates tangible progress in addressing its human rights and the moving forward to a more market-oriented economy.

Free trade does not mean trade at any cost. In the case of Vietnam, certain conditions, I believe certain conditions should be met, to have long, meaningful, lasting trade relations developed. I am concerned that we are losing our economic leverage without gaining concrete, verifiable steps towards reform in exchange.

In our support for the economic revitalization of Vietnam, we cannot ignore basic human rights issues that need to be resolved.

Mr. Speaker, I have the privilege of representing the largest Vietnamese community outside of Vietnam. They are the parents, the siblings, the children of families who fought communism for over 2 decades, and they, the majority of these people, do not want to establish normal trade relations with Vietnam until we do something about immigration, political and human rights issues for the people of Vietnam.

Recently, I have learned of the distressing case of Mr. Dac Vi Hoang, a former Vietnamese businessman who fled Vietnam recently to escape persecution. His situation is emblematic of the economic repression and political corruption that stifles free enterprise in Vietnam. Mr. Hoang was a prominent Vietnamese entrepreneur who owned Thanh My, Incorporated, an international exporter of lacquerware. In fact, he enjoyed an astounding success, this private corporation, in the midst of a communist regime, with annual sales of \$3 million and over 400 employees. Thanh My was internationally recognized as the first private corporation in Vietnam to receive permission to sell its shares to a foreign entity, although that permission was eventually revoked by the Vietnamese gov-

ernment. Nonetheless, just 1 year ago, in August of the year 2000, Mr. Hoang found himself having to flee Vietnam with his family, leaving this entire business behind.

Let me take a minute and tell my colleagues the story. In February of 1976, nearly 1 year after the end of the war, Dac Vi Hoang started his small, family-oriented company specializing in lacquerware products. At the time, the communist government was closing down large corporations and industrial plants because they were considered to be tools of capitalism, but they allowed a few small, private companies to operate, as long as they did not have a lot of capital or heavy machinery.

Although the business was allowed to remain in operation, Mr. Hoang was imprisoned for 5 years so that he could be "reeducated," which meant that his wife had to run the business in the meantime. During his time, it should be noted that Mr. Hoang was severely tortured, mentally and physically, when he underwent reeducation.

Although business operations were kept to a minimum, when he was released, he started into the business, and by 1991, Thanh My was allowed by the Government of Vietnam to actually export its lacquerware to other countries. Ultimately, Thanh My became one of Vietnam's largest exporters with customers in the U.S., in France, Japan, Germany, Sweden, even Canada. Because of his success, however, Mr. Hoang became a well-known member of the Vietnamese business community. He was one of the founding members of the Vietnam Chamber of Commerce and Industry; he was elected Vice President of the Union of Associations of Industry and Commerce, and he was also featured in Baron's Who's Who in the Asian Pacific Rim.

Well, all of this caught the attention of the Vietnamese communist government. Mr. Hoang voiced the concern of the business community with respect to what was going on. His criticisms of the government were unfair and arbitrary taxing against private corporations and that there was corruption at virtually every level of doing business.

In recent years, the communist government of Vietnam began cracking down on executives of leading private corporations. Using various pretexts, the communist regime has imprisoned executives of successful, private companies when they are considered too vocal, too vocal, in criticizing the government or when their companies become too successful, thereby threatening the regime's grip on power.

This is what was happening to Mr. Hoang when he decided to flee with his family. He learned from the government ministry of public security task force officer who was assigned to monitor what was going on at Thanh My that Mr. Hoang was a target for persecution. This security officer was someone that Mr. Hoang gave side bribes to

in addition to the usual money you have to pay these people to supervise what was going on with Thanh My. He would give this money to get good government reviews and not have problems with the government. Finding out that a change in the government supervision over Thanh My was going to occur, was going to be an excuse for the government to come in and bring somebody to try to find incriminating evidence against him, Mr. Hoang took his family and fled Vietnam leaving the entire business behind. He currently is residing in southern California while he awaits his political asylum hearing.

I ask my colleagues to understand that this is continuing to happen in Vietnam. As the person who represents so many of the Vietnamese, we get all of these cases all of the time. After hearing this story, does Vietnam appear to be a country that is moving toward market-oriented reforms?

Mr. Speaker, I cannot support this, and I hope that my colleagues will help and not support this either.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EVANS), a very distinguished colleague who has had a very long and deep interest in this issue.

Mr. EVANS. Mr. Speaker, I urge all of my colleagues to support normal trade status for Vietnam.

The vote today is really about how we best achieve change in Vietnam, and I believe the record speaks for itself. We have achieved progress by engagement: by encouraging Vietnamese cooperation on important issues such as human rights, immigration and political and economic reform.

I can speak about this personally. I have been to Vietnam and seen the work of the Joint Task Force-Full Accounting, our military presence in Vietnam tasked with looking for our missing servicemen and women. I have visited these young women and men, and they are among the bravest and most motivated soldiers I have ever seen. Every day, from the searches of jungle battle sites to the excavation of crash sites on precarious mountain summits, they put themselves in harm's way to recover our missing. In talking with them, it made it clear to me that they were performing a mission that they truly believed in.

On April 7 of this year, that danger became all too real. On that date, seven American members of the joint task force, along with nine Vietnamese, lost their lives in a helicopter crash as they were on their way to a recovery mission. This tragedy was a huge blow for our recovery efforts, as we lost both Americans and Vietnamese who had deeply been involved in finding our missing. We should remember our deceased Americans are heroes who gave their lives in pursuit

of a mission they believed to be a high honor and a sacred duty.

The only way we can carry out this mission effectively is to have a presence in Vietnam. To maintain that presence means reciprocating on the promises that we made to reward Vietnamese cooperation. Failing to approve this resolution would definitely send the wrong signal to the Vietnamese, not to mention the brave American men and women who are still searching for our missing in the rice paddies and mountains of Vietnam.

□ 1515

The opponents of this argument or the opponents of this agreement will say that the Vietnamese Government has a terrible record on human rights, that they do not deserve normal trade arrangements with our Nation.

I will not defend the Vietnamese human rights record. It needs serious improvements. We should focus on obtaining basic freedom for all Vietnamese. But former Ambassador and colleague here in the House of Representatives, Mr. Pete Peterson, demonstrated that we can achieve progress on human rights and a number of other issues that are important to our Nation by encouraging cooperation from the Vietnamese.

As our first ambassador to this nation since the war, his stewardship led to tangible and dramatic progress on issues that have changed the lives of North Americans and Vietnamese for the better.

By continuing this policy, the families of POWs and MIAs will get the answer about their missing, Vietnamese emigres will also be reunited with their families, and our country will have benefits from the fruits of Agent Orange research. We can risk all this if we turn our backs on this successful policy. Voting against this agreement would do just that.

Mr. Speaker, earlier this year the House overwhelmingly supported a waiver of the Jackson-Vanik amendment restrictions on Vietnam. This is the fourth year in a row that the House, with growing and overwhelming support, voted for better relations with Vietnam.

I believe that we should follow this course. Let us support the Joint Task Force for Full Accounting, and let us support our Nation's bipartisan policy that has only furthered our goals towards a more cooperative and open Vietnam. Please vote for this resolution.

Mr. ROHRBACHER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, we have learned that the Vietnamese catfish industry is having a very detrimental impact on Americans who were involved with producing catfish for the American table. Yet also, at least I suggested, and I have not heard anything to the con-

trary, that what we are doing is laying down the economic ground rules so that we can subsidize, through American taxpayer subsidy or loan guarantees, businessmen to go to Vietnam and set up other businesses in order to do to the current businesses of the United States what the catfish industry from Vietnam did to the catfish industry here.

That does not make any sense to me. What is this all about? This is about a dictatorship in which some American businessmen want to go over there and exploit the slave labor, and want to do so with loan guarantees and subsidies by the American taxpayer.

I am very happy to hear that Oklahoma set up a business office in Vietnam. A lot of other people set up business offices in Vietnam. But what we need to hear about are all the offices that have closed up, all the businessmen who thought they were going to do business there, but the environment is so corrupt that they were unable to do business, and that they have closed shop and left.

The only way American business companies are going to go over there is if we guarantee their loans and subsidize them. That makes no sense. We have already put all these people who grow catfish, we put them out of work. What is the next industry that we want the Vietnamese slave labor forces to be able to put out of work with the subsidy from American taxpayers? What industry is that?

How about refrigerators, radios, clothing? I do not know what factories these people want to open. Probably I would guess it would be tennis shoes.

I believe in free trade. People who oppose this particular trade legislation, it does not mean they are opposed to free trade. I believe in free trade between free people. When we sort of set the same rules with vicious dictatorships as we do with democratic countries, surprise, surprise, we are going to bolster the strength of the regime, of the clique that holds power in those dictatorships.

No, we should be having freer trade with countries like the Philippines, who are struggling, struggling to have a good democracy with human rights, instead of giving more incentives and more ways of making profit by setting up businesses in dictatorships like Vietnam.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), someone who has been extensively involved in a number of trade discussions and debates.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding time to me.

I thank the gentleman again for yielding me this time, and I appreciate the leadership he has shown with his committee on so many trade issues this year. This is just one of them.

Mr. Speaker, I do rise today in support of House Joint Resolution 51, which would extend normal trade relations to the nation of Vietnam. Let us begin, as I know the chairman has made clear earlier, what this is and what this is not. This is not a free trade agreement. It is a bilateral trade agreement, a trade agreement that allows us to trade on the same basis as we trade with all the other countries of the world except the very small handful with whom we do have a free trade agreement.

Because Vietnam is a socialist or a Communist country, it comes under the banner of the Jackson-Vanik requirements, and still, with this passage, would require an annual Jackson-Vanik waiver from the President of the United States.

Mr. Speaker, in 1995 this country embarked on a new path with the country of Vietnam. We chose to take a different direction toward better political, economic, and consular relations. In making that decision, we recognize the need to encourage the development of Vietnam as a prosperous country, and believed, as I believe today, that doing so would begin to bring about the fruition of democracy within that country.

We understood how important it is to integrate our former adversary, with whom some of us in this body itself fought in a war in that country, to integrate that former adversary into the economic progress of Asia and ultimately into the global community.

Since starting down the path, our policy, I believe, has reaped some very important benefits. It secured Vietnamese cooperation on achieving the fullest possible accounting of the POWs and MIAs from the Vietnam War. It has helped to contribute to regional stability. It has helped to open a new market for U.S. businesses and U.S. workers in the world's 13th most populous country.

Mr. Speaker, just 2 weeks ago today I returned from a trip to Vietnam. It was my first time in that country in 10 years, in exactly the 10 years ago that I was there, and the 22 years before that that I had been there during the Vietnam War. I was struck with the tremendous changes that have taken place over the last 10 years.

Ten years ago, we had no embassy in Hanoi. We had no consular office in Ho Chi Minh City. We had no American business presence. In fact, there was almost no foreign business presence anywhere in Vietnam at that time.

Today we find the city of Ho Chi Minh, or Saigon, with five-star hotels, with very upscale restaurants and shops catering to foreign shoppers, high-rise buildings and a skyline that is beginning more to resemble Hong Kong or Bangkok than the somnolent Saigon many of us knew during the time of the Vietnam War when we served there 30-plus years ago.

It is a different city. It is changing. I believe with this agreement we will accelerate that change. I believe that change will be to the good, both for the United States, but most importantly, for the people of Vietnam.

Certainly the U.S.-Vietnam foreign policy relationship is one that is still maturing. We would all agree that we must continue to make progress in our relationship along several dimensions.

But today, this legislation marks a very important milestone in the development of that relationship. Today we can support the extension of normal trade relations between our two countries. U.S. trade and economic ties with Vietnam can help the country see the benefits of developing a society that is based upon the rule of law. That faith in the rule of law can then serve as a foundation upon which further social and political development can be based.

Mr. Speaker, no country can engage in trade with other countries, can engage in foreign relations, without ultimately having to come to terms with the rule of law. That is the most important aspect of this legislation.

So to my colleagues in the House, I urge their support for this resolution.

Mr. McNULTY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I oppose House Joint Resolution 51, and I urge my colleagues to vote against this resolution. I am fortunate to represent Santa Clara county, an area in California with a vibrant Vietnamese-American population. Quite a few of my constituents came to San Jose as refugees escaping an oppressive political regime.

Over the last 25 years, as the Santa Clara County supervisor, as an administration lawyer, and as a Member of Congress, I have worked closely with these Americans; and many of them have become my friends. I value their knowledge, experience, and support, and believe they have a unique perspective on the United States' relationship with Vietnam.

While we are told that the government in Vietnam is making progress in the area of human rights, I continue to hear about religious persecution, political persecution, and unwarranted detentions from my friends in the Vietnamese community. During the past 12 months, the Vietnamese Government has intensified its campaign of brutal oppression, especially against religious leaders and ethnic minorities.

When I, along with the gentleman from Illinois (Mr. Davis) and the gentlewoman from California (Ms. Sanchez) hosted a hearing on human rights in Vietnam this spring, we learned of this firsthand. One after another, religious leaders testified to the lack of religious freedom in Vietnam. Several invited witnesses were unable

to leave Vietnam to deliver their testimony in the face of government threats. They smuggled out written or audio testimony so their stories could be heard.

In light of the government crackdown on religions, dissidents, and minorities, unconditional ratification of the bilateral trade agreement will send the wrong message to the Vietnamese leadership. The U.S. Commission on International Religious Freedom recommended that the U.S. Congress ratify the BTA only on the condition that Vietnam undertake substantial improvements in its policy towards and treatment of religion.

I am a firm believer in trade. I have voted repeatedly for trade agreements, but the situation in Vietnam is different. We have a clear opportunity to change the course of the nation's behavior by denying it what it desires greatly, a trading relationship with America.

President Bush, please stand up to the communists in Vietnam and insist on human rights in exchange for trade. We have the tools at hand to improve the human rights situation in Vietnam. I ask my colleagues how they justify not using this tool when so many have asked for our help.

Mr. McNULTY. Mr. Speaker, I yield back the balance of my time.

Mr. ROHRBACHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I rise in opposition to this legislation, until such time as the administration can reach a fair agreement with Vietnam on the catfish issue.

□ 1530

Well, my suggestion is that they are going to continue stealing our software in Vietnam, just as in China, now that we have liberalized trade with them. It has not changed their practices one iota at all.

So let us understand that when we make agreements with these types of regimes, these criminal regimes around the world, surprise, surprise, we are not going to be treated as if we are dealing with an honest democratically elected government that keeps its word. Instead, we are dealing with gangsters who pirate, and not only pirate but repress their own people, even commit murder. I mean, they murder their opponents in these regimes, and that means Vietnam, and yet we expect them to abide by some nice trade agreement with us? No. The agreements that they make with us will only be followed to the point that they are beneficial to the Vietnamese Government and the clique that runs that country.

Let us take a look. We have heard about the catfish industry. I am very happy that the catfish industry was

brought up today because we do not know whether or not the catfish industry in Vietnam was established with the help of a taxpayer loan or subsidy from the U.S. taxpayers, but we do know that we have several Congressmen from a variety of States here worried about their constituents being put out of work because catfish from Vietnam are flooding into our market. We do not know whether or not that catfish industry was set up with a taxpayer subsidized loan; but we do know that there is slave labor in Vietnam, that there are none of the environmental health standards in Vietnam, and there are none of the other types of protections in Vietnam that would be required of them if they were raising those catfish in the United States.

And by the way, those same requirements might be put on Vietnam if they had a democratic government. If they had a democratic government, maybe they would be forced to pay their people more, or perhaps the people of Vietnam would demand higher health standards. But they do not have a democratic government. They have a gangster clique that runs the country and they are going to manipulate the catfish industry for their benefit. I would bet some of this clique in Hanoi are making money off the catfish industry by putting our people out of work.

By making this agreement today, we will just do for the rest of American industry, step by step, what was done to the catfish industry, and we will be doing it with subsidies from the American taxpayers and loan guarantees from the American taxpayer. It makes no sense.

Let us talk a little bit about the issue of human rights. And I will just say to my colleagues that suggest that if we would just open up these economic ties, there will be more respect. In fact, we have heard some people claim there has already been progress.

There has been no progress. There has been retrogression in China, and there has been no progress about opening up that system democratically in Vietnam whatsoever. There are more five-star hotels around so that there are our big businessmen with guaranteed loans in their pockets from the American taxpayers can go over there and invest and set up factories over there to use slave labor. Oh, yes, there are some five-star hotels, but that is not progress. That is not progress at all.

What we still have are no opposition parties, no independent courts at all. There is no rule of law in that country, no freedom of the press, so nobody can criticize the corruption there. And that is why people do not invest unless they have government guarantees and loans or subsidies, because it is too risky a proposition.

Why are we setting up the rules of the game and doing trade with a coun-

try like that when instead we should be seeking to encourage people to invest in democratic countries like the Philippines or in our own country to protect people with our own jobs?

Last but not least, the POW issue. I have spent so much time on this issue over my 13 years in Congress. I cannot say it is more than any other Member, but I know that I have spent considerable time on it. I have been to Vietnam numerous occasions and Southeast Asia numerous occasions on this issue. I have studied it and I, without hesitation, can tell my colleagues that I do not believe this government has cooperated in good faith with the United States in trying to have an accounting for those Americans who were seen alive in captivity before the return.

There were over 200 of those Americans who were in captivity; we knew they were, yet they were not returned at the end of the war. We want to find out what happened to those people. We do not want to have this obfuscation. We do not want this issue sugar-coated or candy-coated.

They show pictures of this issue, of our people there digging for bones. Yes, digging for some of those bones will bring closure to some people, but we want truth. We want to establish the truth. If they kept those people and they murdered them later on, let us hear about it, and we can close this chapter of the book. But let us not let them get away with the same falsehood they have been using on their own people.

I would ask for my colleagues to join me in opposition to this trade deal. It is contrary to America's interests. It is a bad deal. It is contrary to our values and will not bring a close to the Vietnam era. It will just leave this corrupt dictatorship thinking they put one over on us.

Mr. Speaker, I yield back the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in allowing me to speak on this important legislation.

I agree with one thing from the comments of my colleague from California, and that is that this is closing a chapter in American history. But I think, most important, it represents opening a new era in relationships between the United States and Vietnam.

We have heard people talk on this floor about the painful experience. And I think there is no question why people feel so strongly and passionately about it. This was a chapter in our history where traditional measures simply do not apply.

Traditional concepts are of winning or losing a war, for example. Certainly the American public has lost over the course of the last third of a century.

Certainly we paid heavily in economic terms, costing billions of dollars and throwing our economy into chaos.

Families lost. We all know people who lost loved ones. Over 56,000 Americans did not return. And there have been massive efforts on behalf of both the United States and the Vietnamese Governments to try to account for everyone, more than any other war in American history. Yet we are still striving to close that chapter.

And, of course, we have to look no further than the streets of America now where we see troubled and, in some cases, homeless veterans who returned seared by the process.

But those of us who have experienced a little bit of the situation in Vietnam recently, who have talked to our constituents who are here now and who are of Vietnamese heritage know that this chapter exacted a horrible price on Vietnam itself. There were hundreds of thousands of casualties, tens of thousands of missing and still unaccounted for, and it produced a flirtation with global communism as an ally that has delayed the modernization of that country, including not just its economy and human rights, but reintegration into the family of nations.

Thankfully, soon after the formal fighting ended, there were courageous people who stepped forward to try to begin this new era. No discussion of this issue would be complete without noting the unique contributions by American heroes, like Senator MCCAIN, Senator KERRY, and our own former colleague on the floor of this House and ambassador to Vietnam, Pete Peterson, who worked to engage our two countries.

We have made tremendous progress in reconciling our past to the new future. It is still not going to be easy. This terrible tragedy in Vietnam continues to claim victims every day. And those who visited the country lately cannot help but be touched by the young children who continue to be maimed by land mines and other unexploded ordnance, by people struggling with war injuries, physical and psychological, children with birth defects.

We have hundreds of thousands of Vietnamese who have fled to the United States, who are now citizens of our country, who are trying to reconcile it as well, struggling with the past, and who are hungry for reconciliation with divided families. This trade agreement is an opportunity to open up whole new avenues of commerce and contact between our two countries, but particularly for Vietnamese Americans.

Vietnam today is an entirely different nation, unlike what some would lead us to believe. It is entirely different from what we saw 40 and 50 years ago. The architects of the Vietnam War on the side of the Vietnamese, like Ho Chi Minh and his contemporaries, are gone. It is an oft-cited

statistic that 60 percent of the Vietnamese people have been born after the conclusion of that war and the vast majority have no memory of those efforts.

I appreciate the gentleman from Michigan (Mr. LEVIN) yielding me this time, and I apologize if I got carried away a little bit, but we see this new country that is emerging that can take advantage of this trade agreement to forge new links. Southeast Asia is a cauldron today of over 600 million people, of diverse countries rich in natural resources, economic energies and rich cultures, and Vietnam is right in the middle of it. It is a country that has a long history of being leery of the country of China, for instance, and a thousand years of experience to back it up.

We have seen people labor mightily over this trade agreement. We are going to see a new era of economic prosperity in Vietnam. It is going to help us economically, but it will be transformational for them, and it is going to empower a new generation of leaders, of entrepreneurs, speed the healing, and give them the energy to slam the pages closed on this chapter and open a new one.

I deeply appreciate the leadership of the Committee on Ways and Means, my colleague, the gentleman from Michigan (Mr. LEVIN), in bringing this forward, the many people who have labored mightily for this agreement, and I strongly urge its passage.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

I had a chance at the beginning to lay out a perspective of mine and, I think, many, many of my colleagues on the Democratic side. I think this has been a useful discussion, and I hope many have heard it, though not here. I simply want to reemphasize that this is not an easy relationship. It is a complex relationship because of the past, but also because of the present and likely the near future.

There should be no rose-colored lenses. We are dealing with a society, a structure, that is very different from ours. Very different. A political structure that is very different and an economic structure that is very different. As a result, there is no automatic factor here. There is no magic wand. One thing will not lead automatically to another. I do not think a free capital market will lead automatically to a free labor market or to human rights.

I think, as a result, we need a well-rounded comprehensive approach. I think included must be engagement, including on intellectual property. This agreement covers intellectual property. It has restrictions in terms of how the Vietnamese handle it.

But beyond that, I think comprehensiveness must increasingly include, with this authoritarian society, their movement towards a free market in labor as well as in capital. That is why

I think we need to both engage and pressure Vietnam. That is why I think, as we negotiate further agreements with Vietnam, we must consider the factors, including the labor market factors and perhaps even the environmental factors that at this point are not as critical.

□ 1545

So, in a word I think we need to move forward but in a comprehensive way. And on balance, I believe that this bill represents a movement forward, as long as we keep in mind the reality of a very different society with a very different structure that requires a different formula as we did with Cambodia, as we have wrestled with, with other countries, we would apply, if we were negotiating or approving an agreement with another industrialized democratic society.

So with this, I close, hoping that we will pass this within the framework that I have suggested and I believe so many of my colleagues agree with.

Mr. Speaker, I yield back the balance of my time.

Mr. McNULTY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my other colleagues who are in opposition to this measure have eloquently outlined the many reasons to oppose it. I will close by concentrating again just on the MIA issue.

Mr. Speaker, I thank Boyd Sponaugle, Ron Cima and Chuck Henley of the Office of the Secretary of Defense for the updated information on the search for our MIA's. I am grateful to them and all who are working to bring our MIA's home.

As I grow older, Mr. Speaker, I try to keep my priorities straight. That is why when I get up in the morning, the first two things I do are to thank God for my life and then veterans for my way of life. Because had it not been for my brother Bill and all of those who gave their lives in service to this country through the years, had it not been for people like the gentleman from Texas (Mr. SAM JOHNSON) and PETE PETERSON and Senator MCCAIN who endured torture as prisoners of war, had it not been for people like Pete Dalessandro, a World War II Congressional Medal of Honor winner from my district who was laid to rest 2 years ago in our new cemetery in Saratoga, had it not been for them and all of those who wore the uniform of the United States military over the years, I would not have the privilege as an American citizen to go around bragging, as I often do, how we live in the freest and most open democracy on the face of the Earth. Because freedom is not free. We paid a tremendous price for it.

So today, Mr. Speaker, based upon the comments that I made earlier and the comments of my colleagues, and on behalf of all 1,474 Americans who are

still missing in Vietnam, I ask my colleagues to join me, the American Legion, the Veterans of the Vietnam War, the National Vietnam Veterans Coalition, and the Disabled American Veterans in opposing this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me say that ordinarily in this debate the gentleman from Illinois (Mr. CRANE), would be heavily involved in the debate; but due to a family circumstance, the gentleman is not here today.

Mr. Speaker, in my response to my friend, the gentleman from New York (Mr. McNULTY) and his poignant comments, I too share the concern that he expresses.

I think it is important to note, however, that, for example, in World War II there were more than 50,000 missing in action. It is true we have a better capability and we have carried on a much longer search to verify each and every individual who was missing in action; but the two former major Axis Powers are now two of our major trading partners. I do have to say we engage in trade disputes periodically, but we do so in an ordered process.

I believe most of us who are in support of this resolution to enter into normal trade relations with the Socialist or Communist Government of Vietnam is to believe that this too will have a better outcome.

I do want to respond to my colleague, the gentleman from California (Mr. ROHRBACHER), about his concern in terms of taxpayers' money. While this debate has gone on, we have engaged in a number of conversations. For example, the Export-Import Bank of the United States has indicated that there have been no transactions, therefore, no funds have been authorized for participation in Vietnam by American businessmen.

We pursued farther. The Overseas Private Investment Corporation has indicated that there has been no activity. Beyond that they are required by law to examine any project to determine if it would have a negative impact on the U.S. economy and business. They would be required by law to turn a project down. So although there may be somebody's private dollars involved in the catfish operation, at this point I believe I can offer a degree of assurance to the gentleman from California (Mr. ROHRBACHER) that there has been no taxpayer dollars.

But the point he makes, if not specific to the catfish industry, is one that we have to be concerned about. And that is why this agreement can be revoked at any time by the President under the structure that we have established. This is a year-to-year renewal. It is an embarkation on an attempt with a nonmarket economy to

improve not only the labor areas that the gentleman from Michigan (Mr. LEVIN) has indicated he has a concern about, but the intellectual property rights guarantee that has caused so much pain by the copying around the world. Of course, the key to that is the transparency in the transactions. This will be a good test of the Government of Vietnam to see if they can be trustworthy.

In fact, I find it entirely appropriate to reflect on the comments of the President of Mexico in the address he gave to the joint session today. He indicated one of the key commodities to improve the relationship between the United States and Mexico is a degree of trust. He indicated that notwithstanding the democratic title of the country over a number of years, it was far more authoritarian, that was his word, than democratic, but that there is a new era.

Mr. Speaker, I cannot say the same for the current government of Vietnam, but I do believe sincerely that this agreement will move us more in the direction of an open opportunity for Vietnamese citizens to express themselves.

Currently, this will be in the more economic realm rather than in the political realm. There is no question they have what they believe to be a semblance of what they call a democracy; but the fundamental core of a democracy is that the decisions be made quantitatively with each person getting equal weight. We know that is not now the case in the Socialist or Communist Republic of Vietnam.

All of those facts laid bare on the table, House Joint Resolution 51, introduced by the gentleman from Texas (Mr. ARMEY), the majority leader, and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, with the support of the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE), is worthy of a "yes" vote. We should move forward with this ongoing engagement with the Socialist or Communist Republic of Vietnam. It will be a yearly test to see if, in fact, our trust is well placed. If it is not, we can change. But for today, I urge my colleagues to vote "yes" on House Joint Resolution 51.

Mr. GILMAN. Mr. Speaker, I rise in strong opposition to H.J. Res. 51, a resolution approving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam.

Amnesty International reports that the government of Vietnam continued to prevent independent human rights monitors from visiting the country and dozens of prisoners of conscience remained in prison throughout 2000. Restrictions on released prisoners continued to be harsh. Political dissidents, independent labor leaders and religious critics of the government were subjected to imprisonment, beatings, torture, surveillance, harassment and denial of basic freedoms, including freedom of expression.

Last year, five members of the Hoa Hao Buddhist Church were sentenced to between one and three years' imprisonment on trumped up charges.

The State Department points out that the government of Vietnam prohibits independent political, labor, and social organizations; such organizations exist only under government control. The Vietnamese Government also restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities.

Accordingly, we should not reward the Vietnamese communist dictatorship with trade benefits. It is an insult to the thousands of American and Vietnamese men and women who were wounded or died during the war fighting for democracy, the rule of law and human rights.

Accordingly, I urge my colleagues to vote against H.J. Res. 51.

Mr. GEPHARDT. Mr. Speaker, last January, I traveled to South Korea, Cambodia and Vietnam to discuss issues of peace, reconciliation, trade and security between the United States and Asia. It was a remarkable trip that helped us to learn. We learned so much about Vietnam and I became convinced that implementation of this Bilateral Trade Agreement is the right policy both for the Vietnamese and the American people. Therefore, I urge Members to vote for the Vietnam trade agreement to establish a regular trade regime between the United States and Vietnam.

Thanks to Pete Peterson, former Ambassador to Vietnam, thousands of American and Vietnamese veterans, and the hard work of literally millions of people we have made large strides in reconciling our two nations after the agony of the Vietnam war. Over 50,000 Americans died in that conflict, thousands more were injured, and the war took the lives of hundreds of thousands of Vietnamese and left the country devastated. Pete Peterson has said: "We cannot change the past. What we can change is the future."

Working in this spirit, America and Vietnam have established diplomatic ties, undertaken joint efforts to locate the remains of those still missing in action, and trade between our countries has increased. Last year, the United States and Vietnam completed this bilateral trade agreement, to set the stage for an even closer relationship between our nations and a trade regime that is more robust.

On the last night of our trip, I spoke in Hanoi to the American Chamber of Commerce. That night, it became clear that both Americans in Vietnam and the Vietnamese wanted free and fair trade to lift up the lives of both our peoples. There is a hunger not to forget but to use the war as a springboard for healing and hope for the future of both countries. Virtually everyone we met said they wanted to join the global community and reap the benefits of the twin revolutions in trade and technology that are sweeping the globe.

Our challenge is to work with Vietnam among other partners in trade to bend globalization for progressive ends: to make sure globalization produces higher living standards and stronger economies in devel-

oping and developed nations alike. This agreement is only a first step to raise living standards in Vietnam. It is not a free trade agreement. It establishes a formal trade relationship between our countries, lowering tariffs, increasing the flow of trade, and providing important new protections of intellectual property and investments in Vietnam by American companies.

I hope that passage of this agreement will eventually help to strengthen labor rights and human rights for the Vietnamese people. We must continue the dialogue developed by Ambassador Peterson on labor rights and the U.S. technical assistance program. Also, I strongly support the suggestion from Congressman LEVIN, among others, that any textile agreement between Vietnam and the United States include a provision to promote labor rights. The model for such a provision lies in the agreement between America and Cambodia, to provide positive incentives in which we have promised to increase textile quotas once progress on labor issues has been established.

I urge the Bush administration to continue to press in Vietnam for progress on human rights and religious freedom. If Vietnam moves towards the rule of law in commerce, I believe that it must also make progress in freedom for the Vietnamese people.

Since the war ended in 1975, our countries have traveled on a journey, often difficult and agonizing, yet remarkable all the same; a journey defined by peace and reconciliation, motivated by healing and deeper human understanding. This trade agreement moves both countries forward in this remarkable effort. It is a positive development for both people. I hope all of my colleagues will support this resolution, and help us take another step on the road to healing and hope for all.

Mr. CRANE. Mr. Speaker, I stand in firm support of House Joint Resolution 51, which approves the U.S.-Vietnam Bilateral Trade Agreement, grants NTR status to Vietnam, completes the normalization of our diplomatic relations begun in 1995. A failure to support this key legislation risks undercutting long-standing U.S. foreign policy objectives in Southeast Asia, damaging the credibility of the reform faction within the Hanoi government, and causing Vietnam's 80 million people to slide backwards toward isolationism.

In 1986, Hanoi initiated a policy of *doi moi*, or "economic renovation." For the first time the government encouraged private business start-ups and permitted inward foreign investment. As a result, Vietnam sustained on average nearly 8 percent annual GDP growth and welcomed \$8.3 billion in foreign investment during the 1990s.

I visited Vietnam this past April and was struck by its 92 percent literacy rate, its thriving entrepreneurship, and the thousands of zooming motorbikes. Industrial parks now line the suburbs of the major cities, and government is planning to open a stock exchange in downtown Ho Chi Minh City. As GDP has doubled and per capita income has risen 60 percent since 1990, a small but growing, consumer-oriented middle class is taking root.

Signed in July 2000, the U.S.-Vietnam BTA will buttress these enormous economic and social reforms. The BTA represents the most

far-reaching and comprehensive trade agreement ever negotiated with a non-market economy country. It grants the United States vastly improved access to Vietnam's potentially enormous consumer class, and improves market access for industrial and agricultural goods, services, intellectual property rights, and investment, while requiring greater transparency.

The U.S.-Vietnam Bilateral Trade Agreement will help Vietnam's reformers lock in the economic transformation that slower growth after the Asian financial crisis threatens to unravel. Continued engagement with the Vietnamese government also advances key U.S. foreign policy objectives, including the fullest possible accounting of Prisoners of War/Missing in Action (POW/MIA), freedom of emigration, increased U.S. business opportunities in Vietnam, and promoting Asian regional stability.

Former Vietnamese Ambassador to the United States, Le Van Bang recently noted the positive influence that continued engagement has had on the Vietnamese people. He said that since we first reestablished diplomatic ties, the Vietnamese people have changed their attitudes toward Americans from "the bitterness of war to a love of America." In such a fresh and positive atmosphere, our values in other key areas surely stand a much better hearing and more open consideration if we continue down this road. Approval of the U.S.-Vietnam BTA demonstrates we too are healing from one of the most divisive wars in our nation's history and that we seek to begin a new and truly productive era in U.S.-Vietnamese relations.

Congressional approval of the U.S.-Vietnam Bilateral Trade Agreement and the expansion of business contacts between our two nations provides the strongest foundation for encouraging even further progress and reform in Vietnam. Therefore, I urge my colleagues to vote yes for H.J. Res. 51.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of this measure to expand our trade relations with Vietnam.

This resolution, which ratifies the U.S.-Vietnam bilateral trade agreement and extends normal trade relations to Vietnam, enjoys broad bipartisan support. The agreement represents a milestone toward building a stronger commercial relationship with Vietnam and promoting U.S. security and diplomatic interests in the region.

We have seen tremendous progress in our diplomatic and economic relations with the Vietnamese Government. The country is experiencing a new era, driven by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment.

Through a policy of engagement and U.S. business investment, Vietnam has improved its policies on immigration, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of POW/MIAs from the Vietnam War.

Despite problems of corruption and government repression, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open, respect human rights and follow the rule of law. Former U.S. Amba-

sador to Vietnam, Pete Peterson, our esteemed former colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam.

However, this resolution is not a blank check to Vietnam. Before the United States grants NTR status to Vietnam, the Vietnamese Government is required to sharply lower most tariffs; phase out all non-tariff measures; and adhere to WTO standards in applying customs, import licensing another measures.

This measure also takes an important step in requiring Vietnam to allow U.S. firms over a period of time to enter its services market in a full range of areas, including financial, telecom, engineering, computing, education, health and other services. Two other critical areas of this agreement require Vietnam to protect U.S. investments from expropriation and adopt a fully transparent trade and investment regime.

Mr. Speaker, disapproval of this resolution will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Approval of this bilateral agreement will advance U.S. economic interests and, more importantly to our regional interests in Asia, further integrate Vietnam into the global economy. I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in favor of H.J. Res. 51. I am pleased to have the opportunity to vote in favor of free trade while respecting my commitment to Human Rights.

Mr. Speaker, last year the U.S. signed a sweeping bilateral trade agreement with Vietnam.

The State Department year 2000 review of Vietnam human rights noted that Vietnam has made improvements in its human rights record. Despite these improvements, the State Department still rated Vietnam as "poor" overall on human rights, highlighting continued government repression of basic political freedoms. The State Department also noted that the Vietnam Government is intolerant of dissenting viewpoints, and selectively represses the religious rights of its citizens.

Because of these factors, I voted in favor of H.J. Res. 55, legislation disapproving Waiver Authority with respect to Vietnam. Mr. Speaker, my vote was a protest vote, for I believe we cannot continue to hope that trade alone will guarantee the basic human rights of our trading partners.

Today, this House also considers H.R. 2368, the "Vietnam Human Rights Act," which establishes a commission to monitor human rights in Vietnam. I regard this as a step in a new direction, and one that I applaud. By discussing trade with Vietnam in the same context as its human rights situation, we are finally moving in a more comprehensive direction that respects our global obligations.

As the leader of the free world, we have an obligation to promote core values when engaging the rest of the world. Thus, I have fewer reservations about moving forward with Vietnam.

As we move into this new millennium, our actions here today signal a commitment to expanding the marketplace in a manner that benefits both the United States and Vietnam. The extension of Normal Trade Relations will grant market access to American industrial and agricultural products previously denied from competition. U.S. firms are also granted access to the Vietnam services market. We will be allowed to compete in telecommunications, financial services, engineering, accounting, and a variety of industries that will help develop an infrastructure in Vietnam to support our new commitment to engage Vietnam on all levels of concern.

The approval of this legislation will ensure that U.S. firms committed to trade with Vietnam receive the protection of investments necessary to commit resources in a foreign country. By requiring a fully transparent trade regime with the promulgation of laws and regulations through a public process, this legislation helps Vietnam develop policies that will help this nation fully engage the world.

This legislation cannot be evaluated, however, without the approval of H.R. 2368. Advancing the agenda of global trade in countries that do not respect their citizens is tantamount to modern day feudalism, and should not be supported by this House.

Establishing a trade regime with Vietnam that will ease this nation's transition into the WTO means nothing unless prisoners like Catholic Priest Nguyen Van Ly, Mr. Le Quang Liem of the Inter-Religious Council, and Buddhist leaders the Venerable Thieh Huyen Quang and the Venerable Thieh Quang Do are ensured their right to freely exercise their respective religions.

Mr. Speaker, today this House goes a long way toward reconciling the concerns of all parties interested in global trade and its consequences. Passage of H.J. Res. 51 ensures that American products will be given fair access to the Vietnamese marketplace. By combining the extension of this trade with the recognition of Human Rights here on the House Floor, we set a positive precedent for future trade legislation. I therefore support H.J. Res. 51.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore (Mr. SIMPSON). All time for debate has expired. Pursuant to the order of the House of Wednesday, September 5, 2001, the joint resolution is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

#### GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 51, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### REREFERRAL OF H.R. 1448 TO COMMITTEE ON RESOURCES AND COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from consideration of the bill, H.R. 1448, and that the bill be re-referred to the Committee on Resources and to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### ADJOURNMENT TO MONDAY, SEPTEMBER 10, 2001

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1600

#### SUDAN SPECIAL ENVOY

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to thank the President of the United States, President George W. Bush, for the appointment today of a special envoy, former Senator Danforth from Missouri to work on the issue of bringing peace in Sudan.

I also want to thank Secretary of State Colin Powell for his efforts and his work. I think the Bush administration, President Bush and Secretary Powell, have really taken a very bold and a very, very important step.

I also want to congratulate or thank or commend Senator Danforth for accepting this very difficult job. As many people know, there has been a war going on in Sudan for almost more than 18 years.

I have visited Sudan four times in the last 10 years. In Sudan more than 2.2 million people, most Christians, a number of Animists and a number of Muslims, have been killed as a result of this war.

There has been unbelievable famine in Sudan. In Sudan, every major terrorist group, Hamas, Abu Nidal and others, has had operations in and around Khartoum, and there is also, as many people know, Osama bin Laden had been in Sudan for a period of time.

There is slavery in Sudan. What happens is the militia go into the villages, kill the men, rape the women and take the children away for slavery.

So I think the move by President Bush today, working through the good efforts of Secretary Powell, appointing Senator Danforth will really make a tremendous difference. It is the greatest opportunity we have had in years to bring about a just and a lasting peace.

This puts a tremendous burden on the Khartoum government and both sides having to come together whereby the people of the south and the people of the north can live in peace.

This has been a particularly difficult time because with the revenue, over \$700 million this year of oil revenues, they are using that revenue to buy weapons and helicopter gun ships to kill the people in the areas where they have discovered and are now drilling for oil.

This is an opportunity.

I want to also thank all of the groups, and I will submit for the record all of the names, but those individuals who have been working on this issue for so long. I am reluctant to get into specifics because there are so many; but I will at the end of the statement submit with it their names and all the people who have been working for the last, some for 10, 11 and 12 years, a number of Members of Congress.

When I think on the Senate side, the Senator from Tennessee (Mr. FRIST) and the Senator from Kansas (Mr. BROWNBACK). On the House side, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. LANTOS) and other Congressmen who have been to the region that are working on this. Also, the numerous groups of all denominations from throughout America that are participating and because of their efforts this day has taken place.

With prayer and with the hard work of Senator Danforth, it will be my hope that we can bring peace whereby the people of Sudan could live in peace.

In closing, from the bottom of my heart, I want to thank President Bush

for this action, those on the President's staff who helped put this together; also Secretary Powell for his actions and those who work at the State Department that are involved in this very, very important issue. Perhaps they will all be like Esther: they are being called just for a time like this, to bring about peace, whereby the people in the south and the north can live together.

Mr. Speaker, I rise to thank and congratulate President George W. Bush and his administration for naming former Senator John Danforth of Missouri as the United States Special Envoy to Sudan. Earlier today, in a beautiful and powerful ceremony in the Rose Garden at the White House, President Bush, supported by Secretary of State Colin Powell, expressed to Sudan and the world that the United States is deeply committed to helping resolve the conflict in Sudan that has claimed an estimated 2.2 million lives during the past 18 years of civil war. This is a conflict that has also driven another 4 million from their homes, threatens 2 million additional innocent victims with starvation, has witnessed deliberate aerial bombings of schools and churches by the government of Sudan, and has even tolerated the disgrace of slavery in the 21st century.

It was noted today, that the degree of difficulty in bringing an end to the suffering in Sudan is very high, but if there is even a chance of success, then the United States must accept this role of peacemaker in this struggle. I applaud Senator John Danforth for stepping forward and accepting this most challenging position of trust. I believe he has the experience, character and reputation around the world to succeed in this job.

Everyone who has been involved in bringing an end to the suffering in Sudan acknowledges that this job will not be easy. This effort will require the United States government to speak as one voice. It will require the desire for peace by the combatants in this war, the government of Sudan and the SPLA. It will require the support of the European Union and neighboring countries of Sudan, such as Egypt, Kenya and others. And it will require the support of non-government organizations, religious leaders and citizens of the world. I firmly believe that if successful in bringing a just peace to Sudan, Senator Danforth should win the Noble Peace Prize.

Today's ceremony announcing Senator Danforth as Special Envoy to Sudan was a long time in coming. It came after many long hours and hard work by many individuals and groups around our country. The bright blue skies and bi-partisan crowd in the Rose Garden reflected the perfect backdrop for this ceremony today and signal bright hope for tomorrow for the people of Sudan.

As I mentioned earlier, many individuals and organizations are responsible for helping shape the administrations policy with regard to Sudan. I applaud the bi-partisan efforts of members of Congress in supporting the appointment of a high-level Special Envoy to Sudan. Representatives DICK ARMEY, TOM TANCREDO, DON PAYNE, TOM LANTOS, ED ROYCE, SPENCER BACHUS, J.C. WATTS, CYNTHIA MCKINNEY, CHRIS SMITH, TONY HALL, former Congressmen Walter Fauntroy and

Harry Johnston as well as Senators SAM BROWNBACK and BILL FRIST all have played critical roles in seeing that this day finally arrived and they deserve special mentioning.

Many in the administration also deserve mentioning for their efforts in making this day happen. Assistant Secretary of State Richard Armitage, National Security Adviser, Condoleezza Rice, Karl Rove at the White House, Andrew Natsios, the director of USAID, Roger Winter, USAID, Elliot Abrams, former chairman of the U.S. Commission on International Religious Freedom and current Assistant to the President at the National Security Council, Walter Kansteiner, Assistant Secretary for African Affairs, and Ted Dagne of the Congressional Research Service have all played pivotal roles in shaping U.S. policy.

Religious leaders and organizations around our country have also provided unbending support in these efforts. Franklin Graham, Cardinals Bernard Law and Theodor McCarrick, the late Cardinal John O'Connor, Father Michael Perry of the United States Catholic Conference, Faith McDonald of the Institute of Religion and Democracy, as well as, the Presbyterian Church, Jewish leaders and Christian colleges across our country have all contributed as well.

Finally, many outside of government have steadfastly beat the drum calling for action in Sudan. I would be remised if I didn't mention a few of them as well. Nina Shea and Rabbi David Saperstein, both commissioners on the U.S. Commission on International Religious Freedom, Roger Robinson and Adam Penner of the Casey Institute, Michael Horowitz, Professor Eric Reeves of Smith College, Chuck Colson and Mariam Bell of Prison Fellowship, radio personality Joe Madison of WOL-Am in Washington, D.C., Steven Morrison of the Center for Strategic and International Studies, Jerry Fowler of the U.S. Holocaust Museum, and Charles Jacobs of the American Anti-slavery group are just a few of the patriots for justice who have continued the efforts that led to a special envoy being named for Sudan.

Today is a great day of hope for those who speak out for the voiceless and innocent of Sudan who have suffered for too many years. But, today is just the beginning of the efforts that are hoped to bring a just peace to the insanity that has taken place in Sudan for the past two decades.

Today, President Bush described the war taking place in Sudan as brutal and shameful. He said it deserves the attention and compassion of the world if it is to end. Senator Danforth noted that the U.S. can encourage the peace, but can not make it happen on our own. He will need much help in successfully bringing the atrocities to an end.

It is my hope that through much prayer and hard work, both sides in this conflict will resolve to bring an end to the suffering of so many innocent people and end this war for ever. I thank and applaud President Bush, Secretary Powell, Senator John Danforth and everyone involved in making this day happen. I encourage the American people to stay vigilant in seeing to it that peace comes to Sudan. I pray for the people of Sudan that today will mark the beginning of peace in your country.

#### THE U.S. DOLLAR AND THE WORLD ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, I have taken a Special Order today to address the subject of the U.S. dollar and the world economy, and in the words of James Madison, the pestilent effects of paper money.

Mr. Speaker, Congress has a constitutional responsibility to maintain the value of the dollar by making only gold and legal silver tender and not to emit bills of credit, that is, paper money. This responsibility was performed relatively well in the 19th century despite the abuse of the dollar suffered during the Civil War and despite repeated efforts to form a Central Bank.

This policy served to maintain relatively stable prices, and the shortcomings came only when the rules of the gold standard were ignored or abused.

In the 20th century, however, we saw the systematic undermining of sound money with the establishment of the Federal Reserve System in 1913 and the outright rejection of gold with the collapse of the Bretton Woods agreement in 1971. We are now witnessing the effects of the accumulated problems of 30 years of fiat money, not only the dollar but also all the world currencies, something the world has never before experienced.

Exactly how it plays out is yet unknown. Its severity will be determined by future monetary management, especially by the Federal Reserve. The likelihood of quickly resolving the deeply ingrained and worldwide imbalances built up over 30 years is remote. Yielding to the addiction of credit creation, as has been the case with every market correction over the past 30 years, remains irresistible to the central bankers of the world. Central planners who occupy the seats of power in every central bank around the world refuse to accept the fact that markets are more powerful and smarter than they are.

The people of the United States, including the U.S. Congress, are far too complacent about the seriousness of the current economic crisis. They remain oblivious to the significance of the U.S. dollar's fiat status. Discussions about the dollar are usually limited to the question of whether the dollar is now too strong or too weak. When money is defined as a precise weight of a precious metal, this type of discussion does not exist. The only thing that matters under that circumstance is whether an honest government will maintain convertibility.

Exporters always want a weak dollar; importers, a strong one. But no one de-

mands a stable, sound dollar, as they should. Manipulation of foreign trade through competitive currency devaluations has become commonplace and is used as a form of protectionism. This has been going on ever since the worldwide acceptance of fiat money 30 years ago. Although some short-term advantage may be gained for certain manufacturers and some countries by such currency manipulation, it only adds fuel to the economic and financial instability inherent in a system of paper money.

Paper money helps the strong and hurts the weak before it self-destructs and undermines international trade. The U.S. dollar, with its reserve currency status, provides a much greater benefit to American citizens than that which occurs in other countries that follow a very similar monetary policy. It allows us to export our inflation by buying cheap goods from overseas while our dollars are then lent back to us to finance our current account deficit. We further benefit from the confidence bestowed on the dollar by our being the economic and military powerhouse of the world, thus postponing the day of reckoning. This permits our extravagant living to last longer than would have otherwise occurred under a gold standard.

Some may argue that a good deal like that should not be denied, but unfortunately the piper must eventually be paid. Inevitably the distortions such as our current account deficit and foreign debt will come to an end with more suffering than anyone has anticipated.

The monetary inflation of the 1990s produced welcomed profits of \$145 billion for the NASDAQ companies over the 5 years between 1996 and 2000. Astonishingly, this entire amount was lost in the past year. This does not even address the trillions of dollars of paper losses in stock values from its peak in early 2000. Congress has expressed concern about the staggering stock market losses but fails to see the connection between the bubble economy and the monetary inflation generated by the Federal Reserve.

Instead, Congress chooses to blame the analysts for misleading investors. The analysts may not be entirely blameless, but their role in creating the bubble is minimal compared to the misleading information that the Federal Reserve has provided with artificially low interest rates and a financial market made flush with generous new credit at every sign of correction over the past 10 years.

By preventing the liquidation of bad debt and the elimination of malinvestment and overcapacity, the Federal Reserve's actions have kept the financial bubble inflated. Of course, it is an easy choice in the short run.

Who would deliberately allow the market tendency to deflate back to stability? That would be politically unacceptable.

Talk of sound money and balanced budgets is just that. When the economy sinks, the rhetoric for sound policy and a strong dollar may continue, but all actions by the Congress and the Fed will be directed toward reinflation and a congressional spending policy oblivious to all the promises regarding a balanced budget and the preservation of the Social Security and Medicare Trust Funds.

But if the Fed and its chairman, Alan Greenspan, have been able to guide us out of every potential crisis all the way back to the stock market crash of 1987, why should we not expect the same to happen once again? Mainly because there is a limit to how long the monetary charade can be perpetuated. Now it looks like the international financial system built on paper money is coming to an end.

Modern day globalism since gold's demise 30 years ago has been based on a purely fiat U.S. dollar with all other currencies tied to the dollar. International redistribution and management of wealth through the IMF, the World Bank, and the WTO have promoted this new version of globalism. This type of globalism depends on trusting central bankers to maintain currency values and the international institutions to manage trade equitably, while bailing out weak economies with dollar inflation. This, of course, has only been possible because the dollar's strength is perceived to be greater than it really is.

Modern day globalists would like us to believe they invented globalism. Yet all they are offering is an unprecedented plan for global power to be placed in the hands of a few powerful special interests.

Globalism has existed ever since international trade started thousands of years ago. Whether it was during the Byzantine Empire or the more recent British Empire, it worked rather well when the goal was honest trade and the currency was gold. Today, however, world government is the goal. Its tools are fiat money and the international agencies that believe they can plan globally, just as many others over the centuries believed they could plan domestically, ignoring the fact that all efforts at socialism have failed.

The day of reckoning for all this mischief is now at hand. The dollar is weakening in spite of all the arguments for its continued strength. Economic law is overruling political edicts. Just how long will the U.S. dollar and the U.S. taxpayers be able to bail out every failed third-world economy and pay the bills for policing the world? U.S. troops are now in 140 nations around the world. The answer is certainly not forever and probably not

much longer, since the world economies are readjusting to the dislocations of the past 30 years of mismanagement and misallocation of capital characteristic of fiat money.

Fiat money has been around for a long time off and on throughout history, but never has the world been so enthralled with the world economy being artificially structured with paper money and with a total rejection of the anchor that gold provided for thousands of years.

□ 1615

Let there be no doubt, we live in unprecedented times and we are just beginning to reap what has been sown the past 30 years. Our government and the Federal Reserve officials have grossly underestimated the danger.

Current concerns are expressed by worries about meeting the criteria for a government-declared recession and whether a weaker dollar would help. The first is merely academic, because if you are one of the many thousands who have been laid off, you are already in a recession.

The second does not make a lot of sense unless one asks, compared to what? The dollar has been on a steady course of devaluation for 30 years against most major currencies and against gold. Its purchasing power in general has been steadily eroded.

The fact that the dollar has been strong against Third World currencies and against most major currencies for the past decade does not cancel out the fact that the Federal Reserve has systematically eroded the dollar's value by steadily expanding the money supply. Recent reports of a weakening dollar on international exchange markets have investment implications, but do not reflect a new policy designed to weaken the dollar. This is merely the market adjusting to 30 years of systematic monetary inflation.

Regardless of whether the experts demand a weak dollar or a strong dollar, each inevitably demands lower interest rates, hoping to spur the economy and save the stock market from crashing. But one must remember that the only way the Federal Reserve can lower interest rates is to inflate the currency by increasing the money supply and by further debasing the currency.

In the long term, the dollar is always weakened even if the economy is occasionally stimulated on a short-run basis. Economic growth can hide the ill effects of monetary inflation by holding some prices in check, but it cannot prevent the overcapacity, the malinvestment which causes the economic downturn.

Of course, the central bankers cling to the belief that they somehow can prevent the ugly corrections known as "recessions." Economic growth, when artificially stimulated by money growth and low interest rates, gen-

erates the speculation we have seen in the stock, bond and real estate markets, along with the accumulation of excessive debt. Once the need for rectifying the overcapacity is recognized by the market, these imbalances are destined to be wiped out.

Prolonging the correction phase with the Fed's effort to reinflate by diligently working for a soft landing, or even to prevent a recession, only postpones the day the economy can return to sustained growth. This is a problem the United States had in the 1930s and one that Japan has experienced for more than a decade with no end in sight.

The next recession, from which I am sure we are already suffering, will be even more pervasive worldwide than the one in the 1930s due to the artificial nature of modern globalism with world paper money and international agencies deeply involved in the economy of every nation. We have witnessed the current and recent bailouts of Mexico, Argentina, Brazil, Turkey, and countries in the Far East. While resisting the market's tendency for correction, faith in government deficits and belief in paper money inflation will surely prolong the coming worldwide crisis.

Alan Greenspan made a concerted effort to stave off the 1991-1992 recession with numerous reductions in the Fed funds rate, to no avail. The recession hit, and most people believe it led to George Bush's defeat in the 1992 election. It was not that Greenspan did not try. In many ways, the Bush people's criticism of Greenspan's effort is not justified. Greenspan, the politician, would have liked to please the elder Bush, but was unable to control events as he had wished.

This time around, however, he has been much more aggressive, with half-point cuts, along with seven cuts in just the last 8 months, for a total of 3 points cut in the Fed funds rate. But, guess what? So far, it has not helped; stocks continue to slide and the economy is still in the doldrums. It is now safe to say that Greenspan is pushing on a string.

In the year 2000, bank loans and commercial paper were growing at an annualized rate of 23 percent. In less than a year, in spite of this massive influx of new credit, these loans have crashed to a rate of minus 5 percent.

Where is the money going? Some of it probably has helped to prop up the staggering stock market, but that cannot last forever. Plenty went into consumption and to finance extravagant living. The special nature of the dollar as the reserve currency of the world has permitted the bubble to last longer. That would be especially beneficial to American consumers. But in the meantime, understandably, market and political forces have steadily eroded our industrial base, while our service sector has thrived.

Consumers enjoyed having even more funds to spend as the dollars left manufacturing. In a little over a year, 1 million industrial jobs were lost, while saving rates sank to zero and capital investments plummeted. Foreigners continue to grab our dollars, permitting us to raise our standard of living, but unfortunately, it is built on endless printing of fiat money and self-limiting personal debt.

The Federal Reserve credit created during the last 8 months has not stimulated economic growth in the technology or the industrial sector, but a lot of it ended up in the expanding real estate bubble, churned by the \$3.2 trillion of debt maintained by the GSEs, the Government Sponsored Enterprises. The GSEs, made up of Fannie Mae, Freddie Mac and the Federal Home Loan Bank, have managed to keep the housing market afloat, in contrast to the more logical slowdown in hotel and office construction. This spending through the GSEs has also served as a vehicle for consumption spending. This should be no surprise, considering the special status that the GSEs enjoy, since their implied line of credit to the U.S. Treasury keeps their interest rates artificially low.

The Clinton administration encouraged growth in housing loans that were financed through this system. In addition, the Federal Reserve treats GSE securities with special consideration. Ever since the fall of 1999, the Fed has monetized GSE securities just as if they were U.S. Treasury bills. This message has not been lost by foreign central banks, which took their cue from the Fed and now hold over \$130 billion worth of United States GSE securities.

The Fed holds only \$20 billion worth, but the implication is clear: Not only will the Treasury loan to the GSEs, if necessary, since the line of credit is already in place, but if necessary, Congress will surely accommodate with appropriations as well, just as they did during the savings and loan crisis of the 1970s.

But the Fed has indicated to the world that the GSEs are equivalent to U.S. Treasury bills, and foreign central bankers have enthusiastically accommodated, sometimes by purchasing more than \$10 billion worth of these securities in 1 week alone. They are merely recycling the dollars we so generously print and spend overseas.

After the NASDAQ collapsed last year, the flow of funds into real estate accelerated. The GSEs accommodated by borrowing without restraint to subsidize new mortgages, record sales and refinancing. It is no wonder the price of houses are rising to record levels.

Refinancing especially helped consumers to continue spending, even in a slowing economy. It is not surprising for high credit card debt to be frequently rolled into second mortgages,

since interest on mortgage debt has the additional advantage of being tax deductible.

When financial conditions warrant, leaving financial instruments such as paper assets and looking for hard assets such as houses is commonplace and is not a new phenomenon. Instead of the newly inflated money being directed toward the stock market, it now finds its way into the rapidly expanding real estate bubble. This, too, will burst, as all bubbles do. The Fed, the Congress or even foreign investors cannot prevent the collapse of this bubble, any more than the Japanese banks were able to keep the Japanese miracle of the 1980s going forever.

Concerned Federal Reserve economists are struggling to understand how the wealth effect of the stock market and real estate bubbles affect economic activity and consumer spending. It should be no mystery, but it would be too much to expect the Fed to look to itself and its monetary policy for an explanation and assume responsibility for engineering the entire financial mess we are in.

A major problem still remains. Ultimately, the market determines all values, including all currencies. With the current direction of the dollar, certainly downward, the day of reckoning is fast approaching. A weak dollar will prompt dumping of GSE securities before Treasuries, despite the Treasury's and the Fed's attempt to equate them with government securities. This will threaten the whole GSE system of finance, because the challenge to the dollar and the GSEs will hit just when the housing market turns down and defaults rise.

Also a major accident can occur in the derivatives market, where Fannie Mae and Freddie Mac are deeply involved in hedging their interest rate bets. Rising interest rates that are inherent with a weak currency will worsen the crisis.

The weakening dollar will usher in an age of challenge to the whole worldwide financial system. The dollar has been the linchpin of economic activity, and a severe downturn in its value will not go unnoticed and will compound the already weakening economies of the world.

More monetary inflation, even if it is a concerted worldwide effort, cannot solve the approaching crisis. The coming crisis will result from fiat money and the monetary inflation. More of the same cannot be the solution. Pseudo free trade, managed poorly and driven by fiat money, is no substitute for true free trade in a world with a stable commodity currency, such as gold.

Managed trade and fiat money historically have led to trade wars, which the international planners pretend to abhor. Yet the trade war is already gearing up, and the WTO, purported to exist to lower tariffs, is actually the

agency that grants permission for tariffs to be applied when complaints of dumping are levied.

We are in the midst of a banana, textile, steel, lumber and tax war, all managed by the WTO. When cheap imports hit our market, it is a good deal for our consumer, but our manufacturers are the first to demand permission to place protective tariffs on imports. If this is already occurring in an economy that has been doing quite well, one can imagine how strong the protectionist sentiments will be in a worldwide slowdown.

Congress is starting to realize that the budget forecast based on an overly optimistic growth rate of 3 percent is way off target, and even the pseudo surpluses are soon to be eliminated.

Remember, the national debt never went down with the so-called surpluses. The national debt is currently rising at more than \$120 billion on an annualized rate, and is destined to get worse. Our dollar problem, which affects our financial and budgetary decisions, originated at the Fed with our country's acceptance of paper money 30 years ago. Federal Reserve officials and other government leaders purposely continued to mislead the people by spouting the nonsense that there is no evidence of inflation as measured by government rigged price indices.

Even though significant price increases need not exist for monetary inflation to place a hardship on the economy, stock prices, housing prices, costs of medical care and education and the cost of government have all been rising at very rapid rates. But the true inflation, measured by the money supply, is rising at a rate greater than 20 percent as measured by MZM. This fact is ignored.

The deception regarding price increases is supported to reassure us, and may do so for a while. The Fed never admits it, and the Congress disregards it out of ignorance, but the serious harm done by artificially low interest rates leading to malinvestment, overcapacity, excessive debt and speculation are the distortions that always guarantee the next recession.

Serious problems lie ahead. If the Fed continues with the same monetary policy of perpetual inflation and the Congress responds with more spending and regulations, real solutions will be indefinitely delayed. The current problems hopefully will cause us as a nation and, in particular, Congress to reassess the policies that have allowed the imbalances to develop over these last 30 years.

Some day, stable money, based on the gold standard, must be reconsidered. Stable money is a constitutional responsibility of Congress.

□ 1630

The Federal Reserve Board's goal of stable prices, economic growth and interest rates, through centralized economic planning, by manipulating

money and credit, is a concoction of the 20th century Keynesian economics. These efforts are not authorized by the Constitution and are economically detrimental.

Economic adjustments would not be so bad, as many mild recessions have proven, except that wealth is inexorably and unfairly transferred from the middle class and the poor to the rich. Job losses and the rising cost of living hurt some more than others. If our course does not change, the entire middle class prosperity can be endangered, as has happened all too often in other societies that pursued a false belief that paper money could be satisfactorily managed.

Even the serious economic problems generated by a flawed monetary system could be tolerated, except for the inevitable loss of personal liberty that accompanies government's effort to centrally plan the economy through a paper monetary system and ever-growing welfare state. Likewise, an imperialistic foreign policy can only be supported by inflation and high taxation.

This policy compounds the threat to liberty because, all too often, our leaders get us involved in overseas military adventurism in which we should have no part. Today, that danger is greater than ever as we send our dollars and our troops hither and yon to areas of the world most Americans have no knowledge or interest in. But the driving force behind our foreign policy comes from our oil corporations, international banking interests, and the military industrial complex which have high-stake interests in the places our troops and foreign aid are sent.

If, heaven forbid, the economy sinks as low and for as long as many free market economists believe, what policy changes must we consider? Certainly, the number one change ought to be to reject the ideas that created the crisis, but rejecting old ways that Congress and the people are addicted to is not easy. Many people believe that government programs are free. The clamor for low interest rates and, therefore, more monetary inflation, by virtually all public officials and prominent business and banking leaders is endless. And, the expectation for government to do something for every economic malady, even if ill-advised government policy had created the problem in the first place, drives this seductive system of centralized planning that ultimately undermines prosperity. A realization that we cannot continue our old ways may well be upon us, and the inflating, taxing, regulating, and the centralized planning programs of the last 30 years must come to an end.

Only reigning in the welfare-warfare state will suffice. This eliminates the need for the Fed to monetize the debt that politicians depend on to please their constituents and secure their reelection. We must reject our obsession

with policing the world by our endless foreign commitments and entanglements. This would reduce the need for greater expenditures, while enhancing our national security. It would also remove pressure on the Federal Reserve to continue a flawed monetary policy of monetizing endless government debt.

But we must also reject the notion that one man, Alan Greenspan, or any other chairman of the Federal Reserve, can know what the proper money supply and the proper interest rates ought to be. Only the market can determine that. This must happen if we ever expect to avoid continuous and deeper recessions and to get the economy growing in a healthy and sustainable fashion. It also must happen if we want to preserve free market capitalism and personal liberty.

The longer the delay in establishing a free market and commodity currency, even with interrupted blips of growth, the more unstable the economy and the more difficult the task becomes. Instead, it will result in what no one wants: more poverty and political turmoil.

There are no other options if we hope to remain a free and prosperous Nation. Economic and monetary meddling undermines its principles of a free society. A free society and sound money maximize production and minimize poverty. The responsibility of Congress is clear: avoid the meddling so ingrained in our system and assume the responsibility all but forgotten, to maintain a free society, while making the dollar, once again, as good as gold.

Now, I want to close with a quote from James Madison from *The Federalist Papers*, because the founders of this country faced the dilemma of runaway inflation with the continental currency and that is where our slogan comes from: "It is not worth a continental." This was a major reason why we had the constitutional convention because they knew and understood the evils and the disastrous effects of what paper money could do to a society. These are the words of James Madison. He says, "The extension of the prohibition to bills of credit must give pleasure to every citizen in proportion to his love of justice and his knowledge of the true springs of public prosperity. The loss which America has sustained since the peace, from the pestilent effects of paper money on the necessary confidence between man and man, on the necessary confidence in the public councils, on the industries and morals of the people, and on the character of republican government, constitutes an enormous debt against the States chargeable with this ill-advised measure."

#### BRINGING BROADBAND TO RURAL AMERICA

(Mr. BOSWELL asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, a recent Department of Commerce report states that only 38.9 percent of rural households have Internet access.

In this unprecedented age of information and global interaction, broadband access and the Internet are critical elements. Americans are increasingly using online services to conduct such everyday activities as bank account transactions, personal correspondence, shopping, and research. As our Nation continues to evolve, access to the opportunities of the Internet will have an important supporting role in the economic, educational, and social successes of our citizens.

Today, along with the gentleman from Nebraska (Mr. OSBORNE), I am introducing the Rural American Technology Enhancement Act, or RATE, of 2001. The legislation will: one, provide incentives to expand broadband/high-speed telecommunications access to rural America; two, provide incentives and tax credits for expanding and relocating high-tech businesses to rural America; three, provide funding to prepare, educate, and train our current and future workforce for high-tech-based employment; and finally, establish an Office of Rural Technology within the Department of Agriculture to coordinate rural technology programs and act as a clearinghouse for government and private, high-tech grant information.

Broadband access should not be an intangible idea lying beyond the reach of our rural citizens. We must continue to take steps to expand access to these information resources and include those Americans who are currently being left behind in the effort to eliminate the digital divide.

Mr. Speaker, I urge my colleagues to join me in the support of this legislation.

#### MARKING AN IMPORTANT MILESTONE FOR PARKINSON'S DISEASE RESEARCH, THE MORRIS K. UDALL RESEARCH ACT

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I am proud to come to the floor this evening to mark the fourth anniversary of the passage of the Morris K. Udall Parkinson's Research Act, an anniversary that occurred this week.

In 1999, along with my friends and colleagues, the gentleman from Michigan (Mr. UPTON); the gentleman from Illinois (Mr. EVANS); the gentleman from New Mexico (Mr. SKEEN); the gentleman from Colorado (Mr. MARK

UDALL); the gentleman from New Mexico (Mr. TOM UDALL); and the gentleman from California (Mr. WAXMAN), I formed the Congressional Working Group on Parkinson's Disease. The working group strives to ensure that the Nation's decisionmakers remain ever aware of the needs of the more than one million Americans struggling with the devastating disease of Parkinson's.

Four years ago this Monday, Senator WELLSTONE was successful in adding the Morris K. Udall Parkinson's Research Act as an amendment to the Senate Labor-HHS Appropriations bill. Not surprisingly, the amendment was approved by a vote of 95 to 3.

Named for Arizona Representative Mo Udall to honor his legacy, the Morris K. Udall Parkinson's Research Act was originally introduced on April 9 of 1997. The gentleman from Michigan (Mr. UPTON) and the gentleman from California (Mr. WAXMAN) were the bill's lead sponsors in the House, and Senator McCain and Senator WELLSTONE were the sponsors in the Senate. In the 105th Congress, this bill had over 255 cosponsors, and I was proud to be an original cosponsor.

The Udall Act expanded basic and clinical research in Parkinson's disease. It established Udall Centers of Excellence around the country and set up the Morris K. Udall Awards in Parkinson's Research to provide grants to scientists who are working to cure Parkinson's. One of the 11 Udall Centers is located in the City of New York. The New York group is doing innovative research, including identifying new genes, that when either expressed or suppressed, contribute to the degeneration of key nerve cells. They are also investigating gender and ethnic differences in people with Parkinson's Disease.

Notably too, Columbia University's Dean of Medicine is the former director of NIH's National Institute of Neurological Disorders and Stroke, Dr. Gerald Fischbach. The work at this Udall Center, as well as centers across the country, is leading to a better understanding of the brain and how this disease affects it. The ground-breaking research at the Udall Centers, as well as our Nation's public and private sector research efforts, will lead to better treatments and hopefully, a cure for Parkinson's.

In this Congress, I will proudly join the gentleman from Colorado (Mr. MARK UDALL) and the gentleman from New Mexico (Mr. TOM UDALL) and members of the Congressional Working Group in introducing a reauthorization of the Morris K. Udall Parkinson's Research Act. I urge all of my colleagues to join us in this effort.

In the spirit of Mo Udall's tenacity and strength of purpose, we cannot stop now. We must wholeheartedly support Parkinson's research until we find a cure.

As the President has said, we must continue on a path to doubling the NIH budget by 2003. In last year's appropriations, over \$71 million of the NIH budget was designated for Parkinson's disease research, but this is only year 1 funding of the NIH's 5-year plan for Parkinson's disease research.

Leading scientists describe Parkinson's as the most curable neurological disorder. That is why I urge my colleagues to support the second year funding of the 5-year NIH plan. Recent advances in Parkinson's disease research have given us hope that a cure is very near. The science regarding Parkinson's has advanced to a stage where greater management and coordination of the federally funded research effort will accelerate the base of scientific progress dramatically. I ask all of my colleagues to support the NIH research agenda by fully funding the \$143 million increase for fiscal year 2002 in the Labor-HHS appropriations bill.

Secondly, we must continue to fund the U.S. Army's Neurotoxin Exposure Treatment Research Program. The research not only strives to improve the treatment of neurological diseases, but also aims to identify the causes of diseases and prevent them. I am heartened by the scientific progress being made. We are very close to a cure for this disease.

As my colleagues may know, this is a personal issue for many of us. Some of my colleagues are struggling with Parkinson's or have family members who are living with this terrible disease. My own father has been afflicted by Parkinson's, and I have seen the impact of this disease firsthand and have spoken to the experts. Professionals at NIH have said that this disease is curable within as little as 5 years, and I hope that our government will be part of making this research happen.

Mr. Speaker, an important part of curing Parkinson's disease depends on stem cell research and allowing that research to go forward.

#### WELCOMING OUTSTANDING WOMEN FROM AROUND THE GLOBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise today to welcome 24 outstanding women who represent eight countries on the continent of Africa who have come at the request of the League of Women Voters, who have come to look at what we, the women of the House, do in order to empower ourselves and empower the women throughout this country.

□ 1645

I am so pleased to welcome my friends from Ethiopia, Ghana, Nigeria,

Tanzania, Uganda, Zambia, and Zimbabwe. These women represent non-governmental organizations, but are interested in the political process and how they can better serve the people of their respective countries upon their return.

As we all recognize, the League of Women Voters encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

They have come in that role as advocates to take back with them how we, the 62 women who make up the House of Representatives, function: the types of policies that we pass out of this House.

I happen to serve as the co-chair of the Congressional Caucus on Women's Issues, and I simply told them that to empower themselves is to become part of the democratic process, and that is to vote, to encourage all of the folks within their countries to vote, to be participatory in the election process, and then to seek the needs of women and families so that they can address those through an advocacy program to follow the needs of those respective constituents, and certainly it will help them to build the base that is necessary to run for office.

Those of us who are women here in the House have not sought to get these seats initially. We were teachers and nurses and social workers and other types of fields of endeavor. But when the need came and when folks in our communities told us that the education systems were broken, that there were so many children who were not insured with health insurance, then we took up the gauntlet, and we began to build a base to run for office.

We encourage not only the women who are here who see this floor, who see this House, the House that receives people from around the globe. Earlier today we welcomed the President of Mexico, Mr. Vicente Fox. We are welcoming them today. We welcome all who come to seek out what we do in the House, the people's House, a House where we pass laws to make the quality of life better for all people.

It has been my pleasure to host them today with the members of the Congressional Conference of Women's Issues, and with women and men Congresspersons who came to welcome them to the House.

Mr. Speaker, I welcome them to this House.

#### UNITED STATES DECISION TO PULL OUT OF THE UNITED NA- TIONS WORLD CONFERENCE AGAINST RACISM

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the

House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise today to express my strong opposition and disappointment with the Bush administration's decision to end the United States participation in the World Conference Against Racism and not to even send initially Secretary of State Colin Powell to represent our interests.

Once again, the United States is on the wrong side of history. I traveled to South Africa to participate in the World Conference Against Racism as a congressional adviser, along with several of my colleagues with the Congressional Black Caucus.

Prior to attending the conference, I joined my colleagues in urging the Bush administration to send a high-level delegation led by Secretary of State Colin Powell.

As we all know, the decision of the United States to not participate in the conference was based on language in the draft document that would have resurrected the controversial debate of Zionism equals racism. Why then, on such an important issue, was the Secretary of State prevented from making every effort, and I mean every effort, to get rid of this destructive language? He should have been there doing that.

I am totally convinced that the United States should have been represented by Secretary Powell because he is well respected, very bright, and probably would have been able to help the conference move forward by insisting that it stay focused on its purpose, the elimination of racism, rather than the Middle East crisis, which warrants our full attention in trying to get the peace process back on track.

America should have asserted its leadership by fully engaging in the world conference against racism, not by detaching from it.

It is an outrageous insult to millions of Americans that our first African American Secretary of State, Colin Powell, was not allowed to join in this important discussion. Many Americans are equally and rightfully outraged by the Bush administration's decision.

We know, I know, this House knows, that this country has a long history embedded in racism. Full participation in the conference would have sent a message that the United States was joining the world in efforts to discuss strategies to eliminate racism, xenophobia, sexism, hate crimes, religious intolerance, and other forms of intolerance. No other country has this tragic history as we do. Who else should be leading the world community in addressing this? We should.

However, the manner in which the United States has addressed the World Conference Against Racism is really a disgrace. It is a slap in the face to millions of Americans who have been affected by past United States policies

rooted in racist ideology and are dealing with the consequences each and every day in their daily lives.

The United States is sending a message that it is indifferent to the issues of circumstances facing Native Americans, Latino and Hispanic Americans, Asian Pacific Americans, as well as African Americans. I firmly believe that this is a grave mistake and a missed opportunity of the greatest magnitude.

The World Conference Against Racism provided an important and credible platform to address racism in all its forms. This platform is also critical to the discussion of the 10 priority action points of consensus presented by the Africans and African descendants at the conference, and should have been embraced by the conference and by the United States Government.

Mr. Speaker, I include for the RECORD this statement on the Ten Priority Action Points.

The document referred to is as follows:

TEN PRIORITY ACTION POINTS OF CONSENSUS  
AFRICAN AND AFRICAN DESCENDANTS CAUCUS

1. The Slave Trade, Slavery and colonialism are crimes against humanity.
2. Reparations for Africans and African Descendants.
3. Recognition of the economic basis of racism.
4. Adoption of corrective national (domestic) public policies with emphasis on environmental racism and health care.
5. Adoption of culture-specific development policies.
6. The adoption of mechanisms to combat the interconnection of race and poverty, and the role that globalization (caused by governments and the private sector) has in this interconnection.
7. Adoption of mechanisms to combat racism in the criminal punishment (penal) system.
8. Reform of the legal system including national constitutional reforms and development of international and regional mechanisms for dismantling racism.
9. Adoption of policies specific to African and African Descendant Women that recognize and address the intersection of race and gender.
10. Support for the adoption of policies that recognize and address the intersection of race and sexual orientation.

Mr. Speaker, the United States Government sanctioned slavery for hundreds of years, completely devastating the lives of generations and generations of Africans in America. It is long past time that this government formally deal with its participation in the institution of slavery and to begin the healing process for millions of Americans who are descendants of slaves.

The United States should be leading the charge to address the lasting impact of the transatlantic slave trade, what to do about it, and specifically to discuss reparations. We cannot forget that America's racism is rooted in the institution of slavery. That must be dealt with in order to move forward as a healed and healthy country.

As an African American woman and a Member of Congress, it is embarrassing

that this miscalculated and callous decision to abandon the conference will once again leave the United States out of serious international dialogue.

Racism is a fundamental question of human rights, and in the House Committee on International Relations and here on the floor we regularly question human rights practices in other countries. It is equally important that we apply the same scrutiny to our own society and examine the easily recognizable vestiges of slavery manifested in the current racial and economic divides that we experience today.

The World Conference Against Racism provided our government with a credible platform to do this. Yet once again, as with the previous two conferences, we are absent.

I want to urge my colleagues to support legislation offered by the gentleman from Michigan (Mr. CONYERS), H.R. 40, which would commission a study to examine the effects of slavery and to begin a substantive discussion which I believe will move us forward toward healing our Nation. This legislation must move forward.

Again, let me reiterate my deep disappointment at the decision of the administration to pull out of this conference. The next time this opportunity presents itself, the United States not only needs to attend this conference, but to host it.

U.N. CONFERENCE AGAINST  
RACISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, I attended the conference in Durbin on racism with the gentlewoman from California (Ms. LEE). The Congressional Black Caucus had seven members there, and I think we were the ones that gave credibility to the United States, because I really feel that we missed an opportunity.

So I would like to read to this body my statement that was delivered while we were there in Durbin, South Africa, at the United Nations Conference on Racism, Xenophobia, and Other Intolerance, because I think it states the point.

"It is a distinct honor to participate with representatives from around the world who are joined in one common concern, and that is the elimination of the scourge of racism. No nobler intent can there be to express our support for eradicating this menace that has permeated our halls of justice, our halls and places of power, our board rooms, our schoolrooms, and our main streets.

I use as a frame of reference my own place of birth, the United States of America, which has failed to send a high-level delegation. So I have to say, shame, shame on America. You have

demonstrated your reluctance to sit at the table of nations to discuss past policies that have contaminated our relations between the majority and the minority in our own country. So deep are the wounds that healing appears to be unattainable and the political will evasive.

The legacy of slavery not only has broken the spirit of many African Americans in the Diaspora, but also left generations to come without the hope to look ahead with clarity. We seek a future without the pain of suffering from the indignities and intolerances spawned by the involuntary seizure of a people from the very continent on which we stand today.

The Congressional Black Caucus stands with the participating nations asking for a healing that will repair the broken and make them whole. But first our country must recognize its past mistakes and own up to them.

It is disingenuous for critics to harp on the theme that the past is the past, which they had nothing to do with, and now we must fast-forward to the future. It loses sight of the psychological and sociological damage remaining from the harsh and unjust treatment of the past. This refrain, "the past is the past," cannot be washed away with only an apology, but could with a series of meaningful discussions held in the United States that acknowledge the past and develop plans for the future to eradicate racism.

I therefore call on the United States to host its own conference on racism in the near future and to support the legislation of the gentleman from Michigan (Mr. CONYERS), H.R. 40, which will ask for a discussion, a study on racism.

Reparations can consist of a variety of approaches that indeed further the advancement of those oppressed and provide benefits for their offspring. We need to look at better educational opportunities for our young people from kindergarten to college; health insurance coverage, maybe; the unjust justice system; racial profiling; affordable housing; environmental racism; job opportunities; creation of entrepreneurship. There are many, many ways in which 40 acres and a mule can translate into productive activities without the need for budget-busting expenditures.

Let us start the debate here, and then go to our respective homes and continue these dialogues until the culture of racism and intolerance is eliminated from the face of the Earth, and especially, from the soil that we tilled and sowed.

#### PROGRESS ON CURING PARKINSON'S DISEASE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. UDALL) is recognized for 60

minutes as the designee of the minority leader.

Mr. UDALL of Colorado. Mr. Speaker, I come to the floor today to commemorate the anniversary of the Morris K. Udall Parkinson's Disease Research Act. This act, which was passed 4 years ago this month, has strengthened our national research effort to develop more effective treatments and hopefully a cure for Parkinson's disease.

Before I say what I have to say, I want to salute the millions of people who are in the daily battle against this disease.

□ 1700

I also want to thank Joan Samuelson and the Parkinson's Action Network for their hard work on behalf of all of us.

Additionally, I want to take this opportunity to thank all of my colleagues on the Congressional Parkinson's Working Group. To name a few, the gentlewoman from New York (Mrs. MALONEY), the gentleman from Michigan (Mr. UPTON), the gentleman from Illinois (Mr. EVANS), and the gentleman from New Mexico (Mr. SKEEN); they have been on the front lines in fighting for research dollars and holding various projects accountable for the wise use of these funds.

Parkinson's is a devastating disease that affects more than 1 million Americans and their families. Fifty thousand people are newly diagnosed with Parkinson's each year, and of those with Parkinson's today, roughly 40 percent are under the age of 60. Most of us know someone with Parkinson's, or we know someone whose life has been touched by Parkinson's. For some of us, this issue hits close to home.

Many people knew my dad, Mo Udall, and his story. He enjoyed great health until 1976, when he broke both his arms in a fall off a ladder, caught viral pneumonia, his appendix burst, he got peritonitis, and he contracted Parkinson's Disease, all within 8 months. He had a long battle with Parkinson's before he passed away in December of 1998.

One way my father chose to deal with Parkinson's was to make light of it. Shortly after he was diagnosed, there was a scandal involving a woman by the name of Paula Parkinson, a blond lobbyist who kissed and told about her affairs with several Congressmen. He used to tell a joke that there were two kinds of Parkinson's disease, the kind discovered by an English doctor during the 1800s and the kind you get when you go to Florida with a blond lobbyist. There were no similarities between the two afflictions, he said, except they both cause you to lose sleep and they both give you the shakes.

In all seriousness, though, I think Mo would be humbled and honored by the fact that this important act and the centers of excellence it creates are

named after him. He dedicated his life to making a difference in the lives of people, and by having his name associated with this act, he continues to have an impact on the world even after his death.

The act authorizes \$100 million at the National Institutes of Health for Parkinson's research. It also establishes 10 centers for research throughout the Nation and creates a national Parkinson's information clearinghouse for support of research and education.

Mr. Speaker, the Udall Act has helped us make tremendous progress in the fight against Parkinson's and in understanding other neurodegenerative diseases. That is why we need to act soon and reauthorize the act. We need to give researchers the necessary funding and support to combat this debilitating and ruthless disease.

We will be introducing legislation in the next month to reauthorize the act, and I fervently hope that my colleagues will work with us to make the dream of finding a cure for Parkinson's come true.

Mr. Speaker, at this time I would like to yield to my colleague and good friend, the gentleman from the great State of North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding to me and want to commend him for calling this Special Order today and giving Members an opportunity to join in honoring the late Morris Udall and in observing the fourth anniversary of the Morris K. Udall Parkinson's Research Act.

Mr. Speaker, Parkinson's disease and related disorders afflict approximately 1 million Americans. Sixty thousand more are diagnosed each year with Parkinson's disease. Approximately 40 percent of those afflicted are under the age of 60. This is a devastating disease, and its incidence probably actually is underreported. Because it is not contagious and it does not have to be reported, we probably underestimate the extent of this devastating disorder. It is estimated that Parkinson's disease costs society \$25 billion or more annually.

I appreciate very much our colleague, the gentleman from Colorado (Mr. UDALL), coming to the floor today and sharing the story with his colleagues of his father's illness; and of course, we all remember his father's great accomplishments. Mo Udall was one of this body's greatest Members in the 20th century, a man of great humor, great concern for those in this society who are less fortunate, and a man of great achievement in this body. Mo Udall's last years were marred by Parkinson's disease, but he dealt with it courageously.

We are all fortunate that his son, our colleague from Colorado, and his nephew, the gentleman from Arizona, are carrying on his good work in this body.

We appreciate what the gentleman from Colorado is doing today and appreciate especially his sharing the story of his father with us and reminding us of the importance of carrying on this work, which we do in his name.

Mr. UDALL of Colorado. I thank the gentleman for expressing those sentiments, and I know everyone in my family appreciates the affection and respect that the gentleman has acknowledged that exists for my father.

I would add to the comments that the gentleman made that I think Parkinson's disease should truly be characterized as the most common uncommon disease. And by that I mean, the researchers tell us only about a million Americans have the disease. But I guarantee that if we were to walk out on the streets outside the Capitol here and we were to talk to four or five people, by the time we would get to the fifth person, they will know somebody in their immediate family or a friend who has Parkinson's disease and who is battling it valiantly.

They would also, I think, be excited to know that we are so close to not only finding ways to combat the disease but to actually identify a cure, and that is why it is so important to reauthorize this act and continue the momentum that has been generated over the past 10 years.

Mr. PRICE of North Carolina. That is absolutely true. The number of families affected by this disease directly and indirectly is, of course, in the millions, and that includes my own family. My late father had a brother who was afflicted with Parkinson's. He had an uncle who was afflicted with Parkinson's.

My dad, incidentally, was a great fan of the gentleman's father. I remember when I was the Democratic Party chairman in North Carolina, we were fortunate enough to line up Mo Udall as the speaker at our annual party banquet. It was over in the western part of the State, so my dad, who resided in east Tennessee, was able to come over for this function. He could not stop laughing. He said Mo Udall was the funniest man he had ever heard or seen anywhere, almost enough to make a Democrat out of him!

Mo Udall was a wonderful man who brought great good humor to politics, great warmth, and a wonderful spirit. He later autographed his book "Too Funny to Be President," and we gave it to my dad to his great delight. So Mo Udall was a huge personal favorite in our family.

One cannot imagine a more fitting monument, a more fitting tribute to Mo Udall, than to pass this research act aimed at the scourge of Parkinson's disease and to carry out this path-breaking research in Mo Udall's name.

The gentleman, of course, is quite accurate also in depicting the promise of

this research. We have now across the country 11 Morris K. Udall Parkinson's Research Centers. One of those is at Duke University in my part of North Carolina. Dr. Jeffery Vance leads the Udall Center at Duke University, where a research team is using several state-of-the-art methods to find genes that may contribute to the etiology of Parkinson's disease and to distinguish the genes that contribute to familial Parkinson's from those involved in sporadic cases. That is path-breaking research, typical of what is going on in these research centers.

The Udall program also has expanded basic and clinical research at institutions across this country. It has established the Morris K. Udall awards to encourage innovative research, and supported the creation of Parkinson's data banks and information clearinghouses in support of research and education.

So this is a landmark statute and the programs that it has spawned are ongoing and are full of promise. It is very, very important not only to observe this fourth anniversary of the Udall Act's passage, but also to pledge here and now that we are going to continue this work and build on this work.

We must double the NIH's budget over these 5 years, and I hope and believe we are on the way to doing that in this year's appropriations cycle. NIH has developed, under the directions laid down by the Udall Act, a 5-year Parkinson's disease research agenda. Last year, Congress funded the first year of that plan, so within NIH it is vitally important to continue that specific research program.

The Udall Act has gotten us started, and it has provided the framework for the comprehensive research that we simply must undertake as a Nation on Parkinson's disease. And I would say to the gentleman that I hope, in having this Special Order today and observing this fourth anniversary, that this can be an occasion for all of us, all of our colleagues, to resolve to continue to build upon the vital and necessary work that the Udall Act has gotten under way.

Mr. UDALL of Colorado. If I might add an additional comment, I am confident that our colleagues on both sides of the aisle will join us in this important effort to reauthorize this piece of legislation. Parkinson's is not a Republican or a Democrat or a Green Party or Libertarian Party disease. It affects people across our country and across the world. And the work that has been done, as the gentleman points out, is far-reaching. And we are so close to understanding how to not only, as I mentioned earlier, make sure that the disease is mitigated but literally cured.

The area of the brain where this takes place has been identified and mapped. And as the gentleman points out, there are indications that the dis-

ease is, in some cases, genetic or hereditary; but in other cases, is environmentally induced. There is excellent work going on in the Department of Defense also, working with veterans, and they are looking through their own program on how to combat Parkinson's disease or contributing to the efforts at NIH has undertaken.

I want to again thank the gentleman for taking his time to come to the floor and to point out to our colleagues the great opportunity we have to make a difference in a lot of lives. If we think about a million Americans who have the disease, think about the extended families that are affected by the disease and the costs that are incurred, not just financially, but emotionally, in these communities, this is a terrible disease; and it is one that we can cure and we ought to get about the business of it now.

So I thank the gentleman.

Mr. PRICE of North Carolina. I thank the gentleman from Colorado for his comments here today and for carrying on this great work. We must use this occasion to resolve to press forward.

Mr. UDALL of Colorado. I thank the gentleman for joining us today.

It is my pleasure at this point to yield time to my colleague, the gentleman from the great State of Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I wish to thank my colleague, the gentleman from Colorado, for yielding time for me to speak on this issue. Before I begin, I want to mention that, of course, I never had the opportunity to meet his father, Mo Udall, but I have nothing but respect for the reputation that he has established in public service, and I know that he would be proud of his son, the gentleman from Colorado, in continuing that proud family tradition of strong commitment to public service.

Mr. Speaker, I rise today to honor the fourth anniversary of the passage of the Morris K. Udall Parkinson's Research Act and to stress the vital importance of expanding support and research for treatment of Parkinson's disease. Named for Arizona Representative Mo Udall, the Parkinson's Research Act expands basic and clinical research on Parkinson's disease and establishes Morris K. Udall Centers for awards for excellence in Parkinson's disease research.

Since its introduction, this landmark legislation has received overwhelming congressional support. In the 105th Congress, the Morris K. Udall Parkinson's Research Act garnered 255 cosponsors, and in the 106th Congress it passed the Senate by a nearly unanimous vote of 95 to 3.

I am proud that Congress embraced this initiative, as more people suffer from Parkinson's disease than multiple sclerosis, muscular dystrophy and Lou Gehrig's disease combined.

□ 1715

But our work is far from over. About 60,000 Americans are diagnosed with this disease each year, that is one person every 9 minutes, and more than half a million living with Parkinson's disease today.

Fortunately, there may be some hope on the horizon. Parkinson's disease is one of the many diseases for which stem cell research offers significant promise. Yesterday I testified before the Senate Health, Education, Labor and Pensions Committee about the potential for embryonic stem cell research to alleviate pain and suffering in millions of people. It is my strong hope that our Nation's premier researchers will be able to engage in this ground-breaking research expeditiously to save, lengthen, and dramatically improve the quality of life of those who live with Parkinson's and other debilitating diseases and conditions.

On this anniversary of the Morris K. Udall Parkinson's Research Act, I urge my colleagues to follow through on our commitment to double the budget of the National Institutes of Health, increase funding for the Morris K. Udall Center, and break down the barriers to unprecedented, life-saving stem cell research. Until we have conquered Parkinson's, our work is not complete.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague for taking the time to come speak on this important issue; and I want to associate myself with his comments on stem cell research.

Stem cell research is an important part of understanding Parkinson's disease and eventually finding a cure. I look forward to working with the gentleman in the days and months and years to come to see that that promise is fulfilled. I thank the gentleman for taking the time to join us today.

Mr. Speaker, I yield to the gentlewoman from the State of Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Colorado (Mr. UDALL), one, for his vision, for his family, and for this very special legislation of the day to honor the authorization, the fourth anniversary of the authorization and passage of the Morris K. Udall Parkinson's Research Act. This is an important anniversary.

Throughout our tenure in Congress there are ups and downs. What I consider an up is an opportunity to meet with my constituents from my district and all over the Nation. Some of the most eloquent and articulate persons are those who are physically suffering from Parkinson's and others who come to collaborate on the importance of finding a cure and the ability to research this debilitating disease.

In the name of Morris K. Udall, this legislation passed an important mile-

stone in striking a chord for finding out the reason that this disease has gotten such a grip on people around the world. This research or this research act has been funded and the legislation, of course, was passed through the leadership of Senator WELLSTONE in terms of adding an amendment and adding additional dollars. We now come to a time where it is necessary to reauthorize it.

Even more so during this stem cell research debate that I find the importance of this particular legislation which continually persists in attempting to find a cure by added research. It never allows to rest the continued theorizing and study of the importance of discovering new ways to attack this disease.

I am certainly disappointed that we are at a certain standstill in stem cell research. I would have wanted and do want the President to go further. I believe that he was well-intentioned but may be misadvised by those who would think that we had enough of the research elements that could do the vast massive research that needs to be done. This research act has shown that the broader, the better, the fuller, the better.

Let me congratulate the gentleman on the number of centers that already exist. We look forward to helping the funding expand, not frivolously, but so that centers could be expanded across the country. I would certainly welcome one in Houston, Texas.

Mr. Speaker, let me thank the gentleman for, one, having the insight to be at the forefront of the reauthorization of this legislation. Let me also say that I would willingly join as an original co-sponsor of this legislation and offer to say to those who have been suffering from Parkinson's for time before and today and tomorrow that we will continue to fight until we can find a cure.

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague for her remarks and for her vision as well.

Mr. Speaker, in conclusion, I would like to urge all of the Members of this body to join us in a bipartisan fashion when we introduce this legislation in the next couple of weeks to reauthorize the Udall Act.

I want to thank, in particular, the gentleman from Michigan (Mr. UPTON), the gentleman from New Mexico (Mr. SKEEN), the gentleman from Illinois (Mr. EVANS), and the gentlewoman from New York (Mrs. MALONEY) for their support and hard work on behalf of all the people and all the families who suffer from Parkinson's disease. I know we will do the right thing in this body and reauthorize this very, very important act and we can all be proud when we find the cure for Parkinson's sooner rather than later.

Mr. WAXMAN. Mr. Speaker, I rise today in recognition of the fourth anniversary of the

passage of the Morris K. Udall Parkinson's Research Act. I cannot think of a more fitting tribute to my friend and colleague than this legislation.

Mo Udall was a member of the House Representatives for thirty years from 1961–1990. He earned the respect of all who served with him through his humor and civility as well as his ability to work with Members from both sides of the aisle. Mo's courage and determination to continue to serve even after being diagnosed with Parkinson's disease in 1978 was an inspiration for all who had the privilege to be around him during that time. He was determined to continue to lead a full and vigorous life even in the face of this debilitating disease. Although his death in 1998 was a blow to all of us, his legacy lives on in the great and important work started through this legislation.

Mr. Speaker, Parkinson's disease afflicts 1 million Americans, 40 percent of whom are under the age of 60. This landmark legislation dramatically expanded and coordinated clinical research into Parkinson's disease as well as established the Morris K. Udall Centers across the country. These centers have been an invaluable resource in the fight against Parkinson's disease. They have provided state-of-the-art training facilities for new researchers and the resulting work has greatly increased our knowledge and understanding of the disease.

We have an opportunity and an obligation today to rededicate ourselves to the goal of finding a cure for Parkinson's disease. Our initial investment into research four years ago has yielded impressive returns. Still, however, much more needs to be done. Mr. Speaker, I call on Congress to continue the valuable work we started four years ago and fully fund federal research into Parkinson's disease done by the National Institutes of Health and the Morris K. Udall Centers.

Mr. SKEEN. Mr. Speaker, I commemorate today the anniversary of the Morris K. Udall Parkinson's Research Act, and I am pleased to be here among other champions of the cause from the Parkinson's Working Group here in the House.

Mo Udall was more than a colleague. He was a friend. We didn't always agree on politics, but we could always share a laugh. I remember flying him around on my plane in NM. And, I remember helping to pick up his papers when they fell to the ground in the Interior Committee.

But, this anniversary honors more than Mo Udall. It honors our commitment to helping science keep its promise. It has been more than fifteen years since America began to hear that a cure for Parkinson's was just around the corner, . . . perhaps just five years away. Yet it is not here yet. This Udall Act of 1997 was the first time we put the money where science's mouth was. Thanks to NIH, the U.S. Army, Udall Centers of Excellence, and private research carried on largely thanks to an outstanding advocacy community, we are still on target.

As this Anniversary hits . . . it also marks the sunset of the bill. Perhaps it is time we reauthorize it. Let us continue to help science keep its promise. Thank you.

Mr. EVANS. Mr. Speaker, we are here today to honor the memory of one of our great

former colleagues, the late Mo Udall, who served in this House for nearly three decades. Four years ago this week, Congress passed the Morris K. Udall Parkinson's Disease Research Act as a tribute to his service and the courage that he displayed in the face of his illness. Sadly, Mo lost his battle with Parkinson's Disease in 1998. But his memory lives on in this Congress and in the research labs across the country that bear his name.

I served with Mo Udall from 1983 to his retirement in 1990. During those years, I came to know and admire him as an effective legislator, a consummate humorist, and a dear friend. Mo always had a kind word and a joke for everyone. He brought a levity to this body that you wouldn't expect from someone fighting for his life. Ask anyone here who had the pleasure to serve with Mo and they will have a side splitting tale of the time that Mo brought the house down. Coupled with his good humor, was a commitment to serve this nation well. Despite his Parkinson's Disease, he served as chairman of the Interior Committee where he was a champion of preserving America's wilderness areas. I admired Mo then, but my esteem for him grew even greater when I was diagnosed with Parkinson's Disease in 1995.

Our purpose here is to commemorate the passage of the Udall Act, which brings much needed resources to the study of Parkinson's Disease. The time has come to reauthorize the bill. And today, we have the honor of being joined by Mo's son, Congressman MARK UDALL, who will lead the charge to see this program continued. We will be introducing the reauthorization bill in the coming month. I hope that all of our colleagues will join us in supporting that bill.

The 11 Morris K. Udall Centers are busy conducting research on every aspect of Parkinson's Disease. The scientists there are some of the best and the brightest in their field. They believe that a cure for Parkinson's Disease is on the horizon—that it could be discovered in as little as five years. These researching give me hope. They are out there everyday working to make my life and the lives of the one million Americans living with Parkinson's Disease better. And let me tell you—it's nice having these bright men and women on your side. I know they will find a cure, but they can't do it without our continued support.

These Udall Centers are just one component of a larger effort on the part of NIH to develop more effective treatments, enhance prevention efforts, and eventually find a cure of Parkinson's Disease. At the request of Congress, NIH developed a five year Parkinson's Disease Research Agenda to bring the nation closer to a cure. Last year, we funded the first year of that agenda. This year, we must fund the second year by increasing funding for Parkinson's Disease research by \$143 million. I am hopeful that the Appropriations Committee will follow through with what it started and honor Congress' commitment to the NIH Research Agenda.

These initiatives are the lifeblood of the Parkinson's community. The Udall Centers and the NIH funded research are leading the world in the path to a cure. I encourage my colleagues support these programs.

#### RACISM IN SOUTH AFRICA

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting as I had the opportunity to share with the gentleman from Colorado (Mr. UDALL) on a very important legislative initiative, this comes to mind that a key word that everything we do in this country and this Congress is engage, engagement, to be engaged.

I would be remiss if I did not take this time to join my colleagues, the gentlewoman from California (Ms. LEE) and as well the gentlewoman from California (Ms. WATSON), to speak to a situation, a conference, a series of events that are going on in South Africa that I think have been sorely misrepresented and misinterpreted, that is, the historic World Conference on Racism, the first conference like this in the past 18 years.

Of course, the first conference was in 1979. The second conference was in 1983 where the focus was on apartheid in South Africa. Gratefully, that conference was successful. Those who have not yet visited South Africa can see a country, with the opportunity to visit it, that seeks reconciliation, a country that is diverse, that struggles every day to ensure that no matter what one's color is, there is a seat at the table of empowerment.

I was very proud to be a member of the United States delegation comprised of Members of Congress, particularly and, in addition, members of the Congressional Black Caucus, the gentleman from California (Mr. LANTOS), as well as members from the State Department.

What I was most disappointed in is that the country that is the greatest democracy that the world knows, the United States of America, founded in the Declaration of Independence, that declares that we all are created equal, had the misguided interpretation that the best role for them would be to disengage and not to be engaged. That meant that they did not send, did not allow Secretary Colin Powell to be a part of this world conference.

Mr. Speaker, I truly believe, having been intimately involved in the processes of this conference for a good number of days at the heart of the conference, that the leadership of the United States, the leadership of Secretary Powell, would have been immensely important in steering this conference to its rightful place in history. What is that place? The place of reconciliation.

After I returned to the United States, it pained me to see Catholic school girls running the gauntlet of attempting to get to their schools as Protestants stood by and chanted and jeered

and cast aspersions, but more importantly, perpetrated violent acts.

This world is riveted by ethnic, religious, and racial divide. The conference that we were at was not one to cast doubt, to cast accusations, but frankly it was to bring about resolution.

The bulk of the people there, unfortunately, not brought to the attention of the American people, but the bulk of the people there were of goodwill and good intentions. Clearly they wanted to seek to clear the air. Gypsies were there asking for the ability not to be discriminated against. The untouchables of India were there to ask not to be discriminated against. The countries of Africa that suffered so brutally in the trans-Atlantic slavery as well as colonization were there asking, not to accuse, but simply asking to create a better world.

Those of us from the United States who were descendants of slaves were there asking that we provide a sense of healing, how can we move our Nation away from the divisiveness of race. Yet there was another issue, the tragedy of the Mideast, the PLO, and the Israelis. But there was a misguide there, a misdirect, a misconnect, and there was an attempt to write hateful language that should not have been present.

On September 2, 2001, I stood in that conference and denounced that kind of language, that we should move away from hateful language accusing one nation of racism, Zionism is racism; and, frankly, we should be engaged in the Mideast process to bring about peace.

An issue separate and apart from the racism conference, truly an issue for the United Nations and the United States, be engaged in peace, but do not bring down a conference of reconciliation, a conference that should be healing, a conference that should bring us together around the question of race.

Mr. Speaker, I am sorry that the media has not told the story, the stories of meeting with heads of states, diverse heads of states, the President of Latvia, an Eastern European country, who wanted to be part of solving the question of race.

Those stories, the Mexican delegation, the delegation from Israel, the Arabs who were interested in ensuring that the conference was successful.

I am here to tell the story and say apologetically that the United States missed its opportunity of leadership, missed its opportunity to use the bully pulpit to stand before the world, 169 countries, denounce Zionism as being racist, and talk about peace and reconciliation, talk about bringing us together and healing the racial divide and making a difference.

Mr. Speaker, this conference will be successful if the right people take charge, and I will continue to work for peace and reconciliation and ending the racial divide.

D.C. APPROPRIATION PASSES  
UNANIMOUSLY FROM COMMITTEE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor not to take the whole hour, but for a few minutes because the D.C. appropriation today passed in full committee under the chair of the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH). This was a noteworthy subcommittee markup.

Mr. Speaker, the controversy often associated with the D.C. appropriation was not there today. The bill passed unanimously. One important reason for this, indeed the most important reason for the smooth way in which the bill transacted its way through the committee today was its chairman, the gentleman from Michigan (Mr. KNOLLENBERG). Like a laser beam, the gentleman from Michigan (Mr. KNOLLENBERG) has been focused on the clear obligation of the chair of an appropriation subcommittee, and that is to get his bill to the floor as clean as he can get it so that it can get the necessary votes on the floor from both sides of the aisle.

I appreciate the way this bill was handled in subcommittee today, especially in contrast to when the District of Columbia appropriation finally got out of the House last year. It was in December, remember. The appropriation year ends September 30. My colleagues can imagine the hardship on our local jurisdiction that does not get its budget until almost Christmas. It was so late even when we got the bill itself out, that was sometime in November, it was held over in order to be the vehicle to carry other appropriations that had had difficulty getting out of committee.

So here we had the spectre of a local jurisdiction not being able to spend its own money while the bill was held hostage for Federal appropriations. It seems to me there is something in reverse order about that, that the smallest appropriation was being held to carry gigantic appropriations like HHS over.

I am deeply grateful that the gentleman from Illinois (Mr. HASTERT) helped me get this bill out. I went to his office and described the hardship. I asked Mayor Tony Williams to help me describe it. With the help of the Speaker, we finally got our bill out in December.

What the gentleman from Michigan (Mr. KNOLLENBERG) has done is to take a first step toward avoiding any kind of train wreck of that kind for the District of Columbia.

□ 1730

Perhaps it will not happen because, if there are riders on our appropriation, get yourself ready for a fight. But if there are, they certainly will not be there because the chairman has been an enabler of such extraneous, irrelevant, undemocratic riders.

True to his word, the chairman himself respected local decision-making, and the way he did so was by announcing in advance shortly after he assumed the chairmanship that he did not want any riders in his appropriation. I do not think I have heard that for a very long time; but when a chairman says that, I think you will get a lot of respect from Members of the House because he is announcing how he wants his own appropriation to be handled.

He went further. In the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLLENBERG) looked at a project we in the District and I here in the House and with Members of the Senate for a couple years now have been working on.

Since home rule, there have been riders willy-nilly put on the District of Columbia's appropriation that went to operations and went to finances. Many of these are redundant of Federal law. They are redundant of District law. They are so out of date some of them that if they were, in fact, to be acted on they could cause a catastrophe.

What happens is they kind of stay on. The White House, seeing them on, carries them over from year to year; and so there are attachments to the District's appropriation that I think will embarrass this House because they have nothing to do with today. They are ancient. It is as if they were written in the last century.

We thought that such riders could do real harm. Because they are there and until they are gone, you are supposed to do what they say.

The fact that they are redundant or out of date does not mean that you are not supposed to do what they say, and they really cause great confusion in the local community that tries to abide by what indeed the Congress has said.

We worked hard last year while Mr. Clinton was in office and this year as well to see whether we could get the White House to agree with us that certain riders were operational and financial riders were no longer applicable and then to work with the District to see they were no longer applicable.

We did, and to his credit a great many of these riders, 35 of them, have been removed by Chairman KNOLLENBERG.

I regret to say that there are controversial riders that, of course, remain on our appropriation. They have been there for eternity, through Democratic and Republican Houses and

Presidents. They are the kind of riders that hundreds of jurisdictions in the United States of America do not regard as riders at all because they have decided that those are the kinds of things they do not want to do.

Then there are hundreds of jurisdictions that have decided they want to do precisely what the Congress has forbidden us to do, and the chairman of the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLLENBERG), could not do anything about those; and we do not hold him accountable to those.

Those, of course, are riders of the most controversial kind in this House. Riders, for example, under domestic partners that allow domestic partners in the District no matter what their sexual orientation. I guess most of them in the District would not be gay, but would allow a domestic partner to pay for the health benefits of his partner if the person worked for the District government with no cost to the District government.

Hundreds of jurisdictions allow that all across the United States. Many more private corporations allow it. It is a matter of when you consider the cost of health care, seems to me that anybody would want to help somebody get health insurance who wanted to pay for it and get on a group plan, particularly at a time when there are very serious consequences to not doing so.

There is one that this House rebels against that, again, all across the United States can be found. Members, I am sure, will vote against it. Live in places where this is done and, that is, riders allowing the local jurisdiction to pay for abortions for poor women out of its own funds.

Respecting the fact that this body has said you cannot pay for abortions out of Federal funds, you will not find a big city in the United States and many small towns which do not decide to pay for abortions out of their own local funds. Only with your Nation's capital does the Congress say no Federal and no local funds can be used, and they say so for these two items; and they have said so for other matters in the past.

Everybody who votes for it knows it is wrong. They know it flies in the face of Federalism, not to mention devolution. We will continue to fight those. We know that the chairman of the Subcommittee on the District of Columbia, the gentleman from Michigan (Mr. KNOLLENBERG), was in no position to do anything about them; and the burden is on us to convince this body.

We accept that burden and we must find a way out of that dilemma so that we are treated in exactly the same way as every other jurisdiction in the United States.

I am a fourth generation Washingtonian. I can trace my American ancestry back to virtually the beginning of

the 19th century. The fact that before slavery some of them believed they would find a better life in the District of Columbia and walked off the plantation should not mean that today the District of Columbia has fewer rights than any other local jurisdiction and that nobody in my family for four generations has had the same rights as every other Member of this body. I take it personally. And, of course, I take it as my obligation to do something about it for 600,000 people who live in the District of Columbia.

I want to also pay tribute to the gentleman from Florida (Mr. YOUNG), the chair of the Committee on Appropriations. Every year the gentleman from Florida tries to help the District of Columbia get its appropriation out. Again he is simply doing his duty as chairman. He wants to get his appropriations through. He has a well-known desire not to have riders cloud up his various subcommittee appropriations, and he does whatever he can to ward them off and to try to facilitate Members in getting their bills through.

I appreciate that the gentleman from Florida has met every year with our new Mayor, actually he is in his third year now, who has done so well in our city, Tony Williams, and tried to help us to design a way to get our appropriation in and out. It ought to be the fastest and the easiest of all 13 appropriations. It is not your money; it is ours. When it comes to the hard work the Members do here, and they do work very hard, you would think that coming to the D.C. appropriation would be a rest period for the Members of this body. Instead, it has tended to be among the most controversial when it affects nobody in this body. I want to say not only that Speaker HASTERT has been very helpful to this city in trying to move the appropriation but the gentleman from Florida has been very helpful as well.

Finally, I must say a word about the gentleman from Pennsylvania (Mr. FATTAH), who is the ranking member of the Subcommittee on the District of Columbia. This is the first time that the gentleman from Pennsylvania has been on the Committee on Appropriations at all. He is so clever that he managed to get himself a chairmanship straight off because of the way the bidding is done. But what marvelous good fortune it is for the District of Columbia because the gentleman from Pennsylvania comes from a jurisdiction much like our own. He is the first big-city Member to serve in such a position on our committee since Julian Dixon, the much revered chair of the Subcommittee on the District of Columbia for 14 years who died last year.

The gentleman from Pennsylvania not only comes from a similar jurisdiction just a few hundred miles up the East Coast, but he comes from a jurisdiction that has been through exactly

what the District of Columbia went through about 5 years ago when it had to get a control board. So what we have is a ranking member who was the prime mover in getting a control board for the city of Philadelphia which sprang back as a result of it. Now the District of Columbia has sprung back as a result of both the work of the control board and of our Mayor and city council. We have a ranking member who has a deep understanding of big cities, their finances and their educational systems in particular.

What the gentleman from Pennsylvania brings to the Subcommittee on the District of Columbia is almost instinctive understanding of what should pertain here for this city, an instinctive empathy with residents who live and have to watch as the Congress of the United States doubles back over what its own Mayor and city council have approved in their budget and sometimes in their laws.

And so, Mr. Speaker, thanks to the chairman and the ranking member and the cooperation of the full committee, I might add, the D.C. bill is on its way to full committee. I come to the floor this evening to ask that the full committee show this kind of respect for the independent jurisdiction that is your Nation's capital, the District of Columbia, that the chairman has shown; that we follow his lead and that out of committee come a bill that is at least as clean as the bill was when it was passed off today to the full committee.

Mr. Speaker, we have many miles to go before this session is over. I hope and pray we are not here as long as we were last year. But if we spend a lot of time ruminating about the District of Columbia, we may well be here. You have got yourself a Republican President now. I think he wants to sign bills and not veto them, although I must say unless you get this surplus matter figured out, you are likely to have a Republican President vetoing bills that came from a Republican House. In any case, I want us all to focus on getting out of here and getting these bills, which are already very late, done.

I think that the last thing that should make us tarry is a local jurisdiction unrelated to your own business and your own district. I ask that you respect the work of our chairman, the gentleman from Michigan (Mr. KNOLLENBERG), allow a clean bill to come out of the full committee and then out of this House. And, of course, I ask you to respect the 600,000 people who live in the Nation's capital, who are second per capita in Federal income taxes and ask of you only that you let them spend their own money as they see fit.

#### COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE JENNIFER DUNN, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following communication from Shannon Flaherty, staff assistant to the Honorable JENNIFER DUNN, Member of Congress:

HOUSE OF REPRESENTATIVES,  
September 5, 2001.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,  
SHANNON FLAHERTY,  
Staff Assistant.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. OXLEY (at the request of Mr. ARMEY) for today on account of traveling with the President.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. EVANS) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. DEFALIO, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

The following Members (at the request of Mr. ISAKSON) to revise and extend their remarks and include extraneous material:

Mr. WOLF, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. BOSWELL, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

## ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, September 10, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3487. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Foreign Futures and Options Transactions—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3488. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Treatment of Customer Funds—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3489. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Delegation of Authority to Disclose and Request Information—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3490. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Association—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3491. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Recordkeeping Amendments to the Daily Computation of the Amount of Customer Funds Required To Be Segregated (RIN: 3038-AB52) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerances for Emergency Exemptions [OPP-301161; FRL-6797-5] (RIN: 2070-AB78) received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Unregulated Contaminant Monitoring Regulation for Public Water Systems; Amendment to the List 2 Rule and Partial Delay of Reporting of Monitoring Results [FRL-7048-8] received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3494. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3495. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3496. A letter from the Adviser, Department of State, transmitting the Department's final rule—Exchange Visitor Program—received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3497. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Privacy Act of 1974; Systems of Records; Biennial Publication—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3498. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Methods of Withdrawing Funds from the Thrift Savings Plan—received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3499. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—2001-2002 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AG58) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3500. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2001 Fisheries [Docket No. 01051122-1179-02; I.D. 031901C] (RIN: 0648-AN70) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3501. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, AK [COTP Western Alaska-01-002] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Maumee River, Rossford, Ohio [CGD09-01-111] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Indian Summer Festival 2001, Milwaukee, Wisconsin [CGD09-01-110] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Arthur Kill, Staten Island, NY [CGD01-01-135] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07-01-33] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E airspace, Poplar, MT [Airspace Docket No. 00-ANM-22] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3507. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Florida East Coast Railroad Bridge, St. Johns River, Jacksonville, FL [CGD07-01-052] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3508. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08-01-015] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3509. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Inner Harbor Navigation Canal, New Orleans, LA [CGD08-01-002] (RIN: 2115-AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3510. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Ouachita River, LA [CGD08-01-007] (RIN: 2115-AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3511. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30264; Amdt. No. 2065] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3512. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30265; Amdt. No. 2066] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3513. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Administration's final rule—Patents and Other Intellectual Property Rights (RIN: 2700-AC48) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3514. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Administration's final rule—Boards and Committees (RIN: 2700-

AC46) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3515. A letter from the Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration, transmitting the Administration's final rule—Inventions and Contributions (RIN: 2700-AC47) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3516. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Change in Flat Rate of Duty on Articles Imported for Personal or Household Use or as Bona Fide Gifts [T.D. 01-61] (RIN: 1515-AC90) received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3517. A letter from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule—Changes In the Insular Possessions Watch, Watch Movement and Jewelry Program [Docket No. 991228350-1118-02] (RIN: 0625-AA57) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 434. A bill to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes; with amendments (Rept. 107-201). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 2844. A bill to amend the Public Health Service Act with respect to the participation of the public in governmental decisions regarding the location of group homes established pursuant to the program of block grants for the prevention and treatment of substance abuse; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 2845. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies; to the Committee on Ways and Means.

By Mr. BAIRD (for himself and Mr. RYAN of Wisconsin):

H.R. 2846. A bill to amend the Internal Revenue Code of 1986 to provide comparable unrelated business taxable income treatment to tax exempt organizations which hold interests in S corporations to the treatment as is provided to such organizations for interests held in partnerships; to the Committee on Ways and Means.

By Mr. BOSWELL (for himself and Mr. OSBORNE):

H.R. 2847. A bill to encourage the deployment of broadband telecommunications in rural America, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BROWN of Florida:

H.R. 2848. A bill to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office"; to the Committee on Government Reform.

By Ms. BROWN of Florida (for herself and Mr. HASTINGS of Florida):

H.R. 2849. A bill to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office"; to the Committee on Government Reform.

By Mr. DEAL of Georgia:

H.R. 2850. A bill to amend the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2851. A bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, 326-K, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF:

H.R. 2852. A bill to reduce temporarily the duty on (3-(1-methylethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2 dioxide; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2853. A bill to suspend temporarily the duty on 5-methylpyridine-2,3-dicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2854. A bill to reduce temporarily the duty on 5-methylpyridine-2,3-dicarboxylic acid diethylester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2855. A bill to suspend temporarily the duty on 5-ethylpyridine dicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2856. A bill to suspend temporarily the duty on (E)-o-(2,5-dimethylphenoxy methyl)-2-methoxyimino-N-methyl-phenylacetamide; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2857. A bill to suspend temporarily the duty on 2-chloro-N-(4-chlorobiphenyl-2-yl) nicotinamide; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2858. A bill to suspend temporarily the duty on 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidine-di one; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2859. A bill to suspend temporarily the duty on tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2860. A bill to suspend temporarily the duty on Methyl N-(2[[1-(4-chloro-phenyl)-1H-pyrazol-3-yl]oxymethyl]-phenyl) N-methoxy carbamate; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 2861. A bill to suspend temporarily the duty on 3,7-dichloro-8-quinoline carboxylic acid; to the Committee on Ways and Means.

By Mrs. KELLY (for herself and Mr. SWEENEY):

H.R. 2862. A bill to provide for reclassification of certain counties for purposes of reimbursement under the Medicare Program; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself and Mr. EVANS):

H.R. 2863. A bill to direct the Secretary of Health and Human Services to establish and maintain a panel to provide expert scientific recommendations in the field of cell development; to the Committee on Energy and Commerce.

By Mrs. MINK of Hawaii:

H.R. 2864. A bill to provide for an educational center in Haleakala National Park in Hawaii; to the Committee on Resources.

By Mr. ROGERS of Michigan (for himself, Mr. SHUSTER, Mr. TIBERI, Ms. HART, Mr. PENCE, Mr. PLATTS, Mrs. CAPITO, Mr. PUTNAM, Mr. JOHNSON of Illinois, Mr. FORBES, and Mr. GRAVES):

H.R. 2865. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require a sequestration of discretionary non-defense spending for fiscal year 2002 equal to the size of any on-budget deficit for fiscal year 2001; to the Committee on the Budget.

By Ms. SANCHEZ:

H.R. 2866. A bill to restore freedom of choice to women in the uniformed services serving outside the United States; to the Committee on Armed Services.

By Ms. VELÁZQUEZ (for herself, Mr. DAVIS of Illinois, Mr. PASCRELL, Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. PHELPS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. BAIRD, Mr. UDALL of Colorado, Mr. ROSS, Mr. LANGEVIN, Mr. ACEVEDO-VILA, and Mr. WYNN):

H.R. 2867. A bill to amend the Small Business Act to require the Administrator to submit certain disagreements to the Director of the Office of Management and Budget for resolution, and to establish a minimum period for the solicitation of offers for a bundled contract; to the Committee on Small Business.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.J. Res. 60. A joint resolution honoring Maureen Reagan on the occasion of her death and expressing condolences to her family, including her husband Dennis Revell and her daughter Rita Revell; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. LEACH, Mr. FALEOMAVAEGA, and Mr. ISSA):

H. Con. Res. 217. Concurrent resolution recognizing the historic significance of the fiftieth anniversary of the alliance between Australia and the United States under the ANZUS Treaty, paying tribute to the United States-Australia relationship, reaffirming the importance of economic and security cooperation between the United States and Australia, and welcoming the state visit by Australian Prime Minister John Howard; to the Committee on International Relations.

By Mr. KENNEDY of Minnesota:

H. Con. Res. 218. Concurrent resolution honoring Robert Hautman for winning the 2001-2002 Federal Duck Stamp Contest; to the Committee on Resources.

By Mr. SCHAFFER (for himself, Mr. BILIRAKIS, Mr. WYNN, Mr. SESSIONS, Mr. CRANE, Mr. SMITH of New Jersey, Mrs. LOWEY, Mr. WEXLER, Mr.

CHABOT, Mr. BROWN of Ohio, Mr. DOOLITTLE, Mr. SHERMAN, Mr. SOUDER, Mr. HILLIARD, Mr. HEFLEY, and Mr. UNDERWOOD):

H. Con. Res. 219. Concurrent resolution expressing the sense of Congress regarding United States policy toward Taiwan's membership in international organizations; to the Committee on International Relations.

By Mr. TANCREDO (for himself and Mr. GOODE):

H. Con. Res. 220. Concurrent resolution affirming the commitment of Congress to preserving the sovereignty of the United States and the integrity of its border; to the Committee on the Judiciary.

By Mr. WEXLER (for himself, Mr. TANCREDO, Mr. McNULTY, Mr. STUMP, Mr. KENNEDY of Rhode Island, Mr. SESSIONS, Mr. CHABOT, Mr. WYNN, Mr. ANDREWS, Mr. WU, Mr. BROWN of Ohio, and Mr. DEUTSCH):

H. Con. Res. 221. Concurrent resolution expressing the sense of the Congress that it is the policy of the United States that the future of Taiwan should be resolved peacefully through a democratic mechanism with the express consent of the people of Taiwan and free from outside threats, intimidation, or interference; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GEORGE MILLER of California and Mr. VITTER.

H.R. 28: Mr. GORDON.

H.R. 117: Mr. ROTHMAN.

H.R. 123: Mr. GOODLATTE and Mr. PETERSON of Minnesota.

H.R. 162: Mr. THOMPSON of California, Mr. WYNN, Mr. SIMMONS, and Mr. WU.

H.R. 168: Mr. SMITH of New Jersey.

H.R. 220: Mr. WELDON of Florida.

H.R. 274: Mrs. CAPPS.

H.R. 281: Mr. BACHUS.

H.R. 296: Mrs. CLAYTON.

H.R. 298: Ms. MCCOLLUM.

H.R. 303: Mr. BRADY of Pennsylvania.

H.R. 325: Mr. FILNER and Mr. BORSKI.

H.R. 458: Mr. WELDON of Florida.

H.R. 476: Mr. FORBES.

H.R. 488: Mrs. ROUKEMA.

H.R. 504: Mr. BALDACCII, Mrs. CAPPS, Mr. STUPAK, and Ms. ESHOO.

H.R. 537: Mr. OWENS.

H.R. 570: Mr. RANGEL and Mr. BERMAN.

H.R. 580: Mr. TOWNS, Mr. CAPUANO, Mr. CROWLEY, Mrs. CAPPS, Mr. STARK, and Mr. OWENS.

H.R. 597: Mr. MEEKS of New York.

H.R. 599: Mr. CROWLEY, Mr. LEVIN, and Mr. DOYLE.

H.R. 600: Mr. JOHN.

H.R. 630: Mr. WALSH and Mr. WICKER.

H.R. 662: Mr. KERNS, Mr. THUNE, and Mr. PASCRELL.

H.R. 677: Ms. CARSON of Indiana.

H.R. 702: Mrs. MINK of Hawaii.

H.R. 744: Ms. ESHOO and Mr. WELLER.

H.R. 792: Mr. SCHIFF and Mr. ROSS.

H.R. 817: Mr. TAYLOR of Mississippi.

H.R. 822: Mr. HOLT, Mr. LEWIS of Kentucky, Mr. CRAMER, Ms. HOOLEY of Oregon, Mr. SMITH of New Jersey, Mr. PALLONE, and Mr. SOUDER.

H.R. 826: Mr. WELDON of Florida.

H.R. 827: Mr. ABERCROMBIE.

H.R. 840: Mr. McDERMOTT, Mr. BERMAN, Mrs. CAPITO, Mr. PRICE of North Carolina,

Mr. LARSON of Connecticut, and Mr. BARRETT.

H.R. 876: Mr. DELAHUNT.

H.R. 902: Mrs. THURMAN.

H.R. 938: Mr. HILLIARD and Mr. MEEKS of New York.

H.R. 968: Mr. SAM JOHNSON of Texas.

H.R. 975: Mr. LARSON of Connecticut, Mr. COSTELLO, and Mrs. MCCARTHY of New York.

H.R. 991: Ms. HART.

H.R. 1084: Mr. MCGOVERN.

H.R. 1089: Mr. LANGEVIN, Mr. GREENWOOD, and Mrs. THURMAN.

H.R. 1143: Mr. ROTHMAN, Mr. CUMMINGS, Mr. COSTELLO, Mr. DELAHUNT, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, and Mr. SERRANO.

H.R. 1161: Mr. LEACH and Mr. LANTOS.

H.R. 1170: Mr. MENENDEZ.

H.R. 1194: Ms. RIVERS.

H.R. 1201: Mr. MEEKS of New York and Mr. OWENS.

H.R. 1202: Mrs. BONO, Mr. RODRIGUEZ, Mr. BROWN of Ohio, Mr. MCINTYRE, Mr. BACHUS, Mr. MATHESON, Mr. PRICE of North Carolina, and Mr. CRANE.

H.R. 1212: Mr. KELLER.

H.R. 1220: Mr. PETERSON of Pennsylvania.

H.R. 1254: Ms. WOOLSEY.

H.R. 1305: Mr. JENKINS.

H.R. 1556: Mr. TRAFICANT, Mr. PENCE, Mr. BERMAN, and Mr. OSBORNE.

H.R. 1594: Mr. FRANK, Mr. McNULTY, and Ms. ESHOO.

H.R. 1597: Mr. MEEKS of New York.

H.R. 1604: Mr. COSTELLO and Mr. PETERSON of Minnesota.

H.R. 1624: Mr. HAYWORTH, Mr. LUTHER, Mr. HUNTER, Mr. FILNER, Mr. KNOLLENBERG, Mr. PORTMAN, Mr. CASTLE, Ms. ROS-LEHTINEN, Ms. KAPTUR, Mr. BACHUS, Mr. INSLEE, Mr. MCINTYRE, Mr. LUCAS of Kentucky, and Mr. CALLAHAN.

H.R. 1700: Mr. MURTHA, Mr. MASCARA, Mr. MEEKS of New York, Mr. STARK, Mr. GILMAN, Ms. JACKSON-LEE of Texas, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. BISHOP, Mrs. ROUKEMA, Mr. ANDREWS, Mr. WEXLER, Mrs. NAPOLITANO, Mr. PAYNE, Mr. FALEOMAVAEGA, and Mr. HOEFFEL.

H.R. 1711: Mr. NETHERCUTT.

H.R. 1717: Mr. WEXLER.

H.R. 1731: Mr. WELLER, Mr. KERNS, and Mr. OTTER.

H.R. 1734: Mr. SAWYER.

H.R. 1750: Ms. SCHAKOWSKY.

H.R. 1751: Ms. SCHAKOWSKY.

H.R. 1766: Mr. FORBES.

H.R. 1767: Mr. FORBES.

H.R. 1779: Mr. WYNN, Mr. MARKEY, Mr. ROTHMAN, and Mr. DAVIS of Illinois.

H.R. 1784: Mr. BLAGOJEVICH, Mr. CUMMINGS, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. PRICE of North Carolina, Mr. GEORGE MILLER of California, and Mr. OLVER.

H.R. 1795: Mr. ROTHMAN, Mr. MATSUI, and Mr. COSTELLO.

H.R. 1798: Mrs. MINK of Hawaii, Mr. ABERCROMBIE, Mr. BOUCHER, and Mr. MCINTYRE.

H.R. 1806: Mr. SMITH of New Jersey.

H.R. 1810: Mr. HALL of Ohio, Mr. WATT of North Carolina, and Mr. WEINER.

H.R. 1897: Ms. BALDWIN, Mr. McDERMOTT, and Mr. KILDEE.

H.R. 1950: Mr. PETERSON of Pennsylvania.

H.R. 1961: Mr. BRYANT, Mr. DEFazio, Mr. BOYD, and Mr. HOLDEN.

H.R. 1968: Mrs. CLAYTON and Mr. MCINTYRE.

H.R. 1979: Mrs. MINK of Hawaii and Mr. ABERCROMBIE.

H.R. 1988: Mr. FROST.

H.R. 1997: Mr. WALSH.

H.R. 2022: Mr. GEORGE MILLER of California and Mrs. DAVIS of California.

H.R. 2071: Ms. BALDWIN and Mr. GREEN of Wisconsin.

H.R. 2096: Mr. ROGERS of Michigan.

H.R. 2098: Mr. SMITH of New Jersey.

H.R. 2125: Mr. FARR of California, Mr. ABERCROMBIE, Mr. CALLAHAN, Mr. BURR of North Carolina, Mr. ROSS, Mr. EHRLICH, Mr. BROWN of Ohio, Ms. BALDWIN, Mr. GOODLATTE, Mr. DOYLE, Mr. WELDON of Florida, Mr. LUCAS of Kentucky, Ms. LEE, Ms. RIVERS, Mr. ENGEL, Mr. CARSON of Oklahoma, Mr. BARR of Georgia, Mr. PETERSON of Minnesota, Mr. MCGOVERN, Mr. SCOTT, Mr. COYNE, Ms. DELAURO, Mr. McNULTY, Ms. MCCOLLUM, Mr. LANTOS, and Mr. PASCRELL.

H.R. 2138: Mr. UDALL of New Mexico, Mrs. CHRISTENSEN, and Mrs. MORELLA.

H.R. 2157: Mr. HASTINGS of Washington.

H.R. 2160: Ms. MILLENDER-MCDONALD.

H.R. 2173: Mr. KENNEDY of Rhode Island, Mr. BERMAN, Ms. RIVERS, Mr. STUPAK, Mr. OWENS, and Mr. BALDACCII.

H.R. 2200: Mr. LEACH, Mr. MORAN of Kansas, and Mr. DAVIS of Illinois.

H.R. 2211: Mr. TIERNEY.

H.R. 2220: Ms. ROYBAL-ALLARD, Mrs. MORELLA, Mr. WELLER, Mr. WAXMAN, Mr. BERMAN, Mr. BISHOP, Mr. MORAN of Virginia, Mr. UDALL of New Mexico, Mrs. NAPOLITANO, Mr. LOBIONDO, Mr. MCINTYRE, Mr. COSTELLO, Mr. DIAZ-BALART, Mr. NADLER, Mr. HINCHEY, Mr. GORDON, Mr. DOYLE, Mr. GILLMOR, Mr. ISAKSON, and Ms. MCCOLLUM.

H.R. 2227: Mr. EVERETT.

H.R. 2269: Ms. DUNN, Mr. GREENWOOD, Ms. PRYCE of Ohio, Mr. CLEMENT, and Mr. MATHESON.

H.R. 2308: Mr. MEEKS of New York, Mr. DIAZ-BALART, Mr. GORDON, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. MASCARA, Mrs. MEEK of Florida, Mr. OWENS, and Mr. NETHERCUTT.

H.R. 2316: Mr. OTTER, Mr. WATTS of Oklahoma, Mr. BONILLA, Mr. BARTON of Texas, Mr. POMBO, Mr. HALL of Texas, Mr. RADANOVICH, Mr. LINDER, Mrs. JO ANN DAVIS of Virginia, Mr. TIBERI, Mr. GRAVES, and Mr. KENNEDY of Minnesota.

H.R. 2322: Mr. CARSON of Oklahoma, Mr. MORAN of Kansas, and Mrs. MINK of Hawaii.

H.R. 2335: Mr. CARSON of Oklahoma and Mr. KLECZKA.

H.R. 2338: Ms. NORTON.

H.R. 2348: Mr. MEEKS of New York, Mr. TOM DAVIS of Virginia, Mr. BRADY of Pennsylvania, Mr. TERRY, and Mr. WEINER.

H.R. 2355: Mr. GILLMOR.

H.R. 2375: Ms. SANCHEZ, Mr. JEFFERSON, Mr. FERGUSON, Mr. CLEMENT, Mrs. MALONEY of New York, Mr. MENDENDEZ, Mr. HONDA, Mr. PAYNE, Mr. MEEHAN, Mr. BECERRA, Ms. KAPTUR, Mrs. CHRISTENSEN, Mr. MATHESON, Mr. CASTLE, and Mr. ENGEL.

H.R. 2383: Mr. DOOLEY of California.

H.R. 2405: Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mr. CAPUANO, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, and Ms. ROYBAL-ALLARD.

H.R. 2466: Mr. RILEY and Mr. WELLER.

H.R. 2484: Mr. LAFALCE, Mrs. THURMAN, Mrs. MALONEY of New York, Mrs. CHRISTENSEN, Mr. ISRAEL, Mr. MCGOVERN, Mr. WAXMAN, Mr. MOORE, Ms. SCHAKOWSKY, Mrs. MORELLA, Mr. MEEHAN, Ms. ROYBAL-ALLARD, Mr. SWEENEY, Mr. SERRANO, Mr. BRADY of Pennsylvania, and Mr. FILNER.

H.R. 2485: Ms. LOFGREN.

H.R. 2507: Mr. FORBES.

H.R. 2549: Mrs. CAPPS.

H.R. 2550: Mr. PALLONE, Ms. ROS-LEHTINEN, and Mr. CROWLEY.

H.R. 2555: Mr. SCOTT, Mr. RUSH, Ms. MCCOLLUM, and Mr. OWENS.

H.R. 2578: Mr. BERMAN, Mrs. BONO, Ms. HARMAN, Mr. HONDA, Ms. LEE, Mr. MATSUI,

Ms. PELOSI, Mr. RADANOVICH, Ms. SANCHEZ, Mrs. TAUSCHER, Ms. WATSON, Ms. WOOLSEY, and Mrs. CAPPS.

H.R. 2614: Mr. WEINER.

H.R. 2615: Mr. KERNS, Mr. HEFLEY, Mr. BARR of Georgia, and Ms. RIVERS.

H.R. 2623: Mr. WALSH, Mr. RANGEL, Mr. FOSSELLA, and Mr. COYNE.

H.R. 2629: Ms. ESHOO and Mr. OWENS.

H.R. 2630: Mrs. MORELLA and Mr. ANDREWS.

H.R. 2631: Mr. SCHAFFER and Mr. JONES of North Carolina.

H.R. 2635: Mr. MENENDEZ, Mr. SERRANO, Mr. BACA, Mr. WAXMAN, Mr. GONZALEZ, Mr. REYES, Mr. OWENS, Mr. STARK, and Mr. CROWLEY.

H.R. 2640: Mr. FROST, Mr. McNULTY, Mrs. MEEK of Florida, Ms. MCKINNEY, and Mr. OWENS.

H.R. 2641: Mr. MCGOVERN.

H.R. 2662: Mr. JOHNSON of Illinois.

H.R. 2663: Mr. HANSEN.

H.R. 2667: Mr. KENNEDY of Minnesota.

H.R. 2675: Mr. CHABOT.

H.R. 2709: Mr. WELLER.

H.R. 2716: Mr. SIMPSON.

H.R. 2725: Mr. HOLDEN, Mr. FILNER, Mr. WOLF, Mrs. DAVIS of California, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. PHELPS, and Mrs. TAUSCHER.

H.R. 2730: Mr. HYDE.

H.R. 2747: Mr. NETHERCUTT, Mr. MCGOVERN, Mr. KLECZKA, Mr. LANGEVIN, Mr. BOUCHER, Mr. SANDLIN, Mr. GREENWOOD, Mr. EVANS, Mr. FILNER, Mrs. THURMAN, and Mr. BRADY of Pennsylvania.

H.R. 2750: Ms. MCKINNEY and Mr. HILLIARD.

H.R. 2794: Mr. HERGER and Mr. MANZULLO.

H.R. 2795: Mr. GOODE and Mr. GUTKNECHT.

H.R. 2800: Mr. TANCREDI and Mr. DOOLITTLE.

H.R. 2802: Mr. SESSIONS.

H.R. 2805: Ms. HART, Mr. DOOLITTLE, Mr. PENCE, Mr. SHOWS, and Mr. STEARNS.

H.R. 2806: Mr. FROST.

H.R. 2830: Mr. RANGEL, Mr. FRANK, Mr. OWENS, Ms. NORTON, and Mr. FALEOMAVAEGA.

H.R. 2833: Mr. TOM DAVIS of Virginia, Ms. LOFGREN, Mr. DELAY, Ms. SANCHEZ, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. WOLF,

Mr. ROYCE, Mr. SOUDER, Mr. LANTOS, Mr. BALLENGER, Mr. CLAY, and Mr. HYDE.

H.R. 2836: Mr. KING.

H.J. Res. 8: Mr. VISCLOSKEY.

H. Con. Res. 20: Mr. OSBORNE.

H. Con. Res. 23: Mr. WELDON of Florida and Mr. KERNS.

H. Con. Res. 38: Mr. WALSH.

H. Con. Res. 48: Mr. WELDON of Florida.

H. Con. Res. 97: Mr. CLAY.

H. Con. Res. 102: Mr. SIMMONS, Mr. DOYLE, Mr. BOSWELL, Ms. MCCARTHY of Missouri, Mr. McDERMOTT, Mr. PASCARELL, and Mr. SMITH of Washington.

H. Con. Res. 104: Mr. EDWARDS.

H. Con. Res. 164: Mr. BACA and Mr. LOBIONDO.

H. Con. Res. 184: Mr. HEFLEY, Mr. PENCE, Mr. FORBES, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. SCHROCK, Mr. BRADY of Texas, and Mr. WHITFIELD.

H. Con. Res. 197: Mr. GRAVES, Mr. SMITH of New Jersey, Mr. TERRY, Ms. BALDWIN, and Mr. ISAKSON.

H. Con. Res. 206: Mr. TOOMEY and Mr. GARY G. MILLER of California.

H. Con. Res. 214: Mr. LOBIONDO, Mr. TANCREDI, Mr. RAMSTAD, Mrs. JOANN DAVIS of Virginia, Mr. SCHROCK, and Mr. CALVERT.

H. Res. 230: Mr. SHAW and Mr. UDALL of New Mexico.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 144: Mr. PICKERING.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2586

OFFERED BY: Mr. SCOTT

AMENDMENT No. 1: At the end of title XXXV, add the following:

#### SEC. . USE OF CONVEYED NDRF VESSELS.

Section 3603(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2273) is amended by inserting "or as a bulk grain carrier" after "for use as an oiler".

**SENATE—Thursday, September 6, 2001**

The Senate met at 10:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we commit ourselves to You, the work of this day, and the challenges we face. You have made commitment the condition for receiving Your grace and guidance. We accept the admonition of Proverbs: "Commit your works to the Lord, and your thoughts will be established" (Proverbs 16:3). We long to be divinely inspired thinkers. When we commit our problems, plans, and projects to You, You instigate thoughts we would not have conceived without Your help. Show us how the sublime secret of intellectual leadership works. The Psalmist knew that secret: "Commit your way to the Lord, and trust also in Him, and He shall bring it to pass . . . rest in the Lord, and wait patiently for Him" (Psalm 37:5, 7).

We claim Your presence; You are here in this Chamber and with every Senator and staff member in the offices and committees and hearing rooms of the Capitol. We praise You for Your superabundant adequacy to supply our needs spiritually and intellectually. You establish our thinking and energize our work. Bless the Joint Session of Congress this morning as we welcome Mexican President Vicente Fox and continue to strengthen the ties between Mexico and the United States.

We commit the day; You will show the way, and we will receive Your strength without delay. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC., September 6, 2001.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I

hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,

President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:40 a.m. with Senators permitted to speak therein for up to 5 minutes each.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I thank the Chair.

**MEASURE PLACED ON CALENDAR—S. 2563**

Mr. REID. I understand there is a bill at the desk for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2563), an act to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986, to protect consumers in managed care plans and other health coverage.

Mr. REID. Mr. President, I would now object to any further proceeding on this legislation at this time.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

**SCHEDULE**

Mr. REID. Mr. President, as has been announced, in 5 minutes the Senate will recess for purposes of the joint meeting with President Fox of Mexico. Senators have been notified to be here in 5 minutes to proceed to the House Chamber for the meeting.

When the Senate reconvenes at 12 noon, we will continue on the export administration bill. It is my understanding, having spoken with the managers of the bill, Senators SARBANES

and ENZI, that progress has been made over the evening, and I have been told—and we will hear more from the managers shortly—that that bill can be wrapped up this afternoon. I hope that is the case because we want to alert Senator HOLLINGS and Senator GREGG that we should move and will move to the Commerce-State-Justice Appropriations Act today as soon as this other legislation is finished.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

**EXPORT ADMINISTRATION ACT**

Mr. SARBANES. Mr. President, with respect to S. 149, which is before the Senate, it is our anticipation that upon returning from the joint meeting and going back into session at noon, we would be able then to move expeditiously. There are a couple of amendments that I presume Senator THOMPSON and Senator KYL will offer. We have had an opportunity to review those amendments. We think they strengthen the bill. We are prepared to accept those amendments.

There is a question of the blue ribbon commission on which an agreement has not been reached. I do not know whether Senator SHELBY, who authored that amendment, will proceed to offer it or not. If he does, we will have to take it up and, of course, be open to amendment. We hope to be able to resolve that issue rather quickly. We have a managers' amendment to be adopted. And then we anticipate going to final passage.

So that is the sequence that we envision. We think that could be done in short order. I don't think that it will really take a lot of time to do all of this, maybe an hour at most, and we could get this bill completed and off the floor. I say to the majority whip, we would be able then to move on to other legislation in the early afternoon. But that is my expectation of how we will proceed.

I want to acknowledge and thank Senator THOMPSON, Senator KYL, and Senator ENZI—Senator GRAMM was involved in the discussion that Senator ENZI had with the other two Senators—for moving this matter along.

Mr. THOMPSON. Will the Senator yield.

Mr. SARBANES. Certainly.

Mr. THOMPSON. Mr. President, I think the Senator very well states the status of the situation and what has occurred. We have been discussing these matters as late as 30 minutes ago. I do anticipate that we will have two short amendments that have been

discussed and we will be able to agree upon which will improve the bill. As a part of our understanding, there will be two letters from both advocates and opponents of this legislation to the White House on a couple matters that we believe are very important but that should first be addressed by the White House, such as the deemed export rule, which is a very complex matter that we believe should properly be handled by Executive order. So with those two amendments and those two letters, I think we are in a state of agreement with regard thereto.

The only other matter, as Senator SARBANES indicated, is the question of the commission. I anticipate that we will certainly know by 12 o'clock what the situation on that will be. We will either have a vote on that or not. But if we do, I would anticipate that would be the only rollcall vote that we would have, and we would be able to proceed forthwith to final passage.

Mr. ENZI. Will the Senator yield.

Mr. SARBANES. Certainly.

Mr. ENZI. I would add my thanks and appreciation for all the hard work, particularly of Senator THOMPSON and Senator KYL and their staffs and Senator GRAMM and his staff. The meetings and the work on this did go late into the evening last night and began this morning so we could have as little interruption and expedition of the business that needs to be done by the Senate. Their cooperation, their attention to detail, and their willingness to discuss throughout the whole process the last 3 years we have been working on it is very much appreciated, particularly the hours they and their staff put in last evening and early this morning.

Mr. SARBANES. Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF MEXICO

##### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate will now stand in recess until the hour of 12 noon.

Thereupon, the Senate at 10:40 a.m., preceded by the Secretary of the Senate, Jeri Thomson, and the Vice President, RICHARD B. CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of Mexico, Vincente Fox.

(The address is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12 noon, the Senate, having returned to its Chamber, reassembled

when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

#### EXPORT ADMINISTRATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 149, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 149) to provide authority to control exports, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, as we debate our system of export controls in this new era, we hear an array of arguments that reflect America's preeminent role in the world, our military and economic power, and the absence of the threat of major war that has prevailed since the demise of the Soviet Union a decade ago. We hear proud claims that trade is the new currency of international politics; that the strength of our economy, now more than ever, underpins our national power and global influence; and that in the brave new world of the Information Age, most technological flows are uncontrollable, or controls are meaningless due to the availability of the same technology from foreign competitors.

The business of America is business, we are told, and those of us who believe national security controls exist to protect national security, rather than simply expedite American exports, are accused of old thinking, of living in a dangerous past rather than a prosperous and peaceful present. For many, the new definition of national security—in a haunting echo of the thinking that inaugurated the last century—predicates the safety and well-being of the American people upon the free flows of trade and finance that make our economy the envy of the world, and our business leaders a dominant force in our time.

I am an ardent free trader, and I believe economic dynamism is indeed a central pillar of national strength. But I do not believe our prosperity requires us to forego very limited and appropriate controls on goods and technologies that, in the wrong hands, could be used to attack our civilian population here at home, or against American troops serving overseas. Ex-

perts agree that both rogue regimes and hostile terrorist organizations are actively seeking components for weapons of mass destruction, many of which are included in the list of goods we control under our current export licensing system.

Unlike in the Cold War era, when we created our export control regime to keep sensitive technologies out of the hands of the Soviet Union, this era is characterized by an array of diverse threats emanating from both hostile nations and non-state actors. Hostile nations like Iran and North Korea are disturbingly close to developing multiple-stage ballistic missiles with the capability to target the United States. These and other nations, including Syria and Iraq, receive significant and continuing technical assistance and material support for their weapons development efforts from China and Russia, with whom much of our trade in dual-use items is conducted. The intelligence community has made startlingly clear the proliferation record of China and Russia, as well as North Korea, and the adverse consequences of their weapons development and technology transfers to American security interests.

I do not believe that S. 149 adequately addresses these threats. Unfortunately, the Senate yesterday rejected a reasonable amendment offered by Senator THOMPSON allowing the relevant national security agencies to receive a 60-day time extension to review particularly complex license applications. This reform, proposed by the Cox Commission, and a number of amendments adopted by the House International Relations Committee in its markup of the Export Administration Act, properly addressed some of the deficiencies in the current version of S. 149.

S. 149 has the strong support of the business community and the Bush Administration. In the short term, proponents of this legislation are correct: loosening our export controls will assist American businesses in selling advanced products overseas. In another age, proponents of free trade in sensitive goods with potentially hostile nations were also correct in asserting the commercial value of such enterprise: Britain's pre-World War I steel trade with Germany earned British plants substantial profits even as it allowed Germany to construct a world-class navy. Western sales of oil to Imperial Japan in the years preceding World War II similarly earned peaceful nations commercial revenues. In both cases, friendly powers caught on to the destructive potential of such sales and embargoed them, but it was too late. Such trade inflicted an immeasurable cost on friendly nations blinded by pure faith in the market, and in the power of commerce to overcome the ambitions of hostile powers that did not share their values.

I resolutely support free trade. But I cannot with a clear conscience support passage of legislation that weakens our national security controls on sensitive exports to a point that we may one day be challenged, or face attack, from weapons derived from the very technologies we have willingly contributed to the world. Our peaceable intentions, our love of prosperity and stability, are not shared by those who would do America harm, and whose hostile ambitions today may well be matched tomorrow by the ability to deliver on that threat. We should make it harder, not easier, for them to do so.

Our export control regime should undergo significant reform to address the challenges and opportunities of our time. Proponents of S. 149 focus on the opportunities this legislation affords American business. I have worked with Senators THOMPSON, KYL, SHELBY, HELMS, and WARNER to highlight the reality that this bill does not adequately address the national security challenges we face today. National security controls cover only a tiny fraction of total American exports; the overwhelming majority of export applications for dual-use items are approved by our government; limited controls properly exist to help prevent highly sensitive technologies from falling into the wrong hands; and such safeguards are more relevant than ever in the face of the multifaceted and unconventional threats to our country unleashed by the information revolution.

A number of proponents of S. 149 argue that American companies should not be straitjacketed by U.S. national security controls even as their foreign competitors remain free to peddle similar technologies to proliferators and rogue regimes. This argument overlooks the fact that America continues to lead the world in technological innovation; our products are often unique when compared with those produced by businesses in France, Germany, or Japan. More fundamentally, such an approach only emboldens potential enemies who seek access to our markets in sensitive goods. In concert with friends and allies, we should endeavor to shame foreign companies who sell dangerous items to rogue buyers by making their identities public—not scramble for market access in dangerous technologies at their expense, as if nothing more than corporate profits were at stake. We should also make it a diplomatic priority to construct a new multilateral export control regime, in concert with like-minded nations, to fill the vacuum created by the collapse of COCOM, which regulated Allied exports during the Cold War to keep critical technologies out of Soviet hands.

As a proud free-trader, I maintain that we should continue to carefully review our most sensitive exports; we can, in fact, exercise some control over

their end use. I fear we shall one day reap the bitter harvest we sow in our neglect of the consequences to America's security of an overly complacent export licensing regime. As a nation, we may have to learn the hard way that winking at the proliferation threats we face today, in light of clear evidence that nations to which we export sensitive technologies continue to apply and share them with our enemies, diminishes our national security to a point for which no amount of corporate profits will compensate.

I thank Senator THOMPSON for his efforts on this legislation. I do not believe that his amendment yesterday should have been defeated. I thought it was a reasonable amendment. I think it is also another example of a compelling requirement for campaign finance reform.

I yield the floor.

THE PRESIDING OFFICER (Mrs. CLINTON). The Senator from South Dakota.

Mr. JOHNSON. Madam President, S. 149 is, in fact, a balance that modernizes our export control laws to account for the geopolitical, commercial, and technological changes of this past decade.

This bill recognizes that on occasion exports must be controlled for national security and for foreign policy reasons. S. 149 substantially increases the President's authority to impose controls when in fact they are necessary.

I have great respect for the few opponents of this legislation. However, I believe it is a misstatement to suggest that this bill somehow diminishes our Nation's ability to control technology which needs to be controlled when in fact this legislation imposes greater controls where necessary and significantly increases penalties and decreases the likelihood of sales that are inappropriate.

At the same time this legislation acknowledges that a vibrant American economy is a critical component of our national security. Senator BENNETT, our friend from Utah, spoke eloquently to this point yesterday.

Advancements in high technology allow us to "run faster" than our enemies. To foster continued advancements, we must take great care not to punish American businesses by limiting unnecessarily their marketplace, if those same products will simply be provided by our foreign competitors.

The observation is made, well, what about unique American technology? This legislation takes that into account. It allows for strong limitations where it is truly unique and where those sales would, in fact, pose some jeopardy to our Nation's security.

S. 149 balances our national security interests and our commercial interests with a first and foremost concern for national security—appropriately so. But it does recognize that our pros-

perity and our security are, in fact, interrelated.

This has been a thoroughly bipartisan process—a process, frankly, that I would like to see more often the case on the floor of this body.

I have great gratitude for the work of Chairman SARBANES, ranking member GRAMM, Senator ENZI, and some others who have contributed in a constructive way to this legislation. And Senators THOMPSON and KYL have made valuable suggestions to enhance the bill. I thank them for their role and their sincere concern for our Nation's security. I thank Senators DAYTON and ROBERTS for their constructive input on this legislation as well.

I urge the House to move expeditiously to pass the EAA so the White House can sign this bill into law. This is a high priority for the White House.

For those who may have some concern about the expertise of the vast bipartisan majority of this Senate in support of this legislation out of national security concerns, I again remind the body that this legislation not only had the overwhelming bipartisan support of thoughtful Senators on both sides of the aisle but is urgently supported by President Bush, by Secretary of Defense Rumsfeld, Secretary of State Powell, Commerce Secretary Evans, and National Security Adviser Condoleezza Rice. Certainly those in the White House have taken national security as a first and foremost concern. Any suggestion that somehow that issue has been taken lightly by the advocates of this bill is simply incorrect.

This has been, frankly, a model for how the Senate can work together for the good of our Nation. It is not a Republican bill. It is not a Democrat bill. But it is a bill put together across the aisle with the cooperation of the White House. It has been extremely gratifying, frankly, to have been so closely involved in the creation of this reauthorization.

To reject this legislation, to fall back on the Executive order, which is under legal challenge, and which extends far less authority to the White House to control the sales of high-tech items around the world, would be a tragic mistake. This Nation needs a modern dual-use technology trade regime. This legislation provides that.

Those in our Government who are given the great responsibility of national security have applauded this bill. It is the kind of balance our country needs. I believe the Senate has performed its work very ably to bring this bill to this point.

It is my hope we can conclude this debate very soon, work with our colleagues in the other body, and deliver this bill onto the desk of the President, who has urged us over and over again to pass this bill and to again have in place a strong, powerful, dual-use technology trade regime for our Nation.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMPSON. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1527

Mr. THOMPSON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. THOMPSON] proposes an amendment numbered 1527:

On page 197, line 15, strike "substantially inferior" and insert "not of comparable quality".

Mr. THOMPSON. Madam President, this amendment addresses the issue of foreign availability. As all who have listened to our discussion up until now realize, one of the more important pieces of S. 149 has to do with foreign availability. Essentially, what this bill does is say if the Department of Commerce makes a determination that some item has foreign availability status, then that item is essentially decontrolled. It does not go through the licensing process anymore, the idea being that it is out there and anybody can get it, and why control it.

Frankly, I think it is not a good idea. I think that foreign availability should be taken into consideration, as we always have in our export policy taken foreign availability into consideration. We do not want to try to stop the export of items that are clearly out there in the domain, but it should not be an overriding consideration. We should not be deregulating whole categories of items, and not even being able to keep up with how much we are shipping to some country, and what kind of item we are sending to some country.

This foreign availability concept takes these large categories totally outside the regulatory process that we are fearful might contain something that might turn out to be harmful to our national security. We ought to have a way for the appropriate representatives in our Government to judge these matters, item by item, and case by case, to make a determination. It may take a few days, a few weeks in some cases perhaps, to make this determination, but it is well worth it because the reason for export control laws is not primarily commerce; it is primarily national security.

If you look at this bill, you will see that the purpose of the export control law is to prevent the proliferation of weapons of mass destruction and things that are detrimental to our national security or things that poten-

tially are. But, anyway, I am in the minority on that.

The administration supports this concept of foreign availability. The majority leadership supports this concept. So that being the case, we have attempted to enter into discussions whereby, hopefully, we could convince our colleagues on the other side of this issue that there is some validity to our concern and, hopefully, the idea being that they would make some accommodation to us on this concept.

I am happy to say that we have been able to reach some accommodation on this issue that addresses some of our concerns.

This amendment that I have just offered makes an important change to the definition of "foreign availability." Under S. 149, items could be decontrolled and bypass any kind of review so long as similar items that were available from foreign countries were not substantially inferior to U.S. items. In other words, foreign availability would kick in and the decontrol would kick in under the bill as long as countries could get things that were not substantially inferior.

Our belief is that we ought to make sure, before we decontrol our items, they can really get items that are comparable to what we have. If they can get items that are inferior to what we have, then we should still maintain controls because we have something they cannot otherwise get. And they are sensitive matters or they would not have been on the control list. So we ought to be careful about that.

So this amendment changes that standard of "not substantially inferior" to ensure that the items are of "comparable quality" to U.S. items. It is a small but significant change that ensures that we will not decontrol superior American technology just because inferior items are available overseas.

So I think this strengthens this provision in an important way. It certainly does not address all of our concerns, but it does strengthen this provision in an important way to make sure if we are going to enter into this, what I consider to be a very large decontrol process, in a very dangerous time, to very dangerous countries, that we ought to at least make sure that if we are claiming they can get these items anyway, it is really the same kind of items we have, the same quality we have. I think this amendment would go a long way toward ensuring that.

I thank my colleagues on the other side of this issue for entering into real discussions with us on it. Hopefully, we have come to an agreement on this issue.

I yield the floor.

Mr. SARBANES. Madam President, I thank the Senator from Tennessee for his contribution throughout this de-

bate. As he said, we have listened and considered carefully. I am perfectly prepared to accept this amendment. And I think introducing this quality concept about which he spoke yesterday is an important improvement and addition to this bill. I am happy to be supportive of it.

Mr. ENZI. I, too, thank the Senator from Tennessee for his cooperation and diligence in the months of working on this bill with us, and with the 59 other changes in the bill as well, and for his willingness to work with us on this change. We are happy to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SARBANES. I urge adoption of the amendment.

The PRESIDING OFFICER. If not the question is on agreeing to amendment No. 1527.

The amendment (No. 1527) was agreed to.

Mr. SARBANES. I move to reconsider the vote.

Mr. ENZI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Madam President, I suggest the absence of a quorum.

Mr. THOMPSON addressed the Chair.

Mr. SARBANES. I withhold the request.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I suggest that while we are waiting on another Senator, who I believe has one more amendment to consider, we discuss the matters of deemed exports and commodity classification. We have had some discussions about those subjects also. If I may, I will simply relate what my understanding is with regard to those issues.

First of all, on the deemed export issue, we have had concerns on this side that the legislation did not adequately address the problem of deemed exports. As most who follow this issue know, a deemed export comes about when, in a typical situation, sensitive information is passed to a foreign national who perhaps is working at one of our National Laboratories or working in one of our businesses on sensitive information, who may or may not have a government contract, the idea being that with regard to the physical exporting of an item, that information should then be controlled when giving it to a foreign national. That should be reported. We should go through a reasonable process to make sure no damage is being done.

We learned from hearings with regard to our National Laboratories, for example, that we were woefully behind as a government from even private industry; that we were not paying attention in our National Laboratories to the deemed export requirements. There were hardly any deemed export notifications or licenses issued by our laboratories. Our laboratories contain

probably the most sensitive matters that we have in this Nation, including the maintenance of our nuclear stockpile, our Stockpile Stewardship Program, including information concerning our most sensitive weapons.

We believed we should deal with the deemed export issue. The administration has said it would like to address this complex issue—and it is complex—through regulation rather than include it in the legislation. We have agreed that a letter will be sent to the administration from both supporters and opponents of this bill asking the administration to review existing regulations and address this issue.

Continued control of deemed exports is an essential component of our export control process. Right now there is substantial noncompliance, as I said. This letter is designed to urge the administration to develop new regulations that ensure understanding of and compliance with the responsibility to control deemed exports.

I understand there are some in the business community who do not like the concept of deemed exports at all. My understanding and intention, as far as this letter is concerned, is not to give the administration the option of continuing a deemed export policy or not; it is to tighten up the policy and make sure it is updated and clear in terms of what responsibilities are under that policy.

It is a reasonable request that they be given the opportunity to address it. It is a very complex issue. We don't want to create onerous requirements. These foreign students and scientists who come to America make valuable contributions in many different ways. But we simply have to exercise common sense and protect ourselves and go through an appropriate process when it comes to deemed exports.

I am happy. I believe we have reached some agreement that we write the administration and express generally those thoughts.

Could I get an amen on that?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, again, I appreciate the care, concern, and detail in which the Senator from Tennessee and the Senator from Arizona, and others who have participated on this, have expressed their concerns about the deemed export controls. We do recognize that the problem is not primarily in the private sector; that it is primarily in the government and educational and health institutions. The private sector has some proprietary rights they try to preserve, but it would be a problem there, too, and we wanted it addressed in all those sectors.

Mr. THOMPSON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

#### AMENDMENT NO. 1529

Mr. KYL. Madam President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1529.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 296, strike line 1 through line 7 and insert the following:

“(3) REFUSAL BY COUNTRY.—If the country in which the end-user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item or class of items, any item that the Secretary determines to be of equal or greater sensitivity than the controlled item, or any controlled item for which a determination has not been made pursuant to section 211 to all end-users in that country until such post-shipment verification is allowed.”

Mr. KYL. Madam President, let me explain what this amendment does and indicate to my colleagues that I believe I have the concurrence of the chairman of the committee and the ranking member of the subcommittee and have met this morning with the ranking member of the Banking Committee who worked out the language with us. In fact, much of this is his language.

This is the amendment I spoke to yesterday regarding the post-shipment verification that sometimes has to occur when we say, in the granting of an export, we will grant the license to send the item overseas but for a peaceful purpose, for a commercial purpose, or research, or university, a business purpose; we don't want you to take this item and put it in your defense facility or a nuclear weapons facility, something of that kind. We are going to verify, after we ship it, that it went to the right place.

Remember these are dual-use items. They have two different uses. They may be very useful in a private way, business way. They may also be useful in a military way. Let me give an example.

Not too long ago, some folks in Germany developed a very important medical device called the lithotripter which, with a high-energy beam, literally zaps kidney stones so they break up into a million little pieces and surgery is not necessary to remove them. It is a very important medical treatment now for people. It is noninvasive, no surgery, and has a great success rate.

These are very sophisticated pieces of equipment. They have some special switching components in them. It

turns out that Iraq has found that those switches are useful in their nuclear weapons program. This is a good example of a dual-use item. It was not invented for defense purposes. It has an item in it that can be used for weapons. We know that. We don't want that item to be used for that purpose.

Saddam Hussein has ordered 50 of these. I don't think there is a need for 50 lithotriptors in Iraq, frankly. We want to be careful about the export of items that are available on the market. Any hospital can buy a lithotripter if they have enough money. They are available. By now I am sure there are more companies than just the one German company that make them. These are items that can be acquired. They have dual-use capabilities.

In the granting of an export license on this kind of product, you have to be careful that it is not used for military purposes.

It may be that the example I used isn't technically correct in the way the bill would work, but I think I make my point.

The bill has a provision in it which says that if a company to which you sell, let's say a company in China, uses this product improperly, or they don't let you inspect to see where they have used it to verify that the shipment went to where it was supposed to go, then the Secretary shall cut that company off from further exports; they can't buy anything else from the United States.

But since countries such as China have established a rather gray relationship between the Government and businesses, there also needs to be a way of making the same point with the Government of China or any other government.

I am not trying to pick on China. There happen to be some very egregious examples of the Government of China right now not living up to agreements or post-shipment verification. We need to have some kind of enforcement mechanism in a country such as China as well. I proposed that we have the same kind of provision and say if the Chinese Government won't permit a post-shipment verification, then the Secretary shall stop such exports until they begin to comply. Well, supporters of the bill said, “That is too drastic; why don't you say ‘may’ so that the Secretary has total discretion?” I was willing to do that. That would have been the simplest way to solve the problem.

That is something I would like to offer in the spirit of cooperation with my friend Phil Gramm, who said, “Let's try to work a few of these things out; since we know the bill will pass, you can make it marginally better.” So we sat down with him. Frankly, the language we are offering is not what I would have personally offered, but it is acceptable to him and it marginally

makes the bill better. I will read it and offer it. It is simple. It says: If the country in which the end user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item or class of items, any item that the Secretary determines to be of equal or greater sensitivity than the controlled item, or any controlled item for which a determination has not been made pursuant to section 211 to all end users in that country until such post-shipment verification is allowed.

That latter reference to section 211 has to do with the item subject to foreign availability. It would have been simpler to say the Secretary may deny a license for any item on the list until post-shipment verification is allowed by the country in question. Total discretion of the Secretary would have been easier. We have created jobs for lawyers now. I am not necessarily against that, but when we have terms such as this in the statute, we are going to have litigation on what it means. It would have been easier to do it the other way. But this is the language I will offer. The Secretary, at least with respect to some items on the control list, can say to a country such as China, for example: Until you are willing to allow post-shipment verification of items A and B, which you already have, then we are not going to grant a license on items X, Y, and Z. They can pick what those items are if they so choose.

In closing, I will give examples of what would happen to illustrate the need for this particular provision. In 1998, very recently, China agreed to allow post-shipment verification for all exports. They signed an agreement. But the Cox Commission issued its report and deemed the terms of the agreement wholly inadequate, from the U.S. point of view, to ensure that these verifications really occur.

The amendment I proposed is designed to try to fill a void the Cox Commission identified in the U.S.-China agreement. For example, the Commission's report discusses a number of weaknesses in the agreement as it relates to the export of high-performance computers. According to the Bureau of Export Administration, out of 857 high performance computers that have been shipped to China, only 132 post-shipment verifications have been performed. Some of these have been outstanding for a long time. First you get foot-dragging, and then you get a "no." On other occasions they say: If you allow us to do the post-shipment verification, that ought to suffice. But, of course, it does not. These items would not necessarily be subject to the terms of this section, although they might. I think it illustrates the nature of the problem that exists if you don't

have an enforcement mechanism. You have to have the will to enforce.

I think there will be great questions as to whether or not the Secretary, in the exercise of his discretion, is going to be willing to deny a license to an American company which, after all, hasn't done anything wrong and is simply trying to make a buck, in order to get China to enforce the limitation. Let me respond to that point.

Any American company which understands that the item it is wanting to export to a third-tier country, countries of concern here, has dual-use capability has to exercise some responsibility. I think it has to take some of the consequences of the person to whom it is exporting not being willing to guarantee that the item is going to be used for appropriate purposes.

So I don't think you can make the case that all we are doing here is potentially punishing American businesses that are totally innocent and therefore we should not really be very forward-leaning in the enforcement of this section.

The fact is that any American business worth its salt should want to ensure that the terms of the export license are being complied with. It doesn't want to sell dual-use technology to a country that could use it against us militarily. It ought to be willing to ensure that the verification of the end user has in fact been established and enforced.

So it seems to me there is no argument that all we are doing here is hurting American businesses. Any American business would have the same interest as the U.S. Government in ensuring that the end user is in fact who it is supposed to be, both from a national security standpoint and being able to make future exports.

There has even been an idea advanced, that I think has some merit, which would put all of the burden on American business. It would basically privatize this enforcement and say the Government is going to get out of this business; it cost a lot of money, and we have trouble getting in the door to verify these things. Private industry, in effect, has to certify that the item it sold abroad went to the user that filled out on the form the certificate. And if the company isn't willing to verify that, or isn't able to certify it under penalty of some financial detriment here in the United States, then it is going to become much more careful about to whom those items are sold and how the post-shipment verification is actually implemented.

So my suggestion to American businesses is, if you really want to continue to be able to export, then help us work out a system that ensures that these items you are exporting, which have a dangerous potential use, get to the proper people and are not misused. If you are not willing to help us do this

and if you are going to argue against enforcement of a section such as this, then something worse could happen. You could have the enforcement responsibility put on your shoulders. And if you are not able to certify that it went to the right place, you are not going to be able to make exports in the future. Everybody should have an interest in making this work.

Let me close with a note about some testimony that verified the need for this. David Tarbell, Deputy Under Secretary of Defense for Technology Security Policy, testified in July at a hearing before the House International Relations Committee regarding the right to perform post-shipment verifications. He very diplomatically said:

The Chinese government has been unwilling to establish a verification regime and end-use monitoring regime that would get all of the security interests that we are interested in to ensure that items that are shipped are not diverted.

Impressed further by Chairman HYDE about whether the post-shipment verification regime is a failure, Secretary Tarbell delicately said:

I am not sure I would characterize it as a complete failure, but it is close to it. It is not something I have a great deal of confidence in.

The point here is to create something that we do have confidence in, that we know would work, that we can enforce and ensure the safety and security of the United States in the future, knowing we have not allowed the wrong people to get the wrong things into their hands in a way that comes back against the United States in a military way.

Therefore, I urge my colleagues to support the amendment I have offered and which has the concurrence of Senators GRAMM and ENZI and, I believe, the Senator from Maryland, Mr. SARBANES.

**THE PRESIDING OFFICER.** The Senator from Wyoming.

Mr. ENZI. Again, we appreciate the participation in the 59 changes before and now this change. It shows the level of detail in which Senator THOMPSON and Senator KYL have approached this bill. We appreciate this change. We are willing to accept it.

**THE PRESIDING OFFICER.** Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 1529) was agreed to.

Mr. SARBANES. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THOMPSON. Madam President, I ask the Senator from Maryland if we may make a brief statement as to our understanding on the second letter we have discussed. That will complete our business, I believe.

Mr. SARBANES. Certainly.

Mr. THOMPSON. Madam President, this has to do with commodity classification. We have had some concern that when people in the business of exporting items come into the Department of Commerce and they get a different classification for a commodity—in other words, something might be subject to license and they believe it should not be subject to license anymore—they can come in and get that consideration. That is appropriate. That needs to be done, but it needs to be done in a manner which protects the Government and the country's interest from a national security standpoint.

The executive branch has traditionally dealt with this issue through interagency agreements. We think they need to be updated. The existing agreement is 5 years old and needs to be updated to create an increased role for the Departments of Defense and State.

Both the opponents and supporters of this legislation will send a letter to the administration requesting the issuance of a new Executive order on commodity classification to ensure the participation of the National Security Agency. We believe that with regard to many of these issues, as the administration is trying to staff up and with our discussions with them and among each other, we have realized just how outdated the existing agreement is. We are going to send a letter to them to bring this to their attention further, and suggest they issue an Executive order.

We assume this will be done in an appropriate manner, and we will not have to take additional action. That option, of course, is always there. Pending that, we think this is an appropriate way to proceed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from Tennessee again for his emphasis. It is important that there be updates on the different procedures, particularly the ones that are done through memos of understanding between the agencies.

We appreciate the willingness of the Senator from Tennessee to allow that to continue to be done that way so there is more flexibility to react to current crises under that kind of ability. We have prepared a letter to that effect, and we will be sending it.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, one final note. We have had some discussion in this Chamber concerning the possibility of an amendment that would create a so-called blue ribbon commission to address additional concerns as to how our export policies might be affecting national security. I believe it is fair to say, not having heard from my other colleagues on this issue, that we have not been able to reach agreement with regard to that.

Without a doubt, we will continue to work together among ourselves to try to agree on the composition of such a commission. I think we all agree the concept is a good idea, and that we ought to take a long impassioned look at what we are doing. We will continue to work on that, but for right now I believe we can take that off the table.

That concludes our comments on the bill in terms of these amendments.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I thank the distinguished Senator from Tennessee for his very positive and constructive contributions throughout.

AMENDMENT NO. 1530

Mr. SARBANES. Madam President, I send a managers' amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself, Mr. GRAMM, Mr. ENZI, and Mr. JOHNSON, proposes an amendment numbered 1530.

Mr. SARBANES. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 193, line 10, strike "party" and insert "person".

On page 193, line 16, strike "party" and insert "person".

On page 205, line 7, after "competition" insert ", including imports of manufactured goods".

On page 222, line 6, strike "Crime" and insert "In order to promote respect for fundamental human rights, crime".

On page 223, line 3, strike "The" and insert "Except as herein provided, the".

On page 223, line 9, after the period, insert the following: "The provisions of subsection (a) shall apply with respect to exports of any of the items identified in subsection (c)."

On page 223, between lines 9 and 10, insert the following:

(c) REPORT.—Notwithstanding the provisions of section 602 or any other confidentiality requirements, the Secretary shall include in the annual report submitted to Congress pursuant to section 701 a report describing the aggregate number of licenses approved during the preceding calendar year for the export of any items listed in the following paragraphs identified by country and control list number:

(1) Serrated thumbcuffs, leg irons, thumbscrews, and electro-shock stun belts.

(2) Leg cuffs, thumbcuffs, shackle boards, restraint chairs, straitjackets, and plastic handcuffs.

(3) Stun guns, shock batons, electric cattle prods, immobilization guns and projectiles, other than equipment used exclusively to treat or tranquilize animals and arms designed solely for signal, flare, or saluting use.

(4) Technology exclusively for the development or production of electro-shock devices.

(5) Pepper gas weapons and saps.

(6) Any other item or technology the Secretary determines is a specially designed in-

strument of torture or is especially susceptible to abuse as an instrument of torture.

On page 226, line 8, insert "and" after "title;"

On page 226, strike lines 9 through 22 and insert the following:

(i) upon receipt of completed application—

(I) ensure that the classification stated on the application for the export items is correct;

(II) refer the application, through the use of a common data-base or other means, and all information submitted by the applicant, and all necessary recommendations and analyses by the Secretary to the Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies the Secretary considers appropriate; or

(III) return the application if a license is not required.

On page 296, line 13, strike "parties" and insert "persons."

On page 296, line 11, after "necessary" insert ", to be available until expended,"

On page 296, line 20, after "necessary" insert ", to be available until expended,"

On page 297, line 20, after "\$5,000,000" insert ", to be available until expended,"

On page 298, line 12, after "necessary" insert ", to be available until expended,"

On page 300, line 12, after "\$2,000,000" insert ", to be available until expended,"

On page 300, line 14, after "\$2,000,000" insert ", to be available until expended,"

On page 311, strike lines 2 through 4 and insert the following:

"other export authorization (or record-keeping or reporting requirement), enforcement activity, or other operations under the Export Administration Act of 1979, under this Act, or under the Export"

On page 311, line 14, insert "by an employee or officer of the Department of Commerce" after "investigation".

On page 315, strike lines 6 through 10 and insert the following: (1), except that no civil penalty may be imposed on an officer or employee of the United States, or any department or agency thereof, without the concurrence of the department or agency employing such officer or employee. Sections 503 (e), (g), (h), and (i) and 507 (a), (b), and (c) shall apply to actions to impose civil penalties under this paragraph. At the request of the Secretary, a department or agency employing an officer or employee found to have violated paragraph (1) shall deny that officer or employee access to information exempt from disclosure under this section. Any officer or employee who commits a violation of paragraph (1) may also be removed from office or employment by the employing agency.

On page 315, line 11, insert the following:

#### SEC. 603. AGRICULTURAL COMMODITIES, MEDICINE, MEDICAL DEVICES.

(a) APPLICABILITY OF TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.—Nothing in this Act authorizes the exercise of authority contrary to the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106-387; 114 Stat. 1549, 549A-45) applicable to exports of agricultural commodities, medicine, or medical devices.

(b) TITLE II LIMITATION.—Title II does not authorize export controls on food.

(c) TITLE III LIMITATION.—Except as set forth in section 906 of the Trade Sanctions Reform and Export Enhancement Act of 2000, title III does not authorize export controls on agricultural commodities, medicine, or medical devices unless the procedures set forth in section 903 of such Act are complied with.

(d) DEFINITION.—In this section, the term “food” has the same meaning as that term has under section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

On page 318, on line 2, strike “and”.

On page 318, on line 3, insert after “(15)” the following: “a description of the assessment made pursuant to section 214, including any recommendations to ensure that the defense industrial base (including manufacturing) is sufficient to protect national security; and” and redesignate paragraph 15 accordingly.

On page 324, strike lines 1 through 4 and redesignate paragraphs (14) and (15) accordingly.

Beginning on page 324, line 21, strike all through page 325, line 5, and insert the following:

(j) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any product that is standard equipment, certified by the Federal Aviation Administration, in civil aircraft, and is an integral part of such aircraft, shall be subject to export control only under this Act. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act (22 U.S.C. 2778(b)).

On page 325, between lines 5 and 6, insert the following:

(k) CIVIL AIRCRAFT SAFETY.—Notwithstanding any other provision of law, the Secretary may authorize, on a case-by-case basis, exports and reexports of civil aircraft equipment and technology that are necessary for compliance with flight safety requirements for commercial passenger aircraft. Flight safety requirements are defined as airworthiness directives issued by the Federal Aviation Administration (FAA) or equipment manufacturers’ maintenance instructions or bulletins approved or accepted by the FAA for the continued airworthiness of the manufacturers’ products.

On page 325, line 6, strike “(k)” and insert “(1)”.

Mr. SARBANES. Madam President, the managers’ amendment consists of provisions intended to clarify, correct, and improve the bill.

Section 211: This provision amends the term “interested party” in Section 211 (foreign availability and mass market status) to ensure its consistency with terms used in the rest of the bill. Sections 205, 302, and 307 all refer to “interested person(s)”. The managers’ amendment corrects the references in Section 211 by replacing “interested party” with “interested person”.

Sections 214 and 701: This provision clarifies the duties of the Office of Technology Evaluation. Section 214 of the bill establishes an Office of Technology Evaluation to analyze information and provide assessments for use in export control policy. The managers’ amendment clarifies that when assessing the effect of foreign competition on critical US industrial sectors, the Office is to consider imports of manufactured goods. It also modifies Section 701 (annual report) to ensure that the Commerce Department’s annual report to Congress includes a description of such assessments. The managers worked closely with Senator HOLLINGS to include this provision.

Section 311: The next provision modifies Section 311 (crime control instru-

ments). Section 311 preserves authority contained in existing law (Section 6(n) of the Export Administration Act of 1979) to ensure that crime control and detection instruments and equipment may be exported only subject to an export license. The managers’ amendment further provides that any item or technology that the Secretary of Commerce determines is a specially designed instrument of torture or is especially susceptible to abuse as an instrument of torture can be exported only pursuant to an individual export license. In addition, the Annual Report of the Bureau of Export Administration must describe the aggregate number of licenses approved during the preceding calendar year for the export of any such items by country and control list number. This provision was included in the Managers Amendment at the request of Senators LEAHY and BIDEN.

Section 401: The next provision makes a technical correction to Section 401 (export license procedures). Section 401 requires Commerce to take four actions—hold incomplete applications, refer applications to other agencies, confirm commodity classification, and return application—at the beginning of the license review process. As drafted, however, some of these actions are mutually incompatible (for example, Commerce cannot hold an incomplete application while simultaneously referring the application to another agency). The managers’ amendment revises the language to correct this inadvertent incompatibility.

Section 506: This provision amends the term “interested parties” in Section 506 (enforcement) to ensure its consistency with terms used in the rest of the bill. Sections 205, 302, and 307 all refer to “interested person(s)”. The managers’ amendment corrects the references in Section 506 by replacing “interested parties” with “interested person”.

Section 506: The next provision makes technical amendments to Section 506. Sections 506(h), (i), (l), and (o) all contain funding authorizations for personnel or activities of the Bureau of Export Administration. The managers’ amendment clarifies that the funding is to remain available until expended.

Section 602: This provision clarifies a provision in Section 602 (confidentiality of information). Section 602 outlines the treatment of confidential information obtained after 1980. The managers’ amendment clarifies that the provision applies to not only to information obtained through license applications, but to information obtained through enforcement activity or other EAA operations.

Section 602: This provision further clarifies Section 602 (confidentiality of information). Section 602 provides that information obtained through licenses, classification requests, investigations,

treaty, or the foreign availability/mass-market process shall be kept confidential unless its release is in the national interest. It goes on to provide penalties against those who violate this prohibition. The managers’ amendment makes three changes: it (1) clarifies the investigations referred to are those carried out by Department of Commerce officials; (2) ensures that penalties on violators are imposed with the agreement of the violators’ employing agency; and (3) allows violators to be denied further access to confidential information and to be removed from office.

Section 603: The next provision adds a technical provision relating to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA). TSRA established restrictions on sanctions dealing with agricultural commodities, medicine, and medical devices. The managers’ amendment adds a new Section 603 that is intended to hold TSRA harmless by (1) ensuring that no authority in this Act may be exercised contrary to TSRA; (2) clarifying the limitations on national security controls; and (3) clarifying the application of TSRA procedures to foreign policy controls. Senators ROBERTS and DAYTON were instrumental in crafting this language, and worked with bill managers to perfect the text.

Section 702: This provision corrects a technical reference in Section 702 (technical and conforming amendments). As drafted, the reference would have affected the Forest Resources Conservation and Shortage Relief Act of 1990. The managers’ amendment removes the reference and thus any inadvertent impact on the Forest Resources Act.

Section 702: The next provision corrects a drafting error in Section 702 (technical and conforming amendments). Section 702(j) preserves authority contained in existing law (Section 17(c) of the Export Administration Act of 1979) to ensure that standard civil aircraft products remain subject to the EAA. As drafted, Section 702(j) inadvertently departed from current law by breaking the original paragraph into subparagraphs. Because this structure could cause confusion in interpretation, the managers’ amendment returns the text to its original structure.

Section 702: This provision addresses a humanitarian issue. U.S. aircraft manufacturers cannot export critical aircraft safety parts to countries subject to U.S. embargo. Without those parts, the planes may crash, with terrible humanitarian implications. A presidential waiver to export such parts is available, but is rarely invoked and takes years. The managers’ amendment provides that exports of civil aircraft equipment to comply with flight safety requirements for commercial passenger aircraft may be authorized on a case-by-case basis. Senators DODD,

BOND, MURRAY, and ROBERTS expressed particular interest in addressing this problem.

Mr. ENZI. Madam President, the managers' amendment to S. 149 adds a new provision to address a pressing humanitarian issue: flight safety.

U.S. aircraft manufacturers have sold commercial passenger aircraft internationally since the 1950s. Moreover, some European-made commercial aircraft are made with U.S. components. As a result, U.S. aircraft are used widely around the world.

The safe operation of these aircraft depends on the replacement of worn parts, repair of unsafe components, and receipt of technical bulletins and airworthiness directives. These parts, services, and information are highly specialized, and often are available only from the original manufacturer.

Over the years, several nations that operate U.S.-made aircraft, or European-made aircraft that incorporate U.S. parts, have become subject to U.S. embargo. As a result, U.S.-made aircraft items cannot be exported to those countries. This poses a significant threat to the safe operation of those airplanes. Without replacement parts, repair, and technical information, the planes literally may fall out of the sky, with terrible humanitarian implications for passengers and those on the ground. We all remember with horror the terrible 1992 crash, resulting from a failed part, of an El-Al plane into an Amsterdam apartment complex. All 4 crew and an estimated 70 Amsterdam residents were killed. The risks are real for U.S. citizens traveling to embargoed countries, or making up part of United Nations delegations. Citizens of U.S. allies are at risk. And not least of all, innocent citizens of embargoed countries are particularly vulnerable.

Under current law, the administration has some flexibility to allow flight safety exports to nations such as Sudan and Syria. However, exports to Iran or Iraq require a presidential waiver—a process that takes years and is rarely invoked. The difficulty of obtaining such a waiver has meant that U.S. manufacturers cannot provide critical flight safety parts or information to those nations.

The managers' amendment addresses this humanitarian issue while retaining the integrity of the embargo. It provides that aircraft equipment exports to comply with safety requirements for commercial passenger aircraft may be authorized on a case-by-case basis. It is tightly circumscribed: it applies only to parts for civil aircraft used for commercial passengers, and it requires a case-by-case analysis.

Senators DODD, BOND, MURRAY, and ROBERTS are keenly interested in this provision and should be commended for addressing this critical humanitarian problem.

Mr. SARBANES. Madam President, this managers' amendment has been

carefully worked over. I do not think there is any matter of controversy in it. I am prepared to go to adoption of the managers' amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1530.

The amendment (No. 1530) was agreed to.

Mr. SARBANES. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Madam President, we are prepared to go to third reading of the bill, and then there are going to be some comments. If we can go to third reading of the bill.

Mr. THOMPSON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Madam President, I simply want to make a closing statement on this important bill. I begin by thanking the chairman of the committee, Senator SARBANES, for his leadership, and Senator JOHNSON for the work, they have done on the bill. I especially want to thank Senator ENZI for his indispensable leadership on this bill; it is no understatement to say that we would not be here today were it not for Senator ENZI's leadership on this bill for the past two years.

I have had the privilege of serving in the Senate now going into my 18th year, and I have never seen a Senator do the things Senator ENZI has done on this bill—in terms of being willing to meet the various agencies involved in export administration, sitting for endless hours and watching how the process works, and doing something we seldom do in this line of work: learn how the process works practically. We are often not willing to spend the time or get our hands dirty. The quality of the bill before us is due in very large part to Senator ENZI, and I want to publicly and personally thank him for his leadership. It sets a new standard for what a Senator ought to be in terms of hard work behind the scenes, getting the facts, understanding the mechanism. We like to deal with theory and leave the practical matters up to somebody else. That is not the way Senator ENZI does business.

I thank our two colleagues, Senator THOMPSON and Senator KYL. Maybe people listening to this debate wonder why I would thank them, given that we have some fundamental disagreements, but good law is made by basically trying to accommodate people who do not

agree with you while maintaining your principles. I think, quite frankly, they have improved the bill.

Counting the two changes that Senator SARBANES, Senator ENZI and I agreed to this morning, we have made 61 changes in this bill in trying to build a consensus. I believe the product we have produced is a quality product, it will stand the test of time, and it will work.

The points I want to make are: In listening to some of the critics, one may have gotten the idea that somehow this bill lessens our commitment to national security. We have an apparent conflict in America between our desire to produce and sell items that embody high technology, and we want to produce and sell them because the country that develops new technology creates new jobs and creates the best jobs.

So, while we want to be the world leader in that technology, we have a conflicting goal in wanting to prevent would-be adversaries and dangerous people from getting technology that can be used to harm us or to harm our interests. That is what this bill is about.

Today, 99.4 percent of the applications for a license are granted. When a process is saying "yes" 99.4 percent of the time, it is a nonsense process.

We have about 10 times as many items on this controlled list as we should have. We need to build a higher fence around a smaller number of items, and when people knowingly violate the law and transfer this technology we ought to come down on them like a ton of bricks.

Under this bill, the penalties can run into the tens of millions of dollars and people can end up going to prison for life. Those are pretty stiff sentences.

We have put together an excellent bill. It represents a compromise between two competing national goals. It is legislation at its best. Many times we claim bipartisanship on bills when they really are not totally bipartisan. This bill is about as bipartisan as anything we have ever done on the Banking Committee since I have been in the Senate, and I think it represents good law.

It is supported by the President. We have some 80 Members of the Senate who have voted basically to maintain the position. I am very proud of it, and I commend it to my colleagues. This is a good bill we can be proud of.

I am ready to vote, and I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, we are now in agreement on the unanimous consent request I will now propound.

I ask unanimous consent that a vote on final passage of S. 149 occur at 4:00 p.m. today, with rule 12, paragraph 4 being waived; that no substitute

amendments be in order; that the committee substitute amendment be agreed to; the motion to reconsider be laid upon the table, and that the time until 4:00 be divided between the majority and minority for morning business, with the exception of 8 minutes prior to the 4:00 p.m. vote, which would allow Senators ENZI, GRAMM, SARBANES, and THOMPSON each to have 2 minutes prior to the vote.

THE PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Reserving the right to object.

Mr. REID. If the Senator would withhold, our able staff indicated I misread this. It is right before my eyes, so if I could just repeat this.

The vote will occur at 4:00 p.m. today, with rule 12, paragraph 4 being waived; that no other amendments be in order; that the committee substitute amendment be agreed to; the motion to reconsider be laid upon the table; the time until 4:00 p.m. be divided between the majority and minority for morning business, with the final 8 minutes prior to 4:00 p.m. being allotted to Senators ENZI, GRAMM, SARBANES, and THOMPSON each allowed to speak 2 minutes prior to the vote on the bill.

Mr. THOMPSON. Mr. President, reserving the right to object, I do believe it would be appropriate to divide the final few minutes equally between the proponents and the opponents.

Mr. REID. That would be very fine. So what we say is 4 minutes for the opposition and 4 minutes for those propounding passage of the legislation be divided equally.

Mr. THOMPSON. Further, I want to take a few minutes right now in morning business or as a part of this UC, either one.

Mr. REID. I say to my friend that will be certainly appropriate. We will get this unanimous consent request agreed to and the Senator can have lots of time. Senator TORRICELLI wants 15 minutes, but we will be glad to wait until the Senator from Tennessee has completed his statement.

Mr. THOMPSON. That is satisfactory to me.

THE PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

The committee substitute, as amended, is agreed to and the motion to reconsider is laid upon the table.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the Export Administration Act of 2001 and urge its passage.

Congress has not reauthorized the Export Administration Act on a permanent basis since 1990, and for close to a decade the export of dual-use goods—items with both civilian and possible military applications—have been gov-

erned in an ad hoc way by the President using Executive orders under the International Emergency Economic Powers Act and without a comprehensive regime in place to monitor exports.

Such an approach creates obvious problems in trying to assure that the proper balance is struck between the need of U.S. businesses to be competitive in the international economy and the need to prevent sensitive technologies that have military applications from falling into the wrong hands.

The Export Administration Act will allow the U.S. government to effectively focus attention and exert control over sensitive technologies that have military implications, improve the export control process, and enhance national security.

The major provisions of the Export Administration Act of 2001 will:

Give the President the power to establish and conduct export control policy, and direct the Secretary of Commerce to establish and maintain the Commerce Control List of items that could jeopardize U.S. national security and to oversee the licensing process for items on the Control list.

Authorize the President to impose national security controls to restrict items that would contribute to the military potential of countries in a manner detrimental to U.S. national security, directing the Secretary of Commerce, with the concurrence of the national security agencies and departments, to identify items to be included on a National Security Control List. This strengthens the hand of the national security agencies in the export licensing process by giving them for the first time a formal procedure by which to be involved in this process.

Provide specific control authority based on the end-use or end-user for any item that could contribute to the proliferation of weapons of mass destruction.

Authorize the President to set aside "foreign availability" or "mass-market" determinations in the interests of national security, and establish an Office of Technology Evaluation to gather, coordinate and analyze information necessary to make to these determinations.

Establish procedures for the referral and processing of export license applications, and establish an interagency dispute resolution process to review all export license applications that are the subject of disagreement.

Declare it U.S. policy to seek and participate in existing multilateral export control regimes that support U.S. national security interests, and to seek to negotiate and enter into additional multilateral agreements. Given the wide availability of some of these dual-use items, multilateral agreements are critical to assure that they do not fall into the wrong hands.

Establish new criminal and civil penalties for knowing and willful violations of the export procedures.

By streamlining and bringing transparency to the licensing process this legislation, then, strikes a good balance between assuring that the export licensing process is good for trade, the U.S. economy, and jobs, and national security concerns.

This legislation is supported by the President and has been endorsed by the Secretary of Defense, by the Secretary of State, and by the President's National Security Adviser. It also has the support, I believe, of the majority of my colleagues.

Mr. President, I urge the Senate to move forward with passage of the Export Administration Act.

Mr. SPECTER. Mr. President, I think it is important to state my reasons for voting against S. 149, the Export Administration Act. I do so because I think there is too much deference to commercial interests at the expense of limiting exports which may threaten national security.

I cast my vote late in the rollcall when there were 77 votes in favor of the bill, which eventually turned out to be an 85 to 14 vote, so that I knew the bill was going to pass by overwhelming numbers.

Legislation on this subject is of great importance and is long overdue. I was tempted to vote in favor of the bill on the proposition that the best frequently is the enemy of the good. Had my vote been decisive so that it might have been a matter of having a bill which vastly improved the current situation, which is the absence of legislation, then I might have voted differently. I think the number of negative votes are important as a protest signal that this subject should be monitored closely and perhaps reviewed sooner rather than later.

For example, my concerns about the elevation of commercial interests over potential national security risks are illustrated by the foreign availability and mass market status this Act provides controlled items. The foreign availability component of the act would make the U.S. Government unable to control the sale of items that are also manufactured by other countries. Such lack of control would allow U.S. firms to sell anthrax to Saddam Hussein because of anthrax's dual-use in vaccine production. Additionally, the mass-market status in this bill would enable export of controlled items without a license if the item were mass produced for different industrial uses. An example of this mass-market status would be glass and carbon fibers that can be used in the manufacture of both golf clubs and also ballistic missiles.

These are only illustrations of problems which, I believe, should yet be corrected in conference or in later legislation.

Mr. JOHNSON. I am very pleased that S. 149, the Export Administration Act of 2001, passed the U.S. Senate by such an overwhelming bipartisan vote of 85-14. This important law reforms our export controls of dual-use items to reflect the vast geopolitical, technological and commercial changes that have occurred since the old law was enacted back in 1979. While we must remain ever-vigilant to protect our nation from security threats, we must at the same time recognize that our security depends in large measure on a vibrant economy, and in particular on our ability to continue innovating in the high technology sector. Ensuring that American producers have the ability to participate in the global marketplace is critical to this effort.

The hard work that contributed to the overwhelming support for S. 149 cannot be overstated, and I was especially gratified by the spirit of cooperation that dominated the discussion. This bill, and the quality of its provisions, owe a great deal to the thoughtful participation of a variety of players on both sides of the aisle. In some cases, too many cooks spoil the broth. In this case, however, a variety of players made very thoughtful improvements to the bill. I extend my thanks and gratitude to the core group of sponsors, which included Senator MIKE ENZI, Republican of Wyoming, Chairman PAUL SARBANES from Maryland, Senator PHIL GRAMM from Texas, and also to so many others contributed to an improved final product.

In particular, I would be remiss in not mentioning the important and dedicated efforts of Senator MARK DAYTON, my Democratic colleague from Minnesota. Senator DAYTON and his staff worked tirelessly to ensure that S. 149 protects the interests of the agricultural community relative to export controls. While there are many legitimate reasons to restrict the export of certain items abroad, especially where the export of such items could pose a threat to America's national security, there is to my mind absolutely no acceptable logic for imposing restrictions on the export of food.

The export of food can never pose a national security threat to this Nation, and Senator DAYTON, along with his Republican colleague from Kansas Senator PAT ROBERTS, put together an amendment that eliminated the possibility that this government ever restrict the export of food for a purported national security threat. I look forward to continuing to work with Senator DAYTON on agricultural issues, and I know that the farm community is grateful to the Senator for his work in this area. I also wish to commend Senator DAYTON's staff, in particular Jack Danielson, Sarah Dahlin and Lani Kawamura.

Mr. KYL. Mr. President, a consensus emerged during the 1990s with regard

to the national security of the United States. That consensus was and remains that the proliferation of weapons of mass destruction—nuclear, chemical and biological—and their means of delivery constitute the most important threat to our national security. There is also widespread acknowledgment that a number of rogue nations, and particularly China, represent the new national security challenge for the United States.

Yet, this body, the U.S. Senate, is about to pass with overwhelming support a major piece of legislation that stands in direct contradiction to the objectives of U.S. national security policy—to limit the spread of weapons of mass destruction and their means of delivery.

This is not hyperbole; it is a simple statement of fact. I acknowledge that the administration has endorsed S. 149. A campaign pledge has been kept. But the long-term ramifications of the vote we are about to take should not be underestimated. S. 149 received the strong opposition of the former chairmen, now ranking members, of each committee and subcommittee with responsibility for national security. It can in no way be considered to represent a prudent balance between commerce and national security. It is, in fact, heavily weighted in favor of the former, with scant regard for the latter.

The list of exports with which we have traditionally been concerned, the Commerce Control List, has 2,400 items on it. It is important to note that exports of these items are licensed, not prohibited. Contrary to the rhetoric of some, it also is not the shopping list of someone making a Sunday trip to Radio Shack. It is, rather, a compilation of esoteric items that have military applications, including for the construction of nuclear weapons and ballistic and cruise missiles. The amount of commerce at issue is minuscule relative both to the amount of U.S. exports and to the size of the gross domestic product. Restrictions or limitations on the export of items on the Commerce Control List do not now, nor have they ever had a deleterious effect on the U.S. economy, or on U.S. competitiveness. They do, however, represent the regulatory manifestation of our national security requirements and the role our moral values should play in the conduct of foreign and trade policies.

Some of us who oppose this bill support permanent normal trade relations with China. And, yet, we oppose this bill. We oppose it because it will, by design, open the door to the export without government oversight of the very items and technologies that contribute to the threats to our security that justifies a defense budget of over \$300 billion per year. When we debate national missile defense over the months ahead, we should not hesitate to reflect on the

connection between what we do here today, and what those of us who support missile defenses hope to do tomorrow.

Mr. BINGAMAN. Mr. President, I rise today in strong support of S. 149, the Export Administration Act of 2001. From my perspective, consideration of this legislation is long overdue. Congress has extended the Export Administration Act on a temporary basis since 1984, and in doing so has completely ignored the extraordinary changes in technology that have occurred in that timeframe. Current export control policy, formulated during the Cold War several decades ago, no longer fits either the current global context or our specific national security needs. It is time to bring U.S. law into conformity with international reality.

Over the past year I have been involved in two high-level advisory panels that have carefully examined the existing U.S. export control regime. The first was a study group focusing on Enhancing Multilateral Export Controls for U.S. National Security, and was sponsored by the Henry L. Stimson Center and the Center for Strategic for International Studies. The second consisted of two study groups, one on Technology and Security in the 21st Century and one Computer Exports and National Security, sponsored entirely by the Center for Strategic for International Studies. Each of these groups concluded that existing export control policy and procedures are outdated, unsound, ineffective, unrealistic, and counterproductive. Taken as a whole, they impede coordination between the U.S. government agencies responsible for export control policy, they hinder our efforts to cooperate with our most important allies, they ignore the new threats and opportunities in the international system, they expend significant human and financial resources insulating easily available technologies, they limit the ability of our best companies to innovate and compete and, in the final analysis, they harm our military and commercial national security interests.

The studies I have mentioned offered a range of extremely important policy recommendations, but fundamental to them are three important overarching conclusions, all of which are relevant to the debate at hand.

The first conclusion is that globalization has resulted in what the Defense Science Board has previously called a "leveling" of access to technology and the capacity of the United States to obtain and control technologies critical to its national interest. This concept suggests that access to commercial technology is now universal, and its use for both commercial and military ends is largely unconstrained. Enabling technologies necessary for modern warfare, examples

being semiconductors, computer hardware and software, simulation and surveillance devices, advanced telecommunications, and so on, are available to nearly any country that wishes to access them, ally and adversary alike. The result of these changes is an export control regime that is, to quote the Defense Science Board, "for all practical purposes ineffective at manipulating global access to dual-use technology and . . . only marginally more successful in the conventional weapons arena." This is the context within which we debate export control reform today, and these are the changes that the proposed legislation is trying to address.

The second overarching conclusion is that is that we need to put higher fences around much smaller, but more critical, sets of technologies. Because access to advanced technology and technical capabilities have spread so widely and because research and development is now global in nature, it is time that we focus our efforts at export control on limited technologies that directly affect our national security. In particular, we should concentrate on protecting and developing the software and databases that sustain and strengthen our military superiority. The primary objective in the current export control regime is to prevent potential adversaries from obtaining technological components that would allow them to develop weapons systems and manage warfare in a more effective fashion. Unfortunately, this objective is still considered rational, this in spite of the radical changes that have occurred in the international political economic environment. Commercial computers that can be obtained online or through retail outlets can now perform the vast majority of battlefield applications. As a result, a coherent and compelling argument can be made that we need to concentrate on controlling the technologies that will allow advanced components to be integrated into effective systems. This should be one of our primary considerations as we reconsider export control, and this is one of the goals the proposed legislation is trying to achieve.

The final overarching conclusion is that it is time that we begin creating a new international framework that will allow more effective export control between the United States and its allies. Changes in advanced technology and the global environment has undercut or weakened existing agreements, and we must begin creating a foundation upon which new cooperative mechanisms can be established. In the recent past, much of this required change has been blocked by the United States, the primary reason being that its export control system was based on measures, computer MTOPS being the most salient example, that are no longer relevant in the current international en-

vironment and are not adhered to by our allies. Regulatory reform in the United States must occur before new international frameworks can be established, and this is one of the goals the proposed legislation is trying to address.

There are those among my colleagues who would argue that even if the international system has changed to this extent, even if globalization has changed the international equation, the United States has a moral obligation to limit access to certain key technologies for a specific group of countries. The example used most frequently on the Senate floor is China, but certainly other countries could be inserted in its place.

Let me state here that I would not disagree that certain countries should be singled out as potential threats to the United States and technology limited to the extent that it is feasible to do so. But the proposed legislation accomplishes this objective. The arguments on the Senate floor that the proposed legislation somehow diminishes our capacity to control sensitive and critical technologies is specious at best. On the contrary, many levels of restrictions remain in place to protect U.S. national security interests. What the proposed legislation does do is provide the U.S. government with the flexibility and focus to address concerns over advanced technology and adapt to changes in the current international environment.

It is time that we change our anachronistic system of export control. This legislation reflects several years of hard work on the part of my colleagues, and I believe it represents a balanced and strategic approach to the problems at hand. The legislation was voted out of the Banking Committee by a 19-1 vote. As the statements on the floor will attest, the legislation has the bi-partisan support of most of the Members of the Senate. President Bush supports it, as does all the relevant officials in his Administration. President Clinton supported it, as did all the relevant officials in his Administration. It is supported by a broad range of organizations, many of which are led by key officials from previous Democratic and Republican Administrations.

However, with that said, I find it disappointing that the legislation has not addressed the important issue of U.S. commercial satellites and space-related component exports. The Defense Authorization Act for FY 1999 moved responsibility for export licensing of these items from the Department of Commerce to the Department of State. By doing so, communications satellite and space-related items were placed on the U.S. Munitions List, effecting a crippling blow to the U.S. aerospace industry. It makes timely deliveries to overseas customers and our allies nearly impossible, and excludes commercial

satellite sales from competitive rate financing offered by the Export-Import Bank. While our U.S. companies may find themselves hard-pressed to find institutions to provide reasonable financing for foreign customers, their competitors may not. Last year, the Aerospace Industries Association claimed satellite exports had fallen over 40 percent in the period from late 1999 to early 2000, and the forecast was for the trend to get continually worse. I certainly hope this issue is addressed in the upcoming conference.

We have examined the issue of export control many times over. It is time to recognize the importance of export control reform to the national interest of the United States and pass this legislation.

Mr. LEAHY. Mr. President, I want to express my support for S. 149, the Export Administration Act of 2001. I want to commend Senators SARBANES, GRAMM, JOHNSON, and ENZI for crafting a balanced, bipartisan bill that brings long-overdue clarity to the regulation of dual-use exports. This bill removes several unnecessary restrictions on exports that only hinder international trade, puts in place a system to track and license those technologies that have the potential to impact national security, and establishes realistic penalties and sanctions for violations of these regulations.

I am pleased that the managers of the bill have accepted the amendment that Senator BIDEN and I proposed that will place controls on the export of items that are used to perpetrate acts of torture. The "torture trade" is a critical problem that has received too little attention from policymakers, the public, and the press. Too often, companies have exported items, apparently designed for security or crime control purposes, that are actually used to torture people by some of the most inhumane methods imaginable. Amnesty International reports that, over the past decade, more than 80 U.S. companies have been involved in the manufacture, marketing, and export of these types of items, like thumb screws and electro-shock stun belts, which have been used to commit human rights abuses around the world.

The Leahy-Biden amendment is a modest step to improve the transparency, oversight, and accountability associated with the trade in these items. It builds on existing regulations and requires a license, subject to the approval of the Secretary of Commerce and the concurrence of the Secretary of State, before such items can be exported. It also contains an annual reporting requirement to disclose the aggregate number of licenses to export these items that were granted during the previous year.

This amendment is designed to make sure that certain goods and technologies are not used to commit acts of

torture and other human rights abuses. While our amendment moves us in the right direction, I recognize that more can and should be done. Representatives HYDE and LANTOS have included an amendment in their version of the bill which contains additional protections that could be very helpful in curtailing the torture trade. I strongly urge the conferees to take a serious look at the Hyde-Lantos amendment when determining the final outcome of the Export Administration Act.

Finally, I believe that the Administration should work with other nations to develop strict standards of export controls for these items. I understand that the European Union is in the process of doing this, and our government should encourage and support that effort.

Mr. FEINGOLD. Mr. President, I will oppose the pending legislation to reauthorize the Export Administration Act. I agree with the bill's proponents and with the Administration that we should have a statutory export control process. I am concerned, however, that the process provided for in this legislation is far too relaxed and could be harmful to our national security—the very security that the EAA is supposed to protect.

I commend the Senator from Tennessee, Mr. THOMPSON, and the Senator from Arizona, Mr. KYL, for their leadership on this important issue.

It is troubling that the debate on this important piece of national security legislation has revolved around what is good for American business rather than on what is necessary to protect the national security interests of this country.

As a number of our colleagues have said during this debate, the purpose of the EAA is not to promote U.S. exports. The purpose of the EAA is to protect the national security of the United States, which may mean barring certain types of sensitive technology from being exported. I fear that this bill tips the scale dangerously in favor of expanded commerce at the expense of our national security.

I disagree with the argument put forth by some during this debate that the foreign availability and mass market provisions included in this bill are key to ensuring that American companies can compete in the foreign market. Just because other countries choose to make a dual-use product available to international buyers does not mean the United States should as well. We should do everything we can to stem the flow of potentially dangerous dual-use technology around the world. We should not use the questionable export decisions of other countries to justify selling products that could be used to harm our country.

There is nothing wrong with having a deliberative process for considering applications to export dual-use tech-

nologies. I disagree with the contention that so many in the affected industries have advanced—that the licensing process puts them at a disadvantage because they have to wait for the licensing process to be completed before they can export the technology. This is not a race. And the object of the EAA is not to unduly delay the approval of export licenses. We should consider carefully each license application. I fear that this bill, and in particular its provisions regarding mass market and foreign availability determinations and the export of high performance computers, will have the practical effect of rendering our export control process meaningless.

Supporters of this bill argue that American businesses need the relaxed controls included in this bill in order to compete in the international marketplace. That is not the case. The vast majority of export license applications submitted to the Department of Commerce are approved. The purpose is to ensure that sensitive technology does not fall into the wrong hands.

Other countries look to the United States for guidance on such issues as export controls and non-proliferation efforts. If we relax controls on dual-use items because other countries are selling them, we are following, not leading. Just last week, the United States imposed sanctions on a Chinese company that transferred missile technology to Pakistan. The administration reportedly has told the Chinese Government that one of the conditions to having these sanctions lifted is for the Chinese to develop a system of export controls to regulate the transfer of sensitive technology. It is curious that the Senate is debating relaxing U.S. control of dual-use technology—a move the administration supports—at the same time the administration is calling on the Chinese Government to implement export controls.

I think we have to examine closely all sides of this issue, and again I want to thank Senator KYL and Senator THOMPSON for the outstanding work they have done to bring concerns about this legislation to the fore.

The fact is that there is a great deal of pressure from the super computer industry to pass this legislation. I don't say that to impugn the motives of any Member who supports this bill, because we are having an honest debate here about different points of view. But I do think it's important for the American people to understand who some of the strong supporters of this legislation are, so I would like to take a moment to Call the Bankroll on this issue.

The computer industry has a huge stake in the passage of EAA. They want a relaxation of the export controls on supercomputers, and they are lobbying hard for their cause. And, as is usually the case, lobbying means donating big money, and that means do-

nating soft money to the party committees. In this case, the computer industry gave \$20.5 million in soft money during the 2000 election cycle. The industry ranked seventh in overall donations in the last cycle, a meteoric rise for an industry that ranked 55th in donations a decade earlier. This is clearly an industry that has learned how to play the soft money game, and play it well.

I'll just name three soft money donors in the industry who are pushing for passage of EAA:

Unisys Corporation and its executives gave more than \$142,000 in soft money in the 2000 election cycle;

Sun Microsystems gave more than \$24,000 in soft money during the last cycle; and

United Technologies and its subsidiaries gave a whopping \$338,300 in soft money in the 2000 election cycle.

As I said, this is in no way a comprehensive list, since the industry gave more than \$20 million in soft money during the last cycle. But I point out these donations now because they are relevant to this debate—and relevant to the way many Americans view this debate, and so many others like it here on the Senate floor.

When wealthy interests are allowed to give an unlimited amount of money to a political party, it makes the American people question us and the work we do. And I can think of few issues where the public might be more disturbed by the potential influence of soft money than an issue like this one, where national and international security are at stake. Whether or not soft money clouds our own judgment, it clouds the public's judgement of each and every one of us.

I want to reiterate my opposition to this legislation. We can and should do more to protect the national security interests of the United States.

I will vote against this bill, and I urge my colleagues to do the same.

Mr. BIDEN. Mr. President, it has been 16 years since the United States Congress last enacted re-authorizing legislation governing our controls on the export of dual-use technology, those items suited for both civilian and military uses. For much of the past 7 years, the President has been forced to exercise emergency powers to maintain dual-use export controls following the expiration of the 1979 Export Administration Act. This temporary exercise of authority has limited the penalties the Federal Government can enforce on export control violators and has opened up existing export controls to a series of legal challenges.

It is high time, therefore, that the Senate act on S. 149, a bill to reauthorize the Export Administration Act. I look forward to the passage of this bill and the creation of a modern system of export controls.

We owe this to U.S. companies, which deserve a rational and predictable

framework of export controls. We owe this to our friends and allies, who look to the U.S. export control system as a model in devising their own systems. And, most importantly, we owe this to our national security, we cannot rely forever on an ad hoc system that metes out insufficient penalties of those out on shaky legal ground.

Export controls exist, first and foremost, for reasons of national security. The United States must not export items when the item or the end-user may contribute to the proliferation of weapons of mass destruction, strengthen the military capabilities of those who would oppose us, or otherwise endanger U.S. national security. A comprehensive export control system is just as important to preserving America's freedom and security as a strong military.

But export controls also exist to facilitate the free trade of goods and services, an essential building block of our international economy. The future growth of our economy and a leading global role for U.S. industry require a vital export market.

I think all of us can agree that national security considerations must always come first in devising export controls. We can all agree that such controls should not be so arbitrary as to stifle legitimate trade. We may differ, however, on where we draw the line in balancing these two opposing considerations.

Export controls can also serve another purpose. They can help reaffirm America's global leadership on human rights. Let me take this opportunity to commend Senators SARBANES and ENZI for accepting an amendment proposed by Senator LEAHY and me in this regard. The managers' amendment to S. 149 will tighten the controls on the export of items expressly designed for torture or especially susceptible to use in torture.

We are talking about items such as stun guns and shock batons, leg cuffs and restraint chairs. Yes, some of these items can have legitimate law enforcement uses and are in fact employed in a manner that does not abuse human rights. That is why this amendment would continue to allow their export, but make them subject to the licensing process and require the specific concurrence of the State Department as well as the approval of the Commerce Department.

The items covered by this amendment are devices that governments around the world too often use in suppressing political dissidents and ethnic opposition. This amendment requires the U.S. government to license each and every export of such items. It will help ensure that the United States does not indirectly contribute to the torture of individuals by engaging in the unlicensed trade of items used for torture. It is my hope that the Commerce and

State Departments, working together, will see to it that licensed exports of these items are permitted only to those countries whose governments carry unblemished human rights records.

I once again thank Senators SARBANES and ENZI for accepting this amendment, and especially Senator LEAHY, who is once again a champion of human rights and with whom I am always delighted to work.

During this debate, a group of Senators, led by my good friends Senator THOMPSON and Senator KYL, has led an intense effort against S. 149. They argue that this bill fundamentally favors commercial equities over our national security interests. They are skeptical that the Commerce Department, which is responsible for cultivating U.S. business interests around the world, can play an impartial role in weighing national security considerations.

Truth be told, I have shared some of their concerns. That's why I am pleased that the floor managers have reached a compromise with Senators THOMPSON and KYL. This compromise includes amendments to S. 149 to: 1. enhance the discretionary authority of the Commerce Department to deny export licenses to another country when it is blocking legitimate post-shipment verifications of sensitive exports and 2. tighten the definition of foreign availability determinations which can exempt items from export controls. These changes to S. 149 approved today offer real improvements to this bill.

I plan to vote for S. 149. On the whole, this bill takes the right steps to bring our export controls for dual-use technologies into the 21st century. Is it a perfect bill? No. The House International Relations Committee, in marking up this bill last month, approved dozens of amendments, on a bipartisan basis. I would hope, therefore, to see further improvement of this bill in conference.

But now is not the time for delay on S. 149. The Senate has a duty to pass this legislation and to restore stability and predictability to our export control system for sensitive dual-use technologies.

Mr. WARNER. Mr. President, I rise today to address an issue that is critical to the national security of our Nation: the adequate control of the export of sensitive technologies. I have been active in this debate for the past 2 years, together with Senators HELMS, SHELBY, MCCAIN, THOMPSON, and KYL. We have worked with our colleagues on the Banking Committee, particularly Senators GRAMM, SARBANES, and ENZI, to craft a bill that protects our Nation's security, while at the same time allowing for appropriate commercial activity.

In April, I reluctantly objected to the motion to proceed to S.149, the Export Administration Act. At that time, I

thought it was premature for the Senate to consider this bill until we had received detailed information from the Administration on this issue. I believe the Senate is now in a position to act on this important legislation.

I have tried for the past 2 years to work in a conscientious way with all parties to resolve the differences over this legislation. These differences have cut to the very essence of how the United States plans to protect its national security in an era of rapid globalization and proliferation of technology.

My goal in this debate has been to strike the proper balance between national security and commercial interests. As we all know, the high tech industry in the United States is currently second to none. We must ensure our domestic industry remains competitive without limiting access to new markets. Considering the rate at which technology becomes obsolete, being the first to deliver a product to a market is crucial. And while we cannot completely abandon national security concerns in favor of industry, we must not unnecessarily hinder the ability of our high tech companies to compete on the world stage. That is what I believe we have accomplished with this bill.

This is a complicated issue that cuts across the jurisdiction of six Senate Committees. Five Committee Chairmen with responsibility for national security matters in the U.S. Senate have continuously worked to improve this bill—myself as chairman of the Armed Services Committee, Senator SHELBY of the Intelligence Committee, Senator THOMPSON of the Governmental Affairs Committee, Senator HELMS of the Foreign Relations Committee, and Senator MCCAIN of the Commerce Committee. In addition, Senator KYL has been a leading participant in our discussions with the Banking Committee, the committee of primary jurisdiction.

The higher penalties and increased enforcement authority, the authority to require enhanced controls on items that need to be controlled for national security reasons, the requirement for the Department of Commerce to notify the Department of Defense of all commodity classifications are examples of progress made on the national security front.

I have great respect for the tireless efforts and dedication of my distinguished Banking committee colleagues, Senator GRAMM and Senator ENZI, in creating the EAA of 2001. I thank them for meeting with me and others several times throughout the past two years to listen to our concerns with balancing national security matters with economic interests. I hope these concerns will remain a priority for all of us.

In this year's version of the EAA, the Banking Committee has included additional national security protections at

the urging of the administration. As the debate on these issues has shown, there were concerns about the last administration's record in protecting some of our vital technology. A new administration is able to look at old problems with a fresh approach. It is in that context that the administration reviewed this bill at the request of myself, Senators MCCAIN, SHELBY, THOMPSON, HELMS and KYL. The National Security Advisor and three cabinet Secretaries were intimately involved in this review. As a result, the administration proposed a series of legislative changes that the Banking Committee has included in the bill that is before us.

Once these changes were made and the administration was actively engaged on the issue, the question then became a technical matter of how the administration would implement the statute. When the Senators expressing concerns regarding this bill were briefed on the results of the administration's review, we were informed that an interagency agreement had been achieved on how the administration would enhance national security controls during the course of implementing the EAA. Under the administration's proposal, we were informed that some national security protection that we had sought in the past would be included in the executive order that implements S. 149. Thus began a dialogue with the administration to come up with a better understanding of how this bill would be implemented.

My past concerns with earlier versions of EAA were based on concerns expressed by the Department of Defense. Last year, DOD provided the Senate Armed Services Committee with specific legislative changes that were necessary in their judgement to fix last year's EAA bill. This included addressing issues related to a national security carve-out or enhanced controls, commodity classifications, the enhanced proliferation control initiative, and deemed exports.

The Bush administration shares the concerns of the previous administration but has chosen to pursue some needed changes administratively. In this regard, I ask unanimous consent that a copy of a letter I received from Secretary of Commerce Evans be made a part of the legislative record. This letter provides some insight into the administration's interpretation of the bill language and commits the administration to implementing, for example, a "disciplined and transparent process for escalating and deciding disputes" on commodity classifications.

I am satisfied with the response that the administration has given me that they can work within the confines of this statute to protect national security. I trust that this administration will be able to do so. The Congress will, however, need to provide diligent oversight to ensure that this administra-

tion will conform to the high national security standards that they have set for themselves. When the EAA comes up for renewal in three years time, we may have to be more stringent in putting explicit national security protections in statute rather than leaving it to the discretion of the administration.

I want to thank my colleagues on the Intelligence, Foreign Relations, Commerce and Governmental Affairs Committees. These Members have worked over the last two years to improve this bill and ensure that our national security interests are protected. I know the job isn't finished yet. It has just begun and I will stand with my colleagues to ensure that our export control process is designed and operated to ensure that weapons of mass destruction do not get into the wrong hands.

It is time for the Congress to act on this bill. There is a need to reauthorize the EAA. The national security protections such as the national security carve out, increased penalties for export control violations, and greater visibility for the DOD over commodity classifications are positive steps. We need to lock in these improvements and work to ensure that nonproliferation concerns are protected and strengthened and that vital technology is protected. And we need to allow our domestic industry to compete in the world market without unnecessary and outmoded restrictions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF COMMERCE,  
Washington, DC, July 31, 2001.

Hon. JOHN WARNER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR WARNER: In light of our mutual interest in the Export Administration Act of 2001 (S. 149), I would like to address several issues related to S. 149 that I understand were raised by your staff in a recent discussion with Administration officials.

As you know, the Administration carefully reviewed S. 149. As a result of that review, the Administration recommended a number of amendments to the Senate Committee on Banking, Housing and Urban Affairs which were incorporated into the bill. Accordingly, the Administration strongly supports S. 149. We believe that the bill provides the proper framework for regulating the export of sensitive items consistent with our national security, foreign policy, and economic interests. For your convenience, I have enclosed an analysis that addresses in detail the issues raised by your staff.

I also understand that your staff asked about the Department's response to a recent report by the General Accounting Office (GAO) regarding controls on exports to Canada of items that could contribute to missile proliferation. The Department will shortly issue a proposed rule amending the licensing requirements applicable to exports to Canada. This new rule will address the issue raised by the GAO.

I appreciate your continued interest in the Export Administration Act of 2001. I look forward to working on the passage of this bill to ensure that the protection of national

security is given the highest priority in the dual-use export control system process.

If you have any further questions, please call me or Brenda Becker, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Warm regards,

DONALD L. EVANS.

Enclosure.

#### ADMINISTRATION VIEW ON NATIONAL SECURITY ASPECTS OF S. 149

The Administration supports S. 149 because it sustains the President's broad authority to protect national security. S. 149 actually provides greater authority for the President to control dual-use exports than current law, the Export Administration Act of 1979 (EAA). S. 149 significantly raises the penalties for export control violations and contains other provisions that enhance the U.S. government's ability to enforce the law effectively. Higher penalties and increased enforcement authority will deter those who might otherwise endanger U.S. national security through illicit exports.

#### FOREIGN AVAILABILITY/MASS MARKET AND PARTS AND COMPONENTS

The bill does give exporters the right to ask the government to determine whether items are foreign or mass market available. However, the bill also gives the President several ways to continue controls on such items, if necessary, for national security reasons. In addition, S. 149 provides more authority than the existing law to require enhanced controls on such parts and components as needed to protect national security.

#### ROLE OF DEPARTMENT OF DEFENSE AND OTHER DEPARTMENTS

The bill provides a significant role for the Department of Defense in the licensing process, including:

- giving the Secretary of Defense concurrence authority in identifying items to be controlled for national security reasons. This is a greater role than Defense has under existing law because the scope of the national security control list under the bill is significantly greater than under current law.

- requiring the Secretary of Commerce to refer all license applications to the Secretaries of Defense and State for their review and recommendations. The bill also authorizes all reviewing departments, for the first time in statute, to escalate a proposed licensing decision to the President.

- requiring the Department of Commerce, for the first time in statute, to notify the Department of Defense of all commodity classification requests.

- requiring the Department of Commerce, for the first time in statute, to fully consider any intelligence information relevant to a proposed export when considering a license application.

- enabling the President to continue the longstanding procedure whereby the Office of Management and Budget ensures the concurrence of the Departments of State and Defense, and other agencies as appropriate, on regulations issued by Commerce pursuant to the act. This procedure allows the Departments of State and Defense to concur on regulations affecting their interests without requiring concurrence on regulations those departments may not wish to review.

- continuing the President's authority to require a license for transfers of controlled items to foreign nationals within the United States and requiring State and Defense's concurrence on such licenses.

Regarding restrictions on the President's delegation of authority, such restrictions are

limited and apply only to those areas not appropriately delegated to any one agency. Restricting decisionmaking authority to the President, in these very limited circumstances, ensures that all interests—including national security—will be fully considered.

As officials from the Departments of State and Defense testified at the House International Relations Committee on July 11, the provisions of S. 149 protect the President's authority to safeguard U.S. national security.

#### PROPOSED EXECUTIVE ORDER

Interagency review of export license applications is conducted under Executive Order 12981, as amended. Under this executive order, the Departments of Defense, State and Energy have the right to review all license applications submitted to the Department of Commerce. The only applications that these departments do not review are those they choose not to, such as applications to export crude oil.

S. 149 partially codifies Executive Order 12981 and provides the Administration the flexibility to structure an appeals process that will preserve the existing authorities of both the Departments of Defense and State. For example, the current executive order establishes an assistant secretary-level interagency working group to hear appeals of decisions made at lower levels. This group already is an integral part of the licensing process and the Administration plans to keep it so. Any new executive order promulgated after the passage of a new EAA would not alter Defense's current ability to review and object to license applications.

S. 149 also requires Commerce, for the first time in statute, to notify Defense of all commodity classification requests Commerce receives. The Administration has committed to implement by executive order a process by which all these commodity classification requests will be reviewed by Defense, with a disciplined and transparent process for escalating and deciding disputes. The Administration will brief Congress about all of the processes provided for in S. 149 as they are implemented.

Mr. SHELBY. Mr. President, I rise today in order to reiterate my concerns over the Export Administration Act of 2001.

There is little doubt that this bill will pass. The writing is on the wall. However, with all due respect to the administration and to my colleagues on the Banking Committee, I have and will continue to oppose S. 149.

Neither I nor Senators THOMPSON, KYL, HELMS or MCCAIN desire to impede American business entities in their pursuit of new markets. I for one tend to agree with President Calvin Coolidge, who said that, "The chief business of the American people is business." Every Senator here today is an advocate for enhanced trade and for helping U.S. industry to export its goods and services. Exports bring prosperity to this Nation's companies and work to its citizens. If my advocacy for the U.S. technology industry were the sole basis upon which my decision on this legislation was to be based, I could easily change my past position and support passage of the Export Administration Act, or EAA as it is known.

However, the other basis upon which the EAA should be measured is its effect upon the national security of the United States.

Earlier this summer, I was inspired when I listened as one of my colleagues, who had not previously supported my position on the EAA, publicly and emphatically stated, and I paraphrase, that when it comes to the difficult question of promoting trade or preserving national security, we must err on the side of national security.

That balance is the crux of this week's debate. We should not support a measure that could, as written, result in harm to Americans by technology developed and sold by Americans.

The pending bill addresses the control of "dual use" technology, that is, technology that has both commercial and military applications. Most commonly, our current export controls entail a licensing process for the export of most dual use technologies. Rather than prohibit exports outright, we generally ensure that we can determine which countries are receiving technology and keep track of anomalies in exporting so that we can measure whether technology is being put to military use. The EAA also regulates which countries will be permitted to import U.S. dual-use technologies. Generally, U.S. companies are not permitted to export dual use products to countries like Iran and Iraq.

This bill is an attempt to rewrite our export control laws to make them more rational. I too believe that this nation needs new export laws to meet today's trade realities. However, this effort must not open the floodgates for our dual use technology to be exported, without the ability for the U.S. Government to follow where that technology goes and its ultimate application.

For an export control regime to function properly, it must provide for a balancing of the commercial benefits involved—which are generally obvious, easily-quantified, concentrated, and immediate—with the national security concerns, which are typically shrouded in secrecy, difficult to quantify, diffuse, and long-term in nature. In this equation, national security can easily get the short end of the stick.

Not everything is shrouded in secrecy. In accordance with Section 721 of the 1997 Intelligence Authorization Act, twice a year the Director of Central Intelligence submits a report on trends in the proliferation of weapons technologies. Part of the report is unclassified. The report identifies key suppliers of dual use missile, nuclear, and conventional arms technologies, as well as dual-use biotechnology and chemical technology. Nations such as China and Russia are identified as key suppliers. They export their technology to the likes of Iraq, Iran, Libya, Syria, Sudan, Pakistan and India. The report

received last winter detailed a continuing and significant problem.

Regarding Iran, the report states, and I quote:

Tehran expanded its efforts to seek considerable dual use biotechnical materials, equipment, and expertise from abroad—primarily from entities in Russia and Western Europe—ostensibly for civilian uses. We judge that this equipment and know-how could be applied to Iran's biological warfare program. Outside assistance is both important and difficult to prevent, given the dual-use nature of the materials, the equipment being sought, and the many legitimate end uses for these items.

Regarding Iraq, the report indicates that Saddam Hussein is utilizing all means to acquire dual-use technology. The report states:

Iraq has attempted to purchase numerous dual-use items for, or under the guise of, legitimate civilian use. This equipment, in principle subject to UN scrutiny, also could be diverted for weapons of mass destruction purposes. In addition, Iraq appears to be installing or repairing dual-use equipment at chemical weapons related facilities.

With respect to India, "India continues to rely on foreign assistance for key missile and dual-use technologies where it still lacks engineering or production expertise in ballistic missile development." The report goes on to cite Russia and Western Europe as the primary conduits of India's missile related technology.

As stated in the Report, Pakistan received significant assistance from Communist China for its ballistic missile program in the early part of last year. As recently as this past weekend, the administration was forced to impose sanctions on the China Metallurgical Equipment Corporation for selling missile technology to Pakistan. The corporate entity in Pakistan which received the technology was also sanctioned. I know this has been and continues to be an issue of great concern to Senator THOMPSON. I commend him for his efforts to publicize Communist China's blatant disregard for its pledge not to support foreign nuclear missile programs.

The report did contain one note of optimism, which I believe is also directly applicable to today's debate. Nations such as Libya and Iran continued to attempt to acquire needed materials for weapons of mass destruction in Western Europe. They had some success in the first half of 2000, but the CIA report states that, "Increasingly rigorous and effective export controls and cooperation among supplier countries have led the other foreign WMD programs to look elsewhere for many controlled dual-use goods." The point is, that while we cannot stop all proliferation, a rigorous export control regime can be effective in diffusing the spread of potentially threatening dual-use technology.

Mr. President, the problem is real. I believe it is a significant statement

when the Chairmen and now Ranking Members of the Senate Armed Services Committee, the Foreign Relations Committee, the Intelligence Committee, the Committee on Governmental Affairs and the Subcommittee on Technology, Terrorism and Government Information, have serious issues with the protections this legislation provides our national security. I am deeply disappointed that the new administration was not able to support reasonable amendments which would address the national security equities which we have highlighted. I am concerned that the interests of the high tech business community have replaced reasonable consideration of our dual use export control regime.

Technologies which are exported today can and will have to be dealt with by this Nation's national security apparatus. Consequently, I urge my colleagues to support the amendments of Senators THOMPSON, KYL, HELMS, and others, which will strengthen S. 149 with respect to national security. They are only a handful of the changes which should be made to this bill but they will serve to give the Defense Department and the State Department a more level playing field in the export control process from which to protect national security.

There is a proper balance between promoting business and preserving the national security. This bill does not strike that balance. As a conferee, I am hopeful that in conference, I can work with the members of the House, especially Chairman HYDE and continue these efforts to tilt the balance in favor of national security.

Mr. President, I ask unanimous consent to print in the RECORD entitled "Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January through 30 June 2000."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNCLASSIFIED REPORT TO CONGRESS ON THE ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS, 1 JANUARY THROUGH 30 JUNE 2000

The Director of Central Intelligence (DCI) hereby submits this report in response to a Congressionally directed action in Section 721 of the FY 97 Intelligence Authorization Act, which requires:

"(a) Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries."

At the DCI's request, the DCI Nonproliferation Center (NPC) drafted this report and coordinated it throughout the Intelligence Community. As directed by Section 721, subsection (b) of the Act, it is unclassified. As such, the report does not present the details of the Intelligence Community's assessments of weapons of mass destruction and advanced conventional munitions programs that are available in other classified reports and briefings for the Congress.

#### ACQUISITION BY COUNTRY

As required by Section 721 of the FY 97 Intelligence Authorization Act, the following are summaries by country of acquisition activities (solicitations, negotiations, contracts, and deliveries) related to weapons of mass destruction (WMD) and advanced conventional weapons (ACW) that occurred from 1 January through 30 June 2000. We excluded countries that already have substantial WMD programs, such as China and Russia, as well as countries that demonstrated little WMD acquisition activity of concern.

#### Iran

Iran remains one of the most active countries seeking to acquire WMD and ACW technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—chemical, biological, and nuclear—and their delivery systems. During the reporting period, the evidence indicates reflections of determined Iranian efforts to acquire WMD- and ACW-related equipment, materials, and technology focused primarily on entities in Russia, China, North Korea, and Western Europe.

Iran, a Chemical Weapons Convention (CWC) party, already has manufactured and stockpiled several thousand tons of chemical weapons, including blister, blood, and choking agents, and the bombs and artillery shells for delivering them. During the first half of 2000, Tehran continued to seek production technology, training, expertise, equipment, and chemicals that could be used as precursor agents in its chemical warfare (CW) program from entities in Russia and China.

Tehran expanded its efforts to seek considerable dual-use biotechnical materials, equipment, and expertise from abroad—primarily from entities in Russia and Western Europe—ostensibly for civilian uses. We judge that this equipment and know-how could be applied to Iran's biological warfare (BW) program. Iran probably began its offensive BW program during the Iran-Iraq war, and it may have some limited capability for BW deployment. Outside assistance is both important and difficult to prevent, given the dual-use nature of the materials, the equipment being sought, and the many legitimate end uses for these items.

Iran sought nuclear-related equipment, material, and technical expertise from a variety of sources, especially in Russia. Work continues on the construction of a 1,000-megawatt nuclear power reactor at Bushehr that will be subject to International Atomic Energy Agency (IAEA) safeguards. In addition, Russian entities continued to interact with Iranian research centers on various activities. These projects will help Iran augment its nuclear technology infrastructure, which in turn would be useful in supporting nuclear weapons research and development. The expertise and technology gained, along with the commercial channels and contacts established—even from cooperation that appears strictly civilian in nature—could be used to advance Iran's nuclear weapons research and development program.

Beginning in January 1998, the Russian Government took a number of steps to increase its oversight of entities involved in dealings with Iran and other states of proliferation concern. In 1999, it pushed a new export control law through the Duma. Russian firms, however, faced economic pressures to circumvent these controls and did so in some cases. The Russian Government, moreover, failed to enforce its export controls in some cases regarding Iran.

China pledged in October 1997 not to engage in any new nuclear cooperation with Iran but said it would complete cooperation on two nuclear projects: a small research reactor and a zirconium production facility at Esfahan that Iran will use to produce cladding for reactor fuel. As a party to the Nuclear Nonproliferation Treaty (NPT), Iran is required to apply IAEA safeguards to nuclear fuel, but safeguards are not required for the zirconium plant or its products.

Iran claims that it is attempting to establish fuel-cycle capabilities to support its civilian energy program. In that guise, it seeks to obtain turnkey facilities, such as a uranium conversion facility that, in fact, could be used in any number of ways to support fissile material production needed for a nuclear weapon. We suspect that Tehran most likely is interested in acquiring foreign fissile material and technology for weapons development as part of its overall nuclear weapons program.

During the first half of 2000, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile-related goods, technology, and expertise to Iran. Tehran is using this assistance to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles. Iran already is producing Scud short-range ballistic missiles (SRBMs) and has built and publicly displayed prototypes for the Shahab-3 medium-range ballistic missile (MRBM). In addition, Iran's Defense Minister in 1999 publicly acknowledged the development of a Shahab-4, originally calling it a more capable ballistic missile than the Shahab-3 but later categorizing it as solely a space launch vehicle with no military applications. Iran's Defense Minister also has publicly mentioned a "Shahab 5," although he said that development had not yet begun. Such statements, made against the backdrop of sustained cooperation with Russian, North Korean, and Chinese entities, strongly suggest that Tehran intends to develop a longer range ballistic missile capability.

Iran continues to acquire conventional weapons and production technologies from Russia and China. During the first half of 2000, Iran received five Mi-171 utility helicopters from Russia under a 1999 contract, and it began licensed production of Russian Konkurs (AT-5) antitank guided missiles. Iran also claims to be producing a new manportable surface-to-air missile known as Misagh-1, which resembles China's QW-1 MANPAD system. Tehran also has been able to keep operational at least part of its existing fleet of Western-origin aircraft and helicopters supplied before the 1979 Iranian Revolution and continues to develop limited capabilities to produce armor, artillery, tactical missiles, munitions, and aircraft with foreign assistance.

#### Iraq

Since Operation Desert Fox in December 1998, Baghdad has refused to allow United Nations' inspectors into Iraq as required by Security Council Resolution 687. In spite of ongoing UN efforts to establish a follow-on

inspection regime comprising the UN Monitoring, Verification, and Inspection Commission (UNMOVIC) and the IAEA's Iraq Action Team, no UN inspections occurred during this reporting period. Moreover, the automated video monitoring system installed by the UN at known and suspect WMD facilities in Iraq is no longer operating. Having lost this on-the-ground access, it is more difficult for the UN or the US to accurately assess the current state of Iraq's WMD programs.

We do not have any direct evidence that Iraq has used the period since Desert Fox to reconstitute its WMD programs, although given its past behavior, this type of activity must be regarded as likely. We assess that since the suspension of UN inspections in December of 1998, Baghdad has had the capability to reinstitute both its CW and BW programs within a few weeks to months. Without an inspection monitoring program, however, it is more difficult to determine if Iraq has done so.

Since the Gulf war, Iraq has rebuilt key portions of its chemical production infrastructure for industrial and commercial use, as well as its missile production facilities. It has attempted to purchase numerous dual-use items for, or under the guise of, legitimate civilian use. This equipment—in principle subject to UN scrutiny—also could be diverted for WMD purposes. Since the suspension of UN inspections in December 1998, the risk of diversion has increased. Following Desert Fox, Baghdad again instituted a reconstruction effort on those facilities destroyed by the US bombing, including several critical missile production complexes and former dual-use CW production facilities. In addition, Iraq appears to be installing or repairing dual-use equipment at CW-related facilities. Some of these facilities could be converted fairly quickly for production of CW agents.

UNSCOM reported to the Security Council in December 1998 that Iraq also continued to withhold information related to its CW program. For example, Baghdad seized from UNSCOM inspectors an Air Force document discovered by UNSCOM that indicated that Iraq had not consumed as many CW munitions during the Iran-Iraq war in the 1980s as had been declared by Baghdad. This discrepancy indicates that Iraq may have hidden an additional 6,000 CW munitions.

In 1995, Iraq admitted to having an offensive BW program and submitted the first in a series of Full, Final, and Complete Disclosures (FFCDs) that were supposed to reveal the full scope of its BW program. According to UNSCOM, these disclosures are incomplete and filled with inaccuracies. Since the full scope and nature of Iraq's BW program was not verified, UNSCOM assessed that Iraq continues to maintain a knowledge base and industrial infrastructure that could be used to produce quickly a large amount of BW agents at any time, if needed.

Iraq has continued working on its L-29 unmanned aerial vehicle (UAV) program, which involves converting L-29 jet trainer aircraft originally acquired from Eastern Europe. It is believed that Iraq may have been conducting flights of the L-29, possibly to test system improvements or to train new pilots. These refurbished trainer aircraft are believed to have been modified for delivery of chemical or, more likely, biological warfare agents.

We believe that Iraq has probably continued low-level theoretical R&D associated with its nuclear program. A sufficient source of fissile material remains Iraq's most significant obstacle to being able to produce a nuclear weapon.

Iraq continues to pursue development of SRBM systems that are not prohibited by the United Nations and may be expanding to longer range systems. Authorized pursuit of UN-permitted missiles continues to allow Baghdad to develop technological improvements and infrastructure that could be applied to a longer-range missile program. We believe that development of the liquid propellant Al-Samoud SRBM probably is maturing and that a low-level operational capability could be achieved in the near term. The solid-propellant missile development program may now be receiving a higher priority, and development of the Ababil-100 SRBM and possibly longer range systems may be moving ahead rapidly. If economic sanctions against Iraq were lifted, Baghdad probably would increase its attempts to acquire missile-related items from foreign sources, regardless of any future UN monitoring and continuing restrictions on long-range ballistic missile programs. Iraq probably retains a small, covert force of Scud-type missiles.

#### *North Korea*

P'yongyang continues to acquire raw materials from out-of-country entities needed for its WMD and ballistic missile programs. During this time frame, North Korea continued procurement of raw materials and components for its ballistic missile programs from various foreign sources, especially through firms in China. We assess the North Korea is capable of producing and delivering via munitions a wide variety of chemical and biological agents.

During the first half of 2000, P'yongyang sought to procure technology worldwide that could have applications in its nuclear program, but we do not know of any procurement directly linked to the nuclear weapons program. We assess that North Korea has produced enough plutonium for at least one, and possibly two, nuclear weapons. The United States and North Korea are nearing completion on the joint project of canning spent fuel from the Yongbyon complex for long-term storage and ultimate shipment out of the North in accordance with the 1994 Agreed Framework. That reactor fuel contains enough plutonium for several more weapons.

North Korea continues to seek conventional arms. It signed a contract with Russia during this reporting period.

#### *Libya*

Libya has continued its efforts to obtain ballistic missile-related equipment, materials, technology, and expertise from foreign sources. Outside assistance is critical to its ballistic missile development programs, and the suspension of UN sanctions last year has allowed Tripoli to expand its procurement effort. Libya's current capability remains limited to its aging Scud B missiles, but with continued foreign assistance it may achieve an MRBM capability—a long-desired goal.

Libya remains heavily dependent on foreign suppliers for precursor chemicals and other key CW-related equipment. Following the suspension of UN sanctions in April 1999, Tripoli reestablished contacts with sources of expertise, parts, and precursor chemicals abroad, primarily with Western Europe. Libya still appears to have a goal of establishing an offensive CW capability and an indigenous production capability for weapons. Evidence suggests Libya also is seeking to acquire the capability to develop and produce BW agents.

Libya continues to develop its nascent nuclear research and development program but

still requires significant foreign assistance to advance to a nuclear weapons option. The suspension of sanctions has accelerated the pace of procurement efforts in Libya's drive to rejuvenate its ostensibly civilian nuclear program. In early 2000, for example, Tripoli and Moscow renewed talks on cooperation at the Tajura Nuclear Research Center and discussed a potential power reactor deal. Should such civil-sector work come to fruition, Libya could gain opportunities to conduct weapons-related R&D.

Following the suspension of UN sanctions, Libya has negotiated deals—reported to be worth up to \$100 million, according to Russian press—with Russian firms for conventional weapons, munitions, and upgrades and refurbishment for its existing inventory of Soviet-era weapons.

#### *Syria*

Syria sought CW-related precursors and expertise from foreign sources during the reporting period. Damascus already has a stockpile of the nerve agent sarin, and it would appear that Syria is trying to develop more toxic and persistent nerve agents. Syria remains dependent on foreign sources for key elements of its CW program, including precursor chemicals and key production equipment. It is highly probable that Syria also is developing an offensive BW capability.

We will continue to monitor the potential for Syria's embryonic nuclear research and development program to expand.

During the first half of 2000, Damascus continued work on establishing a solid-propellant rocket motor development and production capability with help from outside countries. Foreign equipment and assistance to its liquid-propellant missile program, primarily from North Korean entities, but also from firms in Russia, have been and will continue to be essential for Syria's effort. Damascus also continued its efforts to assemble—probably with considerable North Korean assistance—liquid fueled Scud C missiles.

Syria continues to acquire ACW—mainly from Russia and other FSU suppliers—although at a reduced level from the early 1990s. During the past few years, Syria has received Kornet-E (AT-14), Metis-M (AT-13), Konkurs (AT-5), and Bastion-M (AT-10B) antitank guided missiles, RPG-29 rocket launchers, and small arms, according to Russian press reports. Damascus has expressed interest in acquiring Russian Su-27 and MiG-29 fighters and air defense systems, but its outstanding debt to Moscow and inability to fund large purchases have hampered negotiations, according to press reports.

#### *Sudan*

During the reporting period, Sudan sought to acquire a variety of military equipment from various sources. Khartoum is seeking older, less expensive weapons that nonetheless are advanced compared with the capabilities of the weapons possessed by its opponents and their supporters in neighboring countries in the long-running civil war.

In the WMD arena, Sudan has been developing the capability to produce chemical weapons for many years. In this pursuit, it has obtained help from entities in other countries, principally Iraq. Given its history in developing chemical weapons and its close relationship with Iraq, Sudan may be interested in a BW program as well.

#### *India*

India continues its nuclear weapons development program, for which its underground nuclear tests in May 1998 were a significant

milestone. The acquisition of foreign equipment could benefit New Delhi in its efforts to develop and produce more sophisticated nuclear weapons. India obtained some foreign assistance for its civilian nuclear power program during the first half of 2000, primarily from Russia.

India continues to rely on foreign assistance for key missile and dual-use technologies, where it still lacks engineering or production expertise in ballistic missile development. Entities in Russia and Western Europe remained the primary conduits of missile-related technology transfers during the first half of 2000. New Delhi flight-tested three short-range ballistic missiles between January and June 2000—the Prithvi-II in February and June, and the Dhanush in April.

India continues an across-the-board modernization of its armed forces through ACW, mostly from Russia, although many of its key programs have been plagued by delays. During the reporting period, New Delhi continued negotiations with Moscow for 310 T-90S main battle tanks Su-30 fighter aircraft production, A-50 Airborne Early Warning and Control (AWACS) aircraft, Tu-22M Backfire maritime strike bombers, and an aircraft carrier, according to press reports. India also continues to explore options for leasing or purchasing several AWACS systems from other entities. India has also received its first delivery of Russian Krasnopol laser-guided artillery rounds to be used in its Swedish-built FH-77 155-mm howitzers, negotiated the purchase of unmanned aerial vehicles from Israel, and considered offers for jet trainer aircraft from France and the United Kingdom.

#### *Pakistan*

Chinese entities continued to provide significant assistance to Pakistan's ballistic missile program during the first half of 2000. With Chinese assistance, Pakistan is rapidly moving toward serial production of solid-propellant SRBMs. Pakistan's development of the two-stage Shaheen-II MRBM also requires continued Chinese assistance. The impact of North Korea's assistance throughout the reporting period is less clear.

Pakistan continued to acquire nuclear-related and dual-use equipment and materials from various sources—principally in Western Europe. Islamabad has a well-developed nuclear weapons program, as evidenced by its first nuclear weapons tests in late May 1998. Acquisition of nuclear-related goods from foreign sources will remain important if Pakistan chooses to develop more advanced nuclear weapons. China, which has provided extensive support in the past to Islamabad's nuclear weapons and ballistic missile programs, in May 1996 pledged that it would not provide assistance to unsafeguarded nuclear facilities in any state, including Pakistan. We cannot rule out, however, some continued contacts between Chinese entities and entities involved in Pakistan's nuclear weapons development.

Pakistan continues to rely on China and France for its ACW requirements. Pakistan received eight upgraded Mirage III/V fighters from France and continued negotiations to purchase an additional 50 F-7 fighters from China.

#### *Egypt*

Egypt continues its effort to develop and produce ballistic missiles with the assistance of North Korea. This activity is part of a long-running program of ballistic missile cooperation between these two countries.

#### KEY SUPPLIERS

##### *Russia*

Despite overall improvements in Russia's economy, the state-run defense and nuclear industries remain strapped for funds, even as Moscow looks to them for badly needed foreign exchange through exports. We remain very concerned about the nonproliferation implications of such sales in several areas. Monitoring Russian proliferation behavior, therefore, will remain a very high priority.

Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, China, and Libya. Iran's earlier success in gaining technology and materials from Russian entities accelerated Iranian development of the Shahab-3 MRBM, which was first flight-tested in July 1998. Russian entities during the first six months of 2000 have provided substantial missile-related technology, training, and expertise to Iran that almost certainly will continue to accelerate Iranian efforts to develop new ballistic missile systems.

Russia also remained a key supplier for civilian nuclear programs in Iran, primarily focused on the Bushehr Nuclear Power Plant project. With respect to Iran's nuclear infrastructure, Russian assistance enhances Iran's ability to support a nuclear weapons development effort. By its very nature, even the transfer of civilian technology may be of use in Iran's nuclear weapons program. We remain concerned that Tehran is seeking more than a buildup of its civilian infrastructure, and the Intelligence Community will be closely monitoring the relationship with Moscow for any direct assistance in support of a military program.

In January, Russia's cabinet approved a draft cooperative program with Syria that included civil use of nuclear power. Broader access to Russian scientists could provide opportunities to solicit fissile material production expertise if Syria decided to pursue a nuclear weapons option. In addition, Russia supplied India with material for its civilian nuclear program during this reporting period. President Putin in May amended the presidential decree on nuclear exports to allow the export in exceptional cases of nuclear materials, technology, and equipment to countries that do not have full-scope IAEA safeguards, according to press reports. The move could clear the way for expanding nuclear exports to certain countries that do not have full-scope safeguards, such as India.

During the first half of 2000, Russian entities remained a significant source of dual-use biotechnology, chemicals, production technology, and equipment for Iran. Russia's biological and chemical expertise make it an attractive target for Iranians seeking technical information and training on BW- and CW-agent production processes.

Russia continues to be a major supplier of conventional arms. It is the primary source of ACW for China and India, it continues to supply ACW to Iran and Syria, and it has negotiated new contracts with Libya and North Korea, according to press reports.

The Russian Government's commitment, willingness, and ability to curb proliferation-related transfers remain uncertain. The export control bureaucracy was reorganized again as part of President Putin's broader government reorganization in May. The Federal Service for Currency and Export Controls (VEK) was abolished and its functions assumed by a new department in the Ministry of Economic Development and Trade. VEK had been tasked with drafting the im-

plementing decrees for Russia's July 1999 export control law; the status of these decrees is not known. Export enforcement continues to need improvement. In February 2000, Sergey Ivanov, Secretary of Russia's Security Council, said that during 1998-99 the government had obtained convictions for unauthorized technology transfers in only three cases. The Russian press has reported on cases where advanced equipment is simply described as something else in the export documentation and is exported. Enterprises sometimes falsely declare goods just to avoid government taxes.

##### *North Korea*

Throughout the first half of 2000, North Korea continued to export significant ballistic missile-related equipment and missile components, materials, and technical expertise to countries in the Middle East, South Asia, and North Africa. P'yongyang attaches a high priority to the development and sale of ballistic missiles, equipment, and related technology. Exports of ballistic missiles and related technology are one of the North's major sources of hard currency, which fuel continued missile development and production.

##### *China*

During this reporting period, the Chinese have continued to take a very narrow interpretation of their bilateral nonproliferation commitments with the United States. In the case of missile-related transfers, Beijing has repeatedly pledged not to sell Missile Technology Control Regime (MTCR) Category I systems but has not recognized the regime's key technology annex. China is not a member of the MTCR.

Chinese missile-related technical assistance to Pakistan continued to be substantial during this reporting period. With Chinese assistance, Pakistan is rapidly moving toward serial production of solid-propellant SRBMs. Pakistan's development of the two-stage Shaheen-II MRBM also requires continued Chinese assistance. In addition, firms in China provided missile-related items, raw materials, and/or assistance to several other countries of proliferation concern—such as Iran, North Korea, and Libya.

Chinese entities have provided extensive support in the past to Pakistan's safeguarded and unsafeguarded nuclear programs. In May 1996, Beijing pledged that it would not provide assistance to unsafeguarded nuclear facilities. We cannot rule out some continued contacts between Chinese entities and entities associated with Pakistan's nuclear weapons program. China's involvement with Pakistan will continue to be monitored closely.

With regard to Iran, China confirmed that work associated with two remaining nuclear projects—a small research reactor and a zirconium production facility—would continue until the projects were completed. The Intelligence Community will continue to monitor carefully Chinese nuclear cooperation with Iran.

Prior to the reporting period, Chinese firms had supplied CW-related production equipment and technology to Iran. The US sanctions imposed in May 1997 on seven Chinese entities for knowingly and materially contributing to Iran's CW program remain in effect. Evidence during the current reporting period shows Iran continues to seek such assistance from Chinese entities, but it is unclear to what extent these efforts have succeeded. In June 1998, China announced that it had expanded its CWC-based chemical export controls to include 10 of the 20 Australia

Group chemicals not listed on the CWC schedules.

#### *Western Countries*

As was the case in 1998 and 1999, entities in Western countries in 2000 were not as important as sources for WMD-related goods and materials as in past years. However, Iran and Libya continue to recruit entities in Western Europe to provide needed acquisitions for their WMD programs. Increasingly rigorous and effective export controls and cooperation among supplier countries have led the other foreign WMD programs to look elsewhere for many controlled dual-use goods. Machine tools, spare parts for dual-use equipment, and widely available materials, scientific equipment, and specialty metals were the most common items sought. In addition, several Western countries announced their willingness to negotiate ACW sales to Libya.

#### TRENDS

As in previous reports, countries determined to maintain WMD and missile programs over the long term have been placing significant emphasis on insulating their programs against interdiction and disruption, as well as trying to reduce their dependence on imports by developing indigenous production capabilities. Although these capabilities may not always be a good substitute for foreign imports—particularly for more advanced technologies—in many cases they may prove to be adequate. In addition, as their domestic capabilities grow, traditional recipients of WMD and missile technology could emerge as new suppliers of technology and expertise. Many of these countries—such as India, Iran and Pakistan—do not adhere to the export restraints embodied in such supplier groups as the Nuclear Suppliers Group and the Missile Technology Control Regime.

Some countries of proliferation concern are continuing efforts to develop indigenous designs for advanced conventional weapons and expand production capabilities, although most of these programs usually rely heavily on foreign technical assistance. Many of these countries—unable to obtain newer or more advanced arms—are pursuing upgrade programs for existing inventories.

**THE PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

#### MORNING BUSINESS

**The PRESIDING OFFICER.** Under the previous order, the Senate will now be in a period for morning business.

The Senator from Tennessee.

#### NATIONAL SECURITY

**Mr. THOMPSON.** Mr. President, before my colleague from Texas leaves the Chamber, I want to congratulate him on what I consider to be another major achievement of his career. He can add this legislation to the long list of legislation he has either been primarily responsible for or substantially responsible for. While we have disagreements on the legislation, this is something I have seen him work tire-

lessly on for at least a couple of years now, and certainly Senator ENZI carried a large share of the work, as Senator GRAMM said.

This is another one of those instances where Senator GRAMM took an issue like a dog taking to a bone and did not turn it loose until he got it done. I must say it is another impressive performance, and I want to congratulate my good friend for adding another important legislative victory to his long legacy.

I want to discuss the legislation for a minute in response to my good friend. We talked of two goals. This bill has been put to bed now, as it were. We are going to be voting on it shortly. We have made some modest improvement to it. The Senators opposite are correct in saying we have been talking about this a long time.

I do not know whether we can take credit for 59 changes or not. They say 59 changes have been made, but I guess we can take credit for some changes that have been made along the way to improve the bill.

We still have problems with the basic concept, and right before we go off into this good night, we need to lodge at least one summary statement with regard to the nature of our concern and where we hopefully will go from here.

The nature of our concern simply is this: It is a more dangerous world out there than ever before, and we have to be more careful than ever we do not export dangerous items to dangerous people that will turn around and hurt this country. The risk of that is greater than ever before.

We do not have two equal goals of trade and commerce on the one hand and national security on the other. The interest of national security dwarfs the interest of trade and commerce, although they are discussed in this Chamber somehow in equipoise. That is not the case. It should not be the case. It is not even set out that way in the bill if one looks to the purposes of the bill. The purposes of the bill are to protect this country. That is why we have an export law, not to facilitate business.

A great majority of the time I am with my business friends, but when it comes to national security I must depart with those who would weigh too heavily the interests of trade. I suggest those who are interested in trade get about giving the President fast track, giving the President trade promotion authority. That will do more for trade and industry and to help the economy of this Nation than exporting dual-use high tech items to China and Russia that may find their way to Iran and Iraq. So that is what we ought to be doing if we are concerned about trade in this country. So those two goals are not equal.

We need to understand what we are doing once again on these issues. Call

it a balance, if you will. No matter how you weigh the factors involved, we are giving the Secretary of Commerce and those within the department responsibility for national security. The Secretary, who I have the greatest confidence in—and I think he is a great man doing a great job—should not have the responsibility for national security. That is not supposed to be his job.

We are once again giving the Commerce Department, which we greatly criticized during the Clinton administration for some of their laxness, the life or death decisionmaking power in terms of these regulations or policies, in many important instances—not all instances, not always unilaterally, but many of them in some very important areas. We are deregulating entire categories of exports.

Foreign availability has always been something we considered in terms of whether or not we would export something or grant a license for something, and I think properly so. We do not want to foolishly try to control things not controllable. So foreign availability ought to be a consideration. We are moving light-years away from that, letting someone over at the Department of Commerce categorize entire areas of foreign availability that takes it totally out of the licensing process, so you do not have a license, and our Government cannot keep up with what is being exported to China or Russia. That is a major move. It is not a good move.

With regard to the enhanced penalties, what sanction is there to be imposed upon an exporter when he is not even required to have a license? It is saying: We will raise the penalty for your conduct, but we will make your conduct legal. That is not very effective in terms of export control, to say the least.

Finally, when I hear the proponents of this legislation say 99.6 percent of these exports are approved anyway, they are arguing against themselves. They use it to make the point this is kind of a foolish process anyway. So if the great majority of them are going to be approved, why even have the process? I assume that is the logical conclusion of their position.

My question is: What about the .4 percent that don't make it? Do we not have to look at the body of exports taking place in order to determine what that .4 is? Or if we didn't have a process, would that .4 be more like 3.4 if people knew there wasn't such a process? The .4 is the important thing to look at. Besides, if all the exports are being approved anyway, why is it so onerous to go through a process that will take a few days and get a clean bill of health so there is no question?

Therein lies the basis of our concern. It is a fundamental disagreement as to how far we should be going in this dangerous time. As the world is becoming

more dangerous, as technology proliferates, as we see those we are sending technology to using that technology for their military purposes, then passing it on to rogue nations, and we see our agencies and our committees—like the Cox committee—saying our lax export laws are causing some of this, and we are in the process of loosening export laws, I think that is unwise. I hope I am wrong.

As I said yesterday, I can afford to be wrong. If I am wrong, a few companies have been held up a few days. If the proponents of this legislation are wrong, it could cause problems for the country. I hope I am proven to be wrong and that I am strong enough to be able to stand up and say it when and if that time comes. I hope it does come to that. But we will not know for a while.

In the meantime, hopefully, through changes as we go along, through continuing to work with the administration in heightening their awareness of some of the problems and details we have seen in our committee work over the years, if we see we are going down the wrong track, we will be able to respond and adjust in midstream. I know my colleagues on the other side will join in that hope and desire, and I am sure we will be able to work together toward that end.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### U.N. WORLD CONFERENCE AGAINST RACISM

Mr. TORRICELLI. Mr. President, the U.N. World Conference Against Racism recently proceeding in Durban, South Africa, had the enormous potential to make a contribution in the historic fight against race and intolerance. Indeed, holding the conference itself in South Africa was a tribute to the people of that country and their long struggle against racism and apartheid. It could have been a seminal moment in the evolution, in our long fight for individual liberty.

While much progress has been made, we can all attest that racism and discrimination continue to affect hundreds of millions of people around the globe.

This conference had such potential. It could have addressed issues such as the rising intolerance toward refugees, intolerance towards asylum seekers, the unjustified denial of citizenship because of race, religion, or origin. The conference had the potential for the United States to demonstrate the great progress we have made in this country on issues of tolerance, of the fight against racism. In showcasing the American experience, nothing could have more vividly demonstrated the changes in the United States than the presence of Colin Powell, an American

Secretary of State, not only of African ancestry but of ancestry beyond our own shores.

Instead of realizing this potential, the conference has collapsed in a storm of recrimination and venomous rhetoric. The United States and Israel have walked out of the conference. It appears that others will soon follow.

The conference, which was intended to be forward looking and to come up with a plan of action for fighting racism around the globe has instead destroyed itself because of old hatreds and the resurrection of discredited agendas. The insistence of Israel's enemies on using this conference to launch vile attacks on Israel, to attempt to equate Zionism with racism, has fully and completely justified the Bush administration's decision to withdraw from the conference.

I take the floor today because on a bipartisan basis I believe it should be clear this Senate supports the Bush administration's decision to leave the conference, to attack its agenda, and to make clear we will have no part of it.

For many years, Arab regimes have used the United States to advance their anti-Israel agenda. What is happening in Durban today is not new. The tragedy is the lesson has not been learned. In 1975, with the support of the so-called nonaligned nations, these regimes succeeded in passing the infamous "Zionism equals racism" resolution. After much work, the United States, to our considerable credit, had that odious resolution rescinded in 1991.

The U.N. Secretary General, Kofi Annan, has referred to that resolution as the "low point in the history of the United Nations." To his credit, Annan has acknowledged the historical U.N. bias against Israel and called for the normalization of Israel's status within the U.N. Indeed, normalization has been acquired.

For 40 years, Arab and Muslim nations prevented Israel from becoming a member of any regional group. By that denial of regional status, Israel and Israel alone is prohibited from becoming an eligible member of the Security Council. This tremendous injustice was finally rectified only last year when Israel was able to join the Western European and Others Group.

Despite the Secretary General's leadership in trying to improve U.N. resolutions regarding Israel, we are now forced to fight these old battles again, those seeking to defend not only anti-Israel but indeed anti-Semitism for their own political purposes. While the anti-Semitic rhetoric being shouted by demonstrators in the streets of Durban is alarming enough, it is more appalling to see the rhetoric being placed in official negotiated documents of a U.N. conference itself. This demonstrates that not only have we not made

progress, but indeed this is as bad as any action taken in the unfortunate history of the U.N. on this subject.

The declaration being produced by the conference and the program of action which flows from it are intended to help countries strengthen national mechanisms to promote the human rights of the very victims of racism. But including anti-Semitic language in these documents cannot possibly have a positive effect for the conference agenda. If the anti-Israel language is allowed to stand in the conference declaration, it will have real and lasting effects. The language proposed in this conference will only serve to encourage virulent anti-Semitic language pouring forth from the Palestinian media and media of those of Israel's neighbors. The language of intolerance and hatred is a key factor in inciting the brutal acts of terrorism now being perpetrated against Israel's civilians.

So an organization created and dedicated to peace is now promoting language, in an official conference, during a time of violence in the Middle East, that can only result in the loss of life and further hatred. American withdrawal from this conference sends an emphatic message to the Arab world that the United States commitment to Israel has not wavered and our concept of the United Nations as an organization dedicated to peace and resolving these very disputes has not changed.

The administration's decision to abandon the racism conference once it was clear that Israel would continue to be singled out was not a partisan action; it was a principled action. I fully endorse it.

I hope the United States will defend any nation, not just Israel, which is unfairly singled out for criticism.

While I support this decision, I believe there are larger problems involved that deserve our attention. The forces that compelled us to withdraw from the conference—anti-westernism, anti-Americanism—have come together in the U.N. before and may represent a growing challenge to our country. So the decision to withdraw because of anti-Semitism was proper. But it may not be the only justifiable reason. There are others.

Only a few months ago, in May of this year, we had another debacle involving the United Nations when the United States was voted out of the U.N. Human Rights Commission. What an unbelievable outrage. I do not stand in the well of the Senate believing that the United States has not committed historic acts worthy of criticism; clearly we have. I do not argue that the United States is beyond criticism for actions in our generation; clearly such acts have occurred. I am willing to have our Nation measured against the highest standard. But for the United States of America to be removed from the Human Rights Commission upon

the votes of an organization which includes Iraq, Libya, and Cuba is an outrage.

So while I take the floor today in light of the current acts designed against Israel, I do so in the context of the actions of the United Nations on a continuing basis with regard to many countries, including our own.

The United States has had a seat on the Human Rights Commission continuously since 1947. We have been a clear leader on the Commission, enforcing investigations of human rights abuses around the world. Indeed, U.N. High Commissioner Mary Robinson has said that the United States has made a "historic contribution" to the Commission. Indeed, I see no need to justify the actions of the United States with regard to human rights. Indeed, it is not because we don't defend human rights that we were removed from the Commission; it is because we do defend human rights that we were removed from the Commission. Had we not taken actions against Cuba, had we not spoken up against atrocities in North Korea and China, had we been silent about actions in Africa and Latin America, there is no doubt the United States would have remained on the Commission. We are victims because of what we have done right, not because of what we have done wrong.

I have no doubt that our standing up against anti-Semitism and in defense of Israel will now strengthen the case against the United States as an advocate of human rights. So be it. Let the nations of the world balance the actions of the United Nations and their own regimes against the historic role of the United States, considering our historic difficulties, and let history be the judge. Which institution, the U.S. Government or the United Nations itself, has been the more consistent and dependable defender of the weak and the vulnerable, with a principled stand for human rights? I will accept that judgment of history, and there is no need to wait for the result; it is clear. The U.S. Government has had no peer in defending the rights of peoples around the globe.

I take the floor as a partisan Democrat involved throughout my career in the fight for human rights and an active involvement in foreign policy to salute this administration. Secretary Powell did not go to Durban. He made the right decision. When the administration withdrew from the Durban conference, President Bush made the right decision. Durban is not our place. If we must fight the fight against racism, the fight against anti-Semitism, alone, without the United Nations, from the perch of Washington rather than the perch of the U.N. conferences in New York or regional conferences in Durban or Switzerland or anywhere else, we may fight alone but we fight in good company.

I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CANADIAN SOFTWOOD LUMBER

Mr. BAUCUS. Mr. President, I rise today to discuss the U.S.-Canadian dispute on softwood lumber.

Although it might have escaped the attention of many in Washington, the Bush administration announced a critical trade policy decision over the August recess.

After considering truck loads of evidence provided by a legion of lawyers, the Department of Commerce once again decided that Canadian provinces giving away timber at a fraction of its value was a subsidy to Canadian lumber production.

Specifically, the Commerce Department issued a preliminary finding that these subsidies amounted to 19.3 percent of the value of Canadian lumber. Further, the Commerce Department took the unusual step of declaring critical circumstances, which back dates the duties by 90 days. It did this because it determined Canadian producers were flooding the U.S. market—in an attempt to take advantage of the expiration of the previous U.S.-Canada agreement on this topic.

The Commerce Department is due to issue another preliminary finding under another U.S. fair trade law, antidumping law, in the middle of October. I agree with most observers that this will likely result in a substantial increase in the current duty.

But I do not rise today to discuss the intricacies of U.S. trade laws.

Nor, Mr. President, do I plan to discuss the details of Canadian lumber programs.

I have never understood how giving away timber at a fraction of its market value and allowing government-set prices instead of market prices could be anything but a market distortion. But that is a debate that we have had for 20 years and I myself have discussed on the Senate floor at least a dozen times.

I see little point in repeating facts that the Commerce Department and independent observers on both sides of the border have long acknowledged. I ask unanimous consent that the forward and executive summary of an excellent analysis of Canadian subsidy programs in British Columbia, prepared by a coalition of Canadian environmental group—"Cutting Subsidies, or Subsidized Cutting?" be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

(See Exhibit 1)

Mr. BAUCUS. Instead I want to look to the future. I rise today to offer a true and lasting solution to what has become the world's largest bilateral trade dispute and, by far, the largest fly in the ointment in the U.S.-Canada relationship. Given some political changes on both sides of the border, I believe it is now possible to negotiate a lasting and real agreement on the U.S.-Canada softwood lumber dispute.

In 1986, at a similar juncture in a trade case, the U.S. and Canada agreed to resolve the dispute by allowing Canada to collect an export duty—a duty the United States would have otherwise collected. At the same time, Canadian provincial officials agreed to a set of forestry program reforms to eliminate the underlying subsidies.

This arrangement broke down when Canada unilaterally—and without explanation—withdrew from the arrangement. But with some adjustments, a similar approach could be pursued to a real solution.

The basic concept is simple. Once the final preliminary duty is known, Canada would agree to collect this on its exports and thus gain the revenue that would otherwise go to the U.S. treasury.

The antidumping element complicates this understanding, but it could be addressed through a minimum export price or a duty adjustment to account for the dumping.

Once the basic export duty rate was set, both sides would agree that the duty would be lowered as Canadian provinces eliminated subsidies. For example, if Canada—or particular provinces—stopped artificially lowering the price of stumpage, the portion of the export duty aimed at offsetting stumpage subsidies would be dropped.

Unfortunately, evaluating the impact of proposed reforms in Canada's forestry subsidies is a complex task and, sadly, these complexities have been used to hide subsidies and replace old subsidies with new ones.

In order to assist the trade negotiators from both countries in evaluating proposals for reform, I propose an ad hoc commission—made up of representatives of the forest industry from both countries, representatives of organized labor from both countries, and representatives of the environmental community from both countries.

This panel would evaluate proposals for forestry reform in Canada and provide a non-binding evaluation of the proposed changes to relevant U.S. and Canadian government officials.

I feel particularly strong that representatives from the environmental community be included in this group because they are the closest thing to truly independent observers of Canadian forestry practices.

In addition to providing a fair and thorough evaluation of proposals for change, this group could be a watchdog against backsliding. And it could provide a forum to discuss cross-border cooperation on sustainable forestry practices, joint positions for international negotiations on trade and forestry issues, and joint approaches to problems, such as protection of endangered species.

I believe such non-binding oversight could ensure real progress toward a final and lasting solution to this difficult trade problem.

I have read in the Canadian press some statements that Canadian officials—or perhaps the U.S. lawyers that represent them—that Canada should pursue no such deal until after the issue is fully litigated before the World Trade Organization and perhaps the NAFTA.

But the central fallacy of this position is that the U.S. would negotiate after it has turned back challenges. And there is no reason to believe that Canada would succeed in such litigation. Despite the rhetoric of some, Canada's record in past complaints is mixed, and U.S. law and practice has been refined to avoid past problems. If challenged, I believe the U.S. actions on softwood lumber will survive international scrutiny.

Obviously, Canadian officials will choose whatever strategy they see fit, but such a litigate-at-all-costs strategy would result in the duty being in place for most of a year—at minimum.

The bottom line is this: Out-of-court settlements are struck when neither party is certain of the outcome of litigation; no one settles after they have won the final appeal.

If the U.S. duties survive Canadian challenges, I would then oppose any effort to settle the dispute along the lines I have laid out. If the U.S. is forced to litigate and succeeds, there will be no domestic support for a settlement, no export duty, and no compromise. A compromise is possible now, not later.

Again, I congratulate the Commerce Department—and particularly the hard work of Secretary Don Evans, Undersecretary Grant Aldonas, and Assistant Secretary Faryar Shirzad—for decisive action in this case.

Lumber mills and their workers in Montana and across the country have suffered because of Canadian lumber subsidies. I plan to work with the Commerce Department to ensure that the suffering is over so that efficient, environmentally sound U.S. mills can compete on a level playing field—one way or another.

#### EXHIBIT 1

CUTTING SUBSIDIES, OR SUBSIDIZED CUTTING?  
Report Commissioned by BC Coalition for Sustainable Forestry Solutions, July 12, 2001.

Prepared by: Tom L. Green, M.A., Ecological Economist; Lisa Mattheus, MSc, Resource Economist, Sierra Club of BC

#### FOREWARD

(By Dr. Michael M'Gonigle)

Textiles, dairy products, newsmagazines, steel, airplanes, fish plants, forest products—throughout the world, subsidies exist for every industry imaginable. Talk of reducing these subsidies dominates for daily news with seemingly endless rounds of bilateral and multilateral trade talks. But despite the hype, and the rhetoric, the topic is rarely treated in the thoughtful manner it deserves.

There are, of course, many good reasons for government subsidies. In today's increasingly homogenized mass-market world, it makes sense to protect a nation's ballet and local newspapers. So too it is important to keep the rural base vital by maintaining support for family farms, and even encouraging new organic producers. Indeed, subsidies are most useful in helping fledgling industries make inroads against the predatory behaviour of much larger, and often inefficient, older industries.

But subsidies are all too frequently destructive and unsustainable. Such subsidies can be the most difficult to undo because they are deeply embedded, hidden from view, and reward the most powerful interests in society.

As Tom Green and Lisa Mattheus demonstrate in this paper, such is the case with the BC forest industry. Here is an industry that from its inception to the present day is supported by a raft of subsidies. Once designed as a way to develop the province, many of these subsidies are today almost completely invisible, propping up an industry against all economic and social logic, and determining the potential for good public policy. This paper only addresses this situation in British Columbia, but many of their arguments apply to the industry worldwide.

The phrase “perverse subsidies” captures the situation admirably, perverse because government is spending money, or not collecting rents in a fashion that undermines economic as well as social (and environmental) interests. Take, for example, the hundreds of millions of dollars that have gone to prop up outdated mills in northern BC. These subsidies seemingly respond to the social need of keeping remote communities afloat. In fact, this money undercuts other, more efficient communities by artificially depressing their markets, while it robs even the host communities of the opportunity to direct that money, and the local industry, into creating new value-added industries that would foster more stable, longer-term, employment.

Many subsidies are not so high profile, however. Undoubtedly, the most pernicious subsidy exists in the lax environmental standards that have long existed in BC. This situation permits the industry as a whole to shift a vast array of costs out of its own production processes, and impose them instead on logged out salmon streams, disrupted caribou habitat, and clearcut coastal watersheds. In such cases, the fishing industry, First Nations, and tourism operators pay the costs of this industry.

The authors are self-described “ecological economists.” To many readers, this will be

an unfamiliar phrase. But it signifies a new type of economic analysis, a critically important analysis if society is to weed out our landscape of perverse subsidies. As our common sense tells us, the human economic system is a subset of our natural ecological system. Creating a sustainable future means re-embedding our over-extended economy in the natural world.

That challenge is, as the authors makes clear, structural. The forest industry is underpinned by a land tenure system that blankets the province. These long-term tenures artificially depress prices (through lack of market competition) while they discriminate against innovative new entrants (through exclusion from access to timber). Indeed, this is the very sort of state-chartered, state-protected, and bloated industry that, 200 years ago, Adam Smith railed against in his classic text, *The Wealth of Nations*. Only by taking away their privileged position, Smith argued, could the natural abilities of the citizenry to innovate, and prosper, be set loose.

Smith's radical argument applies equally in British Columbia today. Indeed, in a thoughtful addition to the discussion of structural subsidies, the authors turn our attention to the failure to pay due regard to aboriginal entitlements to the resource base. As any economist will explain, market values reflect the existing distribution of wealth between sellers and buyers. In British Columbia today, a whole group of buyers (the forest industry) secures its products well below its potential costs because the seller (the provincial government) excludes another legitimate interest (First Nations) from the bargain. This situation dramatically skews the whole forest products market, drastically reducing the obligations of the corporate sector.

The authors have bravely raised the flag on a critical topic for the new Liberal government in British Columbia. This paper is only a beginning, however. Much work remains to be done to ferret out the true costs of an industry that has for too long gotten by without public scrutiny. Despite its avowed commitment to the “magic of the marketplace”, the new government will quickly find that it is easier to continue with the status quo than to challenge it fully and transparently.

Forestry is a powerful industry in BC, its power coming from exactly those subsidies that must now be uncovered, re-examined and withdrawn. Remove the subsidies, and you transform the industry.

This is no small task. But the future health of the BC economy, and the sustainability of its endangered ecosystems, depends upon our doing it.

#### 1. EXECUTIVE SUMMARY

Following his recent election victory, Premier Campbell has repeatedly asked British Columbians to hold him accountable to the Liberal Party election promises. For a party generally perceived as pro-business, one of the boldest promises was to eliminate corporate subsidies. The Liberals also committed to developing a “leading edge forest industry that is globally recognized for its productivity and environmental stewardship.” Together, these two commitments provide an opportunity for structural reform of the forest industry that could have far-reaching consequences for the future of British Columbia's environment and economy.

However, to fulfill its commitments, the new government must phase out the subsidies that have inhibited the logging industry from developing into an innovative, diverse and sustainable industry. The elimination of subsidies is necessary to create that "leading edge forest industry", because existing subsidies encourage economic inefficiency and the depletion of resources. Existing subsidies inhibit change, innovation and investment. They also hinder the development of value-added industry.

This report focuses on subsidies to the BC forest industry. Subsidies occur when public resources are available to private interests at less than their true cost. Resource industries are frequently heavily subsidized, often receiving "perverse subsidies"—subsidies that hurt both the economy and the environment. As a result, subsidies to the logging industry deserve special attention in the BC government's drive to eliminate business subsidies.

The report examines five main categories of subsidies:

**Stumpage:** The fee charged by government to companies for harvesting trees from public land is called stumpage. This report concludes that flaws in the calculation methodology result in the BC government charging companies stumpage rates below market stumpage. The failure to ensure that the rules for calculating stumpage are equitably implemented and enforced provided a potential subsidy of about \$350 million over a two and a half year period. Comparing BC's stumpage to competitively driven stumpage rates in similar timber regions in the US demonstrated total subsidies to the BC forest industry resulting from undervaluing of public timber at \$2.8 billion for one year.

**Bailouts and Handouts:** Direct payment of cash to forest companies is the most readily understandable of forest industry subsidies. Although sometimes public investment may be justifiable to meet broader societal objectives, the \$329 million bailout of the antiquated Skeena Cellulose mill is a textbook example of a perverse subsidy. Handouts are endemic in BC. The report documents ongoing efforts of the Job Protection Commissioner to find ways to reduce company costs through the use of public monies and through regulatory waivers.

**Waiver of Environmental Protection.** When government allows industry to operate without full compliance with environmental legislation, industry is able to transfer the cost of bad environmental practices onto the public, resulting in a substantial subsidy. In BC, neither provincial nor federal environmental rules related to forestry are being fully implemented or enforced, allowing companies to financially benefit from lack of regulatory compliance. It is estimated that this amounts to a subsidy of \$950 million annually.

**Non-recognition and Infringement of Aboriginal Title.** First Nations traditional territories include virtually all of BC's commercial forests. Although Aboriginal Title is constitutionally protected right, logging activities—that would amount to infringements of Aboriginal Title—routinely occur in BC without consent of or meaningful consultation with affected First Nations. Compensation will ultimately be required for both the extraction of First Nations' resources and for restoration of traditional territories damaged by logging. This burden will fall on taxpayers, not the companies who have profited, resulting in a subsidy. In 1999 this subsidy is estimated at between \$233 million and \$1.163 billion.

Tenure, BC logging companies operate predominantly on public land and under government licenses, or tenures. Because of BC government consistently undervalues the stumpage rate, tenures have acquired a market value related to the ongoing stumpage subsidy. Furthermore, the BC government has allowed corporate interests to shut down mills in violation of obligations in tenure agreement yet retain secure supplies of timber, thus providing further corporate benefits.

While the BC Liberal Party has made the general promise to eliminate business subsidies, it has also other more specific promises that directly bear on the subsidies outlined above. These promises include:

Create a market-based stumpage system that reflects global market realities and local harvesting costs;

Cut the forestry regulatory burden by one third within three years;

Introduce a legislative framework for legally respecting Aboriginal Rights and Title and work to expedite interim measures agreement with First Nations;

Develop a working forest land base on public land and fully protect private property rights and resource tenure rights.

Depending on how these promises are implemented, they could help reduce subsidies, but they could also dramatically increase the subsidies to the BC forest industry.

The Liberals also made other specific election promises that speak to other potential subsidies to the forest industry, including:

Apply 1% of all direct forest revenues, not including "super stumpage" to global marketing of BC's forest practices and products;

Increase the Allowable Annual Cut over time through incentives to promote enhanced silviculture.

A high level of vigilance will therefore be required to ensure that subsidies to the BC forest industry do not persist or even increase under the Liberal watch.

The elimination of subsidies in any sector causes economic change and human displacement. As one researcher commented,

Obstacles to removing subsidies tend to be highly political. Opposition of vested interests, local businesses and segments of the workforce can be very powerful. Once payments are in place then a type of addiction follows, and there may be uncertainty and fear over the consequences of subsidy removal.

This report therefore recommends that subsidies to the BC logging industry be phased out gradually and carefully.

Taken as a whole, the federal and provincial government subsidies of the BC forest industry are considerable and counter-productive. The amount of subsidies coming from the provincial government alone (including those proposed by the Liberals) is between \$3 billion and \$6 billion each year. These subsidies represent a significant cost to the taxpayers of British Columbia, while encouraging over-exploitation of forest and hindering the development of a modern, competitive forest industry. British Columbians deserve better.

#### U.S.-JORDAN FREE TRADE AGREEMENT

Mr. BAUCUS. Mr. President, I rise in support of S. 643, which implements the agreement between the United States and Jordan establishing a Free Trade Area. The legislation passed the Finance Committee and is now on the Senate calendar.

Jordan has been one of the few Arab states to actively work with the United States to establish a real and lasting peace in the Middle East. The U.S.-Jordan FTA represents a solid trade agreement as well as a strong signal of support to a valued ally. Although Jordan is not currently a major trading partner of the United States, this agreement should open the door for increased trade and commerce between the U.S. and Jordan. More importantly, it is my sincere hope it will help to bring peace to the region through economic stability.

The principal feature of the U.S.-Jordan FTA is the mutual elimination of tariffs within 10 years. Modeled after the U.S.-Israel FTA, it also limits other non-tariff trade barriers and establishes a mechanism for the settlement of disputes. The agreement is also unique. Most notably, it specifically states that each country shall strive to maintain and enforce its respective labor and environmental laws.

I recognize that these particular provisions have sparked some debate. However, I see them as historic progress on a vexing issue. Not only have they established a reasonable standard that we should expect from any of our trading partners, they also have catapulted this Congress and this administration into a real dialogue toward defining a new international trade consensus. The Jordan agreement aside, I find it completely reasonable that we should expect our trading partners to maintain their labor and environmental standards. That's simply good business. To weaken such standards solely to gain a trade advantage would undermine a country's credibility—not to mention destabilize the very trade relationship the FTA was intended to benefit.

The U.S.-Jordan FTA has been negotiated and signed. The Bush Administration supports it and has no intention of renegotiating a new agreement. The Jordanian Parliament ratified the Agreement last May. Our colleagues in the House have already approved the implementing legislation for the agreement. Jordan's King Abdullah II visits the U.S. next week to urge passage of the agreement.

I hope his visit will encourage potential detractors to recognize the importance for swift action and agree not to stand in the way of immediate consideration of this vital legislation.

Simply put, this is a good trade agreement. The time is right for the Senate to take up and pass it without amendment.

#### MONTANA WILDFIRES

Mr. BAUCUS. Mr. President, the loss of life battling catastrophic wildlife is a tremendous tragedy that lends us perspective. With the loss of four fighters in less than one week in my home

State, the fire season in Montana again reminds us that we must be deeply grateful for the hard and dangerous work these firefighters do, work that takes them away from their homes and their families to protect the people of Montana and the West.

Let me honor the four firefighters who lost their lives battling fires in Montana.

On August 31, 2001, three men died in a helicopter crash near the Fridley Fire just south of Livingston, MT. The pilot was Rich Hernandez, 37, originally from Florida. His copilot, Santi Arovitz, only 28, was originally from Spain and had been living in Hillsboro, OR. Their crew chief was Kip Krigbaum, 45, of Emmett, ID.

On September 3, David Ray Rendek, just 24 years old, was killed when struck by a falling snag while working on a small fire in Bitterroot National Forest, near Hamilton, MT.

David graduated from high school in Victor, MT, and attended classes at the University of Montana, in Missoula with his sister. I have been told he was a passionate advocate about the outdoors and was a dedicated firefighter. I am very sorry his family and Montana have lost such a promising young man.

My deepest sympathies and condolences go out to the family and friends of these four men. We in Congress honor their memory and the ultimate sacrifice they made for the people of Montana. We are very sorry for their loss.

Unfortunately, the fires in Montana continue. Dedicated fire crews continue to battle hostile weather conditions and high winds.

Montana fires have consumed over 90,000 acres. The largest fires are the Fridley Fire near Livingston and the Moose Fire burning in and around Glacier National Park.

The Fridley Fire has burned over 26,800 acres, and it is approaching the Gallatin Divide, increasing the threat to the Bozeman water supply. Over 1,000 people are fighting this fire.

As of September 5, the Moose fire has burned more than 58,000 acres. There are 35 20-person crews currently battling the Moose Fire.

Fourteen are Montana crews and several crews come from Montana's Indian Country—the Rosebud Sioux, Ronan, Blackfeet Nation and Northern Cheyenne. Air Support includes 9 helicopters and 3 air tankers. Other Montana crews include: Glacier Park, Bitterroot Hot Shot Crew, Trapper Creek Job Corps, Kootenai National Forest and Flathead National Forest.

The force of the Moose Fire is tremendous, as it burns on Forest Service, private, and Glacier National Park lands. People have reported to me they can smell the smoke as far away as Chester, another even suggested as far away as Minot.

For those listening who may not know those distances, Minot is in North Dakota, 700, 800 miles away.

All of our fire crews are working long days and long hours battling these blazes, and I just can't praise them enough. They have contained several fires and they are winning the struggle with the dangerous Fridley and Moose fires.

Also, our Indian country firefighters are again great heroes on our fire lines in northwest Montana. Although wildfires are devastating, our tribal neighbors continually step up to the plate and meet this challenge full on. I intend to work closely with the tribes to better incorporate them in the National Fire Policy planning process.

I also intend to continue to work hard for funding for fire rehabilitation efforts. Many people tend to forget that the devastating effects of wildfire remain long after the last flame has been put out.

The terrible mudslides that occurred after heavy rains in the Bitterroot National Forest in Montana in June are a sober reminder of that fact. These mudslides destroy property, soil cover, and can devastate watersheds. We must make sure that the appropriate Federal agencies have the resources they need to restore burned areas and to deal with the long-term effects of fire on the ground.

Again, I express my deepest gratitude to all of the men and women who put themselves in harm's way on the fire lines in Montana, and my deepest sorrow and regret that they lost four of their comrades in the line of duty.

I will continue to do everything I can to make sure our crews have the manpower and equipment they need on the ground. The quicker our firefighters can contain these fires, the sooner we can take their lives out of danger.

Mr. President, I appreciate your attention. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEXICAN PROGRESS IN THE DRUG WAR

Mrs. FEINSTEIN. Mr. President, I have come to this Chamber because I want to make a few comments of welcome to President Vicente Fox. I had the pleasure of speaking with him at Secretary Powell's lunch yesterday and listening to him in the House of Representatives in the joint session this morning.

Because I have been critical of Mexico's efforts to stop drug trafficking, their unwillingness to arrest cartel leaders, to vigorously prevent the laundering of drug money, their refusal to

extradite a single Mexican national on drugs charges, and because of the widespread corruption within the ranks of Mexican law enforcement, I thought I should come to the Chamber today while President Fox is in our country to say recent reports I have had indicate there has been truly a dramatic change in Mexico.

I believe he is to be commended for that. It looks as if he is responsible for an entirely new attitude on the part of his country in the fight against drugs. I wish to take a few moments to commend him and to say how important this is to the United States and to the people of this country.

We all recognize that we have a demand problem in this country. In fact, there is even a growing demand problem in Mexico today as well. But, nevertheless, the flood of narcotics across the border represents a major problem for both our nations. It brings with it also collateral problems in the United States and in Mexico: violence, corruption, and even, as we have seen, the brutal torture and murder of literally hundreds of public officials, judges, prosecutors, journalists, and any who dare either to cross the cartels or stand in their way.

It is fair to say that these major consequences of the drug trade require that we solve the problem together. Simply put, the Fox administration has made more progress in the war against drugs over the last 6 months than the Government of Mexico made over the previous 9 years.

I would like to share some examples, some specifics, if you will, of the progress made by Mexico through the leadership of this brave new President.

Prior to the Fox administration, not one major Mexican national drug cartel member had ever been extradited to the United States on drug charges—not one, ever—despite a whole list of pending requests.

Since President Fox took office, however, this has changed dramatically. In fact, I had the privilege, at the Davos World Economic Summit, in January, to meet briefly with President Fox. At that time I handed to him directly a list of requested extraditions, prepared by our Drug Enforcement Administration. He said he would take action. I did not really believe him at the time, but he has.

After years of court battles, earlier this year the Mexican Supreme Court ruled that Mexican nationals could, indeed, be extradited to the United States.

Since January, 14 fugitives have been extradited to our country from Mexico. Four of these were Mexican nationals, and three of the four, for the first time, were Mexican nationals extradited on major drug charges. That may not sound like much, but I can assure you it is a big deal, because many of us who

have worked in this area for years believe extradition is a major deterrent to the cartel leadership.

The defendant in the Supreme Court case, Everardo Arturo Paez Martinez, is a key member of the Arellano Felix cartel. The United States has been requesting his extradition for years. He was extradited to the United States to stand trial. He is here today.

Miguel Angel Martinez-Martinez, an accused drug trafficker, was extradited and is awaiting trial in San Diego. Martinez is a principal figure in the Joaquin "Chapo" Guzman Organization. This Sinaloa-based cartel is believed responsible for smuggling tons of cocaine and other illicit narcotics into the United States over many years, and for trying to build a 1,400-foot tunnel from Tijuana to Otay Mesa in California.

Rafael Camarena Marcias has also been extradited to the United States. He was responsible for successfully building a tunnel between Agua Prieta, Senora, and Douglas, AZ, through which up to 2 tons of cocaine flowed every day.

Extradition has always been the most visible and effective sign of how seriously the Mexican Government is taking the fight against drug cartels. I am very proud to say thank you to President Fox and to the Government of Mexico for their cooperation in this regard.

It is not easy for Mexico to target these individuals and send them to the United States for trial. It is politically difficult, for many in Mexico do not believe that Mexican citizens should face trial in the United States, and it is difficult for personal safety reasons as well.

Let me give an example. The lawyer who represented Everardo Arturo Paez in opposing extradition for 3 years and who failed to prevent his extradition was found murdered. That is the reward for not succeeding with a cartel. I am told that others may well be in personal jeopardy as well.

President Fox's leadership has given the entire country new courage to stand against the cartels, their killers, and their traffickers.

In addition to extraditing those already under arrest, the Mexican Government has also made new arrests of certain leaders of Mexican cartels. Adan Amezcua, one of the three Amezcua brothers, was arrested in 1997, but he was freed by a corrupt judge who has since been fired from the bench. Amezcua was rearrested by Mexican officials this past May.

Why are they important? The Amezcua brothers are major methamphetamine traffickers. They are responsible single-handedly for the introduction of methamphetamine throughout this country. Indeed, the cartel and its nationals still run meth labs throughout the United States.

In cooperation, the Governor of Quintana Roo, Mario Villaneuva, who was arrested while he was still Governor, asked to serve out his term of Governor of Quintana Roo, and then he disappeared the day after he left office and has been gone. Well, he was arrested in May for major drug crimes in Cancun, and today he is in a maximum security prison in Mexico.

In February, the Government dismantled an entire cell of the Arellano Felix cartel, perhaps the most vicious cartel operating right out of Tijuana. They arrested 7 of its leaders. They seized 8 houses, 18 vehicles, 19 firearms, and communication devices.

Seizures of illegal drugs have been on the rise. Some of them are at an all-time high. In February, the Mexican Government seized 14 tons of marijuana in cookie boxes; in April, another 131 tons. In February, they seized 8.8 tons of cocaine aboard the fishing vessel *Forever My Friend*, and the 10 crew members have been transported to San Diego; in May, another 12 tons of cocaine aboard a vessel flying a Belize flag. Overall, this past year, 24 tons of cocaine have been seized from fishing vessels as a result of cooperation between Mexico and the United States.

The Mexican Government has also addressed the serious issue of internal corruption. The captain of the Mexican Army, Luis Rey Abundis Murga, was sentenced to 17 years in prison for assisting the Carillo Fuentes cartel. Retired general, Jorge Mariano Maldonado Vega was sentenced to 26 years for aiding the same organization. And Mario Silva Calderon, former agent of Mexico's national police, was sentenced to 36 years in prison for similar activity.

As Donnie Marshall, former head of the DEA, testified before the drug caucus earlier this year, no one country can possibly combat the wealth and sophistication of these major drug trafficking organizations. Only by cooperating and sharing locally gathered intelligence and assets can we hope to succeed.

That is why I am so encouraged by the progress being made by the Fox administration.

In the past I know that American law enforcement and even Mexican law enforcement felt that the other side could not be trusted. Now finally that is changing. A new 117-member Mexican organized crime unit, which works hand in hand with our DEA, has fostered new relationships and trust between the law enforcement agencies of our two nations. It is only with this type of cooperation that we can hope to defeat the drug cartels and stem the flow of illegal drugs onto the streets.

Before I yield the floor, I would like to address one request President Fox made earlier today regarding passage of S. 219, the Dodd certification legisla-

Let me be clear: I continue to support the certification process. We have nothing to replace it. I happen to believe it has some salutary value. Because President Fox has asked, I would be prepared to support a suspension of the certification process with regard to Mexico for the 3 years as requested by President Fox. I would do so because he asks and in the new spirit of cooperation between our two nations. I would be very pleased to work with my colleagues to pass such legislation immediately.

I am not, however, prepared to abandon the process entirely with respect to all countries, as S. 219 would do. There are many places in the world where progress has not been made. Syria, Iran, Burma, and Afghanistan are just a few examples of continuing major problem countries. Only a robust certification process gives Congress and the President the tools we need to encourage change in these nations.

I hope the Senator from Connecticut would work with me on a compromise that would address only Mexico so we can move forward on this issue.

In closing, I again welcome President Fox to the United States. We look forward to working with him in our continuing mutual fight against the drug cartels. I personally, deeply, say thank you and salute this brave and courageous new President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from California for her fine words. It was a superb speech President Fox gave today in joint session.

#### MAGDALENA MEDIO

Mr. WELLSTONE. Mr. President, sometimes one speaks in the Senate Chamber and is not sure what exactly the effect of it all is—maybe more than sometimes.

I am speaking today on behalf of a lot of the human rights workers and social service workers and community development workers, civil society people in Colombia. I am hoping—I will be very straightforward about it; I don't think this is illusion—that the words of a Senator on the floor of the Senate about a priest and about a very important organization, of which two members have been brutally murdered in the last 35, 40 days, communicates a message that our Government cares deeply about human rights in Colombia and about the importance of the Government and the military defending civil society individuals.

I rise today to speak out on behalf of many defenseless human rights workers, social service providers and community economic development workers, in our neighbor Colombia, who are besieged by the growing paramilitary

violence in their county. These individuals, some of whom I have come to know personally, all of whom I greatly respect, are heroes for their contributions to democracy and peace in Colombia. They deserve to be heard and to be aided by the United States government.

I have traveled twice to the city of Barrancabermeja, sometimes called "the Sarajevo of Colombia." During those visits, I have come to know the extraordinary and courageous work of a Colombian non-profit program based in a largely rural region of oil refineries, rivers, and mountains. In many hamlets and towns it provides the only hope amidst so much despair.

The Program of Development and Peace of the Magdalena Medio, located in Barranca, is lead by the Jesuit Father Francisco De Roux. The Program's name gives away their mission—sustainable, locally based social and economic development in the context of an inclusive community at peace. They stand for democracy, civil rights, and human rights. They are against the war, and have no enemies in the conflict.

They strive for an inclusive community where disputes are settled by civil authorities and not by armed gangs. They want to provide opportunity for all in their community to work and raise their families in peace and dignity. But paramilitaries are taking over their region and extrajudicial killings are a daily threat.

Recently, they have been beset by tragedy. Two defenseless staff members have been killed and mutilated. Ms. Alma Rosa Jaramillo was a volunteer attorney, a dedicated mother and courageous member of her community. Her dismembered body was found in the community of Morales on July first of this year. On July 17, another brutal assassination took the life of Eduardo Estrada. He was murdered right in front of his family, after a family reunion. He was a respected leader in the community of San Pablo, working as the coordinator of the Program of Development and Peace.

Why are these innocent people, who are doing such good work, being targeted? Lamentably, these are just two more examples of paramilitary impunity in Colombia.

As the Plan Colombia debate has unfolded in the U.S. Senate, we have come to know the terrible reality of the last few decades for the people of Colombia—kidnappings, assassinations, disappearances and terror by the guerrilla and the paramilitary organizations. I am no defender of the guerrilla organizations. They are vicious in their treatment of the civilian population and publicly renounce universally accepted human rights standards.

But the paramilitary organizations, because of their open association with the Colombian military, also must be

held to the highest standards of human rights. They cannot be allowed to justify their human rights abuses by equating the laudable civic involvement of those they persecute, with sympathy for the guerrillas. The paramilitary organizations have penetrated ever deeper into Colombian civil society, bringing their terror to communities all across Colombia. In many cases, they do so with the acquiescence of the Colombian military and government, at the local and even national level.

The Colombian government must find a way to respond to the paramilitary threat. It is a threat to the rights of free speech, free assembly, and moreover, the rule of law in Colombia. We must send a message to all violent actors in Colombia, especially paramilitary groups: "The targeting of the civilian population with murder, extortion, kidnapping, torture and mutilation is unacceptable!"

The United States has an obligation to nurture and defend civil society efforts in Colombia. The Program of Development and Peace of the Magdalena Medio is doing critically important work, helping Colombians find a way out of the labyrinth of war and terror. They need and deserve our thanks and our encouragement; for they represent the future of hope and peace for Colombia.

In my view, a peaceful, prosperous Colombia is a better neighbor and partner of the United States. We must defend these courageous people who daily risk their lives for human rights, democracy and peace. Given our deep involvement in Colombia, we have an opportunity, and a duty, to defend Colombian civil society against the abuses of guerrillas and paramilitaries alike.

Mr. President, I traveled twice to the city of Barrancabermeja, sometimes called the "Sarajevo of Colombia." During the visits, I have come to know a very courageous priest who is in charge of an organization, a nonprofit organization, that does the economic and social development work in a largely rural region of oil refineries, rivers, and mountains. For many hamlets and towns, this organization is the only hope for people.

The name of the organization is the Program of Development and Peace of the Magdalena Medio located in Barranca, led by a Jesuit priest named Francisco de Roux, also called Father Poncho. The program's name gives away its mission. The occupant of the Chair would love it as a businessperson and a Senator from New Jersey. They do the most credible local sustainable economic development work. They stand for democracy, civil rights, and human rights. They are against the war. They are not aligned with the FARC, ELN, or any of the left groups—the paramilitary—and they should have no enemies in this conflict.

This organization has been beset by tragedy. Two defenseless staff members have been killed and mutilated. Ms. Alma Rosa Jaramillo was a volunteer attorney, a dedicated mother and a courageous member of her community. Her dismembered body was found in the community of Morales on July 1 of this year. On July 17, another brutal murder took place. This assassination took the life of Eduardo Estrada. He was murdered right in front of his family after a family reunion. He was a respected leader of the community in San Pablo, working as the coordinator of the Program of Development and Peace headed up by Father Francisco de Roux.

Why are these innocent people, doing this economic development work—who have done such good work—why are they being targeted? Lamentably, these are just two more examples of paramilitary impunity in Colombia.

I intend for this statement not only to be made on the floor of the Senate, but I hope it is sent out throughout Colombia. As the Plan Colombia debate has unfolded in the Senate, we have come to know the terrible reality of the last few decades for the people of Colombia—kidnappings, assassinations, disappearances, and terror by the guerrilla and paramilitary organizations.

I am no defender of the guerrilla organizations. The FARC and ELN are involved in narcotrafficking up to their eyeballs. They have been vicious in their treatment of the civilian population. They publicly renounce universally accepted human rights standards. But the paramilitary organizations, the AUC, because of their open association, because of their extrajudicial killings and open association, especially at the brigade level with the Colombia military, must be held to the highest standard of human rights. They cannot be allowed to justify their human rights abuses by equating the laudable civic involvement of those they persecute with the sympathy for the guerrillas. The paramilitary organizations penetrated ever deeper into Colombian civil society and brought terror to many of the communities—in many cases, with the acquiescence of the military.

I rise as a U.S. Senator on the floor of the Senate to communicate a message to the Colombian Government that the paramilitary should not be allowed to murder civil society people, defenders of human rights, people doing good work, as the men and women in Father Francisco de Roux's organization do, with impunity. We must send a message to all the violent actors in Colombia, especially the paramilitary groups: The targeting of the civilian population with murder, extortion, kidnapping, torture, and mutilation is unacceptable. Our Government has an obligation to nurture and defend civil society efforts in Colombia. The Program of Development

and Peace of the Magdalena Medio is doing critically important work. They need and deserve our thanks and encouragement. They represent hope and peace for Colombia.

Before you came to the chair, Mr. President, I was saying this organization is doing the best, by all accounts, social and economic development work. This priest is beloved and highly respected. Two members of his organization have been brutally murdered in the last 40 days. Their plea, and the plea from many civil society people in Colombia, is: Please, U.S. Government, please U.S. Senate, call on the Government and the military and the police to defend us. That is what I am doing. That is supposed to be part of Plan Colombia.

We have a deep involvement in Colombia. Therefore, we have an opportunity and a duty to defend Colombian civil society against the abuses of the guerrillas and the paramilitaries alike. The message needs to be communicated to the military in Colombia that with the Blackhawk helicopters and the military assistance come human rights conditions you have to live up to. Otherwise, we are going to continue to see the murder of innocent people with impunity.

I want this statement to certainly be sent out to Colombia because I want the paramilitary forces and others to know we are paying attention to Father Francisco de Roux and his organization, the Program for Development and Peace, and their work, and that we mean to defend civil society people.

Again, I want to point out that the Colombian Government has an obligation to defend civil society people from the violence both from the guerrilla left and the paramilitary right. Up to date, they have not defended people from violence in Barranca, which I have visited twice now. The paramilitary cut the telephone wires, isolated the people. They have no phone service. They took away their cell phones and moved into their homes. They control the city. With the exception of the bishop and the priest and his organization, and a few others, hardly anybody can speak up any longer without the real risk that they will be murdered.

Francisco de Roux's organization, widely credited for this great economic development work, has had two members—a woman and a man—disemboweled, brutally murdered. It is time for our Government to make clear to the Colombian Government and police and military that they have to defend these civil society people.

#### UNIONS UNDER SIEGE IN COLOMBIA

Mr. WELLSTONE. Mr. President, I rise today to also address the disturbing level of violence perpetrated against Colombia's union leaders.

As another Labor Day passes, I could not in good conscience neglect to mention the plight of our brothers and sisters in the Colombian labor movement. There has been a dramatic escalation in violations against them and the response by the Colombian authorities in the face of this crisis has been negligible.

For the past 15 years, Colombia has been in the midst of an undeclared war on union leaders. Colombia has long been the most dangerous country in the world for union members, with nearly 4,000 murdered in that period. Today, three out of every five trade unionists killed in the world are Colombian.

Union members and activists are among the main targets of human rights violations—including murders, disappearances and threats—in the escalating conflict in Colombia. Paramilitary groups, who are linked with Colombian security forces, are responsible for most of these attacks, although guerrilla groups have also targeted activists.

The right-wing AUC has been especially brutal, killing hundreds simply because they view union organizers as subversives. One of the most recent killings occurred on June 21, when the leader of Sinaltrainal, the union that represents Colombian Coca-Cola workers, Oscar Dario Soto was gunned down. His murder brings to seven the number of unionists who worked for Coca-Cola and were targeted and killed by paramilitaries. Earlier this summer, the International Labor Rights Fund and the United Steelworkers of America brought a suit against the Coca-Cola company alleging that the Colombian managers had colluded with paramilitary security forces to murder, torture and silence trade union leaders.

According to a recent New York Times report by Juan Forero, the number of union workers at Coke plants in Colombia has dropped to 450 from 1,300 in 1993. Total Sinaltrainal membership has dropped to 2,400 from 5,800 five years ago.

Regardless of the outcome of this particular legal case, U.S. companies with subsidiaries in Colombia have an obligation to address the upsetting trend of violence against workers, particularly union representatives. It is clear that some companies regularly hire out paramilitary gunmen to intimidate and kill in order to break labor unions. Last year alone, at least 130 Colombian labor leaders were assassinated. Four times as many union workers have been killed this year as during the same time last year. That's more than 80 unionists killed since the beginning of this year.

Colombia, like the United States, guarantees workers a legal right to organize. However, when they do, they face grave threats. This is a serious violation of human rights, under Arti-

cle 22 of the International Covenant on Civil and Political Rights. The Colombian government must take an active role in protecting and ensuring that these rights are enjoyed by all its citizens.

Likewise, the Senate should bear in mind the deteriorating plight of union membership in Colombia before sending additional military aid to a government that can't—or won't—crack down on paramilitary forces.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask I be given an opportunity to speak as in morning business.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### BUDGET SURPLUS NUMBERS ARE NOT GOOD

Mr. VOINOVICH. Mr. President, while the Senate was in recess for the month of August, the Congressional Budget Office released its projections as to the size of the Nation's surplus. As we expected, the numbers were not good.

For fiscal year 2001, the CBO indicates the Federal Government will not only not have an on-budget surplus for the first time since 1999 but that Washington will actually dip into the Social Security surplus to the tune of \$9 billion in order to cover spending.

The Office of Management and Budget says we will have a \$1 billion surplus, but, in my view, that is effectively no surplus. So our financial situation this year is basically somewhere between a negligible surplus at best and a \$9 billion deficit.

Some of my colleagues might look at the CBO midterm budget review and see the problem of on-budget deficits as a short-term phenomena since CBO projects a return to consistent on-budget surpluses after 2004.

This belief is misplaced. I remind my colleagues that CBO's forecast is based on the dubious assumption that spending in the outyears will increase only at the rate of inflation, which is roughly 2½ percent. To say that level of spending is unrealistic is an understatement, and anyone in this Chamber who honestly thinks Congress can keep spending at the level of inflation just does not live in the real world.

I remind my colleagues, around this time last year, Congress increased non-defense discretionary spending 14.3 percent and overall spending was increased by more than 8 percent over

fiscal year 2000. Had we not spent money like drunken sailors in the fiscal year 2001 budget, even with the economic turnaround and the needed tax cut for the American people, Congress would not have invaded the Social Security this year. The problem is we just spend too much money. If we had increased overall spending in fiscal year 2001 by only 6 percent, we would have saved tens of billions of dollars and we would not be dipping into the Social Security surplus and we would not have a problem in the 2001 budget.

The concern now is, what will happen in fiscal year 2002? As it is, we are on track to increase 2002 discretionary spending by at least 6 percent over last year. The President originally talked about 4 percent, and we came out of the Senate with roughly a 5-percent increase. Based on the current demand for money in Washington and based on our past performance, spending in fiscal year 2002 will likely grow faster than that anticipated by CBO. That means next year we will not have an on-budget surplus and we are going to spend Social Security surplus funds to cover the growth in spending. That is where we are.

Alarm bells should be going off all over Capitol Hill because we are getting ready to do something Senators and Representatives from both parties have vowed not to do, and that is spend the Social Security surplus. I often say "there is always some good that blows in an ill wind." In this case, the "ill wind" is Congress's potential use of the Social Security surplus. The "good" is the hope that it will force Congress to control spending, prioritize, and make hard choices—what the Presiding Officer and I had to do when we were Governors of our respective States. We had to prioritize, we had to make those tough choices and live within a budget limit.

We didn't do that in fiscal years 1999 and 2000 here in Washington. We had a combined on-budget surplus of \$88 billion and Congress and the previous administration did not believe they had to make hard choices.

Well, things are different today, and now we must make the hard choices. The first thing we have to do is avoid spending the Social Security surplus. The second thing we have to do is not increase taxes. According to a national poll released by CBS news just yesterday, more than 70 percent of Americans opposed using the Social Security surplus to fund general government spending; 66 percent of Americans oppose using the Social Security surplus even in the event of a recession. Our constituents are making it pretty clear where they stand. They stand against spending the Social Security surplus.

Some of my colleagues and the media say we should spend the Social Security surplus to stimulate the economy. I say to that, "hogwash," and so do the

American people. For me, spending the Social Security surplus is black and white. It is simply wrong. The fact of the matter is there is a difference between income taxes and payroll taxes. Just ask the people who count, the hard-working men and women who pay those payroll taxes, if there is a difference. More people pay higher payroll taxes in this country today than they do income taxes. They expect that money will be used for their Social Security benefits and not for general government spending.

As my colleagues know, there are only two things we should legitimately spend the Social Security surplus on: Social Security benefits or paying down the debt. It is that simple. If we are not spending it on Social Security, we have a moral responsibility to use it to pay down the national debt.

One of the primary reasons I wanted to serve as a U.S. Senator was to have an opportunity to bring fiscal responsibility to our Nation and help eliminate the terrific debt we have accumulated. As my colleagues know, for years successive Congresses and Presidents have spent money on things that, while important, they were unwilling to pay for; or in the alternative, do without. In the process, Washington ran up a staggering debt and mortgaged this country's future, my children's future, and my grandchildren's future.

We have been reaping all the benefits and putting the future of our children and grandchildren in jeopardy. In other words, "we buy now, you pay later."

I cannot convey how wrong I think it is to saddle them with such an excessive financial burden, something this Congress should correct. Using the Social Security surplus to repay the publicly held national debt will make it easier for the Government to meet its obligation to pay Social Security benefits in the future. At this point, the vast majority of projected debt reductions—some 75 percent over the next 10 years—will be out of that Social Security surplus.

In testimony before the Senate Budget Committee last year, Dan Crippen, the CBO Director, stated "most economists agree saving the surpluses and paying down the debt held by the public is probably the best thing we can do relative to the economy."

It was true then and it is true today. If the Government has little or no publicly held debt when the baby boomers begin to retire, it will be more manageable for the Government to borrow money, the money that it will need to meet its obligations if Congress has not reformed Social Security by that time.

The baby boomers will retire. We will either take care of their situation by raising payroll taxes or raising income taxes or having to borrow the money. We ought to at least anticipate that.

Everyone knows that the lockbox we are talking about is nothing more than

a slew of IOUs that must be repaid when the baby boomers start to retire. As I mentioned, either higher payroll taxes or higher income taxes or borrowing the money, those bills will be paid, one way or another.

Moreover, by reserving the Social Security surplus to help repay that \$3.1 trillion publicly held debt, money currently invested in U.S. Treasury bonds will be released to be invested more productively in the private sector. More private investment means more capital formation and a more robust economy now and in the future, which is precisely what we need most to meet the demands of our retiring baby boomers. We have to have a growing economy. That is the most important thing we have.

Reserving the Social Security surplus to reduce the publicly held debt has the effect of reducing interest rates by reducing the overall demand for savings. In short, reserving the Social Security surplus to lower the debt sends a positive signal to Wall Street and Main Street that encourages more investment, which in turn fuels productivity and economic growth. It also lessens our cost of servicing interest on the Federal debt.

Currently, we pay 11 cents out of every dollar—I don't think a lot of people realize this—11 cents out of every dollar is used to pay the interest on our debt. Lower the debt and you lower the interest burdens, and that frees more money for other priorities.

It was not until 1999 that we got to a point where the Social Security surplus was no longer used to offset spending—being used for debt reduction instead—and members of each party in both the Senate and House swore they would not go back to using the Social Security surplus for spending. In addition, many of us who supported the President's tax reduction package did so because the President promised he would limit spending and he would use all of the Social Security surplus to pay down debt.

I refer to that as a three-legged stool: No. 1, it allows meaningful tax reductions; No. 2, it restrains the growth of spending; and No. 3, it reduces debt.

That was the promise and I expect the President to keep his promise. I know many of us who supported the tax reduction will keep our promise to limit spending, and we are not going to spend the Social Security surplus.

So far in the appropriations process we look like we are on track to maintain a semblance of fiscal discipline because we are basically sticking with the budget resolution. Those appearances are deceiving because we are holding off the toughest bills for last, instead of tackling them first. We all know the way things are going, we are likely to increase spending for defense and education far beyond the levels anticipated when the budget resolution

was passed. Like my colleagues, I support a strong national defense and funding for true educational responsibilities. However, I think we must offset increases in these programs by making reductions in other areas, understanding the President is not going to get everything he wants and Members of this body are not going to get everything they want.

Unfortunately, that is not what we are doing. I agree with President Bush that the responsible course of action for the Congress is to immediately move up the two biggest appropriations bills, Defense and Labor-HHS: Consider them first. We need to get everything on the table and reallocate resources in order to stay within the budget limits, just as I did when I was Mayor of Cleveland and Governor of the State of Ohio.

If we were in this kind of situation in a county, or in a city or at the State level, we would get everything on the table, we would look at all the things that need to be done, and say we have to reallocate these resources. But not in the U.S. Senate. Not in the U.S. Congress. We do these appropriations bills, No. 1 with blinders on, No. 2 with blinders on, No. 3 with blinders on—we go all the way to the end and just keep ratcheting it up a little bit until we get to the biggest ones at the end, and then we say: Holy smoke, we don't have the money; and then Katie bar the door. That is what has happened in the last 2 years I have been here.

I urge the President and urge the Senate leadership, let's get real. Let's look at what we are doing and understand we cannot do everything for everyone, and try to figure out how we can live within the limits we have set. We can do that. I think it would be the finest thing we could do for this country. It hasn't been done around here—I don't remember if it has ever been done since I have been watching government, and I have been watching it as a mayor and as a Governor for 20 years. I would like to see that happen.

The other thing I am going to try to do to guarantee we do not end up spending the Social Security surplus is offer two amendments in the near future, with colleagues from both sides of the aisle, that will force the Senate and House to make the necessary hard choices that will bring fiscal discipline to the Government and keep the Social Security surplus from being used.

My first amendment I will introduce will address Congress's perpetual irresponsible spending and budget gimmicks, gimmicks that Congress used in 1999 to avoid the appearance of using Social Security. There are a lot of them out there. We have to make sure we are honest with the public about what we are doing and not try to pull the wool over their eyes.

The second amendment I will be offering is an amendment to guarantee

Social Security funds will not be spent and instead will be used to reduce debt. It is my hope, as we proceed through the appropriations process, these amendments will be given favorable consideration by my colleagues and not turned aside on a procedural vote. We ought to have an up-or-down vote on some of these issues that are really going to clarify the process and make what we do in the Senate more transparent. We owe the American people nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY POLICY

Mr. BINGAMAN. Mr. President, I will take this opportunity to speak for a few minutes on the work that is currently underway in the Energy and Natural Resources Committee on which the Presiding Officer serves with great distinction. We are making an effort in that committee to develop a comprehensive and balanced energy policy. I want to inform my colleagues about the likely steps we will be following in the near future.

As I see it, Congress has a real opportunity this fall to set an energy policy that will sustain our economic prosperity as we move into this new 21st century. The Senate has a key role to play in seeing this opportunity does not slip through our grasp.

A great deal has changed since 1992, which is the last time Congress enacted major energy legislation. We have seen energy markets become more competitive and more dynamic. But we have also seen some significant bumps along the way.

First of all, consumers are more vulnerable to the vagaries of the energy markets than they ever were before. I think the evidence we have of what happened in California with electricity prices is one example.

Second, gasoline supplies are increasingly subject to local crises and price spikes due to the proliferation of inflexible local fuel specifications.

Third, we rely more heavily each year on natural gas—natural gas to heat our homes and to produce electricity. But our system for producing and transporting that natural gas is showing signs that it is reaching its limits.

Fourth, the need to address the fundamental connection between energy and global warming is something that is becoming a major concern of many of us, and I think rightly so.

So I am pleased most of my colleagues in the Senate recognize these

challenges. I believe there is a bipartisan consensus in favor of a sensible energy policy that will smooth out the bumps in the market by increasing energy efficiency, by boosting our energy supplies, by modernizing our energy infrastructure.

Technology and policy innovations will be key to achieving this balanced outcome so Americans can have reliable and affordable energy choices that are sustainable over the long term. Our energy problems cannot be effectively addressed by packaging up a collection of tired old wish lists and passing that through the Senate floor in a day or two. Energy consumers and producers, and several committees here in the Senate, will need to focus on new energy approaches if we are to protect our national economic prosperity and do so through smarter ways to produce and use energy.

For this reason, as the Senate takes up and considers energy legislation this fall, we will be talking about the need for proactive policies, about the need for technology-driven approaches to our energy problems. We have made a good start already in the Committee on Energy and Natural Resources. We began our markup in July, before the August recess—a markup of comprehensive energy legislation.

The first part of the bill that we have substantially completed at this point is a comprehensive revitalization of the national capabilities for energy research and development. Putting research and development first reflects a broad consensus that new science and new technology are at the core of any solution to our national energy challenges. Despite the importance of energy R&D, our recent commitment to it leaves a great deal to be desired. The level of effort we are making today in Federal energy technology research and development is equivalent in constant dollars to what we were making in 1966. Yet our economy is three times larger today than it was in 1966. It is very hard to see how we can build a 21st century energy system on a 1960s level of effort in the research and development budgets.

The committee will begin its deliberations beginning this next week and its effort to mark up a bill this next week. Major topic areas before the committee as we move forward in this markup will include policy proposals to improve energy efficiency, to improve our ability to produce energy from a great diversity of sources, and to tackle the tough issues related to electricity restructuring.

Today I am releasing a detailed description of the proposed chairman's mark in these various areas. I am also releasing the text of the major portions of the bill we will be working on in committee—the next major portion of the bill. This part of the bill will deal with electricity, and it will provide a

framework to integrate new technologies into electricity markets to provide high-quality, efficient electricity generation in every community and to give consumers new ways to manage and control energy use and energy costs.

I would like to take an opportunity to describe some of the key proposals in the mark that we will be considering in a little more detail. With respect to energy efficiency, the chairman's mark that we will be considering for the energy policy bill will contain provisions that will improve energy efficiency in household appliances—also provisions that will improve energy efficiency in Federal and other facilities and industry itself.

Let me state my belief, though, that increasing vehicle fuel efficiency is one of the highest legislative priorities that the Senate should have in energy legislation. In addition to our growing dependence on foreign imported oil, we have reached the limits of our current infrastructure to refine and distribute fuels. A policy of simply continuing to increase the demand for gasoline is not sustainable. Fortunately, advanced technology in a variety of areas to improve automotive fuel efficiency offers a better answer, and we need to move in that direction.

The National Academy of Sciences has given us some very useful ways of thinking how to reformulate the CAFE program. Clearly, consumers want the option to choose the type of vehicle that suits their needs and preferences. They also want to be able to count on reliable and affordable fuel supplies.

While CAFE standards are not in the Energy Committee's jurisdiction, a number of other mechanisms to encourage greater fuel efficiency in cars and trucks are in our jurisdiction. The mark will contain purchase requirements for Federal fleets that will provide greater incentive to automobile and truck manufacturers to produce more highly efficient vehicles.

A topic closely allied to vehicle fuel efficiency is the question of the fuels that we will need in the future to power cars and trucks. Here, the Congress has a clear duty to address the growing multiplicity of fuel specifications around the country. Part of the solution to this problem will be provided by a bill in the Committee on Environment and Public Works, sponsored by Senators SMITH and REID. I hope that these provisions find their way into our overall energy bill in the Senate.

The Chairman's mark will include a number of energy efficiency provisions relating to appliances. Perhaps the most visible proposal in this regard will be one that enacts a 13 Seasonal Energy Efficiency Rating for central air-conditioning units. Such a standard was finalized earlier this year, but since then the Bush Administration

has attempted to withdraw it and substitute a lesser standard. The Committee on Energy and Natural Resources held hearings on this topic and the record before the committee has persuaded me that the administration based its decision on economic information that was outdated and inaccurate.

A 13 SEER rating for central air-conditioning units can do a lot to help avoid summer blackouts and brownouts when high temperatures send electricity demand soaring. During the intense heat wave we had in early August, which was felt nationwide, peak demand from air-conditioning did, in fact, lead to problems in electricity availability in some parts of the country, while others were uncomfortably close to the margin. We need to build more efficiency into this part of our system over the long term, and a higher standard for these large air-conditioning units will help.

The Chairman's mark will also require the Federal government to purchase Energy Star or other efficient products designated by the Federal Energy Management Program. This is a requirement that, again, makes eminent sense. Taxpayers save money, and the cost of energy-efficient appliances to consumers comes down, when the Federal government takes a leadership role in purchasing highly energy efficient computers, office machines, and other appliances.

The mark also authorizes a grant program to help build energy-efficient schools. School districts can ill afford to waste taxpayer funds on excessive energy bills because of the inefficiency of school buildings.

With respect to new energy sources, it is important that the Senate look to policies that will truly improve our supplies of domestic energy security, including measures to improve our supply of natural gas and to diversify our energy mix to include a greater reliance on domestic renewable resources. These are the types of provisions that I will include in the Chairman's mark.

I will not be including in the mark any provisions relating to drilling for oil in the Arctic National Wildlife Refuge. The debate over oil drilling in the Arctic National Wildlife Refuge—a long-standing bone of contention in energy policy—is in many ways a distraction from more important opportunities to bolster our domestic energy security. Oil produced from the arctic refuge is not likely to influence the world price of oil, or the prices that U.S. consumers pay for gasoline. I plan to focus attention in the Energy Committee mark-up on a number of issues that will have a greater impact on our domestic production of oil and gas and a larger near-term impact than drilling in the Arctic.

The first such issue is another Arctic resource that could be brought to U.S.

markets—natural gas. The exploration for oil in the Prudhoe Bay region of Alaska has resulted in the discovery of abundant supplies of natural gas, but there is now no way to bring that gas to markets in the lower 48 States that could benefit from it. The projection of growing demand for natural gas has reawakened interest in building a pipeline from Prudhoe Bay to Alberta, Canada, where it would join with existing gas pipelines that serve the United States. That pipeline would be an enormous construction project on the part of the private sector, requiring perhaps 2,000 miles of steel pipe and costing \$20 billion. A lot of spurious job numbers have been floated about drilling in the Arctic Refuge. The gas pipeline would be the real thing as far as job creation is concerned.

If we do not act while there is substantial private-sector interest in building the Arctic gas pipeline, we will lose an important opportunity to bolster our national energy security in natural gas. If we do not bring the Alaska gas to market, then our growing demand for gas will be met by large-scale import of liquefied natural gas. At \$3 or less per million BTU, imported LNG will be cheaper than Alaska gas. But it would be foolhardy to look at the issue solely through the prism of short-term economics. We are already more than 50 percent dependent on foreign oil. If we do nothing about the Arctic gas, we could wind up being similarly dependent on foreign natural gas, from many of the same OPEC countries from which we import oil. That is an economic and national security issue.

We face a clear moment of decision. The Chairman's mark that I will bring before the Committee will contain authorizing provisions to streamline the regulatory approval process to move forward with the pipeline. We may find a mechanism to ensure that the domestic option for a pipeline route is chosen. I hope to be able to work with my colleague from Alaska during the mark-up to help make that happen.

The second key initiative for domestic production is to undertake a top-to-bottom review of both federal and State royalty and tax policy on domestic oil and gas production. Our current policies were put in place when the U.S. had abundant and easily accessible reserves. We have fewer such reserves now, and while technology for finding oil has continued to improve, we should consider whether the financial structure we have in place should change to one that enhances the economics of exploring for oil and gas in more challenging geological formations. It should also take into account the boom-and-bust nature of the industry, and provide incentives to maintain domestic production when prices are low.

The third proposal is to provide adequate funding for the federal programs

that actually make new leases for oil and gas available to domestic producers. For all the rhetoric from the administration about the need to boost production, it has not asked for enough money in order to bring this about. The result is likely to be further delays and frustration on the part of U.S. oil and gas producers. In the mark that I will present to the committee, we will authorize a higher level of funding for the necessary personnel to make the decisions and to process applications for domestic production.

The area of electricity, as I mentioned earlier in these remarks, is the next major topic that we will take up in the markup. We do need to provide for reliable and diverse electric power generation and distribution sources in the country. Electricity is a central part of modern life. Yet our electric system largely operates on a design that is nearly a century old. There are many problems in our electricity markets that need to be addressed. The problems faced by California and the West earlier this year should be a wakeup call to all of us.

What the electricity crisis in California showed is that the institutions that developed in the last century have not evolved enough to ensure reliable and affordable supplies of electricity. We face a crucial turning point. During the next few years, billions of dollars of investment will be planned and committed to electric generation and transmission. Those investments will have a 30- to 50-year lifespan. Will we put in place a structure to maximize the chances that investments will go to new technologies that will give consumers real choices over their energy use or will Congress, by its inaction, perpetuate obsolete frameworks for managing electricity markets, with the result that we wind up with little improvement in the status quo?

I believe that we in Congress and the President have a great opportunity to be visionary about the future of electricity. A transmission grid that is open to a wide variety of generation options, including distributed generation, will ensure the power quality and efficiency that our 21st century society will need in order to sustain our economic prosperity.

That opportunity creates a great duty on the part of Congress and the President to focus on electricity as a major part of comprehensive energy legislation. Our task must be to build a regulatory structure that has adequate authority to resolve market defects, without interfering unduly in those markets.

I believe we need to move forward now with a legislative solution to these problems. To leave electricity legislation for another day would be to perpetuate an obsolete system that will not provide the reliability, quality, affordability, and choice that consumers will want and need.

The changes that I believe are needed, and that we are going to be trying to address in the chairman's mark, include the following:

First, we will try to clarify who has jurisdiction over regulating electricity transmission in interstate commerce. That is a key part of what the legislation will do. That role is assigned to the Federal Energy Regulatory Commission, or FERC. FERC will be given authority to ensure that all electric transmitting organizations in interstate commerce play by a consistent set of fair rules.

Second, the chairman's mark will give FERC the responsibility for taking the current voluntary system for promoting reliability in electric transmission and making adherence to reliability rules mandatory.

Third, the chairman's mark will give the FERC the tools to ensure that competitive markets work well to provide customers with affordable electricity.

Fourth, the chairman's mark will address the tough issue of siting new transmission facilities. This is something the President has indicated his support for. A national transmission grid is a necessity, but cannot occur without a new approach to transmission planning, expansion, and siting. Federal eminent domain, by itself, is not likely to lead to an effective approach to meeting this need. What is needed is to use federal eminent domain as a backstop to a more cooperative, regionally based approach to transmission and siting issues. Thus, the chairman's mark will rely on regional transmission organizations to do the bulk of transmission planning, expansion and siting. Only if those regional entities are stymied will a federal eminent domain authority be invoked, and that authority will be used only to implement the decisions taken regionally.

The chairman's mark will include a repeal of the 1935 Public Utility Holding Company Act, or PUHCA, but the protections in that act will be replaced by giving FERC jurisdiction over mergers of holding companies that own utilities and over acquisitions of generation assets.

Finally, the chairman's mark will ensure that there is transparent information on market transactions.

As part of a balanced and comprehensive legislative solution, the chairman's mark also includes numerous benefits and protections for consumers, so that we don't repeat the mistakes of telecommunications deregulation. These include an emphasis on ensuring future access by rural, remote, and Indian communities to electricity; protection of consumers from unfair trade practices; and a Public Benefits Fund to ensure that there is a way to fund electricity programs in the public interest.

The chairman's mark also includes a series of provisions to ensure that we

have a greater role in our electricity generating system of the future for renewables and distributed generation, while maintaining the contribution made by existing sources of baseload generation, such as hydropower and nuclear. Among the important tools for making sure we have diversity in our sources of electricity is a renewable portfolio standard, uniform interconnection standards to the electric grid, greater flexibility and predictability to the process of relicensing hydroelectric dams, and a reauthorization of parts of the Price-Anderson Act.

Finally, a common thread among many of the provisions that I have mentioned in this chamber today and that we will be considering in the bill is perhaps the most important public policy challenges of the 21st century, and that is climate change. Climate change policy and energy policy are inseparably linked, because energy production and the use of energy are leading sources of greenhouse gases that affect the atmosphere. The Senate must ensure that the energy legislation it passes makes a meaningful, positive contribution to dealing with this issue. Many of the provisions that I have already discussed—energy efficiency, the focus on more renewables—make a contribution to this goal. The mark that we will be considering in committee will contain some additional provisions to promote better information and policy on greenhouse gas emissions.

Energy policy is a difficult and complex topic. Getting to a solution that gives America a vibrant energy infrastructure and the right policies for the 21st century will require careful work on complicated issues. Our Nation's future economic prosperity, and the jobs of millions of Americans, are at stake. I hope that the approach taken in the Senate combines a thoughtful analysis of our current energy challenges with a willingness to take some bold policy steps to address those challenges. That certainly is the spirit in which I will be making proposals before the committee.

I look forward to working with all my colleagues in the Senate to produce constructive legislation for the future of our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Ohio.

#### UNITED STATES-MEXICO ENGAGEMENT: AN UNPRECEDENTED OPPORTUNITY FOR COOPERATION

Mr. DEWINE. Mr. President, earlier today we welcomed to the historic House Chamber President Vicente Fox, the President of Mexico. At this moment, President Bush and President Fox are in my home State of Ohio. They traveled to Toledo, OH, making several visits there. So we welcome both Presidents to our home State.

As an opposition candidate, President Fox's election and inauguration last year overturned 71 years of one-party rule in Mexico, one-party rule domination of the executive branch by the Institutional Revolutionary Party, PRI. That election made history. And today, with his Presidency, and with President Bush in office, we are continuing to make history, as our nations have the unprecedented opportunity to implement positive changes and to create lasting progress for our entire hemisphere.

I say to my colleagues, it is important that we not squander this opportunity, that we not squander this chance. Because of Mexico's critical importance to our Nation and our hemisphere, it was not at all surprising that President Bush chose to travel to Mexico for his first official foreign trip as President.

This week we welcome President Fox to our country. These historic meetings demonstrate the vital nature of our relationship with Mexico and the importance of bilateral cooperation.

I commend both leaders on their ongoing commitment to hemispheric partnership, and look forward to even greater cooperation stemming from this week's meetings.

No one can deny the importance of our involvement with Mexico—our neighbor—a nation with which we share an over 2,000-mile common border.

Additionally, over 21 million Americans living in this country are of Mexican heritage; that is 67 percent, two-thirds of our total U.S.-Hispanic population. Indeed, many people and many issues bind our nations together. It is in the interest of both Mexico and the United States that we make that bond even stronger.

That is why we want to see President Fox succeed. He is off to a good start.

President Fox's election was received as a positive step in Mexico's maturing economy and has fueled new investment in the country, raising expectations for better economic opportunities for the Mexican people. At the same time, Mr. Fox also has raised expectations here in Washington for better opportunities to improve U.S.-Mexico bilateral cooperation on a wide range of issues.

As an advocate of free trade in the Americas, Mr. Fox recognizes that a strong, steady economy in Mexico can be the foundation to help solve many of our shared challenges and advance our mutual interests.

I am confident that President Fox's visit to the United States will advance our growing and strengthening partnership and that both leaders will engage in constructive dialog to promote cooperation, enhance the security and prosperity of both nations, and enable each country to establish mutually agreed-upon goals in at least four

areas: First, economic development and trade; two, the environment; three, immigration; and four, law enforcement and counterdrug policy.

In each of these four areas, both countries should seek to implement realistic and practical steps that will build confidence in our partnership and help set the stage for continued discussions and further progress.

A good demonstration of our relationship's success is the economic cooperation spearheaded by the North American Free Trade Agreement, NAFTA.

Thanks to this partnership, trade between the United States and Mexico now amounts to over \$250 billion annually, making our neighbor to the south now our second largest trading partner behind Canada.

In the last decade, U.S. exports to Mexico have increased over 200 percent, and today 85 percent of Mexico's entire exports go to the United States. However, progress in our partnership cannot occur absent continued progress in Mexico's economy.

Although Mexico is in its fifth consecutive year of recovery following the 1994-1995 peso crisis, improved living standards and economic opportunities have not been felt nationwide in Mexico. In fact, as could be expected, the slowdown in the U.S. economy has also had an impact on Mexico. Lack of jobs and depressed wages are particularly acute in the interior of the country, once you get away from the U.S.-Mexican border in the north. That is even true in President Fox's home state of Guanajuato.

As long as enormous disparities in wages and living conditions exist between Mexico and the United States, our Nation will simply not fully realize the potential of Mexico as an export market, nor will we be able to deal adequately with the resulting problems that come about because of that poor economy, because of that great disparity in wealth that brings about illegal immigration, border crime, drug trafficking, and other problems.

In keeping with the market-oriented approach that we started with NAFTA, the United States can take a number of constructive steps to continue economic progress in Mexico and secure its support for a free trade agreement with the Americas, which is something that clearly this administration and this Congress must push.

First, we can bring to Mexico the Overseas Private Investment Corporation, a loan program that also assists U.S. small business investments in many other countries.

Second, we can encourage entrepreneurship in Mexico through increased U.S. funding of microcredit and microenterprise programs, which will encourage small business development.

Third, we should expand the mandate of the North American Development

Bank beyond the current situation where it only extends to the U.S.-Mexico border.

This bank has been a successful source of private-public financing of infrastructure projects along our borders. Extending its authority inland not only would bring good jobs into the interior of Mexico but also would help to develop and further nationalize a transportation and economic infrastructure.

Continued investments in the NADBank also would facilitate greater environmental cooperation between the United States and Mexico through projects geared toward advancing the environmental goals and objectives set forth in NAFTA and also would enhance the overall protection of U.S. and Mexican natural resources.

Both nations need to pursue a joint immigration policy that takes into account the realities of the economic conditions of our countries. At a minimum, President Bush should continue to evaluate the temporary visa program for unskilled workers, which has proven burdensome for U.S. farmers and small business men and women. Any liberalization of this program should be linked to concrete programs to reduce illegal immigration into the United States. This is not going to be an easy issue. We have heard discussion from President Fox and President Bush over the last several days about this. Many Members of Congress have very strong opinions about it. I believe it is important for us to deal with this issue in a practical and rational way.

Additionally, in a quick and simple fix, the administration should eliminate the annual cap on the number of visas issued to Mexican business executives who enter the United States. Currently, the cap stands at 5,500. And under current law, it will be phased out in the year 2004. The United States does not have such a cap for Canada. Repealing the cap now would send a very positive signal to President Fox and to the Mexican people about their nation's value to us as an economic partner.

Further, it is important for the United States to be seen as a partner and resource, as President Fox undertakes his pledge to reform Mexico's entire judicial system.

I have had the opportunity, as I know many Members of the Senate have, to travel to Mexico and see the problems, the inherent problems, historic problems, problems of long standing in regard to the police and the judicial system. It was very insightful and important that today, when President Fox spoke to the Congress, he talked about the need for judicial reform. This is an area where, frankly, for all the problems of this country, we do it very well.

We have the ability to help Mexico. We have the ability to help them in this area. We should continue to do so.

With the law enforcement system in Mexico plagued with inherent corruption and institutional and financial deterioration, President Fox will face numerous challenges.

It is in our interest to help Mr. Fox in his quest, if needed, whether it be through financial or technical assistance. It is in our own interest in the United States that Mexico succeed in this reform because our country cannot reverse effectively the flow of drugs across our common border without the full cooperation and support of our Mexican law enforcement friends. The relationship between our law enforcement—our DEA, FBI, Border Patrol, and their counterparts in Mexico—is so very important. I have watched this over the years, and that relationship has been problematic. But I will say this: I believe it is improving. I believe clearly President Vicente Fox has made this a top priority of his administration. It will not be easy, but we can help.

The issues that impact the United States and Mexico are numerous. It is not going to be easy to resolve these problems. All are important, and each is, in a sense, interrelated with the other. Together they present an enormous task for the Presidents of both countries. Perhaps most important, they are evidence of the enormous importance of Mexico to the future prosperity and security of our country, as well as our entire hemisphere.

I commend President Bush and President Fox for the many advancements they have achieved so far. I encourage them to continue this cooperation and this effort. Together, our nations can, in this historic time, redefine the United States-Mexican relationship and protect and promote prosperity throughout our shared hemisphere.

In conclusion, President Fox mentioned a topic which has been debated on this floor many times and which we have taken up and looked at, and we have thought a lot about it; that is, the drug certification process that we go through as a country every year, where we basically say how well other countries are doing in their antidrug effort and whether they are cooperating with the United States. I think the time is here for us to re-evaluate our law. I think the time is here for us to put a temporary moratorium on this certification process. I think it will help our relationship with Mexico. I think it would help our relationship with other countries. I think the time is appropriate to do this.

Mexico has a new President. Mexico has a President who has stated that one of his main objectives is the reform of the judicial system, to do away with the corruption in the judiciary, to do away with the problems they have had in the law enforcement realm. So I think the time is right. If we are ever going to do this, the time is right to do

it. I don't think we have a great deal to lose. The current system has not worked very well. It has not accomplished a great deal. So I think the time is ripe now for us to put a temporary moratorium on the certification process.

President Fox, throughout his speech, talked about trust. I think that is the right word. We have to have trust between our two countries. That does not mean we are not going to have disputes. It doesn't mean we are not going to have problems. It doesn't mean these problems are going to be easy to resolve. We know they are not—the immigration problem and the drug problem, just to name a few. We know they are not easy.

I think the right tone was set in today's speech by President Fox.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXPORT ADMINISTRATION ACT OF 2001—Continued

Mr. ENZI. Mr. President, we are entering the period where we make a few last minute comments before the 4 o'clock vote regarding the Export Administration Act, a process we have been working on for 3 years, a law that expired in 1994, and we have had 12 attempts at change since that time. The last time the law was revised, people were wearing bell bottoms and polyester suits and Jimmy Carter was in office.

It has been time for a change and recognition of that. I ask unanimous consent a letter from the National Association of Manufacturers endorsing the bill and recognizing the need for this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF  
MANUFACTURERS,  
Washington, DC, September 4, 2001.

Hon. THOMAS A. DASCHLE,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATOR DASCHLE: I am writing on behalf of the 14,000 member companies of the National Association of Manufacturers (NAM) to seek your active support for the passage of S. 149, the Export Administration Act of 2001, without inappropriate amendments that would upset the careful balance in the legislation.

NAM member companies are some of the leading exporters of high-technology products, including computers, telecommunications equipment semiconductors, chemicals and aerospace equipment. The Export Administration Act, which establishes

broad-ranging exports controls on dual-use products and technologies, will have a direct impact on their business activities in countries around the world.

Our companies take seriously their obligation to protect national security. They devote substantial resources to maintaining internal compliance programs and keeping up to date on the latest export control regulations. In an increasingly competitive global economy, however, Congress should not require excessively burdensome controls that hurt U.S. industry but do little, if anything to enhance national security.

The NAM supports S. 149, as reported by the Banking Committee, because it provides a good balance between U.S. national security and global trade interests. The bill has strong bipartisan support, having been approved by the Banking Committee on a vote of 19 to 1. President Bush has endorsed S. 149, as reported, and his national security advisor has indicated repeatedly that the Administration opposes amendments which would upset the careful balance achieved in the Banking Committee bill.

I strongly urge you to play a leadership role in supporting passage of S. 149 and opposing inappropriate amendments.

Sincerely,

JERRY JASMOWSKI,  
President.

Mr. ENZI. I ask unanimous consent a letter received from many of the computer folks, including Dell Computer, IBM Corporation, Intel, Hewlett-Packard, NCR, Motorola, and Unisys, pointing out the need for this legislation, and the fact they are happy with it, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 5, 2001.

Hon. MICHAEL B. ENZI,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR: As the Senate begins debate on S. 149, the Export Administration Act of 2001, we strongly urge you to support the bill as it was reported out 19-1 by the Senate Banking Committee and to oppose all restrictive amendments during its floor consideration. Passage of S. 149 will represent an important step forward in the development of an export control system that more effectively accounts for modern developments in technology and international market conditions, while protecting national security.

S. 149 enjoys broad, bipartisan support in Congress, as well as the endorsement of President Bush and his national security team, which opposes amendments that would upset the careful balance achieved in the Banking Committee bill.

Among S. 149's many provisions is one of critical importance to the U.S. computer industry. Section 702(k) would eliminate those provisions in the National Defense Authorization Act for 1998 that lock the President into using a specific metric, known as MTOPS (millions of theoretical operations per second), to establish export control thresholds for computers. Section 702(k) would not eliminate current restrictions on computer exports, but would give the President the authority and flexibility needed to review the MTOPS control system and develop a more modern, effective framework for computer exports. The need for Presidential flexibility in this area is especially clear in light of recent reports by the Center

for Strategic and International Studies, the Department of Defense, the Henry Stimson Center, the General Accounting Office, and the Defense Science Board, which have all concluded that the MTOPS-based approach is obsolete and fails to advance U.S. national security.

The U.S. computer industry needs new export control policies that take into account the global, technological and economic realities of the 21st century. As a result, we urge you to support S. 149, as reported, and oppose any amendments that would delay the implementation of the important reforms contained in the bill.

Sincerely,

Michael S. Dell, Dell Computer; Louis V. Gerstner, Jr., IBM Corporation; Andy Grove, Intel Corporation; Carleton Florina, Hewlett-Packard; Michael Capellas, Compaq Computer; Christopher B. Galvin, Motorola; Lars Nyberg, NCR Corporation; Lawrence Weinbach, Unisys Corporation.

Mr. ENZI. I take this time to thank Senators GRAMM and SARBANES for their tremendous leadership and for entrusting Senator JOHNSON and I to do some of the background work before the legislation reached this stage. It is very important.

I thank Marty Gruenberg on Senator SARBANES's staff; Katherine McGuire, my legislative director; and Joel Oswald, now a Texas A&M student who worked for 3 years on the bill; Mary O'Brien; Kara Calvert; on Senator JOHNSON's staff, Naomi Camper and Paul Nash; from the staff of Senator HAGEL, Dave Dorman; and the staff of Senator BAYH, Catherine Wojtasik; and other staff includes Jim Jochum who previously worked for Senator GRAMM.

I ask unanimous consent to have printed in the RECORD a list of the summary of the EAA discussions we have had to this point that have been contributed on a number of people's behalf to make the bill come together and be successful.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUMMARY OF EAA DISCUSSIONS, 1999-2000

January 20, 1999, 10 a.m.: Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act.

January 28, 1999, 3:30 p.m.: Enzi staff meets with Thompson staff to discuss issues regarding reauthorization of EAA.

February 8, 1999, 10 a.m.: Enzi staff meet with Gary Milhollin, Wisconsin Nuclear Arms Control Project.

February 8, 1999, 2 p.m.: Enzi staff meet with NSA staff.

February 9, 1999, 10 a.m.: Enzi staff meet with Senate Intelligence Committee staff member (Joan).

March 16, 1999, 9:30 a.m.: Subcommittee on International Trade and Finance—Hearing on the Reauthorization of the Export Administration Act and Managing Security Risks for High Tech Exports.

March 18, 1999, 3 p.m.: Enzi staff meet with WMD Commission staff.

April 14, 1999, 10 a.m.: Subcommittee on International Trade and Finance—Hearing on the Export Control Process.

April 28, 1999, 1 p.m.: Enzi staff meet with Kyl staff.

June 7, 1999, 9 a.m.: Banking staff meet with Cox Commission investigator.

June 10, 1999, 10 a.m.: Banking Committee Hearing on Export Control Issues in the Cox Report.

June 17, 1999, 10 a.m.: Banking Committee Hearing on Emerging Technology Issues and Reauthorization of the Export Administration Act.

June 22, 1999, 10:30 a.m.: Enzi staff meets with John Barker, State Department.

June 23, 1999, 10 a.m.: Banking Committee Hearing on Reauthorization of the Export Administration Act: Government Agency Views.

June 24, 1999, 10 a.m.: Banking Committee Hearing on Reauthorization of the Export Administration Act: Private Sector Views.

June 28, 1999, 4 p.m.: Enzi staff meet with Mack staff.

June 29, 1999, 9:30 a.m.: Enzi staff meet with Kyl staff.

June-July/September, 1999: Numerous meetings with Administration (BXA, State, Defense, intelligence), industry, Senators and staff to discuss draft EAA.

September 16, 1999, 9 a.m.: Banking Committee staff meet with AIPAC staff.

September 23, 1999, 10 a.m.: Banking Committee Votes 20-0 to Approve Export Administration Act of 1999.

September 27, 1999, 11 a.m.: Banking Committee meets with DoD staff to discuss S. 1712 issues.

October 6, 1999, 10 a.m.: Banking Committee meets with AIPAC staff.

October 10, 1999, 10 a.m.: Enzi meets with Cochran. Cochran says he will not hold up consideration of the bill.

October 20, 1999, 11:30 a.m.: Enzi meets with Kyl.

October 25, 1999, 4:15 p.m.: Warner meets with Gramm/Enzi. Warner staff (SASC Joan) says she has not seen the reported bill. Warner commits that his staff will review the bill and get back to us.

October 28, 1999, 4 p.m.: Gramm/Enzi meet with Lott to discuss consideration of bill. Lott says window is narrow. Will consider if it will only take one or two days.

November 1, 1999, 6 p.m.: Banking Committee staff meet with SFRC staff (Marshall Billingslea). He provides us with extensive list of concerns, mostly jurisdictional in nature.

November 4, 1999, 3 p.m.: Banking Committee staff meet with SASC staff. SASC says they don't know how the bill will impact military since military now incorporates more off the shelf commercial items.

November 5, 1999, 1:30 p.m.: Banking Committee staff meet with SASC staff, Hamre, NSA.

December 14, 1999, 11 a.m.: Banking Committee staff meet with Thompson staff (Curt Silvers introduces Chris Ford, new staff).

Friday, January 21, 12:30 a.m.: Banking Committee staff to meet with Marshall Billingslea.

Wednesday, February 2, 10 a.m.: Banking staff meets with SASC staff.

Wednesday, February 9: Senators Warner, Helms, Shelby, and Thompson send a letter to Sen. Lott expressing concerns with S. 1712 and requesting referral to the Committees on Armed Services, Foreign Relations, Governmental Affairs, and Intelligence.

Wednesday, February 9, 3 p.m.: Senators Gramm and Enzi meet with Senator Lott in the Leader's office.

Thursday, February 10, 5 p.m.: Senators Gramm and Enzi meet with business community in Senator Gramm's office.

Friday, February 11, 10 a.m.: Lott staff holds meeting with Gramm, Enzi, Warner,

Helms, Shelby, and Thompson staff in Approps Cmte room [3 hours].

Tuesday, February 15, 11 a.m.: Lott staff schedules staff meeting/canceled by Lott Staff.

Wednesday, February 16, 12 p.m.: Lott staff holds second meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader's office [2.5 hours].

Thursday, February 17, 3 p.m.: Banking staff hold informational briefing re S. 1712 for all Senate staff in Banking hearing room.

Friday, February 18, 1 p.m.: Lott staff hosts third meeting with Gramm, Enzi, Warner, Helms, Shelby, Thompson, and Kyl staff in Leader's office; Gramm/Enzi staff provide document outlining provisions that may be accepted. [45 minutes].

Tuesday, February 22, 9:30 a.m.: Senator Lott meets with Senators Gramm, Enzi, Warner, Kyl, Shelby, and Thompson in Leader's office; Senators Gramm and Enzi identify three key issues in contention; agree to provide Managers' Amdt.

Wednesday, February 23: Gramm and Enzi staff provide Managers' Amdt CRA00.098 to other senators' staff.

Friday, February 25: Gramm and Enzi staff provide pullout CRA00.120 regarding three issues to other senators' staff.

Friday, February 25: Senator Thompson sends a letter to Senators Gramm and Enzi, cc'd to Senator Lott and the other senators, expressing "grave concerns" about S. 1712.

Monday, February 28, 4 p.m.: Senator Warner holds SASC hearing on EAA; Senators Enzi and Johnson among witnesses.

Monday, February 28, 6 p.m.: Warner staff host impromptu meeting with DOD and DOC officials and Enzi and Johnson staff in SASC hearing room; walk through differences [4 hours].

Tuesday, February 29, 10 a.m.: Warner staff host meeting with DOD and DOC officials and Gramm, Enzi, Sarbanes, Johnson, Levin staff in SASC hearing room [2.5 hours].

Tuesday, February 29: Senators Warner, Helms, Shelby, Kyl, Thompson, Roberts, Inhofe, and B. Smith send a letter to Senator Lott to express "continuing concerns" with S. 1712, stating that "even with its proposed managers' amendment" the bill fails to address concerns, and objecting to its consideration.

Tuesday, February 29: Senators Abraham and Bennett send a letter to Senators Lott and Daschle urging that they make Senate consideration of S. 1712 a priority.

Wednesday, March 1, 2 p.m.: Gramm, Enzi, Sarbanes, Johnson staff meet with business community in Banking hearing room.

Friday, March 3, 2 p.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Kyl, and Thompson in Senator Gramm's office; walk through their concerns [3.5 hours].

Monday, March 6, 11 a.m.: Senator Gramm meets with Sen. Kyl in Senator Gramm's office to discuss concerns [1 hour].

Monday, March 6, 1 p.m.: Senators Gramm, Enzi, Johnson, with Sarbanes staff, meet in Senator Gramm's office to discuss concerns raised [1 hour].

Monday, March 6, 3:30 p.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson in Sen. Gramm's office; finish walking through their concerns [2 hours].

Tuesday, March 7, 8 a.m.: Senators Gramm and Enzi meet with business community in Banking hearing room to discuss ongoing member negotiations.

Tuesday, March 7, 4:30 p.m.: Gramm and Enzi staff meet with Warner, Helms, Kyl, Thompson, and Shelby staff; walk through 4-page Managers' Amdt document [1.5 hours].

Tuesday, March 7, 5:45 p.m.: Senator Lott brings up EAA by unanimous consent Senator Thompson raises concerns on floor but does not object).

Wednesday, March 8, 11 a.m.: Senators Gramm and Enzi meet with Senators Warner, Helms, Shelby, Kyl, and Thompson at those senators' request. Members agree to suspend floor consideration of EAA until details agreed; Gramm/Enzi provide revised 4-page Managers' Amdt document and ask for comments by the end of the day [1 hour].

Wednesday, March 8, 12:30 p.m.: Senator Gramm takes EAA off floor via special UC agreement among Senators Lott, Daschle, Thompson, Reid, and others.

Wednesday, March 8, 4 p.m.: Gramm and Enzi staff provide other senators' staff with revised Managers' Amdt CRA00.262.

Thursday, March 9, 3 p.m.: Senator Warner gives Senators Gramm and Enzi misdated letter with attachment of proposed amendments to Managers' Amendment.

Thursday, March 9: Senators Warner, Helms, Shelby, Kyl, and Thompson send another letter to Senator Lott expressing "continuing concerns" with S. 1712 and objecting to moving to its consideration.

Friday, March 10, 12 p.m.: Senator Gramm meets with Senator Warner (other senators represented by staff); gives him Gramm/Enzi final response document; asks for final decision from senators.

Week of March 13-17: Gramm/Enzi staff wait for response re 3/10 document.

Thursday, March 16: Senator Gramm schedules members' meeting for 10 a.m. Friday 17th to get response to 3/10 document; postpones to following week after being told that Kyl/Helms/Shelby not in town and Warner and his staff both "unable to attend".

Monday, March 20: Senator Gramm schedules members' meeting for 2 p.m. Tuesday 21st to get response to 3/10 document; postpones to later same week after being told that Shelby not back until Tuesday night and that the senators first need to meet to confer.

Week of March 20-23: Gramm/Enzi staff continue to wait for response re 3/10 document.

Tuesday, March 21: Senator Warner announces sudden SASC hearing for Thursday 23rd; cites "considerable differences" remaining between Banking and other senators.

Wednesday, March 22, 1 p.m.: House International Relations Subcommittee on Economic Policy reluctantly removes Senators Gramm and Enzi from their witness list, and instead holds hearing solely with industry witnesses; hints at marking up narrow EAA bills.

Wednesday, March 22: [Other senators apparently hold meeting to confer].

Thursday, March 23, 10 a.m.: Senator Warner holds second SASC hearing, at which he presses GAO witness to say S. 1712 "must" be strengthened, and states that "the four chairmen have not received some legislative language which we feel is essential to making our decisions on this".

Thursday, March 23: Senator Reid gives floor statement urging Senate passage of S. 1712, noting that its sponsors "tried to move a bill . . . but frankly, the majority is unable to join with us to allow us to move this bill forward".

Friday, March 24: Two weeks from the date on which they gave the other senators their final offer, Senators Gramm and Enzi receive a letter dated March 23 from Senators Warner, Helms, Shelby, Kyl, and Thompson. The letter stated:

"As you know, on March 6 [sic], 2000, we provided you with a package describing the issues that we consider critical to reaching an agreement on the proposed reauthorization of S. 1712 [sic], the Export Administration Act. We were disappointed that you were only able to agree to at most four of the eighteen issues we identified, and were unable to agree to some issues on which we believed we had previously reached agreement in principle. Accordingly, we cannot agree at this time to return the bill to the Senate floor under the terms of the unanimous consent agreement field on March 8.

"There are important issues remaining to be resolved, and we feel that negotiations should continue in order to for there being hope for achieving an Export Administration Act that successfully balances the needs of industry and national security."

Week of March 27-31: Gramm/Enzi staff do not hear from other senators' staff.

Week of April 3: Gramm/Enzi staff do not hear from other senators' staff.

Tuesday, April 4: Senator McCain holds hearing on S. 1712, at which he expresses concern that the bill does not adequately protect national security; Senators Thompson and Enzi testify.

Tuesday, April 11: Gramm staff call the staff of other senators to alert them that Senator Lott planned to make a pro forma effort to bring up S. 1712 by UC on Wednesday, at which point Senator Gramm would object pursuant to the gentleman's agreement made with the other senators on March 8; and that Senators Lott and Gramm then would file cloture on a motion to proceed to S. 1712.

Wednesday, April 12: At Senator Lott's requests, Senators Gramm and Enzi give Senator Lott two cloture petitions (one on a motion to proceed to S. 1712, and one on S. 1712); both were signed by 16 Republicans representing a broad diversity of states and of Senate Committees (including SASC, SFRC, SGAC, and SCST).

Wednesday, April 12: Senator Thompson holds SGAC hearing on multilateral export controls.

April, May: Gramm/Enzi staff do not hear from other senators' staff.

Thursday, May 25: Senators Thompson and Torricelli hold a press conference on S. 2645. According to press reports, Senator Thompson said that in his opinion, legislation to reauthorize the Export Administration Act is probably dead as a stand-alone measure in 2000; when asked whether he was partly responsible, he replied "Let's just say that truth and justice were served".

Friday, May 26: Senator Thompson holds SGAC hearing on mass market/foreign availability; no Administration witnesses are invited.

Mr. ENZI. I will make a few remarks after the vote particularly to thank Senator SARBANES for his understanding of the bill.

I yield the floor to Senator SARBANES.

Mr. SARBANES. How much time remains?

The PRESIDING OFFICER. One minute for the proponent and 4 minutes for the opponent.

Mr. SARBANES. I will take the 1 minute at this point. I urge my colleagues to support this legislation. It has been hard work. We think it is good, balanced legislation. I join with Senator ENZI in thanking the staff:

Steve Harris, Marty Gruenberg, and Laurie Better of my staff; Katherine McGuire has done a wonderful job; and Joel Oswald and Kara Calvert of Senator ENZI's staff; Naomi Camper and Paul Nash of Senator JOHNSON's staff; and Wayne Abernathy and Amy Dunathan from Senator GRAMM's staff. I thank Senator GRAMM. We worked very closely on this bill. I pay tribute to Senator ENZI and Senator JOHNSON who worked together so assiduously, so skillfully, in helping to develop and evolve this legislation.

I would be less than fair if I did not take a moment to say to Senator ENZI I think his dedication in working this legislation through and his very strong commitment and willingness to talk to everyone at great length, over and over and over again, contributed significantly to shaping legislation that we are finally going to be able to move through the Senate, with a very sizable consensus.

I say to the opponents, I think we engaged this in a proper Senate fashion in terms of our debate and our efforts to respond to some concerns. We consulted with everyone—the administration, of course, perhaps first and foremost. My own view is we have brought together a good package. I urge my colleagues to support it when we go to the vote at 4 o'clock.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. THOMPSON. Mr. President, I yield myself 4 minutes unless any of my colleagues appear and want part of that.

I, too, think congratulations are in order. Senator ENZI has worked so hard on this bill, Senator GRAMM and Senator SARBANES have taken the matter of leadership in this area, and Senator JOHNSON did an excellent job in shepherding it through over a long period of time. It has taken a long time primarily because some Members have seen to it that it took a longer period of time than it otherwise would have.

I still must respectfully oppose this bill. This bill is going to pass by a large margin. I understand that. The business community is strongly behind it. The administration supports it. The majority of both sides of the aisle support it. I believe they are in error. I believe it is a mistake. I think we should recognize exactly what we are doing. I will say it one more time; that is, in an era of increased technological proliferation, with the world becoming a more dangerous place, where rogue nations are developing technology that will enable them to endanger this country and a world where these rogue nations are getting their technology from countries such as China and Russia, for which this bill will liberalize export trade, in this environment, in this era, we are loosening our export controls.

At a time when we know that some of those to whom we will be sending more high-tech sensitive exports have in times past used them for military purposes, and that committees such as the Cox committee have reported to us that part of their increased capabilities have come about due to our lax export laws, this is the environment in which we pass a bill that gives the Department of Commerce substantial powers to make decisions concerning national security. The Department of Commerce is rightfully engaged in the considerations of trade and commerce. They should not be given the responsibility of national security.

We are going to pass a bill that will have broad categories of subjects that are deemed to be mass marketed or have foreign availability status. If someone over in the bowels of the Department of Commerce decides these items belong in those categories, then they are taken out of the regulatory process altogether, and you don't even have to have a license.

I do not think it is too much to ask for a few days of a license process with officials of the U.S. Government who are concerned about matters of proliferation of weapons of mass destruction and matters of national security, it is not too much to ask that they be given a few days to make sure, as in times past, that we are not exporting something we should not be exporting. We give the President some override authority, but it is almost as if to say, "Catch me if you can." We are greatly liberalizing things on this end and giving the President some power—which cannot be delegated, incidentally—giving the President some power to catch something here and there and stop it if he deems it necessary.

At a time that we are trying to persuade the world we need a missile defense system, which I believe we need because of the dangers posed by the proliferation of weapons of mass destruction, we are liberalizing export rules which I fear will contribute toward the ability of the countries with which we are trading, and in turn these rogue nations with which they are trading, to increase their weapons of mass destruction capabilities.

It is not that we want to hamper trade. It is not that we want to be obstructionist—because our friends on the other side of this issue are very well-meaning and make very good points. It is not those factors at all that motivate the few of us who remain on this side. It is that we can afford to be wrong. If our concerns are too great, it will mean that a few companies are held up a few extra days before they can export goods. But if our friends on the other side of this issue are wrong, I fear it could cause serious harm.

We are doing this in an environment where, even though the law has required us in times past to do a national

security assessment of the decontrol of these laws, we have never done so. That is the basis of our concern. That is why, although we have had a wonderful, responsible, senatorial debate and discussion and vote, both on the floor and off, and think it has produced a better bill than we had originally, I must respectfully oppose it.

I yield the floor.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SARBANES. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

The PRESIDING OFFICER. (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 14, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—85

Akaka	Domenici	Lincoln
Allard	Dorgan	Lott
Allen	Durbin	Lugar
Baucus	Edwards	McConnell
Bayh	Ensign	Mikulski
Bennett	Enzi	Miller
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	SARBANES
Carnahan	Hollings	Schumer
Carper	Hutchinson	Smith (OR)
Chafee	Hutchison	Snowe
Cleland	Inouye	Stabenow
Clinton	Jeffords	Stevens
Collins	Johnson	Thomas
Conrad	Kennedy	Torricelli
Corzine	Kerry	Voinovich
Craig	Kohl	Warner
Crapo	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NAYS—14

Byrd	Inhofe	Smith (NH)
Cochran	Kyl	Specter
DeWine	McCain	Thompson
Feingold	Sessions	Thurmond
Helms	Shelby	

NOT VOTING—1

Murkowski

The bill (S. 149) was passed, as follows:

S. 149

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export Administration Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

#### TITLE I—GENERAL AUTHORITY

Sec. 101. Commerce Control List.

Sec. 102. Delegation of authority.

Sec. 103. Public information; consultation requirements.

Sec. 104. Right of export.

Sec. 105. Export control advisory committees.

Sec. 106. President's Technology Export Council.

Sec. 107. Prohibition on charging fees.

#### TITLE II—NATIONAL SECURITY EXPORT CONTROLS

##### Subtitle A—Authority and Procedures

Sec. 201. Authority for national security export controls.

Sec. 202. National Security Control List.

Sec. 203. Country tiers.

Sec. 204. Incorporated parts and components.

Sec. 205. Petition process for modifying export status.

##### Subtitle B—Foreign Availability and Mass-Market Status

Sec. 211. Determination of foreign availability and mass-market status.

Sec. 212. Presidential set-aside of foreign availability status determination.

Sec. 213. Presidential set-aside of mass-market status determination.

Sec. 214. Office of Technology Evaluation.

#### TITLE III—FOREIGN POLICY EXPORT CONTROLS

Sec. 301. Authority for foreign policy export controls.

Sec. 302. Procedures for imposing controls.

Sec. 303. Criteria for foreign policy export controls.

Sec. 304. Presidential report before imposition of control.

Sec. 305. Imposition of controls.

Sec. 306. Deferral authority.

Sec. 307. Review, renewal, and termination.

Sec. 308. Termination of controls under this title.

Sec. 309. Compliance with international obligations.

Sec. 310. Designation of countries supporting international terrorism.

Sec. 311. Crime control instruments.

#### TITLE IV—PROCEDURES FOR EXPORT LICENSES AND INTERAGENCY DISPUTE RESOLUTION

Sec. 401. Export license procedures.

Sec. 402. Interagency dispute resolution process.

#### TITLE V—INTERNATIONAL ARRANGEMENTS; FOREIGN BOYCOTTS; SANCTIONS; AND ENFORCEMENT

Sec. 501. International arrangements.

Sec. 502. Foreign boycotts.

Sec. 503. Penalties.

Sec. 504. Missile proliferation control violations.

Sec. 505. Chemical and biological weapons proliferation sanctions.

Sec. 506. Enforcement.

Sec. 507. Administrative procedure.

#### TITLE VI—EXPORT CONTROL AUTHORITY AND REGULATIONS

Sec. 601. Export control authority and regulations.

Sec. 602. Confidentiality of information.

Sec. 603. Agricultural commodities, medicine, medical devices.

#### TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Annual report.

Sec. 702. Technical and conforming amendments.

Sec. 703. Savings provisions.

## SEC. 2. DEFINITIONS.

In this Act:

(1) **AFFILIATE.**—The term “affiliate” includes both governmental entities and commercial entities that are controlled in fact by the government of a country.

(2) **CONTROL OR CONTROLLED.**—The terms “control” and “controlled” mean any requirement, condition, authorization, or prohibition on the export or reexport of an item.

(3) **CONTROL LIST.**—The term “Control List” means the Commerce Control List established under section 101.

(4) **CONTROLLED COUNTRY.**—The term “controlled country” means a country with respect to which exports are controlled under section 201 or 301.

(5) **CONTROLLED ITEM.**—The term “controlled item” means an item the export of which is controlled under this Act.

(6) **COUNTRY.**—The term “country” means a sovereign country or an autonomous customs territory.

(7) **COUNTRY SUPPORTING INTERNATIONAL TERRORISM.**—The term “country supporting international terrorism” means a country designated by the Secretary of State pursuant to section 310.

(8) **DEPARTMENT.**—The term “Department” means the Department of Commerce.

(9) **EXPORT.**—

(A) The term “export” means—

(i) an actual shipment, transfer, or transmission of an item out of the United States;

(ii) a transfer to any person of an item either within the United States or outside of the United States with the knowledge or intent that the item will be shipped, transferred, or transmitted to an unauthorized recipient outside the United States; or

(iii) a transfer of an item in the United States to an embassy or affiliate of a country, which shall be considered an export to that country.

(B) The term includes a reexport.

(10) **FOREIGN AVAILABILITY STATUS.**—The term “foreign availability status” means the status described in section 211(d)(1).

(11) **FOREIGN PERSON.**—The term “foreign person” means—

(A) an individual who is not—

(i) a United States citizen;

(ii) an alien lawfully admitted for permanent residence to the United States; or

(iii) a protected individual as defined in section 274B(a)(3) of the Immigration and Nationality Act. (8 U.S.C. 1324b(a)(3));

(B) any corporation, partnership, business association, society, trust, organization, or other nongovernmental entity created or organized under the laws of a foreign country or that has its principal place of business outside the United States; and

(C) any governmental entity of a foreign country.

(12) **ITEM.**—

(A) **IN GENERAL.**—The term “item” means any good, technology, or service.

(B) **OTHER DEFINITIONS.**—In this paragraph:

(i) **GOOD.**—The term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, including source code, and excluding technical data.

(ii) **TECHNOLOGY.**—The term “technology” means specific information that is necessary for the development, production, or use of an item, and takes the form of technical data or technical assistance.

(iii) **SERVICE.**—The term “service” means any act of assistance, help or aid.

(13) **MASS-MARKET STATUS.**—The term “mass-market status” means the status described in section 211(d)(2).

(14) **MULTILATERAL EXPORT CONTROL REGIME.**—The term “multilateral export control regime” means an international agreement or arrangement among two or more countries, including the United States, a purpose of which is to coordinate national export control policies of its members regarding certain items. The term includes regimes such as the Australia Group, the Wassenaar Arrangement, the Missile Technology Control Regime (MTCR), and the Nuclear Suppliers’ Group Dual Use Arrangement.

(15) **NATIONAL SECURITY CONTROL LIST.**—The term “National Security Control List” means the list established under section 202(a).

(16) **PERSON.**—The term “person” includes—

(A) any individual, or partnership, corporation, business association, society, trust, organization, or any other group created or organized under the laws of a country; and

(B) any government, or any governmental entity, including any governmental entity operating as a business enterprise.

(17) **REEXPORT.**—The term “reexport” means the shipment, transfer, transshipment, or diversion of items from one foreign country to another.

(18) **SECRETARY.**—The term “Secretary” means the Secretary of Commerce.

(19) **UNITED STATES.**—The term “United States” means the States of the United States, the District of Columbia, and any commonwealth, territory, dependency, or possession of the United States, and includes the outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (42 U.S.C. 1331(a)).

(20) **UNITED STATES PERSON.**—The term “United States person” means—

(A) any United States citizen, resident, or national (other than an individual resident outside the United States who is employed by a person other than a United States person);

(B) any domestic concern (including any permanent domestic establishment of any foreign concern); and

(C) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations prescribed by the President.

## TITLE I—GENERAL AUTHORITY

### SEC. 101. COMMERCE CONTROL LIST.

(a) **IN GENERAL.**—Under such conditions as the Secretary may impose, consistent with the provisions of this Act, the Secretary—

(1) shall establish and maintain a Commerce Control List (in this Act referred to as the “Control List”) consisting of items the export of which are subject to licensing or other authorization or requirement; and

(2) may require any type of license, or other authorization, including recordkeeping and reporting, appropriate to the effective and efficient implementation of this Act with respect to the export of an item on the Control List or otherwise subject to control under title II or III of this Act.

(b) **TYPES OF LICENSE OR OTHER AUTHORIZATION.**—The types of license or other authorization referred to in subsection (a)(2) include the following:

(1) **SPECIFIC EXPORTS.**—A license that authorizes a specific export.

(2) **MULTIPLE EXPORTS.**—A license that authorizes multiple exports in lieu of a license for each export.

(3) **NOTIFICATION IN LIEU OF LICENSE.**—A notification in lieu of a license that authorizes a specific export or multiple exports subject to the condition that the exporter file with the Department advance notification of the intent to export in accordance with regulations prescribed by the Secretary.

(4) **LICENSE EXCEPTION.**—Authority to export an item on the Control List without prior license or notification in lieu of a license.

(c) **AFTER-MARKET SERVICE AND REPLACEMENT PARTS.**—A license to export an item under this Act shall not be required for an exporter to provide after-market service or replacement parts in order to replace on a one-for-one basis parts that were in an item that was lawfully exported from the United States, unless—

(1) the Secretary determines that such license is required to export such parts; or

(2) the after-market service or replacement parts would materially enhance the capability of an item which was the basis for the item being controlled.

(d) **INCIDENTAL TECHNOLOGY.**—A license or other authorization to export an item under this Act includes authorization to export technology related to the item, if the level of the technology does not exceed the minimum necessary to install, repair, maintain, inspect, operate, or use the item.

(e) **REGULATIONS.**—The Secretary may prescribe such regulations as are necessary to carry out the provisions of this Act.

### SEC. 102. DELEGATION OF AUTHORITY.

(a) **IN GENERAL.**—Except as provided in subsection (b) and subject to the provisions of this Act, the President may delegate the power, authority, and discretion conferred upon the President by this Act to such departments, agencies, and officials of the Government as the President considers appropriate.

(b) **EXCEPTIONS.**—

(1) **DELEGATION TO APPOINTEES CONFIRMED BY SENATE.**—No authority delegated to the President under this Act may be delegated by the President to, or exercised by, any official of any department or agency the head of which is not appointed by the President, by and with the advice and consent of the Senate.

(2) **OTHER LIMITATIONS.**—The President may not delegate or transfer the President’s power, authority, or discretion to overrule or modify any recommendation or decision made by the Secretary, the Secretary of Defense, or the Secretary of State under this Act.

### SEC. 103. PUBLIC INFORMATION; CONSULTATION REQUIREMENTS.

(a) **PUBLIC INFORMATION.**—The Secretary shall keep the public fully informed of changes in export control policy and procedures instituted in conformity with this Act.

(b) **CONSULTATION WITH PERSONS AFFECTED.**—The Secretary shall consult regularly with representatives of a broad spectrum of enterprises, labor organizations, and citizens interested in or affected by export controls in order to obtain their views on United States export control policy and the foreign availability or mass-market status of controlled items.

### SEC. 104. RIGHT OF EXPORT.

No license or other authorization to export may be required under this Act, or under regulations issued under this Act, except to carry out the provisions of this Act.

**SEC. 105. EXPORT CONTROL ADVISORY COMMITTEES.**

(a) **APPOINTMENT.**—Upon the Secretary's own initiative or upon the written request of representatives of a substantial segment of any industry which produces any items subject to export controls under this Act or being considered for such controls, the Secretary may appoint export control advisory committees with respect to any such items. Each such committee shall consist of representatives of United States industry and Government officials, including officials from the Departments of Commerce, Defense, and State, and other appropriate departments and agencies of the Government. The Secretary shall permit the widest possible participation by the business community on the export control advisory committees.

**(b) FUNCTIONS.**—

(1) **IN GENERAL.**—Export control advisory committees appointed under subsection (a) shall advise and assist the Secretary, and any other department, agency, or official of the Government carrying out functions under this Act, on actions (including all aspects of controls imposed or proposed) designed to carry out the provisions of this Act concerning the items with respect to which such export control advisory committees were appointed.

(2) **OTHER CONSULTATIONS.**—Nothing in paragraph (1) shall prevent the United States Government from consulting, at any time, with any person representing an industry or the general public, regardless of whether such person is a member of an export control advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary, to present information to such committees.

(c) **REIMBURSEMENT OF EXPENSES.**—Upon the request of any member of any export control advisory committee appointed under subsection (a), the Secretary may, if the Secretary determines it to be appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by such member in connection with the duties of such member.

(d) **CHAIRPERSON.**—Each export control advisory committee appointed under subsection (a) shall elect a chairperson, and shall meet at least every 3 months at the call of the chairperson, unless the chairperson determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this section. Each such committee shall be terminated after a period of 2 years, unless extended by the Secretary for additional periods of 2 years each. The Secretary shall consult with each such committee on such termination or extension of that committee.

(e) **ACCESS TO INFORMATION.**—To facilitate the work of the export control advisory committees appointed under subsection (a), the Secretary, in conjunction with other departments and agencies participating in the administration of this Act, shall disclose to each such committee adequate information, consistent with national security and intelligence sources and methods, pertaining to the reasons for the export controls which are in effect or contemplated for the items or policies for which that committee furnishes advice. Information provided by the export control advisory committees shall not be subject to disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed unless the Secretary determines that the

withholding thereof is contrary to the national interest.

**SEC. 106. PRESIDENT'S TECHNOLOGY EXPORT COUNCIL.**

The President may establish a President's Technology Export Council to advise the President on the implementation, operation, and effectiveness of this Act.

**SEC. 107. PROHIBITION ON CHARGING FEES.**

No fee may be charged in connection with the submission or processing of an application for an export license under this Act.

**TITLE II—NATIONAL SECURITY EXPORT CONTROLS****Subtitle A—Authority and Procedures****SEC. 201. AUTHORITY FOR NATIONAL SECURITY EXPORT CONTROLS.****(a) AUTHORITY.**—

(1) **IN GENERAL.**—In order to carry out the purposes set forth in subsection (b), the President may, in accordance with the provisions of this Act, prohibit, curtail, or require a license, or other authorization for the export of any item subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States. The President may also require recordkeeping and reporting with respect to the export of such item.

(2) **EXERCISE OF AUTHORITY.**—The authority contained in this subsection shall be exercised by the Secretary, in consultation with the Secretary of Defense, the intelligence agencies, and such other departments and agencies as the Secretary considers appropriate.

(b) **PURPOSES.**—The purposes of national security export controls are the following:

(1) To restrict the export of items that would contribute to the military potential of countries so as to prove detrimental to the national security of the United States, its allies or countries sharing common strategic objectives with the United States.

(2) To stem the proliferation of weapons of mass destruction, and the means to deliver them, and other significant military capabilities by—

(A) leading international efforts to control the proliferation of chemical and biological weapons, nuclear explosive devices, missile delivery systems, key-enabling technologies, and other significant military capabilities;

(B) controlling involvement of United States persons in, and contributions by United States persons to, foreign programs intended to develop weapons of mass destruction, missiles, and other significant military capabilities, and the means to design, test, develop, produce, stockpile, or use them; and

(C) implementing international treaties or other agreements or arrangements concerning controls on exports of designated items, reports on the production, processing, consumption, and exports and imports of such items, and compliance with verification programs.

(3) To deter acts of international terrorism.

(c) **END USE AND END USER CONTROLS.**—Notwithstanding any other provision of this title, controls may be imposed, based on the end use or end user, on the export of any item, that could contribute to the proliferation of weapons of mass destruction or the means to deliver them.

**(d) ENHANCED CONTROLS.**—

(1) **IN GENERAL.**—Notwithstanding any other provisions of this title, the President may determine that applying the provisions of section 204 or 211 with respect to an item on the National Security Control List would constitute a significant threat to the na-

tional security of the United States and that such item requires enhanced control. If the President determines that enhanced control should apply to such item, the item may be excluded from the provisions of section 204, section 211, or both, until such time as the President shall determine that such enhanced control should no longer apply to such item. The President may not delegate the authority provided for in this subsection.

(2) **REPORT TO CONGRESS.**—The President shall promptly report any determination described in paragraph (1), along with the specific reasons for the determination, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

**SEC. 202. NATIONAL SECURITY CONTROL LIST.****(a) ESTABLISHMENT OF LIST.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish and maintain a National Security Control List as part of the Control List.

(2) **CONTENTS.**—The National Security Control List shall be composed of a list of items the export of which is controlled for national security purposes under this title.

(3) **IDENTIFICATION OF ITEMS FOR NATIONAL SECURITY CONTROL LIST.**—The Secretary, with the concurrence of the Secretary of Defense and in consultation with the head of any other department or agency of the United States that the Secretary considers appropriate, shall identify the items to be included on the National Security Control List provided that the National Security Control List shall, on the date of enactment of this Act, include all of the items on the Commerce Control List controlled on the day before the date of enactment of this Act to protect the national security of the United States, to prevent the proliferation of weapons of mass destruction and the means to deliver them, and to deter acts of international terrorism. The Secretary shall review on a continuing basis and, with the concurrence of the Secretary of Defense and in consultation with the head of any other department or agency of the United States that the Secretary considers appropriate, adjust the National Security Control List to add items that require control under this section and to remove items that no longer warrant control under this section.

**(b) RISK ASSESSMENT.**—

(1) **REQUIREMENT.**—In establishing and maintaining the National Security Control List, the risk factors set forth in paragraph (2) shall be considered, weighing national security concerns and economic costs.

(2) **RISK FACTORS.**—The risk factors referred to in paragraph (1), with respect to each item, are as follows:

(A) The characteristics of the item.

(B) The threat, if any, to the United States or the national security interest of the United States from the misuse or diversion of such item.

(C) The effectiveness of controlling the item for national security purposes of the United States, taking into account mass-market status, foreign availability, and other relevant factors.

(D) The threat to the national security interests of the United States if the item is not controlled.

(E) Any other appropriate risk factors.

(c) **REPORT ON CONTROL LIST.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to Congress which lists all items on the Commerce Control List controlled on the day before the date of enactment of this Act to protect the national security of the United

States, to prevent the proliferation of weapons of mass destruction and the means to deliver them, and to deter acts of international terrorism, not included on the National Security Control List pursuant to the provisions of this Act.

#### SEC. 203. COUNTRY TIERS.

##### (a) IN GENERAL.—

(1) ESTABLISHMENT AND ASSIGNMENT.—In administering export controls for national security purposes under this title, the President shall, not later than 120 days after the date of enactment of this Act—

(A) establish and maintain a country tiering system in accordance with subsection (b); and

(B) based on the assessments required under subsection (c), assign each country to an appropriate tier for each item or group of items the export of which is controlled for national security purposes under this title.

(2) CONSULTATION.—The establishment and assignment of country tiers under this section shall be made after consultation with the Secretary, the Secretary of Defense, the Secretary of State, the intelligence agencies, and such other departments and agencies as the President considers appropriate.

(3) REDETERMINATION AND REVIEW OF ASSIGNMENTS.—The President may redetermine the assignment of a country to a particular tier at any time and shall review and, as the President considers appropriate, reassign country tiers on an on-going basis. The Secretary shall provide notice of any such reassignment to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

(4) EFFECTIVE DATE OF TIER ASSIGNMENT.—An assignment of a country to a particular tier shall take effect on the date on which notice of the assignment is published in the Federal Register.

##### (b) TIERS.—

(1) IN GENERAL.—The President shall establish a country tiering system consisting of not less than 3 tiers for purposes of this section.

(2) RANGE.—Countries that represent the lowest risk of diversion or misuse of an item on the National Security Control List shall be assigned to the lowest tier. Countries that represent the highest risk of diversion or misuse of an item on the National Security Control List shall be assigned to the highest tier.

(3) OTHER COUNTRIES.—Countries that fall between the lowest and highest risk to the national security interest of the United States with respect to the risk of diversion or misuse of an item on the National Security Control List shall be assigned to a tier other than the lowest or highest tier, based on the assessments required under subsection (c).

(c) ASSESSMENTS.—The President shall make an assessment of each country in assigning a country tier taking into consideration risk factors including the following:

(1) The present and potential relationship of the country with the United States.

(2) The present and potential relationship of the country with countries friendly to the United States and with countries hostile to the United States.

(3) The country's capabilities regarding chemical, biological, and nuclear weapons and the country's membership in, and level of compliance with, relevant multilateral export control regimes.

(4) The country's capabilities regarding missile systems and the country's membership in, and level of compliance with, relevant multilateral export control regimes.

(5) Whether the country, if a NATO or major non-NATO ally with whom the United States has entered into a free trade agreement as of January 1, 1986, controls exports in accordance with the criteria and standards of a multilateral export control regime as defined in section 2(14) pursuant to an international agreement to which the United States is a party.

(6) The country's other military capabilities and the potential threat posed by the country to the United States or its allies.

(7) The effectiveness of the country's export control system.

(8) The level of the country's cooperation with United States export control enforcement and other efforts.

(9) The risk of export diversion by the country to a higher tier country.

(10) The designation of the country as a country supporting international terrorism under section 310.

(d) TIER APPLICATION.—The country tiering system shall be used in the determination of license requirements pursuant to section 201(a)(1).

#### SEC. 204. INCORPORATED PARTS AND COMPONENTS.

(a) EXPORT OF ITEMS CONTAINING CONTROLLED PARTS AND COMPONENTS.—Controls may not be imposed under this title or any other provision of law on an item solely because the item contains parts or components subject to export controls under this title, if the parts or components—

(1) are essential to the functioning of the item,

(2) are customarily included in sales of the item in countries other than controlled countries, and

(3) comprise 25 percent or less of the total value of the item,

unless the item itself, if exported, would by virtue of the functional characteristics of the item as a whole make a significant contribution to the military or proliferation potential of a controlled country or end user which would prove detrimental to the national security of the United States, or unless failure to control the item would be contrary to the provisions of section 201(c), section 201(d), or section 309 of this Act.

(b) REEXPORTS OF FOREIGN-MADE ITEMS INCORPORATING UNITED STATES CONTROLLED CONTENT.—

(1) IN GENERAL.—No authority or permission may be required under this title to reexport to a country an item that is produced in a country other than the United States and incorporates parts or components that are subject to the jurisdiction of the United States, if the value of the controlled United States content of the item produced in such other country is 25 percent or less of the total value of the item; except that in the case of reexports of an item to a country designated as a country supporting international terrorism pursuant to section 310, controls may be maintained if the value of the controlled United States content is more than 10 percent of the total value of the item.

(2) DEFINITION OF CONTROLLED UNITED STATES CONTENT.—For purposes of this paragraph, the term "controlled United States content" of an item means those parts or components that—

(A) are subject to the jurisdiction of the United States;

(B) are incorporated into the item; and

(C) would, at the time of the reexport, require a license under this title if exported from the United States to a country to which the item is to be reexported.

#### SEC. 205. PETITION PROCESS FOR MODIFYING EXPORT STATUS.

(a) ESTABLISHMENT.—The Secretary shall establish a process for interested persons to petition the Secretary to change the status of an item on the National Security Control List.

(b) EVALUATIONS AND DETERMINATIONS.—Evaluations and determinations with respect to a petition filed pursuant to this section shall be made in accordance with section 202.

##### Subtitle B—Foreign Availability and Mass-Market Status

#### SEC. 211. DETERMINATION OF FOREIGN AVAILABILITY AND MASS-MARKET STATUS.

##### (a) IN GENERAL.—The Secretary shall—

(1) on a continuing basis,

(2) upon a request from the Office of Technology Evaluation, or

(3) upon receipt of a petition filed by an interested person,

review and determine the foreign availability and the mass-market status of any item the export of which is controlled under this title.

##### (b) PETITION AND CONSULTATION.—

(1) IN GENERAL.—The Secretary shall establish a process for an interested person to petition the Secretary for a determination that an item has a foreign availability or mass-market status. In evaluating and making a determination with respect to a petition filed under this section, the Secretary shall consult with the Secretary of Defense, Secretary of State, and other appropriate Government agencies and with the Office of Technology Evaluation (established pursuant to section 214).

(2) TIME FOR MAKING DETERMINATION.—The Secretary shall, within 6 months after receiving a petition described in subsection (a)(3), determine whether the item that is the subject of the petition has foreign availability or mass-market status and shall notify the petitioner of the determination.

(c) RESULT OF DETERMINATION.—In any case in which the Secretary determines, in accordance with procedures and criteria which the Secretary shall by regulation establish, that an item described in subsection (a) has—

(1) a foreign availability status, or

(2) a mass-market status,

the Secretary shall notify the President (and other appropriate departments and agencies) and publish the notice of the determination in the Federal Register. The Secretary's determination shall become final 30 days after the date the notice is published, the item shall be removed from the National Security Control List, and a license or other authorization shall not be required under this title with respect to the item, unless the President makes a determination described in section 212 or 213, or takes action under section 309, with respect to the item in that 30-day period.

(d) CRITERIA FOR DETERMINING FOREIGN AVAILABILITY AND MASS-MARKET STATUS.—

(1) FOREIGN AVAILABILITY STATUS.—The Secretary shall determine that an item has foreign availability status under this subtitle, if the item (or a substantially identical or directly competitive item)—

(A) is available to controlled countries from sources outside the United States, including countries that participate with the United States in multilateral export controls;

(B) can be acquired at a price that is not excessive when compared to the price at which a controlled country could acquire such item from sources within the United States in the absence of export controls; and

(C) is available in sufficient quantity so that the requirement of a license or other authorization with respect to the export of such item is or would be ineffective.

(2) **MASS-MARKET STATUS.**—

(A) **IN GENERAL.**—In determining whether an item has mass-market status under this subtitle, the Secretary shall consider the following criteria with respect to the item (or a substantially identical or directly competitive item):

(i) The production and availability for sale in a large volume to multiple potential purchasers.

(ii) The widespread distribution through normal commercial channels, such as retail stores, direct marketing catalogues, electronic commerce, and other channels.

(iii) The conduciveness to shipment and delivery by generally accepted commercial means of transport.

(iv) The use for the item's normal intended purpose without substantial and specialized service provided by the manufacturer, distributor, or other third party.

(B) **DETERMINATION BY SECRETARY.**—If the Secretary finds that the item (or a substantially identical or directly competitive item) meets the criteria set forth in subparagraph (A), the Secretary shall determine that the item has mass-market status.

(3) **SPECIAL RULES.**—For purposes of this subtitle—

(A) **SUBSTANTIALLY IDENTICAL ITEM.**—The determination of whether an item in relation to another item is a substantially identical item shall include a fair assessment of end-uses, the properties, nature, and quality of the item.

(B) **DIRECTLY COMPETITIVE ITEM.**—

(i) **IN GENERAL.**—The determination of whether an item in relation to another item is a directly competitive item shall include a fair assessment of whether the item, although not substantially identical in its intrinsic or inherent characteristics, is substantially equivalent for commercial purposes and may be adapted for substantially the same uses.

(ii) **EXCEPTION.**—An item is not directly competitive with a controlled item if the item is not of comparable quality to the controlled item with respect to characteristics that resulted in the export of the item being controlled.

**SEC. 212. PRESIDENTIAL SET-ASIDE OF FOREIGN AVAILABILITY STATUS DETERMINATION.**

(a) **CRITERIA FOR PRESIDENTIAL SET-ASIDE.**—

(1) **GENERAL CRITERIA.**—

(A) **IN GENERAL.**—If the President determines that—

(i) decontrolling or failing to control an item constitutes a threat to the national security of the United States, and export controls on the item would advance the national security interests of the United States,

(ii) there is a high probability that the foreign availability of an item will be eliminated through international negotiations within a reasonable period of time taking into account the characteristics of the item, or

(iii) United States controls on the item have been imposed under section 309, the President may set aside the Secretary's determination of foreign availability status with respect to the item.

(B) **NONDELEGATION.**—The President may not delegate the authority provided for in this paragraph.

(2) **REPORT TO CONGRESS.**—The President shall promptly—

(A) report any set-aside determination described in paragraph (1), along with the specific reasons for the determination, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives; and

(B) publish the determination in the Federal Register.

(b) **PRESIDENTIAL ACTION IN CASE OF SET-ASIDE.**—

(1) **IN GENERAL.**—

(A) **NEGOTIATIONS.**—In any case in which export controls are maintained on an item because the President has made a determination under subsection (a), the President shall actively pursue negotiations with the governments of the appropriate foreign countries for the purpose of eliminating such availability.

(B) **REPORT TO CONGRESS.**—Not later than the date the President begins negotiations, the President shall notify in writing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that the President has begun such negotiations and why the President believes it is important to the national security that export controls on the item involved be maintained.

(2) **PERIODIC REVIEW OF DETERMINATION.**—The President shall review a determination described in subsection (a) at least every 6 months. Promptly after each review is completed, the Secretary shall submit to the committees of Congress referred to in paragraph (1)(B) a report on the results of the review, together with the status of international negotiations to eliminate the foreign availability of the item.

(3) **EXPIRATION OF PRESIDENTIAL SET-ASIDE.**—A determination by the President described in subsection (a)(1)(A) (i) or (ii) shall cease to apply with respect to an item on the earlier of—

(A) the date that is 6 months after the date on which the determination is made under subsection (a), if the President has not commenced international negotiations to eliminate the foreign availability of the item within that 6-month period;

(B) the date on which the negotiations described in paragraph (1) have terminated without achieving an agreement to eliminate foreign availability;

(C) the date on which the President determines that there is not a high probability of eliminating foreign availability of the item through negotiation; or

(D) the date that is 18 months after the date on which the determination described in subsection (a)(1)(A) (i) or (ii) is made if the President has been unable to achieve an agreement to eliminate foreign availability within that 18-month period.

(4) **ACTION ON EXPIRATION OF PRESIDENTIAL SET-ASIDE.**—Upon the expiration of a Presidential set-aside under paragraph (3) with respect to an item, the Secretary shall not require a license or other authorization to export the item.

**SEC. 213. PRESIDENTIAL SET-ASIDE OF MASS-MARKET STATUS DETERMINATION.**

(a) **CRITERIA FOR PRESIDENTIAL SET-ASIDE.**—

(1) **GENERAL CRITERIA.**—If the President determines that—

(A)(i) decontrolling or failing to control an item constitutes a serious threat to the national security of the United States, and

(ii) export controls on the item would advance the national security interests of the United States, or

(B) United States controls on the item have been imposed under section 309, the President may set aside the Secretary's determination of mass-market status with respect to the item.

(2) **NONDELEGATION.**—The President may not delegate the authority provided for in this subsection.

(b) **PRESIDENTIAL ACTION IN CASE OF SET-ASIDE.**—

(1) **IN GENERAL.**—In any case in which export controls are maintained on an item because the President has made a determination under subsection (a), the President shall promptly report the determination, along with the specific reasons for the determination, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives, and shall publish notice of the determination in the Federal Register not later than 30 days after the Secretary publishes notice of the Secretary's determination that an item has mass-market status.

(2) **PERIODIC REVIEW OF DETERMINATION.**—The President shall review a determination made under subsection (a) at least every 6 months. Promptly after each review is completed, the Secretary shall submit a report on the results of the review to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

**SEC. 214. OFFICE OF TECHNOLOGY EVALUATION.**

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT OF OFFICE.**—The Secretary shall establish in the Department of Commerce an Office of Technology Evaluation (in this section referred to as the "Office"), which shall be under the direction of the Secretary. The Office shall be responsible for gathering, coordinating, and analyzing all the necessary information in order for the Secretary to make determinations of foreign availability and mass-market status under this Act.

(2) **STAFF.**—

(A) **IN GENERAL.**—The Secretary shall ensure that the Office include persons to carry out the responsibilities set forth in subsection (b) of this section that have training, expertise, and experience in—

(i) economic analysis;

(ii) the defense industrial base;

(iii) technological developments; and

(iv) national security and foreign policy export controls.

(B) **DETAILS.**—In addition to employees of the Department of Commerce, the Secretary may accept on nonreimbursable detail to the Office, employees of the Departments of Defense, State, and Energy and other departments and agencies as appropriate.

(b) **RESPONSIBILITIES.**—The Office shall be responsible for—

(1) conducting foreign availability assessments to determine whether a controlled item is available to controlled countries and whether requiring a license, or denial of a license for the export of such item, is or would be ineffective;

(2) conducting mass-market assessments to determine whether a controlled item is available to controlled countries because of the mass-market status of the item;

(3) monitoring and evaluating worldwide technological developments in industry sectors critical to the national security interests of the United States to determine foreign availability and mass-market status of controlled items;

(4) monitoring and evaluating multilateral export control regimes and foreign government export control policies and practices that affect the national security interests of the United States;

(5) conducting assessments of United States industrial sectors critical to the United States defense industrial base and how the sectors are affected by technological developments, technology transfers, and foreign competition, including imports of manufactured goods; and

(6) conducting assessments of the impact of United States export control policies on—

(A) United States industrial sectors critical to the national security interests of the United States; and

(B) the United States economy in general.

(c) **REPORTS TO CONGRESS.**—The Secretary shall make available to the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate as part of the Secretary's annual report required under section 701 information on the operations of the Office, and on improvements in the Government's ability to assess foreign availability and mass-market status, during the fiscal year preceding the report, including information on the training of personnel, and the use of Commercial Service Officers of the United States and Foreign Commercial Service to assist in making determinations. The information shall also include a description of determinations made under this Act during the preceding fiscal year that foreign availability or mass-market status did or did not exist (as the case may be), together with an explanation of the determinations.

(d) **SHARING OF INFORMATION.**—Each department or agency of the United States, including any intelligence agency, and all contractors with any such department or agency, shall, consistent with the need to protect intelligence sources and methods, furnish information to the Office concerning foreign availability and the mass-market status of items subject to export controls under this Act.

### **TITLE III—FOREIGN POLICY EXPORT CONTROLS**

#### **SEC. 301. AUTHORITY FOR FOREIGN POLICY EXPORT CONTROLS.**

(a) **AUTHORITY.**—

(1) **IN GENERAL.**—In order to carry out the purposes set forth in subsection (b), the President may, in accordance with the provisions of this Act, prohibit, curtail, or require a license, other authorization, record-keeping, or reporting for the export of any item subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States.

(2) **EXERCISE OF AUTHORITY.**—The authority contained in this subsection shall be exercised by the Secretary, in consultation with the Secretary of State and such other departments and agencies as the Secretary considers appropriate.

(b) **PURPOSES.**—The purposes of foreign policy export controls are the following:

(1) To promote the foreign policy objectives of the United States, consistent with the purposes of this section and the provisions of this Act.

(2) To promote international peace, stability, and respect for fundamental human rights.

(3) To use export controls to deter and punish acts of international terrorism and to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanc-

tuary to those persons involved in directing, supporting, or participating in acts of international terrorism.

(c) **FOREIGN PRODUCTS.**—No authority or permission may be required under this title to reexport to a country an item that is produced in a country other than the United States and incorporates parts or components that are subject to the jurisdiction of the United States, except that in the case of re-exports of an item to a country designated as a country supporting international terrorism pursuant to section 310, controls may be maintained if the value of the controlled United States content is more than 10 percent of the value of the item.

(d) **CONTRACT SANCTITY.**—

(1) **IN GENERAL.**—The President may not prohibit the export of any item under this title if that item is to be exported—

(A) in performance of a binding contract, agreement, or other contractual commitment entered into before the date on which the President reports to Congress the President's intention to impose controls on that item under this title; or

(B) under a license or other authorization issued under this Act before the earlier of the date on which the control is initially imposed or the date on which the President reports to Congress the President's intention to impose controls under this title.

(2) **EXCEPTION.**—The prohibition contained in paragraph (1) shall not apply in any case in which the President determines and certifies to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives that—

(A) there is a serious threat to a foreign policy interest of the United States;

(B) the prohibition of exports under each binding contract, agreement, commitment, license, or authorization will be instrumental in remedying the situation posing the serious threat; and

(C) the export controls will be in effect only as long as the serious threat exists.

#### **SEC. 302. PROCEDURES FOR IMPOSING CONTROLS.**

(a) **NOTICE.**—

(1) **INTENT TO IMPOSE FOREIGN POLICY EXPORT CONTROL.**—Except as provided in section 306, not later than 45 days before imposing or implementing an export control under this title, the President shall publish in the Federal Register—

(A) a notice of intent to do so; and

(B) provide for a period of not less than 30 days for any interested person to submit comments on the export control proposed under this title.

(2) **PURPOSES OF NOTICE.**—The purposes of the notice are—

(A) to provide an opportunity for the formulation of an effective export control policy under this title that advances United States economic and foreign policy interests; and

(B) to provide an opportunity for negotiations to achieve the purposes set forth in section 301(b).

(b) **NEGOTIATIONS.**—During the 45-day period that begins on the date of notice described in subsection (a), the President may negotiate with the government of the foreign country against which the export control is proposed in order to resolve the reasons underlying the proposed export control.

(c) **CONSULTATION.**—

(1) **REQUIREMENT.**—The President shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the

House of Representatives regarding any export control proposed under this title and the efforts to achieve or increase multilateral cooperation on the issues or problems underlying the proposed export control.

(2) **CLASSIFIED CONSULTATION.**—The consultations described in paragraph (1) may be conducted on a classified basis if the Secretary considers it necessary.

#### **SEC. 303. CRITERIA FOR FOREIGN POLICY EXPORT CONTROLS.**

Each export control imposed by the President under this title shall—

(1) have clearly stated and specific United States foreign policy objectives;

(2) have objective standards for evaluating the success or failure of the export control;

(3) include an assessment by the President that—

(A) the export control is likely to achieve such objectives and the expected time for achieving the objectives; and

(B) the achievement of the objectives of the export control outweighs any potential costs of the export control to other United States economic, foreign policy, humanitarian, or national security interests;

(4) be targeted narrowly; and

(5) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in the country subject to the export control.

#### **SEC. 304. PRESIDENTIAL REPORT BEFORE IMPOSITION OF CONTROL.**

(a) **REQUIREMENT.**—Before imposing an export control under this title, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives a report on the proposed export control. The report may be provided on a classified basis if the Secretary considers it necessary.

(b) **CONTENT.**—The report shall contain a description and assessment of each of the criteria described in section 303. In addition, the report shall contain a description and assessment of—

(1) any diplomatic and other steps that the United States has taken to accomplish the intended objective of the proposed export control;

(2) unilateral export controls imposed, and other measures taken, by other countries to achieve the intended objective of the proposed export control;

(3) the likelihood of multilateral adoption of comparable export controls;

(4) alternative measures to promote the same objectives and the likelihood of their potential success;

(5) any United States obligations under international trade agreements, treaties, or other international arrangements, with which the proposed export control may conflict;

(6) the likelihood that the proposed export control could lead to retaliation against United States interests;

(7) the likely economic impact of the proposed export control on the United States economy, United States international trade and investment, and United States agricultural interests, commercial interests, and employment; and

(8) a conclusion that the probable achievement of the objectives of the proposed export control outweighs any likely costs to United States economic, foreign policy, humanitarian, or national security interests, including any potential harm to the United States agricultural and business firms and to the international reputation of the United States as a reliable supplier of goods, services, or technology.

**SEC. 305. IMPOSITION OF CONTROLS.**

The President may impose an export control under this title after the submission of the report required under section 304 and publication in the Federal Register of a notice of the imposition of the export control.

**SEC. 306. DEFERRAL AUTHORITY.**

(a) **AUTHORITY.**—The President may defer compliance with any requirement contained in section 302(a), 304, or 305 in the case of a proposed export control if—

(1) the President determines that a deferral of compliance with the requirement is in the national interest of the United States; and

(2) the requirement is satisfied not later than 60 days after the date on which the export control is imposed under this title.

(b) **TERMINATION OF CONTROL.**—An export control with respect to which a deferral has been made under subsection (a) shall terminate 60 days after the date the export control is imposed unless all requirements have been satisfied before the expiration of the 60-day period.

**SEC. 307. REVIEW, RENEWAL, AND TERMINATION.**

(a) **RENEWAL AND TERMINATION.**—

(1) **IN GENERAL.**—Any export control imposed under this title shall terminate on March 31 of each renewal year unless the President renews the export control on or before such date. For purposes of this section, the term “renewal year” means 2003 and every 2 years thereafter.

(2) **EXCEPTION.**—This section shall not apply to an export control imposed under this title that—

(A) is required by law;

(B) is targeted against any country designated as a country supporting international terrorism pursuant to section 310; or

(C) has been in effect for less than 1 year as of February 1 of a renewal year.

(b) **REVIEW.**—

(1) **IN GENERAL.**—Not later than February 1 of each renewal year, the President shall review all export controls in effect under this title.

(2) **CONSULTATION.**—

(A) **REQUIREMENT.**—Before completing a review under paragraph (1), the President shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives regarding each export control that is being reviewed.

(B) **CLASSIFIED CONSULTATION.**—The consultations may be conducted on a classified basis if the Secretary considers it necessary.

(3) **PUBLIC COMMENT.**—conducting the review of each export control under paragraph (1), the President shall provide a period of not less than 30 days for any interested person to submit comments on renewal of the export control. The President shall publish notice of the opportunity for public comment in the Federal Register not less than 45 days before the review is required to be completed.

(c) **REPORT TO CONGRESS.**—

(1) **REQUIREMENT.**—Before renewing an export control imposed under this title, the President shall submit to the committees of Congress referred to in subsection (b)(2)(A) a report on each export control that the President intends to renew.

(2) **FORM AND CONTENT OF REPORT.**—The report may be provided on a classified basis if the Secretary considers it necessary. Each report shall contain the following:

(A) A clearly stated explanation of the specific United States foreign policy objective that the existing export control was intended to achieve.

(B) An assessment of—

(i) the extent to which the existing export control achieved its objectives before renewal based on the objective criteria established for evaluating the export control; and

(ii) the reasons why the existing export control has failed to fully achieve its objectives and, if renewed, how the export control will achieve that objective before the next renewal year.

(C) An updated description and assessment of—

(i) each of the criteria described in section 303, and

(ii) each matter required to be reported under section 304(b) (1) through (8).

(3) **RENEWAL OF EXPORT CONTROL.**—The President may renew an export control under this title after submission of the report described in paragraph (2) and publication of notice of renewal in the Federal Register.

**SEC. 308. TERMINATION OF CONTROLS UNDER THIS TITLE.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the President—

(1) shall terminate any export control imposed under this title if the President determines that the control has substantially achieved the objective for which it was imposed; and

(2) may terminate at any time any export control imposed under this title that is not required by law.

(b) **EXCEPTION.**—Paragraphs (1) and (2) of subsection (a) do not apply to any export control imposed pursuant to section 310.

(c) **EFFECTIVE DATE OF TERMINATION.**—The termination of an export control pursuant to this section shall take effect on the date notice of the termination is published in the Federal Register.

**SEC. 309. COMPLIANCE WITH INTERNATIONAL OBLIGATIONS.**

Notwithstanding any other provision of this Act setting forth limitations on authority to control exports and except as provided in section 304, the President may impose controls on exports to a particular country or countries—

(1) of items listed on the control list of a multilateral export control regime, as defined in section 2(14); or

(2) in order to fulfill obligations or commitments of the United States under resolutions of the United Nations and under treaties, or other international agreements and arrangements, to which the United States is a party.

**SEC. 310. DESIGNATION OF COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.**

(a) **LICENSE REQUIRED.**—Notwithstanding any other provision of this Act setting forth limitations on the authority to control exports, a license shall be required for the export of any item to a country if the Secretary of State has determined that—

(1) the government of such country has repeatedly provided support for acts of international terrorism; and

(2) the export of the item could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

(b) **NOTIFICATION.**—The Secretary and the Secretary of State shall notify the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before issuing any license required by subsection (a).

(c) **DETERMINATIONS REGARDING REPEATED SUPPORT.**—Each determination of the Secretary of State under subsection (a)(1), including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989, shall be published in the Federal Register.

(d) **LIMITATIONS ON RESCINDING DETERMINATION.**—A determination made by the Secretary of State under subsection (a)(1) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Banking, Housing, and Urban Affairs and the Chairman of the Committee on Foreign Relations of the Senate—

(1) before the proposed rescission would take effect, a report certifying that—

(A) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(B) that government is not supporting acts of international terrorism; and

(C) that government has provided assurances that it will not support acts of international terrorism in the future; or

(2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(e) **INFORMATION TO BE INCLUDED IN NOTIFICATION.**—The Secretary and the Secretary of State shall include in the notification required by subsection (b)—

(1) a detailed description of the item to be offered, including a brief description of the capabilities of any item for which a license to export is sought;

(2) the reasons why the foreign country or international organization to which the export or transfer is proposed to be made needs the item which is the subject of such export or transfer and a description of the manner in which such country or organization intends to use the item;

(3) the reasons why the proposed export or transfer is in the national interest of the United States;

(4) an analysis of the impact of the proposed export or transfer on the military capabilities of the foreign country or international organization to which such export or transfer would be made;

(5) an analysis of the manner in which the proposed export would affect the relative military strengths of countries in the region to which the item which is the subject of such export would be delivered and whether other countries in the region have comparable kinds and amounts of the item; and

(6) an analysis of the impact of the proposed export or transfer on the United States relations with the countries in the region to which the item which is the subject of such export would be delivered.

**SEC. 311. CRIME CONTROL INSTRUMENTS.**

(a) **IN GENERAL.**—In order to promote respect for fundamental human rights, crime control and detection instruments and equipment shall be approved for export by the Secretary only pursuant to an individual export license. Notwithstanding any other provision of this Act—

(1) any determination by the Secretary of what goods or technology shall be included on the list established pursuant to this subsection as a result of the export restrictions imposed by this section shall be made with

the concurrence of the Secretary of State, and

(2) any determination by the Secretary to approve or deny an export license application to export crime control or detection instruments or equipment shall be made in concurrence with the recommendations of the Secretary of State submitted to the Secretary with respect to the application pursuant to section 401 of this Act,

except that, if the Secretary does not agree with the Secretary of State with respect to any determination under paragraph (1) or (2), the matter shall be referred to the President for resolution.

(b) **EXCEPTION.**—Except as herein provided, the provisions of this section shall not apply with respect to exports to countries that are members of the North Atlantic Treaty Organization or to Japan, Australia, or New Zealand, or to such other countries as the President shall designate consistent with the purposes of this section and section 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2304). The provisions of subsection (a) shall apply with respect to exports of any of the items identified in subsection (c).

(c) **REPORT.**—Notwithstanding the provisions of section 602 or any other confidentiality requirements, the Secretary shall include in the annual report submitted to Congress pursuant to section 701 a report describing the aggregate number of licenses approved during the preceding calendar year for the export of any items listed in the following paragraphs identified by country and control list number:

(1) Serrated thumbcuffs, leg irons, thumbcuffs, and electro-shock stun belts.

(2) Leg cuffs, thumbcuffs, shackle boards, restraint chairs, straitjackets, and plastic handcuffs.

(3) Stun guns, shock batons, electric cattle prods, immobilization guns and projectiles, other than equipment used exclusively to treat or tranquilize animals and arms designed solely for signal, flare, or saluting use.

(4) Technology exclusively for the development or production of electro-shock devices.

(5) Pepper gas weapons and saps.

(6) Any other item or technology the Secretary determines is a specially designed instrument of torture or is especially susceptible to abuse as an instrument of torture.

#### **TITLE IV—PROCEDURES FOR EXPORT LICENSES AND INTERAGENCY DISPUTE RESOLUTION**

##### **SEC. 401. EXPORT LICENSE PROCEDURES.**

(a) **RESPONSIBILITY OF THE SECRETARY.**—

(1) **IN GENERAL.**—All applications for a license or other authorization to export a controlled item shall be filed in such manner and include such information as the Secretary may, by regulation, prescribe.

(2) **PROCEDURES.**—In guidance and regulations that implement this section, the Secretary shall describe the procedures required by this section, the responsibilities of the Secretary and of other departments and agencies in reviewing applications, the rights of the applicant, and other relevant matters affecting the review of license applications.

(3) **CALCULATION OF PROCESSING TIMES.**—In calculating the processing times set forth in this title, the Secretary shall use calendar days, except that if the final day for a required action falls on a weekend or holiday, that action shall be taken no later than the following business day.

(4) **CRITERIA FOR EVALUATING APPLICATIONS.**—In determining whether to grant an application to export a controlled item

under this Act, the following criteria shall be considered:

(A) The characteristics of the controlled item.

(B) The threat to—

(i) the national security interests of the United States from items controlled under title II of this Act; or

(ii) the foreign policy of the United States from items controlled under title III of this Act.

(C) The country tier designation of the country to which a controlled item is to be exported pursuant to section 203.

(D) The risk of export diversion or misuse by—

(i) the exporter;

(ii) the method of export;

(iii) the end-user;

(iv) the country where the end-user is located; and

(v) the end-use.

(E) Risk mitigating factors including, but not limited to—

(i) changing the characteristics of the controlled item;

(ii) after-market monitoring by the exporter; and

(iii) post-shipment verification.

(b) **INITIAL SCREENING.**—

(1) **UPON RECEIPT OF APPLICATION.**—Upon receipt of an export license application, the Secretary shall enter and maintain in the records of the Department information regarding the receipt and status of the application.

(2) **INITIAL PROCEDURES.**—

(A) **IN GENERAL.**—Not later than 9 days after receiving any license application, the Secretary shall—

(i) contact the applicant if the application is improperly completed or if additional information is required, and hold the application for a reasonable time while the applicant provides the necessary corrections or information, and such time shall not be included in calculating the time periods prescribed in this title; and

(ii) upon receipt of completed application—

(I) ensure that the classification stated on the application for the export items is correct;

(II) refer the application, through the use of a common data-base or other means, and all information submitted by the applicant, and all necessary recommendations and analyses by the Secretary to the Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies the Secretary considers appropriate; or

(III) return the application if a license is not required.

(B) **REFERRAL NOT REQUIRED.**—In the event that the head of a department or agency determines that certain types of applications need not be referred to the department or agency, such department or agency head shall notify the Secretary of the specific types of such applications that the department or agency does not wish to review.

(3) **WITHDRAWAL OF APPLICATION.**—An applicant may, by written notice to the Secretary, withdraw an application at any time before final action.

(c) **ACTION BY OTHER DEPARTMENTS AND AGENCIES.**—

(1) **REFERRAL TO OTHER AGENCIES.**—The Secretary shall promptly refer a license application to the departments and agencies under subsection (b) to make recommendations and provide information to the Secretary.

(2) **RESPONSIBILITY OF REFERRAL DEPARTMENTS AND AGENCIES.**—The Secretary of De-

fense, the Secretary of State, and the heads of other reviewing departments and agencies shall take all necessary actions in a prompt and responsible manner on an application. Each department or agency reviewing an application under this section shall establish and maintain records properly identifying and monitoring the status of the matter referred to the department or agency.

(3) **ADDITIONAL INFORMATION REQUESTS.**—Each department or agency to which a license application is referred shall specify to the Secretary any information that is not in the application that would be required for the department or agency to make a determination with respect to the application, and the Secretary shall promptly request such information from the applicant. The time that may elapse between the date the information is requested by that department or agency and the date the information is received by that department or agency shall not be included in calculating the time periods prescribed in this title.

(4) **TIME PERIOD FOR ACTION BY REFERRAL DEPARTMENTS AND AGENCIES.**—Within 30 days after the Secretary refers an application under this section, each department or agency to which an application has been referred shall provide the Secretary with a recommendation either to approve the license or to deny the license. A recommendation that the Secretary deny a license shall include a statement of reasons for the recommendation that are consistent with the provisions of this title, and shall cite both the specific statutory and regulatory basis for the recommendation. A department or agency that fails to provide a recommendation in accordance with this paragraph within that 30-day period shall be deemed to have no objection to the decision of the Secretary on the application.

(d) **ACTION BY THE SECRETARY.**—Not later than 30 days after the date the application is referred, the Secretary shall—

(1) if there is agreement among the referral departments and agencies to issue or deny the license—

(A) issue the license and ensure all appropriate personnel in the Department (including the Office of Export Enforcement) are notified of all approved license applications; or

(B) notify the applicant of the intention to deny the license; or

(2) if there is no agreement among the referral departments and agencies, notify the applicant that the application is subject to the interagency dispute resolution process provided for in section 402.

(e) **CONSEQUENCES OF APPLICATION DENIAL.**—

(1) **IN GENERAL.**—If a determination is made to deny a license, the applicant shall be informed in writing, consistent with the protection of intelligence information sources and methods, by the Secretary of—

(A) the determination;

(B) the specific statutory and regulatory bases for the proposed denial;

(C) what, if any, modifications to, or restrictions on, the items for which the license was sought would allow such export to be compatible with export controls imposed under this Act, and which officer or employee of the Department would be in a position to discuss modifications or restrictions with the applicant and the specific statutory and regulatory bases for imposing such modifications or restrictions;

(D) to the extent consistent with the national security and foreign policy interests

of the United States, the specific considerations that led to the determination to deny the application; and

(E) the availability of appeal procedures.

(2) PERIOD FOR APPLICANT TO RESPOND.—The applicant shall have 20 days from the date of the notice of intent to deny the application to respond in a manner that addresses and corrects the reasons for the denial. If the applicant does not adequately address or correct the reasons for denial or does not respond, the license shall be denied. If the applicant does address or correct the reasons for denial, the application shall be considered in a timely manner.

(f) APPEALS AND OTHER ACTIONS BY APPLICANT.—

(1) IN GENERAL.—The Secretary shall establish appropriate procedures for an applicant to appeal to the Secretary the denial of an application or other administrative action under this Act. In any case in which the Secretary proposes to reverse the decision with respect to the application, the appeal under this subsection shall be handled in accordance with the interagency dispute resolution process provided for in section 402(b)(3).

(2) ENFORCEMENT OF TIME LIMITS.—

(A) IN GENERAL.—In any case in which an action prescribed in this section is not taken on an application within the time period established by this section (except in the case of a time period extended under subsection (g) of which the applicant is notified), the applicant may file a petition with the Secretary requesting compliance with the requirements of this section. When such petition is filed, the Secretary shall take immediate steps to correct the situation giving rise to the petition and shall immediately notify the applicant of such steps.

(B) BRINGING COURT ACTION.—If, within 30 days after a petition is filed under subparagraph (A), the processing of the application has not been brought into conformity with the requirements of this section, or the processing of the application has been brought into conformity with such requirements but the Secretary has not so notified the applicant, the applicant may bring an action in an appropriate United States district court for an order requiring compliance with the time periods required by this section.

(g) EXCEPTIONS FROM REQUIRED TIME PERIODS.—The following actions related to processing an application shall not be included in calculating the time periods prescribed in this section:

(1) AGREEMENT OF THE APPLICANT.—Delays upon which the Secretary and the applicant mutually agree.

(2) PRELICENSE CHECKS.—A prelicense check (for a period not to exceed 60 days) that may be required to establish the identity and reliability of the recipient of items controlled under this Act, if—

(A) the need for the prelicense check is determined by the Secretary or by another department or agency in any case in which the request for the prelicense check is made by such department or agency;

(B) the request for the prelicense check is initiated by the Secretary within 5 days after the determination that the prelicense check is required; and

(C) the analysis of the result of the prelicense check is completed by the Secretary within 5 days.

(3) REQUESTS FOR GOVERNMENT-TO-GOVERNMENT ASSURANCES.—Any request by the Secretary or another department or agency for government-to-government assurances of suitable end-uses of items approved for export, when failure to obtain such assurances

would result in rejection of the application, if—

(A) the request for such assurances is sent to the Secretary of State within 5 days after the determination that the assurances are required;

(B) the Secretary of State initiates the request of the relevant government within 10 days thereafter; and

(C) the license is issued within 5 days after the Secretary receives the requested assurances.

(4) EXCEPTION.—Whenever a prelicense check described in paragraph (2) or assurances described in paragraph (3) are not requested within the time periods set forth therein, then the time expended for such prelicense check or assurances shall be included in calculating the time periods established by this section.

(5) MULTILATERAL REVIEW.—Multilateral review of a license application to the extent that such multilateral review is required by a relevant multilateral regime.

(6) CONGRESSIONAL NOTIFICATION.—Such time as is required for mandatory congressional notifications under this Act.

(7) CONSULTATIONS.—Consultation with foreign governments, if such consultation is provided for by a relevant multilateral regime as a precondition for approving a license.

(h) CLASSIFICATION REQUESTS AND OTHER INQUIRIES.—

(1) CLASSIFICATION REQUESTS.—In any case in which the Secretary receives a written request asking for the proper classification of an item on the Control List or the applicability of licensing requirements under this title, the Secretary shall promptly notify the Secretary of Defense and the head of any department or agency the Secretary considers appropriate. The Secretary shall, within 14 days after receiving the request, inform the person making the request of the proper classification.

(2) OTHER INQUIRIES.—In any case in which the Secretary receives a written request for information under this Act, the Secretary shall, within 30 days after receiving the request, reply with that information to the person making the request.

#### SEC. 402. INTERAGENCY DISPUTE RESOLUTION PROCESS.

(a) IN GENERAL.—All license applications on which agreement cannot be reached shall be referred to the interagency dispute resolution process for decision.

(b) INTERAGENCY DISPUTE RESOLUTION PROCESS.—

(1) INITIAL RESOLUTION.—The Secretary shall establish, select the chairperson of, and determine procedures for an interagency committee to review initially all license applications described in subsection (a) with respect to which the Secretary and any of the referral departments and agencies are not in agreement. The chairperson shall consider the positions of all the referral departments and agencies (which shall be included in the minutes described in subsection (c)(2)) and make a decision on the license application, including appropriate revisions or conditions thereto.

(2) INTELLIGENCE COMMUNITY.—The analytic product of the intelligence community should be fully considered with respect to any proposed license under this title.

(3) FURTHER RESOLUTION.—The President shall establish additional levels for review or appeal of any matter that cannot be resolved pursuant to the process described in paragraph (1). Each such review shall—

(A) provide for decision-making based on the majority vote of the participating departments and agencies;

(B) provide that a department or agency that fails to take a timely position, citing the specific statutory and regulatory bases for a position, shall be deemed to have no objection to the pending decision;

(C) provide that any decision of an interagency committee established under paragraph (1) or interagency dispute resolution process established under this paragraph may be escalated to the next higher level of review at the request of an official appointed by the President, by and with the advice of the Senate, or an officer properly acting in such capacity, of a department or agency that participated in the interagency committee or dispute resolution process that made the decision; and

(D) ensure that matters are resolved or referred to the President not later than 90 days after the date the completed license application is referred by the Secretary.

(c) FINAL ACTION.—

(1) IN GENERAL.—Once a final decision is made under subsection (b), the Secretary shall promptly—

(A) issue the license and ensure that all appropriate personnel in the Department (including the Office of Export Enforcement) are notified of all approved license applications; or

(B) notify the applicant of the intention to deny the application.

(2) MINUTES.—The interagency committee and each level of the interagency dispute resolution process shall keep reasonably detailed minutes of all meetings. On each matter before the interagency committee or before any other level of the interagency dispute resolution process in which members disagree, each member shall clearly state the reasons for the member's position and the reasons shall be entered in the minutes.

#### TITLE V—INTERNATIONAL ARRANGEMENTS; FOREIGN BOYCOTTS; SANCTIONS; AND ENFORCEMENT

##### SEC. 501. INTERNATIONAL ARRANGEMENTS.

(a) MULTILATERAL EXPORT CONTROL REGIMES.—

(1) POLICY.—It is the policy of the United States to seek multilateral arrangements that support the national security objectives of the United States (as described in title II) and that establish fairer and more predictable competitive opportunities for United States exporters.

(2) PARTICIPATION IN EXISTING REGIMES.—Congress encourages the United States to continue its active participation in and to strengthen existing multilateral export control regimes.

(3) PARTICIPATION IN NEW REGIMES.—It is the policy of the United States to participate in additional multilateral export control regimes if such participation would serve the national security interests of the United States.

(b) ANNUAL REPORT ON MULTILATERAL EXPORT CONTROL REGIMES.—Not later than February 1 of each year, the President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives a report evaluating the effectiveness of each multilateral export control regime, including an assessment of the steps undertaken pursuant to subsections (c) and (d). The report, or any part of this report, may be submitted in classified form to the extent the President considers necessary.

(c) STANDARDS FOR MULTILATERAL EXPORT CONTROL REGIMES.—The President shall take

steps to establish the following features in any multilateral export control regime in which the United States is participating or may participate:

(1) **FULL MEMBERSHIP.**—All supplier countries are members of the regime, and the policies and activities of the members are consistent with the objectives and membership criteria of the multilateral export control regime.

(2) **EFFECTIVE ENFORCEMENT AND COMPLIANCE.**—The regime promotes enforcement and compliance with the regime's rules and guidelines.

(3) **PUBLIC UNDERSTANDING.**—The regime makes an effort to enhance public understanding of the purpose and procedures of the multilateral export control regime.

(4) **EFFECTIVE IMPLEMENTATION PROCEDURES.**—The multilateral export control regime has procedures for the uniform and consistent interpretation and implementation of its rules and guidelines.

(5) **ENHANCED COOPERATION WITH REGIME NONMEMBERS.**—There is agreement among the members of the multilateral export control regime to—

(A) cooperate with governments outside the regime to restrict the export of items controlled by such regime; and

(B) establish an ongoing mechanism in the regime to coordinate planning and implementation of export control measures related to such cooperation.

(6) **PERIODIC HIGH-LEVEL MEETINGS.**—There are regular periodic meetings of high-level representatives of the governments of members of the multilateral export control regime for the purpose of coordinating export control policies and issuing policy guidance to members of the regime.

(7) **COMMON LIST OF CONTROLLED ITEMS.**—There is agreement on a common list of items controlled by the multilateral export control regime.

(8) **REGULAR UPDATES OF COMMON LIST.**—There is a procedure for removing items from the list of controlled items when the control of such items no longer serves the objectives of the members of the multilateral export control regime.

(9) **TREATMENT OF CERTAIN COUNTRIES.**—There is agreement to prevent the export or diversion of the most sensitive items to countries whose activities are threatening to the national security of the United States or its allies.

(10) **HARMONIZATION OF LICENSE APPROVAL PROCEDURES.**—There is harmonization among the members of the regime of their national export license approval procedures, practices, and standards.

(11) **UNDERCUTTING.**—There is a limit with respect to when members of a multilateral export control regime—

(A) grant export licenses for any item that is substantially identical to or directly competitive with an item controlled pursuant to the regime, where the United States has denied an export license for such item, or

(B) approve exports to a particular end user to which the United States has denied export license for a similar item.

(d) **STANDARDS FOR NATIONAL EXPORT CONTROL SYSTEMS.**—The President shall take steps to attain the cooperation of members of each regime in implementing effective national export control systems containing the following features:

(1) **EXPORT CONTROL LAW.**—Enforcement authority, civil and criminal penalties, and statutes of limitations are sufficient to deter potential violations and punish violators under the member's export control law.

(2) **LICENSE APPROVAL PROCESS.**—The system for evaluating export license applications includes sufficient technical expertise to assess the licensing status of exports and ensure the reliability of end users.

(3) **ENFORCEMENT.**—The enforcement mechanism provides authority for trained enforcement officers to investigate and prevent illegal exports.

(4) **DOCUMENTATION.**—There is a system of export control documentation and verification with respect to controlled items.

(5) **INFORMATION.**—There are procedures for the coordination and exchange of information concerning licensing, end users, and enforcement with other members of the multilateral export control regime.

(6) **RESOURCES.**—The member has devoted adequate resources to administer effectively the authorities, systems, mechanisms, and procedures described in paragraphs (1) through (5).

(e) **OBJECTIVES REGARDING MULTILATERAL EXPORT CONTROL REGIMES.**—The President shall seek to achieve the following objectives with regard to multilateral export control regimes:

(1) **STRENGTHEN EXISTING REGIMES.**—Strengthen existing multilateral export control regimes—

(A) by creating a requirement to share information about export license applications among members before a member approves an export license; and

(B) harmonizing national export license approval procedures and practices, including the elimination of undercutting.

(2) **REVIEW AND UPDATE.**—Review and update multilateral regime export control lists with other members, taking into account—

(A) national security concerns;

(B) the controllability of items; and

(C) the costs and benefits of controls.

(3) **ENCOURAGE COMPLIANCE BY NONMEMBERS.**—Encourage nonmembers of the multilateral export control regime—

(A) to strengthen their national export control regimes and improve enforcement;

(B) to adhere to the appropriate multilateral export control regime; and

(C) not to undermine an existing multilateral export control regime by exporting controlled items in a manner inconsistent with the guidelines of the regime.

(f) **TRANSPARENCY OF MULTILATERAL EXPORT CONTROL REGIMES.**—

(1) **PUBLICATION OF INFORMATION ON EACH EXISTING REGIME.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall, for each multilateral export control regime, to the extent that it is not inconsistent with the arrangements of that regime (in the judgment of the Secretary of State) or with the national interest, publish in the Federal Register and post on the Department of Commerce website the following information with respect to the regime:

(A) The purposes of the regime.

(B) The members of the regime.

(C) The export licensing policy of the regime.

(D) The items that are subject to export controls under the regime, together with all public notes, understandings, and other aspects of the agreement of the regime, and all changes thereto.

(E) Any countries, end uses, or end users that are subject to the export controls of the regime.

(F) Rules of interpretation.

(G) Major policy actions.

(H) The rules and procedures of the regime for establishing and modifying any matter described in subparagraphs (A) through (G)

and for reviewing export license applications.

(2) **NEW REGIMES.**—Not later than 60 days after the United States joins or organizes a new multilateral export control regime, the Secretary shall, to the extent that it is not inconsistent with arrangements under the regime (in the judgment of the Secretary of State) or with the national interest, publish in the Federal Register and post on the Department of Commerce website the information described in subparagraphs (A) through (H) of paragraph (1) with respect to the regime.

(3) **PUBLICATION OF CHANGES.**—Not later than 60 days after a multilateral export control regime adopts any change in the information published under this subsection, the Secretary shall, to the extent not inconsistent with the arrangements under the regime or the national interest, publish such changes in the Federal Register and post such changes on the Department of Commerce website.

(g) **SUPPORT OF OTHER COUNTRIES' EXPORT CONTROL SYSTEMS.**—The Secretary is encouraged to continue to—

(1) participate in training of, and provide training to, officials of other countries on the principles and procedures for implementing effective export controls; and

(2) participate in any such training provided by other departments and agencies of the United States.

#### SEC. 502. FOREIGN BOYCOTTS.

(a) **PURPOSES.**—The purposes of this section are as follows:

(1) To counteract restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any United States person.

(2) To encourage and, in specified cases, require United States persons engaged in the export of items to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person.

(b) **PROHIBITIONS AND EXCEPTIONS.**—

(1) **PROHIBITIONS.**—In order to carry out the purposes set forth in subsection (a), the President shall issue regulations prohibiting any United States person, with respect to that person's activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country that is friendly to the United States and is not itself the object of any form of boycott pursuant to United States law or regulation:

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, or requirement of, or a request from or on behalf of the boycotting country (subject to the condition that the intent required to be associated with such an act in order to constitute a violation of the prohibition is not indicated solely by the mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person).

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminate against any United States person on the basis of the race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

(D) Furnishing information (other than furnishing normal business information in a commercial context, as defined by the Secretary) about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person that is known or believed to be restricted from having any business relationship with or in the boycotting country.

(E) Furnishing information about whether any person is a member of, has made a contribution to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement the compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) EXCEPTIONS.—Regulations issued pursuant to paragraph (1) shall provide exceptions for—

(A) compliance, or agreement to comply, with requirements—

(i) prohibiting the import of items from the boycotted country or items produced or provided, by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country; or

(ii) prohibiting the shipment of items to the boycotting country on a carrier of the boycotted country or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

(B) compliance, or agreement to comply, with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment, the name of the supplier of the shipment, or the name of the provider of other services, except that, for purposes of applying any exception under this subparagraph, no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms, other than with respect to carriers or route of shipment as may be permitted by such regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

(C) compliance, or agreement to comply, in the normal course of business with the unilateral and specific selection by a boycotting country, or a national or resident thereof, or carriers, insurers, suppliers of services to be performed within the boycotting country, or specific items which, in the normal course of business, are identifiable by source when imported into the boycotting country;

(D) compliance, or agreement to comply, with export requirements of the boycotting

country relating to shipment or transshipment of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

(E) compliance by an individual, or agreement by an individual to comply, with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycotting country; and

(F) compliance by a United States person resident in a foreign country, or agreement by such a person to comply, with the laws of the country with respect to the person's activities exclusively therein, and such regulations may contain exceptions for such resident complying with the laws or regulations of the foreign country governing imports into such country of trademarked, trade-named, or similarly specifically identifiable products, or components of products for such person's own use, including the performance of contractual services within that country.

(3) LIMITATION ON EXCEPTIONS.—Regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) ANTITRUST AND CIVIL RIGHTS LAWS NOT AFFECTED.—Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

(5) EVASION.—This section applies to any transaction or activity undertaken by or through a United States person or any other person with intent to evade the provisions of this section or the regulations issued pursuant to this subsection. The regulations issued pursuant to this section shall expressly provide that the exceptions set forth in paragraph (2) do not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) that are otherwise prohibited, pursuant to the intent of such exceptions.

(C) ADDITIONAL REGULATIONS AND REPORTS.—

(1) REGULATIONS.—In addition to the regulations issued pursuant to subsection (b), regulations issued pursuant to title III shall implement the purposes set forth in subsection (a).

(2) REPORTS BY UNITED STATES PERSONS.—The regulations shall require that any United States person receiving a request to furnish information, enter into or implement an agreement, or take any other action referred to in subsection (a) shall report that request to the Secretary, together with any other information concerning the request that the Secretary determines appropriate. The person shall also submit to the Secretary a statement regarding whether the person intends to comply, and whether the person has complied, with the request. Any report filed pursuant to this paragraph shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any item to which such report relates may be treated as confidential if the Secretary determines that disclosure of that information would place the United States person involved at a competitive disadvantage. The Secretary shall periodically transmit summaries of the information contained in the reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary, considers appropriate to carry out the purposes set forth in subsection (a).

(d) PREEMPTION.—The provisions of this section and the regulations issued under this section shall preempt any law, rule, or regulation that—

(1) is a law, rule, or regulation of any of the several States or the District of Columbia, or any of the territories or possessions of the United States, or of any governmental subdivision thereof; and

(2) pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.

#### SEC. 503. PENALTIES.

(a) CRIMINAL PENALTIES.—

(1) VIOLATIONS BY AN INDIVIDUAL.—Any individual who willfully violates, conspires to violate, or attempts to violate any provision of this Act or any regulation, license, or order issued under this Act shall be fined up to 10 times the value of the exports involved or \$1,000,000, whichever is greater, imprisoned for not more than 10 years, or both, for each violation.

(2) VIOLATIONS BY A PERSON OTHER THAN AN INDIVIDUAL.—Any person other than an individual who willfully violates, conspires to violate, or attempts to violate any provision of this Act or any regulation, license, or order issued under this Act shall be fined up to 10 times the value of the exports involved or \$5,000,000, whichever is greater, for each violation.

(b) FORFEITURE OF PROPERTY INTEREST AND PROCEEDS.—

(1) FORFEITURE.—Any person who is convicted under paragraph (1) or (2) of subsection (a) shall, in addition to any other penalty, forfeit to the United States—

(A) any of that person's security or other interest in, claim against, or property or contractual rights of any kind in the tangible items that were the subject of the violation;

(B) any of that person's security or other interest in, claim against, or property or contractual rights of any kind in the tangible property that was used in the export or attempt to export that was the subject of the violation; and

(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

(2) PROCEDURES.—The procedures in any forfeiture under this subsection, and the duties and authority of the courts of the United States and the Attorney General with respect to any forfeiture action under this subsection, or with respect to any property that may be subject to forfeiture under this subsection, shall be governed by the provisions of chapter 46 of title 18, United States Code (relating to criminal forfeiture), to the same extent as property subject to forfeiture under that chapter.

(c) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—

(1) CIVIL PENALTIES.—The Secretary may impose a civil penalty of up to \$500,000 for each violation of a provision of this Act or any regulation, license, or order issued under this Act. A civil penalty under this paragraph may be in addition to, or in lieu of, any other liability or penalty which may be imposed for such a violation.

(2) DENIAL OF EXPORT PRIVILEGES.—The Secretary may deny the export privileges of any person, including the suspension or revocation of the authority of such person to export or receive United States-origin items subject to this Act, for a violation of a provision of this Act or any regulation, license, or order issued under this Act.

(3) **EXCLUSION FROM PRACTICE.**—The Secretary may exclude any person acting as an attorney, accountant, consultant, freight forwarder, or in any other representative capacity from participating before the Department with respect to a license application or any other matter under this Act.

(d) **PAYMENT OF CIVIL PENALTIES.**—

(1) **PAYMENT AS CONDITION OF FURTHER EXPORT PRIVILEGES.**—The payment of a civil penalty imposed under subsection (c) may be made a condition for the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed. The period for which the payment of a penalty may be made such a condition may not exceed 1 year after the date on which the payment is due.

(2) **DEFERRAL OR SUSPENSION.**—

(A) **IN GENERAL.**—The payment of a civil penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period no longer than any probation period (which may exceed 1 year) that may be imposed upon the person on whom the penalty is imposed.

(B) **NO BAR TO COLLECTION OF PENALTY.**—A deferral or suspension under subparagraph (A) shall not operate as a bar to the collection of the penalty concerned in the event that the conditions of the suspension, deferral, or probation are not fulfilled.

(3) **TREATMENT OF PAYMENTS.**—Any amount paid in satisfaction of a civil penalty imposed under subsection (c) shall be covered into the Treasury as miscellaneous receipts.

(e) **REFUNDS.**—

(1) **AUTHORITY.**—

(A) **IN GENERAL.**—The Secretary may, in the Secretary's discretion, refund any civil penalty imposed under subsection (c) on the ground of a material error of fact or law in imposition of the penalty.

(B) **LIMITATION.**—A civil penalty may not be refunded under subparagraph (A) later than 2 years after payment of the penalty.

(2) **PROHIBITION ON ACTIONS FOR REFUND.**—Notwithstanding section 1346(a) of title 28, United States Code, no action for the refund of any civil penalty referred to in paragraph (1) may be maintained in any court.

(f) **EFFECT OF OTHER CONVICTIONS.**—

(1) **DENIAL OF EXPORT PRIVILEGES.**—Any person convicted of a violation of—

(A) a provision of this Act or the Export Administration Act of 1979,

(B) a provision of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.),

(C) section 793, 794, or 798 of title 18, United States Code,

(D) section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)),

(E) section 38 of the Arms Export Control Act (22 U.S.C. 2778),

(F) section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16),

(G) any regulation, license, or order issued under any provision of law listed in subparagraph (A), (B), (C), (D), (E), or (F),

(H) section 371 or 1001 of title 18, United States Code, if in connection with the export of controlled items under this Act or any regulation, license, or order issued under the International Emergency Economic Powers Act, or the export of items controlled under the Arms Export Control Act,

(I) section 175 of title 18, United States Code,

(J) a provision of the Atomic Energy Act (42 U.S.C. 201 et seq.),

(K) section 831 of title 18, United States Code, or

(L) section 2332a of title 18, United States Code,

may, at the discretion of the Secretary, be denied export privileges under this Act for a period not to exceed 10 years from the date of the conviction. The Secretary may also revoke any export license under this Act in which such person had an interest at the time of the conviction.

(2) **RELATED PERSONS.**—The Secretary may exercise the authority under paragraph (1) with respect to any person related through affiliation, ownership, control, or position of responsibility to a person convicted of any violation of a law set forth in paragraph (1) upon a showing of such relationship with the convicted person. The Secretary shall make such showing only after providing notice and opportunity for a hearing.

(g) **STATUTE OF LIMITATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a proceeding in which a civil penalty or other administrative sanction (other than a temporary denial order) is sought under subsection (c) may not be instituted more than 5 years after the later of the date of the alleged violation or the date of discovery of the alleged violation.

(2) **EXCEPTION.**—

(A) **TOLLING.**—In any case in which a criminal indictment alleging a violation under subsection (a) is returned within the time limits prescribed by law for the institution of such action, the limitation under paragraph (1) for bringing a proceeding to impose a civil penalty or other administrative sanction under this section shall, upon the return of the criminal indictment, be tolled against all persons named as a defendant.

(B) **DURATION.**—The tolling of the limitation with respect to a defendant under subparagraph (A) as a result of a criminal indictment shall continue for a period of 6 months from the date on which the conviction of the defendant becomes final, the indictment against the defendant is dismissed, or the criminal action has concluded.

(h) **VIOLATIONS DEFINED BY REGULATION.**—Nothing in this section shall limit the authority of the Secretary to define by regulation violations under this Act.

(i) **CONSTRUCTION.**—Nothing in subsection (c), (d), (e), (f), or (g) limits—

(1) the availability of other administrative or judicial remedies with respect to a violation of a provision of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to any such violation; or

(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

**SEC. 504. MISSILE PROLIFERATION CONTROL VIOLATIONS.**

(a) **VIOLATIONS BY UNITED STATES PERSONS.**—

(1) **SANCTIONS.**—

(A) **IN GENERAL.**—If the President determines that a United States person knowingly—

(i) exports, transfers, or otherwise engages in the trade of any item on the MTCR Annex, in violation of the provisions of section 38 (22 U.S.C. 2778) or chapter 7 of the Arms Export Control Act, title II or III of this Act, or any regulations or orders issued under any such provisions,

(ii) conspires to or attempts to engage in such export, transfer, or trade, or

(iii) facilitates such export, transfer, or trade by any other person,

then the President shall impose the applicable sanctions described in subparagraph (B).

(B) **SANCTIONS DESCRIBED.**—The sanctions which apply to a United States person under subparagraph (A) are the following:

(i) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category II of the MTCR Annex, then the President shall deny to such United States person, for a period of 2 years, licenses for the transfer of missile equipment or technology controlled under this Act.

(ii) If the item on the MTCR Annex involved in the export, transfer, or trade is missile equipment or technology within category I of the MTCR Annex, then the President shall deny to such United States person, for a period of not less than 2 years, all licenses for items the export of which is controlled under this Act.

(2) **DISCRETIONARY SANCTIONS.**—In the case of any determination referred to in paragraph (1), the Secretary may pursue any other appropriate penalties under section 503.

(3) **WAIVER.**—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to an item if the President certifies to Congress that—

(A) the item is essential to the national security of the United States; and

(B) such person is a sole source supplier of the item, the item is not available from any alternative reliable supplier, and the need for the item cannot be met in a timely manner by improved manufacturing processes or technological developments.

(b) **TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS.**—

(1) **SANCTIONS.**—

(A) **IN GENERAL.**—Subject to paragraphs (3) through (7), if the President determines that a foreign person, after the date of enactment of this section, knowingly—

(i) exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology that contributes to the design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act,

(ii) conspires to or attempts to engage in such export, transfer, or trade, or

(iii) facilitates such export, transfer, or trade by any other person,

or if the President has made a determination with respect to a foreign person under section 73(a) of the Arms Export Control Act, then the President shall impose on that foreign person the applicable sanctions under subparagraph (B).

(B) **SANCTIONS DESCRIBED.**—The sanctions which apply to a foreign person under subparagraph (A) are the following:

(i) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of 2 years, licenses for the transfer to such foreign person of missile equipment or technology the export of which is controlled under this Act.

(ii) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than 2 years, licenses for the transfer to such foreign person of items the export of which is controlled under this Act.

(iii) If, in addition to actions taken under clauses (i) and (ii), the President determines that the export, transfer, or trade has substantially contributed to the design, development, or production of missiles in a country that is not an MTCR adherent, then the

President shall prohibit, for a period of not less than 2 years, the importation into the United States of products produced by that foreign person.

(2) **INAPPLICABILITY WITH RESPECT TO MTCR ADHERENTS.**—Paragraph (1) does not apply with respect to—

(A) any export, transfer, or trading activity that is authorized by the laws of an MTCR adherent, if such authorization is not obtained by misrepresentation or fraud; or

(B) any export, transfer, or trade of an item to an end user in a country that is an MTCR adherent.

(3) **EFFECT OF ENFORCEMENT ACTIONS BY MTCR ADHERENTS.**—Sanctions set forth in paragraph (1) may not be imposed under this subsection on a person with respect to acts described in such paragraph or, if such sanctions are in effect against a person on account of such acts, such sanctions shall be terminated, if an MTCR adherent is taking judicial or other enforcement action against that person with respect to such acts, or that person has been found by the government of an MTCR adherent to be innocent of wrongdoing with respect to such acts.

(4) **ADVISORY OPINIONS.**—The Secretary, in consultation with the Secretary of State and the Secretary of Defense, may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this subsection. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, may not be made subject to such sanctions on account of such activity.

(5) **WAIVER AND REPORT TO CONGRESS.**—

(A) **WAIVER.**—In any case other than one in which an advisory opinion has been issued under paragraph (4) stating that a proposed activity would not subject a person to sanctions under this subsection, the President may waive the application of paragraph (1) to a foreign person if the President determines that such waiver is essential to the national security of the United States.

(B) **REPORT TO CONGRESS.**—In the event that the President decides to apply the waiver described in subparagraph (A), the President shall so notify Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

(6) **ADDITIONAL WAIVER.**—The President may waive the imposition of sanctions under paragraph (1) on a person with respect to a product or service if the President certifies to the Congress that—

(A) the product or service is essential to the national security of the United States; and

(B) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

(7) **EXCEPTIONS.**—The President shall not apply the sanction under this subsection prohibiting the importation of the products of a foreign person—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines that the person to which the sanctions would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Programs of Cooperation;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanctions; or

(C) to—

(i) spare parts,

(ii) component parts, but not finished products, essential to United States products or production,

(iii) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

(iv) information and technology essential to United States products or production.

(c) **DEFINITIONS.**—In this section:

(1) **MISSILE.**—The term “missile” means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems.

(2) **MISSILE TECHNOLOGY CONTROL REGIME; MTCR.**—The term “Missile Technology Control Regime” or “MTCR” means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(3) **MTCR ADHERENT.**—The term “MTCR adherent” means a country that participates in the MTCR or that, pursuant to an international understanding to which the United States is a party, controls MTCR equipment or technology in accordance with the criteria and standards set forth in the MTCR.

(4) **MTCR ANNEX.**—The term “MTCR Annex” means the Guidelines and Equipment and Technology Annex of the MTCR, and any amendments thereto.

(5) **MISSILE EQUIPMENT OR TECHNOLOGY; MTCR EQUIPMENT OR TECHNOLOGY.**—The terms “missile equipment or technology” and “MTCR equipment or technology” mean those items listed in category I or category II of the MTCR Annex.

(6) **FOREIGN PERSON.**—The term “foreign person” means any person other than a United States person.

(7) **PERSON.**—

(A) **IN GENERAL.**—The term “person” means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.

(B) **IDENTIFICATION IN CERTAIN CASES.**—In the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term “person” means—

(i) all activities of that government relating to the development or production of any missile equipment or technology; and

(ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(8) **OTHERWISE ENGAGED IN THE TRADE OF.**—The term “otherwise engaged in the trade of” means, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

#### **SEC. 505. CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION SANCTIONS.**

(a) **IMPOSITION OF SANCTIONS.**—

(1) **DETERMINATION BY THE PRESIDENT.**—Except as provided in subsection (b)(2), the President shall impose both of the sanctions described in subsection (c) if the President determines that a foreign person, on or after the date of enactment of this section, has knowingly and materially contributed—

(A) through the export from the United States of any item that is subject to the jurisdiction of the United States under this Act, or

(B) through the export from any other country of any item that would be, if it were a United States item, subject to the jurisdiction of the United States under this Act, to the efforts by any foreign country, project, or entity described in paragraph (2) to use, develop, produce, stockpile, or otherwise acquire chemical or biological weapons.

(2) **COUNTRIES, PROJECTS, OR ENTITIES RECEIVING ASSISTANCE.**—Paragraph (1) applies in the case of—

(A) any foreign country that the President determines has, at any time after the date of enactment of this Act—

(i) used chemical or biological weapons in violation of international law;

(ii) used lethal chemical or biological weapons against its own nationals; or

(iii) made substantial preparations to engage in the activities described in clause (i) or (ii);

(B) any foreign country whose government is determined for purposes of section 310 to be a government that has repeatedly provided support for acts of international terrorism; or

(C) any other foreign country, project, or entity designated by the President for purposes of this section.

(3) **PERSONS AGAINST WHICH SANCTIONS ARE TO BE IMPOSED.**—Sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that foreign person if that parent or subsidiary knowingly assisted in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that foreign person if that affiliate knowingly assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that foreign person.

(b) **CONSULTATIONS WITH AND ACTIONS BY FOREIGN GOVERNMENT OF JURISDICTION.**—

(1) **CONSULTATIONS.**—If the President makes the determinations described in subsection (a)(1) with respect to a foreign person, Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions pursuant to this section.

(2) **ACTIONS BY GOVERNMENT OF JURISDICTION.**—In order to pursue such consultations with that government, the President may delay imposition of sanctions pursuant to this section for a period of up to 90 days. Following the consultations, the President shall

impose sanctions unless the President determines and certifies to Congress that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1). The President may delay imposition of sanctions for an additional period of up to 90 days if the President determines and certifies to Congress that government is in the process of taking the actions described in the preceding sentence.

(3) REPORT TO CONGRESS.—The President shall report to Congress, not later than 90 days after making a determination under subsection (a)(1), on the status of consultations with the appropriate government under this subsection, and the basis for any determination under paragraph (2) of this subsection that such government has taken specific corrective actions.

(C) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, the following:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(3).

(B) IMPORT SANCTIONS.—The importation into the United States of products produced by any person described in subsection (a)(3) shall be prohibited.

(2) EXCEPTIONS.—The President shall not be required to apply or maintain sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy United States operational military requirements;

(ii) if the President determines that the person or other entity to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose sanctions;

(C) to—

(i) spare parts,

(ii) component parts, but not finished products, essential to United States products or production, or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(d) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to this section shall apply for a period of at least 12 months following the imposition of sanctions and shall cease to apply thereafter only if the President determines and certifies to the Congress that reliable information indicates that the foreign person with respect to which the determination was made under subsection (a)(1) has ceased to aid or abet any foreign government, project, or entity in its efforts

to acquire chemical or biological weapons capability as described in that subsection.

(e) WAIVER.—

(1) CRITERION FOR WAIVER.—The President may waive the application of any sanction imposed on any person pursuant to this section, after the end of the 12-month period beginning on the date on which that sanction was imposed on that person, if the President determines and certifies to Congress that such waiver is important to the national security interests of the United States.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided in paragraph (1), the President shall so notify the Congress not less than 20 days before the waiver takes effect. Such notification shall include a report fully articulating the rationale and circumstances which led the President to exercise the waiver authority.

(f) DEFINITION OF FOREIGN PERSON.—For the purposes of this section, the term “foreign person” means—

(1) an individual who is not a citizen of the United States or an alien admitted for permanent residence to the United States; or

(2) a corporation, partnership, or other entity which is created or organized under the laws of a foreign country or which has its principal place of business outside the United States.

SEC. 506. ENFORCEMENT.

(a) GENERAL AUTHORITY AND DESIGNATION.—

(1) POLICY GUIDANCE ON ENFORCEMENT.—The Secretary, in consultation with the Secretary of the Treasury and the heads of other departments and agencies that the Secretary considers appropriate, shall be responsible for providing policy guidance on the enforcement of this Act.

(2) GENERAL AUTHORITIES.—

(A) EXERCISE OF AUTHORITY.—To the extent necessary or appropriate to the enforcement of this Act, officers and employees of the Department designated by the Secretary, officers and employees of the United States Customs Service designated by the Commissioner of Customs, and officers and employees of any other department or agency designated by the head of a department or agency exercising functions under this Act, may exercise the enforcement authority under paragraph (3).

(B) CUSTOMS SERVICE.—In carrying out enforcement authority under paragraph (3), the Commissioner of Customs and employees of the United States Customs Service designated by the Commissioner may make investigations within or outside the United States and at ports of entry into or exit from the United States where officers of the United States Customs Service are authorized by law to carry out law enforcement responsibilities. Subject to paragraph (3), the United States Customs Service is authorized, in the enforcement of this Act, to search, detain (after search), and seize items at the ports of entry into or exit from the United States where officers of the United States Customs Service are authorized by law to conduct searches, detentions, and seizures, and at the places outside the United States where the United States Customs Service, pursuant to agreement or other arrangement with other countries, is authorized to perform enforcement activities.

(C) OTHER EMPLOYEES.—In carrying out enforcement authority under paragraph (3), the Secretary and officers and employees of the Department designated by the Secretary may make investigations within the United States, and may conduct, outside the United

States, pre-license and post-shipment verifications of controlled items and investigations in the enforcement of section 502. The Secretary and officers and employees of the Department designated by the Secretary are authorized to search, detain (after search), and seize items at places within the United States other than ports referred to in subparagraph (B). The search, detention (after search), or seizure of items at the ports and places referred to in subparagraph (B) may be conducted by officers and employees of the Department only with the concurrence of the Commissioner of Customs or a person designated by the Commissioner.

(D) AGREEMENTS AND ARRANGEMENTS.—The Secretary and the Commissioner of Customs may enter into agreements and arrangements for the enforcement of this Act, including foreign investigations and information exchange.

(3) SPECIFIC AUTHORITIES.—

(A) ACTIONS BY ANY DESIGNATED PERSONNEL.—Any officer or employee designated under paragraph (2), in carrying out the enforcement authority under this Act, may do the following:

(i) Make investigations of, obtain information from, make inspection of any books, records, or reports (including any writings required to be kept by the Secretary), premises, or property of, and take the sworn testimony of, any person.

(ii) Administer oaths or affirmations, and by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both. In the case of contumacy by, or refusal to obey a subpoena issued to, any such person, a district court of the United States, on request of the Attorney General and after notice to any such person and a hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof. The attendance of witnesses and the production of documents provided for in this clause may be required from any State, the District of Columbia, or in any territory of the United States at any designated place. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage allowance as paid witnesses in the district courts of the United States.

(B) ACTIONS BY OFFICE OF EXPORT ENFORCEMENT AND CUSTOMS SERVICE PERSONNEL.—

(i) OFFICE OF EXPORT ENFORCEMENT AND CUSTOMS SERVICE PERSONNEL.—Any officer or employee of the Office of Export Enforcement of the Department of Commerce (in this Act referred to as “OEE”) who is designated by the Secretary under paragraph (2), and any officer or employee of the United States Customs Service who is designated by the Commissioner of Customs under paragraph (2), may do the following in carrying out the enforcement authority under this Act:

(I) Execute any warrant or other process issued by a court or officer of competent jurisdiction with respect to the enforcement of this Act.

(II) Make arrests without warrant for any violation of this Act committed in his or her presence or view, or if the officer or employee has probable cause to believe that the person to be arrested has committed, is committing, or is about to commit such a violation.

(III) Carry firearms.

(ii) OEE PERSONNEL.—Any officer or employee of the OEE designated by the Secretary under paragraph (2) shall exercise the authority set forth in clause (i) pursuant to guidelines approved by the Attorney General.

(C) OTHER ACTIONS BY CUSTOMS SERVICE PERSONNEL.—Any officer or employee of the United States Customs Service designated by the Commissioner of Customs under paragraph (2) may do the following in carrying out the enforcement authority under this Act:

(i) Stop, search, and examine a vehicle, vessel, aircraft, or person on which or whom the officer or employee has reasonable cause to suspect there is any item that has been, is being, or is about to be exported from or transited through the United States in violation of this Act.

(ii) Detain and search any package or container in which the officer or employee has reasonable cause to suspect there is any item that has been, is being, or is about to be exported from or transited through the United States in violation of this Act.

(iii) Detain (after search) or seize any item, for purposes of securing for trial or forfeiture to the United States, on or about such vehicle, vessel, aircraft, or person or in such package or container, if the officer or employee has probable cause to believe the item has been, is being, or is about to be exported from or transited through the United States in violation of this Act.

(4) OTHER AUTHORITIES NOT AFFECTED.—The authorities conferred by this section are in addition to any authorities conferred under other laws.

(b) FORFEITURE.—

(1) IN GENERAL.—Any tangible items lawfully seized under subsection (a) by designated officers or employees shall be subject to forfeiture to the United States.

(2) APPLICABLE LAWS.—Those provisions of law relating to—

(A) the seizure, summary and judicial forfeiture, and condemnation of property for violations of the customs laws;

(B) the disposition of such property or the proceeds from the sale thereof;

(C) the remission or mitigation of such forfeitures; and

(D) the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as applicable and not inconsistent with this Act.

(3) FORFEITURES UNDER CUSTOMS LAWS.—Duties that are imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws may be performed with respect to seizures and forfeitures of property under this subsection by the Secretary or any officer or employee of the Department that may be authorized or designated for that purpose by the Secretary (or by the Commissioner of Customs or any officer or employee of the United States Customs Service designated by the Commissioner), or, upon the request of the Secretary, by any other agency that has authority to manage and dispose of seized property.

(c) REFERRAL OF CASES.—All cases involving violations of this Act shall be referred to the Secretary for purposes of determining civil penalties and administrative sanctions under section 503 or to the Attorney General for criminal action in accordance with this Act or to both the Secretary and the Attorney General.

(d) UNDERCOVER INVESTIGATION OPERATIONS.—

(1) USE OF FUNDS.—With respect to any undercover investigative operation conducted by the OEE that is necessary for the detection and prosecution of violations of this Act—

(A) funds made available for export enforcement under this Act may be used to purchase property, buildings, and other facilities, and to lease equipment, conveyances, and space within the United States, without regard to sections 1341 and 3324 of title 31, United States Code, the third designated paragraph under the heading of “miscellaneous” of the Act of March 3, 1877, (40 U.S.C. 34), sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254 (a) and (c)), and section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255);

(B) funds made available for export enforcement under this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 1341, 3324, and 9102 of title 31, United States Code;

(C) funds made available for export enforcement under this Act and the proceeds from undercover operations may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18, United States Code, and section 3302 of title 31, United States Code; and

(D) the proceeds from undercover operations may be used to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3302 of title 31, United States Code, if the Director of OEE (or an officer or employee designated by the Director) certifies, in writing, that the action authorized by subparagraph (A), (B), (C), or (D) for which the funds would be used is necessary for the conduct of the undercover operation.

(2) DISPOSITION OF BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover operation has a net value of more than \$250,000 and is to be liquidated, sold, or otherwise disposed of, the Director of OEE shall report the circumstances to the Secretary and the Comptroller General of the United States as much in advance of such disposition as the Director of the OEE (or the Director’s designee) determines is practicable. The proceeds of the liquidation, sale, or other disposition, after obligations incurred by the corporation or business enterprise are met, shall be deposited in the Treasury of the United States as miscellaneous receipts. Any property or equipment purchased pursuant to paragraph (1) may be retained for subsequent use in undercover operations under this section. When such property or equipment is no longer needed, it shall be considered surplus and disposed of as surplus government property.

(3) DEPOSIT OF PROCEEDS.—As soon as the proceeds from an OEE undercover investigative operation with respect to which an action is authorized and carried out under this subsection are no longer needed for the conduct of such operation, the proceeds or the balance of the proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(4) AUDIT AND REPORT.—

(A) AUDIT.—The Director of OEE shall conduct a detailed financial audit of each closed OEE undercover investigative operation and shall submit the results of the audit in writ-

ing to the Secretary. Not later than 180 days after an undercover operation is closed, the Secretary shall submit to Congress a report on the results of the audit.

(B) REPORT.—The Secretary shall submit annually to Congress a report, which may be included in the annual report under section 701, specifying the following information:

(i) The number of undercover investigative operations pending as of the end of the period for which such report is submitted.

(ii) The number of undercover investigative operations commenced in the 1-year period preceding the period for which such report is submitted.

(iii) The number of undercover investigative operations closed in the 1-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained and any civil claims made with respect to the operation.

(5) DEFINITIONS.—For purposes of paragraph (4)—

(A) the term “closed”, with respect to an undercover investigative operation, refers to the earliest point in time at which all criminal proceedings (other than appeals) pursuant to the investigative operation are concluded, or covert activities pursuant to such operation are concluded, whichever occurs later; and

(B) the terms “undercover investigative operation” and “undercover operation” mean any undercover investigative operation conducted by the OEE—

(i) in which the gross receipts (excluding interest earned) exceed \$25,000, or expenditures (other than expenditures for salaries of employees) exceed \$75,000, and

(ii) which is exempt from section 3302 or 9102 of title 31, United States Code, except that clauses (i) and (ii) shall not apply with respect to the report to Congress required by paragraph (4)(B).

(e) WIRETAPS.—

(1) AUTHORITY.—Interceptions of communications in accordance with section 2516 of title 18, United States Code, are authorized to further the enforcement of this Act.

(2) CONFORMING AMENDMENT.—Section 2516(1) of title 18, United States Code, is amended by adding at the end the following:

“(q)(i) any violation of, or conspiracy to violate, the Export Administration Act of 2001 or the Export Administration Act of 1979.”.

(f) POST-SHIPMENT VERIFICATION.—The Secretary shall target post-shipment verifications to exports involving the greatest risk to national security.

(g) REFUSAL TO ALLOW POST-SHIPMENT VERIFICATION.—

(1) IN GENERAL.—If an end-user refuses to allow post-shipment verification of a controlled item, the Secretary shall deny a license for the export of any controlled item to such end-user until such post-shipment verification occurs.

(2) RELATED PERSONS.—The Secretary may exercise the authority under paragraph (1) with respect to any person related through affiliation, ownership, control, or position of responsibility, to any end-user refusing to allow post-shipment verification of a controlled item.

(3) REFUSAL BY COUNTRY.—If the country in which the end-user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item or class of items, any item that the Secretary determines to be of equal or greater sensitivity than the controlled item, or

any controlled item for which a determination has not been made pursuant to section 211 to all end-users in that country until such post-shipment verification is allowed.

(h) **FREIGHT FORWARDERS BEST PRACTICES PROGRAM AUTHORIZATION.**—There is authorized to be appropriated for the Department of Commerce \$3,500,000 and such sums as may be necessary, to be available until expended, to hire 20 additional employees to assist United States freight forwarders and other interested persons in developing and implementing, on a voluntary basis, a “best practices” program to ensure that exports of controlled items are undertaken in compliance with this Act.

(i) **END-USE VERIFICATION AUTHORIZATION.**—

(1) **IN GENERAL.**—There is authorized to be appropriated for the Department of Commerce \$4,500,000 and such sums as may be necessary, to be available until expended, to hire 10 additional overseas investigators to be posted in the People's Republic of China, the Russian Federation, the Hong Kong Special Administrative Region, the Republic of India, Singapore, Egypt, and Taiwan, or any other place the Secretary deems appropriate, for the purpose of verifying the end use of high-risk, dual-use technology.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Department shall, in its annual report to Congress on export controls, include a report on the effectiveness of the end-use verification activities authorized under subsection (a). The report shall include the following information:

(A) The activities of the overseas investigators of the Department.

(B) The types of goods and technologies that were subject to end-use verification.

(C) The ability of the Department's investigators to detect the illegal transfer of high risk, dual-use goods and technologies.

(3) **ENHANCEMENTS.**—In addition to the authorization provided in paragraph (1), there is authorized to be appropriated for the Department of Commerce \$5,000,000, to be available until expended, to enhance its program for verifying the end use of items subject to controls under this Act.

(j) **ENHANCED COOPERATION WITH UNITED STATES CUSTOMS SERVICE.**—Consistent with the purposes of this Act, the Secretary is authorized to undertake, in cooperation with the United States Customs Service, such measures as may be necessary or required to enhance the ability of the United States to detect unlawful exports and to enforce violations of this Act.

(k) **REFERENCE TO ENFORCEMENT.**—For purposes of this section, a reference to the enforcement of this Act or to a violation of this Act includes a reference to the enforcement or a violation of any regulation, license, or order issued under this Act.

(l) **AUTHORIZATION FOR EXPORT LICENSING AND ENFORCEMENT COMPUTER SYSTEM.**—There is authorized to be appropriated for the Department \$5,000,000 and such other sums as may be necessary, to be available until expended, for planning, design, and procurement of a computer system to replace the Department's primary export licensing and computer enforcement system.

(m) **AUTHORIZATION FOR BUREAU OF EXPORT ADMINISTRATION.**—The Secretary may authorize, without fiscal year limitation, the expenditure of funds transferred to, paid to, received by, or made available to the Bureau of Export Administration as a reimbursement in accordance with section 9703 of title 31, United States Code (as added by Public Law 102-393). The Secretary may also au-

thorize, without fiscal year limitation, the expenditure of funds transferred to, paid to, received by, or made available to the Bureau of Export Administration as a reimbursement from the Department of Justice Assets Forfeiture Fund in accordance with section 524 of title 28, United States Code. Such funds shall be deposited in an account and shall remain available until expended.

(n) **AMENDMENTS TO TITLE 31.**—

(1) Section 9703(a) of title 31, United States Code (as added by Public Law 102-393) is amended by striking “or the United States Coast Guard” and inserting “, the United States Coast Guard, or the Bureau of Export Administration of the Department of Commerce”.

(2) Section 9703(a)(2)(B)(i) of title 31, United States Code is amended (as added by Public Law 102-393)—

(A) by striking “or” at the end of subclause (I);

(B) by inserting “or” at the end of subclause (II); and

(C) by inserting at the end, the following new subclause:

“(III) a violation of the Export Administration Act of 1979, the Export Administration Act of 2001, or any regulation, license, or order issued under those Acts;”.

(3) Section 9703(p)(1) of title 31, United States Code (as added by Public Law 102-393) is amended by adding at the end the following: “In addition, for purposes of this section, the Bureau of Export Administration of the Department of Commerce shall be considered to be a Department of the Treasury law enforcement organization.”.

(o) **AUTHORIZATION FOR LICENSE REVIEW OFFICERS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Department of Commerce \$2,000,000, to be available until expended, to hire additional license review officers.

(2) **TRAINING.**—There is authorized to be appropriated to the Department of Commerce \$2,000,000, to be available until expended, to conduct professional training of license review officers, auditors, and investigators conducting post-shipment verification checks. These funds shall be used to—

(A) train and certify, through a formal program, new employees entering these positions for the first time; and

(B) the ongoing professional training of experienced employees on an as needed basis.

(p) **AUTHORIZATION.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Department of Commerce to carry out the purposes of this Act—

(A) \$72,000,000 for the fiscal year 2002, of which no less than \$27,701,000 shall be used for compliance and enforcement activities;

(B) \$73,000,000 for the fiscal year 2003, of which no less than \$28,312,000 shall be used for compliance and enforcement activities;

(C) \$74,000,000 for the fiscal year 2004, of which no less than \$28,939,000 shall be used for compliance and enforcement activities;

(D) \$76,000,000 for the fiscal year 2005, of which no less than \$29,582,000 shall be used for compliance and enforcement activities; and

(E) such additional amounts, for each such fiscal year, as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.

(2) **LIMITATION.**—The authority granted by this Act shall terminate on September 30, 2004, unless the President carries out the following duties:

(A) Provides to Congress a detailed report on—

(i) the implementation and operation of this Act; and

(ii) the operation of United States export controls in general.

(B)(i) Provides to Congress legislative reform proposals in connection with the report described in subparagraph (A); or

(ii) certifies to Congress that no legislative reforms are necessary in connection with such report.

#### SEC. 507. ADMINISTRATIVE PROCEDURE.

(a) **EXEMPTIONS FROM ADMINISTRATIVE PROCEDURE.**—Except as provided in this section, the functions exercised under this Act are excluded from the operation of sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

(b) **PROCEDURES RELATING TO CIVIL PENALTIES AND SANCTIONS.**—

(1) **ADMINISTRATIVE PROCEDURES.**—Any administrative sanction imposed under section 503 may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code. The imposition of any such administrative sanction shall be subject to judicial review in accordance with sections 701 through 706 of title 5, United States Code, except that the review shall be initiated in the United States Court of Appeals for the District of Columbia Circuit, which shall have jurisdiction of the review.

(2) **AVAILABILITY OF CHARGING LETTER.**—Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the regulations issued under section 502 shall be made available for public inspection and copying.

(c) **COLLECTION.**—If any person fails to pay a civil penalty imposed under section 503, the Secretary may ask the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(d) **IMPOSITION OF TEMPORARY DENIAL ORDERS.**—

(1) **GROUND FOR IMPOSITION.**—In any case in which there is reasonable cause to believe that a person is engaged in or is about to engage in any act or practice which constitutes or would constitute a violation of this Act, or any regulation, order, or license issued under this Act, including any diversion of goods or technology from an authorized end use or end user, and in any case in which a criminal indictment has been returned against a person alleging a violation of this Act or any of the statutes listed in section 503, the Secretary may, without a hearing, issue an order temporarily denying that person's United States export privileges (hereafter in this subsection referred to as a “temporary denial order”). A temporary denial order shall be effective for such period (not in excess of 180 days) as the Secretary specifies in the order, but may be renewed by the Secretary, following notice and an opportunity for a hearing, for additional periods of not more than 180 days each.

(2) **ADMINISTRATIVE APPEALS.**—The person or persons subject to the issuance or renewal of a temporary denial order may appeal the issuance or renewal of the temporary denial order, supported by briefs and other material, to an administrative law judge who

shall, within 15 working days after the appeal is filed, issue a decision affirming, modifying, or vacating the temporary denial order. The temporary denial order shall be affirmed if it is shown that—

(A) there is reasonable cause to believe that the person subject to the order is engaged in or is about to engage in any act or practice that constitutes or would constitute a violation of this Act, or any regulation, order, or license issued under this Act; or

(B) a criminal indictment has been returned against the person subject to the order alleging a violation of this Act or any of the statutes listed in section 503.

The decision of the administrative law judge shall be final unless, within 10 working days after the date of the administrative law judge's decision, an appeal is filed with the Secretary. On appeal, the Secretary shall either affirm, modify, reverse, or vacate the decision of the administrative law judge by written order within 10 working days after receiving the appeal. The written order of the Secretary shall be final and is not subject to judicial review, except as provided in paragraph (3). The materials submitted to the administrative law judge and the Secretary shall constitute the administrative record for purposes of review by the court.

(3) COURT APPEALS.—An order of the Secretary affirming, in whole or in part, the issuance or renewal of a temporary denial order may, within 15 days after the order is issued, be appealed by a person subject to the order to the United States Court of Appeals for the District of Columbia Circuit, which shall have jurisdiction of the appeal. The court may review only those issues necessary to determine whether the issuance of the temporary denial order was based on reasonable cause to believe that the person subject to the order was engaged in or was about to engage in any act or practice that constitutes or would constitute a violation of this title, or any regulation, order, or license issued under this Act, or whether a criminal indictment has been returned against the person subject to the order alleging a violation of this Act or of any of the statutes listed in section 503. The court shall vacate the Secretary's order if the court finds that the Secretary's order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

(e) LIMITATIONS ON REVIEW OF CLASSIFIED INFORMATION.—Any classified information that is included in the administrative record that is subject to review pursuant to subsection (b)(1) or (d)(3) may be reviewed by the court only on an ex parte basis and in camera.

## **TITLE VI—EXPORT CONTROL AUTHORITY AND REGULATIONS**

### **SEC. 601. EXPORT CONTROL AUTHORITY AND REGULATIONS.**

(a) EXPORT CONTROL AUTHORITY.—

(1) IN GENERAL.—Unless otherwise reserved to the President or a department (other than the Department) or agency of the United States, all power, authority, and discretion conferred by this Act shall be exercised by the Secretary.

(2) DELEGATION OF FUNCTIONS OF THE SECRETARY.—The Secretary may delegate any function under this Act, unless otherwise provided, to the Under Secretary of Commerce for Export Administration or to any other officer of the Department.

(b) UNDER SECRETARY OF COMMERCE; ASSISTANT SECRETARIES.—

(1) UNDER SECRETARY OF COMMERCE.—There shall be within the Department an Under Secretary of Commerce for Export Adminis-

tration (in this section referred to as the "Under Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall carry out all functions of the Secretary under this Act and other provisions of law relating to national security, as the Secretary may delegate.

(2) ADDITIONAL ASSISTANT SECRETARIES.—In addition to the number of Assistant Secretaries otherwise authorized for the Department of Commerce, there shall be within the Department of Commerce the following Assistant Secretaries of Commerce:

(A) An Assistant Secretary for Export Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall assist the Secretary and the Under Secretary in carrying out functions relating to export listing and licensing.

(B) An Assistant Secretary for Export Enforcement who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall assist the Secretary and the Under Secretary in carrying out functions relating to export enforcement.

(c) ISSUANCE OF REGULATIONS.—

(1) IN GENERAL.—The President and the Secretary may issue such regulations as are necessary to carry out this Act. Any such regulations the purpose of which is to carry out title II or title III may be issued only after the regulations are submitted for review to such departments or agencies as the President considers appropriate. The Secretary shall consult with the appropriate export control advisory committee appointed under section 105(a) in formulating regulations under this title. The second sentence of this subsection does not require the concurrence or approval of any official, department, or agency to which such regulations are submitted.

(2) AMENDMENTS TO REGULATIONS.—If the Secretary proposes to amend regulations issued under this Act, the Secretary shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives on the intent and rationale of such amendments. Such report shall evaluate the cost and burden to the United States exporters of the proposed amendments in relation to any enhancement of licensing objectives. The Secretary shall consult with the appropriate export control advisory committees appointed under section 105(a) in amending regulations issued under this Act.

### **SEC. 602. CONFIDENTIALITY OF INFORMATION.**

(a) EXEMPTIONS FROM DISCLOSURE.—

(1) INFORMATION OBTAINED ON OR BEFORE JUNE 30, 1980.—Except as otherwise provided by the third sentence of section 502(c)(2) and by section 507(b)(2), information obtained under the Export Administration Act of 1979, or any predecessor statute, on or before June 30, 1980, which is deemed confidential, including Shipper's Export Declarations, or with respect to which a request for confidential treatment is made by the person furnishing such information, shall not be subject to disclosure under section 552 of title 5, United States Code, and such information shall not be published or disclosed, unless the Secretary determines that the withholding thereof is contrary to the national interest.

(2) INFORMATION OBTAINED AFTER JUNE 30, 1980.—Except as otherwise provided by the third sentence of section 502(c)(2) and by section 507(b)(2), information obtained under this Act, under the Export Administration

Act of 1979 after June 30, 1980, or under the Export Administration regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1706), may be withheld from disclosure only to the extent permitted by statute, except that information submitted, obtained, or considered in connection with an application for an export license or other export authorization (or record-keeping or reporting requirement), enforcement activity, or other operations under the Export Administration Act of 1979, under this Act, or under the Export Administration regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1706), including—

(A) the export license or other export authorization itself,

(B) classification requests described in section 401(h),

(C) information or evidence obtained in the course of any investigation by an employee or officer of the Department of Commerce,

(D) information obtained or furnished under title V in connection with any international agreement, treaty, or other obligation, and

(E) information obtained in making the determinations set forth in section 211 of this Act,

and information obtained in any investigation of an alleged violation of section 502 of this Act except for information required to be disclosed by section 502(c)(2) or 507(b)(2) of this Act, shall be withheld from public disclosure and shall not be subject to disclosure under section 552 of title 5, United States Code, unless the release of such information is determined by the Secretary to be in the national interest.

(b) INFORMATION TO CONGRESS AND GAO.—

(1) IN GENERAL.—Nothing in this title shall be construed as authorizing the withholding of information from Congress or from the General Accounting Office.

(2) AVAILABILITY TO THE CONGRESS.—

(A) IN GENERAL.—Any information obtained at any time under this title or under any predecessor Act regarding the control of exports, including any report or license application required under this title, shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon the request of the chairman or ranking minority member of such committee or subcommittee.

(B) PROHIBITION ON FURTHER DISCLOSURE.—No committee, subcommittee, or Member of Congress shall disclose any information obtained under this Act or any predecessor Act regarding the control of exports which is submitted on a confidential basis to the Congress under subparagraph (A) unless the full committee to which the information is made available determines that the withholding of the information is contrary to the national interest.

(3) AVAILABILITY TO THE GAO.—

(A) IN GENERAL.—Notwithstanding subsection (a), information described in paragraph (2) shall, consistent with the protection of intelligence, counterintelligence, and law enforcement sources, methods, and activities, as determined by the agency that originally obtained the information, and consistent with the provisions of section 716 of title 31, United States Code, be made available only by the agency, upon request, to the Comptroller General of the United States or to any officer or employee of the General Accounting Office authorized by the Comptroller General to have access to such information.

(B) PROHIBITION ON FURTHER DISCLOSURES.—No officer or employee of the General Accounting Office shall disclose, except to Congress in accordance with this paragraph, any such information which is submitted on a confidential basis and from which any individual can be identified.

(c) INFORMATION EXCHANGE.—Notwithstanding subsection (a), the Secretary and the Commissioner of Customs shall exchange licensing and enforcement information with each other as necessary to facilitate enforcement efforts and effective license decisions.

(d) PENALTIES FOR DISCLOSURE OF CONFIDENTIAL INFORMATION.—

(1) DISCLOSURE PROHIBITED.—No officer or employee of the United States, or any department or agency thereof, may publish, divulge, disclose, or make known in any manner or to any extent not authorized by law any information that—

(A) the officer or employee obtains in the course of his or her employment or official duties or by reason of any examination or investigation made by, or report or record made to or filed with, such department or agency, or officer or employee thereof; and

(B) is exempt from disclosure under this section.

(2) CRIMINAL PENALTIES.—Any such officer or employee who knowingly violates paragraph (1) shall be fined not more than \$50,000, imprisoned not more than 1 year, or both, for each violation of paragraph (1). Any such officer or employee may also be removed from office or employment.

(3) CIVIL PENALTIES; ADMINISTRATIVE SANCTIONS.—The Secretary may impose a civil penalty of not more than \$5,000 for each violation of paragraph (1), except that no civil penalty may be imposed on an officer or employee of the United States, or any department or agency thereof, without the concurrence of the department or agency employing such officer or employee. Sections 503 (e), (g), (h), and (i) and 507 (a), (b), and (c) shall apply to actions to impose civil penalties under this paragraph. At the request of the Secretary, a department or agency employing an officer or employee found to have violated paragraph (1) shall deny that officer or employee access to information exempt from disclosure under this section. Any officer or employee who commits a violation of paragraph (1) may also be removed from office or employment by the employing agency.

#### SEC. 603. AGRICULTURAL COMMODITIES, MEDICINE, MEDICAL DEVICES.

(a) APPLICABILITY OF TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.—Nothing in this Act authorizes the exercise of authority contrary to the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106-387; 114 Stat. 1549, 549A-45) applicable to exports of agricultural commodities, medicine, or medical devices.

(b) TITLE II LIMITATION.—Title II does not authorize export controls on food.

(c) TITLE III LIMITATION.—Except as set forth in section 906 of the Trade Sanctions Reform and Export Enhancement Act of 2000, title III does not authorize export controls on agricultural commodities, medicine, or medical devices unless the procedures set forth in section 903 of such Act are complied with.

(d) DEFINITION.—In this section, the term “food” has the same meaning as that term has under section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

#### TITLE VII—MISCELLANEOUS PROVISIONS

##### SEC. 701. ANNUAL REPORT.

(a) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to Congress a report on the administration of this Act during the fiscal year ending September 30 of the preceding calendar year.

All Federal agencies shall cooperate fully with the Secretary in providing information for each such report.

(b) REPORT ELEMENTS.—Each such report shall include in detail—

(1) a description of the implementation of the export control policies established by this Act, including any delegations of authority by the President and any other changes in the exercise of delegated authority;

(2) a description of the changes to and the year-end status of country tiering and the Control List;

(3) a description of the petitions filed and the determinations made with respect to foreign availability and mass-market status, the set-asides of foreign availability and mass-market status determinations, and negotiations to eliminate foreign availability;

(4) a description of any enhanced control imposed on an item pursuant to section 201(d);

(5) a description of the regulations issued under this Act;

(6) a description of organizational and procedural changes undertaken in furtherance of this Act;

(7) a description of the enforcement activities, violations, and sanctions imposed under this Act;

(8) a statistical summary of all applications and notifications, including—

(A) the number of applications and notifications pending review at the beginning of the fiscal year;

(B) the number of notifications returned and subject to full license procedure;

(C) the number of notifications with no action required;

(D) the number of applications that were approved, denied, or withdrawn, and the number of applications where final action was taken; and

(E) the number of applications and notifications pending review at the end of the fiscal year;

(9) summary of export license data by export identification code and dollar value by country;

(10) an identification of processing time by—

(A) overall average, and

(B) top 25 export identification codes;

(11) an assessment of the effectiveness of multilateral regimes, and a description of negotiations regarding export controls;

(12) a description of the significant differences between the export control requirements of the United States and those of other multilateral control regime members, and the specific differences between United States requirements and those of other significant supplier countries;

(13) an assessment of the costs of export controls;

(14) a description of the progress made toward achieving the goals established for the Department dealing with export controls under the Government Performance Results Act;

(15) a description of the assessment made pursuant to section 214, including any recommendations to ensure that the defense industrial base (including manufacturing) is sufficient to protect national security; and

(16) any other reports required by this Act to be submitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on International Relations of the House of Representatives.

(c) FEDERAL REGISTER PUBLICATION REQUIREMENTS.—Whenever information under this Act is required to be published in the Federal Register, such information shall, in addition, be posted on the Department of Commerce or other appropriate government website.

#### SEC. 702. TECHNICAL AND CONFORMING AMENDMENTS.

(a) REPEAL.—The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) is repealed.

(b) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) is repealed.

(2) Section 251(d) of the Energy Policy and Conservation Act (42 U.S.C. 6271(d)) is repealed.

(c) ALASKA NATURAL GAS TRANSPORTATION ACT.—Section 12 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719j) is repealed.

(d) MINERAL LEASING ACT.—Section 28(u) of the Mineral Leasing Act (30 U.S.C. 185(u)) is repealed.

(e) EXPORTS OF ALASKAN NORTH SLOPE OIL.—Section 28(s) of the Mineral Leasing Act (30 U.S.C. 185(s)) is repealed.

(f) DISPOSITION OF CERTAIN NAVAL PETROLEUM RESERVE PRODUCTS.—Section 7430(e) of title 10, United States Code, is repealed.

(g) OUTER CONTINENTAL SHELF LANDS ACT.—Section 28 of the Outer Continental Shelf Lands Act (43 U.S.C. 1354) is repealed.

(h) ARMS EXPORT CONTROL ACT.—

(1) Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) in subsection (e)—

(i) in the first sentence, by striking “subsections (c)” and all that follows through “12 of such Act,” and inserting “subsections (b), (c), (d) and (e) of section 503 of the Export Administration Act of 2001, by subsections (a) and (b) of section 506 of such Act, and by section 602 of such Act,”; and

(ii) in the third sentence, by striking “11(c) of the Export Administration Act of 1979” and inserting “503(c) of the Export Administration Act of 2001”; and

(B) in subsection (g)(1)(A)(ii), by inserting “or section 503 of the Export Administration Act of 2001” after “1979”.

(2) Section 39A(c) of the Arms Export Control Act (22 U.S.C. 2779a(c)) is amended—

(A) by striking “subsections (c),” and all that follows through “12(a) of such Act” and inserting “subsections (c), (d), and (e) of section 503, section 507(c), and subsections (a) and (b) of section 506, of the Export Administration Act of 2001”; and

(B) by striking “11(c)” and inserting “503(c)”.

(3) Section 40(k) of the Arms Export Control Act (22 U.S.C. 2780(k)) is amended—

(A) by striking “11(c), 11(e), 11(g), and 12(a) of the Export Administration Act of 1979” and inserting “503(b), 503(c), 503(e), 506(a), and 506(b) of the Export Administration Act of 2001”; and

(B) by striking “11(c)” and inserting “503(c)”.

(i) OTHER PROVISIONS OF LAW.—

(1) Section 5(b)(4) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)(4)) is amended by striking “section 5 of the Export Administration Act of 1979, or under section 6 of that Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States” and inserting “titles II and III of the Export Administration Act of 2001”.

(2) Section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) is amended in the second sentence—

(A) by striking "Export Administration Act of 1979" the first place it appears and inserting "Export Administration Act of 2001"; and

(B) by striking "Act of 1979" and inserting "Act of 2001".

(3) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) is amended—

(A) in paragraph (1)(B), by inserting "or section 310 of the Export Administration Act of 2001" after "Act of 1979"; and

(B) in paragraph (2), by inserting "or 310 of the Export Administration Act of 2001" after "6(j) of the Export Administration Act of 1979".

(4) Section 40(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2712(e)(1)) is amended by striking "section 6(j)(1) of the Export Administration Act of 1979" and inserting "section 310 of the Export Administration Act of 2001".

(5) Section 205(d)(4)(B) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 305(d)(4)(B)) is amended by striking "section 6(j) of the Export Administration Act of 1979" and inserting "section 310 of the Export Administration Act of 2001".

(6) Section 110 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2778a) is amended by striking "Act of 1979" and inserting "Act of 2001".

(7) Section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)) is amended by striking "section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States" and inserting "the Export Administration Act of 2001".

(8) Section 1605(a)(7)(A) of title 28, United States Code, is amended by striking "section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))" and inserting "section 310 of the Export Administration Act of 2001".

(9) Section 2332d(a) of title 18, United States Code, is amended by striking "section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405)" and inserting "section 310 of the Export Administration Act of 2001".

(10) Section 620H(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2378(a)(1)) is amended by striking "section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))" and inserting "section 310 of the Export Administration Act of 2001".

(11) Section 1621(a) of the International Financial Institutions Act (22 U.S.C. 262p-4q(a)) is amended by striking "section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j))" and inserting "section 310 of the Export Administration Act of 2001".

(12) Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "section 11 (relating to violations) of the Export Administration Act of 1979" and inserting "section 503 (relating to penalties) of the Export Administration Act of 2001".

(13) Section 904(2)(B) of the Trade Sanctions Reform and Export Enhancement Act of 2000 is amended by striking "Export Administration Act of 1979" and inserting "Export Administration Act of 2001".

(14) Section 983(i)(2) of title 18, United States Code (as added by Public Law 106-185), is amended—

(A) by striking the "or" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(C) by inserting the following new subparagraph:

"(F) the Export Administration Act of 2001.".

(j) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding any other provision of law, any product that is standard equipment, certified by the Federal Aviation Administration, in civil aircraft, and is an integral part of such aircraft, shall be subject to export control only under this Act. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act (22 U.S.C. 2778(b)).

(k) CIVIL AIRCRAFT SAFETY.—Notwithstanding any other provision of law, the Secretary may authorize, on a case-by-case basis, exports and reexports of civil aircraft equipment and technology that are necessary for compliance with flight safety requirements for commercial passenger aircraft. Flight safety requirements are defined as airworthiness directives issued by the Federal Aviation Administration (FAA) or equipment manufacturers' maintenance instructions or bulletins approved or accepted by the FAA for the continued airworthiness of the manufacturers' products.

(l) REPEAL OF CERTAIN EXPORT CONTROLS.—Subtitle B of title XII of division A of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is repealed.

#### SEC. 703. SAVINGS PROVISIONS.

(a) IN GENERAL.—All delegations, rules, regulations, orders, determinations, licenses, or other forms of administrative action which have been made, issued, conducted, or allowed to become effective under—

(1) the Export Control Act of 1949, the Export Administration Act of 1969, the Export Administration Act of 1979, or the International Emergency Economic Powers Act when invoked to maintain and continue the Export Administration regulations, or

(2) those provisions of the Arms Export Control Act which are amended by section 702,

and are in effect on the date of enactment of this Act, shall continue in effect according to their terms until modified, superseded, set aside, or revoked under this Act or the Arms Export Control Act.

(b) ADMINISTRATIVE AND JUDICIAL PROCEEDINGS.—

(1) EXPORT ADMINISTRATION ACT.—This Act shall not affect any administrative or judicial proceedings commenced or any application for a license made, under the Export Administration Act of 1979 or pursuant to Executive Order 12924, which is pending at the time this Act takes effect. Any such proceedings, and any action on such application, shall continue under the Export Administration Act of 1979 as if that Act had not been repealed.

(2) OTHER PROVISIONS OF LAW.—This Act shall not affect any administrative or judicial proceeding commenced or any application for a license made, under those provisions of the Arms Export Control Act which are amended by section 702, if such proceeding or application is pending at the time this Act takes effect. Any such proceeding, and any action on such application, shall continue under those provisions as if those provisions had not been amended by section 702.

(c) TREATMENT OF CERTAIN DETERMINATIONS.—Any determination with respect to the government of a foreign country under section 6(j) of the Export Administration Act of 1979, or Executive Order 12924, that is in effect on the day before the date of enact-

ment of this Act, shall, for purposes of this title or any other provision of law, be deemed to be made under section 310 of this Act until superseded by a determination under such section 310.

(d) LAWFUL INTELLIGENCE ACTIVITIES.—The prohibitions otherwise applicable under this Act do not apply with respect to any transaction subject to the reporting requirements of title V of the National Security Act of 1947. Notwithstanding any other provision of this Act, nothing shall affect the responsibilities and authorities of the Director of Central Intelligence under section 103 of the National Security Act of 1947.

(e) IMPLEMENTATION.—The Secretary shall make any revisions to the Export Administration regulations required by this Act no later than 180 days after the date of enactment of this Act.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. SARBANES. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

#### EXPORT ADMINISTRATION ACT

Mr. ENZI. Mr. President, what I would like to do is take some time, because I did not have an opportunity just before the vote, to thank all the people who worked on and participated in this bill that we have just completed, and that includes the people who are both for the bill and against the bill. Everybody made a contribution on this one.

As I mentioned before, all 100 Senators are interested in national security—deeply interested, deathly interested in national security. That has been demonstrated by the work that has been put in on this bill. They are also extremely interested that the economy of the country advance. We just passed a bill that will allow both of those things to happen, and happen safely.

We have been without the kind of a bill that we have needed for a long period of time. We just passed one that is considerably better than what we had in place, and is even better than the

1979 act when it was extended. So we are in a position now where we can go, with some real credibility, to the House side to ask them to move the bill forward and to join with the White House in getting this passed quickly, as the White House asked. And, of course, we will be asking for all the people who have an interest in this bill to also help work on the House side. We know they will take quick action and that we will get this huge problem to the United States solved.

I would like to particularly thank those people who have worked closely on the bill. I will start with Senator GRAMM, who allowed me to be the subcommittee chairman and get this assignment.

I have to tell you, when I first got the assignment, I thought, this has failed about 12 times so I assume this is one of those tasks that freshman Senators get. I didn't expect much to happen on it, but we began the process of learning about it, and the Cox commission report came out. Of course, it was just a secret report at first, but it still got publicity that brought to the attention of the American people the problem of secrets being stolen from the United States.

That raised the level of this bill so that I and Senator JOHNSON of South Dakota could work through our subcommittee to really find out what was happening with it, to see how those things in the Cox commission and other reports, as they came out, fit into this bill. We put them into that bill, worked together to find solutions, met—"interminably" might not be the right word, but it feels like the right word sometimes—with a number of groups and anybody who was interested in the bill and worked hard to heighten the interest of those people in the bill.

Fortunately, Senator JOHNSON and I got to work under the direction of Senator GRAMM and Senator SARBANES, two vastly different personalities with different ways of working. I have to say that working under those two people on any piece of legislation is an education. They are very considerate in everything they do. They both study it to a very deep knowledge. They ask penetrating questions, and they have that ability and sense of when to move forward and when to hold back. Particularly when you have the combination of Senator SARBANES and Senator GRAMM, you have these two personalities that cover all aspects of the spectrum of dealing with people.

Of course, with both of them, you have vast years of knowledge of doing this kind of work, which is different than any other job I think anybody can have.

They recognize the ways to work with people and the mechanisms to do it and have just been tremendous in guidance as we have gone through this.

I would be real remiss if I did not place some special thanks on all of the

staff people who worked on this. Again, staff do a lot of the preparation, a lot of the study. They do meetings among themselves and then bring the results of those meetings to us for resolution. There were some real experts involved in this, people who really know how to network. And I would be surprised if there has been any other bill that had the kind of trust between staff and between Senators that this bill has had.

We worked on it for a long time. Of course, that built up the trust as we slowly got to the point where we had a draft to put through.

During that time, we did find out that it was an issue that affected everybody in the country. So then, of course, it affects both sides of the aisle. This is one of those examples of bipartisan effort. It results in a bipartisan vote and gives us some real strength as we continue this process.

Again, I thank my fellow Senator, Mr. JOHNSON, for his efforts on this bill and all of the different presentations we had to give over the course of time to different groups as we got them to buy in. Everybody had to come to the middle on this one because previous efforts had gone too far in one direction or the other. As a result, it picked up a majority in opposition.

One thing about passing a bill is that to pass it, you have to get it through all of the different steps. A "no" vote at any one of those steps kind of stops it dead in its tracks and sends you back to ground zero.

We are at the halfway point on this one now. We have gotten it through several votes successfully. It is much easier sometimes to create confusion and pick up the votes on the other side. I appreciate the Senators who helped to promote and to clarify this. Again, the clarification came from both sides.

Senator THOMPSON and Senator KYL particularly are to be congratulated for their tenacity at bringing up different points. You will find on the list of meetings that we put in that a lot of those meetings were with those two individuals. And as I mentioned numerous times, we put in 59 changes. One of the biggest changes, of course, is the override that the President has. We gave a trump to the President on everything in the bill.

We put in some new sections, and we said that the President has the right to set those aside in specific instances. It makes a huge difference in how this bill will work. It really will allow the limited resources that we have—and we are increasing those resources, but they are still limited—to concentrate on the worst situations and to make them better. That is what we are trying to achieve with the bill.

I would also like to thank the Majority Leader, Senator DASCHLE, for his strong support and willingness to bring the bill to the floor for debate. Senator REID was also instrumental in negoti-

ating the bill to the floor for debate. His support and guidance was very much appreciated.

Again, I thank everybody who worked on the bill. I particularly appreciate all of the hours Senator SARBANES has spent on the floor this week, not only in debate, in clarifying things, which showed his vast depth of knowledge of the bill, but particularly with the administrative work he did as he helped to get people together who needed to talk about different parts of this bill. His steady hand certainly played a big role in the kind of vote we received.

I again thank everybody who worked on the bill and congratulate everybody who worked on the bill. That is both those who were for and those who were against. We will see everybody on the House side.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we are in morning business?

THE PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Will the Senator from Kentucky yield for a unanimous consent request?

Mr. McCONNELL. I yield for that purpose.

Mr. DORGAN. I understand the Senator from Kentucky and the Senator from California, Mrs. FEINSTEIN, are going to seek recognition. I ask unanimous consent that I be recognized in morning business for 15 minutes following their presentation.

THE PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky.

(The remarks of Mr. McCONNELL and Mrs. FEINSTEIN pertaining to the introduction of S. 1409 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID. Will the Senator yield for a brief statement?

Mr. DORGAN. Of course, I will be happy to yield.

Mr. REID. Mr. President, on behalf of Senator DASCHLE, there will be no more votes tonight. The majority leader indicated in the morning he is going to move forward on some legislation. It is not for sure what it is. We are hopeful we will move to an appropriations bill. Senator DASCHLE has an important meeting tonight to see if that can be done. Senator DASCHLE asked I advise everyone there is a possibility of votes in the morning. Everyone should be prepared in that regard. There will be no more votes tonight.

THE PRESIDING OFFICER. The Senator from North Dakota.

## SENATE BUSINESS

Mr. DORGAN. Mr. President, with respect to the announcement by my colleague from Nevada, I am a bit confused what is happening in the Senate. We have the month of September to finish our appropriations bills. We have had no conferences on any appropriations bill at this point. We have 13 of them to do. We have a very short period of time in which to finish the work of the appropriations committees in the House and the Senate.

It is inexplicable to me that we are at this moment at 5 o'clock in the afternoon unable to go to another appropriations bill. They are ready to come to the floor. We are being blocked. There are objections to the motion to proceed to an appropriations bill. It makes no sense to me. This Senate must do its work and pass the appropriations bills. It will have to be sooner or later. It is much better if it is sooner. This is the work of the American people passing appropriations bills that contain the money for essentially the operation of Government. We have so much work to do and so little time in which to get it done.

The appropriations bills and the question of whether this fiscal policy adds up is very important for everyone. This town and, in ways, the country are asking a lot of questions these days about a softening economy, a surplus that used to exist that has now largely vanished, and a fiscal policy that was put in place when it was expected there would be nothing but surpluses as far as the eye could see that now does not add up at all.

I want to show a quote on a chart from Mr. Mitch Daniels, the head of the Office of Management and Budget in a statement he made on Sunday on "Meet the Press" because it is central to this question about fiscal policy. What are the resources? How many resources do we have? How do we use those resources? Mr. Daniels says we have the second largest surplus in the history of the country. We are "awash in cash," he says. But, of course, what he is talking about is the Social Security trust fund and the money in the trust fund.

There used to be \$125 billion expected above that, which indeed is a surplus, but that is now gone. That has evaporated. What is left belongs to the Social Security trust fund. When he says we are "awash in cash," he is talking about Social Security trust fund moneys. Mr. Russert, the moderator of "Meet the Press," said:

The surplus is money that you got through payroll taxes, which are designated towards Social Security. And to tap into that is a violation of what George Bush pledged during the campaign.

To which Mr. Daniels replied:

Well, it's not designated for Social Security, Tim.

It is not designated for Social Security. That is from the head of the Of-

fice of Management and Budget from this administration who says that the trust funds are not in the trust fund. The taxes that come out of all the workers' paychecks in this country, called Social Security taxes, that are put into a dedicated trust fund, we are told now by the head of the Office of Management and Budget that this money is not designated for Social Security.

He could not be more wrong or more unsuited for that job if he really believes that. It is possible this is a mistake. It is not a mistake in transcription. That is what he said, but it is possible he misspoke. If he did, let's hear that. If he did not misspeak, if this is what he believes, he is sadly mistaken.

This is a big, big issue. This is a \$162 billion issue in this year alone. It is a half-a-trillion-dollar issue in the next 5 years. It is essential to the construct of a fiscal policy that works to understand that this money does not belong to them; it does not belong to the Government; it belongs to the American workers. They paid it. It is their taxes, and they were told it was going to go into a trust fund.

The message ought to be: Keep your hands off those trust funds.

All of us face difficulty as a result of a softening economy. I am not here pointing fingers at who is to blame and who is not to blame. The fact is, we have had an economy that always has had a business cycle: an expansion side and a contraction side. Nobody has ever changed that.

We suffered a contraction. We went through a period when everybody thought the stock market would always go up and never go down. That is not the case. We went through a period when everybody thought there was one way the economy moves: upward, steadily, relentlessly.

Now they are experiencing what we learned in economics. I actually taught economics for a while, and I have overcome that, as I often say. We taught the business cycle. The business cycle is inevitable. There is an expansion and a contraction. It all has to do with people's confidence in the future. Sometimes there is more confidence and sometimes less confidence.

The point is, we all now inherit this economy that has softened. It is incumbent on us all to get together and work together; that the President and the Congress understand the plan that existed before, anticipating surpluses forever, is a plan that now does not add up. It is desperately short of the resources to do that which the President wants to do. It would make good sense, in my judgment, for the President to join us in an economic summit of sorts to work through a new plan that represents an understanding that there is a new reality to this economy and the numbers in the current plan do not add up.

Let's create a plan together that makes sense for the American people, one that invests in the American people's future and one that tries to provide the stimulus and incentive to help promote confidence and start this economy, once again, on an upward trend. That is what we have a responsibility to do.

Fingers that are pointed mean very little at this point. We are all in this ship of state together. It is not as if there is an engine room with dials, knobs, gauges, and levers so that if we can just get Alan Greenspan, or someone in charge of fiscal policies, to move these gauges and levers just right so the ship of state will move. That is not the way the economic engine behaves.

This ship of state moves forward and the economy grows when people have confidence in the future. The American people, the bond markets, and stock markets do not have confidence in a fiscal plan they know does not add up. That is why it is important for the President to recognize that reality and work with us to construct a new plan.

## INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I wish to take a moment to speak about a different subject, international trade. I will do it briefly because I understand my colleague, Senator BYRD, wishes to address the Senate. I certainly do not want to disadvantage him. If my colleague, Senator BYRD, will indulge me for a few more minutes, I want to make a comment about international trade.

Mr. BYRD. Please.

Mr. DORGAN. Mr. President, my colleague, as always, is gracious, and I deeply appreciate that.

Congress Daily today says:

Vote on trade negotiating authority suffers another delay.

This is a story about the House of Representatives deciding to delay a vote on what we normally call fast track. They have delayed it because the Speaker of the House says they need time to get all their "ducks in a row."

I simply point out to those who are working to get their "ducks in a row" in the House of Representatives to pass fast track trade authority, that when it comes to the Senate, there are not going to be ducks in a row to pass fast track trade authority for our President.

I would not support it for President Clinton and I will not support it for this President, and I want to explain why. I believe a band of Senators who feel as passionately as I do about our trade policy believe it is not only undemocratic to cede to someone else the ability to go to negotiated trade agreements with the promise that no Senator has the opportunity to offer a change to that agreement when it comes to the floor of the Senate. But I

also want to explain why I think those who have negotiated our trade agreements are not entitled to be given a blank check for trade negotiation authority by this Congress.

Let me give a couple of examples to describe why. Here is what has happened to our merchandise trade deficit. It has ballooned from \$132 billion in 1993 to \$449 billion last year. It is exploding. We are exporting manufacturing jobs at a rapid pace, and this is a trade debt that we must repay in the future with a lower standard of living in the United States. This is serious. It is trouble and we must get it under control.

We have had a trade deficit with Mexico. Let us look at what has happened with Mexico. In 1993, we passed the North American Free Trade Agreement. Before the agreement, we had small deficits with Mexico, \$5 billion, and then \$2 billion or \$3 billion. Then, a few years before the agreement, we had a surplus with Mexico.

What has happened since NAFTA was passed? We are drowning in red ink with the country of Mexico.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. Yes, of course, I will be happy to yield.

Mr. BYRD. What are those figures representing our drowning?

Mr. DORGAN. Their the current accounts deficit. With Mexico alone, it is over \$30 billion a year. In fact, our aggregate merchandise trade deficit is over a billion and a quarter a day, every single day. It is many trade partners including Japan, China, Canada, Mexico and Europe. It's a huge growing dangerous debt.

How does all of this happen? Let me give a few examples. Vehicles in Korea. In 2000, Korea shipped 570,000 vehicles to the United States of America. How many vehicles did we produce and ship to Korea? Only 1,700.

Is it because we do not make automobiles? No, that is not the reason. It is because if Ford makes a car and ships it to Korea, by the time it gets through all of their taxes, tariffs and other obstructions, it costs thousands more than it ought to cost. Therefore the Koreans do not buy it.

First of all, one has trouble getting it, but if they get it in the country they do not buy it because it is thousands more than it should be. So the result is our automobile trade with Korea is extremely unbalanced. They send us 570,000 vehicles a year and we send them 1,700. That is vehicles to Korea.

How about T-bone steak to Tokyo, beef to Japan? Do my colleagues know that every single pound of American beef we send to Japan has a 38.5 percent tariff on it, every single pound? To buy a T-bone steak in Tokyo is very expensive. Do you know why? Because they restrict the amount of beef com-

ing in. We reached a beef agreement with Japan and our negotiators celebrated it. Twelve years later we still have a 38.5 percent tariff on every single pound of beef going to Japan. T-bones to Tokyo, that is unfair trade; cars from Korea. How about high-fructose corn syrup to Mexico? Here they levy the equivalent of a 43 percent to 73 percent tariff on corn syrup, despite being in violation of NAFTA. Or how about durum wheat to this country from Canada? Fundamentally unfair trade. There are millions of bushels coming across in 18-wheel trucks. The Canadians have a monopoly that would be illegal in this country called the Canadian Wheat Board. They ship wheat to this country at secret prices. When we say to them, "open up your records," they simply thumb their nose at us and say, "We do not intend to shed one bit of light on this. We do not intend to share any data with you at all." That is the way trade is.

So I say to those in the House who are getting their ducks in a row to pass fast track trade authority, "Well, go ahead and get your ducks in a row. But you should understand that ducks are not going to be in a row when that gets to the U.S. Senate."

I did not believe President Clinton ought to have this authority, and he did not get it. I do not believe this President ought to have this authority, and, in my judgment, he is not going to get it.

The first step, and I have said this to the Commerce Secretary: "Do you want to talk about fast track? I will tell you what you ought to fast track. Why don't you put on the fast track a few trade solutions." I say to the trade negotiator and others, "Get some good negotiators. Fit them with jerseys, just like we do with the Olympics. Make sure the jerseys have a big "USA" on the front so that occasionally our negotiators can look down at their chests and see who they are representing and for whom they are negotiating." Send them over to the negotiating table and say, "Stand up for this country's interests."

Do not build walls and keep things out of here. But our negotiators need to say, "We expect fair trade." We expect them to stand up for this country's interests. Stand up for the American worker. Stand up for American business. Stand up for American products. We are sick and tired of unfair trade bargains that put us in a sea of red ink and put our employees and businesses at a disadvantage.

That is true with Japan. It is true with China. I have not spoken about China. I should, but out of respect for my colleague who is waiting to speak, I will do that at a later time.

Japan, China, Korea, Canada, Mexico, Europe. This country is drowning in a sea of red ink, in international trade deficits, and it ought to stop. I will not

be a part of a Senate that is going to try to give fast track authority to a President.

There will be a group of Senators who believe, as I do, that it is worth the passion, energy, and time to see that the priority in this country, and the priority in trade policy, is not to grant fast track authority to the Administration so they can go off and negotiate new trade agreements. Rather, we need to get some people who know how to negotiate solutions to the problems in the old trade agreements.

Let us fix the problems they have already created instead of running off and trying to create new trade agreements. This is especially true when we have this trade deficit that is becoming an albatross around the neck of our children. A trade deficit that will and must be repaid. One that must be repaid with a lower standard of living in this country. That is why it is important now to solve this problem. It will not be solved by more trade if it is unfair.

I am for expanded trade. I am for more trade. I am for all the things that people want to do to engage around the world in commerce, but I demand on behalf of this country, and on behalf of American workers and businesses, that trade agreements be fair to America for a change.

Trade agreements with Japan, China, and others have been negotiated in an incompetent way. You can put a blindfold on. It does not matter whether it is Republicans or Democrats in office.

Will Rogers once said the United States of America has never lost a war and never won a conference. He certainly must have been thinking about our trade negotiators. We can do a whole lot better than that.

My point very simply is, on fast track, get your ducks in the row in the House, but understand when it gets to the Senate it is not going any further. There are plenty of us who are going to see that fast track is not passed in the U.S. Senate.

Yes, we are for trade, but we are for fair trade. It is time to insist on fair trade and get rid of these ballooning trade deficits.

Let me thank my colleague, Senator BYRD, from West Virginia. He is, as is always the case, most gracious to allow me to continue beyond the time allotted.

Mr. BYRD. Will the Senator yield briefly?

Mr. DORGAN. I will be happy to yield.

Mr. BYRD. Sign me up. Sign me up as one of those who will stand with the Senator to defeat fast track. We have seen too many American jobs take a fast track out of this country. We have seen what happened to pottery in my State. We have seen what happened to glass, what happened to leather goods, what has happened to textiles, what is

happening to steel, what is happening to chemicals.

I will be with my colleague. I am opposed to fast track. I am for free trade but fair trade.

Next year will be my 50th year in Congress, and I see one administration after another, Republican and Democrat, go down this same fast track, and I am tired of it. I have been against it. I do not stand here today and propose we ought to deliberate on putting a duty on every toothbrush or every fiddle or fiddle string or every paint brush that comes into this country, but there are a few major questions that we should be allowed to debate and offer amendments on when that measure comes before the Senate. What's wrong with that? I wouldn't mind, half a dozen, six, three, but why should we go along with our eyes closed and continue to join in this fast track of American jobs and American industries across the seas?

Getting our ducks in a row, we have become sitting ducks. These are the ducks that our forefathers gave us to put in a row. Section 8, article I, the U.S. Constitution:

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States \* \* \*

It doesn't say anything about getting our ducks in a row. It doesn't say anything about fast track. It doesn't say anything about binding and gagging ourselves when it comes to trade legislation. It says the Congress shall have power to regulate commerce.

Let's exercise that power. Let's exercise our rights as Members of the Senate, elected by a free people. Count me, register me, make me a first lieutenant in the ranks. I am ready. I volunteer.

I thank the Senator for his contributions. I thank him very much for his leadership on this issue.

Is the Senate in a period for morning business?

The PRESIDING OFFICER (Ms. STABENOW). The Senator is correct.

Mr. BYRD. Are there any limitations?

The PRESIDING OFFICER. Each Senator is restricted to 15 minutes.

Mr. BYRD. I ask unanimous consent to speak for not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the Chair.

#### U.S. IMMIGRATION POLICY

Mr. BYRD. Madam President, the inscription on the base of the Statue of Liberty that has welcomed immigrants for generations can be found in the poem, "The New Colossus," by Emma Lazarus:

Not like the brazen giant of Greek fame,  
With conquering limbs astride from land to land;  
Here at our sea-washed, sunset gates shall stand

A mighty woman with a torch, whose flame  
Is the imprisoned lightning, and her name  
Mother of Exiles. From her beacon-hand  
Glows world-wide welcome; her mild eyes  
command

The air-brided harbor that twin cities  
frame.

"Keep ancient lands, your storied pomp!"  
cries she

With silent lips. "Give me your tired, your  
poor,

Your huddled masses yearning to breathe  
free,

The wretched refuse of your teeming shore.

Send these, the homeless, tempest-tost to  
me,

I lift my lamp beside the golden door!"

The United States has a proud history of welcoming immigrants fleeing religious persecution, political oppression, and economic hardship. My own forebear on my father's side came to these shores in 1657, settled on the banks of the Rappahannock River where all—with the exception of possibly one in this Chamber—are children, grandchildren, great-grandchildren, and great-great-grandchildren of immigrants. The magnanimous promise of a better life that is inscribed in the base of the Statue of Liberty has deep roots in both the American mind and American law. George Washington captured that promise in his dictum two centuries ago that the United States should be "a country which may afford an asylum, if we are wise enough to pursue the paths which lead to virtue and happiness, to the oppressed and needy of the Earth."

I understand the American dream that has lured immigrants here for more than 200 years. I have a son-in-law who is an immigrant from Iran. He is a physicist. I have a grandson who is married to an immigrant from Korea. My own State of West Virginia has benefitted from the many contributions made by our foreign-born citizens. West Virginia's coal miner population in the early part of the 20th Century reads like a United Nations roster: British—English, Welch, Scottish—Irish, Italian, Hungarian, Lithuanian, Swedish, Austrian, Russian, Greek, Syrian, Romanian, German, Polish, Slavic, and on and on.

In recent months, this administration has been working with its Mexican counterparts to craft a new immigration policy that would, among other things, legalize three to four million undocumented Mexican immigrants now working in the United States.

According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 11 percent of the total U.S. population. That is about 30 million immigrants living in the United States—13 million to 14 million of whom arrived just in the last 10 years.

These numbers are quite extraordinary because they suggest that at least 1.3 million immigrants are settling in the United States each year. That is more than arrived during the

last great wave of immigration between 1900 and 1910, when about 850,000 people entered the country each year.

In addition to their arrival in the United States, during the 1990's, immigrant women gave birth to an estimated 6.9 million children. If we add together the number of births to immigrants and the number of new arrivals, immigration during the 1990's led to the addition of 20 million—or two-thirds of the nearly 30 million people who populated the United States over the last 10 years.

If current trends continue, according to the Census Bureau's middle-range projections, the U.S. population will grow from 280 million to 404 million people by 2050, with immigration accounting for about 63 percent of that growth. That means the number of new immigrants entering this country over the next 50 years, about 78 million immigrants, will be roughly equal to 43 times the current population of West Virginia.

As I have said, many of these immigrants will contribute to the economic, cultural, and political development of the United States. But, let us not forget, let us not be unmindful of the fact that there will also be real costs associated with this population increase. Many of these new citizens will come in search of access to quality health care services. Yet too many of our Nation's 5,000 emergency rooms are already operating at critical capacity.

Go over to Fairfax Hospital. I just had my wife of 64 years over to that hospital twice within the last 6 weeks. And I took her both times—once through a call to 911. You will be amazed at what you see. The hospitals are overcrowded.

According to the LA Times, at many of the nation's hospitals, "ambulances are being turned away and patients are stacked in the hallways." If we are to accept these new citizens, it is clear that we will have to spend billions of taxpayer dollars to expand our health care infrastructure.

This Nation also has the responsibility to provide a quality public education to its citizens. Yet, the Department of Education recently reported that the number of children in public schools has grown by nearly 8 million in the last two decades. This growth has strained the resources of many school districts, resulting in overcrowded classrooms and overgrown schools where discipline is difficult if not almost impossible, and individual attention is nearly impossible.

These are questions we ought to think about. We need to think about these things.

In 2000, there were about 8 million school-age children—ages 5 to 17—of immigrants who had arrived since 1970, according to the Center for Immigration Studies. This is roughly equal to the total growth in elementary and

secondary school enrollment over the last 20 years. If we invite more immigrants into our public school system, we must consider the absorption capacity of American public education. This means that we will have to spend billions of taxpayer dollars to expand our public education infrastructure. The current infrastructure is being strained to the hilt.

We also have a responsibility to ensure that these new citizens, at the very least, have access to the resources to become proficient in the English language. The Census Bureau recently reported that nearly one in five Americans does not speak English at home. Among Spanish speakers, only half the adults described themselves as speaking English well, and only two-thirds of the school-age children in Spanish-speaking homes described themselves as speaking English very well. If we accept these potential citizens, we have an obligation to help ensure that they can assimilate themselves into our society.

Population growth will also continue to cause more and more land to be developed. Both past experience and common sense strongly suggest that population growth of this kind has important implications for the preservation of farm land, open space, and the overall quality of life throughout our country. A nation simply cannot add nearly 120 million people to its population without having to develop a great deal of undeveloped land.

There are also environmental concerns that must be considered. A growing nation requires increasing amounts of energy and greater recovery of natural resources, which results in larger output of pollution in our streams and greater accumulations of solid waste in our landfills.

Our resources, as never before, are limited. For all the talk we have heard in recent months from the administration about liberalizing our immigration laws, the President has not made any suggestions—I haven't heard them if he has made any—about how to pay for the additional infrastructure investments that will be required.

Just look around you. The infrastructure is being asked to bear far more than the traffic will bear. Look at our schools. Look at our hospitals. Look at our welfare programs.

Does the Administration want to increase taxes to support these newcomers? We have been cutting taxes. How much of our limited resources is the administration willing to sacrifice? At what price are we willing to accept all of these new immigrants?

These are the questions that our immigration policy needs to address if we are to offer a higher standard of living and a better life to the immigrants that our nation accepts. Instead, the American public is witnessing an immigration debate unfold that threatens

to move this nation's immigration laws in exactly the wrong direction.

Today the President of Mexico, Vicente Fox, in addressing a joint session of Congress, spoke about the need to regularize the flow of migrant workers between the United States and Mexico. The Bush Administration contends that we can regularize this migrant flow through a new "temporary worker" program.

I assure you, that there is nothing new about "temporary worker" programs and the amnesties that usually accompany them. In fact, these kinds of proposals have become a frighteningly familiar routine in recent years that have contradicted our immigration laws and sent exactly the wrong message abroad.

In 1986, Congress granted an amnesty to 2.7 million illegal immigrants, based on the promise that it would stem the tide of illegal immigration when combined with a ban on the hiring of illegal immigrants by employers. I supported that proposal, although it later proved to be a false promise. Illegal immigration increased dramatically.

More recently, there have been efforts by Congress to pass the so-called 245(i) status adjustment, which would allow illegals—for a \$1,000 fee—to waive the requirement that would force them to leave the country and effectively bars them from reentering the United States for up to 10 years.

This kind of legislation, in particular, flies right in the face—right in the face of the Congress' recent efforts to stop the flow of illegal immigrants. The section 245(i) provision nullifies those measures passed by the Congress that would punish immigrants who enter this country illegally.

Not only is this legislation unfair to every immigrant—both present and past—who waited to legally enter this country, but it sends the message abroad that as long as you can gather together enough money, you can circumvent our laws whenever they prove to be inconvenient.

State and local governments have not done much better at discouraging illegal immigration. Many States are making it easier for undocumented immigrants to apply for a driver's license, government health care benefits, and lower state college tuition. None of these initiatives will act as a deterrent to illegal immigration.

Let us continue to have legal immigration. Let us not offer attractions to illegal immigration.

The Immigration and Naturalization Service estimates that there are about 6 million illegal aliens living in the United States, a number which increases by more than 200,000 per year. And these numbers are based on 1997 population statistics. Once the Census 2000 population statistics are available, immigration experts expect this number to increase to somewhere between

8.5 million illegals and 13 million illegals. That's double the estimated number of illegals in 1986.

The number of amnesties that have been proposed in recent years, and the corresponding rise in illegal immigrants, suggests that something is seriously wrong with this country's immigration laws. It suggests that the basic framework either doesn't work or that we are not serious about enforcing it.

I am amazed at the political support for these amnesty proposals. As I say, I voted for them. I was misled.

Both political parties—Republican and Democrat—support broader immigration rules.

But no one is talking about the additional costs to the American taxpayers. Not one is talking about the strain on our natural and financial resources.

Building a political base is no reason to encourage illegal immigration, nor is building up union membership, nor is importing cheaper labor to replace U.S. workers. We must not glibly rush forward on immigration policy without adequate thought about unintended consequences, tangential ramifications or adequate public education and debate. Whether this rush to loosen our enforcement of immigration laws is due to jockeying for political advantage as cynics might contend, or simply an outgrowth of commendable altruistic urges on the part of our nation's political system, we need to step back, slow down and take a serious look at our immigration policies.

I well understand that there are segments of the American economy which profit greatly by the labors of illegal immigrants. I well understand the human sorrows endured by immigrant families who cannot earn an adequate living in their native land, and so must send a wage earner across the border to work and establish a foothold for future generations. My experience growing up in the coal fields during the years of the Great Depression was not too far afield from the immigrant experience of today. I know extreme poverty. I know what it is to start out life with the bottom rungs of life's ladder missing. I remember being at the mercy of the coal company employer in the coalfields. I understand the stigma of being undereducated, poor, and without the bottom rungs in the ladder. I understand that. That is why I am so concerned about the direction of our immigration policy of today.

I believe that not enough thought has been given and not enough questions have been asked. I question the sincerity of our rush to appease. Are we really acting in the best interests of the Mexican immigrants or of our own citizens?

I have lived 84 years and one lesson that I have learned in my years of observation and service is that the most precious commodity in public policy is that of honesty—intellectual honesty.

I hope that this rush to further relax our immigration laws is not just a competition for political advantage, but I fear that that is in fact the driving force. If I am right, and "votes ripe for plucking" is driving the altruistic claims of both parties, I urge that we draw back and face the ugly possibility of unintended exploitation of foreign workers as the outcome of political jockeying for the Hispanic vote.

In the first place there is no easily identifiable "Hispanic vote." Cuban peoples, Mexican peoples, and other Latin peoples who may have immigrated to the United States have radically different political views and decidedly different priorities. In the second place hispanic peoples who have resided in the United States for some years often deplore the laxer rules which allow new immigrants easier access to U.S. shores, and resent the unfortunate image which newer immigrants may project. The Hispanic votes is not a monolith and it is an insulting, shallow proposition to portray all people's of Latin descent as such.

Then there is the question of honesty again. Are we not skating dangerously close to falsehood when we politicians pretend that we can handle these vast numbers of future immigrants in any sort of decent and humane way? Anyone even vaguely familiar with the health care system in this nation knows that it is inadequate to service our present population and becoming more inadequate each day. Go visit the hospitals in the area. How can we pretend that we can address even the most mundane health care needs of these new immigrants?

We read about those needs in the newspapers—in the Washington Post and the Washington Times. The stories are frequent in those newspapers about the health needs, about the poverty, and about education shortcomings. We are so stretched now that we cannot handle the present load. Our infrastructure just simply can't handle it.

How can we pretend that our overcrowded, underachieving school system can possibly deal with thousands of new immigrant children and come even close to preparing them to cope with the competitive job market in America today.

We are not being intellectually honest. We are not being honest with the legal immigrants who are already in this country. We are not being honest with these people.

We are not being honest with ourselves.

We can't assure these children an adequate education, and that is the truth. Are we consigning these children to a sort of permanent underclass when we fail to give them basic tools with which they can achieve? The truth is, our American infrastructure—both physical and human resource related—is 20 years behind, and falling further behind with each passing year.

From everything to inadequate roads and transportation, to a health care system that assists fewer and fewer people, to an education system that fails to impart either discipline or knowledge, we need to face the fact that our resources are limited. It is a sad yet very true fact that we must all face. And we ought to think about it. I think these are proper questions to ask. We are no longer a land of unlimited possibilities because we no longer provide the basics which allow the people to flourish. We have disinvested in our own Nation. We have disinvested in our own people. The cupboard is not bare, but its contents are decidedly skimpy, and it is a grave disservice to invite the neighbors to a sumptuous feast at our house when we know that there is nothing left in the cupboard, nothing to serve but poke greens and salads that are cut from the hillside.

We risk turning a blind eye to the needs of our own Nation in future years when we try to absorb huge, huge numbers of underskilled, uninsured, undereducated immigrants without a cogent plan for handling their needs and fostering their eventual assimilation into our own society.

We must not rush to appease the demands of our friends to the south of our border without stopping to contemplate the consequences. President Fox of Mexico has the responsibility of delivering on his promise to the Mexican people of more jobs and a stronger economy. He cannot look solely to the United States to solve his economic and political problems.

We must also proceed with caution when we advocate policies that circumvent the intent of our own immigration laws. Those laws are passed by the Congress of the United States and signed by a President of the United States. Those laws are intended to allow for the orderly absorption of immigrant populations, and to prepare that population to become productive, participating English literate, United States citizens.

I can tell you Madam President, as the chairman of the Appropriations Committee in the Senate and as a member of the Senate Budget Committee—as is the distinguished Presiding Officer at this moment—we do not have the infrastructure in place to absorb the number of immigrants to whom this administration is seeking to open our borders.

It would be nice, it would be good, if we were able to solve the economic problems of other countries and provide a higher standard of living for people around the world—but, we cannot. This is no longer the late 19th century or the mid 18th century. Our resources are more limited today than they were a hundred years ago.

The Congress already faces enormous challenges in stretching our ever shrinking financial resources—and

they are ever shrinking. The Congress will have to appropriate the 13 annual appropriations bills this year with less than adequate resources to finance our infrastructure needs. I am opposed to the further erosion and draining of the limited resources that are available.

I did not vote for the tax cut. I vigorously opposed it. And my wife and I are returning our check. And as resources shrink, we run the risk of resentment, increasing resentment between those who are coming and those who are here, and those are forces that we do not want to unleash.

We cannot be so generous that we strain our own resources to the breaking point. And if we allow illegal Mexicans to come here, and to stay, what about illegal immigrants from elsewhere? How can we be fair to them if we do not treat them all alike? We cannot be so generous that we strain our own resources to the breaking point.

It is time for us to think of the people of America, and their children and their grandchildren. We need a national debate. We do not need something that can be rushed through on the consent calendar. We need a national debate on our immigration policies. The people out there must seriously ask the politicians, what are the answers to these questions that are being asked? They are legitimate questions. What are the answers?

We must seriously ask ourselves just how many more people our country will be able to accommodate. This is not something, Madam President, that should be rushed through Congress in 4 months or in 4 years, without adequate debate. These are questions that should be thoroughly aired.

Whatever proposal the President sends to Congress, it should be debated at length in the Senate. The American people must know what costs they are being asked to absorb. They must know what sacrifices they are being asked to make. And legal immigrants should be asking the same questions. What are the sacrifices they are supposed to make on behalf of illegal immigrants? Those immigrants who have waited patiently, knocking at the door, how do they feel about it? America is a nation of immigrants. Our golden door should always be open to those who seek refuge from oppression—"those huddled masses yearning to breathe free." But we must not turn America's promise into a hollow shell. It is well to remember that illegal immigrants don't just break the law when they come here. They undermine the earning power of America's workforce by reducing wages for the U.S. workforce who do not have high school diplomas.

Madam President, in 1939, John Steinbeck's epic novel, the "Grapes of Wrath," was published. Its protagonists, the Joad family, traveled from the Midwest to California, not to make their fortunes but merely to survive as

migrant workers. Through labor camps, hobo jungles, and ruined farms westward to California, they faced a peculiar kind of torment—the torment and isolation of hardship and poverty amid plenty. Let us proceed with caution—I say this to my political colleagues in this body, in the other body, and in the executive branch, and in the State legislatures, in the counties, in the towns and communities, cities across this Nation—let us proceed with caution, lest we turn America's sweet promise of a cornucopia to bitter grapes of wrath for us all, including our legal immigrants.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I ask unanimous consent that I may proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MISSILE DEFENSE

Mr. COCHRAN. Mr. President, I will take a few minutes to make some observations about some of the discussions I have read in recent days in various news articles and have heard from Senators who have commented on these articles relating to missile defense and the President's efforts to discuss with Russia and other friends and allies around the world our intentions with respect to the development of missile defenses to protect the security interests of the United States.

For some reason or other, in recent weeks there have been some misinterpretations made of comments that have appeared in news articles. Some have suggested that the administration, for example, is going to abandon the ABM Treaty or is developing plans and asking for funding in this year's appropriations bills to conduct tests and do development projects for missile defense which would violate the provisions of the ABM Treaty.

It is clear from everything the President himself has said that he would like to replace the ABM Treaty, after full discussions with Russian officials, allies, and friends around the world, with a new strategic framework that more closely reflects the facts as they exist now in the relationship we have with Russia.

The ABM Treaty was written, as we know, in 1972. It was written in an atmosphere where the prevailing doctrine of national security was mutual

assured destruction where we would actually have, as a matter of national policy, a plan to annihilate or destroy cities with innocent civilians in retaliation against a nuclear missile strike against the United States from the Soviet Union. And the mutual assured destruction doctrine was very troubling in and of itself, but it was the only thing we had. Deterrence was a way of life—and also a promise of a way of death in case someone decided to authorize a strike against the other. This was an agreement that was entered into at a time when each side seemed to be intent on building new and more sophisticated and more lethal weapons systems targeted to military targets in the other's nation state.

But times have changed. The Soviet Union no longer exists. Even though the Clinton administration attempted to negotiate a succession agreement, it has never been submitted to the Senate for ratification. The succession agreement lists Russia, Belarus, and another nation state as the successor states to the Soviet Union. Think about that. I am sure the Senate would discuss that very carefully and probably at great length, and whether or not the Senate would advise and consent and permit the ratification of that treaty, to permit it to go into effect and have the force and effect of law, is problematical.

But that is just one indication of how times have changed. The Clinton administration continued to respect the ABM Treaty to the extent that it would not undertake testing of even theater missile defense systems if the Russians objected. And in the discussions with our representatives in Geneva and elsewhere, talking on these subjects, it became clear that this country was going to be inhibited in its testing programs of theater missile defense systems because of provisions of the ABM Treaty.

By now, it ought to be very clear that there are threats to our soldiers and sailors who are deployed around the world from these very theater missile offensive systems that we saw Iraq use in the desert war—in the war that we helped organize and wage against them to liberate Kuwait. Twenty-eight or twenty-nine members of a National Guard unit lost their lives in Dhahran as a result of a Scud missile attack.

We cannot tolerate being inhibited and subject to the approval of another country to test and develop and deploy a system that would protect soldiers in that circumstance in the future. We have already, as a matter of fact, developed follow-on systems to the Patriot system, which was the only thing we used to try to counter the Scud missile attacks. And we continue to upgrade and make progress in developing systems that will offer the kind of protection against those missile attacks in the future. The PAC-3 program, for

example, has had a succession of successful tests, using the hit-to-kill technology of a defensive system.

There are other examples of theater missile programs. The Army's High Altitude Air Defense Systems—the acronym is THAAD. It sounds like my name is a system that offers protection against missile attack. But to hear some Senators and look at the authorization committee's mark right now, you would think these theater systems were the same as the national missile defense system. We saw reports in the paper that the chairman had presented the Armed Services Committee with a committee print of a military authorization bill for the next fiscal year, and it cuts \$1.3 billion out of missile defense. This is being described in the newspapers, and by Senators, too, as a reduction in the amount of money that would be authorized for national missile defense.

When you look at the exact dollar amounts in the bill—and it is not national missile defense—approximately \$347 million is cut from the Navy theater-wide program in the chairman's mark, along with \$210 million for the THAAD program and \$80 million from the airborne laser program. These are not long-range missile programs. These are not missile programs designed to counter intercontinental ballistic missile threats to our country; these are designed to protect men and women in the military service of the United States who are deployed all over the world right now. And they are now under threats from the same kind of missile weapons systems that were used by Iraq. Now they have been modernized, we hear from our intelligence sources, and are more accurate and more reliable and more lethal than they were in the desert war.

These programs should not be cut in the name of trying to restrict the President from using funds that the Congress appropriates for national missile defense. These are intermediate-range defensive systems, the testing and deployment of which were not intended to be covered by the ABM Treaty. And even though the Clinton administration was negotiating with the Russians our rights to test in developing these programs—to some degree at least—it is not the subject of the ABM Treaty. The ABM Treaty wasn't designed to deal with these threats at all.

So what I am suggesting is that the Senate ought to be on early warning that we are seeing an effort being developed here—at least in the Armed Services Committee—to lay groundwork for restrictions on funding, for restrictive language, which I understand is also included in the chairman's mark, which would more closely restrict the President and the Department of Defense in their effort to fully explore the use of technologies that

would help defend our service men and women when they are in harm's way around the world today.

There are some other programs that are cut in this bill that I understand are in the chairman's mark. One is the space-based infrared system, which will provide satellites to track missiles after launch—\$97 billion is cut from that program.

So there is a pattern here of undermining the entire effort to develop our defenses to the capability they need to be to fully assure the security interests of the United States. It doesn't have anything to do with the ABM Treaty, in my view, but that is being used as an excuse to hold back these programs. The chairman's mark cuts \$350 million from a program previously known as national missile defense, though in reality the number is far higher, as the administration has sought to remove the artificial barriers between the labels "national" and "theater" missile defense.

The President is talking about missile defenses. We need to have an aggressive, robust testing program so that we can fully understand how these technologies can be harnessed to fully defend our country's interests and protect the security of our Nation.

The chairman's mark even cuts funds that would be used for cooperative missile defense modeling and simulation with Russia. We are hearing a lot about trying to interact more in a positive way with Russia. Here is an example of a program that would give us an opportunity to do that more successfully, and that is proposed for cutbacks in the Armed Services Committee.

There are various legislative restrictions, one of which will provide the Defense Department's missile activities can proceed only in accordance with the ABM Treaty.

That is redundant, isn't it? Or it suggests that the President is planning to undertake something that is inconsistent with the treaty. He has said he is not going to do that. He recognizes the treaty is an agreement that is legally binding. The President has said that.

He is hoping to replace the treaty after negotiations with the Russians with a new strategic framework, but everybody is pronouncing that around here as dead on arrival. Give the President a chance at least to discuss it fully with the Russians rather than rushing over and getting some Russian official to make some derogatory statement about the process and then quoting it as if it is national policy in Russia.

We should give the negotiators a chance. That is what I am suggesting. So writing a bill here that presumes the President is going to violate the ABM Treaty is not getting us off to a good start, particularly if this sends a signal to the Russians: You do not have

to worry about negotiating with the President of the United States in good faith because the Senate is going to take over, the Senate is going to make it impossible for the President to negotiate an agreement.

We should not undermine the President's capacity to negotiate a better agreement that will serve our national security interests in a more effective way and replace an outdated, outmoded treaty, a cold war relic, when we could, if we are successful under the President's leadership, negotiate a better agreement that more fully protects our country's national security interests. This kind of provision is needless piling on, making it more and more difficult for our President. I hope the Armed Services Committee will look very carefully at these provisions.

There are a lot of other concerns that I have. I know there may be others who want to discuss issues on other subjects of great national concern, but they are talking about now in one other line of articles that I have seen—and this was discussed in our Defense appropriations hearing yesterday by some Senators—the fact there was a quote in the paper from an administration official saying: We were not bothered by China's buildup, the modernization of their nuclear weapons capability and whether they were going to do that or not would not have any effect on our decisions with respect to missile defense programs.

Secretary Rumsfeld made it very clear at the hearing, responding to one Senator's question, that neither he nor Secretary Powell nor Dr. Condoleezza Rice had made any statement of that kind, and they knew of no one in the Department of Defense or the Department of State or at the White House who had said anything like that.

There is no quote attributed to any particular individual, but yet not only the press have taken that and made stories out of it and repeated them, but now Senators are repeating them as if it was a fact. The fact is, China has been modernizing its military for years. They did not just start a new generation of nuclear weapons or intercontinental ballistic missile technologies and systems after we began improving our missile defense capabilities. China is going to make the decisions they make based on their own considerations of what is in their interests.

I am hopeful, of course, as everyone in this administration and in this Congress, we will be able to have a stable and friendly relationship based on mutual respect with China. Efforts are being made in discussions by the Secretary of State and many others with Chinese leaders in order to develop an understanding, trying to resolve problems as they develop, and we know what they are.

The incident with the surveillance plane in the area presented its own spe-

cial set of problems, but we worked our way through that with calm and thoughtful leadership and decision-making by the President and his Cabinet officials.

The whole point of this is, we can be a party to inciting the passions of those who worry about the capacity of our country's leadership to function to protect our security interests, and we can do more harm than good by the things we say and the way we discuss these issues and the way we handle bills that come through this Senate.

We should take very seriously the provisions that are in the chairman's print of this authorization bill before the Armed Services Committee, and all Senators ought to notice what is beginning as an official part of our legislative responsibility: an effort that is clear to undermine the President's leadership capacity in developing missile defense systems that will protect our soldiers and sailors and the security interests of our country.

Those who say he is going to abandon the ABM Treaty need to look at what the President said. He is trying to replace it with a new framework, a new agreement. I have suggested to some that we ought to consider having a peace treaty as a replacement to the ABM Treaty. We are not at war with Russia any longer. They do not profess to be at war with us. The cold war is over. When wars end, peace treaties are signed. Let's sign a peace treaty with Russia. That would supplant the ABM Treaty.

The ABM Treaty locks into law the doctrine of mutual assured destruction. We do not want to destroy Russia. They should not want to destroy us. So why perpetuate that doctrine with that treaty? Let's work to develop a new framework that more clearly defines the real relationship we have with Russia now.

That is what the President wants to do. Why can't the Senate join with the President, applaud that initiative, support that effort, pass legislation to fund the efforts to strengthen our military forces so we can do the job of protecting the security of this country?

I am not going to suggest these are political games that are being played because I know there are serious differences of opinion on this and other issues that come before the Senate.

I am not questioning anybody's motives. I am just saying I hope Senators will take a careful look at the facts. As we proceed through this process of authorization and appropriation for our defense needs, let's try to work in harmony and unity as much as possible so we will not create any misunderstandings in Russia, in China, or among potential adversaries out there, the so-called rogue states, that continue to acquire technology, that continue to acquire systems, missiles, other means of developing intercontinental ballistic missile capability.

It is a dangerous place out there, and we need to be sure we are doing what we can do and ought to do to protect our security interests in this environment.

Mr. President, I yield the floor.

#### DISPOSAL OF RADIOACTIVE WASTE

Mr. DOMENICI. Mr. President, I rise to share some news with my Senate colleagues. And even though my subject involves radioactive waste, I'm most pleased to report that this is all good news.

As a Nation, we haven't made great progress on disposal of radioactive wastes. Yucca Mountain was supposed to open in 1998—now it might open in 2010 if it progresses at the most optimistic rate.

But in New Mexico, the Waste Isolation Pilot Plant in the city of Carlsbad opened for disposal operations in March of 1999. WIPP is the nation's first repository for the permanent disposal of defense-generated radioactive waste left from the research and production of nuclear weapons.

WIPP represents the single most dramatic advance this Nation has made in disposal of radioactive waste. In fact, WIPP is a showcase facility for the entire world for demonstrating that mankind can safely remove complex wastes from any impact on our environment.

WIPP accepts a particular kind of waste, transuranic or TRU waste, that is contaminated with certain elements, especially plutonium. This type of waste must be handled with great care to ensure safety of the public and workers. WIPP represents a cornerstone of DOE's national cleanup effort dealing with the nation's nuclear weapons complex. Today, I want to announce that WIPP has filled their first underground room to full capacity.

This is no small achievement. That room now holds over 10,000 drums of TRU waste. The waste arrived in 352 shipments from five DOE sites—Los Alamos, Rocky Flats, Idaho, Hanford, and Savannah River. That required lots of transportation, in fact about one-third of a million miles. And even with so many miles, equivalent to 13 trips around the earth, there were no accidents or even serious incidents. For those who doubt that radioactive cargoes can be shipped safely, WIPP is proof that a well-engineered transportation system can be operated to the highest standards.

The team at WIPP isn't stopping to celebrate this milestone. As I speak, they're busily accepting more waste. Earlier this week, the shipment number was up to 373 and more than 11,000 drums had moved into the facility.

In closing, I personally commend the Department of Energy, especially the Carlsbad Field Office, for their careful attention to safe operations. The com-

munity of Carlsbad deserves tremendous praise for their consistent support of WIPP and its critical national mission. And both the Environmental Protection Agency and the New Mexico Environment Department deserve compliments for their roles in oversight of this facility.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 31, 1991 in Coronado, CA. A gay man was choked and beaten by three men. Three Marines, David William Bell and Jeffrey Martin Davis, both 20, and Steven Louis Fair, 26, were charged with attempted murder, assault, robbery and a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### GENERAL HENRY H. SHELTON 14TH CHAIRMAN OF JOINT CHIEFS AND A GREAT NORTH CAROLINIAN

Mr. HELMS. Mr. President, North Carolina, down through history has been blessed with countless remarkable sons and daughters, and in my judgment, one of the truly great has been General Hugh H. Shelton, the 14th Chairman of the Joint Chiefs of Staff, who was confirmed by the Senate on October 1, 1997, and reconfirmed by the Senate for a second 2-year term in 1999.

In this capacity, this great son of Eastern North Carolina served as the principal military advisor to the President of the United States, the Secretary of Defense, and the National Security Council.

Prior to becoming Chairman, General Shelton served as Commander in Chief of the U.S. Special Operations Command.

The General was born in Tarboro, NC, in January 1942. He earned a bachelor of science degree from North Carolina State University and a master of science from Auburn University. His military education includes attendance at the Air Command and Staff College in Montgomery, AL, and at the National War College at Fort McNair, Washington, DC.

He was commissioned a second lieutenant in the infantry in 1963 through

the Reserve Officer Training Corps, and spent the next 24 years in a variety of command and staff positions in the continental United States, Hawaii, and Vietnam. He served two tours in Vietnam—the first with the 5th Special Forces Group, the second with the 173rd Airborne Brigade. He also commanded the 3rd Battalion, 60th Infantry in the 9th Infantry Division at Fort Lewis, WA; he served as the 9th Infantry Division's assistant chief of staff for operation.

He then returned to North Carolina where he commanded the 1st Brigade of the 82nd Airborne Division at Fort Bragg; and then served as the Chief of Staff of the 10th Mountain Division at Fort Drum, NY.

Following his selection as brigadier general in 1987, General Shelton served 2 years in the Operations Directorate of the Joint Staff. In 1989, he began a 2-year assignment as Assistant Division Commander for Operations of the 101st Airborne Division (Air Assault), a tour that included the Division's 7-month deployment to Saudi Arabia for Operations Desert Shield and Desert Storm.

Upon returning from the Gulf War, General Shelton was promoted to major general and again assigned to Fort Bragg where this time he commanded the 82nd Airborne Division. In 1993, he was again promoted—to lieutenant general—and assumed command of the XVIII Airborne Corps.

In 1994, while serving as corps commander, General Shelton commanded the Joint Task Force that conducted Operation Uphold Democracy in Haiti. In March 1996, he was promoted to general and became Commander in Chief of the U.S. Special Operations Command.

In his 4 years as Chairman of the Joint Chiefs of Staff, General Shelton worked tirelessly to improve the quality of life for military members and their families. He championed numerous initiatives including the largest across-the-board pay raise for the military in 18 years—helping to narrow the civilian-military "pay gaps."

His push for pay table reform targeted greater increases for mid-grade noncommissioned officers, and his retirement reform package reinstated benefits for those entering service after 1986, and, thanks to his dedication and support, an enhanced housing allowance was implemented gradually to eliminate out of pocket expenses for service members living off post.

Chairman Shelton was a strong advocate of the effort to reform medical health care, to make medical care more responsive—to include military retirees over 65. He made great strides to improve the readiness of the U.S. military by articulating a regiment for increased defense spending. As a result, the Department of Defense realized a

\$112 billion increase in defense spending over the 5-year defense plan to arrest declining readiness rates. He additionally implemented new processes to carefully manage high demand/low density resources in support of the National Security Strategy.

Chairman Shelton and his staff published Joint Vision 2020 to establish goals and the metrics for the future joint force; he established the U.S. Joint Forces Command as the proponent for Joint Experimentation and Joint Force readiness. He established Joint Task Force-Civil Support to increase the military's ability to respond to crises in the U.S. homeland and established Joint Task Force-Computer Network Operations to enhance protection of U.S. information networks.

The General directed numerous initiative designed to improve the interoperability of the four Services including a Joint Airfighting Logistics Initiative, development of a Global Information Grid, revision of all Joint Professional Military Education programs and an enhancement on the joint warfighting focus of the Joint Requirements Oversight Council.

General Shelton's awards and decorations include the Defense Distinguished Service Medal (with two oak leaf clusters), Distinguished Service Medal, Legion of Merit (with oak leaf cluster), Bronze Star Medal with V device (with three oak leaf clusters), and the Purple Heart.

He has also been awarded the Combat Infantryman Badge, Joint Chiefs of Staff Identification Badge, Master Parachutist Badge, Pathfinder Badge, Air Assault Badge, Military Freefall Badge, and Special Forces and Ranger Tabs and numerous foreign awards and badges.

Mrs. Shelton is the former Carolyn L. Johnson of Speed, NC, who was young Hugh Shelton's high school sweetheart. As Mrs. Hugh H. Shelton, she has been actively involved with service issues and support to military families throughout General Shelton's career. The General and Mrs. Shelton have three sons: Jonathan, a special agent in the U.S. Secret Service; Jeffrey, a U.S. Army Special Operations soldier, and Mark, their youngest son.

Mr. President, Dot Helms and I are proud to have General Shelton and Carolyn as our very special friends—and to be theirs. The General has represented the U.S. military with great distinction for the past four years as its senior military officer.

This splendid North Carolinian has participated in policy-making at the highest levels of Government but he never lost the common touch with our men and women in uniform. He will be remembered as a soldier's soldier and a quiet professional, along with his lovely wife and three sons.

#### RETIREMENT OF GENERAL MICHAEL E. RYAN

Mrs. HUTCHISON. Mr. President, I rise today to honor General Michael E. Ryan, the Chief of Staff of the United States Air Force. General Ryan is a great American and, more important, and I'm sure no surprise to my colleagues, he is a fellow Texan. General Ryan has long been a tribute to Texas, the Nation, and especially to the Air Force.

General Ryan graduated from the Air Force Academy in 1965, and during his 36 years of service he commanded at the squadron, wing, numbered air force and major command levels, and accumulated more than 4,100 flying hours in seven different aircraft with 153 combat missions. He flew combat in Southeast Asia, including 100 missions over North Vietnam, and he served in key staff assignments at the major command level, at Headquarters U.S. Air Force and the Joint Staff. As commander of 16th Air Force and Allied Air Forces Southern Europe in Italy, he directed the NATO air combat operations in Bosnia-Herzegovina. We owe him a huge debt of thanks for just this duty alone as his leadership directly contributed to the Dayton Peace Accords.

General Ryan is, fortunately, not an unsung hero as he has received many decorations and medals including: the Defense Distinguished Service Medal with oak leaf cluster, the Distinguished Service Medal, the Legion of Merit with two oak leaf clusters, the Distinguished Flying Cross, the Meritorious Service Medal with two oak leaf clusters, the Air Medal with 11 oak leaf clusters, the Air Force Commendation Medal with two oak leaf clusters and the Vietnam Service Medal with three service stars.

After serving as the commander of U.S. Air Forces in Europe and commander, Allied Air Forces Central Europe, General Ryan "took the stick" of the Air Force as its 16th Chief of Staff. During his tenure, he has exemplified the quiet dignity and honor of that office through his leadership, integrity and foresight. A true leader who understood that his role was to set the course for our 21st Century Air Force and then clear the path to allow his commanders to truly lead their units, General Ryan personifies once said: "I don't think leadership should be personalized. Good ideas are best when they don't have a single identity. Leadership is a team effort."

This is a lesson those of us here in Congress would be wise to learn!

Meanwhile, General Ryan's accomplishments are critical and easily quantifiable. He and his leadership team successfully arrested the Air Force's readiness decline of the last decade, and built stability into the expeditionary operations our nation demands by reorganizing the service. At

the same time though, General Ryan ensured that despite the Air Force being an all-volunteer force competing in a strong job market, its retention and recruiting efforts never sacrificed quality for quantity. He also led the effort to provide lifetime health care to our men and women who willingly put their lives at risk, as well as a retirement system that properly compensates their service to country.

In a period of leadership challenges and chaos, General Ryan led our Air Force, balancing reductions in forces with dramatically increased operational tasking. Without question, the U.S. Air Force is the world's premier force and our country owes a debt of gratitude to Mike Ryan.

At the same time, we owe a debt of gratitude to the person General Ryan owes much of his success—his wife, Jane Ryan. With dignity and grace she selflessly gave her time and attention to the men and women of the Air Force family. Her sacrifice and devotion have served as an example and inspiration for others. The Air Force will lose not one, but two very exceptional people.

In fact, General Ryan's departure from active duty will signal an historic occurrence for the first time in 63 years, there will no longer be a Ryan in the ranks of the United States Air Force. While General Ryan distinguished himself as an airmen, leader, and trusted advisor to both the President and the U.S. Congress, his father, General John Ryan, also served as the senior uniformed Air Force officer.

The Air Force is a better institution today than it was four years ago. General Ryan's distinguished and faithful service provided a significant and lasting contribution to our Air Force and to our Nation's security. He has served our Nation with honor and distinction. I know the Members of the Senate will join me in paying tribute to this outstanding American patriot upon his retirement from the Air Force. We thank him and wish him and his family much health, happiness and Godspeed.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 5, 2001, the Federal debt stood at \$5,769,122,055,290.29, five trillion, seven hundred sixty-nine billion, one hundred twenty-two million, fifty-five thousand, two hundred ninety dollars and twenty-nine cents.

One year ago, September 5, 2000, the Federal debt stood at \$5,678,475,470,839.16, five trillion, six hundred seventy-eight billion, four hundred seventy-five million, four hundred seventy thousand, eight hundred thirty-nine dollars and sixteen cents.

Five years ago, September 5, 1996, the Federal debt stood at \$5,225,564,391,083.90, five trillion, two hundred twenty-five billion, five hundred sixty-four million, three hundred

ninety-one thousand, eight-three dollars and ninety cents.

Ten years ago, September 5, 1991, the Federal debt stood at \$3,623,548,000,000, three trillion, six hundred twenty-three billion, five hundred forty-eight million.

Fifteen years ago, September 5, 1986, the Federal debt stood at \$2,112,803,000,000, two trillion, one hundred twelve billion, eight hundred three million, which reflects a debt increase of more than \$3 trillion, \$3,656,319,055,290.29. Three trillion, six hundred fifty-six billion, three hundred nineteen million, fifty-five thousand, two hundred ninety dollars and twenty-nine cents during the past 15 years.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SECTION 245(i) EXTENSION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of calendar No. 73, H.R. 1885, the 245(i) family unification bill; that the bill be amended with a substitute amendment, which is a modified text of S. 778 as reported by the Judiciary Committee, which I send to the desk on behalf of Senator LOTT; that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Amendment No. 1532 was agreed to, as follows:

##### AMENDMENT NO. 1532

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Section 245(i) Extension Act of 2001".

#### SEC. 2 EXTENSION OF DEADLINE.

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking "on or before April 20, 2001; or" and inserting "on or before the earlier of April 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final or interim final regulations to carry out the Section 245(i) Extension Act of 2001; or"; and

(B) in clause (ii), by striking "on or before such date; and" and inserting "on or before the earlier date described in clause (i)";

(2) in subparagraph (C), by adding "and" at the end; and

(3) by inserting after subparagraph (C) the following:

"(D) who, in the case of a beneficiary of a petition for classification, or an application for labor certification, described in subparagraph (B) that was filed after April 30, 2001, demonstrates that the familial relationship existed before August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001;"

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762A-345), as enacted into law by section 1(a)(2) of Public Law 106-553.

The bill (H.R. 1885), as amended, was read the third time and passed.

Mr. DASCHLE. Mr. President, I am so pleased tonight we were able to pass a measure that honors our heritage as a nation of immigrants, and provides American and immigrant families some relief from our outdated immigration laws.

Today, immigrants who don't have the proper documentation to stay in the United States, but do have the legal right to become permanent residents because they are the spouses of US citizens can be stuck in a horrible catch-22 situation. If they return to their home country to get the immigrant visa to which they are entitled, they can be barred from re-entering the United States for up to 10 years.

Take the example of a woman named Norma. Norma entered the U.S. from Mexico, and settled in North Carolina. She then married a U.S. citizen. They have been married over two years, have a child, are expecting another this fall, and recently bought a new home for their growing family. Norma and her husband are torn on what to do about her immigration status. As the wife of a citizen, she qualifies for an immigrant visa. However, if she returns to Mexico to obtain her visa, she would be barred from re-entering the U.S. for 10 years. Norma doesn't want to leave her husband, her children, or her home for 10 years—and she shouldn't have to.

This action allows Norma's family—and hundreds of thousands of other families—to stay together. S. 778, introduced by Senators HAGEL and KENNEDY, extends the period of time for eligible people to file their petitions for relief with the Immigration and Naturalization Service and the Department of Labor for one year.

By doing that, S. 778 would provide real and immediate relief for hundreds of thousands of eligible immigrants.

With 30 Republican and Democratic cosponsors, this bill enjoyed broad bipartisan support:

It passed out of the Senate Judiciary Committee mark up by a unanimous voice vote.

To satisfy critics, Senators HAGEL and KENNEDY compromised by accepting language that immigrants applying under the new 245(i) extension must show that their family or employment relationship existed prior to the enactment of the bill.

I have talked to the President about this issue on more than one occasion, and I raised it again with him this week at the White House. He assured me he shares my concern that we need to take action on this important priority.

Since April 30th of this year, when Section 245(i) last expired, immigrants have been waiting in limbo.

INS statistics show that approximately seventy-five percent of the immigrants who apply for 245(i) relief are the spouses and children of U.S. citizens and permanent residents.

Eight out of 10 legal immigrants come to the United States to join a family member. What message are we sending if our policies pry families apart?

President Vicente Fox's historic visit has helped to focus attention on the need to re-craft our immigration policies in ways that better reflect our core values of family unity, fundamental fairness and economic opportunity.

Passing the Section 245(i) Extension Act of 2001 sends a clear message that we are truly committed to providing real immigration reform.

The Senate has taken the first step. I hope the House will soon follow. Let's put this bill on President Bush's desk, and let's do it this week. Norma's family, and thousands of families just like hers, are looking to us. Let's not let them down.

Mr. KENNEDY. Mr. President, last year's Legal Immigration Family Equity Act extended the deadline under section 245(i) of the immigration laws to April 30, 2001—a window of just 4 months—to enable persons who are eligible for green cards to adjust their status in the United States, rather than have to return to their country of origin to do so. Clearly this new deadline has proved to be inadequate. The short extension created an overwhelming demand for information and services, and many qualified persons did not have enough time to file their petitions.

To address this urgent problem, Senator HAGEL and I introduced new legislation on April 26, a few days before the April 30 deadline. Congress should have acted long before now to extend the deadline, but all of us who support an extension are pleased that the Senate is finally acting on this bill. I know many of my colleagues on both sides of the aisle share my desire to move this bill quickly because it affects so many people. It is a humanitarian measure that has strong bipartisan support. It also has the support of the President.

This bill will provide real and immediate relief to hundreds of thousands of immigrants. INS data show that approximately 75 percent of the immigrants who apply for this relief are the spouses and children of U.S. citizens and permanent residents. These are

families who have made lasting contributions to our communities and contributed to the economic vitality of our nation. This bill does not propose substantial new relief, but only a continuation of the prior relief. Last year's temporary extension to April 30, 2001 was designed to benefit immigrants who were in the country by December 21, 2000. This bill will extend the deadline to provide this group of immigrants with more time to file their petitions.

I know that some of my colleagues support the extension, but had concerns with our bill. We worked with them to develop an acceptable compromise. Our bill, with an amendment offered by Senator KYL reflects our compromise. This compromise requires immigrants benefitting from the extension to show that their family or employment relationship existed on or before August 15, 2001. They will have until April 30, 2002 or 4 months from the issuance of regulations to file their applications with the INS.

Some critics are concerned about fraudulent marriages. But the INS, and not Congress, is in the best position to determine whether a case is fraudulent. The INS closely scrutinizes applications based on recent marriages. Under the current law, the INS conducts extensive interviews before deciding these cases, often separately questioning the couples. Anyone who has been married less than 2 years when their application is approved is required to attend a second INS interview 2 years later, in which INS again reviews the case to determine whether there is a bona fide marriage. Only after the second interview will a recently married immigrant receive a permanent green card.

In INS determines that an individual has committed marriage fraud, that person is permanently barred from receiving a green card and can be criminally prosecuted. Many of us feel that this new restriction is unnecessary, and will lead to needless confusion, delay and hardship. But in the spirit of compromise, we accepted this amendment.

I am pleased that we are moving this bill forward, as this legislation will keep immigrant families together. We cannot continue to delay; otherwise, the purpose of this legislation—to prevent the separation of immigrant families—will be defeated. This measure is of critical importance to Mexican President Vicente Fox, who is in Washington for an historic visit. Our two countries are negotiating important immigration policies which will profoundly affect and benefit our peoples and our economies. Extension of section 245(i) is an immediate and important first step in these negotiations.

Finally, if we are truly to live up to our history and heritage as a nation of immigrants, we must also address the

pressing needs of uniting other families separated by our current immigration laws, and meeting the needs of our labor market. I look forward to working with my colleagues to meet these great challenges, and am pleased that the Senate has approved this bill as a downpayment on the reforms that are so long overdue.

Mr. LEAHY. Mr. President, this legislation accomplishes a goal supported by President Bush and a bipartisan coalition of Senators—making it easier for people who are eligible to become legal permanent residents to apply for their green cards without leaving the United States. There could not be a more opportune time to pass this bill than during the visit of President Vicente Fox to our nation, and I applaud the Majority Leader for making passage today possible. I hope that the approval of this bill serves as a signal of the Congress' willingness to work with the Mexican Government to achieve our common goals, and to maintain fair immigration policies.

I was pleased to schedule this bill for a markup as soon as I became Chairman of the Judiciary Committee. Although I would have preferred that the Committee report the bill as it was introduced, I am glad that a compromise was reached that allowed the bill to receive the Committee's support and make it to the floor of the Senate.

This bill extends section 245(i) of the Immigration and Nationality Act, which expired on April 30, 2001. Section 245(i) allows foreign-born people who are present in the United States and eligible for legal permanent residency to apply for that status from within the country instead of having to return to their nation of origin to apply. We reauthorized section 245(i) last year, but only for a four-month period. Many eligible immigrants were unable to find attorneys and submit applications during that brief period.

There are at least three good reasons to extend 245(i). First, it allows families to stay together in the United States instead of forcing family members to return to their native countries to apply for their green cards. Second, because immigrants can also qualify to become legal permanent residents based on an employment relationship, extending 245(i) will allow businesses to retain vital employees. Third, because immigrants have to pay a \$1000 fee to apply under 245(i), this program raises millions of dollars for the Federal treasury.

Senators KENNEDY and HAGEL deserve great credit for their sponsorship of and support for this bill. I am pleased that the Senate has approved this bipartisan bill to keep families together, and I urge the House to follow the Senate's lead.

Mr. REID. Mr. President, let me briefly say that this is extremely important. With President Fox in the

country, this sends a message to him that we really are trying to work toward making things easier in relations between the United States and Mexico. But this has wide application to places other than Mexico. It is important legislation. It is something we worked on very hard. We almost got it done toward the end of last year. It is now completed.

We hope the House will expeditiously move forward on this matter. The chairman of the House Judiciary Committee has been involved in this, Representative SENSENBRENNER. We are grateful for everyone's cooperation.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2500

Mr. REID. Mr. President, I ask unanimous consent that on Monday, September 10, at 12 noon, the Senate proceed to the consideration of calendar No. 96, H.R. 2500, the Departments of Commerce, Justice, and State appropriations bill; that once the bill is reported, the majority manager or his designee be recognized to offer the text of the Senate committee reported bill as a substitute amendment, and that the amendment be considered agreed to as original text for the purpose of further amendments, provided that no points of order be waived by this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### OBSERVANCE OF THE OLYMPIC TRUCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 112, S. Res. 126.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (S. Res. 126) expressing the sense of the Senate regarding observance of the Olympic Truce.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas the Olympic Games are a unique opportunity for international cooperation

and the promotion of international understanding;

Whereas the Olympic Games bring together embattled rivals in an arena of peaceful competition;

Whereas the Olympic Ideal is to serve peace, friendship, and international understanding;

Whereas participants in the ancient Olympic Games, as early as 776 B.C., observed an "Olympic Truce" whereby all warring parties ceased hostilities and laid down their weapons for the duration of the games and during the period of travel for athletes to and from the games;

Whereas war extracts a terrible price from the civilian populations that suffer under it, and truces during war allow for the provision of humanitarian assistance to those suffering populations;

Whereas truces may lead to a longer cessation of hostilities and, ultimately, a negotiated settlement and end to conflict;

Whereas the Olympics can and should be used as a tool for international public diplomacy, rapprochement, and building a better world;

Whereas terrorist organizations have used the Olympics not to promote international understanding but to perpetrate cowardly acts against innocent participants and spectators;

Whereas, since 1992, the International Olympic Committee has urged the international community to observe the Olympic Truce;

Whereas the International Olympic Committee and the Government of Greece established the International Olympic Truce Center in July 2000, and that Center seeks to uphold the observance of the Olympic Truce and calls for all hostilities to cease during the Olympic Games; and

Whereas the United Nations General Assembly, with the strong support of the United States, has three times called for member states to observe the Olympic Truce, most recently for the XXVII Olympiad in Sydney, Australia: Now, therefore, be it

*Resolved,*

#### **SECTION 1. SENSE OF THE SENATE WITH RESPECT TO THE OLYMPIC TRUCE.**

(a) **COMMENDATION OF THE IOC AND THE GOVERNMENT OF GREECE.**—The Senate commends the efforts of the International Olympic Committee and the Government of Greece to urge the international community to observe the Olympic Truce.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the United States Government should join efforts to use the Olympic Truce as an instrument to promote peace and reconciliation in areas of conflict; and

(2) the President should continue efforts to work with Greece—

(A) in its preparations for a successful XXVIII Olympiad in Greece in 2004; and

(B) to uphold and extend the spirit of the Olympic Truce during the XXVIII Olympiad.

#### **SEC. 2. TRANSMITTAL OF RESOLUTION.**

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the International Olympic Committee and the Government of Greece.

#### **TENTH ANNUAL MEETING OF THE ASIA PACIFIC PARLIAMENTARY FORUM**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of calendar No. 113, S. Con. Res. 58.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 58) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

Whereas the Asia Pacific Parliamentary Forum was founded by former Japanese Prime Minister Yasuhiro Nakasone in 1993;

Whereas the Tokyo Declaration, signed by 59 parliamentarians from 15 countries, entered into force as the founding charter of the forum on January 14 and 15, 1993, establishing the basic structure of the forum as an interparliamentary organization;

Whereas the original 15 members, one of which was the United States, have increased to 27 member countries;

Whereas the forum serves to promote regional identification and cooperation through discussion of matters of common concern to all member states and serves, to a great extent, as the legislative arm of the Asia-Pacific Economic Cooperation;

Whereas the focus of the forum lies in resolving political, economic, environmental, security, law and order, human rights, education, and cultural issues;

Whereas the forum will hold its tenth annual meeting on January 6 through 9, 2002, which will be the first meeting of the forum hosted by the United States;

Whereas approximately 270 parliamentarians from 27 countries in the Asia Pacific region will attend this meeting;

Whereas the Secretariat of the meeting will be the Center for Cultural and Technical Exchange Between East and West in Honolulu, Hawaii;

Whereas the East-West Center is an internationally recognized education and research organization established by the United States Congress in 1960 largely through the efforts of the Eisenhower administration and the Congress;

Whereas it is the mission of the East-West Center to strengthen understanding and relations between the United States and the countries of the Asia Pacific region and to help promote the establishment of a stable, peaceful and prosperous Asia Pacific community in which the United States is a natural, valued, and leading partner; and

Whereas it is the agenda of this meeting to advance democracy, peace, and prosperity in the Asia Pacific region: Now, therefore be it

*Resolved by the Senate (the House of Representatives concurring), That the Congress—*

(1) expresses support for the tenth annual meeting of the Asia Pacific Parliamentary Forum and for the ideals and concerns of this body;

(2) commends the East-West Center for hosting the meeting of the Asia Pacific Parliamentary Forum and the representatives of the 27 member countries; and

(3) calls upon all parties to support the endeavors of the Asia Pacific Parliamentary Forum and to work toward achieving the goals of the meeting.

#### **ADDITIONAL STATEMENTS**

##### **50TH ANNIVERSARY OF AL-ANON FAMILY GROUPS**

• Mr. WELLSTONE. Mr. President, today I congratulate Al-Anon Family Groups on their 50th anniversary and to acknowledge their contributions to many individuals, families and communities who come together to support those in recovery from alcohol addiction. The Al-Anon Family Groups have been a source of help and hope for families and friends of alcoholics for 50 years in communities throughout the United States and worldwide. Although Al-Anon, and its group for younger members, Alateen, have their roots in the United States, there are now over 26,000 Al-Anon and Alateen groups around the world in 115 countries.

The theme for the September 2001 National Alcohol and Drug Addiction Recovery Month is "We Recover Together: Family, Friends and Community," with its clear message that we need to work together to promote treatment for alcohol and drug addiction throughout our country. The Al-Anon Family Groups is an outstanding example of how a community can support the families, friends and communities of those who are in recovery from addiction.

Scientific research has shown us the devastation that alcohol addiction can have on the brain and the biological systems of the body. But addiction can also damage souls, relationships, families and communities. Effective treatments can help those with addiction illnesses, but it is through the support of groups like Al-Anon that communities and families can join together to make recovery work well for everyone who is affected.

I urge my colleagues to join me in recognizing Al-Anon Family Groups for the work they have done to help the countless numbers of those whose lives have been affected by addiction. With treatment and support, people can recover from alcohol addiction, and make positive contributions to their families, workplaces, communities, state and nation. Through the support offered by Al-Anon and Alateen, families and friends of those with addiction illnesses can find the support they need in their lives as well.

With gratitude and respect for the work they do, I offer my congratulations to Al-Anon Family Groups on their 50th anniversary.●

#### TRIBUTE TO OVARIAN CANCER NATIONAL ALLIANCE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Ovarian Cancer National Alliance of Washington, D.C. during Ovarian Cancer Awareness Month of September. The Alliance has been instrumental in implementing a three phase public education program targeting key constituencies to deliver crucial information about ovarian cancer.

The information provided to the public about ovarian cancer has allowed the Alliance to successfully develop the tools, strategies and relationships necessary to educate women about the symptoms, risks and treatment of ovarian cancer.

The main thrust of the education program was the development of a pilot awareness program in the Washington, D.C., metropolitan area. Working closely with the Ovarian Cancer Coalition of Greater Washington, the Alliance trained more than 30 volunteers to go into the community to give educational presentations and partnered with area gynecologic and oncology physicians and nurses to do similar presentations in the medical community.

The combined aspects of the program have reached several hundred healthcare professionals and tens of thousand of women. The pilot program has made a marked impact in raising ovarian cancer awareness in the Washington, D.C. area.

The Alliance has begun to identify other communities around the country in which it will conduct similar educational campaigns to heighten awareness of ovarian cancer.

I commend the Ovarian Cancer National Alliance for its selfless dedication to the education of women concerning ovarian cancer and applaud the efforts to reach thousands of women in our country with life saving information. It is truly an honor and a privilege to represent you in the United States Senate.●

#### COMMENDING THE SERVICE OF GENERAL THOMAS P. KANE

● Mrs. BOXER. Mr. President, I take this opportunity to bring to the Senate's attention the exemplary career and service of General Thomas Kane, Commander of the 60th Air Mobility Wing at Travis Air Force Base in California.

General Kane is leaving Travis to accept an assignment with NATO on September 12, 2001. When he arrived in Solano County almost 2 years ago, he brought with him a sense of honor, pur-

pose and teamwork that not only resonated on the base itself but throughout the surrounding community. I am not the only one who will miss his spirit, good nature and strength of character.

General Kane is a career Air Force officer. He graduated from the Air Force Academy in 1974 and has earned numerous advanced degrees since. A pilot and highly decorated officer, he has served in many capacities and in many locations over the course of his time in the Armed Forces including Portugal and Korea. Advancing steadily, he was promoted to Brigadier General on September 1, 2000.

I had the pleasure of meeting General Kane in person once at my office in Washington, DC. To me, the most striking thing about him is how much he cares about the men and women in his command. This impressed me very much. In my opinion, this attitude is more than an approach to leadership; it is the very essence of leadership.

General Kane often likes to mention that if he ever leaves the Air Force he would like to be a baseball coach. I am not sure if America needs more baseball coaches, but I do know that we very much need dedicated people leading our military. General Kane is just such an officer. He is a credit to his uniform and his country. I wish him, his wife Renee and their family the very best.●

#### TRIBUTE TO ALICE WATERS

● Mrs. BOXER. Mr. President, today I pay tribute to an extraordinary American and Californian, Alice Waters, who has revolutionized our approach to food and the way we eat.

I congratulate her and her flagship restaurant, Chez Panisse, for reaching the milestone of being in business for 30 years. While sustaining a successful restaurant for all of these years is significant, Alice's broader contribution to our culture in the past decades is unparalleled.

While I have known and admired Alice for many years, I am astonished when I consider the effect she has had on our country. Alice has cultivated programs and integrated food and gardening into imaginative projects as ways of fostering love, growth, responsibility and respect of life and work.

Alice's disciples and her philosophy of fresh, local and natural, have spread throughout our land. A remarkable number of proteges have opened their own path-breaking restaurants and have become culinary artists themselves. But her influence goes far beyond the kitchen. Due to the leadership of Alice and her restaurant, Chez Panisse, the National Restaurant Association reports that over 60 percent of the top American restaurants now mention organic ingredients on their menus. Alice worked to pass the Federal organic food law and has helped

define new U.S. Department of Agriculture guidelines for school lunches.

Alice has written and co-authored many cookbooks, which provide more than recipes. They have helped to spread her philosophy of food into American home kitchens. She has founded gardening projects at the San Francisco jail and the Edible Schoolyard at Berkeley's Martin Luther King Jr. Middle School, where she established a curriculum that brings organic gardening into classes and where the results of the children's gardening are used in the school's lunch program. The students who participate not only learn valuable skills but also cooperation and responsibility.

Alice believes that as Americans change their thinking about food, America will change for the better. Alice has said about our children that "Most families in this country don't even eat one meal a day with each other. So how are we going to pass on our values to them if we don't eat with them?"

While Chez Panisse has been graced with many talented people over the years, the one constant has been Alice. She has poured her life into Chez Panisse and into what it represents, and we are all the richer for it.

I am proud to know Alice and I wish her, her good works for our community and nation, and Chez Panisse another 30 years of continued success.●

#### RECOGNIZING JIM WOSTER FOR HIS SERVICE TO SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to recognize a friend and an extraordinary South Dakotan who is about to be inducted into the South Dakota Hall of Fame on Saturday, September 8th. I am very pleased that Mr. Jim Woster, of Sioux Falls, SD has been selected for this very prestigious honor. I am sure this is also a great honor for Jim's wife, Penny, their three children, Jim, Sara, and Michelle, and their new granddaughter, Tessa. Jim's contributions to our State have been many, but he has, in particular, been an absolute champion for the interests of agriculture and South Dakota's rural communities.

After growing up on a ranch near Reliance, SD, Mr. Woster graduated from South Dakota State University with a degree in animal science. As a young man, Jim began to compile an incredibly impressive list of accomplishments in all aspects of South Dakota agriculture. Jim's experiences range from working in the cattle alley at the Sioux Falls Stockyards to conducting important ruminant nutrition research. Jim has been involved in consignment sales of livestock at sale barns throughout the State, and became a highly respected and beloved media personality in our State through his market reports on radio and television. Nobody knows rural America,

and nobody knows South Dakota agriculture better than Jim Woster.

Jim has always exhibited a strong commitment to public service. Throughout his career, he has devoted an enormous amount of time and energy to worthy causes such as the American Cancer Society, the Arthritis Foundation, and the Make-A-Wish Foundation. All this while serving our Nation for eight years as a member of the South Dakota National Guard.

The great honor to be bestowed on Mr. Woster is exceptionally well deserved, as he has contributed so much to our State while at the same time serving as a model for other talented South Dakotans to emulate. I join my fellow South Dakotans on extending congratulations and a "job well done" to Jim Woster.●

#### MESSAGE FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1866. An act to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents.

H.R. 1886. An act to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings.

H.R. 2048. An act to require a report on the operations of the State Justice Institute.

H.R. 2277. An act to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors.

H.R. 2278. An act to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States.

H.R. 2291. An act to extend the authorization of Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 234. Resolution stating that the House has heard with profound sorrow of the death of the Honorable Floyd Spence, a Representative from the State of South Carolina.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1866. An act to amend title 35, United States Code, to clarify the basis for granting requests for reexamination of patents; to the Committee on the Judiciary.

H.R. 1886. An act to amend title 35, United States Code, to provide for appeals by third parties in certain patent reexamination proceedings; to the Committee on the Judiciary.

H.R. 2048. An act to require a report on the operations of the State Justice Institute; to the Committee on the Judiciary.

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

H.R. 2563. An act to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3578. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to military personnel accounts; to the Committees on Appropriations; the Budget; and Armed Services.

EC-3579. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the appropriations report; to the Committee on the Budget.

EC-3580. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-3581. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to the funding of the Foreign Comparative Testing Program Projects for Fiscal Year 2002; to the Committee on Armed Services.

EC-3582. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the report for Department purchases from foreign entities in Fiscal Year 2000; to the Committee on Armed Services.

EC-3583. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-3584. A communication from the Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a report on Conversion of Department of Defense Commercial Activity to a Private Contractor; to the Committee on Armed Services.

EC-3585. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001-02 Early Season" (RIN1018-AH79) received on August 17, 2001; to the Committee on Indian Affairs.

EC-3586. A communication from the Executive Director of the National Commission on

Libraries and Information Science, transmitting, pursuant to law, the Annual Report for 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3587. A communication from the General Counsel for the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Non-Governmental Antarctic Expeditions" (RIN3145-AA36) received on August 15, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3588. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Solid Minerals Reporting Requirements" received on August 17, 2001; to the Committee on Energy and Natural Resources.

EC-3589. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "2001-2002 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018-AG58) received on August 22, 2001; to the Committee on Energy and Natural Resources.

EC-3590. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, a report entitled "DMCA Section 104 Report"; to the Committee on the Judiciary.

EC-3591. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to Gulf War Veterans for Calendar Years 1999 and 2000; to the Committee on Veterans' Affairs.

EC-3592. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits Administration Nomenclature Changes" received on August 16, 2001; to the Committee on Veterans' Affairs.

EC-3593. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Duty to Assist" (RIN2900-AK69) received on August 23, 2001; to the Committee on Veterans' Affairs.

EC-3594. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-3595. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Democratic and Popular Republic of Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-3596. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3597. A communication from the Deputy Congressional Liaison, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Credit by Brokers and Dealers (Regulation T); List of Foreign Margin Stocks" received on August 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3598. A communication from the Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "240.3a55-1: Method for determining market capitalization and dollar value of average daily trading volume; application of the definition of narrow-based security index. 240.a55-2: Indexes underlying futures contracts trading for fewer than 30 days. 240.3a55-3: Futures contracts on security indexes trading on or subject to the rules of a foreign board of trade." (RIN3235-A113) received on August 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3599. A communication from the Counsel for Regulations, Government National Mortgage Association, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Government National Mortgage Association Mortgage-Backed Securities Program—Payments to Security Holders; Book-Entry Procedures" (RIN2503-AA16) received on August 22, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3600. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to Austria; to the Committee on Banking, Housing, and Urban Affairs.

EC-3601. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving U.S. exports to Malaysia; to the Committee on Banking, Housing, and Urban Affairs.

EC-3602. A communication from the Deputy Secretary of the Division of Market Regulation, United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Registration of Broker-Dealers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934" (RIN3235-A121) received on August 30, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3603. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Railroad Track Maintenance Costs" (Rev. Proc. 2001-46) received on August 21, 2001; to the Committee on Finance.

EC-3604. A communication from the Regulations Officer of the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors, and Disability Insurance; Revision to Medical-Vocational Guidelines" (RIN0960-AE42) received on August 22, 2001; to the Committee on Finance.

EC-3605. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—September 2001" (Rev. Rul. 2001-43) received on August 22, 2001; to the Committee on Finance.

EC-3606. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revise Form W-9" (Ann. 2001-91) received on August 27, 2001; to the Committee on Finance.

EC-3607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, trans-

mitting, pursuant to law, the report of a rule entitled "2001 National Pool" (Rev. Proc. 2001-44) received on August 27, 2001; to the Committee on Finance.

EC-3608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2001-52) received on August 27, 2001; to the Committee on Finance.

EC-3609. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Change in Flat Rate of Duty on Articles Imported for Personal or Household Use or as Bona Fide Gifts" (RIN1515-AC90) received on August 30, 2001; to the Committee on Finance.

EC-3610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law the report of a rule entitled "Guidance on Amendment of Section 401(a)(17) of the Code by EGTRRA" (Notice 2001-56) received on September 4, 2001; to the Committee on Finance.

EC-3611. A communication from the Principal Deputy Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to the deep-draft navigation project for Savannah Harbor, Georgia; to the Committee on Environment and Public Works.

EC-3612. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7032-2) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3613. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permits Program in Washington" (FRL7031-6) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3614. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management Systems; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL7025-3) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3615. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7013-5) received on August 8, 2001; to the Committee on Environment and Public Works.

EC-3616. A communication from the Chairman of the Nuclear Regulator Commission, transmitting, the Monthly Status Report on the Licensing Activities and Regulatory Duties for June 2001; to the Committee on Environment and Public Works.

EC-3617. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the emergency declared as a result of extreme fire hazards in the State of Texas; to the Committee on Environment and Public Works.

EC-3618. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the Annual Super Fund Report for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-3619. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendments for Testing and Monitoring Provision Removal of a Provision for Opacity Monitoring" (FRL7039-2) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3620. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Nonattainment Area to a Full Approval" (FRL7043-5) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3621. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Attainment for PM-10; Shoshone County (City of Pinehurst and Pinehurst Expansion Area)" (FRL7042-5) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3622. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California has Corrected Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District" (FRL7028-9) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3623. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, El Dorado County Air Pollutions Control District" (FRL7028-7) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3624. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Final Frameworks for Early Season Migratory Bird Hunting Regulations" (RIN1018-AH79) received on August 21, 2001; to the Committee on Environment and Public Works.

EC-3625. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AH79) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3626. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State

Hazardous Waste Management Program Revision" (FRL7031-5) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3627. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Tennessee" (FRL7044-4) received on August 23, 2001; to the Committee on Environment and Public Works.

EC-3628. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "The Role of Screening-Level Risk Assessments and Refining Contaminants of Concern in Baseline Risk Assessments (2001)" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3629. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Reuse Assessments: Tool to Implement Superfund Land Use" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3630. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Operation and Maintenance in the Superfund Program" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3631. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Local Emergency Planning Committees and Deliberate Releases" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3632. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Drop Out Box Slag Generated at Electric Arc Furnaces" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3633. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "FACTSHEET: Tier II Submit" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3634. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Superfund Post Construction Completion" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3635. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Recreational Use of Land Above Hazardous Waste Containment Areas" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3636. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Comprehensive Five-Year Review Guidance" received on August 24, 2001; to the Committee on Environment and Public Works.

EC-3637. A communication from the Principal Deputy Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to Ocean City,

Maryland, and Vicinity Water Resource Study, Final Integrated Feasibility Report and Environmental Impact Statement; to the Committee on Environment and Public Works.

EC-3638. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Unregulated Containment Monitoring Regulation for Public Water Systems; Amendment to the List 2 Rule and Partial Delay of Reporting of Monitoring Results" (FRL7048-8) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3639. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Ozone Attainment Plan and Finding of Failure to Attain; State of California, San Francisco Bay Area" (FRL7048-1) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3640. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Full Approval of Operating Permit Programs; North Carolina, Mecklenburg County, and Western North Carolina" (FRL7047-2) received on August 30, 2001; to the Committee on Environment and Public Works.

EC-3641. A communication from the Deputy Inspector General, Department of Defense, transmitting, pursuant to law, the Audit Report on Superfund Financial Transactions for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC-3642. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for *Sidalcea oregana* var. *calva* (Wenatchee Mountains checker-mallow)" (RIN1018-AH05) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3643. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Kootenai River Population of the White Sturgeon" (RIN1018-AH06) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3644. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Marine Vessels Coating Operations" (FRL7049-3) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3645. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "FY02 Wetland Program Development Grants Guidelines" (FRL7047-9) received on September 4, 2001; to the Committee on Environment and Public Works.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 543: A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits. (Rept. No. 107-61).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 703: A bill to extend the effective period of the consent of Congress to the interstate compact relating to the restoration of Atlantic salmon to the Connecticut River Basin and creating the Connecticut River Atlantic Salmon Commission, and for other purposes..

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1233: A bill to provide penalties for certain unauthorized writing with respect to consumer products.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Michael Parker, of Mississippi, to be an Assistant Secretary of the Army.

By Mr. LEAHY for the Committee on the Judiciary.

Sharon Prost, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

Deborah J. Daniels, of Indiana, to be an Assistant Attorney General.

Richard R. Nedelkoff, of Texas, to be Director of the Bureau of Justice Assistance.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 1408. A bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. CRAPO, Mrs. CLINTON, Mrs. CARNAHAN, Mrs. BOXER, Mr. TORRICELLI, Mr. EDWARDS, Mr. CLELAND, Mr. ENSIGN, Mr. JOHNSON, and Mr. INOUE):

S. 1409. A bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities

have failed to substantially comply with commitments made to the State of Israel; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself, Mrs. LINCOLN, Mr. BREAUX, and Mr. LUGAR):

S. 1410. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1411. A bill to authorize the transfer of the Denver Department of Veterans Affairs Medical Center, Colorado, and for other purposes; to the Committee on Veterans' Affairs.

#### ADDITIONAL COSPONSORS

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 311

At the request of Mr. DOMENICI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 311, a bill to amend the Elementary and Secondary Education Act of 1965 to provide for partnerships in character education.

S. 487

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 487, a bill to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 595

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 595, a bill to amend the Public

Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment services under private group and individual health coverage.

S. 653

At the request of Mr. BAYH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 653, a bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes.

S. 677

At the request of Mr. HATCH, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from North Dakota (Mr. DORGAN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 694

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 736

At the request of Mr. ALLARD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 736, a bill to amend title 10, United States Code, to provide for the appointment of a Chief of the Veterinary Corps of the Army in the grade of brigadier general, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 866

At the request of Mr. REID, the name of the Senator from Michigan (Mr.

LEVIN) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 917

At the request of Ms. COLLINS, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 953

At the request of Mr. MCCONNELL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 953, a bill to establish a Blue Ribbon Study Panel and an Election Administration Commission to study voting procedures and election administration, to provide grants to modernize voting procedures and election administration, and for other purposes.

S. 998

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 998, a bill to expand the availability of oral health services by strengthening the dental workforce in designated underserved areas.

S. 1000

At the request of Mr. REED, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1000, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1014

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1014, a bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes.

S. 1036

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1036, a bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services

from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maryland (Ms. MIKULSKI), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1201

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 1208

At the request of Mr. GRAHAM, the name of the Senator from New York (Mr. SCHUMER) was withdrawn as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1349

At the request of Mr. ENSIGN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1349, a bill to provide for a National Stem Cell Donor Bank regarding qualifying human stem

cells, and for the conduct and support of research using such cells.

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S.Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 1408. A bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce today legislation that would exempt certain veterans from copayments for needed prescription drugs.

Currently, veterans with incomes of less than \$24,000 a year are exempt from copayments for most VA health care services. However, when it comes to prescription drugs, the income threshold for exemption is just \$9,000 a year. Veterans earning over \$9,000, well below the poverty threshold established by the Census Bureau, are required to make copayments. These copayments place an undue burden on our poorest veterans. To compound the problem, the Department of Veterans Affairs recently proposed increasing the copayment for prescription drugs from \$2 to \$7 per 30-day prescription.

I have serious concerns about what this copayment increase will mean for veterans. Indeed, I have already heard from a number of veterans whose incomes hover just above the \$9,000 threshold, who must make the required copayments for their pharmaceuticals. Many of them are on several different medications for multiple medical conditions, each requiring their own copay. There are many veterans like Steven Smith, formerly of Greenwood, WV, who has no health insurance except Medicare and depends upon the VA for his medications. With the lack of a Medicare drug benefit, he, and many veterans like him, are faced with a 350 percent increase in what they must pay for life-sustaining medications.

I am not alone in my concerns about the impact the copayment increase will have on veterans. In commenting on the proposed regulations, the VFW recently cited an example of a veteran who has an annual income of \$10,500, just above the current exemption limit set by VA. The increase in the prescription copayment rate would force that veteran to allocate over 8 percent of his annual income just to prescription

drugs. There is a grave danger that, faced with this situation, many veterans will stop seeking necessary medical care because they are priced out of the system.

At a glance, the increase to \$7 per prescription may seem reasonable enough and in keeping with industry standards. However, consider a veteran with an income of about \$9,000 a year who currently pays \$2 per prescription for 10 medications a month. He presently incurs out-of-pocket costs of \$240 a year. Under the new regulations, his costs would go up to \$840 per year, an increase of \$600. For someone living barely over the \$9,000 annual income threshold, this is a substantial sum.

I am also concerned about disparities in how VA defines who is "poor" for the purpose of exemption from health care copayments. For prescription drugs, veterans with more than \$9,000 annual income must make copayments, but for outpatient care, hospitalization, and extended care, the income threshold for copayments is \$24,000 per year. My proposed legislation would raise the exemption level for prescription copays to make them the same as all other VA health care copays. It will be less confusing to veterans, easier to administer, and quite simply, it's the right thing to do.

My legislation, the Veterans' Copayment Adjustment Act, would also require VA to delay implementing the increase in prescription copayments until we see an adjustment to copayments for other health care services. On July 24, I held a hearing on prescription drug issues in VA. At that hearing, we heard testimony from VA Secretary Anthony Principi who also believes that new drug copayments shouldn't be put into effect until we see a reduction in other health care copayments.

As part of the Veterans Millennium Health Care and Benefits Act, Congress gave VA authority to adjust the different health care copayments. This was intended to make VA's copayments more rational. Currently, veterans must make a copayment of over \$50 for outpatient care services. There is no doubt that \$50 for a routine outpatient visit is unreasonable at best, and at worst, discourages veterans from getting the primary care they need. By delaying the increase in the medication copayment until VA implements its adjusted outpatient copayment, we will reduce the negative financial impact on our Nation's veterans. I am confident that VA will study this issue closely and will expeditiously set the outpatient copayment to be more in line with managed care plans.

I urge my Senate colleagues to join me in seeking to provide affordable health care for our sick and disabled veterans. They have sacrificed for all of us, and deserve every effort we can

make to keep them from having to choose between buying needed prescription drugs and putting food on the table.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1408

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Copayment Adjustment Act".

#### SEC. 2. STANDARDIZATION OF INCOME THRESHOLDS FOR COPAYMENT FOR OUTPATIENT MEDICATIONS AND FOR INABILITY TO DEFRAY NECESSARY EXPENSES OF CARE.

(a) STANDARDIZATION.—Section 1722A(a)(3)(B) of title 38, United States Code, is amended to read as follows:

"(B) to a veteran whose attributable income is not greater than the amount provided for in subsection (b) of section 1722 of this title, as adjusted from time to time under subsection (c) of that section."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002, and shall apply with respect to calendar years beginning on or after that date.

#### SEC. 3. LIMITATION ON IMPLEMENTATION OF INCREASE IN COPAYMENTS FOR OUTPATIENT MEDICATIONS PENDING COLLECTION OF COPAYMENTS FOR OUTPATIENT CARE.

Notwithstanding any other provision of law, the Secretary of Veterans Affairs may not implement under section 1722A(b)(1) of title 38, United States Code, an increase in the copayment amount for medications furnished on an outpatient basis under section 1722A(a) of that title until the Secretary commences collection of amounts for outpatient visits for medical services under section 1710(g) of that title.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. SCHUMER, Ms. MIKULSKI, Mr. CRAPO, Mrs. CLINTON, Mrs. CARNAHAN, Mrs. BOXER, Mr. TORRICELLI, Mr. EDWARDS, Mr. CLELAND, Mr. ENSIGN, Mr. JOHNSON, and Mr. INOUE):

S. 1409. A bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel; to the Committee on Foreign Relations.

MIDDLE EAST PEACE COMPLIANCE ACT OF 2001

Mr. MCCONNELL. Mr. President, I am today joining with my good friend, Senator FEINSTEIN from California, who is in the Chamber as well, in offering the Middle East Peace Compliance Act of 2001. We do that with the support also of our colleagues, Senators DASCHLE, SCHUMER, MIKULSKI, CRAPO, CLINTON, CARNAHAN, BOXER, TORRICELLI, EDWARDS, CLELAND, ENSIGN, and SHELBY.

We also do so with full appreciation of the dire and untenable situation in the Middle East.

Given the ongoing and relentless bloodshed in the Middle East, the time has come for finger pointing. Palestinian Liberation Organization (PLO) Chairman Yasser Arafat—and the terrorists he allows free reign in the West Bank and Gaza—are guilty of waging a guerrilla war against America's most important and reliable ally in that region. Scores of innocent Israeli men, women and children have been killed by bombs, bullets, knives, and stones. In acts of cowardice, Palestinian suicide bombers have caused death and destruction in discos, pizza parlors, cafes, and on the streets of Jerusalem and Tel Aviv.

There appears no end to this madness. On Monday of this week, four bombs exploded in the Jerusalem neighborhood of French Hill. On Tuesday, a Palestinian suicide bomber disguised as an orthodox Jew killed himself and injured others on a Jerusalem street close to two international schools. One wonders how much more of this terror the people of Israel can—or should—endure.

Mr. Arafat and his minions are enlisting Palestinians of all ages to their misguided cause of mutually assured destruction. One Palestinian children's television show reportedly broadcast a song: "When I wander into Jerusalem, I will become a suicide bomber." Mr. President, Israel is well aware of the people in Mr. Arafat's Neighborhood, and they are not ones they, or any peaceful loving people, would choose to associate with.

The legislation we are introducing will make clear the intentions of Mr. Arafat and the PLO. In a report to Congress, the Administration is required to determine whether or not the PLO has lived up to its 1993 commitments under the Oslo Accords to renounce violence against Israel, and what steps have been taken by the PLO and the Palestinian Authority to investigate and prosecute those responsible for killing American and Israeli citizens. Should the Administration determine that the PLO's actions run contrary to their word, the President is required to immediately suspend all assistance to the West Bank and Gaza, except humanitarian aid. He is also required to initiate additional sanctions against the PLO, which may include denying visas to senior officials and downgrading their representative office in the United States.

I intend to offer this legislation, along with Senator FEINSTEIN, as an amendment to the Foreign Operations Appropriations bill, which may be considered by the full Senate in the near future.

While I will have much more to say on the situation in the Middle East at a later date, let me close by asking a question of my colleagues: If the daily terrorists attacks taking place against Israelis were occurring on American

soil against U.S. citizens, what would our response be? A democracy in a region of dictatorships and kingdoms, Israel has the right and responsibility to protect and defend its citizens against terrorism. The United States should be clear in its support of Israel exercising this right, in whatever manner the people of Israel, through their elected leaders, deem appropriate. To date, Israel has shown remarkable restraint.

Mr. MCCONNELL. With great thanks to my colleague from California in collaborating with me on this effort, and looking forward to further efforts on behalf of this proposal, I now yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Kentucky for his leadership. We have consulted together on this bill, and I am very proud to join him as the lead Democratic cosponsor.

I ask unanimous consent to put the following Members from this side of the aisle on the bill: Senators DASCHLE, SCHUMER, MIKULSKI, CLINTON, CARNAHAN, BOXER, TORRICELLI, EDWARDS, and CLELAND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, the Senator from Kentucky and I joined together in this legislation because we believe that if the violence between the Palestinians and Israel is to end and the peace process is to gain any momentum, the Palestinian leadership must show it can muster the political will that is necessary to meet the commitments they made at Oslo.

Most people, I think, don't know what the Oslo accords were. In fact, the Oslo accords were letters that were sent between the Palestinian and Israeli leadership in 1993. Those letters became the Oslo accords.

I want to indicate what the Palestinians, over the signature of their chairman, Mr. Arafat, said they would do on September 9, 1993:

The PLO recognizes the right of the State of Israel to exist in peace and security.

The PLO accepts United Nations Security Council Resolutions 242 and 338.

The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues relating to permanent status will be resolved through negotiations.

These are not my words, these are the words of Chairman Arafat.

It goes on:

The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violence, and discipline violators.

In view of the promise of a new era and the signing of the Declaration of Principles, and based on Palestinian acceptance of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the Covenant which are inconsistent [with the commitments of this letter] are invalid.

For its part, Israel, under Prime Minister Rabin, in a letter to Chairman Arafat, stated:

I wish to confirm to you that in light of the PLO commitments included in your letter, the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process.

Mr. President, that was what formed the beginning of Oslo—not the end, but the beginning of the Oslo peace process. They were the necessary minimum threshold to begin that process—a recognition that Israel has the right to exist in peace and security and that the Palestinian people have a right to be represented in peace negotiations by representatives of their own choosing.

Unfortunately, since Camp David last year, the Palestinians have carried out more than 6,700 armed attacks against Israelis in a fundamental violation of their peace process commitments. This Palestinian campaign of terror has killed 155 Israelis, 114 of them civilians, and it has wounded another 1,500 Israelis.

As the Senator from Kentucky pointed out, whether it is a bomb that goes off in a pizza parlor, a discotheque, a school bus, or a shopping mall, this is the way that kind of violence has happened.

Now, Israel has responded. Some have criticized Israel for that response. Yet if Israel is not going to practice that kind of response, the violence—such as the incident that just happened in Jerusalem, I think, yesterday, when somebody dressed as an Orthodox Jew walking down the street with a bomb in his backpack, detonated the bomb when an Israeli officer came up to him—must stop. A group of schoolchildren were nearby, but luckily they were not injured. Many others were.

The subject here is terror, and no Israeli and no Palestinian should have to live with terror every day, when a child gets on that school bus, when a son goes to work, when a wife goes shopping, when friends meet at a cafe or pizzeria or go to a night club.

The bombings, the terror, and the violence must stop. The Palestinian use of this kind of terror over the past 10 months runs contrary to what is expected of a peace partner. Mr. Arafat must understand that allowing an atmosphere of violence and terror to continue will not and cannot lead to peace.

The bill we are proposing today, the Middle East Peace Compliance Act, sends that signal clearly and simply and says either the PLO live up to

these commitments or we return to a pre-Oslo posture.

So it is a very simple and very straightforward bill based on these commitments. It calls for the President to issue a report addressing whether the PLO and the Palestinian Authority are in compliance with the fundamental commitments they have repeatedly made to renounce terrorism.

If the President is unable to find that the PLO or the Palestinian Authority is adhering to its commitments, it requires him to restrict nonhumanitarian assistance to the West Bank and Gaza and to impose one of two additional sanctions: Denial of visas to Palestinian Authority officials, or closing the Palestinian office in the United States.

I think this legislation is necessary to send a message that we cannot continue this kind of violence. We cannot see that letter abrogated in chapter and verse—the letter that became the foundation of PLO recognition, and the letter that became the foundation of the Oslo peace process.

Let me be clear. It is also my expectation that the Government of Israel, for its part, must continue to meet the commitments it has made to peace and continue to exercise restraint in reaction to these Palestinian terrorist acts.

Mr. President, we submit this legislation. Again, I am very delighted to work with the distinguished Senator from Kentucky. We have a bill and, as the Senator said, we will also offer this as an amendment to the foreign operations appropriations bill. I thank the Chair and the Senator. It has been a great pleasure to work with him.

I yield the floor.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1409

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Middle East Peace Compliance Act of 2001”.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 9, 1993, Palestinian Liberation Organization (PLO) Chairman Yasser Arafat made the following commitments in an exchange of letters with Prime Minister of Israel Yitzhak Rabin:

(A) “The PLO recognizes the right of the State of Israel to exist in peace and security.”.

(B) “The PLO accepts United Nations Security Council Resolutions 242 and 338” pertaining to the cessation of hostilities and the establishment of a just and lasting peace in the Middle East.

(C) “The PLO commits itself to the Middle East peace process, and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues re-

lating to permanent status will be resolved through negotiations.”.

(D) “The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violence and discipline violators.”.

(E) “In view of the promise of a new era and the signing of the Declaration of Principles and based on Palestinian acceptance of Security Council Resolutions 242 and 338, the PLO affirms that those articles of the Palestinian Covenant which deny Israel's right to exist, and the provisions of the Covenant which are inconsistent with the commitments of this letter are now inoperative and no longer valid.”.

(2) The Palestinian Authority, the governing body of autonomous Palestinian territories, was created as a result of the agreements between the PLO and the State of Israel that are a direct outgrowth of the September 9, 1993, commitments.

(3) The United States Congress has provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certification that the PLO has continued to abide by commitments made.

#### SEC. 3. REPORTS.

(a) IN GENERAL.—The President shall, at the times specified in subsection (b), transmit to Congress a report—

(1) detailing and assessing the steps that the PLO or the Palestinian Authority, as appropriate, has taken to substantially comply with its 1993 commitments, as specified in section 2(1) of this Act;

(2) a description of the steps taken by the PLO or the Palestinian Authority, as appropriate, to investigate and prosecute those responsible for violence against American and Israeli citizens;

(3) making a determination as to whether the PLO or the Palestinian Authority, as appropriate, has substantially complied with such commitments during the period since the submission of the preceding report, or, in the case of the initial report, during the preceding 6-month period; and

(4) detailing progress made in determining the designation of the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17) as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.

(b) TRANSMISSION.—The initial report required under subsection (a) shall be transmitted not later than 30 days after the date of enactment of this Act. Each subsequent report shall be submitted on the date on which the President is next required to submit a report under the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246) and may be combined with such report.

#### SEC. 4. IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—If, in any report transmitted pursuant to section 3, the President determines that the PLO or Palestinian Authority, as appropriate, has not substantially complied with the commitments specified in section 2(1), the following sanctions shall apply:

(1) **SUSPENSION OF ASSISTANCE.**—The President shall suspend all United States assistance to the West Bank and Gaza except for humanitarian assistance.

(2) **ADDITIONAL SANCTION OR SANCTIONS.**—The President shall impose one or more of the following sanctions:

(A) **DENIAL OF VISAS TO PLO AND PALESTINIAN AUTHORITY FIGURES.**—The President shall prohibit the Secretary of State from issuance of any visa for any member of the PLO or any official of the Palestinian Authority.

(B) **DOWNGRADE IN STATUS OF PLO OFFICE IN THE UNITED STATES.**—Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accord.

(b) **DURATION OF SANCTIONS.**—The period of time referred to in subsection (a) is the period of time commencing on the date that the report pursuant to section 3 was transmitted and ending on the later of—

(1) the date that is 6 months after such date;

(2) the date that the next report under section 3 is required to be transmitted; or

(3) the date, if any, on which the President determines and informs Congress that the conditions that were the basis for imposing the sanctions are no longer valid.

(c) **WAIVER AUTHORITY.**—The President may waive any or all of the sanctions imposed under this Act if the President determines that such a waiver is in the national security interest of the United States, and reports such a determination to the appropriate committees of Congress.

#### SEC. 5. EFFECTIVE DATE; TERMINATION DATE.

(a) **EFFECTIVE DATE.**—This Act shall take effect on the date of enactment of this Act.

(b) **TERMINATION DATE.**—This Act shall cease to be effective 5 years after the date of enactment of this Act.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1411. A bill to authorize the transfer of the Denver Department of Veterans Affairs Medical Center, Colorado, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing a bill to facilitate the move of the Denver Veterans Affairs Medical Center, DVAMC, from its present site in Denver to the former Fitzsimons Army Medical Center in Aurora, CO. I am happy to be joined in this effort by my friend and colleague Senator ALLARD as an original co-sponsor. The bill would authorize the Secretary of Veterans Affairs to accomplish the transfer in a timely manner. It would also require the Secretary to submit a report to the Veterans Affairs Committee and the Appropriations Committee of both the Senate and House of Representatives. This report would detail the costs of the transfer

and would be submitted 60 days prior to awarding a contract for the move.

The relocation of the DVAMC to the former Fitzsimons site offers a unique opportunity to provide the highest quality medical care for our veterans. The University of Colorado Health Sciences Center, UCHSC, is moving its facilities from its overcrowded location near downtown Denver to the Fitzsimons site, a decommissioned Army base. The UCHSC and the DVAMC have long operated on adjacent campuses and have shared faculty, medical residents, and access to equipment. A DVAMC move to the new location would allow such cost-effective cooperation to continue, for the benefits of our veterans and all taxpayers.

The need to move is pressing. A recent VA study concludes that the Colorado State veterans' population will experience one of the highest percent increases nationally in veterans 65 and over between 1990 and 2020. The present VA hospital was built in the 1950's. While still able to provide service, the core facilities are approaching the end of their useful lives and many of the patient care units have fallen horribly out of date. Studies indicate that co-location with the University on a state-of-the-art medical campus would be a cost effective way to give veterans in the region the highest quality of care. The move would also provide a tremendous opportunity to showcase a nationwide model of cooperation between the University and the Department of Veterans Affairs, VA. These cooperative initiatives have proven time and again their effectiveness.

Timing is also very important. The VA needs to move quickly to realize the financial advantages of this unique opportunity. In order to make the move fiscally effective, the VA needs to make a decision not later than 2004. Additionally, our veterans are aging and their needs are increasing. Assisting our veterans with their medical needs is a promise we, as a country, made long ago.

The savings we can realize by approving the timely transfer of our veterans' medical treatment facilities in the Denver region compels me to urge my colleagues to act quickly on this bill. We must not miss out on this opportunity to serve America's veterans and their families by ensuring that they receive the excellent medical care they deserve.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Denver Veterans Affairs Medical Center Transfer to Fitzsimons Act of 2001".

#### SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT TO FACILITATE TRANSFER OF DENVER DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO.

(a) **AUTHORIZATION.**—The Secretary of Veterans Affairs may carry out a major medical facility project, in the amount appropriated for the project pursuant to the authorization of appropriations in subsection (b), for purposes of the transfer of the Denver Department of Veterans Affairs Medical Center, Colorado, from its current location in Denver, Colorado, to the site of the former Fitzsimons Army Medical Center, Aurora, Colorado.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account such sums as may be necessary for the project authorized by subsection (a).

(c) **TRANSFER OF MEDICAL CENTER.**—(1) Upon completion of the major medical facility project authorized by subsection (a), the Secretary shall transfer the Denver Department of Veterans Affairs Medical Center to the facility constructed pursuant to that authorization.

(2) Amounts for the cost of the transfer authorized by paragraph (1) shall be derived from amounts in the Construction, Major Projects, account for a category of activity not specific to a project that are available for obligation.

(d) **REPORT ON TRANSFER COSTS.**—Not later than 60 days before awarding the contract for the major medical facility project authorized by subsection (a), the Secretary shall submit to the appropriate congressional committees a report on the estimated cost of the transfer of the Denver Department of Veterans Affairs Medical Center under subsection (c).

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term "appropriate congressional committees" means the following:

(1) The Committees on Veterans' Affairs and Appropriations of the Senate.

(2) The Committees on Veterans' Affairs and Appropriations of the House of Representatives.

#### AMENDMENTS SUBMITTED & PROPOSED

SA 1527. Mr. THOMPSON proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes.

SA 1528. Mr. CRAIG (for himself, Mr. CRAPO, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 149, supra; which was ordered to lie on the table.

SA 1529. Mr. KYL proposed an amendment to the bill S. 149, supra.

SA 1530. Mr. SARBANES (for himself, Mr. GRAMM, Mr. ENZI, and Mr. JOHNSON) proposed an amendment to the bill S. 149, supra.

SA 1531. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1532. Mr. REID (for Mr. LOTT) proposed an amendment to the bill H.R. 1885, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality

Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 1527.** Mr. THOMPSON proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

On page 197, line 15, strike "substantially inferior" and insert "not of comparable quality".

**SA 1528.** Mr. CRAIG (for himself, Mr. CRAPO, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 149, to provide authority to control exports, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

#### SEC. XXX. SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented \$58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277; 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement of Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects.

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) the Republic of Korea has now engaged in a massive \$5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

**SA 1529.** Mr. KYL proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

On page 296, strike line 1 through line 7 and insert the following:

"(3) REFUSAL BY COUNTRY.—If the country in which the end-user is located refuses to allow post-shipment verification of a controlled item, the Secretary may deny a license for the export of that item, any substantially identical or directly competitive item or class of items, any item that the Secretary determines to be of equal or greater sensitivity than the controlled item, or any controlled item for which a determination has not been made pursuant to section 211 to all end-users in that country until such post-shipment verification is allowed."

**SA 1530.** Mr. SARBANES (for himself, Mr. GRAMM, Mr. ENZI, and Mr. JOHNSON) proposed an amendment to the bill S. 149, to provide authority to control exports, and for other purposes; as follows:

On page 193, line 10, strike "party" and insert "person".

On page 193, line 16, strike "party" and insert "person".

On page 205, line 7, after "competition" insert ", including imports of manufactures goods".

On page 222, line 6, strike "Crime" and insert "In order to promote respect for fundamental human rights, crime".

On page 223, line 3, strike "The" and insert "Except as herein provided, the".

On page 223, line 9, after the period, insert the following: "The provisions of subsection (a) shall apply with respect to exports of any of the items identified in subsection (c)."

On page 223, between lines 9 and 10, insert the following:

(c) REPORT.—Notwithstanding the provisions of section 602 or any other confidentiality requirements, the Secretary shall include in the annual report submitted to Congress pursuant to section 701 a report describing the aggregate number of licenses approved during the preceding calendar year for the export of any items listed in the following paragraphs identified by country and control list number:

(1) Serrated thumbcuffs, leg irons, thumbscrews, and electro-shock stun belts.

(2) Leg cuffs, thumbcuffs, shackle boards, restraint chairs, straitjackets, and plastic handcuffs.

(3) Stun guns, shock batons, electric cattle prods, immobilization guns and projectiles, other than equipment used exclusively to treat or tranquilize animals and arms designed solely for signal, flare, or saluting use.

(4) Technology exclusively for the development or production of electro-shock devices.

(5) Pepper gas weapons and saps.

(6) Any other item or technology the Secretary determines is a specially designed instrument of torture or is especially susceptible to abuse as an instrument of torture.

On page 226, line 8, insert "and" after "title".

On page 226, strike lines 9 through 22 and insert the following:

(ii) upon receipt of completed application—  
(I) ensure that the classification stated on the application for the export items is correct;

(II) refer the application, through the use of a common data-base or other means, and all information submitted by the applicant, and all necessary recommendations and analyses by the Secretary to the Secretary of Defense, the Secretary of State, and the heads of any other departments and agencies the Secretary considers appropriate; or  
(III) return the application if a license is not required.

On page 296, line 13, strike "parties" and insert "persons".

On page 296, line 11, after "necessary" insert ", to be available until expended,".

On page 296, line 20, after "necessary" insert ", to be available until expended,".

On page 297, line 20, after "\$5,000,000" insert ", to be available until expended,".

On page 298, line 12, after "necessary" insert ", to be available until expended,".

On page 300, line 12, after "\$2,000,000" insert ", to be available until expended,".

On page 300, line 14, after "\$2,000,000" insert ", to be available until expended,".

On page 311, strike lines 2 through 4 and insert the following: "other export authorization (or recordkeeping or reporting requirements), enforcement activity, or other operations under the Export Administration Act of 1979, under this Act, or under the Export".

On page 311, line 14, insert "by an employee or officer of the Department of Commerce" after "investigation".

On page 315, strike lines 6 through 10 and insert the following: (1), except that no civil penalty may be imposed on an officer or employee of the United States, or any department or agency thereof, without the concurrence of the department or agency employing such officer or employee. Sections 503 (e),

(g), (h), and (i) and 507 (a), (b), and (c) shall apply to actions to impose civil penalties under this paragraph. At the request of the Secretary, a department or agency employing an officer or employee found to have violated paragraph (1) shall deny that officer or employee access to information exempt from disclosure under this section. Any officer or employee who commits a violation of paragraph (1) may also be removed from office or employment by the employing agency.

On page 315, line 11, insert the following:

**SEC. 603. AGRICULTURAL COMMODITIES, MEDICINE, MEDICAL DEVICES.**

(a) **APPLICABILITY OF TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT OF 2000.**—Nothing in this Act authorizes the exercise of authority contrary to the provisions of the Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106-387; 114 Stat. 1549, 549A-45) applicable to exports of agricultural commodities, medicine, or medical devices.

(b) **TITLE II LIMITATION.**—Title II does not authorize export controls on food.

(c) **TITLE III LIMITATION.**—Except as set forth in section 906 of the Trade Sanctions Reform and Export Enhancement Act of 2000, title III does not authorize export controls on agricultural commodities, medicine, or medical devices unless the procedures set forth in section 903 of such Act are complied with.

(d) **DEFINITION.**—In this section, the term “food” has the same meaning as that term has under section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

\* \* \* \* \*

On page 324, strike lines 1 through 4 and redesignate paragraphs (14) and (15) accordingly.

Beginning on page 324, line 21, strike all through page 325, line 5, and insert the following:

(j) **CIVIL AIRCRAFT EQUIPMENT.**—Notwithstanding any other provision of law, any product that is standard equipment, certified by the Federal Aviation Administration, in civil aircraft, and is an integral part of such aircraft, shall be subject to export control only under this Act. Any such product shall not be subject to controls under section 38(b)(2) of the Arms Export Control Act (22 U.S.C. 2778(b)).

On page 325, between lines 5 and 6, insert the following:

(k) **CIVIL AIRCRAFT SAFETY.**—Notwithstanding any other provision of law, the Secretary may authorize, on a case-by-case basis, exports and reexports of civil aircraft equipment and technology that are necessary for compliance with flight safety requirements for commercial passenger aircraft. Flight safety requirements are defined as airworthiness directives issued by the Federal Aviation Administration (FAA) or equipment manufacturers’ maintenance instructions or bulletins approved or accepted by the FAA for the continued airworthiness of the manufacturers’ products.

On page 325, line 6, strike “(k)” and insert “(l)”.

**SA 1531.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 8, after the semicolon insert the following: “of which \$500,000 shall be

available for the Learning for Life Program conducted by the Boy Scouts of the National Capital Area;”.

**SA 1532.** Mr. REID (for Mr. LOTT) proposed an amendment to the bill H.R. 1885, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Section 245(i) Extension Act of 2001”.

**SEC. 2. EXTENSION OF DEADLINE.**

(a) **IN GENERAL.**—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) is subparagraph (B)—

(A) in clause (i), by striking “on or before April 30, 2001; or” and inserting “on or before the earlier of April 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final or interim final regulations to carry out the Section 245(i) Extension Act of 2001; or”; and

(B) in clause (ii), by striking “on or before such date; and” and inserting “on or before the earlier date described in clause (i);”;

(2) in subparagraph (C), by adding “and” at the end; and

(3) by inserting after subparagraph (C) the following:

“(D) who, in the case of a beneficiary of a petition for classification, or an application for labor certification, described in subparagraph (B) that was filed after April 30, 2001, demonstrates that the familial relationship existed before August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001;”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762A-345), as enacted into law by section 1(a)(2) of Public Law 106-553.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 6 at 9:30 a.m. in closed session to mark up the Department of Defense authorization Act for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Brian Jones, of California, to be General Counsel, Department of Education during the session of the Senate on Thursday, September 6, 2001. At 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 6, 2001 at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 6, 2001 at 9:30 a.m. to hold a mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Technology and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 6, 2001, at 2:30 p.m. on shuttle safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON STRATEGIC**

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 6, 2001 at 1:30 p.m. in closed session to mark up the strategic programs and provisions contained in the Department of Defense Authorization Act for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR MONDAY,  
SEPTEMBER 10, 2001**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m., Monday, September 10. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate conduct a period of morning business until 12 noon with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator THOMAS or a designee from 11 to 11:30; Senator DURBIN from 11:30 to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I express my appreciation and that of the Senate for the patience of the Presiding Officer. We thought we would be finished several hours ago. I know the Senator from Florida had many other things to do. As usual, he is such a team player.

On behalf of the whole Senate, I express my appreciation.

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PROGRAM

Mr. REID. Mr. President, therefore, on Monday, September 10, as a result of the consent agreements that have been entered, the Senate will convene at 11

a.m. with a period of morning business until 12 noon. At 12 noon, the Senate will take up the Commerce-State-Justice appropriations bill. Rollcall votes will occur on Monday after 5 p.m.

ADJOURNMENT UNTIL 11 A.M.  
MONDAY, SEPTEMBER 10, 2001

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:29 p.m., adjourned until Monday, September 10, 2001, at 11 a.m.

## EXTENSIONS OF REMARKS

PROVIDING WORK AUTHORIZATION  
FOR NONIMMIGRANT SPOUSES  
OF TREATY TRADERS AND  
TREATY INVESTORS

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. CONYERS. Mr. Speaker, I support passage of this legislation, which was sponsored by Chairman GEKAS, Ranking Member JACKSON-LEE, and Congresswoman LOFGREN. Even though current law permits spouses of E visa holders to come to the United States, those same spouses are not allowed to work here. The effect is to limit a household to one income for no apparent reason.

H.R. 2277 reverses that by simply allowing the spouses to work in the United States. Not only is this good for immigrant families, which now would be able to rely on two incomes, but it also will increase the labor pool and increase tax revenues. For these reasons, the bill passed both the Immigration Subcommittee and the full Judiciary Committee by voice votes.

## A SPECIAL TRIBUTE TO MR. ROBERT L. BRANDT ON HIS RETIREMENT AS SUPERINTENDENT FROM THE VANTAGE CAREER CENTER

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. GILLMOR. Mr. Speaker, it is an honor to rise today to recognize a great man who has touched many young lives, Mr. Robert L. Brandt. Mr. Brandt has spent the last 25 years as superintendent of the Vantage Career Center in Van Wert, Ohio. This month, he is stepping down to take a less active role for the remainder of the year when he will officially retire.

In his 25 years, Mr. Brandt has turned the Vantage Career Center into one of the shining stars in the State of Ohio. In 1974, he was asked to join the effort to create a vocational school for Van Wert. He was responsible for choosing the site and developing a building financial plan to have the school open in two years. Right on schedule, the doors of the Vantage Vocational School, as it was originally known, opened in 1976 serving only four school districts. Today, more than eleven school districts send their students to the Vantage Vocational School. In addition, each year more than 5,000 dollars adults gain valuable work and career skills through Vantage's Adult Education Program.

Mr. Brandt has never taken his eye off what was truly important, the students. In a recent newspaper article he was quoted as saying, "My biggest joy in all of this is seeing the number of students who have attended Vantage who have made real successes of themselves—especially those who hadn't done very well in school before coming here."

Though Mr. Brandt officially stepped down as superintendent on July 1, 2001, he has remained at Vantage as Special Projects Coordinator ensuring a smooth transition for the new superintendent.

Mr. Speaker, year after year professionals such as Mr. Brandt dedicate their lives to the future of America. There is no more important or challenging job than that of our nation's educators. At this time, I ask my colleagues of the 107th Congress to join me in saluting Mr. Brandt and all that he has done for the youth of Ohio.

IN HONOR OF NEW YORK'S SCHOOL  
OF STRINGS**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. NADLER. Mr. Speaker, I rise today to honor New York's School for Strings on its 30th Anniversary. The School for Strings, which annually trains approximately 300 students and thirty teachers of violin, cello, and piano, is one of the oldest and most distinguished Suzuki programs in the United States. The school's founder and director, Miss Louise Behrend, was one of the first musicians and teachers to bring the Suzuki approach to the United States, and the success of the program today is evidence of her persistence and the school's excellence.

In its first thirty years, the School for Strings has enriched the lives of over one thousand families, teaching many the skills needed to earn placement in some of the finest graduate programs and orchestras in the country. Former School for Strings students can be heard in the orchestras of the Metropolitan Opera, the Boston Symphony, the Chicago Symphony, and numerous other world-class groups, and at the music conservations of such distinguished schools as Julliard, Eastman, Curtis, Peabody, and Oberlin. Equally prominent is the school's Teacher Training Program, which has graduated more than 400 qualified Suzuki teachers who bring their knowledge of music to many eager mind around the country.

The School for Strings has also added music into the lives of many underprivileged children through its Start-Up Program. The Start-Up Program pairs children with SFS teacher trainees at reduced rates. After three years, many of the students continue the Su-

zuki Program with scholarship assistance for the school. For the past five years, the School for Strings has offered an after-school Suzuki program at PS 116 with lessons three times a week in violin and cello for elementary school-age students.

The School for Strings, in its first 30 years, has brought to many the lifelong gift of being able to make music, and the accompanying discipline, concentration, and intellectual stimulation. These fortunate students will be tomorrow's orchestra musicians, talented amateurs and music lovers. On June 16th, 2001, twelve hundred of these former students gathered to fill Carnegie Hall with music, a celebration of the tremendous contribution the school has made to New York City and communities around the country. Congratulations to the School for Strings on 30 years of musical excellence, and I look forward to 30 more years of beautiful music!

## PROVIDING FOR WORK AUTHORIZATION FOR NONIMMIGRANT SPOUSES OF INTRACOMPANY TRANSFEREES

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. CONYERS. Mr. Speaker, I support passage of this legislation, which makes two positive changes to immigration law. First, because of how current immigration law operates, multi-national companies are having a difficult time encouraging overseas employees to work in the United States. This is because U.S. law would not permit the spouses of those employees to work here; in essence, if the employee wants to relocate to the United States with a spouse, that spouse would have to give up his or her career. The effect is to deny such families the ability to seek two incomes and to limit our revenues from taxing that second income. To rectify this, H.R. 2278 changes the law so that spouses of intra-company transferees can work in the United States.

Second, current law requires that intra-company transferees be continuously employed in the United States for one year before being eligible for permanent residency here. This long waiting period makes it difficult for employers to bring qualified employees to the United States. H.R. 2278 corrects this situation by reducing the waiting period to six months. This bill is good for immigrant families, and it is good for employers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A SPECIAL TRIBUTE TO MR.  
ALBERT "ALLIE" J. ALLMAN

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize a close personal friend of mine, Mr. Albert "Allie" J. Allman, Jr. I have been fortunate to call Allie my friend for more than 30 years. Over his lifetime, he has dedicated himself to working for the benefit of his country, the State of Ohio and the Tiffin community.

His volunteerism began in 1943 as a Navy serviceman, and has continued in various political, social and service organizations including the City Council, the Park Board, the Betty Jane Rehabilitation Center, the Cerebral Palsy Committee, the Elks, the Sierra Club, and as a Eucharistic minister at St. Joseph's Catholic Church.

While serving as secretary of the Chamber of Commerce in 1955, he aided in forming Tiffin's first industrial and economic development corporation, and in acquiring land for the Seneca County Airport and Riverview Inn Complex. From 1952 through 1961, Allie was the Director of the Community Chest, which was a forerunner of the United Way.

Although he is semi-retired after 22 years as a claims manager of United Insurance Company, Allie is still active in politics. Allie is well respected by many public officials throughout Ohio because of his ability to work with all people and see all sides of a situation.

Allie is currently secretary of the Seniors And Lawman Together (S.A.L.T.) Council, which he helped form. This organization unites seniors and law enforcement officers in working together for a safer community.

Mr. Speaker, I ask my colleagues of the 107th Congress to join me in saluting Allie for his years of service to the Tiffin community and the State of Ohio. I want to also wish my dear friend, his wife Jane, their five children and their seven grandchildren all the best in their future endeavors.

A TRIBUTE TO DEBORAH RITTER  
PLOTZ-PIERCE

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. NADLER. Mr. Speaker, I rise today to recognize Deborah Ritter Plotz-Pierce for a lifetime of educating and inspiring New York City students. A group of her most dedicated fans, students in her sixth grade class of 1963-64, will be gathering on Sunday, October 7th to thank her for the significant role she played in shaping their lives. In the words of one of her students, she sparked the imagination of her students to "achieve, accomplish, reach and claim their place in the American Dream."

After graduating from Brooklyn College, Deborah Plotz-Pierce began a career that would impact the lives of countless students.

From 1958 to 1965, she worked at PS 213 in the East New York section of Brooklyn, where she was assigned to work with gifted and talented students and their parents. After marrying Milton Plotz-Pierce and having her first child, she would begin a battle that would impact the lives of many women. After falling victim to the rules that governed pregnant New York City female teachers at that time, she filed a sexual discrimination complaint against the Board of Education. Over the course of the next four years, Mrs. Plotz-Pierce's case ascended to the Court of Appeals, whose decision led to the amendment of the New York City Maternity By-Laws to reflect greater gender equity. Her long-fought battle for equality in the system surely made a tangible and vital difference in the lives of a generation of New York City teachers.

After having her second child, she returned to the classroom, where she remained until her retirement in 1991. In 1992, Mrs. Plotz-Pierce was invited to join the teaching faculties of Touro College and the Education Department of City College. During the next seven years, she trained and mentored new teachers for the New York City Board of Education, passing her years of knowledge and experience on to the next generation.

Throughout a lifetime of learning, teaching, and mentoring, Deborah Ritter Plotz-Pierce has provided such inspiration to her students that they gather after 35 years to celebrate and thank her. She is truly a model educator, and I join her students in thanking her for a lifetime of dedication to the students of New York City.

**SCHEDULE**

**HON. RICHARD K. ARMEY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Monday, September 10 at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to member's offices tomorrow. On Monday, no recorded votes are expected before 6 o'clock p.m.

On Tuesday and the balance of the week, the House will consider H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

Mr. Speaker, the International Relations Committee has had under consideration today H.R. 2646, the Farm Security Act of 2001. The Agriculture Committee completed its consideration of the bill prior to the Summer District Work Period. As we move into next week, we will also be taking a look at this important piece of legislation as a possibility for consideration on the floor.

One final note, Mr. Speaker: Next week will be our only full week of legislative business in the House during the month of September due to the Jewish holidays that fall in the later half

of the month. After consultation with Minority Leader GEPHARDT, I released an updated September schedule to all members last month detailing the House's schedule during the Jewish holidays. If members have any questions regarding the September schedule, they should feel free to contact my floor office for more information at any time.

TRIBUTE TO DOCTOR HARVEY  
"JERRY" CLAREMONT

**HON. JAMES P. MCGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. MCGOVERN. Mr. Speaker, I rise today to join the community of Shrewsbury, Massachusetts in celebrating the nomination of Doctor Harvey "Jerry" Claremont as the 2001 "Spirit of Shrewsbury" Grand Marshall. For many years, Dr. Claremont has been a distinguished member of the Shrewsbury community, thanks to his countless efforts to help the less fortunate.

Dr. Claremont and his wife, Anne Marie Pelletier, have long given of their time. Over the past twenty years, his family has adopted seven Korean children into their home. In addition, over thirty children have stayed with the family while they have been in this country receiving medical treatment. Dr. Claremont worked for twenty-seven years as a general and vascular surgeon while recruiting volunteers and founding Children's HealthCare and Nutritional Goals Through Education. That group has sent volunteers to developing countries in order to see patients, perform operations, and deliver medical supplies. Dr. Claremont was instrumental in creating a free medical clinic in the town of Shrewsbury that is responsible for helping uninsured patients.

Mr. Speaker, it is with tremendous pride that I acknowledge the outstanding work of Dr. Harvey Claremont. I congratulate him, and wish the town of Shrewsbury the best of luck on the 2001 Spirit of Shrewsbury Celebration.

REQUIRING A REPORT ON THE OPERATIONS OF THE STATE JUSTICE INSTITUTE

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. CONYERS. Mr. Speaker, I support passage of this bill and would like to commend Chairman COBLE and Ranking Member BERMAN for bringing it to the full House. The State Justice Institute was established as a non-profit corporation in 1984 to award grants to improve the quality of justice in State courts and develop new and efficient solutions to problems faced by all courts.

Unfortunately, Congress has not conducted oversight over the Institute in approximately 15 years, so we have no information about how it is functioning. This bill solves that problem by requiring the Attorney General to submit a

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report to Congress on how the Institute is functioning and how successful its grants have been in improving the quality of judicial education. Once that report is received, Congress can better oversee the Institute and determine what resources it needs.

IN SPECIAL RECOGNITION OF THE  
FIVE MILLION HOUR SAFETY  
MILESTONE ACHIEVED AT THE  
DAVIS-BESSE NUCLEAR POWER  
STATION OAK HARBOR, OHIO

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to express congratulations to employees of the Davis-Besse Nuclear Power Station for having achieved a significant safety milestone. On August 9, 2001 the employees of the Davis-Besse Nuclear Power Station will have worked five million hours without a lost-time accident.

As the first nuclear power plant in Ohio, the Davis-Besse Nuclear Power Station, since beginning operation in 1977, has generated more than 110 billion kilowatt-hours of electricity, enough power to supply about 20 million homes with electricity for an entire year. The plant produces enough electricity to meet the demand of about half the people in north-west Ohio.

Not only have Davis-Besse employees operated the plant reliably, they have observed the highest standards of safety, as well. So, again, it is my pleasure to recognize this important safety milestone. Five million hours without a lost-time accident means that, for more than three years, no employee has missed work due to a work-related illness or accident.

Employees and managers at Davis-Besse have been able to achieve this and other milestones by paying close attention to detail and striving for excellence in even minor daily activities. Because of this operating philosophy, Davis-Besse has been recognized within the nuclear industry as a top performing plant.

In addition to being an important power producer, the plant also is an important asset to the local community. It is one of the largest local employers, conducts business with more than 800 other businesses in Ohio and is a strong supporter of such causes as United Way, Ohio Reads, Boy Scouts of America, numerous wildlife and environmental organizations, and other charities.

The economy of Ohio, and the country, is driven in part by safe, reliable energy, particularly electricity. The Davis-Besse plant has proved itself a valuable asset in meeting our energy needs. And I ask all of my colleagues of the 107th Congress to join me in recognizing the excellent work of the employees at the Davis-Besse Nuclear Power Plant.

## EXTENSIONS OF REMARKS

HONORING WILLIAM GREEN

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a man who has dedicated himself to improving housing opportunities for people throughout Bergen County. Mr. Speaker, I rise to honor William Green of River Vale, New Jersey, this year's chairperson of the Community Housing in Partnership's (CHIP) Golf Invitational.

As the Chairperson of this year's tournament, Bill has worked long hours to make the CHIP Golf Invitational an enjoyable experience for participants, as well as raise funds to develop affordable housing in Bergen County. It is a testament to his dedication that Bill has balanced this responsibility with his busy full-time job as a Senior Vice President at MetLife.

Bill's work at CHIP will help change the lives of so many in our community by developing affordable housing. Thanks to CHIP, independent living options now exist for working low-income families, senior citizens, recovering alcoholics, and formerly homeless individuals. And CHIP has teamed up with the Bergen County Community Action Program to provide supportive services, as well.

People who give so much of themselves, as Bill Green, do not do so for the recognition. However, he certainly deserves to receive it.

Mr. Speaker, I am proud to congratulate Bill Green as well as his wife Susan and their daughters Katie and Emily, for all their hard work, dedication and generosity on behalf of CHIP, and wish them health and much happiness in the years to come.

RECOGNIZING THE IMPORTANT  
RELATIONSHIP BETWEEN THE  
UNITED STATES AND MEXICO

SPEECH OF

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. CROWLEY. Mr. Speaker, I rise today in support of H. Con. Res. 233. On a day when President Fox makes his first official visit to Washington, I cannot think of a better day to honor and recognize the importance of our relationship with our neighbor to the south, Mexico.

The ties that bind our nations together span the course of hundreds of years. From a confrontational beginning to a cooperative future the United States and Mexico will always have a special connection.

The election of President Fox represented a remarkable day in the history of Mexico. On this day, Mexico cast aside 71 years of single party rule and officially joined the community of democratic nations. It is my sincere hope that this smooth and peaceful transition of governments becomes the model for the future of Mexico.

In the realm of trade, over 80% of all Mexican exports are sent to the United States, and

16605

nearly three-quarters of its imports come from the United States. Though our financial interaction is an important component, this relationship is not solely based on economics. With millions of people of Mexican descent living in cities throughout the United States, Mexican culture, cuisine, and music have become pervasive in American society.

In my own district in Queens, New York, the Mexican population has been the fastest growing immigrant group. It always amazes me to watch the development of these men, women and children as they work tirelessly to succeed in the United States. Despite their presence in the United States, the homeland is never forgotten. The connection to their roots and family in Mexico remains strong each and every day. The Mexican community is truly a credit to the American economy, American culture and American values.

This is why I support President Vicente Fox's effort to create a new immigration policy between the U.S. and Mexico which unites families separated by U.S. immigration law and provides the American economy with critical employees through the guest visa program.

Through NAFTA and geography, our countries are connected and our economies are linked. By helping our neighbors to the south, we are helping our own country grow and prosper in the 21st century.

It is these unique circumstances, which makes our relationship with Mexico so important. I look forward to working closely with President Fox and Mexican Parliamentarians on issues of mutual interest in the years to come.

DETERMINATION OF SUBSTANTIAL  
NEW QUESTIONS OF PATENT-  
ABILITY IN REEXAMINATION  
PROCEEDINGS

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. CONYERS. Mr. Speaker, I support passage of this bill and would like to commend Chairman COBLE and Ranking Member BERMAN for acting on this issue because our patent system is in need of repair. Specifically, the reexamination process—which lets parties bring challenges to patents that have been issued—may not be functioning as planned because of the substantive and procedural limits involved. As a result, applications that should not receive patents not only receive them, but keep them after a review process.

One reason for this is that the Federal Circuit ruled in a 1997 case called *In re Portola Packaging* that the PTO could not, in reexamination, revisit patents and publications it had before it during the initial examination process. This ruling basically nullified the reexamination process and has prevented examiners from reviewing patents carefully. It is understandable why, at a recent hearing on this topic, the opinion of our witnesses on the need to reverse this ruling was unanimous.

Fortunately, the Chairman and Ranking Member were able to work with numerous patent experts on how to resolve this issue. At

the same time, I hope we can still resolve other outstanding issues in the reexamination process, such as what kinds of materials—or prior art—PTO examiners can consult.

## SUPPORT OF TAIWAN'S BID TO RE-ENTER THE UNITED NATIONS

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. KING. Mr. Speaker, I rise today in support of Taiwan's bid to re-enter the United Nations and the right of its 23 million citizens to have their voices heard in that world body.

Taiwan is an economic powerhouse—consistently ranking among the world's top economies over many years. Its GNP and population are larger than three quarters of the existing member countries of the UN. Taiwan holds approximately \$100 billion in foreign exchange reserves. Significantly, it is the seventh largest trading partner to the United States.

Taiwan has used its economic resources to assist developing countries and contribute to international organizations. Taiwan sent over 10,000 experts to train technicians in developing countries and has provided aid to countries in need including a generous aid package to Kosovo. It understands the meaning of responsibility among the community of nations and is prepared and able to actively support the endeavors of the United Nations.

Taiwan is an openly democratic society. Free and fair elections are held at all levels of government. Two years ago, Chen Shui-bian was the first President from the opposition party to be elected as Taiwan's president. In addition, Taiwan's constitution guarantees its citizens freedom of assembly, expression and association, freedom of religion and freedom of the press.

President Chen has been a bulwark of support for human rights. He has committed Taiwan to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of the 1993 Vienna Conference on Human Rights.

Since his election, President Chen has continued to seek renewed political and commercial dialogue with the Chinese mainland. Taiwan believes that its membership in the United Nations would have a positive effect on peace and stability in the region. This belief is supported by such examples as East and West Germany which were both members of the UN and by the membership of both North and South Korea which have been seeking an improved relationship.

A number of countries have asked the United Nations to reconsider Taiwan for UN membership. Both Houses of the U.S. Congress, by large margins, have endorsed Taiwan's desire for participation in the United Nations. The time has come for Taiwan to officially enter the community of nations.

## EXTENSIONS OF REMARKS

### TRIBUTE TO KENNETH JERNSTEDT

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. WALDEN of Oregon. Mr. Speaker, it is with great pleasure that I take this opportunity to recognize one of Oregon's most distinguished sons, Kenneth Jernstedt, on the occasion of the dedication of Ken Jernstedt Airfield on September 8, 2001, in the City of Hood River, Oregon.

A devoted husband and father, a fearless warrior, a public servant, and a friend to the people of the Columbia Gorge, Ken Jernstedt is as fine an American as I have ever known. Naming the airfield in Ken's honor is a fitting tribute to a man who not only has served this community so ably, but who personifies aviation in Oregon. From his days as a combat pilot in the skies over China to his service as a test pilot after his return, Ken is an airman through and through.

Recruited from the U.S. Marine Air Corps in 1941, Ken Jernstedt was among a restless and eager group of young pilots who answered the call to protect the Burma Road, a vital support line into China. These young men made up the American Volunteer Group, commonly known as the Flying Tigers, a clandestine organization of American civilian volunteers that became operational even before the United States entered the war against Japan.

The Flying Tigers served in China and Southeast Asia from December, 1941 to July, 1942 under the command of their charismatic leader, Claire Chennault. In just six months of combat operations, Jernstedt and his comrades-in-arms were credited with destroying 296 enemy planes and more than 1,000 airmen. For this toll on the enemy 22 Tigers made the ultimate sacrifice, never to return to the country they had served so honorably.

During his tour with the Flying Tigers, Ken Jernstedt served as a flight leader of the 3rd Squadron. In combat against the enemy, he scored 10½ victories in his P-40 fighter, earning him the Distinguished Flying Cross, one of the highest decorations awarded by the United States for valor in aerial combat. Following the disbandment of the Flying Tigers in 1942, Ken became an experimental plane test pilot, a job no less dangerous than combat against the Japanese. Among the planes he piloted was the P-47 Thunderbolt.

Later in his life, Ken directed his tremendous energies toward less dangerous endeavors. After serving as mayor of the City of Hood River from 1959 to 1960, he was elected to the State Legislature, where he served with distinction in both the House and Senate for a combined 20 years. Following his departure from the Senate, Ken again served as mayor of Hood River from 1989 to 1990. In addition to his invaluable public service at both the local and state levels, Ken has served as honorary chair of the Air Safety and Education Foundation of the Oregon Pilots Association.

In the future, as generations not yet born pass through the gates of Ken Jernstedt Airfield, they will be reminded of this giant of a man. If they admire courage in the face of danger, if they value personal sacrifice in a

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culture of self gratification, and if they cherish freedom in a world filled with oppression, they will salute him as I salute him today. Ken Jernstedt is, in a word, a patriot. For one who so values the liberty that was purchased with the courage of men like him, I can think of no higher compliment.

## PROVIDING FOR APPEALS BY THIRD PARTIES IN CERTAIN PATENT REEXAMINATION PROCEEDINGS

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. CONYERS. Mr. Speaker, I support passage of this bill and would like to commend Chairman COBLE and Ranking Member BERMAN for addressing this issue. The patent reexamination process, which lets parties challenge patents that the PTO already has issued, is subject to numerous procedural and arbitrary limits that inhibit its effectiveness.

For example, section 315 of the patent law says third parties who file for a reexamination and then lose can file an administrative appeal but then cannot appeal that decision to the Federal Circuit. The law gives only a patent owner the right to appeal to the Federal courts. That provision contradicts the very purpose of reexamination—if someone feels the PTO incorrectly rules on an issue of patentability, that party should have the right to an appeal.

Fortunately, the legislation before us resolves this problem. It amends the law so that any party in reexamination—the patent owner or the third party—can appeal a decision of the PTO to the Federal Circuit. This legislation will go a long way to shoring up our patent system and has the support of numerous patent experts.

## PERSONAL EXPLANATION

**HON. MARK FOLEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. FOLEY. Mr. Speaker, on rollcall Nos. 333 and 334, I was inadvertently detained. Had I been present, I would have voted "yea" on both measures.

## PERSONAL EXPLANATION

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained by a delayed flight and was unable to be present last night for floor votes.

If had been present, I would have voted in the affirmative on H.R. 2291 and H. Con. Res. 233.

## PERSONAL EXPLANATION

**HON. BOB ETHERIDGE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ETHERIDGE. Mr. Speaker, I rise to offer a personal explanation. Yesterday, I was absent from the Chamber as I attended the funeral of Liston Ramsey, the late Speaker of the North Carolina House of Representatives. During that time, I was not present to vote on Roll Call Votes 333 and 334. Had I been present, I would have voted Yes on both. I ask that my statement be submitted in the appropriate place in the RECORD.

VERMONT HIGH SCHOOL STUDENT  
CONGRESSIONAL TOWN MEETING**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

REGARDING THE MEDIA IN PUBLIC LIFE, MAY  
7, 2001

APRIL LEICHTNAM: "There are two ways to slide through life; to believe everything or doubt everything. Both ways save us from thinking." Alfred Korzybski. The media plays an important role in the lives of all human beings. There are numerous different forms of media. Some of these forms are printouts such as newspapers, books, fliers, billboards, clothing, signs and magazines. Along with print media, there is nonprint media, such as television, radio, movies, cassette tapes, CDs, videotapes, Internet and other electronic modes of communication. When the media constructs the message they would like to convey, they have two things in mind. They have a purpose, and they design them to evoke a certain response from their audience.

LAURA DICK: The main purpose of the media is to inform people of the things around them, to persuade them into doing and buying things, to entertain them by showing them false images, and to sell products by not always telling what is true. Also, when constructing ads, the advertisers look to make the ad appealing to those who are seeing it. They use many different types of techniques. Some of these techniques include humor, comparisons, economics, social prestige, emotional appeal, appeal to fears and insecurities, statistics and studies, exotic appeals, a sense of belonging, a sense of mastery, a desire to be noticed, consumer com-

pliments, the use of parental figures, and also "weasel" words. Many of these techniques are designed to target a certain audience. Also, a lot of these claims on TV make ads meaningless. For example, an ad will say, "virtually spotless," instead of just "spotless," which does not mean the dishes will be totally spotless, but it makes one think they will be. Some other common advertising techniques include bandwagon, attraction, happy families, something-for-nothing, testimonials, "all natural," nostalgia, and patriotism. We ask have a statistic that shows the influence on media on the lives of many people today. For example:

APRIL LEICHTNAM: During one year, a child will see approximately 3,000 drinking episodes on television. The average American child will view approximately 75,000 beer ads by the age of 18. Alcohol advertising accounts for 3 to 5 percent of total revenue on TV, and 12 percent on radio. Prime time and soap operas expose teenagers to sexual scenes every nine minutes. Fewer than 6 percent of males and 2 percent of females on TV are obese, yet 25 to 45 percent of the American population is overweight, and two major health problems among teens are anorexia and bulimia. The average American watches 1,000 hours of television every year. In 1991, three out of four households owned a VCR. The average American sees about 32,000 commercials every year. In 1998, a 60-second commercial cost \$2,600,000 during the Super Bowl. The average American household owns two to three televisions. The average child views 10,000 murders, raps and aggravated assaults in one year. 20 to 28 hours per week are spent viewing television. This is the only activity we spend more time doing besides sleeping. Four out of five Americans believe violence on TV causes real violence. Beer commercials air while drinking portrayal occurs five times per hour. Average high school students spend two to three hours a day watching TV on school days, and eight hours a day on weekends. 90 million households own at least one TV set. 63 percent have two or more sets. By the first grade, the average child has seen 5,000 hours of TV. There are more people in the world who have televisions than indoor plumbing. In promoting things that are not reality, the media promotes such complex problems as drug addiction, crime, teen pregnancy, promiscuous sex, materialism, violence, racism, eating disorders, tobacco and alcohol consumption by teens and younger children, sexual and physical abuse, profanity, voter apathy, and pornography. Therefore, we conclude that media literacy classes should be offered in every high school in the state of Vermont.

REGARDING PUBLIC SCHOOLS, MAY 7, 2001

PATTY RALSTON: We have a video.

CONGRESSMAN SANDERS: You have a video?

PATTY RALSTON: Yes.

(Videotape played.)

CONGRESSMAN SANDERS: Thank you very much for that excellent video. Who wants to begin verbal presentation now? You don't think you are going to get away with just the video, do you? Just because you are TV stars does not exempt you from discussing it. Your name again?

SELENIA COGHLAN: Selenia Coghlan. Like I said on the video, I just feel that like—I'm not in public school right now, but I go to the Learning Edge. I'm getting my adult diploma. But when I was in the middle

school or public schools, I feel that, if you are on a different level than the other kids, like if you can't read as well or you can't do math as well, they treat you a lot differently. And, basically, I feel it is the teachers' fault, because they're there to educate you and they should be the ones to teach you, and when you get your diploma, it shouldn't be just because you got passed along. You should know something.

CONGRESSMAN SANDERS: Let me back you up here. I don't know that everybody knows. Why don't you guys say a few words about the Lund Home? How is the Lund Home different from other schools?

SELENIA COGHLAN: The Lund Home is for young parenting and pregnant teens. And is it a small class, where all females that are pregnant or parenting can get their diploma or GED. And they take math, history, everything that public schools take, and they also take parenting skills classes and like things that you need to know about parenting, or whatever. If you don't want to parent, what you could do, or if you want to parent, what you could do.

CONGRESSMAN SANDERS: Thank you. Next?

PATTY SALVAS: I never went to public schools in Vermont, but I do know that a lot of the public schools aren't very friendly to teen moms, and for like the people on welfare, they don't give them enough initiative. So they need to be more sympathetic towards them.

CONGRESSMAN SANDERS: Okay.

PATTY RALSTON: People shouldn't really, like just cause we had kids young and everything too, doesn't mean like—you know what I mean? Because I will make it, and whether anybody says I won't, I will.

CONGRESSMAN SANDERS: How many students are there at Lund?

PATTY RALSTON: We go to the Learning Edge. It is a different program, but there is like seven, eight—ten right now. Ten right now.

CONGRESSMAN SANDERS: And do you think the Learning Edge does things for young parenting moms that a public school often does not do?

PATTY RALSTON: Yes. They're helpful. And they're always there if you need like support or anything. They are there. You know they're there.

SELENIA COGHLAN: The other students that were talking before us, they said something, the other side—what is it called?

CONGRESSMAN SANDERS: Alternative.

SELENIA COGHLAN: Alternative schools. I think those are really great for kids. Some people do have problems maybe, with family, and that is why the are there, but some kids learn slower than other kids. Like me, I have to have somebody explain what I need, you know, like how to do it. Or if I just have a teacher in front of me saying, this, and there you go, I won't know anything, and then I won't do it.

CONGRESSMAN SANDERS: So you think different types of kids respond to different—

SELENIA COGHLAN: Everybody is different. I feel like everybody is different and everybody learns differently. There are kids that can learn things a lot quicker, and lots of people that can't. And I feel it is good to have alternatives for pregnant and parenting teens, and just for other kids that need the extra help, even if they are not pregnant or parenting.

EXPRESSING SORROW OF THE  
HOUSE REGARDING DEATH OF  
THE HONORABLE FLOYD SPENCE  
FROM THE STATE OF SOUTH  
CAROLINA

SPEECH OF

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 5, 2001*

Mr. RUSH. Mr. Speaker, Like most of my colleagues, I was in my district—the southside of Chicago—when the news of the death of our friend, FLOYD SPENCE, came. I was shocked and saddened by the knowledge that this institution had lost, yet, another Member.

Born in 1928 in South Carolina, FLOYD SPENCE was a product of the South Carolina schools and a member of the U.S. Naval Reserve. He was first elected to public office in 1956, the South Carolina Legislature, and he served there until his election to the South Carolina State Senate in 1966.

FLOYD SPENCE began his 30 years of service in this body in 1971 and he served three terms as Chairman of the Armed Services/National Security Committee in the House before yielding the gavel to his successor at the beginning of the current Congress. Throughout his Congressional career, FLOYD SPENCE served the citizens of South Carolina's Second Congressional District, and the citizens of this nation, well.

Mr. Speaker, FLOYD SPENCE was my neighbor in the Rayburn Building. I will remember his cheerful greetings as we passed in the hallways and in the elevators. He was always optimistic, always upbeat, always energetic, always courtly, always the gentleman. I will also always appreciate the unfailing kindness and courtesy of his staff.

Mr. Speaker, my prayers go with his family, his friends, his constituents and his staff, at this time of sorrow. I ask my colleagues to join me in support of this Resolution expressing the condolences of this House on the passing of the Honorable FLOYD SPENCE.

RECOGNIZING THE 275TH ANNIVERSARY  
OF PRINCE GEORGE'S PARISH

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the 275th anniversary of the founding of Prince George's parish. The Parish, and its home, Christ Episcopal Church, make up the oldest congregation in Rockville, Maryland.

In 1726, the Prince George's Parish was excised from the original southern Maryland parishes, and began to serve the small population on the banks of Rock Creek. The original log chapel was replaced in 1808 by a brick church, and then in 1822, moved one mile to downtown Rockville.

During the Civil War, Christ Church played a role in the underground railroad, despite the

presence of slave owners within the parish. Following the war, in 1884, the parish began construction of its current building, strongly influenced by the popular gothic revival architecture. A short time later, in 1896, Christ Episcopal Church joined the newly founded Diocese of Washington, forming a community of churches in the Washington, D.C. metropolitan region.

The past century has seen a series of additions to the original church building. In the mid-1960's, the worship space was expanded and new classroom space was added. This allowed the growing congregation to remain in downtown Rockville, and cemented the partnership between the parish and the Christ Episcopal School.

Education plays an important role in Christ Episcopal Church. In addition to the presence of Christ Episcopal School, the Christ Church hosts a seminarian from the Virginia Theological Seminary for a two-year field education placement. Parishioners attend weekly bible study and adult covenant classes, where students learn about the history of the Episcopal church, and the development of the Christian faith. All of this is in addition to the normal Sunday School classes.

Service also plays a leading role at the church. Congregants volunteer at the Rockville Nursing home and with Habitat for Humanity of Montgomery and Frederick counties. The church recently hosted visiting preacher Reverend Joshua Louw, rector of a parish serving a population of individuals relocated by apartheid, from the companion Diocese of Cape-town, South Africa.

Of course, worship is the primary function in the Parish. The Reverends John S. McDuffie and Susan Astarita lead the parishioners in worship every Wednesday and Sunday.

I am extremely proud to have the Prince George's Parish in my Congressional district. Its fascinating history and rich tradition of education, service, and faith, is a source of inspiration for all Americans. I join with the Prince Georges's parishioners in celebrating this impressive 275th anniversary.

TAIWAN BELONGS IN THE UNITED  
NATIONS

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ACKERMAN. Mr. Speaker, in 1996 Taiwan held the first ever direct election for president and four years later, in the presidential election of 2000, opposition party candidate Chen Shui-bian won the presidential election. Miraculously, Taiwan had a peaceful transfer of power, and for the first time in fifty years, an opposition party replaced the ruling party. Today, Taiwan's democracy is in full bloom. Every political office is contested through free and fair elections, thus dispelling the myth that democracy and Asians don't mix.

Taiwan's rapid evolution into a full fledged democracy with a capitalist free-market economy clearly signals that Taiwan is ready to play a larger role on the international stage. Already, Taiwan is a member of the Asia-Pa-

cific Economic Cooperation and participates actively in the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank.

Congress has repeatedly recognized Taiwan's desire to broaden its participation in the international arena by adopting legislation supporting Taiwan's participation in the World Health Organization. The aftermath of the 1999 earthquake is a perfect example of why Taiwan should be allowed to participate. Unlike other disasters around the world, the United Nations delayed providing assistance to Taiwan until they got permission from China. If Taiwan had been a participant in the WHO, or better still, a member of the United Nations, no such delays would have occurred. Instead, thousands of Taiwanese suffered needlessly until the international community finally responded.

After one year in office, President Chen Shui-bian has a solid record of achievement for his nation. Taiwan continues to seek resumption of dialogue with the Chinese mainland regarding eventual reunification. In addition, Taiwan has maintained a strong relationship with the United States and other friendly nations. Taiwan stands tall among nations and over the years has played a significant role in helping other nations develop. Taiwan has sent over 10,000 experts to train technicians in developing countries and has provided aid to many countries in need. It has given much to the world and the world community is enriched as a result.

Unfortunately, despite Taiwan's desire to be a helpful global partner, Taiwan is not a member of the United Nations. It is time for the United Nations, on the principles of universality enshrined in the United Nations Charter, to acknowledge Taiwan's accomplishments and allow Taiwan to be a Member State.

Mr. Speaker, Taiwan belongs in the United Nations. I personally support Taiwan's bid to return to the United Nations and I urge other members to do so as well.

RECOGNITION OF RICHARD H.  
WALKER'S PUBLIC SERVICE

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in recognition of Richard H. Walker of New York State. Today, we bid him farewell as Director of Enforcement of the Securities & Exchange Commission and commend him for his ten year SEC tenure. More importantly, today, we offer our deep gratitude for his service to the American people.

An attorney by profession, Mr. Walker shared many years of his life as a public servant. He began his service to the SEC as the Director of Northeast Regional Office in 1991. He later moved to Washington, DC to become General Counsel and then, in 1998, he took the reigns as Director of Enforcement, the Commission's largest division. Mr. Walker has worked tirelessly for reform in securities litigation and earned his reputation as a brilliant,

dedicated, and creative leader. As he returns to work in the private sector, Mr. Walker humbly calls his service to the SEC the "highlight of his legal career". We call his commitment an extraordinary contribution.

America's investors benefited greatly while Mr. Walker headed the SEC's nationwide enforcement effort. He led the division's fight against earnings management and other financial reporting abuses. He was the key force behind some of the most significant financial fraud cases ever brought forward in the history of the Commission, including those cases against: W.R. Grace, Cendant, McKesson HBOC, Microstrategy, Sunbeam, Arthur Andersen, and the 1999 landmark auditor independence case against PricewaterhouseCoopers.

A well-respected leader, Mr. Walker also stood out as a team player. He forged working relationships with state and local prosecutors and the FBI, resulting in a record numbers of criminal prosecutions for violations of federal securities law. His passion for justice was evident as he attacked organized crime in securities activities by coordinating civil and criminal prosecutions. He led several major, successful undercover sting operations, revealing the largest number of people ever charged with securities fraud.

The Commission also established the Internet Enforcement Program to combat internet securities fraud under Mr. Walker's direction. Because of Mr. Walker's efforts, an estimated 250 violators were held accountable. He rose to the challenge of advancing technology with characteristic determination.

Mr. Walker received many awards for his outstanding contributions during his ten years at the SEC, including: two-time receipt of the Chairman's Award for Excellence, the Commission's Distinguished Service Award, the Commission's Law and Policy Award for his key role in the government's successful appeal in *U.S. vs. O'Hagan*, a landmark case which upheld the misappropriation theory of insider trading. Today we award him with our deep gratitude and recognize him as an exemplary model of all that is good and right with our government.

I applaud him for his achievements while serving in three demanding positions at the SEC and thank him on behalf of all those whose lives he affected for the better. As he returns home, he leaves an important part of our government in better condition than when he arrived. He laid the valuable groundwork for our continued efforts to carry out the SEC's mission of investor protection. But most importantly, Mr. Walker reaffirms our confidence in caring, effective public service.

Mr. Speaker, on behalf of the U.S. House of Representatives, I wish Mr. Walker the best of luck in his future endeavors and well-deserved success!

#### IMPACT OF FUEL COSTS ON SALES REPRESENTATIVES

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. MANZULLO. Mr. Speaker, I rise today to offer the attached comments of the National

Alliance of Sales Representatives Associations on the impact of rising energy costs on small businesses. As Chairman of the Small Business Committee, I will continue to review the issues raised in the attached letter.

THE NATIONAL ALLIANCE OF SALES  
REPRESENTATIVES ASSOCIATIONS,  
*Atlanta, GA, August 2, 2001.*

Subject: Impact of Increasing and Volatile  
Energy Costs on Sales Representatives

Chairman DONALD MANZULLO,  
*House Small Business Committee,*  
*Washington, DC.*

Mr. CHAIRMAN: As Chairman of the Bureau of Wholesale Sales Representatives and President of the National Alliance of Sales Representatives Associations I have the opportunity to discuss the impact that increasing and volatile energy costs with many other sales representatives. What follows are a summary of my experiences but they are typical of what is happening to sales representatives across the country. The National Alliance of Sales Representatives Associations (NASRA) is based in Atlanta and represents more than 10,000 sales representatives who work in industries like apparel, shoe, gift, furniture, and other related sectors.

#### THE IMPACT OF RISING FUEL COSTS

When energy costs wildly fluctuate as they have in the last four months, sales representatives who are independent business owners, find that they have to absorb the rising energy costs with no ability to pass any of the cost increases on to their customers. As a result a season that has already been hurt due to a slowing economy goes into the proverbial tank as we are all forced to absorb cost increases that cannot be reflected in our commissions.

Here are some personal illustrations of how these costs increases have affected my business. My territory consists of Pennsylvania, Maryland, New Jersey, Delaware and The District of Columbia.

I travel in excess of 50,000 road miles per year and I make a minimum of five trips annually to key areas of my territory. In addition, I attend twenty to twenty five trade shows.

My travel is done in a mini van racked for the purpose of housing my samples. Naturally the added weight decreases fuel efficiency but nevertheless the vehicle is critical to my business. Within 30 minutes of my home you can presently find gasoline prices ranging from \$1.65 to \$1.16 for regular unleaded and I am aware that prices across the country have been even higher.

Some sales reps have chosen to purchase diesel fuel motor homes for the purpose of efficiency. During the past few months, diesel prices in my area have ranged from \$1.70 to \$1.31. At recent prices it makes the investment in travel a real issue. Most diesel vehicles are commercial, busses and trucks and the trucking industry has requested they be allowed to pass on these increased costs. Commissioned sales representatives who drive diesel or gasoline powered vehicles do not have the ability to pass on rising costs nor petition congress for such rebates.

#### RIISING FUEL COSTS AFFECT IN OTHER AREAS

If it were only the rising cost of fuel perhaps the impact would not be so great. These same rising costs effect every phase of my business and my life.

1. The hotels I use have added energy surcharges without notice.

2. Food and restaurant prices have gone up due to transportation costs.

3. Airlines, busses and trains have also added energy surcharges.

4. The convention centers and hotels that host our trade shows have new energy clauses in their leases.

5. Retail prices on my products have increased because of rising production and shipping charges. When retail prices rise retail slows which directly impacts my wholesale business.

#### CALIFORNIA IMPACTS SALES REPRESENTATIVES NATIONALLY

As a final insult many sales representatives including myself have been affected by the energy crisis in California. My business begins with samples. Recently, I have had delays in getting samples, especially from California. This is due largely to rolling black outs which has slowed production. If I do not have my samples shipped on time so that I can display them at the trade shows my time and money invested in trade shows is lost.

At this time I cannot plan my business because the costs keep changing. They never go down and yet my income does not increase proportionately. A business that is run without the ability to plan is doomed to failure.

All costs rise with rising energy prices. Where does it end? It seems to end with me.

On a more personal note our family had to make a very difficult decision. After more than 30 years in a business he loved my husband has left the industry. There can be no doubt he was literally forced out by these rising costs. Unfortunately, more and more of my colleagues are making similar decisions. It is well known small business is the engine for our country. What will happen when we are unable to run the engine?

#### SOLUTIONS

Congress needs to look for long-term solutions to maintain some level of stability in energy costs. The quick fixes have been meaningless to me. We need a long view energy policy. We MUST put stability ahead of volatility so that small business owners can plan.

Mr. Chairman I wish to thank you for looking into this issue and for your assistance to the National Alliance of Sales Representatives.

Sincerely,

SANDRA HANLON BLOOM.

#### A TRIBUTE TO SIR ARTHUR GILBERT

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to a dear friend, an extraordinary man, and a giant in the art world, Sir Arthur Gilbert, who passed away on September 2, of this year.

Born in 1913, Arthur's family emigrated from Poland to London where they operated a furrier business. After deciding not to enter the family business, Arthur chose to work with his wife, Rosalinde Gilbert, a struggling dress designer. He adopted her surname for business reasons, and the two of them quickly made a small fortune producing and marketing her evening gowns. In 1949, they decided to leave the damp and cold of London for the warm

California sun, and they moved to Los Angeles, intending to retire.

Instead of retiring, Arthur made a second fortune in real estate. Arthur "never made money just for the sake of making money," as he liked to say, but he will be remembered not for how he made money, but rather how he spent it. His passion for collecting art came about almost accidentally, while looking for decorations for his new home in Los Angeles. A friend suggested to him that he needed some silver to dress up the living room, so he purchased, in his words, a "schmaltzy cabinet by the 18th century silversmith Paul de Lamerie." It was also this time that he bought his first micromosaics, which are images created by tiny threads of glass. Arthur became quite enamored with micromosaics, and eventually purchased over 200 pieces.

Mr. Speaker, the New York Times (September 4, 2001) noted in its obituary of Mr. Gilbert that "in time his collection grew to comprise several collections. The silver and silver-gilt items include scores of ornate tankards, dishes, candelabra and cups that once decorated the royal and aristocratic dinner tables of Europe. His gold collection was made up of some 20 gold snuff boxes, which like the 260 micromosaics, and his 80 portrait miniatures, are best appreciated through a magnifying glass."

Arthur Gilbert was justifiably proud of his collection, and frequently he personally led tours through the museums which housed his collection. As his collection continued to expand, it eventually became too large for the space constraints at the Los Angeles County Museum of Art, where it had been housed for some time. In 1996, Arthur accepted an offer to house his collection in the newly renovated Somerset House, an 18th century palace in London, where it is now displayed. He called it "Britain's heritage regained," since many of the pieces originally belonged to British aristocrats. The collection—valued at over \$200 million—has been open to the public since May of last year. In appreciation of this lavish bequest, Arthur Gilbert, who never renounced his British citizenship, was knighted in 1999.

In addition to his donated art collection, both Arthur and Rosalinde Gilbert were benefactors of numerous charities and organizations. These include the Arthur and Rosalinde Gilbert Center for the Advancement of Scientific Research. They have contributed generously to the February 1941 Foundation—an extraordinary foundation created to thank the Dutch people for assisting Jews fleeing Nazi persecution and downed Allied pilots during World War II.

Mr. Speaker, I believe the Los Angeles Times (September 4, 2001) captured the essence of this outstanding philanthropist, when it quoted him: "Whether you collect snuff boxes or matchboxes, don't buy because it's going up in value but because you like it or it will enhance your life—then give it away." I invite my colleagues to join me in paying tribute to Sir Arthur Gilbert, an outstanding Californian and a generous philanthropist.

## A PROCLAMATION RECOGNIZING WILLIAM DAVID PEOPLES

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. NEY. Mr. Speaker, Whereas, Officer William David Peoples, of the Cambridge, Ohio Police Department has been recognized as its Officer of the Month for May 2001; and Whereas, Officer Peoples has continually demonstrated a superlative degree of professionalism, care and commitment in his role as a police officer, and

Whereas, he was awarded the Exceptional Service Medal in 1995 for his heroic actions and effective problem solving as he helped deliver water to the 12,000 residents of Cambridge when a main line broke; and,

Whereas, he was again recognized with the Life Saving Medal with Silver Torch, in 1997 for his patience and bravery in the prevention of a suicide attempt;

Therefore, I ask that my colleagues join me in honoring the dedication and the exemplary service of Officer William D. Peoples, a man whom I am proud to call a constituent and one who serves as an example to us all.

## IN RECOGNITION OF THE 50TH AN- NIVERSARY OF THE COMMUNITY BAPTIST CHURCH OF SANTA ROSA, CA

**HON. MIKE THOMPSON**

OF CALIFORNIA

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. THOMPSON of California. Mr. Speaker, along with my colleague from California, Ms. LYNN WOOLSEY, I wish today to recognize Community Baptist Church of Santa Rosa as this congregation celebrates the 50th anniversary of its founding.

A few African American families formed the hub of the church 50 years ago, which has since grown into a fully integrated congregation of 650 people, with three choirs, two youth groups, an on-site day care center, and a charter high school.

The congregation's first pastor was The Reverend Washington E. Boyce, who was serving as the assistant pastor at the First Missionary Baptist Church in the neighboring County of Marin when he traveled north to Sonoma County to enlist the support of local residents in building a spiritual community.

Community Baptist became an official congregation in 1951, and the first deacon, Curtis Wyatt, Jr., was ordained in 1952.

The first church services were held in members' homes and in community buildings in Santa Rosa. The first church building officially opened in 1956.

The Reverend James E. Coffee became the minister at Community Baptist Church in 1965 and has served the congregation for the past 36 years.

Over the course of the past 50 years, the church has played a vital spiritual and cultural role in Sonoma County and has enriched the lives of thousands of people.

The church is an active participant in the Hate-Free cities movement; has provided a home for self-help programs such as Alcoholics Anonymous and Narcotics Anonymous; has initiated and maintains a four day annual Martin Luther King, Jr. celebration; has established and supports a community garden; has established and maintains a ministry of outreach to Lytton Ministries, a transition program for people trying to free themselves from addictions; and has established and supports the Second Sunday Morning Breakfasts, a forum for discussing, strategizing, and taking action on issues of civic, social and political importance.

The church also has an active youth program. It founded and runs the Village Project, which helps forge positive adult child relationships and the Rites of Passage program to help adolescents transition into adulthood. The church has also established a Martin Luther King, Jr. Scholarship program and actively supports the 100 Black Men Mentoring program.

Mr. Speaker, in honor of its vibrant history and traditions and its many contributions to Sonoma County, it is appropriate that we acknowledge today this pioneering congregation.

## EXPRESSING SENSE OF HOUSE THAT WORLD CONFERENCE AGAINST RACISM PRESENTS UNIQUE OPPORTUNITY TO AD- DRESS GLOBAL DISCRIMINATION

SPEECH OF

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 30, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to express my severe disappointment regarding the lack of engagement by the United States in the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, August 31–September 7, 2001, in Durban South Africa.

The United States has an extraordinary perspective on racism. It has made great strides towards addressing some of its problems. When the original Constitution was enacted, it declared African-Americans to be three-fifths of a human being. During Reconstruction, this very body initially refused to seat the first African-American Members of Congress. Today, there are thirty-nine African-American Members of Congress and numerous Cabinet officials. Though we have a long way to go with regards to race relations, we have come a long way.

This Nation presided over a slave trade that will go down in world history as one of the most grotesque examples of man's inhumanity to man. Once slavery was abolished, due in large part to pressure from other nations, parts of the United States then enacted codes designed to deny African-Americans their full citizenship rights. As abhorrent as this pattern

was, Americans of good conscience rose to the challenge and implemented laws to ensure equal treatment under the law. We have a long way to go, but we have come a long way.

This Administration owed it to all Americans to deliver the message of possibility to the world. Yet, unfortunately, this administration approached this conference with little interest and a miniscule commitment to engagement. Representatives of this Administration stymied the preparation that began during the previous Administration. Therefore, its withdrawal from the conference was not a surprise.

And while the actions in Durban were not surprising, hope that the refusal to discuss differences does not become the trademark of this Administration and mar its ability to engage in constructive dialogue about civil and human rights in this country. The withdrawal from Durban, combined with the lack of a domestic civil rights policy, an unwillingness to proceed with much-needed election reform and the glaring refusal to end racial profiling, leads me to doubt this Administration's ability to candidly and fairly address issues of race and diversity within this country.

Mr. Speaker, racism in real. Discrimination is real. The argument for reparations should be openly discussed and seriously debated in this country. America must face its current racial reality and reconcile with its inglorious racial past. I suggest that Members of this House begin our national healing by passing a resolution which offers an acknowledgement of the sufferings caused by slavery and an official apology for governmental actions which perpetrated their condition. If we, as Representatives of the United States Government, cannot apologize for this sorry and unfortunate history, our future will be forever marred and our enemies will be able to say that the United States left Durban because it did not want to address its own history.

I call upon the Congress and the President to show the leadership necessary to begin healing within our country.

#### A COMMANDING ROLE FOR JAMES N. GOLDSMITH

#### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. BARCIA. Mr. Speaker, I rise today to commend and congratulate an ally of veterans everywhere and my close friend, James N. Goldsmith, upon his election as Commander-in-Chief for the Veterans of Foreign Wars of the United States. It is with particular pride that I note that Commander Goldsmith is a resident of Lapeer, Michigan.

Jim Goldsmith's election to head the VFW is a tribute to his many years of dutiful attention to the needs of veterans and the faith that his fellow veterans have placed in him for continued service and fidelity to their health and welfare. A decorated U.S. Army veteran who served in Vietnam, Jim has a deep and personal understanding of the obligation all citizens owe to the men and women who served this country during times of conflict on foreign soil and to those on active duty today.

Upon returning from Vietnam in 1967, Jim joined VFW Post 5666 in Flushing, Michigan, and he's been fighting on behalf of veterans ever since. A Life Member of VFW Post 4139 in Lapeer, Jim has held many posts in the local, state and national organization and he has received numerous awards. In 1978, Jim was selected as Michigan's "Young Veteran of the Year," and, in 1980, he became the first Vietnam veteran to win election as Department Junior Vice Commander.

Jim has traveled the world to learn the concerns of active duty service members and reservists. Adhering to a soldier's code never to leave a buddy behind, Jim has remained committed to accounting for missing American service members. He has made two trips to Southeast Asia in efforts to recover the remains of those still missing. He also has been a strong advocate for addressing veterans' medical needs and has made diabetes research a top priority.

Never willing to accept full credit for his good deeds, Jim points to each of the 2.7 million members of the VFW and its Ladies Auxiliary as key to his efforts. He also singles out his sons, Jim and Jeff, for enabling him to serve their needs.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Commander-in-Chief Goldsmith for his valiant, enthusiastic and ongoing work for veterans. I am confident that Jim will continue to find new and better avenues to assist the men and women who have put their lives on the line in defense of our great Nation.

#### RECOGNITION OF 75TH ANNIVERSARY OF SYRACUSE'S ST. BRIGID AND ST. JOSEPH'S PARISH

#### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. WALSH. Mr. Speaker, I rise today in recognition of the 75th anniversary of St. Brigid and St. Joseph Church in Syracuse, New York. Its congregation is gathering to recognize this important milestone during a memorial mass and celebration on Sunday, September 16, 2001.

Established on May 26, 1926, and incorporated on August 9, 1926, St. Brigid's was formed from a portion of the rapidly growing St. Patrick's Parish on Tipperary Hill. While masses were first celebrated within St. Patrick's School by St. Brigid's founding pastor—Rev. William H. McCormick, the parish's first sanctuary was constructed the following year at the corner of Willis Avenue and Herkimer Street at a cost of \$165,000. The church's cornerstone was laid on June 15, 1927 with its first mass on August 21st. St. Brigid's School opened on September 6th of that year under the direction of the Sisters of St. Joseph of Carondelet.

Since that time, the parish has grown considerably. Under the leadership of its second pastor—Rev. William J. Brennan, the parish's debt was retired. Construction of a larger sanctuary began in 1955 with a Dedication

Day Mass celebrated in the new church on November 6, 1956. Rev. J. James Bannon was pastor at that time. In 1964, St. Brigid's merged with St. Joseph's French Church to become St. Brigid and St. Joseph's Parish. Rev. David J. Norcott became the combined church's first pastor followed by Rev. James A. McCloskey.

The parish is served today by Rev. Laurence W. Kennedy, Pastor, Mr. Leonard S. Monnat, Deacon, and Sister Theresa Brown, CSJ, Director of Human Development and Parish Minister. Approximately 510 families are served by St. Brigid and St. Joseph's Church. The parish continues to be a strong steward of Christian values and community outreach, ministering to the people of Syracuse's Westside.

On the occasion of its 75th anniversary, it is my honor to recognize the people of St. Brigid and St. Joseph's Church and to extend best wishes for many more successful years of faith-based ministry to follow.

#### INTRODUCTION OF LEGISLATION TO PROTECT THE PRIVACY RIGHTS OF OUR NATION'S UNIFORMED SERVICEMEMBERS

#### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. BOUCHER. Mr. Speaker, I rise today to join with my colleagues Mr. SHAYS and Mr. WAXMAN, in introducing legislation to protect the privacy rights of our nation's uniformed servicemembers.

If enacted into law, the legislation we have put forward will clarify that the same right of privacy guaranteed to all other individuals under the Privacy Act and Freedom of Information Act shall apply to members of the uniformed services.

The Privacy Act was established in 1974 to ensure that the information the Federal Government collected as part of the operations and practices of agencies is protected, and the agencies observe and safeguard the right to personal privacy.

The need for this legislation arises from a September 2000 federal district court ruling which stated that military servicemembers cannot sue for damages when records containing information about them, which under the terms of the Privacy Act may not be released, are released by the government in violation of the Privacy Act. The Court based its ruling on the Feres doctrine, a 51 year old judge-made doctrine which states that servicemembers cannot bring civil actions against the government for acts incident to service because they have benefits available through their military health and other programs. As a result of this ruling, there is no effective way to prevent the unauthorized release of sensitive military personnel records and no way to compensate servicemembers for damages arising from acts by government agencies that are in violation of the Privacy Act.

Congress enacted the Privacy Act with an unambiguous intent to make government responsible for the damages it causes when the

law is violated. Our bill clarifies the intent of Congress to ensure that the right of privacy granted under the Act shall apply to members of the uniformed services and that military personnel may use the remedies of the Privacy Act, the Feres doctrine notwithstanding. A right without a remedy is no right at all.

The merit of this legislation is clear. The government collects vast amounts of sensitive information from and about military servicemembers. Fairness requires that the information, once collected, be made secure. Moreover, such an assurance will be in aid of the recruitment efforts of all our volunteer armed forces.

I urge the speedy adoption of this legislation.

**A PROCLAMATION RECOGNIZING  
ASSISTANT CHIEF ROBERT B.  
MCKENNA**

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. NEY. Mr. Speaker, Whereas, Robert B. McKenna successfully completed the Federal Emergency Management Agencies Executive Fire Officer Program; and,

Whereas, the Emergency Fire Officer Program is designed to provide senior officers with a broad perspective on various facets of fire administration; and,

Whereas, Robert McKenna throughout his career has dedicated himself to demonstrating the highest degree of professionalism;

Therefore, I ask my colleagues to join with me in recognizing the impressive accomplishments of Robert B. McKenna, a leader in his community whom I am proud to call a constituent.

**RECOGNIZING BRIGADIER GENERAL  
THOMAS KANE FOR HIS  
SERVICE AT TRAVIS AIR FORCE  
BASE**

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor Brigadier General Thomas P. Kane, Commander of the 60th Air Mobility Wing, Travis Air Force Base, California, upon his reassignment to NATO's Allied Command Europe as Deputy Director of the Reaction Force Air Staff in Kalcar, Germany.

As Commander of the 60 AMW, General Kane was responsible for the combined efforts of all operations and support activities associated with the worldwide air mobility mission and responsible for ensuring the readiness and well being of the installation's active duty, reserve and civilian personnel and their families. Aircraft and personnel under General Kane's command have responded to combat efforts and humanitarian relief efforts worldwide.

Travis Air Force Base and its personnel have flourished under General Kane's command. He has been a tireless advocate for decent, affordable housing, successfully obtaining an increase in the Basic Allowance for Housing allotment for Travis personnel.

He has also been one of the driving forces in the countywide Affordable Housing Task Force to pursue alternative sources of funding for off-base housing.

Through his leadership, the base, working in partnership with Pride Industries, has launched a website to assist the base population in their efforts to locate affordable housing.

General Kane organized a group of key individuals to help implement his vision of privatizing the museum at Travis Air Force Base as the Jimmy Doolittle Air and Space Museum. The fundraising phase of this project was inaugurated this summer.

In 2000, the 60th Air Mobility Wing won the coveted Solano Trophy, which is awarded annually to the best active duty wing in the 15th Air Force.

General Kane is a graduate of the United States Air Force Academy and holds advanced degrees from the Naval War College and the University of Southern California.

His military decorations include the Defense Superior Service Medal, Legion of Merit, Defense Meritorious Service Medal, Meritorious Service Medal with four oak leaf clusters, Aerial Achievement Medal, Air Force Commendation Medal, Air Force Achievement Medal, Combat Readiness Medal with device, National Defense Service Medal with device and the Armed Forces Expeditionary Medal.

Mr. Speaker, Brig. General Thomas P. Kane is a true patriot and distinguished American who has devoted himself to the service of our country. It is appropriate that we honor him today by expressing our gratitude for his dedication and wishing him well on his new NATO posting.

**THE PASSING OF HARRY  
WEISBROD**

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to honor the life of Mr. Harry Weisbrod, a champion of labor and an active participant in the public policy process. While an investigator for the Department of Labor, Mr. Weisbrod changed the collective bargaining process in this country forever by organizing the first union of federal employees. Later, as a founder of a wage and labor consulting firm, he fought to develop ways for companies to be prosperous without forsaking their responsibility to support a standard of living which every American worker deserves. During his extraordinary life, he worked both within government and with government to promote a quality of life for its workers.

Mr. Weisbrod was a veteran and party activist. He cheated on his eye exam in order to enter the United States Army during war-time. Later, as a resident of Dallas, he contributed

to the improvement of the educational system by helping to organize the League for Educational Advancement in Dallas (LEAD), a grassroots organization devoted to school board reform. A true public servant, he was appointed to numerous Dallas boards and commissions, including the Dallas Civil Service Commission. Mr. Weisbrod believed in our system of government. He was an active participant in the Democratic Party and helped to develop many of its more progressive activities and programs.

Mr. Speaker, Harry Weisbrod transcended Earthly boundaries on September 1, 2001. Through this statement, it is my hope that the record of his service will be forever enshrined in American history.

**C. KEVIN DYKEMA: CHARTING A  
COURSE FOR BAY CITY**

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to commend and congratulate my close friend, Bay City Times Publisher C. Kevin Dykema, for the instrumental role he played in bringing the extraordinarily successful Tall Ships Celebration 2001 to my hometown of Bay City, Michigan, and for his leadership in organizing the Maritime Festival that welcomed the vessels to our community.

As chairman of the Board of Directors of Bay City's Tall Ships Celebration, Kevin spent incalculable hours at the helm to steer a course for an event that has left residents of Bay City swelling with pride. Kevin deserves our highest praise and gratitude for his vision, hard work and dedication. The impact of his efforts will be felt for many years as permanent residents and visitors from all points on the map sing the praises of Bay City, Michigan, and list the celebration as yet another example of the city's welcoming attitude.

A long-time sailing enthusiast, Kevin turned his love for the water and his interest in maritime history into an economic windfall for the area when he initiated and fulfilled a plan to bring the Appledore schooner to Bay City as a permanent attraction and educational tool for students and adults to learn more about the unique environment of the Saginaw Bay. A co-founder of BaySail, Inc., the non-profit organization that oversees the Appledore, Kevin has been an enthusiastic and energetic booster of historical sailing ships. While the opportunity to lure the Tall Ships challenge to Bay City was certainly a labor of love for Kevin, he could not have anticipated the massive team effort or the extraordinary time commitment required. Yet, he pulled it all off with flying colors.

Such endeavors are nothing new for Kevin. He has been a vital and visible force in the community since first coming to town in 1991. His involvement in a wide-ranging number of service organizations and his willingness to step up to the plate to lead various volunteer efforts have served our community well. Of course, such involvement cannot occur without the support of family and Kevin has been fortunate to have the encouragement of his wife, Betsy, and children, Pete and Jane.

Mr. Speaker, I ask my colleagues to join me in saluting Kevin Dykema for his quiet yet firm hand in navigating Bay County, Michigan, on an unalterable course that will lead to further economic prosperity and perpetuation of the city's reputation as a welcome port-of-call for friends and visitors alike.

TRIBUTE TO DONNA SPEZIALE  
RICHARDS

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. WALSH. Mr. Speaker, I rise today in tribute to a longtime Syracuse journalist who passed away as a result of a sudden brain aneurysm while visiting family in Florida.

For over 20 years, Donna Speziale Richards covered breaking news in Syracuse and Onondaga County as both a radio and television news reporter. Born in Syracuse, she was a graduate of Solvay High School and Onondaga Community College. She worked as a radio reporter for both WFBL-AM and WHEN-AM, where she also served as news director. She then went on to cover local stories for WTVH-TV5 as a television news reporter for eleven years.

1988 she won an Emmy award as a member of a team of reporters covering the bombing of Pam Am Flight 103. During her tenure as a journalist, Donna's work was recognized by the Associated Press Broadcasters Association, the state Broadcasters Association, and the Syracuse Press Club.

Most recently, Donna had left broadcasting to serve our community as a public relations specialist for the U.S. Small Business Administration office in Syracuse. Through her work in that position, she was known as an informative and helpful source for local media and business people and a committed federal employee.

Donna leaves her husband, Donald; two stepsons, David and Paul Richards; her mother, Mary Speziale; and a brother, Skip Speziale. She was 43 years old.

Throughout her career, Donna was not one to seek special recognition or the spotlight. With this honor, it is my hope that her local involvement and balanced work receives the attention that it deserves. Donna leaves a reputation for fair and accurate reporting that should serve as a lasting example for all young, local journalists who follow in her footsteps. She will be missed.

A TRIBUTE TO ROSE ANN VUICH

**HON. CALVIN M. DOOLEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to former California state senator Rose Ann Vuich, a mentor and friend of mine who passed away in Dinuba, California on August 30, 2001.

Rose Ann's parents immigrated from Yugoslavia to California's Central Valley, where the

family ranches near the community of Cutler. After Rose Ann's father Obren passed away in 1940, her mother Stana and the family worked hard to keep the ranch prosperous. Their prosperity led them to eventually acquire three other ranches and allowed Rose Ann to open her own accounting firm in Dinuba.

Rose Ann was close to her family and deeply committed to her community. She served on the boards of the Tulare County Fair and Alta District Hospital and was active in political organizations.

Rose Ann was truly a barrier breaker. She paved the way for other women in public service by being elected as California's first female state senator in 1976. Before that, she was the first female president of the Dinuba Chamber of Commerce. She forced changes in the Senate, most notably when she rang a bell on her desk whenever male colleagues referred to the "gentlemen of the Senate."

During her sixteen years in the state senate, Rose Ann was a model public servant. She listened carefully to her constituents, represented them tirelessly, and set an example of integrity and character. She encouraged people to expect more of their elected officials, and her shadow over the Central Valley will be long.

She set a strong standard of ethical behavior that led her to raise tough questions about legislation before the Senate. She rose to become chairman of the Senate Banking and Commerce Committee, a position that allowed her to advocate on behalf of Valley agriculture. She also tirelessly shepherded construction of Highway 41 in Fresno, which she considered her proudest accomplishment.

On a personal level, I had the pleasure of serving as Rose Ann's Administrative Assistant immediately prior to my coming to Congress in 1990. I learned from Rose Ann the virtue and dedication of public service, and the importance of standing up for what is right.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Rose Ann Vuich and celebrating her long and distinguished legacy of service to California's Central Valley.

A PROCLAMATION CELEBRATING  
THE 50TH BIRTHDAY OF ELLEN  
RATNER

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Ellen Ratner was born August 28, 1951 and will be celebrating her 50th year surrounded by admiring friends and family; and,

Whereas, Ellen has much to be proud of as she reflects on her past accomplishments and anticipates her future endeavors; and,

Whereas, Ellen has achieved respect and notoriety among Presidents, Members of Congress, and foreign leaders as she has successfully navigated and illuminated the ever changing tide of American politics; and,

Whereas, Ellen is also an accomplished writer, authoring "The Other Side of the Family: A Book for Recovery from Abuse, Incest,

and Neglect" as well as "101 Ways to Get Your Progressive Ideas on Talk Radio"; and,

Therefore, I ask my colleagues to join with me in honoring Ellen Ratner as she celebrates 50 years of achievement. I am honored to be a close friend with a woman whom I hold in the highest esteem.

IN RECOGNITION OF DONALD  
ROWE'S DISTINGUISHED CAREER  
IN GOVERNMENT

**HON. MIKE THOMPSON**

OF CALIFORNIA

**HON. GEORGE MILLER**

OF CALIFORNIA

**HON. DOUG OSE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. THOMPSON of California. Mr. Speaker, along with my colleagues from California, Mr. George Miller and Mr. Ose, I wish today to recognize Donald R. Rowe, who is retiring this month following a long and distinguished career in county government.

Mr. Rowe retires as the Director of the Solano County Health Services Department, a position he has held for the past twelve years. As Director, he had the overall administrative, budget and leadership responsibilities for 1,200 employees and an annual operating budget of \$187 million.

He was previously employed with the county from 1987 to 1989 as the Chief Executive Officer of Business and Personal Insurance Services.

Mr. Rowe came to Solano County from Fresno County where he worked as the Solid Waste Coordinator, as both a Senior and Principal Administrative Analyst in the County Administrator's Office, as the Associate Director of Health and as the Director of Health.

Mr. Rowe currently serves as Chair of the Solano Partnership Health Plan Board of Directors, which is one of five California health insurance organizations providing full service health maintenance coverage for the Medicaid population.

He is a member of the Executive and Legislative Committees of the County Health Executives Association of California, the State of California Health Information for Policy Project Committee and a founding member of the Solano Coalition for Better Health, a community wide collaborative health planning and community action committee.

Mr. Rowe holds a Bachelor of Arts Degree in Social Welfare from California State University, Fresno and a Master of Public Administration Degree from the University of San Francisco.

Mr. Speaker, because of Donald Rowe's many contributions to county government, and specifically to Solano County, it is proper for us to honor him today.

THE PASSING OF DR. FOSTER  
KIDD

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to the life of Dr. Foster Kidd. Dr. Kidd was a true Texas community leader. He was tirelessly dedicated to improving the health of all Americans. He was the first African-American dentist appointed to the Texas State Board of Dental Examiners and made great strides toward helping the community understand the importance of oral health care. During his life, he chronicled the achievements of African-American dentists through numerous publications, including "Profile of the Negro in American Dentistry." He was a dentistry expert, activist, historian, mentor, father, husband and friend to many.

Dr. Kidd was a leading authority on African-American orthodontic history, collecting scores of documents that tell the story of black dentists. He was also an extraordinarily effective mentor, using his love of golf to mentor local youths. Dr. Foster Kidd was a true Dallas hero.

Mr. Speaker, Dr. Foster Kidd moved on to do his work in a better place on August 21, 2001. Those who knew him, however know that his work will continue to live on through his research, his books and the lasting impact he had on all who met him.

SHIRLEY ROBERTS: BRINGING  
FAIR WINDS TO BAY CITY

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to honor my good friend, Bay Area Convention and Visitors Bureau Executive Director Shirley Roberts, and to express the gratitude of an entire community for her outstanding work in promoting my hometown of Bay City, Michigan. 1, along with the citizens of Bay City, am especially appreciative of Shirley's herculean efforts in bringing the Tall Ships Celebration 2001 and Maritime Festival to town this summer.

As one of the founders of BaySail, Inc., Shirley deftly navigated any and all obstacles to provide safe harbor for more than a dozen historical schooners to drop anchor in Bay City for an unprecedented nautical exhibit that truly put the community on the map as a destination point for tourists from near and far. Her efforts helped hundreds of thousands of visitors discover or rediscover Bay City, significantly enhancing the prosperity of the summer season for many small businesses, restaurants and tourist attractions. In addition, the event provided a wonderful opportunity for residents and others to get a glimpse into Bay City's legendary maritime history and its many contributions to the shipping industry.

Bay City has come to expect a lot from Shirley because she always delivers. Employing

EXTENSIONS OF REMARKS

all the vim and vigor that she consistently has applied to other community endeavors, Shirley dove right into the Tall Ships project to ensure smooth sailing for seafarers and landlubbers alike. Moreover, Shirley's keen understanding that the success of any voyage depends equally upon the leadership of the skipper at the helm and the quality of the crew went a long way to making the event a smash hit.

Shirley has always been the first to acknowledge the role others have played in her accomplishments and her modesty is perhaps one reason for her remarkable ability to recruit and retain enthusiastic and hard-working paid staff and a legion of volunteers. In fact, it is a testament to her team-effort approach that so many volunteers answer the call whenever she asks. Shirley also enjoys the wholehearted and energetic support of her husband, David, and daughters, Michelle and Erika, and typically credits them for their role in her success.

Mr. Speaker, I ask my colleagues to join me in praising Shirley Roberts for her gung-ho spirit and unwavering devotion to Bay City and surrounding communities. I am confident she will continue to bring fair winds and Godspeed to any and all undertakings on behalf of the citizens of Bay County, Michigan.

TRIBUTE TO NEW YORK STATE  
SCHOOL FOOD SERVICE ASSOCIATION

**HON. JAMES T. WALSH**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. WALSH. Mr. Speaker, on October 12, 13, and 14, 2001, the New York State School Food Service Association will mark its 50th anniversary at its annual statewide conference in Syracuse, New York. The New York State School Food Service Association is a not-for-profit organization founded in 1951 whose goal it has been to provide wholesome meals to children in New York State schools.

Today, the association has 3,700 members and serves 1.6 million lunches and 450,000 breakfasts per day. In addition to providing nutritious meals, the association has fought for increases in the number of free and reduced-price meals served to children deemed to be in severe need as well as breaking down impediments to participation in the School Breakfast Program.

On behalf of the people of the 25th Congressional District in the State of New York, I extend my appreciation to the New York State School Food Service Association for their decades of tireless work on behalf of New York State's children. Additionally, it is my honor to congratulate the association on their semi-centennial anniversary conference and wish it continued success in "Feeding America's Future."

*September 6, 2001*

CHRISTO'S "RUNNING FENCE"

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor those who worked on Christo's "Running Fence" on the occasion of its 25th anniversary. A project of the internationally renowned artist Christo and his wife Jeanne-Claude, the "Running Fence" was completed in Sonoma and Marin Counties on September 10, 1976, after 42 months of collaborative efforts.

These efforts included participation of the affected ranchers, 18 public hearings, three sessions at the Superior Courts of California, the drafting of a 450 page Environmental Impact Report, and the temporary use of the hills, sky, and ocean. The "Running Fence" was 18 feet high and its 24.5 miles in length crossed 14 roads, 59 ranches, and the town of Valley Ford. It extended from near Freeway 101 in Sonoma County to the Pacific Ocean at Bodega Bay. As promised, the project was removed 14 days after its completion and all the materials given to the ranchers.

The beauty of the "Running Fence", constructed of 240,000 square yards of white nylon, and the beauty of the California countryside complemented each other perfectly to create a breathtaking artistic vision.

Mr. Speaker, although the "Running Fence" was designed to be temporary, Christo's project will live forever in the imaginations of those who saw it and in its identification with the landscape of Sonoma and Marin Counties.

A PROCLAMATION RECOGNIZING  
BILL MAZEROSKI

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. NEY. Mr. Speaker, Whereas, Bill Mazeroski will be inducted into the Baseball Hall of Fame on Sunday, August 5, 2001 at 1:30 in the afternoon at the legendary Cooperstown, New York; and,

Whereas, Bill Mazeroski grew up in Turkeyfoot and Rush Run, Ohio where his dedication to the game lead him to perform arduous tasks for his Uncle so that he could earn enough money to purchase his first baseball glove; and,

Whereas, his professional career began as a second baseman for the Pittsburgh Pirates in 1956 and ended 17 great years later in 1972; and,

Whereas, Bill Mazeroski is an eight time Gold Glove winner and holds the major league record for the most double plays for a second baseman; and

Whereas, Bill Mazeroski became the first player ever to end the World Series with a home run; and,

Whereas, Bill Mazeroski is a National League all-time All-Star; and,

Whereas, his career total included 2,016 hits and a .983 field percentage at second base; and,

Whereas, he went on to cultivate new baseball talent as a coach for the Pittsburgh Pirates and later for the Seattle Mariners;

Therefore, I ask my colleagues to join with me in congratulating Bill Mazeroski, an exceptional athlete, one of Baseball's all time greats, and an Ohio Valley legend.

#### TRIBUTE TO ROBERT HAUTMAN

#### HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to introduce a resolution honoring artists participating in the Federal Duck Stamp Program, especially Minnesota's very own, Robert Hautman.

Robert has successfully won his second Federal Duck Stamp competition with a winning pintail design after winning his first award in 1997-1998.

Robert and two of his brothers, James and Joseph, have seen their art featured on thirty-five state and federal stamps.

From the Oval Office to the Smithsonian Institute, their creations have been displayed in prominent places throughout Washington, D.C.

Congratulations Robert on this well-deserved award.

#### INDIAN RACISM EXPOSED AT RACISM CONFERENCE—PRESENTATION MOVES CONFERENCE TO TEARS

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. TOWNS. Mr. Speaker, at the World Conference on Racism in Durban, Dalit and Kashmiri activists showed up to exert pressure against India's racist caste system. The caste system, which discriminates against people merely because of the group into which they are born, is one of the most racist systems in the world.

The demonstrators handed out literature, buttons, and headbands demanding equal rights for all peoples. They have been chanting and drumming to force the caste system onto the agenda for the conference.

India argued for keeping casteism off the agenda in Durban, saying that there are laws against caste discrimination on the books. This is true, but unlike our civil rights laws, the anti-caste laws are never enforced and are routinely violated. Dalits are forced to use separate facilities, such as tea shops. Dalits are forced to endure separate living areas, separate burial grounds and restrictions on their movements. They cannot enter the temple. A few years ago, a Dalit constable entered a Hindu temple on a rainy day to seek refuge from the rain and he was stoned to death by the Brahmins in the temple. In another incident, a Dalit girl was blinded by her teacher after she drank water from the community water pitcher. This kind of racism is unforgiv-

able, especially in a country that calls itself a democracy.

According to a report in Canada's National Post, a Dalit woman named Murugesan Manimegalai spoke at the Durban conference. She told the story of how her husband, with a tenth-grade education, was elected Sarpanch of their village—the president of the village council, similar to the mayor. Almost immediately, they received death threats from the upper-castes. "We will see how the president functions without a head," said one note. After he had been in office six months he was followed home on the bus. A group of men surrounded the road and told everyone "except Dalits" to leave. Then they grabbed Mr. Manimegalai and stabbed him in the stomach. Despite his pleas not to kill the other Dalits, they chopped up the six other Dalits in front of him. Then they murdered Mr. Manimegalai, chopped off his head, and threw it in a well. Unfortunately, incidents like this are all too common in India.

I would like to take this opportunity to salute the protestors for their success in bringing India's racism to the world's attention. That is the first step towards ending it.

Mr. Speaker, India must learn that a democracy respects the basic human rights of all people, not just those in a position of power and privilege. It must transcend its Brahminocracy and bring real democracy to all the people. How can people continue to live in the facade of Indian democracy when they cannot enjoy even the most basic rights?

America can help this process along. We should maintain the existing sanctions on India. We should stop all aid to India until the full range of human rights can be enjoyed by all the people there, not just the Brahmins. We should declare our overt support for the 17 freedom movements currently operating within India's borders. We can do so by supporting a free and fair plebiscite, under international supervision, on the question of independence for Khalistan, Kashmir, Nagaland, and the other minority nations living under the boot of Indian oppression. Former President Carter might be a good person to head an international monitoring team.

The Council of Khalistan has issued a press release praising the demonstrators who are bringing the issue of Indian racism to the forefront. The Information Times has also run an excellent article on the demonstrations. I would like to place them both into the RECORD at this time for the information of my colleagues. In addition, I would like to insert the National Post article into the RECORD.

[From the National Post, Sept. 6, 2001]

UN RACISM CONFERENCE MOVED TO TEARS,  
NOT ACTION—RACE VICTIMS TELL STORIES

(By Corinna Schuler)

DURBAN, SOUTH AFRICA.—In an oft-ignored chamber of the cavernous convention centre, the real victims of racism struggle to have their stories of suffering heard.

This is not one of the dozens of rooms where international negotiators spend days behind closed doors, locked in debate about where to place a comma or whether to spell "Holocaust" with a capital "H."

Here, persecuted people from every corner of the globe take their turn on stage between 1:30 p.m. and 3 p.m. every day to tell simple stories about real suffering—the only forum

at this massive United Nations gathering where the personal pain of discrimination is laid bare.

One day, the speaker was an escaped slave from Niger. The next, an aboriginal woman from Australia. Then, a migrant worker from Brazil.

Yesterday it was Murugesan Manimegalai's turn. The 29-year-old mother of four is a member of India's lowest caste, so impoverished she had never left the confines of her squalid settlement before boarding a plane this week for Durban. "I was very worried that it might fall," she confides with a shy smile. But she pushed her fear aside yesterday, took a deep breath and told the story of her husband's horrifying murder to a crowd of 200 human rights activists and a few journalists. By the time she was done, even the moderator was blinking back tears. "We are Dalits"—untouchables—began Ms. Manimegalai.

As one of India's 1.4 million lowest-caste people, she grew up in a segregated village— forbidden to draw water from the communal well or to attend the same temple as upper-caste people.

Her husband had only a Grade 10 education, but became an eloquent activist and was elected president of a village council. Members of the upper caste warned he would not last six months. "We will see how the president functions without a head," said one written death threat.

After six months in office, when Mr. Manimegalai took a trip into town, upper-caste people followed him home in a bus. A crowd of men blocked off the road, screaming wildly for everyone to run away—"except Dalits."

"They grabbed my husband by the shirt and stabbed him in the stomach. Even then, my husband pleaded with the dominant caste people not to kill the rest of the Dalits. They ignored him, and chopped the [six] others in front of his eyes." Ms. Manimegalai did not stop for a breath as the next words tumbled out. "Even after my husband's death, the anger, the bitterness, the caste-fanatic feeling did not subside."

"They cut off his head and threw it in a well nearby." Witnesses were too terrified to come forward and it was only after three years of protest that some of the attackers were finally jailed. "We strongly demand," Ms. Manimegalai concluded, "that the caste system in our country be abolished. We demand education for our children, job opportunities—and dignity." The roar of applause continued for a solid minute. When the diminutive Ms. Manimegalai stepped off the stage, a burly African woman grabbed her in a bear hug, sobbing. Ms. Manimegalai was overwhelmed as others waited in line to give a hug or shake her hand. Tears streamed down her face as she stood in the glare of the TV lights.

It was not the first time the Voices Forum has borne witness to such raw emotion. But many of the 1,100 journalists in Durban to cover the UN's World Conference Against Racism have been too preoccupied by arguments over Israel and demands for reparations for the colonial-era slave trade to take much note.

The armies of suited government officials working to write up a "historic" blueprint for fighting racism and intolerance were not present to hear Ms. Manimegalai's demands.

Many were in a room down the hall, arguing about whether words such as "descent" and "ethnic origin" should be included in the list of grounds for discrimination.

At the end of her speech, a moderator thanked Ms. Manimegalai and other presenters for having the courage to speak out.

"You should never doubt raising your voice in this chamber," she said assuringly. "Never doubt the importance of doing that."

The sorry truth is that the powerful testimonies heard in the Voices Forum have little chance of being incorporated into the UN's final declaration on racism, or its program of action.

"Cast out Caste" posters have been plastered all across Durban and activists have handed out thousands of information brochures in an effort to highlight the injustice of the caste system in Hindu society. But India has fought all attempts to include any mention of caste, and neither the UN nor any government is pushing the point. The strongest language in the draft declaration comes in a single paragraph that refers to discrimination based on work or descent—and even those watered-down words seem set to be withdrawn. Likewise, Eastern European countries refuse to acknowledge the discrimination endured by the Roma, or gypsies, no matter how many emotional stories they have told in Durban this week.

The African slave girl who told her story moved an audience to tears, too.

Inside conference rooms, however, African government delegates are so engrossed in debate about the slave trade of centuries past there has been almost no talk of how people like 17-year-old Mariama Oumarou and 20,000 others in Niger could be spared the horror of slavery today.

Will this conference change Ms. Manimegalai's life? The document under such hot debate is not an international treaty or a UN resolution. In fact, it's not a legal document of any kind and—if agreement is reached here by tomorrow—countries are free to ignore it.

But, Ms. Manimegalai lives with the hope her presence here will help the suffering Dalits of India break free from their oppression. "I am destitute," she said. "My house is just a matchbox and I do not have enough money to care for my children. They are living with relatives."

"But when I saw the big crowd in the room today, I was not afraid. I was happy. At least I can tell the world our story. There are many people back home who are relying on me here."

#### 50TH ANNIVERSARY OF SERVICE FOR VALLEY HOSPITAL IN RIDGWOOD, NEW JERSEY

#### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Ms. ROUKEMA. Mr. Speaker, I rise today to congratulate the Valley Hospital in Ridgewood, New Jersey, on the momentous occasion of their 50th anniversary of service to northern New Jersey. From a small and difficult beginning, the Valley Hospital has become a premier example of quality and commitment to medical excellence. This weekend, in celebration of their golden anniversary, the Valley Hospital "Old Fashioned Fair" will be held in the town of Ridgewood.

This remarkable hospital was once only a dream for the northwest New Jersey community. However, due to the perseverance of a small group of concerned community mem-

bers, this vision of a hospital was transformed into a reality. Plans began nearly forty years before ground was even broken. In 1910, community groups gathered to raise money for a hospital, however the stock market crash and the Great Depression stalled their attempts. With the leadership of the Women's Auxiliary in 1944, local residents rallied again to donate almost \$1,000,000 to break ground in 1949. Today we are able to congratulate the Valley Hospital on fifty years of outstanding service to northwest New Jersey. A passage from The Sunday News, dated June 19, 1951, illuminates the struggle and success of the hospital:

There has been discouragement and heartache, delay and disappointment. There have been set-backs of every conceivable variety during these years of construction but now at long last, comes the fulfillment of the dream—a community hospital completely equipped with every facility that modern medicine and modern science have developed, ready to take its place along with the best in the country in caring for those who are ill.

In August of 1951, the first patient walked through the doors of the Valley Hospital. That first year, over 4,000 patients entered those doors. In the following fifty years, the Valley Hospital expanded to meet the constantly changing needs of the growing community and implemented cutting-edge technology. Last year, the hospital administered to 42,540 patients and welcomed 3,221 babies. Thirty-five physicians of the Valley Hospital were named in the "Best Doctors in New York" list of the New York Magazine this year; a list compiled by their peers throughout regions of New Jersey, New York, and Connecticut. This month the Valley Health System, the hospital's umbrella organization, will be the nation's first health provider to feature Mayo Clinic health information on their website. As one can tell, this is a phenomenal group of people involved with the hospital.

The Valley Hospital has risen to pre-eminence on the national level in health care and medical technology for its patients. Under Mike Azzara's guidance as Chairman of Valley Health Systems, and Audrey Meyer's leadership as President and CEO of the Valley Hospital, the hospital has entered the 21st century as a premier provider of health care in not only New Jersey but the entire Northeast United States.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in commending the Valley Hospital for its service to the community in the past fifty years, and recognizing those committed to continuing its tradition of excellence in the future.

#### A TRIBUTE TO THE BLIND AND VISUALLY IMPAIRED CENTER OF MONTEREY COUNTY, INC.

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to the Blind and Visually

Impaired Center of Monterey County, whose thirtieth anniversary was celebrated on August 12, 2001. The center has been assisting visually impaired individuals to transcend the loss of sight as independent, contributing community members of Monterey County, in my district. I am pleased to be able to honor their work here in the U.S. Congress.

The Blind and Visually Impaired Center of Monterey County offers a wide variety of services to its clients, and works to cater these services to each individual's needs. With such programs as Daily Living Skills and Braille Instruction, information and referral services, accessible technology, support groups, and an Orientation and Mobility Instruction course, this center offers much to the communities of Monterey County. Last year, the Blind, and Visually Impaired Center provided direct services to three hundred forty-eight clients from twenty-two towns, cities, and villages. The clients live throughout Monterey County, from the coastline at Pebble Beach to the farm communities of Greenfield and King City.

I am proud to honor the work of the dedicated staff and volunteers at the Blind and Visually Impaired Center of Monterey County. The thirtieth anniversary of the center offers an opportunity to pay tribute to the hope of its founders and the diligence of those who work there. I look forward to their continued success.

#### NATIONAL PAYROLL WEEK

#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ISRAEL. Mr. Speaker, I would like to take this opportunity to recognize the tireless efforts of payroll employees of this nation. September 3–7 is National Payroll Week. In honor of this week, we should all thank the more than 130 million payroll professionals who work tirelessly to ensure that workers receive their wages and federal employment taxes and worker earnings are reported.

Company payroll departments prepare over 4 billion paychecks each year. In addition to paying workers accurately and on time, payroll professionals play a key role in crucial government programs including the enforcement of fair labor standards, child support deductions and payments, unemployment insurance, Social Security taxes and benefits, and Medicare.

Payroll professionals deserve our thanks for helping maintain this nation's system of preserving funds for the American community. Regular efforts are made to educate ordinary workers about the payroll tax withholding system. Nationwide, 20,000 members of the American Payroll Association organize outreach programs for their communities.

Mr. Speaker, I hereby ask you and our colleagues to join with me in thanking the payroll employees who are indeed, "Working for America" and proclaim September 3–7, 2001, National Payroll Week.

September 6, 2001

VIOLENCE PREVENTION WEEK

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ORTIZ. Mr. Speaker, I rise today to commend the community of Brownsville, Texas, for reminding our children about the values we cherish by commencing "Violence Prevention Week" as the new school year begins.

Each year, parents, students and educational professionals begin the school with more trepidation than we ever did, for today the worst-case scenario is not that our children will get in a fight, but that they will be a victim of gun violence.

Here in Texas, we know that if the central component of these tragedies were merely the

EXTENSIONS OF REMARKS

existence of guns, the level of school violence we see today would have always been so. It is much more: the responsibility that family teaches (including gun safety and proper storage); the faith and tolerance taught by family, churches, synagogues and mosques; the entertainment our children see; and the everyday examples of behavior to which young people are exposed.

In short, it is many things. Our society at large is far less to blame for the incidents of violence we have seen in communities across the country than are the individual families and communities whose job it is to be a good example every day. We should teach responsibility, emphasize faith, and offer age-appropriate entertainment and examples of behavior to children.

Brownsville is taking an important step in speaking to the issue of school violence by planning Violence Prevention Week, sponsored

by the Brownsville Independent School District, the local law enforcement agencies, the Brownsville Chamber of Commerce and the local church community.

Events throughout the week include: a formal proclamation and efforts to bring up the subject around the dinner table, essay contests to make the subject pertinent to students, a "Violence Prevention Fair" at a local mall, school addresses by Dana Scott, sister of Rachel Scott, was killed at Columbine, and the incorporation of topics relating to violence prevention into the school curriculum.

Events will culminate in a LIFE (Laborers in Fields of Education) breakfast for educators and community leaders on Saturday, Sept. 8. The guest speaker will be Darrell Scott, father of Rachel Scott, whose story of refusing to deny her faith at her killer's request inspired millions around the world.

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## SENATE—Monday, September 10, 2001

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. BYRD].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Father, thank You for the privilege to pray to You at the beginning of this work week in the United States Senate. Gratefully, we remember the historic event which made possible one of America's most enduring traditions. On September 7, 1774, the first prayer in Congress was prayed when the Continental Congress convened. We praise You that this declaration of dependence on You led to the Declaration of Independence twenty-two months later. We reflect on the many times throughout our Nation's history that prayer broke deadlocks, opened the way to greater unity, and brought light in our darkest times. As we celebrate the power of prayer in years past, deepen our individual and corporate prayers for this Senate and our Nation. Help us to say those crucial words, "One Nation Under God" with new trust in You this morning.

Dear God, bless America. Guide this Senate to lead this Nation to greater trust in You. We need a profound spiritual awakening once again. Forgive our Nation's humanistic secularism, materialism, and insensitivity to the problems of poverty, racism, and injustice. Lower Your plumb line of righteousness on every facet of our society and reveal what is out of plumb for what You desire for America. May our prayers draw us to Your heart. We want this prayer to begin a continuous conversation with You throughout this day. Help us to listen, discern Your will, and obey with faithfulness. You are our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine

morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each.

Also under the previous order, the time until 11:30 a.m. will be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee. Under the previous order, the time until 12 noon will be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID, is recognized.

### STATUS OF THE COMMERCE, STATE, JUSTICE APPROPRIATIONS BILL

Mr. REID. Mr. President, I spoke Friday afternoon with Senator HOLLINGS, who will manage the Commerce, State, Justice appropriations bill. He indicated that he and Senator GREGG are ready to go to work. They will be on the floor at noon today. There are a number of amendments, but we don't think there will be a lot of amendments. We need to move this bill very quickly. As soon as we finish, we have seven more appropriations bills to complete as soon as possible, with the fiscal year coming to a close at the end of this month.

The majority leader has indicated that he will have a vote between 5 and 5:30 tonight. Senator HOLLINGS understands that. So Members should expect a vote tonight between 5 and 5:30.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. THOMAS, is recognized.

Mr. THOMAS. Mr. President, I yield the first 15 minutes to my friend, the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for not to exceed 15 minutes.

### THE LAST OF THE "SLUDGE" FROM THE CLINTON ADMINISTRATION

Mr. CRAIG. Mr. President, I am on the floor of the Senate today to speak to an issue that is right in Washington D.C., in our midst. It is something that I think few of us realize, but it has begun to get the attention of the American public. We have seen several news articles on it in the last month.

Mr. President, the Bush administration inherited an environmental mess

from previous administrations over the past good number of years. As I have said, it is right here in the backyard of Washington, DC. The Washington Aqueduct, which is operated by the Army Corps of Engineers, is in violation of the Endangered Species Act and the Clean Water Act. Millions of pounds of sludge, laced with alum, are created when the Potomac River water is treated for drinking water for the Washington, D.C. and Northern Virginia area.

I have a picture of the release of the aqueduct into the Potomac River. Rather than send the sludge to a landfill, as other cities are required to do, it is dumped back into the Potomac River. Strangely enough, Mr. President, it is dumped into the river at night. Why? I suspect so that the public will not see it or ask the question: What is it? Therefore, it is dumped through the Chesapeake and the Ohio Canal National Historic Park.

The Corps claims that to alter this process so that it functions like other water treatment facilities will take years to plan, to build, and to become operational. The only problem is that they have been saying that now for decades.

The Corps has stated that if it were prohibited from dumping millions of pounds of toxic sludge into the river to protect an endangered species would create a security crisis. What would the crisis be? Well, it would deprive the White House, the Congress, the courts, and the Pentagon of adequate drinking water.

Mr. President, I have to be honest. That kind of an argument and that situation outrages me. I believe that no one should be above the law, including the Nation's Capital. Of all the places that I thought we would never hear the phrase, "not in my backyard," we are hearing it repeatedly said right here in Washington by the Army Corps of Engineers. A situation of this nature would never have occurred in the West because the Endangered Species Act would have trumped all of the other needs first. In fact, a community would be taxed beyond its capacity to finance a new facility and that facility would be ordered to be built by a court. There would be no arbitrary frustration of national security or that we simply can't get there in a timely fashion.

Let me give you an example in McCall, ID. The drinking water source from the community is cleaner than the standards of the Safe Water Drinking Act. However, the community has been struggling for the last decade to finance a new drinking water system in

order to comply with Federal regulations.

I strongly feel that no one entity should operate as if it was above the law and especially in our Nation's Capital. If changes need to be made to the Washington Aqueduct, then the Corps should be taking steps to work with the affected communities to establish a new plan. That is what is expected of all of the communities in my State, in the West, and across the Nation, and no less should be expected by our Nation's Capital.

A new discharge permit would require the current illegal discharge to cease, and that, of course, is the problem. This new permit has not been issued because there is a concern by local residents who do not want the dump trucks hauling the sludge through their community; thus, a resulting belief that ratepayers would prefer that the sludge be dumped into the river rather than pay for the cost of the facilities to treat it. At least that appears to be the attitude at this moment.

I have a hard time believing that the residents of any community would want to pollute the water of their community and especially through the middle of a national park. However, this is the typical response of "not in my backyard." We now affectionately call it NIMBY or being "NIMBYfied."

Clearly, in this instance, Washington is silent in its NIMBYism. The situation, I repeat, would not be tolerated in the West because a Federal court would order a community to stand down and be responsible under the regulations of the law.

According to the Army Corps, the volume of chemically treated sludge discharged into the primary, if not the only, spawning habitat of the endangered shortnose sturgeon is large enough to require 15 dump truckloads a day to haul it away from the area.

This chart is a picture taken at dawn of the sludge pouring into the river. While it is hard to see, in the distance lies the natural quality of the water. This is the chemical sludge that pours into the Potomac River during the night. Of course, this is a picture that is not very handsome, and I am sure the Army Corps of Engineers would not like to have it dramatized, but in reality, this is exactly what goes on. This dumping represents 15 truckloads of material that should be hauled away on a daily basis.

It has been concluded that a single enormous discharge that includes several million pounds of solids, often done under the cover of night, as I have mentioned, or in inclement weather, may contain the equivalent of a significant amount of the total annual discharge of phosphorous and nitrogen by the city's sewer treatment facilities. This gives you the magnitude of the problem with which we are dealing.

In the mid-1990's, area residents managed to get the Congress to require that Federal agencies give special attention to the concerns of the local residents when the facility was permitted and thwarted the EPA's issuance of a new permit that would have halted the dumping. In other words, there was an effort at one point, but local citizens and, quietly, the EPA in the mid-90's winked and nodded and said—"Not In Our Backyard." This is the Nation's Capital and it would create a national security problem, and so you are permitted. No new permit, though, has been issued since the old one expired. They just let it roll on. The expired permit has no limits on the total suspended solids, alum, and iron, discharged by the aqueduct. No other city in the Nation would get away with that, nor would there be a wink and a nod. The aqueduct discharges under continuation of the old permit pending issuance of a new one.

The Department of Justice contends this is not a violation of the ESA to dump millions of pounds of chemically treated sludge into the primary spawning habitat of an endangered species that may be present at the exact location of the dumping in the Potomac River.

None of this is going on in the Columbia and Snake Rivers, and yet we have five listed endangered species of salmon there. That water must be maintained in a near or pristine quality, and we have all kinds of activities going on up and down the stretch of the rivers to improve the water quality, but not in Washington and not for the shortnose sturgeon.

The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have stated that the discharge may also result in chemo-sensory disruption and EPA documents state that the discharges may result in what we call bio-accumulation of harmful chemicals. I am getting a little more technical than is necessary.

This picture is worth a thousand more words than I can express about the situation that is going on.

The National Marine Fisheries Service is allowing the project to proceed on the basis that the fish has not been verified in the upper tidals of the Potomac. Yet the regional director of the National Marine Fisheries Service stated more than 2 years ago that studies funded by the Corps that were critical to the analysis of the sturgeon status in the Potomac would commence that spring.

It was determined that the fish are in the river. Only four species have been verified, not counting reports of sturgeon caught by sports fishermen. In fact, at one time, sturgeon was so abundant in the river, along with other fish, that it created a commercial fishery. George Washington took advantage of that commercial fishery with

his own fleet of fishing boats. In fact, I am oftentimes told, and I have even looked at the transcripts from Mount Vernon, that one of the most lucrative parts of the Mount Vernon operation was fishing in the Potomac. We know that cannot happen nor would it happen today.

The National Marine Fisheries Service has concluded that the fish is present in the general area because commercial fishermen turned in the sturgeon they happened to catch in their nets in response to a reward program for another species of sturgeon that was known to be in the area.

The bottom line is, there are threatened and endangered fish in the Potomac River, and yet the Army Corps has done nothing in response to the need to cooperate.

In my State of Idaho, or any other State in the Nation, this is a practice that would not be tolerated, and that is why I have come to the floor today. We pass laws, you and I, Mr. President, and the administration writes the regulations to administer those laws. The Endangered Species Act over the last three decades has been touted by some to be the most progressive environmental law in our Nation, and clearly it has saved species of threatened and endangered plants, animals, fish.

My State has been largely reshaped by it. Federal land use plans in my State are much more prescriptive today and controlled by the very issue of the Endangered Species Act. But here, by a wink and by a nod, nothing happens. It is a river that you and I, Mr. President, for years have worked to pass legislation that would progressively clean it up and improve it, moving it back toward a time when it was a viable fishery on the east coast. But with the millions of pounds of sludge dumped daily into this river in the dark of night under a permit that has not been reissued since 1994—really, how long do we allow something like this to go on? How long do we allow the Army Corps of Engineers to continue to operate because it is in our best interest in the Nation's Capital, the city that ought to lead by example but can get away with a direct violation of the law or by ignoring the enforcement of the law?

I do not think that should be the case. That is why I stand in the Chamber to dramatize this issue and to speak more clearly to it. While I believe the Endangered Species Act needs to be reformed, there is not any way I could write it to reform it that would justify this, nor would I try. Nor would any Senator vote for that kind of a reform.

Yes, we would expect the Endangered Species Act to be more practical in its application, and, yes, we would want a more cooperative relationship with local communities of interest, but never would we ever tolerate the kind

of an aggressive act that goes on in Washington on a daily basis, as I have said, oftentimes in the dark of night by this city and by our own agency, the Army Corps of Engineers, which is primarily responsible for the water treatment of this city.

The application of the Endangered Species Act, as we see it, is good for the country and good for the West. It ought to be the same act and it ought to be enforced in the same way in our Nation's Capital. This is simply not being done.

I am in the Chamber to speak to that issue and to recognize I have been involved with others in trying to bring about the conformity of the enforcement of the Endangered Species Act as we rebuild the Woodrow Wilson Bridge. This is one of many issues where there seems to be this attitude, well, if it is the Government doing it, somehow the Government can get away with it, and if it is in or near our Nation's Capital, where national security and the importance of the Congress are involved, then surely we can wink and nod and we can let the law be bypassed.

I think not, Mr. President, and I think you agree with me.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Wyoming, Mr. Thomas.

#### PLANNING THE SENATE AGENDA

Mr. THOMAS. Mr. President, we enter into our second week of this fall's session after the recess, and we are faced with much to do. I think that is not unusual. It is often the case things pile up towards the end of the session, of course, but it seems to me we have a great many items to consider.

There are 13 appropriations bills to be passed in order to have this Government operate in the next fiscal year. The fiscal year begins October 1, which is only 3 weeks away. In the course of those 3 weeks, there are several days which, for various reasons—the Jewish holidays, and so on—there will not be votes. So we have really a relatively short time.

Obviously, what we will be doing is passing a continuing resolution before this is over, but nevertheless we have a great deal to do. None of these bills has yet gone to the President. Some of them have been passed in both Houses and are waiting now on the conference committees.

To be sure, it is difficult. It is always difficult. This year we are seeing some more difficulties because of the change in conditions with regard to the surplus, because of the difficulty I think we are finding now in staying within the budget we passed some time ago. Nevertheless, those are the items before us.

It does not seem to me perhaps that we are moving ahead quite as rapidly as we might. It does not seem to me we

have a very well designed plan to accomplish these things within a certain period of time.

I understand it is very difficult to bring together a group of this kind with different views and properly argue those views. On the other hand, the role of leadership is to have a plan. It is the role of leadership to cause things to happen. Even though they are difficult issues, they must be done. Unfortunately, as I noticed particularly this weekend on public media, and so on, rather than seeking to find a plan to move forward, we seem to be spending more time blaming one another, particularly the President and the administration, for the difficulties in which we find ourselves.

We can have different points of view about whether that is valid or whether it is not, but even if it is, the fact is we have things to do and we should be moving ahead with the plan to do them. Instead of that, we seem to be spending more of our time complaining about the administration's plan. The fact is, we do have indeed the second largest surplus in our history. We also have a budget that we passed that is about a 4-percent increase, which is a fairly low increase, which is what we need compared to what we have spent in the past several years. Our challenge is to stay within the budget we passed and to continue to move forward in doing that.

We hear a great deal of complaint about tax relief—too much tax relief. As a matter of fact, we are in the process of passing that relief back to the people who own the money, and that is as it should be, I believe, particularly as we find ourselves in a time with a very slowing economy. What else is more important than to return more money to the taxpayers if we indeed have a surplus? And we are doing that.

The question, of course, is one of not reaching into Social Security, which I happen to agree with, although we have done that for how many years and those dollars are accounted for in the Social Security fund, even though for years they have been spent for other things without a great deal of complaint, I might add.

However, I do not think that is really the issue. The issue is holding down spending to comply with the budget that we passed. It seems to me that ought to be our challenge.

There is, of course, in my view, no real threat to the beneficiaries of Social Security. Those obligations are there. They are going to be there. We have paid down more debt because of the surpluses over the last several years than in years past. So what we really need to do is address ourselves to the issues we have before us. The turndown in the economy, of course, is the thing most of us are very concerned about, all of us, whether we are here, whether we are in Casper, WY, or

wherever, and to do what we can to seek to play the Government's role in doing what we can to change that.

A reduction in taxes, the return of taxes, is designed to help do that. Hopefully, it will. We are not through with that yet. We are in the process with, I believe, seven reductions in the last year in interest rates designed hopefully to stimulate the economy. We need to do that.

Limiting our spending in the budget is another aspect we are seeking to help pick up and strengthen the economy. There are some other things we ought to be doing. We ought to be doing something with giving the President the opportunity to have trade agreements that are then brought to the Senate for approval. They are all brought to the Senate for approval, but the world economy and our involvement in trade, particularly in agriculture, in which I am involved, was the difficulty in the Asian currency a year ago which brought a good deal of problems to our economy. So we are a part of that, of course.

There are a number of things we can do, and I cannot think of anything more important for us to talk about collectively than what is appropriate for the Government in helping to strengthen this economy.

Yesterday, again on the TV, there were some questions about that: Oh, no, it is up to the President to do that. I do not agree with that. Of course, the President is the one who brings up the suggestions to the Senate. The President is not in control of the Senate, and the Senate has some responsibilities to take leadership as well. The idea of saying it all began since this President became President is not true. It has been here for a year, and then to say it is up to the President, I do not agree with that.

Each of us in this body has some responsibility to give thought to what we can do to help strengthen this economy, which everyone in this country wants us to do.

In addition to that, of course, it seems to me we ought to be moving on an energy bill. This is very important to us, not only to the economy, but we are going to see some more impacts of it, of course, in the winter. We can do that. We started to work on pharmaceuticals. The budget contains opportunity for that. We can do that. Education has been passed by both Houses of Congress and still remains in conference.

I know many in the leadership on both sides are very anxious to work together and show evidence of working together and want to work together. I certainly encourage that be done so we can do what we are here to do, which is to solve the problems before the country, the legitimate problems for the Federal Government.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

#### THE BUDGET

Mr. REID. Mr. President, I say to my friend from Wyoming, it is true we have the second largest surplus in the history of this country; however, it is all Social Security money.

The administration keeps talking about this huge surplus. They never give a caveat, saying, yes, we have the second largest surplus, but the reason we have that is because in 1983, the Congress, with Thomas "Tip" O'Neill, Claude Pepper, Senator BYRD, and President Reagan, got together and said, let's forward fund Social Security. In fact, Social Security has been forward funded, recognizing the baby boomers would have to receive large sums of money up front. So when the baby boomers come, there will be money. If we did nothing with Social Security, everyone would draw 100 percent of their benefits until about the year 2030. After 2030, if we did nothing, they would still draw 75 to 80 percent of benefits. The debate is to make sure after the year 2030 Social Security recipients receive all their benefits.

For Members to say President Bush is such a great guy, he has the second largest surplus in the history of the country, is disingenuous. It is not factual. The surplus is as a result of Social Security.

My friend from Wyoming said we should move forward. We have been trying to move forward. We would have already completed the appropriations bills but we have been prevented from moving forward on them. When we finished the legislation last week that we worked so hard to complete, the Export Administration legislation—which, by the way, was held up strictly by people from the Republican camp, totally, for weeks and weeks, and months, and more than a year; we were finally able to get to that legislation after being held up for several days—after we finished that bill we wanted to go to Commerce-State-Justice but they would not let us. There was an objection to a motion to proceed.

Members can come to the floor all they want to talk about what is going on, but Members should state the facts. The facts are, we have been trying to move forward. If it had been up to us, we would have completed all the appropriations bills.

The economy is in trouble. Whether we like it or not, the President of the United States is seen to be the person directing the economy of the country. Basically, that is true.

Over the weekend, the press reported all over America a conversation between Speaker HASTERT and the President of the United States, George W. Bush. I quote Speaker HASTERT: A year from now is when it matters. He is

talking to the President about the terms of the economy. A year from now is when it matters.

Let's see, a year from now is real close to midterm elections. Is that what they are talking about? Of course it is.

President Bush responds: "It's my timeframe, too." So we have the Speaker and the President saying they are not concerned about the economy now, but they are concerned about what happens a year from now. That is too bad. We have to be concerned about the economy today, not a year from now. We have an economy that is in real trouble. That is a fact. Rarely do all economists agree on everything, but when it comes to the current state of our economy, there is uniform agreement that things are getting worse instead of better.

As a result of the 1993 Budget Deficit Reduction Act, which was a very difficult vote, President Clinton gave us that budget. It was a tough vote for all Members. In the House of Representatives, without a single Republican vote, it passed by one vote. Courageous people lost their seats in the House of Representatives. The hero that I look to is MARIA CANTWELL. She served one term in the House of Representatives. She knew if she voted for that Budget Deficit Reduction Act it would hurt her in reelection, and it did, but she did the right thing and now is a Member of the Senate. Not all people were as fortunate as MARIA CANTWELL. Some lost and their political careers ended.

In the Senate of the United States, the vote was a tie and the Vice President of the United States came over and sat where the Presiding Officer is now sitting and cast a tie-breaking vote to allow that budget deficit plan to go forward. As a result, we had 7 years of really good times in this country. The votes were tough. We reduced unemployment by over 300,000 people, excluding the military. We had the lowest inflation, lowest employment in more than 40 years, created 25 million new jobs, reduced the deficit from \$300 billion a year to surpluses.

Now, with this great budget we have been given by George W. Bush, we are in trouble already. Everyone acknowledges that we don't have the money for these tremendous tax cuts in the future. It has put a real damper on our economy.

Since the passage of the President's budget, we have witnessed a steady decline in the number of economic indicators. Each week there is a new economic indicator indicating we are in trouble. Majority Leader DASCHLE said this weekend, when you take a U-turn on economic policy, you can expect a U-turn in the direction of the economy.

That is what we have. The problems we face because of the President's budget deserve immediate attention.

My friend from Wyoming said it is really not the President. It is the

President. He got us into this mess. He needs to give us a blueprint for trying to get out of this mess. We are going to go ahead and do the country's business and work our way through the appropriations bills the best we can. We have a one-vote majority. That makes it tough in the Senate. We need some leadership from the President of the United States, other than saying "a year from now is when it matters."

It matters right now. The current state of the economy is one of people losing jobs; the surplus has already disappeared. We are going back to the days of deficits already. And the fact that the ranking member of the Budget Committee, my friend from New Mexico, Senator DOMENICI, was quoted in the press, saying maybe we should spend Social Security surpluses.

To show the disarray on the other side, we have some who are calling for more tax reductions to solve the problems of this economy and to reduce the capital gains taxes. The thing we are now hearing is the Republicans are fighting among themselves as to whether that is a good deal.

The President of the United States today, as we speak, is in Florida talking about the need to pass an education bill. The first thing the Democrats did upon taking power in the Senate was pass the education bill. We did that. Senator DASCHLE could have brought up all kinds of other legislation, but the majority leader placed education on the agenda. And we worked our way through that and passed it. There were some battles as to whether we should do this or that, but it was passed. There was compromise. Legislation is about the art of compromise.

For the President of the United States to be in Florida saying, "Pass my education bill," which is now in conference, takes money, dollars, not to just go around talking about what a great bill we have.

I can remember when I was not as educated in "things Washington," and I would read in the newspapers that someone in the Nevada delegation issued a statement that some bill had passed. Oh, I thought, good times are here. Little did I know that what you needed was an appropriation to go along with that authorization. I do not think the President of the United States is being fair to the American public by not recognizing that you need to do more than authorize; you need to appropriate. And he will not help us with that. So to go down to Florida today and have a big cheerleading session with students about "I am the guy who is going to help you with education" when he is unwilling to help us finance education is wrong.

I don't know how many more people have to lose their jobs, lose their cars, lose their homes. How many will it take before we have the President telling us we need a new budget? The old

budget will not work. The economy will not be fixed by hastily arranged press conferences such as we had last week when they found there was a 4.9-percent unemployment rate. There was a quick press conference held, and all the congressional leadership ran to the White House, and that is where they came up with this brilliant statement; it doesn't matter what is happening now; what we need to look at is what going to happen a year from now.

We need to work with the President in righting this problem, but we need some direction from the White House.

#### STEM CELL RESEARCH

Mr. REID. Mr. President, 3 years ago a young man by the name of Steve Rigazio, president and chief operating officer for the largest utility in Nevada, Nevada Power—a fine, fine young man—was diagnosed with Lou Gehrig's disease. It is a devastating illness that affects the nerve cells in the spinal cord and causes muscles to wither and die very quickly. He has lived longer than people expected. The normal time from the time of diagnosis, when you are told you have this disease, until the time you die, is 18 months. He has lived 3 years. He no longer works. He finally had to give up his job.

Because Lou Gehrig's disease attacks the body but leaves the mind intact, this vibrant man has had to watch his body deteriorate around him. He is a man of great courage, and I hope he lives much longer than people expect. He deserves it.

I have had visiting me for a number of years now two beautiful little girls from Las Vegas. They are twins. They are now 12 years old. One of the twins, Mollie Singer, has struggled with juvenile diabetes since she was 4 years old. She has had thousands of pricks of her skin—thousands. She is a beautiful little girl who believes that we in Washington can help her not have to take all these shots. As do the million Americans who suffer from this illness, Mollie fears that her kidneys will fail, she will get some kind of infection and have one of her limbs amputated or even lose her sight as a result of this diabetes.

There is something that gives Mollie and Steve hope, and that is stem cell research. It gives hope to tens of millions of Americans and their families who, like Steve Rigazio and Mollie Singer, suffer from Lou Gehrig's disease, diabetes, or Alzheimer's, Parkinson's, lupus, heart disease, spinal cord injuries, and other illnesses. Since stem cells can transform into nearly all the different tissues that make up the human body, they can replace defective or missing cells. Scientists are really very optimistic that one day stem cells will be used to replace defective cells in children with juvenile diabetes or even to create rejection-free organs.

Knowing that stem cells may have the power to save and improve lives, we cannot deny researchers the tools they need to fully realize the potential of stem cells. If we fail to seize promising research opportunities, we will fail millions of Americans and their families and people all over the world.

Early last month, President Bush announced he would limit Government funding for research to the stem cell lines that already existed at the time of his announcement. This was obviously a political compromise. I am pleased that the President left the door open for Federal funding of stem cell research in some capacity, but I am very concerned that he has not opened the door far enough to allow scientists to fully realize the life-saving potential of stem cells.

Last week, Secretary Thompson announced that no more than 25 of the 64 stem cell lines the National Institutes of Health listed as falling under the President's criteria are fully developed. We still do not know whether the remaining 40 stem cell lines would be useful to science. What we do know about the 25 viable stem cell lines that fall under the President's guidelines is very troubling. Why? Most, if not all, of the existing stem cell lines have been mixed with mouse cells. As a result, these cells could transfer deadly animal viruses to people, human beings.

It is also unclear whether these cells will be suitable for transplanting into people. Just last week, Dr. Douglas Melton, a professor of molecular and cellular biology at Harvard, testified that cells derived from mice "have proven unreliable over time for research, either dying out or growing into diseased forms."

Even though scientists are working on ways to grow human embryonic cell lines without using mouse cells, they will not be eligible for Federal research money because they will be created after President Bush's arbitrary August 12 deadline. Last week the administration confirmed it would not reconsider this deadline, even if it were later discovered that none of these cell lines was suitable for long-term research.

If we fail to fund research for the new stem lines that are created without mouse cells, foreign scientists will still conduct research on stem cell lines that fall outside his guidelines. This research is going to go forward. Shouldn't it go forward under the greatest scientific umbrella in the history of the world, the National Institutes of Health? The answer is yes, that is where it should go forward, not in the little communities throughout the world that are trying to get a step up on the United States. This research is going to go forward. Let's do it the right way.

As a result of the guidelines of the President, we will not have the ability

to provide any oversight of this research, if it is done overseas, to ensure that it is conducted by ethical means. Not only will we risk losing our most talented scientists to foreign countries, but we also jeopardize our potential as a nation to remain a world leader in stem cell research.

Over the course of the next several months, scientists will continue to determine whether President Bush's policy will allow stem cell research to advance at a reasonable pace. As we continue to evaluate the President's funding guidelines, we need to keep in mind that millions of Americans who suffer from devastating illnesses do not have the luxury of time—Steve Rigazio as an example. We cannot continue to dangle the hope of cure or the promise of scientific breakthrough before these patients and their families without adequately supporting research to allow scientists to achieve these very important discoveries.

I suggest the absence of a quorum.

The PRESIDENT *pro tempore*. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2500, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. The distinguished Senator from South Carolina, the chairman of the Commerce Committee, is recognized.

AMENDMENT NO. 1533

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1533.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the amendment is considered adopted.

The amendment (No. 1533) was agreed to.

Mr. HOLLINGS. Mr. President, I am pleased to present to the Senate the fiscal year 2002 State, Justice, Commerce, the Judiciary, and related agencies appropriations bill. This bill was accepted unanimously by the full committee in July. As in past years, this has been an extremely bi-partisan effort on the part of the members and staff of this subcommittee. In particular, I would like to thank the ranking member, Senator GREGG, for his dedication to producing a fair and well rounded bill. He has chaired this subcommittee in a distinguished fashion during the past 4 years. He knows this bill through and through and his assistance during the change over has been greatly appreciated. Also, I want to recognize the hard work of my subcommittee staff; my majority clerk, Lila Helms, Jill Shapiro Long, Luke Nachbar, and Dereck Orr; as well as the minority clerk, Jim Morhard along with Kevin Linskey, Katherine Hennesey, and Nancy Perkins.

This is my 31st year on the CJS Subcommittee, and this is the 25th annual appropriations bill for CJS that I have been privileged to present to the Senate either as chairman, or as ranking member of the subcommittee. I am still amazed at the range of important issues that this bill addresses.

Funds appropriated under this bill directly affect the daily lives of all Americans.

Under CJS, the Nation's primary and secondary schools are made safer by providing grants for the hiring of school resource officers to ensure that our children can grow and learn in a protected environment. This bill provides funds to protect all Americans by increasing the number of police officers walking the Nation's streets, providing additional funds to fight the growing problem of illegal drug use, guarding consumers from fraud, guarding children from internet predators and protecting Americans from acts of terrorism here at home and abroad.

People throughout this country benefit from weather forecasting services funded through this bill, whether they are farmers receiving information necessary to effectively manage their crops, or families receiving lifesaving emergency bulletins regarding tornadoes, floods, torrential rains, and hurricanes.

Small communities benefit from the economic development programs funded in this bill. Nearly 1,500,000 small

businesses benefit from the free SBA assistance provided in this bill. All American businesses and their employees benefit from the funding provided to enforce our trade laws and to prevent illegal, often dangerous products, from being dumped on our markets.

This appropriations bill provides funds to improve technology in a host of areas; funding is provided for developing cutting edge environmental satellites, for developing cutting edge industrial technologies that keep us competitive, and for developing basic communications tools for State and local law enforcement so that they can do their jobs more safely and effectively.

In all, the CJS bill totals \$41.5 billion in budget authority, which is \$719.9 million above the President's request. There are four specific accounts that benefit from the increased funding above the President's request. They are MARAD, COPS Universal Hiring Program, NIST's Advanced Technology Program, and the Small Business Administration.

First, the President's budget proposed to move MARAD into the Department of Defense. The subcommittee received letters from over one-third of the senate indicating opposition to such a move. The committee bill reflects that request and provides \$98.7 million for the Maritime Security Program and \$100 million for the Title XI Loan Guarantee Program.

Second, the President's budget proposed to fund only the school resource officer component of the COPS Program. The committee bill before the Senate today fully supports the School Resource Officers Program, but also restores the Universal Hiring Program. The committee bill provides \$190 million for the Universal Hiring and Cops More Program.

Third, the President's request proposed to zero out the Advanced Technology Program. The committee bill restores this program and provides the same level of funding, \$60.7 million, for new awards as was provided last year. As a result, the bill includes \$190 million above the President's request for the ATP Program.

Finally, the President's request proposed to move SBA from a service agency to a fee for service agency. In order to correct this misguided understanding of the services SBA provides this country's more than 1,500,000 small businesses, the committee bill provides an additional \$231 million above the President's request to restore funding for all the proposed taxes contained in the President's request.

In addition to restoring the funding for Priority National Programs, the Commerce, Justice, State appropriations bill also focuses on replacing the aging information technology and other core infrastructure needs of the Departments of Justice, Commerce, and State.

As I said before, this is a well rounded bill with a number of important accounts. I would like to take a few more minutes to go over some of the specific funding highlights from the CJS bill the committee is bringing before the Senate today.

Once again, the FBI's Preliminary Annual Uniform Crime Report released this past May demonstrates how well these programs are working. According to the FBI's report, in 2000, serious crime has leveled to mark a decline of 7-percent from 1998, and marking 9 consecutive years of decline. This continues to be the longest running crime decline on record. Bipartisan efforts to fund DOJ's crime fighting initiatives have impacted this reduction in crime during the past 10 years.

The bill provides \$3.47 billion for the FBI, which is \$216 million above last year's funding level. To meet the FBI's training, resources, and equipment needs, the bill provides \$142 million for the FBI's Computer Modernization Program, trilogy; \$6.8 million to improve intercept capabilities; \$7 million for counter-encryption resources; \$12 million for forensic research; \$4 million for four mitochondrial DNA forensic labs; and \$32 million for an annex for the engineering research facility, which develops and fields cutting edge technology in support of case agents.

To highlight the changing mission of the FBI, the bill provides a new budget structure. Three old criminal divisions were combined into two, and new divisions for cybercrime and counterterrorism were created. The new structure provides the Bureau with more flexibility and should improve the Bureau's responsiveness to changing patterns of crime and headquarters' support of the field. The bill also directs the FBI to re-engineer its workforce by hiring and training specialists that are technically-trained agents and electronics engineers and technicians.

The bill provides \$1.5 billion for DEA, \$8.8 million above the budget request. Increased funds are provided for technology and infrastructure improvements, including an additional \$30 million for DEA's computer network, firebird, and an additional \$13 million for DEA's laboratory operations for forensic support.

To combat drugs that are reaching our streets and our children, the bill provides \$52.8 million to fight methamphetamine and encourages the DEA to increase efforts to combat heroin and emerging drugs such as oxycontin and MDMA, also known as ecstasy. The bill also directs DEA to renew its efforts to work with Mexico to combat drug trafficking and corruption under the country's new President Vicente Fox.

For the INS, the bill includes \$5.5 billion, \$2.1 billion of which is derived from fees. This funding provides the

necessary resources to address border enforcement and benefits processing. For border enforcement, the bill provides \$75 million for 570 additional Border Patrol Agents, \$25 million for 348 additional land border inspectors, and \$67.5 million for additional inspectors and support staff.

To better equip and house these agents and inspectors, the bill provides \$91 million for border vehicles, \$22 million for border equipment, such as search lights, goggles and infrared scopes, \$40.5 million to modernize inspection technology; and \$205 million for Border patrol and detention facility construction and rehabilitation.

For INS' other hat, benefits processing, the bill provides \$67 million additional funds to address the backlog and accelerate the processing times.

This bill includes \$3.07 billion for the Office of Justice Programs, which is \$259.8 above the amount requested by the President. This bill provides for the funding of a number of important law enforcement programs.

The committee has provided \$2.08 billion for State and Local Law Enforcement Assistance Grants. Within this amount; \$400 million is for the Local Law Enforcement Block Grant Program; \$390.5 million is for Violence Against Women Act—VAWA—programs, including programs to assist disabled female victims, programs to reduce violence against women on college campuses, and efforts to address domestic and child abuse in rural areas; and \$265 million is provided for the State Criminal Alien Assistance Program which reimburses States for the incarceration costs of criminal aliens.

Within the amount provided for the Office of Justice Programs, a total of \$328.5 million has also been recommended for juvenile justice programs. These funds will go towards programs aimed at reducing delinquency among at-risk youth; assisting States in enforcing underage drinking laws; and enhancing school safety by providing youth with positive role models through structured mentoring programs, training for teachers and families so that they can recognize troubled youth, and training to students on conflict resolution and violence reduction.

This bill includes \$1.019 billion for the COPS office in new budget authority, which is \$164.7 billion above the President's request. As in prior years, the Senate has provided \$180 million for the Cops-in-Schools Program to fund up to 1,500 additional school resource officers in FY02, which will make a total of 6,100 school resource officers funded since Senator GREGG and I created this program in 1998.

This committee also remains committed to providing grant funds for the hiring of local law enforcement officers through the COPS Universal Hiring

Program. Although the President did not seek funding for this program in FY02, the committee has provided \$190 million to continue to hire officers, as well as to provide much needed communications technology to the Nations law enforcement community.

Within the COPS budget, the committee has also increased funding for programs authorized by the Crime Identification and Technology Act, CITA. In FY02, \$150.9 million is provided for programs that will improve the retention of, and access to, criminal records nationwide, improve the forensic capabilities of State and local forensic labs, and reduce the backlog of crime scene and convicted offender DNA evidence.

And finally, the committee has provided \$48.3 million within COPS to continue the COPS methamphetamine initiative. These funds will provide for the clean-up of meth production sites which pose serious health risks to law enforcement and the surrounding public. Funds will also be provided to State and local law enforcement to acquire training and equipment to safely and effectively dismantle existing meth labs.

For the Department of Commerce in fiscal year 2002, the committee has focused on the separate but equally important goals of improving departmental infrastructure and promoting the advancement of technology. The Nation is blessed with an outstanding group of individuals who go to work every day, across the Nation, for the Department of Commerce. Thirty-seven thousand people work in agencies as diverse as the Economic Development Administration, the National Oceanic and Atmospheric Administration, and the Bureau of the Census. They are highly-trained experts who are responsible for a huge array of critical programs. These people help minority businesses and small manufacturers flourish, run trade missions to open foreign markets to American goods, forecast hurricanes, estimate the Nation's gross domestic product, set standards and measurements recognized and used world-wide, fly satellites, manage the Nation's fisheries, conduct censuses, and process patents. These missions of the Department of Commerce are the glue that holds together the U.S. economy, both domestically and abroad.

There is no doubt as to the importance of the missions under the purview of the Department of Commerce. There is, however, a crisis looming in terms of the infrastructure available to the employees who work there. In many cases, Mr. President, these people are going to work in World War II-era buildings that are literally crumbling around them. We saw this last year in Suitland where we had leaks in the roof, lead in the water, and asbestos in the air systems and we provided

funding for new buildings. The average age of the NOAA fleet of research vessels is close to 30 years old. Employees in Department of Commerce bureaus are working with antiquated computer systems that often do not speak to the outside world.

The bill we have before us begins to turn the tide on infrastructure needs. In all cases, the bill funds the President's request for capital upgrades. This includes new information technology systems at the Minority Business Development Agency, the Bureau of the Census, the Economic Development Agency, and the Office of Economic and Statistical Analysis. The bill includes a \$76 million increase for the next generation of polar-orbiting satellites. It also includes a new radio spectrum measurement system at the National Telecommunications and Information Administration.

In other cases, this bill jump-starts capital projects that were not requested by the President when they should have been. For example, funding is included to begin work on upgrading the Boulder, CO, campus of the National Institute of Standards and Technology. We also encourage the United States Patent and Trademark Office to reflect on its infrastructure needs and to report back on what we can do to help in the future.

In terms of NOAA, the bill includes funding for 2 new research vessels and funds to refurbish 6 others. In addition, funding is included for needed repairs at the Beaufort, Oxford, and Kasitsna Coastal Laboratories. Sufficient funding is provided to begin construction on regional National Marine Fisheries Service Buildings in Hawaii and in Alaska. The bill provides funding to start building visitor facilities at National Marine Sanctuaries.

Mr. President, the funding provided in this bill for these purposes is a down-payment on the future of a robust Department of Commerce. I believe that the people at the Department are its greatest asset and that these targeted funds will allow those people to better do their jobs for decades to come.

In terms of advancing technology, in addition to the satellite programs, research vessels, radio spectrum management systems and other programs that I mentioned earlier, the bill provides \$696.5 million for the National Institute for Standards and Technology—NIST. This amount aggressively funds scientific and technical research and services that are carried out in the NIST Laboratories in Gaithersburg and in Boulder. The bill provides the current year funding level of \$60.7 for new ATP awards. The ATP is an industry-led, competitive, and cost-shared program to help the U.S. develop the next generation of breakthrough technologies in advance of its foreign competitors. ATP contracts encourage companies to

undertake initial high-risk research that promises significant widespread economic benefits. Over one-half of the ATP awards go to small companies. To date, Mr. President, 41 ATP competitions have been held; 4,435 proposals have been submitted involving 7,343 participants; 526 awards have been issued involving 1,167 participants, and 248 ATP projects have been completed. Of the 526 awards, 173 are joint ventures, and 353 are single applicants. Fifty-nine percent of the projects are led by small businesses and 71 percent of the single applicant projects are led by small business. More than 150 different universities are involved in 280 ATP projects and over 100 new technologies have been commercialized as products or services. Companies have identified nearly 1,400 potential applications of ATP research.

Is ATP a success? The answer clearly is "yes." The Advanced Technology Program has been extensively reviewed. Since its inception, there have been 52 studies on the efficacy and merits of the program. These assessments reveal that the ATP does not fund projects that otherwise would have been financed in the private sector. Rather, the ATP facilitates so-called "Valley of Death" projects that private capital markets are unable to fund. In June 2001, the National Academy of Sciences' National Research Council completed its comprehensive review of the ATP. It found that the ATP is an effective Federal partnership that is funding new technologies that can contribute to important societal goals. They also found that "the ATP could use more funding effectively and efficiently." A March 1999 study found that future returns from just 3 of the 50 completed ATP projects—improving automobile manufacturing processes, reducing the cost of blood and immune cell production, and using a new material for prosthesis devices—would pay for all projects funded to date by the ATP. Measurement and evaluation have been part of the ATP since its beginning. What the analysis shows time and time again is that the ATP is stimulating collaboration, accelerating the development of high-risk technologies, and paying off for the Nation.

The bill includes a total of \$7.6 billion for the Department of State and related agencies, an increase of \$617 million above last year's funding level of \$7.0 billion. Within the State Department account, \$1.1 billion has been provided for worldwide security upgrades of State Department facilities. Additionally, the bill provides \$773 million to continue our Nation's international peacekeeping activities.

During the past several years, the worldwide security accounts and the peacekeeping account have accounted for the majority of increases in the Department's budget while the day-to-day operations have been neglected. As a

result, many of the Department's quality of life initiatives and the Department's other infrastructure needs—communications, transportation, office equipment—have suffered. The funding provided in this bill fully funds all current services for the Department of State. In addition, this bill funds all quality of life initiatives such as: additional language, security, leadership and management training; monetary incentives to attract employees to hardship posts; incentives to allow civil service employees to compete for 2-year overseas assignments; and replacement of obsolete furniture and motor vehicles.

As with the other departments funded through this bill, full funding is provided for information technology upgrades. The worldwide web has become essential to the conduct of foreign policy. Yet, very few overseas posts have that capability. The funding provided in this bill fully supports Secretary Powell's decision to place information technology among the Department's top priorities and fully funds the Department's efforts to provide internet access to all State Department desktops by January 2003.

Let me conclude by saying again this is a solid piece of legislation that addresses issues that affect the daily lives of all Americans. It is a good bill that balances the needs on many diverse missions, and the interests of members from both parties. Every year, we face difficulties with respect to limited funding and multiple, sometimes competing, priorities. This year was no different. And, as in past years, the CJS Subcommittee made those decisions in a bipartisan and judicious manner. This could not have happened without the assistance of Senator GREGG and the endless hours of work that both my and his staff put into drafting the bill before the Senate today. With the help of my colleagues, I look forward to swift passage of this vital legislation.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of the bill brought forward by the Senator from South Carolina. I thank Senator HOLLINGS for the tremendous courtesy and teamwork approach he has taken on this bill relative to the Republican side of the aisle. I especially thank his staff, led by Lila Helms, for their efforts to make sure we had an approach that involved all the different players on the committee.

This has been a bill which Senator BYRD, during the full committee markup, described as the "most bipartisan bill in his memory." We are very proud of that. I think it is very much a reflection of the leadership of Senator HOLLINGS and the approach he has taken. So I express my deep and sincere thanks to him.

Senator HOLLINGS has outlined pretty specifically the areas this bill funds and some of the initiatives in the bill. Let me talk about a couple, however, that I would like to highlight myself.

First, the appropriation level on this bill is significant, \$41.5 billion, which is over the President's request by a fair amount—about one-half billion dollars. It is my hope—and I have discussed this with Senator HOLLINGS—as we move through the process that we can come a little closer to the President's request. I note, however, that the bill is within our budget resolution and the allocation given to this committee. So as a practical matter it does not in any way negatively impact the budget. It is a rather responsible bill. The reason it spends these dollars is because it has significant agencies that it funds.

The Department of Justice is, of course, a critical agency; the Department of State; Department of Commerce; Judiciary; FTC; FCC; and the SEC. These are all agencies that play a huge role in the deliverance of quality Government in our country. It is our obligation to strongly support them.

One area on which we have focused a considerable amount of time in the committee has been the issue of terrorism and our preparation for terrorism as a government. Earlier in the year, we had a joint hearing that involved a large number of Senators participating, at which hearing we had present and testifying all the major agencies that impact terrorism within the Federal Government—I believe the number is 42, or maybe 46. I myself even lost count, even though I stay fairly attentive to this issue. We heard from the leaders of each agency. We heard from the Secretary of State, the head of FEMA, the Attorney General, of course, and down the line. We heard from leaders within our communities and agencies. We heard from the Deputy Secretary of Defense.

The conclusion, which was clear and regrettably unalterable, is that there are simply too many people trying to cook this pie, too many people trying to stir the stew, and, as a practical matter, the coordination necessary in order to deliver a thoughtful and effective response to the threat of terrorism is not that strong.

Terrorism can be divided into three basic areas of responsibilities, the first being intelligence, both domestic and international; the second being interdiction, again domestic and international; and the third being consequence management should an event occur.

In all these areas, there is a significant overlap of responsibility and, as a result, through this hearing and many other hearings we have held, we have come to the conclusion that we have to become more focused within especially the Justice Department, which has a huge role in this area, but within other

agencies which naturally fold into the Justice Department.

We have suggested in this bill that we create a Deputy Attorney General who would serve as a national go-to person on the issues relating to domestic terrorism. This individual would obviously work in tandem with a lot of other major players, including FEMA, but as a practical matter at least we would have one central place where we could begin and where people could look to more response to terrorism. It would be a central place where not only the response would occur but the responsibility would occur and therefore we would have accountability, which is absolutely critical and which today does not exist.

This bill creates that position and funds it, along with funding a significant increase in the counterterrorism activity at a variety of levels which are critically important to our efforts to address this issue.

I do not want to sound too pessimistic about our efforts in this area. Compared to 4 or 5 years ago when we began this initiative, we are way down the positive road. We have, in effect, up and running a first responder program in a number of communities across this country, and we are moving aggressively across the country to bring critical areas up to speed.

We have an effective intelligence effort and effective interdiction effort, but we still have a long way to go. If you put it on a continuum time of a person, it is as if this person were born 5 years ago and we were now in mid-adolescence, in our late teens, moving, however, aggressively into a more mature approach to the issue.

Another area I think needs to be highlighted, on which I congratulate the chairman, as I have with counterterrorism, is the issue of NOAA. NOAA is absolutely a critical agency for us. It is one of the premier agencies in our Nation in addressing the question of scientific excellence. I was just watching the weather today and noticed there is a hurricane off the northern part of our east coast. It is going to be pushed off the coast in New England because of the weather patterns.

Mr. HOLLINGS. Hopefully it will not hit New Hampshire.

Mr. GREGG. Hopefully it will not hit New Hampshire.

Because of NOAA, we can predict where a hurricane will go with a great deal more accuracy. Certainly, States such as South Carolina and those that are located along the hurricane trough have taken full advantage of it.

This agency goes way beyond the issues of atmospheric. It goes into quality of water, ocean activity, marine fisheries, and we have made a huge commitment in this area in this bill.

Environmental conservation is extraordinarily important as part of the

NOAA initiative in this bill, and, as the chairman was reciting, we have put a large amount of dollars into it, especially in the Coastal Zone Management Program and the National Estuarine Research Reserve.

The committee recognizes that 90 percent of the commerce in this country enters through our ports, and our nautical charts are grossly outdated. This year we address this problem by aggressively increasing funding for mapping and charting, electronic navigational charts, shoreline mapping, the survey backlog, and securing additional hydrographic ships.

Because of the critical importance of fishing to our economy and our cultural history, the committee is funding a new \$54 million fishery research vessel, as was mentioned by the chairman—this is absolutely critical—along with making a significant effort to protect and preserve the right whale population which is very important to my part of the country.

Given the current concerns regarding our national energy policy, the committee is providing funds through NOAA again to examine an extension of the U.S. claim to the mineral continental shelf, implementation of a regional temperature forecasting system to better project electricity demands, and to develop an air quality forecasting system to minimize the impact of powerplant emissions on air quality.

The committee funded the following programs: Coastal Zone Management grants at \$65 million, \$5 million over last year's level; National Sea Grant College Program at \$56 million, the same level as the budget request; the National Weather Service's Local Warnings and Forecasts Program at \$80 million; the National Polar Orbiting Environmental Satellite System at \$156 million. This is a recognition by this committee of the significance and importance of NOAA and the role it plays in maintaining the quality of our science in this country but, more importantly, the quality of the life of our citizenry.

As was mentioned by the chairman of the committee, we have made a strong commitment to the judiciary which has its own unique problems, and we continue to work hard, especially in the area of pay. I personally believe we should do something aggressively in the area of paying our judges. I suspect the Chair also feels this way, as he is the fellow responsible for these judges. The fact is, it is very hard to attract into the judiciary high-quality individuals who might have young children or especially families whose kids are about to head off to college under the present pay scale, and something needs to be done. We are trying to address that in this bill.

Again, as was mentioned by the chairman, the State Department has been aggressively addressed. I am

happy to report, as the chairman has alluded, that the arrears situation is much improved, thanks to the good work of our former Ambassador to the U.N., Richard Holbrooke. Mr. Holbrooke accomplished what many said could not be done: He successfully negotiated a new U.S. assessment rate both for the regular budget and the peacekeeping account so that the burden is more fairly distributed.

For me, the renegotiation of the assessment scale is a perfect example of how the United States can use its large contribution to the U.N. as a leverage to demand fairness, accountability, and reform. Our "tough love" policy vis-à-vis the U.N., the basis of the Helms-Biden legislation, is successful because it is premised on good intentions and high expectations.

I also want to mention that funds have been made available in this bill for information technology in the total of \$210 million. As the chairman of this committee mentioned, for the last 4 years I have been extremely supportive of this attempt to try to upgrade the IT capabilities of the State Department. I have been disappointed, however, by the lack of progress made by the Department in this area.

The only goal the State Department has achieved is providing e-mail capability to all Department desktops. Most desktops still do not have Web access. The networks of various U.S. agencies operating overseas have not been integrated, and the classified system needs to be overhauled.

I am encouraged by Secretary Powell's recognition of IT as one of the Department's top priorities. The fiscal year 2002 mark fully funds IT, and I congratulate Senator HOLLINGS for his commitment in this area. Hopefully, the Department will make good use of these funds.

Lastly, I want to mention something that is especially important to me personally, and that is the bill's effort to eliminate the illegal diamond trade that has fueled the violent conflict in African nations such as Sierra Leone, Congo, and Angola.

Nowhere has the effect of this illicit diamond trade been more graphic than in Sierra Leone. As early as 1991, a criminal gang called the Revolutionary United Front, or RUF, began taking control of many of the Sierra Leone diamond mines. Since then, RUF has used profits from the sale of diamonds to terrorize civilians for no other reason than to expand their influence. The RUF is notorious for its use of forced amputations, murder, and rape in waging its war of terrorism. I assure you, there will be no end to the violence unless we address this problem at its root. As long as the RUF can profit from the sale of conflict diamonds, the butchery will continue.

What is needed is a ban on the importation into the United States of diamonds from countries that fail to observe an effective diamond control system. Clearly, this will involve substantial commitment on the part of the Africa's diamond-producing countries. But the onus cannot fall entirely on them. It is equally the responsibility of diamond-importing countries to do all we can to ensure we are not facilitating the trade in conflict diamonds.

In the past, we have been unable or unwilling to act even while effective preventive measures, measures such as the ones I have introduced today and which Senator HOLLINGS has been kind enough to include in this bill, are at our fingertips. There are things we can do to make the situation in Africa better. The key is to act. We have a chance to save lives, to promote peace, merely by changing the way we do business. This bill goes a long way in addressing the appalling events currently taking place in much of West Africa.

Again, I thank Senator HOLLINGS for his commitment in this area and his willingness to support this effort and be a leader on it. In conclusion, I also thank Senator HOLLINGS, and especially his staff, for all they have done to make this a bipartisan bill and a bill which I can enthusiastically support.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

#### AMENDMENT NO. 1535

Mr. HOLLINGS. I send to the desk a managers' package of technical amendments.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. GREGG, proposes an amendment numbered 1535.

Mr. HOLLINGS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 91, line 15, before the “.”, insert the following: “, of which \$13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy”.

On page 18, line 20, before the “.”, insert the following: “, of which \$11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which \$13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii”.

On page 53, line 23, strike “\$54,255,000” and insert “\$23,890,000”.

On page 55, starting on line 4, and finishing on line 5, strike “provided under this heading in previous years” and insert in lieu thereof “in excess of \$22,000,000”.

On page 53, starting on line 16 and continuing through line 18, strike “for expenses necessary to carry out ‘NOAA Operations, Research and Facilities sub-category’” and insert in lieu thereof “for conservation activities defined”.

On page 58, starting on line 7 and ending on line 8, strike “the ‘NOAA Procurement, Acquisition, and Construction sub-category’” and insert in lieu thereof “conservation activities defined”.

On page 58, line 10, after “amended”, insert “including funds for”.

On page 58, strike all after “expended” on line 12 through “limits” on line 16.

On page 58, line 16, after “That”, insert the following: “, notwithstanding any other provision of law,”.

On page 58, line 17, strike “for” and insert in lieu thereof “used to initiate”.

On page 58, line 18, insert before the “.”, the following: “, for which there shall be no matching requirement”.

On page 59, starting on line 2 and ending on line 3, strike “‘NOAA Pacific Coastal Salmon Recovery sub-category’” and insert in lieu thereof “conservation activities defined”.

On page 59, line 5, after the second “,”, insert the following: “including funds for”.

On page 59, line 9, strike all after “expended” through “limits” on line 13.

On page 65, line 13, after “funds”, insert the following: “, functions, or personnel”.

On page 66, line 5, strike “\$40,000,000” and insert “\$7,000,000”.

On page 66, line 7, before the “.”, insert the following: “or support for the Commerce Administrative Management System Support Center”.

On page 66, line 8, after the “(B)”, strike “not more than \$15,000,000” and insert in lieu thereof “None”.

On page 67, after line 15, insert the following new subsection:

“(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the ‘Advances and Reimbursements’ account based upon the report required by subsection (d)(1).”.

On page 75, after line 11, insert the following new section:

“SEC. 306. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.”.

On page 42, line 21, strike “\$49,386,000” and insert “\$51,440,000”.

Strike section 107 and renumber sections 108-111 as “107-110”.

On page 102, line 20, strike “\$3,750,000,000” and insert “\$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act”.

On page 103, line 1, after “loans”, insert “for debentures and participating securities”.

On page 103, line 3, strike “\$4,100,000”, and insert “the levels established by section 200(h)(1)(C) of the Small Business Act”.

On page 105, line 5, before the “.”, insert the following: “, to remain available until expended”.

On page 104, line 24, strike “\$14,850,000 and insert \$6,225,000”.

On page 10, line 18, strike “\$724,682,000” and insert “\$712,682,000”.

Mr. HOLLINGS. Mr. President, in this managers' package, I have listed some two dozen technical amendments clarifying the funding level for the Merchant Marine Academy; another technical amendment clarifying the

funding level for the Prison Activations; a technical amendment clarifying the funding level for NOAA Executive Administration, going right on down the list.

Mr. President, I ask unanimous consent that this description of the managers' package be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### MANAGER'S PACKAGE

1. Hollings technical amendment [clarifying the funding level for the Merchant Marine Academy].

2. Hollings technical amendment [clarifying the funding level for prison activations].

3. Hollings technical amendment [clarifying the funding level for NOAA executive administration].

4. Hollings technical amendment [clarifying the amount of NOAA's prior year deobligations].

5. Hollings technical amendment [clarifying language on conservation activities].

6. Hollings technical amendment [clarifying language on conservation activities].

7. Hollings technical amendment [clarifying the definition of the Coastal and Estuarine Land Conservation Program].

8. Hollings technical amendment [striking extraneous language].

9. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].

10. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].

11. Hollings technical amendment [clarifying the availability of funds for the Coastal and Estuarine Land Conservation Program].

12. Hollings technical amendment [clarifying language on conservation activities].

13. Hollings technical amendment [clarifying language on conservation activities].

14. Hollings technical amendment [striking extraneous language].

15. Hollings technical amendment [clarifies the use of the Commerce Working Capital Fund].

16. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

17. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

18. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

19. Hollings technical amendment [clarifies the uses of the Commerce Working Capital Fund].

20. Hollings amendment [providing a cost of living adjustment for justices and judges].

21. Hollings for Byrd amendment [adjusting the funding level of the International Trade Commission].

22. Hollings for Durbin/Lieberman amendment [eliminating an extraneous section].

23. Hollings for Kerry/Bond amendment [improving SBA's loan authority].

24. Hollings for Kerry/Bond amendment [improving SBA's loan authority].

25. Hollings for Kerry/Bond amendment [improving SBA's loan authority].

26. Gregg for Murkowski amendment [to clarify the availability of funds to the U.S.-Canada Alaska Rail Commission].

27. Hollings technical amendment [prioritizing spending].

28. Hollings technical amendment [prioritizing spending].

Mr. HOLLINGS. I thank the distinguished Chair, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If not, the question is on agreeing to amendment No. 1535.

The amendment (No. 1535) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to reconsider was laid upon the table.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

#### AMENDMENT NO. 1536

Mr. CRAIG. Madam President, I send an amendment to the desk to the pending legislation.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE, proposes an amendment numbered 1536.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission)

At the end of title VI, add the following:

SEC. 623. (a) FINDINGS.—Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protec-

tions to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(4) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(5) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

Mr. CRAIG. Madam President, at this time I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 1537 TO AMENDMENT NO. 1536

Mr. CRAIG. Madam President, I now submit a second-degree amendment to the amendment, which I think is at the desk as I speak.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1537 to amendment numbered 1536.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the availability of funds for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission) Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

Mr. CRAIG. Madam President, I take this time to address with my colleagues a matter that I believe has the most grave consequence on our national sovereignty.

I also submit for the RECORD three articles that pertain to this issue that I think are fundamentally important for my colleagues to have and understand. One of those happens to be an op-ed of mine that appeared in the Washington Posts in August, another one from John Bolton, and another one from Mr. Lee Casey. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, August 22, 2001]

(By Larry E. Craig)

At its founding, the mission of the United Nations, as stated in its charter, was "to save succeeding generations from the scourge of war." It made no claim to supersede the sovereignty of its member states. Article 2 says that the United Nations "is based on the principle of the sovereign equality of all its Members," and it may not "intervene in matters which are essentially within the domestic jurisdiction of any state."

Since then, the United Nations has turned the principle of national sovereignty on its head. Through a host of conventions, treaties and conferences, it has intruded into regulation of resources and the economy (for example, treaties on "biological diversity," marine resources and climate change) and family life (conventions on parent-child relations and women in society). It has demanded that countries institute racial quotas and laws against hate crimes and speech. Recently the United Nations tried to undermine Americans' constitutional right to keep and bear arms (with proposed restrictions on the international sale of small arms).

Fortunately, many of these have been dead on arrival in the U.S. Senate, successive presidents have refused to endorse others, and in any case the United Nations had little power of enforcement. But in 1998, one mechanism of global government came to life with the so-called "Rome Statute" establishing a permanent International Criminal Court. Once this treaty is ratified by 60 countries, the United Nations will wield judicial power over every individual human being—even over citizens of countries that haven't joined the court.

While the court's stated mission is dealing with war crimes and crimes against humanity—which, because there is no appeal from its decisions, only the court will have the right to define—its mandate could be broadened later. Based on existing U.N. tribunals for Yugoslavia and Rwanda, which are models for the International Criminal Court, defendants will have none of the due process rights afforded by the U.S. Constitution, such as trial by jury, confrontation of witnesses or a speedy and public trial.

President Clinton signed the Rome treaty last year, citing U.S. support for existing U.N. war crimes tribunals. Many suppose the court will target only a Slobodan Milosevic or the perpetrators of massacres in Rwanda, or dictators like Iraq's Saddam Hussein. But who knows? To some people, Augusto Pinochet is the man who saved Chile from communism; to others he is a murderer. Who

should judge him—the United Nations or the Chilean people?

In dozens of countries, governments use brutal force against insurgents. Should the United Nations decide whether leaders in Turkey or India should be put in the defendants' dock, and then commit the United States to bring them there? How about Russia's Vladimir Putin, for Chechnya? Or Israel's Ariel Sharon? Can we trust the United Nations with that decision?

The court's critics rightly cite the danger to U.S. military personnel deployed abroad. Since even one death can be a war crime, a U.S. soldier could be indicated just for doing his duty. But the International Criminal Court also would apply to acts "committed" by any American here at home. The European Union and U.S. domestic opponents consider the death penalty "discriminatory" and "inhumane." Could an American governor face indictment by the court for "crimes against humanity" for signing a death warrant?

Milosevic was delivered to a U.N. court (largely at U.S. insistence) for offenses occurring entirely within his own country. Some say the Milosevic precedent doesn't threaten Americans, because the U.S. Constitution protects them. But for Milosevic, we demanded that the Yugoslav Constitution be trashed and the United Nations' authority prevail. Why should the International Criminal Court treat our Constitution any better?

Instead of trying to "fix" the Rome treaty, the United States must recognize that it is a fundamental threat to American sovereignty. The State Department's participation in the court's preparatory commission is counterproductive. We need to make it clear that we consider the court an illegitimate body, that the United States will never join it and that we will never accept its "jurisdiction" over any U.S. citizen or help to impose it on other countries.

[From the Washington Post, January 4, 2001]

#### UNSIGN THAT TREATY

(By John R. Bolton)

President Clinton's last-minute decision to authorize U.S. signing of the treaty creating an International Criminal Court (ICC) is as injurious as it is disingenuous. The president himself says that he will not submit the Rome Statute to the Senate for ratification because of flaws that have existed since the treaty was adopted in Rome in 1998. Instead, he argues that our signature will allow the United States to continue to affect the development of the court as it comes into existence.

Signing the Rome Statute is wrong in several respects.

First, the Clinton administration has never understood that the ICC's problems are inherent in its concept, not minor details to be worked out over time. These flaws result from deep misunderstandings of the appropriate role of force, diplomacy and multilateral institutions in international affairs. Not a shred of evidence; not one; indicates that the ICC will deter the truly hard men of history from committing war crimes or crimes against humanity. To the contrary, there is every reason to believe that the ICC will shortly join the International Court of Justice as an object of international ridicule and politicized futility. Moreover, international miscreants can be dealt with in numerous other ways, as Serbia may now be proving with Slobodan Milosevic.

Second, the ICC's supporters have an unstated agenda, resting, at bottom, on the desire to assert the primacy of international

institutions over nation-states. One such nation-state is particularly troubling in this view, and that is the United States, where devotion to its ancient constitutional structures and independence repeatedly brings it into conflict with the higher thinking of the advocates of "global governance." Constraining and limiting the United States is thus a high priority. The reality for the United States is that over time, the Rome Statute may risk great harm to our national interests. It is, in fact, a stealth approach to eroding our constitutionalism and undermining the independence and flexibility that our military forces need to defend our interests around the world.

Third, the administration's approach is a thinly disguised effort to block passage of the American Servicemembers' Protection Act, introduced last year in Congress. This bill, if adopted, would unequivocally make it plain that the United States had no interests in accepting or cooperating with the ICC. Sponsored by Sen. Jesse Helms and Rep. Tom DeLay, the proposal has garnered impressive political support, including from former secretaries of State Henry Kissinger, George Shultz, James Baker and Lawrence Eagleburger, Secretary of Defense-designate Donald Rumsfeld and former secretary Caspar Weinberger and former national security advisers Zbigniew Brzezinski, Brent Scowcroft and Richard Allen.

So what will signing the Rome Statute do? The president is undoubtedly thinking of Article 18 of the Vienna Convention, which requires signatories to a treaty, before ratification, not to undertake any actions that would frustrate its objectives. President Clinton has used this provision before. After the Senate defeated the Comprehensive Test Ban Treaty, the administration cited Article 18 (rather than the president's constitutional authority as commander in chief) to justify a continued moratorium on underground nuclear testing. Obviously, the pending anti-ICC bill would divorce the United States from the court and violate Article 18, or so we will soon hear.

Relying on Article 18, which cannot sensibly apply to our government of separated powers, is wrong in many respects, not least that the United States has never even ratified this Vienna convention. Ironically, however, President Clinton's "midnight decision" to sign the Rome Statute provides guidance to solve the problem he has needlessly created, and others as well.

After appropriate consideration, the new administration should straightforwardly announce that it is unsigning the Rome Statute. President Clinton himself stated that he will not submit the treaty to the Senate, so this is a purely executive decision. What one president may legitimately (if unwisely) do, another may legitimately (and prudently) undo. The incoming administration seems prepared to take similar actions in domestic policy, and it should not hesitate to do so internationally as well.

Not only would an unsigning decision make the U.S. position on the ICC clear beyond dispute, it would also open the possibility of subsequently unsigning numerous other unratified treaties. It would be a strong signal of a distinctly American internationalism.

The writer, a senior vice president of the American Enterprise Institute, was assistant secretary of state for international organization affairs in the first Bush administration.

[From the Washington Legal Foundation, May 18, 2001]

#### THE INTERNATIONAL CRIMINAL COURT: UNDEMOCRATIC AND UNCONSTITUTIONAL

(By Lee A. Casey)

*Lee A. Casey is a partner in the Washington, D.C. office of the law firm Baker & Hostetler. He served in the Department of Justice's Office of Legal Counsel and Office of Legal Policy during the Reagan and George H.W. Bush administrations. Mr. Casey writes and speaks frequently on international law and constitutional issues.*

The 1998 Rome Treaty, which would establish a permanent International Criminal Court ("ICC"), creates a number of unprecedented challenges for the United States. The ICC will have the power to investigate and prosecute a series of international criminal offenses, such as "crimes against humanity," heretofore enforceable only in national courts, or in ad hoc tribunals of very limited application. If the U.S. ratifies this treaty, the ICC would have the authority to try and punish American nationals for alleged offenses committed abroad, or in the United States, and that court will be entirely unaccountable for its actions. The ICC would, in fact, be in a position to punish individual American officials for the foreign policy and military actions of the United States, and would not offer even the minimum guarantees of the Bill of Rights to any of the defendants before it.

President Clinton made a serious mistake when he signed the Rome Treaty in the waning days of his Administration. The ICC treaty regime is inconsistent with the most basic political and legal principles of the United States, and U.S. ratification of this treaty would, in fact, be unconstitutional. President Bush should move forward and withdraw the Clinton signature.

United States Participation in the ICC Treaty Regime Would Threaten American Democracy. The United States was founded on the basic principle that the American people have a right to govern themselves. The elected officials of the United States, as well as its military and the citizenry at large, are ultimately responsible to the legal and political institutions established by our federal and state constitutions, which exercise the sovereignty of the American people. The Rome Treaty would erect an institution, in the form of the ICC, that would claim authority superior to that of the federal government and the states, and superior to the American electorate itself. This court would assert the ultimate authority to determine whether the elected officials of the United States, as well as ordinary American citizens, have acted lawfully on any particular occasion. In this, the Rome Treaty is fundamentally inconsistent with the first tenet of American republicanism—that anyone who exercises power must be responsible for its use to those subject to that power. The governors must be accountable to the governed.

Moreover, the ICC would be a powerful tool, for both our adversaries and our allies, to be used against the United States when states that have ratified the Rome Treaty disagree with U.S. foreign and military policy decisions. The offenses within the ICC's jurisdiction, although they are "defined" in the Rome Statute, are remarkably flexible in their application. As was acknowledged by the Prosecutor's office of the UN International Criminal Tribunal for the Former Yugoslavia ("ICTY"), which is widely recognized as the model for the ICC, whether any

particular action violates international humanitarian norms is almost always a debatable matter and: "[t]he answers to these questions are not simple. It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision-maker." See Final Report to the Prosecutor by the Committee Established to Review NATO Bombing Campaign Against the Federal Republic of Yugoslavia, para. 50 (June 13, 2000).

The "values" of the ICC's prosecutor and judges are unlikely to be those of the United States. The Rome Treaty has been embraced by many states with legal and political traditions dramatically different from our own. This includes states such as Algeria, Cambodia, Haiti, Iran, Nigeria, Sudan, Syria and Yemen, all of which have been implicated in torture or extra-judicial killings, or both. Even our closest allies, including European states following the civil law system, begin with very different assumptions about the power of the courts and the right of the accused. Nevertheless, if it is permitted to be established, the ICC will claim the power to try individual Americans, including U.S. service personnel and officials acting fully in accordance with U.S. law and interests. The court itself would be the final arbiter of its own power, and there would be no appeal from its decisions.

United States Ratification of the Rome Treaty Would Be Unconstitutional. Not surprisingly, U.S. ratification of the Rome Treaty would be unconstitutional. By ratifying that agreement, the United States would become a full participant in the ICC treaty regime, affirmatively vesting in the court jurisdiction over its nationals. At the same time, the ICC would not provide the rights guaranteed to all Americans by the Bill of Rights. There would be no jury trials in the ICC, which would follow the Continental "inquisitorial" system rather than the Common Law "adversarial" system. Moreover, that court would not guarantee Americans the rights to confront hostile witnesses, to a speedy and public trial, and against "double jeopardy."

For example, the Sixth Amendment guarantees a criminal defendant the right to "confront" all hostile witnesses, and, therefore, the right to exclude from evidence most "hearsay" evidence. This right is not preserved on the international level. In the ICTY, a court that, like the ICC, theoretically guarantees the right of the confrontation, both anonymous witnesses and virtually unlimited hearsay evidence have been permitted in criminal trials. Similarly, although, like the ICC, the ICTY theoretically preserves the right to a speedy and public trial, defendants often wait years in prison for a trial, large portions of which are conducted in secret. In addition, although the Constitution's guarantee against "double jeopardy" prevents the prosecution in a criminal case from appealing a judgment of acquittal, acquittals in the ICC would be freely appealable by the prosecution, as they are now in the ICTY—where the Prosecutor has appealed every judgment of acquittal.

ICC supporters incorrectly suggest that U.S. participation would not be unconstitutional because that court would not be "a court of the United States," to which the Constitution applies, and invariably point to extradition cases, where the Supreme Court has ruled that Americans may be extradited to face trial overseas in courts without the guarantees of the Bill of Rights. In fact, and unlike the situation in an ordinary extra-

dition case, if the U.S. ratified the Rome Treaty, it would be a full participant in the ICC and its governing structures, and any prosecution brought by the ICC would be as much on behalf of the U.S. as any other state party.

Although the Supreme Court has not directly faced such a case, it has suggested that, where a prosecution by a foreign court is, at least in part, undertaken on behalf of the United States, for example, where "the United States and its allies had enacted substantially similar criminal codes aimed at prosecuting offenses of international character . . ." then the Bill of Rights would have to apply "simply because that prosecution [would not be] fairly characterized as distinctly 'foreign.' The point would be that the prosecution was as much on behalf of the United States as of the prosecuting nation. . . ." *United States v. Balsys*, 525 U.S. 666 (1998). This would, of course, be exactly the case with the ICC. Since the full and undiluted guarantees of the Bill of Rights would not be available in the ICC, the United States cannot, constitutionally, ratify the ICC Treaty.

In addition, by ratifying the Rome Treaty, the United States would vest the ICC with jurisdiction over offenses committed entirely within its territory. The Supreme Court has, however, made clear that criminal offenses committed in the United States, and otherwise within the judicial power of the United States, must be tried in Article III courts, with the full panoply of the Bill of Rights. As the Court explained in the landmark *Civil War* cases of *Ex parte Milligan* (1866), 71 U.S. 2 (1866) reversing a civilian's conviction by a military tribunal, "[e]very trial involves the exercise of judicial power," and courts not properly established under Article III can exercise "no part of the judicial power of the country." Thus, since the ICC would not guarantee all of the protections of the Bill of Rights, and because it would not be an "Article III" court, the United States cannot vest that institution with any judicial authority over its nationals or its territory.

Mr. CRAIG. Madam President, last December, President Clinton deposited his signature to the Rome treaty, thereby making the United States party to the creation of a permanent International Criminal Court with unlimited jurisdiction. Once created, this court will have the right to prosecute U.S. citizens without any of the guarantees or protections provided by the Constitution. This will also affect our ability to protect men and women of our uniformed services and meet our military commitments to our allies.

President Clinton even acknowledged as he deposited his signature that the Rome treaty had, in his own words, "significant flaws" and would not send it to the Senate for ratification.

In his confirmation hearing testimony, Secretary Powell made it clear that the administration would not send this treaty to the Senate for ratification. However, in my opinion and the opinion of others, this is not enough. Once the 60th country ratifies the treaty, the United States and her citizens will become subject to the jurisdiction of the ICC, regardless of Senate approval under the treaty's own terms.

This is precisely why we cannot simply allow the treaty to just be confirmed and collect dust. I believe it is incumbent upon all of us to try to bring, in essence, the treaty down.

U.S. Armed Forces operating overseas in peacekeeping operations could conceivably be prosecuted by the ICC for protecting the vital interests of the United States. In other words, the Senate of the United States could support our men and women going to war in a foreign nation only to have an international court rule them as criminals against the state or, in essence, criminals against the world.

Furthermore, Americans prosecuted by the ICC will not be guaranteed any of the procedural protections to which all Americans are entitled under the Bill of Rights. I can recite those for us. We have heard them all of our lives: The rights such as the right to a trial by jury or the right to a jury of one's own peers and the right to question one's accusers—that is just to name a few of the very rights that we now walk away from for our citizens if we do not stand up boldly and say the International Criminal Court should, in fact, not become an arm of the United Nations.

Currently, the Rome treaty already has 139 signatories, and over half of the necessary countries have already ratified it. In short, the ICC will soon become a reality unless we act now. The question is whether the United States will oppose it—and we have already opposed Kyoto, Biodiversity, CTBT, and other bad treaties—or whether we will simply acquiesce to it. The answer to that question is not only one of protecting our service personnel; it is also one of principle. Are we fundamentally committed to the sovereign rule of the domestic law of our country under the U.S. Constitution as opposed to global justice under the U.N. auspices? I think that is a question on which this amendment comes right to the point. And are we fundamentally committed to helping other countries establish and maintain their own constitutions and their own rule of law?

The consequence of allowing this court to come to fruition stretches far beyond the threat of prosecution of American military personnel. It will also put some of our closest allies in direct jeopardy, as we have seen in the example of the World Conference on Racism that we have heard about over the last good many months. We have seen that action taken by the United Nations and its institutions are not always impartial in their findings. In fact, at the World Conference Against Racism, language was adopted hostile to Israel, and it is not limited to the text regarding Zionism. Reference to it has attracted much attention in light of the 1975 U.N. General Assembly Resolution 3379, which passed in November of 1975, which condemned Zionism in

similar though not identical terms, as “a threat to world peace and security,” a “racist and imperialist ideology,” and as “a form of racism and racial discrimination.”

Largely due to American efforts, the General Assembly finally revoked Resolution 3379 in 1991 with a substantial vote.

Ironically, some nations that took part in the World Conference Against Racism, and who were supporters of language denouncing Zionism as racism, are currently still practicing slavery and the trafficking of human beings. As a result of this controversy over Zionism, one could easily see the International Criminal Court become nothing more than another U.N. forum for anti-Semitism where the same players that caused the United States and Israel to walk out on the World Conference on Racism would reappear. The result could be the extradition and prosecution of Prime Minister Ariel Sharon on charges of crimes against humanity for taking actions to protect the citizens of Israel against terrorism within the sovereign boundaries of his own nation. Another document connected to the Durban conference charges Israel with “genocide” and “crimes against humanity”—judicial terms that directly setting the stage for a future prosecution in an international criminal court.

I will be the first to admit that atrocities are being committed in some parts of the world, and that the perpetrators of such atrocities must be brought to justice. And whenever possible the United States should serve as a facilitator for that justice to take place, and always be a shining city on a hill, a supreme example for all nations, particularly those with fledgling democracies and judicial systems. But the answer to that problem is not to create a permanent International Criminal Court with supra-national jurisdiction capable of undermining democratic governments, Constitutions, and judicial systems, just because the court is not satisfied with the outcome of a domestic ruling. Rather we should work hard to strengthen the rule of law within foreign countries, by helping them to establish their own impartial courts capable of ensuring justice for all.

When the United Nations was founded in 1945, its primary mission, as stated in the preamble of the U.N. Charter, was “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.” Initially composed only of countries that had been allied against the Axis, it soon became seen as a dispute resolution forum for all countries.

In principle at least, the United Nations initially made no claim to supersede the sovereignty of its member states. Even its own Charter, Article 2,

says that the U.N. “is based on the principle of the sovereign equality of all its Members,” and it may not “intervene in matters which are essentially within the domestic jurisdiction of any state.”

That is what its charter says. Let’s remember what it has done in the last few years.

Even in the U.N.’s premiere judicial body, the International Court of Justice, the principle of state sovereignty was maintained, with the Court only having limited jurisdiction in disputes between nations. It had no authority over individual citizens of those nations.

Unfortunately, in recent years the U.N. has turned the principle of national sovereignty on its head. Through a proliferating host of conventions, treaties, conferences, commissions, and initiatives, the U.N. has intruded into virtually every aspect of human life once thought to be the exclusive preserve of national governments, not to mention private citizens. These include efforts to regulate resources and the economy, for example treaties on “biological diversity,” the use of marine resources, and climate change. They include claims over family life, such as conventions on parent-child relations and the role of women in society. They include, under the guise of anti-racism, demands that countries institute quotas and hate crimes and hate speech laws.

While all of these on the surface appear to be good, and in many instances many of us would support them, we must stop short in saying that the U.N. has the right to bring them down on any nation and tread on that nation’s sovereignty.

Recently, under the pretext of fighting illicit trafficking in weapons, the U.N. has even set its sight on undermining American’s constitutional right to keep and bear arms under the second amendment.

Thankfully, many of these initiatives have been dead-on-arrival in the Senate, and successive Presidents have refused to endorse others. Moreover, despite the U.N.’s evolution toward governmental authority it had little to enforce its will. Ideas for global taxation and a standing U.N. army have so far gained little ground.

But one key mechanism of global government began to be realized in 1998 with the adoption of the so-called “Rome Statute” establishing a permanent International Criminal Court (ICC). Once this dangerous treaty is ratified by 60 countries, the ICC will come into existence. For the first time, the U.N. will wield a judicial power not just over nations, but directly over every individual human being. It will even claim authority over citizens of countries whose governments have refused to join the ICC. While the ICC’s stated mission is dealing with war

crimes and crimes against humanity—which, since there is no appeal from its decisions, only the ICC will have the right to define—nothing prevents the U.N. from broadening its mandate later. Defendants will have none of the due process rights afforded by the U.S. Constitution, a speedy and public trial, protection against double jeopardy, or protection against self-incrimination, and others previously mentioned. As with other U.N. panels, it can be expected that it will include “justices” from countries notorious for their human rights abuses.

It is tempting for many to suppose the ICC will only target the likes of a Slobodan Milosevic or the perpetrators of massacres in Rwanda, or maybe rogue state dictators like Iraq’s Saddam Hussein, Libya’s Muammar Qadhafi, or Cuba’s Fidel Castro. But who can be sure that will be their only target? To some people, former Chilean Dictator Augusto Pinochet is a patriot who saved his country from a communist coup.

Again, in the eyes of the beholder, what is he? There are different opinions and different attitudes. Who has responsibility? I would suggest that the U.N. should not be allowed to be the judge, or that the U.N. should not be allowed to be the court. Ultimately, the people of Chile; in this case, Pinochet. They were the people who made the decisions. They were the judges.

In dozens of countries governments enjoy brutal force to suppress violent insurgencies. Should we empower the U.N. to decide whether the military authorities in Algeria, Turkey, Macedonia, Sri Lanka, China, and India should be put in the defendants’ dock, and then commit the United States to employ sanctions or even military force to bring them there? How about Russia’s Vladimir Putin for his war in Chechnya? Or Israel’s Ariel Sharon for his war against the Palestinian intifada? Are we ready to trust the U.N. to tell us who should be prosecuted and who shouldn’t? Critics of the ICC rightfully cite the danger it presents to the safety of U.S. military personnel. What will be the consequences for U.S. national defense and our alliance obligations? Since the death of even one person can qualify as a war crime or even genocide in the ICC, how can we be sure a U.S. soldier serving abroad will not be indicted for what we see as just doing their duty?

The ICC applies not just to soldiers, and not just to acts committed abroad; it also would apply to acts “committed” by any American here at home.

Let me suggest, Is this a stretch of my imagination? It is not. Statements are broad. The argument of authority within the Rome treaty is broad.

Even today, our friends in the European Union join domestic critics in

branding the death penalty in the United States as "discriminatory" and "inhumane." My guess is some of our colleagues would agree with that, while others would not.

Who can guarantee that an American Governor might not face an indictment by the ICC for "crimes against humanity" for signing a death warrant, or that someday, under some foreign judge's idea of "arms trafficking," a U.N. court will not demand the extradition of a private American citizen for selling a gun to his neighbor?

It has been suggested that Milosevic's extradition does not set an ICC precedent threatening U.S. citizens because they will be protected by the U.S. Constitution. But why? In the Milosevic case, we demanded that the newly established Yugoslav Constitution be trashed for the authority of the United Nations. We are not defending a constitutional right at that point; we are simply saying that an international body has a higher authority. Once the ICC is up and running, why should we assume that our Constitution would not be thrown in the trash as well as that of Yugoslavia? Nothing in the treaty requires them to respect us and to respect our Constitution and our citizens' rights.

Trying to "fix" the Rome treaty's flaws so we can live with it is like zipping a silk purse out of a sow's ear or putting lipstick on that little piggy. Instead of mistakenly trying to fix the Rome treaty's flaws, the United States must recognize that the ICC is a fundamental threat to American sovereignty and civil liberty, and that no deal, nor any compromise, is possible. We need to make it clear that we consider the ICC an illegitimate body, that the United States will never become part of it, and that we will never accept its jurisdiction over any U.S. citizen or help to impose it on other countries. President Bush has flatly rejected the Kyoto global warming convention. It is no less urgent that we act as forthrightly on the ICC.

According to the administration, the State Department is already engaging in what we call low-level participation in the ICC Preparatory Commission. Why are we helping to establish an institution that is created by a treaty that the administration has stated they will not send to the Senate for ratification? Any kind of participation that would lend legitimacy to the Rome treaty would be a mistake and would send a wrong message to our friends in the international community.

That is why during my recent meeting with Secretary Powell, and in my own op-ed that was published on August 22 in the Washington Post, I have encouraged the administration to remove our signature from the Rome treaty and to discontinue assistance to the International Criminal Court's Pre-

paratory Commission. Such a statement of policy would send a clear signal to those countries that are currently wrestling with the issue of ratification that the United States does not support the creation of the Court. This clear signal has already been sent by the House of Representatives earlier this year when they passed an amendment, with overwhelming bipartisan support, to the State authorization bill that prohibits cooperation with the International Criminal Court.

To complement the administration's efforts, and the efforts of the House of Representatives, I am offering this first- and second-degree amendment to Commerce-State-Justice, and the Judiciary appropriations bill that would prohibit funding to the International Criminal Court and its Preparatory Commission. I have discussed this issue with Senator HELMS. He and many others have indicated their strong support for the proposal.

When we stand to cast a vote on these amendments, we literally are voting about American sovereignty. My guess is, when the dust settles and the stories are written and this amendment is analyzed, that is exactly how it will be viewed. It is a vote to protect the men and women of our Armed Forces—without question—and a vote to protect our allies that have become subject to the Court.

I will be darned if American sovereignty and the U.S. Constitution become subject to an International Criminal Court on my watch. And I would hope all of my colleagues would agree.

The creation of an international court is not a foregone conclusion. We can intervene. We can state a position. We can ask that we step back and withdraw our signatures from this critical action and say to all the world that we will not support an International Criminal Court's ratification, and we would ask other nations in the world to act accordingly.

Madam President, at this time I know of no others in this Chamber who wish to debate this issue, so I ask unanimous consent to temporarily set aside my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1538

Mr. SMITH of New Hampshire. Madam President, on behalf of Senators HARKIN, WARNER, INHOFE, COCHRAN, and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, and Mr. COCHRAN, proposes an amendment numbered 1538.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide protection to American Servicemen who were used in World War II as slave labor)

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

Mr. SMITH of New Hampshire. Madam President, there are many things that happen in war of which, when we look back, many of us on both sides of the aisle are not always proud. But I want to point out that sometimes things happen that must be corrected just because it is the right thing to do. This amendment I am offering is likely to be mischaracterized. There will be a lot of things said about what my amendment does not do. I want to make sure everybody understands what my amendment does. This concerns something that happened during World War II. I want to refer to it before I go to the actual context of the amendment.

There is an article written by Peter Maas I want printed in the RECORD which is entitled "They Should Have Their Day In Court." I ask unanimous consent a copy of that article be printed in the RECORD. It is a Parade magazine article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Parade Magazine, June 17, 2001]

THEY SHOULD HAVE THEIR DAY IN COURT

(By Peter Mass)

Tears suddenly fill Lester Tenney's eyes. "I'm sorry," he says. "It's been a long time, but it's still very hard sometimes to talk about." All I can do is nod dumbly. Words fail me as I listen to the horror he is describing.

On April 9, 1942, Tenney, a 21-year-old Illinois National Guardsman, was one of 12,000 American soldiers who surrendered to the Japanese at the tip of Bataan Peninsula, which juts into Manila Bay in the Philippines. Ill-equipped, ill-trained, disease-ridden, they had fought ferociously for nearly five months against overwhelming odds, with no possibility of help, until they ran out of food, medical supplies and ammunition.

As prisoners of war, Tenney among them, they were taken to a prison camp by the Japanese army on what became infamous as the nine-day, 55-mile-long Bataan Death March, during which 1000 of them perished. The atrocities they suffered have to some extent been revealed. But what happened afterward—when they were forced into inhuman slave labor for some of Japan's biggest corporations—remains largely unknown. These

corporations, many of which have become global giants, include such familiar names as Mitsubishi, Mitsui, Kawasaki and Nippon Steel.

Through interviews with former POWs and examinations of government records and court documents, I learned that in 1999 Tenney had filed a lawsuit for reparations in a California state court. His suit was followed by a number of others by veterans who had suffered a similar fate. The Japanese corporations, instead of confronting their dark past, went into deep denial. Represented by American law firms, they maintained that, by treaty, they didn't owe anybody anything—not even an apology.

Surprisingly, the U.S. government stepped in on behalf of the Japanese and not only had these lawsuits moved to federal jurisdiction but also succeeded in getting them dismissed by Vaughn R. Walker, a federal judge in the Northern District of California. In his ruling, Judge Walker declared in essence that the fact that we had won the war was enough of a payoff. His exact words were "The immeasurable bounty of life for themselves [the POWs] and their posterity in a free society services the debt." In applauding the judge's decision, an attorney for Nippon Steel was quoted as saying, "It's definitely a correct ruling." She did not dwell on what these men had gone through.

What befell Lester Tenney as a POW was by no means unique. He got an inkling of what was to come on that April day in 1942 when he surrendered and one of his captors smashed in his nose with the butt end of a rifle. Forced to stumble along a road of crushed rock and loose sand, the men—wracked with malaria, jaundice and dysentery—were given no water. Occasionally, they would pass a well. Anyone who paused to scoop up a handful of water was more likely than not bayoneted or shot to death. The same fate awaited most POWs who could no longer walk. "If you stopped," Tenney recalls, "they killed you."

As Tenney staggered forward, he saw a Japanese officer astride a horse, wielding a samurai sword and chortling as he tried, often successfully, to decapitate POWs. During a rare respite, one prisoner was so disoriented that he could not get up. A rifle butt knocked him senseless. Two of his fellow POWs, were ordered to dig a shallow trench, put him in it and bury him while he was still alive. They refused. One of them immediately had his head blown off with a pistol shot. Two more POWs were then ordered to dig two trenches—one for the dead POW, the other for the original prisoner, who had begun to moan. Tenney heard him continue to moan as he was being covered with dirt.

Tenney was one of 500 POWs packed into a 50-by-50-foot hold of a Japan-bound freighter. The overhead hatches were kept closed except when buckets of rice and water were lowered twice daily. Each morning, four POWs were allowed topside to hoist up buckets of bodily wastes and the corpses of anyone who had died during the night, which were tossed overboard.

In Japan, the prisoners were sent to a coal mine about 35 miles from a city they had never heard of, called Nagasaki. The mine was owned by the Mitsui conglomerate, which is today one of the world's biggest corporations. You see the truck containers it builds on every highway in America. The mine was so dangerous that Japanese miners refused to work in it.

The Geneva Convention of 1929 specified that the POWs of any nation "shall at all

times be humanely treated and protected" and explicitly forbade forced labor. Japan, however, never ratified the treaty. That was how it justified putting POWs to work during World War II, freeing up able-bodied Japanese men for military service.

Lester Tenney and his fellow POW slave laborers worked 12-hour shifts. Their diet, primarily rice, amounted to less than 600 calories a day. This was subsequently reduced to about 400 calories. When he was taken prisoner, Tenney weighed 185 pounds. When he was liberated in 1945, he weighed 97 pounds.

Vicious beatings by Mitsui overseers at the mine were constant. Tenney's worst moment came when two overseers decided he wasn't working fast enough and went at him with a pickax and a shovel. His nose was broken again. So was his left shoulder. The business end of the ax pierced his side, just missing his hip bone but causing enough internal damage to leave him with a permanent limp.

Frank Bigelow was a Navy seaman on the island fortress of Corregidor in Manila Bay. It was lost about a month after Bataan fell, so Bigelow escaped the Death March. But he ended up in the same Mitsui coal mine as Tenney. He was in the deepest hard-rock part of the mine when a boulder toppled onto his leg, snapping both the tibia and fibula bones 6 inches below the knee. A POW Army doctor, Thomas Hewlett, was refused plaster of Paris for a cast. Hewlett tried to construct a makeshift splint, but it didn't work. Bigelow's leg began to swell and become putrid. Tissue-destroying gangrene had set in.

With four men holding Bigelow down, Hewlett performed an amputation without anesthesia, using a razor and a hacksaw blade. Bigelow recalls: "I said, 'Doc, do you have any whiskey you could give me?' and he said, 'If I had any, I'd be drinking it myself.'" To keep the gangrenous toxins from spreading, Hewlett packed the amputation with one item readily available in the prison camp—maggots. Bigelow still can't comprehend how he withstood the excruciating pain. "You don't know what you can do 'till you do it," he says.

Another seaman, George Cobb, was aboard the submarine *Sealion* in Manila Bay when it was sunk in an air attack three days after Pearl Harbor. Cobb was shipped to a copper mine in northern Japan owned by the Mitsubishi corporate empire. Clad only in gunnysacklike garments, the POWs had to trudge to the mine through 10-foot-snowdrifts in bitter winter cold. Of 10 captured *Sealion* crewmen, Cobb is the sole survivor. "I try not to remember anything," he says. "I want it to be a four-year blank."

One day in August 1945, Lester Tenney and his fellow POWs saw a huge, mushroom-shaped cloud billowing from Nagasaki. None of them, of course, knew it was the atom bomb that would end the war. They found out on Aug. 15 that Japan has surrendered when they were given Red Cross food packages for the first time during their long captivity. They then found a nearby warehouse crammed with similar packages and medical supplies that had never been distributed. They also would learn that the Japanese high command had a master plan to exterminate all the POW slave laborers, presumably to cover up their horrific ordeal.

After the POWs returned home, they were given U.S. government forms to sign that bound them not to speak publicly about what had been done to them. America was in a geopolitical battle with the Soviet Union and, later, Red China for the hearts and minds of the postwar Japanese and did not

want to do anything that might prove offensive to our recent enemy. The State Department's chief policy adviser to Gen. Douglas MacArthur, who headed up the occupation of Japan, rhetorically asked: "Is it believed that a Communist Japan is in the best interests of the United States?"

But Tenney, possibly because of his extended hospitalization, never got one of those forms. In 1946 he wrote a letter to the State Department citing his experience and requesting guidance on how to mount claims against those who had beaten, tortured and enslaved him. The State Department replied that it was looking into the matter and advised him not to retain an attorney.

Hearing nothing further, Tenney, a high school dropout, decided to get on with his life. He eventually earned a Ph.D. in finance and taught at both San Diego State University and Arizona State University. Meanwhile, the U.S. and Japan finalized a peace treaty in 1951.

Two years ago, Tenney read that the U.S. government not only had successfully worked on behalf of Holocaust victims in Europe but also was brokering an agreement with Germany to compensate those forced into slave labor during the Nazi regime. It was then that he filed his own lawsuit against Mitsui.

The U.S. State Department and Justice Department intervened for the Japanese corporate defendants on the basis of the 1951 treaty, a clause of which purports to waive all future restitution claims. But the treaty contains another clause, which the U.S. government to date has chosen to ignore, stating that all bets would be off if other nations got the Japanese to agree to more favorable terms than our treaty. Eleven nations—including the then Soviet Union, Vietnam and the Philippines—got such terms.

There is still hope for the surviving POWs, their widows and heirs. Last March, two California Congressmen, Republican Dana Rohrabacher and Democrat Mike Honda, cosponsored a bill (H.R. 1198) calling for justice for the POWs.

Notably, Honda is a Japanese-American who, as an infant, was interned by the U.S. with his mother and father during World War II. The U.S. has since paid each surviving internee \$20,000 in restitution and, perhaps more important, acknowledged that the internment was wrong. "I believe," Honda told me, "that these POWs not only fought for their country but survived, and now they are trying to survive our judicial system. They should have their day in court."

Mr. SMITH of New Hampshire. Madam President, I think most of us are familiar with or have heard discussions about the Bataan Death March. That was a terrible experience for a lot of American GIs. But I think what happened after the Bataan Death March, to some of those same people, and others, is particularly outrageous.

I want to refer to a couple of paragraphs from this article because it certainly sums up why they should have their day in court and what exactly we are talking about with regard to these American GIs and POWs. Let me read a couple of paragraphs.

On April 9, 1942, a gentleman by the name of Lester Tenney, one of 12,000 POWs, American soldiers, surrendered to the Japanese at the tip of Bataan Peninsula. They were taken to a prison camp by the Japanese Army on what

became infamous as the 9-day, 55-mile-long Bataan Death March during which 1,000 of them perished. I will not go into all of the details, but a few details will show why a day in court is justified and is important. The atrocities they suffered—some have been revealed; some have not—and what happened afterward, where they were forced into slave labor camps for some of Japan's biggest corporations, remains largely unknown. Frankly, until I got involved in this a few months ago, I didn't know some of this had happened.

Many of these corporations have become global giants today, including some names that would certainly get one's attention: Mitsubishi, Matsui, Kawasaki, and Nippon, to name just a few.

Through interviews with former POWs, we have come to learn a lot. But to my amazement, the United States Government stepped in on behalf of the Japanese and not only had lawsuits thrown out to get reparations for what happened—they moved to Federal jurisdiction—but also succeeded in getting them dismissed. I found that particularly outrageous. This is all pointed out by Mr. Maas in his article.

I want to quote one paragraph as to what happened during that march and then go into a little bit about what happened after the Bataan Death March:

What befell Lester Tenney as a POW was by no means unique. He got an inkling of what was to come on that April day in 1942 when he surrendered and one of his captors smashed his nose with the butt end of a rifle. Forced to stumble along a road of crushed rock and loose sand, the men—wracked with malaria, jaundice and dysentery—were given no water. Occasionally, they would pass a well. Anyone who paused to scoop up a handful of water was more likely than not bayoneted or shot to death. The same fate awaited most POWs who could no longer walk. "If you stopped," Tenney recalls, "they killed you."

As Tenney staggered forward, he saw a Japanese officer astride a horse, wielding a samurai sword and chortling as he tried, often successfully, to decapitate POWs. During a rare respite, one prisoner was so disoriented that he could not get up. A rifle butt knocked him senseless. Two of his fellow POWs were ordered to dig a shallow trench, put him in it and bury him while he was still alive. They refused. One of them immediately had his head blown off with a pistol shot. Two more POWs were then ordered to dig two trenches—one for the dead POW, the other for the original prisoner, who had begun to moan. Tenney heard him continue to moan as he was being covered with dirt.

Tenney was one of 500 POWs packed into a 50-by-50-foot hold of a Japan-bound freighter. The overhead hatches were kept closed except when buckets of rice and water were lowered twice daily. Each morning, four POWs were allowed topside to hoist up buckets of bodily wastes and the corpses of anyone who had died during the night. . . .

This is what happened to them after the Bataan Death March. When they

survived that, they were put on these freighters and taken into these coal mines and basically made slaves.

Vicious beatings by Mitsui overseers at the mine were constant. Tenney's worst moment came when two overseers decided he wasn't working fast enough and went at him with a pickax and a shovel. His nose was broken again. So was his left shoulder. The business end of the ax pierced his side, just missing his hip bone but causing enough internal damage to leave him with a permanent limp.

Most of us are familiar enough with stories that came out of the Bataan Death March to know what happened there. But to think of surviving that 55-mile trek over a 9-day period, basically being bayoneted if you helped a friend who fell down or beaten or whatever, to survive all of that and then be placed into camps, slave labor camps on behalf of these corporations by these corporations.

I want to read the amendment I am offering because it is important to understand what the content is. All it says is:

None of the funds made available in this act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as a slave or forced labor.

All this says is that no funds will be used to block the right of these folks to go to court. It doesn't provide any money to anybody. It doesn't assume that anybody is going to win this case. It doesn't do any of that. We are probably going to hear that. That is not the case.

All it says is that the State Department stays out of it, the Justice Department stays out of it, and these folks are allowed to have their day in court.

Let me explain why I introduced this amendment. As I said, to go through what they went through in the Bataan Death March, and then to be put into slave camps by Japanese companies was atrocious. I want to make clear what I mean by Japanese corporations. War is a terrible reality. I have said that. What happens during war is tragic, and sometimes it just happens. There is not a heck of a lot you can do about it. What happened in World War II at the hands of these private Japanese companies is especially tragic because there has never been anything done about it. We are not talking about the Japanese Government torturing American prisoners. I want to make that clear. The war is over. A treaty was signed. Whatever happened, happened. That is behind us.

What we are talking about is private Japanese corporations, many of which exist today, corporations that Americans know and trust, who used Ameri-

cans as slaves, who should have been offered protection under the Geneva Convention—not the Japanese Government, please understand, the Japanese corporations.

Out of the 36,000 U.S. soldiers who were captured by the Japanese, 5,300 roughly are alive today. They are not getting any younger.

Several of those veterans live in New Hampshire. I was astounded to find out that eight or nine of them do actually live in New Hampshire. I am sure they can be found in every State in the Union. I met with some of those veterans during the August recess. It was a very emotional meeting, but the interesting thing about it, there was no anger presented to me about what happened in the war. The anger and frustration that was expressed to me was what happened with these private companies that went beyond what happened in the war.

Arthur Reynolds from Kingston, NH, spent 3½ years as a POW, 2 years of which he spent shoveling coal under unspeakable conditions for a private Japanese company. He lost 100 pounds in captivity and weighed less than 100 pounds when he was liberated. He survived on barely 500 calories a day, suffered countless beatings. Now he is being told by his Government—not the Japanese Government, the United States Government—that they are on the side of the Japanese corporation that enslaved him.

I say to my colleagues, that is just flat out wrong. Whatever happens in the courtroom happens in the courtroom. That is why we have lawyers on both sides. But what we are talking about here is the right to sue.

That is what we are talking about—not the right to have a victory when you sue, just the right to sue. However you feel, I have some very strong feelings that they should win this case and many Americans—most, I hope—also do. We are not asking for a victory, as much as I would like to see it. We are asking for the right to sue.

Arthur is 85 years old. How much longer is Arthur going to live? Manford Dusett from Seabrook, NH, spent 3½ years as a POW. Like Arthur Reynolds, he is a survivor of the Bataan Death March and the so called hell ships that transported the prisoners to Japan. He was forced to work in a coal mine for 10 to 12 hours a day, with almost no food and under the worst imaginable conditions. He suffered a broken leg in the mine. Frankly, he is lucky to be alive today. He was able to get just enough medical treatment to survive. Manford, as his colleague, weighed less than 100 pounds when he was released. There were others from New Hampshire. This gentleman in the picture here is Roland Stickney from Lancaster. I met with him. There are others from New Hampshire: Roland Gagnon from Nashua, Roland Stickney from Lancaster,

Arthur Locke from Hookset, Wesley Wells from Hillsburo, Bill Onufrey from Freedom, Ernest Ouellette of Boscawen, and I am sure I missed a few. I tried to find everybody.

My colleagues who might be familiar with the plight of these veterans, I have submitted for the *RECORD* the Parade magazine article. It is important you read that to understand not only what happened to them in the Bataan Death March but, after that, how they survived when they were put on those ships. Imagine being taken in those ships to the coal mines and other places where they were reported to work as slaves.

These veterans are seeking compensation through our legal system—that is all they are doing—from the Japanese corporations that used them as slave laborers. That is all they are doing. Yet, believe it or not, our Government, the U.S. Government, is trying to stop that. They are opposing veterans' efforts to seek proper redress through our judicial system. Is that constitutional?

Should our Government be stopping a private citizen from seeking his or her day in court for a grievance? I don't think so. I think it is wrong. I am, frankly, ashamed it is happening, which is why I am on the floor of the Senate. I am not here to redebate the war, refight the war, or bring up and point out the atrocities of the war. That is not why I am here. I don't think the veterans would want me to do that. The State Department facilitated, ironically, a recent agreement between German companies and their victims who were used as slave laborers during World War II. I commend them for that. That was the right thing to do.

Last year this body passed S. Con. Res. 158, introduced by my colleague and good friend, Senator HATCH, and urged the Secretary of State to facilitate discussions between these veterans and the guilty corporations. But the State Department chose to ignore this recommendation, unlike what they did in the German case. When it comes to the Japanese case, they chose to ignore this. In the case of the Japanese companies, the State and Justice Departments argued—listen carefully—that the private claims of the veterans were waived by the 1951 peace treaty with Japan. I will repeat that because it is very important to the whole discussion of this case. The State and Justice Departments argued that the private claims of veterans were waived by the 1951 peace treaty with Japan. I am going to say, with the greatest respect, that that is flatout wrong. Their rights were not waived. Why do they maintain this position then?

Let me read from the 1951 peace treaty, article 14(b). Let me read from article 14(b) in the 1951 peace treaty:

[E]xcept as otherwise provided in the present Treaty, the Allied Powers waive all

reparation claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war and claims of the Allied Powers for direct military costs of occupation.

If I had only read article 14(b), which I just read, I might have agreed—and probably would have—that the claims of these veterans were waived by the treaty because that is what it sounds like. But the issue is a lot deeper than that. So if someone is going to read article 14(b) on the Senate floor and say, therefore, these claims are waived, then we have to go beyond that. Let me go beyond that:

Article 14(b) does not waive private claims against private Japanese companies.

Don't be mistaken. The State Department knew this in 1951 when the treaty was signed. In fact, John Foster Dulles, the chief negotiator for the treaty—prior to his being Secretary of State—orchestrated a confidential exchange of diplomatic notes between the Japanese and the Dutch to address this very issue in 14(b). In short, the Dutch didn't want any part of 14(b). They refused to waive the private claims of their nationals because, as the United States—remember the fifth amendment?—the Dutch were constitutionally barred from doing so without due process of law. So they had a constitutional problem like we have. They can't waive the private claims. Fortunately, the diplomatic notes—and this is what burns me up, frankly, if I may say it as nicely as I can. We find so much information classified in Government. It is the old cover-your-know-what routine. That is why we keep it classified. There are legitimate reasons to classify materials, but 50 years later we finally get the truth declassified. All these guys, for all these years, were being denied their day in court when the truth was buried in the classified files. It is just absolutely unbelievable. I am not saying I am the first to find it. I know lawyers have found it for the others, for those doing this, those who are suing. But let me go right at it.

What did those diplomatic notes say? We have it right here. This is September 7, 1951, just declassified in 2000, 50 years later, after all these guys have fought all these years trying to get reparations, and most of them have died. Only 5,300 remain out of 12,000. Here we are. I will read this letter:

Dear Mr. Prime Minister,  
I beg to draw the attention of Your Excellency to the paragraph in the address to President and Delegates of the Peace Conference I made yesterday, reading as follows: "Some question has arisen as to the interpretation of the reference in article 14(b) to 'claims of Allied Powers and their nationals'—"

It sounded as if we waived everybody's rights—which the Allied Powers agree to waive.

It is my Government's view that article 14(b) as a matter of correct interpretation does not involve the expropriation by each Allied Government of the private claims of its national so that after the Treaty comes into force these claims will be non-existent.

The question is important because some Governments, including my own, are under certain limitations of constitutional and other governing laws as to confiscating or expropriating private property of their nationals.

Signed by the Prime Minister of Japan.

This one is signed by Dirk Stikker, Minister of Foreign Affairs of the Netherlands. A copy was sent to the Japanese Government. It says, in part:

Also, there are certain types of private claims by allied nationals, which we would assume the Japanese Government might want voluntarily to deal with in its own way as a matter of good conscience or of enlightened expediency . . . .

And so forth.

To get to the fourth chart, this is from the Prime Minister of Japan to the Dutch, and I will read this portion outlined:

With regard to the question mentioned in Your Excellency's note, I have the honor to state as follows:

In view of the constitutional legal limitations referred to by the Government of the Netherlands, the Government of Japan does not consider that the Government of the Netherlands by signing the Treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the Treaty comes into force these claims would be nonexistence.

The Japanese Government is saying that:

However, the Japanese Government points out that, under the Treaty, Allied nationals will not be able to obtain satisfaction regarding such claims, although, as the Netherlands Government suggests, there are certain types of private claims by Allied nationals which the Japanese Government might wish to voluntarily deal with.

These two documents remained classified for 50 years while these guys tried for 50 years to get their day in court. Our own Government would not give these documents to our own soldiers. What an outrage that is. That is an absolute outrage.

The 1951 peace treaty in no way obligates the Government of Japan to pay any private claims. I admit that. It does not obligate them to do anything. We are not talking about the Government of Japan.

At the same time, the treaty does not waive private claims against private Japanese companies, as the State and Justice Departments would like you to believe, and it is right there in declassified documents finally after 50 years.

How is an exchange of diplomatic notes between the Government of Japan and the Government of the Netherlands relevant to the United States and its citizens? Good question. The answer lies in article 26 of the peace treaty, and this is what article 26 says:

Should Japan make a peace settlement or war claims settlement with any state granting that state greater advantages than those provided by the present treaty, those same advantages shall be extended to the parties of the present treaty.

In other words, if they make a deal with the Netherlands, it does not involve anybody else who has the same constitutional problems. This occurred in an exchange of diplomatic notes. Japan made it clear the treaty did not waive the private claims of Dutch citizens, and article 26 automatically extends this to American citizens. Pure and simple. End of story.

This would have been resolved 20 or 30 years ago if somebody had just declassified these documents. If somebody can please tell me why these documents were classified for 50 years because of national security, I will be happy to say we should classify them again.

The Departments of State and Justice are on the side of Japanese corporations. That is what this amendment is about: Are you on the side of our Justice Department and State Department that are on the side of the Japanese corporations that did this to our Americans, against the intent of that treaty, or are you on the side of the American GIs and POWs who for 50 years have been denied their day in court?

That is it. There is nothing complicated about my colleagues' vote on this one. That is it: You are either for the American GIs who served and were prisoners and were slaves or you are on the side of the Japanese corporations that put them in slave camps and your own Justice Department and State Department which kept the documents classified for 50 years so they could not get their day in court. Whose side are you on? That is it. There is nothing complicated about it.

What has happened is wrong. It goes against the historical record, and my amendment simply prevents the unnecessary interference of the Departments of State and Justice in this case. I repeat, because it is very important to understand, I do not predetermine the outcome with my amendment.

Before I yield the floor, I want to repeat what the amendment says so that everybody understands it:

None of the funds made available in this act—

The underlying legislation, the Departments of Commerce, Justice, State—

None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action . . . .

In other words, we do not want Justice and State to come in now and oppose the action of this court, of these men, mostly men. Why? Because for 50 years these documents were classified

and they did not even have the opportunity to do it. We did them a disservice. These are men who fought and suffered horribly in a terrible war.

I urge my colleagues to please read my amendment when you come down to the Chamber to vote to give these men—brave men, heroes—the opportunity to go to court under the terms of the 1951 treaty, and give them an opportunity to be heard. That is all we are doing.

I also want to point out in all that—I did not say it at the time, but to give a little bit more credence to the argument, guess who drafted the memos we are talking about between the Dutch and the Japanese. Who was involved in that draft? None other than John Foster Dulles. That is the great tragedy of this. John Foster Dulles himself participated in the draft of those documents. We have all the evidence to that as well.

I hope my colleagues in the Senate will say to Justice and State: Step aside; it is the right thing to do. You kept this secret all these years by classifying documents and did not allow our guys a day in court. Step aside; do the decent thing and let these men go to court, as it is determined under the treaty we now know, and allow them to sue. If they lose, they lose. If they win, they win, but just let them go to court.

Madam President, I yield the floor.

Mr. WARNER. Mr. President, I rise today in support of the Smith amendment allowing American veterans—our U.S. citizens—who were used as slave laborers in Japan during WWII to have their day in court.

I appreciate the sensitive nature of this issue. Just prior to the recess, I received correspondence from my dear friend and former Secretary of State, George Schultz. He outlined the provisions of article 14 of the 1951 peace treaty with Japan which seemingly settles the question of restitution for the former POWs. His letter, quite properly, has been referred to in order to address this issue. I must, however, respectfully disagree with my valued friend and adviser.

I believe we must look at the entire treaty. Article 26 contains a provision which states that if Japan enters into any future treaties with other countries providing better terms than those extended to the United States, then those more favorable terms will be extended to the United States as well. It is my understanding that several other countries such as Sweden and Denmark have received such terms.

I have listened closely to my esteemed colleague from Hawaii speak on this subject, and I recognize our duty to honor our treaties. However, we must be sure to look at the entire treaty and honor our obligations to our veterans who survived under such horrible conditions.

I have been contacted by a significant number of veterans from my State, and I feel duty-bound to let them have their day in court. I ask my colleagues to consider their views and the entire treaty when making their vote.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my colleague and friend, the Senator from New Hampshire, Mr. SMITH, for proposing this important legislation and for offering this amendment today, which I am proud to co-sponsor.

Before I get into the need for the amendment and perhaps repeat some of the facts that the Senator from New Hampshire brought up, let me take a minute to summarize what happened in the Philippines and Japan between 1942 and 1945.

On March 11, 1942, Gen. Douglas MacArthur reluctantly left behind thousands of American troops in the Philippines. Arriving in Melbourne, Australia, he pledged, of course, those famous words: "I shall return."

General MacArthur did return. He liberated the Philippines and rolled back the forces of imperial Japan. Sadly, MacArthur was too late for the hundreds who had died in the infamous Bataan Death March. In that 3-day forced march, American troops were denied food and water, beaten and bayoneted if they fell to the ground. As many as 700 Americans lost their lives in those 3 days.

It also was too late for the thousands who lost their lives on the so-called hell ships that transported surviving POWs to Japan and Japanese-occupied territories. Packed into cargo holds, American POWs struggled for air, as temperatures reached 125 degrees. Almost 4,000 American servicemen would lose their lives just on these journeys in these cargo ships.

Those who survived Bataan and the hell ships would find little rest as Japanese POWs. For more than 3 years, they would serve as slave labor for private Japanese companies, the same companies whose names we revere today and whose products we buy daily, weekly, and monthly in the United States: Matsui, Mitsubishi, Nippon, and others.

Throughout the war, Americans worked in the mines of these companies, their factories, their shipyards, their steel mills. They labored every day for 10 hours or more a day in dangerous working conditions. Some of those who went into the mines were sent into the mines because it was too dangerous for Japanese to work in them. So they sent the American POWs into the coal mines to dig the coal. They were beaten on a regular basis.

Frank Exline of Pleasant Hill, IA, was one of those POWs. A Navy seaman who was captured April 9, 1942, Frank

spent 39 months working for Japanese companies in Osaka, Japan. He began on the docks unloading rock salt and keg iron. Later, he found himself toiling in the rice fields. He was fed two rice bowls a day and given very little water.

During his time with these Japanese companies, Frank was tortured and beaten, once for stealing a potato. Upon being caught, the potato was shoved in his mouth as he was forced to stand at rigid attention directly in the sun for 45 minutes. If he moved or even blinked, he was hit in the face.

Then there is Frank Cardamon of Des Moines, a marine who was stationed in China. His ship was sent back to the U.S. to get more supplies. When it stopped in the Philippines, of course, the ship was attacked and captured. Frank was captured at Corregidor and sent to Japan to work in an auto parts factory and then in the lead mines.

He was never paid for his work, fed two cups of rice a day, and went from 160 pounds to 68 pounds in his 3 years of capture. These men tell me they survived on sheer will, not on the food.

Last month in Iowa, as Senator SMITH did in New Hampshire, I met with three other POWs and their families on this issue. I met with William McFall of Des Moines, who received a Purple Heart and numerous other medals. He worked in the coal mines and told me about how dangerous it was working in the coal mines.

I met with the sisters of Jon Hood, a Navy seaman forced to work on the shipping docks. I met with Gene Henderson of Des Moines. He actually was not in the military. He was a civilian employee at the Pacific Naval Air Base on Wake Island. Gene Henderson was captured and sent to China to work on Japanese artillery ranges before he was sent to work in the iron ore pits in Japan.

Although she could not attend the meeting I held, Margaret Baker of Oelwein, IA, wrote me a letter in June about her late husband Charles Baker. Charles Baker, who was an Army private, survived the Bataan Death March before he was sent to work in the mines in Japan for 3 years. He died at age 54 in 1973. In her letter she wrote:

He suffered many injuries and hunger on the Death March during his imprisonment. We feel that his early death was caused by the suffering that he endured while working long hours in the mines, without food, rest and clothing.

I speak for this amendment and support it on behalf of these veterans and their families. These men and 700 of their fellow prisoners of war and their families are now seeking long delayed justice. They have gone to court to ask for compensation from the Japanese companies that used them as slave laborers during the war.

They deserve their day in court. Yet as the Senator from New Hampshire

has pointed out, our own State Department has come down on the side of the Japanese companies, not our POWs. The State Department has taken the view that the peace treaty signed in 1951 prohibits reparations from private Japanese companies for survivors such as Frank Cardamon or Gene Henderson. In fact, State Department officials have submitted statements to the Court in support of the view of the Japanese companies. I do not think that is right. I do not think it is fair. That is why I am a cosponsor of Senator SMITH's amendment that would stop the State Department and the Department of Justice from using taxpayer dollars to defend the interests of these Japanese companies.

I might add, the House passed this amendment in July by an overwhelming 393-to-33 vote, an amendment stating the State Department should not be allowed to use our tax dollars to fight against our American POWs in court. Now again, as Senator SMITH said, I am sure while we both believe the Japanese companies ought to pay reparations and ought to pay these POWs for the slave labor they provided during the war, that is not what our amendment says. Our amendment simply says let them go to court; let them make their case; let the Japanese companies come in and defend themselves, if they will.

That is all we are asking. We are not preconditioning the outcome. We are not setting up any kind of a standard by which they will be held in one view over the Japanese companies. We are simply saying let them have their day in court. We are saying our State Department should not be intervening in State or Federal courts against these POWs. Let the POWs have their own arguments and their day in court, and let us keep our State Department out of it.

These men courageously served our country. They endured unspeakable, wretched conditions as slave laborers for these Japanese companies. MacArthur was forced to leave them behind in 1942. In 2001, let us not leave them behind one more time. Let us give them their day in court.

My colleague has given all of the arguments. He has outlined what the treaty said in article 14(b). He laid out very cogently and clearly the side agreements that had been done by John Foster Dulles, at that time the chief negotiator for the allied nations, whose letters and side agreements were not brought to light until April of last year. So for all of these years these POWs and their lawyers really perhaps did not have a leg to stand on because of this treaty, but then after April of 2000 we found out the Japanese had made an agreement with the Government of the Netherlands to allow the private citizens of the Netherlands to pursue their private claims.

Then article 26 of the 1951 peace treaty sort of trumps article 14(b). Now article 14(b), as Senator SMITH pointed out, basically said: The allied powers waive all reparation claims of the allied powers, other claims of the allied powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war.

On its face, that ends it. That ends it right there. For all of these years, that is what sort of the basis in court was. Article 26 did state, should Japan make a peace settlement or war claims settlement with any state granting that state greater advantages than those provided by the present treaty, those same advantages shall be extended to the parties to the present treaty.

We did not know until April 2000 that the Japanese Government had indeed made a war claims settlement with another state granting greater advantages to the nationals of that state, and that was, of course, the Dutch citizens because the diplomatic note to the Japanese Prime Minister from the Dutch Foreign Minister—again which was read by the Senator from New Hampshire, and I just repeat it for emphasis sake—it said that: It is my Government's view—that is, the Government's view of the Government of the Netherlands—that article 14(b), as a matter of correct interpretation, does not involve the expropriation by each allied government of the private claims of its nationals. So that after the treaty comes into force, these claims will be nonexistent.

In other words, the Dutch Minister said: It is my Government's view that 14(b) does not prohibit private claims of the nationals of the Netherlands.

The Japanese Prime Minister responded:

In view of the constitutional legal limitations referred to by the government of the Netherlands, the government of Japan does not consider that the government of the Netherlands by signing the treaty has itself expropriated the private claims of its nationals so that, as a consequence thereof, after the treaty comes into force these claims would be nonexistent.

Taken out of international State Department legalese, what that basically says is the Government of Japan has said to the Government of Netherlands that just signing this treaty does not mean you take away from your citizens their right of private claims against the Government of Japan or the nationals of the nation of Japan.

This is the document we did not know about until April of 2000. So we know that article 26 of the treaty of 1951 now comes into full force and play, and because Japan made a war claims settlement with the Netherlands that gives them greater advantages than those provided in the present treaty, those same advantages should be extended to all of the parties of the present treaty. Therefore, we believe

very strongly that our private citizens, our POWs who worked as slave laborers, have every right to pursue their claims in whatever courts they can find to take up those claims.

Unfortunately, the Departments of State and Justice are not on the side of our POWs. They convinced a Federal judge to dismiss these lawsuits. This is fundamentally unfair. This amendment would correct this injustice. I do not know whether or not in a court of law these POWs will be able to prevail. I don't know all of the legal implications. I do know they should have their day in court to argue their claims against these private companies. It is not as if Mitsubishi, Matsui, and Nippon are bankrupt. These are multinational corporations. They are big.

As the Senator from New Hampshire said, our POWs are getting older and not that many remain. It seems to me this is the fair and right thing to do, to make final these reparations, and without interference from the executive branch of the Government.

I am constrained to say I hope no one interprets this amendment or our support for this amendment as somehow trying to bring up again World War II or bringing up in a way that would be detrimental to the present Government of Japan the actions taken during World War II. That is not our intention at all. We all recognize the Government of Japan is one of the great, strong democracies of our present world. They have a system of free government and free enterprise in Japan that is the envy of many places in the world.

For a year and a half I was privileged to serve my country as a Navy pilot stationed at Atsugi airbase in Japan in the mid to late 1960's. I spent a year and a half living on the Japanese economy. I worked every day with men and women who worked for the Nippon Aircraft Corporation. I was one of their test pilots. I worked with them every day. During my year and a half there, I can honestly say I became an admirer of the Japanese people and an admirer of many of the things they have done after World War II. I don't for one minute admire anything they did during World War II, what the warlords did, what they did to lead that nation into World War II. The atrocities they committed during World War II are a definite blot on their history.

Today, the Japanese Government stands as a beacon of democracy and representative government. The Japanese people, I think, have expunged themselves of this terrible legacy of World War II. I am saying this because I don't want anyone to interpret that we are using this amendment or offering this amendment as if making a detrimental statement about the present Government of Japan. That is not so.

We are saying we believe in the rule of law, just as the Japanese Govern-

ment, since World War II, believes in the rule of law. This rule of law we adhere to, that we believe in so strongly, says that people who are wronged, people who believe they have a claim against another person or a government, ought to have their day in court. That is all we are saying. Let them make their case. If the Japanese companies want to defend themselves and say they have already paid reparations, they have already paid in full for all of this, let them come to court and show us. That is all we are saying.

The administration argues this amendment violates our Constitution regarding the separation of powers. This type of restriction we are now placing on appropriations by the participation of the Attorney General in private litigation has been enacted in Congress before and has been accepted and complied with by the executive branch. There was an example offered by Warren Rudman, another Senator from New Hampshire, passed in 1983 that barred the Justice Department from intervening in certain types of private antitrust lawsuits. We have done that many, many times in the past. I don't think the argument that somehow this violates our separation of powers holds any water.

I thank my colleague from New Hampshire for his leadership on this issue, for sticking up for our POWs and for offering this amendment. I hope it is passed overwhelmingly so we can coordinate with the House, which passed it overwhelmingly, and permit these lawsuits to move ahead and give POWs their long overdue day in court. They may have been left behind in 1942 by General MacArthur; let's not leave them behind one more time.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Hawaii.

Mr. INOUE. Mr. President, two of my most distinguished colleagues, the Senator from New Hampshire, Mr. SMITH, and the Senator from Iowa, Mr. HARKIN, have offered this amendment to the measure before the Senate. I will share my thoughts on this amendment and the reasons why I oppose it.

While listening to my colleagues' speak, I was reminded that a few days ago I was called upon by one of my dear friends in the Senate, advising me that I should not be involved in this matter; that it would be, without question, an amendment of high emotions, and that it would revive memories of a distant past, black memories.

Like some of my colleagues, I am old enough to recall those dark days in our history. Like some Members, I was involved in that ancient war, World War II. Sometimes I have my personal nightmares.

There is no question that none of us here would ever condone any of the actions taken by the Japanese in the Bataan death march. Being of Japanese

ancestry becomes a rather personal matter. Who knows, one of my cousins could have been the one with the bayonet and rifle. I have no way of knowing. But those men who mistreated our men were of the same ancestry.

Therefore, I stand before the Senate not with any great pleasure but because I feel it must be done. Two days ago, officials of our Nation and the high officials of Japan gathered in the city of San Francisco to commemorate the 50th anniversary of the signing of the Treaty of San Francisco which ended the hostilities of Japan in World War II. This treaty was a farsighted document designed very deliberately to eliminate the possibility of further Japanese aggression by paving the way for an enduring peace between our two countries.

Central to this goal was the recognition by the United States that it had a responsibility to rebuild war-torn Japan so that it could regain its economic self-sufficiency. The economic abandonment of Germany after World War I by the victorious nations of Europe and its horrific consequences were enough to convince the President and the Congress of the United States to avoid inviting a repetition in the Pacific. Accordingly, the provisions of the San Francisco treaty were specifically aimed at protecting the recovering economy of Japan, and among the most important of these was article 14(b) of that treaty. I think we should read this article 14(b) once again:

[E]xcept as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war[.]

It was clear that this language was intended to waive, unless otherwise provided in the treaty, all claims of the United States and allied nationals against Japan and Japanese nationals arising from World War II.

No one can deny the pain and the atrocities suffered by American citizens who were prisoners of war in Japan, and by agreeing to article 14(b), our Nation did not intend to turn its back on its own citizens.

I have had the privilege and the great honor of serving in the Congress now for nearly 42 years and during that time I believe my record is very clear when it comes to the support of the men and women in uniform. At this moment, I find myself in some disagreement with the great leaders of this Senate as to how the Defense Appropriations Subcommittee's bill should be handled. I have always maintained that we cannot do enough for men and women in uniform. Less than one-half of 1 percent of this Nation has stepped forward to indicate to the rest of us that they are willing to stand in harm's way and, if necessary, at the

risk of their lives. How can anyone say this is not something worthy of our support? So my support for the men in uniform, I hope, will not be questioned by any one of my colleagues.

When we signed the treaty and when we passed the War Claims Act of 1948 soon thereafter, our Nation assumed the responsibility of making reparations to our people using the proceeds of Japanese assets ceded by Japan under the treaty. We thought it was important enough at that moment in our history to take over that responsibility.

I do not stand before you to present any rationale or apology for Japanese war crimes because history has shown that during the war, as in many great wars, officers and men of competing armies oftentimes resort to treatment of prisoners so cruel and inhumane as to seem barbaric. There are no good people in a war.

Those of us on the committee, the Defense Appropriations Subcommittee, have one thing in mind—to prevent wars—because many of us have seen what war can do. There is no question that American prisoners in the hands of the Japanese suffered much. I think the evidence is rather clear, as pointed out by the Senator from New Hampshire and the Senator from Iowa. However, when the officials of our nations met with representatives of the defeated nation, Japan, these atrocities were recognized and taken into account in the consideration and ratification of the treaty of San Francisco.

Moreover, the Government of Japan has acknowledged the damage and suffering it caused during World War II. Last Saturday, September 8, the Minister for Foreign Affairs, Mr. Tanaka, reaffirmed Japan's feelings of deep remorse and heartfelt apologies that had been previously expressed in 1995 by then-Prime Minister Murayama.

Unfortunately, the amendment presented by my two distinguished colleagues attacks a central provision of the treaty by making it difficult, if not impossible, for the Departments of Justice and State to intervene in reparations suits and assert article 14(b) of the treaty.

I think we should remind ourselves that article II of the Constitution of the United States makes it very clear that it is the President of the United States who has the responsibility of negotiating treaties and making certain that the provisions of the treaties are carried out. It is not the right of any State or any individual, nor is it the right of this Congress.

Thus, if this amendment is approved by both Houses of Congress and signed into law by the President, it would announce our intention to abrogate a central term of the treaty of San Francisco. This action will abrogate that treaty. Some have suggested it might be a slap in the face of the Japanese.

Yes, it might be, but, more importantly, it will abrogate a treaty.

We who have stood on this floor time and again condemning other nations for slight deviation of their treaties are now coming forth deliberately to say that we are prepared to abrogate this treaty. This would be contrary to U.S. foreign policy because it would signal to the world that the United States cares little for its treaty obligations. It would be also contrary to U.S. national security policy because the San Francisco treaty is the cornerstone of U.S. security arrangements in the Asia-Pacific region.

In addition to the foreign and security policy considerations, this amendment might also encourage other nations to facilitate lawsuits against the United States, and against U.S. companies and the U.S. Government and its officials for actions by U.S. military and those who support such actions.

This is not farfetched. It could expose our Nation and our Nation's citizens to millions, if not billions, of dollars in claims. The administration of President Bush, in its policy statement issued through the Department of State, concurs with this analysis and strongly opposes the amendment.

Indeed, the administration additionally objected to the amendment because it would impair the executive branch's ability to carry out its core constitutional responsibility relating to treaties, article II of the Constitution. Accordingly, reopening this issue as the amendment now proposes would have very serious negative consequences for United States-Japan relations, and, sadly, would sow doubt about America's word among other allies.

Therefore, I oppose the amendment and I hope all of my colleagues will carefully consider the points that I have raised.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my great friend—he is my great friend—and colleague from Hawaii. There is no one with whom I have greater respect and admiration in the Senate for all the years I have been here than the senior Senator from Hawaii, Mr. INOUE. Certainly, I commend him for his statement and the courage he has shown to take his position on this matter. No one should in any way misinterpret the action taken by Senator INOUE in opposing this amendment. I know he comes at it with conscience and with his own feeling of what is right.

I may not agree with his position on it, and let no one think that in any way Senator INOUE now or at any time has let down our country, or our veterans, or our military establishment. By his own life and by his own example, Senator INOUE has shown

what it means to be a patriot and to put himself in harm's way and possibly give one's life for his country. He did that during World War II.

No one could have been more proud than all of us here when President Clinton finally recognized his efforts, his dedication, and his sacrifice during war in finally granting Senator INOUE the Congressional Medal of Honor. It was a recognition that was long overdue.

I hope that no one misinterprets what the Senator said in his opening statement about taking his position. I certainly don't, and no one else should.

As I said, we have a disagreement. And, quite frankly, I am hard pressed to think of the last time I disagreed with the Senator from Hawaii because I have high regard for him in matters pertaining to our military, to our veterans, and the defense of our country. But I just happen to have a disagreement on this one issue.

Again, I point out that all we are trying to do is give the day in court for our rule of law. I believe we can do so without in any way abrogating a treaty or harming our relations with Japan. As I said earlier, I have the highest esteem for Japan and the people of Japan. I would want nothing in any way to be misinterpreted that we are in any way trying to bring up the dark days of World War II again. But I believe just as strongly that our rule of law commands us not to do otherwise. We must permit them to have their day in court. It is their right.

Again, I thank the Senator from New Hampshire for offering the amendment.

I particularly want to thank Senator INOUE for his years of dedication to our country, for his leadership during World War II, and for his 42 years of leadership in the Senate. I am sorry I have to disagree with him on this issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I want to associate myself with every single word the Senator from Iowa just said regarding our colleague, Senator INOUE. I want to state for the record that Senator INOUE has earned the right to say anything he wishes on the floor of the Senate with his distinguished service to our country. I think we have a difference of opinion on what the treaty said or didn't say. That is it as far as I am concerned, to make the record clear.

I want to respond to the point on the abrogation of treaties because I think it is important we understand that, in my view—and I think in the view of many—it doesn't abrogate the treaty at all. It limits the State and the Justice departments from interfering. That is all. The courts will decide the true intent of the treaty. That is what courts are supposed to do. But they

should be able to do so without what I would consider unnecessary meddling.

Article 26 of the treaty makes it very clear that the Japanese entered into a more advantageous agreement than those terms apply to all the signatories of the treaty.

We are not abrogating the treaty. We are fulfilling the treaty.

I think it is very important to understand those points that were made in the exchange between the Japanese Government and the Dutch Government and article 26 in the sense that the person who offered those documents, John Foster Dulles, made it very clear that we don't want to deny individuals under a constitutional government the right to have their constitutional rights fulfilled.

I would respond quickly to three or four points that were made by the opponents and then yield the floor.

We just talked about those who say it undermines the treaty obligations. It merely prevents the State and the Justice departments from distorting the true facts. I am not saying the State and Justice departments in any way directly are responsible for holding back documents. The truth is our own Government for 50 years never released these documents. Had these documents been available 50 years ago, I think this matter would have been resolved.

For all these years our veterans never had the opportunity to have this information and take it to court.

The judicial branch is perfectly capable and within its rights to interpret treaties without any assistance from or deference to the views of the executive branch or frankly, the legislative branch. This is law. That is how things are settled.

In any event, the amendment does not prevent the executive branch from executing the treaty. I want to make that very clear. It does not prevent the executive branch from executing the treaty. It merely prevents the executive branch from advocating a certain interpretation in court.

All we are doing with my amendment and that of Senator HARKIN and others who cosponsored it is to say we are not going to provide taxpayer dollars to allow that argument to be fought. Let it go to court. That is all. I think it is very important that we understand that.

Some say the amendment impairs the ability of the courts to interpret treaties. The courts are perfectly capable of interpreting treaties without the assistance of the executive branch. They are not bound by executive interpretation. In fact, the Supreme Court noted in one of its opinions that the courts interpret treaties for themselves. The courts remain the final arbiter of a treaty's meaning and have the right to interpret a treaty.

The courts observed that the views of the executive branch regarding a treat-

ty are entitled to no deference of any type when they appear to have been adopted either solely for political reasons or in the context of any particular litigation. I believe we are dealing with the latter in this case.

Let me also get to the point of damaging relations with Japan. No one wants to do that. I want to make it very clear that I believe Japan is a valuable ally in the Far East and that they are very important to us, especially as we look at the emergence of China and the threat of the Chinese. This is not about the Japanese Government. It is not about replaying the war. It is about interpreting a treaty the way it was intended and allowing people to have their day in court without losing their constitutional rights. That is for all of us.

It should not change our relationship with Japan. I do not know of anybody who wants to do that. We are strong allies. We are close friends. We are going to continue to be close friends after this. This should not, in any way, be construed as an unfriendly act. Secretary Powell, I think, recently called Japan our Pacific anchor. I think he is right. But it does send a serious message that as long as these veterans are with us, this is going to be an area of contention.

Frankly, I think it is better for Japanese-American relations to get it behind us. Let's move on. And the best way to do it is to allow these men to come to court without the interference of the Justice and State Departments; let them come to court, have their day in court, and get a decision. That was the right thing to do when the State Department did that in relation to the activities in the German case, and I think it is the right thing to do in this case.

Last year, again, as I said earlier in my statement, this body passed S. Con. Res. 158, offered by Senator HATCH, which urged the Secretary of State to facilitate discussions between the veterans and the Japanese. Unfortunately, though, the State Department chose to ignore that. All we are trying to do is to move forward and not have it hang out there any longer.

Again, this is an issue between private Japanese companies and private United States citizens who have been wronged by those companies. It is also important to remind people that we do have a Constitution and every single one of us has constitutional rights.

Under the fifth amendment: "No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

The Supreme Court has ruled that the Federal Government can take or espouse private claims of United States citizens against foreign governments and their agents, but this case involves

private claims against private corporations that are not agents of the Japanese Government. There are no constitutional or legal precedents for the Federal Government to take or espouse the private claims of its citizens against private foreign entities.

In fact, if you read article 14(b), which we have done a couple times, to mean "private versus private claims," this raises very serious fifth amendment concerns. The Federal Government does not have the right to espouse private versus private claims. There is an important difference between the private versus Government claims, which the Federal Government can espouse, and the private versus private claims, which the Federal Government cannot espouse. That is a big difference.

Just like the United States Government, the Dutch were faced with the same problem. The Dutch had a constitutional issue, which is why they raised the issue at the time, which is why article 26 was written. John Foster Dulles certainly had a hand in writing both of those letters and the exchange of letters between the Japanese and the Dutch. He understood both sides of it. And he understood it completely. That is why the letters were written and why the Dutch raised the question. And that is why they made certain that if another country raised similar objections, such as the United States, they would have the opportunity to have their citizens have their day in court.

So I hope that as we get to whatever point the leadership decides to call a vote on this, we understand that this is not about bringing up some old war stories or replaying the war or anything at all. It is simply about the right of an American citizen, who happened to be a POW, to get his or her day in court against a private company in another country and not be interfered with by our own Government.

All our amendment does is say that no funds under this act shall be used by our country or our Government to interfere with that claim. That is it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Point of inquiry: Will this matter be voted upon at 5:30?

Mr. HOLLINGS. I think so. We are ready to make that request, but I want to say a word in debate.

Mr. INOUE. Fine.

Mr. REID. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time until 3:15 p.m. be for debate with respect to the Smith amendment No. 1538; that at 3:15 p.m. the amendment be set aside to recur at 5 p.m. today, with all time equally divided and controlled between Senators SMITH of New Hampshire and

HOLLINGS or their designees; that a vote in relation to the amendment occur at 5:30 p.m. today, with no second-degree amendments in order prior to a vote in relation to the amendment; further, that at 3 p.m. Senator DORGAN be recognized to offer an amendment relating to TV Marti.

Mr. HOLLINGS. You mean 3:15.

Mr. REID. Yes, 3:15.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, I extend my appreciation to the Senator from Idaho, who is not in the Chamber, for allowing us to move forward on this even though his amendment is pending.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Nevada, who keeps the trains running—and on time—and, incidentally, is fully informed on what is on that train. That is really the point to be made with Senator HARRY REID.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, there is no question when the chorus is formed to praise our distinguished senior colleague from Hawaii, I am going to be in that chorus. There is no one I admire more.

I remember the debate with respect to the reparations, and I was moved by our other wonderful Senator from Hawaii, Mr. Matsunaga. But mind you me, that was a very different situation.

Here is an individual of Japanese descent, DANIEL INOUE of Hawaii, who fought for over a year to try and gain acceptance as a soldier in the cause of the United States in World War II. And having done that—because I was in that particular theater—to go forward in Italy with the Nisei fighters, even after the armistice peace had been signed with Italy, with his arm gone and 22 slugs in his body.

He only got the Distinguished Service Cross. It hit my conscience that here was an individual, just because he was alone, and not recognized at that time, who only received the Distinguished Service Cross. And that was repaired last year when he, and others of those brave Nisei fighters, received the Medal of Honor. So the record has been made.

But this isn't on account of Senator INOUE's courage. I really am grateful, managing this bill myself, that he has taken this position that does take courage in one sense of the word. But under the Constitution, which the distinguished Senator from New Hampshire points out, there is no other course than to kill this particular amendment.

Let me speak again of my high regard for the Senator from New Hampshire and the Senator from Iowa in their feeling for the veterans, particularly those who suffered under that

death march from Bataan, because I was dragged into this thing myself in May of 1942, when others just ahead of me got caught up not only in the Bataan march but served as prisoners of war under such treatment that has been described by the distinguished Senators from New Hampshire and Iowa.

I think of Jack Leonard. I think of other classmates who suffered in that period of the war. So I share the feeling of the Senator from New Hampshire. You cannot be more devastated and defaced and tortured than these Japanese prisoners of war. They deserve every bit of consideration they can get under the Constitution. But if we are going to be a body of laws, there isn't any question about whose side—I was taken by the Senator from New Hampshire who said you are either on the side of the private Japanese corporations or you are on the side of the veterans. Not at all. You are either on the side of the Constitution or you are not. And our Constitution says: The treaty made duly ratified is the law of the land. That terminated any particular claims or their day in court.

To understand, read this amendment, not agreeing, if you please, with the Senator from New Hampshire, not agreeing, if you please, with the Senator from South Carolina, but it says:

None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as a slave or forced labor.

It says that the Department of Justice and the Department of State cannot function as a Department of Justice and a Department of State. Certainly, they don't want to do that. If it is to be that they have a right or day in court—and certainly nothing we vote on this afternoon will take away that right or day in court—it has been had, this time last year in the California court. The judge found it and studied it and objectively looked at it in every particular regard and found otherwise. Nothing that we vote on today one way or the other is going to take away their right in court.

But there is a right and a duty and a responsibility of the Department of State and the Department of Justice to defend the position of the United States. And we think that the position of the United States is under article 14 of that particular treaty with Japan, ratified in 1952 by an overwhelming vote that was entered into by President Truman, ratified by a 66-10 bipartisan vote in the U.S. Senate. If I raise my hand as a Senator, I hereby pledge to preserve, protect, and defend. So it is not the side of the corporation or the side of the veteran. It is the position under the Constitution. You have to defend the laws of the land.

Certainly, I am not totally familiar with this particular issue, certainly not as much so perhaps as the distinguished Senator from New Hampshire. But there have been others who have studied it very thoroughly.

I have a letter from a distinguished former Secretary of State. This is in June. He writes to the House chairman of Foreign Relations, I take it, at that particular time. I want to read from this letter from George P. Shultz:

Dear Mr. Chairman: I am writing to you to express my deep reservations about H.R. 1198, the Justice for the U.S. Prisoners of War Act of 2001.

This was passed overwhelmingly, incidentally, in the House of Representatives. We have too many pollsters in Government. My pollster, my political consultant said: Why don't you keep your mouth shut. Let DANNY INOUE defend it and you don't have to say anything. And then in the next election, you won't have to explain how the veterans now are all against you.

Life is too short for that kind of nonsense. You have to take positions here. Let me go ahead with Secretary Shultz's letter:

I express my opposition to the bill against the background of tremendous sympathy for the problems of the United States' citizens who have in one way or another been harmed, many severely, in the course of war and its sometimes dehumanizing impact.

But the bill in question would have the effect of voiding the bargain we made and explicitly set out in the Treaty of Peace between Japan, the United States, and forty-seven other countries. President Truman with the advice and consent of the Senate ratified the treaty and it became effective April 28, 1952.

The Treaty has served us well in providing the fundamental underpinning for the peace and prosperity we have seen, for the most part, in the Asia Pacific region over the past half-century.

The Treaty addresses squarely the issue of compensation for damages suffered at the hands of the Japanese. Article 14 in the treaty sets out the terms of Japanese payment "for the damage and suffering caused by it during the war." The agreement provides:

1. a grant of authority to Allied Powers to seize Japanese property within their jurisdiction at the time of the treaty's effective date;

2. an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war; and

3. waiver of all "other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals of the war."

Let me divert from the reading of this letter. One says "to seize the property." That was done. Japanese property was seized. You constantly hear in the presentation that this is against private corporations. The treaty was against private corporations and their property and was distributed to the prisoners of war. It wasn't done enough; you and I both agree on that in a flash. I sympathize with the motivation of the distinguished Senator from New Hampshire, but we did seize the

property. And we did distribute it as reparations. That ended all claims of all nationals.

The waiver of all other claims of the allied powers and their nationals, that ended it. It didn't say whether 50 years from now we can find some memo with respect to the Netherlands and whether or not they had constitutional authority. There isn't any question that our Secretary of State, John Foster Dulles, had authority. There isn't any question that the President of the United States who signed the treaty, the Congress itself, the U.S. Senate that ratified that treaty, had its authority. This is by the board what was found 50 years later by the Netherlands. Let's find out what was found by the United States of America, its President and its Senate as constitutionally binding under the treaty.

Let me go back to the letter from George P. Shultz:

The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or even me jurisdictions to the International Red Cross for distribution to former prisoners and their families.

H.R. 1198 challenges these undertakings head on, as it says, "In any action in a Federal court . . . the court . . . shall not construe section 14(b) of the Treaty of Peace with Japan as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States armed forces, so as to preclude the pending action."

I read further:

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on July 21, 2000 . . .

I ask unanimous consent that the opinion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 1198—THE JUSTICE FOR U.S.  
PRISONERS OF WAR ACT OF 2001

IN RE WORLD WAR II ERA JAPANESE FORCED  
LABOR, SEPTEMBER 21, 2000, DECISION BY  
JUDGE VAUGHN R. WALKER, U.S. DISTRICT  
COURT, N.D. CALIFORNIA

UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

Master File No MDL-1347.

In Re: World War II Era Japanese Forced  
Labor Litigation.

This Document Relates To:

*Alfano v. Mitsubishi Corp.*, CD Cal No 00-3174  
*Corre v. Mitsui & Co.*, CD Cal No 00-999  
*Eneriz v. Mitsui & Co.*, CD Cal No 00-1455  
*Heimbuch, et al. v. Ishihara Sangyo Kaisha,  
Ltd.*, ND Cal No 99-0064  
*Hutchison v. Mitsubishi Materials Corp.*, CD Cal  
No 00-2796  
*King v. Nippon Steel Corp.*, ND Cal No 99-5042  
*Levenberg v. Nippon Sharyo, Ltd.*, ND Cal No  
99-1554  
*Levenberg v. Nippon Sharyo, Ltd.*, ND Cal No  
99-4737  
*Poole v. Nippon Steel Corp.*, CD Cal No 00-0189  
*Price v. Mitsubishi Corp.*, CD Cal No 00-5484  
*Solis v. Nippon Steel Corp.*, CD Cal No 00-0188  
*Titherington v. Japan Energy Corp.*, CD Cal No  
00-4383  
*Wheeler v. Mitsui & Co., Ltd.*, CD Cal No 00-  
2057

On December 23, 1941, after mounting a brave resistance against an overwhelming foe, the small American garrison on Wake Island in the South Pacific surrendered to Imperial Japanese forces. James King, a former United States Marine, was among the troops and civilians taken prisoner by the invaders. He was ultimately shipped to Kyushu, Japan, where he spent the remainder of the war toiling by day as a slave laborer in a steel factory and enduring maltreatment in a prison camp by night. When captured, King was 20 years old, 5 feet 11 inches tall and weighed 167 pounds. At the conclusion of the war, he weighed 98 pounds.

James King is one of the plaintiffs in these actions against Japanese corporations for forced labor in World War II; his experience, and the undisputed injustice he suffered, are representative. King and the other plaintiffs seek judicial redress for this injustice.

I

These actions are before the court for consolidated pretrial proceedings pursuant to June 5, 2000, and June 15, 2000, orders of transfer by the Judicial Panel on Multidistrict Litigation. On August 17, 2000, the court heard oral argument on plaintiffs' motions for remand to state court and defendants' motions to dismiss or for judgment on the pleadings.

This order addresses, first, all pending motions for remand. For the reasons stated below, the court concludes that notwithstanding plaintiffs' attempts to plead only state law claims, removal jurisdiction exists because these actions raise substantial questions of federal law by implicating the federal common law of foreign relations.

Second, the court addresses the preclusive effect of the 1951 Treaty of Peace with Japan on a subset of the actions before the court, namely, those brought by plaintiffs who were United States or allied soldiers in World War II captured by Japanese forces and held as prisoners of war. The court concludes that the 1951 treaty constitutes a waiver of such claims.

This order does not address the pending motions to dismiss in cases brought by plaintiffs who were not members of the armed forces of the United States or its allies. Since these plaintiffs are not citizens of countries that are signatories of the 1951 treaty, their claims raise a host of issues not presented by the Allied POW cases and, therefore, require further consideration in further proceedings.

II

Defendants may remove to federal court "any civil action brought in a State court of which the district courts of the United States have original jurisdiction." 28 USC §1441(a). "The propriety of removal thus depends on whether the case originally could have been filed in federal court." *Chicago v. International College of Surgeons*, 522 US 156, 163 (1997).

Federal courts have original jurisdiction over cases "arising under the Constitution, laws or treaties of the United States." 28 USC §1331. For purposes of removal, federal question jurisdiction exists "only when a federal question is presented on the face of the plaintiff's properly complaint." *Caterpillar Inc v. Williams*, 482 US 386, 392 (1987). Since a defense is not part of a plaintiff's properly pleaded statement of his claim, a case may not be removed to federal court on the basis of a federal defense. *Rivet v. Regions Bank of La*, 522 US 470, 475 (1998).

Defendants' assertion of the Treaty of Peace with Japan as a defense to plaintiffs'

state law causes of action does not, therefore, confer federal jurisdiction. Recognizing this, defendants rely on a line of cases committing to federal common law questions implicating the foreign relations of the United States.

In *Banco Nacional de Cuba v. Sabbatino*, 376 US 398, 425 (1964), a case in which federal jurisdiction was based on diversity of citizenship, the Supreme Court held that development and application of the act of state doctrine was a matter of federal common law, notwithstanding the general rule of *Erie R Co v. Thompkins*, 304 US 64, 78 (1938), that federal courts apply state substantive law in diversity cases. The court reasoned that because the doctrine concerned matters of comity between nations, "the problems involved are uniquely federal in nature." Id at 424. Although the applicable state law mirrored federal decisions, the Court was "constrained to make it clear that an issue [involving] our relationships with other members of the international community must be treated exclusively as an aspect of federal law." Id at 425.

Under *Banco Nacional*, federal common law governs matters concerning the foreign relations of the United States. See *Texas Indus, Inc v. Radcliffe Materials, Inc*, 451 US 630, 641 (1981). "In these instances, our federal system does not permit the controversy to be resolved under state law, either because the authority and duties of the United States as sovereign are intimately involved or because the \* \* \* international nature of the controversy makes it inappropriate for state law to control." Id.

If an examination of the complaint shows that the plaintiff's claims necessarily require determinations that will directly and significantly affect United States foreign relations, a plaintiff's state law claims should be removed. *Republic of Philippines v. Marcos*, 806 F2d 344, 352 (2d Cir 1986). This doctrine has been extended to disputes between private parties that implicate the "vital economic and sovereign interests" of the nation where the parties' dispute arose. *Torres v. Southern Peru Copper Corp*, 113 F3d 540, 543 n8 (5th Cir 1997).

The court concludes that the complaints in the instant cases, on their face, implicate the federal common law of foreign relations and, as such, give rise to federal jurisdiction. Plaintiffs' claims arise out of world war and are enmeshed with the momentous policy choices that arose in the war's aftermath. The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, these cases carry potential to unsettle half a century of diplomacy.

After a thorough analysis, Judge Baird in the Central District of California denied remand in one of the cases now before the undersigned pursuant to the multidistrict litigation transfer order. *Poole v. Nippon Steel Corp.*, No. 00-0189 (CD Cal March 17, 2000). The court agrees with the analysis and the conclusion in that case. (In another related case in which remand was granted, *Jeong v Onoda Cement Co, Ltd*, 2000 US Dist LEXIS 7985 (CD Cal May 18, 2000), the court did not consider the federal common law of foreign relations as a basis for federal jurisdiction.) Judge Baird held: "[T]his case, on its face, presents substantial issues of federal common law dealing with foreign policy and relations. \* \* \* As such, plaintiffs may not evade this Court's jurisdiction by cloaking their complaints in terms of state law." The motions for remand are DENIED.

## III

In addressing the motions to dismiss, the court refers again to a complaint that is representative of the actions by United States and Allied POWs, *King v. Nippon Steel Corp.*, No 99-5042.

As noted at the outset of this order, plaintiff King seeks redress for wrongs inflicted by his captors half a century ago. In count one of the complaint, he asserts a claim under California Code of Civil Procedure §354.6, a new law that permits an action by a "prisoner-of-war of the Nazi regime, its allies or sympathizers" to "recover compensation for labor performed as a Second World War slave labor victim \* \* \* from any entity or successor in interest thereof, for whom that labor was performed \* \* \*." Cal Code Civ Pro §354.6. Count two is an unjust enrichment claim in which plaintiff seeks disgorgement and restitution of economic benefits derived from his labor. In count three, plaintiff seeks damages in tort for battery, intentional infliction of emotional distress and unlawful imprisonment. Count four alleges that defendant's failure to reveal its prior exploitation of prisoner labor to present-day customers in California and elsewhere constitutes an unfair business practice under California Business and Professions Code §17204.

Defendants move pursuant to Federal Rule of Civil Procedure 12(c) for a judgment on the pleadings, arguing: (1) plaintiff's claims are barred by the Treaty of Peace with Japan; (2) plaintiff's claims raise nonjusticiable political questions; (3) the peace treaty, the War Claims Act of 1948 and the federal government's plenary authority over foreign affairs combine to preempt plaintiff's claims and (4) because the complaint alleges injuries caused by the Japanese government, plaintiff's claims are barred by the act of state doctrine and the Foreign Sovereign Immunities Act.

These arguments, and King's countervailing positions, arise in all of the cases before the court brought on behalf of Allied POWs against Japanese corporations. The court need not address all of them. For the reasons stated below, the court concludes that plaintiffs' claims are barred by the Treaty of Peace with Japan.

## A

A motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) is the proper means to challenge the sufficiency of the complaint after an answer has been filed. Depending on the procedural posture of the individual case, some defendants have filed motions pursuant to FRCP 12(c) and others have filed motions to dismiss pursuant to FRCP 12(b). The distinction in the present context is not important. In the Ninth Circuit, the standard by which the district court must determine Rule 12(c) motions is the same as the standard for the more familiar motion to dismiss under rule 12(b)(6): "A district court will render a judgment on the pleadings when the moving party clearly establishes on the face of the pleadings [and by evidence of which the court takes judicial notice] that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law." *Enron Oil Trading & Transp Co v. Walbrook Ins Co*, 132 F3d 526, 529 (9th Cir 1997) (citations omitted).

## B

The Treaty of Peace with Japan was signed at San Francisco on September 8, 1951, by the representatives of the United States and 47 other Allied powers and Japan. Treaty of

Peace with Japan, [1952] 3 UST 3169, TIAS No 2490 (1951). President Truman, with the advice and consent of the Senate, ratified the treaty and it became effective April 28, 1952. *Id.*

Article 14 provides the terms of Japanese payment "for the damage and suffering caused by it during the war." *Id.* at Art 14(a). For present purposes, the salient features of the agreement are: (1) a grant of authority of Allied powers to seize Japanese property within their jurisdiction at the time of the treaty's effective date; (2) an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war and (3) waiver of all "other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the \* \* \*." *Id.* at Art 14(a)-(b) (emphasis added).

It is the waiver provision that defendants argue bars plaintiffs' present claims. In its entirety, the provision reads: "(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims if the Allied Powers for direct military costs of occupation." *Id.* at Art 14(b).

On its face, the treaty waives "all" reparations and "other claims" of the "nationals" of Allied powers "arising out of any actions taken by Japan and its nationals during the course of the prosecution of the war." The language of this waiver is strikingly broad, and contains no conditional language or limitations, save for the opening clause referring to the provisions of the treaty. The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or enemy jurisdictions to the International Committee of the Red Cross for distribution to former prisoners and their families. *Id.* at Art 16. The treaty specifically exempts from reparations, furthermore, those Japanese assets resulting from "the resumption of trade and financial relations subsequent to September 2, 1945." *Id.* at Art 14(a)(2)(II)(iv).

To avoid the preclusive effect of the treaty, plaintiffs advance an interpretation of Article 14(b) that is strained and, ultimately, unconvincing. Although the argument has several shades, it comes down to this: the signatories of the treaty did not understand the Allied waiver to apply to prisoner of war claims because the provision did not expressly identify such claims, in contrast to the corresponding Japanese waiver provision of Article 19. Article 19(b) states that the Japanese waiver includes "any claims and debts arising in respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers \* \* \*."

That the treaty is more specific in Article 19 does not change the plain meaning of the language of Article 14. If the language of Article 14 were ambiguous, plaintiffs' *expressio unius* argument would have more force. But plaintiffs cannot identify any ambiguity in the language of Article 14. To do so would be to inject hidden meaning into straightforward text.

The treaty by its terms adopts a comprehensive and exclusive settlement plan for war-related economic injuries which, in its wholesale waiver of prospective claims, is not unique. See, for example, *Neri v. United States*, 204 F2d 867 (2d Cir 1953) (claim barred by broad waiver provision in Treaty of Peace

with Italy). The waiver provision of Article 14(b) is plainly broad enough to encompass the plaintiffs' claims in the present litigation.

## C

The court does not find the treaty language ambiguous, and therefore its analysis need go no further. *Chan v. Korea Airlines*, 490 US 122, 134 (1989) (if text of treaty is clear, courts "have no power to insert an amendment."). To the extent that Articles 19(b) raises any uncertainty, however, the court "may look beyond the written words to the history of the treaty, the negotiations, and the practical construction adopted by the parties." *Air France v. Saks*, 470 US 392, 396 (1985). These authorities are voluminous and therefore of doubtful utility due to the potential for misleading selective citation. Counsel for both sides have proved themselves skilled in scouring these documents for support of their positions, and that both sides have succeeded to a certain degree underscores the questionable value of such resort to drafting history. Nevertheless, the court has conducted its own review of the historical materials, and concludes that they reinforce the conclusion that the Treaty of Peace with Japan was intended to bar claims such as those advanced by plaintiffs in this litigation.

The official record of treaty negotiations establishes that a fundamental goal of the agreement was to settle the reparations issue once and for all. As the statement of the chief United States negotiator, John Foster Dulles, makes clear, it was well understood that leaving open the possibility of future claims would be an unacceptable impediment to a lasting peace:

"Reparation is usually the most controversial aspect of peacemaking. The present peace is no exception.

"On the one hand, there are claims both vast and just. Japan's aggression caused tremendous cost, losses and suffering. \* \* \*

"On the other hand, to meet these claims, there stands a Japan presently reduced to four home islands which are unable to produce the food its people need to live, or the raw materials they need to work. \* \* \*

"Under these circumstances, if the treaty validated, or kept contingently alive, monetary reparations claims against Japan, her ordinary commercial credit would vanish, the incentive of her people would be destroyed and they would sink into a misery of body and spirit that would make them easy prey to exploitation. \* \* \*

"There would be bitter competition [among the Allies] for the largest possible percentage of an illusory pot of gold."

See US Dept of State, Record of Proceedings of the Conference for the Conclusion and Signature of the Treaty of Peace with Japan 82-83 (1951) (Def Req for Judicial Notice, Exh I).

The policy of the United States that Japanese liability for reparations should be sharply limited was informed by the experience of six years of United States-led occupation of Japan. During the occupation the Supreme Commander of the Allied Powers (SCAP) for the region, General Douglas MacArthur, confiscated Japanese assets in conjunction with the task of managing the economic affairs of the vanquished nation and with a view to reparations payments. See SCAP, Reparations: Development of Policy and Directives (1947). It soon became clear that Japan's financial condition would render any aggressive reparations plan an exercise in futility. Meanwhile, the importance of a stable, democratic Japan as a bulwark to communism in the region increased.

At the end of 1948, MacArthur expressed the view that "[t]he use of reparations as a weapon to retard the reconstruction of a viable economy in Japan should be combated with all possible means" and "recommended that the reparations issue be settled finally and without delay." Memorandum from General Headquarters of SCAP to Department of the Army (Dec. 14, 1948) at ¶8 (Def Req for Judicial Notice, Exh E).

That this policy was embodied in the treaty is clear not only from the negotiations history but also from the Senate Foreign Relations Committee report recommending approval of the treaty by the Senate. The committee noted, for example: "Obviously insistence upon the payment of reparations in any proportion commensurate with the claims of the injured countries and their nationals would wreck Japan's economy, dissipate any credit that it may possess at present, destroy the initiative of its people, and create misery and chaos in which the seeds of discontent and communism would flourish. In short, [it] would be contrary to the basic purposes and policy of \* \* \* the United States \* \* \*."

Japanese Peace Treaty and Other Treaties Relating to Security in the Pacific, S Rep No 82-2, 82d Cong, 2d Sess 12 (1952) (Def Req for Judicial Notice, Exh F). The committee recognized that the treaty provisions "do not give a direct right of return to individual claimants except in the case of those having property in Japan," id at 13, and endorsed the position of the State Department that "United States nationals, whose claims are not covered by the treaty provisions \* \* \* must look for relief to the Congress of the United States," id at 14.

Indeed, the treaty went into effect against the backdrop of congressional response to the need for compensation for former prisoners of war, in which many, if not all, of the plaintiffs in the present cases participated. See War Claims Act of 1948, 50 USC §§2001-2017p (establishing War Claims Commission and assigning top priority to claims of former prisoners of war).

Were the text of the treaty to leave any doubt that it waived claims such as those advanced by plaintiffs in these cases, the history of the Allied experience in post-war Japan, the drafting history of the treaty and the ratification debate would resolve it in favor of a finding of waiver.

#### D

As one might expect, considering the acknowledged inadequacy of compensation for victims of the Japanese regime provided under the treaty, the issue of additional reparations has arisen repeatedly since the adoption of that agreement some 50 years ago. This is all the more understandable in light of the vigor with which the Japanese economy has rebounded from the abyss.

The court finds it significant, as further support for the conclusion that the treaty bars plaintiffs' claims, that the United States, through State Department officials, has stood firmly by the principle of finality embodied in the treaty. This position was expressed in recent congressional testimony by Ronald J. Bettauer, deputy legal advisor, as follows: "The 1951 Treaty of Peace with Japan settles all war-related claims of the U.S. and its nationals, and precludes the possibility of taking legal action in United States domestic courts to obtain additional compensation for war victims from Japan or its nationals—including Japanese commercial enterprises."

POW Survivors of the Bataan Death March, Hearing before the Senate Com-

mittee on the Judiciary (June 28, 2000) (statement of Ronald J. Bettauer, United States Department of State) (Def Req for Judicial Notice, Exh P).

In another recent example, in response to a letter from Senator Orrin Hatch expressing "disappointment" with the "fifty-five year old injustice imposed on our military forces held as prisoners of war in Japan" and urging the Secretary of State to take action, a State Department representative wrote: "The Treaty of Peace with Japan has, over the past five decades, served to sustain U.S. security interests in Asia and to support peace and stability in the region. We strongly believe that the U.S. must honor its international agreements, including the [treaty]. There is, in our view, no justification for the U.S. to attempt to reopen the question of international commitments and obligations under the 1951 Treaty in order now to seek a more favorable settlement of the issue of Japanese compensation."

"This explanation obviously offers no consolation to the victims of Japanese wartime aggression. Regrettably, however, it was impossible when the Treaty was negotiated—and it remains impossible today, 50 years later—to compensate fully for the suffering visited upon the victims of the war \* \* \*." Letter of Jan 18, 2000, from US Dept of State to The Hon Orrin Hatch at 2.

The conclusion that the 1951 treaty constitutes a waiver of the instant claims, as stated above and argued in the brief of the United States as amicus curiae in this case, carries significant weight. See *Kolovrat v. Oregon*, 366 US 187, 194 (1961) ("While courts interpret treaties for themselves, the meaning given them by the departments of government particularly charged with their negotiation and enforcement is given great weight."); *Sullivan v. Kidd*, 254 US 425, 442 (1921) ("[T]he construction placed upon the treaty before us and consistently adhered to by the Executive Department of the Government, charged with the supervision of our foreign relations, should be given much weight."). The government's position also comports entirely with the court's own analysis of the treaty and its history.

Plaintiffs raise several additional arguments that bear only brief mention. First is the characterization of these claims as not arising out of the "prosecution of the war," as that phrase is used in the treaty. Plaintiffs attempt to cast their claims as involving controversies between private parties.

It is particularly far-fetched to attempt to distinguish between the conduct of Imperial Japan during the Second World War and the major industry that was the engine of its war machine. The lack of any sustainable distinction is apparent from the complaints in these cases. For example, the *King* complaint alleges that a class of war prisoners were forced to work "in support of the Japanese war effort," Compl ¶ 56, and pursuant to a directive from the Japanese government that the "labor and technical skill" of prisoners of war "be fully utilized for the replenishment of production, and contribution rendered toward the prosecution of the Greater East Asiatic War," id at ¶ 30. Furthermore, the complaint asserts that plaintiff worked in a factory "where motor armatures were manufactured for the war effort." Id at ¶ 35. These allegations quite clearly bring this action within the scope of the treaty's waiver of all claims "arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war." Treaty at Art 14(b).

Plaintiffs also argue that waiver of plaintiffs' claims renders the treaty unconstitu-

tional and invalid under international law. This position is contrary to the well-settled principle that the government may lawfully exercise its "sovereign authority to settle the claims of its nationals against foreign countries." *Dames & Moore v. Regan*, 453 US 654, 679-80 (1981); See also *Neri*, 204 F2d at 868-69 (enforcing treaty waiver of reparations claims).

Finally, plaintiffs assert that subsequent settlements between Japan and other treaty signatories on more favorable terms than those set forth in the treaty should "revive" plaintiffs' claims under Article 26, which provides in relevant part: "Should Japan make a \* \* \* war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty." Treaty at Art 26. Without deciding whether the evidence plaintiff cites of other agreements implicates Article 26, the court finds that that provision confers rights *only* upon the "parties to the present treaty," i.e., the government signatories. The question of enforcing Article 26 is thus for the United States, not the plaintiffs, to decide.

#### IV

The Treaty of Peace with Japan, insofar as it barred future claims such as those asserted by plaintiffs in these actions, exchanged full compensation of plaintiffs for a future peace. History has vindicated the wisdom of that bargain. And while full compensation for plaintiffs' hardships, in the purely economic sense, has been denied these former prisoners countless other survivors of the war, the immeasurable bounty of life for themselves and their posterity in a free society and in a more peaceful world services the debt.

The motions to dismiss and/or for judgment on the pleadings are GRANTED. The clerk shall enter judgment in favor of defendants in the above-captioned cases.

IT IS SO ORDERED.

Vaughn R. Walker,  
United States District Judge.

Mr. HOLLINGS. Quoting, again, from the letter:

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on September 21, 2000, dealing with claims, many of a heart-rending nature. His reasoning and his citations are incisive and persuasive to me. He writes, "The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, there cases carry potential to unsettle half a century of diplomacy." Just as Judge Walker ruled against claims not compatible with the Treaty, I urge that Congress should take no action that would, in effect, abrogate the Treaty.

The chief negotiator of the Treaty on behalf of President Truman was the clear-eyed and tough-minded John Foster Dulles, who later became Secretary of State for President Eisenhower. He and other giants from the post World War II period saw the folly of what happened after World War I, when a vindictive peace treaty, that called upon the defeated states to pay huge reparations, helped lead to World War II. They chose otherwise: to do everything possible to cause Germany and Japan to become democratic partners and, as the Cold War with the Soviet Union emerged, allies in that struggle.

As Judge Walker notes in his opinion, "the importance of a stable, democratic Japan as

a bulwark to communism in the region increased." He says, "that this policy was embodied in the Treaty is clear not only from the negotiations history, but also from the Senate Foreign Relations Committee report recommending approval of the Treaty by the Senate . . . and history has vindicated the wisdom of that bargain."

This is George P. Shultz, and I quote further:

I served during World War II as a Marine in the Pacific. I took part in combat operations. I had friends—friends close to me—friendships derived from the closeness that comes from taking part in combat together, killed practically beside me. I do not exaggerate at all in saying that the people who suffered the most are the ones who did not make it at all. I have always supported the best of treatment for our veterans, especially those who were involved in combat. If they are not being adequately taken care of, we should always be ready to do more.

If you have fought in combat, you know the horrors of war and the destructive impact it can have on decent people. You also know how fragile your own life is. I recall being the senior Marine on a ship full of Marines on our way back from the Pacific Theater after 3 years overseas. We all knew that we would reassemble into assorted forces for the invasion of the Japanese home islands. As Marines, we knew all about the bloody invasion of Tarawa, the Palau, Okinawa, Iwo Jima, and many other Islands. So we knew what the invasion of the Japanese home islands would be like.

Not long after we left port, an atomic bomb was dropped on Japan. None of us knew what that was, but we sensed it must be important since the event was newsworthy enough to get to our ships at sea. Then we heard of a second one. Before our ship reached the States, the war was over.

I have visited Japan a number of times and I have been exposed to Hiroshima and Nagasaki. Civilians there were caught up in the war. I am sympathetic toward them. I have heard a lot of criticism of President Truman for dropping those bombs, but everyone on that ship was convinced that President Truman saved our lives. Yes, war is terrible, but the treaty brought it to an end.

I can divert and express those same sentiments. I didn't get back until November. He is talking about August when those bombs were dropped in 1945. But there is no question that President Truman was the hero for dropping those bombs. But under the International Criminal Court, somebody could try to file a claim 50 years later that he was a war criminal. A kind of thinking that is going on today is that this is politically correct. I will resume reading the letter from George P. Shultz:

The Bill would fundamentally abrogate a central provision of a 50 year old treaty, reversing a longstanding foreign policy stance. The Treaty signed in San Francisco nearly 50 years ago and involving 49 nations could unravel. A dangerous legal precedent would be set.

Once again, I would say to you, where we have veterans, especially veterans of combat who are not being adequately supported, we must step up to their problems without hesitation. But let us not unravel confidence in the commitment of the United States to a Treaty properly negotiated and solemnly

ratified with the advice and consent of the United States Senate.

I submit this letter to you and other members of the House of Representatives with my deep respect for the wisdom of the congressional process, and for the vision embodied in the past World War II policies that have served our country and the world so well.

Sincerely yours,

GEORGE P. SHULTZ.

The PRESIDING OFFICER. The time of the Senator has expired. The time between now and 3:15 was to have been equally divided between the Senator from South Carolina and the Senator from New Hampshire.

Mr. HOLLINGS. Let me ask—my distinguished colleague from New Hampshire, I am sure, will say a word to extend the time. My understanding in the agreement was that it was 3:15.

I just say that the distinguished Senator's amendment is clear. It says, look, Mr. Secretary of State, Mr. Attorney General of the Justice Department, you shall not defend the U.S. position. Now, come on. If there is a dispute—and there obviously is—with the Senator's amendment with respect to the right of these veterans, then let it be determined with a comprehensive review, with all the documents and everything else in a court of law. This doesn't prevent the veterans from moving forward, but it certainly prevents the United States of America, through its Department of Justice and Department of State, from defending the position of the United States under this particular treaty.

The distinguished Senator from New Hampshire could well say, wait a minute, here is this information that has come to light 50 years later. Whether that has an effect or not is to be determined. No rights have been taken away from my veteran friend here who might stand at my side and say, HOLLINGS, I want you to bring the case. Nothing prevents the case from being brought. But this amendment says no one defends this particular treaty. The Senate, which ratified the treaty, doesn't want to take the position that its ratification cannot even be commented on by this particular amendment because all funds are removed, no motion can be made, no defense can be made. On that basis alone, I will support the Senator from Hawaii in his opposition and commend him again for his courage, and I commend my friend from New Hampshire for raising this particular question because it is a serious one, but it ought to be discussed in a court of law and both sides heard fully, without saying one particular side can't be defended at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I wish to respond briefly to a couple of the points my colleague from South Carolina made. The argu-

ment that our former POWs have already been compensated under the War Claims Act and 1951 peace treaty is ridiculous, to be candid about it. POWs who were enslaved by private Japanese corporations received next to nothing in compensation. Many POWs received nothing—nothing, zip.

A Federal judge who dismissed many of the lawsuits wrote in his opinion—listen to this:

The immeasurable bounty of life for themselves and their posterity in a free society services the debt.

That is what he said. If that is not a ridiculous statement, even if it did come from a judge, I have never heard one. Here it is again:

The immeasurable bounty of life for themselves [POWs] and their posterity in a free society services the debt.

It is true under the War Claims Act POWs could receive minimal compensation—a dollar a day—for their claims against the acts of powers. They could not be compensated for claims against private corporations and nationals who were not agents.

I want to make it clear to my colleagues that a treaty that is signed between the United States and another government that says that a U.S. citizen cannot sue another U.S. citizen—excuse me, another citizen in a foreign country without due process—it is wrong. You can't do that.

You cannot deny due process. John Foster Dulles realized it when they wrote the side agreement and they wrote this memorandum of understanding and then buried it. They classified it. Senator INOUE and others have pointed out what article 14(b) says. I read it, and I agree. If article 14(b) is read alone without knowing any other background, then one could make the case these folks should not have that opportunity to proceed.

This is right out of the memorandum of understanding, and this was partially written by Dulles himself:

Following the conversation of September 3, 1951, between the Secretary of the Dutch Foreign Ministry . . . Dutch Ambassador, and others, we emphasize that the purpose of this statement was not to obligate the Japanese actually to pay out any money to the claimants. He realized fully this was an unlikely possibility. He emphasized, however, the statement he had made to the Secretary the day before that the Dutch Government was faced with a difficult legal problem; namely, without a proper interpretation agreed to by the Japanese, it would appear the Dutch Government was, by the act of signing the Japanese peace treaty, giving up without due process rights held by Dutch subjects.

That is the same issue with the United States, and Dulles realized it. You cannot sign a treaty that says we have no due process against another citizen in another country. You simply cannot do it.

Talk about sticking to the Constitution and defending the Constitution.

That is exactly what I am doing, and that is exactly what John Foster Dulles and others were doing because they realized article 14(b) was wrong. Then in an effort to cover it all up to satisfy the Dutch, he buried it. He classified it and kept it classified for 50 years to keep these people from having the right to go to court. That is what he did. That is what the U.S. Government did. That is wrong, and we need to correct it. We can correct it right here today.

We cannot say we are not defending the Constitution. We are not only defending the Constitution, we are defending the rights of individuals who live under this Constitution to have due process. That is what we are doing, and that is what this debate is about.

I yield the floor, Mr. President.

Mrs. FEINSTEIN. Mr. President, I rise to express my opposition to the Smith Amendment to the Commerce-Justice-State Authorization.

I do not do so because I think that the lawsuits filed against the Japanese corporations by the former Prisoners of War who were used as slave labor during World War II should not go forward—just the opposite—but because I believe that this Amendment takes the wrong approach to this issue.

I strongly support the right of the POWs to file lawsuits against the Japanese corporations. The POWs and veterans are only seeking justice from the private companies that enslaved them, and these claims should be allowed to move forward.

In fact, Senator HATCH and I introduced legislation earlier this year, S. 1272, the POW Assistance Act of 2001, precisely because I believe that it is important for those POWs who were used as slave labor during World War II to have their day in court, and an opportunity to press their claims for remuneration and compensation.

There are serious questions about whether the 1951 Treaty between Japan and the United States has settled these claims, and these questions should be dealt with seriously. But as these lawsuits go forward, I do not think that it is right and proper to enjoin the Department of State and the Department of Justice from offering the court their opinion on the meaning and interpretation of the 1951 Treaty. That opinion—which may ultimately be determined to be incorrect—is a perfectly legitimate part of the proceedings.

I strongly support the right of the POWs to seek justice. This is a matter that belongs before the courts. But I do not think that the Smith Amendment is the right way to go, and I urge my colleague to oppose its passage.

Mr. NELSON of Florida. Mr. President, I want to express my support for amendment No. 1538 of Senators SMITH and HARKIN regarding American POWs held in Japan. I do so with much respect for those who have served and

suffered horrible treatment as a result of their service. I was traveling with President Bush in Florida when the vote occurred, but had I been present, I would have voted “nay” to the motion to table the amendment.

We do have an international treaty with Japan to which we are bound. But, this amendment is not about what the Treaty signed 50 years ago does or does not allow. It is about due process to those Americans who suffered a grievous wrong. The point is that these brave Americans be allowed their day in court to have their case heard. Actions by the Departments of Justice and State to block such actions deprive them of fairness and due process. Congress should not be a party to such depravations.

I support the Smith-Harkin amendment and wish to be on record as opposed to the motion to table it.

Mr. BYRD. Mr. President, during World War II, 36,000 Americans were captured and held prisoner by Japan. The story of the often horrific treatment of these prisoners is punctuated by episodes such as the Bataan Death March, where ten Americans lost their lives for every mile of the gruesome journey, and by the pictures of the emaciated soldiers who spent years in confinement on starvation rations. I cannot think of any way in which we, as a nation, could begin to repay the men who suffered through such abhorrent treatment.

The amendment before us today, offered by Senator SMITH and Senator HARKIN, however, puts in jeopardy constitutional principles that each member of the Armed Forces, and each member of this body, swore to uphold. The amendment would prevent the Department of State and the Department of Justice from defending the U.S. Government in court against lawsuits that challenge whether provisions in the Treaty of San Francisco will continue to be in force as the law of the land.

The treaty, which brought peace between Japan, the United States, and our Allies in World War II, explicitly settled all wartime reparations claims that might arise against Japan. The text of the peace treaty is very clear in this regard. Because, under Article VI of the Constitution, a ratified treaty is the supreme law of the land, it is equally clear that this treaty prohibits the Government of the United States, or its people, from seeking further reparations from the Government of Japan, or its people. This is the position that the Department of State and the Department of Justice have maintained since ratification of the treaty in 1952.

The amendment before us would prohibit those departments from arguing in court against lawsuits that violate the peace treaty. It would prevent the U.S. Government from upholding a supreme law of our land. It would pro-

hibit our government from acting in a responsible manner in support of our international obligations. It would stop the executive branch from taking action on this issue, which affects our foreign policy. I cannot support an amendment that challenges so many of our basic constitutional principles on the importance of treaties and the conduct of foreign policy.

This is not to say that our veterans who were held prisoner by Japan must be denied compensation or restitution for the inhumane treatment they suffered. Those veterans were eligible for compensation distributed by the U.S. Government under the War Claims Act of 1948. The proponents of the amendment before us may believe that compensation was not sufficient, which may be true. There are other ways to compensate our veterans that do not tread upon constitutional principles. One proposal is in the Fiscal Year 2002 Defense Authorization bill, as reported by the Armed Services Committee last Friday.

The bill authorizes the Department of Veterans Affairs to pay \$20,000 to former prisoners, or their surviving spouses, who were forced to perform slave labor while held by Japan. Such a proposal would allow those veterans to receive the compensation they seek, without challenging the legal status of a ratified treaty. There may be other proposals to compensate the veterans in question as well.

We must also consider how other countries would react to an action by Congress that would question our Nation's adherence to a 50-year-old treaty with one of our closest allies. Already this year, the United States has shown an alarming tendency toward unilateralism in regard to a number of international agreements: the Kyoto Protocol, the Anti-Ballistic Missile Treaty, the International Criminal Court, the Biological Weapons Convention, and the U.N. convention on small arms. A move to reverse a major provision of such a longstanding peace treaty would be an disconcerting confirmation, and escalation, of this trend. This is a particularly inopportune time to raise further questions about our Nation's ability to cooperate with other countries.

I urge my colleagues not to view the vote on the Smith-Harkin amendment as an up-or-down vote on our veterans. There are serious constitutional and foreign policy issues at stake, and other means to compensate these veterans have not yet been exhausted. We should take a closer look at alternative means of compensation, and reject this attempt to tie the hands of our government in discharging its constitutional duty to defend a ratified treaty.

The PRESIDING OFFICER (Mr. WYDEN). The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask unanimous consent that the Senator

from Nebraska be given 10 extra minutes to present his statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend, the distinguished senior Senator from Hawaii, who is, as we have heard today, one of the most distinguished veterans of World War II, as is his colleague, the distinguished Senator from South Carolina.

I am a bit of an interloper on this issue, except to say my father spent 3 years in the South Pacific during World War II in the Army Air Corps. So I know some of what my distinguished colleagues are talking.

I am most appreciative of the efforts and the motives of the distinguished Senator from New Hampshire, Mr. SMITH. I know of his father's great sacrifice during World War II, meaning the sacrifice Senator SMITH's family made to this country. I do not tread upon this subject lightly.

I rise to oppose this amendment. The Senator from South Carolina and the Senator from Hawaii have made very significant, substantive points as to why it is the wrong course of action, in the opinion of some, including this Senator from Nebraska.

I will say first, there is surely no way a grateful nation can ever adequately compensate or express our feelings to those brave men and women who gave so much to this country, who were the subjects of the slave labor camps, the forced marches, the unspeakable brutality, except this: We should put some of this in some perspective. What, indeed, was it that these brave men and women fought and endured for? It was freedom. It was the liberty for a nation, an individual, to have the kind of life and dignity for which America has stood for over 200 years. That is what it was about.

How do we compensate, how do we adequately thank these men and women? We cannot, of course, but we should remember this: What they fought for, what they endured, can be, in fact, recognized by knowing and understanding that the greatest legacy any of us can leave in life is a family, the world better than we found it, and accomplishing something much greater than our own self-interests. That is the most important dynamic for me as I have listened to this debate and as I have read the reasons and listened to the reasons that Senator SMITH has put forward to essentially change our treaty obligations.

Make no mistake. This is a very significant step that this body, this Congress, this Nation will take if, in fact, we vote for this amendment. Great nations honor their treaty commitments. Treaty commitments are important, and we can debate the specifics of sections and paragraphs of law and treaties, and as has been articulated rather

directly and plainly this afternoon, there are various interpretations of that. But we should make it very clear that this great Nation will, in fact, live up to its commitments of our treaties, a commitment that we made 50 years ago when that treaty was signed in San Francisco, which was, as expressed here, commemorated last weekend. It is a 50-year treaty.

Was it awkward? Was it done not exactly the right way? Were parts of that treaty misclassified? Why did we classify some of it in the way we did? I suppose we could take days, weeks, and months debating that, but that is part of a smaller issue. The bigger issue really, in fact, is: Are we, in fact, going to unilaterally reinterpret the commitment we gave to 48 other nations that signed this treaty 50 years ago? That is really the issue.

American prisoners of war forced into slave labor by Japan during World War II suffered unspeakable brutality, and their treatment by Japanese overseers violated every standard of human decency. Their sacrifice and heroism now forms one of the most distinguished chapters in American history.

While we must not forget these Americans who suffered so greatly, we also must not forget our country's historic and principled decision in the aftermath of this terrible conflict. Our peace treaty with Japan was not punitive. Although the United States had defeated a brutal enemy, we chose not to claim the spoils of war. Instead, the peace treaty with Japan reflected the great humanity, vision, spirit and generosity of the American people. Referred to at the time as a "Peace of Reconciliation," it looked forward to Japan's economic recovery and not backward to its defeat. Most important, it reflected the new stirrings of a great and magnanimous superpower.

In 1945, most Americans felt the terms of surrender with Japan were too lenient. By 1951, most Americans began to see Japan in a very different light—as a potential friend and ally in East Asia, not as an implacable foe. When John Foster Dulles negotiated our generous peace with Japan, waiving all reparation claims, the American public supported the treaty, and the Senate ratified it with a lopsided majority, 66-10, on March 20, 1952. The United States has stood behind this decision for 50 years. Last Saturday, on September 8, Secretary of State Powell and Japanese Foreign Minister Tanaka commemorated the 50th anniversary of the Treaty of San Francisco at San Francisco's War Memorial Opera House, and formally renewed the strategic partnership between the United States and Japan. This relationship stands as one of this country's most important—a tie of friendship and common interest that will grow stronger and become increasingly important to our strategic interest in East Asia and the world in the coming decades.

Senate amendment No. 1157, which has been offered today, would prevent the State and Justice Departments from stating our San Francisco Treaty obligations in court. This action is not insignificant. It would hamper the President's ability to conduct United States foreign policy, and it would violate the spirit, and likely the letter, of one of the most significant treaties of the 20th century. This would set a dangerous precedent. While many of my distinguished colleagues may no longer agree with the decision made by the United States in 1951, it still stands as a treaty obligation and the official United States position in U.S. court cases. We are a nation that upholds the rule of law and honors its treaty commitments.

How then should we honor and fairly compensate the Americans who suffered grievously as slave or forced labor in World War II without violating our long-held treaty obligation with Japan? Two of our World War II allies, Canada and the United Kingdom, recently provided compensation to their prisoners of war—recognizing that Japan has no obligation to do so under the Treaty of San Francisco. This is a model that we might consider using for the surviving American prisoners of war who suffered as Japanese slaves or forced laborers, without undermining our treaty obligations. Under the War Claims Act of 1948, and its 1952 amendment, the United States Government took all responsibility for compensating World War II prisoners of war. Our prisoners of war received some compensation in the decade following World War II. Senators BINGAMAN and HATCH introduced legislation, S. 1302, early last month to provide \$20,000 to each veteran or civilian internee, or their surviving spouses.

The last Congress, the 106th Congress, enacted Senate Concurrent Resolution 158 calling on the Secretary of State to facilitate discussions between American prisoners of war forced into slave labor during World War II and the Japanese companies that benefitted from their enslavement. The issue of forced and slave labor has been raised with the Japanese government at a variety of levels by our State Department. The recent decision by Germany to compensate slave and forced laborers during World War II may provide a model on this issue.

Japan and the United States commemorated the 50th anniversary of the Treaty of San Francisco over the weekend. The treaty underpins and supports the United States security structure in East Asia, and forms the basis of our friendship with Japan. Treaty commitments and symbolism are important. We should not risk our reputation as a reliable treaty partner by unilaterally reinterpreting an important provision of this treaty that has stood for 50 years. Great nations are consistent. We should act appropriately.

I will oppose this amendment.

Once again, I ask my colleagues to pay careful attention to this amendment, and in the next couple of hours, if you are not aware of what this amendment does, please make yourself aware of it because if we vote for this amendment, it will be about much bigger things than the specific point of this amendment. I do not believe that is in the best interests of our country, the best interests of the world, and, quite honestly, the best interests of the very families and the legacies these brave men and women will leave behind and what they endured for us.

I ask my colleagues to oppose this amendment as we vote this afternoon and once again recognize the Senator from New Hampshire for his motives, for his intent, but in this Senator's opinion it is the wrong approach to accomplish something that is important.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I believe there is no further statement to be made with respect to the Smith amendment and that now the unanimous consent agreement takes place whereby the distinguished Senator from North Dakota will ask to set the Smith amendment aside, to be brought up at 5 p.m. with the time equally divided between 5 p.m. and 5:30 p.m., and the vote to occur at 5:30 p.m. Until then, the agreement is the Senator from North Dakota will be recognized for him to offer an amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1542

Mr. DORGAN. Mr. President, thank you and I thank the Senator from South Carolina.

I actually have two amendments. I will talk about the first, offer the amendment following my discussion of it, and then ask that it be set aside by consent and offer the second amendment.

I will take a moment to begin discussing the first amendment. The first amendment is an amendment to increase the amount of resources we are putting in this appropriations bill to deal with trade compliance and trade enforcement. The area of international trade is a very important area, and we are losing a lot of ground despite what one hears from some in Washington, DC.

I will put up a chart which shows the trade deficits we now have. This chart shows the ballooning trade deficits year after year after year. These are the merchandise trade deficits. They have risen from \$132 billion a year in 1993 to over \$450 billion a year in 2000, and will likely to go even higher in the year 2001.

Our trade deficits are out of control. They are growing larger and larger and larger. Now this trade deficit comes

from the following sources: In the year 2000, we had an \$81 billion trade deficit with Japan; an \$84 billion trade deficit with China; a \$56 billion trade deficit with the European Union; a \$50 billion trade deficit with Canada; and a \$24 billion trade deficit with Mexico. Many of our trading partners, as we all know, have a very poor record of complying with trade agreements.

This red book, which my colleague from South Carolina frequently holds up in debate, is a book called "Foreign Trade Barriers." It is a rather thick book that describes all of the trade barriers American producers and workers confront when trying to send American products abroad.

Let us talk for a moment about China, Japan, Canada, and Mexico. Do you know that the number of people at the Department of Commerce who are monitoring our trade with China has declined from 10 to 7 people between 1994 and the year 2000? We used to have 10 people monitoring our trade with China; last year we had only 7.

What do we have with China? An \$84 billion trade deficit. In 1992, China agreed to eliminate import licenses. Shortly after that agreement was signed, Beijing announced a new series of import registration requirements that covered many of the same products. They have reneged on commitments to make public the rules and regulations affecting foreign trade and investment. But that is just an example of how we negotiate agreements. We just negotiated a new bilateral agreement with China. Nobody seems to ever care whether the other country complies with its half of the bargain.

With respect to China, we used to have 10 people monitoring trade with China. Now we have seven, at a time when our trade deficit with China is \$84 billion.

How about Japan? With Japan, we have an \$81 billion trade deficit. In 1992, we had 17 people monitoring trade with Japan with respect to trade enforcement. In 2000, it was seven. So we went from 17 people down to 7 people monitoring trade agreements with Japan. Is that moving in the right direction, with a country that has an \$81 billion trade surplus with us or we a deficit with them? I do not think so.

With respect to Canada and Mexico, the number of trade monitors has gone from 33 to 13 people. Our ballooning deficit with both Canada and Mexico continues to increase. We used to have 33 people monitoring trade compliance and trade enforcement with Mexico and Canada. Last year, we had only 13.

The Senator from South Carolina has brought a bill that moves in the right direction. It is the right step. It increases these areas. I propose to further increase them to the point where we have a more robust ability to enforce and monitor these trade agreements. My amendment proposes to add

\$10 million for these activities. This is less than the \$30 million that the Senate Budget Resolution called for, but it's a step in the right direction. I will state where I want to get the money, but first let me continue on this trade issue and why it is important.

I spoke last week about international trade and why I get so upset about it from time to time. I mentioned in the area of trade, we have problems with China, Japan, Korea, Europe, Mexico, Canada. I mentioned we have nearly 570,000 motor vehicles coming into this country from Korea every year. Do you know how many vehicles we send to Korea? A little more than seventeen hundred. Think of that.

Today in Canada, they are loading molasses with Brazilian sugar. It is called stuffed molasses. Do you know what it is? It is a scheme. It is a fraud in international trade. Stuffed molasses is a way to artificially take Brazilian sugar and move it from Canada into this country in contravention of our trade agreement. Does anybody care much about it? No, not much.

China, I could go forever on China. Japan, the same thing. I could talk forever about the trade impediments and the barriers to try to get American products into those countries or to stop unfairly subsidized products from those countries coming into our country.

I come from a State where we produce wonderful potatoes up in the Red River Valley. We produce a lot of potatoes. Some are turned into potato flakes which are used in fast food. Try to send potato flakes to South Korea. Do you know what happens when you try to send potato flakes to Korea? They impose a 300-percent tariff on potato flakes. Outrageous. And we have a huge deficit with Korea.

How about with Mexico? We have a very large deficit with Mexico. Incidentally, before NAFTA we had a tiny surplus, and then we passed a trade agreement and turned it into a huge deficit. We try to send high fructose corn syrup to Mexico, and they put the equivalent of a 33- to a 73-percent tariff on it.

The fact is, this country does not stand up for its economic interests. Too many people in this country do not seem to care. This burgeoning trade deficit will make a difference. It will be repaid someday in some way by a lower standard of living in this country. We ought to get it under control now. We ought to do it by insisting on other countries owning up to the trade agreements they have reached with us and by insisting in this country that our own trade negotiators begin to negotiate trade agreements they do not lose in the first week of the discussion.

What am I proposing? I am proposing that we reverse the trend we have regarding a reduction in the number of people enforcing our trade agreements and monitoring compliance of these

agreements. As I mentioned, this number has gone from 10 people monitoring China down to 7 people; from 17 people monitoring Japan down to 7 people; from 33 people monitoring Canada and Mexico to 13 people. I am suggesting we reverse that trend.

How do we reverse it? By adding \$10 million as a first step back to this appropriations bill. How would I get the money to do that? To get the money to enforce our trade laws, I propose we cut funding for something called TV Marti. TV Marti, boy, that will spark some interest among some. Let me describe what TV Marti is.

TV Marti is the basis by which we broadcast television signals into Cuba to tell the Cubans the truth. The Cubans need to know the truth. They can get a lot of Miami radio stations and from Radio Marti. I support Radio Marti. It costs \$14 or \$15 million a year. Having been in Cuba, I understand the Cubans listen to and appreciate the broadcasts. Good for Radio Marti. Count me as a supporter.

But nobody sees TV Marti. Each year we spend lots of money on TV Marti, despite the fact that it is absurd to do so. Here is the television picture seen on TV Marti in Havana. Does it look like snow and only snow? It does, because it is jammed. The signal does not get through. It is a jammed signal.

We spend a substantial amount of money, about \$10 million a year, on TV Marti. TV Marti has 55 employees, broadcasting 4½ hours a day, from 3:30 a.m.—yes, that is right, 3:30 a.m.—until about 8 a.m. We broadcast a jammed signal, 4½ hours a day, starting at 3:30 a.m. We spend \$10 million a year to broadcast a signal no one can see. That is what we do as taxpayers. Is that a good deal? I don't think so. I think we ought to cut that and use the money to enhance our compliance in the area of international trade.

To make the rest of the case, I will describe more about TV Marti. As I said, I fully support Radio Marti. I know it is effective. TV Marti, on the other hand, is a total, colossal waste of the taxpayers' money, providing no picture to anyone, and does so at 3:30 in the morning.

Last year, we spent \$10.8 million beaming TV Marti to Cuba, where the viewership was approximately zero. Since the inception, we have spent about \$150 million of taxpayers' money on TV Marti. We continue to broadcast 4½ hours a day—31½ hours a week—from 3:30 a.m. until 8 a.m. What we broadcast are fuzzy lines, as I indicated before. TV Marti's broadcast to Cuba has been consistently jammed to the public. No one can view the programs.

To lessen the effects of jamming, the TV Marti signal is randomly shifted east and west of Havana during broadcast hours. Those who want to watch a snowy jammed signal that one cannot see have to catch it as a signal that

moves around Havana somewhere between 3:30 in the morning and 8 a.m.

TV Marti is seen by those who would visit the visa department at our Interest Section in Havana where they play videotapes of the program. Thus, it reaches those who have already decided they want to leave Cuba. We have plenty of evidence there are people who want to leave Cuba. I don't know that we have to tell the Cubans the difference between living in the United States and in Cuba. People living in Cuba understand what is happening in Cuba.

Let me talk about the question of whether we want to spend money on something that is not effective. We broadcast TV Marti through an antenna and a transmitter mounted on a tethered balloon 10,000 feet above Cudjoe Key in Florida. This is a picture of Fat Albert. Fat Albert is the aerostat balloon which we send up to 10,000 feet which broadcasts a line of sight signal to Cuba that is jammed at 3:30 in the morning. A Cuban television set can have snow. Fat Albert, of course, is not invincible. Television is easy to jam. TV Marti is easy to jam. TV Marti's signal, according to experts, is able to be jammed by several off-the-shelf antennas and 100-watt transmitters, the power of a light bulb. The antennas cost about \$5,000 each to block the signals.

Why waste money when the message can get through by radio and you can't get the message through by television signal? Transmitting by aerostat balloon is not perfect. They have to be taken up and down. They regularly require maintenance. They are affected by weather conditions.

TV Marti employs 55 people and keeps spending money even if the balloon cannot go up for various reasons. TV Marti did not broadcast from October 1999 to October 2000 because it lost its transmission balloon in a storm. Fat Albert got lost in a storm and they did not broadcast for an entire year. But they continued to operate at TV Marti at \$27,000 a day.

This was not the first time that a Fat Albert-type balloon had problems at Cudjoe Key. In the early 1990s, a Fat Albert balloon broke from its cable and landed in the Everglades 70 miles away where it was recovered by a team with a helicopter. And a balloon like Fat Albert escaped in 1981—before TV Marti started, of course—and local fishermen caught it and tethered it to the bow of the boat. As the sun warmed up the blimp, it started to rise higher and higher and actually lifted the fishing boat out of the water and the poor folks in the fishing boat had to dive off the boat. So much for Fat Albert and so much for tethered balloons.

That is how we broadcast a blocked signal to Cuba. We have an aerostat balloon, Fat Albert, broadcasting a jammed signal to Havana, Cuba, at 3:30

in the morning so people with a television set are unable to see a picture. And this is paid for with U.S. taxpayers' funds.

One might be able to ask the question with a straight face, is this good public policy? Does it serve the taxpayers' interests? With Radio Marti, the answer to that would be yes. Radio Marti works. The signal gets through to Cuba and people listen to it. I think it is an effective piece of public policy.

TV Marti has been supported, notwithstanding the fact it does not work, by this Congress year after year because even waste has a constituency. No more, in my judgment.

Let Congress, where we are wasting money, stop wasting money and invest that money in something that is important for this country. In this case, we have a crying need to better enforce our trade laws and make sure that other countries comply with the trade laws that they have entered into with us. Let's not see a continued degradation of our ability to comply and enforce our trade laws with China and Japan and Europe and Mexico and Canada. Let's enhance that. Let's not degrade it.

Yet, what we have seen in recent times is a substantial diminution of our ability to require others to comply with our trade laws and to enforce those trade laws.

My proposition is simple: Abolish that which is wasteful, TV Marti. And, yes, we will get people coming to the floor who say: Gosh, this would be the wrong signal to send to Fidel Castro. He doesn't get the signal nor do the Cuban people get the signal. This is not about signaling anybody except the American taxpayer that we will quit wasting money.

I am sure people will make the point: We should not give aid and comfort to Fidel Castro. I am not interested in that. I am interested in giving aid and comfort to the American taxpayer. Cuba is a country that, in my judgment, needs a new government; its people deserve a new government. The approach that we use to deal with it ought not be an approach that wastes American taxpayers' money. It ought to be an approach that is effective, investing in the things that can help us give the Cuban people some assistance. Radio Marti does that. TV Marti does not.

I hope that if we decide to abandon a failed policy, we do not get into a debate about this failed policy somehow giving comfort to Fidel Castro. It does not make any sense to me.

In 1991 and 1994, the President's Task Force on U.S. Government International Broadcasting found there was not enough of an audience for TV Marti to continue funding it. That was nearly a decade ago when that judgment was made. A decade later we are still doing it. In 1994, it was concluded it was

pointless and wasteful to continue TV Marti's operations unless the viewing audience could be substantially expanded. The viewing audience in 2001 is about the same as it was in 1994, nearly zero.

It is time, in my judgment, long past the time, to use these funds in a more effective way. We should pursue a public policy that will strengthen the United States and help it with respect to its problems in international trade.

So that is my proposal. As I indicated, I know it will be controversial for some, not perhaps because I want to invest more in making sure we better enforce our trade law and have people monitoring its compliance with respect to other countries. It will be controversial because I propose abolishing the \$10 million of funding for TV Marti.

Again, let me say almost everyone will concede that virtually no one in Cuba sees the signals of TV Marti. As I mentioned before, Radio Marti is effective, but TV Marti is a colossal and tragic waste of taxpayers' money. I hope my amendment will be accepted as one that is thoughtful, useful, and one that will advance this country's interests.

Mr. President, I am going to ask the amendment at the desk be called up at this point.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1542.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funds for the trade enforcement and trade compliance activities of the International Trade Administration and to reduce funds for TV Marti)

On page 44, line 1, strike "\$347,090,000" and insert "\$357,090,000".

On page 44, line 6, strike "\$27,441,000" and insert "\$32,441,000".

On page 44, line 7, strike "\$42,859,000" and insert "\$47,859,000".

On page 88, line 7, strike "and television".

On page 88, line 9, strike "and television".

On page 88, line 10, strike "\$24,872,000" and insert "\$14,872,000".

Mr. DORGAN. Mr. President, the amendment does exactly what I described with respect to the numbers.

That is all I have to say about the amendment. If there are others who wish to speak on it, I will be happy to entertain questions or engage in a discussion with them. If not, I ask consent to offer a second amendment to this legislation. I therefore ask unanimous consent to set aside the pending amendment so I may offer my second amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Reserving the right to object, let me say a word. Will the Senator yield?

Mr. DORGAN. Perhaps the Senator from South Carolina should seek recognition, after which I will seek to be recognized.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senators from Florida, both of them—Senator GRAHAM, I am sure, will be here momentarily. I think he is on the way to the floor. I am double-checking that now.

The junior Senator, Senator BILL NELSON, was with the President in Florida. Maybe that is where Senator GRAHAM is also. But that is why they are not here to be heard. It is very vital to their interests to be heard.

Barring that, let me say defending Fat Albert has always been a role of this particular subcommittee. Time and again, since its institution over 15 years ago, we have had reports—the most recent one, of course, is the one referred to by my distinguished colleague from North Dakota—the Report of the Advisory Panel on Radio Marti and TV Marti.

While it found it might not be economically feasible, I read the finding:

TV Marti's broadcasts are technically sound and contain essential information not otherwise available to the Cuban people. Persistent Cuban jamming does limit viewership on the island, however. These broadcasts could prove vital to the United States interests and to the welfare of the Cuban people now and in the future.

True it is, it comes on in the middle of the night, 3 in the morning, but then it goes on to early morning when it is generally picked up, except for that year's period when Fat Albert was down.

Our distinguished friend Larry King made himself famous. I used to be on his program when it was out on the west coast at 1 in the morning. It was only, what, 10 o'clock or 11 o'clock in California. But he came on at midnight to 3 in the morning and got so famous that we can't get him off the air now. He is on the east coast at 9 o'clock every night. I don't think he should be off the air. I think it is wonderful programming.

So my emphasis is on the timing of it. We are going to have these debates back and forth on this particular amendment. As I understand the unanimous consent agreement, we are going to vote on the Smith amendment after a half hour equally divided, from 5 to 5:30. We are going to vote at 5:30 on the Smith amendment. Then we'll have the other votes with respect to the amendment of the distinguished Senator from Idaho relative to the International Crime Commission. The Fat Albert amendment, which the Senator from North Dakota has up, is subsequent thereto.

Having the floor, I cannot pass the opportunity, because as my friend from West Virginia carries around the Constitution, I carry around the record of waste. I heard the word "waste" but it was in regard to about \$10 million. Let's talk about billions—\$1 billion a day waste.

I hold in my hand the public debt to the penny, put out by the Department of Treasury as of this morning. We are already in the red this fiscal year, which is going to end now in about 3 weeks' time, \$100 billion.

That didn't happen overnight. I guess \$74 billion came from that tax cut—that didn't help the economy—and the rest just followed suit. But that is another debate to be had at a different time.

But let's pay attention to the fact that the public debt is \$100 billion. If anybody wants to get into this yin-yang about the public debt and the Government debt—yes, the public debt has gone down \$59 billion but the Government debt has gone up \$159 billion. So it is paying off your Visa card with your MasterCard. That gets people confused. But there is not any confusion on the actual figure put out by the Treasury Department of \$100 billion.

Under President Bush's budget and under the CBO budget, both of them submitted within the last 3 weeks, they estimate a deficit ending the fiscal year, that is September 30—today is the 10th, 20 days from now, of \$123 billion or \$124 billion.

Consequently, since we ran a deficit last year of \$23.2 billion, and we are going to run a deficit this year—where is the surplus that everyone talks about? I have been on the floor since January saying: Wait a minute, there is not any surplus, there is not any surplus. But everybody was talking surplus to get that tax cut. Now they are all running around saying where has the money gone?

The big waste is the interest cost, when the debt goes up, up and away, from \$5.674 trillion at the end of the last fiscal year, to now, this minute, it is at \$5.774 trillion. The interest costs necessarily go up. As that interest goes up, the waste goes up.

Having talked about waste, let me say a word about the current account deficit, or the deficit in the balance of trade. This is a favorite subject of mine. It used to be just \$17 billion. Monitoring that \$81 billion deficit in the balance of trade with Japan, that \$17 billion is down to \$7 billion; or that \$10 billion, monitoring the \$84 billion deficit in the balance of trade with the People's Republic of China, is down to \$7 billion.

There is a question about this particular International Trade Commission receiving more money. I have found from some 34, almost 35 years' experience, that the International Trade Commission is a gimmick. The

reason I call it a gimmick, advisedly, is through hard experience.

Time and again, corporate America has taken its trade violation case against Japan, against China etc., to the International Trade Administration in the Department of Commerce, and they have found a dumping case, that the goods are being sold at less than cost.

I have a Lexus. Let's say that Lexus costs \$35,000. Go buy that same Lexus in Tokyo, Japan. Its cost is \$45,000.

The Japanese article imported into this country is sold here for much less. Time and time again it is proven that it is being sold at less than cost. Take the Kodak case. What happens? That is what I call a gimmick. Then they go for a fix before the Finance Committee of the Senate to find out, even though there is dumping, if there is injury. That is the question before the International Trade Commission. And they file for injury.

It is very interesting that there is now a steel case the President is disturbed about because over 20 mills have closed down in the last 18 months with a loss of 40,000 steel jobs. Since NAFTA, the State of South Carolina has lost 48,600 textile jobs, which are just as important as the steel jobs to the economy—found so by a special hearing under President Kennedy. But time and again you go before the International Trade Commission, and that is why they don't enforce the laws.

There is no such thing as free trade.

That was a pretty good wag at the end of World War II when we had the whole industry and we were in the cold war and wanted capitalism to defeat communism. We put in the Marshall Plan. We more or less gave up our manufacturing sector in pursuit of the defeat of communism with capitalism. It has worked. Nobody is complaining about that. It has persisted in Europe, even with the fall of the Soviets, and certainly is strong and viable in the Pacific rim.

I was just in the People's Republic of China. They are on the right track. But don't misunderstand my statement. China is communist, and many human rights abuses occur there. But as the seed of capitalism takes over more and more each day, as it finally prevailed in the Soviet Union, the hope of the free world will prevail in the People's Republic of China.

We have really gone awry with respect to international trade that the distinguished Senator talks about.

I say there is no such thing as free trade. Let's go back to the earliest day when this country was built on protectionism. The debate ensued. Colonies had just won their freedom. The United Kingdom said to the fledgling colonies, you trade with us what you produce best and we will trade back with you what we produce best. Early economist David Ricardo put forth his doctrine of

comparative advantage. However, the trade debate really was between Thomas Jefferson, the agriculturalist, and Alexander Hamilton, the industrialist. Hamilton wrote a booklet called "Reports on Manufacturing." There is one copy left in the Library of Congress. But in a line, without reading that booklet, he told the Brits to bug off; we are not going to remain your colony and ship you our agriculture, our foodstuffs, our timber, our iron ore, and bring in the finished products from England.

As a result, the second act that passed this Congress in its entire history—the first act was for the seal—but on July 4, 1789, the second act in its history that passed Congress was an act of protectionism and a 50-percent tariff on 60 articles.

We began the United States by building up its manufacturing capacity. Lincoln kept it going at the very beginning of the War Between the States whereby we were trying to build a transcontinental railroad. They said we were going to get the steel rails from England. President Lincoln said no. He said we would build up our own steel capacity, and when we were through, we would have not only the transcontinental railroad, but we would have a steel industry.

It comes right on down the line with America's agriculture and the darkest days of the Depression when the only hope we had was hope itself. It was Roosevelt who put in the best of the best protections.

We will be passing an agriculture bill. I don't know where we are going to find the money. But you can bet your boots it will be \$5 billion to \$6 billion for America's agriculture. We subsidize—protect, if you please.

My point was made best by Akio Morita of Sony some 20 years ago up in Chicago when we had a conference up there, and he was addressing the emerging Third World nations. He admonished that they had to develop a strong manufacturing sector to become a nation state. He pointed at me and said: Senator, the world power that loses its manufacturing capacity will cease to be a world power.

Where are we? From 41 percent of the workforce in manufacturing down to 12—making what? Nothing.

I was sort of amazed at Alan Greenspan saying in February that we have so much productivity we must have a surplus as far as the eye can see, and so we ought to have a tax cut when the productivity has gone overseas.

We have lost 1 million manufacturing jobs in the last year in the United States of America. That is the problem that we have with respect to trade. There is no question that if we don't begin to compete—as the distinguished Senator from North Dakota wants to do with respect to these trade deficits going up, up, and away—we will finally

learn the lesson that has already been given us.

In 1989, we passed a resolution to have hearings with respect to China on human rights. And the Chinese went down to New Zealand, to Australia, and over to Africa and their friends. They never had a hearing on that resolution. About 5 months ago the United States was kicked off the Human Rights Commission. Sudan and Libya remained on the commission.

The atom bomb, the aircraft carrier, forget it. It is the economy, stupid. It is the industrial power, and your money in international affairs as well as domestic politics.

We don't seem to realize that the name of the game out there is market share. The name of the game in the United States is standard of living. So we continue to add not just a minimum wage, Social Security, Medicare, Medicaid, plant closing notices, clean air and clean water, safe workplace conditions, safe machinery, and on and on. Ergonomics was the last one. I am glad we voted it down. But they think up all kinds of things here for the high standard of living, and then don't want to protect the economy of the United States.

The security of our Nation is like a three-legged stool. You have the values as a nation, the one leg; unquestioned. Everyone knows that America stands for indivisible rights and freedom. The second leg is the military; unquestioned. But the third leg is industrial capacity. Industrial capacity has been fractured.

I am glad the distinguished Senator from North Dakota brought this subject up when we have just a few minutes.

What we should be doing is paying the bill. What we should be doing is getting competitive and enforcing the laws on the books.

Does the Senator from North Dakota want to set aside his amendment and go to another amendment?

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from North Dakota.

Mr. DORGAN. Mr. President, there is nothing quite like the sight of the Senator from South Carolina in full voice in support of things he cares about passionately. Among them are trade and related issues. He is kind of like a jockey on a horse who are is running when he is moving on these issues. Then I watched him turn to the support of Fat Albert. He had the body language of someone headed toward a dental chair. There is no one, in my judgment, less capable of defending Fat Albert, based on his good record of public service, than the Senator from South Carolina.

I would only like to refer to the 1994 CRS report to Congress about TV Marti. It said TV Marti is worthless. It does not reach the population. It is easily jammed. It broadcasts at 3:30 in the morning. Nobody sees it.

I am not interested in being soft on Castro, nor am I interested in being hard on the American taxpayer. So my point is very simple: Let's get rid of wasteful spending. I understand why some have to defend Fat Albert, but Fat Albert is indefensible. So let's get rid of that \$10 million and move on and invest in something that really does strengthen this country and our manufacturing center. Let's demand and insist that other countries with whom we have trade relationships own up to those trade relationships and begin to exhibit fair trade practices with this country.

Again, let me say to my friend, the Senator from South Carolina, I have always enjoyed the Senator from South Carolina when he gets a full head of steam on the issue of international trade. He is interesting to listen to and knows his stuff. I hope he agrees with me that we should increase the number of people engaged in monitoring the compliance and requiring the enforcement of our trade laws with respect to other countries. Compliance and enforcement has decreased rather than increased, and as a result, our trade deficit has dramatically ballooned.

#### AMENDMENT NO. 1543

Having said all that, let me now turn to my next amendment. I will be mercifully brief. I will offer this amendment because I think it is important to have this discussion and to pass a piece of legislation such as it.

This amendment deals with the Small Business Administration. Many of you will remember the disaster in the State of North Dakota when the city of Grand Forks—the Red River Valley, in fact—experienced a very large flood in 1997. The city of Grand Forks, a city of nearly 50,000 people, had to be nearly completely evacuated. It is almost an unprecedented event in this country, in the last 150 years, to have a city of that size be nearly completely evacuated as a result of a flood.

In the middle of that flood, a fire broke out in the downtown business section. So we had a raging flood of the Red River, that had required the evacuation of a city. Then, we had a roaring fire in the middle of that downtown that had been evacuated. You might remember on television the images of firefighters trying to fight a fire in the middle of a flood. It was really quite a remarkable sight.

That disaster, as other disasters in this country, prompted the Small Business Administration, and other agencies, including FEMA and HUD, to come in with some assistance. We do that in times of disaster. Our Government programs are meant to say to people who are down and out, flat on their back, hit with a natural disaster: We are here to help you. Here is a helping hand. We want to help you during troubled times. So we did that.

One of the things we did was provide Small Business Administration low-in-

terest loans, 4-percent loans. There were some grants and other things as well, but the centerpiece was an SBA loan to a homeowner or a business that had been dramatically flooded and was in very difficult trouble.

What I did not know at the time, and what I think many of you perhaps do not know in this Chamber, is that those loans by the SBA, including the disaster loans I am now discussing, were later packaged together and then sold to the highest bidder. Companies that are engaged to bring money together to invest in Government loans decide: We are going to now buy a package of loans from the SBA. Then they bid 50 cents on the dollar or 60 cents on the dollar, and they buy the loans from the Small Business Administration.

I never thought much about that. I suspect most people have not thought about that. The problem is when the SBA sells disaster loans, you have the potential for a second disaster for a family or business. Here is why.

The SBA, when it serviced those disaster loans itself, was always reasonably flexible in dealing with people. Oh, we want people to pay those loans back. That is for sure. But if someone got stuck in a tough situation, the SBA would work with them. For example, if a business had to sell one asset and replace it with another asset that was more efficient and if the old asset had an SBA disaster lien on it, the SBA would say: Yes, we will work with you on that; we will transfer the lien. And the business was able to deal with that.

Now these disaster loans are sold to financial companies, and the financial companies say: We are sorry, we don't intend to transfer any liens. We are sorry, there is no flexibility here. We are not going to do what the SBA did for you.

I will give you an example—there are many—but I will offer an example of a woman in Grand Forks, ND. This is one of many letters I have received:

I'm another flood victim trying to find a way to transfer the current loan I have from the SBA to another property. My SBA loan was sold to [blank—I will not name the company—] and I've been told by them they don't transfer loans, period. So I am out of luck. Personal circumstances made it necessary for me to sell my property. And I need this low interest rate in order to afford another property to get back on my feet.

She had the disaster. The disaster still hurts, but something happened in her circumstance where she had to sell that property and replace it with another property because of family circumstances. In the past, the SBA always would have said: Yes, we will work with you to transfer the lien, as long as we still have a lien on the property. The new investors—now that the loans have been sold—say: We're sorry, we won't change the interest rate on you. We won't change the terms of the loan. But there is no flexibility. Any

changes at all might cost you a huge fee. And in some cases they say: There's no fee because there are no changes. We have no flexibility.

So I have talked to the head of the SBA. I had a visit with him, in fact, on Friday of this past week. He understands there can be some problems in these areas. He told me he is going to try to put an advisory panel together to see if they can work on individual cases. But I really believe we ought not be selling disaster loans. I do not object to selling other loans, if they want loan processing to be done by someone else in ordinary circumstances, but I do not believe disaster loans represent ordinary circumstances. I believe disaster loans ought to be serviced by the SBA. That way, the SBA controls and maintains the policies with respect to how these loans are treated.

My preference is that the SBA go ahead and sell whatever loans they want, except disaster loans. The SBA, I believe, has a responsibility and an obligation to service those disaster loans.

CBO tells me there is no scoring on this amendment.

So I am offering the amendment. I do not know whether a copy of my amendment is at the desk. If not, I will send it to the desk at this point.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1543.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the sale of disaster loans authorized under section 7(b) of the Small Business Act)

At the appropriate place, insert the following:

#### SEC. . PROHIBITION ON SALE OF DISASTER LOANS.

Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

Mr. DORGAN. Mr. President, I will not continue further. I have been appreciative of the efforts by the Senators from South Carolina and New Hampshire to allow me to offer these amendments. I know they will set them aside to proceed with other things on the bill.

I will continue to work with those in the authorizing committee on a couple of these issues. But it is my hope we will be able to consider both pieces of legislation favorably. I know one of them is—or can be—controversial; it should not be. As I said, even waste has a constituency, I guess, in Congress and perhaps in some parts of the country. But I think, to the extent we can—

especially as we suffer an economic downturn in this country—when we see waste, we really ought to eliminate it. On behalf of the American taxpayer, we ought to take action. So my hope is that the Senate will find its way to be supportive of both amendments I have offered.

Mr. President, I understand there will be a request to set these aside. I will be happy to work with the chairman and the ranking member to see if we can find a way to clear one or both of these amendments as we proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to hear momentarily from the Small Business Administration with respect to the handling of these disaster loans. The position of the distinguished Senator from North Dakota is very appealing. It sounds logical to me.

On the other hand, think of it for a second, and you understand that SBA is selling these particular loans and taking the funds and leveraging even more SBA loans. Because of some of the wrongs that may have occurred with the private sector purchasing the loans, as well as other administrative problems, I want to hear from the Small Business Administration.

I am not trying to put it off, but I will learn quite shortly. I know there will be opposition to Fat Albert. There are a lot of people on a diet, but not Fat Albert.

Mr. DORGAN. Mr. President, if the Senator from South Carolina will yield, my hope is that as he continues to consider this issue, he will be the last to come to the aid of Fat Albert, having heard my discussion about Government waste and knowing his position on Government waste. My hope is he will be the last in line to be supportive of the aerostat balloon called Fat Albert, a balloon that broadcasts a signal no one can see at 3:30 in the morning.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, as I understand the pending business, and I ask the Chair to confirm, at 5 o'clock we come back to the Smith-Harkin amendment relative to compensation for the POWs, Japanese prisoners of war, with the time equally divided between Senator SMITH and Senator INOUE, 15 minutes per side.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. I suggest the absence of a quorum, with the time to be

equally allocated to both Senator SMITH and Senator INOUE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, it is my understanding we have the vote on the Smith amendment at 5:30. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. I say to my colleagues who are also here to speak, I will be very brief in deference to those on both sides who wish to speak.

I want to say what the Smith amendment does. It says:

None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

All this says is that no funds in this act will be used to block that lawsuit.

That is it. We are not making any editorial comment on the merits or demerits of the lawsuit or who should win it. I have personal feelings about who should win it. I believe the American POWs should win the lawsuits. That is up to the courts. All we want to do is let that process proceed.

I also want to make it very clear that this amendment does not abrogate the 1951 peace treaty with Japan. I repeat, It does not abrogate the 1951 peace treaty with Japan. It merely limits the State and Justice departments from interfering in the veterans' lawsuits.

Why does it not do it? Because article 26 makes it very clear that if the Japanese should enter into any agreement that is more advantageous, then the same terms apply to all the signatories to the treaty. That is what it says. Should Japan make a war claims settlement with any state granting that state greater advantage than those provided by the present treaty, those same advantages shall be extended to the parties to the present treaty.

Did that happen? The answer is, yes, it did—right here in an agreement that was written between the Japanese Government and the Dutch. The point is it did happen.

We are not violating the treaty. Article 26 is part of the treaty. We are simply complying with the treaty.

The bottom line is we are not only not abrogating it, but we are com-

plying with the treaty. This is about whether or not we are going to side with Japanese companies or American war heroes. That is the bottom line. That is the issue. As Senator HOLLINGS said a while back, this is about the Constitution and about the treaty; it is not. We are complying with the treaty with this amendment.

This is about siding with Japanese companies in this lawsuit or with American war heroes.

That is the issue. We are not even doing that. We are just allowing the process to move forward because American war heroes can have their day in court. That is all we are doing. The treaty allows for that very clearly.

As I indicated in my previous remarks today, John Foster Dulles, when he did the background and memorandum of understanding and wrote some of this language, understood it, too. Then this was classified for 50 years.

We didn't know about it. The lawyers who are trying to present these lawsuits on behalf of American war heroes—the greatest generation—didn't have access to this information until it was declassified a year ago. That is what this is about, pure and simple. There is nothing complicated.

You are either for allowing American war heroes who were in the Bataan Death March and who were forced into slave labor camps to have their day in court—you don't even have to be for them winning, as I happen to be, and as I know many others are. You just have to be for allowing them their day in court as is prescribed under that 1951 treaty, period. That is what it is about. You are either for that or you are for the Japanese companies that basically forced them into slave labor.

That is the difference. That is what we are talking about in this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I believe all of us will agree that the atrocities committed and the inhumane treatment of our war prisoners cannot be condoned and cannot in any way be justified. We condemn those atrocities. It is not a question of Japanese corporations versus American heroes. What is involved is the Constitution of the United States. Article II makes it very clear that treaties are to be negotiated by the President or the executive branch of this country—not by any State, nor by any individual, nor by the Senate. It will be by the executive branch. There is no question about that.

The document that my dear friend from New Hampshire has referred to which was arranged by our then-Secretary of State, John Foster Dulles, should be praised and not condemned. I would like to explain.

I believe the references to this arrangement is a bit misleading. I say so most respectfully. This arrangement which was engineered by Secretary Dulles was simply a side agreement designed to address a domestic issue for the Dutch and thereby enabling the Dutch to sign on as a signatory to the treaty of peace in San Francisco.

It does not in any way change the terms of the treaty. My colleagues from New Hampshire and Iowa have read the documents. But somehow we have slid over certain words. If I may, very carefully I will quote from their document.

However, the Japanese Government points out that under the treaty allied nationals will not be able to obtain satisfaction regarding such claims. Although, as the Netherlands government suggests, there are certain types of private claims by allied nationals which the Japanese Government might wish voluntarily to deal with.

We have somehow skimmed over that word "voluntarily."

At this moment, Mr. President, if you wanted to sue me and I said to you, I voluntarily open myself up to you, we need not go to court, no one is going to fuss over that. If at this moment a prisoner of war of the United States should decide that he wants to sue the Japanese Government or a Japanese national notwithstanding the treaty, and if that Japanese national or the Japanese Government should say, yes, they voluntarily expose themselves, we don't have to break the treaty. But if the Japanese Government or the Japanese national should resist and challenge that claim, then I say the executive branch of the Government of the United States should have every right to intervene in such a suit because it does impact upon the treaty of San Francisco.

I think we should read this again:

There are certain types of private claims by allied nationals which the Japanese Government might wish voluntarily to deal with.

This amendment is not necessary. If you want to sue the Japanese Government or its national at this moment, and the Government and the national said to you, yes, they will voluntarily enter into an agreement with you to compensate you for whatever claims you may have, no one is going to complain. But this amendment will without question impact upon the treaty. It will abrogate the treaty. Then other countries will begin to doubt our good word. Is our word good? Are the promises made by the United States good? We are constantly criticizing other nations for violating, if I may say, provisions of treaties.

This is very simply an attempt on the part of the United States to violate a provision of a treaty. I hope that my colleagues will not lead us down this very dangerous path. If we violate, how can we be critical of other nations violating provisions of their treaties? So I

hope this matter will be settled. And accordingly, if I may, Mr. President, I move to table the Smith amendment.

The PRESIDING OFFICER. The motion is premature while time remains.

Mr. INOUE. I assumed the Senator had finished.

Mr. SMITH of New Hampshire. Senator HARKIN wishes to speak.

Mr. INOUE. I am sorry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How many minutes do we have?

The PRESIDING OFFICER. Six minutes.

Mr. HARKIN. Mr. President, first of all, we are not abrogating any treaties with this amendment. How could we abrogate a treaty with an amendment that simply says: No moneys can be expended by the State Department Attorney General to go into court opposing our POW cases against private Japanese companies? That is all we are saying. Again, we have done this time and time and time again in the history of this country. This is not something new.

We have the power to do that. We have the power of the purse strings. We are not abrogating the treaty. We are just saying that the U.S. Government cannot go into court using taxpayer money to oppose the POWs who are filing these lawsuits.

If the court upholds the treaty and says that they cannot get anything, that they have already been compensated, well, that's the end of it. I guess they can appeal it to the Supreme Court of the United States, but if the courts find, as my friend from Hawaii says, that this treaty holds and would be abrogated, and we can't do that, then that is the end of the case, but at least the POWs will have had their day in court.

That is all we are asking with this amendment. We are not abrogating any treaties; we are simply trying to uphold the rule of law and our own private citizens' rights.

Let's keep in mind whom we are talking about: 30,000 men who served their country in unbearable conditions in Japanese prisoner-of-war camps. Now we are talking about at least 700 of them—some from my own State of Iowa—seeking some long-delayed justice. They have gone to court to demand compensation from the Japanese companies that used them as slave laborers.

And who were these companies? Mitsubishi, Mitsui, Nippon Steel. These are not tiny, little companies that are going to go broke because they might have to pay these people some back wages and compensation for what they endured during those war years.

I think it is unconscionable that our own State Department has intervened in the courts to keep them from pressing their case. That is not right. It is not fair.

So, No. 1, this amendment does not, in any way, undermine the treaty. Let the court decide that. All we are saying is, the State Department cannot use our taxpayers' money—the very taxes paid by these former POWs—to go into court to keep them from seeking redress.

No. 2, this does not violate a separation of powers. We have, time and time again, used the power of the purse strings to say that the Attorney General cannot intervene in certain court cases. That is nothing new. We have done that before.

No. 3, they have said the POWs have already been compensated by the United States. Well, I talked to three POWs from Iowa who were slave laborers in Japan during the war, and not one of them got paid. So I do not know whom they are talking about, but they did not get a dime.

No. 4, it has been said this opens up the United States to lawsuits from other countries. Again, the United States was known to treat our POWs more decently. Many of the German POWs who worked here in the cotton fields were indeed paid for their work when they worked in the United States as POWs.

Again, we can get wrapped up in all these details, but let's keep in mind what we are talking about. We are talking about men who survived on a cup of rice a day. The one person I knew in Iowa, who is still alive, went from 160 pounds down to 68 pounds in 3 years working in a Japanese auto parts factory and then in the lead mines in Japanese occupied territory.

Again, these survivors and their families should at least give them their day in court. That is all we are asking. Mitsubishi, they have a lot of money. Nippon Steel, they can hire the best lawyers if they want to argue this case.

Mr. President, I ask unanimous consent to have printed in the RECORD the number of former POWs in various States who would be affected by this class action suit: 1,454 in California, 200 in Arizona, 200 in Colorado, 150 in Georgia, 150 in Illinois—I am not going to read the whole list, but I ask to have that list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE BY STATE LISTING OF SURVIVORS AND THEIR FAMILIES WHO WOULD BENEFIT OR WOULD BE AFFECTED BY THE CLASS ACTION SUIT

Arizona: 200.  
California: 1,454  
Colorado: 200.  
Georgia: 150.  
Illinois: 150.  
Louisiana: 140.  
Maryland: 1,154.  
New York: 240.  
Virginia: 189.  
Oregon: 250.  
Texas: 972.  
Washington: 350.

Wisconsin: 106.

Ohio: 100.

North Carolina: 100.

Pennsylvania: 100.

Massachusetts: 100.

Mr. HARKIN. Mr. President, again, let's keep in mind that all the Smith-Harkin amendment says is: Do not use taxpayers' money to have the State Department come into court to fight our former POWs who are seeking compensation from Japanese companies that never paid them. That is all we are asking. If the judge and the Supreme Court of the United States find that they cannot abrogate that treaty, that is the end of it, but at least give them their day in court.

Let's not turn our backs on them. They suffered long enough. It is time they get their just compensation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, just a unanimous consent request.

I ask unanimous consent that Senator WAYNE ALLARD be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The sponsors' time has expired.

Who yields time?

The Senator from Hawaii.

Mr. INOUE. Mr. President, as I indicated earlier this afternoon, it was certain that this debate would become a highly emotional one. A few of us were involved in that ancient war, and we know what the Bataan Death March was all about. We do not condone that; we condemn it. We are not here to justify or provide a rationale for the actions taken by the Japanese troops; far from it. But we are here to maintain the integrity of our country and our treaties.

Yes, we have provided provisions in the appropriations bill stopping our Departments from suing on certain issues, but never on a treaty. This one will break a treaty.

So, Mr. President, I hope my colleagues will go along in support of my motion to table.

Mr. SMITH of New Hampshire. Mr. President, before the motion is made, I have one more unanimous consent request.

I ask unanimous consent that Senator BEN CAMPBELL also be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. INOUE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The opposition has 2 minutes remaining.

Mr. INOUE. I yield back the remainder of our time and move to table the Smith amendment.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Missouri (Mrs. CARNAHAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Florida (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 58, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—34

Akaka	Fitzgerald	Mikulski
Biden	Gregg	Murkowski
Bond	Hagel	Nelson (NE)
Byrd	Helms	Nickles
Carper	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Rockefeller
Corzine	Kohl	Sarbanes
Daschle	Levin	Stevens
Dodd	Lott	Thompson
Enzi	Lugar	
Feinstein	McConnell	

NAYS—58

Allard	DeWine	Lincoln
Allen	Domenici	Miller
Baucus	Dorgan	Murray
Bayh	Durbin	Roberts
Bennett	Ensign	Santorum
Bingaman	Feingold	Schumer
Boxer	Frist	Sessions
Breaux	Graham	Shelby
Brownback	Gramm	Smith (NH)
Bunning	Grassley	Smith (OR)
Burns	Harkin	Snowe
Campbell	Hatch	Specter
Cantwell	Hutchinson	Thomas
Clinton	Hutchison	Thurmond
Cochran	Inhofe	Voinovich
Collins	Johnson	Warner
Conrad	Kennedy	Wellstone
Craig	Landrieu	Wyden
Crapo	Leahy	
Dayton	Lieberman	

NOT VOTING—8

Carnahan	Kyl	Stabenow
Edwards	McCain	Torricelli
Kerry	Nelson (FL)	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1538) was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I rise very briefly to give my colleagues some bad news and some good news. The bad news is the house of my colleague, Senator JEAN CARNAHAN, was struck by lightning Saturday evening. It suffered serious

damage from a fire and also from water.

I spoke with Senator CARNAHAN. She is in Rolla, MO. There are about 30 good friends helping her retrieve her belongings and to work with insurance companies. It is a real mess and she is therefore unable to attend this vote.

The record should show because of this grave, unfortunate circumstance, she did not vote. The good news is she sounded to be in good spirits, no one was hurt, and she expects to return to this body as soon as she can complete arrangements in Rolla. I thank the Chairman, and I thank my colleagues.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we made some good progress this afternoon. Aside from this particular vote, we have three amendments pending, two by the distinguished Senator from North Dakota, Mr. DORGAN, on both the aerostat of TV Marti and the Small Business Administration amendment.

We have the amendment by the Senator from Idaho, Mr. CRAIG, relative to the International Criminal Court. There being no further debate, as I understand it, I am waiting to check with the leadership on both sides of the aisle on how they intend to continue, but we will meet early in the morning and I am asking all Senators, please, if they have any amendments, get ready and let us bring them up and let us see if we can move along like we did today.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1536

Mr. DODD. Mr. President, I want to be heard on the Craig amendment, unless there is some reason why I cannot. Is that in order?

The PRESIDING OFFICER. The Senator from Connecticut is recognized on the Craig amendment.

Mr. DODD. I thank the President, and I thank my colleagues.

Mr. President, I rise to speak in opposition to the amendment offered by my good friend from Idaho. I do so because it goes back a long time. As a matter of revealing past history, I take great pride in the fact that the person at whose desk I now stand and in whose chair I now sit from time to time was the executive trial counsel at the Nuremberg trials. I was about a year old, a year and 2 months old, when my father went off to Nuremberg as a young lawyer and became an executive trial counsel at the end of those historic trials at the end of World War II.

I remember vividly growing up with my father and others of his generation arguing most strongly that had there been in the 1920's or 1930's criminal courts of international justice the tragedies of World War II might have been avoided.

He never said it would have been absolutely because obviously that would

be an impossibility to predict, but there was no place, there was no forum in which the civilized world could gather, in a sense, to denounce or to indict a madman such as Adolf Hitler.

As a result of the world's silence, in many ways, through the 1930's, the events and the tragedies in the latter part of that decade, of course, the events of the first part of the 1940's occurred. So after World War II, there were many highly responsible individuals in this country and elsewhere who argued most strongly for the establishment of such a court. In fact, it was the United States that led the way to establish a United Nations system. It was the Eisenhower administration.

In fact, some of the strongest conservatives of that era argued very strongly that it was in the interest of the United States, in our own self-interest, as the leader of free peoples around the globe to have some place where we could indict those who would commit the horrors and tragedies of human rights violations.

So it is somewhat ironic—in a way sadly so—that we find ourselves at the outset of the 21st century with the United States apparently leading the charge to see to it that no such organization should ever come into existence.

Let me quickly say to my colleagues, I do not at all support the present configuration or proposal on an international criminal court. It is tremendously flawed as a proposal. It is very much in our interest, as a nation, to be at the table to help fashion this court.

Ultimately we may vote against it. We may try to see to it that it does not become established. However, there is a great risk that it will become established. In the absence of our participation, it could end up being a lot worse—for us, for men and women in uniform in this country, for the interests of the United States in an ever-shrinking global community.

I am deeply concerned, as I am now told the administration is as well, with this amendment as presently proposed. As I understand it, the Craig amendment bars the United States from using funds in support of the International Criminal Court or to continue to participate in meetings of the Preparatory Commission which is working to finalize matters relating to the Court.

I think this is a dangerous amendment in many ways. I have proposed language which we have not yet considered in the Foreign Relations Committee dealing with one of the major concerns being raised about the establishment of a criminal court; that is, the vulnerabilities of our men and women in uniform.

The legislation that I have drafted is gathering wide-range support. The administration itself finds an awful lot included in the bill that they would like to support. We are working with

them to fashion something to meet their support.

The adoption of this amendment, however, is a major setback, in my view, in this effort. As currently drafted, the Craig amendment forecloses one of the options the Bush administration is currently reviewing with respect to how to remain actively engaged internationally in support of the rule of law.

It is my understanding that the Bush administration strongly opposes, in fact, what our good friend and colleague from Idaho is suggesting with this amendment. Under existing law, the administration is currently prohibited from expending funds in support of the Court. That is the law today. That was adopted in 1999. The law has left the door open for the Bush administration to determine whether or not it wishes to participate in the work of the Preparatory Commission. It makes all the sense in the world to be so involved. The structure of the Preparatory Commission is such that it is charged with finalizing the details of the implementing language of the Court in resolving outstanding definitions, ambiguities, and difficulties with the Rome statute.

The Craig amendment closes the door with respect to the possibility of U.S. participation in the Preparatory Commission. This, in my view, is very shortsighted since there are a number of issues which we would want to and should work to resolve or clarify, even if we never decide to become a party to the treaty.

Clearly, I am hopeful President Bush will choose to stay part of the Preparatory Commission process, but the decision as to whether or not to do so is up to him, not up to the Congress. Frankly, to prohibit the President from participating in the Preparatory Commission is probably a violation of the President's constitutional treaty power to conduct negotiations with other states on behalf of our own Nation. Moreover, I think this amendment sends a terrible signal just as the international community gathers in New York to listen to President Bush address the United Nations for the first time since coming to office. What message will they derive from yet another U.S. unilateral rejection of internationalism? Perhaps they will take it as a signal that we in the United States no longer intend to be leaders in the international advocacy of the rule of law and human rights.

How ironic, how truly ironic that is. How quickly we seem to have forgotten the Holocaust and the international community's decision to convene the Nuremberg trial of the leading Nazi war criminals following World War II, or that this war crimes tribunal was largely an American initiative. Justice Robert Jackson's team drove the process of the drafting of the indictments,

the gathering of the evidence, and the conducting of that extraordinary trial. The trial was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions.

The surrender of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia is a strong reminder that war crimes are not a thing of the distant past. At Nuremberg Justice Jackson said: It is common to think of our own time as standing at the apex of civilization. The reality is that in the long perspective of history, the present century will not hold an admirable position, unless its second half is to redeem its first.

My father, Thomas Dodd, served as executive trial counsel at the trials at Nuremberg, among his proudest accomplishments as a human being. But it was also part of the common theme that rang through a lifetime of public service. He believed that America had a special role to make the rule of law relevant in every corner of the globe. I believe my father was correct, that Justice Jackson was correct, and those who came after that generation, the reason they fought so hard at the trials and subsequently was that they believed that had there been a forum, a place for the rule of law where natural law could reside, we might very well have avoided the Holocaust and other such events that gripped the midpart of the 20th century.

I believe my father would have endorsed President Clinton's decision to sign the Rome statute last December on behalf of the United States. President Clinton did so, knowing full well much of the work remained to be done before the United States would ever become a party to the U.N. convention establishing an international criminal court.

The Bush administration is currently reviewing its options with respect to the Rome statute and with respect to the ongoing preparatory work that will make the Court operational only once 60 parties have ratified it. If the Craig amendment is adopted, it will foreclose the Bush administration from opting to stay engaged as a participant in the work of the Preparatory Commission in order to protect U.S. interests and interact with friends and allies on these matters.

Let there be no doubt; at some date in the future an international criminal court will come into existence; 36 states have already ratified the treaty, including all members of the European Community. For the United States to be totally on the sidelines as the last details of procedures are hashed out is clearly contrary to our national self-interests. There may also be times when, on a case-by-case basis, the United States may want to assist in the prosecution of foreign war criminals, particularly those cases where

the crimes are against American citizens.

We just debated, ironically, a proposal dealing with the war crimes of World War II. I think but for the treaty of San Francisco, it would have been adopted 100 to 0. As related in the persuasive arguments of DAN INOUE and others, we believe treaties are important and should not be violated. How ironic that we find ourselves in this particular matter, depriving ourselves of the opportunity to be able to fight hard where war crimes are committed, and, in fact, U.S. citizens may be the victims because we will not allow the option to be involved in the Preparatory Commission of such a court.

Elie Wiesel has warned that legislation of this kind would erase America's Nuremberg legacy by ensuring that the United States will never again join the community of nations to hold accountable those who commit war crimes and genocide. A vote to shut the door forever on the International Criminal Court and bar the United States from being engaged, ironically, may be read by some as a signal that the United States accepts immunity from the world's worst atrocities. What a terrible possibility.

It is a sad day, as we embark on the 21st century, that the U.S. Senate, the great bastion of debate on international matters of such importance and weight, might vote to deprive us of even being involved in the Preparatory Commission considering an international court of criminal justice where human rights and genocide matters can be debated, where those who commit those crimes can be brought to the bar of justice.

I urge my colleagues to think more carefully about this vote. I accept there are problems with the Rome treaty as currently written. I would not support it. If the Rome treaty came to this Chamber as written, I would vote against it. But that is not the case. There is work to be done. We ought to be engaged in that work. That is why I introduced legislation before the August recess to protect U.S. interests until we can successfully work out our differences on this issue.

I hope the Foreign Relations Committee will hold hearings on this legislation as soon as possible.

This bill, the American Citizens Protection and War Criminal Prosecution Act of 2001—the American Citizens Protection Act, would both protect America's Nuremberg legacy while at the same time safeguarding the rights of American citizens who might be brought before foreign tribunals even if we are not a party to them. This bill calls for active U.S. diplomatic efforts to ensure that the ICC functions properly mandates the assertion of U.S. jurisdiction over American citizens and bars the surrender of U.S. citizens to the ICC once the U.S. has acted.

The Bush administration is currently studying this and other approaches to issues related to the ICC. We should permit that review to continue and give the President the flexibility to decide how best to serve U.S. interests in this important area.

The world is a global village in this new millennium. The U.S. must strike the right balance between protecting our citizens and our men and women in the armed forces who may be traveling or deployed abroad, and preserving United States leadership and advocacy of universal adherence to principles of international justice and the rule of law.

For those reasons, I urge my colleagues to reject the Craig amendment and let existing law stand with respect to limitations on funding in support of the ICC at this time.

This is no time for us to be walking away from a responsibility which we have shouldered proudly for the past half century.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise to speak on the Craig amendment.

THE PRESIDING OFFICER. The Senator is recognized.

Mr. ALLEN. Mr. President, I rise in support of the amendment of our colleague, Senator CRAIG of Idaho, of which I am a cosponsor. I listened very carefully to the eloquent words of the Senator from Connecticut, Mr. DODD, and his arguments in opposition to this amendment. In my view, the proposed International Criminal Court is a threat to the sovereignty of the United States and our individual God-given rights that are protected in the Constitution of the United States and in the constitutions and laws of several states. President Clinton, in my view, made a serious mistake when he signed the Rome treaty in the waning days of his administration. That treaty, which would establish a permanent international criminal court, creates a number of undesirable, unprecedented challenges for the people of the United States. The ICC will have the power to investigate and prosecute a series of international criminal offenses such as crimes against humanity, heretofore enforceable only in national courts or tribunals of limited application which have broad international support, such as the Nuremberg trials, which Senator DODD brought up.

Obviously, everyone here thinks the Nazis should be prosecuted.

We do support, obviously, the tribunal that is trying Milosevic right at this moment. The International Court in The Hague is the proper approach, which does not impinge upon our sovereignty.

Senator DODD, in arguing against this amendment, did mention he would oppose the Rome treaty as written if

we were going to be voting on it at this moment. But if the Senate were to ratify this ill-advised treaty, this International Criminal Court would have the authority to try to punish Americans for alleged offenses abroad or in the United States, and that Court will be entirely unaccountable for its actions.

This International Criminal Court, in fact, would be in a position to punish individual American officials for the foreign policy and military actions of the United States and would not offer even minimum guarantees afforded in the Bill of Rights to any defendants before it.

At the heart of the ICC is an independent prosecutor accountable to no one. The international prosecutor is empowered to enforce justice as that prosecutor sees fit. If the international prosecutor believes that a local trial in our U.S. courts has been inadequate, he or she is authorized to indict an alleged human rights abuser and demand a new international trial. The international prosecutor may think a local pardon or an amnesty or a finding of not guilty was improper. That international prosecutor can ignore that finding.

What this authority symbolizes is the theory that all nations, including constitutional democracies, should surrender their sovereignty to the altar of international control.

Control of our own courts is one of our most cherished internal decisions about justice and order in our civilization. The United States was founded on the basic principle that the people of the States and our country have the right to govern themselves and chart their own course. The elected officials in the United States, as well as our military and citizenry at large, are ultimately responsible to the legal and political institutions established by our Federal and State constitutions, which reflect the values and the sovereignty of the American people.

The Rome treaty would erect an institution in the form of the ICC that would claim authority superior to that of the Federal Government and the States and superior to the American voters themselves. This Court would assert the ultimate authority to determine whether the elected officials of the United States as well as any other American citizen have acted unlawfully on any particular occasion.

In this, the Rome treaty is fundamentally inconsistent with the first tenet of our American Republic, that anyone who exercises power must be responsible for its use to those subject to that power. In our country, the Government derives its just powers from the consent of the people. That is foundational and fundamental.

The values of the ICC's prosecutor and judges are unlikely to be the same values of those of the United States. The Rome treaty has been embraced by

many nations with legal and political traditions dramatically different from those of our own. This includes such states as Cambodia, Iran, Haiti, Nigeria, Sudan, Syria, and Yemen, all of which have been implicated in torture or extrajudicial killings or both.

Even our closest allies, including European states following the civil law system, begin with a very different assumption about the powers of courts and the rights of the accused. Nevertheless, if it is permitted to be established, the ICC will claim the power to try individual Americans, including U.S. service personnel and officials acting fully in accordance with U.S. law and our interests. The Court itself would be the final arbiter of its own power, and there would be no appeal from its decisions.

In 1791, Thomas Jefferson, our country's first Secretary of State, said:

No court can have jurisdiction over a sovereign nation.

Last year this Congress prohibited the use of taxpayers' money to support the International Criminal Court. I say, let's put another lock on that door by adopting this amendment, the Craig amendment, and let's put a lock on the door to the Preparatory Commission as well.

In closing, I quote again from Mr. Jefferson. Thomas Jefferson said:

It is the right of every nation to prohibit acts of sovereignty from being exercised by any other within its limits.

I urge my colleagues to join me in exercising this right and supporting this amendment to protect the sovereignty of the American people.

I yield the floor.

Mr. LEAHY. Mr. President, I rise today to voice my strong opposition to the Craig amendment to the International Criminal Court (ICC). While I have great respect for the Senator from Idaho, I believe it is unnecessary, damaging to the cause of international justice, and would further erode our standing with our European allies.

Even the Bush administration, which has no intention of sending the Rome treaty to the Senate for its advice and consent, opposes the Craig amendment.

Since the Rome treaty was approved over two years ago, it has been signed by more than 120 nations including all of the European Union members, all of our NATO allies except Turkey, as well as Israel, and Russia.

Joining our friends and allies, President Clinton signed the Rome treaty late last year, a decision which I wholeheartedly supported, as the ICC represents a significant step forward in bringing to justice those responsible for committing the most heinous crimes.

Throughout the negotiations on the ICC, the United States got almost everything it wanted and was able to obtain important safeguards to prevent American soldiers from being subjected

to politically-motivated actions by the Court.

There is room for improving the treaty, and that is precisely why I oppose the Craig amendment. The Craig amendment would prevent our diplomats from being at the table during the ongoing Preparatory Commissions on the ICC.

While this may make some feel good, the practical effect would be self-defeating. It would put us in a far worse position to advance U.S. interests within the ICC and obtain additional protections, ensure that the safeguards we already obtained operate effectively, and make sure that the Court serves its intended purpose of prosecuting crimes against humanity.

I do support the International Criminal Court. But, again, this vote is not about whether you support it or not. We already have a prohibition against the expenditure of U.S. funds for the "use by or support of" the ICC, unless the U.S. ratifies the treaty, which it is not going to do any time soon.

The issue is whether we will participate in discussions on the procedures of the court, or whether we are going to tie the hands of the administration by preventing the United States from even sitting at the table.

And, both the Clinton and Bush administrations have stated that they would not submit the Treaty to the Senate for consideration.

While some may want to "block" the treaty, this is very unlikely to be possible. The EU is already engaged in a campaign to obtain the ratifications that are needed to reach the required number of 60.

Blocking the International Criminal Court from coming into existence is likely to require a head-to-head confrontation with our European allies and over 80 countries outside of Europe that have signed the Treaty but not yet ratified.

Because the reality is that the Court will come into existence and have jurisdiction over non-parties, our best strategy is to remain engaged with the ICC to shape a Court that best represents our interests and values.

Irrespective of one's views on the ICC, it makes no sense to bury our heads in the sand and hope for the best. That is precisely what the Craig amendment will do and one of the major reasons why I strongly oppose it.

The other reason that I oppose the Craig amendment is the long-term harm that it could have on U.S. efforts to prosecute war criminals. Year after year, Senator McCONNELL and myself, alternating as chairman and ranking member of the Foreign Operations Subcommittee, have struggled to find enough money to help support the efforts of the international tribunals for the former Yugoslavia, Rwanda, and Sierra Leone.

Moreover, we may now be asked to contribute millions of dollars to sup-

port a tribunal to prosecute crimes of genocide by the Khmer Rouge in Cambodia, if the tribunal there meets international standards of justice.

The negotiations on these tribunals often takes years and involves endless wrangling over costs, over the laws and rules that will be applied to the proceedings, and over whether to even establish an ad hoc tribunal in the first place.

One of the primary goals of the ICC is to have a permanent forum to prosecute these heinous crimes wherever they may occur, and our allies have embraced the ICC for precisely this reason.

Once the ICC comes into existence, and our allies and the Security Council will no longer support establishing new ad hoc tribunals—which at that point could be unnecessary and duplicative—what will the United States do?

No longer help with the prosecution of war criminals, because we do not support the ICC? That would be ridiculous for a country whose Bill of Rights is a beacon of hope for victims of human rights abuses around the world.

Clearly, we all want to protect U.S. interests within the ICC. This amendment does not do that. In fact, it makes things worse by not even allowing our negotiators to be in the room while important issues are being discussed and could ultimately hinder our efforts to prosecute war criminals.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I checked with several Senators interested in this amendment as well as its proponent, Senator CRAIG. If there is no other question, we need to move these amendments along as best we can.

I think we are ready for a voice vote.

I urge the question on the Craig amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment in the second degree.

The amendment (No. 1537) was agreed to.

Mr. GREGG. Mr. President, I urge the question on the underlying amendment, as amended.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as amended.

Mr. GREGG. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the amendment in the first degree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment is agreed to.

The amendment (No. 1536), as amended, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished Chair, and thank my colleagues from New Hampshire and Virginia.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the budget Committee's official scoring for S. 1215, the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$38.627 billion in discretionary budget authority, which will result in new outlays in 2002 of \$26.026 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$38.747 billion in 2002. The Senate bill is within its Section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators HOLLINGS and GREGG, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

I ask unanimous consent that a table displaying the budget committees scoring of this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

# S. 1215, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION, 2002

[Spending comparisons—Senate-Reported Bill (in millions of dollars)]

	General purpose	Defense	Conservation	Mandatory	Total
Senate-reported bill:					
Budget Authority .....	37,772	604	251	572	39,199
Outlays .....	37,885	660	202	581	39,328
Senate 302(b) allocation:*					
House-passed:					
Budget Authority .....	37,534	567	440	572	39,113
Outlays .....	37,913	632	360	581	39,486
President's request:					
Budget Authority .....	37,178	465	284	572	38,499
Outlays .....	38,016	538	259	581	39,394
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:*					
Budget Authority .....	0	0	(133)	0	(133)
Outlays .....	0	0	0	0	0
House-passed:					
Budget Authority .....	238	37	(189)	0	86
Outlays .....	(28)	28	(158)	0	(158)
President's request:					
Budget Authority .....	594	139	(33)	0	700
Outlays .....	(131)	122	(57)	0	(66)

Notes: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.  
 \* The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending that will become effective once a bill is enacted increasing the discretionary spending limit for 2002. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purpose of comparing the Senate-reported outlays with the subcommittee's allocation.

## MOUNTAIN VIEW HOUSE

Mr. GREGG. Mr. President, I would like to briefly mention to Senator HOLLINGS an EDA project that is of significant importance to employment in a section of New Hampshire that has traditionally experienced high levels of unemployment. The project is the Mountain View House. This project was inadvertently left out of the Senate Report, but it would be my hope that the Economic Development Administration would consider an application for the Mountain View House within applicable procedures and guidelines and provide a grant if warranted. Will you join with me in urging the EDA to consider this vital initiative in New Hampshire?

Mr. HOLLINGS. I would certainly join with the Senator from New Hampshire in recognizing and supporting the Mountain View House project. I will work with my colleague during conference to include this project in the committee report.

## INS INSPECTORS AT PORT OF DETROIT

Mr. LEVIN. Mr. President, I would like to thank the chairman for addressing in this bill the severe INS staffing shortages at certain land border ports of entry. I would also like to thank him for recognizing and addressing the severe shortage of INS inspectors at Detroit's port of entry on the U.S.-Canadian border, which includes the Ambassador Bridge and the Detroit-Windsor Tunnel.

I am pleased this bill provides \$25,408,000 for 348 additional land border inspectors and specifically identifies the Detroit bridge and tunnel port of entry as being understaffed by a whopping 151 people. I appreciate the efforts of this Committee to address the significant INS staffing shortages on the Detroit-Canadian border and that a portion of the increase in INS inspectors funded by this bill will be allocated to address the Detroit shortfall.

I wish to seek clarification from the chairman of the Commerce-Justice-State Appropriations Subcommittee as to whether a significant portion of the funding provided for additional INS inspectors by this bill will be allocated to address the Detroit shortfall. The Ambassador Bridge is the most heavily traveled bridge and the most heavily traveled tunnel on the U.S.-Canadian border. Total traffic at the bridge has nearly doubled over the past 14 years. According to data compiled by the Bridge and Tunnel Operator's Association, in 1999 more than 12,000,000 auto and commercial vehicles crossed the Ambassador Bridge and more than 9,500,000 auto and commercial vehicles passed through the Detroit-Windsor Tunnel.

Ms. STABENOW. Mr. President, I too would like to express my thanks to the distinguished chairman for increasing INS staffing levels to address the past

under funding of land border inspectors, and to also seek clarification concerning the Detroit Port of Entry. The committee notes that the Detroit Port of Entry, which includes the Ambassador Bridge and the Detroit-Windsor Tunnel, requires a total of 175 personnel yet is currently staffed at only 23 inspectors. That leaves the port understaffed by 151 inspectors, the third worst staffing level at a U.S. port of entry as a percentage of total workload. This is a serious concern, particularly because the Detroit Port is the nation's busiest northern border crossing, and has resulted in unnecessary traffic congestion and delays. I appreciate the committee having recognizing the Port of Detroit as one of the nation's ports of entry most in need of these additional inspectors and look forward to more efficient INS inspections at the Detroit-Canada border once these additional inspectors are in place. Is it the intent of the chairman, that a significant number of these additional INS inspectors would go to the Detroit Port of Entry?

Mr. HOLLINGS. Mr. President, the Senators from Michigan are correct. This committee recognizes the problems faced at the Port of Detroit and its shortfall of 151 INS land border inspectors, and it is the committee's intent that a significant number of these additional INS inspectors funded in our bill will help fill that shortfall.

CLEARMADD, UNIVERSITY OF GEORGIA

Mr. CLELAND. Mr. President, I have previously brought to your attention the important capabilities of the Center for Leadership in Education and Applied Research in Mass Destruction Defense (CLEARMADD). This Center, to be supported by a consortium of institutions including the University of Georgia, the Medical College of Georgia, and the Savannah River Ecology Laboratory in South Carolina, has available substantial expertise regarding the threat posed domestically from weapons of mass destruction (WMD). In recent years, concerns have increased about the potential for terrorists or foreign states to use biological, nuclear or chemical weapons to inflict mass casualties in the United States. As a nation, we are only just beginning to develop an adequate response capability for such an attack. The consequences of the use of WMD in the United States would be catastrophic, particularly in terms of the ability of our health care system to respond. While other programs have focused on research and training to assist first responders in the event of a WMD, very little has been done to develop proper curriculum and training, including advanced degrees, for medical responders including doctors, nurses, emergency room personnel, pharmacists, toxicologists, and veterinarians. The experts assembled with CLEARMADD have significant capability to provide such curriculum development and training for these so-called second responders.

I understand that a total of \$364 million is included in the Senate version of the Fiscal Year 2002 Commerce-Justice-State appropriations bill for the Office of State and Local Domestic Preparedness Support (OSLDPS) of the Department of Justice to assist with training in the U.S. to respond to potential terrorist attacks. This is an increase of more than \$100 million over funding for Fiscal Year 2001. It is my view that the programs and expertise of CLEARMADD fit well within the OSLDPS mission and I believe funds should be found within the Fiscal Year 2002 budget of OSLDPS to take advantage of CLEARMADD's expertise to help develop model curricula and training programs to assist local health care professionals.

Mr. HOLLINGS. I appreciate the gentleman from Georgia, Mr. CLELAND, bringing CLEARMADD to my attention. There is a significant need for training of health professionals in the event of a chemical or biological attack. From what I have learned, CLEARMADD has significant capabilities in this regard, and is clearly a program that could provide significant assistance in helping achieve the mission of the OSLDPS. I will continue to work with Senator CLELAND to see that the Department of Justice takes advantage

of the expertise within the CLEARMADD consortium and finds ways to include CLEARMADD within the overall programs of the DOJ anti-terrorism program.

Mr. CLELAND. I thank the Senator for his support and attention to this matter and I look forward to working with you in the future on this issue of mutual interest.

#### HARTSFIELD ATLANTA INTERNATIONAL AIRPORT INS OFFICERS

Mr. CLELAND. Mr. President, we have discussed on previous occasions the compelling need for additional Immigration and Naturalization Service (INS) officers assigned to Hartsfield Atlanta International Airport. The present staffing of 78 positions to handle 2.8 million arriving international passengers per year at Hartsfield is consistently generating extremely long lines, and is damaging the reputation of Hartsfield as an international gateway. The desired INS 45-minute processing time limit is being exceeded frequently with lines overflowing the inspection hall into the adjoining concourse. The 95 passengers per inspector during peak periods do not match the annual growth rate of 16 percent. As a result of the 1996 Olympics Games, Hartsfield has more than an adequate number of processing booths. Yet, today, at least 75 percent of those booths go unused on any given day. Hartsfield now has more arriving international passengers from Latin America and Africa, who require longer processing times, than from Europe. Overall, the airport has experienced a 108 percent increase in international flight arrivals from 1994 to 2000.

Mr. HOLLINGS. I appreciate the fact that the Senator from Georgia brought this matter to my attention. In fact, the fiscal year 2002 Commerce/Justice/State Appropriations bill includes 348 additional inspectors for the Nation's newest and busiest airports. These inspectors will help alleviate the long lines at several airports, including airports in the Southeast which have experienced tremendous growth over the last few years. The airports in my own home state of South Carolina illustrate this need as airlines and increasing numbers of passengers require more flights with fewer delays.

Mr. CLELAND. I applaud the chairman's decision to boost the number of INS inspectors for this next fiscal year. I would like to bring to the Senator's attention that of the 150 new INS inspectors placed at various points of entry last year, Hartsfield received no new positions. There are other notable disparities. For example, Atlanta conducts 70 percent more inspections than Boston, but has only 30 percent more inspectors. The number of passengers processed annually per inspector in Atlanta is 35,782. In comparison, Miami has a higher ratio of inspectors per passenger than Atlanta, and, as a con-

sequence, the average inspector in Miami processes 10,000 fewer passengers each year. Honolulu inspects less passengers than does Atlanta, but has twice as many inspectors. And because Hartsfield generates between \$18 million and \$19 million in user fees each year with less than \$8 million spent at Hartsfield there is concern that the Atlanta Airport is subsidizing inspections at other airports in the Nation.

In addition, the airlines serving Hartsfield are planning major expansions in their international service. Furthermore, recent census data reflects tremendous population growth in metro Atlanta over the past 10 years. This dynamic population increase, second only to that of New York, will cause ever greater demand for international travel. Given the time it takes to hire and train new inspectors, it is critical that INS address the shortfall at Hartsfield now, or we will lose our ability to attract international passengers, and the economic development of the region will suffer.

Mr. HOLLINGS. As chairman of the Commerce Committee, I am very aware of the increase in the number of flight delays at the Nation's airports. We have held numerous hearings on the increase in domestic and foreign travel and it is clear that additional INS agents are needed at the Nation's busiest airports. United States airports have experienced significant growth over the last several years and additional INS agents are needed to address the increased demand not only at the Atlanta airport but throughout the Nation's airports, including in my home State of South Carolina. I will continue to work with Senator CLELAND to ensure that the nation's business airports, Hartsfield Atlanta International Airport, receive the additional INS agents that it needs.

Mr. CLELAND. Mr. President, I thank you for your support and attention to this matter and I look forward to working with you in the future on this issue of national importance.

#### VOTE EXPLANATION

Mr. EDWARDS. Mr. President, I was unavoidably detained and therefore was unable to cast my vote on the motion to table the Smith-Harkin amendment No. 1538 to H.R. 2500. Had I been present, I would have voted against the motion to table.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for a period not to extend beyond 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CRIME VICTIMS ASSISTANCE ACT OF 2001

Mr. LEAHY. Mr. President, on March 26, 2001, my friend Senator KENNEDY and I introduced S. 783, the Crime Victims Assistance Act of 2001. This legislation represents the next step in our continuing efforts to afford dignity and recognition to victims of crime. Among other things, it would enhance the rights and protections afforded to victims of Federal crime, establish innovative new programs to help promote compliance with State victim's rights laws, and vastly improve the manner in which the Crime Victims Fund is managed and preserved.

Senator KENNEDY and I first introduced the Crime Victims Assistance Act in the 105th Congress, and we re-introduced it in the 106th Congress. Like many other deserving initiatives, however, this much-needed legislation took a back seat to the debate over a proposed victims' rights constitutional amendment. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regrettably, I must note again that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

This year, we have a golden opportunity to make significant progress toward providing the greater voice and rights that crime victims deserve. The Crime Victims Assistance Act of 2001 enjoys broad support from victims groups across the country, including the National Center for Victims of Crime, the National Organization for Victim Assistance, and the National Association of Crime Victim Compensation Boards. Regardless of their views on the proposed constitutional amendment, these organizations recognize that our legislation can make a difference in the lives of crime victims right now.

When I spoke about the Crime Victims Assistance Act earlier in the year, I expressed the hope that Democrats and Republicans, supporters and opponents of a constitutional amendment, would join me in advancing this bill through Congress. This should be a bipartisan effort, and in this closely divided Senate, it must be a bipartisan effort. I want to thank our eight Democratic cosponsors: Senators CORZINE, DASCHLE, FEINGOLD, HARKIN, JOHNSON, KERRY, MURRAY, and SCHUMER. And I

want once again to urge my friends on the other side of the aisle to step up to the plate and support this important victims' legislation.

When it comes to recognizing the rights of victims of crime, there is no majority, no minority, and no middle ground. As Americans, we share the common desire to help victims and provide them the greater voice and rights that they deserve. The Crime Victims Assistance Act proposes some basic, common-sense reforms to our federal crime victims laws, and would help provide the resources necessary to assist the states in giving force to their own locally-tailored statutes and constitutional provisions. What a shame if this legislation stalls again this year, because we could not work together on an issue on which we share so much common ground.

## NICS—KEEPING GUNS OUT OF CRIMINAL HANDS

Mr. LEVIN. Mr. President, the Brady law mandated the establishment of the National Instant Criminal Background Check System to allow federally licensed gun sellers to establish whether a prospective gun buyer is disqualified from purchasing a firearm. The NICS system is working. In its first 25 months of operation, more than 156,000 felons, fugitives and others not eligible to purchase a gun have attempted to do so and have been denied by an FBI NICS check. At the same time, NICS has not placed unreasonable constraints on law abiding citizens' ability to buy a gun. In fact, the Department of Justice reports that more than 7 out of 10 NICS background checks are completed immediately and 95 percent are completed within 2 hours.

But I'm concerned that recent action by Attorney General Ashcroft could limit the effectiveness of NICS and hamper law enforcement efforts to keep guns out of the hands of criminals. Regulations issued in January allowed the FBI to keep NICS data for 90 days following a check. The 90-day period is critical to law enforcement's ability to audit the NICS system for errors, search for patterns of illegal or false sales, such as purchasers using fake ID's, and screen for gun dealers who may abuse the system. But in June, the Attorney General announced plans to reduce the length of time that law enforcement agencies can retain NICS data to 24 hours. The 24-hour period is insufficient and would severely restrain law enforcement's ability to target illegal purchasers and corrupt gun sellers.

After reviewing Attorney General Ashcroft's action, I decided to cosponsor S. 1253, a bill introduced by Senators KENNEDY and SCHUMER to maintain the 90-day period for law enforcement to retain NICS data. The bill takes a common sense approach to

keeping guns out of the hands of criminals without compromising the privacy rights of law-abiding citizens. It is a good bill and the right remedy to the Attorney General's regrettable action.

## LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 25, 1994 in Dana Point, CA. A man allegedly beat two gay men and threatened to kill them after yelling anti-gay slurs. Bradley Jason Brown, 22, was charged with assault with a deadly weapon and committing a hate crime.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

## RECENT ELECTIONS IN EAST TIMOR

Mr. FEINGOLD. Mr. President, I rise today to congratulate the people of East Timor on the success of their recent Constituent Assembly elections.

On August 30, 2001, the people of East Timor voted to elect a new Constituent Assembly. That Assembly will begin meeting almost immediately to adopt a new constitution and to establish the framework for future elections and a transition to full independence next year. The vote was conducted on the second anniversary of the violent 1999 independence referendum. In that earlier referendum, nearly 98 percent of eligible voters risked their lives to vote for independence from Indonesia. Last week, the people of East Timor demonstrated their continuing commitment to democracy by turning out again in force to elect the women and men who will lead them now to full democracy and independence. Final voter turnout in this recent election was reported at more than 91 percent, in a territory-wide poll that was both peaceful and orderly.

After 25 years of occupation by Indonesia, and a much longer period of colonization by Portugal, many ordinary men and women walked for hours and lined up before dawn to vote for the first time for their own political leaders. Clearly, many difficult decisions and fractious debates now lie ahead for the 24 women and 64 men who have been entrusted by their election to the

Constituent Assembly to establish a sound legal framework for independent governance. It is my fervent hope that the same spirit of civic participation and tolerance that guided this most recent election will continue to guide the elected representatives of the Constituent Assembly as they establish a new democratic system to promote the cause of peace, independence, and prosperity in East Timor.

The United Nations must also be credited for organizing a successful election and establishing a firm foundation for future independent governance. As U.N. Secretary-General Kofi Annan has noted, it is in many respects the conviction with which the people of East Timor have embraced democracy that continues to strengthen the commitment of the world community to their cause. I commend the United Nations Administration in East Timor, UNTEAT, for their dedication in implementing this important mission and for their success in organizing this recent election.

#### THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 7, 2001, the Federal debt stood at \$5,772,587,811,775.31, five trillion, seven hundred seventy-two billion, five hundred eighty-seven million, eight hundred eleven thousand, seven hundred seventy-five dollars and thirty-one cents.

One year ago, September 7, 2000, the Federal debt stood at \$5,680,707,239,455.93, five trillion, six hundred eighty billion, seven hundred seven million, two hundred thirty-nine thousand, four hundred fifty-five dollars and ninety-three cents.

Twenty-five years ago, September 7, 1976, the Federal debt stood at \$625,934,000,000, six hundred twenty-five billion, nine hundred thirty-four million, which reflects a debt increase of more than \$5 trillion, \$5,146,653,811,775.31, five trillion, one hundred forty-six billion, six hundred fifty-three million, eight hundred eleven thousand, seven hundred seventy-five dollars and thirty-one cents during the past 25 years.

#### ADDITIONAL STATEMENTS

##### U.S. NAVAL SEA CADET CORPS BIRTHDAY

• Mrs. HUTCHISON. Mr. President, the Congress of the United States recognizes with extreme pleasure the U.S. Naval Sea Cadet Corps on its thirty-ninth anniversary of their Congressional Charter of September 10, 1962.

A non-profit training and education organization for young men and women, the U.S. Naval Sea Cadet Corps has consistently provided, in conjunc-

tion with the Navy and Coast Guard, an outstanding opportunity for our country's youth to sample military life and experience the challenges and rewards of the maritime services. Over 8600 Cadets ages 11 to 17, led by 2,000 adult volunteers, across the United States and overseas participate with active forces in a wide variety of maritime training activities.

The Sea Cadet program is applauded in developing not only interest and skill in seamanship and aviation, but also instilling in America's young people a sense of patriotism, personal courage, self-reliance and those qualities which mold strong moral character and self-discipline, all in an anti-drug, anti-gang environment. Many of our former and current military leaders established their roots and love the Naval services as a Sea Cadet.

On behalf of my colleagues in the United States Senate and the United States House of Representatives, I offer our heartfelt appreciation and respect to all the members of "our" U.S. Naval Sea Cadet Corps.

To Volunteers and Cadets: "Bravo Zulu"—Well Done!•

#### IN RECOGNITION OF HAIFA FAKHOURI

• Mr. LEVIN. Mr. President, I rise today to ask my Senate colleagues to join with me in honoring dedicated activist and respected community leader Dr. Haifa Fakhouri. Dr. Fakhouri will be named a Lady of Charity by the Pontifical Institute for Foreign Missions (PIME Missionaries) at the 43rd Knights of Charity Award Dinner in Dearborn, Michigan on October 11, 2001.

The Knights of Charity Award is presented each year to men and women who clearly exemplify "Unity in Family Life with Person-to-Person Charity." This award is given to those whose words and actions promote the ideals of charity, friendship, love and interfaith and intercultural collaboration.

Dr. Fakhouri clearly exemplifies these ideals. Since coming to America from Jordan in 1968, she has become one of the most respected leaders of the Arab-American community. Her most well known and far reaching achievement was helping to found, and serve as President and CEO of the Arab-American and Chaldean Council (ACC), the largest community based human services agency in the nation, serving the Arabic and Chaldean speaking population of southeast Michigan. Founded in Detroit in 1979, the ACC has quickly grown to offer 36 outreach centers and over 50 specialized programs to the Arab/Chaldean community in Detroit and the surrounding area.

Under Dr. Fakhouri's leadership, the ACC has adopted goals and ideals that closely match those of the Knights of Charity Award. The ACC is dedicated

to building community cooperation and coordination, increasing cross cultural understanding and raising the level of the community's general well-being. Because Dr. Fakhouri has been so successful in guiding the ACC towards achieving these goals, she has received recognition from numerous state and national organizations. For example, she has served as Special Advisor to the United Nations on the role and status of women and population policies in the Middle East Region, and she has received the 1999 Governor's Community Leadership Award, the 1999 Michigander of the Year Award and many others.

Dr. Fakhouri's leadership, vision and compassion have made her one of the nation's greatest community activists. Her dedication to serving others have made her an invaluable part of the southeast Michigan community. I know that my Senate colleagues will join me in congratulating her on being named a Lady of Charity.•

#### 25TH ANNIVERSARY OF THE HISTORY MUSEUM FOR SPRINGFIELD-GREENE COUNTY

• Mr. BOND. Mr. President, this month the History Museum for Springfield-Greene County will celebrate its 25th anniversary. It is an honor and a privilege to rise today on the floor of the United States Senate to recognize this institution's longevity and its role in preserving the history of Springfield and Greene County.

Some twenty-five years ago I was able to play a role in the founding of this museum while I was serving as Governor of Missouri. The Museum was then called the Bicentennial Historical Museum in honor of our Nation's 200th birthday. Over the years, the name has changed but the goal and purpose of the museum has remained the same, preserving the history and heritage of the city of Springfield and Greene County. History is our window to the past and helps us to remember just how far we have come as a nation and as a community. The museum contains permanent exhibits beginning with the earliest settlement in the region, continuing on through the Civil War, and into the twentieth century. The museum also changes exhibits throughout the year which examine other areas of Greene County's history.

The museum is a private, not-for-profit organization that is open to public at no charge. The museum is funded through private contributions, memberships, grants, and gift shop sales. The staff, management, and volunteers who operate this facility are to be congratulated for their tireless efforts and innovation which make the museum an important part of the community. The museum is an invaluable tool for students and teachers to learn the historical significance of the area.

The History Museum for Springfield-Greene County is a valuable asset to the Springfield area. I ask that the Members of the Senate join me in recognizing and honoring the twenty-fifth anniversary of the History Museum for Springfield-Greene County.●

#### NATIONAL ASSISTED LIVING WEEK

● Mr. WYDEN. Mr. President, today I draw the Senate's attention to National Assisted Living Week. The National Center for Assisted Living is sponsoring National Assisted Living Week this week to highlight the significance of this service and the hope that it can provide seniors.

Assisted living is a long term care alternative for seniors who need more assistance than is available in retirement communities, but do not require the heavy medical and nursing care provided by nursing facilities. Approximately one million of our Nation's seniors have chosen the option of assisted living in this country. This demonstrates a tremendous desire by seniors and their families to have the kind of assistance that they need in bathing, taking medications or other activities of daily living in a setting that truly becomes their home.

This year's theme of National Assisted Living Week is "Sharing the Wisdom of Generations," and it is intended to recognize the value of sharing insights and experiences between assisted living residents, their families, volunteers and assisted living staff. I think that it is appropriate because it highlights the variety of options assisted living can provide to meet different needs of patients.

Oregon has led our Nation in the concept of assisted living. My State spends more State health dollars to provide assisted living services than any other in our Nation. Assisted living has taken different directions in different States, and I believe offering these choices for consumers is important to provide security, dignity and independence for seniors.

Assisted living will become even more important for seniors and their families as our nation experiences the demographic tsunami of aging baby boomers. It is important for us to continue to support options that allow seniors and their families a choice of settings in order to assure that they get the level of care that they need.●

#### CONGRATULATING LT. STEVE YOUNG

● Mr. VOINOVICH. Mr. President, I am honored to stand before you today and congratulate Lieutenant Steve Young, his family and friends on his well-deserved nomination as President of the National Fraternal Order of Police, FOP. As you may know, the 86 year-old

Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, improving the working conditions and advocating the safety of its 298,000 members in over 2,000 local lodges throughout the United States.

I am confident that with his 25 years of membership in the FOP and his current position as a Lieutenant in the Marion Police Department in my State of Ohio, Lt. Young is an outstanding choice to lead the National Fraternal Order of Police. Prior to being named National President, Lt. Young has proudly and effectively served as both National Vice President and Ohio's State President.

Further, he has become something of an expert in helping to ensure police officers' pension plans throughout the country. He also helped to create the Ohio Labor Council to improve the effectiveness of negotiations between management and labor in police forces, a model that has since been utilized in 14 other States.

I know that Lt. Young will use his new position to further ensure fair and equal treatment to our nation's true heroes, police officers, on the job and to expand the FOP's involvement throughout the Nation. I wish Lt. Young the best of luck and extend my congratulations to him once again here before Congress. I know he will do an excellent job.●

#### THE HEART FAILURE SOCIETY OF AMERICA

● Mr. WELLSTONE. Mr. President, the Heart Failure Society of America (HFSA) is a non-profit professional organization headquartered in St. Paul, MN, that represents the first organized effort by heart failure experts from the Americas to provide a forum for all those interested in heart failure research and patient care.

Today, the Heart Failure Society of America is convening here in our Nation's capital with over 2,000 cardiologists, cardiac surgeons, internists, family practitioners, research scientists, pharmacologists, nurses, pharmacists and other allied health care professionals who treat heart failure patients for the HFSA 5th Annual Scientific Meeting. At this forum, preeminent professionals will unveil and review the latest developments in heart failure research and clinical practice.

Heart failure is a progressive condition in which the heart muscle weakens and gradually loses its ability to pump enough blood to supply the body's needs and is frighteningly common but underrecognized. Heart failure affects nearly 5 million Americans. As more people survive heart attacks and are being left with weakened hearts, heart failure is the only major cardiovascular disorder on the rise. An estimated 400,000 to 700,000 new cases of

heart failure are diagnosed each year. The number of deaths in the United States from this condition has more than doubled since 1979, averaging 250,000 annually. In comparison, the death rate from coronary heart disease has dramatically dropped statistically over a similar time period. An estimated \$8 to \$15 billion is spent each year on the costs of hospitalization due to heart failure, which is twice the amount spent for all forms of cancer. While there is currently no known cure for heart failure, new treatment approaches may help patients live more normal and fulfilling lives and benefit from a decreased risk of hospitalization.

The HFSA was founded in 1994 by a small, dedicated group of academic cardiologists who recognized that heart failure was on the rise, but that there was no venue for researchers, trainees and clinicians to share ideas about combating the disease. We owe them a debt of gratitude for providing the impetus for exploring further research and treatment which might not otherwise have occurred. The Heart Failure Society of America is seen by government, industry and the medical community as the authoritative organization on heart failure. The Senate first commended the HFSA and its work in the area of heart failure in February of last year, designating the week surrounding Valentine's Day each year as "National Heart Failure Awareness Week." these medical professionals are dedicated to enhancing the quality and duration of people's lives.

We are pleased to welcome this group of distinguished individuals to Washington and recognize their extraordinary public service.●

#### IN RECOGNITION OF THE HONORABLE DENNIS W. ARCHER

● Mr. LEVIN. Mr. President, I rise today to acknowledge the achievements of an accomplished jurist, distinguished public servant and committed civic leader from my home state of Michigan, the Honorable Dennis Wayne Archer, Mayor of Detroit. On October 11, 2001, Mayor Archer will be inducted as a Knight of Charity by the Pontifical Institute for Foreign Missions (PIME Missionaries) at the 43rd Knights of Charity Award Dinner in Dearborn, Michigan. This award is a fitting tribute for a man who has dedicated his life to the service of others.

The Knights of Charity Award is presented each year to men and women who clearly exemplify "Unity in Family Life with Person-to-Person Charity." This award is given to those whose words and actions promote the ideals of charity, friendship, love and interfaith and intercultural collaboration.

Mayor Archer spent the first five years of his career teaching learning

disabled students in the Detroit Public School system. During this time, Mr. Archer was also a student, studying and attending classes after work to earn his law degree. Mr. Archer quickly established himself as one of the finest legal minds in Michigan and in 1985 he was appointed Associate Justice of the Michigan Supreme Court by Governor James Blanchard. The next year he was elected to an eight-year term, which he served with distinction.

Elected Mayor of Detroit in 1993, Dennis Archer soon became known nationwide for the innovative approach he brought to city government. Nearing the end of his second for year term, Detroit under the leadership of Mayor Archer has successfully reduced crime, balanced budgets, lowered taxes, improved public services and attracted over \$14 billion in new investment, with another \$3 billion projected for this year. Mayor Archer has received numerous honors in recognition of his achievement, including being named President of the National League of Cities in 2001, Public Official of the Year in 2000 by *Governing* magazine, one of the 25 most dynamic mayors in America by *Newsweek* magazine, President of the National Conference of Democratic Mayors and one of the 100 most Influential Black Americans by *Ebony* magazine.

As a native Detroiter, I can personally attest to Mayor Archer's leadership and his commitment to those he serves. Through his hard work, dedication and creativity, he has truly improved the City of Detroit and the lives of those who live there. I know that my Senate colleagues will join me in congratulating Mayor Archer on being named a Knight of Charity. ●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2833. An act to promote freedom and democracy in Viet Nam.

H.J. Res. 51. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

At 5:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 2133) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

#### MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent, and placed on the calendar.

H.J. Res. 51 Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3646. A communication from the Vice President for Legal Affairs, General Counsel and Corporate Secretary, transmitting, pursuant to law, the Annual Report for 2000 under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3647. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Information Collection Budget of the United States Government, Fiscal Year 2001"; to the Committee on Governmental Affairs.

EC-3648. A communication from the District of Columbia Auditor, transmitting, a report entitled "Audit of the People's Counsel Agency Fund for Fiscal Year 1999"; to the Committee on Governmental Affairs.

EC-3649. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, a report relative to Reports, Testimony, Correspondence, and Other Publications for June 2001; to the Committee on Governmental Affairs.

EC-3650. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on August 15, 2001; to the Committee on Governmental Affairs.

EC-3651. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Correction of Administrative Errors; Lost Earnings Attributable to Employing Agency Errors" received on August 16, 2001; to the Committee on Governmental Affairs.

EC-3652. A communication from the General Counsel of the Federal Retirement

Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Methods of Withdrawing Funds from the Thrift Savings Plan" received on August 16, 2001; to the Committee on Governmental Affairs.

EC-3653. A communication from the District of Columbia Auditor, transmitting, a report entitled "Audit of the Public Service Commission Agency Fund for Fiscal Year 1999"; to the Committee on Governmental Affairs.

EC-3654. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the Commercial Activities Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-3655. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List, received on August 24, 2001; to the Committee on Governmental Affairs.

EC-3656. A communication from the District of Columbia Auditor, transmitting, a report entitled "Comparative Analysis of Actual Cash Collections to Revised Revenue Estimates Through the Third Quarter of Fiscal Year 2001"; to the Committee on Governmental Affairs.

EC-3657. A communication from the Comptroller General of the United States, General Accounting Office, transmitting, pursuant to law, the report of the lists of the General Accounting Office for July 2001; to the Committee on Governmental Affairs.

EC-3658. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-3659. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-127, "Approval of the Extension of the Term of the Franchise of Comcast Cablevision Act of 2001"; to the Committee on Governmental Affairs.

EC-3660. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-129, "American Sign Language Recognition Act of 2001"; to the Committee on Governmental Affairs.

EC-3661. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-122, "Closing of a Public Alley in Square 529, S.O. 01-1183, Act of 2001"; to the Committee on Governmental Affairs.

EC-3662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-121, "Closing and Dedication of Streets and Alleys in Squares 5920 and 5928, S.E., S.O. 00-89, Act of 2001"; to the Committee on Governmental Affairs.

EC-3663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-120, "Ed Murphy Way, N.W., Act of 2001"; to the Committee on Governmental Affairs.

EC-3664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act, "Mental Health Service Delivery Reform Act of 2001"; to the Committee on Governmental Affairs.

EC-3665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 14-109, "Nominating Petitions Signature Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-3666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-107, "Technical Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-3667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-117, "New York Avenue Metro Special Assessment Authorization Act of 2001"; to the Committee on Governmental Affairs.

EC-3668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-118, "Special Signs Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-3669. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Annual Animal Welfare Enforcement Report for Fiscal Year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3670. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Foreign Futures and Options Transactions" (17 CFR Part 30) received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3671. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Decreased Assessment Rate" (Doc. No. FV01-924-IIFR) received on August 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3672. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program" (Doc. No. 97-093-5) received on August 22, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3673. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 1, 5, 15, 36, 37, 38, 40, 41, 100, 166, 170, and 180—A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations" (RIN3038-AB63) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3674. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 41 and 140—Exemption for Certain Brokers or Dealers From Provisions of the Commodity Exchange Act and CFTC Regulations" (66 FR 43083) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3675. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Performance of Notice Registration Processing Functions by Natural Futures Association With Respect to Certain Securities

Brokers and Dealers" received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3676. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 3 and 170—Notice Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers or Dealers" received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3677. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluazinam; Pesticide Tolerance" (FRL6797-3) received on August 23, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3678. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report entitled "Labeling of Natural or Regenerated Collagen Sausage Casings" (RIN0583-AC80) received on August 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3679. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Fruits and Vegetables" (Doc. No. 00-006-2) received on August 28, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3680. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Pesticide Tolerances for Emergency Exemptions" (FRL6797-5) received on August 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Payments for Commercial Citrus Tree Replacement" (Doc. No. 00-037-3) received on August 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3682. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Oklahoma" (Doc. No. 01-016-2) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3683. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Pesticide Tolerances" (FRL6796-6) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3684. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Pesticide Tolerance for Emergency Exemptions" (FRL6798-6) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3685. A communication from the Acting Assistant Administrator for Fisheries, Office

of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2001 Fisheries" (RIN0648-AN70) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3686. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes 'Other Rockfish' Fishery in the Western Regulatory Area, Gulf of Alaska" received on August 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3687. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures; Emergency Rule" (RIN0648-AP31) received on August 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3688. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 1—Recordkeeping Amendments to the Daily Computation of the Amount of Customer Funds Required to be Segregated" (RIN3038-AB52) received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3689. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 140—Delegation of Authority to Disclose and Request Information" received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3690. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 1—Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations" received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3691. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 1 and 30—Treatment of Customer Funds" received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3692. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Privacy Act of 1974; System of Records; Biennial Publication" received on August 15, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3693. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Primary Sable Fishery" (RIN0648-AP26) received on August 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3694. A communication from the General Counsel of the Consumer Product Safety

Commission, transmitting, pursuant to law, the report of a rule entitled "Child-Resistant Packaging for Certain Over-The-Counter Drug Products" (RIN3041-AB92) received on August 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3695. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Niagara River, Tonawanda, NY" ((RIN2115-AA97)(2001-0070)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3696. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Pixcataqua River, ME" ((RIN2115-AE47)(2001-0064)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3697. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY" ((RIN2115-AE47)(2001-0063)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3698. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Chemical Testing" (RIN2115-AG00) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3699. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Marine Shipboard Electrical Cable Standards" (RIN2115-AF89) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3700. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; McArdle Bridge Dredge Operations—Boston, Massachusetts" ((RIN2115-AA97)(2001-0065)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3701. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fort Lauderdale, Florida" ((RIN2114-AA97)(2001-0067)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3702. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Milwaukee Harbor, Milwaukee, WI" ((RIN2115-AA97)(2001-0068)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3703. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Middle Bass Island, Lake Erie, Ohio" ((RIN2115-AA97)(2001-0069)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3704. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Firststar Fireworks Display, Milwaukee Harbor" ((RIN2115-AA97)(2001-0061)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3705. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Manitowoc Fourth of July 2001, Manitowoc, Wisconsin" ((RIN2115-AA97)(2001-0062)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3706. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; South Shore Frolics Fireworks Display, Milwaukee Harbor" ((RIN2115-AA97)(2001-0063)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3707. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Cleveland Harbor, Cleveland, OH" ((RIN2115-AA97)(2001-0064)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3708. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Columbia River, Vancouver, Washington" ((RIN2115-AA97)(2001-0056)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3709. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Columbia River, Astoria, Oregon" ((RIN2115-AA97)(2001-0057)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3710. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fourth of July Celebration, Weymouth, Massachusetts" ((RIN2115-AA97)(2001-0059)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3711. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mississippi River, Iowa and Illinois" ((RIN2115-AE47)(2001-0067)) re-

ceived on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3712. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; State Road AIA (North Bridge) Drawbridge, Atlantic Intracoastal Waterway, Fort Pierce, Florida" ((RIN2115-AE47)(2001-0068)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3713. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Illinois Water, Illinois" ((RIN2115-AE47)(2001-0069)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3714. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Sail Detroit and Tall Ship Celebration 2001, Detroit and Saginaw River, MI" ((RIN2115-AA97)(2001-0055)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3715. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Michigan, Chicago, IL" ((RIN2115-AA97)(2001-0066)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3716. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Maumee River, Toledo, OH" ((RIN2115-AA97)(2001-0058)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3717. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Lower Grand, LA" ((RIN2115-AE47)(2001-0065)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3718. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Massalina Bayou, Florida" ((RIN2115-AE47)(2001-0066)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3719. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; City of Lynn Fireworks, Lynn, Massachusetts" ((RIN2115-AA97)(2001-0060)) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3720. A communication from the Attorney/Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motorcycle Braking Requirements" (RIN2127-

AH15) received on August 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3721. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Controlled Substances and Alcohol Use and Testing" (RIN2126-AA58) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3722. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, Black Sea Bass, Loligo Squid, Illex Squid, Atlantic Mackerel, Butterfish, and Bluefish Fisheries; Framework Adjustment 1" (RIN0648-AO91) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3723. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Class E Enroute Domestic Airspace Areas, Las Vegas, NV; Confirmation of Effective Date" (RIN2120-AA66)(2001-0137) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3724. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emergency Medical Equipment; Docket No. FAA-2000-7119 (8-22/8-23); Correction" (RIN2120-AG89)(2001-0002) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3725. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Digital Flight Data Recorder Resolution Requirements; Request for Comments" (RIN2120-AH46) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3726. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Chandler Municipal Airport Class D Surface Area; Chandler, AZ" (RIN2120-AA66)(2001-0142) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3727. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Glendale Municipal Airport Class D Surface Area; Glendale, AZ" (RIN2120-AA66)(2001-0141) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3728. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification to Phoenix Goodyear Municipal Airport Class D Surface Area; Phoenix, AZ" (RIN2120-AA66)(2001-0139) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3729. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Modification to Phoenix Deer Valley Municipal Airport Class D Surface Area; Phoenix, AZ" (RIN2120-AA66)(2001-0140) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3730. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100 and -200 Series Airplanes" (RIN2120-AA64)(2001-0440) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3731. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10-10, -15, -30, and -30F Series Airplanes; and Model MD-10-10F, and -30F Series Airplanes" (RIN2120-AA64)(2001-0441) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3732. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate SA5765NM or SA5978NM" (RIN2120-AA64)(2001-0438) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 1412. A bill to protect the property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 1413. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers and grantees to use certain rural development loans and grants for other purposes under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 1414. A bill to provide incentives for States to establish and administer periodic testing and merit pay programs for elementary school and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. DODD):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CLELAND (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mrs. MURRAY):

S. Res. 158. A resolution honoring the accomplishments and unfailing spirit of women in the 20th century; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 119

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 119, a bill to provide States with funds to support State, regional, and local school construction.

S. 145

At the request of Mr. THURMOND, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 312

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 554

At the request of Mrs. MURRAY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 653

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of

S. 653, a bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 685

At the request of Mr. BAYH, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 685, a bill to amend title IV of the Social Security Act to strengthen working families, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 790

At the request of Mr. BROWNBACK, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 948

At the request of Mr. LOTT, the name of the Senator from Ohio (Mr.

VOINOVICH) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 952

At the request of Mr. GREGG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1030

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1075

At the request of Mr. BIDEN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1140

At the request of Mr. FEINGOLD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1220

At the request of Mr. BREAUX, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1232

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1232, a bill to provide for the effective punishment of online child molesters, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1275

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes.

S. 1286

At the request of Mrs. CARNAHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1298

At the request of Mr. HARKIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1327

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1327, a bill to amend title 49, United States Code, to provide emergency Secretarial authority to resolve airline labor disputes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr.

CRAIG) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1400

At the request of Mr. KYL, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL:

S. 1412. A bill to protect the property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

Mr. HAGEL. Mr. President, America's property owners are increasingly pressured by more and more burdensome government regulations and restrictions. Federal agencies should comply with state and local laws on property rights, and ensure that our Nation's policies are implemented with minimal impact on property owners. Today, I am reintroducing legislation that would help enforce the U.S. Constitution's guarantee of private property rights.

The Private Property Rights Act would help protect land owners in two ways. First, the bill would require the Federal Government to conduct an economic impact analysis prior to taking any action that would inhibit or restrict the use of private property. For the first time, the government would be forced to determine in advance how its actions will impact the property owner.

Second, when government does take private property or restricts land use, the bill would allow landowners to plead their case in a Federal District Court instead of forcing them to the U.S. Court of Federal Claims. This means property owners could appeal any Federal taking of their property in their home state, rather than Washington, D.C.

This bill has won the endorsement of the Nebraska Cattlemen, the Nebraska Farm Bureau, and the Defenders of Property Rights. Their letters of support are being submitted for the RECORD.

The Private Property Rights Act is commonsense legislation that will return some justice to the system by reining in regulatory agencies, as well as giving the property owner a voice in the process. This is the fair thing to do. This is the right thing to do.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 6, 2001.

Hon. CHUCK HAGEL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR HAGEL: The Nebraska Cattlemen applaud you for reintroducing property rights protection legislation, The Private Property Rights Act of 2001, in the 107th Congress. The Association supported similar legislation (S. 246) in the 106th Congress and extends their support for your efforts again this year.

The Private Property Rights Act of 2001 addresses a phenomenon of federal and state government growth over the past three decades—regulatory programs that creep into areas and activities they were never envisioned to impact at their creation. Wetland regulations and endangered or threatened species designations are just two examples of how "regulatory creep" has begun to affect almost every agricultural activity. A little closer to home, recent efforts by EPA to identify the sun as a source of pollution in the Platte River may only be overshadowed by more recent efforts to list the prairie dog as a species threatened with extinction.

Considering these examples, it has never been more important for federal agencies to be required to conduct an analysis of the effects of their actions on property rights. As found in The Private Property Rights Act of 2001, agency actions critical to public safety or law enforcement would be exempt from this requirement. Finally, and most critically, the legislation provides affected property owners an opportunity to seek relief from federal agencies whose actions result in a taking of private property rights through a federal district court in their state—instead of forcing them into the Federal Claims Court in Washington, DC.

The Private Property Rights Act of 2001 is a solid solution to a growing problem—the increased impact that federal regulations have on property rights guaranteed by the Fifth Amendment to the U.S. Constitution. The Nebraska Cattlemen support this legislation and thank you for again taking a leadership role on this important issue.

Sincerely,

GREG RUEHLE,  
Executive Vice President,  
Nebraska Cattlemen.

NEBRASKA FARM BUREAU FEDERATION,  
Lincoln, NE, September 7, 2001.

Hon. CHUCK HAGEL,  
Russell Senate Building,  
Washington, DC.

DEAR SENATOR HAGEL: On behalf of the Nebraska Farm Bureau Federation, I would like to offer our strong support for your bill titled "Private Property Rights" Act of 2001.

As Nebraska's largest farm organization, we have been a long time supporter of legislative efforts to protect property rights for landowners. For years farmers and ranchers have seen their property rights erode through various government actions and regulations. The problem is only exacerbated by the fact the government has failed to provide full and equitable compensation for the loss of the use of property due to government actions.

Your bill would take a giant step forward by providing some protection for landowners'

property rights. By requiring federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts, the bill would certainly help prevent or reduce the loss of private property rights. Government should be forced to determine in advance how its actions would impact the property owner and this bill would put those necessary requirements in place.

In Nebraska, the Endangered Species Act and wetland regulations have decreased the use or value on many privately held acres by farmers and ranchers. This legislation would go a long way towards putting some fairness back into the system by making agencies think twice before they act on rules that impact private property rights and by giving property owners a voice in the process.

Nebraska farmers and ranchers appreciate your support for private property rights and your introduction of this bill.

Sincerely,

BRYCE P. NEIDIG,  
President.

DEFENDERS OF PROPERTY RIGHTS,

Washington, DC, September 6, 2001.

Re: Introduction of the Private Property Fairness Act.

Hon. CHUCK HAGEL,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR HAGEL: It has come to the attention of our organization that you are to shortly re-introduce the Private Property Fairness Act of 1999 [formerly S. 246]. As this country's only public interest legal foundation dedicated exclusively to the protection of private property rights, Defenders of Property Rights commends your efforts to pass this valuable piece of legislation. We would be happy to assist you in your efforts to pass this piece of legislation.

As you noted when you introduced S. 246 on January 20, 1999, "... the law of takings is not yet settled to the satisfaction of most Americans." Our membership includes scores of individual property owners across this nation—in courts from coast to coast—whose constitutionally protected rights to ownership, use and enjoyment of property are or have been unconstitutionally denied them, we can attest to the accuracy of your observation. Sadly, Defenders of Property Rights can report that there are fewer "satisfied" Americans now, than when we began our efforts nearly a dozen years ago. We can state without exaggeration that while individual cases of regulatory takings of property without just compensation are increasing, the operative effect of regulations now threatens the very existence of entire regions of rural America.

Like you, Defenders of Property Rights acknowledges the need for the rational application of this nation's environmental laws to protect our natural resources. However, when government policy and regulation unconstitutionally deprive individuals or businesses of their private property rights, then just and adequate compensation is constitutionally required. However, as you correctly noted in your January 20, 1999 statement, the cost of bearing too many of the impacts of regulatory takings are shouldered by the few. And, you rightly stated, "This is not fair." We could not agree more. We would also add that it is not constitutional.

We believe that enactment of the successor to The Private Property Fairness Act would arrest the continued diminishment of what the Framers of our Constitution considered a fundamental right—property rights. Additionally, we believe that your legislation

will impose reasonable restraints on governmental agencies that will add a measure of calculated seriousness to their decisions to destroy private property. Finally, we are encouraged to note that your bill would dramatically increase the forums available to private property owners who seek redress when their property rights are diminished or taken.

In short, Defenders of Property Rights is delighted to register its support for your proposed legislation. The fundamental importance of property rights is one of the animating principles of our form of government. Moreover, we are enormously encouraged by your leadership on this important issue. We look forward to working with you on this valuable piece of legislation.

Yours truly,

NANCIE G. MARZULLA,  
*President.*

By Mr. LUGAR (for himself and Mr. HARKIN):

S. 1413. A bill to amend the Consolidated Farm and Rural Development Act to permit borrowers and grantees to use certain rural development loans and grants for other purposes under certain circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LUGAR. Mr. President, I rise to introduce legislation amending the Consolidated Farm and Rural Development Act to allow the Secretary of Agriculture to approve changes to the original purpose for which a USDA Rural Development grant or loan was made when requested by a recipient.

The Rural Community Advancement Program, as established under the Con Act, consists of separate accounts to provide funding for rural community facilities, rural waste and water utilities, and rural business and cooperative development. In the 1996 Farm Bill, we provided State Directors of Rural Development with the authority to transfer up to 25 percent of funds allocated to one of those accounts for a State in a fiscal year to any of the other accounts for which funds were allocated for the State in that fiscal year. This flexibility allows a State to adjust funding among the accounts to meet changing circumstances. For example, in a given year a State may have greater demand for financial assistance for rural community facilities than for rural business development, and the authority we granted in 1996 would allow a State the flexibility to address that change in demand.

The flexibility provided by the 1996 Farm Bill, however, extended only to prospective funding. It did not cover changes to loan and grant purposes needed by a community after a loan or grant has been made. Any post-award change to the grant or loan purpose would require return to USDA of any unspent grant or loan funds, or reimbursement to the Federal Government for its proportionate financial interest in any property acquired with the loan or grant funds.

Communities in Pennsylvania, Oregon, and Oklahoma have faced this di-

lemma when they have sought to provide space in grant-funded industrial parks to businesses that were too large to qualify under the terms of their Rural Business Enterprise Grant but that otherwise would have been eligible for a Rural Development Business and Industry loan. An Indiana community has unused property in its grant-funded industrial park that it now would like to use for a critically needed police station and water tower. USDA has no authority to allow any of these communities to change the authorized use for the land for which the grant or loan originally was made.

The measure I offer today would allow the Secretary to approve these types of requests. Under the bill, a community could request the Secretary to approve a change in the rural development purpose for previously awarded grants and loans to another rural development purpose authorized under the Con Act. A change in purpose could be requested only for property acquired with such funds, or for the proceeds from sale of property acquired with such funds.

This measure would not require the Secretary to approve requests. It simply allows the Secretary to be fair and reasonable in considering requests by communities to alter the original purpose of the grant or loan. The beneficiary of such a change would not reap any financial windfall from such a change at the expense of the Federal government. The Federal government would retain its financial interest in any property used for the new purpose approved by the Secretary.

We all know how the needs of communities change over time due to economic development and demographic change. This measure allows the Secretary to be fair and reasonable in considering requests by communities to alter the original purpose of a grant or loan in response to such changes. I am hopeful my colleagues will join me in supporting this legislation.

By Mr. CRAIG:

S. 1414. A bill to provide incentives for States to establish and administer periodic testing and merit pay programs for elementary school and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Parent and Teacher Achievement Act of 2001. We spent much of the spring debating the Federal Government's role in education, and in the end we passed a bill which gives a lot of money to the education establishment. Now, however, it is time to work on a policy that addresses what we can do for parents and teachers, and how we can let them keep some of their money so they can start improving education from the ground up.

This bill has many important provisions, but the most important is the tax credit for parents and relatives to use for education expenses. They can use this credit for any expenses they incur when they spend money on their children's education, such as school supplies, computers, private tutors, or other such expenses. This credit can also be used by parents who home school as well as to help offset tuition at private schools. This is not a voucher program nor is it a government subsidy for private schools. This tax credit is simply the Federal Government recognizing that parents know best how to educate their children. As education researcher Andrew Coulson has said, "... parents have consistently made better education choices for their own children than state-appointed experts have made on their behalf." The Federal Government should not penalize them by taxing the money parents spend to further that education. It should be pointed out that this credit would also apply to relatives of students if they contribute money towards educational expenses. We all know that grandparents and aunts and uncles do a lot to contribute to children's education. It is only appropriate to recognize those efforts, too.

The idea of the type of tax credit contained in this bill has been picking up steam recently, and many think tanks, such as the Cato Institute, the Mackinac Center, and the Buckeye Institute, have issued reports on tuition tax credits which clearly illustrate their benefits. A tax credit of this type has also begun to be enacted in the real world. Arizona has had an education tax credit for a few years, and it has proven to be remarkably successful. The Canadian province of Ontario also recently enacted a tax credit of this type.

Of course, a tax credit is only available to people who pay taxes, but my bill also benefits low income individuals. To address the needs of these people, I have included a provision in this bill which would give individuals or corporations a tax credit when they donate money to organizations which give scholarships to lower income students. This would allow funds to go to private organizations so they award scholarships, while avoiding any church/state entanglements which concern so many who oppose vouchers. The state of Arizona has had success with this program, too.

Another important tax component contained in this bill is one which allows teachers to take a credit for money spent on school supplies for their students. Nobody goes into teaching to get rich; they do it because they recognize their job is one of the most important in this Nation, preparing our youth for the future. And though teachers do not receive lavish salaries, many of them spend considerable sums

for school supplies for their students. It is only fair that the Federal Government should not tax this money. The bill also contains a provision that would allow teachers and other school staff a tax deduction for expenses they incur while improving their education or job skills. Our teachers need to be the best trained teachers in the world, and we should encourage this all we can.

The final section of this bill would empower teachers by allowing the Secretary of Education to give grants to States and school districts which set up merit pay systems in schools and implement teacher testing programs, as long as those states also have a continuing education requirement as part of their teacher certification process. It also has a provision which clarifies any Department of Education regulations and says that federal funds can be used for merit pay systems and for teacher testing programs. If States and school districts find the need to use their funds for these programs, the Federal Government should not tie them up in red tape and prevent them from meeting their needs as they see them. We all know that local educators have a much better view of the needs they encounter, and we in Washington should give them as much freedom as possible to meet those needs.

By enacting this bill, the U.S. Senate will be making a firm commitment to helping parents and teachers achieve education success. Parents in this country need to have as much freedom as possible to choose the ways in which their children will be educated, and this bill is a modest step in that direction. To complement the efforts of parents, though, we need to have teachers who are the most qualified and the most able to meet the needs of the children parents send to them every day. Encouraging states to implement merit pay and teacher testing, and allowing teachers to have a credit for their educational expenses, will go a long way towards making this a reality.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1414

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Parent and Teacher Achievement Act of 2001".

#### SEC. 2. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

- (1) by redesignating part E as part F;
- (2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and
- (3) by inserting after part D the following:

#### "PART E—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

##### "SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—From funds made available under subsection (b) for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years;

"(2) has an elementary school and secondary school teacher compensation system that is based on merit; and

"(3) requires elementary school and secondary school teachers to earn continuing education credits as part of a State recertification process.

"(b) AVAILABLE FUNDING.—Notwithstanding any other provision of law, the amount of funds that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 2001, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds \$600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—In this section, the term 'State' means each of the 50 States and the District of Columbia."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001.

#### SEC. 3. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

#### SEC. 4. NONREFUNDABLE CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

##### "SEC. 25C. CREDIT FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses (within the meaning of section 530(b)(4)) with respect to one or more qualifying students which are paid or in-

curred by the individual during such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed \$1000 per qualifying student.

"(2) MAXIMUM TUITION EXPENSES.—The tuition expenses which may be taken into account in determining qualified elementary and secondary education expenses for any taxable year shall not exceed \$500 per qualifying student.

"(c) QUALIFYING STUDENT.—For purposes of this section, the term "qualifying student" means a dependent (within the meaning of section 152) or a relative of the taxpayer who is enrolled in school (as defined in section 530(b)(4)(B)) on a full-time basis. For purposes of the preceding sentence, the term 'relative' means an individual bearing a relationship to the taxpayer which is described in any of paragraphs (1) through (8) of section 152(a).

"(d) DENIAL OF DOUBLE BENEFIT.—No deduction or exclusion shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(g) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

"Sec. 25C. Credit for elementary and secondary school expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

#### SEC. 5. CREDIT FOR CONTRIBUTIONS FOR THE BENEFIT OF ELEMENTARY AND SECONDARY SCHOOLS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by adding at the end the following new section:

##### "SEC. 30B. CREDIT FOR CONTRIBUTIONS FOR THE BENEFIT OF ELEMENTARY AND SECONDARY SCHOOLS.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 75 percent of the qualified charitable contributions of the taxpayer for the taxable year.

"(b) MAXIMUM CREDIT.—

"(1) INDIVIDUALS.—In the case of a taxpayer other than a corporation, the credit allowed by subsection (a) for any taxable year shall not exceed \$500 (\$1,000 in the case of a joint return).

"(2) CORPORATIONS.—In the case of a corporation, the credit allowed by subsection (a) shall not exceed \$100,000.

"(c) QUALIFIED CHARITABLE CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified charitable contribution' means, with respect to any taxable year, the aggregate amount allowable as a deduction under section 170 (determined without regard to subsection (d)(1)) for cash contributions to a school tuition organization.

"(2) SCHOOL TUITION ORGANIZATION.—

"(A) IN GENERAL.—The term 'school tuition organization' means any organization which—

"(i) is described in section 170(c)(2),

"(ii) allocates at least 90 percent of its gross income and contributions and gifts to elementary and secondary school scholarships, and

“(iii) awards scholarships to any student who is eligible for free or reduced cost lunch under the school program established under the Richard B. Russell National School Lunch Act.

“(B) ELEMENTARY AND SECONDARY SCHOOL SCHOLARSHIP.—The term ‘elementary and secondary school scholarship’ means any scholarship excludable from gross income under section 117 for expenses related to education at or below the 12th grade.

“(d) SPECIAL RULES.—

“(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any contribution for which credit is allowed under this section.

“(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

“(B) the tentative minimum tax for the taxable year.

“(3) CONTROLLED GROUPS.—All persons who are treated as one employer under subsection (a) or (b) of section 52 shall be treated as 1 taxpayer for purposes of this section.

“(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.”

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 30B. Credit for contributions for the benefit of elementary and secondary schools.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

#### **SEC. 6. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits), as amended by section 4(a), is amended by adding at the end the following new section:

#### **“SEC. 30C. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.**

“(a) ALLOWANCE OF CREDIT.—In the case of an eligible educator, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

“(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed \$1,000.

“(c) DEFINITIONS.—

“(1) ELIGIBLE EDUCATOR.—The term ‘eligible educator’ means an individual who is a teacher, instructor, counselor, principal, or aide in a school (as defined in section 530(b)(4)(B)) for at least 900 hours during a school year.

“(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term ‘qualified elementary and secondary education expenses’ means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible educator in the classroom.

“(d) SPECIAL RULES.—

“(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

“(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

“(B) the tentative minimum tax for the taxable year.

“(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986, as amended by section 4(b), is amended by adding at the end the following new item:

“Sec. 30C. Credit to elementary and secondary school teachers who provide classroom materials.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

#### **SEC. 7. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

“(D) PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—The deductions allowed by section 162 which consist of expenses, not in excess of \$1,500, paid or incurred by an eligible educator (as defined section 30C(c)(1)) by reason of the participation of the educator in professional development courses which are related to the curriculum and academic subjects in which the educator provides instruction or to the students for which the educator provides instruction and which are part of a program of professional development which is approved and certified by the appropriate local educational agency (as defined by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subparagraph).”

(b) SPECIAL RULES.—Section 62 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(d) SPECIAL RULES.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mr. HATCH (for himself, Mr. BAUCUS, and Mr. DODD):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to enhance book donations and literacy; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce legislation designed to clarify and enhance the charitable contribution tax deduction for donations of excess book inventory for edu-

cational purposes. I am pleased to be joined in this effort by my good friends and colleagues Senators BAUCUS and DODD. This proposal would simplify a complex area of the current law and eliminate significant roadblocks that now stand in the way of corporations with excess book inventory to donating those books to schools, libraries, and literacy programs, where they are much needed.

Unfortunately, our current tax law contains a major flaw when it comes to the donation of books that are excess inventory for publishers or booksellers. The tax benefits for donating such books to schools or libraries are often no greater than those of sending the books to the landfill. And, since it is generally cheaper and faster for a company to simply send the books to the dump, rather than go through the trouble and cost of finding donees, and of packing, storing, and shipping the books, it often ends up being more cost effective and easier for companies to truck the books to a landfill or recycling center.

While there are provisions in the current law where a larger deduction is available for the donation of excess books, many companies have found that the complexity and uncertainty of dealing with the requirements, regulations, and possible Internal Revenue Service challenges of the higher deduction serve as a real disincentive to making a contribution.

This is a sad situation, when one considers that many, if not most, of these books would be warmly welcomed by schools, libraries, and literacy programs.

The heart of the problem is that under the current law, the higher deduction requires that the donated books be used only for the care of the needy, the sick, or infants. This requirement makes it difficult for schools to qualify as donees and also frequently prohibits libraries and adult literacy programs from receiving such deductions. This is because these schools, libraries, and literacy programs often serve those who are not needy or are over the age of 18. Further complicating the issue, the valuation of donated book inventory has been the subject of ongoing disputes between taxpayers and the IRS. The tax code should not contain obstacles that provide disincentives to charitable donations of books that can enhance learning.

The bill we are introducing today addresses the obstacles of donating excess book inventory by providing a simple and clear rule whereby any donation of book inventory to a qualified school, library, or literacy program is eligible for the enhanced deduction. This means that booksellers and publishers would receive a higher tax benefit for donating the books rather than throwing them away and would thus be encouraged to go to the extra trouble and

expense of seeking out qualified donees and making the contributions.

My home State of Utah, like the rest of the Nation, has a problem with illiteracy. According to the National Institute for Literacy, between 21 and 23 percent of the adult population of the United States, about 44 million people, are only at Level 1 literacy, meaning they can read a little but not well enough to fill out an application, read a food label, or read a simple story to a child. Another 25 to 28 percent of the adult population, or between 45 and 50 million people, are estimated to be at Level 2 literacy, meaning they can usually can perform more complex tasks such as comparing, contrasting, or integrating pieces of information but usually not higher level reading and problem-solving skills. Literacy experts tell us that adults with skills at Levels 1 and 2 lack a sufficient foundation of basic skills to function successfully in our society.

While this bill is not a cure-all for the tragedy of illiteracy, it will increase access to books, both for adults and for children. Our tax code should not encourage the destruction of perfectly good books while schools, libraries, and literacy programs go begging for them.

The Senate is already on record in unanimous support of this bill. During the floor debate on the Economic Growth and Tax Relief Reconciliation Act of 2001, I offered this proposal as an amendment, which was accepted without opposition. Unfortunately, the provision was dropped in the conference with the House.

The Joint Committee on Taxation estimates this provision to decrease revenues to the Treasury by \$246 million over a ten year period. This estimate helps demonstrate the extent of the value of the books that are currently being discarded that could be utilized to help America's adults and children.

I hope our colleagues will join us in supporting this bill. It is wrong for our tax code to encourage book publishers to send books to the landfill instead of to the library. Let's correct this problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1415

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONTRIBUTIONS OF BOOK INVENTORY.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR CONTRIBUTIONS OF BOOK INVENTORY FOR EDUCATIONAL PURPOSES.—

“(i) CONTRIBUTIONS OF BOOK INVENTORY.—In determining whether a qualified book contribution is a qualified contribution, subparagraph (A) shall be applied without regard to whether or not—

“(I) the donee is an organization described in the matter preceding clause (i) of subparagraph (A), and

“(II) the property is to be used by the donee solely for the care of the ill, the needy, or infants.

“(ii) QUALIFIED BOOK CONTRIBUTION.—For purposes of this paragraph, the term ‘qualified book contribution’ means a charitable contribution of books, but only if the contribution is to an organization—

“(I) described in subclause (I) or (III) of paragraph (6)(B)(i), or

“(II) described in section 501(c)(3) and exempt from tax under section 501(a) which is organized primarily to make books available to the general public at no cost or to operate a literacy program.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act.

Mr. DODD. Mr. President, I rise with my colleagues Senator HATCH and Senator BAUCUS to introduce a measure to encourage book publishers to donate excess inventory to schools, libraries, and literacy programs.

Currently, because of the TAX CODE's treatment of such donations, and the cost of shipping books to schools and libraries, often it is more economical for publishers to destroy books than to donate them. That is as shocking as it is unacceptable.

Both the House and Senate versions of the education bills that currently are in conference authorize nearly \$1 billion dollars for grants to State and local educational agencies for pre-reading or reading programs for children from pre-kindergarten through 3rd grade. I think it goes without saying that programs to teach kids to read won't work unless they can provide kids with access to books. You can't learn to read if you don't have anything to read.

That is why measures such as this, and the provision in the Senate's education bill to help school libraries acquire up-to-date books and to remain open for longer hours, are essential to the success of the reading programs in both bills. This provision will increase children's access to books, introduce them to whole new worlds of knowledge, and enable them to read more at school, in libraries, and at home.

This is important, because in a recent study of 15 countries, the United States was 12th in the percentage of 13-year-olds who read for fun. Of course, reading for fun is valuable for its own sake, but it also is an important indicator of academic achievement. For example, students who read on their own do better on both math and reading tests.

So, I believe that this provision is exactly the sort of good bipartisan tax and public policy that we ought to be promoting in the Senate, and I ask my

colleagues to join Senators HATCH, BAUCUS, and myself in supporting this bill.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 158—HONORING THE ACCOMPLISHMENTS AND UNFAILING SPIRIT OF WOMEN IN THE 20TH CENTURY

Mr. CLELAND (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas women should be celebrated for the unparalleled strides made during the 20th century in education, professional careers, legal rights, politics, military service, religion, sports, and self-reliance;

Whereas at the dawn of the 20th century, women in the United States were denied their constitutional right to equal protection of the law, including the right to vote;

Whereas the women's suffrage movement, the largest grassroots political movement in the Nation's history, involved approximately 2,000,000 women and took more than 70 years of petitions, referenda, speeches, national and State campaigns, demonstrations, arrests, and hunger strikes;

Whereas women won the right to vote throughout the United States with the ratification of the 19th amendment to the Constitution in 1920, and by the end of the century women were voting in larger numbers than men in some national elections;

Whereas women represent an increasing percentage of the population awarded college and postgraduate degrees;

Whereas women are increasingly owning businesses and working to narrow the pay gap between women and men;

Whereas in World War I, women were only allowed to serve in the Army as nurses, and approximately 10,000 of the 30,000 women that served in World War I served as volunteers overseas, with no rank and no benefits;

Whereas during the 20th century, women served the Nation proudly and capably in the Armed Forces, including duty in World War I, World War II, Korea, Vietnam, Panama, Libya, the Persian Gulf, Bosnia, Kosovo, and in supportive roles during all of these conflicts;

Whereas women now serve in all ranks and branches of the Armed Forces as pilots, intelligence specialists, drill instructors, specialists, technicians, soldiers, airmen, and marines on the battlefields, and as sailors aboard Navy and Coast Guard ships at sea;

Whereas the 20th century saw women in new roles as justices on the Supreme Court, members of the President's Executive Cabinet, and Members of Congress;

Whereas women's contributions have become invaluable as Federal, State, and local legislators, Governors, judges, Cabinet officers, county commissioners, mayors, city council members, and directors of Federal, State, and local agencies;

Whereas women made significant strides in the 20th century, yet as we enter the 21st century women continue to face inequality;

Whereas women are disparately excluded from health care research, clinical trials, and treatment;

Whereas women continue to be underrepresented in science and technology careers;

Whereas women are often paid only 72 cents for each 1 dollar paid to men for the same work;

Whereas women are disproportionately affected by poverty and elderly women are generally more dependent on the social security program under title II of the Social Security Act; and

Whereas women can reflect upon the opportunities created during the 20th century and look toward even greater accomplishments in the 21st century: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and commends the accomplishments and unflinching spirit of women in the 20th century;

(2) recognizes the crucial roles of women in our communities as mothers, wives, and family caregivers;

(3) recognizes the disparity in equality that women still face;

(4) reaffirms the need to prevent and punish violence against women so that women may be safe from domestic violence, sexual assault, elder abuse, and violence in the workplace;

(5) recognizes that women should have equal access to health care and inclusion in research and clinical trials;

(6) recognizes the need for equality in vocational and academic education;

(7) recognizes that the pay gap should be closed;

(8) commits to preserving the social security program under title II of the Social Security Act and the medicare program under title XVIII of such Act; and

(9) pledges to make the 21st century the "Century of Equal Opportunity for Women".

Mr. CLELAND. Mr. President, I rise today to submit a resolution recognizing the 21st century as the "Century of Equal Opportunity for Women."

This proposal recognizes that as we enter the 21st century, it is essential that we note the great strides made by women in the 20th century as well as recognizing fundamental inequalities still faced by women as we begin the 21st century. The need for this resolution comes from the important requirement to acknowledge past achievements but to also address specific areas where further improvements are needed in order to ensure that women are given equal opportunity.

Unfortunately, women continue to face challenges and disparities in areas like health care and wages. This resolution acknowledges inequities such as the pay gap and challenges us to see that these issues are addressed so that women may have not just more opportunities, but equal opportunities. The measure is supported by the American Association of University Women. I, along with co-sponsors Senators CLINTON, COCHRAN, and MURRAY, urge our colleagues to support this resolution and recognize the 21st century as the "Century of Equal Opportunity for Women."

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1533. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1534. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1535. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1536. Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH, of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, supra.

SA 1537. Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill (H.R. 2500) supra.

SA 1538. Mr. SMITH, of New Hampshire (for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, Mr. COCHRAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. JOHNSON) proposed an amendment to the bill H.R. 2500, supra.

SA 1539. Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. FEINGOLD, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1540. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1541. Mr. CRAIG (for himself, Mr. CRAPO, Mr. BENNETT, Mr. ALLEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1542. Mr. DORGAN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2500, supra.

SA 1543. Mr. DORGAN proposed an amendment to the bill H.R. 2500, supra.

SA 1544. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1545. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1546. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1547. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1533.** Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

## TITLE I—DEPARTMENT OF JUSTICE GENERAL ADMINISTRATION SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$93,433,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

### JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$22,500,000, to remain available until expended.

### LEGAL ACTIVITIES OFFICE AUTOMATION

For necessary office-automation expenses of organizations funded under the headings "Salaries and Expenses", General Legal Activities, and "Salaries and Expenses", General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, \$34,600,000, to remain available until expended.

### NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$204,549,000, to remain available until expended.

### PORT SECURITY

For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, \$39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.

### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$45,813,000.

### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of

the Immigration and Naturalization Service, \$88,884,000, of which \$87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: *Provided*, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$46,006,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

#### UNITED STATES PAROLE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$8,836,000.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$527,543,000: *Provided*, That of the funds made available in this appropriation, \$2,612,000 shall remain available until expended only for courtroom technology: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$130,791,000: *Provided*, That, notwithstanding any other provision of law, not to exceed \$130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0.

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-

governmental and cooperative agreements, \$1,260,353,000; of which not to exceed \$2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That of the amount made available under this heading, \$6,000,000 shall be available only to procure, operate, and maintain gun-fire surveillance equipment to support gun prosecution initiatives in high crime areas: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106-246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106-554: *Provided further*, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113 shall apply to amounts made available under this heading for fiscal year 2002: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,539 positions and 9,607 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

##### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$154,044,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$154,044,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at \$0.

##### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,130,000.

##### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$644,746,000; of which not to exceed \$6,000 shall be available for official reception and representation

expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, \$18,145,000, to remain available until expended.

##### CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, \$25,812,000, to remain available until expended.

##### JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

For necessary expenses to procure replacement aircraft, \$53,050,000, to remain available until expended, shall be available only for the purchase of two long-range, wide body aircraft.

##### FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$724,682,000, to remain available until expended.

##### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$156,145,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

##### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,269,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account.

##### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

##### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$1,996,000.

##### PAYMENT TO RADIATION EXPOSURE

##### COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered

by the Radiation Exposure Compensation Act as in effect on June 1, 2000, \$10,776,000.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$336,966,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$3,425,041,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than \$485,278,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That of the amount made available under this heading, \$53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana.

##### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$44,074,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to

exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$1,489,779,000; of which \$33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed \$50,000 shall be available for official reception and representation expenses.

#### IMMIGRATION AND NATURALIZATION SERVICE

##### SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not less than 3,165 passenger motor vehicles, of which not less than 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, \$3,176,037,000; of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training; of which not to exceed \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$1.153 per pay period during the calendar year beginning January 1, 2002: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed \$45,000 shall be available for official

reception and representation expenses: *Provided further*, That not to exceed 30 permanent positions and 30 full-time equivalent workyears and not to exceed \$4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such augmentation may not exceed 10 full-time equivalent workyears.

##### CONSTRUCTION

For planning, purchase of construction vehicles, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$205,015,000, to remain available until expended, of which \$3,000,000 shall be available only to comply with Occupational Safety and Health Administration programs.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,786,228,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2003: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

##### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force

account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$899,797,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That, of the amount made available under this heading, \$66,524,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Immigration and Naturalization Service, Construction" appropriations account, to be available only for the construction of detention facilities: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

#### LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

#### OFFICE OF JUSTICE PROGRAMS JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$200,738,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, \$364,000,000, to remain available until expended.

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), \$2,089,990,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) \$400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) \$80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) \$19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) \$265,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) \$35,000,000 shall be available for the Cooperative Agreement Program;

(4) \$35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(5) \$7,982,000 for the Tribal Courts Initiative;

(6) \$578,125,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which \$78,125,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(7) \$11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(8) \$2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(9) \$184,937,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) \$1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for domestic violence federal case processing study,

(b) \$5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women, and

(c) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile

Justice and Delinquency Act of 1974, as amended;

(10) \$64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) \$39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) \$4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) \$998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(14) \$3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(15) \$10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106-386;

(16) \$40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106-386;

(17) \$5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(18) \$15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106-386;

(19) \$7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106-386;

(20) \$68,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: *Provided*, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grants funds for treatment, both during incarceration and after release;

(21) \$4,989,000 for demonstration grants on alcohol and crime in Indian Country;

(22) \$898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) \$50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) \$1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) \$1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) \$249,450,000 for Juvenile Accountability Incentive Block Grants except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) \$1,298,000 for the Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act;

*Provided*, That funds made available in fiscal year 2002 under subpart 1 of part E of title I

of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

#### COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,019,874,000, to remain available until expended; of which \$150,962,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546), of which \$35,000,000 is for the State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to the State and local forensic general science capabilities to reduce State and local DNA convicted offender sample backlog and for awards to State, local, and private laboratories, and of which \$17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training; of which \$510,524,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which \$190,291,000 shall be available for the COPS hiring program, of which \$180,000,000 shall be available for school resource officers, of which \$31,315,000 shall be used to improve tribal law enforcement including equipment and training, of which \$25,444,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501

of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, of which \$30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101-200113 of the 1994 Act, and of which \$20,662,000 shall be used to provide training and technical assistance; of which \$155,467,000 shall be used for a law enforcement technology program, of which \$7,202,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional computer forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division, of which \$1,005,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to expand the Violent Criminal Apprehension Program to include sexual assault, of which \$350,000 shall be transferred to, and merged with, funds in the "Salaries and Expenses", General Legal Activities appropriations account to be available only for equipment to connect Interpol to the National Law Enforcement Telecommunications System, and of which \$4,000,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional mitochondrial DNA forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division; of which \$48,393,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots"; of which \$99,780,000 for a prosecution assistance program to reimburse State, county, parish, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys' offices, of which \$49,780,000 shall be for a national program to reduce gun violence, and of which \$50,000,000 shall be for the Southwest Border Prosecutor Initiative; of which \$16,963,000 shall be for a police integrity program; of which \$22,851,000 is for the Safe Schools Initiative; and of which \$14,934,000 shall be for an offender re-entry program: *Provided*, That of the amount provided for Public Safety and Community Policing Grants, not to exceed \$32,812,000 shall be expended for program management and administration: *Provided further*, That of the prior year balances available in this program, \$46,000,000 shall be available for the direct hiring of law enforcement officers through the Universal Hiring Program: *Provided further*, That Section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796 d.d. et seq.).

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$320,026,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102-586, of which: (1) notwithstanding any other provision of law, \$6,847,000 shall be available

for expenses authorized by part A of title II of the Act, \$88,804,000 shall be available for expenses authorized by part B of title II of the Act, and \$55,691,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That \$26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$130,767,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which \$15,000,000 shall be available for the Safe Schools Initiative: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$8,481,000, to remain available until expended, as authorized by section 214B of the Act.

#### PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340); and \$2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

## GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 124 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is repealed.

SEC. 103. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 105. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking "6" and inserting "96".

SEC. 106. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 107. Section 11231 of the National Capital Revitalization and Self-Government Improvement Act of 1997, Public Law 105-33, is amended—

(1) in the catchline of paragraphs (a)(1) and (2), by striking "of Parole Commission";

(2) in subsections (a) and (c), by replacing "United States Parole Commission" and "Parole Commission", each place they currently appear, with "agency established under section 11233";

(3) in paragraph (a)(1), by replacing "one year after date of enactment of this Act" with "September 30, 2002", by replacing "Board of Parole of the District of Columbia" with "United States Parole Commission", by striking "exclusive", and by replacing all the matter from "felons," to the period, inclusive, with "felons.";

(4) by replacing all the matter after the catchline of paragraph (a)(2) with "Not later than September 30, 2002, the agency established under section 11233 shall assume all powers, duties, and jurisdiction transferred to the United States Parole Commission by this paragraph as in effect on January 1, 2001."; and

(5) in subsection (c), by replacing all the matter from "Columbia," to the period, inclusive, with "Columbia.".

SEC. 108. In instances where the Attorney General determines that law enforcement, security, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefore.

SEC. 109. Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect a fee in the amount of \$3 for each individual with respect to whom immigration inspection services or preinspection services are provided in connection with the arrival in the United States of the individual as a passenger on a commercial vessel, if the passenger's journey originated in any of the following:

"(i) Mexico.

"(ii) Canada.

"(iii) A State, territory, or possession of the United States.

"(iv) Any adjacent island (within the meaning of section 101(b)(5)).

"(B) The authority of subparagraph (A) does not apply to immigration inspection services or preinspection services provided at a designated port of entry in connection with the arrival of a passenger by means of a Great Lakes international ferry, or by means of any vessel that transits the Great Lakes or its connecting waterways, if the ferry or other vessel operates on a regular schedule."

SEC. 110. Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: "Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence."; and

(2) by amending paragraph (3)(B) to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r)."

SEC. 111. Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)), is amended by striking the period at the end and inserting ", and for a Victim Notification System."

This title may be cited as the "Department of Justice Appropriations Act, 2002".

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

## TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, includ-

ing the hire of passenger motor vehicles and employment of experts and consultants as authorized by 5 U.S.C. 3109, \$30,097,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

## INTERNATIONAL TRADE COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$49,386,000, to remain available until expended.

## DEPARTMENT OF COMMERCE

## INTERNATIONAL TRADE ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$347,090,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That \$66,820,000 shall be for Trade Development, \$27,441,000 shall be for Market Access and Compliance, \$42,859,000 shall be for the Import Administration, \$193,824,000 shall be for the United States and Foreign Commercial Service, and \$13,146,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

## EXPORT ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage

for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$68,893,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION  
ECONOMIC DEVELOPMENT ASSISTANCE  
PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$341,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,557,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY  
MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$28,381,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE  
ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$62,515,000, to remain available until September 30, 2003.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$168,561,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$348,529,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND  
INFORMATION ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$14,054,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,  
PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$2,358,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits

instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$856,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in fiscal year 2002 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2002, should the total amount of offsetting fee collections be less than \$856,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an additional amount not to exceed \$282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: *Provided further*, That from amounts provided herein, not to exceed \$5,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF  
TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,238,000.

NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$343,296,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$105,137,000, to remain available until expended: *Provided*, That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$204,200,000, to remain available until expended, of which not to exceed \$60,700,000 shall be available for the award of new grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$43,893,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and

Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to non-profit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,267,705,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management": *Provided further*, That of the amounts made available to the National Marine Fisheries Service, not less than \$29,000,000 shall be for Alaskan Steller sea lion research: *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: *Provided further*, That of the amount provided under this heading, for expenses necessary to carry out "NOAA Operations, Research and Facilities sub-category" in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, \$33,650,000 to remain available until expended, for the purposes of discretionary spending limits: *Provided further*, That not to exceed \$54,255,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: *Provided further*, That of the amount provided to the National Marine Fisheries Service, a total of \$6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: *Provided further*, That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: *Provided further*, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: *Provided further*, That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Fam-

ily Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, systems, real property and other assets over \$25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund: *Provided further*, That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of \$5,000,000 from deobligations and continued funding as may be or become available from deobligations: *Provided further*, That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: *Provided further*, That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.

There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: *Provided*, That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: *Provided further*, That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alter-

ation and modification costs, of the National Oceanic and Atmospheric Administration, \$939,610,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That of the amount provided under this heading for expenses necessary to carry out the "NOAA Procurement, Acquisition, and Construction sub-category" in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Coastal and Estuarine Land Conservation Program, \$83,410,000 to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided further*, That of the above amounts, \$60,000,000 shall be for the "Coastal and Estuarine Land Conservation Program": *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

#### PACIFIC COASTAL SALMON RECOVERY

For necessary expenses to carry out the "NOAA Pacific Coastal Salmon Recovery sub-category" in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, \$133,940,000, to remain available until expended, and to be for conservation spending category activities pursuant to Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

#### COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.

#### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

#### FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

#### FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans,

shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$8,000 for official entertainment, \$42,062,000.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic,

and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", \$5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, \$3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and \$4,000,000 is appropriated for the Institute for Politics.

SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the "Working Capital Fund" in fiscal year 2002, or in any fiscal year thereafter, may not exceed \$117,000,000.

(b) All transfers of funds to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.

(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed \$29,250,000.

(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.

(2) Of the proposed disbursements in the report under paragraph (1)—

(A) not more than \$40,000,000 of the proposed disbursements may be for the Commerce Administrative Management System; and

(B) not more than \$15,000,000 of the proposed disbursements for that System may be from or attributable to the National Oceanic and Atmospheric Administration.

(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).

(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.

(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.

(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.

(e) Amounts in the "Advances and Reimbursements" account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2002".

#### TITLE III—THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$39,988,000.

##### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT

## SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$19,372,000.

UNITED STATES COURT OF INTERNATIONAL  
TRADE

## SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$13,054,000.

COURTS OF APPEALS, DISTRICT COURTS, AND  
OTHER JUDICIAL SERVICES

## SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,559,012,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects: *Provided*, That, of the amount made available under this heading, \$33,000, shall be transferred to, and merged with, funds in the "Salaries and Expenses, United States Marshals Service" appropriations account in title I of the Act, to be available only for court operations in Lander, Wyoming.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

## DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$463,756,000, of which \$257,710,000 is for federal defender organizations, to remain available until expended.

## FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commis-

sioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$50,131,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

## COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$209,762,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems and contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: *Provided*, That, of the amount made available under this heading, \$3,580,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems.

ADMINISTRATIVE OFFICE OF THE UNITED  
STATES COURTS

## SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,212,000, of which \$3,000,000 shall only be available, by grant, for caption training, and of which not to exceed \$8,500 is authorized for official reception and representation expenses.

## FEDERAL JUDICIAL CENTER

## SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$19,742,000; of which \$1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

## JUDICIAL RETIREMENT FUNDS

## PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

## UNITED STATES SENTENCING COMMISSION

## SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title

28, United States Code, \$11,327,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

## GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 305. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, \$400,000 shall be transferred to, and merged with, funds in the "Federal Judicial Center, Salaries and Expenses" appropriations account to be available only for distance learning.

This title may be cited as this "Judiciary Appropriations Act, 2002".

TITLE IV—DEPARTMENT OF STATE AND  
RELATED AGENCY

## DEPARTMENT OF STATE

## ADMINISTRATION OF FOREIGN AFFAIRS

## DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,088,990,000: *Provided*, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That of the amount made available under this heading, \$7,800,000 shall be available only to provide language, security, leadership and management, and

professional training: *Provided further*, That of the amount made available under this heading, \$6,000,000 to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems: *Provided further*, That of the amount made available under this heading, \$694,190,000 shall be available only for information resource management: *Provided further*, That of the amount made available under this heading, \$9,000,000 shall be available only for the East-West Center: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$335,000,000 of offsetting collections derived from fees collected under the authority of section 104(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of \$335,000,000 in fiscal year 2002 shall not be available for obligation and shall be returned to the General Fund: *Provided further*, That notwithstanding any other provision of law, a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee in a foreign area within the meaning of 5 U.S.C. Section 5923, and qualify for a living quarters allowance as authorized by 5 U.S.C. 5923(2): *Provided further*, That a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed as an employee approved for transfer to an international organization within the meaning of 5 U.S.C. Section 352, and eligible to continue participating in the retirement, health benefit, group life insurance, and other benefit programs as provided in that section: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: *Provided further*, That of the amounts made available under this heading, \$5,000,000 shall be available only for the reimbursement costs incurred by the State of Hawaii for security expenses relating to the May 2001 Asian Development Bank Meeting: *Provided further*, That of the amount made available under this heading, \$45,419,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which \$20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$5,419,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other execu-

tive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$409,363,000, to remain available until expended.

#### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$210,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$28,427,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$242,000,000, to remain available until expended: *Provided*, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$9,000,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$10,000,000, to remain available until September 30, 2003.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, \$405,391,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction, \$661,560,000, to remain available until expended.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$5,465,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

#### REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$17,044,000.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$135,629,000.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

#### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,091,348,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

#### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$773,182,000, of which 15 percent shall remain available until September 30, 2003: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be

served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.

#### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$7,452,000.

##### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$24,154,000, to remain available until expended, as authorized.

##### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$6,879,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

##### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$20,780,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

##### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,000,000, to remain available until expended, as authorized.

##### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

##### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by sec-

tion 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

#### EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$14,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

#### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$31,000,000, to remain available until expended.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, \$414,752,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

##### BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$24,872,000, to remain available until expended.

##### BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$16,900,000, to remain available until expended, as authorized.

#### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, ex-

cept as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. There is hereby enacted into law S. 787 of the 107th Congress (as introduced on April 26, 2001).

SEC. 405. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

#### TITLE V—RELATED AGENCIES

##### DEPARTMENT OF TRANSPORTATION

##### MARITIME ADMINISTRATION

##### MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

##### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$89,054,000.

##### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$100,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as

defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

#### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$489,000, as authorized by section 1303 of Public Law 99-83.

#### COMMISSION ON CIVIL RIGHTS SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,096,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

#### COMMISSION ON OCEAN POLICY SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106-256, \$2,500,000, to remain available until expended: *Provided*, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

#### COMMISSION ON SECURITY AND COOPERATION IN EUROPE

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,432,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

#### CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

##### SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$500,000, to remain available until expended.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as au-

thorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$310,406,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

#### FEDERAL COMMUNICATIONS COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$252,545,000, of which not to exceed \$300,000 shall remain available until September 30, 2003, for research and policy studies: *Provided*, That \$218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at \$29,788,000: *Provided further*, That any offsetting collections received in excess of \$218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

#### FEDERAL MARITIME COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$17,450,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

#### FEDERAL TRADE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$156,270,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$156,270,000 of offsetting collections derived from fees collected for premerger notifica-

tion filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

#### LEGAL SERVICES CORPORATION PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,400,000 is for management and administration and \$4,400,000 is for client self-help and information technology: *Provided*, That none of such funds for management and administration shall be obligated or expended for any program that is in addition to, or expanded from, the programs funded under this heading for fiscal year 2001, unless the Legal Services Corporation prepares a spending plan for such funds, and notifies the Committees on Appropriations of the House of Representatives and the Senate concerning the contents of the spending plan.

#### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

#### MARINE MAMMAL COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,957,000.

#### NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, \$4,000,000.

#### SECURITIES AND EXCHANGE COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in fiscal year 2000, \$404,547,000 to remain available until expended; of which not

to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: *Provided further*, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

#### SMALL BUSINESS ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$333,233,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That \$88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,000,000.

#### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,860,000, to be available until expended; and for the cost of guaranteed loans, \$93,500,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2003: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002, commit-

ments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$3,750,000,000: *Provided further*, That during fiscal year 2002, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2002, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed \$4,100,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$79,510,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$125,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$115,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), \$14,850,000, to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

#### UNITED STATES-CANADA ALASKA RAIL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the "United States-Canada Alaska Rail Commission", as

authorized by Title III of Public Law 106-520, \$4,000,000.

#### TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. (a) The caption for section 504 of title 28, United States Code, is amended by replacing "Attorney" with "Attorneys".

(b) Section 504 of title 28, United States Code, is amended by inserting after "General" the following, "and a Deputy Attorney General for Combating Domestic Terrorism".

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

(e) The Deputy Attorney General for Combating Terrorism together with the Deputy Director of the Federal Emergency Management Agency shall coordinate all functions of the Federal Government related to domestic counterterrorism and antiterrorism activities, including—

(1) the development of a National Strategy for Combating Domestic Terrorism that shall establish national policies, objectives, and priorities for preventing, preparing for, and responding to domestic terrorism within the United States;

(2) the coordination of the implementation of the National Strategy for Combating Domestic Terrorism by the departments and agencies of the Federal Government and by State and local entities with responsibilities for combating domestic terrorism; and

(3) the recommendation of changes in the organization and management of Federal departments and agencies and State and local entities engaged in combating domestic terrorism to the Congress, the President, the Vice President, the Attorney General, and the Director of the Federal Emergency Management Agency.

(f) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall be responsible for State and local preparedness for weapons of mass destruction, security classifications and clearances within the Department of Justice, and contingency operations within the Department of Justice.

(g) For necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism, \$23,000,000, to remain available until expended.

(h) Notwithstanding any other provision of law, all authorities, liabilities, funding, personnel, equipment, and real property associated with the Office of State and Local Domestic Preparedness Support, the National Domestic Preparedness Office, the Executive Office of National Security, and such components which relate to domestic counterterrorism and antiterrorism activities in the Office of Intelligence Policy and Review as are appropriate shall be transferred to the Deputy Attorney General for Combating Domestic Terrorism not later than 90 days after enactment of this Act.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Section 286(d) of Public Law 82-414, as amended, is further amended—

(1) in subsection (d), by striking “\$6” and inserting “\$7”; and

(2) in subsection (h), by adding at the end the following new paragraph:

“(3) Not less than nine percent of the total amounts deposited under this subsection in a fiscal year shall be available only to automate or otherwise improve the speed, accuracy, or security of the inspection process.”.

SEC. 607. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 608. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: “This section shall apply to fiscal year 1981 and each fiscal year thereafter.”.

SEC. 609. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 612. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when such information or material is sexually explicit or features nudity.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$576,462,000 shall not be available for obligation until the following fiscal year.

SEC. 618. Hereafter, none of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or non-immigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. Section 504(a)(16) of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (110 Stat. 1321-55; Public Law 104-134) is amended by striking beginning with “, except that” through “representation”.

SEC. 621. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106-246.

SEC. 622. (a) Section 203(i) of the Act entitled “An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes”, approved November 13, 1998, is amended by striking “2001” and inserting “2006”.

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

“(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.”.

#### TITLE VII—RESCISSIONS

##### DEPARTMENT OF STATE AND RELATED AGENCY

##### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

##### (RESCISSION)

Of the unobligated balances available under this heading, \$126,620,000 are rescinded. This Act may be cited as the “Departments of Commerce, Justice, and State, the

Judiciary, and Related Agencies Appropriations Act, 2002."

**SA 1534.** Mr. KENNEDY, submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 5 \_\_\_\_\_. (a) Section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2), by striking subparagraph (C) and inserting the following:

"(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

"(i) an alien who has been battered or subjected to extreme cruelty, or who has been subjected to violence from which the alien is protected under the domestic violence laws (including criminal and civil domestic violence laws) or family violence laws of the jurisdiction in which the recipient is located; or

"(ii) an alien whose child has been battered or subjected to extreme cruelty, or whose child has been subjected to violence from which the child is protected under domestic or family violence laws described in clause (i), in a case in which the alien did not actively participate in such battery, cruelty, or violence."; and

(2) in subsection (b)(2), by striking "battery or cruelty" and inserting "battery, cruelty, or other domestic or family violence".

(b) Any funds appropriated for the Legal Services Corporation for fiscal year 1999, 2000, or 2001 and remaining available on the date of enactment of this Act shall be subject to the terms and conditions set forth in section 502 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (as amended by subsection (a)), rather than section 502 of such Act (as in effect on the day before the date of enactment of this Act).

**SA 1535.** Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 91, line 15, before the ".", insert the following: "of which \$13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy".

On page 18, line 20, before the ":", insert the following: "of which \$11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which \$13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii".

On page 53, line 23, strike "\$54,255,000" and insert "\$23,890,000".

On page 55, starting on line 4, and finishing on line 5, strike "provided under this heading in previous years" and insert in lieu thereof "in excess of \$22,000,000".

On page 53, starting on line 16 and continuing through line 18, strike "for expenses

necessary to carry out "NOAA Operations, Research and Facilities sub-category" and insert in lieu thereof "for conservation activities defined".

On page 58, starting on line 7 and ending on line 8, strike "the "NOAA Procurement, Acquisition, and Construction sub-category" and insert in lieu thereof "conservation activities defined".

On page 58, line 10, after "amended", insert "including funds for".

On page 58, strike all after "expended" on line 12 through "limits" on line 16.

On page 58, line 16, after "That", insert the following: "notwithstanding any other provision of law,".

On page 58, line 17, strike "for" and insert in lieu thereof "used to initiate".

On page 58, line 18, insert before the ":", the following: "for which there shall be no matching requirement".

On page 59, starting on line 2 and ending on line 3, strike "NOAA Pacific Coastal Salmon Recovery sub-category" and insert in lieu thereof "conservation activities defined".

On page 59, line 5, after the second ":", insert the following: "including funds for".

On page 59, line 9, strike all after "expended" through "limits" on line 13.

On page 65, line 13, after "funds", insert the following: "functions, or personnel".

On page 66, line 5, strike "\$40,000,000" and insert "\$7,000,000".

On page 66, line 7, before the ":", insert the following: "or support for the Commerce Administrative Management System Support Center".

On page 66, line 8, after the "(B)", strike "not more than \$15,000,000" and insert in lieu thereof "None".

On page 67, after line 15, insert the following new subsection:

"(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the "Advances and Reimbursements" account based upon the report required by subsection (d)(1)."

On page 75, after line 11, insert the following new section:

"SEC. 306. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: *Provided*, That \$8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act."

On page 42, line 21, strike "\$49,386,000" and insert "\$51,440,000".

Strike section 107 and renumber sections 108-111 as "107-110".

On page 102, line 20, strike "\$3,750,000,000" and insert "\$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act".

On page 103, line 1, after "loans", insert "for debentures and participating securities".

On page 103, line 3, strike "\$4,100,000", and insert "the levels established by section 200(h)(1)(C) of the Small Business Act".

On page 105, line 5, before the ":", insert the following: "to remain available until expended".

On page 104, line 24, strike "\$14,850,000 and insert \$6,225,000".

On page 10, line 18, strike "\$724,682,000" and insert "\$712,682,000".

**SA 1536.** Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New

Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies of the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 623. (a) FINDINGS.—Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the Statute.

(3) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(4) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(5) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

**SA 1537.** Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and

State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

**SA 1538.** Mr. SMITH of New Hampshire (for himself, Mr. HARKIN, Mr. WARNER, Mr. INHOFE, Mr. COCHRAN, Mr. ALLARD, Mr. CAMPBELL, and Mr. JOHNSON) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

**SA 1539.** Mr. WELLSTONE (for himself, Mr. HELMS, Mr. KOHL, Mr. FEINGOLD, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 22 and 23, insert the following:

SEC. 112. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note) (as amended by Public Law 106-415) is amended by striking "18 months" each place such term appears and inserting "36 months".

**SA 1540.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, strike "\$341,000,000, to remain available until expended." and insert "\$345,000,000, to remain available until expended, of which \$4,000,000 shall be made available to the North County Council to be used to provide assistance (such as a revolving loan fund for small businesses and, in coordination with local community colleges, job training) to the towns of Berlin and Gorham, New Hampshire and businesses and individuals that have been significantly af-

ected by the closure of and layoffs at the American Tissue mills in Berlin and Gorham, New Hampshire."

On page 87, line 7, strike "\$31,000,000" and insert "\$27,000,000".

**SA 1541.** Mr. CRAIG (for himself, Mr. CRAPO, Mr. BENNETT, Mr. ALLEN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place the following:

**SEC. . SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.**

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented \$58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277; 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) The Republic of Korea has now engaged in a massive \$5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

**SA 1542.** Mr. DORGAN (for himself and Mr. KERRY) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 44, line 1, strike "\$347,090,000" and insert "\$357,090,000".

On page 44, line 6, strike "\$27,441,000" and insert "\$32,441,000".

On page 44, line 7, strike "\$42,859,000" and insert "\$47,859,000".

On page 88, line 7, strike "and television".

On page 88, line 9, strike "and television".

On page 88, line 10, strike "\$24,872,000" and insert "\$14,872,000".

**SA 1543.** Mr. DORGAN proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . PROHIBITION ON SALE OF DISASTER LOANS.**

Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

**SA 1544.** Mrs. FEINSTEIN submitted an amendment intended to be proposed

by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 9 and 10, insert the following:

#### TITLE VIII—INFANT CRIB SAFETY

##### SEC. 801. SHORT TITLE.

This title may be cited as the "Infant Crib Safety Act".

##### SEC. 802. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The disability and death of infants resulting from injuries sustained in crib incidents are a serious threat to the public health, welfare, and safety of people of this country.

(2) The design and construction of a baby crib must ensure that it is safe to leave an infant unattended for extended periods of time. A parent or caregiver has a right to believe that the crib in use is a safe place to leave an infant.

(3) Each year more than 12,000 children ages 2 and under are injured in cribs seriously enough to require hospital treatment.

(4) Each year at least 50 children ages 2 and under die from injuries sustained in cribs.

(5) The United States Consumer Product Safety Commission estimates that the cost to society resulting from deaths due to cribs is at least \$225,000,000 per year.

(6) Secondhand, hand-me-down, and heirloom cribs pose a special problem. There are nearly 4 million infants born in this country each year, but only one million new cribs sold. As many as 2 out of 4 infants are placed in secondhand, hand-me-down, or heirloom cribs.

(7) Most crib deaths occur in secondhand, hand-me-down, or heirloom cribs.

(8) Existing State and Federal legislation is inadequate to deal with the hazard presented by secondhand, hand-me-down, or heirloom cribs.

(9) Prohibiting the contracting to sell, resell, lease, sublease of unsafe cribs that are not new, or otherwise place in the stream of commerce unsafe secondhand, hand-me-down, or heirloom cribs, will prevent injuries and deaths caused by cribs.

(b) PURPOSE.—The purpose of this title is to prevent the occurrence of injuries and deaths to infants as a result of unsafe cribs by making it illegal—

(1) to manufacture, sell, or contract to sell any crib that is unsafe for any infant using it; or

(2) to resell, lease, sublet, or otherwise place in the stream of commerce, after the effective date of this Act, any unsafe crib, particularly any unsafe secondhand, hand-me-down, or heirloom crib.

##### SEC. 803. DEFINITIONS.

As used in this title:

(1) COMMERCIAL USER.—The term "commercial user" means any person—

(A) who manufactures, sells, or contracts to sell full-size cribs or nonfull-size cribs; or

(B) who—

(i) deals in full-size or nonfull-size cribs that are not new or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to full-size cribs or nonfull-size cribs, including child care facilities and family child care homes; or

(ii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing

in the stream of commerce full-size cribs or nonfull-size cribs that are not new.

(2) CRIB.—The term "crib" means a full-size crib or nonfull-size crib.

(3) FULL-SIZE CRIB.—The term "full-size crib" means a full-size baby crib as defined in section 1508.1 of title 16 of the Code of Federal Regulations.

(4) INFANT.—The term "infant" means any person less than 35 inches tall or less than 2 years of age.

(5) NONFULL-SIZE CRIB.—The term "nonfull-size crib" means a nonfull-size baby crib as defined in section 1509.2(b) of title 16 of the Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

##### SEC. 804. PROHIBITIONS.

(a) IN GENERAL.—It shall be unlawful for any commercial user—

(1) to manufacture, sell, or contract to sell, any full-size crib or nonfull-size crib that is unsafe for any infant using it; or

(2) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or nonfull-size crib that is not new and that is unsafe for any infant using the crib.

(b) LODGINGS.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this title, any full-size crib or nonfull-size crib that is unsafe for any infant using it.

##### SEC. 805. CRIB STANDARDS.

A crib shall be presumed to be unsafe under this title if it does not conform to all of the following:

(1) Part 1508 (commencing with section 1508.1) of title 16 of the Code of Federal Regulations.

(2) Part 1509 (commencing with section 1509.1) of title 16 of the Code of Federal Regulations.

(3) Part 1303 (commencing with section 1303.1) of title 16 of the Code of Federal Regulations.

(4) American Society for Testing Materials Voluntary Standard F406.

(5) American Society for Testing Materials Voluntary Standards F966.

(6) American Society for Testing Materials Voluntary Standards F1169.

(7) American Society for Testing Materials Voluntary Standards F1822.

(8) Any regulations or standards that are adopted in order to amend or supplement the regulations described in paragraphs (1) through (7).

##### SEC. 806. EXCEPTIONS.

This title shall not apply to a full-size crib or nonfull-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, as applicable, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

##### SEC. 807. ENFORCEMENT.

(a) CIVIL PENALTY.—Any commercial user, hotel, motel, or similar transient lodging facility that knowingly violates section 804 is subject to a civil penalty not exceeding \$1,000.

(b) INJUNCTION.—Any person may bring an action in a district court of the United States against any commercial user, hotel, motel, or similar transient lodging facility

to enjoin any act or omission that violates section 804, and for reasonable attorneys fees and costs incurred in bringing the action.

##### SEC. 808. REMEDIES.

Penalties or other remedies available under this title are in addition to any other fines, penalties, remedies, or procedures under any other provision of law.

##### SEC. 809. EFFECTIVE DATE.

This title shall become effective 90 days after the date of the enactment of this Act.

**SA 1545.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 20, after the colon insert the following: "Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended:"

**SA 1546.** Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, after "Act" insert " , of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine".

**SA 1547.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, before the period at the end, insert the following: " , of which \$100,000 shall be used by the Secretary of Commerce to conduct a study, and, not later than 1 year after the date of enactment of this Act, submit to the Committee on Environment and Public Works of the Senate a report, on the need for and the feasibility of establishing an eco-industrial grant program".

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Improving Women's

Health: Why Contraceptive Insurance Coverage Matters" during the session of the Senate on Monday, September 10, 2001, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 10, 2001, from 10 a.m.-12:30 p.m. in Dirksen 215 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, Infrastructure, and Nuclear Safety be authorized to meet on Monday, September 10, 2001, at 3:30 p.m. to conduct a hearing on the Intelligent Transportation Systems Program. The hearing will be held in room SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following staff be granted floor privileges during the consideration of H.R. 2500, the Commerce, Justice, State, and the Judiciary appropriations bill: Lila Helms, Luke Nachbar, Dereck Orr, Jill Shapiro Long, Jim Morhard, Kevin Linskey, Katherine Hennessey, Nancy Perkins, and Ashley Cooper.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a legislative fellow of the Department of Commerce, be granted the privilege of the floor during debate on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, SEPTEMBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until the hour of 10 a.m. on Tuesday, September 11. I further ask unanimous consent that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Commerce, State, Justice Appropriations Act; further, that the Senate recess from 12:30 until 2:15 p.m. for our weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the Commerce, State, Justice act. We hope we can have a time certain for filing of amendments. We hope to complete the bill tomorrow. There will be rollcall votes throughout the day. The Senate will recess from 12:30 a.m. until 2:15 p.m. for our party conferences.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Tuesday, September 11, 2001, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 10, 2001:

##### THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

ROCKWELL A. SCHNABEL, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY. JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION), VICE ROBERT J. EINHORN.

##### AFRICAN DEVELOPMENT BANK

CYNTHIA SHEPARD PERRY, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WILLENE A. JOHNSON, RESIGNED.

##### THE JUDICIARY

ROBERT E. BLACKBURN, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE ZITA L. WEINSHIENK, RETIRED.

DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

CINDY K. JORGENSEN, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-116, APPROVED NOVEMBER 29, 1999.

MARCIA S. KRIEGER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE DANIEL B. SPARR, RETIRED.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE NORMA HOLLOWAY JOHNSON, RETIRED.

JAMES C. MAHAN, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE ROGER Z. STRAND, RETIRED.

JULIE A. ROBINSON, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE G. THOMAS VAN BEBER, RETIRED.

D. BROOKS SMITH, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE TIMOTHY K. LEWIS, RETIRED.

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIGADIER GENERAL RONALD J. BATH, 0000  
BRIGADIER GENERAL FREDERICK H. FORSTER, 0000  
BRIGADIER GENERAL JUAN A. GARCIA, 0000  
BRIGADIER GENERAL MICHAEL J. HAUGEN, 0000  
BRIGADIER GENERAL DANIEL JAMES III, 0000

BRIGADIER GENERAL STEVEN R. MCCAMY, 0000  
BRIGADIER GENERAL JERRY W. RAGSDALE, 0000  
BRIGADIER GENERAL WILLIAM N. SEARCY, 0000  
BRIGADIER GENERAL GILES E. VANDERHOOF, 0000

##### To be brigadier general

COLONEL HIGINIO S. CHAVEZ, 0000  
COLONEL BARRY K. COLN, 0000  
COLONEL ALAN L. COWLES, 0000  
COLONEL JAMES B. CRAWFORD III, 0000  
COLONEL MARIE T. FIELD, 0000  
COLONEL MANUEL A. GUZMAN, 0000  
COLONEL ROGER P. LEMPKE, 0000  
COLONEL GEORGE R. NIEMANN, 0000  
COLONEL FRANK PONTELANDOLFO JR., 0000  
COLONEL GENE L. RAMSAY, 0000  
COLONEL TERRY L. SCHERLING, 0000  
COLONEL DAVID A. SPRENKLE, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. BRUCE H. BARLOW, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. JOHN W. BERGMAN, 0000  
BRIG. GEN. JOHN J. MCCARTHY JR., 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be admiral

VICE ADM. GREGORY G. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. SCOTT A. FRY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) RAND H. FISHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) RICHARD B. PORTERFIELD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral (lower half)

CAPT. STEPHEN A. TURCOTTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral (lower half)

CAPT. RICHARD K. GALLAGHER, 0000  
CAPT. THOMAS J. KILCLINE JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0000  
REAR ADM. (LH) JOSE L. BETANCOURT, 0000  
REAR ADM. (LH) ANNETTE E. BROWN, 0000  
REAR ADM. (LH) BRIAN M. CALHOUN, 0000  
REAR ADM. (LH) KEVIN J. COSGRIFF, 0000  
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000  
REAR ADM. (LH) TERRANCE T. ETNYRE, 0000  
REAR ADM. (LH) MARK P. FITZGERALD, 0000  
REAR ADM. (LH) JONATHAN W. GRENNERT, 0000  
REAR ADM. (LH) CURTIS A. KEMP, 0000  
REAR ADM. (LH) WALTER B. MASSENBURG, 0000  
REAR ADM. (LH) JAMES K. MORAN, 0000  
REAR ADM. (LH) CHARLES L. MUNNS, 0000  
REAR ADM. (LH) JAMES A. ROBB, 0000  
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000  
REAR ADM. (LH) STEVEN J. TOMASZEWSKI, 0000  
REAR ADM. (LH) JOHN W. TOWNES III, 0000  
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000  
REAR ADM. (LH) CHARLES B. YOUNG, 0000  
REAR ADM. (LH) THOMAS E. ZELIBOR, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR

FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (\*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

\*PATRICK J. FLETCHER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTION 624 AND 531:

*To be major*

ALBERT J. ABBADESSA, 0000  
 \*KATALINA ABSOLON, 0000  
 \*HECTOR J. ACOSTAROBLES, 0000  
 \*GLEN T. ADAMS, 0000  
 MARTIN F. ADAMS, 0000  
 \*VINCENT T. ADDERLY, 0000  
 JOSE L. AGUILAR, 0000  
 SEAN F. AHRENS, 0000  
 \*DAVID M. AITKEN JR., 0000  
 STEPHEN K. AITON, 0000  
 BLACE C. ALBERT, 0000  
 PAULA S. ALBERTO, 0000  
 CHRISTOPHER E. ALBUS, 0000  
 \*STEVEN E. ALEXANDER, 0000  
 GREGORY D. ALLEN, 0000  
 \*JEFFREY W. ALLEN, 0000  
 DAVID W. ALLEY, 0000  
 \*WILLIAM G. ALMOND JR., 0000  
 \*MICHAEL A. ALSTON, 0000  
 \*JENNIFER A. AMOS, 0000  
 \*CHARLES T. ANDERSON, 0000  
 \*DEAN C. ANDERSON, 0000  
 GREGORY K. ANDERSON, 0000  
 \*JAMES L. ANDERSON, 0000  
 \*TERRY L. ANDERSON, 0000  
 CORNELL E. ANDERTON, 0000  
 \*LAWRENCE A. ANYANWU, 0000  
 \*DAVID R. APPLGATE, 0000  
 \*JULIO G. ARANA, 0000  
 \*NICHOLAS D. ARATA, 0000  
 JOHN D. ARMENTROUT, 0000  
 \*MICHAEL G. ARMSTRONG, 0000  
 WILLIAM F. ARMSTRONG, 0000  
 JUSTINE A. ARNER, 0000  
 JENNIFER J. ASH, 0000  
 MIKAEL R. ASH, 0000  
 \*ROBERT P. ASHE, 0000  
 \*STEPHEN A. ASHPES, 0000  
 \*JOHN F. ATKINS, 0000  
 \*DARRELL W. AUBREY, 0000  
 \*JOHN T. AUFFERT, 0000  
 MARK J. BACON, 0000  
 PHILLIP M. BADAR, 0000  
 \*CLAUDE W. BAILEY III, 0000  
 GEORGE D. BAILEY JR., 0000  
 \*JEFFERY S. BAILEY, 0000  
 MICHELLE M. BAILEY, 0000  
 \*WILLIAM J. BAINBRIDGE, 0000  
 HUGH D. BAIR, 0000  
 JERRY L. BAIRD, 0000  
 CLINTON J. BAKER, 0000  
 HAROLD D. BAKER, 0000  
 SHANE A. BAKER, 0000  
 THOMAS E. BAKER, 0000  
 \*JAMES M. BALL, 0000  
 MICHAEL A. BALL, 0000  
 \*ROBERT D. BALL, 0000  
 \*JAMES A. BAMBURG, 0000  
 DAVID P. BARLET, 0000  
 JAMES E. BARNETT, 0000  
 MARTIN J. BARR, 0000  
 ROBERT L. BARRIE JR., 0000  
 CHRISTOPHER J. BARRON, 0000  
 \*DANIEL J. BARZYK, 0000  
 DAVID E. BASS JR., 0000  
 \*BRIAN W. BASSETT, 0000  
 THOMAS C. BASSETT, 0000  
 MATTHEW M. BATTISTON, 0000  
 \*JOSEPH G. BAYERL, 0000  
 \*TODD M. BEARDEN, 0000  
 PATRICK L. BEATTY, 0000  
 \*ASHLEAH BECHTEL, 0000  
 GLENN B. BECKER, 0000  
 JAMES R. BECKER, 0000  
 PAUL E. BEGALKA, 0000  
 PERRY P. BEISSEL, 0000  
 THOMAS P. BELKOFE, 0000  
 \*ARRITA D. BELL, 0000  
 CHARLES S. BELL, 0000  
 \*DOUGLAS B. BELLET, 0000  
 \*MICHAEL B. BELLENOIT, 0000  
 \*JAMES P. BELLOTTE, 0000  
 GERALD P. BENARD, 0000  
 \*JAMES E. BENARD, 0000  
 \*MATTHEW L. BENDELE, 0000  
 ANTHONY L. BENITEZ, 0000  
 \*MICHAEL J. BENJAMIN, 0000  
 \*MARK S. BENNETT, 0000  
 ROBERT J. BENNETT, 0000  
 \*ROLAND F. BENNETT, 0000  
 \*MICHAEL K. BENTLEY, 0000  
 KENDALL A. BERGMANN, 0000  
 BENJAMIN P. BERNER JR., 0000  
 ANTHONY R. BERRY, 0000  
 \*JOSEPH BERRY JR., 0000  
 CRAIG BERRYMAN JR., 0000

\*WILLIAM E. BESETH, 0000  
 \*JOHN A. BETTASSO, 0000  
 CHRISTOPHER J. BEVERIDGE, 0000  
 \*MERLE V. BICKFORD, 0000  
 \*RICHARD B. BILBY, 0000  
 \*DAVID D. BINGHAM, 0000  
 \*JOHN A. BISHOP, 0000  
 JIMMY F. BLACKMON, 0000  
 \*LARRY J. BLACKWELL JR., 0000  
 \*ALEC L. BLAKELEY, 0000  
 TODD X. BLOCH, 0000  
 ROBERT D. BLOMQUIST, 0000  
 \*JAMETTE A. BLUE, 0000  
 \*KEVIN BOBBITT, 0000  
 JOHN M. BODOR JR., 0000  
 \*EDWARD A. BOEGLE, 0000  
 ROBERT A. BOERJAN, 0000  
 MICHAEL T. BOGOVICH, 0000  
 \*PATRICK S. BOLAND, 0000  
 SHAWN M. BOLAND, 0000  
 DAVID R. BOLDUC, 0000  
 \*WAYNE J. BONDY JR., 0000  
 \*TY D. BONNER, 0000  
 \*CLIFTON R. BOPP, 0000  
 JOHNNY R. BORDEN, 0000  
 \*GERALD A. BOSTON, 0000  
 \*FREDERICK K. BOWER JR., 0000  
 CHARLES R. BOWERY JR., 0000  
 \*SCOTT M. BOWMAN, 0000  
 \*STEPHANIE D. BRACERO, 0000  
 \*ELIZABETH H. BRADY, 0000  
 MARK R. BRADY, 0000  
 JONATHAN P. BRAGA, 0000  
 \*MICHAEL L. BRANNEN, 0000  
 \*DONALD L. BRAY, 0000  
 \*JOSEPH C. BRAZIEL, 0000  
 \*JOSEPH T. BRESSEALE, 0000  
 TREVOR J. BREDEKAMP, 0000  
 PATRICK L. BREMSER, 0000  
 JOHN R. BRENCHE, 0000  
 JOHN W. BRENNAN JR., 0000  
 STEVEN D. BRETON, 0000  
 FRANK W. BREWSTER II, 0000  
 \*NOELLE J. BRIAND, 0000  
 JONALAN BRICKEY, 0000  
 ROBERT W. BRINSON JR., 0000  
 DETRICK L. BRISCOE, 0000  
 DAVID P. BRISTOL, 0000  
 PAUL J. BRISTOL, 0000  
 JEROME P. BROCK, 0000  
 PAUL K. BROOKS, 0000  
 \*JOHN M. BROOMHEAD, 0000  
 \*AARON T. BROWN, 0000  
 \*ERIK M. BROWN, 0000  
 LAWRENCE T. BROWN, 0000  
 RONALD D. BROWN JR., 0000  
 \*TIMOTHY D. BROWN, 0000  
 \*LELAND A. BROWNING JR., 0000  
 \*TODD E. BRUCKER, 0000  
 \*JAMES B. BRYAN, 0000  
 \*LINETTE R. BRYANT, 0000  
 \*WILLIAM J. BRYANT, 0000  
 \*TIMOTHY W. BUCHEN, 0000  
 JOHN G. BUCK, 0000  
 \*PATRICK T. BUDJENSKA, 0000  
 \*TON H. BUI, 0000  
 ERIC F. BULLER, 0000  
 GREGORY A. BURBELO, 0000  
 WILLIAM W. BURNHAM, 0000  
 \*MICHAEL F. BURNS III, 0000  
 FRED J. BURPO, 0000  
 \*ROBERT M. BURRELL, 0000  
 BRIEN A. BUSH, 0000  
 \*SAMUEL A. BUTZBACH, 0000  
 \*ROBERT E. BUZAN JR., 0000  
 CHRISTIAN S. BUZATO, 0000  
 LESLIE F. CABALLERO, 0000  
 \*CAMBRIDGE L. CADOGAN, 0000  
 \*EDWARD K. CAGLE, 0000  
 \*ROBERT A. CAIN, 0000  
 GARY D. CALESE, 0000  
 CHARLES B. CAMPBELL, 0000  
 \*DOUGLAS R. CAMPBELL, 0000  
 MARY J. CAMPBELL, 0000  
 PETER CAMPBELL, 0000  
 \*RONALD L. CAMPBELL, 0000  
 \*JUDITH A. CANNON, 0000  
 \*LAWRENCE N. CANNON, 0000  
 CHRISTOPHER J. CARDONI, 0000  
 SEAN T. CARNEY, 0000  
 \*TIMOTHY A. CARNS, 0000  
 \*WALTER T. CARO, 0000  
 \*ERIC B. CARPENTER, 0000  
 MICHAEL H. CARR, 0000  
 \*BRIAN J. CARROLL, 0000  
 \*BRUCE M. CARSWELL JR., 0000  
 JOHN L. CARTER, 0000  
 \*PAUL T. CARTER, 0000  
 \*JONATHAN G. CASH, 0000  
 MICHAEL S. CASHMAN, 0000  
 \*RICHARD D. CASPER JR., 0000  
 \*JOHN L. CASS, 0000  
 ALLEN T. CASSELL, 0000  
 \*OWEN B. CASTLEMAN, 0000  
 \*EDWIN A. CASTRO, 0000  
 \*FELIX A. CASTRO, 0000  
 \*ERIC R. CATHCART, 0000  
 \*BRETT T. CHALLENGER, 0000  
 \*FLOYD CHAMBERS, 0000  
 \*JASON B. CHAMNESS, 0000  
 NELSON E. CHANG, 0000  
 CHRISTIAN D. CHAPMAN, 0000

\*MICHAEL A. CHARLEBOIS, 0000  
 \*BRADFORD J. CHASE, 0000  
 \*JEFFERY CHEEKS, 0000  
 \*JANICE H. CHEN, 0000  
 \*STEPHEN T. CHENG, 0000  
 \*RILEY J. CHERAMIE JR., 0000  
 \*ILYA A. CHISOLM, 0000  
 \*MARVIN CHISOLM, 0000  
 DAVID A. CHRISTENSEN, 0000  
 CHRIS W. CHRONIS, 0000  
 THOMAS W. CIPOLLA, 0000  
 \*CHARLES H. CLAFFEY, 0000  
 THOMAS J. CLANCY JR., 0000  
 \*CHRISTOPHER R. CLARK, 0000  
 DANIEL L. CLARK, 0000  
 JAMES L. CLARK, 0000  
 JOSEPH P. CLARK, 0000  
 \*LANCE L. CLARK, 0000  
 \*PADRAIG T. CLARK, 0000  
 \*MICHAEL J. CLARKE, 0000  
 RALPH L. CLAYTON III, 0000  
 ANDREW F. CLEMENTS, 0000  
 \*RICHARD E. CLEVELAND, 0000  
 \*FREDERICK E. CLIFFORD, 0000  
 \*RICHARD R. CLIFTON JR., 0000  
 \*DAVID B. CLORE, 0000  
 \*ALTON B. CLOWERS JR., 0000  
 \*HOWARD COE JR., 0000  
 MARK A. COLBROOK, 0000  
 \*JAMES V. COLE, 0000  
 \*JEFFREY L. COLEMAN, 0000  
 \*MORALES R. COLLAZO, 0000  
 \*THOMAS F. COLLETTE, 0000  
 \*DANIEL E. COLLING, 0000  
 PATRICIA S. COLLINS, 0000  
 RICHARD M. COLLINS, 0000  
 KIMBERLY M. COLLOTON, 0000  
 \*SENAHA N. COLLS, 0000  
 \*MARK W. COLVIS, 0000  
 \*DAVID A. COMBS, 0000  
 \*JOHN S. CONLEY, 0000  
 \*RODNEY CONNOR, 0000  
 \*WILLIAM M. CONNOR, 0000  
 \*DIANNE E. CONRAD, 0000  
 JASON E. CONRAD, 0000  
 \*ROBERT L. CONRAD, 0000  
 \*QUINT A. CONSANI, 0000  
 DAVID A. CONVERSE, 0000  
 FRANZ J. CONWAY, 0000  
 \*COREY S. COOK, 0000  
 JOHN R. COOK, 0000  
 \*KEITH A. COOK, 0000  
 \*RUTH E. COOK, 0000  
 \*THOMAS W. COOK, 0000  
 THOMAS M. COOKE, 0000  
 \*DAVID A. COOLEY, 0000  
 PATRICK M. COOLEY, 0000  
 MARY E. COOPER, 0000  
 \*JEFFREY S. COPELAND, 0000  
 WILLIAM L. COPENHAVER, 0000  
 MICHAEL R. CORPENING, 0000  
 MICHAEL A. CORTEZ JR., 0000  
 PAUL G. COSTA, 0000  
 \*JASON R. COSTER, 0000  
 \*COURTNEY P. COTE, 0000  
 \*JEFFREY A. COTE, 0000  
 \*BRIAN E. COUGHLIN, 0000  
 \*CLARENCE COUNTS JR., 0000  
 \*JOHN W. COVER JR., 0000  
 \*MELISSA R. COVOLESKY, 0000  
 \*GLORIA J. COX, 0000  
 \*JESSE J. COX, 0000  
 \*JOSEPH L. COX, 0000  
 TYRONE J. CRABB, 0000  
 \*KELLY A. CRIGGER, 0000  
 \*SCOTT T. CRINO, 0000  
 JON R. CRIST, 0000  
 \*JOSEPH F. CROCITTO, 0000  
 \*JEFFREY L. CROCKETT, 0000  
 MICHAEL J. CROSSETT, 0000  
 \*ROBERT S. CROUCH, 0000  
 JAMES CROWLEY, 0000  
 WILLIAM L. CROWLEY, 0000  
 \*THOMAS A. CROWSON, 0000  
 \*RONALD T. CUFFEE SR., 0000  
 \*HARRY R. CULCLASURE, 0000  
 DAVID T. CULKIN, 0000  
 \*ROBERT A. CULP II, 0000  
 \*ROBERT W. CUMMINS JR., 0000  
 \*ROBERT J. CUNIFF, 0000  
 DEBRA A. CURETON, 0000  
 PATRICK K. CURRAN, 0000  
 JOY L. CURRIERA, 0000  
 \*JOSEPH S. CURTIS, 0000  
 \*CONOR T. CUSICK, 0000  
 JOHN M. CYRULIK, 0000  
 \*JOSEPH A. DADDARIO, 0000  
 \*ABBAS K. DAHOUK, 0000  
 \*JOSEPH G. DALESIO, 0000  
 \*DAVID L. DANIEL, 0000  
 \*MICHAEL J. DANIELS, 0000  
 THEODORE W. DASSO, 0000  
 \*HENRY L. DAVENPORT, 0000  
 \*ORESTES T. DAVENPORT, 0000  
 GREGORY B. DAVIDSON, 0000  
 \*ROBERT A. DAVIDSON, 0000  
 THOMAS R. DAVIES, 0000  
 \*TONY O. DAVILA, 0000  
 \*BRIAN J. DAVIS, 0000  
 DALE E. DAVIS, 0000  
 \*HUBERT D. DAVIS, 0000  
 \*JOEL DAVIS JR., 0000

\*MICHAEL N DAVIS, 0000  
 \*NATHAN W DAVIS, 0000  
 \*ROBERT J DAVIS JR., 0000  
 \*SCOTT A DAVIS, 0000  
 \*TONY B DAVIS, 0000  
 \*MICHAEL E DAWSON, 0000  
 \*WILLIAM J DEAGAN, 0000  
 \*SCOTT W DEBORD, 0000  
 \*GARY M DEFORE, 0000  
 \*EFRAIN DELACRUZ, 0000  
 \*JOHN P DELANEY, 0000  
 \*RANDALL S DELONG, 0000  
 \*MARK C DELP, 0000  
 \*JEFFREY P DENNIS, 0000  
 \*PHILLIP J DEPPERT, 0000  
 \*MARK J DERBER, 0000  
 \*ERIC M DERYNOSKI, 0000  
 \*MICHAEL G DESLAURIERS, 0000  
 \*GEOFFREY C DETINGO, 0000  
 \*DAVID J DETZ, 0000  
 \*CRAIG E DEVINE, 0000  
 \*LAMBERT D DEVRIES, 0000  
 \*RONALD C DEY, 0000  
 \*DWAYNE A DICKENS, 0000  
 \*GLENN K DICKENSON, 0000  
 \*JOHN P DIGIAMBATTISTA, 0000  
 \*SCOTT A DIGRUTTOLO, 0000  
 \*ALFRED DILEONARDO III, 0000  
 \*THOMAS E DILLINGHAM, 0000  
 \*JAMES B DILLONAIRE, 0000  
 \*JERRY D DILWORTH, 0000  
 \*JOHN A DINGES, 0000  
 \*ERNEST DIXON III, 0000  
 \*BRIAN K DOCKERY, 0000  
 \*BOBBY E DODD, 0000  
 \*SASHA A DOMBROVSKIS, 0000  
 \*PETER J DON, 0000  
 \*CHRISTOPHER M DONESKI, 0000  
 \*KELLY P DONNA, 0000  
 \*THOMAS A DORSEY, 0000  
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 \*ERIC V ZIMMERMAN, 0000  
 \*KIM D ZIMMERMAN, 0000  
 MATTHEW C ZIMMERMAN, 0000  
 TODD M ZOLLINGER, 0000  
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## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

## TO BE COLONEL

CURTIS W. MARSH, 0000

## DEPARTMENT OF JUSTICE

JAY B. STEPHENS, OF VIRGINIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE DANIEL MARCUS, RESIGNED.

## HOUSE OF REPRESENTATIVES—Monday, September 10, 2001

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 10, 2001.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1885. An act to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following title in which the concurrence of the House is requested:

S. 149. An act to provide authority to control exports, and for other purposes.

S. Con. Res. 58. Concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM JOHNSON) for 5 minutes.

### A TRIBUTE TO GENERAL MICHAEL E. RYAN

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning I would like to

rise to pay tribute to a great American, General Michael E. Ryan, the chief of staff of the United States Air Force. His departure on September 6 last week from active duty signaled an evolutionary change: the first time in 63 years, if you can believe that, that a Ryan is absent from the roles of the United States Air Force. His father, General John Ryan, also served as a senior uniformed Air Force officer.

General Mike Ryan's career spanned over 3 decades during which he distinguished himself as an airman leader and trusted advisor to both the President and the United States Congress.

After graduating from the Air Force Academy in 1965, General Ryan began his illustrious career of faithful service to this Nation.

During his 36 years of service, he commanded at the squadron, wing, numbered air force and major command levels. He flew combat missions in southeast Asia, including 100 missions over north Vietnam.

He was a fighter pilot, I can tell you that. I was one, too; and he was a fighter pilot's fighter pilot.

He also served in key assignments at the major command level, headquarters of the United States Air Force and the joint staff right here in Washington, DC.

As commander of the 16th Air Force and allied forces southern Europe in Italy, he directed the NATO air combat operations in Bosnia-Herzegovina that directly contributed to the Dayton peace accords. He was the head of the Air Force at the time when we used the B-2 bomber to great effectiveness in that war.

General Ryan is a command pilot with more than 4,100 hours flying time in seven different aircraft, including 153 combat missions.

His decorations and medals include: the Defense Distinguished Service Medal with oak leaf cluster; the Distinguished Service Medal; the Legion of Merit with two oak leaf clusters; the Distinguished Flying Cross; the Meritorious Service Medal with two oak leaf clusters; the Air Medal with 11 oak leaf clusters; the Air Force Commendation Medal with two oak leaf clusters; and the Vietnam Service Medal with three service stars.

After serving as the commander of the United States Air Force in Europe and commander of the allied air forces in central Europe, General Ryan took the stick of the Air Force as its 16th chief of staff.

He has exemplified the quiet dignity and honor of that office. His leadership,

integrity and foresight set the right vector for our 21st century Air Force, and his expeditionary force concept is now in being.

History has proven that a true leader sets the right vector and then clears the path to allow his commanders to truly command their units.

General Ryan personifies this type of leader, and I quote, "I do not think leadership should be personalized. Good ideas are best when they do not have a single identity. Leadership is a team effort."

I want to take a moment, if I can, to identify the remarkable accomplishments of General Ryan's team effort.

He and his leadership team have successfully arrested the Air Force readiness decline of the last decade. They have built stability into the expeditionary operations our Nation demands by reorganizing the United States Air Force.

He has led the Air Force retention and recruiting effort that ensured quality was never sacrificed for quantity in an all-volunteer force competing in a strong job market.

He led the effort to provide lifetime health care and a retirement system that properly compensates the member's service to his country. He was a people person, and he believed in the people that were in the United States Air Force.

In a period of leadership challenges, General Ryan led our Air Force through 4 tumultuous years, balancing reduction in force with increased operational tasking.

Without question, the United States Air Force is the world's premier aerospace force, and our country owes a debt of gratitude to General Mike Ryan.

One key contributor to the U.S. Air Force "One family, one Air Force" and a person General Ryan owes much of his success to is his wife, Jane Ryan, who was instrumental in dealing with the personnel problems of the military throughout the Air Force.

With dignity and grace, she selflessly gave her time and attention to the men and women of the Air Force family. Her sacrifice and devotion served as an example and inspiration for others.

The Air Force lost not one but two very exceptional people.

Last Thursday's review ceremony at Andrews Air Force Base was a demonstration of the total force concept that exemplified the superb ability of our airmen and officers that General Ryan has led and improved during his tenure.

Those F-4D that flew by were a symbol of his career as fighter pilot and his combat excellence. He actually flew in an F-16 the day before.

In closing, the Air Force is a better institution today than it was 4 years ago. General Ryan's distinguished and faithful service provided a significant and lasting contribution to our Air Force and our Nation's security.

He has served our Nation with honor and distinction. I know the Members of both the House and Senate join me in paying tribute to this outstanding American patriot upon his retirement from the United States Air Force.

We thank him, wish him and his family much health, happiness and God speed.

General Ryan, good flight, mission complete.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 39 minutes p.m.) the House stood in recess until 2 p.m. today.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Out of the depths, David cries to You, O Lord, in Psalm 130.

Lord, on an ordinary September Monday, caught up in routine, it may be difficult for us to be in touch with our depths.

Yet when aware of the pain in some hearts or when we truly face the complexity of issues overshadowing our responsibilities, we need Your mercy.

Help us to sense Your forgiveness behind every mistaken judgment of the past.

Guide our decisions today and throughout this week, that much may be accomplished and be recognized as Your providential care behind every event.

For it is Your justice and Your peace which holds the aspirations of the American people together.

Longing for Your presence, O Lord, make us watchful for Your movements and personal reflection and in honest discussion, so Your glory may be evident in our deeds.

By Your grace penetrate our souls, that we may live and pray from the depths now and forever.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore (Mr. ISAKSON). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. RODRIGUEZ) come forward and lead the House in the Pledge of Allegiance.

Mr. RODRIGUEZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### U.N. CONFERENCE ON RACISM

(Mr. COBLE asked and was given permission to address the House for 1 minute.)

Mr. COBLE. Mr. Speaker and colleagues, the most recent issue of the Weekly Standard features a Charles Krauthammer article entitled Disgrace in Durbin, referring to the recently concluded U.N. Conference on Racism.

Mr. Krauthammer suggests that their conference included Third World dictators practicing their demagoguery, hopefully to the detriment of Israel.

He further suggests that the conference had the trappings reminiscent of pre-World War II in Nazi Germany, a Nuremberg rally, if you will, and these same dictators were pointing indirectly or directly accusatory fingers at the United States because of our friendship with Israel.

This sort of activity serves no good purpose, and President Bush is to be commended for his refusal to legitimize or dignify the disgrace in Durbin.

#### AMERICA NEEDS IMMEDIATE CAPITAL GAINS TAX RELIEF

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, today the United States is burdened with one of the highest capital gains taxes of any industrial nation. The effect puts our country's companies and workers at a severe disadvantage.

On average, the capital of U.S. businesses and farmers is taxed 80 percent higher than our foreign competitors. The economy needs and those who we represent deserve immediate capital gains tax relief.

The capital gains tax is an assault on the American dream. For many low- and moderate-income workers, one of the ways of accumulating wealth is

through investment in stocks and businesses.

When the government puts a high tax on capital gains, people who lose the most from the high rate are the poorest, the youngest, those in the beginning of their careers, those who are further from the sources of capital.

Policies that punish success ultimately kill the seeds that promise enterprise and jobs to the poor. Those in our communities are asking for our help, Mr. Speaker.

Their message to us, to the President, and all in this Congress could not be clearer: give us the seed capital for inner-city jobs and investments. Turn this economy around, cut capital gains and cut capital gains taxes now.

#### COMMUNICATION FROM THE HONORABLE TOM SAWYER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM SAWYER, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 6, 2001.

Hon. J. DENNIS HASTERT,  
Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Court of Common Pleas of Summit County, Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

TOM SAWYER.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes or postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

#### OIL REGION NATIONAL HERITAGE AREA ACT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 695) to establish the Oil Region National Heritage Area, as amended.

The Clerk read as follows:

H.R. 695

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) *SHORT TITLE.*—This Act may be cited as the "Oil Region National Heritage Area Act".

(b) **DEFINITIONS.**—For the purposes of this Act, the following definitions shall apply:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Oil Region National Heritage Area established in section 3(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Oil Heritage Region, Inc., or its successor entity.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake’s drilling of the world’s first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102-271, traverses the Oil Region and connects several of its major sites, as do some of the river’s tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) **PURPOSE.**—The purpose of this Act is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

#### SEC. 3. OIL REGION NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Oil Region National Heritage Area.

(b) **BOUNDARIES.**—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled “Oil Region National Heritage Area”, numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 5(b).

#### SEC. 4. COMPACT.

To carry out the purposes of this Act, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

#### SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may use funds made available under this Act for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

(1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;

(2) hiring and compensating staff; and

(3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that—

(1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) recommends policies for resource management which consider and detail application of appropriate land and water management techniques, including, but not limited to, the development of intergovernmental and interagency cooperative agreements to protect the Heritage Area’s historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability;

(7) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(8) includes an analysis of ways in which local, State, and Federal programs, including the role for the National Park Service in the Heritage Area, may best be coordinated to promote the purposes of this Act;

(9) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(10) includes an interpretation plan for the Heritage Area.

(c) **DEADLINE; TERMINATION OF FUNDING.**—

(1) **DEADLINE.**—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this Act.

(2) **TERMINATION OF FUNDING.**—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this Act.

(d) **DUTIES OF MANAGEMENT ENTITY.**—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this Act;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

#### SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—

(A) **OVERALL ASSISTANCE.**—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this Act, including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) **OTHER ASSISTANCE.**—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this Act (including updating and implementing a management plan that is submitted under section 5(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary

shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) **PRIORITY.**—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) **DOCUMENTATION OF STRUCTURES.**—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.**—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) **APPROVING CHANGES.**—The Secretary shall review and approve amendments to the management plan under section 5(b) that make substantial changes. Funds appropriated under this Act may not be expended to implement such changes until the Secretary approves the amendments.

(e) **EFFECT OF INACTION.**—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

#### **SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.**

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

#### **SEC. 8. SUNSET.**

The Secretary may not make any grant or provide any assistance under this Act after the expiration of the 15-year period beginning on the date of the enactment of this Act.

#### **SEC. 9. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

Nothing in this Act shall preclude the management entity from using Federal funds available under Acts other than this Act for the purposes for which those funds were authorized.

#### **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act—

(1) not more than \$1,000,000 for any fiscal year; and

(2) not more than a total of \$10,000,000.

(b) **50 PERCENT MATCH.**—Financial assistance provided under this Act may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I am delighted to be here today to discuss H.R. 695, The Oil Region National Heritage Area. I would first like to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. HEFLEY) and their staff for their hard work in bringing this bill to the floor today. This legislation is vital to protect and conserve natural, cultural, and historical resources of national significance, while recognizing one of the single most influential resources of the modern era.

The 1859 event of Colonel Edwin Drake's drilling of the world's first successful oil well has had a tremendous effect on the modern world. The commercial history of petroleum in the United States begins at Drake Well located along Oil Creek near Titusville, Pennsylvania, in fact, 5 miles from my home. The tools, the terminology, and the transportation and financial and extraction processes of the oil industry were developed here in the latter part of the 19th century and are still used today. Oil and petroleum products have transformed the world, including the automobile, the industrial revolution, and the creation of petroleum-based products such as plastics.

Oil has been recognized as a potentially significant substance long before Drake's Well called the attention of the world to this corner of Northwestern Pennsylvania. Many accounts of the Allegheny valleys and its tributaries tell of springs and streams whose surfaces were covered with a thick, oily substance. Because of this, the Oil Creek Valley was so named even before Drake's well. In addition, Native Americans of the Seneca tribe gathered and traded oil, giving rise to the name "Seneca Oil." About 1847, a Pennsylva-

nian named Sam Keir devised a way to distill petroleum into lamp fuel which he called "carbon fuel." The discovery of oil caused a stampede of people, with whole towns and hundreds of new oil wells quickly appearing.

Familiar words and meanings in the American language originated or were adopted for use in this territory: wildcatter, bird dog, gusher, pay dirt, shooter, and cash on the barrel head. Heroes and villains, enormous wealth, tragedies, violence, and environmental degradation are part of this story.

Forests were clear-cut to provide railroad ties and material to build oil derricks, bridges and buildings. Early black and white pictures show a denuded landscape devoid of any trees or foliage. Part of the story that visitors learn about when they visit the current area of the Oil Heritage Park includes the degradation and restoration of the forests. Now, the visitors can see vistas of restored forests, creeks, and ecosystems. When I was a boy, you could not swim in many of these streams. Now we have some of the best trout and bass fishing in the East. I am grateful technology has improved over the years so that we can manage our natural resources in a way that is beneficial to all.

The creation of the Oil Region National Heritage Area enjoys widespread support from local citizens, governments, and businesses. Last year, the National Park Service testified about their reluctance to create this heritage area. However, at my urging, they agreed to conduct a feasibility study. The team went into this study with trepidation; however, they came away supportive and enthusiastic about the creation of the Oil Region National Heritage Area.

In February, we conducted two town hall meetings where elected officials, community leaders, businesses and concerned citizens met to discuss the merits of the national designation. No negative comments were voiced concerning the creation of the Oil Region National Heritage Area. Sixty-eight people attended the meetings and every person who commented spoke favorably. As my colleagues can see, Mr. Speaker, this endeavor was founded with true grassroots support.

Today, Pennsylvania is no longer a major contributor in U.S. oil production; however, hundreds of active wells still dot the landscape. Oil Creek and its tributaries now run clear. Hillsides that once were oil soaked and clear-cut now exist as mature forests. All of the major oil companies have their roots here, including Sunoco, Standard Oil, Pennzoil, Quaker State, and Texaco. Oil fueled the industrial revolution and modernized America's transportation system. It is vital that we preserve and enhance the area that is called "the valley that changed the world," the birthplace of commercial petroleum.

Through the establishment of the Oil Region National Heritage Area, we are allowing this great story to be told through maintenance of exhibits, restoration of buildings, and the development of educational and recreational opportunities. I would like to thank the cosponsors of H.R. 695, including my good friend, the gentleman from Pennsylvania (Mr. MURTHA), a neighbor. In fact, the majority of the Pennsylvania delegation supports the creation of the Oil Region National Heritage Area, and I would like to thank them as well. This bill is supported by the majority and minority party of the Committee on Resources as well as the administration. It is indeed now time to recognize the national significance of this great region by designating the Oil Region as a National Heritage Area. I hope my colleagues will want to recognize the important contribution that oil has made to the world as we know it by voting to pass H.R. 695, the Oil Region National Heritage Area. I urge all of my colleagues to support H.R. 695, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would establish a new national heritage area in Pennsylvania. The purpose of the new designation would be to commemorate the first successful efforts to drill for oil in the mid-19th century and to preserve historical and cultural resources of the time. The area included in this new designation is already home to six national historic districts and 17 sites listed on the National Register of Historic Places.

Similar legislation in the previous Congress raised some concern because, at the time, no study of the area to be included in this new designation had been conducted. In addition, the administration raised several technical issues regarding the bill. However, since that time, a study has been completed and the area was found to be appropriate for this type of designation. Further, the sponsor of the bill has made the changes suggested by the administration and, with those changes, we join the administration in supporting H.R. 695.

□ 1415

Mr. Speaker, I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 695, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1628) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

The Clerk read as follows:

H.R. 1628

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de los Tejas National Historic Trail Act of 2001".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de los Tejas (the Royal Road to the Tejas), served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–1773) and San Antonio (1773–1821);

(2) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico, were played out along the evolving travel routes in this immense area;

(3) the future of several American Indian nations, whose prehistoric trails were later used by the Spaniards for exploration and colonization, was tied to these larger forces and events and the nations were fully involved in and affected by the complex cultural interactions that ensued;

(4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and some routes of El Camino Real, and carried American immigrants from the east, contributing to the formation of the Republic of Texas, and its annexation to the United States;

(5) the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural exchange that occurred in a large area of the borderland was facilitated by El Camino Real de los Tejas as it carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward, during a historic period which extended from 1689 to 1850; and

(6) the portions of El Camino Real de los Tejas in what is now the United States extended from the Rio Grande near Eagle Pass and Laredo, Texas and involved routes that changed through time, that total almost 2,600 miles in combined length, generally coursing northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a general corridor distance of 550 miles.

#### SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended as follows:

(1) By designating the paragraph relating to the Ala Kahakai National Historic Trail as paragraph (21).

(2) By adding at the end the following:

"(23) EL CAMINO REAL DE LOS TEJAS.—

"(A) IN GENERAL.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated July 1998. A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior.

"(B) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation."

#### SEC. 4. PRIVATE PROPERTY RIGHTS PROTECTION.

Designation of El Camino Real de los Tejas under this Act does not itself confer any additional authority to apply other existing Federal laws and regulations on non-Federal lands along the trail. Laws or regulations requiring public entities and agencies to take into consideration a national historic trail shall continue to apply notwithstanding the foregoing. On non-Federal lands, the national historic trail shall be established only when landowners voluntarily request certification of their sites and segments of the trail consistent with section 3(a)(3) of the National Trails System Act. Notwithstanding section 7(g) of such Act, the United States is authorized to acquire privately-owned real property or an interest in such property for purposes of the trail only with the willing consent of the owner of such property and shall have no authority to condemn or otherwise appropriate privately-owned real property or an interest in such property for the purposes of El Camino Real de los Tejas National Historic Trail.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1828 would establish the El Camino Real de los Tejas National Trail to the National Trails system. The Camino Real, also known as the royal road, is a combination of historic routes totaling 2,600 miles used by the Spanish to connect them to Spanish Capitals. The history of the

trail extends from early American Indian nations to modern exploration and colonization.

Today, the trail extends from the Texas-Mexico border along the Rio Grande River to Natchitoches, Louisiana. These roads were primary transportation routes starting in the 1600s, and thus had significant influences on the culture and political identity of south central Texas and western Louisiana.

In addition to the designation as a National Historic Trail, H.R. 1628 would authorize the Secretary of the Interior to coordinate an international effort to recognize the significance of this trail, and foster education and research of its history with the country of Mexico.

Finally, H.R. 1628 specifies that the acquisition of privately-owned land or interest in land would occur only with the consent of the owner.

Mr. Speaker, H.R. 1628 is supported by the majority and the minority, as well as the administration. I urge my colleagues to support H.R. 1628.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a study authorized by the 103rd Congress found that the El Camino Real de los Tejas was eligible for designation as a National Historic Trail under criteria established by the National Trails System Act, H.R. 1628, which will officially add this new route to our National Trails System.

The trail would be comprised of several different and overlapping routes totaling more than 2,500 miles. Beginning on the U.S.-Mexican border between the Texas cities of Eagle Pass and Laredo, the trail would run across Texas through cities including San Antonio and Austin, and end in the town of Natchitoches, Louisiana.

These routes were established around 1860 during the Spanish colonial period and remained in use through the early 1880s. During that time, these trails played a significant role in the settlement and economic development of the Texas frontier during the Spanish, Mexican, and Anglo-American periods.

This legislation makes clear that the trail may only be established with the consent of any affected private landowners, and mandates that any land acquisition for trail purposes may be from willing sellers only.

We commend our colleague, the gentleman from Texas (Mr. RODRIGUEZ), and are pleased to support him for his hard work on this legislation. I urge my colleagues to support H.R. 1628.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, today I am honored to ask the House to suspend the rules and pass the bill, H.R.

1628, the Camino Real de los Tejas Historic Trails Act of 2001. This legislation would designate a series of historic trails dating back to the 1600s as National Historic Trails. These trails, used first by the Native Americans, became the primary travel routes for exploration and then for commercial routes for the Spanish, the Mexicans, the Texans, and the Americans.

Before I go any further, Mr. Speaker, I am pleased to express my sincere thanks to the chairman and to the committee for their hard work; and to the gentleman from Utah (Mr. HANSEN) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for their hard work in bringing the bill to the floor today.

The Subcommittee on National Parks, Recreation, and Public Lands has been very supportive. I would like to thank its chairman, the gentleman from Colorado (Mr. HEFLEY), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). I appreciate the bipartisan support that the committee has provided.

The El Camino Real de los Tejas National Historic Trails Act has received tremendous support from local governments and community organizations all across the State of Texas. More than 60 cities, counties, and local organizations from all over the border, from Mexico into Louisiana, have passed formal resolutions endorsing the passage of this legislation.

I owe a special thanks to the Alamo Area Council of Governments for its leadership in working on this with the National Park Service, with me and my office, and with local governments along the trail route for the more than 3 years they have worked on this legislation. Without their hard work, we would not be here today.

The National Park Service completed its feasibility study in July of 1998 pursuant to Public Law 103-145. The study concluded that the proposed trail met all the applicable criteria in the National Trails System Act, Public Law 90-543. In the 105th Congress, the Senate passed similar legislation, the El Camino Real de los Tejas National Historic Trail Act of 1998, Senate bill 2276, but the Congress ended before the House had the opportunity to consider the legislation.

The bill before the House today contains a number of important changes in the version passed by the Senate in the 105th Congress. In an effort to clarify the intent of the legislation and to respond to concerns raised by private property owners and advocates during the bill's consideration, H.R. 1628 contains specific provisions to ensure protection by private property rights, as our chairman has indicated.

Specifically, the bill states unambiguously that no land or interest in land can be acquired by the Federal Govern-

ment without the willing consent of the owner; secondly, that the Federal Government has no authority to condemn or appropriate land for the trail; that the trail would not be established on the ground unless a private property owner voluntarily requests to participate; and that the designation of the trail does not confer any additional authority to apply other nontrail Federal laws that might be implicationable.

These provisions reflect my desire to remove any concerns that the National Historic Trail in Texas would negatively impact on private property owners. In fact, the experience of other existing national historic trails suggests just the opposite. Private property owners can and do benefit from participation in the trail program, but only if they so choose.

The trail that will be designated today is truly historic. The Camino Real, or Royal Highway, forged the way for the early development of Texas from the Spanish colony to an independent Republic as a State of the United States and as the first great highway of Texas. This Camino Real opened the door to trade and cultural exchange, which continues to impact our lives today.

The State of Texas recognized the critical importance of these royal highways in 1929 when the State legislature designated portions of the El Camino Real de los Tejas, later known as the Old San Antonio Road, as one of Texas's historic trails.

State Highway 21 marks the trail's pathway in many parts of the State, as do State historical markers. Designation as a National Historic Trail would greatly enhance the resources available for trail preservation and public education of its unique and important history.

The Camino Real de los Tejas, as defined in this legislation collectively, represents a series of roads and trails extending for over 1,000 miles from Mexico City to Los Adeas in what is today Louisiana, beginning with the Indian trails. Remember, this goes back, it is a beautiful history, to 1689 and the explorers as well as missionaries and people who colonized the area.

All told, various portions of this El Camino Real de los Tejas now extends up to 550, and some up to 2,600, miles as they paralleled each other with various roads.

The Camino Real de los Tejas linked the Spanish in Mexico to their new outposts in East Texas in the late 17th and 18th century. The mission San Antonio de Valero, later known as the Alamo, was established along the Camino Real route and later served as a focal point for military battles for Texas independence. Critical supplies made their way to the American Colonies during the war of independence via the Camino Real de los Tejas trail system.

The El Camino Real de los Tejas road system provided many transportation routes for Mexican and Texan armies during the Texas revolution, and continued to play a major role in the military future of the area.

Recognizing the significance of El Camino Real de los Tejas and its historical importance grounds us for the future and provides us great opportunities for today. The trail's designation will help enhance tourism and economic development for many of the small cities that it goes through, and for the towns and trails that it passes through. The local museums as well as historical sites will give new opportunities for growth.

The San Antonio Missions National Historic Park and the importance of the beautification network of the mission in San Antonio will provide a base for operation of the trail. The number of public roads, State parks, and national forests can also provide public access to this important piece of our history.

As we strive to boost international trade and development of our local communities, as well as enhance educational opportunities, we only have to look to the El Camino Real de los Tejas for inspiration.

I can just add once again, I thank the gentleman very much. We always talk about the westward movement. We forget there was a northward movement also, and a southern movement.

Mrs. CHRISTENSEN. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1628, the Camino Real de los Tejas National Historic Trail Act. I want to thank the gentleman from Texas (Mr. RODRIGUEZ) for his leadership on this legislation, as well as the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on National Parks, Recreation, and Public Land, and its ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

This trail runs through my hometown of Crockett, as well as several other communities in my district, such as Nacogdoches and Augustine. It is a very historic part of our State in East Texas. I am proud to represent the congressional district once represented by Sam Houston.

This historic highway system, which has served Texas for over 150 years, was, beginning in 1689, one of the primary exploration, commerce, and immigration routes through our great State of Texas. The highway, as has been mentioned, extends from Mexico across the Rio Grande all the way up through East Texas into Louisiana. The trail covers over 2,600 miles in all.

I have received resolutions in favor of this legislation from numerous com-

munities along the trail urging that this highway be designated as a National Historic Trail, so I am proud to join with my colleagues here on the floor today advocating that the House adopt H.R. 1628 to designate the El Camino Real as a National Historic Trail.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

I want to share with the gentleman from Texas (Mr. RODRIGUEZ) that we are delighted to support his bill, and urge fellow Members to do likewise.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 1628, the El Camino Real de los Tejas National Historic Trail Act of 2001. I want to commend my colleague, Representative CIRO RODRIGUEZ of Texas for introducing this bill.

H.R. 1628, the El Camino Real de los Tejas National Historic Trail Act of 2001, is a good bill because it provides for the protection and conservation of our cultural heritage. The enactment of H.R. 1628 will serve to continue recognizing the cultural heritage and preservation of the Southwest United States. The measure will also go a long way in strengthening the many common ties between the United States and Mexico that are symbolized by and embodied in the Camino Reales of the Southwest.

The El Camino Real de los Tejas has connected the people of Mexico and the United States in transportation and commerce. This bill would help recognize and designate this network of trade routes, post routes, cattle trails and military highways used by Native Americans, Spanish, French and English explorers. Moreover, this bill illustrates the historical importance of these corridors and will contribute to the enhancement of tourism and economic development throughout the region.

Designating El Camino Real de los Tejas as a National Historic Trail will, undoubtedly reconnect our citizens even more closely to the ties of historical and cultural heritage with Mexico and Spain. Revitalizing the Camino Real de los Tejas will also allow the larger family of Americans to participate in and benefit from that effort. It will lead to a more rounded, more holistic view of the history of our continent, one that will enable us to continue to discover and explore the commonalities that bond the U.S. with Mexico and Spain.

Last year, Representative SYLVESTRE REYES and I sponsored similar legislation that was signed by President Clinton. That measure designated El Camino Real de Tierra Adentro, which ran from El Paso, Texas to San Juan Pueblo in New Mexico as a National Historic Trail.

H.R. 1628 is equally important to the preservation of our cultural resources. Again, I commend Mr. RODRIGUEZ for introducing this legislation and urge my colleagues to support it.

I hope that together through efforts like this, we can continue to expand cultural heritage preservation and tourism initiatives throughout the Southwest. In doing so, we celebrate our rich cultural history while expanding economic opportunities.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 1628.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### EMIGRANT WILDERNESS PRESERVATION ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 434) to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of the 18 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 434

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Emigrant Wilderness Preservation Act of 2001".*

#### SEC. 2. OPERATION AND MAINTENANCE OF CERTAIN WATER IMPOUNDMENT STRUCTURES IN THE EMIGRANT WILDERNESS, STANISLAUS NATIONAL FOREST, CALIFORNIA.

(a) COOPERATIVE AGREEMENT FOR MAINTENANCE AND OPERATION.—The Secretary of Agriculture shall enter into a cooperative agreement with a non-Federal entity described in subsection (c), under which the entity will retain, maintain, and operate at private expense the water impoundment structures specified in subsection (b) that are located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, as designated by section 2(b) of Public Law 93-632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(b) COVERED WATER IMPOUNDMENT STRUCTURES.—The cooperative agreement required by subsection (a) shall cover the water impoundment structures located at the following:

- (1) Cow Meadow Lake.
- (2) Y-Meadow Lake.
- (3) Huckleberry Lake.
- (4) Long Lake.
- (5) Lower Buck Lake.
- (6) Leighton Lake.
- (7) High Emigrant Lake.
- (8) Emigrant Meadow Lake.
- (9) Middle Emigrant Lake.
- (10) Emigrant Lake.
- (11) Snow Lake.
- (12) Bigelow Lake.

(c) ELIGIBLE ENTITY.—The following non-Federal entities are eligible to enter into the cooperative agreement under subsection (a):

- (1) A non-profit organization as defined in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).
- (2) The State of California or a political subdivision of the State.
- (3) A private individual, organization, corporation, or other legal entity.

## (d) RESPONSIBILITIES OF THE SECRETARY.—

(1) MAP.—The Secretary of Agriculture shall prepare a map identifying the location, size, and type of each water impoundment structure covered by the cooperative agreement under subsection (a).

## (2) TERMS AND CONDITIONS OF AGREEMENT.—

The Secretary shall prescribe the terms and conditions of the cooperative agreement, which shall set forth the rights and obligations of the Secretary and the non-Federal entity. At a minimum, the cooperative agreement shall—

(A) require the non-Federal entity to operate and maintain the water impoundment structures covered by the agreement in accordance with a plan of operations approved by the Secretary;

(B) require approval by the Secretary of all operation and maintenance activities to be conducted by the non-Federal entity;

(C) require the non-Federal entity to comply with all applicable State and Federal environmental, public health, and safety requirements; and

(D) establish enforcement standards, including termination of the cooperative agreement for noncompliance by the non-Federal entity with the terms and conditions.

(3) COMPLIANCE.—The Secretary shall ensure that the non-Federal entity remains in compliance with the terms and conditions of this section and the cooperative agreement.

(e) RESPONSIBILITIES OF THE NON-FEDERAL ENTITY.—The non-Federal entity shall be responsible for—

(1) carrying out its operation and maintenance activities with respect to the water impoundment structures covered by the cooperative agreement under subsection (a) in accordance with this section and the cooperative agreement; and

(2) the costs associated with the maintenance and operation of the structures.

(f) PROHIBITION ON USE OF MECHANIZED TRANSPORT AND MOTORIZED EQUIPMENT.—The non-Federal entity may not use mechanized transport or motorized equipment—

(1) to operate or maintain the water impoundment structures covered by the cooperative agreement under subsection (a); or

(2) to otherwise conduct activities in the Emigrant Wilderness pursuant to the cooperative agreement.

(g) EXPANSION OF AGREEMENT TO COVER ADDITIONAL STRUCTURES.—In the case of the six water impoundment structures located within the boundaries of the Emigrant Wilderness, but not specified in subsection (b), the Secretary of Agriculture may expand the scope of the cooperative agreement under subsection (a), with the consent of the State of California and the other party to the agreement, to include one or more of these structures, subject to the same terms and conditions as apply to the structures specified in subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture \$20,000 to cover administrative costs incurred by the Secretary to comply with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in carrying out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

□ 1430

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend and colleague, the gentleman from California (Mr. DOOLITTLE), for his work on H.R. 434, the Emigrant Wilderness Protection Act. This bill would give the Secretary of Agriculture the authority to enter into a cooperative agreement with non-Federal entities to retain, maintain and operate at private expense the 12 small check dams and weirs, located within the Emigrant Wilderness boundary. The work would be down under terms and conditions established by the Secretary and without use of mechanized transport or motorized equipment. The bill authorizes \$20,000 to be appropriated to cover administrative costs incurred by the Secretary to comply with the National Environmental Policy Act.

Although not specifically indicated within the legislation, it is widely believed to have been the intent of Congress when it passed the Emigrant Wilderness Act in 1974 to preserve the 18 check dam structures. Report language for the 1974 act explained: "Within the area recommended for wilderness designation, there are drift fences, five miles, which will be maintained, but several cabins and barns will be removed within 10 years. Two snow cabins will be retained. The weirs and small dams will likewise be retained." House Report No. 93-989, page 10, April 11, 1974.

This is a good, well thought-out, common-sense bill, Mr. Speaker; and I urge my colleagues to support the measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 434 would allow for the non-motorized maintenance and repair of 12 concrete dams in the Emigrant Wilderness in the Stanislaus National Forest in California. The bill would allow the Forest Service to enter into cooperative agreements to delegate the maintenance work and expense to private properties. These structures were built between 1931 and 1954 and were in existence when Congress designated the Wilderness area in 1974. Several provide water during the dry seasons for trout habitat.

Although dams generally do not belong in Wilderness and the forest planning process is addressing this issue, several factors make the bill acceptable: first, litigation threatens to drag the planning process out for years. Second, these dams, some of which are eligible for listing on the National Register for Historic Places, predate the establishment of the Wilderness, have a history of nonmotorized maintenance, and are, for the most part, unobtrusive. Finally, the expense is not borne by the taxpayer.

As reported out of committee, this bill represents a reasonable com-

promise, reducing the number of dams maintained from 18 to 12 and mirroring the bill that passed the House last Congress. I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 434, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of 12 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes."

A motion to reconsider was laid on the table.

#### PACIFIC NORTHWEST FEASIBILITY STUDIES ACT OF 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1937) to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington, as amended.

The Clerk read as follows:

H.R. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Northwest Feasibility Studies Act of 2001".

#### SEC. 2. AUTHORIZATION OF FEASIBILITY STUDIES.

(a) IN GENERAL.—The Secretary of the Interior may engage in the following feasibility studies:

(1) The Tulalip Tribes Water Quality Feasibility Study, to identify ways to meet future domestic and commercial water distribution needs of the Tulalip Indian Reservation on the Eastern Shore of Puget Sound, Washington.

(2) The Lower Elwha Klallam Rural Water Supply Feasibility Study, to identify additional rural water supply sources for the Lower Elwha Indian Reservation on the Olympic Peninsula, Washington.

(3) The Makah Community Water Source Project Feasibility Study, to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Makah Indian Tribe on the Olympic Peninsula, Washington.

(b) PUBLIC AVAILABILITY OF RESULTS.—The Secretary of the Interior shall make available to the public, upon request, the results of each feasibility study authorized under subsection (a), and shall promptly publish in the Federal Register a notice of the availability of those results.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PETERSON) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1937, authored by the gentleman from Washington State (Mr. LARSEN) will authorize the Secretary of the Interior to conduct feasibility studies for three Native American tribes in the State of Washington. The purpose of the studies is to investigate the feasibility of providing potable water and wastewater distribution systems to meet the future domestic and commercial needs of the tribes.

This is a noncontroversial bill, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support as well of H.R. 1937, the Pacific Northwest Feasibility Studies Act. I congratulate my colleague, the gentleman from Washington State (Mr. LARSEN), for his hard work in bringing this bill to the House floor today.

H.R. 1937 authorizes the Secretary of the Interior to engage in water supply feasibility studies to benefit several Native American communities in the State of Washington. The studies will help the communities to identify the best ways to meet their water supply and distribution needs for domestic, rural, and commercial water users.

The bill also requires the Secretary to make the results of these studies available to the public and to publish a notice of the availability of study results. The report and accompanying environmental and economic analyses will provide the Congress with recommendations on how best to proceed with cost-effective and environmentally sound solutions to the water problems facing these communities.

This legislation enjoys broad support, and I encourage my colleagues to support H.R. 1937.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. LARSEN), the sponsor of H.R. 1937.

Mr. LARSEN of Washington. Mr. Speaker, I just want to take a few minutes to speak on behalf of H.R. 1937, the Pacific Northwest Feasibility Studies Act of 2001.

I first want to thank the gentleman from California (Mr. CALVERT) and the gentleman from Utah (Mr. HANSEN) on the Republican side, and the gentleman from West Virginia (Mr. RAHALL), the gentleman from Washington (Mr. DICKS), the gentleman from Wash-

ington (Mr. SMITH), and the gentleman from Washington (Mr. INSLEE) on the Democratic side for their support in shepherding this legislation to the floor today.

I just want to point out this bill authorizes the Secretary of the Interior to conduct water feasibility studies for three Native American tribes in Washington State. I want to speak briefly about one in particular, which is in my district, the Tulalip Indian Tribe. The Tulalip reservation is located outside of Marysville and covers approximately 35 square miles. The permanent population of the reservation is under 7,000 and continues to grow significantly, but during the summer and holidays the reservation population increases by up to 40 percent.

Like many American Indian reservations, the Tulalip reservation faces groundwater access barriers due to the presence of glacial sediments, a shallow aquifer system, bordering salt water and limited drainage. Likewise, most of the current drinking water on the reservation is supplied from a patchwork of public and private wells. Continued degradation of the water resources on the reservation will limit the development of the reservation and surrounding areas.

The study that this bill authorizes is vital to ensure the long-term safety and accessibility of groundwater on the reservation. So I urge my colleagues to support this legislation, H.R. 1937.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume, in closing, to thank the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for her support in helping to bring these four bills to the floor today. Especially the first one, I failed to thank her on the floor for that, so I will do it now.

I want to thank her and all the Members for their support in bringing these four bills forward.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume to thank my colleague for those kind words. It has been a pleasure sharing this afternoon with him and getting these bills to the floor and passed, as well as working with him on the committee these several years.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PETERSON) that the House suspend the rules and pass the bill, H.R. 1937, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 695, H.R. 434, H.R. 1628, and H.R. 1937, the four bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### BROWN V. BOARD OF EDUCATION 50TH ANNIVERSARY COMMISSION

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2133) to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

The Clerk read as follows:

Senate amendments:

Page 3, line 8, strike out "Chair" and insert "one of two Co-chairpersons".

Page 3, after line 8, insert:

(2) Two representatives of the Department of Justice appointed by the Attorney General, one of whom shall serve as one of two Co-chairpersons of the Commission.

Page 3, line 9, strike out "(2)" and insert "(3)".

Page 3, strike out lines 11 to 22.

Page 3, after line 22, insert:

(A)(i) The Members of the Senate from each State described in clause (iii) shall each submit the name of 1 individual from the State to the majority leader and minority leader of the Senate.

(ii) After review of the submissions made under clause (i), the majority leader of the Senate, in consultation with the minority leader of the Senate, shall recommend to the President 5 individuals, 1 from each of the States described in clause (iii).

(iii) The States described in this clause are the States in which the lawsuits decided by the *Brown* decision were originally filed (Delaware, Kansas, South Carolina, and Virginia), and the State of the first legal challenge involved (Massachusetts).

(B)(i) The Members of the House of Representatives from each State described in subparagraph (A)(iii) shall each submit the name of 1 individual from the State to the Speaker of the House of Representatives and the minority leader of the House of Representatives.

(ii) After review of the submissions made under clause (i), the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives, shall recommend to the President 5 individuals, 1 from each of the States described in subparagraph (A)(iii).

Page 4, line 3, strike out "(3)" and insert "(4)".

Page 4, line 6, strike out "(4)" and insert "(5)".

Page 4, line 8, strike out "(5)" and insert "(6)".

Page 4, line 10, strike out "(6)" and insert "(7)".

Page 5, line 4, strike out "the Chair" and insert "a Co-chairperson".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

#### GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2133, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

It is my pleasure to rise in support of H.R. 2133 introduced by the gentleman from Kansas (Mr. RYUN), which would establish a commission to commemorate the 50th anniversary of the Brown versus Board of Education decision. This bill passed the House on June 27, 2001, under suspension of the rules by a vote of 414 to 2 and passed the Senate on August 3 with some amendments. These amendments change how the commission would be formed and who would make the recommendations for commission members.

Mr. Speaker, May 17, 2004, will mark the 50th anniversary of this landmark U.S. Supreme Court decision. This legislation would establish a Federal commission to provide for and encourage the commemoration of that anniversary. The Brown decision, as studied in law schools across the United States, is remembered for its definite interpretation of the 14th amendment to the United States Constitution. The Court stated that the discriminatory nature of racial segregation violates the 14th amendment to the U.S. Constitution, which guarantees all citizens equal protection of the laws.

On a human level, the Brown decision has had a dramatic impact on families, communities, and governments by outlawing racial segregation, meaning an end to legal discrimination on any basis. Today, we take it as a given that, as the Court opined at that time, separate educational facilities are inherently unequal.

Cheryl Brown Henderson, of the Brown Foundation, had the idea to establish a commission to prepare for the commemoration of the 50th anniversary of this decision. Seeing the educational value this commission would bring, my colleague, the gentleman from Kansas (Mr. RYUN), followed through with legislation to establish it. The commission would work in conjunction with the Department of Education to plan and coordinate public education activities and initiatives

through its 10 regional offices. Activities such as public lectures, writing contests, and public awareness campaigns will be included.

The commission is to be comprised of 22 members, including representatives from the Department of Education, the Department of Justice, the NAACP, the Judicial Branch, the Brown Foundation, and the Brown v. Board National Historic Site. In addition, Members of the Senate and House of Representatives from the States in which the lawsuits were originally filed, Delaware, Kansas, South Carolina, and Virginia, and from the State of the first legal challenge, Massachusetts, and the District of Columbia would recommend individuals to the Speaker of the House and minority leader and the majority and minority leader in the Senate for the commission.

Ultimately, we hope that this commission will educate Americans about the far-reaching historical impact of this decision and what it has done for this country.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN), the sponsor of this bill, to speak on behalf of it.

Mr. RYUN of Kansas. Mr. Speaker, I want to thank those in the House and the other body for their hard work in bringing this important bill to the floor today. I especially want to thank one of my constituents, Cheryl Brown Henderson, for being the catalyst in this effort to educate America on the Brown versus Board of Education Supreme Court decision.

H.R. 2133 will establish a commission to help educate Americans on the history and ramifications of this landmark case in preparation for the 50th anniversary of the Brown decision. On May 17, 1954, the U.S. Supreme Court issued a definitive interpretation of the 14th amendment that would unequivocally change the landscape of American public education. This decision effectively ended the long-held "separate but equal" doctrine in U.S. education.

The commission will work in conjunction with a number of different Departments, as my colleague just mentioned, the Department of Education, Judicial Branch, NAACP Legal Defense and Education Foundation, and the Brown Foundation. It will also have individuals chosen from the various States where this originated, such as in Delaware, Kansas, South Carolina, and Massachusetts will also serve on the commission. So it will be very far-reaching, but it is a great opportunity to bring all this before the American public.

Establishing a commission will help educate the American public on this decision and will serve as a resounding reminder to all of us of the real struggle and sacrifice required to make equality a reality for all America.

□ 1445

We must not forget these sacrifices that were made in order for equality for all Americans.

Mr. Speaker, I urge my colleagues to join me in honoring this historic and far-reaching Supreme Court decision by supporting H.R. 2133.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2133, the legislation to establish the Brown v. Board of Education 50th Anniversary Commission.

I want to commend my friend and colleague, the gentleman from Chicago, Illinois (Mr. Davis) for his leadership in bringing this bill to the floor as the ranking member and co-sponsor of this bill.

This commission, in conjunction with the Department of Education and the Department of Justice, is charged with planning and coordinating public educational activities, initiatives, writing contests, and public awareness campaigns regarding this anniversary of Brown v. the Board of Education.

Under the bill, the commission will in cooperation with the Brown Foundation for Educational Equity, Excellence and Research, submit recommendations to the Congress to encourage, plan and develop the observances of the anniversary of Brown decision. The 50th anniversary of the Brown decision will take place on May 17, 2004. Brown v. the Board of Education is to be commemorated for what it did to address the disparities in the American educational system 47 years ago and to help remind us that there is much yet to be done to address the disparities that we struggle with even today.

Education has always been the way up and the way out for America's youth. Equal educational opportunity is America's best hope for racial, social, and economic justice. It was because of this fact that in 1951 Oliver Brown and the parents of 12 other black children filed a lawsuit against the Topeka Board of Education protesting the City's segregation of black and white students. This is why also today parents all across America, particularly parents of children of color, are demanding that elected officials improve the quality and equality of America's schools.

In 1997, we know that 93 percent of whites age 25 to 29 had attained a high school diploma or equivalency degree. In that same year, only 87 percent of African-Americans had attained their high school diploma and just 63 percent of Hispanics. Among those who achieved a high school diploma, 37 percent of whites had completed a bachelor's degree at a college or university compared with only 16 percent of African-Americans and 18 percent of Hispanics. Clearly the statistics revealed to us that we have not yet achieved the goals of Brown v. Board of Education.

Given the increasing importance of skills in our labor market, these gaps in educational attainment translate into significant differences by race and ethnicity in eventual labor market outcomes, such as wages and employment.

It is important to remember that the historic *Brown v. Board of Education* decision, which was announced in May of 1954 by Chief Justice Earl Warren, represented a significant change in our policy in our public schools that has meant much progress for those who were for many years segregated into substandard and unequal classrooms.

Justice Warren, in that opinion, stated that public education was a right which must be made available to all on equal terms. I trust that this commission will remember those words when planning for the observances of the 50th anniversary of the *Brown* decision. I hope those words will remind all of us that we have yet to achieve the goals that were set forth in that historic opinion.

Mr. Speaker, I urge all of my colleagues to join with me in supporting this very important piece of legislation.

Mr. RANGEL. Mr. Speaker, I rise before you today in support of H.R. 2133 which would establish a commission for the purpose of encouraging and providing for the commemoration of the 50th Anniversary on May 17, 2004 of the Supreme Court's unanimous and landmark 1954 decision in *Brown v. the Board of Education*.

While the 13th, 14th, and 15th Amendments to the Constitution outlawed slavery, guaranteed rights of citizenship to naturalized citizens and due process, equal protection and voting rights, nearly a century would pass before the last vestiges of "legalized" discrimination and inequality would be effectively revoked. The right of equal protection under the law for African-Americans was dealt a heavy blow with the Supreme Court's 1875 decision to uphold a lower court in *Plessy v. Ferguson*. The *Plessy* decision created the infamous "separate but equal" doctrine that made segregation "constitutional" for almost 80 years.

It was not until the 1950's, when the NAACP defense team led by the Honorable Thurgood Marshall as general counsel, launched a national campaign to challenge segregation at the elementary school level that effective and lasting change was achieved. In five individually unique cases filed in four states and the District of Columbia, the NAACP defense team not only claimed that segregated schools told Black children they were inferior to White children, but that the "separate but equal" ruling in *Plessy* violated equal protection. Although all five lost in the lower courts, the U.S. Supreme Court accepted each case in turn, hearing them collectively in what became *Brown v. Board of Education*.

The *Brown* decision brought a decisive end to segregation and discrimination in our public school systems, and gradually our national, cultural and social consciousness as well.

The first, however, did not end there. We may have overcome segregation and racism,

but now the fight is economic, one in which some of our schools are inferior to others because of inadequate funding, overcrowded classrooms, dilapidated school buildings and a nationwide lack of teachers. We only have to look at the high levels of crime, drug use, juvenile delinquency, teen pregnancy and unemployment to know the value of a good education. If *Brown* taught us anything, it is that without the proper educational tools, young people lose hope for the future.

No one challenges the concept of investing in human capital, but it is a well-known fact that we spend ten times as much to incarcerate then we do to educate. If we can find the resources to fund a tax cut and for a U.S. prison system with nearly 2 million inmates, we can give our public schools the repairs and facilities they desperately need, we can reduce class sizes and provide adequate pay to attract the best and brightest into the teaching profession.

I urge my colleagues here in the House to join me in remembering the lessons of *Brown v. Board of Education* when we consider our national priorities, by committing ourselves to addressing the unfulfilled promises of equality and opportunity contained in the *Brown* decision.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2133.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### CONVEYANCE OF ARMY RESERVE CENTER IN KEWAUNEE, WISCONSIN TO CITY OF KEWAUNEE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 788) to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin, as amended.

The Clerk read as follows:

H.R. 788

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LAND CONVEYANCE, ARMY RESERVE CENTER, KEWAUNEE, WISCONSIN.

(a) CONVEYANCE REQUIRED.—The Administrator of General Services shall convey, without consideration, to the City of Kewaunee, Wisconsin (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Federal real property, including improvements thereon, that is located at 401 5th Street in Kewaunee, Wisconsin, and con-

tains an excess Army Reserve Center. After such conveyance, the property may be used and occupied only by the City, or by another local or State government entity approved by the City.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the City.

(c) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Administrator makes the conveyance under subsection (a), if the Administrator determines that the conveyed property is not being used and occupied in accordance with such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States. Upon reversion, the United States shall immediately proceed to a public sale of the property.

(d) ADDITIONAL TERMS AND CONDITIONS.—(1) The property shall not be used for commercial purposes.

(2) The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(e) TREATMENT OF AMOUNTS RECEIVED.—Any net proceeds received by the United States as payment under subsection (c) shall be deposited into the Land and Water Conservation Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

#### GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 788 would require the General Services Administration to convey to the City of Kewaunee, Wisconsin at no cost a parcel of property containing an Army Reserve Center located in northwest Kewaunee. The property consists of two buildings with approximately 17,000 square feet of space constructed on 4.4 acres of land.

The property is excess to the needs of the Army and surplus to the needs of the Federal Government. It has been vacant since 1996.

Currently, the City of Kewaunee's municipal services are located at different sites around the city. Kewaunee city hall, police department, ambulance service and community center/senior center have outgrown their present facilities. They require room to expand. The City of Kewaunee intends

to consolidate these services at the vacant Army Reserve center.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, as has been pointed out, directs the administrator of the General Services Administration to convey an excess Army Reserve Center to the City of Kewaunee, Wisconsin. It consists of about four-and-a-half acres of lands. It is a piece of property that the City plans to use only for governmental purposes. It is going to be a very important building to this small community of less than 3,000 people by providing a place for a city hall, a city council meeting place. It may also house police, emergency rescue personnel, and other municipal functions.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. GREEN) for his efforts in putting this bill together as it pertains to his district. I thank the gentleman from Indiana (Mr. BURTON) and the gentleman from Virginia (Mr. TOM DAVIS) for accommodating concerns raised about the bill.

Mr. Speaker, the bill on the floor is a better bill than we started out with and protects the interests of the Federal Government by specifying that the property must be used exclusively for a government purpose for not less than 20 years or title would revert to the United States Government.

At the same time the legislation will provide the City of Kewaunee with a suitable municipal building which it otherwise would be unable to afford. It is important to note that not only does this legislation bypass normal committee procedures, it is considered "special legislation" because it is not being considered under the normal Federal property disposal procedures. Under normal Federal property disposal procedures, a transfer of this kind would not be currently permitted.

We are pleased to join today in accommodating the interest which has been shared with our committee by the gentleman from Wisconsin (Mr. GREEN) to enable the City of Kewaunee to have this building which is no longer needed by the Federal Government.

Mr. Speaker, I hope that even though this building does not fit within any of the traditional exceptions for transfer, that the circumstances of this case will speak for themselves and that Members of Congress on both sides of the aisle will join with us in supporting the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN), the bill sponsor, a strong fighter for the citizens of Kewaunee, Wisconsin.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the committee staff and the staff of the gentleman from Virginia and, in particular, the minority staff. As the gentleman from Texas (Mr. TURNER) alluded to, the extra help and assistance and cooperation they gave us, we appreciate very much.

Mr. Speaker, Kewaunee is a small city of about 3,000 people located on the shores of Lake Michigan. It is filled with good people with big dreams. Kewaunee also faces, like a number of small cities, a number of financial challenges. For several years, Kewaunee has been without the financial resources to sufficiently house basic municipal services in its city hall and police station and fire station.

Mr. Speaker, when the U.S. Army abandoned its reserve center in 1996, it created the opportunity for meeting those challenges. Since 1996, the Kewaunee Reserve Center has worked through the GSA disposal process. It was declared excess in 1998; and since then, there has been no expression of interest by any Federal agency. Currently, only the City of Kewaunee has any interest in this property.

Right now the setup for municipal services in the City of Kewaunee is, to put it kindly, less than ideal. The city hall is in the old bank building with no parking or office space. The council shares office space with the business office. The police department is in the water treatment plant. The senior citizens center is on the second floor of the fire station, and the ambulance service is in the public works garage. Obviously, this is not ideal.

Mr. Speaker, people in America, especially from small towns, want government to work for them. They are looking for common sense and partnerships. This is not a big deal to the Federal Government. This building is vacant, and it will need lots of work to bring it up to suitable standards. However, it is a big deal to the City of Kewaunee. It opens new doors to the future, and allows them to reach out and capture some of those good opportunities and big dreams.

Mr. Speaker, I thank the minority staff for all of their assistance in this special situation.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 788, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### STAN PARRIS POST OFFICE BUILDING DESIGNATION ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1766) to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building."

The Clerk read as follows:

H.R. 1766

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. STAN PARRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, shall be known and designated as the "Stan Parris Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Stan Parris Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

#### GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1766.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1766 sponsored by the gentleman from Virginia (Mr. WOLF) would rename the Post Office at 4270 John Marr Drive in Annandale, Virginia, to honor Stan Parris, a distinguished and dedicated Republican representative from Northern Virginia.

Stan's career in public service began as a member of the Fairfax County Board of Supervisors representing the Mason district. He later served the people of Virginia as Secretary of the Commonwealth and Director of the Commonwealth of Virginia's Washington Liaison Office.

Stan went on to represent the Eighth Congressional District of Virginia from 1973 to 1975, and more recently from 1981 to 1991. While in Congress he was a member of the Committee on Banking, the Committee on the Interior and Insular Affairs, and the Select Committee on Narcotics Abuse and Control.

As the ranking minority member of the Subcommittee on the District of Columbia, Stan was a vocal critic of D.C. Government policies in the 1980s and recognized the early signs of the City's financial and organizational

mismanagement, which eventually escalated to crisis level by the mid-1990s. Additionally, he was among the first congressional Members calling for the closure of Lorton Prison, a process that finally began as part of the National Capital Revitalization and Self-Government Improvement Act of 1977. Stan was ahead of his time.

While serving in Congress, Stan successfully pursued measures to alleviate traffic congestion in Northern Virginia. A strong advocate for the residents of Virginia's Eighth Congressional District, he worked tirelessly on behalf of Federal employees and military retirees to help them obtain better salaries and benefits.

□ 1500

After leaving Congress, Stan was appointed by the President to serve as the administrator of the Saint Lawrence Seaway Development Corporation, and since 1996 he has worked with the law firm of Dickstein, Shapiro, Moore and Oshinsky, LLP. He now resides in Hudgins, Virginia.

I urge all my colleagues to join in supporting this legislation honoring Stan Parris.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my friend and colleague (Chairman DAVIS) in supporting H.R. 1766, legislation sponsored by our friend and colleague, the gentleman from Virginia (Mr. WOLF).

This legislation honors a distinguished former member of this House, Stan Parris, by naming the post office in Annandale, Virginia, after him.

Mr. Parris is a gentleman that I did not have the pleasure of knowing. He left the Congress in 1991, long before I arrived; but I understand from reading his background that he was an outstanding Member of this body, a distinguished American; and certainly I commend my friend, the gentleman from Virginia (Mr. WOLF), for seeking to honor such a distinguished man and former Member of this Congress.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), the bill's sponsor, the inspiration for this legislation and a gentleman who served with Mr. Parris in the House for many years.

Mr. WOLF. Mr. Speaker, let me just thank the gentleman from Virginia (Mr. TOM DAVIS), too, for his efforts to bring this up and the other side of the aisle for their help and the gentleman from Virginia's (Mr. TOM DAVIS) help on passing the bill.

Mr. Speaker, I appreciate my colleagues on the Committee on Govern-

ment Reform in bringing this legislation to the floor to designate a U.S. postal building in Annandale, Virginia, to honor Congressman Stan Parris, who served Virginia's 8th Congressional District for six terms.

It is the privilege as the Representative of the 10th Congressional District to be a sponsor of this bill.

Born in Champaign, Illinois, September 4, 1929, Stan Parris was first elected to the House of Representatives in 1972. After serving one term and losing in that very tough 1974, what they called the "Watergate Year," he returned to capture a seat in 1980.

Congressman Parris went on to win five consecutive elections, serving from 1981 to 1991.

As an aside, during that period of time we would sit back over here many times and chat and talk when issues would come up; and I would say, Stan, and we would say just back and forth, and I can almost see Stan kind of standing back there and thinking of all the conversations that we would have about issues coming up before the Congress.

Stan had a very distinguished career in serving this country, both as an elected official and as a veteran. Assisting the people he represented was the cornerstone of his service in Congress.

Congressman Parris consistently helped Federal employees and military retirees, both largely represented in Virginia's 8th district. He involved himself early and often in transportation issues, an area of considerable importance to the citizens of northern Virginia.

Congressman Parris was a vigilant defender of the taxpayer and spoke out against instances of fraud and abuse, and according to the Almanac of American Politics 1990, it said Parris was one of the earlier voices in Congress to warn of an impending crisis in the savings and loan industry, speaking out in the fall of 1985. If only the Congress had listened to Stan Parris.

He graduated from George Washington University Law School in 1958, and if my memory serves me he worked on a copy machine down in the basement of this capitol when he was working his way through law school. Winning an award for outstanding law student of the year, Congressman Parris went on to serve in the U.S. Air Force as a jet pilot during the Korean war.

He distinguished himself in combat in Korea, winning the Distinguished Flying Cross, the air medal with cluster, the Purple Heart and the U.S. and Korean Presidential Citation.

It was once told to me, if you want to understand Stan Parris, read the book "Right Stuff" because Parris was being considered to be an astronaut, was a jet fighter and in many respects a war hero; and if you listen to what actually happened to him, which I will not go

into, I think the body would be very impressed.

After starting out in the private sector, Congressman Parris won his first elected office in 1963 as the only Republican member of the Fairfax Board of Supervisors. He then, as the gentleman from Virginia (Mr. TOM DAVIS) said, was Secretary of State of the Commonwealth of Virginia.

In 1969, Congressman Parris went on to serve as a delegate in the Virginia General Assembly for 4 years, serving as chairman for the joint House-Senate Republican caucus.

Congressman Parris went on to win the seat for northern Virginia's 8th Congressional District in 1972 in a very close election.

In 1980 Congressman Parris won a spirited and close election, regaining his seat by under 1,100 votes.

I see the gentleman from Virginia (Mr. MORAN) across the aisle, who is ready to follow and introduce a bill to name, appropriately so, a post office down in Mount Vernon for Herb Harris.

To have the Herb Harris Post Office along with Stan Parris is very fitting because they both ably were fighters for what they believed in. They were advocates for their cause and I think really served this region very, very well.

After winning five consecutive terms, Stan Parris lost his bid for reelection in 1992, but his work and public service continued. President Bush asked him to be president of the Saint Lawrence Seaway Development Corporation, where he used to come before my appropriation committee, and may have been the best head of the Saint Lawrence Seaway that we have had in the history of the country.

He was responsible for overseeing the Federal agency charged with operating, managing and promoting maritime activity for the entire Great Lakes region of the Nation.

Stan Parris has dedicated most of his life to serving his country in both a public and military capacity. His commitment and his devotion to public service is deserving of recognition and it is appropriate that the postal building of 4270 John Marr Drive in Annandale, Virginia, be renamed in his honor.

I urge our colleagues to join us in supporting this legislation to honor this former Member for his dedicated service and just want to wish Stan the very, very best and his wife, Marty, and his entire family and on behalf of the people of the Commonwealth and the entire Congress, thank Stan and thank his family, because you know how part of the whole process the family can be, for his service to the country as a war hero and as a Member of this Congress.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN), who succeeded Mr. Parris here in the House.

Mr. MORAN of Virginia. Mr. Speaker, I want to thank my good friend and colleague, the gentleman from Virginia (Mr. TOM DAVIS), in whose district the Stan Parris Post Office will be located.

This is a very nice post office, and it is appropriate that it be named after Stan Parris; and I want to commend my other good friend and colleague, the gentleman from Virginia (Mr. WOLF). It was really his idea that we name both these offices in tandem after Stan Parris and Herb Harris in true bipartisan tradition.

This one that we are speaking specifically about is that for Stan Parris, and the reason why Stan certainly deserves a post office being named after him is that he devoted his life to public service.

He was a fighter pilot during the Korean war. I am sure that that has been mentioned. He was awarded the Distinguished Flying Cross with cluster, the Air Medal with clusters, Purple Heart and the U.S. and Korean Presidential Citations. So he really was a war hero.

After the war, he continued his commitment to public service. He was on the Fairfax Board of County Supervisors. The gentleman from Virginia (Mr. TOM DAVIS) chaired that board and he knows what difficult, thankless work that can be.

He was supervisor in a particularly important transitional time in local government in Fairfax County, and he also served as a delegate in the General Assembly in Richmond for the Commonwealth of Virginia.

The reason why this Congress should recognize him is his service for 12 years in the United States House of Representatives. He was on the Committee on District of Columbia; Committee on Government Operations; the Committee on Banking, Finance and Urban Affairs Committees. He was chair of the Subcommittee on Fiscal Affairs and Health, Government Operations and Metropolitan Affairs where he promoted fiscal responsibility.

I am very pleased that the three of us can recognize him, the gentleman from Virginia (Mr. WOLF), the gentleman from Virginia (Mr. TOM DAVIS), and I, and the gentleman from Texas (Mr. TURNER); and we speak for the entire Congress.

You have done a great job, Stan, and this is a very appropriate, fitting tribute to you to name this post office after you.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1766.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of

those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### HERB E. HARRIS POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1761) to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the "Herb E. Harris Post Office Building", as amended.

The Clerk read as follows:

H.R. 1761

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. HERB HARRIS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, shall be known and designated as the "Herb Harris Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Herb Harris Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

#### GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a great honor to stand before you today to speak on behalf of H.R. 1761, designing the United States Post Office located at 8588 Richmond Highway in Alexandria, Virginia, as the Herb Harris Post Office Building.

Herb Harris, again, came from the Fairfax County Board of Supervisors where he cut his teeth politically. He had a very distinguished career there. He was elected in 1975 to the 94th Congress and two succeeding Congresses representing what was then Virginia's

Eighth Congressional District. He was the first freshman Congressman in 25 years to serve as chairman of the House District of Columbia Subcommittee on the Environment Bicentennial Celebration and International Community as well.

Prior to being elected to Congress, Herb served as vice chairman of the Washington, D.C. Metropolitan Transit Authority from 1970 to 1974 as a member of the County Board of Supervisors from Fairfax at that point representing the Mount Vernon District. He had been vice chairman of the County Board of Supervisors in Fairfax County as well, was a very distinguished leader there both in Fairfax and regionally. He was the instrumental figure in securing the needed funding for construction of Metro. We think of Stark-Harris funds and the legislation that came out of that landmark legislation. The Metro system as it exists today would not be there but for Herb Harris. He was a leader in getting money for that area and allocating it, bringing the region together to address the problems with building this mighty system.

After leaving Congress in January 1981, Herb resumed the practice of law with the firm of Harris Ellsworth & Levin in Washington, D.C. He still resides in Mount Vernon, Virginia, today.

Mr. Speaker, in closing I would like to thank Herb for his service to Fairfax County, the Washington metropolitan region, and to this country. I would urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume. I thank again my friend and colleague, the gentleman from Virginia (Mr. TOM DAVIS), and my friend and colleague, the gentleman from Virginia (Mr. WOLF). This is a neat opportunity to recognize two very distinguished individuals.

This bill would name a post office after my good friend, Congressman Herb Harris. It will be at 8588 Richmond Highway, which is Route 1. It is a brand new post office in an area that desperately needs a post office and needs economic redevelopment, and this will provide it to that area. It is more than appropriate that we honor Herb Harris, who represented the Mount Vernon District on the Fairfax County Board of Supervisors, became vice chair, as the gentleman from Virginia has said, and he still lives in Mount Vernon. He is still very much involved in what goes on in that community.

□ 1515

He did more things for that community and for Fairfax County, and, in many ways, for the Nation, than we will ever know.

He began his public service in 1968. He was instrumental in getting funding

for a new hospital and expanding the libraries in the Mount Vernon area and in Fairfax County. He spent a lot of time on thankless tasks, like limiting utility costs and tax rates.

He was first elected in 1975 to the Congress after serving as vice chair of the Metropolitan Washington Transit Authority, and he used that experience on the Metro board to continually push for expansion of the Metro system. He got the legislation through that approved \$1.9 billion in final construction funds for the full 101-mile Metro design.

Metro is critical to the entire Metropolitan Washington area. In the early days, it was a very controversial, very political issue, to bring Metro out to the suburbs and to pay the costs. You had to have a vision, and Herb had that vision.

He also promoted the rights of Federal employees. He was fiscally responsible, and he emphasized the need for future planning in terms of transportation needs. In so many areas, we find today that he was even more correct than we understood at the time in terms of meeting those transportation needs.

It was the first time in 25 years that a freshman Member of Congress was selected to serve as chairman of a subcommittee when Herb was designated as the chair of the Subcommittee on the Environment, Bicentennial Celebration and International Community in Washington.

It is with great gratitude that I thank Herb on behalf of the Members of this body, all the Members of this body, and really of the country, for his tireless efforts to improve the lives of Virginia's and America's residents. He was a forward-looking individual that was a lot of fun to work with, and he was tireless in his devotion to public service. That is why it is most appropriate that we designate the Post Office at 8588 Richmond Highway as the Herb E. Harris Post Office Building.

We have Congressman Harris with us. Herb, thank you for all you did. You are so deserving of this honor.

Mr. Speaker, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just have a question for the gentleman from Virginia (Mr. MORAN): Does this post office stay in the Eighth Congressional District under the new boundaries that the Virginia General Assembly has promulgated?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. WOLF) would know better

than I, controlling the redistricting; but, you betcha. Absolutely.

Mr. TOM DAVIS of Virginia. Mr. Speaker, reclaiming my time, that is appropriate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman from Virginia (Mr. TOM DAVIS) for this effort in helping with this legislation, and I want to commend the gentleman from Virginia (Mr. MORAN) for doing this.

Mr. Speaker, I just have a couple of comments. Herb Harris, as I said in a previous debate, was a fighter, was an advocate. I first met Herb when I was a young lawyer here in town. He was with the American Farm Bureau. Then he went on to do all the amazing things that the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Virginia (Mr. MORAN) said. So it is very fitting.

Mr. Speaker, it would really be fitting for the Post Office to have these dedications of Mr. Parris' Post Office and Mr. Harris' Post Office on the same day. I think it would be a great sign, if you will, when Stan Parris comes to Herb Harris' dedication and Herb Harris comes to Stan Parris' dedication.

With that, I say congratulations, and I wish Herb the very, very best.

Mr. MORAN of Virginia. Mr. Speaker, if the gentleman will yield further, Congressman Harris has informed me that the actual name of his law firm is Harris Ellsworth & Levin.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also note that Mr. Harris is a former president, as I understand it, of the Bren Mar Park Civic Association, which was in the Mason District which I once represented.

Again, let me say to Herb Harris, thank you for Metro, thank you for the Mount Vernon Hospital, thank you for your years of service as well. We look forward to the dedication.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 21 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1766, by the yeas and nays;

H.R. 1761, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## STAN PARRIS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 1766.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1766, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 0, not voting 68, as follows:

[Roll No. 336]

## YEAS—362

Abercrombie	Bilirakis	Calvert
Aderholt	Bishop	Cannon
Akin	Blumenauer	Cantor
Allen	Blunt	Capito
Andrews	Boehrlert	Capps
Armey	Bonilla	Capuano
Baca	Bonior	Cardin
Bachus	Bono	Carson (OK)
Baird	Borski	Castle
Baker	Boswell	Chabot
Baldacci	Boucher	Clay
Baldwin	Boyd	Clayton
Ballenger	Brady (TX)	Clement
Barrett	Brown (FL)	Clyburn
Bartlett	Brown (OH)	Coble
Bass	Brown (SC)	Collins
Becerra	Bryant	Combest
Bereuter	Burr	Condit
Berkley	Burton	Costello
Berry	Buyer	Cox
Biggert	Callahan	Coyne

Cramer	Jefferson	Pelosi
Crane	Jenkins	Pence
Cubin	John	Peterson (MN)
Culberson	Johnson (CT)	Peterson (PA)
Cummings	Johnson (IL)	Petri
Cunningham	Johnson, E. B.	Phelps
Davis (CA)	Johnson, Sam	Pickering
Davis (FL)	Jones (NC)	Pitts
Davis, Jo Ann	Jones (OH)	Platts
Davis, Tom	Kanjorski	Pombo
Delahunt	Kaptur	Pomeroy
DeLauro	Keller	Portman
DeLay	Kelly	Pryce (OH)
DeMint	Kennedy (MN)	Putnam
Diaz-Balart	Kennedy (RI)	Quinn
Dicks	Kerns	Ramstad
Dingell	Kildee	Regula
Doggett	Kind (WI)	Rehberg
Dooley	King (NY)	Reyes
Doyle	Kingston	Reynolds
Dreier	Kirk	Riley
Duncan	Klecicka	Rivers
Dunn	Kolbe	Rodriguez
Edwards	Kucinich	Roemer
Ehlers	LaFalce	Rogers (KY)
Ehrlich	LaHood	Rogers (MI)
English	Lampson	Rohrabacher
Eshoo	Langevin	Ros-Lehtinen
Etheridge	Larsen (WA)	Ross
Everett	Larson (CT)	Rothman
Farr	Latham	Roybal-Allard
Fattah	Leach	Rush
Filner	Lee	Ryan (WI)
Flake	Levin	Ryun (KS)
Fletcher	Lewis (CA)	Sabo
Forbes	Lewis (GA)	Sanchez
Ford	Lewis (KY)	Sandlin
Frank	Linder	Sawyer
Frelinghuysen	LoBiondo	Saxton
Frost	Lofgren	Schakowsky
Gallely	Lowe	Schiff
Gekas	Lucas (KY)	Schrock
Gephardt	Lucas (OK)	Scott
Gibbons	Luther	Sensenbrenner
Gilchrest	Maloney (CT)	Sessions
Gillmor	Maloney (NY)	Shadegg
Gilman	Manzullo	Shaw
Gonzalez	Markey	Shays
Goode	Mascara	Sherman
Goodlatte	Matheson	Sherwood
Gordon	Matsui	Shimkus
Goss	McCarthy (MO)	Shows
Graham	McCarthy (NY)	Shuster
Granger	McCollum	Simmons
Graves	McCrery	Simpson
Green (TX)	McDermott	Skeen
Green (WI)	McGovern	Skelton
Greenwood	McHugh	Slaughter
Gutknecht	McInnis	Smith (MI)
Hall (OH)	McIntyre	Smith (NJ)
Hall (TX)	McKeon	Smith (WA)
Hansen	McKinney	Snyder
Harman	McNulty	Solis
Hart	Meehan	Spratt
Hastings (FL)	Meek (FL)	Stenholm
Hastings (WA)	Menendez	Strickland
Hayes	Millender	Stump
Hayworth	McDonald	Sununu
Hefley	Miller, Gary	Tancredo
Herger	Miller, George	Tanner
Hill	Mink	Tauscher
Hilleary	Moore	Taylor (MS)
Hilliard	Moran (KS)	Thomas
Hinchey	Moran (VA)	Thompson (CA)
Hinojosa	Morella	Thompson (MS)
Hobson	Murtha	Thornberry
Hobson	Murtha	Thune
Hoeffel	Myrick	Thurman
Hoekstra	Nadler	Tiahrt
Holden	Napolitano	Tiberti
Holt	Nethercutt	Tierney
Honda	Ney	Toomey
Hooley	Northup	Trafcant
Horn	Norwood	Turner
Hostettler	Nussle	Udall (CO)
Houghton	Oberstar	Udall (NM)
Hoyer	Obey	Upton
Hulshof	Oliver	Visclosky
Hunter	Ortiz	Vitter
Hyde	Osborne	Waldeen
Inslee	Ose	Walsh
Isakson	Otter	Wamp
Israel	Oxley	Waters
Issa	Pallone	Watkins (OK)
Jackson (IL)	Pascarell	Watson (CA)
Jackson-Lee	Pastor	Watt (NC)
(TX)	Paul	

Watts (OK)	Wicker	Wynn
Weldon (FL)	Wilson	Young (AK)
Weller	Wolf	Young (FL)
Wexler	Woolsey	
Whitfield	Wu	

## NOT VOTING—68

Ackerman	Engel	Radanovich
Barcia	Evans	Rahall
Barr	Ferguson	Rangel
Barton	Foley	Roukema
Bentsen	Fossella	Royce
Berman	Ganske	Sanders
Blagojevich	Grucci	Schaffer
Boehner	Gutierrez	Serrano
Brady (PA)	Istook	Smith (TX)
Camp	Kilpatrick	Souder
Carson (IN)	Knollenberg	Stark
Chambliss	Lantos	Stearns
Conyers	Largent	Stupak
Cooksey	LaTourette	Sweeney
Crenshaw	Lipinski	Tauzin
Crowley	Meeks (NY)	Taylor (NC)
Davis (IL)	Mica	Terry
Deal	Miller (FL)	Towns
DeFazio	Mollohan	Velazquez
DeGette	Neal	Waxman
Deutsch	Owens	Weiner
Doolittle	Payne	Weldon (PA)
Emerson	Price (NC)	

□ 1824

Mr. SHADEGG changed his vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8, rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## HERB E. HARRIS POST OFFICE BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1761, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 1761, as amended, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 0, not voting 65, as follows:

[Roll No. 337]

YEAS—365

Abercrombie	Baird	Becerra
Aderholt	Baker	Bentsen
Akin	Baldacci	Bereuter
Allen	Baldwin	Berkley
Andrews	Ballenger	Berry
Armey	Barrett	Biggert
Baca	Bartlett	Billirakis
Bachus	Bass	Bishop

Blumenauer	Graves	McCollum
Blunt	Green (TX)	McCrery
Boehlert	Green (WI)	McDermott
Bonilla	Greenwood	McGovern
Bonior	Gutknecht	McHugh
Bono	Hall (OH)	McInnis
Borski	Hall (TX)	McIntyre
Boswell	Hansen	McKeon
Boucher	Harman	McKinney
Boyd	Hart	McNulty
Brady (TX)	Hastings (FL)	Meehan
Brown (FL)	Hastings (WA)	Meek (FL)
Brown (OH)	Hayes	Menendez
Brown (SC)	Hayworth	Millender
Bryant	Hefley	McDonald
Burr	Herger	Miller, George
Burton	Hill	Mink
Buyer	Hilleary	Moore
Callahan	Hilliard	Moran (KS)
Calvert	Hinchey	Moran (VA)
Cannon	Hinojosa	Morella
Cantor	Hobson	Murtha
Capito	Hoeffel	Myrick
Capps	Hoekstra	Nadler
Capuano	Holden	Napolitano
Cardin	Holt	Nethercutt
Carson (OK)	Honda	Ney
Castle	Hooley	Northup
Chabot	Horn	Norwood
Clay	Hostettler	Nussle
Clayton	Houghton	Oberstar
Clement	Hoyer	Obey
Clyburn	Hulshof	Oliver
Coble	Hunter	Ortiz
Collins	Hyde	Osborne
Combest	Inslee	Ose
Condit	Isakson	Otter
Costello	Israel	Oxley
Cox	Issa	Pallone
Coyne	Istook	Pascarell
Cramer	Jackson (IL)	Pastor
Crane	Jackson-Lee	Paul
Cubin	(TX)	Pelosi
Culberson	Jefferson	Pence
Cummings	Jenkins	Peterson (MN)
Cunningham	John	Peterson (PA)
Davis (CA)	Johnson (CT)	Petri
Davis (FL)	Johnson (IL)	Phelps
Davis, Jo Ann	Johnson, E. B.	Pickering
Davis, Tom	Johnson, Sam	Pitts
DeGette	Jones (NC)	Platts
Delahunt	Jones (OH)	Pombo
DeLauro	Kanjorski	Pomeroy
DeLay	Kaptur	Portman
DeMint	Keller	Pryce (OH)
Diaz-Balart	Kelly	Putnam
Dicks	Kennedy (MN)	Quinn
Dingell	Kennedy (RI)	Ramstad
Doggett	Kerns	Regula
Dooley	Kildee	Rehberg
Doyle	Kind (WI)	Reyes
Dreier	King (NY)	Reynolds
Duncan	Kingston	Riley
Dunn	Kirk	Rivers
Edwards	Klecicka	Rodriguez
Ehlers	Kolbe	Roemer
Ehrlich	Kucinich	Rogers (KY)
English	LaFalce	Rogers (MI)
Eshoo	LaHood	Rohrabacher
Etheridge	Lampson	Ros-Lehtinen
Evans	Langevin	Ross
Everett	Larsen (WA)	Rothman
Farr	Larson (CT)	Roybal-Allard
Fattah	Latham	Rush
Filner	Leach	Ryan (WI)
Flake	Lee	Ryun (KS)
Fletcher	Levin	Sabo
Forbes	Lewis (CA)	Sanchez
Ford	Lewis (GA)	Sandlin
Frank	Lewis (KY)	Sawyer
Frelinghuysen	Linder	Saxton
Frost	LoBiondo	Schakowsky
Gallely	Lofgren	Schiff
Gekas	Lowe	Schrock
Gephardt	Lucas (KY)	Scott
Gibbons	Lucas (OK)	Sensenbrenner
Gilchrest	Luther	Sessions
Gillmor	Maloney (CT)	Shadegg
Gilman	Maloney (NY)	Shaw
Gonzalez	Manzullo	Shays
Goode	Markey	Sherman
Goodlatte	Mascara	Sherwood
Gordon	Matheson	Shimkus
Goss	Matsui	Shows
Graham	McCarthy (MO)	Shuster
Granger	McCarthy (NY)	Simmons

Simpson  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stenholm  
Strickland  
Stump  
Sununu  
Tancredo  
Tanner  
Tauscher  
Taylor (MS)  
Thomas

Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Waldeen  
Walsh  
Wamp

Waters  
Watkins (OK)  
Watson (CA)  
Watt (NC)  
Watts (OK)  
Weldon (FL)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—65

Ackerman  
Barcia  
Barr  
Barton  
Berman  
Blagojevich  
Boehner  
Brady (PA)  
Camp  
Carson (IN)  
Chambliss  
Conyers  
Cooksey  
Crenshaw  
Crowley  
Davis (IL)  
Deal  
DeFazio  
Deutsch  
Doolittle  
Emerson  
Engel

Ferguson  
Foley  
Fossella  
Ganske  
Grucci  
Gutierrez  
Kilpatrick  
Knollenberg  
Lantos  
Largent  
LaTourette  
Lipinski  
Meeks (NY)  
Mica  
Miller (FL)  
Miller, Gary  
Mollohan  
Neal  
Owens  
Payne  
Price (NC)  
Radanovich

Rahall  
Rangel  
Roukema  
Royce  
Sanders  
Schaffer  
Serrano  
Smith (TX)  
Souder  
Stark  
Stearns  
Stupak  
Sweeney  
Tauzin  
Taylor (NC)  
Terry  
Towns  
Velázquez  
Waxman  
Weiner  
Weldon (PA)

□ 1836

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the 'Herb Harris Post Office Building'."

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. DEUTSCH. Madam Speaker, I was unavoidably absent from the chamber today during rollcall vote No. 336 and 337. Had I been present, I would have voted "yea" on rollcall vote No. 336 and "yea" on rollcall vote No. 337.

## PERSONAL EXPLANATION

Mr. GRUCCI. Madam Speaker, due to my Mother's sudden heart attack, I will be unable to participate in today's recorded votes. However, if I were present, I would have voted "yea" on rollcall 336 and rollcall 337.

## PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to personal business in my District, I was unable to record my vote on H.R. 1766, (rollcall No. 336) and H.R. 1761, (rollcall No. 337). Had I been present, I would have voted "yea" on both measures.

## PERSONAL EXPLANATION

Mr. MICA. Madam Speaker, I was unavoidably detained because of a late flight and could not vote. Had I been present, I would have voted "yea" on rollcall No. 336 and "yea" on rollcall No. 337.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 1983

Mr. SCHROCK. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1983.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Virginia? There was no objection.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 2269

Mr. PASCRELL. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE REVEREND DR.  
JAMES FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Madam Speaker, I rise to pay tribute to a former Minnesotan who devoted his life to ministering to others and who made a huge difference in the lives of the people in this very House for over 2 decades. For 21 years, the House of Representatives was very well served by our dedicated and beloved chaplain, the Reverend Dr. James Ford. Seven days a week, year after year, Jim Ford was here for us and our families in times of deepest need. Jim was always here to encourage, console, humor, and inspire us. That is why all of us were terribly shocked and saddened to hear of his death on August 27. Our thoughts and prayers are with his family: his wife, Marcy; son, Peter; daughters, Julie, Marie, Molly and Sarah; sister, Janet; 9 grandchildren; and countless friends all over the world.

So many memories come flooding back at a time like this. Jim Ford leaves a legacy of love and service for his family, friends, and Nation which will be remembered always. His eloquent well-chosen words and ever-present wit helped keep our focus on

what was truly important: working together to serve people.

□ 1845

Also Jim Ford taught us to take our job seriously, but not ourselves. Which Norwegian or Swede among us will ever forget Jim's endless litany of Ole and Sven stories.

Madam Speaker, we all remember the countless tributes that were directed at Jim Ford as he marked his well-deserved retirement 2 years ago. Jim's many distinguished years of service to the United States Military Academy, 19 to be exact, and his earlier years at Ivanhoe Lutheran Church at Ivanhoe, Minnesota, are well known and well documented.

What is not so well known are Jim Ford's very early years in Minnesota and his legendary escapades as a young ski jumper at Theodore Wirth Park in Minneapolis. Let the record reflect that our former beloved Chaplain, Dr. Jim Ford, still holds the record jump at the famous Theodore Wirth Ski jump, backward.

That is right, when he was a young student at Edison High School in northeast Minneapolis, Jim Ford defied the laws of gravity and common sense and survived a backward jump on this notoriously steep ski slope and lived to tell about it.

We now know backward ski jumping was just the beginning of Jim Ford's high-risk hobbies. From his beloved Harley to his ultralight aircraft, Jim lived life with a special zeal. Whether it was his frequent racquetball games in the House gym or a cross-country ride on his Harley, Jim Ford went for all the gusto.

Madam Speaker, they still talk proudly about their prominent alumnus, Jim Ford, at Edison High School in northeast Minneapolis and Gustavus Adolphus College in St. Peter, Minnesota, where Jim starred in the classroom and also on the athletic field.

"You can take Jim Ford from Minnesota, but you cannot take Minnesota from Jim Ford," was how his Gustavus classmate, the Reverend Bill Albertson, put it. Some of us remember my good friend and former minister, Bill Albertson, served as our guest chaplain here several years ago. Jim and Bill had a great time reminiscing that day. I will never forget our time together.

On behalf of all Minnesotans, Madam Speaker, we salute the memory of the Reverend Dr. Jim Ford and his many accomplishments. He was always there for us in good times, in hard times, in times of joy, in times of sorrow. We thank the Lord for his prayers, his counsel, great wit, compassion, and service.

We also thank God for the way Reverend Ford cared so deeply about our families, our friends, our constituents, our House of Representatives, and our beloved country. Madam Speaker, we

will always be grateful for Reverend Jim Ford's work and for the way he brought Democrats, Republicans, and Independents together for the good of our great Nation.

Jim Ford, I know you are in heaven right now, probably telling Ole and Sven jokes. May God bless you always, just as your work here in the House of Representatives blessed all of us. May your great legacy of service continue to inspire all of us who are lucky enough to be your friends.

Chaplain Jim Ford might be gone, but his spirit will live forever.

#### A SUSPENSION VOTE TOMORROW ON THE 245(i) AMNESTY PROGRAM

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, tomorrow the House will vote on H.R. 1885, which extends the 245 amnesty program. I am surprised that this vote is actually coming up under suspension. I would like to draw the attention of my colleagues to this legislation and to this vote.

What we are voting on tomorrow extends the date for illegal aliens to qualify for a 245(i) amnesty to August 15, 2001, and it extends the date for illegal aliens to apply for that 245(i) amnesty program for a full year, until April 30, 2002.

For those who have a little trouble understanding what that all means, let me explain it this way, that what we have are hundreds of thousands, if not millions, of illegal aliens who are in this country; and we are now step by step trying to find ways in which we can make them legal, as the President has suggested. Perhaps the word is "regularize," or whatever word one wants to use.

But what we are really talking about when we offer a step-by-step process of whittling away this number of illegal immigrants, what we are talking about is an amnesty program, a step-by-step amnesty program, rather than just one large amnesty.

The American people understand what amnesty is all about, and they will be watching and they will be looking at the record when they find out what Congress has been moving. Rather than being forthright in dealing with the amnesty issue, instead, it has tried to exercise its authority in a way that was a little less discernible to the public by granting amnesty to various groups within society.

In this case, we would be granting amnesty in an interesting way, that is, anyone who is in this country illegally who applies, and now we are giving them until April 2002 to apply, can try to regularize their status in the United States. We have several categories of

people who are here illegally to be able to do that.

Guess what, that is an amnesty program. We are giving amnesty to several hundred thousand people who are in this country illegally.

Yes, there are some heart-tearing cases here. Yes, some people who are in this country end up marrying American citizens, and the American citizens find that their loved one is going to have to go back to their home country in order to be here legally, because they have married an illegal alien. I am sorry, if someone is here illegally and they are going to have to go back, then they should go back to their home country to regularize their status.

Tomorrow, on H.R. 1885, we are, for hundreds of thousands of people, going to be basically granting them the right to amnesty without going to their home country to legalize their status. This does nothing but encourage the millions, and we are talking about tens of millions, of people who are standing in line throughout the world waiting to come into this country legally so they can become citizens; but we have done nothing but encourage them to come here illegally, to reward the law-breakers, and to punish those people who are following the law.

This is ridiculous. Our colleagues should consider this and vote against the suspension tomorrow on the bill, H.R. 1885.

By the way, let me note that there has been a recent poll by Mr. Zogby, who is one of America's most respected pollsters, which has found out some interesting things about America's attitude toward amnesty.

Most Americans think amnesty is a terrible idea. In fact, 55 percent of all Democrats think it is a bad idea; 56 percent of Republicans; 60 percent of union households; 45 percent of people who call themselves liberals; 59 percent of people who call themselves moderates; 61 percent of people who call themselves conservatives. And here is the real hook, here is the real bell-ringer: 51 percent of all Hispanics in the United States believe that amnesty for illegal immigrants is a bad idea.

We have been lied to over and over again, and so much so that the Republican party has not had the courage to stand up and oppose illegal immigration, as we should have.

The Democratic Party has made its deal with the illegal immigrants at the expense of the standard of living of our poorest citizens and at the expense of the wages that have been kept just level because we have had a massive flow of illegal immigrants into this country. The Democratic Party has made its deal for political power's sake.

The Republicans, on the other hand, will not touch the illegal immigration issue because they are afraid to be called racist. They have been told over

and over again that Mexican-Americans, Hispanic Americans, are in favor of illegal immigrants, for some reason. That is absolutely not true. We have finally got a pollster who has done a legitimate poll to show that Hispanic Americans, just like all other Americans, oppose illegal immigration. That is understandable.

Tomorrow we will have our chance to vote against an amnesty program for illegal immigrants by voting against H.R. 1885, which will be coming on the floor.

#### STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2001 AND THE 5-YEAR PERIOD FY 2002 THROUGH FY 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 201 of the conference report accompanying H. Con. Res. 83, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2002 and for the five-year period of fiscal years 2002 through 2006. This status report is current through September 5, 2001.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 83. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2002 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under H. Con. Res. 83 for fiscal year 2002 and fiscal years 2002 through 2006. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2002 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to

measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2003 of accounts identified for advance appropriations in the statement of managers accompanying H. Con. Res. 83. This list is needed to enforce section 201 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. If at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), a sequestration of amounts within that category is automatically triggered to bring spending within the establish limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only. The sixth and final table gives this same comparison relative to the revised section 251(c) limits envisioned by the budget resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[On-budget amounts, in millions of dollars]

	Fiscal year 2002	Fiscal years 2002–2006
Appropriate Level:		
Budget Authority .....	1,627,934	n.a.
Outlays .....	1,590,617	n.a.
Revenues .....	1,638,202	8,878,506
Current Level:		
Budget Authority .....	977,964	n.a.
Outlays .....	1,198,811	n.a.
Revenues .....	1,672,152	8,897,349
Current Level over (+)/under (–) Appropriate Level:		
Budget Authority .....	–649,970	n.a.
Outlays .....	–391,806	n.a.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET: STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2002	Fiscal years 2002–2006
Revenues .....	33,950	18,843

n.a.=Not applicable because annual appropriations Acts for fiscal years 2003 through 2006 will not be considered until future sessions of Congress.

#### BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2002 in excess of \$649,970,000,000 (if not already included in the current level estimate) would cause FY 2002 budget authority to exceed the appropriate level set by H. Con. Res. 83.

#### OUTLAYS

Enactment of measures providing new outlays for FY 2002 in excess of \$391,806,000,000 (if not already included in the current level estimate) would cause FY 2002 outlays to exceed the appropriate level set by H. Con. Res. 83.

#### REVENUES

Enactment of measures that would result in revenue loss for FY 2002 in excess of \$33,950,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 83.

Enactment of measures resulting in revenue loss for the period FY 2002 through 2006 in excess of \$18,843,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 83.

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[Fiscal years, in millions of dollars]

	2002		2002–2006 total	
House Committee	BA	Outlays	BA	Outlays
Agriculture:				
Allocation .....	7,350	7,350	7,350	7,350
Current Level .....	0	2	0	0

DIRECT SPENDING LEGISLATION: COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001—Continued

[Fiscal years, in millions of dollars]

	2002		2002–2006 total	
House Committee	BA	Outlays	BA	Outlays
Difference .....	–7,350	–7,348	–7,350	–7,350
Armed Services:				
Allocation .....	146	146	398	398
Current Level .....	0	0	0	0
Difference .....	–146	–146	–398	–398
Banking and Financial Services:				
Allocation .....	0	0	0	0
Current Level .....	8	9	46	47
Difference .....	8	9	46	47
Education and the Workforce:				
Allocation .....	5	5	32	32
Current Level .....	0	0	0	0
Difference .....	–5	–5	–32	–32
Commerce:				
Allocation .....	2,687	2,687	–6,537	–6,537
Current Level .....	0	0	0	0
Difference .....	–2,687	–2,687	6,537	6,537
International Relations:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Government Reform:				
Allocation .....	0	0	–1,995	–1,995
Current Level .....	0	0	0	0
Difference .....	0	0	1,995	1,995
House Administration:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Resources:				
Allocation .....	0	–3	365	88
Current Level .....	0	–3	0	–3
Difference .....	0	0	–365	–91
Judiciary:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Small Business:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Transportation and Infrastructure:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Science:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Veterans' Affairs:				
Allocation .....	264	264	3,205	3,205
Current Level .....	0	0	0	0
Difference .....	–264	–264	–3,205	–3,205
Ways and Means:				
Allocation .....	1,360	900	15,409	15,069
Current Level .....	6,425	6,425	36,708	36,708
Difference .....	5,065	5,525	21,299	21,639

#### DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2002: COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(B) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	Revised 302(b) suballocations as of July 26, 2001 (H. Rept. 107–165)		Current level reflecting action completed as of September 5, 2001		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development .....	15,668	16,044	13	4,257	–15,655	–11,787
Commerce, Justice, State .....	38,541	38,905	41	12,755	–38,500	–26,150
National Defense .....	300,209	293,697	0	96,349	–300,209	–197,348
District of Columbia .....	382	401	0	48	–382	–353
Energy & Water Development .....	23,705	24,218	1	8,798	–23,704	–15,420
Foreign Operations .....	15,168	15,087	0	9,569	–15,168	–5,518
Interior .....	18,941	17,800	36	6,145	–18,905	–11,655
Labor, HHS & Education .....	119,725	106,224	18,824	69,596	–100,901	–36,628
Legislative Branch .....	2,892	2,918	0	432	–2,892	–2,486
Military Construction .....	10,152	9,447	0	6,512	–10,152	–2,935
Transportation <sup>1</sup> .....	14,893	53,817	20	32,669	–14,873	–21,148
Treasury-Postal Service .....	17,021	16,292	340	3,727	–16,681	–12,565
VA-HUD-Independence Agencies .....	85,434	88,069	3,509	49,803	–81,925	–38,266
Unassigned .....	15	0	0	0	–15	0
Grand total .....	662,746	682,919	22,784	300,660	–639,962	–382,259

<sup>1</sup> Does not include mass transit BA.

September 10, 2001

CONGRESSIONAL RECORD—HOUSE

16717

STATEMENT OF FY2003 ADVANCE APPROPRIATIONS UNDER SECTION 201 OF H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[In millions of dollars]

	Budget authority
Appropriate Level .....	23,159
Current Level:	
Commerce, Justice, State Subcommittee:	
Patent and Trademark Office .....	0
Legal Activities and U.S. Marshals, Antitrust Division .....	0
U.S. Trustee System .....	0
Federal Trade Commission .....	0
Interior Subcommittee: Elk Hills .....	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration .....	0
Health Resources .....	0
Low Income Home Energy Assistance Program .....	0
Child Care Development Block Grant .....	0
Elementary and Secondary Education (reading excellence) .....	0
Education for the Disadvantaged .....	0
School Improvement .....	0
Children and Family Services (head start) .....	0
Special Education .....	0
Vocational and Adult Education .....	0
Treasury, General Government Subcommittee:	
Payment to Postal Service .....	0
Federal Building Fund .....	0
Veterans, Housing and Urban Development Subcommittee:	
Section 8 Renewals .....	0
Total .....	0
Current Level Over (+) / under (–) Appropriate Level .....	–23,159

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[In millions of dollars]

	Statutory cap <sup>1</sup>	Current level	Current level over (+)/under (–) statutory cap
General Purpose .....	BA 546,945	22,784	–524,161
	OT 537,383	274,511	–262,872
Defense <sup>2</sup> .....	BA n.a.	3	n.a.
	OT n.a.	107,951	n.a.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001—Continued

[In millions of dollars]

	Statutory cap <sup>1</sup>	Current level	Current level over (+)/under (–) statutory cap
Nondefense <sup>2</sup> .....	BA n.a.	22,781	n.a.
	OT n.a.	166,560	n.a.
Highway Category .....	BA n.a.	n.a.	n.a.
	OT 28,489	20,432	–8,057
Mass Transit Category .....	BA n.a.	n.a.	n.a.
	OT 5,275	5,093	–182
Conservation Category .....	BA 1,760	0	–1,760
	OT 1,232	624	–608

n.a.=Not applicable.

<sup>1</sup> Established by OMB Sequestration Update Report for Fiscal Year 2002.

<sup>2</sup> Defense and nondefense categories are advisory rather than statutory.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS RECOMMENDED BY H. CON. RES. 83, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 5, 2001

[In millions of dollars]

	Proposed statutory cap <sup>1</sup>	Current level	Current level over (+)/under (–) proposed statutory cap
General Purpose .....	BA 660,986	22,784	–638,202
	OT 647,923	274,511	–373,412
Defense <sup>1</sup> .....	BA n.a.	3	n.a.
	OT n.a.	107,951	n.a.
Nondefense <sup>1</sup> .....	BA n.a.	22,781	n.a.
	OT n.a.	166,560	n.a.
Highway Category .....	BA n.a.	n.a.	n.a.
	OT 28,489	20,432	–8,057
Mass Transit Category .....	BA n.a.	n.a.	n.a.
	OT 5,275	5,093	–182
Conservation Category .....	BA 1,760	0	–1,760
	OT 1,232	624	–608

n.a.=Not applicable.

FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 5, 2001

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues .....	0	0	1,703,488
Permanents and other spending legislation .....	984,540	934,501	0
Appropriation legislation .....	0	280,919	0
Offsetting receipts .....	–321,790	–321,790	0
Total, previously enacted .....	662,750	893,630	1,703,488
Enacted this session:			
An act to provide reimbursement authority to the Secretaries of Agriculture and the Interior from wildland fire management funds (P.L. 107–13) .....	0	–3	0
Fallen Hero Survivor Benefit Fairness Act of 2001 (P.L. 107–15) .....	0	0	–7
Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107–16) .....	6,425	6,425	–31,337
An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees (P.L. 107–18) .....	8	9	8
An act to authorize funding for the National 4–H Program Centennial Initiative (P.L. 107–19) .....	0	2	0
Supplemental Appropriations Act, 2001 (P.L. 107–20) .....	65	4,576	0
Total, enacted this session .....	6,498	11,009	–31,336
Entitlements and Mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted .....	308,716	294,172	0
Total Current Level .....	977,964	1,198,811	1,672,152
Total Budget Resolution .....	1,627,934	1,590,617	1,638,202
Current Level Over Budget Resolution .....	0	0	33,950
Current Level Under Budget Resolution .....	–649,970	–391,806	0
Memorandum:			
Revenues, 2002–2006:			
House Current Level .....	0	0	8,897,349
House Budget Resolution .....	0	0	8,878,506
Current Level Over Budget Resolution .....	0	0	18,843

Source: Congressional Budget Office.

Notes: P.L.=Public Law.

Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. To date, the Budget Committee has increased the budget authority allocation in the budget resolution by \$1,446 million, and the outlay allocation by \$143 million for these purposes. Those amounts are not included in the current level because the funding has not yet been enacted.

UNIQUE LEGISLATIVE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, before I begin my Special Order this evening that will address unique legislative issues, I would like to join my colleague who spoke just a few moments ago to acknowledge the

<sup>1</sup> Defense and nondefense categories are advisory rather than statutory.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 6, 2001.  
Hon. JIM NUSSLE,  
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2002 budget and is current through September 5, 2001. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for emergency requirements. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last letter dated July 12, 2001, the Congress has cleared and the President has signed the Supplemental Appropriations Act, 2001 (P.L. 107–20), which changed budget authority and outlays for 2002. The effects of this new law are identified in the enclosed table.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

great loss of Chaplain Jim Ford, a very special friend to us all.

I am particularly privileged because Chaplain Ford visited my home district in Houston, the 18th Congressional District, and spoke at the pulpit of the

church pastored by Reverend Willy Jones. That church is still riveted by the friendship shown by Chaplain Ford, the good humor, and the ability to interact with different faiths.

We know that he is among the angels, and we offer to him and his family our deepest sympathy and our deepest love.

Madam Speaker I wanted to address tonight several issues. First of all, let me do one that is particularly joyous for me in this time of technology and web pages and communications by e-mail.

Let me congratulate First Lady Laura Bush for an exciting weekend, which I am sorry that I missed; but I hope it will be captured around the Nation. That is the National Book Festival; 25,000 persons enjoyed literary art, enjoyed the reading of famous authors actually reading from books. I hope this will take off around the Nation so that this Nation never lacks its appreciation for the written word, for wonderful books written by our national authors. Let us do this around our Nation. I thank Laura Bush, the first lady, for an outstanding job.

Now, I hope that this viewpoint is one that will be based upon the concern for saving lives. In February of this year, 2001, I came to the floor of the House and acknowledged that I believe that the policy toward the Middle East by this administration is wrongheaded and misdirected. I said that because many times engagement in diplomacy is painful. Many times it results in failure. But it is often utilized as the only vehicle and only tool to save lives.

Much laughter and criticism was given to President Clinton in the last days of his administration as he engaged in shuttle diplomacy between Camp David and Washington, D.C. and the country of Israel. I did not find it humorous because it was an attempt to save lives.

Since we have disengaged with the Mideast, all that has resulted is the loss of lives, bloodshed for women, children, and men, both in the Palestinian people and in the Israeli people.

Can anyone believe that our disengagement has been victorious? Does anyone believe in reality that one can stand off to the corner and point fingers and tell "those guys" to get to the table of empowerment and peace? No. It is well known that the United States carries a heavy stick with respect to these particular countries, and it also is well known that the United States' good will is very important in bringing these two disparate worlds together.

Day after day after day, Arab militants and then Israelis on the other side are engaging in a bloody battle. This is a war. This has accelerated to more than a conflict. I believe our foreign policy on this issue is wrong.

It pains me, as we move to some of the humblest and most sacred times in

the Jewish community here in the United States and across the world, two of their most important holidays over the next 2 to 3 weeks in the United States will be honored, and of course in Israel and around the world. Would it not be a wonderful tribute then to say that we are reengaged, that we want to save lives, that we want them to come to the peace table, and we say, "Stop the accusations, Arafat come to the table, Sharon come to the table, release yourselves from the strictures of hatred, and begin to talk about real issues of saving lives and living harmoniously together"?

I believe this is an enormously important issue and would ask the President and the administration and his advisers to wake up and understand the importance of U.S. involvement.

Let me conclude by answering my colleague's comments on 245(i). As the ranking member on the Subcommittee on Immigration and Claims, it is wrong headed to interpret this particular legislative initiative as a general amnesty. All it is is because the Immigration and Naturalization Service made a mistake. They made a mistake with a date, they made a mistake administratively.

This is simply to allow those who are in the process of filing for legalization 10, 15 years ago, to reactivate their applications.

□ 1900

Many of these people are family members who need to be reunited. Many of these people come from many parts of the world. It is not isolated to people from Mexico. It is not isolated to people from South America. It includes people from Poland, from France, from India, from all continents around the world. It is simply an administrative snafu which is allowing people who legally apply to reapply and to follow the legal process. It is not an affirmation. It means the INS has to make a decision one way or the other.

#### THE BUDGET AND THE ECONOMY; MISSILE DEFENSE, AND SEX AND INTERNS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Madam Speaker, this evening I want to talk about a number of different issues with my colleagues.

As my colleagues know, we have just come back from our August recess and there are some issues that have come up. First of all, I hope later in the week to talk a little more about natural resources and talk about our public lands. I was up in Alaska and had the privilege to enjoy Mt. McKinley and Denali National Park. Beautiful. Alas-

ka, as we all know, is a great, great State and I learned a lot on my trip up there.

I also spent a good deal of time back in my district, the Third Congressional District of Colorado, which many of my colleagues know includes almost all of the mountains of Colorado. In fact, the Third Congressional District of Colorado geographically is larger than the State of Florida. And of the 67 or so mountains above 14,000 feet in the United States, 53 of them are located in my district. It is the highest district in the Nation. As a result, there are a lot of things that are particular to the Third Congressional District not found in many other districts in the country.

Seventy-five percent of the land in this Nation, including Alaska, 75 percent of the land above 10,000 feet is in the Third Congressional District of Colorado. The Third Congressional District contains the majority or the largest amount of ski resorts of any congressional district in the United States, world-renowned resorts in Aspen, Colorado; Vail, Telluride, Durango, Steamboat, et cetera, et cetera. So I hope later this week to get an opportunity to address my colleagues on some of the issues like public lands, like water, like wilderness areas, national parks, and national monuments because these issues are very important.

But tonight I want to talk about a couple of other subjects. I would like to visit for a few minutes about the President and the budget and the economic situation that we are in. As many of my colleagues know, I serve on the Committee on Ways and Means, and that committee is working very hard on both sides of the aisle to try to figure out some answers to what would be the appropriate government interaction in regards to the economy.

I would also like to talk about missile defense and the importance of missile defense. And the third thing I would like to talk about, and which I will start out at the very beginning with, is sex and interns.

I have come under a great deal of criticism in the last month when I have addressed the issues of inappropriate relationships between a United States Congressman, and I am speaking generically here, no specific Congressman, but speaking generically of the United States Congress and exactly what its ethics rules are in regards to inappropriate relationships with interns. That, I have received criticism for.

I have had people across the Nation, editorials across the Nation asking why would I think we need an ethical rule in the United States Congress to say that a sexual relationship with an intern is inappropriate? Well, we need that rule in the United States Congress for the same reason that we find that very rule, that very specific content in

rules in every educational institution in the United States.

I defy any of my colleagues and I defy any of those editorial boards to pinpoint for me one high school in this Nation, to show me one college in this Nation that allows a teacher or a professor to have a sexual relationship or an inappropriate relationship with a student. They do not allow it. A teacher, a professor who engages in a sexual relationship with a student, they are gone. They are fired.

It was this body not very many years ago, as a result of Tailhook in the United States Navy, that addressed this with the Department of Defense and the executive agencies. They have very specific rules in our military. A commanding officer engaging in a sexual relationship with a consenting adult, an adult who is consenting but falls below them in the hierarchy of command, is gone. That fast. It does not matter. Why? Because they have a position of authority over the person they are having that sexual relationship with.

That is exactly what we have in the United States Congress. We have a position of authority over these interns. But in a lot of these cases these interns, in almost all these cases these interns are students. Now, sure, by the technical definition, these students are adults. I do not know what it is in D.C., maybe 15 or 16. So, theoretically, if they are above statutory rape age, 15 or 16 years old, they are an adult.

So some of these editorials and even some of my colleagues have said to me, hey, they are grown up. Give me a break. Why does the field of medicine, doctors, prohibit themselves from having sex with patients? It is considered an inappropriate relationship and it is in their ethics. They can lose their medical license for an inappropriate relationship. Why does the clergy prohibit it? Because a clergy person, a priest or a minister, is not supposed to have an inappropriate relationship with a parishioner. It is against their ethical rules, their in-house rules. Why does the legal profession, lawyers, prohibit by the ethics of their bars their members from having an inappropriate relationship with their clients? It is because they exercise a great deal of influence over people.

Now, what I have proposed, contrary to some of the news reports across the Nation, is not precedent setting. It is not some novel idea that I came up with. It is simply taking the language that applies in the military, that applies in the clergy, that applies in the teaching profession, that applies in the medical profession, that applies in the legal profession and apply it to the one institution in this country that has no ethical rule about it, to the best of my knowledge, and that is the United States Congress.

I am not saying going out there and trying to legislate morality. My pro-

posal is not a piece of legislation. I have not introduced a bill. What I have asked is the Committee on Standards of Official Conduct to give me an opinion as to whether or not under current ethics regulations, and it is clearly not clear, but under current ethics regulations if this type of relationship is prohibited. And if it is not prohibited, I have asked for an in-house rule, not legislation. We are not trying to draft a bill. I am not trying to legislate morality, I am just trying to say the same rules that prohibit us from misuse of government credit cards, for example, or things like that, that we put this in there as well. Just like every other major institution.

Now, remember, these interns are in the United States Congress. First of all, the internship program is what I care the most about, and I want to see that program preserved. It makes me sick that the late night talk shows spend a good deal of their jokes about interns in Washington, D.C. I have seen editorial cartoons across the Nation, and one in particular where they show an intern in a life raft, and I saw this the other day, an intern in a life raft, and her legs are hanging over the side. Underneath the life raft are a bunch of sharks and they have Congressmen as the names for the sharks.

I can say to the parents who have interns back here, that this is an exception, this type of inappropriate conduct with an intern. This is a program that has made many changes in young people's lives, and these are young people. These students and interns are not hard to determine who they are. Back here in the United States Congress, interns have separate IDs. Interns have a separate pay classification. They are back here as students of government. The interns are students of government and we are the teachers. We as the Congressmen exercise a disproportionate amount of influence, a disproportionate amount of authority over these young students, and we ought to have certain responses that we follow.

I saw last week where somebody asked, why do we need a rule; our own moral beliefs ought to tell us we should not have an inappropriate relationship. Well, why do schools need rules; why do high schools or colleges need them? Why does the clergy, the medical or legal profession need them? Because of the fact there are some people who pay attention to those rules. In my opinion, every Congressman that is now serving today, all 435 of us, reads the rules. And I would venture to say that all of us, or almost all of us, when we read the rules, we will modify our behavior so that we fall in compliance with those rules. If the rules say that we cannot send out constituent mail, say, with political advertising in it, I would venture to say that most Congressmen do not send out congressional mail with political advertising because

the rules prohibit it. They follow the rules.

So what I have suggested here is not something that should be deserving of ridicule in editorials or under-the-breath talk by some of my colleagues, because what we are trying to do is preserve the internship program. A poll was just recently conducted, and parents were asked if they would trust the Congressmen to send their children back to, their students, their young people, back to be interns. Of course, as you might guess, the answer was overwhelmingly no.

This is a program that a lot of my colleagues came through themselves. This is a program that has exposed the young people to the American government and its workings. Every intern in my office, I believe, will remember their internship in Washington, D.C. in a very positive fashion, and it has made a significant change in their life. So I think it is important to preserve this program.

Now, I have three children, two daughters that are internship age. One is 22 and the other one is 19. Both of them have been back here in Washington, D.C. And as a parent I want to know, as every parent wants to know with their young son or daughter, that when they are back there they are in a professional relationship. They are back there in a relationship that has a fiduciary responsibility so that they do not have to worry about the Congressman exerting influence over their child. And they are still students. I do not care whether they are technically adults. The fact is they are students of government.

Do not forget, in college, or in the military, if a professor in his or her class has a student that, say, is 25 years old, the age does not matter. It is the fact they are a student and it is the fact that there is a position of authority over the student and that is why these educational institutions across the Nation prohibit inappropriate relationships.

Now, some people have suggested I not take the floor to discuss this. I feel it is important, because I think it is getting a little out of hand. Not the inappropriate relationships, because contrary to popular belief, in my opinion, most of the Congressmen in these chambers, if not all, and I am not aware of others, all of the Congressmen I know maintain themselves in a professional mode. They are highly ethical when it comes to the treatment of interns and there is not widespread abuse in the internship program. But the perception that has gone out there is in part caused by the fact that our own ethics do not prohibit it, or apparently there is some confusion as to whether our ethics prohibit those types of relationships.

So we owe it to the internship program, we owe it to the program to put

forth a proper in-house rule. Not legislation. We are not legislating morality, we are putting in our own in-house rule, the kind of prohibition that, as I have said three or four times in these comments, the same kind of prohibition that exists in our churches, exists in our schools, exists in our hospitals, and exists in our courts.

□ 1915

Mr. Speaker, I would venture to say I would be interested to look at some of the major news networks who waste editorial space on me, I would venture to say most of them probably have prohibitions against inappropriate relationships with their student interns that are in there to learn how to be journalists. I would ask my colleagues to support me and publicly acknowledge that it is appropriate for us to have in our House rules a rule which prohibits inappropriate relationships with interns.

I will wrap it up with this: Let me say that we are talking specifically about interns. I am not talking about a congressman who may choose to go outside of his or her marriage and have a relationship with someone who does not work as a student intern or one staff member dating another staff member. I am not talking about those kinds of relationships.

What I am talking about, very, very specifically what I am talking about is a congressman and a student intern. I cannot stress enough that these interns are students. They are students of the government. We do not have to use interns, by the way. As a congressman, we are not required to hire interns. But if we do, we ought to assume some professional responsibility. As I have mentioned several times before, all of my colleagues that I know do assume that professional responsibility, contrary to popular perception. Whether Democrat or Republican, they handle their interns on a professional basis when I have seen them. But I think the internship program, and certainly the reputation, is in danger because of the fact of some of the things that have gone on.

Mr. Speaker, I think one way to help rebuild the reputation is to at least put in place a rule; and then if somebody breaks that rule, let them suffer the consequences. We have a process for that. We have checks and balances in that process. There is absolutely no reason that the United States Congress should not have a House rule prohibiting inappropriate relationships between a congressman and a student intern.

Let me move on briefly to cover a couple of points. During the break, the liberal side of the Democratic Party has been lambasting President Bush on this tax cut. What the liberal side of the Democratic Party seems to be forgetting is that my good colleague on the Committee on Ways and Means, the

gentleman from New York (Mr. RANGEL), introduced an amendment on this House floor, and that amendment was a tax cut. That amendment called for a tax rebate. It was very similar, not exact, but very similar. Certainly pretty close to exact in concept, but it was very similar to what the President put into place.

The debate here on the floor was not the amount of money of the tax cut, the debate was between the Democrats and the Republicans, and really between the liberal side of the Democratic Party because several of the conservative Democrats supported President Bush's program for tax cuts, so it was not a clear Democratic/Republican bill, but the Democrats that opposed it, their primary argument after listening to hours and hours of debate, was not about the amount of money, but it was focused on who should get the rebate.

Those Democrats said that the tax rebate should go to people who paid payroll taxes but paid no income taxes. The Republicans and the Democrats who supported the Bush program countered that argument by saying the people who ought to get the tax rebate back are people who paid taxes in. You should not give a tax rebate to people who had no tax liability. That is where the intensity of the debate focused.

Now because our economy continues to go south, which everyone acknowledges, it really started to do that about 6 months before President Clinton left office, but now that the economy continues to go south, instead of joining together as a team, which is what the American people are demanding, we are seeing the Democrats starting to pile on President Bush, and I heard over the weekend one of the leaders said Bush is the architect of this bad economy.

What does he mean? Does my colleague think Bush went out and designed a bad economy? Does my colleague think any of us are comfortable that our economy is going back and continues to worsen? No. But there are some people who are going to use this bad economy, and some people in leadership positions throughout this country, that want to use this bad economy for their own political advantage. They are not worrying about what do we do for the American people to improve this economy, but instead trying to figure out how can we win the elections next year by monopolizing on how terrible this economy is and doing the blame game.

The time has come. We cannot allow this economy to continue to go in its downward direction and perhaps get into an uncontrollable spiral just because you want political advantage next year in the elections. Every one of us, the Democrats, the Republicans, have an obligation to come together as a team. Sure we will have some debates, but our primary focus ought to

be what can we do in working with the President of the United States to try and get this economy to at least level out or hopefully begin a recovery. There are a lot of unique situations about the economy that we face today. One of those is that the entire world is in an economic recession. Many of the countries, a lot of the countries in the world are in an economic recession. The world is in an economic slowdown. The United States is swaying back and forth as to whether or not we go into that economic recession.

Mr. Speaker, so in a time like this, there is a demand for us to work together as a team for the benefit of the American people so that they have a healthy economy. I would advise my colleagues, take a look at the Sunday talk shows, and take a look at which one of our colleagues really want to work as a team to improve this economy or really want to take advantage of the sour economy for political purposes for next year's elections. If you know some of them, obviously you know who the ones are that want to take political advantage, you ought to say, I understand that we want political advantage, but maybe we better pay attention to what is happening. While we are preparing for next year's elections, the ship has a big hole in its side. We are taking on a lot of water. We may be so worried about next year's elections, by the time we get that secured and take a look at the boat, we may have too much water to save the boat. I expect now that we are back in session that we are going to see people popping up here and there trying to take political advantage of this economy.

On the other hand, if my colleagues want to see examples of leadership, take a look at which Members of those parties stand up and are willing to walk back and forth across this aisle and say, Hey, as team, what are we going to do on this economy? How are we going to control spending? Are we going to need further tax cuts?

The Democrats over the weekend on national television on the Sunday shows acknowledged that additional tax cuts may be necessary. Why are they necessary? We need to get more money into the economy. That is why the interest rates have been lowered. That is why Greenspan lowered the interest rate. That is why President Bush put into effect his tax cut. That is why we are talking about additional tax cuts, and we need to figure out in what areas of the country government spending makes some sense, and what do we need to do about deficit spending. Will deficit spending become a necessity to prevent the country from going into a recession?

Mr. Speaker, I have some ideas to those questions, and I take it upon myself to have the responsibility, and I think most of my colleagues do, and I

hope all of them do, to assume that responsibility to come across that aisle and talk.

I invite the liberal Democrats, put down your arms and come across and help us come up with a solution because in the end, maybe next year's elections you will have an advantage, but in the meantime, you may very well be a participant in driving this ship to the bottom of sea, and now is our time to avoid it.

I hope to see some effort of cooperation from the Democratic side and from the Republican side in an effort to improve our economy, or at least get this country going in a positive recovery from where we are right now.

Mr. Speaker, for the balance of my time I would like to talk about missile defense. I think missile defense has been mischaracterized in the last month. There are a number of issues of missile defense that I want to discuss.

First of all, we will talk about the anti-ballistic missile treaty. I want to talk about the capabilities that this country is going to need for the future, about the weaknesses that we have, about the responsibilities and the obligations we have to the next generation in regards to the defense of this country.

This country is not the most popular country in the world. It certainly is the strongest country in the world, the strongest country in the history of the world. This country has done more than any other country in the history of the world. This country has some of the best of everything. But it is all at risk if we do not continue to defend ourselves. We have to be on constant alert that somebody else wants something we have or somebody else wants to do harm to us.

I had a group of high school students in my office, and we began to talk and we talked about defense. I can tell Members, the students today are smart young men and women. They are very thoughtful, and they look into the future. We talked about defense.

I asked them, I said what student do you think in your school gets in the least amount of fights. One said the person who is in the best shape, the person that is the strongest, the toughest. Not the person that picks the fights, but the person that avoids people picking a fight with them. That is right.

If you have in your class or group of friends, if you have somebody who is a black belt in karate, and everybody knows that and everybody knows if they decide to take them on they are probably going to get their nose busted, how many people are going to fight with the person that is a black belt in karate? But the moment they notice the person with the black belt in karate is no longer staying in shape, when they notice that person is not practicing, getting overweight, his or

her moves are not what they used to be and really kind of just becoming lazy, what happens? Somebody then begins to take a look, and then the temptation starts.

Maybe now when they are not properly defending themselves and not staying in shape, maybe now is the time to take that person on; and it is the same thing with the United States of America. We are in pretty good shape right now, but we cannot bank on the good shape we have been in in the past. We have to bank on how well we keep ourselves in shape for the future. What do we have in regards to military apparatus and defense.

I know there are a number of people out there that say and kind of go on the theory we should stop military spending and we should limit defense spending, and do it in peaceful discussion. We should settle things in peaceful ways. And I have interest, in the last year there seem to be a lot more people saying violence has no place in our society.

Well, I am here to tell Members violence does have a place in society. That is exactly how we took care of Hitler, and that is exactly what our police officers do. But these people are correct that while violence is sometimes necessary, it ought to be the last remedy that we use.

Obviously we need to have the ability to communicate, and communication is a very important part of a Nation's defense. That is why our Secretary of State, and fortunately we have an excellent Secretary of State in Colin Powell, that is why the position is so critical. That is why we have ambassadors.

One of the best elements of our defense is communication with other countries. Talk to people. Have the ability to negotiate. Have the ability to try and understand where they are coming from; but sometimes that fails. We saw it in the Persian Gulf.

□ 1930

Despite repeated warnings by the President, that country failed to communicate; and we gave them every chance, and finally we had to resort to violence; but as I said, it should be the last remedy.

When we talk about our country, we need to talk about something. Let us look back, for example, in history, in the sixties and the seventies, about 30 years ago. At that time, as you know, the Russian empire was in existence, U.S.S.R., Soviet Union, Communist, threatening to take over the world, Krushchev and people like that had been their previous leaders, talked very strongly about the United States was the number one enemy.

The United States knew that it had to build up and they did so, and even in the Kennedy years and so on; and we had the Cuban missile crisis and so on, we began to build up.

Somebody came up with an idea that said, you know, Russia has got a lot of nuclear missiles and the United States has a lot of nuclear missiles; maybe what we ought to do is sign a treaty between the two, communicate between the two and a treaty should be what we call the Anti-ballistic Missile Treaty, and this is very, very important.

The Anti-ballistic Missile Treaty as its concept, as its original thought of the basis of this treaty says that one country cannot defend itself against the other countries.

Now, remember, that the Anti-ballistic Missile Treaty, often called obviously ABM, the Anti-ballistic Missile Treaty. The Anti-ballistic Missile Treaty which was executed, signed, only had two parties to it. There are only two parties that are subject to the Anti-ballistic Missile Treaty.

Why only two parties in the 1970s? Because there were only two parties that were capable of delivering a nuclear missile upon the land of another country, and they were the United States and the U.S.S.R. That is why you had two parties.

Well now, today, how many parties to the Anti-ballistic Missile Treaty? Well, theoretically only one because the U.S.S.R. does not exist anymore. The Communist regime fell. But realistically let us say two, still two. Now remember, back in 1970 there were only two countries capable of delivering one missile into another country, only two. That was in the 1970s.

What is it today? I do not know: 12, 14. There are lots of countries today. You can start off with China. You can move to India. You can move to Pakistan. You can talk about Israel. You can talk about Iran. You can talk about North Korea. You can talk about South Korea. There are a lot of countries today who are not subject to this Anti-ballistic Missile Treaty. So based on that alone, the treaty needs to be modified or eliminated.

Let me tell you that when this treaty was drafted, the thought of it was one country would not build a defense. They would agree not to defend themselves against missiles. So the United States agreed not to build a missile defense system. Russia, at the same time, the U.S.S.R., the Communist regime, agreed they would not build a missile defensive system. The theory being that the United States would not fire upon Russia because they knew Russia would retaliate and we would have no defense because we do not have a missile defensive system; and obviously it works the same thing with Russia.

Well, the people that drafted this, while I disagree with that concept, that is clearly the basis upon which the treaty was drafted; and while I do disagree with that, I can tell you that the drafters of that document had a lot of foresight in that they knew that as

time moved on there may be other circumstances that were unforeseen that entered the picture.

Therefore, they put within the four corners of this agreement a clause. They put a clause in there that said that this agreement, they could end the treaty, that the treaty could be abrogated and they called for that. That is a right of the treaty. It is a basic right in the treaty.

Now, President Bush has said and the administration has said that the United States could very well terminate that treaty because of our best interests and the risks we have against the best interests of the American people. I have noticed that, frankly, some of the more liberal journalists in the country have said what do you mean you are going to abrogate that treaty? What do you mean you are going to walk away from the ABM treaty? You cannot do that.

Read the treaty. Read the treaty. Of course you can do that. It is a fundamental right. It is in the language of the treaty. Of course you can do that, because the people who drafted that 32 years ago knew that in 32 years things might change; and boy, have they changed.

Who would have ever imagined 32 years ago that North Korea could deliver a nuclear missile? Who could have ever imagined the fire power of China or India or Pakistan or Israel or other countries in the Middle East or Iran? And not just with nuclear warheads, but with biological warheads as well.

Look, we are kidding ourselves, and I can tell you that as Congressmen we have an absolutely inherent obligation, a fiduciary obligation to the American people to provide the American people a defense, a military defense against the aggressiveness of another country. We are fools, we are kidding ourselves, if we continue to think that we should not build a missile defense for this country.

In Colorado Springs, Colorado, there is a mountain. It is called Cheyenne Mountain. Cheyenne Mountain is a granite monument, a beautiful mountain. Years ago on the inside of that mountain, they went out and they bored out the center of that mountain. They took the granite out of the center of the mountain, or a portion of it out of the mountain, and they put in there the NORAD defense detection. Inside that mountain, we have the capabilities of detecting within seconds, anywhere in the world, a missile launch. We can within seconds tell you where that launch took place, where the trajectory is of that particular missile, what type of missile we think it is, what kind of warheads we think it has on it. We can tell you where its target is. We can give you the estimated time of arrival.

So let us say that North Korea launches a missile, or let us say China

launches a missile. Let us say that the target is Oklahoma City, the military base in Oklahoma City. We have the capability, we have it today, we have the most advanced technology in the history of the world. We can immediately know within a couple of seconds we have got a missile launch, it is coming out of China, it is headed for Oklahoma and it is going to hit in 15 minutes. Then what can we do?

All we can do is call Oklahoma. Governor, you have got an incoming missile. Sorry, Governor, we decided not to provide a missile defense for this country. Sorry, Governor. We had a lot of people that said we should live by the laws of 30 years ago. Sorry, Governor, we pretended that that threat out there did not exist, even though in fact, Governor, we knew it existed. And sorry, Governor, there is nothing we can do. You are going to have a missile hit in about 13 minutes. God bless you. We will think of you in the future.

That is all we can do today. President Bush has had enough guts to stand up and several Members of Congress on both sides of the aisle, Democrats and Republicans, have had enough guts to stand up and say, uh-oh, we better stop, enough time has gone by, we better pay attention to our responsibilities to the American people. We need to put in place a missile defense system.

Missile defense is very complicated. Obviously, we are going to have to research it. Take a look at how much research it took to fly an airplane. Take a look at the money we spent on the space program. Take a look at how much research there was to figure out a TV. You do not just go out there and wave the magic wand and have a perfect missile defense system.

Some of my colleagues are saying, Oh, my gosh, we don't have one ready today to go, so we shouldn't build one. Is that ludicrous? Is that crazy? We do not have the technology today, although we do have the technology today, but we do not have one in place, so let us not build one because we have to spend too much time on research.

Give me a break. Of course we have got to spend time on research. We need to get a system that is perfected. And it is going to take some time. But we have no time to spare. If we start today, if we give the President the money that the President has requested to put a missile defense system in place, it will still be several years down the road before we can deploy that missile defense system. In the meantime, China has built up more, Iran has built up more, Iraq has built up more, North Korea; and I can go right down through the list. Times have changed.

What do we have to do with a missile defense system? You, in effect, have two missiles, two bullets speeding through the sky. You have got to be

able to connect your missile defense, it may be a land-based missile, has got to be able to hit this incoming missile. It is like hitting a bullet with a bullet. They are both traveling at very, very fast speeds. You have got to be able to connect them. You cannot just do it with a land-based missile.

The best place to stop an enemy missile is where? Where is the best place to stop an enemy missile? On their launching pad. Not while it is over New York City or over the continental United States, but stop that missile when they are getting ready to launch it. How do you do that? You cannot do it with a land-based missile in the United States. You have got to do it with some kind of space technology. You have got to be able to do it with laser.

Every peace-loving person in America who is against war, and I guess we are all against war, but who is anti-military or is against violence, you ought to be the strongest proponents there are for missile defense. Because what happens if that missile leaves the launching pad? Think. For example, a big danger today is not necessarily an intentional launch of a missile. A big danger today is somebody pushes a button by accident.

What if we had an accidental launch of a missile incoming to the United States? I mean, if we had the capability to stop that and we confirmed that it was an accident, we may have just stopped the next war. We may have stopped nuclear oblivion because of the fact we were able to stop it before it did harm and determined that it was an accidental launch.

Today as somebody launches a missile, let us say that Russia, by accident, launches a nuclear missile or launches a nuclear missile with multiple warheads on it so that the missile comes into the United States and fires multiple warheads and hits several different targets. How convinced do you think the United States is going to be that that was an accident? What do you think our response would be? We could very easily end up with a nuclear war on our hands. So even those of you who are big proponents of no violence, and I hope you are successful in your efforts, by the way, but realistically I do not think you will be, but let us say those of you who are absolutely opposed to violence, you ought to be the strongest proponents there are of a missile defense system, because the best way to avoid that violence is to take away the tool of violence that they have, and that is a missile that they could deliver to the United States.

So you have several different stages that you want to develop so that you can take out an incoming enemy missile or a missile launched by mistake. One, you want to be able to get it on the launching pad. Ideally, that is the

best place to do it. If it gets off the launching pad, you want to be able to, at any different time, have satellite laser beam technology that hopefully can destroy that over the ocean. Then, finally, if it gets into the United States, over into our airspace, you want to have the capability of not only satellite laser beam but you also want to have the capability of ground-based or some other ship-based type of missile that could go up and collide with that missile and take that missile out.

About 2 months ago, we had a successful test. They fired a missile and they fired an intercept missile and we hit them. That is pretty good. Think about it. You cannot miss by this far. You have got to hit. That missile is not that big around. When you take a look at the warhead on top of a missile, it is maybe the width of a car, so you have got to bring those two cars together out there going at the kinds of speeds that they are going at, and they have got to be able to hit. The test the other day was a successful test. We were able to calculate it. So it is a good step.

But I am amazed at the people who, number one, criticize the President. He, by the way, is the one whom we charge with the leadership of this country. We say to President Bush, President Bush, you better take a look at this treaty. Are you protecting this country? You are in charge of it. You are the President. You are the guy that we are holding responsible to make sure that we can go to work every day without being concerned about being dragged into some kind of war or having a missile attack against us.

□ 1945

Yet we tell them on this end, on this hand we say you are spending too much money, you are dreaming about missile technology that may or may not exist.

The fact is, Mr. President, I am proud of you. We need a missile defense system in this country, and we need it, and we have needed it for some period of time; a leader of this country, to finally stand up and say to Russia, look, Russia, we will even share with you our capability to defend ourselves, but you better acknowledge, Russia, that there are no longer two countries in this world capable of firing missiles at each other. That number is in the tens and twenties, maybe even the high twenties, of countries capable; and every month, every year that goes by, some other nation out there is developing the capability to deliver a missile into another country.

We have got finally a President who has got enough guts to stand up and say, all right, it is time to get back in shape. It is time to build a military missile defense system for the protection of this country and its allies.

Of interesting note, the Europeans, as you know, probably the Brits, some of the strongest allies we have ever

had, good allies out there, they are standing up for us. They want a missile defense system. Take a look at the Italians. The Italians, their Prime Minister, they support this.

So do not be misled by the national media that may say the Europeans say that this could throw off the balance of power, and that the United States is a warmonger because they are trying to deploy a missile defense system. You watch what happens in Europe. You watch what the French do and some of the other people do over in those European countries once we perfect that technology. They are going to be at our front door. They are going to be at our front door with their Xerox machines, saying, look, can we get a copy of what you have got, because we too have an obligation to defend the people of our country.

As far as I am concerned, I would like to see every nation in the world have a defense apparatus so that they could stop incoming missiles, because I really, really am concerned, really concerned, about an accidental missile launch.

Now, some people who are, I guess, theoretical in the concept of peace, say, well, everybody should agree not to fire a missile. Everybody should lay down their arms. All we have to do is look at the Middle East. I mean, look, there are inherent things of human nature, and we better accept them, and most of us have accepted the fact that there will always be somebody who is not willing to lay down their arms, and as long as one people has their arms, you better be willing to defend against it. The United States, because of our prominence in the world, because we are such a strong power, will always have somebody who wants to take us on, who wants to launch a missile against the best interests of the citizens of the United States.

Now, we have some appropriation battles coming up here pretty soon. We know the basis of our economy. It is requiring that we tighten our belt, like every other American citizen, that we manage the Federal budget just like the American families have to manage their own home budget, and we have to take a look at what programs are priority programs.

The President has made it very clear that there are a couple of priorities for him, and when he says "for him," he speaks of his concept for the country. In other words, there are a couple of programs that are of priority for the Nation.

The first one, education. The President has asked for a considerable increase in appropriations and in reform, regulation, regarding education; testing, accountability, and more money for education.

That is pretty hard to argue, although, as you might guess, on our floor we manage to find argument

about it. But education is one of the priorities of this President.

The other appropriation he is talking about is the military. Now, remember, when we talk about military, in excess of 70 percent of our military budget goes for salaries and wages. We have got to pay these men and women that are serving this country something above the poverty level. We have to be able to provide for them. So we have to be able to take that into consideration.

But one of his priorities contained within that military priority is military defense. I am suggesting to my colleagues, no, I am not suggesting to my colleagues, I am telling you, the time has come. We have got to work with the President on a military missile defense system. We cannot continue to waste any more time. We have an obligation to the next generation, to my kids, to your kids, to your grandkids, to my grandkids, we have an obligation to provide a defense apparatus in this Nation so that they do not live under the threat of an accidental missile launch or an intentional missile launch against the United States of America.

We are the ones today that make those decisions for tomorrow. That is why we were elected. We were not elected to sit here and not think about tomorrow. The President has said to the United States Congress, think about education tomorrow. What are the results tomorrow? And it is the same thing with our military defense. Think about tomorrow, because, before you know it, tomorrow is here, and we have added many, many more countries in the world that have that capability to launch missiles.

Mr. Speaker, let me show this poster. Take a look at today. I am talking about nuclear warheads. But do not forget that on a missile you can also deliver biological or chemical warheads. Take a look. Every spot on this map is a country that is capable of delivering known or probable biological and chemical programs, and they can deliver those chemicals with a missile.

Now, remember, in 1970 when that treaty, the antiballistic missile treaty was drafted, there were two countries, the United States and the USSR, there were only two countries in the world that had to be concerned about that. But, because of this expansion, things have changed.

I want to stress to my colleagues, because this argument continues to come up again and again and again, and in my opinion it has no validity, and that argument is the proposition that we cannot build a missile defense system without violation of the Antiballistic Missile Treaty, which we have no right to exit from.

What I am saying here tonight is that Antiballistic Missile Treaty, fortunately, the people who drafted it, as I mentioned earlier, I disagree with the

concept that the treaty was drafted 30 years ago, but fortunately the people who drafted that treaty had the foresight to say, gosh, over a period of time the consequences may change to the extent that the United States and the USSR ought to be able to walk away from this treaty; that the consequences are of such importance that it justifies withdrawal from the ABM Treaty.

I think the President is justified in taking the position that with all of the countries today that can accidentally or intentionally launch a missile into the United States, that the circumstances have changed dramatically enough that the United States has to take a new approach; that the United States can no longer afford, can no longer afford to sit by and pretend that in our future there will be no missile attack against the United States.

In fact, it is just the opposite. The United States must prepare today for tomorrow and for the future generations, prepare for the expectation that in fact a missile at some point or another will be launched against the United States of America, either intentionally or accidentally.

But once that missile is airborne, it does not much matter as far as the consequences of the missile hit. But it does matter if we are able to stop that missile, let us say, on its launching pad; and let us say we are able to determine it was an accidental launch, that somebody made a mistake, that some mechanism, a malfunction, and we were able to stop a war or we were able to stop American retribution, which you know because of our capabilities would be severe, harsh, and instantaneous; that we were able to avoid that because we had in place a system that was capable of stopping an attack against the United States.

So I urge every one of my colleagues, instead of playing the political rhetoric game, which I am beginning to see emerge up here, against the missile defense system, put that political rhetoric aside for the benefit of the future generations of the United States of America. Try and put in place a vision for the future, a future that allows the people and the population of the United States, and the friends of the United States of America, the capability of making a missile attack a nonissue, because we have the capability to stop it.

For those of you who want to end violence or at least do what you can to minimize violence, you, as I said earlier, should be the strongest proponents we have for a missile defense system. So I congratulate the President, I congratulate the administration, and, frankly, I commend both Democrats and Republicans on the House floor that are coming across this aisle to stand in unison in favor of a missile defense system for this country.

Let me just reiterate a couple points I made earlier. It is appropriate and it

is timely for the United States Congress to put in our rules a rule which prohibits inappropriate conduct between a Congressman and an intern.

I spent a good deal of time at the beginning of my remarks explaining why I have pursued this issue. I spent a good deal of time pointing out that we are the only major institution, the U.S. Congress is the only major institution in United States that does not have a prohibition against inappropriate relationships between a Congressman and an intern. For example, the teaching profession, every school in the Nation prohibits it; the medical profession prohibits it; the military prohibits it; the clergy prohibits it; the legal profession prohibits it; most major corporations prohibit it. The United States Congress ought to follow good example. It is not precedent breaking. We should set a good example, follow a good example, and put in place a rule that prohibits that type of inappropriate conduct.

Finally, as my final remarks, I urge all of us to stand as a team to address this economy. This is not a laughing matter. This is a very serious situation. We are in a tunnel, we are not out the other side of it, and there is a train coming in. We need to stand in unison to figure out how to get out of that tunnel. And there is light. We can get out of the tunnel, but the more bickering and partisanship that we see on this House floor, the less likely that we can fulfill our leadership responsibilities and obligations and lead our country into some type of economic recovery.

#### NEGATIVE IMPACT OF PRESIDENT'S TAX CUT

The SPEAKER pro tempore (Mr. AKIN). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to respond, if I can, briefly, to some of the comments that my colleague from Colorado made with regard to the economy.

Mr. Speaker, I do realize that we in Congress all have an obligation, certainly, to work for economic recovery, and there is, of course, a great deal of concern about the economy right now because of some of the indications we have had over the last week with regard to the stock market, with regard to some of the unemployment figures that have come through.

But, Mr. Speaker, I would be remiss if I did not point out, and this is really the gist of my comments this evening, I do not intend to use the full hour, but I need to spend a little time reiterating once again the negative impact of President Bush's tax cut, the tax cut that was supported by the majority of

the Republicans, who are the majority here in the House of Representatives, and which I think has had a very negative impact and certainly over the long term will have a very negative impact on the economy. And my fear that it is going to lead to President Bush suggesting and the Republican majority suggesting at some point, if it has not happened already, that we dip into the Medicare and the Social Security Trust Funds in order to pay for ongoing expenses with the Congressional budget, with the Federal budget.

Mr. Speaker, before we had the 4 weeks when we as Members of Congress were back in our districts during August, during the summer, we had been told over and over again by the President and the Republican leadership that there was no need to worry about this tax cut, this huge massive tax cut that primarily benefited wealthy Americans, because we could have the tax cut and we would also be able to make sure that, even with the tax cut, that we would have enough money left over to pay for the national priorities that President Bush outlined, an education bill, a new defense initiative to make sure that the military was ready in the event of war, and also a Medicare prescription drug benefit. We could have the tax cut and we would also be able to have money left over for those national priorities.

We were also assured by the President and the Republican leadership that even with this massive tax cut that primarily favored the well-to-do, that we would have enough money for Social Security, that we would not dip into the Social Security and Medicare Trust Funds.

□ 2000

Well, Democrats have been saying for over a year that none of those things were true; that the nature of the tax cut, the fact that it was so big, that what the President and the Republicans were proposing was so big, that it would basically make it impossible to not dip into the Medicare and Social Security trust funds and that there would not be any money left for any of those other priorities.

Well, we are there today. We went home at the end of July, early August, we came back, and lo and behold, the numbers have come back about the budget and what money is available; and the Congressional Budget Office, among other agencies, have told us that none of those things are true, that we probably have already dipped into the Social Security and Medicare trust funds because of this massive tax cut that the President insisted on as the sort of milestone and the main thing that we wanted to accomplish in the first year of his Presidency.

Just as some information, Mr. Speaker, the Congressional Budget Office, this is from about a week or so ago,

maybe it is 2 weeks now, the Congressional Budget Office confirmed what the Democrats have been saying for over a year, that the Bush tax cut is so big it forces the government to invade Social Security and Medicare trust funds. According to CBO, the government will be taking \$30 billion from the Social Security Trust Fund and \$170 billion from the Medicare trust fund over the next 5 years. The President talked about how in 2001, this fiscal year, we were going to have the second biggest surplus in history. But this year alone, the government is actually in deficit and must tap Medicare and Social Security to fund just routine government operations.

If we listen to what President Bush is saying, he pretty much has said, well, we may have to tap into the Social Security trust fund. He has talked about, well, maybe if the economy continues to deteriorate, that will be necessary. So I do not think there is any question, Mr. Speaker, that we are headed down that road.

It is a scary road because, first of all, I should point out before I talk about the negative consequences of this, the fact of the matter is, it could be a lot worse than even what the CBO is estimating now, because we have to remember that the Congressional Budget Office, in their making these projections that I talked about, these are baseline estimates, which basically assumes that there are no changes in spending. In other words, the CBO numbers do not assume that any of the other things that President Bush has talked about spending in this budget are going to happen, and it also assumes that the economy will pretty much stay the way it is rather than get any worse. If the economy worsens or if we tried to implement some of the things that the President has talked about, we could dip even further into the Social Security and Medicare trust funds.

I know that the gentleman from Colorado (Mr. McINNIS), the gentleman who just spoke, said he does not really want to hear about this because after all, we are supposed to be united and we are not supposed to be bickering over who caused this problem. Well, it is not a coincidence. The Bush tax cut is the reason. In only 8 months, the President, President Bush has taken us from a situation where we had a healthy surplus that was basically built up under the 8 years of President Clinton's administration and was a major contributing factor to the fact that the economy was booming, and in just 8 months, this fiscal situation has dramatically reversed itself because of the policies of President Bush.

Now, I am not saying that I do not want to help solve the problem, but I have to lay the blame where the blame deserves to be placed. Things were good. The Federal Government was, for

the first time, in surplus in the last 6 years of the Clinton administration. Now, in 8 months of the Bush administration, we are in a deficit once again.

Now, let me talk a little bit if I can, Mr. Speaker, about the consequences of this, because there are a lot of different consequences. There are various aspects as to what we are faced with here in terms of Federal policy and the negative consequences. I only mention it, not because I want to dwell on the negative, but because I want us to understand where we are so that we can do something about it in the future.

First of all, let me say I do not care what the other side says about this, the fact of the matter is that because we are now in this deficit situation, because of the Bush tax cut, we have destroyed any opportunity to spend any money on the national priorities that the President and others have talked about.

If we listen to President Bush, he still talks about his education initiative and how there is going to be money now that is going to go back to the States and local school boards and to the schools throughout the country that are going to beef up education. Let me assure my colleagues that the money is not there to pay for it. It is not going to happen. It is not going to happen unless we take the money from the Social Security trust fund. So I do not think it is going to happen.

Number two, the President keeps talking about his defense priorities. The gentleman from Colorado (Mr. McINNIS) just mentioned a missile defense system. Well, I do not particularly like what the President is talking about in terms of a missile defense program; but whatever he is talking about: he talks about more money for the soldiers, he talks about more money for weapons, he talks about all of these billions of dollars that are going to be necessary to put us in a state of military preparedness. The money is not going to be there.

Mr. Speaker, these things are not going to happen. President Bush's tax cut destroyed any opportunity to spend money on education or on defense. Most of all, because these are the things that I hear most about from my constituents, I happen to have a district that has a higher proportion of senior citizens; and when I am home, as I was this weekend, they still talk to me about the high cost of prescription drugs and how they cannot afford it and how they would like to have Medicare include a prescription drugs program, which I have been a big supporter of. We have a health care task force on the Democratic side of the aisle. We have been working collectively to come up with a prescription drugs Medicare program, and we have endorsed several programs on the Democratic side that President Clinton talked about what he wanted to do to

provide a prescription drugs program. Well, President Bush can tell us whatever he wants, but the money is not there, because of his tax cut, to pay for this Medicare prescription drug program.

Mr. Speaker, I doubt that any of these national priorities that the President has identified: education, defense, or a prescription drug benefit under Medicare, will ever happen because of this tax cut and because of the situation that we face today.

Now, let me go on and talk a little more. It is not only that now, because of the tax cut, the Bush tax cut and the potential deficit that we do not have any money to spend on other priorities, but what is happening now is going to have a negative impact on the economy; and the fact of the matter is that what we do not have a surplus. And we are in a deficit situation. We hurt the economy; and we make it very, very difficult to have any economic recovery. If my colleagues on the Republican side are telling us that now they want to focus on what we can do to bring the economy back, certainly bypassing this tax cut and putting us in a deficit situation, they have made it much, much harder for us to achieve any economic recovery.

Now, my colleagues do not have to take my word for it. Basically, we know that over the last year or so, the Federal Reserve has aggressively lowered short-term interest rates, but long-term interest rates have barely moved. They are still high. It was interesting, because at a July Senate Banking Committee hearing, we had Alan Greenspan, the Fed Chairman, and he very specifically indicated that the Bush tax cuts impact on the surplus in future years has prevented a decline in long-term interest rates.

The reason, a major reason why the economy was doing well during the Clinton era was because when President Clinton created a situation where there was a Federal surplus, it meant that the interest rates were low on their own, even without the Federal Reserve action; and it basically made it so that money was available. The Federal Government was not borrowing as much and taking money out of the system for lenders who wanted to use it to lend money to companies or factories so that they could build new factories and come up with new means of production and create more jobs. That drain that comes, the drain on the economy that comes from a Federal deficit is going to have a terribly negative impact on the economy and make it much more difficult for us to recover because the long-term interest rates will remain high, because it will be more difficult to borrow and raise capital for new production and create new jobs.

At this Senate Committee on Banking and Financial Services hearing,

just to again reiterate that what I am saying is not pie in the sky, we had a little dialogue between the Federal Chairman Greenspan and Senator SCHUMER from New York. And if I could just repeat this, this was the Senator, or I do not know if I can use the word "Senator," but a member of the other body who said, and I quote, "One thing you mentioned, Mr. Greenspan, you thought that rates hadn't come down enough was that the rate of decline of Treasury debt had not been as great as we thought. Is that due to the tax cut?" The Senator said. And Federal Chairman Greenspan said, "I think it is basically due to a series of things. One, the tax cut." Senator SCHUMER says, "Right. So the tax cut did have a negative effect on this?" And Alan Greenspan says, "Oh, yes, no question."

So the Bush tax cut is not only making it difficult to spend any money on education, defense, Medicare prescription drugs, and may kill all of those things; but in addition, it is having a negative impact on the economy and it is going to be very, very difficult to achieve the kind of economic recovery that now the President and my Republican colleagues are saying should be a priority.

Lastly, and this I guess is the most obvious one, but I want to go into it a little bit. What is happening here now in terms of us going back into a deficit and, inevitably, it seems, spending the money from the Social Security and the Medicare trust fund, is that the money is not going to be available in the Medicare and Social Security trust funds to pay benefits.

Right now, the seniors that I represent, Medicare is probably the most important Federal program that they have available to them. Social Security is the most important program, because it is just, if not more important, because of the fact this they depend on the income from Social Security.

Well, right now we are okay. But we all know that in a few years, there will not be as much money available for Medicare and Social Security because the number of people who will become seniors, the so-called baby boom generation of which I am a part, when they get to be 65, there are going to be more of them and there is going to be a need for more money to pay out their retirement Social Security benefits and take care of their Medicare and take care of their health care needs.

So the reason that the Congress a few years ago started to build up this surplus in the trust funds for Medicare and Social Security was because they knew that maybe by 2020 or 2030, 20 or 30 years from now, if not sooner, but certainly by then, that there would be a lot more seniors and we would need more money to build up in this trust fund to pay out the benefits. Well, if we

now dip into the Medicare and Social Security trust fund, this so-called surplus, that money is not going to be there.

Now, what the Democrats have been doing when Clinton was President was they recognized this and they said, okay, let us take a certain percentage of this surplus and general revenues that we have and let us dedicate it towards Social Security and Medicare. In other words, we had a Social Security and Medicare trust fund that had a surplus on their own, but President Clinton said, let us take money from the surplus we are building in general revenues from tax revenues and let us apply that to the Social Security and Medicare trust funds so that even more money would be available in 2020 or 2030 when we needed it. Well, that is all gone. There is nothing now; there is no general revenue surplus available to apply it to Social Security and Medicare. Instead, we are now taking from those trust funds to pay for general operations to operate the government.

Mr. Speaker, it is pretty easy to figure out what is going on here, but the reality is very dire, because now there is a serious question about whether or not the Social Security and Medicare money will be available for people my generation when they get to be seniors.

□ 2015

Now, what I am going to mention now does not necessarily relate to the budget and to what the President did with his tax cut.

But ironically, in the middle of all of this, at the very time when President Bush's tax cut is having this negative impact and threatening Social Security and Medicare, we have the President, President Bush, setting up this commission, this Social Security commission that over the summer, including during the August break, started to provide all of this information about how they want to privatize Social Security. They may want to raise the age again when one gets Social Security.

There is all this potential tinkering with the Social Security system that I think is going to make the situation even worse, because if we privatize Social Security, or say to people that they can take a certain amount of their money outside the system and invest it in the stock market or in something else, there again, that is taking money away from the Social Security system that is not going to be available for the baby boom generation when they get to be 65.

Mr. Speaker, we no longer have the situation which we had under President Clinton and the Democrats where the general revenue surplus is being applied to boost up Social Security and Medicare. We now have a situation where President Bush's tax cut is probably going to make Congress, or maybe we are already doing it, dip into the

trust funds for Social Security and Medicare.

At the same time, we have this commission out there that President Bush is instituting that is proposing to take even more money out of the Social Security and Medicare trust funds so that people can invest money in the stock market or whatever. I cannot imagine a worse situation.

Mr. Speaker, I recognize and I agree with my colleague, my Republican colleague who spoke before me, the gentleman from Colorado, that I do not want to just come here and talk about how bad things are. But if we do not recognize why they are getting bad, then we are never going to correct them.

This Congress has to think about ways of dealing with the fact that this tax cut has really hurt the economy, threatened Social Security, and makes it impossible for us to invest in other national priorities such as education, prescription drugs under Medicare, and defense needs.

Until we recognize the fact that this is the cause or a major cause of the problem, I do not know how we are going to correct it. I am not going to just stand here and put my head in the sand and say this is just happening through natural causes. This is happening because of the President and the Republican leadership's tax policy. That is why we are in the situation that we are in, and we need to recognize it before we can move on.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today, September 11 and 12 on account of business in the district.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of family business.

Mr. DOOLITTLE (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. GRUCCI (at the request of Mr. ARMEY) for today on account of his mother had a heart attack.

Mr. ROYCE (at the request of Mr. ARMEY) for today and September 11 on account of personal business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. McNULTY) to revise and

extend his remarks and include extraneous material:)

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today and September 11.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 58. Concurrent resolution expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum; to the Committee on International Relations.

#### ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 11, 2001, at 9 a.m. for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3518. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 00-017-1] received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3519. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Designation of Quarantined Area [Docket No. 01-080-1] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3520. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation Prohibitions Because of Bovine Spongiform Encephalopathy [Docket No. 00-121-1] (RIN: 0579-AB26) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bromoxynil; Pesticide Tolerances for Emergency Exemptions [OPP-301163; FRL-6798-2] (RIN: 2070-AB70) received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Buprofezin; Pesticide Tolerances for Emergency Exemptions [OPP-301159; FRL-6796-6] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions [OPP-301165; FRL-6798-6] (RIN: 2070-AB78) received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Unlimited Tolerance Exemptions [OPP-301152; FRL-6793-5] (RIN: 2070-AB78) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3525. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenazate; Pesticide Tolerances for Emergency Exemptions [OPP-301153; FRL-6793-3] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3526. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—B-D-Glucuronidase from *E. coli* and the Genetic Material Necessary for its Production As a Plant Pesticide Inert Ingredient; Exemption from the Requirement of a Tolerance [OPP-301129; FRL-6782-8] (RIN: 2070-AB78) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3527. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—2-Propenoic Acid, Sodium Salt, Polymer with 2-Propenamide; Tolerance Exemption [OPP-301158; FRL-6794-8] (RIN: 2070-AB78) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3528. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2001-D004] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3529. A letter from the Alternative OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—Compensation of Certain Former Operatives Incarcerated by the Democratic Republic of Vietnam (RIN: 0790-AG67) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3530. A letter from the Alternate OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—Transactions Other Than Contracts, Grants, or Cooperative Agreements for Prototype Projects (RIN: 0790-AG79) received August 14,

2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3531. A letter from the Alternate OSD FR Liaison Office, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Service (CHAMPUS); Prosthetic Devices (RIN: 7020-AA49) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3532. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program; Assistance to Private Sector Property Insurers (RIN: 3067-AD23) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3533. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Records Preservation Program—received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3534. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the Control of Iron and Steel Production Installations [MD011/108-3056a; FRL-7040-8] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3535. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—District of Columbia: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7050-9] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3536. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Marine Vessels Coating Operations [MD078-3078a; FRL-7049-3] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3537. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; and Standards of Performance for Industrial—Commercial—Institutional Steam Generating Units—[FRL-7033-8] (RIN: 2060-AJ22) received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3538. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines for Direct Implementation Tribal Cooperative Agreements (DITCAs) for Fiscal Year 2001—received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3539. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Wisconsin [WI42-7306a; FRL-7029-3] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3540. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau,

Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pleasanton, Topeka, Iola, and Emporia, Kansas) [MM Docket No. 98-9, RM-9216; MM Docket No. 98-13, RM-9212] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3541. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hugo, Colorado) [MM Docket No. 01-91, RM-10096] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3542. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Salem and Molalla, Oregon) [MM Docket No. 01-59, RM-10072] (Avon and Fairport, New York) [MM Docket No. 01-60, RM-10073] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3543. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Missoula, Montana) [MM Docket No. 01-15, RM-10030] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3544. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lexington, Kentucky) [MM Docket No. 01-83, RM-10085] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3545. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Charlottesville, Virginia) [MM Docket No. 00-240, RM-9793] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3546. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Kansas City, Missouri) [MM Docket No. 00-116, RM-9877] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3547. A letter from the Senior Legal Advisor to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elkhorn City and Coal Run, Kentucky) [MM Docket No. 00-14, RM-9753] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3548. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, trans-

mitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Naches, Sunnyside, and Benton City, Washington) [MM Docket No. 01-95, RM-10093] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3549. A letter from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Panama City, Florida) [MM Docket No. 99-318, RM-9745] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3550. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Toccoa and Sugar Hill, Georgia) [MM Docket No. 98-162, RM-9263] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3551. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct [Docket No. RM95-9-014] received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3552. A letter from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 241-2001] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3553. A letter from the Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Privacy Act of 1974; Implementation [AAG/A Order No. 242-2001] received August 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3554. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors; Lost Earnings Attributable to Employing Agency Errors—received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3555. A letter from the Program Manager, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting the Department's final rule—Identification Markings Placed on Firearms (98R-341P) [T.D. ATF-461; Ref. Notice No. 877] (RIN: 1512-AB84) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Sister Bay MarinaFest, Sister Bay, Wisconsin [CGD09-01-055] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Maumee River, Toledo, Ohio [CGD09-01-112] (RIN: 2115-AA97) received August 30, 2001, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Candlelight on the Water, Port Washington, Wisconsin [CGD09-01-103] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Newport, RI [CGD01-01-100] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Triathlon, Ulster Landing, Hudson River, NY [CGD01-00-248] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ashley River, Charleston, SC [CGD07-01-048] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; McArdle Bridge repairs—Boston, Massachusetts [CGD1-01-021] (RIN: 2115-AA97) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 Series Airplanes [Docket No. 2001-NM-70-AD; Amendment 39-12382; AD 2001-16-13] (RIN: 2120-AA64) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model Avro 146-RJ85A and 146-RJ100A Series Airplanes [Docket No. 2001-NM-223-AD; Amendment 39-12384; AD 2001-16-15] (RIN: 2120-AA64) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56 Series Turbofan Engines [Docket No. 2001-NE-15-AD; Amendment 39-12405; AD 2001-17-14] (RIN: 2120-AA64) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Bush River, Abingdon, Maryland [CGD05-01-047] (RIN: 2115-AE46) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Nanticoke River, Sharptown, Maryland [CGD05-01-023] (RIN: 2115-AE46) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Boeuf, LA [CGD08-01-026] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08-01-023] (RIN: 2115-AE47) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Senior Transportation Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities [Docket No. FAA-2000-8431; Amendment No. 121-285] (RIN: 2120-AH15) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—FY02 Wetland Program Development Grants Guidelines [FRL-7047-9] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Office of Research and Applications Ocean Remote Sensing Program Notice of Financial Assistance [Docket No. 000616179-1190-02] (RIN: 0648-ZA90) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3573. A letter from the General Counsel, National Science Foundation, transmitting the Foundations's final rule—Antarctic Non-Governmental Expeditions (RIN: 3145-AA36) received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3574. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update—received August 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on International Relations. H.R. 2646. A bill to provide for the continuation of agricultural programs through fiscal year 2011; with an amendment (Rept. 107-191 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2187. A bill to amend title 10, United

States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves; with an amendment (Rept. 107-202 Pt. 1).

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1900. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes; with an amendment (Rept. 107-203). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 2187 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[The following action occurred on September 7, 2001]*

H.R. 2646. Referral to the Committee on International Relations extended for a period ending not later than September 10, 2001.

*[Submitted on September 10, 2001]*

H.R. 2187. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 10, 2001.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia:

H.R. 2868. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Government Reform.

By Mr. GILLMOR (for himself, Mr. PALLONE, Mr. TAUZIN, Mr. DINGELL, Mr. SHIMKUS, Mr. TOWNS, Mr. BOEHLERT, and Mr. GREEN of Texas):

H.R. 2869. A bill to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and to amend such Act to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 2870. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 2871. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Ms. DeLAURO:

H.R. 2872. A bill to designate the western breakwater for the project for navigation, New Haven Harbor, Connecticut, as the "Charles Hervey Townshend Breakwater"; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself and Mr. CARDIN):

H.R. 2873. A bill to extend and amend the program entitled Promoting Safe and Stable Families under title IV-B, subpart 2 of the Social Security Act, and to provide new authority to support programs for mentoring children of incarcerated parents; to amend the Foster Care Independent Living program under title IV-E of that Act to provide for educational and training vouchers for youths aging out of foster care, and for other purposes; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. LATOURETTE, Ms. WOOLSEY, and Ms. ESHOO):

H.R. 2874. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2875. A bill to provide that the inferior courts of the United States do not have jurisdiction to hear abortion-related cases; to the Committee on the Judiciary.

By Mr. REHBERG:

H.R. 2876. A bill to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardonoune United States Post Office Building"; to the Committee on Government Reform.

By Mr. SAXTON (for himself, Mr. ADERHOLT, Mr. PLATTS, and Mr. SMITH of New Jersey):

H. Con. Res. 222. Concurrent resolution expressing the sense of Congress regarding the inherent right of self-defense; to the Committee on International Relations.

By Ms. ROS-LEHTINEN:

H. Res. 235. A resolution expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day; to the Committee on Government Reform.

#### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

190. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to House Joint Resolution No. 13 memorializing the United States Congress to urge the United States Postal Service to reconsider the issuance of a Purple Heart Stamp to honor those veterans who received the Order of the Purple Heart for Military Merit defending their country during times of conflict; to the Committee on Government Reform.

191. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 164 memorializing the United States Congress and the governor of Louisiana and the Texas Legislature to actively support routing I-69 through west

DeSoto Parish, Louisiana and Shelby County, Texas; to the Committee on Transportation and Infrastructure.

192. Also, a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution 01-S 0855 memorializing the United States Congress to amend title ten, United States Code relating to the compensation of retired military, permitting concurrent receipt of military retired pay and Veterans' Administration compensation, including dependents allowances; jointly to the Committees on Armed Services and Veterans' Affairs.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. HEFLEY.  
H.R. 75: Ms. ROS-LEHTINEN.  
H.R. 190: Mr. BARR of Georgia.  
H.R. 218: Mr. LEWIS of California and Mr. MATHESON.  
H.R. 239: Mr. WEXLER, Mr. EHRLICH, and Mr. SMITH of New Jersey.  
H.R. 303: Mr. MEEKS of New York and Mr. TAUZIN.  
H.R. 325: Mr. SANDLIN.  
H.R. 326: Mr. TOM DAVIS of Virginia.  
H.R. 394: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATTS of Oklahoma and Mr. GORDON.  
H.R. 458: Mr. BAKER.  
H.R. 536: Mr. KELLER and Mr. FOLEY.  
H.R. 638: Mr. BLUMENAUER.  
H.R. 656: Mr. CALVERT.  
H.R. 668: Mr. HASTINGS of Washington and Mrs. NAPOLITANO.  
H.R. 689: Ms. ESHOO.  
H.R. 699: Mr. DEAL of Georgia.  
H.R. 709: Ms. ROYBAL-ALLARD.  
H.R. 746: Mr. CANTOR and Mr. WOLF.  
H.R. 751: Mr. CALVERT and Mr. ENGLISH.  
H.R. 803: Mr. KILDEE.  
H.R. 808: Mrs. JO ANN DAVIS of Virginia.  
H.R. 826: Mr. HERGER and Mr. MANZULLO.  
H.R. 876: Ms. LOFGREN.  
H.R. 978: Ms. RIVERS, Mr. McNULTY, Ms. LEE, and Mr. BOUCHER.  
H.R. 1032: Mr. BLUMENAUER and Mr. PASCARELL.  
H.R. 1073: Mr. LAFALCE, Mr. SOUDER, Mr. SHOWS, and Mr. BENTSEN.  
H.R. 1109: Mr. FORBES, Mr. WELDON of Florida, Mr. WAMP, Mr. CRANE, and Mr. ROYCE.  
H.R. 1136: Mr. GREENWOOD.  
H.R. 1187: Mr. DEUTSCH and Ms. PELOSI.  
H.R. 1198: Mr. LUCAS of Kentucky, Mr. PETERSON of Minnesota, Mr. HERGER, and Mr. ROGERS of Kentucky.  
H.R. 1254: Ms. LOFGREN.  
H.R. 1265: Mr. ABERCROMBIE and Mr. LANTOS.  
H.R. 1296: Mrs. CUBIN, Mr. COMBEST, and Mr. FORBES.  
H.R. 1318: Ms. BERKLEY.  
H.R. 1377: Mr. KERNS.  
H.R. 1436: Mr. LEWIS of Georgia, Mr. MARKEY, Mr. LAHOOD, Mr. STUPAK, Mr. BISHOP, Mr. BACA, Mr. HINOJOSA, and Mr. SMITH of Washington.  
H.R. 1506: Mr. REYNOLDS.  
H.R. 1522: Mr. GONZALEZ.  
H.R. 1555: Mr. COOKSEY.  
H.R. 1556: Mr. CHAMBLISS, Mr. SHERWOOD, and Mr. HALL of Ohio.  
H.R. 1602: Mr. CULBERSON and Mr. BEREUTER.  
H.R. 1605: Mr. BOYD, Ms. HOOLEY of Oregon, and Ms. ROS-LEHTINEN.  
H.R. 1669: Mr. FRANK.

H.R. 1671: Mr. WYNN.  
H.R. 1672: Mr. LEACH and Mrs. MORELLA.  
H.R. 1690: Mrs. CHRISTENSEN.  
H.R. 1700: Mrs. DAVIS of California and Mr. SCHIFF.  
H.R. 1703: Mr. WATKINS, Mr. LARSON of Connecticut, Mr. RUSH, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. KUCINICH, Ms. BALDWIN, Mr. CAPUANO, Mr. HOFFEL, Mr. CROWLEY, Mr. HONDA, Mr. HINCHEY, Mr. PHELPS, Mrs. DAVIS of California, Mr. UDALL of New Mexico, Ms. MCKINNEY, and Mr. FILNER.  
H.R. 1713: Mr. WEINER and Mr. INSLEE.  
H.R. 1723: Mr. BACA and Mr. MCINTYRE.  
H.R. 1749: Mr. FORBES.  
H.R. 1770: Mr. FLETCHER.  
H.R. 1786: Mr. STUPAK, Mr. MOLLOHAN, Mr. BONIOR, Mr. QUINN, Mr. DEFazio, and Mr. EHLERS.  
H.R. 1795: Mr. MANZULLO, Mr. FLETCHER, Mr. LAMPSON, Mr. BACHUS, and Mr. WATTS of Oklahoma.  
H.R. 1810: Mr. ISRAEL.  
H.R. 1896: Ms. SOLIS.  
H.R. 1900: Mr. CASTLE.  
H.R. 1935: Mr. LEVIN, Mr. TRAFICANT, Mr. FRANK, and Mr. GILLMOR.  
H.R. 1948: Mr. PASTOR.  
H.R. 1956: Mr. PALLONE, Mr. SCHAFER, and Mr. SHAYS.  
H.R. 1979: Mr. SKELTON.  
H.R. 1983: Mr. TOM DAVIS of Virginia.  
H.R. 2081: Ms. BERKLEY.  
H.R. 2082: Mr. ABERCROMBIE.  
H.R. 2087: Ms. BALDWIN.  
H.R. 2088: Mr. RYUN of Kansas.  
H.R. 2125: Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. FLETCHER, Mrs. CHRISTENSEN, Mr. SNYDER, and Mr. CLEMENT.  
H.R. 2135: Mrs. THURMAN, Mr. LIPINSKI, and Ms. MCKINNEY.  
H.R. 2136: Mrs. THURMAN, Ms. WOOLSEY, Mrs. MALONEY of New York, and Ms. MCKINNEY.  
H.R. 2145: Ms. BALDWIN, Mr. NADLER, and Mr. ENGLISH.  
H.R. 2166: Mr. FILNER and Ms. DELAURO.  
H.R. 2167: Mr. BLUMENAUER and Mr. PASCARELL.  
H.R. 2173: Mr. WOLF, Mr. MICA, Mr. McNULTY, Mr. HINCHEY, and Mr. CARSON of Oklahoma.  
H.R. 2227: Mr. JONES of North Carolina.  
H.R. 2265: Mr. SCHAFER.  
H.R. 2276: Mr. FILNER.  
H.R. 2294: Mr. COYNE, Mr. TIERNEY, and Mr. FRANK.  
H.R. 2341: Mr. BARR of Georgia, Mr. BRADY of Texas, Mr. EHRLICH, and Mr. LEWIS of Kentucky.  
H.R. 2352: Ms. MCKINNEY, Mr. KUCINICH, and Mr. HINCHEY.  
H.R. 2354: Mr. NETHERCUTT and Mr. REYNOLDS.  
H.R. 2357: Mr. WOLF, Mr. ENGLISH and Mr. SCHAFER.  
H.R. 2390: Mr. BARR of Georgia and Mr. WICKER.  
H.R. 2487: Mr. RUSH.  
H.R. 2521: Mr. MCGOVERN, Ms. MCKINNEY, Mr. LATOURETTE, Mr. JENKINS, Mr. CALVERT, and Mr. FROST.  
H.R. 2531: Ms. KAPTUR.  
H.R. 2588: Mr. BOEHLERT and Mr. BONIOR.  
H.R. 2604: Mr. FRANK.  
H.R. 2609: Mr. REYNOLDS.  
H.R. 2610: Mr. CROWLEY.  
H.R. 2612: Mr. SABO and Mr. EDWARDS.  
H.R. 2619: Mr. SCHIFF.  
H.R. 2622: Ms. WOOLSEY and Mr. DOYLE.  
H.R. 2638: Mr. FARR of California, Mr. BROWN of Ohio, Mr. DOOLEY of California, Mr. CUNNINGHAM, Ms. MILLENDER-MCDONALD, Mr. WELLER, Mrs. NAPOLITANO, Mr. TURNER, Mr. MCGOVERN, Mr. CALVERT, and Mr. HONDA.

H.R. 2641: Mr. FILNER and Mr. HINCHEY.  
H.R. 2659: Mr. MCGOVERN and Mr. RODRIGUEZ.  
H.R. 2663: Mr. MCGOVERN.  
H.R. 2675: Mr. FLETCHER.  
H.R. 2688: Ms. LOFGREN.  
H.R. 2690: Mr. SMITH of New Jersey, Mr. UNDERWOOD, Mr. LUTHER, Mr. TAYLOR of North Carolina, Mr. PITTS, Mr. BONIOR, Mr. SABO, Mr. PETERSON of Minnesota, and Ms. BROWN of Florida.  
H.R. 2718: Mr. HOLT and Mr. NADLER.  
H.R. 2725: Mr. LARSEN of Washington, Mr. TIERNEY, Mr. PASTOR, Mr. CRENSHAW, Mr. OLVER, Mr. WATTS of Oklahoma, Mr. SANDERS, Mr. BERMAN, Mr. SCHAFER, Ms. SCHAKOWSKY, Mr. HOSTETTLER, Mr. NADLER, and Mr. MASCARA.  
H.R. 2765: Mrs. CLAYTON, Ms. MCCOLLUM, Mr. PASCARELL, and Mr. MEEKS of New York.  
H.R. 2779: Ms. LOFGREN, Mrs. DAVIS of California, Ms. NORTON, Mr. FRANK, and Mr. CAPUANO.  
H.R. 2787: Mr. FROST, Mr. LANGEVIN, and Ms. BROWN of Florida.  
H.R. 2795: Mr. BERRY.  
H.R. 2805: Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, and Mr. ENGLISH.  
H.R. 2806: Mr. ENGLISH.  
H.R. 2812: Mr. SABO.  
H.R. 2817: Mr. LUCAS of Kentucky, Mrs. KELLY, Mr. SCHROCK, and Mr. LAMPSON.  
H. Con. Res. 30: Mr. PENCE and Mr. LOBIONDO.  
H. Con. Res. 33: Mr. FORBES.  
H. Con. Res. 46: Mr. GOODLATTE, Mr. PLATTS, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Mr. ISAKSON, Mr. CANTOR, Ms. VELAZQUEZ, Mr. INSLEE, and Mr. GREEN of Texas.  
H. Con. Res. 102: Mr. GORDON and Mrs. NORTUP.  
H. Con. Res. 177: Mrs. EMERSON.  
H. Con. Res. 180: Mr. BALDACCIO, Mr. DOYLE, and Mrs. JOHNSON of Connecticut.  
H. Con. Res. 188: Mr. LANGEVIN, Mr. KENNEDY of Rhode Island, Mr. DEUTSCH, Ms. LOFGREN, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. OLVER, Mrs. ROUKEMA, Mrs. NORTUP, Mr. HALL of Ohio, Mr. LUCAS of Kentucky, Mr. TRAFICANT, Mr. BLUMENAUER, Mr. PRICE of North Carolina, Mr. FERGUSON, Mr. ISSA, Mr. ETHERIDGE, Ms. SLAUGHTER, and Mr. BARR of Georgia.  
H. Con. Res. 191: Mr. LEWIS of Georgia, Mr. MCGOVERN, and Mr. FROST.  
H. Con. Res. 220: Mr. DEAL of Georgia.  
H. Res. 128: Mr. STRICKLAND and Mr. GORDON.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1983: Mr. SCHROCK.  
H.R. 2269: Mr. PASCARELL.

#### DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. TURNER on House Resolution 203: Wayne T. Gilchrest and Maxine Waters.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2586

OFFERED BY MR. BEREUTER

AMENDMENT NO. 2: At the end of subtitle B of title V (page \_\_\_, after line \_\_\_), insert the following new section:

**SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.**

(a) EXPANSION OF EXISTING AUTHORITY.—Subsection (a) of section 504 of title 32, United States Code, is amended by striking paragraph (3) and inserting the following new paragraph:

“(3) prepare for and participate in a qualifying athletic competition or a small arms competition.”.

(b) COMPETITIONS IN CONJUNCTION WITH TRAINING.—Such section is further amended by adding at the end the following new subsection:

“(c) CONDUCT OF AND PARTICIPATION IN COMPETITIONS IN CONJUNCTION WITH TRAINING.—

(1) Members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition in conjunction with training required under this chapter in any case in which—

“(A) the conduct of or participation in the competition does not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in the cost of the training.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).”.

(c) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (b) of this section, the following new subsections:

“(d) AVAILABILITY OF FUNDS.—Subject to such limitations as may be enacted in appropriations Acts, amounts appropriated for the National Guard may be used to cover—

“(1) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

“(2) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

“(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”.

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORIZED ACTIVITIES.—” after “(a)”; and

(2) in subsection (b), by inserting “AUTHORIZED LOCATIONS.—” after “(b)”.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**“§ 504. National Guard schools; small arms competitions; athletic competitions”.**

(2) The item relating to section 504 in the table of sections at the beginning of chapter 5 of that title is amended to read as follows:

“504. National Guard schools; small arms competitions; athletic competitions.”.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 3: At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

**SEC. \_\_\_\_ SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to \$3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 4: At the end of subtitle A of title III (page 46, after line 23), insert the following new section:

**SEC. 305. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.**

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States,

where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a \$1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The United States should continue to honor the sacrifices made by all Americans who have served our Nation and our allies.

(b) AVAILABILITY OF FUNDS.—Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, \$2,000,000 shall be available to the Secretary of the Air Force only for the purpose of making a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes La-Coguette, France. The grant funds shall be used solely for costs associated with such repair, restoration, and preservation, and none of the funds may be used for remuneration of any entity or individual associated with fund raising for the project.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 5: At the end of subtitle A of title III (page 46, after line 23), insert the following new section:

**SEC. 305. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.**

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and

in France, was founded by Nelson Cromwell in 1930 and endowed with a \$1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The United States should continue to honor the sacrifices made by all Americans who have served our Nation and our allies.

(b) **AVAILABILITY OF FUNDS.**—Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, \$2,000,000 shall be available to the Secretary of the Air Force only for the purpose of making a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes La-Coguette, France. The grant funds shall be used solely for costs associated with such repair, restoration, and preservation, and none of the funds may be used for remuneration of any entity or individual associated with fund raising for the project.

(c) **CORRESPONDING REDUCTION IN FUNDS.**—The amount provided in section 301(5) for funding the Office of the Secretary of Defense is hereby reduced by \$2,000,000.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 6: At the end of subtitle A of title III (page 46, after line 23), insert the following new section:

**SEC. 305. REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a \$1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The United States should continue to honor the sacrifices made by all Americans who have served our Nation and our allies.

(b) **AVAILABILITY OF FUNDS.**—Of the total amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, \$2,000,000 shall be available to the Secretary of the Air Force only for the purpose of making a grant to the Lafayette Escadrille Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the structure, plaza, and surrounding grounds of the Lafayette Escadrille Memorial in Marnes La-Coguette, France. The grant funds shall be used solely for costs associated with such repair, restoration, and preservation, and none of the funds may be used for remuneration of any entity or individual associated with fund raising for the project.

(c) **CORRESPONDING REDUCTION IN FUNDS.**—The amount provided in section 301(5) for funding the Washington Headquarters Services is hereby reduced by \$2,000,000.

H.R. 2586

OFFERED BY MR. STEARNS

AMENDMENT NO. 7: At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a \$1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

## EXTENSIONS OF REMARKS

HONORING MICHAEL FERRUCCI, JR., ON THE OCCASION OF HIS RETIREMENT

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and colleagues who have gathered to pay tribute to my dear friend, Michael Ferrucci who is celebrating his retirement after a tremendous career with the American Federation of State, County, and Municipal Employees. His outstanding leadership and unparalleled dedication has made a real difference in the lives of many.

I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. State, county and municipal governments employ a number of laborers who deserve the best for their families. Michael has fought hard for better wages, more comprehensive health benefits for members and their families, and safer work environments—ensuring that state, county, and municipal employees are afforded these basic rights. Michael has been a true leader for our working families, giving them a voice during the hardest of economic times.

Michael began his career in 1953 as a maintenance worker for the Connecticut Highway Department. Elected first as Steward then Secretary and finally as President of AFSCME Local 867, he has served the union membership from the beginning. In addition to his service with Local 867, Michael went on to serve as the elected Secretary of Council and was later elected President of Council 16 representing Connecticut State Employees. Michael eventually left his state employment when he was appointed as the Executive Director for Council 16. It was during his tenure as Executive Director of Council 16 that state workers won collective bargaining rights—much in part to Michael's tremendous leadership.

Council 16, representing state employees, and Council 4, representing municipal employees, later merged to create what is today the largest union in Connecticut representing 34,000 State, Municipal, and Private Sector members. Michael held a number of leadership positions in Council 4 prior to his election as Executive Director nearly five years ago. In addition to his service with AFSCME, Michael has also served as a Labor Advocate on the Connecticut State Board of Mediation and Arbitration for over fifteen years.

Throughout his career, Michael has demonstrated a unique commitment to AFSCME's union membership. Through his vision and because of his unparalleled dedication, Connecticut's state and municipal employees and their

families have a strong union that is always willing to ensure their needs and interests are heard and met. It is with my deepest thanks and sincere appreciation that I stand today to pay tribute to Michael Ferrucci, Jr., as he celebrates his retirement. His good work and strong voice will certainly be missed—and never forgotten.

VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I submit these statements to be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

ON BEHALF OF KEVIN VAN GENECHTEN—  
REGARDING GLOBAL WARMING, MAY 7, 2001

Kevin Van Genechten. My name is Kevin Van Genechten, doing global warming, for Colchester. Global warming is the steady rise in temperature caused by buildup of gases like CO<sub>2</sub> and methane gas in the Earth's atmosphere. The gases act like the glass in a greenhouse; they let the heat in, but not out. The main cause of gas buildup is the burning of coal, oil and wood CFCs. 1998 was the hottest year in thousands of years. The nine hottest years on record have all been in the past two decades. Humankind's actions on the global scale have changed not just the landscape of the earth, but the world's climate too. Increasingly sophisticated measures of the Earth's climate and the weather systems have provided a wealth of evidence that the earth has been getting steadily warmer. An intergovernmental panel for climate change set up in 1988 to put together the thinking on global warming is leading the search. It has found that global temperatures are increasing alarmingly, already having risen between .3 Celsius and .6 Celsius in the last century. Sea levels are rising and previous environments are being altered, some irreparably. The rising temperatures we have witnessed may seem slight, but are we currently experiencing the greatest rate of change in the temperature ever. The effects are already being felt, and things may get much worse. Most of the impact of global warming won't be felt for another 30 years. And yet hurricanes, storms and extreme weather conditions are recorded almost weekly. Our reckless destruction of the environment through industrial pollution is creating a dangerous world. The burn-

ing of fossil fuels, such as oil and coal, and the emission of harmful gas must be addressed if we are secure ourselves a future on planet Earth. And although interested parties are bringing pressure from the big pressure groups like the Worldwide Fund for Nature—which may soon disappear—it may be these gestures are too little, too late. There is still hope in the air and time in this millennium to make the necessary changes to happen. However, we leave this century fudging on fossil-fuel emission targets, which almost everyone now agrees is the strongest way to combat global warming. Big changes in lifestyle and energy production will be needed to slow the global-warming time bomb.

ON BEHALF OF KATIE KEVORKIAN, CARLIN HEBERT, AND BETHANY WALLACE—HIGH DROP-OUT RATES, FOCUSING ON INADEQUATE SOCIAL SERVICES, MAY 7, 2001

Bethany Wallace. Our subject is the increasing dropout rate in, not only our county and our school, but, you know, across the nation. It said in the little packet that we were going to focus on the lack of social services which I don't think we did.

Congressman Sanders. That's okay.

Bethany Wallace. That is not really what we are focusing on. My part—I will give you a little basis. We didn't really know a lot about the dropout rate when we were given this task to present. So what we did is, we divided it into factors that would affect the dropout rate. And mine is the alternative programs, Katie's is the pregnancy rate, and Carlin's is the extracurricular activities. At Mt. Anthony, we have an alternative program that I don't think a lot of people are aware of, and we certainly didn't know what it was all about. So we went to the alternative program a few days ago and just sat down and interviewed both the students and the teachers there. And what we found out was that the alternative program is a combination of two former programs, the girls program and the boys program. And right now it's in one building, and it is funded by the high school, it is considered part of the high school, but with its own budget. There are about 25 students in the program right now, all different levels in high school. They also have a branch of that for the middle schoolers, that is called the Stars Program, but we didn't really dig into that. The students there—we have a little list—have been referred to the program because of a variety of reasons, varying from high absenteeism, which is what they said in there, and poor performance academically, for whatever reason. In sitting down with the students and talking to them about it, more than three-quarters of them said that, if it wasn't for this program, they probably would have dropped out of high school. So in presenting this to you, I just hope to show you how beneficial these programs can be. However, they do have faults. The students that graduate from the program graduate with a normal high school diploma, and to achieve that diploma, you have to have the same requirements of credits that we in the high school have, and that is 26 credits. The difference is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that their classes are all pass-fail. And I have—just personally, I have mixed emotions about that, because I just don't know—I won't get into that. But their classes are all pass-fail. They get a normal high school diploma. They are not always there for just four years. It varies. They can be there for five years, they can be there through the Stars program and the alternative program. There are three main teachers in the program. And what they were telling us was, and what you could see, is that it was designed as kind of a family-type of thing, where the teachers knew a lot about the personal lives of the students, and the students really liked that. If they didn't want them to know about their personal lives, they would usually leave. And one of the problems—because we also wanted to know what was wrong with the high school, what the students in the program didn't like about the high school. And a lot of what they said was how big it is. And, as you saw with the group that went before us, we do have a very big school, so you can get lost, in that you can slip through the cracks. If you need help and you don't go for it, it is not always given to you. And these people, they do come—the majority of them come from broken homes or dysfunctional families or things where they have a lot of problems, and are not getting the help that they need. And their teachers in the high school, they were saying, weren't always aware of that, and weren't really interested in that. So in the program, they work through things. The teachers are not only educators, but they are also kind of counselors and moms, and they give hugs and everything. We thought it was the coolest thing when we went over there. We didn't know what to expect, and we came back, and we were like: Oh, my God! We just couldn't believe it. But it does seem like a very close-knit thing. And the classes are constructed—they're offered as needed. Like if 15 of the students really need a Western Civ class that semester, that is what the teachers will do. Another problem that might be with the alternative program is, we found out that one of the teachers is only certified to teach—was it elementary English and social studies? And we didn't really know how that worked in. And I kind of had a problem with that; I don't know if Carlin and Katie did. But it seemed to work for them.

Congressman Sanders. Okay.

Bethany Wallace. That's basically the gist on the alternative programs. And we found that, especially with it coming from the students, it was really helpful, and they did a lot to keep the kids in school.

Congressman Sanders. Bethany, thank you. Katie or Carlin, are you going to go next?

Carlin Hebert. I focused more or less on extracurricular activities and how they affected dropout rate. And like the other group said, the extracurricular activities really are focused on a lot in our school. Many, many people play sports. Almost everyone participates in some way—drama, band, something. And we walked around and survived a lot of students, and a lot of them said they would be coming to school as often—you know, they just wouldn't enjoy it—if they couldn't then participate in something after school. It drew a lot of students towards the school, because they said, if it simply was. You come in, you sit down, you take the class, and then you leave and go home, there would be nothing in it for them. They just wouldn't enjoy it. And so we said it was maybe 55 percent, probably, said they never even would

consider dropping out. But there was a large percentage that did say that they just—without sports of some come short or activities, that they just—there would be nothing there for them to do. They don't enjoy classes, and basically that.

Katie Kevorkian. I focused on the pregnancy factor. And I'm going to start out with a little story that was told to me by the teachers in the Stars program, one of the teachers in the middle school program. She had a girl a few years ago who, at 13, became pregnant. And once that happened, she couldn't attend school anymore, she couldn't attend the Stars program, because, once you have a baby, you can't really do that. And she couldn't find childcare. She actually had twins at age 13, and the woman there was her teacher, who was trying to get her an education. She sent her to tutorial centers, she helped her set up childcare, but the girl apparently was very disagreeable with her childcare, and ended up taking her kids out of that. She is now 15, and she has missed so many credits that she cannot graduate high school at age 18, and, at 15, she was working on her GED. I interviewed people from two places, two area places, where pregnant teenagers often go. One was the Tristate Pregnancy Center, and they basically give out—they try to educate teenagers when they are pregnant, and show them their options. And then they work through another place I interviewed, Sunrise Family Resource Center, to help them get their GED and finish their education. Sunrise also does that. They try to provide childcare. They have programs such as Reach Up, which helps with—they try to get them some benefits. And the other one is—Can you let me see that? Vermont Homeroom. They try to get childcare and educate them. And pregnancy is a problem. It has gone down in the last ten years, but, in our community, it is still a huge problem. The rate is higher there than in any other place in Vermont. No, the rate is higher there than the rate in Vermont. Excuse me.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

#### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce a bill that will help alleviate a problem that has plagued the senior weather forecasters at the National Oceanic and Atmospheric Administration.

One of the most important missions NOAA undertakes is the accurate forecasting of weather phenomenon. Every highly specialized weather forecaster is responsible for everything from making landfall predictions of hurricanes along the Eastern Seaboard, to gauging wind conditions above fires and ensuring the safety of those trying to put them out. These forecasters, all of whom as GS-14 (or lower), nonmanagerial employees, often work weekends and late into the evening trying to give the most accurate information possible.

Unfortunately, many of the senior forecasters are under paid for the overtime they routinely put in. This bill seeks to alleviate that problem by standardizing the overtime pay system and giving the Secretary of Commerce

the flexibility to pay those forecasters who's duties, "are critical to the immediate daily operation of the forecast and warning responsibilities of the National Weather Service and directly affect public and aviation safety."

It is time that we started recognizing the important role that these forecasters play in terms of public safety and the health of our economy. By working weekends and nights, a forecaster may successfully predict the path of a storm and provide critical time needed to evacuate people and protect local businesses. I urge all of my colleagues to cosponsor this important legislation and to contact my office if they should have any additional questions.

#### APPROVING EXTENSION OF NON-DISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF THE SOCIALIST REPUBLIC OF VIETNAM

SPEECH OF

#### HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. WICKER. Mr. Speaker, I rise today in reluctant opposition to this resolution. While I have always been a strong supporter of free trade, I can not support expanding trade with Vietnam until the administration addresses a serious conflict between Vietnam and the United States catfish industry. Frozen fish fillets of an entirely different family of fish are imported and unlawfully passed off to customers as "catfish" in such large and increasing volumes that it threatens the future success of the American catfish industry.

American consumers are being defrauded into believing that they are receiving farm raised U.S. catfish instead of another species of fish raised along the Mekong River in Vietnam. Most of the Vietnamese fish are raised in floating cages and ponds along the Mekong River Delta, feeding on whatever floats down the river. Yet they are fraudulently marketing them as farm-raised grain-fed catfish. Since the Vietnamese do not place a high value on cultivating the fish in a controlled environment, their cost of production is much lower.

Importing interests of the Vietnam fish, searching for new markets, were allowed by the FDA to use the term "catfish" in combination with previously approved names. This has resulted in imports entering the U.S. in skyrocketing quantities and being fraudulently passed off to American consumers as "catfish."

It is unlawful to pass a cheaper fish species off as another species. There is evidence of widespread illegal packaging and labeling of the Vietnamese fish which violates numerous existing laws, including the Fair Packaging and Labeling Act, the Trade-Mark Act of 1946, the Customs origin marking requirements, and the Federal Food Drug and Cosmetic Act.

I understand that the bilateral agreement includes some trademark protection, but until importers are required to comply with current law, I do not think we can expect these protections to be enforced.

Since 1997, the total import volume of Vietnamese catfish has risen from less than 500

thousand pounds to over 7 million pounds in 2000. According to this year's recorded import numbers, imports are reaching levels of 2 million pounds per month and on target to reach over 20 million pounds in this year alone. As of May this year, Vietnamese imports of frozen fish fillets were equivalent to 20 percent of the sales of the United States farm-raised frozen fillets.

There are over 189,000 acres of land in catfish production, of which 110,000 are in my home state of Mississippi. U.S. catfish farmers produce 600 million pounds of farm-raised catfish annually and require 1.8 billion pounds of feed. This supports over 90,000 acres of corn, 500,000 acres of soybeans, and cotton seed from over 230,000 acres of cotton.

This very young industry has created a catfish market where none had previously existed. They have done this by investing substantial capital to producing a quality product which the consumer considers to be reliable, safe, and healthy. We can not allow unfair competition to destroy the livelihood of farmers, processors, employees, and communities which depend on the American catfish industry.

Before we expand trade relations with Vietnam, our two governments must resolve this issue in a way that ensures the quality and safety of Vietnamese imported fish products. The Administration must also enforce current law so that our American catfish producers are not unfairly put out of business. I am hopeful this issue can be resolved so that all Americans can enjoy the benefits of free and fair trade with Vietnam.

#### PROGRESS ON CURING PARKINSON'S DISEASE

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I am proud to come to the floor this evening to mark the fourth anniversary of the passage of the Morris K. Udall Parkinson's Research Act, an anniversary that occurred this week.

In 1999, along with my friends and colleagues, FRED UPTON, LANE EVANS, JOE SKEEN, MARK UDALL, TOM UDALL, and HENRY WAXMAN, I formed the Congressional Working Group on Parkinson's Disease. The Working Group strives to ensure that the nation's decision makers remain ever aware of the needs of the more than one million Americans struggling with the devastating disease of Parkinson's.

Four years ago this past Monday, Senator WELLSTONE was successful in adding the Morris K. Udall Parkinson's Research Act as an amendment to the Senate FY98 Labor-HHS Appropriations bill. Not surprisingly, the amendment was approved by a vote of 95-3.

Named for Arizona Representative Mo Udall to honor his legacy, the Morris K. Udall Parkinson's Research Act was originally introduced on April 9, 1997 in the House of Representatives. Mr. UPTON and Mr. WAXMAN were the bill's lead sponsors in the House,

with Senators MCCAIN and WELLSTONE sponsoring it in the Senate. In the 105th Congress, this bill, H.R. 1260, had 255 cosponsors in the House; I was a proud original cosponsor, too.

The Udall Act expanded basic and clinical research in Parkinson's Disease. It established Udall Centers of Excellence around the country and set up the Morris K. Udall Awards in Parkinson's Research to provide grants to scientists who are working to cure Parkinson's.

One of the eleven Udall Centers is located in the great city of New York. The Morris Udall Center for Parkinson Disease Research at Columbia University is doing innovative research, including identifying new genes that, when either expressed or suppressed, contribute to the degeneration of key nerve cells. The New York group is also investigating gender and ethnic differences in people with Parkinson's Disease. Notably, too, Columbia University's Dean of Medicine is the former Director of NIH's National Institutes of Neurological Disorders and Stroke, Dr. Gerald Fischbach. The work at this Udall Center, as well as Centers across the country, is leading to a better understanding of the brain and how this disease affects it. The groundbreaking research at the Udall Centers, as well as our nation's public and private sector research effort, will lead to better treatment and a cure for Parkinson's.

In this Congress, I will proudly join Congressman MARK and TOM UDALL and members of the Congressional Working Group to introduce a reauthorization of the Morris K. Udall Parkinson's Research Act. I urge all of my colleagues to join us in reauthorizing this important legislation.

In the spirit of Mo Udall's tenacity and strength of purpose, we cannot stop now. We must wholeheartedly support Parkinson's research until we find a cure!

As the President has said, we must continue on path to doubling the NIH budget by 2003.

In last year's appropriations, \$71.4 million of the NIH budget was designated for Parkinson's Disease research. But this is only year-one funding of the NIH's Five Year Plan for Parkinson's Disease Research. We have to remain vigilant and keep the pressure on.

Leading scientists describe Parkinson's as the most curable neurological disorder! That is why I urge my colleagues to support the second-year funding of the Five Year NIH Plan. Recent advances in Parkinson's Disease research have given us great hope that a cure is imminent. The science regarding Parkinson's has advanced to a stage where greater management and coordination of the federally-funded research effort will accelerate the pace of scientific progress dramatically. I ask all my colleagues to support NIH's research agenda by fully funding the \$143.5 million increase for FY02 in the Labor-HHS appropriations bill.

Secondly, we must continue to fund the U.S. Army's Neurotoxin Exposure Treatment Research Program. The research not only strives to improve the treatment of neurological diseases, but also aims to identify the causes of disease and prevent them.

I am heartened by the scientific progress being made. We are so close to a cure of this disease.

As you may know, this is a personal issue for many of us. Some of our colleagues are

struggling with Parkinson's or have family members who are living with this illness. My own father has been afflicted by Parkinson's. I have seen the impact of this disease first hand and have spoken to the experts. Professionals at NIH have said that this disease is curable within as little as 5 years. My government should be a part of that research.

Better treatment and a cure for Parkinson's Disease also depends on stem cell research. With further research into embryonic stem cells, scientists should be able to reprogram the stem cells into the dopamine-producing cells which are currently lost in Parkinson's Disease. President Bush's August decision to fund limited types of stem cell research is a small step forward for this life saving medical research, though a limited one indeed. The President's decision to permit research on existing cell lines, without allowing for the derivation of new cell lines, falls short in the eyes of many top medical researchers. Experts tell us that different cell lines hold disparate research and therapeutic potential, and elimination of federal funding for certain lines will hold major consequences. I am quite troubled by what Secretary Tommy Thompson said yesterday. He noted that less than one-third of the embryonic stem cells lines that President Bush and said were available for federally-funded research are fully developed and currently adequate for research. This is unacceptable. We must not tie the hands of the scientists.

So again, I urge my colleagues to support the scientists and the researchers who are battling this disease by providing the funding levels needed to cure Parkinson's. In addition, we must keep the pressure on the NIH to stay true to their Five Year Plan for Parkinson's Disease Research. Let this be the Congress that history points to that fulfilled the promise of the Udall Act and provided the unwavering support that led to an end to Parkinson's Disease.

#### HONORING IDA WELLS ON THE OCCASION OF HER RETIREMENT

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the many family, friends, and colleagues in paying tribute to an outstanding member of the New Haven, CT, community—Ida Wells. Ida is a tremendous individual who has shown an unparalleled dedication and commitment to our community and it is my privilege to honor her today as she celebrates her retirement from the Board of Commissioners of the Housing Authority of the city of New Haven.

Originally from Newark, NJ, Ida first came to New Haven from New York City only 16 years ago. In that time, she has developed a reputation as one of the leading advocates for public housing residents. Ida, a public housing resident herself, became active in her building as a way to fill her time. Prior to her appointment to the Housing Board of Commissioners, Ida served as Crawford Manor's tenant council president for 8 years. Even then, Ida was one

of the first people her neighbors turned to when they needed a strong voice on their behalf.

As a Commissioner, Ida's job has not always been easy. With tedious budget reviews and resolutions to consider, she has often said that at first she felt like she was in the middle of a three ring circus. Her fellow commissioners have described Ida as a calming force during tense meetings—always asking the sensible question, what will this do for the residents? While she may have looked like the mild-mannered patron of the board, Ida has been one of the most outspoken members when addressing the treatment of public housing residents, especially her beloved seniors. She has shown a remarkable dedication to her job and has done much to enrich the lives of many families and seniors. Most recently, Ida started a partnership with Yale University with the hope that the program will connect Crawford Manor residents with the rest of their community through neighborhood events and trips to the theater. Ida brought a wealth of knowledge to the board from her years of experience as a tenant—demonstrating a unique commitment to ensuring real change for her neighbors and fellow public housing residents.

After nearly two decades of service as a resident representative, you can be sure that Ida's retirement from the Board of Commissioners will not impede her from continuing to advocate for public housing residents. Though she will certainly be missed in her official capacity, I am sure her strong voice will continue to be heard. It is with the greatest thanks and appreciation for her outstanding service to our community that I stand today to honor Ida Wells on this very special occasion and extend my very best wishes to her for many more years of health and happiness.

VERMONT HIGH SCHOOL STUDENT  
CONGRESSIONAL TOWN MEETING

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I submit these statements to be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

ON BEHALF OF WILL BABCOCK—REGARDING  
TRADE SKILLS FOR YOUNG VERMONTERS,  
MAY 7, 2001

Will Babcock. Like I said, I'm Will Babcock, here representing Youth Build. Skateland, from Williston, got closed down recently. I'm trying to reopen it. I have plans to talk to J.D. Real Estate to see how much the lease per year is, and if I can get it cheaper for a youth organization. Because, let's face it: In Burlington, there is really nothing to do but play basketball, hang out

at the mall or hang out on the streets. So I think skating is a fun, healthy activity. It is a good thing to do. I'm in love with it, you know. Let's see. I have talked to everyone I can about it. That is why I'm here today, to see if I can get any help from Bernie or anybody with political power to get the ball rolling, get it open again. I've organized a skate club at school. I have got people at school doing it. All my teachers are interested in it. And, recently, to go roller skating, I've had to go to Latham, New York, three hours away. It is three hours away, four hours of roller skating, three hours back. Because, you know, I can't really afford a hotel room, so I have to come back the same night. I have talked to Pat McGirk, the guy that got the skate park down here by the waterfront started. I have been talking to him to see if I can get something going there. I would like to try and find some backers who think this is a good idea and want to help me get it going. I have gone to a couple of other meetings besides these, with churches and town halls and stuff. So it is getting around. People are starting to hear about it again. I'm hoping that it is more than just "hear," that people will start saying: "Yes, I'm going to help this kid do it. It is a good thing to do." Like I said, I have support from Youth Build, Middle Friend and Family, and everyone that roller skates, probably about a good 20, 25 of us. I need help in any way possible, so if you guys know somebody that can get into an idea like that or anything, you know, find out who I can ask for money, you know, for grants and stuff. Pretty much that's it. If you have any questions or anything.

ON BEHALF OF RICHARD WEST—REGARDING  
VOTING REFORM, MAY 7, 2001

Richard West. There has never been an event more politically controversial for this generation than the 2000 presidential election. As the weeks progressed after the election, millions of voters began to question the method for choosing the person who will become the leader of the free world. Is it fair? Is it accurate? Does it represent the people? In a nation where less than 50 percent of the population participate in electing their leader, questions such as these could alienate people who at one time considered voting from actually going to the polls. While many people addressed various means for fixing problems with the electoral process, no one has come up with a method that would allow for a smooth transition between the ballot box and the presidency. None of the methods I will outline below is a perfect solution, but each tries to maintain the tradition while minimizing the chances for errors or misrepresentation. Method 1, electoral vote splitting. For most of its existence, the Electoral College has not posed much controversy, but periodic elections have shown that even a system that works the majority of the time can have some basic flaws. Many of those problems stem from the winner-take-all nature of the Electoral College system, where a winner of the state gains all of the state's electoral votes, even if he wins only by a small popular margin. The 2000 presidential election in Florida, where both Bush and Gore received approximately half, 48.8 percent, of the electoral vote, is a prime example of how the Electoral College disproportionately favors the winner of a state over the loser. Electoral vote splitting is an excellent method for eliminating much of the sense of disproportionality. While the system preserves the winner-take-all tradition for most popular elections, it splits the electoral votes between the Republican and

Democratic candidates proportionally to the percentage of the popular vote if the race is tight. Figure 1, which you have a copy of in front of you—and, hopefully, everybody has a copy in the audience—shows generally how the process of electoral vote splitting works. Since this method only affects close elections, it is necessary to define what a "close election" actually is. A close election is when two primary candidates' popular vote percentages are within a certain predetermined range. In this formula, delta is the average of two candidates' percentages, the range is which the blue line in figure 1 is slanted. If the candidates fall within this range, then the number of electoral votes (E) received by each candidate is given by the equation  $E = (P - Ave)ET / 2 + \frac{1}{2}Et$ , where "E" is rounded, except when the vote falls within the error margin described below. If the candidates do not fall within this range, the number of electoral votes received by the winner equals the total electoral votes, and the number received by the loser equals zero. In either case, the sum of the number of electoral votes received by each of the candidates equals the total electoral vote (Et) of that state. One of the advantages of this method is that it takes into consideration the possibility of error or controversial votes. Many examples of controversial votes were exhibited in the 2000 Florida presidential election. A specific controversy was the sudden appearance of 19,000 votes that had previously been uncounted. These votes could have been legitimate or they could have been fraudulent. This method deals with situations like this similarly to New York election law. New York law states that, if there is a controversy over a certain number of votes, a candidate's winning margin must be greater than the number of controversial votes. Electoral vote splitting adopts this method by stating that if both fall within the margin epsilon, then the electoral votes are split equally, since it is impossible to determine a clear victor. Obviously, the electoral vote-splitting method is designed to accommodate two main candidates. The reason behind this decision is that, for the past 80 years, only two candidates (a Republican and a Democrat) have had a good chance of winning the presidency. While it is still possible to have three candidates in contention, it is unlikely this will occur. If this does happen, however, the electoral vote-splitting method will not work, unless Method 2 (outlined below) is also incorporated into voting reform. Method 2, "second candidate" or transferable voting. Ralph Nader's 2000 presidential campaign has been criticized as the cause of Gore's defeat in Florida. People believe that if Nader did not run, then his supporters would have supported Gore instead of them, and thus won Gore the election. Transferable voting, used in France and other European countries, would have given the option to voters of specifying a candidate for their second choice. If their first-choice candidate receives the lowest number of votes in a state election, he is eliminated, but his votes are transferred to the second-choice candidate specified by his supporter's ballots. The votes are recounted, and the process continues until there are only two remaining candidates (see figure 2, which is in the speech). It is these candidates who would then receive the electoral votes through the electoral vote-splitting method. Method 3, bubble and double-blind voting. There have been many claims that much of the controversy surrounding the 2000 presidential elections in Florida was caused by voters not

understanding the "complicated" punch-card ballot. While most of these claims were made by angry Gore supporters, there are cases where these ballots are difficult to read. For instance, if you are elderly and have poor eyesight, it might be difficult to align a name to a punch hole. To eliminate, or at least reduce, the number of errors caused by misreading ballots, a simple ballot and a checking system needs to be implemented. One possible ballot style could mimic the SAT bubble answer sheets, formerly called Scantron sheets. Each candidate's name and party is listed next to the bubble that has to be filed for that candidate. These ballots would then be read by a bubble reader, and the votes tallied. Not only would the system be accurate, it would also allow for quick recounts. Granted, the method is similar to the optical vote-o-matic system, but the College Boards have been using bubble sheets for years without any major problems, unlike the optical vote-o-matic system, which has been proven inaccurate by research presented in the Bush v. Gore U.S. Supreme Court case. To increase voter confidence that their vote will be counted correctly, a system of double-blind checking should be established. The voter would first pick up a ballot and vote, then scan it through a machine within the voting booth that tells the voter the candidates they chose. If the ballot is correct, the voter places it in the ballot box; if not, the scanning machine marks it "void," and the voter goes to be issued a new ballot (the old ballot serving as proof that they are not voting more than once). Since many states feel their voting machines cause no problems, there is no immediate justification for the expenditure of money to replace working machines. As such, the federal government should provide the money necessary for the implementation of a nationwide standard of voting and double-blind checking, and make each state upgrade its equipment so that it meets this standard for any federal election. This would be expensive, at first, to implement, but, in the long run, it will cut back on the number of problems that are caused by outdated equipment, and it would save on costs of staff needed to count and recount ballots. While none of these reform methods can be implemented overnight, by the 2004 presidential election, it should be possible to have at least a nationwide voting standard in action that allows for double-blind checking. As for electoral vote splitting and transferable voting, these methods would be harder to implement. While both of these methods are fair and relatively easy to incorporate into the voting process, they would require a small leap of faith by conservative Americans who maintain that the system is extremely good as it stands. This statement is true, but the U.S. electoral system has not changed much over the past 225 years, and thus little is done to correct flaws exposed periodically. If these reforms had been in place for the 2000 presidential election, the entire controversy in Florida never would have occurred, and Al Gore, the popular victor, would have won the presidency, 272 electoral votes to 266 votes. Thank you very much.

TRIBUTE TO HARRY PREGERSON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an exceptional individual, Harry

Pregerson. He is not only the oldest active Judge of the United States Ninth Circuit Court of Appeals and a man of legendary accomplishments, he is a good friend whose wise counsel I rely upon. I am pleased that he will be honored by the San Fernando Valley Bar Association on September 29, 2001, with the prestigious Stanley Mosk Legacy of Justice Award.

Judge Pregerson began his legal career, after graduating from Boalt Hall Law School, in private practice. In 1964, he was named to the Los Angeles Municipal Court and subsequently to the Superior Court. In 1967, President Johnson appointed him to the United States District Court for the Central District of California. Later, Judge Pregerson was named to the Ninth Circuit by President Carter. Each of these prestigious appointments were a direct result of his hard work, talent and dedication. During these years, he garnered an impressive reputation and earned the respect of his colleagues.

In addition to his judicial career, Judge Pregerson has been a longtime advocate for the homeless, especially homeless veterans. He has overseen the construction of thousands of dwelling units for homeless veterans in Los Angeles County. In 1988, Judge Pregerson started the Bell Homeless Shelter, a shelter which today provides a full array of social services to homeless individuals in East Los Angeles. Recently, he helped bring together local law enforcement authorities, judges and county officials to create a new program that assists veterans convicted of minor violations complete a rehabilitation program and return to a productive life. His special affinity for helping veterans probably comes from his own distinguished military service. He himself is a war veteran who was seriously wounded in the battle of Okinawa during World War II.

The San Fernando Valley Bar Association's recognition of Judge Pregerson is not surprising since the event commemorates commitment to the legal profession and the public. Judge Pregerson's distinguished service on the Ninth Circuit Court of Appeals and numerous public service projects clearly demonstrate his very strong commitment to the law and the community.

It is my distinct pleasure to ask my colleagues to join with me in saluting Judge Pregerson for his outstanding achievements, and to congratulate him on receiving this prestigious award.

APPROVING EXTENSION OF NON-DISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF THE SOCIALIST REPUBLIC OF VIETNAM

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 6, 2001

Mr. RILEY. Mr. Speaker, I rise to bring attention to an increasingly serious problem affecting the public trust and truth in advertising. Today as we debate H.J. Res. 51, to approve

the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam, I wish to make my colleagues in the House aware of the misleading marketing of the Vietnamese basa fish as catfish.

Alabama, Mississippi, Arkansas, and Louisiana farmers who endured, and continue to endure, the significant capital risk and time investment to raise catfish—notice I use the term catfish—should not be made to compete with a foreign product bearing no similarity to North American catfish. Vietnamese Pangasius, also known as the basa fish, has flooded the American market and now accounts for 20% of all catfish sold in the United States. This basa fish, however, is not catfish yet it is labeled catfish and even bears the industry logo.

American catfish farmers, who have worked for over a quarter of a century and spent half a billion dollars in research and development, deserve better. They deserve the assurance that their government will take the steps necessary to ensure their product retains the public trust and is not compromised in any way. Similarly, when a consumer purchases catfish they have the right to expect they are purchasing grain-fed, pond-raised North American freshwater catfish. The basa fish, however, is not grainfed, nor pond-raised, neither is it the American species.

Mr. Speaker, I ask that my colleagues carefully consider the erroneous marketing of basa fish before reaching any decision on extending nondiscriminatory treatment to the products of Vietnam.

IN RECOGNITION OF OPPORTUNITY, INC. ON THEIR 25TH ANNIVERSARY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. KIRK. Mr. Speaker, I am honored to recognize Opportunity, Inc. an exceptional organization located in Highland Park, Illinois. This extraordinary enterprise is a fine example of the initiative needed to help more people move from welfare to work allowing them to pursue the American dream.

Opportunity, is a not-for-profit contract manufacturer that employs over 125 persons, most of whom have developmental, physical and/or emotional disabilities. Founded in 1976, the company's mission is both to provide a mainstream plant environment in which "Handicapable" people can reach their full potential by working and earning a paycheck and to provide customers such as Baxter International, Allegiance Healthcare, Searle, Gerber, UreSil, and Medline with the best possible service.

As everyone understands, budget constraints compel us to look for ways to effectively address important needs without government subsidies, and Opportunity is leading the way in this regard. A model of community response, entrepreneurship, and innovation, the company demonstrates how competitive and productive "Handicapable" employees can be.

When I visited Opportunity, I learned that it's business success, while impressive, pales in significance to the positive contributions it has made to its employees' lives. I experienced firsthand how proud, dedicated and competitive they are. Clearly, Opportunity is an organization that lives up to its name.

Mr. Speaker, I am proud to represent a congressional district that includes enterprises of this caliber. It is my pleasure to salute the employees, management and directors of Opportunity as they celebrate their 25th Anniversary on September 15, 2001 at a gala dinner with Harry M. Jansen Kraemer, Jr., Chairman and CEO, Baxter International.

#### HUMAN CLONING PROHIBITION ACT OF 2001

SPEECH OF

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 31, 2001*

Mr. MOORE. Mr. Speaker, I rise to make clear my concerns about the legislation before us today.

I absolutely oppose the cloning of human beings for any purpose. Even the thought of human cloning is immoral, unethical and repugnant. I am concerned, however, that in our zeal to outlaw this abominable practice, we have overstepped necessary prohibitions and have acted to stop lifesaving research before it even begins.

Today the House has failed to make the important distinction between reproductive cloning that creates a human being and the use of cloning research technology that does not create a human being. An outright ban on such research technology, which scientists believe can lead to treatments or cures for currently deadly diseases, is shortsighted in the extreme.

Even more disturbing, H.R. 2505 goes further to ban the importation of any therapies created from cloning research technology. This means that any product or therapy developed anywhere in the world using this technology, could not be used by American patients. Consider for a moment a cure for Parkinson's, diabetes or ALS developed in the United Kingdom using cloning research technology—Americans would be banned, under penalty of prison and a \$1 million fine, from using that therapy. That is wrong.

Today, I supported an alternative that would have banned reproductive cloning while specifically protecting therapeutic research cloning by maintaining the status quo—private, strictly regulated research. This alternative, offered by Representative GREENWOOD, would have allowed scientists to pursue promising research that could show how to create stem cells from a person's own DNA, avoiding problems with immune system rejection. The alternative would have allowed scientists to study how stem cells become specialized, and thus provide insight into the mechanisms responsible for abnormal cells that result in some cancers and birth defects. It would have allowed research into how cells age and are regulated, potentially leading a treatment or a cure of

Alzheimer's, Parkinson's and other degenerative diseases of the brain or spinal cord. Unfortunately, this alternative failed.

The opportunities at the doorstep of medical research are unparalleled in our history. H.R. 2505, although well intentioned, simply goes too far.

Mr. Speaker, it is possible to ban human cloning without stopping lifesaving research and that is what this House should do.

#### THE REVEREND FATHER ROBERT E. NILON, S.J.—A LIFETIME OF DEDICATION

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to honor the achievements of Reverend Robert E. Nilon, S.J. of Miami as a dedicated Jesuit for sixty years. He has faithfully served parishioners in Alabama, Florida and Louisiana as a Parish Priest. Father Nilon was ordained to the priesthood to follow in the steps of St. Ignatius of Loyola on June 16, 1954.

Reverend Nilon has accepted various Florida assignments. Several locations include GESU Church in Downtown Miami, St. Ann's Church in West Palm Beach, St. Mary's Church in Key West, and is currently serving the Sacred Heart Church in Tampa, Florida as Parish Priest and Hospital Chaplain.

The Jesuits are not in pursuit of personal fame when accepting assignments as needed in the home or mission field. However, occasionally there are opportunities to do great things. One of Reverend Nilon's most memorable occasions took place in Rome in 1999 when he celebrated Mass in the company of His Holiness, John Paul II, who was celebrating the 400th Anniversary of the Jesuits.

His work is an inspiration to others in our community and will set a precedent for societal advancement. As a parish priest and pastor, he has demonstrated a strong commitment to others that proves to be an affirmable resource for the community.

Father Nilon will be honored on August 12, 2001 at the GESU Church where a Mass of Thanksgiving will be presided by Archbishop John C. Favalora. We congratulate Father Nilon for his outstanding contribution to our community and wish him all the best in health and continued prosperity.

#### TRIBUTE TO THOMAS CHEATHAM, JR.

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. THOMPSON of Mississippi. Mr. Speaker, I stand today to pay tribute to Mr. Thomas Cheatham, Jr., a native of Benton, MS. After a long and distinguished career of public service, Mr. Cheatham announced his retirement on June 30, 2001.

Mr. Cheatham was a dedicated employee of the State of Mississippi for 27 years with tenures at both the Department of Public Safety, Motor Vehicles Division and as a tax collector with the Mississippi State Tax Commission. Prior to this, Mr. Cheatham served in the military for 28 years with the Mississippi National Guard, where the qualities of dedication and punctuality were instilled into him. These traits followed him throughout his career, evidence in the fact that he was always on time for work.

Although Mr. Cheatham enjoyed his time with the State his real passion was coaching little league baseball. He spent 37 years coaching the Grove Park Royals, an eight to twelve age team, in Jackson, MS. As leader of the team, Mr. Cheatham enjoyed many successful seasons, this past year going 19 and 1. He was instrumental in the development of many young individuals on and off the field. He has also been fortunate enough to see several of his players eventually go on to play Major League Baseball.

Mr. Cheatham will be missed by a lot of people at work, but if anyone is more deserving of retirement it is him. He should be commended because he is truly a modern day "role model," displaying the characteristics of integrity and commitment for all to admire.

#### PROGRESS ON CURING PARKINSON'S DISEASE

SPEECH OF

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mrs. MORELLA. Mr. Speaker, as a member of the Congressional Working Group on Parkinson's Disease, I rise today to recognize the fourth anniversary of the passage of the Morris K. Udall Parkinson's Research Act.

I was so very honored to be an original cosponsor to this legislation, named for Arizona Representative Mo Udall.

This landmark legislation expands basic and clinical research in Parkinson's Disease and establishes Morris K. Udall Centers, for awards for Excellence in Parkinson's Disease Research.

Today I express my full support for a continuation of Parkinson's Disease research.

Approximately, 1,000,000 Americans are afflicted with Parkinson's, with 60,000 more diagnosed each year—one every nine minutes.

Approximately 40% of those afflicted are under the age of 60, effectively removing them from the work force.

Parkinson's is the biological opposite of Alzheimer's disease: while Alzheimer's destroys the mind, leaving the body intact and functioning, Parkinson's destroys the body's ability to function, taking away the physical abilities necessary to daily life while leaving the mind prisoner inside the body.

Mr. Speaker, it is my hope as science moves forward, especially in the area of stem cell research, which holds hope for the millions with Parkinson's that a cure will be found soon, and that the legacy of Mo Udall will live forever.

JOHN RANDOLPH, JR., HONORED

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the selection of John M. Randolph, Jr., C.P.A., as 2001 Community Leader of the Year by the Northeast Branch of the Arthritis Foundation. Mr. Randolph will be honored with a dinner on Sept. 13.

A well-respected business leader, John Randolph has also devoted countless hours to improving the community of Northeastern Pennsylvania. He came to Wilkes-Barre in 1959 to attend college and made the Wyoming Valley his home. A frequent speaker for professional and community service groups, John has often shared his financial expertise with the community. The list of his personal and professional affiliations and memberships is long and impressive.

King's College, from which he graduated with a bachelor of science in accounting in 1963, has benefited greatly from his service. He has served on the college's board of directors since 1992, served as vice-chairman of the board since 1996 and chaired the Jubilee Capital Campaign that raised approximately \$21 million over four years. King's awarded him the Kilburn Medal in 1999 for extraordinary service to the college.

He has also been honored with the Annual Trustee Award by College Misericordia, where he served as chairman and vice chairman of the finance committee. He has also served on the board of directors at Keystone College and on the President's Council at Wilkes University.

Mr. Randolph also was admitted to the Northeastern Pennsylvania Business Hall of Fame by Junior Achievement of Northeastern Pennsylvania and was awarded the prestigious Annual Community Service Award by B'nai B'rith.

Additionally, he serves on the boards of directors of the Greater Wilkes-Barre Chamber of Business and Industry, where he chaired the Project 2000 Task Force, and the Luzerne Foundation, of which he is also treasurer. He has also served as an elected member of the Council of Pennsylvania Institute of Certified Public Accountants and as a member of the Group B Advisory Council of the American Institute of Certified Public Accountants.

Mr. Speaker, as indicated by his peers' selection of him for leadership roles, his professional achievements are impressive. He co-founded Parente, Randolph & Co., now known as Parente, Randolph P.C. and was instrumental in the planned growth of the firm to 10 practice offices with revenues in excess of \$25 million. When he retired from the firm in 1995, it was ranked as the 20th largest firm in the United States.

From 1995 to 1996, he served as senior executive vice president and treasurer of the Wyoming Valley Health Care System. Since that time, he has served as chairman of the board of directors and chief administrative officer of MotorWorld Automotive Group, Inc., as

**EXTENSIONS OF REMARKS**

well as a special consultant to a variety of regional businesses.

John Randolph also served the nation as a member of the military for six months in 1964. He and his wife, Sharon, were married the following year. They have two grown sons, John III and Scott.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the achievements and good deeds of John M. Randolph, Jr., and I wish him all the best.

**HONORING NASHVILLE METROPOLITAN PARK SYSTEM FOR 100 YEARS OF SERVICE TO TENNESSEE RESIDENTS**

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. CLEMENT. Mr. Speaker, I rise today to honor the park system of Nashville, Tennessee, on its 100th Anniversary of existence.

The Metropolitan Board of Parks and Recreation, under the direction of Mr. James H. Fyke, currently oversees parks, historic sites, community centers, greenways, art galleries, golf courses, swimming pools, senior centers, and numerous other facilities which add to the quality of life for the 5th Congressional District of Tennessee.

Mr. Fyke and his staff are ardent supporters of the community by offering professionalism and vision as the parks system makes the transition into the 21st Century. The continued support of the Nashville Metropolitan Government over the years has been a crucial factor in the upkeep and maintenance of these properties, which benefit so many Nashvillians.

The Tennessee General Assembly approved legislation to enact and charter the Nashville Park System on April 13, 1901. That same year Mayor James Head appointed five individuals to the very first City Park Commission. On their first meeting, April 16, they began work with one mule, a handful of employees, one park, and no financial support whatsoever.

Nashville's first official park was Watkins Park, followed by Centennial Park in 1902. By 1903, the City Park Commission had an annual operating budget of \$25,000, and employed Robert Creighton as the first Superintendent of Parks.

It wasn't until 1912 that additional parks were added to the system. These included Hadley and Shelby Parks. The first community center was added to Centennial Park just four year later, while the first public golf course opened in Shelby Park in 1924.

One of the crown jewels in the Nashville Park System is the Warner Parks, which the city acquired in 1926. To date the Warner Parks, located at Old Hickory Boulevard near Bellevue, offer 2,681 acres of natural beauty for the public to explore and enjoy, along with a Nature Center, picnic area, two golf courses, hiking and driving trails, and much more.

Another significant landmark belonging to the Nashville Park System is the Parthenon, the only full-scale replica of the original in ex-

istence. It was originally created as a temporary structure for the Tennessee Centennial Exposition in 1897, reflecting the city's nickname as "The Athens of the South". It was rebuilt during the 1920s and officially re-opened its doors to visitors from around the world during the 1930s. The structure is nearing the conclusion of a \$13 million renovation and today houses many of the city's official art collections, while hosting visiting artwork from around the world. It is also the home to Athena, a 42-foot statue said to be the tallest indoor sculpture in the Western World.

The 1940s saw construction of the first gymnasium in Elizabeth Park Community Center and the first running of the Iroquois Steeplechase in Percy Warner Park. As the Park System celebrated its 50th Anniversary in the 1950s, the Cumberland Golf Course opened its doors as the first black golf course. However, by the end of the fifties segregation of Nashville's golf courses ceased for good.

The Metropolitan Board of Parks and Recreation as we know it today, first met on June 5, 1963. By 1976 the parks system had earned for itself an outstanding reputation and as such was selected as the most outstanding local agency in the United States. The seventies saw much activity as Greer Stadium, home of Nashville Sounds baseball, Fort Negley Park, Ice Centennial ice rink, Wave Country, and Hamilton Creek Sailboard Marina all opened to the public under the direction of newly appointed parks director Jim Fyke.

The now popular Riverfront Park was added in 1983, which has become the site of the city's annual Independence Day Celebration and numerous concerts and festivities. During the 1990s the following additions were made to the Nashville Parks System—the Centennial Sportsplex opened, the Metro Greenway Commission was created, Ted Rhodes Golf Course re-opened, Grassmere Wildlife Park was acquired, Metro Parks received the largest land donation in its history of 1500 acres, Shelby Bottoms opened, the Predators Ice Practice Facility opened, and many other improvements were implemented.

Most recently the parks system dedicated the new McCabe Golf Clubhouse and the VinnyLinks First Tee Golf Course and Learning Center in Shelby Park in 2000. Also, the countywide parks/greenways master plan will offer numerous improvements well into the 21st Century.

Today Metro Parks celebrates 100 years of existence with 93 parks, 9,350 total acres, 450 year round employees and 350 seasonal employees, as well as, 173 tennis courts, 85 ballfields, 14 swimming pools, 25 community centers, and 7 golf courses. The system also offers a sailboat marina, a wave action pool, 2 indoor ice rinks, 2 indoor tennis centers, a zoo, a nature center, a children's museum, a countywide greenway/trail system and a professional baseball stadium.

Metro Parks is to be commended for its legacy of excellence and service to the Nashville/Davidson County community for the past 100 years. May it continue to grow, prosper, and impact our region in the 21st Century. Mr. Speaker, I yield back the balance of my time.+

**16740**

COMMEMORATING THE LIFE OF  
THE HONORABLE FLOYD SPENCE  
OF SOUTH CAROLINA, 1928-2001

**HON. VAN HILLEARY**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. HILLEARY. Mr. Speaker, I rise today to pay tribute to the life and public service of a great advocate for our nation's defense, a true gentleman in the finest Southern tradition, and my good friend, Floyd Spence.

For those of us who knew him only later in life, it may come as a surprise that this gentle soul spent his early life as a terror on the gridiron at Lexington High School and the University of South Carolina. It's less of a surprise that he had a distinguished 36-year career in the U.S. Navy and Naval Reserve, because his knowledge of our nation's military was rivaled only by his deep affection for it.

Mr. Spence was a leader with the courage of his convictions. He became a Republican in 1962, when Republicans in the South were still a rare commodity. That party switch cost him his seat in the South Carolina House of Representatives, but the people of South Carolina came to respect his courage and shortly thereafter sent him to Congress in 1970. By the time I first came to Capitol Hill in 1994, Southern Republicans had become relatively commonplace. That happened because people like Floyd Spence followed their conscience and accepted the consequences willingly.

When I met Floyd, he was then the newly installed Chairman of what was then called the House National Security Committee. He handled his considerable responsibility with grace and dignity, displaying fairness to all members, regardless of party, and showing considerable patience with us freshmen who showed up full of enthusiasm but short on experience.

Chairman Spence knew that freedom isn't free and deeply believed that lasting peace could best be achieved through unquestioned strength. He pushed for better funding for training, modernization, readiness and quality of life initiatives. His leadership was instrumental in finally stemming the tide of declining defense budgets and placing our military on the road to recovery. The soldier enjoying his new pay raise, the military families moving into improved post housing, the pilot stepping into a much-needed new fighter jet—each of these people, and many others, can thank Floyd Spence for fighting for them. We would be well-advised to continue along the path to recovery that this remarkable man worked so hard to put us on.

An old historian once noted that, "Great men are not often good men." Well, Floyd Spence was certainly both. Those of us who have had the great opportunity to know him are far better for the privilege.

**EXTENSIONS OF REMARKS**

TRIBUTE TO SISTER MIRIAM  
THOMAS, S.C.

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. SERRANO. Mr. Speaker, I proudly rise today to pay tribute to Sister Miriam Thomas, S.C., a phenomenal individual who has devoted her life to enhancing the lives of others. After her 50 years of ceaseless work to educate and counsel others, and improve the communities she lives in, I take great pride in honoring Sister Thomas's 50th anniversary of service to God and humanity with this congressional tribute.

Sister Thomas was born and received her early education in South Brooklyn. Upon graduation from high school, Sister Thomas answered the calling to devote her life to God. At age 18 she entered Sisters of Charity where she received an invaluable theological education as well as a degree from Mount Saint Vincent College in the Bronx. Once she professed her vows, Sister Thomas brought her newly-honed ministry skills to Ascension Grammar School in Manhattan, where she remained for 8 years. She then relocated to Ponce, Puerto Rico where her education was enriched at Catholic University. At this point, with more years of training and instruction, she was ready to take on the South Bronx. There, she was assigned to St. Athanasius Parish where she has shared her gift of easing souls and invoking smiles for the past 39 years.

Mr. Speaker, in 1972, Sister Thomas, along with her neighbors, heard that a woman who served as the administrator of Simpson Street Development Association was murdered while on the job. Courage and an unfaltering sense of devotion allowed Sister Thomas to stand up and fill this important position. There, with a tireless and supportive staff, Sister Thomas works miracles daily by providing social services and emotional guidance to people in need. Beyond these commitments, Sister Thomas also sits on the South Bronx Community Board 2 as chairperson. Her involvements in other community-based organizations are too numerous to mention. She says that her ceaseless community involvement was inspired by Father Louis Gigante, a visionary and dear friend.

Sister Thomas's ability to take the Gospel and translate it into language that speaks to the hearts and souls of nearly every St. Athanasius parishioner, has made her a priceless component of many people's spiritual and earthly lives. I am not the first to recognize her contributions, of course. Of the many rewards Sister Thomas has received throughout her years of service to the Church and humanity in general, she most treasures being named a Sister of Charity and her acceptance as a resident in the Hunts Point Community of the South Bronx.

Mr. Speaker, I have the privilege of representing the 16th district of New York where Sister Thomas practices her faith each and every day and I am truly delighted to acknowledge her today. I ask my colleagues to join me in honoring this remarkable woman.

*September 10, 2001*

TAIWAN AND THE UNITED  
NATIONS

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. HINCHEY. Mr. Speaker, as the United Nations General Assembly prepares to convene on September 11, I believe it is appropriate to recognize the achievements of Taiwan. Over the past several years, Taiwan has established itself as a world economic power and a stable political presence in Asia. Since the passage of the Taiwan Relations Act in 1979, the United States and Taiwan have developed a strong friendship and understanding of each other.

Most importantly, Taiwan is a thriving, multi-party democracy. Its leaders have successfully confronted the most difficult moment emerging democracies face: turning over offices to others when their own party loses. They have allowed open competition for office, and encouraged public discussion on the full range of issues that face Taiwan. It is clear that the people of Taiwan have the right to determine their nation's future.

Unfortunately, at a time when Taiwan's example and its assistance could be most beneficial to the world community, it continues to be isolated from that community. Restoration of its membership to the United Nations would end that isolation. As new democracies emerge, I am convinced that the world could greatly benefit from the counsel of a nation that has recently transformed itself into a democracy.

**DEFENSE PRODUCTION ACT**

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. PAUL. Mr. Speaker, when the Defense Production Act was enacted in 1950, considerable damage was done. Some of the worst damage occurred as a result of wage and price controls and the improper delegation of economic powers to the President (much of which economic power even Congress itself didn't have).

This bill's entire existence rests on the presumption that its supporters have absolutely no confidence whatsoever in either freedom or the market process. In a time of crisis, you don't need an "industrial policy" and you don't need some fascist or corporatist variety of socialism. What one needs more than ever in a time of crisis is the market—deviation from the market process is the worst thing an economy can do. Oftentimes, it's the "industrial policy" which is the very cause of the economic crisis one hopes to remedy with yet another round of "industrial policy" intervention.

We have an energy crisis in California created by the bureaucrats and the politicians. As prices skyrocket and a crisis is declared, it is later said that prices are now down and there's less of a shortage or crisis. But it's the market process that worked because the

prices skyrocketed rather than skyrocketing prices becoming the justification for abandoning the market process.

Of course, if one likes socialism and rejects the notion that freedom works, this type of an Act and improper of delegating and centralizing such powers is ideal. But why accept the notions of socialism when you really need an economy to provide products and services in the nation's time of most dire need? This whole notion that the powers in this bill should be illegitimately granted to a President and then turned over to the head of FEMA is potentially one of the most dangerous things this body will ever do (or continue doing).

Mr. Speaker, I encourage the members of this body to begin thinking about the amount of false hope they place in the centralization of power in the hands of a central-planners and reconsider their apparent lack of confidence in the market process and a free society. I encourage a strict adherence to market principles and strongly oppose H.R. 2510.

#### THE HISTORY MUSEUM OF SPRINGFIELD AND GREENE COUNTY

#### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. BLUNT. Mr. Speaker, I rise today to honor an institution which for a quarter of a century has served an invaluable role in preserving and remembering our Southwest Missouri history and heritage.

Twenty-five years ago The History Museum of Springfield and Greene County was created in honor of the Bicentennial of our great nation. The citizens of Springfield and Greene County established the museum to educate others about the area's culture and open a new window on the history of day-to-day life in the region. A key local education resource was born.

Teachers and other educators in Southwest Missouri have been blessed to have such a historical museum readily available. Over the years it has become a favorite field trip destination, permitting thousands of young minds to experience some of the culture that nurtured their parents and grandparents as well as other generations before them. Many educational trips have been hosted by The History Museum for Springfield and Greene County. The Museum, founded and guided in its early years by Springfieldian Kitty Lipscomb, is also a place of remembering and learning for adults too.

The museum is a storehouse of knowledge about past experiences which helped shape our families, neighborhoods and communities and are still molding us as a society today. It reveals the common threads that bound neighborhoods and communities together in past generations. Capitalism, Democracy, Liberty and Faith were the core values that stirred our imagination and gave birth to America's work ethic, innovation, and self betterment through a commitment to education, and personal independence. Each of these qualities is on display at the History Museum for Springfield

and Greene County in vintage photographs, clothing displays, maps and documents depicting how our communities grew and developed. With its home on the top floor of the Springfield City Hall, the Museum has dedicated itself to the reflection of our past with an eye toward our future.

This superb facility gives us the opportunity to memorialize our own stories of accomplishment, development and expansion as well as documenting how we overcame challenges and disagreements. Individuals, neighborhoods, community leaders and institutions joined together to forge a strong, diverse economy and society in the Ozarks.

I'm confident that my Colleagues join with me in expressing our thanks to the vision and foresight of community leaders a quarter century ago. Because of their dedicated work, the residents of Southwest Missouri have had a place where they can go to rediscover the roots of our past and benefit from lessons for the future.

#### CELEBRATING THE GOLDEN ANNI- VERSARY OF THE ORANGE COUNTY RESCUE SQUAD, INC.

#### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. CANTOR. Mr. Speaker, I rise today to recognize the Orange County Rescue Squad, Inc.'s Golden Anniversary. The Rescue Squad began serving Orange County, Virginia in June 1951 and was officially chartered September 1, 1951.

The Orange County Rescue Squad's 50 years of service is a remarkable accomplishment. Many dedicated men and women of Orange County have volunteered their time over the past 50 years to provide critical care to the citizens of the county. The Rescue Squad's generous service is invaluable and something for which we are all extremely grateful. I am honored that such a remarkable organization resides in the seventh district of Virginia.

Mr. Speaker, please join me in congratulating the Orange County Rescue Squad, Inc. for its 50 years of service.

#### MORTON MARKS

#### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. TANCREDO. Mr. Speaker, Coloradans are fortunate to have a man like Morton "Mort" Marks and his wife Edie as members of our community and civic leaders. Mort was born in Washington, DC, and the political genes that accompanied him from his birthplace were never lost.

After graduating from Columbia University, Mort fought in World War II, and bravely participated in the Battle of the Bulge. When he returned from Europe, Mort cultivated his interest in politics, which began to climax when he became a field director and delegate for Ron-

ald Reagan's presidential campaigns, and then a delegate to the Republican National Convention for the Bush/Quayle campaigns.

Coloradans have also benefited from Mort's vast political experience as he has worked or volunteered for Governor Bill Owens, Senator Bill Armstrong and Representative-Elect Jack Swigert, the first person elected to represent Colorado's Sixth Congressional District.

Mort currently writes for several local publications, including the Villager newspapers, Colorado Expressions, and the Colorado Statesman, and has won awards for his writing from the Colorado Press Association.

He and his wife have two lovely daughters, Lori Marks and Elise Marks Grutch.

Thank you, Mort, for everything you have done for your state and your party.

#### HONORING NELSON C. WESTBROOKS, JR.

#### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. KINGSTON. Mr. Speaker, I rise today to pay tribute to a great man from my district who was recently honored by a society of his peers. At their annual meeting and convention in San Antonio, Texas, the Georgia Society of CPAs gave Nelson C. Westbrook, Jr. their highest honor, the 2001 Merituous Service Award. Please include in the CONGRESSIONAL RECORD a copy of an article from a local newspaper, The Harbor Sound, recounting all of Mr. Westbrook's hard work and service to the people of Georgia. Certainly his dedication is an example for all to follow.

[From the Harbor Sound, July 24, 2001.]

GEORGIA SOCIETY OF CPAs PRESENTS HIGHEST  
AWARD TO NELSON C. WESTBROOKS JR.

Nelson C. Westbrook Jr. was presented with the 2001 Merituous Service Award on June 29 at the Annual Meeting and Convention in San Antonio, Texas. This is the highest honor the Society bestows on one of its members.

Born and raised in Georgia, Westbrook attended Glynn Academy and received his B.B.A. from the University of Georgia in 1949. He was a member of Delta Tau Delta fraternity and served as treasurer for three years. He received his CPA certification in 1963.

Westbrook served in the Navy in Japan during World War II and served in the Army during the Korean Conflict. Upon completion of his military service in 1952, he worked for Edward R. Gray Jr., CPA, in Brunswick, Georgia. In 1956, the practice was acquired by Nickerson & DeLoach, which went through several name changes and is currently Moore Stephens Tiller, LLC. He became a partner in the firm in January 1964. Westbrook retired as partner in December 1992, and continues to serve as a consultant.

An active member of the Georgia Society of CPAs since 1955, Westbrook is currently a member of the Brunswick Chapter (originally the Waycross Chapter). He serves the chapter as vice president and was president in 1966-67. He served the Society on numerous committees and as a director, vice president (1979) and treasurer (1968-70). As chair of the Ethics Committees in 1974, he was instrumental in leading a group that took action on ethics violations, and turned the

membership once more to a respect for the ethics of the profession. For his services as chair of the committee, Westbrook was awarded with Society's Distinguished Member Award for 1974-75. In 1988-89, he was recognized for his outstanding service to the Society through involvement in local chapters and statewide activities. In 1992, the Brunswick Chapter recognized him for his outstanding contribution to his profession, his community and to the Society.

Westbrook served as chair of the Society's Governmental Accounting and Auditing Committee and is still active on the committee. He is a member of the AICPA and is a charter member of the Georgia Government Finance Officers' Association.

Active in local affairs, Westbrook has served as director of the Brunswick Jaycees; president of the Kiwanis Club of Northside Brunswick; Lieutenant Governor of Division IV of the Kiwanis of Georgia; member of the Coastal Georgia Community College Business Advisory Board; life member of Coastal Georgia Historical Society; director of Glynn County Heart Association; treasurer of the Glynn County Chapter of the University of Georgia Alumni. Mr. Westbrook was one of the organizers of the Old Town Brunswick Preservation Association in 1975, where he served on the Board and as treasurer. He also served as treasurer of the Brunswick-Glynn County Quarterback Club. He was one of the founders of the Tuesday Child Fiesta in Brunswick, which raised money for the Glynn Peyton School for children with disabilities. He was one of the organizers of the Brunswick Glynn County Council for the Arts. His community involvement continued in his work with the Brunswick Community Concert Association and with the Housing Authority of the City of Brunswick. He served as a commissioner and vice chairman of the Authority, was elected chair in 1992, and currently serves in that position.

Westbrook was a member of the First Christian Church of Brunswick, and served in many different capacities—board member, Sunday school teacher, and organist. After he married Margaret Hazel Williams in 1965, he continued his service to the church until moving his membership to the First United Methodist Church in 1969. There he became involved in the church community as treasurer and served on many committees.

Westbrook continues to give his time, expertise, and devotion to many community causes. He shares his musical talent with seniors and Alzheimer's patients and his accounting knowledge with nonprofit organizations. He has contributed over 2,700 items to the Georgia Music Hall of Fame including many vintage sound recordings.

The Society is proud to honor Nelson C. Westbrook Jr. for his outstanding contributions to the accounting profession and for his many years of dedicated service to his professional organization.

The GSCPA is the premier profession organization for CPAs in the state of Georgia. With over 10,000 members throughout the state, the purpose of the GSCPA is to promote the study of accountancy and applicable laws, provide continuing professional education, maintain high ethical and work standards, and provide information about accounting issues to the membership and the public. For more information, access our web site at [www.gscpa.org](http://www.gscpa.org).

## SOMETIMES THE ECONOMY NEEDS A SETBACK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 10, 2001

Mr. PAUL. Mr. Speaker, I encourage each and every one of my colleagues to read and heed the insights contained in James Grant's Sunday New York Times article entitled "Sometimes the Economy Needs a Setback." Mr. Grant explores the relationship of technology to the business cycle and identifies the real culprit in business cycles, namely "easy money." Grant explains:

Booms not only precede busts; they also cause them. When capital is so cheap that it might as well be free, entrepreneurs make marginal investments. They build and hire expecting the good times to continue to roll. Optimistic bankers and steadily rising stock prices shield new businesses from having to show profits any sooner than "eventually."

Those genuinely interested in understanding the most recent economic downturn will do well to read and contemplate Mr. Grant's article.

[From the New York Times, Sept. 9, 2001]

SOMETIMES THE ECONOMY NEEDS A SETBACK

(By James Grant)

The weak economy and the multi-trillion-dollar drop in the value of stocks have raised a rash of recrimination. Never a people to suffer the loss of money in silence, Americans are demanding to know what happened to them. The truth is simple: There was a boom.

A boom is a phase of accelerated prosperity. For ignition, it requires easy money. For inspiration, it draws on new technology. A decade ago, farsighted investors saw a glorious future for the personal computer in the context of the more peaceful world after the cold war. Stock prices began to rise—and rose and rose. The cost of financing new investment fell correspondingly, until by about the middle of the decade the money became too cheap to pass up. Business investment soared, employment rose, reported profits climbed.

Booms begin in reality and rise to fantasy. Stock investors seemed to forget that more capital spending means more competition, not less; that more competition implies lower profit margins, not higher ones; and that lower profit margins do not point to rising stock prices. It seemed to slip their minds that high-technology companies work ceaselessly to make their own products obsolete, not just those of their competitors—that they are inherently self-destructive.

At the 2000 peak of the titanic bull market, as shares in companies with no visible means of support commanded high prices, the value of all stocks as a percentage of the American gross domestic product reached 183 percent, more than twice the level before the crash in 1929. Were investors out of their minds? Wall Street analysts were happy to reassure them on this point: No, they were the privileged financiers of the new economy. Digital communications were like the wheel or gunpowder or the internal combustion engine, only better. The Internet would revolutionize the conveyance of human thought. To quibble about the valuation of companies as potentially transforming as any listed on the Nasdaq stock market was seen almost as

an act of ingratitude. The same went for questioning the integrity of the companies' reports of lush profits.

In markets all things are cyclical, even the idea that markets are not cyclical. The notion that the millennial economy was in some way "new" was an early portent of confusion. Since the dawn of the industrial age, technology has been lightening the burden of work and industrial age, technology has been lightening the burden of work and driving the pace of economic change. In 1850, as the telegraph was beginning to anticipate the Internet, about 65 percent of the American labor force worked on farms. In 2000, only 2.4 percent did. The prolonged migration of hands and minds from the field to the factor, office and classroom is all productivity growth—the same phenomenon the chairman of the Federal Reserve Board rhapsodizes over. It's true, just as Alan Greenspan says, that technological progress is the bulwark of the modern economy. Then again, it has been true for most of the past 200 years.

In 1932 an eminent German analyst of business cycles, Wilhelm Röpke, looked back from amid the debris of the Depression. Citing a series of inventions and innovations—railroads, steelmaking, electricity, chemical production, the automobile—he wrote: "The jumpy increases in investment characterizing every boom are usually connected with some technological advance. \* \* \* Our economic system reacts to the stimulus. \* \* \* with the prompt and complete mobilization of all its inner forces in order to carry it out everywhere in the shortest possible time. But this acceleration and concentration has evidently to be bought at the expense of a disturbance of equilibrium which is slowly overcome in time of depression."

Röpke, wrote before the 1946 Employment Act, which directed the United States government to cut recessions short—using tax breaks, for example, or cuts in interest rates—even if these actions stymie a salutary process of economic adjustment. No one doubts the humanity of this law. Yet equally, no one can doubt the inhumanity of a decade-long string of palliatives in Japan, intended to insulate the Japanese people from the consequences of their bubble economy of the 1980's. Rather than suppressing the bust, the government has only managed to prolong it, for a decade and counting.

Booms not only precede busts; they also cause them. When capital is so cheap that it might as well be free, entrepreneurs make marginal investments. They build and hire expecting the good times to continue to roll. Optimistic bankers and steadily rising stock prices shield new businesses from having to show profits any sooner than "eventually." Then, when the stars change alignment and investors decide to withhold new financing, many companies are cash-poor and must retrench or shut down. It is the work of a bear market to reduce the prices of the white elephants until they are cheap enough to interest a new class of buyers.

The boom-and-bust pattern has characterized the United States economy since before the railroads. Growth has been two steps forward and one step back, cycle by cycle. Headlong building has been followed by necessary tearing down, which has been followed by another lusty round of building. Observing this sequence from across the seas, foreigners just shake their heads.

Less and less, however, are we bold and irrepressible Americans willing to suffer the tearing-down phase of the cycle. After all, it has seemed increasingly unnecessary. With a rising incidence of federal intervention in financial markets, expansions have become

longer and contractions shorter. And year in and year out, the United States is allowed to consume more of the world's goods than it produces (the difference being approximately defined as the trade deficit, running in excess of \$400 billion a year).

We have listened respectfully as our financial elder statesmen have speculated on the likelihood that digital technology has permanently reduced the level of uncertainty in our commercial life—never mind that last year the information technology industries had no inkling that the demand for their products was beginning to undergo a very old-fashioned collapse.

Even moderate expansions produce their share of misconceived investments, and the 90's boom, the gaudiest on record, was no exception. In the upswing, faith in the American financial leaders bordered on idolatry. Now there is disillusionment. Investors are right to resent Wall Street for its conflicts of interest and to upbraid Alan Greenspan for his wide-eyed embrace of the so-called productivity miracle. But the underlying source of recurring cycles in any economy is the average human being.

The financial historian Max Winkler concluded his tale of the fantastic career of the swindler-financier Ivar Kreguer, the "Swedish match king," with the ancient epigram "Mundus vult decipi; ergo decipitur": The world wants to be deceived; let it therefore be deceived. The Romans might have added, for financial context, that the world is most credulous during bull markets. Prosperity makes it gullible.

*James Grant is the editor of Grant's Interest Rate Observer.*

#### SUPER HARD STEEL

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. SIMPSON. Mr. Speaker, I rise today to congratulate Daniel Branagan, Elizabeth Taylor, Joseph Burch, James Fincke, David Swank, and DeLon Haggard on their upcoming R&D 100 Award to be presented next month in Chicago. The R&D 100 award celebrates the 100 most significant technological achievements for the year 2001 as recognized by R&D Magazine. This talented group of scientists made this unique contribution to American science and industry as a materials research team for the Idaho National Engineering and Environmental Laboratory (INEEL). The honor that this team has earned is the 27th such award for the INEEL. Specifically, this team is being recognized for their creation of the new material known as Super Hard Steel.

Super Hard Steel, created through an innovative process that transforms steel alloy into a non-crystalline metallic glass, has hardness properties among the highest ever reported for a metallic substance. Once sprayed on, the Super Hard Steel coating cannot be removed—even with a hammer and chisel. This tough, low cost, wear and corrosion resistant coating is expected to replace, and indeed outperform, much more expensive materials in high-stress machine parts. Already, more than 15 companies are evaluating the metal with an eye towards licensing it and the Department of

Defense is expected to soon begin tests of the metal in various demanding environments. Also, the story of the R&D Magazine's award, which has appeared in publications such as USA Today, has already added to the list of companies pursuing this new material.

The work of this intrepid group of Idahoan scientists will soon benefit the entire American economy as their metallic coating, with wide-ranging applications in products such as knife blades and mining rock crushers, becomes integrated into products that affect the lives of all Americans. Who knows exactly how many machine parts will someday be made with Super Hard Steel. It is innovation such as this that everyone at the INEEL, and the entire state of Idaho, are proud to be a part of.

Mr. Speaker, there are a series of government-funded national laboratories across this great country doing important work akin to this remarkable achievement of the INEEL. The Super Hard Steel Project was funded through the Defense Advanced Research Projects Agency and the INEEL's own discretionary research fund. As Secretary of Energy Spencer Abraham recently said, "... this accomplishment demonstrates the value of government-funded research to the Nation." Breakthroughs such as Super Hard Steel prove beyond a doubt that the investment of taxpayer money in these priceless institutions is well spent. I urge my colleagues to join me in wishing these unique individuals and the laboratories that employ them continued success in their important endeavors.

#### HONORING RON ORLOPP

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Ron Orlopp for his contributions to the California poultry industry. After many years of dedicated service, Mr. Orlopp is retiring as Chairman of the California Poultry Federation (CPF).

Ron has served as Chairman of the CPF for the past two years; he has served on the CPF board for the past 10 years. During his tenure, Orlopp has enhanced the legislative and regulatory effectiveness in Sacramento and Washington, D.C., expanded the Nutrient Management Certification efforts of the CPF, and assisted in bringing the National Chicken Contest to California. Under his leadership, the CPF Executive Committee visits Washington, D.C. annually and sponsors a trip for members and associates every year. Orlopp's efforts with the legislators is one reason the California poultry industry in one of the most profitable agricultural businesses today.

Ron started working with turkeys at the age of eight. He earned a degree in Avian Science from the University of California at Davis in 1976. Later, he studied accounting at Fresno State University and has passed the state board exam to become a Certified Public Accountant. In addition to his position with the CPF, Orlopp is the president of Orlopp Turkey Breeding Farms and a partner in Orlopp-Caviglia Farms.

Orlopp has long been active in agricultural and civic organizations in the area. He is the current chairman of the Tulare County Agricultural Advisory Committee. He is also the past-president of the Poultry Forum. He is a former trustee with the Cutler-Orosi School Board and coached Little League for 10 years.

Ron was born on October 21, 1954 in Dinuba, California. He has been married to his wife, Mary Jane, since 1981. They have three sons, Bryan, Jason and Kevin. His favorite pastimes are watching his boys play sports, hunting, playing basketball, walking in the hills, and playing golf.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Ron Orlopp for his years of service to the California Poultry Federation and his contributions to the California poultry industry. I wish Mr. Orlopp many more years of continued success.

#### TRIBUTE TO MAGGIE WADE

### HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. SHOWS. Mr. Speaker, I rise today to commend Maggie Wade, from the great State of Mississippi, who has been named a Congressional Angel in Adoption.

As you know, each year the Congressional Coalition on Adoption holds a national awards ceremony honoring individuals whose outstanding efforts have strengthened families through adoption. In Mississippi, that person is indisputably Maggie Wade.

In Mississippi, Ms. Wade is as well known for her community activism as she is for being the trusted news anchor at WLBT. She averages over 175 speaking engagements per year, in addition to her work with the Jackson Chamber of Commerce Mentoring Project, Southern Christian Services, the Mississippi Public Education Forum, Unicef, Easter Seals, and the State Health Department. A true leader in our community, Ms. Wade has been honored with over 150 awards from the grateful recipients of her dedication to serving others.

As a journalist, Ms. Wade has not squandered the opportunity to bring attention to the most important issues in our nation—including the promotion of adoption. She does more than just deliver the news, she creates it; Since 1986, almost 500 children have been adopted as a result of her compassionate weekly segment "Wednesday's Child." This is a great accomplishment for the children and families of Mississippi.

Mr. Speaker, it is a privilege today to honor Maggie Wade for this well deserved award. I ask my colleagues to join me in recognizing Maggie Wade as a true angel in adoption.

#### 75TH ANNIVERSARY OF PICO WATER DISTRICT

### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mrs. NAPOLITANO. Mr. Speaker, I am proud today to rise in recognition of the 75th

anniversary of Pico Water District in Pico Rivera, California. Currently serving 5,233 households, the Pico Water District is performing important work during this crucial period of addressing California's water shortage.

Just before the Pico Water District was founded, the 243 homes in the area were served by five small water systems. In 1926, the Pico Rivera Chamber of Commerce called together the town's citizens and urged them to create a more modern water system. The citizens of Pico Rivera recognized that their old-fashioned water system was lowering the value of their homes. After much consideration, they agreed to consolidate their small systems into one large system. They voted to form the Pico Water District under the State Water Act of 1913. The newly elected Board of Directors for the Pico Water District held their inaugural meeting on September 20, 1926, and have been in operation ever since.

As in 1926, California is again at a point in time when we are realizing that we must modernize our water system. If we are perceived by others as a region that is water deficient, it will be difficult to sustain the businesses that complement our high-tech and biotech industrial base and our diverse agricultural economy that is so important to our nation and the global marketplace. I applaud the Pico Water District for doing its part by continually modernizing its system while providing the residents of Pico Rivera with low cost, high quality water service.

The Pico Water District currently has nine functional wells available to deliver water. The present energy crunch is being met in Pico Rivera by a water district prepared to provide uninterrupted excellent service. In fact, in the past 75 years, only natural disasters such as earthquakes have interrupted the District's water service.

The Pico Water District provides only the highest quality water to its customers. Every week, numerous bacteriological and chemical tests are performed by the District. As a result of this meticulous work and the high standards maintained by the District, the quality of Pico Rivera's water has never been challenged by the Health Department. This high quality service is provided at very reasonable rates. In fact, the Pico Water District remains the only water district in Los Angeles County that does not tax its customers.

I urge all of my colleagues to join me in recognizing the hard work of the Pico Water District. The high quality of service the District provides should serve as a model for water providers throughout California. Since 1926, the Pico Water District has worked as a cohesive unit to provide water to its customers. Please join me in commending them as they celebrate their 75th Anniversary.

## EXTENSIONS OF REMARKS

### IN RECOGNITION OF THE AEGEAN REGATTA

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I would like to pay tribute to an event that took place on August 18, 2001. Nikos Sifounakis, Minister of the Aegean, was the sponsor of Aegean Regatta 2001, an international event that highlights the rich culture and history of the Aegean islands.

This event pays tribute to the ancient mariners who first introduced Hellenic culture to other parts of the world and honors today's international mariners. The Aegean Regatta celebrates the incomparable beauty of the area, as well as its remarkable history. The poetry of Sappho and Elylis of Mytilini, Seferis of Smyrna and Homer of Chios, who derived their inspiration from the natural beauty of the Aegean, continues to enchant and enthrall modern readers.

The Aegean Regatta stands as a testament to the legacy of sportsmanship community of this great civilization, a tradition also exemplified by the Olympics. Like the Olympics, the Aegean Regatta fosters community bonds among people of different countries and cultural backgrounds.

The ancient mariners of the Aegean were known far and wide for their skill. Their vessels carried both raw materials and new concepts of democracy, vision and hope. Participants in the 2001 Aegean Regatta are heirs to the old seafarers. They enjoyed the phenomenal experience of sailing the routes traveled by the ancients. The beauty of the Aegean is mesmerizing, a beauty connected to the spirit and the soul, forged by the waves and sculpted by the wind.

The Aegean Regatta is not simply a sailing competition. It is an international event that continues the maritime tradition, and emphasizes two of Greece's most successful "exports," sports and culture. This unique event allows mariners of today to pay homage to mariners of the past and to carry on an ancient tradition in which sailing was a way of life. Sailing enthusiasts from around the world participate in the Aegean Regatta, proof of the respect and admiration other countries continue to bestow upon this timeless community.

Many of my constituents attended this event, and as a friend and co-founder of the Hellenic Caucus, I would like to say that I hope all who attended enjoyed a time filled with great sailing and great fun. Participants were the recipients of the Aegean's best and most lasting prize, the hospitality of island residents.

I request that my colleagues join me in congratulating the Minister of the Aegean, Nikos Sifounakis, and the sailing community for participating in this wonderful event. We can all take pride in an extraordinary celebration of history and athleticism as well as an opportunity to forge new bonds among different people from different communities. Islanders, organizers and competitors will have the op-

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portunity to join together beneath the Aegean sky in universal friendship and understanding.

RECOGNIZING WILLIAM RALPH "BILL" ROUTON OF HOPE, ARKANSAS

#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. ROSS. Mr. Speaker, I wish to recognize the life and achievements of a man who was not only a personal friend, but a friend to his entire community and a respected civic leader in southwest Arkansas, Mr. William Ralph "Bill" Routon.

Bill passed away on August 26 at age 77 following a lengthy battle with heart and bone marrow related illnesses. He was a lifelong resident of Hope, Arkansas, where he was also a lifelong member of the Methodist church.

During World War II, Bill served his country for three years with the U.S. Army Air Corps in England. Following his service, he returned to Arkansas to attend college at Henderson College and the University of Arkansas and then came home to take over the family farm and timber business.

As a resident and community leader in Hope, Bill served on the Hope School Board for 16 years during the crucial time in the 1960s and 1970s when the Hope schools were being integrated. He was also a member of the board of the School of Hope, a school for developmentally challenged children. For 40 years, he served on the board of the Citizens National Bank, where he would visit each day and greet customers. In 1993, he was appointed by Governor Jim Guy Tucker to the state's Red River Commission, which promotes the economic viability of the southwest Arkansas region along the Red River.

At the First United Methodist Church in Hope, Bill was chairman of several boards and committees and was a leader in the Century Bible Class. In addition, he was a member of the board of Rose Hill Cemetery and an active member of local chapters of the Masons and the Shriners as well as a 50-year member of the Yellow Creek Hunting Club of McNab, Arkansas.

Bill could usually be spotted in his trademark khaki pants and diamond stickpin that he wore in place of a necktie. He was a friend to many in Hope and throughout Arkansas, including the late Virginia Clinton Kelley, mother of former President Bill Clinton. To those who knew him, he was regarded as a stalwart in the community, a true southern gentleman dedicated to his family and his fellow citizens. His passing is a great loss not only to his family and friends, but to the City of Hope and all the people of southwest Arkansas.

I am grateful for his friendship and his devotion to serving others, and I honor him for his lifetime of accomplishments. My thoughts and prayers are with his wife, Bonnie, his children and his loved ones.

September 10, 2001

IN RECOGNITION OF THE CYPRUS  
FEDERATION OF AMERICA, INC.

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Cyprus Federation of America, Inc. which will be hosting its annual Awards Gala on September 28, 2001, and to pay tribute to the distinguished guests it will honor that evening. The Cyprus Federation of America is an umbrella organization representing the Cypriot American community in the United States. The largest Hellenic Cypriot community outside of Cyprus is located in the 14th congressional district, which I am fortunate to represent. As the founder and co-chair of the Hellenic Caucus, I am proud to be their representative.

This year the Cyprus Federation of America, Inc. will honor four individuals who have demonstrated an unparalleled commitment to the cause of justice and freedom for Cyprus, and to the preservation of the ideals and principles of the Hellenic American community. The President of the Republic of Cyprus, Glafcos Clerides will present the guests of honor with their awards. The honorees are, His Eminence Archbishop Demetrios of America, the State Treasurer of California, the Hon. Philip Angelides, past president of Cyprus Federation of American, Inc., Mr. Andreas D. Comodromos and noted businessman and philanthropist, Nicholas Bouras. His Eminence Archbishop Demetrios will be honored with the Lifetime Achievement Award for his unsurpassed contributions to the field of spiritual guidance.

Archbishop Demetrios, was born on February 1, 1928 in Thessaloniki, Greece. The older son of Christos and Georgia Trakatellis, he attended the Experimental High School of the Aristotelian University of Thessaloniki from which he graduated as valedictorian in June of 1946.

Throughout his life his devotion of God and spirituality played an integral role in his education and career aspirations. He entered the School of Theology of the National and Capodistrian University of Athens in 1946 where he received his theology degree and special recognition for his outstanding work. In 1960, at the age of 32, he was ordained to the office of the Diaconate and in 1964 ordained as a Priest. In 1965 he enrolled at Harvard University to pursue his Ph.D. He received scholarships to study at the Graduate School of Arts and Sciences and was also honored with the prestigious Arthur Darby Nick Fellowship.

On June 20, 1967 he was elected Titular Bishop of Vresthena. He received a Doctorate of Philosophy from Harvard University in November 1971. In 1977, he received a second Doctorate in Theology from the Faculty of the School of Theology of the National and Capodistrian University of Athens. Three years later he was invited to teach at the Harvard University Divinity school as a visiting professor.

His academic and theological accomplishments made him an incomparable candidate

## EXTENSIONS OF REMARKS

for the position of Greek Orthodox Archbishop of North and South American, a position he was named to on September 18, 1999, and continues to hold to this very day.

The Honorable Philip Angelides, Treasurer of the great state of California has provided outstanding leadership as a businessman, and civil servant. The policies and programs implemented by Mr. Angelides as Treasurer have been credited with bolstering the economic strength of California.

Mr. Angelides graduated from Harvard University and was a Core Foundation fellow. He served in California government for eight years, during which time he established a reputation as being a leader on issues such as affordable housing and urban planning. In 1986, he formed his own investment management business, which quickly became a success.

Mr. Angelides has been active in the civic life of his community and State for more than 25 years during which time he helped coordinate a unique bi-partisan civic committee, which helped reform the once troubled Sacramento City Unified School District. Mr. Angelides made history by becoming the first Greek American elected to statewide office in California. He and his wife Julie continue to reside in their hometown of Sacramento where they have three daughters: Megan, Christina and Arianna.

Mr. Andreas D. Comodromos is being honored with the Justice for Cyprus Award for his impassioned work to bring justice and peace to Cyprus. Andreas was born in Famagusta Cyprus on March 27, 1949. The son of Demetrios and Aphrodite Comodromos, he was raised in the Village of Vavili and after completing high school served in the military. He then joined the Cyprus offices of American Life Insurance Co.

In 1973, he married American born Anna C. Zachariades. They built their home in Cyprus, where they planned to raise their family. The 1974 Turkish invasion resulted in the loss of their home. In April of that year they emigrated to the United States where Andreas pursued his college degree. Mr. Comodromos graduated Magna Cum Laude from Saint Peter's College in 1978, with a Bachelor of Science in Accounting. He later founded the accounting firm of Comodromos Associates, P.A. with his brother Michael. He has remained the President and managing partner of the firm, which is based in Paramus, NJ, ever since.

Andreas's immense success in America has not diminished his love and appreciation for the land in which he was born, which is why he continues to work for justice and peace in Cyprus. He has held several positions on the Board of the Cyprus Federation of America and served as its President for two consecutive terms. He was also elected to the National Council of the Order of Saint Andrew.

Andreas was a recipient of the 1996 Ellis Island Medal of Honor for outstanding contributions to America and distinguished community service. He is currently serving as President of the Cyprus-U.S. Chamber of Commerce and is a member of the Council of Hellenes Abroad (SAE), North and South American Region. He continues to reside with his family in Kinnelon, New Jersey.

Nicholas Bouras is being honored with the Humanitarian and Philanthropic Award for his

many contributions to various humanitarian and philanthropic efforts. Mr. Bouras was born in Pontiac, Michigan and was raised in Chicago, Illinois. In 1942 he enlisted in the U.S. Army Air Corps and served in combat in the European Theater of Operations during World War II. During his service he flew 42 combat missions in B-26 and A-26 medium bombers as a lead bombardier and navigator until the end of the war in Europe. He was discharged with the rank of major and awarded the distinguished Flying Cross, eight Air Medals and five Battle Stars.

In 1955, he graduated from the School of Commerce at Northwestern University, located in Evanston, Illinois. Beginning in 1940, Mr. Bouras worked for the United States Steel Corporation for nearly two decades. In 1960 he began his own steel construction company with his lifetime partner, Anna K. Bouras. He continues to work as the owner and president of Bouras Industries, which now has locations in New Jersey, Pennsylvania and South Carolina and approximately 750 employees.

Mr. Bouras is also the founder of the Holy Trinity Greek Orthodox Church in Westfield, New Jersey. He is also a member of the Archdiocesan Council and a member of the Executive Board of the Archdiocesan Council of America for which he also serves as Secretary. He is a member of the National Board of the Order of St. Andrew the Apostle and also serves as its Executive Vice President.

In 1999 he too received the Ellis Island Medal of Honor and a year later was awarded the Lifetime Achievement Award from the American Subcontractors Association of New Jersey. Ernst and Young awarded him the 2000 entrepreneur Award and in 2001 he was presented with the Hellenic Heritage Achievement Award by the American Hellenic Institute. On May 19, 2001 he was awarded a Doctorate of the Humanities by the Hellenic College of Holy Cross. In March 2001 the American Hellenic Institute of Political Affairs Committee (AHIPAC) honored him for his outstanding contributions to the Hellenic Community.

Today, I ask my colleagues to join me in honoring the Cyprus Federation of America, Inc. and its distinguished guests for their tremendous accomplishments, and tireless efforts for human rights and justice for Cyprus.

HONORING ST. JAMES EPISCOPAL  
CHURCH

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, as the United States expanded westward and Colorado's western slope was essentially untouched wilderness, Episcopalian clergy decided to place the first church in the region at Lake City, Colorado. 125 years later, this church is celebrating its founding and I would like to take this opportunity to recognize the congregation's dedication and perseverance since its inception.

The Right Reverend John Franklin Spalding, Episcopal Bishop of Colorado, and Reverend

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C.M. Hoge conducted the original sermons and confirmation processes for the church in 1876. After many trips and openings of other church organizations, Bishop Spalding recalled that the church at Lake City was the first church in Western Colorado. Following the efforts of Bishop Spalding and after relocating to numerous sites throughout the town, the Episcopal services were finally housed at a former carpentry shop and one-room schoolhouse in 1877.

Lake City has the honor of hosting four churches and St. James Episcopal Church most resembles its original design. A Gothic-style 1910 Estey organ still fills the sanctuary with its unique tones. The balance between traditional architecture and contemporary needs has not escaped the congregation and accordingly they have adjusted their facility to accommodate modern-day advancements. New propane heaters have been installed and a new foundation has been poured along with beautiful stained glass windows.

Despite the small size of the church, with an average attendance of 40 people during the summer and 10 throughout the winters, the setting is conducive to intimate teachings and reflection. Mr. Speaker, the St. James Episcopal Church has withstood many tests of time and continues to provide a place of worship for the Lake City area. It is truly a great landmark and I would like to congratulate the congregation on their successes and extend my warmest regards and wish them the very best in years to come.

#### TAIWAN'S UNITED NATIONS MEMBERSHIP

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. TOWNS. Mr. Speaker, Taiwan, a thriving democracy, a strong advocate of human rights and fundamental freedoms, and a bastion of economic strength, deserves membership to the United Nations on behalf of its 23 million citizens. With the election of its President—Chen Shui-bian—in a free and fair election last year, Taiwan continues to strengthen its democracy by improving safeguards for human rights and contributing to the international community.

Since his election, President Chen has continually sought to resume dialogue with the Chinese mainland regarding eventual reunification. Despite this effort, Taiwan's efforts to participate in international organizations has often been thwarted for political reasons beyond Taiwan's control. It is unreasonable for the people of Taiwan to be excluded from full participation in international institutions due to threats from mainland China. Denying Taiwan membership in the United Nations and other international organizations, such as the World Health Organization, obstructs access to important international resources.

For the past several years, both Houses of the U.S. Congress have consistently introduced and passed legislation relating to Taiwan's meaningful participation and membership in the United Nations. This important leg-

islation restates our support and our commitment to the progress of Taiwan's democracy.

We believe that Taiwan's full and equal membership in the United Nations and other international organizations is long overdue. The rationale of the world community in 1971 was that they were righting one wrong in giving China a seat in the United Nations. Now it is time to right the wrong created at that time, namely the U.N. disenfranchisement of Taiwan's citizens.

In order to strengthen the prestige and authority of the United Nations, it is now necessary to grant the people of Taiwan United Nations membership.

#### PERSONAL EXPLANATION

#### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House floor during Thursday's roll call vote on H.R. 2833.

Had I been present, I would have voted in favor of this bill to promote freedom and democracy in Vietnam.

#### BROWN VERSUS BOARD OF EDUCATION

#### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. WATTS of Oklahoma. Mr. Speaker, the United States Constitution guarantees liberty and equal opportunity to the people of the United States. Historically, however, these fundamental rights have not always been provided.

In the early beginnings of U.S. history, education was withheld from people of African descent. In some states it was against the law for African Americans to learn to read and write. Later, throughout America's history, the educational system mandated separate schools for children based solely on race. In many instances, the schools for African American children were substandard facilities with out-of-date textbooks and insufficient supplies.

However, on May 17, 1954, in the landmark case aimed at ending segregation in public schools—Brown versus the Board of Education—the United States Supreme Court issued a unanimous decision that "separate educational facilities are inherently unequal," and as such, violate the 14th Amendment to the United States Constitution, which guarantees all citizens, "equal protection of the laws." The Brown decision effectively denied the legal basis for segregation in states with segregated classrooms and initiated educational reform throughout the United States. This decision brought all Americans one step closer to attaining equal opportunities in education.

In remembrance of the Brown decision, we must remain steadfast in our efforts to make sure that all children receive the very best

education imaginable. Therefore, I urge all of my colleagues to join with me today in supporting the establishment of a commission to encourage and provide for the commemoration of the 50th anniversary of the Brown versus Board of Education Supreme Court decision.

#### PROMOTING SAFE AND STABLE FAMILIES AMENDMENTS OF 2001

#### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. CARDIN. Mr. Speaker, I am joining my colleague, Representative WALLY HERGER, the Chairman of Ways and Means Subcommittee on Human Resources, in introducing legislation today to reauthorize and increase funding for the Promoting Safe and Stable Families Program. This legislation would raise the funding level for this important child welfare program from \$305 million to \$505 million per year. In addition, the measure would provide new educational assistance for children who have aged out of foster care, and establish a new mentoring program for the children of prisoners. I commend Health and Human Services Secretary Tommy Thompson for providing us with detailed legislative language on the President's proposals in this area, although I was disappointed to see the Administration's recent mid-session review of its budget proposal backtrack on the President's prior commitment to fully implementing these much-needed policies.

The Congressional Budget Office (CBO) estimates the bill would have outlays of \$38 million in FY 2002, meaning that it would not dip into the Social Security Trust Funds (CBO projects a \$2 billion non-Social Security budget surplus in FY 2002). However, we do need to carefully evaluate the impact of this new spending on Social Security funds in future years. We must maintain a responsible budget framework that does not use Social Security funding to finance spending or tax policies. I am prepared to make sufficient budgetary changes to ensure this new legislation meets that test.

As a Nation, we rightfully provide temporary foster homes to children when they are victims of abuse and neglect. However, we do not currently do enough to prevent abuse from occurring in the first place, or to avert it from re-occurring once a problem is identified. This is exactly the purpose of the Promoting Safe and Stable Families Program, which serves families in, or at-risk of becoming involved in, the child welfare system. States have broad discretion in spending funds from this program for services designed to support at-risk families, to reunify families in an environment safe for children, and to promote adoption when children cannot safely return home. More specifically, States can provide counseling, parenting skills classes, respite services, mental health care, comprehensive caseworker oversight, referral services to other programs, post-adoption assistance and substance abuse treatment. On this last issue, I believe we should establish a separate program with

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a dedicated funding stream to address to the pervasive connection between parents abusing drugs and alcohol and the incidence of child abuse. Hopefully, that will be our next step after the passage of this legislation.

Mr. Speaker, with nearly 1 million confirmed cases of child abuse and neglect every year, we must increase our Nation's commitment to helping at-risk families and to ensuring safe and nurturing homes for defenseless children. This legislation is not a magic wand that will singlehandedly eradicate child abuse, but it is an important step in our continuing effort to keep children safe and to help families succeed. I urge my colleagues to support this important measure.

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COMMENDING THE GENEROUS  
GIFT BY THE HALLMARK CHANNEL  
AND JIM HENSON COMPANY  
TO THE FEDERAL COMMUNICATIONS  
COMMISSION

**HON. KAREN MCCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to salute the Hallmark Channel in partnership with the Jim Henson Company for their recent gift to the Federal Communications Commission (FCC). Their generous contribution of this license will help the Commission relaunch a national v-chip campaign utilizing Kermit the Frog as the official "spokesfrog" empowering parents with the tools they need to control the programming that their children view.

The Hallmark Channel and Jim Henson Company have recognized the importance of the v-chip and ratings initiatives in empowering viewers to control what comes into their homes over their television sets. Last year, these companies developed an award-winning promotional campaign that designated the world famous and beloved figure of Kermit the Frog as national "spokesfrog" for the v-chip and television ratings system. This year, the Hallmark Channel and Jim Henson Company have gone even further by giving the FCC a license to use Kermit on the informational materials that it distributes. The Commission just completed publication of this new brochure for widespread dissemination.

I am proud to have the world headquarters of Hallmark located in my home district in Kansas City, Missouri. The company has a long history of serving the metropolitan Kansas City area as well as other communities throughout the nation. Hallmark has repeatedly demonstrated its civic commitment through its Hallmark Hall of Fame television programs. The powerful message of these award winning programs bring meaningful and wholesome entertainment into our living rooms. Its leadership in partnering with the Salvation Army has turned the donation of greeting cards to a prison chaplain for distribution to inmates so they may stay in touch with their families into a national model of rehabilitation involving both the federal and state prison systems.

Hallmark not only provides millions of dollars annually to outstanding charitable causes,

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it has repeatedly been recognized as one of the most outstanding places to work in the country. Its creative environment is family focused, which invites its associates to excel and want to come to work each day. Clearly, Hallmark is an outstanding national model of corporate citizenship.

Mr. Speaker, please join me and our colleagues in the United States House of Representatives in commending the Hallmark Channel and Jim Henson Company for this generous gift to the FCC. Their ongoing efforts to provide the viewing public with family friendly programming choices, and their helping in educating the public about the v-chip and the ratings systems are greatly appreciated.

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HONORING FRANK NELSON

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember the life of Frank Nelson who passed away on Wednesday, September 5, 2001. Frank was the Director of Colorado's Commission for Persons with Disabilities for over a decade and I would like to recognize him for his contributions to the Denver community and for his diligent efforts and dedication.

Frank was born in New Hampshire and relocated to Denver, Colorado when he was 2 years old. In 1981, he graduated with a degree in education from the University of Colorado. Following his formal education, Frank was employed by the Montana Independent Living Project, but returned to Denver in 1984 to work as a social worker and vocational counselor.

During his tenure as the Director of the Commission, Frank and his colleagues strived to enhance the accessibility of municipal areas and sought to ensure that parking laws were enforced for the sake of the disabled. Besides these tasks, Frank's team also worked in conjunction with other parts of the city government to review new building plans and make them more accommodating for everyone. Whether it was the new construction of the Pepsi Center, Coors Field or the Denver Performing Arts Center, Frank always challenged the project for the benefit of disabled citizens. Due in part to his efforts, Denver was recognized as "America's most wheelchair friendly city" by New Mobility Magazine in 1997.

Mr. Speaker, Frank was an outstanding citizen who constantly watched out for the well being of everyone, particularly the disabled. His contributions in Denver have aided numerous people in living life to its fullest extent. I would like to take this time to recognize Frank's hard work on the behalf of others and extend my deepest sympathies and condolences to his family at this time of remembrance. Frank was a great man and will be missed by many.

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HONORING MR. JIM BRAY

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment and pay tribute to the passing of a valuable member of our community. The life of Jim Bray, a former resident of Snowmass, Colorado, was cut short at the age of 66 when he was hit by a car in front of his home in Prescott, Arizona. I would like his wife, Susan, and his sons, Alexander and Dennis, to know that many hearts are reaching out to them in their time of mourning.

Jim Bray was an accomplished man with a strong character. He was born in Halstead, Kansas in 1935. He graduated from high school in Houston, Texas in 1953 after which he attended both the University of Houston and the University of Hawaii. He then went on to serve in the United States Marine Corps and the United States Air Force. His enduring drive led to a respected career as a professional hotel manager eventually bringing him to Snowmass, Colorado where he was a driving force behind the construction of the Snowmass Resort Association's Conference Center. Although he remained there for only 5 years, he had made a valuable contribution to the community that will endure for years to come.

Mr. Speaker, although the sudden death of Jim Bray is certainly unexpected, his memory will live in the hearts of many. His contributions and service to the community and the United States will not be forgotten. I would like to extend my deepest sympathy to the family and friends of Jim Bray. He will surely be missed.

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HONORING CONNI LOGAN

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to acknowledge the loss of a valuable member of our community. Conni Logan suffered from a brief illness that took her life on August 13, 2001, at the age of 59. Conni was a loving wife and mother who had a deep passion for the arts and dedicated her life to teaching that appreciation to others.

Conni was born in 1942 as one of seven children in a family that valued and encouraged diversity. She went on to graduate from college with a degree in psychology after which she received master's degrees in art history and exhibition design.

Although living in Santa Fe, New Mexico when she passed, she had made valuable contributions to the State of Colorado as an educator. In 1993, she was a Program Director at the Aspen Campus of the Colorado Mountain College, Center for Excellence in Arts. In addition to curating 30 art exhibits during her time there, she also developed and instructed art history and principles in art

courses using the college's telecourse system. Her move to Santa Fe gave her the opportunity to work at the Santa Fe Children's Museum and the Conlon Siegel Galleries.

Mr. Speaker, Conni made valuable contributions to the education of our community and through her creativity and leadership gave many a greater appreciation for the arts. Conni Logan will be remembered as a woman who saw the beauty of the world in a way that most of us do not experience. I would like to extend my deepest sympathy to those close to Conni, as she will surely be missed.

**HONORING POLICE OFFICER KEN KIECK UPON HIS RETIREMENT**

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, after 20 years of gracious service to Glenwood Springs, Colorado, Ken Kieck has opted to retire as a member of the police force there. To serve the public in such a capacity is a position worthy of praise and I would like to recognize Ken's contributions to the people of Glenwood.

Ken constantly acted with high levels of energy as he trained new officers just entering the ranks in the department. The new officers referred to Ken as the "Answer Guy." He was very concerned with the proper education of the new officers and sought to ensure that they were taught the correct way the first time in every matter. Throughout his time on the force, Ken served as a patrolman, an interim Sergeant and an administrative officer.

To honorably serve the public is a great task and Ken's service has been one of pride and dedication. While Glenwood is safer due to the efforts of this officer, his contributions will be missed. Mr. Speaker, I would like to thank Ken Kieck for all that he has done and extend my warmest regard and best wishes to him upon his retirement and for many years to come.

**HONORING THE RETIREMENT OF POLICE OFFICER SGT. TOM MCCORKLE**

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, to place your life in the line of duty day in and day out for the sake of others is an honorable and noble task, yet that is exactly what police officers do daily. Sgt. Tom McCorkle, who served as an officer in Glenwood Springs, Colorado, has recently announced his retirement after 23 years and I would like to accentuate the importance that he played in the community and thank him for his dedicated service.

Prior to his service in Glenwood, Tom was a police officer for four years in California. Glenwood Police Chief Terry Wilson noted how incredibly quick and accurate Tom was in all that he did. Sgt. McCorkle suffered a shoul-

der injury from an incident in which he was saving a person's life in 1984. Despite many attempts to heal his shoulder, its hindrance has forced Tom to end his career in public service.

Mr. Speaker, Sgt. Tom McCorkle acted with great professionalism in all that he did throughout his career. He truly sought to ensure that pride and respect was upheld in conjunction with the community. Tom never forgot that safety and protection were the most important part of the service he offered to the people he served. It is with great pride that I recognize Tom and I would like to extend my appreciation to him for everything that he has done and wish him the best upon his retirement and many years to come.

**HONORING PHIL MASON**

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember an honorable and distinguished man who served the State of Colorado for nearly three decades as a Colorado Division of Wildlife officer. It is with profound sadness, that I now rise to honor the life and memory of Mr. Phil Mason who recently passed away.

Phil was a caring and compassionate individual who was dedicated to teaching youngsters about wildlife and their surroundings in Hinsdale County. Phil, for example, would often bring an injured eagle or hawk to the local elementary school to give children a first-hand experience with nature. He worked in Lake City as a Colorado Division of Wildlife officer, and was also engaged civically as Mayor and as Trustee on the Town Board of Lake City. Phil was committed both to his State and to his community by putting the interests of others before his own. Phil established himself in his community as an outstanding, hard-working, and respectable man who could be counted on as a friend, coworker, and teacher. Literally everyone turned to Phil for guidance and friendship. Phil's memory will live on with those whose lives have been touched by him.

Mr. Speaker, at the age of 60, Mr. Phil Mason will be especially missed by his wife, two children, and brother. As family and friends mourn his passing, his compassion will shine through the hearts of those close to him and to those who knew him best. I would like to extend my deepest sympathy and warmest regards to his family during this time of remembrance. Phil Mason will surely be missed.

**REMEMBERING MR. ED BRADBURY**

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember a caring and compassionate family man from Salida, Colorado who has recently passed. It is with

profound sadness that I now rise to honor the life and memory of Mr. Ed Bradbury.

Born and raised in Granite, Ed was a dedicated citizen who spent time with the U.S. Army in Germany before heading back home to Salida in order to pursue a life in public service. Ed was elected and served on the Salida City Council for 10 years prior to being elected as a Chaffee County Commissioner where he served diligently for eight years. During this time, Ed worked hard for the people of Salida and Chaffee County and was known as a person who accomplished much during his time in office. He was also well known as the owner of the Salida Sweet Shop, which brought joy and happiness to countless children.

Sadly, Ed died after falling down a mineshaft near his birth place of Granite, Colorado, in a mine he had worked since 1954. His family, friends, and those people whom he had served throughout his career as a public servant will miss Ed dearly. His wife, Estella and their three daughters Charlene, Theresa, and Dianna will solely miss their caring husband and father.

Mr. Speaker, at the age of 71, Ed Bradbury will be remembered and appreciated for his family values and devotion towards the public sector. As family and friends mourn his passing, his lessons and service will live forever in the hearts of those who knew him and whom he assisted. I would like to extend my deepest sympathy to his family at this time of remembrance. Ed Bradbury will surely be missed.

**SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 11, 2001 may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED**

**SEPTEMBER 12**

9 a.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine S. 1265, to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children.

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Appropriations  
Labor, Health and Human Services, and  
Education Subcommittee  
To hold hearings to examine stem cell re-  
search issues.

SD-106

9:30 a.m.

Governmental Affairs

To hold hearings to examine the security  
of critical governmental infrastruc-  
ture.

SD-342

Health, Education, Labor, and Pensions

Business meeting to consider S. 952, to  
provide collective bargaining rights for  
public safety officers employed by  
States or their political subdivisions;  
S. 928, to amend the Age Discrimina-  
tion in Employment Act of 1967 to re-  
quire, as a condition of receipt or use  
of Federal financial assistance, that  
States waive immunity to suit for cer-  
tain violations of that Act, and to af-  
firm the availability of certain suits  
for injunctive relief to ensure compli-  
ance with that Act; and the nomina-  
tion of Brian Jones, of California, to be  
General Counsel, Department of Edu-  
cation.

SD-430

Commission on Security and Cooperation  
in Europe

To hold hearings to examine U.S. policy  
toward the Organization for Security  
and Cooperation in Europe and review  
the implementation of OSCE human  
rights commitments.

SR-485

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine  
the Administration's national money  
laundering strategy for 2001.

SD-538

10:30 a.m.

Finance

To resume hearings to examine the role  
of tax incentives in energy policy.

SD-215

2 p.m.

Finance

Social Security and Family Policy Sub-  
committee

To hold hearings to examine S. 685, to  
amend title IV of the Social Security  
Act to strengthen working families.

SD-215

Judiciary

Technology, Terrorism, and Government  
Information Subcommittee

To hold hearings to examine S. 1055, to  
require the consent of an individual  
prior to the sale and marketing of such  
individual's personally identifiable in-  
formation.

SD-226

2:15 p.m.

Foreign Relations

To hold hearings on the nomination of  
John D. Negroponte, of the District of  
Columbia, to be a Representative of the  
United States of America to the Ses-  
sions of the General Assembly of the  
United Nations during his tenure of  
service as Representative of the United  
States of America to the United Na-  
tions and to be the Representative of  
the United States of America to the  
United Nations in the Security Council  
of the United Nations.

SD-419

2:30 p.m.

Indian Affairs

Energy and Natural Resources

To hold joint hearings to examine legis-  
lative proposals relating to the devel-

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opment of energy resources on Indian  
and Alaska Native lands, including the  
generation and transmission of elec-  
tricity.

SD-366

Intelligence

Closed business meeting to consider pend-  
ing calendar business.

SH-219

### SEPTEMBER 13

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine Corporate  
Average Fuel Economy (CAFE) Stand-  
ards.

SR-253

Energy and Natural Resources

Business meeting to resume markup of S.  
597, to provide for a comprehensive and  
balanced national energy policy, and  
other pending calendar business.

SD-366

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine issues con-  
cerning protection against genetic  
discrimination and limits of existing  
laws.

SD-430

Environment and Public Works

Fisheries, Wildlife, and Water Sub-  
committee

To hold oversight hearings to examine  
the utilization of available water and  
wastewater infrastructure funding.

SD-406

Finance

To hold hearings to examine the Med-  
icaid upper payment system and the  
restoration of the state-federal part-  
nership.

SD-215

10:30 a.m.

Judiciary

Business meeting to consider pending  
calendar business.

SD-226

2 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Sub-  
committee

To hold hearings to examine digital di-  
vide issues.

SR-253

Judiciary

To hold hearings on pending nomina-  
tions.

SD-226

2:30 p.m.

Armed Services

To hold hearings on the nomination of  
General Richard B. Myers, USAF, for  
appointment as the Chairman of the  
Joint Chiefs of Staff and appointment  
to the grade of general.

SH-216

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine the protec-  
tion of human subjects in research.

SD-430

4:30 p.m.

Foreign Relations

To hold a closed briefing on India Paki-  
stan sanctions.

S-407, Capitol

### SEPTEMBER 14

9:30 a.m.

Environment and Public Works

To hold hearings on the nomination of  
Brigadier General Edwin J. Arnold, Jr.,  
U.S.A., to be a Member and President,

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and Brigadier General Carl A. Strock,  
U.S.A., to be a Member, both of the  
Mississippi River Commission; the  
nomination of Nils J. Diaz, of Florida,  
to be a Member of the Nuclear Regu-  
latory Commission; the nomination of  
Marianne Lamont Horinko, of Virginia,  
to be Assistant Administrator, Office  
of Solid Waste, Environmental Protec-  
tion Agency; the nomination of P. H.  
Johnson, of Mississippi, to be Federal  
Cochairperson, Delta Regional Author-  
ity; the nomination of Mary E. Peters,  
of Arizona, to be Administrator of the  
Federal Highway Administration, De-  
partment of Transportation; and the  
nomination of Harold Craig Manson, of  
California, to be Assistant Secretary  
for Fish and Wildlife, Department of  
the Interior.

SD-406

### SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S. 702, for the relief  
of Gao Zhan.

SD-226

### SEPTEMBER 20

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings on the nomination of  
Eugene Scalia, of Virginia, to be Solic-  
itor for the Department of Labor.

SD-430

Governmental Affairs

International Security, Proliferation and  
Federal Services Subcommittee

To hold hearings to examine the annual  
report of the Postmaster General.

SD-342

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the effects  
of the drug OxyContin.

SD-430

### SEPTEMBER 25

10 a.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine environ-  
mental health issues.

SD-430

2 p.m.

Health, Education, Labor, and Pensions

Employment, Safety and Training Sub-  
committee

To hold hearings to examine workplace  
safety for immigrant workers.

SD-430

### SEPTEMBER 26

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending  
calendar business.

SD-430

## CANCELLATIONS

### SEPTEMBER 19

10 a.m.

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine early child-  
hood issues.

SD-430

## HOUSE OF REPRESENTATIVES—Tuesday, September 11, 2001

The House met at 9 a.m.

### MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

### TAKING ACTION TO PROTECT HEALTH

Mr. BLUMENAUER. Mr. Speaker, this Congress is taking action to help protect world health in the fight against HIV AIDS.

In Colombia we are spending over a billion dollars to fight the grip of the deadly coca trade that includes eradication of the coca plant and aid to farmers to attempt to shift their production.

I find it ironic in the midst of this action by Congress that there are some that would have us reverse a long-standing policy and start promoting the sale of American tobacco overseas. Tobacco is the only legal product which, if used properly, will kill or at least inflict serious bodily damage.

The effects on Americans are clear to most policy-makers. Close to 360,000 Americans will die of lung disease this year. It is the third largest cause of death responsible for one in seven deaths. More than 25 million Americans are now living with chronic lung disease, and the use of tobacco is the leading cause in that condition.

Sadly, the impacts of tobacco-related lung disease is not limited to the United States. Tobacco was estimated to account for just over 3 million annual deaths worldwide in 1990, and that is rising to over 4 million deaths currently. It is estimated that tobacco attributable deaths will rise to 8.5 million within the next 20 years and 10 million in about 2030.

According to the World Health Organization, while tobacco use is actually declining in many developed countries, it is increasing rapidly in those that are developing.

In China alone, 14.5 percent of the deaths are attributable to tobacco. What is dramatically different in China is that in other developed countries with a similar rate the number of smokers is growing rapidly, such that two-thirds of the men are smokers before the age of 25. Few quit and about half can be expected to be killed by tobacco. In practical terms, this means in China the number of male deaths alone from tobacco is expected to be roughly 3 million annually by the middle of the century.

Mr. Speaker, it is sad to me that after decades of deception and death that we are starting to turn the corner in this country where we have hundreds of billions of dollars in tobacco settlement that is available only after litigation. It is something that this Congress was unwilling or unable to correct to try and help reduce the number of new addicts and victims. It has opportunity to help not just the people who are addicted to tobacco but to help change the patterns in this country, like we are doing in Colombia to help farmers be involved with productive crops that are not destructive crops.

There are some states that have used tobacco settlement money to do that, like Maryland. I would hope that this Congress would not reverse course, that it would not start promoting the use of our tax dollars to promote the sale of tobacco overseas, but keep our eye on our priority, which is to reduce dependence on tobacco, help wean the American farmer away from dependence on tobacco, use our resources to stop the destruction of death and disease around the world.

It would be ironic that a Congress that is working to stop these abusive practices in Colombia with addictive drugs, that is trying to fight the spread of HIV AIDS around the world, would take a tragic step backward.

There was an attempt to insert in the agriculture bill an amendment that would reverse this 8 year prohibition on using U.S. resources to promote subsidization of tobacco sales overseas. Wisely, the Committee on International Relations, on a broad bipartisan vote, voted to remove those provisions from the agriculture bill.

I hope my colleagues will stand firm. Keep the existing policies. Stop the export of death overseas with tobacco.

### DEBATE ON THE BUDGET SURPLUS

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speak-

er's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. BALLENGER) is recognized during morning hour debates for 5 minutes.

Mr. BALLENGER. Mr. Speaker, I have a strange problem with the way we are talking about our present debate on the surplus. For 30 years, 40 years we never worried about the surplus. We never had a surplus and we spent it all. So, here now, we are about to have a nervous breakdown on whether we are going to have a \$150 billion surplus. Oh, my goodness gracious, only \$150 billion, my, how can we possibly get along there?

What we really should be worrying about is, we are having a manufacturers' recession right now. Why? Well, as a manufacturer myself, and I checked with businesses back home, the main problem we have got is our dollar is the most overvalued currency on the planet today.

You should be a tourist traveling anywhere in the world. Everything seems cheap. The reason it is cheap is because our dollar is worth so much more than the value of currency of the place you are visiting. If we could do something to reduce this I think we would accomplish something, but we cannot compete with anybody in the world at the present time with the dollar as long as it continues to be the most expensive currency in the world.

Let me give some examples. After the earthquake in El Salvador, some of my friends there approached me with the idea that they needed to buy two by fours. They bought all the two by fours that were available as far as they were concerned in Central America, and so I called up some friends of mine down in North Carolina and asked them about what kind of a deal can you give me on 14 foot and 12 foot two by fours, and they said, Cass, well, the lumber market is terrible now but we will see what we can do.

These numbers are not exact, but they will show what I am talking about. This gentleman down there offered me something like a container load of two by fours, mixed 12 and 14 foot, for, say, \$4,000 for a container. I checked with a real large timber firm down in Louisiana and theirs was \$5,000 a container. So I figured I had a pretty good price.

So I called back my friend from El Salvador, and I said I think I have got a good deal for you here, let us see if we cannot negotiate. He said, well, what is your price. I said the deal we

have got is \$4,000 a container, and he said, well, thanks a lot, Cass, but we just bought Canadian and we got it for \$3,000 a container.

I went back to my friend down in North Carolina who had offered me this great, wonderful deal, and I said, I am sorry but you got beat. He said, Cass, I hate to tell you this, but it is happening everywhere; we quote in competition with the Canadians. He said, first of all, you have got to realize that our dollar, as compared to their dollar, is worth sixty cents of our dollar. In other words, for \$60 you can go out and buy \$100 worth of Canadian dollars. Now, that is a wild and funny way to look at it, but in reality that is the way it works.

So just lately I checked on woodchips. In North Carolina we used to clean our forests up and we would chew all the wood up into woodchips, carry it down to our coastline and ship it all over the world. I do not know whether Mother Nature greatly appreciated what we were doing, but we were chewing these chips up and shipping them out. Everybody in the world wanted them, and all of the sudden we find out that in Australia they have come up with a better way of doing it and their money is cheaper than our money, and so our woodchip business is gone.

I do not know how many people have talked to the steel industry. The steel industry in this country is noncompetitive. They are getting dumped on, as they say, because of the inability to meet the costs that the other countries have for their manufacturing costs, but in reality, the whole thing hangs on a more expensive dollar, and let us be honest.

The more we balance the budget, the more surplus we generate, the more popular our currency becomes to the rest of the world. So what do they do? They decide to come here and buy our bonds, and they buy more bonds and they buy more bonds, and pretty soon, the dollar becomes more valued. I do not know how many of you ever watch it in the market and so forth, but the dollar goes up, the yen goes down, the pound goes down, the mark goes down, and here we are becoming less and less competitive and laying more and more people off because of it.

I would like to give an example. About 2 months ago, a group of us traveled from Brazil to Argentina to Chile. In Brazil, business was pretty good. We did not know specifically why. We went to Argentina after that, and Argentina had dollarized their currency. They tied their currency to the value of the dollar, and this was a great and wonderful idea to stop inflation, and they did. But the Brazilians devalued their currency and killed whatever industry that they had in Argentina. This is exactly the way the system works.

It is great if you are a tourist and can go anywhere in the world and buy

everything you know cheaper, but in reality, somewhere along the line we have got to see what we can do.

This is kind of a strange request that I am making, but I think probably the best thing we can do is spend more of the surplus and then people would say, hey, they are not quite as chancy with their money as we thought. So maybe we ought to buy some German marks or some British pounds and so forth and quit investing in American dollars. This may sound weird, but most of the folks in this room do not know any better. So I would like to sound weird and hope that we can influence somebody.

#### BROKEN REPUBLICAN PROMISES TO SAVE MEDICARE AND SOCIAL SECURITY SURPLUSES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it all depends upon how we define a surplus, and for quite a few years around here I was one of the Members who advocated that we should not be including the excess taxes charged to Social Security or to people for Social Security, FICA taxes, as part of the so-called surplus, spending it and replacing it with IOUs.

In fact, I found considerable support over the last few years on the Republican side of the aisle on this issue, which I found encouraging. In fact, the House Republicans have voted nearly unanimously seven times, seven times since 1999, to protect both the Social Security and Medicare surpluses by creating a lock box. We put it in a lock box, not once, not twice, seven times, seven padlocks, many different combinations.

Social Security and Medicare trust fund surpluses are safe. They would be reserved to pay the benefits in the future. In fact, as recently as July 11th, House majority leader, the gentleman from Texas (Mr. ARMEY), said we must understand that it is inviolate, you might have trouble following this but I will get to the point, to intrude either against Social Security or Medicare, and if that means foregoing or, as it were, paying for tax cuts then we will do that. He said he wasn't going to spend the money, and in fact, they might forego tax cuts in order to not break into the lock box.

Good news. Well, that was July 11. It is now September. How much things have changed.

The new Congressional Budget Office estimates, the Congressional Budget Office is headed by a Republican appointee, says that the surplus for the next nine years is 2.2 trillion, T, trillion, not billion, not million, trillion dollars less than projected last May.

Remember the rosy scenario, oh, pass the tax cuts today and do not worry about it, there will be so much money, be floating in money, we can still maintain the integrity of the lock box, Social Security, Medicare and we can increase military spending and we can do all these things and there will still be surplus. In fact, the gentleman from North Carolina (Mr. BALLENGER) that preceded me in the well talked about the surplus.

The surplus he talked about is the Social Security trust fund. It is raised through an unfair, flat, regressive tax capped at \$80,000 a year income. So the rich people are not putting in a penny over the little bit they pay on their first \$80,000 of income. Most working families are paying more in Social Security taxes than they are in income taxes to the Federal Government. In fact, many working Americans are not getting back a rebate because of that fact, but they do not mind too much because they know their money is going in the lock box created.

Now, what is in the lock box? Oops, well, not much money. There is something in here, though. Good, I owe you \$9 billion, signed Secretary Paul O'Neill, Secretary of the Treasury for George Bush, President of the United States.

So it seems that they are going back on their promise, are they not? We were going to have a lock box. They made a great show of voting on the lock box in the Clinton administration, but now with the Bush administration all things are changed.

It really doesn't matter whether we spend the Social Security surplus, that money intended for the trust fund for future retirees, today because the administration changed. Nothing else changed. We had all those votes to create the lock box, but suddenly the lock box isn't so important anymore, not as important as tax cuts.

Make no mistake, the tax cuts are the thing that are putting us in the hole. The Federal Government is borrowing, borrowing the money to send out those rebate checks which are against this year's estimated surplus which does not exist but is calculated on your last year's income. Follow that? Okay. What it means is cash the check quickly. It might bounce soon.

So this is the bizarre situation we find ourselves in. The Republican majority after touting lock boxes and saving Social Security and Medicare for so long, in their rush to please their wealthy benefactors and pass a massive \$2 trillion tax cut, particularly heavily oriented to those who earn over \$273,000 a year and estates over \$5 billion, they have already frittered away the surplus, and things look even more bleak for the future.

They are depositing IOUs back into the Social Security trust fund, spending the money today, now that it is

time to talk about the possibility of, oh, my God, now they are in panic, some people are pointing this out, mindless, across-the-board cuts. First, let us jack up the military spending by 10 percent, then we will cut it by 3 percent and we might get back to putting something in the lock box. I doubt it. It is fuzzy math.

#### RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 20 minutes a.m.) the House stood in recess until 10 a.m. today.

□ 0952

#### AFTER RECESS

The House was called to order by the Speaker pro tempore (Mr. Goss) at 9 o'clock and 52 minutes a.m., thereby terminating the recess.

The SPEAKER pro tempore. Due to the circumstances of today, the Chair calls the House to order at this time.

The prayer will be offered by the guest chaplain.

#### PRAYER

The Reverend Gerard Creedon, St. Charles Borromeo Catholic Church, offered the following prayer:

God of peace and life, send Your spirit to heal our country; bring consolation to all injured in today's tragedy in New York and Washington. Protect us and help our leaders to lead us out of this moment of crisis to a new day of peace. Amen.

#### RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair, pursuant to clause 12 of rule I.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1003

#### AFTER RECESS

The recess having expired, the House was called to order at 10 o'clock and 3 minutes a.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: O God, come to our assistance.

O Lord, make haste to help us.

Yesterday we were stunned, angry and violated. Today, Lord, we stand strong and together. Yesterday

changed our world. Today we are changed.

We have humbly prayed to You, O Lord God of Heaven and Earth, yesterday and through the night. Now we turn to You for Your guidance and sense of eternal truths which built this Nation as we begin a new day of building security and peace through justice.

We mourn our dead and reach out with prayer and acts of compassion to all those families splattered with blood and exhausted by tears. Heal the wounded. Strengthen all civil servants, medical and religious leaders as they attempt to fill the gaping holes left in the fabric of our Nation.

Send forth Your Holy Spirit, Lord, upon all the Members of Congress, the President, and all government leaders across this Nation. Free them of fear, any prejudice whatsoever, remove all doubt and confusion from their minds. With clear insight which comes from You and You alone, reveal all that is unholy, and renew the desire of Your people to lives of deepening faith, unbounding commitment, and lasting freedom here where liberty has made her home.

We place our trust in You now and forever. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. The Speaker will lead the House in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Due to the events of yesterday, the Chair wishes to announce that the joint meeting to receive the Honorable John Howard, Prime Minister of Australia, scheduled for today will not take place.

The Chair wishes to acknowledge, however, the presence of the Prime Minister here today, and extends, on behalf of the House, his appreciation for the solidarity of the Australian people and the presence of the Prime Minister today in this very difficult time. Thank you.

#### HOUSE SCHEDULE FOR THE DAY

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, as you have directed, the House is convening now. We will stay in session from now until 11 o'clock where Members will have time for 1-minute speeches. At 11 o'clock this morning we will take a recess until 12:30 while the Chamber is cleared. Members of the body will be invited back to the Chamber at 12:30, at which time we will have a Member briefing on the floor that will last until 2 o'clock.

At 2 o'clock, Mr. Speaker, the gentleman from Missouri (Mr. GEPHARDT) and I will call up by unanimous consent a joint resolution to condemn yesterday's terrorist acts. That resolution will be addressed by this body under that unanimous consent request with an understanding that we will continue to address it until each Member of this Chamber has had ample time to address this issue as he or she sees fit.

I want to thank all the Members of this body for their patience, their commitment, their understanding, and their resolve during this trying time. Let me assure you, Mr. Speaker, by the time the 435 Members of this body have spoken today, the world will have no doubt about who we are, what we will stand for, and what we will not stand for.

#### AMERICA SUFFERS TODAY

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, America, our blessed Nation, suffers today. Terribly. Terrorists sought to use fear as a weapon against every person in this Nation. They do not know America, and they do not know Americans. They think freedom is our vulnerability. It is our strength. We will need that strength in the days ahead. Throughout our proud history we have met every challenge, and we will meet this challenge.

Mr. Speaker, we are united in mourning for all of our fellow citizens who were injured and died. I have been so moved while watching television and seeing the heroism, the courage, the patriotism, the bravery, the goodness of our people trying to help one another, save one another, bind up our wounds, and find those who have been lost. Our hearts go out to every person, every family that has been touched by this awful tragedy, and to all the families at this very moment who are enduring an unspeakable, unimaginable horror in their lives.

In times of national tragedy, Americans have always come together, strengthened our resolve, and faced adversity squarely while giving aid and comfort to every victim, every family member, every relative, every person affected by the tragedy. On this occasion, we are once again showing the world what it means to be an American.

We make a solemn pledge that we will honor all of the victims by committing ourselves to defend our land, our families and our freedom. Today we go back to work in Washington, in New York, and all around the country; and we are determined to show the world that America will not be defeated by anyone.

Finally, we will do everything within our power to bring these heinous terrorists to justice, to address this act of horrible, despicable cowardice, and to ensure that something like this never, ever happens to our people again.

We should also recognize that our public spaces, the heart and soul of American freedom, American ingenuity and American entrepreneurship, were violated yesterday in the most heinous way. We must, in one voice, work to reassure the American people that they are safe on the streets, in the air, and in all of our buildings no matter where they live or work. This Congress, in a nonpartisan way, will work as hard as humanly possible to make sure that our people have the safety they demand and deserve, and that terror is defeated completely and finally.

Make no mistake, this was an act of war against the United States and all of our people; and we will not be divided. All of us, the President, the Congress, and the American people, are today, and will be tomorrow and in all of the tomorrows, totally and completely united in our determination to begin the process of healing and to take swift action to see that the people who committed this horrible crime are properly punished.

May God shed His grace on this great and wonderful country and all of our people.

□ 1015

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 1-minute speeches on each side until 11 o'clock.

#### AVENGING TERRORIST ATTACK

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, the events of yesterday, September 11, are forever seared into our minds as with branding irons. We grieve for the victims and their families. We pray for them.

Let the word go forth to our enemies. We are united in our resolve to avenge the deaths of our brothers and sisters, our mothers and fathers, our husbands and wives.

In righteousness, the United States Government will hunt down to the ends of the earth the assassins of our innocent kin and strike them down.

#### TERRORIST ATTACKS WERE ACTS OF WAR

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, yesterday was the darkest day in American history. Pearl Harbor pales in comparison.

I join all other Americans who are shocked and outraged by the terrorist hijackings and attacks on the World Trade Center and on the Pentagon. Last night I saw firsthand the carnage resulting from the attack on the Pentagon.

Let there be no mistake, the United States Government will investigate and pursue those who were behind this cowardly attack. These terrorist attacks were truly acts of war, and we will respond forcefully and appropriately. The United States will take action against the terrorists and punish those governments that support and harbor such criminals.

This incomprehensible tragedy is a terrible reminder that we must take the threat of terrorism seriously. If Congress and the administration are willing to develop an overall strategy and commit adequate resources, we can prepare an effective defense to protect our American people.

I extend my deepest sympathy to the families of the victims, and I especially express my gratitude to all emergency and law enforcement personnel and other volunteers, many of whom have lost their lives.

I urge all Americans who have a flag, to fly it high and demonstrate we stand united in this moment of tragedy.

#### CONDEMNING TERRORIST ATTACK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I join the countless others in this Chamber, in this great Nation, and throughout the world in expressing condolences to the families of the victims of yesterday's deplorable attack. Our thoughts and our prayers are with them.

Mr. Speaker, I also feel a sense of pride for the strength of character and humanity shown by the American people, strength which is shining as a beacon of light, guiding us through this time of darkness and sorrow.

The response of our President, the U.S. Government, and our American society is a testament to this Republic and to our free and democratic system of government. It demonstrates that democracy will always triumph over terrorism. Through the ash-filled sky of New York City, Lady Liberty's torch pierces through as a reminder of American resolve.

I express my full support to the President, his national security team,

our military, our intelligence officials as they develop a swift, precise and unequivocal response to the perpetrators of these heinous acts, as well as against those who made it possible by providing them with safe haven, training areas and funding.

We will prevail. God bless the United States of America.

#### AMERICA WILL SEEK JUSTICE

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. TAUSCHER. Mr. Speaker, like many of my colleagues, last night, in spite of the horror and terror of what happened yesterday, I went to bed knowing where my family, my immediate family, was and with a sense of relief.

That is not true for many of the constituents in my District and in the Bay area, obviously the surviving families of the folks that were on the planes, the rescuers and the victims in New York, and the members of our military and the civilian employees at the Pentagon. Too many Americans last night went to bed not knowing where their families were.

One of my constituents was on United Flight 93 from Boston, and he was able to call his family and tell them that he loved them. We offer the condolences to the Burnett family of San Ramon and the many other families in the Bay area, to be known, that we lost yesterday, great Americans, Americans to whom we pledge that we will not rest, we will not rest until we find the people that damaged the psyche and the hearts of the American people forever. We will not rest and we will find them and we will bring them to justice.

#### AMERICANS RISE TO THE OCCASION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we as Americans this morning must confront the harsh reality. Yesterday, acts of war were committed against our Nation. Accordingly, a state of war exists between the United States and all entities of terrorism in the world.

I welcome the fact that we stand united, because even in this, our darkest hour, we see thousands of real-life examples of what has always been true in our history. America's citizens are seemingly ordinary people who at times of national need and distress rise to the occasion and do extraordinary things.

In that spirit, today, though, Mr. Speaker, I call on our Commander in Chief and the American people to take

any and all steps necessary to eradicate this evil from the face of our planet.

#### FAILURE OF INTELLIGENCE NETWORK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I condemn this tragic act of war, like all, but yesterday showed the failings of American policy, folks. This attack was planned for months, maybe years. Where is our intelligence network, our human intelligence network?

The fact is, ladies and gentlemen, it is easy to attack the United States of America. Our borders are so wide open, terrorists could cross them with a nuclear warhead, and it may be unpopular to say, but I believe America's foreign policy in the Mideast is so one-sided that we endanger now American citizens. We must be fair in our policies.

I condemn these tragic acts. The Congress must now look in the mirror and do what is right and to be fair. My heart goes out to all of the victims and families of victims of this tragic war against America.

#### ERADICATE TERROR BY ERADICATING TERRORISTS

(Mr. SWEENEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWEENEY. Mr. Speaker, like all Americans, all America suffered losses yesterday, but for some of us it was more personal, since friends were lost in yesterday's incidents.

Years from now, our grandchildren will ask where we were and what happened on September 11, 2001, but the most important question all will ask us was what we did about it. Our answer must be, and today we begin that process, and importantly begin that process, of recognizing that the only way to eradicate terror is to eradicate terrorists.

As a New Yorker and an American, my outrage is only contained by the knowledge that the cowards who were responsible for this act will find themselves at the end of the swift fist of American justice. I see a united America, I see it in my district where people have pulled together to offer their equipment, to offer their prayers, to offer their blood. But let us make it clear that Americans are also saying they expect us to change, they expect us to move forward forcefully and end what we saw yesterday.

#### JUSTICE WILL PREVAIL

(Mr. LANGEVIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, today I join with my colleagues in expressing our sincere condolences to those who have lost Americans in one of the most tragic and cowardly attacks on this country in our history. Make no mistake about it, this was an act of cowardice, an act of terrorism that struck at the heart of our Nation. This was an act of war against the United States.

But, make no mistake about it, we as Americans and we as a Nation stand united. Those who have committed this act will find no safe harbor. We stand united in finding out who was responsible and taking quick and decisive action in response.

This type of action has happened once before, a cowardice attack at Pearl Harbor. They thought without question that they would prevail, but they did not. All they succeeded in doing is waking a sleeping giant. Well, they have done it once before. The last time, this Nation became the most powerful Nation on earth. And in a short time this Nation, when those who are found responsible, will again loose the fateful lightning of our terrible swift sword and justice will prevail.

#### JUSTICE WILL BE DONE

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, I woke up this morning, after not getting much sleep last night, with a broken heart and a tremendous feeling of sadness and anger. There are still so many questions unanswered. When we see these horrible events, feel these tremendous feelings and listen to these unspeakable stories, we must remember that we are Americans. Throughout history, Americans have shown to the world what freedom is. And, more importantly, we have shown what freedom costs. Yesterday we once again paid that cost.

While we share this planet with evil, we will not let evil triumph. To the victims and to the friends and families of those who have perished, I want you to know that your country, your American family, is praying for you and shares this burden with you. But to those responsible for these unspeakable horrors our country has endured, I say to you: You should not sleep another night with peace. You should not eat another meal in comfort. You must look over your shoulder because we will find you. We will find you and justice will be done.

#### UNITED STATES HAS SUFFERED WORST ATTACK SINCE PEARL HARBOR

(Mr. McNULTY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I paraphrase a great President: Tuesday, September 11, 2001, is a day which will live in infamy, because on that day we suffered the worst attack against the United States since Pearl Harbor.

Words fail us at this time. So I suggest to the American people that we do exactly what the President suggested last night, that we pray for all of the innocent victims of this terrorist act, that we express our gratitude to all of the firefighters, police officers and other emergency personnel who lost their lives and who are putting their lives on the line today to rescue those left in the rubble.

□ 1030

Finally, that we resolve, along with the President, to bring these cowards to justice. And, remember my friends, a terrorist by definition is a coward. It is a person who cannot get what he wants by the power of persuasion, and therefore resorts to killing innocent men, women, and children.

What happened yesterday, Mr. Speaker, is a basic violation of the fundamental principle that life is to give, not to take. Let us let the world know today that the forces of evil shall not prevail.

#### AMERICA, A BEACON OF FREEDOM TO THE WORLD

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, for as long as we live, we will remember September 11, 2001, and the moments when we first heard that America was viciously attacked in horrible acts of war by terrorists who declared war on America. We did not seek this war, but it is a war that has been brought to our shores. And we will not shirk from the responsibilities to respond courageously. America has always been at its best when it is being tested.

Why has this war been declared on America? Because we are the symbol of freedom and democracy around the world. Those who are perpetrating this war against America, the terrorists and terrorist groups, hate freedom. Theirs is a totalitarian vision dressed in religious garb.

Mr. Speaker, we have already fought and defeated totalitarian regimes in the past. It was our resolve, our principles, our commitment to life, liberty and the pursuits of happiness that brought us through victoriously. The same will be true this time. Americans will stand together against these savage, desperate tactics.

Yesterday's acts were not the acts of criminals, but the military acts of enemies. And military tactics demand

military responses. Terrorism is a tactic of the weak, but America is strong. We must declare war on these terrorist groups, the vicious barbarians aiming at our destruction and those who harbor them.

America will respond with resolve. We will continue to be the beacon of freedom in the world.

#### HEINOUS CRIMES AGAINST AMERICA WILL BE AVENGED

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, let us resolve that the dastardly attack which was thrust upon America yesterday, September 11, 2001, will always be put among those days that will live in infamy.

Terrorism is cowardly, devastating and immoral by the standards of all who believe in a just and loving God.

We owe it to all who suffered and died, we owe it to all decent human beings, to make sure that those who are in any way responsible for this will be held totally accountable for their heinous crime.

#### STANDING TOGETHER UNITED

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, yesterday was an act of war upon the United States. Our country as a nation will never be the same again. But from that tragedy, from that moment of death and destruction, we must rededicate ourselves to our principles. We must stand behind our President as commander in chief; stand together, not as Democrats and Republicans, but as Americans, vowing to find out exactly who it was that is responsible for this heinous act and to do all we can to eliminate them from the face of the Earth, and also those who would harbor them, those who harbor these terrorists.

Also my heart goes out to the victims, many of whom live in my district and the adjoining districts outside of and within New York City. Already the names of friends and relatives are coming in, so we personally know how tragic this truly is. I just want those families to know that our hearts and prayers are with them. We give a special debt of thanks to the police officers and the firefighters who gave their lives.

Again, as Americans, we must stand together one united country to root out this terrorism, to defeat them once and for all. Our hearts and prayers go to the victims and their families.

#### STANDING TOGETHER IN THE FACE OF ADVERSITY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, yesterday was a day from hell, a tragedy that was perpetrated by people with a demonic view, who do not value human life. Words have never been less adequate than to meet the challenge of giving sympathy to the families of those affected.

On behalf of my constituents, I want to extend sympathy to those families of the victims, to make special note of those who were courageously there, the public safety people in New York who also lost their lives.

We do not know the extent of the casualties yet, Mr. Speaker, but we cannot let one of the casualties be the freedom that is the foundation of our country. We stand united behind our President and behind our congressional leaders as we try to inspire confidence in the American people and restore calm. Panic, of course, is the best thing we could give the terrorists. It would be a victory for them.

I hope that also in terms of calm and confidence, that we will have an emergency supplemental which will fully fund FEMA to meet the needs of the people affected in New York and also to meet the needs to restore the Pentagon.

We always pray for God to bless America. In the spirit of our people, God has blessed America. The people of Oklahoma gave us an example. New York will rise from the ashes like the great Phoenix that it will be.

#### ADVERSITY DOES NOT DIVIDE AMERICA

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, in the wake of these attacks on American soil, the United States of America must retaliate with force. Yesterday's acts of cowardice signify an act of war, and we will fight this war to win.

Adversity does not divide America; it strengthens us and propels us into unprecedented unity. These cowards have failed.

Mr. Speaker, our America is much more than the buildings and monuments that grace our soil. America is a nation of great people, joined by the love of country and the belief in freedom and liberty. This can never be extinguished.

The loss of life is devastating and has impacted all walks of American life. Our rescue workers, including police and firefighters, have suffered great loss. They are heroes, and have bravely

sacrificed their lives to save those suffering from these cowardly acts committed by these evil individuals.

This tragic event has mobilized America like never before. Our patriotic spirit has been resurrected, and this will be prove to our enemy's demise.

God bless America.

#### AMERICA WILL PREVAIL

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, words are inadequate to express the agony we feel today for those who lost their lives yesterday, for their families, and for this country. But we will recover, rebuild and move on.

In the dark days of late 1941, it was Winston Churchill, speaking for the Western allies, who said, "We have not journeyed all this way across the centuries, across the oceans, across the mountains and across the prairies, because we are made of sugar candy."

We are not. In truth, the people of this country are big in heart and strong in character. We will maintain our open society and fight terrorism around the globe with freedom-loving peoples everywhere, and we will prevail.

#### AMERICA'S ENEMIES WILL BE BROUGHT TO JUSTICE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, yesterday America came face-to-face with undisguised evil, an evil so profound that it leaves men and women of good will dumbfounded. These acts of war may have bloodied America, but America will remain unbowed.

The enemies of America, I think, have always underestimated us; but in fact what these terrorists perceive as America's weakness, our freedom, our tolerance, our democratic system, is what gives America its strength.

We will rise to this challenge. I urge for starters that we authorize the President to spend as he sees fit \$20 billion to react to this attack.

As we mourn our dead and injured, we will prepare for war; a war that we did not seek, but one that we must wage. And it is not a precedent. In the 18th century, Congress, under Jefferson, waged a war on the Barbary pirates. We must declare war on these new terrorists.

Americans are not by nature a vengeful people, but when roused to anger in a righteous cause, our fury and our resolve will not be extinguished until our enemies are brought to justice.

To those who celebrate the death of American innocents, of mothers and fathers, sons and daughters, I have a simple message: you can run, but you cannot hide. America will deliver a response at the time and place of its own choosing to the perpetrators and those that shield them.

#### A RESOLUTE AMERICA

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, today our thoughts and prayers go out to the families of the victims. We pledge everything within our power to bring swift remedies to those who are still trapped, along with our thoughts and prayers.

We saw yesterday also the strength and the courage of the American people, embodied by those firefighters and police who rushed into the wreckage; by those Americans, those physicians who came from around the region to lend their help; by the Americans still waiting in lines to donate blood. We saw the greatness of America yesterday.

And to those who would perpetrate these unthinkable crimes against innocent men, women, and children, we say to you, we will hunt you down like the animals that you are. You will find no refuge, no succor, no shelter from the storm that will come. Others have felt democracy is weak, and they have found, as our enemies today will find, that there is nothing like the resolution of the American people.

God bless this country.

#### GOD BLESS AMERICA

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, from the 23rd Psalm, "though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me."

God has blessed this Nation to be the most free, the most caring, and the most prosperous Nation in the world's history. But, as the Chaplain prayed, we seek peace and security through justice; and, I will add, justice will prevail.

God will continue to bless this Nation. Let us all fly our flags and renew our pledge to be one Nation, under God, with liberty and justice for all.

God bless this House, God bless this President, and God bless the United States of America.

#### BRINGING TERRORISTS TO JUSTICE

(Mrs. MCCARTHY of New York asked and was given permission to address

the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, yesterday morning I woke up thinking of my granddaughter. Yesterday was her first birthday. Two hours later, this Nation was in a crisis.

I know the American people. I know the people of New York. I know how we all respond in times of crisis, that we all come together, and we will be there for each other.

But this Congress, this Congress will respond. Many of us are considered gentle people, and we are. But let me say, I, for one, will make sure that this President has all the tools and the financial means that he needs to bring justice to so many of my constituents that were killed yesterday.

This Congress, this government, will not rest until every single person responsible for these deaths are brought to justice.

#### AMERICA MUST BE STRONG, OF GOOD COURAGE, AND ACT

(Mr. PLATTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PLATTS. Mr. Speaker, our prayers today certainly go out to the victims of yesterday's horrific acts of terror. May the families and friends of those lost, military and civilian; firefighters, police and other rescue personnel, receive comfort and peace today. And may the entire Nation be entrusted to the merciful care of God as we move forward from a day that America will not forget.

I join my colleagues here today to demonstrate the resolve of the United States of America to see to it that no act, however unspeakable, however despicable, will be allowed to halt our democracy.

I commend President Bush for his words yesterday committing our Nation to bringing to justice those responsible for these attacks, and for recognizing that those who harbor evil, are evil, and must be dealt with as such.

America should follow the admonition of David to his son, Solomon: "Be strong and of good courage, and act."

From tragedy, unity; from unity, strength; and from strength, justice.

For the victims, for their families, for our Nation, God bless America.

#### HONORING THE VICTIMS OF TERRORISM

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, yesterday is a day that will live long and painfully in all our hearts. We will remember that innocent people arriving

at their offices were murdered. We will remember that Federal workers and members of our Armed Forces, all dedicated to lives the public service, were murdered. We will also remember that men, women and children boarding airplanes bound for the West Coast to visit friends and family or to meet colleagues were murdered.

□ 1045

We will remember the firemen, police officers and emergency workers who lost their lives saving others at the World Trade Center; and we will remember the thousands of people who lined up to give blood, who helped others escape from fire and debris, and who said a prayer, and who simply asked, how can I help?

Yesterday, we saw the best humanity has to offer in the faces of America, and we saw the worst of humanity in the murders carried out by faceless, nameless terrorists. All Americans of all faiths and backgrounds mourn today the lives lost.

We will repair and rebuild the broken buildings and neighborhoods and we will maintain the foundations of our liberty; and as Americans, we will never sacrifice our freedoms, our fundamental rights, to cowardly acts of terrorism.

We will find those who perpetrated these evil acts, and they will pay the highest price for their actions.

Today, our thoughts, our prayers, our strength and compassion go out today to all of those who have lost loved ones. We will never forget you.

#### AMERICA STANDS STRONG IN FACE OF TERRORISM

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, our hearts and prayers go out to those who mourn the horrific actions of cowardice that we experienced yesterday. We are up against an enemy this time that has committed an act of war; but it is an enemy that is not a country, it is a band of evil people that is trying to instill fear in America. We must do all we can to defeat this enemy, and we are all enlisted as soldiers in that fight. Many of our emergency professionals have put their lives on the line and given their lives and deserve our appreciation.

What is there for us to do? We must remember that their weapon is fear. They are trying to instill fear in us; and if we panic, they have achieved victory. We must be showing our resolve as Americans and lining up to give blood, not lining up to panic to get gas at a gas station. That is what America is all about. We have risen to the challenge in the past; we will rise to the challenge today. With God's good grace, reaching out with condolences

to those who have suffered, we move forward with determination that we will achieve victory.

#### AMERICANS STAND STRONG AND UNITED FOR FREEDOM AND DEMOCRACY

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, we are all shocked, horrified, disgusted and sorrowed; and yet I am also extremely proud of the way all Americans in New York and Washington and all of the world have reacted. We know that there are groups and organizations, as well as some countries, that promote terrorists. It will not work.

There are other ways to solve problems besides destroying people's lives, and we are not going to let it work. But we also know that terrorism is systematic, and it is going to take a multifaceted approach in order to destroy terrorism and terrorists in the world.

We know we are going to track them down, and we know we are going to hold people responsible for these actions. But also, we know that we are going to have to follow the money. Where did the money come from? How was the money funneled to the terrorists in order for them to infiltrate the United States.

We have got the world community behind us and, God bless America, we are the leader in the world; and we need to act like a leader and keep marching forward and promote freedom and democracy for all people.

#### AMERICA WILL PREVAIL WITH STRENGTH AND COURAGE

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, my heart is heavy as I think of the tragic events that have befallen the United States. As was written long ago and is true today, the groans of the dying rise from the city; the souls of the wounded cry out for help.

Yet I stand here today, Mr. Speaker, to say, as is evident in this Chamber, the leadership of both parties of this country are resolute. The people of America should be confident that our national government and our military is on the job. We will prevail. We will respond.

My word to the American people is simply this: be encouraged; do not be terrified. Be strong and courageous, for now, as always, throughout our history, the Lord, your God, will be with you wherever you go.

#### AMERICA MUST WAGE WAR AGAINST TERRORISM

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, our hearts are filled with sympathy for the victims of what looks like the greatest loss of life on American soil since our Civil War, I fear greater even than Pearl Harbor.

After Pearl Harbor, there were a few timid souls who said that we should appease our attackers by changing our policy in the Far East and conclude a quick peace. Instead, the greatest generation waged the greatest war, made the greatest sacrifices, and won the greatest victory.

Today, we cannot even talk about appeasing the murderers by abandoning our friends in the Middle East. We instead must wage a war against terrorism, all terrorist groups; and we must remember that our war against terrorism is not a war against Muslims. Our last three wars were to protect the Muslim people of Kuwait, Bosnia, and Kosovo.

We must demand that Afghanistan send Osama bin Laden to the United States for trial for what he did at Yemen and what he did in East Africa; and if they do not, we should aid the Northern Alliance.

#### DEMOCRACY IN AMERICA PREVAILS NOW AND ALWAYS

(Mr. SIMMONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMMONS. Mr. Speaker, last night my wife spent the evening hours watching television with a neighbor in Connecticut. Their grandson, my daughter's friend and classmate, had a new job in New York City on the 105th floor of the World Trade Center. He was bright and energetic, a young man from a small town living out the American dream in the Big Apple. Repeated cell calls went unanswered. He is missing. We fear the worst.

So what do we do? We gather here to demonstrate that the people's work will go on and that our democracy is strong. We gather here to say that terrorism is not speech, it is murder, and terrorist acts are not political acts, they are acts of war.

In the name of Josh Piner and in the name of so many, many others, it is time to fight back. May God bless him, his family, and may God bless these United States.

#### AMERICANS STAND UNITED TO BRING TERRORISTS TO JUSTICE

(Mr. CARDIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, a Marylander I think expressed the sentiment of all of the people in my district when she said, "I am thinking about all of the people who died. I don't know the people in New York or the District of Columbia or Pittsburgh, but I feel like they are family."

Mr. Speaker, they are family; and in times of tragedy, a family grows closer together. We are going to come together. We are going to show our compassion for the victims, rescue who we can, make sure our country is safe, and we are going to find out what happened. We are going to find out who is responsible for these actions; and then as a family united, we are going to take the appropriate steps to bring these people to justice.

Mr. Speaker, on behalf of the people of the Third Congressional District of Maryland, we stand united with the victims' families and with all Americans in our resolve to make sure that what happened yesterday brings us together and we respond and hold those responsible accountable for their actions.

#### EMERGENCY WORKERS RESPOND WITH FOCUS, COMPASSION, DEDICATION, AND DETERMINATION

(Ms. HART asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HART. Mr. Speaker, I, as my colleagues do, rise with a heavy heart today. I extend my sympathy also to the victims, their families, those who are lost at this time; and pray that God will comfort them.

I thank God, though, for those emergency workers. Mr. Speaker, 911, yesterday's date, 9-11, should mobilize all Americans to answer the emergency.

The police, the firefighters, the medical personnel, and the rescue workers all responded yesterday with determination. They responded with focus, with compassion, and with dedication. We must do the same, because we must triumph as a Nation and as a people over this terrorist act.

I support the President and his resolve to hunt down those who facilitated this act of war and bring them to justice. We will bring them to justice. We as Americans must remember that preservation of freedom is not easy. We are facing the toughest time in our history, but we will triumph.

#### CONGRESSIONAL CONDEMNATION OF TERRORIST ATTACK AGAINST OUR COUNTRY AND ITS CITIZENS

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, let us pray for America. Let us stand behind our President and our leaders.

Mr. Speaker, being here on the floor today as a representative in Congress really humbles me. I am a very patriotic person. I was brought up with great respect and love for our country.

On December 7, 1941, I was a young student when I heard about the sneak attack on Pearl Harbor, the feelings I felt then, frustration and helplessness, sadness for those whose lives were cut short, and for their spouses, their children and their families, anger against those despicable persons who would inflict such unspeakable pain and suffering on so many innocent and helpless people.

Mr. Speaker, I feel today just as I felt after Pearl Harbor. But this country is changing, Mr. Speaker; and I feel personally bound, as all of my colleagues do, to take action and to stem the flow of violence in this country and around the world. I feel more determined than ever to protect our democratic ideals. I have sympathy for the families of those who are sick and dying. Thanks to the brave firemen and law enforcement people. Thank God for America.

#### TODAY WE START ANEW

(Mr. GRUCCI asked and was given permission to address the House for 1 minute.)

Mr. GRUCCI. Mr. Speaker, I rise, as so many of my colleagues do here today, with a heart full of pain and sorrow, anger and frustration.

Today is a day that we start anew. We will find those who are responsible for this heinous act against our community, against our families, against our friends and our neighbors; and we will bring those to justice who are responsible for this. We will move through anyone who stands in our way to accomplish that goal.

But now is a time to also reach out to the families who are sitting by their telephones waiting to hear the call that tells them if their loved one is still alive, and there are those who are receiving the call today that their loved one is not. There will be many who have fallen in this tragedy, a tragedy so great that it is hard to understand it all as we watched as those towers came tumbling down, as we watched as the concrete and the steel of buildings collapsed and those inside of them perished.

This is a great Nation. It is a Nation of true resolve. We will rise to the occasion of fixing the problems that caused this to happen. God bless those who are fallen, God bless their families, and God bless America.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces that he

will extend for 15 more minutes 1-minute, and ask the Members to attempt to stay within the 1 minute so all Members can be heard on their 1 minute.

#### ANOTHER DAY OF INFAMY

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, another day of infamy as our Nation has fallen victim to the most vicious, devastating acts of terrorism in the history of our great Nation.

Our prayers go out to the thousands of our fellow citizens in New York, in Washington, and elsewhere around the Nation who have suffered from this barbaric, evil act.

Members of this body have long called for increased support to combat terrorism, to beef up our intelligence capabilities. Our Nation must now rise from the ashes of this devastation. As we review our Nation's antiterrorism policies, we must use all means available to ensure that such a massacre will never be repeated.

To the rescue workers and New York's finest and bravest firemen and police officers who paid the ultimate price, we honor their commitment to punish those responsible. These heinous, targeted, coordinated acts of cowardice committed against innocent Americans was an attack on our Nation's economic and military strength. We will certainly not allow that to occur again.

#### IN MOURNING FOR FALLEN AMERICANS AND IN SUPPORT OF PRESIDENT BUSH, NATIONAL LEADERS, AND AMERICA'S RE- SOLVE TO OVERCOME TRAGEDY

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to offer my personal welcome to Prime Minister Howard of Australia. I am sure the good people of Australia share with us this moment of tragedy.

Mr. Speaker, I want to commend President Bush for his eloquent statement last night, before our Nation and the world, in the aftermath of the vicious terrorist attack that took the lives of thousands of innocent American citizens.

Today I rise in absolute support of President Bush, the leaders of our Nation, and our national resolve to overcome this tragedy. I rise to mourn with those who mourn, to comfort those in need of comfort, and to express my deepest sorrow for the loss of innocent life and many seriously injured from this national tragedy.

Mr. Speaker, America is strong, and with tremendous faith in Divine Provi-

dence, as President Franklin Roosevelt said and I quote, "We will not only defend ourselves to the uttermost but will make very certain that this form of treachery shall never endanger us again. With confidence in our Armed Forces, with the unbounded determination of our people, we will gain the inevitable triumph, so help us God."

#### STANDING UNITED IN OUR RE- SOLVE THAT ACTS OF TER- RORISM WILL NOT DETER US

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, yesterday America's innocence was shattered by unseen enemies. Cowards, terrorists, struck at the heart of our society, killing mothers, fathers, sons, daughters, indiscriminately in hopes of political gain.

We stand united in our resolve that their acts of terrorism will not deter us. I want to offer my prayers to families who are still waiting to hear from loved ones who might have been at the World Trade Center or the Pentagon, or those families who have already lost loved ones in yesterday's tragic events.

Words cannot express my gratitude to the countless police officers, firefighters, volunteers, blood donors, and health care providers who rushed to the crash scenes yesterday, putting their own lives in harm's way to come to the aid of their fellow Americans.

Yesterday's television images will remain with us forever, not only because of the sheer terror they conveyed, but also because of the uniquely American spirit that was evident: our grit, our resolve, our unparalleled ability to rally together in the face of tragedy.

I am proud of the members of the Fairfax County Urban Rescue Team who were among the first to tackle the difficult debris at the Pentagon. In addition, I want to thank all those who continue to help their fellow Americans by providing comfort and prayer to those injured and their families.

Mr. Speaker, we stand together to ensure that the perpetrators and enablers of these cowardly acts are held accountable and pay the highest price for their actions.

#### EXPRESSING SORROW, HOPE, AND AMERICA'S FIRM RESOLVE TO MOVE AHEAD

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, today all across America the hearts and prayers of our people are with the victims, their families, the rescue and medical workers, our friends and neighbors.

These cowardly acts may have shaken buildings, but they cannot shake

the foundation of our Nation, our freedom, our people's spirit, our great democracy.

I join with my colleagues here in Congress in expressing our Nation's sorrow and outrage at these evil attacks. More than that, we join together in firm resolve to find those responsible and to bring them to justice, and resolve to prevent such acts in the future.

Mr. Speaker, this is a reminder that just as no person is an island, America is not an island. No declaration of resolve here, no fancy airport security technology, no air marshal on board planes, no military action can by itself root out terrorism without international cooperation.

As the champions of freedom in the world, we will reach out not only to governments around the world, but to the people around the world who stand with us.

#### EXPRESSING SYMPATHY TO FAMILIES WHO HAVE LOST LOVED ONES, AND THE CONVICTION THAT TERRORISTS AND THOSE WHO HARBOR THEM MUST BE PUNISHED

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, my heartfelt sympathies are extended to the families. Many people in my area work at the Pentagon and have been involved. The mothers, the fathers, the sons, the daughters, and the neighbors who perished will never be forgotten.

I want to also thank and praise the courageous firefighters, the rescue workers, the policemen, the servicemen and women, and the scores of volunteers who have been working around the clock.

America is the greatest country in the world. We represent freedom and liberty and democracy, and we will respond to this terrorism. We strongly support the President of the United States to find them and to bring them to justice so this can never happen again.

#### THREE THINGS AMERICANS CAN DO TO RESPOND TO THE ATTACK ON OUR COUNTRY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, in the last 24 hours I have heard a very powerful statement from thousands of Americans, a question. That is: What can I do?

I would suggest three things:

We can give blood, not just in the next day, but in the next several months.

Number two, we can tell our children that they are safe, and they are safe in their schools. We cannot allow these terrorists to create an image and a feeling of fear of our kids when they go to school.

Third, and I think most important, we need to talk to our children and tell them that at the same time they are discovering the nature of evil in certain people, and cowardice in certain people, and terrorism in certain people, there is courage in Americans.

We can share the stories of these firefighters and these police officers who went into these buildings, so that our children know, as it has always been and will always be, the courage of people, of individual Americans, is going to surmount cowardice.

#### SOME UNSCRUPULOUS GAS STATION OPERATORS ATTEMPT TO PROFIT FROM AMERICA'S TRAGEDY

(Mr. BACHUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS. Mr. Speaker, in moments of tragedy such as we are now witnessing, stories of sacrifice and heroism always emerge to make us proud. That will continue to be the case as we dig out from the rubble of this cowardly assault by yesterday's terrorists.

However, disaster always breeds acts offensive to all honest and patriotic Americans. Sadly, we are also witnessing examples of such behavior here in America. Instances of gas price gouging come from all over the Nation. In my home State, a patriotic State, prices of over \$4 are reported. Throughout the Midwest, prices exceeding \$5 a gallon were reported after the bombing.

Most national oil companies have announced they are freezing gas prices, indicating much of this is by the unscrupulous operators at the gas station. They must be held accountable.

#### AMERICA'S DARKEST HOUR MAY ALSO BE HER FINEST HOUR

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, unlike the old broadcast message, this is not a test, this is very real. Secretary of State Powell had it correct: This is an attack on our civilization.

But in this, our darkest hour, we may also find our finest hour in our Nation's character and our Nation's will. We will help continue the rescue efforts. We will mourn the dead victims. We will pray for the families. We will salute our brave rescue workers, firemen, and policemen.

We will also secure our communities, and we will bring perpetrators not just

to justice but to a punishment they will not soon forget. God bless America.

#### AMERICA WILL RISE AND GROW STRONGER FROM THIS TRAGEDY

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, yesterday our great Nation was attacked by terrorists whose aim is to violate what we cherish so greatly across this land: our freedom, our democracy, our hopes and dreams, our quality of life.

I would like to join my colleagues in expressing my sorrow for both the victims and families of those that were killed and injured during yesterday's cowardly attack.

This is a time for us to remember and express our gratitude to the policemen, firefighters, and emergency service personnel who have unselfishly sacrificed their lives.

Mr. Speaker, a tragedy happened in America, but America will rise and be stronger. God bless America. God bless this great people.

#### NOW IS THE TIME FOR ACTION

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, we have been flooded with words of condolence, but the time now is for action.

I call on the Taliban to hand over to us Osama bin Laden, if not for this act, for his previous acts of terrorism.

I call on Iran to stop supporting Hezbollah.

I call on Syria to close the headquarters of the various terrorist organizations in Damascus.

I call on Yasser Arafat to arrest all terrorists, suicide bombers, and plotters of mass murder.

I call on Europe to join us in our policy vis-a-vis Iran and Libya, and stop providing aid and assistance to them.

I call on Russia, China, and North Korea to stop selling technology and weapons of mass destruction to countries that support terrorism.

Yesterday, the United States of America lost its innocence, but it gained a new will to eradicate the evil of terrorism from this globe.

#### TERRORIST ATTACK ON WASHINGTON, D.C. AND NEW YORK

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, earlier in the 20th century, America was once referred to as a slumbering giant, and

was later shocked and angered into a victorious response to the atrocities of the imperial Government of Japan, as well as Nazi Germany.

Yesterday, our democracy suffered the 21st century's equivalent of Pearl Harbor, and our shocked and angry Nation stands in strong support of President Bush's efforts and commitment to identify and hold accountable those who initiated, planned, and coordinated this terrorist assault on the American people in New York City and our Nation's Capital.

The question today is, Mr. Speaker, have we had enough. The people I represent have made it clear that they support and want appropriate and immediate action. We must identify and destroy the terrorist network wherever it exists.

We must move quickly and we must strengthen our intelligent military capabilities. I am committed to working with my colleagues in a nonpartisan partnership with the President to accomplish these goals.

America is a great Nation with enduring institutions of freedom that will withstand the onslaughts of the forces of evil. We must stand together. We must be strong. Our freedoms matter. We must protect our freedoms and guarantee the security of our people. God bless America.

#### AMERICA HAS A HISTORIC ROLE TO UPHOLD AND DEFEND FREEDOM'S LIGHT

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, yesterday America walked through the eye of terror's perfect storm. Thousands of American families were hideously drafted into a war that they only dimly perceived. But today we emerge from the ashes of hate and horror, of evil, reminded that America has a historical mission in the world to uphold freedom's light and defend it against every and all attempts to snuff it out.

The great American, William Lloyd Garrison, once said, "With reasonable men I will reason, with humane men I will plead; but to tyrants, I will show no quarter, nor waste my arguments."

Today, Congress and the President and the American people are saying to the world, "With reasonable men we will reason, with humane men we will plead, but to agents of modern terror, we will not waste our arguments, because we will show them no quarter."

#### THE PEOPLE OF SOUTH DAKOTA AND THE PEOPLE OF AMERICA DEMAND JUSTICE

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. THUNE. Mr. Speaker, we are one America, one family. When one of us suffers, we all suffer.

I have been reading e-mails from my constituents in South Dakota.

"We grieve with our brothers and sisters in New York and Virginia, in Maryland and D.C. South Dakotans are praying for you, and we support you. You have been there for us. We will be there for you."

To the rest of America, let me say that South Dakota stands ready to support our President in defending and protecting American citizens and American freedoms. To the terrorist world, let me say that they have declared war on a sleeping giant.

The people of South Dakota and the people of America demand justice. If they are terrorists, they can run but they cannot hide. We are coming after them. We will find them, and there will be a reckoning.

#### AMERICANS MUST REAFFIRM THEIR ALLEGIANCE TO THE UNITED STATES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we as Americans must reaffirm our allegiance to the United States of America, and as we stand here today, men and women all over this Nation are drawn to New York and drawn to Virginia and the Pentagon helping to recover, helping to discover and find our loved ones.

□ 1115

But we must resolve that this terrorism and this terrorist act will not undermine our constitution, will not undermine our resolve and will not undermine our faith.

To the injured and the families of the victims, I offer His amazing grace. To the firefighters and police officers who have fallen, we thank you for your sacrifice.

We ask people of all faiths all over the world to take us to the level of weeding out these terrorists because we will not attack recklessly but we will attack with purpose.

I love America, and I love this home of the brave and the free.

#### THE GRAY WAR

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the bloodiest attack in American history occurred yesterday, September 11, 2001, a date which will live in infamy. Life in America as we know it will change.

Let us, as Members of Congress, and more importantly as Americans, re-

solve to help these families who lost loved ones in this cowardly attack and provide the necessary resources to both the people in New York and Washington, D.C. to aid in the recovery and assist these families.

The attacks yesterday remind us of the shock and horror experienced in Pearl Harbor. We must and will work to ensure that this barbarism never occurs again.

So, my colleagues, we won World War I, II, and the Cold War, but now we must prevail in what is called the "Gray War." The "Gray War" is a war against the faceless specter of terrorism. We will prevail here also.

#### THIS ACT OF WAR WILL BE AVENGED

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Yesterday, a heinous and cowardly act was perpetrated against this great Nation. My heart and the hearts of my constituents go out to the families of the victims. No American family, no family on Earth should suffer the loss of a loved and cherished one under these circumstances. We must ensure that these innocent men and women will not have died in vain.

To those terrorists who dared to violate our people and our country and those nations who harbor and give aid and comfort to those pathetic excuses for human beings, I promise you, we will identify you, we will find you, we will rid this world of the stench of your existence.

There is no such thing as a measured response to this horrific attack. This act of war will be avenged. Our beloved Nation will learn from this outrage, and we will be a stronger and far greater Nation for it. God bless our people; God bless America.

#### CONDEMNATION OF COWARDLY ACT OF WAR

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today to condemn the cowardly act of war set upon our country. My thoughts and prayers are with the victims, their families, and the citizens of this great country.

As each one of us attempts to come to terms with this dastardly deed, the use of innocent civilians as a means to carry out this act was appalling. Unfortunately for our perpetrators, our resolve has been strengthened. This horrendous act has brought our Nation closer together, not farther apart, as I am sure was the intention. America now has a stronger will than any cowardly act like this can break.

I guess you can say that the terrorists have woken the sleeping tiger. Now America is wide awake to the realities of the situation and angry. We will not rest until those responsible are brought to justice one way or another.

Congress is united in its desire to do whatever it takes to assist the President in this effort. I also strongly support holding those who harbor these terrorists as equally responsible. In my view, there is no separation. The full weight of the United States military should be brought down on all those responsible for the murder of our fellow Americans.

God bless America.

#### CONDEMNING ATTACK AGAINST OUR COUNTRY AND ITS CITIZENS

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I stand before you this morning as a man proud to be an American; proud because of the extraordinary spirit that resides in the hearts and minds of the people of this great Nation.

Yesterday our Nation was attacked. Thousands of hardworking men and women in New York City and here at the Pentagon left their homes to put in an honest day's work and they were viciously attacked; attacked by cowardly individuals who deliberately sought to strike at the innocent.

In spite of the ugliness of this tragedy, I witnessed the beauty of the American spirit rising Phoenix-like out of the ashes; beauty that was demonstrated by those who were attacked, those who rescued, and those who led; beauty that was demonstrated in the form of strength of character, unity in spirit, and a willing spirit.

I believe that today, because of our pain, America is stronger than it has ever been. God bless America.

#### AMERICA WILL PREVAIL AGAINST THIS ADVERSITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. The book of Proverbs tells us that the test of gold is fire, but the test of man is adversity. Today, America is being tested one more time. But just as we in the past have faced the adversities of war, disease and depression, we will prevail.

Yesterday, in the ever-present age-old battle between good and evil, it appears that evil stole the lives and safety of our citizens; and yet it can never steal our resolve, our ideals, and our love of freedom.

Today, Congress and the American people are back at work. Tomorrow, we will seek justice; and the bell of free-

dom will ring once more loudly all over the globe.

#### CONDEMNATION OF BRUTAL ACTS; ACKNOWLEDGMENT OF AMERICAN HEROES

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Yesterday was an emergency 911 call for every American in this Nation, black, white, Latino, Jew, Gentile, Christian, and non-Christian, to stand united in our utter condemnation of these brutal and inhuman acts.

Clearly, it is too early to identify with precision the source of the terrorist attack. But I am confident, with all of our resources brought together in the coming weeks and months, with our intelligence, law enforcement and military agencies, we will be able to piece together a coherent and credible story; and we will act precisely.

In closing, my prayers go out to the hundreds, thousands, perhaps millions of Americans who have been directly affected by these terrorist acts. In addition, the courageous acts of rescue workers, volunteers, our fire and police departments must be acknowledged and praised. It is now time to honor them all. We are all and they are all true American heroes.

#### A DAY OF MOURNING AND OF RESOLUTION

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, today is a day of prayer and mourning for America, the victims, and their loved ones. But it is also a day of resolution. We are resolved to bring those responsible for this atrocity to justice, swift and sure, and make clear that America, that freedom itself, will never be held hostage to terror.

With a fresh awareness of all our vulnerability, we must move forward to secure our Nation. With hope that cannot be defeated, we must turn toward the best within us, put aside our differences, respond to the continuing crisis, and begin the process of rebuilding.

May God bless America.

#### UNCONSCIONABLE ACT; IMMEASURABLE LOSS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. What happened yesterday is beyond words and beyond comprehension. The act was unconscionable. The loss is immeasurable.

Many, many people in my district, which is right across the river from New York City, have lost someone they cared about, a friend, a family member, or just someone they knew. To my friends and neighbors and constituents back home in New Jersey, let me say we will get through this together. That spirit is demonstrated by the hundreds right now back at home seeking to give blood and volunteer.

To my fellow countrymen and women from every part of our great land, because there is no doubt that this was an act of war against all of America, let me say we stand as one, united against our enemies, united for the things we believe in, liberty, freedom and justice.

May God bless us and help us through these difficult times.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair desires to announce that following the declaration of recess today, Members are invited to attend a classified briefing here in the Chamber during the recess.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair, and the Chamber will be cleared of all unauthorized personnel or guests.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1453

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 53 minutes p.m.

#### PERMITTING USE OF ROTUNDA OF CAPITOL FOR PRAYER VIGIL IN MEMORY OF THOSE WHO LOST THEIR LIVES IN THE EVENTS OF SEPTEMBER 11, 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 223) permitting the use of the rotunda of the Capitol for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HOYER. Mr. Speaker, reserving the right to object, and obviously I will not nor do I intend to object, but I want to reserve the right to object so the gentleman from Ohio (Mr. NEY) can kindly explain the purpose of the concurrent resolution.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, House Concurrent Resolution 223 permits the use of the Capitol rotunda for a prayer vigil in memory of those who lost their lives in yesterday's tragic act of terrorism against the United States.

This country has suffered the most terrible and horrific terrorist attack in its history. Although we still do not know the full story, these unspeakable acts of brutality strike at the very heart of our society. Our heartfelt prayers and sympathy go out to all who have been directly touched by this tragedy and their families.

Prayer can now be the source of unification and peace for a Nation that is beginning the healing process. The rotunda in our Nation's Capitol is a symbol of unification. House Members, Senators and the American people have historically gathered there for solemn occasions. It is, therefore, fitting that the people's representatives from both bodies gather together there today. No matter what the troubles in the world, you can have peace with God and you can achieve it with prayer.

My fellow colleagues, please join me and the millions across the country and the world as we remember those who died in a senseless and cowardly act of terrorism. May their memory serve as a reminder that the American spirit lives on and cannot be extinguished.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I, of course, concur in the Chairman's characterization of the resolution.

It is appropriate that we authorize the use of the rotunda of the Capitol, the center and heart of this Nation's Capitol, to remember those who have paid the final price for living in freedom and defending freedom.

Our democracy, of course, will not crumble in the face of this disaster. Our democracy will endure this test and emerge stronger and more dedicated to freedom and justice throughout the world.

We do this to honor and remember those of our fellow citizens, those who live among us who perished yesterday, and those whose lives have been forever changed by grievous acts of cowardice.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 223

*Resolved by the House of Representatives (the Senate concurring).* That the rotunda of the Capitol is authorized to be used at any time on September 12, 2001, for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001. Physical preparations for the vigil shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H. Con. Res. 223, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### EXPRESSING SENSE OF SENATE AND HOUSE OF REPRESENTATIVES REGARDING TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES

Mr. ARMEY. Mr. Speaker, I offer a joint resolution (H. J. Res. 61), expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, and I ask unanimous consent for its immediate consideration pursuant to the following order:

Debate on the joint resolution shall be limited to 3 hours equally divided and controlled by the majority leader and the minority leader;

After opening speeches, the majority leader and the minority leader each may yield the remainder of his time to the chairman and ranking minority member of the Committee on International Relations, respectively, who may control that time;

The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion; and

Following passage of the joint resolution and upon receipt of a message that the Senate has passed an identical joint resolution, the House shall be considered to have passed the Senate joint resolution.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

H.J. RES. 61

Whereas on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent Americans were killed and injured as a result of these

attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon; and

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress—

(1) condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors;

(2) extends its deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends, and loved ones;

(3) is certain that the people of the United States will stand united as our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts;

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill;

(5) declares that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law;

(6) thanks those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and asks them to continue to stand with the United States in the war against international terrorism;

(7) commits to support increased resources in the war to eradicate terrorism;

(8) supports the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

(9) declares that September 12, 2001, shall be a National Day of Unity and Mourning, and that when Congress adjourns today, it stands adjourned out of respect to the victims of the terrorist attacks.

□ 1500

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT) each will control 90 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a time when we should choose our words carefully and deliver them deliberately.

Mr. Speaker, this resolution is a resolution that shows our utter contempt and our total resolve after the acts of yesterday. America was attacked yesterday, Mr. Speaker, an evil, cowardly act of war against the American people

and against the lovers of freedom across this globe.

It is, Mr. Speaker, because of the goodness of the American people that they find it so impossible to understand such acts of barbarism. It is, Mr. Speaker, because of our commitment to peace and freedom and love that we do not understand how people can do these things.

But, Mr. Speaker, there are things the American people do understand. We understand the heartbreak of the families of those victims of this atrocity who lost their lives. We as a Nation come together with empathy. Our hearts cry out for the loss, the injustice, the mindlessness of it, the cruelty and the waste; and we come together as a Nation to console one another.

Mr. Speaker, we Americans understand the heroism that is demonstrated by our citizens, the quiet heroism of those ordinary working men and women in America who went to work yesterday, to do their duty to themselves, their family, their jobs, to one another, quietly and ordinarily.

We understand especially in such dramatic terms the heroism of the firemen and the policemen that rushed to the danger to be of service and help and relief and perhaps to actually save people they did not even know.

We understand the heroism of the servicemen and women, quietly going about their job, working for the security of America, for the preservation of freedom, who were assaulted at their desks yesterday; who picked up the pieces, ran to each other's aid, putting their Pentagon back together the best they can, and who will continue to be vigilant for freedom and democracy across this globe.

We understand that heroism. And the reason we understand that, Mr. Speaker, is that is who we are. We are a heroic nation. We would prefer to be a quietly heroic nation, doing the mundane things in the ordinary business of life; but, if we are called upon, we will be a heroic nation that will run to the distressed to lend our hand. And we have proven that.

Mr. Speaker, we are also a nation of people who understand justice, freedom, democracy, and, Mr. Speaker, security; and that understanding of these values that we hold so deep, Mr. Speaker, should not be underestimated. It is that understanding that allows me to say now, you will be found, those of you who perpetrated this horrible act; you will be found, and you will be made to pay.

Mr. Speaker, we also understand what is required of great nations in the service of civilization in this world; and that understanding runs deep in America. It, too, is who we are. And we understand that that commitment to civilized nations, respecting one another and treating our citizens with decency, is why this great nation will not

be compelled, not even tempted, in the face of this catastrophe to change its course.

No, Mr. Speaker. We will stand together with the great nations of this world who love civilization, democracy, freedom, and decency; and we know they will stand with us at this time.

Mr. Speaker, we will stand against tyranny, as we have done. Do not underestimate us in our resolve. This great nation of heroes, who throughout its entire history loved freedom so much that it risked its peace even to defend the freedoms of others, will defend its own freedom.

And for you nations in this globe who would harbor the terrorists, who would condone terrorism, who might even support the terrorists, make no mistake about it; you will be held responsible by this great nation, and by all the great nations of this world that love freedom, peace and decency.

Mr. Speaker, there is another thing that we Americans understand. We understand faith. We understand the faith of our fathers, we understand that in America we have the wonderful opportunity to have faith in things that are good; and, Mr. Speaker, we understand that by the commitment of our understandings of the goodness of the people, the goodness of our way of life, the goodness of people across the world who love freedom, in the end that faith tells us that good will defeat evil. And all the victims of yesterday will be vindicated by a world that will live free and decent in respect for one another, citizens of all nations and creeds and for our own citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the majority leader for bringing this resolution with me and all of our Members. I appreciate his cooperation, the cooperation of the Speaker, and all the leaders of Congress, all the Members.

Mr. Speaker, this is a moment for all of us as a people to rise to the occasion, to rise to the challenge. We bring this resolution forward with a heavy heart, but with an unbowed spirit to condemn with one voice the senseless acts of heinous violence that were committed against thousands of our people, to send a signal that we are determined to begin the healing process, and to serve notice that we will take immediate decisive steps in the days ahead to make sure that this never, ever happens again on American soil.

Today we gather in sorrow for the military heroes who have lost their lives at the Pentagon, for the thousands of Americans in New York who lost their lives in the horrible explosions at the World Trade Center, and for the countless brave Americans who perished on airplanes hijacked by ruth-

less terrorists and made into instruments of mass destruction.

We salute the incredible, wonderful, heroic rescue workers, medical personnel, firemen and firewomen, policemen and policewomen, who literally ran back in the buildings that crashed around their heads in order to save the lives of others. At this very moment as we meet on the House floor, countless rescue workers are still fighting tirelessly to find people who might be alive in the rubble and trying to bring life back to them, and hundreds of individual unnamed Americans are stepping forward to volunteer, to give blood, to give money, to give time, to volunteer to participate to save lives and to bring people back.

We have been so moved by the pictures on the television of rescue workers trying to bring people back to life. I have been moved by their patriotism, by their bravery, their resolve, their willpower, their love for other people at a time of great danger for themselves.

This generation of Americans is rising to the occasion, as Americans have always done. I have watched these rescue workers, their bodies covered in soot and dirt and blood, sitting on sidewalks, trying to get their breath, trying to find their surroundings, operating without sleep and help, doing everything in their power as human beings to help others, and giving their lives in order to do it.

In the days ahead, we are going to hear more stories of more heroes, true-to-life heroes, who sacrificed in all kind of ways; and, unfortunately, we are going to hear more stories about more victims who succumbed to the violence of these terrorists.

In the days to come we as a Congress will be taking the steps to restore American national security and to punish those responsible for this act of war against the United States of America. We will not rest until we find the perpetrators of this highest, most heinous act of crime against our people and against the United States and against civilization and against humanity. This is war; and we will do everything in our power together to make sure that terrorists never, ever again can create this mayhem, this chaos, this violence against our people and our country.

This resolution makes clear terrorism is a different, sinister kind of threat that faces all Americans and all people of this world. It demands the strongest possible response from our Congress and from our country.

We must review our priorities for spending on national defense and put necessary resources into programs to combat this threat, to ensure that what happened yesterday never, ever happens again.

This Congress is united, Democrats, Independents, Republicans. There is no

light or air between us. We stand shoulder to shoulder. We will trust one another in the days ahead. We will trust the White House, and we will ask to be trusted in the highest sense of that word, to find the answers that we can agree on to solve this problem, once and for all.

□ 1515

Freedom, freedom in America has burned for everyone in this world for over 200 years. Freedom was founded by our founding ancestors. What happened yesterday changes the nature of freedom in this country and every country forever. We live in a new world, and we will never go back. As leaders, we must find a new balance with our people between freedom and security. We must summon among ourselves our highest and best thought, our highest and best action, so that we can help lead our citizens to a new understanding in a new world of what it means to be free and also secure.

Freedom will not be defeated because of the power of our ideas, the values of our democracy and humanity, and because of the wonderful, heroic American people who each day breathe life into the ideas of freedom and democracy.

I ask my colleagues to vote for this resolution to condemn this attack, the worst attack in the beloved history of America; and let us move forward as one Nation, one people, for the sake of every single person on this entire planet who believes in freedom and believes in civilization and believes in humanity.

Let me end with the words of an old hymn that I love so much. We ask today for God's help. When we face the unexplainable, when we face evil, we must turn to God. As the hymn said, "And he will raise you up on eagles' wings, bear you on the breath of dawn, make you shine like the sun, and hold you in the palm of his hand."

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Missouri (Mr. GEPHARDT), the minority leader, for his comments and for his cosponsorship of this resolution.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. LANTOS).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the legislation under consideration.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Six decades ago, Sir Winston Churchill wrote words that are just as salient today as they were then: "Civilization will not last," he wrote, "freedom will not survive, peace will not be kept, unless a very large majority of mankind unite together to defend them."

Mounting that defense requires leadership. Freedom will not be defended without leadership. Human decency will not be defended without leadership. America was attacked yesterday because of what she is and because of what she stands for. America must now take the lead in rallying the forces necessary to defeat terrorism throughout the world.

It is a standard plot in science fiction. Humanity: fractious, divided, conflicted humanity, unites at last to face together the threat of an invasion from aliens. What happened yesterday was not the doing of aliens. It was not something that came from "out there." It was something that came from below, from that corner of hell where the most wicked sentiments in the human heart fester. Is it possible to imagine that, confronted with evil of this magnitude humanity, or at least Churchill's very large majority of humanity, will unite to defeat the common enemy? We must hope so. But we must also act, for American leadership is essential in gathering the friends of civilization to the common defense.

Let us be very clear, let the American people be very clear and, indeed, let the world be clear about what happened yesterday. This was not a "tragedy" in the strict sense of the word. A "tragedy," as we remember from Greek drama, is something inevitable, a fate from which there is no escape. What happened on September 11, 2001, was no more a tragedy than what happened on December 7, 1941.

And here is the full meaning of the analogy that so many have drawn to Pearl Harbor: what happened yesterday was a willful, deliberate act of aggression. Its purpose was destruction: to kill Americans in order to demoralize the American people, destabilize American democracy, and wreak havoc with the American economy. While we extend our love and sympathy to the thousands who did indeed experience wrenching personal tragedies yesterday, we must be clear about the meaning of these acts. These were acts of war against the United States of America, against the American people, and against the rights and freedoms for which America stands in the world. These were acts of demonic evil whose perpetrators have disqualified themselves from membership in the human race.

Wars have been fought for many reasons in 5,000 years of recorded human history. Wars have been fought for territory, for ideology, for plunder, for conquest. This war in which we are now engaged, and this is war, not "crime"

in the ordinary sense of the term, is a war for civilization itself. It is a war that pits the defenders of human rights, the defenders of democracy against those who hate America precisely because she is the preeminent symbol, the greatest contemporary embodiment of human rights and democracy. We were a target yesterday because of what we stand for, because of who we are. In defending ourselves, we are defending everyone in the world who believes in the rights of man, everyone who believes that democratic politics, not mass violence, is the way to conduct public affairs.

Expressions of resolve are important today, as are expressions of sympathy and solidarity; but there must be more. It is imperative that we understand that we are in a war. It is imperative we take the steps necessary, in both terms of policy and funding, to make sure we win that war. In doing so, we defend ourselves and we defend the hope which touches hearts around the world that this new century will see the triumph of freedom and the vindication of the democratic idea in human affairs.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I first would like to identify myself with the powerful statements of the Republican leader, the Democratic leader, and the gentleman from Illinois (Mr. HYDE), my good friend, the chairman of the Committee on International Relations.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I urge all of my colleagues to approve it without delay and without dissent.

Yesterday, the world's greatest democracy suffered one of the most monstrous acts of terror in human history. This terrorist attack was not only an attack on the American people, it was an attack on the very essence of our free and democratic society. It was orchestrated for the purpose of murdering American citizens and of undermining the American way of life. We cannot and we shall not permit the perpetrators of this terror to prevail.

Yesterday, Mr. Speaker, represents the opening salvo in this new millennium in America's global struggle against international terrorism. It is a struggle like no other our Nation has ever faced. During the century just ended, Americans rose to the challenge to defeat international Fascism and international communism. Meeting the challenge of international terrorism again demands all that we as Americans are capable of mustering.

First, Mr. Speaker, we must close the wounds. As we speak, rescue teams are risking their lives to save those still buried in the smoldering rubble. Now is the time for all Americans to extend their hands, their hearts, and their

prayers to the victims and to their families. We are a people of great compassion, Mr. Speaker; and we must come together as one Nation to help our fellow Americans in this hour of need.

Second, we must strengthen our defenses. We must take urgent steps to prevent such vicious acts of terror from ever being repeated. Yesterday's dastardly acts exposed our Nation's vulnerabilities. To ensure that the victims of this terror did not die in vain, we must prove to the perpetrators and to the world at large that America will emerge from this tragedy a much stronger nation.

Third, Mr. Speaker, justice must be done. We must marshal all of our strength and all our intelligence to find and apprehend those who dare to perpetrate such an act of evil against the United States. We must punish the guilty, but we must not end there. We must strike back against terror, destroy the guilty, and shatter their network and those dictatorships which support and harbor them.

We are not alone in this struggle. In this time of need, we turn to our friends and allies for assistance and for cooperation. Americans will not forget those who support us now, and we will not forget those who do not.

□ 1530

It has long been the policy of the United States to hold accountable those who harbor terrorists as sponsors of terrorism. We must now implement this policy with new vigor.

I call on the Taliban in Afghanistan to turn over Osama bin Laden and his gang for their proper punishment.

I call on Yasser Arafat to put back in prison the terrorists he liberated so unjustly.

I call on Iran to stop supporting the terrorists of Hezbollah who have brought death and destruction in their wake.

I call on Syria to close the headquarters of the various terrorist organizations in Damascus.

We must also demand, and I call on Russia, China, and North Korea to stop selling weapons of mass destruction to countries that harbor terrorists.

Let us begin here and now by finding a common voice and expressing our Nation's sense of indignation, sorrow, and firm resolve. Let us demonstrate here and now the power of democracy.

As a survivor of the Holocaust, Mr. Speaker, I have vowed never to forget that dark chapter in human history. Yesterday's act of terror again reminds us of man's unlimited capacity for evil against his fellow man. This, too, we must never forget.

Yesterday, the United States of America lost its innocence, but history will show that America found a new unity and a new will to wage war against international terrorism. Let us begin to write that new history today.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. GILMAN), the distinguished former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, yesterday, September 11, is another day of infamy in our Nation's history as our Nation was viciously attacked in the most devastating act of terrorism in our books of record.

The distinguished gentleman from Illinois (Chairman HYDE) and our bipartisan leaders are commended for crafting this resolution. President Bush and the leadership of the House and Senate are commended for their bipartisan solidarity at this time of our national crisis.

This barbaric attack was a targeted, coordinated act of terrorism committed against innocent Americans, an attack on our leading economic and military institutions, and an assault on our efforts to promote peace and freedom throughout the world.

To the victims and families of this tragedy, to the courageous rescue workers, and New York's finest and bravest firemen and police who have paid the ultimate price, to the people of New York and Washington and elsewhere around the world, we extend our heartfelt prayers and condolences.

Our Nation is grateful to the international community, who have expressed their concerns and who stand by us today against international terrorism. It is important that the international community condemns all those nations which provide any safe haven for terrorists, holding them equally responsible and accountable.

In the Congress, we stand behind our President, our Armed Forces, and our law enforcement agencies in our efforts to bring these vicious criminals to justice. America's war against terrorists has only just begun.

In light of yesterday's attack, we must now fully review all of our policies toward international terrorism, our airport security, and our intelligence capability. We must take all the necessary steps to make certain that this kind of a massacre is never repeated.

We must make certain, too, that upon anyone who attacks the freedom of our country will be brought to bear the full resolve of our great Nation. America is no fallen tower, America stands strong and united, and we must use all of our means to pursue these perpetrators of crimes against our humanity.

God bless our Nation.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 4 minutes to my good friend, the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me. I

congratulate him on a very important and eloquent statement.

Mr. Speaker, today we grieve together as a Nation. We grieve for the sons and the daughters, the mothers and the fathers, the friends and the colleagues who were murdered in yesterday's savage attack. We shed tears with thousands of families whose lives have been shattered, and we mourn those courageous fallen heroes who sacrificed their own lives amid choking stairwells and roaring flames and falling concrete so that others might live.

It is hard for us to fathom the bitter hatred that could inspire our attackers to such acts of horror. They drink from a dark and poisoned well. Hatred is a thirst that can never be quenched, Mr. Speaker. Amid our own fury, we must strike that cup down.

The United States will act decisively and forcefully to pursue those guilty of this slaughter wherever they may be hiding, and mete out justice that is swift and severe. As the dust settles today, we find ourselves confronting an enemy that is both evil and elusive, but the world must know that America now stands stronger than ever, a Nation sworn to defend freedom, tolerance, diversity, and democracy. Those terrorists who attempt to extinguish our spirit must know that these are ideals we Americans will never surrender.

Mr. Speaker, I come from Michigan. It is the home of hundreds of thousands of Arab Americans and American Muslims. Already, leaders in their community, patriotic Americans who give so much to this country, who have condemned these attacks and who are as sickened by the carnage as everyone else, have been receiving death threats, and their families live in fear.

Such hateful prejudice offends us all. I shared these sentiments just hours ago with the President at the White House. Even as we struggle to clear away the rubble and the charred wreckage, our wounds, as we mourn our dead and seek ultimate justice, America must also stand together against this type of bigotry.

Mr. Speaker, we are all in this together, Americans who share a common grief and outrage. All Americans of all faiths, Christians, Muslims, Jews, we all condemn this cowardly act of terrorism.

Over the past 24 hours, many people have said that America will never be the same, and in many ways that is true. We struggle to comprehend our sudden and terrible loss of countless loved ones, of national innocence, of a sense that America was somehow invulnerable to a chaos that always seemed so very far away.

Each of us will be asked to do more, to give more, to join our fellow citizens to defend the freedoms and the values we cherish. As we have heard on this

floor already, people are already answering the call. We have seen thousands of people lining up to donate blood, families offering shelter to victims they do not even know, neighbors embracing neighbors, congregations joining in prayer.

We in this House pledge to do our part, to work together as never before, to join the President and our many allies around the world to defend our land and our liberty. From this conflagration, the world will see an America emerge that is stronger and more united than ever before, always and forever a beacon for the best in the human spirit.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think all of us send our condolences and prayers out to every American family that was harmed by this cowardly act to our Nation. We want the victims to know that none of them is alone. Every American grieves with them.

We are standing beside them, and we will never, ever forget the Americans who fell yesterday. We have all been unified by this tragedy, and we will get through it together. Just as it has in every crisis before this, the strength of our faith will strengthen our Nation.

Faith endures as the great and abiding source of our fortitude. Every American is grateful for the countless acts of heroism from the men and women who fought through the chaos to aid these victims. Their actions make all of us so proud to be Americans, and we salute their courage.

Today this Chamber has no divisions. We stand united behind President Bush. Our President should use any and all means necessary to avenge the lives of our fallen countrymen.

Yesterday, agents of evil may have declared war against freedom, but they failed to bend the iron of American resolve. Tempered by tragedy, our commitment to America's founding principles and the service of freedom has only grown stronger this afternoon. We are at war with the forces of terrorism.

We will draw no empty distinctions between those who physically carry out these acts and the people, organizations, and governments who aid, abet, and shelter the enemies of freedom.

The United States is fully committed to sweeping this aggression from this Earth, and our enemies will eventually discover the most powerful force on Earth is the united will of the American people when we are behind a single objective. Today that mission is clear. Our duty as Americans requires unending hostility against the forces of terrorism.

The architects of this calculated wickedness will find no safe harbor in

this world. We will chase our enemies to the furthest corner of the Earth. It must be war without quarter, pursuit without rest, victory without qualification. We will not take a single step backward. We will not be dissuaded. We will not yield. Our retribution is certain, and America will never rest until we destroy this threat to liberty by defeating the agents and supporters of terrorism.

With the strength of our convictions and the grace of God in a righteous cause, we will prevail. Mr. Speaker, I, too, ask for God to bless America.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the distinguished Democratic whip for reminding us that Americans of all religious beliefs are equally opposed to this horrendous practice of terrorism. Let me remind my colleagues that the last three military engagements we participated in—in Kuwait, in Bosnia, and in Kosovo—were on behalf of people of the Muslim faith.

Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentleman from Texas (Mr. FROST), chairman of the Democratic Caucus.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday was an horrific day. On September 11, 2001, international outlaws committed a cowardly, barbaric assault against the United States of America, against innocent civilians, and against the brave, honorable men and women of our military.

That makes today, Mr. Speaker, a very difficult but very important day for all of us: a day of grief, of outrage, of quiet resolve to bring to justice those responsible for this terrible assault on our great Nation, and to ensure that it never happens again.

Today, Mr. Speaker, we grieve for the untold thousands of innocent Americans whose lives were shattered by a calculated, cold-blooded act of mass murder. We especially grieve for the passengers and crew of Flight 77, Flight 11, Flight 93, and Flight 175; for those serving their country at the Pentagon, both civilian and military, who have been killed; and for the thousands killed or injured at the World Trade Center.

Today, Mr. Speaker, we also recognize all those Americans who responded to those terrorist acts with heroism, with courage, and with compassion: the firefighters, police officers, emergency officials and volunteers who risked their own lives, and some of whom sacrificed their own lives, to come to the aid of their countrymen and women. They are American heroes, and this Nation will honor them as such.

□ 1545

My own district in North Texas, for example, is already awash in American

flags as Americans from all walks of life pay tribute to their brave countrymen and women. Mr. Speaker, that spirit of unity and of resolve will characterize America's response to this cowardly barbaric assault.

Congress will stand united, Democrats and Republicans together, to do all we can to help the victims of this act of terror and to safeguard the liberty and security of the American people. And we will stand together as Americans, regardless of our political affiliation, to find those responsible for these despicable acts.

We will fully support the President as he builds an international coalition against this cancer that threatens the entire world, and we will continue to be united when we respond to the evil of terrorism with the full force of the United States Government and of the American people. Make no mistake, the United States of America, supported by our friends and allies, will win this war.

May God bless the souls of those who died yesterday, and may He comfort the spirits of their families.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished vice chairman of the House Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman Mr. HYDE, and thank him for his very eloquent remarks just a few moments ago and for all the very moving statements being made on the floor today.

Mr. Speaker, words, however, are simply inadequate to convey the utter shock, horror, sorrow, dismay and anger over yesterday's supreme act of cowardice against innocent Americans. Our prayers and hearts go out to the victims—the dead and the wounded—and to those who at this very hour cling to life, horribly trapped under concrete, jagged glass, and steel.

Our Nation's admiration and respect for the firefighters, police officers, and medics, many of whom lost their lives in the line of duty, is deep. Valor, courage, and selflessness were commonplace yesterday as many rescuers became themselves victims.

Our hearts go out to the victims' families and close friends who today must cope with their excruciating loss. As shock abates, the numbing pain of yesterday's terror will leave indelible scars. May God supernaturally intervene with healing comfort and that peace that surpasses understanding.

Mr. Speaker, the cowards who perpetrated these crimes against God and humanity must be brought to justice no matter how long it takes. And by the grace of God, and the crafting of wise policy initiatives, this must never be allowed to happen again. We must take all the requisite steps to win that war which the gentleman from Illinois

(Mr. HYDE) spoke of earlier, the war against terrorism.

Those who wish us harm should know, Mr. Speaker, that Americans are strong, determined, and resilient. America is united; not to be underestimated. In like manner, President Bush is strong and determined; fully in charge and not to be underestimated, and will lead us with boldness as well as prudence.

Finally, Mr. Speaker, America's foundational strength is not to be found in its military might, significant as that is, or our relative prosperity, and we are indeed rich in the world's resources, but it is to be found in our individual and collective faith in and faithfulness to God. May this horrific act of mass violence compel us to turn anew to God, seeking healing, restoration, and justice, as well as divine guidance, so that His will will be done on Earth as it is in heaven.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, yesterday, people touched with evil brought hate and darkness to a land of light and freedom. I need not recount the details of their crimes. Those will forever be too familiar. I saw some of the damage firsthand at the Pentagon last night.

The lives that they took, structures that they damaged were not the true target. Here is what they attacked: the idealist Nation that guarantees all of its people equality in law and enforces it in deed; the determined Nation that time and again deploys its finest men and women to restore peace where it does not exist and maintain peace where it does; the generous Nation that gives more selfless support to other countries than any other in history; the steadfast Nation that is the first one called when disaster strikes, when tragedy erupts, when fortune's heart turns cold. That is what they attacked.

They killed many Americans; but they did not kill, they could not kill our idealism, our determination, our generosity, our steadfastness. They could not kill what makes America America.

Shortly after Pearl Harbor, the commander of the Japanese forces, Admiral Isoroku Yamamoto, mused, "I fear we have roused a sleeping giant and filled him with a terrible resolve." Those who assisted in perpetrating this deed should take those words to heart, because resolve, too, is in our national character, as Admiral Yamamoto learned to his eternal regret. We do not go weeping through the streets. We do not wail and beat our breasts. We just set about methodically and with great certainty to bring justice.

To those who devised and plotted the attack, I say, you will not find haven

in the world of decent men and women. And the hearts of many others will be turned against you. If you believe, as the attackers did, that your own life has no value, America will be glad to cash that check. And any country that dares harbor you will pay its due.

At the same time, I hope that all Americans will remember another lesson of the Second World War; that not everyone who looks like our idea of the enemy actually is the enemy. Tragedy is no excuse to create new injustice.

Let me extend my sympathies to those of the Congress and to all the families of the victims, and particularly those who were killed or wounded while responding to give aid to others. I ask prayers also for anyone with a loved one in uniform. Indeed, if there is a positive to be found in all of this, it is that Americans may rediscover their respect for our military forces.

Toward that end, and as a sign to our attackers of their futility, I ask that every American who has an American flag to take it outside and fly it. And if you do not have one, I hope you will get one.

We have been in a quiet war against terrorism for some time. The difference today is that now everyone knows it. As today's debate will show, anyone hoping to sow discord or profit from political division will be disappointed. There are no Republicans or Democrats today, there are only Americans, proud, somber, resolute and looking forward.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

The United States of America is a great nation with a compelling history. Over 200 years ago, we overcame long odds to create a new country and form a more perfect union. Since that time, we have withstood a depression, assassinations, natural disasters; we fought a Civil War, two world wars, and the Cold War. We have faced many trials and many enemies. And each time we have come together as one Nation, one people; and we have triumphed.

Now we face a new challenge. September 11th, 2001, yesterday, will indelibly be etched in the minds of every American. It is another day that will live in infamy. Words alone cannot describe the enormity of yesterday's events. These vicious terrorist attacks represent nothing less than a declaration of war against our Nation. And as with any war, we must fight to win.

We must use every investigative and military resource at our disposal to find and punish the individuals and governments responsible for these reprehensible crimes. The full power of the United States should be brought to bear against the cowards who carried out these attacks against innocent men, women, and children.

As President Bush said last night, no distinction should be made between those who committed these atrocities and those who provide safe harbor and encouragement. The United States is a nation like no other. We are the world's greatest democracy, a nation that gives hope to the downtrodden and oppressed everywhere. We are a nation based on the principles of freedom and liberty. And while we have seen the light of freedom flicker and fade at times for many other people around the globe, it has always burned strong here in America.

So, as in the past, we will rise above the confusion and despair of yesterday. We will prevail over those who seek to destroy our way of life. The future will bring new hope, and we will again join together as one Nation and show the world what being an American is all about.

Our prayers go out to all the victims and their families. God bless them and God bless America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished ranking member of the Committee on House Administration.

Mr. HOYER. Mr. Speaker, the unspeakable barbarism perpetrated on American soil yesterday was directed at freedom-loving people on every continent on Earth. It will never be forgotten. Another day of infamy and perfidy is etched indelibly on the pages of the history of the world.

Our thoughts and our prayers go out to all those who perished or were injured by these mindless murderous acts; acts of war. Our hearts go out to their loved ones as well.

Our thoughts, our prayers, and our heartfelt thanks go out to all of those who put their own lives in harm's way to help others: the law enforcement officers, the military personnel, the firefighters and paramedics, the doctors and nurses, and the countless civilians who came to the aid of their fellow citizens. They are the true American heroes, and their selfless courage fortifies this Nation. Yesterday, today, and tomorrow we fear that many of these brave souls too have become victims of this contemptible criminal conspiracy.

Today, every American, every civilized human speaks with one voice in saying to those who planned, participated, aided and abetted, or gave sanctuary to the perpetrators of this unmitigated evil, we will not rest until you are rooted out, rooted out like a cancer, and destroyed.

As President Franklin Delano Roosevelt said in his address to Congress the day following the attack on Pearl Harbor, and I quote, "Always we will remember the character of the onslaught against us." And in remembering, it will fashion our response.

The United States of America will never, never, never rest until you and all of those who provide you with shelter and safe harbor are held accountable for this horrific and heinous crime.

□ 1600

Know, too, that no amount of fury, no amount of anger, no amount of revulsion at such senseless and cowardly acts on innocent men, women, children in the street, none of that will drive us to embrace your twisted law of the jungle. But we will see justice done.

Our national character charged by the bravery and determination of generations who preceded us demands more. Our resolute commitment to democratic values and the rule of law and reason demands more.

The depraved brutality of September 11, 2001, much like that of December 7, 1941, has left each of us shaken and sorrowful. But now, as then, the American will and the American resolve are unshaken and undeterred.

Freedom, all of us know, has never meant freedom from risk, nor will it ever be. In fact, such risk is a component of that very freedom we cherish. But we must and we will confront those who criminally and viciously put freedom itself at risk.

Mr. Speaker, the memory of all of those whose lives were lost, who were surely on the front lines of freedom, must lead us to renew our pledge of allegiance to our one Nation, under God, indivisible, and with liberty and justice for all.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois, Speaker of the House (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, yesterday the American people were viciously and deliberately attacked by terrorists. My heart goes out to those victims and their families. But make no mistake, this was an act of war. The American people, as represented by the Members of this Congress, will take all appropriate action to protect its citizens and to win this war against these terrorists.

We have entered into a new era of our history. As of yesterday, how we live, how we work, how we play have been changed for as long as we will be able to see, in our children and our grandchildren.

Terrorists flout international law and standards of common decency. They target the American people because we are strong and because they are weak. These terrorists are cowards and they will be punished.

Some say that we cannot be the world's policeman. Well, if we do not enforce the rules of common decency, if we do not take steps to protect our citizens from these lawless and evil bandits, no one else will. This is a new kind of war, and we must be prudent in how we prosecute it.

All those nations who harbor, who train, who support, who fund these terrorist groups bear equal responsibility for the actions of these terrorists. We must dedicate the proper resources to deal with them in the appropriate way. Terrorists may be able to run, but they can not hide from America's steely determination and justice.

Let me say a few words about the American people. Many of those who died were dedicated public servants, members of our armed services, firefighters, police officers, people dedicated to serving and protecting the American people. They have died in the line of service to their Nation. Others were citizens dedicated to living the American dream, people who had wives and husbands, children and parents who loved them and who will miss them dearly. These people were innocent victims in a war conducted against America by political extremists, people who live in the shadows and never come out except when they attack.

The civilized world is with us. I was touched this morning by the visit of Mr. Howard, the Prime Minister of Australia, who sat in our Chamber to show his solidarity with the American people. The speaker of the Russian Duma, Mr. Seleznev, sent me a letter where he said the people who ordered and carried out this outrageous crime must be found and punished.

Our allies across the world have expressed their horror at this unprecedented attack. My friends, the civilized and free world must stand together and stamp out this terrorist scourge.

My deepest condolences go to the families of the victims. May God protect them in this time of trouble and may God bless America.

Mr. LANTOS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Georgia (Mr. LEWIS), my good friend and the conscience of this body.

Mr. LEWIS of Georgia. Mr. Speaker, what happened in New York at the World Trade Center and at the Pentagon yesterday is unreal. It is shocking. It is unbelievable. But it did happen.

Mr. Speaker, we stand together, not as Democrats or Republicans, but as citizens of the world, as Americans, as brothers and sisters. We are a circle of trust that cannot be broken. We are one people. We are one family. We are one Nation.

But we must send the strongest possible message to the terrorists and to all of those who participated in this unbelievable conspiracy, this madness. Terrorists may destroy our buildings, terrorists may harm and kill our people, but terrorists will never, ever destroy the spirit of freedom and our love for democracy.

Our Nation is strong and determined. We will never turn back; no, we will

never turn back from our commitment to a free and open society and our determination for a world community at peace with itself.

Those who engage in this madness will be tracked down, and they will be brought to justice. And for those who are hurt and for the families who lost loved ones in this unspeakable tragedy, they are in our thoughts and prayers at this difficult time.

Mr. Speaker, today on this day, we pray for our people and we pray for our Nation.

Mr. Speaker, I support this resolution.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Illinois (Mr. HYDE), and I would like to ask about the eighth resolve clause in this resolution.

In the gentleman's interpretation, does the intent of the phrase "sponsor" in terms of sponsor of terrorists, include those states or governments which harbor terrorists?

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, it most emphatically does.

Mr. ROHRABACHER. Mr. Speaker, I thank the gentleman.

I think it is long overdue that the United States of America reaffirm a policy of supporting those moderate, responsible, and, yes, democratically inclined Muslims of Afghanistan and elsewhere who are in opposition to terrorism, and in opposition to the fanatical Taliban government which represses its own people and provides a safe haven for terrorists like bin Laden. This has not been the policy of our government over these last 5 years.

Now it is necessary for us to act with strength and determination, to wipe out a terrorist enclave that has taken root in Afghanistan. I call on the people of goodwill, which includes the vast majority of Muslims in this world, to stand with us in this fight against terrorists like bin Laden and against fanatics and tyrants like the Taliban in Afghanistan.

We need to ensure our government itself meets its responsibilities effectively and remains committed to free government and peace among the people of the world, and those people are of all races and of all nationalities and of all religions.

Mr. Speaker, in conclusion, Americans are overwhelmed with sorrow at the loss of members of our families and friends, but we will act and we will do so with courage; and we will accomplish our mission, our sacred mission now of revenge against those who have taken American lives.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished vice chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, September 11, 2001, is the second day of infamy in our history; and it was without a doubt an act of war. It was also a crime against humanity and the civilized world, an attack against innocent, unsuspecting, defenseless civilians, against women and children, many from my own State of New Jersey.

Mr. Speaker, the terrorists may have appeared to strike the symbol of American capitalism; but what they really struck was mothers and fathers, sisters and brothers. The terrorists may have appeared to strike a symbol of American military might, but what they really struck were sons and daughters, friends and families.

The terrorists have shown themselves as the cowards they are, as we are showing the world the great Nation that we are: strong, resilient, resourceful and freedom loving. The Congress is here, the President is at work, Americans are lining up waiting hours to donate blood or volunteer in the rescue. People from my district across the river from New York City are helping the wounded, our hospitals are filled with doctors, nurses and staff working around the clock. Brave fire fighters, police officers and rescue crews continue to risk their lives to save others; and we are pulling together, as Americans always do in times of tragedy, as we will pull together to hunt down and find those who committed these crimes against humanity.

There is nowhere these terrorists can hide where we will not find them, and no Nation that should believe that they can aid, abet, or give shelter to these terrorists without feeling our wrath. If nations harbor our enemies, then they are our enemy. If nations help our enemies, then they are our enemy.

Mr. Speaker, we will not stop until all those responsible are found and punished severely. Today America stands ready for the challenge ahead. We stand as one united against our enemies, united for the things we believe in as a people: liberty, freedom and justice. May God bless all those who perished in this tragedy, the rescue workers who sacrificed their lives and the children and families who today are missing a cherished love one, and may He bless this great country of ours.

□ 1615

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I rise today in solidarity with my fellow Americans to pledge my full support for this resolution.

Yesterday, our Nation was stunned by the cowardly acts of terrorists. Our thoughts and prayers are with the families and those whose lives were tragically ended by these barbaric acts; but today I have never said with more dignity, with more respect, and with more determination that I am proud to be an American.

One of our Nation's greatest strengths is our commitment to freedom and opportunity. We are blessed with the greatest resources in the world, chief among them the heart, ingenuity, and resolve of our citizens.

I know we will marshal these resources to the fullest extent as we find and punish the evil forces responsible for these dastardly deeds.

May God bless America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), assistant Democratic leader.

Ms. DELAURO. Mr. Speaker, I rise today with a profound sadness and deep remorse weighing heavily upon my heart. An unspeakable tragedy has struck our great Nation, one that makes finding the right words nearly impossible.

September 11, 2001, is a day that will forever be etched in the memory of each and every American. Throughout the world our friends also mourn this inconceivable tragedy. Truly, it was a threat to democracy and freedom for all.

The loss of life is staggering, and my thoughts and prayers are with the many families grieving for their loved ones and those who are still awaiting word. I pray that your loved ones come home.

We have watched intently as the disaster and the aftermath have unfolded in New York, the Pentagon, and Pennsylvania. I commend the heroic effort of our public safety personnel from all over who have joined the rescue efforts, including those in my home State of Connecticut. Emergency workers have risked their lives. Many have lost their lives braving the horrors of the disaster.

This atrocity has touched so many families. Each of us will know someone directly involved in this horror. Striking at the heart of our country, our people, our freedom, the symbols of our economic and military strength, this attack goes beyond anything we have ever experienced before, and it demands that we unite as a Nation. As the hardship continues to unfold, we must comfort our families and continue to provide them with the support that they need any way we can.

Our government must also take action in response to these reprehensible acts. I strongly support the resolution condemning the attack against the United States; and, Mr. Speaker, in the strongest terms, this resolution makes

it clear that we will not tolerate any terrorist act. We will hold those who undermine our Nation accountable.

Let us stand here unanimous in passing this resolution to say that we stand by our fellow citizens, especially those grieving for a lost loved one, and that we will defend our Nation and punish those who have such utter disregard for human life.

Mr. HYDE. Mr. Speaker, I am honored to yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution.

At the height of the civil war, John Stewart Mills said, war is an ugly thing but it is not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks nothing is worth a war is worse.

It is very clear now that we have a very strong bipartisan consensus in support of the effort to bring about a successful resolution to this horrible tragedy.

Many have talked appropriately about the fact this has been an attack on the United States of America. Mr. Speaker, this really transcends the United States of America.

Let us look at the first two targets, the World Trade Center. The World Trade Center. This is an attack, Mr. Speaker, not only at the United States of America, but this is an attack at the entire international community. Virtually the entire world supports the core values on which the United States of America was founded.

People may ask why is it that we are victims of this attack. Why? Because the United States of America, this Capitol under which we serve, is, in fact, the beacon of hope and opportunity for the entire world.

We are paying the price for it, but I will tell my colleagues, it is still a very important struggle. To paraphrase Thomas Jefferson, he said the condition upon which God hath given liberty to man is eternal vigilance. We are remaining vigilant, Mr. Speaker, and I want to say that my thoughts and prayers go to all of the victims.

All four of those aircraft were headed to my State of California. My heart goes out to those who are suffering, and I hope very much that we will be able to see strong bipartisan support for this important resolution which demonstrates our concern not only for the United States of America, but for those who love freedom throughout the entire world.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. ACKERMAN), the ranking member of the Subcommittee on the Middle East, a member of the Committee on International Relations.

Mr. ACKERMAN. Mr. Speaker, those of us, your colleagues from New York,

come to the floor wounded today because we count ourselves among the mourners. And the interesting thing is, when we have resolutions of this nature from time to time, we name those for whom we mourn. We regret that we cannot even supply you with that massive list as yet. There are so many of our constituents, our friends, our neighbors, our relatives, who do not yet know that they are among the mourners. This has not fully set in to our city and to our State. And yet we mourn. And let me assure you that while we mourn, we are not broken. The forces of evil have destroyed our skyline, but they have not destroyed our resolve. They have killed our people, but they have not killed our will.

We come here as well to say thank you, to say thank you to each and every one of our colleagues in the House from all over America who have been so supportive to us and to the people that we represent.

We express our special condolences, and ask you to do the same, to our colleague JOE CROWLEY who is not with us today because his cousin, a brave firefighter, is believed to have perished. Two hundred of our firefighters, over 200, only of our firefighters, are dead. Over 50 of our policemen, representing a great city, a diverse city, made up of so many people, rushing into this burning inferno, tumbling down, knowing that 200 colleagues have already died and yet continuing to go in to try to save their fellow citizens, paying no heed to their own safety.

New Yorkers are tough. We are very tough. We are going to get over this. Yesterday was a day that we practiced our democracy in our State of New York. It was a primary day. We were in the middle of an election when this happened. That election has since been set aside. I was in one part of my district outside of the city of New York where there was a race going on for county executive, millions of dollars were being spent, the fight has raged for months and months with both sides at each other. And when the election was suspended, the campaign teams of both sides were seen on line together, side by side, at the blood bank.

We bleed together as Americans. We cannot give you the names. The names would fill a book. We cannot give you the number, but the number is in the thousands; the mourners in the tens of thousands. But I can tell you that each and every one of them is a martyr, unknowingly; people who went to work, people who got on a plane, people who lost their lives doing things that average Americans do.

We will not rest, not one of us, Democrats or Republicans, until the evil people who perpetrated this deed are found. We will not let any rock be overturned under which they have crawled. We know their address and we know their landlords. And let them know that we will find them.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. CANTOR), a member of the Committee on International Relations.

Mr. CANTOR. Mr. Speaker, yesterday was a dark day that will be remembered for its unique horror and tragic loss of life. I ask for continued prayers for the families of the victims, President Bush, Vice President CHENEY, and members of our armed services as they lead America in this time of crisis.

The attacks yesterday are an act of war, and retribution must be swift, sure, and overwhelming. But retribution is not enough. Our ultimate goal must be to identify and destroy the state-sponsored international infrastructure supporting these terrorists who have attacked the U.S. and its citizens.

On Ronald Reagan's first day in office, he told a relieved Nation, upon news that American hostages were released after 444 days of captivity, "The price of freedom at times has been high, but we will never be unwilling to pay that price."

We must continue to rally behind President Bush. The price of freedom is high for Americans, but a price we pay as defenders of the brightest beacon of freedom and opportunity this world has ever known.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from American Samoa (Mr. FALOMAVAEGA), the ranking member of the Subcommittee on East Asia and the Pacific.

Mr. FALOMAVAEGA. Mr. Speaker, at this time of profound sadness and tragedy in our Nation, I rise with my colleagues in strong support of the resolution before us to condemn the treacherous attacks against our Nation and upon the thousands of our fellow citizens.

My heart and deepest condolences also go out to all the families whose members are missing loved ones as a result of these despicable acts. For those firemen and law enforcement officers, pilots and stewardess, who have made the ultimate sacrifice and those who continue to risk their lives in order to save others, our Nation stands forever grateful for their services and tremendous sacrifices.

Mr. Speaker, our Nation mourns its sons and daughters who have died in this senseless tragedy, and our country must stand more united than ever before. We must support the President in using all means and resources to identify, to pursue, and to punish the persons and organizations responsible for these attacks.

Mr. Speaker, a noted expert on counterterrorism, Professor Yonah Alexander of the Potomac Institute, has long advocated that the world's democracies must develop an effective strategy to face this terrible challenge

against international terrorism. Professor Alexander notes, and I quote, "The only light at the end of the tunnel is for a number of nation states and responsible governments to take concerted action against terrorism. Terrorism against one is terrorism against all, regardless of the blood spilled. It is the same red blood. To combat terrorism, no country can deal with this unilaterally without cooperation and support from others."

Unless a global antiterrorist strategy can be worked out, Professor Alexander concludes that the existence of civilization itself is seriously at risk.

Mr. Speaker, in the wake of yesterday's disaster, I want to commend Secretary of State Colin Powell and President Bush in their efforts to call upon all the leaders of the world for a coordinated international response to terrorism. This is no longer a national or a regional issue. This matter should and must require the support of all freedom-loving nations of the world.

I urge my colleagues to support this resolution.

□ 1630

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Speaker, I rise in support of the resolution. Yesterday's tragic events in our Nation have deeply wounded our hearts. But at the same time, this tragedy has strengthened our resolve to prevent these terrorist acts from ever happening in the future.

As proud Americans, we have united in times of difficulty; and, as in the past, our strength will allow us to prevail in winning the war against terrorism and evil acts against humanity.

We support President Bush in actions that he has taken and will take to protect America and Americans. We also pray for the victims and for the families of those who lost loved ones in yesterday's tragic events and those first responders who have risked their lives so that others may live.

We will not allow terrorists or their cowardly acts of violence to weaken the soul of our Nation. We will move forward to continue our quest worldwide for a peaceful and lawful society so that we can forever eliminate such terrible crimes as we have all witnessed yesterday.

God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE), the distinguished ranking member of the Subcommittee on Africa.

Mr. PAYNE. Mr. Speaker, yesterday's tragic events touched the residents of my congressional district in a profound and personal way. United Flight 93, one of the fateful flights on that most horrifying of days, departed Newark International Airport, which I

represent, carrying innocent passengers who would become pawns in the most senseless act of terrorism that you can imagine.

In addition, thousands of New Jersey residents travel back and forth each day from Penn Station, in my home city of Newark, to New York, where many hold jobs at the World Trade Center. This morning, families in New Jersey communities continue the agonizing wait for word on the fate of their loved ones.

As we struggle to comprehend and confront the magnitude of this shocking attack on the United States, let us, above all, remember the victims, the employees, the volunteers, the visitors, the firemen, the policemen, the EMTs, who put their lives on the line. Let us put a human face on this tragedy which claimed the lives of so many people, who shared the everyday dreams and hopes we all have, people who only wanted to live their lives in peace, to see their children grow up healthy and happy.

My heartfelt sympathy goes out to the families of the victims who are suffering such immense pain. I ask my colleagues to join me in expressing appreciation for the humanitarian efforts of all those who have stepped forward to offer assistance in this time of need. Please join me in praying for all of the families who have suffered the loss of loved ones or who still anxiously await news about survivors.

This is the time to come together and to reaffirm that we will always remain one Nation, under God, indivisible, with liberty and justice for all.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, yesterday Americans were awakened to find ourselves in a war, attacked by barbarians who targeted innocent civilians. This despicable act reveals how deep-seated is the hatred that has driven this war.

Though many Americans have just become aware of how deeply we are involved in this war, it has been going on for decades. We are obviously seen by the terrorists as an enemy.

In war there is no more reprehensible act than for combatants to slaughter innocent civilians who are bystanders. That is what happened yesterday.

If there is such a thing, a moral war is one that is only pursued in self-defense. Those who initiate aggression against others for the purpose of occupation or merely to invoke death and destruction are unforgivable and serve only to spread wanton killing.

In our grief, we must remember our responsibilities. The Congress' foremost obligation in a constitutional re-

public is to preserve freedom and provide for national security. Yesterday our efforts to protect our homeland came up short. Our policies that led to that shortcoming must be reevaluated and changed if found to be deficient.

When we retaliate for this horror we have suffered, we must be certain that only the guilty be punished. More killing of innocent civilians will only serve to flame the fires of war and further jeopardize our security.

Congress should consider using its constitutional authority to grant letters of marque and reprisals to meet our responsibilities.

Demanding domestic security in times of war invites carelessness in preserving civil liberties and the right of privacy. Frequently the people are only too anxious for their freedoms to be sacrificed on the altar of authoritarianism thought to be necessary to remain safe and secure. Nothing would please the terrorists more than if we willingly gave up some of our cherished liberties while defending ourselves from their threat.

It is our job to wisely choose our policies and work hard to understand the root causes of war in which we find ourselves.

We must all pray for peace and ask for God's guidance for our President, our congressional leaders, and all America, and for the wisdom and determination required to resolve this devastating crisis.

Mr. LANTOS. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the distinguished dean of the House of Representatives.

Mr. DINGELL. Mr. Speaker, I thank my good friend for yielding me this time.

Mr. Speaker, I support the legislation before us. I note that it expresses sympathy for the innocent victims and their families. I support it because it expresses support and sympathy for the firefighters, police officers, emergency personnel, and their families, who have served and who have lost their lives in their attempt to save others. It is to be supported because it supports our country and our American ideals, and I support the President's efforts in implementing this.

We are dealing here with an act of war.

You know, Mr. Speaker, I am probably the only Member of this body who remembers the Declaration of War during World War II. I would note that less Americans were killed at Pearl Harbor than were killed yesterday in Washington and New York.

This is a declaration of war upon the United States, and while it is that we do not know exactly for sure yet who it is that has done this, this Nation has a serious responsibility. The first is to find out who did it, and then to address this matter with all force and vigor,

because without this, we will never know peace again.

In addition to this, Mr. Speaker, it will be necessary for us to protect the civil liberties of Americans. We have some mistakes in our background: what we did to German-Americans in World War I, what we did to Japanese-Americans in World War II, and German-Americans and Italian-Americans in World War II. Those things cannot be done in this instance, and we must indeed see to it that we protect the great constitutional and indeed religious principles with regard to treating our fellow Americans well and properly.

This is a time for national unity. This resolution expresses that unity.

Now, Mr. Speaker, I say this: let us get about the great and the terrible business at hand. Let us identify the wrongdoers, let us punish them in all proper way. There will be no peace until such time as we have done so.

God bless the United States and the people of the United States.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Speaker, I join all of my colleagues, all of my fellow Americans, in prayer and condolences for the victims of yesterday's horrible tragedies. All of us know someone who was directly hurt by that senseless violence. I talked to a constituent, an older woman, whose son-in-law worked in the World Trade Center, and, as of mid-afternoon yesterday, still did not know his fate. We all keep those victims and families in our deepest prayers.

Yesterday was the most horrific attack against our nation in history, period. Today, shock turns to anger, and our challenge is to turn that anger into true resolve.

First, we must use all of our collective efforts in the rescue and rebuilding operations. There are heroes in New York and the Pentagon on the front line of that now; and we must give them all of the resources necessary and rebuild, including rebuilding the World Trade Center.

Second, at the same time, we must resolve to use all of our efforts to defend against any similar attacks, and our government is doing that.

Third, we must hunt down those responsible.

History is littered with instances of nations preparing for the last war. Let us all learn that lesson, even if a day late. Let us be clear when we use the phrase "war," it is not a turn-of phrase, it is not a war against drugs, we mean war. I mean identifying the persons and organizations and nation-states involved, formally declaring war on all of those persons and entities, and prosecuting that war to its full conclusion.

God bless America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY), the ranking member of the Subcommittee on International Operations and Human Rights.

Ms. MCKINNEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we stand here today mere miles away from a tragedy that shook our Nation and left many shocked and angered by an act of unprecedented brutality on America's shores.

As we emerge from the incomprehensible darkness into the light of this day, let us concentrate first our prayer and mourning, our sadness and our sorrow, for the victims of this unimaginable horror, and then, second, send our prayers, support and heartfelt thanks to the courageous police, firefighters, and medical staff who have made great sacrifices, and, in some cases, given their lives, to care for the injured and take care of our dead.

In our search for understanding and truth, we should remember that now, especially at this time of need, it is truly our reliance on a higher power that will see us through. So as we pray to our God, let us not forget that real security and real peace come through justice; that fear and prejudice divert us from our true and righteous cause; and that we are a country that stands for the rule of law.

The perpetrators of this crime can and will be dealt with. We must be careful not to rush to judgment and must ensure that when we strike back, we deliver a blow against those truly responsible for these terrible crimes.

President Bush and Secretary of State Colin Powell have steered us on a prudent course. Now is the time for us to trust their leadership.

Father Coughlin reminded us this morning of the guidance that is available to us from God. He reminded us to build this and every day on a foundation of justice, and to mourn our dead with acts of compassion.

My prayer for America today is that we heed Father Coughlin's call, that all of us Americans will soon join together and rededicate ourselves to the fight to defeat racism and to further justice at home and abroad with an unbounded commitment to freedom, justice, peace, and security for us all.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I rise today with a broken heart, torn between great sorrow and great anger in support of this resolution.

I have no words sufficient to express my total contempt for the cowards who perpetrated this horrific act of terrorism. In fact, I believe America has

no words sufficient to express their contempt for the cowards who perpetrated this horrific act of terrorism against the people of America.

I would cite the President's words of earlier today, when he said, "The deliberate and deadly attacks which were carried out yesterday against the country were more than acts of terror, they were acts of war."

□ 1645

I, therefore, thank the majority leader and the minority leader and the gentleman from Illinois (Mr. HYDE) for putting together such a thoughtful and timely resolution condemning the terrible acts aimed directly at the freedoms and liberties of the American people.

To Americans across the Nation who mourn and who are angry, I call on you to focus your anger on the perpetrators of this unlawful act and not to cast anger on neighbors, on coworkers, simply because of their certain religion, race, or nationality. It is our resolve to bring about justice, and we must remember that when fighting against terrorism and extremism which has twisted their hatred into a system of beliefs not consistent with the major religions of the world, that these acts are condemned by Christianity, that these acts are condemned by Judaism, and that these acts are condemned by Islam. I must ask all Americans to remember that as we seek the revenge that we as a people are entitled to. God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. SHERMAN), a distinguished member of the committee.

Mr. SHERMAN. Mr. Speaker, yesterday we suffered the greatest loss of American life on American soil since our Civil War. I fear that we are reacting as if a few hundred Americans died at the hands of a small band of terrorists. I fear that we will just launch a dozen cruise missiles and call it a day like we did after our embassies were bombed in East Africa.

Let us wake up! There are probably 10,000 or more dead Americans. That is four times the number that died at Pearl Harbor.

I do not know whether Osama bin Laden is responsible, but I join the distinguished gentleman from California in demanding that Afghanistan extradite bin Laden to the United States because we do know that bin Laden killed Americans on the U.S.S. *Cole* and bombed our embassies in East Africa.

But let me go further. If the Taliban government refuses, we should go to war. It is a war we can win, as we won the war in Kosovo, chiefly with air power and with the support of local allies. The Northern Alliance of Afghanistan shelled Kabul last night. That alliance may have suffered the death or

the severe wounding of its leader, General Masoud at the hands of bin Laden's assassins just 2 days ago. However, the Northern Alliance is intact, and if the Afghan Government does not surrender bin Laden by the end of this week, then the Northern Alliance should be the best armed rebel army in the world by the end of this month.

We can, with permission or with impunity, fly over the territory necessary in order to bomb the Taliban and resupply the Northern Alliance. A war against the Taliban government of Afghanistan will involve American casualties, but how many thousands of casualties will we suffer if we allow a foreign government to harbor and support well-organized, well-financed terrorist groups capable of mass murder.

This will be a war against the Taliban, but it is not a war against Islam. I join the prior speaker in saying we must respect Americans of all faiths.

September 11, 2001 is a day that will live in infamy. This may be the greatest loss of life on American soil since the Civil War.

Today's loss of life may approach or exceed the loss of life at Pearl Harbor. After Pearl Harbor some suggested appeasement, and withdrawal from Asia and the Pacific. Instead the greatest generation made the greatest sacrifices to win our greatest victory.

America must mobilize for a war against terrorism, not only against the criminals responsible for today's horrific events, but all terrorism.

This is not a war against Islam, or against Muslims. Our last three wars were waged to protect people who happen to be Muslim. We restored independence to the people of Kuwait and then engaged in two further wars in which we had no economic stake. In the mid-1990s, we protected the Bosnian Muslims from genocide. In 1999, we went to war against Serbia, a Christian country, to protect its Albanian Muslim minority from ethnic cleansing.

Today we suffered greater casualties than in all three of those wars combined.

There are some dancing in the streets of certain foreign cities who believe that the terrorists who killed thousands of American civilians have proven their strength by killing thousands of civilians. America has the power to kill civilians by the tens of thousands or the tens of millions. However America's great strength is that we do everything possible to avoid killing civilians, even those who dance today in delight.

For years, we have begged our friends to curtail investment and aid to countries which support terrorism. Now in this war for decency and civilization we must have the full support of our allies. Those who claim to be friends of America can no longer do business as usual with countries which harbor terrorists.

We appreciate the statements of sympathy from the Taliban government in Afghanistan, but this is clearly insufficient. The Taliban government must turn over Osama bin Laden and his associates to the United States. If the Afghan government gives us excuses instead of giving us bin Laden, we must take harsh action. This would include providing arms and

perhaps air cover to the forces in Northern Afghanistan and the legitimate government of that country. These forces have fought the Taliban to a standstill without our help. With very substantial American help these forces will march into Kabul.

We appreciate the statements of sympathy from chairman Arafat, but we must demand that he arrest terrorists in areas he controls.

We should not wait until we have identified the particular criminals responsible for today's tragedy, nor should we limit our response to one particular terrorist organization. Osama bin Laden may or may not be responsible for today's crimes, but he is responsible for the attack on the USS *Cole* and for the second worst terrorist attack against America, the bombing of our embassies in east Africa. We must demand bin Laden be turned over to the United States to be tried for those crimes.

Even if we totally destroy the organization responsible for today's crimes, other organizations will try to surpass today's evil. We must root out all terrorist organizations. We must take harsh action against any country that harbors or supports terrorists.

We should seek U.N. approval for our action; but we must act even if the U.N. does not.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the North Carolina delegation (Mr. JONES), a member of the Committee on Armed Services.

Mr. JONES of North Carolina. Mr. Speaker, in December of 1941, following the attack on Pearl Harbor, the Japanese Admiral Yamamoto reportedly said, "I fear that all we have done is awakened a sleeping giant."

Yesterday, nameless, faceless cowards took aim on the people of the United States of America. They struck without warning with the hope that they could destroy the spirit of our great Nation. Let me say the giant is awake.

The deplorable act reached deep into the heart of America and touched not only the families and friends of those who were killed in Washington and New York, but the lives of every citizen of the world who values freedom and democracy. It was not only an act of war, it was a crime against humanity.

All Americans are hurting over the cruel and senseless act of these criminals, but the history of America is that her people are strong; and like every national tragedy that has gone before, this one will be answered. The American people demand justice and justice they shall have, not through cowardly acts of terrorism, but by pulling together as a Nation to do what is required.

The cowards who initiated this act of war have failed. Rather than bring our country to her knees, the American giant has new strength. The Book of Nehemiah tells us that the God of heaven will give us success as we, his servants, start rebuilding.

Mr. Speaker, our faith in God and the strength of our democracy will help ease our Nation's sorrow, will help us rebuild and, importantly, will help us ensure that justice is carried out. We will rebuild; we will have justice. The people of America deserve no less.

On behalf of the people of the third district that I have the privilege to serve, I pledge my support to our President as he moves to bring swift justice to these criminals and vote my full support for this resolution. God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. DAVIS), my colleague and friend.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of this balanced resolution expressing heartfelt condolences to the victims and their families throughout the United States, as a part of this horrific disaster that happened yesterday, and support for working with the President to take swift and certain action towards those who committed this horrific crime and those who choose to harbor them before or after the fact.

Mr. Speaker, my community, the city of Tampa, Hillsborough County, the Tampa Bay area, has suffered some horrific tragedies in the past. We have had three law enforcement officers slain in the line of duty in the last year. We will never forget, I will never forget, the helping hand that was extended to us from across the country from other public safety officials.

Today, I would like to say on behalf of my community that we are literally pouring our hearts out to Northern Virginia and New York City. More than 2,000 units of blood have been donated just as of yesterday and that blood is on its way to New York City and Northern Virginia, and we in Florida have a lot of people who have friends and family who have moved from Northern Virginia and New York down to Florida, and this is our family too.

I also want to say that I will fully support the President and work closely with him and the Joint Chiefs of Staff to take swift and certain action against those who have perpetrated this indescribable act of inhumanity. We must get to the bottom of exactly who committed this act; we must send the message that we will not tolerate this kind of behavior ever again in a civilized society.

We must further understand and have an open and honest debate as to the failures that occurred in our system of security that was designed to provide the peace of mind and freedom that we have taken for granted far too long in this country. We must make amends. We must do our best to restore the freedom and peace of mind that Americans have come to enjoy at the same time that we make it perfectly clear throughout the world that what hap-

pened yesterday must never happen again.

I urge adoption of the resolution, Mr. Speaker.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. FORBES), a member of the Committee on Armed Services.

Mr. FORBES. Mr. Speaker, on September 11, 2001, America was brutally attacked by cowards who intentionally ended the lives of innocent men, women and children. Many have said today that Americans will never be the same. How could we be?

We will never again see the faces of those who were lost. We will never experience the promise their lives afforded us all. We will never forget the courage and strength of our police, fire and rescue teams who paid such a huge price to protect us during this national tragedy.

Yet, for those around the world who celebrate these acts, believing they have weakened the cause of freedom, let the message go forth that the torch of freedom has been rekindled in every American heart and glows brighter today than ever before. Let them know that we shall build a living memorial to all of the victims which shall be the unity and resolve we bring to destroy terrorism and the systems that sustain terrorism around the world. Let the message be clear that you do not kill Americans and get away with it.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from New York (Mr. ENGEL), my friend, a distinguished member of the Committee on International Relations.

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am going to speak from the heart. I have had a very tough couple of days. I think America lost our innocence yesterday, and I just kept thinking that perhaps this was a bad dream and we would somehow wake up and it would not be true, but we all know it is.

Mr. Speaker, I am a New Yorker, born and bred. I love our city. I was in New York when this tragedy occurred. I often say to my children when we come back to New York, look at the skyline, look at the World Trade Center. It is so invigorating. It makes me feel so wonderful just to be in this city, the city I love, the city in which I was born.

Mr. Speaker, we New Yorkers are a tough breed; but I have to tell my colleagues, Mr. Speaker, this morning at 7 a.m. when I went over the George Washington Bridge to come back down here to Washington and I took a look at the New York skyline and saw the Twin Towers were not there and in its place I saw the smoke and the fire, I really lost it. I really lost it.

Mr. Speaker, as much as I have lost it because I do not see the towers there, it pales by comparison when I think of the victims, the men, women and children who lost their lives; the firemen, the policemen who came there to save people's lives and lost their lives. People who go to work, like millions of people in this great country go to work to earn a living to support their families, they go to work and they are killed by lunatics.

We have some questions to be asked, Mr. Speaker. We have to ask why our intelligence failed us, why our security failed us. Congress has to get to the bottom of this and ask these questions. Congress will find out.

Let me say to the terrorists and those people in the streets that we saw, the Palestinians and others who were dancing in the streets with glee, let me say to them and Osama bin Laden and the Taliban and all the people that support terrorism, you have awakened a sleeping giant. The United States will not rest until we root out every one of you, until we root out the terror and the terrorist cells.

We are going to rally around our President, as we always have, with bipartisan support. We are all one America. God bless this wonderful Nation. God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this morning, Americans awoke to discover the nightmare of September 11, 2001, was a reality. It was a day of infamy. Never before have we as a Nation experienced such aggression on our own shores which targeted innocent civilians. And we as Americans lost our innocence.

This is an act of war. We resolve to find the perpetrators and punish them harshly. As a Nation, we will not be intimidated. We stand strong with great determination.

I want to express our heartfelt grief for the victims and their families. We mourn their tragic loss. We offer our prayers, our comfort, and our resolve.

□ 1700

I also want to thank the firefighters, the rescue personnel, and the police who have risked, and, in many cases, lost their lives to search for those impacted by this terrible attack. Personnel from my district and the districts of many others in Montgomery County, Maryland have joined forces with those from across the Nation. We join them in solidarity as they continue with their incredible efforts.

Thanks also to all the volunteers, those who are giving blood and helping in every way possible. Without question, this attack on our liberty and

freedom is a strike against all nations that value democracy. No attack as cowardly as the one we have just experienced will go unanswered. We will act swiftly and decisively, and our response must be as forceful as our military can muster.

Our history has been defined by the resiliency of our people. Mr. Speaker, I stand here today to exclaim that we Americans will join together in a bipartisan fashion to solemnly pledge to defend freedom and liberty. As stated in the resolution before us, September 12, 2001, shall be a national day of unity and mourning.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on International Relations.

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding time to me.

Across the Nation, the pain and the grief certainly runs deep. Yesterday's events have saddened and seared the hearts of all Americans. But only, only as we put human faces on the thousands of casualties can we even begin to comprehend the magnitude and the impact of this unspeakable attack on our homeland.

People from my district like Jeffrey Coombs of Abington, Massachusetts, aboard Flight 11; Brian Sweeney, a Barnstable resident, on Flight 175; and Stuart Meltzer, who worked on the 103rd floor of the World Trade Center, whose family on Cape Cod followed televised news reports with horror, and continue to hope that he is alive.

In their names, and in those of all the other victims, we will find and punish those who committed these atrocities. This was an assault not only on America and her citizens, but on all that America represents, and on the hopes and dreams of a world that yearns for peace, freedom, and justice under law that is so special to America.

In striking at us, the terrorists sought to exploit the openness of our society and to shake the foundations of the civilized order which America sustains. Well, they will fail. Our challenge now, and the test of our democracy, is to harness our anger and our passion to respond in a manner that is firm, clear, and just, that befits a great Nation and honors our own ideal and our history.

We will heal these wounds and we will honor the memory of those that we so tragically lost. God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of this resolution.

Mr. Speaker, passage of this joint resolution will make it clear to the world that the Members of the United States House of Representatives and the United States Senate, Republicans, Democrats, and Independents alike, are united in our prayers and concerns for the victims of these terrible and heinous attacks, and that we are united in our resolve to see justice done on their behalf.

The divisions between us over other issues in past months pale in comparison and now seem very trivial. The horrific events of yesterday, September 11, 2001, have united us all.

As we move forward, let us not forget the victims. Let us not forget their families. Let us not forget the heroes. Let us not forget our united resolve to see that justice prevails.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and neighbor, the gentlewoman from California (Ms. LEE), a distinguished member of the Committee on International Relations.

Ms. LEE. Mr. Speaker, I thank our ranking member for yielding time to me.

Today I rise to condemn the horrific tragedy of September 11 and to acknowledge today, September 12, as a national day of unity and mourning.

I mourn the deaths of men, women, and children on four airplanes, who boarded these planes to visit their relatives, conduct business, embark upon vacations. I mourn the deaths and injuries of thousands of people who went to work yesterday at the World Trade Center and the Pentagon, thinking it was just another Tuesday. I mourn the deaths and injuries of the brave firefighters, EMTs, and police officers who rushed to the aid of the victims and who became victims themselves. Their heroism will never be forgotten.

And to the brave emergency personnel and volunteers still working tirelessly to save lives, words cannot express our gratitude.

This tragedy has shattered the lives of so many men, women, and children throughout our country and in my home district in California. My heart goes out to them, and my prayers and my thoughts.

As an immediate response, we really must increase resources and efforts to fight terrorism and to provide support for emergency services, reconstruction, and recovery. The United States must remain strong and vigilant in its sense of national unity, and move forward to protect against further atrocities.

This was an attack on our Nation, its people, our democracy, and the rule of law. As we respond to this unspeakable horror, we must uphold our democratic principles, our laws, and our cherished beliefs. We must resist impulses to cast blame on the basis of religion and ethnicity.

The Congress and the administration must work together to achieve a full

and thorough investigation into the source of this act of terrorism in order to ensure that those responsible are brought to justice. At a more fundamental level, we must work to create a peaceful world where those who would commit such desperate, despicable, and cold-hearted actions will not find support and protection.

I urge adoption of this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today I rise in strong support of our great Nation and against the dastardly acts of terrorism that we have seen. September 11, 2001, will forever live in the hearts and minds of not just Americans, but every single person who values freedom, peace, and security.

The loved ones of the victims and aid workers are in my thoughts and prayers, and the most important thing is that America remains strong, and we will certainly overcome this tragedy.

I saw the pictures of that destruction, especially in New York and at the Pentagon, which is where I was just 5 minutes before that happened. I was in Vietnam as a POW. I saw B-52s bomb Hanoi day after day after day, and I am telling the Members, with over 100 bombs from each one of those bombers, the destruction was not as great as what I have seen in New York City and at the Pentagon yesterday. It is horrible. Members can bet we will hunt down and punish the cowards responsible for that act.

This declaration, this resolution that we have in front of us today, declares that these premeditated attacks struck not only at the people of the United States, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law. The problem with that is it does not declare war. It is a war, Mr. Speaker.

Let me read what the Canada National Post said today: "When foreign governments are discovered to be giving aid and succor to terrorists, they, too, must be hit. They must be hit as hard as possible and as often as possible to deter them forever."

The Dallas Morning News said today, this morning: "We must remind the world of how precious freedom is and how relentlessly we will defend it. The rest of the world must know that we will not rest until we capture and punish the terrorists responsible, and any nation who protects them."

May God bless and protect each and every one of us, and all America.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, our prayers of all faiths are with the families and the victims of yesterday's horrendous attack. Our hopes are with those rescue personnel who are, at this very moment, working with all their heart to find the survivors. And our sorrow is shared by all Americans, for we have all been touched by this heinous act.

But the organizers of this violence will not ultimately succeed in their attack. For the object of terror is to instill fear to achieve a purpose. We may not yet know the purpose motivating the attack, but our collective sorrow should not be mistaken for fear. The terrorists only succeed if we give into fear. The terrorists may have destroyed thousands of lives and buildings that symbolize our strength and freedom, but their attacks cannot destroy the larger hopes and ideals of this country.

While we act now to reach out a hand to help the victims of this act, we must also reach out another hand to punish those who perpetrated it and those who sheltered them. The wanton cowardice, the deliberate targeting of innocents, demand justice. Justice will be served, but it will require perseverance. We do not yet know whom to blame, and our effort to strike back will not be easy—terrorists groups are more easily defined by ideology than geography. But in the face of cynical evil, we are one Congress, one people, one Nation, and we shall prevail.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. HOEFFEL), a member of the Committee on International Relations.

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of this resolution and in support of my country. As I walked to work this morning across the Capitol grounds, I was struck, as I often am, as I always am, by the beauty of the Capitol Building.

It occurred to me, as I saw the dome shining so whitely against that bright blue sky today, such a glorious symbol of stability and strength of this country, that it could have been a target yesterday of that fourth ill-fated hijacked plane.

The simple truth is that if a terrorist act had destroyed the Capitol dome yesterday, or if a thousand terrorist acts had obliterated the Capitol, America would still be standing firm, as it is today. We stand shoulder to shoulder with the President as our government hunts down and punishes those who were responsible for yesterday's acts of war and for those who assisted in any way.

The United States is the greatest country in the world, and we will prove that once again as we bury our dead and heal our wounded, rebuild our greatest city and the Pentagon, punish the perpetrators, and rekindle the light of liberty and freedom in all our citizens.

My prayers and condolences go out to the victims of yesterday's cowardly

and inhumane attacks. America will never forget the innocent lives that were lost yesterday, and will never be able to forget or repay the bravery of those who are working heroically to save lives in New York and at the Pentagon.

Yesterday was a turning point for America, a galvanizing event that has unified Congress and the American people and the President to wage war against terrorism. I hope and I believe that our response to this attack is the beginning of the end of the threat of international terrorism.

Let us act to make it so, and may God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. RAMSTAD), a member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, my fellow Minnesotans join me in expressing our total outrage and deep sadness at the hellacious acts of war committed against the United States of America.

My friends from home and I are also praying today for a miracle, as Gordon Aamoth, Jr., from our community of Wayzata, Minnesota, who worked in the World Trade Center, is still unaccounted for.

Our thoughts and prayers are with all the victims and their loved ones, and our heartfelt gratitude goes out to the many American heroes who are still out there with the rescue and recovery operations.

Let us be clear: This Congress stands united and unanimous in our resolve to use every resource available to track down those dastardly terrorists and destroy them. We also stand united in supporting our President and Commander in Chief in taking quick and decisive action against these cowardly, despicable terrorists.

Mr. Speaker, the people of America will prevail because we are Americans. As the President said last night, a great people have been moved to defend a great Nation. Mark my words, the United States will recover, and we will hold these heinous terrorists accountable for their brutal and barbaric acts of war.

Mr. Speaker, today the healing begins. Through our tears, we pray for strength. Through our anger, we pray for resolve. Through our hurt, we pray for healing. Most of all, Mr. Speaker, we pray for our fellow Americans who were killed or injured yesterday, as well as their families and friends who grieve so deeply. Mere words are inadequate to express our sympathy and sorrow. May God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a valued member of the Committee on International Relations.

□ 1715

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

In our shock and anger and sorrow over this cowardly attack, it is important for us to seize this moment. We Americans learn to draw strength from adversity. In this terrible time, we are demonstrating that Americans have their priorities straight. Our first attention is to provide aid and comfort for the victims and their families. Our next priority is for the safety of our fellow citizens, now and in the future. Finally, America demands justice. We will seek out and hold responsible the cowards who inflicted such carnage on thousands of innocent people.

In meeting these priorities, there is a role for every American. Citizens around the country are already stepping forward, giving blood and providing assistance to families of victims. The President has urged that we not allow the terrorist cowards to score a victory by preventing Americans from living life to the fullest. This suggests another important role for Americans, not just going about our business supporting our families and helping others, but refusing to give up our public spaces or our personal liberty.

America will not surrender its freedom to fear nor will we fall victim to the baser instincts to perpetuate a downward spiral of violence we have seen in other parts of the world. We will not allow anyone in America to be targeted because of race, religion, or ethnic heritage. Americans believe in the rule of law. There are already pressures in some quarters to lash out. Revenge may be temporarily satisfying, but we Americans have a higher value than revenge. We want justice. Now is the time for all Americans to show that we are different, to demonstrate our strength, our resolve, our courage to be equal to the terrible circumstances that fate has given us.

We will not allow the tragic loss of thousands of our fellow citizens to be in vain. This memory will be forever etched in our consciousness, but America will emerge stronger. As Pearl Harbor signaled a turning of the tide against the forces of tyranny and oppression, so too this tragic horror must mark the beginning of the end for the forces of terror and cowardice all around the world, wherever we find them.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Mrs. MYRICK), a member of the Committee on Rules.

Mrs. MYRICK. Mr. Speaker, yesterday was a tragedy of just unspeakable proportions. It was an act of war against this country, no question. Our thoughts, our prayers are with all those people who are involved in this horrible situation.

We need to be sure who did this despicable act, and we will find them and then we need to go after them and wipe them out. If there is a nation or another country that is harboring these terrorists, they also are an enemy of the United States; and we will wipe them out, too.

Our Nation's greatness seems to come through adversity. We as a Nation will overcome this. We will triumph over our enemies. And I can assure you that we will remain a beacon for freedom for all mankind.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY), my friend and distinguished member of the Committee on International Relations.

Ms. BERKLEY. Mr. Speaker, I thank the ranking member for yielding me this time, and I rise today in the strongest possible support for this resolution.

I condemn these horrendous acts of terrorism as I praise all the unnamed heroes who risked their own lives in order to save others. And I grieve with those who experienced the loss of loved ones. My heart goes out today to the family of Barbara Edwards, a high school teacher from southern Nevada, who was a passenger on the hijacked jet that crashed into the Pentagon. She leaves three children.

I support the President and our administration in the pursuit and punishment of those responsible for this heinous crime against humanity. Yesterday's attack was an attack on everything that we believe in as Americans, everything we hold sacred as a nation. It was an attack on freedom of speech. It was an attack on freedom of religion. It was a cowardly attack on innocent people: mothers, fathers, sons, and daughters simply going about their daily routines.

Our hearts may be broken and our eyes full of tears, but we Americans have a message for those who carried out this cowardly attack and for those who gave them assistance and shelter: let this be a warning to any who wish to harm us. Americans will not back down. Americans will never live in fear.

As Thomas Jefferson once said: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." We will persevere over the tyranny of terror, and we will persevere over tyrants everywhere.

God bless America. God bless our people.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations, who has been a leader in human rights and anti-terrorism efforts.

Mr. WOLF. Mr. Speaker, I rise in support of H.J. Res. 61, which expresses the sense of the Senate and the House regarding the terrorist attacks launched against the United States.

My heartfelt sympathy extends to all the families, many from our region, who lost loved ones in this terrible act of cowardice. The mothers, the fathers, the sons, the daughters, the friends and neighbors who perished in the World Trade Center in New York City, at the Pentagon, and on four commercial airlines will never be forgotten.

I also want to extend my thanks and praise to the courageous firefighters, rescue workers, police officers, servicemen and women, and the scores of volunteers who have been working around the clock with regard to the rescue effort.

As the words of the resolution state, these attacks were by far the deadliest terrorist attacks ever launched against the United States. And by targeting symbols of America's strength and success, they clearly were intended to intimidate our Nation and weaken its resolve. We will not be intimidated. We will do all we can and stand behind President Bush, our nation's commander in chief, as he works to respond to the evils of terrorism.

We also stand behind the statement that there will be no distinction between the terrorists who committed these acts and those who harbor them. I am committed to seeing that every resource possible be put together and put towards apprehending and punishing the people who planned and assisted in the implementation of these heinous actions against innocent victims. Our response must be swift and aggressive. The terrorists must be brought to justice and the countries which harbor them must be held responsible.

We are a strong Nation, united in our determination to continue to be the beacon of freedom to all in the world. We should pray for our country. May God bless America and God bless all our people.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Georgia (Mr. BISHOP), a distinguished Member of Congress.

Mr. BISHOP. I thank the gentleman for yielding me this time.

Mr. Speaker, so far, nothing our country has done to deter terrorism has worked on an enduring basis. In spite of our intelligence operations, retaliatory strikes, and a few arrests and trials, the murderous attacks have continued unabated and have escalated in severity culminating in yesterday's slaughter of thousands of our citizens. Unless our nation unites behind a more forceful and relentless cause of action, whatever the risk may be, we may never be free of this evil threat; and we will continue to pay a terrible price.

Mr. Speaker, many of us have been touched personally by this tragedy. One of my former staff members, Brittley Wise Salinardi, is the wife of the property manager of the World Trade Center, Rich Salinardi. Rich is missing and Brittley is devastated with anxiety, having no word of his fate. Our prayers are with these extraordinary young people and their families and with all those who have been touched and who have suffered so grievously from yesterday's attack.

Let us stand together to rid the world of the evil forces responsible for the war they are waging against humanity. I support this resolution. Let us rid the world of this scourge of terrorism and make those responsible pay the price.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I rise today in support of this resolution not only as a Member of Congress but also as an American citizen who is deeply saddened by the heinous acts committed yesterday against the United States. These are acts of hatred. They are acts of violence. They are acts of war.

Today, after hearing more accounts of what thousands of individuals endured yesterday, it is clear that yesterday's events will live forever in the memory of every American. One thing is certain, the President, Congress, and military leaders have launched the greatest manhunt this country has ever known. There will be serious consequences for these unconscionable acts of aggression.

I can assure the people of my State of Washington, many who have lost friends and loved ones, that in their names I am fully committed to working with our President and our military and intelligence leaders in supporting them in any actions they believe are appropriate. As the President has said, we are a nation of spirit and strength. We will prevail.

From blood banks that were overflowing with donors to the thousands of rescue workers who traveled to Manhattan and to the Pentagon to help with relief efforts, we have shown that we are one strong nation. We will be united as we deal with this tragedy.

I have no doubt that those responsible for yesterday's actions do not understand the American people. They believe that they can destroy our values and our freedom by destroying our buildings. They forget that our heritage is the heritage of patriots, and freedom, democracy, and liberty are instilled deep in the hearts and the minds of every American.

Mr. Speaker, this flame of patriotism will not be extinguished. In fact, today, it burns more brightly than ever before.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO), my friend and colleague and a valued member of the Committee on International Relations.

Mrs. NAPOLITANO. Mr. Speaker, I thank my friend, the ranking member from California, for yielding me this time; and I too rise in support of this resolution.

Mr. Speaker, there are no words to describe the unbelievable horror and the traumatic shock that all Americans feel in the aftermath of yesterday's cowardly attack upon our great nation. These murderers, terrorists, and their sponsors clearly do not understand America. If they did, they would have known that American resolve and the spirit of democracy and freedom cannot be broken by these heinous actions of brutality and disregard for all human life.

While they intended to weaken the very core of our national identity, all they did was strengthen our devotion to one another, to our government, to our great country and to our never ending support of liberty not only here, but around the globe.

In the faces of the emergency personnel working to rescue innocent victims in New York and at the Pentagon, and in the faces of thousands of Americans waiting in line to donate blood can be seen the enduring strength of America and demonstrates the devotion that brings us all together for healing. In these hard, dire times, when we are faced with the cold reality of terrorism, it is heartening to see that all Americans, regardless of party affiliation, regardless of religious beliefs, race, or ethnicity are coming together to show the world that the United States will not tolerate terrorism nor will we ever abandon our values of democracy and freedom.

Let us also remember that at our very core we are and always will be a Nation of feeling, caring immigrants. That has been our enduring strength and it is the future of the Nation. But do not mistake that for weakness or for indecision. We stand united behind our President and our leaders in the sure and certain faith that we will indeed persevere and bring justice to all those responsible for these atrocities. We are committed.

Thank you America. God bless us all.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform of the Committee on Education and the Workforce, and the former governor of Delaware.

□ 1730

Mr. CASTLE. Mr. Speaker, like millions of my fellow American citizens, I am feeling a series of emotions ranging from tremendous sadness to shock and

anger. The sadness is almost overwhelming when we see images of destruction in New York and the Pentagon and when we think of the families that have been torn apart by this unprecedented tragedy.

We are shocked that a terrorist attack of this magnitude could happen in the United States and that public buildings in our largest cities were attacked.

We are also angry, angry that these terrorist criminals have resorted to using civilian airlines as their weapons of destruction and that they targeted thousands of innocent people going about their daily lives.

Yes, these terrorists have met their goal of causing us this sadness, shock and anger. But what they may not realize is that they have awakened the tremendous resolve and determination of American people. We are grieving in mourning for those who were lost, and we are reaching out to the families. At the same time, we are determined to respond to this attack.

These horrific acts of violence are equal to any act of war we have ever faced. In many ways, they go beyond what we have experienced in the past because they have targeted innocent people who would never be the primary targets of violence in any past definition of war.

This is a defining moment in our history. We must marshal all of our other emotions to strengthen our determination to respond to this attack in a comprehensive and ongoing manner.

The terrorist criminals who committed this act have awakened the giant that is America. We will not rest until we have taken every step to bring these criminals to justice and to combat the terrorism that threatens the entire civilized world.

We must change our view of terrorism. It is no longer an occasional threat that we respond to and then return to a sense of complacency. It will take a new approach, a comprehensive one that includes our military, our intelligence capability, and how we protect our citizens at home and abroad.

We are sad and angry, but we are also determined. Let us use this determination to honor those who were lost and to protect all Americans for today and in the future.

Mr. LANTOS. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise in support of House Joint Resolution 61.

Mr. Speaker, I rise to support H.J. Res. 61 which deplores yesterday's barbarous attack against our country and our people. I commend all of my colleagues for their heart-felt and inspiring words. I would like to add my voice to the resounding unanimity of this body in commending the heroic deeds of our fellow countrymen, and condemning the treacherous act of terrorism which struck at the heart of our nation.

First, I would like to extend my deepest sympathies and condolences to families and fiends who have lost their love ones in this horrendous, tragic event. These innocent lives were ended without reason, without warning. They were not, however, ended without cause. We know that they died in defense of our country, of the American way of life. All of those grieving should know that these lives were not lost in vain.

In this hour of loss and need, I have been astounded by the countless acts of solidarity and self-sacrifice exhibited by Americans toward their neighbors. These are, indeed, "the times that try men's souls." America has been tried and it has been proven true. True to the ideals of courage, of honor, of love and friendship to our fellow man. We must give thanks to live in a land that inspires such loving and giving people. Sufficient praise cannot be given to the fire-fighters, relief workers, and ordinary citizens who, in the face of life-threatening adversity, turned and entered the jaws of death to save lives. Some of these brave heroes sacrificed themselves that others might live. In this day and age, when we are accused of being a selfish, self-centered and apathetic generation, we can look back to these acts and these people and they will give us strength and faith in ourselves and in our great nation.

And as we look back, we must also look forward. For our task ahead is to continue the work of "making the world safe for democracy." We are called upon now to renew and strengthen this great and noble mission. As many here have said so forcefully and eloquently, democracy itself has been threatened and we must respond. We must respond by steeling ourselves against our enemies, and fighting against the chaos that they sought to inflict upon us. We must continue to demonstrate our strength and our unity. We must continue to show the world that we are one country, with one heart and one will. We will find our enemies, we will meet them and we will defeat them. And just as the bombings of New York and Washington were moral as well as physical attacks, we must concentrate our efforts on defeating our moral as well as our physical enemies. Terrorism does not reside in one man, in one country. It is an idea which must be combated each day in the hearts and minds if it is to be defeated once and for all. And just as we must and will find and bring to justice those who are responsible for this atrocious and unpardonable act, we must not think that one attack will be sufficient. The war on terrorism will be a war to eradicate the seeds of terrorism, a war to eliminate the environment in which terrorism takes root. To make the world safe for democracy, we must make the world impossible for terrorism.

I thank the Speaker for giving me the opportunity to express my sorrow, sympathy, admiration and indignation. As we move forward, we must move together and present a unified front to our allies and enemies—meeting the former with love, appreciation and solidarity, the latter with steadfast resolve and determination. God bless America and our righteous mission.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, today I join my colleagues, our fellow Americans, and people around the world to offer our prayers to the families of those lost or injured in yesterday's unspeakable crimes.

We stand here in solidarity with the President, who represents this Nation and its resolve to hunt down those responsible and bring them to justice. No one should doubt our unity and our commitment to rebuild in the wake of this deliberate tragedy.

To the thousands of Americans who have lost loved ones or still wait in vigil for the missing, we offer prayers and hope for you who were devastated by yesterday's events. You have suffered an incredible personal tragedy and receive our sympathy for bearing the brunt of this assault on our Nation.

To the people of New York, you demonstrated the finest heroism and humanity during the direst hour. Thousands of you risked your lives to help others as smoke, ash and debris rained on you. Thousands more of you streamed into blood donation centers to meet an incredible demand, saving countless more lives. Your spirit and resilience make our city and our country great. Together we will rebuild our city even greater than it was before.

To the American people, we feel the same pain and anger you feel as we stand witness together to these terrible events, and we support the effort to find those who aided or abetted these crimes. They will be found, and they will be brought to justice.

So today, Mr. Speaker, I encourage all Americans to reach out to one another for support on this difficult day. For in our unity, we find our greatest strength to steel ourselves for the challenges that face us.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, words fail us. We dutifully attempt to muster as much eloquence as is humanly possible; and yet no one can adequately express the events that have so dominated us during these dark days.

The most basic civil right of humankind is to be free from fear. Yesterday, every American had his or her civil rights forcibly violated. These unprovoked, yet provocative, attacks on the highest profile symbols of American culture have caused untold loss of life. Innocent victims perished for no other reason other than they were Americans.

As a Nation we were knocked to our knees with the graphic pictures and sounds as we collectively experienced the horrific tragedies in New York, near Pittsburgh, and here in Washington, D.C. We now remain on our knees and murmur a collective prayer to the God who has placed the dream of freedom in every human heart.

Mr. Speaker, as Members of Congress, each one of us swore an oath to protect and preserve our liberty and freedom from all enemies, foreign and domestic. When a domestic terrorist selected Oklahoma City as his target, we extracted from him the fullest measure of punishment allowed by law. We must be as a body no less committed in this case.

The conspiracy of foreign enemies have committed acts of war against the sovereignty and against the security of these United States. Therefore, be it highly resolved that these honored dead shall not have died in vain.

You may have extinguished American lives, but you have not and never can extinguish our American spirit. We have and will continue to survive even this most difficult and painful assault on our Republic.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong support of this resolution.

Yesterday's act of war will go down in history as an act that forever changed America. Not since Pearl Harbor has our country faced such a horror. But this attack took aim at innocent people who when they kissed their families goodbye in the morning merely were going to work. And yesterday's attackers, rather than an identifiable enemy, were anonymous extremists, a faceless lot who don't even have the courage to come out of the dark to claim their despicable handiwork.

What is the same today as it in 1941, is the will and the strength of America. We may be bloodied, but we are unbowed. We must respond, as we did at that critical juncture, with determination, courage and unity. We must understand that the war we must wage against barbarism is more complex than the wars we have fought in the past, but like those wars will not be won with a single military strike. It will take wisdom and patience. Our challenge is to strengthen our defenses so that we will never again have to see scenes like we witnessed yesterday and to increase our intelligence gathering capabilities while at the same time maintaining our core American values. It would serve only the ends of the extremists if we were to trample the Bill of Rights in response to this crisis.

I have been heartened by the response of the American people. Ordinary citizens became extraordinary orators in responding to these barbarous attacks. I hope that the people responsible for yesterday's atrocities have been watching, because if they have been they now know that they have done nothing but firm our resolve. They are no closer to touching the foundations of the United States than they were before this heinous attack. We are stronger today that we were yesterday.

We must ferret out these monsters and bring them to justice. We owe it to the children who lost their parents and the parents who lost their children yesterday. We must hold accountable those institutions and groups that have supported them in their madness. We must hold the line against hatred. We must

stand up for humanity, for civilized society. We must stand against the tyranny of extremism.

And I know we will. As President Franklin Roosevelt said in his speech following the attack on Pearl Harbor: "We will not only defend ourselves to the uttermost, but will make it very certain that this form of treachery shall never again endanger us."

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in support of the resolution.

In the aftermath of unprecedented attacks of the kind our country witnessed yesterday, no words can express the full range of emotions: horror, dismay, sadness, anger, etc. I join with all my colleagues in expressing condolences to the families of the people who were killed in these tragic incidents and in praying for the full recovery of the many people who were injured. I also join my colleagues in thanking so many people whose acts of bravery and heroism may receive little, if any, notice in the midst of this crisis. They reaffirm my confidence in our country's ability to withstand this crisis and our unity as Members of Congress should assure them of our commitment to determine who is responsible for these cowardly acts and bring them to justice.

Mr. Speaker, I want to pay special tribute to the family of Sandy Bradshaw, a flight attendant on United Airlines flight 93 which crashed in Pennsylvania. Her husband, Phil and her children, Alexandria and Shenan, are still hoping against all odds that she is still alive. They are residents of my Congressional District in Greensboro, North Carolina, and I want them to know that all my constituents are praying for them in a special way.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding me this time.

As the son of a firefighter, I was never so proud as I was of what firefighters did yesterday; but I believe all of our law enforcement officials, doctors and nurses, blood donors and volunteers, deserve to be saluted as well.

Mr. Speaker, we will have a problem for survivors that I hope will be addressed head-on, and that is psychological problems referred to by Vietnam veterans called post-traumatic stress disorder. Many of the victims will have problems without any other additional assistance, and I was pleased to hear that the administration has called upon this country to provide the support that our fellow citizens who have survived and have post-traumatic stress disorder to come forward and help fund those programs.

Mr. Speaker, I am proud of the City of Washington in terms of what local people did. We had cooperation and openness. The citizens of this great city came together and worked together with us.

Mr. Speaker, we need to be careful to be good to each other as colleagues in

this body. The gentleman in the chair today, the gentleman from Illinois (Mr. LAHOOD), has led us in the past to make sure that we are a user-friendly institution, and I salute the gentleman and call upon my colleagues to make sure that we keep together on these important issues that we are going to be facing in the next few days and in the next few years.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. WATTS), the distinguished chairman of the House Republican Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, there are few words that can articulate what our Nation experienced yesterday.

The tragedy that Americans experienced was a blemish on our Nation's history. It was a day that will be remembered by families in New York City and Washington, D.C., and every town throughout the country. Unlike momentous days of joy that we tell our children and grandchildren about, September 11, 2001, will be a day that we will recall for years to come with sadness and with sorrow.

Like Pearl Harbor and the Oklahoma City bombing in 1995, the surprise attack on the people and sites that run the country, our economy, our military and government will not be the final word. There can be no justice without peace, but there can be no peace without justice.

Over 6 years ago I stood on this floor and condemned the bombing of the Federal Building in Oklahoma City. Today, like 1995, we should remain strong. We should not succumb to fear. If we succumb to fear and paranoia, the terrorists have won. In this time of emergency and mourning, let us open our hearts to those that need our help.

Mr. Speaker, I urge my fellow Americans, if they can, give blood; if they can, give their time. Fly an American flag at half-mast. Take time to pray. Give thanks to those who are helping us through this crisis, and give thoughts to those who suffer because of the acts of faceless cowards.

Our Nation will get through this upheaval. We will not let the pernicious intentions of an unidentified organization curtail the business or the strength of character of the United States of America.

To the families and friends of those who lost their lives, know they are not alone in their sorrow. I pray for them. We pray for them. And to the medics, the doctors and nurses, the firefighters, the police officers, the rescue workers, Salvation Army, Red Cross, and to all of the other emergency personnel on the scene of the incidents, we thank them for their service to our Nation and our sister communities here in Washington, D.C. and in New York.

Mr. Speaker, politics has taken a day off. Today Congress recognizes and re-

members the afflicted and the sorrowing and those who came to the aid of their fellow man.

Ralph Waldo Emerson in 1842 captured what I think we are all thinking today. He said, "Sorrow makes us all children again, destroys all differences of intellect. The wisest knows nothing."

Mr. Speaker, I thank my colleagues on both sides of the aisle for their service and leadership during this national tragedy.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I rise in disgust of yesterday's terrorist acts, and in strong support of the resolution before us.

Mr. Speaker, I rise in disgust of yesterday's terrorists acts and in strong support of this resolution.

The cowardly acts of terrorism carried out yesterday against fellow Americans are sickening and unparalleled since the surprise attack on Pearl Harbor nearly sixty years ago. Each of the commercial aircraft used as weapons were carrying innocent men, women, and children. And the timing of the assaults—around 9am on a weekday morning, seems to have been designed to maximize the loss of innocent life for those in all the buildings attacked. Know full well that we as a government will not rest until those responsible are found and severely punished.

We salute those dedicated rescue workers, firefighters, and police who have been working around the clock to try to reach those that might still be trapped alive inside. My sympathies and condolences go out to those who lost their lives, the injured and the families who will forever bear the scars of this day from hell.

But while these heinous acts were carefully planned, in the ultimate sense these terrorists have failed in their mission. They can shake the foundations of skyscrapers, but they cannot break our spirit. We are not broken. We are saddened, but stand firm in our resolve as a country and a people. At this time of national shock, we all stand together as a country in prayer, mourning, and resolve as we join in support of our President as he leads us in the days and weeks ahead. May God bless our nation.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, simply put, in the annals of our history, September 11, 2001 will be forever remembered as a day of unprecedented barbarism.

Perhaps most tragic, the Constitutional freedoms we enjoy on a daily basis—the same protections which allow us to serve in Congress and which millions of men and women fought and died to guarantee to every American—were cruelly exploited for a vile purpose: to simply slaughter thousands of innocents.

Mr. Speaker, there's a good chance we'll never know how many Americans perished in these attacks.

We'll certainly never comprehend the sheer terror they felt, nor the anguish their loved ones are facing today.

But in our capacity as human beings we can certainly empathize with their plight.

This was an act of war against the American people, as such, Congress must ensure our armed forces appropriately respond to this attack to quickly and decisively eliminate the individuals and their allies who would strike a blow against our liberty.

We must set the same goals of previous generations of Americans, and seek an absolute and unconditional victory that ensures our sons and daughters wives and husbands, and friends and neighbors are never, ever again exposed to such an act of barbarism.

We stand together as members of Congress and as Americans in our resolve to identify those responsible for conceiving and carrying out these acts of war, and to exact justice for this unforgivable assault.

With that, I urge my colleagues to adopt this resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, today in the aftermath of the most devastating attack on American civilians in our Nation's history, we take up the task of rebuilding our spirits, reaffirming our commitment to our national values, and making the pledge that this will never happen again.

As we console the families of the victims, as we remind ourselves about the core American values of freedom and democracy, and as we make plans to deal with the terrorists, we must remember who we are as a people. We are the participants of a great democratic undertaking, a national project which stands as an example for the rest of the world. We have a duty to perfect and protect our Nation, and we must never be swayed from the road towards freedom and democracy for ourselves and as a beacon for the planet.

Mr. Speaker, there are many emotions that race through our bodies individually and collectively. We are saddened by the pictures of the attacks and elated with pride by the essential goodness of our people, and we are also filled with anger and thoughts of vengeance as we contemplate future action.

We must be mindful of our responsibilities as leaders to deal with this crisis in an orderly manner which demonstrates calm, which reassures our people that we will be an even greater people in the future, and which provides evidence of our core values as people. We must first comfort the families and friends of the victims. We must remind ourselves of the democratic values which make us great and which make us a target.

Mr. Speaker, then we must take action against the terrorists and ensure that this never happens again. We must conduct ourselves with dignity and resolve, confident in the inevitable suc-

cess in our national purpose and democracy. The people of Guam stand ready to do our part in this national crusade at this time of crisis. As so often has happened in the past century, Guam is ready to do its part in national defense, in demonstrating resolve. We have made our contributions in the past. We will do our part again and again in this century.

□ 1745

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), my good friend and colleague.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

I rise in support of the resolution and I join with all Americans and so many New Jerseyans who are personally affected by this crisis in prayer for the victims of yesterday's unthinkable, horrible acts of terrorism against our people. Words cannot properly express our sorrow for the victims and their families.

For those of us who come from New York and New Jersey, our friends and neighbors who work in lower Manhattan, who commute every day from our hometowns, their families and their lives have been changed forever by yesterday's unspeakable events, as well as for our military and civilian personnel at the Pentagon. We feel for their loved ones, their children, their spouses and family members whose lives have been irreversibly changed forever.

We also salute the courage and professionalism and heroism and generosity of so many firefighters, police, emergency and medical personnel, and many volunteers of their own blood, food, shelter and comfort. These volunteers have and continue to offer themselves so unselfishly.

The President and all Americans pledge our support to assist all the families and victims of these tragedies.

We will hold accountable those responsible wherever they may be, that they may be brought to justice. We will do all that is called for and all that is needed in defense of our country and its citizens and to bring these criminals to justice.

As Americans, we have always known, "Freedom is not free." Countless Americans have fought and secured these freedoms, and now as our Nation is again tested, we will be as strong as a Nation, united as a people, and more committed than ever before to the defense of our freedoms, our citizens and our great Nation.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. ROYBAL-ALLARD), my friend and colleague.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to join my colleagues in strong support of this resolution expressing

heartfelt condolences to the victims and families directly impacted by yesterday's horrific acts of violence and in condemning the cowardly acts of terrorism against our country.

These acts were intended to shatter the very foundation of American society, but instead this violence has highlighted the fact that we Americans are strongest and most united in the face of adversity.

This is evident as we watch the heroic effort of the men and women who are valiantly responding to help the victims of these murderous acts, and it is evident in our Nation's resolve and unity to find and to punish those responsible for these unconscionable acts of violence against innocent Americans.

Our hearts and prayers go out to the families and loved ones of the victims, and I assure them that we as a Nation will not rest until the enemies responsible for this attack upon our country and, indeed, democracies everywhere have been brought to justice.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), my good friend and colleague.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

Mr. Speaker, Margaret Thatcher once said that the U.S. was unique because it was the only country whose very existence was based on an idea, the idea of freedom. Whether on a battlefield or in a factory, at home or abroad, in peace or confrontation, it is the American heart, an unbridled and unyielding spirit, that has pulled us through over 200 years of freedom.

On September 11, 2001, America's calm was shattered by a horrendous act of terrorism. There is no doubt that this day will long be remembered, and our thoughts and prayers are with those whose lives have been forever altered by this tragedy.

America responded to this tragedy the way we have responded to past ones, by coming together and reaching out to one another. Yesterday, Americans rushed to the aid of their fellow Americans without thought of the possible consequences to themselves.

Even as we pull together to recover from this tragedy, one thing is perfectly clear and has been made over and over again today and yesterday: America has never, nor will it now, yield to terrorism. Make no mistake, we will find and bring to justice the despicable individuals who in any manner helped carry out these heinous crimes. They have made a fatal miscalculation and should expect swift and severe retaliation by the United States of America.

Those who perpetrated this heinous act have reawakened a sleeping giant, and they should know that their acts of cowardice will never break our spirit or

lessen our love for freedom and democracy. Their evil has united us and will make us stronger and more resolved to fight for the ideals upon which this great Nation was founded. The attack on America may change our view of the world but it will not change our American spirit.

God bless America.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), my good friend and distinguished colleague.

Mr. LANGEVIN. Mr. Speaker, today I join my colleagues in support of this resolution before us.

I come to the floor deeply distraught and outraged by the senseless, terrorist actions perpetrated yesterday against the American people. My thoughts and prayers are with the victims of these crimes and with their families, and I wish to pay special honor to those who call Rhode Island their home: Amy Jarret of North Smithfield; Carol Bouchard from my hometown in Warwick; Renee Newell of Cranston; Shawn Nassaney of Pawtucket; and David and Lynn Angell of Barrington. Sadly, in the coming days, I fear that the names on this list will grow, and I offer my deepest condolences to the loved ones of these innocent victims.

For more than two centuries, Rhode Island, and indeed America, has been a bastion of democracy, freedom and tolerance, principles and ideals that were targets of yesterday's cowardly attacks. However, Rhode Islanders and all Americans are also known for their independence and strong spirit. Our resolve and love for freedom will not be broken by terrorism.

As a member of the Committee on Armed Services, I vow to do all in my power to find those implicated in these attacks and bring them swiftly to justice.

Mr. Speaker, make no mistake about it, all these terrorists have done is awakened a sleeping giant, and now this Nation stands united. It is our responsibility in Congress to protect the American people and our democratic ideals, and I stand by the President and our leadership in these endeavors.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, a new day has dawned in America. Yesterday morning, our Nation felt the full force of terrorism and saw the real face of evil in an attack designed to cripple this Nation by cowards who hold no regard for human life. In a carefully coordinated and well planned attack on symbols of our Nation's strength, they sought to destroy the very foundation of our democracy. In this new day, the entire world has learned they failed.

Their cowardly attack has shaken our country and has taken from us some of our best

and brightest, but they had not crippled our Nation. Their attempt to destroy our democracy has only served to make it stronger.

Our Nation, united and with great resolve, will see its way through this ordeal. As Americans, we will comfort our grieving countrymen. As Americans, we will heal our wounded. As Americans, we will bury our dead. And then, as Americans, we will remember why they died and track down those who perpetrated this act. We shall not be deterred, and we shall not be defeated.

Yesterday, an act of war was carried out against these United States. Today, a united American people are prepared to rebuild their lives and communities. Driven by the principles of democracy, this place that some call America and we call home has been strengthened because the American people have strengthened.

America will remain a beacon for peace and freedom around the world. American history will document the devastation caused and the lives that were lost, but the new dawn highlights our greatest asset, the resolve of the American people.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a member of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Speaker, this is a simple measure but heartfelt. There is no way to express our feelings of grief and sorrow for the American citizens who are dead and injured from this horrible, gruesome, barbarism that struck our Nation yesterday and our cities of New York and Washington. My condolences go out to all of the innocent people who suffered from the brutality of these world terrorists who sought out the innocent to complete their cruel missions.

Those who committed this atrocity are, simply put, the scum of the Earth and they must be punished. The acts of terrorism must not be the daily concerns of Americans. We must be able to feel secure in our homes. Acts of terrorism must be stopped. As a Member of Congress, I will work to make sure that the terrorist organizations that carried out this horrible act and those who helped them and protect them are destroyed. I am willing to commit all the resources necessary to accomplish this goal.

Our President stated yesterday, "Our resolve has been tested, and we will show the world that we will pass that test." I agree. I can only add that our action must be swift and decisive.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in support of this resolution. We need to take proper action.

Mr. Speaker, with a heavy heart, I rise today and offer my condolences and prayers to the families of the victims killed in New York, Washington and Pennsylvania. Our nation has faced an unspeakable evil that will forever color how we live our lives and conduct our

policy. Our world has always been a dangerous place, and it will continue to be so. After leaving this historical building yesterday, I wasn't altogether sure we would see it again. This building, representative of our freedom and democracy, is a very large target for those who oppose our country. It will continue to be a target.

Of course, if that fact can change how we work here, then the terrorists win. It is for us to set the example of getting back to work, condemning this act of war and horror, and hunt and return for justice the person or people who did this. If there is a nation involved, we will judge them as part of the effort and attack with the vengeance of the strongest nation on the face of the earth.

Our sacrifices throughout the 20th Century meant that—largely—Americans had no fear of attack on our nation. Pearl Harbor pierced that fearlessness for a moment, and September 11's Trade Towers-Pentagon attack differs only in that Pearl Harbor was a military base and that it was attacked by a nation on which we could declare war. We knew who they were and where to find them.

This situation teaches us that the price of freedom today will be borne by the everyday patriot who goes to work in a high-profile place as they stand on the front lines of danger. The front lines of danger today are banks, industry, borders, monuments and government buildings, in addition to our military bases. And it is our duty to stand bravely on those lines and put the possibility of danger in the back of our minds. If we are guided by the danger of where we are, the terrorists have succeeded in striking fear and terror in our hearts, and they can win in our minds what they could never win on a field of battle.

Yesterday, our democracy was damaged, and today it evolves to remain supreme. We lost no freedoms for the moment, but this nation not only has a strong military, we have enormous resolve and the pioneer spirit that settled a continent, explored space and leads the world in the global economy. It is easy to see why there are those who despise us; but they despise us for the very thing that makes us great: our spirit and our fortitude for freedom.

This is a call for this century and this generation. Nothing has really moved you to think about what this country means to you, how fragile our liberties are? Then let this moment in history move you. Let it move you to a greater understanding of our nation and our constitutionally-protected liberties, let it move you to appreciate those liberties, let it take us to a deeper understanding of who we are as a country. We are many people from many countries in a single nation. We are from every corner of the planet, yet we share the liberties of this nation.

This tragic attack killed men women and children from nations throughout the world, and the response upon the criminals should be a world-wide response. We have many different ideas that divide us on policy, but that is the meaning of America, many people, many ideas, but one spirit. Let no enemy misunderstand when these many people speak with one loud, angry voice: we will find you and we will punish you. We are stronger than you and more powerful than you and we have

more moral courage than you because we value life. Even when you attack innocents, Americans will always fight back, and we have evidence that this place could well have been spared for the heroic efforts of some of the victims on the plane in Pennsylvania.

Let this moment move Americans to bear the burden of going to work on behalf of our nation with the fearlessness of our soldiers on a battlefield. Let it move each American to remember these immortal words from the foundations of our nation, "Don't tread on me."

America is a powerful force with which to be reckoned. We will find the responsible party. We resolve to find who did this—we punish our enemies. We will do this in memory of every victim of this terrorist act, and we will do it on behalf of the liberties for which the victims of this attack died in a battle they did not anticipate.

We should express a special appreciation of the firefighters and law enforcement officers who gave their lives in the effort to save civilians in the rubble of the World Trade Center and the Pentagon. Law enforcement officers and fire fighters have a tremendously painful job to do and they are ready exhausted.

Please say a prayer tonight for the injured and unaccounted for here and in New York, pray for the victims' families involved in this murderous attack, pray for the people who are helping them find their loved ones, and pray for our nation, that we exercise good judgment in our quest to make someone take responsibility for this.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE), the distinguished ranking member of the Committee on Financial Services.

Mr. LAFALCE. I thank the gentleman for yielding me this time.

Mr. Speaker, on December 7, 1941, Pearl Harbor was attacked, and Franklin Delano Roosevelt said that day shall go down as a day of infamy. On September 11, 2001, the United States was attacked, and I believe that day will go down as our day of greatest infamy. Over 2,000 were killed at Pearl Harbor. I fear that the dead and injured in yesterday's sneak attack will be far, far greater than that.

Tom Brokaw wrote a book entitled "Our Greatest Generation." I enjoyed that book. I was proud of the men and women who made up, who make up, that greatest generation. We responded to the attack on Pearl Harbor with unity; decisively, forcefully. And I am supremely confident that we will match the American response of the forties, that we are unified, that we will act decisively and forcefully, as decisively and forcefully as we acted against Japan, and that perhaps one day our present generation might be known, because of our response, as the greatest generation.

Many people believe in a supreme being. Some call the supreme being God, others refer to Yahweh and others refer to Allah. I only hope and pray that whatever one's faith, we will all come to realize that we can only serve

the supreme being's will by acts of love, not by acts of killing. I hope that day will come soon.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Armed Services.

Mr. STUMP. Mr. Speaker, I rise in support of the resolution.

Yesterday, our Nation suffered an unimaginable tragedy. The separate attacks that took place in New York and Washington were deliberate acts of aggression against our country, our people, and our way of life. Together, they constituted the worst act of terrorism directed against the United States in our Nation's history. Yesterday was one of our Nation's darkest days.

Those who planned and perpetrated these outrageous acts of terror deserve our unanimous condemnation. Our heartfelt sympathies go out to those injured in yesterday's attacks, and to the families, friends, and loved ones of those who lost their lives for no other reason than the fact that they were Americans. As Chairman of the Armed Services Committee, I also wish to express my sadness at the tragic loss of life of military and civilian personnel at the Department of Defense. This resolution also appropriately commends the efforts of the emergency service workers and other volunteers who have demonstrated through their courageous rescue efforts what it means to be an American.

This is the time for Congress to unite in support of the President and his efforts to take all necessary action against those responsible for this tragedy. If we fail to do so, the terrorists have won. It is time to recognize that the United States can no longer fight terrorism according to the rules of civilized behavior. Terrorists know no rules. Their aim is to commit the mass murder of innocent civilians. Yesterday, they succeeded—right here, on our own shores. We must resolve not to let them succeed again.

The scourge of terrorism is not new, and America is no stranger to terrorist attacks. But yesterday's events demonstrate that this threat has taken on a new and more deadly form. It also demonstrates that our Nation's geographic distance from areas of conflict and turmoil no longer provides a guarantee of security. For these reasons, we need to ensure that our military forces remain second-to-none—sufficiently equipped and trained to defend against, and respond to, any act of aggression against our Nation, our people, or our interests.

Mr. Speaker, this resolution is an appropriate expression of our sympathy for the victims of yesterday's attacks and our support for the President's actions in response. I urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, yesterday, September 11, our Nation was assaulted in a vicious, well-planned and cold-blooded act of mass murder. Many have compared these horrible acts with Pearl Harbor. Certainly our shock, hor-

ror and anger are similar, and both acts were planned with military precision. But Pearl Harbor was an open act of war against military targets by a clearly identified aggressor. Yesterday's attacks were an assassin's strike against innocent men, women and children, chosen as victims solely because they were Americans. We are deeply angered and properly outraged by these acts, as we were on December 7, 1941. But now is the time for calm and deliberate, thoughtful countersteps to protect our Nation and to end this deadly threat. We should take special care not to repeat the mistakes of 1941. Many Americans of Japanese ancestry were interned during the Second World War. Those interned never committed a sabotage of any sort. Finally, the Federal judiciary recognized that. In fact, many Japanese Americans joined the Army and served our Nation with great skill and courage.

□ 1800

Those who served in the 442nd Regimental Combat Team in Italy and Europe were the most decorated unit in the United States Army.

That should teach us to guard against unthinking stereotypes and prejudice. We should not think that those who may look like our enemies are in fact allied or even sympathetic to those who are behind these despicable actions.

We should be working with NATO and the Arab world, our Gulf War allies. Those who believe in democracy must stand with us. Those who reject our call to arms against terrorism must not receive support from us. It is a time to act.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, yesterday's cowardly terrorist attacks on the United States leave us with images of horror that will remain etched in our hearts and minds forever: The innocent passengers of the four hijacked flights, all of whom died; the thousands of workers in the World Trade Center and at the Pentagon who simply happened to be in the wrong place at the wrong time; the brave firemen, policemen and emergency medical personnel, many of whom were lost as they worked to save those in need in New York and Washington; all of the families whose loved ones are unaccounted for or who remain in harm's way.

Thousands of our fellow citizens have lost their lives and thousands more have suffered injuries, many of which will change their lives and those of their families permanently. My thoughts and prayers go out to all the victims of these attacks.

Mr. Speaker, these tragic images are unimaginable. Yet we know that they are real and the perpetrators of this nightmare must be identified and brought to justice. Let the word go out to those responsible for this devastation and to all enemies of freedom: Have no

doubt, we will do whatever is required to punish those responsible for these despicable acts of war and all who harbor these barbaric criminals.

Mr. Speaker, Americans have always known that freedom is not free. It often comes with a tremendous cost and it often imposes tremendous responsibilities. Throughout our history, our citizens have always been willing to pay that price. Many have made the ultimate sacrifice of their lives and their fortunes so that all of us will continue to receive the blessings of liberty. My generation and my parent's generation faced Pearl Harbor. Yesterday's terrorist attacks are another day of infamy, a day that will be our children's and grandchildren's Pearl Harbor.

Americans have always risen up as a nation and faced every challenge presented to us. Once again, in a moment of crisis, our citizens have gathered in unprecedented numbers to donate blood and offer other forms of support. The heart and spirit of the American people remain indomitable.

America is at war with terrorists, but this war is different and will present different challenges. It will be a war without end, one that will require permanent vigilance. The challenge for all of us will be to assure that America remains the land of the free while we take the steps required to prevent this from ever occurring again. I know that, together, we will do whatever we need to do to face down and defeat the new challenges of terrorism.

As President Lincoln reminded us at Gettysburg, while the world may not long remember what we say here, we will never forget what occurred here. So it is with yesterday's attacks. We will never forget the sacrifices of all of the victims of terror. We will honor their sacrifices by waging and winning the war against terrorism, holding true to our friends and our commitments, and preserving our way of life.

Mr. Speaker, words are inadequate to convey our horror at what occurred. Yet as we intensify our fight against terrorism, deeds are far more important than words. We stand united as a country and as a Congress. We will not rest until every person responsible for these acts is brought to justice. We will hunt down the terrorists and make whatever sacrifices are required to preserve our freedom and liberty. No matter what the price, we will defeat evil. There will be no appeasement. Our cause is just. Our great country will prevail.

May God grant his peace to the victims and to all who mourn. God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we often see ourselves as Democrats and Republicans, Methodists or Presbyterians, black or white, Gentiles, Jews or Muslims, before we see ourselves as Americans.

But today we are Americans first. We need to look no further than yesterday for evidence of this. Men and women, young and old, risking their lives, giving their lives, to come to the aid of those in need.

As a Nation, we pray for those whose lives have been forever changed by these acts, and we give thanks for the blessings which remain: family, liberty, friendship, and home.

Now we turn to the task ahead: finding the cowards who did this and making them pay. Then we shall repair our injured cities and restore our sense of security.

The enemy has attacked our way of life. They want to make us less trusting, less safe, less free. Less American. They underestimate the resolve of the American people.

So let us remain uniquely, proudly, and defiantly American.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I will leave it to others to ask why. Today I rise with my colleagues with firm resolve to send a message to our enemies that engage in terrorism that we are at war. America and her people will stand together today, as we have in the past, and defeat our enemies.

Here in the great hall of democracy, in the well of the House of Representatives, I personally call for a declaration of war so that we may unleash the full might of our country's resources upon our enemies.

We must give our institutions, the FBI, the CIA, the armed services, the full legal authority to act and protect the life and property of the United States of America. We must authorize reprisals against our enemies and those who harbor them.

In closing, I say God bless America and God bless our President during these times.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of the resolution, for the tens of thousands of people who have mobilized to search for the victims and care for the injured and all the people around the country that are doing all they can.

Mr. Speaker, I am outraged and saddened by the heinous atrocity that was committed against our nation yesterday.

My thoughts and prayers are first and foremost with the victims and their families. We have not yet begun to comprehend just how many people were murdered, injured and affected by this attack. I am also praying for all who are involved in the rescue efforts that continue. Tens of thousands have mobilized to search for victims and care for the injured. Maine medical professionals have contacted me to find out how they can help. I know that people around the country are doing all they can to contribute to this effort.

Once the victims are fully accounted for, I expect there will be few of us who will not know someone who was killed or injured or someone who knew a person who was killed

or injured. This is truly a national tragedy. I spoke this morning with a Maine man whose brother, a New York City firefighter, has been killed. I know that there are many others in Maine who are grieving or awaiting news.

We as a nation, working with our allies, will expend all necessary resources to identify who is responsible for this attack, and take action to ensure that they are swiftly and severely punished. We will identify states that have harbored and supported terrorists, and ensure that they are swiftly and severely punished. This was an act of war, and we will respond as such.

As a nation, we must begin the process of rebuilding. The rescue and clean-up efforts will continue for some time. New security precautions must be taken at our airports and other locations. Lives and buildings must be rebuilt.

We must also begin to heal our national sense of safety which has been badly shaken. We will not allow terrorists to send us cowering, but we recognize that we will never again feel the same as we did before this unspeakable horror.

My staff and I are back at work, and stand ready to assist any Mainer who is in need of help. We will be giving blood and doing all we can to contribute in a meaningful way to the rescue and rebuilding that are underway. As a Member of Congress, I will be working to provide the resources necessary to rebuild our nation, to enhance our counter-terrorism efforts, and to ensure the safety of the American people.

Although the scourge of terrorism is not new, the scope and destructiveness of the attacks yesterday were unprecedented in American History. We have been forced to acknowledge that the possibility of massive attacks on US soil is painfully real.

Yesterday America was gravely wounded, but we will heal and grow stronger. Americans will rise to the occasion and fight this scourge just as we have risen to defeat past threats to civilization and democracy. Yesterday's actions were not mere acts of terrorism and not mere crimes. Rather they were savage acts of war on the American Nation which must be met with a proportional military response.

Again, my thoughts and prayers are with all who have been affected by this tragedy. Let those who are responsible know clearly: this will not stand.

May God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, yesterday many of the people of my district in New York were struck by tragedy. We lost family and friends, firefighters and police, loved ones and heroes.

One of those heroes is Ray Downey of Deer Park, the New York City Fire Department's Chief of Special Operations Command. Ray responded to the attack on the World Trade Center and is still missing. His family still has hope, but they need our prayers.

For all of our families, we offer prayers. For Mayor Giuliani and Governor Pataki we offer thanks. And for the cowards who committed this crime, we submit our resolve.

Today is a day of mourning, a day of outrage. But it is also a day when we all come together. In this hallowed Congress, which we thought might be under attack just yesterday, we stand proudly today.

Our nation has seen bloodshed, but we are not bowed. We have seen disaster, but not defeat. Our American democracy, built by Washington, Jefferson, Madison, and Lincoln will not be weakened by cowardly terrorists.

Today the world sees the true greatness of America in the people giving blood, in the emergency workers clearing the rubble and saving lives, in the clergy fostering faith. And at the right time, at the right place, these terrorists will see the true strength of America as well.

Mr. Speaker, many of my colleagues have quoted a great President, Frank Delano Roosevelt, who stood in this place summoning our nation into a great crusade. I would like to share other words that he used in that same speech on that same day of infamy. He said, "With confidence in our Armed Forces, with unbounding determination of our people, we will gain the inevitable triumph, so help us God."

The SPEAKER pro tempore (Mr. SWEENEY). The Chair wishes to inform the Members that the gentleman from New Jersey (Mr. SMITH) has 18 minutes remaining and the gentleman from California (Mr. LANTOS) has 3 minutes remaining.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.J. RES. 61

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.J. Res. 61, to include corrections in grammar, punctuation, and capitalization, and to make other such technical and conforming changes as may be necessary to comply with the order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO), the distinguished chairman of the Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure.

Mr. LOBIONDO. Mr. Speaker, I rise with so many of my colleagues today in strong support of this House Resolution to condemn the terrorist attacks on America. I want to extend my deepest sympathies to the thousands of Americans who lost friends and family during yesterday's terrorist attacks. We grieve today for our nation's loss, but we will never lose America's resolve to remain a beacon of justice and freedom in a world where these values are under constant threat.

These attacks claimed victims from all across the Nation and killed many from my State of New Jersey. One victim was Victor Saracini, a United Airlines pilot and native of Atlantic City, New Jersey, who died when his hijacked plane hit the World Trade Center. Victor is remembered by his family and friends from South Jersey as a brave man who would have never submitted to the will of the hijackers, and I am sure he did everything possible to protect the passengers and the plane and to thwart the hijackers. I extend my deepest sympathies to his family, to his wife and to their two young daughters.

There are, sadly, too many other names of victims that will come out in the days to come and will touch people in every corner of the Nation. I know that Congress joins with me today to mourn their loss and to send our condolences to their families.

Even under these horrible circumstances, heroes arose. I want to commend the emergency personnel from New York and Washington D.C., who immediately mobilized to lend aid and assistance to the people of New York City and to those working in the Pentagon. I would also like to praise the local residents of southern New Jersey who, after hearing of the attacks, left their homes and workplaces and joined the emergency service personnel who traveled north to assist those in New York who needed the help.

Finally, I would like to recognize the stalwart efforts of the Coast Guard personnel who have deployed up and down the East Coast to provide security for our bridges, tunnels, and ports and to render assistance in the finest tradition of the Coast Guard service.

Mr. Speaker, terrorism has attacked America and declared war on our nation. We must now act to punish both the terrorists who planned and carried out these dastardly acts, as well as those organizations and states who harbor and encourage this. I urge all of my colleagues to strongly support this resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that during consideration of H.J. Res. 61, pursuant to the order of the House of earlier today, debate on the joint resolution be extended 2 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), 2 minutes for herself and 2 minutes to give her an opportunity to read the statement of our colleague, the gentleman from New York (Mr. NADLER).

Mrs. LOWEY. Mr. Speaker, I stand here today full of anger and outrage, heartbreak and hope.

We are not Democrats or Republicans. We are Americans, united in our resolve and determination. Yesterday's terrorism was not just directed against national landmarks and individual Americans. These terrorist attacks were directed at the very idea of America itself.

Our response to this attack tests the strength of our international alliances, the integrity of our friendships, and the endurance of all nations in the struggle to build a world in which peace and freedom are the highest ideals.

We have a tremendous opportunity and an awesome responsibility to redouble our efforts to purge the evil of terrorism from our global community. Our allies are mourning with us and offering their prayers. But we must have their unqualified support and cooperation in this battle.

Let me make the ground rules absolutely clear: no country that harbors terrorists or sponsors terrorism will benefit from our defense, our commerce, and our aid. No one who teaches children hatred instead of games will find comfort from us. No more glorifying violence. No more praise for martyrdom. Those who rejoice in our tragedy must be exiled from the community of nations. And we must demand the help of our friends in the world community in this crucial effort.

My colleagues, like so many yesterday, I watched the TV in horror. My children called to share their shock and to tell of a friend whose husband, trapped on a high floor in one of the Towers, called only to say good-bye to the wife he knew he would never see again. All around him, his colleagues were on the phone to their loved ones for the last time.

We hear these stories over and over again. To all those who have lost so much, we want you to know that our hearts and prayers are with you, that all of America stands with you.

For the man who called to tell his wife just one last time that he loved her, for the hundreds of brave officers, firefighters, and rescue workers who sacrificed their lives so that others might live, for all, we will find those responsible; and we will bring them to justice. There will be no safe harbor for those who would visit such enormous devastation on our citizens.

Our Mayor, our Governor and our neighbors faced catastrophe with calm and humanity. We are very proud of them. Americans should stand with our President. We will face this tragedy together. We will comfort and support each other, and we will prevail.

Friends, our people and our landmarks have been attacked, but the essence of America is indestructible. Our

core principles, justice, liberty, and democracy, will remain forever unscathed. Let us say a prayer for our country and our people.

Mr. Speaker, my good colleague, the gentleman from New York (Mr. NADLER), is in New York. It is in his district where this catastrophe occurred. He asked me to read his statement.

"Today, I am at home with my fellow New Yorkers in this terrible, dark hour, but did not want this tragedy to pass without expressing my words on this floor of the longest and greatest democracy in the world.

"Like all Americans, I watched with a heavy heart the details of this attack and its aftermath emerge on the news. And like so many people, I still wait to hear word of friends and colleagues that were in the lower Manhattan area yesterday and pray for a miracle. The feelings I have of great sorrow, disbelief, and anger towards those responsible are feelings that I hope and pray I will never have cause to feel again in my life.

"My thoughts and prayers go out to the victims and their families who suffered needlessly at the hands of cowardly terrorists, to those police and firefighters who died, and who are risking their lives as this very House meets. I offer my sincerest gratitude to the many heroes who emerged yesterday, as well.

"Unfortunately, we all too often forget the great sacrifice that the men and women of New York's finest and bravest make every day, until tragedy hits. After yesterday, with 300 or more firefighters and police feared dead, I do not believe we will ever forget how they lay their lives on the line every single day so that they may save ours.

□ 1815

Just as they stand up for us, we must now stand up for them. Therefore," and this is the gentleman from New York (Mr. NADLER) speaking now, "I will introduce legislation today which will allow for an expedited benefit payment process to the families of those police officers and firefighters who died in the line of duty yesterday in New York and at the Pentagon.

"I have spoken with the White House; which has assured me that whatever Federal assistance New York needs, it will get. I have been in constant contact with FEMA, which wanted me to stress just how important the need for blood is during this crisis. I urge all those who are able to donate blood, to call the Red Cross hotlines, at 1-800-HELP NOW. If anyone has any information on either of yesterday's attacks, contact the FBI at 1-866-483-5137.

"Mr. Speaker, all New Yorkers understand and feel empathy for those who lost loved ones on hijacked flights. New Yorkers, and indeed all Americans, will remember those victims at the Pentagon, for putting their lives at risk and paying the ultimate price, so that we can live our lives in freedom.

"In the end, that is what this comes down to—our freedom. To the majority of the world, our Nation stands as a beacon of hope. To those who want to crush freedom, to have people live in fear, our Nation stands as a rebuke as well as a threat.

"However, what those enemies of freedom fail to understand is that no amount of physical damage can kill the ideals for which this Nation stands. Just as Pearl Harbor roused the sleeping giant to crush those who attacked it, this Nation must crush those who have declared war on us now.

"Let there be no mistake: We are at war, and have been for some time. We must make it clear, we will find those terrorists responsible for yesterday's attacks and punish them. That we will find, and punish, all those who seek to murder innocent people through terrorism. To those nations harboring and protecting terrorists, all the while pretending to be America's friend, you are no friend of ours. If you encourage hatred of the United States, and proclaim these attacks some sort of heroic act, you are no friend of ours. If you pay tribute to terrorists, you are no friend of ours. If you do not fully cooperate with our efforts to find terrorists and bring them to justice, you are not friend of ours.

"Today, we stand united, to mourn our losses, but determined to show the resolve upon which our Nation has always prided itself, as we rebuild. We will show the strength that can only be found in a free people. In the words of Lincoln, today, 'we here highly resolve that these dead shall not have died in vain, that this Nation under God shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.'

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman for yielding me this time.

Yesterday, terrorists attempted to spread fear throughout this great land as they murdered innocent men, women and children. These cowards, in effect, declared war on the United States; and we will fight back. America is the light of freedom and opportunity around the world. Those cowards attempted to extinguish that light from the world, but we will never allow it to be dampened.

The American people will now demonstrate their resilience. America will show the world that in the face of tragedy it becomes stronger, and the American people become more united. As the sun rose this morning, the light of American freedom burns stronger. Americans from all walks of life have come together in pursuit of the common mission supporting all necessary action to end the scourge of terrorism.

Americans continue to search for survivors and comfort those who suffer. Our prayers go out to the victims, their families and the valiant rescue efforts.

The American people, Mr. Speaker, are a peaceful people. Americans do not seek to conquer other peoples or commit violence against others; but because of America's power and prosperity and freedom, America and Americans are hated and envied by resentful forces of evil in the world.

The battle before us will be long and difficult, but the United States has overcome before, and it will do so again. Americans, united together, will send the cowardly terrorists shrieking in fear when they realize the resolve of the American people and the brilliance with which America's light of liberty shines.

God bless this great Nation, a beacon of freedom.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong support of this resolution condemning the terrorist attacks against the United States.

Today, we in the House of Representatives feel the need to speak of the unspeakable: yesterday's evil, perpetrated by cowardly forces who cannot muster the courage even to reveal their faces. Evil is difficult to speak about and yet, as yesterday's events remind us, its horror calls forth responses which reveal even greater good, greater strength, greater wisdom than we knew possible.

It has been said repeatedly in the past 24 hours that America has been changed forever. There is much truth in that statement. Just as the attack on Pearl Harbor altered the psyche of the American people nearly 60 years ago, we cannot deny the loss of innocence and carefree confidence created by yesterday's heinous deeds. Tragically, the horrendous loss of 2400 American lives in the Pacific may even be exceeded when the final toll is tallied in New York City, Washington, and Pennsylvania. How can we possibly comfort all those who grieve those deaths or thank those who died trying to make our Nation safer and stronger?

But those dear losses are not the only changes which have been wrought in our Nation. Contrary to the terrorists' intentions, their acts have also borne a new unity among the American people, a renewed sense of solidarity and commitment to each other. Folks in Michigan waited hours in lines to donate vital blood for victims in New York City. School children in Texas dressed in red, white and blue to support the uniformed troops and civilians killed at the Pentagon in Washington.

Here in Congress, we are changed. Each of us, regardless of party label or ideology, has set aside our differences to swear a unified commitment to supporting those most harmed, to relentlessly seeking the perpetrators of this act of war, and to bringing about a swift and just response. Both Democrat and Republican stand solidly behind our President as he leads us in all of those efforts.

And around the world, there is also a change—a new understanding of the threat which exists to all civilized democracies. In expressions of support which could not have been imagined a few years ago, former enemies as well as long-time allies across the

world have expressed their sympathy and their willingness to stand with the United States in fighting the perpetrators of this horror.

Let us not forget, though, that while some things have changed, much remains the same. Our enemies stole American lives thinking that they could steal our American Spirit. They were wrong. Our hearts are indeed broken today but our spirits are not only intact, they are strengthened. Bricks and mortar may have been leveled but the American Spirit stands. The attempt to cut us down has only deepened our devotion to democracy, freedom and justice.

The beloved Twenty-Third Psalm asserts, "Yea, though I walk through the valley of the shadow of death, I will fear no evil." These sacred words do not deny the existence of evil or pretend that we can be spared from facing it. But they remind us that we need not fear that evil. Why? Because God is with us, preparing the safe and proper way if we will follow.

Our enemies and those who harbor our enemies should understand what they have done. The tragedy which they have caused already is being transformed into unity and that unity will become strength. Perhaps the giant was sleeping. We became too accustomed to choosing convenience over security. We have tilted towards privacy over prudence. We became over-confident in our impenetrable shield. But make no mistake; the giant is now awake. Americans may need to make the sacrifices which a state of war requires but we are committed to making those sacrifices. This is war. It is not a war for territory or possessions but it is a war for democracy and freedom. It is a war for security and peace. It is a war which the united and civilized nations of the world will relentlessly pursue and win. September 11 will live in infamy but it will not die in impotence. Evil may be unspeakable but it will not be victorious.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL), my friend and colleague.

Mr. RAHALL. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I rise in support of this resolution of the condemnation of this heinous attack on our country.

Mr. Speaker. Southern West Virginians know loss. We hope and pray for the victims of these attacks and their families as other Americans have hoped and prayed for us in the past. Our nation's motto is *E. Pluribus Unum*: Out of many, one. Americans always display this unity best when disaster strikes our fellow citizens.

Yesterday's attacks did not kill only Washingtonians and New Yorkers. The victims came from across this country. At least one family in my own District was torn apart. Dr. Paul Ambrose, a talented and public-spirited young physician, was aboard one of the airplanes that the terrorists crashed. The sympathies of all America are with Ken Sharon Ambrose of Huntington, West Virginia, today. We will avenge their loss.

America seeks peace, but it is not blind. The people who planned these attacks are out there, and we know that they still pursue their

evilness. Their celebrations will be short, because America's resolve is sure. I support the President's vow to punish these murderers and those who give them shelter.

As the death toll mounts in the aftermath of the most vicious terrorist attack ever perpetrated on Americans and America, I ask the good Lord to give us the courage, wisdom and conviction to bring those responsible to justice.

Certainly, the horror of this attack has been etched into the minds and hearts of all Americans. It is time to mourn the dead. To care for the injured. But it is also time to plan for our future, and to take actions to insure that the lessons of this attack will not be lost. That those who perished will not have done so in vain.

America will persevere. We are not weakened by this attack, but rather, will grow stronger. Out of these flames of death, an even stronger American spirit will be born. And the beacon of freedom, of our Democratic institutions, will burn even brighter upon the world.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES), my distinguished colleague.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, yesterday our Nation was attacked by cowards. I, like all of my colleagues, am equally outraged by this attack on the people of the United States. Today, our thoughts and prayers are with the victims and their families. As the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, said yesterday, we as a Congress and as a government stand united.

Mr. Speaker, there is no question that this was an act of war. We must find those responsible and bring them to justice. We must do so swiftly, with the full might and power of the United States. We will find those responsible for these mass murders, and they will be punished.

We, likewise, must develop the response that will destroy the very system responsible for this attack on our freedom. The global terrorist organizations that take refuge in some nations across the world must be destroyed, and any nation who protects any terrorist network or who provides shelter or refuge to these terrorist networks are on notice that they will also be subjected to the justice and the might and power of the United States military if they continue to protect those responsible for these mass murders.

This attack was intended to bring down the most powerful Nation in the world, to paralyze our government and to weaken our resolve. This has not happened and they have failed. Last night, our President spoke from the Oval Office of the White House, and Secretary of Defense Donald Rumsfeld never actually left the Pentagon while working with some of the rescue crews and consulting with the national security team. Last night, the world saw and heard representatives of the people

of this Nation speaking with one voice. Today, we are all here on the floor of the House ready to continue our work. We will not allow cowards to shut us down.

No one will ever forget the images that we have all seen in the last 2 days. We must never forget those who lost their lives. My thoughts and prayers are with those rescuers working around the clock to save those trapped in the rubble of the World Trade Center and the Pentagon.

The events of Tuesday, September 11, 2001, have changed the face of America forever.

I have no doubt that we will respond to this crisis in a very American way . . . we will unite, we will defend our freedoms, we will persevere.

In closing let me commend all those first responders that worked so hard and have sacrificed so much, the police, the fire fighters, EMS and medical personnel and our own dedicated, committed and very professional Capitol Police.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. REYNOLDS), a member of the Committee on Rules and a deputy whip.

Mr. REYNOLDS. Mr. Speaker, no words can adequately express this Nation's sense of loss and outrage over yesterday's vicious, cowardly attack on two of our country's most recognizable landmarks, one of which is in my home State of New York.

This was an attack not only on America, but as British Prime Minister Tony Blair remarked, on the free and democratic world.

The death toll of innocent Americans will certainly surpass that of Pearl Harbor, and as quickly and as assuredly as America came together to defeat fascism and imperialism at that time, we must quickly and decisively come together to defeat this enemy of a free and democratic world.

Many have said that after yesterday, the face of America will be changed forever. That may be true, but what will not change is America's heart, America's character, and America's continued belief in the principles, ideals and values that have made this country the freest, most prosperous Nation the world has ever seen.

Like many in this Chamber and across America, I await the names of the dead, the missing, and the injured of friends, in both public service and the private sector, who worked in New York's World Trade Center; and I pray for them and their families, all of the victims and families in New York, the Pentagon, the hijacked aircraft, and for those who have put themselves in harm's way, our police and our firefighters, medical and emergency crews, and countless volunteers, that they will carry out their mission safely and successfully.

It is true that we have suffered tremendous loss of life and property at

the hands of faceless cowards, but make no mistake. This is not a faceless enemy. The people of this country are united. The full resources of this government, and the courage, spirit and resolve of the American people will be brought to bear to find you in whatever corner of the world that you may hide. You have no safe harbor. We will see that justice is served.

God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Mr. Speaker, I rise in strong support of this resolution, and my prayers go out to the families.

Mr. Speaker, I rise today in support of H.J. Resolution 61, the Joint House-Senate resolution expressing the sense of the Senate and the House of Representatives regarding the attack on the United States. In addition, I would like to offer my thoughts and prayers to the people and families who have lost or are missing loved ones and to all Americans as we mourn this catastrophic attack on the American way of life.

Mr. Speaker, our hearts are heavy. Our minds numbed by the terror and senseless tragedy of the attacks that we witnessed in person or in our living rooms in my city and our capital over 36 hours ago.

The death toll has not been tallied. We will likely not know how many innocent lives were taken from us for some time. We have seen the iron clad character of my fellow New Yorkers and all emergency services workers who responded to these heinous acts of terror—giving up their own lives in the hopes of saving innocent civilians. In particular, I honor all of the police, fireman and emergency service technicians who continue to work to save lives. We must continue to stand together against this or any other attack on our freedom with untold heroism.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. TURNER), my distinguished colleague and good friend.

Mr. TURNER. Mr. Speaker, yesterday our Nation was a target of the most despicable and cowardly acts of terrorism in our history. We come here today, our hearts heavy, with prayers for healing and comfort for the many victims and their families.

The forces of darkness have broken our hearts, but they have not broken our spirit. To the contrary, those who sought to advance their cause by shedding American blood have instead sown the seeds of their own destruction.

The citizens of our Nation are a proud and resilient people. For over 200 years, Americans have fought and died to protect freedom and liberty. We now face a new challenge from a faceless enemy who has absolutely no regard for the sanctity of human life.

We cannot and we will not tolerate terrorism. We will find those who are responsible, and we must use the full strength of our military power against

those forces of evil and those who give them aid and sanction.

The spirit of America was best exemplified today by a brave New York firefighter searching through the rubble of the World Trade Center for one more survivor. He uncovered a tattered American flag, and he climbed to the top of the remains of a leaning north spire, raising the flag to express the spirit of patriotism shared by all Americans in this time of national travail.

A new chapter in our history was opened yesterday. Its opening pages will forever be emblazoned in our memory, but the strength and character of our people will fill its pages with the same resolve we have shown in the defense of freedom throughout our history. Today we urge all freedom-loving people to join us in our shared commitment to peace and security around the world. May God's grace be with all of those who suffer today, and may God forever bless our great Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. WALSH. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

I rise today in solidarity with the American people and my constituents in central New York to condemn this brutal act of mass murder committed against innocent and good American people.

I will never be capable of understanding how anyone could hate so much that they could point a plane full of innocent travelers at a building full of innocent workers for any reason, political, philosophical, religious, or nationalist.

Our Nation was injured yesterday, but I believe we will come out of this stronger. It forces us all to dig deep to recall who we are and what we stand for, to look back at the values America was founded upon, and to draw strength from the sacrifices of these most recent martyrs for democracy, and going forward to secure our future by fighting back against this invisible enemy and making decisions to ensure our safety and our freedom.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Mrs. CAPPs), my dear friend and distinguished colleague.

Mrs. CAPPs. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in his extraordinary book, "Night," Professor Elie Wiesel observed that when events are unspeakable, it takes some time to find the right words.

Yesterday's events are unspeakable. Try as we might, we cannot find the right words to fully express our grief, our sympathy, our pain, our outrage.

Words may fail us, but the images of yesterday's attacks are forever indel-

ible on our minds. We will never forget the scenes of planes striking buildings, huge structures tumbling, our fellow Americans lying dead in New York and Pennsylvania and at the Pentagon.

These are the images I will not forget, but they are not the ones I seek to remember. Instead, Mr. Speaker, today I dwell not on the images of yesterday's villains, but on its heroes; not on the acts of indescribable evil, but of incredible humanity. Because through yesterday's darkness and horror came the bright light of American courage, the compelling beacon of goodness and strength.

We are uplifted by the heroism of firefighters, police, military personnel, and emergency workers who plunged into the carnage and saved many victims. We are inspired by the selfless way that strangers reached out and are reaching out still to open their arms and hearts to fellow citizens.

□ 1830

We are amazed by the long lines that have formed all over the country of people donating their blood.

Mr. Speaker, yesterday the terrorists destroyed our buildings and they killed many of our brothers and sisters, but they did not destroy the American spirit. They will never defeat our resolve. They cannot undermine the principles of freedom and democracy that undergird our society.

Mr. Speaker, like so many Americans, I have turned to find strength today in scripture. Let me now read from Isaiah, Chapter 40, Verse 31: "They that wait upon the Lord shall renew their strength. They shall mount up with wings as eagles. They shall run and not be weary. They shall walk and not faint."

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. SHAW), distinguished chairman of the subcommittee.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday Americans were reminded in a very vivid and morbid way, and a pitiful way, of the cost of freedom. We were subjected to attack by faceless cowards who believe that our liberty is in some way dangerous. They could not be more wrong.

But as we have seen in the past, adversity sometimes brings out the very best in Americans. Ordinary people turn into heroes. Some we will hear about, others we will never know about, but the truth is that there were more acts of heroism yesterday than there were acts of cowardice.

We know the bravery of the hundreds of rescue workers, the firefighters, and the policemen who tragically died in New York. We can wonder at the courage of the pilot of the flight that crashed in Pennsylvania.

Was this crash an act of self-sacrifice by the pilot, crew, or passengers which

prevented a repeat of the tragedies at the Pentagon and the World Trade Center? Was this plane intended to destroy this magnificent Capitol of democracy that we are sitting in today? Do we who labor here owe countless passengers or crew our very lives?

We will always be grateful for the efforts of these men and women who lost their lives in the line of duty who will not be going home to their families, and who paid the ultimate price just to help others. We pray for their families and we pray for their loved ones.

As a Nation, we will mourn the loss of our neighbors, family members, and friends, and as a Nation, we will avenge their deaths. We will not let this despicable act go unchallenged. Those responsible will pay an awesome price.

In many ways, our Nation will forever be changed by these disasters, but they will in no way diminish the spirit of the freest people who have ever walked the face of this Earth, the American people.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in strong support of the resolution. My heart goes out to everyone who experienced a loss, and to those still waiting for news about their loved ones. To the families of the 278 heroes, the firefighters and police who are missing and presumed dead, I offer my deepest condolences.

I also offer my support and praise to the rescue workers and countless volunteers who are searching, as we speak, for survivors and victims. Like many of my colleagues and many Americans, my first reaction was to assess the safety of my family, especially my son, daughter-in-law, and my grandson Henry, who live in New York City.

Though my news was reassuring, hundreds, even thousands of people did not enjoy that same fortune. Yesterday's tragic events tore at the heart of America's fabric, and I believe that every American's life was affected. It is from that very fabric of community that we derive our real strength, not just from our economic energy or from our military might.

Mr. Speaker, we are strong and will remain strong. The attacks serve as a stark reminder of the dangers faced by a free country, and especially by those whose lives are devoted to protecting our country, whether at home or abroad. We must never forget the threats that exist.

Anger and rage and evil roam the Earth, and at times these forces converge unexpectedly. Yesterday, millions of Americans started their morning routine. Americans went to their places of work. They boarded airplanes,

just like every other day. Then these routines were violently interrupted.

Yesterday showcased the worst and best of humanity. The precision strikes indicate a foe that cleverly calculated this move against the very heart of our community. Yet, Americans are able to rise above the grief and horror.

To my colleagues and to all Americans, I say that now is not a time to abandon our priorities. As we work together to heal, we must continue to look forward and work to ensure a world safe for our children and grandchildren. We need to let our grief and our anger and our outrage work for us, not control us. Let us act with the careful and considered judgment that we as Americans possess.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I rise today joining my colleagues, Democrats and Republicans alike, in support of this resolution.

Mr. Speaker, the American people need to know just how dangerous today's world is. Many have presumed that with the passing of the Soviet Union and the East-West confrontation that peace was at hand. That without these formidable enemies, America no longer had to worry about attacks.

Tuesday's tragedy sends a message—loud and clear—that there are those who have no concern for innocent human life. They will kill with malice, with no other goal except to prove they can strike at the world's most powerful symbols of freedom. This was not a political statement or a military attack. It was murder, an act that is abhorred by all nations and faiths. We must do whatever is needed to protect our homeland from such unconscionable criminals.

Our nation is in shock and mourning. Americans are too big-hearted to understand why a group of inhuman thugs would bring these attacks on thousands of innocent victims. We will spend this day rallying to support the families of those who perished and the brave rescuers who are desperately trying to find any who might have survived. We will show our resolve that America will rise to this challenge and overcome it to remain the beacon of liberty and optimism.

In the days to come, we will dedicate ourselves to finding who planned and executed this despicable act, and prove to them that we will do everything in our power to bring them to justice and ensure it can never happen again. To those who shared the cowardice of the hijackers: We will not rest until justice is served. To those who have harbored these criminals in the past or consider sheltering them in the future: We will hold you accountable and make it clear that it is a terrible mistake to support attacks on America.

For the future, all Americans must realize that our world can never be entirely safe, and accept that we must commit the resources necessary to meet the threat of those whose fanaticism blinds themselves to their humanity.

I join all of my colleagues in pledging our support for the President in all of his efforts to protect our citizens. I have every confidence that we will work together—that all Americans will work together—to meet this challenge and overcome it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from New York (Mr. Boehlert), chairman of the Committee on Science.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, this tragedy was unspeakable, unimaginable, unbearable, unbelievable. Suddenly, we have a sense of being overwhelmed by a reality that had been inconceivable just yesterday morning.

All Americans, I think, have reacted with the same mix of emotions: fear, anger, loss, horror; perhaps most of all horror, a horror that keeps creeping back as one tries to return to daily life.

But this tragedy has also evoked the best in people as we have united to reassure family and friends and neighbors and even strangers; as Americans have lined up to donate blood; as New Yorkers and Washingtonians and volunteers from across the country have rushed to offer their services and expertise; as police and firefighters and other rescue workers have made the ultimate sacrifice.

We are going to need more of that in the days and weeks ahead as the full enormity of this horrific crime hits home, as we figure out how to deal with the future threats in this wholly unfamiliar and unexpected world in which we now find ourselves.

But for now, we must concentrate on recovering emotionally and returning to daily life. We must, with clarity, as Lincoln said, bind up the Nation's wounds and care for him who hath borne the battle, and his widow, and his orphan. We must pray that some day we will live to see the biblical prophecy fulfilled, the prophecy that is the antithesis of care: "Each shall sit under his vine and under his fig tree and none shall be made afraid."

They can destroy our buildings, but they cannot destroy our spirit. They can bring us to tears; they cannot bring us to our knees.

Today, America is united and strong and determined as we stand tall and face the future.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my distinguished colleague, the gentleman from Oregon (Mr. DEFazio).

Mr. DEFazio. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is a bit unusual on this floor, which usually reverberates with debate, but I would like to begin by asking for a brief moment of silence for the victims, their families, those still risking their lives to attempt to rescue survivors.

Our first responsibility is to the police, fire, and EMTs still risking their lives for rescue and recovery efforts. I have been assured by the administration that all necessary and available resources have been sent to their support.

I further understand that all the resources of our combined law enforcement and intelligence agencies, along with those of our allies around the world, have been brought to bear to track down these terrorist mass murderers to their roots. I am confident that the United States of America will be obdurate in exacting justice from those responsible. We each need to do what we can in our own way and for our own part.

For my part, I am determined that the improvements in aviation security, which I have advocated for more than a decade, will no longer be turned aside by cost concerns of the airlines. We can afford, and Americans are willing to pay, not only for an improved system of aviation security, but also to assure that our law enforcement, our intelligence agencies, and our military have the resources necessary to respond to this act and credibly deter future acts of mass terrorism against our people.

We will be secure within our borders in the United States of America, and we will not cower within our borders, either.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. WAMP), a member of the Committee on Appropriations and a member of the Helsinki Commission.

Mr. WAMP. Mr. Speaker, we know that fear is one of the most powerful forces in the world today. Yesterday, the lowest of the low, the dregs of our international community, used fear to carry out inhumane acts on all of humanity. Today, we claim the truth that one force is greater than fear. That is love.

Throughout the ages, love has conquered fear over and over again. Our love for our fellow man will overcome fear of these outrageous criminals. Our love of freedom will overcome our fear of tyranny. Our love of country will overcome our fear of terrorism. Our love of God will overcome our fear of Satan himself. Our love of goodness will overcome our fear of evil. Our love of peace will overcome our fear of war.

Mr. Speaker, today we stand together, our President, the United States Congress, and 270 million people, mourning those lost, comforting those left behind, praying for our Nation at this dark hour.

Yesterday, our House Chaplain, Father Daniel Coughlin, prayed that "In God we trust," our Nation's motto, but that today, may it be our strength.

Much of our character has been born from adversity. An even stronger America must rise from the ashes of

these fiery crashes so that good does once again triumph over evil.

May the peace of God that passeth all understanding be with us now and forevermore.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my dear friend and colleague, the gentlewoman from California (Ms. PELOSI), the distinguished ranking member of our Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday was a day from hell, a day when terrorists who do not value human life engaged in a demonic act which has touched everyone in America; indeed, in the world.

Today, over and over again, in contrast, we hear our colleagues express the exhortation "God bless America." And indeed, in the spirit of the American people, God has blessed America. God blessed us with the courage of the public safety workers, including hundreds of firemen who plunged into a burning, crumbling building to help people escape, risking their own lives; indeed, sacrificing them.

God blessed America with the compassion of the American people across our country, giving blood and offering to help in so many ways.

God blessed America with the determination of our public servants in this building, our Capitol Police, the military, and so many others who are helping this government go forth, foiling, foiling the plot of these terrorists who want to create panic in our country and stop our government.

The magnificent city of New York, which has led our country in so many ways, will rise from the ashes like the great Phoenix and will be stronger than ever. People across the country all have a special fondness for New York. It is the center of commerce and the arts, and its beautiful and magnificent diversity is a source of strength to our great country. The energy of New York will not be deterred.

That will be our message: New York rising from the Phoenix, leading the recovery of our entire country from this terrible tragedy. That is the message to the cruel, cowardly terrorists: God has blessed America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), a member of the Committee on International Relations.

□ 1845

Mr. PITTS. Mr. Speaker, I rise in support of H.J. Res. 61.

Terrorists have declared war on America. What happened yesterday was not merely a crime, it was an act of war. It was a massive attack by a foreign power, a terrorist organization on American soil.

We are used to calling terrorist attacks the senseless acts of cowards.

But this was a sophisticated, calculated and coordinated attack by deadly savages; trained terrorists. The perpetrators knew precisely what they were doing, why they were doing it, and how to do it.

At Pearl Harbor, over 2,000 Americans were killed in the attack. Many more than that died on Tuesday. Innocent victims perished for no other reason than that they were Americans. We did not ask for this war. America has worked tirelessly for world peace since its founding; peace in Middle East, in Europe, in Africa, in Asia, and in Latin America. But America stands for more than just peace. America stands for freedom and democracy.

We have proved to the world that freedom and democracy work. But many haters of freedom remain in the world. Those who continue to espouse ideologies like radical Islam and Stalinism despise freedom because they do not like to be challenged. They cannot stand the light of day, and so they kill. And we are their target because America is the preeminent champion of freedom. They believe because we are free we are also weak. But they are wrong.

We will find out who the terrorists are. We must seek them out and punish them severely. This is no time for a measured response. This is a time, without apology, to bring the full measure of military force to bear on these terrorist organizations.

As thousands of bodies are pulled from the rubble in New York and Virginia, we are watching more than a tragedy; we are witnesses to a turning point in American policy. No longer will we coddle terrorists and seek merely to bring them into courtrooms. Instead, we will treat them as the military enemies they are. We will seek justice of the kind seen in war.

On Tuesday, terrorists declared war on America. It is a war they will lose. America will make sure of it. Freedom will prevail.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, today all Americans must pray with one voice; pray for those innocents killed in yesterday's cowardly attacks, for those families torn asunder by this evil, for those rescuers, police, fire, and health workers putting their lives at risk.

Let us all raise our voices today in one American prayer, then we will bury our dead and we will care for our injured and all those affected by this tragedy. We will pick up the pieces as one great nation, and together we will have our justice with a sure and mighty sword.

To the terrorists who conspired in this horrific crime and to those who harbor those terrorists, know this: you are America's mortal enemies. America is the strongest country in the

world. We have the will, the resources, and the power; and we will defeat you. We will hunt you down like the evil murderers that you are.

In doing so, we will be demanding the assistance of every government in the world. Those who help us, they will be our friends. Those who do not help us, we will consider our enemies.

With one voice, America says to the cowardly terrorists and their supporters, we Americans are still here. You have not stopped America. You have not stopped freedom. You have not stopped what a great people have spent 225 years building, the light of hope and humanity and liberty for all the people of the world, the United States of America. Those who came before us had to fight and die for their Nation and her freedoms; from Lexington and Concord to Gettysburg, from the Alamo to Omaha Beach, from the World Trade Center to the Pentagon.

Now, today, it is up to us, this generation of the greatest nation on Earth, to be ready to answer the call for freedom. We are ready to answer that call.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to compliment him and the ranking member and the chairman of the committee for having introduced this resolution. It is important that the Congress, the House, the Senate, the President of the United States speak in one solid voice that we will not now or ever tolerate the type of terrorist activities that we saw brought upon our shores yesterday.

Today, I have had numerous visits with those dealing with this tragedy. One of the visits I made today was to the Pentagon. I visited there last night. The Pentagon was still burning, and there are still some electrical fires today in the Pentagon. But standing there in the rubble and recognizing what happened there, recognizing how many bodies were still entombed somewhere in that building, I might tell my colleagues that it causes a great emotional effect on this Member, and I think anyone there.

I would like to say that the firefighters, the rescue people who are out there, the Red Cross, just everybody involved have done a magnificent job in trying to deal with this terrible, terrible tragedy.

It is going to be fairly expensive to rebuild that section of the Pentagon that is going to have to be rebuilt, and Congress has to realize that. As I listened today to all of our Members, Member after Member standing here in the well condemning terrorism and standing strong for our country, be-

cause our country was attacked, this Congress to a man and to a woman, Republican and Democrat, have made a declaration that we are not going to allow this to go by without some immediate reaction from us.

The President has asked for some funding to deal with the immediate issues, the immediate damages that have been done here at our Pentagon and in New York, where the terrible tragedy was unbelievable. And I would announce to the Members that, after having worked with the President's budget office today, the President's office, and with the appropriation leaders of the House and the Senate in both parties, tomorrow I will introduce a supplemental appropriations bill that would give the President authority to move strongly, quickly, and swiftly. To not only begin to rebuild and recover from the damages that have been done to our people, our friends and our neighbors, but also to give him additional funding for airport security, which obviously was violated by these hijackers being able to take over four of our major airline aircraft. He would have additional funds for counterterrorism activities, and he would have the money to add additional assets to hunt down, to search out, to find, to discover and to punish those who were responsible for this dastardly act.

It is my intention, Mr. Speaker, that on tomorrow morning we will introduce this bill, and I believe that we will be able to actually consider it on the floor tomorrow before we adjourn for the day. I would hope that, and as I listen to the Members who are speaking out so strongly today, that we will again speak out strongly as we pass this resolution to guarantee the world that we as the Congress, the President, all of our people, are together in this determination; that we are not going to take this sitting down, and we are going to protect our country and our people from terrorists acts.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from South Carolina (Mr. SPRATT), the ranking member of our Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Yesterday, Mr. Speaker, was a dark day in the history of our country. Today, we are bloodied but not bowed. We are a country united. Here in Congress we are neither Democrats nor Republicans, we are Americans, and we have closed ranks behind our President.

We come here in this hallowed hall of democracy to express the grief and profound sympathy of the whole country for the victims of yesterday's heinous attacks and their families, and we come together resolved to see that

their loss will be avenged and never repeated.

These attacks were not just vicious crimes committed against innocent people. As many have already said, they were acts of war against the United States of America, and we must respond accordingly. We should spare no effort in tracking down these culprits and their cohorts, wherever they take haven, and striking back swiftly and severely; so severely that even fanatics like these see that there is no gain from such violence, not when it is committed against the United States of America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committees on Agriculture; Education and the Workforce; and Judiciary.

Mr. GOODLATTE. Mr. Speaker, as we adopt this resolution today condemning the attacks against the United States, words cannot adequately express the sorrow and anger we feel at this trying time. Our hearts grieve for the families of those who have been lost to these acts of terrorism, but the depth of that grief is difficult to fully comprehend.

The sight of thousands of people spontaneously gathering at places of worship yesterday gives us just a glimpse of the compassion in the hearts of the folks around the country. But beneath that compassion burns a white hot anger. It burns with a fury that begs to be unleashed on the perpetrators of this act of war. Because we must make no mistake about it, September 11, 2001, was the clarion call to arms in a new war against terrorism. It will be unlike any war America has ever fought. The enemy is nameless, faceless, and operates without borders.

We use words like barbaric and cowardly to describe this enemy, but we must also recognize that this evil operates with cunning and sophistication. They have the advantage of stealth, and we must recognize that this enemy will continue their efforts until they understand that America will never, ever cease to be a beacon of hope and freedom to the world.

To those responsible for these acts of evil committed yesterday, look closely at the American faces you see on the screen. Look at the firefighters and police who risked and gave their lives yesterday. Look at the faces of the medical personnel who work through the danger and exhaustion to save lives. Look at the faces of the many Americans who are waiting in line for hours to give blood or donate their time and energies to defeating you. And look at the faces here in this House, united in our resolve. We are defenders of a Nation built on principles that can never be destroyed and never be extinguished.

We will find you. We will defeat you. And at that point, you will know

America's dedication to ensuring that freedom and democracy will ultimately prevail over evil and terror.

God bless America.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I rise in support of H.J.Res. 61.

Mr. Speaker, yesterday, our great Nation suffered its greatest tragedy of a single day since the Civil War. I join all other Americans who are shocked and outraged by the terrorist hijackings and attacks on the World Trade Center and on the Pentagon.

With this attack, the United States has entered a new era. We have been thrust into a new type of conflict and face an implacable enemy who will not hesitate to destroy innocent life.

CIA Director George Tenet has said in testimony before Congress that terrorist attacks are imminent. It is impossible to predict with certainty where or when terrorists might strike again. But this incomprehensible tragedy is a terrible reminder that we must take the threat of terrorism seriously.

Let there be no mistake—the U.S. Government will investigate, pursue, and seek convictions of the criminals who were behind this cowardly attack. These terrorist attacks were truly acts of war, and we will respond forcefully and appropriately. The United States will take action against the terrorists and punish the governments that support and harbor such criminals.

We must pull together as a country to grieve for all those we have lost, to care for all those who were injured and support all those families who have been affected by this tragedy. We must pull together as one people to protect our nation and our way of life.

America must lead the civilized world in a relentless campaign to root out and defeat terrorists and terrorist states. As we mourn the tragic loss of life, the United States must remain resolute. Our friends and our enemies alike must be made to understand that we will not be deterred from the defense of our interests nor shrink from our responsibilities.

This tragedy calls for the certain and severe punishment of those responsible and requires a commitment by Americans to address our vulnerabilities. We must understand that the struggle now upon us may be long and difficult. Yet, America has always prevailed against her enemies and will do so again.

Those of us who have the honor of serving our Nation in these hallowed halls of Congress have a very difficult job to carry out. We must always maintain the magnificence of our Constitution while moving forward with the legislative challenge of balancing the need for additional security versus our God given rights and the rule of law. I believe that our Government has never before been faced with a larger challenge than the preservation of the ideals of this Nation, while still addressing the future.

But that is not enough. We must resolve to fight back against these insane acts by committing the country's full resources in an aggressive effort to determine who is responsible, to see that justice is done, and to do everything possible to deter such acts in the future. As former Navy Secretary Richard Dan-

zig pointed out, our memory is long and our reach is longer.

I extend my deepest sympathies to the families of the victims, while expressing my gratitude to all of the emergency and law enforcement personnel and other volunteers, many of whom have lost their lives to help with our emergency response efforts.

I urge my colleagues strong support of this important resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, Stewart Meltzer, the nephew of Harvey Meltzer, died at the World Trade Center yesterday. When Harvey called me, as is the case with so many of us here with our constituents, I was stunned and had little that I could say to him. America changed yesterday, and it is changed for all time to come.

My overwhelming sense of horror, grief and, yes, vulnerability cannot adequately be put into words. Obviously, my thoughts and fervent prayers are with the friends and families that have been touched most personally by these cowardly, cunning attacks.

□ 1900

Like many Members, I have constituents, as I have said, who lost loved ones yesterday. My heart aches for them.

My heart aches not only for them but for all America today. We were all victims yesterday. But we stand here today to say to the citizens of our Nation and the world at large, America is taller than the World Trade Center, bigger than the Pentagon, and mightier than any destructive device. America is an idea. This idea will never be extinguished by despicable acts of terrorism. Indeed, the resolve of every American to recommit ourselves to our ideals will be strengthened forever. This is the spirit of America, today, tomorrow and in perpetuity.

Today, we say to the rest of the world, though the color of our skin and the religions that we preach may differ, Americans throughout this great country stand united as one against anything that seeks to destroy the liberty and freedom we enjoy. When American liberty and freedom is threatened, we do not recoil but we rise up. Make no mistake, the United States will not stand for these types of attacks on our soil or in other lands. This is our history, and it is our destiny.

Mr. Speaker, it has been said before but bears repeating today, freedom is not free. Yes, the cost of our freedom can be steep. In the land of the free and the home of the brave, the pulse of America can be felt everywhere we go. It can be felt in the streets of New York where thousands of firefighters,

police officers, doctors, paramedics, and volunteers are working to save the lives of those who have survived and recover the bodies of those who have perished. It can be felt right here in Washington where the government of this great land continues to work in this darkest of hours. It can be felt in the towns and cities throughout the country where Americans refuse to stop living their lives in the wake of yesterday's terror.

Mr. Speaker, as I mentioned earlier, mere words are not enough to convey my feelings or the feelings of my colleagues today. However, like Abraham Lincoln said at Gettysburg, "The United States will guarantee today that those who died yesterday will not have died in vain."

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a decorated Persian Gulf War veteran and chairman of the Subcommittee on Oversight and Investigations of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, the dynamic of our Nation has been reshaped by the terrorist attacks of September 11, 2001. This tragedy not only destroyed the lives of thousands of innocent American civilians but also violated each and every American's sense of safety and security.

No longer can we deny the fact that there are people in this world who seek to violate our cherished ideals of liberty, wise tolerance and an enduring peace. But those that live under the security of this Republic are resilient. From the sorrow, confusion and fear will come resolve, focus and confidence.

We are coming together in service, prayer and dedication to those in need and we will persevere.

To those who committed this horrific and cowardly attack, your attack on America and freedom itself has failed.

With the full force of the United States we will find those responsible. They will be punished severely.

Nation-supported and subnational terrorism activities constitute an asymmetrical threat upon our Nation's security. These terrorists groups are not subject to the traditional calculus of deterrence.

We are now at war with terrorism. We must strike these vipers before they strike again. We must also make a renewed commitment similar to our investments and policies which worked to defeat communism. We must work to strengthen our national security system by modernizing and sustaining the U.S. intelligence community so its capabilities and performance will be able to cope with the demands and challenges of international and domestic counter-terrorism.

In our emptiness and in our grief and fear, we must turn to our faith in God and the faith of this great Nation. We

will show the world that our ideals will not be compromised by those who believe they can scare us into submission. I truly believe that goodness will prevail. God bless America.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation.

Mr. OBERSTAR. Mr. Speaker, all of us in this body together with our constituents are attempting to comprehend and give voice to yesterday's cowardly, merciless, and vicious act of terrorism against America and against humanity.

Both anger and prayer welled up in all of us, as the Duluth News Tribune headline put so succinctly. Pastor Randy Williamson opened the doors of First Assembly of God Church in Hibbing to a steady stream of his congregation. Most of them, he said, feel it is a wake-up call for our country. It reminds us that life is fragile and that we are not invincible. I think they are praying that God would have mercy on us as a country and that our leaders have wisdom and courage and that they would think through the situation and not just act on impulse.

Mr. Speaker, beyond the anger and the prayer lie some deeper thoughts about aviation security. On December 21, 1988, the world of aviation security was changed forever as a terrorist bomb tore apart Pan-Am Flight 103 killing all 259 passengers and crew and 11 residents of the small town of Lockerbie, Scotland.

That terrorist act propelled the families of those victims on a tireless mission, to prevent such future tragedies culminating in the creation of the President's Commission on Aviation Security and Terrorism, which I authored and on which I served.

History, astonishingly, repeated itself with yesterday's tragic events. Once again, aviation security was changed forever. We are again challenged to reevaluate the state of security for domestic and international commercial air service.

As we set about the task, I urge caution in making snap decisions on drastic changes to the aviation security laws before we have had the opportunity to fully assess what went wrong both in the aviation and intelligence communities.

Mr. Speaker, the following is information on aviation security:

Over the last ten years, we have made great strides in enhancing aviation security. In the Commission's 1990 Report, we found the nation's civilian aviation security system to be seriously flawed, and made 64 recommendations to correct those flaws, which culminated in the passage of the Aviation Security Improvement Act of 1990. Six years later, spurred by initial concerns that a terrorist act was responsible for the TWA 800 explosion, President Clinton organized another commis-

sion, the 1996 White House Commission on Aviation Safety and Security, which made 31 recommendations for enhancing aviation security. Again, Congress acted swiftly and, in the 1996 FAA Reauthorization Act, included measures to intensify security.

The universe to be protected is enormous and growing—666 million passenger enplanements annually, expected to grow to over 1 billion by 2010, with several hundred million pieces of luggage to screen.

Likewise, the magnitude of the threat is growing and changing. Between 1961 and 1972, there were over 134 domestic hijackings. In 1972, in response to this rash of hijackings, FAA ordered metal detector searches of passengers and x-rays of carry on bags. In 1974, the Congress imposed these requirements legislatively with the passage of the Anti-Hijacking Act of 1974.

As we installed metal detectors to find guns, the threat changed to bombs aboard aircraft. Following Pan Am 103, and based on the Commission's recommendations, significant steps have been taken to invest and deploy new techniques and equipment to detect items that pose an aviation security threat.

Since the passage of the 1996 FAA Reauthorization Act, Congress has provided more than \$350 million for deployment of security equipment, and over \$250 million in research funds. To date, the FAA has installed 92 FAA-certified explosives detection machines at 35 airports, 553 explosives trace detection devices at 84 U.S. and foreign airports, and 18 advanced technology bulk explosives detection x-ray machines at 8 airports. In addition, FAA has deployed 38 computer-based training device platforms at 37 airports. The airlines have also invested heavily in security equipment.

We have made great strides in aviation security. However, I have long expressed my concern about reports that, although the FAA is deploying this much needed equipment, there is no long-term strategy for integrating that equipment into a seamless security system.

It is also of paramount importance to maintain passenger-screening checkpoints and ensure that the screeners who operate them are qualified. Millions of passengers and pieces of baggage pass through our airports each day. However, high turnover, low wages, and lack of adequate training hinder security screener performance. Both the General Accounting Office and the Office of Inspector General have uniformly described security screener performance as the "weak link" in aviation system. I believe that the FAA and the airlines share the responsibility to ensure optimal performance of security screeners.

We have also received reports from the Office of Inspector General regarding the ineffectiveness of FAA's background investigative procedures, and the vulnerabilities in airport access control.

Congress responded to these concerns on two fronts: The Wendell H. Ford Aviation Investment and Reform Act (AIR 21), P.L. 106-181, authorized \$5 million annually for the DOT to carry out at least one project to test and evaluate innovative aviation security systems. The bill also authorizes such sums as may be necessary to develop and improve se-

curity screener training programs; and such sums as are necessary to hire additional inspectors to enhance air cargo security programs.

Last year, Congress passed the Airport Security Improvement Act, P.L. 106-528, which requires criminal history record checks for those individuals who apply for a security sensitive position as a screener or a screener supervisor and adds several crimes to the list of crimes that would disqualify an individual from holding such a position. In addition, the law requires the expansion of FAA's electronic fingerprint transmission pilot project into an aviation-industry-wide program to allow for quick turnaround on criminal background checks, and includes provisions to strengthen access control requirements.

The FAA must take a holistic view toward its security responsibilities to ensure that all areas of vulnerability are addressed. However, the airlines and airports also share in that responsibility—and they should not put costs above passenger safety.

We must also be more aggressive in our intelligence gathering, evaluation, and dissemination. This is the most challenging aspect of our aviation security network. It is difficult to penetrate these highly secretive organizations that operate on a war-like footing. Counter-terrorism also requires renewed higher-level coordination through Interpol, with our allies, and with other nations like Russia and China, as the PanAm 103 commission recommended eleven years ago. The skills of terrorists have stepped up several levels since the Commission's 1990 report. We must ensure that our counter-intelligence rises to meet that threat.

With the appropriate counter-intelligence efforts and security implemented to the fullest extent, our citizens can forever enjoy the freedom of travel that this great nation provides to the envy of the rest of us world.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of House Joint Resolution 61. Like most Americans, the very first thing I did as the tragedy unfolded was to call my family to ensure that everyone was safe, and to assure them that I was safe.

My heart and my prayers go out to all those families who did not get that reassuring phone call they hoped for. Today will be the hardest day for them as shock melts to grief, and grief makes way for the anger that is sure to come.

Today is the hardest day for us as a Nation. As we stated in this resolution, this day stands as a national day of unity and mourning. It is not a day for anger; it is a day of resolve: cold, calculated, patient and unemotional and universal resolve.

In passing this resolution today, what we as a body say to Americans, to the world community, and to those who perpetrated or aided these crimes is simple: never forget and never again. Never will we forget the terror and tragedy of this day. Just as our children and grandchildren ask, Where

were you when Pearl Harbor was bombed by Japan or when President Kennedy was shot by Oswald, so too will they ask where were we when America was attacked by the stealth enemy of cowardice and terror, now vanquished.

Never again will Americans face the horror and the loss that we feel today. Never will we be lulled into a false sense of complacency that the world is safe or that national security can ever take a back seat to other more popular priorities.

Cynics say this is a resolution that is nonbinding, that it holds not the weight of law nor the power of resources. Cynics are wrong.

Mr. Speaker, there is no more important statement this body has made or will make that holds the strength and meaning of our vote today. This measure is more than an expression of support for our people, our values, our President. This measure codifies our commitment and unites us in our pledge: never forget, never again.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), my good neighbor, dear friend and distinguished colleague.

Ms. ESHOO. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, we have all come onto the floor of the distinguished House and looked at whomever is in the chair, and then raised our eyes just a little higher and looked at the words that are above, "In God we trust."

I think it is very important today for our Nation to look at those words again and repeat them, either out loud or silently, as a prayer for our Nation, for those whose lives have been taken, in God we trust that they are living in the face of God this evening; and to their families, in God we trust; and ourselves, that we will help to heal one another; and that in God we trust, have entrusted our lives in the noble Americans that we have seen on the face of television that have moved to take care of those that have fallen.

So in God we trust today in the ingredients of our democracy, that are imprinted and engraved in the wood of the bench here that surrounds the place where the President comes to address the Nation, and where the Speaker, in our democracy in this House of Representatives, resides. It says "Union," and we believe in our Union.

Mr. Speaker, I recall the ingredients of our democracy. As I say this, the entire world should pay attention to what the ingredients of our democracy are: union, and make no mistake about it, we are unified; in justice, that is at the desk, and those who are less than animals who have done this to our people will be brought to justice; for tolerance, our tolerance as we debate and that we will bring tolerance to what

these outcomes are; to liberty and understanding that there are those who have to pay a price for that; and for peace, peace of mind, peace in this land.

Mr. Speaker, in God we trust that we will honor the ingredients, that we will honor those whose lives have been taken, that we honor the Capitol Police tonight, and our staffs, I would like to thank because they have worked very hard to take care of us, and to all of us we must say in God we trust that our deliberations will bring about the results that this magnificent Nation and our democracy deserves.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), a member of the Committee on Armed Services.

Mr. HEFLEY. Mr. Speaker, yesterday's devastating terrorist attacks will forever be seared on our individual and national memories. It was an unreal and incomprehensible assault on our people and our Nation. When I awoke this morning, it was with the sad realization that the attacks of yesterday actually occurred and claimed so many innocent lives.

Mr. Speaker, I passed the Pentagon on my way to work just a few minutes before the plane hit. This morning when I drove by the Pentagon, it was a very real and very different scene. The smoke was still pouring out, and the water was pouring in; but in a glimmer of hope, the American flag continued to wave on the grounds of the Pentagon. The American spirit will not be disabled.

It is shameful that thousands of American civilians gave their lives for a cause they did not know, for an issue they were not concerned. An attack against civilian targets of women and children, mothers and fathers, peaceful and without prejudice is beyond comprehension in our modern day, civilized world.

I mourn for the dead and extend my sympathy to the families of the afflicted. In this hour of bereavement, I extend my gratitude and praise for the men and women who risk their lives and continue to risk their lives to find the victims and rescue the injured. The men and women who serve to protect our society cannot pause to grieve, for their job is far from complete. To the families who grieve, the citizens who serve and a Nation that questions, I cannot underscore enough the desire of this Congress to find the perpetrators and inflict punishment.

Mr. Speaker, there will be an enormous price to pay, both to the cowards behind these horrendous acts and to any nation that harbors them. Yesterday, the United States of America was the greatest Nation on the face of the Earth.

□ 1915

Today, the United States of America is the greatest Nation on the face of

the Earth, and by the grace of God we will remain so.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), my friend and colleague.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, it is with profound sorrow and sympathy that I join my colleagues to condemn the horrific acts of terrorism yesterday in New York City and here in our own Nation's capital.

On behalf of the people of Marin and Sonoma Counties, I extend condolences and prayers to those who lost family, friends, and co-workers. To those in our Bay Area community who are grieving for their own losses in yesterday's terrorist attacks, we stand ready to offer our support and console. To those who selflessly and bravely offered themselves in our Nation's greatest time of need, we thank you.

Mr. Speaker, we send a message to those guilty of those disastrous acts. Our message is that their acts of destroying the World Trade Center, damaging the Pentagon, and using U.S. airlines to carry out their brutal deeds of death, those actions fully intending to destroy our democracy through terror, death, and disability will not succeed. This Nation's steadfast determination to support democracy will not bow to terrorism.

We will instead reach out, reach out to the victims and their families. We will rebuild our cities and we will rebuild our confidence. We will not let the forces of evil prevail or go unpunished.

Yet, as we try to make sense of yesterday's senseless activities, we will remember that our Nation's response to these acts will also leave an indelible mark on the American people. Determining an appropriate response and bringing those responsible for the attacks to justice means that we must temper our absolute resolve with wisdom, and Mr. Speaker, I have complete confidence that America will rise to the challenge.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. OSBORNE), a member of the Committee on Agriculture.

Mr. OSBORNE. Mr. Speaker, I rise in support of the resolution.

When examined in the context of history, yesterday will prove to be the most tragic single day in the history of the United States.

It has been my experience that true character is revealed most clearly in times of crisis. As we recover from this event, our character as a Congress and a Nation will be demonstrated. There will be several parameters that will be particularly revealing.

First, we can be divided, cast blame, point fingers and dissolve into partisanship, or we can unify, pull together, and strive to be one Nation.

The whole is always greater than the sum of its parts. Unity of purpose is critical.

Second, we can become hesitant and fearful or we can show great courage. The President's declaration that those who harbor terrorists will be treated as terrorists is significant. Our pursuit of those responsible for the attack must be focused and relentless. Yet we must be certain that innocent people are not harmed in the process.

Third, adversity is a great teacher. We can learn from this event and become a more vigilant and better prepared Nation. It is critical that we correct flaws in our national security. It is equally important that these corrections are made without acrimony and in a constructive atmosphere.

Fourth, we can demonstrate the vitality of our faith or we can yield to cynicism and despair.

It has often been said that America is great because America is good. We were founded as one Nation under God, and our faith in God has undergirded our Nation since its inception. Hopefully an event such as this will underscore our reliance upon a power beyond our own and will lead to a renewed dedication to serving and honoring God with all that we have been given.

May God's favor rest upon this Congress and upon this people.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from California (Ms. SANCHEZ), my friend and colleague.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, yesterday Americans were both dumbfounded and outraged. The scenes which were played out over and over on television were something we are accustomed to seeing from Hollywood, not something that happens here in America. Surely these scenes could not occur in two of the most important cities we have, New York and Washington, D.C., the symbols of capitalism and freedom. But they did.

Witnessing the horrific events of yesterday, I am proud to tell you that my faith in America is strong and that my belief in tomorrow is even stronger. The United States is mightier than any group of terrorists. We have resolve and reassurance that our unity is strong and our patriotism can never be doubted.

I will not allow the spirit of democracy to be destroyed. We will stand tall as Americans together, black and white, rich and poor, Democrats and Republicans, to ensure that an event such as this never occurs again on our land.

As a member of the Committee on Armed Services and its terrorism panel, I will stand with our President to locate the cowards who harbored and funded these suicide pilots. Just as importantly, I will continue to strong-

ly support more funding for counterintelligence activities and fighting terrorism both domestically and abroad.

It is really unfortunate that it took a terrible tragedy like the one yesterday to force policymakers to rethink our priorities, and yet I know I am safe in saying that none of my colleagues want to see a repeat of yesterday.

So how can the mightiest, the wealthiest Nation in the world prevent such an attack in the future? The first step is to take a look at our priorities and make it an order that will reflect our desires to protect American citizens.

I firmly believe that the biggest risk to our country, to all Americans, is not some missile from some rogue Nation but terrorism.

Make no mistake, Mr. Speaker, both are threats, but as a country we need to get our priorities right. We need to devote more funds to counterintelligence support and infrastructure and education of terrorist activities. Yesterday was an assault on the freedom of every American, and we must come together and offer our support.

Today, we grieve those who have lost their lives. As we pray for their families, we speak in one voice to condemn these attacks. Today, the healing must begin.

The SPEAKER pro tempore (Mr. SWEENEY). In order for the managers to better manage time, the Chair wishes to inform Members that the gentleman from New Jersey (Mr. SMITH) has 50 minutes remaining, the gentleman from California (Mr. LANTOS) has 31 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GRAVES), a member of the Committee on Agriculture.

Mr. GRAVES. Mr. Speaker, I rise today in support of this resolution. This is a solemn moment in our Nation's history. American men and women, civilians and soldiers, firefighters and police, mothers and fathers, were slain yesterday for a cause so terrible, so heinous, and so despicable that we find it completely unimaginable.

Today, we struggle as a Nation to find meaning and hope in a seemingly hopeless and meaningless act. In the days to come, America will be united, shoulder to shoulder, in a struggle to meet the challenges of a world that is a little less safe, a little scarier and far less predictable. Nevertheless, we will unite to comfort our families, our neighbors and our friends who have lost their lives, their loved ones, and their friends through these acts of terrorism. We will unite, resolved to find the terrorists and those that harbor them so we can bring them to justice. We will unite in retaliation for a war that has been brought to our soil. And, Mr. Speaker, we will prevail.

Our Nation will rebuild what these terrorists have torn down. We will renew our faith that has been tested. And we will renew our determination and our spirit that has been weakened but not broken. We will come together and renew our love for our country and for our fellow Americans. We will never forget those that we have lost, nor will we forget the commitment we have made to them and their loved ones to bring their attackers to justice.

Mr. Speaker, God bless the families and children grieving across this great Nation today.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank my colleague for yielding me this time.

My generation lost its innocence when President John F. Kennedy was assassinated. With yesterday's events, our children and our grandchildren lost their innocence. My 16-year-old daughter asked me last night how we could live in a country where planes crash into buildings. My response, until yesterday, we didn't. Now we do. How we respond to yesterday will measure us, Mr. Speaker. I want to applaud our colleague who urged us yesterday to pray for the wisdom to make the right decisions. It matters what we do and how we do it.

Let us start with how. We must be bipartisan, balanced, and calm. Panic and partisanship are our enemies. And as one colleague said this morning, the Constitution of the United States must not be our next casualty.

What. We must take bold steps, including, first, restructuring our defense and intelligence budgets to meet the real threats of the 21st century, not the outdated threats of the 20th. Second, give first priority to counterterrorism, prevention being the most important goal. Our arsenal to prevent terrorism includes diplomacy, human intelligence and state-of-the-art technology. Third, strengthen efforts to train and equip responders at the local, State and Federal level. New York City did a magnificent job. So did the Capitol Police. And, fourth, respect the civil liberties and intelligence of Americans. We are a generous, courageous and resilient Nation. Given information, resources and leadership, the American people will rise to any challenge and fight down any assault to take from us our way of life.

We will defeat terrorism. We will honor the memories of my constituents, Raytheon executives Peter Gay and Stanley Hall, and Boeing employees Chandler Keller and Rubin Ornedo, all passengers on American Flight 77.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), a member of the Subcommittee on Foreign Operations of the Committee on Appropriations.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to offer on behalf of the people of the 11th Congressional District of Michigan our thoughts and prayers for each and every one affected by the tragedy. Words alone cannot express the sorrow that America feels. Nor can words express the anger America feels. These attacks were a cowardly assault on innocent Americans, and this will not stand.

Make no mistake, these attacks were an act of war. All of us stand firmly behind the President in his efforts to identify and punish the perpetrators of these evil deeds. No one will rest until justice is done on those who committed these heinous crimes and on those who provided aid and comfort to those criminals.

Let me be clear. America's relationships with our allies and those who would be our allies will be defined by their reactions to these events and their support for our efforts to bring these terrorists and their accomplices to justice.

Our Nation's capital has suffered as well. I have been in touch with the city's leadership to assess their needs. As chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations, I will do what I can to ensure that it has the resources it needs to be as safe as possible.

Yesterday, we saw the worst of humanity. But it is the better angels of our nature that will prevail. Terrorism tries to defeat us with fear. Judging by the response of all Americans, fear is not winning.

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I returned to work today, as did all Americans, confident that the United States of America is as strong as ever. We are bloodied, but unbowed. Now is the time for us as a Nation to stand together and prove that the principles for which we stand are stronger than the forces that would destroy them.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, against this backdrop of an unfolding and unforgettable horror, we draw our loved ones a little closer. Let our prayers comfort those in pain and our gratitude sustain those who rescue and protect and heal. As our grief yields to anger, we unite in support of a swift response, commensurate to the evil, targeted against the guilty, sufficient to deter others who would visit terror on our shores.

The words of President Bush have been well chosen; his response has been firm, but measured. All of us want to join our President with a bipartisan display of national unity, just as we did last evening on the steps of this Capitol. As President Bush well under-

stands, nothing good would be accomplished by attacking the innocent based on mere suspicion.

In today's world, there can be no absolute security, no impenetrable "Fortress America." For as long as tyrants exist, they will challenge and demonize the United States because of our ideas of freedom and liberty. We can only dedicate ourselves to determining how this terrible attack occurred, redouble our efforts to protect our families from the greatest dangers, and ensure that only the guilty bear our retribution.

As we renew our declaration of war against terrorism, we know that if our enemies could be easily vanquished, they would already be gone; if we could buy our way out of such tragedies, the dollars would already have been spent. More money may be needed for some purposes, but a blank check is no substitute for policies that are sound, well coordinated and effectively implemented.

Certainly the lessons we learn in this kind of situation and the memories we take away are very individual. As I passed the Tidal Basin yesterday and witnessed the smoke rising from behind the Jefferson Memorial coming from the still-burning Pentagon, I will concede to being moved by the juxtaposition—the gray smoke from the Pentagon against this classic white marble structure where the words of Jefferson are inscribed: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

Today we join in subscribing to that same oath.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER), a member of the Committee on Appropriations and, of particular note, the Subcommittee on Foreign Operations.

Mr. WICKER. Mr. Speaker, on Tuesday, September 11, 2001, a dark cloak of terrorism fell across the United States with the brutal and heinous attacks on our country. The Nation watched in horror as events unfolded and Americans faced the harsh reality of terror right on our own doorstep.

In the shadow of the Statue of Liberty, thousands of people lie in the rubble. In the still smoldering center of our national defense headquarters, many are still unaccounted for.

Our hearts and prayers go out to those victims and their families. The surest consolation for those left behind, and indeed for all of us, can be found in the confident knowledge that the blessings of this Nation, life, liberty, and freedom, will endure.

One of our most treasured symbols of freedom is the Statue of Liberty. Inscribed in the pedestal are these words of hope, written in a different era, but which are appropriate today. They are taken from President Franklin Roosevelt's State of the Union message

less than 1 month after the bombing of Pearl Harbor: "Liberty is the air America breathes. In the future days, which we seek to make secure, we look forward to a world founded upon four essential freedoms: freedom of speech, freedom of worship, freedom from want, freedom from fear."

Mr. Speaker, Americans today yearn to be free of fear, to believe these terrorist attacks were an isolated incident which will not happen again. Yet we have no such guarantee.

Americans should know that the forces of evil which perpetrated these acts may make further attempts on our soil. These forces are not readily identifiable. As the President said this morning, "The American people need to know that this is a different enemy than we have ever faced."

Mr. Speaker, that is why the United States must candidly acknowledge that more resources must be devoted to our intelligence and defense operations to defend against this new type of warfare. America will respond swiftly, decisively, and with force to these acts of war on our homeland; but we must also, to the best of our ability, make the necessary preparations to protect our country from the threat of this new warfare in the future.

We stand united as a Congress and as a country to defeat our enemies and to preserve our freedom, now and forever. May God grant us the resolve, the courage, and the national determination to overcome this tragedy.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me time, and I thank the chairman.

Mr. Speaker, on behalf of the constituents of the 18th Congressional District, I offer my deepest sympathy. Today, Mr. Speaker, I am as proud to be an American as ever, because we are not afraid. However, I do want to express my deep pain and sadness regarding the tragic events that took place on United States soil yesterday morning.

The aggressive and unwarranted seizing of civilian airplanes originating at airports in Newark, Boston, and Washington, resulting in violent attacks and explosions at the World Trade Center, the Pentagon and rural Pennsylvania, have shocked the Nation and the world.

I would also like to express my deepest sympathies to the families and friends of those involved in this horror of horrors. I hope that all Americans upset by this tragedy have and will find solace in churches, mosques, synagogues, temples, or any place where peaceful people might congregate to share their shock and sadness. This weekend, I call for Americans to worship in unity together, praying for the will of our Founding Fathers.

At a time like this, individuals who think little about the tenets and principles that undergird this government and this Nation are reminded of the values of freedom and democracy we citizens of the United States so often take for granted. We will also never forget our loyalty to the rule of law.

It is important when the comfort of this Nation is shaken and we can see what we appear to have lost, we then realize how great a nation the United States is and how we must truly love our country. Thank you, warriors of charity, our firefighters and police, emergency workers and the U.S. military, in New York and Washington and the Nation, for your selflessness.

As chair of the Congressional Children's Caucus, I am amazed and impressed by the efforts made by the American children to help each other cope with this horrible tragedy. A member of my staff's younger sister, a 14-year-old from New York City, recalled the dual shock of the events she experienced at a nearby school. She explained that one of her friends had lost his father who was traveling on the plane that was crashed in the first World Trade Center tower. Another of her friends lost both of her parents, who went to work in the World Trade Center yesterday morning, but will never return home.

Despite the magnitude of this human tragedy, I am moved by this young girl's optimistic perspective of these events which she experienced firsthand. She explained that although her life and world have forever changed because of this great tragedy, she felt safe and proud when her classmates, children of all colors, creeds and national origins, came together as Americans and drew strength from their collective diversity and richness. We must not forget our children.

As the people of this country and the nations of the world look upon this House, let me join my colleagues in stating unequivocally that this Nation is one of one mind and one voice in this time of tragedy. I will support the President and will work to ensure that all available resources are devoted toward finding and holding accountable those individuals responsible for this blow to world citizenship.

Might I also say that we must act now. How will we act? Congress will act to provide the resources to stamp out terrorism. We will, however, adhere to the rule of law. I will ask for an immediate assessment of the security structure at our Canadian border. Finally, we should move to convene a meeting with all the adoption and foster care agencies to ensure that the children who have lost their parents will be taken care of.

Finally, we may walk through the valley of the shadow of death, but we will have no fear and we will fear no evil. God Bless America and the American people.

Mr. Speaker, I would like to express my deep pain and sadness regarding the tragic events that took place on United States soil yesterday morning. These aggressive and unwarranted attacks on civilian airplanes originating at airports in Newark, Boston, and Washington, and explosions at the World Trade Center, Pentagon and rural Pennsylvania have shocked the nation and the world.

I would also like to express my deepest sympathies to the families and friends of those involved in this horror of horrors. I know that many Americans lost some of the most important people in their lives yesterday, and I know that mere words cannot express their pain. I hope that all Americans upset by this tragedy have found solace in Churches, Mosques, Synagogues, Temples, or any place where peaceful people might congregate to share their shock and sadness. All Americans are stunned at the magnitude of damage, the obvious and extreme loss of life, and the uncertainty of huge totals regarding loss of life that we face in the days and weeks to come.

At a time like this, individuals who think little about the tenets and principles that undergird this government and this nation are reminded of the values of freedom and democracy we citizens of the United States so often take for granted. When the comfort of this nation is shaken, and we can see what we appear to have lost, we then realize how great a nation the United States is and how much we truly love our country. Perhaps this is but a function of God's Grace toward our nation, because when faced with tragedies like those which unfolded yesterday, Americans are reminded not of kings and aristocrats, but of the constant struggle of American citizens of all races, colors, religions, and national origins fighting for freedom, equality, and justice for all.

As America watched the events unfold on television, we saw countless examples of this collective American spirit animating individuals to acts of heroism. I would like to especially recognize the selfless heroism of the many thousands of New York City and National Police, Fire Department and emergency service workers throughout this tragedy. I thank the men and women of the U.S. military. They have worked and continue to work through the most dangerous and catastrophic event in American history. To those who have made the ultimate sacrifice while saving the lives of others, and to their families, I say to you "Thank you, and God bless you. Your faith and commitment to democracy and to the sanctity of human life will make us all safer, healthier, and better able to serve those around the world who thirst, above all else, for freedom, democracy, and peace."

As Co-Chair of the Congressional Children's Caucus, I am amazed and impressed by the efforts made by American children to help each other cope with this horrible tragedy. A member of my staff's younger sister, a 14 year old from New York City, recalled the dual shock of the events she experienced at a nearby school yesterday. She explained that one of her friends had lost his father who was travelling on the plane that was crashed into the first World Trade Center tower. Another of her friends lost both of her parents who went to work in the World Trade Center yesterday morning, but will never return home. Despite

the magnitude of this human tragedy, I am moved by this young girl's optimistic perspective of these events which she experienced first-hand. She explained that although her life and world have forever changed because of this great tragedy, she felt safe and proud when her classmates, children of all colors, creeds, and national origins came together as Americans and drew strength from their collective diversity and richness.

In this darkest hour of our great Nation, perhaps our greatest pillar of strength derives from our children who have endured and will continue to endure for all of us here in America and around the world. We must make every effort to ensure that these young people receive the support and care they need to ensure that they never turn a hostile face toward the world that has taken so much from them.

As the people of this country and the nations of the world look upon this House, let me join my colleagues in stating unequivocally that this nation is of one mind and one voice in this time of tragedy. I support the President and will work to ensure that all available resources are devoted toward funding and holding accountable those individuals responsible for this blow to world citizenship.

The nations of this world should understand both our determination to find the patrons of these heinous acts, and our collective faith that we will pursue this goal with the integrity and conviction that the gravity of the situation—and that the principles and Constitution that have shaped this great Nation—require.

In pursuing the criminals and their conspirators who carried out this attack on our nation, we will not, however, proceed with disregard of either international or U.S. Law. It is centrally important that this nation proceed hand in hand with the rule of law. The world must know that these are not the acts of a vengeful nation. Instead, we must act with the conviction and certainty the laws created under our Constitution allow.

We are determined to proceed not with reckless abandon, mistrust, and xenophobia, but rather with calm, focused energy directed at the culprits of this terrible crime against the United States. We understand that those responsible for this attack on United States' soil are zealots and extremists who have perverted a religion based on peace for their own twisted political ends.

As we move forward in our pursuit of justice, we must also be mindful not to assign collective guilt on any one group among us. I know that at times such as these people have a tendency to generalize, stereotype, and single out individuals who have had no hand in these heinous acts. I have heard reports of Muslim schoolchildren being harassed by others who misunderstand the complexities involved in fighting religious terrorists. We must be sure to help Americans turn away from such hateful and hurtful behavior, lest they lead to even more violence and divert us from our purpose.

The United States will act against the zealots that committed these crimes in a manner that eliminates their effectiveness and denies them martyrdom. We will also act against third party governments who give shelter and aid to these international criminals at the expense of their peaceful and law-abiding citizens. My fellow Americans, the United States will act to

defend itself against all threats, foreign and domestic, because we believe to the utmost in the peace of nations and peace between all members of the human family.

The people of the United States are peaceful, and above all else, we have faith in the freedom and justice that we no longer have the luxury of taking for granted. We will allow this faith to guide the instruments of the United States and the citizens of this nation who will respond to the calls for justice that echo from around the world. Like Psalm 23, this nation walked through the "Valley of the Shadow of Death" yesterday. This nation, however, "fears no evil," for the strength of our convictions and the Grace of God comfort us, and we have emerged stronger and more determined than ever.

The United States is faced with great challenges as we move forward from this day of national emergency. We shall continue to pray and heal, even as we pursue the authorities of darkness and zealotry to the ends of the earth. As we proceed, let us be forever reminded of the words of Isaiah 40:31; "But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint."

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the distinguished chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we Members of Congress could not have been totally surprised by the swiftness with which the firefighters and ambulance drivers and police people and hospital people rushed to the scene, both in New York and at the Pentagon. We should not be surprised, because we have seen instances in our own districts, dozens of times, time and time again, of the valiant work of the firefighter and the policeman and the ambulance driver. But the sheer magnitude of what they did in New York and the Pentagon charges again our admiration for their service to mankind, service to their communities, and, yes, service to our country.

So, with their efforts, we fulfilled and are still fulfilling the three charges that are made to the American people and to the American government: one, to take care of our wounded, our casualties; number two, to prepare for restructuring of the damage that was done by these terrorists; and, number three, as everyone agrees, to bring the culprits to justice.

America has its priorities already set, and they were placed in order by the valiant work of the firefighters and those who went to the aid of others.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, yesterday, for the first time in 187 years, we have been attacked in the continental United States. In 1814, during the War of 1812, both the White House and the Capitol were set on fire and nearly totally destroyed.

In the time between, buttressed by two enormous oceans, Americans felt an enormous sense of security. Today, that feeling is gone. It will be a very, very long time before we feel safe again, like before!

We grieve—not only for the thousands who died yesterday—but for ourselves.

Our natural human response is—first denial—then apathy—and then rage.

The United States is the greatest, most powerful nation in the world—a nation that cannot allow itself to react irresponsibly, against innocent people, out of an act of rage.

America must be careful in its response.

Our prayers go out to the victims and families of the thousands who were senselessly killed and injured. Our nation is committed to eradicating terrorism and bringing those who orchestrated this atrocity to justice.

We must not act in haste—by rushing to act out our vengeance against fellow Americans—because America is the world's greatest melting pot, and in today's society, we simply cannot guess at an individual's country of natural origin by their appearance. We have to make sure that we make war on terrorism—not on Arabs!

We must make a further distinction between the war on terrorism and the war on Americans of Near or South Asian descent. There have been many references to a second Pearl Harbor, and while the shock and anger certainly are similar and warranted, that anger should not be directed towards our neighbors in ethnic communities across the country. We do not need the attitudes that will lead to a second wave of internment camps.

We must set an example to the world. Americans will not lower themselves to the mentality of a lynch mob.

We must not make a mistake in our response.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I rise today with a heavy heart to express for the people of Southeast Texas and for myself our sympathy for those who have lost loved ones in the horrible tragedy our country suffered yesterday.

I have received many messages of well wishes and sympathy from constituents and friends literally around the world. A member of the French parliament, for example, asked me to please transmit his profound sympathies to the U.S. Congress and the American people.

We thank you all for your prayers and support. The United States of America is strong, and will not be shaken by such a cowardly act which killed so many of our countrymen.

But, Mr. Speaker, I want to talk about a slightly different message than my colleagues have spoken of so far, a message about children. As adults, we have the ability to process this tragedy

much differently than how our young children do.

As Chairman of the Congressional Caucus on Missing and Exploited Children, I wanted to ask the citizens of our country to be particularly sensitive to our children's needs and to give them an opportunity to discuss freely their feelings.

As adults, we need to be calm and focused for the children. We need to receive support from other adults, so that we are able to effectively guide our children. We must talk with our kids and listen to them, find out what their fears are, what their concerns are, and then try to address them as directly and as calmly as possible. We must try to reassure them that there are adults there to help them and to protect them, and, after giving them time to talk and to share, to return them to their regular routine of school. Our children are worth the time that we take to do this, and it is indeed important.

Mr. Speaker, I want to thank the police, the firefighters, the emergency personnel and the magnificent citizens who sacrificed their lives or who are still helping in this disaster. My heart and the hearts of my constituents go out to the people of New York and of Washington, D.C. I urge my fellow citizens to support our President as we take swift and decisive action against the persons who perpetrated this tremendously horrendous act of cowardice.

Mr. Speaker, I ask my colleagues to support this resolution, and I ask that God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. McKEON), a member of the Committee on Armed Services.

Mr. McKEON. Mr. Speaker, I rise in strong support of this resolution. My thoughts and sympathies go to those who have lost family members and loved ones to this dastardly deed.

Yesterday morning, while I prepared to come to the hill, I watched in horror on the television as the World Trade Center burned.

□ 1945

Then a second plane I saw fly deliberately into the second tower. And as I was watching that, I heard of the third plane crashing into the Pentagon.

I, along with the rest of the Nation, was riveted to the news for the rest of the day. Words cannot describe the feelings I had as I saw those towers crumble. Through the immense devastation, I saw the efforts of many Americans to save and help those victims who were suffering so tremendously. Many of those heroes became victims themselves.

Mr. Speaker, I have heard a lot of talk since then about what we are going to do; but in the last few years

that I have been here in Congress, we have suffered other terrorist attacks and all we have done is talk. This has to stop. This time, we have to retaliate; and we have to do so so strongly that no one will dare attack us on our homeland again.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I would like to express my condolences to the victims and my support for all of the people who are rescuing, and I join my President in resolving to join him in finding those people who perpetrated this crime.

Mr. Speaker, I rise today with a heavy heart and a deep resolve. I rise in support of this Resolution.

Like all other Americans, and many from other countries around the world, I am saddened by the events of yesterday. Our hearts weep for the victims and families of this horrendous attack. Our hearts weep for our nation. And our hearts weep for our civilization.

But, just as Americans of past generations have stared down the grisly realities of malicious and wanton aggressions upon our freedom, our livelihood, and our way of life, so we will rise up to denounce, withstand, and battle this atrocity.

Let no one throughout the world misunderstand America's resolve to end the senseless carnage that we observed yesterday. Let no one throughout the world misunderstand America's spirit to defend democracy and freedom. Let no one throughout the world misunderstand America's will to prevail.

It is a time of sadness and a time of challenge in our nation. We will continue to remember and revere those who perished. But we will also meet this challenge with the conviction and the courage that has made our nation the shining symbol of freedom throughout the world.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), my good friend and colleague.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to speak about yesterday's outrageous attack on America. First and foremost, I want to express my sympathy and condolences to the victims of these attacks and to their families. Their unimaginable suffering that they have been forced to endure will forever give them a unique place in America's collective hearts. We pray that the good Lord, in his mercy, will comfort the innocent and help them find a path to perseverance. We resolve that their loss will never be forgotten in this country where we share their deep grief.

I commend the many acts of heroism performed by civilians, police, firefighters, and countless others. The response of the American people has been overwhelming, as people give their time, their prayers, and their blood to

assist our fallen brothers and sisters. Americans of all walks of life have shown their true colors in this crisis, and those colors are unmistakably red, white and blue.

Yesterday, we witnessed multiple acts of extreme cowardice, precipitated by individuals so twisted with hate as to slaughter innocent citizens, men, women and children who have done them no harm and posed them no threat. The people of this country feel these attacks deeply because we know that the target of those assaults were every man, woman and child in this country. Freedom itself and our way of life came under attack yesterday, and we must answer that call to protect our citizens.

President Roosevelt correctly stated, "We, born to freedom and believing in freedom, are willing to fight to maintain that freedom. We, and all others who believe as deeply as we do would rather die on our feet than live on our knees."

America stands today bruised and bloodied, but she stands nonetheless. America stands unbowed. We will recover from this assault. We will bury our dead. We will rebuild. And we will fight to maintain our freedom.

Our enemy in this war may be elusive, but he is not invisible. Our enemy may be sophisticated, but he is not invincible. Our enemy is certainly ruthless, but he will know America's resolve. The people of America want an end to this threat; and by joining together, we can and will do it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON), a member of the Committee on Science, Committee on Financial Services, and the Committee on Government Reform.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the resolution. Words can never be found to fully express the sorrow we share for the many, many innocent men, women, and children who lost their lives and for their families. The lives of thousands of innocent civilians were taken yesterday in acts of cowardly violence. I urge all Americans to continue to lift up prayers for the families and friends of those whose lives were viciously taken.

These evil acts against the American people will strengthen the resolve of the United States in our commitment to freedom and liberty, the principles upon which our Nation was founded. The American people will not flinch, but will respond with all strength and unity against these cowards and their supporters. The resolve of the American people and our military might is united in hunting down everyone involved in this tragic act of war against the American people. Anyone who was

connected in any way with these terrorists shall receive the full brunt of our justice. They will rue the day they conceived this act of violence.

I call upon my colleagues and all Americans to join President Bush as we stand together in unity against those who senselessly took the lives of countless American men, women, and children. This terrorist action amounts to a declaration of war on innocent civilians and will not be allowed to stand. May God sustain us through our hour of need and give us wisdom to do what is right.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH), my distinguished colleague.

Mr. DEUTSCH. Mr. Speaker, this is my 10th year in this Chamber; and I will tell my colleagues that I still have goose bumps when I walk into this Chamber every day, even after 10 years, because we are part of not just the greatest Chamber in the history of the world, but the greatest country in the history of the world.

Over 300 years ago, people left their homeland and some of them landed on the tip of Manhattan, not far from where the World Trade Center was destroyed; and those were early pioneers in the creation of America, the oldest democracy in the history of the world, a country unique in world history for many reasons. Yesterday was a day that is part of our history now. We have faced challenges as great as what we face at this point in our history, and we have met every one of those challenges. I have no doubt that we will meet this one as well.

Mr. Speaker, there are many analogies about Pearl Harbor. I had the opportunity to visit Pearl Harbor for the first time this past July. I read a little bit about the history, both before and after Pearl Harbor. I think in time, people will read about the history of yesterday, as well, in the same context. The Japanese might have thought that they had the strategic advantage and made a policy-correct decision in that attack, but the history is clear. It was an incredible strategic failure. Just as the action of yesterday, I think for sure, history, in time, will show it an absolute colossal strategic failure.

This Congress, I do not know if by our actions will, in fact, declare war on the perpetrators of this action, but I believe we should. There is precedent to do such action. The Barbary pirates were not a country, they were terrorists in their day; and this Congress, the same body that we serve in today, declared war on the Barbary pirates and the implications of them. I believe that that is what we should do, whether by direct deeds or by other actions; and it is a war that we are committed to and that we will win.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may

consume to the gentleman from Tennessee (Mr. JENKINS.)

Mr. JENKINS. Mr. Speaker, I rise in strong support of the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), a member of the Committee on Armed Services as well as the Committee on the Judiciary.

Mr. GREEN of Wisconsin. Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, throughout history, our foes have misunderstood and underestimated the American people. They have often mistaken our love of peace for a fear of using force. They have mistaken our adherence to the rule of law at home for an unwillingness to take decisive action abroad, and they have mistaken our vibrant democracy for an inability to stand together. But they are wrong. The foes responsible for yesterday's outrage will soon feel the depth of their miscalculation.

In times like this, Mr. Speaker, I take great comfort from the halls of this old capitol herself. We are in crisis, I say to my colleagues, but as Americans, we have seen crises before: Civil War, world wars, calamity and catastrophe, but this capitol and this Nation have persevered and somehow grown stronger.

Many of us, when we walked into these Chambers today, walked through what is known as Statuary Hall, where there are monuments to some of the great men and women who have gone before us and built this empire of liberty. Black and white, rich and poor, people from all walks of life, there is nothing like it, and nothing like them anywhere in the world. It is time to stand together to protect their legacy. It is time to reawaken this Nation and our spirit. It is time to show the world a force that is stronger and more potent than any weapon on Earth: the force of a free people, united in a single purpose.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Speaker, I rise in support of the resolution.

Yesterday, our Nation was met with an unspeakable tragedy as we were stripped of the peace and security that we have enjoyed for so long. This is a time of great national grief; and on behalf of myself, my staff, and the people of Minnesota who I represent, I join all Americans in praying for the victims, survivors, families, and loved ones.

Unfortunately, yesterday's events are a stark reminder of the dangerous world in which we live and the serious risks to people who are firmly committed to democracy, freedom and opportunity for all, as we Americans are. Our law enforcement and military officials will work to promptly find those responsible, and we will prepare a

strong and appropriate response. But today, today as a Nation, let us recognize the victims and the survivors, the response teams and all of the other heroes for their incredible contributions to our Nation and to the blessings we enjoy as Americans. Our thoughts and prayers are with you.

Mr. Speaker, if there is one thing for us to remember from this tragedy, let it simply be this: as our country has shown over and over in the past, and as difficult as these times are, we will become stronger as a Nation because of the contributions and sacrifices each of you has made.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS) who is an Air Force pilot, former airline pilot, and a Vietnam as well as Persian Gulf vet, and a member of the Committee on Armed Services and the committee on Veterans' Affairs.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, yesterday America was changed forever. This despicable terrorist action waged against America, waged against innocent civilians, citizens, men and women, waged against symbols of strength and success in America, was clearly an act of war, an act of war waged against our citizens and military personnel, along with firemen and policemen; and we will never forget what they have done.

Now, as we try to find the words, the correct words, to put it all into proper perspective, we must have the resolve to take all of the necessary action; and we must have the resolve to provide our warfighters and intelligence agencies the resources they need.

□ 2000

We must provide them the resolve they will need to remove this blight from our international society.

As the rescue efforts continue, our hearts and prayers go out to the families, friends, and coworkers of those missing and lost yesterday and today. America was founded on freedoms, and we have always fought for our freedoms. We will never give in to terrorism. We will never give up until everyone responsible for this cowardly act has paid the price.

We will prevail. America must prevail. May God bless the United States of America, and grant us the will and strength to see this through.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my distinguished colleague, the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, the horrific images of yesterday will forever be etched in our memories: people leaping from the World Trade Center as the flames advanced; the terror of passengers aboard

those hijacked planes as they attempted to warn us of what was to come; a gaping hole in the Pentagon, with workers killed at their desks.

It is difficult to shake these images and these thoughts, and our first, human response must be to express our profound sympathy to the victims and their families; to pursue a vigorous rescue operation; to reach out, to give blood, to do whatever we can to alleviate the suffering of those directly targeted in yesterday's attack.

I am confident that we will reach out and work together as a united community. We have proven before that we can and will pull together at times of danger and disaster, as we in North Carolina know from our experiences after Hurricanes Fran and Floyd.

There were moving stories of heroism and sacrifice yesterday from police and firefighters and ordinary citizens. We have a tremendous capacity to sustain and support one another, and we must demonstrate that resolve and mutual commitment as never before in the days ahead.

We must also move vigorously and swiftly to gain full and accurate information about how this disaster occurred and who was responsible. We must track down and punish the perpetrators and anyone who harbored them or gave them aid. Our retaliation must be severe and sure, leaving no doubt of our unwillingness to tolerate this kind of assault, and of our determination to make certain that nothing like this ever happens again.

Part of our mission must be to rethink national security policy. Everything from airport security to intelligence activities must be examined to ensure that we are able to anticipate and control terrorism. And, as the House has demonstrated by reconvening today, we cannot and will not allow ourselves to be deterred from carrying on this Nation's vital work here and abroad.

Yesterday, terrorists attempted to snuff out the beacon of hope our country has represented to this conflict-ridden world. On this occasion, we must resolve to brighten that beam and renew our commitment to alleviating the world's suffering and injustice, and to do so in defiance of the forces of evil that have made September 11 another day that will "live in infamy."

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to my good friend and colleague, the gentleman from Texas (Mr. BARTON), the chairman of the Subcommittee on Energy and Air Quality.

Mr. BARTON of Texas. Mr. Speaker, tragic Tuesday, which occurred yesterday, is one of those days that is going to go down in history as a "Where were you?"

I was not alive on December 7, 1941, but for those who were, it was one of those "Where were you on December 7,

1941" days when the Japanese bombed Pearl Harbor.

I was alive in November of 1963. In fact, I was in the eighth grade in Innis Junior High School when President Kennedy was assassinated less than 50 miles away in Dallas outside the School Book Repository Building.

I was alive in July, 1969 when the first man, a United States astronaut, landed on the Moon.

Obviously, I was alive yesterday when the tragic plane attacks hit the Trade Center and the Pentagon, and then the plane crashed in Pennsylvania. So that is one of those "Where were you" days.

The question before the Congress today, the Presidency, and to some extent the American people, is what are we going to do about it.

There has been a lot of talk on the floor about the cowardly act. Well, it is cowardly in the sense that our attackers did not warn us and they did not declare war on us in the classic sense, they just hijacked the planes and attacked civilian targets in New York and the military target here in Washington.

But it was not cowardly in the sense that the people that perpetrated it were cowards; just the opposite, they were probably very religiously committed, willing to die for a cause that they believe in. And however many there were that died yesterday, we have to assume that there are more who are willing to die in the future.

So if we are really serious about a war against terrorism, we need to think about that. I am very committed to bringing the perpetrators, either eliminating them with military action or capturing them and taking them through whatever the legal system is, if that is appropriate.

But if we are going to declare war, let us really think that through and be prepared to do what it takes.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the gentleman from Michigan (Mr. LEVIN), my distinguished colleague.

Mr. LEVIN. Mr. Speaker, yesterday was like a massive earthquake, except that it was not of active nature but of evil men. Like in a massive earthquake, the first pictures were mainly of huge, horrible, physical damage. The worst was yet to come, as we are now beginning to glimpse the full extent of the unspeakable loss of human life and the pain and suffering of the families who have lost their loved ones.

The days ahead will be filled with unbearable grief. The entire Nation will be in deep mourning. Because this disaster was man-made, it also poses a special challenge to our Nation and to our spirit. It fills us with anger. It also poses a special responsibility. We must not let this disaster break our spirit or our resolve. We must take definitive

steps against the persons who caused this horrendous tragedy and against any Nation that shelters agents of terror.

Unlike acts of nature, our goal must be a singular one: that we not let it ever happen again.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Montana (Mr. REHBERG), a member of the Committee on Agriculture, the Committee on Transportation, and frankly, the entire delegation of Montana.

Mr. REHBERG. Mr. Speaker, I rise in support of this sense of Congress resolution. To me, this is simple: Yesterday's attack against America was not just a criminal act, it was an act of war.

It is important to understand that these terrorists were specially trained soldiers and hit men in an army intent on destroying America and our way of life. They were willing to take their own lives in order to accomplish their military objectives.

That is why America must not treat yesterday's tragedy as a criminal case, or simply seek justice. Rather, we must take it for what it is: an act of war that demands a swift, thorough, and decisive response from the United States Armed Forces. In short, we must strike back at those responsible. A military action, not subpoenas and courtrooms, is the only way to prevent this from happening again. We must bring these armies of terror and any country found to be aiding or abetting their actions to their knees. The time for talk is over.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of this resolution, and to condemn the barbaric, cowardly attack on the people and the soil of the United States. This is an act of war. We will not tolerate these terrible acts. We as a Nation will pull together and pick up the pieces and build our strength.

We all need to rally as a country right now, and our strength will come from our courage and our belief in our faith. America stands united. We believe in the liberty of our country, the justice of our democratic institutions. Let freedom ring. The Liberty Bell should shine with our resolve. In all of our towns where people are gathering food, materials, and people are giving blood, chapels and churches should ring the bell for freedom.

We are all filled with condolence for all of the victims. America will not give up on its dreams and hopes and freedoms.

I ask that we take time in our daily lives to observe a moment of silence for those who are lost, for those families and friends and loved ones, and to be thankful for what we have. In times

of a national tragedy, America always comes together. We are showing the world what it is to be an American.

This was an act of war on our people. We will not be divided. The President and Congress will be united in dealing with this horrible act. This is not a time of politics or blame but a time of sorrow, mourning, and healing. We must hold fast. We will investigate and we will find the culprits, and we will release the full fury of rage.

But if these terrorists turn out to be foreign, we will not lash out at others of the same nationality who have no connections to the attack. Americans are human people who respect the rule of the law. This is about families that will never again be reunited: the brave souls that gave their lives in the line of duty; the police, the firefighters; the men and women and children on the planes; the workers in the World Trade Center; the place in the mind that will not heal quickly.

I ask for Members' prayers for those whose lives have been lost. May God grant us the wisdom to steer our great Nation through this difficult time. This is a resolution about our families, our freedoms, our future. God bless America. We are proud of this Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. CRENSHAW), the former President of the Florida State Senate and a member of the Committee on Armed Services, the Committee on the Budget, and the Committee on Veterans' Affairs.

Mr. CRENSHAW. Mr. Speaker, I rise in support of this resolution. As I walked up the steps of the Capitol this morning alone, I was overcome by an eerie sense of silence, silence that said to me, it is finally hitting home what happened yesterday, because yesterday I was struck with disbelief as I watched the horrible pictures on television. Yet, today my stomach churns with a sudden sickening feeling of sorrow and sadness for the people who lost loved ones.

Yesterday it was a feeling of horror as I watched those pictures of mass destruction. Yet today my eyes have been burned with tears as I watched real men and women talk about real sons and daughters who are lost in yesterday's tragedy; from disbelief to sadness, now to anger and revenge, and I am sure that all Americans share these feelings with me.

Yet we must now focus our feelings on a new sense of resolve, a resolve that says that we will no longer tolerate such actions; that the United States of America, the greatest country on the face of the Earth, will not be intimidated by terrorists, no matter how horrendous their acts.

Yesterday, terrorism struck, and it struck as it always does, without warning, without reason. It struck by those

who have no heart and have no conscience, have no soul, cold-blooded murderers.

Yesterday, the terrorists succeeded. They succeeded in shaking the foundations of two great symbols of America. But make no mistake, history will record those terrorists failed miserably in shaking the very foundations of this great country. I urge adoption of this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, the horrifying acts of terrorism which occurred yesterday were a cowardly act of attacking America.

We in Congress must be dedicated and determined to take immediate action in three ways:

First, to help the victims and their families, and to make sure that all Federal resources that are necessary are available;

Second, to ensure that our liberties as American citizens are protected and that the American public is safe;

Third, to make sure that the perpetrators are discovered and punished.

Our focus must be on the injured and their families and those who are offering medical assistance, and others who are helping in so many different ways.

It has taken, unfortunately, these horrifying acts of terrorism to draw attention to the resources and needs of our intelligence and defense agencies, and we must address those needs immediately so that our Nation's citizens know that their freedoms are not being compromised.

We need prayer also for the injured and the suffering and their families, for our law enforcement, our EMS units, and our medical and health care providers, for our military, which stands ready to go whenever and wherever it is needed, and wisdom for our government in the decisions that we yet have to make.

□ 2015

Now, more than ever, we as a Nation must have the will to find the way to move forward with those essential qualities of courage and conviction that constitute the character of America. By God's grace, and with His strength and wisdom, I am confident that we will.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCHROCK), a member of the Committee on Armed Services and the Committee on the Budget.

Mr. SCHROCK. Mr. Speaker, never could I have imagined when I left Vietnam 34 years ago yesterday that the freedoms we fought for in that conflict would be challenged in such a heinous, hateful, cowardly, and despicable manner as we witnessed yesterday. I never

dreamed that I would see the result of terrorism with my own eyes, but yesterday that nightmare became reality.

Mr. Speaker, I stand to not only support this resolution but to offer my heartfelt sympathies to the victims and their families. We may never know the full effect of this horrific event on the thousands of families impacted, but the impact will live in our hearts forever.

However, we must go forward with America, her business, her enterprise, her love of freedom and justice, her destiny to be the beacon of democracy in our world. Yesterday's events will never be forgotten, but they will not deter us.

We have heard the word faith used many times today. Mr. Speaker, behind you are the words "In God We Trust." As the psalmist has written, "God is our refuge and strength, an ever-present help in trouble. Therefore I will not fear."

Mr. Speaker, I have full confidence that our President will hold accountable those who were responsible and ensure they pay the ultimate price for the evil they have wrought. We in Congress should provide all the means of support available to help in the search and the rescue efforts, the recovery efforts, and the rebuilding of the damaged and destroyed structures, as well as the investigation to find the criminals responsible.

Mr. Speaker, this can never happen again.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Today, we stand. Reflecting on the chill of yesterday with the silence of death and the stench of terrorism in the air, we stand. We stand united. We stand committed. We stand determined. We stand confident. We stand, and we shall overcome.

Edmund Burke once said, "All that is necessary for evil to triumph is for good men to do nothing." Mr. Terrorist, make no mistake about it, we will act. We will be patient but deliberate. We will be open but focused. We will not seek senseless revenge, but we will insist on justice.

And justice will be decisive, swift, compelling, horrible, and justified. Woe be to those that call evil good. Woe be to the terrorists who claim some sort of victory today. Woe be to the murderers who celebrate the killing of innocent people. You will soon be dancing to a very different tune.

You terrorists will find no hysteria here. You will find no fear. We are in no ways tired. In fact, we speak with a united voice and stand behind our President who said that those who took part in this horrible act and those

who harbor these criminals will be held accountable.

Today, as we seek solace from the icy pain of yesterday, do not seek God in the churches, temples, or mosques of this country; do not seek justice in the halls of Congress or in our courtrooms. For God is in the streets and homes of America. Justice is in the wings of the world theater, preparing to be released in a focused fury.

Harriet Tubman, once complimented on her humanitarian efforts, responded, "'Twasn't me. 'Twas the Lord. I always told him, 'I trust to you. I don't know where to go or what to do, but I expect you to lead me,' and he always did."

We can expect that same leadership today. Thank God we live in America. May he bless this country and our efforts.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN), a member of the Committee on Transportation and Infrastructure.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in the strongest possible support of this resolution and to condemn the cowards who perpetrated these horrendous acts against the people of the United States; certainly what many people say is the darkest day in American history.

I believe we must do everything humanly possible to find out who is responsible for these acts of terror and take the strongest possible action against them. We need to show the world in a very determined and dramatic way that we will not stand for this type of senseless violence.

I will support the President in taking the strongest possible action against the cruel and cowardly terrorists who are responsible for yesterday's tragedies, as well as any country which offers safe harbor to these inhuman thugs.

Most importantly, right now, Mr. Speaker, our sympathy should go out in the most heartfelt way to the families of those who have fallen victim to these unspeakable tragic events. The American public and the world should know that this Congress, working closely with the administration, will not rest until these mass murderers are brought to swift decisive justice and punishment.

We must recognize that there are fundamental security problems in our country that allow such incomprehensible events to take place. We need to work with the FAA, the Department of Transportation, as well as the airlines to secure our airports and our airplanes against people who would cause such destruction.

I have spent the last 6 years as chairman of the House Subcommittee on Aviation. We need to immediately

place U.S. marshals or other law enforcement officials on all commercial flights. We also need to focus more resources on and do more detailed background screens on the men and women who are the security screeners in the airports across our country. We need to make it impossible for terrorists to compromise the cockpits of our airliners by retrofitting all aircraft with an impenetrable barrier between the cockpits and passenger cabins. Most importantly, we must restore the confidence of the flying public in the security and integrity of our commercial aviation infrastructure.

Mr. Speaker, I urge support for this resolution. It is the least we can do, and we all need to join together in supporting those who have suffered so much in these horrible tragedies.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Speaker, it is with a heavy heart that I rise today to offer my condolences to the families from across our great nation who are coping with the grief of yesterday's tragic events.

Terrorists have broken our hearts, but they have not broken our resolve. Yesterday, we were a nation in shock. Today, we are a Nation in mourning. And while we are numb in disbelief, America is not paralyzed. Our brave rescue workers are still finding survivors and providing hope for all Americans. Our faith in God is providing Americans with solace. And, Mr. Speaker, this Congress will support and give the President all the resources he requires to provide Americans with justice.

The diabolical sophistication of yesterday's attacks point to a well-coordinated conspiracy of evil and it took considerable organization in plan and implementation. We stand here tonight united as a Congress and as a nation in telling the world that we will not leave one stone unturned until we find and punish these terrorists and their supporters.

America is still a nation of heroes. The men and women who gave their lives yesterday in an attempt to rescue others is a statement to the courage and bravery of everyday people when faced with enormous challenges.

Mr. Speaker, as I stand here tonight surrounded by my colleagues in Congress, I have never been more sure of myself that America is up to the challenges that lay beyond. America will forever be changed because of yesterday's attacks, but we will be a stronger, not a weaker Nation for them. God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I would like to inquire as to how much time remains.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New

Jersey (Mr. SMITH) has 27 minutes remaining, and the gentleman from California (Mr. LANTOS) has 5 minutes remaining.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that during consideration of H.J. Res. 61, pursuant to the order of the House earlier today, debate on the joint resolution be extended 2 hours equally divided and controlled by the chairman or his designee and the ranking minority member of the Committee on International Relations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, along with everyone else, I support this resolution. However, mentally, I want everyone to know that I will assume it is a declaration of war. I believe that from a mental set a declaration of war is what we need.

First, it will allow us to use any and all means necessary to strike at any group or government when facts support it and do it in a wartime mentality. Secondly, believing this resolution is a declaration of war I think creates a mental framework which we need as a society. We need to reach out in meaningful ways, in sustaining ways, to aid those who have suffered personal tragedy. We need to strengthen our economy to sustain our people, and understand that property damage can be repaired, that economic strength will be the key not only to carrying out the fight against those who have perpetrated these deeds, but also to make sure that we have available all of our resources. This will not be a short fight. It will be a long and difficult one.

We need all of the resources available to us, moral, religious, and economic; and I will be looking at short-term, medium-term, and long-term responses to this. So that from a military point of view, from an economic point of view, and from a sustaining societal and nurturing point of view, we will not just use words against our enemies, we will have real arrows in our quiver.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, I rise to stand in solidarity with the people of America and to speak out against the senseless, horrendous tragedies of September 11, 2001. It is a day that will live in infamy. There are no words, no pictures, no sentiments that can express the magnitude of the evil that showed itself yesterday. My heart

and my thoughts go out to the families of those who were murdered, and to all those affected. The love of the people of this great country embraces the spirit of those heroes who gave their lives trying to save others. Those glorious Americans, who worked at the World Trade Center and the Pentagon, members of the Police and Fire Departments and EMS, represent the best of America. We should all be humbled by their sacrifices.

I would like to pay a special tribute to the American Airlines family. They are unique contributors to Dallas-Fort Worth. They are unique contributors to America. They are a part of all of our lives. They are a part of our souls. We honor the lives they lived as Americans.

Let it be known, that the United States Congress will stop at nothing, and at no time, to protect our citizens. Let it be known, that the United States of America will never, ever, cower to terrorists and never give up our way of life. Let it be known that Americans may disagree as Americans, but we are all one American family. Most importantly, let it be known that we will, we will, we will bring those responsible for the horrors of terrorism to complete justice. Our flags are at half-mast, but our heads are high as Americans. America is a great nation, and our freedom will ring loudly forever. May God Bless America.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, God bless America.

Yesterday, on September 11, for the first time in 175 years, the capital of the world's greatest military power was attacked by a cowardly and totally spineless enemy. We, the United States, the leader of the free world, the country that saved Europe from Nazi Germany, the country that had the courage to stand up to communism and dictatorships worldwide, the one Nation in the world looked to for leadership cannot submissively stand by while our Nation is attacked.

This was a well-organized and thought-out attack and it demands a well-organized and powerful response. Members of these fanatical groups cannot go unpunished, nor will this nation support them. Those nations that give them shelter, weapons, support and training, we will deliver a swift and immediate response to this horrible act.

Congress and the Committee on Transportation and Infrastructure must take steps to implement new safety standards for air travel and, in fact, all modes of transportation. I have received numerous calls today from pilots saying that we have to absolutely secure the cockpits on our airplanes and that we need to put U.S. marshals on each and every plane again just as we did in the 1990s.

My heart and prayers go out to the families of the victims, and I want to commend the volunteers and emergency personnel on their great efforts. How can you help? I am donating blood tomorrow and asking my constituents to do the same. For all the people out

there that are watching, if you have any information that could assist this ongoing investigation, please call the FBI hot line.

In closing, I want to make it clear, whether we are a Democrat, a Republican, male or female, black or white, we stand behind the Commander in Chief. War has been declared against the American people, and you are either with us or against us. There is no in between.

□ 2030

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I rise in support of this resolution.

I, like all of my colleagues, suffer with the insoluble grief of all our countrymen who watched the horrific death and destruction visited on our Nation yesterday. But we also watched with humility and admiration the amazing acts of courage and sacrifice and heroism of firemen and rescue workers and police, both here in this city and New York City; and we pray for all of them tonight.

There are criminal acts and there are acts of war. Criminal acts are answered in court within the judicial system. Acts of war are answered militarily. Yesterday was an act of war; and there will be a military response. You know it. It is coming. Those who have visited that destruction upon America yesterday had better get themselves ready for it. But there were other criminal acts yesterday that I want to talk about tonight, and I want to talk to those criminals.

There is no shortage of gasoline in this country. There is no shortage of crude oil. Every one of you who jacked the price up yesterday to \$3 and \$4 and \$5 and took advantage of Americans who suffer with all us in this crisis are petty criminals, and you ought to be in the hoosegow and you will be.

The Department of Energy, FTC, Attorney General, the Department of Justice have all issued warnings today that they are investigating. Crude oil stocks are up. Gasoline supplies are up. Production is up. Imports are up. OPEC has guaranteed their reserves to us if we need them. Every country in OPEC unanimously did. The major oil companies have frozen their prices, both at the wholesale and retail level.

Any one of you out there price-gouging Americans in this crisis are not just criminals, you are aiding and abetting the terrorists who hit us yesterday; and you ought to spend a few days in the pokey.

God bless this country. We will get through this; but we need to stand together as patriots, not as petty criminals.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, each and every day I am humbled to serve as a Member of the United States Congress. I am humbled by the honor of representing my Wisconsin constituents. I am humbled by the privilege to serve this great Nation. I love this country. I cherish our freedoms.

I have great regard for the leadership and courage that has been demonstrated in these very Chambers throughout our Nation's history from its birth onward. Time and time again our Nation has risen to the challenges posed by evil, violence, intolerance, and injustice. These were challenges of immense proportions, and we did not shrink from them. Of course, all of us hoped that these sorts of challenges, these attacks on our very own soil were part of our Nation's history, not our Nation's present or future.

Most Americans yesterday and today saw television images that will be indelibly inscribed in their minds and consciences. In New York, Pennsylvania, and our Nation's capital, other Americans witnessed these tragedies firsthand. Our Nation and our Nation's families have suffered unimaginably from the unspeakable evil acts of yesterday. We will not shrink from facing this challenge either.

I have been so deeply moved by the capacity of the American people to respond to this crisis. Words cannot express the gratitude that I feel and want to convey to our Nation's emergency workers, the paramedics, nurses, doctors, firefighters, police officers, members of National Guard and so many others.

Words are also inadequate to express the depth of the sympathy that I want to share with the victims and their families. I join all my colleagues in condemning these despicable acts. We must bring the perpetrators to justice.

The greatness of this country in our own eyes and the eyes of the world is the promise that we will act against the perpetrators only when we are certain of their culpability.

I also know that it is the American people, our freedoms and our democracy that make this Nation great. Our constitutional liberties shall not be sacrificed in our search for greater security, for that is what our enemies and all enemies of freedom and democracy hope to achieve.

I have never been more deeply moved to live in the land of the free and the home of the brave.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I rise in support of House Joint Resolution 61.

Mr. Speaker, in the course of human events, there are moments that so impact the progression of world history, that the character of all people becomes imbued with the solemn

understanding that life will never be the same. The terrorist events that transpired on September 11, 2001, collectively create a most infamous moment in the history of the United States of America.

These cowardly acts of destruction were intended to strike fear in the American spirit with the hope that our Nation will retreat from its policies and obligations overseas. If these perpetrators chose to study American history rather than how to manifest hate and destruction, they would realize the futility of their actions and know that there is one choice we cannot and will not make. America will never choose the path of submission.

Our hearts have been pierced by tragedy and weep for those lost souls and their families of America's worst disaster. Throughout American history, our lands and others have been turned red by the blood of those who defended America's character. Now, in modern times, the urban streets of two great cities share this unfortunate distinction.

America's story is one of providence. Over the last 225 years, God and truth, combined with American courage and spirit, have allowed us to triumph in every honorable national struggle placed before us. There is a resilience in our country that transcends tragedy. Those who repudiate reason—and twist it to such ghastly ends as these—do not deserve the gift of life. Their actions cannot be allowed to triumph over freedom and democracy. We must pray to God that they will not.

A war of terrorism has been declared against America, and more has been attacked than just our great land. I support President Bush's initiative to mobilize our national military forces, and forces around the world which love freedom, in order to push terrorism from the face of the world. Foreign states that facilitate, harbor, employ, or conveniently turn a blind eye to those who engage in missions of terror, should suffer the consequences of their misguided judgement. America's immigration policy, our governmental law enforcement resources, and our military capabilities must be bolstered to meet our national challenge.

The sense of heightened patriotism being exhibited as a result of this tragedy will assist the efforts being called for from all corners of our nation to exact justice. It also gives us the chance to pay tribute to the firefighters, police, rescue crews, medical teams, survivors and supporters alike who are the true heroes of the day. The families of those who perished deserve our prayers and deep sympathies.

As in all difficulties in life, our faith as a great nation and a spiritual people will lead us through the fog of sadness and death, into the light of freedom and peace. As Americans, we can accept nothing less.

God bless our great Nation.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY).

Mr. MCCRERY. Mr. Speaker, I rise in support of House Joint Resolution 61.

This resolution expresses clearly the sentiment not only of this Congress, but the sentiment of the American people. It condemns the despicable actions of terrorists who planned and carried out the attacks yesterday against the people of the United States. It extends the

condolences of all our citizens to the victims and their families, commends the heroic actions of the fireman, police, and other rescue workers who responded to these tragic events, and underscores the resolve of all of us in America and many others around the world to fight and win this war against terrorism.

Mr. Speaker, it is important to note that so many Members of Congress are speaking for their constituents in support of this resolution, and that they are speaking, not as Republican or Democrats, liberals or conservatives. Easterner or Westerner, but as Americans. It is this unity of spirit, singularity of purpose, and faith in our destiny as purveyors of freedom which will see us through this and lead us to victory.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM), a member of the Committee on the Judiciary and the Committee on Armed Services.

Mr. GRAHAM. Mr. Speaker, from what I hear on television, we may have found our first example of how America will rise to the occasion. Apparently, the passengers on United Flight 93, the Pennsylvania flight, were talking to their relatives and the picture was becoming clear to them what their fate was about to be.

The story goes, according to recent reports, that one of the passengers told his wife that we just voted among ourselves to take on the hijackers. I think that gives the best example of what awaits the terrorists.

We will soon vote here, Republicans and Democrats. We will vote to take on the terrorists who tried to destroy freedom and our way of life. Our allies today in NATO voted to consider the attack on the United States as an attack on NATO.

The message that was trying to be sent by the fanatics who orchestrated this I am not sure of, but the message we are going to send them will be very clear. Our forefathers defeated tyranny; so shall we.

Mr. Speaker, the story goes when the staff of Admiral Yamamoto congratulated him on the bombing of Pearl Harbor, he replied, "I am afraid all we have done is awoken a sleeping giant."

Mr. Speaker, that is exactly what happened yesterday. America sleeps no more.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Speaker, my thoughts and prayers go out to those who have lost loved ones and family members in this evil and barbaric act. We as a Nation cannot tolerate these kinds of attacks on American citizens.

Today we must first pledge our unwavering support for those involved in the search and rescue missions underway in Washington, D.C. and New York City. Law enforcement officers, firefighters, doctors, nurses, rescue workers have committed thousands of selfless acts to help those injured.

Secondly, we must persevere in the fight against the enemies of freedom and democracy, as we have in the past. It took the United States over 4 years to win the Second World War, and more than 40 years to win the Cold War. All Americans must now display the same patience and strong resolve in the war against terrorism. We have a moral obligation to seek out these craven individuals, wherever they may hide, to destroy them and their organizations so they may no longer kill, maim or injure innocent people in the future.

America and its people are good and just. Our democracy is strong, and the good we do will prevail in the end. We live in a free and civilized society. Our resolve tonight and tomorrow and forever must be to permanently establish these values across the globe.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the Committee on the Budget, the Committee on Agriculture, and the Committee on Energy and Commerce.

Mr. FLETCHER. Mr. Speaker, I rise to address this honorable body. Words fail to fully express our grief and fall short of describing our resolve as we respond to this act of barbarity and violence against the free and innocent.

Throughout our Nation's history, we along with the world watch and witness that during the darkest hours, America unites with exemplary character, strength and bravery. We witness a diverse Nation pulling together with tireless compassion towards those fallen, wounded and grieving.

We also feel the swelling strength of a government, united to ensure that evil is answered with the goodness of justice so that freedom's peace and security prevail.

Our prayers and resources are with all those grieving, and our gratitude and full support is with all of the men and women engaged in this unrelenting endeavor against the evil terror of those who harbor hate and violence.

We reaffirm our unwavering support of President Bush and his able staff. We also extend our gratitude to NATO and other free and friendly nations who join us in our resolve to destroy not only the branches but the very roots of these intolerable acts of terror.

Across from the battered walls of the Pentagon lay the graves of those who have given their all for freedom. By our resolve, we honor them, as well as all the fallen we now grieve, that none of these shall have died in vain; and that from their loss, we will once again have successfully defended freedom and justice, not only for our Nation but for the world.

Mr. Speaker, we have witnessed an act of war, and we must now respond accordingly.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Cali-

fornia (Ms. SOLIS), my good friend and colleague.

Ms. SOLIS. Mr. Speaker, today I would like to express my sorrow, my horror, my anger about yesterday's attacks on the United States democracy. I offer my most sincere condolences to the victims and their families. I offer my support to the President, and to the many Federal, State and local agencies that are taking part in the ongoing investigation and rescue efforts.

Today I stand with the entire United States Congress, and perhaps most importantly, stand alongside every other American citizen in a united and indivisible defense of our freedom. We know that our democracy will not falter during this test. Our democratic foundations, our government, and our people are too strong.

Finally, I want to acknowledge the outpouring of sympathy and assistance the American people have generously provided during this crisis. My thoughts, my prayers and encouragement, are with the missing fire fighters in New York and the many rescue teams, the military and medical personnel here and in New York.

Mr. Speaker, I ask the American public to continue donating blood and continue to fly our American flags. Continue to stand as one Nation, under God, indivisible, with liberty and justice for all.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT), a former U.S. Attorney and a member of the Committee on Energy and Commerce.

Mr. BRYANT. Mr. Speaker, it has been a long and difficult 36 hours since the first airplane crashed into the tower of the World Trade Center yesterday.

I rise in support of this motion, as has practically every Member of this House today, to show the resolve of this body that we will finish what the terrorists began yesterday.

Make no mistake about it, the surprise attack that we had yesterday was the product of cowards, outlaws within a civilized world. Hijacking airplanes containing innocent men, women and children and crashing them into an office building at a time when large numbers of workers were present were the pathetic acts of insane minds, illegitimate by any standard.

Those responsible for this attack, especially those aiders and abettors, will feel the full power of the United States and her citizens. I join with the President, Congress, world leaders, and the American people in blanket condemnation of all involved in this ruthless conspiracy.

And as more facts develop and become known, we must also recognize those in the airplanes, some known, such as Tom Burnett and others, some forever unknown, who tried to prevent

yesterday's heinous crimes and mitigated those crimes and became heroes in doing such, as well as recognizing the hundreds and hundreds of heroes now working to save lives both in New York and here at the Pentagon.

□ 2045

The United States will not stand for terrorism on its soil and we will join together to fight it. Terrorism's goal is to disrupt life and make people fearful. But fanatic acts of these extremists will fail as we continue on with our lives with even more resolve. Our great Nation will come together around this tragedy because our freedom, as said earlier by one of our leaders, our freedom is our strength, not our weakness.

Let me just echo what the gentleman from South Carolina (Mr. GRAHAM) said a few speakers ago about Pearl Harbor. When it was attacked, President Roosevelt said it was a day that would live in infamy. That generation of Americans, which can be argued was our greatest, rose to the occasion and a sleeping giant was awakened. Now we have yet another day that will forever be burned into the minds and hearts of Americans, and again a sleeping giant has been awakened.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the gentleman from Vermont (Mr. SANDERS), my good friend and distinguished colleague.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, on behalf of the people of the State of Vermont, I rise and in the strongest possible terms condemn the unspeakable acts which were perpetrated yesterday by cowardly terrorists. I also wish to express my condolences for the thousands of families who are suffering tonight from their losses on the four planes that went down, the losses at the World Trade Center and at the Pentagon.

Mr. Speaker, the goal of terrorism is to demoralize people and to create fear, uncertainty, and instability. Our Nation must not succumb to that and give terrorists that victory.

Tonight we grieve for the incredible and horrendous loss of life that we suffered yesterday. It is unprecedented in the modern history of our country. But tonight we also pledge to capture and punish all of those who are responsible for this despicable deed.

There is no difference of opinion on that issue in this Congress or in this country. Mr. Speaker, the world must know and will know that those who committed these unspeakable crimes will not get away with it.

As we go forward in this effort, we must also be calm and focused and be thinking long term on how to defeat this terrible evil. We must also be thinking about how we can work better and more effectively with law-abiding

people throughout this world, because terrorism is an international crisis, and it will be solved by decent people from one end of this world to the other working together.

Let me conclude by saying that we should also be extraordinarily proud and reassured by how people throughout our country and in my own State of Vermont are coming together, how they are giving blood, how they are raising funds and how they are doing everything that they can to support the victims and their families. Let us go together and we will defeat international terrorism.

Mr. SMITH of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), my good friend.

Mr. STEARNS. Mr. Speaker, as the smoke clears from the skies over New York City, Arlington, Virginia, and western Pennsylvania, we in Congress should not forget that we are a free society. Sweet freedom. We cannot abandon our ideals or wrap ourselves in a cocoon or isolate ourselves from a world because of this senseless destruction.

The resolution this evening condemns in the strongest possible terms the terrorists who tried to disrupt our country and to kill our innocent citizens.

Our government cannot permit its citizens to be attacked with impunity. We as elected officials have a responsibility to protect them just as we have protected them throughout the history of this grand Republic.

All of us have watched in horror the amount of destruction that has occurred. We commend the heroic action of the rescue workers, volunteers, State and local officials who responded to these tragic events with courage, determination, and skill. Our prayers are made for those whose families who suffered and lost their loved ones.

Mr. Speaker, we need to send a message to those engaged in terror that we will fight and not fold. We need to stand up to them. Our struggle will not be won in a day or a month or culminate with a single victory. Victory will require us to display courage, faith, unity and determination to carry on for an indefinite time in the face of this new gray war with faceless terrorists who are on a holy war to destroy the United States.

Towards that end, Mr. Speaker, I fully support House Joint Resolution 61 and look forward to supporting the President and other agencies of government as they seek to find the guilty parties.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of this resolution.

September 11th was a difficult day for America. It was the day that we lost our innocence. The terrorist attacks touched every American—young and old, Democrat and Republican, urban and rural, and persons of every ethnic background. Beyond the death and destruction, we also are touched with despair.

Our children and grandchildren are asking, "Are we at war?" and "Will we be bombed, too?" From the ashes of our damaged symbols of military and economic strength, we must remember that we are a strong and great nation. With courage and determination, we will confront very difficult choices. For example, against whom do we strike back? How do we protect ourselves from unidentified terrorists? How many of our individual liberties do we relinquish in order to ensure our personal safety?

The attacks struck a blow not only to our citizens and buildings, but also against our values, our freedoms, our way of life. To many people around the world, the United States represents the land of opportunity and freedom. The terrorists sought to instill in us fear and insecurity. To this, we must not submit. We refuse to be victims of fear.

We must take the necessary precautions to safeguard our lives and American interests, but we must not relinquish our cherished freedoms.

We must identify and bring to justice those persons and organizations responsible for these tragic deeds, but we must act responsibly, consistent with our values, in conjunction with our friends and allies, and in accordance with international laws.

Let us draw closer together, as Americans, behind our President, and boldly face the challenges ahead. Let us honor those whose lives were tragically taken by these terrorist attacks, and those who lost their lives in rescue efforts to save lives. Let us also honor those many volunteers who have stepped forward in the midst of this crisis to offer their time and talents in rescue efforts, crisis counseling, blood drives and other activities.

Because of our people, our values and beliefs, we are a strong and resilient nation. We will recover and rebuild our broken lives, our buildings and our way of life. Let us pray that God's grace and wisdom will guide us through the difficult days ahead.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman from California for yielding me this time, an individual for whom I have the highest admiration and respect, and certainly, Mr. Speaker, with respect for those who are painfully and tragically affected by the terrorist assault on America the Beautiful.

Let me simply say amen to the eloquent prose and profound statements of all of the colleagues that have preceded me in supporting this resolution. President Abraham Lincoln reminds us that the world will little note nor long remember what we say here, but it can never forget what happened here.

The date, September 11, or 9-1-1, a day that the 911 system was perhaps

used more in the aggregate than at any time since its inception; September 11, or 9-1-1, summons the brave, the selfless, the life preservers, if they could they would. I have heard it said that perhaps airport security will include eliminating curbside baggage service. We are checking around now to see how we best enhance airport security. Does the idea of no baggage curbside check-in really enhance our well-being? What happens to the well-being of the sky-caps in an idea like that? They have long been a service and fixture at airports, as long as the airports have been there themselves.

Mr. Speaker, from time to time down through our history, our Nation has been tested. Certainly today our peaceful way of life is being tested again in a most cowardly fashion. So in the face of this great tragedy, it is time that we renew our prayers for peace around the world, rededicate ourselves to the work of citizenship, and sustain the quality and integrity of those who seek to serve us in the capacity of public service.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. SMITH), a member of the Committee on Agriculture as well as the Committee on International Relations.

Mr. SMITH of Michigan. Mr. Speaker, we have talked and dedicated ourselves to making sure that we identify and capture the perpetrators, that these atrocities cannot be tolerated in a free society, and that for the sake of not only America but for the rest of the world, we need to be very aggressive and dedicated in the effort that we are about to undertake.

Also, as chairman of the committee that oversees the Federal Fire Administration, I would like to take a moment to speak about the Nation's first responders, the firefighters, the emergency medical personnel, the police who were first to arrive at the scene and certainly the last to leave such a scene in situations as happened at the Pentagon and in New York and also south of Pittsburgh.

As the Nation mourns the deaths of hundreds and probably many thousands of our fellow citizens, as we take stock of the destruction caused by yesterday's terrorist attacks, we should also pause for a moment to reflect on the brave men and women who put their lives on the line every day in every small town and suburb and every big city across the country. We have all been deeply moved by the tragic scenes at the Pentagon, Pennsylvania, and especially New York. But we can be proud that in a time of great peril, the Nation's first responders answered the call, conducting themselves with bravery, with dedication that does credit to themselves, their city, and their country.

It has been reported that over 202 New York firefighters and 57 police of-

ficers may have perished at the World Trade Center, a tragic loss. Witnesses said that as they were running down the stairs to escape the burning building, they passed New York firefighters running up those stairs to put out fires and to assist other people stuck on higher floors. Just imagine that for a moment. With fire and smoke all around, with a 110-story building buckling from intense heat, these firefighters ignored their own safety to help people they did not know but who were in great need of help, their help. Under such horrible conditions, who could have blamed them for abandoning the burning building? But instead of turning their backs on people in need, they faced the danger head-on because that is their job. We may never know how many lives they saved, but we do know that many people would not be alive today but for the bravery and sacrifice of these dedicated men and women. Their deaths cannot be in vain. We have an obligation to ensure that they get the support they need, God forbid, should they be called on again to deal with a terrorist attack.

They represent the very best of America, and our Nation owes them and their families a debt of profound gratitude. We in this House and across America mourn for these heroes and we pray for their families.

We cannot bring them back but we can promise their loved-ones this: The terrorists who were responsible for these depraved acts will pay for them. They can run, but then cannot hide. And they will pay.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my neighbor, good friend, and distinguished colleague, the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. I thank the gentleman from California (Mr. LANTOS) for yielding me time.

Mr. Speaker, I rise tonight overwhelmed by indescribable grief and sorrow. A taking of any innocent life is an atrocity. A taking of hundreds is a massacre of monumental proportions. Yesterday, a massacre of unthinkable numbers occurred. The World Trade Center and the Pentagon were deliberate targets of fanatics. These terrorists hijacked four commercial airliners. They slammed three of these planes into these buildings, knowing the mayhem and chaos that this destruction would cause.

As a Nation, we are left emotionally speechless at the loss of so many innocent lives. We are numbed by the number of firefighters, police, and other volunteers who plunged into the burning buildings to save lives and who lost their lives in the process. We are stunned by the courage of those who called from the airplanes. A call from that ill-fated plane that crashed in the fields near Pittsburgh may have been the fourth suicide plane headed to the Capital.

□ 2100

We may not have been in New York City or anywhere near the Pentagon, but all who witnessed these attacks on television knew then we were living in a terrible new world.

Our resolve today is to root out the perpetrators of this heinous plot to destroy us. We must explore all avenues to make sure that this can never happen again. We must not surrender until the country is made safe again for our children and for their families.

Every place in America has lost loved ones in this national tragedy. No community is immune to this loss. I am advised that four Hawaii residents may be among the casualty lists. One is listed missing in the rubble of the World Trade Center, the other three in airplanes in which they were passengers on the way to the West Coast. I cannot reveal their names, as I am advised that not all the families have yet been notified. My heart goes out to all the lost loved ones throughout the country in this national nightmare.

The human toll will undoubtedly mount over the next few days, and our lives will be forever changed. Today we mourn those lives that were lost in this diabolical act of vengeance against our way of life. So long as we continue to stand for freedom and democracy, these enemies will not succeed.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts, the Internet, and Intellectual Property of the Committee on the Judiciary.

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, ruthless, cowardly, insensitive, uncaring, evil, wicked, fanatical; words cannot describe the events of yesterday. I spoke to the Judicial Conference at the Supreme Court yesterday morning. Just prior to my speech, the Chief Justice handed me a note indicating that the Pentagon had been attacked and was then afire. I knew then that life in the United States had been drastically altered.

Sandy Bradshaw, a 38-year-old flight attendant who resided in North Carolina's Sixth Congressional District, walked on the United Flight 93 yesterday to work her shift. Thousands of other Americans reported to their respective jobs yesterday as well. Neither Sandy, Mr. Speaker, nor many of these other thousands will ever report for work again. Their lives were snuffed out yesterday. These losses will not have been in vain, however. These ruthless criminals will be identified and duly punished.

Our thoughts and prayers are extended to all who suffered losses yesterday.

Mr. Speaker, these thugs who yesterday inflicted this pain upon us, concluding that we would not respond to

these acts, they counted on our not responding, I say to them tonight, do not count on it.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2½ minutes to my good friend, the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank our able leaders, the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. SMITH), and rise in strong support of this bipartisan resolution condemning yesterday's reprehensible acts of terrorism perpetrated against the people of the United States and freedom-loving people everywhere.

Americans stand united in our firm resolve to seek out those responsible for this carnage and to bring them to justice before the entire international community. Our citizenry's valor, their order, and their dignity in face of this overwhelming tragedy shines to the whole world. Across America, our people are helping one another, honoring the dead, healing the injured, donating blood, picking up the wreckage and building for a new day.

Across our world, words of encouragement pour into our Capitol. Tonight I wish to read some of these words into the record.

From Russia:

DEAR CONGRESSWOMAN: All of us in Russia, just the same as throughout the world, express our deepest condolences over the terrible losses suffered in the United States. We believe that this tragedy affects us all. We share the pain of the lost lives and know that we must unite our efforts to do everything in our power for this to never happen again. We should forget about all our differences, and focus together on the critical issues that need to be resolved in the world today. Our prayers are with you.—Andrei and all your other brothers and sisters in Russia.

From Ukraine's Roman Catholic Vicar General, Bishop Stanislaw Szyrokoradiuk:

DEAR CONGRESSWOMAN KAPTUR: I would like to present to You and through You—to all American people—our condolences because of the terrible tragedy that has stricken the whole world.

We have been very shaken to know about a series of acts of terrorism that happened in the United States of America yesterday.

It has been an awful blow by its cruelty and scale that struck not only USA but all humanity. I received this notice during spiritual retreats in our Higher Spiritual Seminary in Vorzel, where all priests of our Diocese came. As a sign of our unity and sympathy in your grief we celebrated Holy Mass for the souls of the departed and prayed for all victims. May the Lord strengthen them by His grace that they may outlive this horrible disaster.

In all our churches there are Divine Services and prayers said for the souls of the departed victims and for all those who have suffered.

These days our hearts and our prayers are with your people.

Sincerely yours,

BISHOP STANISLAW SHYROKORADIUK,  
The Roman Catholic Vicar  
General of Ukraine.

From Western Europe:

I cannot find the words to describe our feelings about what happened in NY and Washington! Our thoughts are with you and all American people.

While obviously it's difficult to go forward together, it's the only way!

Hope that nobody of your relatives/friends will be amongst the victims.

Warm regards,

ROOS & GERARD.

From Canada:

AMERICA: THE GOOD NEIGHBOR

This Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the earth. Germany, Japan and, to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts.

None of these countries is today paying even the interest on its remaining debts to the United States. When France was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris. I was there. I saw it.

When earthquakes hit distant cities, it is the United States that hurries to help. This spring, 59 American communities were flattened by tornadoes. Nobody helped. The Marshall Plan and the Truman Policy pumped billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent, warmongering Americans.

I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplane. Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tri-Star, or the Douglas DC10?

If so, why don't they fly them? Why do all the International lines except Russia fly American Planes? Why does no other land on earth even consider putting a man or woman on the moon? You talk about Japanese technocracy, and you get radios. You talk about German technocracy, and you get automobiles. You talk about American technocracy, and you find men on the moon—not once, but several times—and safely home again.

You talk about scandals, and the Americans put theirs right in the store window for everybody to look at. Even their draft-dodgers are not pursued and hounded. They are here on our streets, and most of them, unless they are breaking Canadian laws, are getting American dollars from ma and pa at home to spend here.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke.

I can name you 5000 times when the Americans raced to the help of other people in trouble. Can you name me even one time when someone else raced to the Americans in trouble? I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is damned tired of hearing them get kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles. I hope Canada is not one of those.

Stand proud, America! Wear it proudly!!

From an elderly and disabled constituent from our district:

She can't give blood or send money, but has been trying to think what she could do to help in this situation. It came to her that everybody should fly their flag. It's a visible sign of our support of our nation and the perseverance of the citizens. Also all the tv and radio stations could be asked to play the national anthem once all at the same time. She's asking Marcy to "get the word out" so people could be asked to do this. May we?

From Arab-American Muslims in my community, the strong resolution of condemnation that no political cause could ever be assisted by such immoral acts:

WE DEPLORE THE ATTACKS ON THE WORLD  
TRADE CENTER AND THE PENTAGON

We strongly condemn this morning's plane attacks on the World Trade Center and the Pentagon and express deep sorrow for Americans that were injured and killed. We send out our condolence to all victims of this cowardly terrorist attack. There is no cause that justifies this type of an immoral and inhumane act that has affected so many innocent American lives. We support all efforts of the investigation in order to track down the people responsible for this tragic act of terrorism.

"Arab And American Muslims utterly condemn what are apparently vicious and cowardly acts of terrorism against innocent civilians. We join with all Americans in calling for the swift apprehension and punishment of the perpetrators. No Political cause could ever be assisted by such immoral acts."

HUSSEIN H. SHOUSER.

From a Technical Sergeant at our Toledo Air National Guard, who suggests new safety technologies on airplanes using Internet video surveillance:

In light of today's unfortunate events, I have formulated a logical solution to help prevent future catastrophes involving hijackings. An internet video surveillance system. The equipment to record movement and post to the internet is already available from <http://www.x10.com/>, and x10.com has been delivering affordable internet tools since 1997.

I'm sure with a few simple adjustments, and an FCC pipe to the internet a plane could be equipped with the same surveillance system as a house. The system could continually post updates to the internet where the video could be monitored for the safety of the passengers and people on the ground. This would be a deterrent for future attacks. It would give passengers some peace of mind. And it would give us the opportunity to strike back and bring a commercial plane down before it was close enough to crash into a building that thousands of people were working in.

I would be happy to help out with the development and installation of such a life-saving device.

Thank you.

JOSEPH A. POIRIER,  
Toledo Air National Guard.

From a constituent who e-mailed us:

DEAR MARCY. Some thoughts about what may be some of the gifts of this tragedy. I am grateful for the heart you have always brought to your leadership.

Please lead for us in a new way. Find the power in collaboration. Power to create

amazing solutions by bringing your differences together and relinquishing outcomes based on self-interest. Listen to each other and learn what the listening will teach. Let debate and fear-based grasping for power cease. Discover how to be powerful in coming together in dialogue and collaboration. Your singing on the steps of a sacred place of American government has far more substance and potential in it than patriotism stoked by attack. Lead us in learning what this tragedy can teach. Is it possible to defend us and secure the world community without adding to the fire of terror and violence? Just asking ourselves the question and hearing what comes forth might yield vital new methods to add to the old. This is a time when we can see who we are. Help us reflect the best of ourselves back to each other. The American people are responding to each other with such generosity and full hearts. A new world order may be able to emerge as we look at what generates order in the middle of chaos. We are watching it as we look at our television sets today.

You are in my thoughts and prayers.

NANCY HARSHMAN.

The outpouring of good will over evil is evident in every act, every letter, every call, every encounter. America will surmount this new test of her will and her freedom.

God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), who has waited for hours to get to the floor to speak, a Member of the Committee on Energy and Commerce.

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this resolution. Yesterday's treacherous acts of demented minds led to families shattered, dreams crushed, lives lost, unwritten futures tragically ended. Immediately though came America's reaction. Rescuers charged into doomed buildings, police braved falling debris to aid the wounded. Evil attacked yesterday; America withstood the assault.

Those shocking images of smoke and dust came down to this: a father gone; a wife, a sister, gone. As sure as the famous towers in which they worked, gone, too, the passengers and airline crews en route to California and elsewhere. Nationwide, people rushed to blood banks, eager to have their own blood flow into the veins of those wounded by an unknown enemy.

Let that enemy note that this nation of many people is often at odds, but under pressure is united. A blow against one is a blow against all. Let the enemy know, America will respond.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2½ minutes to my good friend and valued colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, generations of American school children will read and study about September 11, 2001. In their history, they will see that Americans across our land are mani-

festing the spirit of their chosen God in millions of acts of compassion and mercy. In their history, they will hear of the heroic efforts of firefighters, EMTs and EMS personnel, police officers and medical personnel. They will read this history, but, in the next few days, we will write that history.

Let that history show that we came together, we found the organizations that were responsible for the acts of terror against our people and our country yesterday, and we found any nations who participated or permitted that terror, and we acted swiftly and destroyed those organizations and destroyed the war-making capability of those nations.

Let that history show that this was the day when America said it was no longer any good in the world to play both sides of the fence when it comes to terrorism; that it was the day we said to the so-called moderate states around the world that they cannot have it both ways when it comes to terrorism. They cannot condemn terrorism with their words, but support terrorism with their prosperity, their currency and their diplomacy.

Let us join together and write a history that says to those countries who are ambiguous about their support for us, that there will be no more aid, there will be no more trade, and there will be no more arms from the American people.

Mr. Speaker, let us unify tonight, so that when our descendants read this history, they read this history in an America that is more strong, more free, and more safe than the one we are privileged and blessed to live in tonight.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. NORWOOD), a member of the Committee on Energy and Commerce.

Mr. NORWOOD. Mr. Speaker, I support this resolution to condemn these terrorists. Our hearts are broken for the loss of life. We must condemn this act. We have to treat our wounded. We pray for the mortal souls of the victims, for peace and grace of the family members, and we will mourn, and we will bury our dead.

Then what?

These attacks have likely cost more American lives than we lost at Pearl Harbor, and in a far more cowardly manner.

War has been declared on America.

Now what?

Do we capitulate and wait for the next terrorist attack? Do we wait for another attack on our freedom and American lives? Do we really think we can deter these barbaric acts or really prevent them? Is preventing 9 out of 10 terrorist attacks going to be enough, or do we fight back and make the price they pay for evil so high they will never again wish to attack America?

They have recognized that we have a justified reluctance in waging war while still having difficulty identifying specific nations or even groups of targets, or, for that matter, even determining who to name in a declaration of war.

Mr. Speaker, I urge approval of a declaration of war, granting our commander in chief his constitutional ability to prosecute a total war, not unlike maybe the 7th Congress had to deal with with President Thomas Jefferson in his fight against the terrorism of the Barbary pirates.

Mr. Speaker, we have been attacked. We are at war, and we just lost a battle. Let us move this debate to the level necessary to defend our country. I urge every Member to vote for this resolution and rapidly move to the real debate to protect America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, yesterday this nation, our citizens and really the entire civilized world witnessed what is arguably the most barbaric action against humankind on this Earth since the dawn of civilization, save maybe the Holocaust.

Mr. Speaker, I think if anyone who has been listening for the last 6 hours or so has any doubt that this Congress, speaking on behalf of our constituents, has the total and complete resolve of them, our constituents, and this Nation, to take whatever action is necessary to revenge and to stamp out terrorism where it exists anywhere in the world, they must be reassured by what they have heard.

I want to join in expressing my profound sorrow for those who lost their lives, their families, and all of the innocent people who were used as instruments of evil yesterday. I would just simply say that the resolve of this Congress and what the President said last night should send a clear and unmistakable signal all around the world that, yes, this country was changed yesterday, and, yes, the world was changed.

□ 2115

And the way it was changed, as one of the speakers before said, is that no longer will countries who harbor these terrorist organizations be able to say, we did not have anything to do with it; it was them. That will not work anymore. From now on, as far as this Member of Congress is concerned, governments are either willing to be with us in this fight, in this war against terrorism, wherever it exists in the world, or they are co-conspirators in it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT),

a distinguished member of the Committee on Appropriations.

Mr. ADERHOLT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as we think of the most important things tonight, we think of prayer and we think of the people of this Nation. Prayer is sometimes spoken of as a thing of last resort, but is actually our primary source of strength and power before, during, and after a crisis like this one. Above all, let us pray at this time for the endurance of survivors and rescue workers in New York and at the Pentagon so that those who are trapped can be rescued and returned to their loved ones. Let us pray for the President and all of those who offer him council and advice.

Mr. Speaker, we are proud beyond words of the spirit of this Nation. The Red Cross is overwhelmed with volunteers wanting to give blood. We are proud of the orderly way in which this Nation handled a day of attack and uncertainty.

We all take comfort that there are still those who will give up their time and effort to those in need; and we saw that demonstrated yesterday, and we continue to see that even now.

Earlier this year, I had an opportunity to visit Pearl Harbor and to visit the place where the U.S.S. *Arizona* was attacked on December 7, 1941. Along with the other Members of Congress who were there with me that day, we never thought that within 4 months, America would see even more loss of human life than that terrible day in 1941. My generation has actually seen very little of war. However, after yesterday, my generation knows what it is for these United States to be under direct attack.

The legislation before us tonight clearly expresses how this House feels about these attacks. Furthermore, we must use our resources to make sure that as much as humanly possible, that what happened on September 11, 2001, does not happen again.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY), my dear friend and distinguished colleague.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from California, and I salute him for his leadership on this issue, as I do my colleagues on the other side of the aisle. I rise in strong support of this resolution and I thank our congressional leaders for bringing it to the floor today.

The images that we have witnessed on television over the past 2 days defy comprehension. As we struggle to come to grips with the devastation we have seen, we must come together in support of those who have experienced this national tragedy on a personal level.

Those who have lost their loved ones have my and all of our deepest sym-

pathies. American life as we know it was tragically changed yesterday; and yet we will not find the cowardly perpetrators of this violence if we do not take the necessary steps to make sure of it.

America is not a Nation that flinches when struck, that backs down when threatened, that blinks in the face of evil. As my uncle, President Kennedy, once said, "We stand for freedom. That is our conviction for ourselves and that is our only commitment to others. No friend, no neutral, no adversary should think otherwise."

Our Nation will take every and all appropriate steps against those responsible for taking the lives of innocent Americans, and we will show America's enemies that they may damage our buildings and attack our citizens, but they cannot undermine our spirit. Our armed forces and our intelligence community will hunt down and root out this terrorism. The whole Federal Government is behind this, and we are united in our efforts. We will find these perpetrators, regardless of where they are and wherever they attempt to hide. America will not rest until we bring them to justice.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on the Budget and the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in times of such a tragedy, it is very difficult to put our thoughts into words. While our minds are busy trying to comprehend just what happened in the tragic events of yesterday, our hearts are burdened with grief. We have seen the pictures of what happened, and we are beginning to hear the heart-wrenching stories of innocent lives cut short. As President Bush said so well last night, "Our Nation saw evil."

But in the wake of this tragedy, we have also seen something else: the goodness of the American people and the strength of the American spirit. I think of the elderly man my wife saw yesterday afternoon placing small American flags carefully along the highway in front of the gas station where he worked. I think of a story I heard last night from a friend who said that she waited 4½ hours in line at a blood bank to be able to give blood. I think of the office worker I saw on television sometime yesterday on some TV show, one of the World Trade Center office workers, who got out of the building just before it collapsed. She said, as she was coming down the stairs, there were firefighters going up, firefighters who lost their lives, even as they fought to save the lives of others.

Yes, Mr. Speaker, our Nation did see evil yesterday; but we also saw some-

thing else. In the proud display of our flag throughout this land, we saw patriotism. In the outpouring of support we saw at local blood banks, we saw compassion; and in the heroic actions of those very firefighters and rescue workers, we saw courage and sacrifice. In these noble actions around this country, some big and some small, we saw our Nation's character.

Now we call on this character, both to help continue finding our fellow Americans and to track down the perpetrators of these unspeakable crimes. We must find those responsible; and when we do, they must suffer the consequences of their actions. We must always remember that though America may be attacked by terrorists, America will not be defeated. This attack may shock us, but it also unites and strengthens us.

Today, our Nation stands tall, as it will continue to stand in the days and years to come, graced by God and as a beacon for freedom and justice for the entire world.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to the gentleman from Illinois, I want to share with all of my colleagues a statement issued by our allies of the North Atlantic Treaty Organization.

"On September 12, the North Atlantic Council met in response to the appalling attacks perpetrated yesterday against the United States.

"The Council agreed that if it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the allies in Europe or North America shall be considered an attack against them all.

"The commitment to collective self-defense embodied in the Washington Treaty was first entered into in circumstances very different from those that exist now, but it remains no less valid and no less essential today, in a world subject to the scourge of international terrorism. When the Heads of State and government of NATO met in Washington in 1999, they paid tribute to the success of the Alliance in ensuring the freedom of its members during the Cold War and in making possible a Europe that was whole and free. But they also recognized the existence of a wide variety of risks to security, some of them quite unlike those that had called NATO into existence. More specifically, they condemned terrorism as a serious threat to peace and stability and reaffirmed their determination to combat it in accordance with their commitments to one another, their international commitments, and national legislation.

"Article 5 of the Washington Treaty stipulates that in the event of attacks falling within its purview, each Ally

will assist the Party that has been attacked by taking such action as it deems necessary. Accordingly, the United States' NATO allies stand ready to provide the assistance that may be required as a consequence of these acts of barbarism."

Many of our colleagues stood up and said we stand tall. We do. But we also do not stand alone. Our NATO allies are with us.

STATEMENT BY THE NORTH ATLANTIC COUNCIL

On September 12th, the North Atlantic Council met again in response to the appalling attacks perpetrated yesterday against the United States.

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Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS), my friend and colleague.

Mr. PHELPS. Mr. Speaker, I thank the gentleman for yielding me this time. I have great respect for the gentleman and his leadership on this question.

I rise in support of this resolution against these terrorist acts. No words can ably express my feelings about yesterday's cowardly, barbaric assault against our country, our innocent citizens, and our open, democratic way of life.

I experienced every emotion possible: anger, disgust, sorrow, fear, and even helplessness. But now, I am determined and anxious and stand ready to act. My thoughts and prayers are with the victims and family members of those whose lives were lost in these horrible terrorist acts.

I, like all citizens, am outraged and sickened by this unprovoked attack

and will stand with the President to find those responsible and to bring swift punishment for these reprehensible acts of violence.

Mr. Speaker, we must not let these attacks on our country weaken our resolve to maintain a free and open society that all countries can emulate. We must now show the world that our country will continue to stand strong in the face of tragedy. We must show the cowards responsible that they will not win. If we place our faith in God, pray for wisdom, and pray that God be our pilot, we will succeed and be victorious.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from West Virginia (Mrs. CAPITO), who is a member of the Committee on Transportation, as well as the Committee on Financial Services.

Mrs. CAPITO. Mr. Speaker, I rise in support of House Joint Resolution 61. Today, my heart is heavy, filled with sorrow and outrage. Today, there are children who will be unable to hug their parents again, and there are parents who will never hear the voice of their children exclaim, Hi, Mom; Hi, Dad. So today, I join with my fellow West Virginians and my colleagues to offer our tears, our support, and our prayers.

The events of yesterday bring our perspective into sharp focus, reshaping and strengthening our notions of freedom, democracy, and peace. An attack that claimed the lives of our loved ones and attempts to destroy our national resolve hurts America.

□ 2130

But make no mistake, we will rise to fight this horrible offense. The heart and the soul of the American people cannot be destroyed by cowardly, faceless acts. Never, never will we be defeated. The United States has been violated as a Nation, but we are united. We will pick ourselves up and face the challenges of the coming days, weeks, and months.

West Virginians and others around the country are outraged and sickened by yesterday's attack, but I ask my constituents, my colleagues, and my fellow Americans not to let the outrage outweigh our compassion and cooperation. The heroic efforts of so many Americans are inspiring and heartwarming.

Now is the time for us to unite and follow our Nation's leaders with full faith. I know that the United States is the greatest country in the world, and I feel blessed to enjoy the freedoms that we share. God bless America.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my friend and colleague, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, the attacks by terrorists yesterday against

the United States shocked this Nation, but let it be known to those responsible that we will track them down and punish them. This Nation will respond and this Congress will stand united with our President to ensure those responsible are held accountable for their actions. Any nation that supports or harbors these terrorists should be retaliated against by the United States to the full extent of our military capabilities.

Mr. Speaker, today, as heroic men and women in New York and Washington continue to search for victims, we pray for the families and friends of those who have lost loved ones and those who still wait to receive word on the missing.

Yesterday, after witnessing the horrors at the World Trade Center and the Pentagon, citizens of this great Nation demonstrated their courage and their willingness to help their neighbors in need.

In my home State of New Jersey and in my district, thousands of residents came forward and contributed blood for the victims of the World Trade Center. So many of my constituents answered the call for blood that many had to wait in line for several hours before they were able to assist.

Owners of ferry boats in Atlantic Highlands, New Jersey transported displaced workers trapped on the tip of Manhattan to a safer spot in New Jersey. Emergency personnel, doctors, and nurses from New Jersey have worked around the clock to assist the courageous firefighters and police officers in New York.

The reaction to this tragedy by the American people is proof of how strong this Nation is. The government, including this Congress, continues to operate. We will likely bring up legislation tomorrow to allocate Federal aid for the rescue efforts in New York and Washington.

Mr. Speaker, terrorism does not work against the United States. It will only strengthen our will to stamp out this new evil.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), a member of the Committee on Ways and Means.

Mr. CAMP. I thank the gentleman from New Jersey for yielding time to me.

Mr. Speaker, I rise to join with my colleagues in Congress and all Americans to express support for this resolution. Today, although my heart is weighed down by the tragedies affecting our Nation, I stand in appreciation of the strength and resilience shown by Americans here and abroad.

There have been countless examples of heroism in the face of unbelievable tragedy. Hundreds of rescue workers continue to work and look for survivors. Thousands of Americans have

lined up to give blood, and all across the country, citizens are offering sincere prayers. Their faith in America proves that this country will prevail in the face of tribulation. My prayers are with the victims and their families.

This resolution further confirms and makes clear that rescue efforts and investigators are receiving and will continue to receive the full resources of the Federal Government.

The cowards who helped perpetrate this act will not get away. They and those who offer them assistance and haven will be punished. Terrorism against America will not be tolerated. This resolution clearly sends a message to those responsible that they cannot hide, and they will face the wrath and justice of the United States of America. America will remain united as we rebuild and recover in the aftermath of these heinous acts.

May this message be clear: The spirit of democracy and freedom that America embodies will survive and cannot be shaken by violence or terror. I urge all of my colleagues to support this measure to send a clear message that America will not tolerate terrorism and will punish those who commit such appalling acts.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my friend and colleague, the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today to join my colleagues to offer my prayers to families of the victims, those that have been injured or lost, those who seek bravely to find life among the rubble.

I join with my colleagues in strong support of this resolution. All four flights yesterday were bound for my home State of California. Many families in our very area are still waiting for family members and loved ones who will never return.

In their memory, I am proud to stand today with all of my colleagues to inform the enemies of the United States that they may have shaken the foundations of our buildings, but they will never, they will never shake the foundation of our democracy. The unwavering strength of our democracy can be found in our people and in our beliefs and in the enduring ideal of our Republic that states "All men are created equal."

Mr. Speaker, many have likened yesterday's attacks to the surprise attack made upon Pearl Harbor in 1941. When I saw the many acts of bravery and compassion in the streets of New York and at the Pentagon, I firmly believe that we as Americans have lived up to the lineage of valor from that fateful day.

I firmly believe that we will find those responsible, and that the fullest measure of our justice will be meted out. There is one legacy I pray that we

do not embrace: the abandonment of our most cherished ideals when blinded by rage.

Former Secretary of State Warren Christopher said it best last night: "We must learn from the past to make sure that we do not repeat the injustices visited upon one ethnic group in 1941."

I pray we bring those responsible to justice, and that we do so justly, in a manner unclouded by hatred or racial prejudice. That is the foundation of our democracy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS), the chairman of the Subcommittee on National Security, Veterans' Affairs and International Relations of the Committee on Government Reform and Oversight.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Yesterday's events forced us to confront as never before the barbarism and cowardice of terrorism. We grieve for the victims, our fellow Americans, and we pray for their peace. May we seek our peace with this painful horror by offering solace and comfort to their families, friends, colleagues, and all those affected by this tragedy.

Acts of war have been committed against innocent men, women, and children going about the daily business and routines that are American life. Lives have been lost. Life in America will never be the same. Yet, while we react and respond to the attack, we must not succumb to the terror. It is the weapon of an uncivilized, spiritually bankrupt enemy who dares not confront us openly.

In the face of utter irrationality, rational people feel defenseless, but we are not defenseless. The very freedom that made us vulnerable yesterday remains our impenetrable bulwark against the massacre of innocents that is terrorism. It is our freedom they target, our freedom they envy.

We are not a Nation defined by tall buildings, a strong dollar, or a powerful military; we are a Nation of free people who will not surrender. After consoling the survivors and healing the wounded, our task as a free people is to support the many men and women trying to prosecute the war against terrorism.

All those sworn to protect our national security and our public safety, from the President to the paramedic, need our support and our prayers. We are free to mourn, we are free to rebuild. Our freedom is our strength, and we will endure. Terrorists are slaves to their hate. They will be caught. They will be punished.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my friend and colleague, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I support this resolution. Our American family has faced an assault on its way of life. Our freedom has come under attack. We are still coming to terms with the vision of our own brothers and sisters, our sons and daughters, our mothers and fathers, being victimized by despicable acts perpetrated by the evil and the cowardly.

What happened yesterday was an unspeakable act of war on the very foundation of what makes us American. It was a craven assault on thousands of innocent people who are enjoying the freedom we hold so dear and the perpetrators so despise. It was a day of incomprehensible terror and grief, conceived and carried out by the very worst of mankind.

Indeed, our American family has witnessed evil at times throughout its history. From the world wars to the Holocaust to the ethnic cleansing in Bosnia, we have always responded with action that exemplifies the very best of what we stand for.

And it continues. Yesterday, with the daring of our rescue workers, with the complete compassion of strangers standing in lines 800 deep to give their own blood, the government wholly unified as one voice behind a Commander in Chief. We have shown the world that it is impossible to break our will in America. Our country will move on, our mission still intact. We will march forward with all conviction to fight for freedom.

Mr. Speaker, make no mistake, make no mistake about how resolved we are. We are resolute in our stance that those hateful warmongers who perpetrated these atrocities will be hunted as predators, the very predators that they are. They will be punished in a way that is unmistakable in the defense of our country and all we hold dear.

Justice, I say to the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS), must prevail, even though the heavens may crumble.

God bless America. God bless our families.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LEACH), a senior member of the Committee on International Relations and former chairman of the Committee on Banking and Financial Services, and now on the Committee on Financial Services.

Mr. LEACH. Mr. Speaker, there is nothing more difficult than to provide perspective to events of this week, but it would be self-evident that two of the profoundest lessons are that all societies, particularly democracies, are vulnerable to terrorism and that there is a growing breach between elements of the Islamic world and Judeo-Christian values.

In this context, it is imperative that those responsible for heinous acts be held accountable at the bar of justice. Likewise, it is critical that any response be fair as well as firm so that an action-reaction cycle is not precipitated.

Force is justified against terrorists and their harborers, not Islam or innocents. I stress this point because from an American perspective, terrorism is the enemy. We respect Islam and Islamic nations. The only brief we hold is against parties that manipulate hatred and employ tactics of terror.

Civilized values, whether of the East or of the West, are rooted in just behavior and fundamentals of faith. Accordingly, at this traumatic juncture, the U.S. has an obligation to emphasize our identity with those individuals of faith who derive their values from the Koran, as well as the Old and New Testament.

The barbarous acts precipitated in New York and Washington are more crimes against civilization and humanity than attacks on the United States as a Nation. Hence, as we seek accountability, we look for the support of faithful people and justice seekers of all societies in a war to eliminate the cowardice of terrorism.

The despicable acts of this past week do not put American security particularly at risk; it is civilization and civilized values which demand protection.

□ 2145

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise with my colleagues in support of the resolution.

Yesterday freedom's bell rang for thousands of civilian and military personnel as it has for over 200 years.

Mr. Speaker, on December 8, 1941, President Roosevelt and his message to Congress declared, "Yesterday, a date which will live in infamy, the United States of America was suddenly and deliberately attacked." Likewise, we today declared that the date of September 11, 2001, will also live in infamy.

Yesterday's attack is in the order of magnitude beyond anything we have ever experienced in the history of the United States. As many as five to ten times more lives lost than at Pearl Harbor, lives of Americans from all walks of life.

At this tragic time, America must speak with one voice and support the President in his efforts to hold all of those responsible accountable for their actions.

Our thoughts and prayers go out to the families who lost loved ones in this great tragedy.

Our Nation extends its greatest appreciation to rescue personnel who responded to this tragedy, especially those who risked or gave their lives in

an effort to help others and those who will continue the grim work in the days and weeks to come.

May God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, there are no words to describe the anguish we and all Americans feel on this day. Our innocence has been stolen as we discover our vulnerability to the acts of zealous madmen.

President Bush reassured Americans last night that, while those who detest freedom may destroy brick and mortar and even take the lives of innocents, they can not destroy the American spirit. We can take comfort and confidence in our national resolve and depend on it to help us overcome this temporary setback.

Clearly, we must gather the American spirit and rally around our Commander-in-Chief. We must support his efforts to make crystal clear the fact that the American people are united and resolute; that we will take a stand against attacks on our sovereignty; and that we will atone this grievous act.

I am sure the entire membership of this body joins me in supporting the President in the crisis and in praying to God for guidance.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. SHADEGG), a member of the Committee on Energy and Commerce.

Mr. SHADEGG. Mr. Speaker, on December 7, 1941, America was forthrightly challenged by a foe. A foe that came in marked planes and attacked military targets. They stood forward to defend themselves and their possessions. That was the Pearl Harbor attack.

Yesterday, America sustained a cowardly attack. Our foes came in unmarked planes and they sought, not military targets, but civilian ones. Mr. Speaker, they have made a grave error. They have underestimated the resolve of this Nation. Make no mistake, we will hunt them down and they will pay.

Last night, my daughter and several of her college colleagues went to a blood donation center and stood in line for over 4½ hours to give blood. She and millions of other Americans stand forthrightly today to help fight for a cause they believe in and a Nation they hold dear.

Not until 3 hours ago did the full import of what has happened sink in to me. For 3 hours ago, I and 24 of my colleagues on the Republican Study Committee, Members of Congress, went to the Pentagon. We stood literally 50 feet from where the gaping hole exists in the side of that building. We spoke with the FBI, and we spoke with the first response teams that were there. We thanked them for what they had done.

Mr. Speaker, I would like to yield to two of my colleagues who joined us for

their reflections on that site and on these events.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank my colleague for yielding.

The gentleman is absolutely right. The trip we took down to the Pentagon late this afternoon put the horrors of yesterday into context. We were taking a look at the side of the Pentagon, the part that was virtually destroyed, and recognizing that we were still only seeing a partial picture of the devastation that had happened with the crash. We were able to thank the individuals who, for the last 36 hours, have been on-site in a search and recovery mode, trying to do everything they can to identify and find the survivors and answer the questions. On behalf of a grateful America, we were able to express our appreciation to those workers in person and also to the people working in New York.

Also, our thanks go out to the grateful people who entered into prayer last night for the victims, the families and for the workers that have done such heroic things.

Mr. Speaker, all across America last night, people came together in prayer. They prayed for the victims of yesterday's tragedies and they prayed for the loved ones of those who lost their lives.

As a country, we prayed for understanding, and we prayed that our children would never again have to witness such senseless violence.

As we attempt to come to grips with the scope of what happened yesterday, I am reminded of our great nation's motto: "In God We Trust."

Today, as a nation, we need to reaffirm our belief in this motto, because now, more than ever, we as a nation need to put our trust in God.

My heart goes out to the victims and families and friends of those killed and injured in yesterday's attacks. We need to keep them at the forefront of our thoughts and prayers. We also need to keep in our prayers the thousands of firefighters, police, rescue personnel, doctors and others who are tirelessly working to rescue the victims of these barbaric attacks.

To those who would dare threaten the United States, or the freedom that she represents, I can tell you that the resolve of our great people and this great nation remain strong. Through our faith in God, we will not easily be bowed.

May this be a season of prayer, as we attempt to understand the tragic events of yesterday, and as we contemplate our national response.

Mr. SHADEGG. Mr. Speaker, I would simply say it was impossible to stand there and not be stricken with grief and embroiled in rage.

The survivors of this tragedy, the victims and their families, deserve our thoughts and our prayers. It was brought home when we went to the site.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, it is hard for us, as we have been in one of centers of the firestorm, to react emotionally as we have tried to deal with this issue with our staff.

We can see the pictures like other Americans. But last night, when I went home to my apartment and actually could look out the window and see the smoke from the Pentagon across the interstate and smell the smoke in my apartment, it became a little more real.

Until the Republican Study Committee organized this first group of Members to go over this afternoon and we were standing there at the site, we thought that it is just a small measure of what they must feel in New York. The ability to thank our workers who are strained, who are stressed, who are now going in trying to find the bodies, the dads and the moms and the brothers and the sisters of Americans who have been brutally assassinated by terrorists and to talk about how in their offices now they have the names and how they are targeting where they are going to go in and try to find them.

The building is still burning in some parts as they try to find the black box. The men were trying to figure out whether the structure was safe for them to go in. Yet, if they do not go in soon, they cannot get the black box out and this holds valuable information. So time is of the essence.

We wanted to personally thank, in our small way, those Americans so dedicated and make it clear to anybody around the world that this is a Nation of love but also a Nation that is angry.

This is a Nation that is very passionate and cares but also wants some answers and some results. Our heart goes out to them; and I thank the gentleman from Arizona (Mr. SHADEGG), the leader of the Republican Study Committee, for organizing this because it was an experience that many of us will never forget.

Mr. SHADEGG. Mr. Speaker, as we stood outside of the building, witnessing the devastation, listening to the descriptions, the fact is that from the outside we can only see a part of what is going on. There is vastly more destruction inside the building as it is spread out and there are dead bodies there.

I was struck by the comment of one worker. He had been there when the plane went in the building. He had seen the building moments after its first impact.

He said to me his most difficult moment was not then and not when he was told perhaps there is a second plane en route and their lives were in danger. His toughest moment was when he went home last night and his 5-year old asked him who would do this and why would they perpetrate such an act, why would they bring down an airline, why would they seek to kill so many people.

It is incomprehensible when you see the death, when you see the devastation, and when you understand it. But make no mistake, our opponents need to look no further than the roof of this building. The American flag, the symbol of freedom, Old Glory was there yesterday. It is there today. It will be there tomorrow. We will not surrender until we have found them and we have exacted retribution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN), my friend and distinguished colleague.

Mr. MORAN of Virginia. Mr. Speaker, we cannot yet grasp the impact of Tuesday's events on the future of American life. In Northern Virginia, our fear and anxiety are almost overwhelming. All of us know someone who works at the Pentagon. They are friends and neighbors. They are active in our schools and churches. In short, they are good people who have devoted their lives to the defense of freedom. Our thoughts and prayers are with the entire family of Pentagon employees. They have demonstrated once again the particular dangers to which our military and Federal civil servants are often subjected.

While thousands of innocent lives have been lost, this much is certain. The perpetrators of this horrible attack must not succeed in weakening the United States or its core values. We must not retreat from our legitimate role as the leader of the free world.

Where American interests are at stake or where the cause of freedom and democracy can be appropriately advanced, American foreign policy must be one of active engagement. American leadership in promoting peace and democracy will put the Nation at odds with terrorists and others bent on evil.

Tuesday's events, as horrible and as tragic as they are, do not mark the first time America has been targeted because its most basic values are correct. Fear of terrorists must not deter us from carrying on our policies just as we have for more than 200 years.

America must also stand firm, though, in its commitment to civil liberties for all of our people. In the coming months and years, all of us will have to make accommodations to heightened security at our airports, Federal buildings, and other large landmarks. We can and must make those accommodations and in a manner that is wholly consistent with the U.S. Constitution.

We will have to devote more of our national resources toward intelligence gathering and counterterrorism.

We must resist the dark temptation toward human prejudice as the investigation of these attacks unfolds. In the wake of the Japanese attack on Pearl Harbor, Japanese-Americans

were terribly mistreated by our government and many of our countrymen. I do not know where the current investigation will lead, but I do know that no religious or ethnic group that comprises our diverse society must be made to suffer solely because of their religion or ethnicity.

We will go after these terrorists, and we do so in concert with our allies around the world. Democrats and Republicans alike, we are all Americans in a common enterprise. We will not let this happen again.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I stand today in strong support of the resolution.

I just returned a couple of hours ago from a tour of the Pentagon. Two things struck me. First, we owe a huge debt of gratitude to the response teams there who have risked their lives to save the lives of others.

Second, I would suggest that anyone who has a hard time with the President's phrase that this is an act of war ought to visit that site. It is impossible to do so without coming away struggling for even stronger words to describe that act and that tragedy. This was an act of war, and we need to respond accordingly.

Mr. Speaker, we live in a free society; and because we do, there are some things that we will never do, some risk that we are always willing to accept in order to live in a free society. But at the same time there are things that we need to do.

The first thing we need to do is to respond to this act of terror.

I was heartened by the President's statement last night that he draws no distinction between those who committed these acts and those who harbor terrorism, those who assist terrorism. We should draw no distinction either, and I would urge this Congress to stand behind the President in this regard.

Seeing Americans all over the country pick themselves up and stand up and move ahead on this day makes me proud once again to be an American.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GREEN), my friend and valued colleague.

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from California for yielding me time.

I rise today, like a lot of my colleagues, with a heavy heart for anyone who has suffered from yesterday's tragic and cowardly attack. Yesterday was one of America's darkest hours. Our thoughts and our prayers are with the families of the victims and those who were injured or killed yesterday and with all Americans.

America is coming together and focusing on bringing the full weight of our Nation into recovery effort. We

will find our missing, bury our dead, heal our wounded and rebuild. The light of freedom has not been extinguished.

As the book of Isaiah says, "Your sun will never set again, and your moon will wane no more; the Lord will be your everlasting light, and your days of sorrow will end."

Mr. Speaker, that brings me to the other thoughts I have been having since this tragedy unfolded. From this day forward, the word needs to go out from this country that no matter what dark place the enemies of America wish to hide in, our law enforcement and military will find them.

I strongly support President Bush and his position that countries providing safe havens to known terrorists be treated no differently than the terrorists themselves. We have the ability to deliver destruction of biblical proportions. Those who carry out these horrible acts need to be punished, either through our court system or through the reach of our military.

To the people of America, I ask you to continue to keep the victims of this attack in your prayers and pray for the safety of those engaged in our rescue efforts.

This cowardly attack was condemned throughout the world but was cheered in the streets of Iraq, East Jerusalem, and the West Bank. It is truly a sick society that teaches its children such hate. For them to cheer at this terrible loss of innocent life is something I will make a point of remembering.

The new war against terrorism began yesterday, but the healing begins today. Our enemies hoped yesterday to weaken America, to hurt it, but they failed. America will come out of this horrible event stronger, more united, and more powerful than ever.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Northern Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in favor of this resolution.

The event of yesterday, of course, will leave a lasting impact in our community in Northern Virginia.

□ 2200

Our friends, our neighbors, have all been affected, as I think has the whole country. But yesterday's act was an act of war, but the enemy was not necessarily a particular country or a nation, but a network of terrorists harbored and enabled in some cases by other nations who are lurking in the shadows, afraid of identifying themselves, even in some cases denying their deeds while praising these acts.

The perpetrators of these vicious acts and their abettors are not wholly identified as yet, but their act of war was not only against the United States, but against all freedom-loving people

throughout the globe. Any failure on our part to act decisively against these mass murderers will only encourage more such acts against other peoples and other nations.

Our country has put aside the partisan squabbling, and we stand united behind our President to give him the resources he needs to seek out and punish those responsible for these cowardly acts.

We thank our allies and other leaders across the world for their expressions of support and sympathy; and working together, we can rid this planet of the terrorist menace that knows no boundaries, obeys no rules, respects no life.

Mr. Speaker, this resolution is only a start, but it demonstrates our determination as a Nation to stand shoulder to shoulder united as one people, to bring justice to these attackers and normalization to our lives.

My deepest sympathy to the families of these victims and those awaiting word on loved ones who cannot be accounted for. My appreciation to the rescue workers, the police, firefighters and medical personnel and volunteers who have risked their lives to help their brothers and sisters. These Americans and countless volunteers have again demonstrated the American spirit at this time of crisis.

To those military and Federal employees who were targets of the suicide bombers, they once again, as in Oklahoma City, have paid the supreme price for anger directed at our political system. They are heroes who will forever be remembered for the sacrifice they made for freedom. History will never forget their heroic sacrifice.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. McGOVERN), my distinguished colleague.

Mr. McGOVERN. Mr. Speaker, I rise in strong support of this resolution; but tonight I would like to take a moment to tell my colleagues about three of the lives so cruelly ended yesterday by nameless cowards.

Tara Shea Creamer lived in my hometown of Worcester, Massachusetts. She was just 30 years old when she departed Boston on American Airlines Flight 11 which crashed into the World Trade Center. Ms. Creamer and her husband, John, were married in 1994 and have two children, Colin, age 4, and Nora who is just 15 months old. She also had three sisters and two brothers, and her husband teaches in the Worcester Public Schools.

Ms. Creamer was one of seven employees of the TJX Company headquartered in Framingham, Massachusetts, flying to Los Angeles on a 3-day business trip.

Lynn Goodchild, was 25 years old and lived in Attleboro, Massachusetts which is in the central part of my district. She was one of the 65 people on board United Airlines Flight 175 from

Boston to Los Angeles on her way to vacation in Hawaii when the plane was hijacked. Ms. Goodchild was the daughter of William and Ellen Goodchild of Attleboro. She had a brother, Neil. Lynn graduated from Attleboro High School, went on to graduate from Bentley College in Waltham, Massachusetts, and worked at Putnam Investments in Boston.

Dianne Snyder, 42, was a flight attendant from Westport, Massachusetts. She is a mother of two children, ages 11 and 14. She and her husband, John, moved to Massachusetts from Connecticut just a few years ago. Dianne worked for American Airlines and was on the job on Flight 11. As John Snyder said, "I know there are so many families that are affected by this in so much pain right now." His words are tragically true.

While respecting the privacy and personal grief of Lynn Goodchild, Tara Shea Creamer and Dianne Snyder's families, friends and colleagues, I believe it is important that my own colleagues and the American people know something about the Americans murdered yesterday by terrorists. Three women are now lost to all of us. Their talents, hopes and dreams lost forever.

Mr. Speaker, I ask all my colleagues to hold Tara Shea Creamer, Lynn Goodchild, Dianne Snyder and their families, along with all of the victims of this tragedy, in their thoughts and prayers.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I rise as so many do here this evening to speak about the atrocities that have happened with a very heavy heart. In my district there are men and women who went to work yesterday morning to work at the World Trade Center, and they never returned home. Their children have no mother or father, and their families will forever be touched. I ask why. Why does something like this happen? Was that a military installation that was targeted for attack? The answer is, no. It was a building where men and women shopped and worked, and children from schools would go to ride the elevator to the top floor to look out over the horizon of the New York City skyline to New Jersey and out to Long Island.

I ask myself did those people do something wrong. The answer is no, they did nothing wrong. Why? The answer is there is no answer to a question like that. When people are born and bred to be evil as those who have perpetrated this crime against society have been, there is only one answer, and that answer is to eradicate that evil from our society so that freedom-loving people, people who wish to live with the liberties that we enjoy in this country, the same kinds of liberties that have brought many people

through our gates and through the outstretched arms of the Statute of Liberty, to find a new home and to find a life in this country because we allow those types of liberties to our people who live here.

Mr. Speaker, yesterday is not going to take that away. There was an attempt to rock the seat of government of this country, to take out our leaders and destroy our economics. All of those have failed. The only thing that has succeeded was the pain, the suffering, and the needless death of so many innocent people, the number of which is staggering, and may be as high as 20,000 to 30,000 people will be found to be the victims of that terrible ordeal.

Our hearts go out to the families, and the Federal Government is marshaling its resources to help in the recovery and to help in trying to find those who may still be alive in that twisted rubble and that wreck of a building that was a landmark of this great Nation.

When that is completed, and as we continue to discuss this today, we will find those who are responsible and bring them to the swift justice that they deserve. No place can they hide on this planet; nowhere can they find refuge from what they did yesterday.

Mr. Speaker, I wholeheartedly support this resolution. The prayers of this house, the prayers of the world are with those families who have been touched in Washington and New York, and the families who are the victims of those plane crashes. God bless America and God bless those who are in pain and suffering tonight.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I rise in support of the resolution before us.

Today, Americans the Nation over went to work with a unity and sense of purpose borne of the unspeakable tragedy we suffered as a country yesterday. We are all filled with a deep sense of loss for the thousands of innocent victims, their families and friends. We are all as Americans in awe of the heroism we have seen by our police and our firefighters, as well as that from ordinary Americans who have risked or even given their lives in courageous efforts to help others.

Mr. Speaker, as Americans we all want to pitch in and help in the immediate recovery effort; and the long, slow lines of the Nation's blood banks will bear witness.

As Americans, we also know that we are in a war today. We are at war with terrorists who seek to rob us of our way of life, just as they robbed us of our countrymen in their cowardly attacks of yesterday. They will not win their war against the people of the United States.

Our freedoms, liberties and collective strength of united American people represent a far more mighty force than

these murderers could ever have imagined. We are applying that strength today in an urgent, focused effort to identify those responsible. And when we know who conceived and executed these terrible acts, we will render a fearsome punishment in response, not solely to account for the lives taken and the losses inflicted against us, but in defense of freedom for us and people around the world.

Despite the devastation and horrific loss of life wrought by yesterday's attacks, the terrorists failed to achieve their objective. They have not even made a dent in the very source of American greatness: a strong, united people living freely in the greatest democracy the world has ever known.

In honor and loving memory to all who died and their families, we will not rest until this war these terrorists cowardly launched yesterday is won and won completely, and our country and the world made safer as a result.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI), the chairman of the Subcommittee on Highways and Transit.

Mr. PETRI. Mr. Speaker, I rise in support of the resolution before us. Tuesday's terrorist attacks were designed to create fear and chaos, but the real effect has been to pull us together. Through a systematic act of war, the terrorists have awakened a sleeping giant, and as a result they will discover how effective we can be now that we are sufficiently united and motivated.

Mr. Speaker, our friends in the British Parliament and German Bundestag have made it clear to me that they regard yesterday's attack as an attack against civilization, not just against the United States; and I believe that attitude is shared by most people around the world, and that most of the world's governments will cooperate with us in a spirit of resolute solidarity as we develop a strong, intelligent response.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, for everything there is a season and a time for every activity under heaven; a time to be born and a time to die; a time to kill and a time to heal; a time to weep and a time to laugh; a time to mourn and a time to dance; a time to embrace and a time to refrain; a time to be silent and a time to speak; a time to love and a time to hate; a time for war and a time for peace.

After the atrocities of yesterday, we, the American people, asked the question: What time is it? This is a time for prayer. This is a time to mourn the loss of life. This is a time to weep because crying eases the pain. This is a

time to appreciate and honor those countless, nameless men and women, firefighters, rescue workers, volunteers and others who have risked and lost their lives trying to help their fellow Americans.

This is time to embrace one another and to express our feelings of love. This is a time to mend broken hearts of the people of our Nation who have experienced the loss of a family member. This is a time to speak of the strength of our Nation and to let the world know that we resolve that to never allow any terrorists to think for one moment that they can, by their conduct, permanently disrupt our democracy.

This is a time to ferret out the persons who have committed these acts of terrorism and to hold them accountable. In time we will emerge from this stronger, wiser and more compassionate. In time we will find our way. In time we will again laugh, share good times, and take pleasure in our family, friends and favorite pursuits.

Mr. Speaker, in times like this, I call upon my faith and say, "Weeping may endure for the night, but joy cometh in the morning."

□ 2215

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, yesterday, in addition to losing thousands and thousands of our fellow citizens, loved ones, parents, moms, brothers and sisters, we were attacked at three symbolic buildings, a financial center, a military center, and the government center, buildings which Americans recognize, visit and study. The financial center, the World Trade Building, where wheelings and dealings that affect the entire globe take place, indeed the actions themselves, breaking the skyline of New York City, the economic beacon of the West. The Pentagon, where our strategists, our generals, get together, the wizards of what is best for national security. And Washington, D.C., the very center of the free government and representative democracy.

We were stunned in disbelief, confused in grasping the scope of the hatred behind such an act, and yesterday was a very low and sad day for the United States of America. But it was also a defining moment, because Americans, which are so often divided in philosophy and geography, by region, by politics, by race and by economics, we are now one. We are united in our patriotism, our resolve and our commitment.

This United States Congress will get behind the proper government agencies, the FBI, the CIA, the military,

the Attorney General, we will give them the resources they need to identify and plan a strategy to retaliate.

And, Mr. Speaker, the citizens of the United States of America will get back on our airplanes. We will return to our workplaces. And we will resume our government in this great and free country, and this land of freedom will reign on and the bell will be heard all over the world.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. BROWN) a valued member of the Committee on International Relations.

Mr. BROWN of Ohio. Mr. Speaker, I rise to honor the victims and the families, especially the firefighters and the police officers who gave their lives.

Mr. Speaker, no words can properly express the emotions we all feel regarding the attacks in New York and Washington. My deepest sympathies go to the families and friends of those Americans taken from us in this brutal, senseless manner.

Thousands of military, law enforcement, and rescue personnel are currently assisting the victims and piecing together the clues that will lead to the capture and appropriate punishment of the perpetrators of these horrendous acts. At this time of crisis in our nation, I urge all Americans to exercise patience and caution and to search for ways to help fellow citizens.

I also urge my fellow Americans not to allow these unprovoked acts to diminish our shared faith in the United States or to compromise the values that make ours the freest country in the world. The celebrated resolve of the American people to overcome adversity must and will prevail. With the memory of those lost, America will persevere.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague and good friend, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, yesterday's terrorist attack was a crime against the American people and it was a crime against humanity. Calling this attack an act of war does not begin to accurately describe this barbaric attack.

Today, we stand with our President, the men and women of law enforcement, and with our Armed Forces as we dedicate our Nation to achieving swift and appropriate justice for the terrorists responsible for this act.

Today, we have been inspired by the courage of Americans risking their lives to rescue and heal their neighbors. Today, we are comforted by America's prayers for the injured and grieving. And, today, from the ashes of this horrific act, we as Americans reaffirm our highest beliefs in freedom, democracy and justice.

On behalf of the people of Minnesota's Fourth District, our hearts and prayers are with the victims of this terrible crime.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gen-

tleman from Florida (Mr. PUTNAM), a member of the Committee on Agriculture and the Committee on the Budget.

Mr. PUTNAM. Mr. Speaker, America changed forever yesterday. Our innocence lost, we have had the horrors of faraway capitals delivered to our own. Our freedom at stake, we have resolved to fight back at all forms of terror and tyranny. We have seen Americans rally behind the blood drives to aid the wounded, shopkeepers who opened up their wares to weary, shell-shocked fellow citizens, refused payment and bid only "God bless you."

I was with the President yesterday in Florida when the initial attack occurred, and aboard Air Force One throughout much of the day as the breadth of the horror unfolded. The President was calm, deliberate, and thoughtful as he received wave after wave of bad news and analysis. He immediately reached out to his national security team and settled into his Commander in Chief responsibilities. He rightly made the decision to go to a secure location to manage the crisis as it developed. I am sure all Americans are grateful, as I am, that the threats against the White House and Air Force One were not carried out.

Mr. Speaker, the fabric of American life was frayed but not torn yesterday. It was soiled with the blood of innocent American civilians. But our American way will not be diminished, and America will not be tarnished by these agents of evil. May America endure and prosper forever.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my valued colleague, the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, I rise to add my voice to the outrage I am sure every American feels today. My condolences and those of my fellow Kentuckians go out to the families who have lost loved ones as a result of yesterday's tragic events. The victims of these cowardly attacks were innocent Americans of every color and creed. Heartbreak is the only word that can adequately describe what I felt as I witnessed one of the most despicable crimes in our history.

Franklin Delano Roosevelt described December 7, 1941, as a date which will live in infamy. He described that day's attack upon Pearl Harbor as an unprovoked and dastardly attack. I say to my colleagues here in Congress, and my fellow Americans watching us here tonight, that the evil which fueled the murder yesterday of thousands of peace-loving Americans rivals that evil which plunged our Nation into World War II some 60 years ago. And make no mistake, Mr. Speaker, yesterday's attack was nothing less than an act of war.

The terrorist forces against us would see us brought to our knees and see us

shaking in terror. They would have us back away from the freedoms we hold dear. But they must be made to understand that those freedoms are the result of 200 years of struggle. Nothing within the terrorists' power can daunt this great democracy and its resolve.

It was John F. Kennedy who said, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty. This much we pledge and more." The circumstances have changed since President Kennedy said these words. The sentiment has not. God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MILLER), a member of the Committee on Appropriations.

Mr. MILLER of Florida. Mr. Speaker, I join my colleagues and millions of Americans in their shock, sorrow and outrage at yesterday's horrific attack. I join with them, too, in the resolution to stand united against terror and against cowards that would attack innocent men, women and children, and against the fear that would overthrow our liberty. We will recover. We will rebuild. And we will continue to stand proudly, a shining city on a hill, a target to many, but a beacon of hope to so many more.

To the thousands of victims of yesterday's attack, and their family and friends, we offer nothing less than the full support of the most powerful nation on earth. All of us share in this tragedy, and my heart and prayers go out to the friends and family of the victims, including the two employees of the Census Bureau's New York Regional Office. Words cannot soothe the pain of this loss, but I pray that it is some consolation, to those who grieve, that a nation grieves with you.

Already, the armies of compassion are mobilized. Amid yesterday's terrible destruction was also great heroism. Police, firemen, and rescue workers put themselves in grave danger in order to save the lives of others. Volunteers worked through the night. People lined up around the block and around the country to give blood. Yesterday was a call to action and America answered.

No one answered more readily than our Commander in Chief. President Bush's day began yesterday with a visit to Booker Elementary School in my congressional district in Sarasota, Florida. The gentleman from Florida (Mr. PUTNAM) and I were there to welcome him to the school when we learned of the attack. We joined him aboard Air Force One to return to Washington. En route to Andrews Air Force Base, we received a credible security threat to the President and Air Force One. Because of this threat, we were diverted to Barksdale Air Force Base in Louisiana. During the flight,

we met with President Bush and he updated us on this tragedy. My respect for him has only increased as a result of the experience. I witnessed a President fully informed, engaged, and resolute in easing the pain of the victims' families and our Nation, as well as finding and punishing those responsible.

To those who committed this act of war and those who would stand with them or hide them or assist them in any way, I offer only scorn, defiance, and resolution.

Scorn, that small men with evil intent would think for a moment that a cowardly attack against innocent men, women and children would ever constitute any kind of victory.

Defiance, that we will not allow fear to compromise our liberty or our way of life.

And resolution, that those responsible will be found and brought to justice, along with any who would follow their example.

These people sought to visit terror upon our country but it is they who will live in fear, their nights spent in terror and their days spent in hiding, until justice is served.

Mr. Speaker, I join our President and our country in sorrow and resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend and colleague, the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Let me thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, it was 187 years ago this very evening that in Baltimore, Maryland, at Fort McHenry, this Nation, this young Nation, won its second war of independence. It was the beginning of the end of the War of 1812. Francis Scott Key on this very evening 187 years ago wrote his inspirational poem that became our National Anthem.

In that third verse, he wrote some words that are helpful for us this evening:

From the terror of flight or the gloom of the grave.

And the Star-Spangled Banner in triumph doth wave.

We survived the attack by a hostile power and became the strongest Nation in the world, and we will survive this attack on our democratic principles, and we will grow even stronger.

Marylanders have once again shown their patriotism. Mr. Speaker, the calls to our office from doctors, from firefighters, from ordinary citizens offering their help has been heartwarming.

Let me just conclude by the words that were included on a page of one of our major papers in the editorial section, where it wrote: Lady Liberty still stands tall, shrouded in smoke, covered in dust and blood. She is crying, she is afraid, she is angry, but she will not yield.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Readiness.

Mr. WELDON of Pennsylvania. Mr. Speaker, I think first tonight about the quiet efforts of thousands of ordinary people yesterday who were called upon to do extraordinary things: the firefighters and EMS personnel who climbed up the stairs of the World Trade Center towers while thousands of their fellow citizens were going down. Why did they do that, knowing full well that they would likely perish? Because they could save people, strangers who were trapped inside. How many did they save we will never know. Those brave heroes are no longer here to tell us their stories. They perished, sadly, when the towers collapsed. Who will tell their story now? We have only the testimony of those they helped, those who did not make it out, and, of course, we have the thanks and prayers of a grateful Nation.

How about the workers at our airports who were called upon to land hundreds of planes all across America at airports large and small? They landed them all safely. That is a story that did not make the news. And the people in the World Trade Center and the Pentagon, just folks who work a job day by day, just like the rest of us. They got up, went to work, kissed their spouse and their kids, and never came home. And of the passengers and crews of the four hijacked planes, innocent people just trying to get from place to place on a busy day. They were going to business meetings, family outings or vacations.

And so we ask as we take stock of our loss, what cowards could perpetrate such acts? Who would kill innocent people on such a massive scale? Dozens of our colleagues have said it correctly. We are at war. So let us today prepare for a war. A Declaration of War has been drafted. I will circulate it tomorrow for my colleagues to co-sponsor. We have a unique responsibility here in this House, for the Constitution, Article 1, section 8, gives the Congress, and the Congress alone, the power to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the Armed Forces. That is our job, my colleagues, our job alone.

□ 2230

Let us do our job, the most important function of the Federal Government, to provide for the common defense.

My friends, this war will not be won quickly, and it will not be won in a very cheap manner. It will require nothing less than a complete rethinking about what constitutes national security and intelligence.

So I ask my friends in good faith to join together to give our President the tools he needs to win the war and finish the job.

My friends, we will infiltrate and decimate the ranks of these terrorist

groups. We will seek out and destroy their base camps and training grounds. We will punish their clients and host states. And we will eliminate their leaders once and for all. This must be our goal. Nothing less will do the job.

Let us give our families the security they deserve. Let us make our streets safe again. Let us send our enemies into retreat.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, like all Americans, I was stunned, angered, and saddened by yesterday's unprecedented and unconscionable terrorist attacks in New York and here in our Nation's capital.

Today is a time for all Americans to come together and pray for our country, for all the victims of this horrific tragedy and their families, and for all those working around the clock to assist in the rescue and recovery efforts that will get our Nation moving again.

I am proud of the way that the people of New York City and Washington, D.C. and all across America have responded to these tragic events. As the details unfold, no doubt the number of casualties will be staggering, and we will have many questions to answer.

Our country is in a state of shock, but we are resolved to not let these groups alter our Nation's livelihood. We will overcome this tragedy, and we will become a stronger Nation because of it.

Mr. Speaker, yesterday's attacks were a threat, not only to our people, to our children, to our grandchildren, but to our freedom, and, indeed, the American way of life. Simply put, they were acts of cowardice that will not be tolerated.

Our response should be swift and strong, one that will send a message, loud and clear, to terrorists around the world: we will not allow this to become the kind of country where our children and grandchildren will always fear, a fear of terrorism.

Make no mistake about it, the President, the administration and this Congress will stand united as one America in our endeavor to root out, not only the perpetrators, but also those who harbor and support such evil and inhumane acts of terror.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Speaker, this has been a long day, and somehow we knew last night that this nightmare would not go away when daybreak came this morning. This has been a long day, particularly for those families that have lost a loved one, and also for the emergency personnel, friends, and neighbors. This has been a long day for America, as we come to grips with this attack on America and the values that we hold so dearly.

I spoke earlier this afternoon with a family in my district whose son, Brad, worked on the 93rd floor of the World Trade Center. Their news was no news, no word, no good.

As we struggle with our grief and pray for those families, we are reminded that this is a country that stands for freedom and justice, and, yes, we will prevail. We stand here tonight united behind our Nation's efforts to seek swift justice. We will find all the people who orchestrated and participated in this evil web. I have no doubts. These mass murderers, wherever they are, will be identified and, yes, justice will be served.

Tonight I participated, like thousands of Americans, in a prayer vigil, and I said a prayer for Brad. I asked for a miracle to save him and so many others like him.

I say to our fellow citizens across the country, thank you. Thank you for your prayers for us, for the leaders of this country, and the so many public servants. They are appreciated, and they help right the mayhem to lift us all.

Yes, we are united. We are the United States of America.

God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, yesterday America experienced tragedy. With the collapse of the World Trade Center and the penetration of the Pentagon by hijacked aircraft, thousands of Americans lost their lives. We all mourn, and we are all resolved to take new steps to secure again the safety of our country.

We Americans stand together now. As Americans, we will insist that these American deaths be accounted for and that American lives lost will not come without an extraordinarily high cost to those who are our enemies and those who help and support our enemy.

As we move ahead through each day, there is something that we must remember and take comfort in: a great nation is defined by great peoples. We saw this greatness yesterday in the heroism of firefighters and police and volunteers who tried to save others. We saw it in the victims on planes who, while facing certain death, called ground forces with information that today are helping us put together the evidentiary pieces to identify our enemies.

We Americans, our heritage may be Irish, Chinese, German, Italian, and many more; we are Catholic, Hindu, Jewish, Muslim, Protestant, and more. It is important to remember that it is not how we look or how we dress or the religion we follow that distinguishes us as Americans. No, instead, it is our commitment to liberty, our dedication to the American beacon of liberty and the passion with which we love America.

Let us punish America's enemies, but take care never to dishonor our country by blaming other loyal Americans merely because of their religion or ethnicity.

Mr. Speaker, our country will emerge stronger after enduring these attacks. Today, our hearts and prayers go out to those who are lost and to their families; and, as a diverse and united people, we pray together that God bless the United States of America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, President Kennedy once observed that there were two moments that the children of his generation would never forget, the day Pearl Harbor was attacked and the day that Franklin Roosevelt died.

Now it can be said that the two moments that my generation will never forget are the day President Kennedy was assassinated and yesterday's murder of the innocents.

The visions from the hell that was visited upon us yesterday will remain in our memories for the rest of our lives. Among the most horrifying of those images is that of the second Boeing 767 crashing into the World Trade Center at 9:03 a.m.

When flight 175 took off from Boston with its 56 passengers and 7 flight attendants bound for Los Angeles, its pilot was my constituent, Victor Saracini. Before becoming a pilot for United, Mr. Saracini had served his Nation as a Navy pilot. As all commercial pilots, he was responsible every day for the lives and the safety of others. I am certain that this Navy man did not relinquish his helm without a fight.

Mr. Saracini leaves behind a wife, Ellen, and two children, Kirsten and Brielle.

Today, it is our duty to remember and honor and grieve for all those who were torn from their families and from this life, even as we here who were ourselves targeted for destruction struggle to find some purpose in all this madness.

But tomorrow we must dedicate ourselves to the reality that civilization

and freedom cannot exist side-by-side with deranged and vicious assassins. We owe it to our children and to the children of those whose lives were stolen yesterday to rid the world of those who thirst only for our destruction.

As I stood on the steps of the Capitol last night, I thought of another dark hour in our history and the haunting words of Abraham Lincoln, who had stood there more than 100 years before and spoken these prophetic words: "With firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him that has borne the battle; and for his widow, and his orphans; to do all which may achieve and cherish a just and lasting peace, among ourselves, and with all nations."

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, on behalf of my constituents in Southern Ohio, I want to express our condolences to all those who have suffered the tragedy of the last few hours.

Many years ago, a young missionary was murdered while working in the jungles of South Africa. Later, his parents found in his diary a message that is appropriate for us to contemplate today. The young man had written the following words: "He is no fool who gives what he cannot keep to gain what he cannot lose."

All of us are mortal. We cannot determine the length of our lives or the circumstances of our deaths. That is true of us today as it was true of those innocent Americans who worked in the World Trade Center towers, and in the Pentagon, or were passengers in the hijacked airliners yesterday morning.

As the day unfolded, they had no way of knowing the sadistic and barbaric acts which would take their lives. They were innocent victims, and we mourn their deaths.

But we also mourn the deaths of those who freely gave their lives while trying to save others. We honor the firefighters, the police officers, and the citizen volunteers who unselfishly gave what they or none of us can forever keep. They gave their lives, and, in doing so, they have gained what they cannot lose, will never lose, and that is the everlasting honor, gratitude, and devotion of the American people.

Today I feel unspeakable rage for those who killed our people. But, even more strongly, I feel the sense of pride in our country and the goodness and the decency of our countrymen.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), the distinguished chairman of our Policy Committee.

Mr. COX. Mr. Speaker, the magnitude of this tragedy is still revealing itself. The bombings are over, but the

extent of the damage, the number of people killed, is still partially obscured to us. The death toll in a single day may eclipse the entire toll from the Korean War. That this war, waged by foreign enemies of the United States, happened on American soil, makes it unique in our modern history. That it happened on our city streets, that it targeted our national symbols, makes it all the more unbelievable.

□ 2245

But it is true, it happened. We are brought face to face with the grim reality that not only do a dangerous few of our fellow human beings hate America and what she stands for, but they are willing to kill all of us and themselves in order to vindicate that hate.

These terrorist shock troops did not know the names of the people they killed, they did not know the identities of the families they have destroyed forever, and they do not care. As General Norman Schwarzkopf said so pointedly yesterday, always, even during the Gulf War, the United States has taken extraordinary measures to avoid civilian casualties in its military operations. But these terrorists intentionally target innocent men, women, and children. That, he said, is the difference between these bastards and us.

The terrorists and the states that harbor them do not hate any of us as individuals. They hate America; they hate our civilization. Now civilization must defend itself. We cannot bring back the wonderful people who perished yesterday, but we can honor their memory.

The Statue of Freedom atop this capitol stands as a beacon. It was placed there when our Nation was torn apart by the Civil War. That war shook the foundations of this building, but it did not undermine the foundations of our country.

Let us honor the dead, the wounded, and the tens of thousands of the heroes who are bringing New York and Washington back to life. Let us defeat those who have declared war on America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise this evening to join my colleagues in support of this important resolution condemning the vicious, unprovoked, and tragic attack against our country and our citizens.

Yesterday is a day that we will never forget, a day which began like any other, but one in which our lives were changed forever as we saw and heard about the damage and destruction of our Nation's symbols of freedom and strength and the so very many lives that are being lost. My heart, sympathy, and prayers, and those of all of

the people of the U.S. Virgin Islands, go out to the families and friends of those who lost their lives in yesterday's attack and to those who were injured.

We also want to express our deep appreciation to those police, emergency medical personnel, firefighters, and the countless others who selflessly and quickly responded to save and protect lives and who continue their efforts today and will do so for as long as they are needed.

I fully support, and ask all Americans to support, our President in his determination to identify and find those who committed these acts and bring them to justice.

But I also want to recall for all of us the prayer of our chaplain this morning who asked God to help us proceed free of prejudice. We must not use this tragedy to malign or persecute innocent Arab Americans or any other people living in this country as we learn more about the true perpetrators of this heinous act.

Mr. Speaker, America is strong. The American people are strong. We are a country and a people of a deep and abiding faith. With that faith, we will face this tragedy as we have faced others before; and we will never let the actions of those who would foster and act out of hate poison our hearts; nor will we let these terrorists or any terrorists succeed in further inflicting their evil and their hate on us or the rest of the world.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Committee on Intelligence.

Mr. GOSS. Mr. Speaker, we all know what an arduous and shocking day yesterday was. Mr. Speaker, we are experiencing direct and deep feelings of grief and loss for the families of the victims, so many victims there were. CeeCee Lyles of Fort Myers, Florida, in my district was a flight attendant on one of the United Airlines flights, number 93, one of the brave Americans who called her husband, reported the hijacking, and said good-bye. Imagine the terror of that.

Today I started my day as usual, walking to the Capitol office from my nearby home here, and there was the Capitol dome above us, rising beautifully, boldly, reassuringly, into a bright, blue sky and the strong sunshine of the morning today. I thank the Lord for keeping it safe, and the good Americans who worked to do that as well.

For a minute, it was like yesterday never happened; it was just all a bad dream. And then we all went to work. The images, the statistics, the reports, they are heart-wrenching.

What kind of people, if we can call them people, could think up and carry out such fanatical and diabolical atroc-

ities against innocent human beings? How does hate grow so grotesquely and get channeled into such devastation? What type of murderous leaders would advocate these kinds of things?

Mr. Speaker, I say to my colleagues, this is the face of terrorism. It is unspeakably evil; and we, the United States of America, are confronted with it on behalf of our citizens. I have no doubt we shall prevail. We have professionals at work who will find those responsible; and they will protect us, as they have done so well. We have the capability to render harmless those who have done this; and we have, I think, the resolve of the people in our land and the leadership of our land committed to this task.

There are so many Americans stepping forward in so many ways, doing wonderful things to provide relief, compassionate help and aid where it is needed, the kind word, the message of support, all of these things. We have so many allies and friends, other nations around the world doing the same thing. We can have freedom, and we can have security. We will be debating those things as we go forward.

I am reminded of something that happened in Japan after Pearl Harbor which has been referred to. There were some who said, "We have awoken the sleeping giant. Perhaps we have done too much." To those who have done this, I say, indeed, we have woken up; you will be hearing from us.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), my valued colleague and friend.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for yielding me this time, I thank my colleagues for bringing this resolution before us.

My daughter asked me, What has happened? I could not find the words to explain what has occurred. For on September 11, the agents of evil and hatred have declared war against our country, seeking to use fear as a weapon in a cowardly attack on the World Trade Center in New York and the Pentagon near Washington, D.C. These attacks were, by far, the deadliest ever launched against the United States and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve. But the cowardly perpetrators of these heinous crimes do not know America. They do not know Americans.

For freedom is not a vulnerability; it is our strength. Throughout our history we have met every challenge, and we will meet this one. Make no mistake; this was an act of war against the United States and all of our people, and we will not tolerate it. As we experience this tragedy, I have joined, and we have all joined, the President and the Congress and the American people in outrage. As a member of the House

Committee on Armed Services and a member of the Terrorism Panel, we will push for action to see that the cruel people who have committed this horrible crime and those who have sponsored them meet with justice expeditiously.

With the fall of the Twin Towers and the devastation of the Pentagon, Americans have lost their innocence, but America will not be defeated. We do not know how many lives have been taken. We do not know how many tragic stories we will be hearing. But our hearts and our prayers go out to the many victims, to the loss of life, to the pain and the suffering that is immeasurable. The heroic and selfless actions of those workers, volunteers, State and local officials who responded to the tragic events with courage and determination will not be forgotten. Our prayers go with the victims and with everyone. God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, in the hours since yesterday morning, my emotions and certainly those of my colleagues in Congress and, indeed, of every American, have ranged from disbelief to shock, anger, and sadness, and then to a determination to see that all those responsible for this reprehensible act be brought to justice, and that we do all we can in our society to prevent a reoccurrence.

Since the attacks, I have been deeply moved by the courage of all of those who have been involved in the rescue efforts in New York and Washington, as well as the individual bravery of hundreds of thousands of everyday Americans who have lent helping hands in countless ways. The scenes and stories of the thousands of rescuers who willingly placed themselves in mortal danger in order to rescue survivors, which resulted in hundreds of firemen and police officers ultimately giving their lives in that effort, is something that will stay with me forever. We are truly a Nation of great and heroic people.

I know that the thoughts and prayers of everyone in our Nation go out to many people involved in this event: the victims, their families and friends, the rescuers, those involved in the investigation and, certainly, the President on whose shoulders now falls tremendous responsibility. We have many difficult days ahead of us; but this Nation is strong and, by the grace of God, we will survive and grow stronger through this trial, as we have many times before. The terrorists have robbed our Nation of many lives, but we will never let them rob us of our spirit.

In closing, let me quote from former President Jerry Ford who made these comments when he received the Congressional Gold Medal last year: "In

the course of some 86 years, I have seen more than my share of miracles. I remain convinced that politics is a very noble calling, one worthy of enlisting the idealisms and commitment of a young America. History tells us that it is only a matter of time before your generation is going to be tested, just as mine was tested by the economic depression of the 1930s, foreign tyranny in two world wars, and the hateful traditions of Jim Crow. To you will fall the responsibility of crafting a political process that rises above focus groups and sound bytes; for supplementing material prosperity with a spiritual purpose and a spiritual goal. But, above all that is new, I hope you never lose the old faith in an America that is bolder, freer, and more just with every passing generation. America is a work in progress, and all of us, past, present and future, have been or will be the torch carriers for liberty and freedom in the 21st century."

Let us be those torch carriers. May God bless and comfort our Nation and all of our people.

Let us follow the path laid out by President Ford. Let us have his hope, and let us all stand firm for our noble cause, let us be workers for justice, and let us be torch carriers for liberty and freedom.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, on behalf of the caring families and communities in the Eighth Congressional District, and on behalf of the members of the Texas Task Force One, the Urban Search and Rescue Team from Texas A&M University who were swiftly deployed to help New York, I rise to pledge our help, our support, and our prayers.

□ 2300

Today we come together to reinforce America's resolve, to state our unqualified support for the President in this time of crisis.

We come here also for the very real purpose of trying to show those dearest and nearest to the victims of yesterday's terrorist attack that their deep sense of loss is shared by a Nation.

Of loved ones suddenly taken, we hope that in some small way we can help further the sense of a life well fulfilled, a time on Earth well spent, and joyous days to come in a glorious place waiting eagerly for us; of loved ones yet to be found, we pray and hope.

Years from now, the vision of September 11, 2001, will mean something different to every eye that sees it. It is a dark day, and to paraphrase the poet Alfred Tennyson, the heavens must surely have filled with shouting at the sheer evil that man plunged upon innocent man. Here on Earth we shouted as well.

By any measure, yesterday's attack was a declaration of war on our country, on our shores, and we must act accordingly. In the coming days, our challenge is to aid and comfort the fallen friends while showing the world that America is absolutely unbowed. And then, after due diligence and without mercy, we must calmly and deliberately exact justice from the terrorists responsible, and each complicit government.

It will not be easy. "The times which future generations delight to recall are not those of ease and prosperity, but of adversity bravely borne." America has faced unimaginable adversity before, and we have borne it with one voice and one power.

If Members believe in justice, believe this: America's time will come, and those who celebrate terrorism will celebrate no more.

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that during consideration of House Joint Resolution 61, pursuant to the order of the House of earlier today, debate on the joint resolution be extended by 30 minutes, equally divided and controlled by the chairman and/or his designee and ranking minority member of the Committee on International Relations.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my dear friend and distinguished colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the distinguished gentleman for yielding time to me.

As we pray for the September 11 victims and their families, let us remember not only what it means to work in Washington, D.C., but to live in Washington, D.C., like the 600,000 people who call the Nation's capital home. Many of us who serve in this House live here, too, and the rest of us spend as much time in the District as they do in their own districts.

The enemy knew well that the way to attack our country was to try to attack this city. If we shift course enough to learn how to safeguard the Nation's capital from the new terrorism, New York and the rest of the country will not be far behind.

Understand that this will require a radical reevaluation of security as we have known it. Just as important, it will require that we reconcile our security with our core identity as an open, democratic society.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Speaker, today we resume the process of

moving forward. All across our great land, people are crying out for justice. We as a Nation now know the horror and the terror that so many in the world experience on a daily basis. The actions taken yesterday by a few without a doubt have the sanction of many.

Where is the return of good will that the United States so generously hands out? We, the United States of America, are the promoters of democracy and stability, of justice and of the sanctity of human life. Indeed, we have new fears that did not exist before. However, these fears have brought out a new, untapped, infinite reservoir of courage and strength never before witnessed in history.

Make no mistake, the perpetrators of this act of cowardice will be found. We are engaged in an undeclared war against a tyranny of historical proportions that has no face, bears no names, and yet has many followers. The battle we wage at this moment is a battle against a diseased and flawed philosophy that encourages the attack and the destruction of that which is good and right.

Any one person or multiple persons that would attack our Nation, the symbol of freedom for the world, is attacking the tenets of our liberty and a beacon of hope for the world.

As we move forward in the days to come, we must carefully use words such as "safety" and "order," and we must be cautious when calling for actions that "need to be taken for the good of the people." I encourage my colleagues to be wary of any suggested government action that would infringe on our freedoms. Any encroachment of our civil liberties is a victory for the perpetrators of yesterday's heinous crimes.

We must continually bear in mind the words of Benjamin Franklin when he had stated that "those who would sacrifice their essential liberty to seek a small portion of temporary safety deserve neither liberty nor safety." Freedom is not our greatest liability, it is our greatest asset.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend and distinguished colleague, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to join all who serve in this wonderful House on this occasion, both Democrat and Republican, to condemn in the strongest possible terms the unimaginable and unprecedented terrorist attacks that took place at daybreak yesterday. Not even air should stand between the two political parties on this issue.

We are also reminded of the lyrics of that old song, "What a difference a day makes." In what represents the most serious act of aggression on American

soil in our Nation's history, a nameless and faceless enemy launched an assault on the very foundation of our society.

For many Americans, the memory of planes crashing into the World Trade Center and the Pentagon will be the defining images of a lifetime. No words can really express the feelings of shock, sorrow, and outrage that we all feel, and we are all in the process of mourning in our own way.

But soon we are going to desire answers to precisely what happened, why it happened, and how we will prevent it from happening again. That, too, is a natural response. But we also have to be patient, because we need and want our response to be right.

Americans have been challenged before, and we will meet this challenge as we have before. We are blessed as a people by having our values and beliefs written into our Constitution, a wellspring to which we repeatedly turn in times of trouble.

It is important to remember that this is the act of a small group, and these actions cannot be blamed on any ethnic group to which they belong. That is the foundation on which our Constitution rests, and it is not, even on this occasion, worth giving up.

It is clear to the world that we stand united on this issue, and this Congress will support the President as he undertakes action against this enemy. All Congress will support these decisions on rebuilding the devastation we feel today morally and spiritually.

We support the determination of the American people to proceed with prosecuting those who are responsible for these actions. It is true now and it will be true as long as it takes to bring these people to justice.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE), who is chairman of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, and they oversee FEMA.

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there are few new thoughts we can add at this hour of the evening about our reflected thoughts of the last 36 hours, but I do appreciate the fact that the House has made it available for every Member who wanted to offer a thought to do so.

Aside from an expression of sincere sympathy to all those who have lost a loved one, a prayer today for the souls of those who have perished, and an expression of admiration and thanks to all of those who have struggled mightily to recover and rescue people they do not even know, I would hope that we might all take a moment to contemplate the inhumanity of people who would commandeer four aircraft full of innocent people, including children, with the intent to propel them into

buildings filled with thousands of other innocent people who did nothing more than show up to work on a Tuesday morning.

These terrorists, Mr. Speaker, are not people in the accepted understanding of the word, and the world will not be safe until they are blotted from the face of the Earth. I have every reason and hope to believe that this Congress is united in its commitment to provide the President of the United States with every resource necessary to search and recover the victims of this horrible tragedy and to search, discover, and destroy this blight upon the human race.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my distinguished colleague, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I too rise in support of this resolution and to offer condolences to the victims and their families of these terrorist acts.

Yesterday's attack on New York and Washington was a monstrous and cowardly act against the entire United States and our people. It was well-organized and cold-blooded. The world watched as an army of heroes mobilized to help those in need at great risk and personal sacrifice.

From my home State of Wisconsin, I have heard from many who share a common sense of grief and an outpouring of support for the victims and their families. Millions are answering the call for blood donations. Once again, our Nation is demonstrating that we can rise to any challenge. We will not be defeated, and living in fear will not be an option.

The immediate task before us is to secure the safety of our citizens, both here and abroad, against any future attacks; to care for those victims and their families. Then we must determine how this happened, who is responsible, and how we bring them to justice.

Justice will not be obtained overnight. I pray for the patience of the American people and for the patience of our President so that we may seek the truth and hold accountable those who are responsible. It is only through deliberate and thoughtful actions that justice is served and future attacks prevented.

Yesterday, our age of innocence ended, just as it ended 60 years ago at Pearl Harbor. But unlike Pearl Harbor, there is no obvious enemy. But like Pearl Harbor, they have awakened a sleeping giant.

In the shadow of this terrorist attack, we find ourselves at the dawn of a new era of warfare in the 21st century, one made more sinister by the stealth, cunning, and terror. We will recover from this, but we will never forget this. For those who mean us

harm, let there be no mistake that the United States and the rest of the civilized world will unite together to defeat them.

We have experienced this harsh reality as no nation should ever have to, and must work to prevent similar attacks both here and abroad. Toward this end, we will need to develop a new international alliance committed to identifying and rooting out terrorists groups before they have the chance to strike.

In closing, I pray for the victims and their families; and I pray for leadership in this country that is calm, deliberate, and just, in the midst of fear, anger and a thirst for revenge. In short, leadership worthy of the ideals and values that have made our country strong and just.

Mr. SMITH of New Jersey. Mr. Speaker I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. HAYES), a member of the Committee on Agriculture, and very importantly, with this debate, the Committee on Armed Services.

Mr. HAYES. Mr. Speaker, I rise in support of this resolution. Yesterday, our Nation suffered the most horrific act of terrorism the world has ever seen. Make no mistake about it, a hostile act of this magnitude should be viewed as an act of war against our Nation.

Like everyone here today, I am proud to be an American. I am proud of our Nation today, and I am proud of the values and heritage which have made our Nation great.

Our main government was formed on the base principle that our Creator endowed us with the inalienable right of life, liberty, and the pursuit of happiness. Our government is charged with ensuring these freedoms and equal protection to us all.

Unfortunately, there is unspeakable evil alive and at work in our world and against these principles. That evil perpetrated the terrorist attacks against our Nation yesterday.

As we begin our new future, the world can be assured that Americans will respond to yesterday's attacks on three important fronts.

First, we will make every effort to provide care for those who are injured and lend comfort to those who have suffered the loss of a loved one.

Second, we will provide all necessary intelligence and military resources to ensure that additional terrorist attacks are stopped in the near and long term.

Third, our government will use the full assets of our law enforcement and intelligence communities to find the criminals who orchestrated these attacks and all those who aided them in their effort.

Once they are found, we will act swiftly and deliberately to punish the guilty and show the world that this type of treachery will not be tolerated.

Our country is the brightest light of freedom the world has ever known. The

greatness of America emanates from our people, and as we have seen throughout our Nation's history, our people respond to evil like yesterday's acts of terrorism with greatness. May God bless, protect, and guide America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to our distinguished colleague, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday America was assaulted by a carefully planned and executed campaign of terrorism. My deepest sympathies go to those who have been touched by this tragedy, the victims and their families, and they include victims and families from my district and my State of Massachusetts.

My heartfelt thanks go to the medical personnel, firefighters, policemen, policewomen, and volunteers who have selflessly answered the call. We are forever indebted to those heroic rescue workers who have risked and given their lives in search of additional victims.

All of us pray that additional survivors will be rescued from the devastation, and we must be certain that all the needed resources are available to do that. But today we must also look toward the future. We must ensure the safety of our citizens, the primary goal of both military and civilian components of our government.

I support the actions already taken by the President to secure the Nation and provide disaster relief. We must mete out punishment for the perpetrators of this attack. Our response must be decisive but carefully calculated. One critical goal of American force and foreign policy must be to mobilize other nations to join together with us to crack down on terrorism with new determination, and we must overhaul our airport security and surveillance procedures so yesterday's disaster cannot happen again.

□ 2315

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. GARY G. MILLER), a member of the Committee on the Budget and the Committee on Financial Services.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to speak in support of House Joint Resolution 61.

As the horrific series of events unfolded yesterday, I like most Americans watched in shock as the blatant, cowardly terrorist attacks in New York and Washington took the lives of thousands of our fellow citizens.

For far too long, we have stood on the sidelines while terrorist operations around the world have stockpiled weapons, trained their minions, and poisoned the face of the Earth with hate, death, and destruction. We have

responded only to retaliate against actions taken directly upon our citizens and our interests.

While these actions have been warranted and severe, it has not been enough. Yesterday's attack will be viewed as an act of war against America.

Today, we need to console those who have lost so much. We will grieve with our brethren who have lost husbands, wives, mothers, fathers, daughters, and sons. We will grieve the loss of our friends and our fellow citizens in the wake of this terrible, terrible tragedy.

However, we need to be firm in reminding our enemies, whomever they may be, that America remains strong, intact, and ready to respond. Do not mistake our grief and our tears as weakness or helplessness. In the coming days and weeks, the United States will again show the fortitude, the wherewithal, and the strength of spirit that has made our Nation the greatest in history.

Today, I ask my fellow citizens to be patient. We will find those who have committed this heinous travesty. They will be brought to justice.

We must now take this opportunity to send a clear message to those who would question America's unity and perseverance. Acts of terrorism will never go unpunished. America cannot be intimidated.

Finally, I ask everyone, each one of us, as American citizens to pray for these victims and for their families. Reach out. Offer what you can to help them as they grieve. Go that extra mile to ensure that those who have survived this trauma are able to rejoin us as a united people, and embrace that spirit that has for so long made America great.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend and distinguished colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, today I stand before you with a heavy heart in the wake of yesterday's tragedy. Our prayers go out to the victims and their families, and we give special recognition and thanks to all the courageous personnel and volunteers who have sacrificed to save American lives.

In an attempt to heal the Nation during a tragic event of his time, President Lyndon Johnson said, "Yesterday is not ours to recover, but tomorrow is ours to win or to lose." I say to the American people, we will win tomorrow. We will stand united against terrorism and evil. We will do everything in our power to bring all the perpetrators of these cowardly acts of violence to justice and put in place mechanisms to protect our citizens and this Nation from such acts in the future.

As I stand in support of this resolution, I stand with my fellow Americans for our precious freedom, and I implore

us to stand together as one Nation. A true rainbow of diverse colors, cultures and religions, united against evil. United together, tomorrow is ours to win.

I also urge the American people to remember what a great leader said just a few years ago. Jimmy Carter stated, "We live in a time of transition and an uneasy era which is likely to endure for the rest of this century. During this period, we may be tempted to abandon some of the time-honored principles and commitments which have been proven during difficult times of past generations. We must never yield to this temptation. Our American values are not luxuries but necessities, not salt in our bread but the bread itself."

May God bless America.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I thank the gentleman from New Jersey for yielding me the time.

Mr. Speaker, the entire world watched as this tragedy struck. Like most Americans, I was transfixed by the horrible drama unfolding on my television screen when, without any warning, the foundation of my building was rocked by the blast of the Pentagon only blocks away.

Yesterday's events shook the very heart and soul of our Nation, regardless of whether you were close enough to feel the impact or watching thousands of miles and a continent away. The rage and frustration Americans shared gave way to a clear understanding that our Nation was now at war, and this is a war like no other. Our enemy is invisible and consumed with hate, and the acts perpetrated against America are an assault on all civilized people.

Yesterday, the people of California's 44th district lost one of our own. A gentle lady parishioner from Palm Springs, who gave selflessly to help others, lost her life at the hands of cowardly and despicable fiends. My prayers and thoughts are with her family and with the families and loved ones of all of the victims of these heinous acts.

Before yesterday, our national security seemed a remote concern. National polls routinely registered very little concern for national security. Indeed, few outside of Washington paid much attention to terrorist acts that were quietly averted nor was there much support outside of Congress for increased funding for intelligence or national security programs. That must, and will, change. Now, there can be no doubt that our first priority must be the security of our people.

Today, though shaken and mournful over the loss of so many of our fellow Americans cut down by senseless acts of violence, our will is strengthened

and our purpose is very clear. We will hunt down and destroy these agents of evil and bring swift and terrible retribution to those who shelter them.

Our Nation is built upon the hopes and dreams of those yearning to live free. From the smoldering ashes of this devastation, a steely resolve has been forged. The bonds that bind these United States will not be broken and we will never ever forget.

God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. RUSH), our valued colleague.

Mr. RUSH. Mr. Speaker, I rise this evening in support of this very important resolution. Yesterday, we witnessed a tragedy too devastating to comprehend. Our hearts were broken as we watched the sanctity of the American workplace being attacked by faceless cowards in a senseless act of terrorism.

I say to those spineless scoundrels, America will not be intimidated. America will not be defeated. We will gather greater resolve. We will recapture our focus. We will renew our strength.

Throughout our Nation's history Americans have always responded to adversity with singular commitment and boundless courage. Indeed, America was born out of adversity.

So, tonight, we pray for every victim and every victim's family. Many lives were lost and now only our prayers can bring the devastated families peace.

We must acknowledge that yesterday's assault will change the way we go about our daily business here in this Nation. We must operate under a new, vigorous, and heightened sense of security and with continued courage and focus.

We will, Mr. Speaker, search out every cave, look under every rock and scrutinize every crevice on the face of the Earth until we find the cowardly culprits who attacked and killed the innocent of our Nation. At this time, let us stand closer and more unified against the evil forces that threaten not only our liberty but the liberty of freedom-loving people all around the world.

So, Mr. Speaker, tonight, to the American people, and to my colleagues in the Congress, I quote Proverbs 3:5-6, "Trust in the Lord with all your heart and lean not on your own understanding; in all your ways acknowledge Him and He shall direct your path."

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I join my colleagues in standing in strong support of this joint resolution tonight.

I rise in strong support of this resolution that condemns the terrorists who murdered our citi-

zens in a planned act of war, extends our condolences to the families and friends of the victims in these attacks, commends the heroes who responded to the scenes of destruction, and supports the punishment of those directly responsible and their sponsors for these acts of war.

This is, indeed, a national day of unity and mourning. It is important that we stand here today, as representatives of the people in the People's House, and show our enemies we will not be bowed, that we are strong in our resolve and that we will respond. The hijacked planes attacked New York City and Washington, D.C., but the devastation was wrought from coast to coast. I learned today that one of my neighbors in Ventura County, California, lost her brother-in-law, who was a pilot on one of the doomed aircraft. She is one of thousands of Americans across this great land who mourn today. We owe it to the victims, their families and to all Americans to stand strong and united in our resolve to live in freedom and peace, to promote the same throughout the world, and to punish those who have declared war on our soil and those who protect and encourage them.

There will be justice.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. TOOMEY), a member of the Committee on the Budget and the Committee on Financial Services.

Mr. TOOMEY. Mr. Speaker, I rise in support of this resolution today.

The cowardly attack on innocent Americans yesterday is the worst assault on our country and our freedom in our Nation's history. I think we all feel this attack very personally, and we will all keep the victims and their families in our prayers.

As many have said, this was an attack on freedom itself, and we cannot allow the evil, cowardly terrorists responsible to win. We must take whatever measures, commit whatever resources necessary to find the people responsible for this atrocity and bring them to justice, and we must also hold fully accountable any country or group which aided or harbored these terrorists in any way whatsoever.

Finally, Mr. Speaker, we must take a new approach to fighting terrorism, a proactive, aggressive, and comprehensive approach. It is no longer sufficient to treat these terrorists as ordinary criminals, waiting for them to act and then attempting to apprehend them and convict them of crimes.

We know several large, sophisticated, determined terrorist organizations who have declared war against the United States and have demonstrated the ability and intent to carry out acts of terrorism against America, including yesterday's atrocities. These barbarians are worse than criminals. They are enemies in a war that they have launched unprovoked against the United States.

It is time for this Congress, our Federal Government, our Nation to engage in this war against these organizations

to find them, to destroy them, and to ensure that attacks like yesterday's never happen again.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman from California for yielding me the time.

My friends, yesterday the story was about terrorism, horrible acts, despicable acts conducted by a few crazed individuals who gave their lives to take the lives of others. But let the story tonight and tomorrow and the days to come be not about terrorism but about heroism, the heroism of hundreds who gave their lives to save the lives of others.

The firefighters who raced into that burning building knowing full well that it would likely collapse on them and take their lives. The police and rescue squads who raced to the scene in the hopes of saving people who were killed in the rubble. Passengers on that jet, who by their heroic acts may have saved the lives of the people in this building this evening and yesterday. The volunteers who raced to the scene to see if they could help in some way. The heroism of our Armed Forces, on alert even as we speak. The heroism of our staffs who came to work today knowing full well that they too are targets.

We are speaking tonight for those who lost their lives and cannot speak. We are also speaking for the hundreds of thousands of constituents we represent, but more than that, we are speaking for the oldest constitutional democratic republic on the history of this Earth; and we say to those who would attack this great Nation, who would attack our freedom, you will never succeed. You will never succeed.

Even if you had managed to destroy this majestic building and even if you had killed each and every one of us, others would rise in our place, others would lift our torch of liberty and defend our people and our freedoms. This Nation will persevere and the light of liberty will continue to burn brightly forever.

Let each American today and in the weeks to come fly the American flag proudly from their homes and their businesses and their cars and wherever else. Let us show the world America is united, that freedom will persevere, and that terrorism will never succeed.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LINDER), a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

By noon on yesterday, I was thinking about a wonderful book I read many years ago by Alan Paton. It was enti-

tled *Cry the Beloved Country*. On Tuesday we cried, too. We cried for different reasons than Alan Paton, but we too cried for our beloved country.

The acts of the terrorists on that unbelievable day were acts of ultimate violation on a society that is so open and so free that even they could travel unrestrained among us.

□ 2330

When the prayers are said, when the tears are dried, when the bodies are buried, we must remember always. The war against terrorism has been engaged in only casually for the past 30 years. Now we must get serious and win it. There are only two sides in this war. To those who believe there is neutral ground, we must say that belief put them on the side of the enemy; and we will punish those with such beliefs.

To those who believe that they can quietly harbor and help the terrorists, we must say they are the enemy; and our military will bring our enemies to their knees.

To those who commit these unspeakable acts of war, we will find those individuals and kill them. I am not without hope. Eugene McCarthy once observed that America can choke on a gnat, but swallow tigers whole.

Mr. Speaker, I have listened for 2 days to the Members of this body. This is the tiger we were sent here to deal with, and we will. There will be no lack of resolution here. There will be no rancor. We will stand behind the President and do what our Nation must do both here and abroad. We must end the time when radicals can inflict pain, suffering and death on innocent citizens without recourse.

We must end the ability for nation states to see no evil, hear no evil, and speak no evil, even while living in evil's midst. America has been changed forever through this tragedy. It falls upon us to rebuild the confidence in our society that this great Nation will not cower, that we will be safe again, that freedom works.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I support this resolution along with my colleagues.

We must act, not just speak. Action is our Nation's heavy burden tonight.

Let us begin first, care for the wounded, rescue any survivors, bury the dead, heal New York and begin to rebuild the Pentagon.

Second, think and work to prevent further immediate attacks on our people and infrastructure of all kinds.

Finally, determine who is responsible for these attacks and for past acts that have gone unpunished and make them pay their debt to this country. Avoid harm to innocent people but pursue justice for those who have lost their lives. We can do no less.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I rise, as has my country, to pray for loved ones, to embrace our valiant rescuers, and to condemn the heinous and cowardly acts of abject terrorism that we witnessed yesterday. We, the American family, have lost fathers, mothers and sons, our brother the firefighter, our sister the police officer.

Mr. Speaker, Carolina, my wife and I, extend our sincere condolences to all who have suffered a loss, and our hearts and prayers are with those yet to be saved but for whom the candle of hope remains lit.

To Clarisa, Olivia, and Natalia, my three daughters, and to all of the children of America, how do we explain this barbarous act of terrorism? I will not try to make sense of it. That is not possible; but from my words and deeds, from the way our country prosecutes this unconscionable crime, I hope they will remember and learn how this country lives and breathes its freedom and relentless search for justice. Perhaps then as our children grow older and wiser, they will be better prepared to preserve life and defend America's values.

Mr. Speaker, Godspeed to the heroes who rushed to the disaster to aid victims and, instead, became victims. Godspeed to the courageous and tireless rescuers who work as we speak, temper our sorrow with pride and redemption, strength our resolve.

And Godspeed, Mr. Speaker, to our government as one Nation, as an American family, for with us reside the power given by the people to vigorously prosecute this horrendous and unforgivable crime to its end. Justice, democracy, and the will of a freedom-loving people demand no less. Let us represent the people well.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. DEAL), a member of the Committee on Energy and Commerce.

Mr. DEAL of Georgia. Mr. Speaker, today is a day of words, words of outrage at the unspeakable horrors of yesterday; but we know that words cannot provide the bond to heal those wounds; but by our words we extend our arms and embrace the injured and the families of the dead. Yes, today is a day of words; but tomorrow is a day of action.

Mr. Speaker, for those who committed these crimes, they do not even begin to know what they have unleashed. Perhaps they look at the United States and see us argue with each other along political, regional or racial lines, and believe that we are weak and divided; but they are wrong. We are a large family that can fuss and fight, but we are still family.

Yesterday, terrorists came into our front yard and murdered innocent members of our family. By that action, the terrorists shocked our conscience. But that shock is certainly turning

into a growing rage. Terrorists and those who aid and abet them around the world, they are about to learn that hell hath no fury like American anger.

Mr. Speaker, I propose that this Congress add a provision to every foreign operations appropriations bill that requires that any Nation or organization before they receive any penny of American money must be certified by the President that they have fully cooperated in apprehending these murderers, and that they have further cooperated in fighting terrorism around the world.

If this was done in the name of religion, do not mistake the fact that we call ourselves a Christian Nation as a signal of weakness. Perhaps we have followed the New Testament admonition of turning the other cheek in the past when terrorists have bombed our ships and embassies; but today we turn to the Old Testament and read the phrase, an eye for an eye, a tooth for a tooth.

Mr. Speaker, since we are speaking in religious terms, let me close by saying to these criminals, using an old Southern religious phrase, you have hell to pay.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise the managers that the gentleman from New Jersey (Mr. SMITH) has 19½ minutes remaining. The gentleman from California (Mr. LANTOS) has 2 minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I join Americans everywhere today and tonight, as well as my colleagues here, in expressing our sorrow and sympathy and condolences to every family and friend who has experienced a loss as a result of what went on in yesterday's tragedies. And, unfortunately, there were those in my district who suffered loss, and our hearts go out to all of them this evening.

Mr. Speaker, in the face of this trauma, the American character of resolve has shown itself. Untold numbers of citizens have participated in rescue and medical efforts, while others have joined together to comfort victims and their families. Lives have been lost, but lines have been formed as people line up to give blood, and everywhere men and women and boys and girls reach out to help those who are hurt, and that effort will continue.

Congress and the President have pledged to work together; and they are going to work together to meet the challenges and work with essential agencies, and every effort will be made to further rescue, further medical treatments, to support victims and families of victims and to address the enhancement of our security throughout this country as we move forward into the future and to identify and hold accountable those responsible for these despicable, cowardly acts.

Although everyone continues to experience competing emotions of sorrow and anger and frustration, we are going to refuse to allow these acts to rob us of the values we have as citizens. We will not tolerate these acts against our people or our country, but we shall exercise patience so we rightfully identify anyone responsible for these acts; and once we have done that, then it will be our duty to execute strong and certain recourse.

Mr. Speaker, we have the ability and the wherewithal as people to meet these challenges; we have met so many challenges in the past. As we do that, we shall not allow our emotions to override our values as people and as citizens. Our civil liberties and those of all Americans, together with our own sense of justice, will not be abandoned lest we tender to terrorists the victory they have not achieved and they do not deserve.

Certainly our lives have now changed, but still our resolve is enforced by the memory of the victims, by their families, and their bravery and selflessness of those who marched into danger to try to be of help. They inspire us as we move forward.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), a senior member of the Committee on International Relations, the Committee on Intelligence, and chairman of the Subcommittee on International Monetary Policy and Trade.

Mr. BEREUTER. Mr. Speaker, it has been an extraordinary afternoon and evening here in the House, and I am moved to comment upon the sentiments that have been expressed: strong comments, high-minded comments, and deeply felt sentiments. I can and do associate myself with all those remarks.

I know we are all very proud of the individual examples of heroism and bravery on the part of so many Americans, and we certainly I think all sense a degree of unity and resolve that we have not seen perhaps since 1941.

As a member of the Committee on Intelligence 6 years previous and now again as vice chairman since January, I can tell, Mr. Speaker, we have had in the intelligence community many examples of successes against terrorism directed at our homeland.

But the inadequacies and the failures of our intelligence are available for all to see. The successes we do not talk about.

I recall when I visited General Schwarzkopf's headquarters 4 days after the end of the Persian Gulf war, he reminded us there is never enough intelligence for our field commanders and for our civilian leaders.

We face a whole new range of asymmetrical threats against the United States, including terrorism directed at our civilian population. So now we

have reached the point where all of our great rhetoric must be matched by actions. Many Members here this afternoon and evening have ended their comments with the words "God bless America." That is most assuredly appropriate, but I think we might also ask God for the wisdom collectively to know what is best for our country and then the resolve and courage to do it. We certainly must match the qualities and the expectations of the people we represent.

Mr. SMITH of New Jersey. Mr. Speaker, owing to the unprecedented participation in today's debate, we have had over 120 Republican Members who have participated and I am sure the number is similar on the side of the gentleman from California (Mr. LANTOS); and owing to the fact that the majority leader, the gentleman from Texas (Mr. ARMEY), said every Member who wants to participate would be entitled to do so, I understand, if my information is correct, on the Democratic side there are approximately 12 more Members waiting to speak. We have four more as of now.

Mr. Speaker, I ask unanimous consent that during consideration of H.J. Res. 61, pursuant to the order of House of earlier today, debate on the joint resolution be extended an additional 30 minutes, equally divided and controlled by the chairman of the Committee on International Relations or his designee and the ranking minority member.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of this resolution. Yesterday our shores, our security, and our sense of ourselves as a Nation suffered a heinous cowardly attack, a blatant act of war that demands a like response.

Innocent American men, women, and children in civilian airplanes were used and converted into the deadly missiles that destroyed thousands of people in our most important centers of military and economic enterprise. The terror of those moments cannot cow us. They must only serve to steel and solidify our resolve.

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From the stretches of the Rio Grande to the reaches of the Great Lakes, from the shorelines in the Pacific to every skyscraper on our eastern shore, compassionate and disciplined American men and women will do what is necessary, search for our survivors in the rubble at the New York World Trade Center and the Pentagon in Washington, D.C., care for our wounded, volunteer to donate blood, reach out and

comfort the grieving, ensure our school children of their safety, and do our Nation's business in State and Federal Government buildings, in banks, in the fields, and in factories.

The quiet determination of American resolve will grow. The message and the action must be clear. America is a Nation of law, and the lawless terrorists behind this attack on our Nation must be punished and brought to their knees. America is a Nation of peace, but peace will be defended from those who make war. We have the intelligence, the technology and the will to pursue our enemies and put an end to their illusions of invulnerability. We will find them.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. WALDEN) who is a member of the Committee on Resources as well as the Committee on Energy and Commerce.

Mr. WALDEN of Oregon. Mr. Speaker, I rise in support of this resolution. While the terrorists crashed their planes here on the East Coast, the emotional wreckage is strewn across our Nation. From New York City to Dalles, Oregon, families are grieving tonight over the loss of loved ones. My thoughts and prayers are with those who were harmed or killed by this horrific but cowardly act of terrorism. They and their families have our deepest sympathies. Our prayers go to those brave men and women who even tonight are risking their lives to save the lives of others.

September 11 is indelibly scarred in the soul of our country as a day when terrorists who have no conscience, who have no decency, challenged our very freedom and independence. Those who challenge America and harm her citizens through acts of terrorism shall be hunted down and annihilated. Let the world know that those countries that give aid or safe harbor to such terrorists shall incur our wrath also. They share fully in the responsibility of the actions of the terrorists whom they supported.

America is a patient Nation. We are a tolerant people. But our patience and our tolerance have run out. The wolf is rising in our hearts. Our Nation's great strength comes from our freedom and our independence. And we will defend our way of life. Our Nation's great sense of purpose comes from its people. And we will defend our citizens. We will beef up our security, we will enhance our intelligence gathering, and we will make America safe and free again.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend and distinguished colleague, the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to paraphrase

an editorial from Toronto that I think we really ought to hear. It was written by a man named Gordon Sinclair who is the voice that we always hear on a program called *As It Happens*.

This Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the Earth. Germany, Japan and to a lesser extent Britain and Italy were lifted out of the debris of war by the Americans who poured billions of dollars and forgave other billions in debts. None of these countries is today even paying interest on the remaining debts it owes to the United States.

When France was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris. I was there. I saw it. When earthquakes hit distant streets and cities, it is the United States that hurries in to help. This spring, 59 American communities were flattened by tornadoes. Nobody helped.

The Marshall Plan and the Truman policy pumped billions of dollars into discouraged countries, and now newspapers in those countries are whining and writing about the decadent, war-mongering Americans.

Why does no other land on Earth even consider putting a man or woman on the Moon? You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles. But you talk about American technocracy and you find men on the Moon, not once but several times, and safely home again.

You talk about scandals, and Americans put theirs right in the store window for everyone to look at. Even their draft dodgers are not pursued and hounded. They are here on our streets in Canada, and most of them, unless they are breaking Canadian laws, are getting American dollars from ma and pa at home to spend here.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central Railroad went broke, nobody loaned them an old caboosie. Both are still broke.

I can name you 5,000 times when Americans raced to the help of other people in trouble. Can you name even one time when someone else raced to the Americans in trouble? I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I am tired of hearing them get kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles. I hope Canada will never be one of those.

Stand proud, America.

I think we need to hear that. It does us a little good to remember who we are.

On the morning of September 11, our nation experienced a tragedy of unspeakable proportions. Four commercial passenger jets were hijacked with devastating consequences. Thousands of people are known or presumed to be dead, and thousands more have been injured.

We are all brokenhearted over the needless loss of life that has occurred. Too many beloved spouses, parents, siblings, and children had their futures snatched away by madmen. Scores of firefighters, police officers, and rescue personnel were lost when their dedication drove them to the scene and into the damaged buildings to help the victims. These men and women are national heroes.

As time passes, more stories of heroism will emerge—people who put their own lives at risk in order to aid others. I am astounded and very proud to have heard how many people stayed calm in the midst of chaos. Time and again, we heard how perfect strangers reached out to help each other survive and escape. In the worst of circumstances, the very best in these people emerged.

I am deeply proud, as a New Yorker, of the great strength and courage showed by the people of this city and state and their leaders. The mayor and other local leaders were on the scene, demonstrating that they would not submit to terror. The outpouring of support, volunteers, and donations from around the city, state, and nation are a testament to the fundamental generosity and greatness of spirit found in New Yorkers and, indeed, in all Americans.

If these terrorists believed that they could intimidate America with these despicable acts, they are very, very wrong. As Americans, we pride ourselves on being tough and resilient, even defiant. These heinous crimes will only stiffen our resolve never to bend in the face of terrorist threats. We will find the people responsible for these crime, and they will pay a heavy price.

As Members of Congress, we have returned to the Capitol today to conduct the business of the nation. We are hard at work, and we will get the job done.

As a demonstration of solidarity, I have asked all of my constituents to fly the American flag. America shall not be bowed. We will stand strong before this act of unspeakable cowardice, and we shall prevail.

God bless America.

VOLUNTEERS PREPARE FOR N.Y.C.'S CALL

(Liz Foran and Greg Livadas)

While medical personnel and Red Cross volunteers prepared to travel to New York City to help at the World Trade Center, hundreds of other local people waited in line for up to eight hours yesterday to replenish blood supplies.

"I figured they were going to need all the help they could get," said Irondequoit resident Carolyn McMahon, who went to the Prince Street donation center yesterday.

Three local Rural/Metro Medical Services ambulances and more than a dozen local staff members planned to leave Rochester at 3 a.m. Today to be in New York City by 11 a.m., spokesman Darrell Grigg said.

"We don't even know where in New York City we're going," he said. "We will be unsure what we'll be doing, whether assist in

rescue and recovery, helping emergency services within the city or being involved in the operations in transferring some of the stable patients to hospitals in the area."

Rochester Fire Capt. Pete Rizzo, part of a statewide Urban Search and Rescue Team, left yesterday for New York City to assist officials there while area firefighters, medics, morticians and social workers readied teams.

"I'm a little bit apprehensive, but I'm really glad I can step in and help," said Michael Rood, director of the Salvation Army's William Booth Haven men's shelter and a social worker.

Rood and seven other Salvation Army social workers will travel to Syracuse for advanced training in anticipation of a call for help from New York.

Rochester Fire Capt. Daniel McBride said dozens of local firefighters are ready to help firefighters in New York City should there be the need.

"I would go down in a heartbeat," McBride said. "There's a tremendous need I hear unconfirmed reports of over 200 firefighters unaccounted for. They've taken a big hit."

Those without specialized training found other ways to help—mainly by donating blood.

Area blood donations centers extended hours until 10 p.m. yesterday and tonight.

Sybil Miller, spokeswomen for the American Red Cross blood Services for the New York-Penn Region, said about 1,000 pints of blood from the region, which includes Rochester, will be sent to New York City.

"We have earmarked half of our local supply to be sent to New York as soon as they say they need it," Miller said.

Officials at New York City's largest blood donation center said they could run out of O-negative blood by late yesterday. They had only 40 pints of O-negative left yesterday afternoon.

The need for blood may be just as great locally, as hospitals prepare for the possibility of receiving patients transferred from inundated New York City hospitals.

"I really don't know what to expect," said Monroe County health director Dr. Andrew Doniger, who expects to know more today.

Area hospitals have cleared beds and assessed their surgery schedules for the coming days in preparation, Doniger said. He added that the many hospitals downstate, and in Pennsylvania and New Jersey, would have to be overwhelmed first before upstate hospitals would be called in to help.

Area hospitals and the Medical Society of Monroe County have also assembled lists of physicians who would be willing to volunteer at hospitals in New York City and Washington, D.C.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY), a member of the Committee on Agriculture and the Committee on Transportation and Infrastructure.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise in strong support of the resolution today. Our hearts and prayers go out to those who have lost their loved ones in the recent atrocious and cowardly acts. Our spirits are lifted by the countless acts of courage and heroism and for those that have sacrificed their lives for others. To some, we appeared weak yesterday. Yet as we gathered together to pray under the Capitol dome just minutes ago, I am reminded

of Paul's words to the Corinthians, "When I am weak, then I am strong."

In my own life, I have repeatedly found that it is only when I am weak, by surrendering my own will to God's will, that I am strong. America itself has repeatedly shown that when it appears weak, it is strong. We need only to look to the example of Pearl Harbor. I have great confidence that under God's guidance, America will rise from this moment of apparent weakness and again serve as a strong beacon of hope and liberty to the world.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend and distinguished colleague, the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, like all the Members here and like all Americans, I was shocked and quite frankly stunned at the actions that occurred yesterday. As we look at the news and the video of the actions over and over again, it is just unbelievable that America and Americans could suffer this type of attack, this cruel, cowardly, dastardly attack of terrorists.

As a young man, I spent some time in New York and I have been in and out of the World Trade Center more times than I can remember. I know some of those firms that are there. I do not think I know anybody who is working there or was working there. I hope I do not know anybody who was still there. But it is unbelievable to me that this attack on America's power and prestige could have taken place. But what is also unbelievable is the response of the American people here at the Pentagon, the American people in New York, responding to it. The firefighters, the police, the people that went back into the buildings, the people who gave their lives who did not have to. The collateral damage was the flesh and blood of Americans. But the collateral damage was not and should not be the American ideal.

As we resolve to move forward and to show the terrorists, whoever they may be, that we will strike back, and that we will continue to prosper and to grow and be the greatest Nation in the history of the Earth, we must not lose the American ideal. That was preserved yesterday in the carnage that occurred by this cowardly, dastardly attack. We must not forget. And we should not allow our fellow Americans who died yesterday to die in vain.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota, (Mr. GUTKNECHT), a member of the Committee on Agriculture, the Committee on the Budget, and the Committee on Science.

Mr. GUTKNECHT. I thank the gentleman for yielding time.

Mr. Speaker, every generation faces its own challenge. We in our day met ours on Tuesday morning. Our ancestors looked squarely into the ugly face

of Naziism and of communism. They knew that the future of all they held dear counted on them. They understood the stakes. They met the challenge. They prevailed. And the world is better for it. The "ism" that we must defeat is terrorism. We will bury our dead, we will comfort the wounded, we will rebuild those buildings. But if we fail to defeat this enemy, all of our burying and building will be in vain. The attacks against innocent Americans were acts of war. The souls of the victims cry out. They cry out a warning. If we fail to defeat terrorism, there will be more attacks, and more victims. We must commit ourselves to a total war.

Clauschwitz said that the goal of any military encounter is to destroy the enemy's will to fight. This must be our goal. We must destroy their will to advance their agenda through terror. We must raise the price of practicing terror so high that generations to come will gag at the very thought.

There have been many times in our Nation's history when our adversaries have miscalculated the steely resolve in the American spirit. They miscalculate us now. The war that we must confront will not be easy. There will be dark days. We may not win every battle. But we will and we must wage the war with valor and with vigor. We must and, with the grace of God, we will prevail.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my valued friend and colleague, the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, today America is defined by emotions, grief, disbelief and rage. Our hearts ache for the victims of the senseless violence unleashed on New York City and Washington, D.C. These victims who became targets simply by arriving for work or getting on an airplane touch us deeply. These were ordinary people, doing ordinary things, and yet they found themselves consumed by a maelstrom of evil. Americans of every color, ethnicity, religion and political perspective have joined together to comfort grieving families, to condemn yesterday's barbaric and inexcusable acts, and with a single voice to cry out for justice. But our search for justice must be pursued carefully. We must guard against a rage that turns blind. We must direct our full fury toward the perpetrators of this great evil along with those who give them aid and comfort. But we must act with informed certainty and punish only the guilty, not those who simply look like them or have similar surnames or live near them.

Additionally, as we consider legislation to address this crisis, each proposal must be passed before the great lens of our Constitution, the cornerstone of our Republic and our freedoms. Americans will be scarred by the

assault that took place just hours ago, but we will go on. Our people, and our democracy, are resilient. While America has many faces, she has but a single soul. We are a free people with a love of liberty and a history of generosity and compassion. We will join hands with other Americans and with those international allies who feel as we do about this hideous affront to the civilized world.

Edmund Burke said nearly 300 years ago, "When bad men combine, the good must associate. Else they will fall, one by one."

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE), the chairman of the Subcommittee on Rural Enterprises, Agriculture, and Technology.

Mr. THUNE. I thank the gentleman for yielding time.

Mr. Speaker, I rise in strong support of this resolution. The casualty numbers keep mounting in New York and at the Pentagon. I had the chance this evening to see, Mr. Speaker, up close the wreckage. Pictures really do not do it justice. They do not capture the destruction, because it is much more gripping in real life. Like many Americans, as I viewed the pictures from a distance on television, it was hard to fully capture the horror and the terror that befell people working in New York and at the Pentagon. Yet after seeing it up close, you cannot help but be struck by the realization that somebody's father, somebody's mother, somebody's brother, somebody's daughter is not coming home. I cannot comprehend the pain that these families will deal with.

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So I say to the people of New York and the people of Virginia and Maryland and D.C., that the people of South Dakota grieve with you and support you. In past disasters, you have been there for us. We will be there for you, and we are praying for you.

The people of South Dakota stand with our President, President Bush, in protecting and defending American citizens and American freedoms. We are a people who deeply value freedom, and yesterday's acts of terrorism were an assault on those freedoms. And war was not declared just on this Nation, but on the entire free world, because free nations cannot abide the companionship of the kind of hatred that prompted the murderous acts that we witnessed yesterday.

We will respond. And to the terrorists, those who prey on weakness, those terrorist bullies who committed these acts, we will face you with strength. You can run, but you cannot hide. We are coming after you. We will find you, and there will be a reckoning.

God bless America, and God bless the American people.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, endless repetition is sometimes the bane of this place, but today and tonight it has served an important purpose. It demonstrates the resolve transcending every difference in our society, partisan, ideological, racial, regional, and religious, to demonstrate to the perpetrators of this monstrous act that they are terribly wrong in thinking that democracy is a source of weakness.

We are unanimous in our resolve to demonstrate to them and to anyone else who doubts it that democracy remains a source of great strength. We will do that by waging a just war on this murderous gang, and on any governments that have been supportive of them. But we will do it in a way that will show not simply our physical superiority, but our moral superiority, because we will maintain a respect for innocent life that this gang showed no respect for.

We will do it by showing that, in a democracy, we decide our public policies by the deliberative process; and no effort to blackmail or terrorize us into changing what this country decides is in our best interests, domestically or internationally, is going to work. If anything, it will backfire. And we will do it by fully empowering our security forces, who did such a wonderful job yesterday in the face of terrible adversity, to defend ourselves internally and externally in a way that is both effective and fully consistent with our own democratic traditions.

Let me make explicit what a number of us have said: our fight, our war, is with the murderous fanatics who perpetrated this act. It is not with all followers of the Islamic religion, it is not with people of Arab descent who live in this country or elsewhere.

We have the capacity as the greatest and strongest democracy in the history of the world to concentrate our resources in self-defense, both in the immediate sense against these murderers and in the future to protect ourselves in a way that will once again make people understand the strength of democracy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SHERWOOD), a member of the Committee on Appropriations.

Mr. SHERWOOD. Mr. Speaker, my eloquent colleagues have talked about this terrible act and what has been perpetrated on our soil and our people and the innocent casualties that are mounting every day. Our hearts go out to all those that have lost their families and been wounded, especially the emergency responders that were doing their job and had the building come

down around them and kill them. We have talked about this. We had a prayer vigil tonight. We have prayed about it.

Mr. Speaker, the time for talk and the time for prayer, however important, is behind us. Now is the time to act. We need to react to these terrorists with overwhelming force. We need them to understand that this can never happen again.

God bless the Americans that we have lost, and God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, our American revolutionary soldiers traipsed through the snow 225 years ago, and it was noted that their tracks could be found by the blood in the snow. Thomas Paine said, "These are the times that try men's souls."

September 11, 2001, tried our Nation's soul. And just as the British underestimated those soldiers 225 years ago, these cold-blooded culprits have badly underestimated the United States' steel resolve.

Last night, I went to the Pentagon; and at midnight, I looked up at our fortress where our military stays and saw a building collapsed like a marshmallow accordion by these terrorist acts.

I looked behind me and the only inspiration of that day occurred then when I saw an army of Americans behind me, lit up by the lighting, people in the medical profession, excavators, FBI teams picking up small pieces of the airplane. That is what Lincoln talked about, the better angels of our nature.

But our history and legacy is not just about goodness and fairness; it is about force, and it is about justice. Quoting John Paul Jones, "We have not yet begun to fight." When we identify these people, we will track them over hills and valleys and up mountain tops, and they will get their just due. You can count on it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the honorable chairman for yielding me time.

Today, first and foremost, our hearts go out to the victims and families affected by yesterday's sad and shocking attacks. The stories of tragedy and the compelling stories of heroism that have begun to emerge from the smoke and the shattered buildings will forever be a part of this black day that has been burned into our national memory.

But let these days that follow be remembered not just for our sadness and anger, but for our national resolve. As a Nation, we must now pull together to overcome this vicious attempt to break our national spirit.

Those responsible for yesterday's horrific events have seriously miscalculated the strength and resolve of Americans. Our sense of security may be temporarily unsteadied, but our unity is emboldened. Our bonds of liberty, our bonds of freedom, our bonds of democracy are stronger and run deeper than any individual, than any building, than any monument, and no act of violence, no knives or sharpened razors, can ever sever them. We will not be intimidated by these cowards.

We will remain committed until those responsible learn the steep cost of taking innocent lives, innocent American lives, on American soil. The flame of liberty remains bright and will continue to shine upon the world, casting deep into the dark shadows of violence, intolerance and extremism. There will be no corner on this Earth where the demons of September 11 will be safe from justice.

For now, we must go on with our daily lives, because to do otherwise would be giving into the evil behind these events. In our schools and offices, in our neighborhoods and churches, we must help our families, our friends and our neighbors begin the healing process.

I urge my fellow Americans to donate blood, to volunteer, to offer their prayers and their assistance to help those in need.

As America recovers, we will also pursue our attackers and fight on. Mr. Speaker, we are at war with the most vicious, most cowardly and most wicked enemy we have ever faced as a Nation. But America will not go gentle into that good night. For those we have lost and for the future of our Nation and the freedom we hold dear, we will strive, we will persevere, and we will prevail.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and valued colleague, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me time as I rise to support this resolution.

Mr. Speaker, when the President spoke last night, he spoke for all Americans when he said terrorist attacks can shake great buildings, but cannot shake the foundations of American democracy. We stand with the President when he says those countries which harbor terrorists must share the responsibility for their acts with those who commit them.

We stand united in our grief for the families who have lost loved ones. We pray for those who still do not know the fate of their loved ones.

And we stand ready to help, as best we can, those emergency personnel who are looking for survivors and are undertaking the grim task of recovery.

Finally, we stand together, literally together, on the floor of this House, where the work of this great Nation

continues. People across the Nation, people here in Congress, have lined up to give blood and to make other kinds of donations. We will show terrorists and would-be terrorists that while you can strike at us, you cannot subdue the strength and spirit of this great country, a strength and spirit that lies within each of us.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I rise in support of the pending resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the very distinguished chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, we pray for and extend our sympathies to those who have lost friends and loved ones. We commend and celebrate those who are working day and night to serve the injured and the harmed. This is American resolve at its best, and it is this resolve that should shake the souls of those responsible for this act.

Yesterday, they hit us hard and they hurt us terribly. They watch as we pick up the pieces, as we bandage our wounds, and as we bury our dead. They joy in our pain, they relish in our losses.

And they made a big mistake, and they should get prepared, for they are about to feel our pain.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New Jersey (Mr. SMITH) has 18½ minutes remaining, and the gentleman from California (Mr. LANTOS) has 1 minute remaining.

Mr. LANTOS. Mr. Speaker, will my good friend request additional time?

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, just moments ago, I arrived back here in Washington from my home State of New Jersey, where I spent the day visiting hospitals and Red Cross centers and, finally this evening, an interfaith prayer service in one of our communities.

While we will send a very clear message with our vote tonight in this House that the unbelievable and tragic and cowardly violence of the last 24 or 36 hours will not stand, Americans in New York and New Jersey and across this Nation have already begun to send that signal through their heroism, through their acts of bravery, through their selfless giving of their time and their energy, of their blood.

Americans across this Nation have already begun to send a very clear message, not only that we will go out and track down and punish the perpetra-

tors of these heinous acts, but that we as a Nation will continue to stand in solidarity with one another, to make sure that we as a people, as human beings, will never let this stand. Not on our soil.

□ 0015

Mr. SMITH of New Jersey. Mr. Speaker, we have no further requests for time, but I would just note to the membership that, again, pursuant to the majority leader's statement that every Member who wants to speak on this vital issue will have that opportunity, my understanding is that the gentleman from California (Mr. LANTOS) has six additional speakers, so I would like to again ask unanimous consent that during consideration of H.J. Res. 61, pursuant to the order of the House of earlier today, debate on the joint resolution be extended for an additional 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

Mr. Speaker, let me be clear that we have no additional requests for time, and we intend on yielding back to expedite these proceedings.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his courtesy.

Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), my friend and neighbor and my distinguished colleague.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today in strong support of this resolution. On behalf of my constituents in the 37th Congressional District in California, I offer condolences and prayers and support for the families and loved ones of New York, the State of California, and across this Nation devastated by the wanton terrorism perpetrated on these United States of America. This cowardice act against our Nation is permanently etched in the memories of all Americans.

As I think about my grandchildren, Ayanna, Myles, Ramia and Blair, I think about the psychological toll it has taken on our children who suffer from the ills of this heinous crime that is devastating. However, let it be known that the President and the Members of Congress who stand in this hallowed Chamber shoulder to shoulder will move with swift deliberation to bring justice and to restore confidence to the American people. Our buildings are shattered, but not our resolve, not our democracy.

Yet in the face of this unspeakable tragedy, we thank our firefighters, law

enforcement officers, the Red Cross, FEMA, and numerous volunteers for their quick response, daring courage, and unrelenting commitment. Their noble service is immeasurable.

As a senior Member who serves on the House Subcommittee on Aviation, I pledge to the American people that I will work with the Secretary of Transportation and the FAA, with whom I have met, to make sure that air travel is safe to fly again. We must applaud our air traffic controllers and the ground crew at airports across this Nation who directed over 2,200 flights from the hostile airways to safe harbors.

Mr. Speaker, this has been a tragic moment here in America. We will think back on September 11 as the deadliest assault on America in recent history, but we shall move with resolve to bring the responsible people to justice. We are a united America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON), my friend and valued colleague.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in the early 1800s, Percy Bysshe Shelley penned these words in exhorting a wounded people of his day: "Rise like lions after slumber in invanquishable number. Shake your chains to earth like dew which in sleep had fallen on you. Ye are many, they are few."

Mr. Speaker, when I reflect on the events of September 11, 2001, these words of this 19th century poet come to mind. Many Americans have lamented that the horrific terrorist acts of yesterday have changed America forever. I beg to differ. America has not changed. We have merely rediscovered and rekindled a latent attribute that defines us as no other people on Earth: our invanquishable spirit. The chains that we are shaking to Earth like the morning dew after slumber are the chains of complacency regarding our vulnerability toward terrorism. With this realization, there can be no doubt that we will defeat the evil that shook, but that did not shatter, our national spirit.

Mr. Speaker, my heart grieves for the victims of yesterday's terrorist acts, for their families and loved ones. But, Mr. Speaker, amidst this palpable grief, I am comforted, as these families should be, by the fact that they now have an extended family of some 250 million people, 250 million men, women and children, united and strong as lions rising after a slumber.

Finally, I am also heartened by the response from the world community, from virtually every nation and every people, a response of unity with our Nation. This response further illustrates the truth of Shelley's observations as expressed through his poetry.

We, the people of the world, they are saying, cherish the freedom and democracy for which America stands. We are the many, they are saying with us, the terrorists are the few. So not only will America rise from this unspeakable tragedy like lions, we can be assured that so much of the rest of the world is ready to rise in its exalted purpose with us.

Mr. Speaker, together, we will indeed be invanquishable. Therefore, Mr. Speaker, I rise in support of this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), my friend and colleague.

Mr. EDWARDS. Mr. Speaker, yesterday our Nation was shocked by a despicable act of cowardice. Today, even as we grieve and pray for those killed, injured and missing, America will show the world that our national spirit cannot be broken by the acts of terrorists.

In times of threat and tragedy, the American family has always come together, and we do so again today.

With strong faith and resolve, we are already working together to help the victims and their families, to punish the guilty, and to move our Nation forward.

Those who underestimated the American spirit should know that today our President and Congress are working in unity to carry out the business of our Nation and to hunt down the perpetrators of this attack against all of the American people.

Once again, American military personnel have sacrificed their lives and service to our Nation. May our country honor them and the courageous rescue workers and all who have died with our prayers, our unity, and our firm commitment to protect Americans' freedom and security.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Subcommittee on Health of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to just share three thoughts, most of which have already been shared this evening. My first is simply to express my heartfelt sympathy for the families of the victims of this mindless terrorism. May we each help you as you face the pain of your loss. May our prayers, our thoughts, neighborly gestures, that long line of people willing to give blood, letters from those who knew your sons and daughters, grandchildren, relatives, friends and coworkers, be of some small comfort to you for paying this terrible price of living in a free society in a troubled world.

Secondly, I want to say how proud I am to be an American, to witness our

ability to rally, to help each other, to stand tall in the face of senseless, cowardly, vicious terrorism. To all of those policemen, firemen, volunteers, health care providers, folks of all sorts who have come out to help to save lives, to rebuild, we are strong.

Thirdly, and hear this, our friends around the world, America is now at war. It is the first war ever fought against a non-nation entity, but it is war nonetheless, and again a well-organized, well-funded, focused enemy.

While its energies are focused against America now, terrorism is everyone's enemy. The weapons it is developing can be used by any terrorist group, against any object of one's hate. So while it is terrorism against the United States today, its success strengthens the name of terrorism and will enable others to use this weapon, even against sponsoring nations in the future. Terrorism is not rational, is not just, is not honest; but it is passionate and powerful.

Differences between nation states can be reconciled. Diplomacy, U.N. peacekeeping forces, intervention by allies are all tools we have developed to help nations resolve differences peacefully, to preserve the lives, hopes and dreams of all of their people and the prosperity and the hope for the common good of all. These tools cannot be used against non-nation states. That is why they are the ultimate danger. Terrorism endangers us all, for it allows only one answer: violence.

So we are at war. It is a war we must win, and it is one all of our allies have an interest in joining us to win.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT), my friend and colleague.

Mr. BARRETT of Wisconsin. Mr. Speaker, I stand tonight in prayer and sorrow, sorrow for the victims of this terrible attack, sorrow for their families, sorrow for Linda George whose brother, Bryan, works with me. Linda was a passenger on one of the planes that was hijacked yesterday.

I stand in sorrow for the families of people I never knew, people like Nicole Miller, Tom Burnett, Cora Holland, Barbara Keating, John Jenkins, Amy King, Patrick Quigley, Kenneth Lewis, Rodney Dickens, Mark Gingham, and hundreds, if not thousands, of others; all Americans who did not deserve to die in this wicked attack.

Mr. Speaker, I stand tonight in hope. Hope for the families who are still praying that their loved ones may miraculously be saved in the rubble in New York City; hope for people like Andrea Haberman, a young woman from Wisconsin who was on her first business trip to New York and was in the World Trade Center at the time of the attack.

Mr. Speaker, I stand tonight in heartfelt thanks, thanks to the firefighters, police officers and rescue

workers who risked or gave their lives to help others. Every American should be proud and thankful for their bravery and service to others.

Finally, Mr. Speaker, I stand tonight in determination, determination that the perpetrators of this horrible attack will be quickly identified and brought to justice. They will see that America will not allow this crime to go unpunished.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding me this time.

What an awesome opportunity it has been, Mr. Speaker, for all of us to be a part of listening and observing the eloquence of the country propounded from these microphones by representatives from every State in the Nation, both parties, all races, religious beliefs, political viewpoints. This is the best of America, and it represents why America is the best country in the world, and it also suggests the reasons why perhaps America has been a target in the last 2 days.

□ 0030

America's financial institutions are the best in the world because they are free. That is why they have perhaps been a target. Our airlines are the best in the world. They have been a target, too.

The sentiments expressed by people from around the country today suggest what it really means to be an American, these notions that God has given us the rights that have been enshrined in our Declaration of Independence 225 years ago by the most visionary leaders in the history of human civilization: this notion that God has given us the right to life, liberty, and the pursuit of happiness.

Every American who revels in those joyous rights also knows the last line of that Declaration: that we must be prepared to pledge to ourselves and each other our lives, our fortunes, and our sacred honor.

All those who have contributed to the greatness of America have been willing to pledge those very elements for the greatness of their country. Some have given their lives. Some have lost their fortunes. But the sacred honor of America has never been stronger.

Mr. Speaker, we beg God for his mercy and the repose of the souls of those lives that have been lost, for those lives that are in peril today. Also, Mr. Speaker, we also must pray for those perpetrators. They are about to meet their makers, too.

Mr. Speaker, the greatness of America stands strong. Americans should hold their heads high and be proud. We are the greatest Nation on the planet,

and we will be emboldened and empowered by this challenge and those challenges that lie before us.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to say to the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS), they both have given us a splendid opportunity tonight, and have given everyone an opportunity to speak from their soul and from their heart about this true tragedy that we have had in America.

I want to say to the gentleman from California (Mr. LANTOS) over here, he is our only Holocaust survivor in the United States Congress, a true humanitarian. But he knows from another day and another time and another crisis that we cannot look the other way. We as Americans cannot look the other way either.

I remember when Jack Kennedy and Martin Luther King lost their lives in that terrible assassination. I knew where I was and I knew what I was doing. I will never forget the day, September 11, 2001, when I was watching television and thought just an accident had happened, that a plane had happened to hit one of the World Trade Center towers. And then what happened? Just 17 minutes later, the second tower was hit. Then we knew, the world knew, the United States knew, that we had terrorism on our hands.

Then I was driving to the U.S. Capitol, and I see all that smoke and all that fire from the Pentagon, and all the tragedy and all the loss of lives. We know that terrorism is systematic. We know that we are in a real battle. It is not going to be easy for any of us in order to bring this terrorism to a halt, because we know they are organized. We know that they believe in hatred, they believe in negativism, and many of them have been programmed that way.

Support this resolution, support America, and let us continue to fight for freedom and democracy.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, this is a time for mourning. No one should be ashamed to cry. We are all united as one with the numerous victims of this attack on American civilians.

My daughter-in-law was due to work at 9:30 a.m. on the 68th floor of the World Trade Center. She had to drop my grandson off at a nearby day-care center, and with her baby in her arms, she watched in horror from the street as the first plane struck the first tower. How fortunate I am that it only took 4 hours to find out that the two of them were safe.

All decent people are touched, but this intimate brush with death so close in the family brings tears to my eyes each time I hear a story of another unfortunate soul who was consumed by this catastrophe.

I have heard some parents say that they do not want to tell their children about this horror. Let me fervently urge these parents to tell their children about the brave New York City policemen and firemen who went in to stop the spreading inferno while others were rushing out to safety.

I ask them to tell their children that more than 200 firemen and nearly 70 policemen died struggling to save others.

This is a time for mourning and this is a time for rage. Very well-organized devils have done this ghastly deed. We are face to face with evil geniuses and cold-blooded murderers. They must be surgically exposed and then driven from the face of the Earth.

National security is now the business of every Member of Congress. My constituents do not want to hear me explain that I am not a member of the Permanent Select Committee on Intelligence. They want to know how could this happen, and what is being done to guarantee that it never happens again.

The Intelligence Community that scored vital successes in the war against Nazi Germany and in the Cold War may now be woefully inadequate. In memory of all the dead and for the peace of mind of those who are living, the structuring of the world's most effective intelligence network must now become the business of every American. The obliteration of this conglomerate of evil is the duty of every American. I am pleased to join my colleagues in support of this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my friend and colleague, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this great country is a mighty democracy built on the hopes, dreams, and sacrifices of many hard-working people who throughout our history were determined to develop, live, and prosper in the world's greatest Nation.

The history of this Nation is one of struggle, and yes, oftentimes disappointments, dashed hopes and dreams. But through it all we have persevered, worked hard, and sacrificed to make this Nation a great Nation. We have come a long way in the elimination of poverty, prejudices, and injustice. We are immensely proud of our successes, and we are confident enough in our freedom to confront our shortcomings.

We are a diverse Nation of many religious and political persuasions. We are an amazing patchwork of hopeful people who believe that we all have potential and we all deserve happiness and

success. We do not take lightly any attempts to dim our hopes, to dash our dreams, to destroy, maim, or kill. We deplore terrorism, and we will not and cannot tolerate terrorism and destruction. We will not allow terrorism to erode the constitutional rights and personal freedoms that define us as Americans.

I stand here today to reassure the citizens of New York, Washington, Los Angeles, Pittsburgh, Boston, New York, San Francisco, and others cities throughout the country that this legislative body will indeed work to ensure that the persons responsible for these acts of terrorism will be swiftly brought to justice.

We are a wise people who have transcended a history that has taught us that violence begets violence, and violence serves no useful purpose. The cowardly attacks on the New York Twin Towers Trade Building and the Pentagon, the hijacking of American and United Airlines airplanes, the death, pain, and destruction that has shaken the very core of our society, must be responded to immediately.

We will indeed identify and deal with the perpetrators. We are good people; not a perfect people, but we are good people. We do not deserve to have innocent Americans' lives destroyed by evil minds that plot and plan sneak attacks on our establishments and our structures and our people.

Our hearts go out to the families and friends of the harmed and the deceased. We grieve with them. Their losses are our losses, but we ask that they rest assured that our loved ones, their loved ones, will not have died in vain. We ask God to have mercy on their souls. We know we must take an honest assessment of all of our public policy at all levels, and strengthen our resolve for peace on Earth. We ask God to guide us in our response.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, today we pray for the innocent victims who suffered and died in yesterday's heinous and horrific terrorist attacks. We offer our sympathy and condolences.

We hurt alongside the families and friends who lost loved ones in hijacked planes, the World Trade Center, the Pentagon, and rescue workers who sacrificed themselves to save others. We praised the heroic efforts of the police, the firefighters, the emergency medical teams and volunteers who responded to this tragedy.

Today Americans stand united, a unity that we must trust will strengthen our President with wisdom and good judgment. All Americans should continue to do what we can to help: to give blood, to volunteer, to pray for peace in the world. America's determination and indomitable spirit must not allow

terrorists and terrorism to weaken our commitment to an open and democratic society.

We vow to fully, thoroughly, and comprehensively investigate those who are responsible for this dastardly and deadly deed. We are sure we must respond with strength and in a comprehensive and proportionate manner.

Yesterday was September 11, day 9-11, and we were sent an emergency wake-up call. It was not dialed accidentally, it was a deliberate message. Terrorists struck at our greatest symbols of financial power and military might.

We have a profound opportunity not only to investigate who and how this was done, but also, more importantly, why it was done. We may not be able to answer that question today. The pain, the hurt, the suffering, and the anger are too great. But maybe in our tomorrows, when we have the answer to why, then we will be better able to work toward the day when such tragedies will never happen again.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, yesterday terrorists unleashed a highly organized attack on the symbols of our Nation's prosperity and power. In an instant, this tragic attack destroyed the lives of many Americans.

Yesterday morning, countless numbers of ordinary people in my city and in Washington woke up on a beautiful late summer day and went about their lives as they always have. Lawyers and accountants, janitors and clerks arrived at their places of work to start another day. But the events that soon consumed us all changed that forever. We never expected this to happen on our soil, and in a profound sense, we have lost some of our innocence.

How can I begin to verbalize my sorrow over the deaths of so many wonderful people, individuals whose lives touch others deeply in an endless interconnected fabric. These individuals each had unique stories, friends, and family who loved them and depended on them. In an instant, husbands lost wives, children lost parents, and siblings lost brothers and sisters.

This is heartbreaking. The perpetrators of these acts intended to create fear and to bring our society shuddering on its knees, but they have failed. Today as we begin the process of clearing the rubble and rebuilding, we are more united and more dedicated in our core beliefs of liberty and democracy.

Yesterday I was in New York City. It is hard to express in words the devastation that this act has brought to my city. The people of New York and the people of our Nation have responded with generosity, courage, and patriotism. During this time of great sadness,

we as a Nation are witnessing the spirit of hope.

Let there be no misunderstanding, the American people will not let this terrible act diminish our spirit or force us into fear. As I left New York City this morning on my way to join this important discussion and express my support for this resolution, I was startled to see the skyline of my city without its two great towers standing above all others. In their space, I only saw a cloud of smoke rising up to the sky.

Yet, even without those towers watching over my city, we will continue to embrace our freedom and live out our principles of democracy. Those faceless terrorists may think that they have won a great battle, but they have only made our country more dedicated to its core principles and ready to defend those principles against any threat.

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Over the last day and a half we have seen countless examples of courage as our emergency workers and our firemen and policemen risked their lives to save others. They exemplify the best values of our nation. Ordinary people reached out to offer whatever they could to assist and stood in long lines to donate blood. And in the end, many of them paid the highest price in order to save others and help them keep their families and friends from suffering such unbearable tragedy.

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New York City this morning on my way to join this important discussion and express my support for this resolution, I was startled to see the skyline of my city without its two great towers standing above all the others. In their space I only saw a cloud of smoke rising up to the sky. Yet, even without those great towers watching over the city, we will continue to embrace our freedom and live out our principles of democracy. Those faceless terrorists may think that they have won a great battle, but they have only made our country more dedicated to its core principles and ready to defend those principles against any threat.

□ 0045

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 1 minute just to close.

In my 21 years as a Member of this House, I have never seen such an unprecedented unity and solidarity with our fellow Americans as has been expressed by my colleagues on both sides of the aisle. This has been an extraordinary debate, a bipartisan expression of our very deep concern and anguish over the horrific loss of human life and an ironclad resolve to effectively prosecute the war on terrorism.

It has all been said, Mr. Speaker, today and into this evening.

Mr. GUTIERREZ. Mr. Speaker, we all search for words of wisdom that will heal these wounds. Yet, there are few poets who could pen the phrases we long to hear. And, certainly, I do not presume to possess the vocabulary to put this tragedy in its proper perspective.

I simply rise to say the following. And I say it with confidence: At this moment, all Americans—regardless of our backgrounds, regardless of our political affiliations, and regardless of the languages we speak—all of us speak with one voice.

As this resolution demonstrates, all of us speak with one voice in mourning our fellow Americans who have died, and in expressing sympathy for the families, friends and colleagues whom they have left behind.

We speak with one voice—one voice—in expressing immense appreciation and awe for the emergency personnel who answered the call of duty, many of whom did not return.

One voice expresses anger and outrage. One voice asks: "What can we do to help?" And one voice expresses full, complete and unwavering support for our military and for our commander-in-chief.

I support this resolution, above all, for spirit of unity that it embodies.

As these events have demonstrated, none of us can predict what today, or the next day, will bring.

Yet, Americans can—by uniting, and speaking with one voice—make certain that tomorrow will bring us a nation that is, and always will be, strong yet free, diverse yet indivisible, and, while ever mindful of the magnitude of our loss, also eternally hopeful and endlessly optimistic that our Nation's greatness will only grow.

Mr. UDALL of Colorado. Mr. Speaker, I support this resolution. It says what all Americans are saying and expresses our unbroken re-

solve in the face of this outrageous and cowardly attack on our country.

When I think of the horrific events that happened yesterday, I am consumed with feelings of great sadness and anger. Yesterday was a day of outrage and deep loss. Like all Americans, I am filled with sympathy for the victims and families who have lost loved ones in these brutal attacks.

The enormity of this loss is impossible to measure. It may be some time before we fully understand what happened and who is responsible. But make no mistake—those who organized these inhumane and dastardly attacks will be found and they will be brought to justice.

These attacks on Americans on American soil have not and cannot extinguish the American spirit. Now more than ever, we must steel ourselves to do what must be done—and to do it carefully and correctly. Words and rhetoric are not enough. We can no longer appeal to the hearts and souls of terrorists and those who support and harbor them—they have no heart and they have no soul.

Clearly, our concept of national security must include stronger and more effective measures to keep Americans safe from terrorist attacks. We must commit ourselves to a course of action to ensure that this kind of catastrophe never happens again and that those responsible are brought to justice for their crimes.

Mr. MICA. Mr. Speaker, September 11, 2001 is a day that each of us will remember as long as we live. That day and the terrorist acts committed against the United States must always remind us of the price we have paid for our freedom. Our hearts and prayers go out to the thousands of families whose lives have been shattered by the unspeakable horror that we have all witnessed. We can and will rebuild the structures that have been destroyed. We will never restore the lives of those lost in this tragedy. As a Congress and as a nation we have a solemn obligation not to rest until those guilty of these murderous acts are brought to justice. May God have mercy on those who have committed these crimes against us and may God have mercy on the United States of America.

Mr. MALONEY of Connecticut. Mr. Speaker, joining with my colleagues, I come to the floor with a heavy heart to express my deepest sympathies for the victims and family members of yesterday's horrific events in New York, Washington, and Pennsylvania. We have them all, including those from my congressional district, in our prayers.

The Congress is prepared to assist all federal, state, and local agencies in any way that it can. The victims and families come first in our concerns.

I also want to assure all Americans that we will find those responsible for these cowardly acts and make sure that they are punished. This type of attack on America and its people will not stand.

If those responsible think that they can shake the foundation of the American spirit, freedom, and democracy, I have a message for them. You have never been more wrong.

The foundation of liberty and freedom that America is built upon is unshakable.

Finally, as a member of the Armed Services Committee, I along with my committee col-

leagues will do everything in our power to provide the necessary resources to prevent anything like this from happening again.

There is much work to be done in the days and months ahead, but America will rise to the challenges as is always has throughout its history.

Again, my deepest sympathies and prayers go out to the victims and their families.

Mr. LARSEN of Washington. Mr. Speaker, after a painful and shocking day where we saw the unthinkable become a reality, I returned to my house to embrace my wife, Tiia, and two children.

My five-year-old son, Robert, had only one question. He asked it in a way that only a five-year-old could: "Why did those mean people fly a plane through that building?"

How can you explain to a child the hate that drives individuals to act with utter disregard for human life? What answer can we find to the question, "Why?"

We may not have that answer soon; however, there are things we do know. These things are as solid and sure as the Cascade Mountains that greet us each morning, and as deep as the Puget Sound waters: the promise and potential that the freedoms we enjoy will never be given up to any terror. The gift of democracy will continue to be exercised no matter what the cost. The values of openness and tolerance, without which we would descend to the level of our new enemies, will continue to stand. Finally, the American spirit which drives us to reach out to help those in need—a spirit we need now more than ever—will continue to triumph.

In the wake of this terrible act of terrorism, I am calling upon all of us to take these actions: (1) Please pray for the victims and their families; (2) support President Bush and the Congress in the actions we must take to respond to this tragedy. This is no time for partisan politics; (3) use my office as a resource to answer questions; (4) donate blood if you can; (5) do not let terrorism scare you. The United States will track down those responsible and bring them to justice.

We have the strongest democracy in the history of the world and we will get through this shocking attack on our country.

Tiia's and my prayers go out to the families of the victims.

Mr. WU. Mr. Speaker, I rise today to offer the strongest possible condemnation of yesterday's terrorist attack on the United States, and to offer my deepest condolences to all the victims of this senseless tragedy, to their families and loved ones.

To those who have suffered most in the last two days, we will make every effort to rescue and bring you comfort and solace. Throughout the course of the last thirty hours, we have seen the American spirit at its finest. Americans have volunteered their energy, their homes and even their blood to aid victims.

To the perpetrators of these heinous acts, we will pursue and bring each and every one of you to justice. America will not tolerate such acts of barbaric terrorism. We must do all we can to bring the guilty to justice and ensure this never recurs.

To all my fellow Americans, the United States must not bow to terrorism. We must do the nation's business. We should not let yesterday's tragic events stop the work of our nation—to do so would give terrorism its victory.

We must learn from the kindness of strangers who have come to one another's comfort in the last two days.

Finally, in the process of combating international terrorism, we must either abandon American civil liberties nor express our fears and anger by indiscriminately striking out against those with different names, skin color or religion.

Today, here on this floor, we honor the victims. Tomorrow, and in the coming weeks and months, we will honor them further by showing that our Nation and her people are stronger than the forces of terrorism.

Ms. SCHAKOWSKY. Mr. Speaker, like most Americans, I was glued to the television yesterday. It was with the eyes and heart of a wife, mother and grandmother primarily that I responded incredulously to the horrific images. Throughout the day, I tried to reach my family back in Illinois, and found myself looking at their pictures. Those of us who did not lose loved ones or know personally someone who perished in this attack could all empathize with the agony of those who do. We all have sent our precious ones off to work or said goodbye to them at the airport, never giving more than a passing thought about their safety. With great anticipation, we have ridden in elevators to the top of the World Trade Center, and as citizens visited public buildings like the Pentagon. In just a few hours, our sense of security as an American family was shattered. It will be a long time before we take ordinary acts for granted again.

Today, our hopes and prayers are with the injured, and we rejoice with each discovery of someone found in the rubble. Today we marvel at the courage of the firefighters, police, military personnel, emergency crews and volunteers, many of whom also perished, who have worked and are working so hard to save lives.

Yesterday I was consumed by unanswerable questions. What kind of people carefully and deliberately plot to brutally murder thousands of innocent men, women and children? How can one imagine individuals celebrating the deadly success of this evil plot? How could any human being have such total disregard for human life? How could anyone be so consumed by hate? It is still hard to get my mind around this.

Today I realize that we must be careful as we answer those questions. I represent a very diverse district that includes people of all races, nationalities and religions. All of them are horrified today. But some, Arab Americans and Muslims and others have another concern—that they, our neighbors and fellow American residents, will become the targets of anger and frustration. This is a time when, in tribute to the value of tolerance that is at the heart of our democracy, we must embrace one another. Turning against each other will only be a victory for the perpetrators of this evil plot.

As a proud member of the Congress of this great nation, I am working with my staff to assure my constituents that our government is mobilized now to take decisive action to assure that this will never happen again. The full resources of this nation will be expended to find and root out those responsible for this atrocity. We are vigorously engaged in the

search and rescue effort and ready to provide any support and comfort we can to those who are grieving.

If the purpose of this despicable attack was to deter our commitment to freedom and our support for our democratic allies, like Israel, it has failed.

We will have peace and security again in this country and we continue our efforts to spread peace and security throughout the world. We will pay tribute to our lost loved ones, to those who have responded so bravely, and we will comfort the families that are aching across the nation. And we will stand together in this country and with our allies around the world and all those who consider themselves civilized, and we will have justice. And the commitment to freedom from which this nation was born will continue to flourish.

Mr. MASCARA. Mr. Speaker, yesterday, America was wounded. Wounded in our souls, wounded by an unimaginable evil.

Our nation will forever remember this despicable attack on America, on our people, and on the freedom we enjoy as Americans. These horrific events will be forever engrained in the minds of our peace-loving people for many years to come.

We must come together in our hearts to bring peace to the families and friends of the lost loved ones. We must open our hearts to those in need.

Lifestyles in this nation and around the world may change, but the message must go out to our faceless enemies that we the American people have the resolve to persevere. In the words of Confucius, "Our greatest glory is not in never falling, but rising every time we fall."

We are a strong and proud people who have faced adversity and enemies greater than the pathetic cowards who attacked us yesterday. Our enemies will not see us falter. The American people and this congress will stand behind our President.

This tragic event will only serve to solidify our principles of freedom and democracy. These terrorists fear our very foundation of freedom and democracy. They will learn that America's belief in freedom and democracy are far more powerful than any acts of terrorism.

We will continue to be the greatest nation this planet has ever seen, and our enemies are about to find that out the hard way! I will support the President's efforts to hunt down and punish those cowards responsible for the killing of unsuspecting and innocent civilians. Unfortunately, whatever action taken will never be enough to sufficiently avenge our nation's losses.

Let us always remember that although our nation has been violated, we will deal with those who perpetrated this terrorism.

Freedom to live was stolen from many of our mothers, fathers, children, sisters, brothers, and our citizens. We must never forget that, even long after our answer comes.

Mr. KOLBE. Mr. Speaker, yesterday America was hit by an unspeakable tragedy—an act of unconscionable horror.

I am uncomprehending, and I am saddened beyond depths I could have imagined, at the terrorist attacks that have been launched against the United States. My heart goes out

to the families of all those who have been lost—airline passengers and crew, workers in office buildings, military personnel, rescue workers—too numerous to even estimate at this point.

Yesterday, Americans from coast to coast and around the world stopped what they were doing and experienced shock, insecurity, and grief.

Our country has not felt such horror or fear in its history. Cities, suburbs, and rural towns became "still" as news spread of the events unfolding in New York City, Washington, DC, and western Pennsylvania.

As we relive yesterday's events, we will continue to be in shock. We will search for information about friends, family, and professional colleagues affected by this vicious attack.

However, as we move beyond the shock, we must remain assured that America's institutions and government remain fully intact. Our democracy is stronger than a band of suicidal terrorists. We will survive this deplorable attack. In fact, we will grow stronger. While this attack has destroyed lives and infrastructure, it has not destroyed our foundation as a country.

To the perpetrators of this act, I would state that you have not destroyed the spirit of America. You have not even shaken the foundation of this country. If anything, even as our nation grieves, its very foundation has been re-enforced with a sense of itself, its purpose, its freedoms, and the deeply felt civic connections among its citizens.

In the morning hours, even as hundreds of thousands of people were immediately gripped by chaotic circumstances in Washington, DC, and New York, we knew that our faith in one another as citizens would sustain us through the events unfolding before our eyes.

In the afternoon, as we watched the brave men and women of fire, police and medical professions carry out their duties, our confidence in civic institutions was re-assured and grew deeper.

All day as public resources were mobilized to support the efforts of New York City, Washington, DC, and southwestern Pennsylvania, our trust and belief in the leadership provided by local, state, and federal officials grew stronger.

My fellow Americans, after yesterday, that bond that binds us together as Americans, that bond that seems invisible or recessed in our daily lives, that bond that seems not to exist when we watch political or partisan differences being expressed, that bond became fully visible and tangible once again.

All of us felt its presence and re-emergence as we struggled through yesterday.

As we evacuated buildings.

As we follow the news.

As we took the metro or walked home.

As we shared our sorrow with friends and family.

To my colleagues and fellow Americans, I would say that it is through this bond—shared between ourselves, and indeed shared among all people who relish freedom and democracy—that we will tap our inner strength to overcome yesterday's event.

Over the next several weeks, we will take stock of our loss. We will grieve for friends

and loved ones. After that, we will re-build the physical infrastructure that was destroyed, and in so doing make sacred the memories of Americans lost.

Our lives will go on—saddened by those lost—but unencumbered by fear of those who have neither the ability nor courage to truly threaten our freedom and way of life.

As we move to respond internationally, we will assemble the facts to identify those responsible. And then we will act swiftly to punish those responsible, and we will protect U.S. national security interests in concert with our friends who share a commitment to actively combat terrorism.

To America's friends and allies, we take comfort in your words of condolence and look forward to your support in the future.

To the perpetrators of this crime against human life, you will be tracked down.

You may wish to remember what Admiral Yamamoto, the architect of the last major attack on U.S. soil at Pearl Harbor mused after that event: "I fear all we have done is awaken a sleeping giant and filled him with terrible resolve."

The United States will use every resource available to find you and to punish you.

Cowardly acts of terror will not change the United States of America. You will not win.

Mr. THORNBERRY. Mr. Speaker, there have been many times over the past two days when an analogy has been made to Pearl Harbor.

I am struck by a different analogy from the same war.

In August 1940, the Battle of Britain raged in the skies. It was different from previous wars because innocent civilians were thrust into the battle as bombs rained down on London and the rest of Britain.

Prime Minister Winston Churchill spoke to the House of Commons on August 20. He said: "If it is a case of the whole nation fighting and suffering together, that ought to suit us, because we are the most united of all the nations, because we enter the war upon the national will and with our eyes open, and because we have been nurtured in freedom and individual responsibility and are the products, not of totalitarian uniformity, but of tolerance and variety."

The same could be said of us today, Mr. Speaker.

What the terrorists will never understand is that the strength of America is the hearts of our people. They may attack our buildings; they may attack innocent civilians. But they can never harm the thing that makes us great—it's inside us.

Last night, church services were held across the country—from Clarendon, Texas to Washington, D.C.—as people prayed for those affected by the tragedy and for strength and courage to face what lies ahead.

I believe that God will continue to bestow His blessings on this favored land, and each day I will thank Him for the opportunity to be an American.

Mr. SMITH of Texas. Mr. Speaker, it will take weeks, months, perhaps years, for us to understand the magnitude of the terrorist attacks. Our lives will be changed as we struggle to find a balance between the need for increased security and the necessity of protecting our freedoms.

I was driving to work at the Rayburn House Office Building yesterday morning with my window down because of a broken air conditioner. As I came abreast of the Pentagon, which was on my right, I thought I heard a muffled boom and then, after a few seconds, saw a billowing black cloud of smoke. A few minutes later, when I stopped at the entrance of the Rayburn garage, a Capitol Hill policeman told me, "They just hit the Pentagon," and pointed to the same black cloud of smoke I had just passed.

It will take a while for our government to resume normalcy and for our country to regain its confidence. I used to tell Sunday School students that "confidence" comes from the Latin, "con fides," which means "with faith." That is how we will have to proceed.

Mr. BARR of Georgia. Mr. Speaker, the grief millions of Americans are feeling today all across our great nation knows no boundaries. While I recognize the significance of the Congress making a statement for the record to condemn yesterday's attacks, I also recognize mere words ring hollow today to the millions of Americans who have lost so much.

Lost in this tremendous tragedy were friends and loved ones, mothers and fathers, military personnel, firefighters, and police officers; innocent men, women, and children all. Over the days, weeks, and months ahead, all Americans must come together, work together, and do what they can, whether it is donating blood to a local blood bank or something as simple as thanking the brave men and women who put their lives on the line each day to ensure our safety and freedom.

The grief and mourning all of us are feeling today however, must be balanced by our resolve to identify and take action against those responsible for these despicable and unprovoked acts of war. For these were not simple acts of terrorism or mere crimes. They were acts of war; a direct and deliberate attack against our country, our government, our economy, and our military.

To that end, I disagree with those who believe we must bring these perpetrators "to justice." They should be destroyed, and destroyed with force so powerful that these perpetrators will no longer have the ability to rear their fangs towards our great nation again. I agree with the President who said last night there will no longer be a distinction between those who commit acts of terror and those who provide harbor to them. I only regret such a distinction has existed for so long.

While we remember and reflect on all we have lost, we must also move forward with a renewed fight to destroy terrorists and dismantle their infrastructure. This consists of identifying any and all terrorist elements—whether they be those who actually train and commit these acts, or those who harbor, finance, supply and otherwise offer support to them. Once we have positively identified them, we take them out; eliminate them from the face of this earth with a vengeance so strong they will never rise again. In doing so, they should be afforded the same lack of warning and mercy as they offered to the innocent victims in the World Trade Center and Pentagon.

There are other steps we could and should take, in light of these terrorist acts.

We must all work to immediately untie the hands of our military and intelligence leaders

to deal swiftly with serious and recognized threats to our national security. For the last 30 years, our government, through executive orders, has had an artificial barrier in place; prohibiting surgical attacks against known terrorist leaders. As the threat posed to American citizens by terrorist organizations continues to grow as demonstrated by the occurrence of September 11th, it is essential we use every tool at our disposal to eliminate those who would destroy our lives and property from doing so. To that end, I introduced H.R. 19, "The Terrorist Elimination Act"; legislation repealing those portions of executive orders prohibiting the government from directly eliminating terrorist leaders.

Terrorist leaders should rarely be targeted, and any such steps should only be considered after very careful and comprehensive consideration involving our military, intelligence, and policy leaders. However, when terrorist leaders, such as the ones who caused the attacks against New York City and Washington, D.C., take and threaten the lives of Americans, I believe it is entirely appropriate for us to remove them by any means necessary, without arbitrarily limiting our options.

Finally, we must begin to take steps toward understanding why our intelligence community failed to have knowledge or warning of such a well-planned, multi-faceted strategic attack. The federal government spends billions of dollars each year to ensure the safety of its citizens. For us to have no knowledge ahead of time is simply unacceptable, and I fully expect steps will be taken to understand the source of these problems and fix them immediately; including allowing our agents in the field more latitude to gain information and eliminating bureaucracy to ensure information is disseminated more quickly.

What we must avoid, however, is the knee-jerk reaction to pass more laws restricting the civil liberties of American citizens. The tragedies of this attack will only be compounded by giving the government more power at the expense of our civil liberties. If we cannot stop this sort of attack with all of the power our government agencies already have, then we are in very serious trouble. As I have said, the one area where the government can and must approve is in allowing more latitude to gain information overseas and in taking direct action against terrorists.

As I said at the outset, mere words have little meaning during this time of national tragedy. What we must do now is to take meaningful steps to exact retribution on those who are responsible and ensure this never happens again.

Mr. MOLLOHAN. Mr. Speaker, I join my colleagues today in expressing my outrage at these terrorist attacks on American soil. My thoughts and prayers go out to the families of those who perished at the hands of a cruel, and as yet unknown killer. I extend my deepest respect and gratitude to the hundreds of emergency responders who, at this moment, continue to make order of the wreckage that has resulted from this most wretched attack.

Our proud nation has never flinched from adversity. On the contrary—we are a nation that pulls together during extraordinary times. And, indeed, this is an extraordinary time. This unity of spirit is already evident by countless

Americans who are lining up at bloodbanks across the country, those offering clothing to the walking wounded whose clothes were seared by burning buildings, and scores of volunteers who are seeking to come to crash sites to relieve exhausted rescue personnel. The resolve of America is evident in the face of this carnage and chaos.

I join Members of the House and Senate in supporting President Bush's efforts to use all necessary resources to protect our Nation, and to determine who has perpetrated this unseemly act of terrorism and to punish them, or those who harbor them. I invite the President to communicate swiftly with the Congress to let us know what resources our Government agencies need to address the damage inflicted upon our land and our people. I know that Congress will respond thoroughly and expeditiously.

While buildings, as well as nerves, may be shattered by this heinous act of terrorism, American spirit is steadfast and unflinching. God bless America.

Mr. BEREUTER. Mr. Speaker, this Member calls to his colleagues' attention the exceptionally perceptive editorials of Nebraska's two metropolitan newspapers—the Lincoln Journal Star and the Omaha World-Herald. The editorial advice of the former newspaper that "now is the time for Americans to unite, to draw together" is certainly evident in abundance in Nebraska today, and throughout this Nation. All of us in Congress and in other national leadership need to consider, and lead by our example and our actions in the Congress, the advice of the Omaha paper that while "this is a time for anger, to be sure, and grief and compassion toward those whose family and friends are among the victims. But it's also a time for a clear-eyed assessment of what Americans can do to make our society less vulnerable to this kind of warfare."

[From the Lincoln Journal Star, Sept. 12, 2001]

#### ATTACKS MARK BLOODY END TO COMPLACENCY

Life in America will be forever altered by the terrorist attacks on New York and Washington, D.C.

Life will change because Americans not only will accommodate it, they will welcome it. Aren't you willing this morning to tolerate ultra-strict precautions the next time you board an airline?

A message was driven home in the thunder of exploding airplanes and collapsing skyscrapers. The greatest threat to American security may be from shadowy forces using guile, deception and stealth—not from recognizable foes wielding batteries of missiles and the recognizable implements of war.

Aircraft carriers, satellites, ballistic missiles, tanks, and helicopters were of little use against the foe who struck Tuesday morning in the deadliest attack ever mounted against Americans on American soil.

Apt comparisons were quickly drawn between the attack on Pearl Harbor on Dec. 7, 1941. This day, too, shall live in infamy. The toll of dead and injured, however, apparently will surpass the 2,388 deaths and 1,178 wounded at Pearl Harbor.

In World War II the enemy struck at what was then a far-flung outpost of American military might. But on Sept. 11, 2001, the enemy struck at the very heart and nerve center of the American military—the Pentagon in the nation's capital.

Despite the distinctions between Tuesday's terrorism and Pearl Harbor, Americans of today would do well to emulate the response of Americans to that surprise attack in the last century.

Now is a time for Americans to unite, to draw together. Terrorism is effective when it drives a wedge between a government and its citizens. Terrorism is effective when it can create chaos, when it can disrupt a society's productive routines.

Now is a time for Americans to remain calm. There were reports Tuesday afternoon of gas price spikes, and lines forming at gas stations. That's overreaction. Tuesday's blasts will have less effect on America's gas supply than the accidental refinery explosion earlier this summer in Illinois.

Americans can help each other. One way is to donate blood. The nation's blood supply, already at perilously low levels, was drained by Tuesday's catastrophe. Call the Community Blood Bank at 474-1781.

Americans should hold to their traditions of fairness and religious tolerance, even as they turn to prayer in accordance with their own faiths. If the attacks prove to be the work of Muslim extremists, those of different beliefs should remember that many Muslims abhor such violence. And surely Americans have learned enough about race not to hold every individual of Mideastern descent responsible in this time of rampant suspicion.

Most of America's response to Tuesday's suicide hijackings will be directed from Washington. This is no time for rhetoric as usual. Americans are sick of Republicans and Democrats who spend more energy fighting for partisan advantage than in actually addressing problems. Focus on ridding the globe of terrorists—not angling to pick up seats in the next election.

Certainly the nation's intelligence-gathering capabilities need to be scrutinized. Perhaps there has been too much reliance on satellite surveillance. Perhaps it's time to re-emphasize human operatives.

Tuesday's attack also should remind Washington that America, despite its status as the world's sole superpower, needs allies. And it especially needs allies if anti-terrorism efforts are to succeed. In the past several months the Bush administration too often has acted unilaterally. Now is an opportune time to mobilize the international community against terrorism. The bloody devastation in New York and Washington just as easily could have happened in Moscow, Berlin or Paris.

The deadliest attack ever made on American soil marks the start of a new era in this country. Complacency is now a thing of the past. As America grids for sustained battle against terrorism, may it be granted the wisdom to choose wisely as it balances the needs of liberty and security.

[From the Omaha World Herald, Sept. 12, 2001]

Yesterday was a day for Americans to face often-neglected realities.

Our borders are porous. Our cities are poorly protected. Our airline security program has been exposed as a dismal failure. Our defense and intelligence services are underfunded and, in some cases, held only hazily to account.

The Pentagon lies in partial ruin. The World Trade Center, a foremost symbol of our commercial might, has been erased from the Manhattan skyline. Americans can no longer be sure our centers of government and commerce are safe based solely on the good will of the public.

Some of the vulnerability exists because Americans wanted more personal benefits from government at the expense of defense and intelligence. Civilian society has grown apart from some of the realities of security. Accordingly, many Americans were unprepared for this brutal introduction to warfare in what is sure to be one of its 21st century forms.

It is a maddening, infuriating kind of conflict in which the enemy often can't be identified. Its targets are selected with cruel indifference to human values—the traveling public, the institutions of democratic government and large concentrations of innocent civilians.

It is war on a horrifyingly large scale. Some people compared the attacks with the Japanese ambush of Pearl Harbor. However, the toll was potentially greater than the 2,400 lives lost in that 1941 attack. Fifty thousand people worked in the World Trade Center towers. If the hijack-terrorists had achieved a maximum kill, it would have been near the magnitude of the 60,000 people who died at Hiroshima.

Tuesday, as the hours passed and shock turned to anger, Gen. Norman Schwarzkopf said what a lot of people were thinking—the first impulse, he noted, is to find the persons responsible and punish them severely.

But as Schwarzkopf acknowledged, part of the frustration of a terrorist war is not knowing the adversary, immediately or at all. We can only trust that the government will do its best to take care of that essential part of the response. These events should remind Americans of the importance of electing the best leaders they possibly can—the most important consideration is not the benefits the candidate promises but the character and wisdom he potentially can bring to an unforeseen crisis.

This is a time for anger, to be sure, and grief and compassion toward those whose family and friends are among the victims.

But it's also a time for a clear-eyed assessment of what Americans can do to make our society less vulnerable to this kind of warfare. Travel may become less convenient. The White House and the Capitol may become less accessible. Surveillance of suspect organizations may increase. Government resources that people counted on to make their lives more comfortable might have to go for security, which, after all, is the government's foremost responsibility.

Grown-ups will accept, indeed welcome, the sacrifices that need to be made.

The terrible events of September 11, 2001, will surely never be forgotten. This will stand with Pearl Harbor and the burning of the White House by the British in the War of 1812—events that not only saddened and outraged the country but also reignited its determination to preserve the blessings of liberty.

This determination has always been one of the country's greatest strengths. It has seldom been more urgently needed than now.

Mr. BALLENGER. Mr. Speaker, today is another day that will live in infamy.

Americans are not used to attacks on our citizens, especially on our own soil. And America will not stand for it.

Today's cowardly attacks were made by those who despise freedom. Well, I have news for them: freedom will prevail, and they will pay the highest price for their actions.

This was an act of war. Some of my friends who are World War II veterans compare this to Pearl Harbor. But in World War II, we knew who—and where—the enemy was. As yet, we

don't know the answer to that question, but be assured that we will find out.

Our thoughts and prayers today are with the innocent victims and their families. We also owe a great debt of gratitude to those rescue workers who continue to put public safety above their own. They are true American heroes, and we are deeply saddened that many of those public servants lost their lives.

But while we grieve, we must also harden our resolve to protect this wonderful country. I have great confidence in the men and women who serve in our military and will be called upon to respond on behalf of our nation. I also have great confidence in our civilians, who will willingly make whatever sacrifices might be needed.

I encourage our citizens to donate blood, which is critically needed at this time. I also encourage you to go to your house of worship and join in prayer.

America will rebound from this tragedy. The terrorists took their best shot, and now it's time that we take ours.

Mr. OSE. Mr. Speaker, yesterday, our great Nation was dealt a blow of untold destruction and loss of life, in a cowardly and egregious act of war by terrorists.

At this time my thoughts and prayers are with the victims and the families of this horrible terrorist act. This is now a time for our Nation to collectively grieve and come together as one to address this crisis. I salute the brave men and women who are, even now, pouring through the tangled remains of the buildings, the doctors, nurses, paramedics, and law enforcement who are working long hours to provide critical medical attention, and the volunteers who are rallying to support them.

The American people and Congress will support the President's effort to utilize every resource available to ensure our Nation's security. Our Nation has not witnessed such an unprovoked attack since Pearl Harbor. As in the past, America will respond. We will identify the perpetrators of these attacks and hold them accountable for an act of war against the American people.

Mr. SIMMONS. Mr. Speaker, I rise in support of Joint Resolution 61 expressing the sense of the Senate and House of Representatives regarding terrorist attacks launched against the United States on September 11, 2001.

We are gathered here on the floor of the people's House 1 day after the worst attack on American soil in our Nation's history.

We are gathered here to demonstrate that the people's work must go on. And that we will not be intimidated away from performing the people's work.

We are gathered here to show the world that you can take our people's lives, and you can destroy their property; but you can never destroy their values of freedom and the institution of democracy.

And so, as the people's representatives, we must act in the face of turmoil, confusion, and danger to do the peoples' work; to show our enemies that the people cannot be intimidated, and that our democracy cannot be shut down.

Today is a day that we must demonstrate to the world that terrorism is not free speech, it

is murder; and that terrorist acts are not politics, they are war. It is time for us to realize that the perpetrators of these acts are not trying to capture our attention to make a point. They are trying to destroy us; and it is time for us to respond in kind.

The resolution before us says that we "commit to support increased resources in the war to eradicate terrorism." It also provides that we "punish the perpetrators of these attacks, as well as their sponsors." These are appropriate responses to what has happened over the past 24 hours.

In the coming weeks, I do not want to see terrorist faces on the covers of our national newspapers. I do not want to hear the pundits talk of this group or that. I want our intelligence community and military forces to hunt them down like the murderous cowards they are. And I want this Congress to use its "power of the purse" to ensure that they have the resources they need to accomplish this task. That is what this resolution says we will do. That is what we must do.

In closing, Mr. Speaker, I will share with the Chamber that last night, my wife spent the evening hours with beloved neighbors in our hometown of Stonington, CT. Their young grandson, my daughter's classmate and friend, had a new and exciting job in New York City located on the 105th floor of the World Trade Center. He was a bright and energetic young man; a smalltown boy pursuing the American dream in "the Big Apple." Following yesterday's attack, calls to his cell phone went unanswered. He is missing. We fear the worst.

Today in eastern Connecticut we have learned of four others who are missing, and we mourn the deaths of three loved ones who were on two of the aircraft involved.

This distress among our fellow citizens demands that we respond with strong and unequivocal action. This resolution is just the first step. I expect that it will be followed by authorizations and appropriations. In the name of the missing and the dead, we can do no less. This is the people's house. In their name, this is what we resolve to do.

Mr. REGULA. Mr. Speaker, I rise to strongly condemn the heinous acts of terrorism committed against the American people yesterday. The barbaric cowards perpetrating these acts have attacked not only our country, but also the values of human freedom and democracy that so many Americans have died defending both here and abroad. Our thoughts and prayers are with the injured and those who have tragically lost loved ones.

In the short term, we must do everything we can to save and care for those injured in these attacks. The Federal Government can and must be a vital partner in this effort. As chairman of the appropriations subcommittee that funds the Department of Health and Human Services, I am very pleased to see the Department is coordinating emergency medical services under the Federal Response Plan, dispatching medical supplies and disaster medical teams to the areas affected by these attacks.

I must express my sincere gratitude to all those police, fire, and volunteer rescue units that have saved so many already at their own risk and continue their efforts to find survivors.

My appreciation also goes out to those tending the many injured. Lastly, I must say thanks to all those who have donated their time, blood, and possessions to aid the rescue effort. It always impresses me that in times of great tragedy, the people of this country rise to the challenge in coming to the aid of their fellow citizens. This says a lot about the values this nation represents.

Of course, our energies must be strongly focused on finding those responsible and bringing them to justice. I consider this to be an act of war against the United States and a substantial and coordinated response is needed to protect our national security. Like the President, I believe we must strongly punish not only these terrorists, but also those who provide them with a haven in which to operate. I hope that our friends and allies worldwide will help us in this effort.

Clearly, the unforeseen nature of these attacks requires us to rethink the way we defend this country, with the hope that future attacks can be prevented. Domestically, we must pay better attention to unconventional threats and basic security measures. Internationally, we need to better utilize our intelligence resources so that these types of threats can be detected early.

This is not the first time our country and way of life have been challenged. This challenge too will be answered and this great nation will prevail over these faceless cowards. These are the times when all Americans are called upon to rise to the occasion, working together with a common purpose to show that this Nation continues to stand tall and proud.

Mr. LATHAM. Mr. Speaker, yesterday our Nation suffered previously unimaginable horrific acts against our Nation's citizens and our democracy, in an attempt to shake our foundation of freedom.

As parents, grandparents, and peers we not only see these acts as an attack on our Nation—but also an attack that threatens to shatter the innocence of life as seen by our children. Yesterday, the actions of others crushed this innocence and reminded us that freedom does not come without a cost. As so many American's who have fought for this country already know—freedom is not free.

I want to express my condolences and prayers to all of the families and friends who have lost loved ones and to those victims who are fighting to survive their injuries. I also want to ask us all to remember and pray for the dedicated people who have worked and continue to work to recover possible survivors.

As a nation of free people we will join together and recover from this tragedy. From the ashes of this tragedy we will rise up and prevail—because in America—every morning has the potential for new and even better beginnings.

Mr. SUNUNU. Mr. Speaker, yesterday, America was besieged by images of tragedy and horror as we witnessed an attack on the very heart of the freedom which we hold so dear. Today, the Nation and the world are besieged by emotion: disbelief, anger, and enormous sorrow. We mourn the loss of thousands, and grieve for the families, friends, and communities that have lost so much.

As Chaplain Coughlin told us through prayer this morning, "Yesterday changed the world,

and today we are changed." We will meet this change and this challenge united—knowing that our freedom is our greatest strength and knowing that in our resolve to protect freedom, we will not fail.

Mr. HILLEARY. Mr. Speaker, our Nation, our freedom, and our way of life were violently attacked yesterday. Our thoughts and prayers are with the victims and their families, as well with the men and women who are conducting the recovery efforts.

While, our adversaries correctly calculated how to get past airport security and execute their plan, they badly miscalculated the unity and resolve of the American people. Whatever policy disagreements we may have are a family fight. One need only to see the long lines of people waiting to give blood for the victims, or the truckdrivers in New York stopping to pick up carry pedestrians across the George Washington Bridge, or the woman handing out free pairs of sneakers to women wearing high heels so they could get through the rubble safely to know that the American people are as united as ever.

We stand united behind the President and his national security team. While the people behind these vicious acts don't have the courage to show themselves, we will find out who is responsible for this, we will hunt down those who financed and protected the terrorists, and we will make an example of them.

This is much more than a massive criminal act; it is an act of war, and will be dealt with as such. The merchants of terror have gambled that America won't have the stomach to do what is necessary to safeguard our freedom. They have gambled wrong. America can't—and won't—flinch.

Mr. LARGENT. Mr. Speaker, today our nation grieves for those lost in yesterday's horrendous attacks. Our prayers are with the victims and their families. We also must honor the heroic efforts of those who gave their lives while attempting to rescue victims trapped in the Trade Towers. Hundreds of firefighters, police officers and other workers reportedly lost their lives during the terrible collapse of buildings. We will never forget their courage and sacrifice, and we must do all we can to assist those who continue to attend to victims and search for survivors.

Make no mistake: yesterday's attacks were an act of war against the United States. When we determine who is responsible our reaction must be strong, decisive, and sustained enough to stamp out this threat against our nation. We must support our president in any operation that would punish the group responsible for these attacks and any government who harbors these terrorists.

America has been challenged in the past, and we have not only prevailed but come through each trial a stronger nation. This test will be no exception. After September 11, 2001 we will be a stronger, more noble, and more free nation than before.

Today a new generation of Americans is reminded of the fact that freedom is not free. The struggle before us will be long and difficult but America will prevail. The depth and breadth of evil in yesterday's attacks was extraordinary, but the spirit of America is greater still. The people of Oklahoma, in particular, have been an example to the world of how

Americans respond to terror. We stand by one another regardless of race or ideology with compassion and determination.

The spirit of fear that spread throughout our nation yesterday will be driven from our soil. Our military will play its role, but the real victory of freedom over tyranny will come, as it always has, from the character of the American people. As a nation we must, more than ever, hold to our common heritage and belief that the freedoms we hold dear are the right of every individual under God and not merely the fruits of economic or military power. The Apostle John writes in 1 John chapter 4 that perfect love drives out fear. The love the American people have for freedom and for every child of God is a foundation that can withstand any attack. Terrorists may wage war against our structure but they will not touch our soul.

In the coming days the world will undoubtedly see the strength of our military but they will also see the strength of our character and the values that make America what it is. America has always been a lighthouse to the world, welcoming those seeking a safe harbor and new beginnings. America was attacked precisely because her freedom shines brightest. In the days to come that lighthouse will shine even brighter still, penetrating the darkest of nights and standing tall as an enduring beacon of hope.

May God bless the victims and their families, and may God bless America.

Mr. ISAKSON. Mr. Speaker, September 11th was a tragic day in America's history, and a defining day in the lives of all Americans and all civilization. My prayers go out to all those who's loved ones were lost or injured.

As we reflect on the horror of the terrorist attack we must all, individually and collectively as a nation, resolve to support our President, military and law enforcement in their pursuit, capture and conviction of those responsible for carrying out this act of terror.

The intent of terrorism is to strike fear in the hearts of people, and to cause people to cower and retreat. We must all demonstrate as a nation and as individuals that terrorism has failed in its intent. Our history demonstrates that America has risen to meet and defeat every attempt to shake our dedication to peace and liberty. Now will be no exception.

Freedom and hope in the world rest today, as it has for over two centuries, on the shoulders of Americans. May our response against those who attacked America be swift and decisive, and our resolve to never allow this to happen again ever vigilant. God has blessed America, and I pray God's healing hand touch all Americans whose families suffered loss and injury yesterday.

Mr. DOOLEY of California. Mr. Speaker, yesterday our nation experienced one of the worst tragedies in its history. It was a tragedy caused by violent terrorists with no regard for precious human lives. It was a tragedy that reminded us not to take our freedoms for granted. And it was a tragedy that will be sure to touch the lives of everyone in our nation for a long time. Today I want to express my deepest personal condolences and concerns to the victims of yesterday's tragedy and their families.

The attacks yesterday on passengers on four airlines flights, the World Trade Center in New York, and the Pentagon in Washington, D.C. struck at the heart of our nation. They struck our entire country by attacking some of our great nation's most important symbols and institutions. The Pentagon is a symbol of our nation's great military might, which protects our borders and defends our democratic way of life. The World Trade Center was a symbol of this nation's vital and strong economy—an economy that will remain as strong as the resolve of all Americans.

More than assaulting our symbols, the terrorists struck at the heart of our nation—its people. They struck not just the immediate victims of yesterday's violence, but at many, many more. They struck the victims' families, friends, and all our communities. Their violence didn't just destroy buildings—it took away the gift of life from countless innocent Americans. The human cost of this violence will be deep.

I join with all of my colleagues in declaring today a national day of mourning. It is important that we take the time to mourn the dead and others affected by this tragedy. Only by mourning and praying can we come to grips with this terrible act and make peace with its consequences. But we must do more than mourn.

We must act swiftly in the coming days to provide emergency aid to support to those areas affected by the violence. This should include federal funds for rescue, recovery, rebuilding, and counseling. And it should also include individual volunteer efforts, whether it's the donation of blood or assistance in providing solace and comfort to the victims' families.

We must find the perpetrators of these heinous acts and bring them to justice. I have faith the President Bush will act quickly and aggressively to identify the terrorists and launch appropriate retaliation.

We must do everything in our power to prevent terrorists from inflicting this strain of violence in the future by significantly increasing our intelligence budget and investing more in traditional human espionage.

We must work to restore the fullest confidence in our airway safety by strengthening security measures at airports around the country. Most Americans understand that greater security measures may entail some sacrifices, but those sacrifices may be a small price to pay for greater peace of mind.

And finally, we must help each other heal from this tragedy. When terrorists seek to divide us, we must remember to trust each other and to stand united. By placing our trust in each other, we can once again strengthen and preserve the strong bonds of this country that these terrorists tried to break.

Mr. RAHALL. Mr. Speaker. Southern West Virginians know loss. We hope and pray for the victims of these attacks and their families as other Americans have hoped and prayed for us in the past. Our nation's motto is E. Pluribus Unum: Out of many, one. Americans always display this unity best when disaster strikes our fellow citizens.

Yesterday's attacks did not kill only Washingtonians and New Yorkers. The victims came from across this country. At least one

family in my own District was torn apart. Dr. Paul Ambrose, a talented and public-spirited young physician, was aboard one of the airplanes that the terrorists crashed. The sympathies of all America are with Ken and Sharon Ambrose of Huntington, West Virginia, today. We will avenge their loss.

America seeks peace, but it is not blind. The people who planned these attacks are out there, and we know that they still pursue their evilness. Their celebrations will be short, because America's resolve is sure. I support the President's vow to punish these murderers and those who give them shelter.

As the death toll mounts in the aftermath of the most vicious terrorist attack ever perpetrated on Americans and America, I ask the good Lord to give us the courage, wisdom, and conviction to bring those responsible to justice.

Certainly, the horror of this attack has been etched into the minds and hearts of all Americans. It is time to mourn the dead. To care for the injured. But it is also time to plan for our future, and to take actions to insure that the lessons of this attack will not be lost. That those who perished will not have done so in vain.

America will persevere. We are not weakened by this attack, but rather, will grow stronger. Out of these flames of death, an even stronger American spirit will be born. And the beacon of freedom, of our Democratic institutions, will burn even brighter upon the world.

Mr. SMITH of Michigan. Mr. Speaker, my office manager, Mary Christ, noted the following that I want to share with my colleagues. And I quote:

Suddenly, we are living in a new world.

This attack on the United States is worse than the Pearl Harbor of the past.

Then, a known enemy struck at a far-away naval base.

Now, an unclear enemy has struck against the heart of the nation.

Innocent civilians were turned into weapons, and innocent civilians were the targets and the victims. It was unspeakable brutality and terror.

It could not have been worse.

This was the day we will all remember.

This was the day the world changed.

For 10 years, we have been living in the optimism after the fall of the Evil Empire and a new freedom around the world. Now, a new Evil has struck.

A new war will be waged across world.

It will never be the same.

Thank you Mary!

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.J. Res. 61.

911 now has a new meaning in America. September 11, 2001 is the day the landscape of America was changed forever. Whenever I hear 911, not only will I think of emergency assistance; I will remember the victims and families of this great tragedy and the importance of the fight against terrorism.

We will rebuild structures, but we cannot rebuild thousands of lives that have been lost to this world forever. Our thoughts and prayers go out to the victims, their families and friends and all of those affected by this reprehensible and cowardly attack against our country. As we attempt to rescue survivors and console those who have lost, we begin our determined

quest to find the murderers and impose the appropriate punishment.

Make no mistake. The act of war perpetrated against us will be met with the full force of the United States. Once we have identified the cowards, our response will be swift and severe. President Bush, Congress and the American people are resolved to take on and defeat the forces of evil that attempt to disrupt our way of life. The principles of democracy in a free and open society are at stake. Weak and cowardly terrorists have declared war against all nations that enjoy freedom and liberty. The world is now divided between those who support terrorism and those who will fight it, and all peaceful nations should band together in a unified force against those that spread hatred and wreak terror. We shall target not only those who plan and carry out these acts of terror, but those who feed, finance, clothe and harbor them.

Congress must reassess our priorities in the way we provide security for the American people. As a member of the Appropriations Committee, I pledge to stand with President Bush in addressing our intelligence and national security needs. We must keep Americans safe to assure our freedoms.

Mr. Speaker, yesterday was a dark day in America. Today, the light of freedom shines bright and we must move forward with confidence as the greatest nation in the world.

May God bless those who lost their lives and comfort their families. And, my God bless the United States of America.

Mr. SAXTON. Mr. Speaker, I first wish to associate myself with the remarks of Mr. ARMEY and Mr. GEPHARDT. The partnership we have formed and the commitment to work together on a bipartisan basis with no aisle between us is a statement of great importance. The American people today have an enhanced commitment to freedom and democracy, and that commitment is directly reflected through their representatives in this Congress.

Yesterday's heinous attacks were acts of war against the citizens of the United States. And, the complexity of the attacks clearly points to a well-financed and painstakingly planned operation.

As the chairman of the Special Oversight Panel on Terrorism, Committee on Armed Services in the House, I wish to make a slightly different point. During the past 24 hours, since the shock of viewing the events of yesterday began to wane, the question has been asked many times: how do we prevent this from ever happening again?

As you know, there is no simple answer. However, during our deliberations on the panel which was established by former full committee chairman, the late Floyd Spence, it has become abundantly clear that there are at least five principles which must be developed or enhanced to safeguard the future security of our great nation.

First, there is an obvious need for the development of individual responsibility for the security of ourselves, our families, friends and our communities. An awareness for our surroundings and potential dangers must be understood and developed. We have heretofore existed in a relatively safe environment, free of dangers posed by terrorism. To some degree that may not continue to be the case.

Second, there is a need to develop "institutional responsibility." That is, to take steps to insure the places we go to work and visit are safer from violence. The Congress of the United States, as an institution, has made important strides during the past decade in this regard as we have safeguards in place today that did not previously exist. This is not so with most other institutions. Obviously, there is a need to increase institutional security at airports and in other places. State and local governments have special responsibilities in this regard as they are the closest to the people.

Third, to those of us who have studied this subject, it has become apparent that a high level of intelligence information is necessary in order to ward off terrorist acts. Simply stated, if we don't know they are planning an attack, we have little if any chance of stopping them. The previous administration's ban on recruiting unsavory characters and excess reliance on electronic forms of intelligence collection prevent us from collecting the critical human intelligence (HUMINT) that alone can provide warning of such attacks. In regard to the most recent event, we had no specific knowledge of the plan and disastrous results occurred. Better resources and a better organized intelligence operation is therefore a principle to advance.

Fourth, as President Bush pointed out in his remarks last evening, international cooperation is an essential principle. International terrorism simply has no borders. Government and societies are threatened by the same groups of individuals on every continent. This very day, we should each reach out to friends and associates in other government's to offer our cooperation and seek theirs.

Fifth, deterrence will begin to take place when would-be terrorists have developed a full understanding that there is a heavy price to pay for terrorist acts. That is why I believe everyone here today agrees that President Bush was exactly right when he said clearly: "we hold not only the terrorists responsible, but those who harbor and assist them as well, and we will hunt them down. . . ."

My colleagues, today is the beginning of a new chapter in the history of the USA. I pledge to all of you to work hand in hand together with you to bring an end to these types of heinous events. Together, we will make our country stronger than ever, and together we will see that yesterday's events are never, ever repeated.

Mr. LIPINSKI. Mr. Speaker, America was faced with a gutless, cowardly attack yesterday. Innocent people were murdered in cold blood—America was awakened to a new type of warfare. A type of warfare that was unfathomable to decent God-fearing people around the world.

Yet, as in the past, once awakened, together as a people, we will rise up in defense of democracy, rise up in defense of liberty.

America was also awakened to its lost patriotism, a patriotism that we drifted away from because of the security and prosperity this great land of freedom has enjoyed so long.

We are a peaceful people—but we will not turn the other cheek. No one should doubt our resolve.

As President Bush said, not only those individuals in this evil should be targeted, but

countries who support these people and these acts must and will be punished.

It is sickening to me to see pictures of people celebrating the deaths of innocent Americans. It is heartening to me to see the pictures of the heroes during this opening shot of war—those who helped others—firemen, policemen, doctors, nurses, paramedics—the list goes on and on.

And ultimately, that is the list that will win this war.

While we mourn the growing list of victims—we must celebrate the growing list of heroes. Those are the ones who will win this war.

I pray for the victims and their families. I pray for our Commander-in-Chief. I pray that justice will be ours.

Mr. HOLDEN. Mr. Speaker, I rise today with a heavy heart to pay tribute to those innocent lives that perished yesterday in an attack on America's freedom. The images of collapsing skyscrapers, a burning Pentagon, and large airplanes diving through our metropolitan skies will scar our memories forever.

As a former law enforcement officer, I want to pay particular attention to the thousands of police officers, firefighters, EMS personnel, and other emergency responders who did their jobs with the utmost professionalism during the tragedies yesterday in New York, the Washington, DC area, and in Somerset County, Pennsylvania.

In my 7 years as a county sheriff, never did I train for, or conceive of a tragedy of this magnitude. Hundreds of New York City firefighters, police officers, and other emergency personnel who were the first to respond to the World Trade Center, were crushed in the rubble of the collapsing buildings as they were vigorously carrying out their mission—the mission of rescuing people.

Mr. Speaker, yesterday's events may have exposed the cowardness of a coordinated and faceless act of terror, but let us take note that it also exposed the bravery and professionalism, the perseverance, and heroism of the many police officers, firefighters, and paramedics who continue to do their jobs as I speak, amid the crushed vehicles and dead bodies of their fallen brethren who were among the first responders to the tragedy yesterday.

As we gather here to express our sadness and our anger at the tragedy of these acts of terror, let us also be sure to express our sincere gratitude to the emergency service personnel in each of our districts who continue to do their jobs every day, the job of protecting our lives and the lives of our constituents, so that we can live in an atmosphere of confidence and safety. These men and women are true heroes, and they need to know that they are appreciated.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.J. Res. 61, which condemns the cowardly terrorist attacks on New York and Washington, DC. I commend the leadership for bringing this bipartisan, bicameral resolution to the floor to demonstrate the resolve of our great nation and our solidarity with the families and friends of yesterday's victims.

Yesterday's actions were nothing short of an act of war. Although we do not yet know who is responsible, we can be fairly certain that these enemies of freedom and democracy

were seeking to destroy our very way of life. They certainly succeeded in bringing about death and destruction on a massive scale, and causing terror in the hearts of every American. But they will never succeed in breaking the spirit of America. Our great nation will survive today, and we will continue to stand as the beacon for democracy worldwide.

We in Congress are back at work today, carrying on the work of our nation. Across our country, millions of Americans are carrying on with their lives at work and in their homes. Our hearts are heavy with loss for those who perished. But we will not panic. We will not allow some senseless act of cowardice to deter us from our daily way of life. We will continue to cherish the freedoms for which our forefathers fought, and stand up even more strongly for freedom and democracy worldwide.

In stark contrast to this calculated, cowardly act of mass murder, there were stories yesterday of spontaneous acts of courage displayed by Americans in Washington and New York. Hundreds of the policemen, firefighters and other rescue workers bravely risked their lives to save the victims of the attack. As we speak today, thousands of Americans are lining up for hours to donate blood. Many more are volunteering in hospitals. This is the spirit of America that will never be broken.

Mr. Speaker, ten years ago, I was a Member of the House when we stood in solidarity against the tyranny of Saddam Hussein in the Persian Gulf. Saddam thought he could divide our nation, but he was wrong. He underestimated the strength, resolve and ingenuity of the American people.

Today, ten years later, we are faced with a new enemy, perhaps even more heinous and sinister. But, like Saddam, this enemy underestimates our ability to recover from tragedy and arise united as an even stronger nation. Ten years ago, I stood in this well as a Democrat, united in support of my President and our men and women in the Armed Forces. I do the same today, and I vow to President Bush that I will support him in his efforts to punish those responsible for this deplorable attack. Those who are responsible for this attack should make no mistake—all Americans, Democrats and Republicans, stand united behind our President, and we will bring about justice!

Mr. Speaker, throughout the confusion of the day, the beacon atop the Capitol dome remained illuminated. This beacon is a symbol of the freedoms that define our great nation. The enemies of our nation can denounce and threaten our freedoms, and periodically they can wound us, as they did yesterday. But they will never extinguish the flame of democracy. Freedom is the powerful, defining force that unites a diverse people under the umbrella known as the United States of America. Yesterday we were all touched by this awful tragedy, but today is a new day in America, and we are stronger and more united than ever.

Mr. Speaker, God bless the families of this awful, cowardly act, and may God continue to bless America.

Mr. DEMINT. Mr. Speaker, I often rise on the floor of the House and speak of securing America's future. As yesterday's events show, there is much work to be done.

Yesterday, we suffered the worst terrorist assault on American soil in the history of our

country. The horror that was perpetrated by assailants as yet unidentified, has resulted in untold death and destruction. Regular people, with children, and parents, and brothers and sisters went to work yesterday never suspecting that they would be the victims of catastrophic brutality committed by enemies they never knew. I am deeply saddened for those who lost loved ones, and I know that we will do absolutely everything possible to rescue those still alive but trapped in the rubble. Yesterday we saw evil at its worst. Today, as Americans come together to donate blood, rescue the survivors, and comfort those in mourning, we see America at its best.

The first two questions that followed this kind of unspeakable tragedy are always who did it and why. Although we have not yet determined who was behind the attack, we do know some things about them. The people who did this premeditated act of violence were calculated, malicious, and cunning. They ruthlessly turned commercial airliners filled with innocent passengers into flying bombs. They were brazen in their planning and determined in their execution. Their despicable act of violence and cowardice is tantamount to an act of war, and as President Bush said, we must marshal the full resources of the government to hunt down and eliminate those who would use terror as a weapon. We must redouble our efforts to ensure that the manufacturers of terror have no place to rest, no allies willing to risk harboring them, and no hope of ultimate success.

The United States of America is a peace loving nation; we are not a people who are easily provoked to confrontation or war. We are slow to anger and practice tolerance. We routinely give of our surplus food, knowledge, and resources to others in the name of humanitarianism. We have opened our arms to receive those fleeing from oppressive regimes who agree with the principles of freedom and wish to join us. And to those peoples and nations who do not agree or do not wish to join us, we strive diligently to coexist with them peacefully in the international community.

But there are some who are not satisfied with our decision to sustain a society that protects life, liberty, and the pursuit of happiness. They refuse to embrace the virtues of freedom and have rejected the blessings of liberty, and further, they have attempted to prevent America from doing so.

We espouse freedom and the way we choose to govern ourselves embodies and manifests that principle. Our society, commerce, and government are open. And, as yesterday's attack showed, that openness can make us vulnerable. The goal of our attackers is that we will respond by closing our cities and society and withdraw our efforts to spread freedom around the world so that their quest for power through barbarism will go unchallenged. But we will remain steadfast and continue to challenge terrorism.

And so as the dust is settling and the smoke is fading in New York and Washington, and as we count our lost, a rage is kindling. To those who committed this act, I say that you have not accomplished the destruction of Democracy or dampened the light of Liberty. You have only reminded us once again, that there is a price for freedom; but you will surely

bear that cost in full as well. You will know the fury and scourge of a people provoked to protect their freedom and answer for loved ones who are now dead.

Many have appropriately compared September 11, 2001 with December 7, 1941. It is worth pointing out that in distinction to the events of 1941, yesterdays attack targeted both military personnel and civilians. And while we deal with the shock and dismay that must be similar to the day after the events that catapulted us into World War II, I would note the words attributed to Japanese Admiral Isoroku Yamamoto after the Pearl Harbor attack when he said, "I fear all we have done is to awaken a sleeping giant and fill him with terrible resolve."

Today I join with other Members in passing a resolution condemning this act of terrorism and in the coming hours and days, we in Congress will be working closely with the President to rescue survivors, honor our dead, and dispatch the severest possible punishment to those responsible. We have much work to do to secure the future of America, and the principles of freedom and democracy throughout the world.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in strong support of H.J. Res. 61. Yesterday, September 11, 2001, a cowardly attack of horrific proportions was perpetrated against the United States. Words simply cannot explain the enormity and horror of what was witnessed yesterday. It was a day of barbaric acts in striking contrast, the darkest side perpetuating an act of cowardice and the American resolve and heroism, of individuals rushing to rescue those fallen by this despicable cowardly attack.

At this time our thoughts and prayers are with the families of the innocent Americans who were murdered or injured in the World Trade Center, the Pentagon, and on board the airlines, in this unprovoked and unconscionable attack on the United States.

Make no mistake; what happened Tuesday, September 11, was an act of war, perpetrated by cowardly fanatics with no regard for life. It was an attack against our basic freedoms and values. Our response must be just, swift, and severe.

During this time of tragedy, the United States Congress and its members stand strongly united behind our President, the Joint Chiefs of Staff, and the nation. The United States stands prepared with grim resolve to identify, pursue, and capture, and bring to justice the perpetrators of these attacks. America's resolve is unwavering, with no quarter given to those who have committed these heinous crimes and those who harbor them. There can be no distinction between terrorist and those nations who seek to give them sanctuary and asylum.

Yesterday, the world changed. Yesterday, humanity's innocence was stripped away and violated in a flash of fire and the haze of destruction. The nation will do what generations of Americans have done before us, we will roll up our sleeves and get to work, continue the ongoing rescue efforts, mourn those we have lost, rebuild what has been destroyed, and seek justice for this diabolical attack on our Nation.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of the resolution.

Yesterday America lost its innocence. Never again will we feel that we are safe from attack. I am shocked. I am horrified, I am deeply, deeply saddened.

Make no mistake about it. Our Nation is at war. However, this is a new kind of war where we aren't sure who is the enemy. At least one thing is certain—our resolve is strong to find those responsible and to punish them.

Our response must be swift, forceful, and thorough. But above all, we must be careful that our actions do not unnecessarily increase world tensions. Let us not fall to the barbaric level of our attackers.

I proudly represent the Dayton area, home of Wright-Patterson Air Force Base, one of the largest military bases in the country. Every day, tens of thousands of Dayton area citizens work to protect our national security.

That work takes a new meaning as our Nation comes to grips with new, urgent military requirements.

I join my constituents in offering condolences to the victims and their families of this brutal terrorist attack. My prayers are with them.

I am also especially thankful to the fire fighters, police officers, rescue workers, and the military personnel who have risked their lives to protect us.

The American spirit cannot be defeated. We will move forward to protect our economy, our military, and our way of life.

Mr. GILMAN. Mr. Speaker, later this week a delegation from the European Parliament was scheduled to meet in Chicago with an American delegation, which I have the honor to lead, in our 53rd meeting of the Transatlantic Legislators' Dialogue. As much as we would like to proceed in "regular order", the two delegations have decided that it will be inappropriate at this time for us to meet in Chicago. Instead, we will meet in Washington.

I want to thank the European delegation, headed by chairperson Imelda "Mel" Read of the United Kingdom, for a touching expression of sympathy, solidarity, and willingness to work against terror which she sent me yesterday, which I ask that it be inserted in the RECORD at this point.

In addition, I would like to insert a statement from the Committee on Foreign Affairs of the European Parliament and by the Council of Ministers of the European Union, both of which express their solidarity with the United States.

EUROPEAN PARLIAMENT,  
Washington, DC, September 11, 2001.

Hon. BENJAMIN A. GILMAN,  
U.S. House of Representatives, Washington, DC.

DEAR BEN, The members of the European Parliament delegation for relations with the United States and myself are shocked and horrified by the terrorist attacks in New York and Washington.

I wish to express to you personally and to the members of the US delegation our deepest sympathy for the innocent victims of these attacks.

The European Parliament has repeatedly condemned in the strongest possible terms such appalling acts and I wish to assure you of our determination to stand by the USA in combating terrorism.

I would also like to inform you that the European Parliament delegation is ready to participate in any event that may dem-

onstrate our common resolve to continue working together in promoting peace, security and prosperity in the world.

Yours sincerely,

IMELDA READ.

STATEMENT OF THE EUROPEAN PARLIAMENT,  
COMMITTEE ON FOREIGN AFFAIRS, HUMAN RIGHTS, COMMON SECURITY AND DEFENCE POLICY, BRUSSELS, 12 SEPTEMBER 2001

The Foreign Affairs Committee has learned with shock and sorrow of the atrocious terrorist attack in the USA.

We join our colleagues in the US Congress and all American people in their deep sorrow and stand united with them in solidarity.

This terrorist act is directed against the entire international community of democracies and their citizens.

We stand together with the USA in the fight against international terrorism.

At the same time, we should develop a joint policy of all democracies against any state hiding or supporting terrorism and we should aim to overcome together the most burning conflicts in the world.

No political reason justifies terrorism.

DECLARATION BY THE EUROPEAN UNION

The Council of the European Union, meeting in special session today, in the presence of the Secretary General of the Atlantic Alliance, expressed its horror at yesterday's terrorist attacks in the United States. The Council stressed its complete solidarity with the government of the United States and the American people at this terrible time and extended its deepest sympathy to all the victims and their families. We ask all Europeans to observe 3 minutes of silence Friday, 14 September at 12h00 and we also declare 14 September 2001 a day of mourning.

These horrendous acts are an attack not only on the United States but against humanity itself and the values and freedoms we all share. The life and work of our open and democratic societies will continue undeterred.

The Union utterly condemns the perpetrators and sponsors of these acts of barbarism. The Union and its Member States will spare no efforts to help identify, bring to justice and punish those responsible; there will be no safe haven for terrorists and their sponsors.

The Union will work closely with the United States and all partners to combat international terrorism. All international organizations, particularly the United Nations, must be engaged and all relevant international instruments, including on the financing of terrorism, must be fully implemented.

The Community and its Member States have offered to the United States all possible assistance with search and rescue operations. Discussions are underway to establish what help would be most useful.

Recalling the strong and enduring ties which exist between the European Union and the United States, the Council has asked the Presidency to stay in close contact with the government of the United States in order to convey this message of solidarity.

SEPTEMBER 12, 2001.

On behalf of the eight members of the British Parliamentary Delegation in Washington Hon. Michael Connarty MP said:

Every member of our all-party delegation expresses our deepest sympathy to the American people at this time of tragedy. Our heartfelt condolences go out to the families, friends and communities who have lost loved ones.

We unreservedly condemn these cowardly acts of terror against innocent people. All of our delegation stand united behind Prime Minister Tony Blair and Foreign Secretary Jack Straw in offering solidarity and help to bring the perpetrators to justice.

On a personal level, our delegation wishes to record our thanks to the State Department Officials who showed such concern for our safety and welfare when we found ourselves in the Capitol during the attack on the Pentagon.

We are impressed by the bravery and resolve of the American people, their representatives and their government. We are certain they will prevail.

Michael Connarty, James Clappisson, David Heath, Patsy Calton, Baroness Walmsley, Angela Watkinson, John Lyons, David Hamilton.

Mr. HALL of Texas. Mr. Speaker, I join all Americans today in mourning the loss of so many innocent American citizens and condemning those who planned and carried out these horrific acts of terrorism on September 11, 2001, a day that will be forever emblazoned in the hearts of all Americans.

This is the fourth generation type of warfare that we have long feared, and we will employ every available resource to eradicate such tactics from the face of the earth. We will not rest until we ferret out those who perpetrated this infamous act and those who aided or abetted this action.

Our nation is united in our deep sympathy and compassion for the victims, families and friends of those who perished and were injured. We are united in our gratitude for the heroism of rescue workers and volunteers. And we are united in our indignation and our determination to find and to punish those responsible for these barbaric acts of terrorism.

Our prayers go out to the victims, their families, and for our country at this time of national tragedy. We have been shaken by these savage and cowardly attacks—but our resolve and our character will never be daunted. Americans always rise to the challenge of a crisis, and we will once again show the world what it means to be an American.

May God's grace be with the victims, their families, and with America.

Mr. SIMPSON. Mr. Speaker, yesterday, our nation witnessed one of the most despicable acts imaginable to mankind. The senseless devastation unleashed through these cowardly acts left every American with a sense of lost innocence and increased fears. Today, however, our nation stands united against not only the individuals who perpetrated the attacks, but against those who abhor freedom and embrace such evil and hatred.

America is a land that embraces freedom and values human life. We are a people that rush to help our fellow citizens, even at great peril to ourselves. Yesterday, America witnessed the heroism of police, firefighters, and bystanders who risked their own lives to help others. That is America at its finest—a spirit that will not be broken.

While America grieves, no nation, group, or individual engaged in or harboring terrorism should misunderstand the immense resources being employed to identify and punish those responsible. We will find you, we will hunt you down, and we will eliminate you.

The American people and the rest of the world must know that in times of great pain

and tragedy, America is united not divided. As we have done countless times throughout our nation's glorious and storied history, Americans will unit behind President Bush to ensure that justice is served. Let us not forget the words of Japanese Admiral Isoroku Yamamoto following the bombing of Pearl Harbor who feared he had, "... awakened a sleeping giant and instilled in him a terrible resolve."

We must continue to pray for those who have been impacted by this tragedy. The families and friends of those killed and injured yesterday need our support, comfort, assistance, and prayers for many months to come.

Mr. DICKS. Mr. Speaker, as we pass this Resolution in Congress today condemning the terrorist incidents that took place in New York City and in Washington yesterday, we are also committing ourselves to supporting the increased resources that will be necessary to respond to this newly enhanced threat. All of our lives have been changed as a result of the events of September 11th, and as we reflect upon the loss of life and the human impacts of this tragedy, let us also resolve to take the appropriate actions to assure that we are better able to protect the lives of American citizens in a world that has become a more dangerous place.

In this regard, I believe there is consensus at this time among Members of Congress to support the increased level of spending for defense and national security in the next fiscal year. But I am concerned, Mr. Speaker, about the real defense requirements that each of the military services has submitted to Congress, in response to a request from Congressman IKE SKELTON earlier this year. These "unfunded requirements" of the Army, Navy, Marine Corps and the Air Force represented the actual requests that were NOT included in the budget for Fiscal Year 2002, submitted by President Bush in June. The total amount of that listing of unfunded requirements submitted to Congress was \$32.4 billion, and when the President's budget was submitted to Congress in June, it accounted for NONE of these urgent requests from the services.

Therefore, as we debate the defense authorization and defense appropriations bills in the aftermath of yesterday's tragedies, I believe it would be helpful for the Members of the House to review a summary of the list of unfunded requirements. I believe this listing details the kind of expenditures that we have postponed for too long. At this time, I believe the real national security need is closer to the actual requests that were made by the Joint Chiefs, and I my colleagues to support a more responsible level of defense spending for the next fiscal year. Following are some of the highlights of the listing of Unfunded Defense Requirements for the next fiscal year.

#### ARMY

Equipment Recapitalization: The Army needs \$421 million to recapitalize its Apache and Chinook Helicopters and its Abrams tanks and Multiple Launch Rocket systems.

Comanche: The Army needs \$52.3 million to support its Comanche program at the minimum sustainable level. The Army has identified Comanche as its first Transformational program.

Army Data Distribution System (ADDS): The Army needs \$124.5 million to upgrade and

maintain its data distribution and communications networks in support of more rapid deployments and operations.

SINCGARS: The Army needs \$17.6 million just to buy the required numbers of the baseline SINCGARS radio.

Information Systems Security: The Army needs \$48.6 million to upgrade and ensure the security of its information systems.

HMMWVs: The Army needs \$264 million to purchase 4000 HMMWVs to cover unit shortages.

Heaters: The Army needs \$22 million to replace unsafe heaters used in field encampments by deployed troops.

#### NAVY AND MARINE CORPS

Defense Message System (DMS) Transition: The navy has a shortfall of \$15 million because the new Defense Message System (DMS) cannot support the Navy's special handling and Emergency Action Messages. The Navy has to maintain two messaging networks to handle its highest priority communications as a result, and this requirement is unfunded.

Close-In-Weapons-System (CIWS): The Navy needs \$85 million to fully fund upgrades to the Close-In-Weapons-System on Navy ships. This system defends against small fast moving boats and both slow and high speed missiles and aircraft.

Rolling Airframe Missile (RAM): The Navy needs \$121 million to fully fund the RAM missile which protects Navy ships from Anti-Ship Cruise Missiles.

F-18 E/F: The Navy needs an additional \$390 million to buy 7 more F/A 18s than currently planned. The average age of Navy planes is now on course to exceed the average age of its ships, an astonishing and troubling problem. The Navy must recapitalize its air fleet.

EA-6B Jammers: The Navy needs \$15 million to replace 57 jammer pods that are obsolete. These aircraft protect attack aircraft from Surface to Air Missiles (SAMs)

Spares: The Navy needs \$294 million to fund Spare Parts

Training: The Navy needs \$30 million to fund 2 additional trainer aircraft for training Navy pilots and \$123 million for live and inert training ordnance

Integrated Defense Electronic Counter Measures (IDECM): The Navy needs \$45 million to equip this year's F/A 18 E/F fighters with the IDECM system which protect these aircraft from Surface to Air Missiles (SAMs)

#### AIR FORCE

Wartime Reserve Munitions Replenishment: The Air Force needs \$362 million to replenish its stocks of ammunitions, bombs, warheads, missiles, and guidance kits of all of its armaments.

Readiness Spares: The Air Force needs \$46.5 million to fully equip its readiness spares kits

Link 16: The Air Force needs \$232.8 million to procure and install the Link-16 network capability on its Command and Control Aircraft (the AWACS and JSTARS) and 10% of its strike force to ensure that these aircraft can be updated with the latest information on threats and targets while in the air.

Global Air Traffic Management (GATM): The Air Force needs \$50.9 million to equip its C-130, KC-10, and C-12 airlift fleet with the

Global Air Traffic Management (GATM) which is required for safe flight in commercial airspace.

**Time Critical Targeting:** The Air Force needs \$291 million for network and planning tools and communications upgrades to allow planning of air campaigns capable of attacking time critical targets as they are identified.

**Bomber Upgrades:** The Air Force needs \$730.7 million to fund upgrades to its workhorse bomber fleet that delivers a majority of all bombs and missiles. These aircraft are projected to have service lives of up to 80 years, and this funding is needed to keep them operating and as capable as possible.

**Fighter Upgrades:** The Air Force needs \$640.9 million to fund upgrades to the A-10, F-15, and F-16 fighters to upgrade avionics, increase reliability and mission capable rates, and enhance survivability.

**Stored Munitions:** The Air Force needs \$127 million to replace obsolete munitions that are prepositioned overseas with modern precision guided munitions.

**Fighter Self Protection:** The Air Force needs \$45 million for electronic self protection measures on the A-10 & F-16, and accelerate development of a towed decoy for the F-15.

Mr. COSTELLO. Mr. Speaker, I rise today with the rest of my colleagues to condemn the terrorist attack on the United States and to express my sympathy to the victims of this horrific action. The destruction of the World Trade Center and the Pentagon was a frontal assault on the United States, our people, and our way of life. Democracy and freedom will not yield to these cowardly acts. I have great faith in the citizens of this country, and the heroic and selfless acts witnessed in response to this tragedy are a testament to the strength of the American people.

We stand here today to further demonstrate the resolve of this great nation. The government is functioning normally, and Congress is in session. We come together today, Democrats and Republicans, to send the unmistakable message to the world that this country will not give in to terrorism. We will support the President and authorize any action necessary—employing all of the resources at the disposal of the U.S. government—to identify, track down, and bring to justice the perpetrators of this despicable act.

The attack yesterday was the single worst terrorist event in U.S. history. The bombing of Pearl Harbor in 1941 claimed 2,400 lives. Estimates indicate that thousands of lives were lost yesterday. My prayers are with the victims and their families, as they deal with the impact of their loss. It will take some time to fully understand the human toll that was exacted on September 11, 2001. But we already know that the United States will stand tall and survive, with liberty and justice for all, now and forever.

Mr. MEEHAN. Mr. Speaker, I rise today with my colleagues in sadness and anger, as our nation has paid severely for its love for freedom. Yesterday, those who have long practiced terror against the innocent revealed that their capacity for evil truly knows no bounds. They struck at America because America embodies what they hate: prosperity born of liberty; the triumph of diversity; and the pursuit of justice at home and abroad.

While the entire nation mourns the loss of innocent life, many families in Massachusetts are experiencing loss on a personal level as two of the airplanes used in this attack began their journey in Boston.

My thoughts and prayers are with those who lost friends and loved ones too young, too soon. No words of sympathy can ease their pain; no acts can restore what they have lost. Our responsibility to them above all is to honor and recall those who died and bring those responsible for their deaths to justice.

Those who visit violence on citizens of this nation will feel America's might. We pursue them without joy but with a firm resolve to prevent future tragedy.

Today is a day for mourning and remembrance. In the days to come, we must take a hard look at the state of our defenses against terrorism. It is a delicate task to prevent terror while preserving the civil liberties that have long distinguished our nation. We must rededicate ourselves to finding a balance that both protects and empowers the American people. And we must never, ever let down our guard.

Terrorism may spill blood on our shores. But it cannot extinguish our nation's faith in the principles which motivated its founding and have guided its history. America will endure, stronger tomorrow than today, ever a beacon of hope and inspiration to the entire world.

While I recognize that this list may be incomplete, I wish to honor and remember the men, women and children of Massachusetts who died at the hands of terror yesterday, and whose names will forever testify to America's commitment to freedom:

John Ogonowski, Dracut, Mass.  
 Anna Williams Allison, Stoneham, Mass.  
 Robin Caplin, Natick, Mass.  
 Jeffrey Coombs, Abington, Mass.  
 Tara Creamer, Worcester, Mass.  
 David DiMeglio, Wakefield, Mass.  
 Paige Farley Hackel, Newton, Mass.  
 Alex Filipov, Concord, Mass.  
 Karleton D.B. Fyfe, Brookline, Mass.  
 Peter Gay, Tewksbury, Mass.  
 Ted Hennessey, Belmont, Mass.  
 Charles Jones, Bedford, Mass.  
 Daniel C. Lewin.  
 Chris Mello, Boston, Mass.  
 Laura Lee Morabito, Framingham, Mass.  
 Jane Orth, Haverhill, Mass.  
 David Retik, Needham, Mass.  
 Richard Ross, Newton, Mass.  
 Bill Weems, Marblehead, Mass.  
 Garnet "Ace" Bailey, Lynnfield, Mass.  
 Mark Bavis, West Newton, Mass.  
 John Cahill, Wellesley, Mass.  
 Lynn Goodchild, Attleboro, Mass.  
 Peter Hanson, Massachusetts.  
 Susan Hanson, Massachusetts.  
 Christine Hanson, Massachusetts.  
 James E. Hayden, Westford, Mass.  
 Ruth McCourt, Westford, Mass.  
 Juliana Valentine McCourt, Westford, Mass.  
 Jesus Sanchez, Hudson, Mass.  
 Brian D. Sweeney, Barnstable, Mass.  
 Patrick J. Quigley IV, Wellesley, Mass.  
 Jessica Sachs, Billerica, Mass.  
 Alex Filipov, Concord, Mass.  
 Kenneth Waldie, Methuen, Mass.  
 Peter Hashem, Tewksbury, Mass.  
 Betty Ong, Andover Mass.  
 Douglas Gowell, Methuen, Mass.

Frederick Rimmele, Marblehead, Mass.

Robert Jalbert, Swampscott, Mass.

Dianne Snyder, Westport, Mass.

Louis Neal Mariani, formerly of Dracut, Mass.

Marie Pappalardo, formerly of Methuen and Lawrence, Mass.

Memories of them will always be with us.

Mr. WAXMAN. Mr. Speaker, I join my colleagues in shock, horror, and outrage over the indescribable tragedy that has engulfed our nation.

Yesterday, extremists hijacked our own domestic airplanes and used them as missiles in a horrific terrorist attack against the symbols of American economic and military strength.

No words can fully describe the sense of loss that we and other members of our American family feel. The lives of thousands of families were shattered among yesterday's rubble and we grieve with them.

No American was left untouched by yesterday's quiet heroes who put their own lives at risk. From the employee of the World Trade Center who carried a disabled woman on his back down dozens of floors to safety, to the firefighters and police officers who lost their lives running into burning buildings, to airplane passengers who performed tremendous acts of heroism that will forever remain unsung, to the thousands who gave blood and volunteered to help in any way they could. There are so many examples of selfless acts by Americans who, despite their own crises, looked to ease the tragedy of those around them.

We also cannot forget the courage of tens of thousands of federal employees who reported for work today despite the fear and vulnerability they cannot help but feel.

Yesterday's terrorist attack was an act of pure evil, but the foundations of American democracy remain intact and strong. As incomprehensible as it is to understand how our lives will be changed, one thing is certain—the United States Government will seek out those responsible, avenge these attacks, and take fierce retribution against the cowards who are responsible.

America is at war. We will remain vigilant and we trust that all civilized nations of the world will join us in our determined fight to uphold democracy and the rule of law.

Mr. KUCINICH. Mr. Speaker, America grieves for the victims of these terrorist attacks, and for their families and friends. Our prayers are with them and our hearts go out to those who have endured unbearable loss. Our most hopeful thoughts are with those who have risked their lives in heroic rescue efforts. In this grim moment, we must be resolute in protecting the fabric of our democracy and the individual freedoms that make America a great nation. As we grieve, we cannot let terrorists win by turning the United States into a police state.

America must remain calm because such calm is essential to preserving our liberties. America must bring to justice those responsible for these cowardly deeds. We must be cautious about rolling back freedoms at home or placing blame in the wrong place.

America must continue to be a beacon of democracy for the world. Let this sad moment cause all governments and all people of good

will around the world to unite and to move together to challenge and uproot those who have destructive goals which seek to create death and drive the world toward chaos. Now, more than ever, America must continue to be a force for peace in the world. We must not let the terrorists win.

Mr. BERMAN. Mr. Speaker, today we come together as a nation to mourn the victims of yesterday's abominable terrorist attacks, offer our deepest condolences to their families and friends, honor the courageous rescue workers who lost their lives in the line of duty, and condemn in the strongest possible terms those responsible for these monstrous acts.

No words can adequately express our shock, our sadness, and our tremendous loss from this terrible tragedy. The great promise of the new millennium has been forever tarnished by these unfathomable acts of barbarism.

It is almost impossible to comprehend the hatred that motivated the perpetrators to take the lives of so many innocent men, women and children. This was truly an act of pure evil.

We must never forget these heinous attacks and the many victims that perished. But even as we ponder the sheet horror of yesterday's events, we must not allow ourselves to become paralyzed by fear and apprehension. This is exactly what the terrorist hoped to achieve. We must deny them any semblance of victory.

In these trying times, we are once again reminded of the strength and fortitude of the American people, and the power of our shared beliefs in freedom, liberty and justice. The firefighters and police officers who sacrificed their lives to help those in need, the thousands of people lining up around the country to donate blood, and the countless others that have come forward to offer assistance typify the essence of the American spirit. This is something no terrorist attack can even extinguish.

We will spare no effort or expense in tracking down the cowardly thugs responsible for planning and carrying out these unprecedented attacks. There will be no place for them to hide, no sanctuary in which they can cower. We will seek them out wherever they are and see that justice is done.

If our enemies believed that the American people would shrink in the face of terror, then they were wrong. Instead, they will learn—as our foes have learned in the past—that adversity only strengthens our resolve. We will fight and win the war against international terrorism, and from this battle will emerge a strong, safer American and a more secure, freer world.

Mr. MARKEY. Mr. Speaker, yesterday America walked through the eye of terror's perfect storm.

Thousands of American families were hideously drafted into a war that they, and most of us, only dimly perceived and little understood.

But today we emerge from the ashes of hate and the horror of evil reminded that America has an historical mission in the world—to hold up freedom's light and defend it against every and all attempts to snuff it out.

William Lloyd Garrison once said: With reasonable men, I will reason, with humane men

I will plead; but to tyrants I will give no quarter, nor waste arguments where they will certainly be lost.

Today, the Congress is saying, for the world to hear, that: With reasonable men we will reason; With humane men we will plead; but to agents of modern terror, we will give no quarter nor waste our arguments.

Mr. CROWLEY. Mr. Speaker, yesterday, September 11, 2001, the most horrific terrorist attack in the history of the world was perpetrated against the people of the United States of America. Some have compared this attack to Pearl Harbor, but I do not. While Pearl Harbor was awful, it was a surprise attack against a military installation. Yesterday's cowardly attack was targeted solely against civilians. This was no Pearl Harbor, but something far worse.

Our nation, especially the people of New York City, are not in a position to begin to understand the catastrophic amount of death and grief which this one day has wrought upon us. It will take time before many of us can fully evaluate the true atrocities that have taken place and begin the process of absorbing and then accepting the events of September 11, 2001. But no one was untouched by these events. All of our lives have been altered forever.

I was in New York at the time of the attack on the World Trade Center and saw with my own eyes the complete destruction that befell a once great structure. Worse than that, I saw the trauma on the faces of the people who may never see or speak to their loved ones again.

What we have witnessed are unforgettable sights. For the rest of our lives, and beyond, people with watch video of a plane crashing into the World Trade Center, of the Pentagon burning uncontrollably, and perhaps most terrible of all, two one hundred-ten story buildings tumbling to the earth. These are horrible images, burned forever into the American consciousness.

But beyond those ghastly sights, yesterday also provided us with sights I will never forget. Inspirational visions of Americans coming together to help fight these cowardly acts; coming together to show that even though terrorists can bring down buildings, terrorism cannot defeat the freedom and patriotism in the hearts of all Americans. People commonly saw how hard and cynical New Yorkers are—but yesterday New Yorkers lined up to give blood, donate supplies and cook meals to help the rescuers and the rescued alike. New York's firemen and policemen came to the rescue and saved many lives, while sacrificing far too many of their own.

These acts of compassion have brought our nation together.

Every member of this body will come out today and denounce these events, calling upon our government to strike back, and show that we will not bow down to terrorism, that the people of the United States will fight back against whatever terrorists throw our way.

As I watched the people lining up to give blood, and heard the outspoken anger of people across this country on every news station, I realized that America has already begun to strike back. The way terrorists win is to frighten innocent people, to make them change

their lives. The American people have demonstrated a complete unwillingness to let that happen.

Mr. Speaker, we grieve for the thousands of people who lost their lives in New York, Washington, DC and Pennsylvania, and my heartfelt sympathy goes out to all of the families throughout our country who are today mourning a missing loved one. But we do not grieve for America or for the ideas of freedom upon which our country is based. They continue to thrive and without a doubt, they will guide us through these troubled times.

May God bless America and all Americans.

Mr. CUNNINGHAM. Mr. Speaker, September 11, 2001 will long stand as one of the darkest days in U.S. history. But in the aftermath of those heinous attacks on our nation, the world has seen us in what may well be our finest hours.

With each passing hour after of the attacks on our nation's most enduring symbols, we learned about Americans reaching out to help their neighbors. All across the land, people were lining up to donate blood, giving their time at hospitals to treat victims and offering an untold amount of assets to the common cause of the disaster recovery. And we now know that the earliest heroes of this unprecedented tragedy even sacrificed their lives to spare far more Americans and their government from further horror. We thank all those who have risen to the challenge, and the many more sure to come to our aid in this time of crisis. You all exemplify what is best about our country and why we endure in good times and bad.

Diverse and independent as we Americans are, we have never lost our underlying national unity. Our freedoms allow us to question other's views, and to publicly criticize our government. We are able to challenge the underlying principles of every public policy, and we are proud to do so for all Americans and the world to view. Some perceive those differences of opinion as a sign of weakness to be exploited, but they are what weave together the broad tapestry that is America and allows it to thrive as a superpower.

Indeed, we are a people of many heritages, customs, religions and political viewpoints. It is not surprising that we have often found ourselves disagreeing on social policies, programs and personal value issues. But no one should mistake that for a lack of the most important traditional "family value" of all—that as Americans.

No matter what our religious beliefs, we can join together for a moment of silence. We can still pray together for friends, neighbors, our community and our country. No matter where we stand on any raging debate of the day, we are still able to start each ballgame standing together to sing the national anthem. Despite our political differences, all members in the House of Representatives and students across America start each day together saying the Pledge of Allegiance. And even when we disagree with our government, citizens still fly the American flag with pride. And yes, we can even reach fever pitch debating the federal budget and our economic future. But in the end we work together trying to develop a plan that will best protect our future. And we have seen just that in recent weeks. The ties that

bind us may be flexible, but they are stronger than ever. It should be clear today that we will always join together when our national security is threatened, and we will do what is necessary to protect our interests.

Unfortunately, some individuals are more committed to extremism in the name of religion rather than freedom. They will go to any lengths to achieve their goals and show their commitment to the cause. Undercutting adversaries—whether real or perceived—is more important than abiding by the laws of their religion. They are threatened by the United States, and our willingness to defend other freedom-loving people under seige. But they are not able to take us on in the open, in the naked light of world opinion, because they know they are destined to lose that battle. And they don't have the capability or the human resources to confront us militarily. So they strike out in the kind of cowardly acts of violence we saw yesterday—seeking desperate revenge on those who challenge them and hoping to undermine our will.

It should be clear to everyone following this tragedy that the terrorists have not succeeded in their suicide mission. In fact, world opinion has totally turned against them. Those who supported this deadly mission and any future would-be terrorists need to understand one thing: their attempts to undermine us has only strengthened our resolve to protect our interests. And protect them we will.

Our nation is grieving its losses, and I share in offering my sympathy to the many families and neighbors who have lost loved ones to this senseless crime against humanity. We are grateful for the many individuals who have come to the aid of their fellow citizens, and are humbled by the acts large and small. But as we respond to this tragedy, we will not ignore the need to protect our security interests. We will stand one hundred percent behind our government in its efforts to respond. Rest assured, we will dedicate no less effort or resources to tracking down the perpetrators of these deadly attacks than we have to the humanitarian cause. We will exact a price for those who acted against our country and all who enabled them—wherever they may be. We will not relent until we are satisfied that all have been accounted for and brought to justice, and that the world understands that the cost of threatening our freedoms is too high.

Mr. CONDIT. Mr. Speaker, yesterday will forever mar American history. We will long remember the horrible tragedy that was inflicted on thousands of innocent men, women and children. While the hearts and prayers of our nation go out to the victims and their families, we must very firmly fix our sights on finding those responsible.

They must be brought to justice and they must pay the price. In listening to the President's address last evening, I wholeheartedly endorse his statement that any persons, groups or nations that played a role in either carrying out these horrific deeds or sheltering those who are responsible must be held accountable.

The World Trade Center has been a target of terrorism in the past. We have been warned that major terrorist activities would occur on U.S. soil. Yesterday's attack required sophisticated planning and coordination. Dozens, if

not hundreds of people, had to be part of the plot to bring these attacks into fruition. Others clearly assisted the terrorists. They must be found and they must be punished.

We must not let any stone go unturned. We must follow any path wherever it takes us and clearly determine responsibility for these horrendous acts. Then, we must act swiftly and decisively. Anyone who thinks they can commit barbarous acts such as these must feel the full weight of the American people.

Today we stand as one. We are Americans—united and strong in our resolve. Let no person, group or nation misunderstand that.

As tragic as yesterday's events are, we must learn from them and look at America's intelligence and security apparatus with an objective eye. Our intelligence and security agencies must be reviewed from the perspective of how we failed to sense that a terrorist operation this large was underfoot, and how our airport security could break down so completely.

We must ask ourselves hard questions and then come up with honest answers. We owe that much and more to the victims, their families and the American people. While we grieve for our losses we must ensure they can never happen again.

Mr. RYUN of Kansas. Mr. Speaker, I rise today in response to this attack on our American way of life and to this affront on our rights to life, liberty and the pursuit of happiness.

On behalf of the people of Kansas, we offer our prayers and support to those searching for survivors in the rubble and fighting the still smoldering fires in New York and at the Pentagon. We also want to offer deepest sympathies to those families suffering the loss of a loved one.

And, to all of us as Americans who are feeling a loss of safety and security, I want to share the words found in the Bible in Daniel 3:17 which says,

If we are thrown into the fire, the God we serve is able to deliver us from it.

I also offer these words to those who played any part in perpetrating this terrible act and want to put each and every one of them on notice that deliverance also means that justice will be served. We will dedicate every resource and every fiber of our being to making it so.

Mrs. EMERSON. Mr. Speaker, tonight, America is united in mourning those lost in the faceless and cowardly attacks on Americans in our nation. During this most difficult time, our thoughts and prayers are with the victims, families, law enforcement, and medical professionals that have been directly touched by this horrible tragedy.

But even as we try to make sense of what can only be described as a senseless act of hatred, we must remain strong, vigilant, and unwavering in our commitment to fight tyranny at every turn. And as the President said our response will be swift—against those who carried out the acts and those who harbor them as well. In doing so, together we will work to bring the cowards responsible for these despicable actions to justice.

We have seen unspeakable horror and evil. Today, we stand with resolve and purpose to preserve justice, freedom, and democracy—the very foundation of our great nation.

Mr. WATKINS of Oklahoma. Mr. Speaker, today I rise to fully support this joint resolution today condemning the horrible acts of terrorism committed against the United States on September 11, 2001.

I am both saddened and angered by yesterday's events. Like most Americans, I have been watching these events in disbelief, and praying for the families, the victims, the rescue workers, and those responsible for finding the guilty parties. I, along with the people of the Third District of Oklahoma, send condolences and prayers to those affected by these senseless and cowardly attacks.

Make no mistake: our Nation is at war. The acts that were perpetrated against the United States yesterday were a willful act of destruction to destabilize our American democracy. The acts were meant to threaten our freedom. In fact, they have failed.

The American people will not be intimidated by the threats of faceless, cowardly terrorists. We will not live in fear. Our attackers have underestimated the will and resolve of the American people. The country is united today more strongly than before yesterday's terrorist attack. We are united in our purpose: to hunt down and eliminate the individuals and organizations who commit, support, and ferment these acts of evil. We will not rest until we find and destroy all of the terrorists who are responsible for committing these acts.

A free Nation cannot be truly free until the threat of terrorism is extinguished. Any our Nation will be free—the United States of America—shall pay whatever the price to remain free.

Mr. KIRK. Mr. Speaker, as we move from the shock and anger of yesterday's terrorist attack, we must take action to protect every American.

We suffered an intelligence failure similar to Pearl Harbor. We must identify how our intelligence missed the planning for this attack and correct the problem. We must lift restrictions on our agents operating abroad and provide them with the tools they need to defeat terrorists who attack Americans.

Our aviation security system also failed. We need sky marshals on every flight while applying the lessons from airlines like Israel's El Al that operate safely under terrorist threat. We will work with manufacturers, airlines and pilots to secure cockpits from any attempt to commandeer the aircraft.

Our military and intelligence establishment won the cold war, but must now be reformed to master the threats of a new century. Terrorism, weapons of mass destruction, cyber-attack and ballistic missiles are the new threats to our freedom.

We must build a Global Alliance Against Terrorism with our key allies in NATO, the Middle East and Asia. If this attack was delivered by foreign terrorists, we will hunt them down. Terrorists cannot operate without the support of governments. If we find a foreign government provided aid for this attack, that government will face the full might of the U.S. military and our allies.

Our grandfathers and mothers of the Greatest Generation responded to Pearl Harbor's call. This is our time. Standing behind our President and our government, we will protect the American people, our allies and the ideals we hold dear.

Mr. POMBO. Mr. Speaker, at 9:43 A.M. on Tuesday, September 11, 2001, I was atop the United States Capitol giving a tour of the Capitol Dome when I saw a burst of fire, then a mushroom cloud and smoke billowing out of the Pentagon.

At first, I thought the explosion occurred in nearby housing developments. It could not be the Pentagon. But no, it was much too close. The Pentagon was on fire.

I left my office exactly one minute before the second airliner crashed into the World Trade Center, and I did not know at first that the United States had been the victim of terrorist attacks. Quickly, though, I could see that something was terribly wrong and was ushered out of the Capitol to safety.

Like everyone else, I was shocked and saddened at the events of that day. These were senseless and cowardly attacks on our freedom and our liberty. These acts will not go unpunished.

We, as Americans, have a tremendous ability to join together and unite in times of need. We have seen this in the record number of citizens throughout the nation rushing to blood banks to donate blood. My district office in Stockton, California, has been flooded with calls from people wanting to help.

In 1994, when we were faced with the potential of sending United States forces into Bosnia, and again in 1998 facing a potential conflict with Iraq, I presented five parameters to guide decisions to commit our armed forces to overseas conflict. We must:

1. Protect territories belonging to the United States.
2. Preserve our political and economic system from foreign threats.
3. Keep sea lanes open for trade, and maintain free and voluntary trade between the United States and trading partners.
4. Prevent domination of strategic areas of the globe by powers hostile to the existence and interests of the United States.
5. Safeguard Americans and their property from acts of terrorism.

These acts have hurt each and every one of us, but our resolve is unshaken and our courage as a people is solid. And so, our duty as a nation is to unite behind President George W. Bush to take whatever steps necessary to apprehend these cowardly thugs and bring a swift and just punishment.

To the families, who have either received the news of the death of a loved one, or are holding out hope that their loved one will be recovered safely, my prayers, and the prayers of all Americans are with you. I knew one of the victims, and understand the pain.

I stand firmly behind our President in this hour of crisis. The United States of America will continue to shine as a beacon of hope and freedom to nations throughout the world. There is nothing any terrorist can ever do to change our Democracy.

May God bless America.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to speak in favor of the bipartisan resolution sponsored by the House Majority and Minority Leaders. Let me begin by expressing my profound sorrow and deepest sympathy to the friends and families who have lost loved ones in this tragic attack, or who are awaiting word of their friend or family member's well being. I commend the efforts of the

rescue workers and volunteers who are working around the clock to aid and assist the victims. Our Missouri FEMA Urban Search and Rescue Team will arrive in New York today to lend their expertise. Members of Congress and their staff will be donating blood tomorrow to ensure survivors have this vital resource. Our collective grief as a body is enormous and impossible to quantify. We stand united behind our President. Just as we rebuilt our belief in our NASA space program following the 1986 tragedy when the orbiter Challenger exploded after launch killing all crew including teacher Christa McAuliffe, we can come together as a people and strengthen our national security and work internationally to rid the world of terrorist attacks in the future.

Mr. Speaker, I join with you and all members to remember the victims of the terrorist attacks in New York City, rural Pennsylvania, and at the Pentagon by observing this day, September 12, as a national day of unity and mourning as called for in this resolution. For the RECORD, I submit a number of personal reflections from members of my congressional staff.

Jon Atlas, Legislative Correspondent:

In the wake of this disaster, our challenges are threefold:

First of all, we must continue to locate survivors of the attack and work to comfort the friends and families of those most affected. My heart goes out to all those whose family and friends have lost their lives or are still missing in the rubble. In this darkest of moments in history, I am encouraged to know that rescue workers from around the country have convened upon New York for no personal gain, but rather to help save the lives of their fellow Americans. This heroism is an example of our country's greatest assets: our spirit. In the face of this tragedy, our country will come together: to help our neighbors cope, to ease the suffering, and to restore American confidence. After watching yesterday's rescue efforts unfold, I'm extremely honored to call myself an American knowing that people with such a grand spirit live within our borders. Secondly, we must ensure that we prevent future acts of terror from reaching American soil. The terrorists knew of our security weakness, and we must close these holes. Our airports must be safe, our roads must be safe, and our borders must be safe. One major area of concern for me is that in an age of immeasurable technological advancement, it is possible for a commercial jumbo jet to simply "disappear" from FAA communication. Each plane in the air should be accounted for at all time. By restoring the secure feeling to which we have become accustomed, America will proceed down the road of prosperity. Finally, we must seek out those who have shattered the dreams of so many innocent travelers, business people and federal employees and punish them for their heinous act. Soon, foreign governments will understand the consequences of harboring terrorists. The United States will send a clear message that these types of actions against our citizens will not be tolerated or forgotten. Yesterday's victims go beyond those within the area of the direct attack. America's freedoms and way of life were under siege, but our ideals held up. This morning, seeing the Capitol building with the flags flying made me realize our country will not fold under such massive disasters. Our citizens may have been attacked, but our democracy will persevere.

Nicki Cardwell, District Aide:

From the heartland we send our hearts, prayers and support for our fellow Americans personally suffering from this terrible atrocity. In American tradition we will continue with our daily work with heavy hearts and a quiet determination to preserve the freedom that this country represents. This injustice has raised an awareness of how vulnerable people of a free nation can be and we will preserve as generations before us.

Evan Pickford, Legislative Correspondent:

The terrorist attack yesterday was an incredibly sad event for everyone in our country, particularly the families and friends of the many victims of the attack. I feel incredibly fortunate that everyone close to me lived through the incident, but I am still deeply saddened by this tragedy. My utmost condolences go out to everyone who was hurt or lost a loved one from this terrible crime, and I hope for swift action to punish those responsible for these incidents. I hope that this tragedy brings together those survivors to show their love for each other and their appreciation of the value of human life.

Beth Rosenberg, Legislative Assistant:

September 11, 2001 will live forever in American history as a day of infamy. Yesterday our country was victimized. New York City and the Pentagon were transformed into scenes from a war movie, and the United States witnessed events of a magnitude never before seen in our country. While our country was slowed yesterday by these incredulous attacks, we were not stopped. As Congress convenes today, we demonstrate our nation's resolve and our ability to rally together as we condemn the perpetrators of these heinous acts. From Los Angeles to Washington, DC, Miami to New York, business in the United States will continue as usual. We will go on. We will survive. Today, as we begin another chapter of America's history, let us remember the innocent lives lost in yesterday's tragedy. Let our hearts be with their families and friends, and let our minds be on rebuilding our country.

Scott Stark, Special Assistant:

Broken buildings and shattered lives cannot shake the foundation of America. We are stronger than any act of terrorism and greater than any sneak attack could ever be. We cannot and will not be intimidated by terrorists. Indeed, we will continue to stand tall as a shining beacon of freedom through the world. Our government is still running, our American leadership is united and committed, and our resolution is only strengthened by these acts of cowardice.

Mr. RADANOVICH. Mr. Speaker, America suffered the most heinous acts of violence and cowardice in her history yesterday, and it is with both a heavy heart and a strong will that I address this body here today.

As we mourn the loss of yesterday's victims and offer our hopes and prayers to the families that have been shattered, it is important that the United States remain resolute. Our friends and enemies alike must understand that we will not, under any circumstances, be divided by terror or deterred from the defense of freedom here and abroad. Our spirits will not be broken, nor will the resiliency of this nation.

This nation, and this Congress, will unite behind our President to deliver this message to the world with swift and certain punishment for those who committed this crime against freedom.

In the meantime, I am moved by the country's outpouring of love, support, and assistance in this time of need. And to those who

anxiously await and anguish over the unknown fate of their loved ones in New York and here in Washington—I hope you can find some comfort in Ezekial 34:11–13:

For this is what the Sovereign Lord says: I myself will search for my sheep and look after them. As a shepherd looks after his scattered flock when he is with them, so will I look after my sheep. I will rescue them from all the places where they were scattered . . . and I will bring them into their own land.

God bless America.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the honorable Chairman for yielding me this time.

Today, first and foremost, our hearts go out to the victims and families affected by yesterday's sad and shocking attacks. The stories of tragedy, and the compelling stories of heroism, that have begun to emerge from the smoke and shattered buildings will forever be a part of this black day that has been burned into our national memory.

But let these days that follow be remembered not just for our sadness and anger, but for our national resolve. As a nation, we must now pull together to overcome this vicious attempt to break our national spirit.

Those responsible for yesterday's horrific events have seriously miscalculated the strength and resolve of Americans. Our sense of security may be temporarily unsteady, but our unity is emboldened. Our bonds of liberty, our bonds of freedom, our bonds of democracy are stronger and run deeper than any individual, than any building, than any monument. No act of violence, no knives or sharpened razors, can sever them. We will not be intimidated by cowards.

We will remain committed until those responsible learn the steep cost of taking innocent lives—innocent American lives—on American soil. The flame of liberty remains bright and will continue to shine upon the world, casting deep into that dark shadows of violence, intolerance, and extremism. There will be no corner of the earth where the demons of September 11th will be safe from justice.

For now, we must go on with our daily lives because to do otherwise would be giving in to the evil behind these events. In our schools and offices, in our neighborhoods and churches, we must begin the healing process.

I urge my fellow Americans to donate blood, to volunteer, and offer their prayers and assistance of help to those in need.

And as America recovers, we will also pursue our attackers and fight on. Mr. Speaker, we are at war with the most vicious, most cowardly, and most wicked enemy we have faced as a nation. But America "will not go gentle into that good night." For those we have lost and for the future of our nation and the freedom we hold dear—we will strive, we will persevere, and we will prevail.

Mr. BURTON of Indiana. Mr. Speaker, yesterday, the nation witnessed an evil, unspeakable act by an evil, despicable, and cowardly enemy. The terrorists who perpetrated these atrocities upon the United States, killing perhaps thousands of innocent people, shall have no place to hide. I am confident that this Congress will support whatever action the President and his national-security team deem nec-

essary to allow our military and law-enforcement officials to bring these terrorists to justice.

By now, we are all aware of the scope of this national tragedy. In light of this, we have pulled together as a country, demonstrating our resolve to the world that such actions against this nation will not stand. The people of Indiana have joined their fellow Americans, and indeed men and women of goodwill from around the world, to pray for peace, calm, and justice. Our hearts go out to the victims, their friends, and their families."

Mr. CAPUANO. Mr. Speaker, I rise to express my profound sympathy for the victims of this terrible tragedy and their families and friends. I cannot begin to imagine their pain, but my thoughts and prayers, and the thoughts and prayers of men and women across America are with them during this difficult time.

It is hard to find words to express the sadness and outrage I feel over this heinous act of terrorism and cowardice. This is an assault on democracy and the very freedom that, until yesterday, many of us took for granted. We must stand together to protect our freedom and to ensure that the forces of terror do not diminish our spirit.

Congress and the President must now work together in a bipartisan fashion to make sure that our nation has the resources it needs to overcome this tragedy, and to bring those responsible for these terrible crimes to justice.

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to express my condolences to the families of all the victims of yesterday's terrorist attacks. The attacks that destroyed the World Trade Center, damaged our Pentagon, destroyed four aircraft and claimed thousands of lives shall not divide us. This is one of the worst tragedies for the world community. The attempt of the actors on yesterday was to strike a blow to democracy and freedom. They will not succeed. We as a world community must unite and condemn terrorism wherever and whenever it occurs. The world community has a responsibility to promote peace and encourage diplomacy. We also have a responsibility to bring to justice those responsible for terrorist acts.

On behalf of all my constituents I want to commend the action of all the rescue workers, volunteers, hospital personnel and others who triumph over tragedy by their actions. Rescue workers who did their jobs under extraordinary conditions. Their actions and sacrifices shall not be forgotten. The thousands of people who have lost their lives or been injured shall not be forgotten, or overlooked.

I stand with President Bush and my colleagues in condemning this atrocious act of terror. I urge that we bring to justice all of those involved in yesterday's despicable terrorist attacks. Finally, I urge that we work to make sure that communities and agencies have the resources to prevent such atrocities from occurring in the future.

God bless America.

Mr. WEXLER. Mr. Speaker, I rise today in support of the resolution. No words can express the sorrow and outrage we all feel in the wake of yesterday's catastrophic events. The lives of countless Americans were forever shattered by the most barbaric act of terrorism

ever committed against the United States. My prayers and profound sympathy go to the victims, family, and friends of those affected in yesterday's tragedy. In a very real way, all Americans and all people who believe in freedom were victims of these atrocities.

There is absolutely no doubt that those guilty of this vicious and devastating attack will be hunted down and brought to justice. Any nations or individuals harboring or assisting them in any way will be considered equally guilty of these crimes. It is also certain that our nation will now embark on a relentless and unprecedented worldwide campaign to root out terrorism and those who sponsor its vicious and craven tactics.

This national nightmare will irrevocably alter how we assess our nation's security; and though our national psyche is imprinted forever with these devastating symbols of hatred, the madmen who perpetrated this act made a terrible and irreversible mistake. Ultimately, this act of violence will not weaken America, it will strengthen our dedication to democracy and bolster our commitment to keeping all Americans safe and free. We will reaffirm our Nation's fundamental values, and we will be stronger than ever.

Mr. BARCIA. Mr. Speaker, I rise on this day of grief and mourning to offer my condolences and prayers to all those who lost loved ones during yesterday's heinous and cowardly attack. Our nation stands with you, committed and resolute. Our prayers and hearts are also with the brave men and women of law enforcement and fire rescue. These heroic and fearless professionals have made America proud. We owe you our gratitude and thanks, and we will be forever grateful to you for what you have done.

Our country has been shaken and bloodied, but today the United States Congress speaks with one, unified voice. We speak to our friends to say we thank you for your support, aid, and prayers. To those responsible for yesterday's unprovoked acts of war—today—we will declare war on you.

You have awakened our anger, and you will be vanquished. You, who have perpetrated these acts of terror will be brought to justice, and we will leave you no quarter. The full force of America's might and wrath is going to be brought to bear on those who assaulted freedom.

We have entered a new chapter in our national history—and as we have done so many times in our past, we will be victorious. I urge my colleagues to support this Resolution of Condemnation. God bless America.

Mr. BARTLETT of Maryland. Mr. Speaker, Americans must defeat evil and uphold our Constitution. September 11, 2001 will be remembered in history. September 12, 2001, is a national day of unity and mourning.

Today and in the days to come, we must unite in our response to an unconventional asymmetric act of war against our freedom. We must unite in our resolve to take the steps necessary to defeat the forces of evil that deliberately targeted thousands of innocent men, women, and children to perpetuate a barbarous attack upon America's and the world's preeminent symbols of democracy, a free market economy, and its military defense. We

must equally be united and vigilant in our resolve to protect and preserve the rights endowed upon us by our Creator.

We must reaffirm the purpose of our government in our democratic republic as stated in our Constitution's Preamble:

"We the People of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution of the United States of America."

In responding to this heinous attack, we must reaffirm our commitment to uphold our Constitution, including the rights guaranteed to every American in the Bill of Rights. These precious rights have been secured by the blood and sacrifices of Americans for more than 225 years. I am confident in the ability of today's generation of Americans to honor those sacrifices and the memories of those killed in the attacks on September 11, 2001. We have an obligation to overcome this latest challenge to freedom while honoring our Constitution and preserving the rights it guarantees for ourselves, our children, and our children's children.

Mr. RYAN of Wisconsin. Mr. Speaker, as we come together today, in continued shock and deep mourning our hearts go out to all who lost loved ones, friends, and colleagues in yesterday's tragic attacks. As the terrible course of events unfolded yesterday, our nation drew together in shared grief and in strong support for one another—especially for the families of those killed or injured. We need to do all we can to help them now and in the wrenching weeks ahead.

We must preserve the solidarity now shared by all Americans and our allies in other countries in the wake of this horrific act of war. We are resolved to bring those responsible for this atrocity to justice—swift and sure—and make clear that America, that freedom itself, will never be held hostage to terror. An act of war has been committed against the United States, and we are justified in considering a declaration of war in response, once we find out who planned, executed, and enabled yesterday's terrorist strikes. In this, we stand ready to support our President as the Commander in Chief of our country.

With a fresh awareness of our vulnerability, we must move forward to secure our nation. With hope that cannot be defeated, we must turn to what is best within us, put aside our differences, respond to the continuing crisis and begin the process of rebuilding. In searching for this hope, amid the sorrow, we need only turn to the firefighters, police officers, medics, and rescue workers who have put their lives on hold—and often in mortal danger—to respond to this crisis. Their courage, determination, and action are examples for us all.

Mr. HOBSON. Mr. Speaker, I rise today with a heavy heart to denounce the savage, senseless and cowardly attacks upon our citizens, our property and two of our most endearing symbols of national strength in yesterday's terrorist attacks on Washington, New York City and our nation's passenger airlines.

We have lived for years under the threat of terrorism and have thwarted several significant

plots. We have invested a great amount of time and money to try and create an effective system of countermeasures. Unfortunately, we have now seen just how far some people will go to harm the United States and what we stand for.

No political or religious agenda could ever justify the hideous atrocities committed yesterday, and America will have to respond appropriately to ensure that those who would use terror against this country are never again in the position to strike us.

As an international hub of commerce, the World Trade Center contained the offices of individuals from around the world who have suffered as a result of this attack. For that reason, this was not only an attack on America, but on all the nations of the world that trade with us.

The mood is somber here in Washington today, but we are here and our government is working. Because of our society and our freedoms, we are always going to be susceptible. This heinous act will undoubtedly gain a new urgency to reduce the risks we face from terrorism.

It is also critical for our allies and the entire world community to speak in one voice and say "Terrorism in any form is wrong, and it will no longer be tolerated anywhere in the world."

America has been hurt by these attacks, but we are far from defeated. We will care for our wounded and we will mourn those who lost their lives. We will then repair the physical damage to our institutions and seek out those who have perpetrated this obscenity upon us. We will have justice and we will emerge from this catastrophe stronger than before.

As Ohio's Seventh District Representative to the Congress of the United States, my thoughts and prayers are with those who have been affected by these attacks and their families. I would ask for all Americans to continue to pray for our nation in the difficult days ahead.

Mr. RILEY. Mr. Speaker, today I rise with a heavy heart to express my deepest sorrow for the victims and the victims' families of yesterday's tragedy. Although I know that it offers little solace, I hope that the families of those maimed and murdered in this tragedy know that the prayers and thoughts of our entire nation are with them in their time of grief.

Make no mistake about it, we will find and punish those responsible for this horrific act. Today we grieve, Mr. Speaker, not just for the slain victims and their families, but also for all Americans. America has been attacked through a cowardly act of war. Unlike previous conflicts, we now face a nameless and faceless enemy.

There is an old saying: you can run, but you can't hide! To those responsible for yesterday's atrocities—we will hunt you down and the punishment will be swift and severe.

Throughout her history, America has always been resilient. As Ronald Reagan often said, "America stands as the shining light on the hill for all the world to see." Unfortunately, as the symbol of freedom and democracy, we serve as a constant target for the forces of evil around the globe. America will rise from these ashes stronger and more resolute than ever!

We often find that rather than be beaten, times of tragedy bring out the best in Ameri-

cans. This strength is what made our nation great—and what will ensure America's continued greatness. The efforts of the first responders in New York and Washington have been nothing short of heroic. I have said time and again that it was not a matter of if a terrorist attack of epic proportions would hit our nation, but when. Sadly, the "when" occurred at 8:45 Tuesday morning. Had it not been for the trained first responders, the loss of life could have been double or triple the current known death toll. Sadly, many of those evacuating the World Trade Center became casualties in the buildings' collapse. Our gratitude and prayer and go out to them and all the victims of this senseless act of terror.

Those who have perpetrated this crime must know that the United States will not allow this injustice to go unpunished. Today we grieve with words, tomorrow we will respond with actions! I urge my colleagues to support this resolution of condemnation.

Mr. HANSEN. Mr. Speaker, yesterday America suffered a cowardly attack upon freedom itself.

Today, our first responsibility must be to tend to the victims, and their families, in their hour of greatest need. This barbaric act is horrible in both its enormity, and in its closeness. We have all been touched forever. Brady Howell, the husband of one of my office family members, is still among the missing. Our prayers are with Liz and all of the families who grieve today.

As we have been so painfully reminded—freedom is never free. It is now our duty to remind the world that freedom is also never afraid.

We must send an unmistakable message to the world that we will spare no expense or effort to track down all those responsible and ensure they never strike again.

These attacks were an act of war, not a crime, and should be met with a swift and overwhelming response.

The world must know there is no middle ground in this war, you either stand with us against terror, or you stand with the terrorist. Our friends will confidently stand with us—our enemies should fear us. America's reach is long, our memory is longer and our resolve is unshakeable. Our fury will be clenched in an iron fist that will rid the world of this evil in a swift and terrible blow.

All Americans must stand united with our President in condemnation of these unspeakable acts. Our strength is not in our buildings and symbols but in our people and principles. Let us join together, in this moment of national tragedy, to show the world our true power. We have seen evil yesterday and we shall defeat it.

God bless the United States of America.

Mr. KERN. Mr. Speaker, today, our Nation mourns the loss of life of so many innocent people as a result of this cowardly, insane attack. Today, we cannot fully understand or explain this vicious act, but we can pray that the tragic loss of life and injuries to so many will not be without some redemption. This tragedy can and must bring the nations of the free world together—united to bring an end to terrorism in the world. This may not be easily accomplished, but we must lead the effort. Rest assured, freedom and the powers of good will prevail.

We, the people of west central Indiana, we in the Congress stand united with the President to spare no expense or resource to bring to justice those responsible for this unjustifiable, heartless act. This evil must be removed from our world. Anything less is unacceptable.

Mr. Speaker, I strongly encourage my colleagues to support the resolution.

Mr. STARK. Mr. Speaker, yesterday's horrific, cowardly attack on the United States was a senseless act of terrorism by enemies who abhor America's principles of freedom and justice. The terrorists who perpetrated this attack, however, have a miscalculated view of America: they believe we are weak, but we are strong; they believe we will cower in fear, but we will stand tall in solidarity; they believe they can break our resolve, but our unity will only be strengthened.

First and foremost, my heart goes out to the victims and the victims' families of this terrible, horrific attack. The Congress of the United States, along with all Americans, stands with you in this time of sorrow and tragedy.

Our thoughts and prayers also go to the firefighters, police officers, doctors, nurses, ambulance teams, hospital workers and all public servants who are working to rescue survivors and to care for the injured. Your heroic efforts will be long remembered.

Even as we care for our citizens who have been victimized by this horrible crime, the resources of our government must now be directed toward finding those who caused these acts of violence and bringing them to justice. We must also examine the ways in which we protect ourselves, and we, as leaders, must critically review how we allocate our resources to defend this nation from terrorist attack.

In the meantime, our nation stands resolute in the face of this crisis. We are confident in the foundations of our democracy and united through our strength of spirit, which has withstood civil war, world war, the Cold War and encountered acts of discrimination and prejudice in our journey to becoming the strongest, most powerful, freedom-loving country in the world. No despicable act of terrorism can diminish this spirit or take it away.

Mrs. MCCARTHY of New York. Mr. Speaker, yesterday's horrific and cowardly display of terrorism against the United States has left the country in a state of mourning for the loss of loved ones. This unprovoked and barbaric attack against democratic beliefs must not go unpunished. To test the resolve of the United States, one must be prepared to encounter a proud and unified citizenry whose love for this country will never be diminished by acts of terrorism.

The cowardly acts of violence against the World Trade Center in New York and Pentagon in Washington, D.C. unite the country in sorrow. My condolences and prayers go out to the families, many of which reside in my district, for the loss of their loved ones. To those people, let me say I've witnessed firsthand how individuals come together in a moment of crisis, and I can assure you the country will be there for you in your time of need.

As yesterday's horrific events unfolded, I watched brave firefighters, law enforcement and rescue personnel risking their lives to save others. I watched hospitals prepare for the wounded and our armed forces go on high

alert. I watched a stricken nation respond by rushing to donate blood and volunteer their time to help the injured. These are acts of honor and bravery that no barbaric act of violence can penetrate.

Make no mistake, there is no honor in terrorism. It is the ultimate form of cowardice that may shake a nation, but never tear down the resolve of a proud country dedicated to the pursuit of freedom. This Congress is unified behind our President who will guide our country through this tragedy and hunt down those responsible for these inconceivable acts of violence against the United States.

Let this resolution not only signify the beginning of our healing, but also our resolve to capture those responsible. We will find you, and justice will be administered.

God bless America.

Mr. ACEVEDO-VILÁ. Mr. Speaker, yesterday we all witnessed in shock and disbelief the worst terrorist attack in the history of this great country. America was attacked by a faceless enemy, a coward in the shadows. Many innocent lives were shattered by these horrendous acts of terrorism. I fully support the President's efforts to find the perpetrators and bring them to justice. I am confident that justice will be served and that these crimes will not remain unpunished.

My deepest sympathies go to those who yesterday lost their loved ones in Washington and New York. May God Almighty give them peace and comfort them in their grief.

Terrorism will not undermine the strength of this nation and the will of our people. There are still many questions in our hearts. As we look for answers, let us work together through these difficult times. America is at war against the forces of terror and destruction. Peace, liberty, and democracy will prevail. America will prevail.

Mr. MATSUI. Mr. Speaker, I rise in complete unity with my colleagues in this great body to condemn the most horrific acts of terrorism in our world's history.

Our country mourns together today for the victims of yesterday's brutal, cowardly attacks and our thoughts and prayers are with them and their loved ones. We commend and thank the heroic efforts of the thousands of rescue workers who at this hour search tirelessly for the victims and survivors of this national tragedy.

Make no mistake, what happened yesterday in New York City and our nation's capitol was a deliberate Act of War against the United States of America and as assault upon the freedoms of people worldwide. When the hijackers steered our civilian airliners into the World Trade Center and the Department of Defense, they not only targeted America's financial and military centers, they attacked our culture, liberties, and way of life.

Since our founding, America has served as a symbol of freedom and stands today as the world's greatest, most enduring democracy. While our democratic principles may make us a target for those fearful of freedom, they also bond and unite us in the face of adversity. This tragedy will only make our great nation stronger in rebuilding from the rubble. There shall be no doubt that justice will find all of the cowardly murderers who are in any way responsible or connected with these atrocious acts.

This Congress and this government will work with relentless resolve to bring the full resources of these United States and her allies to bear upon the perpetrators of these heinous crimes. They will be brought to justice. I look forward to working in steadfast dedication with my colleagues and with the President in avenging these unspeakable acts.

May God bless America.

Mr. THOMPSON of California. Mr. Speaker, it took only a matter of minutes to forever change our nation. The worst fears of a free society have come true, and we will live with both the physical as well as the emotional scars from this tragedy for years to come.

Today is a day for rescue, grieving and investigation. We must do everything within our power to help the rescue efforts in New York City and at the Pentagon and to extend a compassionate hand to the victims' families. The victims include not only the thousands who responded to save lives only to become victims themselves.

As a nation, we took immediate steps yesterday to limit the scope of devastation: we sealed off airspace, closed federal buildings and heightened security across the country. Today we continue to safeguard against the residual threats posed by these horrific events. Yet, a nation whose people are truly free to travel and communicate will always be vulnerable to terrorist attacks.

We need to investigate all the facts of yesterday's events so we can determine who is responsible for this insidious action and respond appropriately. As federal agencies and other government offices work together, we can begin to match questions with answers. We must make every effort to prevent this type of tragedy from occurring again.

I have every faith that in this time of crisis and mourning, the world will see that the American spirit of resilience remains undeterred. Yesterday our nation came together as a united family. Today, that bond remains stronger than ever. My heart and prayer are with the injured, the victims, and all their families.

Mr. EVERETT. Mr. Speaker, like the millions of other Americans who arrived at work Tuesday morning ready for another day, I was deeply shaken and in utter disbelief at the nightmarish events which unfolded before the nation's eyes in New York, Washington, D.C. and in rural Pennsylvania.

America was the victim of a direct and coordinated attack that is unprecedented in our country's history. Terrorist forces have declared all out war on the United States and the American people, and in response we must declare war on all terrorists regardless of what banner they fly, or, what country they seek safe harbor in.

The innocence of this nation has been shattered and our peoples' peaceful way of life has been forever changed. My thoughts and prayers are with those injured, the families of the many who lost their lives yesterday in these attacks, and those brave Americans desperately trying to recover the victims.

In response to horrific injury, loss of life and destruction of our national institutions, the government and the people have rallied together to defend our country and our liberty.

I am very proud of our President for his quick response to this national crisis and I fully

support and endorse all efforts now underway to track down and swiftly punish those responsible for these despicable acts against America and her citizens.

America's resolve has been put to the test like no other time in living memory. We must respond to these terrible acts of cowardice and evil with decisive and overwhelming military force to annihilate those who planned and ordered these attacks on innocent Americans.

America is the greatest nation in the history of the world and its greatness will not be diminished by these unspeakable acts of terrorism and fear. To those who would seek to destroy our land, let me be clear. We will not only survive these attacks, but will become stronger in the process as citizens band together to show the world that Americans cannot and will not be defeated.

Mr. OXLEY. Mr. Speaker, September 11, 2001 will be a date forever frozen in American history. We will never forget the sickening sight of the World Trade Center and the Pentagon being attacked by hijacked airplanes. We will not rest until the criminals who committed these terrible acts are made to pay. We will always remember the thousands of innocent people who were killed, and the heartbreak that weighs so heavily on their families and friends.

But the terrorists did not win. Because while America mourns today, we know from our history that liberty and decency ultimately triumph over tyranny and hate. These fanatics struck with unimaginable might at two symbols of our strengths—the financial district that fuels our economy and the fortress of our national defense system—but the United States still stands.

As the Chairman of the House Financial Services Committee, I watched solemnly as the World Trade Center, a towering icon of American and world finance, collapsed into clouds. But our capital markets will survive and thrive, continuing their critical role in our economy. I have been talking with federal regulators and financial industry leaders, including Federal Reserve Board Chairman Alan Greenspan, and plan to work with them to assure consumers, savers, and investors that our systems remain fundamentally sound.

As a former FBI agent, I have long been concerned about terrorism. We need to recognize, as the National Commission on Terrorism did last year, that the threat is changing—from state-sponsored terrorism that targeted Americans overseas, to the shadowy acts of mass violence against civilians we experienced in its most evil force yesterday.

Everyone agrees that this cannot happen again. But to be taken seriously, our vow must be backed up with adequate resources. Despite space-age technological surveillance, my experience is that there is no substitute for good ground-level intelligence. It's tougher to do, but our intelligence communities need the resources and support that will allow them to make the personal contacts that provide information you can't get anywhere else.

One fear I have is that our law enforcement officials are falling behind in their ability to monitor terrorist communications in the wireless and Internet era. There was a newspaper article this year, and maybe we will find it prescient, on Osama bin Laden's use of

encrypted messages. Our authorities will forever be a step behind the terrorists if they do not have the legal authority and technical ability to intercept such communications.

Sadly, we also must make sure that our communities are adequately prepared to respond to terrorist acts. Think about the crushing demand being placed on hospitals and emergency teams in New York City and Washington. How would other communities with far fewer facilities and trained personnel respond if they were made targets?

This Congress and President will do everything that must be done to respond to these disastrous incidents. We will move ahead to protect Americans in this suddenly-uncertain world. And we will continue to mourn the loss of a new breed of patriot—the innocent civilian.

September 11, 2001 will indeed always be frozen in our memory as a horrible day for America. But this day, and the days that follow, are what we make of them, and history will judge us on our response.

Mr. COYNE. Mr. Speaker, I rise today to express my support for the victims of yesterday's terrorist attack, and to reiterate the United States' firm resolve not to give in to terrorism.

I, like all Americans, am shocked and saddened by this horrible attack. I want to extend my sympathy to the families and friends of the victims. Even one death would have been tragic. A disaster of this size is simply beyond human comprehension. And yet each of the thousands of families directly affected by this attack needs our consolation and support. We ache with grief for their loss, and we will work to hold the individuals, groups, or states who participated in these despicable attacks accountable for their actions.

In the wake of this attack, life in this country will inevitably change. In big ways and small, we will have to adapt to a threat that is ever-present and yet mostly invisible.

Terrorist attacks are so brutally effective in part because they are usually unexpected, and because they are so difficult to guard against. Consequently they can create uncertainty, fear, and even panic out of proportion to the threat that they actually present.

We must work to protect our people from terrorist attack. Accomplishing that goal will require the dedication of substantial additional resources to combating terrorism. We must also accept the probability that despite the best efforts of our intelligence and law enforcement personnel, some future acts of terrorism will succeed. But, perhaps the most important of all, we must firmly resolve to prevent the terrorists from winning.

In particular, we must not let terrorists destroy the accomplishments of which our nation should be the most proud. While changes in security procedures are apparently required, we should not sacrifice Americans' remarkable freedom or our civil rights in the battle against terrorism.

I also want to caution my fellow citizens against leaping to unjustified conclusions or taking inappropriate action against other citizens. In this regard, I want to remind the American people that our first thoughts after the Oklahoma City bombing were that foreign agents were responsible for the attack; we subsequently learned that that horrible attack

was home-grown. And even if, as has been suggested, Osama bin Laden's organization is behind this attack, we should not attack or discriminate against Muslims or Arab-Americans. By no means are most or even many Muslims and Arab-Americans anti-American or pro-terrorist. They are, rather, law-abiding and patriotic citizens who deserve our respect and fellowship. They most definitely do not deserve to be vilified or attacked.

As we consider what action we should take, we must carefully and objectively evaluate the threats we face and the means we might use to address them. It is essential that we not underestimate our enemies in this conflict. They are dedicated, ruthless, and—as yesterday's attacks proved—willing to sacrifice their own lives for a cause they believe in. That being said, there are a number of reasons for Americans to remain calm and confident. We must recognize that the number of active terrorists is small, and that their resources are limited. We must also remember that most people around the world are as appalled by these attacks as we are, and that they are just as interested as we are in stopping terrorism. We should also remember that most Americans are still remarkably safe; while certain symbolic targets may be attacked, the risk for most Americans of experiencing a terrorist attack is still significantly lower than the risk of experiencing commonplace mishaps like heart attacks or traffic accidents. Finally, we must remember that most terrorist attacks are thwarted before they can be carried out; I am certain that Congress will provide the necessary resources to increase security and expand our counter-terrorism operations. Consequently, I am confident that the American people will demonstrate the resolve—and the wisdom—necessary to win this fight.

We can take comfort from the fact that we have dealt with bigger threats in the past. The threats posed by the Axis in World War II and by nuclear weapons during the Cold War were real and potentially much more devastating. The American people rose to those challenges, and they did so admirably. They will rise to this challenge as well.

In closing, Mr. Speaker, let me reiterate my belief that our great nation will prevail in this difficult but unavoidable struggle.

Mr. CHAMBLISS. Mr. Speaker, America is the most free, most open, most democratic nation in the world and yesterday we paid tremendous price for our freedom. Yesterday's vicious attack on the United States was a heinous and despicable act of murder targeting innocent American families. The devastation are unspeakable, the consequences are unimaginable. Every single American has been touched by tragedy like no other event in American history, and our national will has been seared by images of death and destruction. Our hearts and prayers are with the families of those whose lives have been lost. We have been hit at our hearts and we mourn our national loss. Today, we put politics aside and focus on our principles and our policy. We are not Republicans or Democrats, we are Americans, speaking with one united voice against this terror that has been perpetrated against us.

I commend President Bush and the administration for their steady and unwavering leadership in this crisis and Gov. Pataki, Mayor

Giuliani, DC Mayor Anthony Williams, and Pennsylvania Governor Tom Ridge and all the people who have answered the call of duty to respond in New York, Washington, and Pennsylvania. America's first responders are our first line of defense and these professionals deserve our gratitude and praise for the work they are doing.

However, today it is pointedly clear that we continue to live in a dangerous world with very real threats to our nation. There are still terrorists who seek to destroy our country, chemical, biological, and nuclear demons still hover, and enemies of freedom and democracy still persist.

Terrorists are becoming more and more sophisticated and we have been warned that terrorists acts against us are inevitable. The United States has been tested. But our enemies should not be deceived. We are firmly resolved to find the perpetrators and punish those involved in any way in these despicable acts. Our determination is firm, our reach is long, and our nation is united. This assault on our families and our values and our Nation will not stand. It is important now that as we rebuild we also recognize the road ahead of us. Much work must be done to eliminate terrorist threats around the world and to protect our citizens at home and abroad.

Mr. COLLINS. Mr. Speaker, yesterday our Nation was attacked, an act of war that when all is told will have claimed thousands of American lives. It was a day of disbelief, shock, and horror. I offer my most heartfelt condolences to the families and friends of the victims of this terrorist attack on our Nation and our people.

Today is a day of anger. The United States will not tolerate a direct attack on its citizens. The full force and will of our government will be dedicated to punishing the terrorists who are responsible, as well as those who harbor and protect them.

We know who the most likely individual is behind these acts, because he has acted before, killing Americans viciously and mercilessly. I strongly support our President in the effort to lead us in a swift, severe act of retribution that will leave no question that America will not allow her citizens to live under the threat of terrorism.

Osama bin Laden is in the business of terrorism, backed by millions of dollars of personal wealth. We already know that he is responsible for a number of terrorists attacks that include the first attack on the World Trade Center in 1993 and the 1998 attack on the U.S. embassies in Kenya and Tanzania which killed over 200 people.

He has publicly declared war on the United States and stated that "America will face a black fate . . . strikes will continue from everywhere, and Islamic groups will appear one after the other to fight American interests." It is time for this threat to be eliminated, and if we find that someone else is responsible for yesterday's attack then we should eliminate that threat as well.

The debate has already begun about the shortcomings of the American intelligence—whether we should have known and been able to stop these horrific events before they occurred. It is true that America has in many ways become complacent about our security on our own shores.

We have come to rely heavily on the benefits of highly technical intelligence capabilities. While these components are important in keeping our people safe worldwide, it cannot replace the benefit of investing in human skill to infiltrate the ranks of would-be terrorists. Humans infiltrated our security yesterday, not high technology. We must refocus on that lost component of our intelligence and security efforts.

After the attack on Pearl Harbor, a Japanese Admiral was heard to say I hope we have not awakened a sleeping giant. That sleeping giant has awakened again and it will rise quickly—Americans united behind our President—to punish those who would cripple or destroy our freedom and our people.

Ms. KILPATRICK. Mr. Speaker, today, I express my shock and outrage at the attacks that took place yesterday. First and foremost I send out my prayers and condolences to the thousands of American families most directly affected by this tragic event and the millions of Americans who feel the devastation of such a profound strike at the heart of our Nation.

While our pain is immense our actions will be resolute. We will not stand idly by while those who seek to destroy our democracy wreak havoc on our country and the rest of the world. I say to those who have perpetrated this attack: witness the American resolve evident in the immediate aftermath of these horrendous attacks as our Nation's citizens band together to help one another in time of need; witness the increased sense of American unity, tradition, pride and patriotism your actions invigorate in the American conscious; witness the undying sense of hope and determination evidenced by the American people.

I say that your attack runs counter to your goals, whatever they may be. You have only increased our determination to spread the American spirit and our belief in freedom and justice to the far corners of the world. You have only strengthened our condemnation of undemocratic institutions, and you have resigned yourself to the retribution that your evil acts warrant.

God bless America and God help the families and victims of yesterdays' attack.

Mr. CULBERSON. Mr. Speaker, the House is meeting today to lend 110 percent support to our Commander-in-Chief, President George W. Bush. Every Member of Congress is completely unified in our support for President Bush to do whatever is necessary to rescue the wounded and attend to the victims and their families, and to identify those responsible for this atrocity, hunt them down, and bring them to justice.

These attacks are an act of war against the people of the United States. We will eradicate these terrorists wherever they may be and punish anyone who harbored them, anyone who gave them a nickel, and anyone who gave them comfort and aid.

Members of Congress are furious and outraged, but we will be thoughtful and deliberate in our response. Above all, we will support our Commander-in-Chief.

As Congress and our President decide how America should respond, we must be sure to remember Benjamin Franklin's warning that those who "give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 22, as follows:

[Roll No. 338]

YEAS—408

Abercrombie	Cardin	Ferguson
Ackerman	Carson (IN)	Filner
Aderholt	Carson (OK)	Flake
Akin	Castle	Fletcher
Allen	Chabot	Foley
Andrews	Chambliss	Forbes
Armey	Clay	Ford
Baca	Clayton	Frank
Bachus	Clement	Frelinghuysen
Baird	Clyburn	Frost
Baker	Coble	Gallegly
Baldacci	Collins	Ganske
Baldwin	Combest	Gekas
Ballenger	Condit	Gephardt
Barcia	Cooksey	Gibbons
Barr	Costello	Gilchrest
Barrett	Cox	Gillmor
Bartlett	Coyne	Gilman
Barton	Cramer	Gonzalez
Bass	Crane	Goode
Becerra	Crenshaw	Goodlatte
Bentsen	Cubin	Goss
Bereuter	Culberson	Graham
Berkley	Cummings	Granger
Berman	Cunningham	Graves
Berry	Davis (CA)	Green (TX)
Biggert	Davis (FL)	Green (WI)
Bilirakis	Davis, Jo Ann	Greenwood
Bishop	Davis, Tom	Grucci
Blagojevich	Deal	Gutierrez
Blumenauer	DeFazio	Gutknecht
Blunt	DeGette	Hall (OH)
Boehlert	Delahunt	Hall (TX)
Boehner	DeLauro	Hansen
Bonilla	DeLay	Harman
Bonior	DeMint	Hart
Bono	Deutsch	Hastings (FL)
Borski	Diaz-Balart	Hastings (WA)
Boswell	Dingell	Hayes
Boucher	Doggett	Hayworth
Boyd	Dooley	Hefley
Brady (PA)	Doolittle	Herger
Brady (TX)	Doyle	Hill
Brown (FL)	Dreier	Hilleary
Brown (OH)	Duncan	Hilliard
Brown (SC)	Dunn	Hinchee
Bryant	Edwards	Hinojosa
Burr	Ehlers	Hobson
Burton	Ehrlich	Hoefel
Buyer	Emerson	Hoekstra
Callahan	Engel	Holden
Calvert	English	Holt
Camp	Eshoo	Honda
Cannon	Etheridge	Hooley
Cantor	Evans	Horn
Capito	Everett	Hostettler
Capps	Farr	Houghton
Capuano	Fattah	Hoyer

Hulshof	Millender-	Scott
Hunter	McDonald	Sensenbrenner
Hyde	Miller (FL)	Serrano
Inslee	Miller, Gary	Sessions
Isakson	Miller, George	Shadegg
Israel	Mink	Shaw
Issa	Mollohan	Shays
Istook	Moore	Sherman
Jackson (IL)	Moran (KS)	Sherwood
Jackson-Lee	Moran (VA)	Shimkus
(TX)	Morella	Shows
Jefferson	Myrick	Shuster
Jenkins	Napolitano	Simmons
John	Neal	Simpson
Johnson (CT)	Nethercutt	Skeen
Johnson (IL)	Ney	Skelton
Johnson, E. B.	Northup	Slaughter
Johnson, Sam	Norwood	Smith (MI)
Jones (NC)	Nussle	Smith (NJ)
Jones (OH)	Oberstar	Smith (TX)
Kanjorski	Obey	Smith (WA)
Kaptur	Olver	Snyder
Keller	Ortiz	Solis
Kennedy (MN)	Osborne	Spratt
Kennedy (RI)	Ose	Stark
Kerns	Otter	Stearns
Kildee	Owens	Stenholm
Kind (WI)	Oxley	Strickland
King (NY)	Pallone	Stump
Kingston	Pascarell	Stupak
Kirk	Pastor	Sununu
Klecicka	Paul	Sweeney
Knollenberg	Pelosi	Tancredo
Kolbe	Pence	Tanner
Kucinich	Peterson (MN)	Tauscher
LaFalce	Peterson (PA)	Tauzin
LaHood	Petri	Taylor (MS)
Lampson	Phelps	Taylor (NC)
Langevin	Pickering	Terry
Lantos	Pitts	Thomas
Larsen (WA)	Platts	Thompson (CA)
Larson (CT)	Pombo	Thompson (MS)
Latham	Pomeroy	Thornberry
LaTourette	Portman	Thune
Leach	Price (NC)	Thurman
Lee	Pryce (OH)	Tiahrt
Levin	Putnam	Tiberi
Lewis (CA)	Quinn	Tierney
Lewis (GA)	Radanovich	Toomey
Lewis (KY)	Rahall	Towns
Linder	Ramstad	Trafficant
LoBiondo	Regula	Turner
Lofgren	Rehberg	Udall (CO)
Lowey	Reyes	Udall (NM)
Lucas (KY)	Reynolds	Upton
Lucas (OK)	Riley	Velazquez
Luther	Rivers	Visclosky
Maloney (CT)	Rodriguez	Vitter
Manzullo	Roemer	Walden
Markey	Rogers (KY)	Walsh
Mascara	Rogers (MI)	Wamp
Matheson	Rohrabacher	Waters
Matsui	Ros-Lehtinen	Watkins (OK)
McCarthy (NY)	Ross	Watson (CA)
McCollum	Rothman	Watt (NC)
McCrery	Roukema	Watts (OK)
McDermott	Roybal-Allard	Waxman
McGovern	Rush	Weldon (FL)
McHugh	Ryan (WI)	Weller
McInnis	Ryun (KS)	Wexler
McIntyre	Sabo	Whitfield
McKeon	Sanchez	Wicker
McKinney	Sanders	Wilson
McNulty	Sandlin	Wolf
Meehan	Sawyer	Woolsey
Meek (FL)	Schaffer	Wu
Menendez	Schakowsky	Wynn
Mica	Schiff	Young (AK)
	Schrock	Young (FL)

## NOT VOTING—22

Conyers	Largent	Rangel
Crowley	Lipinski	Royce
Davis (IL)	Maloney (NY)	Saxton
Dicks	McCarthy (MO)	Souder
Fossella	Meeks (NY)	Weiner
Gordon	Murtha	Weldon (PA)
Kelly	Nadler	
Kilpatrick	Payne	

□ 0107

So the joint resolution was passed.  
The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 338, H. Con. Res. 61—Expressing the sense of the Congress regarding the terrorist attacks launched against the United States on September 11, 2001, I was unavoidably detained. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of earlier today, S.J. Res. 22 is passed.

Without objection, the motion to reconsider S.J. Res. 22 is laid on the table, and H.J. Res. 61 is laid on the table.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title which the concurrence of the House is requested:

S.J. Res. 22. Joint Resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-204) on the resolution (H. Res. 236) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## AMERICA WILL NOT REST UNTIL TERRORISTS ARE BROUGHT TO JUSTICE BEFORE THE WORLD

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, as the profound tragedies in New York, Pennsylvania, and Washington flashed before the world, I was struck again by the greatness of our people, their valor, their order, their dignity; indeed, their actions of honor, one by one, shown to the world, loving mercy more than life itself.

As one Member, I can certainly say our Nation will not rest until the terrorists responsible for yesterday's carnage are brought to justice before the entire world.

□ 0110

I have also been overwhelmed by the outpouring of sympathy that our office

is receiving from throughout the world. We thank President Putin. We thank the Prime Minister of Great Britain, Tony Blair, and all the world leaders who are sending us condolences and sympathies to our people.

But yesterday I received another offer of sympathy, this time from a Roman Catholic vicar general from the nation of Ukraine:

I would like to present to you and through you, Congresswoman, to all the American people our condolences because of the terrible tragedy that has stricken the whole world.

As the profound tragedies in New York, Washington, and Pennsylvania flashed before the world, I was struck again by the greatness of our people—their valor, their order, their dignity. Indeed, their acts of honor—one by one shown to the world. At every turn loving mercy more than life. To America's enemies let me say; our Nation will not rest until the terrorists responsible for yesterday's carnage are brought to justice before the entire world.

I have also been overwhelmed by the outpouring of sympathy coming to our people from throughout the world—President Putin, Prime Minister Blair of Great Britain.

I would like to present to You and Through You—to all the American people—our condolences because of the terrible tragedy that has stricken the whole world.

We have been very shaken to learn about a series of acts of terrorism that happened in the United States of America yesterday.

It has been an awful blow by its cruelty and scale that struck not only the USA but all humanity. I received the notice during spiritual retreats in our Higher Spiritual Seminary [in Vorzel] where all priests of our Diocese came. As a sign of our unity and sympathy in your grief we celebrated Holy Mass for the souls of the departed and prayed for all victims. May the Lord strengthen them by His grace that they may outlive this horrible disaster.

In all our churches there are Divine Services and prayers said for the souls of the departed victims and for all those who have suffered.

These days our hearts and our prayers are with your people.

Sincerely Yours,  
BISHOP STANISLAW SHYROKORADIUK,  
*Roman Catholic Vicar  
General Ukraine.*

## ADJOURNMENT OUT OF RESPECT TO VICTIMS OF TERRORIST ATTACKS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that, consistent with the language of the joint resolution just passed, when the House adjourns on this legislative day, it stand adjourned out of respect to the victims of the terrorist attacks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the previous order of the House, the House stands adjourned until 10 a.m. today out of respect to the victims of the terrorist attacks.

Accordingly (at 1 o'clock and 10 minutes a.m.), on Thursday, September 13, 2001, (legislative day of Tuesday, September 11, 2001), under its previous order, the House adjourned until today, September 13, 2001, at 10 a.m. out of respect to the victims of the terrorist attacks.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3575. A letter from the Alternate OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Nonavailability Statement Requirement for Maternity Care—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3576. A letter from the Alternate OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3577. A letter from the Alternate OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Bonus Payments in Medically Underserved Areas—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3578. A letter from the Alternate OSD FR Liaison Officer, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Expansion of Dependent Eligibility for TRICARE Retiree Dental Program—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3579. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3580. A letter from the Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 010112013-1013-01; I.D. 083001A] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3581. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—V Nonimmigrant Classification; Spouses and Children of Lawful Permanent Residents [INS No. 2117-01; AG

Order No. 2502-2001] (RIN: 1115-AG08) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3582. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—"K" Nonimmigrant Classification for Spouses of U.S. Citizens and Their Children Under the Legal Immigration Family Equity Act of 2000 [INS No. 2127-01] (RIN: 1115-AG12) received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3583. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Columbia River, Astoria, Oregon [CGD13-01-021] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Michigan, Pentwater, MI [CGD09-01-087] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Blue Water Offshore Classic, St. Clair River, MI [CGD09-01-099] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Irish Festival 2001, Milwaukee Harbor, Wisconsin [CGD09-01-044] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Cleveland Harbor, Cleveland, OH [CGD09-01-104] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Seafair Blue Angels Performance, Lake Washington, WA [CGD13-01-010] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Rochester Harborfest Fireworks Display, Genesee River, Rochester, New York [CGD09-01-014] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Vessel Identification System [USCG-1999-6420] (RIN: 2115-AD35) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Licensing and Manning for Officers of Towing Vessels [USCG 1999-6224] (RIN: 2115-AF23) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Green River, Spottsville, Kentucky [CGD08-01-014] (RIN: 2115-AE47) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Raising the Threshold of Property Damage for Reports of Accidents Involving Recreational Vessels [USCG-1999-6094] (RIN: 2115-AF87) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Procedure 2001-48] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3595. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exempt Organizations [Notice 2001-55] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[September 13 (legislative day of September 11), 2001]

Mrs. MYRICK: Committee on Rules. House Resolution 236. Resolution waiving a requirement of clause 6 (a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-204). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

[September 12 (legislative day of September 11), 2001]

By Mr. BRADY of Texas:

H.R. 2877. A bill to require that United States assistance may be provided to the government of a foreign country only if a treaty of extradition between that country and the United States is in force, or the government of that country and the United States have entered into negotiations to conclude a treaty of extradition; to the Committee on International Relations.

By Mr. HOLDEN:

H.R. 2878. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who

died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; to the Committee on Veterans' Affairs.

By Mr. ROSS (for himself, Mr. BERRY, Mr. PICKERING, Mr. SHOWS, and Mr. THOMPSON of Mississippi):

H.R. 2879. A bill to improve migratory bird management by the Animal and Plant Health Inspection Service of the Department of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS (for himself, Mr. CARSON of Oklahoma, Mr. KILDEE, and Mr. CONDIT):

H.R. 2880. A bill to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Pennsylvania (for himself, Mr. ORTIZ, Mr. REYES, and Mr. SCHROCK):

H.R. 2881. A bill to authorize emergency appropriations for fiscal year 2002 for the Department of Defense to respond to the infrastructure sustainment and restoration crisis and spare and repair parts shortages adversely affecting the readiness of the Armed Forces and the quality of life of members of the Armed Forces and their families on military installations; to the Committee on Armed Services.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H.J. Res. 61. Joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; considered and agreed to.

By Mr. NEY (for himself and Mr. HOYER):

H. Con. Res. 223. Concurrent resolution permitting the use of the rotunda of the Capitol for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001; to the Committee on House Administration; considered and agreed to.

By Mrs. EMERSON (for herself and Mr. SKELTON):

H. Con. Res. 224. Concurrent resolution expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States; to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[September 12 (legislative day, September 11), 2001]

H.R. 15: Mr. NUSSLE, Mr. PENCE, Mr. HALL of Texas, and Mr. COOKSEY.

H.R. 19: Mr. GOODE, Mr. MCINNIS, Mr. TANCREDI, Mr. JONES of North Carolina, Mr. SESSIONS, and Mr. SOUDER.

H.R. 25: Mrs. JOHNSON of Connecticut.

H.R. 31: Mr. CRANE.

H.R. 154: Ms. DELAULO.

H.R. 537: Mr. FROST.

H.R. 600: Mr. RILEY.

H.R. 606: Mr. ROHRBACHER.

H.R. 770: Mr. MATHESON.

H.R. 876: Mr. GOODE and Mr. UDALL of New Mexico.

H.R. 919: Mr. ISSA and Mr. BLAGOJEVICH.

H.R. 959: Mr. RADANOVICH and Ms. ESHOO.

H.R. 968: Mr. MATHESON and Mr. BROWN of Ohio.

H.R. 1011: Mr. LAHOOD.

H.R. 1035: Mr. GORDON and Mr. ROSS.

H.R. 1143: Ms. MCKINNEY.

H.R. 1265: Ms. LOFGREN.

H.R. 1353: Mr. KILDEE, Mr. WALSH and Mr. BARTON of Texas.

H.R. 1478: Ms. LEE.

H.R. 1509: Mr. LAMPSON and Mr. OWENS.

H.R. 1543: Mr. ROYCE.

H.R. 1556: Mr. GONZALEZ.

H.R. 1701: Mr. LARSON of Connecticut, Mr. ROYCE, and Mr. SHIMKUS.

H.R. 1734: Mr. ABERCROMBIE.

H.R. 1771: Mr. LEVIN.

H.R. 1798: Mr. McNULTY.

H.R. 1908: Mr. REHBERG.

H.R. 1992: Mrs. ROUKEMA, Mr. HOEKSTRA, Mr. GREENWOOD, Mr. NORWOOD, Mr. KELLER, Mr. TERRY, and Mr. BACA.

H.R. 2073: Mr. THOMPSON of California.

H.R. 2138: Mr. PASTOR and Mr. MARKEY.

H.R. 2142: Ms. LOFGREN, Mr. DELAHUNT, Ms. HOOLEY of Oregon, Mr. THOMPSON of Mississippi, Mr. MATSUI, Mr. BLUMENAUER, Mr. REYES, Mr. RODRIGUEZ, Mr. RUSH, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WATERS.

H.R. 2148: Ms. ROYBAL-ALLARD and Mr. FROST.

H.R. 2219: Mr. WOLF and Mr. SCHAFER.

H.R. 2220: Mr. CALVERT, Ms. LOFGREN, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. MATSUI, and Mr. SMITH of Washington.

H.R. 2349: Mr. TIERNEY, Mr. LEWIS of Georgia, Mr. MATSUI, and Mr. BONIOR.

H.R. 2373: Mr. PETERSON of Pennsylvania.

H.R. 2374: Mr. ENGLISH, Mr. POMEROY, Mr. KINGSTON, and Mr. MCINNIS.

H.R. 2492: Mr. ROEMER, Ms. CARSON of Indiana, and Mr. McNULTY.

H.R. 2520: Mr. DAVIS of Illinois.

H.R. 2623: Ms. PELOSI and Mr. MCDERMOTT.

H.R. 2683: Mr. JENKINS, Mr. DUNCAN, Mr. GIBBONS, and Mr. FROST.

H.R. 2688: Mrs. ROUKEMA.

H.R. 2693: Mr. TOWNS, Mr. CROWLEY, Mr. HINCHEY, Mr. KIRK, and Ms. ROS-LEHTINEN.

H.R. 2708: Mr. SCHAFER.

H.R. 2709: Mr. HAYWORTH.

H.R. 2714: Mr. CANNON, Mr. MANZULLO, Mr. LINDER, and Mr. TOOMEY.

H.R. 2719: Mr. GIBBONS.

H.R. 2740: Mr. MCINTYRE, Mr. GOODE, Mr. ROSS, and Mr. BROWN of Ohio.

H.R. 2817: Ms. HART and Ms. DELAULO.

H.R. 2866: Ms. HARMAN, Mr. SHAYS, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Mr. BLAGOJEVICH, Mr. FROST, Ms. NORTON, Mr. DOOLEY of California, Mr. BALDACCI, Mr. LEVIN, Mrs. LOWEY, Mr. BRADY of Pennsylvania, and Mr. BACA.

H.R. 2869: Mr. SAWYER.

H.J. Res. 54: Mr. SCHAFER.

H. Con. Res. 119: Mr. WELDON of Florida.

H. Con. Res. 184: Mrs. EMERSON, Mr. WATTS of Oklahoma, Mr. RADANOVICH, and Mr. BROWN of South Carolina.

H. Con. Res. 188: Mr. CAPUANO.

H. Con. Res. 197: Mr. KILDEE and Mr. BARR of Georgia.

H. Con. Res. 204: Mr. WOLF and Mr. ETHERIDGE.

H. Res. 226: Mr. WATT of North Carolina, Mr. FROST, Mr. GILLMOR, Mr. HILLIARD, Mr. TIERNEY, Mr. KLECZKA, Mr. SESSIONS, and Mr. FILNER.

## EXTENSIONS OF REMARKS

## ATTACK ON THE UNITED STATES

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. TIAHRT. Mr. Speaker, September 11, 2001 is the day the landscape of America was changed forever.

We will rebuild structures, but we cannot rebuild the thousands of loved ones that have been lost to this world forever. Our thoughts and prayer go out to the families and friends of the victims of the reprehensible and cowardly attack against our country. As we attempt to rescue possible survivors and console those who have lost, we begin our determined quest to find their murderers and impose a tough and appropriate punishment.

Make no mistake, the act of war perpetrated against the United States will be met with the full force of the U.S. military. President Bush, Congress and the American people are resolved to take on and defeat the forces of evil that attempt to disrupt our way of life. The principles of democracy in a free and open society are at stake. This is a war against all nations who enjoy the liberties and freedom of democracy, and all peaceful nations should band together in a unified force against those that wreak hatred and terror.

Mr. Speaker, yesterday was a dark day in America. Today, the light of freedom shines bright and we move forward as the greatest nation in the world.

God bless the victims and their families and God bless America.

## ATTACK ON THE UNITED STATES

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. ISSA. Mr. Speaker, like many Americans, I woke up this morning after not getting much sleep, with a broken heart and a tremendous feeling of sadness and anger. There are still so many questions unanswered and so much emotion tied in our hearts.

While we see these horrible events, feel these tremendous feelings, and listen to these unbearable stories, we must remember that we are Americans. Throughout history Americans have shown the world what freedom is, and more importantly, what freedom costs. While we share this planet with evil, we will not let evil triumph.

To the victims and to the friends and families of those who have perished, I want you to know that your country—your American family—is praying for you and shares this burden with you.

To those responsible for the unspeakable horrors our country has endured, I say to you:

You should not sleep another night peacefully, you should not eat another meal without looking over your shoulder, and you should never have rest because we will find you. Justice will be done.

## ATTACK ON AMERICA

**HON. HENRY BONILLA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. BONILLA. Mr. Speaker, yesterday was a day we never thought we would see in our lifetimes. Unfortunately, we are just learning the depths of the devastation. In the true American spirit, we are also learning about heroes across this country who rose to the challenge to save and comfort their fellow Americans.

President Bush has the full support of this Congress. In the long days and months ahead, we must unite to follow through on his pledge to track down those responsible for these cowardly acts against the American people.

Those who have declared war on the American people must now face the full might and power of the United States. Americans will stand strong and will not let these terrorists take our freedom.

The men and women in our Armed Forces serve our country with brave hearts every single day. But today is a new day in their duty, a new day of a monolithic fight against evil. We must provide our military and intelligence agencies with the resources they need to win this fight.

America must stand together with strength and resolve so America remains free, safe and secure. America must stand together in prayer for the lives that were lost. America will prevail and we will win.

God Bless America.

## ATTACK ON THE UNITED STATES

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. STEARNS. Mr. Speaker, the bloodiest attack in America history occurred yesterday September 11, 2001—a date which will live in infamy. Life in America, as we know it, will change. Let us as Members of Congress, and more importantly, as Americans resolve to help those families who lost loved ones in the cowardly attacks, and provide the necessary resources to both New York and Washington, DC to aid in the recovery and assist these families.

We will work to identify those responsible for these acts of savagery and bring them to

justice. We will also, as the President has mentioned, hold those groups or states that harbor these cowards responsible for what has occurred.

The attacks yesterday remind us of the shock and horror experienced at Pearl Harbor. We must—and will—work to ensure that this kind of barbarism will never occur again.

So my colleagues it is clear that the U.S. is at war like December 7, 1941 but a new kind of war. The U.S. won WWI, WWII and the cold war. But now we must prevail in what could be called the gray war. We will prevail here also.

## IN HONOR OF THE DEDICATED SERVICE OF JAMES L. CUBBAGE, JR., AND JULIA MAST TO THE DELAWARE FIREFIGHTER COMMUNITY

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. CASTLE. Mr. Speaker, during my service as a Member of the House of Representatives, it has been my honor and privilege to rise and pay tribute to organizations and people who really make a difference in the Delaware community. Today, I rise to recognize James L. Cubbage, Jr., President of the Delaware Volunteer Firemen's Association (DVFA) and Julia Mast, President of the Ladies Auxiliary of the DVFA.

On behalf of my fellow Delawareans I would like to commend these two outstanding individuals, not only for their tireless efforts on behalf of the First State, but for their tremendous contributions to the DVFA and the Ladies Auxiliary of the DVFA.

James L. Cubbage, Jr., has been a tremendously active and influential member of the fire prevention community for years. He has served as an active member of the DVFA since the early 1970's, is a Board Member of the International Association of Arson Investigators (IAAI) Education Foundation, and also former President of the Delaware Chapter of the IAAI. Jim Cubbage has shown exceptional leadership skills throughout his career, reflected in his election as Director of the DVFA in 1987 and serving in that capacity until 1998, when he was then elected as 2nd Vice President of the DVFA, followed by being elected President in 2000.

Mr. Cubbage has also worked diligently for the Clayton Fire Company, No. 1, Inc., being a life member, having joined in 1965. There he has served on the Board of Directors for over 15 years and is a former Chief and President. He is a member of the New Castle County Fire Association and former President. He also serves as Chief Deputy Fire Marshall for the state of Delaware. Jim's devotion and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dedication to fire prevention was acknowledged when he was recognized as "Firemen of the Year" in 1969.

Julia Mast has also played a critical role in keeping our communities safe through her work in the Ladies Auxiliary of the DVFA. Julia has served as a member since 1959, a tribute to her devotion and commitment. She is a charter member and has also served as President of the Clayton Ladies Auxiliary on several different occasions, which is a testimony to her exceptional leadership qualities and hard work. Julia has also shined as an active and enthusiastic member in her local church. Fire service is a long standing tradition in her family and Julia Mast has done a praiseworthy job of keeping this tradition going.

James L. Cubbage, Jr. and Julia Mast are both exemplary models of commitment and excellence and valuable members of the Delaware community. I salute James L. Cubbage, Jr. and Julia Mast for their efforts to keep the Delaware Volunteer Firemen's Association and Ladies Auxiliary a strong and vital part of Delaware.

#### THE HORRIFIC ACTIONS OF TERRORISTS

#### HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. LINDER. Mr. Speaker, when the prayers are said; when the tears are dried; when the bodies are buried—we must go on remembering. Always.

The war against terrorism has been casually engaged for nearly thirty years. Now we must get serious and win it.

There are only two sides in this war, ours and the enemy's. To those who believe that there is a neutral ground we must say that you are on the side of the enemy and we will punish you. To those who believe that they can quietly harbor and help the terrorists we must say that you are the enemy and our military will bring you to your knees. To those who commit these acts we must say that we will find you and kill you.

America has been changed forever through this tragedy. If falls upon us to rebuild the confidence in our society that great nations will not cower, that you will be safe again, that freedom works!

#### TRIBUTE TO ROBERTA "ROBBIE" RADER

#### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. BLUNT. Mr. Speaker, all too often in the news, the only young people we hear about are those who are in trouble for one reason or another. It is an honor today to rise and share with my Colleagues information about an outstanding young woman in my district who demonstrates exemplary character and leadership skills in her Southwest Missouri school and community.

This exceptional young leader is Roberta Rader, or "Robbie" as everyone in Mount Vernon, Missouri knows her. In many ways she is just a typical teenager in her senior year at Mount Vernon High School. But at the same time, this typical teen is doing extraordinary things. Robbie is active in Student Council where she serves as the Community Service Chair. Because of her personal commitment she has helped build houses through Habitat For Humanity and has volunteered at various shelters for the underprivileged in the community. Robbie also serves as President of her school's National Honor Society and was on the three-person team from Mt. Vernon that captured the state Future Farmers of America forestry championship this year. To further demonstrate that she is a well rounded person, Robbie has lettered for two years on the school's track team, is a district champion in hurdles and will be co-valedictorian of her Senior class next spring.

Such a rich menu of accomplishments has not gone unnoticed at the national level. Robbie was just chosen to be the Co-Chair of the Executive Board of the National Association of Student Councils, a position in which she represents seven states. As a member of the national board, she also participates in setting national goals for student councils and directing those activities as co-chair.

It is clear that this young lady is motivated and focused. Part of her commitment is seen in a personal habit of keeping a list of her goals with her everywhere she goes. Robbie has to update the list every six months! Our country would benefit if more could achieve their goals as quickly and stay as committed and focused as Miss Rader.

Robbie has benefitted from a supportive family and caring teachers who have encouraged and guided her along the path of learning and achievement. Robbie continues to work relentlessly toward her goals, earning the respect of classmates and teachers. It is a testament to the strength of her character that despite all of her accomplishments, her teachers still praise her as "humble."

Robbie Rader is leadership in action. It is a comfort to know that young people such as Robbie are preparing themselves today to our future leaders. I know that my Colleagues join me in commending Robbie for her national office and her commitment to excellence in her personal life.

#### ATTACK ON THE UNITED STATES

#### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. SENSENBRENNER. Mr. Speaker, September 11, 2001, is a date that will forever be etched in our memories as a day our very way of life was attacked. These acts of cowardice took the lives of innocent souls away from their families and friends. My thoughts and prayers go out to the families who lost loved ones and my thanks go out to all of the emergency personnel who risked their lives to save others.

The perpetrators believe that our weakness is our freedom. They are so wrong. This will

unite our country and they will soon know that freedom is our greatest strength. We should support President Bush and we should expeditiously make available all necessary means so that justice can be carried out. God Bless America.

#### TRIBUTE TO WEST HERNANDO MIDDLE SCHOOL

#### HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to the remarkable students and faculty of West Hernando Middle School. West Hernando Middle is located in Hernando County, Florida which is one of the fastest growing counties in the state and the nation. The faculty at West Hernando Middle works extremely hard to serve students with highly diverse educational needs, with 23% of its students receiving Exceptional Student Education services ranging from Educational Alternative Treatment classes to classes for gifted students.

In 1995, West Hernando resembled many other middle schools in the district. It was hindered with problems such as overcrowding and poor socioeconomic conditions and it became evident that change was needed. In that same year, Ken Pritz was appointed the new principal of the school. Along with their new principal, students at West Hernando Middle received a new approach to learning. This new approach was founded on the shared vision of the staff that, "We at West Hernando Middle believe that all students can and will learn."

Building on this vision, Ann Bristol, the graphic arts instructor at the school, came up with the theme known as "Dream Extreme." Ms. Bristol, a teacher known for her infectious enthusiasm and ability to motivate, encouraged her students to learn by creating many different exciting activities. Her unique teaching methods soon spread throughout the school, consuming the faculty and students.

"Dream Extreme" became reality when in the 1998-99 school year the sixth-grade Gemini Team accepted a challenge to build an 87-foot wooden foot bridge over a water retention area adjacent to the school. Students began using the Internet as well as cable television technology to research and implement the design and construction of the bridge. The project, known as "Bridging the Gap in Education," was a huge success and the bridge was honored as the cover story for the March 2000 issue of Cable in the Classroom. The entire project was evidence that the transformation of abstract knowledge to an actual applied and concrete learning process had indeed "bridged the gap in education."

During the 1999-2000 academic year, the Gemini Team embarked on a second project, equally as interesting, just as difficult and even more ambitious than the first. Working alongside the Southwest Florida Water Management District, students began researching the process of xeriscaping (a form of landscaping involving drought resistant vegetation) as well

as the compatibility of various species of plants and animals for the construction of a 60x40x30-foot aviary to be placed in the center of the school grounds. Students then selected the appropriate plant life and ground cover native to the region in order to recreate a natural habitat for tropical birds which would live in the aviary. By actively involving the students, the faculty at West Hernando Middle School provided their students with a better understanding of environmental concepts. The students have enjoyed the hard work involved with building and maintaining the aviary. In fact, they are so proud of their accomplishment that they provide tours. West Hernando sixth graders contact elementary schools, set up dates and times, conduct tours, and actually teach younger students about the importance of the environment in our lives.

The imagination and determination of West Hernando Middle School has not stopped there. Students and faculty are currently working on a "Birds and Beyond" unit which involves students in plant and bird care as well as developing a market for the sale of young birds raised in the aviary. The project also is meant to serve as an adoption agency for unwanted birds. Other projects undertaken by the Gemini Team included an iguana habitat and a prairie dog encounter.

The success of the Gemini Team has inspired other teams such as the Saturn Team and the seventh grade Navigator Team to undertake such projects as a butterfly garden encircling a 2,500 gallon koi fish pond. That project increases student knowledge of drought tolerant plants and water consumption. The garden has been dedicated to the memory of a former West Hernando student whose life was taken by a drunk driver. A new hoop greenhouse supplies plants and bushes used to landscape the campus and there are plans to implement a working nursery to teach entrepreneurship and economics. Through other projects, students can learn about hydroponic gardening and aqua farming. A group of seventh graders is constructing a live coral reef and the eighth grade Voyager Team has designed and constructed a memorial garden in memory of children who died in the Holocaust.

This innovative approach to teaching has carried over from academics to the physical education department as well. The department now offers alternative activities, such as the design and construction of a 25x100-foot climbing wall, a mountain bike trail and a kayaking program.

Ken Pritz, along with his assistant principals, Mary Krabel and Joseph Clifford, and the rest of the faculty at West Hernando Middle School, firmly believe that the instructional changes which they have implemented have had a profound influence on the students. They have witnessed an increase in knowledge and enthusiasm that could not have been imagined at the outset of "Dream Extreme." The results are evident. West Hernando Middle School students have shown a lower failure rate, lower retention rate and fewer disciplinary problems as a result of innovative changes in the school's instructional methods.

Mr. Speaker, please join me in honoring West Hernando Middle School for its excep-

tional and creative efforts to connect students with important learning experiences. The school's clear commitment to enhancing the quality of education for all of its students is really making a significant difference.

#### TRIBUTE TO COLE KUGEL

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I would like today to pay tribute to Cole Kugel. At the age of ninety-nine, Cole is the oldest certified pilot in the nation. For over half a century, Cole sat side by side in the cockpit with his wife Mildred, soaring in one of the six planes he has owned. Flying safely at any age is a challenge. To have done it for as long as Cole has is truly an accomplishment. Cole began flying in 1929 and never once crashed or even damaged a plane.

Many people might say that flying for over seventy years without a scratch to show for it is just plain lucky. I'm told that while luck might keep you flying, it is good judgment that brings you home at the end of the day. Cole Kugel has been blessed with an abundance of good judgment. For over seventy years he has used his head to safely bring back every plane he has taken off in. Today, he continues to use that judgment. He has said that when his certificate comes up for renewal by the FAA this year, he probably will not renew it. To willingly walk away from something you love when you realize that you may not be able to do it like you used to I believe is the epitome of good judgment. I applaud Cole for loving flying so much yet still walking away from it while he is on top.

Mr. Speaker, I am attaching an article about Cole from a recent edition of the Denver Post. I ask my colleagues to join me in saluting this heroic individual and to wish him a safe landing wherever the winds shall take him.

#### OLDEST U.S. PILOT FACES END OF ERA

(By Kevin Simpson)

Monday, September 10, 2001—LONGMONT—Throughout the rambling house where Cole Kugel lives alone, airplanes still take flight—images in photographs, models on pedestals, even a replica constructed entirely of 7-Up cans that dangles from a perch on the patio.

But Kugel let go of the plane he cared for most—the single-engine Cessna Skylane hangared at nearby Vance Brand Airport—last spring, just about the same time he lost the bigger love of his life, his wife, Mildred. Together, the events signaled the end of an era.

Kugel, who at 99 is the oldest certified pilot in America—and one of only 30 over the age of 90, according to the Federal Aviation Administration—figures that maybe he has soared long enough. The man who helped lay down the gravel that formed the city's first airstrip may not try to renew his certification when it expires in a few weeks.

And he sold the plane emblazoned with the registration 29CM.

"Twenty-nine Charlie-Mike," Kugel says wistfully, echoing the words he'd radio to the airport tower. "But the letters really meant Cole and Mildred."

As early members of a group of aviation enthusiasts called the Colorado Flying Farmers, they sat side by side in the cockpit for more than half a century before a succession of strokes finally took her in June at age 97.

"It just indicates that plane was their baby," says Warren Rempel, who has known the couple for 40 years. "They were in the flying game together. Then came the day she couldn't get out anymore. And he said if she couldn't go, then he wouldn't be doing a lot of it either."

Mildred never was certified, but took enough lessons to know how to put the plane down safely if anything ever happened to her husband in mid-flight. In the last year and a half, though, her health declined to the point where she could no longer take her accustomed seat in the Cessna.

"She told him on many occasions, 'Don't you sell that plane until I'm gone,'" Rempel says. "I heard her say it. And he didn't sell it."

The transaction happened almost by chance, when local veterinarian Lynn Ferguson, whose grandparents had flown with the Kugels, called to talk flying. Ferguson had offered to buy the plane three years earlier, but Kugel, citing his wife's admonition, had declined.

But in May, as Mildred's health failed in a nursing home—and Kugel would go nowhere without his flying partner—Ferguson found that things had changed.

"He said, 'Maybe we ought to take it up and see if you like it,'" Ferguson says. They struck a deal just days before Mildred died.

Kugel has tried not to dwell too much on the sale of the Cessna and the larger loss that accompanied it. But he takes some solace in the fact that the plane will remain nearby, where he can still go see it.

And a stipulation in the sale agreement provides that he be allowed to take it up next March 14—"if I'm still here"—on his 100th birthday.

The FAA requires a physical exam every two years for medical certification for a third-class pilot's license, and some minor vision trouble with one eye gives Kugel pause, although he doesn't think that would necessarily keep him from passing the exam.

"But as old as I am, maybe I ought not to be flying anyway," he says. "I feel competent, but as you get older, everything about you gets out of order and slows down. And a plane is an expensive item to have sitting around and not use it."

If he doesn't get recertified, he said, he'll still take his century flight with Ferguson. Kugel embraced aviation as a young man for the most prosaic of reasons: "Because I wanted to go someplace."

In 1943, Kugel and his wife left their Oklahoma farm to farm cheap land near Longmont. He remained a farmer most of his life, resuming the flights of fancy that had been grounded by the Depression. He bought his first plane in 1946, 17 years after he learned to fly in an open-cockpit biplane. Over the years, he owned six before selling the Cessna.

"I never busted one up," Kugel says. "I miss it, but maybe it's better."

Rempel tries to put it in perspective. "When a guy goes to 99 before he sells his plane, and still has his physical certification, he's done pretty well," he says. "At this point, I'd have to say Cole represents the goal we'd all like to attain in terms of longevity and mental acuity. He's alone at the top."

## TRIBUTE TO LUCY CARLTON

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Ms. LOFGREN. Mr. Speaker, today I rise to congratulate Los Altos Police Chief Lucy Carlton, who will be retiring on September 28, 2001 after 32 years of service. Chief Carlton began her law enforcement career in 1969 with the Milpitas Police Department. Chief Carlton served in a variety of assignments, which included Patrol, Criminal Investigation and Community Relations.

Lucy Carlton was the first female in the organization to be assigned to patrol duty and during her tenure, promoted through the ranks to Police Captain in 1988. In 1991, Ms. Carlton was appointed Chief of Police for the City of Los Altos, becoming the second woman in the State of California to serve as a Chief of Police for a municipality. Chief Carlton has been a trailblazer throughout her career, breaking the "glass ceiling" for every one of her promotions. Lucy Carlton's efforts have paved the road, so that others might follow.

Police Chief Carlton holds a Bachelor of Arts Degree in Administration of Criminal Justice from San Jose State University and has completed graduate work in Public Administration at California State University, Hayward. also holds a lifetime Teaching Credential from the State of California and has taught classes at San Jose State University, and Evergreen, Gavilan, San Jose City and Chabot Colleges. Ms. Carlton has lectured throughout the United States in the field of adult and child sexual abuse investigation. During her assignment in the investigation bureau, she was certified as an expert witness in the area of child sexual abuse.

Lucy Carlton is the past chair of the Santa Clara County Domestic Violence Council, the Santa Clara County Police Chiefs Association and the Administration of Justice Foundation at San Jose State University. Ms. Carlton has served on the board of the California Peace Officers' Association and currently serves on the board of the California Police Chiefs' Association. During her career, Chief Carlton has worked on a number of Peace Officer Standards and Training (POST) projects, which resulted in the development of training guidelines for officers in the area of sexual assault and child abuse investigations. She also served on the Department of Justice task force, which developed State guidelines for the implementation of Megan's Law.

Lucy Carlton has mentored dozens of men and women preparing for entry into law enforcement, as well as those preparing for promotional exams. In 1998 she assisted in the development of a series of classes for both men and women on the subject of Women's Issues in Law Enforcement. Chief Carlton has taught in the program since its inception.

Lucy Carlton has volunteered hundreds of hours to the Milpitas-Berryessa YMCA and served on their board for eight years. In 1995 she was named their volunteer of the year. She also serves on the advisory boards of WATCH (a transitional housing program for

battered women and their children) and the Support Network for Battered Women. In 1990, she was named "Woman of the Year" by former Assemblywoman Delaine Eastin and honored for her outstanding service and dedication to the people of the State of California. In 1996, the Women's Fund of Santa Clara County and the San Jose Mercury news honored her as a "Woman of Achievement" in the category of Public Service. In 1998 she was honored as a "Distinguished Alumni" from San Jose State University's Department of Administration of Justice. The Los Altos Kiwanis Club honored her last year as their 2000 "Kiwanian of the Year."

Police Chief Lucy Carlton has been a valuable asset to the State of California and to our district. Though her commitment and dedication will be sorely missed, I am grateful to her for her years of service and wish her the best in the next phase of her life.

BIPARTISAN PATIENT  
PROTECTION ACT

SPEECH OF

**HON. W.J. "BILLY" TAUZIN**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, August 2, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2563) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage:

Mr. TAUZIN. Mr. Chairman, the Ganske-Dingell bill does not guarantee a right to sue for patients. Indeed, the bill makes it difficult for states to create or maintain a cause of action because such causes of action must meet pages of very complicated requirements. A State could, in the future, pass a law consistent with these many requirements. Until they did so, however, patients who were harmed may have no recourse for damages at all. The preemption language under Ganske-Dingell is so fraught with ambiguity that it may take decades to determine whether patients in certain states even have a cause of action and can hold HMO's responsible for negligence.

Professor Larry Alexander, Warren Distinguished Professor at the University of San Diego Law School, has reviewed the bill and concludes: "... state common law is quite unlikely to contain these specific features, and state judges are unlikely to possess the authority to read them without legislative assent ... Professor Alexander also states that the literal reading of the provisions of the bill appear to be "... an attempt to directly impose Federal conditions on state law ..." without offering state governments a choice. Professor Alexander states such a reading would be a Constitutional problem.

Professor A.J. Bellia of Notre Dame Law School in a letter dated August 1, 2001 reviewed the Ganske-Dingell approach and stated: "... H.R. 2563 raises substantial constitutional issues. I anticipate, that if enacted,

these provisions will spawn significant constitutional litigation ... He cites several courts and several reasons for these findings.

The Ganske-Dingell approach also forces employers, plans and issuers to follow conflicting definitions, rules, and standards of conduct. The resulting uncertainty and litigation will not help patients, will drive costs, and will increase the number of uninsured.

As drafted, the Ganske-Dingell bill also preempts State law to reduce liability for negligent or reckless conduct by health professionals and treating hospitals. That means reducing the liability for health care professionals who issue faulty diagnoses, leave an instrument in during surgery, or inject the wrong medicine. Indeed, virtually any medical error would be shielded from a state cause of action where employers or the plan seek recovery or contribution.

The Department of Justice (DOJ), Congressional Budget Office (CBO) and Congressional Research Service (CRS) all confirm this interpretation. A DOJ memorandum dated July 25, 2001 states: "... This provision is broadly drafted to apply to claims arising out of 'any care provided' or 'any treatment decision made' ... as such, it would appear to foreclose, for example, a contribution or indemnity claim by a group health plan or health insurance issuer for negligent treatment by a physician or hospital which was the sole cause of a patient's injury. ..." (emphasis added)

The Congressional Budget Office Cost Estimate of H.R. 2563 states "... It would prevent any recovery by plans from doctors or hospitals resulting from medical malpractice. ..." (emphasis added). A memorandum from the Congressional Research Service further confirms this point. It says: "... This language appears to supersede all causes of action under state law, arising from state statutory or common law ... Presumably, causes of action for recovery, indemnity or contribution arising from a contract between the health plan and the physician would also be superseded. ..." (emphasis added)

The CRS memorandum continues: "... Based on this preemption, health plans or health insurance issuers providing health insurance coverage would not be able to seek contribution from a treating physician or hospital for damages incurred as a result of [a] cause of action brought against the plans pursuant to the provisions of this legislation or under common law based upon the quality of care received. Nor would they be able to recover costs incurred in the form of benefits paid due to the negligence of a treating health care professional or hospital. ..." (emphasis added)

It is for these and other policy reasons that I support the Norwood Amendment as a better liability proposal.

THE SOLIDARITY FLAG  
RESOLUTION**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mrs. EMERSON. Mr. Speaker, today, the men and women of the United States are facing a tragic loss. But in that adversity we see

men, women, and children who possess an unbreakable, unwavering, and unshakable spirit and a commitment to preserving freedom and democracy, said Emerson. So, in a unified show of support, Congress is asking that for the next 30 days everyone, in every community across America, fly their American flags. Whether it is at home, work, in public buildings, schools, or places of worship, this is a symbolic gesture to remember those individuals who have been lost and to show the solidarity, resolve, and strength of the greatest nation on earth—the United States of America.

**JOYCE MESKIS—A CHAMPION OF  
INTELLECTUAL FREEDOM**

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Joyce Meskis.

Owner of Denver's famous Tattered Cover Bookstores, Joyce is an ardent supporter of reading and literacy and a strong defender of intellectual freedom. She has served as president of the Colorado Citizens Against Censorship, was a founder of the American Booksellers Foundation for Free Expression, and a leader in the National Coalition Against Censorship.

Her leadership in this area now has been recognized by her receipt of the National Intellectual Freedom Award given by the National Council of Teachers of English.

A strong supporter of the freedoms that are guaranteed to all of us by the Constitution's First Amendment, Joyce recognizes how these freedoms make our democracy great. She is an outstanding American who has dedicated herself to ensuring that intellectual freedom and diversity will continue to enrich our lives and the lives of our children. Her contributions have been well summarized in the words of Carol Edmonds Sullivan, a professor at the Colorado School of Mines who nominated Joyce for the National Intellectual Freedom Award: "Bookseller Joyce Meskis is nurturing democracy's vital need for access to books, even unpopular ones."

Mr. Speaker, I am attaching an article on Joyce that recently ran in the Denver Post and ask my colleagues to join me in this tribute.

[From the Denver Post, September 2, 2001]  
(By Carl Edmonds Sullivan)

Confronted a year ago by five police officers expecting to execute a search warrant for the purchasing records of one of her bookstore customers, Denver's Tattered Cover owner Joyce Meskis refused access to the store's files, on behalf of the First Amendment rights of her customers.

Later, she wrote her customers a "Dear Reader" letter, admitting that, "When you get served, or even threatened with a subpoena or search warrant, it's pretty scary." Meskis and her bookstore, which she purchased in 1974, have consistently protected readers' rights by offering a diversity of materials and author events "without prejudice." In other words, she explains, "We cannot abrogate our responsibility to the First Amendment, which we believe to be the cor-

nerstone of our democratic tradition and of our bookstore. And make no mistake, it is just as much a censorial act to prevent an author signing because one doesn't like the view of the author as it would be if the book were disallowed on the shelf."

In October 2000, Denver District Judge Stephen Phillips ruled that Meskis was obligated to turn over her purchase records to law enforcement officials. Meskis appealed the ruling to the Colorado Supreme Court, where it is still pending. Meskis' love of reading is rooted in her childhood, when, she says, "I read my way through the library." One can readily picture her as Roald Dahl's Matilda, particularly in the fourth grade when an adult (whom she declines to identify) told her she couldn't read a particular book since it was for adults, not children. "But my mother wouldn't mind," she protested.

That was among the earliest of Meskis' indefatigable efforts to protest actions that would muzzle intellectual freedom. When she was a young woman working at the Littleton Public Library, a parent chastised her because Meskis recommended Margaret Mead's "Coming of Age in Samoa" to a teenager. Meskis has organized or led various coalitions to assert intellectual freedom—including her service as president of the Colorado Citizens Against Censorship, a founder of the American Booksellers Foundation for Free Expression, and a leader in the National Coalition Against Censorship.

When the Tattered Cover offers controversial books, it loses customers. "Permanently," Meskis emphasizes. Critics accuse her of seeking profit at the expense of morals. Meskis said she has found, "When we have a controversial author, there's a far greater likelihood" that offended customers will never return. Meskis also worries about the shrinking harbor for ideas outside the mainstream. In the closing of a "Dear Reader" letter to customers, Meskis makes this declaration: "I increasingly wonder how will we ever continue to be a viable bookstore presenting the variety of books and authors that, in their diversity, strengthen our democracy in the debate of ideas. I worry that all of these forces may interfere with our freedom to read, and faster than a lightning bolt, zap away the soul of our First Amendment, thereby diminishing our democratic society."

**TRIBUTE TO JUDY EVANS**

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Ms. LOFGREN. Mr. Speaker, today I rise to congratulate Judy Evans, who for the past thirty-three years served as the Executive Director of Friends Outside National Organization. Judy Evans retired as of July 1, 2001.

Friends Outside National Organization provides parenting education programs and case management services in all 33 California state prisons. Under Judy Evans' leadership Friends Outside National Organization has grown to a \$3.9 million dollar agency with 139 employees. Over 9,000 children and 21,000 adults receive services at their prison visitor centers each month.

Judy was instrumental in developing an innovative family reunification partnership with

the San Francisco Department of Human Services. Through this program, Friends Outside National staff members are able to facilitate successful reunifications between incarcerated parents and their children in conjunction with county social workers. These children are all in foster care or kinship placement. The goal is to assist the birth parent, whenever appropriate, to regain physical custody after release, with the ongoing support of social services. This program directs resources to where they can be used most effectively: to the family.

Judy Evans has mentored a generation of social service professionals who continue the difficult work of counseling families caught up in the criminal justice system. Her example will serve as an inspiration, not only to them, but to all of us.

Previous to her Executive Director position at Friends Outside National, Judy served as the Santa Clara County chapter's Executive Director for ten years, as well as its Director of Family Services for twelve years. Additionally, Judy has served the community through the YMCA, Correctional Institutions Chaplaincy, Justice System Advisory Board, The Women's Fund and the Association of United Way Executives.

Judy has received awards of recognition by the Pathway Society, California Association of Marriage and Family Therapists, California Department of Corrections and the Community Alliance Program for Ex-Offenders.

I, along with many others, thank her for her years of service to the State of California and to our District.

**RESOLUTION OPPOSING THE MEDICAL CARE PRESCRIPTION DISCOUNT CARD PROGRAM**

**HON. STEPHANIE TUBBS JONES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mrs. JONES of Ohio. Mr. Speaker, Whereas, President George W. Bush unveiled his principles for Medicare reform on July 12, 2001; and

Whereas, under the program, Medicare beneficiaries would be able to purchase Medicare-endorsed prescription drug discount cards with access to lower cost drugs at the point of sale; and

Whereas, the Program was conceived by a select group of pharmacy benefit management companies without the deliberation of the larger pharmacy community; and

Whereas, Community pharmacies will bear the greatest financial burden for this Program to discount prescription drugs; and

Whereas, drug manufactures account for nearly 80% of the cost of prescription drugs sold in the U.S. but will bear very little of the financial burden created by this Program; and

Whereas, The Program does not provide seniors with access to prescription drugs or the pharmacist's professional services; and

Whereas, seniors take more prescription drugs than any other population group in the U.S. and need the accessibility and expertise of their community pharmacist; and

Whereas, peer-reviewed research has demonstrated that discount programs have been proven not to be effective; and

Whereas, The Program is not insurance coverage nor will it provide drug coverage to those millions of seniors who cannot currently afford even inexpensive prescription drugs; and

Whereas, the Program promotes the under utilization of generic drugs, heavy use of mail order, and limits senior citizens to the option of only one drug per therapeutic class;

Therefore be it resolved, that the National Pharmaceutical Association representing all of America's minority pharmacists at its House of Delegates assembly during the 54th Annual Meeting July 20–24, 2001 in Cleveland, Ohio joins other national pharmacy associations in opposing the Prescription Drug Discount Card program as presently composed and urges the President of the United States, the Secretary of the Department of Health and Human Services, and the Administrator of the Center for Medicare and Medicaid Services to immediately revisit this flawed and potentially unconstitutional Program; and

Be it further resolved, that the Secretary of HHS appoint a blue ribbon committee consisting of all facets of the national pharmacy community to study this issue and make recommendations to solve America's pressing issue of prescription drug coverage for those Americans over the age of 65; and finally

Be it resolved that a copy of this Resolution be forwarded to the President, Secretary of HHS, Administrator of CMMS, and all the national pharmacy organizations.

#### THE BUDGET

#### HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. LANGEVIN. Mr. Speaker, I rise today to express my frustration with the state of the budget.

As we all know, during August recess, the Congressional Budget Office announced that the federal government will tap \$29 billion from the Medicare Trust Fund and \$9 billion from the Social Security Trust Fund to pay for government operations in this year alone, and another \$30 billion from Social Security and \$170 billion from Medicare over the next five years. This grim scenario will occur without a single dime of additional spending, despite the ever-increasing need to fund critical priorities like defense and education. Nor will we be able to deliver on our promise of a comprehensive prescription drug benefit for Medicare without dipping into Social Security and Medicare. And perhaps worst of all, the long-awaited opportunity to finally pay down our national debt has been squandered.

The CBO estimates represent the most objective and accurate budget projections available. Today, these projections show that the Bush tax cut, which disproportionately favors the most affluent citizens, combined with the slowing economy have eliminated virtually the entire surplus—the surplus that at one point offered us the rare chance to tackle major ini-

tiatives like improving education, making prescription drugs affordable for our nation's elderly and paying down the national debt. By enacting an irresponsible \$1.7 trillion tax cut we have ensured that CEOs get a tax break while their employees get pink slips, students are forced to learn in crumbling schools, seniors face skyrocketing drug prices, and the current workforce is left to wonder whether Social Security will be there for them when they retire.

When I was elected to Congress, I promised my constituents that I would protect the Social Security and Medicare Trust Funds. And I was not alone. Over one hundred of my colleagues have co-sponsored legislation that would prevent Congress from spending the Social Security and Medicare surpluses, and this chamber has voted seven times in the past three years to establish lockboxes for these funds.

Past and present administrations made the very same pledge to not touch these vital trust funds. We must honor our promises by acknowledging that the economy is slowing and working together to find a solution to the budget crisis that is fair, and based on an honest, realistic budget. It has become clear that relying on tax relief to the exclusion of all other priorities is not the answer. Let us find a better way before it is too late.

#### APPROVING EXTENSION OF NON-DISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCERS OF THE SOCIALIST REPUBLIC OF VIETNAM

SPEECH OF

#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 6, 2001*

Mr. ROSS. Mr. Speaker, the catfish industry is an important part of the economy of my congressional district that covers all of south Arkansas. Thirty-six states either produce or process farm-raised catfish, with Arkansas being the third largest producer in the nation. The catfish farmers in my district and across America are being hurt by the unfair practice of "so-called" catfish from Vietnam being dumped into our markets and sold as "farm-raised" catfish.

Last year, imports of Vietnamese catfish totaled 7 million pounds, more than triple the 2 million pounds imported in 1999 and more than 12 times the 575,000 pounds imported in 1998. In Vietnam, these so-called catfish, also known as "basa," can be produced at a much lower cost due to cheap labor and less stringent environmental regulations. In fact, many of these fish are grown in floating cages in the Mekong River, exposing the fish to pollutants and other conditions. They are then dumped into American markets and often marketed as farm-raised catfish.

Vietnam says they are taking the necessary steps to fix the problem of mislabeling and dumping. However, this problem is not new and has been discussed with Vietnam for several years. We have yet to see any results to show that they are truly addressing this issue.

America is a country founded on the principles of fairness and good faith, but Vietnam

must still prove that their actions are, indeed, in good faith. They must stop the dumping of this so-called catfish into America's markets and allow our catfish farmers to have the level playing field that they deserve. Therefore, I do not support extending trade relations to Vietnam at this time.

#### TRIBUTE TO ELIZABETH HOFFMAN

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Elizabeth Hoffman, President of the University of Colorado. As Betsy enters her second year on the job, I can proudly say that CU is well on its way to fulfilling her vision of becoming one of the top three public research universities in the country.

During her first year in office, CU has set records in private gift giving, federal research income and state capital construction funding. One of these gifts, a \$250 million donation, is the largest gift ever to a public university. This donation allowed for the creation of a CU institute that will help twenty million Americans with cognitive disabilities.

In addition to her drive to make CU a world class university, Betsy Hoffman knows that the University of Colorado is also a school for the people of Colorado. She travels tirelessly around the state to "bring CU back to the people of Colorado." She has quickly gained the support of the people of our state in her endeavors. Governor Owens says, "She's been very good at representing the university around the state. I give her an A plus." She is also supported by state legislators on both sides of the aisle and by members of the Colorado congressional delegation.

Under Betsy's leadership, I have no doubt that CU will become the world class university she is steering it toward. I am including an article about her that was recently published in the Denver Post. Mr. Speaker, I ask for my colleagues to join me in praising the work of a visionary and an educator.

[From the Denver Post, September 2, 2001]

CU CHIEF EARNS FANS, HIGH MARKS

HOFFMAN'S FIRST YEAR BRINGS RECORD

FUNDRAISING, LOFTY GOALS

(By Dave Curtin)

The glow of a 10-inch TV illuminates the darkened office of University of Colorado President Betsy Hoffman at 8:15 on a rainy Thursday morning. She's trying to decide which of four infomercials she likes best to tout CU before 35 million football viewers.

As Hoffman enters her second year as CU's president, she's looking for a commercial that sets the tone for the CU she dreams of—a school that is among the top three public universities in the nation.

Hoffman's first year was record-setting for CU in private gift-giving, federal research income and state capital construction funding.

She's worked to improve faculty salaries. She's received bipartisan support in the legislature—a feat skeptics said a rookie president would struggle mightily to accomplish.

"There's no way I could have ended up in a better place than here," she says. "This is

the luck of the draw and I came out on top. To be the president of CU is one of the greatest opportunities in this country."

Every school in the Big 12 Conference gets a free 30-second spot to promote themselves during televised sporting events.

Hoffman wanted something other than the usual students in labs with test tubes. So the infomercial features a technical climber on a rock wall. A creek rushes below. The first version proudly brags of CU's Fulbright and Rhodes scholars and Nobel Prize winner. Hoffman balks.

"We want to recruit students and their parents—not scholars—in this spot," she says.

In one version Hoffman concludes by saying, "Come join us." But when it was test-marketed on employees some complained that "it sounds like she's asking you to join a cult," an aide offers. Hoffman laughs. "Oh, give me a break!" she says. It's the first 10 minutes of an 11-hour day.

8:30–10 a.m.

Vice presidents' meeting, president's office: Seven people, including four vice presidents and the treasurer, gather around a conference table in Hoffman's quaint cottage office in Boulder.

Hoffman runs a cordial meeting. She pokes fun at one person's microscopic handwriting. "Students at the California Institute of Technology compete to see who can get an entire semester's notes on one page," she says. "They write bigger than this." She's ribbing chief of staff J.D. Beatty, one of a handful of her new recruits this year.

That light-heartedness is typical of Hoffman. Recently before a regent's meeting, the 6-foot president doffed her high heels and challenged the veeps and regents to a pickup basketball game at the Coors Events Center. Today, she's left her shoes on. The brain trust meets routinely to review the discussion at the regents' meeting a week earlier. This time there had been a tense discussion among regents about offering health benefits to partners of gay employees. The debate has been ongoing for 15 years, but regents will vote on it again Thursday.

Hoffman keeps the meeting moving as talk turns to Gov. Bill Owens' new panel to study reorganizing state higher education. It's the third state-ordered study remapping Colorado's higher-ed system in two years and Hoffman takes it very seriously.

"It's extremely important that CU speaks in a single voice so the task force hears the same message from us," Hoffman says.

At the east end of her office is a mahogany desk. But she rarely uses it. Most of her work is done outside the office. A gold-plated plaque on the corner of the desk is etched with the names of all CU presidents since 1963, with the exception of CU's 17th president, Judith Albino, who brought her own desk. "Not me," Hoffman says. "I wanted my name on that plaque."

A 3-foot replica of a \$250 million check is displayed on top of a book case. It marks Hoffman's crowning moment in her first year: the largest gift ever to a public university.

The gift from software entrepreneurs Bill and Claudia Coleman created a CU institute to help 20 million Americans with cognitive disabilities.

Hoffman boldly asked the California couple, who are not CU alums, for the record gift, and it put CU in the national spotlight. In hindsight, she says, it was a risk. They could have taken their money somewhere else.

"You have to take risks to be excellent. If you take the safe route, you'll remain medi-

ocre," Hoffman says. "I had done my homework. I knew Bill liked bold approaches. That's his M.O. And I knew they had a desire to make a big impact." Just before that, Hoffman had surprised everyone at a CU Foundation dinner when she and her husband announced they were donating \$100,000 to CU. She's the first president to make a six-figure donation, which represented more than a third of her first-year salary of \$285,000. She recently received a 15 percent raise, bumping her salary to \$327,750.

"I can't ask anyone to make a significant contribution to this university unless I've done so myself," she said at the time.

Rarely does she take a day off—and that includes weekends, her colleagues say. Most mornings she leaves the president's residence in Boulder at 7–6 if she has a breakfast meeting in Denver. And she has a late-night event nearly every night. She had one evening off earlier in the week. She went grocery shopping. And bought a rain cover for a Sunday trail ride organized by Sen. Ben Nighthorse Campbell to show support for a Continental Divide transnational trail.

On football Saturdays she'll host a brunch at her house and then a breakfast on campus. On Sundays she finds herself at the State Fair in Pueblo or departing for Monday morning speeches in the far corners of the state.

"It's a very intense schedule," she says. "Of all the job requirements, no one ever tells you about the stamina. That's the No. 1 criteria for this job."

10:30–11:45 a.m.

Videotaping at Folsom Field: Hoffman is hustled over to Folsom for another video shoot as an aide holds a People magazine umbrella over her head in pouring rain. They scamper from office to car. Car to stadium.

Hoffman will film a 15-second welcoming video splashed across the 96-foot-wide screen at the new Mile High stadium that was to be played during Saturday's game against Colorado State. She'll also film a 30-second spot for home games at Folsom. The filming must be done today rain or shine, so they've set up inside the athlete's dining hall. "Her schedule is so wall-to-wall this has to be done now," says Bob Nero, an assistant vice president who oversees Hoffman's external relations.

Hoffman has a film wardrobe of black and gold hanging in the back seat of her Cadillac STS donated by a Boulder dealership.

"I hope Rachel likes my outfit because I don't feel like dragging all my clothes in," she says.

Rachel Dee is a contract stylist hired to coordinate the president's clothes, hair and makeup for the camera.

On Hoffman's short ride to the stadium, a call is broadcast over her car phone. It's CU's director of federal relations, Tanya Mares Kelly, who splits time between Washington, D.C., and Denver. "I want to make sure you heard that Bush will make his stem-cell announcement today. I'm guessing you'll be asked to comment," Mares Kelly says.

Hoffman splashes into the dining hall damp but not drenched. "Can you restore me?" Hoffman asks Dee, as the stylist plops a pink beauty bib over her shoulders and dabs at a tray of makeup.

A 280-pound lineman fresh off of lunch comes over to introduce himself. Then the president spies star running back Marcus Houston. "He better be fast because he's not that big," Hoffman says.

Houston, wearing a T-shirt that reads "The Competition Starts Here," comes over to greet Hoffman. She tell him she's just read

an article in Reader's Digest about his foundation for inner-city school kids, "Just Say Know." And Campbell has offered help with the foundation, which puts a smile on Houston's face.

"Are you shooting some 'Go Buffs' video?" he asks. "I'll let you go back to being presidential."

Dee wipes a spot off Hoffman's black jacket. "Is there lipstick on my teeth?" Hoffman asks.

No.

"Action! Camera!" says videographer Shane Anthony.

Hoffman, smiling on camera: "'Everyone in the CU family is delighted that you can join us for the 2001 Rocky Mountain Show-down!'"

11:45 a.m.–1 p.m.

Meet with Athletic Director Dick Tharp at Folsom Stadium: Hoffman heads downstairs to Tharp's office for an update on CU's \$45 million stadium expansion—28 new luxury boxes and 1,950 club seats with views of the Flatirons and scheduled to be ready for the 2003 season. All but eight are sold for \$50,000 each. But there's one piece of business that takes her aback. Associate athletic director John Meadows asks the president if she would accept a stadium box on the 20-yard line. Presently the president's box is on the 30. Meadows is trying to place corporate buyers. "All the seats are good between the zeros," Tharp says.

But Hoffman is starting a new fundraising program on football Saturdays. She's invited 200 potential donors to be her guests in her box throughout the season, followed by dinner after the game.

"What does that tell them?" Hoffman worries. "That they're no more important than the 20? I think there's a big difference between the 20 and the 30."

During football games Hoffman splits her time hosting guests, visiting donors seated in the exclusive Flatirons Club, chatting with legislators, mingling with regents' guests and doing radio in the third quarter. "And I would like to see the game," she says. "It happens that I like football."

1–2 p.m.

Lunch in her office: Three catered salade nicoise costing \$22.50 await the president and two guests. Hoffman talks excitedly about her 10-year plan to catapult CU into the nation's top three public research universities.

"When people talk about Michigan, Wisconsin or Berkeley, I want them to talk about CU," she says. "Colorado is an afterthought on the national scene. We need to be at the top."

But is it realistic?

"Absolutely," says Gov. Owens. "Even if she fails we might have the fourth or fifth best research university in the country. You have to strive mightily. And she does." What will it take for CU to be among the nation's top three?

It will take each of CU's four campuses in Denver, Colorado Springs, Boulder and the Health Sciences Center at Fitzsimons to be nationally ranked on their strengths, Hoffman says.

It will require CU to amass a \$5 billion endowment by 2010 (its current endowment is \$500 million) and \$1 billion annually in federally sponsored research, and to collect more than \$1 billion by 2004 in a revamped private-gifts campaign she'll announce in November.

In 10 years, all CU colleges and programs should be named for donors who pay \$25 million to \$50 million, Hoffman says.

"Ten years from now," she says, "I want people to think of the CU Hospital like they think of the Mayo Clinic or Johns Hopkins."

2-3:30 p.m.

Speech writing: Hoffman will give five speeches in four days in Gunnison, Alamosa and Denver.

She doesn't have jokes written into her speeches. "I don't read jokes well," she says. Instead she spontaneously spices her talks with personal anecdotes.

She'll come off the trail ride near Keystone on Sunday to give a noon speech to a community group in Gunnison on Monday. That's followed by three talks in Alamosa on Tuesday and Wednesday. She'll be in Denver on Thursday to speak at the CUDenver convocation.

The three-day San Luis Valley trip is one in a series of rural Colorado "community tours" Hoffman initiated. When she became president she vowed to "bring CU back to the people of Colorado."

"She comes over to the Western Slope and that's played very well over here," says state Rep. Gayle Berry, R-Grand Junction.

Hoffman's goal when she took office was to meet Colorado's federal delegation and all 101 state lawmakers before the legislature convened in 2001. She came within five.

Still, some skeptics wondered how a rookie president could pull purse strings in the legislature.

"I think she's been a refreshing breath of fresh air," says Berry, a member of the powerful Joint Budget Committee. "She has a very engaging personality and she's worked very hard in the legislature."

While the rural tours are equal doses student recruitment and PR, Hoffman sees them on a higher plane. "Getting out there and being part of all the communities is extremely important," she says.

On the tours she hosts "mini-colleges"—a lecture by top professors such as anthropologist Dennis Van Gerven talking about mummies in the Nile Valley. "People can see what a student gets to experience," Hoffman says. "It erases the myths about Boulder and the image of the 'People's Republic of Boulder.'"

Now it's time to make her speeches sing with speechwriter Brad Bolander. "The introduction's too long," she says. She suggests condensing three paragraphs into one easy-to-understand sentence.

"The talking points are too dense," she says. "I'm not going to read all this. I want to keep eye contact."

As for her 10-year game plan—she can talk about that from the heart.

At a dinner party the night before, she was asked to elaborate extemporaneously on her vision after a couple glasses of wine. "I was afraid I would forget one of the points," she says.

"It was one of your best speeches ever," says husband Brian Binger, an adjunct economics professor, who has stopped in to the office to lend a hand with the speech writing. "Maybe you should always work that way."

Hoffman's the morning person in the family; Binger the night person. He often drives her home from late-night, out-of-town dinners while she sleeps. On the way to an engagement in Alamosa last spring, he drove while she did the taxes.

Binger and Hoffman will head to campus for the Economics Institute graduation dinner, where Hoffman will give the commencement address.

The institute is a 30-year-old summer-long program in Boulder to prepare non-U.S. citizens to go to business graduate schools in the U.S. For years it's used a textbook co-authored by Hoffman and Binger. Graduates include former Mexican President Ernesto

## EXTENSIONS OF REMARKS

Zedillo, the president of the Central Bank of Buenos Aires, ministers of finance in Mexico and Indonesia and the director of Fuji Bank in Japan.

The graduation will be preceded by a champagne reception. "I don't think I better have any champagne," Hoffman tells her husband. "Yeah, it's only 4 p.m.," Binger says. "The day's only half over."

### SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

SPEECH OF

**HON. HON. ROBIN HAYES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 1, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 4) to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mr. HAYES. Mr. Chairman, oil imports are now at 57% and growing rapidly. If we are to meet our domestic energy needs, we must decrease our reliance on foreign imports by boosting domestic energy supply. A workable energy plan requires attention to all areas, conservation, production, alternative fuels, research, and especially common sense.

Over the last 20 years, the increase in demand for energy has outpaced the increase in supply. Since 1980, the supply has only increased by 18%, while energy demand has increased 24%. The United States is also far too dependent on foreign oil. Today, 57% of our oil comes from other countries; compared to 35% in 1973, and 48% 10 years ago.

Drilling in the Arctic National Wildlife Refuge may provide the necessary increase in production of energy. The U.S. Geological Survey estimates there are up to 16 billion barrels of oil in ANWR; this would be enough to replace all imports from Saudi Arabia for the next 30 years. My family and I lived on the North Slope for a year. The family we lived with perfected the ice pad drilling technique, which leaves virtually no footprint. We can drill in ANWR safely and in an environmentally responsible way. We should do this to secure America's future energy needs.

Mr. Speaker, the American people deserve the affordable and reliable energy supply that this bill can provide. I commend the bill's sponsor and the many members and staff who have devoted so much time to this effort, and I ask my colleagues to support this comprehensive energy policy for the future of our country.

### TRIBUTE TO MORT MARKS

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. SCHAFFER. Mr. Speaker, it is my privilege to rise today to honor an uncommon Coloradan, Mr. Mort Marks of Aurora. Mort has

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been a tireless worker for the Republican Party and its ideals. A self-described supporter of the Republican big-tent, Mort has been instrumental in bringing the party into the majority in Colorado, and in the United States Congress.

A veteran of World War II and the Battle of the Bulge, Mort continued to work for American freedom even after entering civilian life. Wherever the hard work of campaigns and elections is needed, Mort's face is the first seen. From writing for a number of state newspapers, to being a tireless advocate for our outstanding Governor Bill Owens and former U.S. Senator Bill Armstrong, Mort has done much for our party, our state, and our country.

I am proud to recognize Mort Marks, the skinny kid from Texas, today and wish him the best of luck with all of his future endeavors. I want he and his wife Edie to know how much I have appreciated his years of service.

Mort is the type of person we need more of in politics. A man of honor who you want on your side, Mort's political sense is more often right than wrong. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mort on his years of service to America.

### IN HONOR OF FATHER JOHN ZDINAK

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor a great man, Father John Zdinak, for his life of dedicated service to St. Theodosius Orthodox Cathedral of Cleveland on this very special day of reconsecration.

Father John Zdinak has served Theodosius Cathedral in Cleveland, Ohio in many capacities and has touched the lives of his congregation. Father Zdinak was assigned Rector of St. Theodosius in 1999, and has since then served the cathedral in many positions. Perhaps his most well-known act within the cathedral happened within his first year of installation. Father John completed a \$400,000 Cemetery Expansion project that developed much of the parish cemetery.

Father Zdinak's genuine vision for the Cathedral community was to establish a much greater presence in the Cleveland community, and more specifically the Tremont area. He worked to reclaim the former Rectory located behind the Cathedral and developed the Parish Ministries Center. His love, vision, and hope for the cathedral community has benefited the congregation in incredible ways.

Although Father Zdinak worked extensively to expand the Cathedral community, he also spent quite some time improving the physical structure of the Cathedral. Over the years, soot and dust have accumulated on the exterior of the beautiful Cathedral, much due to the nearby steel and coal mills. Father Zdinak spent months cleaning the exterior with his fellow colleagues, friends, and countless members of the congregation. Inside the Cathedral, Father Zdinak removed and replaced copper

roofing on domes, upgraded the electrical system, removed worn carpet, and much more.

Father John Zdinak has brought countless improvements to St. Theodosius Cathedral, and for that we are grateful. His love and dedication to Christian belief is an inspiration to all.

Mr. Speaker, please join me in recognizing and celebrating a man who has touched the lives of hundreds, Father John Zdinak, on this very special day.

HONORING THE 30TH ANNIVERSARY OF LA CLINICA DE LA RAZA

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. STARK. Mr. Speaker, La Clinica de La Raza, one of the largest community-based healthcare facilities in the East Bay, will celebrate 30 years of exemplary service to the residents of Alameda and Contra Costa Counties with an anniversary ceremony on September 13, 2001. Under the leadership of its CEO, Jane Garcia, La Clinica De La Raza's innovative community-based health clinic philosophy has earned the healthcare provider a national reputation.

Community activists, healthcare professionals and volunteers established La Clinica in 1971. From its modest beginnings on Oakland's Fruitvale Avenue, La Clinica has evolved into a \$22 million multiple-service healthcare institution and is the sixth largest nonprofit employer in the East Bay.

The founders of La Clinica believed that quality healthcare should be available to all people regardless of their ability to pay. They also believe healthcare resources should be close to the community, controlled by the consumers who use them and services should be sensitive and culturally appropriate. Staff and volunteers provide services in English, Spanish, Cantonese, Vietnamese, Tagalog, Tigrinya, Arabic and other languages.

La Clinica's success has made it a model healthcare facility. It is considered by many to be one of the best community-based clinics in the country serving low-income neighborhoods. With a staff of more than 300 individuals including 25 primary physicians, La Clinica de La Raza serves more than 13,000 families a year. Last year the clinic provided primary care visits to more than 100,000 East Bay residents. It administers the largest prenatal and pediatric program of any community-based clinic in Alameda County and is the only licensed outpatient mental health clinic servicing the Spanish-speaking population of northern Alameda County.

As community needs have grown, La Clinica has grown to meet them. La Clinica's comprehensive medical program now includes dental, eye and mental healthcare, as well as pharmacy and laboratory services, social services support, and a progressive program of health and nutritional education.

More than three decades ago, out of concern about the lack of healthcare access to the poor, La Clinica was established as a community-based free healthcare facility.

Since then, La Clinica has evolved as a major asset to Alameda County's healthcare system.

Congratulations La Clinica on your success. I join your community of clients, friends and supporters in thanking you for providing exemplary healthcare services.

SIXTH DISTRICT MOURNS  
TERRORIST VICTIM

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. COBLE. Mr. Speaker, today the Sixth District of North Carolina is mourning the loss of life of one of our own in the tragic, senseless violence which has assaulted our nation. Sandy Bradshaw, who was just 38 years old, and lived in Greensboro, was a flight attendant on United Airlines flight 93 that was hijacked and crashed outside Pittsburgh. She leaves behind her husband, Phil, her daughter, Alexandria, 2, and her son, Shenan, not yet one. Members of the Bradshaw's church, Westminster Presbyterian Church, have described Sandy as friendly, outgoing, bubbly and devoted to her family. I have spoken at Westminster Presbyterian Church, have met many members of the congregation and I join them in their sorrow.

This highlights to me how so many people, from every part of this huge country, have been directly affected by these terrible, inexcusable and cowardly terrorist acts. We pray that the number of people who have lost their lives is a great deal smaller than the thousands feared. Whatever the final figure may be, it is already clear that far too many people have had their lives devastated by terrorists. We are all both shocked and angry, but this anger will now be channeled towards finding the terrorists and bringing them to justice.

I hope to see a quick and decisive response against the perpetrators of this attack on our nation. I am glad to see that the federal government is back at work and that we have not become a government in exile. I hope that severe action will be taken within days, rather than weeks or months. I would prefer that the operation be immediate and successful, but I do not wish to see it be too hurried and botched.

I would like to take this opportunity to extend our condolences to all of those affected by the events of yesterday, and in particular Sandy Bradshaw's family and her many friends. Let it be known that this crime will not go unpunished, the terrorists will be found, and the most severe action will be taken against them. On behalf of the citizens of the Sixth District of North Carolina, we offer our hope that the Bradshaw family and all of us will make it through this difficult time.

IN MEMORY OF MR. JOE DARION

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a man who inspired the

American people with beautiful song, Mr. Joe Darion, lyricist of "Man of La Mancha."

Born in New York City in 1911, Mr. Darion worked throughout his life in every genre of music from popular songs to opera. Mr. Darion attended City College before serving his nation in World War II. In the early 1950's he had three Top-10 hits; the Patti Page ballad "Changing Partners", the Teresa Brewer novelty "Ricochet", and Red Buttons' comedy hit "The Ho Ho Song".

Mr. Joe Darion is most known for his beautiful lyrics of "The Impossible Dream," which quickly became one of the most beloved pop anthems of our time. "Man of La Mancha" opened in New York in 1956 and ran for an incredible 2,328 performances. In recognition of his heart-warming lyrics, Mr. Darion was rewarded a Tony Award for best score.

"The Impossible Dream" has affected thousands of people, young and old. His lyrics have inspired and touched countless Americans. His words dive deep into the human soul and character. His words,

"To dream the impossible dream,  
To fight the unbeatable foe, to bear with unbearable sorrow,  
To run where the brave dare not go.  
To right the unrightable wrong,  
To love pure and chaste from afar,  
To try when your arms are too weary,  
To reach the unreachable star. This is my quest,  
To follow that star—  
No matter how hopeless, no matter how far.  
To fight for the right  
Without question or pause,  
To be willing to march into hell  
For a heavenly cause. And I know if I'll only be true  
To this glorious quest  
That my heart will be peaceful and calm  
When I'm laid to my rest. And the world will be better for this,  
That one man scorned and covered with scars still strove with his last ounce of courage.  
To reach the unreachable stars."

Mr. Speaker, please join me in honoring the memory of a man who touched millions of Americans with his inspiring lyrics and, enabled countless people everywhere to "Dream the Impossible Dream", Mr. Joe Darion.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

**16864**

Meetings scheduled for Thursday, September 13, 2001 may be found in the Daily Digest of today's RECORD.

**MEETINGS SCHEDULED**

**SEPTEMBER 19**

2 p.m.  
Judiciary  
To hold hearings on S. 702, for the relief of Gao Zhan.

SD-226

**SEPTEMBER 20**

10 a.m.  
Health, Education, Labor, and Pensions  
To hold hearings on the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor.

SD-430

Governmental Affairs  
International Security, Proliferation and Federal Services Subcommittee  
To hold hearings to examine the annual report of the Postmaster General.

SD-342

2 p.m.  
Health, Education, Labor, and Pensions  
To hold hearings to examine the effects of the drug OxyContin.

SD-430

**EXTENSIONS OF REMARKS**

**SEPTEMBER 25**

10 a.m.  
Health, Education, Labor, and Pensions  
Public Health Subcommittee  
To hold hearings to examine environmental health issues.

SD-430

2 p.m.  
Health, Education, Labor, and Pensions  
Employment, Safety and Training Subcommittee  
To hold hearings to examine workplace safety for immigrant workers.

SD-430

**SEPTEMBER 26**

10 a.m.  
Health, Education, Labor, and Pensions  
Business meeting to consider pending calendar business.

SD-430

**CANCELLATIONS**

**SEPTEMBER 14**

9:30 a.m.  
Environment and Public Works  
To hold hearings on the nomination of Brigadier General Edwin J. Arnold, Jr., U.S.A., to be a Member and President,

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and Brigadier General Carl A. Strock, U.S.A., to be a Member, both of the Mississippi River Commission; the nomination of Nils J. Diaz, of Florida, to be a Member of the Nuclear Regulatory Commission; the nomination of Marianne Lamont Horinko, of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency; the nomination of P. H. Johnson, of Mississippi, to be Federal Cochairperson, Delta Regional Authority; the nomination of Mary E. Peters, of Arizona, to be Administrator of the Federal Highway Administration, Department of Transportation; and the nomination of Harold Craig Manson, of California, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

SD-406

**SEPTEMBER 19**

10 a.m.  
Health, Education, Labor, and Pensions  
Children and Families Subcommittee  
To hold hearings to examine early childhood issues.

SD-430

**SENATE—Wednesday, September 12, 2001**

The Senate met at 10:01 a.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. By unanimous consent, the Senate will now convene notwithstanding the provisions of Senate Resolution No. 6 adopted January 3 in this year of our Lord, 2001.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of strength and hope in the darkest hours of our Nation's history, we praise You for the consistency and constancy of Your presence with us to help us confront and battle the forces of evil manifested in infamous, illusive, cowardly acts of terrorism. We turn to You with hearts filled with dismay, anger, and grief over the terrorist attacks on the World Trade buildings in New York City and the Pentagon here in Washington. We pray for the thousands of victims who lost their lives as a result of these violent acts against our Nation. We intercede for their loved ones; comfort them and give them courage. In particular, we pray for the loved ones of the fire fighters and police who died seeking to help others. Quiet our turbulent hearts. Remind us of how You have been with us in trouble and tragedies of the past and have given us victory over tyranny. Bless the women and men of this Senate today as they join with President Bush in decisive action. Guide them as they seek justice against the perpetrators of yesterday's evil destruction and seek to devise a long-range solution to the insidious problem of terrorism. Thank You in advance for the courageous leadership You will provide through this Senate. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**ORDER OF PROCEDURE**

Mr. DASCHLE. I ask unanimous consent that the Journal of proceedings be approved to date; that the morning

hour be deemed expired; that the time for the two leaders be reserved for their use later in the day; further, that the Senate recess from 12:30 to 2 p.m. for the weekly party conferences.

The PRESIDENT pro tempore. Without objection, the requests are granted.

**THANKING THE CHAPLAIN**

Mr. DASCHLE. Mr. President, I thank the Chaplain for his prayer. I know he speaks for us all.

**THANKING THE REPUBLICAN LEADER**

Mr. DASCHLE. Mr. President, I also thank the distinguished Republican leader for the cooperation and leadership that he showed yesterday as we made decisions throughout the day with regard to the schedule.

**SCHEDULE**

Mr. DASCHLE. For the interest of all Senators, there will be a debate on the resolution which I am about to propose on behalf of both leaders. I might say this is also a resolution verbatim that will be offered in the House of Representatives; the same resolution will be offered simultaneously in both the House and the Senate this morning. We will break for party conferences at 12:30. We will not break, but there will be a classified briefing at 2 o'clock this afternoon for all Senators. We will continue to have an opportunity for Senators to be heard on the resolution throughout the day. And at a time upon which we will agree later, there will be a vote on the resolution sometime this afternoon. It is my hope and expectation that there will also be a prayer service tonight. The time will be announced at a later time today subject to further discussions with the Speaker and, of course, the Republican leader.

I would also ask, Mr. President, to accommodate schedules of certain Senators, that after the resolution is proposed and the four leaders have been recognized for their statements, the Senators from New York and the Senators from Virginia be given first recognition, and following the statements made by those Senators, that Senators be recognized on an alternative basis throughout the day.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, it is so ordered.

**RECOGNITION OF THE MINORITY LEADER**

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, I just want to say also—and I will have more to say about the resolution in a moment—

how much I appreciate the work yesterday that was totally nonpartisan, totally cooperative from the leadership on the Democratic side of the aisle and on this side of the aisle and with the House of Representatives. That was the right thing to do. It was done. Senator DASCHLE was there. He made decisions that were appropriate after consultation—and some of them were tough—that even sometimes had to be modified later because events kept changing. I express my appreciation to him for that.

Also, this resolution today is bipartisan and bicameral; the same resolution will be considered in the House of Representatives. It is a good resolution. I believe it is strong. It is important that the American people and the world know that is the way we are proceeding. I thank Senator DASCHLE for his cooperation.

**TERRORIST ATTACKS AGAINST THE UNITED STATES**

Mr. DASCHLE. Mr. President, I send a resolution to the desk.

The PRESIDENT pro tempore. The clerk will state the resolution.

The assistant legislative clerk read as follows.

A joint resolution (S.J. Res. 22) expressing the sense of the Senate and the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001:

Whereas on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.;

Whereas thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon; and

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors;

(2) extends its deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends, and loved ones;

(3) is certain that the people of the United States will stand united as our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts;

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill;

(5) declares that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law;

(6) thanks those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and asks them to continue to stand with the United States in the war against international terrorism;

(7) commits to support increased resources in the war to eradicate terrorism;

(8) supports the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

(9) declares that September 12, 2001, shall be a National Day of Unity and Mourning, and that when Congress adjourns today, it stands adjourned out of respect to the victims of the terrorist attacks.

The PRESIDENT *pro tempore*. Is there objection to the immediate consideration of the resolution? Hearing no objection, the resolution is before the Senate.

The majority leader is recognized.

Mr. DASCHLE. Mr. President, it is with pain, sorrow, anger, and resolve that I stand before this Senate, a symbol for 212 years of the strength of our democracy, and say that America will emerge from this tragedy, as we have emerged from all adversity, united and strong.

The America in which we awoke today is far different from the one in which we awoke yesterday. This morning, as our rescue workers and medical personnel continue their heroic work, we begin to truly understand the enormity of what happened.

My heart aches for the people of New York, our men and women serving at the Pentagon, the passengers and crew of the four hijacked aircraft, and for their families and friends. These attacks were an assault on our people and on our freedom. They aimed at the heart of the American community and the symbols and structures of our economic and military strength.

As an American, as an elected representative, I am outraged. As a husband and a father, I am pained beyond words. Last night we sent the message to the world that, even in the face of such cowardly and heinous acts, the doors of democracy will not close. This joint resolution we laid down today condemns yesterday's attacks, expresses our sympathy for the victims, and our support for the President as our Commander in Chief.

The world should know that the Members of both parties in both Houses stand united. The full resources of our

Government will be brought to bear in aiding the search and rescue and in hunting down those responsible and those who may have aided or harbored them.

Nothing—nothing—can replace the losses that have been suffered. I know there is only the smallest measure of inspiration that can be taken from this devastation. But there is a passage in the Bible from Isaiah that I think speaks to all of us at times such as this:

The bricks have fallen down, but we will rebuild with dressed stone; the fig trees have been felled, but we will replace them with cedars.

That is what we will do. We will rebuild and we will recover. The people of America will stand strong together because the people of America have always stood together. And those of us privileged to serve this great Nation will stand with you.

God bless the people of America.

I yield the floor.

Mr. LOTT. Mr. President, any expression of sympathy for the suffering today is too weak. Every expression of horror at this outrage is too mild. But we must confront these acts and find a way to come together and make sure that this kind of heinous, vicious action will not happen again in America. This premeditated action against innocent men and women and children and their families, at the symbols of our country—our economic strength, our military strength, and most importantly, our freedoms—is unimaginable.

There's no way to understand it, to explain it, to defend it. Americans just don't think that way. That makes it hard for us to comprehend this very difficult moment and to do what's necessary to deal with terrorism and stop it in the future.

Our prayers are going out to the victims and their families, to those who are suffering in so many ways in New York, in Virginia, and in Pennsylvania—in all of America. We have such a debt of appreciation to pay to those who have struggled mightily with these catastrophic events at the Pentagon and at the World Trade Center and in our cities and states—the volunteers, those who gave their lives trying to deal with this terrible moment. To our allies and to those around the world who see this not just as a strike at America, but at freedom and democracy all over the world, and to those who already have extended hands of cooperation, understanding, and support, we appreciate it on behalf of the American people.

Now, Mr. President, it's so important that we show that even these terrible acts cannot stop America from going forward. We must get on with important work. But it is important also to make it clear that this is not business as usual. We're going ahead with our responsibilities. But we are going to

act now, tomorrow, and in the weeks and months ahead to deal with those people who have taken these actions and with those who have supported them.

We will take whatever action is necessary in the Congress, working with the administration, working with the American team to stop this kind of terrorism. Whatever we call it, we must put ourselves in a war footing. We must make up our minds we're going to fight this scourge of the world. We will. We have come together.

There are moments in history when in the past the people of this country have set aside conflicts and prejudices and passions and have come together. We'll do it now. We've already done it. But we must continue to do so, regardless of region, religion, party, philosophy, or anything else.

There's much to do. We've got to find out how this happened. Congress has a right and a responsibility to learn what has happened here. We must find out who did it. And we must be prepared to take actions and fight terrorist attacks in the future.

This is not a time for timidity. This is not a time for pontification. Yes, we need to be sure of our actions. We need to be committed and determined. We need to be bold.

Here in the Congress I hope we will think about how we most effectively can fulfill our responsibilities to do everything we can to fight terrorism, to provide the funds necessary in this fight and to provide the aid so necessary for those who have been damaged and have lost so much.

Just in a few hours we will take up the Commerce-State-Justice appropriations bill. In that bill is funding for counterterrorism. Is it enough? Can we do more? What should we do? I call on the Senate, as I know it will, to rise to this occasion, to be bold. Let's act together. The American people expect no less.

I yield the floor, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, Senator DASCHLE, the majority leader, has asked that I announce that Senator BIDEN, the chairman of the Foreign Relations Committee, will manage the discussion on this resolution today.

I join my colleagues in saying that my thoughts and prayers are with those individuals and families who were victimized by the cowardly terrorist acts perpetrated against the United States yesterday.

We in Congress stand united in our resolve to ensure that President Bush has every necessary resource as he leads our great Nation forward in the coming days and weeks and months.

I am very confident that every Member of the Senate views this as an American issue. No party affiliation, no partisanship, no attempt to gain political advantage—nothing—will erode

our solidarity or undermine our united resolve as we respond to protect our country and our people.

I personally express my appreciation to our Capitol Police men and women who yesterday acted so brilliantly, so heroically, in being called to arms, literally, at a moment's notice. I am very proud of the Capitol Police. We all should be. Every day they put their lives on the line for us.

My heart goes out to the police officers and firemen in New York who lost their lives attempting to help other people.

I hope we will all join with Senators DURBIN and BENNETT to make sure that every penny necessary to build the Visitors Center is provided this year. We need more than a plaque on a wall for Officer Chestnut and Detective Gibson. In their honor, we need to build a Visitors Center, because Officer Chestnut and Detective Gibson gave their lives protecting us, our staffs, and the millions of people who visit the Capitol complex every year. Building the Capitol Visitors Center is critical to ensuring the safety of all those who come to the U.S. Capitol.

We will do everything in our power to support President Bush in his efforts to ensure that those who have done such evil and perpetrated these despicable acts do not go unpunished.

But let me be clear about what we know. America is the greatest democracy and force for freedom the world has ever known. All of America will stand together to make sure that we rebuild and that we fight back, and that Americans continue to enjoy the freedoms and liberty that are the hallmark of this great country of ours.

Perhaps of even greater importance, we must guarantee that no such act of terrorism ever revisits our Nation's shores. Future generations of Americans must never again feel the profound pain and grief that we feel today from Nevada to New York and back.

As we mourn the loss of our fellow Americans, we must focus on the task ahead. Yesterday's barbaric attacks against the United States were not just acts of terror; they were acts of war perpetrated by the uncivilized.

And in the war against those who would use terror to attack innocent civilians, our democratic values and our freedom, the United States—as the leader of the free world and its only remaining superpower—should be prepared to use every diplomatic, economic, and military means at our disposal to defend ourselves and to defeat these forces of evil.

Of course, we should deploy our best diplomatic efforts to engage our friends and allies around the world in this war against international terrorism. Of course we should do that.

I personally appreciate, as I think our Nation should, and does, the support immediately expressed yesterday

by President Putin and the Russian people.

As our allies around the world look to us for leadership and protection, we must call upon all nations to provide their friendship and support in this critical time of need. However, while diplomacy will play a central role in this war against terrorism, we must deploy the full economic and military might of the United States against those who threaten our citizens, our national security interests, our democracy, and our freedom.

As I supported President George Herbert Walker Bush 10 years ago in his decision to use the overwhelming military force of the United States in the Persian Gulf war, I stand with President George W. Bush in his commitment to use every means at our disposal to exterminate the perpetrators of yesterday's acts of terror and war. Those who kill innocent Americans must be held accountable. And make no mistake about it, they will be. Moreover, I stand firmly with the President on this crucial point: Those who aid and harbor perpetrators of terror must also be held accountable. Make no mistake about that, they will be.

While I can assure the American people that we will hunt down those barbarians who committed yesterday's acts of terrorism, we must also act to prevent these types of attacks from occurring in the future. International terrorism is perhaps the greatest modern threat to our national security interests. We must be prepared to act accordingly.

General Holland, the U.S. Air Force Commander in Chief of the Special Operations Command at MacDill Air Force Base in Florida, directs our counterterrorism efforts on behalf of the U.S. military. He has no civilian counterpart. We need to establish one.

The successful fight against terrorism is one that will require the highest level of diplomatic skill in gathering intelligence, as well as the most effective use for economic and military strength. However, when diplomacy fails, as regrettably it does on occasion, we must be prepared to employ alternatives. Terrorists, especially those who have the capability to plan and execute the kinds of attacks we witnessed graphically yesterday, require a significant level of financing and protection. We should be prepared to use alternatives such as economic sanctions to deter and prevent nations, organizations, and individuals from aiding and abetting those who engage in terrorism.

When diplomacy and economic sanctions fail, as they do on occasion, our resolve to fight terrorism must not waiver. We must use military force in the war against terrorism—and not just in response to terrorism but also to prevent future attacks.

Our friends, but more importantly our enemies, will judge us either by our strength and resolve to fight international terrorism or by any perceived weakness and complacency.

I assure the American people as well as our friends and allies throughout the world, we as a nation are ready for this challenge. I make it clear to enemies, to anyone who would consider bringing harm upon Americans, our democratic values, and our freedom, that we are strong, we are resolved, and we will prevail.

The PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I am advised that the assistant Republican leader would prefer to speak later in the day. I ask unanimous consent all remarks be limited to no longer than 10 minutes in order to accommodate as many Senators as possible. I earlier asked if we could alternate between the two caucuses. I also request of the Republican leader that we alternate now among the four Senators from the two States that are most affected by the horrendous tragedy yesterday, beginning, of course, with Senator SCHUMER and Senator WARNER.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I seek the recognition of the Chair to note that if I have to leave the floor, Senator GREGG will manage the time on our side.

The PRESIDENT pro tempore. Under the order, the senior Senator from New York, Mr. SCHUMER, is recognized.

Mr. SCHUMER. Mr. President, I very much appreciate, first, the hundreds of expressions of the Members of this body and the heartfelt expressions of grief to New Yorkers during our time of grief and our sadness. We need to move forward.

When something this cataclysmic occurs, one's mind works at many, many different levels. It is very difficult to come to grips with such an intense and terrible tragedy, but we must; we have to. We seek as guidance the generations before us who had their tragedies, they who rose to the occasion. We must, as well.

There are many different levels of this tragedy. I will discuss four: the individual level, the level as a New Yorker, the level as an American, and the level of the world.

As an individual, our first thought goes to all who grieve. Last night in my city and State, there were thousands of dinner tables with a missing person. There were thousands of families waiting for that phone call, dialing their phones endlessly to try to find a loved one. I know a little bit of the angst they went through. I was in the gym when this occurred, getting ready to address the Supreme Court. I saw the picture of the first damage to the World Trade Center. At first, I said

what most said: This must have been an accident, a little propeller plane that accidentally ran into the World Trade Center.

But the fire looked too large. Then we saw the second plane crash. Immediately, it hit me: My daughter attends high school within the shadow of the World Trade Center. Most of the pictures of the conflagration show her high school in the background. I reached my wife and for 2 hours we were in virtual panic, trying to locate her to see how she was. Then, praise God, she called and we were relieved. Those 2 hours of pure misery are now being experienced tenfold, a hundredfold, a thousandfold by all of the families in New York and in Washington and in Boston and in California who have lost loved ones to this dastardly and disgusting act.

So we first think as individuals how this has affected the lives of all of us. Everyone in New York right now knows somebody who is missing. I know someone on the 104th floor who worked for the good firm of Cantor Fitzgerald. We can't find hardly anybody from that firm. He called his parents, told them he loved them, and they haven't heard from him since.

On television yesterday was the search of a mother and two daughters for their father and husband who worked in the World Trade Center restaurant. I have two daughters about the same age. We saw those little girls. There was almost nothing you could say. I have subsequently been told they found their father. Let us hope and pray that the others find their fathers, mothers, brothers, sisters, friends. Let us hope and pray that this tragedy, which is already the largest tragedy we have experienced since World War II, is as minimal as possible. But our hearts go out to all of those who are suffering now. We are with them from one end of this country to the other.

Our city is a beautiful city. We have been bringing in people from all over the world for 300 years. In one generation we change them into Americans, and they sally forth around the country, adding vim and vigor and new ideas. That function of New York will never die. We are an international city and we love being an international city. We New Yorkers feel the loss of life as a whole, as a city.

Out my window in Brooklyn, the dominant scene, after the Statue of Liberty looking over the harbor, are the two towers. Not seeing them anymore, I feel violated. I feel that some horrible person has come in and taken something away from all of us as a city. But we will survive and we will prevail. We are New Yorkers. The diligent firefighters and police officers, many of whom have now passed, run "to" tragedy, not away from it; their job is to save.

It was told to me by many people that the lines to give blood went

around block after block. People were waiting at 9 o'clock, at midnight, at 3 in the morning, standing in line because they knew blood was needed. This morning I am happy to tell my colleagues that the crisis, at least in terms of blood donation, is over. We do have enough blood.

I was told of the story of the merchant whose store was on the path from the World Trade Center North. He owned a shoe store. He stood outside and gave the fleeing women sneakers, just handing out sneakers, tennis shoes. He knew they couldn't run in their high heels. That is a New Yorker; and there are millions of us.

We are going to need your help. It has already been offered. I was gratified when the President called me yesterday afternoon and said this Nation will do anything it takes to help New York recover. I was gratified when just about every Member came over to me and to HILLARY and offered us the help that we will need. We need help immediately.

The FEMA Director, I believe, will be flying with us to New York early this afternoon to try to give help in terms of survival, in terms of the immediate rescue. We will need lots of help after that. We have suffered a huge, huge loss. Our financial industries have to recover, the lifeblood of the Nation and the world. I appreciate the offers. We will be counting on everyone here and in the other body and the White House.

As an American, make no mistake about it, we did wake up in a new world in America. It is a new era. Since World War II, we had the cold war. We had a brief respite, for 5, 7, 10 years. But we are now in a new era. There are forces against us, and they are in many corners of the world. They hate us for our freedom. They are against the very progress that we have made. They want to turn the clock all the way back to the Middle Ages. In the past, there have always been backward forces. But technology has given this group the power to affect our lives in ways we never before imagined.

Yes, this was a 21st century Pearl Harbor but a little different because they aimed at civilians, as they know our military is too strong. They are ultimately cowards and bullies. It is not a nation that does this, but it affects us. I say three things in that regard.

First, we are a resilient nation. We don't take anything on our knees. We will not take this. I assure the enemies of America, the enemies of freedom, the enemies of progress, of that.

Second, we must keep our freedoms as we do this. To constrict ourselves would give them the victory. And we must keep them.

Third, I say this to all Americans: let us not respond in a way that is unseemly of America. There are millions of Muslims and Arab Americans in America. They have different views

than I do on the Middle East, staunchly different views. But they were not for this. Let us go after those who advocate terrorism and destruction but not after a whole people or nationality or religion. We have to avoid that. That is the American thing to do.

Finally, thinking as a world citizen, we are in a new world, interconnected but often nasty. Technology that has given us so much in the last 20 years has given this small group, these small groups, the ability to cause huge, huge damage. As with Pearl Harbor, we are affected directly. Unlike Pearl Harbor, there is no name or ZIP Code or address.

But the one common thread is this: If we stay as resolute as we did after Pearl Harbor, we will win this war. We can and we will, if we keep our resoluteness. As somebody involved in antiterrorism, I have seen us go through paroxysms after each incident—3 months, 6 months of attention and then business as usual. We cannot go back to business as usual. We will not win this war against those who seek to destroy our very way of life in a day or in a month or even a year. It is going to take several. If we are resolute, we will succeed.

They have their weaknesses and their pressure points. I was glad the President said we will not only go after the terrorists but those who harbor terrorists. This could not have been done without some help from countries. There are countries that aid terrorists. We know who they are. They are on the terrorist list. They should not remain immune from what happened. In fact, they are the weak pressure point of the groups that seek to hurt us and destroy us.

Some of these awful people who did this yesterday knew how to fly 757s. There was no 757 in the mountains of Afghanistan. How did they get access to learn to do this? These are the kinds of questions we have to ask in the next weeks and months ahead, if we do find, as all fingers seem to point, that is from where it came.

We have to do one other thing. We have to have our European allies know that this finger is not just pointed at us but at them. This idea that for temporary economic advantage they can continue to have strong economic relations with countries that help and abet and harbor terrorists must go out the window.

I was proud to speak to the President yesterday. I assured him something, and I think I speak for all of us: partisanship. Divisions are out the window. He will be our leader. He will come up with a plan. We will have advice and offer suggestions. But once that plan is arrived at, we will unite.

This is a long struggle. It is not an easy struggle. But because of our freedom, because of our American way of life, we will prevail.

In conclusion, this event will never leave us the same, not as individuals, not as New Yorkers, not as Americans, not as residents of the planet earth. But we can learn from it as we grieve. We can meet the challenge and rise to the next level of civilization. I am confident we will.

The PRESIDENT pro tempore. Under the order previously entered, the senior Senator from Virginia, Mr. WARNER, is recognized for not to exceed 10 minutes.

Mr. WARNER. Mr. President, I thank my colleagues and commend our leadership. I want to pick up on the note of our distinguished colleague from New York. We will never be the same as a nation. That is true. We will be a better nation. We will be a stronger nation, as we step up to meet this challenge. Yesterday our great Nation, our people, suffered in a single day its greatest tragedy of a single day. Immediately thereafter, this Nation, arm in arm, embarked on what I think history will reflect is its finest hour—hours yesterday, today, and tomorrow, into the future.

Our Nation from coast to coast locked arms, irrespective of our backgrounds, our cultures, our faiths, our beliefs—indeed, our differences. We locked arms, united as a nation behind our President, behind our Government, putting full faith in our Government to lead us in this crisis.

I pray that our President, our Congress, the Governors of the States, right on down to the city councils, the police, the firemen who are working today, seize this opportunity and make our Nation even stronger and greater.

Our challenge here in our legislature, working with the President and others, will be to devise, yes, a strengthened security system in every walk of life for America, regrettably, every walk of life, with emphasis this morning on airports. But those of us who have worked in the area of terrorism know that airports, yes, are vulnerable, but there are many other areas in which we are vulnerable.

I am proud that the Senate Armed Services Committee, working with the other committees of this body, 3 years ago, when I was privileged to be chairman, instituted a special subcommittee solely dealing with those threats that are emerging against the United States of America. We have done a lot of work in this Congress. We have done our best to legislate and put our funds behind us. But now let us seize this opportunity to indeed make this Nation stronger.

Each of us will forever remember yesterday, where we were, what we did. Those of us who convened here yesterday morning then went to our staffs. I commend the leadership of the Congress, indeed, the police and others who had an orderly evacuation. I then called the Secretary of Defense, Don

Rumsfeld and asked what could I do as the ranking member of the committee to show my full support for the men and women of the Armed Forces and the uniformed as well as the civilians. He said: JOHN, come over.

I called my colleague, the chairman, Senator LEVIN. We joined and went over and stayed the better part of 3 hours which I will never forget. The Secretary had us in the room, the chairman and I, the Joint Chiefs, the other staff. We watched the operations. The President called in. I watched the Secretary and the President. The Secretary handed me the phone and said: The President wishes to speak to you.

America will be proud of the manner in which our command and control of our military and indeed the executive branch functioned to address this crisis. That chapter will be written.

I said to my friend, the Secretary: I want very much, as a Senator from Virginia, to go and look at that area of the building that was struck.

He said: Of course. I will escort you. And that he did for Senator LEVIN and I.

We went around that building, in which I spent over 5 years of the happiest days of my life in the Navy's secretariat. We speculated as far back as the late 1960s and 1970s how that building could be attacked. Yes, we thought of this scenario. But that is history.

There I saw that building and how that aircraft, Mr. President, was skillfully guided and piloted such as to penetrate that building through three or four of the rings. And as we are here today, the casualties we know not in number, but what we do know and what I saw, as I sat there but a few feet from the building, all around me were voluntary firemen, men and women, professional firemen and rescue men and women. Therein rests the greatness of our Nation as to how they responded and what they were doing, unselfishly, risking their own lives. We saw some coming out filled with smoke and debris but doing what they could to help those trapped, dead or otherwise, in that building.

Our colleagues from New York have most dramatically and compassionately described what has occurred in their State. We grieve with our citizens today who are suffering these losses, the dead, the injured, and their families. But America remains unbowed.

America is stronger. America is united. And we the leadership have our greatest challenge in this hour.

Again, as we pursue the legislative challenge to balance the magnificence of our Constitution, which has held us united—it remains the oldest continuously performing Republic in the world today—and balance the need of additional security against human rights, civil rights, and the rule of law, we will

do it. Never before has our Congress been faced with a greater challenge to preserve one of the greatest parts of this Nation, and yet address the future.

Just a personal note, I remember World War II. I was a youngster in the early parts of it. My generation, at age 17, we all volunteered, in the fall of 1944, 1945. I became a sailor.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. WARNER. Mr. President, I ask unanimous consent to proceed for 2 minutes.

The PRESIDENT pro tempore. The Senator will proceed.

Mr. WARNER. I remember that period very well, how all Americans united. My generation of 17 and 18, we were prepared to do our part in the war. But I called my children yesterday and I said much has been said about the greatest generation, those who were privileged to serve in World War II, those who were here on the home front. This Nation pulled together, met our adversaries and emerged stronger.

I said, we may be remembered as the greatest generation, but my children and your children will become the greater generation because they will seize, with our leadership, the same challenge, the younger generation in America, and go beyond what we achieved in World War II. We will relentlessly pursue the enemy wherever they are, and we will carefully, under the rule of law, seek justice. We will prevail and become a stronger nation.

I thank this body for the privilege of addressing it and the Nation today.

Mr. REID. Mr. President, I make a unanimous consent request before the Senator from New York speaks.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess between 12:30 p.m. and 1:45 p.m. today; that no amendments or motions be in order with respect to the pending resolution; that at 1:45 p.m. today, the joint resolution be read a third time, and the Senate vote without any intervening action or debate on passage of the joint resolution; that upon the completion of that vote, the Senate stand in recess until 3 p.m.

The PRESIDENT pro tempore. Is there objection to the several requests?

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from California reserves the right to object.

Mrs. FEINSTEIN. Mr. President, I would like to ask the Senator, will we have opportunities to continue the line of speakers who were lined up before the vote on the resolution?

Mr. REID. I say to my friend from California that the leader, the two leaders have said that anyone who wants to speak on this resolution

throughout the day should be able to do so. There are some schedules that have to be met, especially by the Senators from New York. They need to return to their State. We need to get the vote out of the way. There will be added opportunity to speak.

The PRESIDENT pro tempore. Is there objection to the several requests?

Mrs. FEINSTEIN. Further reserving the right to object, if I understand, then, the vote will be at 1:45, the Senate will go into recess until 3, and then the floor will be open to continue; is that correct?

Mr. REID. The Senator is right.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDENT pro tempore. Is there objection to the several requests?

Mr. WARNER. Reserving the right to object, could I ask the leadership, are we not, as a body, all 100 cosponsors? Has that parliamentary step been taken? If not, I ask unanimous consent that all Members of this body be cosponsors of the resolution.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Under the previous order, the Senator from New York, the junior Senator, Mrs. CLINTON, is recognized for not to exceed 10 minutes.

Mrs. CLINTON. Thank you, Mr. President. I thank my colleagues for their outpouring of support, their concerns, and their many offers of additional aid that has come to the rescue of our people as a result of this devastating tragedy.

Yesterday dawned a beautiful day in New York. My daughter told me it was one of those days where the sky was totally clear, there was a breeze, people were starting to line up at the polling places to vote because it was primary day, an election day, a continuation of the commitment to democracy and self-government that has set us apart from every society that has ever existed because of the longevity of our democracy and the will of our people to constantly renew themselves.

New Yorkers went from standing in line to vote to standing in line to donate blood in just a few hours. I do not think any of us will ever get out of our minds the images we saw on television of the plane going into the first tower, the plane going into the second tower, and the plane going into the Pentagon, but there were tens of thousands of our fellow Americans, people who live in New York, New Jersey, and Connecticut, people literally from every part of our country and, indeed, the world for whom this was not an event they watched in horror on television but lived through and in too many instances did not survive.

We are beginning to find out what that was like. CHUCK and I have a lot of friends who worked in those towers, who worked in the center, and worked nearby. We are hearing the stories of

husbands and wives grabbing cell phones and calling home to say: I love you; goodbye.

We know, and I assure every person in this body, in the House, and many, many of our fellow citizens, when we finally know the names of those killed and injured, they will know someone.

This was an attack on New York, but it was really an attack on America. I have been very gratified, as I know that CHUCK has and all of our colleagues in the House, by the strong support we have received from the President. I am very grateful. We have expressed our appreciation.

CHUCK and I will be going to New York this afternoon with FEMA, and we could not ask for more than we have received in the immediate aftermath of this horrific attack.

We are by no means anywhere near the end of what it will take to continue the search and rescue efforts. We are finding people even as we speak. Yet we know there is a very grim task ahead to do everything we can to find every person, to account for every single person who went to work. That is all they did. They went to work on a beautiful September day in New York.

We will also stand united behind our President as he and his advisers plan the necessary actions to demonstrate America's resolve and commitment, not only to seek out an exact punishment on the perpetrators but to make very clear that not only those who harbor terrorists but those who in any way give any aid or comfort whatsoever will now face the wrath of our country.

I hope that message has gotten through to everywhere it needs to be heard: You are either with America in our time of need or you are not.

We also stand united behind our resolve, as this resolution so clearly states, to recover and rebuild in the aftermath of these tragic acts. New York was not an accidental choice for these mad men, these terrorists, these instruments of evil.

They deliberately chose to strike at a city which is a global city. It is the city of the 21st century. It epitomizes who we are as Americans. So this in a very real sense was an attack on America, on our values, on our power, on who we are as a people. I know, because I know America, that America will stand behind New York, that America will offer whatever resources, aid, comfort, or support that New Yorkers and New York require because the greatest rebuke we can offer to those who attack our way of life is to demonstrate clearly we are not cowed in any way whatsoever.

I hope that within a short period of time, I say to Senator WARNER, we see scaffolding on the side of the Pentagon. After we finish the search and rescue and recovery work that is being carried out heroically there, I hope we all see a clear signal that we are rebuilding,

that our defenses are more resolute than ever.

I hope similarly that lower Manhattan has the same kind of image to project because the reality will be that we are rebuilding and reconstructing and making clear that just as our military might is unchallenged and uncowed, so are our economic, our social, our political values epitomized by New York.

I have expressed my strong support for the President, not only as the Senator from New York but as someone who for 8 years had some sense of the burdens and responsibilities that fall on the shoulders of the human being we make our President. It is an awesome and at oftentimes awful responsibility for any person. I know we are up to it, I know we are ready for it, and I know that everyone in this body represents every American in making clear that we are united and stronger than ever.

It is with a heavy heart—really a sense of heartbreak—that I rise today in support of this resolution, but it is also with a great sense of pride, first in the people of New York who responded as New Yorkers always do when times get tough. There was not a sense of panic. There was order, and there was an immediate outpouring of help. Those men and women whom we sent in to rescue our fellow Americans—there is no way adequately to express our gratitude to our firefighters, our police officers, our emergency personnel, our doctors and nurses and medical personnel. They responded at the height of a tragic, unexpected attack with the kind of grit and courage we expect from New Yorkers.

To all of those who are missing a loved one, there are no words any of us can express except to tell you in the clearest possible terms: We will in a united American response support you, offer assistance to you, stand with you, and pursue those who reached deep into your families and homes yesterday and took someone you loved away from you.

There will be a lot of work ahead of us in this body and in the House, and we will pursue that. I am grateful for the support we have received. Thank you very much.

(Applause.)

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Delaware, the manager of the resolution.

#### VISIT TO THE SENATE BY THE PRIME MINISTER OF AUSTRALIA, JOHN HOWARD

Mr. BIDEN. Mr. President, there has been a request, with which I agree, that we recess for up to 3 minutes. We were to hear from the distinguished Prime Minister of Australia, one of our strongest allies, a man who himself is in deep sympathy and mourning for

this Nation, in a joint meeting. He is in the Chamber.

# RECESS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate recess for 3 minutes so that the Prime Minister of Australia may be greeted.

There being no objection, the Senate, at 11:10 a.m., recessed and reassembled at 11:13 a.m. when called to order by the Presiding Officer (Mr. NELSON of Florida).

## TERRORIST ATTACKS AGAINST THE UNITED STATES—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized for up to 10 minutes.

The Senator from Virginia.

Mr. ALLEN. Mr. President, my fellow Members of the Senate: This is a very sad day as we witness all of the heart-breaking implications, tragedies and lives lost as a result of yesterday's dastardly terrorist attacks on the United States.

Yesterday's attacks were attacks not just on our particular Commonwealth of Virginia or State of New York or the United States; rather it is an attack on freedom-loving people and all the principles that we stand for as a unique and great nation.

On Monday afternoon, Senator BOXER and I were ready to introduce a resolution condemning the suicide bombings in the Middle East. We would have introduced that resolution on Monday, but wanted to include another "whereas" clause recognizing the attacks in Israel on Sunday. We now see with great shock and horror that our United States is obviously not impervious to these suicide bombings and such vicious attacks on innocent people.

What we need to do now is coalesce. Coalesce as a people with our shared beliefs. Coalesce to comfort those who have lost loved ones. And then we must determine where we must improve and move forward to try to prevent such acts from occurring in the future. First, our goal and prayers right now must be focused on the rescue, hoping that we can save those who are still alive. Secondly, we need to find and ascertain as many details and information as to determine how our security was breached so as to hopefully prevent it in the future. And thirdly of course, we will hold accountable those who are responsible for this attack and attain justice.

Presently, we are hearing stories of great heroes just in the first day of recovery. People who knew that the building was going to collapse, but nevertheless stayed there trying to usher people out. On C-Span this morning, one of those who was just a volunteer helper knew what was going on . . .

where those who were emergency, fire and rescue workers and FBI agents were as well . . . knowing that the building was going to collapse . . . staying there knowing those were the last minutes of their life trying to save other people.

The same was happening in Virginia where we have lost many lives, untold numbers, undetermined as of yet, at the Pentagon in Arlington, Virginia, as well as the passengers on flight 77 flying from Dulles, Virginia, that was hijacked and crashed into the Pentagon. Reports in Virginia indicate that casualties in the Pentagon may be as high as 800, or hopefully, as low as 100. I pray to God it is as low as possible.

There are great stories of bravery, with people going above and beyond what is expected, and that should give us comfort as a nation. This tragedy has affected many lives, and we still don't know how many lives. It will probably take a week if not weeks to determine how many lives have been lost. In the middle school that my daughter attends, children were crying because their parents work at the Pentagon. Others work at Fort Belvoir and they worried that Fort Belvoir was being hit. There's only maybe a couple of dozen houses in our development that my family just moved into but one youngster who came by our house to get to know my children . . . his father was on Flight 77 from Dulles.

So, as the days go forward, we're all going to be learning these stories of innocent people whose lives have been lost and the families that will forever be scarred with the loss of that loved one. Our thoughts and prayers must be with those families. Whether they're lost in the New York City attack which includes victims from New York, Connecticut and New Jersey. Lost also are many people hailing from Virginia. Here in the D.C. area, I am sure there are folks from Maryland and the District lost. Clearly people from Massachusetts and New England on the hijacked flight from Boston were lost. Also undoubtedly lost were many people from California, since the destination of all of those flights was to be California.

This is truly a day that will live in infamy. History will record this as the most violent, insane, vile act that has ever been perpetrated on our homeland in the United States of America. We need to be united, coalesced as Americans, along with our allies in our resolve, our resolve to pursue these cowardly conspirators who perpetrated these murderous acts.

Our response and justice must be sure; we need to be swift in our assessment of culpability; and we need to be commensurately severe. In my view, we have allowed terrorism to go on too long, thinking that we could be immune from it. But nevertheless, we need to recognize that we're going to have to wage warfare.

These people have struck against the symbol of American strength and power. They are not, though, going to be able to weaken the will of the people of the United States. We will become more united, defending our interests and our principles. We will also stick together, not just as Virginians and New Yorkers, but as Americans aiding and helping the families who have lost loved ones in whatever way we can. The senior Senator from Virginia, JOHN WARNER, and I will work together to make sure that for those Federal, military and civilian employees that the Government will do all that we can to assist the families. And it's not just as Virginians. I know that the Presiding Officer of the Senate, Senator NELSON, from Florida, cares just as much as anybody else does. And so we are all going to stick together in that regard for the grieving families of victims and harmed communities.

Finally, Mr. President, as we respond here at home to what we learn from these attacks, we cannot be tempted in any way to diminish what makes us a great nation. And what makes us a great nation is that this is a country that understands that people have fundamental God-given rights and liberties and our government is constituted to protect those rights. We cannot—in our efforts to bring justice—diminish those liberties.

Clearly, this is not a simple, normal criminal case. This is an act of war, and those rules of warfare apply. But at home and domestically, we need to make sure that we are not tempted to abrogate any civil rights such as habeas corpus or protections against unreasonable searches and seizures, the freedom of expression and peaceable assembly, or freedom of religion. And just because somebody may come from an ethnic background, that means nothing in the exercise of their rights as citizens. They are American citizens. And so let's make sure that in our anger and in our efforts to bring justice, we remember our basic foundational civil liberties and do not abrogate them.

We are a nation of laws, of good-hearted people, of loving people. And so I would say in closing, Mr. President, let's make sure we pray for and comfort those who have lost loved ones.

Let's get the facts, move swiftly and properly. But most importantly, as Americans, let's stay strong and vigilant. Let's stay resolved, and let's keep moving forward. Because, indeed, all the world is watching, not just the Senate; they're watching the United States and Americans. What will their impression? Let's keep moving forward. We are the beacon for freedom-loving people in the world, and by sticking together we will persevere. We will achieve justice. And we'll come out safer and stronger in the end.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Delaware, the manager of the resolution.

Mr. BIDEN. Mr. President, I yield myself up to 10 minutes to speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BIDEN. Mr. President, I cannot think of any other legislative body in the world where we would hear the speech we just heard by the junior Senator from Virginia, where his heart is aching, many in his constituency have died. Part of the building in his State is still burning.

In the ultimate American way, he called at the end of his speech for not abrogating the basic cherished liberties that this Nation has. I doubt whether one would hear that in any other assembly in the world after such an attack, and I compliment him for it.

My heart and my sympathy go out to our colleagues from New York and Virginia in particular, but all those who have had their fellow citizens and their constituents victimized by this act. This is a time to mourn but not to despair, a time for resolve but not remorse, a time for sober investigation and not recrimination, and a time to unite, not to debate.

Some have said yesterday and today that all has changed, all has changed for America. I know what they mean by that, and I respect their view, but I pray that is not true. I pray that is not true. I pray my junior colleague from Virginia is correct when he says the one thing we cannot allow to change is the values upon which this country is built, for if that were to occur, then they would be able to declare victory, genuine victory.

I predict one thing has changed, though. I respectfully suggest the way of life of present and future terrorists has changed forever. The future of organized terrorist cells is about to welcome the 21st Century in a way they never anticipated, for in this dastardly act they may have done what no other group of people could possibly have done, and that is to unite the civilized world, unite our allies in Europe who share our values, unite our Russian friends, our Chinese friends, unite the world, because that image of that plane smashing into the second tower has reverberated around the world and every leader in every country can picture the same thing happening in their nation.

I recently visited China with three of my colleagues. They have buildings in China as tall or taller than the World Trade Center. I can picture the President of China sitting there envisioning the same thing happening. So I do not think all of a sudden there has been a conversion of democratic zeal on the part of those who are not often thought of as our allies to resolve with us to fight worldwide terrorism, but it is a reflection of the reality that the world

has changed in a way that we all are vulnerable.

A further reality is that no one could have undertaken this very well planned, and regrettably well executed, terrorist act without an extensive network, without a place in which to plan it that was within earshot and eyesight of some country, without some people who, by their inaction at a minimum and their complicity, allowed this to occur. There will be very few places to hide, I predict, from this moment on, for these are not the acts of a single man or a single woman. They are and they were and they will, if they try again, have to be well planned, well funded, and widely supported by dozens upon dozens of individuals and individual leaders.

In speaking to the President, the Secretary of State, and other leaders in the administration, they are impressed by what they believe to be the heartfelt, sincere, and resolute offers of support to deal with terrorism that not only come from expected quarters such as England, France, Germany, Italy, and our European allies but from unexpected quarters.

The word should go out to those who pretend they wish to be our friends that they are going to have to make some very difficult choices. Pakistan in particular is going to have to make a very difficult choice, very soon, for we are counting. We are counting and we are looking. Words will not be sufficient. Actions will be demanded.

All of us say we will never let this happen again. Well, the act of a single individual strapping explosives to their body is probably something no one can ever guarantee will not happen, but dealing with well organized, well-funded, well-coordinated, massive actions is something that can be done only in a multilateral way, only internationally.

No matter what we do, if we fail to lead the world in a multilateral unity of absolute resolve, I say to you, sadly, that this could happen again. But I am convinced it will not.

Today, as it has for 212 years, the U.S. Congress has convened. Two miles down Pennsylvania Avenue, President Bush sits in the Oval Office leading the executive branch and the country in a wide-ranging investigation to find those who committed these barbarous acts. Around this city and around New York, dedicated public servants are back at their desks in Federal office buildings doing the people's business. New York—the city that never sleeps—has worked around the clock in search of survivors, and they will find some. Around the Nation, citizens of every age, every race, and every religion grieve for their fellow citizens. But they stand united. They stand united in support of our Nation, which has endured over two centuries against all enemies, foreign and domestic. They stand united in readiness to answer the

call for their fellow neighbors. As Senator CLINTON and Senator SCHUMER pointed out, they lined the blocks in New York City to give blood. I would be dumbfounded if you did not see black faces, Asian faces, Hispanic, every race, and every religion standing in that line. They stand united in support of the President of the United States, as do all of us here in the Senate.

Much will be said today and in the days ahead about the appropriate responses to these heinous acts. But for now let me just say this. This is not a struggle over ideology. This is not a struggle over religion. This is a struggle between civilization and barbarity.

Let there be no doubt that the United States and civilized nations of the world will unite and win this struggle. Our enemies will not, and can not, defeat us. This country will go on, deeply wounded by the loss of so many but strengthened by our resolve and our commitment to sustain this great democracy.

I see in this cataclysmic tragedy the beginning of the end of organized and legitimized terrorist activities.

The PRESIDING OFFICER. The Senator from New Hampshire, the Republican manager of the resolution, is recognized for 10 minutes.

Mr. GREGG. Mr. President, I yield 10 minutes to the Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SANTORUM. Mr. President, I thank the Senator from Delaware. I want to say to the Senator from Delaware, those are very eloquent and appropriate and I think appropriately forceful remarks. I am in agreement with every word he said. I think you are going to see today the U.S. Senate in agreement. Everyone is standing up in support of each other and in support of the President and the people. We are here for them. We are meeting today. We are meeting for them. I think it is an important sign that this beacon of freedom is open and that the U.S. Senate, the greatest deliberative body in the world, is meeting, talking, and I hope acting today, tomorrow, and for the weeks and months to come this year.

My wife, Karen, and I, and our whole family, watched television yesterday, just in amazement, in grief, in sorrow, and in tears. We went to church and prayed. We didn't know what else to do but go to church and pray that somehow and in some way people would survive this horrible tragedy.

It has been a very difficult time for a lot of us. It has been a horrible time for the people of New York and the people in northern Virginia.

We are committed, as you heard the President say today, to do everything we can here in Washington, DC, to help

those who are struggling and to support those who are doing heroic things in Pennsylvania trying to recover what is left of the plane that crashed in Pennsylvania. And of course in New York as well, there are incredible stories of heroism, and at the Pentagon in northern Virginia. Our sympathies and our support go out to all of those men and women and their families.

I think it is important for us to know, as the Senator from Delaware said, that things should not change here in America. I could not agree with him more. Things must not change with respect to our freedom and our democracy. But there are certain things that must change. I think the Senator from Delaware hit the nail on the head when he said that our actions towards terrorists must change.

What happened yesterday was not merely a hijacking of a domestic airline flight. What happened yesterday was an enemy missile loaded with explosives—11,000 gallons of jet fuel—that exploded into targets here in the United States of America. It was an act of war. It was an enemy missile that was directed at our country. We must respond accordingly to this act of war—to those who perpetrated it. We are at war with terrorists and with those nations that harbor them, that finance them, and that in any way encourage and support them. I think it is important that we say so here in the United States Senate, at some point, that this is war with the forces of evil that attacked this country.

This is not—and I can't stress this more strongly—a time merely to bring people to justice. It is a time to wage war and win a war against those who committed this act, and against those who harbor those who committed this act, and against those who support and encourage those who committed this act.

In the U.S. Senate, there are things we can do, sensible things we can do, to support our President and to support the American people.

First, as I mentioned before, we can support the American people right now with the resources they need to try to find survivors and repair the damage that was caused in this country.

Second, we need to bring up the Defense authorization bill and the Defense appropriations bill right now. We need to make sure we have the necessary tools in place to be able to defend our country. We need to look at the intelligence and counterintelligence operations of this country and determine soon whether we should enhance that capability, which is obviously insufficient. We here in the United States Senate must do something about it. We must do something about it now. It is important for us to come together at a time of national crisis and emergency, when our country is threatened, to pass the necessary

bills for our Government to fight the war in which it will be engaged during the coming weeks, months—and maybe longer.

We need to make sure we have the diplomatic representation to represent us, as the Senator from Delaware said, and I agree with him 100 percent, we need to form an international coalition. We need a U.N. Ambassador. We do not have an Ambassador to the United Nations. I cannot think of a more important time since the U.N. was created that we need an Ambassador to the United Nations. And we don't have one. That nomination is sitting in the Foreign Relations Committee. I hope we can get that nomination to the floor as quickly as possible so we can begin the very important work the Senator from Delaware has laid out in building a coalition necessary to fight this terrible scourge that has attacked this country.

Finally, we need to do something about our energy needs. Members have told me about places in America where they were charging \$3 to \$5 a gallon for gasoline yesterday. Yes. Energy will be a very important issue for this country, and very soon. We need to consider this bill. Particularly if we are engaged in fighting terrorism around the world, we need to have more domestic security. We need domestic energy security.

These are the kinds of things I hope we in the Senate can join together to pass measures that are important and to prepare ourselves for the war ahead. This is a time for us to begin to put the building blocks in place so we can engage in a war against those who attacked this country. I am hopeful, in fact I am confident, that we can do so in a bipartisan way, in a way that will lend great honor and credibility to this great institution.

Thank you, Mr. President.

Mr. BIDEN. Mr. President, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Mr. President, I thank the chairman.

I want to begin by thanking my colleague from Delaware for not only his managing this resolution but also for his eloquent remarks a few moments ago.

I also commend the distinguished majority leader, Senator DASCHLE, and the distinguished minority leader, Senator LOTT, and their respective leadership teams for the dignity and manner in which they conducted business in this body yesterday. I also commend the President of the United States for his very eloquent remarks last evening to the Nation.

I commend Don Rumsfeld, Secretary of Defense for his efforts yesterday and for staying on the job while the Pentagon was burning. I know there were

probably those on his staff and elsewhere who urged him to leave. I presume they made a good case for it. But I admire the fact that Don Rumsfeld stayed on the job yesterday to be with the men and women who were there—the injured, those who lost their lives, not to mention those who are fighting the blaze and trying to bring that incredible scene under control.

This is a very sad time. It has been said by others here this morning, and it will be said repeatedly this afternoon. There are no words I can utter in these next few moments that will serve to lessen the sense of loss that all of us feel as Americans. There is a sense of poignancy to all of this, obviously, if you are from New York. If you had a loved one who worked at the Pentagon, there is a special dimension. And, if you had a loved one on one of the four aircraft yesterday that left Newark, Boston, or Dulles there is a special hurt today. Truly, there is a human dimension to this that we don't have the ability to understand yet.

It is a God-given blessing during moments such as this that human beings are incapable of fully understanding and appreciating the depth of loss immediately. It will take days—or longer.

Oftentimes what we see with families when a person very close to them is lost, is that in the immediate hours and days after that loss, they function because they have to in order to manage affairs. But the true impact of loss is sometimes not felt for days and weeks afterwards. I think our country is in that state this very day.

So, I want to take a few minutes to talk about that human dimension. There will be plenty of time for us to debate bills on the floor of the Senate and to discuss the priorities we ought to have and who should be held responsible. But the human dimension of all of this is something I haven't been able to get my hands around in these last 24 hours. I just can't imagine what it must be like to be one of the victims of these terrorist acts, or to know that there is a loved one trapped somewhere in those buildings in lower Manhattan, or to be the family of a service man or woman who knows that just a few blocks from here their husband, wife, father, sibling, child, or neighbor is lying in the rubble of the Pentagon, or to be the family of one of the passengers on the planes hijacked yesterday. I can't begin to imagine.

I want to start by telling those families that every one of us here in Congress wishes there were some way we could express our sense of grief for you. In the days and weeks to come we will try to do that in ways that are meaningful.

I would also like to mention the firemen and policemen. We were told last evening that we don't know what the numbers of emergency personnel lost are. There may be several hundreds

who lost their lives as they raced into those 110-storey buildings while trying to bring relief to others only to lose their lives in the collapse of those buildings.

Again, for those of you who watched the tragedy last year in Wooster, MA, or other places where firemen and emergency services people have given their lives, I suppose in one sense it is not a surprise that the dedication we saw yesterday is seen so frequently around the country, but particularly because of the magnitude of the events yesterday, we are struck by it. And as Senator BIDEN, Senator SCHUMER, Senator CLINTON, and Senator WARNER mentioned in their very fine remarks this morning, the people who donated blood and who are offering services deserve our respect and admiration. So I express my gratitude to all of them.

We have to respond to yesterday's events, and we will. I have no doubt of this. However, building the kind of international cooperation necessary to do so is awfully difficult. Indeed, if there is a slight glimmer of a silver lining to this tragedy, it may be in the responses our President received yesterday from almost every civilized head of state around the globe—responses of support. Maybe in all of this tragedy and rubble, the possibility that the kind of response the world has been seeking for so many years may emerge like a phoenix from these ashes, and we will be able to forge the kinds of relationships that allow us to stamp out this cancer that has been with us for far too many years in Beirut, in the Marine barracks in Saudi Arabia, and other places. I saw the list of victims of past terrorist attacks the other day. It is many pages long—not of the magnitude we saw yesterday, but nonetheless, cumulatively hundreds and thousands of people lost their lives at the hands of fanatics who believe the loss of innocent life is a justifiable means to achieve their extreme ends.

So maybe—just maybe—if there is any solace we can offer to the families of the people who have lost their lives, out of this we will begin to deal effectively with the scourge of terrorism. I hope that is the case. I hope the President will work on that, and I know we here in Congress will. It will be important that in the context of being in a rush to respond to this—and there is a passion we all feel that makes one want to strike out and grab somebody and make them pay for what they did that we temper our anger. I hope we have enough sense now to know that when we strike, it needs to be right because the coalition that we need to build to respond to this requires that we act smartly, intelligently, and correctly. If we don't, we run the risk of fracturing the very kind of coalition that will be necessary.

These terrorists had a remarkable success yesterday. They utilized Amer-

ican planes and American fuel to use as their bombs. That they went into three major airports, 15 or 20 people, I am told, in teams of 3 or 5, and commandeered 4 aircraft and attacked 2 major sites, economically and militarily, and apparently had a target of a third, politically, is a stunning, stunning set of circumstances. We need to get some answers. Today may not be the day to get them, but I know my colleagues and millions of Americans have questions on their minds. People will have to answer how this could occur in the country.

Yet, I come back to the notion of the human element of all of this, and the human element also requires that I speak to those who are Muslims in our country. There has been a lot of chatter over the last 24 hours of who is responsible here—Islamic fundamentalists, Islamic extremists? I don't know if that is right or wrong. I am not privy to that information. But I urge those who want to provide answers to this question to be careful. You only had to listen to the words of DAN INOUE to understand why we should not vilify all members of an ethnic group for the sins of a few individuals. You only need to walk a block away from here to a monument commemorating the imprisonment of thousands of people of Japanese descent 60 years ago. We have wonderful citizens here who are Muslims and practice the Islamic faith. I fear that sometimes in our momentary passions we can indict some wonderful Americans, wonderful people, innocent children in this country who were raised in a very proud and serious religion. So we need to be cautious about the rhetoric we use and the fingers we point before we have the facts before us.

Lastly, I say this. I see my friend and colleague from Texas on the floor. On Monday afternoon about 4 o'clock I got a call from a former colleague of ours, Bob Kerrey. He called me from a delivery room in New York to tell me that an hour and a half earlier he became the proud father of a young man named Henry. My colleague from Texas and her wonderful husband have taken on a magnificent responsibility—recently adopting the great love of their lives, Bailey Hutchison. I am going to leave here momentarily and go with my wife to Arlington to see her doctor. We are expecting a new arrival. I can't tell you how proud I am of that blessed event.

I want to end on this note and say to young Henry and to Bailey and to my yet unborn child that we are going to build a world for you that is deserving of the kind of place you ought to have. Previous generations did it for us. Certainly, those of our colleagues who served in World War II, Vietnam, Korea, made it possible for us to live in a land of peace and democracy. Our responsibility is no less to future generations. The words "an act of war" have

been used. I agree with that. We need to respond to this and to build the kind of society to sustain our democratic values, which we have embraced for more than 200 years, through trials and tribulations. To Henry, Bailey, and to this yet unborn child of mine, we commit to you that you will live in a peaceful world. That is our common goal. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield up to 10 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized up to 10 minutes.

Mrs. HUTCHISON. Mr. President, I cannot think of a more appropriate way to end a speech than the ending that was just given by the Senator from Connecticut—talking about my daughter, talking about his future daughter or son, talking about our former colleague Bob Kerrey's new son.

Every time we reflect upon World War I or World War II or the Korean War or Vietnam or Desert Storm, I am reminded that it is our responsibility to keep the zeal for freedom alive, which was paid for by the blood of so many. I certainly will be committed, along with Senator DODD and everyone in the Senate, to making sure that my daughter, Bailey, has the opportunity to live in the same wonderful country that I have been able to grow up in and love.

In the coming days and weeks, we are going to be talking about specifics on how we deal with this tragedy. In fact, there are some things coming out now to show that we are acting decisively. I was very proud of the President in giving the order immediately to shut down air traffic in New York, and then throughout America, within minutes of the second terrorist act on the World Trade Center it was then clear that it was terrorism. We shut down every airport and grounded every plane in America. I believe that was exactly the right thing to do and it was only the first response.

Today, the FAA issued an order banning all knives from air crafts brought on by passengers or in carry-on luggage. It used to be you could take a knife on an airplane that was shorter than 4 inches, like the kind many people carry on keyrings. That will no longer be allowed. I am glad the FAA took that immediate action because we know from early reports that those were the weapons used by these terrorists. The FAA has also ended curbside baggage checks. Everything they are doing is right for our country right now.

Later this week I am going to introduce legislation to reinstitute the random sky marshal program. Reinstitution of this program will have U.S. law enforcement personnel randomly assigned to flights to help ensure our

safety. These are some of the many things we will address.

I was talking to Senator WARNER and Senator ALLEN this morning about legislation that would allow the vesting for retirement purposes of military personnel who have died in the line of duty such as the many victims at the Pentagon yesterday.

I think their surviving spouse should receive survivors retirement benefits commensurate with the number of years they have served, which is not presently the law. Senator WARNER is going to push that bill through the Armed Services Committee because of his great leadership position and because his constituents are so affected.

Many people are in dire straits right now, not knowing what their future is because of the number of people we lost yesterday serving our country in the Pentagon. We are going to see some measures coming forward in the next few days and weeks and months to try to address the many issues that are now occurring because of yesterday's tragedy.

Today, however, is more of a solemn moment. It is a moment of horror, a moment of grief, a moment of tragedy, and a moment for reflection. It is a moment which really can't be described, but we all understand because we feel.

It was once said that "democracy is based upon the conviction that there are extraordinary possibilities in ordinary people." We saw that yesterday—for evil and for good.

Yesterday's attack stunned our Nation, shocked a people, and destroyed lives and buildings. The blasts and collapse were felt across our Nation, both physically and emotionally. But they did not destroy our spirit, they did not destroy our faith, and they will never destroy our belief in freedom.

Yesterday was filled with images of horror and unspeakable evil, but also of the American spirit, as individuals and a nation rose to the occasion, met the crisis head on, came together to rescue fellow citizens, and also to show a united front to those who are trying to intimidate us.

Ronald Reagan once said, "No crisis is beyond the capacity of our people to solve; no challenge too great." We are proving that to be true. Already we are being touched and inspired by the actions of ordinary people rising to the extraordinary circumstances and proving that they are heroes.

To those who did this and to those who support them: No, we will never give up. We will never back down. And we will never let anyone destroy our spirit. Freedom is too great—protecting freedom transcends all other of our duties.

That is why we, the Congress, present to you to the Nation and to the world a united front. A front united by grief, horror, and a firm resolve to do our job to provide for the common defense. It

is our constitutional obligation, but it is also our personal determination.

As we, the Members of Congress, stood on the Capitol steps last night, my colleagues and I were of one mind and one heart. We will remain so.

Just one person started singing "God Bless America," and every Member of Congress just joined in spontaneously.

We are one with those who are struggling desperately to survive, with those fighting courageously to rescue others, with those waiting hopefully for news of loved ones—and with those committed to punish those responsible.

This is not just an official resolve; it is also personal, and every one of us is going to have a personal story.

Yesterday I spent hours on the telephone calling hospitals. Each one of my staff members had a different hospital to call every 30 minutes, looking for the husband of one of my staffers whose office was located in the Pentagon at the exact impact point of the crash. He finally was able to get through to her, and he was OK. He was one of the lucky ones.

But there were those who were not so lucky, such as my friend, whom I loved dearly, Barbara Olson; that courageous young woman who had so much spunk, who called her husband Ted from the airplane that hit the Pentagon with a cell phone, and gave us our first indication of what was happening and how this was unfolding.

Hope is the strength of an individual; it is the strength of a nation. Though nothing in our history compares to this horrifying event, nothing in our character will let us lose hope or let us be consumed by fear.

We are the very beacon of freedom for the entire world—and we will not let cowards extinguish that light. Through the darkness, through the debris, through the clouds of dust, that light still shines, and from it, freedom and hope will continue to reign across the world.

I thank the Chair and yield back my time.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Delaware.

Mr. BIDEN. Madam President, I yield to Senator DORGAN, who is next on our list.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for up to 10 minutes.

Mr. DORGAN. Madam President, I listened to my colleague from Texas and I share her sentiments. There are unique moments in history, that are too often born of tragedy, when Americans stand together with a relentless determination to combat the forces of evil, and to reaffirm that our freedom is secure. This, regrettably, is one of those moments.

Cowards struck innocent men, women, and children yesterday, but really all of America was their target. It was clearly an act of war, committed

by madmen, directed against our country.

Our hearts are broken, but our spirit is not. And the world should know that we will not give in to terrorists.

Last evening, when I drove home from the Capitol at about 11 in the evening, clouds of black and gray smoke billowed from the Pentagon where one of those acts of terrorism occurred. This morning, when I come back to the Capitol at about 7 a.m., smoke still rose from the ashes of the Pentagon.

Only F-16s and F-15s flew over our country's capital and in the airspace above New York City.

All of America is affected by this deed in a very dramatic way—from young folks to old folks.

Last evening, when I arrived home at about 11 o'clock, my 14-year-old son heard the door close, got out of bed, and came up to me and said: Dad, what happened? Who did this?

I told my son—and all of us in Congress will tell America—that we will search for, find, and punish those responsible for these acts of terrorism. That is our pledge.

We must now wage war on terrorism. And we must ask all the other countries in the world who believe in freedom as we do to join us in this effort to eradicate terrorism.

Terrorist camps cannot be allowed to continue to train terrorists. Countries that harbor terrorist camps must, as the President said, pay a price for harboring them. We must rededicate ourselves to those tasks.

Yesterday, I thought about the carnage that has occurred in our country, and the thousands of people who have undoubtedly lost their lives because of these acts of terrorism. It reminded me again of why our country has such an enormous burden of responsibility to lead the world, and especially why we need to lead the world in combating the proliferation of weapons of mass destruction, in cutting the number of nuclear weapons, and in stopping the spread of nuclear weapons.

Yesterday it was a commercial airliner full of jet fuel. In the future it could be a vial of deadly biological agents that can kill a million people. Or it could be a suitcase nuclear device in the trunk of a rusty car parked on a dock in one of America's largest cities.

If ever we must understand our world leadership responsibility to stop the spread of nuclear and biological weapons, it is now.

Over a century ago, after the carnage of the Battle of Gettysburg, Abraham Lincoln said:

... we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Today, in this time and in this place, we should let those words from nearly

140 years ago again inspire our nation's steely resolve that those who died yesterday did not die in vain.

America's response to the deadly crime that took them from us will be dedicated to destroying the ability of terrorists to wage this kind of war, and giving those who live a new birth of freedom from the fear and the impact of terrorist acts.

Today the U.S. Congress says to those in New York, in Virginia at the Pentagon, in Pennsylvania, and all around America—those who lost their lives, those who loved them, their relatives, their friends—You are not alone. Our country grieves with you. And our country reaches out to you. You are not alone.

Finally, Madam President, Shakespeare wrote:

Grief hath changed me since you saw me last.

We are all changed. Yesterday changed all of us. Our world has changed since yesterday. We all carry the heavy burden of grief, and we all carry the responsibility today to ensure that our response is swift, severe, and just. And we all carry the opportunity today to hold high the torch of freedom, and to say to the world: Yes, America's heart is broken, but America's spirit will not bend.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I yield to Senator SPECTER and will reclaim my 10 minutes after him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my distinguished colleague from North Carolina for yielding.

Madam President, today's resolution speaks in the strongest terms condemning yesterday's cowardly act of terrorism. Tomorrow, we must do more to bring the perpetrators to justice and take steps to see to it that such terrorism never occurs again.

While there have been many public comments pointing to the so called signature of Osama (aka "Usama") bin Laden as to yesterday's terrorist attacks, we cannot, consistent with our values, make any judgments until we know more. But what we do know is that Osama bin Laden has been at war with the United States since 1989. We know that in indictments returned by the United States District Court for the Southern District of New York, going back to 1998 when Osama bin Laden and his coconspirators in al Qaeda were indicted for killing 18 U.S. soldiers and wounding 73 others in Mogadishu in 1993. So Osama bin Laden has been at war with the United States for a long time.

We know further that Osama bin Laden was indicted again by the United

States District Court for the Southern District of New York in 1998 for the attacks on U.S. Embassies in Nairobi, Kenya, where at least 213 people were killed, and in Dar es Salaam, Tanzania, where 11 people were killed.

Prior to 1986, the United States did not have jurisdiction to try terrorists in U.S. courts for acts committed overseas. But following the murders of many people, including U.S. citizens in the Rome and Vienna airports in December of 1985, I introduced legislation which became the Terrorist Prosecution Act of 1986, an act providing for the death penalty for anyone who assaulted, maimed, or murdered a U.S. citizen anywhere in the world, which provided the legal nexus for trying these defendants in a U.S. court.

Now, as a result of that legislation, these indictments have been brought against Osama bin Laden and his terrorist group known as al Qaeda.

For a fuller understanding of the way bin Laden has waged war against the United States, I ask unanimous consent that the pertinent excerpts of these very lengthy indictments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Madam President, there have been many declarations that what occurred yesterday with the trade towers and the Pentagon were acts of war. And there is no doubt about that. Similarly, what bin Laden did in Mogadishu in 1993 and in the Embassies in 1998 were acts of war. At this time, while the Congress should never act precipitously, I do suggest that consideration be given to a declaration of war against the political entity which harbors and has given aid and assistance to bin Laden's terrorist organization and bin Laden and his coconspirators, based on the indictments which already have been handed down, to which I have referred.

I do not propose to decide this issue today, but I do think it is important that research and factual analysis should begin.

More needs to be done than the resolution of today, which is very important, on condemnation of the terrorism of yesterday and the expressions of sympathy to the victims and their families, those who were on the planes, the passengers and the crew, and those in the Pentagon and the trade towers. But where we do know, without prejudging yesterday's events, that bin Laden's terrorist organization has been indicted for acts of terrorism, murdering U.S. soldiers, blowing up our Embassies, it is time to act.

Bin Laden is at war with the United States. It is time that we reciprocate.

There is a legal issue as to the status of the Taliban in Afghanistan, which

we do not recognize as the government. The Taliban, however, control some 90 percent of the territory. For purposes of a declaration of war and for taking action, there is, in my legal judgment, a sufficient nation-state entity so that we can act and we should not be prohibited from acting because there is no so-called true nation-state there at the present time.

While on a vastly different scale, when I was district attorney of Philadelphia and we had outstanding indictments, a warrant of arrest would be issued. We hunted down indictees. We brought them to court, we tried them, we convicted them, and we punished them.

The United States of America has the authority, from the indictments which have been handed down and the statement of our extraterritorial jurisdiction in the Terrorist Prosecution Act of 1986, to take the steps which are necessary to bring bin Laden and his coconspirators to justice. We have the capacity, we have the capability, the military strength, to do what is necessary.

When demands have been made on the Taliban for the surrender of bin Laden and the Taliban or Afghanistan—or whatever entity we choose to denominate it as being—declines on the grounds that bin Laden is a guest, and yesterday there was a news conference where someone from the Taliban appeared on international television trying to defend the Taliban's position, it is time we act. Where we have faced the extraordinary wounds from yesterday, and they may or may not be a continuation of bin Laden's past attacks—time will tell—but in accordance with our values on the presumption of innocence and not rushing to judgment, we will await further developments as we find out what the facts are and who the perpetrators were yesterday, even though they do bear the so-called signature of bin Laden. But for the acts in 1993 in Mogadishu, for the attacks in 1998 on our Embassies in Tanzania and Nairobi, Kenya, there is no doubt that we have the authority to act.

That is why I think with these outstanding indictments, which have pinpointed the evidence as to Osama bin Laden, that consideration should be given to responding to acts of war against the United States with the appropriate counterattack, to see to it that we take into custody bin Laden, bring him to the United States for trial, for conviction, and the potential of execution in accordance with the death penalty which is provided by U.S. law.

I again thank my colleague from North Carolina. I thank the Chair and yield the floor.

## EXHIBIT 1

[United States District Court, Southern District of New York, 98 Cr.]

UNITED STATES OF AMERICA v. USAMA BIN LADEN, a/k/a/ "Usamah bin-Muhammad bin-Laden," a/k/a "Shaykh Usamah bin-Laden," a/k/a "Mujahid Shaykh," a/k/a "Abu Abdallah," a/k/a "Qa Qa," DEFENDANT  
COUNT ONE: CONSPIRACY TO ATTACK DEFENSE UTILITIES OF THE UNITED STATES

The Grand Jury charges:

*Background: Al Qaeda*

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international terrorist group existed which was dedicated to opposing non-Islamic governments with force and violence. This organization grew out of the "mekhtab al khidemat" (the "Services Office") organization which had maintained (and continues to maintain) offices in various parts of the world, including Afghanistan, Pakistan (particularly in Peshawar) and the United States, particularly at the Alkifah Refugee Center in Brooklyn. From in or about 1989 until the present, the group called itself "Al Qaeda" ("the Base"). From 1989 until in or about 1991, the group was headquartered in Afghanistan and Peshawar, Pakistan. In or about 1992, the leadership of Al Qaeda, including its "emir" (or prince) USAMA BIN LADEN, the defendant, an its military command relocated to the

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of Al Qaeda that the United States forces stationed in the Horn of Africa, including Somalia, should be attacked;

k. Beginning in or about early spring 1993, Al Qaeda members began to provide training and assistance to Somali tribes opposed to the United Nations' intervention in Somalia;

l. On October 3 and 4, 1993, members of Al Qaeda participated with Somali tribesmen in an attack on United States military personnel serving in Somalia as part of Operation Restore Hope, which attack killed a total of 18 United States soldiers and wounded 73 others in Mogadishu;

m. On two occasions in the period from in or about 1992 until in or about 1995, Co-conspirator helped transport weapons and explosives from Khartoum to Port Sudan for transshipment to the Saudi Arabian peninsula;

n. At various times from at least as early as 1993, USAMA BIN LADEN and others known and unknown, made efforts to obtain the components of nuclear weapons;

o. At various times from at least as early as 1993, USAMA BIN LADEN and others known and unknown, made efforts to produce chemical weapons;

p. On or about August 23, 1996, USAMA BIN LADEN signed and issued a Declaration of Jihad entitled "Message from Usamah Bin-Muhammad Bin-Laden to His Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula" (hereafter the "Declaration of Jihad") from the Hindu Kush mountains in Afghanistan. The Declaration of Jihad included statements that efforts should be pooled to kill Americans and encouraged other persons to join the jihad against the American "enemy";

q. In or about late August 1996, USAMA BIN LADEN read aloud the Declaration of Jihad and made an audiotape recording of such reading for worldwide distribution; and

r. In February 1998, USAMA BIN LADEN issued a joint declaration in the name of

Gamaa't, Al Jihad, the Jihad Movement in Bangladesh and the "Jamaat ul Ulama e Pakistan" under the banner of the "International Islamic Front for Jihad on the Jews and Crusaders," which stated that Muslims should kill Americans—including civilians—anywhere in the world where they can be found.

(Title 18, United States Code, Section 2155(b).)

MARY JO WHITE,  
United States Attorney.

[United States District Court, Southern District of New York, S(2) 98 Cr. 1023 (LBS)]  
UNITED STATES OF AMERICA v. USAMA BIN LADEN, a/k/a "Usamah bin-Muhammad bin-Ladin," a/k/a "Shaykh Usamah bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director"; MUHAMMAD ATEF, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah"; WADIH EL HAGE, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman"; FAZUL ABDULLAH MOHAMMED, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan"; MOHAMED SADEEK ODEH, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar"; and MOHAMED RASHED DAUD AL-OWHALI, a/k/a "Khalid Salim Saleh bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," DEFENDANTS

## INTRODUCTION

The Grand Jury charges:

*Background: Al Qaeda*

1. At all relevant times from in or about 1989 until the date of the filing of this Indictment, an international

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with representatives of the government of Iran, and its associated terrorist group Hezbollah, for the purpose of working together against their perceived common enemies in the West, particularly the United States.

COUNT ONE: THE CONSPIRACY TO KILL UNITED STATES NATIONALS

8. From at least 1991 until the date of the filing of this Indictment, in the Southern District of New York, in Afghanistan, Pakistan, the Sudan, Saudi Arabia, Yemen, Somalia, Kenya, Tanzania, the Philippines and elsewhere out of the jurisdiction of any particular state or district, Usama bin Laden, a/k/a "Usamah Bin-Muhammad Bin-Ladin," a/k/a "Shaykh Usamah bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director"; Muhammad Atef, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah"; Wadih el Hage, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman"; Fazul Abdullah Mohammed, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan"; Mohamed Sadeek Odeh, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar"; and Mohamed Rashed Daoud al-Owhali, a/k/a "Khalid Salim Saleh bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants at least one of whom was first brought to and arrested in the Southern District of New York, together with other members and associates of al Qaeda and others known and unknown to the Grand Jury, unlawfully, willfully and knowingly combined, con-

spired, confederated and agreed to kill nationals of the United States in violation of Title 18, United States Code, Section 2332(a).

9. The objectives of the conspiracy included: (i) killing United States nationals employed by the United States military who were serving in Somalia and on the Saudi Arabian peninsula; (ii) killing United States nationals employed at the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania; and (iii) engaging in conduct to conceal the activities and means and methods of the co-conspirators by, among other things, establishing front companies, providing false identify and travel documents, engaging in coded correspondence and providing false information to the authorities in various countries.

*Overt Acts*

10. In furtherance of the said conspiracy, and to effect the illegal objects thereof, the following overt acts, among others, were committed:

*The Provision of Guesthouses and Training Camps*

a. At various times from at least as early as 1989, Usama bin Laden, the defendant, and others known and unknown, provided training camps and guesthouses in various areas, including Afghanistan, Pakistan, the Sudan, Somalia and Kenya for the use of al Qaeda and its affiliated groups;

*The Recruitment of American Citizens*

b. At various times from at least as early as . . .

\* \* \* \* \*

COUNTS TWO THROUGH TWO HUNDRED TWENTY SEVEN: THE AFRICA BOMBINGS

COUNT TWO: BOMBING OF THE UNITED STATES EMBASSY IN NAIROBI, KENYA, RESULTING IN MORE THAN 200 DEATHS

The Grand Jury further charges:

11. The allegations continued in paragraphs 1 through 7 are repeated herein.

12. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, Usama bin Laden, a/k/a "Usamah bin-Muhammad bin-Ladin," a/k/a "Shaykh Usamah bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director"; Muhammad Atef, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah"; Fazul Abdullah Mohammed, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan"; Mohamed Sadeek Odeh, a/k/a "Abu Moath," a/k/a "Nourelidine," a/k/a "Marwan," a/k/a "Hydar"; and Mohamed Rashed Daoud al-Owhali, a/k/a "Khalid Salim Saleh bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization, detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of at least 213 persons, including Kenyan and American citizens.

(Title 18, United States Code, Sections 844(f)(1), (f)(3), and 2.)

COUNT THREE: BOMBING OF THE UNITED STATES EMBASSY IN DAR ES SALAAM, TANZANIA, RESULTING IN AT LEAST 11 DEATHS

The Grand Jury further charges:

13. The allegations contained in paragraphs 1 through 7 are repeated herein.

14. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, Usama bin Laden, a/k/a "Usamah bin-Muhammad bin-Ladin," a/k/a "Shaykh Usamah bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director"; Muhammad Atef, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah"; Fazul Abdullah Mohammed, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan"; Mohamed Sadeek Odeh, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar"; and Mohamed Rashed Daoud al-Owhali, a/k/a "Khalid Salim Saleh bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did maliciously damage and destroy, and attempted to damage and destroy, by means of fire and an explosive, buildings, vehicles and other personal and real property in whole and in part owned and possessed by, and leased to, the United States, to wit, the defendants, together with other members of al Qaeda, an international terrorist organization, detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of at least 11 persons, including Tanzanian citizens.

(Title 18, United States Code, Sections 844(f)(1), (f)(3) and 2.)

COUNTS FOUR THROUGH TWO HUNDRED SIXTEEN: MURDERS IN NAIROBI, KENYA

The Grand Jury further charges:

15. The allegations contained in paragraphs 1 through 7 are repeated herein.

16. On or about August 7, 1998, in Nairobi, Kenya, and outside the jurisdiction of any particular state or district, Usama bin Laden, a/k/a "Usamah bin-Muhammad bin-Ladin," a/k/a "Shaykh Usamah bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director"; Muhammad Atef, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khabir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah"; Fazul Abdullah Mohammed, a/k/a "Harun Fazhl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan"; Mohamed Sadeek Odeh, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar"; and Mohamed Rasheed Daoud al-Owhali, a/k/a "Khalid Salim Saleh bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Nairobi, Kenya, and as a result of such conduct directly and proximately caused the deaths of:

Count	Victim
4	Bontia Achola

Count	Victim
5	Samson Oduor Ahomo
6	Margaret Akinyi
7	Jesse Nathaniel Aliganga
8	Sylla Ambasa
9	Elizabeth Anyango
10	Monica Apondi
11	Patricia Atieno
12	Allan Sabato Bando
13	Rosetta Baraza
14	Julian Leotis Bartley, Jr.
15	Julian Leotis Bartley, Sr.
16	Chripsine Bonyo
17	Daniel Kiprono Cheruiyot
18	Jean Dalizu
19	Sheikh Fahat
20	Eva Nyanjau Gacheru
21	Jane Wangui Gacheru
22	Alice Nduta Gachiri
23	Raphael Johnson Gathumbi
24	Agnes Wanjiru Gitau
25	Lawrence Ambrose Gitau
26	Joel Kamau Githumbi
27	Benard Mugambi Gitonga
28	Susan Wairimu Gitu
29	Rosemary Njeri Gituma
30	Hassan Hukay Guracha
31	Burhan Aden Hanshi
32	Molly H. Hardy
33	Kenneth Ray Hobson
34	Anthony Kihato Irungu
35	George Irungu
36	Jane Wangari Itotia
37	Dorine Aluoch Jow
38	John Karoki Kahuthu
39	Geoffrey Kaleo
40	Francis Kihara Kamuti
41	Lawrence Gitau Kamuti
42	Margaret Wanjiku Kangi
43	Charles Mugo Karanja
44	Lucy Nyawira Karigi
45	Moses Kariuki
46	Christine Wairimu Karumba
47	Prabhi Kavalier
48	Francis Kibe
49	Jackline Nyawira Kibera
50	Felistus Njeri Kimani
51	Rael Mburu Kimani
52	Stephen Maina Kimani
53	Simon Kinuthia
54	Joe Kiongo
55	Arlene Bradley Kirk
56	Francis Kabathi Kiu
57	Dominic Kivuva
58	David Ndula Koimburu
59	Julian Kwali
60	Peter Mbevi Kyelo
61	Moses Muli Kyule
62	Emmanuel Machambele
63	Denis R. Madegwa
64	Ann Mumbi Maina
65	Frank Maina
66	Lidiah Ndinda Maingi
67	Cecelia Mamboleo
68	Mary Louise Martin
69	James Otieno Masea
70	Anne Nyambura Mathenge
71	Pity Muihaki Mathenge
72	Simon Peter Ngumo Matu
73	June Mary Maweu
74	Lydia Mukuri Mayaka
75	Doreen Mbayaki
76	Francis Mbogo
77	Francis Ndungu Mbogua
78	Rachael Kabendi Mboya
79	Lucy Waruthi Mbunya
80	Stephen Waweru Mburu
81	James Mathenge Migwi
82	Elizabeth Onyango Mito
83	Ahmed Warko Mohammed
84	Luciano Mugambi
85	Justus Njeru Mugendi
86	Gilbert Mugo
87	Peter Irungu Mugo
88	Josphat Mutua Muia
89	Edward Mukaya
90	Loise Njeri Mukoma
91	Samuel Vondo Mulalia
92	Francis Mukenyie Muleki
93	Thomas Mundanyi
94	Benson Wathigu Muniri
95	Caroline Mumbi Muraguri
96	Tirus Muraguri
97	Catherine Mureithi
98	Frida Wambui Muritu
99	Alice Waruguru Muriuki
100	Mary Wanjiku Muriuki
101	Robert Migwi Muriuki
102	Ruth Mwakai Musyoka
103	Wilson Kipkorir Mutai
104	Florence Mwende Muthama
105	Emmanuel Njaga Muthuria
106	Daniel Maundu Mutinda
107	Josphine Nzilani Mutinda
108	Catherine Ndumi Mutua
109	Caroline Karambo Mutuiiri
110	Gloria Ngatha Mutuiiri
111	Geoffrey Munyiri Mutunga
112	Patrick Kariuki Muturi
113	Gabriel Mwandime
114	Harrison Njuguna Mwangi

Count	Victim
115	Naftali Mwangi
116	Roseline Wanjiku Mwangi
117	Samuel Githua Mwangi
118	Moses Aston Mwani
119	Ann Mwaniki
120	Isack Mugeru Mwaria
121	Pamela Mboya Mwenge
122	Edwin Mungai Mwewa
123	Abdalla Musyoki Mwilu
124	Nkruma Tonny Myizala
125	Moses Namayi
126	Mary Nyaga Ndirango
127	Caroline Ndolo
128	Martin K. Nduati
129	Julius Ndulu
130	Edwin Paul Ndumbi
131	Ephraim Kingori Ndungu
132	Peter Njoroge Ndungu
133	Joyce Njeri Ng'ang'a
134	John Mwangi Ngaragari
135	Peter Macharia Ngugi
136	Abel Mugambi Njau
137	Simon Mwangi Njima
138	Catherine Wambara Njoka
139	Agatha Njoki
140	Jacinta Njoki
141	Francis Ndungu Njoroge
142	Grace Nyambura Njoroge
143	William Waitthaka Njoroge
144	Godfrey Muchori Njuguna
145	Patrick Njuguna
146	Beatrice Nyambura
147	Michael Odour Nyandeba
148	Elizabeth Nyarotso
149	Vincent Kamau Nyoike
150	Janet Ndoome Nzioka
151	Kimeu Nzioka
152	Magdaline Mbithe Nzioka
153	Joseph Ngowe Nzwilli
154	Margret Atieno Obonyia
155	Joshua Aneah Obonyo
156	Fredrick Ebra Ochieng
157	Michael Ochieng
158	Francis Olewe Ochilo
159	Lawrence Olum Ochoka
160	Ann Michelle O'Connor
161	Duncan Odhiambo
162	Emma Odhiambo
163	John Odhiambo Oduor
164	Maurice Okach Oholla
165	Simon Otieno Olang
166	Sherry Lynn Olds
167	Kitalian Olotono
168	Hanson Nyabera Omae
169	Hindu Omari
170	Edwin Omori
171	Enock Omweno
172	Lucy Onono
173	Eric Obur Onyango
174	John Ouko Onyango
175	Caroline Opati
176	Silvia Oriendo
177	Godfrey Okoro Orono
178	Elizabeth Achieng Orwa
179	Evans Osongo
180	Dominic Otieno Otieno
181	Elias Otieno
182	Julius Otieno
183	Mathew Walunyia Otieno
184	Rogers Otoro
185	Elijah Ngito Owino
186	Josiah Odera Owor
187	Rachael Pussy
188	Margret Lello Rading
189	Ruth Mukami Rungu
190	Joseph Ondari Salamba
191	Timothy Odhiambo Sande
192	Uttamial Thomas Shah
193	Hassan Jarso Soka
194	Shadrack Nyaga Thito
195	Samuel Mbugua Thuo
196	Phaema Vrontamis
197	Gloria Wangechi Wachira
198	Shadrack Mwangi Waganyu
199	James Mwangi Wainaina
200	Teresa Kiongo Wairimu
201	Sabena Walter
202	Adams Wamai
203	Rachel Wambui
204	John Gitau Wanutwe
205	David Soita Wanabacha
206	John Amos Wangai
207	Sharon Wangechi
208	Gladys Wangui
209	Margaret Wangui
210	Mercy Wanjiku
211	John Mwangi Wanyoike
212	Margaret Wasike
213	Margret Njeri Waweru
214	Fredrick Maloba Yafes
215	Ann Mumo Zakayo
216	Unidentified male

(Title 18, United States Code, Sections 930(c) and 2.)

COUNTS TWO HUNDRED SEVENTEEN THROUGH TWO HUNDRED TWENTY SEVEN: MURDERS IN DAR ES SALAAM, TANZANIA

17. The allegations contained in paragraphs 1 through 7 are repeated herein.

18. On or about August 7, 1998, in Dar es Salaam, Tanzania, and outside the jurisdiction of any particular state or district, Usama bin Laden, a/k/a "Usamah bin-Muhammad bin-Ladin," a/k/a "Shaykh Usamah bin-Ladin," a/k/a "Abu Abdallah," a/k/a "Mujahid Shaykh," a/k/a "Hajj," a/k/a "al Qaqa," a/k/a "the Director"; Muhammad Atef, a/k/a "Abu Hafs," a/k/a "Abu Hafs el Masry," a/k/a "Abu Hafs el Masry el Khbir," a/k/a "Taysir," a/k/a "Sheikh Taysir Abdullah"; Fazul Abdullah Mohammed, a/k/a "Harun Fazl," a/k/a "Fazhl Abdullah," a/k/a "Fazhl Khan"; Mohamed Sadeek Odeh, a/k/a "Abu Moath," a/k/a "Noureldine," a/k/a "Marwan," a/k/a "Hydar"; and Mohamed Rashed Daoud al-Owhali, a/k/a "Khalid Salim Saleh Bin Rashed," a/k/a "Moath," a/k/a "Abdul Jabbar Ali Abdel-Latif," defendants, at least one of whom was first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully, willfully, and knowingly did kill the persons listed below during the course of an attack on a federal facility involving the use of a dangerous weapon, to wit, the defendants detonated an explosive device that damaged and destroyed the United States Embassy in Dar es Salaam, Tanzania, and as a result of such conduct directly and proximately caused the deaths of:

Count	Victim
217	Abdulhaman Abdulah
218	Elisha Paulo Elia
219	Hassan Siyad Harane
220	Ramadhani H. Mahundi
221	Mtendeje Rajabu Mbegu
222	Abdallah Mohamed
223	Abas William Mwila
224	Almosaria Yussuf Mzee
225	Shamte Yusuph Ndale
226	Bakari Yusuph Numbo
227	Dotto Selemam

(Title 18, United States Code, Sections 930(c) and 2.)

\* \* \* \* \*  
 . . . stated to a Special Agent of the Federal Bureau of Investigation that he had never heard that "Abu Ubaidah al Banshiri," a military commander for Usama Bin Laden, had died when in truth and fact WADI EL HAGE knew that "Abu Ubaidah al Banshiri" had died in Kenya in 1996.

(Title 18, United States Code, Section 1001.)

#### COUNT 238: FALSE STATEMENTS

38. On or about August 20, 1998, in Dallas, Texas, and Arlington, Texas, the defendant Wadih el Hage, a/k/a "Abdus Sabbur," a/k/a "Abd al Sabbur," a/k/a "Norman," a/k/a "Wa'da Norman," in a matter within the jurisdiction of the executive branch of the government, to wit, a criminal investigation based in the Southern District of New York, unlawfully, willfully and knowingly, did make materially false statements and representations, to wit, the defendant falsely stated to a Special Agent of the Federal Bureau of Investigation that he did not know Mohamed Sadeek Odeh and did not recognize his photograph when in truth and fact el Hage knew Mohamed Sadeek Odeh.

(Title 18, United States Code, Section 1001.)

MARY JO WHITE,  
*United States Attorney.*

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield to the Senator from Vermont, Mr. LEAHY.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I applaud the Senators from Delaware and North Carolina for leading the debate on this resolution and, of course, our leaders, Senator DASCHLE and Senator LOTT, for bringing this resolution before the Senate.

Most Senators will speak on the floor about yesterday's tragedy. It perhaps is impossible for the men and women of this body to say all the things that can be said and should be said. The 100 of us, though, are given the duty and the honor to speak for over 260 million Americans. I know in my case my wife Marcelle and I, like all Vermonters, pray for the victims of these heinous acts. We also pray for their loved ones who remain behind.

The heart of every American aches for those who died or have been injured. Think how the families and friends feel. I know that in my own State, the head of the Roman Catholic diocese, Bishop Angell, has been leading his congregation in prayer while his heart aches knowing that his brother and his sister-in-law died on one of the hijacked planes. Can you imagine the grief?

All day yesterday, last night and this morning, I have heard from my fellow Vermonters by phone and by Internet. I hear from my friends and members of my staff of the losses they have suffered of family and friends. I think of my own children, each one of whom were trying to call Washington yesterday when all the phones were jammed, to find out where their mother and I were. You can replicate that for hundreds of thousands of people around the country.

We have tried to answer those calls. We have tried to get the answers for them and so often the answers are terrible ones.

I listened to the news a little after 5 this morning. I heard the name of a friend of mine who went into the World Trade building to help with the rescue and the building came down—and he died with hundreds of New York firefighters, police and FMS personnel.

I have said for so many years that in a democracy like ours, terrorism should not be our Achilles heel. It is clear that now more than ever we have to concentrate on the terrorist threat.

I applaud the Democratic and the Republican leaders of the House and Senate for bringing us back into session today.

As our Capitol was evacuated yesterday, as I stood out here on the plaza and saw people coming out of our buildings, I said: Lord, let us get back in there as soon as possible for if we let terrorism shut down our democracy, then terrorism wins. We had to say to the American people that we were here today, including our loyal and brave staff.

I was proud to be in my seat representing Vermont when we opened the Senate and this building today. We know that quite possibly this building was the target of the plane that crashed, but we know that this building must be opened because the people's business is done here. No country, and no terrorist, no matter how evil, no matter how twisted, no matter how diabolic can close the symbols of U.S. democracy or what we do. Just as the brave men and women of our Armed Forces will not stop because of this dastardly attack on the Pentagon. And, just as the people in New York City who make up the fiber of ingenuity, innovation, economics, and learning in our country. The rest of the country will pick up the torch.

Franklin Roosevelt called December 7, 1941, the day Pearl Harbor was attacked, "a date which will live in infamy." Almost 60 years later, Americans face such another day and challenge to our democracy. Just as the people of this country became united in World War II, we must unite against the cowardice of evil and terrorism. As our leaders said this morning: We stand here not as Republicans or Democrats, we stand together.

We will be supportive of our President, our institutions and of each other because a challenge to our freedom is going to be answered by the strength of our democracy. Trial by fire can refine us or it can coarsen us. If we hold to our ideals, then it strengthens us. Our people, our values, our institutions are strong. President Roosevelt spoke of the arsenal of democracy. That arsenal—our ideals, our values, our freedom, our community, our humanity—sustains us and propels us forward. As much as our military weaponry these ideals are the arsenal of democracy.

Let nobody outside our shores have any question about this: Americans are united. All the free world, all civilized nations, all caring people will join together at this difficult time. It has meant so much to hear the calls from around the world.

Our values, our resolve, our commitment, our sense of community will serve us well. I am confident that, as a nation, we will seek and serve justice. Our Nation, my neighbors and friends in Vermont demand no less, but we must not let the terrorists win. If we abandon our democracy to battle them, they win. If we forget our role as the world's leader to defeat them, they win. And we will win. We will maintain our democracy, and with justice, we will use our strength.

We will not lose our commitment to the rule of law, no matter how much the provocation, because that rule of law has protected us throughout the centuries. It has created our democracy. It has made us what we are in history. We are a just and good nation. We will remain a just and good nation,

but we are a nation capable of a terrible fury, and our enemies must know that. Madam President, our enemies will know that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I yield myself 10 minutes, and I ask unanimous consent that I be permitted to deliver my remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I have counted the number of today's U.S. Senators who were around on December 7, 1941. There are not many of us. Many present members of the Senate were not born. The Honorable STROM THURMOND was indeed around, and bless his heart, I am so pleased the able senior Senator from South Carolina is still here and active.

I remember that Sunday on December 7, 1941, when we came out of church and heard the news about the bombing of Pearl Harbor. As one of the staff editors of the afternoon 6-day-a-week newspaper in Raleigh, NC, we prevailed upon the then publisher of The Raleigh Times to publish an "extra"—and it was the last "extra" newspaper published in the State of North Carolina, to my knowledge. I recall that we sold approximately 12,000, which pleased the management of the newspaper.

After the paper was put to bed, I walked up the street to the Raleigh post office and into the Navy recruiting station to volunteer. I did pretty well, but was turned down because of my hearing in my left ear. I recall my disappointment. But over in the corner was a regular Navy chief petty officer. Mr. President, I have never met a chief petty officer of the regular Navy who didn't talk out of one side of his mouth.

He said: "Hey, boy, come over here."

I went.

He said: "You want to get in this man's Navy?"

I said: "Yes, sir."

He said: "I have some friends in BUPERS." I did not know what BUPERS was, but I later found it was Bureau of Naval Personnel in Washington. I thought he was pulling my leg, but it turned out that he was not, because about 2 months later, I received a waiver; I was sworn into the Navy and went to San Diego for 2 or 3 months' boot camp.

Which is beside the point, except to say that the recruiting station that Sunday afternoon, December 7, 1941, was filled with young men, all wanting to defend their country. A lot of them did not know where Pearl Harbor was or what Pearl Harbor was, but they came anyhow because they realized that their country had been attacked unfairly.

Mr. President, that is the reason we won the war; that was a time when the

accepted and effective policy of the United States of America was to seek out and find and, when necessary, destroy the leaders of forces resorting to violent harm to the American people.

That policy was in effect, as I say, on December 7, but in the years following, some in political circles decided to substitute only a vague warning to those making threats by crashing airliners loaded with innocent Americans.

Mr. President, I was encouraged to hear the President of the United States last evening and again this morning say, in effect, we are going to get them; they are not going to get by with it. That was the attitude in 1941 when Franklin Roosevelt—and I am the only one present in this Chamber at the moment who heard FDR say "this is a day that will live in infamy."

Well, Mr. President, yesterday was another day that must live in infamy. Not since the war of 1812 has the city of Washington been attacked by a hostile adversary. The attack on Pearl Harbor, of course, matched yesterday's cowardly actions in both surprise and swiftness that occurred yesterday. The losses are perhaps more enormous yesterday; in number in terms of innocent lives, than those astronomical numbers in 1941 at Pearl Harbor.

The policy I have just mentioned—of going after adversaries of the United States of America—was in effect on December 7, but somewhere along the line it began to dissipate after World War II. The mind-set in some political circles gradually was substituted for a two-fisted warning to the mean, cruel terrorists who made their threats yesterday by crashing airliners loaded with innocent Americans into public buildings in New York City and Washington.

That was the kind of terrorists who created that disaster yesterday; I hope I will live to see the day when it will once again be the unmistakable policy of the United States of America to search for and find that kind of sneaky slimy terrorist who created this morning's headlines by crashing those airplanes and creating destruction and disaster and bloodshed and loss of lives.

Senator KAY BAILEY HUTCHISON mentioned the young lady who called her husband from one of the planes on her cell phone. All of us had seen her many times on television and enjoyed her talent—and she will be missed. But I hope Americans will again be two-fisted, standing together.

President Bush laid down the bill of particulars, and I believe he is going to say let us get back in the game and punish these cruel terrorists.

I intend to do my best as a United States Senator to encourage and supplement such a revival of a policy that once protected the lives and property of innocent American people. FDR was right, December 7, 1941, was a day of infamy, and yesterday, September 11, 2001, was also a day of infamy.

We must stand together and vote together and never be deterred in our efforts to put an end to this sort of thing, wherever it happens around this world.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I say to my colleague from North Carolina, we have on our side 10 minutes now, but one of our colleagues has to go to California and one up to New Jersey because of so many folks involved in the Trade Tower. If they can split their 10 minutes, will it be all right to have them go in succession? I spoke with the Senator from Mississippi about this.

Mr. HELMS. That is fine.

Mr. BIDEN. I understand the Senator from Mississippi has a statement he wishes to make first.

Mr. COCHRAN. Madam President, I thank the Senator for yielding to me. The resolution before the Senate should be considered by those who have planned and perpetrated the heinous attacks in New York City and Washington as more than a warning. It is a promise that will be kept.

We pledge today our whole hearted support for President Bush and his commitment to hunt down those responsible for these atrocities and to punish them in a way that is commensurate with their horrible acts.

At the same time we are committing ourselves to provide the resources our government and our President may need as Commander in Chief to wage a war to eradicate terrorism. I am pleased the Senate is united in this resolve to help ensure that we will do all we are able to do to ensure these tragedies are never repeated.

I thank the distinguished Senator.

Mr. BIDEN. I thank the Senator from Mississippi.

Madam President, I yield 5 minutes, or slightly more if he needs it, to the Senator from New Jersey. I thank him for accommodating the Senator from California as well.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Madam President, I thank you for this opportunity to speak. I am awestruck by the passion I feel among all of the Senators in this Chamber.

Today, America's people in the civilized world join hands and hearts to share our grief and our love and to steel our will. First for victims, we share our grief. We share our love with the ones who are the heroes of rescue, and we truly steel our will against the evil actors of terrorism.

In my home State of New Jersey, there are unknown numbers of families heartbroken with the horror of yesterday's tragedy. The personal friendships and relationships affected in my own life are acutely painful. As do all of my colleagues, from the bottom of my

heart I extend my deepest condolences to the families and friends of the victims and to the courageous men and women whose life's work has been to protect us, to rescue us in time of need.

In this moment of grief, we must and we will stand together as families, as communities, as one Nation.

Yesterday, America came under attack in a manner none of us thought imaginable. Our freedoms and liberties were challenged by cowardly, faceless fanatics who thought nothing of killing innocent people, women and children, hard-working men and women who dedicated their lives to believing in the American promise, the American dream, the values that we all cherish in a society.

In response to those attacks and this challenge, we need to be united in purpose to move swiftly, surely, thoughtfully, to uncompromising justice. I know we all recoil with horror as we think of those who died in the destruction of the World Trade Center. It was a true symbol of America's financial and economic strength, just as certainly as the Pentagon represents our military strength.

I worked for many years in that neighborhood I saw buried under the rubble yesterday. In fact, I commuted through that building for over 20 years, and I fear for the many whose paths I crossed there because of potentially unspeakable horrors.

Equally shocking, it is just as difficult to imagine hijacked airliners being taken from Newark International Airport, where I have traveled literally thousands of times. But these shocks and circumstances which are not only personal to me but to everyone cannot allow us as a nation to weaken our resolve.

I boil with anger at what has occurred and share with my country men and women the belief that we will leave no stone unturned tracking down those responsible for these acts. I, too, join in a chorus that says we must hold all accountable, including those who harbor these criminals and give them aid and comfort. They have no clean hands.

Our Nation was born of strife and the horrors of war, but we built a country with the brick and mortar of freedom and democracy. That is what we have to defend. We have defended over the centuries the fundamental liberties that make us so strong and, as spoken about so eloquently, including the rule of law. We have become the world's lone superpower, the world's beacon of freedom because of those bricks and mortar that built the American dream.

It is our responsibility at this moment in time to stand strong on those principles. It motivates us and moves us to be ever vigilant, protecting our security and freedoms. We fought too hard and, frankly, we care too much. Millions of men and women have sac-

rificed their lives over time to secure those freedoms. Yesterday, others joined in that sacrifice. We honor them, but we must not be deterred. Our resolve must be strengthened.

I want to make sure we do everything we can to bring those who are responsible to justice, but we must be just as strong to make sure we rebuild and move forward in a sure and certain way.

I know one aspect of that in the financial world, and I am clear in my own mind that we will not hesitate, that we will not step back and we will marshal every resource to make sure things will move forward, and they will.

As we move forward from this tragedy, we must capture and hold those responsible, but the positive is where our hearts must be. But we will never forget.

Yesterday, Lady Liberty stood in our harbor, the New York/ New Jersey Harbor, and watched unspeakable horrors unfold, but today she stands tall. And so shall we, Madam President. I thank you.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I thank my dear friend, my eloquent friend, my chairman of the Foreign Relations Committee, for this opportunity and for his eloquence, indeed, his vigilance on this topic. I am proud to be on his committee and to head his Subcommittee on Terrorism.

Today, I rise with pain in my heart and great emotion to offer my prayers and my condolences for the people in this country who have been directly hit by an act of war, people of my State of my birth, New York, looking at that skyline, the people who work at the Pentagon every day, who have chosen to work to protect our Nation, and the people of California who were on those planes that were hijacked and, of course, to every other individual who was directly affected, and all of us will have our stories.

I first thank the people of California for their outpouring of love and support for the people of this country. There were vigils, there were prayer services in every denomination yesterday. There was an outpouring of people giving blood.

People did not know what to do. The L.A. County Search and Rescue Team somehow got a plane at 4 a.m. They boarded on that plane and they are on the ground in Manhattan. Indeed, we are one country east coast to west, north to south. I have never seen such unity.

One of our colleagues said we remember where we were when tragedy hit this country. In my lifetime, I remember too many things—not as many things as perhaps Senators who are older, but I certainly remember where I was when I saw John Kennedy go

down and Martin Luther King go down, the *Challenger* disaster, and yesterday the image of our planes, commercial American planes, four of them, going down crashing into buildings, being used as lethal weapons against our people—an image that has shaken us but has not shaken our resolve.

Once I was on a plane that was in some type of mechanical trouble. We had to make an unscheduled landing. For an hour we really didn't know if we were going to make it. In that time, passengers were consoling each other and getting out their fears, attendants were reading the crash landing manuals. I reached for the phone. I called my family. I left a message. I thought: Did I tell them before how much they mean to me? All I could think of yesterday was about the people on those planes, every one of whom had a family. Basically, as I understand it, they knew they were going to go down, and in many cases, as I understand, were being told if they wanted to call their families, they were crashing. The utter terror, the utter callousness of this, the inhumanity of this, is unbearable, what our people went through on those planes and then those innocent people working in the Pentagon and the World Trade Center.

I am going to make a very strong statement. When we look back into history and what happened in Bosnia, people suffered genocide because of their nationality, and to the Holocaust, people suffered annihilation because of their nationality. People were killed yesterday because they were Americans. People were killed not because they were bad people—they were good people—they were killed because they were Americans.

It is time for us to say we will fight and stand up for them and their memories. We will take a stand against inhumanity that occurred on our own soil. We are resolved to honor those who died. We are resolved to make our Nation as safe as it can be from those acts. We are resolved to hold those who planned these attacks and who harbor these people absolutely 100-percent accountable. We will hold them accountable. They must pay because this is the test of a civilized nation. We lead the civilized nations of the world. We will not back down.

I stand proudly with my colleagues on both sides of the aisle and with our President. We will be resolved to do everything—and do it well and do it right—to bring justice in the world.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, we have a long list. I ask unanimous consent that the next person on the list be Senator KERRY to speak for 5 minutes and that we extend the recess for an additional 5 minutes.

Mr. WELLSTONE. Madam President, I was interested in the order.

Mr. BIDEN. The order after that is HOLLINGS, FEINSTEIN, DURBIN, KENNEDY, LIEBERMAN, WYDEN, and WELLSTONE.

Mr. WELLSTONE. Thank you, Madam President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized for up to 5 minutes.

Mr. KERRY. I thank the Chair. I thank my colleague.

Madam President, never in the time I have been here—and perhaps in the modern history of the Senate—has any of us come to the floor with such a weight as today, with our hearts literally heavy and aching with the pain of what we have witnessed and what we know so many families are experiencing today, and also with a sense of outrage at the loss of every innocent citizen and every single person who went to work expecting a normal day, every police officer who put themselves into harm's way, every fireman who tried to save a life and lost their own, and at the astonishing number of their loss with the experience of a breach in their special brotherhood and sisterhood that can never be healed, the loss of emergency personnel. These losses are felt by all of us in a very special, personal, and searing way.

It is also fair to say that all of us have a deep feeling of outrage and resentment for the killing of our innocent citizens, for the attack against our country, for the fear and panic we saw in the faces and voices of our people; children crying; parents, wives, brothers, sons, and daughters waiting for word.

Yesterday I was on the phone to the husband and daughter of a woman—a friend—lost in the second flight to penetrate the World Trade Center. The pain and depth of loss in their voices was excruciating. And the helplessness to do anything but to share that pain and offer comfort brought an even deeper sense of anger and resolve for the acts that occurred.

But it is also critical that all of us remember, as we talk about responses, and war against terrorism, that our rhetoric be matched by our actions. If indeed there is a war against terrorism, I remind my colleagues that in a war the first shots are never the last, the first strike is never the worst.

What happened yesterday was terrible and horrendous, but we must prepare ourselves and steel ourselves for the possibility of worse until we achieve our goal. And to do that we have to be more prepared than we are today, and we have to take the fight wherever we need to, and in ways that we are, frankly, not yet prepared.

I will say, from personal experience, when you are in a war, you do not throw money at the enemy; it's bullets or other actions that are real. We cannot guarantee that some fanatic is not

going to find a way to upset civilized order. But we can guarantee that anyone facilitating or associated with such an act will pay the highest price.

There are few organizations that could achieve what happened yesterday. We know who they are. We know who supports them. We should demand that those people cooperate with us in turning them over to us.

Finally, it is important for the world to see that we will go back immediately to the business of a great democracy. We must—all of us—be back at the work of our Nation. We must show that our effort to build a better country goes on, the mission of educating our children for full citizenship goes on, the job of making our country stronger goes on.

I believe one of the first things we should commit to as a country, with Federal help, that underscores our Nation's purpose, is to rebuild the towers of the World Trade Center and to show the world that we are not afraid; we are defiant.

To those who might say, "why create another target?" The answer is simple: If we are indeed at war with terrorism, there is no shortage of targets in the United States. There is a White House, and a Capitol, and countless other tall buildings. This is not a question of targets; it is a question of strength and of our national resolve to stand up and show our strength. That is the best monument we could build to those who died yesterday.

In Massachusetts, Madam President, we particularly grieve and feel the full measure of what happened yesterday. Two of those flights came out of our airport. Many of those people on those flights—the vast majority of them—came from our State.

So to all of those who currently await word or those who know because of the nature of the flights, we extend our deepest condolences and we grieve together as citizens of Massachusetts and of this great country.

I thank the Chair.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 1:45.

Thereupon, the Senate, at 12:54 p.m., recessed until 1:44 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

#### ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that the recess originally scheduled to end at 3 o'clock be extended to the hour of 3:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the order now before the Senate is that when the vote is completed, we will go into recess until 3:30 today.

Prior to the recess before the noon luncheon, there were two Democrats who had spoken, so now the Republicans have the opportunity to speak twice. Two Republicans would like to do that prior to the recess beginning.

If there is no objection, I ask unanimous consent that two Republicans be allowed to speak for up to 10 minutes each prior to the recess beginning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TERRORIST ATTACKS AGAINST THE UNITED STATES—Continued

Mr. DASCHLE. Madam President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Madam President, I ask that all Senators take their desks and that we vote from our desks on this resolution. I appreciate the cooperation from both sides.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 277 Leg.]

#### YEAS—100

Akaka	Bennett	Breaux
Allard	Biden	Brownback
Allen	Bingaman	Bunning
Baucus	Bond	Burns
Bayh	Boxer	Byrd

Campbell	Grassley	Murray
Cantwell	Gregg	Nelson (FL)
Carnahan	Nelson	Nelson (NE)
Carper	Harkin	Nickles
Chafee	Hatch	Reed
Cleland	Helms	Reid
Clinton	Hollings	Roberts
Cochran	Hutchinson	Rockefeller
Collins	Hutchison	Santorum
Conrad	Inhofe	Sarbanes
Corzine	Inouye	Schumer
Craig	Jeffords	Sessions
Crapo	Johnson	Shelby
Daschle	Kennedy	Smith (NH)
Dayton	Kerry	Smith (OR)
DeWine	Kohl	Snowe
Dodd	Kyl	Specter
Domenici	Landrieu	Stabenow
Dorgan	Leahy	Stevens
Durbin	Levin	Thomas
Edwards	Lieberman	Thompson
Ensign	Lincoln	Thurmond
Enzi	Lott	Torricelli
Feingold	Lugar	Voinovich
Feinstein	McCain	Warner
Fitzgerald	McConnell	Wellstone
Frist	Mikulski	Wyden
Graham	Miller	
Gramm	Murkowski	

The joint resolution (S.J. Res. 22) was passed.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. For the information of all Senators, this will be the only vote cast today. We will stand in recess until 3:30 this afternoon to accommodate the briefing that begins—now at 2:30, not 2 o'clock, in room 407.

Tomorrow it is my hope to renew the deliberations and hopefully complete our work on the Commerce-Justice-State appropriations bill. That will be tomorrow.

After 3:30 this afternoon, we invite Senators to come back to the floor to express themselves if they have not yet had the opportunity to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, was it the intention to recess immediately or will there be an opportunity to make a short statement with regard to yesterday's matters? May I ask the leader?

Mr. DASCHLE. Madam President, if I may respond, under the previous unanimous consent request, two of our Republican colleagues had sought recognition and we had locked in time for those two speakers prior to the time we recess. That will still be the order.

Mr. THOMPSON. I thank the leader.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, we meet here today to express our outrage even though words cannot express the sorrow and anger that fills our hearts. But we must express these feelings—on behalf of the family and friends of thousands of innocent victims, many whose identities we do not yet know—and on behalf of our entire nation.

Our young people must wonder why the United States who they are taught is the beacon of hope and liberty for the world—why we of all countries—

should be the world's main target of such savagery.

I suggest it is because those teachings to our young people are true. It is because our history and the principles on which our country was founded go against the trend of thousands of years of human history. Thousands of years of "might makes right," of rulers and dictatorships of all shapes and forms, of religious intolerance and subjugation. We have shown the world that it doesn't have to be that way. And today's tyrants and would-be tyrants cannot afford to let that example stand.

But stand it will. If this giant, America, has been sleeping as some say, it has been awakened once again and will not rest until an example is made of those who would murder our innocent citizens and tear at the very fabric of our national existence. Part of a great nation's responsibility for keeping peace in the world is the threat it must pose to those who would upset that peace. Therefore, we must act as a deterrent to outrageous activity when our interests are involved.

And America's response in this matter should set a lasting example of what happens to those who unleash bloody attacks especially on our own soil.

The time for carefully measured pinprick responses to terrorists activities has passed.

But we in this body and in the House do not have the luxury of simply expressing our outrage demanding retribution. We, along with the President, set policy and we must quickly reconcile ourselves to some of things that we must do.

Since our victory in the cold war, we have become somewhat complacent in the notion that the most significant danger to our nation has passed. We see it in our military budget and we hear it in our rhetoric. We see it in our debates over which threat to our country is most probable even though yesterday's events should remind us once again how faulty such predictions can be. We attempt to decide with precision what the chances are of a missile attack by a rogue nation or by terrorists versus a suitcase bomb versus a biological attack versus a cyber attack. Surely, we must now realize that as the world's number one target, we must protect our citizens from all of these possibilities. While protection can never be complete, who is going to decide which window of vulnerability we are going to allow to remain open. The old Soviet threat has been replaced by new ones that are in many ways more dangerous and more insidious. We have been warned about this repeatedly—by the Hart-Rudman Commission, the Gilmore Commission, by the Bremer Commission, and by experts in numerous committee hearings. Surely, now we will listen. Surely now we will

resist the temptation to continue to squeeze out more "peace dividends" from the cold war which place our defense requirements in a secondary position to our domestic wish list.

And surely, we will reanalyze the wisdom of America contributing to the proliferation of militarily useful technology simply because we want the sales. It is my belief that this is what we did as late as last week with the passage of the Export Administration Act.

If we place short term considerations, our desire for profit, or our desire to maintain record high surpluses above our national security, we will become much more vulnerable to the potential of experiencing other days like yesterday.

Historians tell us of another democracy which, after major military success, cut its military budget, turned inward, and failed to react to provocation in hopes of maintaining peace—a nation of leaders who followed the popular demand for more butter and fewer guns and who felt that if worse came to worse technology could bail them out and that treaties with dictators would substitute for defenses. That country was England after World War I and those policies contributed to causing the biggest war in the history of the world. We must not make a similar mistake.

We cannot alter the past. But we can affect the future. I sincerely urge that we keep these things in mind as we consider our appropriations bills and especially as we consider what monies are necessary to keep this country safe. It is not only the right and necessary thing to do. It is the real tribute we can pay to our citizens who have so recently paid such a dear price simply for being Americans.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, as some of my colleagues here today and so many Americans across our country, I rise to express great sorrow, and send our prayers to those who lost loved ones and who have been injured. Unfortunately, in my own community right next door, the copilot of the American Airlines Flight 11, Tom McGuinness, came from Portsmouth and leaves behind a 14-year-old son and a 16-year-old daughter. One of the fire chiefs who went into the building to save lives, Jack Fanning, testified before our committee on the issue of terrorism just a few weeks ago. This touches all of us in extraordinarily personal ways, and it touches our Nation dramatically.

We wish to also congratulate and express great appreciation to those people who are risking their lives to rescue the injured and the harmed—firefighters, policemen, the citizenry who are stepping forward during this time of crisis.

There has been significant harm to our Nation. But we are a resilient people and a resilient country, and we shall not allow these doers of evil, these perpetrators of such huge criminal activity to fundamentally harm our society.

The fact that we meet today and the fact that our Nation goes forward is a reflection of our strength and our commitment to maintaining the openness and freedom that comes with the greatest democracy in the world.

We stand here united and resolute that we shall not allow this democracy to be undermined by such horrific and criminal acts.

We as a Congress have recognized for a fair amount of time that terrorism is the threat which we as a nation see as most imminent. Clearly, since the end of the cold war that has been true. We have attempted to address that threat. Obviously, in this instance we were not successful. But I think it is important that we review where we are and what we need to do as we move forward because this is not the end, regrettably, of the issue. This is simply a sign of what our times are going to bring. We need to prepare, and we need to plan the battle lines.

The issue of terrorism and the confrontation of it basically divides itself into three categories. The first is maintaining adequate intelligence capability. The second is apprehension of people who would commit terrorist acts. And the third is dealing with the events should they occur, as they regrettably have in New York and here in Washington.

In hearing after hearing, we have heard regrettably that we were not ready but that we were moving in the right direction. Unfortunately, it was predicted that there would be a major terrorist event in this Nation. In fact, at three different hearings that I know of when I was chairman of the appropriations subcommittee that has jurisdiction over the Justice and State Departments, it was clearly stated by our intelligence community that they anticipated a significant terrorist act sometime in the future. No one was specific as to when. We now know when. It has occurred.

How do we prepare so it does not occur again or so we can mitigate the damage?

First, our commitment to intelligence must be dramatically increased. During the 1980s and into the 1990s, we allowed our intelligence community to basically atrophy in the area of human intelligence—people on the ground.

We have electronic intelligence of immense capability. It needs to be improved, especially in the area of encryption. But specifically, we need more people involved in intelligence efforts. We have to, as a nation, recognize that this is, for all intents and

purposes, a war, and that it is going to take soldiers, and that some of those soldiers are going to have to participate in counterintelligence activities that are covert and personal, something from which we have shied away as a society. We are going to need to commit significant resources to this.

In the area of apprehension, we need to get more coordination between our Nation and those other nations that should be helping us so that when individuals whom we know are threatening us or some other democratic government are on the move, when those individuals are planning, we have the capacity to apprehend them. This means significantly increasing the efforts of the FBI in reaching across international boundaries, something our committee has tried to do, something to which former Director Freeh made a major commitment: the expansion basically of the overseas activities of our premier and key law enforcement agency, the Federal Bureau of Investigation.

Most importantly, we need to get coordination within our own house, not only in the area of apprehension but, even more importantly, in the area of response. We have watched what has happened in New York. We congratulate the city of New York, the State of New York, and the Federal people who are on the ground. An extraordinary effort and a heroic and courageous effort has been undertaken.

The fact is that within our own Federal agencies we have considerable overlap, inconsistency, and lack of command and control.

Our committee has suggested, on innumerable occasions, that we centralize control over counter terrorism activity and, specifically, response activity and consequence management, both in FEMA and in the Attorney General's office. We have to have budgetary line-item operational personnel control. There are 46 agencies in this Government today that have some level of responsibility to counter terrorism. The overlapping confusion of purpose is dramatic.

As the hearings showed—which I chaired, along with Senator STEVENS and Senator WARNER and Senator SHELBY from the Intelligence Committee; the first tripartite hearing of that nature, where we had every major agency come before us to discuss their role—we saw that unquestionably there is confusion.

This has to be sorted out. One way to sort it out we will have a chance to vote on tomorrow in the Commerce-State-Justice bill when we approve a Deputy Attorney General whose sole purpose will be the coordination of counterterrorism activity across agency lines. That must be done.

We were not fortunate, of course, but the fact that this occurred in New York, a city that is extraordinarily

well prepared, I am sure, saved many lives. The next event we do not know where it will occur, and we need to be ready.

The last issue we must address is, who do we respond against? It is very obvious that we are dealing with people who are fundamentally evil. We have, as a nation, confronted such people in the past, but they have been sponsored by a nation, whether it was Adolf Hitler or the forces of Japan during World War II. But today there is an amorphousness to the threat which is hard to identify. The people who have committed this act are, for most purposes, religious fanatics, it would appear. They are driven by a cause for which they are willing to give their life and take innocent lives in order to make their point. That is a threat that is extraordinarily difficult to overcome.

Madam President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. But we must be careful, as a nation, as we hunt these people down—and we have to do that—and as we seek retribution against anyone who will have supported them, that we not cast our net so wide that we catch nations which do not threaten us and people who are not our enemies.

We must be careful to use the rule of law so that we do not abandon what has made us great in order to confront this type of evil. We are a nation which is built on openness and law, and it would be a mistake if we abandon it as we attempt to pursue these individuals.

No rock must be left unturned to find them; it is clear they live under rocks. But in that process, let us not paint with a brush that causes us to create enemies that do not exist today. Let us also not act in a way that creates martyrs of those people who would also act in this way.

This is a time that will test America. America has been tested before and we have met it. We shall certainly be resilient in the face of this test.

I appreciate the courtesy of the Chair and yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that we be allowed to proceed—the two of us—for 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, through our rage at the terrorist attacks on our people and our free institutions shines a focused determination to recover our loved ones and friends who are still lost, and to assist their loved ones to cope with the devastating void into which they have been plunged.

Our fury at those who attack innocence is matched by our united determination to protect our citizens from

more terror and by our resolve to track down, to root out, and to relentlessly pursue terrorists and those who would shelter or harbor them.

Last night, at the Pentagon, I joined Secretary of Defense Rumsfeld, Senator WARNER, and General Shelton in sharing that determination with the American people. That resolve is reflected by the fact that the Pentagon is functioning and the men and women who work there are assisting the heroic recovery efforts, although a few feet away loved ones and friends are still missing or presumed to have been killed, and while the smoke of the savagery is still permeating the Pentagon.

The President, last night, spoke for all Americans and all civilized people everywhere about his commitment to recover, to deter, and then to root out and destroy the terrorists.

Debate is an inherent part of democracy. And while our democratic institutions are stronger than any terrorist effort to shake them, in one regard we operate differently in times of national emergency. We set aside our differences to join forces together, with decent people everywhere, to seek out and defeat a common enemy of the civilized world.

Our unity is unshakable, and, God willing, we will persevere and prevail.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 2:29 p.m., recessed until 3:29 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

#### TERRORIST ATTACKS AGAINST THE UNITED STATES—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 10 minutes to the Senator from Oklahoma, the assistant Republican leader.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my colleague. Yesterday was a tragic day in U.S. history. It is a tragic day for people who love freedom, who cherish freedom. Some may claim it was a victory for terrorism. I don't think so.

This act of terrorism has brought our country together in a way that we haven't been able to do among ourselves. Yesterday I was with Democrats and Republicans who said: We are going to be united against this type of senseless violence. We are going to stand together and say it will not stand. It will not be successful.

I compliment President Bush and his Cabinet, not only for his speech last night but also for the Cabinet he has assembled. He has assembled a Cabinet

of unequalled reputation, quality, who have proven themselves to meet the challenge in the past, whether we are talking about Vice President DICK CHENEY, Secretary of State Colin Powell or Secretary of Defense Don Rumsfeld.

In witnessing the events yesterday, it took me back to the tragedy we suffered 6 years ago in Oklahoma City where 168 people lost their lives to another act of terrorism. The most deadly act of terrorism in U.S. history happened in Oklahoma City that year on April 19. Until we saw it replaced by an even more horrendous act, an act that certainly was designed by people who wanted to do the maximum amount of deadly operations they could against the United States.

They will not be successful in any way, shape, or form. The United States, under the leadership of President Bush and his administration and a united Congress, Democrats and Republicans, will stand up and say that type of violence will not stand. It will be punished.

Our condolences go to the families, to the victims of this terror. It comes home to all of us in different ways. The thousands of people who were injured or lost their lives in the World Trade Center, the many people in the Pentagon, the hundreds of people who were on the airplanes, those were husbands, mothers, fathers, wives, children, grandparents. They disrupted thousands of lives. Those were friends.

I happen to have a friend who was on one of the planes: Barbara Olson. She worked for me for 2 or 3 years in the Senate as my general counsel. Many people in the Senate got to know Barbara Olson. I got to know her very well. I got to admire her, to respect her. She was an outstanding staff member and friend, a frequent visitor on the television shows. I think many Americans, when they saw her face on CNN yesterday, realized this has an impact. This brings the real tragedy home.

My prayers and condolences go to her husband and also my very dear friend, Ted Olson, who happens to be Solicitor General of the United States. What a tragic loss, the loss of life for Barbara Olson and the countless others, thousands of people whose lives were destroyed or families who were broken as a result of this terrorist activity.

We must act together. I am confident that we will. I am confident that Congress will act and give the administration the tools necessary, both legal and financial, to rebuild, to assist in fixing the damage. Through FEMA and the capable leadership of Joe Allbaugh, I think we will do that. I know that was important in my State of Oklahoma. I am sure we will do that both with the Pentagon and the World Trade Center.

It is also important that we stand together and confront terrorism. It is important that we combat terrorism. In some cases in the past our rhetoric has

maybe exceeded our success. I don't believe we were successful in bringing the perpetrators of the bombings in Kenya and Tanzania to justice. I don't believe we were successful in bringing the perpetrators of the Khobar Towers bombing to justice. I don't believe we have been successful as of yet in bringing the perpetrators of the bombing of the USS *Cole* to justice and bringing those people and/or possibly even countries to justice and who may have helped finance and orchestrate and maybe even organize these terrorist activities.

It is important that we do so, not just in rhetoric but in deed, not just today and not just in the next week but, frankly, on a continual battle. We must, when we say this type of terrorism won't go unpunished, we must mean what we say. I feel confident with this President we will show the resolve. Our country will show the resolve. Freedom-loving people all across the world will show the resolve that this will not go unpunished.

Yesterday was a very sad and tragic day in our U.S. history, a very tragic day, one that I believe our country will pull together and say: This type of terrorism will not prevail. We have so many good people in the United States, so many people who are coming together to assist the victims, so many people who are coming together worldwide to assist to make sure this type of tragedy will not go unpunished and also to alleviate the pain and suffering of the innocent victims in this terrible tragedy. My heart, my sympathy, my prayers go out to the victims. Our resolve has never been stronger to stand together to fight this type of terrorism.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Nevada is recognized.

Mr. REID. There is an order in effect now that each Senator will have 10 minutes to speak. The way the day has been going, we have approximately 85 Senators still wishing to speak. If we use the 10 minutes each, we simply cannot finish and allow each Senator to speak. I have conferred with the minority and they are in agreement that each Senator should have 5 minutes, and we alternate back and forth. I propound a unanimous consent request that Senators be allowed to speak for up to 5 minutes each rather than 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. REID. Will the Senator yield? I want to express on behalf of the majority leader and minority leader appreciation for the cooperation. Everyone wants an opportunity to speak. But for this unanimous consent agreement, that would not be possible.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, as a Senator from Minnesota, I rise to thank the religious community, the faith community in my State—Christians, Jews, and Muslims—for coming together and for their prayers for all of the men, women, and children who were murdered in our country. That is the very best of Minnesota. That is the very best of our country.

Let me also thank and pray for all of the loved ones of our firefighters and law enforcement community who have lost their lives in trying to protect people and save people's lives.

I believe people in our country will come together and that one message for these terrorists who have committed this murder on a mass scale is that they will not change our values. They will not change our way of life. They will not change who we are as Americans. We will never give way to the politics of hatred. We are a diverse people of many different colors and religions and backgrounds. We will continue to respect and support one another.

President Bush is certainly right when he says we will leave no stone unturned in getting to the bottom of who committed this act of murder. As a Senator, I certainly believe we must hold them accountable.

Most importantly, we have to do everything within our power, regardless of political party, to take the steps and to do what is necessary to make sure people in our country are safe and secure.

Madam President, one more time, I want to finish up in the few minutes I have by saying that murder is never legitimate, and this was a mass murder of men, women, and children. I think the thing that I will never be able to get out of my mind is that so many innocent people, so many innocent Americans could be murdered in a single day in our country. To me, in my adult life, yesterday was the worst day for our country, and there are going to be many more difficult days because we don't even have a sense of the loss of life.

I am absolutely convinced this will bring out the best in us. I am absolutely convinced that Americans will be their own best selves. I am absolutely convinced that these terrorists will see Americans coming together and I hope the whole international community that represents civilization will come together so these kinds of acts of murder can never be committed again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I have no words to describe or condemn adequately the enormity of yesterday's attacks on the United States or the depravity of those who are responsible for them. All we can really offer now are

our prayers and support for the victims and their families, and the assurance to our fellow citizens that America will recover from these atrocities, resume the life of a great nation, strong, resolute and free, and destroy those who seek to destroy us.

We are greater than our enemies. We are greater because the very virtues our enemies revile and seek to destroy make us so. Our enemies, those who unleashed these attacks, and those who support them, are not our enemies alone. They are the enemies of freedom and independence and justice and peace, and they wage war on the United States because we are and will remain the principal guarantors of freedom for ourselves and for all nations who claim their right to that condition. All people who possess or aspire to freedom were attacked yesterday, and when we answer we do so in their name as well as ours. And answer we will.

These were not just crimes, they were acts of war, and have aroused in this great nation a controlled fury and unity of purpose not just to punish but vanquish—vanquish our enemies. Americans know now that we are at war, and will make the sacrifices and show the resolve necessary to prevail. I say to our enemies, we are coming. God may show you mercy. We will not.

We must break the back of this international network of terror in all its guises, and deprive its architects, executioners and sponsors of a safe harbor anywhere in this world. We will commit all necessary resources to its accomplishment. Our responses must be diplomatic, economic and military.

Let us go to our allies, all of our allies, to ensure them of our resolve and to enlist them in this war against our shared values and security. The Atlantic Charter claims an attack on one member of NATO is an attack on all NATO members. We will expect our allies in NATO, Asia and elsewhere to respond to this attack on us as we would respond to an attack on their territory.

We should make an immediate statement of our resolve that we no longer intend to tolerate sanction given to our enemies by any nation. We should demand that Afghanistan immediately extradite to the United States Osama bin Laden. We will know in due course if he is the architect of yesterday's attacks, but we already possess sufficient evidence to have indicted him for orchestrating the attacks on our embassies in Kenya and Tanzania. He has claimed responsibility for the 1992 attempted bombing of 100 U.S. servicemen in Yemen who were there to assist U.N. famine relief operations in Somalia. He proudly announced his material and personnel support for the Somali forces that fought and killed American servicemen in Mogadishu. The mastermind of the 1993 bombing of the World Trade Center was a known associate of

bin Laden. He is a declared enemy of the United States and our allies. And it is long past time that we and our allies brought an end to the war he began.

Should the Taliban refuse our demand, then they must know that they will be treated as allies of our enemy, and thus, are themselves our enemies, and will suffer much for their allegiance.

This campaign will be long and difficult, and will not end with the capture or destruction of Osama bin Laden alone. The American people must, and I am sure, will understand that we will wage this war to its complete resolution however long and difficult the road ahead. But they should not be expected to wait one day longer than necessary for our enemies to be vanquished, for the full measure of justice to be done, for freedom and righteousness to prevail.

We will prevail. We will prevail because the foundations of our greatness cannot be vanquished. Our respect for Man's God-given rights to life, liberty and the pursuit of happiness assures us of victory even as it has made us a target for the unjust enemies of freedom who have mistaken hate and depravity for power. The losses we have suffered are grave, and will never be forgotten. But we should take pride and unyielding resolve from the knowledge that we were attacked because we are good.

May God bless us in this trial, comfort us, strengthen our resolve, and make our justice as terrible and certain as His.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, yesterday was a day that will live in all of our memories. America was struck by an unprecedented and unprovoked act of violence, so vicious and calculated that the entire world has reacted in horror and revulsion. In that hour when so many were taken from us, America did not bend or buckle. We stood strong.

That strength is best exemplified by the police, firefighters, and emergency services personnel who courageously raced to the scene. When everyone was running away from the danger, they were running toward it. Here in Washington, as the U.S. Capitol was being evacuated, our Capitol Police were standing guard.

All of these public servants deserve our thanks. And their families, especially the families of the police and firefighters in New York who are currently missing, should know that our prayers are with them in this difficult time.

We pray for those lost and for their families. In Iowa, Doug and Betty Haviland, our former neighbors in Ames, IA, are going through a difficult

time right now. Their son, Tim, worked on the 96th floor of the World Trade Center, and Tim is currently missing. I want Doug and Betty to know that my thoughts and prayers are with them today. I am hoping for the best.

The sister of my long-time friend Kasey Kincaid, an attorney in Des Moines, Karen Kincaid, an attorney here in Washington, born in Waverly, a graduate of Drake Law, was on the ill-fated flight that crashed into the Pentagon yesterday.

When the smoke clears, we will comfort all the families in their time of need. We want them to know that although their loved ones may be gone, they are not alone. All of America stands with them. We are Americans and we take care of our own. The tallest buildings may crumble, but no one will bring down our spirit.

We have survived tough times before; we will do so again. Let me be clear. These cowardly acts against our great Nation will not stand. I stand with President Bush in calling on every resource of our Government to track down the cowards who committed these acts and to bring them to swift and certain justice. We will seek out not only the terrorists but their backers and financiers as well. Americans will do what we have always done. We will come together, get down to work, and we will demand justice.

Mr. President, when we do strike back, we must be very careful. We must ensure that when we train our sights on the enemy, we do not harm innocent people in the crossfire. I want to quote the words of Cardinal Theodore McCarrick, the Archbishop of Washington, who spoke at a mass yesterday. He made a point that we should all take to heart:

Let us pray for those who have lost their lives or who have been seriously injured in this calamity. But we must resist the temptation to strike out in vengeance and revenge and, in a special way, not to label any ethnic group or community for this action, which certainly is just the work of a few madmen. We must seek the guilty and not strike out against the innocent or we become like them who are without moral guide or direction.

I could not agree more strongly. We must not use these events of yesterday to paint with a broad brush all Muslims, those of the Islamic faith or of Arabic descent. It has happened before; it should not happen again.

Those who perpetrated these murders yesterday are not associated with Muslims or with the Islamic faith. If they claim they are on some kind of mission for Islam, that is just a lie. They are using the cloak of religion to justify the murder of innocent people. Again, we have seen this before.

We must also make sure we do not fall prey to the theory that in order to defeat this enemy, we must become more like them. I am old enough to remember the McCarthy era, when there

were those who said in order to defeat communism, we had to become a police state. There were reasonable voices that said: No, we do not have to; we can defeat communism and still maintain our freedoms. That, Mr. President, is what we must do.

We as Americans respect civil rights and human rights and diversity. We are of diverse backgrounds and faiths. Muslims are part of the fabric of America, part of our strength. Let us be sure we go after the real enemy, and let us not paint with a broad stroke those who are of the Islamic faith who are Americans, who are Muslims, who are part of our great society.

I thank the Chair.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Iowa has expired.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask that the distinguished Senator from Wyoming be recognized.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair. Mr. President, I thank the Senator from North Carolina.

We all have very strong feelings at this time, and most of all those feelings have been expressed, eloquently I might say, and now we have time for the real challenge.

Yesterday was a very sad day. The sadness, of course, continues for those who were injured and the families of those who were lost.

Acts of war have been committed against our Nation. Forces of evil have struck at the center of our Government, our families, and our communities.

There are no words that can possibly explain the devastation or convey sufficient sympathy for the men and women who lost their lives, nor even do words exist to describe our collective anger.

It is a somber day, but our sadness will lead to resolve.

Powerful symbols of our democracy have been destroyed, but the root of our strength—our personal commitment to our country and our families—is even stronger.

Our focus now must be on the victims, of course, and those who still face the challenge of life and rescue. America will take care of its own.

Let me assure people today that the functions of Government will continue. As you can see, Congress is meeting and most Federal agencies in Washington are open and doing their jobs. There is no amount of terror that can be committed that will throw us off our course to protect and serve democracy today.

The next great test for the Government and for every American will be the challenge to move forward—and that is a necessary part—to comfort those who have lost everything in their

lives and rebuild the physical structures that have been lost. Our democracy will continue to exist uninhibited and unintimidated.

Next we must strive to devise updated security and intelligence measures to serve us better in the future so this will not happen again.

Next, and at the appropriate time with the intelligence information that is required, the United States will exact a supreme measure of justice against the criminals who have perpetrated terror on this country, and they are not long for this world. Those terrorists should understand well we are coming for them and nothing will deter us from seeing that they are eliminated, as well as other terrorists around the world, even though they may not be specifically involved with this terrorism.

We all offer our condolences and prayers to the families of the missing. I offer my hopes for those who are working these tragedies today and rescue efforts. God bless them. God bless America.

The PRESIDING OFFICER. The Senator from Wyoming yields back his time.

The Senator from Washington.

Mr. WYDEN. I thank the Chair.

Mr. President, on Tuesday morning this Nation witnessed an attempt to pitch into darkness the light of American liberty. It was nothing less than an offensive against the freedom our Nation represents. It was nothing less than pure evil that cast a shadow over our country darker than the smoke from any explosion.

Yesterday, fanatics challenged our Nation to war, striking at civilians and service members alike. Today the Senate is making it clear that we will not bow to this brutality. We believe passionately in our country in due process, in the rule of law. But the effort to find justice cannot be allowed to degenerate into the all-too-frequent endless debate. America must act decisively.

Families across this country are in their darkest hour right now. At the moment, not all of the victims' names are known out of the thousands believed lost in the tragedy. In the coming days, they are going to become familiar to us, and their lives and legacies will be shared with the world. But we already know them. These victims are husbands and wives, daughters and sons, brother and sisters to every American.

We honor the memory of those whom we have lost, but we also make it clear today that we will not allow this Nation to be sapped by terror. America is not going to be drained by devilish acts of rage.

The light of hope is burning across this country. The voice of a New York firefighter who says he will not stop searching until the last stone is turned is a voice of hope.

The courage of the Federal employees who returned to work today across the country is a courage ground in hope.

Hope shines in the people willing to wait for hours to help, as we saw yesterday when they donated blood. It shines in the hearts of those who are praying today in churches and synagogues and mosques across the country.

Here is my bottom line, Mr. President: The light that shines in America is going to be relentless when it is turned on those who have declared themselves our enemies. The dark forces that perpetrated these acts ought to make sure today that they are in their hiding places because we are going to come after them. The blinding beam of our determination and the long arm of the United States of America is going to expose them and extract justice.

Our entire Congress stands united behind the President of the United States and against our enemies and against those who would shelter them. Our whole Nation stands together with a very clear intention: To endure.

Our enemies should know the entire free and democratic world stands unmoved in its dedication to liberty for all. We speak with one voice, and we will move in concert to protect principles that we hold dear.

The flame of democracy is going to be fanned even brighter. We will not just carry the torch, but we are going to make sure that standard is held higher than ever before.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon yields back his time. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask that the distinguished Senator from New Mexico, Mr. DOMENICI, be recognized.

The PRESIDING OFFICER. The distinguished Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, first, it is a pleasure to speak to the Senators who are present and listening.

An era has come to an end. As many commentators have noted, most say it was an era of innocence. I agree. Americans now know firsthand the kind of mindless terrorism and brutal disregard of all concepts of morality that afflict our world. What will be our measure of response as a nation?

Our people in the world will watch, listen, and wait, for, as Franklin Roosevelt said, "We defend and we build a way of life not for America alone but for mankind."

We will, of course, support the President in every respect, provide any and all resources, including emergency funding for New York City, for Washington, DC, for Arlington, VA, sparing no expense to save our neighbors who need our help in this time of great distress.

Whatever it takes—and I repeat, whatever it takes—to pursue those who planned, funded, aided, harbored, and carried out yesterday's destruction, we will go to the fullest extent possible. All the resources of this great nation must be brought to bear to demonstrate our unity and our power. We know something else now. We understand that the threshold of possible terrorism has gone up.

We know more, but the terrorists know more, too. We must commit to an all-out effort, not just to a war against terrorism but to new weapons in this war. We must do everything possible to prevent the possibility of calamities above this threshold. The Federal Government must pursue every avenue. Our defense programs—our national laboratories, universities, and other research institutions—must take the next technological steps to win the war that terrorists declared yesterday on our people.

Congress can do two or three things, less obvious perhaps, but more important in the long run. We can set aside petty bickering. We can unify in concrete terms by attending to the Nation's business. The American people can judge barbarians who committed this act of war yesterday, but they will judge us in Congress, too.

We in this time of grave challenge must rise above the political bickering that has affected us for too long. We must quickly unify on the issues that have divided us, whether it is defense spending or energy policy. By doing so, we can show by our actions that truly yesterday was the end of an era.

I am not naive. I understand politics. But now is the time to lay them aside and, as the American people, unite behind our President. Let us in Congress rise to this historic challenge by joining hands and hearts and doing the Nation's business now.

A final word of advice, too, for those who committed these atrocities. How little you know of our Nation, for you are so cowardly you have no way of understanding us. No act these criminals could have contemplated will unify this Nation more, nor galvanize our will more firmly than yesterday's destruction. They have done what many feared perhaps could no longer be done. They have hardened this Nation's resolve, prompted our patriotism, and unleashed our power. They have committed an act of war. They have awakened a sleeping giant, and they will inherit the whirlwind.

My heart goes out to all of those suffering today. I know that New Mexicans have suffered losses but, we understand, nothing like New York. I know other Americans have suffered losses. I share in their grief, and I hold them up in my prayers and in the prayers of our family.

Let us understand if we have been awakened, as I believe we have, by uni-

fying and eliminating the bickering, we can move our Nation ahead and we can begin to solve and get rid of terrorism here and everywhere.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me begin by thanking the distinguished Senator from New Mexico for that eloquent comment, thank him for his extraordinary leadership on this particular subject, and for the years he has served as a leader to our Nation.

Let me begin by thanking the many people in Louisiana, first our spiritual leaders, our military leaders, our elected officials at every level, our emergency personnel, every citizen who through prayer or action is engaged in helping this Nation at this time. We all appreciate their efforts.

In the darkest hours, America has always risen to her promise. We find ourselves again in the very darkest of times. For only the second time in American history, our borders have been penetrated and Americans attacked.

The greatest generation of Americans responded to the first attack, Pearl Harbor, with an unwavering commitment to defend the ideals of democracy around the globe.

Our generation will be remembered for how we respond to this attack against our Nation, our liberty, and our freedom. I have no doubt our Nation will rise to the challenge and find light in our darkest hour.

Through the endeavors of our people and the providence of God, our Nation prevailed in the struggle with the Soviet Union. It was a struggle lasting over 40 years, spread over every continent, costing this Nation the treasure of its youth and resources beyond imagination.

After yesterday, the American people must understand that today we begin to undertake a task no less daunting. President Kennedy's inaugural address is remembered for its impact in rallying the resolve of our Nation at that time. I can think of no better place to turn to today. His eloquence is as relevant this morning as it was 40 years ago: Now the trumpet summons us again. Not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are, but a call to bear the burden of a long twilight struggle year in and year out, rejoicing in hope, patient in our tribulation, a struggle against the common enemies of man—tyranny, poverty, disease, and war itself.

Yesterday we heard the pages of history turn in explosions which brought down skyscrapers. The sound heard around the world was deafening, perhaps a fitting beginning to what we may come to know as the silent war; a silent war where cowardice of our enemies is their greatest asset. Yet no deception, no amount of subterfuge, no

resort to villainy will protect our enemies from the righteous anger of the American people called to war.

It is important for our people to know we are all being called into this struggle. In a silent war, we are all targets and, therefore, we are all combatants. Sacrifices to the unparalleled freedom that we enjoy, costly expenditures, and the employment of our military men and women may all be required before this war is over.

Yesterday's terror may have broken the hearts of American families, but it will not break the American family. Yesterday's terror may have destroyed lives but it will not destroy this Nation's destiny. Yesterday's terror may have shattered buildings, but it will not shatter the American spirit.

This morning, not that long ago, over the crater that used to be part of the Pentagon, the Sun broke and hit an American flag flying over the rubble. It is in that spirit America will prevail.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, as did all of my colleagues and all Americans, I woke up this morning with a broken heart but not a broken spirit.

The unimaginable and horrific attack on the World Trade Center and the Pentagon was an attack on all Americans and against every freedom-loving nation of the world.

Today, our prayers and our deepest sympathies are with the families of those innocent victims who lost their lives, as well as those who were injured in these monstrous tragedies. We can scarcely comprehend the images that have flashed before our eyes over the past 24 hours, but we know that so many of our fellow Americans are grieving for lives cut short and possibilities ended. And so today we grieve as one nation, under God, indivisible.

Our hearts are heavy but our resolve is strong. This outrageous attack has reverberated through every level of our society. But let there be no mistake, and let the word go forth from the Halls of Congress and from the White House and from every house across our indomitable Nation that we will find who is responsible, we will hold them accountable, and we will persevere.

The soul of this country and the ideals upon which it was built cannot be torn asunder neither by war, nor by assassination, nor by the blunt and bloody instruments of faceless cowards. The forces of darkness have challenged our country's determination before. As we rose to the challenge then, so will we rise at this most solemn of times.

Clearly, the attacks on our Nation were coordinated, and they were calculated. Yet clouded by their own twisted fanaticism—whatever brand of fanaticism that may prove to be—the perpetrators of this crime against hu-

manity and the American people failed to understand that ours is a nation in which the principle of individual freedom is exceeded only by our commitment to protect our freedom.

The American spirit is stronger than stone and water, tougher than steel and glass, and more enduring than any pain or suffering that can be inflicted on our national conscience. It cannot be collapsed by fire and terror.

To the contrary, today we stand united behind our President and the entire leadership of the Congress. Today, solidarity eclipsed politics and partisanship. And this will remain so for every minute of every hour of every day that it takes to right this injustice.

We must remain always vigilant but never fearful. We must relentlessly seek justice, and we must do all that is within our power as a free nation to prevent such catastrophic terrorist attacks both at home and abroad.

There are events in our lives that will be forever etched on the landscape of our consciousness. We all know where we were and what we were doing at the precise time they happened. As we remember the assassination of President Kennedy and, for many of my colleagues, Pearl Harbor, our children will remember this day.

We are angry as a nation, and we have every right to be angry. But now it is time to focus our energies on responsible actions and swift responses when the masterminds are found. Now is also the time to heal and to tend to our neighbors and families and friends.

In typical American fashion, heroes rushed to the aid of those in peril, even as the sounds of blasts still echoed across Manhattan and our Nation's Capital.

For the unthinkable numbers of people in New York, Virginia, Pennsylvania, military personnel at the Pentagon, passengers on planes from across America, policemen, firefighters, and emergency personnel who gave their lives, their memory will live on with the memory of this tragedy. To the families, our Nation shares in your unspeakable loss.

America will never be the same, just as we were forever changed by two World Wars and numerous other conflicts throughout the world. Now terrorism has come to American soil on a scale most dared not imagine. We are changed, but we are far from broken. Ours is a nation born of adversity, forged by perseverance, and defined by our ability to unite against those who would tear us down. We must never forget that some of America's finest hours have followed our darkest days.

To whomever is responsible for this tragedy, hear this loud and clear because America speaks with one voice: You will be found. You will be held accountable, and this injustice will not stand.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to join my colleagues. Very frankly, my heart is filled with a great deal of mixed emotions. On the one hand, I want this country to smash back. On the other, I want us to be sure that we are on firm ground, that we know what we are doing, and that we are successful in our mission.

Yesterday was one of the darkest days I can remember. Many have speculated that the loss of life may well only be exceeded by the battle, 1-day battle at Antietam during the civil war. It will certainly be more than the loss at Pearl Harbor.

One of the things that I have recognized, and what should be abundantly clear, I think to all of us, is that there are those out there without a heart who are willing to carry out this kind of attack, and to do it with malevolence and cunning that defies conscience and humanity. That is really what we are up against.

I really consider what happened in New York and at the Pentagon to be a declaration of war against the United States. I believe we must respond accordingly in a well-considered military way.

I join the President, the congressional leadership, and particularly Secretary of State Colin Powell, whose remarks this morning share that same determination.

Let there be no mistake. This attack was deliberately planned. It was planned to have the largest possible impact and to maximize the loss of innocent human life.

The terrorists deliberately selected the largest planes with the greatest fuel loads to create the biggest explosion, to kill the most people, and to do it at a time of day when that would happen.

They deliberately selected important symbols—one, the military headquarters of the United States, and the other a major center of American economic entrepreneurship.

What is now emerging is genuine acts of heroism aboard our planes. Heroism aboard UAL Flight 93, which left Dulles International Airport, may well have prevented Flight 93 from striking the White House or the United States Capitol.

Californians were aboard that plane. One Californian, Thomas Burnett of San Ramone, phoned his wife. He told her the flight was doomed but that he and two other passengers were determined to do something about it. "I love you honey" were Burnett's last words to his wife. He said, "I know we are all going to die, but there are three of us who are going to do something about it." He worked for a company called Thoratec. He leaves three children.

You might say he and others made the ultimate sacrifice.

Yesterday firmly establishes in my mind that the major threat and No. 1 national security problem facing the United States is the asymmetrical attack, the unconventional and unpredictable horrific act of terrorism.

I don't believe America can be a paper tiger in response. I think the United States should spare no effort to uncover, to ferret out, and to destroy those who commit acts of terrorism, those who provide the training camps, who shelter, who finance, and who support terrorists. Whether that enemy is a state or an organization, those who harbor them, who arm them, who train them, and permit them must, in my view, be destroyed.

It is interesting to note that 3 weeks ago the British press carried articles which said that the bin Laden operation was prepared to launch—and this a quote—“an unprecedented attack against the United States.” We know that the organization is wanted as well for two prior major terrorist attacks against the United States.

It seems to me that there is a good indication we will shortly find who is responsible for this act of war against our country. And then we must strike back against them hard.

It is also critical that America lead an international effort that makes clear to all nations that countenance terrorism, that harbor terrorists, that aid and abet their actions, that that country is an enemy of the United States.

Mr. President, I ask unanimous consent to have a couple additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Thank you, Mr. President.

All civilized nations, whether it is NATO, our European allies, Russia, China, the moderate Arab States, or anyone else—I received a call this morning from the Chinese Embassy saying the President of China had called our President yesterday to indicate China's solidarity with the United States and to offer any help. Indeed, that is a giant step forward. It is a beginning. I believe we must create a critical divide between civilized nations that will not sanction terrorism and spell out those that do and do something about it.

Presently, the United States spends about \$12 billion, spread among a number of Departments dealing with terrorism. The proposed budget will shortly be before the Senate. If we are to engage against this threat, I think we must also organize and coordinate our Government's effort. I speak now as chairman of the Technology and Terrorism Subcommittee of the Judiciary Committee and also as a member of the Intelligence Committee. We must see

that these dollars are wisely spent, not frittered among more than 40 Departments. I do not believe those dollars are well spent at the present time.

We must also understand that homeland defense should be our highest priority: coherent and carefully balanced, with trained personnel in every State, and an intelligence network that provides a coordination between all branches of Government and each of our States.

America has at its disposal a wide array of tools, but these tools must be directed carefully, with a coherent policy. This is not now the situation. I believe we must remedy it promptly.

We Americans are a resilient, a determined, and a patriotic nation. We will not lose the spirit that makes us the greatest democracy on Earth by going after terrorists full scale. We have always been ready to respond in defense of freedom. And now that challenge is before us in a manner, shape and form that offers unprecedented challenges. We must respond.

Let me also speak a few moments as a Californian. The four planes that were hijacked were all going to California; three to Los Angeles, one to San Francisco.

Two hundred sixty-six people died on the planes. It is certain that many of them have families in California. To them, I extend my heartfelt sorrow. But I also extend a commitment that I will do everything in my power as one Senator to see that these deaths were not in vain.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, I ask that the able Senator from Arkansas be recognized.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, on this day of mourning and on behalf of all Arkansans, I offer my deepest and most sincere condolences to the families of the victims of the cowardly attacks on the World Trade Center and the Pentagon.

I especially want to mention the Arkansas flight attendant, Sara Lowe, and offer my sympathy and condolences to her parents Mike and Bobbie, and to her sister Allison. There may well be other Arkansans who were aboard, but Sara served, and served well, on Flight No. 11.

While New York bears the brunt of the pain today, I am reminded, as I think of Sara Lowe from Batesville, AR, that there are hundreds of towns and hamlets and villages all across the Nation that share in the grief and the suffering today. Our Nation is grief stricken but our Nation is strong. Our Nation is united, and our Nation is resolved to bring those responsible to justice.

I honor today the courage and compassion of the rescuers in New York City and at the Pentagon. Your Nation is grateful and your Nation is indebted.

We all woke up yesterday and prepared to go about our normal business in a world that looked the same as it did the day before. Today everything is different. The New York skyline is changed, and so is the geopolitical landscape of the world.

We stand at the violent birth of a new era in international relations and national security. The strategic pause that we enjoyed after the cold war ended is over. I pray that we have used this interlude properly; and I fear that we may not have.

But this needs to be clear: Any nation that harbors, shelters, or abets these terrorist thugs will be regarded as full participants in these acts of war and will be held equally accountable.

We will devote as many resources as necessary to find and punish the perpetrators of these acts. We must make a national commitment to breaking the back of international terrorism.

On the Armed Services Committee, I am fortunate to have served as a member of the Emerging Threats Subcommittee under the leadership of Senator ROBERTS from Kansas.

As frightening and as horrific as the toll and the results of the incidents yesterday are, I fear that a biological or a chemical attack upon this country would make the tens of thousands of victims yesterday pale in comparison to the millions that might be the victims of such an attack. But the American people should be assured that we will utilize every resource at the disposal of our great country to protect them.

We Americans will stand together, united, determined, and ultimately victorious.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I was sickened by the actions that were taken against our country yesterday. I felt very much like I was back in the Vietnam war in the Tet Offensive of 1968 of which I was lucky to survive. When I looked out my window and saw the smoke coming from the Pentagon, I literally felt, for the first time, that I was under attack in my own country. That is a terrible feeling. I think many Americans shared that feeling.

My staff is still trying to recover. They still have traces of tears in their eyes and on their faces from the suffering that we have seen on television by our fellow Americans.

For the first time, I guess certainly in a long, long time, American blood has been shed on American soil by a foreign enemy. That gives us all pause to get the most out of this historic moment. That is what I am trying to do in my own mind as I rise to pay tribute to those wonderful rescue workers who have come to the aid of our fellow Americans in New York and in this great city of Washington, DC.

But I think of the families as well who have suffered forever the loss of a loved one. Many children will go without fathers tonight. Many families will go without loved ones. And that grieves me greatly. But what are we to do? What are we to make of this?

As a member of the Armed Services Committee for the last 5 years, I have been growing impatient, and in many ways frustratingly concerned, about the growth of terrorism and its impact on this country. In fact, Senator WARNER, a couple years ago, created the Emerging Threats Subcommittee, which the distinguished Senator from Kansas, Mr. ROBERTS, chaired for a couple years. And now Senator MARY LANDRIEU from Louisiana chairs that subcommittee.

Without speaking for them, I can say that over the last couple years we have had increasing evidence in testimony before our committee that the real threat, the emerging threat to America was going to come through some terrorist act, maybe biological, maybe chemical, maybe no more than just an explosive in a backpack, some terrorist act below the radar screen, someone or something that had no return address. This has indeed happened. What are we to make of it?

As a member of the Armed Services Committee, I feel this challenge very personally, to make something of this worthwhile for our Nation and for our country, to come to terms with what we ought to do about it.

In the wake of Pearl Harbor, I know there was a board of inquiry set up to find out what happened. Admiral Kimmel there in Hawaii got blamed for the attack, probably wrongly so. Those of us on the Armed Services Committee, those of us in this great body, do have some responsibility, maybe through the regular committee structure, to find out what happened, find out what the recommendations from our best professionals are, and then go about the business of making sure this never happens to our country again.

My heart is sickened at the loss of life. I would be even more sickened by the loss of this incredible opportunity, this spur for action, this spur for greater knowledge about where we are in our intelligence community. Do we not have the resources? Do we not have the human intelligence? Do we not have the people? Have we not been mindful of the real threats to this country as evidence upon evidence, testimony upon testimony continues to grow, as we hear increasing evidence in background briefings from our intelligence community that these are the kinds of threats we can expect not only now but in the future?

Are we underfunding some aspect of our homeland defense? Are we over-matched and undercoordinated in our ability to respond? Are we forever to live from crisis to crisis under threat of

terrorist attack? I don't think that is the way Americans are supposed to live or were born to live.

My mind recalls the great words of F.D.R. that launched the greatest generation on its great crusade, World War II, the four freedoms, Roosevelt's famous speech. What are the four freedoms that Americans have an inherent right to enjoy? First, freedom of expression, the ability to talk in this great Chamber and express our opinion and the ability of any American to express the same; second, freedom of religion, which unquestionably is part of our national Bill of Rights; third, freedom from want; all of us feel this country is, as Lincoln said, the last best hope of Earth; finally, as F.D.R. put it in 1941, freedom from fear.

Many Americans are fearful today. They are fearful for the future of their homeland, their communities, their families. We do not deserve to live in fear.

I dedicate myself, as a Member of this body, as an American, as someone who has seen combat and who has lived in fear, to make sure that I rededicate myself to the task remaining before us: That we will work out, with the President of the United States and this administration, every aspect of a plan to rid ourselves of international terrorism and to work with other nations, other civilized nations, other nations committed to democracy and opportunity that believe in the four freedoms as we do, to work out with them, in coordination with them, an assault on terrorism.

Yesterday was a declaration of war by terrorists on this country. This resolution we pass today in a unanimous fashion is, in my opinion, a resolution of guts and courage that this body sends forth, that we declare war on international terrorism.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield to the able Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I join my colleagues in expressing support for this resolution, a resolution of the Senate of the United States expressing our very prayerful condolences to those who lost their lives as a result of this heinous crime, not only against themselves but against America and, just as important, against democracy and freedom.

First, let me say this Congress stands behind our President and his determination to punish those who harbor terrorists as well as the terrorists themselves.

Second, our fight against terrorism will necessitate more cooperation than we have ever seen or experienced from our allies and other governments. I am a little encouraged. They know we are

not alone. Several Arab state leaders, long American allies, have expressed support. I understand that similar expressions have come from Russia. This will take an unprecedented diplomatic and foreign policy undertaking.

As we determine how best to address this ongoing threat, it will not be necessary to start anew or to reinvent the antiterrorism wheel. I have had the privilege, as some have said, of serving for 3 years as the chairman of the newly created Subcommittee on Emerging Threats. That is a subcommittee created by our distinguished former chairman, JOHN WARNER. The committee is now ably chaired by Senator MARY LANDRIEU.

Our subcommittee is now compiling the testimony of the many witnesses we have had over the past 3 years and the recommendations we have made which we will make available to the administration, to the Pentagon, to the American public, and, yes, to the 46 Federal agencies that have claimed jurisdiction of one kind or another with regard to homeland security.

In this respect, I ask unanimous consent to print in the RECORD a letter that five Senators representing the Senate Armed Services, Intelligence, and Appropriations Committees and two subcommittees, including the Emerging Threats Subcommittee, sent to Vice President CHENEY as of last July.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, July 13, 2001.

Hon. RICHARD B. CHENEY,  
Vice President of the United States,  
Washington, DC.

DEAR MR. VICE PRESIDENT: The hearings conducted by the Senate on May 8, 9 and 10, 2001 demonstrated that some Federal agencies do not have a firm grasp of their roles and responsibilities for preventing, preparing for, and responding to acts of domestic terrorism. This lack of clarity is due to the absence of a true, comprehensive national strategy. Currently, our national policy is embodied in two Presidential Decision Directives, the Attorney General's Five Year Plan, and two Federal response plans, one maintained by the Federal Bureau of Investigation (FBI) and one maintained by the Federal Emergency Management Agency (FEMA). This "patchwork quilt" approach is not a substitute for a national strategy, the purpose of which would be to coordinate our Federal agencies into an effective force.

The attached report contains seven recommendations that emerged during the course of the hearings. They merit your strong consideration as you move toward bringing all of the Federal entities involved in combating terrorism under a single umbrella of clear leadership and a consolidated national strategy. The recommendations identify and propose actions to address weaknesses in our overall national system to combat domestic terrorism.

We hope these recommendations will be useful to you as you chart a new course for this nation's domestic terrorism policy. With respect to the review itself, we strongly recommend that you solicit input from and incorporate the worthwhile suggestions of

members of the first responder community, including fire, law enforcement, medical, and emergency management personnel. In addition, just as you have requested the assistance and support of the Director of the Federal Emergency Management Agency, we urge you to also draw upon the experience and expertise of the Attorney General and the Department of Justice. This will ensure that you have all the necessary information and resources at your disposal, and that your review is balanced and thorough. We in the Senate stand ready to assist you in this historic and critical enterprise.

Sincerely,

TED STEVENS,  
*Committee on Appropriations.*

JOHN WARNER,  
*Committee on Armed Services.*

RICHARD SHELBY,  
*Select Committee on Intelligence.*

PAT ROBERTS,  
*Subcommittee on Emerging Threats & Capabilities, Committee on Armed Services.*

JUDD GREGG,  
*Subcommittee on Commerce, Justice, State, and Judiciary, Committee on Appropriations.*

#### REPORT TO THE VICE PRESIDENT

#### FINDINGS PURSUANT TO THE SENATE HEARINGS ON U.S. FEDERAL GOVERNMENT CAPABILITIES TO COMBAT DOMESTIC TERRORISM

I. Leadership.—During the course of the hearings, several agencies announced the creation of a new position that would coordinate those agencies' terrorism-related activities. HHS is appointing a Special Assistant, DOD is designating an Assistant Secretary of Defense, and FEMA has appointed a Deputy Director. To improve coordination and centralize the policy-making structure within the Department of Justice, we recommend establishing in law a Deputy Attorney General for Combating Domestic Terrorism (DAG-CT). The position would have as its principal duty the development and coordination of the department's overall policy for combating domestic terrorism. The DAG-CT would report directly to the Attorney General. The DAG-CT and the Deputy Director of FEMA, as Co-Coordiators, should share responsibility for coordinating the Federal structure for combating domestic terrorism, including all of the relevant agencies, and for coordinating the national strategy.

II. The National Strategy.—The Congress, the President, and the National Security Advisor must be able to look to the Co-Coordiators to coordinate a single national strategy to safeguard this country from domestic terrorism. The national strategy should establish the policies, objectives, and priorities of the Federal government for preventing, preparing for, and responding to domestic terrorist attacks. The strategy should include specific objectives to be achieved. Also, it should include a recommendation concerning the role each Federal department and agency and State and local government entity should perform in combating domestic terrorism, as well as a recommendation concerning Federal training, equipment, exercise, and grant programs. The strategy should rest on four pillars: prevention/intelligence, preparedness, crisis management, and consequence management.

The sharing of information, especially by intelligence agencies and law enforcement organizations, will be critical to preventing acts of domestic terrorism. The Department of State also has an important role to play in preventing terrorism through its diplomatic and non-proliferation activities. The Co-Coordiators should work in close cooperation with the Department of State to ensure that we have a unified strategy for combating both domestic and international terrorism. Our level of preparedness will depend on our commitment to training, equipment programs, and regularly scheduled exercises which allow us to hone our skills. Our ability to respond to a domestic terrorist attack will require the close coordination of all entities with responsibility for combating domestic terrorism. Pre-established guidelines outlining agencies' missions and order of operations during a range of plausible threat scenarios must be developed and distributed.

The Co-Coordiators should be responsible for coordinating agencies' and departments' programs and policies so that they complement the national strategy. It will be the responsibility of the Federal departments and agencies to keep the Co-Coordiators apprised of any changes in their organization, management, or budgets as they pertain to combating domestic terrorism. All agencies and departments involved in combating domestic terrorism should participate in an annual review process coordinated by the Co-Coordiators, who should undertake this review on behalf of the President. In conducting this review, the Co-Coordiators should consult with the appropriate entities, including Congress and the State and Local Advisory Group. The Co-Coordiators should make specific recommendations regarding agencies' policies, programs, and objectives for combating domestic terrorism as well as monitor their progress in implementing the national strategy.

III. Justice Reorganization.—One office within the Department of Justice should oversee the work of the entire Department on domestic terrorism issues. This office must work on a daily basis with FEMA as well as with the FBI's Counterterrorism Division. The DAG-CT, along with the Deputy FEMA Director, should be nominated and confirmed by the Senate. The DAG-CT would not be in any other chain of command within the Department of Justice and would not be considered as a successor to the Attorney General. As with the Deputy FEMA Director, this position is recommended solely to address domestic terrorism, and in no way should compete with the present Deputy Attorney General position.

The National Domestic Preparedness Office (NDPO), currently under the FBI, should be transferred to the DAG-CT. The original mission of the NDPO was to serve as a point of contact for State and local governments. Because of its strong ties to the emergency management community, FEMA should assume the role of "one stop shop" for State and local responders seeking information about Federal assistance and training programs.

IV. Budget Reviews.—There is currently no mechanism for coordinating Federal spending for combating domestic terrorism and domestic preparedness programs. There is no process through which the President may determine what is lacking and what is redundant in our national strategy to combat domestic terrorism. A five year budget plan to implement the national strategy should be coordinated by the Co-Coordiators in con-

sultation with the program managers from the relevant departments and agencies. The Co-Coordiators should work closely with the departments and agencies as they prepare their annual budget submissions.

V. Chain of Command.—The Senate hearings demonstrated that there is still a need for a coherent chain of command at the Federal level during the response phase of a terrorist incident. During a recent exercise, agents from the FBI and Bureau of Alcohol, Tobacco, and Firearms (ATF) argued for an hour over who was "in charge" at the scene, while actors playing the part of the wounded and dying got hypothermia. This confusion is the result of a poorly understood and communicated chain of command.

The Federal Response Plan (FRP) and Concept of Operations Plan (CONPLAN) identify which agencies must respond at what point in time and what function each agency must perform or lead. These plans have not been effectively communicated to responders at all levels, from local to Federal. Furthermore, these plans were designed for a number of different disaster scenarios. This "one size fits all" approach coupled with the lack of detailed understanding of the plan at all levels, is responsible for the confusion encountered by responders at the scene.

We recommend that the Co-Coordiators develop "challenge specific" plans based on the FRP and CONPLAN to suit each particular type of terrorist incident: nuclear, chemical, biological, radiological, cyber, agricultural, and conventional. The plans should focus on application of the unified command structure across territorial, jurisdictional, and intergovernmental lines. The resulting matrix of response plans should also reflect the possibility of a simultaneous attack involving two different types of weapons, particularly a cyber attack.

The purpose of creating a separate response plan for each type of attack is to minimize delays in decision-making and expedite action-taking. A plan that is tailored to the specific response requirements of a chemical, biological, nuclear, radiological, or conventional attack will provide a chain of command that is automatic. We further recommend that FEMA expand its efforts to provide FRP and "challenge-specific plan" training and education to Federal, State and local response personnel. To this end, FEMA should support and cooperate with existing DOJ training and planning efforts to ensure the broadest dissemination and to avoid duplication.

VI. Risk and Threat Assessments.—Federal programs to combat domestic terrorism are being initiated and expanded without the benefit of a sound threat and risk assessment process. Although it is not possible to reduce risk for all potential targets of terrorism, a rigorous and continuous assessment of risk can help ensure that training, equipment, and other safeguards are justified. Such programs must be implemented based on the threat, the level of uncertainty surrounding that threat, the vulnerability to attack, and the criticality of assets.

Because the threat terrorists pose is dynamic and countermeasures may become outdated, risk assessments must be continually updated. A multi-disciplinary team of experts selected by the Co-Coordiators should generate these assessments as well as a plan for ensuring their currency. Regularly scheduled exercises will provide an opportunity to demonstrate and validate the national strategy. This process is crucial to ensuring that initiatives are based on reality and are proportional to the threat.

VII. Research and Development.—The research, development, testing, and evaluation (RDT&E) of technologies to combat domestic terrorism is currently under-exploited, yet holds enormous potential to prevent—mainly through detection—domestic terrorist incidents. The United States will never be able to prevent all domestic terrorist incidents, but we have an obligation to do more. If we fail to prevent, then we must be ready to respond. Our expertise must be more aggressively focused on technologies for detecting and analyzing chemical, biological, explosives, nuclear, and radiological materials.

We recommend that the Co-Coordination coordinate with all the institutes in this country currently involved in RDT&E of combating terrorism-related technologies. Among these entities should be the first responders, the training centers, the National Laboratories, the National Institute of Justice, the National Institute of Standards and Technology, the National Institutes of Health, the National Academy of Sciences, private universities, and private industry. Terrorist cells are increasingly adaptive with respect to technology, and we must be able to anticipate future capabilities. The Co-Coordination should therefore be tasked with coordinating a technological blueprint for the remainder of the decade. This plan should be based on sound needs and threat assessments and should be set specific goals to be accomplished within a defined time frame.

Mr. ROBERTS. This letter followed 3 days of hearings in which bipartisan Members of Congress asked detailed questions of some 46 Federal agencies. Senators STEVENS, WARNER, SHELBY, GREGG, and ROBERTS offered this letter as a blueprint from which to eliminate the current patchwork quilt approach and renew attempts to forge a national strategy to combat terrorism and safeguard our national security.

Let me warn that this act of terrorism may well be just the beginning. We must understand our enemy. In this regard, I quote from a retired Army officer and author, Ralph Peters, who warned several years ago:

These warriors are made up of the true believers, those who will die for a cause, whether religion, a nationalist vision, or a conviction of ethnic superiority, and a desire to avenge wrongs suffered whether real or imagined. Even when they are our enemies, they are heroes to their own people—another thing we do not understand—witness the young Palestinians waving flags upon learning of the terrorist attack against the United States.

They do not deal rationally with our standards and we falter when we rely on them to do so. Repeatedly, we have failed to see the appeal of the upright man, perceived as such by his own people, who hates us and who is willing to propagate endless slaughter to drive us away and to use weapons of mass destruction when required.

This pool certainly includes the Osama bin Laden of the world.

Again, we should not underestimate the nature and character of our enemies. And they are our enemies. Let me recommend to all of my colleagues the book by Samuel P. Huntington, "The Clash of Civilizations and the Remaking of the World Order." His book should be required reading for all of my

colleagues and those within the national media and all interested in preserving democracy, freedom, and Western values.

He quotes Arthur Schlesinger Jr. as stating Europe and America are the unique source of individual liberty, political democracy, and the rule of law, not to mention human rights and also cultural freedom. It is precisely these unique concepts that are now under attack and why we must have an international response.

The principal responsibility of Western leaders, especially now, is not to attempt to reshape other civilizations in the image of the West, which is beyond our power, but to preserve, to protect, to renew the unique qualities of Western civilization where they have been nurtured, appreciated, and taken root. That responsibility overwhelmingly falls to the United States of America.

That statement has foreign and national security policy ramifications that deserve a great deal more comment on this floor at a later time.

I will add one other thing. Every witness before the Emerging Threats Subcommittee, when we asked about the threat against the United States, said: It is not a matter of if but when.

When is now. The tragedy is now. It will not stand. It will not stand.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. CANTWELL. Mr. President, yesterday's vicious terrorist attack left an uncounted number of Americans dead and injured, and countless others grieving for friends and loved ones they have lost. We offer our hearts and prayers to those people, who have suffered a pain so deep it is beyond understanding. We support them in their pain and grief, we also share it.

Every American was wounded in yesterday's attack, because it was an attack on our freedom and fundamental values as a people. Some have called this attack an act of madness, but it was not. It was an act of war—an organized, coordinated, premeditated murder of thousands of Americans, designed and carried out for political advantage. We will not allow it to go unpunished.

We will stand behind our President as he brings our law enforcement, military, and intelligence forces together to find these murderers and their allies. And as he takes the steps necessary to demonstrate clearly to all the world that terrorism against our nation will not be tolerated.

Here at home we must continue to work together to bind up the wounds of this nation and heal the widespread injuries and anxieties that these acts have caused. We are profoundly grateful for the efforts and sacrifices made by the relief workers, police, and firefighters—and we deeply grieve for those heroes who lost their lives yes-

terday in New York trying to save others.

This isn't the first time terrorists have tried to attack the United States—and it won't be the last. An orchestrated terrorist attack was stopped in Washington State when terrorists bringing explosives into the United States from Canada were intercepted. They intended to plant bombs at a New Years Eve celebration in downtown Seattle and to kill as many people as they could. Fortunately, that plot was uncovered and stopped. This time, we weren't so lucky.

Attacking this country is not enough to defeat it. It never has been. This is something our enemies have discovered again and again. America's history is the story of a Nation, of a people, who have repeatedly overcome what have seemed like insurmountable challenges.

I thank the Chair.

Mr. President, America began as a nation by overcoming tyranny. We will continue by overcoming terrorism, and we will do it without sacrificing who we are as Americans. We will do it by supporting those who have been injured and giving sympathy and support to families who have lost loved ones. We will do it by refocusing our efforts on more security efforts, and we will do it by upholding the principles that we all believe in of "liberty and justice for all."

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, as our Nation mourns, my prayers—our prayers—are directed to the victims and the families of the victims who died yesterday at the hands of world terrorism.

As many have noted today, America finds itself at war. The question still must be answered: Against whom? And what exactly will be our response? But the fact itself cannot be doubted. At this time, most observers suppose that yesterday's terrorist attacks were perpetrated by a well-known terrorist group. My remarks will be based on that reasonable supposition. It is further supposed that these attacks could not have been mounted without state complicity. There are strong suspicions as to which state has primary culpability. Once that determination is made with reasonable certainty, the U.S. response must include a strategic assessment toward that regime, or possibly regimes, as well as tightening domestic security and reassessing our attitude toward terrorism as war.

In the comments about yesterday's events, it is good to note that most are talking about being at war rather than our usual tendency to look at these acts as exclusively criminal acts. For example, in past U.S. policy toward foreign-instigated terrorist attacks, such as the World Trade Center bombing in 1993, the U.S. Embassy attacks

in Kenya and Tanzania, Khobar Towers, or the U.S.S. Cole, they have been based on the "criminal model." This is the notion that our main task is to gather evidence, identify and apprehend perpetrators, and build a case sufficient to convict them beyond a reasonable doubt in the court.

This criminal model obscures the strategic implications, which should be our main concern. The criminal model should be replaced with a warfare model adapted to 21st century conditions in which war no longer means a confrontation along a defined front between armies fielded by industrial states. Instead, under conditions in which the distinction between state and private violence is not relevant, war means determining within a moral certainty the responsible actors—state or nonstate—and delivering a devastating punitive and exemplary reprisal. Consideration should be given to a congressional declaration of war against such state and nonstate actors.

Based on past experience, it is inevitable that part of the response will involve a further tightening of security procedures right here in this country. These measures, which almost never are removed once they are put in place, have little utility, except to tighten Federal control over Americans, and it really should be minimized. That is not to say we ought not look at them, consider them, and where they are best used, estimate their value—but not overestimate the outcome. More importantly, they are a measure of our failure of strategic vision.

Instead, we should concentrate on identifying the hijackers who flew the airplanes to their targets, and determining how they entered the United States. This is what we ought to be about. Misguided efforts to relax bars to aliens on whom security agencies have derogatory information should be shelved. Border controls should be tightened.

While targeted reprisal is a necessity, it should be accompanied by a comprehensive reexamination of U.S. post-cold war strategy. Currently, that strategy is largely based on cold war inertia, consisting primarily of maintaining, extending, and perpetuating our status as "the world's sole-surviving superpower"—in effect, exercising global hegemony, and preventing the emergence of any potential rival, such as China or Russia.

This policy, with its focus on global dominance rather than domestic defense, where it should be, makes the United States more vulnerable to terrorist attack, not less. We have to look at global policy, but clearly we must focus now more than ever on domestic defense.

This policy must be replaced by one that places a priority on the defense of our sovereignty, our people, and our territory. With regard to yesterday's

attacks, our global strategy should be reexamined to include undermining the harboring regimes or regimes by diplomatic and possibly military means; adopting a more positive policy toward nearby countries opposed to such regimes; and pressuring countries with which the United States has friendly relations, but that may be supporting the harboring regimes, to cease that support.

These efforts will require a thorough assessment of American policy. No part of it can be left out. We do not stand in a situation of isolation today. Our neighbors will gather around us. Let us examine ourselves into the 21st century. Let us use our ability in that context to shape a new foreign policy and resolve that what happened yesterday in this country shall never happen again.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, the calendar and history rarely perfectly coincide. It was remarked that the 20th century really began in August of 1914 with the commencement of European hostilities. It may, on reflection, prove to be true that the 21st century did not begin when that famous ball fell in Times Square; it began on September 11, 2001.

The world has now been introduced to a new and difficult struggle against terrorism, asymmetrical war, held along the fissure lines of culture, prosperity, and commitment to law.

I regret that the front lines of this new struggle have formed through the communities I represent in northern New Jersey and our neighbors in New York City. Last night, children waited at home for parents who never arrived. Spouses held dinner for husbands and wives who never came home. The battlefield of this new war was Manhattan and Jersey City and Fort Lee and Queens. We are all soldiers.

There is a temptation to accept that this new chapter in the war on terrorism in a new century is merely a continuum of the same. Perhaps the scale and the intensity is only different from Lebanon or Saudi Arabia or, indeed, the World Trade Center itself 8 years ago.

By definition, it is fundamentally different. The very scale of this attack and the premeditation of those involved suggest that the organizations or the nations that planned this attack intended to strike at the Government of the United States itself.

I offer these observations not because I differ from the President of the United States but because I offer my support and because I believe that, as a Congress and as Americans, we must all stand together in this moment when we are all tested. But I do offer a difference in my observation. The arbiter of this act of terrorism will never

be a jury. It is history. It is not those who were agents in the commission of this crime that we seek but the organizations that are responsible.

At the outset, it must be made clear this is not a law enforcement matter. It does not matter who rented the cars or even who flew the airplanes. They are agents of others. I will find no satisfaction in their indictment, whether they are alive or deceased. It is those who wrote the plan, harbored the conspirators, gave them sanctuary within their borders.

It is not enough that we are pursuing a legal case against those who are responsible for this crime. It has become axiomatic to suggest an act of war has been committed against the United States. Those are our words. But our deeds are suggesting that we believe we were simply victims of a hijacking, that a murder was committed, a crime of large proportions but ordinary in concept.

We are missing the point. If those who committed this crime wore uniforms or had a flag or a capital, the response of the United States would be clear: This operation would be run from the military, not the Justice Department. It would be the Air Force, not the FBI, conducting operations.

I support the President of the United States, but I do believe, with all respect, we are not properly conceiving the magnitude of the moment. A fissure of history was reached yesterday, and in all of our sorrow and our grief, we are not yet seizing the moment.

It is my belief the President of the United States should come to this Congress and ask for a declaration that since September 11, 2001, the U.S. Government is engaged in general hostilities against a series of terrorist organizations; that in these hostilities, we will not respect the sovereignty of those nations that give safe harbor to those who committed acts against our country and our people.

I recognize that it is not possible with precision to identify every organization that was complicitous or involved. I also do not believe that it is necessary. Many of these terrorist organizations previously committed acts against the United States. Others are known to have planned such operations. Many have the intention of committing such acts. Together they represent a network that is a worthy and legitimate target of our hostilities.

Second, I cannot return to the people of New Jersey who have lost hundreds or, tragically, even thousands of citizens without explaining the role of the U.S. Government in their defense. The scale of what occurred in the last 48 hours may have been unpredictable, but the source and the means and the targets were not.

The American people have trusted this Government through our intelligence communities to defend our Nation and its people and our varied interests. This has not occurred. It is my belief that the President of the United States should form a board of general inquiry to review the actions of the U.S. intelligence community and the failures which led to this massive loss of life and compromise of national security.

It can never be enough to explain that the unforeseeable happened to the unprotectable because neither is the case.

Only two decades into the 20th century, Winston Churchill remarked: What an extraordinary disappointment the 20th century has been.

Here in our first year of a new century, on behalf of all those at home who suffer, who have dealt with unconscionable acts, let me simply say what a disappointment the 21st century has already been.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, today our entire Nation confronts an evil inflicted upon it by those who resent our values and our way of life. All of us address the Nation as Americans, not partisans. That is as it should be when we are hit by a tragedy of this magnitude.

I first want to join my colleagues in assuring our fellow Americans our Government is carrying on the business of the people. Our Nation has not bowed and will never bow to violence and terror.

Second, I join in expressing our love and concern for the victims of these evil deeds. We will never forget them.

Third, if our words are to have effect, we have to change the way we deal with terrorism. Things have changed. No nation can ever be completely safe from threats to its security, but sadly today our Nation is forced to recognize what many of us have long known: that America is vulnerable to attack. But there are steps we can take to make it safer.

As members of the Intelligence Committee, and as chairman and ranking member of the Senate Judiciary's Subcommittee on Terrorism, respectively, Senator DIANNE FEINSTEIN and I have held a series of hearings on recommendations about how to deal with terrorist threats. Some have to do with the overall organization of our Federal Government to deal with these threats and the aftermath of such attacks. Others bring Federal law into conformity with law enforcement and the intelligence community needs to pursue evidence and information necessary both to thwart terrorist attacks or to prosecute the perpetrators.

Former FBI Director Louis Freeh testified before our Terrorism Sub-

committee for several years that he needed certain legal authorities to investigate these kinds of crimes, including things such as trap and trace authority which would give the FBI greater ability to trace computer crimes to their source; additionally, recommendations to put countries on the terrorist lists that are not currently there but that ought to be; to make a better effort to limit fundraising of terrorist organizations right here in the United States; to examine the so-called Deutch requirements pertaining to criteria for recruiting agents—this cripples our efforts to infiltrate certain terrorist organizations—to enhance information sharing and cooperation between law enforcement and intelligence agencies such as the FBI and the CIA; to examine the safety of our airlines and our airports. Clearly, measures must be taken to increase security here.

Two years ago, the major airlines at Boston's Logan Airport and the Port Authority were found to have committed 136 security violations. In the majority of incidents, screeners hired by the airlines to staff checkpoints in terminals routinely failed to detect test items such as pipe bombs and guns. These glaring security failures must be the subject of prompt congressional scrutiny. We must reevaluate our intelligence-gathering activities worldwide and devote appropriate resources.

The Nation had no warning of this attack, though it was clearly long planned and very well coordinated. I join my colleagues in calling for prompt hearings to examine this failure of our intelligence network.

We must now assess how we ascertain what information is credible about attacks from abroad and how we might have missed what was clearly an elaborate plot to undermine and demoralize the United States. In the process, we should recognize the information which would justify the action is very difficult to come by in cases such as this.

A very important point is that our Nation must decide how it is going to deal with terrorists and the nations that harbor them after attacks of this kind. President Bush, in his statement yesterday, emphasized this point.

Terrorists are frequently protected internally by certain nations or they are very much on the move and difficult to find. But after we have identified who is responsible, if the perpetrators cannot be brought to justice in the United States, then, as other speakers have noted, we must be prepared to take other appropriate action.

The legal authority to do that could be in a new form of declaration of war, a war on the terrorists who engaged in this evil activity, as well as those who harbor and support them. In the end, the greatest way for us, as leaders, to confirm our commitment to the vic-

tims of this evil is to dedicate ourselves to a real and forceful battle against this terrorism. Action not words, that is the challenge before us. As Prime Minister Winston Churchill said in 1940, "Let us brace ourselves to our duties."

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, we awoke yesterday to a much different world than the world we are required to accept today. On the most basic and fundamental level, we have lost the lives of heroes and victims, and we know that behind the devastating numbers we have all been seeing are real people, with real families, with real lives, with real accomplishments, and real hopes. We also know sadly for all of us that we can never, ever reclaim those lives.

We can honor them and remember them, and in their names we can devote ourselves to take every action to assure that no other Americans have to make this supreme sacrifice.

My Scripture teaches us to weep with them that weep and be of the same mind one toward another.

I speak now to the families of those who have been taken. We in this Chamber cannot erase yesterday, although we wish with everything inside us that we could. In the difficult days and years to come, we will keep their lives and their names and their sacrifices in our hearts, and we will translate our grief and our anger into a determination to prevent this tragedy from ever being repeated.

I know this is little solace for their extraordinary loss, but it is an important commitment that I truly believe every one of them would wish us to make. We will not forget, and we will act.

For 225 years now, America has been more than a nation—state, more than a set of borders, more than a piece of land. America is an idea, and that idea is freedom: Freedom of thought, freedom of movement, freedom to shape our lives and our society the way we choose.

Yesterday morning, it was not just America that came under attack. It was the hopes and aspirations of freedom-loving people all over this world.

There is a reason America does not bow to terrorism. There is a reason we live by the rule of law and not the rule of the jungle. There is a reason we return to our homes and offices and reclaim our skies and our pride. There is a reason we will marshal our resources, all our resolve and the awesome strength of our military to catch these death mongers, to punish them, to make them pay for what they have done to us and our people because we surrender our freedom to no one.

I commend President Bush for his leadership in this extraordinarily difficult time. I urge all my colleagues on

both sides of the aisle to stand with him.

From time to time, from issue to issue, the votes in this Chamber are divided, but when it comes to defeating terrorism and hate, the Senate will not be divided.

Some have wondered, in the aftermath of this tragedy, whether our country will ever be the same. We need to make our airports safer, and we will. We need to make our flights more secure and their flight patterns more inviolate, and we will. We need to do more to root out terrorism in the countries where it is tolerated, funded, and harbored, and the world can rest assured that we will.

The strength of our Nation is measured not in airport scanners or in flight controls; it is measured in the grit and the will of our people when it is needed the most. By that standard, America is the strongest, toughest, most resilient Nation on the face of the Earth.

Scripture also tells us "whoever shall be great among you, let him be your minister; and whoever shall be chief among you, let him be your servant."

Mr. President, we glimpsed that greatness yesterday in the rescue efforts in New York City and at the Pentagon—policemen, firemen, military personnel, and so many brave volunteers putting themselves and their lives in harm's way to help others. Too many of them paid the ultimate price for their acts of courage.

My Senate office was flooded yesterday with calls from concerned people in North Carolina, people who wanted to give blood, to donate clothes and blankets, to open their hearts in this time of solidarity. I am especially proud that a group of Marines from Camp LeJeune in Jacksonville, NC, is preparing to leave for New York now to assist in any way they can.

Today, we can't help but think how fragile is the safety and security we have been taking for granted. But throughout our history, we have weathered war and pestilence; we have met every kind of disaster, both natural and manmade; we have mastered every challenge and conquered every foe.

The spirit of America is strong. The power of freedom will overcome. And by reaffirming that freedom through strength, justice, and compassion, we will honor the memory of those who have departed and give renewed purpose to those of us who must now carry on.

I yield the floor.

THE PRESIDING OFFICER (Mr. JOHNSON). The Senator from Colorado.

Mr. ALLARD. How much time remains?

THE PRESIDING OFFICER. Five minutes.

Mr. ALLARD. Mr. President, President Bush last night did what many of us do in times of trouble: He prayed.

When we prayed last night, we did so not only for those who were injured or killed yesterday, but for what our nation and people are still to face.

After the horror of yesterday, there are still other horrors to come. One of those horrors will be the casualty figures. The disaster is so large we don't even yet know how large it is. Some time, in the next few weeks, we are going to hear a number, the number of the dead and permanently missing. It will probably be in the thousands.

I would like to take a moment to mention Capt. Jason M. Dahl, the pilot of United Airlines Flight 93. This 43-year-old Ken-Caryl Ranch, CO, father spent most of his workdays training others to fly Boeing 757's and 767's. That way, according to newspaper reports, he got to spend more time with his wife and teenage son, Matthew. But trainers must fly every so often, and Dahl apparently scheduled himself on Flight 93. He died yesterday morning when the plane slammed down into a Pennsylvania field. This is one name, one short background, and there will be thousands more.

But America is strong. No terrorist can undermine our country. There is no casualty figure that could come from this that will make us lose our fundamental purpose as a nation and a people. Anyone who doubts this only needs to look at the flags popping up on streets, the lines outside blood donation centers, the supplies being gathered for the survivors. America has long exported compassion by responding to African droughts and Central American hurricanes and European earthquakes. Now we have to deal with a massive tragedy in our own land, and I am sure we will do so strongly.

I was in a meeting yesterday dealing with Middle East security when my Chief of Staff came in and told us that the building was being evacuated. It occurs to me that aspects of life in the Middle East—terrorist attacks, public fear and public mourning, heavy domestic security, checkpoints, rigid airline safeguards—could quite possibly be incorporated into the American way of life as well. Things that we have seen before only on TV broadcasts from foreign lands could be brought home to us, right here in America.

I trust the Nation will understand that these new measures might change our lives, but not our way of life. Increased security might, for instance, add to travel time, but not effect our ability to travel. Just as we learned to live with safety wrapping on store bought items and metal detectors in public buildings, we are going to have to learn with new airport and border security.

Our Nation once also learned, through necessity, to deal with the potential of nuclear war. Some of the old Cold War defenses we incorporated into our lives were even able to assist us in

this new war we face. The North American Aerospace Defense center—NORAD—in Colorado Springs was monitoring the hijacked airplanes yesterday.

We in the Government are going to have to answer "What next?" The Senate has already approved supporting increased resources in the war to eradicate terrorism, and supporting the president in punishing the perpetrators of the attacks.

The phrase "war on terrorism" has been used lightly before. This is a war. And this war cannot be fought by, as I have heard it mentioned, by just using cruise missiles to blow up tents in a desert.

I thank again the thousands of personnel who have responded, in New York, Pennsylvania and Washington, to the crisis. Especially those whose response only meant that they themselves became victims of this hostile tragedy.

This morning New York Mayor Rudy Giuliani said "we are better than they are." A simple statement, but it accurately reflects a truth. America is better than evil terrorists, America is better than sneak attacks on innocent civilians, America is better than fanatics, and America will prevail in this crisis.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, today we know our duty as Americans. We will bury our dead, we will comfort our wounded, we will honor our heroes, and we will protect and defend our Nation. We will stand as one against the treachery visited on America on Tuesday, September 11, in the year 2001.

We invite our friends and allies among the civilized nations to not only share our grief but also to share our determination to end the scourge of terrorism. The enemies of America, the enemies of freedom, unleashed their fury yesterday in New York and at the Pentagon in an effort to destroy our resolve. Our enemies have failed.

Today our hearts are heavy for all of the innocent lives lost and scarred by these barbaric terrorists. But our resolve has not been shaken. We stand as one, committed to freedom. We stand as one, committed to tolerance. We stand as one against those who kill the innocent in the name of righteousness. We stand as one against those who in the name of God perpetrated godless acts.

In the days ahead, we will undoubtedly learn of unparalleled, selfless courage by so many, the firefighters and police, who awakened yesterday as they did every day of their professional lives, pinned their badges and shields over their hearts, and risked their lives for people whose names they never knew, of the hundreds of firefighters who streamed into that inferno at the World Trade Center while every human

instinct told them to flee the overwhelming danger. We will never know the details of their many courageous acts nor about the battles waged on the airliners hijacked by the terrorists. But we owe the deepest debt of gratitude to all of those Americans who demonstrated remarkable heroism at America's time of testing.

I say to the families of those fallen heroes and to all of those who suffered a loss from this violence: This Nation will stand by you as you rebuild your community and your life.

I say to our friends in Israel: This attack on America was an attack on our alliance and our common values.

The terrorists set out to bring America to its knees. Instead, they have brought America to its feet, stronger than ever in our alliance with Israel and more understanding of the price terrorism exacts from the heart and soul of people.

A word of caution to all of us: As we identify the sources of terrorism, it is possible we will look to an Arab person, or a group of Arab people, or those of the Muslim faith. We should never allow those facts, if they turn out to be true, to cloud our judgment when it comes to our fellow Arab Americans and those who believe and practice the Muslim faith. Many of them share with us the pain and sorrow of yesterday's tragedy.

Let me bring this tragedy very close to home. During the course of the Civil War, Abraham Lincoln came to Washington as the new President. The States began to divide into the Confederacy and the Union. When he arrived, this Capitol dome which you see outside was under construction. Many people went to the President and said: Mr. President, we can't afford to wage a war and build this Capitol dome. He said: Yes, we can, because that Capitol dome represents the unity of this country and what we will be after this war. During the Civil War, he continued the construction of that great dome we see today. And Lincoln was right.

We should take lesson from that. As we talk about security in America, we should understand that one of the prime targets is the building I speak from—this Nation's Capitol, which attracts millions of visitors every single year. We owe those visitors, their families, and the thousands of people who work here the security and peace of mind of knowing that we have done everything we can to protect them in this age of terrorism. That means building a national visitors center, one which provides the security they deserve. This beautiful 19th century building should have 21st century security. I am happy to say that Senator BENNETT of Utah as well as leaders on both sides of the aisle believe this is the moment when we should make that commitment to the national visitors center.

The last item to which I will make reference is a small one, but it is espe-

cially irritating. Yesterday in my home State of Illinois, after this tragedy was reported in New York, many gas stations across our State raised the price of gasoline dramatically to as high as \$5 a gallon. Profiteering in a time of national crisis is the lowest form of citizenship. It is little better than looting during a national tragedy. I have called on the residents of Illinois to report to me those stations that did it. They should be ashamed. And we will report their findings and their stories to the investigation of the unfair gasoline prices we have seen in the Midwest.

Let me close by saying this: America will be tested now. We will be tested because of this tragedy yesterday. Some people said if we can just identify that one person who is the leader of this terrorist group and somehow capture or take him away, we will end the terrorism. That is so naive. Cutting off the head of one serpent doesn't clear a viper's nest. This is a network of terrorism throughout the world that really threatens every civilized nation, and we have to understand the complexity of the challenge we face.

In closing, I am reminded of the comments of Winston Churchill in the House of Commons on October 8, 1940:

Death and sorrow will be the companions of our journey; hardship our garment; constancy and valor our only shield. We must be united, we must be undaunted, we must be inflexible.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, perhaps because I represent the State that has the youngest age population in the country, I approach this subject from a different point of view.

Many have said that this terrible, cowardly attack against our country by terrorists is similar to the experience we had at Pearl Harbor. I think perhaps Senator INOUE and Senator AKAKA might have had similar experiences. But those of us who were alive and part of the younger generation then did not have the experiences that our young people had yesterday as they watched and were just mesmerized by the live coverage as two great buildings collapsed, of people jumping from those buildings, of the knowledge of how many people were killed and injured, of seeing our Pentagon struck.

This vividness has affected the young people of our country much more than Pearl Harbor affected us. We had been acculturated to the fact that we were going to war. We had watched in the newsreels in 1939, in 1940, and 1941 the Germans marching across Europe and the Japanese raping Nanking. Such things came at us in a small bite, as we might call it today, with a little exposure here and there.

If our generation truly is the greatest generation, it is because of our par-

ents and our guardians and our teachers. They prepared us for what we knew would be our duty to fight a war to restore freedom in the world.

Our young people yesterday saw just this total exposure to death and the effects of terrorism. I think we have to be aware of that. They have not been prepared as young people in this period of time, when they have all of these freedoms to the exposure through so many means of communication and acquisition and knowledge. I believe our young people are in a state of shock. It is time we thought about that and what it means to America to have this sudden awareness by so many people, particularly young children and the younger generation, becoming exposed to the visible impact of terrorist activity.

We don't live in a country like Israel where they have been attacked on the streets and they have seen bombing every day. We have really been living the life of luxury in terms of not being exposed to this type of activity. But it is here now. We were exposed to it yesterday. I don't think it is over.

I call on the Senate and the Congress and the President. I hope we think about the young people. I hope we take the time to explain to them why we are going to retaliate. I hope we take the time to explain to them why we are going to change some of the security procedures of our country in terms of getting on and off interstate and even local transportation. I hope we explain to them why there are no people in the gallery here today—which I object to, by the way.

But I think it is incumbent on those of us who are mature to try to guide these people toward the goal we hope they will pursue with us; that is, the goal of pursuing the perpetrators of these vicious terrorist attacks against the United States, and to support us in what we have to do. We should take time to understand their feelings. We should take the time to try to explain to them why we may not react the same way they would.

I had calls from all over the country yesterday. I don't know if everyone else did. I assume so. I certainly had an enormous number of calls from home. They were asking if I was safe and if my family and my staff were safe. And the totality of the experience they had, people around the country, in viewing what went on—I have to say myself, I was totally shocked when I saw that first tower come down. And then when the second one came down, I just felt a lump in my stomach.

The point is, I hope we act in terms of understanding that we have a job to lead the country, to have people understand what we are going to do in the future. If I have anything to do with it, we will finish our work here very quickly. I think we should bury our differences, find a way to move the appropriations bills, deal with the subjects

we have to deal with, and go back to our homes to try to assist people in understanding why we are going to act as we must act; that is, we must deliver the most fierce retaliation against these people that the world has ever seen, because if we do not—if we do not—we are going to have some copycats around the world who think they, too, can take a crack at this country. That is something I would not like to see.

But I hope we all keep in mind and think of the young people, think of the children, and try to explain to them what they saw and why we are going to do what we must do.

Mr. President, II Corinthians, 4:8-9, states:

We are hard pressed on every side, but not crushed;

Perplexed, but not in despair;

Persecuted, but not abandoned;

Struck down, but not destroyed.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, yesterday's terrorist atrocities against innocent Americans were vicious and horrifying. They were acts of unspeakable cruelty unleashed against the American people in a shameful attempt to spread chaos throughout our nation and instill fear in the hearts of our citizens. But such acts will not succeed, and they never will succeed.

No American will ever forget watching a hijacked civilian aircraft crash into the towers of the World Trade Center, or seeing the plume of smoke rise from the Pentagon in the aftermath of the terrorist attack. No American will ever forget the sense of anger and vulnerability that swept our nation yesterday, when thousands of innocent lives were suddenly, and senselessly ended by the vicious acts.

My heart goes out to the victims of this attack and their loved ones. The American people share our anger, our grief—and our resolve. We cannot bring back the lives of the fathers, mothers, sons, daughters, brothers, sisters, relatives, and friends—although we wish desperately that we could. We cannot yet fully answer the complex questions that haunt the country about this atrocity. As we search for and find the answers, we pray for the victims and their loved ones, and we hope that they will find a measure of peace and comfort from our prayers.

This is a massive tragedy for America, and we must make clear that our national resolve will not be weakened. Our country has been tested and tried in the past, and we have always emerged stronger and wiser. We will do so again now. America's commitment to the values of freedom and justice has not been shaken in the past. It will not be shaken by these acts of terrorism.

I commend President Bush for his strong statement last evening about finding and punishing the perpetrators

of this atrocity. Those who murder American citizens must have no safe hiding place, and those who shelter terrorists must be punished as well. America will do everything possible to apprehend the perpetrators and to identify and punish those who give them aid and comfort.

Like December 7, 1941, September 11, 2001 will be remembered as a day that will live in infamy. Just as the Pearl Harbor attack galvanized the American people in their resolve to prevail in the war against fascism and tyranny, I am confident that yesterday's attack on the American people will galvanize our citizens and strengthen our spirit to prevail in the ongoing war against global terrorism.

It is tragic that these criminals were able to succeed in carrying out the most brutal terrorist attack in history on American soil. I pledge to work with the President, the Congress, and the families of the victims to seek answers to the many questions that exist, and to do all we can to strengthen the security of our people and to prevent such atrocities in the future. The American flag flies high today, and so does our commitment to our ideals here at home and all around the world.

Mr. President, I want to commend my friend from Alaska for talking about the impact of this extraordinary violence on children. I think many of us have heard about and seen, as we were getting ready to come to work this morning, the counseling that is being provided to America's parents and children about how to cope with this violence.

As we seek to find those who perpetrated the crimes, we must also be resolute and sensitive to the extraordinary concerns about violence that will have an impact on a whole generation of children.

We have not focused extensively on this subject in the hours that we have discussed this resolution, but I thank the Senator for bringing this up. He is active in supporting the interests of children, and I think his point is extremely well taken.

This resolution was overwhelmingly supported by all Members. It is what we can do today. There will be other opportunities to support activities to address this tragedy.

The resolution recognizes the extraordinary suffering and the losses that have been experienced by so many families in America today. I think the focus, rightfully so, has been on New York, Pennsylvania, and also the Pentagon. But in my own State of Massachusetts, we have 39 parents who will not be returning home this evening. We have dozens of children who will be missing one parent, and in some instances, even two parents. There are scores of people who worked in the World Trade Center who were from Massachusetts as well. And that has

been generally true about so many other States.

Although the targets were in New York and the Pentagon—and Lord only knows where the other plane was headed—all families feel an extraordinary threat to their lives and well-being and to the lives and well-being of their children. So we all reach out to them.

I can remember very well the extraordinary way people came together in my State when five extraordinary firefighters perished in a fire in Worcester, MA, just a little over a year ago. They were brave volunteers, who sought to save two homeless people, and we now know that the homeless people had left after the fire had started. Because of the concern for the two homeless people, they volunteered and went in, and all of them perished. I remember the impact that this had not only on Worcester but on our State.

When I heard, for the first time yesterday, of the loss of some 225 firefighters, more than 50 police officers, and scores of rescue workers, it is something that families in my State felt very deeply about. I know Americans across this country feel very deeply about it.

We say our prayers for the victims and their families. We reach out to them. We feel, to the greatest extent that we possibly can, the senselessness of this violence. And we resolve with them to bring to justice the perpetrators.

I support this resolution because it commits this Nation to bring the perpetrators of the terrorism to justice. We have all heard the speeches here, and we are all resolute in this.

I join with my colleagues who hope that we will have the opportunity for resolution. It appears from the briefings we have received that we have had good fortune in moving the investigation forward, and I hope that we will be able to identify those who perpetrated the crimes and those that supported them. There is some indication for that hope, as we have heard over the last days. But as has been pointed out, we will need to be resolute in this undertaking.

We have 13 families in Massachusetts who lost relatives Pan Am Flight 103. Yet, it was only a few months ago that many of our colleagues were talking about lifting the sanctions. Many of our European allies, many of our oldest friends in Europe wanted to abolish those sanctions.

Mr. President, I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I can still name the names of those families who lost people on Pan Am flight 103.

Years after the Pan Am flight, if we are interested in combating terrorism, we are going to have to stay the course, stay resolute, persevere, and stay consistent.

Finally, I hope at this time we will not look for scapegoats. I hope that we are going to be careful, particularly with regard to our Arab-American friends. I hope that we will free ourselves from scapegoating and from the kind of conduct which would be helpful to terrorists who are interested in dividing this Nation in so many different ways.

We reject that. We must stick with the facts and follow them where they lead us and not involve ourselves in that kind of activity.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I think all of us who have an election certificate and who have been called upon to represent the citizens of our State feel an obligation today to come together as Americans, not as Republicans and Democrats but to come together in a way that says symbolically and in reality to our constituents that our ship of state is still on course.

Yesterday, America was called to endure yet another day of infamy. And in times of infamy, in times of tragedy, I find it helpful for us to refocus on the fundamentals that make us a great nation and a great people.

So I say to my friends, my constituents of the great State of Oregon, that this is a time to come together as a country the way the U.S. Senate today is showing it can.

Indeed, it is time, as individuals, to reach out to our neighbors, to love them better, to hold our families closer, and to serve our country with more determination than ever in the way we live our lives.

Yesterday I was, like all, shaken beyond words at this tragedy and was soon hustled into a room—a secure room—where I was in the presence of Senator DASCHLE, Senator LOTT, Senator NICKLES, Senator REID, TOM DELAY of the House, and a number of others.

It was not a large group, but it was a group that normally has daily differences. Those differences melted away, and what remained were Americans determined to seek the greatest good of our country.

That is the kind of unity that has preserved America through days of infamy of the past and can sustain us yet again today and in the future.

When I spoke about focusing on fundamentals, this morning I got out my little copy of the Constitution. The preamble is worth reading, as we, Members of this body, consider our responsibilities:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That preamble, that set of values, brought people of diverse interests to-

gether to make of States united States and the United States the leader of the free world. Freedom is not free. America knows that now in a renewed fashion.

Our duty in this Senate, in this Congress, and in this country is now to rescue what victims remain alive and to comfort the families of those victims who have perished. It is to restore our institutions and set aright the shaken confidence many feel.

Then it is to seek retribution that is careful but certain and as swift as possible. When I say that freedom is not free, I believe the American people will expect of us a heightened sense of security, but the balance, we must remember, is that as we seek security we not trample on liberty.

The great test of our time in this tragedy, as one who supports without reservation the State of Israel, is how we treat our Arab brothers and sisters who are citizens of this land. We must not repeat the mistakes of the past. We must be careful.

We are the leader of the free world. We must not trample on freedom, as we continue to lead. We are the leader of the civilized world. Our retribution must not target in any way innocent civilians. They are the leaders of the uncivilized world, and we saw their work yesterday. America is called to lead in a different way. We are called to lead the civilized and the free.

I say, God bless our fellow citizens who perished yesterday. I say, God bless America.

I take this opportunity to recognize some Oregonians who are doing their part to respond to this tragedy. The Oregon Disaster Medical Assistance Team has assembled and is prepared for immediate deployment by the Office of Emergency Preparedness. Many of their colleagues have already been deployed; the Oregon team is still on the ground awaiting availability of air transport. Their courage and willingness to serve is one of many bright lights that have brightened this dark day.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support this resolution.

Yesterday was a terrible day of terror. Today to me seems even worse. Yesterday, perhaps because the acts of war that were carried out against our people were so horrific, we responded. We moved forward. But it all seemed unreal. Today when I awoke, it seemed painfully real. It reminded me of terrible days in my personal life when I have experienced a loss of a loved one. You cope, and then you wake up with the reality and the pain is deeper.

We all feel that today, and we can only imagine, therefore, how deep and pervasive is the pain of those many families whose lives have been devastated by the acts of terror that were carried out yesterday.

I pray that God will be with them and the souls of their loved ones who are gone, that they will find comfort in good memories and strength from their faith in God.

I have been very proud to be a Member of the Senate over these last few days. And it continues today, as I listen to the statements we have heard in this Chamber which should leave no doubt of our resolve nor our unity in holding accountable those who attacked us yesterday and sought to destroy our Nation.

Today we are filled with the deepest feelings of anger and outrage. We want retaliation, and we will have it. We will not rest until we know who perpetrated these evils, and we will then respond with the full force of the righteous might that President Roosevelt summoned in 1941.

We must be careful not to mistake swift punishment for lasting peace. We are at war. That is true. But this war is dramatically different from the one we engaged in after Pearl Harbor. In this struggle, vengeance is not victory. Retaliation for yesterday's atrocities is only the end of the beginning of what should be our response, not the beginning of the end of that response.

If, in fact, as this resolution says, we are acknowledging that we are in a war against terrorism, then we must understand that this war is not against a single known enemy but a broad and elusive threat from the forces of terror. And if we are to win this war, if we are to protect our security and freedom, we must adapt both offensively and defensively to the true nature of this threat and commit ourselves to a long and difficult struggle.

We have several challenges ahead of us. First, of course, we must identify and punish the perpetrators. We must also honestly then assess our vulnerability here at home and then take swift and strong action to fortify the security of our critical national infrastructure from attack and to improve the ability of national and State and local authorities to respond to such attacks. We must consider with renewed purpose the proposals that have been made to create a new agency with responsibility for defense of our homeland, for the decades of security that our two oceans have given us are over. Our enemies can strike at us with terrorism, with cyberattacks, or with ballistic missiles. We must raise our guard here at home to those attacks.

We have been warned by many experts that the threats we will face in the 21st century would be different and more diffuse than those we had faced over the last half century. That is why we have embarked on a path of transforming our military and other Government agencies to better prepare to wage and defend this new warfare.

We must now move, after yesterday, with far greater urgency, for our enemies will not wait. They will not

delay. They will continue to work with single-minded determination to find our points of weakness and strike at them.

We must match and exceed their focus and determination. In doing so, we must not work and fight alone. This is not just our war. This is a war against democracy itself. In defending against those attacks, the world's other democratic nations must join together with us.

I am grateful for the decision by the North Atlantic Council today to find the acts of yesterday essentially acts, under article 5, acts of war against us which are acts of war against all of them.

If we are truly involved in a war against terrorism, then our allies in Europe and elsewhere must come to our side as we came to theirs in World War II and not tolerate and deal with and maintain normal relations of commerce or diplomacy with nations that harbor terrorists. We must convince them that they will either be allies of allies or allies of our enemies.

History rarely offers respite to victors. We won a magnificent triumph in the cold war. After World War II, we were once again at the pinnacle of power. But, once again, we face a new form of tyranny. I am confident that we can and will rise to defeat this new challenge just as we defeated the communism that rose to face us after World War II. Our love of liberty has not diminished, nor has our common sense of purpose in protecting it.

Succeed we can and succeed we must. The lives of our people, the security of our society, and the strength of our democracy depend on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, yesterday was a day of great darkness, the likes of which we have never seen before. Yesterday we saw the face of evil in a cowardly and reprehensible act against the United States. The tragic events were a grave reminder of our Nation's vulnerability.

Sadly, the light of a new day has continued to show us that the horror of yesterday was all too real. Our worst nightmare has come true.

We all lost something yesterday, something very precious and something very real. I don't think we will ever again look at the footage of terrorist activities overseas quite the same way again. The comforting thought that protected us in the past, "It can't happen here" is no longer comforting, because it has been shown to us in very real and stark terms—it can happen here.

President Bush has stated his resolve to find those responsible for this attack and bring them to justice. I support him in this effort and I am confident that President Bush, together

with the members of Congress and the people of America will come together in the next days and weeks as we mourn our dead and honor the memory of those who died in the attacks or subsequent rescue efforts.

Yesterday threatens to increase the anger we already feel in our hearts and make us cry out for revenge against someone, anyone.

We will not allow that to happen. We all know the real goal of terrorism is to turn neighbor against neighbor to make us fear and mistrust the people of our communities. With God's strength and support, and our faith and trust in Him, we can show that we are bigger and stronger than that.

Our strength as a nation comes from the different backgrounds, cultures, talents and abilities of our people. E Pluribus Unum, One out of many, is our Nation's motto for a reason. Yesterday we saw people of every race, religion and creed working together as Americans to help those affected by yesterday's attacks.

We will continue that work in the coming weeks, and, as we do, we will do something we have not had to do for many, many years. The task of cleaning up, repairing and building that looms before us is great, even for the greatest nation on earth.

Yesterday's events will raise a lot of questions that will need to be answered as we do our work. How did it happen? Why did it happen? What can we do to ensure it does not happen again?

They are all good questions and they will be investigated and answered. Vice President CHENEY has already been working on ways to improve and increase our intelligence gathering efforts. Now these improvements must be given the highest priority. As the Ranking Member of the International Operations and Terrorism Subcommittee of the Foreign Relations Committee, I pledge my time and my efforts to work with Members on both sides of the aisle and the Administration to address all the issues raised by these cowardly attacks.

As do most Americans, I find it difficult to understand how someone could plan and carry out an attack such as the one we witnessed yesterday. Part of our work will be to review and reconsider our foreign policies and to increase our awareness and sensitivity to the fact that our actions abroad are not always supported by some members of the international community. We need to be aware that there are those who hate the United States for who we are and what we represent in the world. There are those who view our nation and the freedom we represent as a threat to themselves and their way of life.

We will rebuild our cities, we will refresh our spirit, and we will renew our commitment to the principles upon which our country was founded. As

Mayor Giuliani said this morning, as we roll up our sleeves and get to work, we will emerge stronger than ever and face the future with a renewed spirit, united more strongly as one nation under God than we ever have been before.

It is time for us to reassure each other, to reach out to our neighbors, and to console our children that the world isn't a bad place, although there are bad people who live in it to be sure.

As we prepared to go to bed last night, I thought about the days years ago when I, as a father, would listen to my children say their prayers before they went to sleep at night. "And now I lay me down to sleep. I pray the Lord my soul to keep. If I should die before I wake, I pray the Lord my soul to take."

I thought about our children all over this country and around this world who went to bed last night who said those words and found a terrifying and frightening new meaning in them. They will all need the calm and reassuring touch of their mothers and fathers to assure them that they are safe and we are there to protect them.

Those that are responsible for this act of terrorism tried to take our spirit just as certainly as they tried to take as many lives as they could. They acted without regard for those in their path, just as they acted without regard for our freedoms or our way of life.

There is a price that will be paid for their actions. Maybe not today or tomorrow, but we will soon know who is responsible for these terrible acts of violence and they will be held accountable.

There will be a time for that, someday in the future. As the Bible tells us, there is a time for everything and a season for all things.

Now is the time to find the facts, develop a plan and make sure that every step we take in these next few days is warranted and necessary. For we are the most powerful nation on earth, and that brings with it a certain responsibility. The world looks to us now to see what we will do next, how we will handle the leadership the world has seen us exercise so well for so many years.

Now is also a time for healing and rebirth—for coming together in pride as Americans. Now is the time to renew our commitment to freedom and the principles upon which we are founded. Now is the time to reach out in prayer to God and to each other.

But for those who hear the sound of my voice and think we may falter in our commitment to America and our way of life, make no mistake. The light of freedom may flicker from time to time, but it always returns to a brilliance and luster just like the torch held proudly aloft by the Statue of Liberty.

One thing the terrorists never understood is that we are a nation of more

than just symbols, and landmarks and monuments, though they are all important and beloved by us all. We are a nation of strength and spirit and freedom and we will never yield our commitment to our principles, to each other and to our shared future.

Last night, today, and for a long time to come, people in Wyoming, in Washington, in New York and all over the country will be holding prayer vigils, attending Church services, and reaching out to one another in an embrace of faith, hope and love. That is how we will continue, one people, one step at a time, to assure each other of our support for each other and to ensure that this terrible tragedy never happens again.

We also join in prayer for the victims of this tragedy, for their families, friends and loved ones. We proudly recognize the efforts of our brave firemen, police and rescue workers who risked their lives to help those in need. Your efforts were greatly appreciated. You will never be forgotten.

Yesterday we witnessed both chambers of this great Congress come together as one, united in plan, purpose and resolve. May we continue to work together to make our nation stronger and the world a better place for us all. It won't be easy, but that never has not and never will stop us. May God bless and keep us all firm in our resolve.

Mr. CONRAD. Mr. President, I rise today not as a Democrat or as a Republican, but as an American. The vicious, premeditated terrorist attack on our country cannot stand. We are joined in common purpose to defend our Nation and to strike back against those who have committed these crimes against humanity. Operating under the cloak of secrecy, they destroyed the lives of thousands of men, women, and children who were completely innocent.

Those innocents were not combatants in any cause. They were merely traveling to rejoin their families, or going to work, or heading for a holiday. They were harming no one. But terrorists bent on destruction transformed airliners into flying bombs and attacked them, attacked us, and attacked America.

Let the word go out that we will not be deterred, we will not be defeated, we will not be denied basic justice. These evil perpetrators of mindless violence will be pursued and found, and they will be held to account.

Let these adversaries understand that they have aroused the awful wrath of a mighty nation. We are united, we are determined, we are committed, and we will prevail. God bless America.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, let me, on behalf of the people of the State of Wisconsin, express our condolences to all those who have lost loved ones and, of course, offer our expressions of

concern to those who are injured, and all the family members and friends who are suffering today from this tremendous tragedy.

I want to join with others who have thanked the courageous individuals in New York and Washington and elsewhere who are helping to try to save whomever they can. And, of course, I share the intense feeling of rage and resolution when it comes to these acts. I had the same reaction a lot of other people did when I heard the news. It happened when, for the first time in my life, during the recess I had a chance to visit Pearl Harbor and tour with the admiral there and get a sense of just how terrible and surprising that attack was.

For many of us, that is why this action yesterday was so reminiscent of Pearl Harbor. It was an attack on our territory. It was an evil act. So when some of us make the comparison, that is not to suggest which situation was more dangerous or what was a greater sacrifice. Really, what it is about is an expression of gratitude and love across the generations but at different times in our history. Whether it be Pearl Harbor or yesterday's attack, the American people are asked to do extraordinary things—to defend our freedom.

In that context, I want to mention two elements of resolve and two cautions. The first resolve is that, obviously, this situation is almost certain to require military action. As a number of people have said today, this is not about simply bringing people to trial or finding a legal standard. I agree with those who say that these were "acts of war."

As one who has frequently questioned our military intervention and the wisdom—for example, our intervention in Kosovo and Bosnia, whether we really went about it the right way—this situation is different. It requires a strong and aggressive military response when we are able to determine exactly who we should be going after, and I understand we are pretty close to being certain of that.

One reporter already asked me if what we did today constituted something similar to the Gulf of Tonkin resolution. Of course not. It is not a blank check.

We as Americans are all united on this issue. We can respect article I of the Constitution if we are talking about a declaration of war. We can respect the War Powers Act. We can act together as an executive and as a Congress to be sure we are unified, not just emotionally, but as a government and a country when the necessary acts have to be taken to retaliate against those who have committed these deeds.

The second resolve relates to the suggestion by some that perhaps the American people will grow weary of our involvement in the Middle East

and our concern about the Middle East. We will not retreat from our commitment to peace in the Middle East and, more specifically, we will not reward these terrorists by reducing one iota our support for the State of Israel, which is the only democracy in the Middle East, which is our steadfast ally militarily and otherwise. If those who committed these deeds believe this is the way to destroy Israel or destroy the link between our two nations, they have just made a very large mistake.

Let me also mention two cautions, and others have already done this today, but it is important to express this. One is, as we look for answers and we look for solutions and we look for the things we must do, domestically as well as externally, we must continue to respect our Constitution and our civil liberties in this country. I am the chairman of the Constitution Subcommittee of the Judiciary Committee. I recognize this is a different world with different technologies, different issues, and different threats, but we must examine every item that is proposed in response to these events to be sure we are not rewarding these terrorists by giving up our cherished freedoms that they do not believe in and that they would like to destroy.

Finally, the other caution, which has been mentioned by so many, particularly eloquently by Senator SCHUMER, the senior Senator from New York, this should not be an occasion for ill-treatment of Arab Americans, Muslim Americans, South Asians, or others in this country. It is wrong. They are as patriotic as any other Americans and are feeling extremely stressed as a result of this situation. I have already heard some reports of some acts, and I roundly condemn them. We must stand together, all Americans of all backgrounds, to condemn these actions.

Let me finally say, already in the middle of this enormous sadness, I can already see our country responding. I can already feel from the contacts we have had back home and the comments and actions of our colleagues here that we are responding in the best possible way to this unprecedented challenge.

I thank all my colleagues for the way in which things have been handled in the last day, and I look forward to working together to make sure our enemies understand that we will not stand back and we will remember this, we will remember it every day until we have rooted out those who perpetrated these vicious actions against our country. I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair. Madam President, I appreciate the words of my colleagues on such a serious matter before this body. I, as an American, as a Kansan, and a Member of the Senate, am deeply saddened at

the loss and tragedy our Nation has suffered, the shock of which still stuns us today.

I also express the complete unity of all of us in the Congress in our absolute determination to respond to this atrocity quickly, wisely, and forcefully. We will rescue survivors, bury our dead, rebuild our centers of commerce, and find the killers. Already there is order; soon there will be justice.

Kansans and Americans must be assured that our country will remain strong and will become stronger through this trial. Every hour I hear of new reports of Americans volunteering their time, their medical experience, their resources, and their blood to help their fellow citizens. We are responding to the evil of terrorism with the best of human nature, and I thank everyone who has sacrificed to help those in need in Washington and New York. The unsung heroes and untold stories are the bright lights in this dark sky.

We will not only help the hurting, but we will seek out and find those killers. To terrorists and the nations that harbor them, we have this to say: We will find you, and we will deal with you as you deserve. Justice will be done.

If there are rogue nations or terrorist groups that think they can intimidate our country, they are mistaken. I strongly agree with President Bush's statement that:

America and our friends and allies join with all those who want peace and security [and that]. . . . We will make no distinction between the terrorists who committed these acts and those who harbor them.

I hope, from this dastardly act of terrorism, we will find support coming from many quarters of the world to fight this global scourge of terrorism. Already I have been in touch with people in several countries and spoken with them about their need to help us and found their quick statements of willingness to help us in support.

I have spoken with Jordan's King Abdullah, who is vigorously assisting the United States, and also there are other Arab countries, to encourage calm and reason in the Middle East and to support us in finding those who have conducted these heinous acts. We appreciate the efforts of Jordan and thank her people and her King.

There is another point that needs to be made. The culprits are terrorists, not the Arab people or those of the Muslim faith generally or any other group. Individuals are guilty of crimes, not classes of people. In this instance, as always, we should reject unfair characterizations or generalizations targeted at groups of people.

We had already been investigating reports on another matter in our State associated with gasoline price gouging. We are confident that the problems will be resolved in short order. Oil sup-

ply channels remain open. Measures are being taken to ensure the uninterrupted flow of oil, and anyone who does engage in the disgusting practice of price gouging in a time of tragedy will be prosecuted.

I encourage my fellow citizens to contact offices in their States and public authorities if there is any way we can be of assistance in dealing with this matter.

The Congress will be convening in both joint and special sessions throughout the remainder of this week. That is an important statement of our resolve to continue to conduct business, even though it is not business as usual. I certainly intend to be at every session and meeting that involves our current national crisis.

I assure every American, particularly Kansans back home, that we are united, we are resolved, and we will seek justice to be done, swift and sure.

I ask for your prayers for all the victims and their families and offer my deepest condolences to the families and appreciation for the many prayers that have been offered and the help that has already flowed so richly to those who need it.

I finally note, in the weeks and months ensuing, we will be a changed nation. There are many things with which we will need to deal. We will need to deal with this battle, this war that we are in with terrorism, and we are going to have to fight it much more aggressively. It is an insidious conflict. We are going to have to get at it at its roots around the world, and we are going to need much help from many corridors. We will seek that, and we will fight and win this battle even though it is different from any other we have fought. We will pull together as a nation and do it. This will not be a Republican or a Democrat issue; this will be an American issue, as wars have been in the past, and we will wage it successfully.

I pray we will continue and we will grow from this experience. May God keep the souls of those who have lost their lives. May God save those who at this hour await rescue. May God lift the weighted hearts of the families of the missing and the dead. May God preserve all those who love freedom in this world. May God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Madam President, not since December 7, 1941, has the United States suffered such a damaging blow on our own soil as the cowardly and hateful terrorist attack our Nation sustained on what will become, I am certain, a new day of infamy: September 11, 2001.

While our enemy may not be another nation in the traditional sense, the strike against America was, in fact, an

act of war. Our Nation now needs to demonstrate the same kind of moral clarity and courage that characterized the World War II generation. Three immediate steps need to be taken.

First, of course, is that our Nation extends its prayers and its assistance to the victims of this monstrous and shameful attack. I am proud that South Dakotans have overwhelmingly responded with offers of blood and other assistance.

While our Dakota homes may not often be at direct risk from attacks of this nature, we fully understand the strike against New York and Washington was a strike against all Americans, wherever we might live.

The numbers are staggering, but we recognize in those numbers are real lives and real people, real children who have lost their parents, real parents who have lost their children. The people of South Dakota are grateful to the heroes who did so much to save so many, many of whom gave their own lives in the course of that effort. We share the sorrow of the rest of the Nation for those lives that were lost, those families who have forever been devastated by this hateful and shameful attack.

Second, we recognize we must respond in a spirit not of revenge but of justice. Our enemies, however, must understand that justice can be severe indeed. We must make careful but swift determinations about the guilt of our enemy and make it very clear we will not distinguish between terrorists and those who attempt to provide a safe harbor for terrorists.

Anything short of the capture and punishment of these people will only serve to encourage more terrorism against the United States and against all other liberty-loving nations throughout the world.

Third, the United States, in conjunction with its democratic allies all over the world, needs to make substantial improvements in our antiterrorist strategies. That means far better intelligence gathering and infiltration of terrorist cells so that plans for violence against innocent people, wherever they may be, can be intercepted before they are carried out. It means far better air transportation security efforts than anything, frankly, that has yet been developed.

As a new member of the Senate Appropriations Committee, I vow I will do all I can to work with this administration to make certain that adequate financial resources are made available for all of these efforts.

Make no mistake, the recent attack against the United States of America was intended as an attack against the principles of democracy, of personal liberty, and of religious tolerance. Our security is at stake, but even more importantly our fundamental values are under siege.

American citizens, Christian, Jewish, Muslim, have denounced this terrible violence. It is important we condemn the guilty but recognize that our American principles, the principles of our Constitution, keep us from unfairly stereotyping any ethnic or religious group. We need now, more than ever, to remain united as Americans, to put aside partisan politics, in this new war against the evil forces of hatred, intolerance, and barbarism.

God bless our Nation, and on this very difficult day, God bless the families who have lost so much. God bless our effort for renewed vigor in maintaining the principles of our democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I have heard so many sincere speeches by Members of the House and Members of the Senate, and I have heard a lot of redundancy. We certainly have the resolve to do all we can to go after those who were responsible.

The one question I have heard over and over again is: Did we receive a warning? Were we warned this was going to happen? I look at this in a little different context in that this should serve as a warning to us. It is time to get something on the record in the Senate as to what this means and what it really could mean in the future.

Ironically, at the time this happened I was on the ninth floor of the Hart Building in the Nation's Capitol complex, and I was looking out the window as I was speaking to a group. The last phrase of my speech was the same as it has been since 1995, and that is: We in the United States are in the most vulnerable and threatened position now as a nation than we have ever been in this Nation's history. As I said that, it happened to be right at 9:30 and I saw this billowing smoke come up from the area of the Pentagon, to find out later the tragedy really took place.

We are vulnerable, and we are vulnerable in three areas, certainly in conventional forces being one-half the force strength we were in 1991. We have to understand this; the American people have to understand this: We deployed our very rare resources to places where we should never have sent an American, such as Bosnia or such as Kosovo.

More than any other reason our vulnerability is that we had the opportunity to have a missile defense system in place by fiscal year 1998, and I say this criticizing the previous administration because they did not realize the threat was out there, the threat was real. We have veto messages from President Clinton that said: I will veto any bill that has money in it for a national missile defense system because the threat is not there. In fact, a threat is there. So in looking back at what

happened yesterday, I think we should have that as a warning to us of what could be even more devastating than what we witnessed yesterday.

I mention what I consider to be six incontrovertible facts. First of all, we are facing enemies who have the weapons and the skills and the mentality to strike without warning. We know that.

No. 2, they are willing and able to target innocent civilians within our borders.

No. 3, virtually all countries have weapons of mass destruction today, biological or chemical or nuclear.

No. 4, at least three countries—I say at least because we know North Korea, Russia, and China have ICBMs that will reach the United States from anyplace in the world but we do not know for sure that they are the only three countries because we do know China has been trading systems and technology with countries such as Iran, Iraq, Libya, Syria, and Pakistan. So we do not really know how many there are, but we know at least they exist out there.

No. 5, we have absolutely no defense. I hope Americans understand that if a missile came over from anyplace in the world, we would be totally naked. We have no defense against an incoming ICBM.

No. 6, the will is out there. No one can question that the will is there. We can remember even China saying back during the Taiwan Straits demonstration: We are not concerned about America coming to the aid of Taipei because they would rather defend Los Angeles than Taipei. Then we remember what Saddam Hussein said in 1991: If we had waited just 10 years to go into Kuwait, the Americans would not have come because we would have had the ability to launch a missile. And here it is, 10 years later.

I hope no one has any doubt, there should not be one Member of the Senate that has any doubt—of the fact that if someone is willing to drive an airplane into those towers, they would deploy a missile to the United States of America.

I, like everybody else, watched TV. I watched that skyline and the devastation in New York. I saw the skyline of New York City and the two towers imploding. If that weapon had been, instead of an airplane, a nuclear warhead, we would be looking at a cinder. It would not be 10,000, 20,000 or 30,000 people who lost their lives; it would be everybody in that area. We would be talking millions. It is a very real threat. The ultimate weapon of a terrorist is a missile with a nuclear warhead. We now know that. We have been warned.

We should make our No. 1 priority not just to go to our intelligence system and our conventional forces but to immediately get busy on being able to deploy a system at least to defend

America against a limited missile attack. This should be our No. 1 priority. We are now warned. The ultimate weapon of a terrorist could become a reality very soon.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, no words can ever convey our regrets, our sadness, our shock, our loss from the great tragedy of September 11, 2001. The newness of the century, of a millennium, has been tarnished forever by the blood of innocent victims shed by anonymous assassins, terrorists whose only motivation is an evil hatred.

All our prayers are with the victims and their families and friends. When the final list of casualties is known, I am certain that every state, and perhaps every nation in the world, will have been touched by this calamity. Our prayers will be with them forever. We will remember each and everyone as long as we live and then our descendants will remember them too. It will be their memories that guide us in the difficult days ahead.

Their deaths have reminded us of our common humanity, that what we share is greater than what separates us, and that the fabric of beliefs which makes us Americans is strong enough to resist any cowardly act by terrorists. Where one American falls, another will stand. Each of us shine as a beacon of our shared beliefs in freedom, liberty and justice. In the dawn after this dark day we will all shine. Those who expect us to be weakened will be sadly mistaken.

Those who think Americans are soft and fearful will be astonished by our strength and determination. I was a young man when Pearl Harbor was attacked. I witnessed the bombing of Pearl Harbor by Japanese torpedo and bomber planes from my dormitory in the hills above Pearl Harbor. Then we knew our enemy and he thought our will could be shattered by one frightful day of disaster. Instead our enemies in Europe and the Pacific learned that where we had been broken, we healed and became stronger.

Today we begin to become stronger. We begin by mourning our dead brothers and sisters. We begin by comforting the survivors. And as we pick up the bricks and the steel and sweep away the glass and dust, we begin to identify our enemies and design the strategy for defeating them.

There will be no place that our enemies can hide, no sanctuary for them to cower in. We will seek them out and justice will be done. It will be a long process but it will be thorough. We have come brutally to understand that terrorism is an evil beyond our borders that still threatens our homeland. We have come to understand that our enemies want to extinguish the light of freedom which shines from America. We have come to understand that the only way to resist the darkness of hatred is to spread that beacon of light

even farther from our shores. From this battle we hope will come not just a stronger, safer America, but a better, more secure, freer world.

May God bless America.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, yesterday, terrorists attacked the temple of American capitalism and the center of American democracy. With all of their terrible sophistication, they naively have seemed to believe, by destroying buildings and killing our people, that they can kill an idea. Capitalism and democracy are the most powerful ideas in the world. They are the crowning achievement of mankind on this Earth and they are not going to be destroyed by terrorists.

Our task today is to find out with certainty who did these terrible deeds, and then it is our obligation to make war on them. I am not talking about criminal justice. We are not going to be reading anybody their rights. No one is covered by Miranda. Any country, any city, any region, and any person who makes common cause with those who make war against America is making war against America, and the wages of sin is death. I believe these people have a hate that we cannot comprehend or understand. We are only going to be safe when these people are captured or killed.

We are hearing a lot of talk today about what we can do to be safer. I want to be safe. But let me make it clear: I don't want to change our way of life. I want to change their way of life. If we start infringing on our own freedom, if we start limiting our own freedom to move about our country and engage in our business and live our lives, then we are giving up what this war is about. We want to change their lives. We want to hunt them down in any dark corner, in any hiding place on this Earth.

We want to be relentless, and we don't want to be constrained.

I believe it is important that the people who did this terrible thing pay for it. I think if they pay for it, then we can make the world safer.

Finally, let me say that any American who watched the bravery of ordinary citizens in New York and in Washington, who watched police officers and firemen risk their lives, had to be proud of what Americans did yesterday. I have never been more proud to be a citizen of America than I was yesterday—ordinary people doing extraordinary things under terrible circumstances.

I know when we start getting the names of people, especially in New York and here at the Pentagon, who were killed, there are going to be many people on that list who we know. I knew Barbara Olson who was killed on the airliner that crashed into the Pentagon. She was a staffer here—a dedi-

cated, brilliant woman. She called her husband, Ted Olson, our Solicitor General, and even facing death was talking about what she could do to try to resist. I am not surprised that she was brave because I knew her. My heart goes out to her and to everyone else who suffered.

We cannot tolerate this act. We cannot simply go through the motions. We have to hunt these people down and kill them. They deserve it. They made war against America.

I want people to stop talking about bringing them to justice. This is not about justice. This is about war. These people brought war to the mainland of America and killed thousands of our citizens. They have no rights. I think we have to hunt them down wherever they are and use whatever power we have in order to see that they don't do this again, and that no one else ever has the courage to do it again.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. MILLER. Madam President, I am pleased to have been on the floor to hear that speech from the senior Senator from Texas. The Senator is a great patriot, and his forthrightness is going to be missed.

The victims and the loved ones of this horrible act of war should be in our prayers. The perpetrators and those who give them shelter should be in our bombsights.

After Pearl Harbor, the Japanese remarked that the "sleeping giant has been awakened." I pray that "the sleeping giant" has again been awakened, and that we are ready to change the way we do things.

For too long, after terrorist attacks have happened, it seems America's first and foremost interest has been to please our friends, and then, if permitted, punish our enemies.

After yesterday and from here on out, that must be reversed. America's first and foremost interest must be to punish our enemies, and then, if possible, please our friends.

Our response should not only be swift but it must be sustained. As I said yesterday, our will as a country has been tested. Too often in the past terrorist attacks have not been answered as forcefully as they should have been. Oh, yes, there has been indignation, even outrage. There has been wringing of hands and sad talk. We have shaken our collective heads in dismay, sighed over our cocktails, then have gone home, had a nice dinner and got into a comfortable bed, feeling safe and secure that it is not going to happen here, that it is not going to happen to us.

Well, it has happened to us. It has happened here. Our world has been turned upside down. It will never be the same again, and it shouldn't.

We must strike the viper's nest—even if the viper is not there. We know that

the Taliban and the Government of Afghanistan have nurtured Osama bin Laden for years. The diabolical plot was probably hatched there. Certainly similar plots have been. And it is time for us to respond.

I say, bomb the hell out of them. If there is collateral damage, so be it. They certainly found our American civilians to be expendable.

I also believe that we could immediately turn our attention to the security of our airlines. There is a large pool of willing ex-military personnel out there who possess the rudimentary skills to be effective, temporary air marshals if given a crash training course on the basic requirements of that job. Another option may be to have active duty military personnel do that job.

We should also install "communications hardware" aboard each aircraft that would let pilots make emergency transmissions to air traffic controllers. With today's "star wars" capability, I believe it is possible to outfit each aircraft with an emergency transponder combined with an "open mike" type system that would be strictly for one-way communication from aircraft to air traffic control. The pilot or crew members could push a button, much similar to a silent bank alarm, that would instantly alert authorities. It could also serve as a hidden microphone in the cockpit or in the passenger cabins.

Those are some of my thoughts today for whatever they are worth at this terrible time.

To paraphrase President Roosevelt, this Nation will endure as it has endured, but we must change the way we do business drastically.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I am honored to have the opportunity to say a few words today after the most terrible tragedy that we suffered yesterday. It was a dastardly attack on our Nation that has occasioned the greatest loss of life domestically I suppose in our Nation's history—men, women, and children, police, firemen, soldiers, and all of the families and friends will be with us on this Earth no more. Our hearts go out to those who suffered pain and injury. Our hearts go out to the families and friends who are grieving tonight. All over America, this great Nation hurts.

My own church, just for example, the Ashland Place United Methodist Church, had a time of prayer yesterday for our families, our Nation, and its leaders. That is happening all over this country. As President Bush said, prayer is an important factor in providing this Nation strength.

We must ask ourselves: Now what can we do? What are our possibilities?

I believe we can do a better job of preventing these events. Our techniques work for some time, but after a

period of time people learn how to get around them. We can improve that. We can do a very good job of identifying the people who commit these crimes.

Second, in almost every single terrorist act that has involved the United States, this Nation has been able to identify the people who were behind it.

Third, we can take steps at which we have not been so successful; that is, taking action against the people who perpetrate these horrible acts.

We have been, to some degree I think, handicapped by seeing these events in terms of our criminal justice system. As a Federal prosecutor, I know about the difficulties that have to be overcome to prosecute a person and convict them beyond a reasonable doubt. You don't have that burden when you are in war. We are in war today, or at least much closer to war than we are to a criminal justice case. Thinking in terms of war will give us more freedom, once we identify who the people are, to act effectively against them. Locating them, however, is a difficult problem. We can identify them, but where are they at a given time?

I believe it was Branch Rickey who said: Luck is merely the residue of design. As a prosecutor, I know in investigating cases you have to have some luck, but you won't have luck if you are not out there working. You will not have the break in the case that identifies where these people are until and unless you are out there shaking that tree, doing everything possible throughout this world to identify where they are. Then you make your luck.

So that is what we have to do with regard to locating these people. And make no mistake, I am absolutely confident that, if we remain steadfast and determined, we will locate these people. Then we have to develop a plan to apprehend or destroy them. We have to trace them back to their lairs and make sure they are no longer capable of inflicting this kind of death and destruction on this Nation or the world.

The Romans, a number of years ago, in the Mithridatic wars faced this problem. The pirates had grown in strength. They were all over the Mediterranean. There were tens of thousands of them. Shipping was threatened very seriously. They had to face a decision; and they made that decision. According to "Appian's Roman History" this is what happened:

When the Romans could no longer endure the damage and disgrace they made Gnaeus Pompey, who was then their man of greatest reputation, commander by law for three years, with absolute power over the whole sea within the Pillars of Hercules, and of the land for a distance of 400 stades from the coast. They sent letters to all kings, rulers, peoples and cities, that they should aid Pompey in all ways. They gave him power to raise troops and to collect money from the provinces. . . .

And they raised an army. And they developed a plan. They set about to execute that plan, and it was a brilliant plan. They killed 10,000 of the pirates, and the rest surrendered. It was the end, and it broke the back of this kind of activity.

We have a similar time today. We simply have to be determined. We have to remember the friends that have been lost. And I, too, as Senator GRAMM, member, with so much sadness, Barbara Olson, such a wonderful, vivacious person who loved life and gave herself to it. It is just a tragedy that she will not be with us, one who worked in this Senate as a staffer. So all of us have those whom we have lost.

In conclusion, every single person, every group, every organization, every nation must know that if they perpetrate an attack on the United States, or they support those who attack the United States, they will pay a cost far more than their gain. Those individuals and groups must be hounded to their lairs and destroyed. We simply cannot tolerate this kind of activity in the future. Only in this way can we ensure that the lives lost yesterday will be given their full meaning. And only in this way can we prevent further attacks on this Nation. Because to fail to act effectively we will everywhere encourage more groups to attack this great Nation. And a great nation never encourages attacks upon itself but discourages attacks upon itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SESSIONS. I thank the Chair. Our Nation will, I am confident, fulfill its role as the greatest nation in the world, defend its people and its territory, and bring justice to those who have damaged us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. For the information of Members, we have a prayer service tonight, as has been previously announced. It starts at 7:30. We are going to have to end business today at about 7:15 so Senators have an opportunity to gather here to move over there.

I see Senator HATCH and Senator BREAUX are here. I hope we will understand that at 7:15 we are going to end the proceedings for tonight. There appears to be enough time for everybody if they stick to the 5 minutes. There will be some time perhaps tomorrow. The leaders are talking about that now. Maybe in the morning, before we go to the appropriations bill, we could do that. Perhaps we might not, but that announcement will be made later.

If everyone would do what they could to expedite matters, we will have another announcement later.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, we have suffered an egregious loss. We

mourn for those who have perished. We pray for those who suffer. We are inspired by the courage and heroism of the people of New York, particularly the brave firefighters and police officers. We are inspired by the fidelity to duty of our men and women in uniform at the Pentagon and around the world.

Ages ago, the Greek historian Thucydides reminded us:

[T]he bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding, go out to meet it.

Yesterday we saw the bravest: firefighters and police officers who rushed into a burning and collapsing skyscraper, a chief of the New York City fire department, a deputy chief, and department chaplain who stayed at their posts as the building collapsed around them; soldiers, sailors, airmen, airwomen at the Pentagon who struggled through wreckage to take out survivors, and returned today to work at their posts; office workers in New York who carried fellow workers down 60 flights of stairs to safety.

Their bravery and their courage is an inspiration to all of us. And we are profoundly angered by those terrorists who have struck this devious, horrific blow against us all.

The emotions of yesterday and today must and will coalesce into a steely resolve to mete out justice to the terrorists, to those who harbor them, to those who train them, and to those who encourage them.

We must work with our allies to destroy the network of terrorism that is committed to imposing its fanatical and suicidal pathology on free men and women everywhere.

Yesterday we lost what little innocence that remained in our view of the world. We have been bloodied. But we retain a common and constant faith that free men and women, committed to individual progress, and mindful of the dignity of all men and women, will prevail over the fanatic dedicated to destruction and darkness.

Archibald MacLeish, the American poet, gave voice to many of the emotions we feel when he spoke of those who fell in battle:

The young dead soldiers do not speak. Nevertheless, they are heard in the still houses: who has not heard them?

They have a silence that speaks for them at night and when the clock counts.

They say: We were young. We have died. Remember us.

They say: We have done what we could but until it is finished it is not done.

They say: We have given our lives but until it is finished no one can know what our lives gave.

They say: Our deaths are not ours; they are yours; they will mean what you make them.

They say: Whether our lives and our deaths were for peace and a new hope or for nothing we cannot say; it is you who must say this.

They say: We leave you our deaths. Give them their meaning.

We will rebuild New York and the Pentagon. And although we can never replace the lives that were lost, we will give them their meaning. Let our foes everywhere know that our words are more than a lamentation; they are a call to action and a promise of swift and certain justice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, yesterday was one of the bloodiest days in American peacetime history. When suicide terrorists attacked New York and Washington, DC, they attacked our whole country.

The horror we witnessed yesterday when we saw New York's proud skyline shattered will be with us forever. Few Americans will remain untouched by the mass graves of our citizens that we will now have in downtown New York, in the Pennsylvania countryside, and, of course, at our Pentagon.

These terrorists killed innocent Americans from every part of our country. We were so saddened to learn that Mary Alice Wahlstrom and her daughter, Carolyn Beug, of Kaysville, UT, were struck down by this senseless violence.

Mary Alice's husband of 52 years, Norman, described Mary Alice as the "happiest lady you'll meet." As one of the "kids," she joined with her only daughter to help her twin 18-year old granddaughters settle in at art school on the East Coast. In this time of grief, we join Norman, her four sons, and eighteen grandchildren in hoping that our love and faith will continue to sustain each of us during this tragedy.

We also were devastated to hear of the loss of Barbara Olson, who perished on the plane hijacked to the Pentagon. Barbara was one of the bright lights among conservative commentators and legal experts, and her passing will most certainly leave a void not easily filled. My deepest condolences go to her husband, Ted, our Solicitor General, at this terrible, terrible time. I called him yesterday. He was devastated. This is a terrible time for him and all of us.

Many of us were equally grief-struck to learn that Lisa Raines, was on board American Airlines Flight 77. Lisa, although only 42, was a senior officer of Genzyme Corporation. In Congress, we recognized Lisa for her incredible talent, intelligence, integrity and energy. She was seen a key leader in the biotechnology industry and one of the most effective biotechnology leaders with whom I have worked. My staff and I will miss her terribly. We share in her family's sorrow and extend our prayers and deepest sympathy to Lisa's husband, Steve Push.

The grief all Americans feel today is barely speakable. I, for one, cannot express in words the sorrow I feel for the thousands of families profoundly shattered by the acts of war perpetrated

against us yesterday by the cowards. I commend my colleagues who have spoken so eloquently at such a great moment of national tragedy.

As many of my colleagues have noted, our grief is leavened by the countless stories of sacrifice and heroism. News reports yesterday from New York said that approximately 50 percent of New York's first responders to the attacks on the Twin Towers are missing. These were the policemen, firemen and emergency personnel who rushed to the buildings and entered them in a race against collapse—a race that they lost. I hope that every American who sees a fireman or a policeman today thinks of the sacrifice that these everyday individuals are prepared to make for the good of our society, for the good of ourselves every day.

There is no calamity America will withstand that will not be met with, and overwhelmed by, the decency, courage and selflessness of Americans coming to the aid of their own. It will be years before we can collect all of these stories and I expect, we never will, because it is impossible to measure the courage and bravery of Americans. As John says in the Bible, "Greater love hath no man than this; that a man lay down his life for his friends."

I also commend my colleagues for their unanimous support for the administration of President George W. Bush. Americans are not partisan when we are to face a common foe, nor are their representatives.

We will face this foe together, and together we will prevail.

At this moment, we do not know definitely or definitively who is the perpetrator of this calculated, coordinated and devastating attack on American's citizens, symbols, economy and government. And it is up for the administration to determine when they want to announce the perpetrator. I suspect that when that announcement comes, our retaliation will already be underway. The administration knows that they have the complete, unwavering support of this Senator, as the resolution we passed this afternoon will record the support of this body for the administration as it prepares its response to this act of war.

President Bush was absolutely correct last night when he said that we would make no distinction between the terrorists who committed these attacks and the countries that harbor them.

We have reached the end of ambivalence when it comes to dealing with terrorism.

And while we may have a difficult battle before us, the United States will prevail, and the world of freedom-loving people will benefit.

My colleagues know that I have focused a great deal of time on the Osama bin Laden through the years,

who is widely believed to be the major perpetrator of this attack. While the United States government has made no official determination over the mastermind behind yesterday's barbarisms, we have previously determined that bin Laden is an armed and active threat against this country and its interests—and he has been for over a decade.

We will have plenty of time to discuss policy in the coming days and weeks, but I say today that the threat of Osama bin Laden and his cohorts must be eliminated. And his protectors—the Taliban regime of Afghanistan, which has become a front for the violent, anti-American internationalist jihad movement that the vast majority of the Afghan people reject—must be removed from power. The government of Pakistan, a country with whom we have had many constructive relations in the past, must fully cooperate with us on these goals from this day on.

I am very grateful for the expressions of support we have heard from around the world. But I am extremely troubled by the reports I have read and watched of some communities celebrating this attack against the U.S. The United States was attacked yesterday and thousands of our citizens perished. Now is the time that we note where the rest of the world stands, and I assure you that I will forever appreciate all of the support we receive from our allies and friends around the world—as I believe American policymakers must take note of all of those who offer rhetorical or other support for the attackers on America.

The U.S. Congress will, I know, provide all of the support and resources the administration needs to respond to this act of war, so that we can pursue the perpetrators, eliminate them where we need to and bring them to justice where we can.

I commend my colleagues for this resolution. Elaine and I offer our prayers for the victims and their families, as well as the thousands of brave rescue workers, including Utah's Urban Search and Rescue team. The team consists of fire department personnel from Salt Lake City and County. Our prayers go to the members of our armed forces—the greatest defenders of freedom a nation has ever known. And our prayers go to President Bush and his administration, who are dedicated to peace and must now respond to war.

May God bless America.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Madam President, today—all across America and the world—hearts are heavy with grief.

We mourn for the victims and families whose lives have been ripped apart by yesterday's horrific and unprecedented attack on innocent men, women and children.

Like all Missourians, I am deeply grateful to the rescue workers and volunteers whose heroism saved thousands of lives.

Tragically, many of those heroes are now among the victims.

Their sacrificial deeds stand in sharp contrast to the barbaric acts we witnessed during yesterday's air attacks on peaceful people.

The terrorists wanted to do more than destroy our buildings. They wanted to destroy our influence in the world, the core of who we are as a people, and the beliefs we stand for as a democracy.

They will not succeed.

I can remember as a young girl the shock and sadness we felt with the sneak attack on Pearl Harbor.

But I also recall the undaunted spirit of America and our resolve to win a victory over tyranny.

We dropped everything we were doing and devoted our full energy and resources to eradicating the threat to our freedoms.

That resolve is as firm today as it ever was.

The pursuit of freedom is our destiny as a people.

We will not now, or ever, flinch in the face of any aggressor or threat to our homeland.

Let those who practice terrorism or harbor terrorists have no doubt about America's resolve. There is no hiding place.

We will find you.

And you will pay a heavy price for your acts against mankind.

We have withstood worse enemies than you.

We conquered the evil of fascism in Europe and Asia, we rescued democracy, and we built a better world.

We defied communism for decades powered by the certainty that freedom would ultimately triumph over oppression.

Tyrants will not take these gains from us.

Admittedly, today's foes are different.

They are faceless fanatics with no clear address or even purpose.

They target innocent people, sitting in offices and airplanes.

But they are sophisticated and well-funded.

Their days are numbered. We will stand united against their aggression, and we will do so in a manner that is consistent with the Constitution that is the foundation of our greatness.

During this time of national tragedy, we stand behind our President and our national leaders.

We will make the necessary sacrifices, direct the necessary resources, and use American might, technology, and ingenuity to secure our homeland.

But most of all, we will rely on America's courage and faith, knowing that our country has been a source of

progress for humankind for over two centuries; knowing that peace-loving people around the world will join with us to eliminate this evil that plagues us all.

To the families who grieve and the victims who suffer, I say we mourn with you this day.

But there will be a dawn tomorrow and many tomorrows after that.

There will be many dawns for America.

We will prove again what the poet Carl Sandburg once said: "We are Americans. Nothing like us ever was."

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I join my colleagues in support of today's resolution condemning those who perpetrated these barbaric and godless acts against our country. Our hearts ache for those who have lost loved ones even as our minds struggle just to comprehend this unspeakable horror.

The scope of these evil acts is breathtaking. The economic losses are staggering, but they pale in comparison to the loss of life that touches so many. The greatest and most immediate losses, of course, have been suffered by the tens of thousands of Americans who have lost family members, who have lost loved ones. Those are wounds that time will never heal.

As a nation, we have not faced a sterner test in modern times. So I want to say to those responsible: Do not doubt our resolve. We will not stop until we find you and destroy you.

Our country is united. I have never before seen the unity that is everywhere in this country. In Tennessee, all across the country, Americans are joined together in their commitment to the destruction of this evil. We invite freedom-loving people from around the world to join our cause. The American spirit is alive. Americans are also united in our desire and willingness to help. Blood banks are overwhelmed with donors. Special response teams from around the country are organizing to help. A medical group just arrived from Tennessee to assist at the Pentagon.

In the coming days, those of us in Government will be making decisions intended to help restore the protections and the peace of mind that all too often we take for granted.

This is no simple task, and I realize that America will never be the same after the events of September 11. As an open society with enormous respect for civil liberties, we are vulnerable to those who would target innocent civilians. Airplanes used as flying bombs have joined other terrorist weapons from which we have been working hard to protect ourselves.

Devastating as yesterday's damage is, we are forever exposed to huge risks from biological, chemical, and nuclear weapons. All Americans should know

that we are rededicating our efforts to better protect ourselves from all of these risks, even as we strive to maintain the freedoms that we all hold so dear.

President Bush will take the lead, and we in Congress will work closely together with him in the search for answers. Pray for us as we go about our work. But take comfort in knowing that even though our challenges are great, our commitment is greater. As the President said just this morning, this is a monumental struggle between good and evil, and good will prevail—the good of the American people and civilized people everywhere.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). I recognize the Senator from Louisiana.

Mr. BREAUX. Mr. President, for so many Americans the day began with a bright, sunny morning, with beautiful, clear skies. It ended with darkness and a profound sense of vulnerability and a profound sense of anger of all Americans. It will certainly be a day that we as Americans should, and I argue will, never forget. Our greatest sympathies go out to those who have suffered the greatest of losses, the death of members of their families, their loved ones. Especially our thoughts today are with those people from the New York area and also for the people from the greater Washington area who are most directly touched by this travesty.

Indeed, all of us have been touched in our own ways by what happened yesterday. My own office has been working with a Louisiana constituent who is trying to find out the status of her husband who was attending a meeting yesterday at the World Trade Center. She talked with him after the first plane struck the first tower, but she has not been able to hear from him ever since.

Mr. President, the American people want and expect us to act. They expect us to act quickly, they expect us to act decisively, and they expect us to act with great determination so that this will never happen to us again. President Bush and his team have given us their assurances, and all of us pray for his leadership and pledge our strong, bipartisan cooperation and support in his efforts.

We must all act as one. We must all act as one Nation and we must all speak with one voice. Let us at the same time all be mindful of some points that I think need to be remembered. First, these perpetrators are not American citizens. They are not entitled to the protection of the U.S. Constitution. They are not entitled to a presumption of innocence. They are not entitled to a trial by jury of their peers, and they are not entitled to the services of a free attorney. They have themselves, in fact, chosen the field on which they will be judged, and the field that they have selected is clearly the battlefield and not a courtroom.

I urge our Government to proceed carefully but also to proceed not as if we were preparing for an indictment to be followed by a trial in which we must prove our case beyond the shadow of a doubt. What they did to us was to physically invade our country and slaughter innocent people in the process. What they did was to declare war on the United States of America and the people of our country.

We must respond in kind. Our military must be fully utilized. The world is watching our Nation and what we do should be remembered for longer than what they did. After they are removed as a cancer in this world, we must also address our own internal security. People in our country must know that they can fly without fear, that we can gather in large numbers and celebrate and be entertained without worry, and that our loved ones can live in a country in which we are all safe and also secure.

That is our goal. That is our challenge. We will meet that challenge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this has been quite a day for all of us. I have the very sad duty in the State of Florida to call the loved ones of a number of people who were on the respective flights. Indeed, I have the sad duty that I will be calling the widower and the daughter of a mother from Boston, who also lived in Miami, who was on the flight from Boston to Los Angeles. And it just brings all the more home the poignant tragedy for all of us and for this Nation.

Mr. President, we need to go get the perpetrators. The resolve of this Nation and of this Congress is clearly there. We need to find these people. We need to hunt them down and we need to let the message go forth that no terrorist act such as this will ever be tolerated in this country again. That goes for the terrorists and that goes for the people who are harboring the terrorists.

We have experienced all too personally a new kind of warfare, and in the process of us exacting this justice—I say justice; I did not say revenge—we will protect the constitutional rights of all people; we will respect them.

It is important for people in this country to rise above ethnic or religious prejudice because we are a nation of all peoples and all faiths. But we are going to get the perpetrators in the cross hairs of the bull's eye, and we are going after them.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. SARBANES. Mr. President, we have all experienced a daunting national tragedy. It touches every single one of us. As Americans, we stand

united behind our President, speaking with one voice as we move forward in the wake of this tragedy, and move forward as a nation we will.

This is the time to bring to bear all of our country's formidable resources of heart and mind. We must reach out to those families who have suffered grievous loss and to the communities torn apart by this savage act.

The challenge we now face will not be surmounted overnight. We must seek out the facts which will be the basis for our response. We must have a binding determination, a steely resolve to see that those responsible for these heinous acts will be held accountable.

We should not fool ourselves that we will find a quick or simple answer, but we will persevere, and we will work in concert with democratic forces the world over to see that this terrible scourge, which has just had such devastating consequences, is eliminated altogether.

I thank and praise the heroic efforts, the courage, and the sacrifice of our police, our firefighters, our emergency medical service personnel—all of the rescue workers who have been involved in addressing this tragic situation in New York, in Pennsylvania, and here in Washington.

In fact, numerous firefighters and emergency medical service personnel from my own State have responded to the attack upon the Pentagon, and my thanks go out to all of them for their prompt efforts.

This morning, the Baltimore Sun ran a very strong editorial entitled "Answer Terror with Resolution."

Answer terror with resolution. It went on in the course of that editorial to say:

The Nation needs unity, clarity, purpose . . .

Courage and steadfastness of an unremarkable, everyday persevering kind, are required. A well-directed and effective response from government is required. Resolve is required to continue on our path to do what is right. These are the ways the terrorists lose.

We are resolved and determined that they shall lose.

I ask unanimous consent that the full editorial from this morning's Baltimore Sun be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Sun, Sept. 12, 2001]

#### ANSWER TERROR WITH RESOLUTION

ATTACKS ON U.S.: NATION NEEDS UNITY, CLARITY, PURPOSE TO THWART TERRORISTS' OBJECTIVES.

The American people will rise to the challenge of the most depraved terrorist atrocity in history. We were all attacked. We are all in it together, sharing shock, fear and grief.

Acts of heroism and altruism amid the carnage in New York and Washington were too many to be noticed, honored and rewarded.

The nation's heart goes out to the victims, the pawns, the innocent chosen at random and their loved ones.

Terrorism is war. It is also publicity stunt. Its purpose is to be noticed, to spread fear, to undermine confidence and to provoke the wrong responses so as to alienate more people. Terrorism has little function if the cause is not known. Usually the perpetrators seek recognition, as well.

This plot showed extreme sophistication in coordinating four plane hijackings, apparently inserting suicide pilots, and going for targets that could be hit with weapons that were not the ones against which the United States was conspicuously guarding.

All that suggests a large and well-funded operation, not a lone wolf. A great deal of thought went into the terrorism. A great deal of cool rational thought should go into the responses.

A civil and open society is vulnerable. But this attack brought the nation and much of the world's business to a standstill. Clearly, airport security for all its nuisance to passengers is not as good as U.S. experts thought, and the terrorists must have experimented and known how to penetrate it.

The president has vowed to find and punish the terrorists, as indeed he should. Virtually all Americans must want that. In this kind of war, it is important to get the identities right. To hit the wrong ones, to make people suffer who did not do it or even help those who did, only achieves what the terrorists want.

Most suspicion points to Osama bin Laden and the network of affinity groups linked to him. The Saudi-born, Yemenite-descended exile in Afghanistan has orchestrated a great deal of terrorism, including the bombings of the New York World Trade Center in 1993, of two U.S. embassies in Africa in 1998, for which he has been indicted, and of the USS *Cole* in port in Yemen last October.

Vows to get bin Laden have only fueled his mystique. Yet knee-jerk assumptions he was behind the 1995 Oklahoma City bombing were made foolish by the home-grown terrorist Timothy McVeigh.

Attacks at wrong targets would only help him. The notion of a war between Islam and the United States of America is his. The United States has no quarrel with Islam. Most of the world's Muslims have no quarrel with the United States.

The attacks produced all sorts of precautions across Maryland and the nation. A review must examine which were sensible and which were not. Certainly transportation was needed to get school children and commuters home, whether from Washington or the Baltimore suburbs.

Panic, chaos, confusion and unnecessary shutdown all reward the terrorist.

Terrorism must be fought with steely resolve, but also with common sense and precision.

The United States is supposed to be the only superpower, in an era of peace. Clearly the very good things about American society make it vulnerable. But we are not the first people to endure terrorism.

Now Americans understand better what Israelis have been living through, what British people lived through before the IRA cease-fire, what ordinary law-abiding Colombians are living through from FARC.

Life, the nation's business and civil society go on. Otherwise, the terrorists win.

The policies of the nation, including the search for a just peace in the Middle East, go on. Otherwise, the terrorists win.

Courage and steadfastness, of an unremarkable, everyday persevering kind, are required. A well-directed and effective response from government is required: Resolve is required to continue on our path, to

do what is right. These are the ways the terrorists lose.

Mr. McCONNELL. Mr. President, Yesterday's horrific and tragic events were much more than a carefully planned terrorist attack against the United States. The slaughter of innocent civilians, the total destruction of the World Trade Center, and the significant damage to the Pentagon by hijacked commercial airplanes were a brutal and outright assault on America, and all humanity.

Make no mistake, our country is at war, and this Congress should consider a formal declaration. The world must understand that America will respond with the overwhelming force and conviction that her citizens demand and expect. Let me be clear: America will identify those responsible for yesterday's violence, and they will be destroyed. There shall be no mercy.

America is at war against fanatics who appear threatened by our freedoms, prosperity, and respect for the rule of law. In the past, this war was undeclared, but undeniable. The American lives lost in the 1993 bombing of the World Trade Center, the terrorist attacks against U.S. facilities in Kenya and Tanzania, and the more recent assault against the U.S.S. *Cole* serve as concrete evidence of the ongoing and escalating battle.

As we sift through the rubble of buildings and comfort those whose lives have been shattered, America stands as a strong and united Nation. The shocking events of yesterday did not weaken or undermine the foundations of our democracy, foundations that were forged over two hundred years ago and have been continuously strengthened throughout our history. We fought for our freedoms then, and we will continue to defend them now. Whatever the political objectives of yesterday's terrorists, they have failed. And the extent of their failure will become abundantly clear in the coming days.

America did not seek this conflict, but we will not shy away from our responsibility to protect life and liberty. Nations that harbor or shelter terrorists must also be treated as terrorists themselves. A declaration of war would make clear to the world that the United States will no longer stand for violence against innocent men, women, and children be they in midtown Manhattan or Murray, Kentucky.

As the world's sole superpower, we bear an awesome responsibility to assist those democracies with shared values and strategic interests. These nations, in turn, bear a responsibility to support the United States in times of emergency. Israel, a nation long at war against some of the very radicals who may be responsible for yesterday's death and destruction, has already pledged to join arms with the U.S. in the struggle against fanaticism. We

should embrace Israel's offer, and enlist the assistance of other democracies in what may be a long and difficult war.

In the days, weeks, and years to come, America, alone, or with her allies will take action to prevent and lessen the opportunities for such carnage to occur in the future. These measures should include: (1) reassessing and improving intelligence operations and capabilities that must provide early warning to deter terrorist attacks at home and abroad; (2) identifying terrorist organizations worldwide and actively subverting their capabilities and very existence; (3) reassessing and improving airport security and the integrity of aircraft cockpits; (4) enhancing security and emergency response procedures for America's most vulnerable targets, including mass transit systems and historic or symbolic sights; (5) increasing citizen awareness of suspicious activities; (6) restricting assistance and imposing sanctions against those countries harboring terrorists; and, (7) investing in the promotion of democracy and the rule of law abroad.

Once before in our history, America was the target of a surprise and deadly attack. As with Pearl Harbor, violence has been met with resolve and common purpose to defeat the enemies of our Nation. As in December 1941, our Nation is led by capable and dedicated leaders who are up to the task of responding to terrorist attacks, both foreign and domestic. President Bush and the Administration know full well that they have the support and backing of the American people.

On December 8, 1941, President Franklin Roosevelt addressed the Nation on "America's Answers to Japan's Challenge." His words ring true nearly six decades later: "When we resort to force, as now we must, we are determined that this force shall be directed toward ultimate good as well against immediate evil. We Americans are not destroyers, we are builders. . . . We are going to win the war and we are going to win the peace that follows."

The dark minutes and hours of yesterday failed to bring our country to its knees. America's strength is its diverse people, just institutions, and shared values. No terrorist attack will ever extinguish the flames of freedom and democracy.

Mr. ROCKEFELLER. Mr. President, a brutal and cowardly act of terrorism has taken thousands of lives, destroyed great symbols of U.S. power and wealth, and stolen from every one of us a measure of the joy and confidence that Americans take as our birthright. As the poet Yeats once wrote, "everything is changed, and changed utterly."

In this dark hour we all stand with President Bush and the military and intelligence leadership of this Nation

in the search for the propagators of this great evil, and for an appropriate and strong response.

America must respond to this crime, this act of war, rapidly and decisively, with an intensity and determination that reflect the outrage every American and I feel. A response whose violence and magnitude makes it clear to every terrorist that their lives are in danger, and makes it clear to every nation that the cost of supporting terrorism is too high to bear. We will not hesitate to put the strongest military on earth to use as it was intended: to protect the lives, safety and property of American citizens, everywhere in the world.

But we must also respond with a defiant embrace of our way of living.

The United States must continue to make military and foreign policy decisions based on our understanding of what is right and what is wrong, and what is in the best interest of the American people and allies with whom we are proud to stand.

This Nation must remain a free and open society, people of every race and background must be accepted and embraced without fear and without prejudice.

And America must continue to prove to the world the worth of our beliefs and of the society we have created by remaining the most dynamic force for growth, creativity and opportunity this earth has ever seen.

For all that must and will change, for all that has changed already, some things must remain constant: America must remain a moral, open and vital society embarked on a new era of triumph.

Franklin Roosevelt said that "the only thing we have to fear is fear itself." Fear is the terrorists' greatest weapon. Together, looking confidently ahead, we can disarm this cowardly and elusive foe.

The Senate will be searching for the reasons behind this tragedy and for strategies that will prevent another, similar disaster. I will report to the people of West Virginia regularly, consistent with national security.

Mr. NELSON of Nebraska. Mr. President, I would normally express that 'it's at a moment like this' when words cannot suffice to express the anguish of yesterday's attack, but there has never been a moment quite 'like this' in our history as a sovereign nation.

The magnitude of the events that transpired yesterday will be measured in an infinite number of ways for years to come. We will mourn with words and photographs and stories as we try to wrap our arms around this tragedy and try to make sense out of that which seems so senseless.

We are One Nation Under God—a God who is bigger than terrorism, who is bigger than hate, and who cannot be destroyed by acts against humanity.

As I have listened to my colleagues today, I have been deeply moved by their compassion and I share their grief and sense of loss. I join with them in expressions of determination to hold those who are responsible accountable—to the fullest extent possible.

In an effort to find hope in the midst of this pain, I have focused on the truth that terrorism cannot expunge the virtues on which this country was built. Yes, the landscape has been irrevocably changed and lives on Earth tragically and abruptly ended, but our composition, our principles and our freedom remain the same.

We Americans are a people whose spirit of freedom and democracy will not be defiled by those who choose terrorism over the lives of our mothers and brothers and sisters and fathers.

America's freedom and democracy—the real targets sought by the enemy—will never be compromised. Ever.

Yes, those virtues can be challenged. And they have been to a most unconscionable degree. Make no mistake. We are at war. But this is not a conventional war fought by conventional means, rather this is an invisible war where the targets are uncertain and the attacks are unpredictable. There are no tanks, no troops, and no clear military objectives in this new war. We have worked to define and counter these new threats to world stability. But yesterday those new threats, which we have sought to define, were made real.

But just as those threats were made real, the spirit of America was renewed. Firefighters and policemen in Pennsylvania and New York and Washington have worked—and continue to work—selflessly to salvage lives, as well as clues from the wreckage. These men and women are heroes—every one of them. Over two hundred workers have perished in the line of duty. Each has made the ultimate sacrifice. This display of courage has been an important first step toward healing.

As we survey the emotional and physical damage, we will not brush aside the implications of the attack. The world is on notice. America is more than bricks and mortar. Her citizens are strong. I am convinced we will show the world how great nations stand resolute in the face of great adversity. The American people have responded with the will and the spirit that has served as the mortar in the construction of our country. America is back on the job, and will continue to lead the world.

In the days ahead, we will investigate, pursue, prosecute and punish those responsible for these despicable acts. America will not be deterred. America will not negotiate or compromise in our pursuit of justice.

Let our enemies know, and let those who harbor our enemies know, that we have declared this to be a new day, a

new chapter in history, a time in which America will renew and strengthen its resolve and its commitment to defeat terrorism and those who give succor or shelter to terrorists.

To our friends, we thank you for your expressions of sympathy, and to all people committed to peace, we ask for your cooperation, your support, and your common dedication to defeating the forces of terror and championing the ideals of free societies.

So as we move forward to sustain life and freedom, we will continue to meet challenges with resolve and resiliency. We will learn from this experience and put that knowledge to good use. We will overcome this tragedy. But we will never forget.

Mr. HAGEL. Mr. President, on September 11, 2001, a day that will be seared into our national memory, the United States was suddenly, deliberately and viciously attacked by ruthless terrorists. Thousands of innocent civilians were killed in a brief, violent, and unprecedented massacre. They died because they were Americans.

Through the actions of Tuesday, the United States was violently shaken from a post-cold-war stupor. The attacks were well planned, well resourced, and well coordinated by deadly warriors willing to kill innocent civilians. It was an act of war. From a formidable, unseen enemy.

Today, in the aftermath, America sifts through the rubble and debris, searching for survivors, victims, evidence, and answers. While the smoke still billows from the Pentagon and site of the World Trade Center, the sickening feeling of senseless devastation places an icy grip on our hearts. The outrage builds in our national soul as we hear of the phone calls to loved ones that ended with a dead line and of rescuers who became victims; as we learn the identities of the lost and began to understand the scope of this deliberate act of war perpetrated on American soil.

September 11, 2001, is likely to emerge as the deadliest day in the history of the United States. More than 2,400 Americans perished in the attack on Pearl Harbor and nearly 1,500 lost their lives on the beaches of Normandy during the D-Day invasion. The Battle of Antietam, the bloodiest day of the Civil War, resulted in more than 4,800 deaths and 2,800 missing. The death toll of Tuesday's terrorist attacks may reach the tens of thousands. The magnitude of these losses is unimaginable and is yet to be fully comprehended.

The cold-blooded murderers who committed this act attempted to strike not just the twin towers of the World Trade Center but the twin pillars of America, our economic strength and our military might. They damaged the symbols of each—but they could not penetrate the essence of our Nation. America's indomitable spirit is un-

daunted. We've seen it in the actions of rescue workers who risked, and gave, their lives to save others. We've seen it in reports of brave actions attempted on the hijacked planes. We've seen it in the lines of volunteers outside blood banks and the prayer services held throughout this Nation. We've seen it in the steely determination of those ready to rebuild what has been lost. We've seen it in the resolve of a President and our military, ready, willing, and able to strike back at whoever we determine committed this horror. Our Government stands in unity. Republican and Democrat. House and Senate. In support of our Commander-in-Chief.

We are at war with the scourge of our time: terrorism. This was not just an attack upon America. As Britain's Prime Minister Tony Blair commented, it was an attack upon democracy. It was a blow against the civilized world. Our allies and those opposed to terrorism must unite with resolve and commitment to rid the earth of this plague. We cannot deliver a glancing blow, we must go at the root and strike at the heart of terrorist organizations and those nations granting them safe harbor.

America will be forever changed. As with Pearl Harbor, our very way of life has been threatened. We must look at whatever shortcomings in either intelligence or security procedures allowed this tragedy to happen. But we must not relinquish the freedoms that make us Americans. If we abandon the liberties we cherish, the terrorists will have won.

America will stand together, as we always have when our Nation is threatened. We will defeat this enemy.

As President Franklin Delano Roosevelt said on December 8, 1941:

No matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory . . . Hostilities exist. There is no blinking at the fact that our people, our territory, and our interests are in grave danger. With confidence in our Armed Forces, with the unbounding determination of our people, we will gain the inevitable triumph. So help us God.

As I arrived at the Capitol early Wednesday morning, I was greeted by the sounds of fighter jets and military helicopters in the air above Washington. But I heard something else as well, a clear sound that pierced the morning air, a lone trumpeter nearby played the National Anthem.

God bless the United States of America.

Mr. BAUCUS. Mr. President, America, sadly, has a new date that will live in infamy for the rest of our lives and generations to come.

Today, more than 24 hours after the first terrorist strike that took the lives of countless U.S. civilians, we are only now beginning to realize that we will spend many days, weeks, months and

years trying to come to grips with the magnitude of yesterday's attack on our freedom.

We are left with searing images of a horror that could not be contained, acts of terrorism that unfolded before our eyes, gripping this Nation and the world in raw and vivid devastation, touching all of us with feelings expressed in public and in private; from panic to helplessness; helplessness to anger; and anger to loss.

This morning we stand in this capital as one to condemn these attacks, comfort the victims and their families and commit our full support to bring those responsible to justice. Our heartfelt thoughts and fervent prayers go out to those who have been lost.

Our response in the days ahead to the mass murderers who planned and carried out the attack and to any nation or nations that gave them aid must be as decisive as was our steadfast determination to defend our homeland and punish the aggressors in the immediate aftermath of a day that we will remember as one of the worst in American history.

The challenge ahead will require strengthening U.S. defenses and intelligence at home in ways consistent with American values. Embassies and military bases must be better defended along with domestic airports and other civilian targets.

But this does not mean that we can allow terrorists to alter the fundamental openness of U.S. society or the government's respect for civil liberties. If we do so, they will have won.

Some have rightfully declared that yesterday's attacks amount to an all out declaration of war against America. If so, then we will have to make sacrifices by accepting greater inconvenience in public places and perhaps developing and cultivating a heightened sense of awareness common in other free nations that have come to accept terrorist activity as a price for openness and democracy.

But above all, a state of war means a national bipartisan commitment to attack and defeat our Nation's enemies. There can be no greater purpose to our foreign and defense policy in the years ahead.

This means that we must embark on an unprecedented effort that will take us beyond arresting individual suspects or engaging in isolated attacks as has been done in response to previous incidents such as the attack on U.S. military in the 1996 Khobar towers bombing in Saudi Arabia, or the 1998 bombings of the U.S. embassies in Kenya and Tanzania by Osama bin Laden's network to name a few.

In the past, the United States has failed to fully confront those linked to terrorist attacks against Americans. Yesterday, it was made clear that we can no longer afford to do so.

The United States must now seek to assemble an international alliance to

identify and eliminate all sources of support for the terrorist networks that would wage war on our nation including the identification and destruction of the larger networks behind these attacks.

So many have drawn a comparison between September 11 and December 7, 1941. And while there are differences, what President Franklin D. Roosevelt said after Dec. 7 in Pearl Harbor, "a date which will live in infamy," applies to yesterday just as well. "Always will we remember the character of the onslaught against us," Mr. Roosevelt said. "No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory. I believe I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost, but will make very certain that this form of treachery shall never endanger us again."

Yesterday the world changed for every American. What those responsible for these barbaric acts will come to learn is that our resolve has not.

Mr. ENSIGN. Mr. President, as a Nation we mourn the loss of so many Americans whose lives were tragically ended by these vicious attacks, the folks on the airplanes, the soldiers and civilians at the Pentagon, the office workers at the World Trade Center and the rescue workers who tried to save them. Each one of them had family, friends, and loved ones, and plans for the future. We cannot begin to fathom the incomparable grief their deaths have produced—of mothers who lost sons, husbands who lost wives, children who lost parents.

While we bow our heads in prayer for those whose lives were taken, we remain unbowed in the face of this heinous assault on our Nation. The terrorists who perpetrated this crime may have succeeded in striking the symbols of American power, the World Trade Center and the Pentagon, but they cannot touch the spirit of the American people or our commitment to defend our liberty, our democracy and our way of life.

I have full confidence that the United States has the will and ability to determine which terrorist group is responsible for this assault on our homeland, as well as those states that are giving them refuge, and those entities that are providing them aid and financial support.

We must deliver a punishing blow to these terrorists and those who aid and abet them, because terrorists only understand one language, the language of force.

Anything less than a full response to these cowardly attacks within our borders would be appeasement. And history shows that appeasement against a determined enemy only encourages

more attacks. The terrorists who came to our country to kill and maim its citizens, along with those who protect them, must be made to pay a price. And the United States should be ready to act with a clear conscience in its self-defense.

Let there be no doubt: We are at war. It is not a war we choose to fight, but one that we will finish and win.

The last time an act of war was committed against the U.S. on our soil, at Pearl Harbor, our military and economic power combined to form the greatest fighting force the world had ever seen. Admiral Yamamoto had called us a "sleeping enemy." He woke us to his great regret. The terrorists who committed these crimes have made a similar mistake, they have awoken a sleeping giant. Americans are slow to anger, but once roused we are indomitable.

Today, the men and women in this great chamber are not Democrats or Republicans, but Americans. And as Americans, we in Congress stand united in support of our Nation's leader, the President of the United States. You will not hear partisan bickering. You will not see members trying to lead from Capitol Hill. The United States must speak with one voice and act in concert for the good of our nation.

We will stand united, because Americans always unite in the face of adversity. We cannot allow these acts of terrorism to divide Americans by race, ethnicity, or religion. If we start fighting, neighbor against neighbor, then the terrorists have won. We will have destroyed the very foundation of our country's greatness, the fact that people of all backgrounds can join together in the great American experiment.

As our Nation prepares to confront the threat of terrorism, we must be careful not to destroy the freedom which makes this country great. We must not abandon civil liberties within our borders or our ability to act unilaterally outside our borders if we want to be safe. As Thomas Jefferson warned us, "Those who desire to give up Freedom in order to gain Security, will not have, nor do they deserve either one."

Nevada is proud of our slogan, that we were "Battle Born." It is on our State flag. It reflects the firmness of purpose and the willingness to fight for what is right that is so much a part of the character of the Nevadan people.

This is as true today as it was when our state entered the Union during the Civil War. The nature of the challenges may have changed over the years, but not the nature of the Nevadans fighting to overcome them.

I know that Nevadans—and, indeed, all Americans will rise to this challenge. We can give blood and donate to charities that are helping the victims like the Salvation Army and the Red

Cross. We can go out to our front yards and proudly fly the American flag to send a signal across oceans that we will not be cowed by terrorists.

The Nevadans in our Armed Forces stand ready to fight and die to defend their Nation. Let us pray for them, for all our men and women in uniform. Let us pray for President Bush our military leaders, and for all the rescue workers and victims. And most importantly, let us pray that, in this struggle between good and evil, the righteous will prevail.

Mr. DAYTON. Mr. President, today, I join with my Senate colleagues in united support for this joint resolution. I share their horror and outrage at the terrible atrocities committed yesterday against our country and our citizens. Those criminal acts will not be forgotten, and they will be avenged, at the right time, against their evil perpetrators.

One hundred years ago, at our Minnesota State Fair, Theodore Roosevelt spoke his famous words: "Speak softly, and carry a big stick." Today is a day to speak softly and briefly. Words can barely describe our reactions, our revulsion, and our resolve.

Let there be no doubt: our Nation will recover from these despicable acts. We will learn the painful lessons necessary to strengthen our domestic and foreign intelligence capabilities, our air traffic emergency system, and our guarantee to our citizens of their safety wherever they live, travel and work.

We will support our President and his associates as they identify those responsible for these vicious assaults and retaliate against them. We will move forward and we will move ahead. No one anywhere should doubt our national strength and resolve; our private and public actions in the days and months ahead will prove it.

Ms. COLLINS. Mr. President, Americans woke up this morning a sadder and angrier people. It is very difficult to wrap one's mind around the terrible tragedy this country suffered yesterday, and still harder to comprehend what must have been in the hearts of the people willing to commit such atrocities against their fellow human beings. It is very hard even to find the words to speak about it.

But speaking about it is something that we must do. The American people and the government of the United States of America must today speak with crystalline clarity. The families and friends of those killed or wounded in these awful terrorist attacks must know that the prayers of every American, and of millions upon millions of people around the world, are with them this day. The heroic firefighters, police officers, rescue workers, National Guardsmen, doctors, nurses, and volunteering citizens who are even now struggling to find and save the lives of surviving victims must know that our

hearts and deepest gratitude are with them in their vital work. Our commander-in-chief and all the men and women of our armed forces, our law enforcement community, and our intelligence agencies must know that we stand behind them as perhaps never before in my lifetime, as they set about with grim resolution to ensure that justice is done to those responsible.

And the evil people who planned and committed these atrocities, and those who may have aided and abetted them, must know that far from paralyzing the American people and dividing us fearfully against each other, what they have done instantly is to unite us into one people. We awoke this morning united in the solidarity of grief and commitment to our fellow-citizens, and utterly single-minded in our determination to remain unbowed and to see justice done.

These, then, are the messages that we must send today—and that we must keep sending with relentless determination in the difficult weeks and months ahead. America lost a measure of innocence yesterday, a degree of that special separateness that has helped to keep our land of liberty safe from some of the storms that have long battered other peoples in an often turbulent world.

We are clearly not as separate, nor as safe, as once we thought. But no one should doubt our resolve and our resilience. It is in moments like this that the special character of our great Republic can and should shine through with particular brilliance. It shines through in our sacrifices in helping our fellow citizens in terribly trying times. It shines through in our commitment, even in adversity, to the bedrock values that make our system of government worth protecting even as these values draw the murderous ire of twisted souls whose only answer to the discourse of liberty is a vocabulary of violence, terror, and death.

As we rescue survivors and comfort the bereaved, we also will set about finding those responsible. We must respond to these horrors in ways befitting our voice as a free and united people. But let there be no doubt. Respond we must, and respond we shall.

As difficult as it is to find a voice to talk about the horrors we experienced yesterday morning, I believe that by finding our voice amidst such shock, rage, and pain, we reaffirm our most cherished principles. With God's help, we will persevere, find comfort in our grief, and find strength in the days ahead.

Mrs. MURRAY. Mr. President, yesterday I was in a meeting here in the Capitol, when I looked out the window and I saw something that I will never forget.

I saw black clouds of smoke filling the sky over the Pentagon.

Yesterday, terrorists attacked our country, our financial center, our mili-

tary headquarters, and our sense of security. Yesterday's horrific pictures are fixed in our minds forever.

But today, we see something else. We see a country that's come together. We see a government that speaks with one voice to denounce terrorism. And we see people who have volunteered—to search the rubble, to help the injured, and to donate blood.

These acts of terror were meant to divide us. But the truth is they've brought us all closer together.

This afternoon, I want to extend my prayers to all the victims, their families and friends.

I want to thank all of the emergency personnel who responded with such courage: including the brave men and women of our armed forces, police, firefighters and medical personnel.

And I want everyone to know that our country is unified behind the President. We will help the injured. We will protect our citizens. And will punish those who committed these cowardly acts. Every resource we have will be made available to support the recovery effort.

Yesterday we were attacked, but today, we stand united.

As our work resumes, we will work together to plug the security holes that this attack has uncovered.

I want all of my colleagues to know that, as chair of the Transportation Appropriations Subcommittee, my top priority is the safety of the traveling public.

We will do what it takes to ensure the safety of our Nation's transportation system.

In the coming days and weeks, we must evaluate our security system, our intelligence abilities and the safety of our transportation network.

Our citizens have a right to feel secure at home, at work, at school, and on our Nation's transportation system. We are going to make sure Americans have the safety and security they deserve.

Ours is a great Nation. We have withstood many challenges. We will learn the lessons of this challenge, and together, we will build a stronger country.

So as we take stock of this unspeakable tragedy, as we learn the names of the victims, as we hear stories of the heroism and compassion in the wake of this attack, we are standing together we are speaking with one voice and will do everything we can to ensure our safety and to answer this evil act with justice.

Mr. VOINOVICH. Mr. President, yesterday the United States of America suffered a horrible national tragedy the images of which will forever etch the date, September 11, 2001, in the collective minds of the American people.

As Father Eugene Hemrick of St. Joseph's Church said this morning at mass, our lives will never be the same.

As one who has lost a child, I know this is especially true for the families of those who were the victims of this act of war and of those who laid down their lives to save them. My thoughts and prayers are with them.

As Members of Congress, our first responsibility, working with the President on a bipartisan basis, is to secure the support that the victims and their families will need in the days and months ahead—their grief should not be compounded by worrying about how they will deal with their tragedy financially.

We must provide the resources our country needs to guarantee that yesterday's tragedy will not be repeated during the lifetime of our children and grandchildren.

We must prioritize how we allocate these resources including the money to upgrade the technology and personnel that secure our airports, and we must respond to the human capital needs that caused former Defense Secretary James Schlesinger, who now represents the U.S. Commission on National Security in the 21st Century, to say before the Oversight of Government Management Subcommittee earlier this year:

... it is the Commission's view that fixing the personnel problem is a precondition for fixing virtually everything else that needs repair in the institutional edifice of U.S. national security policy.

We must also dedicate ourselves to meeting a number of other challenges, including: providing the resources that will help improve our signals intelligence capabilities, or, in other words, our ability to "listen in" on unfriendly nations; stepped-up law enforcement to prevent terrorism; coordination of effort between various Federal agencies such as CIA, FBI, NSA, etc.; coordination of effort between Federal, State and local governments and law enforcement to maximize our ability to stop terrorist activity; and greater use of electronic surveillance and satellite imagery to track the enemies of peace.

Finally, we must identify those responsible for committing these cowardly acts of war as well as those who have encouraged them by silence, assistance or asylum and we must hold these individuals or Nations accountable.

I agree with what President Bush said in his address to the Nation last evening:

we will make no distinction between the terrorists who committed these acts and those who harbor them.

We must also join the President and declare war on terrorism and convince world religions and political leaders that terrorism is a threat to peace in the world and a prelude to Armageddon. We need more voices in the world like Pope John Paul II who said:

... the ways of violence will never lead to genuine solutions to humanity's problems.

Our determination to winning the war on terrorism must have the same

high priority that we gave to winning World War II, and we must engage our allies in this war.

We should make the same preparation that we made for D-Day and the world's entry into the Persian Gulf war. Our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head.

Our efforts cannot be another catharsis after a national tragedy, and they must not fade with time into business as usual. We owe it to yesterday's victims and their families, especially their children and grandchildren.

Most of all, we owe it to the American people and the world community to bring an end to terrorism everywhere and forever.

Mr. BINGAMAN. Mr. President, all of us share in the overwhelming shock and grief at the horrible events of these past 24 hours. All of us are struggling to find the right words to say—struggling to understand our own emotions—struggling to answer the question, "Where do we go from here?" Despite our uncertainties, we share a common bond—the deepest sorrow and sympathy we feel for those innocent people who have lost their lives or their loved ones in those instants of unspeakable inhumanity. I join with the people and leaders of the world in expressing my profound sadness and extending my personal condolences to all of those who have been victimized by these acts of terror.

Ten years ago, the Soviet Union crumbled and the Warsaw Pact disappeared. The cold war, many have said, is over. The nation moved quickly to reduce the size of our military and to reorder our national priorities to attend to pressing national issues of health care, education, justice, and so forth. All of us celebrated the nation's new priorities. Hopes for the future of our nation and the evolving international system were high. What we were only beginning to understand, however, was that the end of the cold war did not mean the end of America's need to ensure its security in new and different ways.

In the wake of the cold war, military experts around the country began to discuss their concerns about the nation's new vulnerabilities. The prospect of a pitched battle between heavy tanks on the fields of Europe was no longer the most likely threat to which our military forces would be asked to respond. Experts began discussing the idea of "asymmetric warfare"—that is, the ability of America's enemies to attack us where we are most vulnerable. The cold war structure of our military and its weaponry was designed to meet adversaries with similar capabilities—not to meet adversaries who chose different, often less sophisticated ways to get the job done.

Slowly, too slowly, we have begun to understand the full extent of our coun-

try's vulnerability. Many are concerned that potential enemies are developing intercontinental missiles with destructive warheads and that we have no missile system capable of thwarting an attack of that kind. Others have warned that our enemies could deliver packages of destruction in suitcases, rental trucks, or on shipboard. Still others have observed our inability to intercept low flying aircraft or cruise missiles heading to American targets. The events of the past 24 hours demonstrate another horrible scenario of America's vulnerability to terrorist attack, an attack that was indiscriminate in those who were targeted.

Our priorities are clear at this point. First, rescue these victims and help those who survive, their families, their children. Second, resolve to identify and punish those who perpetrated these heinous acts. And finally, we must put in place the safeguards and protections so that this type of heinous act can never occur again in this country.

My colleagues have referred to September 11th as a day of infamy—recalling the same shock and horror the nation experienced at the news of Pearl Harbor on December 7, 1941. President Roosevelt offered the nation some vital words on that occasion. He said:

No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to an absolute victory. This is a time of national resolve. This is a time for us to also recall President Roosevelt's directive that "the greatest fear we have, is fear itself."

We cannot permit ourselves to stand still, overcome by shock, in times such as these. We must move forward as one, resolved to seek justice, and solutions to our national security laid bare by this horrible event.

Ms. STABENOW. Mr. President, I rise today to talk about how Tuesday's terrorist attack is testing our national will and our character. There are no words to fully describe the depth of that infamy and not enough tears to properly mourn the innocent lives that have been so cruelly taken. We join all Americans in a focus to help those victims, families, and communities who have been terrorized, and also to focus on those who are responsible and hold them accountable.

We have come together to say loudly and clearly that we will respond to those who have attacked and murdered Americans. But I am also concerned that in our anger, an anger we all share, we would lash out at fellow Americans who come here from the Middle East, which is also wrong.

I am disturbed by reports from my home State of Michigan that Arab Americans have been victims of threats and hate mail and their businesses and institutions have been vandalized. One businessman felt so threatened that he bought two American flags—one for his home and one for his business—as he

felt he needed to prove his love for his country. We want people to fly American flags out of pride, not out of fear.

The Koran, just as the Bible, is a book of love, peace, and tolerance. There are those who have outrageously perverted that message. It reminds me of the Ku Klux Klan that took the symbol of the cross and the words of Christianity and perverted them to lash out with hate and violence against other Americans. There are those in the world who are extremists who are doing the same thing with the religion of Islam.

I know Arab Americans, as all Americans, grieve and have anger and outrage about what has happened, and they want justice for Americans.

I stand here today urging all of us to come together as Americans and not allow the terrorists to have another victory by having us turn on each other. Arab Americans, as all Americans, have lost loved ones. They are part of the rescue crews, and they are the nurses and the doctors working around the clock to save lives. We, all of us, have been attacked and assaulted as Americans of all faiths, of all backgrounds. We stand as Americans to take on those who threaten us and to respond and hold them accountable. It is important in our grief and in our anger that we not allow the terrorists to turn us on each other.

This is a time of testing our American values, our beliefs, and our will. It is an opportunity for all of us to stand together and make a statement about who we are and what we believe. I know that in the great State of Michigan, all that I represent, everyone I represent, stand together arm in arm to make sure the victims and the families have what they need and that justice is served in this outrageous attack on America.

Mr. BURNS. Mr. President, on September 11, 2001, the United States suffered the worst combined acts of domestic terrorism in our Nation's history. The world stood shocked and outraged at unprovoked acts of violence committed upon thousands of innocent Americans.

President George W. Bush has ordered the Federal Government to assist the victims of violence, investigate these acts of terror, and take steps to bring those responsible for these tragedies to justice. I fully support President Bush's actions, and will do whatever I can to help him, and our country in this time of need. Terrorism cannot and will not be tolerated. I know the President will take all measures necessary to seek out and punish those who so viciously attacked innocent and defenseless Americans.

As Americans, we are a strong and resilient people. We will heal and emerge stronger than ever. Our strength and spirit of democracy will shine through. We will not simply en-

dure, we shall prevail. And we will send a sharp message to these cowards, showing that terrorist acts will not be tolerated. They will never be able to destroy our freedom and our way of life.

My heartfelt thoughts and prayers go out to those who so tragically lost their lives and those friends and families who lost their loved ones. This was far more than a tragedy—it was an outrageous act of terrorism that killed and injured so many innocent and decent citizens of our country. Nothing I can say to express my sympathy for those suffering is enough. My outrage toward this cowardice act remains unwavering. For now, we must mourn those who have passed on and care for those injured.

We must let the President, law enforcement, military and the intelligence community do their work. As a law-abiding Nation, we must be sure to place blame on the guilty. Taking independent action against the innocent and guests in our country is wrong. Many like me are filled with anger and an unyielding desire for revenge, but we must remain calm and focused. In the heat of passion fired by the outrageous and despicable acts of those who are guilty, our leadership must be calm and dispassionate in determining who is responsible and how we must deal with them. Have no doubt: we will find those responsible. I say to those responsible, "You have no where to hide." Justice will be served swiftly and harshly.

September 11, 2001, is another day that will forever live in infamy. Yesterday's acts represented a well-planned, well-financed attack on our freedom by a faceless and gutless enemy. Make no mistake, we are at war. Our military is on highest alert. Our armed forces are ready.

I stand firmly behind our Commander-in-Chief, President Bush. There is no doubt of our unity and resolve to track down, root out and relentlessly pursue terrorists and the states that support them and harbor them. I stand by to support our military and intelligence community and fight for any and all of the resources they need to ensure our national security. Let us not forget this as we consider our funding bills.

This is a great Nation with a strong and brave history. Americans have come together and triumphed through difficult times like these. We will again, and we will punish those responsible. America is united and strong. Our military might remains unchallenged. America remains resolved in its efforts to find those who so cowardly committed these horrific acts.

To quote a few words from our Battle Hymn of the Republic, those responsible will soon understand the true meaning of the line, "he hath loosed the fateful lightning of his terrible

swift sword" as America will indeed march on.

Mr. CAMPBELL. Mr. President, first and foremost, my thoughts and prayers are with the hundreds of injured and the families of the lost. Words cannot fully describe what happened to these victims yesterday. But our actions in the days and months ahead must do them justice as we honor their ultimate sacrifices.

I also extend my gratitude to the scores of emergency service providers police, firefighters, medical personnel who rushed to the World Trade Center and the Pentagon to save lives, only to lose their own. And we remember the many military and federal law enforcement personnel who were working in those buildings at the time of the attacks who also lost their lives.

As we sort through the details of the savage terrorist attacks yesterday, and the wreckage left in their wake, we begin to comprehend more fully the scope of this tragedy in our history. On December 7, 1941, more than 2400 lives were lost at Pearl Harbor. And, during the Battle of Antietam on September 17, 1862 the day with the highest death toll on American soil—approximately 22,000 lives were lost. No matter what the final count will be of lives lost yesterday, what distinguishes us from the terrorists is the value we place on those lives as we learn more about the enormously sad events of this newly written chapter in our nation's history.

This morning all Americans woke up to a different world. The horrific terrorist attacks yesterday on our economic and military institutions were a frontal assault not only on America, but on freedom and democracy enjoyed by millions of people around the world.

We Americans learned again that our freedom comes with a cost, and the new battlegrounds are not on foreign soils or far away beaches. While we must always seek peace we, as a nation, will always defend ourselves from any enemy.

America has been challenged before, and now America once again will rise to meet this challenge head-on.

The terrorists who perpetrated yesterday's carnage will be held accountable for their senseless acts of violence. Towards that end, I strongly support the statement President Bush made last night to the nation and his commitment that "we will make no distinction between the terrorists who committed these acts and those who harbor them."

The time has come to quit treating terrorists as mere civil disobedients, and begin treating their acts as acts of war.

The time has past when renegade nations can give safe harbor to terrorists with impunity. The President and the U.S. military have my full support to strike and strike hard when the perpetrators and their accomplices are

identified and found. For this Senator, that time can't come soon enough.

Ms. MIKULSKI. Mr. President, I rise to add my voice in our united support for the Joint Resolution we are adopting today.

American citizens, American aircraft, American buildings have been brought down by barbaric terrorist attacks. Yet the American people, we as their elected representatives, and our free and open society stand unbowed and united.

America's spirit and resolve remain strong.

Today, we express condolences to those who suffered unspeakable loss. The victims and their families are in our thoughts and prayers.

We commend the rescuers, working even now to save lives, the brave firemen and police, doctors and nurses and generous volunteers helping others and giving blood.

The Federal Emergency Management Agency, which my Appropriations subcommittee funds and oversees, is coordinating Federal assistance. Director Albough and FEMA have mobilized urban search and rescue teams. A top-notch team from Montgomery County and 7 others from around the country are hard at work at the Pentagon and in New York. All 20 other teams are ready to go. FEMA has also mobilized Army medical support, the Army Corps of Engineers to help debris removal, and Army mortuary teams.

We are cooperating to confront this tragedy with President Bush and the Administration, within Congress, and with allies around the world.

We condemn these barbaric attacks.

We are committed to tracking down the terrorists, punishing them and those who harbor them, and preventing future attacks.

America is being tested by terrorism and America is rising to the challenge. I am proud of the American people, who are responding not only with shock and grief, but with unity, resolve, and generosity.

Mr. THURMOND. Mr. President, I rise in support of the resolution condemning yesterday's terrorist attacks. These assaults were a strike not only against America, but against freedom itself.

My deepest condolences go out to those who lost loved ones during this tragedy, and also to those rescue workers who risked, and many times lost, their lives in an effort to save the victims of this horrific event. Even as we pause to pray for the victims and their families, we promise to be unwavering in our pursuit of the cowards responsible for these acts. It is a day we will never forget, but a day that only strengthens our resolve to protect the freedoms that are the cornerstone of our society.

Watching this tragedy unfold, I recalled the day when our sovereign

country was violated by the attack on Pearl Harbor. Over the years, I hoped and prayed that our hallowed lands would never again be defiled, and now they have once again been attacked. This time, however, our enemies remain nameless. These cowardly acts of terrorism will not be tolerated, and those who are responsible for these atrocities will suffer the consequences of their actions. Let there be no mistake, we have faced adversity before, and the United States of America will once again prevail.

If this assault was intended to weaken the American spirit, these cowards will be very disappointed. When speaking on the purpose and means of war, the military theorist Carl Clausewitz stated that the fighting forces of the enemy "must be put in such a condition that they can no longer carry on the fight". Mark my words, we stand united and prepared to use whatever means necessary to respond and destroy those responsible.

The acts of heroism and generosity by Americans in New York City, Washington, D.C., and across the Nation has been extraordinary, but not surprising. It is in difficult times that we are fortified by unity, and this will be no exception.

On December 8, 1941, President Franklin D. Roosevelt addressed Congress in response to Pearl Harbor. His words then inspired our Nation to victory. Once again, his words ring true, "With confidence in our armed forces—with the unbounding determination of our people—we will gain the inevitable triumph—so help us God."

Mr. HOLLINGS. Mr. President, much has been said on the Senate floor about the events of the last 24 hours. I, too, want to express deep sadness and remorse for those that lost family and loved ones. We, as a Nation, share your loss. The free world shares your grief. This was an attack on liberty, an attack on freedom, we are all victims.

As a veteran of the last World War, I know personally the horrors of war. Pearl Harbor woke us from the dream that we would not be dragged into World War II. Many commentators have made the parallel between yesterday's attack and the attack on Pearl Harbor in 1941. We were compelled to act to defend our country from an unprovoked attack.

The events of yesterday, like those during Pearl Harbor, shattered our innocence and exposed our vulnerabilities as a Nation. In my view, yesterday's attack was worse than an act of war because, unlike Pearl Harbor, the enemy preyed upon unsuspecting, defenseless civilians to maximize the loss of innocent human life and spread terror. Our freedom and the openness of our society, essential virtues that define us as a Nation, were exploited to inflict terror upon our society. These were coordinated, well-or-

ganized attacks on our Nation. Unlike the wars of the past, today we face an enemy we cannot immediately identify and whose exact location is unknown. The President and his national security team have committed all the resources possible to find those who are responsible. I stand with the President and the American people, we must seek those who are responsible and respond with overwhelming force.

While this is still an emotionally charged time, we must begin the process of looking forward and addressing our security vulnerabilities exposed by yesterday's attacks. It is important to note that as the events were unfolding, the Senate was debating the appropriations bill for the Departments of Commerce, Justice and State, the funding legislation that directly addresses counter-terrorism. And while it may not provide immediate relief for the situation that we're faced with today, it is one of the legislative vehicles through which we can impact the Nation's ability to address counter-terrorism.

We must have better organization and coordination of our counter-terrorism efforts. Sen. JUDD GREGG and I have worked to organize an Office of Counter-terrorism under the Attorney General and provide adequate funding for the Department of Justice. As we have argued, we must redouble our national commitment and sustained effort to address counter-terrorism. It begins with a coordinated effort organized in the Department of Justice, it is enhanced by improved security standards, and it is sustained through adequate funding.

This attack has highlighted the need for a new national security paradigm. It has showed us that the tools of our economic strength, such as civilian aircraft, can be used as instruments of destruction. Therefore, we must analyze the security threats associated with all modes of commerce. Obviously, we must take immediate action to review and enhance the security at our Nation's airports. Moreover, we know that current, inadequate security at our nation's ports makes us vulnerable to future attacks. With this knowledge, Senator GRAHAM and I introduced a bill to address security at our ports. The legislation seeks to enhance security at U.S. seaports through better interagency coordination and more sufficient resources.

Seaports are international borders that currently are not subject to any security guidelines enforced by the federal government. Drug smuggling, immigrant smuggling and trade fraud are prevalent crimes along the Nation's seaports, and the lax security measures make terrorist activity an imminent threat as well.

Terrorism affects us all. We as a nation must stand together and state resolutely that we will not tolerate terrorism, in the United States or abroad.

We will work in Congress to put in place the protections necessary to defend our country from future terrorist activity and uphold the liberties and freedom we hold dear. As stated by the Commander-in-Chief, the United States and its allies will stand firm and take decisive action.

Mr. GRASSLEY. Mr. President, yesterday a cowardly act of terrorism was committed against this Nation. But, today, this Nation stands strong and unified—a Nation of freedom and of hope, a Nation hurting, but resolute in our determination to stamp out terrorism, now even on our own shores.

We can no longer ignore the threat that international terrorist groups present to other nations. Yesterday, we faced the reality of that threat. Until yesterday, we had rested in the belief that such an atrocity by foreign hand could not occur on U.S. soil, but now it has, and we must respond. We must safeguard our shores from further acts of violence. We are at war with an enemy of rogues and cowards and they must be crushed. We have received a rude awakening, and now we must act. There is a lot for us to do. More than a year ago, I was critical of the diversion of funds from human intelligence to high tech counter-terrorism efforts. Tomorrow, we will resume that debate, but today is a day for national mourning.

My prayers go out to all the victims and their families. I pray that God will grant a comfort and peace that is unspeakable in its depth to those who are hurting and for the families of the victims. I cannot adequately express my sympathy to those who lost loved ones in these tragedies, and across America we share in their grief.

Outside of Union Station, a block from the Capitol, fly the flags of all 50 States. It is right that these 50 flags now fly at half mast, for this is a day that will directly touch millions of families across this Nation. We have already learned that at least one Iowan, Karen Kincaid, a native of Waverly, IA, was aboard the hijacked plane that struck the Pentagon on Tuesday morning. Our prayers go out of Karen's family and her loved ones. I fear that in the days to come we may learn of other Iowans whose lives have been destroyed by these tragedies. We all must look for ways to help. We can pray for peace. We can give blood.

In the face of all of yesterday's evil, thousands of courageous Americans rose to the challenge. Men and women, filled with the basic decency and goodness that embodies all that is America, rushed to the rescue of the injured and the dying. Firefighters, police, EMTs, doctors and other volunteers have been working around the clock, and we thank them. Unfortunately, we have learned that many of these brave men and women have given that last full measure of devotion. We mourn for

them and honor their sacrifice. The greatness of our people stands in sharp contrast to the unnamed cowards who have perpetrated this evil.

I also want to recognize and thank Secretary Thompson for his effort to bring 7000 doctors, nurses, and health care professionals to New York.

Now, we must go on, unified behind President Bush's leadership. Today's resolution demonstrates the unity of Congress to stand behind the President in the effort to bring the perpetrators to justice. We must commit ourselves to the task of preventing tragedies such as this from ever again happening on our shores. We are a Nation strong and dogged in our commitment to seek out and crush the men who committed these acts of violence against our country.

Terrorism is our national enemy and we must fight it as a Nation. These great tragedies were perpetrated not against a particular race, color, religion, or creed. Yesterday's violence was born in a hatred of America and what it stands for. It was an open attack on all our people and our values. Freedom itself was under assault. Truly this was an act of war on America, and we must act accordingly.

Our friends in the International community, we now ask you to work by our side to quash those who have engaged in these heinous acts. We will need your assistance to identify and punish those who are behind these acts.

State sponsored terrorism is an enemy to all democracies. To see victory over terrorism, we must not just retaliate against the terrorist, but as President Bush said last night, we must also punish those countries who harbor and assist them. Justice must be brought to the terrorists and to the States from which they plan and wage their evil schemes.

We must all be unified in this effort to combat terrorism. I am proud to be an American.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak for a period of 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### HUGH C. GRAHAM

• Mr. DODD. Mr. President, I rise today to honor a distinguished constituent of mine, Hugh C. Graham, upon the occasion of his retirement from the American Legion Department of Connecticut.

As a member of the American Legion for 57 years, Hugh served as an Adjutant for 32 years, the longest-serving Adjutant in the country. During his tenure within this revered national organization, Hugh admirably dedicated himself to promoting the health and well-being of our veterans, both in Connecticut and beyond.

Hugh himself served his country with distinction during World War II. Having enlisted with the United States Army in New Haven on February 16, 1942, he served as a rifleman in the 45th Infantry "Thunderbird" Division of the 180th Infantry Regiment. For 511 days, he fought bravely in the European theater, seeing combat in Italy, France, and Germany, and participated in five amphibious assault landings. For his valor and wounds received at Anzio Beach, Hugh was awarded the Purple Heart Medal. He was also awarded the European-African Theater Medal with five campaign stars, the World War II Victory Medal, and the Combat Infantryman's Badge. Hugh received an honorable discharge from the Army on September 5, 1945.

Over the years, Hugh's work with and for veterans has received well-deserved recognition from numerous organizations. He has received various service and achievement awards from the Forty and Eight Society, the Veterans Administration, and the American Legion Department of Rhode Island.

Although Hugh is retiring from active duty in the American Legion, I know that he will continue to promote veterans affairs and that his legacy will live on within the organization. Once again, I would like to congratulate Hugh upon the occasion of his retirement and I sincerely thank him for all of the service he has given to both Connecticut and our nation. I wish him all my best in his future endeavors. •

##### HONORING JAMES L. VOSS, DVM

• Mr. ALLARD. Mr. President, I rise to day to pay tribute to a man who has had a profound impact on Colorado State University, the City of Ft. Collins, CO and the veterinary community nationwide.

According to US News and World Report, Colorado State University boasts the second best veterinary medicine program in the nation. One of the reasons CSU is so nationally renowned is because of its wonderful Veterinary Teaching Hospital. And one of the reasons that hospital exists is because of Dr. James L. Voss.

Currently the Dean of the CSU College of Veterinary Medicine and Biomedical Sciences, Dr. Voss received his Doctorate of Veterinary Medicine from CSU in 1958 and was hired by the University as an instructor. While a student, he was one of my best instructors. As the university was growing and seeking to enhance its veterinary teaching capabilities, plans for a new Veterinary Teaching Hospital got underway. Dr. Voss became the faculty representative of the hospital building committee. In 1979, the Hospital was completed. And now, the Hospital will bear his name.

I am proud to join all CSU veterinary School alumni in saying that no finer man deserves this honor. This building and all the science and teaching that has taken place in it since 1979, are direct results of Dr. Voss' determination, dedication and love of veterinary medicine. Because of Dr. Voss and his long service to the university and our profession, CSU has produced some of the finest veterinarians in the nation. CSU and Ft. Collins have become central locations in national and international veterinary science.

When one man does so much for an institution and a profession like Dr. Voss has, it is only fitting to honor him in this manner. I am extremely pleased that from this day forward, the James L. Voss Veterinary Teaching Hospital at Colorado State University will continue to serve the university, the veterinary medical community, and science.●

#### TRIBUTE TO THE GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUES, INC.

● Mrs. CARNAHAN. Mr. President, I take this opportunity to recognize an outstanding organization that is dedicated to youth baseball, the George Khoury Association of Baseball Leagues, Inc. I commend this extraordinary program that is celebrating its 65th anniversary.

The George Khoury Association of Baseball Leagues, Inc. was founded by George M. Khoury in 1936 in Saint Louis, MO. It is dedicated to promoting America's favorite pastime, and committed to giving youth a chance to play the game and learn about sportsmanship. In 1936, there were only four baseball teams in the Khoury league. However, after World War II, the program began to expand into other states, like Kentucky and Illinois. Now there are leagues in several states all over the country and even in some foreign countries. The Khoury league not only includes baseball teams, but also softball, soccer, and other exciting team sports.

I commend the George Khoury Association of Baseball Leagues, Inc. for its dedication to youth sports and the community.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 434. An act to direct the Secretary of Agriculture to enter into a cooperative agreement to provide for retention, maintenance, and operation, at private expense, of 12 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes.

H.R. 695. An act to establish the Oil Region National Heritage Area.

H.R. 788. An act to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin.

H.R. 1628. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

H.R. 1761. An act to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the "Herb Harris Post Office Building."

H.R. 1766. An act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building."

H.R. 1937. An act to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington.

At 3:31, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 223. Concurrent resolution permitting the use of the Rotunda of the Capitol for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 434. An act to direct the Secretary of Agriculture to enter into a cooperative

agreement to provide for retention, maintenance, and operation, at private expense, of 12 concrete dams and weirs located within the boundaries of the Emigrant Wilderness in the Stanislaus National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 695. An act to establish the Oil Region National Heritage Area; to the Committee on Energy and Natural Resources.

H.R. 788. An act to provide for the conveyance of the excess Army Reserve Center in Kewaunee, Wisconsin; to the Committee on Armed Services.

H.R. 1628. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Energy and Natural Resources.

H.R. 1761. An act to designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the "Herb Harris Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1766. An act to designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building"; to the Committee on Governmental Affairs.

H.R. 1937. An act to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington; to the Committee on Indian Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3733. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120-AA64)(2001-0439)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3734. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes" ((RIN2120-AA64)(2001-0443)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3735. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica Model EMB-135ER and 135LR Series Airplanes, and Model EMB 145, 145MR and 145LR Series Airplanes" ((RIN2120-AA64)(2001-0442)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3736. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10-30 Series Airplanes Modified by Supplemental Type Certificate SA8452SW" ((RIN2120-AA64)(2001-

0446)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3737. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 120 Series Airplanes" ((RIN2120-AA64)(2001-0445)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3738. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, and 200C Series Airplanes" ((RIN2120-AA64)(2001-0444)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3739. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400 and 767 Series Airplanes Equipped with GE CF6-80C2 Series Engines" ((RIN2120-AA64)(2001-0447)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3740. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100 and 200 Series Airplanes Modified by Supplemental Type Certificate ST00196SE" ((RIN2120-AA64)(2001-0451)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3741. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate ST00157SE" ((RIN2120-AA64)(2001-0450)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3742. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 Series Airplanes Modified by Supplemental Certificate SA4998NM" ((RIN2120-AA64)(2001-0448)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3743. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with GE Model CF6 45 or 50 Series Engines or Pratt and Whitney Model JT9D-3, 7, or 70 Series Engines; and 747-E4B Airplanes" ((RIN2120-AA64)(2001-0457)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3744. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, A321 Series Airplanes" ((RIN2120-AA64)(2001-0454)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3745. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-600, 700, and 800 Series Airplanes" ((RIN2120-AA64)(2001-0455)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3746. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 Series Airplanes Modified by Supplemental Type Certificate SA5134NM" ((RIN2120-AA64)(2001-0452)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3747. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0462)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3748. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospaciale Model ATR42 200, 300, 320 and 500 Series Airplanes; and Model ATR72 Series Airplanes" ((RIN2120-AA64)(2001-0460)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3749. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0466)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3750. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes" ((RIN2120-AA64)(2001-0458)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3751. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011 Series Airplanes" ((RIN2120-AA64)(2001-0459)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3752. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0463)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3753. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0464)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3754. A communication from the Program Analyst of the Federal Aviation Ad-

ministration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: JanAero Devices Part Number (P/N) 14D11, A14D11, B14D11, C14D11, 23D04, A23D04, B23D04, and C23D04 Fuel Regulator Shutoff Valves; Request for Comments" ((RIN2120-AA64)(2001-0468)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3755. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0469)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3756. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Naval Submarine Base Bangor and Naval Submarines, Puget Sound and Strait of Juan De Fuca, WA" ((RIN2115-AA97)(2001-0076)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3757. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0467)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3758. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes" ((RIN2120-AA64)(2001-0465)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3759. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Summerfest 200—Harbor Island Lagoon Activities, Milwaukee, Wisconsin" ((RIN2115-AA97)(2001-0077)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3760. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Lower Mississippi River, LMR Mile 351.1 to 537, Vaucluse Trenchfill (COTP Memphis 01-007)" ((RIN2115-AA97)(2001-0078)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3761. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Class E Enroute Domestic Airspace Area, Kingman, AZ; confirmation of effective date" ((RIN2120-AA66)(2001-0138)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3762. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Vicinity of Atlantic Fleet Weapons Training Facility,

Vieques, PR and Adjacent Territorial Sea" ((RIN2115-AA97) (2001-0080)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3763. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Atlantic Intracoastal Waterway, Fort Lauderdale, Broward County, FL" ((RIN2115-AE47) (2001-0077)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3764. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Connecticut River, CT" ((RIN2115-AE47) (2001-0078)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3765. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Brooks Memorial (S.E. 17th Street) Bridge Atlantic Intracoastal Waterway, Ft. Lauderdale, FL" ((RIN2115-AE47) (2001-0080)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3766. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Harlem River, Newtown Creek, NY" ((RIN2115-AE47) (2001-0076)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3767. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Manitowoc River, Wisconsin" ((RIN2115-AE47) (2001-0075)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3768. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR; Inner Harbor, Patapsco River, Baltimore, Maryland" ((RIN2115-AE46) (2001-0024)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3769. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Brorin Street Bridge, Across the Hillsborough River, Tampa, FL" ((RIN2115-AE47) (2001-0079)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3770. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Naval Force Protection, Bath Iron Works, Bath, ME" ((RIN2115-AA97) (2001-0079)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3771. A communication from the Chief of Regulations and Administrative Law,

United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Lake Michigan, Grand Haven, MI" ((RIN2115-AA97) (2001-0075)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3772. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Kennebec River, ME" ((RIN2115-AE47) (2001-0070)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3773. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: John Limehouse Bridge (ICW), Johns Island, SC" ((RIN2115-AE47) (2001-0071)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3774. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Jamaica Bay and Connecting Waterways, NY" ((RIN2115-AE47) (2001-0072)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3775. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Oswego Harbor, Oswego, NY" ((RIN2115-AA97) (2001-0074)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3776. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfer and Reopening" (I.D. 072301E) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3777. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Japanese Fisheries High School Training Vessel EHIME MARU Relocation and Crew Member Recovery, Pacific Ocean, South Shores of the Island of Oahu, HI (COTP Honolulu 01-054)" ((RIN2115-AA97) (2001-0072)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3778. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, New Jersey Pierhead Channel and Kill Van Kull" ((RIN2115-AA97) (2001-0073)) received on August 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3779. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law,

the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Adjustment of General Category Daily Retention Limit" (I.D. 072501A) received on August 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3780. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; 2001 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls" (RIN0648-AO96) received on August 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3781. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Record Keeping and Reporting Requirements; Alaska Commercial Operator's Annual Report" (RIN0648-AN01) received on August 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3782. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut" (I.D. 081001B) received on August 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3783. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Office of Research and Applications Ocean Remote Sensing Program Notice of Financial Assistance" (RIN0648-ZA90) received on August 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3784. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Closure of the Commercial Fishery from Horse Mountain to Point Arena, CA" received on August 25, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3785. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Charlottesville, VA" (Doc. No. 00-240) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3786. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Lexington, KY" (Doc. No. 01-83) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3787. A communication from the Senior Legal Advisor to Bureau Chief, Mass Media

Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Missoula, MT" (Doc. No. 01-15) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3788. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hugo, Colorado)" (Doc. No. 01-97) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3789. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR; Bush River, Abingdon, Maryland" ((RIN2115-AE46) (2001-0026)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3790. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations; Bayou Boeuf, LA" ((RIN2115-AE47) (2001-0082)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3791. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations; Mississippi River, Iowa and Illinois" ((RIN2115-AE47) (2001-0081)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3792. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Triathlon, Ulster Landing, Hudson River, NY" ((RIN2115-AA97) (2001-0081)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3793. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, AK" ((RIN2115-AA97) (2001-0094)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3794. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Sister Bay Marina Fest, Sister Bay, Wisconsin" ((RIN2115-AA97) (2001-0093)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3795. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Inner Harbor Navigation Canal, New Orleans, LA" ((RIN2115-AE47) (2001-0083)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3796. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Ouchita River, LA" ((RIN2115-AE47) (2001-0084)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3797. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: McArdle Bridge Repairs—Boston, Massachusetts" ((RIN2115-AA97) (2001-0084)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3798. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ashley River, Charleston, SC" ((RIN2115-AA97) (2001-0082)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3799. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Maumee River, Toledo, Ohio" ((RIN2115-AA97) (2001-0086)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3800. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Fireworks Display, Newport, RI" ((RIN2115-AA97) (2001-0088)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3801. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea" ((RIN2115-AA97) (2001-0085)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3802. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Candlelight on the Water, Port Washington, Wisconsin" ((RIN2115-AA97) (2001-0087)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3803. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Maumee River, Rossford, Ohio" ((RIN2115-AA97) (2001-0090)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3804. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Indian Summer

Festival 2001, Milwaukee, Wisconsin" ((RIN2115-AA97) (2001-0091)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3805. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Arthur Kill, Staten Island, NY" ((RIN2115-AA97) (2001-0092)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3806. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: CFM International CFM56 Series Turbofan Engines" ((RIN2120-AA64) (2001-0471)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3807. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 Series Airplanes" ((RIN2120-AA64) (2001-0472)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3808. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAe Systems (Operations) Limited Model Avro 146-RJ85A and 146-RJ100A Series Airplanes" ((RIN2120-AA64) (2001-0473)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3809. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (36) Amdt. No. 2065" ((RIN2120-AA65) (2001-0048)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3810. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (63) Amdt. No. 2066" ((RIN2120-AA65) (2001-0049)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3811. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Devices; 12-Month-Old Child Dummy; Response to Petitions for Reconsideration" ((RIN2127-A137) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3812. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interior Trunk Release; Response to Petitions for Reconsideration" ((RIN2127-A151) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3813. A communication from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation" (RIN2133-AB45) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3814. A communication from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Salem and Molalla, Oregon, and Fairport and Avon, New York)" (Doc. No. 01-59) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3815. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Hurley, Rosendale and Rhinebeck, New York, and North Canaan and Sharon, Connecticut)" (Doc. No. 97-178) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3816. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Topeka, Iola, Emporia, and Pleasanton, Kansas)" (Doc. Nos. 98-9, 98-13) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3817. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sugar Hill and Toccoa, Georgia)" (Doc. No. 98-162) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3818. A communication from the Senior Legal Advisor to Bureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Panama City, FL" (Doc. No. 99-318) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3819. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Naches, Sunnyside and Benton City, Washington" (Doc. No. 01-95) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3820. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elkhorn City and Coal Run, Kentucky)" (Doc. No. 00-14) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3821. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications

Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Kansas City, Missouri" (Doc. No. 00-116) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3822. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the Auctions Expenditure Report for Fiscal Year 2000; to the Committee on Commerce, Science, and Transportation.

EC-3823. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR; Nanticoke River, Sharptown, Maryland" ((RIN2115-AE46)(2001-0025)) received on August 30, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3824. A communication from the Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules; Adoption of a Mandatory FCC Registration Number" (Doc. No. 00-205) received on September 4, 2001; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1416: An original bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. (Rept. No. 107-62).

S. 1417: An original bill to authorize appropriations for fiscal year 2002 for defense activities of the Department of Energy, and for other purposes.

S. 1418: An original bill to authorize appropriations for fiscal year 2002 for military construction, and for other purposes.

S. 1419: An original bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 1416. An original bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1417. An original bill to authorize appropriations for fiscal year 2002 for defense ac-

tivities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1418. An original bill to authorize appropriations for fiscal year 2002 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1419. An original bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. HATCH:

S. 1420. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr.

LOTT, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mrs. CLINTON, Mr. WARNER, Mr. ALLEN, Mr. BIDEN, Mr. HELMS, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, and Mr. WYDEN):

S.J. Res. 22. A joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND (for himself, Mr. ALLEN, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mr. BROWBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CLELAND, Mr. COCHRAN, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr.

DURBIN, Mr. EDWARDS, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MCCONNELL, Mr. MILLER, Mr. NICKLES, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. SPECTER, Mr. THOMPSON, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 159. A resolution designating the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. REID, Mr. INHOFE, Mr. THURMOND, Mr. BENNETT, Mr. DODD, Mr. STEVENS, Mr. CRAIG, Mr. GRASSLEY, Mr. CLELAND, Mr. HUTCHINSON, and Mr. INOUE):

S. Res. 160. A resolution designating the month of October 2001, as "Family History Month"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 172

At the request of Mr. SMITH of Oregon, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 172, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 247

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 247, a bill to provide for the protection of children from tobacco.

S. 484

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 484, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 913

At the request of Ms. SNOWE, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 966

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1333

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1333, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1409

At the request of Mrs. FEINSTEIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1420. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1420

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Law Technical Amendments Act of 2001".

#### SEC. 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW AND PROCEDURE.

(a) MISSING AND INCORRECT WORDS.—

(1) CORRECTION OF GARBLED SENTENCE.—Section 510(c) of title 18, United States Code, is amended by striking "fine of under this title" and inserting "fine under this title".

(2) INSERTION OF MISSING WORDS.—Section 981(d) of title 18, United States Code, is amended by striking "proceeds from the sale of this section" and inserting "proceeds from the sale of such property under this section".

(3) CORRECTION OF INCORRECT WORD.—Sections 1425 through 1427, 1541 through 1544 and 1546(a) of title 18, United States Code, are each amended by striking "to facility" and inserting "to facilitate".

(4) CORRECTING ERRONEOUS AMENDATORY LANGUAGE ON EXECUTED AMENDMENT.—Effective on the date of the enactment of Public Law 103-322, section 60003(a)(13) of such public law is amended by striking "\$1,000,000 or imprisonment" and inserting "\$1,000,000 and imprisonment".

(5) INSERTION OF MISSING WORD.—Section 3286 of title 18, United States Code, is amended by inserting "section" before "2332b".

(6) CORRECTION OF REFERENCE TO SHORT TITLE OF LAW.—That section 2332d(a) of title 18, United States Code, which relates to financial transactions is amended by inserting "of 1979" after "Export Administration Act".

(7) ELIMINATION OF TYPO.—Section 1992(b) of title 18, United States Code, is amended by striking "term or years" and inserting "term of years".

(8) SPELLING CORRECTION.—Section 2339A(a) of title 18, United States Code, is amended by striking "or an escape" and inserting "of an escape".

(9) SECTION 3553.—Section 3553(e) of title 18, United States Code, is amended by inserting "a" before "minimum".

(10) MISPELLING IN SECTION 205.—Section 205(d)(1)(B) of title 18, United States Code, is amended by striking "groups's" and inserting "groups".

(11) CONFORMING CHANGE AND INSERTING MISSING WORD IN SECTION 709.—The paragraph in section 709 of title 18, United States Code, that begins with “A person who” is amended—

(A) by striking “A person who” and inserting “Whoever”; and

(B) by inserting “or” after the semicolon at the end.

(12) ERROR IN LANGUAGE BEING STRICKEN.—Effective on the date of its enactment, section 726(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(A) in subparagraphs (C) and (E), by striking “section” the first place it appears; and

(B) in subparagraph (G), by striking “relating to” the first place it appears.

(b) MARGINS, PUNCTUATION, AND SIMILAR ERRORS.—

(1) MARGIN ERROR.—Section 1030(c)(2) of title 18, United States Code, is amended so that the margins of subparagraph (B) and each of its clauses, are moved 2 ems to the left.

(2) CORRECTING CAPITALIZATION IN LANGUAGE TO BE STRICKEN.—Effective on the date of its enactment, section 607(g)(2) of the Economic Espionage Act of 1996 is amended by striking “territory” and inserting “Territory”.

(3) CORRECTING PARAGRAPHING.—The material added to section 521(a) of title 18, United States Code, by section 607(q) of the Economic Espionage Act of 1996 is amended to appear as a paragraph indented 2 ems from the left margin.

(4) SUBSECTION PLACEMENT CORRECTION.—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(5) INSERTION OF PARENTHETICAL DESCRIPTIONS.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended—

(A) by inserting “(relating to certain killings in Federal facilities)” after “930(c)”; and

(B) by inserting “(relating to wrecking trains)” after “1992”; and

(C) by striking “2332c.”.

(6) CORRECTION TO ALLOW FOR INSERTION OF NEW SUBPARAGRAPH AND CORRECTION OF ERRONEOUS INDENTATION.—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) in subparagraph (B)(ii), by moving the margin 2 ems to the right;

(B) by striking “or” at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting “; or”; and

(D) in subparagraph (F), by striking “Any” and inserting “any”.

(7) CORRECTION OF CONFUSING SUBDIVISION DESIGNATION.—Section 1716 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting “(j)(1)” before “Whoever”;

(B) in the second undesignated paragraph—

(i) by striking “not more than \$10,000” and inserting “under this title”; and

(ii) by inserting “(2)” at the beginning of that paragraph;

(C) by inserting “(3)” at the beginning of the third undesignated paragraph; and

(D) by redesignating subsection (j) as subsection (k).

(8) PUNCTUATION CORRECTION IN SECTION 1091.—Section 1091(b)(1) of title 18, United States Code, is amended by striking “subsection (a)(1),” and inserting “subsection (a)(1)”.

(9) PUNCTUATION CORRECTION IN SECTION 2311.—Section 2311 of title 18, United States Code, is amended by striking the period after “carcasses thereof” the second place that term appears and inserting a semicolon.

(10) SYNTAX CORRECTION.—Section 115(b)(2) of title 18, United States Code, is amended by striking “, attempted kidnapping, or conspiracy to kidnap of a person” and inserting “or attempted kidnapping of, or a conspiracy to kidnap, a person”.

(11) CORRECTING CAPITALIZATION IN SECTION 982.—Section 982(a)(8) of title 18, United States Code, is amended by striking “Court” and inserting “court”.

(12) PUNCTUATION CORRECTIONS IN SECTION 1029.—Section 1029 of title 18, United States Code, is amended—

(A) in subsection (c)(1)(A)(ii), by striking “(9),” and inserting “(9)”; and

(B) in subsection (e), by adding a semicolon at the end of paragraph (8).

(13) CORRECTIONS OF CONNECTORS AND PUNCTUATION IN SECTION 1030.—Section 1030 of title 18, United States Code, is amended—

(A) by striking “and” at the end of subsection (c)(2)(A);

(B) by inserting “and” at the end of subsection (c)(2)(B)(iii);

(C) by striking “; and” at the end of subsection (c)(3)(B) and inserting a period;

(D) by striking the period at the end of subsection (e)(4)(I) and inserting a semicolon; and

(E) by striking “and” at the end of subsection (e)(7).

(14) CORRECTION OF PUNCTUATION IN SECTION 1032.—Section 1032(1) of title 18, United States Code, is amended by striking “13,” and inserting “13”.

(15) CORRECTION OF PUNCTUATION IN SECTION 1345.—Section 1345(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (B), by striking “, or” and inserting “; or”; and

(B) in subparagraph (C), by striking the period and inserting a semicolon.

(16) CORRECTION OF PUNCTUATION IN SECTION 3612.—Section 3612(f)(2)(B) of title 18, United States Code, is amended by striking “preceding,” and inserting “preceding”.

(17) CORRECTION OF INDENTATION IN CONTROLLED SUBSTANCES ACT.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by moving the margin of subparagraph (C) 2 ems to the left.

(c) ELIMINATION OF REDUNDANCIES.—

(1) ELIMINATION OF REDUNDANT PROVISION.—Section 2516(1) of title 18, United States Code, is amended—

(A) by striking the first paragraph (p); and

(B) by inserting “or” at the end of paragraph (o).

(2) ELIMINATION OF DUPLICATE AMENDMENTS.—Effective on the date of its enactment, paragraphs (1), (2), and (4) of section 601(b), paragraph (2) of section 601(d), paragraph (2) of section 601(f), paragraphs (1) and (2)(A) of section 601(j), paragraphs (1) and (2) of section 601(k), subsection (d) of section 602, paragraph (4) of section 604(b), subsection (r) of section 605, and paragraph (2) of section 607(j) of the Economic Espionage Act of 1996 are repealed.

(3) ELIMINATION OF EXTRA COMMA.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(A) by striking “Code,,” and inserting “Code.”; and

(B) by striking “(services),,” and inserting “(services),”.

(4) REPEAL OF SECTION GRANTING DUPLICATIVE AUTHORITY.—

(A) Section 3503 of title 18, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) ELIMINATION OF OUTDATED REFERENCE TO PAROLE.—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) CORRECTION OF OUTDATED FINE AMOUNTS.—

(1) IN TITLE 18, UNITED STATES CODE.—

(A) IN SECTION 492.—Section 492 of title 18, United States Code, is amended by striking “not more than \$100” and inserting “under this title”.

(B) IN SECTION 665.—Section 665(c) of title 18, United States Code, is amended by striking “a fine of not more than \$5,000” and inserting “a fine under this title”.

(C) IN SECTIONS 1924, 2075, 2113(b), AND 2236.—

(i) Section 1924(a) of title 18, United States Code, is amended by striking “not more than \$1,000,” and inserting “under this title”.

(ii) Sections 2075 and 2113(b) of title 18, United States Code, are each amended by striking “not more than \$1,000” and inserting “under this title”.

(iii) Section 2236 of title 18, United States Code, is amended by inserting “under this title” after “warrant, shall be fined”, and by striking “not more than \$1,000”.

(D) IN SECTION 372 AND 752.—Sections 372 and 752(a) of title 18, United States Code, are each amended by striking “not more than \$5,000” and inserting “under this title”.

(E) IN SECTION 924(e)(1).—Section 924(e)(1) of title 18, United States Code, is amended by striking “not more than \$25,000” and inserting “under this title”.

(2) IN THE CONTROLLED SUBSTANCES ACT.—

(A) IN SECTION 401.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended—

(i) in paragraph (1), by striking “and shall be fined not more than \$10,000” and inserting “or fined under title 18, United States Code, or both”; and

(ii) in paragraph (2), by striking “and shall be fined not more than \$20,000” and inserting “or fined under title 18, United States Code, or both”.

(B) IN SECTION 402.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking “of not more than \$25,000” and inserting “under title 18, United States Code”; and

(ii) in subparagraph (B), by striking “of \$50,000” and inserting “under title 18, United States Code”.

(C) IN SECTION 403.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking “of not more than \$30,000” each place that term appears and inserting “under title 18, United States Code”; and

(ii) by striking “of not more than \$60,000” each place it appears and inserting “under title 18, United States Code”.

(e) CROSS REFERENCE CORRECTIONS.—

(1) SECTION 3664.—Section 3664(o)(1)(C) of title 18, United States Code, is amended by striking “section 3664(d)(3)” and inserting “subsection (d)(5)”.

(2) CHAPTER 228.—Section 3592(c)(1) of title 18, United States Code, is amended by striking “section 36” and inserting “section 37”.

(3) CORRECTING ERRONEOUS CROSS REFERENCE IN CONTROLLED SUBSTANCES ACT.—Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking “1822 of the Mail Order Drug Paraphernalia Control Act” and inserting “422”.

(4) CORRECTION TO REFLECT CROSS REFERENCE CHANGE MADE BY OTHER LAW.—Effective on the date of its enactment, section 601(c)(3) of the Economic Espionage Act of 1996 is amended by striking “247(d)” and inserting “247(e)”.

(5) **TYPGRAPHICAL AND TYPEFACE ERROR IN TABLE OF CHAPTERS.**—The item relating to chapter 123 in the table of chapters at the beginning of part I of title 18, United States Code, is amended—

(A) by striking “2271” and inserting “2721”; and

(B) so that the item appears in bold face type.

(6) **SECTION 4104.**—Section 4104(d) of title 18, United States Code, is amended by striking “section 3653 of this title and rule 32(f) of” and inserting “section 3565 of this title and the applicable provisions of”.

(7) **ERROR IN AMENDATORY LANGUAGE.**—Effective on the date of its enactment, section 583 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (111 Stat. 2436) is amended by striking “Section 2401” and inserting “Section 2441”.

(8) **ERROR IN CROSS REFERENCE TO COURT RULES.**—The first sentence of section 3593(c) of title 18, United States Code, is amended by striking “rule 32(c)” and inserting “rule 32”.

(9) **SECTION 1836.**—Section 1836 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “this section” and inserting “this chapter”; and

(B) in subsection (b), by striking “this subsection” and inserting “this section”.

(10) **CORRECTION OF ERRONEOUS CITE IN CHAPTER 119.**—Section 2510(10) of title 18, United States Code, is amended by striking “shall have” and all that follows through “United States Code;” and inserting “has the meaning given that term in section 3 of the Communications Act of 1934;”.

(11) **ELIMINATION OF OUTDATED CITE IN SECTION 2339A.**—Section 2339A(a) of title 18, United States Code, is amended by striking “2332c.”.

(12) **CORRECTION OF REFERENCES IN AMENDATORY LANGUAGE.**—Effective the date of its enactment, section 115(a)(8)(B) of Public Law 105-119 is amended—

(A) in clause (i)—

(i) by striking “at the end of” and inserting “following”; and

(ii) by striking “paragraph” the second place it appears and inserting “subsection”; and

(B) in clause (ii), by striking “subparagraph (A)” and inserting “clause (i)”.

(f) **TABLES OF SECTIONS CORRECTIONS.**—

(1) **CONFORMING TABLE OF SECTIONS TO HEADING OF SECTION.**—The item relating to section 1837 in the table of sections at the beginning of chapter 90 of title 18, United States Code, is amended by striking “Conduct” and inserting “Applicability to conduct”.

(2) **CONFORMING HEADING TO TABLE OF SECTIONS ENTRY.**—The heading of section 1920 of title 18, United States Code, is amended by striking “employee’s” and inserting “employees”.

### SEC. 3. ADDITIONAL TECHNICALS.

Title 18, United States Code, is amended—

(1) in section 922(t)(1)(C), by striking “1028(d)(1)” and inserting “1028(d)”;

(2) in section 1005—

(A) in the first undesignated paragraph, by striking “Act,” and inserting “Act.”; and

(B) by inserting “or” at the end of the third undesignated paragraph;

(3) in section 1071, by striking “fine of under this title” and inserting “fine under this title”;

(4) in section 1368(a), by inserting “to” after “serious bodily injury”;

(5) in section 1956(c)(7)(B)(ii), by inserting “or” at the end thereof;

(6) in section 1956(c)(7)(B)(iii), by inserting a closing parenthesis after “1978”;

(7) in subsections (b)(1) and (c) of section 2252A, by striking “paragraphs” and inserting “paragraph”; and

(8) in section 2254(a)(3), by striking the comma before the period at the end.

### SEC. 4. REPEAL OF OUTDATED PROVISIONS.

(a) Section 14 of title 18, United States Code, and the item relating thereto in the table of sections at the beginning of chapter 1 of title 18, United States Code, are repealed.

(b) Section 1261 of such title is amended—

(1) by striking “(a) The Secretary” and inserting “The Secretary”; and

(2) by striking subsection (b).

(c) Section 1821 of such title is amended by striking “, the Canal Zone”.

(d) Section 3183 of such title is amended by striking “or the Panama Canal Zone,”.

(e) Section 3241 of such title is amended by striking “United States District Court for the Canal Zone and the”.

By Mr. DASCHLE (for himself, Mr. LOTT, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mrs. CLINTON, Mr. WARNER, Mr. ALLEN, Mr. BIDEN, Mr. HELMS, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFF, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WELLSTONE, and Mr. WYDEN):

S.J. Res. 22. A joint resolution expressing the sense of the Senate and

House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S.J. RES. 22

Whereas on September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C.:

Whereas thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon; and

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our Nation and weaken its resolve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) condemns in the strongest possible terms the terrorists who planned and carried out the September 11, 2001, attacks against the United States, as well as their sponsors;

(2) extends its deepest condolences to the victims of these heinous and cowardly attacks, as well as to their families, friends, and loved ones;

(3) is certain that the people of the United States will stand united as our Nation begins the process of recovering and rebuilding in the aftermath of these tragic acts;

(4) commends the heroic actions of the rescue workers, volunteers, and State and local officials who responded to these tragic events with courage, determination, and skill;

(5) declares that these premeditated attacks struck not only at the people of America, but also at the symbols and structures of our economic and military strength, and that the United States is entitled to respond under international law;

(6) thanks those foreign leaders and individuals who have expressed solidarity with the United States in the aftermath of the attacks, and asks them to continue to stand with the United States in the war against international terrorism;

(7) commits to support increased resources in the war to eradicate terrorism;

(8) supports the determination of the President, in close consultation with Congress, to bring to justice and punish the perpetrators of these attacks as well as their sponsors; and

(9) declares that September 12, 2001, shall be a National Day of Unity and Mourning, and that when Congress adjourns today, it stands adjourned out of respect to the victims of the terrorist attacks.

STATEMENTS ON SUBMITTED  
RESOLUTIONS

## SENATE RESOLUTION 159—DESIGNATING THE WEEK BEGINNING SEPTEMBER 16, 2001, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. THURMOND (for himself, Mr. ALLEN, Mr. BAYH, Mr. BIDEN, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CLELAND, Mr. COCHRAN, Mr. CONRAD, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MCCONNELL, Mr. MILLER, Mr. NICKLES, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Mr. SPECTER, Mr. THOMPSON, Mr. VOINOVICH, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 159

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved,*

## SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

Mr. THURMOND. Mr. President, I rise to submit a Senate Resolution designating the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week." It is my privilege to sponsor this legislation, honoring the Historically Black Colleges of our Country, for the sixteenth time.

Thousands of young Americans have received quality educations at the 105

Historically Black Colleges and Universities in this Country. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. I am pleased that eight of the 105 Historically Black Colleges and Universities are located in my State of South Carolina. Historically Black Colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Studies have shown that Historically Black Colleges and Universities have graduated the majority of black professionals in the Nation. The adoption of this resolution will affirm the United States' support for these institutions and the critical contributions of their alumni to our society.

## SENATE RESOLUTION 160—DESIGNATING THE MONTH OF OCTOBER 2001, AS "FAMILY HISTORY MONTH"

Mr. HATCH (for himself, Mr. REID, Mr. INHOFE, Mr. THURMOND, Mr. BENNETT, Mr. DODD, Mr. STEVENS, Mr. CRAIG, Mr. GRASSLEY, Mr. CLELAND, Mr. HUTCHINSON, and Mr. INOUE) submitted the following resolution; which was referred to the Committee on the Judiciary.

## S. RES. 160

Whereas it is the family, striving for a future of opportunity and hope, that reflects our Nation's belief in community, stability, and love;

Whereas the family remains an institution of promise, reliance, and encouragement;

Whereas we look to the family as an unwavering symbol of constancy that will help us discover a future of prosperity, promise, and potential;

Whereas within our Nation's libraries and archives lie the treasured records that detail the history of our Nation, our States, our communities, and our citizens;

Whereas individuals from across our Nation and across the world have embarked on a genealogical journey by discovering who their ancestors were and how various forces shaped their past;

Whereas an ever-growing number in our Nation and in other nations are collecting, preserving, and sharing genealogies, personal documents, and memorabilia that detail the life and times of families around the world;

Whereas 54,000,000 individuals belong to a family where someone in the family has used the Internet to research their family history;

Whereas individuals from across our Nation and across the world continue to research their family heritage and its impact upon the history of our Nation and the world;

Whereas approximately 60 percent of Americans have expressed an interest in tracing their family history;

Whereas the study of family history gives individuals a sense of their heritage and a sense of responsibility in carrying out a legacy that their ancestors began;

Whereas as individuals learn about their ancestors who worked so hard and sacrificed

so much, their commitment to honor their ancestors' memory by doing good is increased;

Whereas interest in our personal family history transcends all cultural and religious affiliations;

Whereas to encourage family history research, education, and the sharing of knowledge is to renew the commitment to the concept of home and family; and

Whereas the involvement of National, State, and local officials in promoting genealogy and in facilitating access to family history records in archives and libraries are important factors in the successful perception of nationwide camaraderie, support, and participation: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the month of October 2001, as "Family History Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND  
PROPOSED

SA 1548. Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1549. Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1550. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1548.** Mr. KERRY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 102, line 3, strike the period and insert: "Provided further, That \$13,700,000 shall be available in fiscal year 2002 to fund grants as authorized by section 29 of the Small Business Act."

**SA 1549.** Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, insert between lines 11 and 12 the following:

**SEC. 306. ADDITIONAL FEDERAL JUDGESHIPS FOR CRITICAL AREAS.**

(a) DISTRICT JUDGES FOR THE DISTRICT COURTS.—The President shall appoint, by

and with the advice and consent of the Senate, the number of additional permanent district judges recommended by the Judicial Conference's Request to Congress issued February 5, 2001, for any district where the weighted filings per judgeship in the 12 months ending September 30, 2000 is, according to the Judicial Conference, greater than twice the national benchmark caseload standard used by the Judicial Conference as a measure of the need for new judgeships.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

**SA 1550.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 101, line 18, insert the following before the colon: “, of which, \$13,700,000, shall be available to carry out the Women's Business Development Program established under section 29 of the Small Business Act (15 U.S.C. 656), and shall remain available until expended”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 12, 2001, at 11:00 a.m. SH-216, for a hearing regarding “How Secure is Our Critical Infrastructure?”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZING THE USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 223, just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 223) permitting the use of the Rotunda of the Capitol for a prayer vigil in memory of those who lost their lives in the events of September 11, 2001.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 223) was agreed to.

#### UNANIMOUS CONSENT AGREEMENT—S.J. RES. 22

Mr. REID. Mr. President, I ask unanimous consent that the following be the order of speakers on Thursday morning dealing with S.J. Res. 22 which we voted on today: Senators BOND, LINCOLN, SMITH of New Hampshire, STABENOW, COLLINS, GRAHAM, MURKOWSKI, and BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR THURSDAY, SEPTEMBER 13, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, September 13. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 11 a.m., with Senators permitted to speak with respect to S.J. Res. 22 for up to 5 minutes each, with each side alternating; further, at 11 a.m., the Senate resume consideration of the Commerce-State-Justice appropriations act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, based on the ruling of the Chair, tomorrow morning the Senate will convene at 9:30 a.m., with a period for morning business for Senators to speak regarding S.J. Res. 22. At 11 a.m., the Senate will resume consideration of the Commerce-State-Justice appropriations act. We hope to complete action on the Commerce-State-Justice appropriations bill early tomorrow evening. It would be a big accomplishment for us to be able to do that. There will be votes throughout the day.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment, under the provisions of S.J. Res. 22 as a further mark of respect to the victims of the terrorist attacks.

There being no objection, the Senate, at 7:20 p.m., adjourned until Thursday, September 13, 2001, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 12, 2001:

##### DEPARTMENT OF AGRICULTURE

EDWARD R. MCPHERSON, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE, VICE SALLY THOMPSON, RESIGNED.

##### DEPARTMENT OF TRANSPORTATION

READ VAN DE WATER, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE FRANCISCO J. SANCHEZ, RESIGNED.

##### DEPARTMENT OF STATE

RALPH LEO BOYCE, JR., OF VIRGINIA, TO BE A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

ROBERT W. JORDAN, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

ROBERT V. ROYALL, OF SOUTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

KEVIN E. MOLEY, OF ARIZONA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR, VICE GEORGE EDWARD MOOSE.

KENNETH C. BRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

KENNETH C. BRILL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

##### INTER-AMERICAN DEVELOPMENT BANK

JOSE A. FOURQUET, OF NEW JERSEY, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE LAWRENCE HARRINGTON, RESIGNED.

##### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

J. EDWARD FOX, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JOSEPH R. CRAPA, RESIGNED.

E. ANNE PETERSON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE BARRY EDWARD CARTER.

##### DEPARTMENT OF JUSTICE

DUNN LAMPTON, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE JOE BRADLEY PIGOTT, RESIGNED.

BENIGNO G. REYNA, OF TEXAS, TO BE DIRECTOR OF THE UNITED STATES MARSHALS SERVICE, VICE JOHN W. MARSHALL, RESIGNED.

JUAN CARLOS BENITEZ, OF PUERTO RICO, TO BE SPECIAL COUNSEL FOR IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES FOR A TERM OF FOUR YEARS, VICE JOHN D. TRASVINA, TERM EXPIRING.

**HOUSE OF REPRESENTATIVES—Thursday, September 13, 2001**

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 13, 2001.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The Lord is my light and my salvation whom should I fear!

Lord God, Your light has come into this world. Your revelation guides this Nation still.

In the very beginning You separated out the light from the darkness. Perhaps this is exactly what You want us to do on this new day.

Remove from us the darkness of fear and fantasy, projection and prejudice, blinding anger, and confusion. Help us to be realistic and unafraid to walk in the light of day, returning to ordinary tasks which make this Nation vibrant and strong.

As so many dead are laid to rest we must memorialize their ordinary innocence, their daily hopes and responsibilities as well as their love. Assist with Your grace the noble task of grieving families, medical, counseling and search teams in their untiring work of compassion.

May prayer in Your spirit enlighten the Members of this Congress so they may be sound and unified in purpose. Make them Your instruments to stabilize this Nation and bring about lasting peace so all Americans here and abroad, with our friends around the world, may live in the freedom of expression of faith, hope and love, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

ON RECENT U.S. TRAGEDY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, it is a new day and a new dawn in America, and how lucky I am to be an American citizen.

Watching the TV in the morning is very, very difficult because we see families looking for loved ones and we see people searching for answers and clues to this devastating tragedy.

Whoever did this may have taken a bite out of the big apple, but they are rotten to the core for inflicting the damage on innocent people.

We will see the opening, hopefully soon, of the financial markets, and we pray people are not only sensible but reasonable and understand that there should be no egregious trading on the backs of this disaster.

When the airlines open today, we ask for calm and reasonableness as people approach those who work in our airports.

We also ask each and every citizen living in communities throughout this country to take a moment to salute the police officers, the firefighters, the military personnel who don the uniforms of service to this country, to this Nation, and to our communities to protect and provide for us. Oftentimes we are not thankful enough for those who risk their lives because we are simply usually inconvenienced at the red or blue lights we see in our rear-view mirrors. We do not thank them enough until we need them, until we call 911, and then we desperately ask for their help. Society requires us to be bigger and better than that.

I hear some of our Members complaining about not being briefed enough, not being informed enough about what has happened. I do not want a briefing, I say to my colleagues. I want those people who need to pursue this tragedy with vigor to not inter-

rupt their investigation to brief us now. We have a chance to be Monday morning quarterbacks, we have a chance to review what has happened, but the most important thing now is answers for families and answers to who created this problem and staying resolved as a Nation that we are bigger and better than they are.

Let us not target citizens needlessly who may be related by ethnicity or religion. Let us focus on those perpetrators who inflicted this damage and this devastation to our country. We are a bigger and better place than anywhere else in the world. And in these critical hours, it is more important than ever to prove it, to show the world who we are as people, and to make certain while we talk about acts of war and treason and treachery that we focus our full, complete attention on those who inflicted this pain and damage.

We are a proud Nation and we are great Americans, and in this hour of need let us rise above the din of acrimony and pray to the Lord for strength and make certain that in this hour we help our fellow man more than ever before.

INTELLIGENCE NETWORK A  
WASTE OF CONGRESS' FUNDING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Berlin Wall, the Soviet Union, the invasion of Kuwait, the Oklahoma City bombing, Pan Am 103, our World Trade Center, two times, now the Pentagon, and on and on. Let us tell it like it is: America gives \$60 billion a year to the FBI and CIA for intelligence, and the truth is we learned of every one of these tragedies from Fox News and CNN.

Tell me, after all these years, you mean to tell me our intelligence network cannot locate and infiltrate Osama bin Laden's organization? Tell me, Congress, when are we going to tell Afghanistan, when are we going to tell Iran that if they are housing bin Laden we will declare war against them?

The truth is we have an intelligence network that is so dumb they could throw themselves at the ground and miss, and Congress keeps throwing money down a black hole.

I yield back the fact that this is another tragedy that could have been prevented, that everybody knew was coming, and it will not be the last.

### IMPOSSIBLE TO MAKE SENSE OF TERRORIST ATTACK

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, words cannot begin to express the emotions that Americans all across this country are experiencing after Tuesday's events. We are all grief stricken. We are stunned. We are amazed. We are angry. And amongst these emotions, we are just simply trying to make sense of it all.

Well, Mr. Speaker, I stand here to say that it is impossible to make sense of it all. It is impossible to make sense of the loss; possibly in the tens of thousands of Americans have lost their lives in these recent terrorist attacks. Innocent civilians, military officers, men and women not fighting a war but innocent mothers and fathers, sons and daughters, brothers and sisters, who were only going about their daily routine.

I would like to reiterate the words expressed by Leonard Pitts, a columnist for the Miami Herald, who is also trying to make sense of these recent events, and I quote: "Did you want us to respect your cause? You just damned Your cause. Did you want us to fear you? You just steered our resolve. Did you want to tear us apart? You just brought us together."

Yes, Mr. Speaker, we are a united Nation, a united country, the United States, today, tomorrow, and forever, and we will overcome.

### AMERICANS SHOULD NOT TURN ANGER AGAINST ONE ANOTHER

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, this is a time for Americans to stand together through our grief and our frustration and even our anger. But I wanted to come down here this morning to say how important it is that we do not turn our anger on one another.

We are beginning to hear some disturbing reports of acts of bigotry against people who are perceived to be or who are Arab Americans or people who are wearing turbans; of angry mobs, angry crowds coming to a mosque; a person wearing a turban being thrown off a train. It is only a victory for those who would perpetrate acts of terrorism against us if we begin to turn against one another.

There are millions of Arab Americans who contribute, who died in the explosions and the attack and who are mourning, along with all the rest of Americans. We cannot as a Nation allow our grief to turn into acts of violence or acts of bigotry against one another.

I would just urge that we hold hands, that we stand firmly together to oppose this terrorism, that we stand with our allies around the world, and that we look to embracing each other as Americans to fight this enemy.

### ANNOUNCEMENT TO COLLEAGUES REGARDING ACTIONS THEY CAN TAKE

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to make some announcements to our colleagues.

First of all, our colleagues can call my office today to cosponsor a Declaration of War Resolution that I have prepared which will be introduced within the next several days. This Declaration of War gives the White House the authority and the ability to declare to specific terrorist groups that in fact we are at war with.

Number two, our colleagues can call my office and cosponsor a joint resolution creating a joint task force between the U.S. and Russia to combat terrorism. This comes about because of communications I have received from the Russian Duma offering to work with us. The Russians have the same threat that we do, and this is an opportunity for us to work together.

Number three, our colleagues can join next week in State Farm's announcement of several hundreds of thousands of dollars going to the Police and Fire Foundation to benefit the families of those police and firefighters who are currently missing in New York.

And, number four, our colleagues can join the gentleman from Maryland (Mr. HOYER) and I as we announce next week the creation of a multimillion dollar fund to support the Police and Firefighters Hero Scholarship Fund in New York so that we can provide for full college scholarships for every son and daughter of every police officer and firefighter in New York City who is determined to have been killed in this terrible tragedy.

I urge my colleagues to join with us in these efforts.

### CONDOLENCES TO FAMILIES OF VICTIMS OF TERRORIST ATTACK

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, this morning, again, I extend my condolences and my most heartfelt sympathies to the loved ones and families of the people that were victims in this tragic event. My prayers go out to the families that are looking with hope to find their loved ones. My gratitude

continues to the men and women who are endangering their lives looking for victims. And my hope is that those that were injured will recover quickly.

It is a time of anger, a time of fear, but we need to ensure that our Constitution does not become a victim. We need to protect and ensure that we protect our civil rights. We also need to ensure that our democracy does not become a victim. We need to ensure that we protect the separation of powers. We need to ensure that the executive branch works with the Senate and the House in concert, in order that we bring about a resolution.

Our American spirit will help us overcome this great tragedy, and may God continue to bless America.

□ 1015

### HEROES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Tuesday morning, a passenger named Jeremy Glick called his wife from United Airlines Flight 93 as it flew over Somerset County, Pennsylvania. Jeremy knew he was going to die, and told his wife he wanted her to have a good life and asked her to please look after their 3-month-old baby girl. Then Jeremy and another passenger named Thomas Burnett charged the cockpit to overcome the hijackers.

The plane crashed in a field, killing all of its passengers but no one else. It has been reported that that plane was headed for Andrews Air Force Base on a mission to take out Air Force One.

Ali Taqi, a 24-year-old firefighter from Michigan, hopped in his car Tuesday and drove all the way to New York City to see if he could help out with rescue efforts.

Tuesday morning, hundreds of firefighters, police officers, EMS workers charged into the first of the twin towers only to lose their lives when the second one was hit, and both buildings collapsed.

Mr. Speaker, every one of these people is an American hero.

Passengers on Flight 93 literally gave their lives to save others.

Nathan Hale rued the fact that he had "but one life to give for his country." None of us has more than one life to give, but the way Tuesday's heroes gave theirs and the way today's are risking theirs to search for survivors will be remembered forever.

### SUPPORTING THE CHILDREN OF AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is important that we begin as a Nation to rebuild our lives and rebuild our spirit. September 11, 2001 was a day of infamy without comparison. But as we move forward to acknowledge and thank and praise those heroes, those firefighters and police persons, we must also embrace and collaborate and love those families.

Today I stand and ask the Nation to remember the children, children now that are left without mothers and fathers, grandmothers and grandfathers, aunts and uncles, children who are left without care. These children must be embraced by this Congress and this Nation.

We must be reminded of the necessary resources to help them build their spirits, their lives, to keep them in these very cold nights, and to be sure that they grow up knowing that this is a Nation of freedom and one that will not abandon them.

As we remember our children, remember they come in all races, colors, creeds and religions. Let us stand away from accusing and threatening different ethnic groups that we may think are involved. Let us stand for what is right and let us find the facts. Let us stamp out terrorism. Let us know what is right. Let us not attack and forget the Constitution and what this Nation was built upon.

Mr. Speaker, I expect to offer a resolution that will deal with our children, focus on them, and help us help them by making sure that we have both the resources and the infrastructure to deal now with lonely children left all over this country because their parents have not returned home. Heroes that they may be, but they have not come home to these children.

This Nation has higher angels and it is now time for those higher angels to take the realm of government, to fight to stamp out terrorism, but never forget our people. For this is the land of the brave and the free.

#### EXPRESSING SENSE OF CONGRESS THAT EVERY CITIZEN IS ENCOURAGED TO DISPLAY THE FLAG

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House the concurrent resolution (H. Con. Res. 225) expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States; that the concurrent resolution be considered as read for amendment; and that the previous question be considered as ordered on the concurrent resolution to final adoption without intervening motion, except 1 hour of debate equally divided and controlled by

myself and the gentleman from Missouri (Mr. SKELTON) or a designee, and one motion to recommit.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. EMERSON. Mr. Speaker, pursuant to the unanimous consent request just agreed to, I call up the concurrent resolution (H. Con. Res. 225) expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 225 is as follows:

#### H. CON. RES. 225

Whereas on September 11, 2001, terrorists hijacked and destroyed four commercial aircraft, crashing two of them into the World Trade Center in New York City, and crashing another aircraft into the Pentagon outside Washington, D.C.; and

Whereas thousands of innocent people were killed and injured as a result of those attacks, including the passengers and crew of the four aircraft, workers and visitors in the World Trade Center and the Pentagon, rescue workers, and bystanders: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) in response to the terrorist attacks on the United States on September 11, 2001, United States citizens should join together to defend and honor the Nation and its symbols of strength; and

(2) for a period of 30 days after the date on which this resolution is agreed to, each United States citizen and every community in the Nation is encouraged to display the flag of the United States at homes, places of work and business, public buildings, and places of worship to remember those individuals who have been lost and to show the solidarity, resolve, and strength of the Nation.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with a very heavy heart that I ask this resolution be brought today to the House floor.

No one will ever forget what happened to this great country on September 11, 2001. As a Nation, we speak with one loud, strong and determined voice in solidarity. We must rise up from this horrific act and rally together as Americans, regardless of race, creed or religion. I can think of no better rallying tool to demonstrate that unity than the American flag.

The American flag has long been a symbol of freedom for our country, but

we are well aware that this freedom has always come with a price. Be it the price paid by our soldiers who died defending the freedoms of our great Nation or those involved in this week's tragedy, the sacrifices for freedom, for democracy and for peace must never be forgotten.

For that reason, the gentleman from Illinois (Mr. HASTERT), the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Missouri (Mr. SKELTON) and I have introduced this resolution, the solidarity flag resolution.

This resolution calls upon each and every American in every community throughout this great Nation to demonstrate their unity for our country by flying our flag, our most enduring and visible symbol of freedom, at home, at businesses, schools, and places of worship for 30 days. That demonstration of unity requires communities to join together at city councils and school board meetings and civic organizations and in State legislatures, to hold Old Glory high and proud, and to show the world that liberty, justice and courage live on in America.

Mr. Speaker, we have an unbreakable and unwavering and unshakable spirit in this country and we have an enduring commitment to the preservation of freedom and democracy. No act of terrorism will ever be able to break that.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me congratulate and thank the gentlewoman from Missouri (Mrs. EMERSON), for pioneering this resolution. I have a special thanks to the gentleman from Illinois (Mr. HASTERT) and to the gentleman from Missouri (Mr. GEPHARDT), the minority leader. It is a pleasure and an honor to cosponsor this with my colleagues.

Mr. Speaker, this resolution is one that will have hopefully a healing power for Americans, one that asks each American to renew his or her allegiance to our country.

Every day when we come into this Chamber, we pledge allegiance to the flag. I pledge allegiance to the flag of the United States of America. Of course, we are also led in a prayer by the Chaplain. This flag symbolizes so much. It has reflected so much goodness and greatness through the years, that in times of stress and sorrow we feel a special need and obligation to rally around it. That is the purpose of this resolution.

This flag was originally flown in a different form, of course, by those in the Revolution, down through the years, the War of 1812, out of which came the story of the poem, later put to music which we now sing as the Star Spangled Banner. Down through the years of the challenges and conflicts our country has sustained, our flag has

flown high over this free and wonderful land. This is America. This is the history of the American flag. In this past century, we have led with this flag in fighting tyranny, not once but twice.

We now refer to those episodes as the First World War and the Second World War. Since that time, freedom has been challenged and the American flag has held the way. Consequently, it is up to us today in this very troubling, difficult time for us, as Americans, to rally around the American flag once more. If nothing else comes out of all of this sadness and turmoil, maybe, Mr. Speaker, there will be an added appreciation for young men and young women who wear the American uniform.

It is they who protect the rights and freedoms of our country and all that the American flag stands for. Our young men and young women are in various camps and posts, not just here in our country, but in far-flung parts of this world, bringing stability, bringing peace, and the American flag is leading the way.

Cicero, the great Roman orator, once said that gratitude is the greatest of all virtues, and this is an opportunity for us as Americans as we fly this flag to remember those Americans, both in New York and those who were wearing the uniform at the Pentagon, who paid such a terrible price for being Americans.

So let us show appreciation for our country, especially for those young men and women who wear the uniforms of the United States of America.

A number of years ago, the famous folk singer Johnny Cash wrote a ballad entitled the "Ragged Old Flag." I wish to repeat that today as a reminder of the history of our country and the flag that has flown so proudly over our land.

As Johnny Cash penned it, "I walked through a county courthouse square; on a park bench an old man was sitting there. I said, your old courthouse is kinda run down. And he said, no, it will do for our little town.

"I said, your old flag pole has leaned a little bit and that's a ragged old flag you got hanging on it.

"He said, have a seat, and I sat down.

"Is this the first time you have been to our little town? I said, I think it is. And he said, I don't like to brag but we're kinda proud of that old ragged flag.

"You see, we got a little hole in that flag there, when Washington took it across the Delaware.

□ 1030

And it got powder burns the night that Francis Scott Key sat watching and writing, "Say Can You See?"

And it got a bad rip in New Orleans, with Packingham and Jackson tuggin' at its seams.

And it almost fell at the Alamo beside the Texas flag, but she waved on through.

She got cut with a sword at Chancellorsville, and she got cut again at Shiloh Hill.

There was Robert E. Lee, Beauregard, and Bragg; and the South wind blew hard on that ragged old flag.

On Flanders Field in World War I, she got a big hole from a Bertha gun. She turned blood red in World War II, she hung limp and low a time or two.

She was in Korea and Vietnam. She went where she was sent by her Uncle Sam.

She waved from our ships upon the briny foam, and now they have about quit waving her back here at home.

This old flag is wearing thin, but she's in good shape for the shape she's in.

So we raise her up every morning, and we take her down every night.

We don't let her touch the ground, and we fold her up just right.

On second thought, I do like to brag, 'cause I'm mighty proud of that ragged old flag.

Mr. Speaker, I reserve the balance of my time.

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume. I have always loved that song of Johnny Cash, because it so symbolizes the importance of our American flag.

The Speaker today in our conference mentioned something that happened yesterday as he was driving along Rock Creek Parkway and saw an old veteran waving an American flag back and forth, back and forth, for hours on end because the man was there when they left to go and he was there when they returned back to the Capitol. It also reminds me of the time when my late husband Bill had just died and we were driving to the cemetery in Hillsboro and along the way was an old veteran standing on a hill with his military hat on, waving a flag. It was tattered and it was old. My children just gripped my hand and said, "Oh, Mom, look." And that so symbolized what is right and what is great about our country.

Mr. Speaker, there are no words to describe the sorrow and the heartache, the tragedy that has rocked our Nation over the past several days. We really have been cut to the core and been left shocked and numb and grappling with one question that cannot be answered, the question that my children, who are 19 and 23, and all of my stepchildren ask me, "Why has this happened?" But I think that in spite of the despicable horror we have seen, America does remain the world's shining beacon of freedom and democracy, and that freedom lives on in our hearts and in our actions and in our most enduring symbol of all, the American flag.

Dr. Stephen Ambrose, who is, as we all know, a noted historian, once said, "In World War II, the biggest army ever assembled was not German, Russian, nor indirectly American. The biggest and greatest army ever assembled

was an aroused democracy." Let each of us as an aroused citizen of this democracy show our solidarity as a Nation by flying the Stars and Stripes from every flagpole, every home, every business, and school in this great country.

Mr. Speaker, if I might paraphrase Dr. Martin Luther King: as Americans, we must let freedom ring. We must let freedom ring, from coast to coast and border to border by flying our flag and showing the rest of the world our star-spangled banner still waves, over the land of the free, and the home of the brave.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I heartily support the matter before us today and join with my colleagues in urging its swift passage.

Here on Thursday in the Capitol, we are busy at work doing the things that need to be done for our Nation. We are meeting with the appropriate officials in the executive branch, both intelligence, military, and law enforcement. The executive branch is doing its job so that the proper response can be taken, both in terms of the military might of our Nation and also in terms of law enforcement to find the perpetrators, those who are America's enemies and those who have supported America's enemies. Law enforcement and rescue personnel are at work.

But the American people want to do something in addition to what their government is doing. And I think actually that this important show of American solidarity will be an inspiration not just to all of us here in the United States but to people around the world, who are already in awe of the solidarity and the unity of the American people.

We are the most diverse Nation on the face of the Earth. We come, or our parents do, from every part of the world. Yet we have something in common. We become Americans through our idealism, through our love of this country, through our dedication to liberty and the Constitution, and to our loyalty to each other. Flying the American flag is a symbol, but symbols do count.

I have actually been flying my flag at home in San Jose since Tuesday. My children went out with our flag to fly it Tuesday night, we talked on the phone, and my neighbors have done the same. So this is happening spontaneously. I think it is a wonderful thing that the Congress is recognizing the desire of the American people to step forward with a specific symbol, our wonderful flag, to show our unity today.

I would ask a further thing. Not every American has a flag handy, so let us call upon the flag makers of the

country and the retailers of the country to make extra special efforts to have flags available so that Americans can take this step and make sure that every loyal, patriotic American has the opportunity to make the statement by flying their flag. I thank the author of the bill, and I thank the gentlewoman from Missouri (Mrs. EMERSON) for their leadership on this matter.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

The tragic attacks on Americans took place on Tuesday, September 11, in New York and here in the Washington area at the Pentagon, the seat of the military of our country. The following evening, the gentleman from Arizona (Mr. STUMP), who is chairman of the Committee on Armed Services and I, as the ranking member, went to the Pentagon for a briefing that we received from three admirals. And then we went around to the west side of the Pentagon where the crews were working, still putting out the fires and to try to find any survivors. Then the next day, in that very spot of disaster, a garrison-sized American flag was draped on the side of the Pentagon, an American flag, that said we are still here, the military of our country is still in business, and we are Americans. So I compliment those that sent that message to the world at the Pentagon of the United States.

It was during the War of 1812, Mr. Speaker, that an occurrence took place in the Baltimore harbor. At that time there were a number of British ships anchored in harbor with a good number of British troops thereon and a doctor had been taken captive by the British military and held aboard one of the ships. He was a noncombatant but they thought he was; and one of his friends, a young lawyer, rode out to the ship and asked that he be released so he could go back and tend his patients in the city of Baltimore. The British admiral said, yes, you may take your friend, but not now, not until tomorrow. And then he pointed toward Fort McHenry which guards that harbor, and he pointed to the American flag of the day. And he said, You see that flag? It will not be flying there tomorrow, but the British Union Jack will be flying, for tonight we will attack Fort McHenry and the British will take it.

All night long, this young lawyer and his doctor friend watched from the British ship while the rockets glared and the bombardment occurred over the ramparts of Fort McHenry, and from time to time they could see amidst the burst the American flag was flying. The following morning, the sun rose, the battle had ended, and the American flag still stood, for the American forces had repulsed successfully the British attack on Fort McHenry and they had won that battle.

True to his word, the British admiral did turn the doctor loose and his law-

yer friend, and he went back by row boat to Baltimore. The young lawyer was so moved that he penned a poem that was later put to the music of a drinking song of the day; and that poem, written by the young lawyer named Francis Scott Key, is today the national anthem of our country. What we learned from that episode and from that poem and song tells us that we still are the grandest civilization ever known in the history of mankind, and that this American flag still flies, though we have detractors and those who would attack us.

So let us, in compliance with the suggestion and urging of this resolution, as Americans fly our flags, let us fly them for 30 days, and let children know as well as all other Americans what this country stands for, and that we shall not be daunted, that we as Americans will remain great and free.

Mr. Speaker, I yield back the balance of my time.

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my good friend and colleague the gentleman from Missouri (Mr. SKELTON) as well as our leaders, the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Illinois (Mr. HASTERT), for sponsoring this resolution with us.

□ 1045

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BACA).

Mr. BACA. Mr. Speaker, I stand in support of this resolution.

Mr. Speaker, I think it is important that we demonstrate to America that we do have the flag. I know that this weekend is very critical to many of us Mexican Americans, to Hispanics. We are going to be celebrating the 16th of September. But I think in honor of what happened, I think it would be important for all of us as we begin to celebrate the 16th of September that we carry the flag and show the flag.

I know that in my district we have Route 66, where over 80,000 people will be participating. I encouraged yesterday in a memo that each and every one who is participating display the flag. It is important that we do that, for what it stands for as a symbol.

We have got to realize that many of our veterans have fought for this country, for the freedoms that we enjoy today, and it is the symbol of that flag that was carried by many individuals who were willing to give of their lives.

Yes, it happened once again on September 11. Many individuals died. I think we have a responsibility to this country, we have a responsibility to those individuals, to demonstrate that we are a strong Nation, that we will not tolerate what happened; and we will demonstrate our unity and solidarity in carrying the flag that we are so proud of as Americans.

Mr. Speaker, I encourage everyone to display the flag. Some of us have already begun to display it in our offices, us Members and others, in our homes; and hopefully we will have the flag flown throughout the Nation.

So I support the resolution. I think it is important for all of us to do this.

Mrs. EMERSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Missouri for yielding me time.

Mr. Speaker, I think this is a good effort. Again, we are seeing the people in this country take the lead on this. In fact, I just talked to my district offices, and they are amazed in Houston how many people are taking their own initiative, not just here in Washington, but all across the country.

I think Congress needs to encourage that, because, again, we are all in this together, Democrats and Republicans, urban and rural, North and South. The thing that brings us together is we are Americans.

Mrs. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I would like to thank our colleagues and all of us and the many, many colleagues on both sides of the aisle who have been original cosponsors of this resolution.

It is so important; and so many of our constituents around the country have asked us what can we do, what can we do to show our unity and to show our strength of purpose, other than to give blood, for example, or to work or volunteer in search and rescue missions.

We have said that flying the flag, our great and unwavering symbol of freedom, would be something that all of us could do together. It is for that reason that we sponsored this resolution. It is something that the American people all understand.

So that we might honor those brave souls who lost their lives in New York, at the Pentagon or in the fields of Pennsylvania, let us honor them by flying our flags for the next 30 days from every village, from every school, from every home across this great Nation.

Ms. ESHOO. Mr. Speaker, I rise today in support of H. Con Res. 225 a resolution expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every citizen is encouraged to display the flag of the United States.

It's vital that our nation be united as never before as we emerge from these terrible events. The symbol of our unity is our flag. I urge every business and home to raise their flags high in support of the victims and their families of this atrocity. By doing so, each of us will send a signal to the world that as a nation we will not be deterred by the vicious attack, and we will move through this together strengthening each other.

I thank the sponsors of this resolution.

Mr. FORBES. Mr. Speaker, I rise in strong support of this resolution encouraging our citizens and communities to show their support for the victims of our most recent and most vicious national tragedy by displaying our Nation's most recognizable symbol of freedom, the American flag.

The terrorist attack earlier this week has brought us together as a nation. From the smallest communities in our country to our nation's largest cities, Americans have shown their love and respect for one another in many different ways. By giving blood and sending donations, our nation's people have once again proven why we are the greatest nation on the face of this Earth.

I am extremely proud to join the members of this legislative body in asking each of our constituents to display the American flag over the course of the next month. Our unity in flying our nation's flag at our homes, in our businesses, in our communities, and where we worship will be yet one more way to show the entire world that we are one nation, stronger than we have ever been.

The lives of all United States citizens will be greatly altered because of this national tragedy. We stand here today encouraging American flags be flown in remembrance of those whose lives were lost to show both unity and strength in our nation. Terrorists may be able to destroy airplanes and buildings, but they will never be able to destroy the spirit of the American people. God Bless America.

Mr. HASTERT. Mr. Speaker, I rise today to share my grief and sorrow with the victims and the families of Tuesday's tragedies in New York, Washington and Western Pennsylvania.

As a nation, we must stand strong together to denounce these cowardly acts of War against our people, our nation, and our civilization. As a united people, we must show our colors to those with sinister hearts and minds throughout the world that we will not be deterred.

As Speaker of the United States House of Representatives, I am proud to join Minority Leader (DICK) GEPHARDT, Mrs. (JO ANN) EMERSON, and Mr. (IKE) SKELTON on this resolution urging our fellow Americans to fly the American flag for the next thirty days outside their homes, their businesses, public buildings, and places of worship. By doing so, we provide a physical tribute from coast-to-coast and around the globe in memory of those we lost and to show publicly our solidarity, resolve and strength as a Nation that these terrorist actions will not stand.

I know that ever since Tuesday morning our lives and our nation have been changed forever. And from that time forward, many Americans have asked how they can help. No matter where you live, by flying Old Glory on the Main Streets of Geneva, Illinois and Rolla, Missouri to big cities like Seattle, Washington and Miami, Florida, you will be sending a strong signal to millions of people here at home and abroad that the red, white and blue represents freedom and democracy and those ideals will live on.

Mrs. EMERSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to the order of the House today, the concurrent resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 225.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1124

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 11 o'clock and 24 minutes a.m.

#### PROVIDING FOR EXPEDITED PAYMENT OF CERTAIN BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED OR INJURED IN CONNECTION WITH TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that it be in order at any time, without intervention of any point of order, to consider in the House the bill (H.R. 2882) to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; that the bill be considered as read for amendment; that the previous question be considered as ordered on the bill to final passage without intervening motion except; 1, one hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees; and, 2, one motion to recommit; and that the chair may, notwithstanding the order of the previous question,

postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the order of the House just agreed to, I call up the bill (H.R. 2882) to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001, and ask for its immediate consideration in the House. The Clerk read the title of the bill.

The text of H.R. 2882 is as follows:

H.R. 2882

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXPEDITED PAYMENT FOR HEROIC PUBLIC SAFETY OFFICERS.

Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201(a) of such Act in connection with the rescue or recovery efforts related to the terrorist attacks of September 11, 2001, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

#### SEC. 2. DEFINITIONS.

For purposes of this Act, the terms "catastrophic injury", "public agency", and "public safety officer" have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. WEINER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2882, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation provides for payments to be made within 30 days

to officers and their families under the Public Safety Officers Benefits of certification of a public agency that a public safety officer was killed or suffered a catastrophic injury as a result of a personal injury in the line of duty of rescue or recovery efforts related to the terrorist attacks on September 11, 2001.

The Public Safety Officer's Benefit Act provides benefits to public safety officers and their families for injury or death on duty. The program was established in the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The program provides a lump sum benefit to survivors of Federal, State, and local public safety officers whose death and disability was the direct and proximate result of traumatic injuries sustained in the line of duty. The current lump sum payment is approximately \$175,000 in the case of death. The program offers aid and allows for such sums as may be necessary.

The purpose of this resolution is simple and clearly warranted: that is, to provide swift aid and comfort to the survivors of the public safety officers who perished in the wake of the terrorist attacks on the World Trade Center in New York City. Their loss and the loss incurred by the New York City fire and police departments is unfathomable.

The bravery exhibited by these men and women was of the greatest magnitude, and was the embodiment of noble service to our Nation and to the citizens of this country.

One wonders where these firefighters and police officers mustered the strength and courage to withstand dozens of stories to battle the raging fire above, all along the way directing and calming thousands of people desperately trying to flee the deadly danger above.

In the towers and on the ground, New York City public safety officers were unflinching in carrying out their mission of saving and protecting thousands of people who now owe their lives to these devoted officers. Because of their dedication to duty, many officers made the ultimate sacrifice for their fellow citizens. May God bless their souls and their families. They will never be forgotten, and their heroism will always be cherished by a grateful Nation, State, and city.

Having said this, let me express my concern that paperwork might result in the delay in the payment of these benefits to families who desperately need the incomes now that a breadwinner is no longer with them.

State law usually governs how a person who is missing is declared dead. This is not done by Federal law. The legislation before us today, as well as the law that has been on the books for over 30 years, requires an appropriate certification of death.

□ 1130

Let me urge the Governor and legislature of the State of New York that if there does need to be an amendment to the law to allow for appropriate certification, including but not limited to the issuance of an official death certificate, to take prompt action so that these certifications can be made and the payments issued to the families of the police officers and firefighters who perished in the line of duty.

This concern, however, for me, is not limited just to this bill, because there are literally thousands of people who are missing in the fire and collapse of the World Trade Center whose families will be waiting for insurance proceeds even though they are not police officers and firefighters; and there the same type of certification is needed so that the payments can be made to the beneficiaries under those policies. I would certainly hope that the law would be able to respond to this tragedy so that these payments can be made promptly rather than having months or perhaps even years of litigation before a certificate issues and the payment is to be made.

Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume.

First, I offer the thanks of our city to the many Members of the House, particularly the chairman of the Committee on the Judiciary, who has spoken so eloquently. Many of us just returned this morning and more than a few of my constituents commented how heartening and reassuring it was to see Members come to the well yesterday for hours talking about their expressions of sympathy and support.

My colleague, the gentleman from New York (Mr. CROWLEY), and I late last night visited ground zero and we saw a sight that was at once horrific and frankly heartening. We saw mounds of rubble, maybe the size of this building, that were tombs for some of the bravest New Yorkers and bravest Americans. These were men who perished, many of them my constituents. Over 100 families in just one small part of my district were where firefighters and police officers had lived.

At the same time people were furiously running downstairs to escape what was described in the newspapers as 1,000 to 2,000 degree heat, heat sufficient to melt the columns of the World Trade Center, to melt through the insulation on the beams. These firefighters were running up those stairs, as the chairman mentioned. Some of them were seen on the 80th floor. And to give my colleagues an idea of what a firefighter carries on his back and on his person when he goes into battle, it is weight akin to me. It is like carrying a human being all the way up those stairs. And they did so not because they were naive about the dangers that

they faced; it is because they recognized the dangers that their fellow New Yorkers faced, and they were going to do everything possible to see them protected.

We say it at times like this, that these are true heroes because they go to the most dangerous jobs without flinching. But to be honest, everywhere in this country, every night as we lay down our heads to sleep and we tuck our children in and we say our evening prayers and we think about what we are going to do the following day, at those very same hours there are men and women all over this country who stay up all night waiting to hear a bell go off, or a siren go off; and then they run to help us. They do not know us.

To see these men now at this site that are digging through this rubble, they are looking for their best friends, looking for their brothers, looking for their fathers in some cases. We lost one of the highest-ranking fire officials in the city. We lost a priest who serviced the men in the fire department when a body fell on him from stories above. These are people who every day do these things on our behalf. Their families send them off to work hoping that they will see them when they come back, and they do incredible work.

Well, now, in New York City, we have over 300 families, by last count, who are not going to see their husbands, their fathers, their children again; and this is a measure that I think is needed in some small way to help expedite the benefits to these families. But make no mistake, my colleagues, the worst is yet to come for those families. We have an ability now, as we must, to try to do what we can to ease the suffering, and then we will go on. Our lives will be put back together again. We will remember those horrific images.

I can say assure my colleagues of one thing, as Mayor Guiliani told us late last night, and we agree with 100 percent, and I speak for all of my New York colleagues, we are going to rebuild the city. We will be a better and stronger city, and we will be a better and stronger country. But those families have lost someone that they are not going to be able to replace. There is not a day that will go by that they will not remember that. And I also hope there is not a day that goes by that all of those survivors that got out of there, and who saw those men running up the stairs as they were running down, I hope they remember as well the great heroism.

Tonight and nights after, as we retire for the evening and as we say a little prayer for the safety and health of our families, let us also say a prayer for those men and women that look over our shoulders every day in communities large and small all throughout this community.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to totally identify myself with the remarks of my colleague, the gentleman from New York (Mr. WEINER).

The fact is that the firefighters, the police officers in the City of New York have performed heroic service above and beyond any call of duty. And while Tuesday is a day which will live in infamy in this country, the fact is at the same time it showed the great spirit of New York, the great spirit of America, and the particularly great spirit of the men and women of the New York City Police Department and Fire Department. They responded in a way which is unprecedented, unparalleled, and demonstrated their true commitment to what they believe in, and that is the safety and welfare of all New Yorkers, all Americans, and all people.

I would say that their courage stands in stark contrast to the behavior of those who attacked our city in such a cowardly fashion. So I think this legislation is absolutely essential. There are many people, and all of us from New York, who know people killed. Certainly Father Judge, the chaplain, was a friend of mine, and another young man, Michael Boyle was a very good friend of mine, and I would say at this time we must commit ourselves to those men who gave their lives.

Mr. WEINER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I want to thank my colleague from New York, all my colleagues from New York, and my colleagues from around the country.

Mr. Speaker, first let me commend my colleague, the gentleman from New York (Mr. NADLER); the Speaker of the House, the gentleman from Illinois (Mr. HASTERT); the Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), for the leadership displayed here in this House over the past few days and for moving this legislation so expeditiously to the floor.

I rise today to speak with a very heavy heart and a tightened throat. Our Nation has suffered a terrible blow. Yesterday, I, along with my colleague, the gentleman from New York (Mr. WEINER), as mentioned before, visited the epicenter, or ground zero as it has been called, of this monstrous crime. As I stood in a crater of what was once a grand and majestic building, I was looking into the heart of a criminal, of a cold thing and of an awful thing. But I also saw a picture of the American heart and of the American nature, that of the New York Police Department, Fire Department, and emergency rescue technicians.

These men, who did not and have not faltered for even one second, were and continue to fight tirelessly to find any person who may have been lost and is yet still alive. My cousin, John Moran, who I spoke of not too long ago on this floor, is one of those men.

John is an amazing man. He is a battalion chief, a lawyer, and a second generation fireman. His father, my uncle, was also a fireman. His brother Michael is a fireman. John is a wonderful husband and the father of two small children, beautiful boys. He understands the risks, and he understands what he might be losing, yet he continues to put his life in harm's way to save others day in and day out.

This past Tuesday, while trying to rescue others at ground zero, my cousin became one of the missing. He was one of more than 300 firemen and police officers and technicians to die or go missing that day. We have also lost Reverend Michael Judge, a personal friend of mine, who was the chaplain of the fire department; Chief of the New York Fire Department's Special Operations Command, who was my cousin's immediate superior, Ray Downey; Bill Feehan, first deputy commissioner of the fire department, a wonderful man; and Peter Ganci, chief of the New York City Fire Department.

In Woodside, the area I represent, we lost two firefighters on Father's Day from Rescue Company 4, and we add to that people who are missing, seven individuals, some of whom are my friends: Captain Brian Hickey, Lieutenant Kevin Dowdell, Lieutenant Terrance Farrell, Firefighter Peter Nelson, Firefighter Peter Brennan, Firefighter William Mahoney, Firefighter Durell Persall. Rescues 1, 2, 3, and 5 also sustained casualties. I also have friends who are missing: Firefighter Michael Dee. My understanding is that Firefighter Mike Weinberg from my neighborhood has been found. Another friend, from the Rockaways, Walter Heinz, is also missing.

The Bible says, "Be brave, my child; the Lord of heaven and earth grant you joy in place of this sorrow of yours." And so this is our solace. But I ask all Americans to honor those whose bravery, so great, cost them all their earthly pleasures by caring for those they leave behind.

This bill provides an expedited payment of \$151,000 to the families of the brave men and women who lost their lives in the line of duty. It is one small way that we can help families cope with this tragic loss, by providing families with the financial assistance to pay for colleges, to continue paying their mortgages and to continue onward.

Let us create a legacy for those brave men and women. We have suffered tremendously in New York City. We have not only the loss of firefighters and police officers and technicians, but the

loss of life itself of so many of our constituents and citizens. This is the least we can do for those who served. While men and women were screaming to get out of the building, these men and women were rushing into the building to try to save lives.

Yesterday, the Governor of New York asked a fireman why he would risk his life, and the firefighter told him, "What else do you expect? I'm a New Yorker." God bless America, the land of the free, and the home of the bravest and the finest.

Mr. WEINER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. My colleagues, we have experienced this week some of the darkest moments in our Nation's history, and yet in the midst of this horrible and unspeakable loss that our Nation suffered, thousands of brave men and women stepped forward risking, and indeed sacrificing, their own lives to rescue and save their fellow Americans.

The stories we have heard from our colleagues today are only the beginning. Thousands and thousands of families are suffering, not knowing. This is just the beginning.

□ 1145

So today, colleagues, we have the opportunity to offer one small gesture of thanks, to let the families of the firefighters, police officers, and rescue workers who gave their lives know that the American people and the United States Congress are profoundly grateful for their sacrifice.

The gentleman from New York (Mr. NADLER), who is on his way to the Capitol, had this horror occur in his district in New York City. He has introduced this legislation to provide for the expedited payments of benefits for public safety officers who were killed or suffered catastrophic injuries in the line of duty while responding to the terrorist attacks of September 11. It is simply unconscionable that the families of men and women who gave so much at such a difficult and horrific time should now have to struggle to receive government benefits that are so obviously due.

Even as we mourn and grieve today, we must appreciate that Americans did not hide, nor did they cower in the face of adversity and brutal assault. Rather, we banded together and worked feverishly to save every life that could be saved. While thousands of Americans donated blood and food and shelter to the victims of these attacks, no Americans gave more than the public safety officers who this legislation would benefit.

In the face of the unthinkable, there is only so much that we can do to thank these noble citizens. This legislation is only a start and cannot compare to the loss of life for their families, but it is an important one. I urge

my colleagues to join me in passing this legislation honoring our Nation's bravest heroes.

Mr. WEINER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I rise with a profound sense of humility, first and foremost, to offer my condolences and prayers to our colleague and above all our friend, the gentleman from New York (Mr. CROWLEY) and to offer our love to the gentleman and his family.

Mr. Speaker, in my district we have lost, too, many firefighters. I have spoken with the families, and the last thing in the world they have need to worry about right now is their finances. This legislation is vital to them at this dark hour of their lives. They should not be worried about red tape or bureaucracy or paperwork.

I believe it brings great honor on this House that Republicans and Democrats, from New York to California, would rise together to do the right thing by these families who have suffered so deeply, and to express our commitment to them by passing this bill and by continuing to pray for all of them.

Mr. WEINER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I want to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for expediting this legislation and bringing it to the floor so quickly.

As we all know, on Tuesday morning we witnessed the greatest assault on the Nation in our history. But since then, we have also seen examples of some of the greatest bravery and some of the most compassionate people that we have seen also in the history of our great country.

With this legislation, we begin the process that we will be involved in as a Congress in participating in the healing that must take place both for the city of New York and for the people who live there. With this legislation, we recognize the great bravery and heroism that was displayed by the municipal officers of that city, police officers, fire officers, port authority policemen and others.

Mr. Speaker, it is appropriate, obviously, that we do so; and in this small way, with a small gesture, we provide some of the financial support that their families who were left behind justly deserve.

Mr. WEINER. Mr. Speaker, how much time remains on our side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman has seventeen and one-half minutes.

Mr. WEINER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I commend the gentleman

from New York (Mr. NADLER) for bringing this bill to the floor and join my colleagues from New York and other places in the extensions of sympathy.

Over the past few days, many of us have spoken up to commend public safety personnel across the country for their bravery, to thank them for their tireless efforts, and to offer our condolences for the loss of their colleagues. Their courage in the face of danger and ongoing struggle under the burden of great fatigue has given our Nation hope in otherwise bleak circumstances.

It indeed was a 911 emergency call. But words cannot match the sacrifices of the police, fire and rescue personnel who have paid the dearest price for their valor. We owe it to them and to their families that we provide the injury and survivor benefits promised to them, in the quickest and most efficient manner possible.

By passing this bill, we will in Congress match our words of thanks with real actions to support the men and women on the front lines of their struggle.

Mr. Speaker, I urge my colleagues to pass this bill without delay.

Mr. WEINER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), the head of the Law Enforcement Caucus here in Congress.

Mr. STUPAK. Mr. Speaker, I rise in support of this legislation to expedite the benefits for the public safety officers who were killed or injured as a result of the horrific events of September 11. I commend the members of the Committee on the Judiciary, the chairman and the ranking member on this side for bringing this legislation forward.

As the founder and the co-chair of the Law Enforcement Caucus, we are constantly reminded, and having been a police officer, I have witnessed the hard work and dedication and sacrifice of our Nation's public safety officers that they take in day in and day out to make this world safer.

Mr. Speaker, every time we have a bill on the floor, we hear the old cliché about how they put their lives on the line every day for us. Unfortunately, that is true.

Mr. Speaker, on September 11, and every day since then, we have witnessed, whether through watching the buildings collapse or just seeing the news coverage, we witness the dedication and courage of the public safety officers and emergency medical responders who responded to the emergencies in New York and northern Virginia and Pennsylvania, wherever it may be.

We in the Law Enforcement Caucus, since I have been here, have been fighting to make sure that there are survivors' benefits, education benefits. We regret that today we have to stand here and try to expedite benefits for hun-

dreds of those public safety officers who gave their lives to try to assist all those people who were in need of maybe just a helping hand or a friendly face as they struggled to get out of the danger they were in.

By expediting these benefits we in Congress, we in the Law Enforcement Caucus, remind the people throughout this great Nation of the work and dedication and courage of public safety officers, but also during their time of need as they are each and every day for us in our time of need, that we stand ready to assist them.

Mr. Speaker, I thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. WEINER) for bringing this bill to the floor, and I hope everyone in this Caucus and Congress supports this legislation.

Mr. WEINER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise today in very strong support of this legislation which will seek to ease a small part of the intolerable burden which has been placed on families of public safety officers who have been lost or injured in their heroic efforts to rescue the victims of Tuesday's attacks.

Currently the Department of Justice provides a one-time payment benefit of \$100,000 to these families. However, the paperwork involved in processing them can be complicated and unnecessarily time-consuming involving months of delays. As unbelievable as it may sound, in order to be approved, the victims' families are required to provide autopsy reports and proof that he or she did not suffer from a preexisting injury that may have contributed to their death.

When this legislation is passed, the families of these victims will not have to endure this heart-wrenching process. Instead, once the Federal Government has certified that the public safety officer has gone down in the line of duty, the victim's family will automatically receive their benefit. There will be no bureaucratic or unnecessary delays in this process.

In Arlington County, I am proud to say that countless numbers of people have assisted in the Herculean effort to rescue the victims of the Pentagon disaster. When I called to ask for a specific number of officers injured in the line of duty, I was told those figures were not available because of the outpouring of assistance. Officers from all over the area have been rushing to help without bothering to sign in or be accounted for.

By passing this legislation today, we will help ensure that victims' families will not have to needlessly suffer should the very worst happen.

Mr. Speaker, more public safety officers were lost in the attack on the

United States Tuesday than any other single event in modern history. Expediting assistance is one small way we can help families cope with this loss and take advantage of this benefit without undue burden or delays. Without question, more needs to be done in response to Tuesday's cataclysmic events, but this is a good first step in helping some of the victims' families; and I urge my colleagues to unanimously support this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not a New Yorker, but what happened at the World Trade Center in New York could have happened anyplace in the country, because terrorism knows no boundaries. It could have happened in Milwaukee or San Francisco or Atlanta or anyplace else.

Americans throughout our land, as well as people around the world, witnessed in horror what unfolded on Tuesday morning. First one building was hit, then a second building was hit, then both of the buildings collapsed, and there were hundreds or thousands of people who were in them.

But over and above everything, the public safety officers in New York, the firefighters and the police officers, were unflinching in doing their duty, which was to try to save lives and to protect property. Over 200 of them are now reported as missing and presumed dead. We could be talking about the Milwaukee police and fire department or San Francisco police and fire department or the police and fire department of any community in the country, but New York was the city that was hit.

It is our responsibility to make sure that the families of the fallen receive the benefits that the Federal Government has extended to them for over 30 years as quickly and as promptly as possible. They will suffer enough pain with the loss of their loved ones. They should not be financially strapped because paperwork does not get done quickly.

This bill is the right thing to do. It is the right thing to do for New York today, and it would be the right thing to do for public safety officers who perish in large numbers as a result of a tragedy anyplace else in the country at any time in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. WEINER. I yield myself such time as I may consume.

Mr. Speaker, I reiterate my thanks to the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and all of the Members of this body who have demonstrated their support, and to all of their constituents throughout this country who have been deluging New Yorkers with their demonstrations of support. The stand we take

here on behalf of firefighters is done so on behalf of all Americans.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from New York (Mr. NADLER), the sponsor of the bill, for the purpose of allocating time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. WEINER). I have just returned from spending time with my fellow New Yorkers to introduce this legislation.

I must say, when I was going up to New York from Washington, going up by train, usually the first thing I see 20 miles away is the World Trade Center, the twin towers, and it gives me a good feeling, like a welcome home. This week, going up on the train from 20 miles away, no twin towers, no World Trade Center, only a huge plume of smoke stretching down the Jersey shore, and my guts felt like they were being torn out.

□ 1200

I take no pride in introducing this legislation, and if ever there were a bill I drafted I wish were not needed, this would be it.

Like so many Americans, I wait to hear from friends and colleagues who were in lower Manhattan when tragedy struck early Tuesday morning. With each passing hour, hope wanes; and we cannot help but feel more empty inside.

But through all of this death and destruction, there are some glimmers of hope. All across this country, men, women and children are coming together, to volunteer their services, to donate supplies, and to donate their blood, and even in many countries abroad. Even more moving are the numerous accounts witnesses have relayed of the heroic and fearless actions of the region's firefighters and police officers as they rushed up to the inferno that the World Trade Center had become as thousands of civilians rushed out. Putting the safety and well-being of others well above their own, public safety officers performed the most courageous acts; but, sadly, probably about 300 New York City firefighters and EMS workers and EMT volunteers and people paid with their lives as well as 60 or 70 New York City and Port Authority police officers.

According to the International Association of Firefighters, more public safety officers were lost in this attack on the United States than any other single event in modern history. In New York City, we normally lose four to five firefighters in a year. On one day, on Tuesday, we lost about 300.

When a public safety officer dies in the line of duty, his or her family receives a one-time benefit payment. The paperwork involved, unfortunately, is often long, arduous and time consuming. Just as our public safety officers stand up for us, we must now stand up for them in this time of tragedy. This legislation directs the Department of Justice to expedite the payment process for the families of those affected by Tuesday's events. Expediting assistance is one small way we can help families cope with this tragic loss and take advantage of this important benefit without undue burdens or delays. Of course, much more needs to be done in response to Tuesday's events. I stand ready to work with all of my colleagues to address this crisis in a timely and comprehensive manner.

I urge all my colleagues to vote for this legislation as the first step. We will take other steps. This country will make the criminals who committed this act of war against the United States and against civilization rue the day they were born. But this is our first step. I thank my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I would like to urge all of my colleagues to join us in taking this step that Members of Congress can take. There are a lot of things we cannot do. I am proud of the fact that so many Americans have responded in doing the things that they can do. They can give blood, and they are giving blood from all over the country. You can do that.

There are some things that we can do in Congress without having additional information, without a great deal of planning. We can make it easier for those who have paid the supreme price, for the families of those who have paid the supreme price, to at least know certain things are taken care of while they contend with their own grieving.

The stories are numerous of eyewitness accounts. One that stands out in my mind most is the one, and I have been riveted to the television and heard many of them, the account of the young man on the 85th floor who came down the steps. He said that the biggest difficulty they encountered was at the 34th floor when they encountered firemen who were coming up and who were so exhausted because of the gear they were carrying until one of them almost passed out. They stopped to help the firemen. They were going out. And I think that those who gave those accounts got out safely, but I am certain that the firemen they encountered are among those firemen who perished there.

That kind of heroism, we should all salute and support by taking the steps that we can take here in Congress to

make life as easy as possible for their families.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, in what may very well be remembered as our Nation's most deplorable tragedy, our American family has stood firm. Amid the carnage and the destruction, amongst the pain and the anguish, our public safety officers performed their duties the way no fictional hero in Hollywood could dare imagine. Our police officers and firefighters, EMTs, along with countless other Americans in support roles are always there for us. Let us make sure that we, as their family, are there for them. Fire officials have said that over 300 firefighters are currently missing or dead. Dozens of police officers and other emergency workers are still unaccounted for. The Port Authority of New York and New Jersey has said it has lost so many employees.

To my buddies in the New York fire department and to my friends in the New York police department, we share in your grief. God only knows what else we will hear in the days ahead. God only knows how many children will arrive home only to discover that their brave mother or father has perished while serving their country. Let us make sure that these families are served by us, not only with our undying admiration and appreciation but also with our tangible support.

I implore my colleagues to support the gentleman from New York's bill. Payment to the families of public safety officers lost in the line of duty, our first defenders, should be mandatory. Now is not the time for long and time-consuming paperwork. Now is not the time for these families in their time of crisis and need to worry about their finances. Let us do right by our American family. Let us ensure that the Public Safety Officer Program operates effectively and efficiently.

On behalf of all of my colleagues, Mr. Speaker, I want to say thank you to all of those who have served on this most solemn of tragedies. We are with you. We are with America, our family.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me begin by again thanking the gentleman from Wisconsin for helping to expedite this bill so that it is before us today and hopefully will pass this body and the other body also today. Secondly, Mr. Speaker, I want to make clear, I want to emphasize that this legislation, one of the good points about it is that it makes the funds that are necessary available immediately as an entitlement not subject to appropriations, so we do not have to worry about the appropriation process.

Thirdly, Mr. Speaker, I want to express my confidence that the Depart-

ment of Justice and the Department of the Treasury will join the Congress in treating the families of these heroic public servants, these heroic police officers, fire officers and emergency medical technicians and so forth, in treating their families with the respect they are due from a grateful Nation and will speed the help that they need and deserve as quickly and as painlessly as possible.

Having said that, Mr. Speaker, let me again simply say that I regret that I was not on the floor yesterday to speak or vote on the resolution. I was up in New York in my district which includes the World Trade Center dealing with some of the problems, some of the people, and touring the site. It is a gut-wrenching site. But let me express my confidence that New York and the United States will recover from this. We are a resilient people. We will recover from this. We will build anew. The terrorists who did this, the nations behind them, will pay a heavy price, and this act of war will not go unpunished. And we will wage war until this scourge of terrorism is eradicated from the face of our planet.

Mr. Speaker, I urge the passage of this bill. I thank the body.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to commend the gentleman from New York (Mr. NADLER) for recognizing this paperwork problem and drafting legislation to cut the red tape and to make sure that these payments are made to the appropriate beneficiaries in the earliest possible manner.

Let me tell the Justice and Treasury Departments that if I hear of any delay in expediting these payments, I am going to be all over their back just as the gentleman from New York and other Members of this House will be on their back as well. This has to be a priority, and this Congress is stating that this has to be a priority through the passage of this bill today.

I am very pleased to support the efforts of the gentleman from New York (Mr. NADLER). And I am supporting it because I am an American and because this is the right thing to do.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in the utmost support of H.R. 2882. This legislation is designed to assure expedited payments of benefits to public safety officers who were killed or suffered injuries in the line of duty while responding to the terrorist attacks of September 11, 2001.

It is centrally important that this nation proceed hand in hand with the rule of law while confronting this catastrophe. We must assure, above all else, that our actions are not those of a vengeful nation. Instead, we must act with the conviction and certainty that the laws created under our Constitution allow.

In order to accomplish this goal, we must make sure that we pay adequate attention to

the human issues involved in this tragedy. By assuring that the officers whom we have praised for their selflessness and contributions to stability receive the benefits they deserve in the most expeditious manner possible, we demonstrate our deep gratitude for their efforts.

The legislature respects the rule of law by facilitating the civility of the Federal government toward those citizens we rely on in times of crisis. H.R. 2882 also pays homage to the legacies of those fallen public safety officers by making it easier for their spouses and family members to collect the benefits they are entitled to.

Many of the brave men and women who were first to respond to the events at the World Trade Center are no longer here to witness the cheers of citizens urging service personnel on to find their friends and loved ones. They are not among us to hear the pronouncements and salutations world leaders have provided recognizing their supreme sacrifice. This legislation ensures that these statements are not empty gestures. It places the priority of these fallen citizens—to provide safety and security for their families and friends—at the forefront of our remembrance.

Mr. Speaker, I am proud to support this legislation, and I am proud that this Congress has chosen to move so quickly to assure these families receive the support they deserve.

Mr. TOWNS. Mr. Speaker, I rise in strong support of H.R. 2882, the Public Safety Officer Benefit Bill.

Several hundred fire, police and rescue personnel lost their lives on Tuesday, September 11th simply doing their jobs: protecting the lives of New Yorkers. This legislation, today, will enable us to provide the families of these heroes with some small compensation for the loss of their loved one. While we can never give them back the sister, or husband or brother or son that they lost, at least we can spare them the indignity of having to produce mountains of paperwork in order to obtain this benefit.

Today's bill is an excellent improvement to current law and I would urge my colleagues to wholeheartedly support it.

Mr. GILMAN. Mr. Speaker I rise today in full support of H.R. 2882 expediting payments to the families of the brave public safety officers killed or injured in the line of duty during the heinous acts of terrorism against the United States which occurred on September 11, 2001. Our nation owes these heroic men and women our deepest gratitude and we extend to their families our sincerest and heartfelt sorrow for their loss. As our Nation stoically comes to grips with the shocking enormity of these attacks, our brave public safety officers remain on the front line of the massive search and rescue efforts underway. They are leading the tireless search for our fellow citizens and for their fallen comrades. At this time of national tragedy, let us acknowledge the ongoing sacrifices that our Nation's brave public safety officers continue to selflessly endure in the name of freedom and humanity. And may the ultimate sacrifice of their comrades never be forgotten. We pray for the safety of our public safety officers and the safe return of their fellow officers who remain missing. I urge my colleagues to fully support this bill.

Mr. FORBES. Mr. Speaker, I rise in strong support of this important legislation that will provide much needed assistance to the brave men and women who have been leading our search and rescue efforts.

The tragic violence of two days ago has been a test of our resolve and our determination as a nation. We have more than met this test—we have passed it with flying colors, showing our enemies that we will not succumb to their messages of hatred, of violence, and of fear. All across America, we have witnessed proud displays of patriotism, courage, and compassion at prayer vigils and blood drives, through words of encouragement and individual acts of heroism.

No one has displayed this incredible bravery and selflessness like the fire, rescue, and police personnel that have put their lives on the line in the hopes of saving those who were the victims of these heinous attacks. From all corners of our great nation, volunteers are pouring into Western Pennsylvania, New York City, and Arlington, Virginia to aid their fellow public safety workers and to keep the rescue efforts going around the clock. Regrettably, many of these same men and women are among the lists of those that we have lost or that are missing. Our hearts go out to their families, who have made a tremendous sacrifice so that others might live.

Mr. Speaker, we can and should do all that we can to provide aid and comfort to these heroes and to the families that have suffered loss in the line of duty. H.R. 2882 is the very least we can do for them. It will expedite payments for those that are killed or suffered a catastrophic illness as a result of their actions here. It cannot replace the father, son, or husband that is killed; it cannot mend the extraordinary physical and mental harm they endure; but it can ease at least one aspect of this horrible experience.

Our first responders are our front line defense to violence on our shores. These brave men and women have made us all proud and lifted our hearts during this trying time. Their heroic acts remind us that the soul of America is vibrant and strong. I am proud to do my part to support them today. I urge my colleagues to make passage of this legislation unanimous.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of this resolution offered by the gentleman of New York, Mr. NADLER.

As this week's horrific events unfolded, I watched brave firefighters, law enforcement and rescue personnel risking their lives to save others.

I watched hospitals prepare for the wounded and our armed forces go on high alert.

I watched a stricken nation respond by rushing to donate blood and volunteer their time to help the injured. These are acts of honor and bravery that no barbaric act of violence can penetrate.

Unfortunately, many of our brave rescue personnel perished in the line of duty.

My condolences and prayers go out to the families for the loss of their loved ones.

To those people, let me say I've witnessed firsthand how individuals come together in a moment of crisis, and I can assure you the country will be there for you in your time of need.

That is why I urge members to support this important resolution and help families cope with their tragic loss, and take advantage of the Federal Public Safety Officer Benefit program without delay.

These families deserve no less in their time of grief.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the bill, H.R. 2882.

The Nation's first responders—the firefighters, emergency medical personnel, and police—are the first to arrive at the scene, and the last to leave.

As the Nation mourns the deaths of hundreds, and probably thousands, of our fellow citizens, as we take stock of the destruction caused by Tuesday's terrorist attacks, we should also pause for a moment to reflect on the brave men and women who put their lives on the line every day, in every small town and suburb and big city across the country.

In passing H.R. 2882, we help ease the burden the families of these fallen heroes deserve. These brave men and women gave their lives in the line of duty in one of the most tragic events in our Nation's history. It has been reported that over 250 New York firefighters, emergency medical personnel, and police officers may have perished at the World Trade Center.

We cannot bring these people back, but we can ensure that those who survive them do not have to endure excessive paperwork to receive the benefits they deserve through the selflessness and sacrifice of their loved ones.

Many people would not be alive today if it were not for the bravery and sacrifice of these first responders. In one of the country's darkest hours, they kept faith with their colleagues, with those in need, with their country, and for that they paid the ultimate price. We have an obligation to ensure that their families get the support they need, and quickly, so that they can pick up the threads of their lives.

The Nation's first responders represent the very best of America, and we owe them and their families a debt of profound gratitude. Passing H.R. 2882 is the least we can do to bring some comfort to the families of these fallen heroes. I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House of today, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 17, as follows:

Abercrombie	DeLay	Jackson-Lee
Ackerman	DeMint	(TX)
Aderholt	Deutsch	Jefferson
Akin	Diaz-Balart	Jenkins
Allen	Dicks	John
Andrews	Dingell	Johnson (CT)
Armey	Doggett	Johnson (IL)
Baca	Dooley	Johnson, E. B.
Bachus	Doolittle	Johnson, Sam
Baird	Doyle	Jones (NC)
Baker	Dreier	Jones (OH)
Baldacci	Duncan	Kanjorski
Baldwin	Dunn	Kaptur
Ballenger	Edwards	Keller
Barcia	Ehlers	Kennedy (MN)
Barr	Ehrlich	Kennedy (RI)
Barrett	Emerson	Kerns
Bartlett	Engel	Kildee
Barton	English	Kind (WI)
Bass	Eshoo	King (NY)
Becerra	Etheridge	Kingston
Bentsen	Evans	Kirk
Bereuter	Everett	Klecza
Berkley	Farr	Knollenberg
Berman	Fattah	Kolbe
Berry	Ferguson	Kucinich
Biggert	Filner	LaFalce
Bilirakis	Flake	LaHood
Bishop	Fletcher	Lampson
Blagojevich	Foley	Langevin
Blumenauer	Forbes	Lantos
Blunt	Ford	Larsen (WA)
Boehlert	Frank	Larson (CT)
Boehner	Frelinghuysen	Latham
Bonilla	Frost	LaTourette
Bonior	Gallegly	Leach
Bono	Ganske	Lee
Borski	Gekas	Levin
Boswell	Gephardt	Lewis (CA)
Boucher	Gibbons	Lewis (GA)
Boyd	Gilchrest	Lewis (KY)
Brady (PA)	Gillmor	Linder
Brady (TX)	Gilman	LoBiondo
Brown (FL)	Gonzalez	Lofgren
Brown (OH)	Goode	Lowe
Brown (SC)	Goodlatte	Lucas (KY)
Bryant	Gordon	Lucas (OK)
Burr	Goss	Luther
Burton	Graham	Maloney (CT)
Buyer	Granger	Manzullo
Callahan	Graves	Markey
Calvert	Green (TX)	Mascara
Camp	Green (WI)	Matheson
Cannon	Greenwood	Matsui
Cantor	Grucci	McCarthy (MO)
Capito	Gutierrez	McCarthy (NY)
Capps	Gutknecht	McCollum
Capuano	Hall (OH)	McCrery
Cardin	Hall (TX)	McDermott
Carson (IN)	Hansen	McGovern
Carson (OK)	Harman	McHugh
Castle	Hart	McInnis
Chabot	Hastings (FL)	McIntyre
Chambliss	Hastings (WA)	McKinney
Clay	Hayes	McNulty
Clayton	Hayworth	Meehan
Clement	Hefley	Meek (FL)
Clyburn	Herger	Menendez
Coble	Hill	Mica
Collins	Hilleary	Millender
Combest	Hilliard	McDonald
Condit	Hinchey	Miller (FL)
Cooksey	Hinojosa	Miller, Gary
Costello	Hobson	Miller, George
Cox	Hoefel	Mink
Coyne	Hoekstra	Mollohan
Cramer	Holden	Moore
Crane	Holt	Moran (KS)
Crenshaw	Honda	Moran (VA)
Crowley	Hooley	Morella
Cubin	Horn	Murtha
Culberson	Hostettler	Myrick
Cummings	Houghton	Nadler
Cunningham	Hoyer	Napolitano
Davis (CA)	Hulshof	Neal
Davis (FL)	Hunter	Nethercutt
Davis, Jo Ann	Hyde	Ney
Davis, Tom	Inslee	Northup
Deal	Isakson	Norwood
DeFazio	Israel	Nussle
DeGette	Issa	Oberstar
Delahunt	Istook	Obey
DeLauro	Jackson (IL)	Oliver

[Roll No. 339]

YEAS—413

Osborne	Ryan (WI)	Tauscher
Ose	Ryun (KS)	Tauzin
Otter	Sabo	Taylor (MS)
Owens	Sanchez	Terry
Oxley	Sanders	Thomas
Pallone	Sandin	Thompson (CA)
Pascarell	Sawyer	Thompson (MS)
Pastor	Schaffer	Thornberry
Paul	Schakowsky	Thune
Payne	Schiff	Thurman
Pelosi	Schrock	Tiahrt
Pence	Scott	Tiberi
Peterson (MN)	Sensenbrenner	Tierney
Peterson (PA)	Serrano	Toomey
Petri	Sessions	Towns
Phelps	Shadegg	Traficant
Pickering	Shaw	Turner
Pitts	Shays	Udall (CO)
Platts	Sherman	Udall (NM)
Pombo	Sherwood	Upton
Pomeroy	Shimkus	Velázquez
Portman	Shows	Visclosky
Price (NC)	Shuster	Vitter
Pryce (OH)	Simmons	Walden
Putnam	Simpson	Walsh
Quinn	Skeen	Wamp
Radanovich	Skelton	Waters
Rahall	Slaughter	Watkins (OK)
Ramstad	Smith (MI)	Watson (CA)
Regula	Smith (NJ)	Watts (OK)
Rehberg	Smith (TX)	Waxman
Reyes	Smith (WA)	Weiner
Reynolds	Snyder	Weldon (FL)
Riley	Solis	Weldon (PA)
Rivers	Souder	Weller
Rodriguez	Spratt	Wexler
Roemer	Stark	Whitfield
Rogers (KY)	Stearns	Wicker
Rogers (MI)	Stenholm	Wilson
Rohrabacher	Strickland	Wolf
Ros-Lehtinen	Stump	Woolsey
Ross	Stupak	Wu
Rothman	Sununu	Wynn
Roukema	Sweeney	Tanner
Roybal-Allard	Tancredo	
Rush	Tanner	

## NOT VOTING—17

Conyers	Lipinski	Royce
Davis (IL)	Maloney (NY)	Saxton
Fossella	McKeon	Taylor (NC)
Kelly	Meeks (NY)	Watt (NC)
Kilpatrick	Ortiz	Young (AK)
Largent	Rangel	

□ 1236

Mr. BECERRA and Mr. STARK changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TAYLOR of North Carolina. Mr. Speaker, I was not present for the vote on H.R. 2882. Had I been able to return from the Pentagon, I would have voted in strong support for H.R. 2882, to expedite relief for the families of law enforcement officers lost in this terrible tragedy.

Mr. McKEON. Mr. Speaker, on rollcall No. 339 I was unavoidably detained. Had I been present, I would have voted “yea.”

# YES VOTE ON HOUSE JOINT RESOLUTION 61, CONDEMNING THE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, on Rollcall 338, which occurred on September

12, 2001, unfortunately, due to circumstances beyond my control, I was unable to be here to vote on this important resolution. I would like to take this opportunity to state for the RECORD that had I been here, I would have voted “yea” on House Joint Resolution 61, condemning the cowardly terrorist attacks which took place on September 11.

I spent part of yesterday visiting the rescue operation team at the World Trade Center in their attempt to find more survivors within the rubble. I still find it difficult to recount the horrors that I witnessed, but I assure my colleagues that what I saw is unprecedented in the history of our country. It reaffirms my faith, though, in America and in this Congress that has moved so quickly, with such force and unity, to condemn these attacks and has guaranteed the support of the people of the United States for New York City, for Washington, D.C., and for all the victims of this vicious, vicious attack.

## RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1333

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 33 minutes p.m.

## VICTIMS OF TERRORISM RELIEF ACT OF 2001

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 2884) to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion except 1 hour of debate equally divided and controlled by the chairman and ranking minority member, or his designee, and one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. McNULTY. Mr. Speaker, reserving the right to object, and I certainly shall not object, I rise just simply to thank the chairman for providing this procedure which will provide us with some additional time on this particular bill. I thank the chairman for that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 2884) to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2884 is as follows:

H.R. 2884

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Terrorism Relief Act of 2001”.

### SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

“(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual's death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of section 692 of such Code is amended to read as follows:

“SEC. 692. INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH AND VICTIMS OF CERTAIN TERRORIST ATTACKS.”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended to read as follows:

“Sec. 692. Income taxes of members of Armed Forces on death and victims of certain terrorist attacks.”.

(3) Section 5(b)(1) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(4) Section 6013(f)(2)(B) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

### SEC. 3. RELIEF FROM ADDITIONAL ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting “(a) IN GENERAL.—” before “The additional estate tax”, and

(2) by adding at the end the following:

“(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—The additional estate tax shall not apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

“SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.”.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

“Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. McNULTY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. THOMAS. Mr. Speaker, as we continue to mourn the victims and as the rescue operation turns to recovery, one of the things that I think the American people perceived fairly early, and that its elected leaders are beginning to come to consensus on, is that this was an act of war.

Although we have not formally declared war, I believe the mental framework of dealing in a wartime situation is one that will serve this country well, one, in terms of pursuing the perpetrators as combatants in a war and using military rules of engagement, but, secondly, on the home front, understanding that what occurred in New York and what occurred in the Pentagon and, to a lesser extent, in Pennsylvania were acts of war.

It would be ironic if we did not have this bill in front of us today, because what this bill basically does is take those provisions of the Tax Code already on the books which apply to the military and combat zones overseas or to private citizens who are attacked or are the subjects of terrorist attacks overseas and say, clearly, New York, the Pentagon, the Washington area, were combat zones, and that, therefore, it seems entirely appropriate that those provisions of the Tax Code which relieve tax responsibilities for individuals meeting a profile overseas ought to be brought here to our shores, and that, not just figuratively but literally in the Tax Code, the terrorist victims

should be considered as though they were in a combat zone, which they were, and that they were subject to terrorist attacks, which they were. That basically was the genesis of the bill.

It provides, then, specifically a reduction in the estate tax similar to what happens to members of the armed services, who are killed while serving in a combat zone or die as a result of injuries suffered while serving in a combat zone. And, in addition, there is a Tax Code provision, as I said, that exempts Federal military and civilian employees from paying Federal income taxes in the year of their deaths based upon their condition of dying. That should be extended to the victims of the September 11 attacks as well.

In addition, there are technical clarifications, which I believe are very important to make sure that there are no tax consequences for any awards provided by third entities such as airlines or others. And, in addition to that, I want to make sure that, as the President declares these areas disaster areas, that anyone who avails themselves of the tax consequences by virtue of that designation of a disaster area does not later find out that they have tax consequences as a result of their decision to avail themselves of loans to rebuild property, dollar amounts to bury loved ones, or other financial inducements available by virtue of the declaration by the President of a disaster area.

It is the least that we can do before we adjourn for this week to put on record that Members of the House of Representatives, in a bipartisan way, believe that those victims of those attacks on September 11 were in a combat zone and should be afforded the privileges and protections that are in the code for military personnel and for civilian personnel because, clearly, this is the first, I believe, substantive reflection of the fact that we are at war.

Therefore, I want to thank my friends on the other side of the aisle for the kindnesses that they provided to us to move legislation relatively quickly. While it is as much a gesture and an indication of our desire to help these people in a small way, it certainly will not be the last. But people who are now going through the personal suffering that they are going through should not also have to face the consequences of an insensitive government not looking at the fact that what we provide to people overseas, we would not provide to people here at home. I believe this bill rectifies that.

Mr. Speaker, I reserve the balance of my time.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

I also point out, Mr. Speaker, that the cosponsor of this legislation is the gentleman from New York (Mr. RANGEL), the ranking member of the Com-

mittee on Ways and Means. We do hope that the gentleman from New York (Mr. RANGEL) will be here before the end of the day; but until he gets here, I have the honor of representing him on the Democratic side of the aisle.

Yesterday, Mr. Speaker, I spoke on the House floor about the innocent victims of these terrorist acts. Today, my heart goes out to those left behind, especially to my New York City colleagues who spoke so eloquently on the floor earlier today: JERRY NADLER and PETER KING, ANTHONY WEINER, STEVE ISRAEL, all of the New York City members, and especially JOE CROWLEY, whose cousin, a brave firefighter, is lost in the line of duty.

And so today we think about all of those who have been left behind, all of those who have lost friends and loved ones as a result of this violation of the fundamental principle that life is to give, not to take.

Mr. Speaker, I strongly support H.R. 2884, the Victims of Terrorism Relief Act of 2001.

Mr. Speaker, every American remains horrified by the terrorist events which occurred this week. While there is nothing we can do to bring our loved ones and friends back, there are some tax law changes that the Congress can approve today which will help the surviving families. As the chairman pointed out, this will provide the families of those who died this week with substantially the same tax benefits as apply when a member of our Armed Forces dies as a result of injuries sustained in the line of duty during periods of combat. The President has recognized that this was a terrorist act and was also an act of war; and, therefore, the families of the victims should receive these benefits.

The bill will provide an income tax exemption and will substantially reduce the potential of estate taxes. I would also point out parenthetically that the affected airlines are making cash payments to the families of victims, and those payments are tax free under current law.

Finally, we are encouraged to know that the Department of the Treasury and the Internal Revenue Service are in the process of notifying survivors of the terrorist attacks and victims' families of various interest and penalty waivers and other tax payment and filing relief.

Mr. Speaker, I strongly support this bill with the hope that our action can minimize the distraction of tax issues during this very difficult time for those who are left behind.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman not only for giving me

the opportunity to speak but also for preparing on short notice this legislation.

Mr. Speaker, the evil people who perpetrated the acts of terror this week made no distinction between civilian and military targets and casualties. Under these circumstances, neither should the Tax Code. As many have noted on the floor of the House, the United States is clearly at war; but, Mr. Speaker, this is a new kind of war, one that treats civilian buildings the same way as previous combatants treated military targets. In this war, civilian targets are not avoided by our enemies but are in fact sought out.

□ 1345

We already have provisions in the Tax Code which recognize the special risks that our military personnel face in time of war. What this bill does is extend the same tax treatment to civilian victims of Tuesday's attacks.

As with military personnel killed in the line of duty, under this legislation we will exempt all individuals who are killed as a result of a military or terrorist act from Federal income taxes.

Likewise, we will reduce estate taxes for civilians killed in Tuesday's attacks, just as we do for military personnel.

Finally, we will exempt from Federal taxation any compensation or assistance payments victims' families receive from either the airlines or from the Federal Emergency Management Agency.

Mr. Speaker, this is the right thing to do, and this is the least we can do at this moment. In the days and weeks ahead, this House will be called upon to do even more to bind the Nation's wounds, but today we make a good start with this crucial assistance to our friends and neighbors whose lives were decimated by Tuesday's attack.

Mr. McNULTY. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I stand here not in the front in part because we come here with such heavy hearts and also with humility. Our hearts are growing heavier by the minute, by the minute. The tragic human face is coming into clearer and clearer focus. The images of family, of relatives on TV, are almost too hard for those of us to look at, though we are not directly involved, having no family member who lost his or her life.

We also have a sense of humility. We know that whatever we do here is just a small step. It is difficult, as a result, to take them because we realize how inadequate any action of ours can be.

This Committee on Ways and Means that sometimes is said to have such power, we realize today in this circumstance has very little; but we are doing whatever we can.

There was an act of war, that was clear; and we need to approach this in that regard in every respect. So I am glad the chairman of the committee and my colleagues on the committee and the gentleman from New York (Mr. McNULTY) and the gentleman from New York (Mr. RANGEL), who has been in New York and is here in spirit and soon will be here in body, we all want to join together to enact this legislation, to simply make sure that if we can diminish the pain just a bit, that we will do so; that those who are victims in this act of war, that they will be treated fully as such.

So I rise in support of this legislation. I urge that we pass it unanimously; and then we go on to take whatever further steps, I hope somewhat larger ones, to respond to this human national tragedy.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from Illinois (Mr. CRANE), a senior member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I rise in strong support of the Victims' Tax Relief Act and am pleased to be an original cosponsor of this important legislation.

We have witnessed the most horrendous attack on American soil by a foreign invader in our Nation's history. The death toll will reach well beyond the 2,400 brave Americans who were killed at Pearl Harbor. The victims include not only civilians trapped in the World Trade Center buildings, but brave firefighters and police officers who gave their lives so that others might be saved. Likewise, hundreds of soldiers and civilian employees were killed in our own backyard when the terrorists crashed a plane into the Pentagon. Finally, we must not forget those on the four planes that were crashed.

Given the level of tragedy that has occurred during the last 4 days, we must do all we can to help those affected by these attacks. While we are unable to relieve the burden shouldered by those who have suffered, while we cannot resurrect those who are lost, we can and should do everything in our power as Members of Congress to make sure that their government is reaching out a hand to help.

I commend my colleague, the gentleman from California (Mr. THOMAS), for his foresight and ability to put this package together in an expeditious manner; and I look forward to its speedy passage through this esteemed body.

Mr. McNULTY. Mr. Speaker, I yield 3 minutes to my very distinguished friend, the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, first of all I would like to urge all my colleagues to give their unanimous ap-

proval to this legislation before us. I would like to thank and recognize the chairman of the committee, the gentleman from California (Mr. THOMAS), for the speed and hard work he has put into this legislation to bring it to the floor today.

Two days ago, untold numbers of civilians in New York City alone, with large numbers of our servicemen and women at the Pentagon, were killed in an act of terrorism against the United States. This bill will treat all of the victims of this atrocious attack as equals by giving the surviving families of the civilians who died in the buildings that were hit, as well as those on board the airplanes, the same tax treatment as those who perished while serving in our Armed Forces. This terrorist attack did not distinguish between military and civilian loss of life, and our tax laws should not either.

The bill consists of four main parts. Currently members of the military who are killed while serving in combat or who die of injuries suffered while serving in a combat zone are given a sizable reduction in their estate tax liability. The bill before us would extend this same estate tax treatment to people who are killed as a result of Tuesday's terrorist attack.

Secondly, the law also exempts Federal military and civilian employees from paying Federal income taxes in the year of their death if they die as a result of a military or terrorist attack outside the United States. This measure would extend this relief to individuals who died in Tuesday's attack.

Thirdly, the bill would clarify that the \$25,000 per passenger payments made by United Airlines to the victims' families will be exempt from Federal income taxes. Any payments made by American Airlines would also receive this benefit.

Lastly, the proposal would ensure that any assistance provided by the Federal Emergency Management Agency is also exempt from Federal income taxes.

Mr. Speaker, this bill is an important first step in the long road to recovering from this tragedy, and it is the least we can do at this time of national grieving. I ask that all my colleagues support this bill.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for working through the night to bring this bill to the floor to us so quickly.

Mr. Speaker, Lady Liberty's torch has been called "the lamp beside the golden door." Despite Tuesday's terrorist attacks, the glistering hope of that torch is still ours, as Lady Liberty stands, almost defiant, in New York's harbor, sending a clear message to our enemies that this Nation will not

crumble, will not hide; that every promise, every opportunity, every right this Republic and Lady Liberty stands for is still ours.

As former President Ronald Reagan once said, "Lady Liberty's heart is full; her torch is still golden, her future bright."

She has arms big enough to comfort and strong enough to support, for the strength in her arms is the strength of her people.

She will carry on unafraid, unashamed, and unsurpassed.

In this springtime of hope, some lights seem eternal; America's is."

This Congress must help to ensure that the torch continues to shine brightly by taking any action deemed necessary to protect America's people, to preserve the promise of this great Nation, and to demonstrate our full support for the victims and their families so that they can try to reclaim and rebuild their lives.

They are America's newest heroes, and we must demonstrate as a Nation and as a people that we understand their great sacrifice. They paid the ultimate price, and we are indebted to them. We will always remember. We will always be proud. We must be prepared, so that we must always be free.

Mr. McNULTY. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, first let me thank my friend from New York and my friend from California for bringing this legislation up so quickly. Every Member of this body will support and should support this legislation.

On September 11, there was an attack against our country. It was an act of war. It was unprovoked, and we have lost life; and there have been many victims of that attack on our country. They lost their lives, and the families now are suffering. All of us are suffering as a result of those attacks.

They are heroes, make no mistake about it. We know many individual episodes of people who lost their lives in trying to save life on September 11. But each of those who have lost their life as a result of these terrorist attacks, each are heroes in our Nation.

This legislation is one additional step for us to collectively recognize that the victims are truly those who have made sacrifices for freedom in this Nation. I urge all my colleagues to support this legislation, but, most importantly, to continue to show compassion for those families that are suffering in all of our communities.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding me time; but more than that, I commend the gentleman from California (Chairman THOMAS) for not only his swift action

on behalf of the development of the Victims' Tax Relief Act, but his compassionate action in this matter; and I rise in strong support of the Victims' Tax Relief Act as a proud and humble cosponsor.

The President called our present circumstances the first war of the 21st century; and, as the gentleman from California (Chairman THOMAS) has recognized in this proposal, the victims of these tragic events in New York and in our Nation's Capital are casualties of war. Accordingly, we in this Chamber, Mr. Speaker, are called to action, action far afield of Washington, D.C.; but we are also called to mourn with those who mourn, as though we ourselves were suffering the same ordeal.

Currently the Tax Code provides an estate tax reduction for members of the Armed Forces who are killed while serving in combat. This bill reduces estate tax liability more than half. The proposal before us today would extend the same estate tax treatment to individuals who were killed as a result of Tuesday's terrorist attacks, and well we should.

Similarly, Federal military and civilian employees are exempted from paying income taxes in the year of their death in the service of their country, and this measure would extend the same Federal income tax relief to individuals who died at the hands of terrorists.

□ 1400

It is imperative that we support the necessary action in this Chamber by our President in deploying our military. But it is also, in my humble opinion, important that we do justice, love, kindness, and adopt this important legislation.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume to recognize a colleague from my home State of New York now. I spoke in my opening remarks about the gentleman from New York (Mr. CROWLEY.) He knows firsthand what is going on. He just returned to Washington today, and he knows of the tremendous loss that we have suffered.

The gentleman's cousin, a firefighter hero, John Moran, is missing in action; we do not know his fate yet. But I am sure my colleagues remember the visions that we all saw on television over the last couple of days, when people were running from those buildings, John Moran and the other firefighters were running toward the buildings, into the buildings, up the stairs, putting their lives on the line for their fellow citizens.

Mr. Speaker, it is my honor to yield such time as he may consume to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. McNULTY), my colleague, for

his kind words and for yielding me this time.

I want to rise in strong and full support of the Victims' Tax Relief Act of 2001. This is just, I think, the beginning of what we are going to have to do to help to provide for many of the victims of this terrible tragedy. In first blush, looking at it, I would prefer to see that there is no tax at all for these people, their families included, for whatever income they make.

Mr. Speaker, this is certainly something that we should all support. These people are going through incredible, incredible tragedy right now.

I received word that the HAZMAT unit in New York, which is located in my district, is right now missing 19 members of that particular unit. So the fire department alone will have to rebuild, and I do not know if we will ever know exactly what it will take to do that.

But these families are going to have to rebuild. Whatever little we can do today in reducing the estate tax by about half of what it is and exempting the income in the taxable year of their death for military, Federal, military and civilian employees from paying Federal income tax I think is the least that we can do in support and solidarity with the victims of this atrocity.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman that this legislation is meant to be inclusive and not exclusive, and the initial response is to take those provisions already in the Tax Code applying to combat situations and terrorist attacks overseas, and bringing them home. That was the very least in the short time that we had that I thought would be at least a minimum appropriate response. As the gentleman indicated, we will have additional responses as we move forward.

It is clear that whatever folks think about New York in terms of its role, importance, significance, et cetera, there is no question that the City of New York and the surrounding area took it on the chin for the rest of the United States, and I think we will find that there will be additional ongoing responses to make sure that not just the victims, but those who by their own decisions in carrying out heroic acts and became accidental victims, are going to be taken care of. All of us want the gentleman to know that we share the concern, not just as Americans, but as people who have been brought to the scene in no physical way, but certainly in mental ways, based upon the horrific scenes that have been broadcast to us.

Mr. CROWLEY. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Speaker, I just want to say that I in no way, shape,

form, or means wanted to come across as though I do not appreciate what the gentleman is doing, because I certainly do. If my colleagues will please forgive me, most of me is back in New York right now and only about half of me is here, so I appreciate the words of the chairman and I look forward to working with the gentleman.

Mr. THOMAS. Mr. Speaker, I thank the gentleman. Today is today and tomorrow is tomorrow, and we will move forward.

Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a quick response and an appropriate response. What we want to make sure happens is that for those victims of this terrorist act, they are afforded the same kinds of benefits in the Tax Code that victims of terrorism abroad, in the military or civilian, are entitled to.

We want to make sure that if any of the benefits that are being given through an airline, through FEMA, that at the end of the year, their family members are not hit with some kind of unexpected tax bill.

We want to make sure that the victims have an estate that is not taxed to the government, but that can go to their remaining loved ones, because we know that the people who experienced this tragedy did not have any estate planning, did not have an ability to set their affairs in order. This came as a surprise.

We want to make sure that with respect to the Federal Tax Code, that they are given any entitlement and ability to be treated just like a fallen soldier in battle abroad or a civilian abroad.

I thank the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for bringing this together on such short notice. I think it is very appropriate. I think we all know that this is only the beginning of many pieces of legislation that we are going to have to pass in this body, whether it be to equip FEMA with resources for rescue missions or the military with the resources they need.

I think also it is going to have to be a work in progress of this committee to do what we can to assure that our economy continues to grow and that the American spirit, not only in patriotism but also in the awesome economy that we have continues on, so that we can continue to fuel what we need in this country from a patriotic standpoint, from an economic standpoint, from a moral standpoint. This is the beginning of those kinds of works that we are about to pass in this Congress. I thank the chairman and the ranking member for what they have been doing.

Mr. McNULTY. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for his chairmanship here and the gentleman from New York (Mr. McNULTY). I really appreciate the leadership of the gentleman from California. Many times we do not realize how important leadership is until there is a crisis and certainly the gentleman from California has come up and hit the mark so well.

I am going to defer to my colleagues who have explained the specific tax provision of this bill. We all have our own individual stories, particularly those of us who live in New York. I think God reached down and grabbed my son by the hand. He was not in his 60th floor office in number 1 tower in the World Trade Center when the bomb went off. But virtually all of his associates up there were killed, and so we really identify and understand and sympathize with the people in those families that had this terrible disaster.

So the important point here is that the victims of terrorism are the victims of an undeclared war, and that is, pure and simple, what it is. This bill simply recognizes that reality. The IRS and Treasury are waiving interest and penalty provisions for the families affected by Tuesday's outrage, and there is so much more that needs to be done, but this is an important step.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

I have no further requests for time at this point, Mr. Speaker, and I do want to point out that most of my colleagues from New York are engaged right now in a meeting about the emergency supplemental appropriations bill and that is why they are not on the floor. I would ask the chairman of the Committee on Ways and Means if he has any further requests for time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from New York (Mr. McNULTY) is correct. There are a number of activities going on. There is a supplemental that is being put together. A number of the Members from New York are involved in that. There are briefings going on at the Pentagon. There are a number of people who would have wished to have taken time on this measure. In a very short time, we have produced more than a hundred and a half cosponsors on this measure, and the Members who are not here speaking on the bill in no way indicates their feelings about the bill, and I believe it is entirely appropriate that those Members who were able to make it have had an ability to speak.

#### GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2884, the bill presently under consideration.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that a document prepared by the Joint Committee on Taxation staff in regard to this bill just passed be placed at the appropriate place in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### TECHNICAL EXPLANATION OF THE VICTIMS OF TERRORISM RELIEF ACT OF 2001

(Prepared by the Staff of the Joint Committee on Taxation)

#### INTRODUCTION

This document, prepared by the staff of the Joint Committee on Taxation, contains a technical explanation of the Victims of Terrorism Relief Act of 2001, scheduled for consideration by the U.S. House of Representatives on September 13, 2001.

#### I. PRESENT LAW

##### *Exemption from tax upon death in a combat zone or as a result of terrorist action*

An individual in active service as a member of the Armed Forces who dies while serving in a combat zone (or as a result of wounds, disease, or injury received while serving in a combat zone) is not subject to income tax for the year of death (as well as for any prior taxable year ending on or after the first day the individual served in the combat zone) (sec. 692). Special computational rules apply in the case of joint returns. In addition, military and civilian employees of the United States are entitled to this exemption from income taxes if they die as a result of wounds or injury which was incurred outside the United States in terrorist or military action. This exemption is available for the year of death and for prior taxable years beginning with the taxable year prior to the taxable year in which the wounds or injury were incurred. Accordingly, if someone is injured and dies in the same taxable year, this exemption from income tax is available for the taxable year of death as well as the prior taxable year.

The Code also provides a reduction in Federal estate taxes for taxable estates of United States citizens or residents who are killed in action while serving in a combat zone (as defined in section 112(c)) as active members of the Armed Forces (see. 2201). This provision also applies to service members who die as a result of wounds, disease, or injury suffered while serving in the line of duty in a combat zone by reason of a hazard to which the service member was subjected as an incident of such service.

In general, the effect of section 2201 is to replace the Federal estate tax that would otherwise be imposed with a Federal estate tax equal to 125% of the maximum state death tax credit determined under section 2011(b). Credits against the tax, including the unified credit of section 2010 and the state death tax credit of section 2011, then apply

to reduce (or eliminate) the amount of the estate tax payable.

Specifically, the reduction in Federal estate taxes under section 2201 is equal in amount to the "additional estate tax," as defined in section 2011(d), with respect to the estates of decedents dying before January 1, 2005. Section 2011(d) provides in relevant part that the additional estate tax shall be the difference between the Federal estate tax imposed by section 2001 and 125% of the maximum state death tax credit determined under section 2011(b). With respect to the estates of decedents dying after December 31, 2004, section 2201 provides that the additional estate tax shall be the difference between the Federal tax imposed by section 2001 and 125% of the maximum state death tax credit determined under section 2011(b), as in effect prior to its repeal by the Economic Growth and Tax Relief Reconciliation Act of 2001.

#### *General time limits for filing tax returns*

Present law provides that individuals generally must file their Federal income tax returns by April 15 of the year following the close of a taxable year (sec. 6072). Present law also provides that the Secretary may grant reasonable extensions of time for filing such returns (sec. 6081). Treasury regulations provide an additional automatic two-month extension (until June 15 for calendar-year individuals) for United States citizens and residents in military or naval service on duty on April 15 of the following year (the otherwise applicable due date of the return) outside the United States (Treas. Reg. sec. 1.6081-5(a)(6)). No action is necessary to apply for this extension, but taxpayers must indicate on their returns (when filed) that they are claiming this extension. Unlike most extensions of time to file, this extension applies to both filing returns and paying the tax due.

Treasury regulations also provide, upon application on the proper form, an automatic four-month extension (until August 15 for calendar-year individuals) for any individual timely filing that form and paying the amount of tax estimated to be due (Treas. Reg. sec. 1.6081-4).

In general, individuals must make quarterly estimated tax payments by April 15, June 15, September 15, and January 15 of the following taxable year. Wage withholding is considered to be a payment of estimated taxes.

#### *Suspension of time periods*

In general, present law suspends the period of time for performing various acts under the Internal Revenue Code, such as filing tax returns, paying taxes, or filing a claim for credit or refund of tax, for any taxpayer determined by the Secretary to be affected by a Presidentially declared disaster (sec. 7508A).

The suspension of time applies to the following acts:

- (1) Filing any return of income, estate, or gift tax (except employment and withholding taxes);
- (2) Payment of any income, estate, or gift tax (except employment and withholding taxes);
- (3) Filing a petition with the Tax Court for redetermination of a deficiency, or for review of a decision rendered by the Tax Court;
- (4) Allowance of a credit or refund of any tax;
- (5) Filing a claim for credit or refund of any tax;
- (6) Bringing suit upon any such claim for credit or refund;
- (7) Assessment of any tax;
- (8) Giving or making any notice or demand for the payment of any tax, or with respect

to any liability to the United States in respect of any tax;

(9) Collection of the amount of any liability in respect of any tax;

(10) Bringing suit by the United States in respect of any liability in respect of any tax; and

(11) Any other act required or permitted under the internal revenue laws specified in regulations prescribed under section 7508 by the Secretary of the Treasury.

Individuals may, if they choose, perform any of these acts during the period of suspension.

#### II. DESCRIPTION OF THE BILL

The bill treats individuals who die as a result of wounds or injury which were incurred as a result of the terrorist attacks that occurred on September 11, 2001, in the same manner as if: (1) they were a military or civilian employee of the United States dying as a result of terrorist or military activity outside the United States for purposes of section 692(c) of the Internal Revenue Code, and (2) they were a member of the Armed Forces of the United States in active service killed in action while serving in a combat zone or as a result of wounds, disease, or injury suffered while serving in a combat zone for purposes of section 2201 of the Code. Consequently, these individuals (whether killed on the four airplanes or on the ground, whether as victims or in rescue or recovery operations) are eligible for the exemption from income tax and the reduction in estate tax provided by these two provisions. Perpetrators of these terrorist attacks are not eligible for these special rules. The determination as to whether an individual is a perpetrator is to be made by the Secretary of the Treasury (or the Secretary's delegate), in consultation with appropriate authorities.

Individuals who are wounded or injured as a result of the terrorist attack that occurred on September 11, 2001, and who die as a result of their wounds or injury in a later taxable year are eligible for the exemption from income taxes for all the taxable years beginning with the year prior to the year of the wounds or injury and ending with the year of death. The provision amending section 692 is effective for taxable years ending on or after September 11, 2001. The provision amending section 2201 applies to estates of decedents dying on or after September 11, 2001.

In the past, the IRS has exempted from income certain disaster payments made by government agencies that provide for promotion of general welfare, such as certain disaster payments made by the Federal Emergency Management Agency (FEMA). The Congress expects that the IRS will consistently apply this policy in this situation and in the future.

Some have inquired as to the tax treatment of initial payments made by the airlines to the families of victims on the four hijacked airplanes. These payments are advances to the families of the victims to help meet their immediate needs. Section 104 of the Internal Revenue Code excludes from income damages received on account of personal physical injury. Accordingly, no additional statutory provision is necessary to exclude such payments.

Mr. McNULTY. Mr. Speaker, I yield myself such time as I may consume.

Again, I thank the chairman, and as the chairman pointed out, this is one small gesture of support for the survivors of the victims of this terrible, terrible tragedy, and our hearts continue to go out to all the victims, their

families, all of those affected, and I especially draw attention again to the public safety personnel, the firefighters, the police officers, the doctors, the nurses, the ambulance attendants and drivers and everyone who is helping out in this situation.

We should always remember when we get up in the morning to be grateful for them because they are willing to put their lives on the line 365 days a year for us and for our families. In New York and in Washington this week we saw the tremendous price that many of them paid.

We hope and pray that the gentleman from New York's (Mr. CROWLEY) cousin, Jack Moran, can be found alive.

I also would reiterate what the President has said over the past couple of days, that we are united in this country in our resolve to track down the cowards who committed these acts. I remind people again that terrorists by definition are cowards. They cannot get what they want by the power of persuasion, and therefore, they resort to attacking and killing innocent men, women and children.

I am particularly grateful for the part of the President's statement the other night where he indicated that we will make no distinction between the terrorists and those who harbor them.

So on behalf of the gentleman from New York (Mr. RANGEL), who could not be here because he is still up in New York helping his constituents, and on behalf of all of the victims in New York and in Washington and Virginia and Pennsylvania, I say on his behalf, this is a united country and the forces of evil shall not prevail.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from New York (Mr. McNULTY) for his statement, and I do thank our colleagues on the other side of the aisle, beginning with the gentleman from New York (Mr. RANGEL) who was in the epicenter, the ranking member, and all of the other Members who are currently carrying out their directed activities in assistance, and what we are seeing is a societal response to a societal attack. It is all for one and one for all, and it is a curious aspect of America's nature that it does sometimes take these kinds of very tragic events to get us to set aside some of the secondary issues that preoccupy us.

This is not just America's fight. This is the civilized world's fight. As we have done in a number of other engagements involved with anti-democratic forces around the world in previous generations, we are once again engaged in a struggle to protect freedom. It is not against any particular individuals. It is not against any particular groups. It is not against any particular religion. It is not against any particular countries.

It is against all of those who would harbor individuals, who believe that barbaric acts against individuals somehow further their interests and causes. To do nothing is to reinforce that belief.

One of the reasons that I thought it would be appropriate to structure this immediate response in taking what we already provide to combatants overseas and to victims of terror overseas, in bringing it home, is to underscore the message that a number of us have repeated, and that is, we are at war.

□ 1415

It is as though we have declared war, and that our society needs to respond on a wartime footing. The benefits that folks get in combat zones are now available through this legislation here at home. Make no mistake about it, we are at war. When we are at war, it requires societal mobilization.

It means that, yes, in terms of a moral resolve, which this Nation has clearly indicated; yes, in terms of a military resolve, which we will be moving additional legislation to clearly indicate that we are ready for; but probably first and foremost, a mental wartime condition is that this society will do what is necessary to win this fight we did not choose.

It means, first and foremost, that the society needs to be strong, but it needs to be strong in a number of ways. One of the ways we need to be strong is economic. We will continue to examine measures or options available to us to make us strong.

The infrastructure of the financial structure of this country was struck a significant blow, given the role and the importance of lower Manhattan to the financial institutions of this country. They were struck a significant blow, but clearly, not a mortal blow. We will overcome this, as we have overcome other adversities.

However, I believe it is appropriate and incumbent upon the people's government to examine ways in which we can assist our overcoming these difficulties, not just in terms of a moral position, not just in terms of a victims' tax provision, but also a societal response to make sure that the economy is strong.

We will pursue the combatants. We will be strong. We will show through our resolve that this kind of effort, as in the past, will be unsuccessful.

So for a very, very small portion of the outpouring of support this bill is offered today, both in terms of its timely context and also in terms of its content, it is the beginning to let people know that if we are at war we will respond, not just in terms of a combatant response for the military engagement of any group, or indeed, any country that has been a part of the enablement that allowed that terrorist act to occur; but that this society is

ready to face whatever obstructions necessary, and we will overcome them, so that people who dedicate themselves to the kind of democratic and libertarian philosophy of allowing people to choose the way in which they wish to live in peace and freedom will be reinforced. This is a very small token in the ongoing gesture of this society.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2884. This legislation will absolve the taxes of those public service officers who lost their lives in the line of duty on September 11, 2001.

If an armed services officer loses his life in the line of duty, that individual is not required to pay estate taxes or income taxes for the year in which they expired. This is central to the way we proceed in times of war, for this procedure recognizes the reality that soldiers are also citizens with families, debts, and obligations.

The events of September 11, 2001 have complicated this policy. The recent acts that occurred on American soil certainly constitute an act of war against this nation. Over 200 uniformed public service personnel lost their lives in the line of duty on this day. Because this act of war did not involve armed services personnel, the brave men and women who responded without thought of their own safety will not receive this exemption from the Federal government.

H.R. 2884 will forgive the tax burdens of the brave men and women we now know to be both civil servants and soldiers. This country moved into a new era as a result of the horrors of September 11, 2001. So too must the rule of law conform to the pragmatic realities of facing a headless enemy on our home soil. We honor these patriots by enacting this legislation to ease the financial burdens on the loved ones and families they leave behind. This legislation recognizes that for now and evermore, the service personnel who died in the line of duty here, on American soil, have paid their debts to this nation.

Though the rules of war have changed forever, the commitment this country demonstrates to those who serve and protect its citizens must be unbroken. H.R. 2884 guarantees this will not happen, and I am proud to give this legislation my full support.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today as an original cosponsor of H.R. 2884, the Victims' Tax Relief Act, and to ask my colleagues to show their support of this legislation which will provide comfort and economic relief to the families of the victims of the Acts of War perpetrated in New York, at the Pentagon, and in Pennsylvania on Tuesday, September 11, 2001.

It has been two days since terrorists robbed America of its sense of security and freedom. We, as Americans, know that our lives will never be the same. We will never walk down our streets with the same feeling of freedom and safety that we have enjoyed for so long. However for many of us, we will get through this with comfort of knowing that our families are intact. We will mourn and we will empathize, but

we will not have to suffer the tragedy of losing a loved one. But the families of the thousands of victims of these heinous acts are suffering and they will continue to suffer for years to come. They will have to answer the questions of their children; they will have to put the broken pieces of their lives back together. What is worse is that these families will have to worry how to put food on the table, how to pay their mortgages or how to pay for their children to go college.

According to my local newspaper, the Hartford Courant, seven individuals from Connecticut have been identified as victims of this act of terrorism. Seven families have been ripped apart. In the days and weeks to come that number will only increase. The grief and sorrow that these families will suffer through is enough. The innocent victims of the terrorist attacks on Tuesday have paid the ultimate price already; their families should not have to pay anymore. The Victims Tax Relief Act will allow families to direct their energies to rebuilding, and alleviate some of their financial burdens.

The Victims' Tax Relief Act will exempt individuals killed in the heinous attacks of September 11, 2001, or who die as a result of injuries suffered in those attacks, from paying federal income tax in the year of their death. Also, it would reduce the estate tax liability for these victims. Presently, these exemptions and reductions are reserved for members of the Armed Services who are killed in a combat zone. In addition, this bill would exempt the payments made to families of the 266 passengers by United Airlines and American Airlines from Federal income taxes. And it would ensure that Federal Emergency Relief payments are exempt from Federal income tax. Although these victims were not serving in the Armed Services, they were in the combat zone and because of this, there is no reason why we should treat them any differently than those who have formally enlisted into our military. The actions of this week were acts of war, and the victims of these acts of war should be treated as casualties of war.

Mr. Speaker, no American will ever forget September 11, 2001. We will never forget the horrible images that we have seen. We will never forget the heroism and dedication displayed by the many firefighters, police officers, and all other emergency workers fighting to save the lives of our fellow Americans. We would be performing a disservice to the families of these heroes and the innocent victims of these cowardly attacks by adding economic hardship to their incredible loss. This bill is the very least we can do for the mothers, daughters, sons, husbands and wives of these victims who have suffered and who will continue to suffer in the days

to come. Therefore, I urge my colleagues to join me in voting in favor of H.R. 2884.

Mr. GILMAN. Mr. Speaker, I rise in strong support of this legislation to provide a tax relief package for the victims of Tuesday's terrorist attacks in New York and Washington DC. I urge my colleagues to join in supporting this appropriate and necessary measure.

Mr. Speaker, on Tuesday our Nation suffered an unprecedented terrorist attack in both the scope of its depravity, and in the magnitude of the resulting destruction of both life and property. At this time, the full extent of the number of casualties from the attack on the World Trade Center in New York remains unknown. Not only did thousands of people perish in the fires and subsequent collapse of the twin towers at the Trade Center, but hundreds of brave New York firefighters and police officers lost their lives in attempting to rescue those trapped in the towers.

There was a similar simultaneous disaster at the Pentagon where the fire resulting from the attacking airplane burned for more than 24 hours. The process of retrieving the dead has only just started at the Pentagon site.

Mr. Speaker, we in the Congress will never be able to fully recompense the loss suffered by the thousands of families of those who perished. Moreover, we can never hope to repay the heroic sacrifices made by those brave rescue workers who selflessly laid down their lives in an attempt to rescue the victims.

We do, however, have the ability to offer a small measure of our appreciation to ensure that these families are not burdened by any unexpected liability when tax-filing season comes around next spring. If we do nothing, the cruel irony is that many families will face an unexpected and unpleasant burden next April.

This legislation extends the estate tax reduction provisions established for members of the Armed Forces who are killed or die from injuries received while serving in a combat zone to those individuals who were killed in Tuesday's terrorist attack or who die from injuries suffered in that attack.

It also extends to the victims of Tuesday's attack the benefits already in place for federal military and civilian employees that exempts them from paying income taxes in the year of their death if they die from a terrorist attack.

Finally, this bill exempts any FEMA assistance payments, and passenger payments from United and possibly American Airlines from federal income taxes.

Mr. Speaker, in light of the cost to human life from Tuesday's terrorist attack, and in the noble and selfless sacrifice made by hundreds of New York's

finest police and firefighters, this bill represents a necessary and appropriate course of action by this Congress. Accordingly, I strongly urge its adoption.

Mr. FORBES. Mr. Speaker, I rise in strong support of this important and compassionate legislation, the Victims' Tax Relief Package.

In this time of great anger and sadness, there is an overwhelming feeling of helplessness as we watch the constant news reports from the sites of the wreckage. We yearn for something we can do to comfort and aid the families of those who have lost loved ones to this horrible violence. We yearn for something we can do to provide solace and support for those thousands of people who still await word on the fate of their family and friends still lost in the rubble in New York City or Western Pennsylvania or Arlington, Virginia.

Eventually, our nation will find and punish those who committed these heinous acts. But, until then, passage of this relief package is the least that we can do for these survivors.

The bill will exempt from taxation the payments that these families receive from airlines to compensate them for their grievous loss. It will exempt from taxation any assistance payments that victims of these tragic events receive from the Federal Emergency Management Agency (FEMA). It will also give the families of our military and civilian employees who lost their lives as a result of Tuesday's attack a reprieve from their federal income tax and estate tax this year.

Again, Mr. Speaker, this is the very least that we can provide these families who have suffered the full brunt of the evil that was perpetrated against our country. And, I hope it is but one of the first steps we take as a Congress. I am proud to stand with my colleagues and with my President in this effort, and I urge us to make passage of this bill a unanimous declaration of our support.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the order of the House of today, the bill is considered as read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2:30 p.m.

Accordingly (at 2 o'clock and 20 minutes p.m.), the House stood in recess until approximately 2:30 p.m.

□ 1431

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 2 o'clock and 31 minutes p.m.

#### VICTIMS OF TERRORISM RELIEF ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 2884, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 12, as follows:

[Roll No. 340]

YEAS—418

Abercrombie	Chambliss	Frank
Ackerman	Clay	Frelinghuysen
Aderholt	Clayton	Frost
Akin	Clement	Galleghy
Allen	Clyburn	Ganske
Andrews	Coble	Gekas
Armey	Collins	Gephardt
Baca	Combest	Gibbons
Bachus	Condit	Gilchrest
Baird	Cooksey	Gillmor
Baker	Costello	Gilman
Baldacci	Cox	Gonzalez
Baldwin	Coyne	Goode
Ballenger	Cramer	Goodlatte
Barcia	Crane	Gordon
Barr	Crenshaw	Goss
Barrett	Crowley	Graham
Bartlett	Cubin	Granger
Barton	Culberson	Graves
Bass	Cummings	Green (TX)
Becerra	Cunningham	Green (WI)
Bentsen	Davis (CA)	Greenwood
Bereuter	Davis (FL)	Grucci
Berkley	Davis, Jo Ann	Gutierrez
Berman	Davis, Tom	Gutknecht
Berry	Deal	Hall (OH)
Biggert	DeFazio	Hall (TX)
Bilirakis	DeGette	Hansen
Bishop	Delahunt	Harman
Blagojevich	DeLauro	Hart
Blumenauer	DeLay	Hastings (FL)
Blunt	DeMint	Hastings (WA)
Boehlert	Deutsch	Hayes
Boehner	Diaz-Balart	Hayworth
Bonilla	Dicks	Hefley
Bonior	Dingell	Herger
Bono	Doggett	Hill
Borski	Dooley	Hilleary
Boswell	Doolittle	Hilliard
Boucher	Doyle	Hinchey
Boyd	Dreier	Hinojosa
Brady (PA)	Duncan	Hobson
Brady (TX)	Dunn	Hoefl
Brown (FL)	Edwards	Hoekstra
Brown (OH)	Ehlers	Holden
Brown (SC)	Ehrlich	Holt
Bryant	Emerson	Honda
Burr	Engel	Hooley
Burton	English	Horn
Buyer	Eshoo	Hostettler
Callahan	Etheridge	Houghton
Calvert	Evans	Hoyer
Camp	Everett	Hulshof
Cannon	Farr	Hunter
Cantor	Fattah	Hyde
Capito	Ferguson	Inslee
Capps	Filner	Isakson
Capuano	Flake	Israel
Cardin	Fletcher	Issa
Carson (IN)	Foley	Istook
Carson (OK)	Forbes	Jackson (IL)
Castle	Ford	Jackson-Lee
Chabot	Fossella	(TX)

Jefferson	Moran (VA)	Shaw
Jenkins	Morella	Shays
John	Murtha	Sherman
Johnson (CT)	Myrick	Sherwood
Johnson (IL)	Nadler	Shinkus
Johnson, E. B.	Napolitano	Shows
Johnson, Sam	Neal	Shuster
Jones (NC)	Nethercutt	Simmons
Jones (OH)	Ney	Simpson
Kanjorski	Northup	Skeen
Kaptur	Norwood	Skelton
Keller	Nussle	Slaughter
Kennedy (MN)	Oberstar	Smith (MI)
Kennedy (RI)	Obey	Smith (NJ)
Kerns	Olver	Smith (TX)
Kildee	Ortiz	Smith (WA)
Kind (WI)	Osborne	Snyder
King (NY)	Ose	Solis
Kingston	Otter	Souder
Kirk	Owens	Spratt
Klecza	Oxley	Stark
Knollenberg	Pallone	Stearns
Kolbe	Pascarell	Stenholm
Kucinich	Pastor	Strickland
LaFalce	Paul	Stump
LaHood	Payne	Stupak
Lampson	Pence	Sununu
Langevin	Peterson (MN)	Sweeney
Lantos	Peterson (PA)	Tancred
Larsen (WA)	Petri	Tanner
Larson (CT)	Phelps	Tauscher
Latham	Pickering	Tauzin
LaTourette	Pitts	Taylor (MS)
Leach	Platts	Taylor (NC)
Lee	Pombo	Terry
Levin	Pomeroy	Thomas
Lewis (CA)	Portman	Thompson (CA)
Lewis (GA)	Price (NC)	Thompson (MS)
Lewis (KY)	Pryce (OH)	Thornberry
Linder	Putnam	Thune
LoBiondo	Quinn	Thurman
Lofgren	Radanovich	Tiahrt
Lowey	Rahall	Tiberi
Lucas (KY)	Ramstad	Tierney
Lucas (OK)	Regula	Toomey
Luther	Rehberg	Towns
Maloney (CT)	Reyes	Traficant
Manzullo	Reynolds	Turner
Markey	Riley	Udall (CO)
Mascara	Rivers	Udall (NM)
Matheson	Rodriguez	Upton
Matsui	Roemer	Velázquez
McCarthy (MO)	Rogers (KY)	Visclosky
McCarthy (NY)	Rogers (MI)	Vitter
McCollum	Rohrabacher	Walden
McCrery	Ros-Lehtinen	Walsh
McDermott	Ross	Wamp
McGovern	Rothman	Waters
McHugh	Roukema	Watkins (OK)
McInnis	Roybal-Allard	Watson (CA)
McIntyre	Rush	Watt (NC)
McKeon	Ryan (WI)	Watts (OK)
McKinney	Ryun (KS)	Waxman
McNulty	Sabo	Weiner
Meehan	Sanchez	Weldon (FL)
Meek (FL)	Sanders	Weldon (PA)
Menendez	Sandlin	Weller
Mica	Sawyer	Wexler
Millender-	Schaffer	Whitfield
McDonald	Schakowsky	Wicker
Miller (FL)	Schiff	Wilson
Miller, Gary	Schrock	Wolf
Miller, George	Scott	Woolsey
Mink	Sensenbrenner	Wu
Mollohan	Serrano	Wynn
Moore	Sessions	Young (AK)
Moran (KS)	Shadegg	Young (FL)

## NOT VOTING—12

Conyers	Largent	Pelosi
Davis (IL)	Lipinski	Rangel
Kelly	Maloney (NY)	Royce
Kilpatrick	Meeks (NY)	Saxton

□ 1455

Mr. EHLERS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 223. Concurrent resolution permitting the use of the Rotunda of the Capitol for a prayer vigil in memory of those who lost their lives in the events of September 11, 2002.

## COMMUNICATION FROM THE STAFF ASSISTANT TO COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following communication from Gregory R. Carmichael, staff assistant to Committee on Veterans' Affairs:

SEPTEMBER 7, 2001.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GREGORY R. CARMICHAEL,  
*Staff Assistant.*

## LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to announce to the Members that we are soon to adjourn subject to the call of the Chair. I am announcing that at 4:30 there will be on the floor of this house a Members-only national security briefing and all Members are requested to attend.

□ 1500

The briefing will be given by people from the White House and the administration.

Mr. Speaker, soon after that briefing, it is our expectation that we will be able to resume legislative business in order to consider the emergency supplemental appropriations act and a resolution authorizing the use of force in regard to the terrorist attacks on the United States.

Mr. Speaker, I should emphasize that bipartisan and bicameral discussions are going on with respect to both of these very important pieces of legislation, and it is our hope to finish both measures today if at all possible. However, Mr. Speaker, Members are advised that votes are possible tomorrow in order to finish this important business before the Congress.

I want to thank the Members of this body for their cooperation and their patience as we work these things out together, Republicans and Democrats, Members of this body, Members of the other body from both parties, working hard. The timetable I know should be more exacting than it is, but it is as exacting as we can give you. I can assure Members with all full confidence that by the normal departure time of 2 o'clock Friday, we should have been able to complete both of these two important pieces of legislation and have completed our legislative week. I thank the Members for their patience.

## RECESS

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2324

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock and 24 minutes p.m.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-205) on the resolution (H. Res. 237) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, SEPTEMBER 11, 2001, PAGE H5493

□ 1003

## AFTER RECESS

The Recess having expired, the House was called to order at 10 o'clock and 3 minutes a.m.; on the calendar day of September 12, 2001.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of the

shutdown of the National Air Space System.

Mr. LINDER (at the request of Mr. ARMEY) from 6 p.m. today and for the balance of the week on account of personal business.

Mrs. MALONEY of New York (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. SAXTON (at the request of Mr. ARMEY) for today on account of the death of his father.

#### SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled a joint resolution of the Senate of the following title:

S.J. Res. 22. A joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

#### ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Friday, September 14, 2001, at 9 a.m.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Thomas M. Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Xavier Becerra, Ken Bentsen, Doug Beutner, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D. Bishop, Jr., Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Calhahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, James E. Clyburn, Howard Coble, Mac Collins,

Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Luis Guterrez, Gil Gutknecht, Ralph M. Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoefel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron

Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Jim McCrery, James P. McGovern, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, George Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Lucille Roybal-Allard, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Bill Shuster, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W. J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson,

Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, James A. Traficant, Jr., Jim Turner, Mark Udall, Robert A. Underwood, Fred Upton, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Diane E. Watson, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3596. A letter from the Architect of the Capitol, transmitting the report of expenditures of appropriations during the period October 1, 2000 through March 31, 2001, pursuant to 40 U.S.C. 162b; to the Committee on Appropriations.

3597. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Charles T. Robertson, Jr., United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

3598. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program—received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3599. A letter from the Executive Director, National Commission on Libraries and Information Science, transmitting a copy of 1998–1999 Annual Report and a copy of 1999–2000 Annual Report, pursuant to 20 U.S.C. 1504; to the Committee on Education and the Workforce.

3600. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Revisions to the Requirements Applicable to Blood, Blood Components, and Source Plasma [Docket No. 98N-0673] received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3601. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Pre-market Notification Requirements; Class I Devices; Technical Amendment [Docket No. 01N-0073] received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3602. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, South Coast Air Quality Management District [CA 207-0277a; FRL-7026-5] received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3603. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations; Country Group E:1; License Exception TMP [Docket No. 010710166-1166-01] (RIN: 0694-AB76) received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3604. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of the Public Service Commission Agency Fund for Fiscal Year 1999," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

3605. A letter from the Office of Headquarters and Executive Personnel Services, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3606. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3607. A letter from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3608. A letter from the Secretary, Administrative Committee of the Federal Register, National Archives and Records Administration, transmitting the Administration's final rule—Prices and Availability of Federal Register Publications (RIN: 3095-ZA03) received September 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3609. A letter from the Under Secretary for American Museums & National Programs, Smithsonian Institution, transmitting a copy of the annual report entitled, "Smithsonian Year 2000"; to the Committee on House Administration.

3610. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-119-FOR] received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3611. A letter from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Halibut Fisheries; Primary Sablefish Fishery [Docket No. 010607147-1200-02; I.D. 052101A] (RIN: 0648-AP26) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3612. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 080601A] received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3613. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Editorial Corrections and Clarifications [Docket No. RSPA-01-10374 (HM-189S)] (RIN: 2137-AD60) received August 17, 2001, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Exceptions from Labeling and Placarding Materials Poisonous by Inhalation (PIH) [RSPA-99-6195 (Docket No. HM-206D)] (RIN: 2137-AD37) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Fees for FAA Services for Certain Flights; [Docket No. FAA-00-7018; Amendment No. 187-12] (RIN: 2120-AG17) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Series Airplanes [Docket No. 2001-NM-27-AD; Amendment 39-12125; AD 2001-03-52] (RIN: 2120-AA64) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G-V Series Airplanes [Docket No. 2000-NM-357-AD; Amendment 39-12327; AD 2001-14-16] (RIN: 2120-AA64) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 2000-NM-298-AD; Amendment 39-12355; AD 2001-15-20] (RIN: 2120-AA64) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. RB211 Trent Turbofan Engine [Docket No. 2000-NE-05-AD; Amendment 39-12373; AD 2001-16-05] (RIN: 2120-AA64) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B16 (including CL-601-3A and CL-601-3R) Series Airplanes [Docket No. 2000-NM-397-AD; Amendment 39-12359; AD 2001-15-24] (RIN: 2120-AA64) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 237. Resolution waiving a requirement of clause 6(a) of rule XIII with respect

to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-205). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NADLER (for himself, Mr. SENBRENNER, Mr. CONYERS, Mr. MORAN of Virginia, Mr. ACKERMAN, Mr. CROWLEY, Mr. ENGEL, Mr. HINCHAY, Mr. KING, Mrs. LOWEY, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. MEEKS of New York, Mr. QUINN, Mr. RANGEL, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Mr. WALSH, Mr. BRADY of Pennsylvania, Mr. DAVIS of Florida, Mr. DELAHUNT, Mr. HOLDEN, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. ISRAEL, Mr. MCGOVERN, Mr. PASCRELL, Mr. SCHIFF, Mrs. TAUSCHER, and Mrs. JO ANN DAVIS of Virginia):

H.R. 2882. A bill to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; to the Committee on the Judiciary; considered and passed.

By Mr. GOSS:

H.R. 2883. A bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. THOMAS (for himself, Mr. RANGEL, Mr. CRANE, Mr. STARK, Mr. SHAW, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. COYNE, Mr. HOUGHTON, Mr. HERGER, Mr. LEVIN, Mr. MCCRERY, Mr. CARDIN, Mr. CAMP, Mr. McDERMOTT, Mr. RAMSTAD, Mr. KLECZKA, Mr. NUSSLE, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Ms. DUNN, Mr. McNULTY, Mr. COLLINS, Mr. JEFFERSON, Mr. PORTMAN, Mr. TANNER, Mr. ENGLISH, Mr. BECERRA, Mr. WATKINS, Mrs. THURMAN, Mr. HAYWORTH, Mr. WELLER, Mr. DOGGETT, Mr. HULSHOF, Mr. POMEROY, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. HASTERT, Mr. GEPHARDT, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Ms. PRYCE of Ohio, Mrs. CUBIN, Mr. BOEHLERT, Mr. GILMAN, Mr. FOSSELLA, Mrs. MCCARTHY of New York, Mr. KING, Mr. REYNOLDS, Mr. NADLER, Mr. HINCHEY, Mr. CROWLEY, Mr. SWEENEY, Mrs. KELLY, Mr. ISRAEL, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. GRUCCI, Mr. QUINN, Mr. ENGEL, Mr. SAXTON, Mr. PALLONE, Mr. McKEON, Mr. RYUN of Kansas, Mr. TAUZIN, Mr. CALVERT, Mr. GIBBONS, Mr. SHIMKUS, Mr. FRELINGHUYSEN, Mr. LoBIONDO, Mrs. ROUKEMA, Mr. BALLENGER, Mr. MILLER of Florida, Mr. HOBSON, Mrs. MYRICK, Mr. NETHERCUTT, Mr. EVERETT, Mr. BASS, Mrs. BIGGERT, Mr. SHAYS, Mr. WAL-

DEN of Oregon, Ms. DELAURO, Mr. HINOJOSA, Ms. SOLIS, Mr. SCHAEFFER, Mrs. CAPITO, Mrs. JO ANN DAVIS of Virginia, Mr. BROWN of South Carolina, Mr. TANCREDO, Mr. CRENSHAW, Mr. CANTOR, Mr. HOEKSTRA, Mr. PENCE, Mr. FORBES, Mr. TIBERI, Mr. HORN, Mr. SCHROCK, Mr. PUTNAM, Mr. JONES of North Carolina, Mr. ROGERS of Michigan, Mr. GARY G. MILLER of California, Ms. GRANGER, Mr. GREENWOOD, Mr. TOOMEY, Mr. GREEN of Wisconsin, Mr. HILLEARY, Mr. BURTON of Indiana, Mr. ROTHMAN, Mr. CULBERSON, Mr. PASCRELL, Mr. TIAHRT, Mr. LARGENT, Mr. SHUSTER, Mr. KENNEDY of Minnesota, Mr. JENKINS, Ms. HART, Mr. LARSON of Connecticut, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. SIMMONS, Mr. SHADEGG, Mr. MALONEY of Connecticut, Mr. FERGUSON, and Mr. KELLER):

H.R. 2884. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Ways and Means; considered and passed.

By Mr. DEUTSCH:

H.R. 2885. A bill to provide for the transfer of certain real property by the Secretary of Housing and Urban Development; to the Committee on Government Reform.

By Mr. FROST (for himself, Mr. SKELTON, Mr. HOYER, Mr. MORAN of Virginia, and Mr. WYNN):

H.R. 2886. A bill to amend title 10, United States Code, to authorize the award of the Purple Heart to civilian employees of the Department of Defense who are killed or wounded by a terrorist attack; to the Committee on Armed Services.

By Mr. GREENWOOD (for himself, Ms. ESHOO, Mr. UPTON, Mr. WYNN, Mr. BUYER, Mr. RUSH, Mr. BRADY of Pennsylvania, Ms. ROYBAL-ALLARD, and Ms. LOFGREN):

H.R. 2887. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children; to the Committee on Energy and Commerce.

By Mr. BARR of Georgia (for himself, Mr. CHABOT, Mr. GOODE, Mr. JONES of North Carolina, Mr. DEAL of Georgia, Mr. SESSIONS, Mr. TANCREDO, Mr. SCHAEFFER, and Mr. SOUDER):

H.J. Res. 62. Joint resolution declaring a state of war between the United States and international terrorists and their sponsors; to the Committee on International Relations.

By Mr. WELDON of Pennsylvania (for himself, Mr. SCHAEFFER, Mr. PETERSON of Pennsylvania, Mr. GILMAN, and Mr. BARTLETT of Maryland):

H.J. Res. 63. Joint resolution declaring that a state of war exists between the United States and any entity determined by the President to have planned, carried out, or otherwise supported the attacks against the United States on September 11, 2001, and authorizing the President to use United States Armed Forces and all other necessary resources of the United States Government against any such entity in order to bring the conflict to a successful termination; to the Committee on International Relations.

By Mr. HASTERT (for himself, Mr. GEPHARDT, Mrs. EMERSON, Mr. SKELTON, Mr. GREENWOOD, Mr. TOOMEY, Mr. RYUN of Kansas, Ms. DUNN, Mr. ARMEY, Mr. LAFALCE, Mr. CUMMINGS,

Mr. TANNER, Mr. PITTS, Mr. BURR of North Carolina, Mr. DAVIS of Florida, Mr. SHIMKUS, Mr. DAVIS of Illinois, Mrs. CUBIN, Ms. KAPTUR, Mr. PICKERING, Mr. BLUNT, Mr. GRAVES, Mr. BROWN of South Carolina, Mr. CRENSHAW, Mr. KING, Mr. WATKINS, Mr. LAHOOD, Mr. UPTON, Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. PAUL, Ms. PRYCE of Ohio, Mrs. WILSON, Mr. JENKINS, Mr. MILLER of Florida, Mr. CALLAHAN, Mr. EVERETT, Mrs. BIGGERT, Mr. WATTS of Oklahoma, Mr. HOEKSTRA, Mr. LoBIONDO, Mr. SAXTON, Mr. GILCHREST, Mr. HUNTER, Mr. SIMPSON, Mr. FLAKE, Mr. WALDEN of Oregon, Mr. SCHROCK, Mr. ISAKSON, Mr. SHERWOOD, Mr. CANTOR, Mr. CAMP, Mr. REGULA, Mr. FERGUSON, Mr. KIRK, Mr. GIBBONS, Mr. PUTNAM, Mr. FRELINGHUYSEN, Mrs. ROUKEMA, Mr. BEREUTER, Mr. GARY G. MILLER of California, Mr. McKEON, Mr. GRUCCI, Mrs. MYRICK, Mr. PORTMAN, Mr. WELLER, Mr. HORN, Mr. SHAW, Mr. BOEHLERT, Mr. REYNOLDS, Mr. TAUZIN, Mr. BALLENGER, Mr. FOLEY, Mr. HOBSON, Mr. GREEN of Wisconsin, Mr. KELLER, Mr. PENCE, Mr. PLATTS, Mr. OSBORNE, Mr. COMBEST, Mr. JONES of North Carolina, Mr. SHUSTER, Mr. VITTER, Mr. NETHERCUTT, Mr. LUCAS of Oklahoma, Mr. ADERHOLT, Mr. SMITH of Michigan, Mr. DEMINT, Mr. SWEENEY, Mr. CHAMBLISS, Mr. SIMMONS, Mr. BRYANT, Mr. CHABOT, Mr. FORBES, Mr. WALSH, Mr. HOUGHTON, Mr. GOSS, Mr. BILIRAKIS, Mr. ISTOOK, Mr. LEVIN, Ms. SLAUGHTER, Ms. MCCARTHY of Missouri, Ms. CARSON of Indiana, Mr. GILMAN, Mr. HASTINGS of Florida, Mr. McNULTY, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Mr. POMEROY, Mr. FROST, Mr. SCOTT, Mr. SAWYER, Mr. EDWARDS, Mr. KILDEE, Ms. SOLIS, Mr. ANDREWS, Mrs. CAPPS, Mr. FARR of California, Mrs. CHRISTENSEN, Mr. GREEN of Texas, Mr. MEEHAN, Mr. ETHERIDGE, Mr. OLVER, Ms. JACKSON-LEE of Texas, Mr. PASTOR, Mr. HOLT, Mr. BARRETT, Mr. STENHOLM, Mr. BOYD, Mrs. THURMAN, Mr. REYES, Mr. PASCRELL, Mr. LANGEVIN, Mr. SCHIFF, Ms. MCCOLLUM, Mr. DEFazio, Mr. LUCAS of Kentucky, Ms. DELAURO, Mr. LAMPSON, Mr. VISCLOSKEY, Mr. NADLER, Mr. HINCHEY, Mr. MCGOVERN, Mr. HOLDEN, Mrs. NAPOLITANO, Mr. COSTELLO, and Mrs. JOHNSON of Connecticut):

H. Con. Res. 225. Concurrent resolution expressing the sense of the Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States; to the Committee on the Judiciary; considered and agreed to.

By Mr. FROST (for himself, Mrs. BIGGERT, and Mr. KOLBE):

H. Con. Res. 226. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of Melvin Jones; to the Committee on Government Reform.

## ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. THOMPSON of California.  
 H.R. 87: Ms. WATERS.  
 H.R. 179: Mr. CALVERT.  
 H.R. 267: Mr. BURTON of Indiana.  
 H.R. 326: Ms. ROS-LEHTINEN.  
 H.R. 440: Ms. CARSON of Indiana.  
 H.R. 442: Mr. SANDLIN.  
 H.R. 476: Mr. GOODE.  
 H.R. 529: Mr. McDERMOTT.  
 H.R. 530: Mr. McDERMOTT.  
 H.R. 537: Mr. MATHESON.  
 H.R. 638: Mr. UDALL of Colorado.  
 H.R. 701: Mr. STARK, Mr. GONZALEZ, and Mr. SCHROCK.  
 H.R. 730: Mrs. MORELLA.  
 H.R. 808: Mr. DEUTSCH.  
 H.R. 817: Mr. PRICE of North Carolina and Mr. BOUCHER.  
 H.R. 921: Mr. ROGERS of Kentucky, Mr. SHERWOOD, and Mr. STARK.  
 H.R. 968: Mr. WELDON of Florida and Mr. LEACH.  
 H.R. 984: Mr. OTTER and Mr. SANDLIN.  
 H.R. 1083: Mr. HONDA.  
 H.R. 1155: Mr. HILLIARD, Mr. ISRAEL, Mr. FERGUSON, Mr. KELLER, and Mr. JOHNSON of Illinois.  
 H.R. 1170: Mr. BAIRD.  
 H.R. 1194: Mr. FILNER.  
 H.R. 1232: Ms. PRYCE of Ohio.  
 H.R. 1305: Mr. BOUCHER and Mr. LINDER.  
 H.R. 1367: Mr. RUSH.  
 H.R. 1405: Mr. TIERNEY.  
 H.R. 1433: Mr. UNDERWOOD.  
 H.R. 1462: Mr. SMITH of Washington.  
 H.R. 1475: Mr. PETRI and Mr. HILL.  
 H.R. 1526: Mrs. EMERSON.  
 H.R. 1577: Mr. DOOLITTLE, Mr. FORBES, Mr. TERRY, Mr. EDWARDS, Mr. SANDLIN, and Mr. BARR of Georgia.  
 H.R. 1609: Mr. OSBORNE, Mr. JENKINS, Mr. EDWARDS, Mr. DEAL of Georgia, and Mr. GONZALEZ.  
 H.R. 1613: Ms. WATSON.  
 H.R. 1645: Mr. TIERNEY and Ms. HOOLEY of Oregon.  
 H.R. 1759: Mrs. MORELLA.  
 H.R. 1773: Mr. PASTOR and Mrs. WILSON.  
 H.R. 1841: Mr. HINOJOSA, Mr. RANGEL, Mr. RODRIGUEZ, Mr. DeFAZIO, Mrs. MCCARTHY of New York, Mr. LARSON of Connecticut, Ms.

ROYBAL-ALLARD, Mr. DIAZ-BALART, Ms. MCKINNEY, Ms. PELOSI, Mr. OLIVER, Mrs. LOWEY, and Mr. DOYLE.  
 H.R. 1908: Mr. ROGERS of Kentucky.  
 H.R. 1913: Mrs. WILSON.  
 H.R. 1930: Mr. MATHESON.  
 H.R. 1949: Mr. PRICE of North Carolina, Mr. BACA, and Mr. BLUMENAUER.  
 H.R. 2071: Mr. UPTON.  
 H.R. 2074: Mr. FROST.  
 H.R. 2223: Mr. OWENS.  
 H.R. 2250: Mr. SMITH of Michigan and Mr. TANCREDO.  
 H.R. 2293: Mr. SOUDER, Mr. DOOLITTLE, Mr. PENCE, Mr. SESSIONS, Mr. TANCREDO, Mr. RILEY, Mr. SCHAFER, and Mr. GOODE.  
 H.R. 2339: Mr. HYDE.  
 H.R. 2348: Ms. WOOLSEY, Mr. CLYBURN, Mr. NADLER, and Mr. MATHESON.  
 H.R. 2374: Mr. TERRY.  
 H.R. 2380: Ms. ROYBAL-ALLARD, Mr. SHOWS, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. LATOURETTE, Mr. KENNEDY of Rhode Island, and Mr. FILNER.  
 H.R. 2417: Mr. MATHESON.  
 H.R. 2423: Mr. KENNEDY of Minnesota, Mr. BARCIA, Mr. PENCE, and Mr. SCHAFER.  
 H.R. 2449: Mr. PAUL.  
 H.R. 2485: Mr. SCHAFER and Mr. REYNOLDS.  
 H.R. 2592: Mr. FILNER and Mr. OLIVER.  
 H.R. 2623: Mr. QUINN.  
 H.R. 2638: Mr. SANDERS.  
 H.R. 2667: Mr. GOODE.  
 H.R. 2768: Mr. PORTMAN and Mr. ABERCROMBIE.  
 H.R. 2787: Mr. WYNN, Mr. MATHESON, Mr. GREEN of Texas, Mrs. THURMAN, and Mrs. CHRISTENSEN.  
 H.R. 2825: Mr. TANCREDO and Mr. SCHAFER.  
 H.R. 2828: Ms. HOOLEY of Oregon and Mr. SCHAFER.  
 H.R. 2863: Mr. LANGEVIN, Mr. SANDLIN, Mr. WYNN, Mr. ABERCROMBIE, Mr. STARK, and Mr. KLECZKA.  
 H. Con. Res. 175: Mrs. LOWEY, Mr. MCGOVERN, Mr. EVANS, Mr. STARK, Mr. LANTOS, Mrs. JONES of Ohio, Ms. WOOLSEY, Mr. OLIVER, Mr. THOMPSON of California, Mr. DOYLE, Mr. OWENS, Mr. KLECZKA, Mr. DUN-

CAN, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, and Mr. BLUMENAUER.  
 H. Con. Res. 188: Mr. TOOMEY and Mr. MATHESON.  
 H. Res. 52: Mr. HASTINGS of Florida and Mr. TOM DAVIS of Virginia.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2646

OFFERED BY MR. TRAFICANT

AMENDMENT No. 1: At the end of title IX (page \_\_\_\_, after line \_\_\_\_), insert the following new section:

**SEC. \_\_\_\_ COMPLIANCE WITH BUY AMERICAN ACT AND SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT, PRODUCTS, AND SERVICES USING FUNDS PROVIDED UNDER THIS ACT.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds made available under this Act, whether directly using funds of the Commodity Credit Corporation or pursuant to an authorization of appropriations contained in this Act, may be provided to a producer or other person or entity unless the producer, person, or entity agrees to comply with the Buy American Act (41 U.S.C. 10a-10c) in the expenditure of the funds.

(b) SENSE OF CONGRESS.—In the case of any equipment, products, or services that may be authorized to be purchased using funds provided under this Act, it is the sense of Congress that producers and other recipients of such funds should, in expending the funds, purchase only American-made equipment, products, and services.

(c) NOTICE TO RECIPIENTS OF FUNDS.—In providing payments or other assistance under this Act, the Secretary of Agriculture shall provide to each recipient of the funds a notice describing the requirements of subsection (a) and the statement made in subsection (b) by Congress.

## SENATE—Thursday, September 13, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Faithful Father, Your words to Joshua so long ago sound in our souls as Your encouragement to us today: "I will not leave you nor forsake you. Be strong and of good courage."—Joshua 1:5,6. Thank You for Your faithfulness. Your love and guidance are not an on-again, off-again thing. We can depend on You for a steady flow of strength. Just to know that You are with us in all the ups and downs of political life is a great source of confidence. We can dare to be strong in the convictions You have honed in our hearts and courageous in the application of them in our work in government.

Grant the Senators a renewed sense of how much You have invested in them and how much You desire to do through them in the onward movement of this Nation. It is for Your name's sake, Your glory, and Your vision that You bless them. Guide and inspire them as leaders now in this time of crisis in our Nation. Your word for the day is, "Be not afraid, I am with you!" Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 13, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.  
Mr. REID. I thank the Chair.

### SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business until approximately 11 a.m., with Senators, as the Chair has announced, permitted to speak up to 5 minutes each regarding S.J. Res. 22. Last night, there was a unanimous consent order entered that the following be the order of speakers today: BOND, LINCOLN, SMITH of New Hampshire, STABENOW, COLLINS, GRAHAM, MURKOWSKI, and BYRD. If there is not one of the Senators here on time, it will go back to the other side.

At 11 a.m. or thereabouts, the Senate will resume consideration of Commerce-State-Justice Appropriations Act, and it is every hope that with the two leaders we can complete action on that CSJ Appropriations Act early today.

There likely will be rollcall votes throughout the day's session. We may be in recess from 12:30 p.m. until 2:15 p.m. today. We are awaiting further word from Senator DASCHLE on that matter.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak with respect to S.J. Res. 22 for up to 5 minutes each.

Under the previous order, the Senator from Missouri, Mr. BOND, is recognized to speak for up to 5 minutes.

### TERRORIST ATTACKS AGAINST THE UNITED STATES

Mr. BOND. Mr. President, September 11, 2001, will forever be burned into American history as a day of horror without precedent.

Our hearts and prayers are with survivors and families of those who were murdered in New York City, the Pentagon, and in the hijacked airplanes.

Although still appalled by the damage, the United States is in the process of recovering from these attacks.

Fate has written many painful chapters in America's history. Each is sharply engraved into our collective memory. Most are battles and wars: Gettysburg, Pearl Harbor, Iwo Jima, Pork Chop Hill. Others were acts of madmen such as the bombing of the Oklahoma City Federal building and the slaying of our Presidents Lincoln, McKinley, and John F. Kennedy.

The magnitude of Tuesday's attack defies understanding. It is the scale of what happened that day that freezes the mind in horror. The wrenching sights of passenger planes deliberately flown into the largest symbol of America's economic and military strength was an assault on how we think of ourselves, our Nation and our role in the world and in history.

Vehicles of peaceful domestic travel were bent horrifically into missiles of death shot into the heart of our economy—into all of our hearts. The blasts we watched in real-time and in slow-motion reruns in our collective mind's eye have buried splinters deep into our souls.

As shock gives way to action, recovery and the identification of those responsible, we must remember this is not the first time the American people have been tested. History has probed the limits of our strength and patience many times, over many generations of Americans.

As the realization of what has happened continues to sink into our national consciousness, we must never forget that each time our Nation is tested, each time we have survived—as we will again.

And while it seems impossible to believe today, barely days after this horrific attack upon our soil, we must draw strength from the knowledge that each test has failed to diminish our Nation. Just the opposite. America's history is written by a people who rise to every challenge, and history has shown we will prevail.

We are the greatest and most powerful nation today precisely because we have met and triumphed over adversity. This is our national identity. This is what it means to be an American. This is the strength of character that built this Nation over the last four centuries.

Americans do not face challenges. We surmount them. And we grow stronger as a result.

I am confident that we are already seeing this in the days after the disaster. We see it in the faces of the New York firemen and police officers, the dedicated men and women who fought to protect and recover and who have

often lost their lives in that effort. A grim determination and smoldering pride etched in the ashes on their faces—etched with sweat. And tears. And blood. We see it in the faces of our military men and women still breathing life into our Nation's military command center at the Pentagon.

We see it in the commitment of the urban search and rescue teams and other public safety officers who have gone into New York City and into the Pentagon to help. I am deeply honored and proud that my good friends in the Missouri Task Force One, from the Columbia, MO, area, are there helping, and they want to help. Americans want to help. While the terrorists hit their targets, caused death and damage, their real aim of terrorism is to strike a crippling psychological blow. The terrorists will succeed only if we surrender our confidence in our Nation. Americans cannot and will not allow them this victory.

Many people have asked me, what can we do? I hear that from Missourians all the time. First, obviously, is prayer, for those who have been lost, for those who suffer, for the families and loved ones. I ask also for prayers for individuals, for families, for guidance, that they may be strong, that this country may be strong, that we may not be disabled by the threats of terrorism.

We must continue to be strong as Americans. There are things we can do. Giving blood is one thing that is readily available. I ask all my constituents to listen to their radios and televisions and contact the local blood donor stations.

I ask citizens not to panic. We have seen panic in the buying of gasoline with 30-car-long lines. Do not hoard. Prices are going way up; do not buy. Do not raise prices. Do not price gouge.

This country will be strong. We will have our economy back on track if we behave rationally and responsibly. Let us not be crippled by potential terrorism. Let us not put up barriers that are impossible to overcome.

I have talked with people in the airline industry. Our airline industry is suffering billions of dollars of losses. We must have a better airline security system. But let us be smart about it. Let us not make it impossible to travel by airplane.

We are beginning the process of taking down the extraordinary security items around this Capitol. This is the people's place of business. We want people to be able to visit. Normally on Thursday mornings I have an open house for Missourians. They could not get here. I had a tough enough time getting here myself. We are going to go back to business in this Capitol. We need to go back to business as Americans. We need to build the strength in our families. That will strengthen our country.

I hope those considering scheduling sporting events will realize this is part of our national culture. These should go forward. I ask we not be so terrorized by the terrorists that we forget what we do in this country and why we are strong.

I believe the President has indicated the war against terrorism will be conducted with great vigor, with no terrorist, and no nation harboring them, safe. The President's hands ought not to be tied. So we can ensure our Nation is never dealt a similar blow, we must give the President the authority, support him and give him the resources and provide him the freedom to act, to preempt the acts of terrorism.

Tuesday's attacks have shaken us. But the bedrock beliefs and principles of the United States remain strong. We will show the terrorists.

Our immediate focus must be to recover from these attacks. And to tend to the victims and their families. We may not know the full toll for many weeks.

In the longer run, we must recognize that these attacks demand an appropriate response from the United States.

I know the man who is the President of the United States. I know this man. And I am confident that he will throw the full weight of the U.S. Government behind the task of identifying and destroying those responsible for the attacks. The President should also have the power to take appropriate steps to prevent a reoccurrence. And I know that he has the support of both political parties in the U.S. Congress. And more importantly, he has the full support of the American people.

Our Nation must not rest until those behind the attacks are destroyed. Our unyielding anger will span the world and reach the terrorists wherever they may try to hide. The world is not big enough to offer them the concealment they seek. We will find them, we will get them, and we will make them pay for what happened Tuesday.

Any nation that seeks to provide protection or cover for the terrorists ought to think twice before doing so. The President is correct to make no distinction between the terrorists and those nations that shelter them. The price of doing so will be very high.

Let us be clear about what Tuesday's attack was—and what it was not. It was an act of war, not a simple criminal act. I say it was not merely a criminal act because of its scale. It was too large to be only a criminal act. It was an act of war against our people, our way of life, and against all people who cherish democracy and freedom.

I believe there has been an unfortunate trend in the American Government in recent years to "criminalize" acts that are by definition acts of war against this country. That trend has delayed our potential responses until the evidence collected approached the

standards required by a court of law. I believe that to have been a mistake.

The war against terrorism—and its war against us—is just that, war. And we ought to be free to respond in kind. Not only after that fact, but I believe the President's hands ought not to be tied. To ensure our Nation is never dealt a similar blow, we must give the President the authority and freedom to act to preempt such acts. That is he must be able to strike terrorists before they strike.

For many years the prevailing trend has been to shackle our intelligence agencies—to err on the side of doing too little rather than doing too much. I understand the forceful reasons behind this trend. Nothing is more dear to us than the protection of our civil liberties. Our political culture at root is defined by our steadfast guardianship of our civil liberties.

I believe we can do more to attack terrorism without further encroaching upon our civil liberties. I believe we can strengthen the reach of our intelligence agencies significantly at no risk to our civil liberties.

We know the incalculable cost of getting this balance wrong. In our understandable zeal to protect our civil liberties, we hampered the very agencies that protect not only our lives but our very way of life.

America is a different nation today than it was Tuesday morning. We have been attacked in a way without precedent, in kind and magnitude. Our Nation needs time to grieve, we need time to tend to our dead and to care for the wounded and their families.

Tuesday's attacks have shaken us. Yet the bedrock beliefs and principles that anchor the United States remain strong. Just how strong is something the terrorists will soon discover.

God bless the United States of America.

The ACTING PRESIDING pro tempore. Under the previous order, the Senator from New Hampshire, Mr. SMITH, is recognized to speak for up to 5 minutes.

Mr. SMITH of New Hampshire. Mr. President, this is a very sad time for America. The unthinkable has happened. What we always feared could happen, but prayed never would happen, has happened.

I rise today to pay tribute to the men and women who lost their lives in this cowardly attack against the United States of America.

I, as so many others, am overcome by the magnitude of this horrific act, a cowardly act against innocent people. It is hard to understand what would motivate people to do such a thing. But now I think we understand our hearts must go out to the victims, to their families, and all who have suffered at the hands of this evil that struck this greatest nation on Earth.

May God be with those who have passed and those who are suffering.

Words, I know, are of little solace in a terrible tragedy such as this in dealing with the shock and pain. I know words may ring hollow compared to the pain and disbelief that the families must be feeling. I want those families to know we are as one nation under God. We are united in our resolve, no matter who we are, to see justice done on behalf of the lives lost so senselessly.

We must unite and comfort our fellow Americans in these difficult days. Their grief is immeasurable and they need our support. They will have it.

My State lost many citizens in this tragedy, including Thomas McGuinness of Portsmouth who was the copilot of American Airlines Flight 11. I knew Tom personally. He was a fine man. His family and the families of all those who have lost loved ones are devastated by this tragedy. They need our prayers.

I commend the efforts also of the brave men and women who are working around the clock, risking their own lives to rescue those still trapped in both the Pentagon and at the World Trade Center. We stand behind them and pray for their success. As each hour goes by, we hope to see another survivor and another family member united.

I also commend President Bush and Senators DASCHLE and LOTT and the leadership in the House for returning to this city and getting back to business, letting these people know we will not tolerate this interruption in our system, and demonstrating we will not be cowed by the actions of these despicable people.

The American people understand an act of war was committed against the United States of America. Make no mistake about it, it was an act of war. You can say it is the Pearl Harbor of the new millennium, but it is far worse than Pearl Harbor. I might add, we responded to Pearl Harbor and we will respond to this. Make no mistake, the United States of America will respond to this heinous act with overwhelming force. We will find those responsible and those who supported these evil acts. They will be eradicated. This is not a question of bringing criminals to justice. This is an act of war, and it will be responded to as an act of war.

After we win—and win we will—we do have some serious questions we will have to answer. What went wrong? Why didn't we have the intelligence assets we needed? How can we protect ourselves in the future without giving up the civil liberties we cherish so much? Where are our priorities? These are all important questions which need serious attention and honest answers.

We must never forget the magnitude of this loss and its effect on our way of life. September 11, 2001, will always be with us. Like December 7, 1941, we will always remember where we were. In the past, we have not decisively acted

against some of these terrorist attacks and threats. This will not stand any longer.

Some talk about multilateral efforts to combat terrorism; that is fine. I am here today to say to the American people we will act unilaterally, if necessary, to protect our people. We need to send a clear message to terrorists and those countries that harbor them that there is no distinction, as the President has said, between the terrorists and the country that harbors them; we will decisively act against this cowardly aggression, and they will pay the full price for what they did.

As our President said, America will hunt down and punish those responsible. President Bush will have my support and the support of every American to do just that. We must be on the offensive against terrorists and those states and individuals who support them. The policies of the past must change. We are at war, and this is a war that we will win.

God bless America.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas is recognized to speak for up to 5 minutes.

Mrs. LINCOLN. Mr. President, on Tuesday a series of terrorist attacks on the United States shook our Nation and left thousands suffering or dead. Almost all of us in this Chamber have risen to express our compassion. Almost everything has been said. But with such a tragic event, each one of us feels compelled to tell our own story.

I rise today to offer my continued prayers and condolences to the victims and their families. And I rise to add my voice to those condemning the atrocities committed against the United States of America Tuesday morning, September 11, 2001.

The four hijackings, and the deliberate terrorist attacks on the World Trade Center and the Pentagon, are an outrage against our nation and against human decency. I support the President in his pledge to devote all of our country's resources to the task of determining who is responsible for these acts and of holding them accountable.

In the days to come, we will need to reflect on Tuesday's events to determine what we will take from them and how we will respond.

To begin with, it appears certain that these attacks will force us to re-define our national defense priorities. According to many reports, the hijackers of the airplanes were armed only with knives and boxcutters. This disturbing detail underscores the reality that the greatest threats against our national security and our well-being may no longer be missiles or tanks or armies. The greatest threat is terrorists or rogue nations armed with simple weapons and a dangerous resolve.

It is time that we demonstrate the same resolve in preventing and, when

necessary—as now—responding to acts of terror. We need to reconsider how our security apparatus, our intelligence network, and our channels of diplomacy can be strengthened and more effectively employed to ensure that these attacks are never duplicated. Let us begin a new dialogue about our national security that accounts for this changed and changing reality. Let us devote all our resolve to tracking down and destroying these agents of terror.

We need to recognize also that Tuesday's events must, by necessity, call us out of our complacency. For too many years, our national character has too often been focused inward.

Tuesday's tragedy should remind us of our duty to not only our families and our immediate circles, but of our duty to our neighbors, our communities, and our nation.

Still, the reports that we have heard suggest that these terrible attacks have brought out much of the best in the American character—the courage of the search and rescue team members, the commitment of our law enforcement officers, the generosity of those who have given their support to these efforts, and the sympathy and caring that all Americans have extended to the suffering.

I am deeply disturbed, however, by some other reports that are coming to light. Arkansas newspapers reported Wednesday morning that rumors of oil shortages have forced a run on gas stations in the American heartland, and that some station owners have raised prices to exploit this fear. I am pleased that the Attorney General of Arkansas, Mark Pryor, has pledged to investigate the actions of these profiteers. Those who attempt to profit from these events should know that their actions will not be tolerated and that, if necessary, they will face prosecution for their actions. I ask my colleagues to join me in denouncing this sort of profiteering from tragedy.

Foremost in my mind is the human dimension of Tuesday's events. It will likely be several days before we have a clear sense of how many lives were lost, but there is no doubt that the total will be in the thousands. Numbers of this magnitude will ensure that the effects of these horrific acts will be felt by all Americans.

We now know that Sara Low, a native of Batesville, AK, and a flight attendant on American Airlines Flight 11, was killed when her plane struck the World Trade Center. Sara was a 1991 graduate of Batesville High School and a graduate of the University of Arkansas. Our deepest sympathy and our prayers are with her parents, Mike and Bobbie Low, and her family and friends as they grapple with this horrible tragedy.

It is a horrible and saddening reminder of how the shock waves of these

events are felt throughout our nation, far beyond New York and Washington. As a daughter, as a wife, as a mother and as an American, I am deeply pained by our suffering today.

It has now been over 48 hours since the first plane struck the World Trade Center, and even now it is possible that there are scores of people trapped in the debris and rubble in New York and in Virginia. Our prayers are with them and their families, and it is my great hope that, if there are survivors, they are rescued soon and reunited with their loved ones.

We also extend our prayers and sympathy to the families of those who were killed in Pennsylvania, where United Airlines Flight 93 was forced into a crash landing.

Tuesday morning, these terrorists made their statement, at a great and unprecedented cost of American lives. Let our statement to them be that this was an act of war, and from this point forward, the United States of America is at war against these kinds of actions.

Let them know that although they may strike at the United States, they cannot strike at the freedom and resolve that make our nation great.

I join my colleagues in letting these terrorists and anyone else who would take such actions against this great Nation know, it will not be tolerated.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas yields the floor.

The Senator from Alaska, Mr. MURKOWSKI, is recognized to speak for up to 5 minutes.

Mr. MURKOWSKI. Mr. President, I join my colleagues and all Americans—those from my State of Alaska and throughout the world—in prayer, prayer for those who tragically lost their lives last Tuesday and for those who are even now fighting for their lives in the rubble associated with the tragedy in New York and possibly still at the Pentagon.

The inhumanity of this act will live in infamy. We yearn in heartfelt sorrow for the families of those injured, those lost. We all join together in support of our President and to assert our resolve to endure the evil wrought Tuesday, to ensure that evil is countered, and that that evil is destroyed.

The hunt for those responsible has begun. The terror they have sought to inspire will not stand. So let's be very clear, recognizing the great and enduring virtues of our Nation: our liberty, our tolerance, our fairness. These are the very values which the terrorists trampled upon in pursuit of their misguided quest. These will not save those responsible for these crimes. We recognize our own values are sacrosanct, but our resolve to protect those values is absolutely unshaken. We should not, as we follow the tracks of the killers to

the lairs of their leaders, presume to know their identity with certainty. Neither can we begin to know their motivations for committing the most criminal of acts—killing innocent people.

If the killers believed that they, through this act, would enter the Kingdom of Heaven, they now realize the real destination to which Satan has guided them.

But to the children of America I say: Have faith; your parents, your teachers, your Government are all working hard to protect you, to protect you from this horror. Your responsibility is to grow, to learn, to play—and many adults are working to bring those responsible to justice, to ensure that they and those who helped them never commit this kind of a crime again.

To the terrorists who have sought to bring fear and chaos to the United States, I say to you: You have failed. It is you who should be afraid, afraid of the sense of justice of the American people, afraid of your fate at the hand of God, afraid of what you have unleashed.

As we shared, along with Members of the House, on the steps the other evening "God Bless America," let me also mention the dimension of this which we all relate to in our own lives.

I stand here as one who recalls as a child the "Day of Infamy," December 7, 1941. I noticed a piece that indicated the deaths from that surprise attack on Pearl Harbor. It was 2,403. Clearly, this tragic set of circumstances brings the death toll to many times that amount.

We have the realization for the first time that an aircraft has been used as a weapon by terrorists. How do we protect the public? What change is it going to make in transportation? It has shaken some of the foundations and symbols of our Nation—our buildings—which represent prosperity in our economy. It has not shaken the resolve to recover nor the resolve to pursue those responsible. We are prepared to move heaven and Earth to bring to justice those who are responsible for this carnage.

But everything did change Tuesday. Things will be different in this country. We still do not know the extent of the threat, although we do know that we all must be vigilant.

I join with my colleagues in an expression of faith and an expression of hope and an expression of conviction that America will overcome this tragedy. America will never forget this tragedy.

I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). Under the previous order, the Senator from Florida is recognized to speak for up to 5 minutes.

Mr. GRAHAM. Thank you, Madam President. I wish to commend you and Senator SMITH for the eloquent re-

marks you have just delivered to the American people.

We all are shocked by what occurred on September 11, and we recognize that this will be a demarcation date in the history of America. It will be a date upon which we will recognize our loss of innocence and the new reality of our vulnerability. Not since the Civil War has there been a conflict of such violence committed on the territory of the United States as we experienced on Tuesday.

As with Pearl Harbor and the assassination of President John Kennedy, all Americans will forever remember where they were and what was in their mind as they heard of the tragic events of last Tuesday. Today our prayers are with the victims in New York and here in the Pentagon and with their families.

Our admiration and good wishes go to the brave firefighters, policemen, doctors, nurses, and all the other emergency personnel who are working so hard to find the survivors and to deal with the pain. We pray for our Nation as well. We have entered a new phase in history, one that will unfortunately be marked by a pervasive sense of insecurity.

I am fortunate to be a grandfather of 10 beautiful boys and girls. Their mothers called me Tuesday evening to tell me how frightened the grandchildren were and that they were wondering whether their neighborhood, whether their school, and whether their own brothers, sisters, mothers, fathers, and friends would be subject to the same thing they had just seen on television.

Every time we take a trip, particularly by airline, we are likely to be reminded of Tuesday's incident. We will also face increased security, particularly at airports and seaports. Our border checkpoints will be reinforced. But all of these are necessary changes. Frankly, I believe the vast majority of Americans will agree that there will be reasonable, new restrictions in light of the new period of American history in which we will now be living.

To honor the lives of the victims, we must take steps to assure that other Americans will not be subject to the same fate. A first step in that honoring will be to support the President of the United States of America. He will have some extremely difficult decisions to make in the next few days.

Clearly, we are not going to allow this horrific act to go unanswered. As has been the case in so many other incidents of conflict, we will enter this commitment to see that those who have committed these deeds will be brought to justice with great enthusiasm. The real test will be whether we are prepared to make the long march that is likely to be required in order to root out the many cells of terrorists around the world that represent a continuing threat to our security. The

President will need our support then even more than now.

We also need to rebuild some of our institutions that will be on the front lines of our efforts to assure the security of America. One of those with which I feel a particular responsibility is our national intelligence capability. To deal with terrorism, there is no alternative but to have the most effective capacities to anticipate what the motivations and capabilities of our particular adversaries are and then to be able to interdict those capabilities before they can be put into action.

We have seen over the past several years a degradation in some important areas of our intelligence capabilities. We will know in the next few weeks whether those shortfalls bear a part of the responsibility for what happened on Tuesday.

Illustrative of the areas in which we are going to need to pay renewed attention and additional new resources will be rebuilding our human intelligence. For a long period during the cold war we became increasingly dependent upon technology as the means of gathering information. That played a critical role. But in this new era there is going to be no substitute for having well-trained, diverse in background and language skills, and technologically competent persons who can represent the interests of the United States in getting inside these organizations so that we will have a level of understanding that will allow us to prepare for and to avoid incidents such as Tuesday's tragedy.

We also must make some investments in some of our technological areas, particularly the National Security Agency, which for many years had been our prime means of gathering information by essentially eavesdropping on our adversaries. That capability, which was developed to a very high level during the cold war when most of those communications were over the air, has been degraded as countries, including our own, have gone to other forms of communication. As an example, communicating computer to computer does not allow the kind of detection we have relied on in the past. It is going to be important that we make a new commitment and a new investment to build up that capability to what it has been historically.

With the permission of the body, I am submitting for the CONGRESSIONAL RECORD a recent article which appeared in the Washington Post which examines the National Security Agency, some of its immediate challenges, and the pathway to a stronger and more secure future that is being developed under the direction of its leader, LTG Michael V. Hayden. I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post Magazine, July 29, 2001]

#### TEST OF STRENGTH

*For two years, Air Force general Michael Hayden has waged a secret struggle to overhaul the world's most powerful spy agency. Nothing's riding on his success but the future of America's national security*

(By Vernon Loeb)

The call came after dinner on a Monday night, as the general was watching the TV news at home. There was a computer problem back at the agency. A software failure had knocked out the network.

"Give me a sense," the general commanded the duty officer over the secure phone line. "What are we talking about?"

"The whole system is down," the duty officer said. A result of overloading. Plus, the network had become so tangled that no one really seemed to know how it worked. There was no wiring diagram anyone could consult. It was January 24, 2000. Lt. Gen. Michael V. Hayden was still new on the job—just finishing his 10th month as director of the National Security Agency—but he did not need a duty officer to explain the implications of his computer problem. The agency's constellation of spy satellites and its giant listening stations on five continents were still vacuuming communications out of the ether. Their vast electronic "take"—intercepted telephone calls, e-mails, faxes and radio signals—still poured into memory buffers capable of storing 5 trillion pages of data at agency headquarters at Fort Meade. But once in house, the data froze. Nobody could access it, nobody could analyze it.

The NSA—the largest and most powerful spy agency in the world—was brain-dead.

Hayden called George J. Tenet on a secure phone and broke the news to the director of central intelligence. The nation's two top spymasters knew there was nothing they could do but get out of the way and let the technicians try to figure out what was wrong. The keepers of the nation's secrets now had another one to keep—a secret Saddam Hussein or Osama bin Laden or some other enemy of the state could have surely used to great advantage.

The next morning, the only consolation Hayden had was the snow: A blizzard had blasted Washington and shut down the federal government, giving his gathering army of computer engineers and techies some time—without the workforce around—to bring the agency out of its coma. Hayden's despair deepened as two full days passed without progress. The mathematicians and linguists reported back for duty Thursday morning, only to find a handwritten message taped to doors and computer terminals: "Our network is experiencing intermittent difficulties. Consult your supervisor before you log on."

The crash had now become a security crisis. By noon, at a hastily called "town meeting," Hayden walked onto the stage of the agency's Friedman Auditorium and told thousands of employees—in person and on closed-circuit television—what had happened.

"We are the keeper of the nation's secrets," he said at the end of his grim presentation. "If word of this gets out, we significantly increase the likelihood that Americans will get hurt. Those who would intend our nation and our citizens harm will be emboldened. So this is not the back half of a sentence tonight that begins, 'Honey, you won't believe what happened to me at work.' This is secret. It does not leave the building."

Could all 30,000 employees live by the code of secrecy they'd grown up with?

To Hayden, a career intelligence officer who had served in the first Bush White House and had run the Air Force's cyberwar center, the computer crash seemed the perfect metaphor for an agency desperately in need of new technology. But the reality, he would quickly see, was actually worse. Antiquated computers were the least of the NSA's problems.

By virtue of its magnitude and complexity, the NSA invites superlatives and outside comparisons. Its collections systems scoop up enough data every three hours to fill the Library of Congress. It employs the world's largest collection of linguists and mathematicians and owns the world's largest array of supercomputers. To power the supercomputers, it uses as much electricity as the city of Annapolis. To cool them, it maintains 8,000 tons of chilled water capacity. One of its most powerful computers generates so much heat it operates while immersed in a nonconducting liquid called Fluorinert.

But beyond the gee-whiz factor lies an agency in need of reinvention.

Heir to America's World War II code-breaking heroics, the agency was created in secret by President Harry Truman in 1952. Signals intelligence—SIGINT, in spy parlance—has long been considered even more valuable than human intelligence or satellite imagery, because the quantity and quality of the potential take is so much greater. The NSA was intended to be the world's premier SIGINT agency, encoding American secret communications while stealing and decoding other nations'. Soon after its founding, the agency started growing into a juggernaut that would put listening posts around the globe, spy ships and submarines out to sea, and reconnaissance planes and satellites in the heavens.

The NSA rose to dominance in what were, in telecommunications terms, simpler times. Radio signals and microwaves were ripe for the taking as they bounced off the ionosphere or traveled straight out into space; to intercept them, one simply needed to get in their path. And the NSA did this better than anyone else, using everything from portable receivers that picked up vibrations off windowpanes to geosynchronous satellites 22,000 miles above Earth.

It was the NSA that first reported the presence of Soviet offensive missiles in Cuba in 1962. It was the NSA that first warned of the Tet offensive—five days before the attacks commenced across South Vietnam in January 1968. All told, the NSA broke the codes of 40 nations during the Cold War and, through an operation code-named Gamma Guppy, intercepted personal conversations of Soviet Premier Leonid Brezhnev. In 1986, President Ronald Reagan went so far as to bomb Col. Moammar Gaddafi's Tripoli headquarters after NSA intercepts revealed Libya's role in a terrorist attack on a Berlin discotheque that had killed two U.S. servicemen and a Turkish woman.

Making and breaking codes requires absolute secrecy, and the NSA took secrecy to extremes. Most Americans had never even heard of the agency for decades after it was established. In 1975, a Senate select committee headed by Sen. Frank Church revealed that the NSA had far exceeded the foreign intelligence mission envisioned by Truman and had been spying domestically on the likes of Jane Fonda, Joan Baez, Benjamin Spock and the Rev. Martin Luther King Jr.

The revelations led to laws and regulations that strictly prohibit the NSA from spying

on U.S. soil—laws and regulations, agency officials say, they now strictly follow. But the agency's cult of secrecy proved far more resilient. Even after the Church committee's revelations, it was a standing joke at Fort Meade that NSA stood for No Such Agency or Never Say Anything. In 1982, when author James Bamford was writing his groundbreaking first book about the agency, *The Puzzle Palace*, the Reagan administration threatened to prosecute him for espionage if he did not return sensitive documents he had obtained through the Freedom of Information Act. The administration ultimately backed down, but its treatment of Bamford was a sign of how secretive and arrogant the NSA had become. (By contrast, Hayden cooperated with Bamford on his second book about the NSA, *Body of Secrets*, which was published in May.)

The agency's high opinion of itself was backed up by its success throughout the Cold War, success that rested on three pillars: massive budgets, superior technology and the luxury of having a single main adversary—the Soviet Union—that enjoyed neither of those first two advantages.

Now, all those pillars have crumbled.

The NSA is still one of the largest employers in the state of Maryland, but it lost 30 percent of its budget and an equivalent slice of its workforce during the 1990s. And instead of one backward adversary, the agency found itself trying to deploy against elusive terrorist groups, drug cartels and rogue states, in addition to a full slate of traditional targets ranging from Russia to China to India to Pakistan. In 1980, the NSA focused about 60 percent of its budget on the Soviet Union. By 1993, less than 15 percent was fixed on Russia.

But if the end of the Cold War was hard on the NSA, the onset of the digital age was harder. More and more communications were moving through hard-to-tap fiber-optic cable. More and more were encoded with powerful new encryption software that was proving virtually impossible to break. By the late 1990s, NSA officials had given up a futile effort to limit the spread of encryption software, but they were left fearful of how their agency's capabilities could wither if, say, Microsoft started building powerful encryption algorithms into its operating systems.

More immediately, the NSA had to confront the exploding volume of global communications. In the 1950s, there were 5,000 computers in the world and not a single fax machine or cell phone. Today, there are more than 100 million hosts on the Internet serving hundreds of millions of networked computers, not to mention 650 million cell phones in use worldwide. And with broadband fiber-optic cable being laid around the world at the rate of hundreds of miles an hour (virtually the speed of sound), the speed for moving digital data down these slender pipes more than doubles annually—faster even than computing power, which doubles every year and a half.

With more and more digital data moving across the Internet and bouncing off communications satellites, SIGINT has become more important than ever. Yet the interceptible data stream has threatened to drown the NSA's analysts in a roiling sea of 1s and 0s.

In this new context, private industry suddenly controls the technology that the NSA needs to keep pace. But the NSA has been isolated from the dynamism of the market by its own cult of secrecy. The agency has fallen farther and farther behind, unable to

sort through a torrent of information streaming back into Fort Meade's computers and, to some extent, incapable of replacing its Cold War troops trained in radio intercepts and Russian with Internet engineers and Arabic speakers.

In 1999, the House Permanent Select Committee on Intelligence declared that the NSA was "in serious trouble," desperately short of capital and leadership. Civil libertarians, Internet privacy activities and encryption entrepreneurs—not to mention the European Parliament and thousands, perhaps millions, of ordinary Europeans—question the continuing need for such an agency, describing the NSA as an "extreme threat to the privacy of people all over the world," in the words of an American Civil Liberties Union Web site.

But the U.S. government considers SIGINT so essential that one senior intelligence official recently called the NSA's possible demise the greatest single threat to U.S. national security. So, three years ago, when the House and Senate intelligence committees began sounding the alarm, the director of central intelligence began an all-out search for somebody to fill the NSA's leadership void. George Tenet turned to a man who lacked the innate spookiness normally associated with this spookiest of agencies. A small man with a crew cut and a bald pate. A man with a scholarly interest in history. A man who would show no fear of either the public or the agency he would have to overhaul.

Michael Hayden, 56, grew up in an era when the backbone of America's industrial might comprised steel mills and factories, in a neighborhood on Pittsburgh's North Side where men carried lunch buckets to work and proudly traced their ancestors to County Galway.

His father, Harry Hayden Sr., was a welder at Allis-Chalmers, a plant that made giant electrical transformers. Harry worked the 3:30-to-midnight shift, leaving his wife, Sadie, to raise their three children almost by herself. But he remembers how, when he would awake before dawn and walk to the bathroom, the light would always be on in Michael's room at 5:30 in the morning. The boy was studying.

Michael was a standout student, and an athlete as well. "We never had to talk about Michael," says Harry, now 81. "Everybody else was."

As early as grade school, Michael showed a talent for impressing talent spotters. His football coach at the St. Peter's parochial schools says Hayden clearly had "the smarts" to play quarterback—no small judgment, coming as it does from Dan Rooney, son of the founding owner of the Pittsburgh Steelers and now the franchise's president. In time, however, Hayden distinguished himself most in the classroom, graduating near the top of his class at North Catholic High School and at Duquesne University, where he majored in history.

One day, he surprised his father by coming home from college and announcing that he had signed up for Air Force ROTC. It was 1967, when a lot of young men were burning their draft cards to protest the Vietnam War. "He wanted to travel, and I guess there wasn't a better way to do it," Harry says. Still, after graduating, Michael married his college sweetheart, a Chicagoan named Jeanine Carrier. She typed and proofread his master's thesis in American history at Duquesne while he drove a cab, worked as a night bellman at the Duquesne Club and coached St. Peter's to a football title.

Then he started his service in the Air Force, as an analyst and briefer at the headquarters of the Strategic Air Command at Offutt Air Force Base in Nebraska. Harry Hayden Jr. figures his older brother joined the service because he had read everything he could about American history and wanted to start participating.

A decade into his Air Force career, Michael held the rank of major and was chief of intelligence for a fighter wing at Osan Air Base in South Korea. The director of operations, Col. Chuck Link, a fighter pilot, detected the same leadership qualities Dan Rooney had recognized years earlier. So did Hayden's men. Gene Tighe, a young intelligence officer, remembers Hayden more as a mentor than a commanding officer. "He thought it was a great thing to be out and about and getting this opportunity overseas," Tighe recalls. "He wanted us to see the temples, the rice paddies, go shopping in Hong Kong. He took a vested interest in making you feel important."

After Osan, Hayden spent six months studying at the Armed Forces Staff College in Norfolk and 18 months learning Bulgarian before he became an Air Force attache to Sofia.

Two years later, he came home without a new assignment, but Link quickly recruited him to a job on a prestigious policy and planning staff inside Air Force headquarters at the Pentagon. Soon Link's boss, Gen. Chuck Boyd, the Air Force's director of plans, took notice of Hayden's ability to think conceptually and put his thoughts down on paper.

"He's got the soul of a historian, he really does," Boyd says. "He thinks things are explainable on the basis of how things have been. It's a scholarly bent, combined with an exceptional sensitivity to human behavior."

One day in the summer of 1989, Boyd told Hayden to go down to the National Security Council and see two men, an Air Force general and an arms-control expert. Hayden took the Metro across the river and reported to an office on the third floor of the Old Executive Office Building. Only then did he realize he'd been sent to a job interview.

He spent the next two years as the NSC's director for defense policy and arms control, where he wrote national security adviser Brent Scowcroft's annual policy document on strategy, then two more years at the Pentagon running a policy staff for the secretary of the Air Force. In 1993, Boyd, then commander of the U.S. European Command in Stuttgart, Germany, asked Hayden to head its intelligence directorate as the United States was becoming directly involved in the Balkans. From his attache days in Bulgaria, Hayden probably knew the region as well as anyone in the U.S. military.

On June 2, 1995, Hayden walked into the U.S. Embassy in Belgrade to learn that an American F-16 piloted by Air Force Capt. Scott O'Grady had been shot down over Bosnia. The news marked a turning point in Hayden's thinking as a soldier.

Serb Gen. Ratko Mladic had been saying publicly that he would deny Serb airspace to NATO. Operations officers at the European Command had dismissed the threat, but Hayden was familiar with Mladic and did not see him making idle threats. As an intelligence officer, he had informed the operational commanders of Mladic's statements and relayed his impression that the general was not to be trifled with. But he didn't believe it was his place to voice further objections—until after O'Grady was shot down.

"Maybe I [should] have picked up the phone and told the air commander, 'Every

time I see that orbit on your morning slides, I get nervous," Hayden says, "But I didn't."

The incident forced Hayden to see the obsolescence of the military's traditional hierarchy, in which intelligence was seen merely as a support function. Increasingly, Hayden realized, intelligence was becoming so essential to make use of and counter sophisticated weaponry that it had become as much of a weapon in its own right as any bomb or missile. "It was a kind of redefinition of self, as a professional," he says. "It's not about intelligence successes or failures; it's just successes or failures."

Hayden's next assignment, as commander of the Air Intelligence Agency at Kelly Air Force Base in San Antonio, gave him plenty of opportunity to further hone his thinking. Kelly is where the Air Force works on its plans for cyberwar—attacks designed to take down adversaries' computer networks. Hayden next served as deputy chief of staff for the United Nations Command and U.S. Forces Korea. To those inculcated in military culture, this move sent a message. He crossed the divide between the bookish world of intelligence into the front-line world of operations. In the words of one senior intelligence official, "Here you've got an intel weenie who the four-star operator recognized as something special."

Late in 1998, he was leading a military delegation negotiating with a group of North Korean generals at Panmunjon, where talks at that high a level had not taken place in seven years. He was in Seoul when Tenet, searching for a new NSA director, summoned him for an interview. They met at the Wye Plantation on Maryland's Eastern Shore, where Tenet was attending Arab-Israeli peace talks hosted by the Clinton administration. After a relaxed interview in which Tenet asked Hayden about his views on life and change, Hayden flew back to Korea with a clear signal from Tenet that the NSA job was his. Given the job's normal three-year term and his lack of SIGINT expertise, Hayden knew he'd been handed the most challenging assignment of his career. Still, he returned to Seoul in a celebratory mood. He took his wife to the movie theater at Yongsan Army Garrison, which was playing a new movie starring Will Smith, "Enemy of the State."

The film opens with a scene in which a rogue NSA official (played by Jon Voigt) assassinates an influential congressman (Jason Robards) who refuses to back a bill expanding the agency's power to spy on Americans. From there, the movie portrays the NSA as a lawless band of high-tech assassins who try their best to kill a Washington lawyer (Smith) who just happens to witness another NSA assassination on streets around Dupont Circle.

As Hayden watched, surrounded by GIs whooping it up in the theater, he sank lower and lower in his chair.

In real life, the NSA's image problems were a bit more complicated.

In 1997, the European Parliament had commissioned a report on Echelon, a global communications system. That report had concluded that the NSA was capable of intercepting every fax, phone call and e-mail in Europe. The conclusion was wrong—Echelon is actually a relatively small system through which the NSA and its electronic spy partners in the United Kingdom, Canada, Australia and New Zealand divide responsibility for processing intercepted satellite communications—but it did not matter. The European Parliament's anxieties flared into a controversy that wouldn't go away, fueled by

the lawmakers' suspicions that the NSA was stealing European companies' secrets and passing them on to their American competitors, a practice NSA officials say they do not engage in.

Beyond industrial espionage, the Europeans also worried about individual privacy, because the U.S. laws and regulations that keep the NSA from spying on Americans provide no similar protections for foreigners. By 1999, this controversy had attracted the attention of civil libertarians in the United States who were concerned about possible NSA spying against Americans on the Internet, which the agency is prohibited by law from doing.

While all this was brewing, the agency's boosters on Capitol Hill were becoming alarmed that the NSA was in serious trouble because of new communications technologies—fiber-optic cables that couldn't be tapped, encryption software that couldn't be broken and cell phone traffic too voluminous to be processed.

Hayden was keenly aware of the irony: He was inheriting an agency that was simultaneously being accused of omnipotence and incompetence. And then, almost as soon as he arrived at Fort Meade, Hayden discovered another wrinkle: The NSA director didn't really run the agency. The agency, Hayden soon came to understand, had been diffused into five directorates that ran as fiefdoms unto themselves. The bureaucratic overlap was staggering, and no one had a picture of the whole. There were 68 different e-mail systems at Fort Meade, and 452 internal review boards of one sort or another.

It wasn't as though the bureaucracy was actively trying to sabotage him—"that would have required them to unify," Hayden says. Rather, he couldn't get the senior leadership to agree on anything, "from whether or not we should invest \$2 billion in a new collection system to whether we should serve grilled cheese" to visiting delegations.

Early in his tenure, Hayden began plotting an internal coup, naming two review teams—one made up of NSA insiders, the other private-sector experts—to tell him what was wrong with the agency. The results were startling.

The insiders' report blasted Hayden's predecessors and the NSA's senior civilian managers, saying the agency "has been in a leadership crisis for the better part of a decade . . . the legacy of exceptional service to the nation that is NSA is in great peril. We have run out of time."

The outsiders cited the agency's "reluctance" to move from "legacy targets to newer targets" and said that NSA had already become "deaf" to concerns from its customers—military commanders, White House policymakers and the CIA. "Right now, when stakeholders tell NSA that 'NSA doesn't get it,' the agency simply repeats itself and talks louder," their report said.

But Hayden remained cautious, painfully aware that he was no expert in signals intelligence. He thought he saw what needed to be done but didn't feel sure, especially when many of his senior managers who were SIGINT experts were reluctant to move.

Then the computers crashed in January 2000, confirming his worst fears about the agency's antiquated technology and its leadership bureaucracy.

With the snow outside headquarters still being cleared, Hayden strode off the stage in Friedman Auditorium. His challenge—This does not leave the building—was still ringing in everyone's ears. In a room off the agency's operations center, he called all of the agen-

cy's top technicians and engineers together and told them just how serious the meltdown had become. Tenet was still giving them plenty of room to fashion a solution, Hayden said, but pressure was building "downtown."

Hayden has no trouble remembering the day's event. That Thursday happened to be his 32nd wedding anniversary. That night, with the system showing some signs of life, he took Jeannie to an inn west of Frederick called Stone Manor for dinner. On the drive home, Robert Stevens, the NSA's deputy director for technology, called to say that he needed to talk to Hayden "secure." Hayden called him back on a secure line as soon as he got home.

The system had been dysfunctional for more than 72 hours. It was back up to about 25 percent capacity, Stevens said, but he didn't think the techies were on the right path. He wanted permission to take the entire system down and start all over again.

By then, a team of NSA engineers and contractors had pinpointed an outdated routing protocol as the cause of the failure. With the system completely shut down, they began installing a massive hardware and software upgrade. And by Friday morning, the system was coming back to life, node by node. Deeply relieved, Tenet drove over to Fort Meade that night and personally shook the hands of dozens of disheveled, unshaven techies, many of whom hadn't been home since Monday.

Hayden, feeling much better about life the following afternoon, went cross-country skiing with his wife on the Fort Meade gold course. Soon, he noticed that he was being shadowed by an NSA patrol car. Trudging through the snow, an officer asked Hayden to take off his skis and come with him back to the operations center. George Tenet needed to talk to him—ABC News had the story.

Tenet told Hayden to talk to the reporter, John McWethy, on the record so he would get the story right. Hayden said fine. He knew McWethy, and knew where he was based—the Pentagon. The leak had come from there, not Fort Meade. "You held the line," Hayden later told his own people. "You kept it secret while it had to be secret."

But with Hayden's relief came a realization about the larger task ahead: The price he would pay for moving too cautiously would greatly exceed whatever he would pay for being too bold.

He would be bold.

Hayden's internal coup began with an innocuous act: He hired a chief financial officer. Without one, he had no way of making strategic decisions based on how much money was being spent across the entire agency on line items like research and development, information technology and security. So Hayden hired Beverly L. Wright, a Wellesley College graduate with an MBA from the Harvard Business School and a solid reputation as CFO at the old Baltimore investment bank of Alex. Brown.

For an agency that had always promoted its own and promised lifetime employment, hiring from the outside was a radical act.

Then Hayden did it again, hiring a former GTE telecommunications executive named Harold C. Smith to take control of the agency's information technology. In doing so, he wanted to extend a powerful metaphor he'd drawn from his experience in the Air Force. He had come to see the service as the military expression of the American aviation industry and American culture—its dynamism, its risk taking, its proud individualism. He believed that the NSA had to become the intelligence expression of American technology and American culture. It needed to

embrace the innovative, flexible, entrepreneurial spirit that had come to define the digital age. "We can no longer provide to America what we need to do so isolated from America," he says. "To end the isolation, America needs to know us better."

And so, as his housecleaning began, Hayden also launched an openness campaign, appearing in April 2000 at a rare public session of the House Permanent Select Committee on Intelligence. With the European Parliament continuing its Echelon investigation and the American Civil Liberties Union voicing similar concerns, Hayden told the committee that NSA employees took great care "to make sure that we are always on the correct side of the Fourth Amendment."

"Let me put a fine point on this," Hayden testified. "If, as we are speaking here this afternoon, Osama bin Laden is walking across the bridge from Niagara Falls, Ontario, to Niagra Falls, New York, as he gets to the New York side, he is an American person. And my agency must respect his rights against unreasonable search and seizure."

Rep. Heather Wilson (R-N.M.) pressed Hayden on this point. "Does NSA spy on the lawful activities of Americans?" she asked.

"No. The answer is we do not," Hayden said.

"Do you inadvertently collect information on U.S. citizens?" asked Rep. Tim Roemer (D-Ind.).

Yes, Hayden replied. But, he said, "if it is not necessary to understand the foreign intelligence value of the information collected, it is not reported, it is destroyed. And it is destroyed as quickly as we can do that."

Back at Fort Meade, Hayden's grand plan for rebuilding the agency for the digital age was slowed by his inability to pick a deputy. He had departed from tradition again, appointing a search committee instead of simply anointing one of the bureaucracy's nominees. He was intrigued by the notion of picking an outsider, even though retired Adm. Bobby Ray Inman, a legendary past NSA director whom Hayden frequently called for advice, strongly objected. "What I thought he couldn't do was go to somebody who didn't know the business," Inman recalls. "The learning curve is too long, and you'd get waited out."

Ultimately, Hayden resolved the conflict by picking an insider who had worked as an outsider. William B. Black had spent 38 years running some of the agency's spookiest operations before retiring in 1997 and going to work for Science Applications International Corp. He was, by training, yet another Russian linguist. But Black had served a tour as chief of an elite unit focused on Russian communications. More important, he had run the Special Collection Service, the joint NSA-CIA operation that works out of foreign embassies and fuses the talents of human spies and ultra-tech eavesdroppers to get very close to particularly difficult targets. Most telling was Black's final NSA assignment: special assistance to the director for information warfare. In that role, he had established the government's preeminent cyberwarfare unit—and alienated so many NSA bureaucrats by poaching on their cherished turf that resignation was his only viable option.

Hayden liked Black's expertise and his reputation as an iconoclast. In July 2000, he invited Black to his house for dinner. Over couscous and roasted vegetables the director had prepared himself, Hayden made it clear that he wanted a deputy who could help change the system, not end-run it. Black's one-word answer—"Exactly"—convinced Hayden that he had his deputy.

With Black onboard, Hayden was ready to move. Last October, he rolled out his reorganization plan, wresting control of the agency from its own bureaucracy. All the NSA's support services would be centralized under Hayden's chief of staff. And where there were five overlapping directorates, Hayden would have just two: one for information security (the agency's codemakers) and another for signals intelligence (its codebreakers).

Now, he hoped, senior managers could focus on going after bytes.

A decade ago, a single NSA collection system could field a million inputs per half-hour. Automated filtering systems would winnow that to 10 messages that needed review by analysts. With today's explosion in communications traffic, multiply a million inputs per half-hour by a 1,000 or 10,000, and 10 messages needing review becomes 10,000 or 100,000. Cutting-edge fiber-optic systems now move data at 2.5 to 20 gigabits per second. The latest Intelsat satellites can process the equivalent of 90,000 simultaneous telephone calls. A single OC3 line on the Internet transmits 155 million bits per second—the equivalent of 18,000 books a minute.

From an operational standpoint, the NSA's Cold War vacuum-cleaner approach is no longer tenable—there's just too much to be collected, and it's too hard to process. The only way for the NSA to remain relevant in this environment is to target the individuals and organizations whose communications are most valuable—and targeting now is more complicated than programming a target's telephone number into a computer. To succeed in the digital age, NSA analysts must understand how a target communicates, what its Internet protocol addresses are, and how its traffic is routed around the world.

And with so many conceivable targets in the world, the only way to zero in on the most important ones is to ask White House officials, Pentagon commanders and CIA officers to identify the targets they're interested in. The days when NSA officials sent the White House whatever interested them are over.

Now, SIGINT requires the agility to move from system to system and adapt to new technologies. If that can be done, the potential for electronic spying is enormous. Sophisticated Internet surveillance techniques now make it possible to acquire data "in motion" across the network—and data "at rest" in computer databases, the new frontier.

"The world has never been more wired together than it is today," says Stewart Baker, who served as the NSA's general counsel from 1992 to 1994. "It's the golden age of espionage. Stealing secrets is going to get even easier for people who employ technologically advanced tools and are willing to work aggressively at it."

Even so, the challenges are formidable. The NSA is known to be hard at work trying to gain access to fiber-optic cables. How it is doing is not publicly known. One means would be tapping undersea cables or placing interception pods over "repeaters" that periodically boost fiber-optic signals. But even if the lines can be tapped, transmitting the torrent of intercepted data from the depths of the ocean to Fort Meade in anything close to real time would be far harder still, possibly requiring the NSA to lay its own fiber-optic lines from the tap to some sort of relay station.

The most recent European Parliament report on Echelon concluded that such links would be far too costly. The report also said that new laser regenerators used to amplify

fiber-optic signals cannot be tapped the way repeaters can, meaning that "the use of submarines for the routine surveillance of international telephone traffic can be ruled out."

The Navy's decision to spend \$1 billion to retrofit its premier spy submarine, the USS Jimmy Carter, would suggest American policymakers believe otherwise.

Another challenge facing Hayden's NSA is to decode communications encrypted with powerful—and widely available—software. When Hayden became director, the deputy he inherited told Congress that the encryption software would make the job of decoding encrypted messages "difficult, if not impossible," even with the world's largest collection of supercomputers.

One alternative is to steal 1s and 0s before they are encrypted, or after they are decrypted. This requires classic espionage—as practiced by the Special Collection Service, the top-secret joint CIA-NSA operation. In the Code War, American spies recruited Soviet code clerks. Now the targets of choice—the people paid to sell out their governments or organizations—are systems administrators and other techies capable of providing encryption keys or planting electronic "trapdoors" in computer systems that can be accessed from computers on the other side of the world.

The irony amid all this new technology is that human beings—old fashioned spies—are suddenly as important as ever.

With his organization laid out and his mission clarified, Hayden began updating his human resources last December. He freed up enough slots and cajoled additional funds from Congress to hire 600 people this year—three times what the agency had been hiring annually. Sixty senior managers accepted early retirement incentives, giving him enough headroom to reach down a generation in selecting new managers. Maureen A. Baginski, a member of the insiders team that produced the scathing management assessment for Hayden back in 1999, headed the class.

She would run the newly created directorate of signals intelligence. Now, an operations officer targeting a terrorist cell could team with an engineer who could help him figure out how the cell's communications were routed around the world. And though Baginski, too, is a former Russian linguist, she clearly understood the challenges ahead. "You could literally stare for 25 years at the Soviet land mass and never have this kind of volume problem," she says. "They were slow, so it was okay if we were slow. Today, it's volume, it's velocity and it's variety."

Her management style, too, is more current—more attuned to the idea of empowering the people beneath her. When a U.S. Navy EP-3 reconnaissance aircraft—an NSA asset—crash-landed on China's Hainan Island this spring after colliding with a Chinese fighter jet, an operations officer called Baginski at home late on a Saturday night, told her what had happened and said, "You will want to come in."

Baginski replied: "No, I will not want to come in." Her reasoning was that the agency already had a person charged with running an emergency response operation. "Why should I do it in a crisis if someone else does it every day?" Baginski said.

As Baginski was settling in, Hayden was busy looking outside the NSA for new people to work for her—and soon found the agency swamped. In February, the home of No Such Agency and Never Say Anything held a job fair to recruit computer scientists, mathematicians, linguists and analyst to become

new spooks. Seventeen hundred people registered in advance—and hundreds of walk-ins dressed in dark business attire showed up and waited in a line that snaked through the parking lot. Hayden's openness initiative was paying dividends.

Soon, he advertised in the outside world to fill eight other top jobs, including chief information officer, chief of legislative affairs, deputy associate director for research and chief of SIGINT systems engineering. All of the jobs paid between \$109,000 and \$125,000, well below salaries for commensurate jobs in the private sector. But, as Black is fond of saying, "patriotism still works on occasion."

By the end of March, the NSA began its first major push to involve the private sector in development of new SIGINT technology with an initiative it called Trailblazer. A total of three contracts, worth about \$10 million apiece, were awarded to corporate consortia led by Booz Allen & Hamilton Inc., Lockheed Martin Corp. and TRW's systems and information technology group.

Skeptics wonder whether it will all be enough, given the speed with which technology is moving. They also question whether there is enough top technical talent still left at the NSA to manage complex relationships with contractors so that the contracts result in real gains instead of white elephants. The Federal Aviation Administration, after all, hired IBM in the late 1980s to design a new air traffic control system—and ended up abandoning the project at a cost of \$500 million.

But analysts on Capitol Hill and other close observers in the private sector say Hayden, Black, Baginski and company appear to be getting their message across that the NSA must take risks if it is ever to "own the virtual," as one industry analyst put it.

James Adams, a British journalist turned Internet security executive who serves on a panel of outside advisers created by Hayden, says the agency's workforce breaks down into three distinct camps: 25 percent are enthusiastic about Hayden's program, 25 percent are threatened and dead set against it, and 50 percent are sitting on the fence waiting to see who wins.

Sometime this summer, Hayden plans to publish reduction-in-force procedures to deal with the naysayers, if need be. He will keep offering retirement incentives, preferring the carrot to the stick, but now accepts that layoffs may be necessary.

They would be the first in the agency's history.

With all the changes, Hayden may be making enemies among his agency's old guard, but he's also building a powerful constituency elsewhere. "We went deaf for 72 hours because of an antiquated system that should have been upgraded years ago," says Tim Sample, staff director of the House Permanent Select Committee on Intelligence. "When you're at that point in an organization, it takes a monumental effort over a sustained period to get back up to speed. They needed a leader—and that's what they got."

Sample's boss, Rep. Porter J. Goss (R-Fla.), the committee's chairman, recently floated the idea of promoting Hayden to a four-star general and extending his three-year tour, now less than a year from completion.

Tenet has gone even further. "My personal view is, Mike Hayden must stay out there for five years—he has got to have time on target," Tenet says. "He's thinking out of the box. He's engaged. He's not afraid of opening up the NSA. He's not afraid of the American public. And he knows what has to be done."

Hayden is willing to stay on, if that's what Tenet and Defense Secretary Donald Rumsfeld desire. There is, he knows, much work still to be done. His personal focus this summer—now that the computers seem to be working again—is people. Specifically, promotions. Six months ago, Hayden got rid of all regulations requiring employees to spend two years at one pay grade before they get promoted to the next. Now he's trying to make sure that the agency's hidebound promotions panels start taking advantage of that freedom. If the right people don't advance, Hayden believes, nothing else really matters.

He says he feels more and more confident about the course he's charted. But there's a certain fatigue in his voice. "I feel tired," Hayden allows. "But I see points of light more frequently."

Mr. GRAHAM. Madam President, with a prayer that God will be with us as we enter this next and more challenging period of our Nation's history, I extend the wish that God will bless our Nation and that we will be worthy of his blessings.

Thank you.

The PRESIDING OFFICER. Under a previous order, the Senator from Maine, Ms. COLLINS, is recognized to speak for up to 5 minutes.

Ms. COLLINS. Madam President, it is very difficult to wrap one's mind around the terrible tragedy that our Nation has suffered. It is still harder to comprehend what must have been in the hearts and minds of people willing to commit such atrocities against their fellow human beings. It is very difficult to even find the right words to speak about the attack on America.

But speaking about it is something we must do. The American people and the Government of the United States of America must speak forcefully and with crystalline clarity. The families and friends of those killed or wounded in these awful terrorist attacks must know that the prayers of every American and of millions upon millions of people around the world are with them now.

The heroic firefighters, police officers, rescue workers, National Guardsmen, doctors, nurses, members of the clergy, and the citizens who are volunteering, who are even now struggling to save the lives of the surviving victims and to help grieving families, must know that our hearts and our deepest gratitude are with them in their vital work.

Our Commander in Chief and all the men and women of the Armed Forces, our law enforcement community, and our intelligence agencies must know that we stand behind them, as perhaps never before in my lifetime, as they set about with grim resolution to ensure that justice is done to those responsible.

And the evil people who planned and committed these atrocities—and all of those who may have aided and abetted them—must know that far from paralyzing the American people and divid-

ing us fearfully against one another, what they have done instead is instantly to unite all of us into one people. We stand united in the solidarity of grief and commitment to our fellow citizens and utterly single minded in our determination to remain unbowed and to see justice done.

In fact, this is my fifth year in the Senate, and never have I seen the Senate more united and more determined than we are now.

These, then, are the messages we must send—and that we must keep sending with relentless determination. America may have lost a measure of our innocence, a degree of that special separateness that has helped us to keep our land of liberty safe from some of the storms that have long battered other peoples in an often turbulent world; we clearly are not as separate or as safe as once we thought. But no one—no one—should doubt our resolve and our resilience. It is in moments such as these that the special character of America can and should shine through with particular brilliance. It shines through in our sacrifices in helping fellow citizens in terribly trying times. It shines through in the sacrifices of those brave and heroic passengers who were on the jet that did not make it to the intended target. It shines through in our commitment, even in adversity, to the bedrock values that make our system of government worth protecting, even as those values draw the murderous ire of twisted souls whose only answer to the discourse of liberty is a vocabulary of violence, terror, and death.

As we care for survivors and comfort those who have lost loved ones, we also will set about finding those responsible. We must respond to these horrors in a way befitting our voices as free and united people. But let there be no doubt, respond we should and respond we will.

As difficult as it is to find a voice to talk about the horrors we have experienced, I believe by finding our voices amid such shock, rage, and pain we reaffirm our most cherished principles as citizens of the United States of America.

With God's help, we shall persevere, we shall find comfort in our grief, we shall find strength in the days ahead, and we shall hold those responsible for these attacks on America responsible for their actions.

Madam President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess from 12:30 today until 2:15 this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 1421 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Rhode Island.

## TERRORIST ATTACKS AGAINST THE UNITED STATES

Mr. CHAFEE. Madam President, I stand before my fellow Senators in full support of the resolution on which we voted yesterday. A stunned world and Nation is struggling to come to grips with the horrifying violence of September 11, 2001. I support the President's efforts to marshal the resources of our intelligence, law enforcement, diplomatic, and military apparatus to bring about justice and to do so as swiftly as possible.

I call on any nation known to be harboring terrorists to fully cooperate with the United States and stem the rising tide of conflict. I believe people around the world are in equal measure demanding justice for these horrendous crimes and anxious for the world to settle its disputes in a rational and civilized manner.

We must cling to the hope that this is possible, even while we recognize that on this Earth there exists people capable of unbelievable barbarism. This is a time of overwhelming sadness, and I join my colleagues in support of S.J. Res. 22.

Madam President, I yield the floor.

Mrs. HUTCHISON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Madam President, I assume we are still in morning business and offering statements with regard to the incidents of Tuesday.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURNS. Madam President, ironically, on September 11 of this year, I was involved in a press conference looking at a report card to Congress on the deployment of E-911, the national emergency number. Last year, we passed that bill and the President signed it, with now the deployment of enhanced 911, which tells wireless phone operators that when you dial 911 on your wireless phone, you will get the nearest first responder rather than some other area, maybe your home area, even though you may be in roam, and I do not spell that R-o-m-e.

How ironic that started at 9 o'clock in the morning. It is one of those pieces of legislation that goes unnoticed. Yet it has a lot to do with public safety, especially in rural areas where we rely on wireless. It also nationalizes 911 as the emergency number across the Nation.

I made the statement at that time that we are dealing with a different world. Not only do we have to deal with our own little family emergencies, we also have to deal with this world of terrorism. So 911 and the ability to communicate becomes very important. As we walked out of that press conference, we were notified that an airplane had hit the World Trade Center in New York.

Not only did I stand still but the world has stood still. We were shocked; we were outraged at an unprovoked act of violence committed against thousands and thousands of innocent Americans.

Immediately, our President and Commander in Chief, George Bush, ordered the Federal Government to assist the victims of the violence, investigate these acts of terror, and to take the steps to bring those responsible for these tragedies to justice.

I fully support the President's actions and will do whatever I can as an individual to help him and our country in this time of need.

Terrorism, which has been condemned around the world, cannot and will not be tolerated in this country. I know the President will take all measures necessary to seek out and to punish those who viciously attacked innocent and defenseless Americans.

We, as Americans, are a strong and resilient people. We will heal, and we will emerge stronger than ever. The strength and spirit of our Republic and the democracy it represents will shine through. We will not simply endure; we shall prevail. And we will send a sharp message to those cowards saying that terrorist acts will not be tolerated or condoned. They will never be able to destroy the spirit of a free people, the freedom we enjoy, and our way of life.

Our thoughts and our prayers go out to those who tragically lost their lives and to those friends and families who lost their loved ones. This is far more than a tragedy to them. It is an outrageous act of terrorism that killed

and injured so many innocent and decent citizens of our country. Nothing I can say to express my sympathy for those suffering is enough. My outrage of that cowardly act remains unwavering.

For now, we must mourn those who have passed on and care for those who were injured. We must let the President, our law enforcement people, military, and the intelligence community work. As a law-abiding nation—and we are a nation of laws—we must be sure to place the blame on the guilty. Taking independent action against innocents or guests of our country has to be guarded against.

The anger I feel inside has to be tempered because decisions made while in this state are usually not good decisions. Many are filled with that same anger and an unyielding desire for revenge. I realize we must remain calm and focused. In the heat of passion, fired by outrageous, despicable acts of those who are guilty, our leaders must be calm and dispassionate in determining who is responsible, where they are, and how we must deal with them.

Have no doubt, America, we will find those responsible. I say to those who are responsible: You cannot hide. You can run, but you cannot hide. Justice will be served. It will be swift, and it will be harsh.

September 11,—9-11—2001, will live a long time in the memory of many of us.

I was almost 7 years old on that Sunday, December 7, 1941. I remember that day, and I can remember being a small lad growing up on a farm. My folks talked to each other differently and so did the neighbors on Monday morning, the 8th, than any of us had ever heard before. I can remember when my mother yelled out of the house, because we had an old battery radio and didn't have electricity in those days—Dad and I were in the barn choring. Mother said that the Japanese had bombed Pearl Harbor. My dad looked down at me and he said: "Where is Pearl Harbor?" We didn't even know. Next, the pictures came out of Pearl Harbor of the belching smoke from the *Arizona* and of the *California* lying half on its side. It remained in our minds for a long time.

I fear that the pictures of the World Trade Center and the damage done there will live in the minds of young folks as Pearl Harbor did with us. Tuesday's acts represented a well-planned, well-financed attack on our freedom by a faceless, gutless enemy.

I also want to warn the American people that we are at war. It can be called by no other name. So I stand firmly and proudly behind my Commander in Chief, the President of the United States. There is no doubt about our unity and resolve to track down, root out, and relentlessly pursue terrorists and the states that harbor them. I stand by to support our military and intelligence community and

will fight for all the resources they need to ensure our national security. Let us not forget this as we consider our funding bills.

What is important and what is not important? We must sift through and search our souls. This is a great nation with a strong and brave history. Americans have come together and triumphed in difficult times such as these. We will do it again, and we will punish those responsible. America remains resolved in its efforts to find those who so cowardly committed these horrific acts.

One always looks for words, but sometimes words escape us. That is kind of bad when words escape an auctioneer. But to quote a few words from the "Battle Hymn of the Republic," those responsible will soon understand the true meaning of this line:

He hath loosed the faithful lightning of his terrible swift sword.

I will tell you, America will do that, indeed, and America will march on.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida, Mr. NELSON.

Mr. NELSON of Florida. Madam President, I come to the Chamber with a very heavy heart because of the tragedy so many people have experienced. It has touched all of our lives in one way or another. So, too, I have had a personal experience just in the last few minutes of how the tragedy has touched the life of my wife and me, for one of the passengers on the airliner that crashed into the World Trade Center was a personal friend of our family, Sonia Puopolo of Boston and Miami.

I come to the Chamber to share this experience because the grief that so many across this Nation have felt is shared by all of us—of talking to Sonia's husband Dominic and to her daughter Tita, who are so full of life and so upbeat and effervescent, talking to them in this condition where they still have the presence of mind in the midst of their unbelievable grief to be able to remember the good times, and Dominic telling me about the 40-some years he had the privilege of knowing his wife and the 37 years of marriage, where he met her in Puerto Rico and where it was planned he was going to be on the same flight and how she had insisted, no, she was going to Los Angeles so that she could be with their son by herself and enjoy her son since Dominic had already been in Los Angeles with their son.

This is the part of tragedy that puts a human face on the tragedy, but for Florida and Floridians it does not end there. A few minutes thereafter, I spoke by telephone with a courageous Fort Myers policeman, Officer Lyles, who has now gathered with his family in another part of Florida because it was his wife, Cee Cee Lyles, on the airliner that crashed in Pennsylvania, which we now know was headed for Washington and another target, perhaps this building; that she was able to get through to her husband by cell phone and he could hear the screams in the background. She told him they had been hijacked, and she told him she loved him and loved their children.

This is a part of the grieving process that is necessary for us to all go through, but it is also a poignant story of two lives that are touching the State of Florida that gives us even more resolve of why we are going to find the perpetrators, we are going to hunt them down, and they are going to be brought to justice.

I have seen America in this situation—and in my lifetime I have seen it several times—but the one I remember so vividly is the time of national tragedy when the symbol of our technological prowess, the space shuttle *Challenger*, in January of 1986, exploded in front of our eyes. I recall that event because there was something from the experience of that tragedy for the American people that was instructive to the rest of the world. That is, that Americans overcome. Americans persevere. When we are knocked down, we are not knocked out; we get up and we respond.

That has happened over and over in our history. It is part of our character as an American people that we overcome. We saw it in the Revolutionary War. We have seen it in every war since. We saw it in the national tragedy of the *Challenger* explosion, and we are seeing it again in the national tragedy of this terrorist attack.

In the process of overcoming and persevering, we make right that which is wrong. And so, too, the American people are unified in our commitment that we will find the perpetrators and they will be dealt with.

This is not a time for revenge. We are a forgiving people. That is part of our nature. That is part of our Scriptural background. But we are also a proud people who will not let the national reputation be sullied; we will protect it.

I come to the Senate today out of my personal grief, having just had one telephone conversation with a family who is convulsed in grief, and about to have another telephone conversation with another Florida family who is suffering likewise, to say that I don't understand the plan that good people are taken, but I do understand the ultimate plan that we are a nation blessed by God over and over and that God is

protecting us. America will not only survive, America will do as she has so often done: America and Americans will overcome.

Ms. STABENOW. Mr. President, our national will is being tested as it never has before. On the clear, sunny morning of September 11, we were attacked from out of the shadows. There are no words to fully describe the depth of this infamy. And not enough tears to properly mourn the innocent lives so cruelly taken.

Thousands of families are grieving today over loved ones lost in this senseless attack on our nation and all of us mourn with them and keep them in our prayers.

But from within the depths of this horror, we saw and honor the heroism of our police and firefighters, many of whom gave their lives trying to rescue others. We thank them and offer our condolences to those who lost a loved one in the line of duty. We also offer our thanks to all the medical workers who are working tirelessly trying to save lives.

While our enemy is still uncertain, our resolve must be unflinching. Those who thought they could bring us to our knees must instead see us standing tall, united, and resolved to see that justice is done.

We stand firmly behind President Bush and his diplomatic and military efforts to discover who is behind these attacks and hold them accountable. The United States will respond decisively and forcefully against those who have perpetrated this atrocity and those who offer them safe harbor and assistance.

I am also outraged by reports of price gouging at gasoline stations around the Nation. Those who would profit in our time of grief are not only contemptible; in Michigan they are also criminals. The Michigan Attorney General has asked me to direct complaints to their regional offices.

Our Nation will come through this crisis even stronger than before. Those who attack from the shadows will see that we do not surrender to fear, but rather will go forward united in steely purpose and iron resolve. Even as we mourn, it is important that we carry on with the nation's business, with the immediate priority being to get help to the families and communities that were the victims of this horrendous attack.

Mr. JEFFORDS. Mr. President, the tragedy that has befallen America is only just beginning to fully sink in. The horror is so unimaginable, the devastation so great and the suffering it leaves in its wake is almost beyond our comprehension. We feel we have all, personally, been dealt a great blow, no matter where we live, whether or not we knew any of the victims. Our hearts go out to the many, many families who are suffering, and in a very real sense,

we feel as if we are one family together today.

As chairman of the Environment and Public Works Committee, which has jurisdiction over the Federal Emergency Management Agency—FEMA—I pledge the full support of the committee to the relief effort. I would like to read the text of a letter that my committee sent to the President today:

DEAR MR. PRESIDENT: We are writing to commend you and the Administration for the Federal Government's response to the horrific terrorist attacks on the World Trade Center in New York and the Pentagon. In particular, we are encouraged and impressed by the organization and coordination at the Federal Emergency Management Agency.

We and our staff stand ready to assist you in your efforts in any way, including making any immediate changes to statutes or program funding levels within the Committee's jurisdiction that are necessary to implement measures to save lives and restore safety and order as quickly as possible.

Thank you for your resolve and determination.

Sincerely, Members of the Committee of Environment and Public Works.

Of the thousands of people working in the World Trade Center complex, 2,600 are Federal employees, working for a variety of Federal agencies. The General Services Administration is working diligently to find temporary office space so that these employees may get back to work as soon as possible.

America picks up and goes on. We are shaken but we are not bowed. We are also comforted by the stories of great heroism that come flooding out of this tragedy, the stories of people going back for friends, office workers carrying disabled colleagues down 80 flights of stairs, firefighters and police rushing up the stricken towers in their frantic effort to save lives. Still today, we are watching rescue workers who have not slept in 2 days, continuing to dig through the rubble, exposing themselves to great hazards, running on adrenaline from the news that three people were just found alive today.

As more information comes to light, we are seeing a picture emerge of another great act of heroism—the crashing of United Airlines Flight 93 in Pennsylvania. From what we can glean from phone calls from passengers on that flight, realizing that the hijackers planned to crash their plane and learning that two hijacked planes had just crashed into the World Trade Center, passengers decided to take action. We can only surmise from their last words to family members that several passengers confronted the hijackers and the plane was prevented from completing its mission. It is unlikely that we will know for sure what target the hijackers had in mind, but we can be fairly certain that brave passengers saved the lives of many hundreds or even thousands of people, and maybe even our own lives. I believe that all of America should be deeply grateful to

them and their courage in the face of death.

America has closed ranks behind its President and its people. I am also very pleased that so many of our allies have closed ranks behind us. Yesterday, the North Atlantic Treaty Organization—NATO—for the first time in its 52-year history, invoked collective defense arrangements under Article 5 of its Charter that states that an attack upon one member of the alliance is viewed as an attack upon all. This reiteration of NATO solidarity is unprecedented and will be most helpful in formulating a unified response. Condolences and offers of assistance have poured in from all regions of the world, giving us heart as we focus on the task ahead of us.

Fighting terrorism is an exceedingly difficult task. It will take applying ourselves in a way we have never done before. Ferreting out terrorists and destroying their networks will be long and arduous work. It will require a concerted international effort and potentially great patience. We will need the strong cooperation of our allies, and we will need to reach out to nations that are not our traditional allies. Fighting terrorism is usually a frustrating task, as targets are elusive and the means of terror difficult to control. We still hope to learn a great deal more about the perpetrators of this tragedy and uncover those who helped them. I expect that we will take firm action in retaliation. But this may take time, and it must be done in a manner that will not unnecessarily provoke reprisals or generate additional acts of terrorism. I am confident that American resolve will remain firm no matter how long or how difficult this fight.

In closing, I would like to recognize the contributions to the relief effort from my small State of Vermont. The Vermont Air Guard has already flown many hours of additional missions as part of the effort to maintain security over American airspace. Vermont doctors, nurses, firefighters, and rescue workers have volunteered in great numbers to help. All over the State, people have lined up to give blood. True to their history, Vermonters are quick to offer their help.

I see this strength replicated all across America. This makes me, and all Americans, proud.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. STABENOW). Morning business is closed.

#### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Ms. STABENOW. Under the previous order, the Senate will now resume con-

sideration of H.R. 2500, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

#### Pending:

Dorgan amendment No. 1542, to increase funds for the trade enforcement and trade compliance activities of the International Trade Administration and to reduce funds for TV Marti.

Dorgan amendment No. 1543, to prohibit the sale of disaster loans authorized under section 7(b) of the Small Business Act.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I am awaiting the attendance of the Senator from New Hampshire who is in an important conference at the moment. Let me bring my colleagues up to speed. We have tried our best, working out certain amendments all yesterday and earlier this morning—those that would be accepted, those that would be included in the managers' amendment, and those that would still be pending. On both sides we are trying to assemble the determinant list of pending amendments. When we do, we will ask unanimous consent and see if we can facilitate the disposition of this bill today, and no later than tomorrow. We will see what best can be done.

Pending that, let me say a word about the efforts of your subcommittee of Commerce, Justice, State in the field of counterterrorism. For example, in early May, your subcommittee, under the leadership of Senator JUDD GREGG of New Hampshire, chairman at that time, held 3 days of comprehensive hearings of which I now hold a transcript.

On May 8, we had a hearing with Department of the Treasury Secretary Paul O'Neill; Department of Defense Deputy Secretary Paul Wolfowitz; Secretary of State Colin Powell; and Secretary of Transportation Norman Mineta.

That afternoon, we had a hearing with FEMA Director Joseph Allbaugh; National Security Administrator John A. Gordon; and Nuclear Regulatory Commission Chairman Richard A. Meserve.

On May 9, at that hearing, we had Attorney General John Ashcroft; Secretary of Health and Human Services, Tommy Thompson; Commerce Secretary, Don Evans; and in the afternoon, Secretary of Veterans Affairs, Anthony Principi; Secretary of Agriculture, Ann Veneman; and Secretary of the Interior, Gale Norton.

On May 10, we had the joint task force civil support commander, Gen. Bruce Lawlor; the American Red Cross president and chief executive officer, Dr. Bernadine Healy; a panel of State and local representatives from fire, police, public health, and emergency

management. And then in the afternoon, we closed the session with the Director of the CIA, George Tenet; the FBI Director, Judge Louis Freeh, and VADM Thomas Wilson.

We were trying our best to lay the groundwork for better coordination of our effort on counterterrorism. I ask unanimous consent to have the statement by President Bush, dated May 8, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT GEORGE W. BUSH,  
*White House, May 8, 2001.*

STATEMENT BY THE PRESIDENT  
DOMESTIC PREPAREDNESS AGAINST WEAPONS OF  
MASS DESTRUCTION

Protecting America's homeland and citizens from the threat of weapons of mass destruction is one of our Nation's important national security challenges. Today, more nations possess chemical, biological, or nuclear weapons than ever before. Still others seek to join them. Most troubling of all, the list of these countries includes some of the world's least-responsible states—states for whom terror and blackmail are a way of life. Some non-state terrorist groups have also demonstrated an interest in acquiring weapons of mass destruction.

Against this backdrop, it is clear that the threat of chemical, biological, or nuclear weapons being used against the United States—while not immediate—is very real. That is why our Nation actively seeks to deny chemical, biological, and nuclear weapons to those seeking to acquire them. That is why, together with our allies, we seek to deter anyone who would contemplate their use. And that is also why we must ensure that our Nation is prepared to defend against the harm they can inflict.

Should our efforts to reduce the threat to our country from weapons of mass destruction be less than fully successful, prudence dictates that the United States be fully prepared to deal effectively with the consequences of such a weapon being used here on our soil.

Today, numerous Federal departments and agencies have programs to deal with the consequences of a potential use of a chemical, biological, radiological, or nuclear weapon in the United States. Many of these Federal programs offer training, planning, and assistance to state and local governments. But to maximize their effectiveness, these efforts need to be seamlessly integrated, harmonious, and comprehensive.

Therefore, I have asked Vice President Cheney to oversee the development of a coordinated national effort so that we may do the very best possible job of protecting our people from catastrophic harm. I have also asked Joe Allbaugh, the Director of the Federal Emergency Management Agency, to create an Office of National Preparedness. This Office will be responsible for implementing the results of those parts of the national effort overseen by Vice President Cheney that deal with consequence management. Specifically it will coordinate all Federal programs dealing with weapons of mass destruction consequence management within the Departments of Defense, Health and Human Services, Justice, and Energy, the Environmental Protection Agency, and other federal agencies. The Office of National Preparedness will work closely with state and local governments to ensure their planning, training,

and equipment needs are addressed. FEMA will also work closely with the Department of Justice, in its lead role for crisis management, to ensure that all facets of our response to the threat from weapons of mass destruction are coordinated and cohesive. I will periodically chair a meeting of the National Security Council to review these efforts.

No governmental responsibility is more fundamental than protecting the physical safety of our Nation and its citizens. In today's world, this obligation includes protection against the use of weapons of mass destruction. I look forward to working closely with Congress so that together we can meet this challenge.

Mr. HOLLINGS. We noted in this statement that the President appointed Vice President CHENEY to conduct hearings, devise a comprehensive study, and develop a position with respect to coordination, and he designated in the same instrument Joseph Allbaugh, the Director of FEMA, to create an Office of National Preparedness responsible for the implementation of the results.

He asked that FEMA's Director coordinate all Federal programs dealing with weapons of mass destruction and consequence management within the Departments of Defense, Health and Human Services, Justice, the EPA, and the other Federal agencies.

It was our considered judgment that FEMA was not going to be the appropriate office to handle, certainly, the prevention of any kind of terrorism. Since terrorism is now not only admitted to be a crime, but more than that, an act of war—which this particular Senator believes it to be—you have to go with the Department of Justice.

The President, of course, at a time of war, is really the director. But for the peacetime coordination—let's call it that—the subcommittee thought it best not to be implemented by a counterterrorism, or terrorism, czar—we know what drug czars have done; very little, in all candor.

On the contrary, the subcommittee unanimously passed out within the Committee of Appropriations itself—and I read on page 10:

The United States is in the beginning stages of developing an organizational structure for leadership in the area of terrorism preparedness. A National Coordinator for Security, Infrastructure Protection, and Counterterrorism was established 4 years ago within the National Security Council. Under Presidential Decision Directive 62, the National Coordinator was tasked with coordinating interagency terrorism policy issues and reviewing ongoing terrorism-related activities. While the designation of a National Coordinator signaled the previous Administration's recognition of the weight of the problem, it was not a permanent solution. Responsibility for developing national security policy belongs to the President. However, it is the responsibility of the Congress to provide the means to implement a systematic and synchronized policy that will achieve sustainable Federal, State, and local cooperation on domestic terrorism issues. Whomever is responsible for managing this

Nation's activities to combat terrorism must be accountable to the American people.

Despite increased attention to this problem over the last 5 years, there remains considerable confusion over jurisdiction at all levels of government. In order to improve coordination and centralize the policy-making structure for domestic terrorism within the Department of Justice, the Committee recommends the creation of a Deputy Attorney General for Combating Domestic Terrorism (DAG-CT). The Committee recommends \$23,000,000 for this purpose. The DAG-CT shall have as its principal duty the overall coordination and implementation of policy aimed at preventing, preparing for, and responding to terrorist attacks within the United States. This person will be directly responsible to the Attorney General. This office will be responsible for domestic terrorism policy development and coordination and will speak for the Department on and coordinate with all of the appropriate agencies for terrorism-related matters.

The subcommittee also committed, of course, at the full committee, the authorization for that Deputy Attorney General, section 604. I read:

(b) Section 504 of title 28, United States Code, is amended by inserting after "General" the following, "and a Deputy Attorney General for Combating Domestic Terrorism".

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

We tried, providing this, to put it in step with the President's directive. Now, with the terrible events of the past two days, the White House, along with the leadership, has agreed on a \$20 billion package relative to counterterrorism and any activity the administration deems necessary as a result of that terrorism.

Of course, the subcommittee would be willing to conform now or in conference with what the President and the leadership desire. But there must be coordination and there must be a fixed responsibility if we are really going to handle this particular problem. I am confident the American people would agree with us that we have to have better coordination from the very get-go; namely, with respect to intelligence.

I got into that intelligence game almost 50 years ago, in 1954 as a member of the Hoover Commission investigating intelligence activities. At that particular time we had good covert activity, fine agents buried within the Soviet Union and other places. There is not any question, if we can get into the Soviet Union, we can get into Osama bin Laden and Hamas, and Hezbollah, and any other of these terrorist groups.

We used to read all these articles about how difficult intelligence work was. It is not an easy thing, where you just call to find something out. On the contrary, you work at it.

Our friend Tom Clancy just momentarily said, of the 20,000 employees out there at the CIA, we only have about 800 in covert operations. And to quote General Schwarzkopf after Desert Storm—I will never forget a briefing we had at the Appropriations Committee Defense Subcommittee—he said he could not depend on intelligence from the CIA, that it was mush.

The reason he called it mush was he said it was so overanalyzed, the corners were cut, the edges were rounded, and everything else of that kind. I found out at that time they had 864 intelligence analyzers at the CIA. Cold, hard facts are analyzed, analyzed, and analyzed, and everyone wants to protect their backsides, so in analyzing, you are giving yourself a grade, you are not giving the cold, hard, intelligence fact. That is what General Schwarzkopf called it—mush. He said he had to depend on his pilots in Desert Storm.

Obviously, the problem persists with a massive attack upon the United States in such a coordinated and deliberate fashion, and we have not an inkling. We know about Mogadishu; we know about the barracks in Saudi Arabia; we know about the Embassy in Kenya; we know about the Embassy in Tanzania; we know about the U.S.S. *Cole*, we know about the prior attack on the World Trade towers. The leader of all that continues to say he is really going to pull off an attack on the United States of America. And when it occurs, we say we wonder who did it.

We are hard learners. We have to get going and get serious about this war we are in. In that light, I want to make sure counterterrorism is coordinated and we do everything possible to secure ourselves domestically.

With respect to that, on Thursday morning at 9:30 we will have a meeting and a hearing before the Commerce, Science, and Transportation full Committee whereby we will hear from notably, I take it, the Secretary of Transportation, and Jane Garvey, the head of the Federal Aviation Administration. Also, perhaps we will hear from the FBI in a closed hearing ahead of time so that we will know exactly what is needed and what the threat is.

Eliminating the curbside check-in option as part of new federal security standards announced yesterday doesn't fully address our security problems. After all, luggage checked curbside or at the desk both have to go through some type of scanner.

Unless and until we federalize the security screeners and the scanners that you find at airports, unless we federalize like the European Governments, we are not going to get a better

result than the present one. And that is folks who are privately hired by the airlines working for minimum wage, staying for an average of three months or so.

My wife had two knee replacements. She has titanium knees. We know the metal detector is going to sound. I am trying to explain to the employees there and they do not understand. We need trained professionals working in airport security.

Heightened security measures on airplanes are also needed. The airplane cabins need to be secure, so no one can get to the pilots. The door has to be made more stable and solid. There is no reason to open the door. Tell pilots to bring a box lunch. They can communicate, if there is an emergency, and if they identify it as an emergency. But if a terrorist starts taking over the crew, they can hear it. They have communications. They can land the plane and save, hopefully, some of the individuals.

But terrorists ought to know up front that they are not going to turn a domestic flight into a weapon of mass destruction and just run it into a building. That has to stop immediately.

I would like to be able to talk at length about what needs to be done. But that is enough. I think perhaps the last talk should be about better orchestration, coordination, and action quietly. That is really what is needed at this particular time.

I ask colleagues if they have an amendment to please come to the floor immediately. Let's present it, debate it, and have a vote on it. Otherwise, we will make up that list of amendments. I will soon be joined by the Senator from New Hampshire.

Credit should go to the Senator from New Hampshire who set up these hearings. In May, he had everyone in the administration come, as you can tell from this hearing record. It is the most comprehensive look-see the Government has had with respect to terrorism this year.

We think we have to fix some responsibility, and we have to appropriate for it.

There is some \$364 million for the various offices that you might see on page 48 of the Committee report where you have the total activities to combat terrorism: Management and Administration, \$8 million; Center for Domestic Preparedness, Fort McClelland, AL, \$30 million; for consortium members, \$58 million; National Energetic Materials Research and Testing Center in New Mexico, \$7 million; National Emergency Response and Rescue Training Center at Texas A&M, \$7 million; National Center for Bio-Med Research and Training, Louisiana State University, \$7 million; National Exercise, Test and Training Center at Nevada Test Site, another \$7 million; Domestic Preparedness Equipment Grants, \$175 million;

Dartmouth Institute for Security and Technology Studies, \$18 million; Oklahoma City National Memorial Institute for the Prevention of Terrorism, \$18 million; Virtual Medical Campus, \$2 million; Domestic Preparedness Exercise Grants and Exercise Support Funds, \$20 million; TOPFF II, \$4 million; Annual Exercise Program, \$5 million; Improved Response Program, \$3 million; other training, \$35 million; technical assistance, \$8 million; prepositioned equipment, \$8 million; and Web Site Pilot, \$2 million.

It adds up to around \$364 million.

That really was a result of the Oklahoma bombing. We went in every direction possible. But that is our problem. We are still going in every direction. We are not coordinating. The responsibility is not fixed. Someone ought to be at that Cabinet table—the Attorney General with his assistants talking with the President, who, of course, has the prime responsibility.

Let me say, so far so good. The country has responded admirably. I think our Government is up and well and doing good.

There is a wonderful element of bipartisanship.

During the August break, I was on a trip in Australia, and up around Thailand, Cambodia, Vietnam, and China in the Pacific area. Everywhere I went, the Ambassador would get into the budget, and I would tell them how we were running a heck of a deficit. I told them there wasn't any surplus. Now everybody will admit to it. The law in Section 201 of the Social Security Act of 1935 says that if there's a surplus in the Social Security trust fund, then we must invest that in government notes. We take the money, but we don't give it to Social Security.

Under Section 13-301 of the Budget Act, it says thou shall not use that money. Follow section 21 of the Greenspan report of 1983, which concurs. It says thou shall not use this money against the deficit, or in the general revenues to account for lowering the deficit. But we do. We have done it since President Johnson's time. Up to President Johnson's time, we never did. But President Johnson didn't do it. He had a surplus in 1968-1969 without the use of Social Security funds.

In any event, I said to each one of these Ambassadors that our problem back in the States is that we need some national purpose. We are just running around with courthouse politics. It is a shameful thing. We can't do anything but argue about who is responsible for the deficit, or who is going to invade the trust fund, or stem cell research. The country is really asleep. The leadership is in all directions. What we really need is a national purpose. I think at least in the last 48 hours we now have a national purpose. We know who the enemy is. Let's characterize it: People who give

up their life for a cause, we will call them the enemy. But they call them heroes.

Let's depict this properly. It is the leadership. And I commend the President for saying we are not only going to hold those responsible, but the countries that harbor them. I think he is right on target.

But that is the whole idea now. We are in this war together. We are working together. I think that has helped this particular bill along. We are going to try to get a finite list of amendments.

Now, with my ranking member here, I yield to Senator GREGG.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank the chairman for yielding to me. I appreciate his courtesy in my arriving in the Chamber a little late for the beginning of this work, as a group of us were in a meeting on how we are going to handle this bill and move it along, I hope.

I congratulate the chairman of the committee for this bill, which is a soothsayer bill really. Long before the events of the day before yesterday, which were so horrific and which reflected the threat of terrorism to our Nation, our committee aggressively pursued the issue of how to try to prepare for such an act.

We have held innumerable hearings over the last 4 or 5 years. One of the lines that has flowed through all those hearings has been the fact that our intelligence community—our communities focused on domestic intelligence and our communities focused on international intelligence—had concluded that it was more than likely, it was a probability, that a terrorist event would occur in the United States and that it would be of significant proportions. And it has occurred.

How have we tried to ready for this? Well, a lot of the response you saw in New York—which has been overwhelming and incredibly professional, and heroic beyond description, which has taken the lives of many firefighters and police officers and just citizens who went to help—a lot of that response was coordinated as a result of initiatives that came out of the hearing process, and the question of first responder, and how we get the people who are first there up to speed as to how to handle this type of event. So in that area at least there has been some solace.

But the real issue remains, How do you deal with an enemy who, as the chairman just related, is willing to give their life to make their point and who has, as their source of support, religious fervor, in most instances—and I suspect this is going to be proved true in this instance—a religious fervor which gives them a community of support and praise which causes them to

be willing to proceed in the way that they did, which is to use their life to take other innocent lives?

First, how do you identify those individuals because they function as a fairly small-knit group, and it is mostly familial. It involves families. It involves sects which are very insular and very hard to penetrate.

But equally important, when you are trying to deal with that type of a personality and that type of a culture, which basically seeks martyrdom as its cause, as its purpose for life, and sees martyrdom as part of its process for getting to an afterlife in terms of their religious belief—how do you deal with that culture and group of individuals without creating more problems, without creating more people who are willing to take up the banner of hatred and willing to pursue and use their life in a way to aggravate the situation?

I think we as a committee have concluded that the first thing you have to do is have a huge new commitment to intelligence. And we have made this point. We have dramatically expanded the overseas efforts of the FBI as an outreach of this effort. But it involves more than that.

We have to set aside our natural inclination as a democracy to limit the type of people we deal with in the area of human intelligence. Unfortunately, the CIA in the 1990s was essentially limited and defanged, for all intents and purposes, in the area of human intelligence gathering because the directives and the policies did not allow us, as a nation, to direct our key intelligence community to basically go out and employ and use people who were individuals who could give us the information we needed. Because of our reticence as a democracy to use people who themselves may be violent and criminal, we found ourselves basically sightless when it came to individual intelligence.

So we have to recognize that in a period of war, which is what I think everyone characterizes this as, and which it truly is, we are, as a nation, going to have to be willing to be more aggressive in the use of human intelligence, and we are going to have to allow our agencies in the international community to be more aggressive.

Equally important, we, as a nation, because of our natural inclination and our very legitimate rules relative to search and seizure and invasion of privacy, have been very reticent to give our intelligence communities the technical capability necessary to address specifically encoding mechanisms.

The sophistication of encoding mechanisms has become overwhelming. I asked Director Freeh at one hearing when he was Director of the FBI—and I remember this rather vividly because I didn't expect this response at all—what was the most significant problem the FBI faced as they went forward. He

pretty much said it was the encryption capability of the people who have an intention to hurt America, whether it happened to be the drug lords or whether it happened to be terrorist activity.

It used to be that we had the capability to break most codes because of our sophistication. This has always been something in which we, as a nation, specialized. We have a number of agencies that are dedicated to it. But the quantum leap that has occurred in the past to encrypt information—just from telephone conversation to telephone conversation, to say nothing of data—has gotten to a point where even our most sophisticated capability runs into very serious limitations.

So we need to have cooperation. This is what is key. We need to have the cooperation of the manufacturing community and the inventive community in the Western World and in Asia in the area of electronics. These are folks who have as much risk as we have as a nation, and they should understand, as a matter of citizenship, they have an obligation to allow us to have, under the scrutiny of the search and seizure clauses, which still require that you have an adequate probable cause and that you have court oversight—under that scrutiny, to have our people have the technical capability to get the keys to the basic encryption activity.

This has not happened. This simply has not happened. The manufacturing sector in this area has refused to do this. And it has been for a myriad of reasons, most of them competitive. But the fact is, this is something on which we need international cooperation and on which we need to have movement in order to get the information that allows us to anticipate an event similar to what occurred in New York and Washington.

The only way you can stop that type of a terrorist event is to have the information beforehand as to who is committing the act and their targets. And there are two key ways you do that. One is through people on the ground, on which we need to substantially increase the effort—and this bill attempts to do that in many ways through the FBI—and the other way is through having the technical capability to intercept the communications activities and to track the various funding activities of the organizations. That requires the cooperation of the commercial world and the people who are active in the commercial world. That call must go forth, in my opinion.

Another thing this bill does, which is extremely positive and which, again, regrettably anticipated the event, is to say that within our own Federal Government we are not doing a very good job of coordinating our exercise.

There are 42 different agencies that are responsible for intelligence activity and for counterterrorism activity.

They overlap in responsibility. In many instances, they compete in responsibility.

Turf is the most significant inhibitor of effective Federal action between agencies. Although there is a sincere effort to avoid turf, and in my opinion, in working with a lot of these agencies, I have been incredibly impressed by a willingness of the various leaders of these agencies, both under the Clinton administration and under the Bush administration, to set aside this endemic problem of protection of one's prerogatives and allow parties to communicate across agency lines and to put aside the stovepipes. Even though there is that commitment, the systems do not allow it to occur in many instances.

This bill, under the leadership of the chairman, includes language which has attempted to bring more focus and structure into the cross-agency activities. One of the specific proposals in the bill, which may not be the last approach taken and probably won't be but is an attempt to move the issue down the field, is to set up a Deputy Attorney General whose purpose is to oversee counterterrorism activity and coordinate it across agencies and who is the repository of the authority to do that. There is no such person today in the Federal Government. Of these 42 agencies, everybody reports to their own agency head. Nobody reports across agency lines. There is virtually no one who can stand up and say, other than the President, "get this done."

The purpose of the Deputy Attorney General is to accomplish that, at least within the law enforcement area and within much of the consequence manager's area, especially the crime area, although it is understood that this individual will work in concert with the head of FEMA, the purpose of which is to actually manage the disaster relief efforts that occur as a result of an event such as New York or where you have these huge efforts committed.

That type of coordination is so critical. Would it have abated the New York and Washington situation? No, it wouldn't have. But can it, in anticipation of the next event, because this is not an isolated event. Regrettably, whether we like it or not, we are in a continuum of confrontation here.

As I mentioned earlier, there is not one or two people but rather a culture that sees this as an expression of the way they deliver their message for life, or after life for that matter. Regrettably, we have to be ready for the potential of another event.

I do believe this type of centralizing of decision, centralizing authority, centralizing the budget responsibility is absolutely critical to getting the Federal Government into an orderly set of activities or orderly set of approaches.

Just take a single example. If you happen to be a police officer in Epping,

NH, and you have a sense that you notice something that isn't right, you know it isn't necessarily criminal but you think there is something wrong, something that might just, because of your intuition as an officer or your knowledge as an officer, might need to be reported, you can call your State police or you can call the FBI or you can call the U.S. attorney, but there really is no central clearinghouse for knowledge. There is no one-stop shopping. If you as a fire chief want to get ready in Epping, NH, for an event, you don't have a place to go for that one-stop shopping where you can find out how you train your people, where they go for training, what your support capabilities are going to be, who is going to support you. This should exist within the Federal Government. It does not. This is an attempt to try to get some of that into a form that will be effective and responsive to people.

Of course, when you get to the end of the line—we have talked about all the technical things we can do as a government and all the important things we can do to try to restructure ourselves and commit the resources in order to improve our capacity to address this, but in the end it comes down to a commitment of our people, understanding that we are confronting a fundamental evil, an evil of proportions equal to any that we have confronted as a nation, and that we as a nation cannot allow those who are behind this evil to undermine our way of life and our commitment to democracy.

We must make every effort, leave no stone unturned—regrettably, these people live under stones to a large degree—to find these people who are responsible and to bring them to justice. But we also must make every effort to recognize that in doing that, we cannot allow them to win by losing our basic rights and the commitment to openness as a society and a democracy. Then they would be successful, if we were to do that.

So as we rededicate ourselves, as we all continue to see the image of those buildings collapsing and the horror that followed—and we all obviously want retribution and we are all angered by it—we have to react in the context of a democracy. We have to pursue this in the context of what has made us great, which is that we are a people who unite when we confront such a threat. We unite and we focus our energies on defeating that threat. But we don't allow that threat to win by undermining our basic rights and our openness as a society.

In summary, I appreciate all the efforts of the chairman of the committee to bring forward a bill which, regrettably, understood that this type of event could occur and attempted to address it even before it did. Now I think it is important we pass this legislation. It does empower key agencies within

the Government who have a responsibility to address the issue of counterterrorism not only with the dollars but with the policies they need in order to be more successful in their efforts.

There is still a great deal to do. There is still a lot of changes we need to make, a lot of changes in the law we should make in order to empower these agencies to be even more effective. Certainly there is going to be a great deal more funds that have to be committed than what are in this bill in order to give these agencies—the FBI and the State Department—the resources they need to be strong and be successful in pursuing the people who committed this horrific act and in protecting Americans around the world and especially protecting our freedoms and liberties here in the United States.

This bill is clearly a step in the right direction. I congratulate the chairman for bringing it forward.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank the distinguished Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CONRAD are printed in today's RECORD under Morning Business.)

Mr. CONRAD. I thank the Chair and yield the floor.

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, we have two of the finest managers in the Senate working this bill—the Senator from South Carolina and the Senator from New Hampshire. We need to move this bill along. We need help from the membership of this Senate. Staff has worked hard to work down the amendments, and they have a fairly finite list now. But there is talk now that there are some issues still unresolved by Members of the Senate.

We are going to have a recess, by virtue of a previous order, at 12:30. I am going to recommend to Senator DASCHLE and Senator HOLLINGS when we come back at 2:15—or whatever time it is—that we move beyond this point of people having disagreements with certain parts of this bill. If people

are going to be in disagreement, let them come out here and tell us what is wrong with the bill.

We need to move forward. This is a very important piece of legislation. It is our sixth appropriations bill. When we finish, we still have seven to go. We haven't had conferences on the ones we passed. This country is in a state of emergency. We need to do the work of the Congress, and the work of the Congress at this stage, nearing the end of the appropriations season, is to finish these bills by the end of the fiscal year. That is looking very dubious at this time. So we have to move forward.

I repeat, the two managers are the best we have, or as good as we have; that is for certain. We have to move this bill along.

Mr. HOLLINGS. Madam President, the distinguished Senator—other than his reference to me—is on target. We have a bill that was passed not only unanimously out of subcommittee but the full committee. It has been before the Senate last week and this week. Everyone knows the provisions within the bill. I was just told by a colleague who had served previously in the House—he said the reading clerk reads each section as they go through each section, and you have to be there and propose your amendment. After that, the amendment is passed or defeated and they go to the next section. You cannot offer an amendment to one that has already been read and passed upon.

We have to devise some other way. We are sitting around here in charge of the business of the Senate pleading. We should not be pleading. I do not want to be like Al Haig—"I'm in charge"—but I can make a motion for third reading and they can defeat the motion or we can have a live quorum and get everybody here and disrupt them. We are going to have to take disruptive action, or something, to get some kind of response. The leader is exactly right. The country is in a state of serious purpose now, and they do not want any dallying around and "I have to have this amendment," "I have to have that," and they want me to put it in. Let them propose it. I heard one amendment has \$70 million all of a sudden. We do not have any moneys like that. We have our 302(b) allocation.

Mr. REID. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. REID. I want to say this also. This bill was brought from the subcommittee and the full committee to the floor prior to this situation that took place in New York. If there were ever a vision two men had, it is this bill. This bill deals with terrorism. That is what is in this bill. If there were ever an appropriate time to pass this legislation, it is now. There is a provision in this legislation that sets up within the Justice Department somebody who will work on counterterrorism. This is very fine leg-

islation, and it is very appropriate for the day and time in the history of this country. We have to move this bill forward.

The Senator is absolutely right. The Senator from Louisiana, who was just here, and I served in the House, as the Senator from New Hampshire served in the House. When you have a section in a bill in the House and you are not there to offer your amendment, you are out of luck; it is tough luck. Here we wait around begging people to come to the floor and do the business of the Senate. That is not the way it should be.

Mr. HOLLINGS. I thank the distinguished leader.

I immediately give credit to the ranking member, the Senator from New Hampshire, who as chairman had the vision that it was necessary we have some coordination and a full comprehensive review of the problem of terrorism and how to respond to it. It was under his leadership that we have these sections in the bill. Now we are ready to move. We are ready to go to third reading, and we are ready to pass it. The two leaders are here.

I again suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been meeting with the two managers of the bill. It appears we are very close to working something out. However, it does not appear we can offer a unanimous consent agreement at this time. Those Members who have some problems with this legislation, if we don't work something out between 12:30 and 2:15, they will have to come on the floor at 2:15 and personally object; otherwise, the managers of the bill will move to third reading.

We have cooperated, and we appreciate very much those people who have interest in this bill working with us to this point, but we are down to the nitty-gritty where we need to get the bill done.

This is such good legislation. I repeat what I said a short time ago. This bill has some very important items in it for antiterrorism. It has within the Department of Justice a coordinator for antiterrorism activities that was written long before the New York terror took place. This bill is so important to what took place that we need to finish this bill today.

Mr. GREGG. Mr. President, I appreciate the counsel of the assistant Democratic leader. I would note that there are a number of Senators who

have amendments. We expect to protect those amendments. At no later than 2:30, I hope, we will have a complete list, and we will work towards that. My expectation is that we have heard already from everyone who has an amendment. We are pretty close to having a complete list.

Mr. REID. Mr. President, we were scheduled to recess at 12:30. I ask unanimous consent we extend the time for speaking until 12:40, as the Senator from New York has a very important message to deliver to the Senate.

Mr. GREGG. Will that be in morning business?

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have heard the discussions about the bill on the floor, the Commerce-Justice-State appropriations bill. As the chairman and ranking member know, I have offered two amendments, one of which is fairly controversial. My proposition would be that I withdraw that amendment. I will chat about it for 1 minute. I understand from discussions we have had that the chairman and ranking member would approve my second amendment by a voice vote, and I propose I be allowed to withdraw the amendment dealing with eliminating funding for TV Marti and using that money instead to enhance enforcement and compliance in international trade.

I will ask consent to do that in a moment. Things have changed very substantially and now is not the time for this discussion. That doesn't mean I don't believe during this appropriations process this year, either in conference or in some other device, we ought not do what I propose in my amendment. I believe very strongly in my amendment that identified \$10 to \$11 million of tragic waste of the taxpayers money and identified an area that cries out in a desperate need: our trading partners like compliance of enforcement of our trade laws dealing with China, Japan, Europe, Mexico, and Canada.

Although I ask consent to withdraw the TV Marti amendment if we have reached agreement on the other amendment, I want everyone to understand that this is not necessarily the end of that discussion this year. But I think it is probably better not to continue the discussion at this time.

Mr. HOLLINGS. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. HOLLINGS. I appreciate the Senator's understanding and willingness to withdraw the first amendment. I will see if we have an understanding.

Mr. GREGG. My understanding is we reached agreement with the Senator.

Mr. HOLLINGS. Let's agree to the amendment now.

Mr. GREGG. Have the yeas and nays been requested on either amendment?

Mr. DORGAN. No.

Mr. HOLLINGS. Can we call that amendment up?

AMENDMENT NO. 1543

The PRESIDING OFFICER. The small business amendment is the pending question.

Mr. HOLLINGS. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1543) of the Senator from North Dakota.

The amendment (No. 1543) was agreed to.

AMENDMENT NO. 1542, WITHDRAWN

Mr. DORGAN. I ask consent to be allowed to withdraw the amendment I offered dealing with funding for TV Marti and trade compliance.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I thank the Presiding Officer.

Mr. HOLLINGS. I thank the distinguished Senator from North Dakota very much.

Mr. DORGAN. Mr. President, let me just say again that while I have withdrawn that particular amendment, I believe very strongly that we need to revisit this as we go along in this process. I think this is not the time to do that. I have talked to the Senator from South Carolina, who I know has some feelings about this as well. We will revisit this later in this process.

Let me say how much I appreciate the work of the Senators from South Carolina and New Hampshire; they have done so much work on this bill.

Mr. HOLLINGS. I thank the Senator very much.

#### NATIONAL SUPPORT FOR NEW YORK

Mrs. CLINTON. Mr. President, I wanted to take just a few minutes of morning business to report to my colleagues about my visit, along with Senator SCHUMER, to New York yesterday, to convey the appreciation that New Yorkers feel, starting with our Governor and our mayor but going down through the people whom I saw—whether they were a firefighter, or police officer, or emergency medical technician, or someone standing on the street—for the unified and extraordinary support that has been demonstrated by our entire country, starting with our President.

Senator SCHUMER and I flew to New York with Administrator Joe Allbaugh, the director of the Federal Emergency Management Agency, for the purpose of assessing the damage and attending a very long briefing with the Governor and mayor and their respective staff who are on the front lines dealing with this tragedy.

We took a military plane from Andrews and flew to LaGuardia where we

got into helicopters. The helicopters flew us to the tip of Manhattan where we circled from the East River toward the Hudson and were close enough in to see the burning debris, to see the wreckage, the crumpled destruction of the buildings that had once stood there—a sight that the only comparable basis I think most living Americans would have, such as our distinguished senior Member, Senator INOUE, is what war was like in World War II, or Korea, or Vietnam.

We took another pass so we could get in a little bit closer. As we did, we saw dozens and dozens of people running away from the site. We later learned that the continuing danger from these structurally damaged and unsafe buildings had driven our rescue workers out.

We landed at the heliport on the East Side and went in to meet with the mayor and the Governor. We had some time to talk with the press, where everyone expressed the solidarity and unity that the people of New York are certainly feeling between and among themselves, and that we are grateful for the support that our President, our Congress, our entire Government, and people have given New York.

We then went in a convoy down to the site. I wish every one of my colleagues could have been with us, because the streets were lined with people holding American flags and signs expressing their gratitude and their thanks to the many workers and volunteers who had come to help, and a real sense of resolve and demonstration of support for our Nation.

Because of the difficulties with the buildings, we were not able to go in as close as we had originally planned. So we stopped at a place short of the immediate area that one could approach and still not interfere with the search and rescue mission or be in danger. We put on our masks because the acrid smell of the still burning debris is extraordinarily oppressive. We got a briefing on the spot from some of the people who were directly in charge of the work that is being done.

I felt as though I were on the edge of hell. I watched the smoke rising. I could see the twisted wreckage, and I had a much clearer visual image because of my helicopter view. I saw the people who have been there hour after hour since this vicious attack occurred coming toward me. Their shift was over. They were seeking some respite—firefighters in their uniforms covered from head to toe with dust and debris, exhausted, and dragging their fire axes with them.

The impression and feeling that one gets from actually being even as close as I was is so much greater with respect to the devastation than we see on our television screens. The television in a sense contains a miniaturized view of what has happened in New York.

When we then stood there for a few minutes—and that is all we were able

to spend there—we visited with people who were looking for their lost loved ones. One mother in particular had just come down to the area hoping against hope to hear something about her son. Residents who had lost their apartments, their offices, and their businesses were standing on the side of a familiar street in a totally awful, inexplicable new circumstance.

We then went to the police academy which has been set up to be the command center since the city's command center was lost in the collapse of one of the ancillary buildings to the two towers, and we had a very long and very informative briefing from the mayor, from the Governor, and from all of the people on the front lines—the police commissioner and others who talked about where they were in the struggle that they are engaged in against this massive mountain of debris.

Just that night they had moved out more than 120 dump trucks filled with debris. The estimate from the Army Corps of Engineers is that there will be at least 500,000 tons of debris.

In addition to the immediate search and rescue and cleanup work that has to go on, the power situation, the loss of energy and telephone and communication services, has meant that the New York Stock Exchange could not open for business yesterday. It has meant that there are still many offices of our major financial institutions unable to reopen.

The humanitarian needs are enormous. There is an armory down on Lexington Avenue at about 25th or 26th Street that will be open for those whose family members and loved ones and friends are missing so that they can go down and identify, and have that registered, and provide additional information that may be required for identification.

The overall impression that I certainly take from that experience yesterday is of the pride I feel in the work that is being done, of the leadership given by our mayor and our Governor, of our police and fire and emergency personnel, the extraordinary readiness of our hospitals to care for the injured, the tragedies—there are not as many injured as they had expected—and the realization that we have a very big job ahead of us, a job of cleaning up and rebuilding and reconstructing.

I asked for some estimate from the mayor and the Governor as to what we were looking at because this is something for which we have to plan. They were obviously unable to say what the total estimate would be of the costs that have already been incurred and will necessarily have to be incurred in the future, but they know that they could immediately explain and justify \$20 billion of direct costs. We will be asking our colleagues for a show of support, as a way of recognizing that the epicenter of this attack on our country occurred in New York City.

I took a late train back last night because I needed to be here to work with my colleagues on not only the further understanding of the level of devastation and need that has occurred but to answer questions and to be available as we continue to try to sort out what kind of national response is required.

I am very pleased that the President will be going to New York tomorrow afternoon. I applaud and salute him for that decision. I know it was a difficult decision because of the security issues that surround the movement of any President. I personally, on behalf of my constituents, thank him.

I will be meeting, along with Senator SCHUMER, and others, at the White House this afternoon with the President, where I will personally not only convey my appreciation for his leadership, his commitment, and his visit tomorrow, but also the specifics about the requests that the Governor and the mayor have made for additional and specific Federal assistance.

In addition, I introduced legislation earlier today that will be cosponsored by many colleagues on both sides of the aisle. It has an identical companion bill in the House. It is S. 1422, which will expedite the process by which the Federal Government provides benefits to the families of public safety officers, firefighters, police officers, emergency service personnel, and others who lost their lives in the line of duty.

I am very pleased, once again, that the President, in his video-phone conversation with the mayor and the Governor, stated his strong support for this legislation.

It has been said that more public safety officers lost their lives in the terrorist attack against the United States on September 11 than in any other single event in modern history.

We may not know exactly how many rescuers gave the ultimate sacrifice yet, but I was told by the acting commissioner yesterday that they are missing 300 firefighters.

I just was handed a note that is a very good piece of news, that they have just found two firefighters and one citizen still alive, which is why the search and rescue mission has to continue. We cannot give up. We know from cell phone communication and from the experience and intuition of our firefighters and rescue personnel on the scene that it is still possible—as we just learned—for people to be alive buried under that rubble. We will not give up until we find every single person.

Yet when we look at who is on the front lines, it is not me carrying the ax. It is not me as one of the ironworkers who rushed down to volunteer their services to help remove some of the debris. It is not me as a police officer who is on the front lines. It is these men and women who have made the sacrifice to protect us, and to respond as they would have at a time of battle.

And, in effect, when this act of war took place, they were our front-line soldiers.

The Federal Government provides a one-time benefit payment to the families of public safety officers lost in the line of duty through the public safety officer benefit program. Unfortunately, these benefits are often delayed for long periods of time because of very burdensome regulatory applications.

In fact, I stood in this Chamber back in May to commend the sacrifice of brave New York City firefighters who lost their lives in a Father's Day blaze in Queens. Their families are still struggling to complete the application process. They fill it out and they are told they need more information.

It is imperative that we take action now to ensure that the family members of those brave men and women who lost their lives in this terrorist attack are not confronted with the same onerous process.

So the legislation that I have introduced today would direct the Department of Justice to expedite the process for these families of those who lost their lives while responding at the World Trade Center in New York City, the Pentagon in Virginia, or in Stonycreek Township, PA.

Given what I heard on television from the President, and the extraordinarily broad support that I have for this already in the Senate, I do not think this will be a controversial piece of legislation. But I hope it can be considered as soon as possible to send a tangible message to our firefighters, our police officers, and our emergency personnel that we are with them and their families in their time of loss.

Finally, Mr. President, we are just realizing the full depth of the humanitarian crisis and grief and loss that has occurred. For the children who have now been orphaned, the husbands and wives who have been widowed, the parents who are facing what no parent should have to face ever—the loss of their son or their daughter—there are no words adequately to describe or express our sense of loss as a society.

I am very grateful that the city, the State, and FEMA will be on the ground with grief counseling, with psychological help, with mental health services because having been to more disasters in my life than I wished, I know that those who do not bear any visible injuries or scars carry deep and lasting wounds.

We will, as a nation, not only seek out the enemy wherever he may be, but we will also care for the grieving and the wounded. We will, I know, do everything required to provide whatever help and assistance we can as a nation.

I also hope that for those who were far away from any of the attacks on September 11, they, too, will talk with one another and comfort each other.

I was very grateful and proud to see Laura Bush, Mrs. Bush, on television

today talking about the need to have an open conversation with our children, depending upon their ages, to reassure and comfort them because the binding up of our wounds as a nation goes far beyond lower Manhattan, or Arlington, VA.

We have all been stricken by this cowardly act of terrorism, but I am confident that we will respond with the same resolute purpose that has always defined us as a nation, with the same compassion that marks us as a people, and with the same resolve to not only defend ourselves wherever and whenever that is necessary, but to rebuild and reconstruct the human spirit and the physical terrain of America.

Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, the senior Senator from New York will be recognized for 7 minutes.

Mr. SCHUMER. Thank you, Mr. President.

Mr. President, I join with my colleague in speaking of our trip that we had to New York and in what we are seeking to do here.

I fly home to New York every week. The sight I see is usually a friendly sight: first over Staten Island and the Verrazano Bridge, and then Prospect Park and my home which is on Prospect Park in Brooklyn, then the Statue of Liberty and those two tall towers that stand as symbols of New York.

We flew back with FEMA Administrator Joe Allbaugh last night. Those towers were gone. I felt violated. My city, the city we all love, had been violated. To hear the people talk about looking for their loved ones, to go down there and see a war zone, to fly in the helicopter and see these two tall towers gone—unbelievable.

Two things get us through this: First, the resilience of New Yorkers—I talked about that yesterday—and second, the words of not only sympathy but offers of help from the President, Members of both sides of this body, from all regions and, in addition, from the other body.

We have talked to the mayor and Governor. We have put together a plan. We are going to ask our colleagues for help. We are going to ask them for \$20 billion in addition to the appropriation that will come forward now. It seems like a huge sum of money, but let me catalog some of the problems.

The mayor and Governor are compiling a list. We want to move this bill quickly so that list will not be complete and this will not be a complete inventory of our needs. We will certainly have to come back.

Rescue and recovery will cost \$10 billion, according to the mayor. The subway that has collapsed under the World Trade Center Towers will cost \$1 to \$3 billion to fix. We have lost 20 million square feet of office space; 100,000 people don't have places to work. Add to that the loss of life of the brave policemen, firefighters, EMS people, those

who went to work in the morning innocently. This is not a usual tragedy for a usual response. We need help. We need large help.

The President told me when I spoke with him that he would do anything he could to help. We are so glad he is coming to New York tomorrow. The mayor and Governor have expressed that, and so do we. But we need, of course, more than just expressions of sympathy and solidarity, as deeply as those are appreciated. Our financial markets are crippled. Our electricity market, our phone system, all of this is in huge trouble.

We are putting forward, Senator CLINTON and myself, a proposal. We will bring it in broad outline before our colleagues in a few minutes. We will then work on language, and hopefully it can be incorporated into the bill.

Let me just say, these are the most difficult times I have faced as an elected official. I now understand, during our valiant struggles—whether it be the Revolution, the Civil War, World War II—how brave our soldiers were to just go on despite the heavy burdens pressed upon them. I feel that a little bit myself. It is hard to get up in the morning having not slept or having had nightmares of those planes going through the towers. There are too many things to do in the day, but every one of them is essential. And go on we must.

To my colleagues and the Nation, New York desperately needs your help. We have come before you as people who contribute greatly to our Nation in so many different ways. Now we need you. Please be there for us.

#### RECESS

The PRESIDING OFFICER. The Chair thanks the Senators from New York.

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. EDWARDS).

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I understand we are very close to working out something on the filing of amendments. The managers are working on that at this time. Awaiting their arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to applaud the managers of this bill, Senators HOLLINGS and GREGG, for focusing on a problem that simply has not received the attention it deserves in recent years. I am referring to the disturbing lack of Immigration and Naturalization Service inspectors at the land ports of entry that line our borders with Canada and Mexico. Based on an analysis of workload and workforce needs, the INS estimates that our 104 land ports of entry are staffed at a mere 49 percent of their optimal level, leading to long lines and exhausted, overworked inspectors.

The situation in my home State of Maine is even more alarming. Maine's 12 land ports of entry are staffed, on average, at 41 percent of their optimal level. This means that 71 INS inspectors must perform the work of 174 men and women. To put the problem in perspective, I point out that, last year, Maine's 71 INS border staff inspected approximately 6.75 million people who passed through our land border ports of entry in 3 million passenger vehicles, 400,000 commercial trucks, and thousands of buses and trains.

Moreover, many of these inspections are far from routine. Since 1996, the Portland, ME district of the INS—which includes 14 land border points of entry in Vermont and one in New Hampshire—has confiscated over 2,500 fraudulent documents and apprehended hundreds of narcotics and alien smugglers, over 8,200 criminal aliens, and approximately 4,000 aliens who were the subject of lookouts by the INS and other agencies. Last year alone, the Portland district office apprehended 4 terrorists.

These figures underscore the critical need for additional land border inspectors to protect the integrity of our borders and the safety of those who currently man them. This latter point is perhaps best illustrated by the situation at the border port of entry in Coburn Gore, Maine. Coburn Gore should be staffed by 12 INS inspectors. Instead, it has two. Together with two Customs Service inspectors, they man the port of entry 24 hours per day, 7 days per week. Most of the time, Coburn Gore is manned by only one inspector. Think about that. A single inspector must not only keep traffic moving but must also decide when and whether to conduct a time-consuming secondary inspection when suspicion is raised. Not surprisingly, traffic sometimes backs up to the Canadian border. And when assistance is needed, a call must be placed to the State Police barracks in Skowhegan, the nearest sheriff's office in Farmington, the nearest Border Patrol office in Rangeley, or the nearest land border port of entry in Jackman, each of which is located at least an hour's drive away.

For years, all available INS resources have been allocated to increase the number of Border Patrol agents stationed on our southern border. At the same time, the number of land border inspectors actually has decreased slightly. I am therefore very pleased that Senators HOLLINGS and GREGG have allocated \$25.4 million to hire 348 land border inspectors to, in their words, "begin the long process of aligning manning with workload requirements." Eighteen of these new inspectors would be located in Maine, and would increase the number of INS inspectors stationed at land border ports of entry in my home State by 25 percent. Significantly, the bill would mean two new inspectors for Coburn Gore.

On August 31, I wrote to Attorney General Ashcroft asking him to support the increase in land border inspectors including in this bill but, unfortunately, excluded from the House version.

It is cruelly ironic that today, in the aftermath of the worst terrorist attack the world has ever witnessed, news reports have indicated that some of the terrorists responsible may well have entered our country through one or more of Maine's understaffed land border ports of entry.

The INS and Customs Service inspectors on our northern border work hard and long to protect our safety. It is disturbing to learn how often they encounter terrorists and other criminals seeking to gain entry into the United States. Yet it is comforting to know how often these criminals are apprehended before they can accomplish their goals.

As skilled and as vigilant as they are, our border inspectors need more help, and that is why I commend the Senator from New Hampshire and the Senator from South Carolina for their work. I strongly support the provisions in this bill that will put more inspectors where they are urgently needed on our borders.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Michigan, Ms. STABENOW, be recognized as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, yesterday and this morning, one by one Members of the Senate came to the Chamber offering their thoughts on the events

that occurred on September 11. There were words of condolence to the terrorism victims and their families. There have been words of praise for firefighters and police officers, many of whom gave their lives attempting to help others.

There were words of anger and warning at the perpetrators of these terrorist attacks, and there were words of concern and outrage the United States is not doing enough to prevent and combat terrorism from rearing its ugly head on our shores.

During my own remarks, I noted that General Holland, the U.S. Air Force commander in chief of the Special Operations Command at MacDill Air Force Base in Florida, who directs our counterterrorism efforts on behalf of the U.S. military, does not have a direct civilian counterpart. I reiterate what I and several other of our colleagues said yesterday: We should have one.

I find it almost ironic, while the terrorists were attacking our innocent civilians and our democratic freedoms, we in the Chamber of democracy's most deliberative body were considering a bill that takes a significant step to provide such a civilian counterpart to the military point person on counterterrorism.

This bill before the Senate today contains language to create the position of Deputy Attorney General for Combating Terrorism.

When I spoke this morning, I commended the two managers of this bill. Senator HOLLINGS said he was glad to participate, but the original idea came from the Senator from New Hampshire, Mr. Gregg. The Deputy Attorney General for Combating Terrorism would not only oversee the counterterrorism activities within the Department of Justice but would also provide much needed leadership throughout the Federal Government for counterterrorism prevention, preparedness, crisis management, and consequence management.

This Deputy AG would be appointed by the President of the United States, confirmed by this Senate, and would have the authority and access to resource, coordinate, and oversee the full range of programs throughout the Federal Government to combat terrorism.

This Deputy Attorney General would also make recommendations to the Congress and the President for developing a strategy preventing, preparing, and responding to terrorism.

Moreover, this Attorney General would play the central role in reviewing the budgets of all the Agencies and Departments within the Federal Government to determine whether they are adequately funded to implement our national strategy against terrorism, and when General Holland or some other person who follows in his footsteps would want to talk to his civilian

counterpart, he would have some place to go and not have to go to the FBI, the Department of Justice, the Immigration and Naturalization Service, or the Department of State. There would be one place for the military counterpart to go.

As Senator GREGG stated earlier today, this proposal may not and should not be the last word in how we respond to terrorism in this country and abroad.

Given the barbaric and uncivilized events of Tuesday, we need action on the part of this Congress and we need it now. We have a bill before us today that addresses many of our concerns. For the fourth or fifth time today, I commend Chairman Hollings and Senator GREGG for their leadership and their vision in including this language in this bill that was written well before the tragic events of Tuesday. I pledge my assistance to them in retaining this language as we move forward in the conference committee on this legislation.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Nevada for his generous comments about the efforts of Senator HOLLINGS and myself in this area and his support of these initiatives in this bill to accomplish some focus on counterterrorism, although, as he mentioned, it is not going to change what happened in New York. It may appear it is too little too late. It is actually in anticipation of trying to get ready for the next round of what is clearly going to be a long and difficult struggle for our Nation. It is part of that effort. It is not as comprehensive, but it is an important element of it. I certainly thank him for his support as he is a significant leader within the Senate, and his support is welcome and will give this proposal a little bit more credibility.

I thank the Senator from Nevada.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Let me also thank our distinguished leader, Senator REID.

Mr. President, I ask unanimous consent that the following list I send to the desk be the only first-degree amendments in order to H.R. 2500; that they be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill; that upon passage of the bill, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list of amendments is as follows:

#### AMENDMENTS

Bayh: Social Security Payback.

Boxer: Relevant.

Boxer: Relevant.

Breaux: Relevant.

Byrd: Relevant.

Byrd: Relevant.

Byrd: Relevant to the list.

Carnahan: Byrne grants.

Clinton: Increasing funds for Internet Crimes Against Children Task Force.

Clinton: Authorizing pension benefits for spouses.

Daschle: Relevant.

Daschle: Relevant.

Daschle: Relevant to the list.

Dodd: Election Reform.

Durbin: Replacing Clean Diamonds Act.

Feingold: Relevant.

Feingold: Relevant.

Feinstein: Crib Safety.

Feinstein: INS Backlog.

Feinstein: Judges.

Feinstein: Relevant.

Graham: Social Security Trust Fund.

Harkin: SOS—Discrimination against Islamic Faith.

Hollings: Managers Amendments.

Hollings: Relevant.

Hollings: Relevant to the list..

Inouye: Relevant.

Kennedy: Relevant.

Landrieu: Domestic Violence.

Landrieu: Relevant.

Nelson (FL): Relevant.

Nelson (FL): Relevant.

Reid: Relevant.

Reid: Relevant to the list.

Schumer: Relevant.

Hatch: 15 related to terrorism.

Bond: American Airlines.

Sessions: Funding for Coverdell Crime Lab.

Sessions: Tech on Crime Lab.

Sessions: 2 Relevant.

Kyl: Terrorism.

Kyl: Relevant.

Thurmond: Circuit Meetings.

B. Smith: Terrorist Assets.

Specter: 2 Relevant.

Hutchison: Sky Marshal Program.

Lott: 2 Relevant.

Lott: 2 Relevant to list.

B. Smith: America Tissue.

B. Smith: Eco Industrial Grant Program Study.

Specter: Redistributing PA Funding.

McCain: Title II.

Nickles: 2 Relevant.

Nickles: 2 Relevant to any on list.

Mr. HOLLINGS. Mr. President, I appreciate the cooperation and leadership of Senator GREGG and the leadership on both sides of the aisle in helping us with this finite list.

They said not to send up the matter of the conferees at this particular time, but that is the same list. The list, Mr. President, is agreed to on both sides and the Chair has already ruled. I only ask that some of these Senators come forward so we can debate and vote.

I want to confer with my ranking member to see what we can have brought up and what we can eliminate and bring this to a conclusive list because this one is pretty long.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to address for a few moments one of the issues we are going to be confronting both on our committees and I am sure in the Chambers of the House and the Senate in the not-too-distant future as a result of the tragic events of this week, and that is the issue of airline safety and what we can do in the future to prevent this tragedy from ever happening again or prevent any kind of hijacking of airliners in the future.

It occurred to me as I began thinking about this—and I have been a pilot all my life. I have flown since I have been about 20 years old, both as a military pilot and a civilian pilot. I have my commercial license. So having flown all these years, I am quite aware of the different steps that need to be taken to provide for aircraft security.

It occurred to me, while I was thinking about all of this, that over the last several years I have been to Israel on more than one occasion—two or three times—and with all of the terrorist activity that the Israelis have had to put up with over all these years, they have yet to lose an El Al airliner. Having gone through the procedure of flying on El Al as I have done in the past, I know they have a system in place in which you are very certain that no one is going to hijack that airplane. It seems to me we could learn a lot from how the Israelis have done that.

I am hopeful our Secretary of Transportation, Mr. Mineta, as he looks at this issue, will call upon our friends in Israel and those who run El Al airlines to consult with us. It has to do with a process and a procedure which might slow things down a little bit. It is true it might slow things down a little bit, but at least I believe it will give passengers in this country the absolute assurance they are going to be safe when they get on that plane.

The other thing that occurred to me was that whenever you go out of this country and you come back into this country and you go through immigration, you show them your passport. That immigration officer sits in the back of that little desk and swipes your passport through with your photograph and your numbers. They do it for everyone coming through. I am told they have a list of suspected terrorists, suspected criminals, those who have a record, and that list is readily accessible so they can match a passport coming in—not just a U.S. passport but any passport anywhere in the world—check those papers against that list, and they know right away if a name pops up if this is someone they need to detain or to have a further look at before they are allowed into this country.

It is my understanding that list is not available to the airlines, and I won-

der again if perhaps this is another system that we ought to look at where, before you get on an airplane, you have your ID, but that some instant check be done to make sure you do not have some kind of a record, that you are who you say you are, and that you would not be on the same list the Immigration and Naturalization Service, INS, would have or a more appropriate list.

Third, we need to make sure our checked baggage is better examined. Again, I go back to what El Al does in terms of making sure that when you get on the airplane, it is your baggage, that the baggage has been x ray'd thoroughly, and before you get on the plane they have identified that as your luggage. We do not do that in this country.

That would not be as easy to accomplish as it sounds. It could cause delays. But, I am hopeful that we can develop efficient methods that can be implemented to efficiently do that minimizing those delays.

It has also been suggested that when you get on an airplane you ought to have a photographic record of that. Tickets can be purchased over the Internet. Once you walk up to the counter and receive your boarding pass, you have to show them a photo ID. But once you get the boarding pass, you can give that to anyone. Anyone can get on that airplane. There is a breakdown there.

Every time I walk into a 7-Eleven store or up to an ATM machine to draw out money, a picture is taken. When you walk into a 7-Eleven store, there is a photograph taken of you in that store. There is a record kept of that. It seems to me a simple matter to put in place that when you walk up to get your ticket, a photograph is taken. That photograph is matched with your identification. When you go to board the airplane and they take your boarding pass and put it through the electronics, your picture pops up alongside the boarding pass so they know you are the exact person who bought that ticket.

It seems to me these are simple, technological means we can use to ensure those who buy tickets are the same people who get on the plane and make sure the baggage checked is yours. This method might sharply simplify the process of assuring that checked package being placed on a plane matches those that get on board that plane.

However great a system is, redundancy is essential. So, we also need to think about increasing safety on the aircraft itself.

There has been talk of putting sky marshals on appropriate flights. I got a fax from a friend I flew with in the Navy. Larry Durbin retired as an airline captain from United Airlines. He faxed one sentence: TOM, why don't you

hire retired airline captains as sky marshals? I thought to myself, that might be a pretty good suggestion. We have a lot of retired airline captains past the age of flying. They might be interested in this type of occupation. I think that is something we ought to consider. Obviously, they know about flying; they know what it takes. I believe they could help us immensely.

I am told El Al has on their airlines solid doors in their airplane cabins. Once the pilot, the copilots, and the flight engineers are in the cockpit, they lock the door and you cannot get in. You cannot kick it in. The only way to unlock it is from the other side. We do lock our doors on our planes in this country, but, quite frankly, they are not very secure doors. I believe that is another item we ought to look at in terms of making sure that no one can breach cabin security.

Last night, I spoke with Senator STEVENS, both of us being pilots of old vintage. We were talking about the old days. We always had an IFF, identification friend or foe, in military parlance, on all aircraft. When the aircraft started up and you turned on the electrical system, that IFF began to transmit. It was on until that airplane was either shot down or landed and turned off. I believe we ought to have that on every domestic airliner in this country. It is a simple device.

In other words, these people got on and somehow they knew how to turn the transponder off. Once they did that, it was very hard to keep track of the airliner. But with an IFF system that identified a specific aircraft that would be on all the time, that could never happen again.

These are some of the things we are going to have to discuss on the Senate floor and in our committees. Many different measures we have been very lax about. We have been very lucky in this country, very lucky in our domestic and international air service. Our luck has run out. I think now is the time to take a hard look at all of the security measures we need to ensure airline passengers have the absolute assurance once they get on that airline it will not be blown up and it will not be hijacked.

These are just some of the measures I have been thinking about that I am hopeful the Congress will take action on soon, in coordination with the Secretary of Transportation and the administration. Many improvements are already being implemented. But, other ideas need to be discussed and be implemented. These and perhaps whatever measures are advisable.

In some cases, where airlines now have the responsibility, we probably want to shift those important safety considerations to the Government.

Mr. HOLLINGS. I thank the distinguished Senator from Iowa. He has given a very cogent overview of our needs. It struck this Senator in a similar fashion. I don't have the expert

knowledge that the Senator from Iowa has as an active pilot. However, everyone should know, we immediately set up a hearing with the Secretary of Transportation. The first time we get back from the Rosh Hashanah holiday, Monday, Tuesday, and Wednesday, we set it up for 9:30, on Thursday morning before the Commerce, Space, Science Transportation Subcommittee where we have jurisdiction of the Federal Aviation Administration. Along with that, we have a bill from Senator HUTCHISON of Texas with respect to air marshals.

I have been at a news conference and one system was mentioned in detail, which I agree with. Otherwise, the only one you may have left out was a matter of professionalizing the scanners and screeners. The present system now is to leave it to the private airlines. They hire, at the minimum wage level, folks who are totally ill-equipped, not properly trained, and not professional, and they only stay on the job until they can get a paying job, so to speak.

I have mentioned that for several years because in Europe they are all government employees. Governments in the various countries will not allow it to be done except through those professionals. I think we can get that done, and any other suggestions that the distinguished Senator has, I appreciate his leadership on this score. We want to hear from him. The Senator is welcome to come to the hearing next week at 9:30 on Thursday morning.

Mr. HARKIN. I appreciate that. This is the chairman's jurisdiction and I know of his intense interest. I did not know about the hearing. I applaud the Senator for that and congratulate the Senator for moving aggressively in this area. I say to my friend, better training of those individuals doing the checking is on my list; I just didn't read it. I didn't want to take all afternoon.

Mr. HOLLINGS. That is what everyone suggested. Everyone realizes it is inadequate.

Mr. HARKIN. I might add that this ought to be a governmental function.

Mr. HOLLINGS. I think it should be. It is in Europe.

Mr. HARKIN. So we could have them well trained and they know what they are looking for.

I share with my friend from South Carolina something that happened to me in August which gave me pause for concern, but you move on in life.

I was making something; I had to get a 2-inch galvanized pipe that was about 32½ inches long. I had to drill some holes in it and I had to get it from here to my house in Iowa. I have been working on it here. I thought, how am I going to get it out there? It would not fit in my suitcase. So I got a cardboard tube from a package store and put it in the tube and taped it over. I thought to myself, boy, am I going to have trouble

when that goes through the x-ray machine, 32½ inch long, galvanized, heavy pipe, into which I drilled holes.

So I go through the x ray machine out here at National. I set it there and I thought, I have all my Senate ID and everything to show them I am a Senator and they can trust me. I could open it up and show them it is just a plain piece of pipe with some holes drilled in it.

It went through the x ray machine and they didn't say anything, nothing. I could not believe it. I thought to myself, what if that had been filled with dynamite? What if it was not me and they just took it right on board with a fuse?

I thought to myself, something has to change. For something like that to go through an x ray machine and they did not even pick it up, a pipe this long, that round, and probably about a quarter inch thick—and they did not pick it up? It should have been changed many years ago.

Mr. HOLLINGS. The main thing is we have to secure that door immediately. You cannot use a domestic flight as a weapon of mass destruction. That has to be done in the next 3 weeks. We ought to get an FAA order out, not about the bags at the check-in, but I mean everybody ought to know they might go down themselves but they are not going to do like they did at the Pentagon or the World Trade Center.

Mr. HARKIN. Those doors have to be solid metal doors.

Mr. HOLLINGS. Locked from the inside, and with a rule not to open them on cross-country flights.

I just flew from Honolulu to Sidney, Australia, and I never saw those pilots come back once. The wind wasn't good; it was 11½ hours. So they can hold tight for 4 hours on a cross-country flight.

Mr. HARKIN. I thank the chairman for his diligence, moving forward rapidly on this matter. I look forward to the hearing. If my schedule permits, I would like to sit in on the hearing. I appreciate his offer.

Mr. HOLLINGS. I would appreciate if you would come, and I would appreciate it if you will help this afternoon, getting rid of this other bill.

Mr. HARKIN. I will do what I can. I yield the floor.

Mr. GREGG. Mr. President, I join with the Senator from South Carolina in hoping Senators who have amendments will bring them to the floor. The opportunity is here to proceed on this bill. In the context of what happened in the last 2 days, the passage of this bill is obviously not an Earth-shattering event, but it is an important element getting our house in order, showing we are doing the business of the Government.

Ironically, a great deal of this bill is directed at assisting the FBI, which

has a huge responsibility now, and assisting the Justice Department, which is really the lead agency in the present effort to track down the people who have committed this despicable act, and assisting the State Department, which has been under tremendous pressure. These agencies need to have the reassurance that we as a Senate are going to act and support them. I hope people who have concerns about how this bill is structured and wish to amend it will bring those concerns to the floor.

In the short term, I know the Senator from South Carolina has mentioned the opportunity to go to third reading. We do have a list of amendments. We wish to give those folks the opportunity to bring them forward. They have the right to bring them forward. But this bill is also important. This legislation needs to be passed. I hope people will come to the floor and make their amendments known.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we now have a unanimous consent agreement that is in effect that limits amendments. We have spoken on this side of the aisle to a number of Senators. There are only a few who have given some indication that they want to offer amendments.

I say this with the full understanding that this has been cleared by the manager of the bill. There is going to come a time this afternoon when Senator HOLLINGS and the ranking member are going to move to third reading. The fact that they have these amendments listed doesn't mean they can hold up this bill. If people want to offer these amendments, they have to come over here and offer them. Otherwise, the two Senators will move to third reading, and we will have final passage on the bill.

Is that a fair statement?

Mr. HOLLINGS. This is a fair statement. That should be represented to all Senators who have amendments and an interest in these proceedings.

Right to the point, on the other side of the aisle I think this is an important amendment by Senator HATCH and Senator KYL. They will momentarily come to the floor. Other than that, we are almost cleared on the other side as well. Within the next hour, I would be prepared to move to third reading, unless, of course, my colleague comes down and wants to offer his amendment.

As the distinguished leader is doing, I give notice. Come on down and let us hear from you. We welcome you offering any amendment. But we have to

get on because leaders on both sides have an important emergency authorization bill of \$20 billion for the President, plus some other matters that the President wishes us to take up, plus an appointment or two. We are wasting valuable time by not moving along with an amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I second what the Senator from South Carolina said. We are at a critical period in our Nation, and we are treading water. That is inappropriate. This bill has a lot of important elements which are very apropos and necessary for assisting agencies that are in the middle of the fight against terrorism today. We should move it. I agree with the statement by the Senator from South Carolina and hope that Members will offer their amendments. If not, I would support going to third reading.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1558

Mr. HOLLINGS. Mr. President, I send to the desk a managers' amendment. It has been gone over with the ranking member and the other side.

Let me yield on that score.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we have reviewed the managers' amendment and support the managers' amendment.

Mr. HOLLINGS. I urge its adoption.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1558.

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1558.

The amendment (No. 1558) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I have been listed as potentially having an amendment today. I want to address the subject. I discussed this at our bipartisan caucus luncheon today because this is one of the many serious aftermaths of the tragedy of September 11.

We have talked a great deal, as we should—properly so—about the tremendous search and rescue efforts that are going forward. We are going to move expeditiously to make sure we find those who may be alive, and today as we watch the news, we see very gratifying stories of people being found alive. As I have said before, a search and rescue unit is there from central Missouri where I live. They are working hard.

I also mentioned, in addition to the deaths, the damage, and the destruction that the terrorists have caused directly, they will be successful to the extent they are able to cripple this country psychologically or destroy our economy. We all have a responsibility to work with, to encourage, to respond to the needs of our citizens so they can move forward and not be paralyzed by fear so we can get this country working again.

We have a responsibility as well to make sure that our economy is not crippled.

The situation was brought to my attention today about the two airlines whose airliners were hijacked by these terrorists who are conducting their own form of war against the United States. They captured airlines and used helpless passengers as human bombs to destroy the two towers of the World Trade Center, to destroy a section of the Pentagon, and, with sorrow but without as great a damage, to down one plane in Pennsylvania.

Two of the airlines involved are major airline carriers, American Airlines and United Airlines. They have lost airplanes. More important, they have lost valued employees and their priceless cargo, the passengers.

At this point, the entire airline industry in America is facing a crisis. They have been grounded. Their expenses go on, but their revenues are not coming in. For all of these airlines, we must consider a number of ways to assist them, and we should work on that very quickly to make sure we do not lose airline service because if we were, as a result of this action, to see commercial airline traffic cut off in the United States, our economy would be crippled.

United Airlines and American Airlines face a very unusual circumstance where because their planes were involved, there is a potential for lawsuits on behalf of the passengers who were killed, the crew that was killed, and potentially even the innocent victims on the ground, which we do not know

the final total but we expect it is past the 4,000 mark, and we fear greatly that it may go significantly higher.

I spoke today about the need of providing some means of keeping these airlines from being put out of business by the potential liability. It is not just the lawsuits that they might face in the future that could force these airlines out of business. The potential of the lawsuits has the likelihood of making it impossible for them to continue normal financing operations. In other words, if they were to go to a bank and say: We need to keep our cash flow intact so we have the cash to run our airlines, to purchase the jet fuel, to pay our employees, to buy the supplies, a bank might look at them and say: If you are exposed to lawsuits of wrongful death for untold thousands of people, we cannot lend you money, in which case one could easily see the end of these two great airlines, with the tremendous impact this would have on our economy, not just our traveling public but the entire economic structure that depends upon good airline service.

I raised the question of limiting liability at lunch today with a number of colleagues. One of the concerns that came back from them was, okay, who will compensate these unfortunate victims? We have talked with legislative counsel. We are working with the Congressional Research Service. We do not have ready the amendment I had hoped to be able to present on this bill, but the amendment we are considering would provide compensation for all of these victims under the Federal Tort Claims Act. That means the victims would be compensated in the appropriate manner to the extent they could establish the basis for compensation. It would mean the Federal Government would pay the claims. The important impact would be this would take that one potentially crippling liability off the financial balance sheets of the two airlines.

I am concerned if we do not do that, the airlines will not be able to secure normal financing or extraordinary financing that will now be required to get them back into the air to continue the service that is vital not only for those of us in the traveling public but for the entire economy which depends upon good commercial airline service, not only for passengers but for delivery of other commodities by mail.

We have heard stories about organ donations. Organs being transported for implantation purposes cannot be handled because there is no airline service. There are many aspects of this economy which depend very much on the effective continuation of airline service.

I ask my colleagues to join me in attempting to find a way where we can be fair and equitable to those innocent victims and their surviving families and still not cripple our economy.

As I said earlier this morning, the terrorists have struck a mortal blow against our fellow citizens, against Americans, against the buildings in New York, the Pentagon, and elsewhere. We must deny them a victory because what they really want to do is cripple us economically and psychologically. There will be many more steps we must take to make sure our economy is not crippled, and there will be concerns coming out of the financial community as well, which is where many firms have suffered great losses. But this particular concern is one where I ask the leaders and members of all committees involved to consider very carefully how we can expeditiously provide an alternative means for compensating the victims that does not put the future of two of our major airlines at risk.

This is not something we can talk about in the next couple of months and act on at the end of this year, the first of next year. This is a question which is imminent, which must be resolved within a matter of days, not even a matter of weeks.

I do not have an amendment at the desk, but I will ask that my name be removed from the rolls of those who proposed to offer an amendment so that the managers of the bill can go about passing this very important Commerce-State-Justice bill which has many other important elements. I invite the thoughts, the discussion, and the constructive suggestions of my colleagues.

The PRESIDING OFFICER. The Senator has that right.

Mr. BOND. Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. The first urge would be not to say anything, not to respond, but in deference to one of the best Senators I have served with over my 34 years, I know the Senator from Missouri is genuine, he is sincere, and he is concerned about the economy and the future of these airlines.

I heard about this a little while ago. Let us have hearings. There is nothing to avoid that. We are going to have hearings, first of all, with respect to safety so we can get the airlines back up and running.

I am an old-time trial lawyer. With respect to any kind of claims, if there are indeed claims, they would not be filed for months. It appears to me as an act of war they might define some negligence, but be that as it may, the FBI is going to do some of the best investigating for us.

That will take months. If you filed a summons and complaint in the next hour, you would not get to court before the end of next year, I can tell you that, with the motions and everything else. So trying to compensate the victims, which we will be concerned with,

there is no question the Senator from Missouri is correct on that particular score, that is to come.

We heard this about the airlines and we found out last year from a GAO report that they had \$100 billion in reinsurance. But barring that and later the statement made that we do not want to wreck the economy, we can save the economy in this Chamber of the Senate.

A couple of months ago we were talking about surpluses, surpluses, surpluses, surpluses. As of this minute, according to the debt to the penny by the Secretary of the Treasury, there is \$96 billion. It could well be these losses would amount into the billions, maybe not \$96 billion. But you and I have done this in the last several months, talking about surpluses and cutting revenues some \$74 billion and then running around in a circle, where did the money go? The economy went into a dip. We took \$74 billion out this fiscal year that is going to end in 2 weeks' time.

So for those who are concerned about the economy—and please include me in that number—let us look at where it has really been devastating. This act of war is devastation enough. I appreciate the sincerity and the vision of my colleague from Missouri. We definitely are going to have some hearings on this issue, and I will be supporting some kind of compensation, but as of this minute, the safety of the people is the supreme law—*salus populi suprema lex esto*. The Senator from New Hampshire will have to coach me on my Latin. He has the Boston Latin school up there, and they have the Charleston Latin school that is not quite as keen.

In any event, it is the 12th Roman canon, the safety of the people to get on these airlines. Do not worry about claims. Do not worry about compensation. Worry about safety. Already one-third of the air traveling public says they do not want to travel on a plane right now.

One of the best things we can do is have this quick hearing, establish a locked cabin door policy where the cabin is not accessible, where you cannot make a domestic flight into a weapon of mass destruction, and get along with those ways where we can do the real job of the Senate.

As to compensation, we are going to have to get to that later in hearings. I do appreciate the Senator from Missouri raising this particular question and the fact that he will set it aside now so that we can move on this bill this afternoon.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, as the chairman of the subcommittee and the manager of the bill knows very well, in September 1999 the Department of Justice sued the tobacco industry to recover federal costs associated with diseases caused by smoking. The suit alleges that the tobacco companies engaged in a campaign since 1953 to defraud and deceive the American public regarding the dangers of smoking disease and death, despite the fact that the companies were aware of these health effects.

This case continues to be pending before the courts. Last year, a U.S. District Court judge dismissed some counts of the lawsuit but upheld the government's right to sue the tobacco industry under the Racketeer Influenced and Corrupt Organizations Act. That portion of the case is still pending. Discovery is underway, and the judge has set a trial date for the year 2003.

There were a number of press reports that indicated some uncertainty of the Department of Justice about this lawsuit. The Attorney General has indicated that he was going to personally review the lawsuit and determine whether or not to vigorously pursue it.

Just last week, the Acting Assistant Attorney General for the Civil Division at the Department of Justice testified before the Senate Judiciary Committee that the suit is proceeding as planned. I presided over that testimony.

I inquire of the chairman of the subcommittee, the manager of this important appropriations bill, whether it is his intent and understanding that amounts provided for the Department of Justice in this appropriations bill are available for conducting this lawsuit against the tobacco companies.

Mr. HOLLINGS. In response to the distinguished Senator, there is nothing specifically providing for funds. Actually the bill itself is silent.

Section 109, which was used by the previous administration to charge the various other Departments of the Government that would be compensated as a result of a successful lawsuit, is still in existence and is available to the Attorney General. I have discussed that with the Attorney General myself.

There is a real difference with respect to my colleagues on the other side of the aisle. As the Senator from Illinois knows, we have had a couple of votes on this. In any event, we figured the best way was to remain silent. But I say affirmatively, section 109 and what was available to the previous administration is available to this administration to continue with the suit.

Mr. DURBIN. I thank the chairman on this important appropriations bill. So there is nothing in this appropriations bill which in any way inhibits the vigorous pursuit of this lawsuit?

Mr. HOLLINGS. There is nothing.

Mr. DURBIN. I thank the Senator and yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1559

Mr. HOLLINGS. Mr. President, I send a managers' amendment to the desk, that has been checked on both sides, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. GREGG, proposes an amendment numbered 1559.

Mr. HOLLINGS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 10, strike "an in effect on June 1, 2000,"

On page 17, line 20, after the colon insert the following: "Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended;"

On page 24, strike lines 19, 20, and 21, and insert "\$79,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including \$1,500,000 for the Standing Against Global Exploitation (SAGE) Project, Inc."

On page 76, line 6, strike "\$3,063,305,000" and insert "\$3,061,805,000"

On page 25, after line 21 insert the following:

(d) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriation of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

On page 115, after line 25, add the following:

SEC. 623. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking "on or about October 1, 2000," and all that follows through the end and inserting "not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003."

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1559.

The amendment (No. 1559) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I suggest the absence of a quorum.

Mr. REID. Will the Senator withhold and yield for a moment?

Mr. HOLLINGS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the two managers of the bill, I have been instructed by the majority leader to indicate that he has every desire and every intent to finish this bill tonight.

Mr. HOLLINGS. We should finish it momentarily. I know of two amendments they tell us about, but they have been telling us about them all afternoon. I am ready to move to third reading.

We will have a recorded vote. We will pass this bill tonight. We are just about through. That is why I sent up the managers' amendment.

Mr. GREGG. If the Senator from Nevada would yield on that point.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. GREGG. New Hampshire.

The PRESIDING OFFICER. Excuse me, New Hampshire.

Mr. GREGG. A wonderful State. Vermont is pretty, too.

Mr. REID. We wish we had New Hampshire's water.

Mr. GREGG. We would be happy to send you some.

The PRESIDING OFFICER. And Vermont's ice cream.

The Senator from New Hampshire.

Mr. GREGG. The Republican leader has also advised me he expects this bill to be done tonight. So we will stay here until we get a final vote on it. We are down to, I guess, two amendments—potentially two amendments from our side of the aisle. It would be great if we could get those wrapped up so we could close this bill up and get on to a supplemental which is very important.

Mr. HOLLINGS. It isn't the case, Mr. President, of us not being considerate, deliberate, and patient. The two amendments that could be—or one, perhaps—that could be offered, they have been put on notice publicly here twice by our distinguished leader, Senator REID, myself, and others. And they have been contacted. I hope they get to this Chamber in the next few minutes because we just can't wait all afternoon and hear that they are getting together an amendment. This bill has been under consideration for 2 days.

Mr. REID. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. REID. I also say to my friend, in relation to the procedure around here, it is just out of the courtesy of the two managers of this bill that you are not moving forward.

Mr. HOLLINGS. Right.

Mr. REID. The managers have every right within the rules of the Senate to now move to third reading, but they have been very patient. I appreciate that. I hope the people who are trying to work out these amendments appreciate their patience.

But also, on the other hand, the two managers have been in this Chamber all day long, in quorum calls most of the time. That is not appropriate. I hope people will understand that courtesy should be reciprocal.

Mr. HOLLINGS. I thank the distinguished leader and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1560

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, Mr. HATCH, and Mr. LEAHY, proposes an amendment numbered 1560.

(Purpose: To express the sense of the Senate regarding discrimination against Arab Americans)

At the appropriate place, insert the following:

SEC. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the September 11, 2001 attacks against the United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that "we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction";

(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the U.S. and the senseless loss of innocent lives; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

Mr. REID. Mr. President, I ask unanimous consent that a vote occur on this amendment at 5:20 and that there be no amendments allowed on the bill prior to the 5:20 vote, and the time be divided between Senators HATCH and HARKIN during the approximately 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I offer this amendment on behalf of myself and Senator HATCH of Utah, and other cosponsors are Senator REID and Senator LEAHY, chairman of the Judiciary Committee. Also, Senator HOLLINGS, the chairman of the Commerce Committee, and Senator FEINGOLD wanted to be added as cosponsors.

The entire Nation has been shocked and dismayed at what transpired earlier this week in New York and at the Pentagon in Northern Virginia and in Pennsylvania. These were attacks on the American values of liberty, diversity, and tolerance; the terrorists hate us for what we are and what we believe in. As we mourn our dead and pursue the attackers, we must strive to protect not only the American people, but also our American values.

I am truly saddened when I hear of malicious and sometimes criminal acts that have been committed all around the country in the last couple of days against Americans who may be from the Mideast, or whose ancestors may have been from the Mideast, who may be of Arabic dissent, or of the Islamic faith—but who had nothing at all to do with these attacks.

Arab Americans and American Muslims have faced a terrible rash of hate crimes since Tuesday morning:

On Wednesday, police turned back 300 people who tried to march on a mosque in Bridgeview, IL, a southwest Chicago suburb, waving American flags and shouting “U.S.A., U.S.A.”

I would like to read a quote from Governor Ryan of Illinois, who said:

The terrorists who committed these horrible acts would like nothing better than to see us tear at the fiber of our democracy and to trample on the rights of other Americans.

I think Governor Ryan had it right when he was responding to those marching on this mosque in a suburb of Chicago.

Up to six shots were fired at an Islamic center in Irving, TX, a suburb of Dallas.

A Molotov cocktail was tossed at an Arab American community center in Chicago.

In Huntington, NY, a drunk 75-year-old man tried to run over an American Pakistani woman in a parking lot, then followed her into a store and threatened to kill her for “destroying my country.”

Two bricks with notes were thrown through the window of an Islamic bookstore right here in Alexandria, a suburb of Washington, DC. One note was addressed to “Arab murderers.” The other opened with an obscenity and said, “You come to this country and kill. You must die as well.”

Members of the Islamic community center in Sterling, VA, came to the center in order to give blood for the victims of the terrorists acts. When they arrived, they found their hallway spray-painted with black letters, several feet tall, saying, “Die, pigs,” and “Muslims burn forever.” Other mosques and community centers have been vandalized, splattered with blood, and received hate messages, and more.

These acts are attacks both on Americans and on our American values of liberty, diversity, and tolerance. They are acts of hate, as Governor Ryan said, that tear at the fabric of American society. We cannot accept them or let them go unanswered.

It is especially ironic that these acts of hate have occurred despite strong Arab, Arab American, and American Muslim support for our country in the wake of the terrorist acts. Heads of state in Saudi Arabia, Egypt, Jordan, Kuwait, Pakistan, and other predominantly Muslim countries have strongly condemned the terrorist attacks and the senseless loss of innocent lives. American Muslims have lined up to give blood for those injured in the attacks, waiting in line for hours, along with so many other Americans. They are as saddened, sickened, and outraged at what happened as other Americans.

The terrorist attacks were heinous crimes, and we will bring to justice and punish their perpetrators and those who aided or harbored them. But we must make sure that when we train our sights on the enemy, we do not harm innocent people in the crossfire. Again, I quote from Cardinal McCarrick, the Archbishop of Washington, speaking at a mass on Tuesday:

We must resist the temptation to strike out in vengeance and revenge and, in a special way, not to label any ethnic group or community for this action, which certainly is just the work of a few madmen. We must seek the guilty and not strike out against the innocent, or we become like them who are without moral guide or direction.

These outbursts of hate, this misplaced blame and labeling of an entire group, is not an inevitable response. When 168 people died in the bombing of the Federal building in Oklahoma City in 1995, some people immediately falsely assumed that Islamic extremists had done it, and the same kind of vandalism and hate speech occurred. Later, when we found out that the main perpetrator was Timothy McVeigh, nobody said all Christians are to blame.

Not all Christian churches were attacked. No acts of hate against Amer-

ican Irish followed the bombing in Oklahoma City. We brought the perpetrator to justice, but we did not attack others simply because they may have looked like, or belonged to the same faith as, or had the same ethnic background as Timothy McVeigh.

We should not paint with a broad brush those who may look the same, or have the same ethnic background or religion, as those who perpetrated these heinous acts on Tuesday.

In Arabic, Islam means peace, and in the Koran it says:

Whoever kills a soul unjustly, it will be written in his book of deeds as though he killed all humanity.

Chapter 5, verse 32 of the Koran.

Those who are using the Islamic faith as some justification for the wholesale killing of innocent people are simply trying to cloak their murderous activities with the cloak of religion and the Islamic faith.

The Islamic faith is a religion of compassion and mercy, of tolerance and justice, and we should not let those terrorists, those who kill innocent people, try to make the Islamic faith into something it is not.

This amendment that Senator HATCH and I and others have sent to the desk expresses the sense of the Senate condemning the vicious backlash against our Arab Americans and American Muslims. The resolution also affirms the important role that American Muslims have played in America and in our world culture, and affirms the American values of religious freedom, rule of law, and civil rights.

I hope this will be adopted unanimously as a strong statement of our enduring support for our constitutional framework of tolerance, civil rights, human rights, and diversity.

In this time of national trial, we must come together with resolution, determination, and unity. We cannot afford hate, divisiveness, or prejudice, or we become like the terrorists.

I urge all my colleagues, I urge all Americans to celebrate our diversity, to reaffirm the contributions and civil liberties of all Americans, including Arab Americans and American Muslims.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Utah.

Mr. HATCH. Mr. President, I commend the distinguished Senator from Iowa for his work on this amendment. I am very pleased to join with him in this amendment. As a former chairman of the Judiciary Committee and the current ranking member, I commend the good senator from Iowa for preparing an amendment that demonstrates America's inherent principles of justice and fairness for Americans of all backgrounds.

American values require that we choose our enemies specifically and never do so by ethnic or racial identities. That is just the way our country

is. Yet the incidents my distinguished friend from Iowa has recounted, of which I am aware, really indicate there are people out there who fail to recognize that there are wonderful Arab Americans and people of the Islamic faith who are just as patriotic and just as devoted to our country as anybody in this body, and there is little or no excuse for the kind of prejudice we have seen.

The purpose of this sense-of-the-Senate resolution is to have the Senate on record to let people know that we do not believe in prejudicial activities against any American citizen. All Americans should be free from discrimination, including Arab Americans and persons of the Islamic faith.

We all know decent, dedicated and patriotic people among the Arab-American and Muslim communities of our country. These people, in the finest tradition of the immigrant contribution to the American tapestry, have made and are making contributions in their communities and to our country.

We all know how important it is for us to stand together against tyranny and prejudice. We all know that it is important for the Members of the Senate to be on record against these type of prejudicial activities.

We oppose terrorists, not ethnic groups. We oppose the people who have done these horrendous, horrific acts, not U.S. citizens who are devoted to our country and who are just as horrified as any and all other Americans.

We are going to do something about these terrorists. I believe that soon we will have sufficient identifications to be able to take very strong action against those who have committed these atrocities and against those who are harboring those who commit these types of atrocities. And the whole world, I believe, will be with us.

It would be a tragedy if we as Americans commit acts of discrimination and violence against fellow Americans who may hold beliefs that are different from other fellow Americans or who may be ethnically different from other Americans. It would be a tragedy if we allow this to continue. It is important for all of us to embrace each other, to stand together against tyranny, to stand together against terrorism throughout this world, and some of the most vociferous antagonists of terrorism are Arab Americans and members of the Islamic faith.

I know that my fellow Americans are all outraged at the events of last Tuesday. No one has an edge on outrage. No one, it seems to me, is more pure than anybody else when it comes to this. But it is simply unacceptable, immoral and illegal to take it out on people who are honorable, decent U.S. citizens or on people who support us throughout the rest of the world and especially in the Middle East as well.

I commend my colleague for his initiative. He is doing the Senate and the

country an important service. I consider it an honor to cosponsor this resolution with my dear friend, Senator HARKIN and I hope everybody will vote aye on this particular sense-of-the-Senate resolution.

Mr. President, I yield my remaining time to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Utah. I commend the Senator from Utah and the Senator from Iowa on their comments that there should be a clear-cut distinction between those who are responsible for terrorism and impugning any motives to any other Americans whatever may be their descent.

We are a nation of immigrants. My parents were both immigrants. There are Native Americans, but by and large this is a country of immigrants and ethnicity. Making judgments about people should not be based on their descent.

When we talk about terrorism, we are talking about specific individuals who have committed specific acts subject to proof and not anyone else.

I have sought recognition principally to have a discussion with my distinguished colleague from Idaho about the International Criminal Court. There was an amendment accepted by voice vote earlier which prohibited the use of any funds for the Preparatory Commission of the International Criminal Court. The matter will have to be resolved in conference.

The House of Representatives has a different provision, and I want to discuss the matter briefly. I regret if I have caused any delay here.

Mr. HOLLINGS. If the distinguished Senator will yield, the Senator from Iowa wants to ask for the yeas and nays on his amendment. Can we do that?

Mr. SPECTER. The Senator from Iowa wants me to yield for that purpose?

Mr. HOLLINGS. And not lose the floor.

Mr. SPECTER. I do that for the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. SPECTER. I was about to say I regret if I have caused any delay, although I do not know that I have. I was in the Chamber about 2:25 p.m. to conduct the business I had, and other matters were being attended to on the floor at that time, and then the President

asked the Members whose States were involved in the recent terrorist attack to come to the White House, and I came back from there as soon as I could.

To the point on the International Criminal Court, I was a sponsor in the early 1980s of an international criminal court. At that time the thought was that the court would be directed to acts of terrorism, kidnapping, and hijacking, as well as drug dealing, when the world was faced with these enormous problems which could not be dealt with on the national level. We had at that time, in the early to mid-1980s and beyond, drug dealers operating out of Colombia where we could not secure their extradition.

The thought then was that the drug dealers might be turned over to an international criminal court, but not to the United States, for prosecution. There was a riot outside the U.S. Embassy in Honduras involving some individuals whom the United States wanted to extradite to the United States. Again, an example of what might have been handled by an international criminal court. As to hijackers and terrorists, the thought then was that countries might cede custody of these individuals to an international criminal court, whereas they would not give custody to the United States because of national sovereignty and issues of ideology. Since the mid-1980s when a lot of impetus was made for an international criminal court, of which Senator DODD and I were the principal cosponsors on resolutions—which I shall not burden the RECORD with at this time because we are getting close to the time of a vote—the International Court has turned in a very different way with the War Crimes Tribunal. The War Crimes Tribunal has been effective in bringing before it Milosevic and others who were war criminals on charges of crimes against humanity, and there has also been a similar tribunal in Rwanda.

There has arisen a very difficult issue about the court asserting jurisdiction over U.S. military personnel and U.S. citizens based on what are essentially governmental decisions.

When I was in The Hague talking to the War Crimes Tribunal prosecutor Carla Del Ponte, I was surprised to hear from her that she had given consideration to a possible indictment of NATO Commander General Wesley Clarke at the urging of Russia and Yugoslavia. Carla Del Ponte considered possible prosecution against General Clarke for targeting civilians or for using unreasonable force because the targeting of military installations resulted in injury to civilians.

It seemed to me, and I said this to Carla Del Ponte, that such authority given to the prosecutor of the War Crimes Tribunal, or the prosecutor of an international criminal court, goes

too far. Having had substantial experience as a district attorney, it should be determined whether indictment is going to be a fact question or a question of discretion on the part of the prosecutor. This should be considered when indicting someone of the standing of General Clarke, who is carrying out governmental decisions by NATO. I thought his indictment hardly fit what was conceived generally to be the jurisdiction of an international criminal court.

It is my judgment the United States cannot be a party to an international criminal court which would consider an indictment illustratively of General Wesley Clarke. If the President takes action against terrorists under a resolution authorized by the U.S. Congress, who knows if that governmental decision is going to be subject to a prosecutor's judgment? That action would be outside of the range of what is considered a criminal act or what is considered traditionally, as a crime against humanity.

All of this brings me to a concern that I have about the prohibitory nature of the amendment offered by the distinguished Senator from Idaho, which limits any funding to the Preparatory Commission. My view is the United States should participate in the Preparatory Commission in an effort to try to establish jurisdiction, which makes sense and is consistent with our principles. If we do participate in the Preparatory Commission, I am sure that we can affect the ultimate jurisdiction of the International Criminal Court. If we participate, I have a sense that the United States will be able to structure an international criminal court targeted in a realistic way and involving traditional criminal concepts as opposed to governmental decisions. There is a distinct possibility—again, not a certainty, but a possibility—that the International Criminal Court can be so structured.

I am concerned that an international criminal court which does not have input from the United States will come into existence. Input from the U.S. could correct problems that may arise if the international criminal court seeks to exercise jurisdiction over Americans at a later date, even if we are not a member of the criminal court.

International criminal law has taken a very expansive turn in modern times through efforts to prosecute people such as former U.S. Secretary of State Henry Kissinger and former Chilean President General Augusto Pinochet, and with courts in other countries exercising previously unheard of jurisdiction.

It is my hope that in conference we can structure an arrangement where funding is not denied to the U.S. Government so that it can participate in the Preparatory Commission. U.S. par-

ticipation in this commission would allow this country to work out these issues so that American citizens and citizens of other countries will not be subject to runaway jurisdiction, and so that we will not have Secretary Kissinger subject to prosecution again. General Pinochet of Chile is another matter, but I would rather be inside the tent than outside it when trying to deal with these issues.

I yield to my distinguished colleague from Idaho.

Mr. CRAIG. I thank the Senator from Pennsylvania for yielding. I must say, in all respect to him, I have always appreciated the Senator's legal mind and the way he works through very difficult processes, and it does not differ here.

He and I are extremely concerned about the very broad authority that appears to be given to a new court if it becomes ratified. That is why early this week I moved to deny our participation in it.

It is arguable, by those to whom I have listened, that even a preparatory commission's involvement is not going to allow us to change the jurisdiction as prescribed by the Rome treaty. The Senator has every right to be concerned about this broadened authority and efforts internationally to go after some of our officials for their responsible actions based on our public policy.

The issue is that 30-some-odd nations have already ratified it. It takes 60 with or without our approval. It could become an operative court. It has an independent prosecutor who legitimately, by its actions, could go after anyone 18 years of age or older anywhere in the world. In other words, our sovereignty, our ability to protect our citizens, might only rest within our borders. It was not long ago that Henry Kissinger was in France and our Secretary of State had to intervene to protect him because a French judge was after him, trying to arrest him. This happened less than a few months ago.

I think the Senator is right to be concerned at a time when our President is rallying internationally a coalition of nations to develop a strategy to go after international terrorism, that somewhere down the road that President might be held accountable by an international body, even though he had the express permission of this Nation and our people to protect this Nation and our people, and would choose to do so in an extraterritorial way.

Those are very legitimate concerns. I do not know that our presence at the table can make the difference because it is my understanding we cannot change the basic premise or the intent of the Rome Treaty.

I told my colleague from Pennsylvania that I will work with him in conference. Clearly, this has to be defined in a way that does not allow an arbi-

trary approach. I am concerned our presence at the Preparatory Commission in some way gives to the world an idea that we might be subliminally endorsing this concept. It must be clear we do not.

The PRESIDING OFFICER. All time on the pending amendment has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH) is necessarily absent.

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—98

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Hatch	Santorum
Campbell	Helms	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	

NOT VOTING—2

Dodd Voinovich

The amendment (No. 1560) was agreed to.

Mr. HOLLINGS. Mr. President, we have been very patient and very understanding. I am ready for the amendment or amendments that the distinguished Senator from Arizona has. But it has to be forthcoming or we will just move to third reading. If they don't want a vote for third reading, then we will move on to something else.

This situation has really gotten totally out of hand with respect to the system for bills being considered on the floor of the Senate. That is the work of the Senate. That is front and center. From time to time there are amendments, and they are held up. It takes actually less time to work them out. So I am not all antsy that we have to

be moving and voting every second. In fact, that is what we have been doing all afternoon. We have had a good afternoon working them out.

But the Senator from Arizona has been put on notice. I understand that he is still trying to reconcile an amendment that some would agree to and then some would not agree to; and others are saying: Look, wait a minute. This is authorization on an appropriations bill; it covers the jurisdiction of several committees; it deserves to be heard before voted upon.

I do not know that the point of order would be made of legislation on an appropriations bill. But I say this publicly so everybody is on notice. I do not want to say that we just abruptly moved for it. I do not have to get third reading. I have other work to do.

I yield to the distinguished Senator. Mr. DORGAN. Mr. President, I wonder if the Senator from South Carolina would yield for a question.

Mr. HOLLINGS. I am delighted to yield.

Mr. DORGAN. I share his sentiments in trying to move this bill and complete it. I wonder what would prevent us from going to third reading. Is there an objection to doing that?

Frankly, when a bill has been on the floor a long period of time, and people are on notice, it seems to me they have some responsibility to be here to offer amendments.

So I ask the Senator, what would prevent us from going to third reading at this point?

Mr. HOLLINGS. It would be the will of the Senate whether they want to continue or not. It would be an up-or-down vote. It would not be a unanimous consent.

Mr. DORGAN. If I might inquire further, obviously no one wants to short-change the opportunity of any Senator to offer any amendment at any point.

Mr. HOLLINGS. Right.

Mr. DORGAN. But there comes a time, it seems to me, that when, if you have an amendment, you have a responsibility to come and offer it, and let the Senate decide.

If there are those who have amendments, I hope they will come to this Chamber. I know the Senator from South Carolina and the Senator from New Hampshire have been in this Chamber, literally begging for people to come and get these amendments to the floor.

Mr. HOLLINGS. And on this particular amendment, my understanding is that there are serious misgivings about it because, No. 1, it is authorization, a tremendous authorization bill affecting the intelligence activities and the different departments and the different committees involved there. And the committee chairman, I understand, would oppose it. I know two or three Senators who say they are going to oppose any amendment that involves legislation on an appropriations bill.

So I am saying this publicly so no one will think that I am presumptuous or traumatic in any sense that I just cut somebody off. They are just cutting off the real work of the Senate because everybody is ready to vote on final passage of this measure.

I see the distinguished chairman of the Judiciary Committee is in the Chamber. Maybe he can enlighten us as to where we are headed and that we should wait. I will, along with the chairman of the Judiciary.

Mr. DORGAN. One final point, if I might, if the Senator from South Carolina will yield.

I would encourage the Senator to consider going to third reading on this bill, or at some point there needs to come a time when the Senate says it is time to go to third reading if people are not going to be here to offer amendments.

Mr. HOLLINGS. The distinguished Senator from Vermont, Mr. President, has been waiting patiently for 5 or 10 minutes to speak as in morning business. And then we will come back on to this bill. So I ask unanimous consent that he be recognized for 10 minutes.

Mr. REID. Will the Senator yield for a brief moment?

Mr. JEFFORDS. I am happy to yield. Mr. REID. I say to my friend from South Carolina and my friend from New Hampshire, there are negotiations going on in the hall now. I have been told that within less than 10 minutes they will come in and report to the two managers of the bill as to what progress has been made. They feel confident they will have something to offer. So we shall see.

Mr. HOLLINGS. Good.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS are printed in today's RECORD under "Morning Business.")

#### MODIFICATION TO AMENDMENT NO. 1559

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I send a technical amendment to modify amendment No. 1559 to the desk.

The PRESIDING OFFICER. Without objection, the amendment is to be so modified.

The modification is as follows:

On page 24, line 19, strike "\$83,125,000" and insert "\$84,625,000".

On page 24, line 21, before the ":", insert the following: "of which \$1,500,000 shall be for the Standing Against Global Exploitation (SAGE) Project, Inc.".

Mr. HOLLINGS. I thank the distinguished Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Utah is going to offer an amendment on his behalf and others'. I ask unanimous consent this amendment be the only first-degree amendment in order to this bill, of course, with appropriate second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1562

(Purpose: To enhance the capability of the United States to deter, prevent, and thwart domestic and international acts of terrorism against United States nationals and interests)

Mr. HATCH. I send an amendment to the desk on behalf of Senators.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mrs. FEINSTEIN, for herself, Mr. HATCH, and Mr. KYL, proposes an amendment numbered 1562.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted and Proposed.")

Mr. HATCH. Mr. President, we are all interested in moving forward to support this funding bill, and we broke through the barrier where this is the last pending amendment. We are also even more concerned that the Government have the right tools to hunt down and find the cowardly terrorists who wreaked such havoc 2 days ago. For this reason, I believe it is important to make available important tools to those investigating this and related matters. This amendment, in my opinion, is critical and should pass this evening.

I have been working with my colleagues, Senators FEINSTEIN, KYL, and SCHUMER, on a package of reforms that can aid these investigations. I will highlight a few of the provisions to this bill.

As the tragic events of this week have shown, one of the most essential tasks our Federal Government faces in the post-cold-war era is that of protecting our Nation and our citizens from the unprovoked acts of terrorism. In the aftermath of Tuesday's devastating attacks on the World Trade Center and the Pentagon, we, as lawmakers, must take every step possible to ensure, in addition to adequate financial resources, that the law enforcement community has the proper investigative tools at its disposal to track down the participants in this evil conspiracy and to bring them to justice.

One of the most effective investigative tools at the disposal of law enforcement agencies is the ability to go

to a Federal judge and get wiretapping authority. It is critical in matters such as this. That is the ability to intercept oral or electronic conversations involving the subject of a criminal investigation. The legislative scheme that provides this authority, and at the same time protects the individual liberties of American citizens to be secure against unwarranted government surveillance, is referred to in the criminal code as Title III. Among the many protections inherent in Title III is that only the investigations of certain criminal offenses, those judged to be sufficiently serious to warrant the use of this potent crime-fighting weapon, are eligible for wiretapping orders. The law lays out a number of crimes deemed by Congress to be serious enough to warrant allowing the FBI to intercept electronic and oral communications.

Title III currently allows interception of communications in connection with the investigation of such crimes as mail fraud, wire fraud, and the interstate transportation of stolen property.

Inexplicably, however, the Federal terrorism statutes are not currently included in Title III. I have been complaining about this for a long time and this is the time to correct it.

Let me repeat that. Title III currently allows interceptions of communications in connection with the investigation of such crimes as mail fraud, wire fraud, and the interstate transportation of stolen property—important issues.

The PRESIDING OFFICER. The Senator will please suspend. The Senate will be in order. Senators will kindly take their conversations off the floor.

The Senator from Utah.

Mr. HATCH. It takes care of those criminal activities, mail fraud, wire fraud, and the interstate transportation of stolen property, however the Federal terrorism statutes are not currently included in Title III. As a result, Federal investigators are often hampered in the use of this powerful tool when investigating terrorist incidents. We have to remedy that, and we should not let a day go by without remedying it. We should not let some of the petty aspects of this body stand in the way, not passing this type of legislation right now when it is really needed, on the day that, for the first time in my 25 years, a vote was interrupted by a bomb threat and we all had to move outside.

It is time to start fixing these laws. We can play around with commissions. We can play around with task forces. We can do a lot of other things, but I would like to fix it now.

At this juncture of our history it is essential that we give our law enforcement authorities every possible tool to search out and bring to justice those individuals who have brought such in-

discriminate death into our backyard. However, we must also be careful that in our quest for vengeance we do not trample those very liberties which separate us as a society from those who want to destroy us.

We are fortunate that we already have in Title III a legislative scheme that balances these conflicting interests. We must not be hesitant to bring this very important tool—the wiretapping statute—to bear on the terrorists who threaten our national security. That is one of the things this amendment will do, and in my opinion one of the most important things that this amendment will do. But it is not all this amendment will do.

Second, cybercrime is one of the fastest growing areas of criminal activities. Terrorists, criminals, and hostile governments are using computers as tools to perpetrate crimes, and are targeting computer networks to perpetrate acts of terror that, until this week, would have been unimaginable on American soil. Millions of dollars are lost annually as a direct result of this criminal behavior, and it is no longer a fantasy that thousands of lives could be lost in future terrorist incidents.

The FBI is devoting an increasing share of its resources to combat cybercrime. It is up to us as lawmakers to ensure that, in addition to adequate resources, the FBI has the proper tools at its disposal to meet this new challenge.

Title III allows the Department of Justice to go to a Federal judge and get authority to intercept oral or electronic conversations in connection with the investigation of criminal activity. The law lists a number of crimes deemed by Congress as serious enough to warrant allowing the FBI to intercept communications. Because cybercrime is a relatively recent development, the Federal cybercrime statute is not currently included in Title III. As a result, Federal investigators could not use this powerful tool when investigating cybercrime offenses.

Tuesday's despicable attack on the World Trade Center and the Pentagon must serve as a wake-up call that we are vulnerable to attack in ways we have never imagined. A computer-based attack on our criminal justice infrastructure remains a very real possibility. I urge all my colleagues to agree to this amendment to provide our law enforcement authorities with the tools they need to effectively combat this growing menace to the security of our society.

There are other important tools this amendment will provide, tools that those investigating the terrorist acts committed earlier this week will be able to use to prevent terrorist acts in the future. We put up with an awful lot of mistaken arguments around here throughout all these years that made

it very difficult to put human intelligence to work in the interests of the protection of our people, and it is inexcusable, under these circumstances, to allow that to continue.

As you know, in some cases, when dealing with human intelligence assets, sometimes you have to deal with unsavory characters because they are the only ones who can get inside and help us know the motivations of some of the people who are about to do terrorist acts. It is pretty pathetic that we cannot get our law enforcement people the ability to get wiretap authority against terrorists because they are not included in title III, unless there is some underlying criminal reason for doing so. We have to stop that. If we wait any longer, it seems to me, it is a big, big mistake, with the way people are afraid in this country, with what happened this week, and with the threats that continue to surround us throughout the world.

I have a lot more to say on this, but I think, if I can, I would like to yield the floor to my colleague from Arizona, if he cares to take the floor, and he can talk about further aspects of this bill.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is my intention to be very brief, unless there is some objection to what we are doing, because I think all of us would like to get on with the adoption of this piece of legislation so we can conclude work on this bill. But just to ensure there is an adequate description of it, I would like to take a minute.

I also ask unanimous consent that Senators DEWINE, SESSIONS, and THOMPSON be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I believe Senator SCHUMER will have some things to say in a moment. He may ask as well to be added.

Let me be very clear about the intent of this legislation. This country has just suffered the worst terrorist attack in its history. All of us are focused on the victims. We are focused on the terrible devastation and the individual lives impacted. But, as policymakers, we have also been asked some hard questions by our constituents and those questions include things such as: Why can't our Government do something about these horrible crimes? As policymakers, we have to respond to that. We have such an opportunity. I use that word advisedly because in the circumstances that put us where we are today, that word seems hardly appropriate. But we do have an opportunity, given the fact we are here doing business on behalf of the American people, and that part of that business is the bill that relates to the jurisdiction of the Justice Department, the funding for that Justice Department, and the fact that the bill before us, in fact,

even includes some revisions in the law with respect to the authority to deal with terrorism. It sets up a special new office in the Attorney General's office, a Deputy Assistant Attorney General, to deal specifically with terrorism, and in other ways deals with terrorism. Therefore, there is an ability for us today to focus on some additional improvements that can be made in our law to deal with terrorism.

I hasten to say that this is not "the answer" to the problem of terrorism. In the first place, I do not think there is a silver bullet. There is no single answer. We already know that there are a whole lot of things we are going to have to do to improve our ability to detect it, to predict it, to stop it, and to enforce whatever action is appropriate after the fact.

I am sure we will be creating commissions and we will be passing legislation. In fact, we are going to be passing an appropriations bill to begin to fund some of the cleanup of this in the very near future, I hope.

There are a lot of things that we have to do. One set of things experts in terrorism have been telling us for a long time and the Director of the FBI has been telling us has to do with a few changes in the law that make it easier for our law enforcement people to do their job.

I have a copy of just one of the three major commissions that have reported on terrorism. This is a report called "Countering the Changing Threat of International Terrorism," a report from the National Commission on Terrorism. This was chaired by former Ambassador Bremer and Maurice Sonnenberg, both of whom testified before the Terrorism Subcommittee of the Judiciary Committee, which I chaired at the time. In fact, all of these commission reports have been the subject of hearings before our subcommittee, as well as numerous other hearings dealing with the subject.

In addition to that, we have had a lot of testimony from the Director of the FBI and other U.S. Government officials all imploring us to do some things to help in this battle against terrorism. We took a run at some of these things. In fact, we incorporated some of the provisions of these commission recommendations in the bill that passed the Senate a year and a half ago.

It is hard to put a percentage on it, but maybe half of the amendment before us tonight embodies those same recommendations. So we have already voted on half of the things that are in this amendment. Some of the others have come later.

The point is that we dealt with these issues. There has been legislation dealing with these issues. There have been numerous hearings about these issues. They were in effect lying on the table waiting for us to deal with them. Unfortunately, it is the case that even

though from time to time we have put some of these ideas out, there has always been a reason not to do it, to wait, to defer, to hold off on that, and that we will have a comprehensive look at this or whatever it might be. We have to set our priorities around here.

But those of us who sit on the terrorism committee—the Intelligence Committee and other committees of jurisdiction—have become increasingly restless because we keep getting briefed on the potential for terrorist threats, and we keep imploring our colleagues to please let us act on these things.

Finally, we have an event that is so horrendous and so deplorable that all of America is asking us to declare war on terrorism. Indeed, that should be our attitude, in effect. So we are now faced with a challenge from our constituents, and they are absolutely right. What are you going to do about it? Of course, the first question they have been asking us is, What have you been doing about it? My answer is there are a whole lot of things you are going to see us doing that we need to do.

We can start tonight with a few substantive changes in the law that will make an impact on our ability to fight these crimes of terrorism. Some of this bill calls for analysis and reports about some additional things that we might want to do. It will give us the factual basis for acting in the future. Some of the provisions are actual operative provisions that will take effect the minute the President signs the bill to begin to give our law enforcement and intelligence agencies the tools they need to better fight these kinds of crimes.

The former chairman of the Judiciary Committee has just talked about a couple of these provisions—the so-called "predicate crime provisions." It is incredible our law enforcement agencies have to begin investigating crimes of terrorism under the auspices of looking into other crimes. Maybe there is computer fraud or credit card fraud and we will use that as we look to investigate crimes which are really crimes of terrorism. With this, we call a spade a spade, and say we are investigating terrorism. That is what we expect is the case. That gives us the legal authority to go to the judge and get the warrant or authority to move forward.

In addition, we have an odd thing which crept into our policy that we change. It made sense when it was applied to other governments. We said we are not going to recruit people to spy on other governments guilty of crimes or human rights abuses. That is a policy. I don't think we were thinking about terrorism because it is pretty hard to infiltrate a terrorist organization with a Boy Scout. They sort of show. What you need are people who are accepted by these terrorist cells.

Some of them are undoubtedly going to have some things in their background of which ordinarily we would not approve. But it is the only way they are going to get into the terrorist cell. We provide that kind of recruitment can take place.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. KYL. Yes. I am happy to yield to the chairman.

Mr. LEAHY. Mr. President, does the Senator understand that intelligence agencies today are unable to buy information—just to use that as example—from someone who might be part of a terrorist organization?

Mr. KYL. If I could respond, that is not the issue we are addressing here—the purchasing of information. What we are addressing is the recruitment of what the intelligence community calls "assets"—people who would be useful in infiltrating an organization and getting information out of that cell and sharing that information with us.

Mr. LEAHY. Is the distinguished Senator from Arizona saying that we are unable to have what is called a retainer, or bribe, or anything else on a regular basis and have somebody who is part of the terrorist organization be giving information to us?

Mr. KYL. This amendment doesn't deal with any question of payment for agent services. I presume we could do that. This amendment doesn't have anything to do with that. The problem that we have here is the former Director of the CIA created the policy because of some things that occurred in our past—if we are going to recruit assets, people who would do work for us, those people cannot have in their background human rights abuses. They cannot have that kind of background. That is a principle policy if you are recruiting somebody to act against another government. But when you are trying to infiltrate a terrorist organization, you are probably going to have to talk to people who themselves have pretty checkered backgrounds. If you could use those people—whatever their motivation; maybe they do it for money, or for some other reason—but if they are willing to give you information based upon their ability to find out what a terrorist organization is doing, then it is very valuable.

As the distinguished chairman knows, our ability to collect information on these groups is very limited. Almost everybody in the community talks about the need for better human intelligence. Unless we are able to recruit the kind of people who could provide that intelligence, it is going to be pretty difficult for us to get it.

Mr. LEAHY. Mr. President, the Senator has the right to make his whole argument, and I don't want to interfere with that. Unfortunately, because this is something that we have had no hearings on, we haven't had the discussions

in the appropriate committees—Intelligence, Armed Services, and Judiciary—we are somewhat limited in opposition. I will not cite numerous examples of situations which I think would make clear that we do not have the limitations. I know the concern the Senator from Arizona has. I don't question his concerns. But in open session, I am restrained from going into some of the very specific things where concerns he raised have been responded to in the law by our country. I will not. But that is why I would suggest something like this to the Armed Services Committee which has the ability to go easily into closed session, and often does. It would be able to look at it and make a recommendation to the Senate.

Our committee would be able to make a recommendation to the Senate, which can be done relatively quickly, and the Intelligence Committee.

I would feel far more comfortable voting on something like this if these various committees not only had a chance to look at it but that President Bush's administration—the Attorney General, the Director of CIA, the Secretary of Defense—would have the opportunity to let us know their views on it. I would feel far more comfortable with that. I worry that we may run into the situation where—all of us have joined together in our horror at these despicable, murderous acts in New York and at the Pentagon—we do not want to change our laws so that it comes back to bite us later on.

Mr. KYL. I want to assure the distinguished chairman that we are not changing the law. This is simply a guideline the previous CIA Director felt was needed. We are not changing the law. We are not doing anything untoward or unconstitutional.

Our constituents are calling this a war on terrorism. In wars, you don't fight by a Marquis of Queensberry rules. The time to be overly punctilious about who you get to work with you to get information from the enemy ought to come to an end.

I will assure the distinguished chairman that we are assured that in the past this has not been too much of a problem. But the problem is, our folks are a little reluctant to try to go recruit people with the current limitations in place because of the difficulties that presents.

All this does is to change a guideline—no legal statutory change—that simply says if they believe particular people would be useful in gathering intelligence against terrorist organizations—it is specifically limited to that—then they may recruit those people even though there might be something in their background that suggests they have a checkered past.

If we cannot use informants against terrorist organizations, which by definition means there are no good actors, then we start this war with one hand tied behind our back.

There are a lot of other changes that we make in this amendment. Let me just illustrate the nature of the things we do. I think almost all of them are going to be very uncontroversial.

We ask for a study on the role that the National Guard could play in these events.

We say it is the sense of Congress that we should commence a long-term research and development program to address catastrophic terrorist attacks. Our intelligence folks really need to begin R&D into techniques for dealing with things such as fiberoptic cable. It is very difficult to intercept communications. With things such as encryption, it is very difficult to hear what people are really saying. Times are a changing. We need to be able to develop the techniques to meet these new challenges. This simply expresses the sense of the Senate that we should get on with that.

There is a section in this amendment that permits disclosure by law enforcement agencies of certain intelligence obtained by the interception of communications. We implement one of the recommendations of the Bremer commission, which said there is a lot of illicit fundraising for terrorist organizations going on in the United States. We need to get a handle on that. So again, we have the sense of the Senate in this amendment that Congress needs to do that. It is not a significant operational provision.

We have a report required on controls on pathogens and equipment for the production of biological weapons. I think this is something everyone will support. There has been a lot of testimony on its need.

There is a provision that our law enforcement people would like, which I think is eminently reasonable, and that is that they be reimbursed for the cost of professional liability insurance. When we send them off to do certain kinds of work and they may act in such a way that they are going to get sued, ordinarily the Government would be the party that is sued. But the Government is immune from suit, so the individual agents are sued. We would like to at least pay for part of their professional liability insurance when we have asked them to go off and do something.

Then the final provision, other than the two Senator HATCH has already talked about, deals with authorities that the last Director of the FBI has implored our committee to give him for years. I will state the problem and then tell you what the solution to it is.

When you do a wiretap, it is fairly straightforward. You go to a court, get an order based upon cause, and then you tap into the phone line. But with regard to computer attacks, whether it be a terrorist attack, all the way down to a hacker—and even hackers can cause a lot of problems, but what you want to do, hopefully in real time, is

trace the attack back to its source, so you can stop it or you can prosecute the perpetrators. And if it is a terrorist attack, you want to get to it immediately.

The problem is, these people are very clever. Someone, let's say in Afghanistan, will electronically hook into somebody in New Delhi. And then through that computer they hook into somebody at the University of California in San Francisco. And through that computer they hook into AT&T in Chicago. And through that computer they hook into the Pentagon.

It is well known that you can do this. It is not apparently that difficult to do. Unfortunately, under the law, when the Pentagon starts getting hit, first you get a court order in Virginia. Then you go to Illinois and you get a court order there. Then you go to San Francisco and get a court order there. I don't know what you do in New Delhi. But the bottom line is, we need to have one place where you go get your court order, just like you do for a wiretap.

That is what the FBI Director, on numerous occasions, asked us to provide, the authority to be able to do that. I can quote you page after page of his testimony asking for this. I will not do that in the interest of time.

These are the kinds of things that law enforcement has asked us for. This combination is relatively modest in comparison with the kind of terrorist attack we have just suffered.

Clearly, there are a whole range of actions that we are going to need to take, but the benefit of it is they have all been the subject of hearings or reports by these commissions. They are clearly the kinds of steps that we need to begin to take. And we can do that tonight on a bill which clearly relates to the subject and at least begin the process of assuring the American people that we are doing what we can do to stop these horrible events.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I have been consulting with the chairman of the committee, and we are hopeful to get a vote on this amendment and a vote on final passage. We do intend, according to our leadership, to do that tonight.

In the interest of time, I was wondering if we could reach a time agreement on this amendment. Obviously, the proponents of the amendment have just spoken, by my estimate, for about a half an hour. I was wondering if we could reach a time agreement where anybody rising in opposition would be able to claim a half an hour, and then there would be a final 10 minutes which would be equally divided. We would have a vote on this amendment sometime around 8:45. I ask unanimous consent if people would agree to that.

Mr. LEAHY. I reserve the right to object; actually I will.

I say to my distinguished friend from New Hampshire, I would be delighted to discuss that. I am still reading this amendment. We have, for example, the requirement for full reimbursement. It sounds like a good idea for people who are—

Mr. GREGG. I ask the Senator, is there a time agreement the Senator would be comfortable with?

Mr. LEAHY. I will be happy to discuss it with him. I thought it might be a little easier if I could get some of the questions I have answered.

Mr. GREGG. I withdraw my request, then, and yield the floor.

Mr. LEAHY. There is—

Mr. GREGG. The Senator might want to seek recognition.

I yield the floor.

Mr. LEAHY. I wonder if the proponents of the legislation could tell me, how much—I am not going to say we should not do this, but we have professional liability insurance, as it looks to me, for several thousands of people.

Do we have any idea how much that would cost? Are we talking about \$50 million, \$100 million, \$200 million? Can any of the proponents of the legislation tell me that?

Let's say it is \$200 million. We will just write that down. It is easy enough to say \$200 million. We have something that has been put together in the last few minutes.

So we have a requirement, notwithstanding any other provision of law. In other words, notwithstanding whatever other limits are in here, we shall reimburse for professional liability insurance for what appears to be several thousands of people.

Heck, I would like to add to that maybe we could all get ours paid for at the same time. I know mine costs several hundred dollars a year.

This might be a fine thing, but if we ask the CIA and the Justice Department to do that, it has to come out of their budget. They are all strapped for money to spend on fighting terrorism and whatnot. Are they willing to take a \$200 or \$300 million cut from their budget? I just ask the question. I have not heard an answer.

Mr. HATCH. If the Senator will yield?

Mr. LEAHY. Of course. I yield without losing my right to the floor.

Mr. HATCH. I am not sure we know the exact amount, but what justification is there for these heroic law enforcement people who are doing the people's business to have to pay for their own liability insurance in case they get sued by a voracious trial lawyer who would—

Mr. LEAHY. It seems to me the distinguished Senator from Utah misstated—and I assume by accident—what I said. I happen to be in favor of people who are going to be out there for our country getting their insurance

paid for if they are in a situation where they do not come under the normal provisions that insulate them from suit.

I know millions of dollars were spent by people from all the investigations that the Congress and others had against government employees, investigations that resulted in nothing in the end, except for the millions of dollars these people paid out of their own pocket. Sure, I think they should have insurance for that. I just ask the question: How much? And will this money come out of their other budget? If it is going to be \$200 million or \$300 million, let's have a line item for that. I will vote for such a line item.

In here it says, on wiretapping, pen registers, trap and trace devices, if the court finds that a State investigator or law enforcement officer—it could just be an investigator; I don't know if this means a private investigator, a licensed PI—if they certify to the court that the information is relevant, if they just came in and said: Your Honor, I certify this is going to be relevant; I am a State investigator; I am the deputy sheriff of East Washtub—I apologize to anybody if there is such a town, East Washtub. Let's say I am a deputy sheriff on weekends and a mechanic the rest of the time, and I certify we need this, a State officer. Does that mean a Federal judge is going to stop things and give them the order?

I have worked with some very good deputy sheriffs in my time. I am not sure that even with the best—some of them were darned good when I was a prosecutor—any of them are going to go into Federal court and say: I want to certify I need this wiretap or this pen register, trap and trace.

I think we ought to at least know what that is, going into people's computers because the local investigator says, "I want to." I am not sure if the authorities, under normal going into court, asking for a court order, having a hearing, can go into my computer; that is one thing. But if somebody goes out there, for example, and sees me having target practice outside my house—I have a pistol range out back of my house—and they say: I wonder how many guns he has; I want to go into his computer to find out just in case he has listed his ammunition purchases. Should they be allowed to? I would think some of those who are concerned about the rights of gun owners might be a little bit concerned about this provision. I am a gun owner. I am concerned.

Authority to do wiretaps. It says here that we will redesignate paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-132; 110 Stat. 1274, as paragraph (r); and (2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration

Reform and Immigrant Responsibility Act of 1996, division C of Public Law 104-208; 110 Stat. 3009-565, the following new paragraph:

(q) any criminal violations of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism). . . .

Does anybody want to tell me what that means? I thought we were here to give help to our law enforcement and our antiterrorist authority to go after people. I thought we were here to try to finish up a bill that the Senator from South Carolina and the Senator from New Hampshire have worked on very closely—and the Senator from West Virginia and the Senator from Alaska—that would give money to our law enforcement agencies so we could go ahead and work and try to get the money which the city of New York and the State of New York desperately need after the horrific, murderous terrorist acts in that city. I thought that was what we were here for.

I will not reread what I said, but to do something that nobody here on the floor can understand or explain, including the people who introduced the amendment.

Now maybe somewhere there is a press release in there. Why don't we all send out a press release, a generic one that says we are against terrorists? No Member of the Senate is for terrorists. Why don't we say we are against murder? Of course we are. But then why don't we say what we are doing here? We are going to amend our wiretap laws so we can look into anybody's computers.

If we are going to change all these things, if we are going to direct the Director of the CIA and, in effect, direct the President to change the rules of the CIA, something the President could have them do just like that, if the President really wants to—if we are going to do all that here, with no hearing, what does this do to help the men and women who were injured or killed in the Pentagon—and their families? What does this do to help the men and women in New York and their families and those children who were orphans in an instant, a horrible instant? Hundreds, perhaps thousands, of children became orphans instantaneously. What does that do for them?

Somewhere we ought to ask ourselves: Do we totally ignore the normal ways of doing business in the Senate? If we do that, what is going to happen when we get down to the really difficult questions?

Maybe the Senate wants to just go ahead and adopt new abilities to wiretap our citizens. Maybe they want to adopt new abilities to go into people's computers. Maybe that will make us feel safer. Maybe. And maybe what the terrorists have done made us a little bit less safe. Maybe they have increased Big Brother in this country.

If that is what the Senate wants, we can vote for it. But do we really show

respect to the American people by slapping something together, something that nobody on the floor can explain, and say we are changing the duties of the Attorney General, the Director of the CIA, the U.S. attorneys, we are going to change your rights as Americans, your rights to privacy? We are going to do it with no hearings, no debate. We are going to do it with numbers on a page that nobody can understand.

And by the way, we are going to tell the people who are working around the clock today to stop that and give us reports within 2 months on all these areas. By the way, we commend you for the work you are doing, but set aside a few dozen people and the President to give us these certifications. Part of it seems to me to ask the Attorney General to report back to us right away. We are asking the President to report back to us right away.

Frankly, I think the Attorney General and the President have their hands full right now. I commend them for what they are working on. I have talked with the Attorney General several times over the last few days. He hasn't told me that he needs this investigation. He is pretty busy working on what he is doing. And I say Attorney General Ashcroft is doing a very good job.

I have spoken to the Director of the CIA. He has not requested that we suddenly turn the attention of the Senate to this legislation. I haven't heard from the President that he wants to suddenly have them do a number of reports connected with this. Maybe it would make a lot more sense if we gave the chairman, the vice chairman of the Intelligence Committee, the chairman and ranking member of the Armed Services Committee, and the chairman and ranking member of Judiciary a chance to actually have the kind of hearings necessary to know what we are doing so that we do not get into some of the problems we got into in the past.

If we are going to change habeas corpus, change our rights as Americans, if we are going to change search and seizure provisions, if we are going to give new rights for State investigators to come into Federal court to seek remedies in the already overcrowded Federal courts, fine, the Senate can do that. But what have we done to stop terrorism and to help the people in New York and the survivors at the Pentagon?

I yield the floor.

Mr. HATCH. Mr. President, I have heard a lot of talk here. But we are talking about giving the tools to law enforcement that it needs to stop further terrorist acts in our society. You want the authority? I will tell you what the authority is right now. We don't need a lot of facts and statistics.

This publication I hold in my hand is "Countering the Changing Threat of

International Terrorism," the report of the National Commission on Terrorism. By the way, every one of these principles in this amendment, the Justice Department wants, and wants badly, so that they can do their job to protect American citizens.

This National Commission on Terrorism says, just to go back to the original point:

By recent statute, a Federal agency must reimburse up to one-half of the cost of personal liability insurance to law enforcement officers and managers or supervisors.

Here is their recommendation, and it is not a bunch of obfuscation; it is pretty darn straight:

Recommendation: Congress should amend the statute to mandate full reimbursement of the cost of personal liability insurance for Federal Bureau of Investigation special agents and Central Intelligence Agency officers in the field who are combating terrorism.

As I understand it, CIA officers do have this. So it is not something that hasn't been considered or discussed by the top echelons of people who are knowledgeable about terrorism.

To get back to the provisions that we are considering, a lot of people in this country don't realize that you cannot tap the lines of the terrorists without some predicate reason for doing so. They are not in Title III of our code. This corrects that. It doesn't give law enforcement agents carte blanche to go out and do wiretaps. You still have to go to a judge. You still have to get the requisite authority. You have to present persuasive evidence to a judge to obtain wire-tapping authority.

But this is a tool that absolutely has to be had now, not a month or two from now. Let me go just a little bit further. This statute does not change the standard for trap and trace. It only adds emergency authority for the U.S. attorney. All trap and trace applications are approved by a Federal judge. You have to make your case before a federal judge. It isn't some wild-eyed breach of personal privacy. It gives us some tools to go get the terrorists. Local sheriffs cannot apply for trap and trace under these new provisions. Only U.S. attorneys can. I get a little tired of that type of talk. I have heard the suggestion that anybody can go in, and anytime some local sheriff wants to, he can tap a computer. That is unmitigated bull.

Let's talk about the computer situation. Currently, a judge's order applies only in the jurisdiction where it is issued. Typically, hackers go from computer to computer, leaving a trail that law enforcement has to follow. Investigators must go from jurisdiction to jurisdiction obtaining a trap and trace in every jurisdiction in order to follow a hacker's trail. Let's put it in terms of a terrorist who happens to go in all 50 States. That means that, in order to investigate, law enforcement

has to go in every State in the Union to a Federal judge and get authority to do what ought to be done overnight in front of a single federal judge. Under the amendment we are proposing, it can be done overnight by going to a single federal judge.

These are the kinds of things that bother me. This is what this amendment will do.

Mr. REID. Will the Senator yield for a question?

Mr. HATCH. I will be happy to sit down soon because I know we are ready to vote soon.

The chairman of the Judiciary Committee suggested that a prosecutor could get a wiretap for anything they wanted under our amendment. With all due respect, under Title III, a prosecutor must still go to a judge, just as he or she would when investigating wire fraud or interstate transport of stolen property. If this amendment is passed, the only change would be that a prosecutor could get wiretapping authority with respect to a terrorism or cyberterrorism offense.

Is terrorism or cyberterrorism as important as that? Will a judge apply a different standard in issuing authority for those wiretaps? You and I know a Federal judge will not do that. I think the answer is obvious. Why should we dither when we know that these tools will help? The FBI are the Justice Department strongly support for these important reforms. Let us adopt them now, and fight these problems now. We are not altering the Constitution or taking away the people's rights. We are helping to give the tools to our law enforcement community to stop terrorism. We are helping law enforcement help us to be safe and to investigate the crimes like those committed this week.

There is a lot more I could say. I understand we are ready to vote. I wanted to set the record clear.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will respond only because my name was mentioned in this last debate and the implication was made as to what my position was. Let me state my position to be accurate on the RECORD. I read this to say: If the court finds that the State investigative or law enforcement officer—obviously two entirely different things—has certified to the court that the information likely to be obtained by such installation used is relevant to an ongoing criminal investigation, they get the order.

That is what the amendment says. You could have a State investigator, not even a sworn police officer, come in and say: Your Honor, I certify that this is relevant; give me the order. It seems to me as though the judge has much choice. We do it to fight terrorism on computers. How is a terrorist defined? We know what terrorism was at the

trade towers. Is a terrorist somebody who comes in and says: I want to come in armed and make a statement, carrying a legally registered, licensed weapon and make a statement: I should have an easier time to carry my guns? Some people may feel terrorized. In my State, it would be routine. Is it terrorist activity if somebody blocks a contractor who wants to tear down trees to open up a development and have sent e-mails to their friends about this? Is that terrorist activity? It is easy to define terrorism.

It says, however, if you come in from wherever and say you are the private investigator hired by the contractor, you say: Hey, I certify this, give me the order, and you get it. Fine, if that is what we want. I would be a little bit concerned about our own rights as Americans.

Mr. LEVIN. Mr. President, I have one question I want to ask, perhaps, of my friend from Arizona.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I have not had a chance to read this language until tonight. I guess that is part of the problem. It also is clear this is going to be adopted. I want to ask one question for the record.

This amendment goes beyond changes in the wiretap law as it relates to terrorism; is that correct? The language is "any ongoing criminal investigation."

Mr. HATCH. That is correct.

Mr. LEVIN. So it is broader than terrorism. I am not debating merits plus or minus. I am trying to understand what is in it since it came to me for the first time tonight. I want to be very clear, at least the way I read this, that this is not something that is just limited to counterterrorism, about which I think all of us would have a passion.

Mr. HATCH. Will the Senator yield?

Mr. LEVIN. Yes.

Mr. HATCH. The wiretapping provision is a broad investigational authority. It is not limited just to terrorism, but, currently, terrorism is not included in that authority. It is one of the defects in our system. All we are trying to do is get it included so we can find these people, and we can do it. Even so, before being granted wiretapping authority, you have to make a case, before a Federal judge, that you have probable cause to believe that the subject of the wire-tapping order has committed a serious criminal offense.

Mr. LEVIN. If my friend will yield further, I understand we want to make sure terrorism is included in our statutes.

Mr. HATCH. Right.

Mr. LEVIN. This amends, though, our statutes. I am not arguing the pros and cons. It amends not just terrorism, but it amends the wiretap law and all criminal activity, including terrorism; is that correct?

Mr. HATCH. It adds terrorism to Title III. In addition, it upgrades wiretap laws to include computer terrorism, cyberterrorism, even right down to illegal hacking.

Mr. LEVIN. But it does not relate.

Mr. HATCH. Because those offenses are not currently covered in Title III, and we need to correct that defect or we cannot resolve these problems with regard to terrorism.

Mr. LEVIN. I tend to agree with our friends that we need to strengthen the law on that point. I want to be clear on one point: We are not adding terrorism to make sure we are covered. We are applying these new standards to all criminal activity, not just terrorism.

Mr. HATCH. That is correct, but keep in mind, our current laws are antiquated laws based upon telephones, where now we are in the area of cyberterrorism, and we must upgrade the laws to take care of that.

Mr. LEVIN. I make one request of my good friend from Vermont, the chairman, because he has raised some important questions about making sure we take the time to know what we are doing. We are not going to have that time tonight. That is obvious. I express the hope, given the kind of points that have been made here, that it would be possible, before this comes back in the form of a conference report, for there to be some review of some of these provisions by the Judiciary Committee.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we will try our best. We are, of course, under the same limitation as everybody else trying to get a lot of work done. I had planned in the next week or so to do a number of judicial hearings. I suppose we can spend the time doing this. It probably would make some sense.

We do not define terrorism, but we say we are adding that. I guess some kid who is scaring you with his computer could be a terrorist and you could go through the kid's house, his parents' business or anything else under this language; it is that broad.

Again, the Senate can vote for whatever it wants. I certainly hope we would put in, and I will support the money for the liability insurance. The problem, I suspect, is with several hundred million dollars. But if that is what we want, we should do it. Let us make sure we know. I will try to get the time for people to work on this during the next couple of weeks to try to answer the questions.

The Senator from Michigan asks a legitimate one. We will set aside virtually everything else in the Judiciary Committee to get an answer. Had I or our staff been asked about this, we probably could have had those answers, but I saw it about 30 minutes ago, about the same time the Senator from Michigan did.

I tell my friend from New Hampshire who asked a question earlier, I have no

objection to voting any time the Senator from New Hampshire desires to vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have had a very good debate on this amendment. We have had two people who feel very strongly about the issue explain very well their respective positions, and the chairman of the Judiciary Committee indicated he will hold further hearings on this. He is concerned about the way this amendment arrived.

The fact is, a lot of times legislation, as the Senator from Utah and the Senator from Vermont know better than I, they both having served here longer than I, sometimes ends up this way.

I hope we can get rid of this amendment at the earliest possible date. It is my understanding the proponents of the amendment have agreed to accept a voice vote. It is clear this amendment will be agreed to. When this bill goes to conference, the two veteran legislators who are managing this bill will be able to deal with some of the problems that have been raised tonight.

Mr. HATCH. Will the Senator yield? I ask unanimous consent that Senator HELMS be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 1562.

The amendment (No. 1562) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### SATELLITE HOME VIEWER IMPROVEMENT ACT

Mr. LEAHY. Mr. President, when Congress enacted the Satellite Home Viewer Improvement Act (SHVIA) in 1999, I well remember, as ranking member of the Judiciary Committee, that we amended the Copyright Act to authorize satellites to carry local channels into local markets. We knew at that time, however, that satellites would be unable to carry local TV stations on a must carry basis.

To address this limitation, we did two things. First, we delayed implementation of a full must-carry obligation until January 1, 2002, so as to give the industry time to upgrade their satellites to handle more channels. I regret that the satellite industry has challenged the must carry requirement on constitutional grounds, but also observe that a federal court recently threw out their lawsuit. Second we directed the FCC to make "final determinations" regarding license for alternative technologies that could deliver local channels on must-carry basis to markets that the satellites would not be able to serve.

I know my friend from New Hampshire shared my interest in this issue, as we both hail from states with television markets that are considered too small to receive local channels via satellite. Could my friend refresh for the record what last year's appropriations bill for the FCC had to say about this matter?

Mr. GREGG. I thank my friend from Vermont for raising this. As the Senator stated, the SHVIA gave the FCC 1 year from the date of enactment, or November 29, 2000, to make a final determination regarding licenses which had been filed at the FCC in January 1999. Thus, Congress effectively gave the FCC nearly two years to make a "thumbs-up-or-thumbs-down" decision on these applications.

As we were putting together last year's CJS appropriations bill, it became apparent to us that the FCC was not going to follow that statutory directive by acting on the license applications. Accordingly, we inserted report language into the conference report reiterating and clarifying the SHVIA directive. Specifically, we wrote that the FCC "shall take all actions necessary to complete the processing of applications for licenses."

When the November 29, 2000, deadline was reached, however, the FCC did not fully satisfy the directive.

I would ask my good friend from Hawaii, who, as a senior member of the CJS Appropriations Subcommittee and as the Chairman of the Commerce Subcommittee on Communications, is uniquely qualified to share his expertise on this FCC matter.

Mr. INOUE. I thank my friends from New Hampshire and Vermont for their interest in this issue. The satellite "local-into-local" problem is indeed a problem in our states, but we are far from alone. A new watchdog group, Equal Airwaves Right Now!, or EARN, recently released a study which projected that DBS carriers will not carry any local TV stations in 17 states next January, when the must-carry obligation takes effect. Ten more states will find that less than a quarter of their stations are carried by DBS. All told, 80 percent of all television markets will not have any local TV service via satellite.

This is indeed a problem that the FCC should address as soon as possible. So I will concur with the sentiments of my colleagues and reiterate once again to the FCC that we expect the agency to make a determination on these long-pending license applications before the year is over.

Only one company has satisfied the statutory directive to demonstrate through independent testing that its terrestrial service will not cause harmful interference to DBS. Thus, on this ground alone, it would appear that the FCC cannot hold a spectrum auction, because, with only one qualified appli-

cant, there can be no finding of mutual exclusivity. I'm also concerned about any further postponement of the deployment of this service that would deny consumers the immediate savings that would come about with the entry of a new competitor in the marketplace, which some have estimated will total \$1 billion.

For all of these reasons, I think it is more than realistic for the FCC to issue licenses for this new service by the end of this year without resorting to an unnecessary and inappropriate auction.

I believe the ranking member of the Appropriations Committee would also like to add some comments. He is particularly well qualified on this as he is also a member of the Commerce Committee, which like the Judiciary Committee, had jurisdiction over the SHVIA.

Mr. STEVENS. I thank the gentleman from Hawaii. He and my colleagues from Vermont and New Hampshire have correctly recited the legislative history and I agree that the FCC did not fully satisfy either the SHVIA directive or the CJS clarifying directive. That said, I do want to commend the FCC for advancing the ball forward, so to speak, by establishing a Multichannel Video Distribution and Data Service (MVDDS), after having concluded that it is technologically feasible for the terrestrial license applicants to share spectrum with satellite providers.

I would also remind my colleagues that last year's appropriations bill for the FCC also required applicants who applied to share spectrum with DBS operators to show, through independent testing, that their terrestrial systems can safely share spectrum with satellites. It is my understanding that only one applicant, Northpoint Technology, submitted its transmission equipment to the MITRE corporation for the required independent test. The MITRE report confirmed the FCC's earlier determination that terrestrial-satellite spectrum sharing is feasible.

The FCC's comment period for the independent test was statutorily limited to 30 days. The opponents of this new service could contest the findings forever, if we let them. We must insist that the FCC respect that deadline by promptly making a final determination on the Northpoint applications. It is time for the FCC to make good on the original statutory directive and, better late than never, finally issue the licenses. It has now been over 2½ years since Northpoint filed its license applications, and we need the FCC to complete action on these applications now so that this new service can enter the marketplace in a matter of months, not years.

#### HYDRO PLANTS

Mr. SMITH of New Hampshire. Mr. President, I thank Senator GREGG and

Senator HOLLINGS for their help. As Senator GREGG knows, American Tissue has closed its mills in Berlin and Gorham with only a few employees keeping the hydro plants in Gorham running. These employees are not being paid. The mills have supported these communities for 150 years and are the largest employers in the north country. In addition to people being out of work, American Tissue owes the towns millions of dollars in back taxes and water bills. The EDA has visited the area and has seen first hand how desperate the situation is and I would like to encourage them to do whatever they can to provide these communities with additional help.

Mr. GREGG. I, too, have visited the region and they are truly in need of assistance. I would like to thank Senator SMITH for bringing this to the attention of the full Senate and will work with my colleague to ensure this area receives the necessary help.

Mr. HOLLINGS. The situation does indeed sound severe. Hopefully we can provide some assistance.

#### COASTAL SALMON FUNDING

Mr. SMITH of Oregon. Mr. President, I would like to clarify with my colleagues on the Appropriations Committee the disposition of certain funds earmarked by the Senate report language for the Commerce, Justice, and State, the Judiciary and related agencies appropriations bill for fiscal year 2002. This earmark, for \$1 million within the Pacific Coastal Salmon Recovery Fund, addresses natural threats to the southern Oregon/northern California coho salmon in the Klamath River. I would like to clarify that since this earmark is out of the funds provided for the State of Oregon, these funds are to be spent within the State of Oregon.

I can assure my colleagues that there are such overwhelming needs related to water quality in the Upper Klamath River Basin that these funds would be spent effectively in Oregon to improve water quality or enhance flows for the Klamath River system overall. Is that also the understanding of my colleague from Oregon?

Mr. WYDEN. It certainly is. I believe it is imperative that, since these funds are allocated to the State of Oregon, they be spent for on-the-ground activities within Oregon. These funds will be an important component of the near-term solutions that the Oregon delegation is trying to put together, literally as we speak, in order to assure more stability in the operation of the Federal Klamath Project next spring.

Mr. HOLLINGS. I think that is certainly appropriate, and I have no problem agreeing to such a clarification, provided it is agreeable to my colleague, Senator GREGG.

Mr. GREGG. That is agreeable to me as the ranking member on the Appropriations Subcommittee on Commerce.

Mr. SMITH. I appreciate that clarification on this issue of such importance to the State of Oregon.

MECKLENBURG COUNTY, NC

Mr. HELMS. Mr. President, It would be helpful if Senator EDWARDS and I can discuss, for the record, with the distinguished Chairman of the Commerce, Justice, State and the Judiciary Appropriations subcommittee, two matters of considerable importance to the citizens of Mecklenburg County, NC.

Mr. HOLLINGS. I will be delighted to discuss these matters with the distinguished Senators from North Carolina.

Mr. HELMS. I thank the able Senator. Mr. President, I would be remiss if I did not start by thanking the chairman and the ranking member, Senator JUDD GREGG of New Hampshire, as well as their outstanding staffs, for all of their hard work in putting this bill together. I know that all involved have invested long hours and that you have made many difficult decisions. Senator EDWARDS and I are grateful for the support that we received for several vital initiatives in North Carolina that are intended to improve public and officer safety.

In particular, I am grateful for the willingness of the committee to agree to our request for \$500,000 to help equip a new Sex Offender Registration Unit at the Mecklenburg County Sheriff's Office. Tragically, sex offenders are, at once, among the most difficult criminals to convict of their crimes and among the most likely to commit new offenses.

North Carolina law requires convicted sex offenders to register with local law enforcement and to notify the police of their change of address. The safety of the public in general, and the safety of our children in particular, is placed in jeopardy when a convicted sex offender fails to comply with N.C. registration laws. Statewide, approximately one in ten convicted sex offenders does fail to register.

North Carolina's largest county in terms of population, it is perhaps not surprising that Mecklenburg is also the leader in the number of registered sex offenders. Over the past few years, there have been at least 15 separate instances where offenders that were required to register were later apprehended and convicted of subsequent charges of molestation or the rape of a minor child. Ever one such case is one too many.

The abhorrent nature of these crimes demands that we do everything we can to ensure that sex offenders are not able to victimize others when they return to our communities. This \$500,000 will help the Mecklenburg County Sheriff's Office to properly identify, register, and consistent with North Carolina law, track these heinous offenders after their release from prison.

Mr. HOLLINGS. I thank the Senator from North Carolina for his remarks.

He is correct about the high rate of recidivism among sexual offenders. We were delighted to be able to accommodate the request of the Senators from North Carolina.

Mr. HELMS. I thank the chairman. In addition to the \$500,000 provided for the Sex Offender Registration Unit, there is one other matter involving the county that I would like to address. Senator EDWARDS and I combined our efforts in support of the county's request for \$3,000,000 from the COPS Technology Program for the Criminal Justice Information System. Upon receiving the committee's report, we were pleased to note that the money requested for CJIS was included but we also noted that the reference to Mecklenburg as the intended recipient was inadvertently omitted. If the chairman would be so kind as to clarify the committee's intent with respect to these funds, then I would be most grateful.

Mr. HOLLINGS. Mr. President, I am glad to be able to address this matter. The committee was impressed by the fact that Mecklenburg County has already committed \$8,500,000 to upgrade its criminal justice history information systems and intends that the \$3,000,000 designated for CJIS be used by the county to assist in their ongoing efforts.

Mr. HELMS. I again thank the chairman and my good friend, Senator JUDD GREGG, for their vital support on these projects. I would also like to recognize the efforts of Senator EDWARDS and his staff who worked diligently to promote these initiatives.

Mr. EDWARDS. Mr. President, one of the greatest challenges facing the criminal justice system is the question of how we ensure that convicted criminals do not repeat their crimes when they are released from prison. In my State of North Carolina, there are laws that attempt to address this issue in order to make our communities safer places to live and work. These laws require sex offenders to register with law enforcement whenever they move into a new county in the State, and require law enforcement agencies to locate and arrest sex offenders who fail to comply with any part of the registration laws. The establishment of a Sex Offender Registration Unit at the Mecklenburg County Sheriff's Office will enable the Sheriff to keep better track of offenders that move into the County, and to identify sex offenders who do not comply with registration laws. Funding for the Unit is critical toward ensuring that our communities are kept safe from individuals who intend to repeat their crimes and prey on some of the most vulnerable members of our society—our children. I greatly appreciate the support of Senators HOLLINGS and GREGG for this important project.

Also, as my distinguished colleagues indicated, the committee report appropriated \$3 million for the Mecklenburg

County Criminal Justice Information System. The demands of modern, large, urban law enforcement systems, such as Mecklenburg County's, are numerous. That is why the CJIS project is so important. CJIS will help local law enforcement agencies and court services to manage and compile information about their cases and to share electronically maintained subject and case data in real time. The end result will mean increased efficiency and effectiveness of the criminal justice system in Mecklenburg County and the surrounding region.

Again, I thank Senators HOLLINGS and GREGG for their generous support of these projects. I also thank Senator HELMS for his tireless efforts on these and the many other appropriations projects that we have worked so closely on together.

METHAMPHETAMINE

Mr. HOLLINGS. I understand that Missouri is waging quite a battle against Methamphetamines.

Mrs. CARNAHAN. The Senator from South Carolina is correct. The rural nature of Missouri and its location in the middle of the country have led to a sharp increase in methamphetamine production and trafficking. In fact, I am sorry to say that Missouri now ranks second in the nation in clandestine meth lab seizures.

Mr. HOLLINGS. In order to combat that problem, we are including \$1,100,000 in Fiscal Year 2002 funding for the Missouri Drug Eradication Initiative.

Mrs. CARNAHAN. Those funds will go a long way to enabling Missouri's hard-working law enforcement officers to combat this epidemic. I would like to spell out exactly how these funds will be distributed in order to maximize their effectiveness:

\$105,000 will go to the Southwest Missouri Drug Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a four county area.

\$110,000 will be for the Southeast Missouri Drug Task Force to target manufacturing, importation, and distribution and related violent crime in Southwest Missouri.

\$100,000 will enable the Northeast Missouri Narcotics Task Force to provide drug enforcement and assistance to city, county, state, and federal authorities that operate within the region.

\$120,000 will be for the Joplin Crime Lab for new equipment and staff salaries to analyze and assist law enforcement in fighting methamphetamine and other illegal drugs.

\$110,000 will provide the Southeast Missouri State University Crime Lab in Cape Girardeau with funding to assist with relocation into a new building on SEMO's campus and funding for new equipment to analyze and assist law

enforcement in fighting methamphetamine and other illegal drugs.

\$110,000 will help the North Central Missouri Drug Task Force to implement a coordinated, cooperative enforcement effort to reduce, disrupt, and dismantle the narcotics trade in a seven county area.

\$100,000 will support the West Central Missouri Drug Task Force's mission to combat illicit drug interdiction within a nine county area.

\$145,000 will go to the Combined Ozarks Multi-jurisdictional Enforcement Team (COMET) to aggressively investigate and seek reduction of drug violations that occur within the area.

The Mid-MO Unified Strike Team and Narcotics Group—MUSTANG—will receive \$100,000 to support its efforts to combat meth and other illegal drugs.

The South Central MO Drug Task Force will receive \$100,000 to target manufacturing, importation, and distribution of narcotics in South Central Missouri, including the Mark Twain National Forest.

I am extremely pleased that these funds have been included in this bill. I am confident that these resources will have a meaningful impact on Missouri law enforcement's efforts to make our state safe and drug-free.

THE NATIONAL INSTITUTE OF JUSTICE NATIONAL CENTERS FOR LAW ENFORCEMENT AND CORRECTIONS TECHNOLOGY

Mr. STEVENS. The fiscal year 2002 State, Justice, Commerce bill fully funds the President's request for the National Institute of Justice. I commend the chairman and ranking member of the subcommittee for providing full funding.

Among other things, NIJ provides support for a series of National Centers for Law Enforcement and Corrections Technology which test and evaluate new law enforcement technology and equipment for various purposes.

Last year Congress provided \$1.2 million to establish a new center in Alaska to provide cold weather testing capability. I have received reports that all the centers in the lower 48 States would be funded in the President's request, but the new Alaska Center would be zeroed out. That certainly is not understanding of the committee's intention, and I note that the committee report was silent on this point. Could the distinguished Senator from South Carolina and the chairman of the subcommittee help me clarify this point?

Mr. HOLLINGS. It is the committee's intention that the Alaska Center as well as the national centers in the lower 48 States continue to be funded through the National Institute of Justice. There was certainly no intention on the part of the subcommittee to zero out the Alaska Center. Within the funding that is agreed upon in conference with the House for the National Institute of Justice, it is my hope and

expectation that we will be able to continue funding all the centers nationwide at the fiscal year 2002 level. If reductions are required in conference, they will occur proportionally, and if increases are possible, they would also be spread proportionally among the existing centers.

Mr. GREGG. I agree with the chairman of the subcommittee. There was never any intention of zeroing out the new Alaska Center. We will work with the Senator from Alaska to include language clarifying this issue in the statement of managers when we meet in conference with the House to work out the differences between the two versions of the bill.

#### WASHINGTON STATE METHAMPHETAMINE PROGRAM

Mrs. MURRAY. Mr. President, methamphetamine production and use has had a devastating effect on many communities across our country, and tackling this problem has been very challenging to law enforcement.

Meth has a particularly large impact on my state. We rank number two in the nation in meth production and use. Last year, local law enforcement raided five times the number of meth labs than they did the year before in Washington.

The impact on our health and the environment are extensive. The byproducts of meth production are highly toxic and hazardous and pose serious threats to the public at large. Meth is produced with toxic chemicals and generates dangerous byproducts. Because manufacturing can take place in the basements of homes and other populated areas, innocent neighbors are often placed in danger by meth production. There are also serious safety issues due to the risk of fire and explosion associated with the chemicals involved. Furthermore, the toxins that are used and discarded as a part of meth production have serious and long term impacts on the environment, and the clean-up cost are substantial.

The use of this drug can also have a severe impact on families and children. People who use and make meth put children and their families at risk of hazardous contamination and often live in unsanitary conditions. Meth uses also tend to emotionally and physically abuse those around them.

With that, I yield to my colleague from the state of Washington, a member of the Judiciary Committee, Senator CANTWELL.

Ms. CANTWELL. I thank Chairman HOLLINGS and my colleague, Senator MURRAY, for their tremendous work on this bill and am particularly grateful to the Chairman for his clear understanding of the complicated law enforcement and natural resource issues facing the western states and wish to thank him for his attention to those matters in this bill.

I believe that we are facing an epidemic in this nation that has the po-

tential to be every bit as devastating as the crack cocaine epidemic of the early 1990s. That epidemic is the rapidly spreading abuse of the drug methamphetamine. Except that unlike crack cocaine, meth will not devastate our inner cities—it will instead primarily devastate our rural communities.

I am sure that the Chairman is aware that rural areas are uniquely hospitable to meth production, and the paranoid users of meth seek out rural areas because they know that our law enforcement officers are spread thin, and that they lack the manpower and the resources to constantly find and destroy new labs. A study by the National Center for Addiction and Substance Abuse at Columbia found that eighth graders living in rural America are 104 percent more likely to use amphetamines than eighth graders in urban areas.

This is the reason that we are intent on ensuring that local law enforcement agencies have as much assistance as possible in fighting the further spread of the drug. I hope that the Chairman and the members of the Subcommittee can work closely with those of us on the Judiciary Committee as we work to assess the local need for federal resources in the months to come. Again, I thank the Chairman and yield back to my colleague from Washington.

Mrs. MURRAY. The Commerce, Justice, State and Judiciary Appropriation Subcommittee, of which Senator HOLLINGS is Chairman and I am a member, has responded to this problem by providing money under the Community Oriented Policing Services Program to help local communities and law enforcement combat meth production and use. In this year's bill, we have provided a good number of resources to deal with the meth problem, including an earmark for the Washington State Methamphetamine Program.

Is it the intent of the Appropriations Committee that the money provided for the Washington State Methamphetamine Program be spread among the participating counties in Washington State, which include the counties of King, Benton, Snohomish, Kitsap, Spokane, Thurston, Pierce, Lewis, Grays Harbor, Mason, Cowlitz, Clark, Grant, Chelan, and Yakima?

Mr. HOLLINGS. The Committee has long recognized the problems associated with the use and production of Methamphetamines, and we have provided real money to help local communities and law enforcement deal with this problem. It is the intent of this Committee that the money made available for the Washington State Methamphetamine Program be spread among the counties that you have mentioned. I do look forward to continuing to working with the Senators from Washington on this issue in the future.

## PACIFIC COASTAL SALMON RECOVERY FUND

Mrs. MURRAY. Mr. President, I ask Senator HOLLINGS, am I correct in my understanding that the Manager's Amendment to the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill for Fiscal Year 2002 includes an additional \$4,000,000 for Washington State's share under the Pacific Coastal Salmon Recovery Fund, raising the total for Washington State to \$24,150,000 and the total for this account to \$74,000,000?

Mr. HOLLINGS. The Senator from Washington State is correct.

Mrs. MURRAY. I thank the Senator. I appreciate his assistance in this matter.

## COASTAL PROTECTION AND RESTORATION PROJECTS

Ms. LANDRIEU. It is my understanding that of the \$31 million provided for "Coastal Protection and Restoration Project" in the National Ocean Service Account of the Senate Committee Report of the Commerce, Justice, State Appropriations Bill for fiscal year 2002, \$15 million is to be provided to the State of Louisiana and \$15 million is to be provided to the State of Alaska for coastal impact assistance. This funding is to be allocated to and used by the States of Alaska and Louisiana in accordance with the coastal impact assistance program authorized in the Commerce, Justice, State Appropriations Bill, fiscal year 2001.

Mr. HOLLINGS. The Senator from Louisiana is correct.

## OREGON GROUND FISH

Mr. WYDEN. Mr. President, I thank my colleague, Chairman HOLLINGS, for accepting the amendment I sponsored to provide funding to aid Oregon groundfish fishers and their families. I also want to thank Chairman HOLLINGS for providing this opportunity to clarify, for the record, how the money provided by this amendment should be spent.

This amendment provides \$2,000,000 in additional National Oceanic and Atmospheric Administration funds for Cooperative Research on West Coast groundfish. It also provides \$3,000,000 in additional NOAA funds for emergency assistance for the Oregon groundfish fishers suffering from the groundfish fishery disaster resulting in more than 40 percent drop in income since 1995.

The \$2,000,000 for cooperative research surveys will be used by the National Marine Fisheries Service to put currently out-of-work groundfish fishing vessels and their owners to work doing annual groundfish data collections. In Oregon, and along with the West Coast, the National Marine Fisheries Service sets harvest regulations regarding 83 species of groundfish but collects data on only 16 species. They do so every three years instead of annually, as they do in many other fisheries. This funding for annual surveys

means jobs for displaced fishers and reliable economical and educated labor for an agency that claims it can't do its work because it doesn't have enough money or manpower. It also means better fisheries data, which should yield better fisheries management and benefit the environment and local fishers.

The \$3,000,000 for economic assistance is provided for fishers impacted by the loss of the August court case in which the Natural Resources Defense Council sued NMFS and won because NMFS used 15-year-old data to set groundfish harvest levels. Allowable harvests have been cut by an average of 64 percent over the past five years, and for some species it has been cut by 90 percent. This court order will result in further catch reductions. These folks are on the ropes; if they can't fish, they can't pay their bills. They need some help while they figure out what to do next as almost 3,000 of them try to transition into other lines of work. This assistance money should be used for single, lump sum payments to vessel owners who are suffering from these financial losses. The precedent for this type of payment can be found in the Hawaii longline fishery where fishers received \$3,000,000 of emergency assistance through the Secretary of Commerce in FY 2001 after the courts shut down their swordfish and tuna fisheries.

Mr. HOLLINGS. I understand that the \$2,000,000 for cooperative surveys is to be used for annual West Coast groundfish surveys in Oregon, as well as to provide work for displaced Oregon groundfish fishers. I further understand that the economic assistance money is intended for vessel owners to tide them over these difficult times. I appreciate the Senator bringing this important issue to light and I am happy to have been able to help his constituents on this important issue.

## NEW TECHNOLOGY TO AID FBI'S INNOCENT IMAGES INITIATIVE

Mr. GREGG. As the distinguished Chairman of the State, Justice, Commerce Appropriations Subcommittee knows, we have provided substantial funds through the years to support Federal Bureau of Investigation (FBI) efforts to catch child predators and pornographers engaging in criminal activity on the Internet. The FBI's first undercover operation in this field of investigation, code named "Innocent Images," was initiated in 1995. Six years later, Innocent Images is an FBI National Initiative, supported by annual funding of \$10 million, with undercover operations in eleven field offices.

The FBI's Innocent Images Initiative utilizes undercover agents posing as children on-line to identify and investigate potential sexual predators. Under current practice, the FBI's Innocent Images Initiative relies on individual agents posing as children in on-line "chat rooms." Thus, the effective-

ness of the program is necessarily limited because human resources are limited.

Recently, I became aware that a company called Spectre AI has developed new technology that has the potential to increase vastly the effectiveness of the Innocent Images Initiative. Spectre's technology utilizes computers that are capable of monitoring large numbers of on-line chat rooms simultaneously. These computers are programmed to search for certain key words or phrases for which agents are trained to spot when on-line looking for child predators and pornographers. When such key words or phrases are identified, Spectre's artificial intelligence program carries on a limited, two-way dialogue with the potential child predator. Simultaneously with the initiation of this two-way dialogue, the Spectre technology notifies an FBI agent, who then takes over the investigative chat-room dialogue.

This new technology developed by Spectre AI has the potential to increase exponentially the number of Internet chat rooms that the FBI can monitor. Thus, it holds the promise of an enormous leap forward in the effectiveness of the FBI's "Innocent Images Initiative" and its goal of protecting our Nation's children from sexual predators and pornographers.

Does the Chairman agree with me that Specter AI's new technology should be carefully reviewed by the FBI for possible utilization in its "Innocent Images Initiative"?

Mr. HOLLINGS. I am intrigued by the new technology that the Senator has described. I certainly will join you in encouraging the FBI to give it consideration.

Mr. INHOFE. Mr. President, I thank Senator GREGG and Senator HOLLINGS for considering this amendment. For purposes of clarification, it is my understanding that this amendment will decrease funding from the National Oceanic and Atmospheric Agency (NOAA) Procurement, Acquisition and Construction account by \$500,000, specifically from the "Norman Consolidation Project," and add the same amount, \$500,000, to the International Trade Administration, Trade Development account for International Trade Processing Center Programs in McCain County, Oklahoma. Is that how the Senator from New Hampshire understands this amendment?

Mr. GREGG. Yes. That is exactly how I understand the amendment offered by the Senator from Oklahoma. We are happy to accept this amendment.

## DESIGNATION OF THE FT. SMITH, ARKANSAS INS OFFICE AS A SUB-OFFICE

Mr. GREGG. I would like to discuss the need to designate the Immigration and Naturalization office located in Fort Smith, Arkansas, as a Sub-office, with an Officer-in-Charge.

I understand that the area serviced by the Fort Smith INS office has experienced tremendous growth in its Hispanic population and needs this designation in order to efficiently administer and enforce our nation's immigration laws.

Mr. HUTCHINSON. That's absolutely correct. As you know, according to the 2000 Census, Arkansas' Hispanic population grew by 337 percent over the course of the past decade, a rate of growth which is believed to be the fastest in the nation. In the Third Congressional District, where the Fort Smith office is located, Hispanics now comprise 5.7 percent of the total population. This phenomenal growth is shown even more poignantly when one considers that the Northwest Arkansas county which is home to the University of Arkansas, Washington County, experienced a 629 percent increase in its Hispanic population. Needless to say, this influx of new immigrants is putting a significant strain on the provision of basic immigration services.

Mr. GREGG. Can you give me an example of how a Sub-office designation would reduce that strain?

Mr. HUTCHINSON. Currently, the staff of the Fort Smith office are processing a significantly greater number of cases than was originally planned and doing so without a corresponding increase in staff. Thus, it is common for a person's work permit or travel document to be unnecessarily delayed due to the fact that the Fort Smith office simply does not have the resources necessary to locally process the application. A Sub-office designation, and the Officer-in-Charge that would accompany it, would allow the Fort Smith office to administer oaths of naturalization, authorize arrest warrants, issue intentions to fine, and process other administrative matters.

Mr. HOLLINGS. I appreciate your bringing this matter to our attention and we will look into this situation in conference.

#### FY02 SCAAP FUNDING

Mrs. FEINSTEIN. Mr. President, I rise with a number of my colleagues and the Chairman of the Commerce, Justice, State Subcommittee, the Senator from South Carolina, to discuss funding for the State Criminal Alien Assistance Program, popularly known as SCAAP.

As the Senator knows, States and localities across the nation, especially those with high immigration populations, face extraordinary costs associated with incarcerating criminal aliens.

The burden continues to grow, for high impact States like California, for example. In February 1997, there were 17,904 undocumented felons in the California correctional system with Immigration and Naturalization Service holds. By the end of February 2001, there were 20,937 illegal alien inmates

in the system with INS holds. California taxpayers can expect to spend \$571.2 million this year to cover these costs.

Over the past few years, the SCAAP program has reimbursed roughly 33 percent of the costs incurred by State and local governments. Since 1997, the authorization level for SCAAP has been \$650 million. Funding for the program peaked at \$585 million in FY 1999, and dropped to \$565 million in FY 2000.

Given the rising costs associated with criminal alien incarceration, the legislation my colleagues and I had hoped that Congress would see fit to fully fund this important program at the authorized level of \$650 million.

I am concerned that the bill reported by the committee makes dramatic cuts in federal funding for SCAAP, reducing the level of funding by 53 percent to only \$265 million.

Given the urgency of the need and the fact that all 50 States, the District of Columbia, Puerto Rico and more than 360 localities received SCAAP funding in the most recent reimbursement period, I would like to inquire of my friend from South Carolina if there is something that can be done to increase funding for this bill for SCAAP to a more appropriate level.

Mr. KYL. Mr. President, I wish to associate myself with the remarks of my good friend, the Senator from California, and also look forward to working with the Chairman and Ranking Member of the subcommittee to resolve the funding disparity in the State Criminal Alien Assistance Program (SCAAP).

Before I begin my comments about this important program and the level of funding in the Senate Commerce-Justice-State Appropriations bill, I want to state my full support for the \$565 million funding level for SCAAP in the House FY 2002 bill. Through the Crime Control Act of 1994, the Congress created SCAAP to reimburse states and localities for the costs they incur incarcerating criminal illegal aliens. Such costs, it has been made clear, are the responsibility of the federal government. SCAAP has been authorized at \$650 million, although total expenditures of the states and localities exceeds \$1.6 billion per year. Though the financial burden to process and incarcerate criminal illegal aliens overwhelms the budgets of many states and localities, SCAAP has never been allocated its full authorization. Over the past five years, SCAAP has usually been funded at levels between \$500 million and \$600 million, which has provided states and localities reimbursement of about 30 cents for each dollar spent on incarceration.

The Congress would be doing the right thing if it allocated \$1.6 billion. In FY 2001, the state of Arizona and its localities incurred costs of well over \$30 million to incarcerate criminal ille-

gal aliens, and received \$18 million in federal reimbursement—when SCAAP was funded at \$585 million overall.

To reduce the total 2002 SCAAP fund from its \$565 million level to \$265 million (a \$300 million decrease), is unacceptable. Should funding be reduced to \$265 million, all 50 states, D.C., and the increasing number of localities that incur costs, which now receive an unacceptable 30 cents for each dollar spent, will receive an even more unacceptable level of reimbursement.

Mr. President, I very much hope that Senators GREGG, HOLLINGS, FEINSTEIN, GRAHAM and I can work to resolve these issues before this bill is signed into law.

Mr. GRAHAM. I join with my colleagues to stress the importance of adequate funding for the State Criminal Alien Assistance Program. When our state and local law enforcement undertake the task of assisting the federal government in areas of complete federal jurisdiction, such as immigration, we need to ensure that we are not unfairly shifting the cost burden of this task to our state and local partners. The incarceration of criminal aliens, when undertaken by state and local governments, should be reimbursed. SCAAP is a good first step—it reimburses some of the costs—we should do more. But at the very least, we should ensure that at least the \$565 million allocated in the House bill is available for SCAAP this year.

Each of our states receives reimbursement from SCAAP. Our law enforcement community counts on this funding, and it is our obligation to ensure that our federal responsibility is met.

I am pleased to be working with so many dedicated colleagues on this matter, and look forward to working with the Committee on an issue of such importance to each of our states.

Mrs. FEINSTEIN. I thank the Senator for his encouraging words. As I am sure he knows, the SCAAP reimbursements provided in prior years did not nearly cover the costs states and localities incurred to incarcerate illegal aliens in their jurisdictions.

In Fiscal Year 2000, the last year for which such cost figures are available, the cost for states and localities amounted to more than \$11 billion. Thus, last year's funding level covered only \$565 million, or 5.1 percent, of the actual costs.

A cut along the magnitude of that which is included in the Committee bill would be absolutely devastating. The State of Wisconsin would lose more than \$1.1 million in funding; Rhode Island would lose over \$900,000; Pennsylvania would lose over \$1 million. Thus, even states which have not traditionally had to confront the growth in illegal immigration are bearing the costs of this Federal responsibility.

When the Federal government fails in its responsibility to control our nation's borders, local taxpayers should not have to foot the bill for incarcerating undocumented criminal aliens in State and local jails.

I will work closely with my colleagues in both bodies during the weeks to come to insure that this bill adequately funds SCAAP.

Mr. DODD. Mr. President, obviously the highest priority as a nation is addressing every aspect of the terrorist attacks that took place in our country earlier this week. That is now and should be in the foreseeable future our primary concern as a Senate, a Congress and as a country. Part of responding to that concern includes demonstrating to ourselves and the world that we can carry on the very important business of our country. That business includes election reform.

I now address the issue that will become increasingly important as our Nation and our deliberations in Congress return to normal. This is the issue of funding for election reform. I appreciate this opportunity to include an amendment as part of the managers' amendment to H.R. 2500 (S. 1215). This bill contains appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year 2002.

My amendment provides a \$2 million placeholder for election reform in fiscal year 2002. These Federal dollars would be used to fund a Federal grant program administered by the Department of Justice to States and localities for election reform improvements nationwide.

The amendment that I have crafted is identical to the provision inserted in S. 1398, the Treasury-Postal appropriations bill. The Committee on Appropriations included a \$2 million placeholder in the Federal Election Commission appropriation for administering a program to award Federal matching grants to States and localities to improve election systems and election administration for fiscal year 2002. The report to accompany that bill, S. Report 107-57, notes the intent of the committee that "once such a program is enacted into law, the funds should be available to immediately begin this process."

My provision mirrors this language. Legislation ordered reported by the Rules Committee on August 2, 2001, S. 565 provides for a Federal grant program to the States and localities to fund election reforms, including funds to meet minimum national requirements for voting systems standards and technology, provisional voting, and distribution of sample ballots, with voting instructions and voting rights. The bill funds the grant program through the Department of Justice. The Senate will debate this legislation later this fall. This amendment pre-

serves the ability of the Senate to fund reform through either the Department of Justice, the Federal Election Commission, or both.

I firmly believe that it is the obligation of the Congress to provide both the leadership and the resources for election reform. The reforms are necessary to provide guidance to States on election administration and technology and to re-establish public confidence in our elections system. Similarly, the financial resources are essential to support States and localities in implementing, maintaining and weaving those vital election reforms into the fabric of our American democracy.

My amendment for a \$2 million placeholder is at the same level of support that is currently included in the Treasury-Postal appropriations bill for election reform.

I urge my colleagues on both sides of the aisle to support this amendment. It is essential that we include the \$2 million placeholder now to preserve our ability to negotiate actual funding levels for election reform in conference.

Further, I also urge my colleagues to support the companion provision for election reform in the Treasury-Postal appropriations bill when it is debated on the Senate floor in the near future.

I will support both provisions.

Mr. FEINGOLD. Mr. President, I want to thank the managers of this bill, Chairman HOLLINGS and Senator GREGG, for accepting this amendment, and to thank Senators DURBIN and DEWINE and Congressmen HALL and WOLF for their leadership on this issue. I also want to recognize the NGOs that have worked so hard on this bill, and to recognize the diamond industry itself, which has come forward to work with the advocates and with Congress.

I now serve as the chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs. I have been to the Democratic Republic of the Congo. I have been to Angola. And, most recently, in February I traveled to Sierra Leone.

In each of these places, I have met amputees, refugees, widows and widowers and orphans. I have seen the tragic consequences of the near total disruption of a society—the malnourishment, the disillusionment, the desperation. And each time, I have been sickened by the knowledge that some people are getting rich as a result of this misery.

I believe that our national values demand that the United States disassociate itself from the trade in conflict diamonds.

But over the years that I have served on the Africa Subcommittee, I have also worked on issues relating to countries like South Africa and Botswana. These states depend upon their legitimate diamond industries to fuel economic growth and development. It is critical to distinguish between the en-

tirely legitimate diamond exports of a country like Botswana, and the diamond trade that has helped the RUF and UNITA to sustain bloody wars.

This legislation will help to build momentum behind the multilateral efforts currently underway to regulate the diamond trade and to create a "clean stream" for the legitimate diamond industry and consumers to rely upon. It is my hope that the action we take today will encourage the governmental authorities, advocacy groups and industry representatives gathering in London to work toward a multilateral solution. They must take decisive action to implement a rigorous regulatory regime, not retreat into halfhearted calls for self-regulation.

It is equally important to be honest about the fact that stopping the trade in conflict diamonds is not the silver bullet that will stop the conflicts in West Africa or the D.R.C. or Angola. These complex crises call for nuanced and multi-faceted policy responses. But this one element—de-legitimizing the trade in conflict diamonds—will make it more difficult, and less lucrative, for some of the most odious actors on the international stage to continue pursuing their violent and abusive agendas. It is unquestionably a step worth taking.

Mr. KERRY. Mr. President, today the Senate voted in favor of an amendment I offered with Senators BOND and COLLINS to increase funding for the Small Business Administration's Women's Business Centers program from \$12 million to \$13.7 million, by using some additional funds from the Agency's Salaries and Expenses account. I thank all my colleagues for their support of this important resource for women around the country who are working for economic independence and working to provide jobs and opportunities for others in their communities.

Today is not the first time the Women's Business Centers have been supported from both sides of the aisle. On April 6th, the full Senate agreed by voice vote to a similar amendment Senator BOND and I offered to the Senate Budget Resolution. Like today's amendment, that amendment, Amendment No. 183, increased the funding for Women's Business Centers from \$12 million to \$13.7 million.

I am encouraged by our ability to work together and reinforce the good work of the Women's Business Centers. When a Center trains an entrepreneur, she knows how to approach a lender for a loan, knows how to manage her business, and understands the hows and whys of marketing.

Let me give you two examples of women who sought assistance from the Women's Business Center in Boston, the Center for Women & Enterprise.

Nancy Engel went from struggling to raise her family on public assistance to

owning her own mail order and catalog company and creating four jobs. She not only helped herself, but has shared her better fortune by employing other mothers who have the flexibility to make it home in time to meet their kids at the school bus.

And then there's Sarah Byrne—a computer specialist who lost her job. Fed up with being at the mercy of a big company, she launched her own computer company, Complete Communications. With the help of CWE, Sarah has grown her company in Wakefield, Massachusetts, to about 14 employees.

I think it's remarkable that the program opened its first 12 centers in 1989 and today women have access to training and counseling at almost 100 sites. I also think it's remarkable that over the past decade the number of women-owned businesses operating in this country has grown by 103 percent to an estimated 9.1 million firms, generating \$3.6 trillion in sales annually, while employing more than 27.5 million workers. I want to encourage this trend.

In closing, I want to thank Senator HOLLINGS and his staff for all of their help and support of not only this amendment but for the Small Business Administration in general. Again, I thank all my colleagues for voting in favor of this amendment, and Senators BOND and COLLINS for offering this amendment with me. I ask unanimous consent that the amendment be included in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

In the appropriate place in the bill regarding appropriations for Salaries and Expenses of the Small Business Administration, insert the following after the phrase "by section 21 of the Small Business Act, as amended": "Provided further, That \$13,700,000 shall be available in fiscal year 2002 to fund grants as authorized by section 29 of the Small Business Act."

Mr. CRAIG. I rise today to express my extreme concern about developments in the Republic of Korea that have far reaching negative implications for United States semiconductor companies.

I am referring to the massive and unjustified government bailout that the South Korean government is providing to Hyundai Electronics, now known as Hynix.

Today, I am offering a sense-of-the-Senate amendment on this issue. I am joined by my colleague from Idaho, Senator CRAPO, in this effort.

To date, the South Korean government and the government-owned banks have given Hynix over \$5 billion in loans and other types of financing which carry the guarantee of the government of Korea. This is a subsidy pure and simple.

Now the Korean government is planning on giving Hynix additional loans to keep them solvent.

In the year 2000, Hynix was the world's largest producer of dynamic random access memory—or D-RAM—an important type of memory semiconductor that is used in everything from personal computers to satellites. Hynix has captured over 24 percent of the world semiconductor market.

However, Hynix achieved such a large share of the global market not because it is particularly good at making these semiconductor chips, but because it borrowed excessively and built up enormous capacity.

Last year, Hynix became unable to service its debt. Hynix lost over \$2 billion in 2000, and is expected to lose over \$3 billion this year on sales of a little over \$3 billion.

By any reckoning, this company would have failed were it not for government assistance.

Now, Hynix is broke and cannot repay the loans it took out to finance its expansion. Verging on bankruptcy, Hynix has been kept alive by the South Korean government through infusions of new cash.

Far from solving the company's problems, however, these government subsidies are just plunging Hynix deeper into debt.

This behavior circumvents normal market forces and has very severe implications for the companies in the U.S. and the rest of the world that are forced to compete with Hynix's illegally subsidized products.

Over the past several months, the Korean government has given assurances to me, to my colleague Senator CRAPO, and other Members of this body, as well as Ambassador Zoellick, Secretary Evans and Secretary O'Neill, that the Korean government will stop giving these subsidies to Hynix—subsidies that clearly violate our international trade agreements.

Now, the Korean government seems poised to violate these assurances completely, destroying the U.S. semiconductor industry in the process.

The Sense of the Senate resolution I am offering outlines these facts and calls upon the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative to request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization.

This amendment further asks that the Administration take any other actions that are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed.

I hope my colleagues will support this sense-of-the-Senate amendment and will join me in calling on the Korean government to stop subsidizing Hynix and to stop this dangerous distortion of the international semiconductor market.

Mr. WELLSTONE. Mr. President, I thank the managers of this bill, Senator HOLLINGS and Senator GREGG, for working with me to include an amendment I offered to the Commerce, Justice, State Appropriations bill. The amendment is the Bruce Vento Hmong Veterans' Naturalization Extension Act. The Act is named after my late colleague and dear friend, Congressman Bruce Vento. Congressman Vento dedicated much of his career to working with the Hmong community in Minnesota. He worked for a decade to ensure the passage of the Hmong Veterans Naturalization Act. This amendment would make it possible for all eligible Hmong veterans and their wives to receive the benefits they are due under this Act by extending the application deadline from November 26, 2001 to May 26, 2003.

With less than 3 months remaining before the deadline passes for most of those covered under the Act, only 25 percent of all eligible applicants have filed for citizenship. Advocates for the Hmong believe it will be impossible for all those eligible to file by the deadline. The Hmong community has faced many challenges in getting veterans and their wives filed. The Department of Justice did not release its guidelines for 2½ months and many INS regional offices were unfamiliar with the guidelines for a period of time after that, resulting in eligible Hmong applicants being turned away. The language barrier that created the need for the Hmong Veteran Naturalization Act in the first place has meant that many Hmong needed assistance from Hmong community advocates to understand the citizenship process and to fill out the citizenship application. These advocacy organizations are vastly under-resourced and are overwhelmed by the demand for help from Hmong applicants.

I want to make it clear. This amendment would not increase the number of eligible applicants. It in no way would change the other requirements of the law. It simply would provide a necessary extension for existing eligible applicants.

As the Senator from Minnesota, I am proud to represent one of the largest Hmong populations in America. My experience as a Senator has become much richer as a result of coming to know the history and culture of the Hmong people in Minnesota. I deeply respect their extraordinary efforts in support of the American people. When the Conference Committee meets, I urge my colleagues' strong support of this amendment so it may become law when this bill is passed. The original Act was passed because of Hmong veterans' tremendous sacrifice on behalf of the United States during the Vietnam War and because of the unique literacy challenges the Hmong community faces. It would be wrong to deny the

benefits of the Act to eligible veterans for reasons that are beyond their control. Let us fulfill the intent of the Act we passed last year and ensure that these veterans and their families receive the benefits they are due.

Mr. ALLEN. Mr. President, I congratulate Chairman HOLLINGS and Senator GREGG for including in this appropriations measure a grant of \$500,000 to the National Capital Area Council of the Boy Scouts of America for its "Learning for Life" program that serves 20,000 students in Washington, D.C., Virginia and Maryland. This is not a new program; the Congress has funded it for the past two years. By continuing to fund "Learning for Life" for another year, thousands of young people in the Washington metropolitan area will be able to participate in an innovative program that helps them develop social and life skills, assists their character development, and helps them formulate positive personal values.

"Learning for Life" is designed to support our schools in their efforts to prepare youth to successfully handle the complexities of contemporary society and to enhance their self-confidence and motivation. It prepares youth to make ethical decisions that will help them achieve their full potential.

At a time when drugs and gangs are ravaging our schools and communities, this program is a catalyst to help stop this trend. Teachers use age-appropriate, grade-specific lesson plans that give the boys and girls in our schools the skills and information that helps them cope with the complexities of today's society. By making academic learning fun and relevant to real-life situations, the core values and skills learned by the students participating in this program prepare them to participate in and provide leadership in American society.

Senators HOLLINGS and GREGG have been, and continue to be, strong supporters of efforts to enhance educational opportunities for the youth of our country. The thousands of boys and girls who participate in this program join me in expressing our gratitude for the continued leadership of Senators HOLLINGS and GREGG.

I am also thankful for the support of Senators THURMOND and SESSIONS who joined me in working to continue funding for "Learning for Life."

Mr. BAUCUS. Mr. President, I rise to address two important international trade issues raised in this bill: trade in conflict diamonds and trade adjustment assistance.

I thank Senator GREGG and Senator DURBIN for taking on the important issue of so-called "conflict diamonds." As we have all seen reported in the press, the struggle for control of diamond mining areas in Africa by various rebel groups have led to the commis-

sion of some terrible atrocities against unarmed civilians.

My colleagues Senator GREGG and Senator DURBIN have both introduced bills aiming to stem the trade in conflict diamonds. I applaud them for their efforts.

The appropriations measure that we are considering today includes language that would implement S. 1084, Senator DURBIN's bill to halt U.S. imports of conflict diamonds. Some of the measures used in this legislation to respond to the conflict diamond problem fall within the jurisdiction of the Finance Committee. Therefore, the preferred method for considering this measure would be to hold a hearing and mark up the bill in the Finance Committee.

In this case, however, there is a certain urgency to taking action on the issue of conflict diamonds in order to halt the atrocities that continue to take place in Africa and restore the confidence of the diamond-buying public in the United States. In addition, Senator GREGG and Senator DURBIN have worked closely with me and with each other to make sure that the substance of this provision is acceptable to all concerned.

Based on this close cooperation and the urgency of the issue, I have decided not to raise a jurisdictional objection. I therefore support the inclusion of S. 1084 in the bill before us.

I will now say a few brief words about Trade Adjustment Assistance. The TAA program has been on the books since 1962 and has historically received wide bipartisan support. The purpose of the program is to help workers and firms that experience layoffs due to import competition.

The portion of the Trade Adjustment Assistance program which assists trade-impacted businesses operates out of the Department of Commerce and its budget is included in the Commerce, Justice, and State appropriations bill. This program helps small- and medium-sized businesses that are facing layoffs due to import competition to get access to technical support and develop business plans that help them adjust to import competition, become more competitive, and maintain or increase employment.

The TAA for firms program operates on a shoestring. Historically, the TAA for Firms program creates or preserves one job for every \$861 spent. This is a bargain we cannot afford to pass up. In recognition of this program's track record, in every recent year the Senate has attempted to increase funding for this program in the CJS appropriations bill. Last year the amount that passed the Senate was about \$24 million. Every year, the number gets reduced in conference. This is very frustrating, but certainly not a reason to give up. This year, however, much to my chagrin, the bill before us does not include

any increase in funding for this program over the current level, so there is no basis even to go to conference on this issue.

There is no doubt that the current funding level for the Trade Adjustment Assistance for Firms program is sorely inadequate. Every year more firms are certified eligible than there is money to provide even the most modest technical assistance. The result is that many qualified and deserving firms do not get the technical support they need to get back on their feet and keep jobs in their communities.

For example, right now in Montana ten companies have 25 approved but unfunded projects for a total shortfall of over \$351,000. This includes several companies that have been forced to severely reduce operations due to imports of dumped and subsidized softwood lumber from Canada. The communities where these businesses are located often do not offer many opportunities for alternate employment and it is important that we help companies and communities like these to get back on their feet.

In conclusion, Mr. President, I want to express my profound disappointment that we in the Senate have not even made the attempt to provide a more adequate funding level for this valuable program in FY 2002, despite its extremely modest cost and proven benefits. I will certainly work to see that this mistake is not repeated next year. I will also work to see what solutions are available to this continuing problem when we mark up a bill to reauthorize the Trade Adjustment Assistance program this year in the Finance Committee.

Mr. LUGAR. Mr. President, I appreciate the good work the committee and the managers have done with respect to the fiscal year 2002 appropriations bill for the Departments of Commerce, Justice, and State. However, there is one area in which the bill is deficient; namely, embassy security.

The Department of State is requesting a total of \$1.3 billion for worldwide security upgrade activities in fiscal year 2002, a 22 percent increase over the fiscal year 2001 level of \$1.07 billion. This funding is to be used to: maintain extensive security enhancements; address other domestic and overseas vulnerabilities; construct modern, secure facilities; and correct perimeter security weaknesses.

Over the past 3 years, the Department has invested over \$3 billion in extensive improvements in systems and facilities as well as security staffing to protect U.S. diplomats, employees, and dependents around the world. The \$1.3 billion requested in the fiscal year 2002 budget includes \$363 million to maintain these programs at their current levels. Examples include continued funding for approximately 6,000 guards

and surveillance specialists; maintenance of 490 explosives detection devices, 877 walk-through metal detectors, and 283 x-ray machines; and maintenance of almost 1,000 armored vehicles.

The fiscal year 2002 budget request also includes \$64 million to reinforce defenses against cyberterrorism, technical and human intelligence gathering efforts, and penetration of our domestic facilities. Included in this effort is the addition of 186 positions, 86 agents and 100 other security professionals, not only to support expanded programs but to reduce the burden on current personnel and to ensure that sufficient agents are always available to address any serious threat or emergency.

The budget request also includes a total of \$665 million for seven security-driven construction projects that will replace less secure embassies or consulates and U.S. AID facilities. The request also includes \$211 million to address significant vulnerabilities in systems and equipment that monitor perimeter areas and control access to U.S. facilities. These funds will continue perimeter security improvements and extend the installation of protective measures to additional posts.

I am disappointed that the committee mark does not fully fund the Department's priority personnel increases for improved diplomatic readiness and worldwide security upgrades. The Department's initial request had about \$95 million to provide for the hiring of 360 new employees to support Diplomatic Readiness requirements. However, the committee's mark only supports about 40 percent of this new hiring.

In order to have the right people in the right place at the right time with the right skills to advance American interests, the Department has put forward an aggressive plan to bring in over a 3-year period some 1,100 new employees above attrition. Funding to hire the full 360 employees is one of the Department of State's highest priorities and is supported by the authorization marks of both the House International Relations Committee and the Senate Foreign Relations Committee, as well as by the House appropriators on the Commerce-State-Justice bill.

Moreover, the hiring of 186 additional diplomatic security professionals, 86 diplomatic security agents, 9 security engineers, 10 security technicians, and 81 civil service infrastructure support employees, is critical to the Department's efforts to improve the security of our overseas personnel, facilities and national security information.

Finally, the reductions to the Department's overseas construction account, \$219 million and applying \$154 million in prior year construction balances to fiscal year 2002 requirements, will make it more difficult to meet the very ambitious buildings program that the Secretary of State has planned.

I understand that the committee has maintained funding for embassy security in the diplomatic and consular programs and embassy security, construction, and maintenance accounts at approximately last year's levels. However, the failure by the committee to provide the administration's requested increases for additional security personnel and construction could severely hamper the Department of State's multiyear effort to improve security for American personnel serving in our embassies overseas. For example, within the funds that the committee provides for construction, funding is earmarked for projects not on the list of the most urgent, security-driven projects for fiscal year 2002, which will make it more difficult for the Department to meet its security-improvement goals.

I am also concerned that the funding allocated by the committee does not appear to extend to the protection of U.S. AID employees, an oversight that should be quickly addressed.

We cannot in good conscience leave the manifestations of the American presence abroad, namely, our embassies and consulates, inadequately protected. The terrorist attacks on New York and the Pentagon were preceded, it should be remembered, by attacks on American embassies in two African countries just a few short years ago. U.S. embassy security abroad deserves the same degree of attention by authorizers and appropriators as homeland defense.

I would urge the managers of the bill to revisit this issue in the conference with their House counterparts and, at minimum, agree to the administration's request with respect to the embassy security account. Indeed, in light of the recent acts of war perpetrated against the American homeland, it would only be prudent, in my judgment, for the conferees to consider a major increase over the administration's request.

Mr. DASCHLE. Mr. President, I want to thank Chairman HOLLINGS and Senator GREGG for working with other senators and me to accept an amendment that will ensure that eligible beneficiaries may receive compensation under the Radiation Exposure Compensation Act (RECA).

Over a year ago, Senator HATCH and I worked together to update RECA to ensure it took into account the latest scientific evidence and to extend benefits to new groups of workers, including uranium mill workers and ore transporters. In addition, we extended eligibility for compensation beyond the group of five States identified in the original law, to additional States where uranium mining occurred, including South Dakota.

Due to the concerns about the amount of funding available for this program, language was included in

both the fiscal year 2001 and fiscal year 2002 Commerce, Justice and State Appropriations bill limiting the payment of compensation to the original RECA beneficiaries. While I share concerns about the limited amount of funding available, I cannot support this approach to the problem. Those added to RECA in 2000 are now legally entitled to compensation and should have their claims paid along with original beneficiaries.

We simply must do a better job of funding RECA in the future. Last year, many beneficiaries received IOUs from the Federal Government because inadequate funding was available to pay their claims. To ensure adequate funding over the long term, I already have cosponsored legislation to make funding for RECA mandatory. I am committed to working with my colleagues to secure the passage of this legislation in the near future.

I appreciate the willingness of the chairman and ranking member to accept my amendment. I also want to thank Senators BINGAMAN, DOMENICI, HATCH, and REID for their support of this amendment.

Mr. MCCAIN. Mr. President, I had intended to offer an amendment to the Commerce, Justice, and State appropriation bill regarding the Title XI Loan Guarantee Program. However, in light of the events of the last several days, I believe the Senate needs to quickly move onto the consideration of legislation that will aid our Government in addressing issues resulting from the devastating attacks on our Nation earlier this week. Therefore, I am going to reserve the amendment for another time.

I am very concerned that the Title XI Loan Guarantee Program is in fiscal peril due to recent loan defaults and ongoing construction problems with other guaranteed projects that could soon lead to further defaults that will cost the American taxpayers billions of dollars. I encourage all my colleagues to review the merits and cost of this and all programs which provide taxpayer-funded support to special interests. We should carefully weigh the needs of those interests against the needs of our Nation as a whole. We are going to have to make some very difficult budget choices in the weeks ahead and I hope that we can come together to ensure those choices are in the best interest of all Americans.

Mr. BREAUX. First, I'd like to thank Senator HOLLINGS and Senator GREGG for all of their help over the last four years in trying to establish a strong NOAA presence in Lafayette, Louisiana. Their efforts are most appreciated by me and by the State of Louisiana.

Many of my colleagues may not realize that Congress appropriated close to \$14 million in the 1991 Commerce, Justice, State appropriations bill to build

a much needed multi-agency, federal laboratory in Lafayette for the study of coastal problems in the Northern Gulf of Mexico. While the building was completed long ago, it is still eighty percent vacant because of a political disagreement. Report language was included in 1995 C.J.S appropriations report that NOAA says prevents it from ever occupying or using these state-of-the-art facilities. I have worked since 1998 to remove this restriction with little success.

In the intervening years, the problems in the Gulf of Mexico originally identified for study at this facility have grown progressively worse and are having greater and greater negative impacts on Louisiana and the nation. Our wetlands continue to disappear, many important marsh lands have mysteriously died, and the size of the so-called "Dead Zone" has grown to 8,000 square miles.

With over 3 million acres, Louisiana is home to 40% of the coastal wetlands in the United States and is experiencing over 80% of the nation's wetlands loss. Our state is losing 25-35 square miles of coastal wetlands per year. The United States loses one acre of productive coastal wetlands in Louisiana every 24 minutes. In the next ten years, Louisiana will lose wetlands equal to the size of San Diego.

These wetlands play a critical role in our national and local economy. As much as 28% of the nation's fisheries harvest comes from Louisiana's coast. These shrimp, crab, crawfish, oyster and finfish fisheries (over 1.1 billion pounds per year landed in Louisiana alone) are dependent on our coastal wetlands. Louisiana's fisheries alone are comparable to the annual catch on the entire Atlantic seaboard.

Louisiana's coast also provides wintering habitat for over 5 million waterfowl every year, nearly 20 percent of the entire winter population of ducks and geese in the United States. The extensive coastal oil and gas infrastructure that this nation relies so heavily on is also at risk as it becomes increasingly exposed to greater storm energies without the protection of the marsh.

The national economic benefits of Louisiana's coast include:

\$30 billion per year in petroleum products;  
\$7.4 billion per year in Natural Gas (21% of the nation's supply);

\$400 million tons per year of waterborne commerce;

\$2.8 billion per year in commercial fishing;  
\$1.6 billion per year in recreational fishing;

\$2.5 million per year in fur harvest (40% of the nation's total); and

\$40 million per year in alligator harvests.

In the years that we have been waging the political fight over the NOAA laboratory in Lafayette, my state has experienced a number of other devastating problems which have a major impact on these resources and desperately need to be fully studied. Last year we lost more than 30 square miles

of salt march grass in an unprecedented phenomenon that could mean an advanced rate of loss for our coast in the years to come. These threats to our coastline and our fisheries are compounded by the horrific growth in the hypoxic zone, or Dead Zone, where extremely low levels of oxygen suffocate shellfish and drive out all other forms of marine life. Each summer, the Dead Zone increases in size and covers an area off of Louisiana's coast that is roughly the size of the State of New Jersey. I'd like to submit for the record to following Times-Picayune story which shows that this oxygen-deprived zone continues to grow.

While this issue has attracted attention and resources from the federal government, there remains a serious shortage of research in the Northern Gulf. The problems are astounding and solving them is critical to the economic and cultural future of the State of Louisiana and this nation. However, these problems are not fully understood and we will not be able to effectively solve them until we do.

That is why I rise today to respectfully request that \$1.5 million be added in the FY 2002 C.J.S appropriations bill for planning and design of a new research facility in Lafayette, Louisiana to be occupied by NOAA for the study of coastal and fisheries problems in the Northern Gulf of Mexico. Let me be clear, I would prefer for NOAA to occupy the current facility. I want to thank Senators HOLLINGS and GREGG again for helping me to try to do this, but time is running out. Louisiana and the nation can not wait yet another year.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are about to have final passage on this bill. I congratulate our two managers. This has been quite an ordeal. I congratulate them on their successful completion of the bill.

We have a number of nominees I want to be able to consider and, if necessary, have votes on the nominations. During this vote, we are going to be consulting with certain Senators about whatever requirements there may be on a couple of these nominations. If necessary, I would like to have these votes tonight if they are going to be required, but we will be able to make that announcement shortly after the vote, or perhaps during the vote, for those who are interested.

The other outstanding piece of business I would like to be able to complete before the end of the week is, of course, the supplemental appropriations bill. If the House acts, we will then be in a position to act on this side. I do not know yet the status of that particular piece of legislation. That may require a vote tomorrow morning.

As I said in our joint caucus this afternoon, my hope is that we can

avoid having votes after the memorial service tomorrow afternoon. That is not only my hope, my expectation, with the caveat, of course, we have been able to resolve these matters successfully.

I urge colleagues not to leave after this vote until we are absolutely certain that no rollcall votes are going to be required on the nominees that I would like to consider yet tonight. I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—97

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Fitzgerald	Nelson (NE)
Bingaman	Frist	Nickles
Bond	Graham	Reed
Boxer	Gramm	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Santorum
Burns	Harkin	Sarbanes
Byrd	Hatch	Schumer
Campbell	Helms	Sessions
Cantwell	Hollings	Shelby
Carnahan	Hutchinson	Smith (NH)
Carper	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Inouye	Specter
Clinton	Jeffords	Stabenow
Cochran	Johnson	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Corzine	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—3

Dodd Kennedy Mikulski

The bill (H.R. 2500), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses and appoints the following conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. DAYTON) appointed Mr. HOLLINGS, Mr. INOUE, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN conferees on the part of the Senate.

#### AMENDMENT NO. 1563

Mr. GREGG. Mr. President, I ask unanimous consent that it be in order, after passage of H.R. 2500, for the Senate to consider a Collins amendment, which is at the desk; that the amendment be considered agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. GREGG), for Ms. COLLINS, proposes an amendment numbered 1563.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1563) was agreed to, as follows:

(Purpose: To provide funding for the Rapid Response Program in Washington and Hancock Counties, Maine)

On page 34, line 5, after "Act" insert " , of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine".

Mr. GREGG. Mr. President, I thank the chairman of the committee for the tremendous effort he has done on this bill and for his very courteous approach to the Republican membership as we brought this bill forward.

I thank his staff, led by Lila Helms, who did a superb job. I especially thank my staff who worked hours, nights and days in many instances, led by Jim Morhard, who has done an extraordinary job to bring this bill to its present status. It is an excellent bill.

I appreciate the support of the Senate. I thank the Members who supported this bill.

Mr. HOLLINGS. Mr. President, let me thank the distinguished Senator from New Hampshire. We could not have passed this bill without his leadership and without his cooperation, and particularly without his vision with respect to terrorism. The Senator

from New Hampshire was our chairman back in May. He held 3 days of hearings that got this comprehensive provision in the particular State-Justice-Commerce appropriations measure.

Let me also thank his staff: Jim Morhard, Kevin Linskey, Katherine Hennessey, and Nancy Perkins; and, of course, my own staff: Lila Helms, Jill Shapiro Long, Dereck Orr, and Luke Nachbar.

I thank particularly the staff that really gets it done: Lula Davis, Marty Paione, Peter Arapis, Gary Myrick, and Tim Mitchell; the distinguished majority leader; and, most of all, the distinguished assistant majority leader who has been working around the clock. He is still working. I want him to hear my words of praise because HARRY REID of Nevada really got us moving and got these things accomplished. I couldn't feel more personally indebted to him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

#### MEETING WITH THE PRESIDENT

Mr. WARNER. Mr. President, I was at the White House today with the President discussing all aspects of this present crisis. In the course of the conversations, he specifically referred to the fact that America must be understanding of those of Arab dissent, especially those who are American citizens, and indeed others who are here for various reasons. This terrible crisis should not reflect across the board on that culture. For it, I think, will eventually be seen as a very small fraction. I commend the President for our meeting today.

I have for over 40 years had the privilege and the opportunity to be in the Oval Office. I started with President Eisenhower as a young person in the White House. I have been in that office with every successive President on a variety of matters. Our President, in the brief meeting of about 20 minutes or so with the two Senators from New York, my colleague, GEORGE ALLEN, myself, Condoleezza Rice, and Andrew Card, his chief, was absolutely calm. He was comfortable. He was knowledgeable. You got the feeling that he is a President who knew precisely what was going on and what has to be done. He was resolute and spoke with clarity about how he will take certain steps to right the criminal wrongs that have been done against our country in due course. He is going to do it on his own timetable—nobody will pressure him—when he has the facts in hand to hold those accountable for these crimes against our country.

I am very proud of our President. Indeed, he said that this is going to take time. It might not be one; it might be two; who knows how many actions we will have to take. But let there be no

doubt that this country is resolute in its determination, and that our citizens will be proud of the manner in which men and women of the Armed Forces and all other portions of our Government will respond to this crisis and do whatever we can to see that it doesn't happen again.

I thank the Chair. I yield the floor.

#### A DAY OF EMOTIONS

Mr. NELSON of Florida. Mr. President, as we wind up this extraordinary day, it has been a day of tremendous emotional swings. Earlier this morning, I came to this floor grief stricken having just talked to a family from Florida who had lost one of their members. Later on in the day, I talked to a police officer, now a widower of the flight attendant on the airliner that crashed in Pennsylvania who called her husband telling him that it had been hijacked and that she wanted to tell him that she loved him and she wanted their boys to know that she loved them. That is the flight that we have heard so many reports was targeted coming into Washington. It had made a 180-degree turn, having left Newark, westbound, and was headed to Washington. In fact, we have heard so many stories of other cellular telephone calls from the airplane that would indicate that the passengers, who were the real heroes, had indicated they knew that the hijackers were intent on harm to the Nation, and they were going to overcome the hijackers. In fact, they did—at their own peril, at their own demise, but being tremendous heroes to this country.

So it has been that kind of day. We have gone from the swings of the emotion of the lows, with those kinds of grief-stricken experiences, to the highs of where we have never seen this place so unified. We have never seen both sides of the aisle come together as they have in recent American political history. We have never seen the unity of the legislative branch of Government and the executive branch.

So it has been an extraordinary day. It has been an extraordinary 3 days. I am just grateful to be one participant, along with my colleague from Minnesota, who is the Presiding Officer.

I will defer to the great leader we have from the State of Nevada, a man who is the glue that pulls us all together, who gives the support that is the right hand to our great majority leader. It is my privilege to relinquish the floor so he might speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I express my appreciation to my friend from Florida for those flattering words.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE HAPPY HOOLIGANS

Mr. CONRAD. Madam President, when the Pentagon was attacked and F-16s were scrambled from Langley Air Force Base, those fighter planes were the 119th Fighter Wing of the North Dakota National Guard. I didn't know that myself when I saw those planes flying. I can tell you, they made an awful lot of us feel much more secure when we saw F-16 fighter planes in the air protecting Washington, DC. So imagine my surprise and my pride when I learned that those were North Dakota National Guard fighter planes.

This is the group we affectionately call in North Dakota the Happy Hooligans. The Happy Hooligans are America's best. The Happy Hooligans have been called the best fighter unit on the planet Earth. They have been called that because the Happy Hooligans have been recognized in competition after competition as America's best. Not only have they won the competitions—the William Tell award, for example—as the best active fighting unit in the United States, but they have not only been in competition with other National Guard units but the regular Air Force. The Happy Hooligans come out No. 1.

So not only are we incredibly proud in North Dakota that a key part of this Nation's defense at this time of tragedy and attack was from North Dakota but that we sent our very best and that our very best are America's very best.

#### GROWING PROBLEM OF PIRACY AT SEA

Mr. AKAKA. Mr. President, I rise today to call attention to the growing problem of piracy at sea. The days of Blackbeard and Captain Kidd may be gone, but pirates are still with us.

In February 2001 the International Maritime Bureau, IMB, of the International Chamber of Commerce reported that piracy attacks jumped 57 percent from 1999 to 2000. The IMB reported a total of 469 attacks on ships either at sea, at anchor, or in port. Today's pirates prowl the sea in speedboats, armed with automatic weapons, satellite phones, and global positioning devices. They are often backed by organized crime syndicates, making use of forged registration documents and bills of lading to offload hijacked cargo. Rarely are hijacked ships recovered or pirates arrested.

We should be concerned with this because U.S. trade and national security depend upon maritime transportation. Ninety percent of the world's cargo is

carried over the seas. In addition to its role in foreign commerce, our Nation's merchant shipping fleet provides vital national security sealift in the event of war or other crisis. Crews and cargo are coming under increasing attack from pirates. Through violence or the threat of force, pirates are boarding vessels and looting cargo. Last year, there were 72 reported deaths of mariners and 99 injuries due to pirate attacks.

Maritime crime, in general, can take many forms including low-level assaults, thefts, armed robbery, organized hijacking, environmental crimes, and smuggling of humans or contraband. Criminals use violence or the threat of violence to target seafarers, cargo, and ships. Attacks may occur while at dock, in territorial waters, or on the high seas. Piracy can result in immediate loss of life and property and may present a threat to navigational safety.

Under international law, piracy is defined as theft or other illegal acts of violence committed on the high seas for private gain by the crew of a private ship against another ship, or the persons or property on board. The phrase "on the high seas" is a legal term of art. It is any area not within the territorial sea, or sovereignty, of another state. Under the United Nations Convention on the Law of the Sea, a state's territorial sea extends 12 nautical miles from its coastline. Piracy on the high seas is considered a crime against all nations. Accordingly, under international law every state has the right to seize pirate ships on the high seas and arrest pirates who are subject to the jurisdiction of the courts of the state which carried out the arrest.

The true scope of the piracy problem, however, is not known. Despite numerous press reports, current sea piracy statistics are incomplete. There is no consensus among reporting organizations on what constitutes a reportable piracy attack. Although the definition under international law requires that the attack occur on the high seas, some organizations include attacks at port. In addition, it appears that instances of piracy among noncommercial vessels such as yachts and regional fishermen may be significantly underreported.

Although the risk of attack on U.S. flag ships is not significant, piracy is a problem for our trading partners in Asia. The nations of this region account for more than \$435 billion in trade with the U.S., more than any other region in the world. Approximately 98 percent of this commerce moves by sea. The Malacca Straits, separating the Malay Peninsula with the island of Sumatra, is one of the most important shipping lanes in the world. Surrounded by the nations of Indonesia, Malaysia, and Singapore, it is the shortest route between the Indian

Ocean and the South China Sea. Asian allies, dependent on oil imports from the Arabian Gulf, rely upon ships passing safely through the straits. It also happens to be a pirate hot spot.

The piracy problem in Southeast Asia has resulted in several regional responses. In July 2000 Indonesia set up a special court to try piracy cases. In November 2000 the Japanese sent a coast guard vessel to India and Malaysia to participate in joint exercises. In January 2001 Malaysia launched an operation to reduce piracy in the Malacca Straits in cooperation with Indonesia, Singapore, and Thailand. In June 2001 the Japanese Coast Guard announced that it is planning to send patrol boats to the region periodically to participate in joint training exercises.

The U.S. has also responded to this issue through the U.S. Coast Guard, USCG. The Coast Guard's Deepwater Program is responsible for conducting operations 50 miles or more out to sea. The Coast Guard is leveraging its maritime law enforcement expertise by providing training to foreign maritime law enforcement agencies to combat sea piracy. For example, in June 2001 the USCG led a cooperation afloat readiness and training, CARAT, exercise on maritime law enforcement techniques with the Royal Thai Navy. CARAT is an annual series of bilateral exercises between the American military and that of several Asian nations including Indonesia, Malaysia, Singapore, the Philippines, and Brunei. Although well-suited for this mission the Coast Guard is currently ill-equipped. It is in the process of modernizing its aging fleet to carry out more deepwater missions. The current plan calls for the replacement of approximately 100 cutters and more than 200 aircraft in the Deepwater Program.

The rise in the number and seriousness of pirate attacks has drawn the attention of the United Nations' International Maritime Organization, IMO. The IMO encourages cooperation among governments in the area of regulations and standards concerning maritime safety. Since 1998, the IMO has sponsored a series of seminars around the world to study the piracy problem and heighten awareness. At a June 2001 meeting the IMO renewed its call for all governments and industry to intensify their efforts to eradicate sea piracy and encouraged regional agreements supported by appropriate national piracy laws and adequate enforcement and prosecutorial capabilities. The IMO also approved a draft resolution for submission to the U.N. General Assembly session in November 2001.

As the Bush administration reviews its policy on the issue of sea piracy, I strongly encourage consideration of the following points: (1) We need better statistics on pirate attacks to assess the national security risks. More detailed reporting and analysis is needed

to determine the appropriate response to this problem. (2) The U.S. should commend those nations in the region that are attempting to police the waters within their jurisdiction and reduce the number of pirate attacks. (3) The U.S. should encourage further regional cooperation, such as the recent agreement between Japan and Southeast Asian nations regarding joint training exercises. (4) Finally, the U.S. should continue to support the actions of the United Nations in addressing the issue of sea piracy. This would include determining the scope of the problem, whether regional actions are adequate, whether further legislation is needed in some countries, and how the U.N. can be of assistance in drafting these new laws and encouraging more effective enforcement capabilities.

Modern-day piracy must be stopped, and the United States can and should be an active partner in the fight against pirate attacks.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 26, 2001, in Portland, OR. Lorenzo Okaruru, according to detectives, died after being savagely beaten about the head and face with a blunt instrument, most likely by a man who picked up someone he thought was a woman and was angered to find out Okaruru was a man. Law enforcement officials have said they believe Okaruru was killed based on sexual orientation or gender identity. The Washington County Sheriff's Office last week classified Okaruru's August 26 beating as a hate crime, the first such killing in the county.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### COMMENDING THE SERVICE OF NANCY T. NORTON

Mr. WARNER. Mr. President, I rise today for the Senate to recognize the dedication and professional contributions made to the United States Senate and the Commonwealth of Virginia by one of my valuable staff members, Nancy T. Norton.

For 2 years Nancy has effectively served as my Legislative Assistant for

Military and Foreign Affairs. She has worked tirelessly in this position to provide sound counsel to me in the formation of military and foreign policy.

More importantly, Nancy brought to this position endless energy and a wealth of compassion and caring as she worked on legislation to improve the quality of life for the men and women of the armed forces, our nation's military retirees and our veterans.

Nancy's distinguished professional career is one of many accomplishments. After having graduated from the United States Naval Academy, Nancy began her service to the country as a Naval Officer and aviator flying the C-130 aircraft. Among the positions she held during her military career, she served as a pilot instructor for the E-6A aircraft and flew worldwide logistic support missions for the Department of Defense, including those in support of the Joint Chiefs of Staff in and around the Pacific Theater. Later, Nancy served as a Congressional Liaison Officer and a Department of Defense Legislative Detailee in the offices of Senator SUSAN COLLINS and former Virginia Congressman Norman Sisisky.

After a time in the private sector, Nancy returned to public service as a member of my staff. She has been a tremendous asset to me as she brought her integrity and professionalism to every task she undertook. All of the members of my staff join me in wishing her every success in the next chapter of her career.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ALBUQUERQUE COOPERATIVE STUDIES PROGRAM CLINICAL RESEARCH PHARMACY COORDINATING COUNCIL CENTER

• Mr. DOMENICI. Mr. President, I rise today to recognize the Cooperative Studies Program Clinical Research Pharmacy Coordinating Council Center in Albuquerque, NM. This center will soon be awarded the Robert W. Carey Quality Award by the Department of Veterans' Affairs. This award is VA's highest recognition for quality achievement. The Carey Award honors VA offices that demonstrate organizational effectiveness and high-quality service to our Nation's veterans. The award encourages efficient management by prominently honoring the VA's highest performing offices.

The Albuquerque Pharmacy Coordinating Council Center truly deserves this great honor. The center was founded in 1972 as a part of VA's Cooperative Services Program. This program is responsible for planning and conducting the large multicenter clinical trials within VA, and the Albuquerque center manages all of the pharmaceutical aspects of these trials. The center plays a critical role in planning VA's clinical

trials, packaging clinical trial materials, and monitoring the implementation of clinical trials. These trials have benefitted not only our Nation's veterans, but have improved the health of our entire Nation, by contributing to the rapidly increasing body of medical knowledge.

The center has a staff of over 60 highly trained and experienced pharmacy and management professionals and technicians. Through the efforts of these outstanding employees and under the excellent leadership of Director Dr. Mike Sather, the center has developed a solid reputation within the medical research community. In fact, the center has contributed to ground-breaking medical research in developing treatments for a wide range of diseases from cancer to heart disease to mental illness. The center has also demonstrated its proficiency in its successful collaborations with such institutions as the National Institutes of Health, specifically the National Heart, Lung and Blood Institute and the National Institute of Mental Health, as well as the centers for Disease Control and Prevention.

The recognition of the Albuquerque center by the VA should come as no surprise to anyone familiar with its history. In fact, the center has previously been recognized for its achievements by Quality New Mexico and has received both the Roadrunner Recognition and the Piñon Award. I congratulate the exceptional leadership and the devoted staff of the Albuquerque Pharmacy Coordinating Council Center on this fine achievement, and I look forward to their future accomplishments in improving the health of our Nation and demonstrating our continued commitment to our Nation's veterans.●

#### MESSAGES FROM THE HOUSE

At 9:35 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 22. Joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 225. Concurrent resolution expressing the sense of Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States.

At 4:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2884. An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

#### ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed today, September 13, 2001, by the President pro tempore (Mr. BYRD).

S.J. Res. 22. A joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2884. An act to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2833. An act to promote freedom and democracy in Viet Nam.

H.R. 2291. An act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

#### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 13, 2000, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 22. A joint resolution expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and doc-

uments, which were referred as indicated:

EC-3825. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a report relative to the Crop Year 2001 Agricultural Economic Assistance Act; to the Committee on the Budget.

EC-3826. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances" (RIN2900-AK96) received on August 25, 2001; to the Committee on Veterans' Affairs.

EC-3827. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the designation of a twenty-five percent danger pay allowance for the Gaza Strip, the West Bank and the Former Yugoslav Republic of Macedonia; to the Committee on Foreign Relations.

EC-3828. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of a list of agreements and backgrounds statements concerning international agreements other than treaties; to the Committee on Foreign Relations.

EC-3829. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax; Recodification of Regulations (2001R-58P)" (RIN1512-AC47) received on September 7, 2001; to the Committee on Finance.

EC-3830. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Domestic Asset/Liability and Investment Yield Percentages" (Rev. Proc. 2001-48) received on September 7, 2001; to the Committee on Finance.

EC-3831. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Payments for New Medical Services and New Technologies under the Acute Care Hospital Inpatient Prospective Payment System" (RIN0938-AL09) received on September 7, 2001; to the Committee on Finance.

EC-3832. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Annual Report on Commercial Activities for 2000; to the Committee on Governmental Affairs.

EC-3833. A communication from the Acting Director of the Office of Resource Management, Federal Housing Finance Board, transmitting, pursuant to law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC-3834. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 7, 2001; to the Committee on Governmental Affairs.

EC-3835. A communication from the Acting Chairman of the National Credit Union Ad-

ministration, transmitting, pursuant to law, the report of the Inventory of Commercial Activities for 2001; to the Committee on Governmental Affairs.

EC-3836. A communication from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1755, Telecommunications System Construction Contract and Specifications" (RIN0572-AB41) received on September 7, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3837. A communication from the Congressional Review Coordinator, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Travel-time Periods: Overtime Services Relating to Imports and Exports" (Doc. No. 00-017-1) received on September 7, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3838. A communication from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1755, RUS Standard for Service Installations at Customer Access Locations" received on September 7, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3839. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Section 709.12 Prepayment Fees to Federal Home Loan Bank" received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3840. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 749 Records Preservation Program and Record Retention Appendix" received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3841. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Doc. No. FEMA-B-7419) received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3842. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 721—Incidental Powers" received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3843. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Section 709.12—Prepayment Fees to Federal Home Loan Bank" received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3844. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 712—Credit Union Service Organizations" received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3845. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks:

NAC-MPC Revision" (RIN3150-AG83) received on August 27, 2001; to the Committee on Environment and Public Works.

EC-3846. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver 1-Hour Ozone Redesignation of Attainment, Designation of Area for Air Quality Planning Purposes, and Approval of Related Revisions" (FRL7044-8) received on September 5, 2001; to the Committee on Environment and Public Works.

EC-3847. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Trip Reduction, and Reduction of Diesel Vehicle Emissions" (FRL7044-6) received on September 5, 2001; to the Committee on Environment and Public Works.

EC-3848. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska" (FRL7052-7) received on September 5, 2001; to the Committee on Environment and Public Works.

EC-3849. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Bay Area Air Quality Management District and South Coast Air Quality Management District" (FRL7045-9) received on September 5, 2001; to the Committee on Environment and Public Works.

EC-3850. A communication from the Assistant Secretary of the Army, Civil Works, transmitting, pursuant to law, a report relative to appropriations for the Brigantine Inlet to Great Egg Harbor Inlet, Brigantine Island, New Jersey; to the Committee on Environment and Public Works.

EC-3851. A communications from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the United States Air Force Academy; to the Committee on Armed Services.

EC-3852. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to Maxwell Air Force Base; to the Committee on Armed Services.

EC-3853. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Review of Acquisition Plans for Conventional Ammunition" (DFARS Case 2000-D030) received on September 6, 2001; to the Committee on Armed Services.

EC-3854. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Iceland—Newly Designated Country Under Trade Agreements Act" (DFARS Case 2001-D008) received on September 6, 2001; to the Committee on Armed Services.

EC-3855. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the

report of a rule entitled "Caribbean Basin Country End Products" (DFARS Case 2000-D302) received on September 6, 2001; to the Committee on Armed Services.

EC-3856. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Financial Institutions on DoD Installations" (RIN0790-AG73) received on September 7, 2001; to the Committee on Armed Services.

EC-3857. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements Update" (DFARS Case 2001-D004) received on September 7, 2001; to the Committee on Armed Services.

EC-3858. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "DoD Pilot Mentor-Protege Program" (DFARS Case 2001-D006) received on September 6, 2001; to the Committee on Armed Services.

EC-3859. A communication from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Procedures Governing Banks, Credit Unions and Other Financial Institutions on DoD Installations" (RIN0790-AG74) received on September 7, 2001; to the Committee on Armed Services.

EC-3860. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port Huron Tall Ship Celebration. St. Clair River, MI" ((RIN2115-AA97)(2001-0097)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3861. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ackerman Engagement Fireworks Display, Westhampton Beach, NY" ((RIN2115-AA97)(2001-0099)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3862. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Algoma Shanty Days 2001, Algoma Harbor, Wisconsin" ((RIN2115-AA97)(2001-0100)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3863. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Inner Harbor Navigation Canal, LA" ((RIN2115-AE47)(2001-0086)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3864. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Atchafalaya River, LA" ((RIN2115-AE47)(2001-0088)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3865. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Wrightsville Channel, Wrightsville Beach, North Carolina" ((RIN2115-AE46)(2001-0028)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3866. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Trail Creek, IN" ((RIN2115-AE47)(2001-0085)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3867. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Hampton River, Hampton, Virginia" ((RIN2115-AE46)(2001-0030)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3868. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Delaware River, Pea Patch Island to Delaware City, Delaware" ((RIN2115-AE46)(2001-0027)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3869. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Cheboygan River, MI" ((RIN2115-AE47)(2001-0089)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3870. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Port Allen Canal, LA" ((RIN2115-AE47)(2001-0087)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3871. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Duwamish Waterway and Lake Washington Ship Canal, WA" ((RIN2115-AE47)(2001-0090)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3872. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Milwaukee River, Milwaukee, WI" ((RIN2115-AE46)(2001-0031)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3873. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Diego Bay" ((RIN2115-AA97)(2001-0089)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3874. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Milwaukee Home Run 2001 Hog Rally Fireworks, Milwaukee, WI" ((RIN2115-AA97)(2001-0083)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3875. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Diego Bay" ((RIN2115-AA97)(2001-0095)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3876. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Nanticoke River, Sharptown, Maryland" ((RIN2115-AA66)(2001-0029)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3877. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Establishment of Class E Airspace at Van Nuys Airport; Van Nuys, CA" ((RIN2120-AA66)(2001-0144)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3878. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of Class D and Class E Airspace, Bellingham, WA" ((RIN2120-AA66)(2001-0145)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3879. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Realignment of Jet Routes and VOR Federal Airways, FL" ((RIN2120-AA66)(2001-0152)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3880. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of Class E Airspace; Springhill, LA" ((RIN2120-AA66)(2001-0151)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3881. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U-125 and C-29A) Series Airplanes; Model Hawker 800, Hawker 800 (U-125A), Kawker 800XP, and Hawker 1000 Airplanes" ((RIN2120-AA64)(2001-0490)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3882. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Airspace Actions Revision of Class E Airspace, Jackson, WY" ((RIN2120-AA66)(2001-0150)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3883. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of Class E Airspace, Sidney, MT" ((RIN2120-AA66)(2001-0149)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3884. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of Class E Airspace, Lewistown, MT" ((RIN2120-AA66)(2001-0148)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3885. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of Class E Airspace, Fort Bridger, WY" ((RIN2120-AA66)(2001-0147)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3886. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Diego Bay" ((RIN2115-AA97)(2001-0096)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3887. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Amend Legal Description of Federal Airway V-611" ((RIN2120-AA66)(2001-0153)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3888. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming Inc.) LTS101 Series Turboshift and LTP101 Series Turboprop Engines" ((RIN2120-AA64)(2001-0477)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3889. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives Immediately Adopted Rule; Airbus Model A300 B2 and B4 Series Airplanes and Model A300 B4-600, and F4-600R (collectively called A300-600) Series Airplanes" ((RIN2120-AA64)(2001-0481)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3890. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule, Request for Comments; Agusta S.P.A. Model A109E Helicopters" ((RIN2120-AA64)(2001-0480)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3891. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions; Modification of Class E Airspace; Pittsburgh, PA" ((RIN2120-AA66)(2001-0143)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3892. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Boeing Model 737-100, -200, and -200C Series Airplanes" ((RIN2120-AA64)(2001-0474)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3893. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes" ((RIN2120-AA64)(2001-0485)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3894. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120-AA64)(2001-0484)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3895. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Immediately Adopted Rule: Boeing Model 767 Series Airplanes" ((RIN2120-AA64)(2001-0483)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3896. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Company, Inc. Model 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, 47G2A, 47G-2A-1, 47G-3B, 47G-3B-1, 47G-3B2, 47G-3B-2A, 47G-4A, 47G-5, 47G-5A, 47H-1, 47J, 47J-2, 47J-2A, and 47K Helicopters" ((RIN2120-AA64)(2001-0482)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3897. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD-11 Series Airplanes" ((RIN2120-AA64)(2001-0489)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3898. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10 and MD-10 Series Airplanes" ((RIN2120-AA64)(2001-0488)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3899. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:

Immediately Adopted Rule; Israel Aircraft Industries, Ltd. Model Astra SPX and 1125 Westwind Astra Series Airplanes" ((RIN2120-AA64)(2001-0487)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3900. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC-8-100, 200, and 300 Series Airplanes" ((RIN2120-AA64)(2001-0486)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3901. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Revision of Class E Airspace, Vernal, UT" ((RIN2120-AA66)(2001-0146)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3902. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; McDonnell Douglas Model DC-10 Series Airplanes, and KC-10A and KDC-10 (military) Airplanes" ((RIN2120-AA64)(2001-0478)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3903. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule Boeing Model 707 and 720 Series Airplanes" ((RIN2120-AA64)(2001-0475)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3904. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; McDonnell Douglas Model 717 Series Airplanes" ((RIN2120-AA64)(2001-0479)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3905. A communication from the Paralegal Specialist of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Bombardier Model DHC-8-102, -103, -106, 201-202, 301, 311, 314, and 315" ((RIN2120-AA64)(2001-0476)) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3906. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands" received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3907. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Modification of

a Closure (rescinds the groundfish trawl closure in the Chiniak Gully Research Area" received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3908. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Hook-and-Line Gear Groundfish, Gulf of Alaska" received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3909. A communication from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Assistance to Expand the Use of Satellite Data for the Study of Scientific Phenomena in Local and Regional Areas" (RIN0648-ZA44) received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3910. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts" (I.D. 082401D) received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3911. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/ Flathead Sole/ "Other Flatfish" Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" received on September 6, 2001; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

\*Brian Jones, of California, to be General Counsel, Department of Education.

By Mr. LEAHY for the Committee on the Judiciary:

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Stephen Beville Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

Mary Beth Buchanan, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Peter W. Hall, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

By Mr. BIDEN for the Committee on Foreign Relations:

\*Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Laura E. Kennedy.

Post: Ambassador to Turkmenistan.

Contributions, Amount, Date, and Donee:

1. Self, None.
2. Spouse: John J. Feeney, None.
3. Children: Martin Feeney, None. Patrick Feeney, None.
4. Parents: Alfred Kennedy, \$25.00, 08/04/97, RNC; \$25.00, 09/09/97, RNC; \$25.00, 02/10/98, RNC; \$30.00, 05/11/98, RNC; \$50.00, 06/22/98, RNC; \$30.00, 09/29/98, RNC; \$50.00, 10/16/98, RNC; \$25.00, 10/30/98, RNC; \$50.00, 01/19/99, RNC; \$25.00, 03/02/99, RNC; \$50.00, 03/22/99, RNC; \$50.00, 03/29/99, RNC; \$50.00, 10/01/99, RNC; \$25.00, 02/17/00, RNC; \$15.00, 02/24/00, RNC; \$25.00, 03/13/00, RNC; \$25.00, 06/15/00, RNC; \$25.00, 06/16/00, RNC; \$51.00, 09/25/00, RNC; \$50.00, 10/11/00, RNC; \$25.00, 10/12/00, RNC; \$50.00, 10/21/00, RNC; \$25.00, 10/21/00, Virginia GOP; \$50.00, 11/17/00, RNC; \$50.00, 01/05/01, RNC.

Laura Kennedy, None.

5. Grandparents: Eugene Patton, None (Deceased). Elizabeth Patton, None (Deceased). Marie Kennedy, None (Deceased). Ralph Kennedy (step-grandfather), None (Deceased). Oswald Kwiecinsky, None (Deceased).

6. Brothers and Spouses: Bryan Kennedy (brother), None. Marilyn Cole (spouse), None.

7. Sisters and Spouses: Victoria Kennedy (sister), None. Elizabeth Gische (sister), None. David Gische (spouse), \$100.00, 10/18/00, DNC; \$100.00, 08/30/00, DNC; \$100.00, 01/06/00, Emily's List; \$100.00, 10/15/97, DNC.

\*Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador.

\*John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

\*John D. Negroponte, of the District of Columbia, to be the Representative of the

United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John D. Negroponte.

Post: Permanent Representative to the United Nations.

Contributions, Amount, Date, and Donee:

1. Self: \$1,000.00, 1999, G.W. Bush Exploratory Committee; 200.00, 1998, Matt Fong for Senate.

2. Spouse: \$1,000.00, 1999, G.W. Bush Exploratory Committee; 290.00, 2000, RNC Victory 2000; 100.00, 2000, Bush Cheney Recount; 520.00, 2000, McCain 2000.

3. Children: Minors, no contributions.

4. Parents: Catherine Negroponte, Deceased, none. Dimitri Negroponte, Deceased, none.

5. Grandparents: John Negroponte, Deceased, none. Helen Negroponte, Deceased, none. Helen Coumantaros, Deceased, none. Nicholas Coumantaros, Deceased, none.

6. Brothers and Spouses: George Negroponte \$50.00, 1997, DNC; 100.00, 1998, DNC; 100.00, 1997, People for the American Way. Hope Igelhardt (George's spouse), No contributions. Michel Negroponte, \$25.00, 1997, Friends of Barbara Boxer; 75.00, 1998, Friends of Barbara Boxer; 25.00, 2000, Ferraro for Senate. Joni Negroponte, (Michel's spouse), 175.00, 2000, Hillary Clinton for Senate. Nicholas Negroponte No contributions. Elaine Negroponte, (Nicholas' spouse), \$25.00, 2000, Paul Dumachis (Boston).

7. Sisters and Spouses: n/a.

\*Marcelle M. Wahba, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marcelle M. Wahba.

Contributions, Amount, Date, and Donee:

Self: None.

Spouse: Derek Farwagi, None.

Parents: Carmen & Michel Wahba, None.

Grandparents: Deceased.

Brothers and Spouses: Wagdy Wahba, None.

\*Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald E. Neumann.

Post: Bahrain.

Contributions, amount, date, and donee:

1. Self: Ronald E. Neumann, None.

2. Spouse: Margaret Elaine Neumann, None.

3. Children and Spouses: Brian D. Neumann, None. Helen D. Neumann, None.

4. Parents: Robert and Marlen Neumann. See Attachment: Marlen—Deceased July 15, 1997. Robert—Deceased June 18, 1999.

5. Grandparents: Mark and Helen Eldredge—Deceased. Hugo and Stephanie Neumann—Deceased.

6. Brothers and Spouses: Gregory and Leonica Neumann, None.

7. Sisters and Spouses: Marcia Neumann—Deceased.

Political contributions by parents Robert G. and Marlen E. Neumann (Given to me in 1997, before my Mother's death. At that time, there were no contributions for 1997. I do not know of any made after that).

\$210.00, 1996, Republican National Committee; 50.00, 1996, Friends of Barbara Boxer; 200.00, 1996, Crawford for Congress; 60.00, 1996, Republicans for Choice; 100.00, 1996, Lugar for President; 200.00, 1996, Dole for President; 50.00, 1996, Republican Campaign Council; 50.00, 1996, Council for the National Interest; 25.00, 1996, Republican Presidential Task Force; 140.00, 1996, Montgomery County Republican Party; 100.00, 1996, Republicans Abroad; 25.00, 1996, People for the American Way; 100.00, 1996, Patterson for Senate; 50.00, 1996, Harvey Gantt for Senate; \$100.00, 1995, Republican Campaign Council; 70.00, 1995, Republicans for Choice; 65.00, 1995, Montgomery County Republican Party; 50.00, 1995, Spiro for Congress; 85.00, 1995, Concord Coalition; 50.00, 1995, Montgomery County Republican Party; 40.00, 1995, NARAL; 50.00, 1995, Council for the National Interest; 100.00, 1995, Republican National Committee; 100.00, 1995, Dole for President; 100.00, 1995, Republicans Abroad; 50.00, 1995, People for the American Way; 50.00, 1995, Crawford for Congress; 100.00, 1995, Lugar for President; 25.00, 1995, Republican Presidential Task Force; 100.00, 1995, Tom Campbell for U.S. Congress.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. SPECTER, and Mr. WARNER):

S. 1421. A bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. LEAHY, Mr. HATCH, Mr. SPECTER, Mr. BIDEN, Mr. WARNER, Mr. SARBANES, Mr. ALLEN, Mr. DASCHLE, Mr. NICKLES, Ms. MIKULSKI, Mr. INHOFE, and Mr. BYRD):

S. 1422. A bill to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist at-

tacks of September 11, 2001; to the Committee on the Judiciary.

By Mr. BUNNING:

S. 1423. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for military or civilian employees of the United States who are victims of terrorist attacks against the United States; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. LEAHY, Mr. HATCH, and Mr. DURBIN):

S. 1424. A bill to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants; considered and passed.

By Mr. WYDEN:

S. 1425. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 492

At the request of Mr. THOMPSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 492, a bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals.

S. 497

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 634

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 634, a bill to amend section 2007 of the Social Security Act to provide grant funding for additional Enterprise Communities, and for other purposes.

S. 640

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 640, a bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological

equipment for purposes of determining the depreciation treatment of such equipment.

S. 942

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 942, a bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002.

S. 948

At the request of Mr. LOTT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1075

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1149

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1149, a bill to amend the Immigration and Nationality Act to establish a new nonimmigrant category for chefs and individuals in related occupations.

S. 1161

At the request of Mr. CRAIG, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from New Hampshire (Mr. GREGG), the Senator

from Colorado (Mr. ALLARD), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1161, a bill to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers; to provide a stable, legal, agricultural work force; to extend basic legal protections and better working conditions to more workers; to provide for a system of one-time, earned adjustment to legal status for certain agricultural workers; and for other purposes.

S. 1346

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1397

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1397, a bill to ensure availability of the mail to transmit shipments of day-old poultry.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. RES. 139

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 139, a resolution designating September 24, 2001, as "Family Day—A Day to Eat Dinner with Your Children".

At the request of Mr. BIDEN, the names of the Senator from Georgia (Mr. MILLER), the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 139, supra.

AMENDMENT NO. 1539

At the request of Mr. WELLSTONE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 1539 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. SPECTER, and Mr. WARNER):  
S. 1421. A bill to direct the Federal Aviation Administration to re-implement the sky marshal program within

30 days; to the Committee on Commerce, Science, and Transportation.

Mrs. HUTCHISON. Madam President, the bill I am introducing today, and for which I will soon have cosponsors because I want everyone to have the opportunity to join me in this effort, will address one part of our aviation security issue. It is not the only one that I will look for us to address in the long term.

I do want the flying public to know that we have a safe and secure aviation system. However, last Tuesday, the terrorists who perpetrated this heinous crime found a vulnerability in that system. There are several things we will be able to do to correct this situation.

I was Vice Chairman of the National Transportation Safety Board. I have been dealing with aviation security for a long time. Today I am the ranking member of the Aviation Subcommittee of the Commerce Committee. This is my area of interest.

The bill I am introducing today would order the FAA to implement and augment within 30 days a sky marshal program that would allow for peace officers to be put in random airplane flights for domestic commercial air passenger flights and for international flights that would be coming into or out of America on U.S.-based airlines.

What I am trying to do is provide an extra measure of security which today is the responsibility of pilots. Many people may not realize it, but it is the pilot and the copilot who are responsible for dealing with unruly passengers, or with any kind of security threat to the people on an airplane.

We can no longer afford to allow pilots to have the dual responsibility of keeping the plane safe in the air and at the same time be responsible for handling disruptions in the cabin.

The FAA, which has a very limited program, can train people on how to handle a breach of the peace in an airplane. It is a unique kind of training. It is not like military training certainly. It is not like a U.S. marshal on the ground. It is a different set of circumstances. An air marshal must be able to disarm a threat to the aircraft while operating in the confined space of the cabin.

No longer can any passenger carry on even the smallest knife. The FAA has issued a ruling that not even a penknife will be allowed on an airplane by a passenger or in any kind of carry-on baggage. Our passengers will be disarmed. We want to make sure they are protected in some way.

I am introducing this legislation, which will be a temporary program for 1 year. Then the FAA will report to Congress to determine if they believe it has been successful, if it should be continued, or if it is no longer necessary.

I am allowing the FAA Administrator to assess up to \$1 per passenger ticket for every segment of the flight.

I talked to the FAA Administrator this morning. I told her that I wanted her to have the discretion to implement this program to deal with the security threats facing our passenger aviation system. I do not expect her to charge the full \$1 if she does not feel that it is necessary. I do not expect her to do it for every leg of the flight if she does not think it is necessary. I do think we need to act quickly and there needs to be a resource.

I can't imagine any airline passenger who would object to the payment of \$1 for this kind of onboard security. This would be required to be put in place within the next 30 days.

We need swift action to assure the flying public that we will do everything possible to make them secure in the air. The Administrator, Jane Garvey, told me this morning that she has already talked to the airlines about the possibility of sky marshals. My bill requires the airlines to provide a seat for the sky marshal regardless of availability. She said the airlines have already said that this is fine with them.

I am very hopeful that we will be able to enact this common-sense measure on an expedited basis. I want the people of our country to know that we are not going to leave any stone unturned to protect the public.

Having said that, I also want to say that this is not the end. This is a beginning. It is only one part of what I believe Congress and the President need to accomplish, working together to assure the safety of the people of our country. Clearly, this hijacking operation that was so well orchestrated is one facet of domestic terrorism. It highlighted a weakness in our aviation security, and we are going to clamp down in every way to assure the security of our flying public and the security of anyone in America who would be attacked by a weapon of mass destruction which, in this case, was an airplane.

They found a vulnerability and they exploited it. We must assure that we have addressed every such vulnerability for our citizens, not only for the aviation security of our country, but we need to look at the public works in our country, the water systems, the tunnel systems we have for highways and trains and for mass transit, for our subway systems. We need to be ever vigilant over the public works of our country.

Secondly, we need to establish a missile defense system for our country. We must not let any terrorist in the world believe that now we have addressed the issues of domestic terrorism within our own public works systems or our infrastructure but we would be vulnerable to an incoming ballistic missile. This should be part of our domestic terrorism effort.

I appreciate the opportunity to take this first step. I hope it is one of many.

I know my colleagues will work with me, with the President, all of us working together, Democrats and Republicans, to take the extra steps that our people expect us to take to make sure everyone in the world knows that we are committed to freedom and nobody is going to dash the spirit of America.

Madam President, these tragedies have stunned the nation. Moreover, they revealed that our passenger air system was vulnerable to this cowardly attack. Preliminary reports indicate that the hijackers were armed with nothing more than knives. Horrifically, these simple weapons were apparently used to murder members of the flight crew as they bravely attempted to alert the FAA, and even change the course of at least one of the doomed flights, taking it away from population centers and our priceless national symbols.

From these early reports, it is clear that the men and women who struggled to provide this information performed heroic feats while certainly knowing that they would not survive. We stand in awe of their deeds, but we lament that it was necessary. I also want to commend the Federal Aviation Administration for somehow managing to quickly ground thousands of airborne flights to remove any further threats to our Nation. Now, our attention must turn to finding those responsible for this act of war and making sure that we do everything in our power to prevent such a tragedy from occurring again. Airline passengers should not be called upon to make the ultimate sacrifice in order to avert an even greater tragedy.

Since the hijacking of TWA flight 847 in June 1985, the FAA has been authorized to train and deploy sky marshals. There is already in place a training facility in Atlantic City, New Jersey. However, the FAA has never revealed the number or identity of the marshals, the details of their training, nor the routes that they fly. We appreciate the need for secrecy in this program, but clearly, the sky marshal deployment needs to be substantially expanded.

Toward that end, I am introducing the Emergency Aviation Security Act of 2001. The bill will require an increased random deployment of sky marshals on both domestic and international flights. These peace officers will be hired and trained under guidelines set by the FAA, but, at a minimum, they will undergo thorough background checks and be trained to deal with situations such as the ones onboard the four hijacked aircraft.

The program may, at the FAA's discretion, be paid for with a ticket fee of not more than one dollar on every domestic segment. The program will be instituted on a temporary basis for one year, after which the FAA will report to Congress on the success of the pro-

gram and make recommendations as to whether it should continue and if it should be changed.

Last year, more than 600 million people flew through U.S. airports. If we only charge the fee on domestic flights, one dollar would generate between \$400-\$500 million in one year. That is enough to hire, train, supervise and deploy thousands of sky marshals.

The American public needs to have the kind of security that an onboard peace officer would provide. Under current procedures, the pilot and copilot are charged with the responsibility of dealing with unruly passengers, as well as more serious threats. I believe that the pilots should fly the plane. Period. A sky marshal would relieve the pilot and copilot of this additional responsibility.

The FAA should have the flexibility to determine training requirements and qualifications. However, these guidelines must be prepared within 30 days of enactment of the legislation. This tight time frame is necessary to protect the public. This is an emergency bill and I urge my colleagues, as well as the FAA, to get behind this urgent effort.

By Mr. BUNNING:

S. 1423. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for military or civilian employees of the United States who are victims of terrorist attacks against the United States; to the Committee on Finance.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1423

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCOME TAXES OF UNITED STATES MILITARY AND CIVILIAN EMPLOYEES WHO ARE VICTIMS OF TERRORIST ATTACKS.**

(a) IN GENERAL.—Section 692(c) of the Internal Revenue Code of 1986 (relating to income taxes of military or civilian employees of the United States dying as a result of injuries sustained overseas) is amended by striking "outside the United States".

(b) CONFORMING AMENDMENT.—The heading of section 692(c) of such Code is amended by striking "OVERSEAS" and inserting "AS A RESULT OF TERRORISTIC OR MILITARY ACTION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

**SEC. 2. RELIEF FROM ADDITIONAL ESTATE TAX.**

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting "(a) IN GENERAL.—" before "The additional estate tax", and

(2) by adding at the end the following:

"(b) UNITED STATES MILITARY OR CIVILIAN EMPLOYEES WHO ARE VICTIMS OF CERTAIN TERRORIST ATTACKS.—The additional estate tax shall not apply to the transfer of the taxable estate of any individual dying while in

active service as a military or civilian employee of the United States if such decedent dies as a result of wounds or injuries incurred in a terroristic or military action (as defined in section 692(c)(2)). The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

**“SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.”.**

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

“Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

By Mr. KENNEDY (for himself, Mr. BROWNBAC, Mr. LEAHY, Mr. HATCH, and Mr. DURBIN):

S. 1424. A bill to amend the Immigration and Nationality Act to provide permanent authority for the admission of “S” visa non-immigrants; considered and passed.

Mr. KENNEDY. Mr. President I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1424

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PERMANENT AUTHORITY FOR ADMISSION OF “S” VISA NONIMMIGRANTS.**

Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1184(k)) is amended—

- (1) by striking (2);
- (2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and
- (3) in paragraph (4)(E) (as redesignated), by striking “paragraph (4)” and inserting “paragraph (3)”.

By Mr. WYDEN:

S. 1425. A bill to establish hospice demonstration projects and a hospice grant program for beneficiaries under the medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am introducing the Medicare Hospice Improvement Program Act, which is supported by the National Hospice and Palliative Care Organization. The purpose of this bill is to provide for at least three demonstration projects within Medicare to improve the delivery of the hospice benefit to seniors. This legislation would allow us to find new ways to: (1) Allow people to enroll in hospice even though they may want

to continue trying curative treatment for a limited time; (2) modify the requirements to decrease the strain on rural hospice providers; and (3) revise reimbursement rates to more adequately cover comfort care. In addition this bill would provide a grant program to help defray the costs of providing education of the public, the medical community and patients about hospice care.

The Medicare hospice benefit has not been revised since it was first created nearly two decades ago. Too often patients and their families are unaware of the Medicare hospice benefit or they seek hospice care too late to get the full benefit of hospice services. This legislation is important because it would help us find ways to assure that the Medicare hospice benefit is better integrated into medical care, as well as improve patient access to the pain and symptom management, counseling, and other comfort care services provided by hospice.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1551. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1552. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1553. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1554. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1555. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1556. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1557. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1558. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1559. Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, supra.

SA 1560. Mr. HARKIN (for himself, Mr. HATCH, Mr. LEAHY, Mr. REID, Mr. HOLLINGS, Mr. FEINGOLD, Mr. SMITH of Oregon, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2500, supra.

SA 1561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1422, to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate re-

sult of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; which was referred to the Committee on the Judiciary.

SA 1562. Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, Mr. THOMPSON, Mr. THURMOND, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1563. Ms. COLLINS proposed an amendment to the bill H.R. 2500, supra.

SA 1564. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1565. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1566. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1567. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1568. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, supra; which was ordered to lie on the table.

SA 1569. Mr. REID (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 856, to reauthorize the Small Business Technology Transfer Program, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 1551.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, insert between lines 11 and 12 the following:

SEC. \_\_\_\_ (a) Section 203(c) of the Judicial Improvement Act of 1990 (28 U.S.C. 133 note) is amended—

(1) in the first sentence following paragraph (12), by striking “and the eastern district of Pennsylvania” and inserting “, the eastern district of Pennsylvania, and the northern district of Ohio”; and

(2) by inserting after the third sentence following paragraph (12) “The first vacancy in the office of district judge in the northern district of Ohio occurring 15 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.”.

(b) The amendments made by this section shall take effect on the earlier of—

- (1) the date of enactment of this Act; or
- (2) November 15, 2001.

**SA 1552.** Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other

purposes; which was ordered to lie on the table; as follows:

On page 31, line 18, after "program," insert "of which \$8,800,000 shall be for the Maine State Police Communications Systems for technology enhancements to improve the communications infrastructure of the system."

**SA 1553.** Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 14, insert after "Counsel:" the following: "Provided further, That of the amount provided to the National Marine Fisheries Service for the Fisheries Research and Management Services for Science and Technology, \$400,000 shall be available for activities with respect to Atlantic herring and mackerel."

**SA 1554.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, strike "\$1,000,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth."

At the appropriate, insert: "\$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth"; "\$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States"; and, "\$100,000 to replicate a witness relocation program in Pennsylvania."

**SA 1555.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 2, strike "\$2,089,990,000" and insert "\$2,090,990,000".

On page 24, line 16, strike "\$578,125,000" and insert "\$579,125,000".

On page 24, line 19, strike "\$78,125,000" and insert "\$79,125,000".

On page 24, line 21, before the semicolon insert ", and of which \$1,000,000 shall be for a grant to the Joint Emergency Services Training Center in Baton Rouge, Louisiana: Provided, That any amount provided in this Act for the Office of Victims of Crime is reduced by \$1,000,000".

**SA 1556.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of

Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 22 and 23, insert the following:

SEC. 112. (a) ENHANCEMENT OF GRANT PROGRAM TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2012 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) ADDITIONAL PRIORITY.—In awarding grants under this part, the Attorney General shall also give a priority to States, Indian tribal governments, and units of local government that afford the same priority in responses to emergency calls involving domestic violence as is afforded to responses to emergency calls involving other life threatening circumstances."

(b) REPORT ON RESPONSE OF LOCAL LAW ENFORCEMENT TO EMERGENCY CALLS INVOLVING DOMESTIC VIOLENCE.—(1) Not later than March 31, 2002, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the response of local law enforcement agencies to emergencies calls involving domestic violence.

(2) The report shall include the following:

(A) An analysis of the response of local law enforcement agencies throughout the United States to emergency calls involving domestic violence.

(B) A description of the manner in which local law enforcement agencies and their dispatch units (including 911 dispatch units) coordinate, establish priorities for, and respond to emergency calls involving domestic violence.

**SA 1557.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 2 and 3, insert the following:

SEC. 409. Notwithstanding any other provision of law, all fees collected by the Department of State in the performance of services in connection with the processing of international adoptions, including fees collected under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), shall be deposited as offsetting receipts into a separate account in the Treasury of the United States and shall remain available, without fiscal year limitation, to the Secretary of State only for the improvement and strengthening of services performed by the Department in connection with the processing of international adoptions.

**SA 1558.** Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 34, line 5, before the ":", insert the following: ", of which \$300,000 shall be available only for the 'From Darkness to Light' program in Charleston, South Carolina".

On page 54, line 22, after ":", insert "Provided further, That \$1,500,000 shall be available only for the planning and design of research facilities which shall be located in Lafayette, Louisiana:".

On page 31, line 18, after "program", insert the following: ", of which \$1,900,000 shall be available only for the New Jersey State Police Law Enforcement Training Center".

On page 52, line 24, before the ":", insert the following: ", of which \$300,000 shall be available only for a variable and Eurasian milfoil education and prevention program in New Hampshire and \$300,000 shall be available only for the Connecticut River Partnership".

On page 20, line 14, after the ":", insert the following: "Provided further, That, of the amount made available under this heading, \$9,962,000 shall be available for partial site and planning for the U.S.P. Northeast/Northern Mid-Atlantic facility to be located in Berlin, New Hampshire:".

On page 31, line 18, after "program", insert the following: ", of which \$1,500,000 shall be available only for in-car cameras for Arkansas State Police cruisers".

On page 32, line 10, after the first ":", insert the following: "of which \$3,000,000 shall be for a grant to the Law Enforcement Innovation Center at the University of Tennessee,".

On page 32, line 5, after the ":", insert the following: "of which \$3,800,000 will be for a grant to the Jersey City Police Department's Crime Identification System to upgrade communications systems,".

On page 30, line 24, after the third ":", insert the following: "including \$1,500,000 for a computer forensic lab in Ohio,".

On page 23, line 25, insert "That" the following: "from such funds \$15,000,000 shall be used to carry out the Kids 2000 Act (Public Law 106-313; 114 Stat. 1260): Provided further, That".

On page 30, line 24, insert after "laboratories," the following: "of which \$600,000 shall be available to the Mecklenburg County, North Carolina Sheriff's Office for a Sex Offender Registration Unit."

On page 41, after line 22, insert the following:

SEC. 112. Section 6 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 8 U.S.C. 1423 note) (as amended by Public Law 106-415) is amended by striking "18 months" each place such term appears and inserting "36 months".

Insert at the appropriate place the following:

**SEC. . SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR.**

(a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of

international financial institutions assembled an unprecedented \$58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277; 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999 that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes a actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) the Republic of Korea has now engaged in a massive \$5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that

(1) The Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take immediately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should mon-

itor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

On page 22, line 16, after the “)”, insert the following: “, of which not to exceed \$2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: *Provided*, That no funds for the purpose of administering such program of for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.”

On page 67, after line 15, insert the following:

SEC. 210. (a) Notwithstanding section 102 of the Marine Mammal Protection Act of 1972, as amended, or section 9 of the Endangered Species Act of 1973, the Anchorage Sister Cities Commission of Anchorage, Alaska, may export, on a one-time basis, to the Town of Whitby, in the care of the Scarborough Borough Council, Whitby, North Yorkshire, United Kingdom, two bowhead whale jawbones taken as part of a legal subsistence hunt by Native Alaskans and identified in U.S. Fish and Wildlife Service, Convention on International Trade of Endangered Species permit 01US037393/9.

(b) The Anchorage Sister Cities Commission shall notify the National Marine Fisheries Service Office of Enforcement 15 days prior to shipment to ensure compliance with all applicable export requirements.

On page 40, line 3, strike “\$3” and insert “\$1.50”.

On page 109, line 25, strike “\$7” and insert “\$6.50”.

On page 7, line 9, after “That” insert the following: “\$800,000 shall be available only for grants to develop and conduct programs to train State and local law enforcement and prosecutors in the investigation and prosecution of child pornography and child exploitation crimes; *Provided further*, That”.

On page 22, line 21, strike “\$364,000,000, to remain available until expended.”, and insert “\$375,800,000, to remain available until expended, of which \$9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.”.

On page 32, line 10, after the first “,” insert the following: “of which \$2,000,000 shall be available only for law enforcement technology upgrades for Berlin, New Hampshire.”.

On page 32, line 20, before the “,” insert the following: “, of which \$1,300,000 shall be for a grant to the California Department of Justice for a methamphetamine initiative.”.

On page 23, line 2, strike “\$2,089,990,000” and insert “\$2,094,990,000”.

On page 24, line 16, strike “\$578,125,000” and insert “\$583,125,000”.

On page 24, line 19, strike “\$78,125,000” and insert “\$83,125,000”.

On page 24, line 21 before the “,” insert the following: “, of which \$10,000,000 is for the Mental Health Courts Grants Initiative”.

On page 32, line 17, strike “\$48,393,000”, and insert “\$49,493,000”.

On page 32, line 20, before the “,” insert the following: “, of which \$1,100,000 shall be for a methamphetamine initiative in the State of Missouri.”.

On page 33, line 22, strike “\$320,026,000” and insert “\$324,926,000”.

On page 34, line 3, strike “\$55,691,000” and insert “\$60,591,000”.

On page 34, line 5 before the “,” insert the following: “, of which \$5,000,000 is to fund the Strengthening Abuse and Neglect Courts Act”.

On page 34, line 5, before the “,” insert the following: “, of which not to exceed \$5,000,000 shall be available for grants for local juvenile justice programs for mental health screening and treatment for juvenile offenders during incarceration that are inconsistent with guidelines issued by the Attorney General”.

On page 30, line 10, strike “\$1,019,874,000” and insert “\$1,024,659,000”.

On page 31, line 3, strike “\$510,524,000” and insert “\$514,209,000”.

On page 31, line 7, strike “\$31,315,000” and insert “\$35,000,000”.

On page 76, line 6, strike “\$3,088,990,000” and insert “\$3,063,305,000”.

On page 53, line 12, after the colon, insert the following: “*Provided further*, That such sums as are necessary shall be available to the National Marine Fisheries Service, in collaboration with the United States Fish and Wildlife Service, to conduct a review of the agencies’ joint regulations governing consultations on Federal agency actions under subsection (a)(2) of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), so as to streamline the consultation process to ensure that consultations are completed within the deadlines provided in that section and have streamlined documentation requirements consistent with that section, and to make any necessary modifications to those regulations not later than April 1, 2003.”.

On page 115, after line 25, insert the following: “SEC. 623. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.”.

On page 102, line 3, after “as amended”, strike the period and insert “: *Provided further*, That \$13,700,000 shall be available in fiscal year 2002 to fund grants authorized by section 29 of the Small Business Act.”.

At the appropriate place, insert the following:

SEC. . No funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

On page 34, line 5 before the “,” insert the following: “, of which \$500,000 is for the Boy Scouts “Learning for Life” program”.

On page 52, line 23, strike “\$2,267,705,000” and insert “\$2,268,305,000”.

On page 57, line 25, strike “\$939,610,000” and insert “\$941,110,000”.

On page 89, line 23, strike “\$787” and insert “\$1,084”.

On page 89, line 24, strike “April 26” and insert “June 21”.

On page 57, line 8, strike “\$133,940,000” and insert “\$137,940,000”.

On page 16, line 22, after the semicolon insert “of which \$5,500,000 shall be for the Violence Against Women Act Unit of the Eastern Adjudication Service Center to provide for the processing of immigration self-petitions and U visas under the Violence Against Women Act (Public Law 103-322, reauthorized in Public Law 106-326) and T visas under the Victims of Trafficking and Violence Protection Act (Public Law 106-326), out of which \$500,000 shall be for the Eastern Adjudication Service Center to provide for the production and distribution of training materials to

State Department, Justice Department, and other Government officials concerning the immigration provisions of the Violence Against Women Act.”

On page 52, line 23, strike “\$2,268,305,000 to remain available until expended” and insert “\$2,273,305,000, to remain available until expended, of which \$2,000,000 shall be for West Coast Groundfish Cooperative Research and \$3,000,000 shall be for Oregon Groundfish Disaster Assistance”.

On page 31, line 18 after the “,” insert the following: “, of which \$1,000,000 is to the National Sheriff’s Association to conduct a multi-state information sharing demonstration project.”

On page 58, on line 18, before the colon, insert: “, of which \$2,500,000 is for coastal land acquisition at Rocky Point in Warwick, Rhode Island”.

On page 34, line 5, before the colon, insert the following: “, of which \$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth; \$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States; and, \$100,000 to replicate a witness relocation program in Pennsylvania”.

On page 57, line 25 strike “\$939,610,000” and insert “\$939,110,000”.

On page 44, line 5 strike “\$66,820,000” and insert “\$67,320,000”.

On page 115, after line 15, insert the following:

SEC. 623. Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking “or” at the end of clause (i);

(B) in clause (ii)—

(i) by striking “February 17, 1999,” and inserting “May 17, 1996, May 7, 1997, February 17, 1999, December 15, 1999,”;

(ii) by inserting “October 22, 1999,” after “February 17, 1999,”; and

(iii) by striking the semicolon at the end and inserting “; or”; and

(C) by adding at the end the following new clause:

“(iii) a member of the plaintiff class in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia;”;

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” before “For purposes” and

(C) by adding at the end the following:

“(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available under subsection (a), the Secretary of the Treasury shall make such further payment as necessary to satisfy the judgment by—

“(i) liquidating those assets without third party interest of those countries designated as state sponsors of terrorism, under section 40(d) of the Arms Control Act or section 6(i) of the Export Administration Act of 1979, held or blocked by the United States; and

“(ii) in the event the judgment remains not fully satisfied after such liquidation, using any other available means collect from Iran, with one-third of any amount collected by these other means to be remitted to the Treasury of the United States.”

On page 10, line 18, strike “\$724,682,000” and insert “\$699,682,000”.

On page 30, line 10, strike “\$1,019,874,000” and insert “\$1,044,874,000”.

On page 30, line 11, strike “\$150,962,000” and insert “\$175,962,000”.

On page 30, line 24, insert after the third “,” the following: “of which \$25,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of the Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.).”

**SA 1559.** Mr. HOLLINGS (for himself and Mr. GREGG) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purpose; as follows:

On page 12, line 10, strike “as in effect on June 1, 2000;”.

On page 17, line 20, after the colon insert the following: “*Provided further*, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended.”

On page 24, strike lines 19, 20, and 21, and insert “\$79,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, including \$1,500,000 for the Standing Against Global Exploitation (SAGE) Project, Inc.”.

On page 76, line 6, strike “\$3,063,305,000” and insert “\$3,061,805,000”.

On page 25, after line 21 insert the following:

(d) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriation Committee on the response of local law enforcement agencies to emergency calls involving domestic violence.

On page 115, after line 25, add the following:

SEC. 623. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking “on or about October 1, 2000,” and all that follows through the end and inserting “not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003.”.

**SA 1560.** Mr. HARKIN (for himself, Mr. HATCH, Mr. LEAHY, Mr. REID, Mr. HOLLINGS, Mr. FEINGOLD, Mr. SMITH of Oregon, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the September 11, 2001 attacks against the

United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that “we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction.”;

(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the U.S. and the senseless loss of innocent lives; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

**SA 1561.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1422, to provide for the expedited payment of certain benefits for public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001; which was referred to the Committee on the Judiciary; as follows:

On page 2, at line 8, delete “shall pay to qualified beneficiaries, not later than 30 days” and insert “Shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days”.

**SA 1562.** Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, Mr. THOMPSON, Mr. THURMOND, and Mr. MCCAIN) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 116, between lines 9 and 10, insert the following:

#### TITLE VIII—TERRORISM

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Combating Terrorism Act of 2001”.

##### SEC. 812. ASSESSMENT OF NATIONAL GUARD CAPABILITIES TO PREEMPTIVELY DISRUPT DOMESTIC TERRORIST ATTACKS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the

Comptroller General shall submit to Congress a report containing an assessment of the capabilities of the National Guard to preemptively disrupt a terrorist attack within the United States involving weapons of mass destruction, and to respond to such an attack.

(b) **ELEMENTS.**—The report required under subsection (a) shall include—

(1) an assessment of the legal restrictions on the use of the National Guard to contain and capture weapons of mass destruction materials that are discovered by law enforcement agencies within the United States;

(2) an assessment of the physical readiness of the National Guard to carry out a mission to contain and capture such materials;

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

**SEC. 813. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development with respect to technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) **ESTABLISHMENT OF PROGRAM.**—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect to science and technology necessary to prevent, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) **REPORT ON PROPOSED PROGRAM.**—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) **CATASTROPHIC TERRORIST ATTACK DEFINED.**—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

**SEC. 814. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.**

(a) **REVIEW REQUIRED.**—The Attorney General shall conduct a review of the legal au-

thority of the agencies of the Federal Government, including the Department of Defense, to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(b) **REPORT.**—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations as to whether additional legal authority for any particular Federal agency is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(c) **CATASTROPHIC TERRORIST ATTACK DEFINED.**—In this section, the term “catastrophic terrorist attack” means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

**SEC. 815. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.**

The Director of Central Intelligence shall rescind the provisions of the 1995 Central Intelligence Agency guidelines on recruitment of terrorist informants that relate to the recruitment of persons who have access to intelligence related terrorist plans, intentions and capabilities.

**SEC. 816. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.**

(a) **REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.**—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the legal authorities that govern the sharing of criminal wiretap information under applicable Federal laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403–4).

(b) **ELEMENTS.**—The report under subsection (a) shall include—

(1) a description of the type of information that can be shared by the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community; and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) **DEFINITIONS.**—In this section:

(1) **FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.**—The terms “foreign intelligence” and “counterintelligence” have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947.

**SEC. 817. JOINT TASK FORCE ON TERRORIST FUNDRAISING.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals; and

(2) the Federal Government is not fully utilizing all the tools available to it to prevent, deter, or disrupt the fundraising activities of international terrorist organizations, and it should do so.

**SEC. 818. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.**

(a) **REPORT ON IMPROVEMENT OF CONTROLS.**—(1) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) The Attorney General shall prepare the report under paragraph (1) in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Agriculture, the Director of Central Intelligence, the Commissioner of Customs, and other appropriate Federal officials.

(3) The report under paragraph (1) shall include—

(A) a list of the equipment identified under that paragraph as critical to the development, production, or delivery of biological weapons;

(B) recommendations, if any, for legislation to make illegal the possession of the equipment identified under subparagraph (A), for other than a legitimate purpose, including attempts and conspiracies to do the same;

(C) recommendations, if any, for legislation to control the domestic sale and transfer of the equipment identified under subparagraph (A); and

(D) recommendations, if any, for legislation to require the tagging or other means of marking of the equipment identified under subparagraph (A).

(b) **IMPROVED SECURITY OF FACILITIES.**—(1) Commencing not later than 60 days after the date of the enactment of this Act, the President shall undertake appropriate actions to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at the research laboratories and other government and private facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other wrongful diversion of such pathogens.

(2) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report on the actions undertaken under paragraph (1).

**SEC. 819. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.**

(a) **REQUIREMENT FOR FULL REIMBURSEMENT.**—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) **QUALIFIED EMPLOYEE.**—In this section, the term “qualified employee” means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the legislative branch of Government.

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) **LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.**—The terms “law enforcement officer” and “professional liability insurance” have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

#### Subtitle B—Criminal Matters

#### SEC. 831. LAUNDERING OF PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “or 2339B” after “2339A”.

#### SEC. 832. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) **GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.**—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting “or trap and trace device” after “pen register”;

(2) by inserting “, routing, addressing,” after “dialing”; and

(3) by striking “call processing” and inserting “the processing and transmitting of wire and electronic communications”.

(b) **ISSUANCE OF ORDERS.**—

(1) **IN GENERAL.**—Subsection (a) of section 3123 of that title is amended to read as follows:

“(a) **IN GENERAL.**—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

“(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State investigative or law enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”.

(2) **CONTENTS OF ORDER.**—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting “or other facility” after “telephone line”; and

(ii) by inserting before the semicolon at the end “or applied”; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and”.

(3) **NONDISCLOSURE REQUIREMENTS.**—Subsection (d)(2) of that section is amended—

(A) by inserting “or other facility” after “the line”; and

(B) by striking “, or who has been ordered by the court” and inserting “or applied, or who is obligated by the order”.

(c) **EMERGENCY INSTALLATION.**—

(1) **AUTHORITY FOR UNITED STATES ATTORNEYS.**—Section 3125(a) of that title is amended in the matter preceding paragraph (1)—

(A) by striking “or any Deputy Assistant Attorney General,” and inserting “any Deputy Assistant Attorney General, or any United States Attorney,”.

(2) **EXPANSION OF EMERGENCY CIRCUMSTANCES.**—Section 3125(a)(1) of that title is amended—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

“(C) immediate threat to the national security interests of the United States;

“(D) immediate threat to public health or safety; or

“(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title.”.

(d) **DEFINITIONS.**—

(1) **COURT OF COMPETENT JURISDICTION.**—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or”.

(2) **PEN REGISTER.**—Paragraph (3) of that section is amended—

(A) by striking “electronic or other impulses” and all that follows through “is attached” and inserting “dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted”; and

(B) by inserting “or process” after “device” each place it appears.

(3) **TRAP AND TRACE DEVICE.**—Paragraph (4) of that section is amended—

(A) by inserting “or process” after “a device”; and

(B) by striking “of an instrument” and all that follows through the end and inserting “or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication.”.

#### SEC. 833. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the

Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

“(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.

#### SEC. 834. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.

Section 2516(1)(c) of title 18, United States Code, is amended by striking “and section 1341 (relating to mail fraud),” and inserting “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse).”.

**SA 1563.** Ms. COLLINS proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 34, line 5, after “Act” insert “, of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine”.

**SA 1564.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SECTION 1. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

“(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.

**SA 1565.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) **GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.**—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting " , routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of that title is amended to read as follows:

"(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required by effectuate the order.

"(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation."

(2) CONTENTS OF ORDER.—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) Nondisclosure Requirements.—subsection (d)(2) of that section is amended:—

(A) by inserting "or other facility" after "the line"; and

(B) by striking "or who has been ordered by the court" and inserting "or applied or who is obligated by the order".

(c) EMERGENCY INSTALLATION.—Section 3125(a)(1) of that title is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following new subparagraphs:

"(C) immediate threat to the national security interests of the United States;

"(D) immediate threat to public health or safety; or

"(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title."

(d) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or".

(2) PEN REGISTER.—Paragraph (3) of that section is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and

(B) by inserting "or process" after "device" each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of that section is amended—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication";".

**SA 1566.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. . EMERGENCY PEN REGISTER AUTHORITY FOR U.S. ATTORNEYS.**

Section 3125(a) of title 18, United States Code, is amended—

(1) by striking "any investigative or law enforcement officer, specially designated by"; and

(2) by striking "or any Deputy Assistant Attorney General," and inserting "any Deputy Assistant Attorney General, or any United States Attorney,".

**SA 1567.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SECTION 1. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO THE COMPUTER FRAUD AND ABUSE.**

Section 2516(1)(c) of title 18, United States Code, is amended by striking "and section 1341 (relating to mail fraud)," and inserting "section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),".

**SA 1568.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending Sep-

tember 30, 2002, and for other purposes, which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

#### **SEC. . LAUNDERING THE PROCEEDS OF TERRORISM**

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "or 2339B" after "2339A".

**SA 1569.** Mr. REID (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 856, to reauthorize the Small Business Technology Transfer Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Technology Transfer Program Reauthorization Act of 2001".

#### **SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE AMOUNTS.**

(a) IN GENERAL.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended to read as follows:

"(1) REQUIRED EXPENDITURE AMOUNTS.—

"(A) IN GENERAL.—With respect to each fiscal year through fiscal year 2009, each Federal agency that has an extramural budget for research, or research and development, in excess of \$1,000,000 for that fiscal year, shall expend with small business concerns not less than the percentage of that extramural budget specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.

"(B) EXPENDITURE AMOUNTS.—The percentage of the extramural budget required to be expended by an agency in accordance with subparagraph (A) shall be—

"(i) 0.15 percent for each fiscal year through fiscal year 2003; and

"(ii) 0.3 percent for fiscal year 2004 and each fiscal year thereafter."

(b) CONFORMING AMENDMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsections (b)(4) and (e)(6), by striking "pilot" each place it appears.

#### **SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.**

(a) IN GENERAL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking "\$500,000" and inserting "\$750,000"; and

(2) by inserting before the semicolon at the end the following: " , and shorter or longer periods of time to be approved at the discretion of the awarding agency where appropriate for a particular project".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective beginning in fiscal year 2004.

#### **SEC. 4. AGENCY OUTREACH.**

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(14) implement an outreach program to research institutions and small business concerns for the purpose of enhancing its STTR program, in conjunction with any such outreach done for purposes of the SBIR program; and".

**SEC. 5. POLICY DIRECTIVE MODIFICATIONS.**

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) is amended by adding at the end the following:

“(3) MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided for under paragraph (2)(B)(v) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(6)(A)), the second phase (as described in subsection (e)(6)(B)), and the third phase (as described in subsection (e)(6)(C)).”

**SEC. 6. STTR PROGRAM DATA COLLECTION.**

(a) IN GENERAL.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this Act, is amended by adding at the end the following:

“(15) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the STTR program, including information necessary to maintain the database described in subsection (k).”

(b) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (1)—

(A) by inserting “or STTR” after “SBIR” each place it appears;

(B) in subparagraph (C), by striking “and” at the end;

(C) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(E) with respect to assistance under the STTR program only—

“(i) whether the small business concern or the research institution initiated their collaboration on each assisted STTR project;

“(ii) whether the small business concern or the research institution originated any technology relating to the assisted STTR project;

“(iii) the length of time it took to negotiate any licensing agreement between the small business concern and the research institution under each assisted STTR project; and

“(iv) how the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project were allocated (by percentage) between the small business concern and the research institution.”; and

(2) in paragraph (2)—

(A) by inserting “or an STTR program pursuant to subsection (n)(1)” after “(f)(1)”; and

(B) by striking “solely for SBIR” and inserting “exclusively for SBIR and STTR”;

(C) in subparagraph (A)(iii), by inserting “and STTR” after “SBIR”; and

(D) in subparagraph (D), by inserting “or STTR” after “SBIR”.

(c) SIMPLIFIED REPORTING REQUIREMENTS.—Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended by inserting “or STTR” after “SBIR” each place it appears.

(d) REPORTS TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking “and (o)(9),” and inserting “, (o)(9), and (o)(15), the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns under each of the SBIR and STTR programs.”

**SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.**

(a) DEVELOPMENT OF MODEL AGREEMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(w) STTR MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.—

“(1) IN GENERAL.—The Administrator shall promulgate regulations establishing a single model agreement for use in the STTR program that allocates between small business concerns and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

“(2) OPPORTUNITY FOR COMMENT.—In promulgating regulations under paragraph (1), the Administrator shall provide to affected agencies, small business concerns, research institutions, and other interested parties the opportunity to submit written comments.”

(b) ADOPTION OF MODEL AGREEMENT BY FEDERAL AGENCIES.—Section 9(o)(11) of the Small Business Act (15 U.S.C. 638(o)(11)) is amended by striking “develop a model agreement not later than July 31, 1993, to be approved by the Administration,” and inserting “adopt the agreement developed by the Administrator under subsection (w) as the agency’s model agreement”.

**SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED AND MINORITY-OWNED SMALL BUSINESS CONCERNS AND CONCERNS LOCATED IN AREAS NOT PARTICIPATING IN SBIR AND STTR.**

(a) SELECTION CONSIDERATION.—Section 34(c)(2)(B) of the Small Business Act (15 U.S.C. 657d(c)(2)(B)) is amended—

(1) in clause (iv), by striking “and” at the end;

(2) in clause (v), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new clause:

“(vi) whether the proposal addresses the needs of small business concerns—

“(I) owned and controlled by women;

“(II) owned and controlled by minorities; and

“(III) located in areas that have historically not participated in the SBIR and STTR programs.”

(b) REGULATIONS.—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following: “The Administrator shall promulgate regulations establishing standards for the consideration of proposals under paragraph (2), including standards regarding each of the considerations identified in paragraph (2)(B).”

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON ARMED SERVICES**

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, September 13, 2001, at 2:30 p.m., in open session to consider the nomination of General Richard B. Myers, USAF, for reappointment in the grade of general and for appointment as the Chairman of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 13, 2001, at 9:00 am on Corporate Average Fuel Economy (CAFE).

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 13, 2001 at 10:00 am to hear testimony on “Medicaid Upper Payment Limits: Restoring the State-Federal Partnership.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 13, 2001 at 11 a.m. to hold a nomination hearing.

Nominee: John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Representative of the United States of America in the Security Council of the United Nations.

To be introduced by: The Honorable TED STEVENS, United States Senate, Washington, DC; the Honorable JOHN MCCAIN, United States Senate, Washington, DC; and the Honorable Richard Holbrooke Counselor, Council on Foreign Relations, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 13, 2001 at 5:00 p.m. to hold a nomination hearing.

Nominees:

The Honorable Patrick Kennedy, of Illinois, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Mrs. Laura Kennedy, of New York, to be Ambassador to Turkmenistan.

The Honorable Ronald Neumann, of Virginia, to be Ambassador to the State of Bahrain.

Mrs. Marcelle Wahba, of California, to be Ambassador to the United Arab Emirates.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Protecting Against Genetic Discrimination: The Limits Of Existing Laws during the session of the Senate on Thursday, September 13, 2001. At 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, September 13, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, September 13, 2001 at 10:30 a.m., in SD226.

I. Unfinished business:

S. 754, the Drug Competition Act of 2001 [Leahy/Kohl/Schumer/Durbin/Feingold/Cantwell/Grassley].

S. 1319/H.R. 2215, The Department of Justice FY2002 Authorization Bill [Leahy/Hatch].

S. 1140, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 2001 [Hatch/Feingold/Grassley/Leahy].

II. Nominations:

To Be United States Attorney:

Michael G. Heavican—District of Nebraska; Paul J. McNulty—Eastern District of Virginia; Colm F. Connolly—District of Delaware; Roscoe C. Howard, Jr.—District of the District of Columbia; Michael J. Sullivan—District of Massachusetts; Joseph S. Van Bokkelen—Northern District of Indiana; Stephen B. Pence—Western District of Kentucky; Gregory F. Van Tatenhove—Eastern District of Kentucky; Thomas B. Heffelfinger—District of Minnesota; Patrick L. Meehan—Eastern District of Pennsylvania; Mary Beth Buchanan—Western District of Pennsylvania; Peter W. Hall—District of Vermont.

III. Bills:

S. 1315, The Judicial Improvement and Integrity Act of 2001 [Leahy/Hatch].

S. Res. 159, Designating the Week Beginning September 16, 2001 as "National Historically Black Colleges and Universities Week." [Thurmond].

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Thursday, September 13, 2001, at 2:00 p.m. in Dirksen 226.

Panel I: Senator Thad Cochran (R-MS); Senator Christopher Dodd (D-CT); Senator Joseph Lieberman (D-CT); Senator Trent Lott (R-MS); Senator Diane Feinstein (D-CA); Senator Chuck Hagel (R-NE); Senator Hillary Clinton (D-NY); Senator Ben Nelson (D-NE).

Panel II: Barrington D. Parker, Jr., to be United States Circuit Judge for the Second Circuit.

Panel III: Laurie Smith Camp, to be United States District Judge for the

District of Nebraska; Michael P. Mills, to be United States District Judge for the Northern District of Mississippi.

Panel IV: John W. Gillis, to be Director of the Office of Victims of Crime.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND  
WATER

Mr. HOLLINGS. Mr. President, I ask unanimous Consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on Thursday, September 13, 2001 at 10:00 a.m. to conduct a hearing on improving the utilization of available water and wastewater infrastructure funding. The hearing will be held in the Rm. SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON PUBLIC HEALTH

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Revitalizing Protections for Humans Subjects in Research during the session of the Senate on Thursday, September 13, 2001, at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON TECHNOLOGY AND SPACE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 13, 2001, at 2:00 p.m. on Digital Divide.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. GREGG. I ask unanimous consent that Rebecca Farmer and Casey McGinley, members of Senator KYL's staff, be granted the privilege of the floor during the pending debate on H.R. 2500.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that the following staff members be granted the privilege of the floor for purposes of debate on this bill: Jeff Kuhnreich, John Barth, Joe Lozano, and Jeff Taylor of Senator HATCH's staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JOINT REFERRAL OF NOMINATION

Mr. REID. Mr. President, I ask unanimous consent that the nomination of Harold Craig Manson, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on September 4, 2001, be referred jointly to the Committee on En-

ergy and Natural Resources and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the consideration of Calendar Nos. 138 and 139.

The PRESIDING OFFICER. The clerk will report the joint resolutions by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 19) providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

A joint resolution (S.J. Res. 20) providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate proceeded to the consideration of the joint resolutions.

Mr. REID. Mr. President, I ask unanimous consent that these joint resolutions be considered read three times, passed, and the motions to reconsider be laid upon the table, en bloc; that any statements relating to these resolutions be printed in the RECORD; further, that the consideration of these items appear separately in the RECORD, with the above occurring with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAPPOINTMENT OF ANNE  
D'HARNONCOURT AS A CITIZEN  
REGENT OF THE BOARD OF RE-  
GENTS OF THE SMITHSONIAN IN-  
STITUTION

The joint resolution (S.J. Res. 19), providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution, which had been reported from the Committee on Rules and Administration, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 19

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Anne d'Harnoncourt of Pennsylvania, is filled by reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on December 29, 2001.

**PROVIDING FOR THE APPOINTMENT OF ROGER W. SANT AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION**

The joint resolution (S.J. Res. 20), providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution, which had been reported from the Committee on Rules and Administration, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 20

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Howard H. Baker, Jr., of Washington, D.C., is filled by the appointment of Roger W. Sant of Washington, D.C. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.*

**AMENDING THE IMMIGRATION AND NATIONALITY ACT**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1424, introduced earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1424) to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. LEAHY. Mr. President, in this time of tragedy, there are a few things Congress can do to provide immediate assistance. Passage of this legislation is one of them.

This bill restores the 'S' visa, which Congress created as part of the 1994 Violent Crime Control Act. The visa allows foreign nationals with critical information about criminal cases, especially events of terrorism, to remain in the United States legally for the purpose of cooperating with law enforcement. An application for the visa must be made by a Federal, State, or local law enforcement agency or by a court.

The provision authorizing the 'S' visa expired yesterday, so without this legislation law enforcement will be unable to take advantage of it. The State and Justice Departments have requested that we reinstitute the 'S' visa. I urge the Senate to grant this request and to give law enforcement the support it needs in this area.

This is a limited program, but it serves an important purpose. The number of 'S' visas granted in a year is limited

to 200 for those providing information about crimes and an additional 50 specifically devoted to those who can provide information about terrorism.

Our law enforcement officials face a terrible responsibility in seeking out the perpetrators of these evil acts. I am pleased to cosponsor this legislation, and hope that it helps in this search.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1424) was read the third time and passed.

(The text of S. 1424 is printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

**SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT OF 2001**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 142, S. 856.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 856) to reauthorize the Small Business Technology Transfer Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1569

Mr. REID. Mr. President, I understand Senators KERRY and BOND have a substitute amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KERRY, for himself and Mr. BOND, proposes an amendment numbered 1569.

The amendment is as follows:

(Purpose: To provide for a complete substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Technology Transfer Program Reauthorization Act of 2001".

**SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE AMOUNTS.**

(a) IN GENERAL.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended to read as follows:

"(1) REQUIRED EXPENDITURE AMOUNTS.—

"(A) IN GENERAL.—With respect to each fiscal year through fiscal year 2009, each Federal agency that has an extramural budget for research, or research and development, in excess of \$1,000,000,000 for that fiscal year, shall expend with small business concerns not less than the percentage of that extramural budget specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.

"(B) EXPENDITURE AMOUNTS.—The percentage of the extramural budget required to be

expended by an agency in accordance with subparagraph (A) shall be—

"(i) 0.15 percent for each fiscal year through fiscal year 2003; and

"(ii) 0.3 percent for fiscal year 2004 and each fiscal year thereafter."

(b) CONFORMING AMENDMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsections (b)(4) and (e)(6), by striking "pilot" each place it appears.

**SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.**

(a) IN GENERAL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking "\$500,000" and inserting "\$750,000"; and

(2) by inserting before the semicolon at the end the following: ", and shorter or longer periods of time to be approved at the discretion of the awarding agency where appropriate for a particular project".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective beginning in fiscal year 2004.

**SEC. 4. AGENCY OUTREACH.**

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(14) implement an outreach program to research institutions and small business concerns for the purpose of enhancing its STTR program, in conjunction with any such outreach done for purposes of the SBIR program; and".

**SEC. 5. POLICY DIRECTIVE MODIFICATIONS.**

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) is amended by adding at the end the following:

"(3) MODIFICATIONS.—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided for under paragraph (2)(B)(v) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(6)(A)), the second phase (as described in subsection (e)(6)(B)), and the third phase (as described in subsection (e)(6)(C))."

**SEC. 6. STTR PROGRAM DATA COLLECTION.**

(a) IN GENERAL.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this Act, is amended by adding at the end the following:

"(15) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the STTR program, including information necessary to maintain the database described in subsection (k)."

(b) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (1)—

(A) by inserting "or STTR" after "SBIR" each place it appears;

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(E) with respect to assistance under the STTR program only—

"(i) whether the small business concern or the research institution initiated their collaboration on each assisted STTR project;

"(ii) whether the small business concern or the research institution originated any technology relating to the assisted STTR project;

“(iii) the length of time it took to negotiate any licensing agreement between the small business concern and the research institution under each assisted STTR project; and

“(iv) how the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project were allocated (by percentage) between the small business concern and the research institution.”; and

(2) in paragraph (2)—

(A) by inserting “or an STTR program pursuant to subsection (n)(1)” after “(f)(1)”; and

(B) by striking “solely for SBIR” and inserting “exclusively for SBIR and STTR”;

(C) in subparagraph (A)(iii), by inserting “and STTR” after “SBIR”; and

(D) in subparagraph (D), by inserting “or STTR” after “SBIR”.

(c) **SIMPLIFIED REPORTING REQUIREMENTS.**—Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended by inserting “or STTR” after “SBIR” each place it appears.

(d) **REPORTS TO CONGRESS.**—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking “and (o)(9),” and inserting “, (o)(9), and (o)(15), the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns under each of the SBIR and STTR programs.”.

#### **SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.**

(a) **DEVELOPMENT OF MODEL AGREEMENT.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(w) **STTR MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.**—

“(1) **IN GENERAL.**—The Administrator shall promulgate regulations establishing a single model agreement for use in the STTR program that allocates between small business concerns and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

“(2) **OPPORTUNITY FOR COMMENT.**—In promulgating regulations under paragraph (1), the Administrator shall provide to affected agencies, small business concerns, research institutions, and other interested parties the opportunity to submit written comments.”.

(b) **ADOPTION OF MODEL AGREEMENT BY FEDERAL AGENCIES.**—Section 9(o)(11) of the Small Business Act (15 U.S.C. 638(o)(11)) is amended by striking “develop a model agreement not later than July 31, 1993, to be approved by the Administration,” and inserting “adopt the agreement developed by the Administrator under subsection (w) as the agency’s model agreement”.

#### **SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED AND MINORITY-OWNED SMALL BUSINESS CONCERNS AND CONCERNS LOCATED IN AREAS NOT PARTICIPATING IN SBIR AND STTR.**

(a) **SELECTION CONSIDERATION.**—Section 34(c)(2)(B) of the Small Business Act (15 U.S.C. 657d(c)(2)(B)) is amended—

(1) in clause (iv), by striking “and” at the end;

(2) in clause (v), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new clause:

“(vi) whether the proposal addresses the needs of small business concerns—

“(I) owned and controlled by women;

“(II) owned and controlled by minorities; and

“(III) located in areas that have historically not participated in the SBIR and STTR programs.”.

(b) **REGULATIONS.**—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following: “The Administrator shall promulgate regulations establishing standards for the consideration of proposals under paragraph (2), including standards regarding each of the considerations identified in paragraph (2)(B).”.

Mr. KERRY. Mr. President, today I rise to urge passage of S. 856, the Small Business Technology Transfer (STTR) Program Reauthorization Act of 2001. This legislation reauthorizes the Small Business Administration’s highly successful Small Business Technology Transfer (STTR) Program for an additional eight years. Absent legislative action to reauthorize the Small Business Technology Transfer (STTR) program, it will expire on September 30, 2001.

On July 19, 2001, the Committee on Small Business and Entrepreneurship (Committee) considered S. 856, the Small Business Technology Transfer (STTR) Program Reauthorization Act of 2001, unanimously reported the bill and recommended its passage. This legislation also makes changes to the STTR program to facilitate more effective collaboration between small businesses and research institutions.

The STTR program funds research and development (R&D) projects performed jointly by small companies and research institutions as an incentive to advance the nation’s technological progress and the government’s research and development goals. It complements the Small Business Innovation Research (SBIR) program, which was reauthorized last year. Whereas the SBIR program funds R&D projects at small companies, STTR funds cooperative R&D projects between a small company and a research institution, such as a university or a Federally funded R&D lab. Like SBIR R&D projects, STTR projects help participating agencies achieve their missions in the research and development arena. It was also designed to convert the billions of dollars invested in research and development at our nation’s universities. Federal laboratories and non-profit research institutions into new commercial technologies.

The STTR program was started as a pilot in 1992, and the first grants were made in 1994. The program was reauthorized in 1997 for four years. The program is not funded out of the Small Business Administration’s (SBA) budget, but out of the extramural R&D budgets of Federal agencies or departments with extramural R&D budgets of \$1 billion or more. Such agencies must award at least .15 percent of that money for STTR projects. Five agencies currently qualify: the Department of Defense (DoD); the National Institutes of Health (NIH); the National Aeronautics and Space Administration (NASA); the National Science Foundation (NSF); and the Department of Energy (DoE).

There are three phases of the program. Phase I is a one-year grant for \$100,000, and its purpose is to determine the scientific and commercial merits of an idea. Phase II is a two-year grant for \$500,000, and its purpose is to further develop the idea. Phase III is used to pursue commercial applications of the idea and cannot be funded with STTR funds. Only private-sector and non-STTR Federal funds may be used in Phase III.

At the Committee on Small Business and Entrepreneurship hearing on S. 856 we heard from Dr. Anthony N. Pirri, Director of the Division of Technology Transfer at Northeastern University in Boston, Mass.; Mr. Clifford C. Hoyt, Vice President and Chief Technology Officer of Cambridge Research and Instrumentation in Woburn, Mass.; Dr. Barna Szabo, Founder and Chairman of Engineering Software Research and Development Inc. in St. Louis, Mo.; Mr. Kirk Ririe, President and CEO of Idaho Technology, Inc. in Salt Lake City, Utah; Mr. Maurice Swinton, Assistant Administrator for the Office of Technology at the Small Business Administration; and Mr. Jim Wells, Director of Natural Resources and Environment at the General Accounting Office.

There was consensus that the program is meeting its objectives, should be continued, and the Phase II award amount should be increased. Examples were given of technological advances which improved industries, grew businesses, created jobs and more than returned the Federal government’s investment. One comment, in particular, from Mr. Kirk Ririe of Idaho Technology Inc., which started modestly in a potato shed and now has locations in Idaho and Utah, demonstrates the power of the STTR program:

We were a tiny company—six people working with the university group. We were able to, within two years, launch (with about \$100,000 in funding) a product that basically filled a hole in biotechnology research and development . . . that has gone on to generate over \$100 million in sales . . . The GAO figures may not [reflect this, but] I guarantee that we have paid a lot more money back to the government in taxes than we received in any of the funding . . . The program has been absolutely crucial to us. If we had not had this program, we would still be in the potato shed . . .

At the request of the Chairman and Ranking member of the Committee, GAO surveyed all companies which had received Phase II awards from 1995 to 1997. GAO chose these years because they were the first years of the program and it generally takes three to nine years for a company to progress from basic research of a concept to commercialization of a developed product. Though this program is still relatively young, the survey results indicate it is working effectively. Of the 102 companies participating in the survey, 53.5 percent had either commercialized the technology or received follow-on funding for the technology.

These companies had approximately \$132 million in sales and \$53 million in additional funding. These STTR winners expect additional sales of more than \$90 million dollars by 2005. Putting this into perspective, the Government's total awards to these companies were less than \$60 million, less than half of the sales to date and about five percent of the expected sales by 2005.

While S. 856 as reported reauthorized the program for nine years, the Manager's amendment reduces this to eight years. This was done in order to reach consensus promptly and enable the bill to pass both houses—before the expiration date of the program.

In FY2004 and thereafter the bill increases from .15 to .3 percent of Federal extramural research and development funds going to this program. Recently the program was made \$65 million annually for STTR awards. Based on that amount, increasing the percentage to .3 percent would make \$130 million available annually for small business technology transfer. The Committee originally reported language that would have increased the percentage to .5 percent in 2007. In order to reach consensus, we agreed to delete the final incremental increase from the bill until we have more experience and information.

The bill also raises the Phase II grant award amount from \$500,000 to \$750,000. This change was intended to address concerns by the small businesses and the research institutions that \$500,000 typically is no longer enough for this stage of research and development. As Dr. Pirri of Northeastern said at the hearing, "By expanding the STTR program, funding levels will become more adequate to take technologies through the prototype stage and increase their probability of commercial success." Raising Phase II STTR awards to \$750,000 makes them consistent with the Small Business Innovation Research (SBIR) program's Phase II awards.

GAO reported that only about 250 universities have participated in the program so far. The Committee believes, and GAO concurs, that there is tremendous potential to involve more universities in partnering with small businesses to convert research into new technologies. One of the goals of the STTR program is to create economic development around universities, Federal laboratories and non-profit research institutions across the country are attempting to duplicate the successful clusters similarly developed along Massachusetts' Route 128 and in California's Silicon Valley. In order to increase participation by a larger number of universities, S. 856 includes a provision encouraging the STTR agencies to reach out to universities to raise awareness of the program and to provide information to their faculty members.

S. 856 also strengthens the data rights protection for companies and research institutions that conduct STTR projects. The change in data rights is important because it clarifies that STTR companies, like SBIR companies, retain the data rights to their technology through all phases of a STTR project. Unfortunately some agencies have been interpreting the law to mean that STTR companies only retain their data rights through Phases I and II.

This clarification helps protect STTR companies from losing control of their research so that they have a greater chance of commercializing their technology themselves. This clarification is important because the Committee has learned some agencies are providing the data to bigger contractors for development, thereby cutting out the small business. This unfortunate situation not only robs small businesses of revenues, but it also results in expensive legal costs for small businesses to protect their data rights.

As last year's legislation did for the SBIR program, this bill strengthens the data collection requirements regarding awards and the data rights for companies and research institutions that conduct STTR projects. The goal is to collect better information about the companies doing the projects, as well as the research and development, so we can measure success and track technologies. The Manager's amendment expands the reporting requirements to include reporting on HUBZones small businesses under the SBIR and STTR programs. The amendment also requires the SBA and the agencies to develop a model agreement for intellectual property rights. Finally, the Manager's amendment includes a provision that requires SBA, when considering proposals under the recently enacted Federal and State Technology Partnership Program (FAST), to consider whether the proposals address the needs of small business concerns: (I) owned and controlled by women; (II) owned and controlled by minorities; and (III) concerns located in areas that have historically not participated in the SBIR and STTR Programs.

This bill will ensure that this successful program is continued and expanded. It will also provide Congress with important information and data on the program and encourage more outreach to small businesses and research institutions.

Mr. President, I want to encourage my colleagues to learn about this program, to find out the benefits to their state's hi-tech small business, research universities and labs, and to join me in passing this legislation in the Senate. To my friend from Missouri, Senator BOND, I want to thank you and your staff for working with me and my staff to build this country's technological

progress. I especially want to thank one member of Senator BOND's staff, David Bohley. Dave has worked tirelessly and effectively for the technology and small business community. He is leaving the Committee, and we will all miss working with him. I wish him well in his new job at the Federal National Mortgage Association (FNMA). I also want to thank all of the members of the Committee for their work on this legislation and for helping small business. All 19 members of the Committee voted for and supported this legislation.

Mr. President, I urge the Senate to pass S. 856, as amended.

Mr. BOND. Mr. President, I rise to lend my strong support to S. 856, the Small Business Technology Transfer Program Reauthorization Act of 2001. The Committee on Small Business and Entrepreneurship has closely reviewed the STTR program this year and found the STTR program to be highly successful. This important bill acknowledges that success by expanding the program.

This bill, like most bills considered by the Small Business and Entrepreneurship Committee, was crafted in a bipartisan manner and approved by a unanimous vote. I would like to thank Senator KERRY, and chairman of the committee, for his leadership and cooperation in this effort. I am pleased to have worked closely with him on this bill, and I trust our colleagues will overwhelmingly support this legislation.

The STTR Program was created in 1992 to stimulate technology transfer from research institutions to small firms while, at the same time, accomplishing the Federal government's research and development goals. The program is designed to convert the billions of dollars invested in research and development at our nation's universities, federal laboratories and nonprofit research institutions into new commercial technologies. It does this by joining the ideas and resources of research institutions with the commercialization experience of small companies.

To receive an award under the STTR Program, a research institution and a small firm jointly submit a proposal to conduct research on a topic that reflects an agency's mission and research and development needs. The proposals are then peer-reviewed and judged on their scientific, technical and commercial merit.

Numerous benefits result from the Federal government fostering collaborations between research institutions and small firms. Small firms have shown themselves to be excellent at commercializing research when they are provided the opportunity to take advantage of the expertise and resources that reside in our nation's universities. A recent report by the Small Business Administration's Office of Advocacy reviewed the rate of return for

research and development by large and small firms both with and without university partners. When these firms do not have university partners, their rate of return is 14 percent. When a collaboration is formed between universities and small firms, however, the rate of return jumps to 44 percent. By contrast, the rate of return only increases to 30 percent when large firms and universities collaborate.

Moreover, partnerships between small firms and universities have led to world-class high-technology economic development. Numerous studies cite the emergence of Silicon Valley and the Route 128 corridor in Massachusetts as directly resulting from the partnerships and technology transfer that occurred, and are still occurring, among small firms, Stanford University and the Massachusetts Institute of Technology. The cooperation between industry and these universities has strengthened considerably our economic competitiveness in the world. The STTR Program seeks to foster this same type of economic development in the hundreds of communities around the country that contain universities and federal laboratories. Further, the STTR Program has proven to be immensely successful at growing small firms from these types of partnerships.

In a Committee hearing this year on the STTR Program, the General Accounting Office (GAO) reported on the commercial success of small firms participating in the STTR program between 1995 and 1997. The GAO's findings are truly remarkable. Of the 102 projects surveyed in that time-frame, over 53 percent had either resulted in sales or follow-on developmental funding for the technology. Through 2000, these projects had resulted in \$132 million from sales and \$53 million in additional developmental funding. Moreover, the GAO reported that the companies that received the STTR awards are projecting an additional \$186 million in sales in 2001 and an estimated additional \$900 million in sales by 2005. These numbers are even more outstanding since it typically takes between 7 to 10 years to commercialize new technologies successfully.

In addition to proving to be an amazing commercial success, the STTR Program has also provided high-quality research to the Federal government. The GAO has reported in the past that Federal agencies give high ratings to the technical quality of STTR research proposals. The Department of Energy, for example, rated the quality of the proposed research in the top ten percent of all research funded by the Department.

A good example of the benefits that the STTR Program provides to small firms and universities is the experience of Engineering Software Research and Development, Inc. in St. Louis, Missouri. The chairman and founder of

that company, Dr. Barna Szabó, testified on the STTR program before the Committee in July of this year. Engineering Software, in partnership with Washington University in St. Louis, received a phase two award from the Air Force to develop an innovative method of analyzing the stresses placed on composite materials. While this technology is currently being used in the aeronautics industry, it has many other practical applications.

The STTR Program permitted Dr. Szabó, who had originated an algorithm he developed at Washington University, to transfer the technology to Engineering Software, which had the software infrastructure to transition the technology from an academic to a practical commercial application. According to Dr. Szabó, Engineering Software has received an estimated \$1.25 million in sales and follow-on developmental funding resulting from the technology funded by the STTR award and that the STTR Program was of great assistance in transferring the technology from the academic environment to actual use and application.

Based on the proven success of the STTR Program to date this legislation increases the funds allocated for the program from .15 percent to .3 percent of an agency's extramural research and development budget. This increase will not require any additional appropriations but merely will reallocate funds in the participating agencies to this successful program. I thank Senator LEVIN and Senator WARNER on the Armed Services Committee for working closely with Senator KERRY and me to make such an increase possible. When a program is working as well as the STTR Program, it would be a mistake if Congress did not build on its success.

This is especially true for Federal investment in small business research and development. Despite report after report demonstrating that small businesses innovate at a greater rate that large firms, small businesses receive less than four percent of all Federal research and development dollars. This number has remained essentially unchanged for the past 22 years. Increasing funds for the STTR Program sends a strong message that the Federal government acknowledges the contributions that small businesses have made and will continue to make to government research and development efforts and to our nation's economy.

Mr. President, Senator KERRY and I have worked together to produce a sound, bipartisan bill. This legislation is good for the small business high-technology community and will ensure that our Federal research and development needs are well met in the next decade. I trust that the bill will receive the overwhelming support of my colleagues.

Mr. REID. Mr. President, I ask unanimous consent that the substitute

amendment be agreed to, the bill, as amended, be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1569) was agreed to.

The bill (S. 856), as amended, was read the third time and passed.

#### PROVIDING FOR THE EXPEDITED PAYMENT OF CERTAIN BENEFITS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2882, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2882) to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I commend the Senators from New York for their leadership on this legislation to streamline the Public Safety Officers' Benefits application process so that the family members of fire fighters, emergency medical technicians and rescue workers who perished or suffered great injury in the aftermath of the tragic terrorist events of this week. I am proud to be an original cosponsor of S.1422. I applaud Congressman NADLER and Congressman SENSENBRENNER for their work on H.R. 2882, which we are passing today.

Earlier today, I received a call from Congressman SENSENBRENNER, Chairman of the House Judiciary Committee, who asked me if the Senate would consider and pass H.R. 2882 without delay. I thank our leaders, Senator DASCHLE and Senator LOTT, for bringing this legislation before the Senate so quickly, and urge the Senate to support it.

We have before us a unique opportunity to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans. Senator CLINTON and a number of other members of the Senate and House have proposed this bill to amend the Public Safety Officers' Benefits Act of 1976 for the purpose of speeding the process by which the Office of Justice Programs at the Department of Justice processes applications for death benefits for families of public safety officers killed in the line of duty in New York City, Washington, D.C., and Western Pennsylvania, on September 11.

The Public Safety Officers' Benefits Program provides \$150,000 in benefits

for each of the families of law enforcement officers, firemen, emergency response squad members, ambulance crew members who are killed in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of this national tragedy, it is important that we begin to process quickly this measure of relief for the families of these brave Americans who selflessly gave their lives so that others might live through the attacks of September 11.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2882) was read the third time and passed.

**EXPRESSING THE SENSE OF THE CONGRESS THAT AS A SYMBOL OF SOLIDARITY U.S. CITIZENS ARE ENCOURAGED TO DISPLAY THE AMERICAN FLAG**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 225, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 225) expressing the sense of the Congress that as a symbol of solidarity following terrorist attacks on the United States on September 11, 2001, every U.S. citizen is encouraged to display the flag of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD as if given, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 225) was agreed to.

The preamble was agreed to.

**MEASURE READ THE FIRST TIME—H.R. 2833**

Mr. REID. Mr. President, I understand that H.R. 2833, received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2833) to promote freedom and democracy in Vietnam.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

**MEASURE READ THE FIRST TIME—H.R. 2291**

Mr. REID. Mr. President, I understand that H.R. 2291, just received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2291) to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second reading on the next legislative day.

**ORDERS FOR FRIDAY, SEPTEMBER 14, 2001**

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 o'clock tomorrow morning, Friday, September 14. I further ask that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. REID. Mr. President, on tomorrow, the Senate will convene at 9 a.m. Senators are advised that there will be a 9:15 Democratic conference. We expect to consider the Supplemental Appropriations Act during the day.

**ADJOURNMENT UNTIL 9 A.M. TOMORROW**

Mr. REID. Having said that, believing that we have accomplished a lot today, I announce that we have no further business to come before the Senate. Therefore, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:28 p.m., adjourned until Friday, September 14, 2001, at 9 a.m.

## EXTENSIONS OF REMARKS

HONORING CAPT. THOMAS  
ANDERSON (RET.)

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take the opportunity to honor Mr. Thomas Anderson for his service to our great Nation during World War II. Captain Anderson's achievements during World War II and throughout his life deserves recognition. It is my pleasure to pay tribute to an individual who put his life on the line sacrificing his well-being to the broad interests of the United States of America.

As a lieutenant, Thomas Anderson first saw action in Germany during the latter half of World War II. As a brave young pilot, Lieutenant Anderson flew a number of missions in his Northrup P-61 Black Widow Night Fighter. One of Lieutenant Anderson's most notable accomplishments was being the last pilot on a combat assignment in the air in the European theater of operations. Moreover, Mr. Anderson flew the final air combat mission of World War II through treacherous weather that caused his entire aircraft to entirely freeze over. Captain Anderson nearly lost his life and plane, but managed to land the aircraft safely where crewmembers had to use ice picks in order to remove Thomas from the cockpit.

After a trying tour in Europe, Captain Anderson was reactivated during the Korean War where his experience and leadership were imperative to the United States campaign in the region. Captain Anderson is a respectable, humble, and honorable citizen-soldier. It is our duty as Americans to acknowledge Thomas Anderson's accomplishments and recognize the honor, pride and valor in which he served our Nation.

Mr. Speaker, it is with great pleasure that I honor and recognize Captain Thomas Anderson (Retired) for the courage and heroism that he displayed while serving in World War II and Korea. Our Nation owes Captain Anderson a debt of gratitude and his actions will never be forgotten. I commend citizen-soldier, Thomas Anderson for his honorable and distinguished service to the State of Colorado and our great Nation.

TRIBUTE TO MARVIN R.  
HOHENSTEIN

**HON. ROBERT L. EHRLICH, JR.**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. EHRLICH. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Marvin R. Hohenstein on his retirement from the U.S. Army Edgewood Chemical Biological

Center located in Edgewood, Maryland after 32 years of dedicated service to our country.

During his tenure with the Federal Civil Service, Mr. Hohenstein was recognized as the resident expert in the Army Acquisition Process. He is to be commended for his exceptional service and significant achievements in the chemical and biological defense development and production area. His pattern of career excellence has contributed to accomplishments that significantly enhanced the ability of our armed forces on the battlefield.

Mr. Hohenstein's personnel initiative and leadership qualities, as well as his work ethic, have done much to enhance employee morale and to develop our future leaders.

Mr. Hohenstein deserves the thanks and praise of this grateful Nation he has faithfully served for so long. I know the Members of the House will join me in wishing him all the best in the years ahead.

PHIL SAAL: 2001 JOHNS LABOR  
LEADER OF THE YEAR

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize Phil Saal, as he is honored by the San Diego Labor Community at the 19th Annual John S. Lyons Memorial Banquet with the 2001 "Labor Leader of the Year" Award.

Phil Saal was born and raised in Goshen, Indiana, a small Amish-Mennonite community where he graduated from Goshen High School in 1961. After attending a trade school in Chicago he decided to move to San Diego and join the U.S. Navy. Phil was honorably discharged after his service to our Nation, which included three tours in Vietnam.

Phil began working for United Parcel Service (UPS) in 1966 and became a member of Teamsters Local 542. He served as a Shop Steward for his union over the next twenty years at UPS.

In 1986, Phil went to work as a full time Business Agent for Teamster Local 542, and during the next nine years, Phil administered and negotiated its contracts, with his primary responsibility being the UPS contract.

In August 1995, Phil became the Secretary-Treasurer of Teamster Local 542, representing over 5,000 members, and since this time he has organized twenty-one new companies with nearly 800 new members. Phil now serves as a Trustee of Teamsters Joint Council 42, Health and Welfare Trusts, Pension Trusts, and as an Executive Board Member of the San Diego-Imperial Counties Labor Council.

Actively committed to labor's involvement in our communities, Phil continues efforts to establish a scholarship fund for children of

Teamsters Local 542's members, which will enable them to continue their education in college or trade school.

My congratulations go to Phil Saal for his significant contributions to organized labor and our community. Phil's commitment to Labor speaks for itself: he is highly deserving of the 2001 JOHNS "Labor Leader of the Year" Award.

HONORING THE GLADE PARK  
VOLUNTEER FIRE DEPARTMENT

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, I would like to recognize the Glade Park, Colorado Volunteer Fire Department for their time and effort dedicated to the safety of their community. There are fifteen volunteer fire fighters in Glade Park who sacrifice their free time to ensure the security of their community.

This is no small challenge in a place with 1,200 inhabitants that covers 525 square miles of unpaved, hard to reach terrain. These volunteers must be prepared to fight residential as well as forest fires at a moment's notice or any number of other emergencies. In the last year alone there were 70 calls to which they responded. Their dedication to the responsibilities of fire fighting has assured the Glade Park Volunteer Fire Department's success throughout the years.

Mr. Speaker, volunteering to be a fire fighter is a noble cause and a huge responsibility. The volunteers in Glade Park have displayed their courage, dedication and resourcefulness in the face of danger. They selflessly offer their time to their neighbors to overcome obstacles that threaten their community and I find it important to offer them the praise and admiration of this body.

PAYING TRIBUTE TO CHARYL  
STOCKWELL

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Charyl Stockwell, a young lady whose brave fight for her life has touched countless lives. I am honored to be a part of the Livingston Developmental Academy, a local public school academy in Hartland, Michigan, as they announce the dedication of their building as The Charyl Stockwell Academy.

Mr. Speaker, Charyl's inspiration for the founding of the school included the celebration

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

September 13, 2001

of her unique gifts of artistry, dance and creative writing. It is because the Livingston Developmental Academy focuses on the uniqueness of each child and provides special attention and love to every student that the school has been so successful.

Indeed, Charyl was a young lady who always made others smile. This act of kindness must not go without recognition. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Charyl Stockwell and to her family as the Livingston Developmental Academy honors her in dedicating their new building in her name. May the school forever carry the spirit and enthusiasm of Charyl Stockwell.

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PERSONAL EXPLANATION

**HON. CAROLYN C. KILPATRICK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Ms. KILPATRICK. Mr. Speaker, due to the shutdown of the National Air Space System, I am unable to return to Washington; therefore I respectfully request a leave of absence from business for Wednesday, September 12. Had I been present, I would have voted "aye" on H.J. Res. 61, the resolution condemning terrorist attacks launched against the United States on September 11, 2001, Rollcall No. 338.

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HONORING PHILIP EILEBRECHT

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the courage and patriotism of Mr. Philip Eilebrecht. Now 83, Mr. Eilebrecht was one of the brave Americans who fought for our great country during the D-Day invasion at Normandy on June 6, 1944.

Mr. Eilebrecht's life was changed forever on January 29, 1942 when he left his father's ranch in Gunnison, Colorado at 24 years of age and was stationed within the ranks of the 102nd Cavalry Reconnaissance Squadron in Fort Riley, Kansas. He was sent there because of his knowledge of horses but was soon transferred to Columbia, South Carolina where his unit turned in their horses for "greyhound" armored cars. Only a few months later he found himself maneuvering his armored car along the sandy shores below the cliffs at Omaha Beach. He and thousands of other American soldiers bulled their way through the German forces that had held earlier forces at bay. Mr. Eilebrecht returned to Colorado with the Bronze Arrowhead Medal where he has remained and eventually retired after 25 years as a brand inspector.

Mr. Speaker, Philip Eilebrecht displayed his willingness to make the ultimate sacrifice for

EXTENSIONS OF REMARKS

his country by fighting in one of the most legendary and bloody victories in the history of the United States. I would like to honor Philip Eilebrecht for his valor in the face of such immense danger and destruction. The United States appreciates his patriotism and recognizes him as a truly heroic American.

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MEMORIAL TRIBUTE TO DEPUTY  
JAKE KUREDJIAN

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McKEON. Mr. Speaker, it grieves me to speak of a senseless tragedy that recently occurred in my district. On August 31st, a Santa Clarita sheriff's deputy lost his life in the line of duty. Deputy Hagop "Jake" Kuredjian was killed as he assisted agents from the Bureau of Alcohol, Tobacco and Firearms. As they attempted to serve a search warrant at the home of a person suspected of impersonating a federal agent and for stockpiling weapons, the suspect mortally wounded Jake.

A native of Aleppo, Syria, Jake immigrated with his mother and two brothers to Michigan in the 1970's after the untimely death of his father. He became a citizen of the United States at the age of 21. Jake felt his job was his calling and proudly wore badge #4144 when the Los Angeles County Sheriff's Department hired him in 1984.

Jake was a courageous deputy who worked diligently to make our community a better place to live. He was awarded the sheriff's Gold Meritorious Conduct medal in 1988 for rescuing a woman from the side of a cliff. Shortly before his death, Jake finally realized his long held dream of becoming a motorcycle officer.

Deputy Kuredjian was a hero in the true sense of the word. He willingly put his life on the line when he put a badge on his uniform. Yet he was more than a deputy; he was a good neighbor and a good friend who attempted to make a positive impact on the Santa Clarita Valley. He readily gave his time to volunteer for the SCV Special Olympics and to help organize events such as the Downed Officers Support Ride. Jake was an eternal optimist, a devout Christian and a positive role model for our youth.

Jake is survived by his mother, Anahid Kuredjian, his two brothers, Garo and Raffi Kuredjian, and his fiancée, Theresa Richardson. He left many friends and coworkers who will miss, but never forget him.

There are no words to express the magnitude of our sorrow nor the depth of our gratitude. We can only say a simple and heartfelt thank you to Jake Kuredjian and to all the men and women who courageously protect and serve the citizens of America.

17023

EXPRESSING SENSE OF SENATE  
AND HOUSE OF REPRESENTATIVES  
REGARDING TERRORIST  
ATTACKS LAUNCHED AGAINST  
UNITED STATES

—  
SPEECH OF

**HON. ROBERT L. EHRLICH, JR.**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. EHRLICH. Mr. Speaker, on Tuesday, September 11, 2001, the history of our great nation was altered forever. Four jumbo-jet airliners carrying hundreds of Americans were used as missiles to end the lives of thousands of friends, neighbors, and loved ones. The terrorists controlling these aircraft completely destroyed New York's World Trade Center and devastated the Pentagon. These images are indelibly scarred in our national psyche, the swift and deadly work of cowards.

Now is the time to rescue those alive and trapped, aid those whose lives have been torn apart, and help those who have lost friends and loved ones. All of us can help by donating blood and money to the Red Cross and to keep those involved in your thoughts and prayers. Mayor Rudy Giuliani, speaking for the citizens of New York City, is deeply grateful for the outpouring of support, donations, and volunteers. Secretary of Defense Donald Rumsfeld and Chairman of the Joint Chiefs of Staff General Harry H. Shelton have pledged that the Pentagon remains functional and American military might is prepared and ready to respond when so ordered.

Civilized nations and people of the world have been unwilling participants in a war of terrorism. Whether fueled by religious extremism, cultural bias, or political philosophy—thugs, cowards, and opportunists have waged a war against innocent civilians. These enemies of good have struck out against symbols of America's political, military, and financial might. The full array of America's will and power will now be brought into this unconventional, yet nonetheless real, war. In the process, the U.S. will no longer make a distinction between those who commit these acts and those who provide them safe harbor, whether they are nations or individuals. The goal of this barbaric act was to destroy American morale and unity. Their mission has failed. Americans now are filled with a sense of violation and an unwavering resolve.

The President, his Cabinet, and Congress are now focused on aiding those in need, understanding how these events occurred, taking action to prevent similar acts, and restoring confidence in our safety. I ask every American to fully and completely support of our nation's leadership in these efforts and future action necessary to exact swift, lethal, and measured response to these acts of war.

HONORING SGT. JOHN MINOR AND  
MARK WATSON

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, I would like to recognize two special individuals in Silverthorne, Colorado. Sergeant John Minor and Mark Watson are the only foreign-born police officers employed by the city. Silverthorne is relatively unique in its acceptance of non-citizens on the police force during a time when other towns debate whether this should be allowed or not; Silverthorne has set its own precedent.

John Minor moved to the United States from Liverpool, England with his family in 1977. They moved to Colorado where they had relatives. John Minor took night classes after which he followed in his grandfather's footsteps and began a career in law enforcement. Eventually John Minor became a U.S. Citizen. John Minor is now paving the way for others to have the same opportunity.

Mark Watson moved to Colorado because of his love for skiing in 1988. He too had a respect for the law, being the son of a judge in New Zealand. After settling down, he spoke with John Minor about how to balance his love of skiing with his interest in law enforcement. During the past year, Mr. Watson worked as Silverthorne's community service officer, which familiarized him with the procedures and structure of the local police department. Having recently completed the police academy, he will begin training as a probationary police officer.

Sergeant John Minor and Mark Watson provide us with the type of diversity that would benefit any organization. Their dedication to law enforcement and their unique backgrounds provide us with a great learning opportunity. I appreciate their commitment and value their participation in such an important institution and they deserve to be honored for committing to protect and serve their second home.

HAL JENSEN: 2001 JOHNS  
FELLOWSHIP AWARD WINNER

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to recognize Hal Jensen, as he is honored by the San Diego Labor Community at the 19th Annual John S. Lyons Memorial Banquet with the 2001 "JOHNS Fellowship" Award.

Hal was born in Canada in 1936 and later gained U.S. citizenship. As a member of the Mormon Church, he served a mission to Africa from 1955 to 1958, and upon his return was married to Rebecca Campbell Jensen.

Hal attended Brigham Young University where he received the "Outstanding Student" award and earned degrees in Finance and Economics. He then went on to attend Stanford University School of Law.

**EXTENSIONS OF REMARKS**

After school, Hal went to work for IBM and led the team which developed IBM's banking system. Upon leaving IBM, he founded his own computer company, Computer Planning Corporation (CPC). Among its many accomplishments, CPC developed the first real-time business system.

CPC was acquired by TRACOR, Inc., and after serving as a board member for TRACOR, Hal left to form the Industrial Development Corporation, which remains his flagship company. Hal got involved in real estate, and in 1978, helped found Palomar Grading and Paving, Inc. It is one of the largest operations of its kind, and employs many skilled tradesmen and women.

Beyond success in the business world, Hal has remained committed to helping people in need. In 1980, aware that Native Americans face enormous challenges in their own country, he developed programs to assist Native American businessmen and help reservations with economic self-sufficiency.

Hal joined the Board of American Indian Services, which provides over 1200 college scholarships each year to Native Americans, and serves as Chair of its California Chapter and its Economic Development Committee.

Hal's achievements are both extraordinary and broad. He has chaired the Navajo Nation National Advisory Board and has participated in the drafting and amending of tribal constitutions. He is a member of the Haskell University Advisory Board. He served as Chairman of the I-15 Design review Board, and has been commended on a number of occasions by Israeli institutions for his good work.

My congratulations go to Hal Jensen for his significant contributions to our community, our nation and the world. Hal's commitment to all of humanity is evident by his actions, and I am pleased that he is the recipient of the 2001 "JOHNS Fellowship" Award.

PAYING TRIBUTE TO THE UNIVERSITY OF MICHIGAN CLASS OF 2001

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the 2001 graduating class of the University of Michigan. Due to their hard work and dedication, they are now prepared to make significant contributions to the State of Michigan and the United States of America.

As graduates from one of the most prestigious public institutions in the United States, whatever endeavors the University of Michigan class of 2001 may pursue, success is certain to follow:

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in recognizing the University of Michigan Class of 2001. May this only be the beginning of the great accomplishments they will achieve in their lifetime.

*September 13, 2001*

HONORING MELVYN E. STEIN

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, it is with much sorrow that I would like to take a moment to honor the memory of Mel Stein. He was taken from us on the morning of Sunday, June 24th after suffering from injuries as a result of a head-on car accident the night before in Montrose, Colorado. Mel lived a long, accomplished life during which he contributed in many ways to our American community.

Mel was born in Chicago, Illinois on May 18, 1927. Upon graduating from high school he served in WWII as a member of the U.S. Army Air Corps. Following his service he returned to Chicago to attend law school at DePaul University. Mel spent the next 10 years as a trial attorney and Special Agent with the U.S. Department of Justice, Immigration and Naturalization Service before going into private practice. He was very successful and influential in the legal and immigration fields; so much so that his children followed his lead and have chosen the same profession. He also spent a great deal of his career helping immigrants achieve their U.S. citizenship, including offering help to my office when we had a tough case.

It is always tragic to lose someone so unexpectedly and my heart goes out to his wife, Llois, his daughter, Doree and his son, Eric. He served his country during times of conflict and helped to ensure others got the chance to pursue the American Dream. Mel has given so much to so many—his contributions will not be forgotten.

ELOUISE COBELL'S NOBEL EFFORTS TO FIX THE INDIAN TRUST FUND MESS

**HON. DENNIS R. REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. REHBERG. Mr. Speaker, for over 100 years the Federal Government has grossly mismanaged Indian Trust Funds derived from grazing, minerals and other natural resources revenues. Elouise Cobell of the Blackfeet Tribe in Montana, who after years of getting stonewalled in her efforts to get an accurate accounting of Indian Trust Funds, filed the monumental lawsuit *Cobell v. Babbitt* in 1996.

Federal Judge Royce Lamberth has ruled in favor of Elouise and other plaintiffs on numerous occasions. In a December 1999 civil contempt ruling, he stated "The Federal Government here did not just stub its toe. It abused the rights of these plaintiffs to obtain these trust documents, and it engaged in a shocking pattern of deception of the court. I have never seen more egregious conduct by the Federal Government."

I urge my colleagues to read the following article from the September 9, 2001 issue of Parade Magazine focusing on Elouise Cobell's noble efforts to fix the Indian Trust Fund mess.

THE BROKEN PROMISE  
(By Peter Maas)

On the wall next to Elouise Cobell's desk is a blown-up reproduction of a famous Peanuts cartoon strip. After Lucy assures Charlie Brown, "Trust me," she once again snatches away the football he's about kick, and he ends up flat on his back.

"I decided to stop being Charlie Brown," Cobell told me. For her, "Lucy" is 5 feet 4, a wife and mother, Cobell is a member of the Blackfeet Indian tribe sequestered in the northwest corner of Montana. As a result of a lawsuit she filed on behalf of her fellow Native Americans, they finally are about to collect a staggering sum of money—as much as \$40 billion—from Washington.

"It's not as if we're taking money from the government," she explained, a steely edge creeping into her normally soft-spoken voice. "It's our money that was taken from us." Indeed, a federal judge declared, "I have never seen more egregious misconduct by the federal government." And were it not for Elouise Cobell, it would still be going on.

What she finally could not take anymore was the betrayal for more than a century—"a shocking pattern of deception," as the court put it—regarding the property rights of the Blackfeet and many other Native American tribes. This betrayal began in 1887, when Congress opened up previously established tribal reservations to white settlers. In return, individual Indians were granted land allotments—generally ranging from 40 to 320 acres. But they were judged to be incapable of managing their own affairs, so the federal government decided to do it for them.

As a result, Indians could not lease or sell their property without government approval. This included grazing and quarrying rights as well as leases for timber, agriculture, oil, natural gas and minerals. The government would make all the deals. The income would be held in trust and distributed to each Indian family. The Bureau of Indian Affairs (BIA) in the Department of the Interior was to be in charge, and the Treasury Department would send out the checks.

But the Indians never got what was owed them.

At one of the endless meetings she attended to try to rectify matters, Cobell actually heard a Treasury Department official admit that millions and millions of Indian dollars were being forwarded by the Department of the Interior with no instructions. "So we just put it in the general fund," said the official.

Cobell said she eventually discovered that the money apparently had been used, among other notable examples, to help bail out New York City during its 1975 fiscal crisis, to save the Chrysler Corporation from going under and even to reduce the national debt.

On assignment for PARADE, I recently visited Cobell. Along with her husband, she has a 320-acre allotment ranch with about 100 head of cattle in Glacier County, which encompasses much of the Blackfeet reservation and ranks as the 35th poorest county in the U.S. This is where she grew up in a house with no phone, electricity or running water and where she began her education in 1950 in a one-room grade school.

As it happened, Cobell's teacher subscribed to the Sunday New York Times, which she shared with her students. "It would arrive a month late, but it exposed me to a world I never knew existed," Cobell told me. "It gave me a chance to dream a little."

She went on to high school, which required a daily 50-mile round-trip by bus. Then

Cobell made a daring move to the nearest city, Great Falls, to enroll in a two-year business college, where she specialized in accounting. "I wanted to learn more and to help out at home," she recalled. "My dream was to buy my mother a new dress."

Cobell cut short further studies at Montana State University in 1968 to return home and care for her mother, who had terminal cancer. Then her father died.

Because of her accounting background, the Blackfeet Tribal Council appointed Cobell the tribe's treasurer in 1976. "I remembered, as a little girl," she said, "the elders would come to my father's house and wonder where the money was. You lived with it all the time. But they didn't know what to ask. They had no information, and the Bureau of Indian Affairs was something to be feared. You felt so powerless."

She already had seen the local office of the BIA in action in a college work-study program. "I was people treated very badly," she recalled. "People sitting all day on hard benches, with no rest rooms. Some were begging for money, for food, for clothes for their children. I would tell my mother, and she'd say, 'Don't make waves.'"

Under the BIA's management of the so-called Individual Indian Money trust fund, Native Americans never were informed who had leased their land or for what purpose, how much the lease was for or how long the lease was to run. On occasion, the Treasury Department would mail checks to individuals for a pittance, with no accounting or explanation of any kind. (In addition to the Individual Indian Money trust, the government manages a separate trust fund covering more than 300 tribes.)

"As the tribe's treasurer," Cobell said, "I tried to get a handle on everything. I found that the BIA's investment of Blackfeet tribal trust funds was accruing negative interest. How could this be? Under the law, this money was only supposed to be invested in the safest government securities. But when I asked about this at a meeting with the BIA supervisor, he just stared at me and said, 'Why don't you learn how to read a statement?' It was so humiliating."

"Later—a lot later—I discovered what had happened. The BIA had taken a big chunk of money from the Blackfeet, loaned it to another tribe for whatever reason and forgot to replace it. After all, it was not their money, and we were just dumb Indians."

After getting nowhere at local and regional BIA offices, Cobell tried the Interior Department in Washington, D.C. And still got nowhere. "I did spreadsheets," she said, "and saw huge gaps where oil and gas companies that had leased out land weren't paying anything. There was no accounting system in place, so the Interior Department had no idea who was paying and who wasn't. They didn't care."

Then, in 1989, Rep. Mike Synar—an Oklahoma Democrat with a large Native American constituency—helped to arrange a meeting at the White House under the first Bush Administration with officials of the Office of Management and Budget. Cobell was invited, as well as some outside experts, including a prominent banking attorney named Dennis Gingold. Very little came out of it, except that Cobell remembered Gingold acidly saying at one point to the government men, "I'm amazed you guys haven't been sued."

In 1994, Synar got Congress to authorize the Presidential appointment of a special trustee to provide a full accounting of money owed to the Blackfeet, Cherokees, Apaches, Winnebagos and other tribes located west of

the Mississippi. But the new Secretary of the Interior in the Clinton Administration, Bruce Babbitt, so hindered the special trustee, a banking executive named Paul Homan, that Homan finally quit in disgust in 1999, accusing Babbitt of stripping him of the authority he needed to do his job.

And, despite repeated attempts to see Babbitt herself, Cobell never did. "He wouldn't meet with me," she said. "I was told he didn't have the time. All I got were empty assurances that mismanagement of our trust funds was a top priority."

Cobell already had reached the breaking point after meeting Attorney General Janet Reno at a conference where Reno was the main speaker. Cobell sketched out what she was going through, and Reno invited her to Washington. But when Cobell arrived in February 1996 with high hopes, Reno also declined to see her and relegated her to underlings. She was treated with such rudeness and condescension, Cobell told me, that "a lawsuit was the only option I had left."

She went back to Dennis Gingold and asked the attorney if he would accept the case. He agreed, telling her, "We cannot allow this to happen. Our government can't operate like this." But Gingold warned her that it would be extremely costly. Cobell said she'd get the money somehow. And she did, pleading her cause to private foundation after foundation, eventually raising nearly \$8 million. During this period, to her astonishment, she received a John D. MacArthur "genius award" and immediately threw the \$300,000 grant into the pot.

The class-action suit representing 500,000 Native Americans was filed in the District of Columbia on June 10, 1996. The Justice Department, representing the Interior and Treasury Departments, declined to enter into settlement talks. The presiding federal district judge, Royce Lamberth, twice ordered Interior and Treasury to produce documents involving the Individual Indian Money trust fund. Despite promises to do so, a special investigator appointed by Judge Lamberth discovered that, during the course of the proceedings, Interior had in fact been destroying documents. What's more, Treasury officials had shredded 162 cartons of ledgers listing transactions and disbursements plus records of uncashed checks—some 100 years old—that never reached their intended Indian recipients.

On Aug. 10, 1999, after holding Interior Secretary Babbitt and Treasury Secretary Robert Rubin in contempt of court, Judge Lamberth fined them a total of \$625,000, which the U.S. paid with our tax dollars.

On Dec. 21, 1999, Judge Lamberth ruled that the government had breached its sacred trust duties across the board. He ordered the Interior and Treasury Departments to file quarterly reports detailing efforts to reform the trust system and decreed court supervision of these efforts. The Justice Department appealed on the grounds that the judge had overstepped his authority. But a federal appeals panel of judges unanimously upheld Lamberth's ruling.

This May, the Bush Administration abandoned an appeal to the U.S. Supreme Court. What remains now, in the second phase of Cobell's lawsuit, is to determine how much the Native American plaintiffs will receive. Some estimates range from \$20 billion to as much as \$40 billion.

Whether the government will continue the battle or begin serious settlement talks remains up in the air. In June, the House Appropriations Committee said it had no interest in funding more litigation, which so far has cost the U.S. more than \$31 million.

Meanwhile, Elouise Cobell has dedicated herself to helping Native Americans achieve economic self-sufficiency. She is the founder and current chairperson of the Blackfeet National Bank—the first bank in the nation owned by Indians.

In Montana, when Cobell drives from her ranch to her bank office in the woebegone town of Browning, with an unemployment rate as high as 70 percent, she passes a sign. It marks the site of the government's first Indian office on the Blackfeet reservation, under agent John Young. It says that this is where, in the terrible winter of 1884, 500 Blackfeet Indians died of starvation.

"The truth is," Cobell told me, "that agent Young kept the rations he had on hand for white people." She pointed to a ridge opposite the sign, where a trench was dug to bury the Blackfeet bodies. "We call it Ghost Ridge," she said. "I think of those souls every day. I'm fighting for them too."

#### HONORING THE GATEWAY/ UNAWEEP VOLUNTEER FIRE DE- PARTMENT

##### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, fire fighters place their lives on the line every time they battle a blaze. This challenge requires serious training, dedication and compassion for other human beings. The Gateway/Unawep Volunteer Fire Department in Colorado was experiencing difficulties until a team of individuals collaborated to rekindle the spirit of the department and enable it to become a reliable emergency response unit once again. Due to this unwavering persistence, the Gateway/Unawep Volunteer Fire Department has been able to once again become a viable community resource and I would like to acknowledge and congratulate the efforts of the members of the department for all that they have done.

Fire fighting in this area of Colorado did not always have the benefit of modern tools. This basic level of equipment did not deter Dean Rickman, a web site designer from Chicago, from relocating and joining the department. After being inspired by Oprah's Angel network, Angela Morgan decided she would help others through involvement in the fire department. Shane Burton has tackled the position of being the assistant fire chief in charge of all the other duties. Through numerous hours of coordination and examination, these and other members patched the fire department back together and have created a sustainable plan to ensure its vitality. Currently they are seeking ways to make it more financially stable and have recently launched a new program called Project Human Touch to make certain that victims have access to supportive resources.

The Gateway/Unawep Volunteer Fire Department persists diligently for the benefit of their community. Through their hard work, the members have been able to increase the department's fleet size and upgrade the coverage area and equipment.

Mr. Speaker, the services these volunteers provide are priceless in any community. Although such a role always requires a sacrifice,

the fire fighters at the Gateway/Unawep Volunteer Fire Department have gone above and beyond the call of duty to resurrect this fire department and sustain operations once again. I would like to take this opportunity to recognize the sincere sacrifices the members of the department have made and extend my best wishes to them in many years to come.

#### HONORING TERRY LYNCH

##### HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. EVERETT. Mr. Speaker, the devastation our country has suffered became profoundly personal when my staff and I learned that a former member of our delegation staff was among those who were murdered by terrorists when a hijacked plane hit the Pentagon Tuesday morning.

Terry Lynch was from Youngstown, Ohio, and got his master's degree from Youngstown State University, where he met his wife, Jackie. He became an adopted Alabamian when he went to work for Senator RICHARD SHELBY of Alabama from 1983 to 1995. During those years, Terry worked closely with many of us on military projects for all of Alabama and in particular, the Army Aviation Center at Fort Rucker, Alabama, and Maxwell-Gunter AFB, Montgomery, Alabama, both of which are in my 2nd District.

Terry was a kind and knowledgeable person who was dependable and dedicated to doing his job and doing it well. He was well liked by his colleagues on both sides of the aisle and in both the House and in the Senate. Terry worked tirelessly on behalf of his adopted state.

At home in the Mount Vernon area of Fairfax County, he was known as a kind and considerate neighbor, coach for his daughters, Tiffany and Ashley's T-ball and softball teams; and all around good friend.

Terry Lynch is indelibly etched in the hearts and minds of all Alabamians. Our hearts go out to Jackie, Tiffany, and Ashley during this great time of sadness for all of us.

#### EXPRESSING SENSE OF SENATE AND HOUSE OF REPRESENTA- TIVES REGARDING TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES

SPEECH OF

##### HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. MATHESON. Mr. Speaker, Tuesday, September 11, 2001 now marks a day that no American will forget. America was faced with unfathomable tragedy at the hands of cowardly terrorists. The very freedom that we hold so dear was assaulted and our country must search for, find, and hold accountable those who are in any way responsible for these violent acts.

As a nation, we must focus our attention toward proving our resolve and joining our fellow neighbors in healing our country. We are strong, proud and free country and our government will fight to protect all those ideals that make us such a strong nation.

We must now give of ourselves to our community. I urge you to remember that there are many heroes who have given selflessly to our neighbors at this time of tragedy. Fire, rescue, police personnel and countless others have put their lives in danger to save those victims of this terrible crime. For that courage, we must thank them and remember that these people give their lives daily to protect our freedom.

The leaders of our country will now focus on ensuring that justice is served. We should be rational about our strategy, we will focus on protecting our future and promise to uphold your freedom and your every liberty.

Pray for those who are grieving. Stand proud of our great country. Know that your government will vigorously pursue those guilty with all available resources.

#### HONORING DAVE SANGER UPON HIS RETIREMENT

##### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McINNIS. Mr. Speaker, Dave Sanger helped to shape and open the minds of students at Salida High School in Colorado and after 30 years of teaching, has announced his retirement. It is with great pleasure that I recognize the tremendous contributions Dave has made to the future of our country and to the lives of those students he has taught.

Dave began teaching at Salida High School in 1973, after attending graduate school at the University of Colorado in Boulder where he was pursuing a master's degree in history. While at Salida High School, he taught history for twenty-eight years. While Dave had no intention of teaching at Salida for this length of time, he has received much joy out of seeing his students blossom intellectually and challenge their future. Mr. Sanger has been recognized for his energetic and insightful lectures, even to the extent that students who have graduated have returned to experience another Sanger lecture.

While teaching requires enormous dedication, Dave found time to serve his community in other ways as well. He helped to establish the soccer program in Salida and continues to track its success. Furthermore, he served on the Democratic Central Committee and was a judge for a mock congressional hearing for high school students. His wife Nancy and he opened a bookstore called Sanger's Books that thrived during a rough economic time between 1985 and 1991. Dave and Nancy have both also served as lay ministers at St. Joseph Church.

Throughout all of his efforts, Dave Sanger has opened doors for many students. His teaching will live in the hearts and minds of all those who have been in his classroom. He has truly been an integral and respected

member of his community. Upon his retirement as a history teacher, I would like to honor his dedication and years of service and extend my warmest regard to Dave and his family.

**EXPRESSING THE SENSE OF THE SENATE AND HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPT. 11, 2001**

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. MOORE. Mr. Speaker, yesterday, the world was different.

Today and tomorrow and forever our America is changed.

Today, there are no Republicans, no Democrats.

Today, we all are Americans.

May God hold in His arms the victims and their families who suffered these terrorist attacks.

Buildings and bodies may be destroyed. But freedom will survive. Because freedom burns in the heart of every American. And freedom burns in the hearts of freedom loving people throughout the world.

May God bless those who fight for freedom. And may God bless our United States of America.

**INDISCRIMINATE ATTACKS ON SIKHS MUST STOP; SIKHISM IS VERY DIFFERENT FROM ISLAM**

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. BURTON of Indiana. Mr. Speaker, on Tuesday, a despicable terrorist attack was carried out on the United States of America. I am pleased to see how all of us, Republican and Democrat, liberal and conservative, are pulling together in support of our nation. That is inspiring and it shows the greatness of America.

At the same time, it is very unfortunate that some Americans have been made targets of violence simply because of the way they look and the way they dress. That is unacceptable. Despite the anger that we all share against those responsible for the terrorists attacks, we must not sink to their level and become a people who extract revenge indiscriminately.

It appears that there have been several attacks on Sikhs, largely in the New York area but elsewhere as well, including a beating of an elderly Sikh man with baseball bats. Apparently, some Sikhs are being singled out for attacks because their turbans and beards remind people of the terrorist chief Osama bin Laden. Other Sikhs are being mistaken for Muslims.

Attacking innocent American Muslims is wrong, and we should stand together in condemning attacks on them. However, it must be

emphasized that Sikhs are not Muslims. Sikhism must not be mistaken for Islam, Hinduism, or any other religion. Every Sikh is required to wear a turban; it is part of the religion. Very few Muslims wear turbans. Osama bin Laden is one of the few Muslims who does. The style in which a turban is worn by a Sikh is quite different from the style that is worn by some Muslims. In addition, Sikhs can be identified by the kirpans (small ceremonial swords) that they carry and the bracelets they wear. These are two of the five things that identify a practicing Sikh. Tragically, some people, who are ignorant of Islam and Sikhism, have targeted innocent Sikh-Americans for violence. It must be made clear that Sikhs do not hold any ill will toward America. Sikhs from around the world have always looked toward the United States as a beacon of freedom to be emulated, not a nation to be destroyed.

Mr. Speaker, attacks against Sikhs must stop. I am calling for an end to this violence against Sikh Americans and anyone else of any faith who was not involved in the terrorist attack on our country. I call on our nation's leaders to speak our forcefully against these attacks. I also believe that it is the responsibility of the media to expose these attacks and denounce them. All Americans are justified in being very angry about what happened on September 11, but that does not justify acts of violence against innocent Americans.

**VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING**

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

**TRIBUTE TO CHIEF JUSTICE BENJAMIN J.F. CRUZ**

**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. UNDERWOOD. Mr. Speaker, I would like to take this occasion to commend and congratulate a distinguished public servant, Chief Justice Benjamin J.F. Cruz, upon his retirement from the Supreme Court of Guam. A highly regarded jurist, Chief Justice Cruz is well known and respected for his commitment to Guam's judiciary and the important decisions he rendered as a judge in the island's court system.

Widely known on the island as "B.J.," Chief Justice Cruz was born in Guam to Juan Quenga Cruz and Antonia Cruz Franqueze on

March 3, 1951. A successful businessman and a respected leader, B.J.'s father was elected as commissioner of the village of Piti. Upon the death of B.J.'s father in 1956, his mother moved the family to California and later married Vicente Cruz Guerrero.

On Guam, young B.J. attended Saint Francis School in Yona. He later graduated from St. John Bosco Senior High School in Bellflower, California in 1968 and earned a Bachelor of Arts degree in Political Science and Economics from Claremont Men's College where he wrote his senior thesis on the constitutional and legal history of Guam. In 1972, B.J. attended the University of Santa Clara School of Law. He spent the summer of 1973 working as a law clerk for both the Federal District Court and the Superior Court of Guam. He was awarded his Juris Doctorate in May 1975.

Upon graduation, B.J. commenced a long and distinguished career in government service. He initially served as the Assistant Consumer Counsel in the Office of the Attorney General of Guam and, shortly thereafter, joined the first administration of Governor Ricardo J. Bordallo as its legal counsel. B.J. served in this capacity until January 1979, when he went into private practice. Within this period, he also served as minority legal counsel to the Democratic Senators of the 15th and 16th Guam Legislatures. B.J. remained active in the promotion of cultural and political rights working as an incorporator and legal counsel for a number of indigenous rights organizations and the Nuclear Free Micronesia organization. During Governor Bordallo's second term, B.J. was chosen to head the newly established Governor's Washington Liaison Office in Washington, D.C.—a post he held until his appointment as a Superior Court Judge in 1984.

As a judge, B.J. was known for his fair and impartial decisions. His reputation is of fairness, firmness and compassion. For over thirteen years, he served as a trial court judge with Superior Court of Guam—the first nine years of which he spent with the Family Juvenile Court. First appointed to the Guam Supreme Court in 1997, he began his term as Chief Justice on April 21, 1999.

Outside the courtroom, Chief Justice Cruz has always been involved with community events and organizations. Having previously served as vice president and treasurer of the Guam National Olympic Committee, he now serves as the organization's secretary general. His tenure in the Family Juvenile Court undoubtedly led him to serve as President of the Board of Directors for Sanctuary, Inc., an organization dedicated to the island's troubled youth and their families. In addition, he has been actively involved with civic and community associations such as the Guam Chapter of the American Cancer Society, the Miss Guam World Association, and the Guam Beauty Association.

Upon his retirement in August 21, 2001, Chief Justice Cruz left a legacy of achievements and accomplishments. The decades of service he dedicated to the people of Guam has truly earned him a place in our hearts. On behalf of the people of Guam, I congratulate him on his well earned retirement and thank him for his service to the island and its people. Si Yu'os Ma'ase', Chief Justice Cruz.

JUDGE JAMES H. LINCOLN: A  
HARBOR BEACH LEGEND

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to my dear friend, Judge James H. Lincoln, for his myriad achievements in the law and politics, and especially for his life-long commitment and devotion to the state of Michigan, the residents of his native Harbor Beach and to the entire nation.

Judge Lincoln's storied legal career and his apprenticeship and special relationship with Harbor Beach's other famous native son, former Governor and U.S. Supreme Court Justice Frank Murphy, are well-known. In fact, he is the last surviving pall bearer of Frank Murphy. Jim also worked hand-in-hand with some of the other more notable names in our state's history, including Governor G. Mennen Williams, Lieutenant Governor Martha Griffiths and U.S. Senator Blair Moody. Moreover, Jim earned a place of honor in historical annals as a champion of justice during tenures on the Detroit City Council, the Wayne County Board of Supervisors and as a probate judge.

Impressively, Judge Lincoln is one of only two people in the state of Michigan to have a courthouse named after them. In his case, it is the James H. Lincoln Hall of Juvenile Justice in Detroit. The other person so honored is Jim's mentor, Frank Murphy. A personal highlight of my own career began when Jim and I worked closely together to secure funds to enable the city of Harbor Beach to acquire the Murphy homestead to establish a museum to honor Governor Murphy. We secured a grant for \$125,000 and Judge Lincoln raised another \$125,000 in matching funds to preserve the home and exhibit objects associated with the life and times of Frank Murphy.

Of course, Judge Lincoln depended greatly on the loving support of his wife, Kim, and children, David, Eddie, Janet and Linda. He credits them as instrumental to his success and we applaud them as well. He also is justly proud of a woman whose adoption he granted under difficult circumstances. His decision led the way for her to later graduate from college and have a fine family of her own. In gratitude, she named one of her children after him.

Mr. Speaker, I ask my colleagues to join me in commending Judge Lincoln for his remarkable achievements and highly laudable fidelity to his community and friends. I am confident his work on behalf of his mentor, Frank Murphy, will provide many future generations with inspiration and life lessons for all, especially for students of history, the law and politics.

NO SAFE HARBOR FOR  
TERRORISTS

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. BASS. Mr. Speaker, today I lend my thoughts and prayers, along with those of my

## EXTENSIONS OF REMARKS

colleagues, fellow Americans, and all our friends around the world, to the victims of these terrorist assaults and their families, a number of whom come from New Hampshire. But even as we work now to recover from these attacks—to bury the dead, to comfort the survivors and families, and to rebuild—we must turn our attention to the future.

In the days and weeks ahead we will of course take steps to increase the security and safety of Americans in travel and in their places of work and to bring those responsible to justice. We must remember, however, that no system of security is invincible. So long as terrorists are able to organize, finance, communicate, train, and execute such operations, this country and our allies will always be at risk.

The time has now come to recognize that a new defining doctrine must be embraced: that no safe harbor can be allowed for terrorists. No country can be allowed to tolerate the presence of terrorists or their supporters or assets within their borders. Such states must be held to the same level of account as the terrorists themselves, and we must use every means necessary to drive home this point to them.

With no place to hide, no place to train and organize, no place to keep their assets, the power of terrorists will be critically undermined. This doctrine of no safe harbor will be the greatest legacy for the victims of these terrorist attacks; that truly everything will be done to ensure that we are never so vulnerable again.

A LONG-AGO RESCUE LENDS US  
COURAGE FOR TODAY

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Ms. McCOLLUM. Mr. Speaker, much is being made these days—and justifiably so—of the courage of America's "Greatest Generation" of men and women who fought and won World War II.

Like his fellow veterans of the European Theater, former U.S. Army Staff Sgt. Alden T. Johnson vividly remembers witnessing countless acts of courage and devotion amidst falling bombs, raging fires and an often terrified civilian populace.

However, until very recently, Mr. Johnson—who grew up in the northwestern Minnesota communities of Karlstad, Shelly and Hamlma and who now resides in Red Wing—never realized that his own act of courage years before that war had been recorded on the front page of the Karlstad Advocate on May 17, 1929.

Alden's sister, Millie Peterson's—a long time aid to Minnesota Attorneys General Warren Spannaus and Hubert Humphrey III—discovered the article at the Minnesota Historical Society.

I commend the piece to my colleagues not only because it demonstrates the courage that was multiplied by factor of millions in winning World War II—but also because this rescue so long ago evokes the brand of caring and de-

*September 13, 2001*

termination that will bring America through the terrible attack of this week all the stronger.

I know my colleagues in the Congress of the United States will join me in extending the long-overdue recognition due to Alden T. Johnson.

CAR ROLLS INTO DITCH ON SLIPPERY ROAD AT  
HALMA, BURNS

A bad accident took place on the road two miles south of Halma opposite the Ulin place Friday evening when a brand new Nash car driven by Conrad Jensen of Warren turned over in the ditch and burned.

For the first-time in twenty years all of the Johnson boys, Theodore, Chris, Conrad, Ben, Aksel and Eldor were together, all having been at Halma Friday to attend the funeral of their father. They were visiting at the Chris Johnson home at Karlstad in the afternoon and in the evening they decided to drive to Halma and spend an evening on the old homestead where they had lived and grown to manhood. Theo., who owned a big new Nash rode to Halma earlier in the afternoon with his brother Aksel to help him do up the chores and suggested that one of his brothers drive his car over in the evening. When they left here in the evening Conrad Jensen drove the Nash and with him in the car were Mr. and Mrs. Eldor Johnson, Mrs. Theo. Johnson, Mrs. Conrad Jensen and Chris Johnson's oldest son. Alden. Mr. and Mrs. Ben Johnson accompanied by Mr. and Mrs. Chris Johnson followed them in the former's Chrysler. The grade was slippery after the recent rains near the Ulin place and the Nash car skidded badly altho they were driving slowly and after cutting across the road from one side to the other turned over in the ditch. A great deal of damage would not have been done if the gasoline had not for some reason caught fire. In less than two minutes after the accident the whole car was a mass of flames. Chris and Ben arrived just as the accident happened and opened the front door to the car letting out Conrad and his wife. The back door they could not open and the flames were shooting around all over when Alden kicked the glass out of the door and thru this the rest of the passengers were pulled out. The car burned up entirely leaving only the iron frame and the engine. None of the passengers of the car were hurt but the loss of the car is a very hard blow to Mr. Johnson as he had no insurance on it and had only run about a thousand miles.

EXPRESSING SENSE OF SENATE  
AND HOUSE OF REPRESENTA-  
TIVES REGARDING TERRORIST  
ATTACKS LAUNCHED AGAINST  
UNITED STATES

SPEECH OF

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. SMITH of New Jersey. Mr. Speaker, words are inadequate to convey the utter shock, horror, sorrow, dismay—and anger, over yesterday's supreme act of cowardice against innocent Americans.

Our prayers and hearts go out to the victims—the dead and the wounded—and to those who at this very hour cling to life, horribly trapped under concrete, jagged glass and steel.

Our nation's admiration and respect for the firefighters, police officers and medics, many of whom lost their lives in the line of duty, in deep. Valor, courage and selflessness were commonplace yesterday, as many rescuers became victims themselves.

Our hearts go out to the victims' families and friends who today must cope with their excruciating loss. As shock abates, the numbing pain of yesterday's terror will leave indelible scars. May God supernaturally intervene with healing, comfort and peace.

Mr. Speaker, the cowards who perpetrated these crimes against God and Humanity must be brought to justice no matter how long it takes. And, by the grace of God and the crafting of wise policy initiatives, this must never happen again.

Two years ago, in light of the growing danger of international terrorism, I authored the Embassy Security Act (H.R. 3427) to provide \$6 billion to make America's foreign embassies and missions stronger and safer. This week, we learned that even this large sum was not enough to deter those with an absolute disregard for the value of human life. We must and will do more.

Those who wish us harm should know that Americans are strong, determined and resilient. America is united, not to be underestimated.

In like manner, President Bush is strong and determined, fully in charge, not to be underestimated, and will lead us with boldness and prudence.

Finally, America's foundational strength isn't to be found in its military might or relative prosperity—but in our individual and collective faith in, and faithfulness to, God.

May this horrific act of mass violence compel us to turn anew to God seeking healing, restoration and justice, as well as divine guidance, so that His will *will* be done on Earth as it is in Heaven.

EXPRESSING SENSE OF SENATE  
AND HOUSE OF REPRESENTATIVES  
REGARDING TERRORIST  
ATTACKS LAUNCHED AGAINST  
UNITED STATES

SPEECH OF

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 11, 2001

Mr. OTTER. Mr. Speaker, I thank the gentlemen from New Jersey and California for their leadership on this important issue.

Mr. Speaker, like many of my colleagues who have offered their voices before mine, I too arise in strong and unyielding support of this resolution.

We are a strong and a resilient people who have, in our past, been called to duty, to preform extraordinary feats in extraordinary times.

Minute by minute reports of heroic events continue to flow in from all sites of this tragedy. These reports, each and every one, bear witness to the long held belief that we are a people of purpose and our actions, in this time of crisis, are guided by our love of our fellow men.

Many generations ago we were warned that each generation would be called upon to polish, sustain and improve this great republic. We were also told that these occasions could come disguised in many ways.

Tuesday's events have signaled to this generation, to those of us here, to those we represent, to every man, woman, child, individually and collectively, that our time, our test and our challenge, to maintain our republic's destiny to be the beacon of hope and freedom for the world is here and now, the wait is over, the question is answered.

My heart and my hand is offered, along with every other in this historic room as a supporter and a champion of this resolution. I am confident, Mr. Speaker, should I enjoy the technology to ask, right now, each and every resident of Idaho's First District the question of how I should vote on this measure, there would not be a dissenting vote.

Let's note for the record, Mr. Speaker, that we Americans chose neither the time nor the place for this, but that those soul-less terrorists who have made their choice known by these acts, have grossly underestimated the sterling resolve that historically visits this Nation during our time of need.

Mr. Speaker, we must now bury our fallen, and with heavy hearts, prayerful lips, but a firm belief that our lost are with our Creator and have joined in a celestial song to march us into the battle which we now willingly engage.

May the very God, whose existence these terrorists deny, grant them sufficient time on this Earth to have these horrors visited on each and every one of them and anyone else who may have given them cause or quarter.

May this same God smile on this vote we now offer, this nation we speak for and this purpose we undertake.

SIKHS ARE NOT MUSLIMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. TOWNS. Mr. Speaker, in general I have been proud of America's response to the attack on our country that took place Tuesday. There have been no threats against the embassies of countries that might be involved. There have been no riots while the police have been concentrated in one particular area. However, there is one disturbing element. A number of Sikhs have been attacked by ignorant people seeking to vent their anger at what happened. In New York, an old Sikh man was beaten with baseball bats. A couple of young Sikhs were attacked Wednesday afternoon in Brooklyn. Sikh businesses have been stoned and cars have been burned. Apparently, these Sikhs were targeted because of their turbans and beards, which are required by their religion.

It would be grossly unfair to attack Muslims, even though Mr. bin Laden, who appears to be the prime suspect, claims to be an adherent of the Muslim faith. I know many Muslims and they are good people who are not involved in this kind of activity in any way. Yet

what makes these attacks even stranger is that Sikhs are not Muslims. They don't even wear a turban the same way. Sikhism is an independent religion. It is not part of Islam; it is not part of Hinduism. Sikhs are identified by five specific markers: uncut hair covered by a turban, a kirpan, or ceremonial sword, a bracelet, special underwear, and a special comb. These are distinct identifiers and are required by the Sikh religion.

I call on the media to report on the attacks on Sikhs and note the fact that they are not connected to the terrorist campaign in any way and have, in fact, condemned it. I urge the media to speak out against the attacks, and I urge President Bush to do the same. Let's not attack anyone for his or her religion or the way he or she looks. Those who do so are cut from the same cloth as Mr. bin Laden. In America, we do not accept that.

The Council of Khalistan, which is the organization representing Sikhs, has written a letter to the President and a press release strongly condemning the attack Tuesday. I would like to place them in the RECORD at this time for the information of my colleagues.

COUNCIL OF KHALISTAN CONDEMNS ATTACK ON  
UNITED STATES

URGES SIKHS TO GIVE BLOOD

WASHINGTON, D.C., SEPTEMBER 12, 2001.—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned the brutal attack on the United States that occurred yesterday.

"On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, I would like to express our sadness and our sympathies to the people of the United States for the terrible attack on the United States yesterday and for the loss of life it entails," Dr. Aulakh said.

"I urge Sikh Americans to give blood and to pray for the victims, for their families, and for all those who are helping our country and our communities in this time of need," Dr. Aulakh said. "We must do our part as American citizens," he said. "We stand together as a nation."

"Like all Americans and all decent people everywhere, we condemn this brutal and senseless attack. The Sikh religion recognizes all the human race as one and we pray for the well-being of all. Our prayers and our sympathies are with the people of the United States at this tragic time. We especially pray for the families of those who have departed."

"This tragic event happened in the most diverse city in the world," Dr. Aulakh said. "There is hardly a national or ethnic group that has not been touched directly by this tragedy. Our sympathies are extended to those who have been touched personally," he said. "Violence against innocent people of any religion or ethnicity is unacceptable. It must be ended."

Unfortunately, some people have engaged in violence against Sikhs in the wake of the bombings yesterday. A couple of young Sikhs were attacked in Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York.

"Today we all stand together as Americans, regardless of race, religion, or ethnicity," he said. "We must not accept terrorism. We must unite against this evil," he said. "We must work to bring all Americans together to defeat this brutal enemy."

COUNCIL OF KHALISTAN,

Washington, DC, September 12, 2001.

Hon. GEORGE W. BUSH,  
President of the United States, The White  
House, Washington, DC.

DEAR MR. PRESIDENT: On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, I would like to express our sadness and our sympathies to the people of the United States for the terrible attack on the United States yesterday and for the loss of life it entails. This is a terrible tragedy and we know that you will take appropriate action. Like all Americans and all decent people everywhere, we condemn this brutal and senseless attack.

The Sikh religion recognizes all humanity as our brothers and we pray for the well-being of all. Our prayers and our sympathies are with the people of the United States at this tragic time. We especially pray for the families of those who have departed. May God bring peace to these departed souls and to their families.

We support you and we pray for the people of America. God bless you and God bless America.

Sincerely,

DR. GURMIT SINGH AULAKH,  
President, Council of Khalistan.

## PERSONAL EXPLANATION

## HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. DICKS. Mr. Speaker, I was unable to vote on Roll Call number 338. I would have voted "yes" on this resolution condemning the terrorist attacks earlier this week.

COMMENDING RESCUE WORKERS  
AND VOLUNTEERS

## HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to commend the numerous rescue workers and volunteers around the country in their recovery efforts during this terrible tragedy. These brave and heroic citizens are working around the clock to bring calm and restore peace into our beloved nation. Again I wish to convey my thanks and prayers to these courageous rescue workers, their families, and everyone affected by this horrific chain of events; including Captain Jack Patches, Jr., whose mother resides in Ramsey in Fayette County. A retired Navy captain, he had worked in military intelligence and was at his desk at the Pentagon when the atrocious events of Tuesday occurred. He had a long and distinguished military career, holding command positions during the Persian Gulf War while logging more than 7,000 flight hours as a pilot of a P-3 submarine hunter aircraft. Captain Patches is survived by his wife Janice, his daughter Jennifer, and his son Jeremy.

I ask again, may God bless these rescue workers, may God bless the victims and their families, and may God bless our country.

## EXTENSIONS OF REMARKS

IN REMEMBRANCE OF THE VICTIMS  
OF THE KATYN FOREST  
MASSACRE

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the victims of the Katyn Forest Massacre, sixty-two years after the horrible tragedy. Memorial Services will be held on September 16, 2001, at the Katyn Monument site in Jersey City, New Jersey.

Following Nazi Germany's unprovoked attack on Poland on September 1, 1939, Polish troops stood up to a better-equipped and larger army, eventually succumbing to the incredible odds several weeks after Soviet troops viciously attacked from the East. While Polish forces were vastly outnumbered and overextended, they fought vigorously and valiantly on two fronts. Following its defeat, Soviet and Nazi victors immediately placed Poland under their harsh and brutal occupation.

In the Spring of 1940, Soviet-led forces brutally killed and tortured over fifteen thousand Polish men, women, and children. One of the sites of these barbaric and inhumane acts was the Katyn Forest, where four thousand bodies were later discovered.

Today, I honor the victims of the Katyn Forest Massacre. I commend their courage and sacrifice. They stood strong in the face of genocide and appalling brutality.

I ask that my colleagues join me in remembering the victims of the Katyn Forest Massacre, and I ask that we honor their sacrifice for freedom.

EXPRESSING SENSE OF SENATE  
AND HOUSE OF REPRESENTA-  
TIVES REGARDING TERRORIST  
ATTACKS LAUNCHED AGAINST  
UNITED STATES

SPEECH OF

## HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 11, 2001

Mr. JENKINS. Mr. Speaker, on September 11, 2001, an act of terrorism took the lives of thousands of innocent Americans. No American is exempt from the pain and anger that resulted. I know I speak for everybody in the First Congressional District of Tennessee when I send their thoughts and prayers to the families and friends of those who are casualties of this act of terror. Our thoughts and prayers also go to the thousands of individuals who have responded to the scene and are working non-stop in the rescue and recovery efforts.

It is important that we take the appropriate steps to deal with this matter. The government is functioning and providing the necessary services to deal with the aftermath of the events in New York and Washington. Every necessary resource will be made available to assist in the search, rescue, and recovery efforts. In addition, our law enforcement authori-

September 13, 2001

ties, intelligence services, and military personnel are moving swiftly in their investigations. A number of positive leads are being pursued, and I am confident that we all know the names of all that are responsible. We have a suspect whose numerous threats are tantamount to an admission. We have the ability to continue to accumulate evidence to prove his guilt.

I applaud the President in his immediate forceful response to this tragedy. He has mobilized our armed forces and directed all appropriate federal agencies to respond to rescue efforts. I also applaud the leadership of a united Congress. The leadership of both parties have communicated the support of the Congress to the President, and he will have the full support of the legislative branch of our government to provide the necessary resources for recovery and rebuilding, as well as the resources that will be needed to provide the appropriate responses to the perpetrators of this crime. We will use these resources to find those responsible and to see that justice is served.

As difficult as it is at this time, we must move forward. We cannot give in to the demands of terrorism. The American resolve is stronger than ever. It is a mistake of terrorists to believe that they will divide us. They have brought us together in ways that many people did not believe could happen. It is a mistake of terrorists to believe that we will cower in fear as a result of their actions. They have only strengthened the willpower, purpose, and determination of all Americans.

One of the most cherished freedoms in this country is the right to disagree. Honorable citizens have the right to voice their disagreements with each other without fear of reprisal. Quite often, Members of Congress find themselves engaging in quarrelsome debate over a variety of issues, which now pale in comparison to the matter that we must deal with in the upcoming days and weeks. Despite these disagreements, the U.S. has always stood for what is right in the world—freedom and democracy. The terrorists believe our ability to disagree is a weakness, and that they can exploit this. They are wrong.

The final casualty numbers will be high—too high to reasonably comprehend. Despite this tragic loss and the crumbling of America's buildings, America's foundation is strong. The history of this great nation proves that when the U.S. is roused—the U.S. fights—and the U.S. wins. We will stand together, outraged and resolute, and we will go to any length to bring these criminals, and those who aid and abet them, to justice. We will have not properly paid our respects to those who have died until their killers are brought to justice.

From this point forward, the rest of the world, and particularly those who harbor hatred and resentment against the United States, will learn that our strength and courage will not tolerate the acts of terrorists. We may never know the specific message these terrorist groups were trying to send to America. I do know that they will ultimately receive a response from America that will be loud and clear. God bless the United States of America.

September 13, 2001

TRIBUTE TO THE LATE CORA  
HOLLAND

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. BACA. Mr. Speaker, it is with regret and deep sadness that I rise to honor Cora Holland, a former constituent from San Bernardino, who passed away on September 11, 2001, when her plane was hijacked and collided with the north tower of the World Trade Center Building in New York, New York as part of an evil terrorist act.

Throughout the years, Cora was a true humanitarian. She loved her family and followed the Christian teaching of loving our fellow man. I believe that the well-being of our Nation's peoples depends on all our dedication and efforts to invest in the present and the future.

They say a person is measured by the lives he or she touches. Through the grace of God, Cora touched many lives.

Cora was, and will continue to be eternally, the mother of three children and the grandmother of two. Her children Stephanie, Jessica, and Nathan received constant attention from what family and friends alike call "an incredibly dedicated mother." Cora left two grandchildren behind, Drew and Amelia.

Cora Holland grew up in San Bernardino around K and 14th Streets. She graduated from San Bernardino High and worked at the County Hospital when it was in San Bernardino. It was while working in the hospital that Cora Hidalgo met her future husband, Steve Holland.

Cora was, according to her family, the center of the family. The family would often wait for her arrival so that she would coordinate what they were going to do. Her strong and religious spirit also extended to her involvement with feeding the homeless. Cora, a homemaker, spent countless hours using her knowledge of Spanish to help feed the homeless.

May God protect the soul of this wonderful woman. Cora was something that is in short supply in the world, a decent human being. Kind and selfless as seen in her community activism. Caring as seen in her devotion to her family. Her soul is one of the many departed on that fateful day, but the impact of her death is a deep well of sorrow in itself. I wish to extend to her brothers Gonzalo and Ernie, her children, her husband, and the rest of her family my most heartfelt condolences.

I cannot ever come to comprehend what her loss means to her family, but I am saddened and I mourn with them. Let us take comfort in the fact that she is now guarded by our Lord. Cora you are loved by many, you are a hero in every sense of the word, and will not be forgotten.

Cora's family had nothing but praise for her, describing her as a dedicated mother, wife and humanitarian. So in giving this honor, we are honoring her this day.

A devoted wife to Steve Holland, she lived in Sudbury, Massachusetts. Cora has three children: Stephanie, Jessica, and Nathan.

In short, she was a model of excellence we can all follow, at home and in our community.

EXTENSIONS OF REMARKS

Cora will be missed by family and friends alike. She touched us all with her kind deeds and dedication to her family.

INDIAN RACISM

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. TOWNS. Mr. Speaker, last week I made a statement on the excellent discussion of India's racist caste system at the World Conference on Racism in Durban. At that time I intended to place three articles in the RECORD: an article from the National Post, a press release from the Council of Khalistan, and an article from the Information Times. Unfortunately, only the article from the National Post made it into the RECORD. Therefore, I would like to place the other two articles in the RECORD at this time for the information of my colleagues.

[Council of Khalistan, Press Release]

INDIA PRACTICES WORST RACISM IN THE  
WORLD

LAW IS ON THE BOOKS ONLY; HUMAN RIGHTS ARE IGNORED—SELF-DETERMINATION AND EQUALITY ARE THE MOST BASIC HUMAN RIGHTS

Washington, D.C., September 4, 2001—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today praised the Dalit and Kashmiri activists who have brought the issue of India's human-rights violations to bear in Durban, site of the World Conference Against Racism. The Council of Khalistan, the government pro tempore of Khalistan, leads the democratic, nonviolent, peaceful struggle to liberate Khalistan, the Sikh homeland that declared its independence on October 7, 1987.

"India practices the worst racism in the form of the caste system," said Dr. Aulakh. "The caste system is very reminiscent of the segregation that prevailed in parts of America some years ago, except it is backed by a tyrannical abuse of human rights of Dalits (the black untouchables of India)," he said. "Is that the way of a democracy or the way of a totalitarian theocracy?"

Dr. Aulakh noted that the Dalits, who are considered the lowest caste, are the most oppressed people in the world. He cited the fact that they are not allowed in the temple. He took note of an incident a few years ago when a Dalit constable entered a Hindu temple on a rainy day and was stoned to death by Brahmins. A Dalit girl drank water from a community pitcher and was blinded by her teacher. Dr. Aulakh noted that Dalits are the victims of the worst racism in the world, oppressed by high-caste Brahmins.

"Despite the laws abolishing caste, it remains a guiding principle for India's militant Hindu nationalist theocracy," Dr. Aulakh said. "And despite the laws requiring that anyone who is arrested must be charged within 48 hours, India continues to hold political prisoners for many years without charge or trial," he said. "One of the foundations of democracy is the rule of law. In practice, there is no rule of law in India," he said.

More than 52,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. Over 50,000 Sikhs have been ar-

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rested, tortured, and murdered by the Indian police and security forces, then declared "unidentified" and secretly cremated. Indian forces have murdered over 250,000 Sikhs since 1984, according to figures reported in the *The Politics of Genocide* by Inderjit Singh Jaijee.

In June, militant fundamentalist Hindu fanatics attacked a train carrying Sikh pilgrims and the Sikh holy scripture, the *Guru Granth Sahib*. The holy scriptures were burned and the pilgrims were stoned. In May, Indian troops were caught red-handed trying to set fire to a Gurdwara (a Sikh temple) and some Sikh houses in Kashmir. In March 2000 during the visit of former President Clinton, the Indian government massacred 35 Sikhs in Chitihisinghpura. Two independent investigations have proven that the Indian government carried out this massacre.

Sikhs ruled Punjab until 1849 when the British forcibly annexed it into British India. No Sikh representative has ever signed the India constitution. India is not one country. It has 18 official languages. It is an empire of many countries thrown together by the British for their convenience. Like the former Soviet Union, it is destined to fall apart.

"The Durban conference must address racism and human-rights violations in India despite India's objections," said Dr. Aulakh. "Only continued international pressure for human rights, the rule of law, and sovereignty will end the racism in India and allow all the people of South Asia to live in freedom," he noted.

"If India is the democracy it claims to be, then why not hold a plebiscite on independence in Punjab, Khalistan and in the other nations seeking their freedom from India?" Dr. Aulakh asked. "The conference should declare its support for the Dalits and for the freedom movements in Khalistan, in Kashmir, in Nagaland, and elsewhere in South Asia," he said. "Democracies don't practice racism," he said. "Democracies don't commit genocide."

[INFORMATION TIMES, Sept. 1, 2001]

INDIAN CASTE SYSTEM IS ALSO A  
MAJOR ISSUE IN DURBAN

UN SECRETARY-GENERAL KOFI ANNAN IS STILL A  
SLAVE OF HIS MASTERS

(By Chaliss McDonough)

Durban, South Africa, 31 August 2001 (VOA): The caste system in India has become a major issue at the U.N. World Conference Against Racism. The Indian Government did not want to discuss the issue, but they may not be able to avoid it.

Scores of protesters stand in a circle, drumming and chanting, outside the cricket stadium in downtown Durban. The drummers are from India, and they have come to insist that the caste system not be ignored at the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (31 August—7 2001).

They are handing out headbands and buttons demanding equal rights for those who belong to India's Dalit community, the so-called "lowest caste, untouchables."

This woman, who gave her name only as Vimele, explains there is still blatant discrimination against Dalit people in India. "Dalit people cannot enter the temple," she says. "And if you go to a teashop, they have a separated tea shop."

Separate living areas, separate burial grounds and restrictions on their movements. Vimele says these are some of the hardships Dalits face every day.

Vimele came to Durban with the Tamil Nadu Women's Forum. She says Dalit women

confront even more discrimination and harassment than men.

Officially, discrimination based on caste has already been banned in India. But another delegate from Tamil Nadu, Joseph Raj, notes that changing the laws has not changed the system.

"In the documents, Constitution and the law, they prohibited discrimination," he says. "But in practice it is there. We have mechanisms within our country, but it has failed to protect our rights."

Mr. Raj is pleased with the amount of popular support he and his colleagues are getting in Durban. He points to the large number of non-Indians roaming the conference grounds wearing headbands, jackets and buttons supporting their cause.

He and other campaigners want the Indian Government to address the issue at the U.N.-sponsored conference, which began Friday. And they want India to put an end to caste discrimination for good.

U.N. Secretary-General Kofi Annan briefly touched on the matter during the meeting of non-governmental organizations. He said delegates at the U.N. conference will need to address discrimination based on caste but he failed to use that word to describe it. He simply referred to discrimination based on origin or work, which is commonly seen as a euphemism for caste.

An activist pressed him further on the matter, but Mr. Annan did not respond. That prompted an angry outcry from some members of the audience.

Getting public support for the Dalits' cause in Durban may not translate into a solution for caste discrimination. But it seems clear that the activists have accomplished at least one of their goals. They have put the issue in the public eye on a global scale.

#### TRIBUTE TO THE HONORABLE RAYMOND V. MARIANO

#### HON. JAMES P. McGOVERN OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to the Honorable Raymond V. Mariano, Mayor of the City of Worcester, Massachusetts. Mayor Mariano has been selected to receive an award from the Grafton Democratic Town Committee.

Mayor Mariano has a long distinguished record of public service. He served on the Worcester School Committee from 1977 until 1981 when he was elected to the Worcester City Council. In 1993, he was first elected to serve as the Mayor of the City of Worcester. He was re-elected in 1995 and 1997 by the largest percentage of any Mayor in Worcester's history, and is now serving his fourth term in office after successfully winning reelection in 1999.

During his tenure as the Mayor of the City of Worcester, Raymond Mariano has had many accomplishments. In order to recognize and respond to the challenges facing the city's young people, Mayor Mariano created a city-wide youth group to work directly with the mayor's office. The mayor also initiated a summer jobs program that has created over 2,000 jobs for the city's youth. Mayor Mariano has also recognized the need for development in the City of Worcester. He helped to secure

federal grants for the renovation of Union Station and was the driving force behind the building of a new convention center that is open today. Perhaps Mayor Mariano's greatest success has been the ability to connect with the city's residents. Mayor Mariano has made himself available to hear the citizens' concerns through the community meetings and the 'Mayor's Walks' through the neighborhoods.

Mayor Mariano has been active in many political campaigns on the local, state, and regional levels. He has demonstrated his belief in and the dedication to our political system by working tirelessly on Presidential, U.S. Senate, Gubernatorial and Congressional campaigns and referenda.

I would like to commend the Mayor, who makes his home with his wife Antonia and their three children, Gina Marie, Raymond Jr., and Anthony on his achievements and congratulate him for this well-deserved award. I ask my colleagues to join me in paying tribute to The Honorable Raymond V. Mariano for his outstanding record of public service.

#### TRIBUTE TO THE LATE RHONDA RASMUSSEN

#### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. BACA. Mr. Speaker, it is with regret and deep sadness that I rise to honor Rhonda Sue Rasmussen, former constituent from San Bernardino, who passed away on September 11, 2001, when a hijacked plane collided with a section of the Pentagon where she worked. She was one of the many American heroes who perished that day from an evil terrorist attack.

Throughout the years, Rhonda was a true visionary. She loved her family. I believe that the well-being of our Nation's peoples depends on all of our dedication and efforts to invest in the present and the future.

Mr. Speaker, Rhonda served as an auditor for the army. She was one of the many faceless men and women that support our military forces and keep our Nation safe. She was a dedicated worker, one who always makes sure that citizens come first. She was extremely strong, brave and dedicated to her work. She had a sense of fun about her, even though she approached her duties with great seriousness and duty. They say a person is measured by the lives he or she touched. Through the grace of God, Rhonda touched many lives.

Rhonda's family had nothing but praise for her, describing her as a dedicated and great hero that on Tuesday put herself in harm's way. So in giving this honor, we are honoring her this day.

The last time her family saw her was during a barbeque earlier this year. It was at this barbeque, hosted by her mother who suffers from cancer, that she told her family that she would soon move to Monterey, California. Regretfully, that day will never come. A family will never be reunited, and we grieve for the loss of this wonderful soul.

Rhonda served our nation proudly, raised four wonderful and dedicated children, and was loving wife. Although she, her husband, and her children had to move often due to her work, she managed to raise four wonderful children. Three of her children are in college and the fourth is a Forestry Department firefighter in Washington state.

May God protect the soul of this wonderful woman. In a time when decent people are in short supply, she was a model and example to her children and her community. Selfless as seen in her commitment to the safety of our nation. Caring as seen in her devotion to her family. Her soul is one of the many departed on that fateful day, but the impact of her death is a deep well of sorrow in itself. I wish to extend to her children, husband, and the rest of her family my most heartfelt condolences.

I cannot ever come to comprehend what her loss means to her family, but I am saddened and I mourn with them. Let us take comfort in the fact that she is now guarded by our Lord. Rhonda you are loved by many, you served your nation well, you are a hero, and will not be forgotten.

A devoted wife to Floyd Rasmussen, Rhonda lived in Virginia during her work at the Pentagon. Rhonda has four children: Nathan, T.J., Jeremiah and Becky.

In short, Rhonda Rasmussen is a model of excellence we can all follow. Rhonda will be missed by family and friends alike. She touched us all with her kind deeds and leadership in her community.

#### TRIBUTE TO ROBERTA R. GOLDMAN

#### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. McGOVERN. Mr. Speaker, I rise today to pay tribute to Roberta R. Goldman of Shrewsbury, Massachusetts. She has been selected to receive an award from the Grafton Democratic Town Committee on Sunday, September 16, 2001 in Grafton, Massachusetts.

Following graduation from Boston University, she moved to Shrewsbury to raise her family and became involved in numerous civic and political activities. She served in the Massachusetts House of Representatives where she helped pass the Education Reform Act of 1985. She also served as Director of Educational Reform in the Office of Education Affairs under Governor Dukakis.

As a member of the Democratic State Committee since 1988, Roberta has served on the Rules committee and on the Host Committee for four Democratic State Conventions held in Worcester. She has been a delegate to five Democratic National Conventions and last year was elected as an Elector to the Electoral College. Her campaigning for candidates at every level, from local office holders to Presidential candidates is legend. She is Co-Vice Chair of the Shrewsbury Town Democratic Committee, and chairs the bi-annual Eleanor Roosevelt Humanitarian Award event.

As a social studies teacher at Shrewsbury High School, she has worked to instill an appreciation of involvement in the political process. Through the Political Action Group for

high school students, young people participate in local activities as well as actively campaigning in New Hampshire for the presidential candidate of their choice in the state primary.

Mr. Speaker, I commend an outstanding, tireless campaigner, and congratulate her on receiving this award. I know all of my colleagues join me in paying tribute to her today.

#### PERSONAL EXPLANATION

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. ORTIZ. Mr. Speaker, on rollcall No. 339, on September 13, 2001, I was unable to record my vote. At the time I was at the Pentagon surveying the damage and encouraging the rescue workers.

Had I been present, I would have voted "yes."

#### VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

ON BEHALF OF KEVIN DECAUSEMACKER  
REGARDING GUN CONTROL, MAY 7, 2001

Kevin Decausemacker. Thank you for this opportunity. It is a really great thing you let the youth of Vermont come and express their opinions.

Congressman Sanders. Thanks very much for coming, Kevin. Give us your name for the record.

Kevin Decausemacker. The year was 1938. Congressman Sanders. Your full name.

Kevin Decausemacker. I'm sorry. I'm a little tired. I'm Kevin Decausemacker. A little hard to pronounce. The year was 1938, one year before the invasion of Poland. It was now that Adolf Hitler implemented the first example of gun control. He prohibited the Jewish people from owning firearms, and by so doing took substantial power away from the people. He made it easier to commence his mission of genocide with little resistance from his victims. This is what a government can do with too much power: Whatever it wants. Our government has created three different branches to limit the power it possesses. The United States promotes a government of the people, by the people, and for the people. The more we constrict the rights that the Second Amendment states we have, the more power is taken away from the peo-

ple and given to the government. I feel that the more power the government has, the more the people are at risk of being taken advantage of by it. Why implement gun control then? Solely for safety. However, if safety is the main concern, in England and Australia, where there are strict gun-control laws, there have been rising breaking-and-entry and burglary numbers. So what gun control has done there has only made the criminals bolder, it gave them knowledge that their victims are unarmed. Now, compare these countries with Switzerland, where nearly every home has a firearm. In Switzerland there is a very low crime rate, perhaps because the criminals are afraid. Why, then, would any country want to make criminals bolder, despite the fact that power would be taken away from the people, and criminals would operate with little fear? Anti-gun legislation, at least under the Clinton administration, has progressed. The Brady bill is an example of anti-gun legislation and that was put into effect during Clinton's eight years. The Brady bill has prevented many, many gun purchases. But there hasn't been a noticeable decline in violent crimes due to the Brady bill alone. Why is it there then? The registering of firearms is rather pointless. The sole purpose behind any gun-control argument is to protect the people. But how will registering firearms help if criminals don't have to register them? The Haynes Supreme Court decision held that criminals are exempt from federal anti-gun laws regarding registration because it violates their Fifth amendment protection against self-incrimination. In other words, only people who are not criminals can be prosecuted for failing to register a firearm or being in possession of an unregistered firearm. Anti-gun laws would do nothing to deter criminals from committing heinous deeds with the aid of a firearm. Criminals don't obey laws as it is. Why would they listen if gun law were stricter? Anti-gun laws would only give criminals the same freedom Hitler had, to leave his victims defenseless, at his mercy. Even if a criminal cannot obtain a gun, they can still commit a murder or violent crime without a gun; they could use a knife, a chain, a blunt object. Even a shoelace can be used as a garrote. Why focus on guns? When things happen, the object the criminal uses shouldn't be attacked. What we should do is focus on preventing the criminals from spreading further harm by means of rehabilitation in correctional facilities. Anti-gun legislation needs to be put at rest, and people need to be more educated about gun safety. If educated on gun safety, the number of accidents would decline dramatically. I myself have been exposed to firearms in a safe environment and understand their danger. I know how to operate and store a firearm safely and responsibly. We can coexist with firearms safely, and all we need is some education.

ON BEHALF OF JORY HURST, ROBBY SHORT,  
EMILY WRIGHT, AND KERRY MCINTOSH RE-  
GARDING, SCHOOL STANDARDS, TRACKING IN  
SCHOOLS, MAY 7, 2001

Jory Hurst. On the program, I think it listed us as doing—we are switching topics. We are doing the tracking, and the other group is doing drop-out rates. Not that it matters. We go to Mt. Anthony Union High School, which is a very socioeconomically diverse school, especially for Vermont. And coming into high school, there are kids coming in from lots of different educational backgrounds, so people have all different kinds of experience. In our school, you kind of have

to track classes, just because of where everybody is at. So we have five different levels of tracking. There is the honors, there is the college prep, there is the B, there is the applied, and then there is the remedial. We want to talk about some problems we see in tracking, even though we feel it is necessary. In our school, the honors is about 10 percent honors, about 25 in the college prep, 35 percent in the B, and about 30 percent of the kids are in IEPs, individual plans, and they are in special classes.

Robby Short. Let me talk about getting into honors. It all starts out in the 7th and 8th grade. You have to take a test in 7th grade. It is a math test, and then, the next year, if you pass the math test—I think it is 75 percent—you get into honors classes for the 8th grade year, which is, you end up getting into—all your core classes are honors classes. Which is kind of unfair, because it is just a math test that decides English, social studies and science. And if you are not in 8th grade honors, and you're going into high school, you are pretty much on your own getting into honors for your 9th grade year. You have to try your hardest with the guidance office, if you have come in contact with many conflicts. And if you are in honors, you automatically get into it in the 9th grade. Once you get into high school, it is really a battle to try and get into honors classes. Some students have it easy and some don't. The students that have it easy usually have a teacher backing them up by just really fighting for them with the guidance office to get them in. And the other students have to go through tutoring over an entire summer. They have to double up in math classes—not just in math classes, but double up on honors classes in high school, and drop like classes that they really need. If we could come up with one of one set of standards that gives everyone equal chances, it would be the best for all.

Emily Wright. Jory was talking about how there is honors and college prep, and then there is B, and then the applied and remedial. The problem with that is, the honors kids and the applied kids get most of the privileges, and the college-prep and B students are left in the middle, with little motivation from teachers and support from parents, per se. Most college-prep kids do want to go to college and have some support from home, but the B kids, on the other hand, have little support from home, if any, and no motivation whatsoever. And the college-prep kids usually want to go into honors classes, but don't know how to go about the procedure, because teachers don't seem to be reaching out to them and motivating them to get a better education if they can, possibly. And that's one of the biggest problems, because about 60 percent of our students are in college prep and B, and they have less materials to work with and less support from the guidance office and teachers, and it just seems unfair for that middle percent.

Kelly McIntosh. Another negative effect of tracking that must be kept in mind is that it can create like social class systems in the schools. Like students are grouped according to what track they're in, like the honors students, the B students, college prep, and often the groups of students, often they do have similar interests, but they are just always together. And integration is important, because being with the same group all the time allows for no variety, and you don't really get to see other perspectives. Like a student coming from a different area from you. And also, some of the academic class systems can lead to generalizations that can go

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**EXTENSIONS OF REMARKS**

*September 13, 2001*

through nonacademic categories, such as with social things with friends and/or into sports, and this isn't good. And often kids are grouped and branded into certain classes. Like if a student is grouped as a B student, then this can be a self-fulfilling prophesy,

and they will never really want to succeed because they will think that they can't, because they're not in honors, and people don't look at them with the same respect. But we just need to look at everybody as an individual, and then this problem will really go

away. And have more school unity. And teachers and students alike need to keep in mind that there is more to a person than their academic ranking.

**SENATE—Friday, September 14, 2001**

The Senate met at 9 a.m., and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, as we seek Your grace as healing for our grief-filled hearts, we reaffirm some very powerful presuppositions about You and Your providential care for Your creation. Strengthen our conviction that You do not cause tragedies. We dismiss that false question, "Where was God in the midst of the tragic terrorist attack?" You were with us giving us courage and hope. You created humankind: to know, to love, and to serve You. We reverently reflect on what must have been Your most crucial decision when You created humankind: You gave us freedom of choice, knowing that there can be no response of love without choice, but also that humankind would abuse this freedom. There is an objective force of evil in the world that often has been expressed through people, and movements, and nations. Heinous acts happen. You are not dissuaded. You suffer with us, and, with ways we could not plan, bring good out of evil. Not even death can separate us from You. This life is but a small part of the whole of eternity. In the midst of our anguish over those who died in Tuesday's tragedies, remind us of the shortness of time and the length of eternity. Make us communicators of love and strength to those who continue to suffer in the grim aftermath of terrorism. Bless the Senators and the entire Senate family with a fresh gift of faith to trust You and a renewed assurance that, "though the wrong seems oft so strong, You are the ruler yet!" Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. I thank the Chair.

**SCHEDULE**

Mr. DASCHLE. Mr. President, for the information of all Senators, there will be caucuses held by both parties at 9:15 a.m. today. As soon as the caucuses have completed their deliberations, we will enter into morning business for a period of time. My hope and my expectation is that we will take up both the supplemental appropriations bill, as well as the resolution having to do with the circumstances we are facing in providing the President with additional authority. That resolution, as well as the supplemental appropriations bill, will be the subject of deliberation and debate today, perhaps tomorrow. The House of Representatives has indicated they will be in session tomorrow to take up the resolution.

It is my hope that perhaps we might be able to complete our work today, but until I have had the opportunity to consult more with the Republican leader, I am unable to make any more definitive judgment about the time it will take to complete our work on both of these matters. We were negotiating late into the evening last night. I thank all of those who participated.

We concluded our work successfully after midnight last night. We will now be in a position to take up the supplemental appropriations bill. I will consult with the chairman of the Appropriations Committee, the ranking member, as well as the Republican leader, as we consider just what the sequence will be throughout the day.

There will be rollcalls. We are unclear about the timing of those roll-

calls or whether or not a Saturday session may be required. I call attention to that expectation.

I also remind Senators that there is a memorial service at the National Cathedral at noon. While the more optimistic view is that we could perhaps begin boarding buses as early as 10 o'clock to accommodate logistics and security, it may be that we will be boarding a little later than that in order to accommodate whatever other considerations in the schedule there will be this morning.

I remind Senators that there will be a need to board buses sometime, I would say, at least prior to 11 o'clock, but we will make more definitive announcements with regard to boarding the buses as well as the specific schedule in the time ahead.

**BABY GRACE**

Also, Mr. President, in what has been a very dark hour for this country and for this institution, it is hard to find anything for which we can celebrate, but we can celebrate this morning. Senator DODD and his wife Jackie had a baby girl last night. Her name is Grace. She is 7 pounds. They are doing well. I congratulate Senator DODD, Jackie, and welcome Grace into this world of ours.

**MEASURES PLACED ON THE CALENDAR—H.R. 2291 AND H.R. 2833**

Mr. DASCHLE. Mr. President, I understand that the following bills are at the desk, having been read the first time: H.R. 2291 and H.R. 2833. I ask unanimous consent that it be in order, en bloc, for these two bills to receive a second reading, and I would then object to any further consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The bills will be placed on the calendar.

Mr. DASCHLE. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask the majority leader, am I correct that after the caucuses, there will be a short period of time for morning business, or do we know for sure?

Mr. DASCHLE. I respond to the Senator from Minnesota, there probably will be some time, but we will be in morning business at least for another 15 minutes.

Mr. WELLSTONE. This morning.

Mr. DASCHLE. This morning.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 5 minutes—I do not intend to take any more than that—in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MINNESOTANS MOBILIZE

Mr. WELLSTONE. Mr. President, I thank the Chair. My congratulations to CHRIS and Jackie on the birth of their daughter.

Mr. President, there are many times to speak in this Chamber. Today I speak from the Senate floor to make the remarks of one Senator from Minnesota part of our historical record. The Senator from South Dakota is right, it is a very somber time. The unthinkable happened.

We have witnessed the slaughter of parents and their kids. I want to talk about this in the following way: First of all, it sounds so political to do this, but I want to thank the people of Minnesota for mobilizing the way they have mobilized: the blood banks, the offers of assistance, the prayers. Nothing could be more important.

As a Senator from New Jersey, as someone who worked in the World Trade Center, the Chair has probably a more direct understanding of the agony and the hell of so many families, but I am very proud that the people of Minnesota, in every way possible, are there for support.

This represents the best in our country. I say this because I want to say, drawing on the Minnesota example, that I do not want to let these terrorists ever take away from us as Americans the greatness of our country, including the values by which we live. I am talking about the civil liberties of Americans, and I am talking about the freedom that is so important to each and every one of us.

I say this as well because unlike these terrorists who slaughtered parents and kids, let us be clear, as we pass a resolution and move forward, that when we respond, our intention is to target the people that are responsible for this. Unlike these terrorists and what they did to Americans, we care about innocent civilians. We care about parents and kids.

Our effort must be focused on the people who are responsible, their network, their organizations. Our greatness, even in carrying out military action, is always to do everything we can to make sure innocent people do not lose their lives.

These are our values. This is what we are about. Whether it be how we now conduct ourselves as a nation, or the kind of military action that we are going to be taking, we will never let these terrorists take away from us what has made our country great.

As the son of a Jewish immigrant who fled persecution from Russia, I have always cherished our freedoms, and I always will. I hold that dear, and I believe that Americans hold it dear.

As the son of a Jewish immigrant who fled persecution from Russia, I have always believed the greatness of our country is the value we place on human life. I am not responding to anybody's particular comments. But of course we will always care and make sure that to the maximum extent possible there will not be loss of lives of innocent people, wherever they live. That is what we are about.

Our effort is going to be targeted to these terrorists, targeted to their organization, targeted to their infrastructure. As many people have written in the papers, as Tom Friedman said today in the New York Times, which was right on the mark, and as I think Secretary Powell has been trying to say, our efforts will not be a single action, and may not be done right away. It is going to be a long, difficult struggle. I believe people in our country and in Minnesota are united in this, but we need to do this the smart way. We need to do this the right way.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 9:16 a.m. the Senate recessed subject to the call of the Chair and reassembled at 10:16 a.m. when called to order by the Presiding Officer (Mr. BAYH).

The PRESIDING OFFICER (Mr. BAYH). The majority leader is recognized.

#### ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, as I think certainly everyone on the floor knows, but for those who may be viewing our proceedings and should know, our caucuses have been meeting for the last hour to review the work which has been done by colleagues on both sides of the aisle in concert with the administration and with the House of Representatives. This work has been ongoing now for several days. The Appropriations Committee, through the leadership of Senator BYRD and Senator STEVENS, on the use of force resolution, through the leadership of many of our colleagues on both sides, again in concert with the White House, have given their reports to the caucuses.

I am about to propound a unanimous consent request that would allow us to

vote on both the use of force resolution and the appropriations supplemental. We would hold open the RECORD for purposes of additional comment. I will read the unanimous consent request. Let me say, before I do read the request, how much I appreciate, once again, the leadership of our Republican leader. As he has throughout the week, he has been remarkable. We could not be where we are today, this country or this institution, without the strong partnership and leadership he has shown. I commend him, and I thank all of our colleagues for their remarkable participation during this difficult week.

Mr. LOTT. Mr. President, if Senator DASCHLE will yield, I thank him for his remarks and I will respond in kind appropriately, but I will wait until after the unanimous consent is reached.

#### UNANIMOUS CONSENT AGREEMENT—S. 1426 AND S.J. RES. 23

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. 1426, the supplemental appropriations bill; that upon its reporting, it be laid aside and the Senate proceed to the consideration of S.J. Res. 23, the use of force legislation; that the Senate vote on final passage of the appropriations bill, to occur immediately; that the vote on final passage of the use of force resolution occur immediately upon the disposition of the appropriations bill; that no amendments or motions be in order to either bill; that the preamble to the joint resolution be agreed to; and that when the Senate receives from the House its supplemental appropriations bill, it be read a third time and agreed to, provided that it is identical to the bill which the Senate has passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank my colleagues on both sides of the aisle for agreeing to this request. I, too, want to thank Senator DASCHLE, Senator REID, the leadership on the Democratic side of the aisle, and Senators NICKLES, GRAMM, DOMENICI, STEVENS, and WARNER who have worked on these resolutions, and many others.

I realize this is a dramatic action in both cases. That is what is called for.

I have never seen a better example of Members standing together, working together, swallowing our legalistic desires and our budgetary restraint feelings. These are difficult times. We have got to act decisively. The American people expect it of us and they will accept nothing less. We are doing that. We are moving today to provide humanitarian funds to assist in the clean-up, disaster assistance, and military action that is necessary.

In a perfect world, maybe we would do it differently—with more money,

less money, more language, less language—but the world has changed, and we are acting appropriately.

With regard to the use of force language, again, I think it has been worked on by Democrats, Republicans, and the administration. If you look at it carefully, I think it does the job without putting us at risk. Senator DASCHLE said the conference was ready to go to do these things. I think this is the right thing, and I commend both conferences for this decisive action.

Thank you for your leadership.

Mr. DASCHLE. Mr. President, I ask that Senators, again, vote from their desks.

# 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

## AUTHORIZATION FOR USE OF MILITARY FORCE

The PRESIDING OFFICER. The clerk will first report the Senate bill.

The legislative clerk read as follows:

A bill (S. 1426) making supplemental appropriations for fiscal year 2001 for additional disaster assistance, for antiterrorist initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

The PRESIDING OFFICER. The clerk will report the Senate Joint Resolution.

The legislative clerk read as follows:

A resolution (S.J. Res. 23) to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Mr. DASCHLE. I ask unanimous consent it be in order that I ask for the yeas and nays on on both the supplemental appropriations bill and the Joint Resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

## AIRPORT AND AIRLINE SECURITY

Mrs. BOXER. Mr. President, the Senate will pass a \$40 billion supplemental appropriation in response to Tuesday's terrorist attack.

One of the top priorities must be to increase our airport and airline security. I hope that some of the funds provided in this bill will be used to place air marshals on commercial planes and to improve security personnel in airports.

Would the chairman of the Appropriations Committee inform me of his intention with this funding regarding airport and airline security.

Mr. BYRD. I agree with the Senator from California on the importance of

increasing airport and airline security to prevent our Nation from experiencing a tragedy like this. In my opinion, funds in this bill could be for air marshals and airport security personnel.

Mr. STEVENS. Mr. President, the agreement reached in this body provides \$40 billion to respond to the attacks in New York and Washington, and the plane crash in Pennsylvania, as follows:

\$10 billion available immediately for the President to utilize;

\$10 billion available 15 days after the President submits a plan;

\$20 billion available for allocation in subsequent acts.

This compromise provides the initial \$20 billion sought by the President with virtually no restriction, and provides a second \$20 billion pursuant to the President's commitment to the Governor of New York and the New York delegation that \$20 billion would be available for the domestic response and recovery effort.

The President can use any of the funds for national security purposes—but of the total of \$40 billion, not less than \$20 billion is only available for the domestic recovery effort.

As context, Congress initially provided \$15 billion for the gulf war effort; nearly \$10 billion for the California earthquakes. All of the funds are available until expended, to ensure there is no rush to obligate prematurely.

The arrangement fulfills the President's commitment to New York, Virginia, and Pennsylvania for the families of those on board the hijacked aircraft, and ensure adequate funds are available for any initial military or intelligence requirements, without a competition for funds between those two needs.

Mr. DASCHLE. Mr. President, Ernest Hemingway observed that "life breaks us all, and afterward many are strong at the broken places."

America's heart is broken. What happened on Tuesday was not simply an attack against America. It was a crime against democracy, against decency itself.

The more we learn, the more we grieve for the innocent victims of these unconscionable attacks: the people of New York, and those of New Jersey, Connecticut, and all who were in and around World Trade Center at the time of these attacks; our men and women serving at the Pentagon; and, the passengers and crew of American Airlines flights 11 and 77, and United Airlines flights 93 and 175.

Today, with the passage of this supplemental bill, we take a step toward healing, and we begin the process of growing stronger at the broken places.

It has been an extraordinary few days here in Congress. As we come together to consider how we can act, how we can help, how we can serve, we forget to

consider those things that once divided us.

Today, we are not Democrats or Republicans. We are Americans.

We stand together as one Congress, one people. And we say together, with one voice, we will do whatever needs to be done to care for the victims, to comfort the families, to address this threat to our homeland, and to let our enemies know: We will find them. And we will have justice.

This bill we are considering provides 40 billion dollars to provide aid to the victims of the attacks, and to deal with the consequences of those attacks. The money will be used to: repair the horrific damage caused by these attacks, and help begin the process of recovery; improve attack and disaster preparedness; enhance our counterterrorism efforts; make our planes and other systems of transportation safer and more secure; and strengthen our national security.

But we need to remember: in the end, this isn't about money, because money is only a means. This is a statement of our commitment to help our fellow Americans in their time of need, to protect our Nation from the most insidious of threats, and to ensure that those who had a hand in these evil acts are held accountable.

This is a first step. It is the first of many. Because we will do whatever it takes. And, ultimately, we will grow strong in the broken places.

Mr. LEVIN. Mr. President, in the aftermath of Tuesday's tragic events, security has necessarily been tightened at all our borders. This includes the border crossings at the Port of Detroit, including the Ambassador Bridge, the Detroit-Windsor Tunnel, and the Blue Water Bridge in Port Huron. The U.S. Customs Service is inspecting every vehicle and almost every truck crossing into the United States at these ports of entry, which is what should be the case after such a terrible breach of our Nation's security.

These ports of entry are important commercial routes for the transport of the just-in-time delivery auto parts to American auto manufacturing plants which are supplied from Canada and elsewhere. Just-in-time delivery means an industry must have the ability to move its products quickly from point to point. An unfortunate side effect of the tightened security is that significant delays of up to 12 hours in some cases have occurred at the bridges and tunnel. This has meant that the just-in-time delivery systems that the auto manufacturers rely on have broken down. As a result, automobile assembly plants in the United States do not have the necessary parts and many have shut down. Others may have to shut down soon for lack of parts.

This backup at our northern border during these extraordinary times highlights and aggravates an existing and

chronic problem of under-staffing of Customs inspection and INS personnel at the Port of Detroit and along the Northern border in general. Congress was already beginning to address this shortfall before Tuesday's tragedy exacerbated the problem.

As we pass an emergency supplemental bill today that will provide \$40 billion in disaster relief and humanitarian aid to help respond to the destruction caused by Tuesday's tragedy, we should not forget the security needs at our borders. Specifically, we need to be sensitive to the economic impact additional security measures have on industries that depend on just-in-time delivery of product from Canada and elsewhere. This doesn't mean that we should be any less vigilant in inspection at the border. To the contrary, it means we should be sure that we commit adequate resources to preform these inspections without hurting our economy in the process.

The simple solution would be to direct a portion of the \$40 billion to increase Customs and INS staffing levels at our northern border and at the Port of Detroit in particular where this need has been most clearly demonstrated. It makes good domestic security sense and it makes good economic sense.

Mr. JOHNSON. Mr. President, I want to express my strong support for S. 1426, the Emergency Supplemental Appropriations bill for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for S. J. Resolution 23, which authorizes the use of force against those responsible for the attacks launched against the United States. On this day of remembrance in our country, we must also face the need to respond and rebuild.

As we are faced with another critical moment in our Nation's history, I am proud to be a member of the United States Senate and the Senate Appropriations Committee, as we work in a nonpartisan way to provide support to the victims of the terrorist attacks on the World Trade Center and the Pentagon. The Senate approved this critically important funding legislation of \$40 billion by a vote of 96-0 earlier today. The United States Congress and the President have worked together to demonstrate that the United States will stand together and put our partisan differences aside as we address this tragedy facing our great country.

This funding will also help our country as we begin to rebuild and work to find those responsible for these reprehensible and cowardly acts of terrorism. Today, I join members of the Senate and the House of Representatives, Democrats and Republicans, in supporting our President and our country by approving legislation to authorize the use of force against those responsible for the despicable acts of terrorism made against our Nation on September 11, 2001.

Innocent Americans were killed at the hands of our enemies. Our Nation grieves their loss and remembers an innocence now lost. Now, it is time to act swiftly and decisively against those who planned, authorized, committed, or aided the terrorist attacks in order to prevent future aggression against Americans at home and abroad.

The war declared by these terrorists is a new kind of conflict. Unlike wars of the past, the attack was not made by one military against another, battling over borders. Instead, the attacks came from a faceless source and focused on innocent civilians. Their aim was to undermine our Nation's freedom, our liberties, and to destroy us from within through fear, hatred, and rage. We must not and will not allow terrorists to ultimately win this war.

I think about the families of those who have lost loved ones this week, the children who are now orphans, and those who still await word on the missing. We hold them in our hearts and keep them in our prayers. As the parent of a son in the U.S. Army, I also share the pride felt by those currently serving our Nation and protecting our freedoms in the military and in our communities as police and firefighters. The coming weeks and months will be trying, and we must stand with one voice in support of these brave men and women.

It is important that we also stand as one America against any example of violence against people based on their religion or ethnicity. We will have lost this war against terrorism if our country's diversity becomes threatened.

We will remember those we've lost. We will respond against those responsible. And we will rebuild our Nation's confidence and security.

Mr. KOHL. Mr. President, today the Senate has taken a somber step toward a new kind of war. Congress has resolved that military force may be necessary to end the scourge of terrorism. Today we took a solemn vow that we will strike back at those who have killed thousands of American citizens. Those responsible for the attack on the World Trade Center, the Pentagon, and the crash of an airliner in Pennsylvania will now face the full fury and capability of this great Nation.

But the United States will not react blindly. We do not want revenge, we want justice and security. We act today to defend America and punish our enemies. Unnecessary violence will do nothing to erase the losses suffered by the American people.

Part of what we are fighting to protect, is the Constitution and the role of Congress in a crisis. This resolution faithfully and responsibly executes our duty under the Constitution. We have not ceded our power to the President. Congress remains a co-equal branch and a partner with the President in this struggle.

We stand together in this Chamber and with the President. Shoulder to shoulder we are prepared to do whatever is necessary to restore peace and security to the land. Our will is resolute, our hearts are steadfast, and our minds are fixed. We will not rest until the task before us is complete.

Mr. KYL. Mr. President, I rise at this time to lend my full support to S. 1426 the emergency supplemental appropriations bill.

The United States is engaged in war against terrorism. We have been engaged in that war for a long time, but seldom has it tread upon our Nation's soil. On September 11, it did, in a most horrific way.

Last night, this body took a great step in its fight against terrorism. We passed legislation that will significantly improve the effectiveness of our intelligence and legal apparatus.

The measure before us will provide much needed funds to the President to help heal the wounded, repair the broken and enable our Nation's military, justice, and intelligence agencies to carry out the arduous duties that lay before them. The threat will not soon go away. The missions of the agencies we provide for with the funds from this bill will continue long past the day when these funds will run out.

It is up to us, our colleagues in the House and the President and his administration to develop a long-range plan and provide the resources to the men and women who will carry out necessary steps to prevent what happened 3 days ago from ever happening again. It is up to us to promote and insure the Nation's resolve in the coming days, months, and years.

So, I support emergency supplemental legislation.

Ms. MIKULSKI. Mr. President, this Tuesday, September 11, 2001, the United States of America suffered devastating attacks.

What happened Tuesday was not only an attack against America. It was a crime against democracy, and decency. It was a crime against humanity.

Our hearts and prayers go out to the many who lost their lives. To the thousands who are injured and suffering. To the families of all the victims. And to the rescue workers and medical personnel who continue to work around the clock to try to save lives.

At the Pentagon yesterday, I saw the horrendous devastation. I saw the courage and determination of the Montgomery County Urban Search and Rescue Team and many others working to shore up the structure and search the rent and burnt symbol of America's military power. I was deeply moved by the two Chaplains who bless the remains as each victim is found and removed.

The physical impact of these attacks hit New York City, at the Pentagon, and in Pennsylvania. But the real impact is on all of America, on all of the free world.

The direct victims were passengers on domestic flights, civilians and members of our Armed Forces working at the Pentagon, people working at or visiting the World Trade Center, and rescue workers. But all Americans share the pain of those who lost loved ones. We feel this as an attack on each and every one of us, and on our way of life.

I am so proud of the way Americans are responding to this national tragedy. We are united. We are helping each other. We are steadfast. We are strong.

Today, the Senate is taking action. We are doing our part as representatives of the American people. I am proud to join in the unanimous support for emergency supplemental appropriations and a resolution authorizing the use of force.

I have pledged to provide President Bush the resources for rescue, response and recovery, to investigate these attacks, and to improve security. Today, we are appropriating \$40 billion to do that.

We are making resources available immediately to support Federal, State and local search, recovery and rebuilding efforts. To investigate, and prosecute domestic and international terrorism. To increase transportation security. To repair public buildings. And to support national security readiness. The President has tremendous flexibility, consulting appropriately with Congress, to use these funds.

We can and will prevail over terrorism. But we must also take strong action against those who attacked our Nation. Today, we are also adopting a resolution authorizing the President to use "all necessary and appropriate force."

The resolution specifically targets "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations. . . ." Moreover, the resolution only authorizes action "in order to prevent any future acts of international terrorism against the United States. . . ." The requirements of the War Powers Resolution remain in force. Congress may decide to give the President further authorization once we have discovered with greater certainty who is responsible for these barbaric acts.

America's law enforcement and intelligence agencies are vigorously pursuing their investigations to find all those responsible. Whoever they are, they must now know that America is committed to rooting them out and exacting a severe price for their barbarity. And America's friends and allies are rightly ready to join us.

Much work remains for the Senate, for the Congress, for our government, for our Nation, to respond and recover and rebuild. Today we are taking critical steps to sustain the recovery ef-

forts and take appropriate action against terrorism.

We will not sacrifice our ideals in pursuit of the monsters who carried out these attacks. We will not compromise the principles for which so many Americans have fought and died.

But we will root out those who committed these atrocities. We will have justice. And we will move forward, a stronger nation than before.

At our prayer service in the Rotunda on Wednesday evening, I asked God to give us the courage and wisdom to respond rightly to these attacks on America. I believe we are doing so today.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Ohio (Mr. VOINOVICH), the Senator from Idaho (Mr. CRAIG), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

The PRESIDING OFFICER (Mr. BAYH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—96

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Leahy	Thurmond
Dayton	Levin	Torricelli
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

NOT VOTING—4

Craig  
Helms

Jeffords

Voinovich

The bill (S. 1426) was passed, as follows:

S. 1426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for fiscal year 2001, namely:

EXECUTIVE OFFICE OF THE PRESIDENT  
AND FUNDS

APPROPRIATED TO THE PRESIDENT

EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks, \$40,000,000,000, to remain available until expended including for the costs of (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks, (2) providing support to counter, investigate, or prosecute domestic or international terrorism, (3) providing increased transportation security, (4) repairing public facilities and transportation systems damaged by the attacks, and (5) supporting national security: *Provided*, That these funds may be transferred to any authorized Federal Government activity to meet the purposes of this Act: *Provided further*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That \$40,000,000,000 shall be available only to the extent that an official budget request, that includes designation of the \$40,000,000,000 as an emergency requirement as defined in the balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the President shall consult with the chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds: *Provided further*, That of the \$40,000,000,000 made available herein, \$10,000,000,000 shall not be available for transfer to any Department or Agency until 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that Department or Agency; \$20,000,000,000 may be obligated only when enacted in a subsequent emergency appropriations bill, in response to the terrorist acts on September 11, 2001: *Provided further*: That the President shall transmit an amended budget request proposing an allocation of funds: *Provided further*, That not less than one-half of the \$40,000,000,000 shall be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, as authorized by law: *Provided further*, That the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002: *Provided further*, That the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this Act.

## GENERAL PROVISIONS

SEC. 1. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995, and section 15 of the State Department Basis Authorities Act of 1956.

This Act may be cited as the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States."

Mr. BOND. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, again, I ask Senators to vote from their desks on this very momentous vote we are about to take.

For the information of all Senators, we want to get on the buses just as quickly as possible after this vote. For those who are going to be attending the memorial service, they will be right down in front of the steps. So we can accommodate all Senators by quickly going, as soon as the vote has been completed, to the buses for transportation to the National Cathedral.

Mrs. HUTCHISON. Mr. President, I inquire of the distinguished majority leader if the Senate will be able to stay in session for people who will not be able to stay later to make a statement regarding the bill and joint resolution being passed today.

Mr. REID. Mr. President, we will need some help in presiding. There are many people going to the memorial service, so some people will not be in this Chamber. So we will need some cooperation with the presiding.

Mr. DASCHLE. With an understanding we may be shorthanded with Presiding Officers, my intention was for those who were unable to attend the memorial service, we would stay in session until noon for Senators to speak for up to 5 minutes. We will resume then, following the memorial service, for Senators who may wish to come back and express themselves on the two matters on which we will have voted this morning—or other issues. And we will be in later in the day for purposes of confirming a number of nominees that are prepared for consideration as well.

We will come back after the memorial service.

Mr. LOTT. Did you propound a UC on the time for the 5 minutes?

Mr. DASCHLE. I did not.

Mr. President, I ask unanimous consent Senators be limited to 5 minutes as in morning business, following the vote, up until noon today.

Mr. BYRD. Reserving the right to object, and, of course, I will not, Mr. President, may I say to the distinguished majority leader—if I may have 1 minute—

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. There will be no necessity to worry about a Presiding Officer. There will be one.

Would the Chair state the question when the leader is finished for the benefit of the Senate?

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senators be permitted to speak for up to 5 minutes as in morning business until the hour of 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I thank the Chair and thank all Senators.

Mr. President, I also announce that this will be the last vote of the day and we will not have any votes Monday, Tuesday, or Wednesday of next week.

Mr. LEVIN. Mr. President, I rise to express my strong support for S.J. Res. 23, the joint resolution for use of military force.

As we consider this legislation, our fellow Americans in New York and at the Pentagon—indeed throughout this great country, are recovering those who are still lost, assisting their loved ones to cope, and determinately getting on with the effort to build that which has been torn down. The \$40 billion supplemental appropriations bill that we just passed unanimously demonstrates our determination to assist in the recovery and rebuilding process.

We still have some unfinished business that needs to be attended to today. In the aftermath of the treacherous terrorist attack on the United States and its citizens on September 11, I believe that it is extraordinarily important that the Congress speak with a united voice to authorize the President to use force. In doing so, we will send a strong message of unity behind the President to our fellow citizens, to the international community, and to those connected with these terrorist acts and those who might be considering future acts of terrorism against us.

By this joint resolution, we are authorizing the President to take military action as necessary and appropriate against those nations, organizations, or persons who planned, authorized, committed, or aided those terrorist attacks or harbored such organizations or persons.

In doing so, we will be empowering the President and expressing our strong support for him and for the men and women in our Armed Forces. In my view, it is only by doing so that we can prevent those nations, organizations, and persons from conducting terrorist attacks against us in the future.

I believe it is important to note that this joint resolution would authorize

the use of force even before the President or the Congress knows with certainty which nations, organizations, or persons were involved in the September 11 terrorist acts. This is a truly noteworthy action and a demonstration of our faith in the ability of our Government to determine the facts and in the President to act upon them.

I believe it is also important to note that this authorization for the use of force is limited to the nations, organizations, or persons involved in the terrorist attacks of September 11. It is not a broad authorization for the use of military force against any nation, organization, or persons who were not involved in the September 11 terrorist attacks.

This joint resolution is based upon and is an exercise of the Congress' constitutional war powers role as codified in the War Powers Resolution. It also expressly confirms the conditions on the exercise of Executive power under that resolution. In that regard, I want to note that the statement in the last "Whereas" clause relating to the constitutional authority of the President to take action to deter and prevent acts of international terrorism against the United States is to be read in conjunction with the War Powers Resolution. That is why words in earlier drafts of this joint resolution, which might have been interpreted to grant a broader authority to use military force, were deleted and that is why the references to the War Powers Resolution were added. It does not recognize any greater presidential authority than is recognized by the War Powers Resolution nor does it grant any new authority to the President.

Finally, I want to encourage my colleagues to vote in favor of this joint resolution. It is my fervent hope that we will achieve a unanimous vote. I believe we owe it to those who have been lost, to their loved ones and friends, and to the men and women of our Armed Forces who will be placed in harms way to protect us from future terrorist acts.

Mr. MCCAIN. Mr. President, in 1936, Winston Churchill addressed the British House of Commons to highlight the extraordinary growth of German military power and the threat it posed to the security of Europe. In his historic address, "The Locust Years," Churchill warned of complacency in the face of a Nazi threat that would doom Europe's peace and blacken European civilization. In Churchill's words:

The era of procrastination, of half-measures, of soothing and baffling expedients, of delays, is coming to its close. In its place we are entering a period of consequences. . . . We cannot avoid this period; we are in it now. . . . [What has] staggered me . . . has been the dangers that have so swiftly come upon us in a few years, and have been transforming our position and the whole outlook of the world.

We in America today have entered a period of consequences. We do not face

the imminent prospect of war against a great power. We face instead a threat more insidious, one that will require the best of America to defeat: the reality of catastrophic terrorism in our midst.

No longer do we perceive the only great threat to our security in the hostile maneuvers of foreign armies; no longer do vast oceans protect us from the plots and violence of the Old World; no longer do we sit in splendid isolation, flush with prosperity and naive with peace.

A new day has come, a new test of the values upon which our Nation was founded. It calls us to a national mission unlike any we have known. Our Founding Fathers would well understand the nature of this challenge, for they prevailed against even greater odds in defending the American experiment. Let us seek strength from their example, and courage in their wisdom, as we protect the legacy they built.

We must destroy this international network of terror in all its guises, and deprive its architects, executioners, and sponsors of safe harbor anywhere in this world. We will find the enemy, and they will suffer the full, awesome measure of our justice.

These were not just crimes of mass murder against the United States; they are acts of war. The American people now know that we are at war. They will make the sacrifices and show the resolve necessary to prevail.

To see this mission through, Congress should encourage the President to use all necessary means to overcome and destroy this enemy, in what will be a long and trying campaign for freedom. Under the Constitution, the President already possesses this authority, but it is enhanced, and our cause strengthened, by the support of the Congress.

History will judge us for our support of this resolution, just as the 102nd Congress is judged for its resolution authorizing military action against Iraq. When faintness of heart carries the day, history's judgment is cruel.

The stakes today are higher than before the Persian Gulf War: this mission is harder, will take longer, and ends not with the capture or death of Osama bin Laden, but with the destruction of the terrorist networks that threaten our way of life, and the defeat of nations supporting and collaborating with this evil. These nations, too, are our enemies.

Those who have seen war do not seek it lightly. But war has been thrust upon us, and the stakes couldn't be higher.

The era of procrastination and half-measures has ended. The "post-Cold War era," the prosperity and peace that attended it, is over. We now have a higher purpose. Like other turning points in American history, when our founding principles were put at grave

risk, we today rise proudly to the challenge.

American resolve is not in doubt. Let us give our Commander in Chief all necessary authority to put power behind our purpose, in the name of our sacred heritage of freedom, and the glory of all whose sacrifice has preserved it.

Two years before Britain's appeasement of the German war machine at Munich, Winston Churchill called not for a policy of half-measures to tame the foreign threat, but a posture of peace through strength to prepare for victory over it. Britain's freedom required no less. In Churchill's words:

The inheritance in our possession represents the prolonged achievement of the centuries . . . There is not one of our simple uncounted rights today for which better men than we are have not died on the scaffolds or the battlefield. We have not only a great treasure; we have a great cause.

America's freedom, and the values that protect us in the face of evil, are our great and glorious cause. We rededicate ourselves to it today, to our prolonged achievement of the centuries, with humble pride and righteous fury, as we seek to make of this world a better, safer place for all.

Mr. KERRY. Mr. President, we cannot undo the grave events that took place on Tuesday or bring back the loved ones that so many families have lost or quickly restore the sense of security that Americans took for granted. But with resolve and determination we can take actions to root out those who perpetrated these dastardly and heretofore unimaginable events.

There should be no question in the minds of those who are responsible for these attacks, or in the minds of those who have aided and abetted them, that the United States will take all necessary and appropriate steps to respond and to prevent them from undertaking additional attacks against our country. In keeping with our very values that were under attack this week, we must respond rationally and judiciously, not out of anger and sadness.

This resolution leaves no doubt that the Congress is united in full support of the President. We have given the President the authority that he needs to respond to this unprecedented attack on American citizens on U.S. soil. This resolution allows the President to use all necessary and appropriate force against those nations, organizations, or individuals who are responsible for this attack and against those who helped or harbored them. But it does not give the President a blanket approval to take military action against others under the guise of fighting international terrorism. It is not an open-ended authorization to use force in circumstances beyond those we face today. Under the Constitution the President has the authority to act if there is an imminent attack on the

United States. That authority is recognized in this resolution.

The tragedy our Nation experienced this week brought home to every American the reality of terrorism. Now we must respond. That response must be forceful and unequivocal. I am confident it will be.

Mr. FEINGOLD. Mr. President, the attack on the United States this week leaves all of us jolted and angered. To respond to this terror is both our fate and our challenge. Our response to that attack must reflect our national character. As a great Nation, we must respond powerfully. But our response must be guided by justice and by our right to self defense, not by vengeance. We must act to hold accountable those responsible for these terrorist attacks. But to be true to our traditions and our Founders, we must act within the confines of the Constitution and the law. I believe that the resolution before us achieves that goal.

The War Powers Resolution of 1973 explicitly recognizes the President's authority to take immediate action as Commander in Chief of the United States Armed Forces to respond to this unprovoked attack on the United States. As such, there is no reason to suggest that the action we take here today is required in advance of any immediate military response by the President. In the interest of demonstrating our national resolve to act firmly and decisively, however, and as a demonstration of our commitment to working in close cooperation with our Commander in Chief to respond to this aggression, we act today to authorize the use of force, as required by the War Powers Resolution.

I commend the President and his administration for seeking the resolution before us today, for working with the Congress, and for recognizing the requirement under the Constitution and the law for joint authorization. As well, I commend those who negotiated the specific language of this resolution, and in particular, Senators BIDEN, LEVIN, and KERRY. They deserve our thanks for insisting that we honor the War Powers Resolution.

Like any legislation, this resolution is not perfect. I have some concern that readers may misinterpret the preamble language that the President has authority under the Constitution to take action to deter and prevent acts of international terrorism as a new grant of power; rather it is merely a statement that the President has existing constitutional powers. I am gratified that in the body of this resolution, it does not contain a broad grant of powers, but is appropriately limited to those entities involved in the attacks that occurred on September 11. And I am particularly gratified that this resolution explicitly abides by and invokes the War Powers Resolution.

In taking this action today, we are not responding to a distant threat to

international peace and security; we are responding to a direct attack on the United States. This is not a humanitarian response to a foreign crisis, but a defensive action to protect the lives of Americans here at home.

At the same time, we must recognize that this war will be unlike any other we have fought in the past. Our enemy is not a state with clearly defined borders. We must respond instead to what is quite likely a loose network of terrorists that do not function according to a strict hierarchy. We must respond to a highly mobile, diffuse enemy that operates largely beyond the reach of our conventional war-fighting techniques.

Given the immense difficulties involved in identifying our enemies, we must take great care to guard against making mistakes as we pursue them across an obscured terrain. We must not act on misguided prejudices or incomplete information. We must not cause needless harm to innocent bystanders. Our response will be judged by friends and foes, by history, and by ourselves. It must stand up to the highest level of scrutiny: It must be appropriate and constitutional.

Within this confusing scenario, it will be easy to point fingers at an ever increasing number of enemies, to believe that the "the enemy" is all around us, that the enemy may even be our neighbor. The target can seem to grow larger and larger every day, before the first strike even occurs. And this, of course, is exactly what the terrorists want. They seek to inflate their numbers and their influence by retreating into the shadows. They seek to turn us against each other, and to turn us against our friends and allies across the world, but we will not allow this to happen.

We must also take great care to maintain a careful distinction between those organizations or states that have knowingly harbored or assisted terrorists, and those that have acted carelessly in providing unintended aid or shelter. We must punish those who have knowingly supported our enemy, we must strengthen the capacity of all others to respond appropriately. We must invite those who have unintentionally harbored terrorists to work with us to locate them, to eliminate them, to renounce them, and to begin a new era of vigilance, if they are to be regarded as friends of the United States.

Our fight against a faceless, shadow enemy also raises another difficult dilemma, for how will we know when we have defeated this enemy? How can we tell whether our enemy has merely regrouped to strike again on another day or at another hour? There can be no peace treaty with such an enemy, but there must be a lasting and discernible peace. We should consider this in determining the frequency and duration of

consultations between the Congress and the President over the conduct and status of this demanding struggle.

We enthusiastically support our President as he prepares the response to this unparalleled attack. The President has two paths open to him, as any President would under the Constitution. On the one hand, he may act using his powers as Commander in Chief, while remaining subject to the terms of the War Powers Resolution for any sustained action. Or on the other hand, he may seek a declaration of war under Article I of the Constitution.

If this is indeed to be a war, then the President should seek a declaration of war. We cannot allow our cherished Constitution to become a dead letter. And it should go without saying that to declare a war, he must identify our adversary.

If this will be something short of a war in the broadest sense, then it is proper that we will pass a resolution that gives such broad powers to the President that he could thereby conduct a full-scale war across the globe without the consent of Congress. This would, as well, fly in the face of the structure that our Constitution sets up.

The drafters of the War Powers Resolution sought to fulfill the intent of the Framers of the Constitution and to ensure that the collective judgment of both the Congress and the President would apply to the introduction of U.S. Armed Forces into hostilities.

In today's world, when candor and cooperation between co-equal branches of government seem paramount, the War Powers Resolution has become a bit like the family relative that nobody wants to talk about. But we need to talk about it. Our legislative horizons need to move beyond the era when a President could secretly deploy thousands of troops in Cold War struggles outside of the view of a television camera.

There is only one circumstance in which a President may act without statutory authorization, and that is to respond to legitimate emergencies. None among us doubt that we confront such an emergency today, and that it may grow into a sustained struggle.

The Constitution foresaw and history has since demonstrated that there will continue to be events to which the President must respond in the defense of the country, or in response to urgent and vital interests abroad.

Congress owns the war power. But by this resolution, Congress loans it to the President in this emergency. In so doing, we demonstrate our respect and confidence in both our Commander in Chief and our Constitution.

Emergencies can well demand a response of such decisiveness, secrecy, or dispatch that can only be provided by the President as Commander in Chief. But even when emergencies occur, it is

our tradition for the President to act, and then seek what has been called "indemnification" from the Congress.

In prosecuting the Korean War, President Truman decided not to do that in 1950. And his decision is widely viewed as the most egregious abuse of constitutional war powers in the history of the United States. President Eisenhower's more constructive working relationship with Congress was tempered by the Truman experience.

Even President Johnson, the father of the Tonkin Gulf resolution, considered Truman to have made a serious error in failing to seek congressional authorization.

As one U.S. Congressman has said: "Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure."

Those were the words of Congressman Abraham Lincoln. Years later, at the outbreak of the Civil War, President Lincoln himself deployed U.S. Armed Forces without the authorization of Congress, but later told the Congress that these actions, whether strictly legal or not, were ventured upon under what appeared to be a popular demand and public necessity, trusting then, as now, that Congress would readily ratify them.

Thus Lincoln explicitly sought congressional approval of his emergency actions by statute. He never claimed to have full and independent constitutional support for his initiatives.

Congressional ratification was an essential legitimating step for his actions. Later the Supreme Court upheld his action in the famous 1863 prize cases.

So, by this resolution, Congress vouchsafes the legitimacy of a struggle that must have the continuing approval of the representatives of the people. It is the framework for a continuing consensus and communicates support to our President in this emergency. We acknowledge that this legitimate emergency permits the President to act unilaterally without turning our back on who wields the war power under the Constitution, and we trust that if he does, he will turn to Congress to legitimize his actions as appropriate. We have made clear that our support for appropriate action will be forthcoming. And we trust that, by taking up this resolution at this time, there will be no need for after-the-fact measures such as indemnification, no question in anyone's mind about our resolve and commitment.

I take pains to raise these issues because they matter, they go to the core of our Constitution and the brilliant separation of powers that guard our democracy. Unfortunately, there have been too many cases in which we have

been asked to make loans of the war power in other than emergency situations. As many of our colleagues said during the 1994 debate regarding Haiti, it is not enough to seek the approval of the U.S. Security Council or of a regional alliance like the OAS or NATO only then to ignore the role, the central role, of the United States Congress.

I also recognize that power-of-the-purse legislation relating to the commitment of U.S. armed forces is an available remedy, but not an ideal model. The distinguished President Pro Tempore, Senator BYRD, in testimony before the Foreign Relations Committee in February 1994, likened the power of the purse to a watering hole in the forest to which all the animals eventually must come to drink. I agree with the distinguished President Pro Tempore's characterization; the power of the purse is an excellent and effective tool in most matters for which we appropriate public funds.

But I worry, nonetheless, about how close we would come to a constitutional crisis if we were to rely on such measures as a last resort in a war powers struggle with the President. In a way, it illustrates our level of urgency about preserving our constitutional war power responsibilities, and they risk infringement upon the President's equally valid constitutional responsibilities as Commander in Chief.

The War Powers Resolution is as relevant today as it was enacted in 1973.

It is all too apparent that the post-Cold War environment has ushered in an era of threats unforeseen by the founders. These threats reinforce the need for the Congress to make its will known when our troops are to be deployed in potentially dangerous situations.

While I believe that the heinous acts perpetrated against the United States by still-unidentified terrorists on September 11, 2001, could justify U.S. and allied military action, I believe that any such actions, if they are to be sustained, must be properly authorized by the Congress.

Since coming to the Senate in 1993, I have encouraged discussion and vigorous congressional debate regarding the situations in Haiti, Bosnia, and Kosovo because of my conviction that Congress has both a right and a duty to express its will about the wisdom of committing our troops to a potential conflict. Many of these instances were not adequately considered and did not follow an appropriate Congressional authorization.

That same conviction makes it essential that the Congress should make its will known. We must not abdicate our responsibility to the victims of September 11, and to the mothers and fathers, the sons and daughters, the wives and husbands of our servicemen and women, who for us will be the point of the sword of justice.

Moreover, abiding by the constitutional and statutory scheme in this case is not only the right thing to do as a matter of law, but it is also the most effective thing to do. Because it follows the constitutionally and statutorily prescribed procedures, this resolution will strengthen our nation's efforts. Our careful and deliberate acts in this Congress are the manifestation of the will of the American people, and we will marshal that mighty force behind our President and our military. When we abide by our Constitution and our law, we are as strong as we possibly can be, and we are far stronger than the malevolent force that we soon will engage.

Mr. KYL. Mr. President, I rise today in full support of S.J. Res. 23, authorizing the use of the U.S. Armed Forces against those responsible for the recent attacks launched against the United States.

As the President and many of my colleagues have asserted since the heinous acts of Tuesday past, we are at war. In fact, we have actually been at war against terrorists for a long time, but seldom has it touched our shores. The time has come for us, and for our allies, to act with all appropriate force to remove the threat of similar acts occurring on our soil, or the soil of other free nations.

As the President has stated, America is the primary target because we are the shining beacon of freedom and democracy. In recent days, our allies have recommitted themselves to the support of those ideals, and they have pledged their support for the actions that must be taken in response to the murderous crimes of September 11.

With so much of the world behind us, there will never be a better time for us to make a concerted effort to rid ourselves of the threat of terrorism. Today we have put partisan politics behind us and created a joint resolution that authorizes the President to use "all necessary and appropriate force" against the terrorists who perpetrated these acts and the countries of organizations that supported, aided and harbored them.

We stand united in our resolve to take whatever actions are deemed necessary by the President to defeat the enemy—terrorism.

Ms. SNOWE. Mr. President, I rise in support of the joint resolution authorizing the use of U.S. Armed Forces against those responsible for the recent act of war against this Nation, to deter future attacks, and to disable the machinery of terror.

With the end of the cold war came the hope of even greater prosperity and freedom for people the world over. That promise has been threatened and attacked in the most vicious and monstrous assault on American soil ever. But make no mistake, it has not been squelched. The forces of evil have had their day. Now, we will have ours.

It is no exaggeration to say that this is a defining moment not only for the United States, but for the principles and ideals for which it stands. It comes down to this: Either you stand with those principles and ideals, or you stand against them. Unlike almost any other issue we debate on this floor, this matter is that simple.

Either we move to crush those who disregard human life on a massive scale, or we surrender humanity to the hands of madmen. Either we send the message that the world will not be a hostage to terror, or we submit to an infinite cycle of hopeless victimization. That is our choice. It is that simple.

But just because the choice is simple does not mean the decision is easy. To the contrary, there is nothing more difficult than committing our troops to a dangerous mission. While we do not yet know what form that mission will be, we know it will require tremendous sacrifice. This is the one vote that not a single one of us ever wants to make, but now we must make.

I well remember being in the White House in January of 1991, at a meeting in the Cabinet room to discuss the use of force in the Persian Gulf. During the meeting, the President excused himself to take a call from the Secretary of State on the progress of the talks with the Iraqi foreign minister. When he returned, the look on his face told me the talks had failed. Force would have to be used. I will never forget that moment. I will never forget this moment—none of us will.

Winston Churchill, in preparing his nation for the full onslaught of the Axis blitzkrieg, told his fellow countrymen, "Let us therefore brace ourselves to our duty." All of us—here in Washington and throughout the country—must brace ourselves for the duty before us. There will be days of triumph, and days of tears. But in the end, we know that our cause is just, and we know we will prevail.

Whoever is responsible for this heinous act against humanity must know the full force of our fury. How tragic it is that we must return suffering for suffering, but we know from the history of human experience that it is a price we must be prepared to pay in defense of liberty. Sadly, from all we know of these faceless cowards, it is the only dialogue they and others like them understand. For them, the language of violence is the only language they speak. For them, the taking of life is the apex of human expression.

That is not the world I want for us. That is not the world I want for our children. Terrorism is quite literally a cancer in the body politic, elusive by its nature, insidious in its stealth, and requiring the most early detection and eradication possible. And that is what we intend to do. Either that, or terrorism will destroy the rule of law from the inside out, along with the

basic tenets by which we are able to live together and thrive and enjoy "life, liberty and the pursuit of happiness" in a civilized society.

We must remember that this unprovoked attack was on soil that is American, against ideals that are global. Indeed, two of the very targets themselves, the twin towers of the World Trade Center, were international buildings rooted in U.S. ground. The lives that were lost—American, Australian, British, and countless others—are in a way symbolic of the freedom that was lost not only in the United States, but in countless nations across every hemisphere of the globe.

So while we may lead the charge, we do not stand alone. The North Atlantic Treaty Organization to which we have pledged our unyielding support, as well as many other nations beyond those we might consider our traditional and closest allies, will now be there in support of our mission, a mission that ultimately is larger than any one Republic, any one people.

In this particular instance, right now, we know not against whom we aim. For that reason, it is all the more important we give the President broad latitude to take whatever action is necessary to punish the perpetrators and help ensure that such a catastrophe never reoccurs. This Joint Resolution grants the President discretion in destroying the soul of whatever organization has jabbed at the heart of democracy. It is a resolution born of necessity, and rooted in precedent.

In 1962, when Cuba posed the threat of spreading communism and endangering the security of the United States, Congress approved a joint resolution stating that the United States will use force if necessary to halt the spread of communism in this hemisphere. The resolution declared that the United States was determined to prevent, by whatever means necessary, including the use of arms, the Marxist Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States.

On January 12, 1991, in the wake of the Iraqi invasion of Kuwait, both houses of Congress passed the "Authorization for Use of Military Force Against Iraq Resolution", which I supported. The resolution authorized the President to use the U.S. Armed Forces pursuant to U.N. Security Council Resolution 678 to achieve implementation of the earlier Security Council resolutions calling for the repulsion of Iraq from Kuwait.

On January 16, former President Bush made the determination required by the Resolution that diplomatic means had not and would not compel

Iraq to withdraw from Kuwait. On January 18, he reported to Congress "consistent with the War Powers Resolution" that he had directed U.S. forces to commence combat operations.

Now, we are faced with the bloodiest attack ever on American soil, the first of this magnitude in this history of the continental United States. This resolution states that the President is "authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, or harbored such organization or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

This resolution, consistent with the War Powers Resolution, is precisely the right course for the Congress to take at this momentous juncture in American history. Our thoughts and prayers are with all the men and women of our Armed Services, who will be at the vanguard of our struggle against whatever evil force has darkened the world.

We cannot allow these forces of darkness to take root in the fertile soil of this new century. Rather, the time has come to eradicate terror at its roots. We have no choice if we are to remain the authors of our own destiny, a destiny that has no room for those who would shackle freedom with the twin specters of fear and violence. It is time to unleash the full resources and force and determination of this great nation against this unimaginable evil. This atrocity cannot stand, and let history one day record that it did not stand.

Mr. KENNEDY. Mr. President, I strongly support the bipartisan resolution to authorize the use of force and the emergency supplemental appropriation to help our nation recover and respond to this vicious terrorist atrocity.

The use-of-force resolution authorizes the President to use force against any nations, organizations, or persons involved in the terrorist attacks last Tuesday and to take all appropriate steps to prevent future acts of terrorism against the United States. This is an appropriate and needed response to the vicious and horrifying recent attacks on America.

Those who murder American citizens must find no hiding place, and those who harbor terrorists must pay the price. America must be decisive and effective in apprehending terrorists and identifying and punishing those who give them support.

Our Government is working hard to find the perpetrators of this crime, and this effort deserves the full support of Congress. Our response to these atrocities will and must be strong and decisive.

At the same time, we all agree that our response must not be indiscriminate. We should only act when we are certain who the perpetrators of these atrocities are.

These shameful attacks demonstrated America's vulnerability to terrorist attacks, and an effective and appropriate response is essential. Despite our efforts to prevent terrorism, a vast international network of terrorists has been organized to work against America's interests at home and abroad. We cannot permit these terrorists to succeed.

These atrocities have strengthened our resolve to root out the terrorist network and protect the safety of American citizens at home and abroad. Our resolve is strong to defend and uphold democracy and freedom, the founding principles that have made our Nation great. We should spare no resources to protect these profound values.

The need for extra resources cannot be understated. The devastation caused by the attacks in New York and at the Pentagon have already dwarfed the largest recent catastrophe, Hurricane Andrew, where losses were estimated at over \$18 billion.

This emergency supplemental appropriations bill provides \$40 billion for the full range of response, recovery, relief, and repair efforts to help Federal, State, and local governments to support counterterrorism activities to carry out the investigations and eventual prosecution of those who committed these acts and to guarantee increased security for our nation's airports.

These funds will enable America's law enforcement agencies to continue their urgent efforts to identify all persons who were involved in these atrocities. The Federal Bureau of Investigation has launched the largest investigation in its history, involving more than 4,000 special agents and 3,000 support personnel. At the crime scenes in New York, Virginia, and Pennsylvania FBI agents are sifting through the wreckage to identify the terrorists and their victims, and to locate weapons, flight recorders, and other items that will enable us to understand how these crimes occurred. Across the nation and around the world, agents are pursuing thousands of leads about the suspected perpetrators and supporters of these terrorist acts.

FBI Director Robert Mueller has expressed a total, unwavering commitment to the challenge. We in Congress are committed to providing full resources to it and all other federal law enforcement agencies involved in this investigation. We will do whatever it takes.

Our airports must also be made secure. Some of these funds should be used for hiring additional sky marshals, so that they can be deployed on

domestic flights. Funding should also be allocated to effective baggage screening technologies, airport personnel training, and background checks.

Additional resources are clearly needed to win this all-important battle against terrorism. All of our counterterrorism assets must be strengthened—in the military, in our intelligence community, and in our public health infrastructure including needed steps to counter the threat of biological weapons in the hands of terrorists.

This week's devastating attacks in New York and at the Pentagon are a call for action not only to respond forcefully against the perpetrators of these outrages, but also to strengthen our defenses against future attacks. A central part of this effort must be to improve the Nation's preparedness against biological terrorism. The Office of Emergency Preparedness estimates that 40 million Americans could die if a terrorist released smallpox into the American population; Anthrax could kill 10 million.

We must strengthen our national capacity to prevent such attacks, and also to detect, monitor, and contain any plague released by a bioterrorist attack. The troops in the front line of the battle against bioterrorism will be medical and public health workers. We must give them the weapons they need to win that battle.

Finally, in the aftermath of this week's attacks, as we reach out and come together as a nation, we must also deal with the profound psychological impact of these events on the victims and their families, on the many emergency personnel who responded so courageously to this crisis, and on the large number of children across the country who have also been affected. It is my hope that a high priority of the resources being appropriated by this legislation will be used to make post-trauma services and support widely available to all those who need them.

Again, I commend President Bush for his strong commitment to win the ongoing battle against terrorism, and I commend as well, the strong bipartisan spirit in which Congress has joined in this all-important commitment. America will be a stronger nation because of this attack.

VOTE ON S.J. RES. 23

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—98

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Hollings	Schumer
Cantwell	Hutchinson	Sessions
Carnahan	Hutchison	Shelby
Carper	Inhofe	Smith (NH)
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Corzine	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden
Dorgan	Lugar	

NOT VOTING—2

Craig Helms

The joint resolution (S.J. Res. 23) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 23

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force".

#### SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

THREE IN 29 YEARS

Mr. HELMS. Mr. President, as of today, during my nearly 29 years in the Senate, I have missed a total of three votes because of "traffic jams." The first was during my 4th year in the Senate. The other two occurred this morning when I was unable to get to the Senate Chamber in time to cast my affirmative votes for H.R. 2888 and S.J. Res. 23, both of which were approved without a dissenting vote.

Needless to say, I deeply regret I was unable to reach the Senate Chamber in time to vote for the two critical measures approved by the Senate today.

The enormity of Tuesday's terrorist attacks is proving more apparent every day. It is obvious that the lives of all Americans have changed as a result of these heinous crimes against the United States and, indeed, all civilization.

Needless to say, I strongly support the Senate's giving President Bush the authority to root out and destroy the heinous terrorists responsible for such brutality and also, of course, the governments harboring them. Needless to say, I support the necessary funding to enable the President to begin this solemn responsibility. I commend the Senate, of course, for its responsible and appropriate actions to provide sufficient funding to help the recovery effort in New York, Washington, D.C. and elsewhere.

This is only the beginning of the resources Congress must provide to eradicate the terrorists that perpetrated such horrific violence against America and the American people.

Mrs. Helms and I join our fellow Americans in mourning the victims and praying for their loved ones, and we also share the resolve to fight terrorism in any form, by any available means, unless and until we are confident that America will never again have a day like Tuesday, September 11, 2001.

## MORNING BUSINESS

## ORDER OF PROCEDURE

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, a number of Senators wish to speak.

The PRESIDENT pro tempore. The Senator from Texas will suspend until the Senate is ordered. The Chair, as President pro tempore, designates the senior Senator from Alaska, Mr. STEVENS, to take the Chair and, after a period of time, designates in open session that Mr. BAYH will resume the chair.

The Senator from Texas.

(Mr. STEVENS assumed the chair.)

Mrs. HUTCHISON. Mr. President, I know a number of Members want to speak. I want to propose that we go back and forth across the aisle and set an order for those who are here and wish to speak. I ask unanimous consent that we be allowed to do that, and I would like to be on the list as soon as possible.

Mr. INHOFE. Reserving the right to object, Mr. President, I ask unanimous consent that I be recognized for up to 10 minutes. I know that we are talking about 5-minute intervals. I will make that request now and then we will worry about in what order we go.

Mrs. HUTCHISON. Mr. President, I just ask that if the Senator wants to speak for 10 minutes, could he then wait until others who are trying to go to the National Cathedral, let them have 5 minutes and then perhaps take his 10 minutes?

Mr. INHOFE. I am glad to wait until approximately 11:30, if necessary.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. The Senator has the floor. The Senator is recognized pursuant to a previous order.

Mr. KERRY. Mr. President, is my understanding correct that we will go back and forth, side to side?

The PRESIDING OFFICER. That has not been ordered.

Mr. KERRY. I ask unanimous consent that we speak alternatively, from side to side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

## A UNITED RESPONSE

Mrs. HUTCHISON. Mr. President, there is a time to talk and there is a time to act. The Senate today has unanimously acted with force, with resolve, and with unanimity. We spoke for the people of our country about the heinous situation in which we find ourselves, and also about the resolve to keep this from happening again.

We have passed a resolution giving the President of the United States our support and authorization for the use

of military force against any person or any country that is helping the people who did the despicable acts of September 11. I heard a young woman on television this morning whose brother was lost in one of the World Trade Center Towers. The young woman was asked what she thought the response of the United States should be. She said, "I don't really want to go to war. I just don't want anyone else to have to suffer what I am suffering today." I just want to say to that young woman, and to all of the other families of the victims of September 11, 2001, that it is exactly what we did today that will prevent other people in the future from suffering what she is suffering.

If we do not respond with force, we will put American lives in jeopardy, and we will not be doing our job of protecting the people of our country whom we were elected to protect.

No one would ever have the United States move before we had absolute evidence about who perpetrated this atrocity, but when we have that evidence, we are going to move.

The Senate is speaking today in support of the President to take military action against those who have attacked our country, our people, our way of life, our very freedom.

The most important responsibility I believe I have as a Senator is to keep the freedom that so many have died for in past years for our country. We are the beacon of freedom in the world. We are a democracy that has proven that, through our voting capabilities, we can become the strongest nation on Earth. It is freedom that is the foundation of the democracy and our way of life.

To make sure we keep the freedom we have known—our mothers, fathers, grandmothers, and grandfathers have known—for our children and grandchildren, we must act decisively when an act of war has been perpetrated on innocent people of our country.

As to the act that occurred on September 11—a day we will never forget in our lifetime, nor will our children or grandchildren ever forget—the only way we can respond to that kind of attack on our people and our freedom is to say we will fight, not just today or next month or 2 months from now, but we are in this for the long haul, and we are going to rid the world of the despots who believe they can prey on innocent citizens against freedom-loving people in the world.

I am proud of the Senate. I am proud that we did not dillydally around to say, "I wonder what we ought to do," but we are putting our faith in the President of the United States, our military forces, and our leaders who have the decisionmaking capabilities and the control of the military to act on our behalf and on behalf of the people of our country to assure that this will not happen again, and the force that we use will have the appropriate

impact to protect ourselves and our freedom-loving allies wherever they may be in the world.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, my mom has an expression: Out of every tragedy, something good will come if you look hard enough.

I know the Presiding Officer, if he will forgive this point of personal reference, has had his share of personal tragedy. Everyone in this Chamber has. Some of us have gotten those phone calls that the people in New York are getting from cell phones and/or from a police officer and/or from a morgue.

We know there is not a darn thing we can do now for those people except—it is strange the way human nature works, and I know the Presiding Officer knows this—except it is amazing how those people in that circumstance draw strength from the knowledge that other people understand their pain, that other people empathize with them, that other people care about what they are going through. It amazes me that you can draw strength from that.

I think what we are doing and the Nation is doing is the right thing. Most important, what we did today should be noted is not likely to occur in any other country in the world, and that is, that we just a few moments ago operated under the rule of law.

In all our anger, all our frustration, all our feelings, very bluntly, of hatred that exists now for those who perpetrated the act against us, we did not pell-mell just say: Go do anything, anytime, anyplace, Mr. President; you have to just go. We operated as our Founders, who were not naive people, intended us to operate. We operated under the rule of law.

We went to our civil bible, the Constitution, and we said: What does it call for here? What it calls for is the U.S. Congress to meet its constitutional responsibility, to say: Mr. President, we authorize you, in the name of the American people, to take action, and we define the action in generic terms which you can take.

We gave the President today, as we should have and as is our responsibility, all the authority he needs to prosecute war against the individuals or countries responsible, without yielding our constitutional right to retain the judgment in the future as to whether or not force against others could, should, or would be used.

That is remarkable. I suspect not many people know, other than my distinguished colleague, the Senator from Texas, a former professor, one of the brightest guys with whom I ever worked, unfortunately leaving the Senate at the end of his term; what the leading scholar in the Senate, Senator

BYRD, knows and what the experienced Senator from Alaska knows. My friend from Oklahoma is the only one in this place who can fully understand, I suspect, along with his Oklahoma colleague, what our friends from New Jersey, New York, Virginia, the District, and Maryland are going through. He understands it. He has internalized it. He knows it.

I believe it is fairly remarkable that, in spite of the reasons for the attack on us and our way of life, we adhered to the rule of law; that even in this calamity, we acted with dispatch but under the law, under the Constitution.

The resolution provides the President clear authority "to use all necessary and appropriate force against those nations, organizations, or persons that he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons." In short, the President is authorized to go after those responsible for the barbaric acts of September 11, 2001 to ensure that those same actors do not engage in additional acts of international terrorism against the United States.

The authority permits the President wide latitude to use force against the broad range of actors who were responsible for the September 11 attacks. If any nation harbored the terrorists while they were in training, that nation may be subject to American military power. If a nation or organization financed the operation, they may be subject to American military power. It does not limit the amount of time that the President may prosecute this action against the parties guilty for the September 11 attacks. We must all understand that the use of force will not be easy or quick. In extending this broad authority to cover those "planning, authorizing, committing, or aiding the attacks" it should go without saying, however, that the resolution is directed only at using force abroad to combat acts of international terrorism.

The authority granted is focused on those responsible for the attacks of September 11. The President's lawyers originally proposed that the resolved clause also include language authorizing military force to "deter and preempt any future acts of terrorism against the United States." Of course, the President has the Constitutional authority to deter terrorism through a broad range of means, including diplomatic measures, economic sanctions, seizing of financial assets, or deployment of forces. The President must also ensure that Executive Branch agencies devote the necessary resources and apply the full measure of the federal criminal laws to deter, prevent and punish terrorism. Further,

the President has the authority under the Constitution to use force to preempt an imminent attack, including a terrorist attack, against the United States. Rather than purporting to extend these authorities in the resolved clause, the final whereas clause reflects these recognized powers of the President.

I suggest what others have said, and that is, the President of the United States has our prayers, he has our good wishes, and he has our commitment under the Constitution now to support him in what action he takes as defined by the authority he has. That is a big deal. It is a big deal. It is worth noting.

Lastly, I compliment the President on his patience, on his resolve, and his understanding of the need of certitude because the worst thing we can do, as he is uniting the world, is to act precipitously to meet our instinct for response immediately. I compliment him. I compliment his Secretary of State for the way he is handling this situation.

I conclude by saying that I do not see what happened on the 11th as the beginning of the end of our way of life. I see it as the beginning of the end of terrorism as it has been able to be spawned over the last three decades. The world has come face to face with the reality that nation states, no matter what their ideological disposition, are all in jeopardy. We are united in understanding that we cannot allow these networks to be spawned.

I thank my colleagues for allowing me to speak at this moment. Again, I compliment them all, Democrat and Republican, in the way we have stood united.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, today, in a bipartisan unanimous vote, we gave the President the money and the power to make war on those who have made war on us.

We are down, it seems to me, to a stark and bitter choice: We can hunt down those who made war on us and make war on them where they live, or we can allow them to make war on us where we live. We can either change our lifestyle, limit our freedom, reduce our prosperity, or we can change the lifestyle of those who have made war on us. I am not indifferent to that choice. I subscribe to the thesis that when our enemies are on the run, they cannot have the resources and the communications to carry out the kind of terrorist war they carried out against the Pentagon and against the World Trade Center.

We have to be aware and we have to accept up front that if we go too far in limiting our freedom or our prosperity in trying to fight this war, then we are ceding the very thing the war is about. So I believe very strongly this money

and this vast commitment of authority and power is meant to go after our enemies and to pursue them to the end of the earth and to never let up in that process.

I do not believe this is going to be an easy war to fight, and I believe it is going to be a costly war to fight.

Our enemies have a hate for capitalism and for democracy that we cannot comprehend or understand. I believe until they are hunted down, captured, or killed we can never reestablish the safety we felt prior to last Tuesday.

I also want to make it clear that I believe we have to choose sides in this conflict. Those countries that harbor or abet or tolerate the actions of terrorists on their soil are making war against the United States of America, and I believe that we have to hold them accountable.

Finally, I want to thank our leaders. I want to thank Senator BYRD, for working to come up with a responsible appropriation. I think it is clear that under these circumstances, the Congress would literally be willing to pass any appropriations bill and spend any amount of money. As this conflict lengthens, as other priorities emerge, as we need more resources, as we ultimately will in this conflict, we will wish we had been responsible. I think we took an important and responsible first step today. I personally believe we should set up a joint bipartisan committee with the job of overseeing these expenditures, just as the Truman Commission oversaw the expenditures of World War II. The job of this committee would not be to determine how the money is spent but to simply see it is being spent as we appropriate it; to see we are not being gouged in terms of prices when there is no competitive bidding, as there generally is not when you are doing things on an emergency basis; to try and see that we are being good stewards of the taxpayers' money and getting the return on that money in comforting people who have been hurt, helping those who have lost loved ones, rebuilding things that have been destroyed, and prosecuting this war against our enemies.

It should be a joint bipartisan committee or commission to work with the GAO to see the money is well spent, to see it is spent for the purposes we provided it, to see we are being charged reasonable prices, and to hold people accountable for things they do under emergency situations in terms of prices that are charged. We did that in World War II. Harry Truman did an excellent job, and the country benefitted from it.

It should obviously not be something on the scale of what we did in World War II, but something similar to that would be helpful. I intend next week, when we come back, to talk about it. I hope my colleagues will look at that idea, look back at what Harry Truman

did in his committee in terms of following the expenditures on the war and how well the money was being spent and holding people accountable.

I am proud of the Senate today, and I think we have a right to be proud. I believe the American people are proud.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. INHOFE. Will the Senator yield for a unanimous consent request?

Mr. BYRD. Absolutely.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from West Virginia, I be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma for his courtesy toward me. He was prepared to speak before I speak. I offered to wait and have him go ahead but he said no, so I thank him.

Mr. President, I ask unanimous consent that I be permitted to speak for not to exceed 7 minutes, and I ask the Chair indicate when I have 1 minute left.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

Today, the Senate passed the fiscal year 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

Mr. President, the emergency supplemental appropriations bill adopted earlier today is an extraordinary response to extraordinary events. It sends a strong and unmistakable message to the world that the United States is prepared to move swiftly on all fronts to respond to the horrific attacks on our citizens and our territory. The unity and determination that have propelled this bill through Congress 72 hours after the assault on America speaks volumes about the strength and resiliency of our system of government.

The supplemental provides \$40 billion, to remain available until expended, to respond to the terrorist events of September 11, 2001. This is an extraordinary bill that responds to extraordinary events. The President has not presented the Congress with any detailed estimates of agency needs in response to these terrorist acts. This is not a criticism. Federal Government agencies, such as the Federal Emergency Management Agency, the Department of Defense, and the Corps of Engineers, are on the ground, focusing all of their attention on responding to the crisis.

Initially, the administration requested authority to spend any amount of money, for any purpose. The Constitution gives the power of the purse to the Congress. It is the Congress that has the responsibility to make sure

that the needs of our people are met. This left my good friend Senator STEVENS and me with a dilemma. How do we meet the clear and immediate need for funding while protecting the prerogatives of Congress?

On Wednesday, Senator STEVENS and I joined with our Senate leaders and the House leaders at a meeting with the President to discuss our response to these evil terrorist acts. At that meeting, I laid out four goals for funding the Federal response. First, we must appropriate a specific amount for particular purposes, not a blank check, not a Gulf of Tonkin Resolution, with ill-defined goals. Second, to reinforce bi-partisan unity, we must all have trust and candor on the use of these funds. Third, the President must consult with the Congress in the allocation of the funds. Finally, there must be regular reporting to the Congress.

Mr. President, the supplemental bill that the Senate approved today meets each of those goals. The bill provides \$40 billion, all designated by the Congress as an emergency, and is contingent on the President designating the full amount as an emergency.

Funds are available to: (1) provide Federal, State and local preparedness for mitigating and responding to the attacks; (2) provide support to counter, investigate, or prosecute domestic or international terrorism; (3) provide increased transportation security; (4) repair public facilities and transportation systems damaged by the attacks; and (5) support national security.

Not less than \$20 billion of the \$40 billion is for disaster assistance and disaster recovery activities in New York, Virginia, Pennsylvania and elsewhere.

Funds are available in three segments.

The President has \$10 billion available to him after consultation with the Chairmen and Ranking Members of the Appropriations Committees.

The President has a second \$10 billion available to him after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for the use of the funds, and he then must wait 15 days. This will allow the Committees to review the President's plans and make suggestions—possibly enter into some negotiations with the President or his Office of Management and Budget Director.

The President has an additional \$20 billion available only when the amounts are allocated to specific programs in a subsequent emergency appropriations bill.

Mr. President, I stress that this bill is just the first order of business for Congress. This bill deals with what has already happened but does not fully deal with it. Of course, even as scores

of rescue workers continue to sift the rubble of the World Trade Center and search for victims in the shattered wing of the Pentagon, we in Congress must start looking forward. We must take steps now—today, tomorrow, next week—to re-double our efforts to intercept would-be terrorists before they can launch an attack.

As most Americans, I am amazed by the sophistication, organization, and complexity of Tuesday's attacks on the United States. This was not a casual effort or the work of a lone madman. These attacks took elaborate planning, significant manpower, and detailed knowledge of U.S. aircraft and aviation systems. I have great admiration for our nation's intelligence agencies. I believe that they provide tremendous service to our nation with the resources they have, and I know that we rarely hear about their success stories. But it is, frankly, beyond belief that such a massive and well-coordinated assault on our nation could be executed without any discernable signals. It is beyond belief that our nation, with its vast and powerful network of worldwide intelligence resources, could be caught so utterly unprepared.

It has long been acknowledged that to be forewarned is to be forearmed. Well, we have been forewarned. Now, we must focus our efforts on improving our intelligence-gathering systems so that we have a chance to thwart a terrorist plot before it can be executed, before innocent lives can be lost. The stunning attack on the heart of America's military, financial, and transportation centers has exposed our vulnerabilities.

As we move quickly to provide assistance to the victims of these horrible acts, to improve security at our airports, to rebuild the Pentagon, and to repair the devastation of New York's financial district, so must we move to rebuild our intelligence capabilities. This emergency supplemental appropriations bill is the first step in a long road that will not end in my lifetime. We must guard against being sidetracked by politics or partisanship.

There will still be politics. We have other things to do along with these matters. There will still be some politics and some partisanship, but we must not be sidetracked by politics or partisanship. Congress and the President have demonstrated this week that in times of crisis there is no center aisle. There is no aisle between us. We can overcome our political differences and work together. Make no mistake about it, we are in a time of crisis, and it is a time of suspended crisis. We will weather this crisis, but it will last a long time. We will emerge stronger. We must work together to achieve that goal.

I close by commending Senator TED STEVENS, former chairman of the Senate Appropriations Committee, a very

valued Member of this body, for his tireless strength and dedication and patriotism. I commend Representative BILL YOUNG of Florida for his dedication to purpose, for his cooperation, for his characteristic courtesy to those across the Capitol and across the aisle. I commend Representative DAVID OBEY for his tenacity and determination, his patriotism, his dedication to the separation of powers in this great country of ours—all of these people for their outstanding contribution to this extraordinary bill. I could not sit down without commending, also, the Speaker of the House, our two leaders, in particular, Mr. DASCHLE and Mr. LOTT, and our excellent staffs who have worked long hours and rendered invaluable assistance, without whom we could not succeed in this mighty effort.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Oklahoma is recognized under the previous order for 15 minutes.

Mr. INHOFE. Mr. President, I will identify myself with the remarks of the previous speaker, the distinguished Senator from West Virginia. He is a very wise man. He has thought this through. We have heard a lot of wisdom in the last few days in this Chamber.

Sometimes a child has an innocent wisdom that is more wisdom than anything we hear in this Chamber. My wife and I have four children and nine grandchildren. I can recall when my No. 2 son, who is now a hand surgeon, was very small, I was teaching him how to ride a bicycle. We have all had this experience, running beside them, and finally they are balanced and they make the first trip around the block. He came up the hill panting away. He looked at me and said: Daddy, I wish the whole world was downhill.

We know the whole world is not downhill. We think about these things. I had a phone call from my daughter, Molly, on Tuesday after this tragedy happened. She is a professor at the University of Arkansas, and a very accomplished one. She has four children—three boys and a little girl. In fact, the little girl she just adopted from Ethiopia. Her older boys are Jason, age 5; the next one is Luke, who is 3 years old. She was taking him to kindergarten.

On the way to kindergarten, they were listening to the radio. It is Ed Koch speaking from New York. He said—I believe she told me—three times in a row: We need to kill bin Laden. We need to kill bin Laden. We need to kill bin Laden.

Little 5-year old Jason looked at up and said: Mommy, who is bin Laden?

She said: bin Laden is a very evil, bad man.

He said this. He said: Instead of killing Mr. bin Laden, why don't we do a powerful prayer, and we will build a powerful shield around him so that he

cannot hear the voices of the devil. He will only hear the voice of God, and God will be in his heart.

I thought, that is the real intellect in America.

I believe that God is in the hearts of more Americans today than perhaps ever before. People realize that there is something bigger than what has been happening here on Earth.

I think because of four reasons I probably had more opportunities to respond to this disaster than others. Those four reasons are: No. 1, I am on the Intelligence Committee; No. 2, I am on the Senate Armed Services Committee; No. 3, I am a licensed pilot; and No. 4, I am from Oklahoma.

As far as being a pilot is concerned, I believe that since the retirement of John Glenn, Senator Glenn of Ohio, that leaves me as the last active commercial pilot in the Senate.

I have been called by a lot of people in the media to talk about those issues. For example, most of my pilot friends would have thought the same as I did on Tuesday afternoon before any of the details came in, that virtually anyone who knew the basics of flying could take over an airplane that is already in the air and apply those basics to go hit a target—until I heard some of the details—for example, the 757 that I believe we now know, after picking up these fragmented details—we came to the conclusion, which may or may not be right, and we have expressed them here on the floor—the 757 was headed for the White House and for some reason made a diversion, for reasons which we don't know. Maybe that was the original plan. Maybe it was something that was there that made him believe he could not make that target and he made an alternative target, which was the Pentagon. He made a very steep 207-degree turn with the 757 at a low attitude, knowing there is such a thing as a high-speed stall with a high bank.

This guy knew what he was doing. He was an accomplished pilot, and he went ahead and hit, I believe, what was the second target in his very well executed terrorist act.

Second, as far as flying is concerned, one of my closest friends is—this goes way back from the time we were in the House of Representatives together—Norman Mineta, a Democrat from California. Both of us were on the Transportation Committee. He was chairman of the Aviation Subcommittee and then the Transportation Committee. We became very close friends.

In fact, when he was appointed by President Bush, I called him up. I said: Norm, who was the only Republican who openly supported you even over your Republican opponents during the years that you served in the House. He said: This must be JIM INHOFE.

We have had a chance to visit about this. I consider him a very close friend.

There are some obvious things that can and will happen.

One, I think we all know that we need to have secured doors for the cockpit. That goes without saying. It is very elementary and something that should probably have been done before.

Second, sky marshals: It is very important that we adopt a program so that we have sky marshals.

Third—and this has come about recently. Someone was very critical of me recently—yesterday, I believe—because I have a hold on one of our President's nominations. He nominated someone to be the Customs Commissioner.

I have to share a frustration with you. When I was in the House in 1988, when they had the Pan Am 103 disaster, JIM OBERSTAR, a Democrat, came with me as a Republican to Europe to test certain types of detection technologies out there that were better than what we had been thinking about.

We have to do something to have better detection technology used to protect American travelers and the American people.

We found several. We came back, and we were unable to get anything approved, accepted, or even tried by Customs. They were locked into old technology. They weren't going to move from that technology.

I didn't do anything until 1995 and Oklahoma City, which is the site of the worst domestic, devastating attack by a terrorist in the history of this country—until this past week. I decided, again, after that, let's see what we can do to try to get some new technology.

We discovered a technology called pulsed fast neutron analysis. It is called PFNA. This is a technology that not only shows through something, but for a sealed container, it has a three-dimensional view of what is inside. They can detect what substances are inside. They can detect the chemical composition from within.

This is a possibility. I am not saying there is a great likelihood that if we had this technology on Tuesday the tragedy might not have happened because we would have been able to detect things we could not otherwise detect.

We thought that this was worthwhile; let's go ahead and authorize it and ask the Director of Customs to have a side-by-side competition or technology competition. So we put that in some report language. Nothing happened. They didn't do it.

I spoke to the previous—I will not mention by name—Customs Commissioner in my office. I said: Will you commit to having this competition that we have directed?

He said: Absolutely. I will.

And he didn't do it. I couldn't figure out why.

It wasn't until this happened Tuesday that I thought we couldn't wait any longer. That is when I put a hold on this man because I wanted a commitment that this person who would be

the Commissioner of Customs would obey the law and have the competition. In fact, we actually put it in. It is in the appropriations bill over in the House. It has \$3 million for the conduct of this competition down in El Paso, TX, and directs them to do it.

The language is very clear. I have talked to Senator DORGAN and others over here. They agree that this should be a part of it. I think Senator STEVENS would agree with that, as well as the President.

I will leave that as the commitment that we are going to try that. As technology advances, we have to advance with it.

Getting back to Oklahoma, Senator BIDEN said something a few minutes ago. He said that I am probably the only one here—prior to Tuesday—who really understands the pain that goes with a disaster like that. Me pointed towards me. This is because in 1995 we had that terrible, tragic blowing up of the Murrah Office Building. I have to say that even though a detection device would not have precluded that from happening, it reminded me of the need for detection devices.

I wouldn't expect that the next terrorist attack on America—there will be more—would come in the form of a 767 or 757. I don't think that is going to happen. But we can still have that technology in place.

I can remember at that time—I was reminded of this last night. Last night, I went to the Pentagon. There are 194—I believe at the last count—lives lost at the Pentagon, and 168 in Oklahoma in 1995. It is very analogous. I stood there. I had tears in my eyes remembering 1995. I happened to be there right after it happened and hearing the thundering march of the volunteer firemen going into the Murrah Federal Office Building before it was secure and coming out with bits of body parts; there were hands stuck in the wall; there was a lady, a doctor went in and heroically amputated her leg so she could be pulled from the rubbish. She is alive today.

I talked to Cindy Rice yesterday who lives in Oklahoma City. Her son, David, who we assume is dead today, called her. He was on the 104th floor of one of the two towers. I am not sure which one. She wasn't sure which one. He called his mother. She said to me: David has always been a very spiritual boy. Right then I detected from this story that he knew the Lord, and that he knew what was going to happen to him. And he called, really in a sense of joy, saying: "Mother, don't worry about this. I'm going to be well taken care of." Here is a guy calling, knowing he is about to die in the implosion of that building.

So these stories are out there, and we have heard so many of them. I think we all have such a seriousness in our hearts for what happened, but I would

like to say this: People ask the question, Should we declare war? There is all this talk about war. On whom do you declare war?

I think we need to stand back and look and see. Yes, we think we know that Osama bin Laden was involved in this. It is not clear cut.

I remember so well, as I am sure the President pro tempore remembers, back in 1986 when, in a discotheque in Germany, there was a terrorist attack that ended up injuring many American soldiers and killing another. At that time President Reagan was the President of the United States, and we determined that Muammar Qadhafi did it. In a matter of hours after that took place, he dispatched, in addition to other planes, the first real use of our first stealth plane, the F-111, to Libya. And they took them out. They bombed them. We have not heard from Qadhafi since then. That was 15 years ago. This is not that easy. We do not have the target out there. But we need to act just as decisively when that time comes. It would be a disservice to the American people and to our system and to America to do that before we know.

But lastly, and this is the most significant thing I want to visit with—I do not say this critically of the previous administration—I am saying that during the Clinton administration the priorities were different than they were during the Reagan administration and the Bush administration before him. He did not have the emphasis on defending America and building a strong defense.

Now, as evidence of that, I have a couple of charts I have made for this purpose. If you took the fiscal year 1993 budget, and you took all of the money that was appropriated in that budget for Labor, Health and Human Services, and Education, then that would be right at this point shown on the chart. Eight years after that, if you took the normal CPI, or any inflation figure you want to use—this is the index we use—and added for inflation, then what he would have appropriated for Labor, HHS, and Education would be this red line shown on the chart. However, this is what he did as shown on the green line. So at the end of 8 years he ended up successfully asking for the appropriation of \$150 billion above the inflation rate.

If you took Defense and you used that same model, and you started with fiscal year 1993, and took the amount that was appropriated at that time, if you added for inflation, this is where it would be today shown on the chart with the red line. However, the green line shows us the actual budget. So in that 8-year period, his request for appropriations, I say to Senator STEVENS, was \$375 billion below the inflation rate.

Those were his priorities, and he was elected President. I do not have a prob-

lem with that. But I can tell you, we were saying all along we were getting into a very serious problem.

I began to end every speech in 1995 with this phrase. I said: We, in America, are in the most impaired and threatened position today than we have ever been in the history of America.

It was not until 1998, when the Director of Central Intelligence happened to be present, that I said this same thing in a meeting that was broadcast live on C-SPAN, when I was chairing the Readiness Subcommittee of the Armed Services Committee. I said: Mr. Director, I have been saying we are in the most threatened position today that we have ever been in in the history of America.

Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I thank the Chair.

And he said: You are absolutely right.

So this is the Director of Central Intelligence. Now it comes in three forms. First of all, our conventional capabilities are one-half of what they were in terms of force strength today. And the President pro tempore knows this in terms of the number of Army divisions, tactical air wings, ships dropping from 600 down to 300.

No. 2, we have had all these deployments that have taken these rare assets and put them in the position where they are no longer usable.

No. 3—this is what I am getting to right now—we were on schedule to have deployed a limited national missile defense system by fiscal year 1998. We would have done that except for the vetoes of President Clinton.

I carry with me his veto message of the 1993 Defense authorization bill when, I say to Senator STEVENS, he said: I will continue to veto any bill that has money in it for a national missile defense system because the threat isn't there.

What people do not understand is, when you take down our military, you are taking down our intelligence at the same time because the intelligence budget is tied to the Defense budget. So our quality of intelligence has deteriorated to the extent that in 1998, on August 24, when I had been asking for a response to a question—how many years will it be when North Korea has a multiple-stage rocket capability?—the answer came in a letter from General Shelton. It was dated August 24, 1998. It said it will be between 5 and 10 years. A week later, on August 30, 1998, they deployed from North Korea a multiple-stage rocket. I say that not to criticize General Shelton, but the quality of our intelligence is not good.

What is the ultimate weapon of a terrorist? The ultimate weapon of a terrorist is a missile with a nuclear warhead. I really appreciated the editorial

in this morning's Wall Street Journal. I will read one paragraph out of it in just a minute. But I want to say this: We have an opportunity now to take advantage of the fact that the No. 1 priority of America should be to defend ourselves against an incoming missile.

Now they might argue, they might say: Only China and Russia and North Korea have a missile that will reach the United States of America from halfway around the world. I think that may be true. On the other hand, we do know that Iraq, Iran, Syria, Libya, Pakistan—all these countries—have weapons of mass destruction and have at least intermediate-range missiles. So that threat is there today.

So I only say that we need to get this done and get it done today.

I am going to read just the first paragraph and one of the last sentences of an editorial in this morning's Wall Street Journal:

Can anyone doubt that if the terrorists behind Tuesday's attacks had had access to a ballistic missile, they would have used it? Why settle for toppling the World Trade Center if you can destroy all of New York in an instant, without having to go to the trouble of sneaking a crew over the border and arranging for pilot training in Florida?

... The President's plan for missile defense ought to go forward with all speed.

I would say this, and ask it in a different way: Is there any doubt in anyone's mind in America that if an individual is willing to fly a 767 into the towers in New York City, he would not be willing to deploy a missile at the United States of America?

When I remember that screen, Mr. President—and you saw it, too—of New York City, the skyline, and those two buildings imploding, if that had been a nuclear warhead, there would be nothing but a cinder, and it would not be 10,000 or 20,000 deaths; it would be millions.

I think this is an opportunity for us to make America strong again.

I yield the floor.

The PRESIDENT pro tempore. The senior Senator from Alaska.

Mr. STEVENS. Mr. President, first, I thank the President pro tempore for his kindness in his comments about me in this Chamber today.

As I sat in the chair, I was thinking about the fact that 37 years ago, approximately, at about 5:30 in the evening, I got on a plane to fly to Fairbanks, AK, along with my great friend, Lowell Thomas, Jr.

Eight minutes after we took off, the largest earthquake to hit the North American continent in recorded times occurred. Somewhere around midnight, Lowell Thomas and I had chartered a plane and rounded up some physicians and nurses, and we flew back into Anchorage, landing at Elmendorf Field near our hometown of Anchorage. And I had to walk from that airfield over to my home in South Addition.

Flying in, we saw the Anchorage International Airport, and it looked as

if it had been bombed. I walked home through fissures that were still moving, some of them 20 and 30 feet deep.

That was the largest natural disaster we have had in the United States.

We have just witnessed the largest national disaster we have ever had.

All of us have had varied feelings this past week, but mine have been really concentrating on what we could do to help—those of us on the committee that the distinguished President pro tempore chairs, and I used to chair—along with our colleagues in the House.

I am delighted we have reacted in a way that shows we are prepared to finance the recovery from these disastrous attacks. As I figure it, what we have appropriated, or at least earmarked for appropriations today—some \$40 billion—is about \$160 for every man, woman, and child in the country.

It is just the beginning. It is just the beginning. I appreciate what my friend from Oklahoma just said because we have really not addressed the need for the changes in our national defense and national security apparatus. We will do that in time. I believe we may have heard for the last time our people ask us, as we are talking about spending money to restore our national defense capability, "What is the threat?"

In past years, I have constantly been asked what the threat is. I have tried to articulate that we didn't have one single threat coming at us from a monolithic empire, the Soviet Union, but that we had asymmetrical threats that were hard to conceive. We witnessed one of those as our massive new aircraft were turned into bombs by those who are terrorists. And, obviously, as the distinguished President pro tempore said, we witnessed probably the most destructive singular command and control operation by a terrorist organization the world has ever seen.

I don't think it is over, Mr. President. That is why today I am proud I have been able to work with the President pro tempore and our colleagues in the House, Congressmen YOUNG and OBEY, on this supplemental appropriations bill so that it starts the process of recovery and the process of being prepared—or trying to be prepared—for future attacks against this country. But more than that, the resolution we have now adopted gives the President all the necessary and appropriate authority to use force against the persons or organizations that he determines planned, authorized, committed, or aided in the terrorist attacks that occurred on September 11.

Some people say that is a broad change in authorization to the Commander in Chief of this country. It is not. It is a very limited concept of giving him the authority to pursue those who have brought this terrible destruction to our country and to pursue those who have harbored them or assisted them and conspired with them in any

way. I am delighted that the resolution says that "he determines," that the Commander in Chief is in control, in charge, to find a way to react against these people who have brought this destruction to our shores.

Mr. President, I commend you and those whom I am honored to work with on Appropriations for having the courage to proceed. I have to say, we were talking about \$20 billion. The President met with the Representatives of New York and New Jersey and Virginia and decided that wasn't enough. He sent word to us that he wanted \$40 billion. That, in the past, might have made all of us stumble a little bit. But I am delighted to see that all of us unanimously have said, yes, if he says he needs that much money, he should know he has that much money. We are going to review his plans and the requests of individual agencies, but we have committed \$40 billion.

Mr. President, I have to say that nations have defining moments. We had at least two in the 20th century—at the time when we entered World War I and Pearl Harbor. This is really the first true defining moment of this country in this millennium, and I am proud of the Congress.

I yield the floor.

The PRESIDENT pro tempore. The junior Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I join my colleague at this momentous time. I again recognize the President pro tempore and my senior Senator for the role they have played in bringing together the Congress and the appropriate authorization of funding to meet this crisis in our Nation.

Mr. President, on Tuesday, I think we all learned the reality that the decade of peace we have known as the post-Cold-War era probably has officially ended. Things will not be the same. During the Cold War, the map of the world could perhaps be divided into two; you were either a friend or a foe.

In the 10 years after the Cold War, the map became much more difficult to read. As we look back to Tuesday, the smoke rising from the devastation, the map is again becoming clear. We are learning, with horrifying swiftness, who our enemies in this new era will be.

Now we are faced with a task of, once again, dividing the world into two and asking the question: Are you friend or foe?

As we look at the decision that was made a short time ago by this body to authorize the use of force against those responsible for the recent attacks against the United States, we have to consider the consequences. We can only guess what they might be. Some say the only way to get to bin Laden—if indeed he is the responsible individual—is with ground troops. When people are speaking of having the stomach to do

what is needed to be done, they are thinking about having the stomach to face the reality that innocent people will be killed in that process, that Americans will die. It could be bigger than just a simple operation in Afghanistan to get to bin Laden. To get any troops to Afghanistan, you have to go through Pakistan or down from the north. Would they let us? We don't know. Would we have to initiate a ground war from Pakistan first? We don't know. Will other Islamic nations just stand by? We don't know.

I think you can see where I am going. We are flirting with a world war between Islam and the West and the unknown consequences. We can only guess what bin Laden's program is. Is this exactly what he wants? Is that why he did this, if indeed he did? Well, we can read his speeches and statements. It seems to be all right there. It seems that he really believes Islam will beat the West. He figures if he can polarize the world into Islam and the West, he has a billion soldiers.

If the West takes military action against an Islamic nation, would in fact bin Laden welcome that? What could be better from bin Laden's point of view? This would be a war that could last for years and millions would die—not just theirs but ours. Who has the stomach for that? We know bin Laden does. But is this really what we want? Discretion is often the better part of valor, even if our stomachs hunger for more.

American leadership has not been easy. This past century saw this great country become the world's only superpower through the grit and sheer determination of the American people—generations of American people who were called into service to lead the world back from the brink of chaos, to save civilization itself, in wars across many continents, against many terrible foes. Each time, we triumphed because of our spirit and resourcefulness but also because our cause is just and true.

We have vanquished darkness before. Now we are called upon once again to fight the enemies of civilization and the enemies of peace, the shadowy armies of evil whose cause is destruction, terror and despair.

We will not fail, nor will they succeed.

Today's resolution approving the use of force is the call to arms against our foe in this new, uncertain era. Our enemies have unleashed upon themselves the dogs of war.

Mr. President, in peace, American leadership has not always been appreciated by our fellow nations. We have been dismissed as naive, frivolous, and wasteful. We have been ridiculed for our championship of human rights, tolerance, and fairness. We are criticized for leading in peace, and we will face much greater challenges leading in a war. As we hunt down the murderers,

the terrorists, as we go to the heart of darkness to rip out the roots of terror, and the systems that breed terror, we face an elusive and deadly enemy.

Our friends, our allies, and those not as committed to this fight as are we will challenge our leadership. We heed them at our peril. Leadership can be a lonely business.

My own State of Alaska, far from the battlegrounds of this fight, far from New York City, far from Washington, DC, is going to play an important role. Elmendorf, Eielson, Ft. Wainwright, Ft. Richardson and surrounding communities will no doubt play a key role in winning this war. Located just 8 hours from New York, the Mideast, and the Asian subcontinent, Alaska has been a strategic keystone in our nation's defense for the last 50 years. Alaska will now be an offensive keystone in the battles to come. I can assure you, Mr. President, Alaskans and our adopted sons and daughters in uniform will be up to the task.

I thank the Chair. I yield the floor.

Mr. DODD. Mr. President, earlier today the Senate voted unanimously to authorize the President to use all necessary and appropriate force to respond to the attacks launched by terrorists on Tuesday. Those responsible for these heinous attacks must never be allowed to do so again. For that reason we have also taken note of the President's authority to deter and prevent acts of terrorism against the United States, consistent with provisions of the War Powers Act. There may be times when the President must act swiftly to preempt an imminent act of violence. In such cases, he may not be able to consult closely with Congress beforehand. However, as a general rule, in the exercise of the authority that we have just approved, it is my expectation that the President and his advisers will consult with the Congress before taking action is contemplated by the War Powers Act.

Equally important, the U.S. Senate also voted unanimously to appropriate, on an emergency basis, some \$40 billion in additional resources to enable New York City and the Washington, DC, area to cope effectively with the aftermath of the devastation wrought by those attacks. In addition, we have provided resources to enable the United States to counter domestic and international terrorism, enhance transportation security, and to undertake additional programs to enhance our national security.

We have taken up and passed these two measures on an expedited basis because our national interests dictate that we do. The House will do so later today as well. The Congress has an obligation to reassure the American people that their government is working to do everything in its power to protect them from such heinous acts in the future, as well as to provide funding so

that the cleanup and rebuilding efforts can proceed as quickly as possible.

I believe that we are all in agreement that those individuals who were responsible for the premeditated murder of so many of our citizens must be found and stopped from ever conducting such actions again. Anyone who has aided, abetted or continues to harbor these terrorists is a terrorist as well. So too are those who knowingly facilitate the financial transactions that keep their organizations in business. While we do not know with 100 percent certainty that Saudi-born militant Osama bin Laden is the mastermind of this latest tragedy, we know full well based on past experience that he is fully capable of doing so. The President has directed that all of our intelligence resources be brought to bear to develop credible evidence as to who was in fact responsible. I am confident that we will have much better information in that regard in the very near future. And, when that moment arrives I believe we will act appropriately, consistent with our principles and values.

Sadly Osama bin Laden is not the only individual who harbors irrational hatred against the United States. Many others around the globe do as well. I would call to the attention of my colleagues a very important article that appeared in today's Washington Post entitled "Zinni Urges Economic and Diplomatic Moves." In that article, ret. General Anthony C. Zinni cautions against an approach that is single pronged in attempting to eradicate terrorist organizations. An approach of simply bombing them back to the stone age may have appeal to some, but will, according to General Zinni, only perpetuate the problem by inflaming Anti-American sentiment in the Muslim world. Zinni urges the Bush administration to accompany any military action taken against Afghanistan or other states that harbor terrorists, with economic and diplomatic measures as well. Other governments in the region, Pakistan, Iran, Yemen, and Saudi Arabia, must be prepared to assist the United States in this multifaceted strategy.

There is another element to the problem of countering international terrorism over the longer term, namely the Middle East conflict. That conflict has fueled the hatred, sense of injustice, and hopelessness that has provided and will continue to provide the foot soldiers of the Osama bin Laden's of this world. The Bush administration must make resolution of the Middle East conflict a higher priority than it has to date. Only with United States leadership will we galvanize our allies in Europe, and moderate Arab States to bring sufficient pressure to bear on the Palestinians to stop the violence and come back to the bargaining table so that a formula can be found that

will permit Israelis and Palestinians to live in peace. Only with peace will we be able to prevent the emergence of another generation of terrorists imbued with a burning hatred of the United States.

#### REIMBURSEMENT FOR NEW JERSEY

Mr. TORRICELLI. Mr. President, I want to thank the President and the leadership of the Congress for their support and immediate response to the tragic events that have transpired over the past few days. While the attack on the World Trade Center physically occurred in New York City, the emotional physical, and financial tolls will be felt throughout the Metropolitan area but especially in northern New Jersey.

I have heard estimates that over 50 percent of the people employed at the World Trade Centers were New Jersey residents.

The Port Authority which is headquartered at the centers is a joint, bi-State New York/New Jersey agency that coordinates infrastructure needs for the airspace, mass transit, and commuter needs of our area. When the port rebuilds, it will rebuild as a joint entity.

Fire, medical and emergency personnel and equipment, as well as trades workers and their heavy equipment, hospitals and triage centers as well as transportation equipment shuttling the wounded and rescuers all have emanated from New Jersey communities.

Let me share with my colleagues a few examples.

Six hundred wounded were transferred to New Jersey hospitals for treatment. Jersey City Medical treated 150 people; 21 were admitted overnight; St. Francis Hospital/St. Mary's in Jersey City treated 50 people and UMDNJ in Newark treated and released 17 victims.

The New Jersey State Police mobilized 40 boats to ferry victims across the Hudson River and State Troopers have been sent to sort through rubble. New York Waterway has put all 24 of its ferries into service, transferring free of charge an estimated 200,000 people.

The New Jersey National Guard established a field hospital at Liberty State Park that evaluated 2,600 people. At the Meadowlands, a makeshift hospital with hundreds of ambulances and 50 surgeons was created.

The Jersey City Fire Department sent 4 fire trucks and Union County has sent 24 fire trucks and over 100 firefighters. The city of Trenton has sent 10 ambulance/paramedic teams. Middlesex County sent 42 ambulances, 20 fire trucks and 70 police officers. Burlington County in southern New Jersey sent 20 ambulances.

The Elizabeth Urban Rescue Team which specializes in confined spaces rescue has been there from day one on 24-hour rotating duty because the he-

roic New York City teams were wiped out in the first minutes. The cost of this effort has already reached \$150,000. Regular fire personnel from Elizabeth have been dispatched to Staten Island to free Staten Island Fire personnel to go to the World Trade Center site to help.

The Sheriff's and Prosecutor's Office in Hudson County which is directly across from New York City has conservatively incurred \$50,000 in expenses. In Jersey City there are 60 officers working full time and countless numbers of fire fighters and equipment manning a major supply effort to New York via the Jersey City waterfront. The North Hudson Regional Fire Co. has spent over \$150,000 on overtime, personnel, and equipment.

Mr. BYRD. There are many more examples of the selflessness and sacrifice taking place, not just from New Jersey but across the country.

I appreciate that the physical attack did not occur on New Jersey soil and that is why New Jersey is not referenced in this emergency appropriation as a location where the terrorist attack occurred as New York, Virginia, and Pennsylvania are listed.

However, it is important to acknowledge and fully appreciate the human and financial expenses being incurred by the neighboring areas and that these areas be able to apply directly to the Federal Government for reimbursement.

Mr. President, it is my understanding that the specific State listings in the supplemental specifically refer only to the physical locations where the attacks occurred and do not establish an exclusive list of areas eligible for financial assistance from this Federal aid package.

Mr. CORZINE. I want to first associate myself with the remarks of my colleague from New Jersey and I would further appreciate the opportunity to clarify one additional point with my colleague from West Virginia. I understand that New Jersey was not listed because an attack did not physically occur there; however as my colleague, Senator TORRICELLI has stated, our State and communities have incurred significant human and financial costs in responding to this disaster.

I would appreciate your acknowledgement that the State of New Jersey or its local communities who have incurred expenses in the relief effort, will be able to apply directly to the Federal Government for the assistance provided under this aid package.

Mr. BYRD. It is my understanding that New Jersey is eligible to apply for any authorized disaster relief program in the same manner and under the same conditions as New York, Connecticut, Virginia, and other affected States.

Mr. TORRICELLI. I appreciate Senator BYRD's statement and the opportunity to clarify this issue.

Mr. CORZINE. I similarly appreciate Senator BYRD's statement clarifying this concern, as well as all his work.

#### MOMENT OF SILENCE

The PRESIDENT pro tempore. The Senate will now, in memory of those whose lives have been lost and those who still live but who suffer from the loss of loved ones and friends, entertain a moment of silence.

(Moment of silence.)

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDENT pro tempore. The Senate will stand in recess awaiting the call of the Chair.

Thereupon, the Senate, at 12:02 p.m., recessed subject to the call of the Chair and reassembled at 2:10 p.m., when called to order by the Presiding Officer (Mr. JEFFORDS).

The PRESIDING OFFICER. The Senator from Kansas.

#### MORNING BUSINESS

Mr. BROWNBAC. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A UNITED RESPONSE

Mr. BROWNBAC. Mr. President, this morning the Senate passed a historic resolution. The resolution passed granting the President broad authority and power to prosecute a war against terrorism and those who house terrorists.

It is important we talk about that from the standpoint that this is a war as no other we have been in where the enemy is one who can attack and has attacked on our soil, who will use means and methods of terror, which is the tool of choice for the terrorists, and try to debilitate us by fear.

We should not succumb to fear. We should not allow fear to take over but, rather, have faith in our system and faith in God above that we will prosper and persevere.

Many terrorists have networks that are headquartered throughout central Asia, South Asia, and the Middle East. It is wise for us to go after these terrorist organizations. It is absolutely right for us to do so.

We need to build alliances with people throughout these regions, and they are available to us if we move wisely and successfully. The State Department has done a nice job thus far, and I congratulate Secretary Colin Powell and Rich Armitage, the No. 2 person in the Department, and others, for reaching out to many countries in that part

of the world and saying: Look, it is time to stand up and be counted. You are either with us or against us, and we want to know what it is, and there will be consequences that will flow from that decision.

It appears a number of these countries are standing up and saying: We are with you; this global scourge of terrorism hits us on a daily basis as it just hit you with such a devastating force on September 11.

I think it would be wise for us to look at this very seriously, that before we move forward, we build these alliances with a number of nations that are willing to stand up with us and be heard. That is very possible for us to do.

We need to look to nations such as Uzbekistan, Kazakhstan, nations that are not in the common lexicon perhaps of geography of the American student or maybe even the American political student. These are countries formed out of the fall of the Soviet Union, and they sit in direct proximity to Afghanistan, which has been the headquarters for some period of time of Osama bin Laden.

If these nations want to work with the United States, we ought to work with them. It requires us to look at them with a new set of eyes and say: OK, we put a lot of demands and pressures on you at different points, and now we have one singular focus, and that is to deal with terrorism; we want to work with you on that. I think we will get their cooperation.

They also will say: We want the United States to work with us, building the economies and abilities of our people. So there is going to be an exchange and a push back and forth that, in many ways, will help strengthen our standing and our relationship with many of these nations.

We have recently been on a diplomatic effort with India. That is proper and good and should continue. There are sanctions that need to be lifted in this region. Pakistan is going to be a key country, as we have already seen, and discussions are taking place already. Pakistan will be a key country. We have gone to them and said: OK, stand up and be counted with us or be counted with the other side.

We believe Pakistan will strongly come along our way. We have had our share of differences, certainly after the cold war. Pakistan was there with us in bringing the Soviet Union down when the Soviet Union was engaged in Afghanistan. I think Pakistan will be with us again. We have to look at how we work with them. They are going to say: OK, there are a series of sanctions you have on us; we want to talk about that as well.

We should engage those discussions. Hopefully, that will be a way we can build these nations together. That would be a good and appropriate thing to do.

I want to point out some history regarding Afghanistan. Some suggest we go in and start bombing. There have been a number of nations, great nations over history, that have tried to go into Afghanistan, and there has been great difficulty going into Afghanistan, whether it was the British or whether it was the Soviet Union, which could merely drive into Afghanistan with huge amounts of weaponry and force and still was not able to put the proud people of Afghanistan under their pressure and army.

To think we can just drop bombs or drop a few troops into Afghanistan and that country will succumb to our pressure does not read correctly the history of that proud nation.

The Taliban has been a scourge on that country, as they have been on the world. We have to look very wisely and carefully at how we are going to deal with Osama bin Laden and other terrorist organizations that are headquartered in Afghanistan.

This is going to take some time, and I hope our people are cognizant of those lessons of history and are cognizant of what we are dealing with. This may take some time, planning, and thoughtfulness as we build the alliance with countries in that region, as we do the give-and-take to get them on our side and with them saying: OK, we need you to work with us as we build up our nations as well and as we plot long-term strategy to be able to get at these terrorist groups that are headquartered in a very difficult nation.

This is not the sort of thing we are going to do from 30,000 feet in the air, dropping bombs or launching cruise missiles and hoping we get it done. This is going to take some period of time to build the alliances we will need.

It is a different alliance than we have formed in the past. It is an alliance to put the tools in place, the human intelligence, the ability to get at these dens of iniquity, these evil groups that would perpetrate these crimes on this country and across the world.

Then we are going to have to go in and dig them out one at a time. This is not the Persian Gulf war or any other war in which we have been. If done properly and well focused, we can be very successful in this effort. It is going to require time, focus, prudence, and determination, and the mettle of this country will be tested. But we are going to be successful in the long run. We could be here for some period of time talking about this.

Mr. President, I wanted to rise to say that because the resolution we passed this morning was quite broad based. It was an expression of the people of the United States, and I think a good expression of the desires of the people of the United States.

I do not want people to think this will be done later this year and we are

finished with it. This will take a long period of time. These terrorist organizations operate in a number of countries, and they have substantial assets in at least 10 different nations. We could well be going at that for some period of time.

#### NATIONAL DAY OF PRAYER AND REMEMBRANCE

Mr. BROWNBACK. Mr. President, the National Day of Prayer and Remembrance was held at Washington National Cathedral. What a beautiful service to recognize and remember those who lost their lives and the families who mourn them and those who are still missing. We ended it by singing the Battle Hymn of the Republic, with which everybody is familiar.

Most people are familiar with the first verse, maybe the last verse, but not some of the rest of the text. Remember, this is the great hymn of the Republic during the time of strife between the States and where we had a war between ourselves, brother against brother, in this land. This was the fight song.

As we sang that song, it was as if we were sending our Nation off to war. I want to read the words to the middle verse, the third verse of this hymn that is not familiar to most people, but the words are so strong and striking.

I have read a fiery gospel writ in burnish'd rows of steel; as ye deal with My contemnors, so with you My grace shall deal; let the Hero, born of woman, crush the serpent with His heel; since God is marching on.

"I have read a fiery gospel writ in burnish'd rows of steel." I hope that our enemies, the terrorists in the world, read that writ we have issued today written in burnished rows of steel. We are resolved. We are united. We will win. We will do whatever it takes to win, while our God is marching on.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, H.R. 2888, just received from the House, is read a third time and passed, and the motion to reconsider is laid upon the table.

The bill (H.R. 2888) was read the third time and passed.

## EXECUTIVE SESSION

NOMINATIONS PLACED ON THE  
EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session and that the Commerce Committee be discharged from further consideration of the nominations of Ellen G. Engelman to be Administrator of the Research and Special Programs Administration at the Department of Transportation, and Kirk Van Tine the General Counsel of the Department of Transportation, and they be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF BRUCE COLE, OF  
INDIANA, TO BE CHAIRPERSON  
OF THE NATIONAL ENDOWMENT  
FOR THE HUMANITIESNOMINATION OF JOHN W. GILLIS,  
OF CALIFORNIA, TO BE DIRECTOR  
OF THE OFFICE OF VICTIMS  
OF CRIME

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of the nomination of Bruce Cole to be the Chairperson of the National Endowment for the Humanities and that the Judiciary Committee be discharged from the consideration of the nomination of John W. Gillis to be Director of the Office of Victims of Crime; that the nominations be considered and confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and any statements therein be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## NATIONAL ENDOWMENT FOR THE HUMANITIES

Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

## JUDICIARY

John W. Gillis, of California, to be Director of the Office of Victims of Crime.

## NOMINATION OF JOHN GILLIS

Mr. LEAHY. Mr. President, yesterday the Judiciary Committee conducted confirmation hearings that included the President's nomination of John Gillis to direct the Office for Victims of Crime at the Department of Justice. These hearings had been scheduled long before the tragic events of Tuesday, September 11, 2001. This was the first hearing of the committee since the terrorism Tuesday morning that prompted the postponement of hearings on Tuesday and Wednesday.

Mr. Gillis had come from California before air traffic was suspended on Tuesday. Also included in the hearing were judicial nominees from New York, Connecticut and Mississippi who were able to drive to Washington in order to participate in the hearing. I thank Senator McCONNELL for serving as the Ranking Republican.

Mr. Gillis described his background in law enforcement as a police officer with the Los Angeles Police Department and his work with the New York Port Authority. We also heard first hand of the tragic loss of his daughter and of his work on behalf of homicide victims and other victims of crime.

We discussed the outstanding staff of the Office for Victims of Crime, the important work in which they are engaged, and the incredible challenges that Mr. Gillis and that office will face.

I have worked closely with Mr. Gillis' predecessor in the Office for Victims of Crime for several years. With Aileen Adams, I worked on victims legislation to assist in our response to the bombing of the Alfred P. Murrah Building in Oklahoma City in April of 1995. Indeed, I sponsored the Victims of Terrorism Act amendment when the Senate considered anti-terrorism legislation in June 1995 and I continued working to ensure that legislation remained part of the Anti-Terrorism and Effective Death Penalty Act, which was finally enacted on April 24, 1996.

Thereafter, we worked on special appropriations to assist the victims of the Oklahoma bombing and special legislation to ensure their rights in connection with the trial. Last year, working with Katherine Turman, we were able to enact improvements to our 1995 legislation for victims of terrorism in order to double the cap on the Victims of Crime Act emergency reserve fund to \$100 million and provide greater flexibility to the Office for Victims of Crime to use the emergency reserve in carrying out programs that assist victims of terrorism and mass violence.

In addition, over the years I have worked with Senator SPECTER and others on a series of legislative actions to provide financial and educational benefits to federal and state public safety officers killed or injured in the line of duty, including educational benefits for their dependents.

We will be reviewing all of these provisions in the days and weeks ahead in the wake of the devastation of Tuesday.

Although nominees to head the Office for Victims of Crime traditionally have not always participated in a confirmation hearing, I wanted to include Mr. Gillis at a Senate hearing to highlight the importance of the work of this Office, the critical importance of crime victims' rights, and the assistance and compensation provided by the Federal Government.

Along with other Senators strongly committed to assisting crime victims

and protecting their rights, I reintroduced the Crime Victims Assistance Act of 2001 in April of this year. In preparing our bill, we consulted closely with a number of victims organizations and with the Office for Victims of Crime. That legislation, which enhances the rights and protections of victims of crime, establishes innovative new programs to help promote compliance with State victim rights laws and improves the manner in which the Crime Victims Fund is managed and preserved, is an important matter and a high priority for me. I was heartened when Mr. Gillis pledged to work with us on this initiative.

Toward the end of yesterday's hearing, I suggested that I would try to clear the nomination of John Gillis to be Director of the Office for Victims of Crime on an extraordinary and expedited basis. I noted that Attorney General Ashcroft had, on the eve of the nomination hearing, called me at home in support of this nomination. Yesterday I requested that the Majority Leader proceed to the nomination and that the Senate confirm John Gillis. I thank the Majority Leader for taking action and I want to thank all Democratic Members of the Senate and my colleague from Vermont for approving that request. In these difficult days, confirming Mr. Gillis to head the Office for Victims of Crime so that he may lend his hand to the efforts of those working so diligently in that Office and in State and local government and private efforts in New York, Virginia and around the country, is a small but significant step that the Senate can and should take.

I am gratified that overnight whatever problem or concern had threatened to delay Senate action on this nomination has been resolved. I thank all Senators for their willingness to move forward under these extraordinary circumstances to confirm John Gillis to be Director of the Office for Victims of Crime. In particular, I thank the senior Senator from Oklahoma (Mr. NICKLES) for his effort to clear this nomination for expedited Senate action today. His personal intervention helped make this possible. I have had the privilege of working over the years with Senator NICKLES on victims legislation. He has shown again today his commitment to the interests of victims of crime and terrorism.

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the following nominations be considered en bloc: Calendar Nos. 363 through 383; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Richard R. Nedelkoff, of Texas, to be Director of the Bureau of Justice Assistance.

DEPARTMENT OF EDUCATION

Brian Jones, of California, to be General Counsel, Department of Education.

DEPARTMENT OF JUSTICE

Paul J. McNulty, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years.

Patrick Leo Meehan, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

Stephen Beville Pence, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Michael J. Sullivan, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Joseph S. Van Bokkelen, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

Gregory F. Van Tatenhove, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Colm F. Connolly, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

Michael G. Heavican, of Nebraska, to be United States Attorney for the District of Nebraska for the term of four years.

Thomas B. Heffelfinger, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

Roscoe Conklin Howard, Jr., of the District of Columbia, to be United States Attorney for the District of Columbia for the term of four years.

Mary Beth Buchanan, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years.

Peter W. Hall, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

DEPARTMENT OF STATE

John D. Negroponte, of the District of Columbia, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

John D. Negroponte, of the District of Columbia, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Marcelle M. Wahba, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Arab Emirates.

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be a Representative of the United States of America to the United Nations for the U.N. Management and Reform, with the rank of Ambassador.

DEPARTMENT OF DEFENSE

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152:

*To be general*

Gen. Richard B. Myers, 0000.

NOMINATION OF JOHN NEGROPONTE

Mr. DODD. Mr. President, yesterday the Foreign Relations Committee held a hearing to consider the nomination of John Negroponte to be the U.S. Permanent Representative to the United Nations. I was unable to attend yesterday's hearing because I was with my wife Jackie attending the birth of our daughter Grace.

I believe that it was very important yesterday that the Committee hearing focused in part on a careful review of new information that has come to light related to Ambassador Negroponte's tenure in Honduras during 1981-85 to see whether Congress had been kept fully informed about all aspects of U.S. policy with respect to Honduras during his watch.

I recognize, that this is not a normal week for the Senate or for the American people. President Bush has indicated that he wants the United States to be represented by an Ambassador at the United Nations as quickly as possible, particularly in light of this week's tragic events. I don't disagree with that view.

However, the Foreign Relations Committee did have a responsibility to review the questions raised in connection with this nomination. They discharged that responsibility yesterday. The Committee has proceeded expeditiously, professionally and fairly with Ambassador Negroponte's nomination. It requested and receive documents from the State Department and CIA. Those documents were reviewed, consisting of several thousand pages, the committee proceeded with the hearing yesterday and today the Senate is ready to act. There have been no undue delays.

Let's review the time line of this nomination to date. The President announced his intent to nominate Ambassador Negroponte for the U.N. post on March 6. The nomination was not submitted to the Senate, however, until May 14, nearly four months into the Administration, by contrast, Madeleine Albright was nominated for the U.N. post on January 20, 1993 and confirmed six days later.

On May 3, over a week before the nomination was submitted, the Committee Democrats wrote the President to request that the Administration provide documents to the Committee

so it could review issues related to Negroponte's tenure in Honduras. On May 8, Committee staff submitted a list of requested documents to representatives of the White House and the State Department. The last document responsive to the original request of May 8 was not provided, however, until late July. The Committee staff reviewed several thousand pages of documents responsive to the request and determined that a number of documents which were still classified contained important information on questions raised about Ambassador Negroponte's tenure in Honduras.

The chairman of the committee then requested that the State Department and CIA undertake a review of documents within the committee's possession that remained classified with a goal of making public as much information as possible in order to shed additional light on what role if any the United States played in the human rights abuses that were perpetrated against the Honduran people in the first half of the 1980s, and specifically what knowledge or involvement the United States Ambassador, at the time Mr. Negroponte, had in those abuses. The committee also offered to begin hearings prior to the August recess on U.N. issues, with another hearing to follow in September on issues related to Negroponte's service in Honduras. The administration chose to wait until September to begin the hearing process. So we are talking about a period of approximately fourteen weeks of working days of the Senate from the time the nomination was submitted until today. This compares quite favorably when compared to the Holbrooke nomination which took from February 1999 to August 1999.

Some conservative columnists have suggested that I and others are trying to re-fight the Central America conflict of the 1980's. Nothing could be further from the truth. Rather, I would argue that there is an effort underway in some quarters to rewrite the history of U.S. involvement in that conflict and sweep under the rug how politically painful and damaging that policy was. In the early 1980's, the Congress and the American people were told that the United States had no involvement in using Honduras in as a staging ground for a convert Contra program to overthrow Nicaragua's Sandinista government. Later, when the so called second Boland amendment cutting off assistance to the Contra was passed we were told that the United States was not violating that provision of law. That of course proved to be untruth as the Iran Contra Investigation demonstrated. Similarly we were told that the Honduran military was not as a matter of policy violating human rights of its citizens or that the Salvadoran High Command had no known or culpability for the torture and murder

of the American church women or the Jesuit priests. Of course we now know that none of that was in fact true. It is indisputable that this fabric of untruths and half truths caused deep fissures in the Congressional-Executive branch relationship and in the trust of the American people in their government. Those fissures will only be fully healed if there is honesty and full candor between the Executive and the Congress.

Our policy was also controversial throughout Central America. Tens of thousands of Central Americans lost their lives during the 1980's, many at the hands of their own governments. Tens of thousands more had their lives permanently marred by losses of loved ones. Fortunately, in 1987 Central American leaders took their fate into their own hands and crafted the Central America Peace Agreement. President George H. Bush, upon coming to office in 1989 embraced the peace agreement and reached out to the Congress in order to de-politicize Central America. Elections followed in Nicaragua, as did a negotiated settlement to the civil conflict in El Salvador. Honduras ceased to be a staging area for the U.S. backed contras. El Salvador and Honduras have undertaken to come to grips with the past by attempting to investigate and assign responsibility for the atrocities that occurred in their respective countries as an important step in the process of peace and reconciliation.

Since Ambassador Negroponte was last confirmed by the Senate as Ambassador to the Philippines in 1993, a great deal of new information has come to light about the nature and extent of human rights abuses during his tenure in Honduras. This information also raised questions about the appropriateness of the U.S. Embassy's response and about whether Ambassador Negroponte had been forthright with the Committee in 1989 when I asked him questions about these matters.

How has this new information come to light? It is the result of a number of investigations into this subject from 1992-1998: First in 1992, Leo Valladares, the Honduran National Commissioner for the Protection of Human Rights undertook to catalog the disappearances and other human rights abuses that occurred in Honduras in the eighties. That investigation is still ongoing. Prompted by the Valladares investigation the Baltimore Sun undertook its own year long investigation which resulted in 1995 in a four part series detailing human rights abuses by a special Honduran military intelligence unit, the so called Battalion 316, and U.S. embassy links to that unit, and knowledge thereof. In 1996, this led CIA Director John Deutch to establish a Special Working Group within the agency to assess whether the allegations raised by the series were valid.

Finally, the CIA Director tasked the CIA's Inspector General to resolve specific questions raised by the Working Group as it related to the death of an American citizen, Father James Carney, and about the CIA's relationship with members of the Honduran military who may have committed human rights abuses before or doing that relationship.

The picture that emerges in analyzing this new information is a troubling one. Some of the key facts that the Committee put on public record during yesterday's hearing thanks to the cooperation of the State Department and CIA are the following: One, during 1980-84, the Honduran military committed most of the hundreds of human rights abuses reported in Honduras. These abuses were often politically motivated and officially sanctioned; two, Honduran military units were trained by the U.S.—members of these units have been linked to death squad activities such as killings, disappearances, and other human rights abuses; three, the CIA's reporting of human rights abuses was inconsistent. Reporting inadequacies precluded CIA headquarters from understanding the scope of human rights abuses; four, the responsibility for monitoring and taking action against domestic subversion in Honduras was first the responsibility of a special unit of the Public Security Forces, FUSEP; five, at the recommendation of a joint U.S./Honduran military seminar, this responsibility was transferred in early 1984 to a new unit (which came to be known as Battalion 316) under the supervision of the Military Intelligence Division of the Armed Forces General Staff; and six, the FUSEP special unit and Battalion 316 counter terrorist tactics included torture, rape and assassination against persons thought to be involved in support of the Salvadoran guerrillas or part of the Honduran leftist movement; seven, as many as 250 instances of human rights abuses in Honduras are officially documented, including disappearances, torture, extra judicial killings; and eight, at least one death squad was known to have operated during 1980-84. This death squad was called ELACH, The Honduran Anti-Communist Liberation Army. There is information linking this death squad to chief of the National Intelligence Directorate of the Honduran Public Security Forces.

When Ambassador Negroponte came before the committee in 1989 in the context of his nomination to the position of U.S. Ambassador to Mexico, I asked him a number of questions related to his tenure in Honduras, two questions dealt with human rights. Given what we know about the extent and nature of Honduran human rights abuses, to say that Mr. Negroponte was less than forthcoming in his responses to my questions is being generous. I

would ask that the my exchange with Ambassador Negroponte during that hearing in printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EXCERPT FROM HEARING RECORD

Senator DODD. That Battalion 316, I said "alleged," but, in fact, was that a death squad? Was that the name of a death squad operating either within the Honduran military or with their approval?

Ambassador NEGROPONTE. I do not recall knowing it as the 316th Battalion. In fact, some of what I am saying now may be based on trying to reconstruct events after having discussed this issue with individuals long after the fact, for example, when Mr. LeMoyné wrote his story. But I recall it to have been an intelligence unit.

Again, I have never seen any convincing substantiation that they were involved in death squad type activities.

Mr. DODD. I know there will be those who say, that it isn't terribly important that the Honduran military committed human rights abuses more than fifteen years ago in some cases. Moreover, in relative terms those abuses in Honduras paled in comparison to what to else where in Central America. My response to that is that the Senate has a duty and responsibility to be a partner in the fashioning of U.S. foreign policy, and the only way it can be a full partner is if we in this body are kept fully informed. When it came to our ability to be full partners with respect to U.S. toward Honduras or elsewhere in Central America, I would tell you that we were unable to do that because we were flying blind.

It gives me great pause as I ponder how to vote on this nomination to think that someone as intelligent and capable as Ambassador Negroponte would treat this committee and this body so cavalierly in his responses to my questions. I wonder who he thinks he works for?

I was also troubled by Ambassador Negroponte's unwillingness to admit, that as a consequence of other U.S. policy priorities, the U.S. embassy, by acts of omissions ending up shading the truth about the extent and nature of ongoing human rights abuses in the 1980s. Moreover, in light of all the new information that I have just mentioned, I do not know how Ambassador Negroponte can continue to believe that it was simply "deficiencies in the Honduran legal system coupled with insufficient professionalism of law enforcement authorities that "led at times to abuses of authority by Honduran police officials." And, quoting his written answer to a committee question on this subject that, "I did not believe then, nor do I believe now, that these abuses were part of a deliberate government policy."

The InterAmerican Court of Human Rights had no such reluctance in assigning blame to the Honduran government during its adjudication of a case brought against the Government of Honduras by the InterAmerican Commission on Human Rights in 1987. In deciding the case of Honduran citizen Velasquez Rodriquez the Court found that "a practice of disappearances carried out or tolerated by Honduran officials existed between 1981-84." And, as I mentioned earlier, based upon an extensive review of U.S. intelligence information by the CIA Working Group in 1996, the CIA is prepared to stipulate that "during the 1980-84 period, the Honduran military committed most of the hundreds of human rights abuses reported in Honduras. These abuses were often politically motivated and officially sanctioned."

Moreover, Mr. Negroponte should have been forewarned to look for signs of government sponsored human rights abuses in light of concerns that his predecessor Ambassador Jack Binns, a career foreign service officer, had raised with the State Department concerning the mind set of the architect of Honduras' domestic countersubversion program with respect to a willingness to extrajudicial means in the context of such programs. Ambassador Binns was speaking about General Gustavo Alvarez who became Commander in Chief of the Honduran Armed Forces in 1982, and who had been Commander of Honduran Public Security Forces, FUSEP, from 1980-82.

Based upon the Committee's review of State Department and CIA documents, it would seem that Ambassador Negroponte knew far more about government perpetuated human rights abuses than he chose to share with the committee in 1989 or in Embassy contributions at the time to annual State Department Human Rights reports. For example, a Negroponte cable summarizing meetings between Congressman Solarz and Honduran government officials in January 1985 makes note of a Honduran official's concerns about future human rights abuses due to "fears that there might still be some 'secret operating cells' left from the Alvarez era," here referring to General Alvarez who had headed the Honduran armed forces until he was removed in 1984 by his fellow officers.

I don't quite know the difference between a "death squad" and "secret operating cells", but since Ambassador Negroponte is officially on record as saying that no death squads existed in Honduras during his tenure, there must be some difference.

There are also discrepancies with respect to when he became aware of certain cases where Honduran authorities were secretly detaining and torturing Hondurans suspected of subversion. And how he chose to report those cases to Washington. The case of dual na-

tional Ines Consuelo Murillo comes most readily to mind. Her detention and torture was described in detail on April 15, 1995 in the Baltimore Sun.

These are but a few examples. There were others which taken together, paint a very mixed picture of whether the U.S. embassy was doing much to discourage Honduran government practices or how comprehensively it was collecting and reporting on such abuses. Having said that, there were no "smoking guns" in the documents that have been provided to the Committee.

I know that this week is not just any week. I also know that the President is anxious to have an ambassador at the United Nations is a high priority, particularly in light of recent events. I will not stand in the way of the Senate moving forward with this nomination. I believe that yesterday's decision by the Committee on Foreign Relations to put on the public record all the additional declassified information that it has compiled in reviewing this nomination will contribute to the healing and reconciliation that is still ongoing in Honduras.

Finally I would say a word of caution to other career foreign service officers, particularly junior officers, that they not consider this nominee's lack of candor before the committee as a model to be emulated. A United States Ambassador is a representative of the United States Government and ultimately works for the American people. That means that our ambassadors have an obligation to be truthful and forthcoming in relations with Congress as we are the people's representatives. If they are under instruction to withhold information as a matter of policy they should say so. Then, we can take it up with their superiors if we choose to do so. In my estimation, Mr. Negroponte did neither in his dealings with the Congress. I am deeply saddened to come to that judgement. Having said that Ambassador Negroponte has had a distinguished career and on balance has discharged his responsibilities ably and honorably. For that reason, I intend to give him the benefit of the doubt in light of how extremely polarized relations between the Congress and the Executive were over U.S. policy in Central America when he was serving as Ambassador in Honduras. I will therefore support his nomination to the position of the U.S. Permanent Representative to the United Nations.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

#### NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Com-

mittee be discharged from consideration of S. Res. 159, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) designating the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week."

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc and that the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 159

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved,*

#### SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 16, 2001, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.

#### ORDER THE RECORD REMAIN OPEN UNTIL 3:30 P.M.

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today until 3:30 for statements and introduction of bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE INDEFINITELY POSTPONED—S. 1426

Mr. REID. Mr. President, I ask unanimous consent that once H.R. 2888, the

emergency supplemental appropriations bill, is enacted into law, action on S. 1426 be vitiated and the bill then be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I would like to extend my appreciation to everyone who allowed us to complete these nominations.

Mr. LEVIN. Mr. President, on behalf of myself and Senator WARNER, pursuant to section 3(b) of S. Res. 400 of the 94th Congress, we ask unanimous consent that S. 1428, the Intelligence Authorization Act for Fiscal Year 2002, be sequentially referred to the Committee on Armed Services for a period not to exceed 30 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO TERRY LYNCH

Mr. SHELBY. Mr. President, I rise today in remembrance of a long-time former employee of mine, Terry Michael Lynch. Terry was killed Tuesday morning at the Pentagon in the tragic and senseless events of a day that will never be forgotten in America. Terry worked for me for over 15 years, both in the House of Representatives and the U.S. Senate, and I would like to take this opportunity to reflect on the life of a dedicated family man and a true patriot.

Terry was born in 1952 in Youngstown, Ohio. Terry grew up as the son of a steel-factory administrator. He graduated from high school in Youngstown, and received both his bachelor's and master's degrees in history from Youngstown State. It was there that Terry met his wife of 24 years, Jackie.

Terry worked on Capitol Hill as an aide to former Alabama Republican Congressman Albert Lee Smith. Some of you might remember the Congressman. He began working for me in 1983, when I was a Member of the U.S. House of Representatives. When I entered the race for the United States Senate in 1986, Terry was one of the first volunteers to take personal time away from his family here in Virginia and travel throughout Alabama doing any task that was needed. Terry came over to the U.S. Senate with me as my Legislative Assistant assigned to the Armed Services Committee and continued in that position from 1987 through 1994. In 1995, Terry became a professional staff member of the Senate Intelligence Committee and for two years brought his expertise to the Intelligence Committee. He subsequently worked as a member of the professional staff of the Senate Veterans' Affairs Committee chaired by Senator SPECTER. Terry was most recently employed by the consulting firm of Booz Allen and Hamilton.

To say and give you all of this background does not touch the essence of

Terry Lynch. He was one of the most loyal, caring, unpretentious, and compassionate human beings I have ever had the privilege of knowing. Terry was a foundation of strength and stability for everyone that knew and loved him. He was the kindest soul and the most dedicated and loving father to his two daughters, Tiffany and Ashley. Terry's passion for helping others, especially the men and women in uniform with which he so closely worked, was always evident over the course of his career. This week, former staff members have called from all over the world to express their deep grief. And, although they had not seen Terry in many years, he made such a strong impact on all of us that to this day, he still lives on in each of our hearts in some way. Terry Lynch's spirit and his memory will forever be with us—the people who worked with him and knew him in the House of Representatives, who worked with him and knew him in the Senate, and who worked with him and knew him in the Pentagon where he died.

We are all, I believe, better people for having known Terry Michael Lynch.

Terry was an intelligent man with a heart of gold. He was also a great American. His life should not have ended in this unfortunate and premature manner, because he had so much ahead of him. But I promise you I will do everything in my power to ensure that Terry's life, and the lives of all Americans affected by this terrible tragedy, did not end in vain.

Mr. President, I yield the floor.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 19, 1997 in Stockton, CA. A high school student was allegedly beaten by a group of youths who believed he was gay. Two youths, ages 16 and 17, were charged with civil rights violations.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs.

This bill provides funding for fighting crime, enhancing drug enforcement,

and responding to threats of terrorism. It further addresses the shortcomings of the immigration process, funds the operation of the judicial process, facilitates commerce throughout the United States, and supports the needs of the State Department and various other agencies.

Regrettably, this bill spends at a level 4.4 percent higher than the level enacted in fiscal year 2001 which is greater than the 4 percent increase in discretionary spending than the President wanted to adhere to.

In real dollars, this is \$720 million in additional spending above the amount requested by the President, and a \$1.7 billion increase in spending from last year. So far this year, with just five appropriations bills already passed, spending levels have already exceeded the President's budget request by more than \$6.6 billion.

A good amount of this increase is in the form of parochial spending for unrequested projects. In this bill, I have identified approximately 600 earmarks totaling \$2 billion, which is greater than the 470 earmarks, totaling \$1.5 billion, in the bill passed last year.

There are hundreds of millions of dollars in pork-barrel spending and legislative riders that are riddled throughout this bill. The multitude of unrequested earmarks buried in this measure will undoubtedly further burden the American taxpayers. While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process.

For example, under funding for the Department of Justice, some examples of earmarks include: \$3 million to the University of Connecticut to fund the Prison Health Research Project; \$3 million for a grant to the Clearwater, Idaho EDA for the Lewis and Clark Bicentennial Bi-State Public Safety Project; \$1 million for a grant to the Alaska Native Justice Center Restorative Justice programs; \$1.6 million for the Montana Highway Patrol for computer upgrades; and \$725,000 for the City of Jackson, Mississippi, for their public safety automated technologies system.

Under funding for the Department of Commerce, some of the earmarks include: \$500,000 for the Central California Ozone Study; \$500,000 for the International Pacific Research Center at the University of Hawaii; \$1.25 million for the Alaska Near Shore Fisheries; \$350,000 for the South Carolina Taxonomic Center; \$1.75 million for the Alaska Fisheries Development Foundation; \$500,000 for weather radio transmitters in Wyoming; \$4 million for the Institute for Politics at Harvard University; and \$6 million for the Thayer

School of Engineering at Dartmouth University for the nanocrystalline materials and biomass research initiative.

There are many more projects on the list that I have compiled, which will be available on my Senate Web site.

Mr. President, I must once again draw attention to the more questionable ways in which Americans' tax dollars serve the otherwise noble cause of U.S. diplomacy around the world as part of the State Department appropriations portion of this bill. As usual, several organizations and universities have received earmarked funds for international exchanges. Five particularly parochial earmarks deserve mention: the Joiner Fellowships in War, the Padnos International Center, the UNI-Cedar Falls Russo-American Exchange, the UNLV Global Business Exchange, and the UNR International Business Exchange each receive a \$100,000 earmark, to the surprise of, among others, officials of the State Department, who not only did not request funding for these programs, but in several cases were unaware they even existed.

Among other beneficiaries this year of unrequested spending that seems to serve primarily the interests of its patrons, Pacific salmon stand out: this bill appropriates \$45,419,000, or nearly twice the \$25 million requested by the Department of State, to implement the 1999 Pacific Salmon Treaty. Included in this figure is \$20 million above the Administration's request to capitalize the Northern and Southern Boundary Funds and \$419,000 above the Administration's request dedicated to the State of Washington for its salmon preservation efforts. The Committee report also takes it upon itself to absolve the State of Alaska of further harvest reductions under the 1999 Pacific Salmon Treaty.

Traveling dance and music troupes and Internet entrepreneurs are also being shown the money as a result of the Committee report's generous provision of \$750,000 to their cause, on the grounds that, in the Committee's words, "Performances by touring U.S. dance and music troupes have afforded our diplomats unusual access to oft-times elusive senior policy-makers in Africa. At the same time, the lure of technological innovation, especially the explosion of the Internet, afford American educators and entrepreneurs a rare opportunity to develop lasting links with African elites." Our relations with African nations are important, and many countries torn by crippling poverty, famine, disease, civil unrest, and open warfare could use our help. I like a good dance performance as much as anyone, but I'm not positive this funding is the best way to help our friends or advance American interests in Africa.

For many years now I have opposed the Advanced Technology Program at

the Department of Commerce on grounds that it is "corporate pork." For many years, any of the Nation's leading companies have reaped the benefits of this grant program for research ideas that they could and should have pursued under their corporate budgets. Proponents of the program have cited that the program funds high-risk projects.

Several years ago, on the Senate Commerce Committee, we reviewed many of the funded projects under the program and found that many of the projects were not high-risk at all, but rather evolutionary or incremental development of existing technologies.

The President has stated that the future of the program would be subject to a Commerce Department's review. The fiscal year 2002 budget request has essentially eliminated funding for ATP. The Appropriations Committee has provided funding of \$204 million for fiscal year 2002, \$191 million above the President's request. Furthermore, to ensure that this funding is awarded in a timely manner, the Appropriations Committee, in report language, has prohibited obligations of any funds under the Department's Departmental Management account, which funds salaries and other expenses, until a plan on how timely awards are to be made. That is equivalent to saying make ATP awards or we will shut down the Department.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests and our inclusion of legislative riders which thwart the very process that is needed to ensure our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

AMENDMENT NO. 1538 TO H.R. 2500

Mr. SMITH of New Hampshire. Mr. President, I rise to raise an issue regarding the meaning and effect of amendment No. 1538 to H.R. 2500. I am proud to have joined in sponsoring this amendment with Senators HARKIN, WARNER, INHOFE, COCHRAN, ALLARD, CAMPBELL, and JOHNSON.

Mr. HARKIN. It is the understanding of the Senator from New Hampshire that the proper meaning of that amendment would bar the State and Justice Departments from filing any statement of interest or in any manner intervening to oppose any civil action brought by a former prisoner of war against a corporation of the type referenced in the amendment?

Mr. SMITH of New Hampshire. Yes. This is the intent of the amendment which passed this body by voice vote after a motion to table failed.

Mr. HARKIN. This is my understanding as well.

Mr. CRAPO. Mr. President, I rise today in support of a provision that has been included in the Commerce, Jus-

tice, State, and Judiciary Appropriations Subcommittee manager's amendment to H.R. 2500 that is absolutely crucial to recovering threatened and endangered species, while also protecting people and the economies of areas where these species are present.

I would like to thank the esteemed Chairman and Ranking Member of the Subcommittee and the Ranking Member of the Appropriations Committee for recognizing the critical nature of this issue and including it in the manager's amendment.

The Endangered Species Act, ESA, requires Federal agencies to avoid actions that are likely to "jeopardize" the continued existence of threatened or endangered species or destroy or adversely modify designated critical habitat. Agencies must "consult" with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, who issue a biological opinion at the conclusion of consultation to assist the Federal agency to meet its substantive no-jeopardy obligation. The obligation to avoid jeopardy rests upon on the Federal "action agency," not on the Services. These actions may include the construction of a highway or bridge, a stream restoration project to benefit listed fish species, a forest health activity such as thinning or prescribed fire to reduce the risk of catastrophic wildfire, or the operation of hydroelectric projects.

In the West, we have seen countless projects held up for inordinate amounts of time. They have caused economic hardship and job loss, while also draining the resources of the Federal Government. What is so significant about these resources being consumed by the consultation process is that in nearly all of these cases, projects did not jeopardize threatened or endangered species. In nearly every case, neither the species nor their habitats were at risk. In every case, this was a matter of doing paperwork that is required by the regulatory process. And, in no case, did this process do anything to increase a species' chances of survival or improve habitat for that species on-the-ground.

In 1986, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service issued joint regulations that divided consultations into "informal" and "formal." Informal consultations occur for any action that "may affect" a listed species. If the consulting Service finds that adverse affect on the species is likely, then formal consultation begins and the service will issue a formal biological opinion.

Since 1986, the consultation process has mushroomed into a lengthy and expensive process. Eight hundred and twenty-two new species have been listed since then, including 21 new salmon listings in the past five years. Between 1987 and 1995 Federal agencies were required to complete more than 186,000

consultations with the Services on proposed programs and projects. The increasing number of critical habitat designations will only add to this burden. Despite efforts to manage the workload under existing rules, the Services have been unable to quell growing criticism that they cannot do the job adequately.

Yet only three tenths of one percent of these projects, let me say that again, only three tenths of one percent or fewer than 600, were found to be likely to jeopardize a protected species or adversely modify critical habitat. A full 99.7 percent of all consultations involved projects that already complied fully with the ESA. Only one out of every 300 consultations involved a project with a potential to violate the ESA.

Each year Federal agencies are compelled to expend millions of Federal dollars for elaborate consultations on projects that pose no significant threat to species. Each of these consultations requires extensive studies and reports by the Federal action agency and one or both of the Services, and extends for months or years before ending with the inevitable no-jeopardy finding that was obvious from the start. The Services have increased their staffs every year for the past decade in order to complete more and more of these unneeded consultations that have no value for protected species.

These project delays further drain the Federal Treasury by increasing the ultimate costs of the stalled projects. The delays also cause millions of dollars more in lost economic opportunity for private citizens dependent on a stalled project. These consultations sap resources from those relatively few situations where a species actually needs protection from a proposed Federal agency project or program.

This out-of-control consultation process is contrary to Congress' intent in enacting the Endangered Species Act. The Supreme Court has observed that consultation is among the ESA's procedural safeguards intended "to avoid needless economic dislocation produced by agency officials zealously but unintelligently pursuing their environmental objectives." (*Bennett v. Spear*, 520 U.S. 154, 176-77 (1997).)

The joint consultation rules must be modified to mitigate the problem, reduce the workload and continue the same level of protection for the listed species. The regulations have caused large numbers of unneeded and burdensome consultations. None of these is required by the ESA and none of them is necessary in today's heightened sensitivity of endangered species responsibility to protect listed species.

It is impossible to make the argument that streamlining the consultation regulations will negatively affect species. In fact, a more efficient and effective process will help imperiled spe-

cies by reducing unnecessary paperwork, and thus, reducing the resources needed to do the paperwork, and by redirecting this precious resources to making real, on-the-ground improvements for imperiled species.

My provision, which has been included in the bill, would direct the Services to review this situation and revise their joint regulations accordingly. The review would consider the significant increase in number, cost, and duration of consultations since promulgation of the regulations in 1986 and would result in modifications to the regulations that will streamline the consultation process to ensure that: one, all forms of consultation are completed within the deadlines provided in section 7 of the ESA; two, the requirements for initiating consultation and for any information generated and documentation prepared by both the action agency and the consulting agency during consultation are fully consistent with section 7; and three, the consultation process is conducted in an efficient and useful manner to meet the purpose of section 7.

Section 7(b) of the ESA imposes a 90-day deadline, subject to certain extensions to which each agency must agree. If there is a permit applicant involved, consultation may not exceed 150 days without the applicant's consent. The 1986 regulations make no effort to follow these deadlines during the informal consultation stage, thus allowing this process to drag on and on.

A primary cause of the explosion in unneeded consultations is the extremely low threshold in the regulations for an action agency to initiate a consultation. The regulations require an action agency to initiate consultation for any proposed action that "may affect" either a listed species or critical habitat. In announcing the regulations, the Fish and Wildlife Service explained that they may affect threshold means that "any possible effect, whether beneficial, benign, adverse, or of an undetermined character, triggers the formal consultation requirement."

The regulations do not permit an action agency to decide that it does not need to consult on a "may affect" action, no matter how harmless the activity may be. A "may affect" action can be exempted from formal consultation only if a Service concurs in writing that the action is "not likely to adversely affect" a listed species or critical habitat. That finding itself requires a multi-step inter-agency administrative process called informal consultation, which often takes longer than the formal consultation it is intended to avoid.

The ESA does not contain the "may affect" consultation threshold. As a matter of fact, the Endangered Species Act does not contain any consultation threshold at all. The "may affect" threshold in the regulations is so far

removed from the substantive no-jeopardy requirement in the ESA that large volumes of unnecessary consultations were virtually guaranteed to occur—and have.

Other sections of the regulations also compel large numbers of unnecessary consultations: consultation is required on any action authorized, funded, or carried out "in part" by a federal agency, even if the Federal involvement is minor or secondary to private or state action; consultation is required for agency actions that are intended to benefit species; consultation is required for agency regulations with no direct on-the-ground impact; and consultation is required for agency actions that "indirectly" cause modification to the land, water, or air.

The regulations also impose burdensome documentation requirements, far beyond the ESA, that guarantee that even the most minor consultation will be long and slow. The action agency is required to initiate every formal consultation with a detailed written report on the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative effects, and must also provide the best scientific and commercial information available or which can be obtained during the consultation for an adequate review of the effects that an action may have upon listed species or critical habitat. Moreover, while the ESA only requires "biological assessments" to be prepared for "major construction activities," the joint regulations make this detailed analysis a virtual requirement for every agency action.

The joint regulations then mandate that a biological opinion include a detailed discussion of the effects of the action on listed species or critical habitat that addresses all of the indirect, interrelated, interconnected and cumulative effects as defined in the regulations. In contrast, the ESA only requires that a biological opinion set forth a summary of the information on which the opinion is based, detailing how the agency action affects the species or its critical habitat.

The Services have the authority under existing law to amend their regulations to improve the operation of the process. The agencies can initiate a rulemaking process to amend their regulations, with notice and opportunity for the public to comment, following the same procedures as were employed for the original 1986 regulations. No amendment of the ESA is required. The amendment I am offering merely directs the Services to use a portion of their fiscal year 2002 funds to review the consultation regulations and propose changes that will bring this process into line with the realities of the 21st Century and will enable all federal agencies to fulfill their obligations under the ESA.

The Endangered Species Act is besieged with problems that must be solved in order to adequately protect listed species and recover them. At the same time, many Western communities feel that they have been assaulted by the ESA in the last two decades. Win-win solutions often evade us as policymakers when it comes to issues that are as contentious as the Endangered Species, but this is truly a win-win for species AND people. Again, my sincere thanks to the chairman and Ranking Member of the Commerce Appropriations Subcommittee for their assistance in finding solutions to this troubling issue.

Mr. BREAUX. Mr. President, last year this Committee and Congress passed legislation to privatize INMARSAT [International Maritime Satellite Organization]. As part of the privatization, INMARSAT is required to hold an initial public offering [IPO]. INMARSAT's IPO deadline is set for December 31 of this year. Since the IPO market continues to be in bad shape, INMARSAT and its investment advisors would like time to see if the market improves.

INMARSAT was established in 1979 to improve maritime communications especially for distress and safety signals. Over the past two decades, INMARSAT has branched out to serve both maritime markets and increasingly any markets requiring mobility—shipping, oil and gas exploration and the FAA.

Since the IPO market has nosedived, INMARSAT has been waiting for conditions to improve. All of the extensions available to INMARSAT have now been used and the FCC has no more discretion to extend the deadline.

The dilemma is that if INMARSAT does not hold the IPO it will be in violation of U.S. law, and if it does hold the IPO, they could be found in breach of its fiduciary responsibility to its shareholders, possibly subjecting itself to shareholder lawsuits.

My amendment would simply give the FCC the ability to extend the deadline an additional 18 months to see if the IPO market improves. A large number of U.S. companies have pulled their IPOs off the market given market conditions. We are trying to privatize INMARSAT and we should allow them to act like a company.

#### IN SUPPORT OF THE BROADCASTING BOARD OF GOVERNORS' NEW MIDDLE EAST RADIO NETWORK

Mr. INOUE. Mr. President, I rise today to express my support for a proposal by the Broadcasting Board of Governors to enhance and expand service to the Middle East. According to the Chairman of the Broadcasting Board of Governors, the mission of U.S. international broadcasting is to pro-

mote the open communication of information and ideas in support of democracy, and the freedom to seek, receive, and impart information, worldwide. In pursuit of this goal, the Broadcasting Board of Governors has proposed a new station, the Middle East Radio Network.

Would Senator BOXER care to enlighten us on the current U.S. Government sponsored Arabic language broadcasting in the Middle East?

Mrs. BOXER. Yes, I would and I thank the Senator for this opportunity to describe the important results of the board's most recent Language Service Review. This review found that our current broadcasting efforts in the Middle East only reach approximately 2 percent of the population. The board's 2001 Language Service Review highlighted the importance of revitalizing America's Arabic programs in order to offset local Arabic radio broadcasts that often serve to incite violence in the region. An alternative must be offered to the hate radio that so often incites the population to violence.

In February, Broadcasting Board of Governors' representatives traveled throughout the Middle East to gather facts, to talk to government and media officials, and to begin to build a concept for success. The research emphasized the need for a greater U.S. media presence and increased local content to U.S. broadcasts. The researchers found that in spite of widespread opposition to the U.S. policies, there is a strong attraction to the American values of freedom and individualism. In addition, the Arab public would like information about U.S. businesses, technology and advances in medicine. I believe my colleague from Nebraska would like to discuss the Broadcasting Board of Governors' plans to address the shortcomings in our broadcasting services to the Middle East.

Mr. HAGEL. I thank the Senator for the opportunity to speak about the new broadcast service proposed by the Broadcasting Board of Governors for fiscal year 2002. The goal is to provide broadcasts that will appeal to a broad Arabic-speaking audience by providing news and information about events in the region. The working name for this station is the Middle East Radio Network. It would be a 24 hour per day, 7 days per week Arabic-language station to be delivered via a combination of local MW and FM, and shortwave to areas where local delivery is not possible. Programming will include news, music, talk, and interactive programs with listener participation. The Broadcasting Board of Governors plans to feature reliable news and discussion of issues relevant to the audience in a format to appeal to young adults and to news-seekers of all ages. The programs will embody two important themes: individual choice and respect for others.

In a region where more than half of the population is under 25, a successful station must appeal to young people who are the best hope to end the cycle of violence that has ravaged the region.

I know my colleague from Washington would like to discuss the delivery of this new service in the Middle East, and I invite her to comment.

Mrs. MURRAY. The expansion and enhancement of our radio programming in the Middle East are critical to the success of our policies in the region. The proposed service would reach audiences in the West Bank and Gaza, the Gulf, Egypt, Iraq, Jordan, and Sudan in the most popular media of AM, FM and satellite program delivery. This is an area where we cannot afford to deliver our message through a third party broadcaster, and we must deliver accurate information about events occurring in the region. We must be an accessible voice in the region with a program and format that will attract a broader audience. This expanded service will also provide the region with increased exposure to news and information and Western journalistic standards of a free press. This provision of information will help counter the existing regional broadcasts which are often censored or under state control.

I am confident this increased information will help us further our policy goals of establishing peace and stability in the region. In light of the terrible events of this week, I appreciate the opportunity to register my support for this program and our international broadcasting efforts. I would also add that I concur with the comments of my colleagues.

Mrs. BOXER. I also concur with the remarks of my colleagues.

Mr. HAGEL. I also concur with my colleagues and would like to ask Senator INOUE to provide his final comments.

Mr. INOUE. I concur in the comments of my colleagues about the importance of the enhanced programming in the Middle East proposed by the Broadcasting Board of Governors. It is my hope that the proposed service will help disseminate news and information throughout the region. I am pleased that the Broadcasting Board of Governors has committed to providing this much-needed service and look forward to working with my colleagues to support the Middle East Radio Network.

#### ADDITIONAL STATEMENTS

##### STEPFAMILY DAY

• Ms. STABENOW. Mr. President, I rise today to recognize National Stepfamily Day, a day that reminds us that families don't need to be bound by biology to be grounded in love and respect.

The Stepfamily Association of America and 38 States recognize September

16 as National Stepfamily Day. On this day, stepfamilies nationwide are encouraged to hold picnics and other activities to bring our stepfamilies together so they can share their experiences.

Stepfamily Day came about through the efforts of Michigan's Christy Borgeld, a board member of the Stepfamily Association of America. I applaud her efforts and those of the membership of the Stepfamily Association of America.

When we celebrate Stepfamily Day, we really celebrate the ties that make all our families one of our most precious national treasures, dedicated parents working to ensure their children grow up in safe and loving homes.

It is my pleasure to pay tribute to the Stepfamily Association of America for its commitment and hard work on behalf of American families, and to wish families in Michigan and nationwide a happy and successful Stepfamily Day.●

#### TRIBUTE TO PETE SUAZO

● Mr. HATCH. Mr. President, I rise to pay tribute to Eluid Pete Suazo, a distinguished Utah State Senator whose untimely death in August has had a tremendous impact—not only on his family and close friends, but also on the entire state of Utah.

At the time of his death, Senator Suazo represented Salt Lake City's multi-cultural west side, and he also served as the Assistant minority whip. Pete was heralded for his unfailing determination and advocacy for his constituents. Indeed, his integrity and absolute dedication won Senator Suazo respect from his colleagues on both sides of the aisle.

As the only Hispanic member of the Utah Legislature, Pete felt a strong sense of responsibility to honor and help Utah's growing Hispanic and minority populations. He was a top leader of the Hispanic community, who was also able to cross Utah's ethnic and political lines to effect policies benefiting the entire community. I remember how Pete's wife, Alicia, fondly recalled the day her husband decided to run for office. He passionately stated, "The Chicano boy is going to be a senator, not in New Mexico, but in Utah where the work is going to be doubly hard and the victory glorious." This optimism showed in Pete's face, for he was always smiling.

Pete fought for the underdog and the less privileged. For those who sought his advice and assistance, he always had a helping hand and a listening ear. He worked tirelessly to improve the lives of the youth in his neighborhood. He organized graffiti removal teams, baseball and soccer leagues, summer work programs, and provided so many other opportunities to strengthen the characters of countless young men and women.

Over the past few years, Pete helped reinvigorate amateur boxing in Utah and participated as a referee to ensure safety in the sport. The Senator undertook these and many other volunteer efforts to help the less fortunate, always giving hope to those who needed it so much.

Senator Suazo's work ethic was extraordinary and was developed at a very young age. He took great pride in whatever he was doing—from selling popcorn at a charity carnival in his youth to serving as a leading state senator. Throughout his life, he used his tremendous energy and his capacity for hard work to champion the causes in which he so fervently believed.

While serving in the Utah legislature, Senator Suazo was not afraid of the tough battles. In recent years, his work to adopt a more pro-active and stronger hate crimes law defined Pete Suazo's leadership and determination. He never gave up, and through his efforts this issue rose to the forefront of the legislature's attention.

Mr. President, Utah has lost a true hero. Senator Pete Suazo was a man with great integrity, strong personal conviction, and a humble heart. His life was an example of dedicated public service and utmost love for his community and fellow man. I hope my colleagues will join me in sending our heartfelt thoughts and prayers to the Suazo family—his wife, Alicia, and their children Travis, Abel, Emilio and Julio, his parents Pat and Lily, his siblings Kathy, Becky, Georgia, Anna, Ellie and Andy—and also to the many, many friends and neighbors of Pete who will deeply miss him. My hope is that future generations of Utahns will have the desire to follow in this good man's footsteps, and continue his legacy of work for the people of Utah. In so many instances Pete did not only dream the impossible dream, he strove for and attained it.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE DECLARATION OF NATIONAL EMERGENCY BY REASON OF CERTAIN TERRORIST ATTACKS—MESSAGE FROM THE PRESIDENT—PM 40

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Pursuant to section 201 of the National Emergencies Act (50 U.S.C. 1621), I hereby report that I have exercised my authority to declare a national emergency by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States. A copy of my proclamation is attached.

Further, I have authorized, pursuant to section 12302 of title 10, United States Code, the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service within the Department of the Navy, to order to active duty units and individual members not assigned to units of the Ready Reserve to perform such missions the Secretary of Defense may determine necessary. The deployment of United States forces to conduct operational missions in connection with the World Trade Center and Pentagon attacks necessitates this action. A copy of my Executive Order implementing this action is attached.

GEORGE W. BUSH.

THE WHITE HOUSE, September 14, 2001.

#### MESSAGE FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2888. An act making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2833. An act to promote freedom and democracy in Viet Nam.

H.R. 2291. An act to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3912. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "FAR Class Deviation Addressing Service Contract Act Requirements for Subcontracts for Certain Commercial Services" (AL-2000-10R) received on September 4, 2001; to the Committee on Energy and Natural Resources.

EC-3913. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA-7767) received on August 21, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3914. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to Strategic and Competitive Sourcing Programs and Workforce Review Cost Savings for Fiscal Year 2000; to the Committee on Armed Services.

EC-3915. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "PR Notice 2001-4: Elimination of Phenol Resistance Testing for Antimicrobial Disinfectant and Sanitizer Pesticides"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3916. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "PR Notice 2001-5: Guidance for Pesticide Registrants on Pesticide Resistance Management Labeling"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3917. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bromoxynil; Pesticide Tolerances for Emergency Exemptions" (FRL6798-2) received on September 4, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3918. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Listed Chemicals; Establishment of Non-Regulated Transactions in Anhydrous Hydrogen Chloride" (RIN1117-AA43) received on September 6, 2001; to the Committee on the Judiciary.

EC-3919. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "V Nonimmigrant Classification; Spouses and Children of Lawful Permanent Residents" (RIN1115-AG08) received on September 10, 2001; to the Committee on the Judiciary.

EC-3920. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule

entitled "Schedule of Controlled Substances: Placement of Dichloralphenazone Into Schedule IV" (RIN1117-AA59) received on September 6, 2001; to the Committee on the Judiciary.

EC-3921. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Annual Statement of Assurance for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-3922. A communication from the Secretary, Administrative Committee of the Federal Register Director, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Prices and Availability of Federal Register Publications" (RIN3095-ZA03) received on September 6, 2001; to the Committee on Governmental Affairs.

EC-3923. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—July 2001" (Rev. Rul. 2001-44) received on August 21, 2001; to the Committee on Finance.

EC-3924. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sample Plan Amendments Resulting from EGTRRA" (Notice 2001-57) received on September 4, 2001; to the Committee on Finance.

EC-3925. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Public Laws 106-476 and 106-554, Relating to Tobacco Importation Restrictions, Markings, Repackaging, and Destruction of Forfeited Tobacco Products" (RIN1512-AC35) received on September 4, 2001; to the Committee on Finance.

EC-3926. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Stills and Miscellaneous Regulations; Recodification of Regulations" (RIN1512-AC34) received on September 7, 2001; to the Committee on Finance.

EC-3927. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2001 Marginal Production Rates" (Notice 2001-53) received on September 10, 2001; to the Committee on Finance.

EC-3928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2001-42) received on September 10, 2001; to the Committee on Finance.

EC-3929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Separate Reporting of Nonstatutory Stock Option Income in Box 12 of the Form W-2, Using Code V, Optional for Year 2002" (Ann. 2001-92) received on September 10, 2001; to the Committee on Finance.

EC-3930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 43 Inflation Adjustment"

(Notice 2001-54) received on September 10, 2001; to the Committee on Finance.

EC-3931. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to the Control of Iron and Steel Production Installations" (FRL7040-8) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3932. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "District of Columbia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7050-9) received on September 4, 2001; to the Committee on Environment and Public Works.

EC-3933. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Pennsylvania; Department of Environmental Protection" (FRL7055-9) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3934. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL7054-5) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3935. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality" (FRL7051-4) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3936. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants to States and Territories in FY 2002 and Subsequent Years" (FRL7054-7) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3937. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL7052-6) received on September 10, 2001; to the Committee on Environment and Public Works.

EC-3938. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Performance Improvement Report for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3939. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Food and Nutrition Program for Fiscal Years 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3940. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the administration of ERISA during calendar year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC-3941. A communication from the Inspector General, United States Railroad Retirement Board, transmitting, pursuant to law, the budget request for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-3942. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the budget request report for Fiscal Year 2003; to the Committee on Health, Education, Labor, and Pensions.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAHAM, from the Select Committee on Intelligence, without amendment:

S. 1428. An original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 107-63).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes. (Rept. No. 107-64).

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LEVIN for the Committee on Armed Services.

Department of Defense nomination of Gen. Richard B. Myers.

Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. 1426. A bill making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes; considered and passed.

By Mrs. HUTCHISON:

S. 1427. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

By Mr. GRAHAM:

S. 1428. An original bill to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the

United States Government, the Community Management Account of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services.

By Mr. EDWARDS:

S. 1429. A bill to provide for the improvement of security at airports and seaports; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSON:

S. 1430. A bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCONNELL (for himself and Mr. BURNS):

S. 1431. A bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of Oregon:

S. 1432. A bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself and Mr. LOTT):

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States; considered and passed.

## ADDITIONAL COSPONSORS

S. 212

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 212, a bill to amend the Indian Health Care Improvement Act to revise and extend such Act.

S. 344

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 344, a bill to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from Connecticut

(Mr. DODD) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 827, a bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2001.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 875

At the request of Mr. BREAUX, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles.

S. 905

At the request of Mr. HARKIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1054

At the request of Mr. KOHL, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical

social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1421

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1421, a bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days.

S. RES. 139

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 139, a resolution designating September 24, 2001, as "Family Day — A Day to Eat Dinner with Your Children."

AMENDMENT NO. 1562

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of amendment No. 1562 proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. LOTT.)

S. 1426. A bill making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes, considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for fiscal year 2001, namely:

### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

#### EMERGENCY RESPONSE FUND (INCLUDING TRANSFERS OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks, \$40,000,000,000, to remain available until expended, including for the costs of (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks, (2) providing support to counter, investigate, or prosecute domestic or international terrorism, (3) providing increased transportation security, (4) repairing public facilities and transportation systems damaged by the attacks, and (5) supporting national security: *Provided*, That these funds may be transferred to any authorized Federal Government activity to meet the purposes of this Act: *Provided further*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That \$40,000,000,000 shall be available only to the extent that an official budget request, that includes designation of the \$40,000,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the President shall consult with the chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds: *Provided further*, That of the \$40,000,000,000 made available herein, \$10,000,000,000 shall not be available for transfer to any Department or Agency until 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that Department or Agency; \$20,000,000,000 may be obligated only when enacted in a subsequent emergency appropriations bill, in response to the terrorists acts on September 11, 2001: *Provided further*: That the President shall transmit an amended budget request proposing an allocation of funds: *Provided further*: That not less than one-half of the \$40,000,000,000 shall be for disaster recovery activities and assistance related to the terrorists acts in New York, Virginia, and Pennsylvania on September 11, 2001, as authorized by law: *Provided further*: That the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002: *Provided further*: That the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this Act.

### GENERAL PROVISIONS

SEC. 1. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

This Act may be cited as the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States."

By Mrs. HUTCHISON:

S. 1427. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1427

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

### SECTION 1. POSTHUMOUS DISABILITY RETIREMENT FOR MEMBERS OF THE ARMED FORCES WHO DIE IN THE LINE OF DUTY WHILE ON ACTIVE DUTY.

(a) AUTHORITY.—Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

#### "§ 1222. Posthumous retirement: retroactive effective date; related elections

"(a) AUTHORITY.—Upon a determination by the Secretary concerned that it is advantageous for the survivors of a member of the armed forces who dies in the line of duty while on active duty, the Secretary concerned may—

"(1) posthumously retire the member under section 1201 of this title effective immediately before the member's death; and

"(2) make for the deceased member any election with respect to survivor benefits under laws referred to in subsection (c) that the deceased member would have been entitled to make upon being retired under that section, except that the Secretary may not make an election under section 1448(b)(1) or 1458 of this title.

"(b) CONSTRUCTION WITH SECTION 1201 REQUIREMENTS.—Nothing in this section modifies the requirements set forth in section

1201 of this title regarding determinations or eligibility.

“(C) ADMINISTRATION OF BENEFITS LAWS.—A retirement and election under subsection (a) shall be effective for the purposes of laws administered by the Secretary of Defense or any Secretary concerned and laws administered by the Secretary of Veterans Affairs.

“(d) NONREVIEWABILITY OF DETERMINATIONS.—A determination or election made by a Secretary concerned under subsection (a) is not subject to judicial review.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1222. Posthumous retirement: retroactive effective date; related elections.”.

## SEC. 2. SURVIVOR BENEFIT PLAN.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who—

“(A) dies in the line of duty while on active duty after—

“(i) becoming eligible to receive retired pay;

“(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

“(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

“(B) dies in the line of duty while on active duty and is posthumously retired under section 1201 of this title pursuant to section 1222 of this title.”.

(b) DEPENDENT CHILD ANNUITY.—Paragraph (2) of such section is amended by striking “or if the member’s surviving spouse subsequently dies” and inserting “or if the payment of an annuity to the member’s surviving spouse under that paragraph subsequently terminates”.

(c) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) SERVICE MEMBERS POSTHUMOUSLY RETIRED.—In the case of an annuity provided under section 1448(d)(1)(B) of this title, the retired pay to which the member would have been entitled when the member died shall be determined for purposes of paragraph (1) based upon the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member’s death.”.

(d) CONFORMING AMENDMENT.—Section 1451(c)(3) of such title is amended by striking “section 1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A)”.

## SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

This Act and the amendments made by this Act shall take effect on September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

By Mr. JOHNSON:

S. 1430. A bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on Sep-

tember 11, 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today to offer a bill to unite our citizens in this time of great crisis. As Americans, we feel many emotions, from anger to sadness, because of the tragedy of the terrorist attacks this past week.

The American people have responded with incredible acts of heroism, kindness and generosity. The outpouring of volunteers, blood donors and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts. This response is the true American spirit our country has always known.

So many of my constituents in South Dakota have called my office this week to ask what they can possibly do to help their fellow Americans who are suffering today. Many have given blood, others have donated to aid organizations, and most have offered prayers for the victims and their families. One woman asked whether she could buy the equivalent of the old war bonds that allowed our citizens to contribute to the war effort back in World War II.

Based on my constituent’s idea, today I am introducing legislation that directs the United States Treasury to issue Unity Bonds. Americans who purchase these savings bonds will be contributing to disaster relief to the victims of Tuesday’s attack and to our Nation’s war against terrorism.

We will recover from this week’s attacks. We will rebuild our Nation’s infrastructure, and we will rebuild our Nation’s spirit. But it will take a sustained, long-term effort to stamp out terrorism against the United States and all other liberty-loving nations.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. I urge you to join me in helping to unite our citizens.

By Mr. MCCONNELL (for himself and Mr. BURNS):

S. 1143. A bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCONNELL. Mr. President, no American was spared from the horrific and violent assaults on New York and the Pentagon which shocked us all the morning of September 11, 2001. Yet, even as heroic rescue workers sift through the rubble that remains, our nation is coming together in its resolve to respond to these despicable acts. This indefatigable spirit is a shining symbol of America’s resilience and purpose.

The United States will undoubtedly meet the challenges which we now face. As President Bush has stated, “Now that war has been declared on us, we will lead the world to victory.”

Winning the war against terrorism will require the full support of the American public who stand so anxious and so willing to contribute. Therefore, today I am introducing legislation to direct the Department of the Treasury to establish a special category of U.S. savings bonds designated War Bonds.

These War Bonds will give voice to countless Americans who are looking for opportunities to make a difference in this time of need. By investing in a U.S. War Bond, patriotic citizens will have an opportunity to make a direct contribution to the war against the scourge of terrorism and provide much-needed resources for the effort to rescue the injured, rebuild the broken, and retaliate against the enemy.

America’s battle against the evil of terrorism will amount to much more than the immediate steps which are being undertaken in the aftermath of Tuesday’s carnage. Unlike previous conflicts when Americans had the luxury of recognizing a precise moment of victory, this battle’s success will be assured only if our shores never again fall victim to terrorist acts. Thus, by definition, this war will be ongoing. As such, it will be essential for our Government to generate consistent public support for its actions.

The national campaign to sell U.S. War Bonds will serve not only to generate revenue, but will provide an opportunity to educate all Americans on the complicated nature of the terrorist threat and the resulting comprehensive nature of our response. This national effort will build on one of America’s proudest traditions. Dating from the Revolutionary War through World War II, our country has relied upon U.S. War Bonds to respond to the threats posed by our most dangerous enemies. The World War II effort generated more than \$200 billion in revenue from patriotic Americans eager to respond to the call of duty. I have no doubt that today’s Americans will respond in kind, thus providing unprecedented support for the long road ahead.

I call on all of my colleagues to join me in supporting this legislation.

By Mr. DASCHLE (for himself, and Mr. LOTT):

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States; considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

## S.J. RES. 23

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the "Authorization for Use of Military Force".

**SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.**

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) **WAR POWERS RESOLUTION REQUIREMENTS.**—

(1) **SPECIFIC STATUTORY AUTHORIZATION.**—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

# DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On September 13, 2001, the Senate amended and passed H.R. 2500, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2500) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

**TITLE I—DEPARTMENT OF JUSTICE****GENERAL ADMINISTRATION****SALARIES AND EXPENSES**

*For expenses necessary for the administration of the Department of Justice, \$93,433,000, of*

*which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.*

**JOINT AUTOMATED BOOKING SYSTEM**

*For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$22,500,000, to remain available until expended.*

**LEGAL ACTIVITIES OFFICE AUTOMATION**

*For necessary office-automation expenses of organizations funded under the headings "Salaries and Expenses", General Legal Activities, and "Salaries and Expenses", General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, \$34,600,000, to remain available until expended.*

**NARROWBAND COMMUNICATIONS**

*For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$204,549,000, to remain available until expended.*

**PORT SECURITY**

*For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, \$39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.*

**ADMINISTRATIVE REVIEW AND APPEALS**

*For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$45,813,000.*

**DETENTION TRUSTEE**

*For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, \$88,884,000, of which \$87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: Provided, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention*

*policy setting and operations for the Department.*

**OFFICE OF INSPECTOR GENERAL**

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$46,006,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.*

**UNITED STATES PAROLE COMMISSION****SALARIES AND EXPENSES**

*For necessary expenses of the United States Parole Commission as authorized by law, \$8,836,000.*

**LEGAL ACTIVITIES****SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES**

*For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$527,543,000: Provided, That of the funds made available in this appropriation, \$2,612,000 shall remain available until expended only for courtroom technology: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.*

*In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.*

**SALARIES AND EXPENSES, ANTITRUST DIVISION**

*For expenses necessary for the enforcement of antitrust and kindred laws, \$130,791,000: Provided, That, notwithstanding any other provision of law, not to exceed \$130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0.*

**SALARIES AND EXPENSES, UNITED STATES****ATTORNEYS**

*For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,260,353,000; of which not to exceed \$2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That \$800,000 shall be available only for grants to develop and conduct programs to train State and local law enforcement and prosecutors in the investigation and prosecution of child pornography and child exploitation crimes: Provided further, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That of the*

amount made available under this heading, \$6,000,000 shall be available only to procure, operate, and maintain gunfire surveillance equipment to support gun prosecution initiatives in high crime areas: Provided further, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: Provided further, That, notwithstanding any other provision of law, the Attorney General shall transfer to the Department of Justice Working Capital Fund, unobligated, all unexpended funds appropriated by the first heading of chapter 2 of title II of division B of Public Law 106-246 and by section 202 of division A of appendix H.R. 5666 of Public Law 106-554: Provided further, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: Provided further, That the fourth proviso under the heading "Salaries and Expenses, United States Attorneys" in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106-113 shall apply to amounts made available under this heading for fiscal year 2002: Provided further, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,539 positions and 9,607 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$154,044,000, to remain available until expended and to be derived from the United States Trustee System Fund: Provided, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, \$154,044,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at \$0.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,130,000.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$644,746,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended.

In addition, for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, \$18,145,000, to remain available until expended.

#### CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of pris-

oner movement areas, elevators, and sallyports, \$25,812,000, to remain available until expended.

#### JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

For necessary expenses to procure replacement aircraft, \$53,050,000, to remain available until expended, shall be available only for the purchase of two long-range, wide body aircraft.

#### FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$687,682,000, to remain available until expended.

#### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$156,145,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed \$1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,269,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$22,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$1,996,000.

##### PAYMENT TO RADIATION EXPOSURE

##### COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act \$10,776,000.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$336,966,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,354 passenger motor vehicles, of which 1,190 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$3,425,041,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than \$485,278,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: Provided, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That of the amount made available under this heading, \$53,000 shall be available only to reimburse Acadian Ambulance & Air Med Services for costs incurred during the December 1999 prison riot in St. Martin Parish Correctional Center, St. Martin Parish, Louisiana.

##### CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$44,074,000, to remain available until expended.

#### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,477 passenger motor vehicles, of which 1,354 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$1,489,779,000; of which \$33,000,000 for permanent change of station shall remain available until September 30, 2003; of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed \$50,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE  
SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not less than 3,165 passenger motor vehicles, of which not less than 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, \$3,176,037,000; of which \$5,500,000 shall be for the Violence Against Women Act Unit of the Eastern Adjudication Service Center to provide for the processing of immigration self-petitions and U visas under the Violence Against Women Act (Public Law 103-322, reauthorized in Public Law 106-326) and T visas under the Victims of Trafficking and Violence Protection Act (Public Law 106-326), out of which \$500,000 shall be for the Eastern Adjudication Service Center to provide for the production and distribution of training materials to State Department, Justice Department, and other Government officials concerning the immigration provisions of the Violence Against Women Act; of which not to exceed \$400,000 for research shall remain available until expended; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training; of which not to exceed \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$1,153 per pay period during the calendar year beginning January 1, 2002: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed \$45,000 shall be available for official reception and representation expenses: Provided further, That not to exceed 30 permanent positions and 30 full-time equivalent workyears and not to exceed \$4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended: Provided further, That the latter two aforementioned offices shall be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis and such

augmentation may not exceed 10 full-time equivalent workyears.

CONSTRUCTION

For planning, purchase of construction vehicles, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$205,015,000, to remain available until expended, of which \$3,000,000 shall be available only to comply with Occupational Safety and Health Administration programs.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,786,228,000, of which \$11,554,000 shall be available only for the activation of the facility at Atwater, California, and of which \$13,323,000 shall be available only for the activation of the facility at Honolulu, Hawaii: Provided, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: Provided further, That not to exceed \$6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2003: Provided further, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$899,797,000, to remain available until expended, of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That, of the amount made available under this heading, \$9,962,000 shall be available for partial

site and planning for the U.S.P. Northeast/Northern Mid-Atlantic facility to be located in Berlin, New Hampshire: Provided further, That, of the amount made available under this heading, \$66,524,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Immigration and Naturalization Service, Construction" appropriations account, to be available only for the construction of detention facilities: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES,

FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$200,738,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524), of which not to exceed \$2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: Provided, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, \$373,800,000, to remain available until expended, of which \$9,800,000 is for an aircraft for counterterrorism and other required activities for the City of New York.

## STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), \$2,094,990,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) \$400,000,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(a) \$80,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided, That from such funds \$15,000,000 shall be used to carry out the Kids 2000 Act (Public Law 106-313; 114 Stat. 1260): Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers, and

(b) \$19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) \$265,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) \$35,000,000 shall be available for the Cooperative Agreement Program;

(4) \$35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(5) \$7,982,000 for the Tribal Courts Initiative;

(6) \$583,125,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which \$84,625,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, of which \$10,000,000 is for the Mental Health Courts Grants Initiative, of which \$1,500,000 shall be for the Standing Against Global Exploitation (SAGE) Project, Inc.;

(7) \$11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(8) \$2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(9) \$184,937,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(a) \$1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for domestic violence federal case processing study,

(b) \$5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women,

(c) \$10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended, and

(d) \$200,000 for the Attorney General to conduct a study and prepare a report to be submitted to the Subcommittee on Commerce, Justice and State Appropriations of the Senate and House of Representatives Appropriations Committee on the response of local law enforcement agencies to emergency calls involving domestic violence;

(10) \$64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) \$39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) \$4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) \$998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(14) \$3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(15) \$10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106-386;

(16) \$40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106-386;

(17) \$5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(18) \$15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106-386;

(19) \$7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of Public Law 106-386;

(20) \$68,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: Provided, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grants funds for treatment, both during incarceration and after release;

(21) \$4,989,000 for demonstration grants on alcohol and crime in Indian Country;

(22) \$898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(23) \$50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(24) \$1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(25) \$1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(26) \$249,450,000 for Juvenile Accountability Incentive Block Grants except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(27) \$1,298,000 for the Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of

the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: Provided further, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

## WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government, engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

## COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322 ("the 1994 Act") (including administrative costs), \$1,049,659,000, to remain available until expended; of which \$175,962,000 shall be available to the Office of Justice Programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546), of which \$35,000,000 is for the State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and improvements to the State and local forensic general science capabilities to reduce State and local DNA convicted offender sample backlog and for awards to State, local, and private laboratories, including \$1,500,000 for a computer forensic lab in Ohio, of which \$600,000 shall be available to the Mecklenburg County, North Carolina Sheriff's Office for a Sex Offender Registration Unit, of which \$25,000,000 shall be available for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797j et seq.), and of which \$17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training; of which \$514,209,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which \$190,291,000 shall be available for the COPS hiring program, of which \$180,000,000 shall be available for school resource officers, of which \$35,000,000 shall be used to improve tribal law enforcement including equipment and training, of which \$25,444,000 shall be used for the Matching Grant Program for Law Enforcement

Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), as amended, of which \$30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, and of which \$20,662,000 shall be used to provide training and technical assistance; of which \$155,467,000 shall be used for a law enforcement technology program, of which \$1,900,000 shall be available only for the New Jersey State Police Law Enforcement Training Center, of which \$1,500,000 shall be available only for in-car cameras for Arkansas State Police cruisers, of which \$1,000,000 is to the National Sheriff's Association to conduct a multi-State information sharing demonstration project, of which \$7,202,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional computer forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division, of which \$1,005,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to expand the Violent Criminal Apprehension Program to include sexual assault, of which \$3,800,000 will be for a grant to the Jersey City Police Department's Crime Identification System to upgrade communications systems, of which \$350,000 shall be transferred to, and merged with, funds in the "Salaries and Expenses", General Legal Activities appropriations account to be available only for equipment to connect Interpol to the National Law Enforcement Telecommunications System, of which \$3,000,000 shall be for a grant to the Law Enforcement Innovation Center at the University of Tennessee, of which \$2,000,000 shall be available only for law enforcement technology upgrades for Berlin, New Hampshire, and of which \$4,000,000, to remain available until September 30, 2003, shall be transferred to, and merged with, funds in the Federal Bureau of Investigation, "Salaries and Expenses" appropriations account to be available only to maintain or establish not more than 4 regional mitochondrial DNA forensic labs in affiliation with the Federal Bureau of Investigation Laboratory Division; of which \$49,493,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug "hot spots", of which \$1,300,000 shall be for a grant to the California Department of Justice for a methamphetamine initiative, of which \$1,100,000 shall be for a methamphetamine initiative in the State of Missouri; of which \$99,780,000 for a prosecution assistance program to reimburse State, county, parish, or municipal governments only for Federal costs associated with the prosecution of criminal cases declined by local U.S. Attorneys' offices, of which \$49,780,000 shall be for a national program to reduce gun violence, and of which \$50,000,000 shall be for the Southwest Border Prosecutor Initiative; of which \$16,963,000 shall be for a police integrity program; of which \$22,851,000 is for the Safe Schools Initiative; and of which \$14,934,000 shall be for an offender re-entry program: Provided, That of the amount provided for Public Safety and Community Policing Grants, not to exceed \$32,812,000 shall be expended for program management and administration: Provided further, That of the prior year balances available in this program, \$46,000,000 shall be available for the direct hiring of law enforcement officers through the Universal Hiring Program: Provided further, That Section 1703(b) and (c) of the 1968 Act shall not apply to non-hiring grants made

pursuant to part Q of title I thereof (42 U.S.C. 3796 d.d. et seq.).

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$324,926,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, \$6,847,000 shall be available for expenses authorized by part A of title II of the Act, \$88,804,000 shall be available for expenses authorized by part B of title II of the Act, and \$60,591,000 shall be available for expenses authorized by part C of title II of the Act, of which \$300,000 shall be available only for the "From Darkness to Light" program in Charleston, South Carolina, of which \$5,000,000 is to fund the Strengthening Abuse and Neglect Courts Act, of which not to exceed \$5,000,000 shall be available for grants for local juvenile justice programs for mental health screening and treatment for juvenile offenders during incarceration that are consistent with guidelines issued by the Attorney General, of which \$500,000 is for the Boy Scouts "Learning for Life" program, of which \$500,000 for the Elwyn Project in Pennsylvania to reduce placement in institutions of mentally ill youth, \$400,000 for the Center for Corrections Education at Indiana University of Pennsylvania to develop and establish a program to train educators within corrections institutions throughout the United States, and \$100,000 to replicate a witness relocation program in Pennsylvania, of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine: Provided, That \$26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$130,767,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which \$15,000,000 shall be available for the Safe Schools Initiative: Provided further, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs),

part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$8,481,000, to remain available until expended, as authorized by section 214B of the Act.

#### PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and \$2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Section 124 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is repealed.

SEC. 103. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: Provided, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 104. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 105. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953, as amended, is further amended by striking "6" and inserting "96".

SEC. 106. Notwithstanding any other provision of law, \$1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 107. In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate

against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities and, notwithstanding any other provision of law, to credit any payment made for such work to any appropriation charged therefor.

SEC. 108. Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356(e)(1)) is amended to read as follows:

“(1)(A) Except as provided in subparagraph (B), the Attorney General is authorized to charge and collect a fee in the amount of \$1.50 for each individual with respect to whom immigration inspection services or preinspection services are provided in connection with the arrival in the United States of the individual as a passenger on a commercial vessel, if the passenger’s journey originated in any of the following:

“(i) Mexico.  
“(ii) Canada.  
“(iii) A State, territory, or possession of the United States.

“(iv) Any adjacent island (within the meaning of section 101(b)(5)).

“(B) The authority of subparagraph (A) does not apply to immigration inspection services or preinspection services provided at a designated port of entry in connection with the arrival of a passenger by means of a Great Lakes international ferry, or by means of any vessel that transits the Great Lakes or its connecting waterways, if the ferry or other vessel operates on a regular schedule.”.

SEC. 109. Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(1) in paragraph (1), by amending the first sentence to read as follows: “Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

“(A) entered the United States without inspection; or

“(B) is within one of the classes enumerated in subsection (c) of this section, may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence.”; and

(2) by amending paragraph (3)(B) to read as follows:

“(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examination Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).”.

SEC. 110. Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)), is amended by striking the period at the end and inserting “, and for a Victim Notification System.”.

SEC. 111. Section 6 of the Hmong Veterans’ Naturalization Act of 2000 (Public Law 106–207; 8 U.S.C. 1423 note) (as amended by Public Law 106–415) is amended by striking “18 months” each place such term appears and inserting “36 months”.

This title may be cited as the “Department of Justice Appropriations Act, 2002”.

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including

the hire of passenger motor vehicles and employment of experts and consultants as authorized by 5 U.S.C. 3109, \$30,097,000, of which \$1,000,000 shall remain available until expended: Provided, That not to exceed \$98,000 shall be available for official reception and representation expenses.

#### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$51,440,000, to remain available until expended.

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$347,090,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: Provided, That \$67,320,000 shall be for Trade Development, \$27,441,000 shall be for Market Access and Compliance, \$42,859,000 shall be for the Import Administration, \$193,824,000 shall be for the United States and Foreign Commercial Service, and \$13,146,000 shall be for Executive Direction and Administration: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses

abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$68,893,000, to remain available until expended, of which \$7,250,000 shall be for inspections and other activities related to national security: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$341,000,000, to remain available until expended.

##### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$30,557,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$28,381,000.

#### ECONOMIC AND INFORMATION INFRASTRUCTURE

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$62,515,000, to remain available until September 30, 2003.

#### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$168,561,000.

##### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$348,529,000, to remain available until expended.

#### NATIONAL TELECOMMUNICATIONS AND

##### INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$14,054,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of

Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

**PUBLIC TELECOMMUNICATIONS FACILITIES,  
PLANNING AND CONSTRUCTION**

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$2,358,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

**INFORMATION INFRASTRUCTURE GRANTS**

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed \$3,097,000 shall be available for program administration and other support activities as authorized by section 391: Provided further, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: Provided further, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

**PATENT AND TRADEMARK OFFICE**

**SALARIES AND EXPENSES**

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$856,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: Provided, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in fiscal year 2002 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2002, should the total amount of offsetting fee collections be less than \$856,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: Provided further, That an additional amount not to exceed

\$282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002, to remain available until expended: Provided further, That from amounts provided herein, not to exceed \$5,000 shall be made available in fiscal year 2002 for official reception and representation expenses.

**SCIENCE AND TECHNOLOGY**

**TECHNOLOGY ADMINISTRATION**

**UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF  
TECHNOLOGY POLICY**

**SALARIES AND EXPENSES**

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$8,238,000.

**NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY**

**SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES**

For necessary expenses of the National Institute of Standards and Technology, \$343,296,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

**INDUSTRIAL TECHNOLOGY SERVICES**

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$105,137,000, to remain available until expended: Provided, That the Secretary of Commerce is authorized to enter into agreements with one or more nonprofit organizations for the purpose of carrying out collective research and development initiatives pertaining to 15 U.S.C. 278k paragraph (a), and is authorized to seek and accept contributions from public and private sources to support these efforts as necessary.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$204,200,000, to remain available until expended, of which not to exceed \$60,700,000 shall be available for the award of new grants.

**CONSTRUCTION OF RESEARCH FACILITIES**

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, \$43,893,000, to remain available until expended.

**NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION**

**OPERATIONS, RESEARCH, AND FACILITIES  
(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$2,273,305,000, to remain available until expended, of which \$2,000,000 shall be for West Coast Groundfish Cooperative Research and \$3,000,000 shall be for Oregon Groundfish Disaster Assistance, of which \$300,000 shall be available only for a variable and Eurasian milfoil education and prevention program in New Hampshire and \$300,000 shall be available only for the Connecticut River Partnership: Provided, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American

Fisheries": Provided further, That in addition, not to exceed \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management": Provided further, That of the amounts made available to the National Marine Fisheries Service, not less than \$29,000,000 shall be for Alaskan Steller sea lion research: Provided further, That such sums as are necessary shall be available to the National Marine Fisheries Service, in collaboration with the United States Fish and Wildlife Service, to conduct a review of the agencies' joint regulations governing consultations on Federal agency actions under subsection (a)(2) of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), so as to streamline the consultation process to ensure that consultations are completed within the deadlines provided in that section and have streamlined documentation requirements consistent with that section, and to make any necessary modifications to those regulations not later than April 1, 2003: Provided further, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: Provided further, That of the amount provided under this heading, for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, \$33,650,000 to remain available until expended, for the purposes of discretionary spending limits: Provided further, That not to exceed \$23,890,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: Provided further, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 42 personnel: Provided further, That of the amount provided to the National Marine Fisheries Service, a total of \$6,000,000 shall be provided to the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the National Marine Fisheries Service shall be obligated for payment of all fisheries-related reimbursable work performed by the National Oceanic and Atmospheric Administration Office of General Counsel: Provided further, That the Secretary may proceed as he deems necessary to have the National Oceanic and Atmospheric Administration occupy and operate its research facilities which are located at Lafayette, Louisiana: Provided further, That \$1,500,000 shall be available only for the planning and design of research facilities which shall be located in Lafayette, Louisiana: Provided further, That the R/V FAIRWEATHER shall be homeported in Ketchikan, Alaska: Provided further, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: Provided further, That any use of deobligated balances of funds in excess of \$22,000,000 shall be subject to the procedures set forth in section 605 of this Act.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

In addition, there is hereby established the Business Management Fund of the National Oceanic and Atmospheric Administration, which shall be available without fiscal year limitation for expense and equipment necessary for the maintenance and operations of such services and projects as the Administrator of the National Oceanic and Atmospheric Administration determines may be performed more advantageously when centralized: Provided, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the National Oceanic and Atmospheric Administration: Provided further, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Business Management Fund as of the close of the completed fiscal year, shall be prepared each year and submitted to Congress: Provided further, That notwithstanding 31 U.S.C. 3302, the Business Management Fund may be credited with advances and reimbursements from applicable appropriations of the National Oceanic and Atmospheric Administration and from funds of other agencies or entities for services furnished pursuant to law: Provided further, That any inventories, equipment, systems, real property and other assets over \$25,000, pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Business Management Fund: Provided further, That the National Oceanic and Atmospheric Administration Business Management Fund shall be authorized to create an initial cash corpus of \$5,000,000 from deobligations and continued funding as may be or become available from deobligations: Provided further, That the Business Management Fund shall provide for centralized services at rates which return in full all expenses of operation and services, including depreciation or full overhead costs of fund plant and equipment, plus an amount equal to projected inflation, amortization of automated data processing software and hardware systems, and an amount not to exceed four percent necessary to maintain an operating level in the fund as determined by the Administrator: Provided further, That full implementation of the Business Management Fund will be phased in over a period not less than three years nor more than five fiscal years.

There is hereby established the following organizational structure for the Business Management Fund of the National Oceanic and Atmospheric Administration: Provided, That the overall responsibility for the National Oceanic and Atmospheric Administration Business Management Fund lies with the Administrator of the National Oceanic and Atmospheric Administration: Provided further, That general management of the National Oceanic and Atmospheric Administration's Business Management Fund may be delegated by the Administrator to the Chief Financial Officer/Chief Administrative Officer of the National Oceanic and Atmospheric Administration.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$940,610,000, to remain available until expended: Provided, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: Provided

further, That of the amount provided under this heading for expenses necessary to carry out conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Coastal and Estuarine Land Conservation Program, \$83,410,000 to remain available until expended: Provided further, That, notwithstanding any other provision of law, of the above amounts, \$60,000,000 shall be used to initiate the "Coastal and Estuarine Land Conservation Program", for which there shall be no matching requirement, of which \$2,500,000 is for coastal land acquisition at Rocky Point in Warwick, Rhode Island: Provided further, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

#### PACIFIC COASTAL SALMON RECOVERY

For necessary expenses to carry out the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, including funds for the Endangered Species Act-Pacific Salmon Recovery, the Columbia River Hatcheries, the Columbia River Facilities, Pacific Salmon Treaty Implementation, \$137,940,000, to remain available until expended.

#### COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the Operations, Research, and Facilities account to offset the costs of implementing such Act.

#### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

#### FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$191,000, to remain available until expended.

#### FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$287,000, as authorized by the Merchant Marine Act of 1936, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$8,000 for official entertainment, \$42,062,000.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,176,000.

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available

to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: Provided, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: Provided further, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: Provided further, That such fund shall provide services on a competitive basis: Provided further, That an amount not to exceed 4 percent of

the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: Provided further, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: Provided further, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: Provided further, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

SEC. 208. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the "National Institute of Standards and Technology, Construction of Research Facilities", \$5,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina, \$6,000,000 is appropriated to the Thayer School of Engineering for the nanocrystalline materials and biomass research initiative, \$3,000,000 is appropriated to the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies, and \$4,000,000 is appropriated for the Institute for Politics.

SEC. 209. (a) Notwithstanding any other provision of law, the total amount of funds that may be transferred into the "Working Capital Fund" in fiscal year 2002, or in any fiscal year thereafter, may not exceed \$117,000,000.

(b) All transfers of funds, functions, or personnel to or from the Working Capital Fund in fiscal year 2002 and any fiscal year thereafter shall be subject to section 605, without regard to the amount of the reprogramming or the purpose of the funds so reprogrammed.

(c) Of the amounts available under this section for salaries of the staff of the Department of Commerce, the amount obligated for that purpose before December 15, 2001, may not exceed \$29,250,000.

(d)(1) Not later than December 15, 2001, the Secretary of Commerce shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the proposed disbursements from the Working Capital Fund during fiscal year 2002.

(2) Of the proposed disbursements in the report under paragraph (1)—

(A) not more than \$7,000,000 of the proposed disbursements may be for the Commerce Administrative Management System or support for the Commerce Administrative Management System Support Center; and

(B) none of the proposed disbursements for that System may be from or attributable to the National Oceanic and Atmospheric Administration.

(3) Disbursements from the Working Capital Fund in fiscal year 2002 may not be made until 15 days after the date on which the report is submitted under paragraph (1).

(4) Any modification of a proposed disbursement from the Working Capital Fund previously specified in the report under paragraph (1) shall be treated as a reprogramming of funds to which section 605 applies, without regard to the amount of the modification or the purpose of the disbursement, as so modified.

(5)(A) If a disbursement from the Working Capital Fund in fiscal year 2002 will require any bureau or organization in the Department of Commerce to incur costs not previously specified in the report under paragraph (1), the disbursement may not be made until 15 days after the date on which such bureau or organization submits to the Committees on Appropriations of the

Senate and House of Representatives a Memorandum of Agreement providing for such bureau or organization to incur such costs.

(B) Each Memorandum of Agreement under this paragraph shall specify the provision of statute providing authority for the disbursement concerned.

(e) Amounts in the "Advances and Reimbursements" account may not be used to assess or collect costs or charges against or from any bureau or organization of the Department of Commerce unless the costs or charges are incurred for a project has been approved as a request for reprogramming under section 605.

(f) The Office of Management and Budget shall issue a quarterly Apportionment and Reapportionment Schedule, and a Standard Form 133, for the Working Capital Fund and the "Advances and Reimbursements" account based upon the report required by subsection (d)(1).

SEC. 210. (a) Notwithstanding section 102 of the Marine Mammal Protection Act of 1972, as amended, or section 9 of the Endangered Species Act of 1973, the Anchorage Sister Cities Commission of Anchorage, Alaska, may export, on a one-time basis, to the Town of Whitby, in the care of the Scarborough Borough Council, Whitby, North Yorkshire, United Kingdom, two bowhead whale jawbones taken as part of a legal subsistence hunt by Native Alaskans and identified in U.S. Fish and Wildlife Service, Convention on International Trade of Endangered Species, permit 01US037393/9.

(b) The Anchorage Sister Cities Commission shall notify the National Marine Fisheries Service Office of Enforcement 15 days prior to shipment to ensure compliance with all applicable export requirements.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2002".

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$39,988,000.

##### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

##### SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$19,372,000.

#### UNITED STATES COURT OF INTERNATIONAL TRADE

##### SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$13,054,000.

#### COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

##### SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the

United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,559,012,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects: Provided, That, of the amount made available under this heading, \$33,000, shall be transferred to, and merged with, funds in the "Salaries and Expenses, United States Marshals Service" appropriations account in title I of the Act, to be available only for court operations in Lander, Wyoming.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

##### DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$463,756,000, of which \$257,710,000 is for federal defender organizations, to remain available until expended.

##### FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$50,131,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

##### COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$209,762,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems and contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall

be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: Provided, That, of the amount made available under this heading, \$3,580,000, to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,212,000, of which \$3,000,000 shall only be available, by grant, for caption training, and of which not to exceed \$8,500 is authorized for official reception and representation expenses.

#### FEDERAL JUDICIAL CENTER

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$19,742,000; of which \$1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

#### JUDICIAL RETIREMENT FUNDS

##### PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

#### UNITED STATES SENTENCING COMMISSION

##### SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$11,327,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

#### GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided,

That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 305. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, \$400,000 shall be transferred to, and merged with, funds in the "Federal Judicial Center, Salaries and Expenses" appropriations account to be available only for distance learning.

SEC. 306. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with 28 U.S.C. 461: Provided, That \$8,625,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

This title may be cited as this "Judiciary Appropriations Act, 2002".

#### TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$3,061,805,000: Provided, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: Provided further, That of the amount made available under this heading, \$7,800,000 shall be available only to provide language, security, leadership and management, and professional training: Provided further, That of the amount made available under this heading, \$6,000,000 to remain available until expended, shall be transferred to, and merged with, funds in the "Narrowband Communications" appropriations account in title I of this Act, to be administered by the Department of Justice Wireless Management Office and to be available only for the conversion to narrowband communications and for the operations and maintenance of legacy radio systems: Provided further, That of the amount made available under this heading, \$694,190,000 shall be available only for information resource management: Provided further, That of the amount made available under this heading, \$9,000,000 shall be available only for the East-West Center: Provided further, That, notwithstanding any other provision of law, not to exceed \$335,000,000 of offsetting collections derived from fees collected under the authority of section 104(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: Provided further, That any fees received in excess of \$335,000,000

in fiscal year 2002 shall not be available for obligation and shall be returned to the General Fund: Provided further, That notwithstanding any other provision of law, a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed an employee in a foreign area within the meaning of 5 U.S.C. Section 5923, and qualify for a living quarters allowance as authorized by 5 U.S.C. 5923(2): Provided further, That a citizen of the United States approved by the Department of State to serve as Deputy Director General of the World Intellectual Property Organization shall, while serving in such position, be deemed as an employee approved for transfer to an international organization within the meaning of 5 U.S.C. Section 352, and eligible to continue participating in the retirement, health benefit, group life insurance, and other benefit programs as provided in that section: Provided further, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services: Provided further, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action: Provided further, That of the amounts made available under this heading, \$5,000,000 shall be available only for the reimbursement costs incurred by the State of Hawaii for security expenses relating to the May 2001 Asian Development Bank Meeting: Provided further, That of the amount made available under this heading, \$45,419,000 shall only be available to implement the 1999 Pacific Salmon Treaty Agreement, of which \$20,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which \$20,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which \$5,419,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, \$409,363,000, to remain available until expended.

##### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$210,000,000, to remain available until expended, as authorized: Provided, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$28,427,000, notwithstanding

section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$242,000,000, to remain available until expended: Provided, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized.

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$9,000,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$10,000,000, to remain available until September 30, 2003.

#### EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized, \$405,391,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction, \$661,560,000, to remain available until expended.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$5,465,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

#### REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$612,000, as authorized: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

#### PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$17,044,000.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$135,629,000.

#### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or spe-

cific Acts of Congress, \$1,091,348,000: Provided, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$773,182,000, of which 15 percent shall remain available until September 30, 2003: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission.

##### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

##### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$7,452,000.

##### CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$24,154,000, to remain available until expended, as authorized.

##### AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$6,879,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

##### INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$20,780,000: Provided, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

#### OTHER

##### PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,000,000, to remain available until expended, as authorized.

##### EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

##### ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

##### EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$14,000,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

##### NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$31,000,000, to remain available until expended.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, \$414,752,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

##### BROADCASTING TO CUBA

For necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary

equipment for radio and television transmission and reception, \$24,872,000, to remain available until expended.

#### BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$16,900,000, to remain available until expended, as authorized.

#### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 404. There is hereby enacted into law S. 1084 of the 107th Congress (as introduced on June 21, 2001).

SEC. 405. Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.

SEC. 406. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

SEC. 407. None of the funds appropriated or otherwise made available by this Act or any other Act for fiscal year 2002 or any fiscal year thereafter may be obligated or expended for the publication of any official Government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

SEC. 408. For the purposes of registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon request of the citizen, record the place of birth as Israel.

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

#### TITLE V—RELATED AGENCIES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

#### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$89,054,000, of which \$13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy.

#### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$100,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

#### COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$489,000, as authorized by section 1303 of Public Law 99-83.

#### COMMISSION ON CIVIL RIGHTS SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$9,096,000: Provided, That not to exceed \$50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

#### COMMISSION ON OCEAN POLICY SALARIES AND EXPENSES

For the necessary expenses of the Commission on Ocean Policy, pursuant to Public Law 106-256, \$2,500,000, to remain available until expended: Provided, That the Commission shall present to the Congress within 18 months of appointment its recommendations for a national ocean policy.

#### COMMISSION ON SECURITY AND COOPERATION IN EUROPE SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,432,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

#### CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$500,000, to remain available until expended.

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$33,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$310,406,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

#### FEDERAL COMMUNICATIONS COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$252,545,000, of which not to exceed \$300,000 shall remain available until September 30, 2003, for research and policy studies: Provided, That \$218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at \$29,788,000: Provided further, That any offsetting collections received in excess of \$218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

#### FEDERAL MARITIME COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$17,450,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$156,270,000: Provided, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That, notwithstanding any other provision of law, not to exceed \$156,270,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0, to remain available until expended: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$329,300,000, of which \$310,000,000 is for basic field programs and required independent audits; \$2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$12,400,000 is for management and administration and \$4,400,000 is for client self-help and information technology: Provided, That none of such funds for management and administration shall be obligated or expended for any program that is in addition to, or expanded from, the programs funded under this heading for fiscal year 2001, unless the Legal Services Corporation prepares a spending plan for such funds, and notifies the Committees on Appropriations of the House of Representatives and the Senate concerning the contents of the spending plan.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

MARINE MAMMAL COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,957,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, \$4,000,000.

SECURITIES AND EXCHANGE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in fiscal year 2000, \$404,547,000 to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: Provided, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: Provided further, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: Provided further, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$333,233,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: Provided further, That \$88,000,000 shall be available to fund grants for performance in fiscal year 2002 or fiscal year 2003 as authorized by section 21 of the Small Business Act, as amended: Provided further, That \$13,700,000 shall be available in fiscal year 2002 to fund grants authorized by section 29 of the Small Business Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$1,860,000, to be available until expended; and for the cost of guaranteed loans, \$93,500,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2003: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2002, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$4,500,000,000, as provided under section 20(h)(1)(B)(ii) of the Small Business Act: Provided further, That during fiscal year 2002, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: Provided further, That during fiscal year 2002, commitments to guarantee loans for debentures and participating securities under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the levels established by section 20(h)(1)(C) of the Small Business Act.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$79,510,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$125,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$115,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: Provided, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-

572; 106 Stat. 4515-4516), \$6,225,000, to remain available until expended: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

UNITED STATES-CANADA ALASKA RAIL  
COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the "United States-Canada Alaska Rail Commission", as authorized by Title III of Public Law 106-520, \$4,000,000, to remain available until expended.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. (a) The caption for section 504 of title 28, United States Code, is amended by replacing "Attorney" with "Attorneys".

(b) Section 504 of title 28, United States Code, is amended by inserting after "General" the following, "and a Deputy Attorney General for Combating Domestic Terrorism".

(c) There is established within the Department of Justice the position of Deputy Attorney General for Combating Domestic Terrorism, who shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall serve as the principal advisor to the Attorney General on, and, with the Deputy Director of the Federal Emergency Management Agency, serve as one of two key government officials responsible for domestic counterterrorism and antiterrorism policy.

(e) The Deputy Attorney General for Combating Terrorism together with the Deputy Director of the Federal Emergency Management Agency shall coordinate all functions of the Federal Government related to domestic counterterrorism and antiterrorism activities, including—

(1) the development of a National Strategy for Combating Domestic Terrorism that shall establish national policies, objectives, and priorities for preventing, preparing for, and responding to domestic terrorism within the United States;

(2) the coordination of the implementation of the National Strategy for Combating Domestic Terrorism by the departments and agencies of the Federal Government and by State and local entities with responsibilities for combating domestic terrorism; and

(3) the recommendation of changes in the organization and management of Federal departments and agencies and State and local entities engaged in combating domestic terrorism to the Congress, the President, the Vice President, the Attorney General, and the Director of the Federal Emergency Management Agency.

(f) Subject to the authority of the Attorney General, the Deputy Attorney General for Combating Domestic Terrorism shall be responsible for State and local preparedness for weapons of mass destruction, security classifications and clearances within the Department of Justice, and contingency operations within the Department of Justice.

(g) For necessary expenses of the Office of the Deputy Attorney General for Combating Domestic Terrorism, \$23,000,000, to remain available until expended.

(h) Notwithstanding any other provision of law, all authorities, liabilities, funding, personnel, equipment, and real property associated with the Office of State and Local Domestic Preparedness Support, the National Domestic Preparedness Office, the Executive Office of National Security, and such components which relate to domestic counterterrorism and antiterrorism activities in the Office of Intelligence Policy and Review as are appropriate shall be transferred to the Deputy Attorney General for Combating Domestic Terrorism not later than 90 days after enactment of this Act.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. Section 286(d) of Public Law 82-414, as amended, is further amended—

(1) in subsection (d), by striking "\$6" and inserting "\$6.50"; and

(2) in subsection (h), by adding at the end the following new paragraph:

"(3) Not less than nine percent of the total amounts deposited under this subsection in a fiscal year shall be available only to automate or otherwise improve the speed, accuracy, or security of the inspection process."

SEC. 607. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 608. Section 140 of Public Law 97-92 (28 U.S.C. 461 note; 95 Stat. 1200) is amended by adding at the end the following: "This section shall apply to fiscal year 1981 and each fiscal year thereafter."

SEC. 609. None of the funds made available in this Act may be used to implement, administer,

or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 612. Hereafter, none of the funds appropriated or otherwise made available to the Bureau of Prisons shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds appropriated or otherwise made available to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when such information or material is sexually explicit or features nudity.

SEC. 615. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 616. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any

tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 617. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$576,462,000 shall not be available for obligation until the following fiscal year.

SEC. 618. Hereafter, none of the funds appropriated or otherwise made available to the Department of State and the Department of Justice shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 619. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 620. Section 504(a)(16) of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (110 Stat. 1321-55; Public Law 104-134) is amended by striking beginning with “, except that” through “representation”.

SEC. 621. The requirements of section 312(a)(3) of the Magnuson-Stevens Fishery Conservation and Management Act shall not apply to funds made available by section 2201 of Public Law 106-246.

SEC. 622. (a) Section 203(i) of the Act entitled “An Act to approve a governing international agreement between the United States and the Republic of Poland, and for other purposes”, approved November 13, 1998, is amended by striking “2001” and inserting “2006”.

(b) Section 203 of such Act, as amended by subsection (a), is further amended by adding at the end the following:

“(j) Not later than December 31, 2001, and every 2 years thereafter, the Pacific State Marine Fisheries Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report on the health and management of the Dungeness Crab fishery located off the coasts of the States of Washington, Oregon, and California.”.

SEC. 623. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

SEC. 624. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

SEC. 625. PROHIBITION ON SALE OF DISASTER LOANS. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15

U.S.C. 636(b)) to any private company or other entity.

SEC. 626. SENSE OF THE SENATE REGARDING THE REPUBLIC OF KOREA'S IMPROPER BAILOUT OF HYNIX SEMICONDUCTOR. (a) FINDINGS.—Congress finds that—

(1) the Government of the Republic of Korea over many years has supplied aid to the Korean semiconductor industry enabling that industry to be the Republic of Korea's leading exporter;

(2) this assistance has occurred through a coordinated series of government programs and policies, consisting of preferential access to credit, low-interest loans, government grants, preferential tax programs, government inducement of private sector loans, tariff reductions, and other measures;

(3) in December 1997, the United States, the International Monetary Fund (IMF), other foreign government entities, and a group of international financial institutions assembled an unprecedented \$58,000,000,000 financial package to prevent the Korean economy from declaring bankruptcy;

(4) as part of that rescue package, the Republic of Korea agreed to put an end to corporate cronyism, and to overhaul the banking and financial sectors;

(5) Korea also pledged to permit and require banks to run on market principles, to allow and enable bankruptcies and workouts to occur rather than bailouts, and to end subsidies;

(6) the Republic of Korea agreed to all of these provisions in the Stand-by Arrangement with the IMF dated December 3, 1997;

(7) section 602 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1999, as enacted by section 101(d) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105-277; 112 Stat. 2681-220) specified that the United States would not authorize further IMF payments to Korea unless the Secretary of the Treasury certified that the provisions of the IMF Standby Arrangement were adhered to;

(8) the Secretary of the Treasury certified to Congress on December 11, 1998, April 5, 1999, and July 2, 1999, that the Stand-by Arrangement was being adhered to, and assured Congress that consultations had been held with the Government of the Republic of Korea in connection with the certifications;

(9) the Republic of Korea has acceded to the World Trade Organization, and to the Agreement on Subsidies and Countervailing Measures (as defined in section 101(d)(12) of the Uruguay Round Agreements Act);

(10) the Agreement on Subsidies and Countervailing Measures specifically prohibits export subsidies, and makes actionable other subsidies bestowed upon a specific enterprise that causes adverse effects;

(11) Hynix Semiconductor is a major exporter of semiconductor products from the Republic of Korea to the United States; and

(12) the Republic of Korea has now engaged in a massive \$5,000,000,000 bailout of Hynix Semiconductor which contravenes the commitments the Government of the Republic of Korea made to the IMF, the World Trade Organization and in other agreements, and the understandings and certifications made to Congress under the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative should forthwith request consultations with the Republic of Korea under Article 4 and Article 7 of the Agreement on Subsidies and Countervailing Measures of the World Trade Organization, and take imme-

diately such other actions as are necessary to assure that the improper bailout by the Republic of Korea is stopped, and its effects fully offset or reversed;

(2) the relationship between the United States and the Republic of Korea has been and will continue to be harmed significantly by the bailout of a major exporter of products from Korea to the United States;

(3) the Republic of Korea should end immediately the bailout of Hynix Semiconductor;

(4) the Republic of Korea should comply immediately with its commitments to the IMF, with its trade agreements, and with the assurances it made to the Secretary of the Treasury; and

(5) the United States Trade Representative and the Secretary of Commerce should monitor and report to Congress on steps that have been taken to end this bailout and reverse its effects.

SEC. 627. Notwithstanding any other provision of law, no amount made available under this Act may be used to sell any disaster loan authorized by section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to any private company or other entity.

SEC. 628. No funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 629. Section 2002 of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking “or” at the end of clause (i);

(B) in clause (ii)—

(i) by striking “February 17, 1999,” and inserting “May 17, 1996, May 7, 1997, February 17, 1999, December 15, 1999,”;

(ii) by inserting “October 22, 1999,” after “February 17, 1999,”; and

(iii) by striking the semicolon at the end and inserting “; or”; and

(C) by adding at the end the following new clause:

“(iii) a member of the plaintiff class in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia;”; and

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” before “For purposes” and

(C) by adding at the end the following:

“(B) For any judgment rendered in Case Number 1:00CV03110(ESG) in the United States District Court for the District of Columbia, in addition to the amounts available under subsection (a), the Secretary of the Treasury shall make such further payment as necessary to satisfy the judgment by—

“(i) liquidating those assets without third party interest of those countries designated as state sponsors of terrorism, under section 40(d) of the Arms Control Act or section 6(i) of the Export Administration Act of 1979, held or blocked by the United States; and

“(ii) in the event the judgment remains not fully satisfied after such liquidation, using any other available means collect from Iran, with one-third of any amount collected by these other means to be remitted to the Treasury of the United States.”.

SEC. 630. Clause (ii) of section 621(5)(A) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(A)) is amended by striking “on or about

October 1, 2000," and all that follows through the end and inserting "not later than December 31, 2001, except that the Commission may extend this deadline to not later than June 30, 2003."

SEC. 631. (a) The Senate finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the September 11, 2001 attacks against the United States as well as their sponsors, and in pursuing all of those responsible until they are brought to justice and punished;

(2) the Arab American and American Muslim communities, are a vital part of our nation;

(3) the prayer of Cardinal Theodore McCarrick, the Archbishop of Washington in a Mass on September 12, 2001 for our Nation and the victims in the immediate aftermath of the terrorist hijackings and attacks in New York City, Washington, D.C., and Pennsylvania reminds all Americans that "we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction";

(4) the heads of state of several Arab and predominantly Moslem countries have condemned the terrorist attacks in the United States and the senseless loss of innocent lives; and

(5) vengeful threats and incidents directed at law-abiding, patriotic Americans of Arab descent and Islamic faith have already occurred such as shots fired at an Islamic Center and police having to turn back 300 people who tried to march on a mosque.

(b) The Senate—

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans and American Muslims, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans and American Muslims.

#### TITLE VII—RESCISSIONS

##### DEPARTMENT OF STATE AND RELATED AGENCY

##### INTERNATIONAL ORGANIZATIONS AND CONFERENCES

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES (RESCISSION)

Of the unobligated balances available under this heading, \$126,620,000 are rescinded.

#### TITLE VIII—TERRORISM

##### SEC. 801. SHORT TITLE.

This title may be cited as the "Combating Terrorism Act of 2001".

##### Subtitle A—Antiterrorism Policy and Practices

##### SEC. 811. ASSESSMENT OF NATIONAL GUARD CAPABILITIES TO PREEMPTIVELY DISRUPT DOMESTIC TERRORIST ATTACKS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing an assessment of the capabilities of the National Guard to preemptively disrupt a terrorist attack within the United States involving weapons of mass destruction, and to respond to such an attack.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment of the legal restrictions on the use of the National Guard to contain and capture weapons of mass destruction materials that are discovered by law enforcement agencies within the United States;

(2) an assessment of the physical readiness of the National Guard to carry out a mission to contain and capture such materials;

(3) a description of the modifications in the structure of the National Guard, and in law enforcement intelligence dissemination capabilities, that are necessary to effect a credible, preemptive strike capability for the National Guard against a terrorist attack within the United States involving a weapon of mass destruction; and

(4) an identification of the Federal agency best suited to carry out a preemptive strike against organizations possessing weapons of mass destruction materials in the United States.

##### SEC. 812. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development with respect to technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) ESTABLISHMENT OF PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the President shall establish a comprehensive program of long-term research and development with respect science and technology necessary to prevent, preempt, detect, interdict, and respond to catastrophic terrorist attacks.

(2) In establishing the program, the President shall—

(A) establish a comprehensive set of requirements for the program; and

(B) either—

(i) establish in an appropriate Federal agency an element with responsibility for the program; or

(ii) assign to a current element of a Federal agency responsibility for the program.

(c) REPORT ON PROPOSED PROGRAM.—Not later than 60 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the proposed program. The report shall set forth the element of the Federal Government proposed to be established or assigned responsibility under subsection (b)(2)(B), including the proposed organization and responsibilities of the element for purposes of the program.

(d) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term "catastrophic terrorist attack" means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

##### SEC. 813. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) REVIEW REQUIRED.—The Attorney General shall conduct a review of the legal authority of the agencies of the Federal Government, including the Department of Defense, to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations as to whether additional legal authority for any particular Federal agency is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, preempt, detect, and interdict, catastrophic terrorist attacks.

(c) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term "catastrophic

terrorist attack" means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

##### SEC. 814. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.

The Director of Central Intelligence shall rescind the provisions of the 1995 Central Intelligence Agency guidelines on recruitment of terrorist informants that relate to the recruitment of persons who have access to intelligence related terrorist plans, intentions and capabilities.

##### SEC. 815. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.

(a) REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on the legal authorities that govern the sharing of criminal wiretap information under applicable Federal laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403-4).

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a description of the type of information that can be shared by the Department of Justice, or other law enforcement agencies, with other elements of the intelligence community; and

(2) any recommendations that the President considers appropriate, including a proposal for legislation to implement such recommendations, to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with other elements of the intelligence community on matters such as counterterrorism.

(c) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE, COUNTERINTELLIGENCE.—The terms "foreign intelligence" and "counterintelligence" have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947.

##### SEC. 816. JOINT TASK FORCE ON TERRORIST FUNDRAISING.

It is the sense of Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals; and

(2) the Federal Government is not fully utilizing all the tools available to it to prevent, deter, or disrupt the fundraising activities of international terrorist organizations, and it should do so.

##### SEC. 817. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.

(a) REPORT ON IMPROVEMENT OF CONTROLS.—

(1) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) The Attorney General shall prepare the report under paragraph (1) in consultation with the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Agriculture, the Director of Central Intelligence, the Commissioner of Customs, and other appropriate Federal officials.

(3) The report under paragraph (1) shall include—

(A) a list of the equipment identified under that paragraph as critical to the development, production, or delivery of biological weapons;

(B) recommendations, if any, for legislation to make illegal the possession of the equipment identified under subparagraph (A), for other than a legitimate purpose, including attempts and conspiracies to do the same;

(C) recommendations, if any, for legislation to control the domestic sale and transfer of the equipment identified under subparagraph (A); and

(D) recommendations, if any, for legislation to require the tagging or other means of marking of the equipment identified under subparagraph (A).

(b) **IMPROVED SECURITY OF FACILITIES.**—(1) Commencing not later than 60 days after the date of the enactment of this Act, the President shall undertake appropriate actions to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at the research laboratories and other government and private facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other wrongful diversion of such pathogens.

(2) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report on the actions undertaken under paragraph (1).

**SEC. 818. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.**

(a) **REQUIREMENT FOR FULL REIMBURSEMENT.**—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) **QUALIFIED EMPLOYEE.**—In this section, the term “qualified employee” means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the legislative branch of Government.

(2) **ELEMENT OF THE INTELLIGENCE COMMUNITY.**—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) **LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.**—The terms “law enforcement officer” and “professional liability insurance” have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

**Subtitle B—Criminal Matters**

**SEC. 831. LAUNDERING OF PROCEEDS OF TERRORISM.**

Section 1956(c)(7)(D) of title 18, United States Code, is amending by inserting “or 2339B” after “2339A”.

**SEC. 832. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.**

(a) **GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.**—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting “or trap and trace device” after “pen register”;

(2) by inserting “, routing, addressing,” after “dialing”; and

(3) by striking “call processing” and inserting “the processing and transmitting of wire and electronic communications”.

(b) **ISSUANCE OF ORDERS.**—

(1) **IN GENERAL.**—Subsection (a) of section 3123 of that title is amended to read as follows:

“(a) **IN GENERAL.**—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

“(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State investigative or law enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”.

(2) **CONTENTS OF ORDER.**—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting “or other facility” after “telephone line”; and

(ii) by inserting before the semicolon at the end “or applied”; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and”.

(3) **NONDISCLOSURE REQUIREMENTS.**—Subsection (d)(2) of that section is amended—

(A) by inserting “or other facility” after “the line”; and

(B) by striking “, or who has been ordered by the court” and inserting “or applied, or who is obligated by the order”.

(c) **EMERGENCY INSTALLATION.**—

(1) **AUTHORITY FOR UNITED STATES ATTORNEYS.**—Section 3125(a) of that title is amended in the matter preceding paragraph (1) by striking “or any Deputy Assistant Attorney General,” and inserting “any Deputy Assistant Attorney General, or any United States Attorney,”.

(2) **EXPANSION OF EMERGENCY CIRCUMSTANCES.**—Section 3125(a)(1) of that title is amended—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subparagraph (B) the following new subparagraphs:

“(C) immediate threat to the national security interests of the United States;

“(D) immediate threat to public health or safety; or

“(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title.”.

(d) **DEFINITIONS.**—

(1) **COURT OF COMPETENT JURISDICTION.**—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or”.

(2) **PEN REGISTER.**—Paragraph (3) of that section is amended—

(A) by striking “electronic or other impulses” and all that follows through “is attached” and inserting “dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted”; and

(B) by inserting “or process” after “device” each place it appears.

(3) **TRAP AND TRACE DEVICE.**—Paragraph (4) of that section is amended—

(A) by inserting “or process” after “a device”; and

(B) by striking “of an instrument” and all that follows through the end and inserting “or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;”.

**SEC. 833. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM OFFENSES.**

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p) as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565), the following new paragraph:

“(q) any criminal violation of sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.

**SEC. 834. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE.**

Section 2516(1)(c) of title 18, United States Code, is amended by striking “and section 1341 (relating to mail fraud),” and inserting “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),”.

This Act may be cited as the “Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002.”

**ORDER OF BUSINESS**

Mr. DASCHLE. Mr. President, for the interest of all Senators, we are attempting to propound a unanimous consent request having to do with the schedule for next week. We have not been able to get complete agreement on either side at this point, but it

should not be too much longer. It would be my desire, once we get that unanimous consent, to go out for the day.

Just as soon as that occurs, we will then be prepared to take final action for the day.

Until that time, I have a couple of remarks in regard to the important legislation that passed this morning.

#### USE OF FORCE TO DEFEND AMERICA AGAINST TERRORIST ATTACKS

Mr. DASCHLE. Mr. President, we are now learning that the terrorists who attacked our Nation this week may have been planning their hideous crimes for years.

In their evil and painstaking calculations, the terrorists clearly tried to anticipate every possible obstacle they might encounter.

But there is one obstacle they overlooked; that is, the courage of the American people, and our fierce determination to defend the people and values we cherish.

It was that courage and determination that appears to have given the passengers aboard the plane that crashed near Pittsburgh the strength to resist their murderers and prevent an even greater tragedy.

It is that same courage and determination that is at the heart of this resolution we pass today.

Tuesday, from the window of my office in the Capitol, I watched thick black smoke rise from the Pentagon and fill the sky over Arlington Cemetery.

The graves in that hallowed ground remind us that Americans have faced great evil before and defeated it.

By passing this resolution, we are saying we are prepared to confront evil again and to defeat it again.

We are saying that the Congress of the United States—Democrats and Republicans stand with the President as our Commander in Chief.

We are authorizing the President to use force against the terrorists who attacked America on September 11, and any nation, organization, or person that aids or harbors them.

As a result of our actions today, we know that our men and women in uniform may be forced to confront a new kind of enemy—an enemy whose actions are constrained neither by conscience, nor the rules of war.

We also know that whatever they are called to do, they will do it well and with honor. And we know this: They will prevail.

This is the gravest responsibility we can undertake as elected leaders.

That is why our Constitution calls on the President and the Congress to act together on decisions to employ our armed forces to defend our Nation.

By passing this resolution, we reaffirm our belief in our Constitution as

the foundation and strength of our democracy.

By providing specific statutory authorization and by requiring continuing consultation between the President and the Congress, we also underscore the importance of the War Powers Resolution. Only by standing together, can we stand strong and defeat this threat.

As I have said before, what happened on Tuesday was not simply an attack against America. It was a crime against democracy, and decency. It was a crime against civilization itself.

Americans have been deeply touched this week by the support we have received from friends throughout the world. From the gates of Buckingham Palace, to the halls of the United Nations and NATO, to the streets of Moscow and beyond, the grief displayed by our friends has helped to make our own grief more bearable.

We thank the family of nations for standing with us in these early days of this battle against terrorism. Even more, we thank them for their commitment to stand with us in the days ahead.

I am confident we will continue to stand together, and defeat this most insidious of threats, wherever and whenever it arises.

We will be fierce in the defense of our ideals. We will make whatever material or physical sacrifice that is required of us to punish those who attacked our nation, and to prevent future attacks.

But we will not sacrifice the ideals that built this nation and have sustained us for more than two centuries.

Just as we are united against the terrorists and their co-conspirators who carried out the attacks on our nation, we must also be united against acts of hate against innocent Arab-Americans and Muslims.

The madmen who carried out these crimes despise our values of liberty and justice for all.

By maintaining our commitment to those ideals now, we send a powerful message to those who committed this evil that they have not won, and they will not win this war. They have broken our hearts, but not our will.

The terrorists hoped to bring us to our knees. Let us defy them by standing together on our feet as one nation, indivisible.

Yes, we saw evil this week. But we have also seen great strength. We have seen it in the heroic men and women working day and night in the wreckage of the World Trade Center and the Pentagon.

We have seen it in the countless Americans in cities across the country who waited hours to donate blood.

And we have seen it in the men and women who may have prevented even greater destruction through their bravery aboard that doomed flight.

That is the strength of America—the one obstacle the terrorists did not anticipate, and the one that will be their undoing.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICA UNITED

Mr. DORGAN. Mr. President, at midday today I attended the prayer service at the National Cathedral which President Bush called. It was attended by President Bush and four former Presidents, and many Americans, of course. And I think millions of Americans watched on television. It was a remarkable, moving, and emotional prayer service.

As I sat in the prayer service, I thought about something that happened yesterday as I toured the damage to the Pentagon with my colleagues, Senator DASCHLE, Senator REID, and others. Yesterday, we were touring the Pentagon where, of course, many Americans died as a result of an airplane, loaded with jet fuel and commercial passengers, which was flown by a terrorist into the Pentagon and caused a fire and collapse and so much damage.

Yesterday, as we were being briefed at the Pentagon about the damage that was caused and the loss of life, my colleague, Senator REID, will remember that there was a crane near the building. The crane had a long steel cable attached to it. On the end of the steel cable was one of these little baskets. There was a man standing in the basket in uniform. The crane hauled this basket up to the fourth floor of this gaping wound in the middle of the Pentagon building. This man, who is a soldier, reached around from this basket deep into the hole of the Pentagon building, and from outside of this hole he pulled out a red and gold flag. He put it into this basket, again, dangling from a crane. They brought him back to the ground. It turned out he had pulled out of this gaping hole in this burned-out structure at the Pentagon a U.S. Marine flag that had for some reason not burned. It appeared to be the only thing that could not have possibly burned in that entire area.

This young Marine, who grabbed this U.S. Marine Corps flag—this beautiful gold and red flag—marched over to where we were, and he stopped and said he was taking this flag to the U.S. Marine Corps Commandant.

He said he saw the flag as he looked through the wreckage up on the fourth

floor in an office, and miraculously this flag had not burned. He wanted to get to it, so he got somebody to take him up in a crane in a basket, and he retrieved this flag.

As he held this flag proudly, on his way to the Commandant of the Marine Corps, he said to us: They couldn't destroy this flag, and they can't destroy this country. And I thought, wow, what a thing to say. This morning I woke up and looked at the Washington Post, and there is a full color picture of this young Marine holding that U.S. Marine flag as he came away from that building. It was just before he came over to greet us on his way to the Marine Corps Commandant.

It was but one act—a symbolic act, in many ways—of a young soldier who used that flag that he saw, that had survived the fire and survived the carnage—the one flag that was left standing—to make a point that those who committed these heinous acts, those madmen who perpetrated these acts of evil that murdered so many innocent men, women, and children in this country, could not destroy that flag and cannot destroy this country.

As I said the other day, all of us are heartbroken in America today. We express that in many ways. Prayer services across the country, recommended by our President, have reflected a common understanding—the ability to grieve together and the ability to come together. It was important to do that. It is important to do that.

But there is something else that is important for us to understand. The terrorists did something they could never have possibly imagined: They created in this country a togetherness that has not been here for some long while. People want to show the flag these days.

My 12-year-old daughter yesterday said: Dad, let's put out the flag. People all over this country are putting an American flag out in full view. And people around this country are doing things that we know represent the inherent goodness of people.

Within hours of the terrible tragedy at the World Trade Center—within hours of those evil acts—we had scores of people lining up to give blood in this country. I saw the interview of one person who was in a 5-hour line, and she was asked: Why are you in line 5 hours waiting to give blood? And she said: Because it's the only thing I can do, and I want to do something today.

The terrorists could not have possibly imagined what their acts would do to bring Americans together. This country has a common purpose. Yes, it has a great deal of grief and, yes, our heart is broken, but our spirit is not broken.

The common purpose in this country is to grieve together, to pray together, and then understand that we want to—and we must—find those who planned

and committed these acts, and those who harbored them, and punish them and at the same time take the kind of precautions we know we must take to prevent this from happening again.

It is a free country. We are proud of that freedom and liberty. And it is also understood by everyone that we have the risk of acts of terrorism committed in free countries precisely because of that freedom. Perhaps we can never make certain that we will not ever see a terrorist act again. Perhaps we can never do that. We can certainly exert all the energy and all the genius available to all of us in this country to take the steps we think can try to prevent these acts again.

But notwithstanding the challenges and the tragedies, and notwithstanding the common grief that was born of these evil acts, this country will remain a free country. We will remain a country of which all of us are enormously proud.

There is a spirit about America: A spirit to prevail, a spirit to build, a spirit to come together. It is reflected by a lot of things, a couple of which I just mentioned. And that spirit is, in my judgment, not dimming; that spirit is growing. In the coming weeks and days, I think manifested today on the floor of the Senate, that spirit will nurture all of America.

Today, on the floor of the Senate, we passed a piece of legislation, without a dissenting vote, that said we want to help people in need. We provided the resources to say to the people who were victims of this: You are not alone. Your families are not alone. Your loved ones are not alone. Your cities are not alone. And then we passed, without a dissenting vote, an authorization to the President, who asked for an authorization from Congress, to be able to take appropriate action against those who committed these evil acts.

Without a dissenting vote, the Congress said to the President: Yes, we are with you. That is quite a remarkable thing to have done. And it reflects a spirit not just here in the Senate; it reflects a spirit, in my judgment, borne in the breast of every American today, proud to be an American, and determined to make sure we are able to retain and nurture this way of life, to defeat terrorism wherever it exists, and to nurture freedom and liberty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hesitate to interject any more words prior to our going out today because I think the tone has been set by my friend from North Dakota, but I just say that there are so many examples of people coming together. The example of the blood drives is certainly one of the most appropriate.

People are now all over America in reservation lines. They are there to

sign up to give blood 2 weeks from now, 3 weeks from now because the lines are so long.

I think my friend from North Dakota would agree that the prayer service held today at the National Cathedral was touched. I think everyone there participated with the prayers. Billy Graham gave some remarks. He has been an adviser to many Presidents over the years, and even though his body is frail, his mind certainly is not.

I hope all Americans will realize that the President of the United States needs everyone's prayers now. There are 535 Members of Congress. I was able to sit with Senator DORGAN today at the prayer service at the National Cathedral. We were together. And that is what we legislatures are; we are together; we are always with each other. But the President of the United States is alone. He does not have people to lean on. He has to make decisions by himself.

So I hope that everyone will be involved in praying for this President, recognizing the tremendous burdens he has and the decisions he has to make, decisions that are so vitally important to the virtual freedom of this country, matters dealing with life and death.

So I do hope people will join together and have continual prayers for this country and the President of the United States.

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#### THANKING THE PRESIDING OFFICER

Mr. REID. Mr. President, on behalf of all Senators, I express my appreciation to the Presiding Officer. It is a real sacrifice to be here on a Friday afternoon, where there isn't a lot going on on the floor, but there were things that had to be done. Of course, the Senator from Vermont is known for his patience. And here is another example of it.

So on behalf of all Senators, thank you very much for your time and for the many hours this afternoon.

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#### UNANIMOUS CONSENT AGREEMENT—H.R. 2590

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday at 10 a.m. the Appropriations Committee be discharged from further consideration of H.R. 2590, the Treasury-Postal appropriations bill, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my hope that the Senate will be in a position to consider the Defense authorization bill next week. The majority leader will be consulting with the Republican leader as to its scheduling.

# ORDERS FOR MONDAY, SEPTEMBER 17, AND WEDNESDAY, SEPTEMBER 19, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Monday, September 17, for a pro forma session only; further, that when the Senate adjourns on Monday, it stand in adjournment until 10 a.m. Wednesday, September 19. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Monday, the Senate will convene at 10 a.m. for a pro forma session and adjourn until Wednesday at 10 a.m. On Wednesday, the Senate may consider any available appropriations bills or the Department of Defense authorization bill. No rollcall votes will occur prior to 10 a.m., Thursday, September 20.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

# NOMINATION OF JOHN NEGROPONTE TO REPRESENT THE U.S. AT THE UNITED NATIONS

Mr. HARKIN. Mr. President, I rise this afternoon at this late hour on Friday at the close of a terrible week—a week which has seared itself into our very being for the rest of our lives—to object to the approval of John Negroponte to serve as U.S. Ambassador to the United Nations.

I understand an agreement was reached that this nomination be passed on a voice vote today. It has been made, and certainly I will honor and respect the agreement. However, I be-

lieve this nomination deserves a full debate on the Senate floor and a full look into the record of this individual who is about to represent all of us in the United Nations.

I understand and I agree that America needs a U.N. ambassador. We do need someone there, especially given the terrorist attacks on our Nation this week, in terms of an international dialog and international response to this terrorist attack. But I believe it is also important that all Senators be given an opportunity to vote on this controversial nomination and to debate it.

Why is Mr. Negroponte's nomination so controversial? Why did the Baltimore Sun, in April of this year, devote a five-part series just on this one nominee? Well, I think there are two considerations that stand out in my mind, and I will explain why I oppose his nomination.

First of all, Mr. Negroponte showed a callous disregard for human rights abuses throughout his tenure as U.S. Ambassador to Honduras between 1981 and 1985, during which time I traveled to Honduras and, in fact, went out to one of the contra camps with the Ambassador at that time. Quite frankly, in my conversations at that time in Honduras, and with the later revelations of what was going on with Battalion 316, which was supervised and basically trained by our CIA and our military personnel—when a lot of these issues came to light, it became clear to me that during my trip there I was misled and, quite frankly, not given the correct information that I sought.

Secondly, I believe Mr. Negroponte knowingly misinformed the U.S. State Department about gross human rights violations in Honduras and throughout Central America during the height of the so-called contra war in Central America in the 1980s.

That action, in turn, resulted in the Congress being misled as to the scope and nature of gross human rights violations that were being committed by the contras and by the Honduran military and, in particular, Battalion 316 in the Honduran military.

In a letter to *The Economist* in 1982, then-Ambassador Negroponte wrote:

It is simply untrue that death squads have made appearances in Honduras.

Yet from 1981 to 1984 over 150 people disappeared, including one American priest, Father James Carney, whose body has never been recovered.

All indications are it was Battalion 316 that took custody of and had control over Father Carney. There had been reports that they interrogated him, that he was severely tortured and killed—he was an American citizen, an American priest—during the time of Mr. Negroponte's ambassadorship.

I am not saying in any way he was responsible. I do not want anyone to get that wrong. All I am saying is as

Ambassador at that time, there is a lot of evidence to show he just turned a blind eye and a deaf ear to the human rights abuses at that time in Honduras.

The 1997 CIA Inspector General's report and other official records, as well as extensive research published in numerous books and articles, have implicated Mr. Negroponte personally in condoning and covering up egregious human rights violations during his service in Honduras in the 1980s. Read the five-part series that was in the *Baltimore Sun* in 1995 and later amplified this year. That lays out the case quite clearly.

Is he really the best nominee President Bush could find to represent our Nation at the United Nations? I think not. I guess what bothers me more than anything else is, as we move ahead seeking to get other nations to support us in our efforts to uphold human rights around the world, he does not bring clean hands to this critically important and senior diplomatic post.

Mr. President, I ask unanimous consent that the following articles be printed in the *RECORD* at the end of my remarks: An April 16, 2001, *Los Angeles Times* editorial headlined "Hard Questions for U.N. Nominee"; a Sunday, April 8, 2001, editorial written by Frank Del Olmo, associate editor of the *Los Angeles Times*; a Thursday, April 19, 2001, editorial written by Father Joseph Mulligan, a Jesuit priest from Detroit who has been working in Central America since 1986; an April 2, 2001, editorial from *In These Times* of the Institute for Public Affairs, and a list of 150 people who disappeared in Honduras from October 29, 1981, to May 30, 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. Mr. President, I understand agreements were made. I wish we had a fuller debate on this nominee. I want the record to show if, in fact, there was a record vote on this nominee, this Senator from Iowa would have voted no.

I thank the President, and I yield the floor.

## EXHIBIT 1

[From the *Los Angeles Times*, Apr. 16, 2001]

## HARD QUESTIONS FOR U.N. NOMINEE

Under normal circumstances, President Bush's nomination of a veteran U.S. diplomat like John D. Negroponte to be ambassador to the United Nations would be a routine matter. Negroponte is well regarded in the State Department and close to Secretary of State Colin L. Powell. Senate approval would be all but certain.

But while Negroponte's 37-year career in the foreign service has admittedly been an impressive upward arc of increasingly important ambassadorships, it was not routine. It would be a mistake for the Senate, and particularly for the Committee on Foreign Relations, to treat Negroponte with kid gloves.

To be sure, Negroponte's diplomatic career has been marked by noteworthy accomplishments. He handled sensitive embassy posts quite effectively, most notably Mexico City

in the years leading up to the North American Free Trade Agreement and Manila following the collapse of Philippine dictator Ferdinand Marcos' regime. But Negroponte's career also includes some troubling activities that took place in Honduras during his tenure as ambassador there, between 1981 and 1985.

Those were the years when President Ronald Reagan ordered the CIA to launch covert activities against the Sandinista government in neighboring Nicaragua. The key element of Reagan's anti-Nicaragua strategy was a guerrilla war waged by a puppet army based in Honduras and known as the Contras. It was composed largely of former soldiers of Nicaraguan dictator Anastasio Somoza, whom the Sandinistas had ousted. With such unseemly allies, the Contra war was immediately controversial, and Congress imposed limits on how the CIA could wage it.

Among other things, Congress insisted that before a small nation like Honduras received massive increases in military aid (from \$4 million a year to \$77 million during Negroponte's tenure alone) that the U.S. Embassy there had to verify that the notoriously corrupt Honduran army would use the money properly. The Honduran security forces were not, for instance, to use the money to pursue political dissidents or otherwise violate the human rights of their fellow citizens. Congress even required annual human rights reports on Honduras to ensure that its mandate was being carried out.

The human rights reports that Negroponte signed off on during his tenure in Honduras need to be carefully reviewed by the Senate. For while he routinely reported few violations by the Honduran government, it has since become public record, through declassified government documents and reputable reports in the U.S. and Honduran press, that the Honduran military was indeed engaged in some very brutal activities in support of the Contras and U.S. policy.

Honduran officials have documented the disappearance of as many as 184 Honduran citizens, not just political dissidents but innocent civilians who may have been mistaken for dissidents, during that period. Most of these kidnappings and murders were carried out by a secret, CIA-trained Honduran army unit known as Battalion 316. The Senate should probe deeply regarding how much of this activity Negroponte was aware of and whether he hid what he knew from Congress.

The Contra war was an ugly and inconclusive affair—but brush-fire wars usually are. And no one is suggesting that Negroponte bears all, or even most, of the blame for whatever excesses may have taken place in Honduras. But he had a legal obligation to truthfully inform Congress of what was happening in Honduras in support of U.S. policy. If Negroponte did not live up to that obligation, it calls into question his suitability for an important post at the United Nations.

The Senate must not approve Negroponte's nomination without asking him some very tough questions and putting his tenure in Honduras under renewed and thorough scrutiny.

[From the Los Angeles Times, Apr. 8, 2001]

IS NEGROPONTE CLEAN ENOUGH FOR THE U.N?

(By Frank Del Olmo)

We're eyeball to eyeball with the Chinese, talking tough to the Russians and not talking to North Korea at all. It's back to the Cold War.

Call me parochial, but what has me shivering after a brief but chilly visit to Wash-

ington is how the Bush administration is reviving the old U.S.-Soviet standoff in a part of the world where I spent my crazy youth as a correspondent: Central America. And if you loved how the Bushies tossed those alleged Russian spies out of the country, wait until you see what's for dessert. Warmed over Contras!

Or, to be more precise, a warmed-over Contra paymaster, John D. Negroponte, who has been nominated to be ambassador to the United Nations.

You remember the Contras—the CIA-funded guerrillas who waged a futile war to overthrow the revolutionary Sandinista government in Nicaragua, until the Nicaraguan people simply voted the Sandinistas out of power. Even those poor Central Americans, it turned out, know how democracy works. But more on the Contras later.

It is no longer news that most of the men (doesn't National Security Advisor Condoleezza Rice know any women she can suggest for some of these jobs?) President Bush wants to put in key positions on his foreign policy team are Cold Warriors from the days of presidents Reagan and Bush the First. But some of the guys being hauled out of cold storage have worrisome histories that Congress needs to revisit before punching their tickets. We can start with Negroponte.

During his 37-year career with the State Department, Negroponte has held several sensitive embassy jobs in Asia (Vietnam, during the war, and the Philippines in the 1990s) and Latin America (Mexico, in the years leading up to the North American Free Trade Agreement, and Honduras, during the start of the Contra war against neighboring Nicaragua). It is Negroponte's tenure in Honduras, from 1981 to 1985, that the Senate needs to consider.

I traveled all over Central America in those days, knew Negroponte and members of his staff and have no illusions about anyone who was involved in those brush-fire wars. Some ugly things were done on both sides in the same of national security—from assassinations to wholesale massacres. It was quite literally a bloody mess, and Negroponte was in it up to his elbows.

Just how deep we don't know because Negroponte's involvement in covert U.S. activities in Honduras has never been fully investigated by Congress, even when the Mexican government protested Negroponte's 1989 appointment to run the U.S. Embassy there. Former Mexican President Carlos Salinas de Gortari wanted NAFTA so badly that he probably would have accepted any U.S. ambassador. Knowing that, Congress stamped Negroponte's passport after some token questions about Honduras.

Since then, however, much more has become public, largely because of an excellent, but insufficiently recognized, series of articles published by the Baltimore Sun in 1995. Through interviews with former Honduran soldiers and some of the people they kidnapped and tortured, the articles laid out in gruesome detail the activities of a CIA-funded death squad run by the Honduran military during the Contra war.

Those articles also made a credible case that Negroponte knew about the Honduran death squad, officially known as Battalion 316, and other covert operations taking place under his nose, and he ignored them. Worse, he may have lied to Congress about what he knew.

The Sun documents the fact that embassy staffers knew about human rights violations and duly reported them to their superiors in the embassy (including Negroponte) and

Washington. Yet their annual human-rights reports to Congress did not reflect what they knew was going on all around them. In just one of the less egregious cases (no one was killed), the 1982 year-end report to Congress asserted there had been "no incident of official interference with the media" that year. Yet in June 1982, Negroponte had personally intervened with the Hondurans to free a prominent journalist, Oscar Reyes, who had been arrested and tortured by Battalion 316 for a week. The ambassador did so at the behest of his embassy's press spokesman, who warned Negroponte: "We cannot let this guy get hurt. . . . It would be a disaster for our policy."

The Sun series should be reread by every member of the Senate before Negroponte comes before them for confirmation later this spring. Better yet, the Foreign Affairs Committee should move beyond what one gutsy newspaper did and thoroughly review any and all still-classified documents that might shed light on just what Negroponte knew about Battalion 316 and the wider Contra war, and when he knew it.

Negroponte is, after all, the guy Bush wants in New York to lecture the Chinese and Cubans about human rights. We ought to be sure they won't have reason to laugh in his face when he does.

[From the Los Angeles Times, Apr. 19, 2001]

WHAT DID NEGROPONTE HIDE AND WHEN DID

HE HIDE IT?

(By Joseph E. Mulligan)

MANAGUA, NICARAGUA.—As the Senate considers the nomination of John D. Negroponte to be the U.S. ambassador to the United Nations, it is important to look at charges that, as ambassador to Honduras, Negroponte suppressed information about the Honduran military's human rights violations. This is a serious matter. What is the evidence?

According to a 1997 CIA inspector general's report, U.S. officials in Honduras were aware of serious violations of human rights by the Honduran military during the 1980s but did not adequately report this to Congress. A heavily redacted version of the report notes particularly that the U.S. Embassy suppressed sensitive data during Negroponte's time there.

I am especially concerned about the disappearance of two U.S. citizens—Father James "Guadalupe" Carney and David Arturo Baez Cruz—during Negroponte's tenure. Carney had come to Honduras in 1983 as a chaplain to a revolutionary group, which include Baez Cruz, a Nicaraguan American who had served in the U.S. special forces. The group was captured by the Honduran army, and Carney "disappeared" along with nearly all of the 96 members of the group.

U.S. officials eventually gave Carney's chalice and stole, turned up by the Honduran army, to his relatives. But the army never explained the circumstances of the priest's death, suggesting only that he probably starved in the mountains. Five years later, in 1988, the New York Times reported that a former officer of the Honduran army said he personally had interrogated Carney. Carney's body has not been found, and the people responsible for his death have not been identified. Whether any U.S. agents or officials were involved in his disappearance remains an open question.

In a section with repeated references to the capture and execution of Jose Maria Reyes Mata, the political leader of the group, the CIA inspector general's report cited a source whose name has been blacked out who "believes that the embassy country team in

Honduras wanted reports on subjects such as this to be benign to avoid Congress looking over its shoulders."

Reporting murders, executions and corruption, says the source, would "reflect negatively on Honduras and not be beneficial in carrying out U.S. policy." The embassy seemed particularly sensitive to reports about the operation in which the two U.S. citizens disappeared, the report said, quoting another source as recalling "a discussion . . . circa 1983 wherein the latter indicated that unspecified individuals at the embassy did not want information concerning human rights abuses . . . to be disseminated because it was viewed as an internal Honduran matter." This is corroborated by an Aug. 19, 1985, handwritten memo declassified by the State Department "Fr. Carney case . . . is dead. Front office does not want the case active. . . . We aren't telling that to the family."

The CIA report cites another person whose name has been deleted as explaining "the basis for no further reporting on the prisoner executions—the event had been reported previously and there was concern on the part of Negroponte that over-emphasis would create an unwarranted human rights problem for Honduras." Among his conclusions, the CIA inspector general states: "The ambassador was particularly sensitive regarding the issue and was concerned that earlier CIA reporting on the same topic might create a human rights problem for Honduras. Based on the ambassador's reported concerns, [blacked out] actively discouraged [blacked out] from following up the information reported by the [blacked out] source."

It was up to members of Congress to determine whether Honduras had a human rights problem. But Negroponte denied the facts needed for their judgment.

[From the Institute for Public Affairs in  
These Times, Apr. 2, 2001]

IN FROM THE COLD WAR; BUSH'S PICK FOR  
U.N. AMBASSADOR HAS SOME SPOOKY STUFF  
ON HIS RESUME

(By Terry J. Allen)

Like spooks from an abandoned B-Movie graveyard, officials of the Reagan-Bush era are merging from the dirt and showing up inside the George W. Bush administration. The latest resurrection is John Negroponte, whom Bush recently nominated as ambassador to the United Nations.

As U.S. ambassador to Honduras from 1981 to 1985, Negroponte abetted and covered up human rights crimes. He was a zealous anti-Communist crusader in America's covert wars against the leftist Sandinista government in Nicaragua and the FMLN rebels in El Salvador. The high-level planning, money and arms for those wars flowed from Washington, but much of the on-the-ground logistics for the deployment of intelligence, arms and soldiers was run out of Honduras. U.S. military aid to Honduras jumped from \$3.9 million in 1989 to \$77.4 million by 1984. So crammed was the tiny country with U.S. bases and weapons that it was dubbed the USS Honduras, as if it were simply an off-shore staging ground.

The captain of this ship, Negroponte was in charge of the U.S. Embassy when, according to a 1995 four-part series in the Baltimore Sun, hundreds of Hondurans were kidnapped, tortured and killed by Battalion 316, a secret army intelligence unit trained and supported by the Central Intelligence Agency. As Gary Cohn and Ginger Thompson wrote in the series, Battalion 316 used "shock and suffocation devices in interrogations. Prisoners often were kept naked and, when no longer

useful, killed and buried in unmarked graves." Members of Battalion 316 were trained in surveillance and interrogation at a secret location in the United States and by the CIA at bases in Honduras. Gen. Gustavo Alvarez Martinez, the chief of the Honduran armed forces who personally directed Battalion 316, also trained in the United States at the School of the Americas.

Negroponte tried to distance himself from the pattern of abuses, even after a flood of declassified documents exposed the extent of U.S. involvement with Battalion 316. In a segment of the 1998 CNN mini-series Cold War, Negroponte said that "some of the retrospective effort to try and suggest that we were supportive of, or condoned the actions of, human rights violators is really revisionistic."

By the time Negroponte was appointed ambassador by President Reagan in 1981, human rights activists in Honduras were vocally denouncing abuses. Former Honduran congressman Efraim Diaz Arrivillaga pleaded with Negroponte and other U.S. officials to stop the abuses committed by the U.S.-controlled military. "Their attitude was one of tolerance and silence," Diaz told the Sun. "They needed Honduras to loan its territory more than they were concerned about innocent people being killed."

Negroponte ignored such protests, and annually filed State Department reports from Honduras that gave the impression that the Honduran military respected human rights. But in an interview with *In These Times*, Negroponte's predecessor as ambassador, Carter appointee Jack Binns, tells a different story: "Negroponte would have had to be deliberately blind not to know about human rights violations. . . . One of the things a departing ambassador does is prepare a briefing book, and one of those issues we included [in our briefing book] was how to deal with the escalation of human rights issues."

Binns considered the U.S. support for Alvarez and Battalion 316 "counterproductive" to the declared objective of "establishing a rule of law." This lack of enthusiasm, Binns says, led to "my being cut out of the loop" by the Reagan administration, which he served for several months before Negroponte took over. In the summer of 1981, Binns recalls, "I was called unexpectedly to Washington by Tom Enders, the assistant secretary of state. He asked me to stop reporting human rights violations through official State Department channels and to use back channels because they were afraid of leaks."

As Binns explains, back-channel messages "don't officially exist. The message is translated over CIA channels, decrypted and hand-carried from Langley, one copy only. No record."

Binns did not agree to use back channels and when he returned to Honduras, he received no further reports of human rights violations from the CIA. "I was deliberately lied to," says Binns, who later found out that Reagan administration had been working behind his back.

Honduras was only one of many hot spots where Negroponte served. He spent four years as a political officer in the U.S. Embassy in Saigon during the height of the Vietnam War. As an aide to then National Security Adviser Henry Kissinger at the Paris Peace Talks, he fell out of favor with his boss, wrote Mark Matthews in a 1997 article in the Sun, "by arguing that the chief U.S. negotiator was making too many concessions to the North Vietnamese." Negroponte also served in the Philippines,

Panama and Mexico, where he was a strong booster for NAFTA.

Rumored to have been Colin Powell's pick for the job of U.N. ambassador, Negroponte has a reputation as a loyal bureaucrat and efficient fixer. He also has a Cold War mentality characteristic of many of the old Reagan-Bush people surrounding the new president.

The lessons Negroponte has learned from the past may shed light on what kind of U.N. ambassador he will be if his nomination is approved by the Senate. When he appeared in 1981 before a Senate committee for confirmation as envoy to Honduras, he said, "I believe we must do our best not to allow the tragic outcome of Indochina to be repeated in Central America."

The tragedy to which he referred, of course, was the defeat of the United States, not the devastation and death caused by U.S. intervention.

DISAPPEARANCES IN HONDURAS DURING AMB.  
NEGROPONTE'S TENURE, OCTOBER 29, 1981–  
MAY 30, 1985

1981

Eduardo Anibal Blanco Araya, November 14, 1981; Yolanda del Carmen Solis Corrales, December 11, 1981; Francisco Fairén Garbí, December 11, 1981; Alfredo Duarte, December 20, 1981; Jose Frech Guterrez, December 20, 1981; Jose Francisco Rivera Miranda, December 22, 1981; Victor Hugo Alas Herrera, December 24, 1981.

1982

Maria Ediltrudis Montres Giron, January 24, 1982; Julio Cesar Zavala Mendez, January 24, 1982; Samuel Perez, January 24, 1982; Enrique Lopez Hernandez, January 24, 1982; Nelson Mackay Chavarria, February 21, 1982; Guadalupe Carrillo Coleman, June 11, 1982; Eduardo Coleman Martinez, June 11, 1982; Reynaldo Coleman Martinez, June 11, 1982; Amado Espinoza Paz, June 12, 1982.

Adan Villanueva, June 12, 1982; Hans Albert Madisson Lopez, July 8, 1982; Jose Saul Godinez Cruz, July 22, 1982; Jose Eduardo Becerra Lanza, August 1, 1982; German Perez Aleman, August 18, 1982; Teresa de Jesus Sierra Alvarenga, August 31, 1982; Rafael Antonio Pacheco, September 1, 1982; Hector Hernandez, December 24, 1982; Jose Celestino Medina, December 24, 1982.

1983

Casimiro Castellanos, Exact day unknown, 1983; Pedro Jose Amador Meza, January 22, 1983; Maria Martha Ventura Garcia, February 17, 1983; Dolores Geraldina Garcia Zelaya, February 25, 1983; Melba Caceres Mondragon, March 15, 1983; Jose Martinez Vasquez, March 17, 1983; Filiberto Flores Zuniga, April 13, 1983; Victor Manuel Torres Lopez, April 13, 1983; Luis Alonso Romero Ortiz, April 24, 1983; Daniel Velasquez Nunez, May 4, 1983.

Jose Eloy Torres Barahona, June 1, 1983; Victor Manuel Ramos, June 10, 1983; Jose Amilcar Madiaga, July 1, 1983; Marco Antonio Marin Aguilar, August, 1983; Ramon Adonay Bustillo Jimenez, September 9 1983; Pablo Roberto Munguia, September 28, 1983; Mario Mejia Mateo, October 1, 1983; Jose Melanio Valle Alvarado, October 1, 1983; James Francisco Carney (Father Guadalupe), December, 1983; Juan Batista Canales H., December 15, 1983.

1984

Marcelino Moncada Bustamante, February 18, 1984; Gustavo Adolfo Morales Funes, March 18, 1984; Rolando Vindel Gonzalez, March 18, 1984; Francisco Garcia, July 9, 1984;

Francisco Osorto, July 9, 1984; Alberto Garcia, July 9, 1984; Elsa Marina Perdomo, August 12, 1984; Juan Alberto Villeda, September 25, 1984; Luis Ramon Blandon Zeas, September 28, 1984.

Elman Luis Cortes Seiza, September 28, 1984; Marcia Mercedes Chamorro Morales, October 5, 1984; Estanislao Vasquez M., October 22, 1984; Joaquin, October 22, 1984; Reynaldo Caceres Lopez, October 28, 1984; Estanislao Martinez Lopez, October 31, 1984; Maritza Cubillo Molina, November 4, 1984; Jose Isabel Salgado, November 20, 1984; Jose Eduardo Lopez, December 24, 1984.

1985

Rose Nelly Matamoros, January, 1985; Jesus Reyes Escobar, March 24, 1985.

#### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 17, 2001, AT 10 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment.

Thereupon, the Senate, at 4:33 p.m., adjourned until Monday, September 17, 2001, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 14, 2001:

##### FEDERAL HOUSING FINANCE BOARD

SHIRLEE BOWNE, OF FLORIDA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2004, VICE J. TIMOTHY O'NEILL, TERM EXPIRED.

##### DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED.

##### SOCIAL SECURITY ADMINISTRATION

JAMES B. LOCKHART, III, OF CONNECTICUT, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR A TERM OF SIX YEARS, VICE WILLIAM A. HALTER.

##### DEPARTMENT OF STATE

CLIFFORD G. BOND, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

MARGARET K. MCMILLION, OF THE DISTRICT OF COLUMBIA, CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

##### EXECUTIVE OFFICE OF THE PRESIDENT

MARK W. EVERSON, OF TEXAS, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE JOSHUA GOTBAUM, RESIGNED.

##### DEPARTMENT OF LABOR

TAMMY DEE MCCUTCHEEN, OF ILLINOIS, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE T. MICHAEL KERR.

##### EXECUTIVE OFFICE OF THE PRESIDENT

BARRY D. CRANE, OF VIRGINIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE THOMAS J. UMBERG.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

##### *To be general*

GEN. JOHN W. HANDY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. TEED M. MOSELEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, UNITED STATES AIR FORCE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8034:

##### *To be general*

LT. GEN. ROBERT H. FOGLESONG, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. COLBY M. BROADWATER III, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be admiral*

ADM. JAMES O. ELLIS JR., 0000

#### CONFIRMATIONS

#### EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE SEPTEMBER 14, 2001:

##### DEPARTMENT OF EDUCATION

BRIAN JONES, OF CALIFORNIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

##### DEPARTMENT OF STATE

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

JOHN D. NEGROPONTE, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

LAURA E. KENNEDY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

MARCELLE M. WAHBA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED ARAB EMIRATES.

RONALD E. NEUMANN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF SAUDI ARABIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR THE U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

##### DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

##### *To be general*

RICHARD B. MYERS, 0000

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### DEPARTMENT OF JUSTICE

JOHN W. GILLIS, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF VICTIMS OF CRIME.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS.

##### DEPARTMENT OF JUSTICE

RICHARD R. NEDELKOFF, OF TEXAS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

PAUL J. MCNULTY, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

PATRICK LEO MEHRAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

STEPHEN BEVILLE PENCE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

MICHAEL J. SULLIVAN, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

JOSEPH S. VAN BOKKELEN, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

GREGORY F. VAN TATENHOVE, OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

COLM F. CONNOLLY, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS.

MICHAEL G. HEAVICAN, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS.

THOMAS B. HEFFELFINGER, OF MINNESOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

ROSCOE CONKLIN HOWARD, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS.

MARY BETH BUCHANAN, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

PETER W. HALL, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

# HOUSE OF REPRESENTATIVES—Friday, September 14, 2001

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Lord, open my lips, and my mouth will declare Your praise. On this national day of prayer and remembrance, moved by the exhortation of President Bush and the tragic events of Tuesday, we gather first to pray and then be about the work of Congress.

Ever mindful of the many victims, we pray, O Lord, in solidarity with their families, all who have come to their assistance, and with friends around the world. Circumstances such as Tuesday's horror shake us to new awareness and the need to pray, but prayer itself originates in You, O Lord. By Your own spirit in us we are moved, act, and have our being. Weeping and groaning deep within us the spirit cries out Abba, Father. Your spirit animates us as we struggle to find words to express all the sentiments of the heart.

As each of us searches the depths of our own being in his or her own way, we know it is You alone who can change human hearts. You alone, through dialogue with You, can give us the right words and the right thing to do, if only we would listen and enter into the silence of Your presence. You alone can reshape perspective and bring to focus determined goals based on the truth that removes illusion. You alone can move hearts to repentance for evil perpetrated on others. You alone can take stony hearts and recreate them by Your Holy Spirit into fleshy hearts, hearts which are moved beyond self to respond to the pain of brothers and sisters in the human family.

You, Lord, can make us one, heal our wounds, forgive our sins, and bring us to a new level of peace and freedom, where all people of faith can find expression, moved by Your spirit. And with Your help, together, we can create a truly pluralistic world where we can live in peace and unity, promised by Your kingdom, Thy kingdom come.

Borne out of pain, moved by compassion, strengthened by the diversity of others, we know it is You, Lord God, who brings us to pray and declare Your praise, now and forever. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. THORNBERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. THORNBERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minute requests at a later time today.

## MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2888, 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the bill (H.R. 2888) making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion except: One, one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and, two, one motion to recommit.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2888, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order just adopted, I call up the bill (H.R. 2888) making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2888 is as follows:

H.R. 2888

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for fiscal year 2001, namely:

EXECUTIVE OFFICE OF THE PRESIDENT  
AND FUNDS APPROPRIATED TO THE  
PRESIDENT

### EMERGENCY RESPONSE FUND

(INCLUDING TRANSFERS OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks, \$40,000,000,000, to remain available until expended, including for the costs of (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks, (2) providing support to counter, investigate, or prosecute domestic or international terrorism, (3) providing increased transportation security, (4) repairing public facilities and transportation systems damaged by the attacks, and (5) supporting national security: *Provided*, That these funds may be transferred to any authorized Federal Government activity to meet the purposes of this Act: *Provided further*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That \$40,000,000,000 shall be available only to the extent that an official budget request, that includes designation of the \$40,000,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the President shall consult with the chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds: *Provided further*, That of the \$40,000,000,000 made available herein, \$10,000,000,000 shall not be available for transfer to any Department or Agency until 15 days after the Director of the Office of Management and Budget has submitted to

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that Department or Agency; \$20,000,000,000 may be obligated only when enacted in a subsequent emergency appropriations bill, in response to the terrorist acts on September 11, 2001: *Provided further*, That the President shall transmit an amended budget request proposing an allocation of funds: *Provided further*, That not less than one-half of the \$40,000,000,000 shall be for disaster recovery activities and assistance related to the terrorist acts in New York, Virginia and Pennsylvania on September 11, 2001, as authorized by law: *Provided further*, That the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002: *Provided further*, That the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this Act.

#### GENERAL PROVISIONS

SEC. 1. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of Section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

This Act may be cited as the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

□ 0915

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America is one Nation united under God today more than any time since December 7, 1941, when we were attacked at Pearl Harbor. Americans are normally very busy people, staying focused on those matters of concern to ourselves and to our families.

Today our country's focus is on our fellow Americans who lost their lives in the despicable terrorist attack on Tuesday, September 11, 2001, and also on their families who mourn them. We seek God's blessing of comfort for them.

Today, Mr. Speaker, America has officially set aside a time for national mourning. We will also focus on rebuilding what terrorists destroyed. Today we focus on not only seeking out those who brought this attack to our land, but to deal with those who might be planning other sneak attacks on

America or the rest of the civilized world. Americans will not live in fear, and we will not allow attacks on our people or our places.

With the action of the United States Congress today, the world will know that our people and we as their representatives in Congress are more united behind our President as he leads this great Nation under God than most Americans alive today have ever witnessed. We absorbed the attacks in Beirut when we lost brave Marines. We absorbed the attack at Khobar Towers when we lost brave members of our Air Force deployed to that part of the world. We absorbed the embassy attacks in Africa with some retaliation. We had the attack on the USS *Cole* where members of our Navy were killed or seriously injured, and we will rebuild the *Cole* as a monument to advise the world that we will not accept these attacks on our people.

When the attacks came on Tuesday of this week, we had several options. We could have selected to wait, to see if this was another isolated act of terrorism, or we could choose to fight back, to do whatever is necessary to protect our Nation, to protect our families, and to preserve our freedoms and our way of life.

Let there be no doubt. Our choice, the choice of President George Bush, the choice of the United States Congress, and the choice of the great people of a great Nation is to fight back. The world will be impressed by our response as we mobilize for this fight.

As we present this bill today, Mr. Speaker, I thank the Speaker of the House for all of the assistance and wisdom and guidance the gentleman from Illinois gave us as we produced this bill. This was not an easy bill to decide how best to respond in a constitutional way.

I thank the leaders of the Senate who worked so diligently with us in order to write the bill that we will present here this morning, and I thank the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations. We debated, argued our some differences, and worked together as Americans to come up with the right solution. Throughout, the gentleman from Wisconsin was a pillar of strength, a giant; and I want to say I appreciate the efforts the gentleman from Wisconsin made to make this happen.

I thank the members of our staff who stayed with us through the day and the night in order to present this bill and make it a good bill.

Mr. Speaker, I thank our friends and allies around the world who have come to our aid and assistance, if nothing more than with their words and demonstrations of support. That is a strong message for us and to the rest of the world, and especially to the terrorists in the world, that we are a united people against terrorism.

Mr. Speaker, the bill that we present today, H.R. 2888, is an emergency supplemental appropriations bill that basically provides \$40 billion to be available as needed by the President, and as agreed to by the Congress, in order to mobilize this Nation to fight this fight, to eliminate the threat of terrorism from the United States and from the civilized world.

We are going to move this bill quickly today, and we are going to have this mobilization underway. I think that the world will be impressed, and I believe that fear should be in the hearts of the terrorists because our people will not live in fear. We will not allow that to happen.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 14 minutes.

Mr. Speaker, this bill is a response to the worst attack on U.S. soil in the history of our republic. That attack requires a response which is focused, strong, mature, and lasting. That attack requires a response that is based on solid unity, and that unity must be based upon the recognition of and the overcoming of our differences, not in the ignoring or the papering over of our differences. That is the only way to provide true unity over the long haul.

Very frankly, twice in the last 2 days I was concerned that that unity would not come about. This morning I can tell every Member of this House without question that those divisions have been overcome during negotiations on this bill, and I think it is important that some Members who have some misgivings understand the history of this bill.

During negotiations on this bill, money has never been an object. Make no mistake about it, this committee, this body, will provide whatever resources are needed to respond to this challenge, not just today, not just tomorrow, but for as long as it takes; but it is crucial in our rush to a response that we preserve and protect the institutional arrangements that have been the very foundation of our liberty since the Constitution was first written.

Mr. Speaker, the Congress has essentially only two powers that mean anything in the scheme of things. The first is the War Power; the second is the power of the purse. Very frankly, I am sad to say because of the nature of the times that we live in, the nature of technology and our own history over the last 30 years, the Congress' power to determine when we go to war has substantially eroded.

Today, except in the most extraordinary circumstances, it is, frankly, the President who decides whether we will pull the trigger. But that means that Congress has a double obligation under the oath that we all took, to maintain the power of the purse. And we do not do that for turf reasons; we

do it because that is the fundamental power that Congress has, to preserve liberty for every American.

Let me give some practical examples. These may seem mundane, but they go to the core of the relationship between branches of government.

The World Trade Center in New York, I have no idea how that is going to finally be rebuilt, but at some point I think it is safe to say there may be a question about whether the Federal Government plays a role in funding that. I do not know what the outcome of that will be, but I do know that Congress as an institution has a right to be involved in those decisions. This is not a decision that can just be made by one branch of government unilaterally.

The subway damage in New York. Decisions about the shape and nature of Federal involvement in repairing the subway must be made on a collaborative basis between the two branches of government.

Public safety at airports. That is our first line of defense against terrorism and that failed this week. We are going to have major decisions made about how safety at airports are upgraded. The Congress must be able to take advantage of the expertise that people in this body have, people like the chairman of the subcommittee, the gentleman from Kentucky (Mr. ROGERS), the gentleman from Minnesota (Mr. OBERSTAR), and others who know a great deal about this.

That expertise can be brought to bear only by congressional participation in those decisions. These are just some fairly mundane examples, but they are important in the long-term scheme of things.

The first package that was presented to us was, frankly, a blank check; and to the credit of the people involved, that approach was rejected.

This bill provides unprecedented grants of authority to the President, but it does retain reasonable congressional ability to make its own judgments about how this money ought to be spent, and I want to describe what it does.

This bill is a down payment on the efforts of this country to undertake to find and punish those who committed this terrible act and those who supported them, and it is a downpayment on providing the resources necessary to rebuild this Nation. It provides an initial payment of \$40 billion to help the victims repair the damage, upgrade our security, and begin the military preparations to find and destroy the perpetrators of these deplorable and despicable acts. \$10 billion will be available immediately upon the signature of the President and will be spent in areas of government that he deems appropriate under consultation with the Congress.

A second \$10 billion will become available after he has published his

plans for its use. The Congress will have 15 days to review those plans, and I fully expect that there will be a respectful relationship between the two branches of government in ironing out any misgivings that Congress might have with respect to any of those plans.

Next, an additional \$20 billion will be spent based upon the submission of a Presidential budget request and an action by the Congress in the regular appropriations bills that we will be sending to the President in the weeks ahead. Half of this money will be for responding to domestic cleanup, reconstruction, and humanitarian needs. The remainder will be for tightening security in military operations.

In addition, Congress will be considering defense appropriations bills within the next few weeks that will contain in excess of \$340 billion as well as domestic appropriations which will contain numerous additional commitments to improving and enhancing security.

Mr. Speaker, we are in day three of a new world. As a past President indicated a long time ago, we are entering into a long twilight struggle against terrorism. This is going to be a very nasty enterprise. Our country for its entire history has been shielded by two oceans from this kind of threat. Today with modern technology, with modern transportation, it is not only the economy that is global, we also have a global capability of people to take out their hatred on those that they do not like.

□ 0930

There is no question America paid a price for world leadership. If it proves to be that the people who perpetrated this act are those we suspect, it will demonstrate that we have also paid a price for the world's failure to find a resolution to the Middle East problems. We have also paid a price for a long period of underfunding a number of critical public service items, including airport security.

This is going to be a long fight. We need to be able to stick together for the duration. That means we are going to have to be able to trust each other implicitly. We are going to have to be able to trust each other's word. And we are going to have to have a respectful relationship between the two branches of government. Because it is very easy, once the going gets tough on an issue like this, for people to bail out. The only thing that will keep us together is conscience and unity built on honest agreement.

I want to thank a few people. I want to thank Senator BYRD who in my view was fierce in defense of the institutional prerogatives that we must hold dear. These prerogatives are important, not because they make us powerful but because they are the only tools that enable us to protect the liberty of

each and every American that we represent. I want to thank Senator STEVENS for overcoming his differences and working with all of us. I want to thank Chairman YOUNG. BILL YOUNG and I have a long relationship. We are friends, we are sometimes adversaries, but in all instances we are partners, and we will be partners for a long time to come as we deal with these issues. I want to thank the minority leader, Mr. GEPHARDT, because he intervened on three separate and crucial occasions in order to convey a seriousness of purpose on both ends of the avenue that was necessary to overcome our differences. I want to thank our Speaker. Yesterday on at least two occasions he demonstrated what leadership is all about. And I think it is safe to say that, more than almost anyone, he recognized the need for true unity yesterday and he recognized, as I said earlier, that that unity needed to be based upon the overcoming of our differences rather than the papering over of our differences.

I also do want to thank our staff on both sides of the aisle. Many people sitting here this morning have been working for days on this, but I especially want to single out Scott Lilly, the staff director on our side of the aisle, and Jim Dyer on the Republican side of the aisle. As usual, they have helped us to bridge differences and they have helped us protect the prerogatives and the needs of this institution. And the way they do it on a daily basis is a constant demonstration of the day-to-day actions that constitute true patriotism. I am profound in my admiration for them and all of those who work with them.

I want to say to the people of New York, there is not a district in this country that is more different from New York than mine. But every person in my district today stands as one with the people of New York. They have experienced a tragedy which is unparalleled. Our hearts go out to every single family who has lost anyone. I want to express our solidarity with those folks at the Pentagon, those folks who work there. They defend our country abroad and at home. Some of them paid the ultimate price and we will not forget. I want to thank those that were on the various airplanes that crashed who gave us fragmentary information about what happened and, at least on several occasions, obviously engaged in struggles which may have preserved the existence of the very building in which we work today. We owe them a lot. And we owe to each other efforts to build a new relationship and a new sense of comity in this town so that we can, in fact, meet the responsibilities that we were elected to perform.

I urge support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, when America is attacked, when any American is attacked, when any of our places is attacked, all of our country is attacked. America was attacked on last Tuesday. Attacks took place in New York City and on our Defense Department here in northern Virginia. The gentleman from Wisconsin just eloquently referred to that. The New York delegation has been very strong in supporting whatever efforts need to be done to help the recovery in New York. The Governor of the State, Governor Pataki, the mayor of the city, Mayor Giuliani, all of the officials, the police, the firefighters, the emergency medical technicians, the doctors, the nurses, the civilians who volunteered, everyone has just responded in such a tremendous way, an outpouring of support and unity. It is just amazing to watch this response.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH), one of the leaders of his Congressional delegation and also a leader on the Committee on Appropriations. He and other members of the delegation spoke to us eloquently yesterday at a meeting that we held with them.

Mr. WALSH. Mr. Speaker, it has often been said that America is great because it is good. This bill exemplifies the goodness of our Nation. I would like to begin by thanking the President of the United States who has been a pillar of strength throughout this incredible period of time. When I watched him yesterday, I saw tears welling up in his eyes. I saw his chin quiver. All of us have felt that since this incident occurred. But at the same time it was a velvet surface on a solid steel interior, and I think that is the way everyone has approached this tragedy.

I am so proud of this Nation. I am so proud of my colleagues here in the Congress. The way people came together to resolve this, partisanship aside, bicameral differences aside, would make this country and should make this country proud. The generosity of the American people is reflected in its representation here in the Congress, and this bill is the epitome of that generosity, \$40 billion. But the point is the first thing the President said to the mayor and to the Governor of New York was, "Whatever it takes." When I spoke with Chairman YOUNG, he said, "We're going to provide whatever it takes." Ranking Member OBEY, "Whatever it takes." There was no issue of money anywhere along the line. I want to express my gratitude to them.

Yesterday, I had the occasion to visit the Pentagon and to see the courage and bravery and the professional demeanor of the men and women who are working there. It inspires great strength. It inspires great confidence. The people of FEMA, the men and women over whom my subcommittee has oversight, are leading the efforts in

both locations. Director Albaugh is in New York City doing his job. And he is proud to do it. We will be providing funds through this bill to FEMA. FEMA has already allocated \$165 million for the response in both locations. The estimates from FEMA at this point, and they are preliminary estimates, are that the costs for the clean-up and reconstruction of this site in New York City are in the neighborhood of \$9 to \$10 billion. Those are only estimates. There are other estimates that are much higher. But clearly this is a proper, appropriate response to the initial damage that was done.

The promise that this bill provides from getting our city and our Pentagon back on track to tracking down the perpetrators of this incredible mass murder, is that the necessary resources will be there, because everyone, right down the line, including our Speaker, has promised to provide whatever it takes.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished ranking member on the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Speaker, I want to compliment the leadership in protecting the prerogatives of the Congress but protecting the prerogatives of the people of this great Nation with the largest supplemental that I have ever seen since I have been in Congress. I think it is a well thought out and carefully drawn bill.

But what I wanted to really talk about was in my district, the tragedy that unfolded there. When we sat in the Capitol, when Jerry Lewis and I sat in the Capitol and heard that a plane was headed towards the Capitol, we evacuated, we listened to the various stories of it hitting New York, hitting the Pentagon. Then I traveled back to the district. I listened to the people who saw the airplane crash. I listened to the people in the tower in Johnstown, Pennsylvania, who explained to me they had a notification from Cleveland center about 10 minutes before the plane went over. It went over Johnstown airport at about 6,000 feet. I recognized, with all my years of experience listening to reports on terrorism, that that crew, those passengers, were struggling, that whole time. The plane started to disintegrate, apparently, four or five miles from the site where it landed.

When a reporter has asked me, why do you not think it was headed for Johnstown, Pennsylvania, well, as proud as I am of our district, there is no question in my mind the Capitol of the United States is a symbol of freedom worldwide. There is no question in my mind this airplane was headed towards the Capitol and it would have been disastrous with the loss of life and the symbolism that it would have pre-

sented to the perpetrators of this tragedy.

I am convinced they struggled. They fought. They missed a school by about a mile. They missed an industrial park by a couple of miles. They missed the airport by a couple of miles. But when I say a couple of miles, I am talking about seconds. This plane was traveling at just under the speed of sound. And as it rolled over and the people that saw it crash into the ground said it was upside down when it hit. I have seen tragedy in Beirut the day after the bombing. I have been to Somalia and Bosnia and Vietnam. I have never seen anything as horrendous as this crash. It apparently came straight in, avoided all the land, all the houses, the structures and so forth, and their purpose was consummated.

As a matter of fact, a number of people, and I agree with this, recommended we should put a small monument out there at the location where this plane hit. We are going to do that. We are going to also put a plaque with all the names at the Johnstown airport, because I consider these folks as real heroes. If anything came out of that, it shows the strength of America. These folks decided in their own mind, and having been a combat veteran myself, I understand the tough decisions you have to make when your life is threatened. These folks made the decision that they were not going to let this plane hit a populated area.

I want to commend them. I want to console the families. As tragic and sorrowful as this is, the fact that they saved innumerable lives, if there is any bright spot at all in this terrible tragedy, it is the fact that these people gave their lives to protect the Capitol of the United States, which is the symbol of freedom throughout the world.

□ 0945

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY), another distinguished member of the New York delegation, who is also a member of the Committee on Appropriations, and was very instrumental in helping us to resolve this appropriations bill today.

Mr. SWEENEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, we have seen extraordinary efforts in bravery throughout America in the last several days; and as a New Yorker, yesterday I saw extraordinary efforts in recognition by a number of my colleagues here. As a New Yorker, I wanted to convey to those back home so it is understood, first, obviously, the President of the United States in recognizing the devastation and the deep hurt that was affecting all of us. I watched, Mr. Speaker, I watched my chairman, the gentleman from Florida (Chairman YOUNG), recognize, understand and

work ever so hard into the wee hours of this morning to begin to bring about the healing and bring about solutions for all of us in America, but in particular the pain we are feeling in New York. I want to say thank you to them.

I saw the gentleman from Wisconsin (Mr. OBEY) and the other leadership work together in those same recognitions. There was a clear sign yesterday of how we all understood the devastation for the affected areas; but in reality, that devastation and its effect goes beyond individual jurisdiction, and the injury hits us all as Americans.

On Wednesday in this House we began with ceremony and symbolism as a body. Today I am proud to be part of a body and part of Congress that will act in the most meaningful and expeditious ways to begin to bring about the healing of the American people, of New Yorkers, and of this entire world.

I thank you all, and I urge my colleagues to support this important legislation.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. NADLER), who was deeply involved in negotiations yesterday with us.

Mr. NADLER. Mr. Speaker, let me express my gratitude to everyone in this Chamber for their expressions of solidarity with the people of New York and the people of my district.

On Tuesday, September 11, 2001, like December 7, 1941, a date which will live in infamy, the United States was viciously and treacherously attacked. Thousands of our fellow citizens lie dead under the rubble. The World Trade Center, one of the most visible symbols of my home, New York City, is no more. Thousands of families even now frantically await word of the fates of their family members.

Our response must be swift and resolute. First, we must continue the rescue and recovery operation, we must do all we can to assist the families of the victims, and we must help New York to recover from the devastation visited upon her.

Second, we must prosecute the war that has been thrust upon us with resolve, with fortitude, with unity, until the evil terrorist groups that are waging war against our country are eradicated from the face of the Earth.

This bill provides a down payment on the funds necessary to wage this war and to assist its victims. We will have to do far, far more; but we must begin. I urge unanimous approval of this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, another of the sites of devastation was the Defense Department in Northern Virginia, at the Pentagon. After the tragedy, I went to the Pentagon, I visited there twice, and I will tell you that it is a sad, sad experience to see the nerve center of our military establishment attacked and

damaged severely with a tragic loss of life.

Mr. Speaker, America sometimes takes our military for granted, except in a time of trouble and tribulation, when the military is called upon to perform, or when they are put at risk.

Mr. Speaker, the men and women who serve in uniform could be at risk at any time, without notice. These Americans serving at the Pentagon on Tuesday suffered with no notice, a tremendous loss of life. Those of us who spend time in Northern Virginia have friends who have been affected by the loss of loved ones.

Mr. Speaker, the one Member of this Congress who spends most of his life dealing with national defense issues is the chairman of the Committee on Appropriations Subcommittee on Defense. I have the privilege of serving on that subcommittee and I chaired it for some time. The current chairman, the gentleman from California (Mr. LEWIS) is a real patriot and is really dedicated to the well-being of the men and women who serve in our military.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I appreciate very much the gentleman yielding me time.

Mr. Speaker, I have come to tell friends in the last couple of days that Americans have not wanted to believe that our shores would ever be in danger, for we are a free people, a people who live in peace and who want freedom and peace for the world.

It is hard to believe that there are those who would use murder as their mechanism to make their point in the world. But, indeed, we have come together as a people across the country. We will adjourn not too long from now to go and pray together.

The world will see a different kind of America in the days ahead. My chairman in his statement said that we will not live in fear, and, indeed, we will not. A great President of our past, Franklin Delano Roosevelt, once said that the only thing we have to fear is, indeed, fear itself.

Yesterday on the floor of the House, the minority leader, the gentleman from Missouri (Mr. GEPHARDT), expressed the feeling of all of us that we in the House of Representatives, who have some serious responsibility here, nonetheless recognize in a time like this that we must support our Commander in Chief.

There is no party. My colleague, the gentleman from Pennsylvania (Mr. MURTHA), and I working on this Committee on Appropriations Subcommittee on Defense, know the importance of national strength.

But when our people come together, there is no Democrat, there is no Re-

publican. We are the American people, and we will make sure that our freedom is preserved as we go forward and deliver hope for the world. Indeed, today is an important day for our people, standing shoulder by shoulder. We will communicate to all people who will hear that freedom for the world is our purpose.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Committee on Armed Services.

Mr. SKELTON. I certainly thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this supplemental appropriation bill. We are here because there has been an outrage to decency, to American decency, by the attacks of September 11. We today are reflecting by our debate and by our votes the outrage of all Americans.

I realize that the words of condolences and the words of anger and outrage have nearly all been said, but we are here to act today. We are here to act by considering this legislation and passing it, hopefully unanimously, so that we can support the staggering loss of life and the symbols of American prowess in the world that have been damaged or destroyed. We are saddened for that.

But never let there be a doubt that we as Americans will retaliate, and that those who perpetrated this or harbor those who perpetrated it will long remember that they should never touch America again.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I do so to say that in addition to the security of the Nation that we talk about with respect to our uniformed services and our military personnel and those who are at risk at any given time and those who serve this Nation so well, who are all volunteers, by the way, Mr. Speaker, intelligence is an important part of our Nation's security.

We have a very distinguished leader as chairman of our Permanent Select Committee on Intelligence, a friend of mine for a long time, a colleague. I had the privilege of serving on the Permanent Select Committee on Intelligence for 14 years. The gentleman from Florida (Mr. GOSS) is a former intelligence officer himself and has done a great job leading the Permanent Select Committee on Intelligence. Most of the time the work that the gentleman and the folks who deal with national defense do not get much exposure, because much of that work must be done in secret.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS), the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I am much obliged to my good friend and colleague and very distinguished former

member of the committee, whose wisdom we still enjoy on the committee, my friend, the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG).

We are equally blessed to have as the chairman of the Subcommittee on Defense the gentleman from California (Mr. LEWIS), who has also served on committee with great distinction. I do not think this country realizes how lucky we are to have people like the gentleman from California (Mr. LEWIS), the gentleman from Florida (Mr. YOUNG), the gentleman from Pennsylvania (Mr. MURTHA), and the gentleman from Wisconsin (Mr. OBEY), who understand the sensitivity and the necessity of the business that we deal with.

We do have some necessary business I need to bring up, and I would like to engage in a colloquy, if I may. I think as Members of the House are aware, the National Security Act requires a specific authorization for each dollar spent by the United States Government on intelligence and intelligence-related activities. This is a safeguard for Americans. In cases such as this, when an emergency spending bill is passed by Congress that includes funds for intelligence, it is customary to include a provisional authorization in the bill for those intelligence dollars.

I would like to seek the assurance of my good friends from Florida and California that although there is a provisional authorization for intelligence funds, it is their intent and the intent of the legislation that the administration will provide the appropriate congressional committees with a detailed accounting for all intelligence spending in this bill.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I can assure the gentleman that when it comes to intelligence funding that may be in this bill, it is indeed the intent of this legislation that the administration will provide Congress with specific spending plans as funds are obligated as well as detailed records of expenditures actually made.

Mr. Speaker, further, the gentleman from Pennsylvania (Mr. MURTHA) and I have just signed a letter to the director of the agency to make certain that there is a clear understanding of that very point that the gentleman makes.

Mr. GOSS. Mr. Speaker, reclaiming my time, I thank my colleague. I also definitely look forward to continuing to work closely with the gentleman and his committee to ensure that the money in this bill and all future intelligence funding is utilized to strengthen and improve our intelligence capabilities, near term and long term. Is that accurate?

Mr. LEWIS of California. Mr. Speaker, if the gentleman will yield further, that is correct.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. PELOSI), the ranking member on the Permanent Select Committee on Intelligence.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and commend the leadership and all those who participated in bringing this bill to the floor today.

I want to associate myself with the concern expressed by our distinguished chairman of the Permanent Select Committee on Intelligence about having some idea of how this money will be spent before it is. Then I would like to, of course, express my deep condolences to the people of New York and of our military for the tragedy that has befallen our country this week.

Our great President said it was a day that will live in infamy, of another tragic day in our history, and the distinguished chairman mentioned, he also said the only thing we have to fear is fear itself.

It is on that point I would like to just say that fear is the goal of terrorists. They have succeeded when they can frighten a country or frighten a people into the panic that would ensue. They have never met the New Yorkers, who are a fearless lot. The indomitable spirit of New York, I know, will lead the country to the recovery that we must and will have.

But make no mistake, make no mistake, they place no value on human life, these terrorists, so the number of people dead is no victory to them. The structures coming down mean nothing to them. Instilling fear is their goal. We must join with New York in its effort to, like the Phoenix, rise from the ashes and give them the defeat, the terrorists the defeat, that they deserve.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Committee on Appropriations Subcommittee on Transportation, who has a great responsibility; and one of his responsibilities is airline safety and security.

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Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of the bill. I want to commend the leadership of the Speaker; of the gentleman from Florida (Mr. YOUNG), the chairman of this committee; the gentleman from Wisconsin (Mr. OBEY), the ranking member; and the bipartisan leadership for bringing this bill up and bringing it forward.

Mr. Speaker, I have never reflected on the meaning of America's motto before this time, I have to admit. But it says it all, I think, and that motto, of course, is "E Pluribus Unum." Out of Many, One.

America is united now as I have not seen in my adult lifetime. It is heartening to see this morning riding into work Americans with flags flying from the windows of their cars and the offices of buildings throughout this city and, I am sure, all across America. In the wake of the despicable attack of September 11, Americans are in mourning. They are angry, but they are resolved to take decisive and severe action against these perpetrators, or those who harbor them. This raw emotion that Americans feel and the anger felt by us all will not easily yield to time, nor should it.

Yesterday, the Congress expressed its sorrow and its resolve. Today, we begin to act. In this bill, we give the President the extraordinary authority and resources to provide relief to the victims suffering so severely, to prosecute efforts that will allow retaliation against our enemies to ensure the safety of our people and to instill public confidence in our public facilities and services. Of paramount concern, of course, is the safety and soundness of our aviation system. We must, and we will, work with the President, the Secretary of Transportation, and the FAA to take immediate medium-term and long-term measures that prevent civilians and commercial aircraft from falling prey to terrorists.

This will be a complex and expensive task. It will require the cooperation of the Congress, Federal transportation officials, the intelligence community, the airline industry, airports, pilots, controllers, all of us. It will require creative thinking and some dramatic changes. But the aviation system is a critical component of this economy. To ensure its viability, the Congress must be convinced and the public must be satisfied that it is a safe system.

We are pleased with the steps that have been taken so far by the Secretary of Transportation, but there are many more steps that should be taken. We have to secure the cockpit, we have to have an armed guard on these planes, and we have to greatly enhance the screening capabilities we have to keep out terrorists from the passenger lists and on the tarmac.

So, Mr. Speaker, this bill will go a long way toward that. We have a long ways yet to go, and we will be back here in that respect.

But I support this bill, and I commend our leadership for putting it together in a bipartisan fashion.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. FATTAH), a member of the committee.

Mr. FATTAH. Mr. Speaker, I thank the ranking member and I thank the chairman of the full committee for their work on this matter.

I rise to speak in favor of the supplemental and to also indicate that it is my hope that as we go about seeking to

aid those who were victims of this tragedy, that we do not separate out in any way those who were victims in New York from those who were victims here in the Washington area. That is to say that I believe that all of those who were killed because of this incident really should be treated as if they died in service to this country, and that a comparable level of remuneration should be provided for even those who were not part of military service, and that a parity of benefits be accomplished through the dollars provided in this supplemental.

Those who went to work at the World Trade Center, just like those who went to work at the Pentagon on September 11, were targeted out and killed because they were citizens of this country and doing a vital service to this Nation, and I think they should be treated equally in that regard.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Northern Virginia (Mr. WOLF), who represents the area that includes the Defense Department and the Pentagon, a member of the Committee on Appropriations.

Mr. WOLF. Mr. Speaker, I rise in strong support of this supplemental. I want to thank the leadership on both sides; I want to thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) for moving so fast on this issue. This issue has hit the area that I represent. I also want to say my heart goes out to those families in this area and in New York and in New Jersey, in just watching the pain and the suffering and the agony of those who are looking for their loved ones and to let them know how much we care.

Also, I want to thank the rescue workers in my area, in New York City, and the people who have come together. I think this is just the beginning. I believe we should do whatever it takes and make sure that they know that we have the resolve to carry this through to make sure that we root out terrorism.

Lastly, I want to commend the President. We had an opportunity yesterday, and he met with the delegation. He was strong, he was confident. He is committed. And we will resolve this issue, and we will bring victory over terrorism.

I rise in strong support of this supplemental.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. DICKS), a key member of the committee and the former ranking member of the Committee on Intelligence, a member of the Subcommittee on Defense, and virtually every other committee that has anything to do with military affairs.

Mr. DICKS. Mr. Speaker, I want to congratulate the gentleman from Florida (Mr. YOUNG), the chairman of the

committee, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for the fantastic job they did of protecting the prerogatives of this institution. I want to commend them also for the prompt response to this tragic event in our country's history. Our hearts do go out to the people of New York and the people at the Pentagon who have lost loved ones. This is truly the greatest tragedy in the history of the country.

I rise today just to urge our colleagues, as we think about this problem and prepare for the future, to recognize that we are going to have to strengthen not only our intelligence capability, but our military capability as well. For a number of years, we have been underfunding the Defense Department in terms of procurement and new weapons systems. I mean it has been at a tragically low level. Somehow, if we want to retain our military capability, if we want to have the kind of national security that we need for the future, we are going to have to make significant investments beyond those that we are making here today. This will help in some respects, but there still is a lot more that needs to be done.

Again, congratulations to everyone who worked on this. This is a good bill that deserves our support.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON), another distinguished member of the Committee on Appropriations.

Mr. PETERSON of Pennsylvania. Mr. Speaker, today I rise to support this legislation. I rise with all of my colleagues; and I want to commend my colleagues that have brought this all together, because we are here today supporting freedom, preserving freedom, not only here, but around the world. We are the artery that supplies freedom to all. This country is the beacon, is the artery; and they went for the jugular.

I also am here supporting the heroes, the heroes in New York that gave their lives to get people out, heroes not mentioned. There were 2,000 Federal employees in buildings 6 and 7, and they got them all out but one because they carried out their plan so well. The passengers on the flight that came down in Pennsylvania gave it their all, and we are here supporting them.

If there is something good out of this, because I said in speeches for years that we often in Washington get off of our number one priority. The number one priority of the Federal Government is to preserve freedom, is to protect this country, is to keep us safe and provide safety and freedom around the world. Oftentimes, we have been off on lots of debates and I think spent far too little time and effort on the number one role of this government: preserving and fighting for freedom and making sure that the young

people in this country understand that it does not just happen, it does not just keep going on; that we have to fight for it, that we have to preserve it, that it has to forever be the number one priority of this government; that keeping this country strong, keeping this country safe and promoting and fighting for freedom around the world is our number one role as representatives of our people in this Congress. That is our number one mission.

Mr. Speaker, I commend all of those that are leading us, including the President, in the direction to do that.

Mr. OBEY. Mr. Speaker, I yield 1 minute and 20 seconds to the distinguished gentlewoman from New York (Mrs. LOWEY), the ranking member of the Committee on Foreign Operations, who was deeply involved in negotiations about the New York element of this package.

Mrs. LOWEY. Mr. Speaker, I first want to thank the gentleman from Florida (Mr. YOUNG), the chairman of the committee, and the ranking member for their extraordinary work in making this package possible.

In my district today, children grieve for the fathers and mothers who did not come home from work on Tuesday. So many families are grieving, Mr. Speaker. By now we have all heard of the men and women trapped in the World Trade Center calling their spouses saying good-bye. Our hearts and prayers are with all who are still waiting for a loved one to come home. Our arms are around you and America is with you.

As we speak on this floor, hundreds of brave men and women risk their lives minute by minute shifting carefully through the rubble and the twisted steel, searching against hope that they will find survivors in the wreckage of what was once my city's greatest building. Their heroism has moved a Nation and has touched the world. They are ordinary people engaged in the most extraordinary of acts. Each one is a hero and deserves our deepest thanks and praise. And they are not alone. New Yorkers and Americans have responded by the thousands, waiting in line to give blood and making charitable donations. This is the best of America and of New York.

Now Congress must act. We New Yorkers pride ourselves on being tough, but we cannot bear this terrible burden alone. Our Mayor and our Governor have been magnificent, but they need our help.

More than 48 hours after Tuesday morning's horrific attacks, the aftershocks continue. Buildings still crumble, families search for loved ones, thousands remain buried beneath rubble in New York and Virginia. Even now, rescuers are scrambling to pull survivors from the twisted steel and concrete of the World Trade Center.

The bill before us today will provide \$20 billion specifically for humanitarian needs.

Governor Pataki and Mayor Giuliani have made clear that they need funds now to take care of immediate needs: search and rescue, recovery of the victims, support for survivors and victims' families, and restoration of security and basic services to lower Manhattan. This legislation sends a clear signal that the Nation stands shoulder-to-shoulder with New York as we proceed with our rescue and recovery efforts.

Our first priority, and our singular focus, must be finding survivors, healing the injured, and comforting the bereaved. But when the urgent humanitarian needs have been met, we will be faced with the daunting task of starting anew. And we will find that what took seconds to destroy will take years to rebuild.

The package we pass today is merely a downpayment toward what will prove to be the largest recovery effort in our Nation's history—rough estimates total in the tens of billions of dollars. We will need to clear thousands of tons of debris from the streets. We will need to reconstruct large swaths of lower Manhattan. We will need to restore the infrastructure of the heart of the world's financial markets, and we will need to rebuild the economic backbone of the New York area. The ripple effects of this tragedy will be severe—they will be felt across the country, and around the world.

As we embark on this long and tortuous journey, I pledge today to my fellow New Yorkers and to all Americans that Congress will be with you every step of the way.

I urge unanimous passage of this bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DREIER), the great chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time. I want to congratulate the gentleman from Florida (Mr. YOUNG) and his entire team, and the gentleman from Wisconsin (Mr. OBEY) and, of course, the gentleman from Florida (Mr. GOSS), my friend and the great leader of the Committee on Intelligence, who also serves on the Committee on Rules.

I would like to take just a moment to say that as we express appreciation to all of our colleagues, I would like to express my appreciation to my colleagues on the Committee on Rules who, every night, have been ready and prepared to put together this very important legislation in support of it in a bipartisan way. I want to thank the gentleman from Texas (Mr. FROST) and those members of the minority as well.

I am very privileged to represent California; and we have all appropriately stood here to focus on New York, Pennsylvania, and the Washington, D.C. metropolitan area. Mr. Speaker, every single one of those airplanes that took off from Boston, New York, Dulles, were headed to my State of California.

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I would like to simply express for a moment my heartfelt condolences to

the families and the loved ones of those people all the way on the other side of the country who have been horribly impacted by this tragedy. The sense of resolve that we have to deal with this is overwhelming, and our great President put it perfectly when he said, "Nothing will diminish the spirit of our country."

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. WEINER), who has been on the scene in New York and who gave one of the most moving statements in caucus yesterday that I have heard in the years that I have been in this institution.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Wisconsin for his remarks.

In my district in Rockaway, in St. Frances DeSales, over 30 families of firefighters are praying today that their loved ones will be returned home. In their prayers, they might not be saying the name of the gentleman from Florida (Chairman YOUNG), but on their behalf I want to offer my thanks for the great work that the chairman has done on behalf of all of those families.

And on behalf of the literally hundreds of men and women who are on the bucket brigade by hand removing what is estimated to be 500,000 tons of debris trying to find survivors, on behalf of those people and others, I thank the gentleman from Wisconsin (Mr. OBEY) for how disciplined he has been and we have all been in trying to solve this problem quickly.

On behalf of all of the families of those who have been lost, I express my great thanks to all the Members of this body. Their words are indeed comforting to them.

But let us not misunderstand. This was not a successful attack on our country. Our financial services industry is going to be rebuilt stronger than ever. The physical structures in New York City are going to rise up. Our families are going to rise up.

On behalf of our entire country, I say to the terrorists, they have not been successful, and today demonstrates that.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

To my illustrious colleagues on the Committee on Appropriations, I come to this well today to thank them for having shown the highest valor that an Appropriations Committee could do. That is what it is all about to be a Member of Congress. They have risen to their highest glory today, because they have shown that through their wiles they have been able to bring to

the hurt and harm to people in this country the resources of the United States government. That is what we should be about, to be able to act quickly and resolutely to what our problems are. I want to thank the Members for it.

I was around during World War II. I have been a member of the Committee on Appropriations. I know what military preparedness is all about. So do not worry about it, we are doing the right thing. Our young President is doing the right thing. We have to stand behind him. We have to unify, as Americans always do.

I am thankful to be here, having spanned all that time, to come back today to thank God for America.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding time to me. I want to compliment the gentleman from Florida (Chairman YOUNG) and the entire Committee on Appropriations and, of course, the ranking member, the gentleman from Wisconsin (Mr. OBEY), for bringing us together and bringing us together so quickly, which is very difficult, and for giving the President the discretion that he desperately needs in order to really be the true leader.

I think it is also wonderful to note all across this country how we all are gathering and surrounding the President and recognizing the good work that is going to be necessary in order to rebuild and to retaliate.

There is no way that anybody on the face of this Earth can get away with what has happened, the tragedy that we have had just across the Potomac in Virginia, and the awful tragedy that we had in New York, and, of course, that plane full of heroes that crashed in Pennsylvania.

Sometimes it takes a tragedy like this to bring out the best in us, but I think the best in us has come out across all across this country.

I support this legislation, and urge a unanimous vote from this House of Representatives.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, and one of the House's resident experts on aviation safety.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me and for those kind words. Let me return the compliment to the leader on our side whose persistence, hard work, and enormous energy have carried the day for us. I thank the chairman for his leadership, the gentleman from Florida (Mr. YOUNG).

Amidst the plethora of concerns addressed in this legislative package, I want to signal out the first line of attack in this terrorist incident; that is

the Nation's airlines. The current conditions in the airlines sector could lead to a complete financial liquidation of the airline industry unless we address their immediate financial needs. Within 3 months, all of the carriers will completely run out of cash and be completely liquidated. They are losing cash on an average of \$60 million a day per carrier.

The financial markets are closed and the airlines cannot get access to their respective lines of credit. Insurance has doubled. Many insurance companies are even considering cutting off insurance, and financial institutions have put all airlines on credit watch. Their cargo and mail is embargoed, their source of income is gone.

Remember, if Members expect ever to get home, they need an airline to get there.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER), a key member of the Committee.

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding to me.

I salute the gentleman from Florida (Mr. YOUNG), the chairman of our committee, and the gentleman from Illinois (Speaker HASTERT), the gentleman from Missouri (Mr. GEPHARDT), Senate Majority Leader Daschle and Senate Republican Leader Lott, and my own ranking member, the gentleman from Wisconsin (Mr. OBEY).

From the outside, democracies sometimes appear weak, to those who do not understand the strength of a free people in discourse and disagreement. Sometimes democracies appear unwilling to act decisively in response to a threat. But those who perceive weakness where there is incredible strength make an awful, terrible mistake.

Today, within literally hours of a disastrous act being perpetrated against the United States, its people, and indeed, the very concept of freedom and liberty here and around the world, see how quickly democracies will act.

We will pass this as a first step, as a first commitment to confront tyranny, terrorism, and despots.

Mr. Speaker, this emergency supplemental appropriations bill is a major step in the United States' initial response to the horrific terrorist attacks on Tuesday. I know that my colleagues will strongly support it.

Specifically, this bill is a rapid response to our Nation's urgent needs. It will make \$40 billion available to Federal, State and local authorities to respond to these contemptible crimes.

It will allow us to increase transit security, repair public facilities and transit systems, fight international terrorism and strengthen our national security. And it will provide emergency relief to victims and their families.

However, make no mistake: This appropriations package is about more than money.

It is a clear demonstration of our Nation's resolve and unity in funding rescue operations

and a military response to Tuesday's treacherous acts of war. Those acts will not go unanswered.

In the face of this challenge to our Nation and freedom-loving people throughout the world, the United States Congress speaks with one voice. Yes, we are Democrats and Republicans. But first we are Americans.

Congress has an important role to play, along with the President, in responding to this act of war.

For example, we have ensured that there will be appropriate oversight of the expenditure of these funds. As the elected representatives of the American people, we will work closely with the President on a daily basis in the coming weeks and months to ensure that the proper resources are provided and necessary actions taken.

Finally, let me say to my colleagues that I had the opportunity on Wednesday to tour the devastation at the Pentagon. Like all of us here, my prayers and heartfelt sympathies go out to all those who died or were injured in Tuesday's attacks, and their loved ones.

Many of my own constituents are among the victims at the Pentagon.

But even as I toured the carnage, I could not help but be buoyed by the courage and determination of the fire fighters and rescue workers and military personnel I met there.

Their spirit, and the spirit of democracy and freedom, can never be extinguished by the unmitigated evil that has been directed at innocent men, women, and children. Their spirit and their courage lights the way for us all, as we respond to these cowardly crimes.

I urge my colleagues to support this vitally important legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. FOSSELLA), another distinguished member of the New York delegation.

Mr. FOSSELLA. Mr. Speaker, I thank the chairman very much for yielding time to me, and I rise in support of this needed bill.

My wife called me this morning and said a neighbor came over and gave her a list of eight people who are missing from Staten Island. There are ten people at least within five blocks of my house who are missing from this explosion. That attack on Tuesday was an attack against the free people of this world. It was not just the folks in Staten Island, New York City, America, but all the free people in this great world.

However, I have been in that wreckage for the last couple of days. There is not a greater spirit, there is not more resolve, there is not a greater determination than to turn this horrific tragedy into the United States' finest hour. Indeed, that is happening.

So, if anything, for those martyrs who died on Tuesday, for those victims of this heinous act, let the United States stand strong once again and show that we would not be deterred by these terrorists.

I commend this Congress and its leadership, as well as the President of the United States, for taking a strong stand.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. CROWLEY), who has at this moment, as I understand it, a member of his own family missing in New York.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for all his work and the ranking member, the gentleman from Wisconsin (Mr. OBEY). I want to thank the President for unifying this country. I want to thank the New York delegation for the bipartisan effort that has been taking place in making sure this bill came about.

It makes me proud of the support this Congress has provided, support that has crossed partisan lines to assist New York over the last few days. Right now, my city and our entire Nation are reeling. We are digging out, optimistically searching for survivors, and regrettably, also finding dead.

We have basic infrastructure problems that need to be addressed immediately, and this bill is the downpayment to fund these operations.

Furthermore, this legislation allows our Nation to take the first steps toward preparing our Nation to proactively battle terrorism against our citizens here and abroad.

This bill sends a signal to the people of New York, Virginia, Pennsylvania, New Jersey, and Connecticut, and Americans everywhere that their government will not let them go it alone in times of crisis or emergency; that we are in fact one Nation, under God, indivisible.

I shed tears on this floor yesterday, and hope it is the last time I do. Those were tears not of fear but of pride in our Nation and in my city and of all Americans.

Mr. OBEY. Mr. Speaker, I yield 40 seconds to the gentleman from Virginia (Mr. MORAN), who represents the area devastated by the act on the Pentagon.

Mr. MORAN of Virginia. Mr. Speaker, as of yesterday, over at the Pentagon there were 196 people still missing from the Army, the Navy, and a number of contractors.

In addition to the 64 airline passengers, there were 21 from the Army, 47 Army civilians, six contractors, 33 Navy military personnel, 10 Navy civilians, and 5 Navy contractors who lost their lives at the Pentagon.

But, Mr. Speaker, our people have responded in a way that makes us so proud to be Americans. The Arlington County Fire Department and Police Department were the first on the scene. They have coordinated. They have no idea how much to ask for reimbursement because it did not matter to them. They have not kept any record. Volunteers poured in so fast it would have been impossible. They did not care about checking in, they cared about doing their job. They did their job.

I am so immensely proud of Arlington County, of Alexandria, of Fairfax County, of this entire Washington, D.C. metropolitan area. The going got tough, the tough got going. They saved the people that could be saved. They have done a wonderful job.

□ 1030

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from New York (Mr. SERRANO), a key member of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I am happy to yield the gentleman from New York an additional 30 seconds.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. SERRANO) is recognized for 1 minute.

Mr. SERRANO. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) for something they said that is important to us New Yorkers, that the attack may have been physically on New York, but the fact is it was on the whole country, and New York feels so grateful for the fact that this Congress has seen to our needs and then what we are doing here today.

We New Yorkers pride ourselves in being a tough people, resilient people. We are hurting right now. We, in some ways, have been brought to our knees, but we will bounce back. The Big Apple will come back because we are a tough people and resilient people; but more than anything else, Mr. Speaker, we are a grateful people; and today my city is grateful for the fact that in spite of all the rubble and all the pain, this Congress has seen fit to single us out for that special help.

So let the message be heard everywhere that, yes, the target was the Twin Towers and the target was New York City in that particular instance, and the Pentagon and Pennsylvania; but it was an attack on the United States of America; and no one, no one will bring us totally down, not in New York, not in Washington, not in Pennsylvania, not throughout this country.

Mr. OBEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I rise on behalf of the people of upstate New York to say that we are deeply grateful for this action this morning in my district where people are waiting 8 hours in line to donate blood. We bleed too for our sister city.

Mr. OBEY. Mr. Speaker, I yield myself the final 30 seconds.

Mr. Speaker, this is a shattering experience of unprecedented proportion; but I say to every American, we have endured worse. We have gone through two world wars, Vietnam, Korea, the

burning of the Capitol itself in 1812, the Civil War. I think we need to remember the words of President Lyndon Johnson when he stood at that podium and addressed this Congress on civil rights after the death of Martin Luther King: we shall overcome.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. REGULA. Mr. Speaker, will the gentleman yield to me for a question?

Mr. YOUNG of Florida. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, we have heard a lot about the great American experience. They were all heroes, but I want to mention the Centers for Disease Control. They are unsung heroes because they are protecting us from bioterrorism, chemical, biological weapons. We are to have a briefing in the Subcommittee on Labor, Health and Human Services and Education at 1 o'clock on that subject.

My question is will the funding here be available to deal with bioterrorism as well as other forms of terrorist attacks?

Mr. YOUNG of Florida. Mr. Speaker, I would say to the gentleman that the answer is yes, the President has tremendous leeway in how to use these funds for the immediate response to whatever the attack was or will be. The Congress will play a very important constitutional role in whatever that effort might be; but yes, the President does have the ability to use those funds for that purpose.

Mr. Speaker, once again, I would like to express on behalf of the House, as we close this debate, sympathy for the families of those who lost their lives in the airplanes in New York City, in Pennsylvania, at the Department of Defense and to let them know that this Congress is going to be supportive in any way that we can.

Mr. Speaker, I do not have adequate words to express the pride that I feel today for the Members of this Congress. We have a lot of political differences which have been obvious in the past, which will be obvious in the future; but in this time of triumph those differences have been set aside to be addressed at another time.

Today, we unify our Nation. We unify our government and we say to the world, Americans will not live in fear. We will not allow attacks upon our people or our places. Despite the political differences that we may have from time to time, and there are many, as there should be, we will never be divided as a Nation, as a people, as a government, as a Congress on the issue of defending our people, defending our Nation. And if one American is attacked, if a group of Americans are attacked, if one of our places is attacked, then as far as I am concerned, our entire Nation has been attacked; and we are not going to stand for it.

We will do whatever it takes to support our President, who is strong in his

determination to lead this effort, to support our President as we move towards victory over those who would perpetrate terrorism and bring fear and tyranny to the world; and we are just not going to allow that to happen.

I urge the passage of the bill.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of H.R. 2888, an immediate congressional response to one of the most despicable acts of terrorism this country has seen. Tuesday's attacks were just the beginning of a new and lethal terror campaign against the United States. Thousands of mothers and fathers; husband and wives; sons and daughters of all faiths and diverse nationalities: murdered. No warning, no explanation, no cause. On September 11, Americans from every walk of life were taken from us by an act of terrorism. An act of murder. An act of war.

This tragic event dramatically changed the lives of many close to home. On Tuesday night my wife spent the evening watching television with neighbors in my hometown of Stonington, Connecticut. Their young grandson, Josh Piver, my daughter's friend and classmate, had a new and exciting job on the 105th floor of the World Trade Center. He was energetic and intelligent, living the American dream in the "Big Apple." He is missing, like many others from eastern Connecticut. I found that the most important thing I could do as a Member of Congress was to keep working. To get to work on Wednesday and demonstrate that the people's work will go on, and that no matter how badly we hurt, our democracy remains as strong as ever.

And it is here on the House floor where the work—vitality important work—continues. Today we are taking the first step toward providing the President the necessary tools to rebuild what has been destroyed, restore what has been taken and react to those who have inflicted such unspeakable damage on our great nation. Republicans and Democrats have stood side-by-side in an unprecedented manner to craft a bill that will provide \$40 billion in emergency spending for the recovery from the recent terrorist attacks and for providing the long overdue resources for the investigation that will enhance our national security.

Specifically, the bill appropriates \$10 billion immediately to the Emergency Response Fund for federal activities such as preparedness for mitigating and responding to the attacks; support to counter, investigate and prosecute domestic and international terrorism, increased transportation security; repairing public facilities and transportation systems damaged by the explosions; and supporting national security.

Additionally, the bill makes another \$10 billion available 15 days after a Presidential disaster relief plan is submitted and an additional \$20 billion will be made available through the normal appropriations process. These are the first installments of a long-term recovery plan for the disaster areas.

I want to thank the Speaker of the House, the Minority Leader, and all the members of the Appropriations Committee for coming together during these trying times and putting forth a bill that will immediately respond to this

week's terrible events. These are times that try our souls. But America is strong and flexible. We will survive this latest test of our freedom, our values and our democracy. I am proud to vote for this much-needed relief and proud to be a Member of this legislative body.

Mr. MENENDEZ. Mr. Speaker, there could be no spending bill more important than the one before us today. We need the full resources of our government behind the challenges that lie ahead. And this has to be a multi-front effort. We need to be relentlessly pursuing and punishing those who committed these crimes. As the Representative of New Jersey's 13th Congressional District—right across the river from Manhattan—I can tell you my constituents are going through enormous hardships.

About 50 percent of the people who worked in the Twin Towers live in New Jersey. Families who have just lost their sole breadwinner may now face losing their homes; people who survived, who worked anywhere in lower Manhattan, face uncertain employment futures and what for some will be staggering medical bills—all this in addition to the emotional and psychological trauma. Lives have been turned upside down.

It is critical that while we fight our enemies abroad, we make sure that all the needed funding and attention also goes to the families in crisis here at home.

Mr. ENGEL. Mr. Speaker, I am humbled today by the outpouring of support from across our Nation for the people of my home, New York City. I want to thank Mayor Giuliani and Governor Pataki. Their strong leadership has made getting through this much, much easier. Here on the floor today, the Congress is doing its part. The leadership of the Congress, in a non-partisan way has come together to respond swiftly and powerfully. Also, I want to thank the President as well for his quick, strong support for this bill.

The bill, though simple, is very powerful. The bill provides \$20 billion to begin the rebuilding of New York. It also provides \$20 billion to ramp up our efforts at counter-terrorism. All of this is so obviously needed. I want again to recognize the incredible heroism of the emergency response personnel who have put themselves in harm's way without regard for their own safety. You are all amazing and I am truly astounded. I also want to say to the families of the victims of this tragedy, that I and every other American grieve with you. We cannot express in words what is in hearts. You are in our prayers and thoughts. These acts of terrorism against New York and the Pentagon will not deter us though. We will rebuild our city. We will rebuild the Pentagon. We will go on. We stand united. We are Americans.

Ms. KILPATRICK. Mr. Speaker, America is a diverse nation. Despite our diversity, America, in times of crisis, pulls together. Nowhere is that fact made manifest than in this chamber today. Republicans, Democrats and Independents all gather here today to begin the first steps in pulling our nation out from under the rubble that befell New York and the Pentagon on Tuesday, September 11.

I want to commend our leadership for working cooperatively and effectively with the Speaker of the House and the leaders on the

other side of the Capitol. The supplemental appropriations bill, H.R. 2888, that we consider today is a down payment for responding to the attack we experienced on American soil three days ago.

The money contained in this bill will help restore downtown Manhattan to greater glory and reconstruct the largest office building in the world, the Pentagon. But the money will be used for more than just the rebuilding effort; it will be used to strengthen and make more secure the National Airspace System. Americans must feel safe in the nation's skies if the business of this country is going to proceed unimpeded. This bill will add more capability to the intelligence functions of our government, so we can be more vigilant of those who pose a threat to the safety and security of our nation. More fundamentally, this bill will assist us in our pursuit of those countries, organizations or individual enemies that would seek to destroy our country, our countrymen, our values, our democratic form of government and, in short, our very soul as a nation.

I congratulate the leadership of this House and leadership of the Appropriations Committee for acting swiftly in bringing this money bill for action today, and I thank them for permitting me to express my support for this bill.

Mr. FROST. Mr. Speaker, I will be very brief this morning, because a lot of people have already spoken very eloquently about the barbaric attack of September 11th—about how it has changed America and the world, and about the war against terror it has started.

Mr. Speaker, on Tuesday, untold thousands of innocent people were murdered in a cowardly, heinous assault on America and the civilized world. Since then, all of us in the Congress—regardless of ideology or party affiliation—have repeatedly pledged to work together in a bipartisan manner to respond.

Today, the United States Congress begins making good on that pledge. This \$40 billion bill makes a down payment on the campaign to bring aid to our suffering countrymen, to punish the terrorists who have declared war on America, and to ensure no one ever dares attacks us like this again. It provides resources for disaster assistance and recovery, and for anti-terrorism initiatives. It will help the people of New York and officials at the Pentagon as they begin the long, important process of rebuilding. And it will provide the President with the resources he needs to begin waging this war on terrorism.

Mr. Speaker, the war against terror will not be won overnight. It will take a long-term, serious, and sustained campaign from the Congress, the American people, and the President. We understand that, and we are committed to it. We stand united, shoulder to shoulder, against the perpetrators of the horror of September 11th—and against anyone who might ever contemplate trying something like it again. Make no mistake, these terrorists—and all of their ilk—will understand very clearly that when America is attacked, we respond with one voice, and with the full force of the United States of America.

Mr. SHAYS. Mr. Speaker, I rise in support of this supplemental appropriations bill. This assistance will save lives and lay the foundation for the long, arduous process of rebuilding New York City and the surrounding commu-

nities affected by Tuesday's cowardly terrorist attack.

Make no mistake about it: this legislation is a down payment for what we'll need to put lives back together and restore a shining city that is a beacon of freedom to people all over the world.

I'm told that after the bombing of Pearl Harbor, Congress passed 10 separate appropriations bills, so our work won't be done tonight—not by a long shot. But in passing this legislation, we'll be sending an important message that the American people stand together and that their government will do everything it takes to help in this hour of need.

We are all part of an extraordinary American family—we must seize the opportunity and take care of each other in this time of crisis.

Mr. FORBES. Mr. Speaker, I rise today in strong support of this legislation, which will provide our nation with the resources it needs to continue our recovery efforts, to rebuild our damaged structures, and to seek out and punish those who have committed these heinous acts of violence upon our nation.

Years ago, President Franklin Delano Roosevelt said, "We, and all others who believe in freedom as deeply as we do, would rather die on our feet than live on our knees." The enemies of freedom who attacked our nation and our people on Tuesday used a weapon that represents the newest in warfare—terror. They win when they bring us to our knees and we cower in fear. They derive their power from making us change our way of life and making us spend our days looking over our shoulder.

We will not let them win. We will not give them that satisfaction. Today's legislation ensures this will be true. The funding we appropriate today is but a down payment. We will not rest until we have assisted all Americans who bore the brunt of Tuesday's terror. We will not rest until we have rebuilt the City of New York, and rebuilt the nation's defense fortress at the Pentagon, and restored the pastoral beauty of Western Pennsylvania. And, in rebuilding these structures, we will strengthen the will of the American people.

Finally, Mr. Speaker—and let this be absolutely clear to those who seek to harm the United States, its people, and its allies—we will not rest until we have sought out, found, and vanquished those who perpetrate this evil. We will remain standing tall and proud in our eventual victory.

I am proud to stand with my colleagues and my President to support this important legislation, and I urge a resounding and unanimous vote.

Mr. GILMAN. Mr. Speaker, I rise in strong support for this \$40 billion Emergency Supplemental Appropriations Act for disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the horrific tragedy that occurred on Tuesday, September 11, 2001, another day of infamy.

We have all experienced the distressing scenes of Tuesday's disasters. We have shared in the shock and sadness felt by our entire Nation. It is now up to us in Congress to provide swift, positive support to our President in order to make certain that the events of Tuesday will never happen again.

The approval of this supplemental bill will provide \$40 billion for five specific needs: The

Federal, State and local response; terrorism investigations and intelligence operations; transit security; public building and transportation repair; and national security. This funding will be made available through the end of fiscal year 2001 and into fiscal year 2002; until fully expended.

Approving this measure is the first and an important step toward ending the evil of terrorism, an evil which exists solely for the purpose of disseminating terror and ending freedom throughout the world.

I urge all of my colleagues to support this important emergency funding initiative.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 2888, a \$40 billion emergency supplemental appropriations bill that will provide the administration with the critical tools to defend and protect our great Nation and support efforts to recover from this week's egregious terrorist attacks.

As the dust begins to settle in New York, Pennsylvania, and right here in our Nation's Capital, my thoughts and prayers are with the victims' families and those who are still waiting to hear from missing loved ones. On this day of national prayer and reflection, we come together as Americans in a great showing of unity that transcends the bounds of religious, race, or ethnic origin. The surface of America is not found in her structures; it is rooted in the spirit of her people.

This measure immediately provides the President with \$10 billion to fund the costs of Federal, state, and local preparedness efforts to prevent and respond to terrorist attacks. Additionally, this legislation enhances our law enforcement resources to prosecute international and domestic terrorism and air travel security. At least half of the funding will be dedicated to helping those affected recover from this tragedy.

This emergency expenditure is an unequivocal display of this Congress' support for the President's efforts to fortify our Nation. Let this action show, the leaders of this land speak with one voice in our resolve to restore peace in America and bring justice to the innocent victims.

Today, the statue of Freedom stands watch atop the Capitol dome and in the shadow of the devastation in Manhattan, Lady Liberty continues to hold her torch high, reminding us that freedom does not come without cost. Time and time again, the strength and unity of Americans has been tested; the rubble of September 11 will sprout a new era of brotherhood in these United States.

Mr. HASTERT. Mr. Speaker, I rise in support of this supplemental spending measure and I urge all of my colleagues to support it as well.

When a poet said that these are the times that try men's souls, he could have been describing the scene before us today.

We have thousands of people lost, thousands more injured, and symbols of the strength and vitality of our democracy—the World Trade Center and the Pentagon—destroyed and damaged.

We have a sworn enemy that dares not to confront us in the open.

This enemy operates in the shadows, hates with an unnatural passion, and practices political fanaticism that glorifies violent death and condemns innocent life.

We must defeat this enemy once and for all.

The Constitution of the United States of America, the document that protects the freedoms of all Americans, gives us in the Congress certain responsibilities.

Article I Section 8 of the Constitution says that the Congress shall have power to provide for the common defense, and the power to declare war.

With this supplemental spending measure, the Congress is exercising its responsibility to provide for the common defense.

In a later resolution, we will address the issue of authorizing the President to use force.

The money we provide today—\$40 billion—could very well be the down payment for our ultimate investment in this great endeavor.

And what a great endeavor it is.

To make America and the world a safer place by defeating once and for all these sworn enemies of common decency and the American way of life.

No payment that we make today can really make up for the loss of life that occurred on September 11, 2001.

Those poor innocent souls, those husbands and wives, and brothers and sisters, parents and children will not be coming back from the treachery of our enemy.

But we can start the process of rebuilding, of healing, and of preparing our nation for this greatest cause of this newest century.

We must eliminate the scourge of terrorism.

The American people have faced great challenges in the past.

On July 4, 1776, our founding fathers decided to challenge tyranny. After we won our freedom, we constructed the world's greatest Constitution and created a stable and thriving democracy.

We faced dark days when our nation was torn asunder in a civil war. We came together after that War Between the States to become the savior of Europe in the First World War.

The Empire of Japan deliberately attacked us on December 7, 1941, and we emerged as the greatest defender of the free world.

We faced down communism in a painful cold war and emerged as the world's sole superpower.

And now, after this greatest of American tragedies, we face the greatest of challenges.

I am comforted by the work of the President and his team. They are assembling a worldwide coalition of civilized nations. These nations look to the United States for leadership and want to join us on this great crusade.

We will provide that leadership.

We have a job to do in this Congress, and this supplemental spending bill is an important part of that responsibility.

I ask my colleagues to join with me in supporting our President, in supporting our Constitution, and in supporting the American way of life.

Vote for the supplemental spending bill and do your job as a representative of the American people.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2888, a supplemental appropriation designated to assist our nation's collective response to the September 11, 2001 terrorist attack against the people of America.

Mr. Speaker, this supplemental appropriation is quite different from any other supple-

mental appropriation that members of this body will ever consider. Recovery operations are well underway at the Pentagon and the World Trade Center sites and this process is expensive.

I am pleased that the House and the Senate have come together again, in a bipartisan fashion, to provide the necessary funds to pay for the equipment and man hours deployed by federal and state agencies in order to start the healing process. Additionally the legislation includes the instructions of consultation with and review by the U.S. Congress.

As we debate this supplemental appropriation, thousands of rescue workers have been deployed to remove debris, investigate crimes, and most importantly provide medical and other forms of assistance for the human suffering that will remain etched in our minds for days to come.

Mr. Speaker this supplemental provides \$40 billion immediately to help our country reinforce the confidence in its great democracy which has weathered other storms. Although it may take some time, we, as a nation, will move beyond this point with the help of God.

No price is too great to pay, Mr. Speaker, when it comes to doing what is necessary to let the cowards of this world know that America will not be shaken spiritually or financially by individuals who have permitted hate to control their hearts and minds.

I want to point out, Mr. Speaker, that the children of this nation have been greatly impacted by those cowardly acts that took place in New York City and at the Pentagon. Many parents will never return home to their children and as a result, we in this body must make sure that we provide the necessary support to help our children adjust.

I hope that the President will use his discretion to spend the funds provided under H.R. 2888 in a manner that places a high priority on children and their special needs during these difficult times.

Also, the funds that we provide through this supplemental appropriations will be provided to the state and affected local governments in New York, Virginia and Pennsylvania to remove debris, to conduct emergency services related to the disaster, and to replace public facilities damaged by the explosions and fires. Also, these funds will be used to investigate, or prosecute domestic or international terrorism.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 8 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 9, as follows:

[Roll No. 341]  
YEAS—422

Abercrombie	DeMint	Jackson-Lee
Ackerman	Deutsch	(TX)
Aderholt	Diaz-Balart	Jefferson
Akin	Dicks	Jenkins
Allen	Dingell	John
Andrews	Doggett	Johnson (CT)
Armey	Dooley	Johnson (IL)
Baca	Doolittle	Johnson, E. B.
Bachus	Doyle	Johnson, Sam
Baird	Dreier	Jones (NC)
Baker	Duncan	Jones (OH)
Baldacci	Dunn	Kanjorski
Baldwin	Edwards	Kaptur
Barcia	Ehlers	Keller
Barr	Ehrlich	Kelly
Barrett	Emerson	Kennedy (MN)
Bartlett	Engel	Kennedy (RI)
Barton	English	Kerns
Bass	Eshoo	Kildee
Becerra	Etheridge	Kind (WI)
Bentsen	Evans	King (NY)
Bereuter	Everett	Kingston
Berkley	Fattah	Kirk
Berman	Ferguson	Klecicka
Berry	Filmer	Knollenberg
Biggert	Flake	Kolbe
Bilirakis	Fletcher	Kucinich
Bishop	Foley	LaFalce
Blagojevich	Forbes	LaHood
Blumenauer	Ford	Lampson
Blunt	Fossella	Langevin
Boehlert	Frank	Lantos
Boehner	Frelinghuysen	Largent
Bonilla	Frost	Larsen (WA)
Bonior	Gallegly	Larson (CT)
Bono	Ganske	Latham
Borski	Gekas	LaTourette
Boswell	Gephardt	Leach
Boucher	Gibbons	Lee
Boyd	Gilchrest	Levin
Brady (PA)	Gillmor	Lewis (CA)
Brady (TX)	Gilman	Lewis (GA)
Brown (FL)	Gonzalez	Lewis (KY)
Brown (OH)	Goode	LoBiondo
Brown (SC)	Goodlatte	Lofgren
Bryant	Gordon	Lowey
Burr	Goss	Lucas (KY)
Burton	Graham	Lucas (OK)
Buyer	Granger	Luther
Callahan	Graves	Maloney (CT)
Calvert	Green (TX)	Maloney (NY)
Camp	Green (WI)	Manzullo
Cannon	Greenwood	Markay
Cantor	Grucci	Mascara
Capito	Gutierrez	Matheson
Capps	Gutknecht	Matsui
Capuano	Hall (OH)	McCarthy (MO)
Cardin	Hall (TX)	McCarthy (NY)
Carson (IN)	Hansen	McCollum
Carson (OK)	Harman	McCrery
Castle	Hart	McDermott
Chabot	Hastert	McGovern
Chambliss	Hastings (FL)	McHugh
Clay	Hastings (WA)	McInnis
Clayton	Hayes	McIntyre
Clement	Hayworth	McKeon
Clyburn	Hefley	McKinney
Coble	Herger	McNulty
Collins	Hill	Meenan
Combest	Hilleary	Meek (FL)
Condit	Hilliard	Meeks (NY)
Cooksey	Hinchev	Menendez
Costello	Hinojosa	Mica
Cox	Hobson	Millender-
Coyne	Hoefel	McDonald
Cramer	Hoekstra	Miller (FL)
Crane	Holden	Miller, Gary
Crenshaw	Holt	Miller, George
Crowley	Honda	Mink
Cubin	Hooley	Mollohan
Culberson	Horn	Moore
Cummings	Hostettler	Moran (KS)
Cunningham	Houghton	Moran (VA)
Davis (CA)	Hoyer	Morella
Davis (FL)	Hulshof	Murtha
Davis, Jo Ann	Hunter	Myrick
Davis, Tom	Hyde	Nadler
Deal	Inslee	Napolitano
DeFazio	Isakson	Neal
DeGette	Israel	Nethercatt
Delahunt	Issa	Ney
DeLauro	Istook	Northup
DeLay	Jackson (IL)	Norwood

Nussle	Roukema	Tanner
Oberstar	Roybal-Allard	Tauscher
Obey	Royce	Tauzin
Olver	Rush	Taylor (MS)
Ortiz	Ryan (WI)	Taylor (NC)
Osborne	Ryun (KS)	Terry
Ose	Sabo	Thomas
Otter	Sanchez	Thompson (CA)
Owens	Sanders	Thompson (MS)
Oxley	Sandlin	Thornberry
Pallone	Sawyer	Thune
Pascrell	Schaffer	Thurman
Pastor	Schakowsky	Tiahrt
Paul	Schiff	Tiberi
Payne	Schrock	Tierney
Pelosi	Scott	Toomey
Pence	Sensenbrenner	Towns
Peterson (MN)	Serrano	Trafigant
Peterson (PA)	Sessions	Turner
Petri	Shadegg	Udall (CO)
Phelps	Shaw	Udall (NM)
Pickering	Shays	Upton
Pitts	Sherman	Velázquez
Platts	Sherwood	Visclosky
Pombo	Shimkus	Vitter
Pomeroy	Shows	Walden
Portman	Shuster	Walsh
Price (NC)	Simmons	Wamp
Pryce (OH)	Simpson	Waters
Putnam	Skeen	Watkins (OK)
Quinn	Skelton	Watson (CA)
Radanovich	Slaughter	Watt (NC)
Rahall	Smith (MI)	Watts (OK)
Ramstad	Smith (NJ)	Waxman
Rangel	Smith (TX)	Weiner
Regula	Smith (WA)	Weldon (FL)
Rehberg	Snyder	Weller
Reyes	Solis	Wexler
Reynolds	Souder	Whitfield
Riley	Spratt	Wicker
Rivers	Stark	Wilson
Rodriguez	Stearns	Wolf
Roemer	Stenholm	Woolsey
Rogers (KY)	Strickland	Wu
Rogers (MI)	Stump	Wynn
Rohrabacher	Stupak	Young (AK)
Ros-Lehtinen	Sununu	Young (FL)
Ross	Sweeney	
Rothman	Tancred	

## NOT VOTING—9

Ballenger	Farr	Lipinski
Conyers	Kilpatrick	Saxton
Davis (IL)	Linder	Weldon (PA)

□ 1045

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY) (during the vote). The Chair has an announcement.

The Chair announces that the electronic system is temporarily inoperative. The vote will be held open until all Members are recorded. The Clerk will retrieve the names of all Members already recorded electronically from the board. The Chair will then combine these votes that have been recorded electronically with the tally cards being signed by the Members. Together this will constitute a valid vote. Members are encouraged to confirm their vote by filling out a ballot card.

The vote will proceed.

□ 1101

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair has a further announcement.

The current vote will remain open until Members return from the memorial service in order to confirm their votes.

□ 1412

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

H. Con. Res. 225. Concurrent Resolution expressing the sense of Congress that, as a symbol of solidarity following the terrorist attacks on the United States on September 11, 2001, every United States citizen is encouraged to display the flag of the United States.

The message also announced that the Senate has passed bills and joint resolutions of the following titles in which the concurrence of the House is requested:

S. 856. An act to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.

S.J. Res. 19. Joint resolution providing for the reappointment of Anne d'Harnoncourt as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 20. Joint resolution providing for the appointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 23. Joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). The Chair will recognize Members for 1-minute speeches and 5-minute special orders by unanimous consent for approximately the next hour and without prejudice to the resumption of legislative business.

□ 1415

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## ACTING RESPONSIBLY AND WISELY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, as President Bush has said, Tuesday's attack on the World Trade Center and the Pentagon are nothing short of acts of war. No less than the Japanese attack on Pearl Harbor, they were a premeditated, secret, and carefully orchestrated assault on the American people and the great symbols of American power and influence in world affairs. These attacks will not go unanswered.

Since this dastardly attack, there has been a flurry of efforts in the House and Senate, proposed legislation, calls for hearings and oversight to find out what went wrong and what improvements can and should be made. While this is certainly understandable, any action by the Congress should not be taken in haste and should be coordinated, not piecemeal.

The timing of our action is most important for another reason. In a time of war, the executive branch, and in particular the President, must be allowed to focus solely on identifying, finding, and punishing those responsible. I therefore call on my colleagues, Members and committee chairmen in both the House and the Senate, to refrain from piecemeal legislation and oversight during this crisis and to support the President fully in addressing the challenges ahead.

As chairman of the House Committee on the Judiciary and entrusted with oversight responsibility for all Federal law enforcement, I am compelled to remind my colleagues the criminal investigation now being conducted is paramount. From that investigation, we will learn much about the identity of the perpetrators, the means by which these attacks were carried out, and even the most effective way to respond. This is not the time, however, to assess blame, to second guess, or to appear to do so. It is time to back the President, period.

I have therefore written the President to ask him to identify what law enforcement and investigative resources, including additional funding and legal authority, are needed to prosecute this effort. I have pledged to review those requests on an expedited basis.

I am also concerned about the multiple and duplicative briefings requested of law enforcement, which may have the unintended consequences of impeding, impairing, or distracting law enforcement from its core mission. At the same time, I recognize that Congress needs to be kept informed on the progress of the investigation.

I suggest, therefore, that there be organized, coordinated, and non-duplicative briefings that will allow law enforcement to carry on its critical mandate without undue interference from Congress. I intend to work with the Speaker, the Attorney General, and the FBI Director to provide regular law en-

forcement briefings to Members on the investigation.

These briefings will provide Members with the information they need to carry out their constitutional responsibilities without jeopardizing the criminal investigation. The investigation may very well provide insight into how the attackers evaded our intelligence and security networks. There will certainly be ample time for Congress to address those issues later. I have been informed that we may be assured that the Federal Government's law enforcement and intelligence officials are already taking steps to prevent future attacks.

I intend to work with the gentleman from Illinois (Speaker HASTERT) to discourage House committees from holding premature hearings in the middle of a Federal criminal investigation of these attacks. Such hearings are likely to distract Federal resources from the immediate needs of a full investigation.

Right now, it should be Congress' priority to support President Bush's efforts to make an appropriate response. Regular briefings and restraints will permit Congress to be fully informed about the developments, provide information for consideration at the appropriate time, but, most importantly, will allow the President the latitude he needs to prosecute the campaign against those who carried out these outrageous attacks on our country and its citizens.

This Congress must rise to the occasion and act responsibly and wisely. History will judge us favorably from our prudence.

Mr. Speaker, I insert in the RECORD a letter written by myself; Senator LEAHY, the chairman of the Judiciary Committee; and the ranking members, the gentleman from Michigan (Mr. CONYERS) and Senator HATCH, to the President of the United States.

U.S. CONGRESS,

Washington, DC, September 13, 2001.

Hon. GEORGE W. BUSH,  
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: We write regarding the investigation of the horrific terrorist attacks that occurred on September 11, 2001. This tragedy has resulted in a massive worldwide investigation that is without question the most important ever undertaken by the Federal Government. The Department of Justice has mobilized thousands of federal and state personnel and is coordinating myriad federal and state agencies, a task that will utilize tremendous resources. We commend the efforts of all the men and women of the Department of Justice and all Federal and state agencies investigating this horrific event.

We wish to make sure that the Department of Justice, the FBI, and all Federal law enforcement agencies involved in this investigation have all the resources and authority needed to investigate these incidents and would like to know whether additional resources or legal authorities are needed to complete this mission successfully. The

House and Senate Judiciary Committees stand ready to review expeditiously any requests made by the Administration in this regard and to provide all appropriate resources.

Sincerely,

F. JAMES SENSENBRENNER,  
Jr.,

*Chairman, House Committee on the Judiciary.*

JOHN CONYERS, JR.,  
*Ranking Member, House Committee on the Judiciary.*

PATRICK LEAHY,  
*Chairman, Senate Committee on the Judiciary.*

ORRIN HATCH,  
*Ranking Member, Senate Committee on the Judiciary.*

#### AUTHORIZING USE OF MILITARY FORCE IN RESPONSE TO TERRORIST ATTACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the senseless human tragedy caused by the craven terrorist acts of September 11, 2001, weigh heavily on our minds and will do so for many days, months, and years to come.

Many have said our Nation will never be the same. I agree. Our Nation is stronger, more united, and prouder than possibly at any time in our history. The outpouring of grief and offers of assistance, both here and abroad, have been comforting. The terrorists may have collapsed our buildings; but in response, we are building a stronger America.

Our thoughts are with those who have lost loved ones and with those whose loved ones are still missing. Our thoughts are with those who have undertaken the difficult, dangerous, and heroic task of rescuing and treating the wounded and recovering the bodies of those who were killed.

As the gravity of the situation sinks in, our thoughts have also turned to those responsible for these atrocities. Our Nation must take action against those responsible, including those who provide safe havens and financial support for terrorists. U.S. actions to exact justice must be deliberate, decisive, and effective.

However, the United States must be careful not to indiscriminately attack civilian populations in other nations, which will only further the cause of the terrorists and perpetuate a cycle of violence.

Decisions on war and peace are the most profound decisions Members of Congress can ever be required to make. This is the second time in my career I

have been confronted by such a decision, something I hoped would never come.

In our desire to show support for the President, we must be careful not to cede our constitutional duties now or set a precedent for doing so in the future.

Article I section 8 of the Constitution grants Congress the authority "to declare war." This right was recognized by the earliest leaders of our Nation. In 1793, President Washington, when considering how to protect inhabitants of the American frontier, instructed his administration that "no offensive expedition of importance can be undertaken until after Congress have deliberated upon the subject, and authorized such a measure."

In 1801, President Thomas Jefferson sent a small squadron of frigates to the Mediterranean to protect against possible attacks by the Barbary pirates. He told Congress that he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It further noted that it was up to Congress to authorize "measures of offense also."

I believe maintaining this solemn congressional prerogative to send our young men and women into battle is critical to protecting the delicate balance of power between the legislative and executive branches. This balance of power was carefully crafted by our founders in Philadelphia more than 2 centuries ago and has allowed the United States to remain one of the most stable and enduring democracies in the world.

There was a time when such a power was threatened. Congress enacted the War Powers Resolution of 1973 in response to the military activities of successive Presidents while waging war in Korea and Vietnam. The War Powers Resolution reaffirmed the prerogative of the legislative branch under the Constitution to commit our Armed Forces to hostilities and declare war.

I had strong reservations about earlier drafts of the proposed resolution that authorized the use of force in an unprecedented, open-ended manner, far beyond that necessary to respond to the terrorist acts on our people, even far beyond that ceded to FDR in World War II. This is not a partisan issue for me. I would have opposed similar resolution language under a President of my own party.

This is an institutional concern for me. The earlier drafts ceded too much authority to the executive branch. In fact, one of the earlier drafts had provisions nearly identical to the Gulf of Tonkin Resolution, which had led to the unaccountable use of U.S. military forces in Vietnam.

But it is important to recognize that President Bush already has the authority to respond to the attacks.

The War Powers Resolution in section 2(c) recognizes the constitutional

power of the President as Commander in Chief to introduce U.S. Armed Forces into hostile situations under certain circumstances.

Section 2(c) says the President can introduce U.S. Armed Forces into hostile situations pursuant to a declaration of war, specific statutory obligations or, in this case, a national emergency created by an attack upon the United States territories, possessions or its Armed Forces. Two of those conditions have been met.

The President has the authority he needs to respond to the current crisis without setting the precedent of ceding additional war power authority.

Given his existing authority to respond in the event of an attack upon the United States or Armed Forces, we must be careful in granting further or ceding further constitutional powers.

The use of force resolution before us today is not exactly as I would have written it. However, for the most part, it restates the authority I already believe was granted to the President under section 2(c)(3) of the War Powers Resolution.

The reference in the resolution to section 5(b) of the War Powers Resolution I believe creates a little confusion, but it is my reading of the resolution that nothing in this act supersedes congressional authority under the War Powers Resolution and the President will still be bound by the reporting and consultation requirements. Congress will reserve the right to review those actions, as it should be under the Constitution.

Make no mistake, Congress will stand united behind our young men and women who may well be put soon in harm's way, and the President of the United States as Commander in Chief. We pray that he uses the awesome power of the United States with great deliberateness and with wisdom.

#### ORDER OF BUSINESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to speak out of order, and take my Special Order at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### STICKING TOGETHER IN THESE DIFFICULT TIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, it has been a very painful week for all Americans. Turning on the TV set, opening the newspaper renews the pain in our hearts and our hearts ache for those who have suffered and are still suffering.

I want to associate my comments today with that of the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, because I have heard over the last 24 hours concerns from Members that they are not being briefed enough and they are not being told enough and they are not being in the loop enough; and obviously we all need answers and we have to pursue answers. But it seems to me right now those very trained individuals need to be looking at who caused this and how we find our way out of this, rather than second guessing.

We have heard complaints about the eloquence of our President and his stature and whether they were imagining the need to move safely to places around this country, and those commentaries may at some time be warranted, but not now.

Our Nation needs to remain solidly together to fight evil forces. Watching the ceremony at the National Cathedral with Presidents past and present in attendance brought us to a point where we recognize that collectively we have such great promise. If we divide ourselves and characterize our leaders with less than flattering remarks, we give credence to those who seek to undermine our credibility in our Nation's strength. The world is watching us and obviously not just on the floor, but what they see on the TV broadcasts. Any indication of weakness gives them some strength.

When I watch the heroics of men and women in uniform, I watch the heroics of firefighters and paramedics, I watch average citizens step out of their common everyday life to extend their unbounded energy to the pursuit of rescuing victims, my heart and my soul soar like an eagle, knowing that this country's promise is yet ahead; and yet the dark days are still engulfing our memories.

The President did a phenomenal job today in the National Cathedral, calling for calm, deliberation and pursuing those who played a role in this activity. Jumping to conclusions by politicians based on a whim or a notion or an individual moment of frustration is not in the character of this deliberative body.

I wanted to be in Congress since the age of five. I met a man, Paul Rogers, who represented Palm Beach County and thought what a wonderful man he was, and how skillfully and capably he represented our District; and some people may have thought what a foolish notion for a 5-year-old to want to serve in Congress, but I grew up knowing the promise of our Nation was a gift I would hopefully inherit as a chance to serve and represent my community, much like Paul Rogers served us well.

So I pray with the Nation today; and I ask my colleagues to take a moment, a deep breath, and suggest we are safe

here in our Nation's Capital. We are alive and we are breathing. Every moment you speak ill of anyone else or anyone's actions or motives, take a minute to reflect on those wounded and those dead under the rubble of the World Trade towers. Think of what their lives are like and what their families are enduring. They cannot find their loved ones, and we are demanding more briefings.

□ 1430

They cannot find their cherished possessions, and we are interested in more acrimony. America rises to the challenge, and God bless us as we do. We have heard about indiscriminate actions of people going after and pursuing Muslims and those of faith who are here in our Nation and who have a right to be here and who are law-abiding citizens, but because of their ethnicity or religious origins, they are being held accountable for crimes that they had nothing to do with it; and we should ask God to bless us that we do not allow ourselves to succumb to the same kind of mean-spiritedness that brought us to the point on Tuesday at 8:50 something in the morning where evil acts perpetrated disastrous deeds against our population.

I know God will bless us abundantly, not only because we prayed in church today, but because our Nation revolves around collective goodwill and spirit. I pray today as we move forward that we think clearly and mindfully about how we rectify this egregious behavior of others without injuring innocent people in our quest for justice. I pray we come to the conclusions, today or tomorrow, that we are a Nation of free men and we recognize the deed ahead of us is, in fact, great and it is complicated. I thank my colleagues for loving our country as much as we all do.

#### THE ROLE OF CONGRESS IN ESTABLISHING WARTIME POLICY

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I want to join with my colleague in echoing what several have said, and that is that we must respect all Americans of all ethnicities and all religions. No religion preaches mass murder, and those of the Islamic faith are as loyal as any other group of Americans and as determined that we make ourselves safe from this kind of terrorism.

Mr. Speaker, we are going to be dealing with a resolution which, in some ways, still seems a bit broad, especially when one reads the Supreme Court opinions that indicate that it is Congress, rather than the President, that was really given the obligation to form American foreign policy under the Con-

stitution. Obviously, since World War II, that is not as it has been. But we in Congress need to do more than just provide \$40 billion and a blank check and leave town. I know that when we come back, we will want to do an awful lot more, perhaps providing some direction to how the President uses the powers that we will confer upon him today or tomorrow.

One thing, though, is that the resolution in one respect is not broad enough, because it gives the President the power to deal with the terrorist acts of September 11. I think the President should have equal power to deal with the horrendous bombings of our embassies in Daressalam and Nairobi and to deal with the murderous attack on our sailors on the USS *Cole*. One advantage of giving the President the power to deal with those incidents is we already know who is responsible: Osama bin Laden; whereas it may take weeks or months to establish who is culpable for this week's terrible crimes.

Now, Mr. Speaker, I am not a senior member of this House; I am a man of limited responsibility and far more limited wisdom. But I do have a few ideas as to how we should respond to what has happened to us.

I sit on the Committee on Financial Services, and I know it has been suggested by the chairman of the Committee on Ways and Means that we somehow help our stock market by providing a lower capital gains tax. That would be the panic-selling facilitation act. It would mean that those who want to sell in panic, get out of the stock market and weaken America, in doing so would pay less tax. Instead, what we need, Mr. Speaker, is to encourage Americans to bet on America. We will prevail, we will be strong, and those who bet on America on Monday will be rewarded.

If it should be necessary to change our policy, and I do not think it is, in order to help the stock market, then we should allow more money to be invested in IRAs and 401(k)s on the assumption, or on the requirement that the additional funds be invested in the stock market. I do not think that will be necessary. The international stock markets have responded relatively well, and the smart money will be bet on America.

Mr. Speaker, also on the Committee on Financial Services, I am concerned that the bank secrecy laws of our allies may interfere with our investigation of Osama bin Laden and other groups. Bin Laden has at least \$100 million, maybe \$200 million in assets, and these are not held in gold bars in Qandahar, Afghanistan. Financial institutions do business with Osama bin Laden and we need to hear right now from the Ambassador from Switzerland and the Ambassador of every country that has bank secrecy laws, that those laws will be waived to assist America in its hour of need. No

country dare withhold information that we need and claim to be America's friend. We cannot do business as usual with those who do business with terrorists and then will not share the financial records with us.

Mr. Speaker, we should also look at the Attorney General guidelines for investigating domestic organizations. I am told that the FBI, before they investigate an organization, must have evidence that that organization is actually plotting crimes. We should also, and this is a tough one, but we should at least consider a congressional mandate that the FBI also investigate those organizations that strongly advocate killing as many Americans as possible while disclaiming that they are actually involved in carrying out plots to do so; because if an organization is able to advocate killing as many Americans as possible and do so on American soil, they will be able to recruit individuals who will be able to plot to actually carry out those beliefs.

Mr. Speaker, we should look at the proposals that have been made to have a locked cabin, in which the pilot sits, with bulletproofing. I know that there are some details to be worked out in that, particularly as to pilot safety, but a law that does not allow hijackers into the pilot cabin.

#### SUPPLEMENTAL APPROPRIATIONS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today we approved an emergency appropriations and will soon consider a bill regarding the use of force to respond to the deplorable terrorist acts committed against the people of our Nation, and against the principles that our country represents: freedom, liberty, democracy and respect for the law.

As our government works to develop a comprehensive and decisive response to this challenge, I am reminded of the Reagan doctrine of peace through strength and the principles of deterrence. It took one kind of military force to deter an attack when the United States possessed overwhelmingly and unparalleled military power. However, it takes another kind, now that our enemy is cowardly and elusive, refusing to show its face, hiding in the shadows of the misery and terror it has created.

This is a different world. Our defenses must be based on recognition and awareness of the methods, weapons, tactics and behavior of this new enemy. Our security depends on being prepared to meet these new threats head-on, threats that have turned the Continental United States into a new theater of conflict.

As former President Ronald Reagan once said, "We have a rendezvous with

destiny. We will preserve for our children this, the last best hope of man on Earth. If we fail, at least let our children and our children's children say of us, we justified our brief moment here. We did all that could be done."

#### ORDER OF BUSINESS

Mr. KIRK. Mr. Speaker, I ask unanimous consent to swap my place with the gentleman from Michigan (Mr. EHLERS) at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### LEGISLATION TO UPDATE THE STATE DEPARTMENT REWARDS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, a few hours ago I received a phone call from Captain Clay Fearnow, my former commanding officer in the Navy during the Kosovo conflict. Clay told me of a terrible loss we had suffered in the Navy family as part of the Pentagon disaster. Most of the Navy Command Center was hit, including the Chief of Naval Operations Intelligence plot offices. It is a point of intense personal loss for me and my family because of that information. My wife and I worked in that office. We know many people there. We want to offer our sympathy and support to the families of the victims in the Naval Intelligence Community that suffered this loss on Tuesday.

Mr. Speaker, we can do something about this, and I want to offer one suggestion in the form of legislation that we will be offering later on today.

In a previous life as a congressional staffer, I worked on legislation concerning the State Department Rewards Program offered for information leading to the arrest of individuals who lead terrorist attacks against Americans and American targets. This has been a very successful program, one until recently, where up to \$1 million was offered for the apprehension of these international criminals. Mr. Kansi that led the attack against people outside the CIA was one of the criminals caught by this program.

We had to update this program 2 years ago because the awards offered had become outdated and, in legislation lead by the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, we raised that amount to \$5 million. The program has grown and it has led to things like this.

After the Africa embassy bombings, the State Department was able to produce posters like this, and I want to

publicize today that under current U.S. law and authorities available, there is a \$5 million reward offered for the arrest of Osama bin Laden for a previous terrorist attack against U.S. embassies in Africa. These rewards are offered up to \$5 million for attackers against American embassies, bases, and American individuals, and for the arrest of United Nations war criminals. I will say in the former Yugoslav Republic of Bosnia, over two dozen war criminals have been apprehended, including now the most famous, the former Serbian President, Slobodan Milosevic.

At the end of this day today, we will be offering legislation to increase the reward amount for terrorists that lead attacks against Americans to \$25 million, and we will authorize up to \$50 million in the rewards account. We need to offer additional funds because of the changing enemy we face. Probably for the first time in our history, we now know that many of the enemies we face are very wealthy individuals. It is also likely that they have the backing of governments, and higher awards are needed to spark the imagination of the public and press in other countries.

I want to commend the leaders of this effort that have already agreed to join us, such as the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), a real leader in catching war criminals and for the arrest of people who lead terrorist attacks against individuals. I also want to thank Chairman Smith who oversees the State Department accounts and the gentleman from Missouri (Mr. BLUNT) and many others who have agreed to sign on to this legislation. For other Members interested in signing on, we will be leaving the books open for original cosponsors until the close of business today.

I think this is one of the many aspects of the battle that we are yet to face, but with an increased awards account, I think we can show everyone the seriousness of our effort and help energize the investigation which is now ongoing.

#### NATIONAL DAY OF UNITY AND PRAYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today we join the President of the United States in a national day of unity and prayer. I was moved by his citing of the words of Franklin Delano Roosevelt expressing the fact that warm courage exhibits national unity.

□ 1445

I want to offer in particular today a moment of appreciation and thanks to our fellow colleagues from New York and the Washington and Virginia area, and, of course, in Pennsylvania.

Our eyes have been riveted on the good citizens of New York, the valor that they have shown, the spirit of comfort and unity that they have given to each other. Might I add that the Congress stands with them, behind them, and alongside of them.

Might I also say to the fallen men and women, the emergency workers, police and fire, coming from Houston, Texas, let me say to them on behalf of all of our citizens and the State of Texas, we mourn with them and we celebrate the lives of those who gave their lives.

But I come today to discuss very briefly another loss, another constituency of loss; that is, our children, the children of those fallen, either in the tragedy of their parent or a guardian being on those terrible planes, civilian airplanes being used as weapons, or those fallen in the World Trade Building.

We realize, along with our military personnel, that they are part of families and they are loved. I believe it is important as we debate today the resolution to go forward and to assist the President and consult with the President on how we will address these terrorist acts, let us not forget our children.

At the end of the day, I expect to offer and file a resolution that will help and encourage to expedite any benefits that are due and owing to children who have lost a guardian, a parent, or parents.

I am reminded of a story told by one of my staffers from New York. His sister attends a school just a few blocks away from the World Trade Buildings. I still believe that those buildings stand in spirit. She acknowledged to him that one of the youngsters that was her classmate saw two parents go off to work that morning, and has yet to see them as of today.

There will be many stories like that. Many of our children will need someone other than the parent or guardian to love them and to nourish them. Let us not have bureaucracy stand in the way of providing these children with their immediate needs, the monetary needs, as we embrace them to provide the nurturing needs, the medical assistance, the foster care assistance, the psychological needs. Let us wash away the entanglement of red tape, work with our State and local agencies, and push forward the needs of our children.

This concurrent resolution will have the Congress on record that we are prioritizing our children and expediting their needs. I would ask my colleagues to join me. This is already a bipartisan resolution, and I thank those who have agreed to work with me, the gentleman from New York (Mr. GILMAN), the gentlewoman from New York (Mrs. KELLY), the gentleman from Connecticut (Mr. LARSON), and the gentleman from New York (Mr. MEEKS),

and many others I would hope will join us in ensuring that we move forward on behalf of our children.

I close by simply saying that we will soon engage this Congress in a very important debate on how we proceed, whether in war or conflict. We must do it in a rational and a firm way with the facts. We must lead this country in a way that exhibits our valor and our courage so that we adhere to better angels and higher angels, and that in fact, that we believe in our freedom in a way that encourages peace and deliberation.

Yes, we will give retribution, but we will be firm and factual and studied. We will do it together, the President in consultation with Congress.

#### TERRORIST BOMBING

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, many of us have been quiet about what has happened this week, but many of us also feel the need to speak. What I say is not in the mold of reviewing it or condemning anything that has happened, but I just want to express some personal feelings about it and also a few opinions.

I will not revel in self-misery, although it is tempting to do so, but at least I want to share my experience with my colleagues and the American people.

Tuesday morning, as I was listening to the morning news, I heard about the airplane hitting the first tower. It was described as a two-engine plane, and since I am a former pilot, I assumed it was some amateur who had gotten off course, or some kook who was trying to do some damage with a small twin-engine plane.

I immediately turned on the television just in time to see the second plane approach, and immediately I knew it was terrorism, because it was obviously a large commercial airliner, and no large commercial airliner would be off course or score a direct hit in clear weather such as that.

I immediately headed for the Capitol. In doing so, I drove past the Pentagon. They had just been hit. That confirmed that indeed it was a very serious case of terrorism. The smoke was beginning to billow out. I drove to the Capitol; and at that time, a decision was made to evacuate it. I turned and headed back.

It was as I was driving back across the Potomac River and I crested the hill on the bridge, I saw the Pentagon with smoke billowing out of it that it hit me with full force. My immediate response was, what are they doing to my country? What are they doing to our country? It was with horror, disbelief, and shock.

It took more than a day for that to turn to anger, although anger was present at the beginning. But this has happened to all the Members of Congress, it is not just me. I hope the American people realize how deeply we feel their anguish, how deeply we feel their pain, and how much some of us have cried; how we hug each other out of a sense of this disaster. It has really hit us hard.

Why did this happen? Everyone is asking that. Why? It is very hard to believe, because Americans are good people. They try to do good things in the world. People hate us. Why do they hate us? We cannot comprehend that, but they do hate us. That is why they do these terrible things to us.

How can this be? Why do they hate us? Partly because they are enemies of freedom. They cannot stand the fact that we are a free country, and there are dictators in this world and many terrorists who want to rule in an absolute way. They cannot stand to see the success that we enjoy.

There are other reasons, of course, other types of enmities that peoples of other nations may have to us, but it does not match the hate and anger that these terrorists have.

On the positive side, let me note how much I and all the Members of Congress have been heartened by the reaction of the American people, the greatest outpouring of loyalty and patriotism that I have seen since World War II. There have been people in the streets wanting to do something good, and contributions are pouring in to those who have suffered. There is generosity. People are saying, as the President said this morning during the service of prayer and remembrance, there are people driving from Dallas with skin grafts to help the wounded here, and similarly, from my State of Michigan, and I believe from my hometown of Grand Rapids, driving in because they cannot fly in, driving in with skin grafts so people can be treated and heal.

What comes next? We must have retribution. Just in the name of justice, we must have retribution. But let me caution the American people, this takes time. We have a faceless, nameless enemy. The first task is to identify who did this.

This has been compared in many ways to Pearl Harbor, but it is very different in one sense. The enemy was clearly identified, and we proceeded for several years to arm to resolve that dispute.

This will take an equal amount of time, I am convinced, because it is not just one person. It is not just one terrorist camp, it is a network, I am convinced, that is lodged in a number of nations. We cannot simply knock out one and think we have solved the problem. We are going to have to deal with the entire problem.

I hope and pray that God will be with us. I hope and pray that our allies will continue to help us, and that, indeed, we will be able to have justice, we will have retribution and the world will once again enjoy peace.

#### WHAT WE CAN DO AS AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, every time that I have the privilege of addressing this House, I am reminded of indeed what a privilege it is to represent constituents from my own State of Ohio and to vote on laws affecting our Nation and the world.

This week in particular the magnitude of this privilege has come home to me again. I rise as a free citizen in the freest Nation on Earth, given the opportunity under our freedom of speech to speak my peace, but in a representative government.

As I think about what happened to America this week, I think about the forces of the world that are outside of governments and have no representative decision-making in the way that the civilized world understands. I am reminded of what happens to the world when that kind of force is allowed to work its evil in our country and other places.

As Members of Congress, we are given the privilege of traveling to many places. A few years ago, I remember going to one of the newly emerging nations of the world. During a session with the citizenry, I was asked, "Congresswoman KAPTUR, what makes you feel like a nation?" And I remember stepping back from the microphone for a moment and pondering that, and trying to answer the question that I was asked, why do your people feel like a nation?

This week, we have had many indicators of how deep our nationhood runs: the enormity of the valor that we have seen coast-to-coast, the thousands of acts of kindness and of decency that have accompanied this great tragedy that our entire Nation has suffered, and so many families have suffered so personally.

This morning as we sat at the prayer service and then stood for the posting of our colors, and I looked at all the battle-flag ribbons that walked into the church, and I thought about all the blood that had been shed, all the families, including ours, that had been affected by prior wars and prior engagements, I thought about the red in our flag, and I thought about the enormity of sacrifice that has maintained this Republic over our existence.

So many Americans have been writing me, my own constituents and others. We have been receiving letters from all over the world yesterday. I

wish to enter into the record a letter of condolence and support from the Nation of Ukraine through the Ambassador from Ukraine.

I hope the American people, through us, can understand the weight of public opinion and the weight of support that is on the side of justice as we move forward and try to eliminate and bring to justice those who would have caused such horror on our shores.

I had one senior citizen who wrote me: "Congresswoman KAPTUR, I am elderly, I am disabled. I am too weak, I cannot give blood. What can I do?" I wrote her back, "You certainly can put a little flag in your front window." I am sure she does not have much money, but I suggested she might make a small donation to the scholarship fund that the gentleman from Maryland (Mr. HOYER) and the gentleman from Pennsylvania (Mr. WELDON) have put in the form of a bill for all the families in New York and Pennsylvania, other places in our country, and Virginia, that have been affected, for their children.

I was thinking, during World War II, we had a massive savings bond campaign. I think every American can buy a savings bond. Every American can strengthen our country even more in meeting what lies ahead. So I would urge the President, in the additional funds the Congress has appropriated, to consider expanding some of the savings bond operations across this country; to work with our banks, our private institutions, the Internet, and allow the American people, at whatever level of support they might be able to give, to strengthen our Nation as we seek to meet the enemy.

Let me also say that I would encourage many of our young people as they are considering their futures to think about enlistment in our Armed Forces, in our Reserves, in our guard forces across this country. Each of us in our own hearts, I know the Members of Congress, we know we are soldiers of freedom, too. We ask the American people to lend the kind of support that we will need to carry out the activities of a free people under a representative government.

□ 1500

I ask people to consider joining our intelligence services.

And, finally, let me say to the American people and to our youth in particular, study in your classes the roots of rage and the roots of those who would seek to harm the harbingers of freedom not just here at home but abroad. Take the time to learn America, indeed, will surmount this latest crisis.

#### AMERICA'S RESPONSE TO TERRORIST ATTACK

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, the events of this past week clearly have brought this Nation together. And listening to my colleagues step forward and address the body today, I cannot help but reflect on the events of this past week, in so many ways surreal in terms of the stunning manner and catastrophic fashion in which they unfolded before us: the absolute horror, the unbelievable human sacrifice, the unbelievable human effort and heroism that took place. Even the elements themselves, happening during otherwise sunny and beautiful days, and then just proceeding to our Cathedral in a mist of rain to mourn and pray only entering out to the sunshine.

As a Nation, we mourn our innocent victims, our valiant heroes, our men and women who wear the uniform who have perished. It is a time of shared pain and prayer and a reaching out with acts of kindness that comfort and console. It is a time that the Nation, as we have seen all across this great country of ours, rolls up its sleeves and comes together. It volunteers. It gives blood. It provides its brawn to continue the efforts to dig out, to recover, to rebuild, and take heart in what binds us all in this country: our love of freedom, our love of this Nation, our deep and abiding love of one another.

This is also a time of grim resolve. Shortly, we will be voting on granting war powers and stand united behind President Bush and sound forth the trumpet that shall never call retreat. There can be no quarter given to the cowards who perpetrate acts of evil against innocent people. For these cowards, the wrath of a just and free people will be severe. Our resolve is to ferret out the perpetrators, wherever they may be, and provide them no place to hide; with the further resolve that any Nation that seeks to harbor them, as the President has indicated earlier this week, we will make no distinction.

And while there must be no mistake about our resolve, let there also be no mistake about the manner in which we measure the actions we will take and direct our efforts at terrorists and not at the innocent.

God bless America.

#### IN FULL SUPPORT OF PRESIDENT BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. NEAL) is recognized for 5 minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, I have, as a Member of this body, not been one who frequently seeks the microphone or comes to this well of the House on any and all topics. Instead, I have attempted many times to offer measured comments here based upon what I feel strongly about.

Last Wednesday evening, at about 11:10 p.m., I came to the well of this House, like so many Members of this institution, to state my outrage over what had happened on Tuesday morning beginning at about 8:45. I pledged on that occasion my support for President Bush during this national crisis; and at this grave moment in our history, I think I at that time spoke for all Americans when I said we stood together in support of our commander in chief just as we did on behalf of those brave firemen, policemen and policewomen, and the citizenry of New York and Washington, DC, and our military forces as well.

I call attention to that simply to point out that in the strongest possible terms I condemned the unimaginable and unprecedented terrorist attacks that had taken place in New York City and Washington, DC on that morning. In the wonderful epic that de Tocqueville wrote, simply entitled "America," he asked what it was that had set the American people apart from the rest of the world. And he suggested, after having difficulty coming up with a term, it was simply a habit of the heart.

In what has represented the most serious act of aggression on American soil, a nameless and faceless enemy launched an assault on the very foundation of our society and, indeed, upon the manner in which we live. There is no body in America that is more representative than this institution of its people. It was my belief then and my belief now, as I had rallied to President Bush, Sr.'s support, President Clinton's support in perilous moments, now the consistent thing to do would be to support President Bush, the Republican and Democratic leadership in this institution, as we sought and continue to seek to reassure the American people about events of the last few days and, indeed, just as importantly, over events of the next few weeks, months, and, I frankly believe, years.

These are moments when we come to the conclusion that old quotation that America offers unity without uniformity; free to be of different backgrounds and religions and persuasions and hold strong and differing political views. But on occasions like this we stand firm in our resolve to support our President and the brave men and women of the United States Armed Forces as they prepare, with our support, a clear and decisive response against those who perpetrated these unspeakable acts.

Those are the comments that I offered on Wednesday night, and there is nothing that has happened during these 48 hours that would have caused me to change my mind. Indeed, my resolve, like the resolve of the American people, as we have witnessed this horror, has only been stiffened. And I

would suggest that all Americans, regardless of political philosophy, political party, or political persuasion intend to stand shoulder to shoulder in our effort to seek out those who would cause such destruction, anguish, and pain upon a free people.

There will be plenty of time in weeks and months and years again down the road to review the decisions that we have made during these days; but let no one mistake the resolve that I feel as a Member of this body, or as a citizen of this Nation, or those who stand with me in this institution in our support of President Bush and, again, our military as we seek answers across the globe.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1745

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 5 o'clock and 45 minutes p.m.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 14, 2001.

Hon. J. DENNIS HASTERT,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 14, 2001 at 3:37 p.m.

That the Senate passed without amendment H.R. 2888.

With best wishes, I am  
Sincerely,

JEFF TRANDAH, L,  
Clerk of the House.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Chair desires to announce that the Speaker signed the following enrolled bills during the recess today:

H.R. 2133, to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court

decision in *Brown v. Board of Education*;

H.R. 2882, to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001;

H.R. 2888, 2001 Emergency Supplemental Appropriations Act for recovery from and response to terrorist attacks on the United States.

#### AUTHORIZING USE OF UNITED STATES ARMED FORCES AGAINST THOSE RESPONSIBLE FOR RECENT ATTACKS AGAINST THE UNITED STATES

Mr. DIAZ-BALART. Mr. Speaker, at this historic moment when Congress and the American people stand united behind the President, our Commander in Chief, as America prepares to reclaim its security and punish the murderers who struck our Nation this week, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House, House Joint Resolution 64, to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States;

The joint resolution shall be considered as read; the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except, one, 5 hours of debate on the joint resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and two, one motion to recommit; and, upon passage of the joint resolution, the House shall be considered to have passed Senate Joint Resolution 23.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HYDE. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 64) to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 64 is as follows:

#### H.J. RES. 64

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and

to protect United States citizens both at home and abroad; and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence; and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of Military Force".

#### SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any further acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 2½ hours.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

#### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Illinois for yielding time to me.

Mr. Speaker, I rise in support of this resolution, which authorizes the President to use all force necessary to bring to justice those nations, operations, and people responsible for the cowardly act that was perpetrated upon this Nation on September 11, 2001.

The Constitution of the United States, the document that protects the

freedoms of all Americans, gives the Congress certain responsibilities. Article 1, Section 8 of the Constitution says the Congress shall have power to provide for the common defense and the power to declare war.

Earlier today, the Congress exercised its responsibility to provide for the common defense by passing the supplemental spending legislation. Now we give the President the congressional authority to use all necessary force to bring to justice those who attacked our Nation.

This is the most solemn responsibility that this Congress can undertake. We do not do so gladly or with a bitter sense of revenge. We do so because we must in order to preserve freedom and democracy in this Nation.

These are the times that try men's souls. On September 11, we lost thousands of people, with thousands more injured, and with two symbols of the strength and vitality of our democracy, the World Trade Center and the Pentagon, destroyed or badly damaged.

A sworn enemy that dares not confront us in the open attacked us in the most cowardly way, by targeting innocent citizens of this great Nation. This enemy operates in the shadows, hates with an unnatural passion, and practices political fanaticism that glorifies violent death and condemns innocent life.

For too long, this enemy has been protected and supported and sheltered by rogue nations. The friends of our enemies are also our enemies, and they will bear equal responsibility. We must defend our Nation. We must defeat these enemies once and for all. We must eliminate the scourge of terrorism.

This will be the great challenge for our generation. It may take years. It may cost additional lives. It may require greater sacrifices for our citizens. But great challenges have made us stronger in the past. On July 4, 1776, our Founding Fathers decided to challenge tyranny. After we won our freedom, we constructed the world's greatest constitution, and created a stable, thriving democracy.

We faced dark days when our Nation was torn asunder in the Civil War, and we came together after that war between the States to become the savior of Europe in the First World War.

The empire of Japan deliberately attacked us on December 7, 1941, and we emerged as the greatest defender of the free world.

We faced down communism in a painful Cold War and emerged as the world's sole superpower.

Now, after this greatest of American tragedies that we have faced here on American soil, we face the greatest of challenges.

I am comforted by the work of the President and his team. They are assembling a worldwide coalition of civ-

ilized nations. These nations look to the United States for leadership, and they want to join us in this great crusade. We will provide that leadership.

We have a job to do in this Congress, and this authorization for the use of force is an important part of that responsibility.

I ask my colleagues to vote for this authorization and to join with me in supporting our President, in supporting our Constitution, and in supporting the American way of life.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a fateful moment in our Nation's history and in the history of this Chamber. Once again, we have been awakened to the reality that we have mortal enemies. They do not desire compromise. They are not interested in negotiation. Our suffering does not give them human pause. Indeed, they celebrated. They do not seek our mere defeat. They are intent on our destruction.

The demonic horror of these deliberate attacks remains inconceivable, but we have no choice except to accept that it is real nonetheless. Our enemies' message was stark and inescapable. They will make war on all of us wherever we exist for as long as we exist.

The orchestrators would not have ordered these actions if they did not believe that they themselves would survive, that they would celebrate in triumph. I fear they have judged our failure to render justice for their past atrocities as weakness and as an invitation to even greater assaults. We must correct this misperception, not with words but with acts.

No creed which revels in the slaughter of innocents can be included in the human community. No cause which aligns itself with evil can be allowed to exist among us. Toleration of such things not only invites our own destruction, it is a mortal sin.

Those who hate us believe that a free people cannot defend themselves. They assure themselves that we will falter in the difficult task before us. Our self-proclaimed enemies will seize upon any weakness of resolve on our part. As long as they believe that there are divisions among us, as long as they expect our course of action to be indecisive and incomplete, they will have hope of success.

We must deny them that hope. Our forefathers, who won our liberty, bequeathed it to us in the knowledge that to keep it we would have to prove ourselves worthy of it. They were confident that we would not shrink from the measures necessary to defend it. All who have gone before us, all who have given their lives for their country are witnesses to us here today. That is why I ask my colleagues to put aside our differences and move beyond rhetoric and now act.

During the Civil War, Abraham Lincoln reminded his countrymen of their responsibility with these words: "We cannot escape history. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation."

It is a profound thing that a free people go to war. That is why we, the Nation's elected representatives assemble in Congress, meet today, for we share with the President the responsibility for ensuring that our country is protected, that our people remain safe.

Therefore, we as Members of Congress now have a duty to perform. We must grant the President the fullest authority to employ all of the resources of the United States, to make war on our enemy, to destroy their ability to harm us and to defend our beloved country.

In an earlier hour of trial for our Nation, Julia Ward Howe was inspired to write the words that became known as the Battle Hymn of the Republic. We ask God once again to "loose the faithful lightning of his terrible swift sword" against the enemies of our country and of mankind.

America has always triumphed over her enemies; and with God's help, we will do so again.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution.

This week our Nation lost its innocence but found a new sense of unity and purpose. We now face a severe test, one demanding severe measures. The resolution before us empowers the President to bring to bear the full force of American power abroad in our struggle against the scourge of international terrorism. It will enable him, in the words of our Secretary of State, to eradicate terrorism, "root and branch."

The President currently has many powers to deter and prevent international terrorism, including diplomatic pressure, economic measures, military action to stop imminent threats to the people of the United States. Our resolution arms the President with the certain knowledge that he has the full support of the united Congress and the American people in exercising these powers.

□ 1800

In considering this resolution, Mr. Speaker, the historic nature of this occasion cannot be overstated. Precious few times in our 225 years as a Nation have we been faced with such a grave and momentous decision. One need only look at the devastation, the broken bodies, the flood of tears left in the wake of Tuesday's monstrous terrorist attacks to grasp the awesome responsibility before us.

Mr. Speaker, the world is watching these deliberations and is asking: Is the United States up to the challenge? Are we, as a Nation, blessed for so much of our history with peace and prosperity, capable of mounting a costly and concerted campaign against international terror? Let us today answer those doubts with a resounding affirmation.

In committing to this fight, let us not delude ourselves. We are embarking on a long and difficult struggle, like none other in our Nation's history. It will demand resolve. It will demand patience. It will demand sacrifice. It will also demand that we draw upon the strength of each and every American.

I am deeply concerned, Mr. Speaker, by reports of violence directed at Arab-Americans and Muslim-Americans, some in my own district. This is not a clash of civilizations or a war between the Western and the Islamic world, as some would have it. It is a struggle for the survival of civilization itself against barbarism.

In this struggle, Mr. Speaker, we are not alone. All Americans deeply appreciate the many expressions of sympathy and support from our friends and allies across the globe. We trust that these words will be followed by actions—actions that may prove painful, costly and dangerous. But in the fight against international terrorism, there can be no neutrals. Those who are not with us are against us.

Today's debate is a sign of the unity and vitality of our democracy. All among us are united in our outrage by the tragic events of this week. All among us are united in our commitment to defeat international terrorism. On this we stand undivided and indivisible. If we are to defeat international terrorism, as we must, we must provide our commander in chief with the power this resolution entails.

In granting the President this power, Congress is not abdicating its prerogatives. We do not weaken our role by approving this measure. By signaling our solidarity with the President and by trusting him with this power, we take our place at his side as full partners in this fight.

The President has a solemn responsibility to use this power wisely and to consult with and report to the Congress throughout the long struggle ahead. We in Congress also have an ongoing responsibility: to contribute to these efforts, monitoring the crisis, investigating its causes, gathering expert insights, and doing all in our power to ensure that these terrible events are never repeated.

Mr. Speaker, I am an American not by birth but by choice. Following the Second World War, I fled my native Hungary for the United States, the land of the free and the home of the brave. I chose to become a citizen of

the Nation that saved my homeland and the entire world from international fascism and, later, from international communism. Today, I proudly reaffirm my allegiance and reenlist in the new struggle to save this Nation and the world from international terrorism.

I have never been prouder to serve in the United States Congress than I have during this week. The many words spoken on the floor of this Chamber echo the world over and testify to America's resilience in the face of adversity. All of my colleagues who join this debate do honor to this institution and to the American people, whom we all serve.

But the time for words has passed, Mr. Speaker, and the time for action is upon us. We must now make our rhetoric reality. We must now stand united in word and in deed, and we shall not flinch in the face of terror. Let us go forth, certain in our knowledge that should we cast this courageous vote.

We shall prevail.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the learned gentleman from Texas (Mr. PAUL), but would like to first congratulate the distinguished minority leader of this committee, the gentleman from California (Mr. LANTOS), for his usual superb remarks.

Mr. PAUL. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in support of this resolution. Sadly, we find ourselves today dealing with a responsibility to provide national security under the most difficult of circumstances. To declare war against a group that is not a country makes the clear declaration of war more complex.

The best tool the framers of the Constitution provided under these circumstances was the power of Congress to grant letters of mark and reprisal in order to narrow the retaliation to only the guilty parties. The complexity of the issue, the vagueness of the enemy, and the political pressure to respond immediately limits our choices. The proposed resolution is the only option we are offered, and doing nothing is unthinkable.

There are a couple of serious points I would like to make. For the critics of our policy of foreign intervention in the affairs of others, the attack on New York and Washington was not a surprise, and many have warned of its inevitability. It so far has been inappropriate to ask why the U.S. was the target and not some other Western country. But for us to pursue a war against our enemies, it is crucial to understand why we were attacked, which will then tell us by whom we were attacked. Without this knowledge, striking out at six or eight or 10 countries will not help.

Without this knowledge, striking out at six or eight or even ten different countries could well

expand this war of which we wanted no part. Without defining the enemy there is no way to know our precise goal nor to know when the war is over. Inadvertent or casual acceptance of civilian deaths as part of this war I'm certain will prolong the agony and increase the chances of even more American casualties. We must guard against this if at all possible.

Too often over the last several decades we have supported both sides of many wars only to find ourselves needlessly entrenched in conflicts unrelated to our national security. It is not unheard of that the weapons and support we send to foreign nations have ended up being used against us. The current crisis may well be another example of such a mishap.

Although we now must fight to preserve our national security, we should not forget that the founders of this great nation advised that for our own sake we should stay out of entangling alliances and the affairs of other nations.

We are placing tremendous trust in our President to pursue our enemies as our commander-in-chief but Congress must remain vigilant as to not allow our civil liberties here at home to be eroded. The temptation will be great to sacrifice our freedoms for what may seem to be more security. We must resist this temptation.

Mr. Speaker we must rally behind our President, pray for him to make wise decisions, and hope that this crisis is resolved a lot sooner than is now anticipated.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to our distinguished colleague, the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is very appropriate for this Congress to be granting specific authority to the President to use all necessary and appropriate force against the terrorists that attacked America this week and against those that harbored the terrorists. It is important, I believe, to note that this grant of authority and this purpose of force is to prevent any future acts of international terrorism against the United States. In other words, we are not just engaging in an act of retaliation or revenge, as satisfying as that will be, but we are taking action to prevent this from happening again to save the lives of Americans.

The use of force that we authorize today must be used swiftly and surely and smartly. It has been said that this force should be used ferociously. And that is a strong word but an appropriate word under these circumstances. We need to punish the perpetrators of this terrorist activity. We must prevent a recurrence, and we must protect Americans.

It may be we do not need to grant this authority. Under the War Powers Act, the President has the ability to use force when America is attacked, as we have been this week. But it is good for Congress to add our voice of support and to specifically grant this authority to the President.

We must be targeted and accurate. We must spare innocent civilians, but we must act and act firmly. We must also be ready to use diplomacy, to build a worldwide coalition to combat terrorism, to lead the charge, to unite the democratic governments that oppose terrorism and those authoritarian governments that also oppose terrorism. We need to provide that leadership. This is our opportunity.

We need to make sure that we fight the terrorists and not the Islamic world. Most of the Islamic world agrees with us in opposition to terrorism. If we are creative and sensible, this can be the beginning of the end of international terrorism.

Mr. HYDE. Mr. Speaker, I am honored to yield 1 minute to the gentleman from Florida (Mr. DIAZ-BALART), a distinguished member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, this great Nation is a Nation made from many origins but with a national identity and a national cohesion, a nationhood, which is almost unprecedented in the history of the world. Yet American patriotism is not threatening to others. Americans seek to do no harm to the rest of the world. Quite the contrary. Repeatedly, Americans have gone to the aid of others whose sovereignty and freedom have been kidnapped by tyrants.

America is a peaceful and free Nation; and we intend to pass on that peace and freedom to our children so that they, in turn, may bequeath it to their children.

America is free and secure because each generation has made certain to preserve our freedom and our security for the next generation. There can be no freedom without security, just as security without freedom is the essence of dictatorship, something that this Nation, thanks be to God, has never known and will never know.

It is now this generation's turn, Mr. Speaker, this generation's responsibility to preserve freedom and security for our posterity, and our commander in chief, our Armed Forces, and this entire Nation will not fail.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished member of the Committee on International Relations.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me this time.

Last Tuesday, war was declared, not just on the United States but on civilized people everywhere. The American people were instantly united and resolved around this challenge. This resolution this evening is another step in the long struggle for the American people to see that their Nation's leadership is equal to this challenge.

While I am one who believes that the American President has these powers

and more, there is a chance here to jointly define the challenge. There is an opportunity for Congress and the administration, people in both parties, to be very clear about what our challenge is and what we are going to do.

Our Nation has never quite undertaken this issue in quite the same way. We can avoid the problems of the past. We saw in the Spanish-American War we had the wrong cause for the wrong war. During World War II, we saw our government commit, sadly, acts against the civil liberties of Japanese-American citizens. I think we have learned from those experiences in the past.

I am hopeful this resolution will be the first step for more direct actions that will be inclusive, inclusive here on Capitol Hill, inclusive of citizens around the country, inclusive with our friends and allies abroad, and, indeed, with some countries with whom we may not have the warmest of relations; but we are all united in this effort to protect the rights of many men and women in civilized countries everywhere.

I hope this is a beginning of an effort to show that we Americans are equal to the challenge and that we are going to lead it in a way that is going to help spare other people around the world from the terror of these dark and sinister forces.

□ 1815

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise tonight to fully endorse and authorize the use of force as directed by the President of this great Nation.

Now is the time to lead the most extensive campaign against terrorism this world has ever seen, to annihilate those sources of hatred and terror, to break any nation assisting them in their efforts, to cleanse the Earth of this entire breed.

Mr. President, no matter where we have to go, no matter how long we have to fight, we are prepared to fulfill our duty to generations to come, for them to live in a world free of terrorism. Our mission is of the grandest kind and must be resolved on the grandest scale.

Our Nation will not cower from this fight. We will march into the lion's den and slay this pride. No mistake about it, we are fighting for our lives and livelihoods and we will prevail.

To say it in a way that perhaps Osama bin Laden might understand and other terrorist groups, I ask them to hear me tonight. We are coming after them and the fury of hell is coming with us.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, the other night I had the honor of joining you at the prayer service in the rotunda of this great building, this great monument, this beacon of our democracy and our freedoms to the world. As I sat there, I thought about the fact that this building may very well have been a target on that sad day.

As I looked around, I thought what a tragedy it would be if this building had been leveled by that terrorist act. Then I thought more as I listened to those who spoke so eloquently from both sides of the aisle and our religious leaders. I thought it is really not about buildings. It is really not about monuments. It is about the American people.

The action that was taken by these terrorists against the American people must be responded to and it must be responded to with resolution in a most comprehensive fashion. It cannot be a symbolic act. It cannot be a one-time action. It must be comprehensive. We must be diligent and the American people must be patient.

This is very difficult and it is very different than the forces of power we have authorized in the past where many times enemies were clear. Here there are subtleties and complexities and organizational complexes that defy much of our thinking. We will have some successes and we will have some failures. But we must do this because we must understand that the enemy here made a conscious and intentional decision to slaughter innocent people.

They put people randomly, randomly in harm's way and killed them in a most arbitrary of fashions, in a manner which overwhelmed our senses and stunned our Nation. We must understand we have an obligation to the American people to take that action.

I would hope as we do that, the people in this country would have patience with one another; that they would recognize that when the airplane slammed into those buildings, it killed Muslims and Christians and Jews and Asians and Italians and Irish and all the rest. It killed the landscape of the American society. When we do this, we must understand that we cannot lose that national character, which is truly our liberties and freedoms that are the beacon, the light that goes out from this building to those people in those nations that yearn for them and do not have them.

I wish our President well. I wish our armed services well in this effort, and I ask the American people for their understanding in the complex nature of the force we are authorizing here today.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, until tonight the most important vote that I had cast as a Member of this body was

the vote that I cast in 1991 to support then President George Bush in our Gulf War. Now we are at another grave moment of decision for our Nation.

This is a tragedy of unspeakable proportions. We grieve for all of those who have been affected by this horror.

After Abraham Lincoln was assassinated, Melville wrote a poem that expresses as best we can the force of our emotion in the wake of this horror. He wrote, "There is a sobbing of the strong, and a pall upon the land. But the people in their weeping bare the iron hand. Beware the people weeping when they bare the iron hand."

The cowards who planned and executed the attack and any state that harbors them should be aware and beware of our iron hand, because they will pay.

As a Congress we will lock arms, we will rally behind our President and we will confront terror as one, because freedom will prevail.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of this resolution authorizing the President to use military force against those responsible for the horrific acts committed on Tuesday of this week.

Mr. President, we are wholeheartedly entrusting you with the most powerful military the world has ever known. We are doing so because we trust him to use this force with certainty, with swiftness, with judiciousness, and firmly, to make it perfectly clear that this country and the world will not tolerate again what happened on Tuesday.

Mr. President, I want to encourage you to continue to work closely with Congress. This is not just your travails you face. These are our travails. These are the travails of the entire country. Mr. President, we will work together with you to help you succeed because your success will be our success as a country.

There are Members of Congress, Democrat and Republican, who are anxious to work with you to address the very difficult details in terms of the military issues, the diplomatic issues, the economic issues, the judicial issues we all face as we launch into this new stage in fighting terrorism.

Mr. President, we support you this evening, and we look forward to continuing to work closely with you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would advise all Members to address the Chair and not the President directly.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I rise today in support of this resolution. On Tuesday, unspeakable acts of violence were committed against innocent Americans. As we mourn the loss of

these Americans, we stand united behind our President. I send my condolences to the families that are suffering.

I am inspired by those who have given of themselves to assist the victims of this attack. Civilized society has long sought to end the use of violence, but the perpetrators of terrorism and states that harbor them are the enemies of civilized society. They only understand the use of force, and the time has come to speak to them on their terms.

Today we will authorize the United States to strike out against this enemy. It will be a determined effort, sustained over time with the full support and resources of this Nation. Let our enemies know that we stand together, one Nation under God, prepared to pay the price to bring terrorism to its knees, the price of freedom.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I have always opposed the wholesale use of our mighty military power except with a scalpel. However, I have always assumed that my country would never be attacked where we live and that my constituents and neighbors would never be innocent victims.

Mr. Speaker, the language before us is limited only by the slim anchor of its September 11 reference, but allows war against any and all prospective persons and entities. This resolution shows that the challenges presented by terrorism as war have already begun with language before there is any action.

The point is to give the President the authority to do what he has to do, not whatever he wants to do. But the truth is that under our Constitution and existing law, when the country is attacked, the President's power is almost limitless.

In supporting his constitutional authority to protect our great country, Congress must remain vigilant to ensure that his power is always sufficient but never unchecked.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, as I listened the other day to my colleagues respond on their own, away from this building, to what had happened, I noticed two overriding themes. One was in a free society that stands as a symbol for freedom of the world, we are uniquely open to the kind of cowardly acts that happened this week.

The second was that our only real safeguard against those kinds of acts, no matter how much we might attempt with funding of our efforts to see that they never occur, our only true safeguard was to make certain that the people who planned, who perpetrated, who helped finance, who sheltered

those who did any of those things, paid such an incredible price that they would not be willing to disrupt the freedom of the United States of America.

This resolution ensures that the President has the support of the Congress as he does everything possible to see that that price would be paid. It is a price that must be paid. We must move forward. I urge my colleagues to vote for the resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN), a distinguished member of the Committee on International Relations.

Mr. SHERMAN. Mr. Speaker I thank the gentleman for yielding me this time.

Mr. Speaker, in certain foreign cities there were those who danced in the streets believing that the terrorists' ability to kill thousands of American civilians showed the terrorists' strength. America's strength is not our ability to kill civilians, but our great strength is that we do everything possible to avoid killing civilians.

We must remember that our conflict is not with Islam and not with Muslims. The last three military campaigns of the United States were to protect Muslim people in Bosnia, in Kosovo and in Kuwait.

For years we have urged our allies to join us in curtailing investments and aid to countries that support terrorism. Now we must insist that they join us in this effort. Those who claim to be America's friends can no longer do business as usual with countries that support terrorism, nor can we allow European bank secrecy laws to stand in our way of tracing the money that was spent on this horrendous action.

We must wage a war against all of the well-organized, well-financed terrorist groups who have dedicated themselves to killing Americans. Chief among this group is the one headed by Osama bin Laden. He is probably responsible for the atrocities of September 11, and certainly responsible for the attack on the USS Cole in Yemen and the attack on our embassies in East Africa. As long as the Taliban government in Afghanistan harbors Osama bin Laden, he will be working every day to top the evil of September 11.

Mr. Speaker, it is easy to blame our intelligence agencies for what happened, but as long as we have allowed Osama bin Laden and others to sit there in safety, launching attack after attack against America, some of those attacks will be successful. We must demand that the Taliban government hand Osama bin Laden and his henchmen over to us now and stop harboring terrorists. If they refuse, then we must initiate hostilities. We will prevail by aligning ourselves with the Northern

Alliance. Hostilities with the Taliban may involve American casualties, but failure to act will involve thousands and tens of thousands of American casualties.

□ 1830

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I rise in support of the authorization for the use of military force. There are no words to describe the anguish we and all Americans feel. Our national spirit has been dampened but not extinguished by the despicable acts of September 11. President Bush has reassured Americans that while those who detest freedom may destroy brick and mortar and even take the lives of innocents, they cannot destroy the American will. We can take comfort and confidence in our national resolve and depend on that to help us overcome this temporary setback.

Clearly, we must rally around our President. We must support his efforts and make crystal clear the fact that the American people are united and resolute that we will take a stand against attacks on our sovereignty and that we will avenge this grievous act.

It is an American characteristic to unify in times of crisis. It is important to stand behind our President by authorizing the use of military force against those forces of evil. I am comforted to know that this body will pass this use of force resolution, probably unanimously, later today.

I am sure that the entire membership of this body joins me in praying for God to guide us and our President.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to my valued colleague, the gentlewoman from California (Ms. LEE), a member of the Committee on International Relations.

Ms. LEE. Mr. Speaker, I want to thank our ranking member and my friend for yielding time.

Mr. Speaker, I rise today really with a very heavy heart, one that is filled with sorrow for the families and the loved ones who were killed and injured this week. Only the most foolish and the most callous would not understand the grief that has really gripped our people and millions across the world.

This unspeakable act on the United States has forced me, however, to rely on my moral compass, my conscience, and my God for direction. September 11 changed the world. Our deepest fears now haunt us. Yet I am convinced that military action will not prevent further acts of international terrorism against the United States. This is a very complex and complicated matter.

This resolution will pass, although we all know that the President can wage a war even without it. However difficult this vote may be, some of us

must urge the use of restraint. Our country is in a state of mourning. Some of us must say, let us step back for a moment. Let us just pause for a minute and think through the implications of our actions today so that this does not spiral out of control.

I have agonized over this vote, but I came to grips with it today and I came to grips with opposing this resolution during the very painful yet very beautiful memorial service. As a member of the clergy so eloquently said, "As we act, let us not become the evil that we deplore."

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Indiana (Mr. KERNs).

Mr. KERNs. I thank the gentleman from Illinois for yielding time.

Mr. Speaker, I rise today in strong support of this resolution to use force.

Earlier this week, war was declared on America. Out of the horror and carnage, America has risen united, resolved to bring justice to all those responsible for this evil act. The resolution before us today authorizes the use of force against those who planned, authorized, committed or aided the deadliest attack ever on U.S. soil.

While I strongly support today's resolution in response to the specific attacks that occurred on September 11, I believe that we will have to take additional action to address future threats. This must only be the beginning of a comprehensive war on terrorism.

In 1795, British statesman Edmund Burke said, "All that is necessary for evil to triumph is for good men to do nothing." The same holds true today. The free nations of the world must seize this opportunity and work together to end the evil of terrorism. As the rock of freedom in the world, America must lead the charge.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Mrs. NAPOLITANO), a distinguished member of the Committee on International Relations.

Mrs. NAPOLITANO. Mr. Speaker, I thank my good friend for yielding time, and I join my colleagues in support of this resolution authorizing the use of military force. Our American public and the free world look to us today for leadership and swift action. We cannot and we will not fail them. The sheer horror of the events that transpired in New York and the Pentagon are unprecedented in our history and they demand strong, decisive and deliberate action. Anything less is an abrogation of our responsibility as congressional leaders and would be interpreted by those who have utter disdain for our country, for our institutions, and for our people as a failure of resolve and the ultimate sign of weakness.

Our enemies, whoever and wherever they are, and those who harbor them,

must clearly understand that we will never tolerate the acts of terrorism, acts of war, that have been perpetrated upon us and they must understand that there is no escape from American justice.

Inaction is capitulation. Of one thing I am certain, we as Americans will never capitulate to terrorism or to any interest that looks to destroy our Nation. There comes a time when action and force become an absolute necessity. The families of those who died in this unspeakable horror, mothers, fathers, children, old and young, deserve to know that they did not die in vain. From this day forward we are a wiser, changed people, stronger, more united, firm in our commitment to our government, our country, our freedom, and to justice. Fear must not be allowed to rule us.

God bless America.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the learned gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. I thank the distinguished chairman for yielding time.

Mr. Speaker, the book of Ecclesiastes tells us that for everything there is a time; a time for love, a time for hate.

On Tuesday morning, an expression of hate, unbelievable and unparalleled in all of our lifetimes, took place as Americans were used as instruments against Americans in a horrible toll of life and tragedy. On behalf of the sixth district of the State of Georgia and the United States of America, I rise in support of a resolution to give our President the full authority to respond and act to this act of hate and violence.

Mr. Speaker, the last thing I did before I walked to this Chamber was to call Brandi Unger, 13 years old, in Roswell, Georgia, to thank her for the letter she sent to me and the President and the handful of dollars she raised this past week to help America to fight this evil.

Mr. Speaker, when my father's generation, America's greatest generation, fought and defeated the evil of the 1940s, they did it for us; and we have enjoyed peace and prosperity. Today, we do it for the Brandi Ungers of the next generation, for a free, a safe America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from California (Mr. BERMAN), a valued senior member of the Committee on International Relations.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution. There are many facets of it, but I would only like to focus on one. We know the hijackers had ties to Osama bin Laden and his al Qaeda organization. We must do whatever it takes, including the use of military force, to track down bin Laden and destroy his organization. But this is not just about bin Laden. There are other radical groups that engage in terrorism, including Hezbollah, Hamas, Islamic Jihad. To win the war against

terrorism, we must eliminate the entire infrastructure that sustains these organizations. This will involve getting tough with governments that aid and harbor terrorists.

Syria allows Hezbollah to operate freely in southern Lebanon. Iran recently hosted a terrorist summit and routinely provides arms and ammunition and other assistance to Hezbollah and other radical groups. Bin Laden is a guest of the Taliban regime. The suicide bombers of Islamic Jihad and Hamas are nurtured by the Palestinian Authority.

The time has come for these and other governments to make a fundamental choice: Will they continue to support those responsible for taking the lives of thousands of innocent men, women, and children? Or will they realize the error of their ways and end their financing, the facilitating, the harboring of terrorists and their organizational infrastructures and their state-sponsored incitement of terrorist attacks? For if they choose to continue their present course, they are not states of concern, they are not rogue states, they are America's enemies.

I applaud the administration's efforts to assemble an international coalition to fight terrorism. We have a real opportunity to make the world safer for freedom and democracy.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, this is the second time in my tenure in this body that we are called upon to vote to commit the sons and daughters in the uniform of this country to war, to put their lives on the line for this country again, and this is indeed a profound moment in the history of this Chamber.

We should ask ourselves carefully why we do this. Do we do it just in anger, just for revenge? No greater authority than St. Thomas Aquinas taught me as a young lad the meaning and the understanding, the definition of self-defense. Our greatest duty under the Constitution is to protect and defend the citizens of this country from all enemies, both foreign and domestic. It is for that reason we rise in support of this resolution.

We have literally in this world allowed terrorism to exist too long. We have been on the defensive too long. We have taken too many body blows. It is time civilized man goes on the offensive.

Today, we go on the offensive. And we commit our sons and daughters to that enormous chore. This week, a reporter caught a citizen in New York taking dust off a car and putting it into a jar and he asked, "Is that your car?" The citizen said, "No. These are my friends. We have lost our friends."

It is time to put an end to this madness.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of this resolution. War has been declared on this country. Today we must answer. Without warning or provocation on September 11, a deliberate attack was launched, using hijacked planes with innocent American civilians to kill other innocent American civilians and military personnel.

Unlike the terrorists who attacked the innocent, our response will be against the guilty. The U.S. Constitution carefully divides the power to wage war between Congress and the President. I am confident that the resolution before us today strikes the appropriate balance between the President and Congress. It gives the President flexibility as Commander in Chief to conduct military operations as he sees fit, but it also requires the President to consult and report to Congress. It retains the important 60-day limit on military action without further congressional approval.

Make no mistake, this Congress and the American people are committed to seeing this war through to the end. We realize that we are in for a long fight, but Congress needs to take seriously its responsibility to authorize the continued use of force and not give up its rights to the President. Our Founding Fathers created this separation of powers for an important reason, and their ideals have served us well for the last 230 years.

Today, we join together in a day of mourning and remembrance for those we have lost. We pledge our best effort to hunt down those responsible. We owe no less to those whose blood has been shed again for the cause of freedom.

I urge my colleagues to support this resolution.

□ 1845

Mr. HYDE. Mr. Speaker, I am honored to yield 1 minute to the distinguished gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we are giving the President the power to conduct a war. We need to also give him, along with that power, the resources to conduct not only a war that could take a short period of time, but a war that could be enduring.

Right now, our military forces badly need equipment, spare parts, munitions and intelligence resources to win this war. So along with this resolution, Mr. Speaker, let us resolve that, over the coming months and years, we will give our troops and our commander in chief what it takes to get the job done.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the gen-

tleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, it is fitting on this national day of mourning and remembrance that we take the first steps in healing our Nation and bringing those responsible for Tuesday's heinous acts to justice. We have condemned the unspeakable aggression visited upon our cities, we have united the Nation behind the great symbol of our American flag, and we have appropriated emergency funds to help States and communities to respond and to rebuild.

Now we face the hard task of going forward, of responding soberly and deliberately, but with great focus and conviction, and with the full strength and righteous fury of the United States Armed Forces. In this, we are in uncharted territory. While we have fought great aggression before, our means of authorizing action today fit only imperfectly.

When Congress responded to Franklin Roosevelt's call in 1941 by declaring war against the Japanese Empire, it could do so with full knowledge. We knew who had attacked us. We knew that we would fight against another sovereign nation in a traditional war that would involve the full range of our military forces. We knew what victory would mean, and we were committed to meeting that goal and we did.

The current circumstances leave us with great uncertainty. We do not yet know who committed these unspeakable acts or where we may find them, we do not know the scale and scope of what bringing the perpetrators to justice may mean, and we do not know how long it may take.

Yet there are some things we do know. We, the Congress, have a constitutional duty to partner with the President in undertaking military action. We fulfill that duty here with this resolution. While our actions here may be imperfect, they are an essential first step to show the unity of our Nation behind our President and our commitment to stand with our Armed Forces.

We also know that we will not be alone. The world is behind us. Our NATO allies, so long our partners and friends, are all ready to stand with us. They have acted upon the principle that many throughout the world have come to realize, that an attack on one peace-loving country is an attack upon all.

We also know that our response to these attacks will require great sacrifice. Our troops, who have long earned our respect and admiration, will be called again into harm's way and will need our unwavering support. Ordinary Americans, already sacrificing so much in the loss of those they love and in their commitment to supporting our Nation, will be called upon to sacrifice still more. This battle will be

long and difficult, and it will require concerted resolve from all Americans.

For us in Congress, we must continue to work with the President, recognizing that the actions of the weeks and months ahead will require both branches of government to execute their constitutional duties. We must improve our intelligence capabilities and assess the ability of our government to respond to unthinkable possibilities. After Tuesday, we know we must think about them strategically and thoroughly.

Mr. Speaker, let us stand together and pass this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the resolution, so that, in the words of Lincoln, "this Nation, of the people, by the people and for the people, shall not perish from the Earth."

Mr. Speaker, I rise in strong support of H. Res. 64—a resolution authorizing the use of the armed forces of the United States against those responsible for this week's attack on our American homeland.

Our community has been devastated. Families in each and every town, village and borough in northern New Jersey are in pain. We pray for them and promise that we will do all in our power to find the villains who perpetrated this crime against them, against our nation, and against the free people of the world.

We must be firm. Our investigation must be quick and retaliation must be certain.

Yes, this is retaliation.

But these are not singularly the objectives of our use of force. The defense of our democracy—and our loyal hardworking citizens. The principle that we will stand tall for the world to see and defend the rule of law—our law and international law.

And on the basis of these recognized standards supported by most governments—including many European, Asian and Muslim nations—and every international group—the United Nations, NATO, the European Union—as well. They are standing tall and supporting our defense of liberty and national sovereignty to "use all necessary and appropriate force against nations, person or entities, as clearly defined in this Resolution.

I stand in strong support of action and am confident there will be overwhelming support—if not a unanimous vote—for this resolution.

We must stand tall and firmly state—with the hammer of force if necessary—to protect innocent Americans. In the words of Lincoln "that this nation—of the people, by the people, for the people, shall not perish from the earth." (Abraham Lincoln)

We must continue to work together to heal each other and reaffirm the solidarity so many Americans have shown over the last few days. May God comfort those families who have been devastated by this atrocity.

And may God bless the United States of America.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, on Tuesday, September 11, the United States sustained, but heroically withstood, a terrorist attack of unprecedented magnitude. Make no mistake about it: this was not only an attack committed against this Nation as the leader of the free world, but was also an assault against all of humanity, against our very civilization as we know it.

Today, the U.S. Congress will authorize the use of force to repel this attack on the people of the United States. As we take this step, we should be conscious of the magnitude of the undertaking. This is not a resolution expressing our outrage. It is nothing less than a declaration of war. Success will be measured by eradicating the individuals and the networks of those responsible for this act of war.

Given the tactics that we know of terrorists, this task will be arduous and difficult, but we can and we must be victorious. To all those who cherish freedom and democracy around the world, let there be no doubt: your way of life, your aspirations for the future, the security of your family, have also been attacked. The devastation in New York, Pennsylvania, and Washington is not limited to the United States. It stretches to your countries, to your streets, indeed to your homes.

You too must stand and be counted in the fight against the perpetrators of this crime as well as threats from other terrorist acts. After this authorization, Congress and the President will need to re-visit the threat of terrorism. We will have to develop a new comprehensive strategy to combat terrorism at home and around the world. In that endeavor, we will prevail. Today's legislation marks the beginning of that effort.

Mr. Speaker, in this effort, we will prevail, and today's legislation marks the beginning of that effort.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, whatever form of action we choose must reflect our democratic principles and distinguish us from the mentality of terrorists and destructive violence. Our actions must pursue a path towards reducing violence, not escalating violence. Launching weapons of mass destruction or collateral attacks against innocent civilians would be no different than the terror we already have had brought upon us. An eye-for-an-eye mentality is unacceptable. We are a Nation of civil and moral values, and we must show the world that.

These terrorist attacks were clearly a crime against humanity. What does a democracy do to punish criminals? We put them on trial. If found guilty, we imprison them. The U.S. military action should be centered on arresting the responsible parties and the Government placing the suspects on trial.

That is how we win this. This is how we should show the world that we are a humane and democratic Nation. That is what gives us the moral high ground. That is what we need to do to help prevent future attacks.

Future attacks will not be prevented because terrorists fear our military. To kill them does not scare them. It is an honor for them to be killed. But for our democracy, it is important to rise above their violent attacks and punish them with unquestionable moral superiority. That will vindicate our highest principles.

Violence is reciprocal in nature. Peace is also reciprocal. The direction we take will speak volumes about our democracy. We must and will defend our country, and we must and will pursue and arrest these criminals. We must do so in a manner that upholds democratic principles.

Mr. HYDE. Mr. Speaker, I am honored to yield 1 minute to the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, America is strong, America is united, and America will prevail over evil. The terrorist attacks against us have failed; and they have only made us more determined, more focused, more resolute.

Mr. Speaker, the President will, at the appropriate time, use the full force of the United States to stop those who are opposed to freedom and the American way of life.

Do you remember our Declaration of Independence? "We mutually pledge to each other our lives, our fortunes and our sacred honor." These words should remind anyone who tries to destroy our freedoms that Americans always stand together.

Mr. Speaker, I fought in a couple of wars myself; and this is a war, and I am ready to do it. That is why we remain the greatest, most powerful country on Earth. Let us go to war for freedom.

God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, almost 60 years ago the United States suffered massive casualties in a surprise attack on one of our military bases. On Tuesday, September 11, Americans were forced to relive the terror of another brutal and malicious attack on our citizens.

Then, just as now, our Nation rose up as one to respond to a horrific incident with steadfast determination to defend ourselves and to find and punish the aggressors. The resolution before us gives the President authority to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed, or aided in these terrorist attacks. Make no mistake about

it: the cowardly terrorists responsible for bringing harm to our American family will be punished.

A force resolution was presented to Congress in 1991 which did not receive my support, for I felt the situation lacked the gravity required before we put our men and women in uniform in harm's way. Our borders were not at risk of an invasion; our citizens were not in imminent danger.

The tragic events of this week have violated all these precepts. We must respond swiftly and with force against those who maimed and killed innocent Americans, men, women and children.

Mr. Speaker, I urge all of my colleagues to vote to endorse this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the learned gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, a formal authorization for use of force now is just that, a formality. We have now been in war and have been since Tuesday morning. As Americans, we did not seek this war, but we will not shirk from defending our country. Let us go forth with confidence; let us go forth with resolve, to seek down these murderers, to destroy them, and to destroy their ability to repeat Tuesday's dastardly attack.

Our response must encompass not only those who perpetrated the crime, but those who supported it, and all those who have sheltered and provided resources to these killers. In this, I am confident all America is united.

May God be with us.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished ranking member of our Committee on House Administration.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, centuries from now, when future generations look back, they will see that September 11, 2001, was a day like no other in our history. A bright, late summer morning on our Nation's East Coast was shattered by unspeakable acts of war against all Americans and all freedom-loving people.

We fear that these cowardly attacks have claimed more than 5,000 innocent men, women and children, making this the deadliest day ever on American soil.

At Pearl Harbor, 2,300 perished; at Antietam, 4,000 fell in a day; and during our entire 8-year struggle for independence, 4,500 patriots gave their lives for freedom.

After the attack on Pearl Harbor, the Japanese admiral who planned that treachery remarked, "I fear all we have done is awaken a sleeping giant and filled him with terrible resolve."

Mr. Speaker, our national resolve expressed in the resolution before us is equally determined, and those responsible for these depraved attacks have every reason to fear it.

Under the authority granted by Article I of the Constitution, Congress has declared war only 11 times. We do not make a formal declaration of war today. However, in fulfillment of our constitutional duty and as contemplated under the War Powers Resolution, Congress does today authorize the President to use all necessary and appropriate force against those nations, organizations or persons who planned, authorized, committed or aided these horrific attacks.

□ 1900

Importantly, Mr. Speaker, we also authorize the President to use all necessary and appropriate force against those who have harbored such organizations and persons.

A generation ago, one of this Nation's greatest friends, whose mother was an American herself, rallied free people against the darkness and despair descending on the European continent. "You ask, what is our aim? I can answer in one word. It is victory." So said Winston Churchill.

Victory is our aim today; not over nations or persons, but over terrorism. However long and hard the road may be, we must cut out and destroy this cancer which plagues civilized society.

When future generations of Americans look back, let them see that we answered this challenge with courage and with unity. Let them see that we took decisive action that made the world safer for this generation and for generations to come, and let them see that September 11, 2001, a day like no other in our history, marked the turning point in the war on terrorism.

In bracing us for war some 60 years ago, Roosevelt said, "With confidence in our armed force, with the unbounding determination of our people, we will gain the inevitable triumph, so help us God."

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I also rise in strong support for this resolution authorizing the use of military force against those who attacked our Nation on September 11, 2001. On this day of national remembrance and mourning, we must act to ensure that those who have lost their lives in these horrific acts of violence have not died in vain.

Earlier today, we heard the words of our spiritual leaders reassuring us and giving us solace at this difficult time. Now, as the Nation's political leaders, we must act.

We do so with the devastation of these attacks fresh in our minds. New York Mayor Giuliani reported that

nearly 5,000 people have been reported missing. At the Pentagon, over 100 are dead or still missing. We must not forget those innocent people aboard the planes, nearly 200 killed. If these estimates hold true, they would amount to twice as many casualties as those suffered in the Japanese attack on Pearl Harbor.

Their deaths cannot go unanswered, or more Americans will die the next time terrorists want to champion their unjust cause at our expense. The United States must respond with our full might and force to destroy these terrorists and all who give them aid and safe harbor.

Today, the House of Representatives will authorize the President of the United States to use the Armed Forces against those nations and organizations responsible for Tuesday's destruction. Mr. Speaker, it is our responsibility, our duty, to empower our President to act and act decisively.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the resolution. On September 11 we lost more American lives than on any single day in history. Terrorism must be stopped around the world.

Mr. Speaker, I rise in strong support of this resolution to approve the use of American military force in response of the attacks this week on our Nation and her people.

Earlier today, I joined with our civilian and military leadership at the National Cathedral for the prayer service in mourning for the victims of Tuesday's attacks. The Reverend Billy Graham was absolutely correct to observe that the assault that was meant to tear us apart has instead joined us together. Our Nation has come together to grieve for the dead, the injured and the missing, and we all weep at the incomprehensible suffering that has been inflicted on the American family. This collective mourning is a necessary and healthy process to help us recover as a people and face the difficult days ahead.

But as the Scripture teaches us, "To every thing there is a season, and a time to every purpose under heaven." The time to mourn will pass. And the time to act will come.

I support this resolution because America must act. America must act deliberately and with decisive force to strike down the terrorist enemy. America must act to protect our country from this new danger whose evil knows no bounds. America must act to eliminate the threat of terrorist attack on our people wherever that threat may exist.

I support this resolution because this Congress must come together—Democrats and Republicans alike—to stand side by side with our Nation's Commander in Chief as he leads our military into the most challenging campaign we have ever faced. We must come together on a bipartisan basis to support our brave young men and women in uniform, some of whom may not live to see our victory over this enemy.

I support this resolution, but this Congress and the American people must understand that we are embarking on a very dangerous mission whose duration is unknown and whose outcome is not foreordained. Our enemies in this war hide in the shadows and retreat to the far reaches of the Earth. Our enemies do not have the courage to face us in open combat so our military leaders will need to adapt a new approach to win this war. But I strongly support this resolution because America must stand up once and for all and state to the world: no one with the means and the will to threaten the American people will be tolerate—anywhere on the face of the Earth.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from California (Mr. SCHIFF), a distinguished member of the Committee on International Relations.

Mr. SCHIFF. Mr. Speaker, tonight we authorize the President to use all necessary and appropriate military force against any nation, organization or person responsible for the terrible attacks of September 11, or anyone who harbors such individuals. Make no mistake; it is a broad delegation of authority to make war on those who have attacked us. We do not do so lightly or without consideration for the weighty consequences of our act.

After the attacks of this week, many Americans recalled Pearl Harbor. I thought of the Battle of Britain and Hitler's indiscriminate bombings of London, Churchill's words still so powerfully resonant: "He hopes by killing so many numbers of civilians and women and children that he will terrorize and cow the people of this mighty imperial city. Little does he know the spirit of the British nation or the tough fiber of the Londoners who have been bred to value freedom above their own lives."

So true of America. Little do these petty tyrants and murderers know the spirit of the American people or the tough fiber of the New Yorkers, our defense workers, or the civilians who spared further casualties by taking down the hijackers and their own plane over Pennsylvania.

The face of this tyrant is new and yet not so new. Like others before him, he abhors a free society and democratic institutions. He is willing to kill innocent men, women and children to further his perverse aims. There are no means too inhuman, no tactic too appalling to further his end. He thinks we are weak because we do not tell our citizens what to think, how to act, whom to worship; because we tolerate dissent. He does not realize this is our strength, and he has awoken the sleeping giant.

"What he has done," as Churchill has said, "is to kindle a fire in hearts here and all over the world which will glow long after all traces of the conflagrations he has caused have been removed."

What these petty tyrants do not understand and have never understood is that for all of our rough-and-tumble public discourse, we are one people, under one President, and capable of greater single-mindedness of purpose than any repressive regime.

We will not relinquish our freedoms of speech, assembly, and religion, nor sacrifice our precious right of privacy or way of life. "The price of freedom is high, and Americans have always paid it," President Kennedy said. We pay it still.

This is the battle of America. The enemy may be new, but the fight has always been the same. Our government, our democracy, is premised on basic human freedoms, on the right of the governed to control their own national destiny. The Civil War tested whether any Nation so conceived could long endure. We have endured. We will go on, with growing confidence that we can fight terrorism wherever we find it and strengthened by the conviction that the generation of Americans now being tested will not falter or flag.

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I rise in very strong support of this joint resolution authorizing the use of military force against those responsible for the September 11, 2001 terrorist acts against our country.

We are about to make what, for most of us, will be the most important vote in our time as Members of Congress. Authorizing the use of force is a monumental event, and its significance should not be minimized. This resolution is not about vengeance; it is about victory, it is about winning a war against an enemy that is actively seeking to kill American citizens and destroy our way of life.

We are not naive. The use of force has many risks, but we risk more by doing nothing. This resolution acknowledges that the world is a different place today, but we have the ability and the will to win a war against terrorism. The security of American lives requires us to succeed. I urge adoption of this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY), a distinguished member of the Committee on International Relations.

Ms. BERKLEY. Mr. Speaker, I rise to offer my strongest support for this resolution authorizing the President to use all necessary and appropriate force against those responsible for the terrorist attack of September 11, 2001.

Today I stand in solidarity with my colleagues, with the administration, and my countrymen in defending America, in promising to seek justice and revenge on those who planned, authorized, committed or aided the vi-

cious agents of evil who carried out these terrorist attacks. It is a war we are ready to wage; it is a war we must win.

America stands ready to fight against terrorism wherever it rears its ugly head. Ours is not a war against a people or a religion, but it is a war against those that would enslave the minds of men and sow the seeds of hate and fear. I am confident that those who cherish freedom will heed our call to join us in our fight against international terrorism, and I am equally confident that we will make these cowardly terrorists suffer the wrath of a determined Nation.

No one can perpetrate such devastation on the United States of America and escape unscathed. To these blights on humanity, let me say this: This Nation will hunt you down and we will find you, and when we do, we will hit you once and, if we have to, again, and a third time. We make this oath to you today with a saddened heart, but with firm resolve. We will be victorious. Nothing less than our freedom depends on it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, it now appears that Tuesday's attacks will have taken over 5,000 of our friends, family, and neighbors. Five thousand innocents murdered because they were Americans. If this does not call for an American military action of some sort, then I do not know what does. We are talking about nearly double the number of people who were killed in Pearl Harbor and, clearly, the largest military attack on American civilians in our Nation's history.

A well-funded international terrorist organization has declared war on us, and we can do no less than fight this enemy as we would any Nation that had committed the same atrocities. Whether it is tomorrow, next week, or next month, we know that the only message that these butchers will understand is a timely decisive show of American might. Our decision to take action will not be made in haste. We will pinpoint those responsible and make our judgment swift and effective.

This is not about revenge, Mr. Speaker. It is a means of ensuring that those who would wreak acts of terror upon the United States know the price of their barbarity. America is the world's symbol of freedom, of prosperity. The idea that is America has been savagely attacked, and we have an obligation to the world to defend the values we embody.

Nations across the world have offered their condolences, their prayers, and pledges of logistical support should we choose to take military action. They know that the next attack may not be

New York or Washington, but Brussels or London. We have the responsibility and the power to bring these terrorists to justice.

Mr. Speaker, the challenge has been issued and now it is up to us to decide whether we will rise to the occasion. Supporting the President is our duty to the victims and to the world.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Mrs. CAPPS), my distinguished colleague.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this resolution.

Tuesday was the darkest day in American history. Our grief for the victims knows no bounds. Our compassion for their families fills our hearts. Our pride in the rescuers, medical personnel, and volunteers is endless.

In the aftermath of this terrible assault, our Nation now faces tremendous challenges. We have no greater challenge than to protect our citizens and our institutions against further acts of terrorism. Never before has our Nation faced such an extraordinary threat to our security and to our way of life.

By passing this resolution, Congress stands united with the President in what may be a long and costly fight against these forces of darkness and evil. But make no mistake. We will prevail.

□ 1915

Mr. HYDE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, at 10 a.m. on September 11, I stood on the east lawn of the Capitol, smoke billowing from the Pentagon behind the Capitol dome, F-16s coursing through the air. The Earth beneath my feet shook with a secondary explosion at the Pentagon.

I was filled, Mr. Speaker, with a deep and resolute anger that this would not stand; that America would respond. That is altogether fitting. The butchers who carried out these attacks see themselves as warriors, and it would be wrong of us to deal with them otherwise.

What they are about to learn is that America's fighting men are the most powerful warriors in the history of the world. Tonight I will solemnly and with deep humility vote to give our President the power to use all necessary and appropriate force to vanquish the enemies of our peace. May God have mercy on their souls, because the United States of America will not.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to our distinguished colleague, the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman very much for yielding me time.

Mr. Speaker, I served in the Congress during the heated debates about Presi-

dential powers during the war in Vietnam. As a consequence of the differing opinions that were so heatedly fought on this floor, the War Powers Act was enacted. It clarified specifically what the Presidential powers were, and to what extent the responsibility of the Congress was to review those actions taken by the President.

We are here today to authorize President Bush to take such powers and such actions as may be necessary in order to find a way to punish, to retaliate against those who caused all this damage on the soil of America, and we join the President in our eagerness to give him that authority.

But I want to make sure that I understand this resolution. I have read it a dozen times over, because I want to make sure that the War Powers Act that we enacted right after the conflagration in Vietnam is not in any way jeopardized.

I think we have to call attention to those sections which say "Nothing in this resolution supersedes the war powers resolution." On that basis, I support the passage of this resolution tonight.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), a member of the Committee.

Mr. PITTS. Mr. Speaker, we must pass this resolution and give the President all the power he needs to stop the slaughter of innocent Americans from happening again. The evil men who orchestrated this attack have shown that they will stop at nothing. Their goal is to kill as many Americans as they can. If they ever get their hands on chemical, biological, or even nuclear weapons, they will use them. Let no one doubt it. We are at war, a war to save innocent Americans from the specter of grisly death by the weapons of mass destruction.

But it is not a war against Muslims or against Arabs. Many of our Arab and Muslim Americans came to the United States to get away from the very same type of extremists as those who attacked our country. In the past few days, my office has received an outpouring of deeply sympathetic support and condolences from people in many Islamic countries around the world.

As our great Nation pulls together, let us be careful not to turn to hate or stereotyping. Justice must and will be carried out, but it will be against those who deserve it, the savage radical terrorists, not against our fellow Arab and Muslim citizens and friends here and around the world.

In that spirit, I urge my colleagues to pass this resolution unanimously.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague, the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the joint resolution. By passing this resolution we say, never again. We stand shoulder to shoulder with President Bush, our Commander in Chief, firmly united in our resolve to identify and punish all nations who harbor hatred to our country.

Mr. Speaker, that is our highest duty. This can be our finest hour. This afternoon this House took a major step toward winning this war when it unanimously passed the \$40 billion emergency supplemental. Now we take the next necessary step, authorizing the President to use all necessary force to prevent any further acts.

Mr. Speaker, as I noted yesterday, Americans have always known that freedom is not free. It often comes with a tremendous cost, and often imposes a tremendous responsibility. Throughout our history, Pearl Harbor, Gettysburg, from the founding of our constitutional democracy, our citizens have always been willing to pay that price. We are ready to pay that price, Mr. Speaker. We will never forget the sacrifices of all the victims of terror. We will honor their sacrifices by waging and winning the war against terrorism.

Sixty years ago, after he learned of the attack on Pearl Harbor, Winston Churchill quoted a remark made to him: "The United States is like a gigantic boiler. Once the fire is lighted under it, there is no limit to the power we can generate. It will be generated."

Mr. BEREUTER. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, Members should support this resolution because it affirms the President's authority to firmly direct America as we identify, isolate, and eliminate the networks of terrorism. This international network of terror is a cancer growing on the heart of every free Nation.

We must hand President Bush the tools that he needs to defeat our enemies. We must fortify our Armed Forces with the certain knowledge that a united America marches behind them, and we must convince our enemies that America will ultimately vindicate freedom, no matter how depraved, twisted, or evil our enemy's ideology may be.

We do not walk an easy road. Our Nation faces a long and demanding conflict with forces of determined evil, but the fiber of our American spirit and the strength of our faith will sustain us as we do what needs to be done to protect freedom and secure victory.

Every American should anticipate and prepare for a prolonged and sustained campaign. They should understand that this war will be measured in years, not months. They should prepare themselves for additional assaults

at home. They should expect casualties as we take the battle to our enemies.

But they should take pride and draw confidence from the great reservoir of American patriotism and resolve. We are made of sterner things than our enemies know. We will show the world that we retain the qualities that made us the leader of the free world. We will do it by holding firm to our mission. Deeds, not words, will save America and the free world.

When the President draws that sword of American justice, he needs to do it with all of us standing right beside him. Mr. Speaker, this resolution rallies our Nation behind the President, and I ask the Members to support it.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Texas Mr. BENTSEN.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of this legislation extending to the President the authority to take the steps necessary to respond against those persons, organizations or nations responsible for the attacks against America last Tuesday.

I believe this authority fully complies with Congress' constitutional and statutory authority in authorizing the use of force in the defense of the Nation. It is necessary, I believe, to send a message loud and clear that the President and the Congress of the United States are committed to employing the full resources of the Nation to both respond and ensure that our adversaries who undertook and/or aided in the attacks of September 11, 2001, will be held responsible and prevented from future atrocities against America.

Passage of this bill tonight will signal to these ruthless forces that the United States is fully committed and has done so without compromising our Constitution, laws or ideals. While September 11, 2001, has caused great pain and agony for the Nation, it has not and will not defeat our resolve or our commitment to freedom and democracy.

The fight may be long, it may be tough and costly, but we will know from tonight forward that it will be right.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise in strong support of this bill. President Kennedy once said in his inaugural address that: "In the long history of the world, only a few generations of Americans have been granted the role of defending freedom in its hour of maximum danger. I do not shirk from that responsibility. I welcome it."

We are once again called upon to defend freedom in an hour of maximum danger. My son, Charles, in a recent college application essay, noted that

Americans have always risen to the challenge, from settling this rugged land and gaining independence until today.

Freedom again is challenged. We owe it to my son, Charles, and all our children to rise to this challenge so that they can live in a land where freedom is safe.

We have a responsibility and we will not shirk from that responsibility. We welcome it.

It is my hope that, again quoting JFK, "The energy, the faith, the devotion that we bring to this challenge can light our country and all who serve it and the glow from that fire can truly light the world."

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague, the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of this resolution. I would like to do so with caution. This is a resolution that comes with a tremendous amount of responsibility. I support the President, but we are treading on new grounds here today. As my favorite scripture says, "To whom God has given much, much is expected." Let me repeat that. "To whom God has given much, much is expected."

On September 11, for the first time in 175 years, the capital of the world's greatest military power was attacked. This was a well-thought-out and organized attack, and it demands a well-organized and powerful response.

Members of this group that designed this attack cannot go unpunished. Nor can the Nations that trained, supported or gave them shelter. The United States must deliver a swift and immediate response to this horrible act against the people of this great Nation.

God bless America.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Ohio (Ms. PRYCE), a member of our elected leadership.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman from Nebraska for yielding me the time.

Mr. Speaker, I rise in strong and unwavering support for this resolution, for the President and for our Nation. The events of September 11 have left a scar on the United States of America, a scar that may never completely heal. And part of us will always remain beneath that rubble, but as we steady ourselves, from deep within, we look toward the pursuit of security and justice.

By enacting this resolution, we speak with one voice. We are united behind our common cause and against our common foe. We should not take lightly the great effort that we set in motion here today. Indeed, each of us must give pause in our hearts as we start the men and women of our Armed Forces down this path.

But this pause, this reflection should not be mistaken for hesitation. Our resolve is undaunted. The attackers of September 11 meant to unleash fear and chaos. Instead, they unleashed our fury.

Mr. Speaker, we do not blink in the face of this challenge. Our Nation rises up, and when we clear away the dust and the smoke, the world can be sure that the United States will shine on, the brightest beacon of liberty and freedom.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute and 10 seconds to my distinguished colleague, the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in support of this resolution.

Like my constituents in Marin and Sonoma counties, I feel a combination of outrage and sorrow over Tuesday's tragic events. I share my constituent's wide-ranging conflicting emotions about what should come next. No doubt the events of September 11 have changed us forever; but as I stated Tuesday, our Nation's response to these attacks will also leave an indelible mark on the American people.

Yes, we are united in our disgust for the violence that was perpetrated in New York City and Washington, D.C., against our democracy and against our freedoms. We know that we must bring those responsible for the attacks to justice, but my constituents also ask, do we know what means are appropriate to accomplish that? They are pleading with me and with you that we temper our absolute resolve with wisdom.

□ 1930

Our conscience and our memory reminds us that a hasty response to Tuesday's attacks, just for the sake of retribution, could mean killing even more innocent people. That is why my constituents beg me and I beg this body, please, do not respond to evil with evil.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in very strong support of this resolution. As sons and daughters of what has been called the "Greatest Generation," many of us grew up in awe of those giants of the 20th century, common citizens who performed uncommon deeds of valor and gallantry that secured our Nation and the world's freedom. We thought bravery of this kind was found only in our history books and in the memories of our veterans. This week, our generation confronts our own challenge, and it is a challenge of enormous consequence. Now our generation will be given the chance to rise to the occasion and make the "Greatest Generation" proud.

We confront an enemy that is a threat to the civilized people of our times. Once our Nation rose to stave off tyranny. Now we must employ all our resources to stave off terror and fanaticism. We will answer this duty, and we will not go quietly and softly into the good night.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of our Committee on the Budget.

Mr. SPRATT. Mr. Speaker, in a strict sense, this resolution is not necessary, because the Constitution makes the President commander in chief; and as such, he has the power to strike back when our country is struck, as it was struck on September 11, and the War Powers Act confirms that power.

Even though the President can retaliate without this resolution, he is far stronger with it. This is our way of saying that we are together in this cause. We approve the mission. We are one in our resolve. By this resolution, we say that unmistakably to the whole world, friends and foe alike.

On occasions in the past, we have been aware of invoking the War Powers Act and becoming implicated in military actions we were not sure about. But the world should note that in this instance we set such concerns aside and give the President broadly the power to use all necessary and appropriate force.

These words have large scope. We do not know for sure who the enemy is, where he may be found, or who may be harboring him. Congress is giving the President the authority to act before we have answers to these basic questions because we cannot be paralyzed. We need to answer this treacherous attack upon our people on our soil, and that is why we grant the President this broad grant of authority.

We trust the President to use this authority with care and, above all, to consult continually with Congress so that the partnership that exists now will endure for the long fight that lies ahead. We do not expect to huddle before every play, but we do expect a seat at the table. We do expect to be advised and heard as we prosecute what is sure to be a long, hard mission.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. BUYER), a member of the Committee on Armed Services.

Mr. BUYER. Mr. Speaker, I rise in support of this joint resolution between the Senate and the House. As I have sat here and have witnessed my colleagues, I have seen great resolve uttered in this Chamber and the swagging display of courage.

I can share with my colleagues, as a veteran of the Gulf War, that war may be glorious in verse or prose, but in re-

ality it is not. We are about to send America's finest, and that means men and women will die. It will be a noble cause, but we must remember the resolve of this moment, because in war it is chaotic. Not everything is going to go right. We cannot be 400 and 500 generals between the House and the Senate.

The solidarity and resolve we have at this moment we have to remember at times when it gets tough, when we have to stand with a constituent in a lonely place at a burial service. We must make sure that we take care of the loved ones afterwards. And taking care of them means we resource them and we are patient and we are in this for the long haul.

We cannot have the bravado of today and then run at the first sound of the guns. We have to stay the course and see it through. Please, when it gets hard, remember this day.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to my friend and colleague, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of this resolution to authorize the President to take necessary actions against terrorist nations, organizations or persons. And in authorizing the President this power, we must ensure that we protect innocent people and nations and that we, as a Nation, do not use this authority to go back in time against innocent Americans.

It is time to end this barbaric cowardly act on our country and Nation. What happened on September 11 was clearly an act of war that has landed on our shores. It has touched the lives of our country and Nation and many individuals, individuals such as Cora Holland, mother of three and grandmother of two from my district; Rhonda Sue Rasmussen, who lost her life at the Pentagon; Navy Yeoman Second Class Melissa Rose Barnes, who remains unaccounted for at the Pentagon, and many innocent civilians at the World Trade Center and the Pentagon, as well as those who were on the flights who were used to commit this evil horrible act.

We as a Nation will pull together and build our courage and strength for we are united and our faith will guide the President and Congress in dealing with this horrible act. When America is attacked, we respond with one voice, with the full force of our Nation.

I urge support of this resolution. God bless America.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I rise in support of this resolution. In the immediate future our task is clear: we must wipe out terrorism and all those who support it. Under the U.S. Constitution, this body's overriding re-

sponsibility is to protect the security of American citizens. We must go to whatever lengths are necessary to hunt down and destroy those responsible for these attacks.

However, achieving this immediate goal is only half the battle. We must begin with the long view in mind. We must also think now about how to shape the world so that another terrorist network will not rise up to replace the one we will destroy. We must create the conditions for hope and opportunity in the countries that are now fertile grounds for the development of future terrorists.

We must develop a vision for American involvement in the 21st century, "for without a vision, the people will perish." As President Reagan said, "Great nations have responsibilities to lead, and we should always be cautious of those who would lower our profile, because they might just wind up lowering our flag."

If we are to thrive through this century, we must lead. For to whom much is given, much is required.

This week's attacks were an act of war against the United States. When we determine who is responsible our reaction must be strong, decisive, and sustained enough to stamp out this threat against our nation. This resolution gives the President the authority he needs to conduct any operation that would punish the group responsible for these attacks and any government who harbors these terrorists.

Many people have discussed the symbolism of these attacks. The only enduring meaning of these attacks—planes crashing into buildings—is barbarism, cruelty and hate.

In the immediate future our task is clear. We must wipe out terrorism and all those who support it. Under the U.S. Constitution this body's overriding responsibility is to protect the security of American citizens. We must go to whatever length is necessary to hunt down and destroy those responsible for these attacks.

However, achieving this immediate goal is only half the battle. We must begin with the long view in mind. We must also think now about how to shape the world so that another terrorist network will not rise up to replace the one we will destroy. We must create the conditions for hope and opportunity in the countries that are now fertile ground for the development of future terrorists.

We must develop a vision for American involvement in the 21st century, for "without a vision the people perish." Without question or wealth and power make us the leader of the free world, but we must also lead the free world.

As President Reagan said, "Great nations have responsibilities to lead, and we should always be cautious of those who would lower our profile, because they might just wind up lowering our flag."

If we are to thrive through this century we must lead, "for to whom much is given much is required."

What this means for the coming battle is that we must target terrorists and the state-

structures that support them, not the citizens of nations who, in many cases, are already suffering under repressive regimes.

Our greatest asset in this immediate battle against terrorism and the long-term fight to shape a world that is safe for democracy is the strength of our character. The rescue workers in New York and Washington have shown the world what we are made of. Their heroism has reminded me of the words on the Iwo Jima Memorial, "Uncommon valor was a common virtue."

The depth of evil expressed in Tuesday attacks was extraordinary, but the love Americans have for freedom and for one another is greater still, and we must spread it. Terrorists may attack our structures but they will never dent our soul.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, 3 days ago, on September 11, our Nation suffered a grave terrorist attack that challenged not just America but democracy itself. Today, the American family gathered in churches, mosques, and synagogues to remember and pray for the victims of this unforgivable act.

As generations before us, we will rise as one Nation behind one flag to defeat a common enemy. It is with this unity of purpose that we consider this joint resolution authorizing the use of all necessary and appropriate force against those responsible for this barbarous attack. My colleagues, today is only the beginning. This power we are about to entrust in the President is essential to ensure that our Nation is able to eradicate a vile weed all the way down to its roots.

We too, as the elected representatives of the men and women of America, are responsible for the successful prosecution of this endeavor. In the weeks and months ahead, we must act and work as one with the President as he consults regularly with Congress about the status and progress of our great Nation's efforts against those who planned, perpetrated or were complicit in the infamy and inhumanity of September 11, 2001.

Mr. Speaker, God speed to all of us as we prepare to undertake this dramatic struggle to restore the peace and security we as Americans cherish.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this resolution authorizing the use of force. The recent attacks on the World Trade Center and the Pentagon leave our Nation horrified and angry. Our hearts grieve for the victims and for families who have lost loved ones to these acts of terrorism. But through this tragedy, we will see America at her finest.

The wave of patriotism rising across the Nation exposes a fierce determina-

tion that we will not back down in the face of cowardly attacks. These attacks are solemn reminders that there are people who begrudge America for her stands for democracy and freedom.

I fully support President Bush in his pledge to hunt down those responsible for these despicable actions and hold them accountable, and we must hold no distinction for these despicable terrorists and the countries that protect them.

Mr. Speaker, may God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I too rise in support of this resolution. But of all the important votes I have had to cast, this one scares me the most because we do not ultimately know the true magnitude of this challenge or its true cost.

This is the beginning of a prolonged and lengthy fight against terrorism. I am confident that we will win most of these battles, but we should anticipate losing some as well, as we did last Tuesday. This resolution is not about retaliation or revenge, this is a matter of self-defense.

Mr. Speaker, last Tuesday, our ship of state was hit. And while we will not sink, we were bloodied on our own soil. Now it is time for all hands to be on deck, not just here in the United States but amongst all the civilized nations in the world as we band together to defend ourselves against international terrorism.

Our President has requested this authority, and he will get it. And may God bless those men and women in uniform who will be asked to carry out this task.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, our hearts go out to the hurt America now feels. For centuries, the international civilized community has been plagued by three fundamental enemies: ignorance, arrogance and dogma. America's solution for the long-term defeat of these enemies is to replace ignorance with knowledge, arrogance with humility, and dogma with tolerance.

□ 1945

Sometimes, as now, in the short term a terrible swift sword is also necessary. America now recalls the words of Franklin Roosevelt 60 years ago when he said, "This generation has a rendezvous with destiny."

We defeated evil then. We will defeat evil now. Our generation has accepted a rendezvous with this destiny; and that is to rid the world of these plagues.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, the senseless human tragedy caused by the craven terrorist acts of September 11, 2001 weigh heavily on our minds and will do so for days, months, and years to come.

Many have said our Nation will never be the same. I agree. Our Nation is stronger, more united, more proud than possibly any time in our history. The outpouring of grief and support both here and around the world has been comforting. The terrorists may have collapsed our buildings, but in response, we are building a stronger America.

America is based on a Constitution and our laws. Under Section 2(c)(3) of the War Powers Act, the President already has the ability to use the military to respond to an attack upon our country and our Armed Forces. Nothing in the resolution supersedes any requirement of the War Powers Act. The President has authority to respond against those who perpetrated the acts on September 11.

Under the resolution of force pending today, Congress will reserve the right to review the President's plans and actions. But make no mistake, this Congress will stand behind our young men and women in uniform who may be put in harm's way and we will stand with President Bush as Commander in Chief. I hope and pray the President will use the awesome force of the United States with great deliberation and wisdom.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I rise today to give a speech I never imagined I would give; that of support for an authorization of force, a 21st century declaration of war.

As a member of a generation largely shielded from the horrors of war, I accept this responsibility with no small amount of respect and humility.

Today we undoubtedly will approve the mobilization of our Nation's sons and daughters to combat, to injury, pain, sacrifice and death. There is no glory in our vote this evening, only duty.

We have a solemn duty to protect our shores, our countrymen, and our liberties. We step away from the rhetoric this dark September night to commit ourselves to a national sacrifice with this vote to a sustained commitment of lives, liberties, and provisions necessary to preserve those things we here subscribe.

Many of the men and women in the service of our Nation are in the springtime of their lives. But to many in my generation, Pearl Harbor was an exam question, Korea a backdrop for a TV rerun, and Vietnam a blurry scene cobbled together by Hollywood and an oldies radio station. To many Americans, the Gulf War seemed like a sustained video game writ large in ticker

tape parades, precision bombs, and talk of future bloodless wars.

Mr. Speaker, the future is here and this war is bloody indeed. Our Nation is ready. Our forces are prepared. The public is supportive and Congress stands together as one. Godspeed to the President and God bless America.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I stand in strong support of this resolution.

There is no question that we are strongly united. I have been in this House for almost 20 years, and I have not seen so much unity, not only among the House Members, but throughout this great country.

We have to realize that 2 days ago, the dreams and hopes of many young men and women and people of this country were destroyed by the acts of these terrorists.

I had a chance to go visit the Pentagon yesterday. I could see the civilian agencies locally, nationally, our military working and singing from the same page. It is distressing to see that many families lost their fathers, mothers, uncles and many families.

The best thing I can say to those terrorists is do not mess with the U.S.A.

God bless America.

I rise in support of the resolution, the first step this Congress will take to exact retribution for the act of war committed upon this nation, striking at the heart of our financial and military centers and taking dead aim at our political center.

Let Congress' message ring very loud to those responsible for this act of war: we recognize it as such—and the people's representatives respond in kind.

We have been hit hard, and we have lost family, friends, children, mothers, fathers, and many dreams died.

We lost our innocence to a large degree; and the number of people we lost exceeds the casualties of Pearl Harbor.

This resolution respects the Constitutional power to declare war, the most awesome responsibility given to Congress.

Since we have yet to discover definitive proof of all those responsible—including nations which gave Osama bin Laden safe harbor—we must give the administration the authority to pursue these international criminals until we have the information we need to declare war.

I have seen the morale of the emergency workers at the Pentagon and seen the looks of grim determination on the faces of those who work there every day.

They are now helping clean up the mess and recover the bodies of their comrades in arms.

Their morale is very high.

The morale of the nation is very high.

This is a hard decision for Congress to make—usually.

Today the decision is not so difficult.

These terrorists brought their destruction to bear inside our borders.

As the Ranking Democrat on the Armed Services Readiness Subcommittee, let me offer my advice to my colleagues.

We must not telegraph our punches.

Here's what that means: we don't tell the enemy how we will conduct our campaign, nor what kind of force to expect.

It will be swift, overwhelming and deadly, but let that be all we tell bin Laden and his bunch.

Let us give our military the money they need and send them to do what they do best: fight and win wars.

Our armed services have some of the most talented people in the nation, capable of doing whatever mission we need done.

Most importantly, let them utilize the element of surprise, which, as we all know is a brutally effective part of the arsenal.

Finally, a word to the people who perpetrated this act of war.

I want to explain to you why your efforts to damage our nation—or undermine our democracy—are futile.

We are a nation of laws, not people.

It is our ideas and our commitment to liberties and democracy that bind us together under our Constitution.

Washington is not where the power is; that power lies with the people of this nation.

Nothing illustrates that better than on Tuesday when the House Call Center redirected all incoming House calls to our district offices, scattered across the country when we evacuated.

Our meeting place here in this building is where we come to do the people's business, but we are temporary employees of the people who elect us.

If a member of our government is lost, another is elected.

Our power is in the people who populate this nation, and the ideas that bind us together.

Your power is in hate and wealth.

We will win.

The last thing you will see is the mighty power of the United States military.

May God—and Allah—have mercy on your soul, and on all who harbor you.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. ENGLISH.)

Mr. ENGLISH. Mr. Speaker, Psalm 71 says, "Bring to a shameful end those who attack me. Cover with contempt and scorn those who seek my ruin."

On Tuesday, September 11, war was declared on the United States without provocation. Tonight we rise to accept that challenge which we did not seek, but to which we respond with resolution. We are prepared to defend our soil, our institutions and our peaceful communities.

We did not seek this conflict, but we stand fully prepared to finish it and restore justice and peace. To do this, we are prepared to place in the hands of our leadership the full power and resources of the U.S. military and the authority to challenge the evil that has descended this week upon our Nation, wherever it may hide.

We as a Nation have not bent in the face of adversity, but we have bristled at the challenge to our freedoms. We

cannot allow this challenge to go unanswered.

I urge my colleagues to fully support, without qualification, the President and the men and women in uniform as the men and women of our Armed Forces prepare to defend our liberty, knowing that we realize we are asking them to sacrifice much and are confident that they are up to this daunting task.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, Americans are now standing at the crossroads of history. We must rise to the challenge.

Will we scurry back to where we came, or will we hold our heads high and proud and march forward to battle those who threaten our way of life? With this resolution, we have answered the question.

We will answer senseless slaughter with the necessary aggression to bring about its end. We will answer wanton killing with the belief that we are right in our belief and our love for freedom. We will answer hatred with the determination to preserve humanity. It will be a long and difficult struggle. But with the passage of this resolution, let no one doubt our firmness in defending ourselves.

We are a united Congress. We are a united government. We are a united people. We will succeed. I support this resolution and ask my colleagues to support it.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SHIMKUS) with whom I share pride in having been an officer in the United States Army in the past.

Mr. SHIMKUS. Mr. Speaker, as a former active duty Army officer and current reservist, the day I have most dreaded is here. With this resolution my military colleagues, my West Point classmates, my friends, will go into battle and some will pay the ultimate sacrifice with their lives.

Our Founding Fathers understood this as they pledged their lives, their fortune, and their sacred honor.

Mr. Speaker, at the Pentagon yesterday, a young lieutenant from the Old Guard asked me, "Are we going to go get them, sir?"

I was mistaken when I said, "Yes, we are." I should have said, "Yes, you will."

What a sobering responsibility to send our young men and women into battle. To our Nation I say stand firm, do not waiver, see it through. To my colleagues I say, stand firm, do not waiver, see it through. May God bless America.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I stand in support of this resolution. Tuesday's terrorist attacks

are unparalleled in our history, costing thousands of lives in one terrible day, more than the carnage at Antietam, more than Pearl Harbor. This was a carefully planned and skillfully executed act of war; and we must answer it with unity and resolve, apprehending and punishing those responsible, and any who harbored them or gave them aid.

In responding as swiftly and surely as our military might permits, we must do our utmost to protect innocent civilians, a principle that stands in stark contrast to the practice of our brutal adversaries. We must carry out military action within the parameters of the Constitution and the War Powers Act, as this resolution provides. We must punish those heinous acts of Tuesday, acts as close to absolute evil as any of us will ever witness, and we must prevent anything like this from ever happening again—rooting out terrorism even as we renew our Nation's commitment to alleviating the world's suffering and injustice and serving as a beacon of hope to all humankind.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. RILEY), a distinguished member of the Committee on Armed Services.

Mr. RILEY. Mr. Speaker, there are defining moments in each of our lives. There are also defining moments in the life of a nation. September 11 was one of these defining moments. That was the moment our Nation remembered the sacrifice of our fathers and understood our responsibility to our children. At that moment, our Nation was galvanized by what it means to be an American. And now this resolution will show those who supported this act of hate the full meaning of American resolve.

Mr. Speaker, I offer my full support of this resolution and to the destruction of evil wherever it resides in this world.

Mr. LANTOS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise with a great deal of uncertainty and apprehension.

To the President of the United States, I will be asked by my constituents did we give you the power to declare war? Many in this Congress will argue that we are not giving you the power to declare war. Others will argue that we are giving you the power to do anything from assassinate an individual, to declare war on an entire country.

Mr. President, I am going to vote yes on this resolution because I believe the terrorist acts of September 11, 2001 were in fact a declaration of war against the United States of America. However, I vote yes with great reservations.

To be honest, Mr. President, I do not know what this means. The language of

this resolution can be interpreted in different ways.

Mr. President, you have the awesome responsibility of leading this Nation and making the best possible decisions for the people of this country. Mr. President, do not misuse this authority. Mr. President, do not abuse this awesome power. Mr. President, I plead with you to use this authority with great care and great wisdom.

Mr. President, with this power, the decisions you will make will determine the future of this Nation and perhaps the world. May God bless you with restraint and compassion to make wise decisions, and may God have mercy on your soul if you do not understand the awesome power that you have been afforded by the Members of Congress who are placing our trust in you on behalf of the American people.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair advises Members that all remarks should be addressed to the Chair.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise in support of this resolution authorizing the use of force against those responsible for the acts. I wanted to be here to be part of history, to make sure I was there when this took place.

I have no eloquent words to say tonight like so many others than to say this: I want us to pray for the President; to pray for our leaders on both sides of the aisle; to pray for those in the Cabinet who are going to be part of this decisionmaking; to pray for the military because few, if any, of us will actually go into combat; to pray for the men and women who go into combat; to pray for wisdom, protection, and guidance; and lastly, to pray for our country.

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Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to my good friend, the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, Tuesday's events were an attack on the United States, but they were more than that. They were an attack on humanity and civilization itself. This resolution tonight represents a policy change in our country, a big policy change, a monumental policy change, because we are declaring war not against any nation, not against any individual, not against any religion. We are declaring war against animalistic, inhuman behavior called terrorism wherever it exists on Earth. That is a monumental step for this country.

This country needs to take that step in my opinion, though, because we are the leader in freedom and democracy and human rights in the world. And so on behalf of humanity and on behalf of civilization, on behalf of our children

and grandchildren's future, we take this burden on tonight. We did not seek it. But, ladies and gentlemen, we have seen the face of evil and we must crush it.

We are filled with grief, yet buoyed by pride. Like all Americans, I want to right this wrong and to avenge these cold, calculated killings. While this might seem a forgone conclusion to the overwhelming majority of those home and abroad watching and awaiting our decision, this is the single most difficult obligation for a Member of this House to fulfill. In approving this measure, one is reaffirming one's support for our nation, our President, our military leadership, and expressing our collective outrage and defiance on behalf of the thousands of American families that have been torn apart. In this respect, this is an easy decision. But, as Members of Congress, we do not have the luxury of reacting solely on emotion.

Ultimately, the weight of this awesome responsibility and the consequences of this decision falls on each of us. Thus, we as members of this institution, are required to divorce ourselves from the emotions, consider the interests of our nation, and to give serious consideration to the very real prospects, or one might say, the inevitable consequences of our choice. One cannot avoid the probability that the action we consider here tonight will likely bring additional loss of American life. As such, the exercise of this Constitutional obligation is never easy, regardless of the relative merits or personal convictions with respect to the course prescribed.

Moreover, tonight each Member has the additional burden of knowing that in approving this measure we are not only responding to this action, but we will be embracing a monumental change in U.S. policy. With this resolution, we declare that we will no longer draw any distinctions, limiting our response to those individuals who materially participate in an act of hatred and cowardice against the United States and its citizens. We are clearly at a point of demarcation in U.S. foreign policy. From this point forward, we say to the world, choose sides. Either you join us in the singular purpose of rooting out and destroying these merchants of fear and networks of hate, or we will regard you as a co-conspirator and, as such, you will be subject to the same fate as the perpetrators.

Again, this seemingly simple adjustment is no insignificant matter. This is a major policy shift which presents numerous challenges. This resolution will change the tone and tenor forever. This was an attack on civility and as such it will require a monumental effort. It will require us to have the fortitude and strength of resolve to see it through to its conclusion, without regard for the unavoidable unpleasanties. We must stay the course. To deviate or to shy away would surely risk exposing our nation, our citizens and life as we know it to far greater dangers.

America is the embodiment of freedom, the beacon of hope and in a very real sense, the guardians of justice—a justice shaped and honed by our values and morals. From this point forward, we will surely have our morality and values tested. We must strive to seek that delicate balance between accomplishing our objectives and ridding the world of these vessels of hate, while showing utmost care not to

allow it to lead to a decay of our appreciation of humanity. We must not allow our anger to burn so deep that we become like those we condemn. In our zeal to right the wrongs we must show care not to dim the lamp of freedom or diminish the sacrifice of those who have given their lives to promote, protect and preserve this great democracy.

This was not just an attack on New York City, the Pentagon or even America, but rather an attack on civilization, itself. It marks an escalation which cannot be ignored. We must join the other nations in an all out fight against these enemies of society. I applaud President Bush and Secretary Powell's efforts to reach out and build international support. We must spare no efforts to seek the full support and cooperation of allies, as well as friend and foe in the Arab world. This effort will certainly require an unprecedented level of diplomatic cohesion and demonstration of political sensitivity. Failure to gain the support and cooperation of the international community will surely limit our effectiveness and expose this nation to grave dangers. We can ill afford to become isolated in this pursuit.

As a nation, America has slumbered in the naive belief inherent in our decisive military might, superior technology and the safe labor provided by the great expanse of open ocean. Heretofore, we have been afforded the luxury of remaining unsoiled by the dirty business of hatred so common in a majority of the world today. On Tuesday, we were rudely awakened, our naive sense of security shattered by the ugly realities of terror.

We did not choose this course of our own volition, but having seen evil's face we must be resolved to join the fight with everything we can muster.

I stand in support of this resolution. May we proceed wisely.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Nebraska for yielding time.

Mr. Speaker, I support this resolution. I support this legislation. However, we ought to be here this evening debating a declaration of war. Somebody once said that if it walks like a duck, if it quacks like a duck, if it looks like a duck, then it is a duck.

This is war. The President has said it is war. The Secretary of State has said it is war. The Secretary of Defense has said it is war. Former government officials have said it is war. The American people know it is war. There is one way and one way only, Mr. Speaker, to respond to acts of war, and that is to declare war. Give the President the tools, the absolute flexibility he needs under international law and The Hague Convention to ferret these people out wherever they are, however he finds them, and get it done as quickly as possible. We need a declaration of war.

I urge my colleagues to keep that in mind and to support a declaration of war above and beyond this power that we will give the President this evening.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I am angry, as I am sure most Americans are. And words cannot express our anger. But I have an 18-year-old son named Mervyn. And I always tell Mervyn, "Mervyn, anger is the ill wind that blows out the light of reason."

I stand firmly in support of the United States, the United States Constitution, our President and this Congress. I just trust that we will be as deliberate as they were, as precise as they were, but we must not let our anger blow out our light of reason.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. I thank the gentleman for yielding time.

Mr. Speaker, this is serious business. Tonight, we authorize the use of force. But we really have no choice, because a bunch of murderous thugs have extinguished the life from thousands of innocent Americans.

This weekend in my home State of South Dakota in the State capital of Pierre, veterans of World War II are going to gather and celebrate the achievements of what has been called our greatest generation. My father will be among them. He and the patriots of his day knew that American justice demanded that they rid the world of fascism and genocide. Their generation fought and defeated the evil of their day, and together our generation must fight and defeat the evil of ours.

I believe I speak for every South Dakotan in saying that these terrorists have messed with the wrong country. They have picked on the wrong kid. They have murdered our innocent brothers and sisters. And we will make it right. There will be justice. I know that every South Dakotan stands ready to support our President, to defend and protect American citizens and American freedoms. The world will know that America is strong and there will be a reckoning.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, as I read the War Powers Act, the President actually has the authority to do what we are asking him and giving him the authority to do in this resolution because of a national emergency created by an attack on the United States or its forces. Despite that fact, this has got to be the most difficult vote I will have cast in the 9 years I have been in this body. I am absolutely terrified that we are about to declare, or authorize the President to declare war. But we have got to do it. That is what our constituents sent us

here to do, to make the weighty decisions, to cast the difficult votes.

I just hope the President will exercise his authority with judgment and wisdom. And I hope that God will bless America and these decisions.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Utah (Mr. HANSEN), a member of the Committee on Armed Services and chairman of the Committee on Resources.

Mr. HANSEN. Mr. Speaker, it was our friend, the gentleman from Texas, Mr. SAM JOHNSON, who served about 6 years in Hanoi as a prisoner of war. He states that on his cell wall he had a little statement that said, "Freedom has a taste to it to those who fought and almost died that the protected will never understand."

I guess the events of Tuesday brought us a lot closer to understanding what could occur. We see where freedom is challenged by another nation if it may be a nation, which it is not but a group of people who have some funny attitudes.

Today, I had the opportunity of going over to the Pentagon and standing there and looking at what occurred. Apparently, there were two people standing there as that plane went over their heads. They actually felt they had to duck as it went over their heads, standing right outside of the Pentagon. They said at that point that they throttled up, as we used to say in the Navy, we two-blocked the throttle, and went in. Imagine that tonnage of airplane hitting that Pentagon at that speed.

A lot of people died; a very painful situation. But this thing can be made right. And it should be, and these people will be ferreted out. And I am confident they will be destroyed. That is what should occur.

Freedom has a taste to it and we better learn to understand it.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, on behalf of the people of Guam, I rise in support of the resolution to authorize the use of military force by the President against persons, nations, and organizations which were connected with the despicable acts on American soil on Tuesday, September 11.

A formal authorization to pursue the criminals and their cohorts who committed these inhumane and incomprehensible acts is our collective statement about our national will. It is a will that reflects a national crusade that will inevitably prevail. I have no doubt about that. But we should be mindful that our national will should not be displayed with anger; it should be pursued in the name of justice. We

do not take this step in the name of vengeance. We take it in the full confidence that we are a special people, called upon to safeguard freedom and democracy here and abroad.

It is a mark of our strength that we do not use military strength lightly. It is a mark of our democracy that we take this step now and in the future together with the President. It is a mark of our people that we marshal the resources, the courage and the wisdom to prevail, not to assuage our anger but to make the world safe for everyone.

Support the resolution. Support the President. Support our men and women who are working around the clock to defend us all.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I want to thank my good friend from Nebraska for yielding me time.

Mr. Speaker, this joint resolution is well intended, but it does not go far enough. I regret the President did not get all the support he needed or wanted. This resolution should have authorized the President to attack, apprehend, and punish terrorists whenever it is in the best interests of America to do so. Instead, the resolution limits the President to using force only against those responsible for the terrorist attacks last Tuesday. This is a significant restraint on the President's ability to root out terrorism wherever it may be found.

Terrorism is not confined to a single organization or a single group or a specific sect. All terrorists, even those not directly connected to this week's attacks, are a deadly threat and must be neutralized. We cannot win the war against international terrorism unless we fight on all fronts. This resolution, while helpful in some ways, ties the President's hands and allows only the pursuit of one individual and his followers and supporters. I am disappointed that this limited resolution does not respond adequately to the need to protect the lives of freedom-loving people around the world.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to my good friend, the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this time of great peril has brought forth the best in our people, from those who rescue and heal and protect at ground zero, to those who across America raise flags, collect donations and give blood. But times of peril can also cause our well-justified anger and desire for immediate action to overwhelm democratic safeguards erected over the last two centuries. The tension that we face tonight is to provide the President with enough authority to eradicate wrongdoing without wronging the carefully crafted systems of checks and bal-

ances so essential to our democracy. Neither should this body lightly yield the power of the purse by granting unlimited access to the public treasury to the Executive.

As we vote for this important resolution with the lives of so many at stake in this important endeavor against terrorism, we cannot let the executive branch become the exclusive branch. Our approval must represent not the end but the beginning of congressional involvement. Today, we pledge to redouble our efforts to ensure the security and the well-being of people in America and in many other parts of the world as we challenge terrorism. But we do so, entering this difficult course of national involvement, with an eagerness to see that our most precious democratic institutions are also preserved.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished vice chairman of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding time.

Mr. Speaker, the lethal threat to Americans will not go away by wishing it away. The faceless cowards who murdered thousands of innocent men, women, and children this week and the hate-filled extremists, who today are scheming future acts of terrorism, must be rooted out.

Mr. Speaker, even before Tuesday's atrocities, deaths from worldwide acts of terror were on the rise. But nothing could have prepared Americans, and the world, for the cruel and barbaric slaughter of so many innocent people. In 1999, 233 people were murdered by terrorists. In 2000, the number jumped to 405. In 2000, roughly half of all the terrorist incidents in the world were directed against Americans and U.S. assets. Each day, 10 to 12 threats are aimed at U.S. posts overseas. However, most of those are on foreign soil, so we were lulled into a false sense of security.

Mr. Speaker, people should know that whatever intelligence gathering lapses may have occurred, Congress did step up to the plate time and again through successive administrations. We did it after Beirut. We did it after the bombing of our embassies in Africa.

Today, it is all too clear that our initiatives have fallen short. And now, Mr. Speaker, the task of mitigating and ultimately ending the terrorist threat requires the strongest medicine of all. It is time to take the gloves off. This resolution urges the President to use all necessary and appropriate force against those who were in any way responsible for or who aided the terrorists and to prevent further acts of terrorism against the United States.

The resolution is not a blank check. We do this with our eyes open and in fervent prayer, especially the prayer that President Bush and his national security team will be lavished with wisdom from God above to use only that force which is truly necessary and only that force which is truly appropriate.

□ 2015

Finally, Mr. Speaker, we need to take heed from the ageless wisdom in Psalm 37, where David writes:

"For evil men will be cut off, but those who hope in the Lord will inherit the land. . . . The wicked plot against the righteous and gnash their teeth at them; but the Lord laughs at the wicked, for he knows their day is coming. The wicked draw the sword and bend the bow to bring down the poor and needy, to slay those who are upright. But their swords will pierce their own hearts, and the bows will be broken . . . for the power of the wicked will be broken."

"The days of the blameless are known to the Lord . . . In times of disaster they will not wither . . . but the wicked will perish. I have seen a wicked and ruthless man flourishing like a green tree in its native soil, but he soon passed away and was no more; though I looked for him, he could not be found."

"The salvation of the righteous comes from the Lord; he is their stronghold in time of trouble. The Lord helps them and delivers them; he delivers them from the wicked and saves them, because they take refuge in him."

This is not just our fight. It is the Lord's fight as well.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from California for yielding me time.

This morning as we sang the "Battle Hymn of the Republic," one line has indelibly burned into my mind as I contemplate this vote: "As he died to make men holy, let us die to make them free."

We have had unprecedented death and grief in our country: firefighters going into the World Trade Center, never coming out, trying to fight for their fellow citizens; soldiers and sailors, dying at their desks of duty; heroes bringing down a plane in Pennsylvania so that we in this building might be free and live. Unprecedented death and sorrow.

Mr. Speaker, it is never easy to cast a vote for war. We did not want this, we did not instigate this, we did not need this. We have no choice.

Paraphrasing Winston Churchill: let us brace ourselves for our duties, and with justice, with firmness, with patience and fairness. Some day they may say this was their finest hour.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from North Carolina (Mr. HAYES), a member of the Committee on Armed Services.

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this resolution. On Tuesday, our Nation suffered the most horrific act of terrorism the world has ever seen. A hostile act of this magnitude should be viewed as an act of war against our Nation.

Just as our country and the world changed in the wake of Pearl Harbor 60 years ago, our future was set on a new course with Tuesday's senseless attack on our citizens. This horrifying act has united us in a way that has not been seen in decades. It has inspired the world to act against terrorism and strike back.

It is the duty of all of us to honor the victims of this tragedy by using this international spirit to do everything possible to stop the scourge of terrorism. Our President has shown leadership, prudence, wisdom, and courage in his response to the crisis. This resolution empowers our President and our men and women in uniform to win this war against terrorism and ensure freedom for our country and the world.

As President Bush said, we will respond appropriately, at the proper time and the place of our choosing.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, the horrendous tragedies of this week warrant a strong and judicious response. However, I am concerned that the language of this resolution could result in dangerous foreign policy.

The perpetrators of this crime must be dealt with. However, we must ensure that when we strike back, we deliver a massive blow against those truly responsible for this terrible crime.

We as a Nation stand for the rule of law. Perpetrators of crimes, no matter their size or scope, are afforded a trial through a judicial process. That means no targeted assassinations and no death squads. In the aftermath of this horrendous act, let us not forget that real security and real peace come through justice.

I, too, feel extreme pain and outrage at the attack on America, but our Nation must respond with a commitment to justice, or else we become all that we abhor.

The United States confronted this very same decision at the close of World War II, that is, the struggle for justice in the face of tyranny. There were those who called for widespread executions of Nazis, Japanese leadership and their civilians. On the other side were those who urged reason and a return to the rule of law. Supreme Court Justice Robert Jackson, who led

the prosecution at Nuremberg, said it best: "That four great nations flushed with victory and stung with the injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law, is one of the most significant tributes that power has ever paid to reason."

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I am sad it took Tuesday's events to bring out the patriotism in our country and the need for military security.

My father's generation, who served in World War II, has long expressed to us the need to be ever vigilant, to protect our society from the evils of tyranny. We learned all too well on Tuesday that that is indeed our mission here in this Congress, and we execute today with great deliberation.

I was proud of my President and our President, George Bush, today in New York; I was proud of him in the National Cathedral; and I am proud of our country. The terrorists may have taken a bite out of the Big Apple on Tuesday, but they are the ones that are rotten to the core.

While we seek not retribution, we seek justice, and I ask my colleagues once again, the third time today, to urge our communities not to take retribution on those who may be of similar faith and similar nationalities. Let us reserve our vengeance for those who caused the crime, and not by guilt by association.

I love this country. I am proud of our Congress, and I am proud of our President.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my friend, the gentleman from American Samoa (Mr. FALOMAVAEGA).

Mr. FALOMAVAEGA. Mr. Speaker, like our President, we as Members of this great institution all took a solemn oath to defend and support the Constitution of the United States against all enemies, both here and abroad. As copartners in this endeavor, our adoption of this resolution will join us with the Senate in sending an unequivocal message that the United States Congress firmly supports our President in taking all necessary and appropriate action, including the use of military force, to pursue and punish the persons and organizations who treacherously murdered thousands of innocent Americans this past Tuesday.

Mr. Speaker I have seen my share of blood spilled in Vietnam, and it is always a most difficult decision for me to support this authorization to send our men and women in military uniform into harm's way. Given the terrible heinous attacks on thousands of innocent Americans this past Tuesday, I have no reservations that the President must be given this authorization

to wage war against international terrorism.

Mr. Speaker, it is absolutely critical that the President is successful in this endeavor, for I fear that the next chapter of terrorism will be even more horrific and will likely involve weapons of mass destruction, such as nuclear weapons and biological and chemical agents, which long have been available in the international black market.

For the protection of our Nation and our way of life, I urge my colleagues to support the President by adoption of this resolution.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time.

Yesterday I had the grim task of going to the Pentagon and looking at the rubble and seeing the grave, the unexpected grave, of almost 200 of our citizens buried beneath all the bricks and mortar and concrete. In this collection of dust, one of the workers who had been there for some time asked me, he said, "Tell me, we have been isolated here, we have been on premises, we don't have access to TV and radio; what are the American people saying, what are they thinking, what are you folks, members of Congress, hearing from back home?"

I said to him, "The people back home are resolved. They are behind the President. They are united as an American people to exact a revenge and retaliate, not for an act that we chose, but for one that we must respond to. Otherwise, all Americans, in the airways, on the highways or in the office spaces, are at danger. We must complete the task in front of us."

This legislation gives us that opportunity. It is essential.

When I said that to this worker, he was somewhat relieved. He joined hands with me and said, "Praise the Lord. We must do this."

So, Mr. Speaker, I think this legislation is appropriate, and I hope that my colleagues will support it overwhelmingly.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from the State of Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, there is an old Arab adage, "Vengeance is best served cold." The procedure we are dealing with here is red hot.

Our history is replete with chaos created by our government going off half-cocked. I was involved in the Vietnam War. I saw the casualties. I was on the floor here when we went to war against Saddam Hussein. And the feeling here today, as I listen to it, is that most people think that Osama bin Laden is involved in this. Now, if we kill him,

will the threat from the other operatives be over? Sadly, I am afraid not.

We want to have an appropriate response, a cold, carefully planned and calculated response. In the art of warfare, there is something you must learn from your enemy. That particular enemy in this case did not undertake this mission on the spur of the moment. Their plan evolved over months and months and months.

Let me make an important point here: I strongly believe that America should respond and severely punish those responsible for these heinous acts. But we must move carefully. Bin Laden, if he is the one, used his brains, not his strength. We, too, should use our brains, not just our strength and power. Your brains must be your strength.

Think about it for a minute. Watch who kills the most prey, the bull or the lion. Because the lion is quiet and watching, does not mean he is asleep.

I will support this, but I will also reserve the right as Gaylord Nelson and Ernest Gruening and Wayne Morse did, the right to vote against funding if the President is not careful and does not plan carefully.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Virginia (Mr. SCHROCK), a member of the Committee on Armed Services.

Mr. SCHROCK. Mr. Speaker, as the representative of our Nation's largest naval installation and home of the Nation's highest concentration of active duty and retired military, I stand today in support of this resolution. The decision to use force against any and all terrorists will require that many families in the district I represent will sacrifice time away from their loved ones. In some cases, even the lives of their loved ones may be lost in pursuit of our goal to rid the world of terrorists, their supporters and those who harbor them.

This is very humbling to me; but terrorists declared war against our Nation, and, as they have for more than 2 centuries, the people of Hampton Roads, Virginia, stand ready to defend our country, to seek out terrorists and ensure they pay the ultimate penalty for their acts of evil.

We are a peaceful, freedom-loving Nation; but we have the right to self-defense. We will defend and protect our country and its allies by eradicating our planet of this evil.

God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I rise in support of this resolution. I come here today in a sobering mood.

□ 2030

This is a somber and solemn moment for our Nation. We are about to take an

action which will put our Nation's finest in harm's way, but we know what we have to do to prevent additional loss of life and to protect our freedoms.

Mr. Speaker, when I was carrying a rifle in the jungles of Vietnam, I prayed every day that never again would American young people have to go to a foreign soil to fight in combat. But we know what we must do to prevent additional loss of life and to protect our freedoms.

Mr. Speaker, we are angry, but we must not react in anger. We must be calm. We must be patient. Our reaction must be measured, it must be calculated and responsible, and it will be effective.

In our 225-year history, Mr. Speaker, thousands of Americans have given their lives to defend freedom. Each generation has learned that freedom is not free. There is something about America that these thugs do not understand, but they will understand when we complete our mission. May God grant wisdom to the President of the United States and may he grant his protection and blessing to the young, great Americans that have to carry out this mission.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, during the dawning days of this great Republic, one of our founding architects uttered these words:

That these were the days that try men's souls. The summer soldier and the sunshine patriot will in this crisis shrink in the service of their country, but he that stands it now deserves the love and the thanks of every man and every woman. Tyranny, like hell, is not easily conquered, yet in that we have this consolation; and that consolation is that the more difficult the battle, the more glorious the triumph. Those things which we obtain too easily we esteem too lightly. So it would seem strange, indeed, Mr. Speaker, if so celestial an article as freedom were not highly prized.

Mr. Speaker, I offer that tonight as it be as applicable on this resolution as it was on the resolution that Thomas Paine wrote it for.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of H.J. Res. 64. Today, as Members of Congress, we use words as our weapons. Tomorrow these words must be followed through. The hard work begins.

As Americans we pride ourselves in our diversity. We come in all shapes and sizes and colors. We come with many religious beliefs: Protestant,

Catholic, Jewish, Muslim. But in our differences we are family. We are different and proud; but attack us, kill us, harm us, we are Americans first and we respond as family.

The gloves are now coming off with respect to all of the terrorists and their organizations and the governments who choose to harbor them. With the passage of this resolution, the President of the United States will have the authority to apply all the military force he deems necessary to terminate terrorist threats against this country. America has stood strong in the face of adversity and has never bowed down to enemies and will not start now.

Justice will come in many forms for the people involved in this attack. We have yet to see even the tip of the iceberg when it comes to the retribution we will exact from the leaders of this bombing.

Mr. Speaker, I have never been prouder to be an American. God bless America.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, everyone knows that the President of the United States is granted vast powers under the Constitution and under the consent of his fellow Americans: the power to guide domestic affairs, to deal with domestic crises, to present legislation; all the things with which we are familiar; and he also has the vast power that is granted to him to declare and to enforce and to execute foreign policy. It is there that a slight demarcation occurs.

When foreign policy is the question, Americans almost unanimously swoop behind the President and support him and urge him on for the betterment of our own Nation's policies. And he is, of course, the Commander in Chief.

I rise in support of this resolution because he is the chief of state for domestic policy, because he is the architect of foreign policy, and because he is the Commander in Chief. And as the Commander in Chief, he should and does have the power to put our American force to the best use possible across the world.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. REYES), my good friend.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, today we are authorizing the use of the U.S. military against those responsible for the recent attacks launched against us. We are simply at war. We did not seek this war; but make no mistake, we will respond. We will finish the conflict on our terms, but only after we determine that our enemies have been defeated.

The coming days, weeks and months will continue to test us. We will hear heart-breaking stories, see tragic images. We will continue to say good-bye to American troops as they head off to defend us against terror and those who hate America, those who hate everything that America stands for: freedom of speech, freedom of religion and freedom of democracy.

As President John F. Kennedy once said, "Let every Nation know, whether it wishes us ill or well, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty." We will persevere. We will be victorious.

God bless our great country.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of this resolution authorizing our Commander in Chief to bring the full weight and fury of our armed services against the evil parties responsible for the heinous attacks against our citizens.

Just off the rotunda here in the Capitol Building stands a statue, a fellow Pennsylvanian by the name of John Muhlenberg. In January 1776, this 29-year-old Lutheran minister gave a sermon about the fight for independence in which he quoted Ecclesiastes: "There is an appointed time for everything. And there is a time for every event under heaven; a time for war and a time for peace." Pastor Muhlenberg then concluded his sermon by casting off his clerical robes to reveal the uniform of a Continental Army officer.

Mr. Speaker, as in the founding days of our great Nation, the time for war is upon us. God bless our Nation, and God watch over our citizens who will be going into harm's way.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Florida (Mr. WEXLER), a member of the Committee on International Relations.

Mr. WEXLER. Mr. Speaker, when I put my 8-year-old son to sleep on Tuesday night, he told me his whole body felt like crying. Today, the whole body of America is crying.

As we internalize the depth of the pain and horror inflicted on our people, we cherish life, we cherish freedom, we cherish America. And that is why we must authorize military force to rid the world of the insidious scourge of terrorism, no matter what the cost, no matter how long it takes. I beg God to sustain us and permit us to be the worthy defenders of peace and freedom.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Hampshire (Mr. SUNUNU), a member of the Committee on Appropriations.

Mr. SUNUNU. Mr. Speaker, when America's freedom is threatened, Americans respond. And in the hours that have followed the horrific attacks of Tuesday morning, our Nation has done just that, and done it in ways that bring forth deep emotions of patriotism and gratitude and humility. Humanitarian assistance has poured forth from across the country, thousands have enlisted as volunteers, and funds have been made available to help recover and to help rebuild.

Tonight we take the next step in responding to this great challenge. The resolution before us will place a unified Congress behind the Commander in Chief and send a clear message to America's enemies.

We must authorize and we must employ all necessary force to protect our Nation against this terrorist threat and to destroy the capability of those who would wage future attacks. We know the challenge is great, but the cause of preserving our freedom demands no less.

In doing so, we ensure that although our Nation never sought this conflict, we will end it in a way and in an hour of our choosing.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. CROWLEY). We all feel anguish, but none as powerfully as he, who lost his first cousin, age 42, in this outrage.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California, my friend, for yielding me this time.

Mr. Speaker, I rise this evening to speak again about the heinous crime committed against the American people, people all over the land, living here in the United States, and against our great Nation.

On Tuesday, September 11, the lives of all Americans changed forever. As a Nation, we have grieved and we have joined our hearts together in prayer. We have watched as our lives have been put on hold so that we may honor the dead and the missing. We keep hope alive for the brave men and women who continue to work around the clock to search for life and survivors.

I spoke yesterday about my dear cousin, Battalion Chief John Moran, who so bravely dedicated his life to the saving of the lives of others at the site of this attack. My cousin, like so many others who are heroes, has not been found.

Mr. Speaker, we will all be rebuilding emotionally and physically for some time to come. Our great Nation stands changed for ever. Yet somehow it is also stronger, more united, and more defiantly proud than ever. These truly are, as our great President Abraham Lincoln stated during another difficult period in American history, the times that try men's souls.

Our physical symbols have been destroyed and thousands of lives are

feared lost, but our values and ideals of freedom and democracy stand stronger than ever. These values shared by all Americans of all religions and backgrounds is what causes such hatred and jealousy in the hearts and the minds of our enemies.

I recently saw a photograph of the New York City skyline which had in its midst the image of a new skyscraper where the towers of the World Trade Center once stood, and the caption on top said, "we will rebuild."

Mr. Speaker, we will rebuild. While we honor those who have lost their lives and try to absorb the terrible losses of the last several days and try in our own individual and collective ways to move forward, we cannot forget the perpetrators of this reprehensible crime; those who planned, authorized, aided and abetted these attacks. They must not and they will not go unpunished. But, Mr. Speaker, make no mistake; the response of the United States, the House of Representatives, has been carefully considered.

□ 2045

We have all taken a deep breath and searched our hearts and souls for an appropriate and just response.

I myself have just come back from visiting ground zero with our President in New York. I stood with him surrounded by firefighters, police officers, and rescue workers who have worked since Tuesday tirelessly searching for bodies, praying to find anyone who survived this horrific attack.

Mr. Speaker, I was proud to stand there with my President, with my colleagues, and with these brave men and women. And for the first time this week, I felt a glimmer of hope and a whole lot of pride, pride for our Nation that takes care of itself, for a nation that has men and women like the ones I saw and met today and this week who have put themselves in harm's way to save the lives of others; proud that despite the destruction of physical symbols, that it is the undying principles that endure.

Tonight we consider another measure, this one to enable the President, our Commander in Chief, to use whatever means required to bring this crime to justice. For the memory of those who served and the memory of those innocent lives taken so very prematurely, it is the very least we can do. Americans by nature are not a vengeful people, but we need to respond to these attacks so as to ensure that they never happen again.

As the Commander in Chief, the President must provide for the common defense and promote the general welfare of our people, this resolution permits our Commander in Chief to do just that.

I support this resolution, not lightly but without hesitation. This resolution and the authority it contains allows

for the protection of our American way of life for generations to come.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

The gentleman can be assured that all of us in this House share in his concern, his grief, and his pride in the courage and relentless efforts of New Yorkers and others who have come to their aid.

Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, on behalf of the people that I have the privilege of representing in this House, I rise in strong support of this use of force resolution. Unfortunately, I am concerned that it may not go far enough. It does not go as far as the President requested or may need.

On Tuesday, America sustained a cowardly attack. It was a despicable act of war. Mr. Speaker, the American people are a peaceful people. We are slow to anger. But we have been viciously attacked, and the attack was unlike any ever known in this world and in its history.

It will require a very different response. We must focus our anger and carefully plan, calibrate, and execute our response. It must be worldwide and comprehensive in scope, as well as massive in magnitude. We must target and destroy every terrorist and every terrorist group that aided or supported the attackers or sympathizers with their cause.

We must destroy their will to fight, not out of revenge, but as a matter of self-defense. Because terrorists do not defend territory or populations, they cannot be confronted or defeated using traditional means. We cannot expect easy or quick solutions. We must be prepared for a protracted effort to eradicate these cowardly terrorists.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my neighbor and good friend, our distinguished colleague, the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my friend, my colleague, and my congressional neighbor, the ranking member, the gentleman from California (Mr. LANTOS), for yielding time to me.

Mr. Speaker, I rise in full support of this resolution. I do it with a heavy heart because of what has been imposed on our Nation. We did not seek this, but we must act.

I do not believe that we act, and I know that I do not, in taking this vote, out of vengeance, because the American people are good and they are decent. They are loving, and they have once again exhibited this face and this character this week in one of the most tragic and challenging moments in our Nation's history.

I believe that this resolution is consistent with the War Powers Act, and that it reiterates the President's au-

thority under the Constitution to take action to deter and prevent acts of international terrorism against the United States of America.

I know that this will be long and difficult. I pledge my allegiance to the magnificent people of our country, and I say to the constituents of my magnificent congressional district that we will move ahead united and do what we must in the name of those that gave their lives this week.

I ask God to bless our Nation and to guide our President.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I crossed the aisle tonight to offer these remarks, not for priority of party but for the needs of our Nation.

The men and women in uniform we are about to send into battle will not wear insignia of party identification, they will be there as Americans. So Mr. Speaker, tonight in this place, at this hour, I stand in strong support of this resolution as the people of Arizona and the people of America go forth united in what will prove to be a difficult and perhaps even a protracted struggle, but a fight we cannot afford to postpone.

Support the resolution. Support our Nation and our way of life. We are Americans first. Vote for the resolution.

Mr. LANTOS. Mr. Speaker, I am honored to yield as much time as he might consume to our distinguished democratic leader, the gentleman from Missouri (Mr. GEPHARDT), who has led us through this crisis with grace and dignity and wisdom.

Mr. GEPHARDT. Mr. Speaker, first, I thank you and your colleagues for working so hard with all of us to present a completely united front to our foes and to the world in this time of grave emergency in our country.

I rise to address my colleagues, though today we all know we are more than that. Today, we are all American brothers and sisters, because the family of America has been attacked, and we have gathered together to begin the process of healing and then defending our American family, our beloved Nation.

What was the purpose of Tuesday's attack? Terrorism's simple goal is that it is embedded in the word "terrorism" itself. It is to create terror. That was the real goal of Tuesday's attack. Well, we can report to the world that we are fighting and winning the battle against terror in America today.

In America today, there is a strong, clear, cold conviction. We will punish those who committed these acts, and we will make our Nation safe again. America is as united as it has been in its history. Death and tragedy was one result of Tuesday's attack. What the terrorists did not know is that they would create so much American unity.

The act of terror and inhumanity has produced American heroism that few people have witnessed in their lifetimes. Before our very eyes in the last 3 days we have seen another generation rise to the moral challenge of our time.

Jeremy Glick, on the United flight which crashed in Pennsylvania, called his wife on a cell phone to say his plane had been hijacked, and three of us, he said, are going to fight. His wife told him about the attack on the World Trade Center. We have credible reason to believe that he and other passengers brought down their plane so that others could live another day.

New York City Fire Chief Peter Ganci stood with a multichannel radio at the foot of One World Trade Center, and with smoke swirling around his head, trying amid the chaos to organize the rescue effort, the building collapsed. The chief died.

New York City Fire Department Chaplain Mychal Judge went to the tower to minister to victims. He was hit by debris in the head. He died.

More than 250 firefighters ran into the building that others were running out of so that they could try to get up the steps to save others. They are all missing.

Yesterday, when I went to the Pentagon with Members here, a general told of how a woman found one person passed out with fumes in the aftermath of the attack. She lifted the person up, he said, threw her from the window and then saved the person's life and then threw herself out the window to save her own life.

New Yorkers line streets in Manhattan holding signs and flags in celebration of our rescue workers going off to rescue other Americans. Americans descended on emergency centers, set up by workers from the Red Cross, stood for hours in line so they could give their blood so life could be pumped into the lives of the wounded.

There was a story this morning on the radio of a volunteer rescue worker who said he was in New York digging through rubble in search for survivors because, he said, we are digging for freedom.

Our people, the wonderful, good, decent people of this country are responding in heroic ways, and they are fighting back against this absolute evil that visited itself on our great country on Tuesday. They are rising to this challenge just as earlier generations have met challenges that confronted them.

Congress debates this historic resolution in their spirit and with them for our inspiration and as our guide. We literally and figuratively tonight are following the lead of the American people. Humanity at its best.

Alexis de Tocqueville in the 19th century observed about our country and its people, he said America is great because she is good, and if America ever

ceases to be good, America will cease to be great.

Everything that is happening today is happening because Americans are still good and America is still great.

Finally, we must recognize and understand a fundamental truth. Our foes caused enormous death and destruction, but their greater goal is to instill fear in the heart of every American.

□ 2100

We will conquer that foe. We will not be defeated. We will not succumb. We will not fear. We will always rise up, as we have through our history, and we will face fear down.

Our challenge is to draw on the goodness, the decency, the bravery, and the humanity that has always defined this great country. I know in my heart we will prevail. We will face this foe, and we will not adopt the characteristics of those who attack us. We will not forget the civil liberties of our people. We will not discriminate. We will not use prejudice. We will not succumb to hatred in fighting this foe. We will not be divided.

Two months ago, the Foreign Minister in Germany told me that what he found so impressive about America was that he had never known such a powerful Nation to use its power so responsibly. I have faith in ourselves, in our fellow human beings; and I have faith in God to see us through. I am guided in my belief by my faith, which is best expressed in the hymn, "Be Not Afraid." "Be not afraid. I go before you always. Come, follow me, and I will give you rest."

Our people have courage, our military will defend, our President will have our support and our trust to bring our foes to justice; and with God's help, we will be free and our people will be healed.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, Shaw said, "Some men see things as they are and ask why. I dream things that never were and ask why not." My dream, the collective dream of all Americans, is a world at peace, a world in which equal opportunity for all prevails.

I cannot explain the why of the events of the past few days, but I can and will continue to share in that collective dream of all Americans. As I see it, this resolution, which we should and will pass, is not a resolution designed to promote war, rather it is one seeking to advance the cause of a secure world and a just and lasting peace.

Mr. Speaker, Mr. Minority leader, my colleagues, I am proud to serve with you in this great institution. I am proud to serve under our commander in chief, the President of the United States. But most of all, I am proud of the strength and the character and the

resolve and the common purpose of the American people. That character, that strength, that resolve, that common purpose is represented here in the people's House. We are united. We are strong. We are determined.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my friend and colleague, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, this evening I stand in the strongest position of support for the resolution that is in front of us and that has been carefully negotiated and in coming days, weeks, and months will play out, and also to offer unqualified support tonight for President Bush in the difficult days, weeks, and months ahead that surely will confront this Nation.

It is to be a difficult time. But as we witness the bravery and the heroism of those men and women of New York City and those families who have lost loved ones as well at the Pentagon, we know the resolve of the American people. I supported the Iraqi incursion a decade ago in one of the most difficult votes in this House. Tonight, this vote is not easy either, knowing as well that when the days grow very difficult, it will require the strength of all the American people. But tonight let us resolve to proceed with vigor, not vengeance, in remembrance of those who have been lost over the last 3 tragic days.

The same comments I offered on Wednesday night I offer tonight: strength to the American people and wisdom to President Bush and this Congress.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, the horrendous attack we have suffered and our national response will prove to be a pivotal event in world history. Our Nation is now embarked on a fight for freedom. Some nations will stand up and be with us, and we may even be surprised by who our friends are. We will have many allies, but others will be against us.

Secretary Powell and others are working the phones now making key determinations. I think we all understand that we can only act decisively. There can be no pinprick strikes. Terrorism will only get worse unless we act to eradicate it now.

Several years ago, during a hearing on Afghanistan, Members of Congress, including myself, warned that the war-torn country of Afghanistan was rapidly evolving into a serious threat to national security. Many rang the bell. It went unanswered. We will now have to act, as we should have acted before, to root out the terrorist camps and destroy their infrastructure, including destroying any governments supporting them.

President Bush spoke eloquently to the American people today from the National Cathedral. I believe that Americans are willing to follow his leadership and make the sacrifices needed to win and survive as the country we know and love.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend and colleague, the gentleman from New Jersey (Mr. PAYNE), a distinguished member of the Committee on International Relations.

Mr. PAYNE. Mr. Speaker, I had the opportunity to travel with the President to New York today, with other colleagues from the region, to view the devastation left in the aftermath of Tuesday's tragic events and to meet with the volunteers and professionals who have made such a heroic effort to help the victims and their families.

Tonight, we stand united in sending a message to the world that we will rise above this senseless act; that we will not let the actions of a group of fanatics destroy our spirit. As we move to give the President the authority to use all necessary and appropriate force in responding to these unprovoked attacks, let us be sure that we remain true to our American principles by enacting a plan which protects the American people and strengthens the bonds with our allies.

However, as we raise our powerful swift sword, let us be mindful of the fact that the overriding majority of people who live in these rogue nations are themselves victims of their governments. They are being oppressed by their leaders.

I stand committed to working together to build an effective anti-terrorism policy which will make our country and our world safer so that we will never have a recurrence of the nightmare we experienced last Tuesday again.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), a member of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, events of the past week have given all of us great pride in America, great pride in the people of this Nation and the way in which they responded to our crisis. But tonight we also have a moment of pride, and that is that we are a Nation of laws; that we are a Nation that follows the rule of law; and that in this action, in this resolution, we are respecting the Constitution of the United States.

The Constitution says that the Congress shall have the power to lay and collect taxes and to provide for the common defense and general welfare of the United States, to declare war, to provide calling forth the militia to repel invasions. That is what we are doing. But it also provides that the President shall be commander in chief of the forces of this Nation.

I think this resolution says eloquently that we are a Nation of laws; that we respond in a measured way, as provided in the Constitution of the United States; and that we can take pride in our response along with the people in their response to the events of this week.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to my good friend and colleague, the gentleman from New Jersey (Mr. MENENDEZ), the vice chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

In times of tragedy, America pulls together and America gets stronger. We defeated the forces of evil in World War II, we turned economic crisis into economic opportunities and beat the Great Depression, and we can and will defeat these forces too.

Every war is different. No challenge is the same. This will be a battle unlike any other, fought with new tools and methods; fought with intelligence and brute force, rooting out the enemies among us and those outside our borders. This war may be different, but we have the capabilities to win; and we will not rest until we have wiped the evil of terrorism from the face of the Earth.

There is nowhere they can hide where we will not hunt them. There is nowhere they will be safe from our wrath. We will consider any person or nation who harbors them or aids them or authorizes their activities to be just as guilty. If you harbor our enemy, then you are our enemy. If you help our enemy, then you are our enemy. Our resolve has no end. Our commitment is total.

In times of tragedy, America pulls together and America gets stronger. That is what we are here to do today: to stand united, to say to the world there are no partisans here, only patriarchs. There is no difference between Democrats and Republicans, between the Congress and the President. We are speaking with one voice.

The resolution we are supporting tonight authorizes the President to use the full range of force available from our military not only to respond to the terrorist acts on Tuesday but also to prevent future acts. And we will not be alone in our battle. The enormous evil of these acts is uniting the civilized world behind a common cause because the attacks on the World Trade Center and on the Pentagon were attacks not just against the United States but against humanity itself.

The civilized world is uniting in this common fight because there are only two sides in it: right or wrong, good or evil. You are with us or against us. No civilized nation can be allowed to sit on the fence.

I just came back from the site of the tragedy in New York City with my col-

leagues. I saw the horrendous results of the terrorists' unspeakable deeds. And as I stood at ground zero, I was reminded of the scenes of devastation and bombings from World War II. But what cannot be seen in that rubble are the broken families and the fatherless and motherless children left in its wake. We will not let this stand, because to let this stand would be to let civilization itself perish. To let it stand would be to let evil prevail. To let this stand would be to lay down our values of liberty, justice, and freedom.

It has been said that in the long history of the world only a few generations have been granted the role of defending freedom in its hour of maximum danger. Tonight, we do not shrink from this responsibility, we embrace it, and in doing so we send a beacon of light to the rest of the world.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, by the adoption of this resolution tonight, let us send one very clear message to the world: we are the United States of America. We are the United States. We are united.

□ 2115

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER), the ranking Democrat on the terrorism panel of the Committee on Armed Services.

Mr. TURNER. Mr. Speaker, I rise in support of the resolution authorizing the President to use all necessary and appropriate force to seek and destroy those who are responsible for the deadly acts of terrorism committed against the American people.

Tonight, every Member of this House and every American stand united.

We want to thank the President for his leadership in this time of national tragedy and national testing of our will. We stand with him against the forces of darkness that have broken our hearts but emboldened our spirits.

We know this war will require our patience, our perseverance, our unwavering courage and commitment. Our only timetable is to stay the course until the job is finished. The future of liberty, freedom. And human dignity hang in the balance and our Nation will not be found wanting.

May God's wisdom and judgment guide our steps and may God bless America.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, yesterday I examined the war-torn Pentagon site, the lingering scent of smoke, the ruins of a building, the courageous rescue workers, including the Montgomery County, Maryland Search and Rescue Team.

Tonight, as this debate was taking place, I was calling families of some of

the Montgomery County, Maryland victims, victims of the Pentagon attack. The victims include Michelle Heidenberger, Todd Reuben, William Caswell, Darin Pontell, Lawrence Getzfred, Ernest Willcher, Gerald Fisher, Lisa Young, Ted Moy. The list goes on. This is not New York or Pennsylvania. This is just so far what we have heard from the Pentagon. There will be a lot more coming, unfortunately, throughout this Nation.

We offer our prayers and support to these families of these heroes. We resolve to find the perpetrators and punish them harshly.

Without any question, this terrorist attack on our liberty and freedom is a strike against all nations that value democracy. It is an act of war, but we will not be intimidated. No act as cowardly as this one can go unanswered. I trust the President to act accordingly, cautiously and appropriately. I will cast my vote. We must stand in unity, pledging to defend freedom, unity and liberty.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, tonight with the passage of this resolution, it is time that we move from words to deeds. We must identify and destroy all those who perpetrated the horror on our country on Tuesday. We must then move swiftly to cut off their financing network, their infrastructure network, and all those who would aid and abet and support them.

Then we must embark on the long struggle of making the nations choose between obedience to terrorism or subscription to the rule of law and international cooperation.

There has been much eloquence in this Chamber in recent days from all sides, and I appreciate it. But the American people will not be satisfied with our eloquence. They want us to stand with our Armed Forces, stand with our allies around the world, and swiftly, swiftly settle the debt owed to us by those who brought harm upon this country on Tuesday.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of this authorization for the President to use all necessary and appropriate force against those nations, organizations or persons who planned, authorized, committed, or aided the terrorist acts committed against our country on September 11, and to prevent any future acts of internal terrorism against the United States.

Today, Mr. Speaker, along with my colleagues from New Jersey, New York and Connecticut, I visited lower Manhattan and saw firsthand the physical destruction and I better understand now the human devastation. The

deaths of our fellow Americans, the destruction of our sovereign land, and this act of war against all Americans cannot and will not go unanswered.

As the President spoke to the world today from the National Cathedral, "This Nation is peaceful but fierce when stirred to anger. This conflict was begun on the timing and terms of others. It will end in a way and in an hour of our own choosing."

Mr. Speaker, whether the hour be near or far, we stand united with our President and with the men and women of our Armed Forces.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, there were some very bright young people from the district, here in Washington, who because of their excellent school work were off on a trip with their teachers who died on September 11. Along with thousands of others they were the casualties of this act that was perpetrated.

Today we take this step, and I rise in support of this resolution, and I rise specifically on behalf of these children, for it is our responsibility to provide for their protection, to provide for their promise and their potential.

Whatever the perceived real grievance is of those who took this action, attacking innocent children and thousands of other innocent Americans is unacceptable.

We must respond. We know not what the tactics or strategy or play of this engagement will be, but we must act.

Mr. Speaker, I stand and I support this resolution.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on International Relations.

Mr. CHABOT. Mr. Speaker, tonight we stand with our President as our Nation prepares to do battle with those who seek to destroy the American way of life. Tonight we vote to give our President full authority to use America's full military might against those responsible for this week's despicable attacks against the United States and its people.

A strong response to the deplorable attacks on the United States is essential. The terrorist infrastructure must be destroyed, and the message must go out to all who seek to harm us in the future that America will respond to cowardly acts of violence against our people quickly and decisively.

These are dark days for America, but we will work together to seek justice for the victims of terrorism and to ensure that such contemptible acts never again occur.

Mr. Speaker, I urge support of the resolution. God bless America.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Tonight we are walking on holy ground. We are prayerfully mourning the loss of thousands of Americans who have lost their lives. We are trying a way to comfort their families and give them peace.

At the same time, we are discussing a resolution on the use of force to bring the cowardly terrorists to justice and to make sure that we never have to suffer this horror again. To this end, I support this resolution because it clearly states that nothing in this resolution supersedes the requirements of the War Powers Act.

Mr. Speaker, many of my colleagues have quoted President Roosevelt of another horrible day in our country's life, that this day will live in infamy. I want to also quote his wisdom when he said, "We have nothing to fear but fear itself," because that is the goal of the terrorist, to instill fear in the American people. That would be their greatest victory. But the spirit of the American people and the unity that we will show them tonight should give them a clue that they will not have that success.

Yes, we are walking on holy ground, and as we proceed in discussing the use of force, we must proceed in a manner that will bring honor to those who have died. We must bring honor to their memory. May they rest in peace.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, with this vote of resolve and unity, we become stewards of the American values expressed so eloquently 40 years ago by a new President, John F. Kennedy, "Let every Nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty."

Today a new President and a new generation are handed the torch of liberty that has been kept alight by the untold sacrifices of past generations of Americans.

Those terrorists who now challenge the will and values of this generation of Americans will soon find out that the awesome power of our military might well be matched only by our tenacious national unity in defending Americans' life and liberty.

In this vote and in our prayers, we in Congress speak for the American family, in strong support of our Commander in Chief and say, yes, we too will "pay any price, bear any burden, meet any hardship," and "oppose any foe" to protect our land of liberty.

Mr. GALLEGLY. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in support of the resolution before us to give our Commander in Chief and President the authority to use military action against these cowards who made such an unprecedented evil attack against the United States of America.

We must respond to terrorism and respond swiftly, not only to the terrorists, but as the President so accurately said, to anyone who would harbor terrorists anywhere in the world, whether they be countries or individuals.

As a member of the Committee on Armed Services, I have confidence in the men and women who serve this country in uniform. They are the smartest, the brightest, the most well equipped and well trained fighting force in the world. I have confidence in the Commander in Chief and the national security team to make sure that we are successful in this effort. But we must be patient and understand that we need a broad and sustained campaign in order to win the battle on terrorism.

Mr. Speaker, I believe standing together as a Nation, and this is the most united I have ever seen this House in 9 years, I believe we will win this battle. God bless America.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the chair of the Democratic Women's Caucus.

Ms. MILLENDER-MCDONALD. Mr. Speaker, today is a day I hoped I would never have to face, a day on which I would need to support the use of force. I am sure that all of my colleagues agree that when we took the oath of office to honor and defend our country, we hoped and prayed we, as Members of Congress, would not have to use force to defend this Nation.

On Tuesday morning, however, we all knew that the only response that would be understood by the evil force that undertook these treacherous actions would be the powerful response of the greatest military force in the world, the United States military.

However, our resolve must be based on the rule of law and reflect the lessons learned from history. The use of force is not something that we as Americans take lightly. America is a peace-loving Nation. Our involvement in World War II is the strongest example of America's peace-loving ways. We waged war on ruthless Naziism that threatened the very concept of humanity and the lives of entire races of people.

Today we face another global threat, terrorism, which once again threatens the foundation of all peace-loving nations. Today the world looks to America and this very body for the very clear and unmistakable message that we as a Nation will not tolerate people and organizations to operate in opposition to the very foundation that every

society is based upon: the sanctity of human life.

□ 2130

I pray for our President.

Mr. Speaker, I hope we shall overcome someday.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of S.J. Res. 23. With the passage of this joint resolution, Congress stands united with the President and the brave men and women in uniform ready to wage war on global terrorism. Although S.J. Res. 23 is not a formal declaration of war, the resolution gives the President full authority to use force against these terrorists and is similar to the use of force resolution authorizing military operations during the Persian Gulf conflict in 1991.

Of course, a key to making this work is the continued willingness of the executive to continue to consult with legislators. I am confident the President will do just that. Make no mistake, failure to act in unison at home and abroad will be interpreted by our enemies as weakness and an invitation to commit further atrocities. We have to put aside our differences, quiet our rhetoric and act decisively now.

Mr. Speaker, today I read Leonard Pitts' column in the Miami Herald. Addressing his words to the faceless cowards responsible for Tuesday's attacks he wrote:

"It occurs to me that maybe you just wanted us to know the depths of your hatred. If that's the case, consider the message received. And take this message in exchange: You don't know my people. You don't know what we're capable of. You don't know what you just started. But you're about to learn."

I urge all my colleagues to support S.J. Res. 23.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend and colleague, the gentlewoman from Connecticut (Ms. DELAURO), a member of the Democratic leadership.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this legislation. This week America suffered the worst attack in our Nation's history. It was an assault on the American people and a threat to the fundamental freedom that is the strength and the spirit of our strong Nation. There is no reasonable justification for the vicious attack that has taken such a toll on the American people.

Each day our intelligence officials obtain more information of the facts surrounding the events of September 11, 2001. It is clear that this was a carefully crafted plan for tremendous destruction. The criminals wanted to create a constant state of fear in American citizens across our great country. But the American people will not be

bullied. They will not be cowed. Mr. Speaker, our citizens are joined together in prayer, giving of their time, their love, their resources. There has never been a greater demonstration of unity.

With this resolution, our government also takes a stand. It reaffirms Congress' support for the President. It protects the authority of the Congress. Our Commander in Chief and the Congress will work together to bring to justice and to punish those responsible for trying to bring the United States to its knees.

We stand tall. We stand proud. We stand ready to protect our freedom, our justice, and our liberty.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my distinguished friend and colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, a great atrocity has been leveled against this Nation and its citizens. We must now seek justice for our Nation, the American people, and all humanity. But justice comes in many forms and the scales of justice must be carefully balanced.

On one side, we place our commitment to spare no effort in eradicating terrorism and punishing those responsible for these deplorable crimes. On the other, we balance the responsibility to hold true to our Nation's principles, to be cognizant of innocent life, and to use military force only when necessary. This is a difficult scale to balance, but I believe that we have a duty to reach the appropriate equilibrium that justice requires.

I strongly support the will of this President, Congress, and our citizenry to defend ourselves against our enemies with unrelenting force. It is my only hope that such force will be balanced and guarantees the justice we all deserve.

May God bless America.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, we owe it to our people, we owe it to our history, we owe it to the folks that made us where we are. We owe it to those firefighters in New York. We owe it to our military personnel in the Pentagon. We owe it to those New Yorkers that have had their world brought down around their ears.

This resolution is good. It sets out what we are about to do, and I am in strong support of it. We owe it to the world to show the world that democracy will stand and that an isolated terrorist cannot hurt America permanently.

Mr. Speaker, we will send that message. We will send it with overwhelming force. God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my distinguished colleague, the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding time.

Secretary of State Powell had it correctly when he said, terrorism is a scourge on our civilization. I am pleased to stand in support of this call, this call of our military might to thwart the forces of terrorism. I am pleased because we must bring these terrorists not just to justice but to a punishment that will not soon be forgotten.

But I also want to call up tonight our most important weapon, our national will. We must have the will to send a clear signal that our fight is with terrorists, not with the Muslim world. We must have the will in the face of gas lines, in the face of inconveniences, in the face of checkpoints. We must have the will to fight over the long haul. And we have that will. We must have the will and the resolve to make it clear that while we will make adjustments in our life-styles, we will not surrender our fundamental freedoms.

In the final analysis, I believe the terrorists think we are too soft, that we are the soft, materialistic infidel. I think, as in World War II, we will show them they are wrong, because the message from our national will will be clear and simple. We will not yield. God bless America.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to my good friend, the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, tonight we talk patriotism, and we should. And we talk sacrifice, and we should. And we talk courage. We talk all those things about humanity and we should. But I do think it is important for the American people to realize that this is going to be a very arduous, difficult, nasty, drawn-out struggle. One of the great characteristics and many times it is unsung, but it is there, is perseverance. Just keeping on going. It is so important that we as a public and citizens understand that, because this is not going to be something which brave words will conquer. It is only our perseverance.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding time.

Mr. Speaker, along with all of my colleagues and all Americans, I believe that the United States of America must respond effectively and appropriately to this unprecedented attack on our people and our Nation. This resolution gives awesome responsibility to the President of the United States, but it should not be interpreted as unlimited power to use force or commit troops.

This resolution has been carefully drafted to restrict our response to those we know to be responsible for

this atrocity. It is not a *carte blanche* for the use of force. This resolution requires compliance with the war powers resolution which directs the President to report to the Congress and to consult whenever possible. These requirements and this power must not be taken lightly.

I have thought long and hard about this vote. I do not want to regret it. I want to be able to tell my grandchildren that I voted this night to make the world safer. I pray that in supporting this resolution, we are making the right decision, and I pray that the President will make the right decisions.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend and distinguished colleague, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, tonight I rise in support of the resolution authorizing the use of force to combat the terrorist attacks of September 11, 2001.

Mr. Speaker, the terrorist acts of cruelty and inhumanity committed 3 days ago have not weakened our Nation. Instead, the American people have forged stronger bonds and have demonstrated the compassion and concern that make our Nation great. United in our resolve, the United States is prepared to take action against those who have threatened us. America has the determination, strength and courage to combat the scourge of terrorism. We will identify the people, powers, and organizations that have contributed to terrorism, we will hold them accountable for their inhumanity, and we absolutely will not stop. We will succeed.

In the coming weeks, the men and women in our military and intelligence communities will be called upon to serve their Nation. I commend them for their dedication and their bravery. I also call upon the American people to maintain the solidarity demonstrated in recent days and to focus on the true enemy instead of targeting innocent people because of skin color or customs or beliefs. Americans of all faiths, races, and backgrounds join in condemnation of terrorism and together we shall prove victorious.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as she may consume to the distinguished gentleman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, every fourth of July, we celebrate our national independence. It's a day when nearly all of us have the day off from work, a day when we can gather with our families for a cook out, and maybe attend the local parade or spend the day lounging by the pool. It's a day when we can see the latest Hollywood Blockbuster—this past year it was Pearl Harbor, a movie based on what, until this past Tuesday, was the most horrible attack ever on American soil.

Because vacation days are so hard to come by, many of us base our vacations around the 4th. This isn't necessarily for the sake of the holiday, but to simply save a vacation day. And while there's nothing wrong with any of the above practices, time and prosperity have mellowed the significance of our national birthday, as they have Memorial Day and Veterans Day.

Mr. Speaker, that's unfortunate for the simple reason that on nights like this one, we're reminded that no one gave us our freedom. No one gave us our liberty. And while their underlying principles were germinated in peaceful venues and distributed on pamphlets or word of mouth, ultimately they were borne through battle.

Maybe our children don't understand, but the United Nations wasn't there to let our forefathers conduct a plebiscite on whether the 13 colonies should remain part of England. Maybe we've become so used to living side-by-side with African Americans we forget there wasn't any multi-national force willing to die by the tens of thousands to free their ancestors from slavery. And maybe we've grown so used to violence as entertainment the grainy images of Pearl Harbor don't affect us any more—now we need a Hollywood movie to convey the importance of a national tragedy.

Mr. Speaker, as we consider this resolution tonight, remember this: our freedom, our unity, our very way of life exist because previous generations of Americans have time and time again been willing to place a higher value on our freedom than on their own lives.

As much as I disdain the notion that taking human life is a decision for politicians to make—events of this week have placed us in a position where, as previous members of this body have done before, we must ask our fellow citizens to once again fight those who detest all we stand for.

To all my colleagues assembled here tonight, understand this: there will be Americans who will not survive the fighting to come. There will be casualties, both physical and psychological. There will be parents who lose their only children. There will be spouses who lose their soulmates, and children who will be orphaned. There will be small towns who will lose the child who sang the best in the church choir, and big city neighborhoods who see young person always playing basketball come home without legs, or without arms.

If we are going to send Americans to forever silence those working to sow terror and horror against our Nation, then let us do everything in our power to ensure they have the resources to achieve a total victory.

Let us ensure that when they come home Congress honors their sacrifice, not solely with parades, but for the rest of their lives.

Let us pledge tonight that veterans of this and every war are treated as first-class citizens, as well as the millions of Americans who served our nation without having to fire a shot in anger. No longer should they have to wait weeks for medical treatment. No longer should they be homeless on our streets or go without psychological treatment if needed. No longer should our retirees see their pensions hijacked to help balance our budget.

War is a serious business, and we shouldn't take what we're about to do lightly. Yes, the

attacks of September 11, 2001 require us to eradicate an enemy that has proven to be more deadly than any we've ever faced. Support this resolution, and support our men and women in the armed forces. But remember their sacrifices not just today, but years from now after they have won this war, when Memorial Day or the 4th of July are once again excuses to take a break from work or to spend an afternoon off enjoying ourselves with friends and family.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I, along with a number of my colleagues from New York, New Jersey, and Connecticut, visited what is now known as ground zero in New York's lower Manhattan, the site where the two proud buildings of the World Trade Center once stood. I watched on the faces of those who were working and those who were volunteering. And while there was sadness in their eyes, there was a determination in their movement, in their step, and in their actions. There was a commitment on their part to hold together and to band together and to do what needs to be done in that Herculean effort in trying to move the tons of rubble and steel to look for the precious body that still may be gasping for air and waiting for arrival of those to come to help them. I stood with those who were working, and I understood their pain in their heart and the sadness in their face but the determination that they have to make sure that those who perpetrated this crime never do it again, not to us but not to anyone in the world.

Mr. Speaker, I rise to support this resolution tonight. But, more than that, I rise as a proud American with all of my colleagues here in this House and all Americans throughout this country. We will find those who have done this and bring them to justice.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman for yielding time.

Mr. Speaker, today I also join the President of the United States and Democrats and Republicans from this House in a place of war and a place of hope. In the wreckage of the World Trade Center, we saw the signs of war, twisted steel, shattered windows, smoking ruins. But, Mr. Speaker, amidst the devastation we saw the signs of America: small flags planted in the rescue workers' helmets, people weary from digging to save lives, yet still able to raise their hands high over their heads and chant "USA, USA" when our President arrived.

I met with Long Islanders, my constituents, one from East Islip, the other from Huntington Station, who had been on the scene tirelessly since this calamity in a heroic effort to save

lives and rebuild our city. I salute them and all of our unsung heroes who continue the efforts to provide comfort in a time of tragedy and save lives in a time of war.

□ 2145

Mr. Speaker, we did not choose this fight, it chose us; and now we have no choice but to strike back in the defense of our lives, to defend our way of life, and to remember throughout the ordeal to come what this fight is about, the lives that were lost and the freedoms and liberties that we preserve.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of this joint resolution authorizing the just use of force against those who have attacked our Nation.

Our Constitution places the Congress at the center of any decision to use force over any extended period of time. It is time for us to carefully weigh and support this important decision.

It is long past due for armed action against those who have barbarically attacked our Nation. The individuals and nations involved in this terrorism deserve to feel the full wrath of our great Nation, and I am confident they will feel the wrath of the entire civilized world. The American people will lead that worldwide effort, united behind our commander in chief.

Earlier today I had the honor, along with my colleagues, to accompany President Bush to my home city of New York, witnessing firsthand the incredible abominable destruction at the World Trade Center. The President movingly encouraged those workers dedicated to rescuing the missing.

America is united behind our President, behind our Armed Forces, and behind all those who will join in our war against terrorism. And our Nation will not stand alone. We are all moved by the many manifestations of solidarity and sympathy that have come from leaders throughout the world.

Mr. Speaker, our people have borne the deep pain and sorrow of this ruthless attack. We are beginning our recovery; and, by this legislation, for which I urge support, we are ready to defeat terrorism.

God bless America, and may God bless the American people.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as you know, under the authority of the War Powers Act the President already has the legal right to use force when this country is attacked—as was the case on Tuesday when some 5,000 Americans were

killed in an unspeakable act of terrorism. So, in an important respect, this debate is more symbolic than legally necessary.

Americans have prayed in churches, synagogues, mosques and other places of worship over the last four days. They have prayed for strength, for courage, for an end to this horror, and for peace. They have heard sermons that spoke of love being stronger than hate, of the forces of good triumphing over evil. I will vote for this resolution because I believe that the use of force is one tool that we have at our disposal to fight against the horror of terrorism and mass murder. One tool but it is not our only tool, and it is something that must be used wisely . . . and with great discretion.

I believe that we must work with other nations to root out, capture and eliminate the terrorists who have caused such terrible suffering in our country and elsewhere. But we must also understand that widespread and indiscriminate force could lead to more violence and more anti-Americanism.

Mr. Speaker, the people of the developing world must know that we do not hate them, but only the terrorists who hide in their midsts and control their lives. By word and deed, we must show those people that we are on their side, rather than the terrorists who exploit them.

Mr. Speaker, the President has an enormous responsibility. I pray that he uses it well and that Congress provides him with effective guidance.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I rise in strong support of the resolution authorizing the President to use military force against the terrorist threat facing our Nation.

The events of this week will be forever seared into the memory of this Nation. The sheer scale of this tragedy is almost unimaginable. In a single day, we lost more Americans than some of our bloodiest battles of our history, and it happened on our soil.

The shock and horror of these unconscionable acts have quickly turned into anger and rage. However, we must put this all into perspective. By passing the resolution before us today, we will show that America will act forcefully and decisively in the face of unspeakable evil. The resolution will empower the President and the armed services to take the steps necessary to defeat the forces of terrorism and punish the culprits who are responsible for these heinous acts.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS), the chairman of the Subcommittee on National Security of the Committee on Government Reform.

Mr. SHAYS. Mr. Speaker, I have prepared remarks, but I would just like to speak from my heart that when you go to the Pentagon and when you go to see ground zero in New York, you see

an incredible contrast, the carnage of the buildings and the hope and vitality of the people.

When President Bush was there today and he stood up to speak to some of the rescue workers, some of them could not hear, and they yelled out, "We can't hear you." And he turned around to them and said, "But we can hear you. The whole world can hear you. And soon, those who committed this dastardly, cowardly act, will hear from us."

I am voting for this resolution so that they will hear from us. If I have one regret, it is that we did not give a President, our President, this power a few years ago to respond to terrorism when it first struck.

Mr. Speaker, on behalf of the people I represent, I rise in strong support of authorizing the use of our Armed Forces against those responsible for the carnage in New York, Pennsylvania, and Washington.

Acts of war have been committed against innocent men, women, and children going about the daily business and routines that are American life. After a decade of peace, we are reminded in the harshest way that the United States has violent and cowardly enemies—that while the cold war is over, the world is a more dangerous place.

A decade ago, Congress considered a resolution authorizing another President George Bush to use all means necessary to liberate Kuwait, a resolution I strongly supported. To this day, I consider the vote on that measure to have been the most important vote I cast during my service in the House.

Today, we face a far more daunting task. This time, our enemy is faceless. It hides in the shadows. Its mission is morally and spiritually bankrupt. It's united only in its hatred for our democratic ideals and peaceful way of life.

The path that lies ahead is a dangerous one. Defeating this enemy won't be easy, and it won't come quickly. Yet I am confident that authorizing force will save lives by preventing future acts of terrorism, and so I cast my vote without reservation.

Mr. Speaker, this is a defining moment for our nation. After consoling the families who have lost loved ones and after healing the wounded, our duty as a free people is to support, with all the resources available to us, the many men and women waging the war against terrorism.

I pray for the wisdom of our leaders, the courage of our Armed Forces, and that we will prevail over the evil that attacked us this week.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, America stands united tonight.

We stand united with our President, and we support him.

We stand united as a people, so the world will know we cannot and will not permit these terrorists to rob us of our loved ones.

We stand united to defeat any attempts of terrorists to rob us of our

freedom. We shall never surrender that freedom.

We stand united in support of the men and women who serve us in the Armed Forces and who will help us achieve justice.

We shall respond, and we will never forget the victims of this horrific attack.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is obvious that America will respond, and we will respond in a unified, factual and deliberate and committed manner, we will act out of resolve and out of faith. So, I rise to support this resolution.

We are today giving the President the authority to go after the people involved in these terrorist acts. However there is a dual responsibility of the Congress and the President to work together in times of aggression against those who would do harm to the United States. It must be done with the administration, the President of the United States, in consultation with Congress.

I am prepared to support this resolution. I know there are others in this country who are fearful of entering into hostilities and war; but I do believe that, in consultation under the War Powers Act of 1973, we are headed in the right direction, for that act ensures that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances and to the continued use of such forces and hostilities or in such situations.

We are unified—our country must respond. We are determined to stand against those who have acted violently against the United States in order to bring about such a loss of life that we would crumble from FEAR. Never will that happen, because the principles that strengthen us of God and country—like truth will march on.

Mr. Speaker, Members of this Congress are truly united in their faith in God and country. That's why we are unwavering in our convictions and resolve to defend America and our interests against the acts of terror and cowardice perpetrated against us on September 11, 2001 at the World Trade Center, the Pentagon, and the crash in Somerset County, Pennsylvania. These egregious acts against humanity took the lives of thousands of innocent civilians that spanned God's spectrum of every race, ethnicity and religious denomination.

In 1973, The War Powers Resolution (Public Law 93-148) was passed over the veto of President Nixon, in order to provide procedures for Congress and the President to participate in decisions to send U.S. Armed Forces into hostilities.

Such force is constitutional under the Necessary and Proper Clause which specifically provided that "Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States. . . ."

The policy behind this power, entrusted to the President as Commander in Chief, to deploy U.S. armed forces to defend itself is "exercised only pursuant to: (1) A declaration of war; (2) specific statutory authorization; or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces." Pursuant to this authority, the President "in every possible instance" shall consult with Congress before deploying U.S. Armed Forces, and to continue consultations as long as the armed forces remain in hostile situations.

By authorizing military action under the War Powers Act the American people not only support the President, but they also provide guidance through their elected leaders that the actions this great nation takes are neither over broad nor inadequate. This Congress can and must assure the proper response and level of retaliation.

Mr. Speaker, the acts of aggression perpetrated against us certainly qualify under the War Powers Act, and such consultations between the President and the Congress are also clearly upon us.

America has suffered perhaps the greatest attack and act of aggression in its history. Thousands of people were killed and injured in this horrific act, simply because they were Americans and for their common love of freedom and democracy. Therefore there is little doubt that collaboration between Congress and the Executive is justified in this instance, as a matter of statutory and constitutional law.

The need for calm in compiling and analyzing the facts and evidence in this tragedy is great. Also the need for restraint and cultural sensitivity towards those in our communities who live as Americans, but who happen to be American Muslims, Arab-Americans and Asian-Americans. As Americans, we must demonstrate in this, our darkest hour, what makes us truly great: our love and acceptance of inclusiveness and cultural diversity. We must not attack innocent Americans who are simply different.

But upon our discovery of the culprits of these heinous acts, our response must be deliberate and firm. The actions we take today set us upon a new course in history. Not unlike what the Founding Fathers faced against an unfathomable enemy and an inconceivable challenge. This Congress, like those brave patriots before us, pledges its sacred honor and stands at the precipice of this new world unafraid. We will overcome this terrible period in the history of our country and we will overcome.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I intend to vote for this resolution. Nearly every Member of Congress this week has said this: on Tuesday, September 11, our country was brutally attacked.

It was an act of war. It demands response.

Under our Constitution, the President of the United States is commander in chief. When America is attacked, he assumes the obligations of the commander in chief. It does not matter whether the President is someone you voted for. Our country has only one President and only one commander in chief.

This resolution authorizes the use of force by America. As a matter of law, the War Powers Act may not even require this resolution. The President likely already has the legal authority needed.

But this afternoon most of us prayed together at the National Cathedral. At the end of the service, we stood together and we sang "The Battle Hymn of the Republic." As we sang, I could not help but recall that when "The Battle Hymn of the Republic" was written, our country was divided, and it was the last time on American soil when massive numbers of Americans died in war, until this Tuesday. At the end of the song, we sang, "As He died to make men holy, let us die to make men free."

While this resolution may not be legally required, it is important to show that we are united; that when America is attacked, Americans stand together. Those who died on Tuesday will have died to make us free.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker. I rise in support of Senate Joint Resolution 23, a resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States and its citizens. September 11, 2001, will be a date that will live forever in the hearts and minds of freedom loving people. On that date our country was attacked by terrorists in a way thought impossible. Thousands of innocent men, women, and children were murdered. It has touched the lives of thousands of families and of all Americans. It was an attack on our people and our freedom. The resolution before us authorizes the President to take the appropriate action including if needed the use of our military against those nations, organizations or people who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001. The resolution specifically directs that such action be targeted to prevent any future acts of international terrorism against the United States by such entities.

Mr. Speaker, we have an obligation to protect the safety of our citizens, particularly those within our own country. This resolution helps us carry out that responsibility. Our military force must only be used when it is clearly justified. This resolution limits that use to respond to the September 11 attack on our Nation. It is not only justified, but there is no more legitimate use of military than to defend one's country from acts of foreign attack. The

resolution recognizes the role and responsibility of Congress in authorizing and committing our military to hostile action. The Constitution provides that the Congress has the power to "provide for the common defense" and the power to "declare war". The resolution strikes the right balance between the President and Congress and is in compliance with the War Powers Act, making it clear of the President's obligations to consult with and inform Congress. Now is the time for Congress to act. Let those who were responsible for these horrible deeds know that the Congress and the President and the American People are united and are resolved to bring the perpetrators to justice and to prevent such acts from ever happening again on our shores.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I join with my colleagues in support of this resolution authorizing the President to use military force against those responsible for the September 11, 2001, attack on America.

In addition, Mr. Speaker, to all of those who have lost their lives and loved ones or been injured, on behalf of the people of the Seventh District of Illinois, we extend to them our heartfelt condolences.

Finally, Mr. Speaker, we commend all of those who have committed tremendous acts of bravery, who have given of themselves during this period, who have given even their lives so that others might live. We thank them for their acts of heroism, and we shall stand together.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. FROST), the distinguished Chair of the Democratic Caucus.

Mr. FROST. Mr. Speaker, today we debate the gravest and most important matter that ever comes before the Congress, the use of military force.

Mr. Speaker, the cowardly, barbaric attack of September 11 was an assault on America, on humanity and on the civilized world. It was the cold-blooded calculated murder of untold thousands of innocent Americans. It was nothing less than evil, plain and simple.

Mr. Speaker, September 11 changed much about America and the world, but I am proud to say that it has not perverted our democratic system. That is because the Congress and the President, as coequal branches of government, have worked together, consulting closely throughout the process. As a result, we have agreed to this resolution.

So we speak with one voice tonight, Mr. Speaker, and the House will overwhelmingly vote to authorize the President to use military force to respond to the terrorist acts of September 11.

Mr. Speaker, the United States is united in its commitment to bringing

to justice those who perpetrated this assault on our people. But make no mistake, this campaign may be long and it may be difficult.

As we take this action tonight, let us pray for the men and women of our armed services as they undertake this assignment for our Nation.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ACKERMAN), a senior member of the Committee on International Relations.

Mr. ACKERMAN. Mr. Speaker, along with President, I, too, have just returned from ground zero, the site of the greatest single human tragedy in our Nation's history. The towering pyramid of wreckage upon whose perimeter in New York City I have just walked hours ago is a monument, staggering in its dimensions and horrifying in its implications.

In that massive tomb, Mr. Speaker, lie the remains of a still-unknown number of my fellow New Yorkers and our fellow Americans. The terrorists who murdered these people conceive of themselves as the hand of God and have executed their wicked judgment against our people. And what were our countrymen's crimes? Their crime was to go to work in a free Nation. Their crime was to get on an airplane. Their crime was to visit one of the greatest cities in the world. And, in many cases, Mr. Speaker, their crime was to attempt to save the lives of other human beings.

Mr. Speaker, the kind of havoc, murder and carnage which the terrorists have inflicted upon our Nation can only be compared to war. And war, Mr. Speaker, is what we will give them back. We know which neighborhoods these people live in. We know who their landlords are. We will find out where they get their paychecks. We will hunt them down, not only the most obvious of their public leaders, but also the most hidden of their private supporters.

Tonight, Mr. Speaker, evil again is on the march, and we must respond. And respond we will. We will respond to the terror that lives in the shadows and that hides in the dark.

We know, Mr. Speaker, that we have not borne our final pain; but America is embarking on a great campaign, one which will not be easy, one which will take some time. Like the beginning of the Cold War, we may not be able to foresee the end of this conflict; but, Mr. Speaker, we can be certain of who the winner will be.

□ 2200

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, unimaginable evil has been perpetrated against our free country. We must authorize

our President to take all necessary actions to prevent those responsible for these dastardly acts from again inflicting such cowardly malice against our people.

Today our Congress reflects the resolve and unity of the American people in supporting our President in restoring peace and security to our peace-loving country. The Commander in Chief of our Armed Forces has an awesome responsibility. Let us unite behind him as he carries out his duty to our people.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, tonight I will vote to support our efforts to stop terrorism.

This is going to be a difficult vote for me. Since early in 1970, when I stepped off an airplane in Vietnam and joined my infantry unit, it has been my dream and it has been my prayer that no American would ever again have to shed their blood nor give their life on foreign soil. As a Member of Congress, I never dreamed of voting to send our American men and women into combat, but then I never dreamed I would be calling the mother and the father of a young man from Eureka, California, in my district, who was on board one of those hijacked airplanes on September 11.

This past Tuesday, terrorists attacked America and they attacked the American people. They murdered thousands of Americans, and we must ensure that we do all in our power to end terrorism and to stop the terrorists from striking again. Our country is great because the people of our country are great, and we will, we will, with resolve, stand together to protect our freedom.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when I swore my oath to preserve, protect, and defend the Constitution of the United States, I never imagined that this country or I would be where we are today. We each swear our allegiance to one another and to our country, yet the magnitude of our oath is only understood when we face situations like we face today. During trying times such as these, the American spirit shines most brightly and we find within ourselves the ability to overcome challenges once thought unthinkable and unimaginable.

The cowardly terrorists perpetrating these unspeakable acts may think they have won, but they better think again, because they have united us. A united America will overcome this evil. A

united America will continue to be a beacon for freedom-loving people, and a united America will prevail in the end.

Mr. Speaker, I urge support of this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, a previous speaker expressed disappointment that this resolution is not an explicit declaration of war. Let me reassure the gentleman. The recipient of America's forthcoming sword of justice will not be able to recognize the difference.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, as I walked down here, I saw in the cloak-room NBC News reported that from cell phones they could tell that the people on the Pennsylvania flight fought the hijackers, and that that flight was likely targeted for the building where we stand. The vision of the World Trade Center and the vision of the Citadel, symbol of democracy for this globe, leads me to know in my heart and in my gut, this is the right thing for our Nation to do.

Our enemy does not understand our national family. He perceives our freedom of religion as weakness. He perceives our freedom of speech as lack of discipline. He is about to discover that he is wrong on all counts.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Ms. KAPTUR), our distinguished colleague and my good friend.

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman (Mr. LANTOS) for yielding me this time.

I rise tonight in strong support of this resolution to grant unprecedented authority to our President for the first time in U.S. history to deploy our Armed Forces against organizations and persons that are not nation states, as well as those that are nation states. We take this step with the certain knowledge that our first duty is to protect and defend our Nation against all enemies, foreign and domestic. Never have we been more united in our cause.

We also take this step understanding the character of U.S. foreign policy for the last century has also yielded levels of hate against our Nation, by omission or commission, that demand deep and immediate reevaluation. We pray for our people who have had thrust upon them such unjust suffering. May God bless America and our allies with wisdom. Our unyielding causes are freedom and justice.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I too join the choir here of support for our President. This is an historic moment in our country, a sad moment. But I would just like to express a thought for the future.

We are kidding ourselves if we think this will be easy, and I do not believe anybody understands it to be easy. We are going to call up thousands of reservists soon, and we are going to put men and women in harm's way soon. This will not be a 100-hour ground campaign; this will not be an air war we watch on TV. This will affect every American family even deeper than it has now, but it is worth it.

This is the right thing to do. Let us end it now. Let us stand behind our President and go after the organizations from top to bottom who perpetrated such a heinous act. We can do it as a Nation if we stay together and keep the spirit of September 11 alive. Do not give in to terrorism.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he or she may consume to the gentleman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, I rise with a heavy, heavy heart, to join my colleagues to authorize our President, to use the necessary and appropriate force against those who will be identified as the perpetrators of the terrorists act of Tuesday, September 11, 2001, that killed so many of our loved ones, in a diabolical attempt to strike fear in the hearts of our Nation's leaders and all Americans.

Yes, we must vindicate those thousands of lives, like Sgt. Maudlin White of my district, so that their dying will not be in vain.

But, Mr. Speaker, I stand here humbled by the heavy responsibility that is ours—the specific authority to declare war that is bestowed by the Constitution, on us as Members of this body.

And though I stand here with my colleagues, in this awesome time of decision, I do so as one who is not afforded the opportunity to cast a vote. At many other times, I have felt the sting of not being fully able to participate in our democracy, but never more than tonight. For tonight we authorize our President to send my constituents, like all others to a war unlike any other before, and perhaps to die for this country, which we love.

But we must, because now we fight a war, where all of us—at home, at work, at school, at church, and anywhere—are at risk, as was so clearly and tragically shown this week. And so, while many of us harbor reservations about the breadth of the powers bestowed, we must stand by our President, and for our fellow Americans, and pray for God's wisdom, and guidance, as he carries out the heavy weight of his office.

Mr. Speaker, if there was ever a time when decisive and immediate decisive military action would be required as soon as certain information becomes known, it is in the wake of Tuesday's unprovoked and unwarranted attacks in which innocent lives were snuffed out, for no apparent purpose save that of general hatred

of Americans, America and all that she stands for.

The Bible tells us many things: It teaches that we should "not render evil for evil," but it also tells us "if one lives by the sword, one will die by the sword." The perpetrator of Tuesday's attacks and other attacks surely planned, used and will yet use the sword of violence against us, unless we stop them.

We must act, and act swiftly and decisively, but we must also prepare ourselves better to prevent further attacks, and examine through honest introspection, if we have, in any way, given cause for such hate.

And as we prepare to exact justice on the perpetrators of this heinous crime, we must also be certain that we are indeed going after those who committed these crimes, and not be over-reaching in our response.

We must proceed with extreme and due caution, not so to wage war based on existing prejudices, motives, or questionable information, lest we inadvertently become one of the world's terrorists ourselves.

And so, prayerfully, I join my colleagues in support of this resolution to authorize our President, George W. Bush, to use the authority vested in him by the Constitution of the United States, to take action to deter and prevent acts of international terrorism against the United States and our Allies.

May God bless and keep our President, and may God bless and keep America, and may our divine Parent bless and keep us all.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I just returned with some of my colleagues from New York, New Jersey, and Connecticut, from Ground Zero, at the World Trade Center in New York City. It was a terribly disturbing sight; almost incomprehensible, the magnitude of this horrific crime. But it was also an incredibly inspiring, uplifting moment, and it filled me with a tremendous sense of confidence in our future.

Confidence? The police, the firefighters, rescue workers, utility workers, Armed Forces, volunteers. Together, I know we, 270 million Americans, will win this war. United. No one can beat us.

It will not be quick or easy, but with the will to do what is necessary for however long it takes, the people of the United States of America will triumph, and I have no doubt about that.

We will prevail because the fire of freedom burns in us, and makes us unbeatable. God bless America.

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I rise in support of this joint resolution.

As someone who has seen the face of war for almost 4 years in Vietnam, I do not relish the idea of returning to this state. But yesterday I traveled to the Pentagon and today I flew with my colleagues to New York to visit Ground Zero, my military colleagues and my

constituents who have been killed and are missing in what can only be called an act of war.

So we have no choice but to respond to these acts with "all necessary and appropriate force." In the names of the dead and of the missing, we can do no less. God bless America.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking Democrat on the Committee on Foreign Operations.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this resolution.

America stands at a threshold. Behind us lies our sense of security, now shattered by intentional and brutal acts of war. Before us lies our solemn obligation. Our steps over this threshold must be deliberate, they must be firm, and they must be brave.

Today, Congress invokes our authority, derived from our Constitution and the War Powers Resolution, to authorize the use of force against enemies of the United States. Our object is not to extract vengeance; mere retribution will not make Americans safe, nor will it purge terrorism from this world.

The battles ahead will be against an enemy who knows no boundaries and has no shame, an enemy with no flag and no official military, who lurks in the shadows of the world, cloaked in malevolent ideology and attacks us indiscriminately. These will be battles unlike any we have ever known and we must stand united with our President, our allies, and each other as we navigate the coming storm. The coming days and weeks will give us a clear picture of who stands on the side of justice and freedom and who does not.

Those who stand against us, actively, by organizing, financing, or executing terrorism, or passively, by sheltering terrorists and their allies, or implicitly, by teaching hatred to children or justifying violence against innocents, will know the full fury of a just and gentle America aroused. We will not rest until the world is free at last from the grave threat that struck so hard at our Nation's heart.

Since the end of the Cold War, this Nation has taken much for granted: our freedom, our liberty, our safety. These days are over, I say to my colleagues. Today, at this moment, a new generation is being called upon to defend our way of life and protect our citizens. A new war is upon our shores. Its first innocent casualties have already fallen. Let us meet this test with all the unity and will we can muster, and may God bless America.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, as a new Member of Congress, I hardly expected to have to take this extraordinary step, but I do it with the grave seriousness with which it is intended.

Last May I stood on this floor and I welcomed my first new grandchild, and I said at that time that for many of us the issues that we deal with today, we need to think about how they affect our children and our grandchildren. I would submit to my colleagues today that that is what I am thinking about, because what we are doing today is securing for them our American way of life.

Our American way of life reflects that fragile balance between our individual freedom and the security of our Nation, because that is the cornerstone of our democracy and to which our children are born. And to our foes: You have underestimated our will to assure that that justice and that freedom flourishes throughout our land.

□ 2215

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, not one Member of this body ran for election to go to war. We seek peace. But in the last century, America has spent the lives of our young men and women in major conflicts on five occasions on other shores to restore peace, and now war comes to us.

We did not invite this, but we will not shirk from it. A band of thugs has visited upon this Nation and upon innocent American citizens death and destruction, the likes of which the world has never seen. It falls upon us to ensure that not only can it not succeed on our soil, but that it should not be tolerated in any corner of the globe.

This resolution gives to our President the tools to begin a long and arduous campaign to end this terrorism. It will not end with the punishment of one man or group or even one nation sympathetic to their cause. It will end with a victory so brutal and decisive that no one or group, no matter how much they hate freedom, will dare to risk repeating the terror they have put the world through for the last 30 years. No nation state, no matter how much they hate America as the world's most conspicuous example of freedom, will find it in their nation's interest to attempt to surreptitiously support them.

This will not be quick or easy, but this is a united Congress, this is a dedicated President, the American people are fully committed to our goal, and we will succeed.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to our distinguished colleague, the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we were all shocked, horrified, disgusted, and sorrowed at the tragic events that transpired September 11, 2001, resulting in a large loss

of life. My thoughts and prayers are with the families. There is no doubt, all of our own lives hold more value to us than before, and we have been forever changed as individuals and as a nation by experiencing such a devastating loss.

In the days ahead, we must take a multifaceted approach in order to destroy terrorism and terrorists around the world.

Make no mistake, the Congress fully supports our President and will hold those responsible who did those atrocious actions. We will do whatever is necessary to promote and protect our way of life and to protect our families. America remains a strong democracy, and the resilience of our people will prevail.

Just a few weeks ago, I was in New York City; and I was toured around by the Port Authority of New York. We were over there with the gentleman from Florida (Mr. MICA) with the Subcommittee on Aviation, and they showed us New York.

Some of those people who took me around are not with us anymore. I assure Members, we will remember them, we will remember their memories, and we will do everything we can to bring about justice for all.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to our valued colleague, the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I strongly support this resolution on behalf of my constituents and all New York. Those who wear the uniforms of firefighters, paramedics, nurses, and doctors are our soldiers. We will not let their courage, big heart, and hard work to rebuild our city amid the rubble be forgotten.

We are facing a different kind of war requiring a different kind of response. We will need more vigilance at home and more cooperation abroad. Flexibility and creativity are required to prevent further assaults. We must be smarter and faster than our foe.

We support this action because our cause is just. There is no conceivable justification for shedding the blood of innocents. We do not seek vengeance, for Americans are not a vengeful people. Americans cherish justice, and that is what we seek here.

This resolution would allow us to pursue, prosecute, and punish these criminals. We do this because civilized nations prove again and again that terrorists have no legitimacy among them.

With the sustained and inalterable will demonstrated here tonight, and the cooperation of peace-loving people around the world, we will prevail. I strongly support this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to our colleague, the gentleman from New Jersey, (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, today, even as we bind the wounds as thousands of brave Americans still work to free those who are trapped, to care for those who are injured, to recover those who are lost, Congress, on behalf of our good and brave people, must act.

Mr. Speaker, this is the time for our Nation to lead the world in the fight against terror, to strike a blow for future generations for all people against those who would try to achieve their goals through violence, terror, and bloodshed. While these cowardly acts have shaken buildings, they cannot shake the strong foundations of our nation's, our peoples' spirit, our great democracy.

Today we show that we are Americans united, united for our foes to see and for our friends to see. Today we show the world that the manner in which we respond illustrates what makes America great and shows America to be good.

I join with all of my colleagues in Congress in expressing our Nation's sorrow and outrage against this evil event; even more, our firm resolve to root out terrorism. It will require a long, hard effort, and a full measure of wisdom and courage. Those cowards failed. Our freedom is not our vulnerability, it is our greatest strength.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to our distinguished colleague, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in support of this resolution. I suspect most Members will support it. As we have heard from voices throughout the land, people are looking for swift, revengeful action from our Armed Forces.

In my own district, my own constituents are mourning the death of Army Major Kip Taylor, who died in Tuesday's attack on the Pentagon. I am sure we all want swift retribution, but I am reminded of the old saying that revenge is a dish best served cold.

This resolution authorizes the President to strike, and to strike hard. But let us make sure we identify our targets carefully. Today as we gathered at the National Cathedral on this day of prayer and remembrance, we sang the Battle Hymn of the Republic.

We sang those words that we hope will send a chill through our enemies: "He hath loosed the faithful lightning of his terrible swift sword."

Mr. Speaker, the sword we loosen tonight is indeed terrible. May its aim be swift and true in bringing us justice and peace.

Mr. LANTOS. Mr. Speaker, I yield as much time as he might consume to our distinguished Democratic whip, the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague, the gentleman from

California (Mr. LANTOS), for managing the time today on this most important resolution and for his contributions, as well as the distinguished gentleman from Illinois (Mr. HYDE).

Mr. Speaker, together we mourn our Nation's terrible, terrible losses and our hearts ache; and we know that the days ahead will not be very easy. But in these past difficult days, America has once again shown the world and perhaps even ourselves, Mr. Speaker, just who we are, a land of courage and generosity and extraordinary quiet heroes; a people of many colors, faiths, backgrounds; a people who stand united, not just in defense of our Nation but of our most cherished ideals, freedom, tolerance, diversity, and democracy.

When the world watched our national prayer service earlier today they heard the healing words of many faiths. A Muslim imam, a Jewish rabbi, and Christian clergy.

These Americans, like the rest of the world, all worship God in their own way. But the common faith they share, what we have witnessed in the torrent of goodness this week as neighbors help neighbors and strangers help strangers, is that hate can never conquer our national spirit.

We must prepare ourselves for the uncertain months and perhaps years ahead. Every one of us will be asked to give more, to do more, to help pull the plow of freedom forward.

With this resolution, we commit ourselves to that endeavor, to bring those who attacked us on September 11 to justice and to build a safer world. We draw strength from our unity of purpose in the unwavering support of friends and allies around the world.

Today, we join together not as Democrats nor Republicans, but Mr. Speaker, as proud Americans prepared to defend freedom as our forebears did before us.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before yielding back the balance of our time, may I just say that I arrived on these shores in August of 1947, and in all those years I have never been more proud to be an American than this week. The unity, the goodness, the commitment, the decency of our people has been so obvious and clear and so powerful and moving. This country will stand united as we destroy international terrorism, however long it takes.

Mr. Speaker, I yield back the balance of our time.

Mr. HYDE. Mr. Speaker, I yield the balance of our time to the distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE) for yielding me this time, and I thank both him and the gentleman from California (Mr. LAN-

TOS) for your leadership on the floor during this debate.

I would like to thank, Mr. Speaker, all my colleagues, all these Members of this House of Representatives. Today I have had a rare opportunity. I had an opportunity to listen to most of the speeches, and it was a good debate about a serious subject. Mr. Speaker, this is a serious moment for each and every one of us, and you can see it weighing in our hearts.

Every now and then, Mr. Speaker, we are called upon to understand and reach deep into our hearts and minds to understand who we are as a Nation. I have seen it before my eyes in all the scenes we have seen described here tonight and the horror of the attack and the splendor of our heroic response. Even in the most brief circumstances, with our hearts broken, we reached out to help others across this land.

I think, Mr. Speaker, there is one phrase from our sacred documents that tells us who we are, why are we here, why did we come to this land from all other this world, with all our different creeds, denominations, Nations of origin, nationalities.

We came here in search of one thing. We came here to secure the blessings of liberty for ourselves and our posterity. That is what we wanted. We have had to struggle too many times, Mr. Speaker, in the history of this great world as we have tried to play out that wonderful drama as a marvelous experiment in the history of the world. We have had to struggle against our own imperfections and there has been hurt; and we tried to overcome that hurt.

On so many other occasions we have been called upon to struggle for the freedom that we love so much against the enemies of freedom. Even in the beginning of this great Nation, with the minutemen, we took to our muskets to win our freedom. And another time we fought with one another, and just about lost the greatness of this Nation and we brought it back together.

But for the most part, Mr. Speaker, we have had to spend our young men and women in the defense of freedom for other people, and I always admired us so much for that.

□ 2230

What Nation ever in the history of the world has so much loved freedom that they spent their own peace to defend the freedom of people other than themselves? That is to be known, that is to be respected, that is to be cherished, if only by ourselves.

And now we are challenged again. Why do they challenge us? What do they seek to achieve? Are they wanting to change our commitment to freedom across the globe? Do they think we are a bother to them as they try to suppress other people and deny them their rights? A great Nation does not change the course of its policies towards other

nations and other people because of the cruel, inhumane acts of terrorism by barbaric people who do not understand respect. We will not change who we are and what we stand for in this world and who we have been and what we have stood for in this world because of this.

I am told that in some instances, with some of these people, they hate our religion. We only ask that we all gather together and give respect for one another in our religious beliefs. We try to do that for others, and I believe as a Nation we do it well. Not perfect, but well. And we work so hard at doing that for others we require that it be the same for us.

Tonight, we have gathered here to discuss something, and I have heard so many of my colleagues in this body say it, it is something we do not want to do, to join again in authorization with our President, the commander in chief of the United States of America, to commit our young men and women in uniform to the field of danger in the defense of freedom. A simple thing, done over and over and over again.

We have been reminded by others, some of us, of the costs we might expect these young men and women to pay, the costs that have been paid by the heroes we have talked about in this debate. This will not come cheap. There will be mamas and daddies with broken hearts with the loss of the most precious gift the good Lord has ever given them: their children.

But when mothers and fathers in this great land lend their children to the cause of freedom, they do just that. We do not commit our children for frivolous reasons to fields of danger. This is not about revenge. It is not in our heart. We are a good Nation. We are a kind Nation. We will forgive our enemies in victory; and we struggle to forgive ourselves for our imperfections, but we do not commit our children to acts of vengeance.

We do not cheapen the heroism of our great American heroes with the quest of territory or the thought of dominance of other people. We will spend our heroes only for freedom, decency and respect; for the right to live an ordinary mundane everyday life, to go to work and be left alone, to do our bit and share with others, to hold our children and put them to bed at night with a very simple little kiss on the cheek and a very soft little assurance: sleep safely, my darling, for you are in America and you are free and you are safe and our heroes have made it so for you.

Mr. Speaker, let us vote for this resolution. Let us take this harsh task. Let us ask our young men and women once more in America to go out and be the sensational heroes at risk that they never wanted to be and, bless our hearts, that we never wanted them to have to be. Let us get this done. Let us remove this blight on the world. And,

Mr. Speaker, let us have the blessings of liberty for ourselves, but oh so much more importantly, for our posterity.

Mr. NADLER. Mr. Speaker, the World Trade Center is in my district, and I just this moment returned from traveling in the district with the President, walking through the ruins of the World Trade Center, where there are thousands of bodies buried.

I have spent much of my career speaking out against the use of military force when I believed it was unwarranted. In many ways, my political awakening began with my active opposition to the war in Vietnam. But, Mr. Speaker, those of my colleagues who are rightly skeptical of the use of force, and who recognize how very reluctant we must be when sending our young men and women into harm's way, must understand the threat and the stakes if we fail to act.

Many have said that the events of Tuesday changed the world forever. The world has not changed. The people who carried out this murderous attack on our Nation, the organizations which recruited, trained, and supplied them, the governments which gave them shelter and support are still there. We now know without any doubt what the price of inaction, of appeasement, of willful blindness will be.

The world has not changed, but I believe the American people have. Our Nation is now ready to recognize that we have been in a war for many years. Our people now recognize that if we do not defend ourselves in that war from those for whom our lives, our children, and our way of life are a daily affront, we will not survive as a Nation. We must now exercise the right under the United Nations Charter to collective self-defense.

I wish we had a choice, but the charred rubble and the thousands of dead Americans lying just blocks from my office in Manhattan, and the hundreds more a stone's throw from this very building demonstrate that we have no choice. We must pass this resolution. We must wage the war that has been thrust upon it. We must do it resolutely, and we must be victorious and rid the world of this scourge of terrorism.

Mr. Speaker, I have just returned from my congressional district and walked with the President through the ruins of the World Trade Center. Somewhere in those charred and twisted ruins lie the bodies of relatives, friends, children, colleagues, neighbors, firefighters, police officers, working people, and innocent tourists.

I have spent much of my career speaking out against the use of military force when I believed it was unwarranted. In fact, in many ways my political awakening began with my active opposition to the war in Vietnam. But, Mr. Speaker, those of my colleagues who are rightly skeptical of the use of military force, and who recognize how every careful we must be when we consider sending our young men

and women into harm's way, must look carefully at this threat and understand the stakes if we fail to act.

Many have said that the events of September 11, 2001, changed the world forever.

But if our lives were changed forever, the world was not. The people who carried out this murderous attack on our Nation, the organizations which recruited, trained, and supplied them, the governments which gave them shelter and support, the fanatical leaders who have whipped up hatred so great that young people were willing to fly planes filled with innocent civilians into crowded office buildings—all of these despicable murders and demagogues have been at work for years. The only thing that has changed is that we have now joined the family of nations which has far too long paid a terrible price because we have failed to act.

We now know without any doubt what the price of inaction, of appeasement, of willful blindness, will be. When we allow nations which offer shelter and pay tribute to these murders to pretend that they are our friends, we get the betrayal we ourselves have invited. Anyone who witnessed the mobs in the Palestinian territories celebrating our tragedy in the streets understands the attitude of our enemy in this war; they shake your hand and then cheer your pain.

So the world has not changed, but I believe the American people have. Our Nation is now ready to recognize that we have been in a war for many years, and our people now recognize that if we do not defend ourselves in that war from those for whom our lives, our children, and our way of life are a daily affront, we will not survive as a nation.

The Constitution gives Congress the awesome power to declare war and authorize the use of military force in the defense of the Nation. The United Nations Charter gives member nations the right to "collective self-defense." Tonight we do just that. I wish we had a choice, but the charred rubble and the thousands of dead just blocks from my office in Manhattan, and the hundreds more a stone's throw from this very building, demonstrate that we do not.

Mr. ENGEL. Mr. Speaker, I, too, have just come back from New York with the President, and I must say that I still have the mud all over me. Being a New Yorker, born and bred, I was not prepared for what I saw at ground zero.

Ten years ago, Mr. Speaker, I stood in the well and was one of the Democrats who crossed party lines to support the first President Bush in the Persian Gulf War to do what he needed to do as our commander in chief, and I now do the same 10 years later with President Bush.

This is a very difficult time for all Americans. We need to band together to fight this scourge of terrorism, and I think we know it now more than ever before. I have never been more proud to be an American. I have never been more proud to be a New Yorker, to see the firemen, the policemen, the iron workers, and everyone else working together to try to find more survivors, to try to do whatever they can to help each other.

This is going to be a long prolonged fight. As our President said, it is a war, a war on terrorism, but a war that we will win. I am very, very proud; proud of this body and proud to be an American. God bless America.

Mr. FERGUSON. Mr. Speaker, I rise in strong support of this resolution. I, too, came back from ground zero in New York, the site of so much wreckage and destruction. And for those who say that this was done by cowardly, faceless villains, yes, they were cowardly; but the face that we see is the face of evil and hatred in our world today.

We contrasted that evil with the hope and the determination and the courage of the firefighters and police officers and rescue squad personnel working with the glimmer of hope of finding additional survivors. For these individuals who have worked in the toughest of circumstances for 3 days, it was incredible to see their faces light up with words of encouragement from our President.

There was so much noise and machinery. There was a firefighter in the back who yelled, "Mr. President, we can't hear you." And the President responded with, "But I can hear you, and all of America can hear you. And for those who took down these buildings, they are going to hear from us."

Tonight's resolution represents our opportunity to make sure that they do hear from us. Tonight, we have an opportunity to stop this evil. We do not seek revenge; we seek justice. We know that this is not going to be a short-term project. We need to bear down and have perseverance for the long haul. We will root out those who were responsible for that massacre, and America will stare down the face of evil and hatred.

To those who have endured so much suffering, we will not let you down.

Mr. UDALL of Colorado. Mr. Speaker, I am voting for this resolution with a heavy heart, but without hesitation.

Like the hearts of all Americans, my heart is heavy with grief for all those killed and injured in this week's despicable attacks. It is weighted with sympathy for all their families and friends, and with concern for what may lie ahead for our country and for other people around the world.

But, however heavy our hearts, we in the Congress and throughout America know we must not lose heart.

We know we must not hesitate to fulfill our responsibilities to our fellow citizens and to our country.

We know that if we do, we will be giving way to terror and giving victory to those who seek to terrorize America.

And all Americans—Christians, Jews, Muslims, and all others, too—know that we cannot let these criminal deeds go unanswered.

This resolution is a key part of the answer. It says the President can use force in a "necessary and appropriate" response directed at those who "planned, authorized, committed, or

aided the terrorist attacks on September 11, 2001," as well as those who harbored the perpetrators, so they will not commit new offenses. It is broad, but it is not unlimited. It covers the culpable but it is not aimed at anyone else.

In other words, in voting for this resolution, I am voting not for vengeance but for justice.

I think it is the duty of all civilized people to insist on meting out justice to those who are guilty, including those who have aided and abetted the perpetrators—and we must not hesitate to carry out that duty.

But we have another duty as well—a duty to ourselves and to the things we hold most dear.

To paraphrase Churchill, this week may prove to be only the end of the beginning of events that will challenge us all. Those events likely will test our resolve in persisting through a long and unsettling struggle. And they definitely will test our dedication to our own principles—the very principles that have made America what it is and so have made us hated by those who hate those principles.

We must not waiver in defending those principles. We must not weaken in our determination to maintain our Constitution and democracy. And we must not surrender or reduce the basic freedoms and the rights of all Americans—because, if we do any of those things we will have lost the struggle, whatever the results of the use of force authorized by this resolution.

Mr. LEACH. Mr. Speaker, American governance today is confronted with an unprecedented challenge. A concerted terrorist attack has been perpetrated against our institutions, people, and way of life. As legislators we are obligated to look to our constitutional heritage to craft an appropriate response. What is clear is the imperative to act. What is less clear is the methodology to pursue.

Terrorism is neither easily understood nor combatted. The assaults on the World Trade Center and the Pentagon represent perhaps more a conspiracy of hatred than a traditionally understood act of war. Yet the rationale for an international police action led response by U.S. Armed Forces must be rooted in traditional just war doctrine.

There is in the Western tradition a hallowed just war doctrine developed by ecclesiastics and jurists, followed by statesmen, instinctively accepted by the peoples of many countries. Briefly, it holds that for war to be considered just, it must be animated by a just cause and informed by righteous intention, that it be undertaken by a lawful political authority and only as a last resort, and that rectifying actions be proportionate to the wrongs committed.

With this resolution Congress is obligated to lay forth an intent to hold accountable to the bar of justice perpetrators of a crime against civilized values. We do this, however, with no intent of territorial aggression nor desire to precipitate breaches between the Moslem and Judeo-Christian worlds. Indeed, we act out of a desire to emphasize what unites rather than divides the three great monotheistic religions.

All moral communities are structured by religious values. Thus our revolution against British authority was premised upon "self-evident" individual rights and legitimized by an "appeal to heaven," a higher law of conscience which

precedes the more mundane civil laws of society. In establishing our constitutional form of government the Founders brought into being not a secular system, but a desecularized one premised on the dual conviction that no political leader or institution speaks for God, and at the same time, that under God, truth and right are not matters ultimately decided by majority vote.

The decision not to establish a state church, however, was never intended to precipitate a divorce of religious values from politics. Citizens were expected to derive their values from religion, but to practice their faith by example rather than coercion; to be moral without moralizing. Likewise, governance was intended to be rooted in law and due process and the resolution we are now debating is intended to underscore the role of our legislature in advancing a foreign policy decision.

Here, it demands stressing that for a community founded as "one nation, under God," a critical basis for making judgments of the nature thrust today before Congress is the Ten Commandments, the essence of the ethical teachings of Judaism, Christianity and Islam. As the scholar Huston Smith puts it: "It is through the Ten Commandments that Hebraic morality has made its greatest impact upon the world. Taken over by Christianity and Islam, the Ten Commandments constitute the moral foundation of half the world's population."

As Smith and others have pointed out, the ethical precepts contained in the Ten Commandments—whether as worded in Exodus 20: 1–17 or Deuteronomy 5: 6–21 of the Hebrew Bible, as summarized by Jesus of Nazareth in "two great commandments," Matthew 22: 37–39 in the New Testament, or as in the injunctions and prohibitions in Surah 17: 22–39 of the Koran—represent the minimum standards of conduct if life in community is to be an enduring possibility.

The Ten Commandments are not the exclusive possession of a single religious tradition nor the expression of a particular moral code. Rather the importance of the Ten Commandments lies not in their uniqueness but in their universality. They are not only the final word in any area, they are the first word. This is why, over three thousand years after their formulation, they remain the moral cornerstone of half the world.

The Ten Commandants are relevant to discussion of this resolution because just as the Judeo-Christian tradition emphasizes the civilized belief that "Thou shalt not kill," the Koran states: "do not kill any one whom Allah has forbidden . . ."

The distinction that matters is not nuanced differences between the Old and New Testaments and the Koran, but between committed individuals of faith and fanatics. The former are concerned principally with improving their own lives; the latter with imposing their beliefs on others. Yet it is impressive how closely St. Paul's admonition about modesty of judgment—that we all see through a glass darkly—parallels Mohamed's directive "follow not that of which you have not the knowledge . . . do not go about in the land exultingly, for you cannot cut through the earth nor reach the mountains in height."

These parallels are important in this discussion because as we contemplate the use of

force, we the representatives of the American people have an obligation to emphasize the commonality of our values. We respect Islam and Islamic nations. The only brief we hold is against parties that manipulate hatred and employ tactics of terror.

Here, to return to just war doctrine, a central tenet is proportionately. Care must be taken in any military action to limit to the maximum extent possible collateral damage and seek instead individual accountability. We must in the American tradition pay a decent respect to the opinions of mankind. Otherwise, we will not only create more terrorists than we root out and cause a world currently sympathetic to our dilemma to turn against us, however righteous our cause. Fanaticism, in other words, should be matched by a commitment to right or wrong, not counter-fanaticism. The fundamental goal of the policy we sanction this evening must be prevention, not revenge.

Finally, a note about historical parallels. The Gulf of Tonkin resolution is not proper precedent. Tonkin, after all, involved an unconfirmed rifle attack from a wooden boat against a U.S. naval vessel in a combat zone off the shores of Vietnam. No one was killed or injured; no damage was inflicted. In this case, an unprovoked, cowardly attack was launched against American citizens and military personnel on American territory. The Congress, in conformity with the War Powers Resolution which resulted from the lack of constitutional clarity that engulfed our involvement in Vietnam, has no choice except to authorize executive discretion. What this debate must frame, however, is both the discretion that is appropriately delegated to the President or underscored under the Constitution and the limits or nature of judgement that must be applied to the circumstance. In this regard, this Member simply wishes to place in the RECORD a concern for the need for international cooperation and proportionality of response. Fundamentally, at this stage, the crimes that have been committed are of a few against two symbolic bastions of civilization. The goal should be individual accountability of parties that plan and participate in terrorism or harbor terrorist activity. Prayerfully, a war on terrorism need not precipitate a war between cultures or states.

Mr. LEVIN. Mr. Speaker, I rise in support of this resolution. It authorizes the President to use all necessary and appropriate force against those who attacked our country on September 11, or those who aided or harbored them. The death and destruction that rained down from the skies on Tuesday has horrified and outraged the entire nation. We can never replace the innocent lives that were lost, but we honor their grievous loss when we act to prevent such a heinous crime from happening again.

The enemy that did this must be identified and punished. Their network of support must be uprooted. In the difficult effort ahead, we must be resolute, determined and united in purpose. The resolution before the House tonight reinforces and supports the powers granted to the President in the Constitution as Commander in Chief and those granted him under the War Powers Act. More than that, it underscores the determination of Congress

to stand with the President, the men and women of our nation's armed forces, and all Americans in the great task before us.

As a freedom loving people, we did not seek this fight. But as nation that loves freedom, we shall not shun it. Let us stand together and pass this resolution.

Ms. LEE. Mr. Speaker, I rise today with a heavy heart, one that is filled with sorrow for the families and loved ones who were killed and injured in New York, Virginia, and Pennsylvania. Only the most foolish or the most callous would not understand the grief that has gripped the American people and millions across the world.

This unspeakable attack on the United States has forced me to rely on my moral compass, my conscience, and my God for direction.

September 11 changed the world. Our deepest fears now haunt us. Yet I am convinced that military action will not prevent further acts of international terrorism against the United States.

I know that this use-of-force resolution will pass although we all know that the President can wage a war even without this resolution. However difficult this vote may be, some of us must urge the use of restraint. There must be some of us who say, let's step back for a moment and think through the implications of our actions today—let us more fully understand its consequences.

We are not dealing with a conventional war. We cannot respond in a conventional manner. I do not want to see this spiral out of control. This crisis involves issues of national security, foreign policy, public safety, intelligence gathering, economics, and murder. Our response must be equally multi-faceted.

We must not rush to judgment. Far too many innocent people have already died. Our country is in mourning. If we rush to launch a counter-attack, we run too great a risk that women, children, and other non-combatants will be caught in the crossfire.

Nor can we let our justified anger over these outrageous acts by vicious murderers inflame prejudice against all Arab Americans, Muslims, Southeast Asians, or any other people because of their race, religion, or ethnicity.

Finally, we must be careful not to embark on an open-ended war with neither an exit strategy nor a focused target. We cannot repeat past mistakes.

In 1964, Congress gave President Lyndon Johnson the power to "take all necessary measures" to repel attacks and prevent further aggression. In so doing, this House abandoned its own constitutional responsibilities and launched our country into years of undeclared war in Vietnam.

At that time, Senator Wayne Morse, one of two lonely votes against the Tonkin Gulf Resolution, declared, "I believe that history will record that we have made a grave mistake in subverting and circumventing the Constitution of the United States . . . . I believe that within the next century, future generations will look with dismay and great disappointment upon a Congress which is now about to make such a historic mistake."

Senator Morse was correct, and I fear we make the same mistake today. And I fear the consequences.

I have agonized over this vote. But I came to grips with it in the very painful yet beautiful memorial service today at the National Cathedral. As a member of the clergy so eloquently said, "As we act, let us not become the evil that we deplore."

Mr. PORTMAN. Mr. Speaker, I rise tonight in strong support of this resolution. What we are doing tonight is authorizing the use of our Armed Forces for war. It is a war we did not want, and it is a war we did not start. But the primary responsibility of any government must be the protection of its citizens, and so Tuesday's attacks on the citizens of the United States have left us with no choice. The perpetrators of these heinous crimes must be found, and then they must suffer the consequences of their deeds.

I take this vote tonight knowing there will be challenges ahead. There will be danger. And there will be sacrifice. But this is a war we must win. For us as Americans, and for the free world.

Terrorists use fear as a weapon. But we will not surrender to fear. Because they are not just facing the best-trained and best-equipped military the world has ever known; they are facing the fierce determination and the quiet anger of the American people. The attacks on Tuesday were designed to bring chaos to the United States, but it has done just the opposite. We stand together as one nation. We understand there will be challenges ahead. And we know what must be done. And that is why we are here tonight and authorizing the President to use all necessary force to destroy these terrorist organizations. September 11th is a day we will always remember, and I believe it is a day the enemies of freedom will live to regret.

Mr. WU. Mr. Speaker, as brave Americans continue working to rescue and treat those trapped under the remains of the World Trade Center and the damaged Pentagon, my heart and prayers continue to be with those who have lost loved ones and those with loved ones still to be found.

Since Tuesday, I have seen Americans in our finest hour. We have experienced the deepest of loss, sadness, despair, and anger. But Americans have joined together to help each other, and I am proud.

We Americans demand that individuals, organizations, or countries responsible for this monstrous act be brought to justice. Our actions must be deliberate, decisive, and effective.

We will not deliberately attack innocent civilians and become like our attackers.

Article I, section 8 of the our Constitution grants to Congress the authority "To declare War."

This is one of the most profound of powers. The Founders recognized that the power to send our sons and daughters to war is the most important decision a nation can make. They invested this power in Congress, the institution closest to the people.

I believe this solemn congressional responsibility is critical to protecting the delicate balance of power between the legislative and executive branches. This balance of power was carefully crafted and has allowed the United States to remain one of the most stable and enduring democracies in the world.

I would have strong reservations about a resolution authorizing the use of force in an open ended manner reaching far beyond responding to this specific terrorist attack on America. This is not that resolution.

This resolution restates the authority I believe Congress already granted to the President under Section 2(c)(3) of the War Powers Resolution. My reading is that nothing in this resolution supercedes congressional authority under the Constitution or War Powers Resolution and the President would continue to be bound by the reporting and consultation requirements. Under this resolution, Congress reserves the right to review the President's plans and actions.

The purpose of our restatement, of this use of force resolution, is to demonstrate that America stands united. I pray that President Bush will use the awesome powers of the United States with wisdom.

Mr. HILLEARY. Mr. Speaker, I rise in strong support of our Commander-in-Chief, our Armed Forces, and the important action this body takes today. This resolution means America will go into our war on terrorism with a solid front.

We're not retaliating because we're angry, although we are. We're not doing this out of revenge, although it is. This is not simply about justice, although we are entitled to justice. Rather, we are retaliating to save our freedom and way of life. These who were violently attacked on September 22th would be attacked again, maybe with nuclear, biological, or chemical weapons next time, if we were to allow the perpetrators to go unpunished, or even lightly punished. But we won't. America is a peaceful nation, but when our freedom and security are challenged as they are now, we will do whatever it takes to protect our way of life.

I do not take this decision lightly. This war is going to be an extensive and costly one. This vote will result in the likely loss of life for a good number of American servicemen, and the certain upheaval of many American families. Our enemies don't think America has the stomach for an ugly sustained fight like this one. Our enemies are wrong.

Ten years ago, I was on the receiving end of a resolution like this one, just another young Air Force officer, waiting for the word. I know it was an agonizing decision for many members of this body, but it was the right one for America and for the world. I believe this one is, too. We need to remember this when the going gets tough. Right is right, and must be defended.

It says in the seventh Psalm that, "He who digs a hole and scoops it out falls into the pit he has made. The trouble he causes recoils on himself; his violence comes down on his own head." In the near future, the violence of America's enemies will come down on their own heads. We will find these barbarians, we will hunt down those who harbor them, and we will make an example of them. We did not start this. But we will finish it.

God bless the victims and their families, God bless our brave soldiers, sailors, airmen, and marines. And God bless America.

Mrs. CLAYTON. Mr. Speaker, I rise in support of the Joint War Powers Resolution, but not without reservation. Clearly, the terrorist

attacks on September 11th caused unprecedented death, destruction and despair in our nation. The attacks struck a blow not only to our citizens and buildings, but also against our values, our freedoms, our way of life. They touched all of us; and we must seek justice, honor our fellow citizens, and prevent further terrorist acts.

Today, we join with the President to undertake such acts as are necessary to prevent any future acts of terrorism against our citizens. Today, and for many days ahead, we hurt, we mourn, and we honor the memory of those whose lives were taken by the terrorist attacks, and those whose lives were lost in courageous rescue efforts. Many of our citizens are angry, indeed, enraged and want to strike back, and we must strike back.

We do not understand and may never understand why anyone would commit such unspeakable, horrific deeds. The terrorists sought to instill in us fear and insecurity. To this, we must not submit; we must strike back. We must take the necessary actions to safeguard our lives and American interests, but we must not relinquish our cherished freedoms and values.

In America, we cherish our values, our humanity, our love of justice. Therefore, as we pursue the terrorists, and those who aided or harbored them, we must not become terrorists. We must not become filled with the evil force which we abhor in the terrorists. We must strike back, but must do so consistently with the values that we hold dear. The President should act only on the basis of convincing evidence of the identity of the terrorists, and employ that force which is necessary to deter and prevent future acts of terrorism against our citizens. The authorization we give the President today is not unlimited. Congress will monitor progress of our military actions and work with the President to ensure that our actions under this resolution are necessary and appropriate, consistent with our values, in conjunction with our friends and allies, and in accordance with international laws.

We are a strong and resilient nation. We will recover and rebuild our broken lives, our buildings and our way of life. Let us pray that God's grace and wisdom will guide us through the difficult days ahead.

Mr. MASCARA. Mr. Speaker, we gather here this evening to declare America's intention to exercise her right of self-defense and her obligation to protect her citizens. I stand shoulder to shoulder with my colleagues to announce, through this joint resolution, that acts of terrorism will not be tolerated. At present, these cowards may be nameless, well-trained, well-financed, and filled with hate towards America, but we will soon know who they are and they will rue the day they chose to attack American freedom.

I take no solace or comfort in voting for this resolution, but I do it proudly. Let there be no doubt: while we did not seek this fight, we are more than ready to finish it. America burns with a seething, unyielding, smoldering anger that will not be extinguished until it has punished this ruthless foe.

Never again should Americans wake up to see their precious landmarks hit by airplanes. Never again should Americans wake up to see the symbols of their military strength and su-

periority attacked by cowards. Never again should Americans have to wonder if the symbols of their cherished democracy are safe. In short, never again.

I support this resolution with a firm resolve. We will win this campaign against terrorism. May God bless the United States of America.

Mrs. McCARTHY of New York. Mr. Speaker, I rise this evening to express my strongest support possible for H.J. Res 64, a resolution authorizing the use of United States Armed Forces against those responsible for the recent attacks against our country. I want to thank the leadership of both parties for acting as quickly as they did to bring this legislation forth.

Mr. Speaker, only a few hours ago, I stood at Ground Zero, in lower Manhattan, with President Bush and many of my colleagues and viewed first hand the devastating destruction that occurred in New York City on Tuesday morning, September 11, 2001. We saw the mountains of rubble that once was the World Trade Center. We saw the neighboring buildings that surround this area that are also damaged. We talked to city and state officials and learned about the tremendous economic impact this event will have. But most importantly, what we did not see was the thousands of people, mothers, fathers, sons, daughters, brothers, sisters, friends all, who were indiscriminately killed by cowards. This attack on our innocent citizens, this attack on our nation's financial center and on the heart of our national defense, the Pentagon, and the hundreds of people who died there, must not go unpunished. I know I stand united with my colleagues tonight, shoulder to shoulder, in supporting the President of the United States to give him the authority and tools necessary to seek justice to this most horrific act of violence.

This nation has never wanted war. We are a peaceful nation. And, I do not take these actions that we are authorizing tonight lightly, but I believe the American people understand that there are those times when the actions by others must be answered. This is one of those times. We must respond, in kind and with a united voice, to the actions of these ruthless forces. I know the American people are willing to endure even a protracted campaign, if necessary, in order to secure the future of our country.

I urge my colleagues to vote unanimously in support of this resolution. God bless the United States.

Mr. SMITH of Michigan. Mr. speaker, on September 11th, America came face to face with undisguised evil. We did not blink. What the enemies of America perceive as weakness, we celebrate as strength—freedom, tolerance, democratic governance. No enemy can ever take these things from us, because they are ingrained in our institutions, our way of life, and our very character as a people.

In times of trial, these principles give America the strength and resolve to meet any challenge, no matter how great. We will rise to this challenge as we have done countless times before. As we mourn our dead, we prepare for war. Americans are people of goodwill. We do not seek war, and waging war is something we do neither with relish nor with joy. But wage war we must, with all the ferocity and all

the commitment of a Nation roused to righteous anger. Whether it takes weeks, months, or years, we will prevail.

To those who have spilled the blood of American innocents, and those who have harbored them, our message is a simple one: You can run, but you can't hide. America will track you down, and for what you have done, you will pay. You will pay. God bless this House, and God bless America.

Mr. ROSS. Mr. Speaker, Tuesday, September 11, 2001, is a day that none of us in this Chamber—none of us in this country—will forget. It is a day when our nation experienced an attack unlike we have ever seen. Thousands of lives in our nation were lost and many, many more were forever changed because of the despicable and deliberate acts of terrorists. As we observe this National Day of Prayer and Remembrance for this terrible tragedy, our hearts are with all the victims and their families, and our thoughts and prayers are with those working so hard to remove the rubble and hopefully find additional survivors.

We can no longer think of these terrorist attacks as something that we see on television that happen only in far away lands. The threat to our national security is evident, and our response to the attacks at the World Trade Center and the Pentagon is critical. It must be strong, it must be carefully calculated, and it must be swift.

The time has come for the United States to make a full force effort to eliminate the terrorist networks across the globe, and I urge my colleagues to support this resolution authorizing the President to use such necessary and appropriate force against those responsible for the terrorist attacks on September 11 and anyone or any country who assisted them.

This is no easy task, but our troops are ready, and our government stands united, Democrats and Republicans alike, in our resolve to end terrorism in the United States.

Yes, Tuesday was dark day for America. But, Mr. Speaker, it was not near as dark as the days that lie ahead for the evil perpetrators who masterminded these attacks. The American spirit is alive and well, and our commitment to seek out and take action against those who would commit such heinous and cowardly acts is unwavering. We will not allow these terrorists to alter the kind of world that our children and grandchildren grow up in.

Mr. STEARNS. Mr. Speaker, I rise to join my colleagues in strong support of this resolution. All American's have been reminded that freedom comes at a price. The citizens of the United States have fought to sustain one's right to remain free, engaging in major conflicts from our birth during the Revolutionary War, to the War of 1812, the Mexican War, Civil War, Spanish-American War, World War I and II, Korea, Vietnam, and finally the gulf war.

Each conflict cost precious lives, but those men and women gave their lives so that future generations would continue to live under the blanket of freedom. We all feel the tremendous loss of life—loved ones, friends, colleagues—and our prayers are steadfast with the victims, their families, and those brave souls who are risking their lives at this very moment in search and rescue operations.

My colleagues, we are about to vote on a course of action that again pits hope against terror—and—freedom against oppression. Our enemies will never know freedom, because they are imprisoned by hate—and for that—they have already lost.

As we stand united behind our President and with our fellow Americans, I offer the following reflection: After the attack on Pearl Harbor, Japanese Admiral Yamamoto lamented that his country's action had "awakened a sleeping giant." My colleagues, that giant has awakened again.

For the Lord is my light and my salvation—whom shall I fear? The Lord is the stronghold of my life—of whom shall I be afraid? When evil men advance against me to devour my flesh, when my enemies and my foes attack me, they will stumble and fall.

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues in the House and Senate in support of H.J. Res. 64, to authorize the use of our Armed Forces against those responsible for the recent terrorist attacks against the United States. Passing this resolution and sanctioning the use of our courageous armed forces is not something we do lightly, hastily, or in pursuit of vengeance. Putting the men and women of our military in harm's way is a grave decision that should only be resorted to when no other course of action is appropriate.

This resolution is a deliberate, well-considered, and I believe proper response to the deplorable acts of terror committed against our country, our people, and indeed, the entire civilized world.

Passing this resolution demonstrates to our country and to all the nations of the world our united resolve to punish those responsible for these heinous acts, and more importantly, ensures that perpetrators of terror are not allowed to continue their campaign of violence against innocent persons both here and abroad.

Mr. Speaker, by passing this resolution we send this critical message to our military: We stand behind you as you prepare to defend our country and the ideals of freedom and democracy, for our citizens and the world community.

Mr. OXLEY. Mr. Speaker, I have heard this plea from my constituents in the fourth congressional district in these numbing days following the unconscionable terrorist attack on the World Trade Center and Pentagon: Find those who did this. Make them answer for their evil. Defend the ideals that our predecessors fought for, to make this a safer and more peaceful world for the generations to come.

I was in this House a decade ago when we debated a resolution to support our President, George Bush, when he went to war against Saddam Hussein. I hoped never to have to speak to a military challenge of that magnitude again. But on September 11, America was attacked at home by an enemy that hides in shadows and kills without conscience.

By authorizing the use of all necessary and appropriate force against those responsible for terrorist attacks, this Congress shows that it and the American people stands behind our President, George W. Bush, and civilized society. While it is not a technical declaration of war, for all practical purposes the United

States is at war with those who want to harm our people, disrupt our economy, shatter our security, and destroy our democratic values. All nations in the world who profess the values of civilization should be with America on this defining mission.

We will win before the causes of liberty and justice are more powerful than the forces of evil and hatred. Americans have answered this call before. This time, the enemy is not so much a single country as a destructive concept called terrorism. But we will prevail because this new challenge has once again shown that we are the United States. We know what we are fighting for: the triumph of liberty, freedom, and peace over fanaticism and violence. Our response is just, and our cause will prevail.

Ms. MCCOLLUM. Mr. Speaker, tonight, I vote to support the use of America's military force against the terrorist organizations that plotted to attack our peaceful Nation. This will likely be the most important vote I take as a Member of Congress. With this vote, I put my trust in our President, the men and women of our Armed Forces, and my fellow Americans. We will overcome this tremendous challenge with honor, dignity, and justice.

Mr. JONES of North Carolina. Mr. Speaker, I rise tonight with a heavy heart.

The floor we stand on here is the centerpiece of American democracy. It has been the site of weighty debates, presidential addresses, and critical votes. I have witnessed and participated in many of these since I was first elected to represent the people of North Carolina's 3rd District in 1994. As a servant of the people, these events are all humbling.

However the vote we are poised to take today is one of my most significant votes in my congressional career—and the most important type of vote that Congress ever takes. Today we vote to authorize the Commander-in-Chief to send our brave men and women in uniform into harm's way.

This is not a vote to be taken lightly. We do so with righteous cause—to respond to the despicable acts of war committed against the American people and the very freedoms and ideals for which our Nation stands. And we do so with the solemn understanding that some of the men and women that we send to fight this new war may not return. They may be from districts around the country—they may be from my own.

But the action we take tonight is absolutely necessary.

Our Nation was violated, our people slaughtered, our democracy threatened. Justice must be delivered—the victims of this tragedy deserve it and the American people demand it.

This resolution will demonstrate to the world—and most importantly those who committed these horrendous crimes—that the United States will respond. And when she does, it will be with the full weight and support of the President, this Congress, and the American people.

Let me be clear—this is not just a vote about the use of force or even terrorism. This is a vote to protect the freedoms of the people of the United States of America. I urge my colleagues to join me in that effort by supporting this important resolution.

God bless our President, God bless the men and women in uniform who will carry out this conflict, and God bless our great Nation.

Mr. BORSKI. Mr. Speaker, I rise in strong support of H.J. Res. 64 to authorize the President to use whatever means necessary to respond to the heinous, barbarous terrorist acts of September 11. I am proud to stand here in unity with my Democratic and Republican colleagues in support of our President, our Armed Forces, our law enforcement personnel, and our entire great nation, as we seek justice for these horrible atrocities.

On September 11, we were violently attacked in an act of war. It was not a war of our choosing. Indeed, Americans are by their nature a good people, and we seek to settle our differences through peaceful means. But when we are violently attacked, we respond with tremendous resolve. This is not a war of our choosing. But we must choose today to forcefully respond to this cowardly act to ensure that it never happens again.

Ten years ago, I was proud to stand in this chamber as we debated a similar resolution to address the aggression of Saddam Hussein. We had principled differences over the use of force, but when we finished our debate and passed the resolution, we all stood united behind our President. Because we are a strong, healthy democracy, we know when to put our differences aside for the greater good of peace, prosperity and security.

Today we are confronted with an even greater challenge to the future of our democracy. But I believe our courage, resolve and unity today has never been stronger. Only a week ago, we were passionately debating the budget, taxes and Social Security. Those issues, important as they are, now pale in comparison to the challenge before us. Today we cast aside our labels of Democrat and Republican, and we stand as one America.

The perpetrators of these heinous acts will be found, their terrorist networks will be eradicated, and justice will be served. This will not happen overnight. Every American should be prepared for a long campaign. But we will succeed. When America's spirit is moved, it is unbound by conventional limits. When America's freedom is threatened, it responds decisively.

The terrorists who committed these atrocities will never understand the power of American freedom, and they will always underestimate American resolve. That is because they live in fear of a world that embraces our ideals of freedom, democracy and equality. While terrorists plot behind closed doors to destroy human lives, compassionate and courageous Americans risk their lives to save lives—as our firefighters and other rescuers heroically demonstrated in the past few days.

The actions that we will authorize today will likely result in lives lost—a reality not of our choosing but forced upon us by the events of September 11. But the eradication of terrorist networks that threaten America, and the punishment of nations that harbor these criminals, will preserve countless lives for many generations to come—not just of Americans, but of all people in the world who cherish freedom and democracy as a way of life. We must use the full might of America and its allies to create a secure world for all of us to live in.

Our world changed dramatically with one swift, despicable act of terrorism. We will never be able to return to the world that existed before September 11. But America has

the tremendous resilience to heal, recover and grow stronger after great periods of tragedy. We will meet this new challenge, and rebuild a society that embraces even more vigorously the ideals of freedom and democracy.

Mr. Speaker, I am proud to support H.J. Res. 64 to give the President the unwavering support he needs to successfully execute America's mission. Eradicating this terrorist threat is a daunting—but achievable—challenge. America will prevail, because her cause is just. Freedom will endure, because America is its protector.

Mr. JACKSON of Illinois. Mr. Speaker, I've been in Congress for nearly six years. Never have I been so torn over a vote. Even though I am going to vote for this legislation, I have deep concerns and grave reservations about it.

First, it is too narrow. We need a comprehensive anti-terrorist approach. This legislation does not represent such a comprehensive strategy and war against terrorism around the world. It only pertains to the terrorism associated with the events surrounding September 11, 2001. This legislation looks backward, not forward. This legislation fails to develop a strategy to combat and prevent potential or future acts of terrorism.

Second, and paradoxically, it is too broad. The literal language of this legislation can be read as broadly as executive interpreters want to read it, which gives the President awesome and undefined power. As written, the resolution could be interpreted, if read literally, to give the President the authority to deploy or use our armed forces domestically.

Earlier today I voted to support \$40 billion in supplemental spending for a fight against terrorism and public social spending for New York's recovery. Tonight I would have preferred to support a vote to reaffirm the authority of the President under the War Powers Act, which gives the President all the authority he currently needs to fight terrorism and protect the citizens of the United States. That would give all Americans more time—60 or 90 days—to investigate more and learn more about all of the issues and facts involved on September 11.

I support the President's commitment to investigate, capture, and punish all of those responsible for this horrible and inhumane deed. This was not only an assault on our nation and our people, but an indiscriminate attack on civilian life. Thus, I also support and approve removing the sanctuaries and support systems of terrorists. I urge all governments to unite to investigate this crime, to prevent its recurrence, and to bring to justice those who are responsible. I support doing whatever is constitutionally lawful and necessary to isolate those nations who sponsor and harbor terrorists. But I am not voting to give the President new authority—in the words of Deputy Secretary of Defense Paul D. Wolfowitz—to “end states who sponsor terrorism.” We need to operate within traditional constitutional constraints.

I would have preferred to have voted to reaffirm the War Powers Act because it, after 60 or 90 days of the President launching a military response to these terrorist attacks, the President had returned with more information on who did this and how it happened, I might

be prepared to vote \$100 billion to fight terrorism. And if, after 60 or 90 days, President Bush returned with a request and a rationale for new and expanded presidential authority, I may have been willing to vote to grant him that as well—but not now.

In private meetings all day yesterday, Members raised serious questions and concerns that troubled me greatly.

Some Members noted the similarity to the open-endedness of this resolution to the Tonkin Gulf Resolution. We know the consequences of the vote, which was based on insufficient information and, in that instance we now know, deception. Senators Wayne Morse of Oregon and Ernest Gruening of Alaska voted “No” on August 7, 1964, and they are seen as wise and heroic today. I am not voting “Yes” on September 14, 2001, for an open-ended Tonkin Gulf-type Resolution. I do not want a repeat of the Johnson administration—which used it to provide dubious legal cover for a massive escalation of an unwinnable war in Vietnam—for either a similar domestic or foreign over-reach against terrorism. I'm not willing to give President Bush carte blanche authority to fight terrorism. We need to agree to fight it together within traditional constitutional boundaries.

Another Member asked, “By voting for this resolution, are we granting the President new authority to conduct extra-legal and extra-constitutional assassinations?” If we are, we are becoming like the terrorists we despise. What does killing people already willing to die really accomplish? It will only create martyrs and multiply terrorists.

We must not become like those who believe that the end justifies any means in the struggle against terrorism. That is the logic of the terrorists. We must respond to this outrage, but we must not validate this logic. We must respond to this outrage effectively by eliminating the underlying grievances that is motivating the terrorism in the first place. What we must do is affirm the principles that came under attack on September 11—respect for innocent life and international law. That is how to rob the terrorists of victory.

Recently President Bush said the United States “will make no distinction between the terrorists who committed these acts and those who harbored them.” But we must make distinctions. In the words of Human Rights Watch, we must distinguish “between the guilty and the innocent; between those who commit atrocities and those who may simply share their religious beliefs, ethnicity, or national origin. People committed to justice and law and human rights must never descend to the level of the perpetrators of such acts. That is the most important distinction of all.”

Another Member said we needed to show national unity. A vote to reaffirm the War Powers Act would have given us the national unity we need—and would have given us 60 days to investigate this matter more fully and see more clearly what we are actually looking at.

Another Member said she had been in Congress for 19 years, but never had been asked to make a decision and cast a vote with so little information. In light of one Senator's breach of trust, the administration is now withholding information from Members of Congress. We are voting huge sums of money

and granting virtual unlimited authority to the President with little actual information.

Other Members expressed a concern that if we are going to conduct a "comprehensive and sustained war against terrorism that eliminates terrorists and terrorism root and branch" that we must give Americans an understanding of why there are so many people in the world who hate us. We must explore and learn why people are willing to give their very lives in suicidal missions; and why their supporters dance and celebrate in the streets when these terrorists inhumanely succeed to destroying American lives and our symbols of economic power and military might.

I have raised the concern that we need more time to explain to the American people that this is a new kind of protracted war. This is not the kind of war former President Bush fought in the Persian Gulf that ended in just over a month. This is a war that will be fought in public places on our shores and within our borders—in our crowded public buildings, in our subways, in our airports, in our train stations, in our colleges and universities, at our sporting events, and possibly with chemical and biological weapons. The War Powers Act would have allowed us at least 60 to 90 days to better understand and inform the American people about the nature of the war that today they are so anxious to fight.

I too am deeply hurt, distraught, in mourning, fearful, and angry. But we must resist the temptation to allow ourselves to become like those we today so despise. Terrorist violence must be halted, but the pain behind their rage must be heard and addressed. Human beings become terrorists in an ocean of despair. Therefore, any comprehensive approach to ending terrorism must address the waves of pain and injustice of the ocean. The most effective anti-terrorist campaign is one that replaces the despair and hopelessness of the terrorist's supporters with a policy that brings dignity, respect, and justice to every person, neighborhood, community, and nation in the world.

Ms. WATSON of California. Mr. Speaker, I rise in support of the resolution authorizing the use of force against those persons responsible for recent acts of terrorism against the United States. The resolution is balanced and seeks to ensure that the Congress will be included in the consultative process when and if U.S. troops are introduced into hostilities. I strongly believe that the resolution will continue to enjoy strong bipartisan support only if the Executive, in good faith, consults with and informs the Congress in a timely manner.

I should also note that the resolution is not a carte blanche endorsement for the use of force against any suspected terrorist group anywhere in the world, but is more narrowly crafted to endorse all necessary and appropriate use of force against nations, organizations, and persons that participated in the attacks that occurred on September 11.

Mr. Speaker, although I support the resolution, I am mindful of the gravity and seriousness of putting U.S. troops and other governmental personnel in harms way. It is highly probable that more U.S. lives will be lost in our struggle to excise the cancer of terrorism wherever it poses a threat to the U.S., the Western world, and our allies in the non-West.

Other countless innocents will also lose their lives. This is not Desert Storm, an operation of relatively short duration that witnessed minimal loss of American lives. Our national commitment to the task ahead of us will require vigilance and forbearance. It will also require that we remain mindful of the fact that the United States is an open society and that any policy or action implemented by the U.S. Government will ultimately fail if it does not have the support of the American people.

Mr. Speaker, in this time of tragedy that has provoked visceral outrage, we must, nonetheless, continue to exercise prudence and good judgment in the prosecution of the U.S. response to these terrorist acts. Indeed a military response alone could ultimately prove to be counterproductive, instead fueling anti-U.S. sentiment, increased alienation, and heightened fanaticism. Instead of eliminating the virus of terrorism we could be creating a new and more virulent strain. Any military action must also be accompanied by a sustained economic and diplomatic response aimed at eliminating all centers of terrorist activities while enhancing the stability and strength of our regional allies.

The task ahead of us is complicated and any resolution will not be quick or easy. Our ultimate success in rooting out terrorism will require patience, sustained commitment, and more, not less, engagement in the world.

I pledge my support to the President as he leads the United States forth to meet this historic challenge.

Mr. VITTER. Mr. Speaker, this week's terrorist attacks against the American people are nothing less than cold-blooded murder and an act of war. I fully support this resolution and urge the President to use any and all means necessary against those nations, organizations, and persons who committed or participated in these heinous acts.

These attacks will only strengthen our resolve to defend the United States and our way of life. These attacks are not just an attack against this wonderful land we call America—they are attacks against our people, our democracy, our values, our civilization. As a nation, we will not rest until we have methodically defeated those who use fear as a weapon against the principles for which our country stands. We are coming after them full throttle. Finally, we must not forget that thousands of Americans lost their lives this week, and many thousands more lost mothers and fathers, sons and daughters, brothers and sisters, friends and colleagues. My heart, my prayers, and my condolences go out to them all.

Mr. COSTELLO. Mr. Speaker, on Tuesday, September 11, 2001, the United States suffered perhaps the darkest day in its history. Yesterday, this body approved legislation to aid the families of the victims and those that gave their lives trying to save them. Today, we turn our attention to the pursuit of the terrorists that carried out this horrific act. I strongly support this resolution to authorize the President to use the necessary force to find and punish those responsible.

I do not believe passing this resolution is legally necessary. The Constitution gives the President the power to strike back at our aggressors. However, I do believe that it is necessary for Congress to show overwhelming

support for the battle that lies ahead. It will not be an easy fight, and it will not be a short one. But it is a confrontation that we will meet head on, united by the memory of those lost and the values and freedom we hold so dearly. And we will be victorious.

Mr. Speaker, tonight we send a clear message to the world that we are prepared to respond to the forces of hate as previous generations have done before us. I am confident that the compassion and resolve that has come to define the American spirit will see us through this most trying time. I urge my colleagues to support this resolution.

Mr. MALONEY of Connecticut. Mr. Speaker, I come to the floor today to address the necessity, imposed on us by unspeakable acts of terrorism, for the United States to respond to the killing and injuring of thousands of our fellow citizens, almost all innocent civilians.

This Nation has the right and obligation to both respond to and defend itself from the violent enemies of our freedom and liberty. Those persons and/or entities that were either directly involved in or provided any assistance to the acts of September 11 pose a clear and present danger to the lives of our people and to our very national security. We will find those responsible and make certain that they, and anyone who helped them, are fully punished. This attack on America and its people will not stand.

Moreover, as we cannot rule out future attacks on U.S. soil or to American interests overseas, we must take a comprehensive approach to this challenge. Appropriately, we will utilize the first rate capabilities of our Armed Forces to ensure the personal security of each and every one of us, at home and abroad. To that end, we commit ourselves by the resolution before us, to root out terrorism wherever it is found around the world.

It will not be an easy task to defeat terrorism. It will require considerable resources and patience. There is no quick solution. I am confident, however, that the President and the Congress, working together, will find the means and methods to prevail.

As a member of the Armed Service Committee, I along with my committee colleagues will perform our duty in providing U.S. Armed Forces the necessary resources to deter and defeat the threat of terrorism. I know that our colleagues will support our work.

There is yet considerable work to be done in the days and months ahead. I am confident that our Nation, and our Armed Forces called upon to defend all Americans, will meet the challenges that lie ahead—just as we have from Concord and Lexington through the war in the Persian Gulf.

I strongly urge passage of the resolution.

Mr. COYNE. Mr. Speaker, I rise today in support of this resolution authorizing the President to use military force against the nations, organizations, or individuals involved in the September 11 terrorist attacks on citizens of the United States.

These were reprehensible attacks against innocent men, women, and children. Anyone who was involved in planning or carrying out these attacks must be punished swiftly and severely.

Moreover, since it is logical to assume that the parties which planned and provided

logistical support for Tuesday's terrible attacks are interested in—and capable of—carrying out similar attacks in the future, it is imperative that the United States use whatever means are necessary to prevent them from doing so.

Finally, it is important to recognize that the United States has aggressively pursued legal and diplomatic measures over the last 30 years to curb terrorism—and that it is logical to conclude from this experience that such measures will not be effective enough to deal with the threat that terrorism poses today.

For these reasons, I support this resolution. I believe that the United States Government has no choice but to utilize military force to punish the organizers of the September 11 attacks and protect the people of this nation from future terrorist threats.

Mr. EVERETT. Mr. Speaker, today was one of the saddest days in the history of our beloved country. It is impossible to watch the events caused by evil unfold before our eyes without feeling great sorrow and great anger. We will never forget the sorrow we collectively feel as a nation. Mr. Speaker, we will also never forget the anger and fury we feel toward those who have hurt and killed so many innocent Americans. I pledge my fortune and honor to do everything in my power to bring justice on all those who have so injured this country and its citizens as we pass this resolution.

However, today was a day of prayer and I was moved by the prayer service at the National Cathedral here in our Nation's Capital. I was very touched by the comments of our President at that service, Mr. Speaker, and now make them a part of this RECORD as we put on the shoulders of our President a burden no one man can possibly bear without the help of God.

Mr. Speaker, the President's words today:

We are here in the middle hour of our grief. So many have suffered so great a loss, and today we express our nation's sorrow. We come before God to pray for the missing and the dead, and for those who loved them.

On Tuesday, our country was attacked with deliberate and massive cruelty. We have seen the images of fire and ashes and bent steel.

Now come the names, the list of casualties we are only beginning. They are the names of men and women who began their day at a desk or in an airport, busy with life. They are the names of people who faced death and in their last moments called home to say, be brave and I love you.

They are the names of passengers who defied their murderers and prevented the murder of others on the ground. They are the names of men and women who wore the uniform of the United States and died at their posts.

They are the names of rescuers—the ones whom death found running up the stairs and into the fires to help others. We will read all these names. We will linger over them and learn their stories, and many Americans will weep.

To the children and parents and spouses and families and friends of the lost, we offer the deepest sympathy of the nation. And I assure you, you are not alone.

Just three days removed from these events, Americans do not yet have the distance of history, but our responsibility to history is already clear: to answer these attacks and rid the world of evil.

War has been waged against us by stealth and deceit and murder.

This nation is peaceful, but fierce when stirred to anger. This conflict was begun on the timing and terms of others; it will end in a way and at an hour of our choosing.

Our purpose as a nation is firm, yet our wounds as a people are recent and unhealed and lead us to pray. In many of our prayers this week, there's a searching and an honesty. At St. Patrick's Cathedral in New York, on Tuesday, a woman said, "I pray to God to give us a sign that he's still here."

Others have prayed for the same, searching hospital to hospital, carrying pictures of those still missing.

God's signs are not always the one we look for. We learn in tragedy that his purposes are not always our own, yet the prayers of private suffering, whether in our homes or in this great cathedral are known and heard and understood.

There are prayers that help us last through the day or endure the night. There are prayers of friends and strangers that give us strength for the journey, and there are prayers that yield our will to a will greater than our own.

This world He created is of moral design. Grief and tragedy and hatred are only for a time. Goodness, remembrance and love have no end, and the Lord of life holds all who die and all who mourn.

It is said that adversity introduces us to ourselves.

This is true of a nation as well. In this trial, we have been reminded and the world has seen that our fellow Americans are generous and kind, resourceful and brave.

We see our national character in rescuers working past exhaustion, in long lines of blood donors, in thousands of citizens who have asked to work and serve in any way possible. And we have seen our national character in eloquent acts of sacrifice. Inside the World Trade Center, one man who could have saved himself stayed until the end and at the side of his quadriplegic friend. A beloved priest died giving the last rites to a firefighter. Two office workers, finding a disabled stranger, carried her down 68 floors to safety.

A group of men drove through the night from Dallas to Washington to bring skin grafts for burned victims. In these acts and many others, Americans showed a deep commitment to one another and in an abiding love for our country.

Today, we feel what Franklin Roosevelt called, "the warm courage of national unity." This is a unity of every faith and every background. This has joined together political parties and both houses of Congress. It is evident in services of prayer and candlelight vigils and American flags, which are displayed in pride and waved in defiance. Our unity is a kinship of grief and a steadfast resolve to prevail against our enemies. And this unity against terror is now extending across the world.

America is a nation full of good fortune, with so much to be grateful for, but we are not spared from suffering. In every generation, the world has produced enemies of human freedom. They have attacked America because we are freedom's home and defender, and the commitment of our fathers is now the calling of our time.

On this national day of prayer and remembrance, we ask almighty God to watch over our nation and grant us patience and resolve in all that is to come. We pray that He will comfort and console those who now walk in sorrow. We thank Him for every life we now

must mourn, and the promise of a life to come.

As we've been assured, neither death nor life nor angels nor principalities, nor powers nor things present nor things to come nor height nor depth can separate us from God's love.

May He bless the souls of the departed. May He comfort our own. And may He always guide our country.

God bless America.

Mr. MCGOVERN. Mr. Speaker, I rise in support of this resolution.

I support our President as he seeks to respond effectively to this unparalleled attack, which has left our nation shocked and angered. But no matter the rate we feel today, our response must reflect our national character, and be guided by justice and our right to self-defense, not by vengeance.

I want those responsible for these heinous crimes to be hunted down and held accountable—in full compliance with our Constitution and our laws. They must pay for their murder of thousands of innocent American citizens and others.

I want to break the global network of terrorism so that no other nation, people or group will know the pain and sorrow America is not experiencing. To be successful, we will need a multilateral, coordinated effort of law enforcement, intelligence and military resources. We cannot do this alone.

I want the best of America to continue to shine—so that the world is reassured that the United States remains a haven for freedom of religion, freedom of speech, freedom of association. Our heritage is rooted in diversity and tolerance, and nothing must abrogate the fundamental freedoms and rights of our people.

I believe this resolution achieves these goals. The body of this resolution is appropriately limited to those entities involved in the attacks that occurred on September 11th. It appropriately and explicitly abides by and invokes the authority of the War Powers Resolution. It reiterates the existing constitutional powers of the President to take action to defend the United States, but provides no new or additional grant of powers to the President.

The President should still consult regularly with the Congress about his intentions, actions and policy as they evolve. The president and the Congress must work together, in concert, in order to maintain the unity so necessary to success. That will require timely consultation, reporting and updates, and a genuine desire to maintain the bipartisan support for this undertaking.

We know military action alone will never defeat terrorism. Last Tuesday, we saw the consequences of raw hate. It has no logic. It has no respect for human life or dignity. It holds no promise for the future. It has no single base or leader. We can, however, begin to address some of the underlying problems that can lead to terror.

We can continue our leadership to help negotiate just and lasting solutions to the world's many conflicts, including in the Middle East.

We can renew our engagement with the international community to find solutions to the global challenges of our times: the environment, weapons proliferation, disease and intolerance.

Our country is unified. We can respond effectively to the horror of September 11th. We

can break the links between terrorists. We can contribute to a world that is not only secure from the threat of terrorism, but also free of the poverty and oppression that are its breeding ground. We must exercise the political will to make this happen.

This resolution helps us begin to achieve these goals, and I urge its adoption.

Mr. STUMP. Mr. Speaker, I rise today in strong support of this resolution.

Since the terrible and tragic events of Tuesday, this country and the rest of the world have witnessed the determination of the American people to come together, to rally around our President, and to transcend the tragedy that fell our great Nation.

America's anger at those who planned and perpetrated these terrorist acts is palpable. This Congress has stood as one in expressing our grief over the tragic loss of life, our pride in those who continue the rescue and recovery efforts, and our determination to ensure that those who support the use of terror are severely punished. Now, we must express our unified support for the President to take all necessary and appropriate actions to ensure that the terrorists and their supporters do not win in their effort to undermine our way of life.

Mr. Speaker, the President has been forceful and direct—freedom and democracy are under attack by a determined enemy. This battle will take time and resolve, he stated, but we will win. In our effort to root out the evil that is terrorism, we will once again call upon the dedicated men and women who voluntarily serve our country in uniform. It is their greatness that gives us confidence in our ultimate victory.

The fight against terrorism will be a long and difficult campaign. It requires a serious commitment. But the President must know that the Congress supports him by providing him with the tools he needs to prosecute this battle. The Congress has already agreed to provide significant additional funds for the war on terrorism. Now, in this decisive moment, we must stand behind our troops and send a clear signal to our enemies that the President's actions have our unanimous support.

Passage of this resolution will send that signal.

Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. BALDACCII. Mr. Speaker, America was changed forever on Tuesday morning. Every one of us has been deeply affected by the terrorist attack on our Nation. Virtually all of us know someone or know of someone who was directly impacted.

Yesterday, I visited the Pentagon and saw first-hand the destruction that was inflicted on that building and its occupants. I am not able to find words to adequately convey just how chilling a scene it was, and I will never forget those gruesome images.

Law enforcement officials are moving swiftly to identify those who were responsible for this heinous crime. Soon it will be clear who committed these unspeakable acts, and those who supported and protected them. And once it is clear the United States will respond.

We respond not simply out of revenge. We act because war has been declared upon America. We act because our world must be

rid of terrorists who think nothing of destroying innocent lives. We act in the name of thousands of innocent victims.

This was not just an attack on four planes, or two buildings, or one nation. Rather, it was an attack on democracy and freedom around the globe. America and our allies will rise to the occasion and fight this scourge just as we have risen to defeat past threats to civilization and democracy.

To that end, today I will vote to authorize President Bush to use all necessary and appropriate force to respond to the terror attacks on our nation. This resolution conveys the resolve of the Congress and the American people that those responsible for this heinous crime will be identified and punished.

Mr. COLLINS. Mr. Speaker, I rise in strong support of President George W. Bush, by agreeing to grant him the authorization to use the resources of the United States to eradicate the evil forces that perpetuate terrorism, through the enactment of H.J. Res. 64.

The barbaric, heinous attacks launched against the civilian and military population of this great nation on September 11, 2001 must not, and will not be tolerated, nor go unpunished.

I ask the people of this great nation, and our allies around the world, to stand with President Bush and support him with their voices, their continued heroic deeds and volunteerism, and most importantly, with their prayers.

I ask the people of this Nation to pray for forgiveness for the immorality in this country that has become so widespread and which has contributed to the fragmentation of religious thought.

I ask the people of this nation to thank God for the many blessings which have been so generously bestowed upon this nation.

God be with those who have paid the ultimate price for liberty and freedom, and with those who will do so in the future in the effort to restore security and peace for all of us.

God bless this great land, the United States of America.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise in strong support of this resolution. We must ensure that our Commander in Chief can bring the full power of the United States Armed Forces to bear against the villains who struck our nation so cruelly the morning of September 11th. We act not out of wrath, but with the solemn realization that evil must not go unchecked, that our security must be defended, and that our liberty must be upheld. We stand together tonight united in our resolve to fight the scourge of terrorism and protect our beloved country and its people. We understand that it will not be easy and that it will require sustained action, commitment, and vigilance. We must steel ourselves for the months ahead and bear in mind the words inscribed on the base of the Marine War Memorial Iwo Jima: "Uncommon Valor Was a Common Virtue." They remind us of the character and courage of those who serve in our Armed Forces, and I think they also apply to all who put their own lives on the line in an effort to save lives during and after Tuesday's terrible attacks. Now is the time for valor for all Americans.

Mr. STARK. Mr. Speaker, in the aftermath of the recent terrorist attacks on the United

States, Americans have responded to the cries of their fellow citizens. From the many emergency personnel who arrived moments after the first impact, to the volunteers from all over the country arriving to help or donate blood, to the United States Congress, who has appropriated \$40 billion help pay for recovery efforts, we have responded. Now it is time to plan the next part of our response: how to punish the perpetrators of this attack and how to protect ourselves in the future.

Our country has come together to get through this time of great tragedy. Members on both sides of the aisle have appropriately put aside partisan politics and present a unified front against terrorism.

Most Americans feel that we should strike back at the individuals, groups, or nations that were involved in these atrocities. I, too, think we should respond to this heinous attack, bring those involved to justice, and put an end to global terrorism. That said, however, I do not believe—even in times of extreme crisis—that the Congress should turn over our constitutional responsibilities to the President. The resolution we are debating today, I fear, begins to do just that.

When writing the Constitution, our Founding Fathers created a balance of powers between the three branches of government to prevent one branch from inappropriately dominating another. Although the Constitution empowers the President as Commander in Chief, it gives the Congress the sole power of declaring war. This resolution gives the President the power to conduct a war without reporting to or consulting with Congress. Frankly stated, it cedes congressional authority to the President.

I have real reservations about the resolution we are considering today. It should contain explicit language ensuring that the President reports to Congress and consults with us in planning and executing a military response. But it does not.

That being said, this resolution is better than earlier versions that were considered. It now makes clear that nothing supersedes the War Powers Act, which requires the President to report and consult with Congress.

Given those facts, I will support the resolution before us today. However, I will continue to insist that the President make Congress an integral part of our nation's response to these attacks. To do otherwise goes against the best interest of the people we represent and the democracy we seek to protect.

Mr. GALLEGLY. Mr. Speaker, I rise in strong support of this resolution granting authority to the President to use force to respond to the attack on the United States on September 11, 2001.

Our country was the target of an unprovoked, cowardly and vicious attack on Tuesday morning. This act of war committed against our people must not go unanswered and I urge the President to use the authority we are about to give him in an appropriate and decisive manner. We must prevail over our enemy and we must be willing to use the force necessary to achieve total victory.

At this dramatic moment in our history, as we grieve for the loss of thousands of innocent lives and begin to bury our dead, we must not lose sight that this was not just an attack on our government or even our nation.

This must be seen as a monstrous attack aimed at the security and way of life of freedom-loving people throughout the world.

Mr. Speaker, words cannot adequately describe my feelings or the feelings of Americans with regard to the attack on New York and Washington. However, I know that through the sadness and anger will grow an unbending determination not to be intimidated by the forces of terror and death. America is a great and a good country. We are also now a united people with a common purpose—to seek out and crush the terrorists and their supporters.

I urge support for this resolution, for our President and for the people of the United States.

Ms. BALDWIN. Mr. Speaker, I rise today in support of this resolution. Our nation was viciously attacked on Tuesday, September 11, 2001, leaving children without fathers and mothers, parents mourning their missing children, families experiencing terrible emptiness and loss. All Americans feel the horror, shock, fear, and anger.

The country has been attacked, and as Commander-in-Chief, the President has the power to act to defend the United States of America. Congress recognized this nearly thirty years ago in the War Powers Resolution.

Yet by recognizing the authority our President already possesses under the War Power Resolution, we send a strong statement of national unity. By approving this resolution today, we stand united, as one nation, stating clearly to the perpetrators of this crime, and those who would attack our country in the future, that we will protect our citizens and ensure the guilty are punished.

The horrible crisis is also an opportunity. It is an opportunity for the United States to once again demonstrate to the world the sources of its strength and greatness. I am not speaking of our military might, although it is powerful. We will demonstrate our greatness by the way we seek justice and the way we promote freedom. We will determine with certainty who is culpable and punish them and those who aid them, rather than let our rage lash out indiscriminately.

Community leaders in my district have produced a statement expressing their outrage and sorrow. Wisely they noted that the victims of this attack reflect the diversity of America. They wrote in fact that: "the backgrounds of its innocent victims are representative of the world's diversity, from Africa to the Americas, Europe to Asia, the Middle East, and beyond." As we move forward in seeking justice for the many victims, we must direct our punishment only upon the guilty.

The American people stand behind this quest for justice. With our many friends around the world, we will fight to end the scourge of terrorism. As we rise to this challenge, we must do so relying on America's strengths without sacrificing our cherished principles. Our constitutional liberties stand as an example to the world of what freedom means. We must never forget that we pursue justice in order to secure liberty.

Mr. BONILLA. Mr. Speaker, Evil. It is a word we use too lightly. A word we use when horrible, distasteful, or bad would be more appropriate. It is a word which should be reserved

for only the most monstrous and inhuman of circumstances. My colleagues, we have witnessed evil this week. The twin tragedies in New York and Washington, the massacre of innocents, must never happen again. Today, with this legislation, we are sending the world a message. We are stating that America does not recoil in the face of evil. On the contrary, America rises up.

In the last century we faced down the evils of Nazism and Communism. Today, we will face down the evils of terrorism. This evil although a phantom will not be able to hide. The basic goodness that we have seen demonstrated by the firemen, police, military, and civilians at the rescue scenes reflects the basic goodness of America. The selflessness, determination and patience tell us that freedom will be preserved and triumph over this threat.

My colleagues, the forces of evil signed a death warrant for terror last Tuesday. They have unleashed the wrath of the American people. The struggle ahead may be a long one. Ultimately, we will triumph. We will preserve freedom for future generations. We will guarantee hope remains for all mankind. My colleagues please join me in voting for this resolution. God bless America.

Mr. FORBES. Mr. Speaker, I rise in strong support of House Joint Resolution 64, which will authorize the use of force in responding to the terrorist threat that violated the shores of the United States on September 11, 2001. I do not take this action lightly. I fully recognize that this single resolution, though brief in text, will have far-reaching consequences. But, I am certain that this is the only right course of action for our institution and our nation.

The violence that left so many innocent Americans dead or injured or grieving for the loss of a beloved family member or friend was no less than an act of war. Those who preach fear and hatred declared war upon our nation and our people. Indeed, they declared war on all civilized nations and freedom-loving peoples. We must respond in like kind.

In fact, it is our duty to respond with all the power of our principles and all the might of our great and prosperous United States. God has given us a noble land, as Senator Albert Beveridge once said, "a land that can feed and clothe the world; . . . a land set like a sentinel between the two imperial oceans of the globe." We must use the gifts that have been showered upon America from the heavens to save the world from tyranny once again.

Just as we did in World War II when we defeated a tyranny of bigotry and hatred, we must engage in an all-out assault against this new tyranny of fear and terror. We are unified in spirit and in purpose and, we are joined by nations far and near. In the end, we will prevail, providing the world with a new day of freedom and peace.

While I am certain that our road will end in victory, I know that it will likely be a long and arduous road to travel. It will not be neat. It will not be without bloodshed or loss of life. It will not be brief. But it will be right and it will be just.

It is not easy to stand before my colleagues and my country knowing that our actions will send young men and women into battle for the

cause of freedom. But, we can look their mothers and fathers in the eye and say to them now that this is what must be done. I have little doubt that they understand and that they take comfort in knowing that their children are heroes in a new greatest generation.

And, I feel confident that the American people will stand with those heroes day in and day out until our enemies have been vanquished. I am overwhelmed with an enormous sense of pride and patriotism at the selflessness that so many Americans have shown in recent days in supporting the brave public safety workers and in consoling the bereaved. That indefatigable spirit will sustain us in any battle against any evil.

In closing, Mr. Speaker, I ask my colleagues to remember the words of our President Dwight D. Eisenhower in his Second Inaugural Address to the nation as we to pass this important resolution:

Before all else, we seek, upon our common labor as a nation, the blessings of Almighty God. And the hopes in our hearts fashion the deepest prayers of our whole people. May we pursue the right—without self-righteousness. May we know unity—without conformity. May we grow in strength—without pride in self. May we, in all our dealings with all the peoples of the earth, ever speak truth and serve justice. And so shall America—in the sight of all men of good will—prove true to the honorable purposes that bind and rule us as a people in all this time of trial through which we pass.

May God bless this mighty nation and shed his grace and blessings upon the men and women of America's armed forces.

Mr. MARKEY. Mr. Speaker, I rise in support of the resolution.

In his Funeral Oration, the great Athenian leader Pericles said "heroes have the whole earth for their tomb; and in lands far from their own, where the column with its epitaph declares it, there is enshrined in every breast a record unwritten with no tablet to preserve it, except that of the heart."

The terrible events of the last few days already have produced many heroes, from the firemen and the police officers who gave their lives to rescue others, to the airline passengers who appear to have sacrificed themselves to save their fellow citizens.

And like the heroes of ancient times, our heroes also have the whole earth for their tomb; for enshrined in every breast is a record of their deeds that we will carry forever with us.

We will never forget what happened on September 11, 2001.

And we must resolve ourselves that these lives of those who perished in this tragedy will not have been sacrificed in vain—that out of their deaths will arise a new commitment to preserve and defend our American freedom.

We must now go about the grim task of identifying the monsters responsible for starting this war and those who may be harboring them; assuring that they pay a very heavy price for their actions.

In doing so, we call upon all of those who love peace and freedom to join us in this crusade. The community of nations must unite to assure that these terrorists have nowhere to run and nowhere to hide.

Together, we must hunt these criminals down to the ends of the earth and assure they

pay dearly for the crimes they have committed against humanity.

The resolution before us provides the President with a specific authorization, consistent with the War Powers Resolution, to use force against those responsible for the September 11th terrorist attack.

I do not view this as an open-ended authorization for this or any future President to wage war on any one at any time. It is, instead, in the words of the resolution, an authority to use force against "those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

All Americans stand behind our President, his advisers, and the brave men and women of our Armed Forces who will be asked to carry out this mission. Our thoughts and our prayers will be with them in the days and months ahead.

We know their task will not be easy. But they should go forward armed with the knowledge that they have the support of all Americans—as expressed by the unanimous vote of their elected representatives.

That is what this resolution signifies, and I urge its adoption.

Mr. CONYERS. Mr. Speaker, I want to start by expressing my sorrow and outrage at Tuesday's cowardly attack. Tuesday's savagery tore our national fabric, but the tragedy also united the Nation. Our immediate priorities are treating survivors, supporting victims' families, restoring essential services, protecting our civil liberties, healing the national psyche and finding and judging anyone who participated in the horrendous act. We all share these imperatives and will do all that we can to help. We all support the President in these endeavors. This is the indomitable strength of our country.

But our eyes also turn to the future with three critical questions, each of which calls for thorough congressional hearings. First, how should we punish those guilty of these dastardly crimes, once we determine who were involved? Second, how can we make sure this nightmare never occurs again? How can we better collect intelligence, tighten security and insist that other Nations do their share to prevent terrorism? Third, how can we pursue both of these goals without abandoning America's hallmark commitment to civil liberties or forgetting the necessity to constantly battle ethnic, religious and racial prejudice.

#### PUNISHING THE PERPETRATORS

This week, a United Airlines flight attendant expressed the thoughts of many Americans when she told the press "As horrible as it is to say, I want revenge." Clearly the United States will not stand for such a brutal assault on our citizens and our country. The perpetrators must be punished. But if we unleash the full fury of America's military might and we kill innocent people in the process, we will be no better than the terrorists who unleashed their fury on America's civilian population. These acts of hijacking, murder, and terrorism are crimes for which there are laws and punishments under Federal law. These atrocities are not known to have been committed by nation-

states but rather by cowardly individuals who we should arrest and try as our justice system demands. We must react with righteousness and justice and not allow ourselves to succumb to the momentary seduction of emotional revenge.

And if we do retaliate, we must exercise our best efforts, as we have always done, to minimize collateral damage against innocent civilians. To disregard that concern because feelings are running so high is to take a path to mayhem that we will live to regret.

#### PREVENTING RECURRENCE

Some voices have described Tuesday's attack as a "massive intelligence and security failure." That path could easily lead to frenzied finger-pointing that would distract us from necessary improvements. Of course, we must upgrade air travel safety through a greater government role in airport security, rather than airline hired-security employees. Some airline pilots and other observers have deemed current security at some U.S. airports as a "farce." We now know the terrible price paid for our neglect.

Similarly, intelligence collection about potential threats must be improved. We should not underestimate U.S. technical and human intelligence capabilities and past FBI and CIA successes in detecting and disrupting terrorists' plans. Nevertheless, Tuesday's disaster demands improved analysis of information that pours in daily. If that is now hindered by "information overload", we must deal with that. But in intelligence, as in athletics, the best defense is a good offense. The best way to defend against terrorism is to penetrate terrorist groups in order to preempt their plots before they begin. We have probably neglected this aspect of intelligence gathering, preferring instead to rely on the latest technology. This must change.

But as we take bold steps to ensure our security, we must be equally vigilant to protect our liberties. On Tuesday, one TV network commentator, during an interview, flatly asked what civil liberties should be cut back for certain groups in this country. There is always tension between public safety and liberty, a tension that we have tested each time we faced a new threat. Americans are proud of our commitment to protecting citizens from foreign and domestic threats without abandoning the Constitution's guarantee of civil liberties. There has been backsliding, to be sure, such as the relocation of innocent Japanese-American families in the post-Pearl Harbor panic. While the Supreme Court later upheld the constitutionality of that action in the *Korematsu* case, most scholars now regard that as one of the modern Court's most shameful decisions. Eventually, the U.S. Government apologized to the surviving victims and provided compensation. Thus, history demonstrates that we must periodically review the delicate balance between national security and civil liberty, and that when the balance is readjusted it should be done cautiously, with great care and with an eye beyond today's headlines. Just as terrorism can destroy lives and property, so can it destroy us from within, causing us to turn our back on our most treasured freedoms.

#### PREVENTING SCAPEGOATING

Times of great stress also spawn scapegoating. These are very stressful times

for America, and signs of scapegoating have already surfaced. The twentieth century has taught us the terrible consequences of directing hostility toward an entire group of people. America has a long, difficult history of struggling to overcome discrimination simply on the basis of religion ethnicity and race. Now, we must guard against turning diffuse feelings of anger against a whole group of Americans such as Muslims or Arabs, if a handful of their members are accused of Tuesday's murders. Already, shops and businesses owned by Americans of Arab descent—and I emphasize "Americans"—have been trashed and in some cases burned. Individuals have been attacked. These hate crimes must be stopped immediately. Federal, state and local officials should use their powers of persuasion and publicity to stop it and, if necessary, vigorously enforce every applicable law. I will ask the appropriate authorities in Detroit to convene a city-wide conference to address this danger and to exercise the necessary leadership. I have also introduced a sense of the Congress resolution condemning these hate crimes.

#### PREVENTING GOUGING

There is one point that I should not have to make. Regrettably it appears that I do. If there ever were a time when all Americans should show a spirit of cooperation, collaboration, and mutual concern surely this tragedy is it. Yet there are credible reports of price gouging, profiteering, and other despicable efforts to exploit the situation fuel prices have soared in parts of the Midwest have jumped alarmingly. The mayor of New York has had to warn grocers and other merchants against raising prices as customers seek to stock up in the face of uncertainty. This selfish behavior is intolerable. I am calling on the Federal Energy Regulatory Commission and the Federal Trade Commission to immediately establish a joint task force to police and pursue any abrupt price hikes in energy fuels.

I also commend my state's Attorney General, Jennifer Granholm, for taking legal action against nine Michigan gas stations accused of price gouging. In notice of intended action served yesterday and today, Granholm accuses each station of charging prices for gas that are "grossly in excess" of the market-based price at which gasoline would normally be sold. The Michigan Consumer Protection Act expressly prohibits such sales practices as unfair and unconscionable under the law.

Next, I will turn to the specific language of this resolution.

#### THE RESOLUTION

In terms of the specifics of the resolution, as ranking member of the Judiciary Committee, I believe it is important that the RECORD reflect what the resolution does and does not do.

By not declaring war, the resolution preserves our precious civil liberties. This is important because declarations of war trigger broad statutes that not only criminalize interference with troops and recruitment but also authorize the President to apprehend "alien enemies." Having said that, the President has declared that we are in a national emergency. Such an emergency triggers other, less severe statutes, including criminal prohibitions on the destruction of war materials.

Second, this resolution does not give the President perpetual authority to use military

force. Not only does Congress have the constitutional duty to oversee the President's use of our men and women in uniform, if it has every expectation of revisiting the President's need of the Armed Forces during his pursuit of the terrorists. Should Congress later determine that the President needs more or less authority than he has been given, we will act accordingly.

Finally, this resolution implicitly requires that the President comply with section 4(a) of the War Powers Resolution. That section requires the President to report to Congress whenever U.S. Armed Forces are introduced into hostilities, into foreign territories while equipped for combat, or into foreign territories to substantially enlarge an existing force. These reports will allow Congress to ensure that the needs of the President and the Armed Forces are being met during this on-going crisis.

Mr. Speaker, let us grieve for the victims. Let us restore the destruction. But let us also rededicate ourselves to preserving those very principles that have been the ultimate source of America's strength.

Ms. KILPATRICK. Mr. Speaker, this week my emotions have run the gamut. On the one hand I have seen my son take a step closer to becoming the youngest mayor in the history of Detroit. Yet, my joy has been destroyed by the hands that inflicted the worst attack against the United States since Pearl Harbor. I share the pain of Tuesday's attack with millions of Americans who have witnessed the subsequent carnage. My emotions cry out for retribution; yet my head tells me that while we must be resolute, we must also be deliberate and circumspect.

For now, as a nation, we stand at the edge of the abyss. We are poised to make the leap that our nation has rarely been called on to make; yet when called to do so, we have leaped with everything that we have. We are poised today to leap into the abyss of war and we cannot do so timidly. Our determination to triumph over terrorism must be resolute and undeterred. It is with a heavy heart that I stand before the American people prepared to tip my hand in favor of using military force. War intrinsically means the loss of lives. And I know that, in addition to the blood that has already been shed, our actions today will sanction further bloodshed of our sons and daughters. However, there are times when circumstance leaves us no choice. Tuesday's attack has left no doubt that our enemies seek to bring America under siege. We have no choice but to protect ourselves, and I have no choice but to support this joint resolution authorizing the President to respond militarily against our enemies.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution, which authorizes the use of force against those responsible for planning and carrying out Tuesday's horrific terrorist attacks. I don't take this lightly. Authorizing the use of our military is one of the most awesome responsibilities we have as members of this body. But at this moment we have no choice. We know the hijackers had ties to Osama bin Laden and his Al-Qaeda organization, which also bombed our embassies in Kenya and Tanzania and attacked the U.S.S. *Cole*.

The American people will no longer tolerate these barbaric acts. We must do whatever it

takes, including the use of military force, to tract down bin Laden and destroy his organization. But this isn't just about bin Laden. There are other radical groups that engage in international terrorism, including Hezbollah, Hamas, and Islamic Jihad. To win the war against terrorism, we must eliminate the entire infrastructure that sustains these organizations.

This will involve getting tough with governments that aid and harbor terrorists. Syria allows Hezbollah to operate freely in Southern Lebanon. Iran recently hosted a terrorist "summit," and routinely provides arms and other assistance to Hezbollah and other radical groups. bin Laden is a "guest" of the Taliban regime in Afghanistan. The suicide bombers of Islamic Jihad and Hamas are nurtured by the Palestinian Authority.

The time has come for these and other governments to make a fundamental choice: Will they continue to support those responsible for taking the lives of thousands of innocent men, women and children? Or will they realize the error of their ways and end their financing, facilitating and harboring of terrorists and their organizational infrastructure, and their state-sponsored incitement of terrorist acts? For if they choose to continue their present course they are not states of concern, they are not rogue states, they are our enemies.

I applaud the administration's efforts to assemble an international coalition to fight terrorism. Working with our allies and other nations concerned about this scourge, we have a real opportunity to make the world safer for freedom and democracy.

Ms. SANCHEZ. Mr. Speaker, I will miss the rollcall vote on H.J. Res. 64, which will formally authorize the use of military force against the perpetrators of the terrorist attacks which occurred on September 11, 2001.

I have scheduled very important meetings in California over the weekend and Monday with district employers and employees to discuss the defense budget and other matters of national security. These meetings have been scheduled for some time, and cannot be easily reconfigured. Therefore, during the vote I will be unavoidably detained. The events of September 11 were horrific, and I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have cast my vote in favor of the resolution authorizing the use of military force.

Mr. OSE. Mr. Speaker, I rise today to give the President the authorization and support he needs to respond to the acts of terror committed this week against the American people.

When I was elected to this House, I took an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic." Today I reaffirm that vow by giving the President the authority to prosecute the battle against our enemies wherever they may hide.

The armed forces of the United States are the best in the world. And the men and women serving in them are ready to act and know our cause to be just.

There is no justification for these despicable actions. There is no justification for providing support or assistance to those who would wage war against innocent men, women and children. There is no place to hide from our coming actions.

In the words of another great President who led this nation in a time of turmoil, Abraham Lincoln, "Let us have faith that right makes might; and in that faith let us to the end, dare to do our duty as we understand it."

Mr. CAMP. Mr. Speaker, I rise in support of this joint resolution and in doing so, I stand in support of the President, the men and women of our Armed Forces, and Americans everywhere.

This egregious crime has struck the heart and soul of America but we will not falter or fail in our ideals and values; we will recover. This process is underway in the rescue, recovery and investigative efforts happening in Pennsylvania, New York, and the Washington DC, areas.

Last night both bodies of Congress passed a supplemental aid package to assist the President in providing necessary aid and support in the wake of these tragedies. Now, Congress should give the President the authority to find and punish those responsible for these crimes against humanity.

If the goal of these attacks was to demoralize or scare America and other peace loving nations, let me be clear in saying that these terrorists failed their mission. I say to them, your ungodly actions will be punished. We are a strong and united America.

The deplorable events that occurred on the morning of Tuesday, September 11, 2001, were undeniably an act of war. There is no other way to classify the murder of defenseless, innocent civilians. I urge my colleagues to join me in supporting this resolution, giving the President our support to reinforce that the use of terror as a weapon will never be tolerated.

The SPEAKER. All time for debate has expired.

Pursuant to the order of the House of today, the joint resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. TIERNEY. I am, in its current form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TIERNEY moves to recommit the joint resolution H.J. Res. 64 to the Committee on International Relations with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new section:  
**SEC. 3. REPORTS TO CONGRESS; CONSULTATION.**

(a) **REPORTS.**—At least once every 60 days after the date of the enactment of this resolution, the President shall submit to Congress a summary on the status of efforts made to carry out this resolution.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in addition to complying with subsection (a), the President should comply with all other reporting and consultation requirements under applicable provisions of law, including sections 3 and 4 of the War Powers Resolution.

The SPEAKER. The gentleman from Massachusetts (Mr. TIERNEY) is recognized for 5 minutes.

Mr. TIERNEY. Mr. Speaker, I join all of our colleagues and all Americans in our sorrow for Tuesday's victims and in our outrage for the despicable acts of cowardice which have so changed our lives. Tonight, we show our unity; and by so doing we serve notice that we, as a Nation, are resolved to hold accountable those responsible for Tuesday's terrorism.

As we go forward, I do not think this Congress wants to purposely abdicate its constitutional obligations and responsibilities. It seems unlikely that this Congress would knowingly deny itself the information that may well be necessary in the future in order to intelligently carry out its work with the President in meeting their shared responsibilities in the area of national security. Yet if we pass the resolution tonight, without first adding the language of this motion to recommit, I am concerned that that is precisely what might occur.

As written, the joint resolution refers to the War Powers Resolution but could arguably be read not to require more than periodic reports to Congress, if any reports at all. Even the periodic reports could mean at least 6-month intervals could pass without adequate knowledge by which Congress could carry out its responsibilities.

Moreover, Mr. Speaker, successive executives have historically challenged the constitutionality of the War Powers Resolution. By passing this motion to recommit, we can cure that ambiguity and clarify the record.

In 1991, then President George H. W. Bush asked Congress to authorize his use of force, and he signed a joint resolution that included a requirement that the President submit to Congress at least once every 60 days a summary on the status of his efforts.

□ 2245

There is no reason why this Congress should ask for less as we join with this President, and no reason why in the spirit of unity, and consistent with the Constitution and the precedent set by his own father, that this President would not sign a resolution containing similar language.

So I move now to recommit the joint resolution to the Committee on International Relations with instructions to report the same back to the House forthwith in its amended form.

This is a straightforward and a simple amendment, Mr. Speaker. It will not delay our action here tonight. It continues to unite us in support of the

President's existing authority to act to prevent future acts of terrorism and to locate and deal appropriately with those responsible for the tragic events of September 11. But it does clarify that the President report the status of his efforts to carry out this resolution. It does express our sense that as parties with a shared constitutional responsibility, the President comply with the statutory authority by consulting regularly with Congress and reporting every 60 days.

Whenever there exists a national emergency created by attack upon the United States, the Constitution empowers the President, as Commander in Chief, to introduce United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

This joint resolution reaffirms that power.

Congress and the American people want the President to be able to act to prevent future acts of terrorism; and so it is no surprise that the Constitution allows for such authority and no surprise that Congress acts to restate it tonight.

We should remember that national security is a shared responsibility, Mr. Speaker, requiring joint efforts and mutual respect by Congress and the President. Congress is a co-equal branch of government, specifically empowered by the Constitution, with the power to declare war and to make all laws which will be necessary and proper for the carrying into execution of that power.

So while we specifically have not declared war tonight, we do make a law by which the President may engage United States Armed Forces in action against others.

The responsibilities of Congress, I believe, Mr. Speaker, obligate us to remain informed and to have consultation with the President concerning any action under this resolution. Our continued ability to act in concert as co-equal branches of government demands no less, and our obligation to American citizens everywhere demands at least that much.

We want to act in unison and we need the President's cooperation to do that. As a matter of mutual respect and as a sign of unity, as well an act of constitutional statutory compliance, Mr. Speaker, I ask that we all vote to recommit and have it come back forthwith as amended.

Mr. HYDE. Mr. Speaker, I rise in opposition to the motion of the gentleman from Massachusetts to recommit the pending joint resolution.

The SPEAKER. The gentleman from Illinois is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, if adopted, the motion would seek to reimpose on the President the restrictions of the War Powers Resolution with regard to

consultation with Congress and will impose new reporting requirements that go well beyond those contained in the War Powers Resolution.

This is illogical because the whole point of the joint resolution we are considering this evening is to clear away legal underbrush that might otherwise interfere with the ability of our President to respond to the treacherous attack on our Nation that took place 3 days ago. Most importantly, we are stripping away the restrictions of the War Powers Resolution.

It hardly makes sense to reimpose and, in one case, tighten the restrictions of the War Powers Resolution, if our larger purpose is to make it easier for the President to respond to terrorism.

In any other case, I might understand and sympathize with the interest of the gentleman in keeping the President on a short leash as he goes about exercising the authority we give him tonight. But this is not any other case. This is a situation in which our Nation has been attacked by a sinister enemy, and thousands of our fellow citizens have been killed.

I, for one, do not want to restrain our President as he goes about responding to this heinous attack. Many have compared the attack on Tuesday on our Nation to Pearl Harbor. After Pearl Harbor Congress declared war on Japan. We did not declare war subject to the requirement that President Roosevelt consult with Congress before sending our Armed Forces into action and periodically submit reports to Congress on how he was dealing with Japan.

More Americans died on Tuesday than died at Pearl Harbor. Congress should not restrain the response of President Bush to this act of aggression any more than President Roosevelt was restrained in his conduct of World War II.

I urge my colleagues to defeat the motion to recommit.

Mr. Speaker, I rise in opposition to the gentleman's motion to recommit the pending joint resolution.

If adopted, the motion would seek to reimpose on the President the restrictions of the War Powers Resolution with regard to consultation with Congress, and will impose new reporting requirements that go well beyond those contained in the War Powers Resolution. This is illogical, because the whole point of the joint resolution we are considering this evening is to clear away legal underbrush that might otherwise interfere with the ability of our President to respond to the treacherous attack on our nation that took place three days ago. Most importantly, we are stripping away the restrictions of the War Powers Resolution. It hardly makes sense to reimpose—and in one case tighten—the restrictions of the War Powers Resolution if our larger objective is to make it easier for the President to respond to terrorism.

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keeping the President on a short leash as he goes about exercising the authority we give him tonight. But this is not any other case; this is a situation in which our nation has been attacked by a sinister enemy and thousands of our fellow citizens have been killed.

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I urge my colleagues to defeat the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 10, as follows:

[Roll No. 342]

YEAS—420

Abercrombie	Blagojevich	Capuano
Ackerman	Blumenauer	Cardin
Aderholt	Blunt	Carson (IN)
Akin	Boehler	Carson (OK)
Allen	Boehner	Castle
Andrews	Bonilla	Chabot
Armey	Bonior	Chambliss
Baca	Bono	Clay
Bachus	Borski	Clayton
Baird	Boswell	Clement
Baker	Boucher	Clyburn
Baldacci	Boyd	Coble
Baldwin	Brady (PA)	Collins
Barcia	Brady (TX)	Combest
Barr	Brown (FL)	Condit
Barrett	Brown (OH)	Cooksey
Bartlett	Brown (SC)	Costello
Barton	Bryant	Cox
Bass	Burr	Coyne
Becerra	Burton	Cramer
Bentsen	Buyer	Crane
Bereuter	Callahan	Crenshaw
Berkley	Calvert	Crowley
Berman	Camp	Cubin
Berry	Cannon	Culberson
Biggert	Cantor	Cummings
Bilirakis	Capito	Cunningham
Bishop	Capps	Davis (CA)

Davis (FL)	Hyde	Ney	Sununu	Tierney	Watt (NC)
Davis (IL)	Inslee	Northup	Sweeney	Toomey	Watts (OK)
Davis, Jo Ann	Isakson	Norwood	Tancredo	Towns	Waxman
Davis, Tom	Israel	Nussle	Tanner	Trafficant	Weiner
Deal	Issa	Oberstar	Tauscher	Turner	Weldon (FL)
DeFazio	Istook	Obey	Tauzin	Udall (CO)	Weldon (PA)
DeGette	Jackson (IL)	Olver	Taylor (MS)	Udall (NM)	Weller
Delahunt	Jackson-Lee	Ortiz	Taylor (NC)	Upton	Wexler
DeLauro	(TX)	Osborne	Terry	Velázquez	Whitfield
DeLay	Jefferson	Ose	Thomas	Visclosky	Wicker
DeMint	Jenkins	Otter	Thompson (CA)	Vitter	Wolf
Deutsch	John	Owens	Thompson (MS)	Walden	Woolsey
Diaz-Balart	Johnson (CT)	Oxley	Thornberry	Walsh	Wu
Dicks	Johnson (IL)	Pallone	Thune	Wamp	Wynn
Dingell	Johnson, E. B.	Pascarell	Thurman	Waters	Young (AK)
Doggett	Johnson, Sam	Pastor	Tiahrt	Watkins (OK)	Young (FL)
Dooley	Jones (NC)	Paul	Tiberi	Watson (CA)	
Doolittle	Jones (OH)	Payne			
Doyle	Kanjorski	Pelosi			
Dreier	Kaptur	Pence			
Duncan	Keller	Peterson (MN)			
Dunn	Kelly	Peterson (PA)			
Edwards	Kennedy (MN)	Phelps			
Ehlers	Kennedy (RI)	Pickering			
Ehrlich	Kerns	Pitts			
Emerson	Kildee	Platts			
Engel	Kind (WI)	Pomboy			
English	Kingston	Portman			
Eshoo	Kirk	Price (NC)			
Etheridge	Kleczka	Pryce (OH)			
Evans	Knollenberg	Putnam			
Everett	Kolbe	Quinn			
Fattah	Kucinich	Radanovich			
Ferguson	LaFalce	Rahall			
Filner	LaHood	Ramstad			
Flake	Lampson	Rangel			
Fletcher	Langevin	Regula			
Foley	Lantos	Rehberg			
Forbes	Largent	Reyes			
Ford	Larsen (WA)	Reynolds			
Fossella	Larson (CT)	Riley			
Frank	Latham	Rivers			
Frelinghuysen	LaTourette	Rodriguez			
Frost	Leach	Roemer			
Galleghy	Levin	Rogers (KY)			
Ganske	Lewis (CA)	Rogers (MI)			
Gekas	Lewis (GA)	Rohrabacher			
Gephardt	Lewis (KY)	Ros-Lehtinen			
Gibbons	Linder	Ross			
Gilchrest	LoBiondo	Rothman			
Gillmor	Lofgren	Roukema			
Gilman	Lowey	Roybal-Allard			
Gonzalez	Lucas (KY)	Royce			
Goode	Lucas (OK)	Rush			
Goodlatte	Luther	Ryan (WI)			
Gordon	Maloney (CT)	Ryun (KS)			
Goss	Maloney (NY)	Sabo			
Graham	Manzullo	Sanders			
Granger	Markey	Sandlin			
Graves	Mascara	Sawyer			
Green (TX)	Matheson	Schaffer			
Green (WI)	Matsui	Schakowsky			
Greenwood	McCarthy (MO)	Schiff			
Grucci	McCarthy (NY)	Schrock			
Gutierrez	McCollum	Scott			
Gutknecht	McCrery	Sensenbrenner			
Hall (OH)	McDermott	Serrano			
Hall (TX)	McGovern	Sessions			
Hansen	McHugh	Shadegg			
Harman	McInnis	Shaw			
Hart	McIntyre	Shays			
Hastert	McKeon	Sherman			
Hastings (FL)	McKinney	Sherwood			
Hastings (WA)	McNulty	Shimkus			
Hayes	Meehan	Shows			
Hayworth	Meek (FL)	Shuster			
Hefley	Meeks (NY)	Simmons			
Herger	Menendez	Simpson			
Hill	Mica	Skeen			
Hillery	Millender	Skelton			
Hilliard	McDonald	Slaughter			
Hinchey	Miller (FL)	Smith (MI)			
Hinojosa	Miller, Gary	Smith (NJ)			
Hobson	Miller, George	Smith (TX)			
Hoeffel	Mink	Smith (WA)			
Hoekstra	Mollohan	Snyder			
Holmes	Moore	Solis			
Holt	Moran (KS)	Souder			
Honda	Moran (VA)	Spratt			
Hooley	Morella	Stark			
Horn	Murtha	Stearns			
Housettler	Myrick	Stenholm			
Houghton	Nadler	Strickland			
Hoyer	Napolitano	Stump			
Hulshof	Neal	Stupak			
Hunter	Nethercutt				

NAYS—1

Lee

NOT VOTING—10

Ballenger	King (NY)	Saxton
Conyers	Lipinski	Wilson
Farr	Petri	
Kilpatrick	Sanchez	

□ 2317

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETRI. Mr. Speaker, on rollcall No. 342 I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER. Pursuant to the order of the House of earlier today, Senate Joint Resolution 23 is passed.

Without objection, a motion to reconsider Senate Joint Resolution 23 is laid on the table, and House Joint Resolution 64 is laid on the table.

There was no objection.

#### PRESERVING VIABILITY OF UNITED STATES AIR TRANSPORTATION SYSTEM

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 2891) to preserve the continued viability of the United States air transportation system, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. SHIMKUS). Will the gentleman from Alaska withdraw his request momentarily?

Mr. YOUNG of Alaska. Momentarily I withdraw it, if the Speaker asks me to. You are the Speaker.

The SPEAKER pro tempore. The Chair is asking you to momentarily withdraw it.

Mr. YOUNG of Alaska. You have got that.

#### CONDEMNING PRICE GOUGING WITH RESPECT TO MOTOR FUELS FOLLOWING TERRORIST ACTS OF SEPTEMBER 11, 2001

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be

discharged from further consideration of the resolution (H. Res. 238) condemning any price gouging with respect to motor fuels during the hours and days after the terrorist acts of September 11, 2001, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SAWYER. Mr. Speaker, reserving the right to object, I do not intend to object, but yield to the gentleman from Texas (Mr. BARTON) to explain his request.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we also want to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. BOUCHER), and all of the other minority members of the Committee on Energy and Commerce for working with the majority on this resolution.

Mr. Speaker, this resolution puts the House on record in condemning any acts of price gouging in gasoline or other motor fuels occurring after Tuesday's tragic events. Since Tuesday, there have been widespread media reports about gas stations in some parts of the country jacking up gas prices to as much as \$6 per gallon, more than a 300 percent increase.

While America sat stunned and friends and relatives wondered about the well-being of their loved ones, while parts of the country struggled to evacuate government buildings and tourist attractions, while our Nation's emergency response crews mobilized, some vendors were trying to line their own pockets. If this activity is not illegal, it is certainly disgraceful.

This resolution, on a bipartisan fashion, condemns price gouging, wherever it exists. Although prices may have returned to normal, and in most cases prices never escalated, the fact is, the potential remains for consumer abuse. This type of behavior undermines consumer confidence and contributes to public uncertainty during times of crisis, and must not be tolerated.

This resolution calls on State and Federal agencies to investigate allegations of price gouging and to prosecute to the fullest extent of the law any violations of the law. There has been no disruption in our Nation's fuel supply. Production is up, stocks are full, and distribution is operating at normal levels. There is no reason, I repeat, there is no reason to jack up prices. We will get through this crisis intact, and America will be stronger than ever.

Tuesday, September 11, was a day of decision. International terrorists decided to test America's will, and Americans decided to defeat them once and for all. This is not a time to let deceptive gasoline dealers double-deal the American people.

Mr. Speaker, I hope that we can pass this resolution by unanimous consent.

Mr. SAWYER. Mr. Speaker, further reserving the right to object, I yield to my friend, the gentleman from Louisiana (Mr. TAUZIN), the full committee chairman.

Mr. TAUZIN. Mr. Speaker, I thank my friend for yielding. Let me thank the chairman of the Subcommittee on Energy for the work on this bill. Most particularly let me thank the ranking member, the gentleman from Michigan (Mr. DINGELL), the staffs of our two committees, and all of you for the work you have done in bringing this bill to the floor.

The bottom line is this resolution condemns Americans taking advantage of other Americans in the middle of a crisis, when there is no need whatsoever to raise gasoline prices.

There is ample fuel out there for every American. This resolution condemns such taking advantage for greed purposes of other Americans in the middle of this crisis and calls for the Federal Trade Commission to commence an immediate investigation and for the prosecution under State law of those who may have violated the law.

Like all the things we have done this week in the middle of this crisis, this resolution represents incredible bipartisan effort. The drafting was done together, we bring it to the floor together, and we urge its immediate adoption.

Mr. SAWYER. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, let me thank the gentleman for yielding. Let me also recognize the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN). I spoke to him numerous times this week.

I have heard about this from Members on the floor. The gentleman from Alabama indicated that in his district the gas prices went to over \$5 a gallon. The Midwest, Wisconsin and Milwaukee, has had problems throughout these last couple of years. Basically, it surrounds reformulated gas. We are trying to work with EPA and correct some of that problem.

But then, lo and behold, we have the worst tragedy to beset this Nation on Tuesday; and operators in the city of Milwaukee, like some other unsatisfactory operators, have to raise the price of gas dramatically.

This does not resolve the problem, but I think it puts those types of characters on notice that Congress is not going to stand for it and the FTC should not stand for it. And I have a further caveat or addition to the resolution, and that is, the consumers in those areas should make note of those stations and boycott them. You run a couple of these buggers out of business

and the problem is going to resolve itself.

Mr. SAWYER. Mr. Speaker, continuing to reserve the right to object, I yield further to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I hope we can pass this resolution by unanimous consent.

#### GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 238.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SAWYER. Mr. Speaker, continuing my reservation of objection, I want to thank my good friend from Texas, the chairman of the subcommittee, for his efforts on this bipartisan resolution. The vast majority of the Nation's oil producers, refiners, distributors, and retailers reacted to Tuesday's horrendous events with the same outrage and with the same attention to patriotic duty, as the rest of the Nation did.

Unfortunately, a very small and clearly contemptible minority, including some in the Midwest, chose to exploit this tragedy for selfish end. This resolution not only condemns these actions and urges justice be brought to bear, but it isolates those gougers by showing where the American people and the industry stand on this matter.

Mr. Speaker, the minority fully concurs in the unanimous consent request made by the gentleman from Texas (Mr. BARTON.) I urge adoption of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

#### H. RES. 238

Whereas the retail price of motor fuels reportedly rose by as much as 300 percent in several locations in the United States during the hours and days after the terrorist acts of September 11, 2001;

Whereas reliable reports suggest that the inventory of motor fuels in the United States was adequate during that period;

Whereas no significant disruptions in the availability of motor fuels were reported as a result of the terrorist acts of September 11, 2001;

Whereas several of the Nation's oil companies pledged to hold their fuel prices steady during the period immediately following the terrorist acts;

Whereas the Organization of Petroleum Exporting Countries (OPEC) has announced that all of its member countries "remain committed to continuing their policy of strengthening market stability and ensuring that sufficient supplies are available to satisfy market needs" and "are prepared to use

their spare capacity, if deemed necessary, to achieve those goals”;

Whereas some vendors of motor fuels in the United States may have taken advantage of the uncertainty created by the terrorist acts of September 11, 2001, by knowingly charging in excess of a reasonable price for motor fuels, a practice commonly known as “price gouging”; and

Whereas price gouging is detrimental to consumer confidence and the economy of the United States, and was particularly detrimental during the hours and days after the terrorist acts of September 11, 2001: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns any price gouging with respect to motor fuels during the hours and days after the terrorist acts of September 11, 2001; and

(2) urges the appropriate Federal and State agencies to investigate any incidents of price gouging with respect to motor fuels during the hours and days after the terrorist acts of September 11, 2001, and to prosecute any violations of law discovered as a result of the investigations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PRESERVING VIABILITY OF UNITED STATES AIR TRANSPORTATION SYSTEM

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 2891) to preserve the continued viability of the United States air transportation system, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I yield to the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure for a brief explanation of the pending legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I thank my good friend, the ranking member on the committee, for yielding.

Mr. Speaker, on September 11, 2001, the FAA grounded every air carrier in this country within a 2-hour period. This is absolutely necessary for the safety and protection of our country and our people. Remember, September 11, this tragic incident, but the aviation industry immediately and cooperatively obeyed the order, without any resistance or debate. As private industries, they put the welfare of the American people above their own profit and their own welfare.

Unfortunately, we are now facing a serious crisis that may result in a severe reduction in our air transportation system.

□ 2330

We will be, in the very near future, facing layoffs of the airline industry, reductions in flights. And those in Texas will not fly; may you walk and may you die in the desert. There will be reduced capacity and other significant effects, because the air industry in this Nation is one of the most important parts of our commercial fleet.

The ripple effect on our economy will be enormous. We are an economy built on the ability to move goods and people at a reasonable cost. The purpose of H.R. 2891 is to keep our U.S. air transportation system alive and able to serve its important functions for our country, because we shut down the industry.

The bill will provide an immediate ability to the President to provide loans and other assistance to U.S. air carriers, and also to compensate those carriers who can document direct losses because of the actions of our government to protect our national security. This authority would only be for 6 months. For 6 months, ride your horses. It is to provide short-term assistance. Any claim for losses has to be documented and proven. The current crisis requires this action be taken as quickly as possible to preserve not only the financial viability of the airlines, but also to protect the general public welfare.

May I suggest, those that may object to this, understand one thing: rail, road, ship and air. I am the chairman of the Committee on Transportation, and if my colleagues decide not to support this bill, then my colleagues suffer the facts, because my colleagues will not be able to fly. And I said, ride your horses, paddle your canoes, and go where you think you may go. But the airline industry, and I am the chairman of this committee, is in serious, serious trouble. Not because of today, necessarily, not because of the past, but because this tragedy was not their doing. And to have someone object to this means that they say no longer is air transportation important. And let me tell my colleagues, those that want to fly, fly; but do not do it just with wings from the airplanes, fly with yourself. Try flapping your arms; you are not going to get there. You are not going to get there. And that includes the gentleman from Florida (Mr. YOUNG).

My colleagues have to understand what I am saying. That is not about corporations, it is not about Social Security, it is not about the financial institutions, it is about the economy of this country. I studied this, and the gentleman from Minnesota (Mr. OBERSTAR) studied it in his time.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object. The events of Tuesday, as the chairman has already expressed, have thrown the airline industry, as the first line of target

of terrorism, into an absolute tailspin. The industry has been shut down. It has no revenue streaming in, it has costs going out. It has to pay its pilots, its flight attendants, its mechanics, baggage handlers, and other personnel. They are under contract to do so. They have no revenue coming in. When air travel does resume, two revenue streams have already been denied the airlines: mail and cargo aboard passenger aircraft. Airlines are collectively losing some \$340 million to \$400 million a day. They have already lost over \$1 billion, and over this weekend will accumulate losses of up to \$5 billion. The industry could be in complete financial liquidation within a week or two.

What we have proposed in this legislation is an authorization from, listen to the language, from funds made available in subsequent acts. This is not money coming out of the appropriation we approved earlier in the day. It will have to be approved in subsequent acts, and as the chairman has already said, the airlines will have to submit specific showing of losses to the President of the United States, resulting from events that occurred on the 11th of September, and subsequently, and will have to demonstrate that their losses also resulted from the ground stop on aviation service ordered by the Secretary of Transportation.

The reach of this disaster is nationwide, and this is a \$600 billion sector of our national economy. It underpins all the rest of the national economy. It gives us the greatest mobility in the world. Two-thirds of all the world's air travel occurs in the United States' airspace. Airlines today cannot get access to the lines of credit that they have lined up at financial institutions because the draw and the demand on those financial institutions is so great that they are reluctant to release the dollars available to them in lines of credit.

Secondly, financial institutions have put all the airlines on credit watch.

Third, their insurance, their liability insurance, has doubled overnight, and they carry insurance against such tragedies.

Fourth, when the terrorists struck, airlines had \$35 billion in aircraft and aircraft engine orders, positioned with Boeing, Pratt & Whitney, and GE. They are going to cancel those orders and the effect is going to ripple throughout the whole national economy, with layoffs from the East Coast to the West Coast and from the north and to the south.

What we are proposing to do tonight is to get an authorization in place so that when financial markets open on Monday, airline stocks do not tank and airlines do not go under and they shut down forever. That is what this is about.

Yes, it is on short notice; no, we did not go through the hearing process. We

did not have time. We consulted with all that we could in the very short period of time. We are facing an airline crisis and the airlines need some recognition that Congress will act to prevent a financial liquidation of the airline industry.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I say to my colleagues, please, because I know there is some question about objection, I am pleading with my colleagues, I am making a plea to my colleagues, one Member to another. Every one of my colleagues know me here, some longer than others. Every one of us are colleagues here. Every one of us understands that if another Member asks something of someone, that something is fundamental to the very well-being of their constituents. Please give the benefit of the doubt.

That is what this is about tonight. I realize, as both the chairman and as the ranking member have made clear, I am sure there are a myriad of difficulties associated with this proposition, but there is good and sufficient time subsequent to tonight to deal with all of those. I am sure the chairman would agree and that the ranking member would agree.

□ 2340

I am here to tell Members that the State of Hawaii is at risk of bankruptcy if there is not confidence in the people of this country being able to fly. I am not trying to deal with hyperbole, I am not trying to deal in rhetorical flights, I am saying the basic, fundamental, fiscal facts of life for my State.

I am pleading with the gentleman. Surely none of us are sufficiently filled with wisdom to understand the ramifications of every nuance of this legislation, but we have to have enough confidence and trust in one another to give ourselves the opportunity to come to grips with these various problems, including, Mr. Speaker, the most fundamental one.

What terrorists seek to do is not necessarily to kill people. If that happens, from their point of view, well and good. But they seek to instill fear and discord and anxiety and loss of confidence. That is what this is all about. We cannot succumb to that or they win.

There is not a person in here, Mr. Speaker, since Tuesday, that has cast a vote with which they were completely at ease. I do not believe that a single Member here has been completely at ease, or maybe even mostly at ease with every vote.

But I plead with any Member who is thinking of objecting tonight, please do not do it. Please give us the opportunity to act as colleagues. Please do

not put at risk millions of jobs, not tens of thousands, millions of jobs. Do not forget that most of the foodstuffs in this country travel by air. The exports from State to State, it is not just road, it is in the air.

So we must not take a chance that the legislation that has been crafted and the money associated with it will be dealt with anything other than in circumstances in which the greatest possible care will be taken when it comes to the floor after conference.

Mr. OBERSTAR. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I thank the gentleman for yielding to me.

Yesterday I stood up within the Democratic Caucus and I said, "It is going to be necessary, in my judgment, to come to the assistance of the airline industry of the United States." I said that I believe that our financial institution and our regulators stand ready to use all the powers that they have under law to do that.

I was a bit dumbfounded today when, in the caucus at approximately 4:30, the Democratic Caucus, I found out for the first time that we might be considering a bill that was intended or that we consider a bill authorizing up to \$15 billion, \$12.5 billion in loans or loan guarantees, and \$2.5 billion for compensation, grants for direct losses.

I expressed some concerns in our Caucus about that, rather strong concerns. I went back to my office, and I discussed it with my staff. My staff said, this is already being reported in *The Washington Post*. It is a virtual done deal.

I went to the Internet, to *The Washington Post*, and they ran a story at 4 o'clock and the story at 4 o'clock quoted the gentleman from Minnesota (Mr. OBERSTAR) as saying that we were going to consider a bill tonight that authorized up to \$2 billion in loan guarantees and \$2 billion in grants, a total of \$4 billion. So sometime between 4 o'clock and 4:30, the \$4 billion went to \$15 billion. Now, I am not sure about the accuracy of that story on the Internet in *The Washington Post*, but that is a big jump in half an hour.

I know I said yesterday we were going to have to help the industry, but I was a bit surprised at how this is evolving. First of all, we know the Senate is not going to act at the earliest until Thursday. I do not know if they are going to go along with this.

Secondly, I saw the gentleman from Ohio (Mr. OXLEY) on the floor yesterday. I said to him, "We have to get to the Senate. The House passed the Defense Production Act, which expires September 30. We have to make sure that the Senate passes the exact same bill."

Under the Defense Production Act, the President already has the author-

ity to do, in my judgment, what we are doing in this bill. I suppose Members could argue that, but we have always interpreted it broadly. Okay. That could be debated. I appreciate that.

But there is another issue. I have been concerned about insurance. I have been concerned with whether or not insurance policies which cover businesses might be interpreted by insurance companies not to cover acts of terrorism, as called for, because there are exceptions, acts of war, and they might argue.

So I talked with the superintendent of insurance of New York, and he said to his knowledge all the domestic insurers that he has talked to, and the reinsurers, are being very forthcoming, saying immediately, "We are going to pay for these acts of terrorism. We are not even going to argue that there is a possibility that there was an act of war. We are paying for it."

I suspect but do not know, and maybe Members could educate me, that every airline has property and casualty insurance for damage to the planes, and reinsurance; and secondly, business interruption insurance. But I do not know this.

The point is, we need to look into this. I do not know whether they do or do not have full insurance for their losses, or insurance for their business interruption, but most businesses I know do have adequate property and casualty insurance and reinsurance, and do, in fact, have business interruption insurance.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I just want to make the point that airlines do not have business interruption insurance as a regular course of business.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I ask the gentleman, why not?

Mr. OBERSTAR. Mr. Speaker, this is the not the time to debate why not.

Mr. LAFALCE. Mr. Speaker, the last point I want to make is we have to be very careful when we pass loan guarantee legislation that we establish conditionality. I mean banks establish conditionality. The World Bank, the IMF established conditionality. We established conditionality with the Chrysler loan guarantee bill. We got some warrants for it, too. We made money on it. We establish conditionality with New York City. If we are going to do this, and if by some chance this passes tonight, we ought not to come back with a conference report until all these questions are raised under the strongest possible conditions.

Having said that, I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object.

Mr. YOUNG of Alaska. I appreciate the gentleman's comments.

Mr. OBERSTAR. Mr. Speaker, I yield.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Alaska will suspend. The time is being controlled right now by the gentleman from Minnesota.

Mr. YOUNG of Alaska. Mr. Speaker, I understand that.

The SPEAKER pro tempore. The gentleman from Alaska will suspend. The time is being controlled by the gentleman from Minnesota. Will the gentleman from Alaska let the gentleman from Minnesota give him the floor.

Mr. YOUNG of Alaska. Mr. Speaker, I thought he did that.

The SPEAKER pro tempore. He has not. The gentleman from Minnesota.

Mr. YOUNG of Alaska. Mr. Speaker, I am amazed. You are a little slow.

Mr. OBERSTAR. Mr. Speaker, I am happy to yield to the Chairman.

Mr. YOUNG of Alaska. Do not shake your head, Mr. Speaker. I am also a Member, just as you are.

The SPEAKER pro tempore. The gentleman from Alaska will suspend. The time is controlled by the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to our chairman, the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman, and out of respect to the Speaker, he is not too quick when it comes to picking up when the gentleman yielded to me.

I would also say just one thing. What bothers me most about this debate is what we are thinking about is the time frame. If we do not do something tonight and the market opens up Monday, I want everybody to think about this, we are hoping and I am praying because I have been through about four of these and some of you have not, being one of the seniors Members of this House. When most of the American people come back and, in fact, believe in America and the faith of America and will not drop the stock market. I have watched this. Check the Gulf War. Check World War II. Check the Korean war and the Vietnam. I have been all through them.

I believe the American people will, in fact, stand up and say yes we are willing to invest; but I will tell you what will happen. We have airline industry on the verge of collapse, and if we do not lay down a mark in the sand and say, yes, we are willing, because of action of our government to back up those airline industries to allow some moneys, they will start going down and every other stock will start following it. Keep that in mind. Keep in mind what I am saying here.

I may be wrong, I hope I am wrong, but if you do not pass this tonight, and Thursday when we have a crash, I hope that those who object to this understand what I am saying because you have created it.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, and I respect the gentleman's heartfelt comments, I yield under my reservation to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding, and let me say I do not think anyone who is raising questions tonight is trying to do anything except meet our constitutional responsibilities to know what we are doing before we spend taxpayers' money.

Now, the gentleman from Alaska is a good friend of all of ours; and he has conveyed to us a sense of urgency and he has also conveyed the message that somehow if we do not do what he wants, do it on the basis of almost no explanation and something bad happens, it is our fault.

I would suggest I would like to have fewer threats and more information. How about less rhetoric and more information. I would like to ask some questions. I would like to ask some questions if the gentleman would yield.

□ 2350

We have had no hearings on this. We have had no statement of position from the administration. My staff was told by some proponents of this proposition that OMB was in fact recommending it. When we called OMB, they indicated that while they had a person in the room, that person was there for observation purposes and as a resource only; that they did not have a position.

Not a single person from the administration has contacted, to my knowledge, any member of the Committee on Appropriations when we were in the conference last night arranging the dollars which the gentleman now is seeking to spend, or at least was originally. I do not think a single person from the industry talked to any of the conferees last night to explain why this needed to be turned into an appropriation.

I do not have any answer to the question of what authority the Federal Reserve has in this situation. I had been given the impression today that the Federal Reserve had some authority to establish a fund to provide loan guarantees. I would like to know what authority the Federal Reserve has. If they have not exercised that authority, I would like to know why people think they have not exercised that authority.

These are all reasonable questions that every Member, Republican or Democrat alike, has the right to have an answer to.

I would also like to note if it is being proposed, why is it not being proposed as a mandatory under those pay-go rules rather than adding to our discretionary spending? The supplemental that we passed earlier today grew in 2 days' time from \$5 billion to \$20 billion to \$40 billion, and now people want to spend an additional \$15.5 billion. That is enough to give Topsy a bad name.

Now, we have laid out a lot of questions, and I have one very serious procedural question. The language in the proposal the gentleman seeks to introduce says, "Notwithstanding any other provision of law, the President is authorized from funds made available in subsequent acts to take the following actions," blah, blah, blah. Now, that language, as it stands, is reasonable. But what happens if we allow this to come to the floor? What happens if the Senate, when they come back into session, takes this bill, strikes that language and allows my colleagues to take all of the money out of the funds that were just appropriated for the purposes which we appropriated before on the floor earlier?

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I will assure the gentleman that the language that is in the bill will come back from conference, or we cannot come back to this body.

Mr. OBEY. If the gentleman will continue to yield, do we have the assurance of all of the bill managers that if the Senate in fact deletes this language that this legislation will not be brought to the floor?

Mr. OBERSTAR. I have consulted with the Chair of the Committee on Transportation and Infrastructure, which has jurisdiction over this matter, in deference to my colleague from New York, that we are bringing a proposition to the House floor in full faith, with this language, and we could not come back here without that language.

Mr. OBEY. Does the House leadership provide that same commitment?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. Further reserving my right to object, I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I am hoping the House leadership will follow the lead of the Chair of the committee and the ranking member. We work very closely, and I am confident that they will.

If they do not, it is not going to come back.

Mr. OBERSTAR. Further reserving my right to object, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I think if this is to be considered tonight, and I think, obviously, there are other Members with other concerns, and I still have not heard an answer to the Federal Reserve question, which I think the gentleman from South Carolina (Mr. SPRATT) may have some information on, but I think it would be very important, and I would like to hear what the gentleman from Florida says on this matter; but I think it would be very important to have understandings across the board, including from the leadership, that if that were to occur in the Senate, this vehicle would not be brought back to the House and that we would start anew with new legislation.

Mr. OBERSTAR. Reclaiming my time, Mr. Speaker, I thank the gentleman for his observations, and we will attempt to get the resolution to the question about the Federal Reserve; but I do not know of a situation where the Federal Reserve comes in to provide the help as the gentleman has suggested.

Mr. OBEY. Would the gentleman from Minnesota consider yielding to the gentleman from South Carolina to answer the question about the Federal Reserve?

Mr. OBERSTAR. I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, the Federal Reserve used to have a regulation called Regulation V, for V loans. It dated back to the war but was carried over from the war and renewed each year in the Defense Production Act.

The last entity that I know which qualified for a Reg V loan was the Penn Central. They were to have obtained a \$400 million V loan in the early 1970s, until the Reagan administration reversed course and decided against it on the day of closing. I know, because I was working in the Pentagon then. I was tangentially involved with it.

I do not know whether the V loan authority is still on the books, but it applied to transportation nexuses. Where significant transportation nexuses in this country were at risk, it is my recollection it was applicable to those circumstances.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for that clarification, and I thank the gentleman from Wisconsin.

Further reserving the right to object, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding to me.

I would address my colleagues and point out that this has been an extraordinary week. It has been a week in which we have come together. It has been a week when we have stood united, not Republican and Democrat but American. It has been a week in which the debate on this floor has been characterized by immense unity, where we have worked together. I do not want the debate tonight to change that tone.

This is an extraordinary situation. I understand the reservations and the concerns of everybody on each side. I understand the passion of the chairman of the Committee on Transportation and Infrastructure. I understand the concerns of others on the other side. I would simply argue that we stop and reflect. We are being asked tonight to do something extraordinary, but these are extraordinary times.

I would say that those who have expressed concerns, fiscal concerns, appropriators such as the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of that committee, has le-

gitimate concerns here and they ought to be considered. But, again, I would argue these are extraordinary times.

The markets will open Monday morning. The signals we send on this floor are vitally important. It seems to me it is clear nothing will become law as a result of what we do tonight. We must await the action of the Senate. But we can send a signal tonight on this piece of legislation, like the signal we sent on the very last piece of legislation. We can send a signal that says the United States Congress understands that the airline industry has been massively damaged by what has happened in the last week and that colleagues like the gentleman from Hawaii (Mr. ABERCROMBIE) are suffering dire consequences as a result of that.

I would like to just draw a quick analogy. As we watched in horror on Tuesday when the World Trade Center collapsed, that collapse, if you talk to an engineer, was because one floor collapsed on the other and that floor was not designed to carry the weight of two. So those two collapsed on a third. And when those two collapsed on the third, that floor was not designed to carry the weight of three, and on and on and on. So we saw the collapse straight down to the ground of the entire building.

Our enemies did not seek just to destroy the World Trade Center or the Pentagon; they seek to destroy our economy, and we had better be sure that we do not let them do that. Their goal is not merely, as the gentleman from Hawaii (Mr. ABERCROMBIE) said, to kill individuals; it is to instill terror and fear and to cause us to freeze as a Nation. We must get our airlines back in the air; we must as individuals get back on those airlines. We must fly on them. Our sports games must resume. Our economy must resume in full force. And this is one minor step we could take.

I understand that there have been assurances from the Committee on Transportation and Infrastructure that they will abide by the negotiated language tonight. I hope that the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, is going to express his view that that language is critical and they must agree to live with that language in the conference committee.

But if they do, I would hope that those who have a desire to object tonight, and who are thinking about objecting as a result of the fact that this is happening in extraordinary procedure, would consider the extraordinary times that we are in.

□ 0000

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. Mr. Speaker, let me yield under my reservation further to the gentleman from Wisconsin (Mr.

OBEY), then the gentleman from Pennsylvania (Mr. KANJORSKI), and then the gentleman from Florida (Mr. YOUNG).

Mr. OBEY. Mr. Speaker, two additional questions I would like to have answered. What is the position of the administration? Are they recommending this or are they not? Secondly, what is the budget scoring associated with this proposal? My understanding is that when we were considering loan guarantees for Amtrak, that scoring for loan guarantees was 100 percent. If that is the case, in this instance we are looking at a \$15½ billion package here.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. Does the gentleman from Wisconsin have a further question?

Mr. OBEY. Those are the two.

Mr. OBERSTAR. I yield to the chairman, the gentleman from Alaska for a response.

Mr. YOUNG of Alaska. I thank the gentleman from Minnesota (Mr. OBERSTAR). The administration was in the meeting. They have no objection to this legislation. That has been made clear to me. They were very cognizant of the problem we have facing us today.

Mr. OBEY. Are they willing to ask for it so we know they have run the trap lines and think this is fiscally sound?

Mr. YOUNG of Alaska. Unfortunately, the trap lines today are a little bit fogged and a little bit cluttered with other things in our minds, but my information as they were sitting in our meeting with members of the leadership, the White House was there, and they had no objection at the time, and they in fact said we believe this is a go.

Mr. OBEY. That is contrary to the information from my staff.

Mr. YOUNG of Alaska. I do not have a letter in my hand right now. We started this at 4 o'clock this afternoon.

Mr. DOGGETT. That is the whole problem. You started at 4 o'clock.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Texas (Mr. DOGGETT) will suspend. The time is being controlled by the gentleman from Minnesota (Mr. OBERSTAR).

Mr. YOUNG of Alaska. Will the gentleman yield?

Mr. OBERSTAR. I yield further to the chairman.

Mr. YOUNG of Alaska. Mr. Speaker, I want to say for those who are out of order, and they are out of order, this has been going on for 3 days. Do not tell me 4 o'clock in the afternoon. The ranking member and I have been working. We have tried to figure it out. We know the danger. We know what is going to happen. So do not anybody stand in the audience and blurt out like somebody at a circus and say in fact it started at 4 o'clock this afternoon.

Mr. OBERSTAR. Further reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I have a great deal of respect for the chairman and ranking member. I think we are in a contest here that can be easily resolved. What we are trying to do is send a message to the stock market on Monday. I think that is a reasonable thing to do.

Why do we not pass tonight a sense of the House resolution that this Congress intends to establish an emergency finance administration to take care of not only the airline industry, but potentially the insurance industry, the banking industry, or any part of our industry that may suffer as a result of the disaster of September 11.

That will take care of the message. That will give us the 4 days between now and Wednesday when we return to have sufficient consultation to see whether or not this is sufficient, whether it should be enlarged or whether it should encompass other companies, other industries and other problems. It should not be done at the 12th hour, when we are about to recess, when we all know the Senate has already recessed until next Wednesday. Nothing can be done.

In reality we are trying to send a message to the American people and to the American markets. We can accomplish that by a House resolution expressing the intent of Congress to respond. But it is a fair objection to any Member of this House not knowing what the particularities and the effects and consequences of this piece of legislation will have because we have not had the opportunity to study it. By Wednesday we can stay in town and craft a piece of legislation that will cover all those contingencies and send a broader message to the American people and the American markets that the Congress of the United States and the American government is going to see that the economy of the United States survives.

Mr. OBERSTAR. I appreciate the suggestion of the gentleman, but I respectfully observe that the airlines cannot take a resolution of Congress to the bank.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague for yielding.

I know the concern for my colleagues about the lack of the language and the concern that we have not had the time to look at this, but also know the devil is what is going to happen between now and next Thursday when we come back in. It is not just Hawaii. It is not just Chicago. It is every major city in the country. The airlines cannot do this, cannot sustain this. That is what concerns me.

If we are willing to stand here and say I am going to object because it was

not brought up to me because of my committee, then I would hope that between now and next Thursday when we see the layoffs and we see what happens, because no business can continue to pay people when you are only running 25 to 30 percent of your load, I do not care what kind of business you are in. So that is what worries me. This Congress has to be flexible enough in these emergency times to be able to make sure that we have the safety net for our infrastructure, and our airlines are an important part of the infrastructure. Thank you for allowing me to speak.

Mr. OBERSTAR. I thank the gentleman. I would be happy to yield to the chairman who sought recognition earlier.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, I do so because I have some questions that I would like to have answered by my friend and colleague from Alaska.

Mr. YOUNG of Alaska. Mr. YOUNG.

Mr. YOUNG of Florida. That is the reason why I am down here rather than beside him. I do not want there to be any confusion which one is which.

Mr. YOUNG of Alaska. Good or bad.

Mr. YOUNG of Florida. My friend from Alaska and the chairman of the authorizing committee made the point that this is not an appropriations issue. I disagree with that. This is an appropriations issue. In fact, the first language I saw, which was about 7:30 tonight, would have taken this \$15 billion from this supplemental emergency that we passed today to help recovery in New York and in Pennsylvania and in Virginia. I did not like that because we struggled to get that bill in the condition that we could all accept and vote for, which we all did. So I suggested some different language, and I believe that this new resolution or this new bill includes the language that I suggested, which was that any money coming from this bill would be subject to a subsequent appropriations bill. Am I correct?

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, the gentleman is correct. You prevailed.

Mr. YOUNG of Florida. Good. Now what I want to make sure is that because we do not have any information, as the gentleman from New York (Mr. LAFALCE) pointed out, as we had in the Chrysler loan guarantees or the New York loan guarantees, we do not have any information like that. So we do not know where we are. We quickly believe that this is going to cost about \$15 billion. We used to have a little bit of information before we commit ourselves to \$15 billion.

So what I am asking for, and I believe the gentleman from Wisconsin (Mr. OBEY) asked a similar question, I want a commitment from my friend, the gentleman from Alaska (Mr. YOUNG) and my friend, the gentleman from Minnesota (Mr. OBERSTAR) that the language, if you ever come back from conference, that that language will be protected to guarantee that none of this money will come out of the supplemental that we passed today for the recovery from the terrible terrorist activities.

Mr. Speaker, I want a commitment on the gentleman's part, and we will not object if we can get that commitment, that the gentleman will not present a conference report here that will allow that money to come from the supplemental; that it would not, in fact, be subject to a subsequent appropriations action.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, it is my intention, as I explained to the gentleman from Wisconsin (Mr. OBEY), that is exactly what we are trying to do.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman says "trying to do." I want a commitment. The gentleman from Alaska will have control over this conference.

Mr. YOUNG of Alaska. Mr. Speaker, I am sure the gentleman from Florida will be involved with it. I am sure the gentleman will be sitting beside me.

Mr. YOUNG of Florida. Mr. Speaker, I doubt that the gentleman from Alaska (Mr. YOUNG) would suggest that I be appointed as a conferee of his conference.

Mr. YOUNG of Alaska. If the gentleman would continue to yield, I am trying to say that we will do everything we can to protect the request of the gentleman from Florida. I cannot predict what the Senate is going to do.

Mr. YOUNG of Florida. Reclaiming my time, I understand that. I have been to conference many times with the Senate, but the gentleman from Alaska (Mr. YOUNG) can commit what he will do; and the gentleman from Alaska, as chairman, will control that conference, and the gentleman does not have to sign a conference report unless it is what he wants it to be.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, by the time we go to conference, if our airlines are not flying, it does not mean anything. By the time we go to conference, we will know whether this system works. That is what I am suggesting. This is an emergency. My friends, this is not every day.

Mr. Speaker, I have followed this industry from the bottom of my heart for

more than 10 years, and we are in serious trouble. If my colleagues do not understand where we are today, we have serious problems. I will commit as the chairman, if they are viable, everything is working well, then we have a commitment to make sure that they achieve the goals of having the commerce capability.

□ 0010

I am not trying to take money out of an appropriation. I never have.

Mr. YOUNG of Florida. I take back my time. The gentleman raised a sore point here. On TEA-21 and AIR-21, you took discretionary money and you put it into mandatory accounts and you created a problem for our Members who wanted programs in our transportation bill. You took that money into those programs, you reduced the amount of discretionary money available, and then in the few dollars we had left when the gentleman from Kentucky (Mr. ROGERS) brought a transportation appropriations bill on the floor here this year with some Members' projects in it, you sat right there and you, by a point of order, struck all of those projects. Do not tell me what you have done to appropriations bills.

Mr. Speaker, I yield to my friend, the gentleman from Kentucky (Mr. ROGERS), who is chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Speaker, I thank the gentleman for yielding.

Let me ask the gentleman a question, or anyone here. Is there anything that would prevent the transportation authorization committee recommending to the floor and the floor passing this amount of money as a mandatory account immediately? Is there anything wrong with doing that? Why can we not do that?

Mr. YOUNG of Florida. I made that suggestion several times today and was rejected several times today.

Mr. ROGERS of Kentucky. I wonder, if the gentleman will yield further, if the chairman of the authorizing committee would agree. Let us just pass the bill out of mandatory accounts, doing exactly what you are talking about.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California, the very distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

My understanding is that there was a language change in which the language in the bill in front of us says, "Notwithstanding any other provision of law, the President is authorized from funds made available in subsequent acts," which would protect the gentleman in terms of his concerns about

the act passed today. I believe the gentleman's concern is that it may go over to the Senate and that language may not remain. It seems to me the appropriate commitment, if the chairman of transportation is willing to make it is, that this is the language that they commit to and that if it comes back differently, then they will not push it.

Mr. YOUNG of Alaska. And I agree.

Mr. YOUNG of Florida. I would say to the gentleman, I support that language. I offered that language today during a compromise session, and I agree with that language. I just want to make sure that is the language we will vote on when it comes back from conference. That is all I am trying to get.

Mr. THOMAS. If the gentleman will yield further, and if the commitment from the chairman of the Committee on Transportation and Infrastructure is that he will not support the bill if that language is not in the bill coming back from conference, if he agrees to that, is that a comfort level?

Mr. YOUNG of Alaska. I agree with that. I have been saying that for the last 15 minutes.

Mr. YOUNG of Florida. For the last 15 minutes the gentleman has said "if this" and "if that" and "maybe."

Mr. YOUNG of Alaska. He clarified it.

Mr. YOUNG of Florida. Wait just a minute. Coming back from conference and opposing a bill is one thing, but refusing to close the conference unless you like the language, that is something else. And you, as chairman, will control that.

Mr. ROGERS of Kentucky. If the gentleman will yield further, I did not hear an answer to my earlier question. Why can we not just pass a bill on the floor getting these moneys out of the mandatory accounts? Nobody would object to that. I would like an answer. Maybe there is an answer to this. Why not pass a mandatory account subsidization as we have been discussing?

Mr. YOUNG of Alaska. If the gentleman will yield, without getting myself in trouble, I have agreed to your language.

Mr. YOUNG of Florida. But they have already given me an answer to that several times. They are not going to do it, but they could.

Mr. YOUNG of Alaska. I gave you an answer. I agree with your language. We support your language. We talked about this today. The gentleman from Florida knows me. I have never backed out on my word. I may take your money, but I will do it up front. I am not going to take it behind you.

Mr. YOUNG of Florida. You did not take it behind me, but you sure took it.

Mr. YOUNG of Alaska. You bet I did, and I will do it again. But I am going to suggest one thing on this thing. What he suggested, that means a new

piece of legislation. I go back to what I have said again and again. I will say it again. We are looking at a time frame. I will admit, the Senate is not going to act, but that stock market opens Monday. If we do not have an assurance that these airlines are going to be taken care of in the sense they lost because we tell them they had to sit down, they are going down and the stock market will go down with them.

Let us talk about legislation later on, but let us think about tonight. Let us not think about 3 weeks down there, 4 weeks down there, but tonight and Monday. After Monday, we have got Tuesday, Wednesday and Thursday, and the Senate goes back in. If they do not want to do this, fine. But let us give them some line that the House of the people is backing it up and not going to let these airlines go down. And they will go down if we do not do this.

Mr. YOUNG of Florida. I got as much of an answer as I am going to get.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding. My problem with this is that every time we ask a question about what, we get an answer about why. We understand why the gentleman thinks it is necessary to proceed. What we are trying to do is work with him honestly and earnestly in order to find out what the best way is to proceed.

Now, the gentleman from Kentucky asked a question. He deserves to have an answer.

Mr. YOUNG of Alaska. And I told him if you want a new piece of legislation, go for it. But you cannot do it tonight. And we are going to recess tonight.

Mr. OBEY. With all due respect, if the gentleman will yield further, we still have not heard an answer to the gentleman from Kentucky's question. It does not mean that we have to go that way, but we would like to know why that option was rejected when he has proposed it and the gentleman from Florida has proposed it.

I have two other questions I would like to get out here because we are trying to work this out. We are not trying to block this. We are trying work it out, but we need some cooperation from the people who say they want this.

Other questions I have, I still do not know what the position of the administration is, and I need to know from them. I would ask the gentleman from Missouri or anyone else who might know. We are being asked to spend what could be up to \$15.5 billion. Good-bye, Social Security.

Mr. YOUNG of Alaska. Cut that out.

Mr. OBEY. That may be perfectly reasonable because this country cannot

operate without a functioning airline system. We understand that. But we want to know whether or not the administration is in support of this or not. Secondly, I want a clear response that if the language that the gentleman from Florida is referring to is not retained in conference, that that conference will not be brought back to this House floor, period. We need answers to those two questions.

And then there is a very troubling provision which has yet to be explained in this bill. On page 5, line 2, it refers to suspension, delay or modification of any quarterly payment or other Federal financial obligations to the United States by the air carriers. Does that mean that they are delaying payroll taxes? What taxes to the U.S. government are they delaying? We are supposed to be defending taxpayers' money. We have to have answers about what this means for taxpayers' money. I have not decided what I am going to do yet. But I would like some answers before we have to decide.

□ 0020

Mr. YOUNG of Florida. Mr. Speaker, I thank the Speaker for the courtesies this evening. I support the language we are talking about. I hope we can keep it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there further objection to the request of the gentleman from Alaska?

Mr. DOGGETT. Mr. Speaker, reserving the right to object, I think it was only a week ago, well, maybe not a week ago at this time, at 12:20 in the morning, but about a week ago that individuals in this House of both parties expressed their concern about our budget, our financial situation, about whether or not it would be necessary with the budgetary pressures that we have to reach into those monies that are payroll taxes, that businesses and individuals have paid in for their Social Security, and use that for other purposes.

In the tragic week that has transpired since that time, the world has been turned upside down for families in New York, in Washington, across the country. Certainly our situation with regard to the budget has been turned upside down as well. But it is not one that has made our situation better. It has made the pressures on our budget worse.

Last night this House, with no explanation as to the specific purposes for which the monies would be spent, voted to approve the expenditure of \$40 billion out of what are basically Social Security monies. That number went up from \$20 billion in the morning to \$40 billion at night.

Perhaps there were those that were watching the success of the growth of

those funds, because now, tonight, before all the bodies are removed, before the dust has settled, before perhaps all the fires are extinguished, there are those that are lining up here at the Capitol door, at the public treasury, asking that they receive some public subsidy, right out of the Social Security fund. Perhaps that subsidy is well justified. I may vote for it myself because it is so compelling. But if it is so compelling, it will be as compelling in the bright light of day as it is with insults and threats at midnight.

I feel that the taxpayers of this country are owed a better explanation than to hear about a bill at 4, with promises and and's, if's, or's and but's, that is going to take perhaps not just \$2.5 billion, but perhaps \$15 billion out of that Social Security money, that they are entitled to know a little more about it.

If it is so desperate and if it is so essential that this be accomplished before Monday, then I suggest we stay and work on it. I am prepared to do that. I suggest that we stay and have a hearing. If the gentleman has so much wisdom and insight on this, I suggest he convey it to us in the course of an ordinary hearing.

I have been asked tonight what it is that I want. I do not want anything special. I simply want the same consideration I would want for any expenditure of \$15 billion out of the Social Security monies, and that is a fair chance to ask some questions about it, to see it deliberated, to get a little investigation to question whether there is business interruption insurance, to question whether or not there are other resources, to question those who say if we do not get all this approved by Monday, people would be laid off. What guarantee is there that they will still be hired on Monday if it is approved? To ask if it is so very, very important that we act here after the midnight hour, why the President of the United States has not found it sufficiently important to call for it in some kind of proclamation.

So, for all of those reasons, I object to doing this tonight. I certainly would have no objection to the kind of resolution the gentleman from Pennsylvania has talked about, or some other way of expressing our concern about this; but I object to this bill coming up, if it has even been filed. I suppose in the last few minutes it has.

I object to it coming up in this fashion, in this manner. It sends a signal to others who will stand at the door of the Treasury and ask for their subsidy.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Mr. Speaker, did the gentleman from Texas misspeak? Did he in fact ask to continue to reserve?

The SPEAKER pro tempore. Objection was heard from the gentleman from Texas.

#### CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, AMERICAN MUSLIMS, AND AMERICANS FROM SOUTH ASIA

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 227) condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BONIOR. Mr. Speaker, reserving the right to object, first of all, I would like to thank the gentleman from Pennsylvania and the leadership of this House for bringing this resolution up. Particularly, I would like to thank the Speaker; the majority leader, the gentleman from Texas (Mr. ARMEY); the gentleman from Virginia (Mr. DAVIS), who has been so active; the gentleman from California (Mr. DREIER); and others. We appreciate the opportunity to have this resolution come before us this evening.

Mr. Speaker, I do not intend to object to this, but I think there are Members who would like to speak on this important resolution.

I will yield to the gentleman from Pennsylvania (Mr. GEKAS) and then to the distinguished majority leader.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman is correct, this is a resolution which has been approved by everyone in sight and is very apropos at this moment in our Nation's history, considering the events of this past week.

The only comment I want to make before the gentleman from Texas (Mr. ARMEY) will be elucidating on the subject is that we do not want to repeat as a Nation the insidious events that took place after Pearl Harbor with respect to the treatment of Japanese-American citizens, who had to suffer the indignities which are so well chronicled and which were so noted by this Congress in recent years.

So when we talk about treating Arab-Americans in the light of what happened this past week in similar ways, this resolution goes to the heart of that series of events.

Mr. BONIOR. Mr. Speaker, continuing my reservation, I yield to the

distinguished majority leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, let me begin by thanking the gentleman from Michigan (Mr. BONIOR) for drafting this legislation and thank the gentleman even more for calling it to my attention and inviting me to be part of this discussion.

Mr. Speaker, this is a serious matter. This goes to the heart of what we have been talking about for the last few days.

This Nation was attacked by criminal terrorists, barbarians. For what reasons, we do not know. Of course, we have asked ourselves why, and we have been offered a lot of reasons.

We are hurt, we are angry, we are disappointed. We intend to set this thing right. But we do not set it right, Mr. Speaker, if we paint the whole world with one brush.

These were people with hatred in their hearts. They are not all the people of a race, a religion or a creed. Indeed, most of the people in this country that are Arab-Americans, most of the people in this world who are Arabs, most of the American Muslims, most of the people in the world who are Muslims, most of the people in the world who are South Asians, are as shocked and horrified as we are.

These were criminals. These were thugs. I do not know their agenda, but it is wrong for us to spread the blame for that kind of behavior to any person other than those who are responsible. As a good decent Nation, we will hold those who are accountable, who are responsible for transgressing against the rules of human dignity accountable; and that same good decent Nation that holds them accountable with all the rigor of their law and force and might should use all the rigor of their law and force and might to speak up for and protect the innocent.

□ 0030

That is what America is about.

Mr. Speaker, I would ask that this body pass this resolution, and I would say to my Nation that I love so much, vindicate our heroes, those that have come before us and those that we now fear we will have to put on the fields of danger, by having the ability to understand that all the world's people, each and every separate person in this world, is God's child that deserves our respect and our decent care and love and affection, only when they demonstrate that they do not hold any animus.

Finally, two thoughts from our scripture. We are admonished no matter how bad things are, no matter how angry we are, do not sin in your anger, Mr. and Mrs. America. Do not diminish yourself. Secondly, even for those who are criminal perpetrators, we are told to love the sinner, but hate the sin.

Let us try to rise to an occasion, an occasion where we can demonstrate in

our common ordinary business where we treat one another on the street, in their homes, in their places of religious observation, wherever we find them, irrespective of creed or national origin, that we treat everybody the same, with equal respect and decent treatment. Then, we as a Nation of people might be worthy of all that has been sacrificed by our national heroes.

Again, I thank the gentleman for bringing this to my attention. I know so many good Americans who happen to be Arab Americans, South Asian Americans, American Muslim communities, and they are hurt and they are injured and they are angry, and they too cry out with their heart, why this pain and why this harm should be brought to this great Nation. Let us let it end with us setting the better example.

Mr. Speaker, I thank the gentleman. Mr. BONIOR. Mr. Speaker, I thank the leader for his eloquent statement.

Under my reservation, I yield to the distinguished gentleman from Virginia (Mr. TOM DAVIS), who has played a very important role in making this happen.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I want to commend the gentleman from Michigan for his leadership on this issue.

Just in the last few days, in my district in Northern Virginia, anti-Arabic graffiti was written at a local high school. We have had an Islamic bookstore that has been vandalized.

The vast majority of American Muslims and Arabs are as appalled at these acts of terrorism as the rest of us. Many of these Muslim and Arab Americans and Sikhs came to escape this type of terrorism in their own countries, and it has come here now. But they have come here, as most of our forbears, for the freedom and the opportunity offered in America. We cannot afford to let the terrorists divide our country between Muslim and Arab and Jews and Christians. We do not want to repeat the mistakes of World War II where we singled out Japanese Americans for discrimination. We need to show that Americans stand together: Christians, Jews, Muslims, Sikhs and others in support of our President and against any type of discrimination. Against any group, discrimination cannot and should not be tolerated.

This resolution affirms our role as leaders in recognizing that no group should be singled out for discrimination simply because they share a common heritage or religious background similar to the terrorists.

I ask that we pass this resolution. Again, I commend the gentleman from Michigan (Mr. BONIOR) for his leadership.

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding under his reservation.

I want to say that I strongly support this resolution. I want to thank the gentleman from Virginia (Mr. DAVIS) and the gentleman from Michigan (Mr. BONIOR) for the leadership that they have shown on this very important issue.

There are few things that outrage me more than the kind of discrimination that was just outlined by the gentleman from Virginia that has taken place. The graffiti that has come up in the wake of Tuesday's tragedy is just horrible, and we need to do everything that we can to ensure that that does not happen. I believe that this resolution should send a very strong signal about the leadership that the United States is going to take in ensuring that this kind of discrimination does not take place.

Just a little more than 12 hours ago, Mr. Speaker, Dr. Muzammil Siddiqi, the leader of the North American Islamic Society, gave the opening prayer at the very moving service that most of the Members of this body attended. I believe that his presence at that service that we attended was a very strong signal from President Bush and other leaders in this country that we are not going to tolerate that kind of discrimination which has been described already here and which, frankly, is of concern to me and to others.

Attempts to bring about generalization is something that is very tempting for a lot of people, and I will simply say that we need to caution the American people against that. That is why I chose to stay here when the gentleman from Virginia (Mr. DAVIS) first mentioned to me the prospect of this resolution. I wanted to voice my very strong support for it.

Mr. BONIOR. Mr. Speaker, I thank the gentleman. Before I yield to the gentleman from California (Mr. RAHALL), my good friend who is of Lebanese descent, I want to just say a few words, if the gentleman would permit me.

Like all Americans, Arab Americans, Muslims in America, Sikhs, they have strongly condemned these heinous and outrageous acts that have been perpetrated against America and its people. And like their fellow citizens of all faiths, they have joined in efforts to give blood; they have been parts of vigils around this country; they have conducted their own religious services. They were the firemen and the police that were involved in trying to rescue people in New York City. They are part of what we all are grieving and suffering from so painfully in these last 3 days, 4 days.

So I would say tonight that in the wake of this attack, it is really most unfortunate and sad and outrageous that the Arab American community

and the Muslim American community and the South Asian community, the Sikhs particularly, have been targeted with this bigotry that the gentleman from Virginia (Mr. DAVIS) alluded to, and violence.

Near Chicago, bigots tossed a fire bomb at an Arab American community center. In old town Alexandria, vandals attacked an Islamic bookstore, as the gentleman from Virginia (Mr. DAVIS) said, and two Virginia mosques received threatening phone calls. In New York, a man tried to run over a Pakistani woman in the parking lot of a shopping mall, accusing her of destroying my country, and the list goes on and on. Many of the children in the schools are fearful because of their religion or because of where their ancestors or families may have come from. Women, Muslim women are fearful about wearing their head coverings in public, as well are Sikhs who have expressed that same concern to me today. It is a serious problem.

I think not only did Muzammil Siddiqi speak today at the service, but Cardinal Theodore McCarrick, the Archbishop of Washington, spoke as well.

□ 0040

He reminded us. He said this. He reminded all Americans in prayer that: "We must seek the guilty and not strike out against the innocent, or we become like them who are without moral guidance or direction." So I hope and pray in the days ahead that people will remember that.

When I was at the White House on Wednesday, the day after the tragedies, I had occasion to speak with the President and the Cabinet and the other leaders of the Congress. We talked about this issue. We raised this issue. There was agreement throughout the room that we would keep this issue in mind and in the forefront of our discussions as we proceed in the weeks and months ahead.

So I want to commend the President, because he soon thereafter condemned this bigotry on national television, and so did the Attorney General, John Ashcroft, and so did Mayor Giuliani, with quite a bit of force in New York City.

Today, we in the Congress lend our voices to this chorus for American tolerance, Mr. Speaker, and diversity, and for the rights of every American of every heritage and faith to live and worship with safety and confidence and pride.

It is very heartening to see Members on both sides of the aisle stand up in support of what this resolution says.

Mr. Speaker, I yield to my friend, the gentleman from West Virginia (Mr. RAHALL), who has always been, for the 25 years he has been in the House, a leader on these issues.

Mr. RAHALL. Mr. Speaker, I thank my good friend from Michigan for

yielding; and I to want to commend him for bringing this to the floor this evening, as well as the gentleman from Pennsylvania, and to thank the gentleman from Michigan for his leadership on other relevant issues in this arena as well, and most particularly, his sponsorship and fight for the secret evidence legislation.

Mr. Speaker, we are all justifiably angered about the events of 9/11 last week. We, often, in our rage, in our fit of anger, say and do things that, upon reflection, we perhaps regret. But the instances that have been referred to by previous speakers, including the gentleman from Michigan (Mr. BONIOR), go beyond those just temporary slips of judgment or temporary slips of the tongue. They go to what is basic about our American society, and it is really an attack upon what is basic about our military society.

Let us not forget that Arab Americans, Muslim Americans, South Asian Americans, are Americans first. They chose to come to this country in order to seek a better way of life for themselves and their families. They pay taxes. They vote. They donate to various charitable causes within their communities. They have become well respected, and they have contributed in so many walks of life, whether it be the medical profession, the legal profession. Whether it be doctors, lawyers, whether it be teachers, whether it be laborers in our factories, they have contributed so much to our American way of life.

Let us not forget as well that there were members of these communities that were in those Twin Towers that lost their lives, as well. Let us not forget that fact.

So I guess the best way to describe these attacks against Arab Americans or Muslim Americans or South Asians is, as my hometown newspaper described it today, to paraphrase my hometown paper in Beckley, West Virginia, these are yahoos that are making these attacks, yahoos who happen to pose as great a threat to our American society, to our freedoms, and to our way of life as those perpetrators of those heinous crimes against our country last Tuesday.

They are ignorant, those who espouse these attacks. They are not the majority of Americans. No, they are a small group; and fortunately, these attacks are not as prominent today as they were in past occasions, like the Gulf War or the Oklahoma City bombing. That is because more and more recognition is coming to the communities represented by Arab Americans, Muslim Americans, South Asians, because of their contributions to our American way of life.

As the gentleman from Michigan has mentioned, they have all, to the group, condemned, highly condemned, the acts of last Tuesday. They have orga-

nized themselves into blood donation drives, they are contributing their money, they are praying as hard as each of us for the victims of these crimes against our country, and for the hopes of their families and their futures.

So I commend the gentleman from Michigan and the gentleman from Pennsylvania for bringing this resolution to the floor and urge its unanimous passage.

Mr. BONIOR. I thank my colleague.

Continuing to reserve, Mr. Speaker, I yield to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY), who has not only spoken out against this kind of bigotry, but has actually organized in her own district.

Ms. SCHAKOWSKY. Mr. Speaker, I appreciate the gentleman yielding to me, and the efforts and leadership of my colleague, the gentleman from Michigan, to end this kind of bigotry and discrimination.

In the face of this unspeakable assault on the American people, we have so many reasons to be proud this week. We look at the firefighters, the police, the other emergency workers who went into harm's way, and so we are celebrating as an American family an opportunity to embrace each other, even as we grieve, and congratulate those who have worked so hard to end the suffering.

At the same time there has been this one sour note, and that is, that there are those who have used this occasion to commit acts of bigotry and even violence against people who want to join with us as Americans, as residents of this country, as people offended by this act of terrorism and find themselves being the victim. It is hard for me to even imagine people who are feeling so hurt by what happened and then themselves go out in the street and find themselves to be harassed as somehow to blame for these acts of violence when they are completely innocent.

I have a district that is so diverse, all kinds of people, every race and religion and ethnic origin; and we are going to take a walk down Divine Avenue this Sunday, a street in my district that has shops, a booming commercial district of Muslims and Indians, Pakistanis, Bangladeshis, Orthodox Jews, Jewish people. And we are going to walk from one end of the street to the other, just take a walk together, hand in hand, arm in arm to express our solidarity.

That is the kind of thing that we need to be doing in this hour of need in this country to help heal each other and not turn against each other, and that is the essence of this resolution that I hope everyone will support.

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I think it is a beautiful idea, and I hope it is emulated around the country. I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for his leadership on this issue. He has been a continuing advocate for these issues, and as well, I thank the gentleman from Pennsylvania (Mr. GEKAS), Chairman of the Subcommittee on Immigration and Claims for bringing this particular resolution to the floor of the House. And I would certainly want to offer to the American people the fact that we are better than this.

Clearly, it is important during this time of great emotion, constantly seeing our brethren searching for those who may still live or those who do not live. It is stressful as we watch the continuous rescue efforts in New York, some still continuing at the Pentagon, the review of the heroic act of those who downed the plane in Somerset County, Pennsylvania, you want to lash out. You want to find some easing of your pain. But listening to a woman who was full of pain say we do not want them here is not the way that America shows its pain. America understands what freedom, what democracy, and what our values are all about.

So I think this is particularly important today for the Congress of the United States to use its national platform to be louder than those disjointed chords of confusion and hatred and really speak loudly to our local jurisdictions, our governors, our mayors, our county commissioners, our local law enforcement, our parishes, churches, synagogues and mosques, our community organizations, all of them, our neighbors, our schools. We must speak in one voice that we will not tolerate this kind of singling out of Americans, Arab Americans, South Asian Americans, and American Muslims.

In particular, I think one of the greater tragedies is what is happening to our children, children who have to go to and from school, children who have to mingle on school playgrounds, and it is in school classrooms and on school sports teams. What are we doing to them? Are we setting up a situation where those who believe this is the right thing to do because they heard adults say this? Are they then intimidating others who happen to be Arab American, South Asian Americans and American Muslims? We are dividing our children.

The one thing about a terrorist act is it is to instill an enormous amount of fear in society, and what happens out of fear? You begin to turn on each other. Let us show the perpetrators of these terroristic acts that we do stand against terrorism, and we are fearless. In fact, we are so fearless that we are going to unify with each other and we are going to find unity in being an American, an Arab American, South Asian American and American Muslim.

□ 0050

In my community, there is a situation going on that preceded this tragedy. A Pakistani woman lost her life through some unfortunate incident in a store. We came together with that community because we want justice. We respect civil rights, but we want to find out what happened to that woman. We are going to continue that fight and that unity.

In Houston, Texas, I believe we are going to share on Sunday afternoon as well with a community forum to have people come together and talk about how we are united and not how we are divided. So I again want to thank the distinguished gentleman from Michigan, and I also want to acknowledge the ranking member of the Committee on the Judiciary, one of the original cosponsors, the gentleman from Michigan (Mr. CONYERS), who likewise offers very strong support for this resolution.

It is important that we pass this tonight. I am sorry that it is at 5 or 10 minutes to 1 a.m., but what this resolution will allow us to do is to go back and encourage and push our local fathers and mothers to ensure that the governments of our communities, the people of our community understand what being American is all about. I thank the gentleman again for his leadership on this. Each of us must be soldiers and, with this message, go back to convey to our communities that we will not accept this kind of intolerance.

Mr. BONIOR. I thank my colleague for her eloquent statement.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from California (Mr. ROHRABACHER), who I have worked with on a number of these issues over the years.

Mr. ROHRABACHER. Mr. Speaker, I think it speaks well of all of us in this body and of our country that today, as we get to the business of designing our counterattack against savagery that has been unleashed against our countrymen, that we take this time to ensure that the rage that is felt throughout our country does not take us in the same evil direction that we plan to fight.

It is very easy to do. We understand that. Because as we are fighting a group of fanatics overseas, it is very easy for Americans to lose sight that people who perhaps are Muslim in their faith, and those people who are responsible for the attack may well and probably were Muslims, to generalize in that way. But that would be just a crime against our own citizens and against innocent people.

Our greatest strength as a Nation is that we are a people who recognize that we are of all races and of all religions. I was very proud today that at the National Cathedral we had all faiths represented there, including Islam. And if we break that strength,

we are actually weakening ourselves. We as a people do not want to compromise that policy and that strength of our country, which is that we are of all races and all religions. We are bonded together by a love of liberty and a commitment to each other. U.S., United States. That means us, and us now includes many Muslim fellow citizens. And they are heartbroken, as we are, at what has happened.

Just one thought. And I will be very quick because I know other people want to express this. Bin Laden wants us to alienate all the Muslims of the world, and especially to alienate our fellow Muslim Americans. That is part of this terrorist plot. Their strategy is that we, as Americans, will be so enraged, and we have a right to be enraged and angry, that we will strike out blindly and, without thinking, will alienate all of the Muslim world against us, including those Muslims who live as Americans next door to us.

We cannot be stupid enough to fall for his strategy. We must proceed in seeking revenge for those people, our fellow citizens that have lost their lives; and we must do it in a smart way and make sure that we do not alienate those Muslims. Instead, we need to recruit and reach out to Muslims throughout the world who are good and decent people, who are freedom-loving people, who will join us in a crusade to see that a new standard of morality is set for all of mankind. And that standard is that no noncombatants will ever, no people will ever tolerate an attack and murder of noncombatants in order to achieve their ends. In this goal we can enlist the Muslim community and we should try to do so.

It would be a crime against our own goals if we in some way fell to bin Laden's strategy and tried to strike out at all Muslim countries. We need to recruit the good people of that community.

I appreciate the gentleman's leadership on this. It is really important we do this tonight.

Mr. BONIOR. Mr. Speaker, before I yield to my two colleagues from California, who have done very good work in this area, I want to yield, under my reservation of objection, to one of the leaders of the Congressional Asian Pacific American Caucus, the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman from Michigan for yielding to me, and I thank him for his leadership in bringing this resolution to the floor.

Mr. Speaker, as Chair of the Congressional Asian Pacific American Caucus, I have received troubling reports of incidents involving south Asians being accosted, accused. Now, grief and anger are very, very understandable this week. We have been grievously attacked. Grief and anger are understandable reactions; but we must stand

together as one people, as Americans, as unhyphenated Americans.

The goal of terrorism is to instill fear, to divide, to break down that delicate fabric of civility that holds us together. Now, heinous things happened this week, but I would like to point out what did not happen. It is my belief that the terrorists struck us and then stood back, and what they hoped would happen is that riots would break out in New York, Washington, Chicago, Los Angeles, my home of Oregon; that pandemonium would prevail; abandonment of duty. Instead, people rose to the occasion as one society, as one people. People stood at their posts, did their duty even unto death, even going into buildings that were burning and collapsing. We stood together as one people this week, and we will not be divided. Americans will not accuse fellow Americans based on race, religion, ethnicity, or national origin.

Tonight, I was at a candlelight vigil at the memorial for the internment of Japanese Americans which occurred during World War II. There are many eloquent phrases carved into the stone at that memorial, but I think the core concept which was carved into the stone there is that we must remember the mistakes of the past so that we will not repeat them. So let us, as we launch into this future, let us be at our best. Let us remember and learn from past errors. Let us have the courage to face the difficult days ahead and to seize this moment to build a free and safe world for all people, regardless of background.

□ 0100

Mr. BONIOR. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, it is beyond my possible understanding how in America, even the isolated incidents that have happened, could happen if we really view what those same people would like to have us do. We do not know who perpetrated this crime for sure. We think it may be Osama bin Laden or his allies. We do not know if Osama bin Laden is backed completely by Iraq or by other groups. We are not sure where the money comes from.

It is my personal wish, and I believe this body's wish, to find out; and once we find out, we eradicate the capability of those people who struck us so viciously once and for all. That is a reasonable response, and I believe America wants to make that response.

But we cannot make that response with clean hands if in fact we use the opportunity of this disaster to seek revenge against others in our society.

Mr. Speaker, I cannot explain hate, and I would not try. What I would like to do for a moment is just share something from my own youth.

When I was in high school, I worked for Rabbi Kasen in Cleveland Heights. I

was in a predominantly Jewish neighborhood, which is not bad for an Arab kid from Cleveland, and I got one of the best jobs a kid could get, I was working for the rabbi delivering poultry. I did not know much about the rabbi, but over the years as I would return the car at the end of the evening back to his home rather than where I picked up the poultry, I would learn a little more and a little more.

By the time I was done working for him, I had discovered that his entire family had been wiped out in the Holocaust. He bore a tattoo on his arm, and he was a Holocaust survivor. But I discovered something else, something more important that I think everyone in America has to understand when we look at these acts of violence.

He was a man of God because he bore hatred towards no one, including those who had so terribly disrupted his and his family's life. Instead, he felt pity for them because they would know no salvation, they would know no rest. They would be the recipients of only evil forever after, while he would go on doing his little duty of running a small shop in Cleveland Heights. He would run a little shop and he would raise his children.

That lesson is a lesson America has to understand. We cannot let our grievances, no matter how great, turn into acts of violence. America has a right to respond to those who would hurt us and prevent them from doing it in the future, but we can only do that with our heads held high if we in America take the lead that Rabbi Kasen taught me as a boy, and do not seek to strike out against those who have done wrong; but rather, in fact, do not do what they did because only by, as Christians say, by turning the other cheek, will we have clean hands to seek the proper outcome, and that is justice for the acts done against us.

Mr. BONIOR. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding. And this is a fitting time to say it. In the 9 years I have been in this Chamber, I have never seen the gentleman from Michigan take on a task, an assignment, without giving it his all, his commitment and his conviction. And I think all of us stand very proudly with the gentleman from Michigan in this case because oftentimes there are populations in this country that do not have people standing for them.

Mr. Speaker, it is fitting in this House at 1 in the morning that as we send out some powerful messages what has happened over the last few days, that we do not forget to send this message as well.

This resolution is important, and I thank the gentleman from Michigan and all those who drafted this resolu-

tion. It is important because, as we know, a house divided cannot stand. We have demonstrated tremendous resolve in this Congress in the last few days, issuing resolutions which have committed this country and our young men and women to things that perhaps we will not want to think about as days pass, but we have done it in unanimous votes or near-unanimous votes.

As we send those messages, I think it is appropriate that one of the messages that is sent will be a message to all Americans that we will stand united, that we are not a house divided, and we want everyone to know that within our house that we call America, our neighbors deserve to be treated equally, whether the individual is of Arab-American descent, whether South Asian American, whether American Muslim, we are all Americans and everyone deserves to be part of that house united.

I believe it is so important that we conclude this day's session by giving not just this message that we are prepared to take on with resolve those who chose to try to plunder this country, but also send the message that all of us recognize that this will be done as a team; that when we take on this task that Congress has set forth with the President, that it is recognizing that we are a fabric made up of so many different people.

This Sunday we will be holding memorial services for one of our Americans who perished on one of those flights that was destined to a life of infamy. We will be honoring Mrs. Tooran Boloorehi, who happens also to be Arab American.

I hope that when we have these services for all of the Americans who perished, we will remember that we are honoring them for their service, for their life, and more importantly, for the dignity that they showed in this country. It is time for us to recognize that the more we come together, the more we will be that house that not only is not divided, but is a house that will portray to the rest of the world what we can do when we bring the diversity of the world together.

Mr. Speaker, that is why at the end of the day, our resolve through these resolutions that we pass will demonstrate not only that we will defeat terrorism, but that we will bring the world together, because in America we have proven it makes no difference being hyphenated as an American or not, we will come together.

Mr. Speaker, I am proud to stand with the gentleman from Michigan (Mr. BONIOR) and all of my colleagues who have taken the time after a very long week to say to all of our American brothers and sisters, we stand together with them because they deserve it, and we will prove to them when they decided to come to America, they were right.

Mr. BONIOR. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I have a special responsibility to speak tonight. I represent Bainbridge Island just west of Seattle. It is full of great people, and it is a great place to live. In early 1942, the United States Government herded up some American citizens of Bainbridge Island and marched them down to a dock and put them on a ferry boat and put them in camps.

I think the Congressman from that district owes it to the people now who are feeling the human passion and anger that is very understandable, to urge this country not to repeat, or even its private citizens, to repeat those kinds of mistakes.

I also have a responsibility tonight to speak in favor of this, because in my district some knuckle-head defaced a mosque in Lynnwood, Washington. Near my district, an armed man was arrested yesterday threatening to burn down a mosque. The child of my staffer's sister had to be taken out of day-care because somebody phoned in a bomb threat due to the heritage of the folks at the day-care center. I do not think those acts are American.

Mr. Speaker, let me tell the American act. Today I asked one of my staff to go to that mosque in Lynnwood, Washington and talk to the people. By happenstance, when he drove up to the mosque, there were about 50 cars that drove up loaded with foodstuffs and flowers and Christians who had come from their churches to tell that mosque that that was not an American way and not consistent with religious liberty and our brotherhood in this country. That was an American thing to do.

Mr. Speaker, I want to say I am proud of some things that are going on in my district, too. Let us tell the people who are angry about this, and I understand anger. Tomorrow morning I am going to call two of my constituents whose son was lost in the Pentagon. I understand passion and sorrow and anger.

□ 0110

But those who have it, let us tell them that if you want to have an effective strategy to win this war against terrorism, let us let the Muslim people of the world know that we stand against terrorism and for brotherhood and respect for all religious faiths.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding. The hour is late. There probably are very few folks here in this Nation that are watching us tonight. But I think this is one of those truly great moments in the history of this institution, tonight.

Let me echo the sentiments expressed earlier by the gentleman from California about the sponsor of this legislation, the gentleman from Michigan (Mr. BONIOR). Since I have been here for some 5 years, there is no one that has advocated for justice, for human rights as the gentleman who will be sorely missed in this institution.

It is clear that across the Nation, the anguish and the grief runs so deep. And the events of this week have saddened us all, all Americans. It has really seared the hearts of the Members in this institution and Americans everywhere. Our pain has given rise to a profound anger. And as the gentleman from Washington indicated, it is a righteous anger. It is a righteous anger, almost in the Biblical sense of that term. Our challenge now, and truly I suggest the test of our democracy, is to harness that anger and to respond in a manner that is firm, that is clear, that is resolute and is just, and that befits a great Nation. And that not just merely respects our ideals but honors our ideals. I believe that we are doing that right now.

I have never been as proud of serving in this Chamber as I am at this very moment. So many Members have stayed, and we are all tired. We are all weary. It has been an extraordinarily emotional week for all of us. But this is truly a proud moment. Now I think it is critical that we remind ourselves and our fellow citizens that we must never confuse that righteous anger with hate. They are different.

Earlier tonight, both the majority leader, the gentleman from Texas, and the Democratic leader, the gentleman from Missouri, observed with great eloquence that America is great because America is good. That is true. We rightfully claim a unique moral voice among the family of nations. That is why, despite the imperfections that were alluded to by the gentleman from Texas in his remarks earlier, America represents the hopes and dreams of a world that truly yearns for peace, for freedom and for justice. Hatred has no place in America. Hatred had no place in America in the aftermath of the outbreak of World War II. And it has no place in America tonight. Hatred is an attack on and an insult to our values and our moral authority. Those who committed the atrocities that stunned the Nation represent the face of hatred. We can never yield to hate. For if we do, they will have robbed us, not just of our innocence but our values and our ideals and everything that this country is about.

Mr. BONIOR. I thank my colleague for a beautiful statement.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Michigan for yielding and for his leadership in

bringing forth this resolution which I strongly support, and I do so for several reasons. First, I represent a district from rural areas and smaller cities. We do not have a large number of Arab Americans in my district. But perhaps that is all the more reason to support it. Imagine living in an area where you have come to experience the freedom and democracy and economic opportunity and live in an area where there are few other people with whom you might identify based upon your religion or your ethnic heritage. It is all the more important that we strike a blow for that very freedom, that very principle in all parts of our country. Second, this is the founding principle upon which our country was founded. People fled all parts of the world to come here to experience religious freedom and freedom from tyranny. And so many of the people who have come here from Middle Eastern lands and other lands with a Muslim heritage have done so because others in those lands have mistreated them and have not lived by the principles that we espouse in this country.

Finally, and perhaps most importantly, I believe that the very success of the endeavor that we are now undertaking, which I think will be a long-term endeavor, to root out terrorism and to respond to those who have caused this hateful, devastating, despicable disaster that has taken place in this country. If we are truly going to be successful, we have to send the message that we are not directing this at anybody because of their religious beliefs or because of their ethnic heritage, we are directing this against terrorists. If we do not have that message, not only with Arab Americans in this country but with those of that background across the entire world, we will face a far greater maelstrom as we go along.

We must convince the people of the world that we are directing this as peace-loving people against those who would take away that peace and that freedom from us. If we do not convey that message, then we will be all the longer in struggling with the crisis that we face today. So I am very, very strongly resolved with the President and with every Member of this body that we are going to very forcefully respond to the terrorists who caused this despicable act. I also think we have to at the same time send forth a message that we are doing this as freedom-loving Americans who respect all other Americans and are not doing this directed at anybody from anywhere in the world simply because of their heritage or religious beliefs.

□ 0120

Mr. BONIOR. Mr. Speaker, continuing my reservation, I yield to my friend, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan, and I want to say what an honor it has been to work with the gentleman through my time in Congress on so many concerns relating to this issue which is before us. The gentleman and I share many common beliefs, values, and constituencies.

I am privileged to have one of the largest constituencies of Arab-Americans and Muslims and Arab-Christians and Asian-Indian constituencies in the United States; and I know, as has been recited tonight, that we are talking about Americans, our brothers and sisters, individuals whose sons and daughters serve this country; individuals who have built many of our communities; individuals who provide jobs for many of our families; individuals who own and operate many of our small businesses; individuals who are stalwart citizens in the community; individuals who believe in our Constitution; individuals who believe in our way of life; individuals who help describe what is good about America.

So it is appropriate that we are here past 1 o'clock in the morning to make a statement about what America represents, about what America stands for, about the principles which bring us to this House.

Now, the gentleman from Michigan (Mr. BONIOR) has been in this House much longer than I have, but I will say, as someone who has had the privilege of serving in this House for almost 5 years now, every day that I come into this Chamber and I walk along this counter, I see carved in the counter certain principles expressed in single words. Starting from my left, you see the word "peace," and then next to it carved in the wood is the word "liberty," and right here in the center is the word "tolerance." Behind me carved in wood, the word "justice," and right around the corner, the word "union."

These principles literally physically frame our debate every minute that we are here on the floor of the House of Representatives. You cannot miss them. They look out at us every moment; and by reference, they look out at America.

Arab-Americans are our brothers and our sisters, and we have the responsibility to stand up for them, just as in the last few hours we took a stand on behalf of those poor souls who perished by claiming the right to pursue justice on their behalf, because we do not need any more victims in this country. America does not need to incur any more losses on our soil, and we do not need to incur it at the hands of American citizens turning against U.S. citizens, turning against our own people. So tonight we plead for tolerance.

Now, tonight all across America people stood outside their homes and held candles in the darkness. Those candles

were held to send out the light of hope in the darkness of despair.

The previous night thousands of people surrounded the Reflecting Pool between the Washington Monument and the Lincoln Memorial, and a ring of light framed the water, reflecting the stars above.

We know that light always shines in the darkness. That is the promise of so many of our holy scriptures. We know the light of tolerance shines in the darkness of hate. We know the light of justice shines through the darkness of prejudice. We know the light of liberty shines through the dark hold of emotional, spiritual, and physical chains. We know the light of peace shines through the darkness of terrorism. We know the light of union shines through the darkness of division.

My country tis of thee, sweet land of liberty, of thee I sing; long may our land be bright, with freedom's holy light, protect us by thy might, great God, our king.

Mr. BONIOR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to commend our majority leader, and especially the gentleman from Michigan (Mr. BONIOR), our minority whip, for his sponsorship of this important resolution, House Concurrent Resolution 227, now before this body for consideration.

Mr. Speaker, I realize it is 1:30 in the morning, but this is certainly a very important issue that must be addressed by this institution. Certainly not taking anything away from the thrust of all the energies and the efforts that are made, not only by our President but by the Congress, concerning the tragedy that has just taken place in the past couple of days, but I must say that the United States Congress must express its firm opposition and strong condemnation of those in our country who advocate hatred, bigotry and racism against our fellow Americans whose cultural roots are from the Middle East, from South Asia, and especially our fellow American citizens who are members of the Muslim faith.

In my desire in echoing the sentiments of my friend from Massachusetts (Mr. DELAHUNT), I, too, would like to express my sincere appreciation and commendation to you, our minority whip, for your leadership and certainly the outstanding service that you have rendered to our Nation. I, too, will sorely miss not only your handsome face, but just being here as a fellow colleague and a Member of this institution.

I will always remember the gentleman as a true warrior, who has always advocated truly what freedom really means, the principles of human rights, and certainly the rights of working men and women all over

America and their struggles and efforts in making ends meet and providing for their children.

I thank the gentleman.

I, too, would like to associate myself with the gentleman from Oregon (Mr. WU), as chairman of our Asia-Pacific Congressional Caucus expressing some concerns about the hate crimes that are now evident throughout some of our communities in America simply because our fellow Americans are Arab-Americans.

We have taken also an understanding of what happened after the Oklahoma City bombing, and what was the first reaction by our local and Federal officials? It seems to me that all Arab-Americans were profiled. This is certainly not in good standing as far as I am concerned as far as what America should really be about.

I thank my good friends, the gentleman from West Virginia (Mr. RAHALL), the gentleman from California (Mr. ISSA), and the gentleman from California (Mr. BECERRA). I certainly appreciate the comments made earlier about this very important issue.

In my youth, Mr. Speaker, I lived among people from various different cultural backgrounds. This, of course, was in the State of Hawaii, where you get to appreciate what it means to be going or living alongside or being with a student who happens to be of Filipino ancestry or Japanese or Chinese or Korean or Pacific Islander, or even those who are African-Americans.

But I am always reminded, and seemingly also, Mr. Speaker, in the past couple of days, that a great many of number of our colleagues of the House have always used the bombing of Pearl Harbor on December 7, 1941, as a reminder, and in a very similar fashion, of what happened in the past couple of days.

□ 0130

Mr. Speaker, there is a very strong distinction that I want to share with my colleagues about what happened to Americans who happened to be of Japanese ancestry. The fact that it was our government that took some 100,000 Japanese Americans, born and raised here in this Nation, confiscated their properties, took everything that belonged to them, took them to what was known as "relocation" camps, I call them concentration camps, and, yet, despite all the bigotry that was heaped upon the Japanese in World War II, there were some 6,700 Nisei soldiers who volunteered from California, from all over the country, and especially from the territory of Hawaii, that organized two combat units known as the 100th Battalion of the 442nd infantry combat groups, and because of the racism President Roosevelt felt, as it was also with General Marshall, that maybe in their spirit of really wanting to defend the enemies of our Nation,

sent them to Europe, which they did, they went to Europe.

I want to share with my colleagues the results of their value and the courage that they displayed in defending this flag, despite the fact that their parents and their brothers and sisters were being placed in concentration camps throughout America. Mr. Speaker, 18,000 individual declarations were given to these men who died and fought for America, the Japanese Americans. Over 9,000 Purple Hearts were awarded. The 100th Battalion was sometimes known as the Purple Heart Battalion.

Mr. Speaker, 314 percent, the casualty percentage of those Japanese Americans who fought so bravely on behalf of our Nation. Some 562 Silver Stars, medals, were honored. Ironically, only one Medal of Honor was given to these Japanese Americans and, thank God, in 1996 when Senator COCHRAN introduced a bill to review the whole efforts of why only one Medal of Honor was given, despite the fact that some 52 Distinguished Service Crosses were given to these Japanese Americans.

But in view of the recent review that was made, and for which I am very grateful, the record has now been changed to 21 Medals of Honor were given to these Japanese Americans, including the distinguished Senator from Hawaii, Senator INOUE.

I wanted to share this with my colleagues because I do not know if I would have been able to do what they did in World War II. Put yourself in their shoes. After spilling your guts out and being wounded and all that you have done for your country and you had to come back from Europe looking for your parents and brothers and sisters in a concentration camp. I do not know if I could do that, Mr. Speaker. But this is what these men did to defend the honor of our Nation.

I say this with sincerity, because I want my colleagues to know that we are now at the shadow of getting the same type of attitude, the same type of concern of hatred and bigotry towards people who are totally innocent from what has happened. So just because it was the Japanese military that bombed Pearl Harbor, I sincerely hope, and I am sure that my colleagues will agree with me, that this should not be the case given to our fellow Arab Americans throughout this country.

Yes, we should say never again that this should ever happen to our country, but always it seems that this happens all the time. I wish I did not have to be known as a Pacific American or a Chinese American or an African American. I never hear anybody saying I am a French American or British American or German American. Why is it that we have to do these labels? Is it not ironic that this is not French America, this is not British America, this is not Russian America, this is the United States

of America. We are a united America. The strength of our Nation, Mr. Speaker, lies in its diversity, and I think this is what makes us so unique. This is what makes this country so powerful and so much a great example before all of the nations of the world, what truly freedom means and what democracy is all about.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for his very eloquent and passionate statement. I appreciate it.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I thank those who have spoken so eloquently tonight on this matter.

Mr. Speaker, in the immediate aftermath of the collision of those jets with the World Trade Center, the President of the United States addressed the people of this great country and he said, America is being tested, and he assured us that we would pass the test. We will pass that test. But we will pass it only if we pass it with compassion and unity and strength of all our diverse peoples, from all faiths, all national origins, all ethnicities, all united as one united people in this great United States of America.

These agents of aggression, of hatred against Arab Americans, are precisely the opposite of what makes this country great and what makes this country worth defending. We must stand united. We must unite to reject these acts of hatred, because we can only conquer terrorism with unity, and ultimately with love for our fellow human beings.

I rise in profound support, and I thank the gentleman from Michigan for his initiative and for all of those who have spoken on this resolution.

Mr. BONIOR. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I too want to stand to thank the gentleman for introducing what I think is a very important and critical resolution. I just wanted to reflect for a second. I know the hour is late, but I will be brief.

When the hostages were taken in Iran, I can remember clearly, there were elected officials that began to want to introduce resolutions to ask students because they were from Iran, Iranian Americans, to actually not be able to be teaching assistants or to leave, and that whole fever erupted across the country. I can remember a scene in a restaurant where there were Iranian Americans, and in fact, it was in Ohio at the time, that people were saying, why do you not go home? These people were home. That type of fever prevailed.

Now we have amongst us over 1 million Iranian Americans that live in the

United States and live in neighborhoods, and people who know them, and people look back with embarrassment and shame about what happened. We do not want to see that happen again. So the feelings and thoughts have to be I think for us to realize that we need to learn our lesson and look back from what happened at that time.

Also, I just wanted to reflect on the children of people of Arab American descent and some of the comments that are made to them. It is incumbent upon us, and that is what we are doing tonight to spread this word, and to ask Americans that feel this passion for fairness to talk to other Americans when they make a comment that is a broad brush.

I want to close by saying that I lived in Iran in 1978. I have been on the other side of this type of situation, and I was there during the turbulence during the fall of the Shah. At that time I can remember Iranians who told other Iranians to not make the comments because we were obviously American in our look. I want to thank those people that helped thousands of us to not have the harassment. I have been in those shoes, in a sense, and we have to just I think as Americans, Mr. Speaker, put ourselves in the shoes of these Americans of Arab descent, and I think this message will go out. I hope the media also, I say to the gentleman, keep hammering this in, that our country was founded on fairness and freedom that has been so eloquently expressed here tonight.

I thank the gentleman for doing something good and right for the people of this country.

□ 0140

Mr. BONIOR. Mr. Speaker, I thank my colleague for adding to what I think has been a very extraordinary dialogue here this evening on something that is very fundamental to what we are about as a country, and that is the words that not only the gentleman shared with us here this evening, but the words of the gentleman from Ohio (Mr. KUCINICH) and others who referred to the notion of tolerance, justice, liberty, union, and peace. These are all ideals that we cherish deeply in our Nation.

I am so proud of the folks who came here this evening to speak and to make that differentiation that is so important to so many millions of Americans today who have lived in fear as a result of the actions that have been taken against their brothers and sisters.

Mr. Speaker, let me just end with this. The Prophet Mohammed has taught that God does not judge according to our bodies or appearances, but he looks into our hearts, he scans our hearts, and looks into our deeds.

The holy Qu'ran teaches "Oh, Mankind, we created you from a single soul, male and female, and made you

peoples and tribes so that you may come to know one another," so that we may come to know one another.

As leaders and as Members of Congress, if we could take the message that we articulated so well this evening and spread that throughout our country over these next days and weeks and months, I think we will have done a good service. When the world watched our national prayer service earlier today, as many alluded to in their speeches on the floor today, they heard the healing words of many faiths: a Muslim Iman, a Jewish rabbi, and Christian clergy, Mr. Speaker.

These Americans, like the rest of the world, all worship God in their own way, but the common faith they share, what we have witnessed in the torrent of goodness this week, the neighbors helping neighbors, strangers helping strangers, is that hate can never conquer our Nation's spirit. That is the common faith that they share, that hate can never conquer our Nation's spirit.

Mr. CONYERS. Mr. Speaker, this week, thousands of people in New York and Washington lost their lives in a brutal assault on our Nation that was a calculated strike at the heart of our freedom and national unity. Millions of Arab Americans, South Asian Americans and American Muslims around the country have shared our sorrow and outrage at Tuesday's terrorist attacks. They have donated their blood, their money, their food and their time to the rescue and recovery efforts at the World Trade Center and the Pentagon.

Now these same individuals who have mourned and prayed with us have come under suspicion by their neighbors and the threat of additional violence in the form of hate crimes at their homes, schools, community centers and mosques. As a part of our effort to protect America from violence, we must unequivocally condemn the attacks against these groups and pledge to protect their civil rights and civil liberties.

My district is home to one of the largest Arab and Muslim communities in the country. It is vital that we distinguish the beliefs of these Americans from the perpetrators of Tuesday's violence, and recognize that American Muslims share our values and contribute significantly to our communities. If we fail to do so, then we will have seriously undermined freedom—the same principle we find ourselves vigorously defending in the wake of Tuesday's attacks.

All Members should stand to condemn any acts of bigotry, violence or discrimination against Arab Americans, South Asians and American Muslims and call upon Americans of every faith and heritage to stand together in this time of national crisis. We must pledge that in our pursuit of national security government agencies will work to avoid activities that encroach upon the civil rights and civil liberties of citizens or legal residents of the United States.

As we should have learned from the shameful history of internment of Japanese-Americans during World War II, the civil rights and civil liberties of discrete groups of minorities

should be specially considered during times of domestic and international turmoil. Our sense of community with fellow Americans of Arab and South Asian descent and those of the Muslim faith should not be counted as another casualty of Tuesday's senseless violence.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for their time this evening, and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

#### H. CON. RES. 227

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for these attacks and their sponsors until they are brought to justice and punished;

Whereas the Arab-American, South Asian-American, and American Muslim communities are a vital part of the Nation;

Whereas on September 12, 2001, in a mass for the Nation and the victims of the terrorist hijackings and attacks, Cardinal Theodore McCarrick, the Archbishop of Washington, D.C., reminded all Americans in prayer that "we must seek the guilty and not strike out against the innocent or we become like them who are without moral guidance or direction";

Whereas the heads of State of several Arab and predominantly Muslim countries have condemned the terrorist attacks on the United States and the senseless loss of innocent lives; and

Whereas vengeful threats and incidents of violence directed at law-abiding, patriotic Americans of Arab or South Asian descent, particularly the Sikh community, and adherents of the Islamic faith have already occurred: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) declares that in the quest to identify, bring to justice, and punish the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, that the civil rights and civil liberties of all Americans, including Arab-Americans, American Muslims, and Americans from South Asia, should be protected; and

(2) condemns any acts of violence or discrimination against any Americans, including Arab-Americans, American Muslims, and Americans from South Asia.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that Members may have 5 days within which to revise and extend and include extraneous material on H. Con. Res 227.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### AMENDING IMMIGRATION AND NATIONALITY ACT TO PROVIDE PERMANENT AUTHORITY FOR ADMISSION OF "S" VISA NON-IMMIGRANTS

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1424) to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Ms. JACKSON-LEE of Texas. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Pennsylvania (Mr. GEKAS) for a comment on the bill.

Mr. GEKAS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, this issue comes before us at a very appropriate time. It was about 2 days ago, maybe 3 days ago now considering the time is after midnight, authority ran out for our government, through the Attorney General, to be able to bring in alien witnesses for cases involving terrorists, of all things; meaning that when the Attorney General, the Justice Department, and the intelligence communities of our government were able to mount a case against terrorists, so appropriate in view of the events of the past week, that they could bring in people with special information under what was called the "S" visa, a special program to permit aliens to come in for the specific purpose of providing information and testifying, as it were, in these cases constructed by our Justice Department against terrorists.

That authority has run out, and it ran out almost immediately after the events took place in the Pentagon and in New York. So we have to reinstate it as fast as possible. That is why we are here tonight, because now it becomes even more urgent that we be in a position to be able to authorize the Attorney General to continue building the cases against these new terrorists now and others yet to come, we hope not, which we will do everything we can to prevent, but we must reinstate the authority for these special visas, these "S" visas that would permit this extra arm of law enforcement to work its will.

Ms. JACKSON-LEE of Texas. Continuing to reserve my reservation of objection, Mr. Speaker, let me thank the gentleman for bringing this important initiative to the floor of the House tonight, particularly with the great need that we have. It is obvious that we are in a time deep of sorrow.

And Congress continues and will continue to seek all possible avenues which would help provide assistance to

the American public in our time of need.

This legislation, as the gentleman from Pennsylvania (Mr. GEKAS), the chairman has indicated, is appropriate as the U.S. attorney and the Attorney General are looking to bring solution to the heinous acts that occurred this week.

The Violent Crime Control Act of 1994 created the "S" nonimmigrant visa classification. We need to restore this visa which expired on September 12, 2001. Without this legislation, law enforcement will not be able to bring in foreign nationals who may be able to provide their needed information. It is well known that the search for the perpetrators of the heinous acts that occurred on September 11, 2001, is an international search.

Right now, the number of visas to bring in individuals are limited, 200 visas are for those who provide critical information about crimes. Fifty visas are specifically devoted to those who can provide critical information about terrorism. An application for the "S" visa must be made by a Federal, State or local law enforcement agency or by a court, and once an individual enters on an "S" visa, he or she is admitted for the purpose of cooperating with law enforcement.

This is crucial inasmuch as our Attorney General and all of the additional officials are looking to bring some resolution, great resolution to this enormous tragedy. These visas are particularly necessary because many of these people are in danger in their home countries after they have cooperated with an investigation or testified in a criminal proceeding.

There is much that this Nation has to do to, ultimately, in our future to bring closure to the terrible loss of life. In order to do this expeditiously, we need the insight of these individuals around the world who will come and testify and bring evidence so that we can put an end to these evil acts.

This legislation, I believe, is important, and so the objection that I have expressed is one that I am willingly now prepared to withdraw and ask that my colleagues do support this legislation so that we can move expeditiously in what we need to do to solve the terrible acts that occurred this week.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PERMANENT AUTHORITY FOR ADMISSION OF "S" VISA NONIMMIGRANTS.

Section 214(k) of the Immigration and Nationality Act (8 U.S.C. 1184(k)) is amended—

(1) by striking (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) in paragraph (4)(E) (as redesignated), by striking "paragraph (4)" and inserting "paragraph (3)".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1424, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### TERRORIST VICTIMS FLAG MEMORIAL RESOLUTION OF 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H.Res. 239), providing Capitol-flown flags to each surviving victim, and the family of each deceased victim, of the terrorist attacks which occurred on September 11, 2001, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. BAIRD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. NEY) for an explanation of the resolution.

Mr. NEY. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, this bill is here on behalf of the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, and myself.

This resolution would authorize funds for the provisions of flags that have been flown over the great Capitol to the surviving victims and the families of those who lost their lives in the tragic events of September 11, 2001.

Pursuant to this resolution, those who were injured or lost a loved one in these hideous attacks would be entitled to receive, at no cost, the United States flag. I believe all Members will agree that provisions of the flag, what we believe in the flag as a symbol of our country and to give that is the least we can do to show our support for those tragically affected by these barbaric acts.

□ 0150

Mr. Speaker, as we stand here tonight, behind you is our flag, which is

the greatest symbol of our country. And as we have the energetic give and take of public debate on the floor of this Chamber to do our duty, to represent freedom, to represent our constituents and our very American way of life, we recognize, I know, that we could not be here to have our debates and our agreements and our disagreements if it were not for the veterans of our country, who from the beginning of our revolution up through today, as our military stands ready always, as our troops are overseas in situations that put them in harm's way, and we always know through all of this that the colors do not run on that flag and neither have our veterans.

I mention the veterans because they are so important to us. Mr. Speaker, I believe also we should mention that we realize that somewhere in this tragic amount of individuals who have lost their lives, there are veterans; but we also recognize in fact that there are nonveterans that have also in fact lost their lives. And it is fitting that those targeted, whether veterans or nonveterans, should receive in tribute the symbol of our great Nation, the American flag, that has been flown across the United States Capitol, the structure that houses our great institutions of democracy.

Tragically, the victims of this savage attack are numerous. Though there are many victims, each should be honored. Every single one of them. This resolution will permit Members to show that they, this Congress, and our country mourn the loss deeply of our fellow citizens and we are in solidarity with those that have had the ultimate price of their lives taken away from them and we are in deepest sympathy with their families.

It has long been the law of this Nation and of our land that when a veteran dies their family receives a flag. All those who died and were injured on September 11, 2001, again may have not been in our armed services, but they all assuredly were casualties of war, and they should be recognized as such. I hope all Members will join me in passing this resolution.

Mr. BAIRD. Reclaiming my time, Mr. Speaker, I want to thank the distinguished gentleman from Ohio and the gentleman from Maryland for introducing this legislation. And, parenthetically, I would like to thank them both for their support of recent efforts to counsel the staff and other Members of this body to help them deal with the events surrounding the tragedy of Tuesday.

Mr. Speaker, on Tuesday, two great symbols of the United States were attacked along with thousands of our countrymen. When the symbols of the World Trade Center fell, that collapse took with it the lives of thousands of innocent men, women, young children, and senior citizens. We have grieved

since that time; and in our grief other symbols have risen up to demonstrate our solidarity with the victims, and those symbols are those familiar stars and stripes of the American flag. As those symbols have risen, they have lifted the human spirits of our population.

It is one of the tragedies of events like this that the fire and the degree of destruction will tragically not leave remains even for the loved ones who are left behind. They will be left with memories. They will be left with horrifying images, with photographs; but they will not have even the bodies, in many cases, of their loved ones to cherish. But this body today has an opportunity to give at least something to the survivors and the families, and that something is something very precious. It is an American flag. It is a flag that will have been flown over this Capitol, a Capitol that stands for the entire world as a symbol itself, a symbol of freedom.

As we look up each day in the weeks to come and we see the flags symbolizing that freedom over this building, we can know, and the families of the victims can know, that those flags stand for them, they stand for future generations, and they stand for the best this country has to offer.

With this resolution, the Congress is authorizing the giving of those flags to the survivors' families from this terrible accident; and it is our hope, however small the gesture may seem, that in some small way those flags can lift the spirits of the families as they have lifted the spirits of the Nation for many years past and for years to come.

I commend the authors of this legislation. I encourage all Americans to fly their own flags over their homes and businesses, and I hope that in some small way this bill and the flags that will be given to the families will help carry them through this difficult time, just as the flags have helped carry our Nation through many past challenges and crises.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. Further reserving the right to object, I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I just wanted to point out, and I would be remiss if I did not do this, that though we have authored this resolution, myself and the gentleman from Maryland (Mr. HOYER), I want to note that this tremendous idea, this tremendous gesture, this move by this Congress to help communicate with these families that we do care that they paid the ultimate price, was the idea of the gentleman from Washington. He brought it to us. And I just wanted to commend the gentleman for bringing this idea. Although we have authored it, we really appreciate the thoughtfulness of the gentleman in proposing this.

Mr. BAIRD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 239

*Resolved,*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the "Terrorist Victims Flag Memorial Resolution of 2001".

**SEC. 2. CAPITOL-FLOWN FLAGS FOR VICTIMS OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS.**

(a) AUTHORITY.—

(1) IN GENERAL.—At the request of a surviving victim, or the family of a deceased victim, of the terrorist attacks which occurred on September 11, 2001, the Representative of such victim or family may provide the victim or family with a Capitol-flown flag, not to exceed one flag per victim or family, together with the certificate described in paragraph (4).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date on which the Committee on House Administration approves the regulations issued by the Clerk of the House of Representatives under subsection (b).

(3) COST.—Flags shall be provided at no cost to the victims or their families. Such funds as may be necessary for the administration of this program, including the purchase and delivery of flags provided pursuant to this resolution, are hereby authorized to be appropriated from the applicable accounts of the House of Representatives.

(4) CERTIFICATE DESCRIBED.—The certificate described in this paragraph is a certificate which is signed by the Speaker of the House of Representatives and the Representatives providing the flag, and which reads as follows: "This flag has been flown over the United States Capitol, in memory of those who perished, and to honor those who were injured, as a result of the terrorist attacks which occurred on September 11, 2001. It is presented to the surviving victims, and the families of those who lost their lives, with profound sorrow on behalf of the United States House of Representatives."

(b) REGULATIONS AND PROCEDURES.—

(1) IN GENERAL.—Not later than 30 days after the date of adoption of this resolution, the Clerk shall issue regulations for carrying out this resolution, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(2) APPROVAL BY COMMITTEE ON HOUSE ADMINISTRATION.—The regulations issued by the Clerk under paragraph (1) shall take effect upon approval by the Committee on House Administration.

(c) APPLICABILITY.—This resolution shall only apply to victims of the terrorist attacks which occurred in the United States on September 11, 2001.

(d) DEFINITIONS.—In this resolution—

(1) the term "Capitol-flown flag" means a United States flag flown over the United States Capitol in honor of the deceased or surviving victim for whom such flag is requested;

(2) the term "Representative" includes a Delegate or Resident Commissioner to the Congress; and

(3) the term "victim" means a person who lost his or her life in, or due to, the attacks

of September 11, 2001, or who sustained physical injury due to the attacks, but does not include the aircraft hijackers and any other person determined to have taken part in those attacks.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**COMMUNICATION FROM THE CLERK OF THE HOUSE**

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 14, 2001.

Hon. J. DENNIS HASTERT,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 14, 2001 at 3:56 p.m. and said to contain a message from the President whereby he submits a copy of an Executive Order and a Proclamation concerning the emergency declared as a result of the September 11, 2001, terrorist attacks on the United States.

With best wishes, I am  
Sincerely,

JEFF TRANDAH, L.  
Clerk of the House.

**DECLARATION OF NATIONAL EMERGENCY BY REASON OF CERTAIN TERRORIST ATTACKS AND ORDERING READY RESERVE OF ARMED FORCES TO ACTIVE DUTY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-118)**

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and the Committee on International Relations and ordered to be printed.

*To the Congress of the United States:*

Pursuant to section 201 of the National Emergencies Act (50 U.S.C. 1621), I hereby report that I have exercised my authority to declare a national emergency by reason of the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States. A copy of my proclamation is attached.

Further, I have authorized, pursuant to section 12302 of title 10, United States Code, the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service within the Department of the Navy, to order to active duty units and individual

members not assigned to units of the Ready Reserve to perform such missions the Secretary of Defense may determine necessary. The deployment of United States forces to conduct operational missions in connection with the World Trade Center and Pentagon attacks necessitates this action. A copy of my Executive Order implementing this action is attached.

GEORGE W. BUSH.  
THE WHITE HOUSE, September 14, 2001.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR of California (at the request of Mr. GEPHARDT) for today and September 15 on account of personal family business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business in the district.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, today.

Mr. EHLERS, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

Mr. DOOLITTLE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. BARRETT of Wisconsin, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, today.

#### SENATE JOINT RESOLUTIONS

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 19. Joint resolution providing for the reappointment of Anne d'Harnoncourt as

a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

S.J. Res. 20. Joint resolution providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

#### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2133. An act to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

H.R. 2888. 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

#### ADJOURNMENT TO MONDAY, SEPTEMBER 17, 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, September 17, 2001.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### CORRECTION OF THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 2001

The RECORD of September 11, 2001 contained a statement by Representative CULBERSON in which the Government Printing Office erroneously inserted the word "not". The online version of the CONGRESSIONAL RECORD has been corrected and the corrected statement follows:

Mr. CULBERSON. Mr. Speaker, the House is meeting today to lend 110 percent support to our Commander-in-Chief, President George W. Bush. Every Member of Congress is completely unified in our support for President Bush to do whatever is necessary to rescue the wounded and attend to the victims and their families, and to identify those responsible for this atrocity, hunt them down, and bring them to justice.

These attacks are an act of war against the people of the United States. We will eradicate these terrorists wherever they may be and punish anyone who harbored them, anyone who gave them a nickel, and anyone who gave them comfort and aid.

Members of Congress are furious and outraged, but we will be thoughtful and deliberative in our response. Above all, we will support our Commander-in-Chief.

As Congress and our President decide how America should respond, we must be sure to

remember Benjamin Franklin's warning that those who "give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

#### ADJOURNMENT

Mr. NEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 59 minutes a.m.), under its previous order, the House adjourned until Monday, September 17, 2001, at noon.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Anibal Acevedo-Vilá, Garry L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Thomas M. Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Xavier Becerra, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D. Bishop, Jr., Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Calhoun, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, James E. Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob

Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Luis Gutierrez, Gil Gutknecht, Ralph M. Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robi Hayes, J. D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, Ruben Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Asa Hutchinson, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCaathy, Betty McCollum, Jim McCrery, James P. McGovern, John McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, George Miller, Patsy T. Mink, John Joseph Moakley, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue

Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C. L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Lucille Roybal-Allard, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Joe Scarborough, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Bill Shuster, Rob Simmons, Michael K. Simpson, Norman Sisisky, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, James A. Traficant, Jr., Jim Turner, Mark Udall, Robert A. Underwood, Fred Upton, Nydia M. Velazquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Diane E. Watson, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Dan Young.

# EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3621. A letter from the Secretary, Department of Agriculture, transmitting the annual animal welfare enforcement report for fiscal year 2000, pursuant to 7 U.S.C. 2155; to the Committee on Agriculture.

3622. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, "Efficient Facilities Initiative of 2001"; to the Committee on Armed Services.

3623. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relating to the reduction of recurring reporting requirements; to the Committee on Armed Services.

3624. A letter from the Secretary, Department of Defense, transmitting a Report on Pharmacy Benefits Program; to the Committee on Armed Services.

3625. A letter from the Deputy Secretary, Department of Defense, transmitting a Report on Chiropractic Health Care Implementation Plan; to the Committee on Armed Services.

3626. A letter from the Under Secretary, Department of Defense, transmitting a report on the Department of Defense Fiscal Year 2000 Purchases from Foreign Entities; to the Committee on Armed Services.

3627. A letter from the Deputy Secretary, Department of Defense, transmitting a report on Federally Funded Research and Development Center's Estimated FY 2002 Staff-years of Technical Effort; to the Committee on Armed Services.

3628. A letter from the Secretary, Department of Housing and Urban Development, transmitting a draft of proposed legislation regarding FHA-insured multifamily housing mortgage and housing assistance restructuring; to the Committee on Financial Services.

3629. A letter from the Director, Office of Management and Budget, transmitting an appropriations report; to the Committee on the Budget.

3630. A letter from the Deputy Assistant Secretary for Policy, Planning and Innovation, Department of Education, transmitting Final Regulations—Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3631. A letter from the Secretary, Department of Health and Human Services, transmitting a report on Injury Prevention and Control-Related Programs and Activities of the Centers for Disease Control and Prevention, Fiscal Years 1997 and 1998; to the Committee on Energy and Commerce.

3632. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 20, January 2001), pursuant to 43 U.S.C. 1596; to the Committee on Resources.

3633. A letter from the Acting Administrator and Deputy Under Secretary, Department of Commerce, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 2000, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

3634. A letter from the Secretary, Department of Commerce, transmitting a report on

Grant-In-Aid for Fisheries; to the Committee on Resources.

3635. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2000 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3636. A letter from the Principal Deputy Assistant Secretary of the Army, Department of Defense, transmitting a feasibility report of the Ocean City, Maryland and Vicinity, project; to the Committee on Transportation and Infrastructure.

3637. A letter from the Principal Deputy Assistant Secretary of the Army, Department of Defense, transmitting a feasibility report for Brigantine Inlet to Great Egg Harbor Inlet, Brigantine Island, New Jersey; to the Committee on Transportation and Infrastructure.

3638. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Chillicothe, MO [Airspace Docket No. 01-ACE-4] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3639. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Olathe, KS [Airspace Docket No. 01-ACE-5] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3640. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cabool, MO [Airspace Docket No. 01-ACE-3] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3641. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rome, NY [Airspace Docket No. 00-AEA-05FR] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3642. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E2 Airspace; Greenwood, MS [Airspace Docket No. 01-ASO-9] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; Pelham Lake, VA [Airspace Docket No. 01-AEA-15FR] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3644. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Hackensack River, NJ [CGD01-01-062] (RIN: 2115-AE47) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3645. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; State Road 84 bridge, South

Fork of the New River, mile 4.4, Fort Lauderdale, Broward County, Florida [CGD07-01-073] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3646. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD 08-01-016] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3647. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Ouachita River, Louisiana [CGD08-01-019] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3648. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Lake Pontchartrain, LA [CGD08-01-020] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3649. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, NY [CGD01-01-011] (RIN: 2115-AE47) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3650. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Wings Over Lake Air Show, Michigan City, IN [CGD09-01-038] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3651. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Erie, Port Clinton, OH [CGD09-01-051] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3652. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Captain of the Port Detroit Zone [CGD09-01-049] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3653. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Cleveland Harbor, Cleveland, OH [CGD09-01-034] (RIN: 2115-AA97) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3654. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relating to the operation and management of the Department of Defense; jointly to the Committees on Armed Services and International Relations.

3655. A letter from the Deputy Secretary, Department of Defense, transmitting a report on Outreach to Gulf War Veterans Calendar Years 1999 and 2000; jointly to the

Committees on Armed Services and Veterans' Affairs.

3656. A letter from the Deputy Secretary, Department of Defense, transmitting a Report on Defense Health Program Obligations of FY 2000 Emergency Supplemental Funding; jointly to the Committees on Armed Services and Appropriations.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker.

H.R. 1408. Referral to the Committee on the Judiciary extended for a period ending not later than October 5, 2001.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 2888. A bill making emergency supplemental appropriations for the fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. ACKERMAN, and Mr. MCDERMOTT):

H.R. 2889. A bill to lift the nuclear test sanctions against India; to the Committee on International Relations.

By Mrs. ROUKEMA (by request):

H.R. 2890. A bill to extend FHA-insured multifamily housing mortgage and housing assistance restructuring authority, and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, and Mr. THOMAS):

H.R. 2891. A bill to preserve the continued viability of the United States air transportation system; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 2892. A bill to suspend for 1 year the payment to States of a bonus to reward decreases in illegitimacy ratios under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 2893. A bill to provide for demonstration and evaluation of, and dissemination of information concerning, promising approaches to promoting and supporting involved, committed, and responsible fatherhood, promoting and supporting healthy marriages, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. HYDE, Mr. LANTOS, Mr. GILMAN, Mr. BLUNT, Mr. SMITH of New Jersey, Mr. BEREUTER, Mr. BURTON of Indiana, Mr. COOKSEY, Ms. ROS-LEHTINEN, Mr. DREIER, Mr. SHIMKUS, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. FORBES, Mr. KENNEDY of Minnesota, Mr. GRAHAM, Mr. ISSA, Mr. OSE, Mr. SIMMONS, Mr. ENGEL, Mr. GREENWOOD, Mr. PENCE, Mr. CRANE, and Mr. PLATTS):

H.R. 2894. A bill to amend the State Department Basic Authorities Act of 1956 to increase the maximum amount of an award paid under the Department of State rewards program in connection with the attacks on the United States on September 11, 2001, and for other purposes; to the Committee on International Relations.

By Mr. LIPINSKI (for himself, Mr. DEFazio, Mr. COSTELLO, and Mr. KIRK):

H.R. 2895. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, to expand the Federal Air Marshal program of the Federal Aviation Administration, to establish requirements for carry-on baggage on flights in air transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 2896. A bill to provide for the safety of United States aviation and the suppression of terrorism; to the Committee on Transportation and Infrastructure.

By Mr. SERRANO:

H.R. 2897. A bill to provide for the granting of posthumous citizenship to certain aliens lawfully admitted for permanent residence who died as a result of the hijackings of 4 commercial aircraft, the attacks on the World Trade Center, or the attack on the Pentagon, on September 11, 2001, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 2898. A bill to amend the Act of June 1, 1948 to provide for reform of the Federal Protective Service, to enhance the safety and security of federal, state and local employees, members of the public at airports with any facilities under the control of the General Services Administration, or airports under the control of the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H.J. Res. 64. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States; to the Committee on International Relations; considered and passed.

By Mr. BONIOR (for himself, Mr. ARMEY, Mr. GEPHARDT, Mr. TOM DAVIS of Virginia, Mr. CONYERS, Mr. SENSENBRENNER, Mr. LANTOS, Mr. FROST, Ms. DELAUNO, Mr. DINGELL, Mr. LAHOOD, Mr. RAHALL, Mr. SUNUNU, Mr. WAXMAN, Mr. ROYCE, Mr. WEXLER, Mr. HORN, Ms. PELOSI, Mr. ISSA, Ms. SOLIS, Mr. KNOLLENBERG, Ms. LOFGREN, Mrs. MORELLA,

Mr. CROWLEY, Mr. CAMP, Mr. KILDEE, Mr. WOLF, Mr. RUSH, Mr. KIRK, Ms. MCKINNEY, Mr. LATOURETTE, Mrs. NAPOLITANO, Mr. PITTS, Ms. KAPTUR, Mr. ENGLISH, Mr. LEVIN, Mr. ROGERS of Michigan, Mr. PALLONE, Mrs. BIGGERT, Mr. INSLEE, Mr. GREENWOOD, Mr. PASCRELL, Ms. WATERS, Mr. JOHN, Mr. HINCHEY, Mr. KUCINICH, Mr. MEEKS of New York, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Ms. MCCARTHY of Missouri, Ms. DEGETTE, Mr. WU, Mr. BACA, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Ms. KILPATRICK, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. McDERMOTT, Mr. ACKERMAN, Mr. BALDACCIO, Mr. JEFFERSON, Mr. MOORE, Mr. FALOMAVAEGA, Mr. LAFALCE, Mr. OLVER, Mr. WATT of North Carolina, Mrs. CLAYTON, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. CARDIN, Mr. HOYER, Mr. BARRETT, Mr. SAWYER, Mr. MATHESON, Mr. CARSON of Oklahoma, Ms. BALDWIN, Mr. COYNE, Mr. PRICE of North Carolina, Mr. KIND, Mr. PHELPS, Mr. COSTELLO, Mrs. JONES of Ohio, Mr. UNDERWOOD, Mr. BOUCHER, Mr. BAIRD, Mr. SCHIFF, Mr. MCGOVERN, Mr. STRICKLAND, Mr. THOMPSON of California, Mr. CAPUANO, Ms. RIVERS, Ms. MCCOLLUM, Ms. WOOLSEY, Mr. LARSON of Connecticut, Ms. WATSON, Mr. LAMPSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MILLENDER-MCDONALD, Mr. HONDA, Mr. PASTOR, Mr. DELAHUNT, Ms. LEE, Mr. LANGEVIN, Mrs. CAPPS, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. BLUMENAUER, Ms. ESHOO, Mr. LARSEN of Washington, Mr. TOWNS, Mrs. MALONEY of New York, Mr. HOLT, and Mr. DREIER):

H. Con. Res. 227. Concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001; considered and agreed to.

By Ms. JACKSON-LEE of Texas (for herself, Mr. GILMAN, Mr. MEEKS of New York, Mrs. KELLY, Mr. LARSON of Connecticut, Ms. ROS-LEHTINEN, Mr. NEAL of Massachusetts, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, and Mr. BRADY of Texas):

H. Con. Res. 228. Concurrent resolution expressing the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urging the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to providing such assistance, services and benefits to those children; to the Committee on Ways and Means.

By Mr. GRAVES:

H. Con. Res. 229. Concurrent resolution expressing the sense of the Congress that any reform of the Social Security Program not include mandatory coverage of State and local employees; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. TOM DAVIS of Virginia):

H. Con. Res. 230. Concurrent resolution expressing the sense of Congress regarding the

establishment of a National Day of Remembrance; to the Committee on Government Reform.

By Mr. TAUZIN (for himself, Mr. DINGELL, Mr. BILIRAKIS, Mr. BOUCHER, Mr. UPTON, Mr. GREEN of Texas, Mr. STEARNS, Mr. GORDON, Mr. LARGENT, Mrs. CAPPS, Mr. BURR of North Carolina, Mr. MARKEY, Mrs. CUBIN, Mr. DOYLE, Mr. SHIMKUS, Ms. ESHOO, Mr. TOM DAVIS of Virginia, Mr. JOHN, Mr. BUYER, Ms. MCCARTHY of Missouri, Mr. BASS, Mr. BARRETT, Mr. PITTS, Mr. DEUTSCH, Mr. WALDEN of Oregon, Mr. HALL of Texas, Mr. RUSH, Mr. PALLONE, Mr. STRICKLAND, Mr. LUTHER, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. TOWNS, Mr. STUPAK, Mr. ENGEL, Ms. DEGETTE, Ms. HARMAN, Mr. SAWYER, Mr. WYNN, Mr. KLECZKA, Mr. BLUNT, and Mr. BARTON of Texas):

H. Res. 238. A resolution condemning any price gouging with respect to motor fuels during the hours and days after the terrorist acts of September 11, 2001; to the Committee on Energy and Commerce; considered and agreed to.

By Mr. NEY (for himself and Mr. HOYER):

H. Res. 239. Resolution providing Capitol-flown flags to each surviving victim, and the family of each deceased victim, of the terrorist attacks which occurred on September 11, 2001; to the Committee on House Administration. considered and agreed to.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. GRAVES, Mr. EVERETT, Mr. YOUNG of Alaska, and Mr. VITTER.

H.R. 239: Mr. CANTOR.

H.R. 270: Mr. HASTINGS of Florida.

H.R. 356: Mr. PASTOR.

H.R. 458: Mr. SHIMKUS.

H.R. 507: Mr. REYNOLDS.

H.R. 535: Mr. SHOWS.

H.R. 557: Mr. BARRETT.

H.R. 699: Mr. THOMPSON of California.

H.R. 721: Mr. UDALL of Colorado.

H.R. 781: Mr. HALL of Ohio.

H.R. 951: Mr. HAYWORTH, Mr. NEY, Mr. LEWIS of Kentucky, Mr. LOBIONDO, Mr. WALDEN of Oregon, Mr. EHRLICH, Mr. CALVERT, Mr. HOEKSTRA, Mr. GILCHREST, and Mr. WYNN.

H.R. 1007: Mr. ROGERS of Kentucky.

H.R. 1037: Mr. KELLER.

H.R. 1097: Mr. GONZALEZ and Mr. LATOURETTE.

H.R. 1149: Mr. TOWNS, Mr. BACA, Mr. SERRANO, Mr. BERMAN, Mr. MCGOVERN, Mr. STUPAK, Mr. OWENS, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Ms. SANCHEZ, Mr. ISRAEL, Mr. CARSON of Oklahoma, Ms. MCCOLLUM, Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. MEEKS of New York, and Mr. PRICE of North Carolina.

H.R. 1158: Mr. ENGLISH.

H.R. 1238: Mr. MCINNIS and Mr. KELLER.

H.R. 1357: Mr. BISHOP, Mr. JONES of North Carolina, and Mr. PORTMAN.

H.R. 1377: Mr. ROGERS of Kentucky.

H.R. 1388: Mr. OBERSTAR.

H.R. 1476: Mr. OWENS.

H.R. 1600: Mr. COOKSEY.

H.R. 1629: Mr. MEEHAN, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. PASTOR, and Mrs. WILSON.

H.R. 1645: Mr. ROGERS of Kentucky, Mr. BILIRAKIS, and Mr. MASCARA.

H.R. 1733: Mr. CARSON of Oklahoma.  
H.R. 1744: Mr. CALVERT, Mr. CONYERS, Ms. HART, Mr. SCHIFF, Mr. NADLER, and Ms. BALDWIN.  
H.R. 1754: Mr. BUYER, Mr. UDALL of Colorado, and Mr. GORDON.  
H.R. 1911: Mr. VITTER.  
H.R. 2036: Mr. REYNOLDS and Mrs. DAVIS of California.  
H.R. 2057: Mr. STRICKLAND, Mr. SABO, and Mr. FRANK.  
H.R. 2064: Ms. CARSON of Indiana.  
H.R. 2096: Mr. SESSIONS.  
H.R. 2220: Mr. WELDON of Pennsylvania, Mr. SNYDER, Mr. FARR of California, and Ms. DELAURO.  
H.R. 2329: Mr. COOKSEY, Ms. HART, Mr. ROTHMAN, and Mr. RANGEL.  
H.R. 2375: Mr. LOBIONDO, Mr. MOLLOHAN, Mrs. CAPITO, Mr. SIMMONS, Mr. ANDREWS, and Mr. LATOURETTE.  
H.R. 2527: Mrs. MORELLA, Mr. MANZULLO, Mr. KILDEE, and Mr. WAMP.  
H.R. 2561: Mr. COOKSEY, Mr. TAYLOR of Mississippi, and Mr. JEFFERSON.

H.R. 2592: Ms. RIVERS.  
H.R. 2641: Mr. FROST and Mr. WYNN.  
H.R. 2663: Mr. KELLER.  
H.R. 2675: Mr. MATHESON.  
H.R. 2695: Ms. LOFGREN, Mr. CRANE, and Ms. DUNN.  
H.R. 2706: Mrs. EMERSON.  
H.R. 2718: Mr. KUCINICH.  
H.R. 2722: Mr. BALDACCI, Ms. LOFGREN, Mr. TERRY, Mr. BERMAN, Mr. CROWLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, Mrs. CAPPs, Ms. ROYBAL-ALLARD, Mr. RAHALL, Ms. SLAUGHTER, Mr. WAXMAN, Mr. BLUMENAUER, Mr. SABO, Mr. TIERNEY, Mr. GALLEGLY, Mr. MCGOVERN, and Mr. DEUTSCH.  
H.R. 2725: Mr. GEORGE MILLER of California and Mr. KUCINICH.  
H.R. 2792: Mr. BASS.  
H.R. 2837: Mr. FRANK, Ms. LOFGREN, and Ms. PELOSI.,  
H.J. Res. 15: Mr. GILMAN, Mr. BONIOR, Mrs. ROUKEMA, Mr. SIMMONS, Mr. PASCRELL, Mr. DUNCAN, Mr. SHAW, Mr. YOUNG of Alaska, Mr. STENHOLM, and Mr. GOODE.  
H.J. Res. 27: Mrs. CUBIN.

H.J. Res. 56: Mr. ENGLISH and Mr. GOODE.  
H.J. Res. 62: Mr. BARTLETT of Maryland.  
H. Con. Res. 188: Mr. GEORGE MILLER of California.  
H. Con. Res. 212: Mr. GREEN of Texas, Mr. TIERNEY, Mr. FILNER, Ms. MCKINNEY, Mr. KLECZKA, Mr. MCGOVERN, Mr. OWENS, Ms. WATSON, and Mr. RANGEL.  
H. Res. 52: Mr. ENGLISH, Mr. WELDON of Pennsylvania, Mr. McNULTY, Mr. SHOWS, and Mr. VITTER.

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DISCHARGE PETITIONS—  
ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. TURNER on House Resolution 203: Cynthia A. McKinney and Frank R. Wolf.

## EXTENSIONS OF REMARKS

EXPRESSING SENSE OF CONGRESS  
THAT EVERY CITIZEN IS EN-  
COURAGED TO DISPLAY THE  
FLAG

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 12, 2001*

Mr. GILMAN. Mr. Speaker, I rise in strong support of this resolution, H. Con. Res. 225, and commend the gentle lady from Missouri, Congresswoman EMERSON, for drafting this measure.

I extend my condolences to the thousands of victims and their families throughout our Nation who have suffered from these terrorist attacks, and, particularly, to my colleague from New York, Mr. CROWLEY, who lost his cousin, John Moran, a New York City fire fighter, who died on Tuesday at the tragedy at the World Trade Center. Our prayers are with you and your family, and we commend your cousin John for paying the ultimate price for those in need. Our Nation's fire fighters, law enforcement, and emergency personnel are the pillars of our community. Our entire Nation mourns when we lose any brother or sister in uniform.

Following the barbaric terrorist attacks on our great Nation, earlier this week, thousands of Americans joined together to donate their time, services, and blood to the victims of this tragic day. These charitable acts reflect the compassion of the American spirit and the respect for life we share as a nation.

This resolution further calls on our American citizenry, to raise up the flag of our Nation as a symbolic gesture of the solidarity of our Nation and as a proclamation to the cowards who perpetrated these heinous attacks that we, as a nation, continue to stand as the beacon of freedom in this world. Their attempt to bring chaos and terror to the hearts of Americans has only brought forth the great sense of patriotism, liberty, and kindness which stands as the cornerstone of our Nation.

I proudly join the Members of this House and millions of Americans in supporting this measure and calling for all our neighbors to display, with pride, resilience, and solidarity, the stars and stripes of the United States of America.

God bless the American people and the United States.

ATTACKS AT THE WORLD TRADE  
CENTER AND THE PENTAGON**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. BRADY of Pennsylvania. Mr. Speaker, yesterday I saw the worst of the world, but I

saw the best of America. The police, fire and rescue workers, and the average person just trying to help showed the world what America is made of. They showed that our values will survive any attack.

The murderers behind this will also find out what Americans are made of. They will learn that freedom is stronger than fear. They will learn that our democracy is stronger than murder. And they will learn that America—and Americans—are stronger than them.

God Bless the men and women working hard to help their fellow Americans. God Bless the victims of this attack. God Bless America.

PRAYER FOR WORLD TRADE  
CENTER DISASTER**HON. LAMAR S. SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. SMITH of Texas. Mr. Speaker, the following prayer is from the website [spirituality.com](http://spirituality.com). It can inspire us all.

WORLD TRADE CENTER DISASTER: MY PRAYER  
FOR MY BROTHER

(By Laura Matthews)

At the moment I write this, I've just heard that one of the World Trade Center buildings has collapsed. My brother works in that building, and there's been no word. I've been in touch with my family around the country, and we're all praying. This is my prayer for my brother.

Where can my heart go when there is no news, and perhaps no hope? I must go to the one almighty God. I must know His almighty presence.

I dig deep into what I know to be true. There is only one God, divine Life, holy Love. The God that my brother loves and serves is the God that connects us all—terrorist and victim alike. My thought now is echoing with God, that oneness that fills all space, in offices, stairwells, plazas, airplanes. I refuse to conceive of any space that is not filled with God. I place my brother in that space, wholeheartedly. He can't leave that space, it surrounds him and upholds him and guides him.

I see my brother continuing to walk through life, as he has every day until now and will forever, with the glory of God shining through him. I'm not seeing his life as something that can end. I'm seeing it as eternal, as full, complete, ideal. I'm clinging to this, because the thought that there may be death to deal with in my family's future cannot be the final word. The final word must be Life. It must be God.

God is there, in New York, in Jerusalem, in Washington, in Baghdad. God is here with me in Boston. It's not a bunch of gods scattered all about, but the one God, literally filling all space, blanketing all creation. I touch that one God

in thought and I'm touching all creation. And that God is holding my brother close, with all the others—all of them.

It's not only my brother or our family. It's entire buildings, entire cities, entire countries. I'm putting it all in the divine space, everyone, every action, every lifespan. That space contains nothing but Love and glory. The pain, fear and confusion are nothing within that holy place. My brother and all the people involved are in that holy place. I am holding them there in thought. It is the structure of Love that surrounds them, and it cannot be destroyed.

(Later the author got word that her brother was five minutes away from his office when the building was hit.)

HONORING THE HEROISM OF  
AIRLINE PILOT JASON DAHL**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. McINNIS. Mr. Speaker, on September 11, 2001, we experienced the most vicious and horrific terrorist attack on our soil in America's history. This deliberate and systematic assault on innocent American civilians resulted in numerous fatalities. One of the hijacked planes, United Airlines Flight 93, en route from Newark to San Francisco, crashed into Stoney Creek Township in Pennsylvania. Jason Dahl—a resident of Ken Caryl, Colorado—was the pilot of that plane. While three other hijacked aircraft made it to their intended targets including the World Trade Center and the Pentagon, this aircraft did not. While we may never know exactly what transpired on that aircraft and particularly in the cockpit of flight 93, Jason Dahl, in one manner or another, gathered the courage and bravery to resist the attack and avoid another massive strike on America. Due to his selfless act of sacrifice, Mr. Speaker, I would like to pay tribute to Jason Dahl today and recognize him as a hero worthy of this body.

Last week, Jason floated an e-mail to his colleagues requesting a switch in flights because he wanted to spend more time with his family. Since no one was able to take the flight from Newark to San Francisco, Jason fulfilled his responsibility and as a result he, his co-pilot, 38 passengers and five flight attendants were led to their death by the terrorists on-board.

Jason Dahl resided in the Ken Caryl Ranch area in Colorado. He was well respected and liked by his neighbors. Never shying away from the opportunity to extend a helping hand, Jason was a dedicated husband to Sandy, father to Matt, his son, and friend to many. Furthermore, he was a "standards" captain for United Airlines. This special role allowed Jason to not only fly aircraft, but also provided

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

September 14, 2001

the opportunity to teach and test other pilots. Many of his counterparts recognized Jason as a very capable and skilled captain.

Mr. Speaker, the wishes of the terrorists aboard United Flight 93 may never be understood, but we can deduce that something went wrong in the pursuit of their ultimate objective. Jason was probably the reason behind the failure of their mission, and in so doing, he saved American lives. While many people died in this tragedy, we must recognize the greater triumph of the situation and the battle against terrorism that was claimed in this particular moment. Mr. Speaker, Jason Dahl emerged as a national hero on September 11 and I would like to acknowledge his patriotic sacrifice. My warmest regards and deepest sympathies are extended toward his family at this time of remembrance. Jason Dahl will be remembered as a hero who gave his life to America and we will all miss him dearly.

EXPRESSING SENSE OF SENATE  
AND HOUSE OF REPRESENTATIVES  
REGARDING TERRORIST  
ATTACKS LAUNCHED AGAINST  
UNITED STATES, HOUSE JOINT  
RESOLUTION 61

SPEECH OF

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. UDALL of New Mexico. Mr. Speaker, December 7, 1941. September 17, 1862. November 22, 1963. Pearl Harbor—The Day which Lives in Infamy. The Battle of Antietam—America's Bloodiest Day. The Assassination of President Kennedy—The Loss of America's Innocence. These dates have profound meaning in the Nation's eternal memory. They had an immeasurable impact on the American way of life, and the effects remain with us today. Transcending tragedy, the horrific events of these dates reach to a level that changes everything we know and ever will know about our world, our country, and ourselves.

Hoping against hope, we prayed that this terrible list would not grow, but we must now add Tuesday, September 11, 2001 to the grim list.

Mr. Speaker, yesterday our great Nation suffered the most violent and costly attack on American soil in our nation's history, and our lives will never be the same. The attack was aimed at the heart of our country, and the attackers hoped to break the spirit of our citizens.

The cowards who attacked us clearly misunderstood the strength of character and resolve of the American people. We do not back down in the face of hardship, and we will prevail over our enemies, no matter how long it takes.

Terrorists may shatter our buildings, but they cannot shatter our commitment to the values we hold most dear: freedom, democracy, liberty, opportunity. We must commit ourselves today not only to defend ourselves and punish those who attacked us, we must also commit to rebuild the lives and the innocence that

EXTENSIONS OF REMARKS

have been shattered. As the scope of the devastation becomes clearer, our task will only grow more serious and important, but I know that we will rebuild our world.

As we move forward to rebuild what has been shattered, we must put our world back together in a way that is mindful of not only our profoundly rich history and traditions but is also mindful of that which connects all of humanity. We are blessed by the assistance and efforts of countless rescue workers who are risking their lives to rescue victims; I commend their courageous work and believe that their efforts should be examples to us all as we each make our own contributions to the recovery efforts.

Finally, we must not let feelings of anger and frustration rob us of the very things that make our country great. Make no mistake, we will find those responsible for these terrible attacks, and hold them responsible. In doing so, however, we must be thoughtful, careful, and deliberate. We must and will remain vigilant in the defense of the liberties of our citizens. America can be safe and free, and our best days remain before us. God bless America.

PROVIDING FOR EXPEDITED PAYMENT OF CERTAIN BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED OR INJURED IN CONNECTION WITH TERRORIST ATTACKS OF SEPTEMBER 11, 2001

SPEECH OF

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. GILMAN. Mr. Speaker, I rise today in full support of H.R. 2882 expediting payments to the families of the brave public safety officers killed or injured in the line of duty during the heinous acts of terrorism against the United States which occurred on September 11, 2001. Our Nation owes these heroic men and women our deepest gratitude and we extend to their families our sincerest and heartfelt sorrow for their loss. As our Nation comes to grips with the shocking enormity of these attacks, our dedicated public safety officers remain on the front line of the massive search and rescue efforts underway. They are leading a tireless search for our fellow citizens and for their fallen comrades. At this time of national tragedy, let us acknowledge the ongoing sacrifices that our Nation's brave public safety officers continue to selflessly endure in the name of freedom and humanity. And may the ultimate sacrifice of their comrades never be forgotten. We pray for the safety of our public safety officers and the safe return of their fellow officers who remain missing. I urge my colleagues to support this bill.

17181

AMERICA STANDS RESOLUTE IN  
THIS TIME OF TRAGEDY

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. SESSIONS. Mr. Speaker, Tuesday morning the American people were viciously and deliberately attacked by terrorists in what I consider to be an act of war.

We have entered into a new era in world history. Terrorists have now begun to flout international law and standards of common decency. They target the American people because we are strong and because they are weak. Some say that we cannot and should not be the world's policeman. But we will serve justice and we will punish those who are responsible.

This battle is a new kind of war, and we must be prudent in how we prosecute it. All nations who harbor, who train, who support, who fund these terrorist groups, bear equal responsibility for the actions of these terrorists.

We must dedicate the proper resources to deal with them in the appropriate way. Terrorists may be able to run, but they cannot hide from America's determination and justice.

Many of those who died were dedicated public servants. They were members of our armed forces, firefighters, and police officers. They were people dedicated to serving and protecting America. Others were citizens dedicating to living the American dream, who had wives or husbands or children or parents who loved them and who will miss them.

These people were innocent victims in a war conducted against America by terrorists who attacked unsuspecting civilian targets. It is now time we begin to fight back.

On behalf of myself and the Fifth District of Texas, I would like to express my deepest condolences the families of the victims. May God protect them in this time of trouble.

HONORING MACLOVIO "JOE"  
LOPEZ JR.

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. McINNIS. Mr. Speaker, It is with profound sadness that I pay tribute to Maclovio "Joe" Lopez who passed away on September 11, 2001. Joe, 41 years old, was a native of Pueblo, Colorado and was traveling from Boston to Los Angeles on business when his United Airlines Flight 175 was hijacked and crashed into the World Trade Center in New York City.

Joe Lopez was born and reared in Colorado, the second oldest of seven children to Maclovio and Martha Lopez. Joe graduated from Pueblo County High School prior to pursuing a career that would ultimately require him to frequently travel from Los Angeles to Boston. Tragically, Joe's commute landed into the evil hands of cowardly terrorists who horrified our nation by attacking innocent American citizens.

The events that took place on September 11, 2001 will never be forgotten. It is the duty of our nation not only to remember that day, but also to honor those individuals whose lives were so quickly lost. Joe Lopez was a loving and honorable man. My heart and prayers go out to Joe's friends and family during this time of mourning. They can rest assure that we will come together as a Nation to see that the proper course of action is taken against these criminals who perpetrated this senseless act. Joe was an outstanding member of his community and a heroic role model for others. I would like to extend my deepest sympathy and warmest regards to Maclovio "Joe" Lopez's family and my thoughts and prayers along with those of our Nation are with them.

#### PERSONAL EXPLANATION

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mrs. MALONEY of New York. Mr. Speaker, due to the horrific and incredible attack on the World Trade Center, I traveled to my district to offer assistance and comfort to my constituents in this time of great tragedy. Because of my absence from the House on September 13th, I missed rollcall votes numbered 338, 339 and 340. Had I been present, I would have wholeheartedly voted in favor of the resolution condemning the terrorists attacks against the United States and extending Congress' deepest condolences to the victims of these heinous and cowardly actions; I would have voted in favor of H.R. 2882, the measure that expedites payments of benefits for the public safety officers killed or injured; and H.R. 2884, the legislation that extending tax benefits for the September 11th victims. In addition, I would have voted "yea" on the resolution urging people to fly the U.S. flag.

My thoughts these past days and in the coming weeks are with all those in my beloved city whose lives have been affected by the tragedy in lower Manhattan. I join everyone in our city in praying for our many friends who are missing and injured and for their loved ones.

It is an honor everyday to serve in the House of Representatives as a representative of the greatest city in the world. As soon as I learned of the attacks on the Trade Center, I drove to Manhattan to be with my family and offer assistance to my friends and neighbors. My heart is warmed by the response of our city—the rescue workers, the medical response teams, the orderly evacuation of lower Manhattan by the people who work and live there and the thousands who have gone to blood donor centers.

All New Yorkers will forever remember the bravery of the rescue workers who rushed into lower Manhattan as the Trade Center towers burned. It is apparent that many hundreds of these firefighters, cops and medical personnel may be among the thousands now unaccounted for. We in the city witness countless selfless acts by these heroes on a daily basis. Today we are awed by their response to the tragedy and heartbroken by their fate.

The victims at the Pentagon and of the air hijackings are also in our thoughts and prayers.

We are the most diverse city in the world but today we are united as one. We stand squarely with the President, our Governor and Mayor and pledge to bring the perpetrators of these tremendously cruel acts to justice.

#### PERSONAL EXPLANATION

#### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Ms. KILPATRICK. Mr. Speaker, due to official functions scheduled in the 15th Congressional District of Michigan, I am unable to return to Washington; therefore I respectfully request a leave of absence from business for Friday, September 14. Had I been present, I would have voted "aye" on H.R. 2888, the bill providing emergency supplemental appropriations, Rollcall No. 341.

#### AMERICAN VETERANS COMMITTEE (AVC) INTERNATIONAL AFFAIRS PLATFORM AND RESOLUTIONS

#### HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. WYNN. Mr. Speaker, today I recognize the American Veterans Committee (AVC). The American Veterans Committee is an outstanding organization of American veterans with ongoing concerns and interest in our foreign policy and international affairs. I submit for the RECORD their International Affairs Platform and Resolutions, as prepared by the American Veterans Committee, International Affairs Commission and adopted by the American Veterans Committee (AVC) National Board at the National Board Meeting, Tuesday, August 26, 1997, with appropriate changes as of August 2001.

#### AMERICAN VETERANS COMMITTEE (AVC) INTERNATIONAL AFFAIRS PLATFORM

We, the members of the American Veterans Committee (AVC), believe that in international affairs the objective of the United States of America (US) is the maintenance of peace with justice for all. The world must avoid the holocaust of nuclear war. The restoration of diplomatic relations with the People's Republic of China, the end of the Cold War, the dissolution of the Soviet Union, and the fall of the Berlin Wall brought much hope of the avoidance of nuclear war—at least among the major powers—in the foreseeable future. Many international problems remain including the threat of international terrorists, and the US has been active—along with the United Nations—in dealing with hostilities in the Middle East and the Balkan States, Central and Southeast Asia, such African states as Somalia, Rwanda and Zaire (now the Democratic Republic of the Congo), and in Central America and the Caribbean. The work of the US has aided in establishing and restoring elective governments wherever possible.

Within that framework, US foreign policy, like US domestic policy, must seek always to enhance social justice for and the welfare of the individual, in all classes and without regard to race, religion, ethnicity, language, gender, sexual orientation, or age. Our policies should strive for realization of the world envisioned in the Universal Declaration of Human Rights, a world in which all might eat and sleep in safety, live under and vote in an elective government, with realistic hope and opportunity of attaining their reasonable aspirations.

#### I. THE UNITED NATIONS AND WORLD GOVERNANCE

The United Nations (UN), in spite of the recognized areas which require strengthening, continues to be the best hope for peace in the world. American support of the UN must be an essential part of our foreign policy. The authority of the UN must be strengthened in a process in which selected elements of national sovereignty will be progressively transferred, in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

AVC supports the following principles, reforms and programs for a more effective UN:

1. International law governing disputes and conduct of UN member states, and other states, with one another should be improved, clarified, codified, and *obeyed*. The US and all member states should work within the UN for the development of clear, well understood and respected international law. All member states should accept the jurisdiction of the International Court of Justice (ICJ) to interpret and implement international law.

2. Debtor states must pay their UN past and current dues and assessments.

3. The effectiveness of the UN must be improved through better financing, including such mechanisms that will bring in appropriate revenue from developed nations of the world.

4. The UN structures for dispute mediation and conflict prevention and resolution must be strengthened.

5. Further international cooperation for peace and sustainable development should be enhanced.

6. Movement should be made toward a genuine career UN civil service.

7. The influence of civil society at the UN should be strengthened.

8. The integrity and independence of the Office of the Secretary General, as expressed in the UN Charter, are crucial to the strength and effectiveness of the UN. The US should oppose any attempt to weaken the powers of this office. AVC commends the leadership of the present Secretary General, Kofi Annan, in making the organization work more effectively . . . and extends its very best wishes to him on his election to a well deserved second five-year term.

#### II. WORLD VETERANS FEDERATION (WVF)

AVC points with pride to and pledges continuing support for the World Veterans Federation (WVF), a worldwide organization of former combatants whose activities are a remarkable example of the kind of private international cooperation on which lasting world peace and justice can be built. AVC thus is proud to have been one of those veterans organizations that helped establish WVF more than a half century ago, and took part in the recognition of the WVF 50th Anniversary, and looks forward to the 24th General Assembly in South Africa in 2003.

#### III. THE RIGHTS OF AND RESPECT FOR WOMEN

Since its establishment in 1944, AVC has always had women among its members and

leaders. AVC in its Platform is guided by the 1995 Beijing Conference and its "Platform for Action" and the subsequent reaffirmation during the last half decade. In 1995, the UN convened the Fourth World Conference on Women in Beijing, China. The Conference wrote and adopted the Beijing Declaration and the "Platform for Action," the definitive statement of women's agenda for empowerment world-wide. Since that time, the "Platform for Action" has been the basis for evaluating the international community's progress in meeting the goals set forth in that document. This has been done during the yearly meetings of the UN Committee on the Status of Women since 1995.

A Special session of the UN General Assembly was called in the year 2000, "Beijing + 5," which looked at how far the goals of this Platform have been achieved. That Session reaffirmed the principles and commitments expressed in the "Platform for Action." Furthermore, it set forth a Political Declaration which called upon all nations to take further actions and initiatives to implement the Platform. It also urged a greater role for women in peace processes. Breaking new ground, "Beijing + 5" introduced new focal points of concern for women: HIV/AIDS and racial discrimination. Both of these issues were taken up by the 45th Session of the UN Commission on the Status of Women in 2001. Now in 2001 and looking forward to subsequent years in this decade, AVC reaffirms its support for the rights of and respect for women.

#### IV. NUCLEAR TESTING AND DISARMAMENT AND THE TREATY BANNING CHEMICAL WEAPONS

Complete elimination of nuclear weapons testing and the establishment of international controls on this most dangerous technology must be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on Earth unlivable for later generations.

The adoption by the UN of a Comprehensive Test Ban Treaty in September 1996 is a significant advance with all five Permanent Security Council states among the signatories. Complete and total disarmament is the ultimate *Summum bonum*, but this is an objective remote in time; immediate achievement is not feasible. Efforts toward that goal should be made by the US nonetheless and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

AVC without reservation supports the adoption by the UN of a treaty that bans in the world the use of chemical weapons. AVC believes that the world-wide ban on testing nuclear weapons on the total elimination of the anti-personnel land mines, and the ban on the use of chemical weapons have a major role in ensuring the continuation of civilization of this Earth.

#### V. UNITED STATES AND ITS ALLIES

Inevitably differences have arisen and will continue to arise between the US and its allies, but these are differences which can be and must be resolved around the conference table. In its negotiations, the US should seek the rights and privileges of the willing partner.

The North Atlantic Treaty Organization (NATO) was formed in a world considerably different from the world of today. AVC supports the reassessment by the NATO nations of their membership. Its continued organization and operation should reflect the chang-

ing purpose. AVC is clearly aware of the division with respect to the issue of expansion of NATO, including the costs of remilitarization of any new NATO members to bring them up to a stage of military equality with other NATO nations. Further, AVC is well aware of WVF General Assembly discussion that did not lead to approval of any specific new nations to become a part of NATO. Further, AVC recognizes the importance of the continuing discussion of NATO and Russia with respect to a broader membership, while at the same time being aware of the concern of Russia with respect to broad membership that may also include former Soviet republics. Finally, very careful consideration should be given to expediency of NATO actually becoming a part of the UN.

In Latin America we must make every effort to erase the image of the US as a prosperous, patronizing, and paternalistic benefactor or intervener in the economic and political development of those nation states. It should be the objective of the US foreign policy to create instead an image of a US that wants to be a good partner as well as a good neighbor—in helping the peoples of Latin America work out their own destiny.

The US should, at every turn, encourage the UN or the Organization of American States (OAS) to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. The US nevertheless continues to believe in the effectiveness of a democratic form of government and the opportunity for all people at the very least to enjoy adequate food and shelter, education and health.

#### VI. THE UNITED STATES AND THE WORLD

At the beginning of the second millennium, the US must continue to be willing to help the developing nations of Africa, Asia, and Latin America to direct their own destinies. The UN forum must be held open to the developing nations. And the services of the UN specialized agencies, for example, the World Health Organization (WHO) and the many NGOs must appropriately be focused on the needs of the developing nations. Thus, every consideration must be given to the problem of AIDS, especially in the developing countries but also in other nation states of the world. Further, especially with respect to the AIDS problem, the US as well as other developed nations must make every effort to provide pharmaceutical supplies to combat the AIDS epidemic at a cost reasonable to be met in the developing nations.

The gap between the social and economic bases of the developed countries and those of the developing countries to widen. The decline in relative socioeconomic position of developing nations, accompanied as it is by a population explosion (now being recently addressed), has led to dangerous tension and the outbreak of violence and disorder in many areas of the world. Africa faces particularly difficult problems. African institutions, such as the Organization of African Unity (OAU), have confronted these problems and deserve the continuing support of US. There must never be another Rwanda.

Acknowledging that the ability of the US to underwrite services in assistance of all foreign countries is limited, its efforts to aid developing countries should be utilized at points of greatest potential for success. Priority should be given to those countries which can make the most rational and productive use of such aid, humanitarian considerations aside under conditions of famine

and natural disasters. In evaluating the effectiveness of US aid, due weight should be given not only to economic and environmental considerations but also to the strengthening of democratic institutions and the consolidation of efforts on a regional basis.

Only when asked and only when it is clear that armed force is necessary to thwart a take-over by powers inimical to the survival of a weak and developing nation should the US furnish military assistance. Even then, it should with the approval of the UN and support of the regional organizations.

#### VII. RUSSIA AND CHINA

The end of the Cold War, creating Russia and fourteen other independent nation states, has caused a monumental improvement in the international relations of the US and Russia and the Eastern European states as well. With many problems remaining, all have moved toward democratic governments and market systems no longer identified as communist.

China also does not seem as threatening as it has in the past—as the "free market economy" has penetrated even this nation state. At the same time, quarrels between the US and China—both with respect to independence of Taiwan and "human rights"—are expected to continue. Trade between the US and China is expanding, an indication of a changing market economy in that nation. The US should use its trading relationship to continue to press for relaxation of China's stern measures against a free press.

#### VIII. ISRAEL AND THE ARAB STATES

AVC strongly supports the efforts of the US to continue the peace process begun at Camp David in 1979, continued at Madrid in 1991, further affirmed at Oslo in 1993, reflected further in the Wye Memorandum Agreements of the Prime Minister of Israel and the Head of the Palestinian Authority, the agreements flowing from Camp David in 2000, and now the services of a US representative in 2001. Although no rigid deadline should be set, the ultimate goal of peace with security for Israel should be the fulfillment of the UN Security Council Resolution 242 (1967); that Resolution requires that Israel evacuate the territory occupied in that year in return for recognition by Arab countries of Israel's sovereignty, territorial integrity, political integrity, and peace. Exception must be made for areas absolutely necessary for Israel's existence as a state.

#### IX. WORLD TRADE

Unlimited global economic growth through global free trade in a global free market is an American goal. Whatever the means to reach this goal—the goal must provide for all people to have at the very least enough to eat and a decent place in which to live. The creation of the World Bank and International Monetary Fund (IMF), presumably, were so constructed that enough to eat and a place to live would be a result of new monetary and financial direction. In reviewing the historic and almost legendary Bretton Woods' Conference and succeeding meetings on global financial structure, AVC reflects on the one hand what the World Bank and the IMF have accomplished and at the same time what these two structures have failed to attain. The brave new world of global financial institutions, translational corporations, and free trade, while having benefited some of the people, needs to pay considerably more attention to the substantial reduction of the ever widening distance between the rich and the poor.

The World Trade Organization (WTO) and the North American Free Trade Agreement

(NAFTA) have the support of those who point out that new jobs are created and the world is moving in the direction of both programs; at the same time, those who oppose both focus on the loss of jobs in the US, the erosion of labor and environmental standards. AVC favors continued probing public discussion of WTO and NAFTA.

#### X. GLOBALISM, REGIONS, AND SUB-REGIONS

As the world is and has been organized, AVC has already confirmed its support for the UN and the realization of the direction of world trade. At the same time, we note such other organization as (1) nations brought together in the Helsinki Accord, 1975; (2) the European Union, (3) the OAU, that is, the Organization of African Unity; (4) the nations in Southern Asia brought together in a pact more than a score of years ago; and (5) the OAS, that is, the Organization of American States.

With respect to subregions, AVC notes the Stability Pact of Southeastern Balkan nations—Bosnia-Herzegovina, Croatia, Macedonia, Slovenia, and of late Yugoslav Serbia, as well as Albania, Bulgaria, Hungary, and Romania—that have seen civil and other strife during the last decade. Further, at the 23rd General Assembly of the WVF, the Conference approved the establishment of the Standing Committee on Women of Asia and the Pacific (SCOW-Asia/Pacific) and other Standing Committees for other world regions.

Again with respect to the OAU, AVC notes the reassuring meeting of the OAU Ministers of State 8–10 July 2000 and the subsequent meeting of OAU Heads of State 10–12 July 2000 . . . and the agreements with respect to economic, political, education, and health problems and issues in the nations that met in Lome, Togo, West Africa.

#### INTERNATIONAL AFFAIRS RESOLUTIONS

##### I. THE UNITED NATIONS—SUPPORT WITH REFORM

Recognizing that the American Veterans Committee (AVC) has been a staunch supporter of the United Nations (UN) since its inception in 1945 and has taken a very active role in the World Veterans Federation (WVF), a role that has enabled AVC to serve in the capacity of a non-governmental organization (NGO) at the UN;

Recognizing further and commending the UN for the establishment of the War Crimes Tribunal, now embracing Yugoslavia and Rwanda, and noting that in carrying out the objectives of the UN position Slobodan Milosevic has been brought before the War Crimes Tribunal for crimes against humanity;

Recognizing nevertheless that time as brought the need for reform of a number of the systems and activities of the UN and those of some of its member states; and observing further that some member states and even our own nation, the US, have failed to meet their financial obligations as dues-paying members in the UN;

Resolved by AVC:

1. THAT debtor states should pay their UN dues in full to fulfill their treaty obligations; that stringent consequences for continued non-payment must be instituted;

2. THAT the effectiveness of the UN must be improved through better financing. Careful consideration must be given to such proposals as the following: (a) a treaty among member states to establish partial self-financing of UN peace-keeping and other programs through a worldwide tax on airline tickets and the value of ocean freight; (b) a surcharge on international postage items; (c) rent for the exclusive use of satellite posi-

tions; (d) national legislation within member states to ease the way to voluntary individual contributions to UN programs through tax-deductibility of contributions; and (e) sale of UN bonds to private individuals and of extra premium postage stamps;

3. THAT the UN structures for dispute mediation and conflict prevention and resolution be strengthened through the establishment of a UN Peace Observation Corps of 100–200 highly-trained professional observers and mediators to assist the Security Council and Secretary General—backed by a competent research and analysis unit—to track potential crisis situations and, further, to identify the most successful approaches to conflict prevention and resolution from past crises;

4. THAT UN peacekeeping capability be improved through such means as (a) predesignation of peace-keeping units in their own forces by member states with provision for joint training of such designated units to be financed either through voluntary contributions or regular peace-keeping expenditures; (b) a task force established by the Security Council to study the practical detail of a small UN Readiness Force, to be placed at the disposal of the Security Council—10,000 troops composed of volunteers contributed by member states in small units (companies or battalions) . . . and with the purpose of intervention in the early stages of the possible conflict before it expands to widespread fighting and, when not engaged in peace-keeping operations to train peace-keeping personnel of interested member states; (c) a second task force established by the Security Council to investigate practical steps to revive the Military Staff Committee (foreseen in the UN Charter) with responsibility for enforcement, peace-keeping operation, and disarmament;

5. THAT the Security Council become more responsive to the concerns of the General Assembly through arranging for regular presentation of the Assembly to the Council and discussion by the latter of the views of the General Assembly, as reflected in the Assembly Resolution, with the President of the Assembly given ex-officio membership on the Council, and through continued study of the representative qualities of the UNSC membership;

6. THAT the rule of law among nations be strengthened through (a) a movement toward universal acceptance of the jurisdiction of the International Court of Justice (ICJ) by introducing a procedure where the Security Council would decide, in cases where continuing bilateral disputes threaten world security, to require the UN member states involved (including Security Council members) either to present themselves to conciliation proceedings or to take the dispute to the ICJ; (b) General Assembly authorization of the Secretary General, under Article 96 of the Charter, to turn to the ICJ for advisory opinions; and (c) provision that individuals or groups who consider that their rights have not been respected may petition the UN High Commissioner for Human Rights for reaction and then, if the issue is not resolved, to petition the General Assembly for a hearing;

7. THAT further international cooperation for peace and substantial development be enhanced through the establishment of a UN Economic Security Council to take the place of ECOSOC, its functions being to balance the interests of citizens, nations, and corporations in an increasingly globalized economy and, in particular, to improve coordination on economic and social programs within the UN system;

8. THAT movement be made toward a genuine career UN civil service, with training of UN staff on all levels to include the recognition of diversity of cultures. And, further, with the elimination of political appointments, level-by-level over a period of years, with all positions in the UN Secretariat except those of the Secretary General and his immediate staff being held only by those who have passed the UN entry examination or met other well-established professional criteria including maintenance of a high-level of performance;

9. THAT the influence of civil society at the UN be strengthened through measures such as a biennial Citizens' Assembly at the UN representing all non-governmental organizations (NGOs). The Citizens' Assembly would develop concepts and proposals for transmittal to and discussion by the General Assembly with widest possible participation of NGOs at all UN conferences. AVC, it might be noted, has always made its contribution to the UN operation by serving as an NGO.

10. THAT isolationism within the US be fought in all its forms, as the US with about five percent of the world's population needs the UN to serve as a necessary and vital bridge to the rest of the world; and

11. THAT funding of the UN Trusteeship Council should end inasmuch as there are no longer any Trust Territories, thereby eliminating a stark example of bureaucratic waste within the UN itself and setting a precedent for other comparable action as warranted.

##### II. US RATIFICATION OF UNITED NATIONS HUMAN RIGHTS COVENANTS

Supporting since the adoption by the UN nearly a half-century ago of the "Universal Declaration of Human Rights" the philosophy and concept of human rights for all people all over the globe;

Supporting further the UN Human Rights Covenants on Economic, Social, and Cultural Rights—as well as the UN Human Rights Covenants on Civil and Political Rights;

Noting that more than 175 nations of the world have ratified the UN Human Rights Covenants;

Noting further that the US became a signatory to the UN Human Rights Covenants during the administration of President Jimmy Carter;

AVC respectfully urges the President of the United States to take all immediate and reasonable steps to move the US not only as a signatory but also as a nation ratifying both UN Human Rights Covenants (a) Economic, Social, and Cultural as well as (b) Civil and Political Rights.

##### III. US RATIFICATION OF RELEVANT CONVENTIONS, PROTOCOLS AND TREATIES ON WOMEN'S RIGHTS

Recognizing the importance of the UN Conventions on the Elimination of Discrimination Against Women (CEDAW) and other international conventions and treaties which promote the human rights of women and their desire for full equality with men in all pursuits of life;

AVC calls for the US Senate (a) to endorse the CEDAW which would make the US a signatory to the CEDAW and (b) to support other international conventions and treaties promoting the rights and interests of women;

AVC affirms the proposition spelled out in *The Platform For Action* that human rights are universal and equally applicable to women; the inherent and indivisible rights of women must be affirmed by the international community, and support the Mission Statement from Beijing that "equality

between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development, and peace." [N.B. The previous statement flows from the UN 4th International Conference on Women, held in Beijing, China, September 1995.]

#### IV. THE UNITED NATIONS ASSOCIATION/US AND THE WORLD FEDERALIST ASSOCIATION

Recognizing for decades that the World Federalist Association (WFA) in the US and World Federalism elsewhere in the world have appropriately emphasized the global nature of the Earth and our life thereon;

Recognizing further that the work of the UN Association (UNA)/US in its support of the UN itself has similarly reflected an understanding of the global nature of the world;

Observing that both of these organizations have emphasized the great need of peoples to work together for a better world while their governments work together in the UN for peace and security;

Having members of AVC also in positions of leadership and membership in the WFA and likewise in positions of leadership in the UNA/US;

Believing today that the WFA position is still sound and that its national and regional meetings are productive, having produced recent leadership in advancing the international criminal court, the Hague Appeal for Peace, a UN readiness force, and adequate UN funding . . . likewise noting the effectiveness and value of the results achieved by the national and regional assemblies of the UNA/US;

AVC finds that both the work of the UNA/US and the World Federalist Association have goals and programs that lead to a stronger and more productive relationship of the peoples in the nations of the world; and, therefore, AVC supports both of these organizations.

#### V. US SUPPORT FOR THE REPORT ON THE IMPACT OF ARMED CONFLICT ON CHILDREN

Noting with satisfaction the release of the important study of the "Impact Of Armed Conflict On Children" (Graca Machel Study);

Reaffirming AVC's traditional support for strict adherence to international humanitarian laws and human rights standards in situations of armed conflict;

Reaffirming further our support for the implementation of the Convention of the Rights of the Child;

Pleased that the WVF is a part of the Coalition Against the Use of Child Soldiers;

AVC also supports the Coalition Against the Use of Child Soldiers and the findings of the Report 'Impact Of Armed Conflict On Children.' AVC also (a) urges upon the International community to offer special care and protection of refugee and internally placed children and (b) further urges international support for the findings of the Report, including calling upon governments to prevent the recruitment and demobilization of children under the age of 18.

#### VI. BAN ON "ANTI-PERSONNEL" MINES

Noting that the US used the phrase "global humanitarian tragedy caused by the indiscriminate use of anti-personnel mines"

Reviewing the long-standing position of AVC in support of the total ban of land mines, or anti-personnel mines;

Noting at the same time that generals of the US Armed Forces established that land mines hurt the US more than they helped our Armed Forces;

Continuing to observe that around the world children and women and other civil-

ians have sustained injuries and even death from land mines;

AVC continues respectfully to urge the President of the United States to adopt a strong position with the goal of eliminating land mines, or anti-personnel mines, from our global life.

#### VII. WORLD VETERANS FEDERATION—A HALF CENTURY OF AVC SUPPORT

Reviewing with gratification the more than half century history of the WVF and the founding membership of AVC in WVF in 1950 as well as the continuing AVC membership now in 2001;

Reviewing also the long and consistent programs and work of WVF in behalf of veterans as well as those who have suffered on account of war—the WVF program always including support of the UN;

Recalling the guidance of WVF by the CREDO created by the late UN Undersecretary General Ralph J. Bunche . . . the Credo having the celebrated phrase "None can speak more eloquently for peace than those who have fought in war";

Noting that WVF has consistently brought veterans from all over the world to its General Assemblies, Council meetings, and such special meetings as the 1990 Conference on the Mediterranean held in Malta, and observing that WVF has celebrated its 23rd General Assembly (Paris 2000);

Taking pride in the fifty-year leadership of WVF Presidents and Secretaries General;

The American Veterans Committee continues to support without reservation the World Veterans Federation and looks forward to continuing membership and contribution to WVF programs.

#### VIII. THE SOUTHEAST BALKAN STATES

Having goals of peace, security, and development in the Balkans and well aware that what was once Yugoslavia is now Yugoslavia/Serbia (including Montenegro), Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia and further recognizing that this European sub-region also includes such nations states as Albania, Bulgaria, Hungary, Romania, and Turkey;

Noting with appreciation that the World Veterans Federation (WVF) brought together its member organizations (International Conference, Luxembourg, 5-7 May 1996) to arrive at "principles to be followed and measures to be taken" for attainment of those goals . . . and that the Luxembourg International Conference carefully took into account the position adopted in Dayton (Ohio/USA) with respect to Bosnia-Herzegovina;

Aware that peoples of different ethnic, religious, and historical background do have differences, sometimes substantial almost insurmountable differences;

Noting further that the Stability Pact includes a "Coordinator," a citizen of a nation not among those of the Eastern Balkans;

Supporting the Stability Pact and the elections of a democratic state and urging the peoples to support the results of the elections wherever in the Balkan States;

Also supporting the position that individuals accused of "war crimes or crimes against humanity" must be brought before the appropriate court;

Believing with respect to the totality of the Balkan States that "recognition by every State in the region of all the other States in the region and renunciation of all forms of nationalism leading to the notion of 'greater State,' ethnocentrism, xenophobia, and intolerance toward minorities";

Continuing to respect the final act of Helsinki, which emphasizes the security and cooperation in Europe;

The American Veterans Committee continues to adopt the position that mediation and discussion, together with (a) peace-keeping, economic, and infrastructural support from NATO and the UN, including in both instances the US, and (b) vital governing provisions of Bosnia-Herzegovina and other Balkan States will lead to a state of multi-ethnic, multi-culture, and multi-denomination with full respect for the rights of all the people concerned.

#### IX. ISRAEL AND THE MIDDLE EAST

Applauding in the early days of AVC the establishment of the nation of Israel;

Supporting the leadership of President Jimmy Carter in bringing together Prime Minister Menachem Begin of Israel and Egypt's leader Anwar Sadat;

Noting with satisfaction the further movement toward conciliation, reconciliation, and peace formulated by Palestinian Authority and the present and immediate past Prime Ministers of Israel;

Urging the leaders of Israel and Palestine today to continue using mediation in arriving at agreements, including an agreement with respect to East Jerusalem;

AVC continues to support the right of Israel to peace and economic and sociocultural development and the use of the instruments of discussion and mediation in the consideration of all elements and aspects of difference and conflict between Israel and its neighboring peoples and nations—whether they be Palestine, Jordan, Syria, Lebanon, or any other nation state, AVC in supporting the above stated development in Israel in no way implies that it does not support similar development of Palestine as well as all other nations as they too seek peace and improvement of the quality of life for their peoples.

#### X. CUBA

Observing that Fidel Castro has been in power in Cuba for more than forty years and that all efforts to remove him and change his regime have been and continue to be futile;

Recalling that the US has resumed relations with Germany, Japan, and Vietnam after devastating wars and relations with Russia subsequent to the Cold War;

Believing that the Helms-Burton Act has not been and will not be effective in achieving its stated goal(s), and judging further that this Act of Congress has only created conflict between us and our close allies;

AVC believes that the US appropriate to the present times should establish diplomatic relations, permit commercial relations, continue to provide humanitarian aid, and end the application of sanctions that adversely affect Cuba and our allies.

HONORING RICHARD "AL"  
SEAGLER

HON. SCOTT McINNIS  
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor Richard "Al" Seagler for his service to our great nation in World War II. Anticipating that he would get drafted, Al courageously enlisted with the Navy. It is my pleasure to pay tribute to Mr. Seagler for the sacrifices he made in preserving the freedom of our nation.

Mr. Seagler experienced many sleepless nights as Japanese forces made countless attacks on his construction battalion that was located on the island of Guadalcanal. The campaign at Guadalcanal cost America a great number of lives before the United States decidedly took the island and changed the course of the Pacific Theater in World War II forever. Mr. Seagler played a vital role in America's course of action by directing a construction battalion whose job included providing a workable infrastructure for American troops and maintaining open supply lines in Guadalcanal.

These important construction battalions were known as "Seabees," but their name and recognition have since disappeared from our national memory. Mr. Seagler sweated his days away in order to sustain the American operations in the region. In addition, Al accomplished many great feats in the construction battalion while dodging the enemy's bullets, living in a disease-infested jungle, and laying down to sleep to the sound of the Japanese fighter planes bombing the Guadalcanal coast.

Mr. Speaker, Mr. Seagler showed great courage and heroism as a soldier in World War II. Therefore, it is my privilege to acknowledge his honor and pride for our great Nation. Al is still an active citizen in Montrose, Colorado where he has served as a role model for both young and old. I commend Mr. Seagler for his distinguished service to the state of Colorado and our great Nation.

STATEMENT ON HOWARD AND  
RIETA PARK CIRCUMNAVIGATING THE GLOBE

**HON. ROB SIMMONS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. SIMMONS. Mr. Speaker, I rise to recognize Howard and Rieta Park, a couple from my hometown of Stonington, CT, who, on June 10, 2001, concluded a 31,000-mile sailing journey around the world.

Traveling on their 53-foot Sparkman and Stevens yawl, named COMET, the Park's odyssey took them across the Caribbean, through the Panama Canal to the Galapagos Islands, across the Pacific to the French Marquesas, the Cooke Islands, Tonga, Fiji, New Zealand, and New Caledonia.

They trekked to the Great Barrier Reef along the Australian coast, across the Indian Ocean, around the tip of South Africa's Cape of Good Hope and through the southern Atlantic Ocean on their way to St. John, the U.S. Virgin Islands. The Parks finally came home to Stonington, where they began their journey in November 1998.

To plan to undertake such a daunting journey is impressive enough—to complete the journey is truly remarkable. The trip was not without danger. Howard Park spoke of one day when he saw what he believed to be a whale alongside their craft. As COMET neared the submerged figure it rolled and dove under the boat, lifting the entire vessel out of the water for a moment.

As the tail of the creature rose behind the yawl's rear, Howard Park did not see a whale's tail but the back fin of a shark. The 60-foot beast was a shy, basking shark, and the silently moving boat had startled it. Howard Park said the image of this giant tail rising out of the water would remain with him forever.

There were also sites of extraordinary beauty. The Parks had not seen land for 19 days when they approached the Marquesas Islands. They waited until dawn to pull into port, giving them the opportunity to watch the sunrise over the volcanic peaks of Hiva Oa. Describing what they saw, Howard Park said, "There were high, high mountain peaks and indescribably beautiful vegetation."

Why undertake such an intimidating journey? The answer lies within the heart and soul of mankind. We are inquisitive, and we dream. Throughout history men have sought to find out what lies beyond the next hill—what waits to be discovered beyond the horizon, and they have followed their dreams into reality.

That we might know the unknown we have traveled to the depths of the oceans and have reached far beyond our own globe to the distant stars. It is our nature to dream—and to try and satisfy that dream.

The Parks have experienced the journey of a lifetime. And why not! Life is a finite adventure. There is only one, certain end. We should make our voyage as sweeping, as productive, as positive, and as exhilarating as possible.

Reflecting on life's adventure, Theodore Roosevelt said, "He must long greatly for the lonely winds that blow across the wilderness and for sunrise and sunset over the rim of the empty world. His heart must thrill for the saddle and not for the hearthstone. The joy of living is his who has the heart to demand it."

I commend Howard and Rieta Park on their exceptional achievement. As we go through life, may we, like the Parks, treasure images that will remain with us forever. And like Theodore Roosevelt, may we realize that the joy of living is his who has the heart to demand it.

EXPRESSING SENSE OF SENATE  
AND HOUSE OF REPRESENTATIVES  
REGARDING TERRORIST  
ATTACKS LAUNCHED AGAINST  
UNITED STATES

SPEECH OF

**HON. NICK LAMPSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 11, 2001*

Mr. LAMPSON. Mr. Speaker, I rise today with a heavy heart to express for the people of Southeast Texas and for myself our sympathy for those who have lost loved ones in the horrible tragedy our country suffered yesterday.

I have received many messages of well wishes and sympathy from constituents and friends literally around the world. A member of the French parliament, for example, asked me to please transmit his profound sympathies to the U.S. Congress and the American people.

We thank you all for your prayers and support. The United States of America is strong, and will not be shaken by such a cowardly act which killed so many of our countrymen.

But, Mr. Speaker, I want to talk about a slightly different message than my colleagues have spoken of so far, a message about children. As adults, we have the ability to process this tragedy much differently than how our children process this. We must be sensitive to our children's needs, and give them an opportunity to discuss their feelings. I'd like to take a moment to paraphrase a column by Cordelia Anderson that I received this morning:

As adults, we need to be calm and focused for the children. We need to receive support from other adults, so that we are able to effectively guide our children. We must talk with our kids and listen to them, find out what their fears are, what their concerns are, and then try to address them as directly and as calmly as possible. We must try to reassure them that there are adults there to help them and to protect them, and after giving them time to talk and to share, to return them to their regular routine of school. Our children are worth the time that we take to do this, and it is indeed important.

Mr. Speaker, I want to thank the police, the firefighters, the emergency personnel and the magnificent citizens who sacrificed their lives or who are still helping in this disaster. My heart and the hearts of my constituents go out to the people of New York and of Washington, DC. I urge my fellow citizens to support our President as we take swift and decisive action against the persons who perpetrated this tremendously horrendous act of cowardice.

Mr. Speaker, I ask my colleagues to support this resolution, and I ask that God bless America.

TRIBUTE TO JOEY BISHOP

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. TRAFICANT. Mr. Speaker, Joey Bishop is a great American. He began his work in the boxing industry in 1939 at the Dick Mettee Gym training boxers. In 55 years, Joey Bishop won 250 amateur bouts, 38 senior bouts, and has refereed 3,500 bouts. At the age of 72, his record of 288 wins and 0 losses remained unscathed when he retired after defeating Canadian Welterweight Champion Boysie Phillips. This most impressive victory gave him the Indianapolis Senior Boxing Welterweight Championship belt.

Joey Bishop is not only an excellent athlete, but he is also an Army Veteran. He participated in the Special Services Boxing Unit, and won the Pan American Lightweight belt in 1943, and the Pan Am Welterweight title in 1944. Joey has also served for over 15 years on the Ohio Boxing Commission.

It is my honor and a privilege today to pay tribute to Joey Bishop. It is a privilege and an honor to represent such a fine American, and I will always consider Joe as my friend.

September 14, 2001

IN OUR DARKEST HOUR, AMERICA  
STANDS UNITED AND STRONG

**HON. TONY P. HALL**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. HALL of Ohio. Mr. Speaker, like my constituents in the Dayton, Ohio, area, and all Americans, I am shocked and horrified by the brutal terrorist attack on our Nation on September 11. I am saddened for the victims and their families.

It was an act of pure evil. And yet even this evil is not so great that it consumes the good which still abounds in our great Nation.

Carl Sandburg wrote, "I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun fresh from the burning, creative hand of God. I see great days ahead, great days possible to men and women of will and vision."

I am profoundly moved by the spirit of the American people who have responded to the crises with a generosity almost unimaginable. I am uplifted by the mood among members of Congress who have abandoned all partisan differences to pass critical legislation. I am deeply proud to see how our leaders are working together around the clock.

In my district, citizens are calling me to ask if they can give money back to the government to assist with an antiterrorist campaign. A company in the Dayton area which manufactures protective equipment for firefighters is donating boots, gloves, and masks to the New York fire department. High schools in my community set up collection barrels at the football games for people to give food and equipment for the rescue effort.

At this darkest hour, all of America is acting as one in a way I've never seen before. In our unity, we are strong—strong enough to rebuild from this attack and strong enough to overcome the terrorists behind it—and to emerge stronger than before.

In one of his fireside chats in 1940, just before America entered World War II, President Franklin Roosevelt said, "We defend and we build a way of life, not for America alone, but for all mankind."

Once again, Americans are called to defend themselves and civilization itself. I am proud to say that we are up to that challenge.

MUSLIMS LOVE PEACE AS MUCH  
AS ANYONE

**HON. JOSEPH R. PITTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. PITTS. Mr. Speaker, almost 60 years ago during World War II, our Nation imprisoned Japanese Americans in internment camps simply because of their ethnic background. Today, we are all rightly horrified by this action. In the aftermath of this week's tragedy, we must not repeat this chapter in our history. Arabs and Muslims are NOT all terrorists bent on destroying our Nation. They

## EXTENSIONS OF REMARKS

too desire to live in peace with their families and communities. In fact, millions of Arabs live in this great land—2.2 million of whom are Arab Christians.

Our Arab and Muslim compatriots in our nation also weep with pain and sorrow as they grieve the loss of loved ones. Many of them fled their homes and came to the United States as refugees to get away from the very same types of people as those who attacked our country.

In the past few days, the outpouring of deeply sympathetic support and condolences my office personally has received has come from Islamic nations such as Saudi Arabia, Indonesia, Egypt, Pakistan, Kazakhstan, Western Sahara, and Algeria, and from Palestinians.

As our great nation pulls together, let us not turn to hate and violence, but to the underlying spirit of courage and compassion that has made this country a beacon of freedom and hope for a new life. Justice must and will be implemented—but it will be against those who deserve it, the savage terrorists—not our fellow Arab and Muslim citizens and friends here and around the world.

PAYING TRIBUTE TO MIGUEL  
RAMIREZ

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. GREEN of Texas. Mr. Speaker, this week, our Nation has experienced much human tragedy. Although my hometown of Houston, Texas was spared the devastation that occurred in New York City and in Washington, D.C., we did suffer from a tremendous loss. Today, I rise to pay tribute to Miguel Ramirez.

On Tuesday, September 11, 2001, Aldine High School lost Miguel Ramirez, one of its most promising ninth grade students. Miguel had been preparing for an afternoon football practice session before he collapsed.

Miguel was new to Aldine High School, but he quickly embraced the school and its traditions. He was an honor student and was enthusiastic about football. Despite the fact that Miguel Ramirez was only fourteen years old, he made a lasting impression on his family, his friends and his teachers.

Recently, the *Houston Chronicle* reported on the impact Miguel had had on his football teammates. I would like to share the following excerpt:

"We had a meeting this morning, and the attitude of the team is that they wanted to go out and win a game for Miguel," said freshman coach Mark Mullenburg. "There really wasn't any hesitation about them wanting to play and we talked about that as a team. Miguel was a guy that was always at practice and a guy that always wanted to play. He just started playing this year, and he was so proud of his jersey and so proud of the fact that he was on a team."

Mr. Speaker, the loss of any life is sad, but the loss of a young life is truly tragic. Even in death, Miguel will continue to lead through the

contributions he has left behind, the relationships he has forged, and the example he has set.

I ask my colleagues in the House of Representatives to join me in expressing our heartfelt condolences to the Miguel Ramirez family, especially to his parents David and Maria, and to his many friends and classmates at Aldine High School.

HONORING FIREFIGHTERS AND POLICE OFFICERS FOR THEIR OUTSTANDING SERVICE TO OUR NATION

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Ms. DeLAURO. Mr. Speaker, I rise today to express my deepest thanks and appreciation to all of the firefighters and law enforcement officials who have volunteered their expertise in the wake of the tragic events of the past several days. Tuesday, September 11, 2001 will live in the hearts and minds of Americans for generations to come. To challenge democracy is to challenge the very core of all that we cherish. Communities across our nation have come together, united by a single truth: the spirit of America, though tested, can never be broken.

The men and women who serve as firefighters and law enforcement officials face risks that few of us can truly comprehend. Each day, they must be ready to perform under intense pressure—literally in life or death situations as we have all witnessed in recent days. Their commitment and dedication cannot be questioned.

Perhaps this is best illustrated in the faces of the many firefighters, police officers, and emergency personnel, who have volunteered their time and efforts throughout the past several days. I speak not only of those directly involved with the rescue efforts in Lower Manhattan, but to the many departments nationwide who have offered assistance with equipment, rescue teams, and various other forms of support. Many of these dedicated men and women have gone to their communities sponsoring blood, clothing, food and water drives. They have been an inspiration to us all and yet when asked why you will always hear the same reply: "It's my job." In my home state of Connecticut, the thousands of men and women who serve our local fire and police departments have continually been on hand—ready and willing to do all that they can for our neighbors and I thank them for their incredible work. I want to especially commend the approximately eighty firefighters from the Third Congressional District of Connecticut who are now directly assisting in the New York rescue effort.

It is with great pride and the deepest admiration that I rise today to pay tribute to these men and women and to thank them for their tremendous efforts on behalf of our communities and our nation. I stand today to urge all Americans to thank their local fire and police departments for all that they do for us every day.

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## FOURTH PRATHAM GALA

## HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. LAMPSON. Mr. Speaker, I rise to commend those associated with the fourth Pratham Gala held last month in Houston, Texas. Pratham was established in 1994 by UNICEF and the Municipal Corporation of Greater Mumbai, with the mission to achieve "Universal Primary Education" in Mumbai by the year 2000.

This mission is now growing in scope and scale. Throughout India, individuals, corporations and the state governments are taking the initiative to further ensure that every child in their respective cities receives a formal education.

Mr. Speaker, I would like to include a recent article from the Indo-American News regarding the recent successful Gala in Houston and again add my congratulations.

[From the Indo-American News, Sept. 13, 2001]

## PRATHAM CONTINUES TO BUILD MOMENTUM AND FUNDS

(By Bidisha Roy Banerjee)

HOUSTON—Targeted to reach out to the slum-children across India, Pratham has found tremendous amount of success in such a short time. The support Pratham received so far has been overwhelming and much more than anticipated. Since the last gala, Pratham has made great strides in both India and USA.

Not only has Pratham doubled the number of children it reaches (180,000 to date), it has also successfully established programs in 12 cities and nine rural areas with another seven cities being initiated this year. Several Pratham chapters have spread in a number of cities and college campuses in America.

The fourth Pratham Gala in Houston served as an evidence that a

Emceed by radio show hostess Meena Dutt, the event started with an invocation by Uma Mantravadi, singer and attorney, who performed a beautiful selection of songs.

The first speaker of the event, Vijay Goradia, Chairman of Pratham USA was introduced by Meena Dutt as the "man who does not want to speak; a man who contributed the major chunk and the man who brought Pratham to Houston."

Goradia amused the audience by mentioning a conversation that he overheard just before the program started.

Three kids were discussing how they could contribute to Pratham. The first one said he would draw a circle, throw his allowance in the air, and donate to Pratham and keep the rest to himself. The second kid said the same. The third kid, a Gujarati boy, said he would draw a square, stand outside it and throw all of his allowances in the air. Whatever dropped outside the square, he would donate to Pratham and the rest of it inside the square, he would keep for himself.

Goradia lauded Pratham for its tremendous achievement in the last four years and boasted that "Houston is the leader in drawing the maximum amount in the last four years. Other cities are now taking cue and following initiative. It is replicable in lot of different cities. I hope and wish Houston will continue to lead the way and show what

basic programs like Pratham can do for lives of others."

Meena Dutt reminded the audience that "Many say that he (Goradia) has money, so give it. But not everyone who has money wants to share it. A little sharing can go a long way."

The next speaker was a 17-year-old Pratham volunteer who flew all the way from Mumbai to attend the gala, Disha Katharani. "Vision without action is merely a dream. Action without vision is merely a passing time. But vision with action can change the world." Quoting Joel Barker, Disha went on to appall the audience by her wisdom, courage and her inspirational speech. A 12th grader in Ruparel College, Disha's interest in Pratham was initiated by her grandmother who took her to an orphanage and gave her the responsibility of teaching the children. After this incident, which had clearly left its impression on Disha's young mind, her father Harish Katharani exposed her to Prathan's Prathishristi (Computer Assisted Learning project) through his friend and Pratham's informative web-site. As someone who grew up with an access to a computer, Disha realized that computer assisted learning center might be one of the key ingredients to an educational revolution in India. Dr. Madhav Chuhan, cofounder of Pratham and Yogi Patel of Houston assisted Disha to carry through the daunting task of acquiring 30 computers which were shipped to Mumbai with the help of K.C. Singh. Although proud of her enormous achievement in seeing through her dream, Disha looks forward to bringing smiles to more innocent faces and the light of knowledge to many more dark and rusting minds. "This is just a drop in the ocean," says the awe-inspiring youngster in her motivational speech, "But we must remember that every drop constitutes an ocean and make our best efforts to make this world a better place."

Cofounder of Pratham, Dr. Madhav Chauhan is a man who eats, breathes, and sleeps Pratham. A former teacher in the University of Houston, Dr. Chauhan spoke about the birth of the Indian Education Initiative. "When we started, we talked only to Balvadi but now we have increased to different categories such as 6-11 year old out-of-school children, children in school but not learning, and children from the streets and railway platforms. And in the next year, we should have 10 times this definition."

"Pratham programs such as the pretest, mid-test and the post-test are directed to gauge every child's learning ability. At the present level of our skills, about 60 percent children who entered Pratham without any learning background, learned to read and write in less than six months. I myself was amazed by the results. This, I am sure, will get better and better," exulted the founder.

With the support from municipal government, Pratham added Lucknow to its program only three weeks ago, while Bhopal came into the picture just 10 days back. Dr. Chauhan said, "The challenge in Bhopal is unique. Let's see if a child can stand up and read a story book."

Turning to the Houstonians, Dr. Chauhan expressed his gratitude to the people who helped raise the most funds for Pratham USA. "You give so selflessly that we are constantly encouraged by your compassionate nature. I hope you continue giving and make difference in the lives of these children."

Dr. Chauhan's speech was followed by a screen presentation on Pratham in action. Happy kids in classroom, enjoying the learning process and laughing at the cartoons

they play on the computers—little boys and girls, the future of India. Pratham sure has made a world of difference in the lives of people. Keynote speaker N. Vahul, Chairman, ICICI took out time from his undoubtedly busy schedule to attend the gala. Its amazing how a man of his stature can find the time to give generously. It is mainly due to his support that Pratham could reach out from 2,000 children to 200,000 children.

Clearly impressed by the eloquent speech of Disha Katharani, Vaghul said "I have never seen a young person speak with so much passion and commitment. Even after a quarter century of public speaking, I feel I should not talk tonight after Disha's speech. Its said that 'give me 100 dedicated people, and I will change the face of the country,' but I say, 'Give me 100 Dishas and I will change India.'"

Vaghul said that "India is the world that binds us together. On one hand it evolves a sweetness and pride and on the other, sadness. A sadness because a country with so much potential cannot reach the top position due to poverty. The underlying cause for all this is selfishness and greed in every sector which is pulling our country down. Maybe it is the human nature but unless a counter balance is achieved, we will not be able to come up again. In Houston I see the counter balance. The element of selflessness, love and compassion which I see in Houston, travels across the oceans and lights the heart of hundreds. We have missed the industrial revolution of the 19th century because we were not the masters of our own destiny and we were afraid of being taken over. When we woke up, it was impossible to catch up with the revolution. But in the 21st century, we have 20 million qualified individuals, ready to race the Knowledge revolution. This time we are wide awake and we have the brain power. So we will not let this revolution bypass us. By the year 2010, my gut feeling tells me that we will turn this 20 million into 200 million and race with the entire universe. This is where Pratham is needed." Citing the example of New Yorker Abraham George who goes to rural India and tests the IQ of children to educate them, Vaghul said "we have the same culture, same genes and same talents. Let us help Pratham make the rest of the people useful citizens of India. At least we made one Disha. If we can replicate Disha's commitment, then we have succeeded. Pratham will be fortunate of 10% of corporate India can express the same amount of compassion, love and commitment as shown by the people in Houston."

Congressman Nick Lampson's commitment to the South Asian community goes much beyond the duties of his elected office. Pratham was honored to have him grace the event with his presence. Nine years as a teacher, Congressman Lampson believes that "teachers are blessed because they see the future everyday from their spots."

Congressman Lampson cited the example of Parveen Shaikh who is a Bridge Course teacher at Zakariya Bandar in Mumbai. Coming from an illiterate family, Parveen's dream was to become a teacher. And Pratham gave her that chance, encouraged her to pursue that dream by teaching at balvadis and following a vision. Applauding the committed community members who have played a key role in the fast expansion of Pratham, Lampson said "You are touching the soul of mankind with every dollar that you donate. Your commitment is giving a person your vision and role." Congressman expressed his wish to travel to India to see if the same type of program can be initiated in other countries.

Paul Lima of Northwest Mutual Financial Network, the sponsors of the Gala Event spoke about the high sense of social responsibility of his country. "When I heard about Pratham and understood their cause, I felt humbled," said the VP, Emerging Markets.

"The high level of integrity and the fact that Pratham is considered the top organization in what it does, makes us at Northwest Mutual very honored to sponsor this event and we sincerely hope to be involved in this for many more years in the future."

A vote of thanks was passed by Pratham President Yogi Patel. "Pratham has a very special meaning to me because I can relate to those kids." Patel recollected his own childhood, growing up in a small town in India where his parents were illiterate. There was no formal Pratham in that town but there definitely were people with the Pratham spirit. These were the people who paid for Patel's tuition and books and tickets to USA when he got admitted to Rice at the tender age of 17. And today, due to these generous and compassionate people, he has been able to carry on the spirit through his two daughters, Shivani Yogendra Patel, M.D. and Anuja Yogendra Patel, B.A. Double Major. Thanking Dr. Madhav Chauhan, Patel said "You are a modern day architect. You have created a beautiful vehicle." He thanked Mr. Vaghull and Vijay Goradia for their intensive support. He thanked all the donors who paid time and money and made Pratham a success story. "If education has worked for my family and my kids, it sure should change the lives of every individual out there waiting for an opportunity."

After dinner, cultural program was performed by Uma Mantravadi and her music group.

The gala raised \$390,000 with 560 ardent supporters attending the event promising their integrity to a cause so great that it can change the life of mankind and the destiny of a country. The current target of Pratham is now \$500,000

#### TRIBUTE TO ARLETTE T. GATEWOOD

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. TRAFICANT. Mr. Speaker, I submit the following for the RECORD.

#### THE BIOGRAPHY OF ARLETTE T. GATEWOOD

Born to Mayhue and Ella (Jackson) Gatewood, in the late 1920's, the fourteenth child of fifteen children, Arlette T. Gatewood began on his journey of life. Raised on the Eastside of Youngstown's Sharon Line and a graduate of East High School class of 1947.

During his adolescent years he met a sweet, supportive girl named Emma G. Bunch, whom he married, and 51 years and two daughters later, they are still a couple that has love, respect and commitment to each other.

Arlette's daughters, Aleatha L. Summers and Roslyn M. Austin both of Evanston, IL were raised by the stern hand of a father that instilled a foundation of love, common sense, and self-respect along with a wealth of knowledge and commitment. These keys of success have been handed down to his grandchildren: Rashida, and Jelani Summers and Marcus Austin, and this torch will be handed down to future generations.

Arlette over the years has taken the time to share his time and knowledge with his nieces and nephews, and with so many other young adults. There are so many lives that Arlette has influenced, the advice shared and the support given has created powerful, productive adults throughout this country.

For 32 years Arlette worked as a cranesman in the Conditioning Yard at the Brier Hill Plant of the Youngstown Sheet and Tube Company. A member of Local Union 1462, United Steelworkers of America AFL-CIO-CIC, where he served in various capacities as a Local Union Officer; Vice President, Treasurer, and Grievance Committeeman also served as a member of the Civil Rights Committee, and the Worker's Compensation Committee. A dedicated trade unionist, he was appointed to the position of Staff Representative January 16, 1978 by Frank Leseganich, Former Director of District 26. Though retired from work, Arlette continues to fight for the rights of labor and labor relations.

Arlette is a member of Reeds Chapel A.M.E. Church where he serves on the Trustee Board, a member of the Board of Directors of Interfaith Home Maintenance Service, Leadership Youngstown, and the Labor Advisory Committee for Congressman Traficant.

He is also a board member of Youngstown Community Action Council, a past board member of the Youngstown Employment and Training Corporation (YETC) where he served as president for 4 years, a member of Citizens Participation Organization (Model Cities), Mahoning Valley Council of Church Economic Task Force, and Labor-Management Citizens Committee of Youngstown.

Arlette serves as a member of the Youngstown Area Urban League, Youngstown Chapter of N.A.A.C.P., Associated Neighborhood Centers, Leadership Youngstown Class of 1987, A. Phillip Randolph Institute; and Board of Trustee of the United Way.

Arlette Gatewood is and has been an asset to the entire community and has shared his experiences so that the future generations can benefit from his knowledge. He is a silent storm throughout the valley.

To My Husband, Our Father and Our Grandfather:

#### HERE'S TO THE MAN

Here's to the man who knows who he is and where he stands, the man with enough confidence in his own beliefs that he isn't afraid to let others express theirs . . .

Here's to the man who doesn't claim to know the answers until he has tried to understand the questions, the man with the strength to hold an unpopular opinion and the courage to change his mind . . .

Here's to the man whose warmth and wisdom and humor have earned him the respect of his friends and family and who makes this world a better place in which to live . . . Arlette, Daddy, Papa

#### HERE'S TO YOU!!!

With Love,  
Emma, Pam, Raymond, Roslyn "Bunny",  
Ray Austin, Shani, Jelani, Marques, and Pap

#### THE RETIREMENT OF DR. SARAH HARRIS

#### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. HALL of Ohio. Mr. Speaker, I rise today with a heavy heart. My community of Dayton,

Ohio is losing one of its most respected citizens. Fortunately, she is just retiring and moving to Nevada, but it is a loss of Montgomery County nonetheless.

Dr. Sarah E. Harris has been a stalwart of Montgomery County and the Miami Valley of Ohio all of her life. She exemplifies what it means to be a public servant. Her life has been dedicated to serving others and improving the lives of all of her neighbors. She has been the perfect example of a Good Samaritan, always willing to lend a hand and meet a need. Like a good neighbor, Dr. Harris was there.

She is also a good friend and I will miss her a great deal. I have had the pleasure of working with her for many years, in a variety of capacities. She has worn a number of hats in her lifetime and is still retiring early. We thought we had a few more good years left and I am happy that she will return to Dayton to continue her relationships and work on bringing our community closer together.

Dr. Harris is a product of the fine education from Dayton's public schools and Miami University of Ohio. She immediately started her career of public service by becoming first a teacher and then a principal in Dayton. She continued by also working with Central State University and the Dayton Urban League. In 1987, she began her service as Montgomery County Treasurer and continued as one of our three county commissioners from 1990 through 1992.

As she has stated, "nobody likes to lose an election, but I think it catapulted me into different things." Yet another testament to her commitment to our community is that she did not leave public service, after leaving elected office. She continued her work as the director of our chapter of the National Conference on Christians and Jews, now the National Conference on Community and Justice.

Her recent service as co-chair of the Dayton Dialogue on Race Relations (DDRR) continued her dedication to improving the lives of people from all backgrounds. She has brought all of her talent, energy and dedication to bear on this current initiative. I am pleased that U.S. District Judge Walter Rice, County Commissioner Vicki Pegg and City Commissioner Dean Lovelace will continue their work and be joined by former Common Pleas Judge Adele Riley.

I am particularly touched by Dr. Harris' tireless work with this latest endeavor. She has volunteered full-time to ensure the success of the DDRR and its signature dialogue groups. These groups meet in people's homes, with people of all ethnic backgrounds. They have conversations about their personal experiences with issues of race in an informal setting. Instead of just speaking of black and white, people are building relationships that will allow them to think of friends who happen to be of a different race.

The last time I was together with Dr. Harris was on the steps of the United States Capitol. We were there for a conference on "Connecting Communities for Reconciliation and Justice," sponsored by Initiatives for Change and Hope in the Cities. I was proud to have her introduce me to her fellow participants and glad to have her representing Dayton at this international gathering.

I join with all of the residents of Montgomery County in wishing her and her husband a wonderful retirement. She has truly earned it. I thank her for her selfless service to our community. She is a true public servant and I am honored to count her as a friend.

#### WORLD TRADE CENTER AND PENTAGON TERRORIST ATTACKS

### HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. CLAY. Mr. Speaker and Members of the House, like most of my fellow Americans, I am at a loss for the appropriate words to express how angry, how appalled and how deeply saddened I am about the violence that was committed against our country this week.

And yet, I see acts of resolve and courage around me—the rescue workers risking and losing their lives, the long lines of blood donors, the American flags waving proudly from houses, from barns, from cars and from schools—I realize that no mere words can make the American commitment to freedom any stronger than it already is.

This country was the target of a faceless, voiceless aggressor who stole the lives of thousands of innocent people but who now lacks the courage to stand up and tell us who they are or why they did what they did.

But let this enemy rest assured that we are not a nation in hiding and have not become the victim of helplessness or fear. Rather, we are a country that is finding tremendous strength from some deep place in our collective spirit, and that strength will take us in the coming days, weeks and months where we as a nation need to go.

As for the thousands of people who lost loved ones in this senseless tragedy, I wish I could personally speak to each one, shake their hands and tell them what heroes they and their loved ones are in this country's eyes. But they probably already know that. If not yet—they will in time.

There is one thing I can say with certainty and that is this: America is on the threshold of change. It will never be the same, and as I personally mourn and grapple with frustration and sift through the rubble of what happened all around me, I am also prouder to be an American that I have ever been in my life.

#### THE BATTLE OF AMERICA

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. SCHIFF. Mr. Speaker, a secondary blast at the Pentagon rocked my building as I prepared to leave for the Capitol. I walked down East Capitol while people streamed out of the House Office Buildings and passed me on the street. The Capitol Hill police were cordoning off the area, sirens wailing in the background; no one was permitted further entry and Members of Congress were barred

from their own offices. Another hijacked plan was in the air and one presumed destination was another target in the Capitol.

The Members of Congress, gathering at police headquarters to be briefed and set up makeshift offices, recalled Pearl Harbor. I thought of the Battle of Britain and Hitler's indiscriminate bombings of London. Churchill's words still so powerfully resonant. "He hopes by killing large numbers of civilians and women and children that he will terrorize and cow the people of this mighty imperial city . . . Little does he know the spirit of the British nation or the tough fiber of the Londoners . . . who have been bred to value freedom far above their lives."

So true of America. Little do these petty tyrants and murderers know the spirit of the American people or the tough fiber of the New Yorkers, our defense workers, or the civilians who may have spared further casualties by taking down the hijackers and their own plane above Pennsylvania.

Firefighters and police officers by the hundreds rushing into the collapsing wreckage of the World Trade Center to rescue the victims, many, God bless them, so many, losing their lives in the process. One firefighter, injured and lying in the hospital, telling the Governor of New York: "What d'ya expect? We're New Yorkers." God, they make me proud.

American doctors, nurses, search and rescue teams from all over the country, by car, bus and train, using any means to come to the wounded and offer their help. Citizens all over the country lining up to donate blood, so much blood, in lines up to four hours long. Children outside the federal building in Oklahoma, site of another terrorist attack, putting their Teddy Bears in a box to be sent to the children in New York—now orphaned. "We just want them to know they will be all right," an Oklahoma boys says as he drops his bear in the box.

The face of this tyrant is new, and yet not so new. Like Hitler, he abhors a free society and democratic institutions. He is willing to kill innocent men, women and children to further his perverse aims; there are no means too inhuman, no tactic too appalling to further his ends. He thinks we are weak, because we do not tell our citizens what to think, how to act, whom to worship. Because we tolerate dissent. He does not realize this is our strength. And he has awoken the sleeping giant.

"What he has done," as Churchill had said, "is to kindle a fire in [American] hearts here and all over the world which will glow long after all traces of the conflagrations he has caused in [New York, Washington and Pennsylvania] have been removed."

What these petty tyrants do not understand, have never understood, is that for all our rough-and-tumble public discourse, we are one people, acting under one President, and capable of greater single-mindedness of purpose in times of adversity than any repressive regime. These acts of terror will not divide us. All Americans—young, old, Democrats, Republicans, men, women, Christians, Moslems and Jews—are united against the common foe.

We will not be turned against each other. We will not tolerate acts of violence against Moslem Americans, many of whom lost their

lives, serve as police and firefighters in the rescue effort, and all of whom are equally repelled at these atrocities. We will not relinquish our freedoms of speech, assembly and religion, nor sacrifice our precious right of privacy or way of life. "The price of freedom is high, and Americans have always paid it," President Kennedy said. We pay it still.

This is the Battle of America. The enemy may be new, but the fight has always been the same. Our government, our democracy is predicated on basic human freedoms, on the right of the governed to control their own national destiny. The civil war tested whether any nation so conceived could long endure. We have endured. We will go on, with growing confidence that we can fight terrorism wherever we find it, and strengthened by the conviction that the generation of Americans now being tested will not falter or flag.

#### PROVIDING FOR EXPEDITED PAYMENT OF CERTAIN BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED OR INJURED IN CONNECTION WITH TERRORIST ATTACKS OF SEPTEMBER 11, 2001

SPEECH OF

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. TOWNS. Mr. Speaker, I rise in support of this President, this nation and this legislation. The devastating and cowardly attack on the World Trade Center, the Pentagon, the American people, and free democratic societies everywhere must be responded to with the swift justice and mighty force of the United States military and our allies. We must continue to stand together to make it through this most difficult time. We must also support the victims, families and the heroic search and rescue teams currently working tirelessly in New York as well as the on-going investigations of these deplorable acts. Yesterday, we voted for the Victims of Terrorism Relief Act of 2001 to provide tax relief for the victims of this heinous attack on our soil. In addition, we passed legislation that will expedite payments of certain benefits to public safety officers. These are just two of the necessary steps to ensure the largest possible benefit to the families of those who have paid the greatest possible price. Today, we must focus on the vast work that remains to be done. None of this, however, will be feasible without significant resources that are dedicated to their intended purpose.

As we enter into a potentially prolonged attack on terrorism and its sponsors throughout the world, we must be prepared for the consequences of this significant decision. We must take steps to ensure that the resources are available to secure our skies and protect our people. These steps must include funding for fortifying our military, upgrading our intelligence, and security needs, while simultaneously supporting those who are suffering from the effects of the devastation of a few short days ago. The supplemental funding that

September 14, 2001

we are voting on will support our military, rebuild our city, and assist those who are suffering. Mr. Speaker, I stand with my colleagues, united with our President and in defiance of those who believe that they can threaten our freedom. I support this legislation and pray for the victims, the rescue workers and all Americans.

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#### TERRORIST ATTACKS

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. CRAMER. Mr. Speaker, I rise today to strongly condemn the cowardly act of violence that besieged our nation yesterday. Today, we stand as a nation resolved to continue our way of life. National symbols of power were shaken, but the true strength of the country, our people, remain solid.

We will act swiftly to determine those responsible for this cowardice and retaliate against the perpetrators. We continue to support our Commander in Chief as he leads us through this truly horrible time for our nation.

I commend those citizens of all walks of life who became America's heroes yesterday as they worked to rescue the injured and console families of victims. Our thoughts and prayers are with those who are injured, those who lost their lives, and those who are courageously involved in rescue efforts. We will come together as a nation by giving blood, donating our time and services to help the afflicted, and flying our American flags proudly.

Members of Congress and citizens across the country today refuse to be frightened and demoralized as we attempt to pick up the shattered pieces of our lives and restore some semblance of normalcy to our daily routines.

However, this indeed is a dark time for America, which has generated grave memories that will last forever. What is important now is that we face and learn from this solemn chapter in our history. We must reassess our national security apparatus and come to terms with those lapses in security that allowed these terrorists to take root on U.S. soil. But, make no mistake, the rest of the world should know—and know so resoundingly—that the United States will not tolerate cowardly acts of terrorism.

I agree wholeheartedly with the President that we will make no distinction between those who committed this barbaric act of cowardice and those who harbor and give them sustenance. All of the perpetrators of these dastardly deeds must come to feel the full force of our power—unleashed in all of its awesome might.

Surely, the wounds inflicted upon our national conscience by this horrendous act of terrorism are deep. However, while we have suffered a tremendous loss, our resolve to confront and defeat the evil that brought about this tragedy has only been strengthened.

I stand behind the President at this moment of national sorrow. As a nation we are united in our unyielding determination to prevail against terrorism and those who support it.

#### EXTENSIONS OF REMARKS

### TRIBUTE TO TERCERA IGLESIA BAUTISTA ESPAÑOLA

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Tercera Iglesia Bautista Española, a treasured Bronx institution and a historic house of worship that celebrated its Centennial anniversary September 15, 2001.

Mr. Speaker, Tercera Iglesia Bautista Española was founded between the years of 1900 and 1902. As one of the first Baptist churches of its kind, serving a largely Hispanic congregation, it has become an invaluable part of Hispanic-American history and American history in general. Located on Alexander Avenue, the church stands as a beacon of true beauty in the heart of the south Bronx.

Throughout its 100 years of existence, Tercera Iglesia has been a model of excellence with its numerous and far-reaching community services. Not only are Bronx residents able to come to Tercera Iglesia for spiritual enrichment and fellowship, they can come to the church for assistance with life's daily trials. The church's pastor, Reverend Dr. Jose D. Rivera-Tormos serves as a pillar of the community and as an exceptional spiritual guide for his congregation. Reverend Rivera-Tormos is blessed with a dedicated and competent staff of church officials who go beyond the call of duty daily.

Mr. Speaker, beyond Tercera Iglesia's wealth of community programs and remarkable religious activities, it's very structure makes it a priceless institution. The building was designed at the turn of the century by architects Ward and Davis who implemented modern techniques in its construction. A delicate balance of elaborate decor in the entrance and simple rustic design throughout other parts of the church make it a unique structure worthy of commemoration.

For the past century, hundreds of thousands of Bronx residents have found solace and aid within the walls of Tercera Iglesia Bautista Española. I hope that all of my esteemed colleagues will join me in honoring this sacred and historic institution on its centennial anniversary.

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### TRIBUTE TO BARRY RASCOVAR

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to Barry Rascovar, one of the most well-respected journalists in Maryland who recently retired from the The Baltimore Sun. For more than 20 years, Barry's strong editorial voice has reverberated throughout Maryland. His insights and knowledge of Maryland politics and politicians has made his twice-a-week column a "must read" for anyone who cares about Maryland.

Barry graduated with honors from Dickinson College and holds an M.S., with honors, from

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Columbia University Graduate School of Journalism. He also holds a Doctor of Humane Letters degree from both Towson University and Villa Julie College. Barry started out as a reporter on The Baltimore Sun's city desk in 1969. He quickly moved to covering the Maryland General Assembly in Annapolis and to news editor of The Baltimore Sun's Washington bureau. Since 1979, Barry has been deputy editorial page editor of The Baltimore Sun, shaping the voice of Maryland's largest daily newspaper.

We are fortunate that Barry has many talents. He is the respected author of "The Great Game of Maryland Politics," and he edited and authored "Marylanders of the Century". He also has helped the younger generation understand the intricacies of government as an adjunct professor for the Department of Government and Public Administration at the University of Baltimore.

I hope that my colleagues will join me in saluting Barry Rascovar, an award winning journalist who has the respect of those he worked with and those he covered. His 32-year career in journalism helped make The Baltimore Sun a respected and knowledgeable voice in our region. His retirement is a tremendous loss to all those who admire and respect his intelligence and integrity.

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#### PERSONAL EXPLANATION

### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mrs. MCCARTHY of New York. Mr. Speaker, due to the tragic acts of terrorism that occurred in New York, today I joined President Bush, along with the majority of the New York delegation, to view the scene of destruction and witness firsthand the incredible recovery effort. Unfortunately, I was unable to return to Washington to cast my vote for H.R. 2888. Had I been present, I would have supported this important emergency appropriation measure that helps set New York City on the path to restoration.

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#### A LETTER FROM CHRIS JOHNSON

### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. JOHNSON of Illinois. Mr. Speaker, in light of the tragic events of September 11th, I would like to present a letter that my son, Chris Johnson, wrote:

There's so much to say about the 4 plane crashes on Tuesday, it's hard to know where to start. First of all, I feel very, very, sad about the horrible loss of life in these crashes. I am also feeling very grateful for the courage of many Americans—both on board the airlines that crashed, as well as the rescuers who have volunteered to help in New York, Washington, D.C., and Pennsylvania.

Tuesday's attacks on our country were sickening acts of evil. They make me feel angry and revengeful and protective of my

country. My dad called us from Washington, D.C. right after the third hijacked plane hit the Pentagon building. They had just evacuated the Capitol building and he was calling to say he was OK. I wasn't worried. I have a lot of confidence in my dad and I know that he is a survivor. I think the citizens of our country should feel the same and remember that our elected officials are working dutifully to do all that they can to help keep our country safe and protected. Our President and our Congressmen, now more than ever before, need our full confidence and support.

My mom's best friend lives in an apartment building in New York City, right across the street from the World Trade Center. She called my mom Tuesday night to tell her she was alive. She ran outside of her apartment Tuesday morning in her pajamas, to see what was wrong and saw the second plane fly into the tower right over her head. She reported to my mom that she ran for her life down the street and then over the Brooklyn Bridge (barefoot and in her pajamas!) to safety across the bay. She said that the steel and glass was raining down from the sky onto her head. She said it was instantly so hot that the glass windows of her apartment building were melting down the side of the building. She has lost everything she owns, but she is alive. We just thank God she is alive.

Many people, thousands, are not alive today. They did not survive this horrible, cruel, evil, insane attack on our country. They have mothers and fathers and children who are heartbroken and suffering a horrible loss. While nothing can be done to bring these lives back to their families, justice—and I mean, Justice—must be done! This will not be easy to accomplish, and in the coming weeks and months, it will get harder and harder for us to remain united in our resolve to stand firm as a country, heal together and strive for peace in the world, but we will. Let freedom ring!

TRIBUTE TO LIEUTENANT  
GENERAL TIMOTHY J. MAUDE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. McHUGH. Mr. Speaker, today I rise with a heavy heart to salute Lieutenant General Timothy J. Maude, the Army's deputy chief of staff of personnel, who is among the 74 Army personnel missing and presumed killed in the September 11th attack on the Pentagon.

The horrible violence done to America by the terrorist attack of September 11th hits sharply home when we learn that good Americans, like Lieutenant General Timothy J. Maude, the Army's deputy chief of staff for personnel, have been lost in this senseless act of terror. Tim, as he invariably introduced himself, was on duty at the Pentagon when a terrorist-piloted aircraft slammed into his office. America's Army has lost a dedicated professional. A true friend to America's soldiers is gone. The nation will miss this patriot.

I knew General Maude professionally, as he often testified before my Subcommittee on personnel policy matters. But I am certain the intensity, creativity, and commitment that marked his professional life were indicators of the quality of his heart and soul, as well. I

know he will be deeply missed by the many who called him friend.

From my perspective, when the Army chose him to be its senior military personnel specialist 13 months ago, Tim Maude was the right man to meet the challenges the Army faced. Then, the future of the all-volunteer Army—active, Reserve, and National Guard—was seriously in question. Army recruiters were struggling to attract sufficient numbers of quality men and women, and recruiting advertising appeared increasingly ineffective. Understaffed Army divisions faced the challenge of having too few people to train properly, and the difficulty of dealing with increasingly more frequent deployments with an insufficient number of personnel. Pay was inadequate, and the Army appeared ill-positioned to effectively recruit America's future military heroes. Today, that bleak picture is dramatically changing for the better, in large part because Tim Maude found the methods, means, and support within the Army, the Department of Defense, and on Capitol Hill to turn things around.

Throughout his 34-year Army career—from the day he enlisted to when he became the chief of personnel—Tim Maude served in a series of assignments that groomed him to successfully meet the Army's most complicated personnel challenges. His list of accomplishments is long. His contribution to the Army will be lasting. Quite simply, he made a difference.

There are no words that can lessen the sorrow his family, friends, and colleagues are experiencing. It is always difficult to cope when someone is taken before their time, but the sense of loss is somehow amplified by the tragedy of these horrific circumstances. I hope that his family is comforted by the knowledge that he was admired, respected, and appreciated by all of us who knew him on Capitol Hill. Mr. Speaker, I ask my colleagues to join me in saluting General Maude. We will miss him.

STATEMENT ON H. CON. RES. 225—  
EXPRESSING SENSE OF CON-  
GRESS THAT EVERY CITIZEN IS  
ENCOURAGED TO DISPLAY THE  
FLAG

SPEECH OF

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. GEPHARDT. Mr. Speaker, I ask all Members to vote for this resolution that I co-sponsor with my colleagues urging people to fly the American flag. Tuesday's act of terrorism is one of the greatest challenges in the history of our country. In times of austerity, in times of national tragedy—and this is the greatest we have ever seen on U.S. soil—it is important to unite, to come together, to comfort, indeed, to 'rally around the flag.'

In light of the tragedy that has struck directly thousands of families, we urge people to fly the flag as a show of solidarity with all the victims of this horrible assault on humanity, on the United States. The flag is an enduring symbol of American democracy and American

freedom. It is a symbol of the courage and the bravery and the essential human kindness of our people. Its display—especially at times of national tragedy—is yet another in a number of spontaneous and empowering, very human responses that we have witnessed in the last 48 hours.

Let the flags around the country as they fly and are displayed in neighborhoods and on our buildings, send the signal that the United States remains united. We are so sorry and in such sorrow at the horrible loss of life and the unspeakable agony of those affected by this event. We are equally determined to ensure that the perpetrators of this crime will be found and properly punished. We will do everything in our power to make sure that what happened a couple days ago never, ever happens again. Finally, we are determined to adjust and adapt to this new world to give our government and our country and our people and institutions the support and unity which all of us need at this most trying moment for America and the American people.

TO CITY OF KEWAUNEE

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 10, 2001*

Mr. WAXMAN. Mr. Speaker, H.R. 788 is special legislation which transfers a surplus piece of Federal property to the City of Kewaunee, Wisconsin. This piece of property is no longer needed as an Army Reserve Center nor is it needed for any other federal government purpose.

I would like to thank the Gentleman from Wisconsin, Mr. GREEN, for working with me to address my concerns regarding this piece of legislation. I know it was his desire to have H.R. 788 passed prior to the House breaking for summer recess. However, by waiting until today, we were able to work together over the recess period and produce a stronger bill.

The bill before us is significantly different from the bill as it was originally introduced. I will highlight the differences quickly. The bill specifies that the property must be used and occupied only by the City, or by another local or State government entity approved by the City. In addition, the bill includes a reversionary clause which states that, during the next 20 years, if the property is not used as intended, it will revert to the federal government. Furthermore, the bill states that the property cannot be used for commercial purposes.

In the 1949 Property Act, Congress lays out how surplus federal property is to be disposed. GSA is instructed to sell property for the most profit possible. Monies received are used for a number of things including environmental clean-up and land preservation.

However, the Act also listed a number of ways a piece of property can be transferred free of charge under what is called a "Public Benefit Conveyance" exception. Congress decided that the public interest in giving property away for "public benefit" outweighs potential profit from public sale. Included in the 1949

Act were four such public benefit exceptions: health, education, park and recreation, and historical monuments. Since 1949, the Act has been amended numerous times to add more public benefits. These additions are wildlife refuge, ports, prisons, airports, homeless, self-help housing, and law enforcement/emergency response.

The City of Kewaunee is interested in using this former Army Reserve Center to house its city hall, city council, and senior center. Those types of use do not fit into any of the 11 current exceptions. Therefore, the federal government cannot transfer this property free of charge without special legislation like that which is before us today.

Although I am pleased that the City of Kewaunee is able to benefit from this property transfer, this bill should not in anyway be seen as setting a precedent for future special legislation. Congress can and should amend the Act if it determines that city halls or other exceptions should exist. With proper hearings and mark-ups, the Committee on Government Reform may decide that the definition of public purpose should be expanded. It may decide otherwise.

#### THOUGHTS ON THE WAR AGAINST TERRORISM

##### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. BARR of Georgia. Mr. Speaker, I rise today to share these thoughts by Mark Helprin in the September 12, 2001 Wall Street Journal. His argument makes an excellent case for a total and committed defense of our nation against the elements of international terrorism.

[From the Wall Street Journal, Sept. 12, 2001]

WE BEAT HITLER—WE CAN VANQUISH THIS FOE, TOO

(By Mark Helprin)

America, it is said, is slow to awaken, and indeed it is, but once America stirs, its resolution can be matchless and its ferocity a stunning surprise.

The enemy we face today, though barbaric and ingenious, is hardly comparable to the masters of the Third Reich, whose doubts about our ability to persevere we chose to dissuade in a Berlin that we had reduced to rubble. Nor is he comparable to the commanders of the Japanese Empire, whose doubts about our ability to persevere we chose to dissuade in a Tokyo we had reduced to rubble. Nor to the Soviet Empire that we faced down patiently over half a century, nor to the great British Empire from which we broke free in a long and taxing struggle that affords a better picture of our kith and kin than any the world may have today of who we are and of what we are capable.

And today's enemy, though he is not morally developed enough to comprehend the difference between civilians and combatants, is neither faceless nor without a place in which we can address him. If he is Osama bin Laden, he lives in Afghanistan, and his hosts, the Taliban, bear responsibility for sheltering him; if he is Saddam Hussein, he lives in Baghdad; if he Yasser Arafat, he lives in Gaza; and so on. Our problem is not

his anonymity but that we have refused the precise warnings, delivered over more than a decade, of those who understood the nature of what was coming—and of what is yet to come, which will undoubtedly be worse.

The first salvos of any war are seldom the most destructive. Consider that in this recent outrage the damage was done by the combined explosive power of three crashed civilian airliners. As the initial shock wears off it will be obvious that this was a demonstration shot intended to extract political concessions and surrender, a call to fix our attention on the prospect of a nuclear detonation or a chemical or biological attack, both of which would exceed what happened yesterday by several orders of magnitude.

It will get worse, but appeasement will make it no better. That we have promised retaliation for decades and then always drawn back, hoping that we could get through if we simply did not provoke the enemy, is appeasement, and it must be quite clear by now even to those who perpetually appease that appeasement simply does not work. Therefore, what must be done? Above all, we must make no promise of retaliation that is not honored; in this we have erred too many times. It is a bipartisan failing and it should never be repeated.

Let this spectacular act of terrorism be the decisive repudiation of the mistaken assumptions that conventional warfare is a thing of the past, that there is a safe window in which we can cut force structure while investing in the revolution in military affairs, that bases and infrastructure abroad have become unnecessary, that the day of the infantryman is dead, and, most importantly, that slighting military expenditure and preparedness is anything but an invitation to death and defeat.

Short of a major rebuilding, we cannot now inflict upon Saddam Hussein or Osama bin Laden the great and instantaneous shock with which they should be afflicted. That requires not surgical strikes by aircraft based in the United States, but expeditionary forces with extravagant basing and equipment. It requires not 10 aircraft carrier battle groups but, to do it right and when and where needed, 20. It requires not only all the infantry divisions, transport, and air wings that we have needlessly given up in the last decade, but many more. It requires special operations forces not of 35,000, but of 100,000.

For the challenge is asymmetrical. Terrorist camps must be raided and destroyed, and their reconstitution continually repressed. Intelligence gathering of all types must be greatly augmented, for by its nature it can never be sufficient to the task, so we must build it and spend upon it until it hurts. The nuclear weapons programs, depots, and infrastructure of what Madeleine Albright so delicately used to call "states of concern" must, in a most un-Albrightian phrase, be destroyed. As they are scattered around the globe, it cannot be easy. Security and civil defense at home and at American facilities overseas must be strengthened to the point where we are able to fight with due diligence in this war that has been brought to us now so vividly by an alien civilization that seeks our destruction.

The course of such a war will bring us greater suffering than it has brought to date, and if we are to fight it as we must we will have less in material things. But if, as we have so many times before, we rise to the occasion, we will not enjoy merely the illusions of safety, victory, and honor, but those things themselves. In our history it is clear that never have they come cheap and often

they have come late, but always, in the end, they come in flood, and always in the end, the decision is ours.

#### IN MEMORY OF LINDA M. GEORGE AND CHRISTOPHER ZARBA

##### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. MCGOVERN. Mr. Speaker, earlier in the week I offered remarks on three of my constituents who were lost in Tuesday's tragic attacks. As the days have progressed, I have learned that other people from my district were also killed.

I would like to take just a minute of the House's time to honor two people: Linda M. George and Christopher Zarba.

Linda George, 27, was one of seven employees from the TJX Companies who died on American Airlines Flight 11, which was hijacked and crashed into the World Trade Center.

Linda lived in Westborough, and was planning to get married on October 20 in Worcester. She graduated from St. Peter-Marian and Providence College. She was a passionate worker, a terrific athlete and a great friend to those who knew her.

She leaves behind her parents, Richard and Carolyn and her fiancée, Jeff Pereira.

Christopher Zarba, 47, was from Hopkinton. He was a software engineer for Concord Communications, Inc. He was also killed on American Airlines Flight 11.

His loss has been deeply felt by his family and his colleagues at Concord. Saturday would have been his 48th birthday.

Mr. Speaker, I know all of my colleagues join me in mourning the loss of these and every victim of Tuesday's tragedy. Our deepest sympathies go out to their families at this difficult time.

Thank you, Mr. Speaker.

#### URGING TOLERANCE IN THE WAKE OF TUESDAY'S ACTS OF TERRORISM

##### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Ms. SOLIS. Mr. Speaker, in the wake of the terrorist acts perpetrated in New York City and Washington, DC, I am heartened by the American people's extraordinary display of kindness and cooperation. I have been moved by how our diverse Nation has come together in a united show of support—men and women, children and adults, Christians and Muslims, Jews and Buddhists, Hindus and Catholics, Latinos and Caucasians, Asian Americans and African Americans.

However, I am concerned about reports of anti-Arab and anti-Muslim acts committed by some in our communities. American Muslims and Arab Americans share our commitment to the American ideals of freedom, justice, and

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democracy. They live, work, and have established businesses in our communities. Their children attend schools alongside our children. They support our community organizations. They are our neighbors and our friends.

Acts of discrimination only serve to divide our Nation and weaken our strength.

Our Nation is made stronger when we embrace our diversity. We know that any discrimination stands in direct opposition to the ideals our founders set forth in the declaration of Independence, the Constitution, and the Bill of Rights.

Today I joined my Congressional colleagues in cosponsoring a resolution condemning acts of hatred or discrimination against people of Middle Eastern and South Asian descent. The resolution encourages "people of every faith and heritage to stand together in this time of national crisis."

I urge all United States citizens to reject misguided acts of prejudice and to continue their unwavering support for our Nation and its ideals of freedom and peace.

#### RECOGNIZING THE 25TH ANNIVERSARY OF THE LAND TRUST OF NAPA COUNTY

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the tremendous contributions of the Land Trust of Napa County over the past 25 years. The Land Trust has experienced great success since two of its founders, F.S. (Si) and June Foote, realized their hopes of preserving the environmental identity of the Napa Valley.

In 1976, Harry Tranmer, Vic Ferishko, John Whitridge joined the Footes as founding board members just as other land trust organizations were beginning to have success across the nation. From its humble roots in the Footes' living room, the Land Trust of Napa County has now become a model for land trusts around the country.

The Land Trust achieved great success because of the hard work of its members and the dedication of people in Napa County to protect and enrich the environment in which they live. The first piece of land donated to the Land Trust was a 640-acre parcel on Mt. George in eastern Napa. Since then, the Land Trust has succeeded in securing over 25,000 acres of land for future generations of residents in the Napa Valley.

At a time when commercial and residential development of land is destroying the natural characteristics of agricultural lands and open space, the Land Trust has been instrumental in preserving the Napa Valley's unique beauty and heritage. In addition to purchasing land, the Land Trust works to monitor and enforce programs for conservation easements. Its monitoring program, for which it has recently hired an Easement Monitoring Coordinator, is used by organizations in the Bay Area, across California, nationwide to develop a standard monitoring and enforcement process.

Mr. Speaker, on the occasion of the Land Trust of Napa County's 25th Anniversary, I

would like to recognize its outstanding contributions to our generation and future generations in the Napa Valley.

#### HOW WILL WE ACT?

#### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. SMITH of Michigan. Mr. Speaker, I would like to share the comments of my Chief of Staff, Kurt Schwartz, which reflects the feelings of many Americans in reacting to the terrorist attack. "Will we forget? Will the sick, sinking feeling fade? Will we once again fail to follow through on fine words and dramatic promises? Or will "Remember the Trade Center" replace "Remember Pearl Harbor?" Will we act with resolve, or will we do too little?

As Margaret Thatcher noted at another time of crisis, "This is no time to go wobbly." We have implacable enemies. We must deal with them implacably. They do not hesitate to spill blood, including their own. We must not hesitate to return their wrath. Anything else is futile.

Democracy is self-absorbed, and can underestimate threats from abroad. But it can also rouse itself to righteous anger in crisis. Our duty is to direct that anger, give it purpose, use it to defend democracy and freedom. Before forgetfulness seeps in."

#### VICTIMS OF TERRORISM RELIEF ACT OF 2001

SPEECH OF

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 13, 2001

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to offer my support for H.R. 2884, Victims of Terrorism Relief Act of 2001. We have all heard and read stories of the heroic acts of these individuals, which bestows a sense of pride in my heart. We must never forget the innocent lives that were lost. We must hold the thoughts of these victims in our hearts forever.

My prayers go out to the families and friends of the victims of these horrific events. On that day when their freedom was denied and their lives destroyed, must serve as motivation to restore the very principles for which this country was originally founded. Yet it is certain that this is a very important and difficult issue to resolve. While the administration strategically prepares to protect our country, we must now protect the rights of these victims. We owe this to our citizens. Tax relief for these victims is a must. It now is time to rebuild America to restore the liberty and justice for all.

While the World Trade Center no longer is standing, the Statue of Liberty stands strong for the remembrance of each of you. Mr. Speaker, Justice and human decency will prevail for all allowing, us to all heal in time.

HONORING EXECUTIVE DIRECTOR OF THE PORT OF OAKLAND, CHARLES W. FOSTER, ON HIS RETIREMENT

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Ms. LEE. Mr. Speaker, I rise today to pay tribute to a friend and a long valued member of the Oakland and Bay Area community, Chuck Foster, Executive Director of the Port of Oakland who is retiring from the Port after a long and distinguished career.

Mr. Foster arrived in the Bay Area more than thirty years ago, having been stationed there during his service as a Naval aviator. He joined the Naval Reserves upon release from active duty and retired 15 years later with the rank of Captain.

Given Mr. Foster's substantial aviation training while in the Navy, it is natural that much of his career after leaving the Navy focused on transportation matters, especially those in aviation. He served as the Assistant Director of Aviation at San Jose International Airport before being appointed the Director of Aviation at Oakland International Airport. He held that position for five years, until he was promoted to Deputy Executive Director of the Port. In 1995, the Board of Port Commissioners of the Port of Oakland appointed Mr. Foster Executive Director, responsible for the overall management of the Port's aviation, maritime and commercial real estate divisions and all aspects of Port administration.

My friend Chuck Foster provided a unique combination of leadership and commitment that has nurtured the growth of the Port of Oakland, and in turn, the Bay Area region. Under his skillful leadership, the Port of Oakland's three divisions experienced extensive growth and the Port embarked upon an extensive, unprecedented expansion.

During Mr. Foster's administration, Oakland International Airport has proposed a terminal expansion and reconfiguration project, as well as the development of a light-rail rapid transit link between BART and the airport. Additionally, the Port's Maritime Division acquired four of the world's largest Super Panamex cranes, initiated the deepening of Oakland Harbor to 50 feet and converted 530 acres of military land into commercial terminal facilities which serves as a model of base-closure economic conversion. Presently, the Commercial Real Estate Division has begun its project to convert more than 1000 acres of property into a thriving waterfront neighborhood.

Chuck Foster's dedication and service to the Bay Area community does not end with his efforts at the Port of Oakland. Throughout his career, he has served on various boards and otherwise been active with numerous business and charitable community organizations. Whether his talents are directed towards his efforts with the Oakland Chamber of Commerce, California Council for International Trade, International House at the University of California, Berkeley or the Summit/Alta Bates Medical Center, he has approached all of these activities with the same dedication, vision and passion.

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Over his career, Mr. Foster has traveled extensively throughout the world, and his success in his business dealings for the Port is matched only by his role as an ambassador for the Bay Area and the Nation. He is the best of what America has to offer the world—committed to partnership and sound relations with those who are engaged in the growing world community.

I am most appreciative to Chuck for the way he has attempted to address the needs and concerns of the residents of Oakland, particularly in West Oakland. The presence of residential neighborhoods in areas adjacent to industrial activity will always create tension and Oakland has been no exception. However, Mr. Foster saw to it that community groups had not only a voice, but a role to play in the Port's various activities and expansion projects. He has always sought to achieve a proper balance between economic growth and community needs. He formed community advisory panels for both the airport and seaport development planning processes and opened a Port office in the West Oakland neighborhood most impacted by the Port's maritime activity to ensure appropriate community outreach. These efforts have created an atmosphere of more than simply goodwill, but one of cooperation and a sense of community.

Mr. Speaker, as Charles Foster leaves behind a long and rich history at the Port of Oakland, I would ask that Congress join me in expressing our thanks to him for his 15 years of service there and his earlier contributions to the nation in uniformed and civilian life. I am proud to recognize Chuck Foster's esteemed accomplishments and to extend my best wishes to him in his well-earned retirement.

## EXTENSIONS OF REMARKS

PROVIDING FOR EXPEDITED PAYMENT OF CERTAIN BENEFITS FOR PUBLIC SAFETY OFFICERS KILLED OR INJURED IN CONNECTION WITH TERRORIST ATTACKS OF SEPTEMBER 11, 2001

SPEECH OF  
**HON. DANNY K. DAVIS**  
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to express my support of H.R. 2882, to ensure that our public safety workers have coverage as a result of the recent terrorist acts. It is my belief that it is our responsibility to redress this situation in a timely fashion.

At the onset of the horror that we experienced on the eleventh day of this month, a victory was won in the hearts of all Americans. These brave individuals are winning the War each and every second. True honor and patriotism shall be bestowed upon them. By now, we have all seen the bravery and extraordinary effort that the Fire Fighters and Police Officers in New York and Washington as well as the rescue workers in these areas. The amount of courage that has been displayed by these individuals is incredible and will forever be remembered. It is now our responsibility in light of the current circumstances to make sure that the families of these public safety workers feel the confidence that the Congress will help ease their burden. I commend each and every one of these workers and their commitment to excellence as shown over these events.

Mr. Speaker, distinguished colleagues, join me in praising our fallen public safety officers

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for their extraordinary commitment to the community. They have earned and deserve our recognition, respect and praise. We will never forget these workers.

EXPRESSING SENSE OF CONGRESS THAT EVERY CITIZEN IS ENCOURAGED TO DISPLAY THE FLAG

SPEECH OF  
**HON. SHEILA JACKSON-LEE**  
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 13, 2001*

Ms. JACKSON-LEE of Texas. Mr. Speaker, the September 11, 2001, World Trade Center and Pentagon tragedies, including the aircraft crash in Somerset County, Pennsylvania, will forever scar the face of democracy, freedom, and the circle of human dignity. But as a nation of Americans who have faced the greatest degree of adversity throughout our history, we shall, once again, overcome.

This legislation demonstrates to ourselves and to the world, our collective resolve to overcome this tragedy and to stay the course in our journey to the mountaintop, so that all peoples of the world may one day live free from the tyranny of hopelessness, lawlessness, and apartheid.

In our unified show of support for the sacrifice made in the name of freedom, by those we have lost, we ask all people of this great Nation, regardless of race, color, economic status, or religious denomination, to fly the American flag for the next 30 days.

I urge my colleagues from both sides of the aisle to support this legislation.

**SENATE—Monday, September 17, 2001**

The Senate met at 10 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

—————  
**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, September 17, 2001.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 19, 2001, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in adjournment until the hour of 10 a.m., on Wednesday, September 19, 2001.

Thereupon, the Senate, at 10 o'clock and 40 seconds a.m., adjourned until Wednesday, September 19, 2001, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Monday, September 17, 2001

The House met at noon and was called to order by the Speaker pro tempore (Mr. CULBERSON).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 17, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Blessed be God forever.

Lord God, king of heaven and earth, we praise You and we thank You for gathering the people of this Nation in prayer during these past days. The prayerful Friday of national remembrance, the Sabbath and the celebration of the Lord's day have strengthened us in Your spirit.

We are grateful for those around the world who are one with us, as we humbly pay tribute to the thousands whose lives were shattered by the terrorist attack on America.

We unite ourselves through prayer with all those of the Jewish faith who begin their holy days this evening.

May the events of this past week be seared into our common memory and forged into our hearts, ever deepening our spiritual awakening.

May our actions which flow from prayer today be determined forthright and just.

Be present to us, Lord, as we return to some routine, knowing that the times demand of us all alertness, courage and renewed commitment to the American way of life.

As we thank You for the freedom to worship across this land, we beg of You the grace to seize every opportunity, to strengthen one another in unity and to be of service to our country.

Blessed be God, both now and forever.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. ROHRABACHER) come forward and lead the House in the Pledge of Allegiance.

Mr. ROHRABACHER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, September 14, 2001:

S.J. Res. 23, to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

### ADJOURNMENT TO WEDNESDAY, SEPTEMBER 19, 2001

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Wednesday, September 19, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### CHALLENGE FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, it is in deep sadness that I rise today to speak to my colleagues and to set down a record that is, I believe, necessary to understand the horrible loss that we have suffered.

During these last few days, most of us have experienced a deep and painful

sadness. Now that sadness, rightfully, is turning into anger. It is anger, as it should be, at those who perpetrated this monstrous crime against us; and those people who committed this crime will feel the wrath of the American people, a wrath that has not so been unleashed since Pearl Harbor.

We must and we will avenge our countrymen. Anyone with a hand or even a finger in this mass slaughter of innocent Americans will pay the ultimate price. We do this because it is our duty, and nothing will deter us.

One note of warning, Mr. Speaker: we must not permit our rage, and there is rage in my soul and the soul of all of our fellow Americans, but we must not let this rage lead to actions that will strengthen the hand of the fanatic terrorists with whom we now do battle. These monsters are counting on us to strike out blindly and to attack people who are our potential allies and friends, thus alienating them and turning them into enemies.

What bin Laden wants is for the United States, us, to turn this into a battle between us, the United States, and every Muslim in the world. He wants to push the world's Muslims, into his camp. We must not do that, and, in order not to, we must have a restraint and fortitude on our part so that we can guard against that outcome as we seek our retribution against the terrorists who have committed such a crime against us.

Thus, as we proceed to do our duty, we must recognize that there are Muslims throughout the world who are on our side. These people, too, have been victimized by these terrorists and gangsters. We need to reach out and enlist freedom-loving Muslim people in the world to join us; and especially we must recognize that the many Muslim-Americans, our fellow citizens, are with us and feel even a greater sorrow for the despicable crime that has been committed against us, because they, too, are us, the United States.

Our greatest strength as a Nation is that America is a land of people of all races and religions and ethnic groups. At the prayer service at our National Cathedral, all faiths, including Islam, were represented; and we can be very proud of that. Now is the time for all of us to stand together.

So how is it that this land of liberty, this free and open society, should become the target of such hatred that it led to the slaughter of thousands of helpless, innocent, kind-hearted, working American people? Those folks were

at their desks at work before 9 a.m., so why is it that they and we and America is so hated?

Let us not forget that the Nazis knew that the light of freedom from America was a force which would derail their evil plans. Hitler then declared war on us. Similarly, the Japanese militarists of the 1930s knew full well that the only force in the world that stood in their way of ruling Asia and the Pacific with an iron hand was the United States of America; and they, too, attacked us.

The attack on New York was, of course, worse than Pearl Harbor. Then our Navy, our military personnel and their weapons, were the target. What happened in New York was far more cowardly an attack, a ruthless slaughter of civilians, of unarmed and totally innocent men, women and children. A united America rose up after Pearl Harbor and righteously struck down those evil forces that threatened the world at that time.

During the years after the Second World War, it was America that stood tall and faced down the last great totalitarian evil that threatened this planet, communism. Communism, like Nazism, was defeated in a Cold War that sometimes was very hot. Victory was assured by our resolve, by our courage, and by tough decisions made by our leaders, America's leaders.

I worked in the White House during the years when Ronald Reagan brought an end to the Cold War, culminating with the dismantling of the communist dictatorship that controlled Russia and its puppet states. Essential to that great victory was President Reagan's support for various people who were fighting to free themselves from communist tyranny.

The bravest and most fierce of these anti-Soviet insurgents were in Afghanistan. The American people can be proud that we provided the Afghan people the weapons they needed to win their own freedom and independence. That Cold War battle was a major factor in breaking the will of the communist bosses in Moscow, thus ending the Cold War, making almost everyone on this planet in these last 10 years, especially in the Western democracies, safer and more prosperous.

This, however, is where we must begin to understand the grotesque crime that has now been committed against us. One of the common errors found in news reports in these last few days has been the suggestion that those holding power in Afghanistan today are the same people who we supported in the war against Soviet occupation in Afghanistan back in the 1980s. This, by and large, is wrong.

Yes, some of those currently in power in Kabul also fought the Russians. But, by and large, we are talking about two different groups, two different sets of people. Those who fought the Soviet

occupation were called the Mujahedin. During my time at the White House during the 1980s, I had the opportunity to meet and get to know most of their leaders. The current Taliban leadership does not include any of those wartime leaders.

After I left the White House and was elected to Congress, but before I was sworn into Congress, I knew I had that two months between November and January to do things that I could never do once I was elected to Congress. I chose to hike into Afghanistan as part of a small Mujahedin unit and to engage in a battle against the Russian and communist forces near and around the city of Jalalabad.

The Mujahedin I marched with were incredibly brave, but they were not senseless killers. Their religious faith was devout, but they were not fanatics. They prayed daily, but I did not see them chastising those who were not joining them in prayer. They faced death, but their dreams were of life.

I will never forget one moment as I hiked in from the Khyber Pass and around to the other side of Jalalabad to join this battle. As we marched forth into the night with the Mujahedin unit, the nights were lit up by, and you could hear the thunder, of cannons and see the flash of the cannons in the distance. We knew we were hiking into a battle.

□ 1215

One of the Mujahedin in this unit with which I marched rushed to my side, and he was probably around 16 or 17 years old, with an AK-47 strapped across his back. He talked to me in perfect English saying, I understand that you are in politics in America. I said, yes, I am a political person in America. He said, I need to know, are you a donkey or are you an elephant?

I will never forget that young person. He knew more about our politics, and certainly none of our young people could know that much about what was going on in that part of the world. As he marched into this battle, he told me of his dream to be an architect so that someday he could help rebuild his country, Afghanistan, into a decent place for families and for people to live, and expressed to me how grateful he was to me and to all Americans for the help that we were giving them to throw off the Soviet occupation forces that were so brutal to their countrymen. I do not know if that young man ever survived that war.

It was a year later when the Russians retreated from Afghanistan and the Russians left. The United States, which had been providing \$1 billion a year to finance that war, we simply walked away. We walked away and left Afghanistan to its own fate.

After years of death and destruction, we walked away; we left them with no guidance and no resources to even re-

build. We did not even help them clear the landmines which we had personally given the Mujahedin to help them defeat the Russians, much less clear the Russian landmines that were still there. We left these brave heroes who helped us end the Cold War; we left them to sleep in the rubble. Most importantly, we left them with no leadership, except that of Pakistan and Saudi Arabia, two countries that have played a shameful role in Afghanistan over these last 10 years.

After the collapse of the Communist regime in Afghanistan, the Mujahedin factions who fought the Russians, but with no direction from the United States, began bickering and fighting among themselves. This went on for several years. Then, in 1996, a new force appeared, seemingly out of nowhere: the Taliban. These were fresh, well-equipped forces who had, by and large, sat out the war in Pakistan. They had been in Pakistan in what they called schools. "Taliban," by the way, means student, even though most of these are older men who are totally illiterate. All of the money America provided the Mujahedin during the war had to be sent through; that is, the war against Soviet Union occupation, had to be sent through the equivalent of the Pakistani CIA, which is called the ISI. But apparently, the Pakistanis had siphoned enough off to create a third force, and since the war was over and the other factions had been bled white, they could use this third force to dominate Afghanistan.

Also behind the Taliban is and was Saudi Arabia. During the war against the Russians, the Saudis provided the Afghan resistance with hundreds of millions of dollars. For that we can be grateful. They are one of the few countries that stepped up to the plate during the Cold War to actually confront the Soviet Union aggression. Unfortunately, however, the Saudis were financing antiwestern as well as AntiCommunist Muslims, and one of those who they financed was bin Laden.

I cannot forget also as I marched with that Mujahedin unit to the battle of Jalalabad and, by the way, that battle was a long-time siege that had been taking place around the city, we at one point in that march came across a camp of tents. They were white tents and you could see them in the distance, and I was told at that point I must not speak English for at least another 3 hours, because the people in those tents were Saudi Arabians under a crazy commander named bin Laden, and that bin Laden was so crazy that he wanted to kill Americans as much as he wanted to kill Russians. Thus, I must keep my mouth shut or we would be attacked by those forces, by those forces under bin Laden.

Later, much later, after I had become a Congressman, I met with the head of

Saudi intelligence, the man responsible for providing that money to the Afghans during the war, the \$200 million or so, or whatever it was that the Saudis provided to the Afghans. His name was General Turkey. I suggested to General Turkey that what we needed to do now that the Russians had left Afghanistan was to bring back to Afghanistan the exiled king of Afghanistan. It was King Zahir Shah who was overthrown in 1972. It was that overthrow of this king who had been a very good person and a good man, it was his overthrow that started the bloody cycle of events which eventually led to the Soviet Union invasion of 1979 and the subsequent war against Soviet Union occupation.

I suggested to bring back the king of Afghanistan because he was a wonderful person and beloved by his people. He was a person who was a moderate in his approach and never killed other people. He, in fact, was truly a moderate and, I might say, pro-western or western oriented, although a devout Muslim. But the Saudis wanted nothing to do with bringing back a moderate good-hearted king from exile. They and their Pakistani allies were in the process of creating a secret third force that I did not know anything about: the Taliban. But during my conversation, it was mentioned that a third force was being created, one that could take over Afghanistan and bring stability, but, of course, one that would do the bidding of their Pakistani and Saudi handlers.

One must wonder why the Saudi Arabians and the Pakistanis are even to this day so involved in Afghanistan. This is an important fact of history that we need to understand. Number one, the type of religious fervor they have and the type of Islam they have in Saudi Arabia is very similar to that in Afghanistan. It is unbending and intolerant and they do not permit any other faith in their country. Also, the Pakistanis, a large number of the Pakistanis, especially those who were the Pastuns up near the border of Afghanistan, they too share the same type of extremist and fanatic branch of Islam, even though that has nothing to do, it is an aberration, with the rest of Islam throughout the world. So that is number one. They have that in common.

But the Pakistanis and the Saudis have two other things in common. As long as chaos was able to reign and continues in Afghanistan, there will never be a pipeline built through Afghanistan that permits the oil from central Asia. This vast quantity of oil that we know exists in central Asia, it cannot be brought to market because a pipeline will never be built through Afghanistan while the Taliban is in power and while chaos reigns. What does that mean? That means oil prices have been much higher, maybe \$5 a barrel higher, than they would have been had Afghan-

istan been under a good king and a stable government and a pipeline built that would have brought that oil out into the world market; and there are vast quantities of oil in central Asia waiting, just waiting to come to market.

The other factor is drugs. Unfortunately, there are many corrupt people and there are corrupt people all over the world, but there are many corrupt people in the Pakistani intelligence system, people who have been involved with drugs right up to their eyeballs. And what has Afghanistan produced in these last 10 years? Sixty percent of the world's heroin comes from Afghanistan. That huge amount of money, I knew, would bring down the government of Pakistan, the democracy of Pakistan.

Today, instead of a democracy, Pakistan has a military government because of the instability that is created by a Taliban regime of fanatics right next door. But there were people in Pakistan that profited by that regime.

When the Taliban first arrived on the scene, people believed that they would be a force for stability. So, by and large, they were welcomed by many Afghan people, except in the northern provinces. And let me note that when the Taliban first arrived on the scene, they were carrying pictures of the old exiled king, Zahir Shah, claiming they were going to bring back the king, as I say, a much beloved figure. Well, the people in the northern provinces were not fooled, and the Taliban, they did not want the Taliban to take over their areas; and the Taliban were blocked by local commanders unwilling to permit these unfamiliar troops, as I say, many of whom totally sat out the war against the Russians. They were not going to let them just come in and take over their territory. And all too soon, the people of Afghanistan and the rest of the world were to discover that the Pakistanis and the Saudis had created a monster.

The Taliban were and are medieval in their words, in their world view, and their religious view. They are violent, they are intolerant, they are fanatics that are totally out of sync with Muslims throughout the world, even Muslims in their own country, and they are especially out of sync with Muslims living in the western democracies.

The Taliban are best known for their horrific treatment of women, but they are violators of human rights across the board. They have jailed and threatened to execute Christian aid workers. And let us not forget those Christian aid workers who are in Afghanistan being held under arrest as we speak. In fact, they have jailed and threatened to execute these Christian aid workers, people who came there to help their people, for allegedly, allegedly daring to espouse a belief in Jesus Christ.

That is enough to get them executed in Afghanistan.

The Taliban have ended all personal freedoms. Freedom of speech and press are not even under consideration. And the Taliban ruled by fear and force and when they were asked, and I challenged them to have an election so the people of Afghanistan could choose their government and if they chose the Taliban, so be it, the Taliban only laughed and stonewalled and refused to even consider permitting the Afghan people to have an election and choose their leaders.

Mr. Speaker, the Taliban are as big an enemy of the United States and, yes, as big an enemy to the Afghan people as they are to the people of the United States. The Taliban believe they have a private line to God, and the rest of us, with our religious constrictions are, according to the Taliban, we are not only wrong, but we are evil. That is why they have been willing to give safe haven to the likes of bin Laden, the Saudi terrorist who has been now in Afghanistan for several years. About 5 years he has been in Afghanistan, we have known he has been there, he has been visible. And while he has been there, he has been clearly training terrorists and planning out his attacks. This is nothing new. We have known about that. And oh, yes, bin Laden has an army of several thousand gunmen who he has brought in from various parts of the world, so they are foreigners to the people of Afghanistan, and this group of gunmen have been running around Afghanistan like a pack of mad dogs killing anyone who is an enemy to Taliban power. These foreign religious fanatics have killed thousands of Afghans, so the Taliban and bin Laden are as despised in that country as they are in our country today.

For these last few years, the Taliban, with the support of Saudi Arabia and Pakistan, have captured control of all but a small portion of Afghanistan. Only the Panjshir Valley territory in northeastern Afghanistan and the Shamali Plains north of Kabul are under the control and have been under the control of a legendary and dashing leader named Commander Massoud and they remain free of Taliban domination.

The day before the attack on the world trade towers and the Pentagon, there was an attempt to kill Commander Massoud. Many of us thought he was dead, he was reported dead, but he struggled for life for another 5 days and just died 2 days ago.

□ 1230

However, the attack on Commander Massoud; and I knew him, I had met him in Afghanistan. By the way, I will just say that I have been in and out of Afghanistan several times in these last few years.

The last time I went in was to see Commander Massoud. The attack on the commander told me something terrible was about to happen, something terrible was about to happen, because Massoud was someone that bin Laden understood that if he did something that would make the United States or someone else very angry at him, that Massoud was someone that would be turned to immediately by our side to ally with.

So before the attack on the World Trade Towers and on the Pentagon, bin Laden and his terrorists attacked Commander Massoud and, unfortunately, succeeded in killing him and eliminating Commander Massoud from the equation today.

I was so concerned about this, understanding that this was telling us that something horrible was going to happen, that I made an appointment to see the top officials in the White House in the National Security Council. My appointment with the National Security Council at the White House was to warn them that this attack on Massoud obviously meant something big was about to happen. My appointment was for 2:30 that afternoon. Unfortunately, at 8:45 that morning, the first plane slammed into the World Trade Center.

But the Taliban domination of Afghanistan was something that we could have ended long ago. Commander Massoud and the Northern Alliance were fighting the Taliban unsupported, with no help from the outside for years.

As a Member of Congress, for years I pleaded with the previous administration, I pleaded with them at the highest levels to provide some kind of help for the Northern Alliance, which was then fighting almost without bullets and weapons against the Taliban. They could have done something, and no one in that administration was willing to do it. So I believe that in many ways the previous administration was responsible for keeping the Taliban in power, even though during this very same time period, this very same time period, bin Laden was openly declaring war in the United States, planning attacks against us and building a terrorist network.

Every time I suggest that the last administration was in some way acquiescing to the Taliban being in power, there are those who just go ballistic because they believe I am being partisan at a moment when national unity is obviously the order of the day.

Let me emphasize that I am not being partisan. As a senior member of the Committee on International Relations, I officially requested State Department documents that would prove or disprove my suspicion that the last administration was secretly supporting the Taliban, and I was stonewalled in that request.

Let me make this clear. I am a senior member of the Committee on Inter-

national Relations. It is my job to oversee the State Department. Other people have other committees, and they oversee those agencies and departments. As a member of that committee, that is part of my job.

The gentleman from New York (Mr. GILMAN) joined me in a request for these. Madeleine Albright, Secretary of State, promised I would have the documents. I wanted the documents pertaining to the development of our government's policy toward the Taliban. Yet, as an elected official, I had unelected officials, executives at the State Department, refusing to grant me the access to understand what our policy was toward the Taliban. I was instead given meaningless documents.

Members will hear in answer to this charge: "We gave the gentleman from California (Mr. ROHRBACHER) documents," but these were meaningless documents that had nothing to do with the development of the Taliban strategy. I never saw any of the documents about how we should approach the Taliban.

The State Department made a joke out of Congress' right to oversee America's foreign policy, especially towards Afghanistan. I pleaded with my colleagues to back me up in that demand. I will say that several Democrats did back me up in demanding that the previous administration provide me with that documentation.

But why? Why is it that I was stonewalled? Why is it that they never gave me those documents? I have to believe because those documents would show that the previous administration did consciously acquiesce to having the Taliban in power, probably as some kind of agreement with Saudi Arabia and Pakistan that they would be permitted to dominate this country, even though it was clear that a terrorist network was being set up there and that America was the target of that terrorist network. Americans had already been murdered by that time, in Saudi Arabia, with barracks blown up and such.

By the way, in Afghanistan and in that region, it is commonly believed by the people that the United States created the Taliban and that we support the Taliban. There are reasons that they believe that we supported the Taliban.

In 1996, for example, and this is a very poignant example, and I hope people will look at this example very closely, in 1996, the Taliban overextended their forces and thousands of their best fighters were captured in northern Afghanistan. The Taliban regime was vulnerable as never before and never since. It was a tremendous opportunity. The Northern Alliance could easily have dealt a knock-out punch to the Taliban.

At that time, I was in personal contact with the leader of the Northern

Alliance, and I recommended to them a quick attack and that they bring back the old king, Zahir Shah, and he is in exile in Rome, and that they bring him back until some form of democratic process could be established. Thus, they would have a figurehead government with the old king for a period of time, and then they could establish a democratic process.

This was a turning point. That was doable. It could have been easily accomplished. The Taliban were vulnerable. Who saved the Taliban? Again, please, I am not being partisan when I say this, who saved the Taliban when they were vulnerable? It is my belief that President Bill Clinton saved the Taliban when they were the most vulnerable.

I beg Members, do not dismiss what I say as being partisan. I would never sink to that level at a time like this, when American lives have been taken.

What happened was at this moment, when the Taliban could have been eliminated, President Clinton dispatched Assistant Secretary of State Inderfurth and Bill Richardson, our United Nations Ambassador, to convince the leader of the Northern Alliance not to go on the offensive. That was when they were the most vulnerable. Our top leaders, our United Nations Ambassador, was dispatched, along with the top leader in the State Department, to go and tell them not to attack the Taliban.

These two high-level American officials were sent by President Clinton to propose a cease-fire and a supposed arms embargo on all sides. Of course, the minute that the cease-fire went into effect, and of course the Northern Alliance agreed to that, because they thought we were being sincere and they could trust the United States, but the minute that cease-fire went into effect, the Saudis and Pakistanis began a massive rearming and resupply effort to rebuild the Taliban forces in an equivalent to the Berlin airlift, and that was easy to spot.

It was easy to see that tons and tons, airplane after airplane was landing at Kabul Airport with military supplies from Saudi Arabia and from Pakistan. I knew about it. Our intelligence services had to know about it. But guess what, the Northern Alliance was kept in the dark until the Taliban were totally restored to their strength. When they were, the Taliban went on the offensive. They drove the Northern Alliance, which had had an arms embargo against them during this time period, which we enforced, and we convinced people not to give them weapons, they drove the Taliban, drove them out of the country.

For years, I begged the previous administration, our government, to support those resisting the Taliban regime, to support the former King Zahir Shah, and to let him head an interim

government until a more democratic process could be put in place. This was an alternative we had. Instead, the only response that I got from the previous administration was stonewalling, stonewalling that and stonewalling my request to find out what the government's real policies were.

All the while, bin Laden, had killed American military personnel at that time, had declared war on the United States, and was running around Afghanistan openly, using it as a base of operations, a safe haven for terrorists. This man even tried to organize an attack on the Pope in the Philippines. His terrorists are responsible for the kidnapping there in the southern Philippines, and we have given him a safe haven all these years. We did nothing.

We were, in fact, I believe, acquiescing to Taliban control because I believe it was an understanding, as I say, between Saudi Arabia and Pakistan to let them dominate Afghanistan. This understanding was obviously turning into a nightmare. Even if it made sense in the beginning to have such an understanding, we should have seen what was going on, but our leaders lacked the will to change that situation.

Over and over again, I warned that our policy toward the Taliban would come back to hurt us. I was ignored and at times belittled.

Mr. Speaker, I have an example of 7 times, and of the many, by the way, not just 7, not just 14, but many, many more times that I stood either on the House floor or in subcommittee warning that if we did not do something about the Taliban, that it would come back and dramatically hurt the United States of America. These warnings that were ignored over and over again, even while the State Department stonewalled my efforts to get the information.

Mr. Speaker, I include these documents for the RECORD.

The material referred to is as follows:

September 9, 1999—IR Committee Hearing: "I would again alert my fellow members of this committee that what is going on in Afghanistan is as important to America's National security as what is going on in Iran, because we have a terrorist base camp."

August 11, 1998—Letter to Nawaz Sharif, Prime Minister Pakistan: "International Terrorists like Osama bin Laden will become the deans of terrorism schools in Afghanistan. For example, the recent bombings of U.S. embassies in Africa are tied to Osama bin Laden and his thugs."

May 21, 1998—Letter to Newt Gingrich, Speaker of the House: "As you may know, Afghanistan has become the world's largest source of heroin. It is also one of the key terrorist training and staging areas in the world. Further, instability in Afghanistan limits the economic and democratic development of Central Asian states and negatively impacts U.S. Policy toward Iran. In short events in Afghanistan affect the lives of more than 200 million people in the Central and South Asian region."

August 10, 1998—Letter to Karl Indefurth: "I have been preparing serious alternatives

for Afghan policy for the past six years. I have found no willingness on the part of this administration to even try the alternatives that I have suggested. I have come to the conclusion that our goals are different. But for the time being I will give you the benefit of the doubt. The Stakes go far beyond Afghanistan. There will be no peace in central Asia, or on the subcontinent between India and Pakistan until the U.S. decides that there will be no peace on this region or elsewhere with a policy that is not based on the fundamental principles of representative government and opposition to tyranny."

June 29, 2001—IR Committee Hearing: "This regime has permitted terrorists to use Afghanistan as a base of operations from which their country has been used as a springboard for operations that have cost the lives of people throughout the Middle East, as well as targeted Americans. That alone should giveaways a message about the regime and our commitment and what ultimately should have been done."

July 19, 1999—Floor Debate on the American Embassy Security Act of 1999: "As the gentleman from New York (Mr. Gilman) has stated, among the greatest threats to the security of American diplomatic missions and personnel is by Osama bin Laden and his legion of terrorists who train and operate out of Afghanistan. The primary benefactors of bin Laden's terrorists are elements in Pakistan and the extremist Taliban militia, who not only host and protect bin Laden but have imposed a reign of terror on the people of Afghanistan and especially on the women of Afghanistan."

October 30, 2000—Floor Debate on State Department authorization: "This member and anyone who is in the Committee on International Relations will testify, for years I have been warning what results of this administration's policy towards Afghanistan would be. For years, I predicted over and over again that, unless we did something in Afghanistan to change the situation, that we would end up with Afghanistan as the center of terrorism, a base for terrorism not only in Central Asia but for the world."

November 9, 1999—House Floor Debate on Afghanistan: "A terrorist trained in Afghanistan helped blow up a building which housed our military people in Saudi Arabia. There was an assassination attempt on the Pope. They found out that the terrorist who was going to assassinate the Pope was trained in Afghanistan. We can not let this go on, because not only is it immoral to let this go on, but practically speaking, if we do, it will come back and hurt us."

But why were we not warned then? It was clear something was going on in Afghanistan. Why were we not warned by others of the horrific attack that was about to be launched on us, the American people?

There was a headline in The Washington Post on September 14 suggesting that America's intelligence services have been conducting a secret war against bin Laden for several years. If that is true, then we need to fire all of the incompetent leaders of that covert war, because they were responsible for protecting us from this heinous and cowardly gang; and they obviously have dramatically failed.

Instead, there was no warning. Yet, we were told the heads of our intelligence organizations were focused on bin Laden. There is a war being con-

ducted against bin Laden, we were focused on him, and he was able to attack us and slaughter thousands of our people without any warning from these people who were supposedly focused on him?

We spend tens of billions of dollars annually for good intelligence, and we have tens of thousands of people committed to this endeavor. And they totally missed a terrorist operation of this magnitude run by their number one targeted terrorist. This was clearly the worst failure of American intelligence in our history.

I cannot help but remember, in another poignant story, I cannot help but remember a few years ago I was called by a friend who had worked in Afghanistan during the war against the Russians. This man has thousands of friends in Afghanistan because he had been there, and he had helped thousands of Afghans who were his friends and looked at him as a wonderful person. He had kept in touch with them.

He indicated to me that he could pinpoint bin Laden's location. I passed on his phone number to the CIA. After a week, he had yet to be contacted, so I called them again. For another week there was no response. When I gave them this man's credentials, I told them, "This is a man who knows about Afghanistan. He has sources that you do not have." They did not call him for 2 weeks. Another week, no response.

Finally, I contacted the gentleman from Florida (Mr. Goss), the chairman of the Permanent Select Committee on Intelligence here in the Congress. He set up a meeting with me and the bin Laden task force. There they were, the CIA, the NSA, the FBI. Guess what? They, too, left my friend waiting by his phone and did not follow up.

After weeks, finally, a second time when the gentleman from Florida (Mr. Goss) had to call them on the carpet, my friend was at last contacted. He described the agents who talked to him as being somewhat disinterested. That may have been because by the time they got to him, over a month had passed and perhaps the tip-off was a little stale. Or perhaps, as we are learning in the paper today, or not today but yesterday, when there were reports in the paper, that our intelligence services knew about the location of bin Laden several times but were not permitted to attack him. So there are people in the intelligence services that wanted to go forward and did not end and could not because of decisions made by people higher up, or perhaps in their own agencies, people who were incompetent.

□ 1245

My friends, the slaughter of these thousands of Americans must be avenged, there is no doubt about it; and we must see to it that such a monstrous crime can never happen again.

To accomplish this, we must be strong and we must be smart. Now, we do not need our troops, the worst thing we could do is just try to send an army into Afghanistan. If there are two rules of modern warfare it is you do not march on Moscow and you do not invade Afghanistan. That does not mean, however, that we cannot commit military action. I think this calls for military action.

We should already be dispatching special forces teams and rangers to those countries on the northern border of Afghanistan. Those teams and other military units should establish a system of supply and equip those Afghans friendly to the United States so that they can free themselves, with our help, from Taliban rule. We can then join them. Once Taliban rule has been eliminated in Afghanistan, we can join them in hunting down and killing every member of bin Laden's terrorist gang and hanging their bodies from the gate.

But revenge is not an end in itself. We cannot permit ourselves to strike out blindly, to hurt people who have nothing to do with this. Some people have said, oh, let us bomb Kabul. Kabul is filled with people who hate the Taliban. Afghanistan is filled with people who hate the Taliban. We cannot make enemies out of people who will be our allies.

We must be smart and not just strong. Revenge in itself is not the answer, even though revenge is called for. By killing bin Laden and his gang, it is not just revenge; it is an act also of deterrence, of saving lives. We must keep in mind that our motive is to prevent further terrorist attacks slaughtering our own citizens, and especially by making sure we work with other people in the Muslim world and elsewhere who will join us in this effort, and not just the Muslim world and not just others who are on the periphery.

We need to lead this world, as our President, George W. Bush, is doing, to set a new moral standard. We have to keep to that moral standard as we proceed to seek justice and vengeance for the death of our people. That new moral standard has got to be that non-combatants will not be attacked. We will not kill unarmed innocent people in order to achieve a political objective.

Now, when people attack other people's military, as the Japanese did in the beginning of World War II, that was an act of war; it was not an act of terrorism. Yes, people can commit acts of war; but let us set a standard, a moral standard that we will proceed and demand and enforce that no longer will anyone be able to set a bomb off in a pizza place or retaliation will not take place against unarmed civilians, no matter what that crime was. And there are legitimate concerns in the Middle East by all sides that both sides of the

Palestinian-Israeli battle have over the time of this conflict attacked unarmed people or retaliated against unarmed people when someone else's unarmed people were attacked.

The new standard should be for this world that we will not tolerate women and children be used as targets or unarmed combatants being used for targets for any reason. First, our dead Americans, yes, they will be avenged; but they will be avenged by establishing this new standard. Hopefully, that will deter at least some of those swine who contemplate such attacks in the future. And by affirming that the targeting of unarmed combatants anywhere in the world for whatever reason will not be tolerated, we have taken a major step forward.

We will be building a better world even if it is being built on the ashes of this tragedy. We will do it by seeing to it that the bin Ladens of this planet are never again, which is a corollary to this, those people who are committing such terrorist attacks against unarmed people, nowhere will they be given safe haven. And any country that provides safe haven for the terrorists who target these innocents, that will not be tolerated; and they will be held responsible for the terrorist acts that are being committed by people who use their country as a staging area. And those countries which harbor the criminals, those countries which help them launder their money, those countries that give them support, they themselves will pay a heavy price for this criminal disregard for the victims of terrorism. There will and must be an accounting across the board.

At home, those top government executives whose policies protected the Taliban must be held accountable. Those people who stonewalled the Congress' efforts to get that information of what our policy was; those officials who in the Taliban were vulnerable convinced their enemies not to attack. The intelligence officers who were supposed to be protecting us, those people in the State Department who should have been adhering to America's moral and ethical and political standards and supporting those opposed to the Taliban rather than acquiescing to leaving the Taliban in power because of the argument of stability, those State Department people, those intelligence officers, these are executives, are not political appointees. These are top-level executives who have been there for years. They need to be cleared out. They need to be held responsible for the slaughter of thousands of Americans without any warning.

We had no warning here in Washington, D.C. at all. They could have destroyed this Capitol building. We had no warning. With a massive operation like this, and we had no warning. It is incompetence on our side. We have to do that; we have to correct this in

order to make sure it does not happen again. All of this pounding of our chests and expressing our moral outrage means nothing unless we are willing to take that type of action. And it is not easy telling someone, I am sorry you're out of your job because you were incompetent.

Those countries, Afghanistan, Pakistan, Saudi Arabia, they have a price to pay. We will figure out what it is. First and foremost they have to do a reversal on what they are doing to protect the Taliban and protect the terrorists right now. And we will figure out what they have to do to make up for what they have done that led to this crime.

And, finally, the murdering terrorists themselves will pay the ultimate price. They will pay this price. We will have victory over those ghouls who murdered our defenseless fellow Americans. We will win, because we are united as never before, and because this generation of Americans, as these terrorists will find out, have the courage, the tenacity, and the ideals that have always been America's greatest source of strength.

It is up to us to do this. Past generations of Americans met the challenge. They saved the world time and again. It is up to us to do it again, and we will. We will do it because it is our duty and nothing will deter us.

#### ON TERRORIST ATTACK OF SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. Dreier) is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I would like to take a few minutes to talk about a number of very important issues, building in many ways on the remarks of my friend from Huntington Beach, who, as he said very appropriately, was one of the key leaders in our effort to ensure that the Soviet Union was extricated from Afghanistan during the 1980s. It was a very troubling time; but, Mr. Speaker, as you recall, there was a tremendous victory, a victory because forcing the Soviets from Afghanistan was critically important to the demise of the Berlin Wall and the Soviet Union. So that is why we should celebrate what it is that we were able to do during the 1980s; but at the same time, we need to look at where we are today and what we need to do as a Nation.

It is very true that over the past several years we have seen a crumbling of our relationship with some countries that had been traditional allies of ours during the war between Afghanistan and the Soviet Union, and specifically Pakistan, the country to which my friend, the gentleman from (Mr. ROHRBACHER), referred. Today, however, I

believe it is very important for us to recognize that General Pervaiz Musharraf, who in fact took the leadership of that country in a coup, has made a decision. He made a choice. And, obviously, we need to do everything that we can to ensure that he made the right choice and that he stands by that. He made a choice between the Taliban and those who were tolerant of what took place a week ago tomorrow, and not only the United States of America but the civilized world. So I am very pleased that that choice was made.

We also have other so-called moderate Arab countries in the region; and those countries have, I believe, made a correct and appropriate choice. And there are nations with which we have not had any kind of friendly relationship over the past several years that I believe can in fact align with the civilized world in opposition to the heinous acts which took place last week.

Mr. Speaker, today is a very important day in the history of the United States of America. September 17 is always known as Constitution Day; 214 years ago today the Constitution was ratified. I have the privilege later this afternoon of joining Supreme Court Justice Kennedy in a celebration of Constitution Day. He and I are going to be reciting, in unison, all across the country by a hookup, the preamble of our great Constitution. I thought I would take just a moment, since today is Constitution Day, to share that with our colleagues.

The preamble of this inspired document begins: "We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare . . . do ordain and establish this Constitution for the United States of America."

Now, Mr. Speaker, as we look at that brilliant preamble, I truly believe that those five words right in the middle of that preamble, and I have stood here many times and recited that as we have talked about our Nation's defense posture, those five words, which are so important, are "provide for the common defense." So as we celebrate Constitution Day across the country, I believe it is important for us to underscore that the most important issue that the Federal Government here in Washington, D.C. deals with is to provide for the common defense and the safety and security of the American people and our interests around the world.

On this important day, I think it is great to note that the heinous acts that were committed last Tuesday were not in vain. We will be a stronger Nation because of this. We will be a stronger Nation having gone through this, the worst week in our Nation's modern history, the largest attack on

civilians in the United States in our 214-year history and, as has been pointed out by many, more lives, nearly twice the number of lives lost than were lost at Pearl Harbor.

As we look at the challenges and as we look at where we go from here, it is important to note that this Nation had some incredible heroes last week.

□ 1300

This morning I listened to the radio to my friend Hugh Hewitt who has a great morning program. It is based in Los Angeles. It is syndicated across the country. He shared an account which I would like to share with our colleagues, an Associated Press report that was carried yesterday. This has to do with the tragic crash of flight number 93 that took place near Johnstown, Pennsylvania.

I was moved last week when our colleague, the gentleman from Pennsylvania (Mr. MURTHA), when we were in the midst of debating the supplemental appropriation bill, let me say before I read this Associated Press article, Mr. Speaker, that to me it was very, very moving to see the extraordinary level of bipartisanship, not only patriotism across our country, but this extraordinary level of bipartisan that we saw right here in this institution.

People who have been some of the most strident and harshest critics of the man I consider to be our great President, were as enthusiastic in their support of his actions and his demeanor as any of the rest of us who have been longtime friends and supporters of his.

So, Congressman MURTHA told about the accounts that he had received of what took place on flight 93 that was headed to San Francisco and that reportedly the hijackers were going to bring right into this city, possibly into this Capitol dome that is right above where I stand today. This account is a very moving one about one individual.

It begins, quote, "Are you guys ready? Let's roll." It is an expression Todd Beamer used whenever his wife and two young sons were leaving their home for a family outing. It was also the expression the 32-year-old businessman and Sunday school teacher used before he and other passengers apparently took action against hijackers aboard United Airlines Flight 93, his wife was told by an operator who talked to Beamer just before the plane crashed in a western Pennsylvania field on Tuesday.

"The plane, which government officials suspect was headed for a high-profile target in Washington, was the fourth to crash in a coordinated terrorist attack that killed thousands, and the only one that did not take lives on the ground.

Quote, "He was gentle by nature. He was also very competitive, and he would not stand for anyone being hurt,"

said Lisa Beamer, whose account coincides with other crash victims' relatives who received calls from loved ones aboard the plane." Quote, "Knowing that he helped save lives by bringing that plane down, it brings joy to a situation where there is not much to be found."

"Todd Beamer placed a call on one of the Boeing 757's on-board telephones and spoke for 13 minutes with GTE operator, Lisa D. Jefferson, Beamer's wife said. He provided detailed information about the hijacking, and after the operator told him about the morning's World Trade Center and Pentagon attacks, said he and the others on the plane were planning to act against the terrorists aboard, Lisa Beamer said.

"They may have realized that the hijackers were planning to do the same thing with their plane,' Beamer said Sunday in a telephone interview from her Hightstown, New Jersey home. "So they chose to do what they could to prevent other people from being hurt."

"Before the call ended and with yelling heard in the background, Todd Beamer asked the operator to pray with him. Together they recited the 23rd Psalm which includes the passage, 'The Lord leadeth me in the paths of righteousness for his name's sake.'"

"Then he asked Jefferson to promise she would call his wife of 7 years and their two sons, David and Andrew. She is expecting a third child in January. After finally receiving clearance from investigators, Jefferson kept her promise Friday.

Quote, "People asked me if I am upset that I did not speak with him. But I am glad he called Jefferson instead,' Lisa Beamer said. 'I would have been helpless and I know what his last words would have been to me anyway. I think that is why he chose the method he did.'

"Beamer said her husband placed the call at 9:45 a.m. Tuesday and told Jefferson that there were three knife-wielding hijackers on board and one had what appeared to be a bomb tied to his chest with a red belt. Two of the hijackers were in the cockpit with the door locked. The pilot and co-pilot were forced out and the man with the apparent bomb stayed in the rear of the aircraft. The jet was bobbing and changed course several times. The passengers knew that they would never land in San Francisco.

Quote, "They realized they were going to die. Todd said he and some other passengers were going to jump on the guy with the bomb,' Lisa Beamer said.

"Several other passengers made phone calls from the jet just before it crashed southeast of Pittsburgh. Jeremy Glick, 31; Mark Bingham, 31; and Thomas Burnett, 38, all called loved ones. Glick and Burnett said they were going to do something. Quote, 'Clearly

we know the plane that crashed outside Pittsburgh was headed for Washington.'

"Vice President Dick Cheney said on NBC's Meet the Press Sunday, 'Without question, the attack would have been much worse if it had not been for the courageous acts of those individuals on United 93.'

"After the prayer was finished and the promise was made to call his wife, Todd Beamer dropped the phone, leaving the line open. It was then that the operator heard Beamer's words, 'Let's roll.'

"They were the last words she heard. The phone went silent and the plane crashed, killing all 44 people aboard. United issued a statement Sunday saying one of the 37 passengers had purchased two tickets, so the number of people had been incorrectly reported at 45.

"Some people live their whole lives, long lives, without having left anything behind,' Lisa Beamer said. 'My sons will be told their whole lives that their father was a hero, that he saved lives. It is a great legacy for a father to leave his children.'

"Bobbi Hennessey, a spokeswoman for GTE parent company Verizon Communications, declined to comment Sunday and a telephone number for Jefferson could not be determined. However, a Verizon employee, speaking on condition of anonymity, confirmed that Jefferson is a supervisor for the company."

This obviously is an example, Mr. Speaker, of the kind of heroism that we saw last Tuesday. When we think of the horrendous loss of life, the suffering that we as a Nation and a civilized world have encountered, it makes it even more important for us as a Nation to unite, which we have clearly done so well.

I was thinking of the names of our two largest airlines, United and American. Clearly America is united, and there are so many things that have played a role in bringing us together, the likes of which I have never seen in my entire life.

But the resilience of the American people is something that is so great and so wonderful. Last night, Andy Rooney on 60 Minutes said Tom Brokaw, who of course authored that wonderful book known as *The Greatest Generation*, may have to rename the book to *One of the Greatest Generations*. We have seen young men and women across this country say they are willing to stand up and fight for the United States of America and everything that we stand for.

But it is not only these young people of this new wonderful generation who for the first time have realized how great and fortunate they are to be Americans, but it is those who have sacrificed before.

About a year ago, I had an opportunity to present a Purple Heart to a

very courageous prisoner of war from the Second World War, a man called Dominick Trapoti, who lives in Temple City, California. I found that to be one of the greatest rewards as a Member of Congress to be able to do. Mr. Trapoti shared his story about what he went through as a prisoner of war nearly 60 years ago. Dominick Trapoti came to my office in California last week, and he wanted to reenlist. He very much wanted to step forward and fight again on behalf of the greatest Nation the world has ever known.

When I think of a man like this, Mr. Speaker, I cannot help but think about those leaders who 214 years ago today, as they ratified the United States Constitution, had so many wonderful, wonderful things that they said.

Again, I truly believe that as our Nation is once again praying, that our Constitution was an inspired document. Thomas Jefferson, while it has never actually been determined whether he actually said this, I know that it has been attributed to him, at least the statement is Jeffersonian, when he said the condition upon which God hath given liberty to man is eternal vigilance.

That statement, I believe, Mr. Speaker, underscores once again the fact that we cannot take for granted the very precious liberty that we enjoy as a Nation; and that is why sacrifice has been made throughout this 214-year history, and obviously sacrifice is being made today.

I mention, Mr. Speaker, that there have been prayers. There have been prayers since last Tuesday. Many of us have lost friends. We have participated in services all across the country. But as we look at the challenge of the weeks and months, and, as the President and Vice President have said, possibly years ahead as we seek to rid the civilized world of terrorism, I was very proud that early in the morning on Saturday just before we adjourned, the gentleman from Michigan (Mr. BONIOR), the minority whip, the gentleman from Virginia (Mr. TOM DAVIS), the majority whip, and others, were able to move through an important resolution.

We know that war is a very difficult time for a country. Virtually every emotion is felt during this time: Pain, suffering, anger, a wide range of emotions are felt.

One of the things that has come forward that is troubling has been the fact that some in this country would choose to generalize and determine that anyone who is Arab American might in some way be tied to or responsible for some of these actions. I was very proud that we were able to, as one of the last acts before we adjourned early Saturday morning, to move unanimously through this institution a resolution which condemned any kind of discrimination or acts which are turned against those who are Muslim.

I was privileged yesterday to be able to, although the long distance, the hook-up never finally worked, but I had my representative there and I got a full report of it, to participate in a service at the Claremont Islamic Center at which there were over 700 people who on basically very short notice, one day's notice, came to have a multi-denominational service.

I was told by the director of my office in California, my field representative, Mark Harmsen, just before he got up to talk about the resolution that we had passed through the Congress condemning discrimination, that a young girl stood and talked about the fact that she had had someone tear off her veil.

I think as we look at these challenges, Mr. Speaker, it is important for us to realize that we cannot allow this kind of discrimination and these kinds of acts against people to take place. So I am very proud that the United States House of Representatives stood unanimously in support of our resolution condemning those acts.

Mr. Speaker, there is a lot of talk about the Muslim faith and whether or not there is widespread support for this kind of action. I know from, of course, knowing these people and having worked with leaders in the Muslim world across this continent, across the world, and here in the United States, many people who are of Arab American descent and love the United States of America as much as anyone.

While the backers and supporters and allies of Osama bin Laden and other terrorists have tried to exude the image that their believers have got to recognize that everyone else is evil, that is just a gross mischaracterization of the faith of Islam.

□ 1315

A friend of mine spoke with Muhammad Ali. He, as we all know, has a difficult time communicating; but he was able to write out, and it was read, what the belief in Islam is. It is one of love, of tolerance, of peace, and of kindness. That is why we have to realize that what we are dealing with here are not religious leaders, are not people of religion. They are fanatic barbarians who want to do everything they can to bring an end to our way of life. That is why I am so gratified, as we complete the last day of the worst week in our Nation's modern history, that we have a country that is stronger than ever.

We all saw the stock market open this morning. I somewhat tongue-in-cheek never thought that I would be euphoric as I witnessed a 550-point drop in the Dow Jones Industrial Average. The fact is the wonderful people in the New York Stock Exchange, in southern Manhattan, were able to come back to work and to get the greatest Nation the world has ever known back on track.

We are going to be, as I said, stronger because of this. I am convinced, Mr. Speaker, that as the greatest Nation the world has ever known, the United States of America will be able to emerge as an even greater leader for the world than we have been before.

I believe that President Bush was right on target when he, shortly after these tragic acts took place said, "Nothing—nothing—will diminish the spirit of our great country."

Mr. Speaker, I thank you very much for your forbearance. I appreciate the fact that so many of our colleagues have been uniting together for this extraordinarily important cause. I ex-

press appreciation to the heroes like the one whom I mentioned, Mr. Beamer, and the firefighters and law enforcement people here in the Washington, D.C. metropolitan area, in Pennsylvania and, of course, in New York City. I hope very much that we are able in the not too distant future to bring about a successful resolution to this horrendous tragedy.

#### SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

#### ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Wednesday September 19, 2001, at noon.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign travel currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 2000 and the second quarter of 2001, by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the second quarter of 2001, pursuant to Public Law 95-384, are as follows:

##### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Travel to Israel, delegation expenses .....	12/4	12/18	Israel .....				96.00		839.00		935.00
Committee total .....							96.00		839.00		935.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, July 31, 2001.

##### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND JUNE 3, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kevin MacMillan .....	5/28	6/3	Spain .....		<sup>3</sup> 784.00		788.60				1,572.60
Committee total .....					784.00		788.60				1,572.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Amended.

MICHAEL G. OXLEY, Chairman, Sept. 23, 2001.

##### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Larry Combest .....	5/26	5/29	Italy .....		1,082.00		( <sup>3</sup> )				1,082.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Tom Sell .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Lynn Gallagher .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Jason VaillanCourt .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Andrew Baker .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Vernie Hobert .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Hon Adam H. Putnam .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Hon. Tim Holden .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Hon Eva Clayton .....	4/20	4/22	Canada .....		784.00		( <sup>3</sup> )				784.00
Hon. Collin Peterson .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		750.00		( <sup>3</sup> )				750.00
	4/20	4/22	Chili .....		592.00		( <sup>3</sup> )				592.00
	4/18	4/20	El Salvador .....		222.00		( <sup>3</sup> )				222.00
	5/30	6/2	Colombia .....		663.00		( <sup>3</sup> )				663.00
Committee total .....					13,248.00						13,248.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

LARRY COMBEST, Chairman, July 25, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jim Kolbe .....	4/17	4/18	Italy .....		395.50		( <sup>3</sup> )				395.50
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		441.00		( <sup>3</sup> )				441.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
Hon. Nancy Pelosi .....	4/17	4/18	Italy .....		455.00		( <sup>3</sup> )				455.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		472.00		( <sup>3</sup> )				472.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
Hon. Roger Wicker .....	4/17	4/18	Italy .....		455.00		( <sup>3</sup> )				455.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		472.00		( <sup>3</sup> )				472.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
Mark Murray .....	4/17	4/18	Italy .....		395.00		( <sup>3</sup> )				395.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		441.00		( <sup>3</sup> )				441.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
John Blazey .....	4/17	4/18	Italy .....		504.00		( <sup>3</sup> )				504.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		441.00		( <sup>3</sup> )				441.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
John Shank .....	4/17	4/18	Italy .....		395.00		( <sup>3</sup> )				395.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		441.00		( <sup>3</sup> )				441.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
Alice Grant .....	4/17	4/18	Italy .....		395.00		( <sup>3</sup> )				395.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		441.00		( <sup>3</sup> )				441.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
Hon. Nita Lowey .....	4/17	4/18	Italy .....		455.00		( <sup>3</sup> )				455.00
	4/18	4/20	Israel .....		836.00		( <sup>3</sup> )				836.00
	4/20	4/22	Jordan .....		472.00		( <sup>3</sup> )				472.00
	4/22	4/23	Egypt .....		223.00		( <sup>3</sup> )				223.00
	4/23	4/24	Ireland .....		451.50		( <sup>3</sup> )				451.50
Thomas Forhan .....	4/17	4/20	Germany .....		500.00						500.00
Commercial airfare .....							2,675.00				2,675.00
Hon. Hal Rogers .....	4/6	4/9	Italy .....		767.00		( <sup>3</sup> )				767.00
	4/9	4/11	Turkey .....		918.00		( <sup>3</sup> )				918.00
	4/12	4/13	Italy .....		171.00		( <sup>3</sup> )				171.00
	4/13	4/16	France .....		852.00		( <sup>3</sup> )				852.00
Hon. Martin O. Sabo .....	4/6	4/9	Italy .....		767.00		( <sup>3</sup> )				767.00
	4/9	4/11	Turkey .....		918.00		( <sup>3</sup> )				918.00
	4/12	4/13	Italy .....		171.00		( <sup>3</sup> )				171.00
	4/13	4/16	France .....		852.00		( <sup>3</sup> )				852.00
Hon. Sonny Callahan .....	4/6	4/9	Italy .....		767.00		( <sup>3</sup> )				767.00
	4/9	4/11	Turkey .....		918.00		( <sup>3</sup> )				918.00
	4/12	4/13	Italy .....		171.00		( <sup>3</sup> )				171.00
	4/13	4/16	France .....		852.00		( <sup>3</sup> )				852.00
Hon. Ed Pastor .....	4/6	4/9	Italy .....		767.00		( <sup>3</sup> )				767.00
	4/9	4/11	Turkey .....		918.00		( <sup>3</sup> )				918.00
	4/12	4/13	Italy .....		171.00		( <sup>3</sup> )				171.00
	4/13	4/16	France .....		852.00		( <sup>3</sup> )				852.00
John T. Blazey II .....	4/7	4/9	Italy .....		767.00						767.00
	4/9	4/11	Turkey .....		918.00						918.00
	4/12	4/13	Italy .....		171.00						171.00
	4/13	4/16	France .....		852.00						852.00
Commercial airfare .....							4,300.96				4,300.96
Richard E. Efford .....	4/6	4/9	Italy .....		767.00		( <sup>3</sup> )				767.00
	4/9	4/11	Turkey .....		918.00		( <sup>3</sup> )				918.00
	4/12	4/13	Italy .....		171.00		( <sup>3</sup> )				171.00
	4/13	4/16	France .....		852.00		( <sup>3</sup> )				852.00
Stephanie Gupta .....	4/6	4/9	Italy .....		767.00						767.00
	4/9	4/11	Turkey .....		918.00						918.00
	4/12	4/13	Italy .....		171.00						171.00
	4/13	4/16	France .....		852.00						852.00
Commercial airfare .....							5,831.67				5,831.67
Cheryle R. Tucker .....	4/6	4/9	Italy .....		767.00						767.00
	4/9	4/11	Turkey .....		918.00						918.00
	4/12	4/13	Italy .....		171.00						171.00
	4/13	4/16	France .....		852.00						852.00
Commercial airfare .....							5,831.67				5,831.67
Hon C.W. Bill Young .....	4/16	4/20	Italy .....		737.00		( <sup>3</sup> )				737.00
	4/20	4/21	Germany .....		91.00		( <sup>3</sup> )				91.00
Hon. Ralph Regula .....	4/16	4/20	Italy .....		737.00		( <sup>3</sup> )				737.00
	4/20	4/21	Germany .....		91.00		( <sup>3</sup> )				91.00
Douglas Gregory .....	4/16	4/20	Italy .....		737.00		( <sup>3</sup> )				737.00
	4/20	4/21	Germany .....		91.00		( <sup>3</sup> )				91.00
Hon. John E. Sweeney .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Hon. David L. Hobson .....	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
Hon. John Olver .....	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
Hon. Robert Aderholt .....	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
Valerie Baldwin .....	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
Brian Potts .....	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
Tom Forhan .....	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00

September 17, 2001

## CONGRESSIONAL RECORD—HOUSE

17207

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Thersee McAuliffe .....	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
John Scofield .....	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
	5/26	5/28	USA .....		416.39		( <sup>3</sup> )				416.39
	5/29	5/31	Japan .....		566.00		( <sup>3</sup> )				566.00
	5/31	6/04	Republic of Korea .....		948.00		( <sup>3</sup> )				948.00
Hon. C.W. Bill Young .....	6/15	6/17	France .....		624.40		( <sup>3</sup> )				624.40
	6/17	6/18	Germany .....		466.64		( <sup>3</sup> )				466.64
Hon. George R. Nethercutt, Jr. ....	6/15	6/17	France .....		624.40		( <sup>3</sup> )				624.40
	6/17	6/18	Germany .....		466.64		( <sup>3</sup> )				466.64
Hon. Randy "Duke" Cunningham .....	6/15	6/17	France .....		624.40		( <sup>3</sup> )				624.40
	6/17	6/18	Germany .....		466.64		( <sup>3</sup> )				466.64
Hon. Patrick Kennedy .....	6/15	6/17	France .....		624.40		( <sup>3</sup> )				624.40
Commercial airfare .....											
Douglas Gregory .....	6/15	6/17	France .....		624.40		( <sup>3</sup> )				624.40
	6/17	6/18	Germany .....		466.64		( <sup>3</sup> )				466.64
Brian Mabry .....	6/15	6/17	France .....		624.40		( <sup>3</sup> )				624.40
	6/17	6/18	Germany .....		466.64		( <sup>3</sup> )				466.64
Hon. Jerry Lewis .....	5/27	5/29	Italy .....		1,084.00		( <sup>3</sup> )				1,084.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Hon. Kay Granger .....	5/27	5/29	Italy .....		995.00		( <sup>3</sup> )				995.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Hon. Alan B. Mollohan .....	5/27	5/29	Italy .....		1,084.00		( <sup>3</sup> )				1,084.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Hon. Norman Dicks .....	5/27	5/29	Italy .....		1,084.00		( <sup>3</sup> )				1,084.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
James W. Dyer .....	5/27	5/29	Italy .....		1,084.00		( <sup>3</sup> )				1,084.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
John T. Blazey II .....	5/26	5/29	Italy .....		1,338.00		( <sup>3</sup> )				1,338.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Commercial airfare .....											
Frank Cushing .....	5/27	5/29	Italy .....		1,084.00		( <sup>3</sup> )				1,084.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Elizabeth Dawson .....	5/26	5/29	Italy .....		1,338.00		( <sup>3</sup> )				1,338.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Commercial airfare .....											
Sherry Young .....	5/27	5/29	Italy .....		995.00		( <sup>3</sup> )				995.00
	5/29	6/1	Czech Republic .....		1,367.00		( <sup>3</sup> )				1,367.00
	6/1	6/4	Spain .....		978.00		( <sup>3</sup> )				978.00
Hon. Robert E. "Bud" Cramer .....	5/25	5/27	Finland .....		552.00		( <sup>3</sup> )				552.00
	5/27	5/29	Denmark .....		508.00		( <sup>3</sup> )				508.00
	5/29	5/31	Germany .....		584.00		( <sup>3</sup> )				584.00
	5/31	6/3	France .....		927.00		( <sup>3</sup> )				927.00
Hon. Jim Kolbe .....	5/29	6/2	India .....		1,200.00						1,200.00
	6/2	6/4	Pakistan .....		439.00						439.00
Commercial airfare .....											
Charles Flickner .....	5/29	6/2	India .....		1,200.00						1,200.00
	6/2	6/4	Pakistan .....		439.00						439.00
Commercial airfare .....											
Hon. Robert E. "Bud" Cramer .....	6/15	6/19	France .....		1,080.00		( <sup>3</sup> )				1,080.00
Committee total .....					105,251.72		47,432.94				152,684.66

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

C.W. BILL YOUNG, Chairman, July 31, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Lester C. Farrington .....	4/28	5/1	Germany .....		467.50		7,358.40		159.94		7,985.84
	5/1	5/2	Luxembourg .....		222.50						222.50
	5/2	5/5	The Netherlands .....		441.00						441.00
	5/5	5/9	Norway .....		787.50						787.50
	5/9	5/12	Italy .....		585.00						585.00
W.C. Hersman .....	6/23	6/27	Germany .....		555.00		5,242.94		20.70		5,818.64
	6/27	6/29	England .....		428.00						428.00
Robert Makay .....	4/28	5/1	Germany .....		418.50		4,612.52		46.42		5,077.44
	5/1	5/5	Belgium .....		832.00						832.00
Robert H. Pearre, Jr. ....	4/28	5/1	Germany .....		467.50		6,151.39		232.74		6,851.63
	5/1	5/2	Luxembourg .....		222.50						222.50
	5/2	5/5	The Netherlands .....		441.00						441.00
	5/5	5/9	Norway .....		787.50						787.50
Frank L. Philippi .....	4/28	5/1	Germany .....		418.50		4,612.52		78.09		5,109.11
	5/1	5/5	Belgium .....		832.00						832.00
John N. Phillips .....	4/28	5/1	Germany .....		467.50		7,358.40		197.83		8,023.73
	5/1	5/2	Luxembourg .....		222.50						222.50
	5/2	5/5	The Netherlands .....		441.00						441.00
	5/5	5/9	Norway .....		787.50						787.50
	5/9	5/12	Italy .....		585.00						585.00
W.D. Thompson .....	6/23	6/27	Germany .....		555.00		5,242.94		46.00		5,843.94

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Michael L. Welsh .....	6/27	6/29	England .....		428.00						428.00
	4/28	5/1	Germany .....		418.50		4,612.52		59.90		5,090.92
	5/1	5/5	Belgium .....		832.00						832.00
	6/23	6/27	Germany .....		555.00		4,760.60		42.14		5,357.74
Committee total .....					13,198.00		49,952.23		883.76		64,033.99

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

C.W. BILL YOUNG, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Vic Snyder .....	4/6	4/9	Guinea .....		276.00						276.00
Commercial airfare .....	4/9	4/11	Sierra Leone .....		116.00						116.00
Hon. Ellen O. Tauscher .....	4/17	4/18	Belgium .....		265.00		6,666.48				6,666.48
	4/18	4/19	Germany .....		184.00						184.00
	4/19	4/19	Bosnia .....								
	4/19	4/20	Macedonia .....		249.00						249.00
	4/20	4/20	Kosovo .....								
	4/20	4/21	Germany .....		305.00						305.00
Commercial airfare .....							6,729.82				
Debra S. Wada .....	4/17	4/18	Belgium .....		265.00						265.00
	4/18	4/19	Germany .....		184.00						184.00
	4/19	4/19	Bosnia .....								
	4/19	4/20	Macedonia .....		249.00						249.00
	4/20	4/20	Kosovo .....								
	4/20	4/21	Germany .....		305.00						305.00
Commercial airfare .....							6,729.82				6,729.82
Hon. Joe Scarborough .....	4/17	4/18	Peru .....		254.00						254.00
Commercial airfare .....							4,354.60				4,354.60
Hon. Ken Calvert .....	5/26	5/29	Italy .....		1,356.00						1,356.00
	5/29	6/1	Czech Republic .....		1,367.00						1,367.00
	6/1	6/4	Spain .....		945.00						945.00
Thomas E. Hawley .....	5/28	5/30	Italy .....		328.00						328.00
	5/30	6/2	Germany .....		451.00						451.00
Commercial airfare .....							6,209.49				6,209.49
Dudley L. Tademy .....	5/28	5/30	Italy .....		328.00						328.00
	5/30	6/2	Germany .....		451.00						451.00
Commercial airfare .....							6,209.49				6,209.49
Hon. Robert A. Underwood .....	5/27	5/30	Philippines .....		732.00				160.95		892.95
Commercial airfare .....							1,161.36				1,161.36
Hon. James H. Maloney .....	5/29	5/31	Russia .....		688.00						688.00
Commercial airfare .....							4,325.60				4,325.60
Hon. Floyd D. Spence .....	6/15	6/19	France .....		2,616.00						2,616.00
Hon. Solomon P. Ortiz .....	6/15	6/19	France .....		2,616.00						2,616.00
Hon. Howard P. "Buck" McKeon .....	6/15	6/19	France .....		2,616.00						2,616.00
Hon. Jim Ryun .....	6/15	6/19	France .....		2,616.00						2,616.00
Hon. Silvestre Reyes .....	6/15	6/19	France .....		2,616.00						2,616.00
Hon. Robin Hayes .....	6/15	6/19	France .....		2,616.00						2,616.00
Mr. Carl D. Commemator .....	6/15	6/19	France .....		2,616.00						2,616.00
Mr. Steven A. Thompson .....	6/15	6/19	France .....		2,616.00						2,616.00
Hon. Neil Abercrombie .....	6/15	6/17	France .....		988.00						988.00
	6/17	6/18	Germany .....		387.00						387.00
Committee total .....					31,601.80		42,386.66		160.95		74,149.41

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, July 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, July 20, 2001.

September 17, 2001

CONGRESSIONAL RECORD—HOUSE

17209

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BOEHNER, Chairman, July 30, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Roy Blunt .....	6/21	6/23	Nicaragua .....	.....	190.00	.....	1,377.24	.....	.....	.....	1,567.24
Hon. Cliff Stearns .....	6/15	6/18	France .....	.....	240.00	.....	( <sup>3</sup> )	.....	( <sup>3</sup> )574.00	.....	814.00
Hon. Ed Whitfield .....	5/29	5/31	Japan .....	.....	566.00	.....	( <sup>3</sup> )	.....	.....	.....	566.00
Hon. Greg Ganske .....	5/31	6/4	South Korea .....	.....	948.00	.....	( <sup>3</sup> )	.....	.....	.....	948.00
	4/17	4/18	Italy .....	.....	109.00	.....	( <sup>3</sup> )	.....	346.00	.....	455.00
	4/18	4/20	Israel .....	.....	456.00	.....	( <sup>3</sup> )	.....	380.00	.....	836.00
	4/20	4/22	Jordan .....	.....	244.00	.....	( <sup>3</sup> )	.....	228.00	.....	472.00
Hon. Anna Eshoo .....	4/22	4/23	Egypt .....	.....	223.00	.....	( <sup>3</sup> )	.....	.....	.....	223.00
	4/23	4/24	Ireland .....	.....	327.00	.....	( <sup>3</sup> )	.....	124.50	.....	451.50
	4/17	4/18	Italy .....	.....	218.00	.....	( <sup>3</sup> )	.....	286.00	.....	504.00
	4/18	4/20	Israel .....	.....	456.00	.....	( <sup>3</sup> )	.....	380.00	.....	836.00
Hon. Charlie Bass .....	4/20	4/22	Jordan .....	.....	244.00	.....	( <sup>3</sup> )	.....	197.00	.....	441.00
	4/22	4/23	Egypt .....	.....	223.00	.....	( <sup>3</sup> )	.....	.....	.....	223.00
	4/23	4/24	Ireland .....	.....	327.00	.....	( <sup>3</sup> )	.....	124.50	.....	451.50
	4/7	4/10	England .....	.....	903.00	.....	736.50	.....	150.00	.....	1,789.50
Hon. Rick Boucher .....	4/11	4/12	Austria .....	.....	308.00	.....	( <sup>3</sup> )	.....	100.00	.....	408.00
	4/13	4/14	Turkey .....	.....	360.00	.....	( <sup>3</sup> )	.....	.....	.....	360.00
	4/8	4/11	Japan .....	.....	953.00	.....	( <sup>3</sup> )	.....	.....	.....	953.00
Hon. Rick Boucher .....	4/11	4/13	Hong Kong .....	.....	854.00	.....	( <sup>3</sup> )	.....	.....	.....	854.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

A<sup>3</sup> Military air transportation.

BILLY TAUZIN, Chairman, Aug. 3, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001.

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kevin MacMillan .....	5/28	6/3	Spain .....	.....	768.00	.....	788.60	.....	.....	.....	1,556.60
Hon. Ruben Hinojosa .....	6/15	6/19	France .....	.....	2,616.00	.....	( <sup>3</sup> )	.....	.....	.....	2,616.00
Committee total .....	.....	.....	.....	.....	3,384.00	.....	788.60	.....	.....	.....	4,172.60

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

MICHAEL G. OXLEY, Chairman, July 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Dennis J. Kucinich .....	2/18	2/21	Russia .....	.....	979.50	.....	4,783.04	.....	.....	.....	.....
	2/21	2/22	Moldova .....	.....	225.00	.....	.....	.....	.....	.....	.....
	2/22	2/23	Ukraine .....	.....	269.00	.....	.....	.....	.....	.....	.....
	2/23	2/24	Russia .....	.....	326.50	.....	.....	.....	.....	.....	.....
Kevin Long .....	4/12	4/13	Taiwan .....	.....	289.00	.....	4,783.04	.....	.....	.....	.....
	4/13	4/17	Korea .....	.....	1,088.00	.....	.....	.....	.....	.....	.....
	4/17	4/18	Thailand .....	.....	546.00	.....	.....	.....	.....	.....	.....
	4/18	4/19	Thailand .....	.....	84.00	.....	.....	.....	.....	.....	.....
Scott Feeney .....	4/20	4/21	Thailand .....	.....	182.00	.....	.....	.....	.....	.....	.....
	4/12	4/13	Taiwan .....	.....	289.00	.....	4,507.04	.....	.....	.....	.....
	4/13	4/17	Korea .....	.....	1,088.00	.....	.....	.....	.....	.....	.....
	4/17	4/18	Thailand .....	.....	546.00	.....	.....	.....	.....	.....	.....
Chris Donesa .....	4/18	4/19	Thailand .....	.....	182.00	.....	.....	.....	.....	.....	.....
	4/12	4/13	Taiwan .....	.....	289.00	.....	4,507.04	.....	.....	.....	.....
	4/13	4/17	Korea .....	.....	1,088.00	.....	.....	.....	.....	.....	.....
	4/17	4/18	Thailand .....	.....	546.00	.....	.....	.....	.....	.....	.....
Tony Haywood .....	4/18	4/19	Thailand .....	.....	84.00	.....	.....	.....	.....	.....	.....
	4/20	4/21	Thailand .....	.....	182.00	.....	.....	.....	.....	.....	.....
	4/12	4/13	Taiwan .....	.....	289.00	.....	5,424.04	.....	.....	.....	.....
	4/13	4/17	Korea .....	.....	1,088.00	.....	.....	.....	.....	.....	.....
Hon. Henry Waxman .....	4/17	4/18	Thailand .....	.....	546.00	.....	.....	.....	.....	.....	.....
	4/18	4/19	Thailand .....	.....	84.00	.....	.....	.....	.....	.....	.....
	4/20	4/21	Thailand .....	.....	187.00	.....	.....	.....	.....	.....	.....
	4/18	4/20	Israel .....	.....	456.00	.....	812.50	.....	380.00	.....	.....
Hon. Henry Waxman .....	4/20	4/22	Jordan .....	.....	244.00	.....	( <sup>3</sup> )	.....	228.00	.....	.....
	4/22	4/23	Egypt .....	.....	223	.....	.....	.....	.....	.....	.....
	4/23	4/24	Ireland .....	.....	135.00	.....	.....	.....	124.50	.....	.....

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kevin Long .....	5/25	5/28	England .....		1,128.00		6,265.29				
	5/28	5/31	Holland, Netherlands .....		741.00						
Chris Donesa .....	5/25	5/28	England .....		1,128.00		5,544.97				
	5/28	5/31	Holland, Netherlands .....		741.00						
	5/31	6/2	Switzerland .....		585.00						
Roland Foster .....	5/25	5/28	England .....		1,128.00		5,597.97				
	5/28	5/31	Holland, Netherlands .....		741.00						
	5/31	6/2	Switzerland .....		585.00						
Tony Haywood .....	5/25	5/28	England .....		1,128.00		5,722.48				
	5/28	5/31	Holland, Netherlands .....		741.00						
	5/31	6/2	Switzerland .....		585.00						
Hon. Christopher Shays .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				
	4/11	4/13	Hong Kong .....		854.00						
Gil Macklin .....	5/28	6/2	Colombia .....		884.00		2,003.10				
Committee total .....					23,457.00		49,950.51		732.50		

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

DAN BURTON, Chairman, July 31, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
David Abramowitz .....	4/9	4/10	Thailand .....		182.00						182.00
	4/10	4/12	Cambodia .....		386.00						386.00
	4/12	4/15	Malaysia .....		369.00						369.00
Commercial airfare .....	4/8	4/16					5,714.44				5,714.44
Douglas Anderson .....	4/14	4/17	Republic of Korea .....		591.00						591.00
	4/17	4/19	Taiwan .....		516.00						516.00
	4/19	4/22	Hong Kong SAR .....		1,131.00						1,131.00
Commercial airfare .....	4/13	4/22					6,588.11				6,588.11
Hon. Cass Ballenger .....	3/30	3/31	Barbados .....		503.00		( <sup>3</sup> )				503.00
	3/31	4/1	Dominica .....		232.00		538.46				770.46
	4/1	4/2	Barbados .....		338.75		( <sup>3</sup> )				338.75
	5/29	5/30	El Salvador .....		102.93		( <sup>3</sup> )		1,270.52		1,373.45
	5/30	6/2	Colombia .....		165.75		( <sup>3</sup> )				165.75
	6/21	6/24	Nicaragua .....		140.00		( <sup>3</sup> )		3,140.00		3,280.00
Jessica Baumgarten .....	3/30	3/31	Barbados .....		503.00		( <sup>3</sup> )				503.00
	3/31	4/1	Dominica .....		232.00		538.46				770.46
	4/1	4/2	Barbados .....		324.00		( <sup>3</sup> )				324.00
Ted Brennan .....	3/30	3/31	Barbados .....		503.00		( <sup>3</sup> )				503.00
	3/31	4/1	Dominica .....		232.00		538.46				770.46
	4/1	4/2	Barbados .....		295.00		( <sup>3</sup> )				295.00
	5/29	5/30	El Salvador .....		126.00		( <sup>3</sup> )				126.00
	5/30	6/2	Colombia .....		473.00		( <sup>3</sup> )				473.00
Sally Buikema .....	4/6	4/7	Senegal .....		158.00		( <sup>3</sup> )				158.00
	4/7	4/9	Nigeria .....		737.25		( <sup>3</sup> )				737.25
	4/9	4/10	Ghana .....		230.00		( <sup>3</sup> )				230.00
	4/10	4/11	Morocco .....		242.00		( <sup>3</sup> )				242.00
Thomas J. Calahan .....	4/6	4/7	Netherlands .....		157.00						157.00
	4/7	4/9	Kenya .....		202.00						202.00
	4/9	4/10	Tanzania .....		348.00						348.00
	4/10	4/11	Kenya .....		137.00		278.00				415.00
	4/11	4/14	Rwanda .....		456.00						456.00
	4/15	4/16	United Kingdom .....		301.00						301.00
	4/17	4/19	Sierra Leone .....		150.00		60.00				210.00
	4/19	4/23	Guinea .....		542.00						542.00
Commercial airfare .....	4/5	4/24					11,105.80				11,105.80
Malik Chaka .....	5/25	5/30	Angola .....		1,635.00						1,635.00
	5/30	6/1	Republic of Congo .....		362.00						362.00
	6/1	6/5	Nigeria .....		959.00						959.00
Commercial airfare .....	5/24	6/6					6,515.50				6,515.50
Nisha Desai .....	4/11	4/17	India .....		1,007.00						1,007.00
	4/17	4/22	Pakistan .....		782.00						782.00
Commercial airfare .....	4/10	4/22					7,387.35				7,387.35
	5/26	5/29	Philippines .....		530.00						530.00
	5/29	6/2	Thailand .....		568.00						568.00
	6/2	6/4	Cambodia .....		315.00						315.00
	6/4	6/5	Thailand .....		182.00						182.00
Commercial airfare .....	5/25	6/5					4,774.10				4,774.10
Hon. Eni Faleomavaega .....	5/22	5/25	Cuba .....		594.00						594.00
Commercial airfare .....							2,467.10				2,467.10
Adolfo Franco .....	4/16	4/22	Sri Lanka .....		1,170.00						1,170.00
Commercial airfare .....	4/14	4/23					6,588.11				6,588.11
Sharee Freeman .....	4/6	4/7	Senegal .....		158.00		( <sup>3</sup> )				158.00
	4/7	4/9	Nigeria .....		737.25		( <sup>3</sup> )				737.25
	4/9	4/10	Ghana .....		230.00		( <sup>3</sup> )				230.00
	4/10	4/11	Morocco .....		242.00		( <sup>3</sup> )				242.00
	5/13	6/3	Bulgaria .....		806.00		( <sup>3</sup> )				806.00
	4/15	4/22	Pakistan .....		973.00				233.27		1,206.27
Commercial airfare .....	4/15	4/22					7,057.36				7,057.36
Charisse Glassman .....	3/30	3/31	Barbados .....		503.00		( <sup>3</sup> )				503.00
	3/31	4/1	Dominica .....		232.00		538.46				770.46
	4/1	4/2	Barbados .....		503.00		( <sup>3</sup> )				503.00
Dennis Halpin .....	4/14	4/17	Republic of Korea .....		591.00						591.00
	4/17	4/19	Taiwan .....		513.47						513.47
	4/19	4/22	Hong Kong SAR .....		1,131.00						1,131.00
Commercial airfare .....	4/13	4/22					6,588.11				6,588.11
Hon. Alcee Hastings .....	4/18	4/21	Denmark .....		567.00						567.00
Commercial airfare .....	4/18	4/21					2,138.82				2,138.82

September 17, 2001

## CONGRESSIONAL RECORD—HOUSE

17211

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Earl Hillard .....	3/30	3/31	Barbados .....		503.00		( <sup>3</sup> )				503.00
	3/31	4/1	Dominica .....		232.00		538.46				770.46
	4/1	4/2	Barbados .....		503.00		( <sup>3</sup> )				503.00
Hon. Henry Hyde .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		750.00		( <sup>3</sup> )		5,660.89		6,410.89
	4/20	4/22	Chile .....		592.00		( <sup>3</sup> )				592.00
Kay King .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		625.00		( <sup>3</sup> )				625.00
	4/20	4/22	Chile .....		592.00		( <sup>3</sup> )				592.00
Robert King .....	4/16	4/18	Brazil .....		254.00		( <sup>3</sup> )				254.00
	4/18	4/20	Argentina .....		316.00		( <sup>3</sup> )				316.00
	4/20	4/22	Chile .....		270.00		( <sup>3</sup> )				270.00
Sheila Klein .....	4/16	4/18	Brazil .....		488.00		( <sup>3</sup> )				488.00
	4/18	4/20	Argentina .....		650.00		( <sup>3</sup> )				650.00
	4/20	4/22	Chile .....		517.00		( <sup>3</sup> )				517.00
John Mackey .....	5/29	6/1	Colombia .....		884.00						884.00
Commercial airfare .....							2,003.10				2,003.10
Pearl Alice Marsh .....	4/15	4/16	United Kingdom .....		391.00						391.00
	4/17	4/19	Sierra Leone .....		187.50		60.00				247.50
	4/19	4/23	Guinea .....		332.00						332.00
Commercial airfare .....	4/5	4/24					11,105.80				11,105.80
	5/25	5/30	Angola .....		1,538.00						1,538.00
	5/30	6/1	Republic of Congo .....		362.00						362.00
Commercial airfare .....	5/24	6/1					5,122.57				5,122.57
Caleb McCarry .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		750.00		( <sup>3</sup> )				750.00
	4/20	4/20	Chile .....		296.00		( <sup>3</sup> )				296.00
Commercial airfare .....	4/20	4/21					2,729.30				2,729.30
	5/29	5/30	El Salvador .....		113.00		( <sup>3</sup> )				113.00
	5/30	6/2	Colombia .....		553.00		( <sup>3</sup> )				553.00
	6/21	6/24	Nicaragua .....		776.00		( <sup>3</sup> )				776.00
Hon. Cynthia McKinney .....	4/18	4/22	Pakistan .....		547.50				401.70		949.20
Commercial airfare .....	4/16	4/22					7,033.24				7,033.24
Tom Mooney .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		750.00		( <sup>3</sup> )				750.00
	4/20	4/22	Chile .....		592.00		( <sup>3</sup> )				592.00
Parker Brent Moore .....	4/16	4/18	Brazil .....		478.00		( <sup>3</sup> )				478.00
	4/18	4/20	Argentina .....		700.00		( <sup>3</sup> )				700.00
	4/20	4/22	Chile .....		552.00		( <sup>3</sup> )				552.00
Lester Munson .....	4/14	4/17	Republic of Korea .....		591.00						591.00
	4/17	4/19	Taiwan .....		542.53						542.53
	4/19	4/22	Hong Kong SAR .....		1,131.00						1,131.00
Commercial airfare .....	4/13	4/22					6,588.11				6,588.11
Hon. Grace Napolitano .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Pedro Pablo Permy .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		750.00		( <sup>3</sup> )				750.00
	4/20	4/22	Chile .....		592.00		( <sup>3</sup> )				592.00
Yleem D.S. Poblete .....	4/8	4/11	Switzerland .....		927.00						927.00
Commercial airfare .....	4/7	4/11					6,595.93				6,595.93
Stephen Rademaker .....	4/6	4/7	Netherlands .....		157.00						157.00
	4/7	4/9	Kenya .....		202.00						202.00
	4/9	4/10	Tanzania .....		348.00						348.00
	4/10	4/11	Kenya .....		137.00		278.00				415.00
	4/11	4/14	Rwanda .....		456.00						456.00
Commercial airfare .....	4/5	4/15					9,454.08				9,454.08
	5/25	5/26	Croatia .....		191.00						191.00
	5/26	5/29	Bosnia .....		760.00						760.00
	5/29	5/30	Former Republic of Yugoslavia .....		188.00						188.00
	5/30	5/31	Kosovo .....		162.00						162.00
	5/31	6/1	Macedonia .....		199.00						199.00
Commercial airfare .....	5/24	6/1					5,122.57				5,122.57
Frank Record .....	4/16	4/18	Brazil .....		438.00		( <sup>3</sup> )				438.00
	4/18	4/20	Argentina .....		700.00		( <sup>3</sup> )				700.00
	4/20	4/22	Chile .....		442.00		( <sup>3</sup> )				442.00
Grover Joseph Rees .....	4/9	4/11	Switzerland .....		618.00						618.00
Commercial airfare .....	4/10	4/11					4,220.77				4,220.77
	5/26	5/29	Philippines .....		508.00						508.00
	5/29	6/2	Thailand .....		637.00						637.00
	6/2	6/4	Cambodia .....		350.00						350.00
	6/4	6/5	Thailand .....		149.00						149.00
Commercial airfare .....	5/25	6/5					4,656.60				4,656.60
Hon. Ileana Ros-Lehtinen .....	4/9	4/10	Switzerland .....		309.00						309.00
Commercial airfare .....	4/8	4/10					7,277.02				7,277.02
Hon. Christopher Smith .....	4/9	4/11	Switzerland .....		618.00						618.00
Commercial airfare .....	4/8	4/11					4,220.77				4,220.77
Hon. Nick Smith .....	3/30	3/31	Barbados .....		503.00		( <sup>3</sup> )				503.00
	3/31	4/1	Dominica .....		232.00		538.46				770.46
	4/1	4/2	Barbados .....		503.00		( <sup>3</sup> )				503.00
	5/29	5/30	El Salvador .....		222.00		( <sup>3</sup> )				222.00
	5/30	6/2	Colombia .....		663.00		( <sup>3</sup> )				663.00
Sam Stratman .....	4/6	4/7	Netherlands .....		157.00						157.00
	4/7	4/9	Kenya .....		202.00						202.00
	4/9	4/10	Tanzania .....		348.00						348.00
	4/10	4/11	Kenya .....		137.00		278.00				415.00
	4/11	4/14	Rwanda .....		456.00						456.00
Commercial airfare .....	4/5	4/15					7,991.08				7,991.08
	5/26	5/29	Philippines .....		582.00						582.00
	5/29	6/2	Thailand .....		637.00						637.00
	6/2	6/4	Cambodia .....		350.00						350.00
	6/4	6/5	Thailand .....		182.00						182.00
Commercial airfare .....	5/25	6/5					4,774.10				4,774.10
Mauricio Tamargo .....	4/8	4/11	Switzerland .....		927.00						927.00
Commercial airfare .....	4/7	4/11					6,595.93				6,595.93
Fred Turner .....	4/19	4/21	Denmark .....		378.00						378.00
Commercial airfare .....	4/18	4/21					4,114.11				4,114.11
Hillel Weinberg .....	6/21	6/23	France .....		620.00						620.00
Commercial airfare .....	6/20	6/23					6,035.33				6,035.33
Judy Wolverton .....	4/16	4/18	Brazil .....		538.00		( <sup>3</sup> )				538.00
	4/18	4/20	Argentina .....		750.00		( <sup>3</sup> )				750.00
	4/20	4/22	Chile .....		592.00		( <sup>3</sup> )				592.00

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Peter Yeo .....	4/9	4/10	Thailand .....		182.00						182.00
	4/10	4/12	Cambodia .....		386.00						386.00
	4/12	4/15	Malaysia .....		369.00						369.00
Commercial airfare .....	4/8	4/16					5,717.44				5,717.44
Committee total .....					68,905.93		182,467.41		10,706.38		262,079.72

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HENRY HYDE, Chairman, July 31, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES V. HANSEN, Chairman.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. David Dreier .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				4,698.04
Hon. Pete Sessions .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )		3,844.04		953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Hon. Doc Hastings .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Matthew Reynolds .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Ed Cassidy .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Elan Liang .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/13	Hong Kong .....		854.00		( <sup>3</sup> )				854.00
Amanda Barnett .....	4/8	4/11	Japan .....		953.00		( <sup>3</sup> )				953.00
	4/11	4/12	Hong Kong .....		427.00		2,846.21				3,273.21
Hon. David Dreier .....	6/20	6/24	Nicaragua .....		266.00		( <sup>3</sup> )				266.00
Bradley Smith .....	6/20	6/24	Nicaragua .....		266.00		( <sup>3</sup> )				266.00
Matthew Reynolds .....	6/20	6/24	Nicaragua .....		266.00		( <sup>3</sup> )				266.00
Hon. Lincoln Diaz-Balart .....	4/8	4/10	Switzerland .....		309.00		7,277.02				7,596.02
Committee total .....											27,296.27

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

DAVID DREIER, Chairman.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Sherwood Boehlert .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. Gil Gutnecht .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. Dana Rohrabacher .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. Lynn Woolsey .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. Nick Smith .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. Dave Weldon .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. Sheila Jackson-Lee .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Hon. John Larson .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Tim Clancy .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Scott Giles .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Eric Sterner .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Bob Palmer .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Richard Obermann .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Dan Pearson .....	6/15	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Committee total .....					4,480.00						4,480.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

SHERWOOD L. BOEHLERT, Chairman, July 30, 2001.

September 17, 2001

## CONGRESSIONAL RECORD—HOUSE

17213

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kevin Opstrup .....	5/16	5/18	France .....		303.00		787.00		26.00		1,116.00
Committee total .....											1,116.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD A. MANZULLO, Chairman, July 17, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, July 26, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Don Young .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Hon. Robert Borski .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Hon. Bud Cramer .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Hon. Bob Filner .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Hon. Tim Holden .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Hon. John Mica .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Hon. Brian Kerns .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Lloyd Jones .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Elizabeth Megginson .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
William Sharrow .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Christine Kennedy .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Jimmy Miller .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Levon Boyagian .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Fraser Verrusio .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Clyde Woodle .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Any Denicore .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Ryan Sieger .....	5/27	5/29	Denmark .....		508.00		(3)				508.00
	5/29	5/31	Germany .....		292.00		(3)				292.00
	5/31	6/3	France .....		927.00		(3)				927.00
Arthur Chan .....	5/14	5/15	Canada .....		155.00		32.49				187.49
Hon. John Duncan .....	4/6	4/9	Italy .....		327.00				440.0		767.00
	4/9	4/11	Turkey .....		918.00						918.00
	4/12	4/13	Italy .....		171.00						171.00
	4/13	4/16	France .....		852.00						852.00
Hon. John Mica .....	6/14	6/19	France .....		1,854.00						1,854.00
Committee total .....					31,909.00		32.49		440.00		82,381.49

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

DON YOUNG, Chairman, July 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Saxby Chambliss .....	4/8	4/14	Europe .....		2,023.00		( <sup>3</sup> )		191.71		2,214.71
Hon. Asa Hutchinson .....	4/8	4/14	Europe .....		2,023.00		( <sup>3</sup> )				2,023.00
Hon. Richard M. Burr .....	4/8	4/14	Europe .....		2,023.00		( <sup>3</sup> )				2,023.00
Hon. Sanford Bishop, Jr. ....	4/9	4/14	Europe .....		1,672.00						1,672.00
Commercial airfare .....							2,519.30				2,519.30
Hon. Jane Harman .....	4/9	4/11	Europe .....		906.00						906.00
Commercial airfare .....							5,899.72				5,899.00
Hon. Alcee L. Hastings .....	4/8	4/18	Europe .....		3,042.00						3,042.00
Commercial airfare .....							882.00				882.00
Jay Yakub .....	4/8	4/14	Europe .....		2,023.00		( <sup>3</sup> )				2,023.00
Christine Healey .....	4/8	4/14	Europe .....		2,023.00		( <sup>3</sup> )				2,023.00
Anne Avatt .....	4/8	4/14	Europe .....		2,023.00		( <sup>3</sup> )				2,023.00
Patrick Murray .....	4/7	4/14	Europe .....		1,687.00						1,687.00
Commercial airfare .....							3,127.11				3,127.11
Michael Sheehy .....	4/19	4/20	North America .....		293.00						293.00
Commercial airfare .....							1,275.97				1,275.97
Beth Larson .....	4/17	4/24	Europe/Middle East .....		1,359.00		( <sup>3</sup> )				1,359.00
John Stopher .....	5/18	5/19	Asia .....		1,494.00						1,494.00
Commercial airfare .....							3,396.98				3,396.98
Hon. Tim Roemer .....	5/28	5/31	Caribbean .....		384.00						384.00
Commercial airfare .....							1,258.48				1,258.48
Wyndee Parker .....	5/28	5/31	Caribbean .....		384.00						384.00
Commercial airfare .....							1,258.48				1,258.48
Christopher Barton .....	5/30	6/2	South America .....		663.00						663.00
Commercial airfare .....							2,003.10				2,003.10
Patrick Murray .....	6/4	6/9	Europe .....		1,776.00						1,776.00
Commercial airfare .....							5,268.33				5,268.33
Jay Yakub .....	6/4	6/9	Europe .....		1,776.00						1,776.00
Commercial airfare .....							5,268.33				5,268.33
Merrell Moorhead .....	6/4	6/9	Europe .....		1,776.00						1,776.00
Commercial airfare .....							5,268.33				5,268.33
Beth Larson .....	6/4	6/9	Europe .....		1,776.00						1,776.00
Commercial airfare .....							5,268.33				5,268.33
Christine Healey .....	6/4	6/8	Europe .....		1,425.00						1,425.00
Commercial airfare .....							5,790.33				5,790.33
Committee total .....					32,551.00		48,484.79		191.71		81,227.50

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

PORTER J. GOSS, Chairman, July 31, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Aug. 1, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
FOR HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, July 20, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 17 AND MAY 21, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Amo Houghton .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Hon. David Dreier .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Liberty Dunn .....	5/17	5/21	Canada .....		519.17		( <sup>3</sup> )				519.17
Carl Ek .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Hon. Phil English .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Hon. Benjamin Gilman .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Hon. Don Manzullo .....	5/17	5/21	Canada .....		525.76		( <sup>3</sup> )				525.76
Hon. Collin Peterson .....	5/17	5/21	Canada .....		519.17		( <sup>3</sup> )				519.17
Frank Record .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Hon. Clay Shaw .....	5/17	5/21	Canada .....		525.76		( <sup>3</sup> )				525.76
Hon. Mark Souder .....	5/17	5/21	Canada .....		519.17		( <sup>3</sup> )				519.17
Hon. Cliff Stearns .....	5/17	5/21	Canada .....		571.79		( <sup>3</sup> )				571.79

September 17, 2001

## CONGRESSIONAL RECORD—HOUSE

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 17 AND MAY 21, 2001—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Bob Van Wicklin .....	5/17	5/20	Canada .....		321.56		( <sup>3</sup> )				321.56
Committee total .....					5,431.74						5,431.74

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

AMO HOUGHTON, June 20, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO LITHUANIA AND BULGARIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND JUNE 3, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Doug Bereuter .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Hon. Porter Goss <sup>4</sup> .....	5/27	5/30	Lithuania .....		490.00		\$ 1,231.00				
	6/1	6/3	Bulgaria .....		584.00						2,305.00
Hon. Floyd Spence .....	5/27	5/31	Lithuania .....		980.00		\$ 3,110.30				4,090.30
Hon. Roy Blunt .....	5/27	5/31	Lithuania .....		980.00		\$ 2,666.30				3,646.30
Hon. Mike Bilirakis .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Hon. Joel Hefley .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Hon. Nick Lampson .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Hon. Tom Reynolds .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Hon. John Shimkus .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Michael Ennis .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				1,856.00
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Robin Evans .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				1,856.00
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Susan Olson .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				1,856.00
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Keith O'Neil .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				1,856.00
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Carol Lawrence .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				1,856.00
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Jo Weber .....	5/27	5/31	Lithuania .....		980.00		( <sup>3</sup> )				1,856.00
	5/31	6/3	Bulgaria .....		876.00						1,856.00
Committee total .....					25,306.00		7,007.60				32,313.60

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Representative Porter Goss departed from the Bereuter CODEL on Wednesday, May 30th, to join Speaker Hastert's CODEL; subsequently, Representative Goss rejoined the Bereuter CODEL on Friday, June 1st.<sup>5</sup> Commercial airfare and military air transportation.

DOUGLAS BEREUTER, June 26, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA AND CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND JUNE 3, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. J. Dennis Hastert .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751.00	610.00
Hon. William M. Thomas .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751.00	610.00
Hon. Michael R. McNulty .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Hon. Mac Collins .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Hon. Alcee Hastings .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Hon. Jack Kingston .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Hon. Ray LaHood .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Hon. Adam H. Putnam .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Bill Livingood .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Dr. Eisdold .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Scott Palmer .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
John Feehery .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Ralph Hellmann .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Sam Lancaster .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Christy Surprenant .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Chris Walker .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Robert King .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Dwight Comedy .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Dwight Comedy .....	5/29	6/1	Russia .....	17,751	610.00		( <sup>3</sup> )			17,751	610.00
Hon. J. Dennis Hastert .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Hon. William M. Thomas .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Hon. Michael R. McNulty .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Hon. Mac Collins .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Hon. Alcee Hastings .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Hon. Jack Kingston <sup>4</sup> .....	6/1	6/2	Czech Republic .....		252.00		1,342.26				1,720.26
Hon. Ray LaHood .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Hon. Adam H. Putnam .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Bill Livingood .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Dr. Eisdold .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Scott Palmer .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
John Feehery .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Ralph Hellmann .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA AND CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 28 AND JUNE 3, 2001—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Sam Lancaster .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Christy Surprenant .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Chris Walker .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Robert King .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Dwight Comedy .....	6/1	6/3	Czech Republic .....		378.00		( <sup>3</sup> )				378.00
Committee total .....											

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Representative Kingston departed on June 2, 2001.

J. DENNIS HASTERT, July 23, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BOSNIA, AND HERZEGOVINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 29 AND JUNE 1, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
C.W. Bill Young .....	5/29	6/1	Italy .....	1,076,112	477.00		( <sup>3</sup> )			1,076,000	477.00
	5/31	5/31	Bosnia .....				( <sup>3</sup> )				
Hon. Carolyn Maloney .....	5/29	6/1	Italy .....	1,076,112	477.00		( <sup>3</sup> )			1,076,000	477.00
	5/31	5/31	Bosnia .....				( <sup>3</sup> )				
Douglas Gregory .....	5/29	6/1	Italy .....	1,076,112	477.00		( <sup>3</sup> )			1,076,000	477.00
	5/31	5/31	Bosnia .....				( <sup>3</sup> )				
Committee total .....					1,431.00						1,431.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

C.W. BILL YOUNG, June 28, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DOUGLAS FARRY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND APR. 13, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Douglas Farry .....	4/8	4/11	Japan .....		953.00						953.00
	4/11	4/13	Hong Kong .....		854.00						854.00
Committee total .....					1,807.00						1,807.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS FARRY, May 11, 2001.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. SCOTT PALMER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 14 AND JUNE 19, 2001

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Scott Palmer .....	6/14	6/19	France .....		320.00		( <sup>3</sup> )				320.00
Committee total .....					320.00						320.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

J. DENNIS HASTERT, July 23, 2001.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3657. A communication from the President of the United States, transmitting a request to make available emergency funding to respond to the consequences of the September 11th terrorist attacks on the United States, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 107—119); to the Committee on Appropriations and ordered to be printed.

3658. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Update Report for FY 2002, pursuant to 2 U.S.C. section 904(b); to the Committee on Appropriations.

3659. A letter from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting notification of intent to fund for test projects for inclusion in the Fiscal Year 2002 Foreign Comparative Testing (FCT) Program, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

3660. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report on Portability and Reciprocity of TRICARE Prime Benefits; to the Committee on Armed Services.

3661. A letter from the Acting Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2000, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

3662. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7040-5] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3663. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—South Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7036-9] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3664. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri; Correction [MO 0133-1133a; FRL-7041-8] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3665. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland Administrative Revisions of General Provisions Related to Definitions of Terms and Ambient Air Quality Standards [MD064/122/123-3069a; FRL-7021-3] received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3666. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nitrogen Oxides Budget Trading Program [PA 169-4134; FRL-7038-3] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3667. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NOx RACT Determinations for Eight Individual Sources in the Pittsburgh-Beaver Valley Area; Correction [PA-4127a; FRL-7040-1] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3668. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NOx RACT Determinations for Four Individual Sources in the Pittsburgh-Beaver Valley Area; Correction [PA-4130a; FRL-7039-9] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3669. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for Carbon Monoxide (CO); Spokane CO Non-attainment Area, Washington [Docket No. WA-01-002; FRL-7041-9] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3670. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing [FRL-7039-4] (RIN: 2060-AG27) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3671. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the report required by the United States-Hong Kong Policy Act of 1992 describing the current conditions in Hong Kong of interest to the United States, covering the period since the last report in May 2000; to the Committee on International Relations.

3672. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Tajikistan is committed to the courses of action described in 1203 (d) of the Cooperative Threat Reduction Act of 1993, Section 1412 (d) of the Former Soviet Union Demilitarization Act of 1992 and Section 502 of the FREEDOM Support Act; to the Committee on International Relations.

3673. A letter from the Commissioner, Department of the Interior, transmitting the Department's report entitled, "Desalination and Water Purification Research and Development Program"; to the Committee on Resources.

3674. A letter from the Acting Chairman, National Transportation Safety Board, transmitting the 1998 and 1999 annual report of the Board's activities, pursuant to 49 U.S.C. 1117; to the Committee on Transportation and Infrastructure.

3675. A letter from the Secretaries, Department of Energy and Department of Agriculture, transmitting a report entitled, "Initial Report to Congress Required by the Biomass Research and Development Act of 2000"; jointly to the Committees on Science and Agriculture.

3676. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft bill entitled, "Atomic Energy Act Amendments of 2001"; jointly to the Committees on Energy and Commerce, the Judiciary, and Transportation and Infrastructure.

3677. A letter from the Director, Executive Office of the President, transmitting the Annual Report to Congress on Combating Terrorism, pursuant to Public Law 105-85 section 1031(b) (111 Stat. 1880); jointly to the Committees on International Relations, Armed Services, and the Judiciary.

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## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. SWEENEY introduced A bill (H.R. 2899) to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; which was referred to the Committee on Ways and Means.

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## ADDITIONAL SPONSORS

Under clause 7 of the rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1734: Mr. GILLMOR.

## EXTENSIONS OF REMARKS

A TRIBUTE TO KELLY M. RAMIREZ

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Kelly M. Ramirez. On September 20, 2001, the women of Girl Scout Troop 801 will recognize Kelly for receiving her gold award.

Since the beginning of the last century, the Girl Scouts of America have provided thousands of young women each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our Nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Award represents the highest awards attainable by junior and high school Girl Scouts.

I ask colleagues to join me in congratulating the recipient of this award, as her activity is indeed worthy of praise. Her leadership benefits our community and she serves as a role model for her peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Kelly, and bring the attention of Congress to this successful young woman on her day of recognition.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE GOLF COURSE SUPERINTENDENTS ASSOCIATION OF AMERICA

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 2001*

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to the Golf Course Superintendents Association of America (GCSAA) on the occasion of its 75th anniversary.

The GCSAA is the professional association for the men and women who manage and maintain golf facilities in the United States and worldwide. From its headquarters in Lawrence, Kansas, the association carries out its mission to serve its members, advance their profession and enhance the enjoyment, growth and vitality of the game of golf.

The GCSAA was founded on September 13, 1926, when a group of 60 visionary green-

keepers met at the Sylvania Country Club in Toledo, Ohio, with the purpose of forming an organization that would inform and educate its membership and strive for a better future for those who manage the playing fields of golf. Originally called the National Association of Greenkeepers, the association has grown to more than 21,000 individual members in the United States and 65 other countries. GCSAA and its members are leaders in the golf community.

As in 1926, the advancement of the superintendent profession, and the game and business of golf, are at the heart of everything the GCSAA does today. GCSAA offers numerous educational and informational programs to serve an ever-growing membership—education that spans the scientific, technical, environmental, professional development and resource management aspects of the profession.

In recent years GCSAA has expanded its role so that it not only serves its members, but also the people, organizations and institutions allied to the game of golf. From funding university turfgrass research, to promoting the participation of youth, minorities and persons with disabilities in the game, to being a major participant in the arena of environmental stewardship, GCSAA continues to take an active approach in making golf better. Today the superintendent is recognized as a key to golfer enjoyment and to the economic vitality of the golf course.

GCSAA has spent the last 75 years advancing the golf course superintendent profession and enhancing the game of golf and will only continue these great achievements in the years to come.

Mr. Speaker, I am delighted to congratulate the Golf Course Superintendents Association of America as they celebrate 75 wonderful years of association history and heritage.

AUTHORIZING USE OF UNITED STATES ARMED FORCES AGAINST THOSE RESPONSIBLE FOR RECENT ATTACKS AGAINST THE UNITED STATES

SPEECH OF

**HON. JAMES H. MALONEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. MALONEY of Connecticut. Mr. Speaker, I come to the floor today to address the necessity, imposed on us by unspeakable acts of terrorism, for the United States to respond to the killing and injuring of thousands of our fellow citizens, almost all innocent civilians.

This Nation has the right and obligation to both respond to and defend itself from the violent enemies of our freedom and liberty. Those persons and/or entities that were either

directly involved in or provided any assistance to the acts of September 11 pose a clear and present danger to the lives of our people and to our very national security. We will find those responsible and make certain that they, and anyone who helped them, are fully punished. This attack on America and its people will not stand.

Moreover, as we cannot rule out future attacks on U.S. soil or to American interests overseas, we must take a comprehensive approach to this challenger. Appropriately, we will utilize the first rate capabilities of our Armed Forces to ensure the personal security of each and every one of us, at home or abroad. To that end, we commit ourselves by the resolution before us, to root out terrorism wherever it is found around the world.

It will not be an easy task to defeat terrorism. It will require considerable resources and patience. There is no quick solution. I am confident, however, that the President and the Congress, working together, will find the means and methods to prevail.

As a member of the Armed Services Committee, I along with my committee colleagues will perform our duty in providing U.S. Armed Forces the necessary resources to deter and defeat the threat of terrorism. I know that our colleagues will support our work.

There is yet considerable work to be done in the days and months ahead. I am confident that our Nation, and our Armed Forces called upon to defend all Americans, will meet the challenges that lie ahead—just as we have from Concord and Lexington through the war in the Persian Gulf.

I strongly urge passage of the Resolution.

A VISION FOR SAGINAW INTERMEDIATE SCHOOL DISTRICT

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 2001*

Mr. BARCIA. Mr. Speaker, I rise today to commend Saginaw Intermediate School District Superintendent Richard Lane, Board of Education President Joseph W. Powe, Vice President Ruth A. Coppens and members Leola Wilson, Gerald W. Rustem and Richard F. Burmeister, Jr., upon the occasion of the dedication of the Saginaw Intermediate School District Transitions Center. Their hard work, foresight and initiative in building this center has greatly enhanced the educational potential of the district and will do much to improve the future of all residents.

The Transitions Center, the fifth complex owned and operated by the Saginaw Intermediate School District, will house two school programs, each designed to enable students with various disabilities to learn important and vital life skills. The lessons they learn at the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

center will provide these students with valuable tools to gain and maintain jobs, live independently and function responsibly long after they leave school. Their efforts also will greatly improve the entire community by unlocking the potential of those whose unique gifts might otherwise have gone untapped.

Throughout the years, the tremendously capable and hard-working leadership and staff of the Saginaw Intermediate District have championed cost-effective and efficient communications among local school districts and sought new and better methods to achieve that goal. To that end, they developed the Saginet Fiber Optic Network at the Transitions Center. This telecommunications network connects local districts with the Intermediate District. Establishing such cost-saving measures has freed valuable local school funds for other needs, giving students and teachers the money for assets they desperately needed.

The facility also includes the Instructional Services Department and Teacher Training Center, which together help local school districts and educators retain and improve proficiency in the development and implementation of curriculum and leads the way in many areas of professional training.

Mr. Speaker, I ask my colleagues to join me in expressing appreciation to Superintendent Lane, Board members and staff of the Saginaw Intermediate School District for their vision and dedication to the educational needs of the entire region. I have faith that their work will serve as a beacon for others and that they will continue to seek, find and implement many more methods for the betterment of schools, teachers and students everywhere.

**AUTHORIZING USE OF UNITED STATES ARMED FORCES AGAINST THOSE RESPONSIBLE FOR RECENT ATTACKS AGAINST THE UNITED STATES**

SPEECH OF

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. BROWN of South Carolina. Mr. Speaker, today we have the opportunity to come together, with one voice, to stand up for what this great country means to all Americans. We owe it to the victims of Tuesday's attack; to those who continue to sacrifice in response to that attack; to those in our Armed Forces who we call on to defend us; to all Americans who dearly love their country; and to all future generations of Americans.

I urge my colleagues to make the vote on this resolution a symbol of a unified voice of freedom. May this vote prove to the entire world that the United States of America—as one nation, under God—will continue to be a beacon of freedom, hope, and dreams.

Above all, may all Americans take heart as their federal government moves forward, as a collective body, to protect their precious freedom. The use of force is justified to eliminate this menace of terrorism, and America will prevail.

**EXTENSIONS OF REMARKS**

**AUTHORIZING USE OF UNITED STATES ARMED FORCES AGAINST THOSE RESPONSIBLE FOR RECENT ATTACKS AGAINST THE UNITED STATES**

SPEECH OF

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mr. CUNNINGHAM. Mr. Speaker, I rise to offer my strong, unconditional support for the congressional authorization that will enable our Nation to act swiftly and firmly against those responsible for unleashing the deadliest attack on our Nation in its history. The terrorists' heinous acts took thousands of innocent lives and caused unprecedented physical destruction. But they have not succeeded in tearing us down or leaving us weak.

Out of sorrow has come a soaring of the American spirit; out of destruction has come a restoration of community and political unity; and yes, out of anger, has come a steely determination to hunt down these terrorists and all their enablers, and to ensure that they pay a heavy price for these acts.

We did not seek conflict; terrorists have declared war upon the United States. But we will respond forcefully when our freedoms are threatened and our way of life is under attack. We must take action against our enemies, on our own terms, at a time of our choosing, with moral clarity and unity of purpose. We must deter future aggressors. This resolution will provide the President with the full authority to do just that, and we should join in unanimous support of it.

This resolution is not just authorization for a near-term strike against the perpetrators of the World Trade Center and Pentagon attacks. It is a declaration of war against all terrorists now threatening our Nation, and those who support them. While Congress will continue to consult with the Administration as we progress with this campaign, and play our rightful role if necessary to expand our operations, make no mistake that we will support the President in his quest to eliminate these threats to our society.

I have fought in a conflict that many in this Nation actively opposed, and know how devastating domestic opposition can be to the conduct of war. That should never happen again. Now more than ever, when we are asking our troops to defend our own soil from further attack, we must have solidarity and the commitment of the American people that we will not only provide critical moral support to our President and our troops, but that we will follow through with the financial resources they need to do the job.

This campaign demands that we relook our federal spending priorities, and our military needs. We must provide our troops with the current generation assets they need to do their job, and jump start maintenance of equipment that has been ignored for so long. But we must also modernize our forces to ensure their superiority in the 21st century. Perhaps we will revise our focus, reshape our priorities for evolving forms of warfare. But we will not ignore the military's needs, and our national

security will be restored as the top national priority. We will make assets available to protect our homeland, and we will ensure our troops are equipped to do their job and prevail in their mission—now and well into the future.

As President Bush has said, this battle will take time and resolve. But with the continued support of all Americans, we will win, no matter how long it takes. I urge all my colleagues to join in unanimous support of this Nation, our President and our military in this war by voting for this resolution authorizing use of force against the perpetrators of terrorism worldwide.

**PRESERVING VIABILITY OF UNITED STATES AIR TRANSPORTATION SYSTEM**

SPEECH OF

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the bill introduced by my colleague Mr. OBERSTAR.

All week, my constituents in the U.S. Virgin Islands have been calling and asking for some kind of a lifeline for our tourism industry.

Not only is the travel and tourism industry the largest or second largest industry worldwide, but also it is responsible for 70 percent of the economy of the Virgin Islands.

Mr. Speaker we have just struggled to bring back our industry after several major hurricanes. We are almost there, and now this!

But this goes beyond just my district, and the people there who depend on tourism, and thus airline travel for their jobs, and to provide for their families. If the airline industry falls, we can see clearly that it would domino all through the national economy.

This bill providing financial support, and a line of credit is critical to this industry, to our economy and to my and many other districts.

We have come through an extraordinary week, and we need to take extraordinary action to secure the future of our nation.

Like many of my other colleagues, I do not support using the social security trust fund, but there is funding in the recently passed tax cut. This is more important and I would respectfully suggest that we use funds set aside for this unnecessary measure to support and sustain our airlines, tourism and the people who depend on them.

**A TRIBUTE TO EVAN CHRISTIAN BROWNELL**

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 17, 2001*

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Evan Christian Brownell. On October 7, 2001, the Boy Scouts of Troop 292 in Brentwood will recognize Evan's achievements by giving him the Eagle Scout honor.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipient of this award, as his activities are indeed worthy of praise. His leadership benefits our community and he serves as role model for his peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Evan and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Evan and his family.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 18, 2001 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### SEPTEMBER 19

10 a.m.  
Appropriations  
Treasury and General Government Subcommittee  
To hold hearings to examine northern border security status. SD-192

2 p.m.  
Judiciary  
To hold hearings on S. 702, for the relief of Gao Zhan. SD-226

##### SEPTEMBER 20

9:30 a.m.  
Commerce, Science, and Transportation  
To hold hearings to examine federal aviation security standards. SR-253

10 a.m.  
Health, Education, Labor, and Pensions  
To hold hearings on the nomination of Eugene Scalia, of Virginia, to be Solicitor for the Department of Labor. SD-430

Appropriations  
Transportation Subcommittee  
To hold joint hearings with the House Appropriations' Subcommittee on Transportation to examine aviation security issues. SD-192

Governmental Affairs  
International Security, Proliferation and Federal Services Subcommittee  
To hold hearings to examine the annual report of the Postmaster General. SD-342

Finance  
Business meeting to consider S. 942, to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002; to be followed by a hearing on the nomination of JoAnne Barnhart, of Delaware, to be Commissioner of the Social Security Administration. SD-215

#### Judiciary

To hold hearings to examine instant messaging, focusing on platforms and communications on the Web. SD-106

#### Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of the financial markets. SD-538

2 p.m.

Health, Education, Labor, and Pensions  
To hold hearings to examine the effects of the drug OxyContin. SD-430

4 p.m.

Foreign Relations  
To hold a closed briefing to discuss India/Pakistan sanctions. S-407 Capitol

##### SEPTEMBER 21

9:30 a.m.

Governmental Affairs  
To hold hearings to examine the U.S. response to homeland attacks. SD-342

##### SEPTEMBER 25

10 a.m.

Health, Education, Labor, and Pensions  
Public Health Subcommittee  
To hold hearings to examine environmental health issues. SD-430

2 p.m.

Health, Education, Labor, and Pensions  
Employment, Safety and Training Subcommittee  
To hold hearings to examine workplace safety for immigrant workers. SD-430

##### SEPTEMBER 26

10 a.m.

Health, Education, Labor, and Pensions  
Business meeting to consider pending calendar business. SD-430

#### CANCELLATIONS

##### SEPTEMBER 19

10 a.m.

Health, Education, Labor, and Pensions  
Children and Families Subcommittee  
To hold hearings to examine early childhood issues. SD-430

## HOUSE OF REPRESENTATIVES—Wednesday, September 19, 2001

The House met at noon and was called to order by the Speaker pro tempore (Mr. ISSA).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 19, 2001.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
Speaker of the House of Representatives.

### PRAYER

The Reverend Campbell Gillon, Georgetown Presbyterian Church, Washington, D.C., offered the following prayer:

Almighty God, before Whom civilizations rise and pass away, we bow before Thee. We are creatures of a day, our lives divinely touched into being; endowed with insight as well as sight, conscience as well as cleverness, spiritual responsiveness as well as physical reflexes. In Thee we exist. Forgive us if in the past, we have denied the "better angels" of our nature, thus denying divine guidance and help.

In the light of the recent act of aggression against this Nation, horror, shock, grief, fear, revenge, and anger struggle within people's hearts. We sorrow at the loss of life, the families shattered, the injuries sustained, and the horrendous images that rescuers and rescued will forever retain. We commend all such to the care of the One who alone is the help of the helpless, the healer of the heartbroken, the strengthener of those bowed down.

Wherever the way forward lies, lead the Representatives of this great Nation by eternal beacons of justice, truth, understanding, and righteousness, to deal firmly with evil and fairly for a conclusion with honor. For such a task, bless the President, his Cabinet, this House, its leaders, Representatives, staffers, advisors, and all who act for the Nation here. As their days, so may their strength be.

Bless them with vision informed by wisdom; wisdom instructed by truth; truth revealed in integrity, and integrity touched by love; all learned in humility before thee, O God, whose children we are called to be.

This we ask in Thy spirit. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

Mr. ISSA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2500. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2500) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUE, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN, to be the conferees on the part of the Senate.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1901

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. ARMEY) at 7 o'clock and 1 minute p.m.

### MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

After general debate the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

No amendment to the committee amendment in the nature of a substitute shall be in order except those that I have placed at the desk and amendments en bloc described in this request.

Except as specified in this request, each such amendment shall be considered only in the order that I have placed at the desk and may be offered only by a Member designated on the amendment or a designee. Each such amendment shall be considered as read, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment (except that the

chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

All points of order against such amendments are waived.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this request shall be considered as read (except that modifications shall be reported). Debate on each en bloc amendment shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment out of the order that I have placed at the desk, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After disposition of such amendments, the Committee of the Whole shall rise without motion; and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

And further, that the amendments that I have placed at the desk be considered as read for purposes of this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the order of amendments.

The Clerk read as follows:

Mr. HALL of Ohio, page 43, after line 9.

The text of the amendment is as follows:

At the end of title II (page 43, after line 9), insert the following new subtitle:

**Subtitle E—Air Force Science and Technology for the 21st Century**

**SEC. 251. SHORT TITLE.**

This subtitle may be cited as the "Air Force Science and Technology for the 21st Century Act".

**SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs.

(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-46).

(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future non-space warfighting systems in an integrated manner.

(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

(b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

(B) Giving input into the establishment of priorities among science and technology programs.

(C) Analyzing Air Force capability options for the allocation of Air Force resources.

(D) Developing concepts for technology, warfighting systems, and operations with which the Air Force can achieve its critical future goals.

(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

(F) Ensuring that a "system-of-systems" approach is used in carrying out the various Air Force capability planning exercises.

(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

**SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.**

(a) REQUIREMENT.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force

science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(b) MATTERS STUDIED.—(1) The study shall independently review and assess whether such changes as a whole are sufficient to ensure the following:

(A) That the concerns about the management of the science and technology program that have been raised by the Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall independently assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology councils are effective in contributing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to assure that an adequate budget top line is set.

(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-46) is effective to identify the basis for the appropriate science and technology program top line and investment portfolio.

(c) REPORT.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Secretary of the Air Force shall submit to Congress the results of the study.

(d) FUNDING.—Of the amount made available pursuant to section 201(3) for research, development, test, and evaluation for the Air Force, \$950,000 shall be available only to carry out this section.

Mr. OSE, page 64, beginning line 20.

The text of the amendment is as follows:

In section 341, relating to assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (page 64, beginning line 20), strike subsections (a) and (b) and insert the following new subsections:

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) \$30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) \$1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

Mr. BEREUTER, page 115, after line 18.

The text of the amendment is as follows:

At the end of subtitle B of title V (page 115, after line 18), insert the following new section:

**SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.**

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

“(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).”

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

“(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

“(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

“(B) the expenses of members of the National Guard under subsection (a)(3), includ-

ing expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

“(2) Not more than \$2,500,000 may be obligated or expended in any fiscal year under subsection (c).

“(e) QUALIFYING ATHLETIC COMPETITION DEFINED.—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “AUTHORIZED ACTIVITIES.” after “(a)”; and

(2) in subsection (b), by inserting “AUTHORIZED LOCATIONS.” after “(b)”.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting “and” after the semicolon;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

**“§504. National Guard schools; small arms competitions; athletic competitions”.**

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

“504. National Guard schools; small arms competitions; athletic competitions.”

Mr. UNDERWOOD, page 166, after line 5.

The text of the amendment is as follows:

At the end of section 552 (page 166, after line 5), insert the following new subsection:

(f) STATE DEFINED.—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

Mr. GILCHREST, page 187, after line 12.

The text of the amendment is as follows:

At the end of title V (page 187, after line 12), insert the following new section:

**SEC. \_\_\_\_ . REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.**

(a) STUDY.—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) REPORT.—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

Mr. STRICKLAND, page 187, after line 12.

The text of the amendment is as follows:

At the end of title V (page 187, after line 12), insert the following new section:

**SEC. \_\_\_\_ . REQUIREMENT TO PROVIDE APPROPRIATE ARTICLES OF CLOTHING AS A CIVILIAN UNIFORM FOR CIVILIANS PARTICIPATING IN FUNERAL HONOR DETAILS FOR VETERANS UPON SHOWING OF FINANCIAL NEED.**

Section 1491(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “To provide”; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

“(2)(A) Upon a showing of financial need and subject to subparagraph (B), the Secretary of a military department shall provide articles of clothing described in subparagraph (C) to an organization referred to in subsection (b)(2) or to members of such an organization who participate in funeral honors details. Any such showing of financial need shall be made in such manner as the Secretary may require.

“(B) The Secretary concerned may provide articles of clothing to an organization (or members of an organization) under this paragraph only if the Secretary determines that participation of that organization or its members in the funeral honors mission is advantageous to the performance of that mission and meets the performance standards set by the Secretary for that mission.

“(C) Articles of clothing covered by subparagraph (A) are articles of clothing determined by the Secretary concerned to be appropriate as a civilian uniform for persons participating in a funeral honors detail who are not authorized to wear the uniform of any of the armed forces.”

Mr. MANZULLO, page 248, after line 9.

The text of the amendment is as follows:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

**SEC. 8 \_\_\_\_ . INCREASE OF ASSISTANCE LIMITATION REGARDING PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.**

Section 2414(a)(1) of title 10, United States Code, is amended by striking “\$300,000” and inserting “\$600,000”.

Ms. VELÁZQUEZ, page 248, after line 9.

The text of the amendment is as follows:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

**SEC. 8 \_\_\_\_ . STUDY OF CONTRACT CONSOLIDATIONS.**

The Secretary of Defense, in consultation with the Comptroller General of the United States, shall develop a database to track

contract consolidations which consolidate 2 or more contracts previously awarded by the Department of Defense to small business concerns. The database shall contain, at a minimum, the names and addresses of the businesses to which the contracts that were consolidated were previously awarded, the rationale for consolidating the contracts, and the monetary benefit projected to be realized by the contract consolidation. Not later than December 1st of each year, the Secretary of Defense shall submit a report regarding the information contained in such database to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate.

Mr. LANTOS, page 281, beginning line 6.

The text of the amendment is as follows:

Strike section 1044 (page 281 beginning line 6), relating to a sense of the Congress regarding Kwajalein Atoll.

Mr. SPRATT, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 10. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.**

Subsection (g) of section 2667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Paragraph (1) does not apply to a renewal or extension of a lease by the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

“(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

“(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewal or extension.

“(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.”.

Mr. STEARNS, No. 46, page 307, after line 20.

The text of the amendment is as follows:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

**SEC. . SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.**

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to \$3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

Mr. STEARNS, No. 50, page 307, after line 20.

The text of the amendment is as follows:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

**SEC. . SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.**

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a \$1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

Mrs. TAUSCHER, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 10. PLAN FOR SECURING RUSSIA'S NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE.**

(a) PLAN FOR NONPROLIFERATION PROGRAMS WITH RUSSIA.—Not later than June 15, 2002, the President shall submit to Congress a plan—

(1) for cooperation with Russia on disposition as soon as practicable of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenal; and

(2) to prevent the outflow from Russia of scientific expertise that could be used for developing nuclear weapons or other weapons of mass destruction, including delivery systems.

(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in paragraphs (1) and (2) of subsection (a).

(2) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by Russia.

(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of the programs to be implemented under the plan.

(4) An estimate of the cost of carrying out those programs.

(c) CONSULTATION WITH RUSSIA.—In developing the plan required by subsection (a), the President shall consult with Russia regarding the practicality of various options.

(d) CONSULTATION WITH CONGRESS.—In developing the plan required by subsection (a), the President shall consult with the majority and minority leadership of the appropriate committees of Congress.

Mr. WELDON of Pennsylvania, No. 70, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 1048. TWO-YEAR EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION.**

Section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

(1) in subsection (h)(2), by striking “2001” and inserting “2003”; and

(2) in subsection (l), by striking “three years” and inserting “five years”.

Mr. WELDON of Pennsylvania, No. 78, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 1048. ACTION TO PROMOTE NATIONAL DEFENSE FEATURES PROGRAM.**

(a) FINDINGS.—The Congress finds the following:

(1) The National Defense Features program, which is funded from the National Defense Sealift Fund established by section 2218 of title 10, United States Code, is a constituent element of the defense policy of the United States intended to provide essential sealift capacity in emergencies, strengthen the national shipbuilding base, and maintain a resource of highly trained merchant seamen.

(2) Implementation of the National Defense Features program would provide significant benefits both for the United States and for allied nations during military contingencies.

(3) For the United States and nations allied with the United States to realize these benefits, it is essential that vessels built under that program enjoy commercial opportunities in peacetime on trade routes between the United States and allied nations and that those vessels not be excluded from such opportunities through restrictive trade practices.

(4) The failure of vessels built, or to be built, under the National Defense Features program to obtain employment as common carriers or contract carriers in the particular sector of any trade route in the foreign commerce of the United States for which they are designed to operate, together with long-term domination of that sector of the trade route by citizens of an allied nation, evidences the existence of restrictive trade practices.

(b) ACTION TO PROMOTE PROGRAM.—In any case in which the Secretary of Defense finds the existence of the conditions determined by subsection (a)(4) to prove the existence of restrictive trade practices, the Secretary shall certify the case to the Federal Maritime Commission, which thereupon, in consultation with the Secretary, shall take action to counteract such practices, utilizing all remedies available under section 10002(e)(1) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a).

Mr. WELDON of Pennsylvania, No. 81, page 307, after line 20.

The text of the amendment is as follows:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. \_\_\_\_ . DESIGNATION OF FIREFIGHTER ASSISTANCE PROGRAM IN HONOR OF FLOYD D. SPENCE, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, AND SENSE OF CONGRESS ON NEED TO CONTINUE THE PROGRAM.**

(a) DESIGNATION.—Section 33(b)(2)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(2)(A)) is amended—

(1) by inserting “AND DESIGNATION” after “ESTABLISHMENT”; and

(2) by adding at the end the following new sentence: “The program of firefighter assistance administered by the Office shall be known as the ‘Floyd D. Spence Memorial Domestic Defenders Initiative’.”

(b) SENSE OF CONGRESS.—The firefighters assistance grant program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is recognized as having served as an effective device in Congress’ ongoing effort to address the needs of America’s fire service, and it is the sense of Congress that the program should be reauthorized for fiscal year 2003 and subsequent fiscal years at a higher level of funding.

Mr. EHRLICH, page 133, after line 15.

The text of the amendment is as follows:

At the end of title XII (page 331, after line 15), insert the following new section:

**SEC. 12 \_\_\_\_ . AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.**

(a) AUTHORITY TO CONDUCT INSPECTIONS.—Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in Public Law 105-277; 112 Stat. 2681-873; 22 U.S.C. 6723) is amended in subsection (b)(2) by inserting “(and in the case of inspection of Federal Government-owned facilities, such designation may include employees of a contractor with the Federal Government)” after “Federal Government”.

(b) PROCEDURES FOR INSPECTIONS.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting “or contractor with the Federal Government” after “Federal Government”.

Mr. KIRK, page 394, after line 20.

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 394, after line 20), insert the following new section:

**SEC. \_\_\_\_ . USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.**

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

“(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

“(3) In this subsection, the term ‘military installation’ has the meaning given the term in section 2687(e) of this title.”

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of such title is amended by adding at the end the following new subsection:

“(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.”

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

“(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).”

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) section 2670 of such title is further amended—

(A) by striking “Under” and inserting “(a) USE BY RED CROSS.—Under”; and

(B) by striking “this section” and inserting “this subsection”.

(2) The heading of such section is amended to read as follows:

**“§2670. Buildings on military installations: use by American National Red Cross and as polling places”.**

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross and as polling places.”

Mr. BOYD, page 414, after line 7.

The text of the amendment is as follows:

At the end of part III of subtitle D of title XXVIII (page 414, after line 7), insert the following new section:

**SEC. 285 \_\_\_\_ . LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT, FLORIDA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Florida State University, all right, title and interest of the United States in and to a parcel of real property known as “Defense Fuel Support Point”, including any improvements thereon, located in Lynn Haven, Florida, and consisting of approximately 200 acres for the purpose of establishing a National Coastal Research Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Mr. FARR of California, page 427, after line 7.

The text of the amendment is as follows:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

**SEC. 2866. ADDITIONAL EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.**

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2225), is amended by inserting before the period at the end the following: “, with regard to firefighting and police services, and September 30, 2003, with regard to other services described in under subsection (a)”.

Mrs. KELLY, page 427, after line 7.

The text of the amendment is as follows:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

**SEC. 2866. REPORT ON OPTIONS TO PROMOTE ECONOMIC DEVELOPMENT IN COMMUNITY ADJACENT TO UNITED STATES MILITARY ACADEMY, NEW YORK.**

(a) REPORT REQUIRED.—Not later than February 1, 2002, the Secretary of the Army shall

submit to Congress a report evaluating various options by which the Secretary may promote economic development in the Village of Highland Falls, New York, which is located adjacent to the United States Military Academy.

(b) SPECIFIC CONSIDERATION OF CERTAIN OPTIONS.—Among the options evaluated under subsection (a), the Secretary shall specifically address the following:

(1) The fee simple conveyance of real property under the jurisdiction of the Secretary in the Town of Highlands, New York, to the Village, without consideration, for the purpose of permitting the Village to use the property to promote economic development.

(2) Use by the Secretary of the authority under section 2667 of title 10, United States Code, to make non-excess real property under the jurisdiction of the Secretary available to the Village for such purpose.

Mr. LEWIS of California, page 427, after line 7.

The text of the amendment is as follows:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

**SEC. 2866. CONVEYANCE OF AVIGATION EASEMENTS, FORMER NORTON AIR FORCE BASE, CALIFORNIA.**

The Administrator of General Services shall convey, without consideration, to the Inland Valley Development Agency (the redevelopment authority for former Norton Air Force Base, California) two avigation easements (identified as APN 289-231-08 and APN 289-232-08) held by the United States.

### LEGISLATIVE PROGRAM

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, tomorrow it is our intent to proceed with consideration of the defense authorization bill. During that time we will be considering 21 amendments. It is our hope that we will be completed at around 5:30 because, as you know, the Speaker of the House and the Senate majority leader extended an invitation to the President of the United States and he will be addressing us here at 9 o'clock tomorrow evening. I just wanted to take this time to explain exactly what it is we are doing.

### PERMISSION TO ENTERTAIN MOTIONS TO SUSPEND THE RULES ON THURSDAY, SEPTEMBER 20, 2001

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain a motion to suspend the rules relating to the following measures on the legislative day of Thursday, September 20, 2001: H.R. 1900, H.R. 2657, and H.R. 2061.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### JOINT SESSION OF CONGRESS—ADDRESS TO THE NATION BY THE PRESIDENT OF THE UNITED STATES

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 231) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 231

*Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 20, 2001, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that the practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 19, 2001.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 19, 2001 at 4:00 p.m. and said to contain a message from the President whereby he submits a semi-annual report concerning telecommunications services to Cuba under the LIBERTAD Act P.L. 104-114.

With best wishes, I am  
Sincerely,

JEFF TRANDAH, L.  
*Clerk of the House.*

### PERIODIC REPORT CONCERNING TELECOMMUNICATIONS SERVICES TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

*To the Congress of the United States:*

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.  
THE WHITE HOUSE, September 19, 2001.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 19, 2001.  
Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 19, 2001 at 3:59 p.m. and said to contain a message from the President whereby he submits a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

With best wishes, I am  
Sincerely,

JEFF TRANDAH, L.  
*Clerk of the House.*

### PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.  
THE WHITE HOUSE, September 19, 2001.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1424. An act to amend the Immigration and National Act to provide permanent authority for the admission of "S" visa non-immigrants.

## ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, September 20, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3678. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—A New Regulatory Framework for Trading Facilities, Intermediaries and Clearing Organizations (RIN: 3038-AB63) received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3679. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Performance of Notice Registration Processing Functions by National Futures Association With Respect to Certain Securities Brokers and Dealers—received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3680. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Exemption for Certain Brokers or Dealers From Provisions of the Commodity Exchange Act and CFTC Regulations (RIN: 3038-AB81) received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3681. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Notice Registration as a Futures Commission Merchant or Introducing Broker for Certain Securities Brokers or Dealers—received August 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3682. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, OR; Decreased Assessment Rate [Docket No. FV01-924-1 IFR] received August 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3683. A communication from the President of the United States, transmitting His budget request to designate the entire amount provided in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States as an emergency requirement, pursuant to section 251(b)(2)(A) of the

Balanced Budget and Emergency Deficit Control Act of 1985; (H. Doc. No. 107-120); to the Committee on Appropriations and ordered to be printed.

3684. A letter from the Alternate OSD, Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Enhancement of Dental Benefits Under the TRICARE Retiree Dental Program—received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3685. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Membership of State Banking Institutions in the Federal Reserve System: Financial Subsidiaries [Regulation H; Docket No. R-1064] received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3686. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of National Securities Exchanges Pursuant to Section 6(g) of the Securities Exchange Act of 1934 and Proposed Rule Changes of Certain National Securities Exchanges and Limited Purpose National Securities Associations [Release No. 34-44692; File No. S7-10-01] (RIN: 3235-AI20) received August 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3687. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Commonwealth of Kentucky: Approval of Revisions to the 1-Hour Ozone Maintenance State Implementation Plan for Marshall and a Portion of Livingston Counties [KY130-200117(a); FRL-7036-8] received August 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3688. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans for Designated Facilities and Pollutants; Pennsylvania; Conversion of the Conditional Approval of the Pennsylvania Large Municipal Waste Combustor (MWC) Plan to Full Approval [PA118-4120a; FRL-7038-6] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3689. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Hurley, Rosendale and Rhinebeck, New York and North Canaan and Sharon, Connecticut) [MM Docket No. 97-178, RM-8329, RM-8739, RM-10099] received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3690. A letter from the Senior Counsel, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3691. A letter from the Chief Financial Officer, Office of Managing Director, Federal Communications Commission, transmitting

the Commission's final rule—Amendment of Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules; Adoption of a Mandatory FCC Registration Number [MD Docket No. 00-205] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3692. A letter from the Chief Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Sturgeon Bay, Canal, Sturgeon Bay, Wisconsin [CGD 09-01-076] (RIN: 2115-AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Inner Harbor, Patapsco River, Baltimore, Maryland [CGD05-01-040] (RIN: 2115-AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3694. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patuxent River, Solomons, Maryland [CGD 05-01-041] (RIN: 2115-AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Prospect Bay, Kent Island Narrows, Maryland [CGD05-01-038] (RIN: 2115-AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3696. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Huntington Cleveland Harborfest: Regulated Navigation Area and Moving Safety Zones, Cuyahoga River and Cleveland Harbor, Cleveland, OH [CGD09-01-005] (RIN: 2115-AE84) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30262; Amdt. No. 2063] received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A Military), and -40 Series Airplanes; and Model MD-10-10F and MD-10-30F Series Airplanes [Docket No. 2000-NM-396-AD; Amendment 39-12304; AD 2001-13-22] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3699. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. AT-400, AT-500, and AT-800 Series Airplanes [Docket No. 2000-CE-72-AD; Amendment 39-12247; AD 2001-10-04 R1] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3700. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2000-NM-366-AD; Amendment 39-12338; AD 2001-15-04] (RIN: 2120-AA64) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: San Juan Harbor, Puerto Rico [CGD07-01-049] (RIN: 2115-AE46) received August 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Niagara River, Tonawanda, NY [CGD09-01-010] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Manitowoc 4th of July 2001, Manitowoc, Wisconsin [CGD09-01-046] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; South Shore Frolics Fireworks Display, Milwaukee Harbor [CGD09-01-072] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3705. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Cleveland Harbor, Cleveland, OH [CGD09-01-035] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3706. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; McArdle Bridge Dredge Operations—Boston, Massachusetts [CGD01-01-107] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3707. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fort Lauderdale, Florida [COTP Miami 01-074] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3708. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability—received August 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3709. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001-52] received August 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3710. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—The Internal Revenue Service Will Permit Electronic Submission of Forms W-9 by Certain Intermediaries [Announcement 2001-91] received August 27, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3711. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Sample Plan Amendments for the Economic Growth and Tax Relief Reconciliation Act of 2001 [Notice 2001-57] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on International Relations. H.R. 2541. A bill to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; referred to the Committee on the Judiciary for a period ending not later than October 12, 2001, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 107-206, Pt. 1).

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAFALCE (for himself, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BENTSEN, Ms. HOOLEY of Oregon, Ms. SCHAKOWSKY, Mr. MOORE, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. HINOJOSA, Mr. SHOWS, and Mr. CROWLEY):

H.R. 2900. A bill to authorize the issuance of Victory Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself and Mr. GILCHREST):

H.R. 2901. A bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. SERRANO, Mr. CROWLEY, Mr. ACKERMAN, Mr. OWENS, Mrs. MALONEY of

New York, Mr. WYNN, Mrs. CAPPS, Mr. TIERNEY, Mr. ENGEL, Mr. SWEENEY, Mr. KENNEDY of Rhode Island, Ms. KAPTUR, Mr. MEEKS of New York, and Ms. MCKINNEY):

H.R. 2902. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over to a Phoenix Fund for Victim Assistance; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H. Con. Res. 231. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. PAYNE.

H.R. 80: Mr. SMITH of New Jersey.

H.R. 82: Mr. SMITH of New Jersey.

H.R. 525: Ms. CARSON of Indiana, Mr. ENGLISH, Mr. ROSS, Ms. NORTON, Mr. UDALL of New Mexico, Mr. CROWLEY, Mr. PICKERING, Mr. UNDERWOOD, Mr. SAM JOHNSON of Texas, and Mr. MCNUTLY.

H.R. 534: Mr. PETERSON of Minnesota, Mr. PETRI, Mr. GRAVES, Mr. KENNEDY of Minnesota, Mr. ROSS, Mr. HASTINGS of Washington, and Mr. HOEKSTRA.

H.R. 609: Mr. BALDACCI.

H.R. 638: Mr. MORAN of Virginia.

H.R. 779: Mr. VITTER.

H.R. 868: Mr. DAVIS of Florida, Ms. BROWN of Florida, and Mr. GALLEGLY.

H.R. 1111: Mr. UDALL of Colorado, Ms. PRYCE of Ohio, Mr. DAVIS of Florida, Mr. GUTIERREZ, Mr. GREEN of Texas, Mr. MATSUI, Mr. PLATTS, Mr. TURNER, Mr. KENNEDY of Rhode Island, Mr. HASTINGS of Florida, Mr. MENENDEZ, Mr. ISRAEL, Mr. DICKS, Ms. LEE, Mr. BROWN of Ohio, and Ms. KILPATRICK.

H.R. 1152: Mr. BLUMENAUER and Mrs. CAPPS.

H.R. 1360: Mr. UDALL of Colorado.

H.R. 1541: Ms. NORTON.

H.R. 1629: Mr. TIERNEY and Mr. SANDLIN.

H.R. 1703: Mr. LAMPSON.

H.R. 1770: Mr. BALDACCI.

H.R. 1975: Mr. MATSUI, Mr. BRADY of Texas, Mr. DOOLEY of California, and Mr. ALLEN.

H.R. 2095: Ms. NORTON.

H.R. 2211: Mr. SHERMAN, Mr. PRICE of North Carolina, and Mr. GEORGE MILLER of California.

H.R. 2235: Mr. WALSH and Ms. SANCHEZ.

H.R. 2561: Mr. VITTER and Mr. BALDACCI.

H.R. 2614: Ms. SANCHEZ.

H.R. 2623: Mr. WATTS of Oklahoma and Mrs. THURMAN.

H.R. 2690: Mrs. MINK of Hawaii and Mr. LEVIN.

H.R. 2899: Mr. CRAMER, Ms. KAPTUR, and Mr. REHBERG.

H. Con. Res. 188: Mr. MARKEY.

**SENATE—Wednesday, September 19, 2001**

The Senate met at 10 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Creator, Ruler, our Adonai, sovereign Lord of all life, we pray in the spirit of Rosh Hashana, the days of awe and repentance and the time for reconciliation with You and with one another. Our raw nerves and agitated hearts need this sacred time to repent and return to You with humble and contrite hearts. Jews, Christians, Muslims, and all religions that honor You as God, together seek Your forgiveness for the prejudice, hatred, and toleration of injustice in our world. You have taught us that there is nothing more abhorrent than religious fanaticism that calls evil good or good evil. Sound the shofar in our souls, blow the trumpets, arouse us and call us to spiritual regeneration. Continue to heal our land and strengthen the spiritual awakening which is spreading throughout the Senate family and across the Nation. We celebrate our unity under Your sovereignty and the oneness of our shared commitment to You. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, September 19, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The acting majority leader.

Mr. REID. I thank the Chair.

**SCHEDULE**

Mr. REID. Today the Senate is going to begin consideration of the Treasury-Postal Appropriations Act. That bill is going to be managed by Senators DORGAN and CAMPBELL. They have every belief it can be finished today. There are some very important measures in the bill.

There will be no rollcall votes today or tomorrow. Any rollcall votes, the majority leader has indicated, will be held on Friday. So any votes that develop today as a result of the legislation on the floor will deal with Treasury-Postal or perhaps the Defense authorization bill. Those votes will be ordered to occur on Friday because of various things that are happening in the Senate.

**IMPACT OF TERRORIST ATTACK ON LAS VEGAS AREA ECONOMY**

Mr. REID. Madam President, I ask unanimous consent that a memo from John Haycock of Haycock Petroleum, Las Vegas, be printed in the RECORD. This is a memo to his employees. It is one of the best dissertations on our free market system I have seen, and it was done as a result of the events of September 11.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Date: September 17, 2001.

To: Managers.

From: John Haycock.

The events of Tuesday, September 11th will have an effect on every business in this Country. I believe it is the responsibility of senior management to assess our specific situation and develop plans to mitigate and minimize any negative impact to Haycock Petroleum Company.

The following is a brief summary of what I believe to be the areas of impact to our Company and our business routine.

**NATIONAL ECONOMY**

As I write this memo, the market is down 509 points. While that is a significant loss, it is less than 5%, and certainly not unexpected. If the market closes at around that mark, I believe it will be a positive sign. If the market drops 10%, trading will be stopped.

The Fed dropped interest rates ½% this morning in a logical and responsible move which seemed to put a stop to the market drop.

I am a strong believer in the resiliency of a free market.

The National economy is headed for a tough time. There was talk of a recession before the attacks on Tuesday, and those events would seem to make a recessionary period more likely.

**LOCAL ECONOMY**

There is an immediate hesitancy to travel—especially by air. A significant drop in air travel will hurt our 2 major markets. Las Vegas depends on tourism, and the majority of our visitors arrive by air. Salt Lake depends on air traffic, especially going into the winter months, to feed the skiing industry, which is a huge part of that economy.

My opinion about the down-turn in air travel is that it will be somewhat short lived, assuming there are no more airline tragedies. Time normally heals, and 120 days from now, travel will be somewhat normal.

The Olympics in SLC is a variable. Depending on what happens between now and then, attendance could be significantly affected both by the fear of air travel, and the potential of Olympic venues as high profile targets for terrorism.

Meanwhile, it is likely that there could be an increase in local unemployment as affected industries adjust to any drop in business.

I don't believe that a short term drop in travel will have a long term effect on sustained growth in Utah and Nevada.

**SUPPLY**

Currently, supply does not seem to be an issue. There is a downward trend in the price of distillates, likely due to the glut of jet fuel. Gasoline is moving upward but certainly not abnormally. If there is a move from air travel to travel by car, that would seem to encourage an increase in gasoline.

If however, there is bombing in the Middle East, pricing and supply will be immediately affected. We've been there before.

**WHAT ABOUT US?**

This will undoubtedly have an impact on our business.

Supply volatility is something we know how to deal with if necessary.

A downturn in the general economy will have effects on the demand for the products that we sell, and if necessary we will adjust our infrastructure accordingly.

Credit administration, which is a very big part of our business, should be approached very conservatively even in view of any decrease in demand.

The interest rate cut will help.

Economic conditions are cyclical, and do not last forever.

We can help our own cause within our Company and our communities if we maintain a cautious optimism and do our jobs well.

Again, I believe in the resiliency of a free economy and I have a lot of faith in this Country.

This too shall pass.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand it is the purpose of the leader to go to the Treasury-Postal bill, but I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HOW TO ADDRESS THE THREAT THAT CONFRONTS US TODAY

Mr. GREGG. Madam President, I want to talk a little bit about the issue of how we as a government and how we as a people are going to address what is clearly a threat that confronts us today in the area of terrorism.

Last week, the Commerce-State-Justice bill was on the floor, and a number of initiatives in the area of terrorism were included in that bill. I certainly thank the assistant leader for his strong support for that bill, for the elements which were in that bill, and his speaking on behalf of it at that time.

Let me review, so we can put in perspective where we stand as a government, what we have been doing and what we need to do in a number of areas, certainly not a comprehensive review but at least a preliminary review of what has to be done.

The Subcommittee on Commerce, Justice, State, and the Judiciary, on which I am the ranking member and Senator HOLLINGS is chairman, has held innumerable hearings on this issue over the last 5 years in an effort to try to get our arms around what is obviously an issue that is extremely difficult to get our arms around. It seems a bit hollow now in light of what happened on September 11, but there was an attempt at least to try to put some order into our effort at the Federal level.

Clearly, a dramatic amount still needs to be done, and the American people need to understand this is not going to be a simple exercise, an overnight exercise, or an exercise that can be completed in a week or a month or a year. Potentially it may take years before we as a nation are able to bring to the threat of terrorism some resolution which makes us more comfortable with our ability to manage it and deal with it, especially when there are individuals willing to kill themselves and take innocent lives in order to accomplish their goals.

Let us begin with the basic threat and how we should address it. The issue of terrorism needs to be addressed on three basic levels. First is the intelligence level, both domestic and international. Second is the apprehension, the catching, of people before they commit the crime, before they undertake the act. People need to understand this is different from what is the traditional law enforcement exercise.

In most law enforcement undertakings, we wait until the event occurs, until someone has committed an act which violates our laws, before we undertake to capture them or attempt to bring them to justice. In this instance, under the terrorism instance,

the whole mindset must shift in the area of apprehension to one of taking action before the event occurs because, as we have seen, when the event occurs it is so horrific or can be so horrific that it simply cannot be accepted as a consequence of not having taken action.

The third element is managing the crisis, managing the event. So it is intelligence, domestic/international; apprehension; and then, should an event occur, the managing of the event, both the immediate crisis and the aftermath, the consequences.

In the area of intelligence, it is very clear we have some significant needs. We can divide these needs fairly easily into the needs that involve using people in the gathering of intelligence and the needs that involve technology.

In the use-of-people area, we as a government in the 1990s, for a variety of reasons, basically decided we would no longer hire unsavory characters in order to get information. That was a mistake. It was known by a lot of people who were in the intelligence-gathering community to be a mistake when it was done. The decision to rely primarily on electronic surveillance and our capacity to use electronic surveillance as the main way of gathering information was a belief in a system that simply did not work, as has been proven to us. The penetration of small cells, which are for the most part clanish-oriented, usually family groups, is extremely difficult. It is extremely difficult under any scenario, but it is virtually impossible if we do not use people who are not necessarily persons of high character by our definition.

Therefore, we as a government made a decision, which was wrong, and we are trying to reverse it today. This Senate has actually spoken on this point in the bill and said the policy of the Government, which up until Tuesday, September 11, was not to hire such individuals for the purposes of on-the-ground intelligence, should no longer be pursued. The CIA and other agencies which have intelligence needs have the authority to proceed with using human intelligence and people they need to hire to accomplish that. That is exactly what we should be doing today.

Unfortunately, and I think we have to understand this, it takes months, years, an inordinate amount of time to put these people in place. These individuals with whom we are working in order to gather the human intelligence have to gather their credibility within the organizations they are trying to penetrate, and it literally can take years before those people will become effective. We can not suddenly turn a switch and say we have switched directions and we will be successful in this area. We need to at least begin by turning the switch and saying we are going to switch directions and start using human intelligence-gathering activi-

ties again, as we did through most of the cold war.

Second, in the electronics area it is very obvious that our intelligence-gathering communities, both domestic and foreign-oriented, whether they are CIA or FBI, have severe problems because of the limitations of law that have been placed on them in the area of intelligence-gathering capability and because of the way the commercial community works today. The bill that passed as a result of the amendment offered by Senator HATCH, Senator KYL, and Senator FEINSTEIN made some progress in this area in the area of wiretaps and the ability to, rather than focusing on the piece of equipment, focus on getting a court order that allows monitoring of the individual.

But there is a great deal more that needs to be done, and I expect within the next day or so we will see a package of proposals sent up here by the Attorney General. I hope we will act quickly. That package has been represented to me to be a package which has what is needed and what can be done without undermining our constitutional protections of search and seizure and other rights we have. The simple fact is, we do need to act in this area.

In addition, the area of encryption, time after time, for 4 years, we heard in our committee was the single biggest concern the FBI had in its capacity to adequately monitor what was going on among the terrorist community, those people who wish to promote terrorism. In the area of encryption we need to have a new regime. We need to have the cooperation of the community that is building the software, producing the software, and building the equipment that creates the encryption technology.

I have ideas how to do this so we do not undermine their activity to sell their product, and ideas that will allow us as a nation that wants to protect the civil rights of individuals and constitutional rights of individuals to do that, yet still allow our law enforcement community, when it sees a need, to be able to break a code. It allows the community to have the access to the keys to accomplish that under a strict structure which is legal and judicially controlled and therefore does not undermine the rights of the individuals who are producing this product or using the product but simply gets at the bad guys. I have a proposal to do that.

More important, we have to recognize this is not a domestic problem. These products are made internationally. I believe we have the right to use the market of the United States as leverage for the purposes of accomplishing the protection of America. We have a huge economic market in the United States. The people making these products want to sell their products in the United States, whether it is

this product or something else they make. I believe we should use the leverage of the American market as a way to say, if you are going to sell this type of equipment anywhere in the world, and you want to sell something in the United States also, you have an obligation to comply with our needs for our national security under a strict legal judicial structure.

I am hopeful we can set up a regime that will be fair, that will be subject to the judicial controls necessary to protect the constitutional rights of people who are law-abiding but will also give our intelligence community the access to the information they need when they know there is somebody out there using encryption technology for the purposes of pursuing a terrorist act in the United States. There is no excuse for anybody to be underwriting that type of activity in our country. That is the intelligence level.

The second level, as I mentioned, was the apprehension level. Apprehension is extremely difficult when you are dealing with the terrorist community. There is an entire law enforcement concept in this Nation that says we apprehend after the act occurs. Yet if we wait until after the act occurs in the area of terrorism, the harm is so extreme, as we saw in New York and in Washington, that it becomes very hard to justify allowing the event to occur before we have declared that the individual needs to be apprehended. We have to change our mindset and our approach, and in doing so we have to address our constitutional protections so you do not end up undermining that because it will make the terrorist successful.

The simple fact is we are going to have to adjust our approach in the area of law enforcement to one of apprehending before the event approaches rather than after the event.

Second, we are going to have to face the fact that our borders are incredibly porous and we have to set up a new regime for managing our borders which allows the proper flow of individuals back and forth so we can have the access that people, for example, from Mexico wish to have to work in the United States. But we also have to have controls so we know who is coming into our country.

Again, I think the Guest Worker Program discussed and in the works is a way to address that. I have some thoughts in that area. This will be a key element of the United States of how we apprehend individuals who are bent on committing acts of terror in our Nation, getting control over our borders.

The third element involved is crisis management and consequence management. Here the Federal Government needs to get its act under control. We have 46 agencies responsible for some element of terrorism or

counterterrorism. There is tremendous overlap; that is, regrettably, turf issues. There is often indecision and lack of communication of information. In fact, in the instance we had in New York, there may have been a specific lack of communication of information. We need a centralized management structure within our Federal Government.

We have proposed in the Commerce-State-Justice bill it be divided for the purposes of domestic terrorist acts—no military but domestic terrorist acts—into two areas. In the Justice Department, appointment of a Deputy Attorney General of Terrorism, with a cross-jurisdiction responsibility. Unless you have budget authority for this individual, there is no point in having such an individual.

The Justice Department for crisis management, the Federal Emergency Management Administration for consequence administration, they would essentially be coordinators of the issue of how we handle domestic terrorist events here in the United States. They would function as coequals, and would be sequential, however, in their response to an event.

This is just one proposal for how to do it. It is one that passed this Senate and has been strongly supported, for example, by the assistant leader, Senator REID. I thank Senator HOLLINGS for his support and Senator WARNER and Senator SHELBY, who participated in the hearings.

As I mentioned, this is just one approach to accomplishing this goal, but we need to accomplish this goal, and we need to accomplish it quickly. The key to accomplishing it, as I mentioned, is whoever is given the responsibility for managing the terrorist portfolio, that individual also has to have budgetary responsibility across departmental lines because the only way you control things in this Government is if you control the dollars. If you do not control the dollars, you are not going to be able to control the activity. With the drug czar, we saw a complete failure of just naming someone to a position and claiming he has responsibility when he never got the authority to do the job. We cannot afford that on the issue of terrorism.

This cannot be a public relations event. This must be an individual who has significant power and the responsibility and the capacity to carry out that responsibility because he has the power to do it.

My time has run out. I know there are other people who want to speak so I will yield the floor, but I do intend to speak further on this issue of how we manage our house on the issue of terrorism. There is a lot we need to do and a great deal that needs to be thought about in this area.

I especially thank the Senator from North Dakota for his courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. (The remarks of Mr. SPECTER pertaining to the introduction of S. 1434 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Madam President, I request 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### COLORADO FEDERAL JUDICIAL NOMINEES

Mr. ALLARD. Madam President, I come to the floor today to speak about an issue of great importance to the State of Colorado. This is the nomination and confirmation of Federal judges.

I am pleased to announce that recently the President nominated two outstanding individuals to fill vacancies on the Colorado Federal District Court.

The first is U.S. Chief Bankruptcy Judge Marcia Krieger of Denver, the other is Colorado District Court Judge Robert Blackburn of Las Animas. Both are extremely well qualified. Both are sitting judges with extensive experience managing a case load. Both have had distinguished legal careers and are widely respected in our State. Both will make Colorado and the Nation proud as Federal judges.

Judge Krieger has been a Federal bankruptcy judge for the District of Colorado since 1994, and she was appointed Chief Judge for the Bankruptcy Court for Colorado last year.

Judge Krieger is a graduate of the University of Colorado School of Law and she currently serves as an adjunct law professor at her alma mater.

Judge Krieger has extensive private practice and litigation experience.

Judge Blackburn has been a Colorado State District Court Judge since 1988. He is a judge in the 16th Judicial District, in the southeast part of Colorado, a largely rural and agricultural area of the State.

He is graduate of the University of Colorado School of Law, and he has extensive experience in private practice and as a deputy district attorney. He has also been a cattle rancher in our State.

Earlier this year the President also nominated Mr. Tim Tymokovich of Broomfield to the 10th Circuit Court of Appeals. This appointment is important not only to Colorado, but also to the other five States in the 10th Circuit—Wyoming, Utah, Kansas, Oklahoma, and New Mexico.

Mr. Tymokovich is the former solicitor general for the State of Colorado, he has extensive litigation experience

in both Federal and State court, and he is currently a distinguished attorney in private practice in our State.

Mr. Tymkovich is a graduate of the University of Colorado School of law, he was a law clerk for the Chief Justice of the Colorado Supreme Court, and he recently served as cochair of the Colorado Governor's Task Force on Civil Justice Reform.

Today I rise to speak not only of the tremendous qualifications of these three individuals, but to also urge that the Senate move expeditiously to confirm them as Federal judges.

The 10th circuit seat became vacant in October of 1999—nearly 2 years ago. One of the district court seats became vacant in April of 1998—over 3 years ago. The other seat became vacant in May of this year.

Recently, I researched some of the history of appointments to the 10th circuit and one of the things that really jumps out is how quickly Federal judicial vacancies were filled in the past in Colorado.

It was unusual for a seat to remain vacant for a long period of time. I hope we can get back to this tradition.

The Senate should carefully review all nominees, I have taken this responsibility very seriously as a Senator. But when we get qualified candidates that are not controversial, we should confirm them in a timely manner.

That is why I am today asking that the Judiciary Committee begin the process of reviewing these three individuals. I look forward to hearings and confirmation this fall.

Colorado needs to have a full complement of Federal judges. We are a fast growing State. We have a heavy case load in our Federal courts, and these vacancies need to be filled.

I have worked hard to support the selection of Federal judges of the highest qualification.

That is why Senator CAMPBELL and I have formed a Judicial Vacancy Advisory Committee to screen candidates for district court vacancies in Colorado. This is a non-partisan process.

This past spring, once we learned the process that would be followed by the President in selecting Federal judges, we appointed a six-member advisory committee. This committee was made up of distinguished lawyers in our State. They reviewed dozens of candidates for the two district court vacancies in Colorado. They narrowed the list down to nine qualified individuals. I personally interviewed all nine, and I was very confident that all nine would make fine Federal judges.

Senator CAMPBELL and I then forwarded these nine names to the President and his legal counsel. The President announced his selection of Judges Krieger and Blackburn from this list. I am proud of these choices, and I am proud of the prior choice of Mr. Tymkovich for the 10th circuit.

I intend to work very hard to see that they are confirmed by the Senate in a timely manner.

In fact, I encourage the leadership in the Senate to move forward with a number of other nominations that relate to law enforcement—for example, U.S. marshals and the U.S. attorneys.

I hope that in a very expeditious and rapid manner we get these positions throughout the country filled and confirmed, particularly in light of the events of the last week and a half.

Madam President, I conclude by saying I think it is important that we move forward with all law enforcement nominations as quickly as possible and that we move forward with our judicial nominations as quickly as possible.

I yield the floor.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Appropriations Committee is discharged from further consideration of H.R. 2590, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, I will be joined in the Chamber in a few minutes by my colleague, Senator CAMPBELL from Colorado, who is working on other parts of this legislation.

This legislation is the product of the work of the subcommittee on appropriations dealing with Treasury, Postal and general government accounts.

In the last 2 days, President Bush has indicated it is time for America to go back to work. And we must do that in the Senate.

This appropriations bill contains funding for counterterrorism, for activities to allow us to track down terrorist activity. For example, in the Office of Foreign Assets Control in the Treasury Department we have the financial crimes enforcement network. We have a counterterrorism fund in the Treasury Department. We fund the Secret Service. We fund the Customs Service. We have a substantial amount of resources in this piece of legislation to deal with the issue of counterterrorism in tracking down those who committed the heinous acts of terror against our country last week.

Although we go back to work in the Senate now, the shadow of the acts of terrorists committed against our coun-

try last week remains. We go to work now with a new purpose, a new resolve: to heal, to respond, and then to prevent these kinds of acts of mass murder committed by madmen, to prevent them from ever happening again in our country or in the world.

Madam President, before I talk about the specific bill, I wish to make some comments generally about these days. I made some comments last week, and I want to repeat some of them about where we are, what all of this means, and what we, as a country, must do.

There are unique moments in history, too often born of tragedy, when Americans stand together with a relentless and fierce determination to try to combat the forces of evil and to reaffirm that our freedom is secure. This is one of those moments in the life of America.

A week ago yesterday cowards struck innocent men, women, and children in New York City, in Washington, DC, on airplanes, including on one airplane that went down in Pennsylvania. Their target was not just those airplanes and those buildings. Their target was all of America. It was an act of war committed by madmen directed against our country. It deserves, and will get, a fierce, strong, and on-target response. We should have no illusions about that.

The campaign to rid the world of terrorism will be long and difficult; and our actions must be bold and strong, but not reckless. Now, even as we prepare to respond to terrorism, our country mourns the death of so many innocent Americans.

Shakespeare once wrote: "Grief hath changed me since you saw me last." The terrorist attacks last week in our country have changed all of us. We now carry a heavy burden of grief. We also carry the responsibility to ensure that our response is swift, severe, and just.

But we also have an opportunity today to hold high the torch of freedom, and to say to the world: We are heartbroken about our loss, but America's spirit will not bend.

When I left the Capitol Building late in the evening of September 11, and drove past the Pentagon, there were clouds of black and gray smoke billowing from the fire caused by the terrorists. And even today, over a week later, F-16 and F-15 Air Force fighter planes fly routine patrols over the skies of our country's Capital.

When I arrived home from the Capitol the night of the terrorist attacks, as I walked in the front door, my 14-year-old son, at about 11 o'clock in the evening, heard the door close, got out of bed, and came to me, and said: Dad what happened? And who did this? I told my son: This was an act of evil by deranged madmen. The President and Congress will tell America that we will search for, find, and punish those responsible for these acts of terrorism.

That is our pledge to us, to our children, and to the world: We will not give

in to terrorism. We are all Americans; and we will respond with an iron resolve, anchored now by a new unity.

That unity, and the basic goodness of the American people, became apparent to all of us in the hours immediately following the attacks, when people were reported to have waited in lines for 4 and 5 hours to give blood.

So many heroes stepped forward and risked their lives to help others who were the victims of these terrorist attacks. And amidst the carnage and the destruction grew a stronger bond among the American people. It is an understanding that we live in America but, more importantly, America lives in us.

So now we begin to wage war on terrorism. And we ask all other countries in the world to join us. Those countries that believe in freedom must join us in our campaign to make the world safe from these acts of mass murder.

Terrorist training camps in foreign lands cannot be allowed to exist. Countries that harbor terrorists must, as the President said, pay a price for harboring those terrorists. We must dedicate ourselves, as a nation, to those tasks.

Last week it was commercial airliners, full of passengers and jet fuel, used as a bomb. In the future it could be a small vial of deadly biological agents or chemical agents that could kill a million people, or it could be a suitcase-sized nuclear bomb placed in the trunk of a rusty car parked at a dock in a major city. If ever we must understand our responsibility for world leadership to try to stop the spread of nuclear weapons, to reduce the threat of the spread of weapons of mass destruction, and to combat terrorism, it must be now. That leadership is our responsibility. That mantle is on our shoulders.

Over a century ago, on the blood-stained ground of Gettysburg, Abraham Lincoln said: “\* \* \* we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom. \* \* \*”

Today, in this time, and in this place, we should consecrate those words from nearly 140 years ago and let them again inspire our Nation's resolve that those who died did not die in vain.

Our response to the deadly crimes that took them from us will be dedicated to destroying the ability of terrorists to wage this kind of war, and giving those who live a new birth of freedom from the fear and the impact of terrorist acts.

To those who lost their lives, those who loved them—their relatives and friends—we say: Our country grieves with you. Our country reaches out to you. And you are not alone.

Last week, a couple days following the attack on the Pentagon, I joined some colleagues to go to the Pentagon.

When I came back from the Pentagon, I mentioned in this Senate Chamber an act by a young Marine that was so inspiring.

A young Marine, as we were looking at the damage to the Pentagon, was hanging by a crane, in a bucket with a steel cable; and I was wondering what he was doing because they had hoisted this young Marine up to this open gash in the Pentagon where the airplane had exploded. The fire had consumed the building; and the building had collapsed.

The cable and the metal basket, and a young man standing in the basket, was dangling from the crane up by the 4th floor. He was trying to get in a position to reach in. He reached in this cavernous hole that had been caused in the Pentagon, and he pulled out a flag—a brilliant red and gold U.S. Marine flag.

The crane then lowered the basket to the ground, and this young Marine got out and proudly carried that flag and walked to where we were standing. As he walked past us, he stopped and said: I am going to give this flag to the Marine Corps Commandant. I saw it in an office.

It was untouched, unburned. It was not something I could understand, that a flag such as this could have survived that fire. But he said to us, as he held this flag: I am going to give this to the Marine Corps Commandant. He said: They couldn't destroy this flag; and they can't destroy our country.

And I thought, in many ways he says it for all of us. I have no idea how that flag survived. But that flag, and that young Marine, I think, said it for all of us: our determination, our resolve, and our endurance.

The road ahead is going to be difficult. The road ahead requires us to do a couple of things. And those items are going to be contained, in some measure, in this legislation. The road ahead requires us to deal with this issue of terrorism in a new way, a new aggressive way. It requires us also now to turn to deal with the economy because the economy was weak going into these terrorist attacks; and there is great fear in this country that the economy could grow much, much weaker. We need to take effective action to give this country a chance to restore its economy and economic opportunity. Those are the two challenges we have, and both are significant challenges.

This morning I met with the President of one of the major airlines. He told me something most Americans and I have known from reading the newspapers in the last day or so. The airlines are flying a schedule that is much less than the one they had been flying before the acts of terrorism. It is also the case that many passengers are canceling reservations and deciding not to take trips they were previously going to take. The result is a dramatic

drop off in the number of people who are flying on commercial airplanes.

This country and its economy cannot survive and grow without a commercial air service network. We must take steps to make certain that we rehabilitate the commercial air service network, the major airlines, and all airlines, the smaller regional carriers and the independent airlines as well, that serve our country. You cannot have a great economy and an economy that grows unless you have commercial aviation, commercial aviation that works and that connects all parts of this country.

It connects to everything. Last week, we saw the airplanes grounded. We saw auto workers laid off in Michigan. Why? Because the new way to manufacture is just-in-time inventory. If you are doing just-in-time inventory, you rely on the parts arriving just in time. If you shut down transportation systems, and the parts don't come, those who were relying on those parts for their jobs are laid off. It is all interconnected. The system we have in this country to transport people and freight by air is a critically important element of our economy. We must deal with that.

How does that connect to terrorism? The American people in many circumstances are very leery about getting back into an airplane unless they feel they are safe. We must move quickly to assure the safety of the American people while they are flying. How do we do that?

No. 1, we will move very quickly to include the use of sky marshals in commercial airplanes. Those sky marshals are already being employed. I expect that will dramatically increase.

No. 2, security at American airports must increase in a very substantial way. We will have a discussion about having the Federal Government take responsibility for the airport security apparatus. We must close those gaps that have existed, that we have known for a long while have existed in airport security.

There are a series of other recommendations as well. The Senate Commerce Committee will be holding hearings tomorrow on a range of these issues. Dealing with the security of American airports and the security of commercial aviation is critically important, as well as dealing with the economy generally. They are very much related.

The economy was soft prior to the acts of terrorism last week, and all indications, from the newspapers this morning and all of this week, are there will be more and more layoffs. We must act decisively and we must act quickly to forestall the further softening of the economy and give people confidence that the economy can be restored and can be vibrant and can grow once again. There isn't anything much more

important than the Congress and the President joining together to do that, to give the American people the confidence this economy can have a strong and vibrant future.

I studied and taught economics in college. One of the things most people forget about economics is, No. 1, there is naturally a business cycle. It has a contraction and expansion side. No one has been able to repeal the business cycle, nor will they. No. 2, even though we were going through a contraction side of the business cycle, there is some belief among people in Washington and elsewhere—in some cases a belief among economists—that the economy is made up of an engine room of the ship of state in which there are massive amounts of dials and gauges and levers. If you can just turn them all right and adjust them all right—the quantity of money, tax cuts, spending, all of these things, interest rates, adjust them just right—the ship of state will move forward.

It is not that at all. It just is not that at all. This economy moves forward when people are confident about the future. When people are confident about the future, they make decisions that express that confidence. They will buy a home. They will buy a car. They will take a trip. They will do a whole series of things that express confidence that have in their impact the opportunity to create an expanded economy.

Exactly the opposite happens when people are not confident. If people are not confident about the future, the economy tends to contract because they defer decisions. They don't take the trip. They decide not to buy the home. They don't buy the car. They don't make the decisions as consumers that they might otherwise make because they are not confident about the future.

This economy has always and will always rest on a mattress of confidence. Do the American people have confidence about the future or don't they? If they do, this economy will grow and expand. If they don't, it will contract. It is that simple.

This is not like making some sort of economic stew where we have a recipe and we put in certain doses of this, that, or the other thing. It is about instilling confidence in the American people that this economy can and will grow and expand.

There are a series of things we can do to offer that confidence. The President and the Congress can work together on a series of public policies that can employ that confidence building in a way that is very constructive. It is critical that we begin that immediately.

Let me turn briefly to this appropriations bill which has elements that deal with both the counter terrorism issue and also the issue of how to instill confidence with respect to the economy. This is an appropriations bill dealing

with the Treasury Department. But it is much more than that. About one-half of all Federal law enforcement is in this bill. It deals with the Office of Management and Budget, the White House, the Secret Service, U.S. Customs, GSA, and a whole range of Federal agencies.

I will talk a bit about what this bill does and why it is brought to the floor in the manner we have brought it to the floor.

First, let me again say that central to this bill is the funding of a range of issues that are important to the current discussion we are having about counter terrorism. The counter terrorism fund within the Treasury Department is critical. We have increased that fund in this appropriations bill, as well as the funding for the Office of Foreign Assets Control, which has the capability and the expertise to track terrorists. The Financial Crimes Enforcement Center is the same. It has the important capability of tracking the finances and the banking transactions these terrorists use.

The U.S. Customs Service is a very large agency that has the responsibility of protecting our borders. That is obviously critical to the counter terrorism efforts. If we are not able to have some basic control over our borders, we don't have the capability of keeping terrorists out.

We all understand the role of the Secret Service in protecting the President and vital public officials in our country, the many other duties they perform. So this legislation is important legislation. It is timely. We have brought it to the Senate today hoping we could, in this new spirit of unity, move this legislation as quickly as possible.

The subcommittee has worked on this bill. We brought it to the full Appropriations Committee. That committee has marked this bill up, and this bill now is a recommendation of the full Appropriations Committee of the Senate. I am pleased to offer it today.

This bill contains a total of \$32.3 billion in new budget authority. Of that amount, \$15.6 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations which come from the budget we passed. It strikes a balance between our priorities, the administration's initiatives, and the agencies requirements.

My colleague, Senator CAMPBELL, who will be in the Chamber in a bit, is now working on a range of these things to try to get them cleared; assisted by his staff, Pat Raymond and Lula Edwards, in putting this bill in the condition we now have it, as well as my staff, Chip Walgren, Nicole Rutberg, and Matthew King, who is detailed to us from U.S. Customs. It is a collaborative bipartisan piece of legislation which reflects both congressional and administration priorities.

The bill consists primarily of salaries and expense accounts for a good many agencies. The majority of the increases in this legislation are for agencies to allow them to maintain current levels. The initiatives I will highlight are just a few initiatives that are very important.

(Mr. BAYH assumed the chair.)

Mr. DORGAN. Mr. President, in this legislation we have doubled the amount of funding to \$10 million that the Customs Service would have to combat the issue of forced child labor practices.

All of us understand what is happening with respect to child labor around the world. It is not fair competition. It is not fair for people to use child labor and ship their products to our marketplace in the United States and call it fair trade. We have had testimony at hearings in the Senate in years past of young children, 8, 10, 12 years old, working in carpet factories in some parts of the world, in which those who run the carpet factories have actually taken gunpowder and burned the fingers of these young children. They burn the fingertips of the children in order to create burn scars so that the children who use needles to work on these carpets and rugs will not injure themselves. It won't hurt because now they are scarred and burned from these deliberate burns caused by their employers.

Is that something we want to allow to happen in this world? I don't think so. Do we want to buy from people making products by employing 10- and 12-year-old kids whose fingers they have burned so they can sew rugs and ship them to America to be bought in Pittsburgh, Fargo, Minneapolis, and other cities? No. It is not the right thing.

So we double the amount of money to deal with child labor. We need to investigate child labor and prohibit the import of goods from other countries into this country when those goods are made by forced child labor.

We add \$25 million in this piece of legislation for a new northern border initiative to hire additional Customs Special Agents, inspectors, and canine enforcement teams to enforce our trade laws and to protect our borders. In light of the tragic events a week ago yesterday, this is merely a down payment, I am sure, on a much larger requirement for the Customs Service with respect to security on all of our borders. But I fully expect many of these needs will be addressed by the emergency appropriation we enacted last week.

We are very concerned about the security of America's borders. We know there are known terrorists around the world who try to move through our borders and become part of terrorist cells in our country. We also know that, for example, on New Year's Eve

in the year 1999, as we entered the new millennium, at one of our border points on the northern border in the State of Washington a terrorist was apprehended who apparently was intending to hijack planes in Los Angeles. Part of the plot was, as I understand it, to take down significant structures on the west coast. That was foiled by Customs who apprehended this terrorist. That terrorist picked the wrong border to come across, or at least the wrong border point.

All terrorists and others who want to bring contraband across our border know that in many locations in this country across the northern border, the only thing that precludes them from moving across the border after 10 o'clock at night, when the border station closes, is an orange rubber cone sitting in the middle of the road. At 10 o'clock they put out the cone, and the next morning they take it in, and they are open for business. The way you get in when there is an orange cone is to simply move the cone. That is the problem at many northern border ports. The ports of entry don't have adequate security, and we must have a northern border initiative to make sure we do something about that.

This bill also funds the Internal Revenue Service. We had a rather disturbing report a while ago by the Inspector General for Tax Administration at the Internal Revenue Service. What it said was this: The Inspector General put together four tax questions and sent people out across the country to ask those questions in taxpayer assistance areas of the IRS. Here is what they found. These are not massively difficult tax questions. The Inspector General sent Federal employees out posing as regular folks to ask questions of the IRS. They found that 73 percent of the time they either got the wrong answer, an incomplete answer, or no answer. In a number of cases, they were treated very rudely. In other cases, they were left to wait and were not waited on.

I read that Inspector General report. It was done last spring. I was so furious. I read it at night at home. I was furious when I finished. If you can't have an agency that gives taxpayer assistance to taxpayers asking for help and get the right answer from the agency that is administering the program, how can you expect American taxpayers to comply? It is wrong. So I put a million dollars in this appropriations bill and I called the IRS Commissioner, someone for whom I have great respect. I think he has the capability to turn this agency around. He has been there now for a bit. He has plans that I think can make a big difference in this agency.

I said I am going to have the Inspector General do this 12 times beginning in January next year and issue 12 reports. If they are embarrassing—and

they are to me, and I hope to you—I want to see an improvement. If we have 12 reports of people going to the IRS offices asking for help and we don't see improvement over the year, then there is something fundamentally wrong with the folks who are running this agency and trying to make this happen.

Again, I have great respect for Commissioner Rossotti. He comes from a business background, and I know he will do a good job. He made the point to me of why this happened and he has taken action to change this. He asked that I defer this monthly investigation to January rather than start it in October. I said that is fine. But we are going to have 12 reports to the Congress, and I am going to read every one of them. If I see reports that say 73 percent of the time people ask for help from the Internal Revenue Service they get wrong answers, there is going to be hell to pay because we are spending a lot of money to make sure the American people get the service they deserve.

The name of this agency has three words: Internal Revenue Service. If we don't put "service" back in the Internal Revenue Service, how long will we expect the American people to voluntarily comply with this tax system? It is a tiny issue, but it is one about which I feel very strongly. We need to make this work for people. When each of these reports is issued, I will come to the floor and share them with my colleagues. I hope they share—as I am sure they do—my concern about an agency that gets it wrong 73 percent of the time when they are being asked for taxpayer assistance.

We add \$5 million for a new program for grants for drug testing and treatment and intervention to State and local authorities and Indian tribes for criminal justice populations. One of the things we know about these issues of incarceration and recidivism, and so on, is that people who go into our prisons and jails with a drug problem and who don't get treatment are going to come out with a drug problem, and they are likely to commit crimes to buy the drugs to continue taking these drugs. The fact is, we have to be smart about this and start making sure that people who are drug addicted as they go into jails and prisons are required to get drug treatment. It doesn't make any sense to throw them in jail and put them back on the street with a drug addiction. You are just begging for more crime. And they will comply. That hurts this country, and we can do much better.

We add \$100 million above the President's request of \$130 million for the continued modernization of the Customs Service's new processing system called the Automated Commercial Environment. That is an important system. The current system is melting

down on us. We have so much trade back and forth across our borders, the system simply can't handle it. We are trying to fund this system called ACE. We are doing it in a way that I believe will be very helpful to facilitating trade across our borders.

While I am talking about Customs, let me make another point about which I feel strongly. The Customs Service doesn't have a Customs Commissioner. Think of that. We have this heinous terrorist act committed against our country, mass murders, unspeakable horrors in our country. When we deal with these counter terrorism acts and put together a program of counter terrorism, one critical element is our U.S. Customs Service. They are on the border, and we have to secure our borders to try to prevent terrorists from coming into the country. We have to have a Customs Service working with all the law enforcement agencies to do this.

The Customs Service previously ran, and is now contributing to the Sky Marshal Program. That is up and operating in a skeleton way. The Customs Service is an integral part of counter terrorism. We do not have a Commissioner at the Customs Service. We have a nominee, but there are two holds on the nominee. One has been dropped. In the Senate, there is still, as I understand it, a hold on the nominee. We have a person whom I think is perfectly qualified to run the Customs Service. This is an agency without a head, and we have someone in the Senate who is holding the nomination and will not allow us to confirm him. The result is an agency without an agency head at a time when we clearly need the direction and leadership that agency head can give at this point.

As I understand it, the hold that exists—I will not use the name of my colleague, but it has been in the papers. One of our colleagues has put a hold on the President's nominee to head Customs because our colleague objects to his reluctance to commit to the use of a new security detection technology. There is a debate about technology. There was another hold that was released, I believe, last week over a textile issue.

Look, this is not the time to be holding up the President's nominees. It is not the time to hold up a nominee who is so critical as the head of the U.S. Customs Service. Let's get this nomination before the Senate and confirm this nominee so this person can be down at the White House and with the administration bringing the Customs Service fully into this circle of agencies that are going to be critical in combating terrorism. We ought to do that today.

In fact, I say to my colleagues, if those who have been involved—at least the one that has been concerned about this and has a hold—I wish that hold can be eliminated so that we can bring

this nomination before the Senate. I want to confirm this person. I would like to do it today. It is not my decision to bring it before the Senate, but I hope the committee chair and ranking member will talk to the Senator who is holding up the Customs Service nominee and let's get that done. The President has selected a good person. If we have some disagreements with him, go ahead and disagree with him down the road on some specific technology issues, but this agency needs a head right now. I hope we can do that, if not today perhaps tomorrow.

Let me mention a couple of other items we have included in this appropriations bill. We direct the General Services Administration to initiate a pilot project to place automated external defibrillators, devices called AEDs, in Federal buildings and provide training for their use to more effectively save lives.

Most of us know what the automated external defibrillators are now. They are now no bigger than the size of a laptop computer. They save many lives and can be operated by someone with almost no training. If we have these in public buildings, and if someone has a heart attack and their heart stops, we can save a large number of lives having these devices available. That has clearly been demonstrated. We are going to have a pilot project with the General Services Administration to do that.

We fully fund the request for the Office of National Drug Control Policy Youth Antidrug Media Campaign. We add \$20 million to the High Intensity Drug Trafficking Area Program. That has a total of \$226 million.

We add \$10 million to the Drug-Free Communities Act, which is a total of \$50.6 million.

We fund the courthouse projects that were requested by the President, and we provide funds for an additional six courthouses to continue addressing the significant backlog in courthouse funding in this country.

The projects we have funded fully adhere to the priority list that was developed by OMB, GSA, and the Administrative Offices of the Court. In other words, we have not pulled projects out because someone wanted them. We actually followed the priority list, which we should do.

We maintain current law requiring the provision of contraceptive coverage in the Federal Employees Health Benefits Plan. We make permanent the ongoing project allowing Federal agencies to provide child care services for its lower paid employees, and we provide a 4.6-percent pay raise for Federal civilian employees to maintain pay parity between Federal, civilian, and military employees.

Mr. President, I mentioned that in the Treasury Department bill we placed a priority on the Treasury Department's law enforcement needs, as

well as support for State and local law enforcement needs. We provide \$33 million for the third and final year of a Secret Service staff hiring plan to address the overtime and personnel retention problems. They were spending a massive amount of time in overtime compensation because they simply did not have the personnel they needed. We are in the third and final year of the money to restore that.

We increase the administration's request for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. There are no cuts or deviations in this area from the President's budget request. We simply have complied with the President's budget request.

We emphasize in the bill the need for the ATF's Gang Resistance Education and Training Program, called GREAT, by including \$3 million in addition. The GREAT Program, is a wonderful program. I went to a school in Anacostia one day with some ATF folks. They showed me, at the end of the program, what the kids had been through. They had a graduation ceremony for these kids. It is a great program. We have to get to these kids with information, and we can make a big difference.

We increase by \$5 million the integrated violence reduction strategy to allow ATF to investigate more comprehensively the National Instant Check System so we make sure felons do not purchase guns. There are a lot of gun debates in this country, but no one in this country wants a gun dealer to sell a gun to a convicted felon. So our effort is to keep guns out of the hands of people who should not have them.

Title II of this legislation is the Postal Service title. We provide \$143.7 million for the U.S. Postal Service, as requested by the administration. We, once again, include language saying to them: Don't you dare talk about going to 5-day mail delivery service. Through rain, snow, sleet, and so on, we deliver the mail 6 days, including Saturday. Speaking as someone who comes from a rural State, I want that to continue, and we insist it continue. We told the Postal Service in this legislation that they must continue 6-day mail delivery.

The Executive Office of the President is in this legislation in an account called Funds Appropriated to the President. It funds, obviously, the operation of the White House, salaries, and so on. But it also funds the Office of the National Security Council, Office of Management and Budget, Office of National Drug Control Policy, as I mentioned earlier, and certain other programs. We have simply met the request of the President for funding these areas.

We have independent agencies, such as the Federal Election Commission, the General Services Administration, the National Archives, Federal Labor

Relations Authority, the Merit Systems Protection Board, Office of Government Ethics, the Office of Special Counsel, Office of Personnel Management—all of these are in this legislation. This describes in broad terms what we are trying to do.

As I close—and my colleague from Colorado, Senator CAMPBELL, is here—let me say how much I have enjoyed working with him. I know people view Congress sometimes as an area where there is a great deal of debate, and that is certainly true. I do not think debate is bad for the country. I think it is good. When you get the best of what everyone has to offer, the American people are best served. There are more instances than not where we come together and work with somebody for whom we have great respect, and that is certainly the case with Senator CAMPBELL and myself.

He chaired this subcommittee, and I was happy to work with him and felt the experience was a great experience. I am now chairing the subcommittee and feel exactly the same way. It is a great experience to be working with my colleague from Colorado, Senator BEN NIGHORSE CAMPBELL.

I will make two final points. One, to go back to this issue of terrorism, this country predictably is very concerned at this moment about terrorism. We have been through a frightening ordeal, and we are not yet through it. We must, as the President has indicated, work together; we must achieve national unity. Part of that national unity is to resolve that we will track down and punish those who committed these acts of mass murder against so many American citizens.

We must do that thoughtfully, not recklessly. It is very important the way we go about this. Part of it is also to try to make certain we prevent future terrorist acts.

Yesterday, the Attorney General indicated there might be some evidence there were other airplanes that were targeted. He indicated there might be some terrorists who are still not apprehended, and they are searching for them. Even as we, in the middle of this nightmare we have gone through, try to make certain the American people understand everything humanly possible is being done to prevent another terrorist attack, even as we do that, as the President said, we must go back to work. So part of that work is to pass an appropriations bill today.

This bill is also central to the question of counter terrorism and combating terrorism because it includes the counter terrorism account in Treasury, U.S. Customs, the Secret Service, and the Financial Crimes Enforcement Network which is involved with the FBI in tracking all of the money back and forth. So we have so many things in this legislation that directly relate to this need we have as a nation to move aggressively.

For that reason, my fervent hope is we will not spend a great deal of time with a lot of amendments on this bill, and I ask my colleagues to join me in trying to reach an agreement to pass this legislation today.

Let me describe what I was hoping to do. I have great heartburn about what has been happening with respect to Cuba. The Treasury Department and the Office of Foreign Assets Control—OFAC—have been levying fines against people who travel to Cuba because it was against the law. I will give an example: A retired lady to whom I talked by phone is a bicyclist, and she answered an ad in a cycling magazine with a Canadian company, a travel company, doing a cycling tour. So she joined something like 10 or 12 cyclists through this Canadian travel company, and they went to Cuba, and they bicycled. This is a retired American woman. They bicycled in Cuba. Then 18 months later she got a letter from OFAC and the Treasury Department levying a \$7,650 fine against her for riding a bike with a Canadian travel group in Cuba.

Another fellow I talked to received a \$19,020 fine for a weekend visit to Cuba. When he was in the Cayman Islands with some friends, the friends invited him to go to Cuba for the weekend, and he did.

OFAC has begun a new enforcement action against Americans who travel in Cuba. I fully intended to offer an amendment to this bill to stop that. OFAC ought to be about tracking terrorists, not tracking down retired ladies who ride bicycles in Cuba.

However, I am not going to offer that amendment because I do not want slow passage of this bill. And the fact is the House has already included an amendment on this issue in its version of the bill that we will consider in conference. I am going to try my darndest to make sure—and I hope my colleague from Colorado will join me—that we accept the House provision which would suspend the enforcement of the ban on travel to Cuba so that we do not have \$7,000 to \$19,000 fines being levied against American citizens who have traveled there, some of whom have told me personally that they had no idea this was against the law.

My point is this: I was fully intending to come to the floor to offer that amendment. I know it would be controversial. I know four or five of my colleagues who would want to stand up and oppose that amendment. I think it is not wise to hold this bill up and offer that amendment in the Senate. Therefore, I will not offer the amendment.

I have two other amendments that have similar circumstances that are controversial. I fully intended to offer them, and I have that right, obviously, as do all Senators. I have the right of recognition because I am managing this bill, but I am not going to offer

those amendments because at this moment it is not productive for us to divert our attention and to wander off into other extraneous debates.

This bill contains much needed funds for our agencies to prosecute the aggressive search for terrorists, to protect the American people. It is very important we pass this legislation as quickly as we can do so.

I ask my colleagues if they would do as I have done. If they have an amendment to this bill, if they can, if they will, work with us and let us see if we can find a way to accept it if it is not too controversial. If it is a very controversial amendment, please hold it and let us pass this legislation and come back to their issue on another bill at some point. There will be other opportunities, but I think now is the wrong time for us to spend 3 or 4 or 5 days on legislation such as this where we have such critical resources in this bill that need to be devoted to the search for terrorists and to the aggressive campaign we must wage to combat terrorism.

I am going to visit with my colleague from Colorado following our statements and visit with the leaders and see if we can send a message to the country that the President says we should go back to work, all America should go back to work. The Senate is going back to work, and the best message we can send to the President and the country is to say we went back to work today on an appropriations bill and there was a new sense of unity, a new purpose, and a new understanding that the center of what this appropriations bill is about is investing in the ability to provide security for the American people.

If we can do that, what a wonderful message it will send to the American people and give them some confidence about what we are doing and what we can do, not just in this bill, but it will also portend good news for what we can do on the economy and a whole range of other issues.

The American people need some confidence. What better way to give them some confidence than to bring this bill to the floor and say it is a new time and we have a new attitude in the Senate? And I take the first step by saying the amendments I was going to offer, that are very important to me, I will not offer because I do not think we ought to do that at this point.

Let us pass this legislation, if we can, and work together to get this completed today.

As I indicated, my colleague from Colorado has been working on this legislation this morning and previously, and let me again say how much I appreciate working with him. Following his statement, I ask—actually, while he is speaking—that those who wish to offer amendments or work with us on amendments to which we could perhaps

agree, if they would understand the urgency.

We have the Defense authorization bill that will probably come to the floor following this. It may even come late this afternoon. That is a pretty important bill. The Defense authorization bill is also critical to this Nation's security in this difficult time. If our colleagues will cooperate with us and allow us to get this bill through the Senate today, it will be a terrific signal to the American people that times have changed and things have changed in the Senate.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I join my colleague, Chairman DORGAN, in placing before the Senate our committee's recommendations for the fiscal year 2002 funding for the Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies.

I want to associate my comments with the chairman's comments as they deal with terrorism. Certainly we have had huge changes worldwide in the last week. We are going to be in for the long haul, a very difficult, expensive, and deadly kind of a war that we have never faced before. I know we all want to do our very best in Congress, but I remind my colleagues, as the chairman already has, of the focus of these appropriations bills. As the other Senators are in their offices contemplating amendments they might offer to this bill, I remind them there is an emergency supplemental moving through now and probably that is the better vehicle if they want to do some changes or some amendments.

There are probably better vehicles dealing specifically with the terrorist activities than the TPO bill. In our bill, these recommendations include funding for Federal agencies that are now working on the tactical and security needs of our Nation, and have been for years and years. It is clear those needs and others addressed by the funding legislation merit swift consideration.

This bill was crafted by the Subcommittee on Treasury and General Government. It contains a total of \$32.4 billion of new budget authority. Of that, \$15.7 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administration initiatives, and agency requirements. I congratulate Chairman DORGAN and his staff for the professional manner in which they prepared this bill in such a short period of time.

This bill allows these Federal agencies to simply maintain current levels. There are very few new initiatives in this bill. Title I provides a total of \$14.9 billion for the Department of the Treasury. Of this, \$277 million is more

than the administration requested. The committee has again placed a priority on Treasury's law enforcement needs as well as support for efforts by State and local law enforcement agencies.

Let me repeat a couple of highlights the chairman mentioned. We have \$230 million to the Customs Service for continued development of the badly needed Automated Commercial Environment computer system called ACE.

It has money to continue emphasis on the need for the Gang Resistance Education and Training program, called the GREAT Program, which has been very successful, by including \$3 million more than the administration requested for grants to State and local law enforcement.

It has additional funding for the integrated violence reduction strategy to allow ATF to comprehensively investigate denials in order to make sure the felons do not possess guns.

It has \$348 million to the IRS for continuing efforts to modernize their computer system.

Title II provides \$76.6 million to the U.S. Postal Service and continues to require free mailing for overseas voters and the blind, as well as 6-day delivery, to which Chairman DORGAN has spoken, and prohibits the closing or consolidation of small and rural post offices.

Title III recommends a total of \$755.5 million for the Executive Office of the President, which is \$23.7 million more than the administration requested. This part of the bill includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and funding for the national antidrug media campaign.

A special note: The committee also provided \$42 million to the Counterdrug Technology Assessment Center, a program that transfers technology to State and local law enforcement. I believe since we started the program—it is going into its fourth year—it has been hugely successful. Over 2,500 local police jurisdictions have received grants of equipment they could not afford and for which they do not have the money to do the research and development.

It increases funding to the High-Intensity Drug Trafficking Areas program, the HIDTA program, by \$20 million, which supports programs at their current level. It coordinates Federal, State, and local efforts to combat drug use.

It recommends a total of \$185 million to the national antidrug media campaign and requires \$5 million be spent on the new drug of choice of too many young teenagers called Ecstasy.

Title IV provides funding for the independent agencies, such as the Federal Election Commission, the General Services Administration, and the National Archives, as well as agencies in-

involved in the Federal employment arena, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Special Counsel, and the Office of Personnel Management. Also included in the title are the mandatory accounts to provide for Federal annuities, retiree health benefits, and life insurance. The committee recommends a total of \$16.6 billion for this title.

The administration requested funding for 12 courthouse construction projects. As Senator DORGAN mentioned, we have been able to increase that number of projects to 20. We have provided funding for 12 additional projects such as border stations.

In addition, we have continued an aggressive effort to make sure the Federal Government real estate is maintained properly, by providing \$844.8 million for the GSA repairs and alterations account for Federal buildings that are in deterioration.

The funding contained in the bill allows agencies to continue their work. It will not be able to accommodate all Members' requests, and I remind my colleagues that any funding amendments must be offset. If we have those being contemplated that deal with terrorism, there might be a better vehicle through the supplemental.

I thank Chairman DORGAN and his staff, Chip Walgren, Nicole Rutberg, Matt King, and Nancy Olkewicz, for their courtesies during the preparation of this bill. They have been terrific to work with.

We are focused on these recent attacks, but clearly we have to move forward, as the chairman mentioned, with our work and our various budget proposals as we have prepared them. My support for this committee's recommendations comes with my understanding that funding needs for some agencies may demand an increase. I feel certain most of those can be handled through the supplemental appropriation and hope they will.

Additionally, I am particularly pleased that Chairman DORGAN agreed to my request to provide additional funding to the U.S. anti-doping initiative, called the USADA. This funding will be necessary to ensure that our Olympic athletes, our Pan American, and Paralympic athletes are free from drugs and are taught about the ethics of fair competition. I thank the chairman for including additional help in the Ecstasy program, as I mentioned.

Speaking of the antidrug media campaign, we have provided over \$748 million for that campaign since 1998. This year, we have \$185 million for the fiscal year 2002. But preliminary findings released by the Office of National Drug Control Policy last year showed that the campaign is having a positive effect.

Unfortunately, more recent information seems to indicate that while this

report card may be good, it may have been somewhat premature. While I agree we must take steps to protect youth from the lure of illegal drugs, we have to make sure that money is wisely spent in the media campaign and that it is reducing the use of drugs because our resources clearly will be strapped in this new war on terrorism.

I take this opportunity to highlight a new international crime initiative in southern Europe and how it relates to law enforcement agencies and funding by the pending Treasury appropriations bill. It comes as no surprise that international terrorism often relies on international crime, particularly through drugs, to finance its campaigns of terrorism. The Southern European Cooperative Initiative, called SECI, is based in Bucharest, Romania, and represents a consortium of 11 countries with a combined population of 135 million people. The members of SECI have pooled their expertise and limited resources in a collaborative effort to combat transnational crime in southeastern Europe. Members include Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, and Turkey. Most Senators have visited one or more of those places in the past.

Most in the Senate have two or more jobs. One of my jobs as the chairman of the Helsinki Commission is fighting crime and corruption. It has been a top priority of mine and the Commission in these member countries, as well as throughout all of Europe. As part of this effort, I was pleased when the Foreign Operations Subcommittee included language I requested in the fiscal year 2001 committee report urging the State Department to continue providing advice and support in cooperation with the FBI to SECI. That is in their bill in recognition of the direct and indirect impact of transnational crime on Americans and American businesses at home and abroad. The subcommittee is requesting in the fiscal year 2002 committee report that the State Department designate up to \$1 million in technical assistance for SECI. This investment directly helps a number of U.S. law enforcement agencies in their fight against a wide range of transnational crimes.

At least three Justice Department agencies currently are working with SECI: The FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service. In addition, at least two Treasury Department law enforcement agencies, the U.S. Customs and the U.S. Secret Service, are utilizing resources of SECI to support their efforts.

For example, the Secret Service currently sponsors task forces throughout the United States and across the globe recognizing cooperation among countries, law enforcement agencies, academia, and the private sector, representing the best hope for defeating

the cybercriminal and preventing counterfeiting, computer-based fraud, and other electronic crimes that resulted in hundreds of millions of dollars of losses to American consumers and industry.

Because of their expertise and experience with the task force approach, the Secret Service has been asked to be the architects and leaders of SECI's highly innovative financial crimes task force in southern Europe. This task force, the first of its kind in the region, will be based in Bucharest and will be operational by the end of the year. The Secret Service expects to open an office in Bucharest and have two special agents dedicated to this cooperative effort.

Tomorrow, on September 20, the General Accounting Office is expected to release a report on international crime which I requested last year. This report confirms that the threat from international crime is growing and more high-level cooperation among Federal enforcement agencies is necessary.

The good work of the Treasury law enforcement agencies in addressing new criminal threats from overseas is warranted and welcome. Passage of the Treasury appropriations bill will continue to provide essential support for these agencies in their fight against criminal elements at home and abroad.

AMENDMENT NO. 1570

Mr. DORGAN. Mr. President, I send a substitute amendment to the desk on behalf of myself and Mr. CAMPBELL, which is the text of the Senate committee-reported bill. I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid upon the table, that the amendment be considered as original text for the purpose of further amendment, and that no points of order be considered waived by virtue of this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1570) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AVIATION SECURITY

Mr. WYDEN. Mr. President, I come to the floor today to discuss the issue

of aviation security. The Senate Commerce Committee, on which I serve, had hearings this week on this issue. I want to take a few minutes this morning to discuss the history of this issue, the history of the debate in Congress about aviation security. I do that with one overriding concern. I do not want to be back on the floor of the Senate in 6 months or a year taking my turn once again in the procession of somber floor speeches about how sorry and upset and how sad the Senate is that another air tragedy has occurred. I think it is important for the Senate to step back and take a look at this issue now so we are not dealing with it again in another 6 months or a year.

Beginning my discussion this morning, I want to talk about the pattern of the past with respect to aviation security. Let's make no mistake about it. There is a very clear pattern. Again and again, there has been an air tragedy. Again and again, there is outrage in the Congress and in the country. Again and again, task forces are established and commissions are assigned to make reports and recommendations. Again and again, there has been incremental and ultimately ineffective implementation of changes that simply don't get the job done when it comes to aviation security.

It would be an enormous disservice to those lives that have been lost and to the many who love them if the only response of this Congress is again to issue more reports, let more commissions go forward, and once again fail to act with respect to putting in place the actual provisions that are going to protect our citizens with respect to terrorism.

The American people deserve quick, decisive, and sweeping aviation security reforms. It is time now to get the job done right.

For a variety of reasons, for more than 20 years, plans to improve aviation security have not been put into practice. What I intend to do this morning is to outline specifically some of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.

After the Pan Am Flight 103 bombing over Lockerbie in 1988, and again after the TWA Flight 800 crashed near Long Island in 1996, there was enormous support for tightening aviation security. In each case, the Presidential commission was established and reforms were initiated. In each case, studies by the GAO or the Department of Transportation inspector general made clear that there were vulnerabilities. And in each case, by the time the reports came out, the momentum was lost. Action was slow. It was incomplete and incremental at best.

I am not interested this morning in talking about whose fault that was. Clearly, part of the problem stems from what Presidential administra-

tions of both political parties did in allowing the process to bog down in red-tape and regulations. Part of the responsibility lies with airlines that, indeed, did fight tougher security measures by claiming costs would cripple their operations. But we should be very clear. Part of the responsibility lies right in this Chamber, right where the Congress did not insist on action, and did not insist on safety for our constituents.

For example, in 1998, the GAO warned that vigilant congressional oversight was essential. They made clear that momentum for reform would stall otherwise. But while there were spasms of interest on Capitol Hill, Congress didn't do the job with respect to oversight.

I am going to make clear as a member of the Senate Subcommittee on Aviation that this time is going to be different. This time the argument between those in the various agencies and the airline executives over cost, inconvenience, and control of the system aren't going to be allowed to be used as an argument for delay. We are not going to sit by again and reap the grim harvest of congressional inaction.

This is just a bit of the history on this issue. In 1987, the GAO recommended that the FAA establish a certification program setting performance standards for screening companies that operate the airport security x rays. After the 1996 TWA Flight 800 crash, a White House commission said the same thing, and Congress passed legislation calling on the Federal Aviation Administration to get it done. But the Federal Aviation Administration's rulemaking process dragged on for years with multiple rounds of public comment. In June of 2000, the GAO reported that the Federal Aviation Administration was then 2 years behind schedule. As of this morning, the certification process for screening these companies still has not gone into effect.

In 1988, the GAO reviewed FAA's progress in implementing a variety of key improvements, including passenger profiling, bag-matching action, and a variety of other initiatives.

Their conclusion was:

Based on FAA's current schedule and milestones, this whole process for enhancing the Nation's aviation security system will take years to fully implement.

To ensure followthrough on it, the same White House commission recommended an annual report from the Secretary of Transportation on the implementation of new security measures. That report happened exactly once: on the first anniversary of the TWA crash. Once again, the response was nothing.

Under legislation passed in 1990 and 1996, anyone with access to a secured area in an airport is subject to a background check. The White House commission established after the 1996 TWA

crash went further, recommending a full criminal background check and the FBI fingerprint check. However, the inspector general of the Department of Transportation recorded in 2000 that existing background check procedures were, in his view, ineffective.

First, Federal Aviation Administration regulations required a criminal background check for some employees but not for others. Second, and more incredibly, some serious crimes, such as assault with a deadly weapon, were not on the list of offenses that would disqualify an employee.

Many airports were not complying with the FAA's rules anyway. For 35 percent of the employee files reviewed by the inspector general, there was no evidence that a complete background check was ever performed.

Let's reflect on that. In 35 percent of the instances, the inspector general found no evidence that a complete background check was ever performed.

Last year, one screening company pled guilty and paid a \$1.2 million fine for doing inadequate background checks and for hiring at least 14 airport workers who had criminal convictions.

Congress passed legislation in 2000 directing the FAA to implement criminal fingerprint checks and expanding the list of disqualifying offenses. New requirements, however, apply only to large airports. And there still is no requirement to repeat fingerprint checks periodically.

In 1993, the Department of Transportation inspector general reported weaknesses in airport measures to keep unauthorized persons out of restricted areas. A followup review in 1996 found no significant improvement.

In 1999, the inspector general reported that in a test of eight major airports, undercover agents were able to penetrate secure areas in 117 of 173 attempts—a 68-percent success rate. In many of those cases, the test intruder, an individual who was testing the system, was able to actually board an aircraft. Now, the list goes on.

I want to mention just several more in terms of laying out this chronology.

Following the 1988 Pan Am Flight 103 bombing, there was a major effort to develop baggage-screening equipment in order to detect explosives. Technology was developed, but it was still not widely deployed at the time of the 1996 TWA crash.

The White House commission created in response to that tragedy recommended the widespread deployment of such equipment. Congress provided funding, and machines were deployed in a variety of locations.

But last year—just last year—the Department of Transportation inspector general found that these machines were significantly underutilized. The inspector general found that more than 50 percent of the machines were being used to screen fewer than 225 bags per

day, even though their capacity is 225 bags per hour.

According to a 1999 report by the National Research Council, at some locations “the throughput rate has been so low that operators could even lose their skills for operating the equipment.”

The reason I am going through this 15-year chronology is that on September 11, 2001, known vulnerabilities in America's aviation system remained unaddressed.

Last week's hijackers knew there were holes. The General Accounting Office, that serves the U.S. Congress, had documented these significant gaps in our system. The terrorists took advantage of those gaps, and the price paid by our country has been far too great.

Now it is time to correct these vulnerabilities. The legislation should include action on at least four fronts:

First, swift implementation of the specific to-do list that I have outlined this morning should be a top priority. This is a to-do list not made up from some sort of cavalier review by an interest group. This is a to-do list taken from recommendations from the inspector general of the United States and from the General Accounting Office. These recommendations have accumulated for years. It is time to focus on getting those tasks done rather than just perpetually creating more reports and more lists.

Second, Tuesday's unprecedented attack points to the need for a number of additional safeguards. As we all know, a number of our colleagues have advocated armed sky marshals onboard many flights. Certainly this is a sensible recommendation, a credible deterrent; and I support that.

I also think there needs to be significantly improved intelligence sharing of information. Background checks for students applying for flight training obviously need to be more thorough and more meticulous. If a passenger is on a terrorist watch list, the country is saying: How in the world can aviation security officials not be aware of that?

The technology exists to coordinate efforts between law enforcement and the airline industry, so no more turf fights, no more lack of communication. Focusing on information sharing of the best and most current intelligence is absolutely key so that the names and faces of those who are apparently unknown to the airline industry but aware to some in the intelligence gathering can be out and available so as to serve as an important tier of protection for the public.

Third, and perhaps most important, Congress must fundamentally rethink who should be responsible for carrying out day-to-day functions, such as the screening of baggage and access to restricted areas. A number of forward-thinking Members of the Senate have been after this issue for years, particu-

larly the chairman of the Senate Commerce Committee, Senator HOLLINGS. He has been suggesting this since 1996 and before.

Obviously, between airlines and airports there have been conflicts in the past, with some wanting security, some wanting to maximize the number of flights and passengers and convenience. Certainly, security and speed and convenience do not always fit perfectly together. But aviation security functions need to be placed in the hands of those without any conflict of law, those whose sole and paramount focus will be the security of the American people.

Finally, it is obvious there will be costs associated with this. If, in fact, the question of airline security becomes a function of the Government—which is something I support, and I believe has bipartisan support in this body—there are opportunities to use existing funds, such as the airport trust fund. I, for one, would be willing to look at additional ways to secure that revenue. And there has been a debate of an aviation security trust fund. We are all aware that our constituents are saying, in great numbers, that they would be willing to pay a bit more for aviation security.

Let's look at using existing funds more efficiently, but if that does not do the job, clearly, responding to our constituents, and getting the job done, even if it requires some additional charges, will be necessary.

Finally, I think we ought to be especially concerned about smaller, more rural airports. It is clear they are not going to be able to afford some security measures. Let's be clear to the public that we are not going to allow rural airports to be security-sacrifice zones, in effect, written off by the Congress.

In considering the cost of the massive airline security overhaul, we are all going to remember the numbers of last week. It is going to require additional funds to rebuild the Pentagon, to rebuild New York City. To me, to say the cost of improving airline security is too great is not an argument that is acceptable. The country expects us to do what it takes and to work together to get the job done.

Let me conclude this morning with one last point. I came to the Chamber this morning to go through the 15-year chronology of inaction with respect to aviation security so as to set out on the record how again and again the inspector general and the General Accounting Office have laid bare the vulnerabilities of our aviation system.

I want to make clear, again, I am not interested in assessing blame. When we look at the various executive branch leaders, when we look at the Congress, when we look at those in the various interest groups, including the airline industry, all of them would now say that if they could do it again, it would be very different. We would not have

this pattern, from 1987 until September 11, at the very least, that constantly resulted in this cycle of tragedy, outrage, recommendations, and then essentially slow motion implementation.

I do not want to be back here in 6 months or a year. I don't want to be back in just a few months waiting with the distinguished Senator from North Dakota and the President of the Senate, waiting in a line to give speeches about yet another tragedy. The American people know their elected officials share their grief right now. What they want to see is that we can get the job done, that this time it is going to be different. This time the Congress is going to take the to-do list that has been spelled out by the General Accounting Office and the inspector general for years now and, without any more delay, that to-do list is going to be put in place and the American people will have every possible measure of security as they fly in our skies.

I yield the floor.

Mr. DORGAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. Madam President, I ask unanimous consent that I be permitted to speak for up to 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DAYTON are printed in today's RECORD under "Morning Business.")

Mr. DAYTON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

(The remarks of Mr. DORGAN and Mr. ALLEN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLEN pertaining to the introduction of S. 1433 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CARNAHAN. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, last Tuesday's terrorist attack is having an immeasurable effect on our country. We are a nation of heavy and broken hearts devastated by the tremendous loss of life, property, and sense of security. My heart goes out to the victims and their families. We continue to take solace in the heroic deeds of the rescue workers and the patriotic response of Americans across the country.

September 11 was a dark day in our history. But we have had dark days before.

In the midst of World War II, Thornton Wilder wrote:

Every good and worthwhile thing stands moment by moment on the razor edge of danger and must be fought for whether it is a home, or a field, or a country.

We will lead the fight for freedom today. And, as in times past, we will be victorious.

Last week Congress acted with unity and speed to respond to the attack on our people. We are authorized the use of force. We provided \$40 billion for the relief effort.

We must deal promptly and decisively on another front. The ongoing stability of the aviation industry must be an immediate priority.

First of all, we need to act quickly to heighten security in our airports and on commercial aircraft. We must make Americans feel safe so that they will continue to fly.

Unfortunately, improving security will not be enough. Our Nation's airlines are clearly suffering as a result of the Federal Aviation Administration's decision to ground commercial aircraft last week. While most airlines began operating again last Thursday, it is unclear when carriers will be able to resume their full schedules. Moreover, it appears that ticket sales are declining, which will further weaken this already distressed industry.

We must respond to this crisis to ensure that last week's attackers do not succeed in bringing down our Nation's airlines. This Congress must provide a meaningful economic recovery package to help stabilize the airline industry.

A number of proposals are currently being considered. They include extending credit or guaranteed loans to the airlines and providing direct compensation for losses sustained as a result of last week's events. I am extremely supportive of these measures.

I also believe that any relief package for the airlines must include an additional component to provide assistance to displaced workers. This Congress must demonstrate that while we stand ready to bolster the airline industry, we are also committed to supporting the men and women who represent its heart and soul.

I fear that even if a stabilization package for the airlines is expeditiously approved, a certain number of layoffs are inevitable.

Midway Airlines has already been forced to suspend all of its flight operations and will lay off its remaining 1,700 employees. Continental Airlines announced that it was furloughing 12,000 of its employees. Airline executives estimate that as many as 100,000 workers could lose their jobs in the next few weeks.

The problems afflicting the airline industry will have a devastating impact on thousands of hard-working men and women. I believe we must enact a meaningful relief package designed to both reinforce the airline industry and provide support for displaced workers.

I am currently crafting a proposal to provide support for displaced workers. We do not know how long these employees will be out of work or indeed if they will ever be able to be employed by the airline industry again. They are going to need financial assistance. They are going to need retraining. And they are going to need health coverage. As with other aspects of the disaster relief effort, the Federal Government needs to take the lead.

Our airline industry needs help. So do its many employees. I am committed to ensuring that assistance for displaced workers is part of the larger airline relief package that we will take up in the days ahead.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY AND NATIONAL SECURITY

Mr. MURKOWSKI. Mr. President, let me take the floor to clarify a rumor that is circulating among some of the media that has been drawn to the attention of our office—that somehow the Senator from Alaska is in the process of offering an amendment to the Department of Defense authorization bill proposing the opening of ANWR. That is certainly not the case. It would be inappropriate and in poor taste.

I resent the fact that these rumors are being circulated by some groups that have not even taken the time to

contact our office, let alone contact me personally. Our press department has had several inquiries from members of the media asking if that is our intent. Where these rumors are generated from I don't know. But if I get the opportunity to find out, it is my intention to enter them into the RECORD.

Obviously, the activities of the last several days and the tragedy in New York on the 11th of September brought about the reality that, indeed, as we look at terrorism, we have to look at the sources that fund terrorism in the Middle East. We need to make a determination, as we attempt to hold those responsible, to also address the funding mechanism. It is also appropriate that we address our increased dependence on imported sources of energy relative to the vulnerability of the national security of our Nation.

That somehow we would attempt to propose an ANWR amendment to the Department of Defense appropriations bill is something we have not even contemplated, and I resent certain implications of those who reported that it is the intention of the office of the junior Senator from Alaska.

I hope my statement clarifies the RECORD factually. If there are any inquiries, we will be happy to respond to them directly.

My own contention is that there is a place for the consideration of the matter of domestic energy development, including ANWR. That belongs in the energy bill where it should be debated and evaluated fairly by all individual Members based on its merits and in the interest of national security and the national interest of our Nation.

It is my hope that we can work with the committee chairman, Senator BINGAMAN, to bring forward an energy bill that will address the priorities needed relative to energy, which is the lifeblood of our national economy, and we can do it in a manner that is within the expedited crisis we have before us relative to energy, national security, and other matters.

I thank the Chair for this opportunity, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

#### REFLECTIONS IN AFTERMATH OF TERRORIST ATTACK

Mr. CRAIG. Mr. President, all of us who come to the floor of the Senate are like most Americans today. In anything we do or approach, we approach it with a heavy heart, recognizing the devastation that has gone on around us that has been inflicted upon some of our friends or some associates we know of as it relates to the devastation the terrorists brought down upon New York City and here in Washington, DC, with our Nation's military center, the Pentagon.

As we all know, the President asked for support and authority. This Congress responded last week very appropriately. I was not able to be here at that moment. I was en route to my son's wedding in Washington State.

The difficulty of all of that was that I was not here, but I was also traveling at a very difficult time. Thirty some hours later, both my wife and I were able to observe a fine wedding, and we were pleased to be with our family and have our family around us, as I think most Americans would wish they could at a moment of crisis.

I am now, as most public people, wrestling with a variety of decisions that will ultimately be critical to our country and will spell out, in part, our future and the success of this great Nation.

I am confident that the administration is doing everything within its power at this moment to either directly or indirectly deal with the issue and to respond as all Americans and as most freedom-loving people in the world would wish we would.

I submit for the RECORD the story of two Idahoans, one now announced dead, the other still missing as a result of the plane crash into the Pentagon. Their names are Ron Vauk and Brady Howell.

I recommended Ron years ago to his appointment at the Naval Academy. He was an accomplished Naval Reserve officer, a submariner and Academy graduate who was on watch at the Naval Command Center last Tuesday. His family lives in Boise, ID. I talked with his mother this morning.

Brady, on the other hand, was a 26-year-old newlywed from Sugar City, ID. He was a civilian employee at the Pentagon, excited about his job, and starting a family. Our hearts go out to all of them. I visited with his wife last evening.

Many of us are experiencing that kind of a circumstance or situation as this crisis reaches down and out across America to touch many, if not all, of our citizens in a fairly direct way.

I am always caught in the great resilience of America. While we were bent for a moment, we now arise from that stronger than ever and more greatly committed to the phenomenal values we, as of last Monday, took for grant-

ed: The freedom of movement, the marvelous sense of human individualness we had in this country, as protected by a Constitution that had provided an ultimate shield of individual freedom in our country. To have that shaken to its very core on Tuesday, to find out that we were just a little less free and a great deal more concerned about the very freedoms we have. Our challenge now is to be able to deal with it in a comprehensive and responsible way, to secure and maintain our civil liberties and, at the same time, to be able to draw bright lines that establish a much clearer line and sense of security for our people and in a way to detect and control the kind of environment in which terrorists can live and ultimately prosper. That is going to be the role and responsibility of this Congress.

I, as most Americans, still stand resolved and optimistic that that can be done. It can be done well. We in the Senate have a role to play in all of that.

Over the weekend, I was struck by the comments made by the foreign minister of the Taliban Government in response to our comments, that Osama bin Laden be turned over to U.S. authorities. The head of that government stated that it is not consistent with our custom for a host to ask a guest to leave. The guest must leave on his own accord: the President of the Taliban said.

This statement confirms what all of us have assumed: that bin Laden is in Afghanistan and they are harboring him even at the risk of their own ruin.

It is equally unfortunate that individuals in the media are already posturing the American people for a no-collateral damage goal in our military objectives against these terrorists. Such posturing is dangerous, as it clearly undermines the support of our President to act both in the short term as well as in the long term to do one very simple but overpowering thing—that is, to secure our Nation's security and our citizens' security and our freedom.

I am confident this President will not bow down to the suggestion that there might or there should be no collateral damage. If his mission becomes clear, he already understands his goal.

There is no doubt that many new legislative proposals will be debated here in the Senate in the coming months to address issues of American security and the fight against international terrorism. One of the issues I hope we will discuss is that of U.S. energy dependence. Clearly, as we watch Americans line up in front of Red Cross centers to give blood to help the wounded, let us remember the very lifeblood of this country's economy is the energy that drives it.

I am not talking about the energy of the human mind. I am talking about

the physical presence of energy—gas, oil, coal, the kinds of things that have fueled the economy that were turned into the phenomenal piece of explosive power we all watched last Tuesday.

Now more than ever before Americans recognize that once again the Middle East is the crucible that could spell our success or failure or might dictate to us the character of our economy in years to come, for one simple reason: not the politics of the region—that is daunting enough as we know it—but it is what they provide for the economy of the world. They are the oil barrel of the world. From that we ask at least 55 to 60 percent of our use on a daily basis.

We now consume in excess of 700,000 barrels of oil a day from Iraq alone. Is it possible that some of our own oil money is being turned against us in the form of the resources that the terrorists used ultimately to bring down the Trade Center and to punch a hole in the side of our Pentagon last Tuesday? Yes, it is possible. It is possible in part because for so many years we have ignored the fact of a growing dependency on foreign oil while we have turned ourselves away from increased domestic oil production and increased efficiency that ultimately produce the ability for our nation to stand alone, stand tall, and stand secure in its energy supply.

At least for the last 2 years, Congress has been doing the right thing. We have been struggling mightily with the shaping of a national energy policy. President Bush has established that as one of his top legislative priorities: to create greater energy independence on the part of this country so that now we know more than ever before that we can act with relative independence as we shape new foreign policy, and now, of course, as we shape an antiterrorist strategy for our Nation, for the world, and for freedom-loving people all around the world. It is a piece of the whole—that is, a national energy policy. Unlike almost any other policy except defense, and except intelligence, energy is the ultimate tool of a capitalist society. It is the strength of our economy.

As I mentioned, struggling to get across the country to get into the State of Washington to my son's wedding on Friday and back on Sunday, I didn't ride on the wings of wind. I didn't walk. I rode on the force of energy, as do all Americans when they fly or when they drive or when they are transported around the world.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I certainly conclude that that ought to be a priority—a national energy policy—and that we ought to be able to shape one in reasonable fashion in a couple of

weeks. The House has already moved legislation. They have passed a national energy policy.

Well over a month and a half ago, we began to mark up an energy policy bill for the Senate. I hope our leaders, Senator DASCHLE and Senator LOTT, will ask the Energy Committee to come together and stay together for the next couple of weeks to produce a bill to be debated on the Senate floor. Our President deserves a national energy policy as part of our overall national security strategy at this moment on his desk, acceptable and ready to sign.

I also believe we need to take a hard look at our intelligence community to make sure the shortcomings in predicting the events of the first Trade Center bombing, and the embassy bombing, and attack on the U.S.S. *Cole* and, of course, last week's attack do not recur.

We must do better. We cannot accept past performance. I agree with the assessments of my colleagues that a major reinvestment in our human intelligence capabilities is needed and it must take place through a reorganizational effort. We have the world's best when it comes to technological advancement. We can look down on any part of the world with such detail that from miles high we can read the watch on the arm of someone on the ground. But we cannot read what is in that person's mind. That is impossible with the technology of today. That comes from the human side of the capability I talk about, which we have been underinvesting in, or divesting of, for the last several decades.

Clearly, we must get back into the minds of the citizens of the world—those who would do us damage and view our country as an enemy or an evil. It is only then that we can use the look-down from 3 miles high to determine where that person is going and when he or she may be there. But we must access the mind as well as observe the movement.

If we can accomplish all of those things—and I believe we can, and I believe our President will ask us to invest in those—then we will all stand in a bipartisan way to support it, because what is at stake here is the very strength of our country and the very freedom of our citizens. I have never once questioned the fact that we will not only stand for the test, but in the end, without question, we will win.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what question is before the Senate?

The PRESIDING OFFICER. H.R. 2590.

Mr. BYRD. Has the Pastore rule run its course?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. I thank the Chair. That being the case, I can speak out of order. Are there any restrictions?

The PRESIDING OFFICER. There is none.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### THE SENATE AND THE CONSTITUTION

Mr. BYRD. Mr. President, this is Constitution Week. Of course, I am talking about the U.S. Constitution. A point that all Governors and Senators might well remember: No State constitution in this country is like the Federal Constitution. No State's constitution so clearly and so strictly delineates the separation of powers as precisely as does the U.S. Constitution. So it is here in the Senate that the Constitution is defended—the U.S. Constitution—and it is here that we support the separation of powers, the checks and balances; and the one Constitution that we are bound by in this institution is the U.S. Constitution, a copy of which I hold in my hand. I want to take a little while today to talk about this Federal Constitution.

On Monday of this week we marked the 214th anniversary of the U.S. Constitution. Of course, the Senate was not in on Monday, and consequently I have been forced to wait until today to speak about the Constitution. Again, this is Constitution Week. In tragic and sad times, we instinctively reach for what matters most in our lives: Our faith, our families, and our fundamental rights as Americans.

As we struggle with the horrific events of September 11, we should take a measure of strength from the events of another September day, an 18th century September day.

On September 17, 1787, an extraordinary convention of American statesmen, meeting at Independence Hall in Philadelphia, adopted the Constitution of the United States of America. My memory may prove me wrong, but I believe that, too, was a Monday—as was September 17, in 2001, this year of our Lord. So today I wish to commemorate that singular event by discussing several of the constitutional provisions that shape the structure and guide the operations of the U.S. Senate. I think there will never be a better time, or a more propitious time, or a time when we more need to think and to speak of the Constitution of the United States, than this time, and amidst the circumstances that have attracted the attention and galvanized the attention of Americans, wherever they may live—in this country or elsewhere—as well as the people of other countries. So it is timely to think about the Constitution of the United States.

Imagine a U.S. Senate in which the State of West Virginia was assigned three Members while California was entitled to 30.

Or, consider a Senate in which Members served for life—or for just a single year.

How about a system in which the House of Representatives elected the Senate?

Or a Senate in which Members voted as a State block rather than as individuals?

To our modern ear, these options sound preposterous, perhaps, but to the Framers of the Constitution, these proposals deserved serious consideration.

There was nothing inevitable about the Constitution as we now know it. Every word required delicate construction, balancing, and refinement. In cases where the Framers could not fully agree on a particular point, they chose ambiguity—or even silence.

Among that charter's 55 draftsmen—only 39 actually signed the document—there existed a vast fund, a vast reservoir of knowledge about the operation of legislative bodies. That knowledge served the Framers well as they struggled to fashion the institutional structure of the United States Senate.

Let us examine some of the Senate-related options that the Convention's delegates confronted from the Convention's convening on May 25 until its adjournment on September 17.

First the issue of representation. Delegates representing large States at the Constitutional Convention advocated a strong national government. In Edmund Randolph's Virginia Plan, the number of Senators in each State would be determined by that State's population of free citizens and slaves. Large States, then, stood to gain the most seats in the Senate. As justification for this advantage, these delegates noted that their States contributed more of the Nation's financial and defense resources than did small States, and therefore, deserved a greater say in Government.

Small-State delegates countered with a plan designed to protect States' rights within a confederated system of government. Fearing the effects of majority rule, they, the small States, demanded equal representation in Congress. This was the system, they noted, that was then in effect under the Articles of Confederation. When the Convention agreed to divide the national legislature into two chambers, various Framers argued that every State should enjoy equal representation in both Chambers. In fact, some delegates threatened to withdraw from the Convention if it adopted any population-based representation plan.

Other delegates sought a compromise between large State and small State interests. As early as 1776, Connecticut's Roger Sherman—he is one of the signers of the Constitution of the United States—Roger Sherman, as early as 1776 had suggested that the Continental Congress, in which each State had one vote, should be organized

to represent people as well as States, and during the 1787 Convention, Sherman proposed the so-called "Connecticut Compromise" which provided population-based representation in the House of Representatives and equal State representation in the Senate.

Benjamin Franklin agreed that each State should have an equal vote in the Senate except in matters concerning money. The Convention's grant committee reported Franklin's motion with some modifications to the delegates early in July. Madison led the debates against that measure believing it to be an injustice to the majority of Americans. Some small State delegates were reluctant even to support proportional representation in the House.

On July 16, delegates narrowly adopted the mixed representation plan, the Great Compromise, giving States equal votes in the Senate. That is why we are here. The Presiding Officer would not be sitting where he is sitting today if there had not been a July 16 Great Compromise. The Official Reporter would not be here listening to me and taking down what I am saying. I would not be here. These young people who are our pages and who help us in so many ways to do our work for our constituencies would not be here. That was the Great Compromise, giving States equal votes in the Senate.

The compromise resolved the Convention's most divisive issue and created a Federal system of Government.

Senators already know what I am saying. Many people on the outside who are watching through that electronic eye up there know it. These things were taught long ago in the early years of a child's schooling, but this is Constitution Week. We need to be reminded, and now in the circumstances that confront this country and have confronted it especially since Tuesday, September 11, we must be reminded that we are to be guided by a constitution, the United States Constitution.

We must zealously guard the powers of the legislative branch in times like these when there is a war, when there is a military conflict. Powers have a way of gravitating toward the Chief Executive, and it is in times like those, in times like these, that we must be very zealous and jealous of the constitutional prerogatives and powers that are vested in this body, the legislative branch.

We must be on our guard more than ever because the Constitution lives and it will live when these circumstances are behind us, if and when they indeed are ever put behind us, and I assume that they will be put behind us at some point in time.

It might be a good thing to point out here, just to remind Senators that the Continental Congress met behind closed doors. The Congress, under the Articles of Confederation, met behind

closed doors. The Constitutional Convention, where the Framers gave us this Constitution, met behind closed doors, with sentries at the doors and the windows drawn. So, there we have food for another speech, another day.

Be conscious of the Constitution and this institution (the Senate) and its prerogatives and its precedents, its rules. We need particularly now to be reminded of these things.

A second major issue related to the number of Senators allotted to each State. Once the convention's delegates established the principle of equal State representation in the Senate, they needed to determine how many Senators a State would be allotted. Few, if any, delegates considered that one Senator per State would be sufficient representation. Lone Senators might leave their State unrepresented in times of illness or other absences, and they would have no colleague to consult with on State-related issues. Additional Senators would make the Senate a more knowledgeable body and, perhaps, better able to counter the influence of the House of Representatives. But, some believed a very large Senate would soon lose its distinctive character, would lack the agility needed to effectively counterbalance the House, and would make it easier for Senators to escape personal responsibility for their actions.

Given these considerations, delegates had only a narrow choice regarding the number of Senators. During the Convention, they briefly discussed the advantages of two seats versus three. Gouverneur Morris of Pennsylvania, the man with the peg leg, stated that three Senators per State were necessary to form an acceptable quorum, while other delegates thought a third Senator would be too costly. On July 23, one week after the Great Compromise, only Pennsylvania voted in favor of three Senators. When the question turned to two Senators, Maryland alone voted against the measure, not because of the number, but because Luther Martin disagreed with the concept of per capita voting, which gave each Senator, rather than each State, one vote.

Both the Congress under the Articles of Confederation and the Constitutional Convention used a voting method that gave each State one vote. This system of block voting was meant to reinforce State solidarity, but it often frustrated those State delegations divided by controversial issues. The alternative, of course, was for Members to vote as individuals. Those Framers who had served in State legislatures had ample experience with the per capita system. At the Convention, they spent little time debating the two proposed voting methods. On July 14, Elbridge Gerry of Massachusetts stated that per capita voting in the Senate would "prevent the delays and inconvenience that had been experienced in

[the Continental] Congress and would give a national aspect and spirit to the management of business." One week later, Gouverneur Morris and Rufus King of Massachusetts added a per capita voting clause to their motion designating the number of Senators for each State. As I have already noted, Maryland's Luther Martin objected to the motion. A States' rights advocate, he regarded per capita voting as a departure "from the idea of the States being represented in the second branch." Consequently, Martin convinced his fellow Maryland delegates to vote against the two-Senator, per capita measure. Supported by every State except Maryland, both the measure's clauses passed on July 23, allowing each State's two Senators to vote as individuals, though still subject to the influence of States, constituents, and party policies.

Because they did not have parties in those days, but I am speaking within the context of the current moment, the Constitution's Framers understood that no matter which method they chose for electing Senators, it would have a significant impact on the Senate's future relationships with the House, the people, and the States.

From the beginning, most delegates dismissed any notion of implementing the British House of Lords' peerage system based on heredity and title. This system contradicted the egalitarian notions outlined in the Declaration of Independence. The system set forth in the Virginia Plan received little support, as well. Had this measure passed, the House would have selected Members of the Senate from nominations offered by the State legislators. The Senate could not be expected to serve as an effective check on the very institution responsible for its Members' election.

Senators will recall that the Virginia plan was introduced by Gov. Edmund Randolph, a delegate from the State of Virginia, on May 29, 1787. It is easy for me to remember the date of May 29 because it was on that date, 64 years ago, that I married my wife Erma; 64 years ago on May 29.

The convention then considered a revised version of the Virginia Plan, which contained the clause, "the Members of the Second Branch of the national Legislature ought to be chosen by the individual Legislatures." Most delegates easily accepted this election method, regarding it as the most "congenial" plan available. Only Pennsylvania's James Wilson criticized the idea. He believed that the State legislative method would "introduce and cherish local interests and local prejudices." The alternative method, elections through popular vote, never gained the adherents it needed to become a viable option.

In Federalist 63, Madison defended the plan of election by State legisla-

tures against those who feared indirect elections would transform the Senate into a "tyrannical aristocracy." For such an unlikely event to happen, the Senate, the State legislatures, the House of Representatives, and the people would all have to fall prey to corruption. Madison cited Maryland's successful experiment with indirect election. Elected by a unique electoral college system, the senate in Maryland showed no symptoms of tyranny, and in fact, had built a reputation unrivaled by any other state in the Union.

Despite Madison's assurances, the system of indirect elections ultimately proved vulnerable to corruption. Following the Civil War, newspaper reporters accused State legislatures of accepting bribes or remaining willfully "deadlocked," and therefore, unable to elect a Senator into office. Reformers reacted to these allegations by advocating a constitutional amendment that would provide for the election of Senators by popular vote. This one substantive correction to the Framers' handiwork for the Senate went into effect in 1913 as the Constitution's 17th amendment.

And, next, to the issue of term length. The 6-year Senate term represented a compromise between those Framers who wanted a strong, independent Senate and those who feared the possible tyranny of a Senate insulated from popular opinion. While few delegates to the 1787 Convention wanted to emulate the House of Lords' life-long terms, or the Congress under the Articles Confederation's single-year terms, the Framers' reaction against these extremes helped shape their arguments for and against long terms in the Senate.

Delegates examined the experience of the various State legislatures. Although the majority of States set 1-year terms for both legislative bodies, five State constitutions established longer terms for upper house members. South Carolina's senators received 2-year terms. In Delaware, the senate had 3-year terms with one-third of the senate's nine members up for reelection each year. New York and Virginia implemented a similar class system but with 4-year terms instead of 3. Only Maryland's Senate featured 5-year terms, making that legislative body the focus of the convention's Senate term debates.

The delegates either praised Maryland's long terms for checking the excesses of lower-house democracy or feared them for the same reason. Some members of the Convention believed that even 5-year terms were too short to counteract the dangerous notions likely to emerge from the House of Representatives. In June, Madison, Edmund Randolph, and other convention delegates cited Maryland's experiences when they argued for long Senate

terms. According to Madison, the senate of Maryland had never "created just suspicions of danger." Far from being the more powerful branch, the senate had actually yielded too much, at times, to Maryland's House of Delegates. Unless the U.S. Senate obtained sufficient stability, Madison expected a similar situation under the new Constitution. He suggested terms of 7 years, or more, to counter the influence of the popularly chosen House of Representatives. Edmond Randolph believed that the primary object of an upper house was to control the larger lower house. He noted that Maryland's senate had followed this principle but had been "scarcely able to stem the popular torrent." Seven-year terms, then, had a greater chance of checking the House than terms of 5 years or fewer.

On June 13, the convention took up a provision for 7-year Senate terms. This encountered heated criticism from several Framers. For Alexander Hamilton, only lifelong terms could check the "amazing violence and turbulence of the democratic spirit." Other delegates preferred 4-year terms. Madison devised a 9-year-term proposal with one-third of the seats subject to election every 3 years. He received little support for this plan, but he argued in its favor until the final votes on June 26. On that date, and following the failure of his own measure, Madison joined the majority of his colleagues in voting for a 6-year term. In the Federalist papers, Madison argued that Maryland's experiment with 5-year terms proved that slightly longer terms posed no danger to bicameral legislatures. In fact, he expected the agreed-upon 6-year terms to have a stabilizing effect on the new national government. Long terms would control turnover in the legislature. Long terms would allow Senators to take responsibility for measures over time. Long terms would make Senators largely independent of public opinion.

The Articles of Confederation set no qualifications for delegates to the Continental Congress. It left these decisions up to the individual States. By contrast, convention delegates supported establishing membership limitations for House and Senate Members. Influenced by British and State precedents, they established age, citizenship, and residence qualifications for Senators, but voted against proposed religion and property requirements. There was a lot of sentiment especially on property requirements as to age. I might pay particular attention to that aspect.

The Framers debated the minimum age for Members of the House of Representatives before they considered the same qualification for Senators. Although James Wilson of Pennsylvania State stated that "there was no more reason for incapacitating youth than

age, where the requisite qualifications were found," other delegates were in favor of age restrictions. I'm glad they did not have their way. They were familiar with England's law requiring members of Parliament to be 21 or older. Some lived in States that barred individuals from serving in their upper chambers who had not attained the age of 21 or 25.

On June 25, 3 days after designating 25 as the minimum age for Representatives, delegates unanimously set a 30-year-minimum for Senators. In Federalist 62, Madison justified the higher age requirement for Senators. By its deliberative nature, the "senatorial trust," called for a "greater extent of information and stability of character," than would be needed in the more democratic House of Representatives. The Framers, not all of them by any means, trusted democracy.

As to citizenship, under English law, no person "born out[side] of the kingdoms of England, Scotland, or Ireland" could be a member of either house of Parliament. While some delegates may have admired the "strictness" of this policy, no Framers advocated a blanket ban on foreign-born legislators. Instead, they debated the length of time Members of Congress should be citizens before taking office. The States' residency qualifications offered moderate guidelines in this regard. New Hampshire's State senators needed to be residents for at least 7 years prior to election. In other States, upper house members fulfilled a 5-, 3-, or 1-year requirement.

The Virginia Plan introduced by Edmund Randolph, on May 29, made no mention of citizenship when it was introduced to the Convention. Two months later, the Committee of Detail reported a draft of the Constitution that included a 4-year citizenship requirement for all Senators. On August 9, Gouverneur Morris moved to substitute a 14-year minimum. Later that day, delegates voted against Senate citizenship requirements of 14, 13, and 10 years before settling on 9 years as a residency requirement. The issue of foreign birth was particularly important in the Senate, whose responsibilities would extend to the review of international treaties. While the Framers were concerned that the Senate, especially, might be subject to foreign influence, they did not wish to offend foreign allies or close the institution to meritorious naturalized citizens. The 9-year provision made the Senate requirement 2 years longer than that for the House of Representatives. On August 13, the Convention confirmed the 9-year requirement by a vote of 8 States to 3.

**Inhabitancy:** Although the Parliament of Great Britain repealed its residency law in 1774, no Convention delegates spoke against a residency requirement for Members of Congress.

The qualification first came under consideration on August 6 when the Committee of Detail reported its draft of the Constitution. Article V, section 3 stated, "Every member of the Senate shall be \* \* \* at the time of his election, a resident of the state from which he shall be chosen."

Two days later, Roger Sherman moved to strike the word "resident" from the portion of the clause that related to the House, and insert in its place "inhabitant," a term he considered to be "less liable to misconstruction." Madison seconded the motion, noting that "resident" might exclude people occasionally absent on public or private business. Delegates agreed to the term, "inhabitant," and voted against adding a time period to the requirement. The following day, they amended the Senate qualification to include the word, "inhabitant" and passed the clause by unanimous agreement.

We now turn to the issue of who gets to make executive and judicial nominations. Argued over the course of several weeks, the Constitution's nomination clause split the delegates into two factions. The first faction wanted the executive to have the sole power of appointment. The second wanted the Senate to have that responsibility. The second faction followed precedents that the Articles of Confederation and most of the State constitutions had established favoring legislative appointment. The Massachusetts constitution offered yet another approach. This third way particularly interested the convention delegates. For over 100 years, Massachusetts had divided the appointment responsibilities between its Governor, who made the nominations, and its legislative council, which confirmed the appointments.

Rather than adopt the Massachusetts model immediately, the delegates initially agreed to language that split the responsibility in a different way. The President would appoint executive branch officers, who would serve during his term, and the Senate would appoint members of the judiciary because they would hold their positions for life—a period most likely to exceed the tenure and authority of one President. However, the Framers in favor of a strong executive argued that Senate appointments would lead to government by a "cabal" swayed by the interests of constituents. Other delegates, fearful of monarchies, wanted to remove the President entirely from the appointment process. On September 4, the Committee of Eleven reported an amended appointment clause. Unanimously adopted on September 7, the clause, based on the Massachusetts model, provided that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint" the officers of the United States—certain officers.

As they debated the controversial treaty-making clause, the Constitutional Convention's delegates considered, but did not follow in whole, those precedents with which they were most familiar. In Great Britain, treaties were made by the king and, in certain cases, had to be approved by a majority vote in Parliament. The Continental Congress, which had no executive branch, dispatched agents to negotiate treaties. The treaties only went into effect after two-thirds, 9 out of 13, of the States approved the documents. This inefficient process was further complicated by the States' ability to enter into their own treaties. While the delegates agreed that the States could not continue to make treaties with foreign powers, they disagreed over the manner in which the United States should negotiate, draft, and ratify international agreements.

On August 6, the Committee of Detail reported a preliminary Constitution to the full Convention. Article IX, section 1 stated, "The Senate of the United States shall have power to make treaties, and to appoint Ambassadors, and Judges of the Supreme Court." Throughout August and into the month of September, the delegates debated treaty-making as a separate issue from the rest of the clause. Several delegates opposed granting the Senate the sole control over treaty-making. It is a good thing that they did. While some wanted the executive to have that responsibility, others advocated involving both houses of Congress in the process. Small-State delegates, however, were inclined to keep the Committee of Detail's treaty clause because it gave each State an equal say in the adoption or rejection of treaties.

On September 4, the Committee of Eleven reported a treaty clause that appeased many of the delegates. This is what it said: "The President by and with the advice and Consent of the Senate, shall have power to make Treaties." After further debate, the delegates unanimously approved the clause on September 7. However, the clause was taken up again, this time to add to it the words, "But no treaty shall be made without the consent of two-thirds of the members present." Shortly thereafter, the Convention passed James Madison's addition, "except in treaties of peace," which would be ratified by a simple majority vote. The next day, the delegates struck out the peace treaty exception and considered dropping the Senate supermajority requirement as well. However, after two delegates cited the Continental Congress' "two-thirds of the States" example, they voted to keep the two-thirds of the Senate provision.

Although adopted by the Convention, the treaty clause continued to stir debate in the period before the Constitution's ratification. As one of the clause's strongest proponents, Alexander Hamilton defended the provision

in *The Federalist* 75. Remarkably, given the delegates' extreme dissension over treaty-making, he wrote, the clause "is one of the best digested and unexceptionable parts of the plan."

Let me pause here to say that we can witness the Convention as it worked. And we know that time after time after time the Convention would vote one way one day, and a few days later vote on the same matter again and vote a different way, and then perhaps vote again before the close of the Convention and arrive at an entirely different conclusion.

If the Convention had been open to the public, the Framers would have been severely restricted and constrained, and would have paused and thought once, twice, and three times, and more, before they would have changed their votes. They might, on a later date, have come to believe that in the earlier vote they had voted the wrong way.

By having the closed Convention, by meeting secretly, they were able to have full discussions of a matter, have a tentative vote, vote one way, perhaps a few days later vote a different way, and in the final analysis, in order to do the right thing, after considerable reflection and after hearing the arguments of others, vote again finally and, perhaps, differently.

That would have been very difficult to do had there been galleries, had there been the media, newspapers, had there been television—which, of course, there could not have been. It would have been difficult.

I say that to say that in some situations voting in executive session, in secret session, may, in the last analysis, be in the best interests of the country.

Early in the Convention, most delegates agreed that the inclusion of an impeachment provision would help to hold national officers accountable for their actions. Throughout the summer of 1787, committee members reported impeachment plans to the full Convention. The Virginia Plan proposed a supreme tribunal to hear and determine cases including, among other concerns, the "impeachments of any National officers." On June 13, the Committee of the Whole amended the plan to provide that the President could be "removable on impeachment of malpractices or neglect of duty." The revised measure did not specify the procedures for trying the President. In June and July, the Framers debated whether Congress should have a role in the impeachment process. Roger Sherman—there that Connecticut delegate is again—Roger Sherman asserted that the "National Legislature should have the power to remove the Executive at pleasure." Virginia's George Mason objected to Sherman's plan, claiming that the President would become merely a "creature of the Legislature." John Dickinson of Delaware countered with

an unsuccessful motion to make the executive "removable by National Legislature at request of majority of State Legislatures."

You see, they were all over the place.

On August 6, the Committee of Detail reported that the House of Representatives "shall have the sole power of impeachment" and the executive "shall be removed from his office by 'conviction in the Supreme Court, of treason, bribery, or corruption.'" Two weeks later, the committee added that "the judges of the supreme court be triable by the senate, on impeachment by the house of representatives."

Can you imagine what it would be like in this day and time to have a Constitutional Convention with all the doors open, the windows open, the galleries open, the media there? After every vote, Members would rush out the door to get before a camera and explain their votes. Members would not later be able to easily change their minds and their votes upon more careful thought, upon more considered reflection.

So there are those today who would hem and haw and holler: Oh, we must not do this. We cannot do this. The people are entitled to hear everything we say.

Well, those Framers were very wise men. It was they who wrote this Constitution which I hold in my hand. Of course, there have been some amendments added later, but those men were wise men. And, remember, they were placing their lives, their fortunes, and their sacred honor on the barrelhead.

Of course, we had fought a war, but many of them were among those who voted on the Declaration of Independence in 1776.

The constitutional plan then went for review to a committee consisting of one member from every State represented at the Convention. The committee removed the full Supreme Court from the process. The report, influenced by the Massachusetts Constitution of 1780, stated, "The Senate of the U.S. shall have power to try all impeachments [by the House of Representatives]"—naturally—"but no person shall be convicted without the concurrence of two thirds of the members present." Ah, there you have it now. Alexander Hamilton later explained this decision noting that no other institution would be sufficiently dignified—no other institution would be sufficiently dignified—or independent to handle the proceedings. The Framers debated the clause on September 8 and despite Madison's objection that the executive would become dependent on the legislature, the Convention, thank God, passed the final measure by a vote of eight States to two.

Mr. President, there are, of course, other provisions in the Constitution that guide the operations of the Sen-

ate. But, those that I have just discussed serve to stoke our appreciation for this extraordinary charter of government that we are talking about. In closing, let us consider the words of James Wilson, one of Pennsylvania's eight delegates to the Convention. Here is what James Wilson told a meeting of Philadelphia citizens several weeks after September 17, 1787:

Perhaps there never was a charge made with less reason, than that which predicts the institution of a baneful aristocracy in the federal Senate. This body branches into two characters, the one legislative, and the other executive. In its legislative character, it can effect no purpose without the co-operation of the house of representatives: and in its executive character, it can accomplish no object, without the concurrence of the president. Thus fettered, I do not know any act which the Senate can of itself perform: and such dependence necessarily precludes every idea of influence and superiority. But I will confess, that in the organization of this body, a compromise between contending interests is discernible: and when we reflect how various are the laws, commerce, habits, population, and extent of the confederated States, this evidence of mutual concession and accommodation ought rather to command a generous applause, than to excite jealousy and reproach. For my part, my admiration can only be equaled by my astonishment, in beholding so perfect a system formed from such heterogeneous materials.

What a Constitution!

I have often thought that the Creator of heaven and earth also had his hand in the creation of the Constitution of the United States. Whenever, wherever did such another illustrious gathering of men ever occur? And why at this particular time? Had it been 5 years earlier, the Framers may have lacked the experience that they ultimately had gained under the Articles of Confederation which enabled them to add provisions that would avoid some of the problems with which they had been confronted under the Articles.

The country, such as it was at that time, the citizenry might not have yet had enough time—I say this particularly with reference to the leaders of the Convention and the other members—to so convincingly move them to the idea that mere amendments to the Articles of Confederation would not really be enough. There had to be a new start, a new beginning. They went outside the parameters of their authority to initiate that new beginning.

Had it been 5 years later, it might have been impossible, because by then we were seeing the excesses of the French Revolution, with men and women being hauled to the guillotine. And so perhaps that is where God had His hand. It happened at the right time. It brought together the right men, learned men, wise men, experienced men.

I thank Providence for this Constitution and for the men who had the foresight and the vision, the courage, the ability to listen to others and to change their minds. We can be thankful. But we should also be fully aware

of our responsibilities to preserve that great document and to amend it only with great care and after great deliberation.

At this perplexing time in this year of our Lord 2001, we must be ever more on guard that we, as the elected Representatives of a great people, as we go forth, hold in our hands, as it were, the Constitution of the United States; that we resist any temptation because of the demands of the moment, the exigencies of the day, we resist the temptation to put that Constitution aside in order to avoid debate and expedite the business before the Senate. Let's not hesitate to ask questions. Let's look before we leap.

I yield the floor.

**TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued**

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is not.

**AMENDMENT NO. 1573**

Mr. MCCONNELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator BURNS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself and Mr. BURNS, proposes an amendment numbered 1573.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center)

At the end of title VI, insert the following:  
SEC. . (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as 'War Bonds', under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

Mr. MCCONNELL. Mr. President, I rise today to offer an amendment which would authorize the Secretary of the Treasury to use such funds as he deems appropriate to establish and make available war bonds for purchase.

I am proud that along with a bill that Senator BURNS and I have offered

which is pending as this amendment, there are at least four other measures which have been offered that would create a new investment vehicle for Americans who are anxious to contribute to the war on terrorism. Clearly, the Congress and the American people are anxious to establish such a program.

Each of the bills which have been introduced are similar. In fact, two of them adapt the language Senator BURNS and I originally introduced almost verbatim. It is safe to assume that the goal of each of the sponsors is identical. That goal is to develop a way for patriotic Americans to contribute directly to the effort to rebuild the broken and retaliate against the enemy of international terrorism.

How many times have we heard over the last few days from our constituents: What can I do to help? The war bond is a way to help.

There has been a great deal of wonderful and soaring rhetoric on display since the terrible attacks of September 11, 2001. These words have helped our Nation steel its resolve and recognize the imperative of rooting out terrorism wherever it may lurk. As a result, the public is unified in its desire to take decisive action. The legislation that Senator Burns and I are offering today would allow the Secretary of Treasury to channel and sustain American compassion and unity.

Specifically, we propose allowing the Secretary to establish a new form of U.S. savings bond that would be designated war bonds. The war bonds would be in such form and denominations and be subject to such terms and conditions that the Secretary deemed most appropriate.

Some have pointed out that current economic conditions may argue against the need for war bonds to be used as a tool for funding the war on terrorism. I argue that view misses the most important point. There is no question that America is the most powerful nation economically and militarily on earth. However, what is less certain is the very nature of this effort, and a war bond campaign could be an invaluable tool for the government to explain the complex nature of the threats we face and rally all Americans to help provide necessary responses.

If the Government chooses to engage in this effort, I envision a war bond drive similar to those that were so successful during World War II. Influential Americans could be engaged to lead the education effort across the country, and all Americans would have the ability to participate in what is going to be a lengthy and complicated challenge. Success would be measured less by how much revenue is raised than by the Government's ability to maintain overwhelming approval of the actions it must undertake as we seek to eradicate the threat of terrorism.

Additionally some may argue that our use of the term "war bonds" is incendiary or inappropriate. Again, I would differ with this view. There is no question that the attacks of last Tuesday were acts of war. And, there is equally little doubt that America now finds itself in a state of war against the perpetrators of those vile and evil acts. Additionally, the phrase "war bonds" evokes the successful efforts which were undertaken during World War II. And if there is any doubt about how war bonds resonate with the American people, one need only look at the overwhelming response my office has received since introducing this legislation last week. In fact, I have even been contacted by one patriotic American who has reserved the domain name [www.warbonds.gov](http://www.warbonds.gov) as well as a toll free number for a war bonds drive.

In closing, I ask my colleagues to join me in supporting this amendment which would allow the Secretary to establish war bonds and continue a long and proud tradition of American citizen involvement in our Nation's most important causes.

Mr. BURNS. Mr. President, today, I proudly join my dear friend and colleague, Senator MITCH MCCONNELL, in offering an amendment to the Treasury, General Government Bill introducing the War Bond Amendment of 2001.

This legislation is in response to the many constituents in my state and indeed, Americans from all over this country, looking for a tangible opportunity to do something positive in reaction to the despicable acts of cowardice perpetrated upon this nation and its citizens by gutless and faceless cowards.

The act will create an opportunity for ordinary citizens to participate in this country's recovery and response to those acts and to support the President and our nation in the rebuilding efforts as well as bringing to justice those responsible for the horrific death and destruction of Tuesday, September 11th, 2001.

Throughout this nation's history, bonds have been used as a vehicle for our citizens to come to the aid of this nation and now, as much as ever in our nation's history, the combined support of our people is needed. By investing in these bonds, Americans are given a way to feel a part of the solution rather than feeling helpless in the face of these terrible events of last week.

Americans are not only demanding action, they are looking for an opportunity to be of service themselves, to demonstrate their commitment to this country and to do it in a meaningful, tangible way. This bill is one answer to that demand and that opportunity.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE STARK REALITY OF THE WORLD TRADE CENTER ATTACKS

Mr. SESSIONS. Mr. President, in the midst of the disaster we saw in New York, we had a number of images all of us will remember. One that will stick in my mind was as one of those great buildings was collapsing and the smoke and the dust and debris were barreling down the streets and people were running away, one of those people who was running was a fireman. As he got to a certain point, he slowed down, took off his hat and threw it as hard as he possibly could.

That courageous professional at that moment knew hundreds, perhaps thousands, were dying in that building and he could not save them, that many of his friends and brother firemen had been there at the scene closer than he, inside the building, and that they would not make it out.

It was a very poignant scene for me, and having been involved in some of these issues on the Judiciary Committee and as a Member of the Senate, I think it is important for each one of us to remember that in any terrorist attack, any really serious national disaster we have in this country, it will not be the Federal Government that is first on the scene. It will be our police officers and firemen, hundreds of whom we lost in New York City, doing what they were paid to do—respond to the scene, to give aid to those in distress, at the risk of their lives. Certainly the Biblical reference that “Greater love hath no man than this, that a man lay down his life for his friends,” applies to those people.

We as a nation know we have problems with terrorism. We as a nation have heard people talk for days on television that we could be facing a chemical or biological attack or even a nuclear attack.

We need to ask ourselves, and we have been asking ourselves in this Senate for some time, and I have been actively involved in this, how are we training those first responders who are there to react to that event. Each event is different. This event is different from a biological attack, a chemical poison gas attack would be different from a biological attack, and a nuclear attack would be different. And who knows what else could be conjured up in the minds of these diabolical people.

It is important for this Nation to fulfill our obligation to those people we will be sending out to respond to these events, that they have the very best in equipment and the very best knowledge and training on how to handle each and every one of these events, each being different from the other.

We have begun to make progress on that. I congratulate Senator BYRD, Senator JUDD GREGG who chairs the relevant subcommittee, Senator RICHARD SHELBY of Alabama, a member of the Appropriations Committee, and others who have over the past few years taken steps to establish programs to train those first responders, those firemen, those policemen, those emergency medical technicians.

I am particularly interested in the Center for Domestic Preparedness at Anniston, AL, a center developed around 1997, 1998, where they are training 5,000 first responders from all over the country. That center is in the old Fort McClellan, the military base that was a chemical training school for the U.S. Army that had a cadre of people with expertise in chemical and biological issues, and it had live agent training forces for them. They had the barracks from the closed military base, places to stay, exercise rooms, and classrooms available. It was the perfect location to establish this center. It has done well.

Just a few weeks before this tragedy occurred, I was very pleased to see we had a major increase in funding for that center, taking us now to \$30 million for the year. Of the total of the perhaps \$20 billion we spend on terrorism, maybe more in this country, it is very small. But that will allow us, if it becomes final law this year—and I hope it will, particularly after this tragic event—to train, instead of 5,000 first responders a year, 10,000 first responders a year. They will be able to deploy them around this country. In fact, many have already been trained. We have received great references from the people who have completed the training. The chiefs of police and firemen who sent their members to the school have bragged about the training they received. Indeed, New York has sent a lot of people there; 146 of New York police and firefighters have been trained as first responders and 226 in the Washington, DC, metro area have been so trained. We are making progress. I believe it is the right thing to do.

At a time like this, we don't need to overreact. We don't need to do things that are not appropriate. But we need to coalesce all the information we have been gathering for a number of years that relates to the kind of attacks this Nation may face, take that information and make decisions about how to be better prepared. One of the most critical things we can say is every first responder, every firemen, every police-

men, every emergency medical technician in the country needs to have been given by his or her Federal Government the best information we can give them when they are asked to put their lives on the line and respond to an attack.

We have equipment and we need to make sure we can use the equipment to determine if it is a biological agent or chemical agent that may be distressing people in a certain area of town. We need to know that before we go in there. This is a matter about which I feel strongly.

It is appropriate, as so many have, to pay the highest tribute to those people, particularly in New York City, who are at great risk of their lives, and many of whom lost their lives, responded to the care and protection of American citizens. We give great tribute to them. We also must give them the tools, the information, the training and equipment so they can be even better at protecting our citizens' lives and even better at protecting their own lives.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001—Continued

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, one of our colleagues, Senator MCCONNELL, today offered an amendment. I believe that amendment dealing with the issuance of war bonds is now pending. Another of our colleagues has a proposal in the form of an amendment dealing with what are called unity bonds. That is Senator JOHNSON from South Dakota. He asked that this be introduced on his behalf, and as manager I will do so.

I ask unanimous consent that we set aside the McConnell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1574

Mr. DORGAN. Mr. President, I send an amendment to the desk offered by Senator JOHNSON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. JOHNSON, proposes an amendment numbered 1574.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Unity Bonds Act of 2001".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) a national tragedy occurred on September 11, 2001, whereby certain individuals tried to steal America's freedom;

(2) Americans stand together to resist all attempts to steal their freedom;

(3) united, Americans will be victorious over their enemies, whether known or unknown; and

(4) Americans must respond to this tragedy in a spirit not of revenge, but of justice.

**SEC. 3. AUTHORIZATION FOR THE ISSUANCE OF UNITY BONDS.**

Section 3102 of title 31, United States Code, is amended by adding at the end the following:

"(f) ISSUANCE OF UNITY BONDS.—

"(1) IN GENERAL.—The Secretary shall issue bonds under this section, to be known as 'Unity Bonds', in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

"(2) USE OF PROCEEDS.—Proceeds from the issuance of Unity Bonds shall be used to raise funds to assist in recovery and relief operations following the terrorist acts referred to in paragraph (1), including humanitarian assistance, and to combat terrorism.

"(3) FORM.—The bonds authorized by paragraph (1) shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary may prescribe."

Mr. JOHNSON. Mr. President, I rise today to offer a bill to unite our citizens in this time of great crisis. As Americans, we feel many emotions, from anger to sadness, because of the tragedy of the terrorist attacks this past week.

The American people have responded with incredible acts of heroism, kindness, and generosity. The outpouring of volunteers, blood donors, and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts. This response is the true American spirit our country has always known.

So many of my constituents in South Dakota have called my office this week to ask what they can possibly do to help their fellow Americans who are suffering today. Many have given blood, others have donated to aid organizations, and most have offered prayers for the victims and their families. One woman asked whether she could buy the equivalent of the old war bonds that allowed our citizens to contribute to the war effort back in World War II.

Based on my constituent's idea, today I am introducing legislation that directs the United States Treasury to issue Unity Bonds. Americans who purchase these savings bonds will be contributing to disaster relief to the victims of Tuesday's attack and to our Nation's war against terrorism.

We will recover from this week's attacks. We will rebuild our Nation's in-

frastructure, and we will rebuild our Nation's spirit. But it will take a sustained, long-term effort to stamp out terrorism against the United States and all other liberty-loving nations.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. I urge you to join me in helping to unite our citizens.

Mr. DORGAN. Mr. President, I think both of my colleagues, Senator McCONNELL and Senator JOHNSON, have offered constructive ideas. They come at it in a slightly different way, but their amendments are very similar. It is my hope that perhaps they can get together and bring their amendments together, and together offer it today as well.

I don't know whether we will finish this bill today. My hope is that we can find a way to actually finish this legislation today. I don't know that we have any requirement for a recorded vote on our side. I don't know whether they have a requirement on the Republican side.

But my hope is that perhaps if we can finish this bill today, we can have a vote and perhaps seek a rollcall vote on the conference when the conference report comes back. But that is up to the members of both caucuses. We will not make that request at this moment.

I hope that perhaps other people will consider that. We have a number of amendments that have been discussed. We are now in the process of trying to determine what the list of amendments will be, and we hope to have that at some point. I would like to believe that we can, if we work hard, deal with the amendments we know of on our side and the other side, and try to complete this bill pretty much this evening.

Mr. President, I will wait for a bit. I have a managers' amendment, a managers' package that I will send to the desk in a few minutes. It has been cleared by my colleague from Colorado. I know he is working on some other business relating to this bill off the Senate Chamber.

Let me, for a moment, while I am waiting for my colleague to come, and before I offer the managers' package, speak as in morning business, if I might, for 5 minutes. I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

**THE AGENDA OF THE SENATE**

Mr. DORGAN. Mr. President, let me talk, just for a moment, about the agenda in the Senate. Part of that agenda is, of course, what we are doing in this Senate Chamber today; that is, as President Bush is indicating to the American people, we are getting back to work. It is what we want to have happen in this country.

What happened last week was an unspeakable horror visited upon us by terrorists. It took so many thousands of lives of innocent Americans. We grieve for them. But the President said: We must go back to work. And so we must, in the Senate as well.

Our work largely remains the appropriations bills that we must complete. We are required to complete them by October 1. It is almost certain we will not be able to do that with all the appropriations bills, but we need to work hard to make that happen.

Today we bring one appropriations bill to the floor of the Senate; and that is the Treasury, Post Office, general government bill. It is a very important piece of legislation because, as I indicated, it contains money for counterterrorism, it contains money for about one-half of the Federal law enforcement system, including the Customs Service, the Office of Foreign Assets Control, the Secret Service, and so many other vital functions.

I think if we could pass this legislation today, or no later than Friday morning—but perhaps this afternoon—it would send a wonderful signal to the American people that when the President said, let's all get back to work, the Senate took that seriously, and we have gotten back to work, and we have moved a piece of legislation today that represents one very important subcommittee on the Senate Appropriations Committee.

I know my colleague, the chairman of the full committee, Senator BYRD, and the ranking member, Senator STEVENS, have worked very hard. I am so proud to serve with them on the Appropriations Committee. They work very hard to try to get these appropriations bills moving and get them through the Senate. If we can get this piece of legislation done today, I think it will be a great signal to send to the American people.

Part of the agenda, and the immediate part for us, is to pass appropriations bills. But there are, it seems to me, three significant issues that the Senate and the Congress and the American people must grapple with in a very serious way, with perhaps more determination than we have had for a long while as a nation.

One is the issue of terrorism. We now know that terror visits this land in a fashion that we have never before thought possible. The result is that we must not only recover from the acts of terrorism that occurred last week, we must work very hard to prevent those kinds of acts of terrorism from being committed in the future.

We know there are cells of terrorists that operate in this country. We know there are training camps for terrorists in other countries. We know there are people who very much would like to strike right at the heart of this country. So we must wage a war against

terrorism, as President Bush has indicated. We must do so thoughtfully, not recklessly. We must do so in a vigilant way, every day, in every way, to try to be sure, as an American people, that we retain our freedoms but, at the same time, we try to reduce the risk of terrorist acts.

It is going to cost some money to do so. If we are, for example, going to put sky marshals on commercial airplanes flying in the country, that takes manpower, it takes money, it takes resources, yet we do not have much of a choice. If we are going to beef up security at airports so that people who are flying on commercial airplanes in this country have a feeling of safety and that we have substantially tightened security, that is going to require some money, but we do not have much choice.

If we are going to give the opportunity to our intelligence community, and the FBI, the CIA, and the law enforcement community—if we are going to give them the tools they need to try to take down these terrorist cells, and to try to track down the terrorists who committed these acts, and to track down terrorists who might commit future acts and prevent those acts from occurring, it is going to require some money and some resources.

I think all of us in Congress have to be willing to do that. I know there are some recommendations that will be controversial with respect to this war that we wage on terrorism.

The Attorney General made a recommendation the other day that I know will be controversial, and yet I do not think we have much choice in this matter. He talked about the circumstance that now exists when you get a wiretap order from the Federal court that allows you to wiretap only with respect to one telephone instrument the conversations of a suspected terrorist.

It seems to me, as the Attorney General has suggested, that if you have someone who is a suspected terrorist, and you have been able to make that case to a Federal court and are able to get a Federal court order, it ought not just apply to one telephone, it ought to apply to the phone calls made by that suspected terrorist from whatever telephone that suspected terrorist uses.

That is an example of the kind of policy changes we are going to have to consider, some of which will be controversial, but we do not have much choice if we are going to protect this country.

I do not want America to have to give up a lot of civil liberties in order to meet these protections that we now need, but we also need to understand that we need, as Americans, to be vigilant—all of us. It is not just about law enforcement, it is about all of us being vigilant and understanding that if we see something that is unusual, if we see

something that we think should offer us concern, that it be reported.

So this war on terrorism is a very serious—a deadly serious—war that will be waged by all of us to try to prevent future terrorist acts in this country.

Even as we focus on that issue—terrorism, counterterrorism, rooting out the terrorists, finding out who did what was done last week with such madness in our country, and punishing them, and trying to prevent future acts—even as we do that, we have a couple of other things that are of paramount importance; and that is, we need to provide some additional vibrancy and restore life to this country's economy.

Even before the deadly acts last week, our economy was softening, and that softening of the American economy was causing significant problems. What happened last week has caused significant shock to the American economy. As a result of that shock, many of us worry a great deal that the confidence in this country's economy will suffer, the American people will lose confidence, and that we will see a further spiraling of economic difficulties.

So it is very important for all of us—the President and the Congress, Republicans and Democrats—to work to see if we can begin to pump some life into this economy. That means that almost certainly we will have to consider some kind of economic stimulus program, some kind of fiscal policy that matches what the Federal Reserve will do in monetary policy that provides some life and some buoyancy to an economy that has been in trouble.

The most important thing we can do is offer hope to the American people that in the long term the American economy is one to invest in; this is an economy of hope, optimism, and economic growth in the long term. We go through periods of upturns and downturns. There are inevitable contractions and expansions in the American economy. That will never change.

But we were going through a contraction at about the same time we were hit with these disasters last week, and that spells real trouble. All of us need to catch this economy very quickly and try to provide some new life and vibrancy to it. I think the President will find willing hands in Congress, wanting to help him lift the kinds of policies necessary to boost this economy.

Some are talking, I know, about, for example, tax cuts, a capital gains tax cut. Frankly, I do not think we ought to be talking about a tax cut that will persuade people to sell stock at the moment. If you substantially create more demand for selling stock at a time that the stock market is moving downward, you are creating exactly the wrong influences. So a capital gains reduction is not, in my judgment, the right medicine; at least it is the wrong medicine for this illness.

I think, for example, investment tax credits might be something that could provide some stimulus. There are a whole series of things you could put in a menu that you could conceive would provide stimulus to this economy. But I think we have to have that discussion. And we have to work with President Bush and the Congress to put something together that says to the American people: We understand this economy has some difficulty. We are going to move quickly and decisively to respond to it, to give you hope that this country's economy will have a bright future and this country's economy will continue to grow.

In addition to all of that, what happened in this country ought to remind all of us that there is, in fact, an urgency to write an energy policy for America.

Without energy, this country doesn't work. Without energy, we don't have an economy. Without energy, America's lights are off. America's machines are shut down. The American economic engine doesn't run. We are a country that consumes an enormous amount of energy with a set of energy policies that are very vulnerable to terrorists. We are far too dependent on foreign sources of energy, and we have a system of energy for our country that is far too vulnerable to potential terrorist attacks.

We need a new domestic energy policy, one that says, yes, we are going to produce more, more oil and more natural gas, not necessarily from the most fragile lands in the world. We don't need to do that. Yes, we are going to produce more. We are going to produce more coal, and we will do that using clean coal technology. We don't have to sacrifice our environment even as we use more coal.

Importantly, we are also going to begin to conserve. Conservation is a very important ingredient in an energy policy that works. We also need to begin to focus more of our resources and more of our determination to find renewable and limitless sources of energy. It makes good sense for us to take the energy from the wind. The new technology wind turbines are remarkable. Why not use that energy from the wind that is limitless and renewable?

It makes good sense to take a drop of alcohol from a kernel of corn. You extend America's energy supply with that alcohol, and you still have the protein feedstock left from the corn.

It makes good sense to do things in a different way. Yes, we need to produce more, more oil, more natural gas, and more coal. Yes, we need to do that while we pay attention to this country's environment. We can and must do that. But also we need conservation. We need more efficiency of appliances, and we need renewable and limitless sources of energy developed in a very significant way.

I say that because when we talk about these three elements of public policy that require an urgency on the part of Congress, dealing with counterterrorism, trying to provide lift to an economy that is in trouble, and writing an energy bill that makes us less vulnerable to terrorist attacks and the shutoff of the supply of oil from the Middle East, all of these represent an urgency that Congress must tackle.

We must do this in a way that makes sense. This can't be business as usual. It can't be, "The President believes this and we believe that. Let's have a fight for 5 or 6 months." It must be taking from the President and from Members of Congress the best of what all have to offer and from that developing a public policy that will strengthen our country, strengthen our country in the area of fighting terrorism, in trying to give our economy the lift it needs at this point and in making us less dependent on a source of energy that is vulnerable.

All of these represent an agenda that is critical to our country.

Could I talk about other things? Yes, there are plenty of other things yet to do. We know we need the kinds of things we were debating before the terrorist act last week. We were debating campaign finance reform, a Patients' Bill of Rights, the cost of prescription drugs. All of those things are important. None of them have lost their importance in the scheme of trying to do the people's business in the Congress. But there is an urgency to several of the elements of public policy that we must pay attention to first: terrorism, the economy, and energy.

I, for one, pledge to this President and my fellow Members of the Senate that we must come together in a way that we have never before done—at least in recent years—to grab these policy issues and try to find the best that everyone in the Chamber has to offer and work with the President to make the changes necessary to strengthen America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

Mr. DORGAN. Mr. President, the pending amendment is the Johnson amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Johnson amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1575

Mr. DORGAN. Mr. President, I intend to send to the desk a managers' package that I have worked together with Senator CAMPBELL to construct. On behalf of Senator CAMPBELL and myself, I send a package to the desk that includes two technical amendments regarding the National Archives; a Campbell for Domenici technical correction of a provision in the fiscal year 2001 Treasury appropriations law regarding a road leading to the Columbus, NM, border crossing; a Dorgan for Nelson and Graham amendment transferring a parcel of land in Orlando, FL; an amendment making available certain funds for agency personnel training at the Federal Law Enforcement Training Center at Glynco, GA; a Dorgan for Byrd technical amendment changing a reporting date for the U.S.-China Security Review Commission; a Dorgan amendment regarding HIDTA; a Dorgan-Campbell amendment regarding the directors of the Presidential libraries; a Dorgan-Campbell amendment for Feinstein regarding extending the printing date of the breast cancer awareness semipostal stamp; a Campbell amendment for Senator SHELBY regarding canine training.

I send the managers' package to the desk and I ask my colleague from Colorado to comment on it as well. I understand it is cleared.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this amendment has been cleared by the minority.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CAMPBELL, proposes an amendment numbered 1575.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, am I correct the managers' amendment is pending?

The PRESIDING OFFICER. The managers' amendment is pending.

Mr. DORGAN. I ask unanimous consent that the managers' amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1575) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that I be recognized as in morning business for the purpose of introducing a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the submission of S. Con. Res. 66 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF ROBERT BONNER

Mr. BAUCUS. Mr. President, I rise to urge the Senate to act very swiftly to confirm the nomination of Robert Bonner to be Commissioner of Customs.

I remind my colleagues that Customs is one of the first lines of defense we have in our country. They inspect baggage and the goods of people coming into the United States. They help to assure that we are safe by inspecting any item that might threaten our national security and public welfare. They do a good job.

Last week's attacks demonstrate how important it is that Customs and all of our agencies have our full support. We must make sure that the agency is as robust as we possibly can.

What is the problem? The problem is that the Finance Committee has reported out Mr. Bonner to be Customs Commissioner, and someone on the Senate floor is holding him up. We cannot put him in place because there are

a few Senators who for some reason don't want him to be Customs Commissioner.

I strongly urge this body to quickly and immediately confirm Robert Bonner to be Commissioner of Customs. He is more than eminently qualified. I cannot think of a more qualified person. He has been a Federal district judge. He has been the head of the DEA. He has an extensive background and experience for the job.

I have personally met with him. I have spoken with him. I have asked many questions of him. He is one of those people who—as soon as you sit down and talk with him—you immediately know has it. He is qualified. He is going to do a great job. I guarantee you that he will be terrific.

This is the very time that we need him to get on the job. The Acting Commissioner, Mr. Winwood, is doing a great job. I met with him for a good couple of hours last week getting a security briefing on what Customs is doing. He is terrific, too. But he needs help. He very much urged me to do all I could to help the Senate confirm the nomination of Mr. Bonner.

I call upon my colleagues. Come on. We are Americans. Let's work together. Let's get the job done. Mr. Bonner is a great man. Let's confirm him so we can get him on the job and so Customs can begin to do the things it wants to do and continue to do in helping protect our country.

I also say that part of that is strengthening our Customs Service along the northern border. I am quite concerned. In my State of Montana there are reports of a lot more goods coming across the border—sometimes, of all places, Glacier National Park because it is unprotected and particularly in the summertime. But there is a lot coming across. It is particularly drugs and illegal substances of all kinds. It is becoming a problem. We need stronger Customs enforcement along the northern border.

But to sum up, I plead with my colleagues. Come on. Let's confirm him. He is a good man.

I see my good friend from North Dakota on the floor. I think he has some of the same concerns.

I yield the floor.

Mr. DORGAN. Mr. President, if my colleague from Montana will yield for a question, I heard the statement by my colleague from Montana, and I couldn't agree more. It is critically important at this point in time to have this Congress confirm the President's nominee for the head of Customs. The Customs Commissioner job has been open for some long while.

The President, in my judgment, submitted the name of someone who is a well-qualified person who will do a good job. It is hung up. There is a hold on it over some other issue. It doesn't make any sense.

The Customs Service at this point is right at the center with a range of other agencies having to deal with this terrorist threat. A significant amount of our law enforcement is embedded in the Customs Service. We need good leadership.

The Senator from Montana says the Acting Commissioner is a good guy. I agree with that. I have great confidence in him. But there is nothing quite like having someone there who has been confirmed by the Congress to say: Here is the direction we are going to take with this agency.

It is important this week that we explore our colleagues who are holding nominees up—especially in critical areas—for the sake of this country, to get out of the way and to get the President's appointees, especially for an agency such as this, in place.

Mr. Bonner is a well-qualified man who will do a great job.

I just wanted to say how much I appreciate the statement by the Senator from Montana.

Mr. BAUCUS. Mr. President, if I might, I very much thank my colleague for his statements as well. This Senate, when it is business as usual, probably is not quite as efficient and productive as it could be. I am a firm believer in the basic underpinnings of democracy. We don't want to be too efficient, because as representatives of our people from different parts of the country, there are different aspirations, different hopes, and different points of view. We want a melting pot kind of basis to work together and pass legislation. But this is not the time for business as usual. We have a national crisis. We are virtually at war. There is a lot of talk of unity and of working together. There has been tremendous cooperation in both Houses, by both parties, and at both ends of Pennsylvania Avenue. But on something as vital as this, I just very much hope that whoever the one, or two, or three Senators are who for extraneous, independent, and separate reasons—whatever they may be—are holding up Mr. Bonner, that they will reconsider for the sake of our country, and particularly with an agency as important as this at this time.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1576

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending

amendment be set aside and that I be permitted to send an amendment to the desk and have it considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 1576.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize State, regional, or local transportation authorities that receive Federal Transit Administration assistance or grants, to purchase heavy-duty transit buses through the General Services Administration)

After section 642, insert the following:

SEC. 643. (a) State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Service Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of fees provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

Mr. BINGAMAN. Mr. President, this is an amendment I am offering on behalf of myself and Senator DOMENICI. It authorizes State and local transit authorities that receive Federal transit assistance to purchase transit buses through the GSA list. That is the General Services Administration list.

Currently only the Washington Metropolitan Area Transit Authority has the option to purchase buses through the General Services Administration. The amendment would open up that option to other public transit agencies around the country that also receive Federal transit assistance, as the Washington Metropolitan Area Transit Authority does.

The General Services Administration currently offers three heavy-duty transit buses on its schedule. GSA selected the three as a result of competitive solicitations, and the companies had to bid attractive terms and prices in order to win those 5-year contracts and get on that list for the General Services Administration.

Allowing other public transit agencies the option to purchase these buses from GSA would result in substantial cost and time savings for these agencies. This would, of course, be especially valuable to some of our smaller communities around the country.

The new authority is limited only to transit buses and options offered by the General Services Administration. So the resulting demand will be limited only to transit agencies that want the

specific bus that GSA offers. This does not require anyone to buy anything. This does provide an option that they can use for purchasing if they desire to do so.

However, in the next 12 to 18 months, GSA plans to broaden the program to a multiple award schedule with a larger variety of vehicles and optional equipment choices, which of course will benefit everyone.

We understand GSA is concerned that it may not be able today to adequately implement this new option. Consequently, the amendment directs GSA to notify the committee of jurisdiction if it finds that the program is resulting in unanticipated costs or impacts. We try in the language to give GSA the opportunity to do that if they determine that that is required.

This is a meritorious amendment. It is one I would very much like to see adopted as part of this legislation. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1576.

The amendment (No. 1576) was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ACTS OF BRAVERY AND KINDNESS FOLLOWING THE TERRORIST ATTACK

Mr. CARPER. Mr. President, during the course of the past week, we have witnessed extraordinary acts of bravery: aboard the aircraft that were hijacked, at the World Trade Center Towers, and at the Pentagon.

In addition, we have witnessed extraordinary acts of kindness by people from all walks of life in this Nation who have reached into their own pockets and hearts and sought to comfort those who have lost loved ones, who sought to donate something of their own, including their blood and money, to assist those who have suffered egregious losses.

Earlier this afternoon, I visited the Dover Air Force Base in the State of Delaware and spent time at the mortuary where the bodies of scores of victims of the crash and tragedy at the Pentagon are being taken. There I had

the opportunity to thank men and women—active duty reservists, members of the National Guard, and civilians—who have come from all across the country in order to try to identify the remains of those who lost their lives in the crash at the Pentagon, in order to try to be able to provide to families who lost loved ones a sense of closure, to be able to take the remains of their husband, wife, son, or daughter and to be able to give them a proper funeral, to lay them to rest at their final resting place with dignity.

The job is as difficult and challenging as perhaps any job that has been undertaken in the wake of these tragedies. I want to express on behalf of not just the people of Delaware and those of us in my State who are affected, but people throughout the country who are touched and have lost a relative, a loved one, who will have that sense of closure because of the efforts going on today, yesterday, last week, and the days to follow at the Dover Air Force Base.

We are fortunate in this country to have so many heroes and heroines. As I speak some of them are working in the central part of the second smallest State in America.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

AMENDMENTS NOS. 1577 AND 1578, EN BLOC

Mr. DORGAN. Mr. President, on behalf of Senator CAMPBELL and myself, I send two amendments to the desk and ask they be agreed to en bloc. They are a Campbell amendment for Senators FEINGOLD, GRASSLEY, and HARKIN regarding shipments of day-old poultry, and a Dorgan for Kohl amendment regarding information on foreign animal disease. I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. CAMPBELL, for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 1577.

The Senator from North Dakota [Mr. DORGAN], for Mr. KOHL, proposes an amendment numbered 1578.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1577 and 1578) were agreed to, as follows:

AMENDMENT NO. 1577

At the appropriate place, insert the following:

#### SECTION 1. AMENDMENT TO TITLE 39.

Section 5402(d) of title 39, United States Code, is amended by—

(1) inserting “(1)” after “(d)”; and

(2) inserting at the end the following:

“(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

“(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

“(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending September 30, 2005.”.

AMENDMENT NO. 1578

(Purpose: To improve the collection of information relating to the introduction of foreign animal disease)

On page 26, after line 8 insert the following new section:

“SEC. . . None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.”

Mr. DORGAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1578

Mr. KOHL. Mr. President, I congratulate Senator DORGAN and Senator CAMPBELL, chairman and ranking member of the Appropriations Subcommittee on Treasury and General Government, for their fine work in crafting the bill now before the Senate. I also thank them for accepting an amendment I have offered to help strengthen this country's safeguards against the possible introduction of foreign animal disease.

I serve as chairman of the Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, and we have given substantial attention to the ongoing problems of exotic pests and disease that have been introduced into this country over the years. Attention and concern for this problem has been heightened this past year with reports from the United Kingdom where outbreaks of foot and mouth disease have severely harmed the British economy and, in particular, rural areas in the British Isles. The U.S. livestock sector quickly realized the danger that the spread of foot and mouth disease, and similar infectious

diseases, could reach our shores with equally devastating effect.

When Secretary Veneman testified before our subcommittee this spring, she told us that strong measures were in place to reduce the possibility that foreign animal disease would come to America. The fact that to date no such outbreaks have occurred here speaks to the strength of those measures. However, such safeguards are only as strong as their weakest part.

Currently, all passengers coming to the United States on aircraft or by other means are required to complete Customs Declaration form 6059B which poses a set of questions about that individual's activities abroad. Included is a question which asks if the passenger is "bringing fruits, plants, meats, food, soil, birds, snails, other live animals, wildlife products, or have been on a farm or ranch outside the U.S." If the passenger answers this question in the affirmative, he or she is likely to be referred to USDA's Animal and Plant Health Inspection Service, APHIS, for further inquiry. Clearly, this question is designed to help provide the Customs Service with adequate information to know if a referral to APHIS is warranted or not.

I have every confidence that APHIS personnel who serve on the front line of this country's inspection force have the expertise and commitment to ask the right questions and take the right actions to safeguard against foreign pests and disease, such as Foot and Mouth Disease. However, current practice does not ensure that all overseas travelers who have been in the vicinity of diseased livestock will have received proper referral to the appropriate agencies. If a traveler did not visit a farm or ranch, for example, the Customs Service would not have the information necessary to make a proper referral to USDA. Still travelers in rural areas of certain countries, such as the UK may come in close contact with livestock either at county fairs, rural bed and breakfasts, on back country trails, or other settings that may not strike one as a "farm or ranch," but may in fact pose the same level of risk.

My amendment simply requires that any new Customs declaration forms used for entry into the United States ask a question in a manner to alert the traveler to the fact that simply being in the proximity of livestock needs to be brought to the attention of Customs or USDA personnel due to the high risk of foreign borne disease. My amendment does not require the destruction of forms now in use. However, I understand that these forms are now in the process of being redrafted which, I believe, makes my amendment doubly timely. It is my further expectation that until such time that this change is actually put in place, Customs Service personnel will be provided guidance to sensitize them to making further

verbal inquiry of travelers who have traveled in countries known to have infectious animal disease outbreaks to determine if they may have been in areas where a likelihood of infection was possible.

Again, my amendment is not lengthy, nor does it require much. However, I believe it will help strengthen our Nation's defense against invasion by foreign animal disease. If the asking of one question prevents an outbreak of a devastating disease in America, it will certainly be a question worth asking.

#### FUNDING FOR ADDITIONAL CUSTOMS INSPECTORS ON THE NORTHERN BORDER

Ms. COLLINS. Mr. President, I rise to comment the managers of the Treasury, Postal appropriation bill, Chairman DORGAN and Ranking Member CAMPBELL, for including in their bill funds to increase the number of Customs officers stationed on our northern border. I particularly commend their foresight, which was confirmed by the tragic events of last week, and the suggestion that some of the terrorists may have entered the United States through ports of entry in my home State of Maine.

Mr. DORGAN. I thank the Senator from Maine for her kind words. The bill before us does indeed include \$25 million to fund a northern border hiring initiative. These funds would be used to hire approximately 285 additional Customs officers for our northern border.

Mr. CAMPBELL. Due to dramatic increases in land border traffic and trade with Canada coupled with only token increase in staffing in recent years, our ports of entry are woefully understaffed.

Ms. COLLINS. The situation in Maine is of particular concern to me. Ninety-eight Customs inspectors are currently stationed in my home State. Yet, according to a Customs Service resource allocation analysis based on threat and workload assessments, Maine should have 253 inspectors, or two-and-one-half times more than are currently there. Maine has 23 land border ports of entry, some of which are manned by a single inspector at any given point in time. Our Customs and Immigration and Naturalization Service inspectors work long and hard to protect the integrity of our border. But they need reinforcements.

I understand that the lack of Customs officials in Maine would not be ameliorated completely by this bill. But it, in conjunction with the \$25 million for additional Immigration and Naturalization Service inspectors included in the Senate-passed Commerce, Justice, State appropriations bill, would take a strong step in the right direction. And I ask the distinguished chairman and ranking member to help ensure that Maine receives its fair share of additional inspectors.

Mr. DORGAN. I assure the Senator from Maine that the Customs Service will be instructed to pay particular attention to the needs of Maine when assessing where to deploy these officers.

Mr. CAMPBELL. We appreciate the Senator bringing Maine's needs to our attention and fully intend to see those needs met, to the extent possible, through the funds appropriated by this bill.

#### AMENDMENT NO. 1574, AS MODIFIED

Mr. DORGAN. Mr. President, on behalf of Mr. JOHNSON, I ask unanimous consent to modify his amendment, which I offered earlier today on his behalf.

I ask unanimous consent that Senator SMITH of Oregon be added as an original cosponsor of the Johnson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1574), as modified, is as follows:

At the end of title VI, insert the following:

SEC. . (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as 'Unity Bonds', under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

Mr. JOHNSON. Mr. President, I rise today to offer an amendment that authorizes the Secretary of the Treasury to issue Unity Bonds in support of recovery and response efforts relating to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center. This amendment is similar to legislation that I introduced last week, S. 1430. I was pleased that several of my Republican colleagues introduced similar bills because this is an initiative that should and must be bipartisan.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. This amendment deserves full bipartisan support, and I look forward to working in a consensus fashion to make Unity Bonds available to all Americans.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a cosponsor to the McConnell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the ranking member, Senator CAMPBELL, and I have discussed the issue of the McConnell and Johnson amendments, both of which were offered this afternoon. We suggest the Senate approve

both the Johnson and McConnell amendments. I ask unanimous consent that the Johnson amendment and the McConnell amendment be agreed to at this time. Let me be clear, I am asking consent that the McConnell amendment be agreed to as offered earlier today and that the Johnson amendment be agreed to as modified by the modification I sent to the desk a few moments ago.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. Mr. President, we have no objection. We support the amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1573 and 1574, as modified) were agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1579

Mr. DORGAN. Mr. President, on behalf of our colleague, Senator HOLLINGS, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) for Mr. HOLLINGS proposes an amendment numbered 1579.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

DESIGNATION OF G. ROSS ANDERSON, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

(a) The Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina, shall be known and designated as the "G. Ross Anderson, Jr. Federal Building and United States Courthouse."

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.

Mr. DORGAN. Mr. President, we have cleared the amendment. I believe my colleague from Colorado has cleared the amendment as well.

Mr. CAMPBELL. That is correct, Mr. President. We concur.

Mr. DORGAN. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1579.

The amendment (No. 1579) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I ask unanimous consent that the list I will send to the desk be the only first-degree amendments remaining in order to H.R. 2590, the Treasury-Postal appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Bingaman: 1 GSA.

Byrd: 2 Relevant.

Byrd: Relevant to the list.

Clinton: September 11 Heroes Stamp Act.

Daschle: 2 Relevant.

Daschle: Relevant to the list.

Dorgan: Managers' amendments.

Dorgan: Relevant.

Dorgan: Relevant to list.

Feinstein: 1 Breast Cancer Stamp.

Feinstein: 2 Relevant.

Johnson: 1 Unity Bonds.

Kerry: OMB study of the funding of SBA programs.

Kohl: Customs declarations and livestock.

Reid: Relevant.

Reid: Relevant to the list.

Schumer: 3 Relevant.

Hollings: SC facility.

Specter: 2 Relevant.

McConnell: War bonds.

Shelby: 1 Relevant.

Hatch: Drugs/Utah.

Hatch: 2 Relevant.

Lott: 2 Relevant.

Lott: 2 Relevant to list.

Campbell: Relevant.

Nickles: 2 Relevant to list.

Domenici: 2 Relevant to list.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we have a finite list of amendments that would

be offered to this bill, H.R. 2590, the Treasury-Postal appropriations. As I look through the list, I see a fair number of amendments that will not, in fact, be offered. There are a number we will be accepting. I say, if there are Senators who have amendments on this list, come to the floor to offer them. It would be our hope to move to third reading this evening. My expectation is we do not have a final vote on the bill today. We would likely do that Friday morning—of course at the discretion of the leader.

In order to finish the amendments and get to third reading, we need those who wish to offer their amendments to come to the floor and do so. We have been on the floor since 10 this morning. We know there are Members who have indicated to the respective Cloakrooms they have amendments, and they are properly on the list we have asked consent for, but in order to have amendments considered, Senators have to come to the floor and actually offer them.

I ask Senators and their staffs who might be monitoring these proceedings to call the Cloakroom if they can regarding their amendments because we would like to go to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, Senator CAMPBELL and I have been talking about the list we have presented that makes certain amendments in order and available to be offered. It is a very small list. In fact, with the exception of being able to approve a number of items on this list, I believe there are only two Senators remaining who have yet to come to the floor and offer amendments on which they are protected on the list. We ask them to do that. It is now 10 minutes before 7 in the evening. Those Senators would have had notice all day that we have been working on this bill. And, frankly, the Senate has been in a quorum call much of the day.

Senator CAMPBELL and I encourage those Senators who still have amendments they may wish to offer to either come and offer them or perhaps call us and notify us that they will not be offering those amendments, at which point we could go to third reading.

My understanding from leadership is that we will not be going to a final vote tonight. Perhaps this will require a rollcall vote. It is not certain at this moment. But, in any event, to get to third reading, we need to clear these amendments. I believe there are only two Senators for whom we are waiting.

If they intend to offer the amendments, we hope they are on their way to the floor or that their staffs will find them and get them to the floor of the Senate so they can do that. If they are deciding not to offer those amendments, please notify us. We want to go to third reading.

Mr. CAMPBELL. Mr. President, to our knowledge, we have only two Senators on our side who said they have an amendment they want to offer. We are on the phone now to try to get them down here. But I think if we can get them down here quickly, we will be able to finish this bill by Friday.

Mr. DORGAN. Mr. President, if, in fact, there is a way to get to third reading, and then do a voice vote on final passage, of course we would prefer to do that as well. My expectation is we will have a recorded vote on the conference report when it comes back from the conference, but I do not know that that has yet been cleared. My understanding was that a voice vote had not been cleared some while ago.

In any event, if we can finish the amendments and get to third reading, it will have represented, in my judgment, significant progress. This is a fairly sizeable appropriations bill. The ability to do this bill today on the floor of the Senate would, I think, signal to the American people that this is a new seriousness of purpose in the Senate. We want to obviously do our business, and do it the right way, but we want to express to the American people that we are willing to work together and get things done.

This country suffers from a pretty serious crisis as a result of the terrorist acts. We want to demonstrate to the American people that we can go back to work and we can get this work done in an expeditious way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there be a short period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—S. 1438

Mr. LEVIN. Mr. President, I understand that S. 1438, the Department of Defense authorization bill which I introduced a few minutes ago, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I object. And the reasons for the objection are as follows: That in consultation with the Republican leader, in consultation with the majority whip, and in consultation with the chairman, the chairman is seeking to have this piece of legislation be considered under rule XIV. We have no objection to that, but for technical reasons the objection to the second reading is required. It should not be interpreted—my objection—as animosity or anything between the chairman and myself. It is just part of the procedure, arcane though it may be.

So I object to second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

The Senator from Michigan.

#### MEASURE READ THE FIRST TIME—S. 1439

Mr. LEVIN. Mr. President, I understand that S. 1439, the Ballistic Missile Defense Act of 2001, which I introduced a few minutes ago, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1439) to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading.

Mr. WARNER. Mr. President, I object for the same reasons as I stated under S. 1438.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. LEVIN. Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1583

Mr. DORGAN. Mr. President, I send to the desk, on behalf of my colleagues Senator CLINTON, Senator SCHUMER, Senator DORGAN, Senator WARNER, and others, an amendment and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mrs. CLINTON, for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELBY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER, proposes an amendment numbered 1583.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

#### SECTION 1. SHORT TITLE.

This title may be cited as the "Heroes Stamp Act of 2001".

#### SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with sub-section (b).

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (a), subject to the following:

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5."

(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall be mutual agreement with such agency establish in order to carry out the purposes of this Act.

(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.

"(g) For purposes of section 416 (including any regulation prescribed under subsection

(e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time."

(c) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

### SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "emergency relief personnel" means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term "semipostal" has the meaning given such term by section 416 of title 39, United States Code.

Mr. DORGAN. Mr. President, this amendment has been cleared by myself and our side. Also, I understand it has been cleared by the Republican side. I ask the amendment be agreed to.

The PRESIDENT pro tempore. Is there objection to the adoption of the amendment?

Mr. CAMPBELL. We have no objection.

The PRESIDENT pro tempore. Hearing no objection, the amendment is agreed to.

The amendment (No. 1583) was agreed to.

Mr. DORGAN. Mr. President, my understanding is we are waiting for Senator HATCH who will be offering an amendment. That amendment is on the way to the floor. We have discussed that amendment. We will be accepting it. I expect it will take just a few moments. And when that amendment is accepted, I think at this point we are ready to go to third reading of the bill. We will see at that point whether we need a recorded vote on the bill. It would be nice to be able to finish this appropriations bill this evening.

As soon as we receive the amendment, it is our intention to accept the amendment and move to third reading.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I concur with the chairman. If we can finish this last amendment, I don't know if there are any other outstanding issues. If not, we are now checking with the leadership to see if it will be accepted to move this bill tonight.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1584

Mr. DORGAN. Mr. President, Senator CAMPBELL and I, on behalf of our colleague, Senator HATCH, send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. HATCH, proposes an amendment numbered 1584.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate the State of Utah as a High Intensity Drug Trafficking Area)

On page 36, line 7, after the semicolon insert the following: "of which \$2,500,000 shall be used for a newly designated HIDTA in the State of Utah."

The PRESIDENT pro tempore. The question is on adoption of the amendment.

Mr. DORGAN. Mr. President, we have reviewed the amendment and have no objection on this side.

Mr. CAMPBELL. We have no objection on our side.

The PRESIDENT pro tempore. There being no objection to the immediate consideration of the amendment, the amendment is agreed to.

The amendment (No. 1584) was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I believe the amendment we just considered by Senator HATCH is the last amendment to be offered to this bill. I believe on our side there are no further amendments. I believe that is the case on the Republican side.

### ISSUANCE OF SEMIPOSTAL STAMPS

Mr. LEVIN. Mr. President, I would like to enter into a colloquy with the chairman of the Treasury and General Government Appropriations Subcommittee. First, I would like to commend the Chairman for his good work on this bill. I appreciate his leadership and commitment.

I would like to confirm with the chairman my understanding of an amendment offered by the chairman and Senators CLINTON and SCHUMER. The amendment proposes that a special commemorative semipostal stamp be issued to recognize the efforts of the

brave emergency relief personnel who were killed in connection with last week's terrorist attacks.

Existing Postal Service regulations state that the Postal Service will offer only one semipostal stamp for sale at any given time. It is my understanding that it would be consistent with these regulations for the Postal Service to designate the commemorative stamp created by the amendment as the one semipostal stamp to be offered, pursuant to the said regulations, for the period specified in the amendment, with the exception of the Breast Cancer Research Stamp previously exempted by law.

Mr. DORGAN. Mr. President, the Senator is correct. The Postal Service could choose to designate the emergency relief semipostal as the one semipostal stamp to be offered for the period specified in the amendment, pursuant to Postal Service regulations.

Ms. SNOWE. Mr. President, I rise today in support of contraceptive coverage for almost 9 million Federal employees and their dependents who receive their health care coverage through the Federal Employees Health Benefits Program. At a negligible cost, this coverage has been included in the past three Treasury-Postal appropriations bills and is in the House passed bill and as well as the legislation before us today.

This provision enjoys broad bipartisan support among members of the Senate as demonstrated by a letter sent by over half of the Members of the Senate to the chairman and the ranking member of the Subcommittee on Treasury, Postal Service and General Government.

This contraceptive coverage provision was adapted from legislation I originally authored back in 1997, the bipartisan Equity in Prescription Contraceptive Coverage Act, or EPICC, which currently has 42 cosponsors, and which was the subject of a hearing in the Senate Health, Education, Labor, and Pensions Committee on September 10. Throughout this effort, I have had the good fortune of being joined by Senator REID who has been a partner with me in this effort, and I thank him for his ongoing leadership on this issue. We both agree this is commonsense public policy whose time has long since come.

The facts are not in dispute, contraceptives are an essential part of not only a woman's health, but that of her children and her future children. The lack of equitable coverage of prescription contraceptives has a very real impact on the lives of America's women and, therefore, our society as a whole. We took a strong first step towards ending this inequity when, in 1998, we guaranteed access to prescription contraceptive coverage for federal employees.

The inclusion of this coverage in FEHBP has saved female enrollees over

\$1,000 over the past three years, according to the Alan Guttmacher Institute. Not only has the inclusion of this coverage saved our female employees about \$350 a year, it has not cost the Federal government anything either. A January 2001 OPM statement on the cost of this coverage for federal employees under the FEHBP found no effect on premiums whatsoever since implementation in 1998. Since it's not often that we can say that, let me repeat it, it has had no effect on costs of health care.

In fact, some, like the Alan Guttmacher Institute, argue that improved access to and use of contraception nationwide saves insurers and society money by preventing unintended pregnancies, as insurers generally pay pregnancy-related medical costs, which can range anywhere from \$5,000 to almost \$9,000. Improved access to contraception would eliminate these costs and would reduce the costs to both employers and insurers.

Whenever we talk about contraceptive coverage, the issue of a "conscience clause" has continually been raised. I would remind my colleagues that this is a concern we effectively addressed in 1998 and that standard has remained unchanged ever since. I agree that this is a legitimate concern, which is why we found a compromise in order to assuage the concerns of our colleagues who felt that there needed to be a "conscience clause" to allow religious plans to opt out of this coverage if their beliefs and tenets are not consistent with this coverage. Originally, we specifically named five health plans that were excluded from having to provide this coverage and allowed "any other existing or future religious based plans whose religious tenets are in conflict with the requirements" of this coverage. Three years later, there are only two plans remaining in the FEHB program which do not provide this coverage. That's two out of over 245 participating health plans.

While many of my colleagues and I would prefer to have this coverage expanded for all women nationwide, it is essential that we do not rescind this critical health care benefit for women in the FEHB program. And the proponents of the larger legislation, EPICC, are not alone.

As recently as June, the U.S. District Court for the Western District of Washington ruled in *Erickson v. Bartell Drug Company* that an employer's failure to cover prescription contraceptives in its otherwise comprehensive prescription drug plan constitutes gender discrimination, in violation of title VII of the Civil Rights Act of 1964. This case was the first of its kind, setting a legal precedent as well as bolstering the case for our broader legislation.

In turn, the foundation for the district court decision was a ruling by the Equal Employment Opportunities Com-

mission, or EEOC, last December that an employer's decision to exclude coverage of contraceptives in a health plan that covered other prescription drugs, devices and preventive health care services violated title VII of the Civil Rights Act regarding gender discrimination.

Together, these two decisions form a "one-two" punch in favor of the approach we advocate today, an approach that's already been endorsed by a total of 16 States, including my home State of Maine—that have passed similar laws since 1998. Today, another *twenty States* have contraceptive coverage legislation pending. That's a start, but it's not enough. Not only are these laws limited to state regulated plans, but this piecemeal approach to fairness leaves many American women at the mercy of geography when it comes to the coverage they deserve. Unfortunately, until we can get EPICC passed on its own, you either have to be a member of Congress, a Senator, a Federal employee, or living in one of these states to receive this guaranteed benefit.

We believe that contraceptive coverage not only makes sense in terms of the cost of contraceptives for women, but also as a means bridging, at least in some small way, the pro-choice pro-life chasm by helping prevent unintended pregnancies and thereby *also* prevent abortions. The fact of the matter is, we know that there are three million unintended pregnancies every year in the United States. We also know that almost *half* of those pregnancies result from just three million women who do *not* use contraceptives, while *39 million* contraceptive users account for the other 53 percent of unintended pregnancies, most of which resulted from inconsistent or incorrect use. In other words, when used properly, contraceptives *work*. We know that they prevent unintended pregnancies and when we have fewer unintended pregnancies, we will have a reduced need for abortions, and that is a goal each of us can support.

I ask my colleagues to continue to support the inclusion of this provision in the Federal Employees Health Benefits Program as contained in the Fiscal Year 2002 Treasury-Postal appropriations bill. It is an important benefit and it is in the best interests of women's overall health, their children and their future children's health.

Mr. MCCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation which provides Federal funding for numerous vital programs in the Treasury Department and the General Government. However, once again, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in another appropriations bill.

This bill spends at a level 5.9 percent higher than the level enacted in fiscal

year 2001, which is greater than the 4 percent increase in discretionary spending than the President wanted to adhere to.

In real dollars, this is \$328 million in additional spending above the amount requested by the President, and a \$1.8 billion increase in spending from last year. So far this year, with just seven appropriations bills already passed including this bill, spending levels have already exceeded the President's budget request by more than \$7.6 billion. I must remind my colleagues that the Administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs.

In this bill, I have identified just over \$200 million in earmarks, which is less than the cost of the earmarks, totaling \$356 million, in the bill passed last year. Therefore, I applaud the efforts of the appropriators in keeping parochial spending to a minimum in this bill but more must be done.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers' hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the people who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, under funding for the Department of Treasury, some examples of earmarks include: \$1,000,000 for work on joint technology projects with New Mexico State University's Physical Sciences Laboratory; and \$750,000 for the Center for Agriculture Policy and Trade Studies located at North Dakota State University.

Under funding for the General Government, some of the earmarks include: \$2,500,000 for the Native American Digital Telehealth Project and the Upper Great Plains Native American Telehealth Program at the University of North Dakota; and \$5,000,000 to help purchase land and facilitate the moving of the Odd Fellows Hall to provide for construction of a new courthouse in Salt Lake City, UT.

There are more projects on the list that I have compiled, which will be available on my Senate Web site.

In closing, I urge my colleagues to curb our habit of directing hard-earned taxpayer dollars to locality-specific special interests.

POSTAL SERVICE SORTING PRACTICES IN HAWAII

Mr. DORGAN. I understand that as a result of the closure of our nation's airports and the limitations placed on the carriage of cargo on commercial passenger planes, postal service throughout our country was affected. However,

the State of Hawaii was impacted most severely. My colleague from Hawaii, Senator INOUE, has joined me to discuss the situation in Hawaii.

Mr. INOUE. I thank Senator DORGAN for the opportunity to share with our colleagues the impact of the air service restrictions on the delivery of mail in the State of Hawaii. The recent closure of our Nation's air transportation system brought to light a Postal Service practice that I believe should be reevaluated. Hawaii is an island State that is not only geographically isolated from the mainland United States, but that is also geographically divided into seven distinct islands separated by the Pacific Ocean. Hawaii has a population dependent on the air transportation system for the movement of goods and people throughout the State. However, I believe the current Postal Service mail sorting procedure has the potential to exacerbate the harm to my State's economy from the airport closures, the reduced inter-island travel, and the decline in travel to and from my State.

The Postal Service in Hawaii has only one centralized sorting office. While I understand that mail service throughout the United States experienced slow-downs and difficulties as a result of the closure of our air transportation system, mail service in Hawaii came to a virtual standstill. The shut down of our airports resulted in the delivery of mail only on the island of Oahu, where the sorting station is located. My constituents on Maui could not mail letters to one another because a letter originating on Maui and addressed to another location on Maui must first be flown to Honolulu for sorting. This hardship was faced by all the residents of Oahu's neighbor islands.

With the threat of war upon us and the possibility of further airport closures, I believe we must study alternatives to the current mail sorting system. The problems faced by the neighbor islands as a result of the airport shutdown are expected to continue as tourism to and within Hawaii declines. Aloha Airlines, one of two island air carriers, has announced a 26-percent reduction in flights that will begin next week. Hawaiian Airlines, the other inter-island air carrier has also dramatically reduced its flight schedule. Additional flights will likely be eliminated with the expected continued decline in leisure and business travel.

In light of these flight restrictions, I believe the Postal Service should develop a procedure by which mail that originates on the same island to which it is addressed can be kept and sorted on that island. I realize that this would be only a small step toward addressing the many issues resulting from my State's unique geography, but it would be a start.

Mr. DORGAN. I thank Senator INOUE for sharing with us the difficul-

ties faced by your State. I agree that the Postal Service should examine the feasibility of implementing procedures that take into account Hawaii's unique geography. Please be assured that I will work with the Senator to help in this endeavor.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring for S. 1398, the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 2002.

The Senate bill provides \$17.118 billion in discretionary budget authority, which will result in new outlays in 2002 of \$12.528 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total \$16.183 billion in 2002. The Senate bill is within its Section 302(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators DORGAN and CAMPBELL, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. The tragic events of September 11 demand that this bipartisanship continue and that the Congress expeditiously complete work on the 13 regular appropriation bills for 2002.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1398, TREASURY, POSTAL SERVICE, AND GENERAL  
GOVERNMENT APPROPRIATION, 2002

(Spending comparisons—Senate-reported bill (in millions of dollars))

	General purpose	Manda- tory	Total
Senate-reported bill:			
Budget Authority .....	17,118	15,478	32,596
Outlays .....	16,183	15,475	31,658
Senate 302(b) allocation <sup>1</sup> :			
Budget Authority .....	17,118	15,478	32,596
Outlays .....	16,183	15,475	31,658
House-passed:			
Budget Authority .....	17,022	15,478	32,500
Outlays .....	16,261	15,475	31,736
President's request:			
Budget Authority .....	16,614	15,478	32,092
Outlays .....	15,974	15,475	31,449
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation <sup>1</sup> :			
Budget Authority .....	.....	.....	.....
Outlays .....	.....	.....	.....
House-passed:			
Budget Authority .....	96	.....	96
Outlays .....	(78)	.....	(78)
President's request:			
Budget Authority .....	504	.....	504
Outlays .....	209	.....	209

<sup>1</sup> For enforcement purposes, the budget committee compares the Senate-reported bill to the Senate 302(b) allocation.

NOTES: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

The PRESIDENT pro tempore. Are there any further amendments? If not, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, shall the bill pass?

The bill (H.R. 2590) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DORGAN. I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Under the order previously entered, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint the following conferees.

The President pro tempore appointed Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. REED, Mr. BYRD, Mr. CAMPBELL, Mr. SHELBY, Mr. DEWINE, and Mr. STEVENS.

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, this bill must have gone through in record fashion. I note for the record this is the first year Senator DORGAN has been chairman of the subcommittee. I have really enjoyed working with him, and I am continually awed by his skills in the Chamber of this great body and his ability to get this bill together in a timely fashion. I thank him and his staff for working so well with us. From my staff, Pat Raymond and Lula Edwards worked hard on our side. I thank them, too, for the record.

The PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say again what a pleasure it is to work with Senator CAMPBELL, his staff and my staff who I named previously today. They have done an excellent job. We passed this bill in fairly short order. As I said when we started today, I hope we could perhaps show the American people that we are back at work and trying to do things in a way that allows all of us to work together for the interest of this country, and I believe the passage of this bill in the manner we have done tonight is a demonstration of that.

Again, I thank my colleague and all of our Senate colleagues for cooperating and allowing us to get to the point of passing this important legislation this evening. I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, while the chairman of the full committee is here and two managers of the bill, I congratulate them and you. The appropriations process is moving along, and we should all feel very good about that.

Senator DORGAN and Senator CAMPBELL have done a tremendous job on a

very difficult bill that will go a long way toward solving many problems of this country.

The PRESIDING OFFICER (Mr. DORGAN). Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I hope that the Senate will soon begin consideration of the National Defense Authorization Act for Fiscal Year 2002. This bill would authorize \$343.5 billion for national defense programs, the full amount requested by the administration, including the \$18.4 billion requested by the President in his amended budget request.

The bill would also address a number of important priorities identified by the Armed Services Committee, adding significant funding for military compensation and quality of life, the readiness and transformation of the military services, and the capability of our armed forces to meet nontraditional threats, including terrorism. In light of recent events, we will obviously do more, as we already have, with the enactment of the \$40 billion emergency supplemental appropriation bill last week. However, these are no ordinary times, and the debate on this bill will be no ordinary debate. Debate on a bill like this is an inherent part of our democracy, and while our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We strive to set aside our differences, and ask decent people everywhere to join forces with us to seek out and to defeat the common enemy of the civilized world.

For this reason, I am today introducing two new bills. The first bill is identical to S. 1416, as reported by the Senate Armed Services Committee in every respect but one—the removal of legislative language dealing with missile defense. The second bill, which would be deferred for debate at a later and more appropriate time, would include the missile defense language.

I strongly believe that the missile defense provisions took an appropriate step on an issue of national importance, and I was disappointed that this single area of disagreement led the Republican Members of our committee to vote against this bill that is so important to our national security.

In my view, however, this is the wrong time for divisive debate on issues of national defense. We cannot let issues like this pull us apart and undermine our common sense of national purpose in fighting terrorism. Rather, we should leave this debate to a later time and link arms against our attackers.

When we take up the defense authorization act, I hope that my colleagues will join me in putting controversial issues aside and help us move forward together to pass this bill promptly and indicate our strong and unified support for the national defense with a minimum of divisive debate.

#### THE HAPPY HOOLIGANS

Mr. DORGAN. Mr. President, I want to comment for a moment about some fighter pilots who are flying air missions over our nation's capital.

On Tuesday of last week, following the attack on the World Trade Center and shortly before the Pentagon was hit, a detachment of fighters who were on alert at Langley Air Force Base in Virginia were ordered airborne to protect the nation's capital. It happens that the detachment of fighters is from North Dakota.

The 119th Tactical Fighter Wing of the North Dakota Air National Guard flies F-16s. They are called the Happy Hooligans. The Happy Hooligans are folks who farm; they run drug stores; they teach school. They do a lot of things in their community, but they also are members of the National Guard who maintain and fly F-16s. More than that, the Happy Hooligans, the National Air Guard detachment in Fargo, ND, are some of the best fighter pilots in the world. In fact, the Happy Hooligans have won the William Tell Award on several occasions.

The William Tell Award is an award that is given to the fighter units that are the most proficient combat fighter pilots in the world.

So this National Guard unit from Fargo, ND, has taken their airplanes to the William Tell contest, and they have flown against the world's top combat pilots, and they have brought the William Tell Award home to Fargo, ND, as proof that they are the best fighter pilots in the world.

For some time, the Happy Hooligans have kept a permanent detachment with four F-16s, pilots, and crews on alert at Langley Air Force Base to provide air defense of the United States.

Last Tuesday morning, the attack on the World Trade Center in New York

precipitated an order for those fighters who were on alert to take to the skies. And those F-16s took to the air, but regrettably they were not yet over Washington's airspace when the airplane hit the Pentagon. They were still some minutes away.

But they then flew, as I understand it, 7 hours that day over the skies of Washington, DC, performing combat air patrol and protecting our nation's capital. And these are, as I said, men and women who belong to the National Guard but who have been awarded the distinction of being the best fighter pilots in the world.

I was enormously proud of them. I called their commander at Langley. I told them how proud I was to have the Happy Hooligans—a wonderful contingent of civilian soldiers; men and women who belong to the National Guard—flying those F-16s, providing air cover during a time of national emergency.

So, for the record, I want to say that all Americans, of course, are proud of our men and women in uniform. We grieve with them for the tragedy visited upon them when the airplane was flown into the Pentagon, just as we do for the thousands of people who have lost their lives at the World Trade Center.

And as there are brave men and women across the country who have stepped forward to say, let it be me—the firemen and the firefighters and police men and women who were climbing the stairs of the World Trade Center to try to rescue people, risking their lives to help others, just as there are so many heroes around this country during a time of need—so, too, were the Happy Hooligans in their cockpit of the F-16s, flying combat air patrols over our Nation's Capital.

Let me say to the Happy Hooligans: I salute you. I am proud of your work. And this country owes you a great debt of gratitude.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I say to my friend and colleague from North Dakota, in relation to his eloquent remarks about the Happy Hooligans, we are glad the Happy Hooligans are on our side. I knew that this training was going on. These Air Guardsmen—and possibly women as well—were very important in scrambling to protect our Nation's Capital. I know of one of those pilots actually who is from Virginia.

I am not going to get into the details because it is important for national security not to reveal what they were doing, but they were very much in harm's way. I will not get into any more detail other than to say, these pilots—the Happy Hooligans, and any others who were involved in that scrambled mission to protect our Nation's Capital, and the region here in the DC area—really were willing to give their lives in a generally undefended position.

So I am glad the Senator saluted the Happy Hooligans. I salute the Happy Hooligans and all those Air Guard pilots who scrambled to our Nation's defense, with complete risk to their lives, possibly having to give their lives to protect others.

They will be called upon again, undoubtedly, in service to our interests, our freedom, and our allies. We do salute them and their families and their employers, whether they may be in North Dakota, Virginia, Minnesota, Wisconsin, or anywhere else in this country because they are patriots. We have all seen the patriotism that defines our country.

#### TRIBUTE TO THE PAGES

Mr. DAYTON. Madam President, I rise today to pay tribute to our pages, who serve us day after day with extraordinary dedication—as do all of our staff—but especially for their exemplary performance last week. They continued their service on the Senate floor in the midst of crisis that had even adults in some alarm. Not only did they return to their work after the horrific events of last Tuesday, September 11, but also again last Thursday.

As you recall, Madam President, that evening the Senate Chamber had to be evacuated because of a bomb threat. One of our distinguished Senators said it was the first time the Senate floor had been cleared in his 25 years of service. A security guard told me it was the first time in the 33 years of his service that the Senate Chamber had been cleared. Yet that very night our pages were back working as scheduled to conclude the Senate's business, and they returned again last Friday. Today, they are once again assembled, and are working hard on our behalf.

For people of any age to respond with this kind of courage and dedication in this situation is exemplary. For these young men and women—teenagers who are high school students—to have shown this kind of courage is just extraordinary.

I ask unanimous consent that their names be printed in the RECORD. I wish to pay tribute on behalf of all the Senate to them for their dedication and their courage. They are truly outstanding young Americans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE PAGES—FALL 2001

Katherine Amestoy, Adam Anthony, Vic Bailey, Danielle Bailey, DeAntai Box, Taryn Brice, Kevin Bureson, Elizabeth Candido, Jennifer Cohen, Eliza Coleman, Meredith Freed, Jason Frerichs, Patrick Gibson, Jena Gross,

Jennifer Holden, Joe Kippley, Clayton LaForge, Jessica Lussier, Ryan Majerus, Scott Moore, Michael Moran, Meagan Rose, Katie Ruedebusch, Christina Valentine, Antonio Ward, William Warren, George White, Jay Wright.

#### IN MEMORY OF CONGRESSMAN FLOYD SPENCE

Mr. THURMOND. Mr. President, last month, the U.S. Congress lost one of the finest public servants I have had the honor to know. As my colleagues may know, Congressman Floyd Spence, who represented South Carolina's 2nd District, passed away on August 16, 2001. Floyd Spence may no longer walk the halls of Congress, but the countless contributions he made over the last three decades will continue to influence South Carolina and this great Nation.

Floyd was a humble public servant who was proud of his modest background, often introducing himself as "Floyd Spence, dirt farmer." He was a principled man who could disarm anyone with his friendly disposition and his distinct chuckle. It was difficult, if not impossible, for anyone to dislike Floyd.

Too often we take life for granted, but not Floyd Spence. As a beneficiary of two organ transplants, he knew too well he had been given not just a second, but a third change at life. As a result, Floyd lived life to the fullest, dedicating it to the service of others and his Nation.

Floyd's generosity was demonstrated by his willingness to lend an ear to those who faced the frightening prospect of a transplant, or the even scarier possibility of not receiving an organ in time. Having faced these fears himself, he welcomed the opportunity to comfort individuals from across the United States who called to ask him about his own experience.

My friend, ever the Southern gentleman, leaves behind a legacy of dedicated public service. For almost fifty years he loyally served the people of South Carolina. Floyd was also an outspoken advocate for our Armed Services and had served as Chairman for the House Armed Services Committee. As a retired Naval Reserve Officer, he recognized the importance of a strong military and worked tirelessly to ensure that the needs of our Armed Services were addressed.

He was a true patriot, a dedicated public servant, and he will be greatly missed by all who knew him. Floyd is an inspiration to all, and my heartfelt sympathy goes out to his devoted wife Debbie, and his fine sons, David, Zach, Ben, and Caldwell, and to his dedicated staff.

#### CONFIRMATION OF BRUCE COLE AS CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the nomination of Bruce Cole to be Chairman of the National Endowment for the Humanities. Dr. Cole is a noted art historian and a

Distinguished Professor at Indiana University. He served as Visiting Professor at Hebrew University in Jerusalem and previously held the Hohenberg Chair of Excellence at the University of Memphis. Dr. Cole is a former member of the National Council on the Humanities, and he will bring impressive stature and experience to the Humanities Endowment.

We have been fortunate over the past three decades to have many distinguished academics and humanists lead this agency. I believe that Dr. Cole will serve in that tradition and be an impressive leader for this important agency.

In conjunction with the consideration of his nomination by the Committee on Health, Education, Labor and Pensions, I submitted a number of questions to Dr. Cole, and I wanted to share his answers with my colleagues. I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS BY SENATOR KENNEDY FOR DR.  
BRUCE COLE

#### GENERAL

1. Do you support the mission of the National Endowment for the Humanities and believe that there is a federal role in support of the humanities?

Answer: Yes. I believe firmly that the NEH plays a crucial, and necessary role in our democracy. Although the NEH is a small agency, its impact is great. As the only federal program dedicated exclusively to the national dissemination of the humanities, it affirms our government's support for the humanities. This support is proper because the humanities make us aware of our shared human condition and enlarge our worldview. The humanities are the principal means of transmitting our shared democratic values to future generations. As a pivotal civilizing force in human life, the humanities are essential to the well-being of any democracy and all its citizenry.

The importance of the humanities is recognized in the National Foundation on the Arts and Humanities Act establishing the NEH. This act states: "That a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future." The legislation also states that "democracy demands wisdom and vision in its citizens" and that "the study of the humanities requires constant dedication and devotion." These words remain as true and meaningful today as when they were written more than three and a half decades ago. If confirmed I hope to serve the nation by furthering the NEH's mission to make the humanities part of the lives of all Americans.

2. Are there any circumstances under which you would support the elimination of the agency?

Answer: No.

3. Due to budget cuts and the impact of inflation, the NEH's spending power is about 30% of what it was in 1980. This decline in funding has reduced the agency's reach and

impact. How do you view current funding of the agency? Will you advocate for higher spending levels for NEH?

Answer: I cannot answer this question presently because I do not have detailed knowledge of the NEH's current budget and how it is allocated. The proper size of the budget and the distribution of funds among the various programs and offices are important issues that shall command my immediate attention if I am confirmed. As NEH Chairman I shall devote my energies to ensuring that the NEH always has funds sufficient to enable it to disseminate the humanities to all sectors.

#### RESEARCH AND FELLOWSHIPS

4. You bring distinguished academic credentials and considerable experience to the NEH, what is your view of the importance of scholarship in the humanities. How do you feel these programs should balance other agency activities?

Answer: As a researcher, author, and teacher I believe strongly that support for humanities scholarship is one of the Endowment's most important activities. Serious scholarship adds directly to our knowledge and understanding of the humanities and forms the basis for public humanities programming such as NEH-supported television documentaries and museum exhibitions. Humanities scholarship also informs and enriches classroom teaching.

The NEH's broad mandate to support the humanities requires that it maintain a balance of different grant programs and activities—including education, preservation, public programming, research and scholarship, as well as challenge grants and the Federal/State program areas. I am committed to supporting the best grant proposals in all of the agency's programs.

5. Over the past 20 years, the proportion of NEH appropriations for scholarly activity has declined as a percentage of the budget. Do you feel that this is appropriate? Do you have any thoughts at this time about programmatic priorities for the agency?

Answer: If I have the privilege of serving as the Chairman of the NEH, I will carefully examine the agency's budget and history to determine if scholarly activity is receiving an appropriate level of support. As a professor and department chairman who has worked in the humanities for over thirty years, and as a recipient of an NEH fellowship which was critical for my development as a scholar, I know that NEH is often the sole source of funding for humanities scholarship. NEH funding for individual fellowships and for large-scale collaborative research projects remains a fundamental factor in the growth and development of talented scholars and teachers in the humanities.

6. NEH has been a key national resource for the collection and editing of the papers of American presidents and other important historical and literary figures. What priority would you assign this type of project?

Answer: In my view NEH support for these projects epitomizes the vital role the agency plays in creating humanities resources for scholars, students, and citizens alike. NEH's involvement in projects that are producing scholarly editions is one of the agency's crowning glories. These projects stand among the most important and long-lasting contributions the NEH can make to the advancement of the humanities and to the understanding of our past and present. Providing adequate resources to these and other excellent humanities projects will be one of my priorities if the Senate honors me with confirmation as NEH Chairman.

#### EDUCATION PROGRAMS

7. How do you feel that the agency can best support humanities in the higher education community?

Answer: Higher education projects supported by the Endowment—notably, the annual roster of summer seminars and institutes for college and university teachers—have long-term impact because they concentrate on helping humanities instructors become better teachers. The beneficiaries of these projects are the students who are reached by these intellectually engaged teachers. I think that the agency can best serve higher education by continuing to support model projects like these that others can emulate. I understand that the Endowment has also been quite active in recent years in encouraging projects that make use of the Internet and other electronic technologies to teach history, literature, languages, and other humanities subjects. While I expect to continue to encourage humanities projects that employ digital technology, I plan also to consult with NEH staff and with humanities educators to explore other ways the Endowment might strengthen its work in higher education.

8. Do you think that NEH should strengthen teacher training in the humanities in elementary schools?

Answer: Yes. The NEH already does this most effectively through its Seminars and Institutes for School Teachers program. These programs make school teachers students again for a few weeks as they study a great range of significant humanities topics, such as Milton's *Paradise Lost*, the fiction of Willa Cather, the history and culture of the American West or the Civil Rights Movement, the theater of Antonio Buero Vallejo, Dante's *Divine Comedy*, American Indian narratives, Mozart and his Vienna, cultural responses to the Holocaust in America, and so on. These programs help teachers renew and revitalize their understanding of specific areas of the humanities and better communicate them to their students. I think that it is critically important that American elementary and secondary school children be taught by instructors who are well-versed in the subjects they teach. As someone who has helped design humanities programs for schools, I understand that promoting the humanities in the elementary grades, as well as in other grades, is of paramount importance and worthy of an appropriate level of NEH support.

#### FEDERAL/STATE PARTNERSHIPS

9. The state humanities councils receive an earmark of about 30% of the agency's programmatic appropriations. This partnership between the federal and state entities is an effective tool to expand the reach of humanities programs and relatively scarce financial resources. Do you feel that the present distribution of programming funds is appropriate?

Answer: I enthusiastically support the state humanities councils. They extend the reach of the NEH to a vast audience through programs tailored to meet local needs, and they strengthen the cultural and educational infrastructure throughout America. These councils enrich the lives and understanding not only of those who inhabit America's great cities but also of those who live in the nation's many small towns. I have followed the activities of the Indiana Humanities Council for years and am impressed by its creativity, reach, and impact. The Endowment and the state councils are both very good at what they do; their efforts complement one another. I would like to

strengthen and expand this historic partnership, which has fostered progress and excellence in the humanities for the American people. The state councils have my strong backing.

Because I do not know exactly what the funding needs of the state councils are, I cannot give an informed answer to this question until I have an opportunity to study in detail all the budget issues related to the agency's programs.

10. Do you agree that state humanities councils should also be eligible to compete for other programming funds?

Answer: The state humanities councils serve their audiences well and I understand from NEH staff that in recent years state councils have been eligible to compete for funding in other programming areas of the NEH. This has, I am told, resulted in support for a number of excellent projects. As with the previous question on the state council's overall budget, I cannot give an informed answer to this question until I have had an opportunity to study this policy in detail.

11. Do you see additional roles for the state humanities councils in expanding the scope and reach of the Endowment's programs?

Answer: If confirmed I look forward to conferring with state council chairs and directors and the Endowment's staff to see if the councils could be even more effective than they are now in helping the NEH fulfill its mission. As I said above, I am a strong supporter of the state humanities councils and the excellent work they do.

#### REGIONAL HUMANITIES CENTERS

12. What priority will you place on the development of Regional Humanities Centers?

Answer: I was an early supporter of the regional centers idea when the project was in its embryonic stage. However, I do not now know enough about how this initiative has progressed to offer an informed opinion. If confirmed, I will make a considered judgment about its priority.

#### ENTERPRISE

13. Due to budget cuts and an interest in expanding the reach of the agency's programs, NEH has placed increased emphasis on raising private funds to support its own activities and to supplement grants to other organizations. Do you feel that the agency should actively pursue private funds?

Answer: If given the honor and opportunity to serve as Chairman of NEH my central task will be to make sure that the funds Congress appropriates to the NEH are spent wisely and in the service of our citizenry. I do not expect that the NEH would engage often in activities that would require it to raise monies in addition to its federal appropriation. Should that occur I would make sure that such fund-raising is done in a way that would not compete with NEH grantees and other important cultural institutions that may also be looking to the private sector support.

#### TRIBUTE TO MAJOR GENERAL T. MICHAEL MOSELEY

Mr. LOTT. Mr. President, I would like to take a moment today to recognize one of the finest officers in the United States Air Force, Major General T. Michael "Buzz" Moseley. On August 3rd, General Moseley was promoted from his job as Director of the Air Force Office of Legislative Liaison to become the Commander, Ninth Air

Force, Air Combat Command and Commander, United States Central Command Air Forces, United States Central Command. During his time in Washington, and especially with regard to his work on Capitol Hill, General Moseley personified the Air Force core values of integrity, selfless service and excellence in all things. Many Members and staff enjoyed the opportunity to meet with him on a variety of Air Force issues and came to appreciate his many talents. Today it is my privilege to recognize some of Buzz's many accomplishments since he entered the military 29 years ago, and to commend the superb service he provided the Air Force, the Congress and our Nation.

Buzz Moseley entered the Air Force through the Reserve Officer Training Corps program at Texas A&M. While and "Aggie", he completed both his bachelor's and master's degrees in political science. He earned his pilot wings in 1973 at Webb Air Force Base, Texas, and was then assigned to stay on as a T-37 instructor pilot. From 1979 to 1983, he flew the F-15 as an instructor pilot, flight lead and mission commander, first at Holloman Air Force Base, New Mexico, and then while serving overseas at Kadena Air Base, Japan. Over his career, General Moseley demonstrated his skill as an aviator in the T-37, T-38, AT-38 and F-15 aircraft, and logged over 2,800 hours of flying time.

From early in his career, General Moseley's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He was the Commander of the F-15 Division of the United States Air Force Fighter Weapons School at Nellis Air Force Base, Nevada and the Commander of the 33rd Operations Group at Eglin Air Force Base, Florida. When stationed at Nellis Air Force Base a second time, he commanded the 57th Fighter Weapons Wing. With 26 squadrons, consisting of A-10, B-1, B-52, F-15C/D, F-15E Strike Eagle, F-16C/D, HH-60G and the RQ-1A Predator, it is the Air Force's largest, most diverse flying wing. The 57th also included the Air Force Weapons School, Red Flag, Air Force Aggressors, the Air Force Demonstration Squadron "The Thunderbirds", the Air-Ground Operations School, Air Warrior, 66th Rescue Squadron and the Predator unmanned aerial vehicle operations.

Buzz Moseley also excelled in a variety of key staff assignments. These include serving as Deputy Director for Politico-Military Affairs for Asia and Middle East on the Joint Staff; Chief of the Air Force General Officer Matters Office; Chief of Staff of the Air Force Chair and Professor of Joint and Combined Warfare at the National War College; and Chief of the Tactical Fighter Branch, Tactical Forces Division, Di-

rectorate of Plans. General Moseley also serves on the Council on Foreign Relations and has been named an Officer of the Ordre National du Merite by the President of France.

During his service to the 106th and 107th Congress, General Moseley was the Air Force liaison for critical readiness and modernization issues. He was a crucial voice for the Air Force in representing its many programs on the Hill, providing clear, concise and timely information. General Moseley's leadership, professionalism, and expertise enabled him to foster exceptional rapport between the Air Force and the Senate, impressing me with his ability to work with the Congress to address Air Force priorities.

We were all pleased to see that the President recently nominated General Moseley for his third star. It is exceptionally well deserved. I offer my congratulations to him, his wife, Jennie, son, Greg and daughter, Tricia. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career.

I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Moseley. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his new command.

#### CHANGES TO THE 2002 APPROPRIATIONS COMMITTEE ALLOCATION AND BUDGETARY AGGREGATES

Mr. CONRAD. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the budgetary aggregates and the allocation for the Appropriations Committee by the amount provided to the Internal Revenue Service for its earned income tax credit compliance initiative. The amount of the adjustment is limited to \$146 million in budget authority in 2002.

Pursuant to section 302 of the Congressional Budget Act, I hereby revise the 2002 allocation provided to the Senate Appropriations Committee in the concurrent budget resolution in the following amounts.

Pursuant to section 311 of the Congressional Budget Act, I hereby revise the 2002 budget aggregates included in the concurrent budget resolution in the following amounts.

Mr. President, I ask unanimous consent to print table 1 and 2 in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—REVISED ALLOCATION FOR APPROPRIATIONS COMMITTEE, 2002  
[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General Purpose Discretionary .....	546,945	537,091
Highways .....		28,489
Mass Transit .....		5,275
Conservation .....	1,760	1,232
Mandatory .....	358,567	350,837
Total .....	907,272	922,924
Adjustments:		
General Purpose Discretionary .....	146	143
Highways .....		
Mass Transit .....		
Conservation .....		
Mandatory .....		
Total .....	146	143
Revised Allocation:		
General Purpose Discretionary .....	547,091	537,234
Highways .....		28,489
Mass Transit .....		5,275
Conservation .....	1,760	1,232
Mandatory .....	358,567	350,837
Total .....	907,418	923,067

TABLE 2.—REVISED BUDGET AGGREGATES, 2002  
[In millions of dollars]

	Budget authority	Outlays	Surplus
Current allocation: Budget Resolution .....	1,515,220	1,481,112	187,553
Adjustments: EITC Compliance Initiative .....	146	143	-143
Revised allocation: Budget Resolution .....	1,515,366	1,481,255	187,410

Prepared by SBC Majority staff on 9-19-01.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 4, 1996 in Houston, TX. Fred Mangione, a 46-year-old gay man, was allegedly stabbed to death outside a gay bar. Two men, Daniel Christopher Bean, 19, and his half-brother Ronald Henry Cauthier, 21, members of a new-nazi organization, were charged with a first-degree felony. Gauthier, 23, was sentenced to 10 years' probation for his part in the murder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### TRIBUTE TO PETER MARUDAS

Mr. SARBANES. Mr. President, my longtime Chief of Staff, Peter Marudas, retired recently from public service. It has been both an honor and privilege to work with Peter these many years. He

has been not only a superb member of my staff, but also among my closest and dearest friends. I consider myself, and the citizens of Maryland, fortunate to have benefited from his service, counsel, and commitment to the highest standards of conduct and ethics.

In addition to his many years of service in the United States Senate, Peter's illustrious career includes service for several other public officials, including three former Baltimore City Mayors: Theodore McKeldin, Thomas A. D'Alesandro III, and Kurt Schmoke. While working at the highest levels, Peter has remained a down-to-earth, committed public servant, known for his exuberant good humor and generosity.

The attached Baltimore Sun article of August 18, 2001, accurately reflects not only Peter's individual and unique personality, but also the admiration and esteem in which he is held by all who are privileged to know him. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Baltimore Sun, Sept. 18, 2001]

HAIL AND FAREWELL

(By Carl Schoettler)

National television cameras catch Peter Marudas, Sen. Paul S. Sarbanes' chief of staff, and Allan Greenspan, chairman of the Federal Reserve, head to head in deep confab at a Senate banking committee hearing about a year ago.

Marudas immediately starts getting calls: What did he tell you? A hiccup from Greenspan can jump-start the stock market, up or down.

Marudas laughs. He likes telling this story. He and Greenspan were talking about jazz. As a young man, Greenspan played clarinet, flute and a little sax in New York jazz bands, including one led by Leonard Garment, who became President Nixon's White House counsel. Marudas is a lifelong and knowledgeable jazz fan.

A couple of months earlier, Marudas had asked him, "Who do you think is the best saxophone player?"

Greenspan replies, Ben Webster, a mainstay of the Duke Ellington band.

"That's really an aficionado," Marudas exclaims. "You got to know jazz to say that."

So the next time Greenspan comes before the banking committee, Marudas gives him a Ben Webster tape. And the two are recorded for TV posterity talking about jazz, not G-8 economics.

Bringing Greenspan the Webster tape exemplifies Pete Marudas' style: kind, thoughtful, generous and politically astute. For nearly 35 years, Marudas has brought his particular, perhaps unique, political acumen to Baltimore, Maryland and national politics. Now, he's bowing out.

The farewells began Wednesday as he celebrated his name day at the Greek Orthodox Cathedral of the Annunciation. It was the Feast of the Dormition, the Assumption in most Western churches. Marudas' name in the church is Panagia, which is roughly Greek for "Our Lady," the Virgin Mary. He's a devout Orthodox Christian and of course active in church politics.

Thursday he celebrated his 64th birthday, basically working in his Washington office,

although well-wishers flooded the Sarbanes switchboard with birthday wishes and good-byes.

Friday was his last day at work and the end of his own remarkable chapter in Maryland politics.

"It's an existential decision," he says of his retirement. "We got the senator re-elected in the fall and he's now a chairman, which is what we were working for all the years. The Banking Committee, you can really do a lot there, the predatory lending business, you know, and just the integrity of the capital markets."

He still had a portrait of Franklin Delano Roosevelt on his office wall yesterday as he got ready to leave. "I got Truman, Roosevelt and Jefferson. And I have a labor union organization picture from the C.I.O., 'March with CIO to Victory.' Well, we [See Marudas, 8D] owned this bar where all these U.A.W. workers came in, when I grew up in Detroit," he says.

As a kid, he spent his summers in Baltimore where his uncle ran a dry-cleaning shop on Light Street in what is now Federal Hill, and he had relatives who lived in Brooklyn. Another uncle ran a restaurant in Curtis Bay.

"The first political event I ever attended was in the 1952 campaign," Marudas says. "The Democratic candidates always kicked off their campaign in Detroit on Labor Day."

Adlai Stevenson was the presidential candidate.

"My cousin and I got up real early, 5:30. Our mothers packed our lunches. We took the bus down. We were right down in front. Walter Reuther [the leader of the United Auto Workers union] introduced Adlai Stevenson," Marudas recalls.

"I was 15, my cousin was 12 or 13. It really made an impression for me. Stevenson was a man of such dignity."

As a college student at the University of Michigan, Ann Arbor, Marudas attended a lecture by Reuther, who spoke on labor economics.

"He was a real force. He put the U.A.W. on the progressive side of the political spectrum," Marudas is remembering. "You had people who came up from the South, white and black, where down there they had nothing to do with each other. They worked together as shop stewards. We saw all that going on. It really was something."

"You look at society: Wherever you have free trade unions, they're one of the essentials of a free society."

#### NEW DEAL DEMOCRAT

He says it twice during a couple of long conversations. He remains an unreconstructed Roosevelt New Deal Democrat, with perhaps overtones of Adlai Stevenson.

"He's very strong democrat with a small 'd,'" Senator Sarbanes says. "He's a good Democrat with a big 'D'. But more importantly he's a democrat with a small 'd'."

"He doesn't have an ounce of meanness in him, at all," Sarbanes says, with obvious fondness in his voice. They've been personal friends longer than they've been political colleagues. "He's really very generous and respectful with people. He really accords people their dignity."

The two met when Marudas was covering City Hall for The Evening Sun. Marudas had studied journalism and earned a master's degree at Ann Arbor. He came to Baltimore to work on The Evening Sun in 1963.

Sarbanes, who had been working for Walter Heller, the chairman of the Council of Economic Advisors under Presidents Kennedy

and Johnson, came back to Baltimore to become executive director of a commission to revise the city's charter.

Although Marudas grew up in Detroit and Sarbanes in Easton, Marudas says their roots were in the same province in Greece, Laconia, in Sparta.

"Our villages are 15 or 20 miles apart," he says. "We got to know each other, became personal friends and then our careers came together in '71."

Sarbanes had been a congressman about nine months when Marudas joined him in Washington.

#### FIRST POLITICAL JOB

Somewhat paradoxically, Marudas' first political job was for a Republican, Theodore Roosevelt McKeldin, who had been governor of Maryland and was in his second term as mayor of Baltimore. McKeldin was a liberal Rockefeller Republican of a type virtually extinct in today's GOP.

One of McKeldin's aides was leaving and he called Marudas: "'The Governor'—we called McKeldin the Governor then—would like you to take my place."

"Me!" I said. Then I thought he's got less than a year to go. I went home and talked it over with my wife and my mother-in-law."

His wife, Irene, has been perhaps his closest advisor. They've been married for 39 years.

"I thought, Baltimore is the sixth largest city," he continues. "It will be a chance to get a look at the inside of government and maybe come out again and pursue a career in newspapering."

He worked for McKeldin for 10 or 11 months.

"He was a quick learner," says Gene Raynor, the former head of the state election board and an astute political observer in his own right. "He became a master of precinct politics in the Byzantine world of politics in Baltimore City in the mid-'60s. There were not many people around who understood it as well as Pete Marudas. If I were a candidate anywhere in this state I would seek out Pete for advice."

"Paul is a kind of brainy guy, very, very smart, very, very brainy," Raynor says. "But he was in the clouds. Marudas was right down to earth. They complemented each other."

Thirty years ago, a somewhat wistful McKeldin told an interviewer. "He [Marudas] was the best in history. If only I had had him earlier in my career."

The same reporter who quoted McKeldin said a half-hour interview of Marudas stretched into a 90-minute discourse on Baltimore, the nation, Greece and the Orioles.

Marudas has not changed much over the years. He's an animated talker whose conversation veers happily from local to national to international politics like a bumper car in an amusement park.

Today, you'd certainly have to add the Mideast and the Balkans—and jazz.

#### SOME TOUGH YEARS

Marudas stayed on with Thomas A. D'Alesandro III after McKeldin left the mayor's office. They were tough years for Baltimore and the nation.

"I was thinking what I have been through and seen," Marudas says. "In the summer of '67, Newark and Detroit exploded. We felt we got through that summer. In '68, we had the assassinations. We had the urban disturbances. We had the Catonsville Nine trial. We had the [George] Wallace campaign."

"Then the war came in. Kent State, Johns Hopkins, they lost control over there. We

had to helicopter [Charles McC] Mathias, then an anti-war member of the House of Representatives, to speak to the students. We had all those demonstrations. We didn't have what I'd call a normal year until '71."

That's when D'Alesandro decided not to run for a second term and Marudas went to Washington to work for Sarbanes.

"He brought one outstanding faculty as far as service to me as mayor and I think maybe to Sarbanes as senator," D'Alesandro says. "He could sense sincerity or baloney.

"He was almost like my alter ego. I sort of found in him somebody who thought like I thought. And he sort of read me, in the sense he knew the things I was interested in. He encouraged me in some things and cautioned me in other things.

"And never had a hidden agenda. You knew you were getting a real honest critique . . . And if we made a decision against him he went along. He sang the song.

"I don't ever remember him trying to take credit for anything. Everything was for me as mayor and Sarbanes as senator . . . I loved the guy."

And Sarbanes tells roughly the same story.

"When you draw advice and counsel from Peter," he says, "the bottom line is always do the right thing."

He laughs.

"If he thinks you're going in the wrong direction he'll tell you in no uncertain terms. And he'll keep telling you if you keep moving in that direction."

#### PRIZED DISCRETION

Marudas' discretion is also legendary, highly prized by his bosses, but sometimes irritating to council members at City Hall. He's the reigning master of obfuscation.

Former Mayor Kurt L. Schmoke remembers council members complaining that they often did not understand what Marudas had just said.

"That was Peter being creatively enigmatic," Schmoke says. "That was his trademark."

Marudas picks up his own narrative thread: "I go over to Washington, saying maybe we have all this stuff behind us and in a couple of years we're into an impeachment. And Sarbanes is on the Judiciary Committee and he offers the first article of impeachment as a junior member."

Perhaps inevitably he thinks the Nixon impeachment was justified and Clinton's was not.

"You don't impeach a president for a lack of personal judgment," says Marudas, who read every single constituent letter on the Clinton impeachment received in Sarbanes' office. "He has to have violated his constitutional oath. Then you have to have really very strong constitutional grounds, not some flimsy excuse."

He returned to Baltimore again in 1987 for a stint as a seasoned senior member of the administration of Schmoke.

"I always wanted to work for someone younger than me," Marudas says. "My grandfather always said when you're young learn from the old. When you're old learn from the young.

Schmoke actually had been an intern in Sarbanes' office in the House of Representatives. He's as effusive in his praise of Marudas as the other politicians.

"If I were designing a course at a public policy school, and including a description of the effective staff person," says Schmoke, "I'd model that person on Peter Marudas."

Everybody asks if Marudas can actually leave politics behind. Sarbanes expects to be able to call on his advice when he needs it.

But right now Marudas plans to go to a wedding in Detroit with his wife, Irene. He'll listen to a lot of jazz. And he'll do a lot of dancing. He and Irene love dancing, especially salsa.

#### ADDITIONAL STATEMENTS

##### OATS, INC., 30th ANNIVERSARY CELEBRATION

• Mr. BOND. Mr. President, today I rise to recognize Oats, Inc., and congratulate them on the celebration of their 30th anniversary.

For 30 years Oats, Inc. has provided specialized transportation for the elderly, disabled and rural citizens in Missouri. Rural transportation is a very important piece of our federal transit system, particularly in Missouri and I thank Oats, Inc. for the exemplary job they have done. Oats, Inc. has continually upheld their strong commitment to their mission of providing reliable transportation for transportation disadvantaged Missourians so they can live independently in their own communities.

Oats, Inc., will celebrate their 30th anniversary on September 26, 2001. I would like to extend my appreciation to the volunteers and those attending the celebration for the support they have given to Oats, Inc. I would also like to thank Oats, Inc. for the outstanding services they have provided for the communities in Missouri and it is my sincerest hope that their success extends over the next 30 years.●

##### TRIBUTE TO BRITTANY SANDERS OF KRISTIN'S KIDS CLUB

• Mrs. CARNAHAN. Mr. President, I would like to take this opportunity to honor and recognize an outstanding young lady, Brittany Sanders, of Gladstone, MO, founder of Kristin's Kids Club. Ms. Sanders is truly extraordinary for having the commitment and vision to establish a children's club in memory of her friend, Kristin Bean, who died of cancer in 1996. This club's devotion to helping children is an inspiration to us all.

The Kristin's Kids Club was founded in 1999 in order to help children in need and to keep Kristin's spirit alive. Although the club was started by one extraordinary young girl, it now has more than 60 members. The club holds various fundraisers in order to raise money to give to charities and other organizations.

Not only do the members of this club raise money to help children, but they also help adults who are in need. They recently organized a variety show to benefit the Gladstone VFW Post 10906 to be used for the Clay County War Memorial fund. They also raised more than \$2,000 to assist the victims of the September 11th terrorist attack.

I commend Brittany Sanders and the other members of Kristin's Kids Club for all of their efforts on behalf of Missouri's children. I thank them for making me proud to be a Missourian.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, September 19, 2001.

#### REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report detailing payments made

to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, September 19, 2001.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 14, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills.

H.R. 2133. An act to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

H.R. 2882. An act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

H.R. 2888. An act making emergency supplemental appropriations for the fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD) on September 14, 2001.

### ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 15, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Under the authority of the order of the Senate of January 3, 2001, the enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD) on September 15, 2001.

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 17, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill and joint resolution, without amendment:

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

At 2:30 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 227. A concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001.

At 7:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 231. Concurrent Resolution providing for a joint session of Congress to receive a message from the President.

## MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 227. Concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001; to the Committee on the Judiciary.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on September 15, 2000, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3943. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Custody Procedures" (RIN1115-AG40) received on September 18, 2001; to the Committee on the Judiciary.

EC-3944. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Growing Leaders: The Presidential Management Intern Program"; to the Committee on Governmental Affairs.

EC-3945. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-3946. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans, Corrections to the Base Year Inventories, and Contingency Measures for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area" (FRL7057-4) received on September 13, 2001; to the Committee on Environment and Public Works.

EC-3947. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; Oregon" (FRL7044-9) received on September 13, 2001; to the Committee on Environment and Public Works.

EC-3948. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Washington Department of Ecology and Four Local Air Agencies in Washington" (FRL7057-8) received on September 13, 2001; to the Committee on Environment and Public Works.

EC-3949. A communication from the Acting Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in the Insular Possessions Watch, Watch Movement and Jewelry Program" (RIN0625-AA57) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3950. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.658(g) of the Commission's Rules—The Dual Network Rule" (Doc. No. 00-108) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3951. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Occupant Crash Protection: Correction" (RIN2127-AH24) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3952. A communication from the Attorney for the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" (RIN2127-AI61) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3953. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth In Savings" received on September 4, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3954. A communication from the General Counsel of the Department of Housing

and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Public and Indian Housing, received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3955. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Congressional and Intergovernmental Relations, received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107-65).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 952: A bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ALLEN (for himself, Mr. WARNER, Mr. CAMPBELL, and Mr. CRAIG):

S. 1433. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. BOND, Mr. BUNNING, Mrs. BOXER, Mr. BURNS, Ms. CANTWELL, Mr. CHAFEE, Mrs. CLINTON, Mr. ENSIGN, Mr. HARKIN, Mr. HELMS, Mr. KOHL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. SCHUMER, Ms. COLLINS, Mr. CRAPO, Mr. DORGAN, Mr. MILLER, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. CORZINE, Mr. MCCAIN, Mr. WELLSTONE, Ms. SNOWE, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. CONRAD):

S. 1434. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Mr. LEAHY):

S. 1435. A bill to provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 1436. A bill to authorize additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. WYDEN):

S. 1437. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1438. A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; read the first time.

By Mr. LEVIN:

S. 1439. A bill to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes; read the first time.

By Mr. CRAIG:

S. 1440. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. MCCONNELL):

S. Res. 162.

By Mr. STEVENS (for himself, Mr. CARPER, and Mr. LIEBERMAN):

S. Con. Res. 66. A concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001; ordered held at the desk.

By Mr. DODD:

S. Con. Res. 67. A concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman; considered and agreed to.

By Mr. DODD (for himself and Mr. MCCONNELL):

S. Con. Res. 68. A concurrent resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 382

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor

of S. 382, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 393

At the request of Mr. FRIST, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 540

At the request of Mr. DEWINE, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Connecticut (Mr. DODD), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Louisiana (Mr. BREAU) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 760

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 952, *supra*.

S. 969

At the request of Mr. SANTORUM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1125

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1153

At the request of Mr. CRAIG, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1153, a bill to amend the Food Security Act of 1985 to establish a grassland reserve program to assist owners in restoring and protecting grassland.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Mr. BREAUX), the Senator from Maryland (Mr. SARBANES), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1243

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1243, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1250

At the request of Mrs. CARNAHAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Hawaii (Mr. INOUE), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1256

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1298

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1346

At the request of Mr. SESSIONS, the names of the Senator from Idaho (Mr.

CRAIG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1409

At the request of Mrs. FEINSTEIN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1421

At the request of Mrs. HUTCHISON, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SESSIONS), the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. NELSON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1421, a bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days.

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1421, *supra*.

S. 1430

At the request of Mr. JOHNSON, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), the Senator from North Dakota (Mr. DORGAN), and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1431

At the request of Mr. MCCONNELL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1431, a bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.

S. 1432

At the request of Mr. SMITH of Oregon, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in

funding of the war against terrorism, and for other purposes.

S. J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. BREAUX), the Senator from Georgia (Mr. CLELAND), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. RES. 139

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 139, a resolution designating September 24, 2001, as "Family Day—A Day to Eat Dinner with Your Children."

S. RES. 158

At the request of Mr. CLELAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 158, a resolution honoring the accomplishments and unfailing spirit of women in the 20th century.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself, Mr. WARNER, Mr. CAMPBELL, and Mr. CRAIG):

S. 1433. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise today to talk about a bill I introduced this morning. The first cosponsor of this measure is my good friend and colleague, Senator JOHN WARNER of Virginia. The bill is the Victims of Terrorism Relief Act of 2001, which would modify current tax policy to provide needed relief and compassion to the victims of the terrorist attacks that occurred on September 11, 2001.

As you well know—and all Americans know—on September 11, 2001, the world was stunned by what may prove to be the most vile, most horrifying act of hate and terror against a nation's people.

While many questions will remain unanswered in the weeks and months to come, what is immediately clear is that the conduct of war, as previously waged by the enemies of the United States, has been suddenly altered. That conduct of war is so different than

what we ever imagined as a civilized Nation. This new war does not differentiate between a military and a civilian target. The enemies of liberty and democracy do not distinguish between a trained soldier and an unarmed child. The Federal Government, and the Congress, have previously recognized, and rightfully so, the special circumstances of some of our citizens who voluntarily serve their country in potentially dangerous regions outside of the United States.

Current law provides a reduction in the death tax liability of the estates of members of the Armed Forces who are killed while serving in a combat zone or die as a result of injuries suffered while serving in a combat zone.

In addition, current law provides an exemption from the Federal income tax, on the income earned in the year of death, by Federal military and civilian employees who die during, or as a result of, injuries suffered in a military or terrorist attack outside of the United States.

These brave and honorable individuals put their lives on the line for our country. It is only right that we recognize their extraordinary dedication and their sacrifice.

Unfortunately, the advent of a new type of warfare means many provisions in our Tax Code, which were designed to provide tax relief to Federal military and civilian employees killed in service to their country, are now inadequate in the face of new threats. These benefits do not extend such relief to civilians who may be likewise killed in enemy attacks now indiscriminately aimed at civilian targets, as well as military installations.

As we recognize that our world and the rules of war, as the terrorists use them, have changed, we, too, must change the tax benefits of those citizens and their families who are adversely affected.

To address these inadequacies in the current Tax Code, I introduced the Victims of Terrorism Tax Relief Act of 2001 which would extend and expand current law benefits to any individual who died as a result of the terrorist attacks occurring on September 11, 2001.

Specifically, my legislation eliminates all Federal death taxes on the estates of any individual killed during, or as a result of injuries derived from, the September 11, 2001 terrorist attacks.

It exempts from Federal income tax, in the year of death, any income earned by any individual killed during, or who died as a result of injuries resulting from, the September 11, 2001, terrorist attacks.

It ensures that all our citizens—law enforcement, firefighters, rescue and relief workers, nurses, doctors, anyone—are recognized for their heroism and their sacrifice.

On September 13, 2001, the House of Representatives unanimously passed

H.R. 2884, demonstrating overwhelming bipartisan support for extending current law tax benefits to civilian victims of the September 11, 2001, terrorist attacks. While I do not believe the legislation went far enough, in that it does not provide for full relief from Federal death taxes, it takes a very strong stand, sending a message of unity from Washington.

This is a recognition that all of those who lost their lives, in a violent act of war on the United States, on September 11, 2001, whether they are military personnel, civilian personnel, rescue workers, firefighters, police, nurses, citizens trying to help, citizens in their offices, children taking a plane trip, passengers on a plane, pilots of planes, all of these individuals have left us a legacy. Indeed, it is an enduring legacy of purpose, a legacy of compassion, a love of liberty, and a quest for justice.

We must honor all of those who lost their lives in this vile act of war on the United States and never forget; for their memory has truly unified a very diverse nation and has made it an even stronger and more respectful nation. We will honor and always remember them.

The U.S. Senate must rise to the occasion and stand in solidarity with the House of Representatives. The Senate must promptly pass this important legislation. It matters to those victims and their families.

I have personally talked to many, too many, of those family members—brothers, children, and wives—who have lost loved ones because of this dastardly terrorist attack. They are in a time of great grief. That grief will continue until the day they pass from this earth and reunite with their loved ones in heaven.

In this new war against the United States, the enemy is making all Americans, whether they are military or civilian, young or old, parents, children or spouses, targets for their attacks.

In this effort, the Federal Government must adapt its death benefits to take into consideration this sad truth: that the traditional line between combatants and noncombatants is not always respected. I have told those folks that their husband or their brother or their father is a hero and that they were killed because they were here in America. These grieving families need our assistance as much as do the families of our brave military personnel.

What they do not need in this time of mourning is the added worry of filling out tax forms. It is going to be hard enough for them to get by emotionally, much less financially.

For the Senate to act promptly on this legislation, would be to send a positive, reassuring message to these families: you are not going to have to worry about any of these tax forms, or how to afford new taxes in a time of

grief—you are not alone in this. We must let them know we appreciate them as the heroes they are. We will always remember them, their acts of martyrdom and heroism unifying this Nation like I have never seen it unified in all of our history.

I hope my Senate colleagues, as they all start coming back after the holy days, will rise in applause, and help to ensure that our tax benefit laws reflect the realities of the new war against civilians, allowing them the same sort of benefits that we provide for our brave military personnel.

I ask unanimous consent that the text of my legislation introduced earlier in the day be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1433

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Terrorism Relief Act of 2001".

#### SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

“(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual's death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of section 692 of such Code is amended to read as follows:

“SEC. 692. INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH AND VICTIMS OF CERTAIN TERRORIST ATTACKS.”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended to read as follows:

“Sec. 692. Income taxes of members of Armed Forces on death and victims of certain terrorist attacks.”.

(3) Section 5(b)(1) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(4) Section 6013(f)(2)(B) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

#### SEC. 3. RELIEF FROM ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting “(a) IN GENERAL.—” before “The additional estate tax”; and

(2) by adding at the end the following:

“(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—No tax imposed under this subtitle shall apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

“SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.”.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

“Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

By Mr. SPECTER (for himself, Mr. BOND, Mr. BUNNING, Mrs. BOXER, Mr. BURNS, Ms. CANTWELL, Mr. CHAFEE, Mrs. CLINTON, Mr. ENSIGN, Mr. HARKIN, Mr. HELMS, Mr. KOHL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. SCHUMER, Ms. COLLINS, Mr. CRAPO, Mr. DORGAN, Mr. MILLER, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. CORZINE, Mr. MCCAIN, Mr. WELLSTONE, Ms. SNOWE, Mrs. CARNAHAN, Mrs. FEINSTEIN, and Mr. CONRAD):

S. 1434. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Madam President, today I have sought recognition to introduce a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001. The bill which I am introducing would authorize the posthumous award of a Congressional Gold Medal to each of the crew and passengers of United Airlines Flight 93, which took off from Newark, New Jersey, changed course over Ohio, and crashed in Shanksville, PA, which is located in Somerset County.

On Friday, after the Senate had passed H.R. 2888, a resolution author-

izing the use of force and \$40 billion for additional disaster assistance, both of which have been requested by the President, Senator SANTORUM and I flew by helicopter to Shanksville, PA, Somerset County, which is in southwestern Pennsylvania. There, we took a look at the crash scene, participated in a prayer service, and talked to the representatives of the FBI and the National Transportation Safety Board, as well as our constituents and friends in the area.

At that time, we found absolute rubble. The plane had traveled at a speed of approximately 450 miles an hour at a very low level as it passed by the Johnstown, PA airport, which is slightly to the north of the ultimate crash scene. The plane hit the ground with an enormous impact, leaving just traces, the debris of people, regrettably, and the plane itself.

In our conversations with the officials of the National Transportation Safety Board, Senator SANTORUM and I inquired into a rumor which had been circulating that the plane might have been shot down. However, we were assured by the officials from the National Transportation Safety Board that such an event, in fact, had not happened.

Notwithstanding the debris, the officials were able to piece together the four corners of the plane. Had the plane been shot down, there would have been some sign of it prior to the impact and prior to the crash.

While we were at the scene, Senator SANTORUM and I announced our intention to seek the Congressional Gold Medal for the passengers and crew of United Airlines Flight 93. I am introducing this legislation today and, since yesterday, a large number of cosponsors have already signed on to the bill. Therefore, it is being introduced on behalf of Senator HARKIN, Senator BOXER, Senator BOND, Senator BUNNING, Senator BURNS, Senator CANTWELL, Senator CLINTON, Senator ENSIGN, Senator HELMS, Senator LANDRIEU, Senator NELSON of Florida, and Senator SCHUMER.

The medal has special significance for the Senate, the House of Representatives, and for the Capitol because all indications are that the plane—and this is speculation, because we will never know for certain—but, there are indications that the plane was headed for the U.S. Capitol. That statement was made by Vice President CHENEY on Sunday, September 16 on NBC's "Meet The Press." It is speculation. I want to clearly identify it as such because there is no way to be sure. But the speculation is supported by the fact that the plane which hit the Pentagon had been on a direct line to the White House and it veered off at the last moment. The fourth plane, United Airlines Flight 93, appeared to have been headed in a line that could have been to the White House, or even to Camp

David, although it is unlikely to have been headed to Camp David since no one was there at the time. Most likely, Flight 93 was headed to the Capitol, the symbol of our Nation.

Wherever the United States is symbolized around the world, it is the Capitol dome that represents the nation. The terrorists intended to strike at us in every way possible: physically, psychologically, emotionally, and at the very Capitol.

So it is with a heavy heart, which is a sentiment shared by Americans all across the land and really, by most people across the globe, that I introduce this bill denominated at the "Honoring the Passengers and Crew of United Airlines Flight 93 Act."

On September 11, 2001, United Airlines Flight 93 took off at 8:44 a.m. from Newark, New Jersey, destined for San Francisco, California;

The plane was hijacked by 4 terrorists shortly after it took off;

It is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.;

The passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks;

The passengers and crew of United Airlines Flight 93, recognizing the potential danger that the aircraft they were aboard posed to large numbers of innocent Americans, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon;

The 40 people in all, 33 passengers and 7 crew of United Airlines Flight 93, in the ultimate act of selfless courage and supreme sacrifice, fought to recapture their flight from the terrorists; and

The struggle of the crew and passengers of United Airlines Flight 93 against the terrorists caused the Boeing 757 to crash down in a sparsely populated area near Shanksville, Pennsylvania at 10:10 a.m., September 11, 2001, possibly saving countless lives in the Nation's Capital.

The President is authorized, on behalf of Congress, to award posthumously a gold medal of appropriate design to each of the United Airlines Flight 93 crew members: Lorraine G. Bay; Sandra W. Bradshaw; Jason Dahl; Wanda A. Green; LeRoy Homer; CeeCee Lyles; and Deborah A. Welsh; and the United Airlines Flight 93 passengers: Christian Adams; Todd Beamer; Alan Beaven; Mark Bingham, who made a call to his mother; Deora Bodley; Marion Britton; Thomas E. Burnett, Jr.—

who was one of the individuals who had cellular phone contact—William Cashman; Georgine Rose Corrigan; Joseph Deluca; Patrick Driscoll; Edward Felt; Colleen Fraser; Andrew Garcia; Jeremy Glick—another one of the passengers who had contact with his wife, according to very detailed newspaper accounts, with the determination by Mr. Glick, according to his wife's report, that something would be done. Obviously, something was done—Kristin Gould; Lauren Grandcolas; Donald F. Greene; Linda Gronlund; Richard Guadagno; Toshiya Kuge; Hilda Marcin; Waleska Martinez; Nicole Miller; Louis J. Nacke; Donald Peterson; Mark Rothenberg; Christine Snyder; John Talignani; Honor Wainio; and 3 additional heroes whose families have requested that their names be withheld.

The original thought Senator SANTORUM and I had was to make the recommendation requesting the award of these medals only to the three individuals who had been identified as having cellular phone contact. However, it is entirely likely that others were involved in the heroic effort to somehow storm the cockpit. What precisely happened during that flight, we do not know. We may know more when the black box or the voice recorder is located and investigated. There was a very heroic action to stop that plane from continuing on its flight—wherever it was headed—presumably to the Capitol Building, causing it to crash and take the lives of the 33 passengers, seven crew members, and foiling the efforts of those four terrorists.

I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1434

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Honoring the Passengers and Crew of United Flight 93 Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) on September 11, 2001, United Airlines Flight 93 took off at 8:44 a.m. from Newark, New Jersey, destined for San Francisco, California;

(2) the plane was hijacked by 4 terrorists shortly after it took off;

(3) it is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.;

(4) the passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks;

(5) the passengers and crew of United Airlines Flight 93, recognizing the potential

danger that the aircraft they were aboard posed to large numbers of innocent Americans, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon;

(6) the 40 passengers and crew of United Airlines Flight 93, in the ultimate act of selfless courage and supreme sacrifice, fought to recapture their flight from the terrorists; and

(7) the struggle of the crew and passengers of United Airlines Flight 93 against the terrorists caused the Boeing 757 to crash down in a sparsely populated area near Shanksville, Pennsylvania at 10:10 a.m., September 11, 2001, possibly saving countless lives in the Nation's Capital.

#### SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award posthumously a gold medal of appropriate design to each of—

(A) the United Airlines Flight 93 crew members—

- (i) Lorraine G. Bay;
- (ii) Sandra W. Bradshaw;
- (iii) Jason Dahl;
- (iv) Wanda A. Green;
- (v) LeRoy Homer;
- (vi) CeeCee Lyles; and
- (vii) Deborah A. Welsh; and

(B) the United Airlines Flight 93 passengers—

- (i) Christian Adams;
- (ii) Todd Beamer;
- (iii) Alan Beaven;
- (iv) Mark Bingham;
- (v) Deora Bodley;
- (vi) Marion Britton;
- (vii) Thomas E. Burnett, Jr.;
- (viii) William Cashman;
- (ix) Georgine Rose Corrigan;
- (x) Joseph Deluca;
- (xi) Patrick Driscoll;
- (xii) Edward Felt;
- (xiii) Colleen Fraser;
- (xiv) Andrew Garcia;
- (xv) Jeremy Glick;
- (xvi) Kristin Gould;
- (xvii) Lauren Grandcolas;
- (xviii) Donald F. Greene;
- (xix) Linda Gronlund;
- (xx) Richard Guadagno;
- (xxi) Toshiya Kuge;
- (xxii) Hilda Marcin;
- (xxiii) Waleska Martinez;
- (xxiv) Nicole Miller;
- (xxv) Louis J. Nacke;
- (xxvi) Donald Peterson;
- (xxvii) Mark Rothenberg;
- (xxviii) Christine Snyder;
- (xxix) John Talignani;
- (xxx) Honor Wainio; and

(xxxi) 3 additional heroes whose families have requested that their names be withheld.

(2) MODALITIES.—The modalities of presentation of the medals struck under this Act shall be determined by the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the "Secretary") shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 4. STATUS AS NATIONAL MEDALS.**

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this Act.

Mr. DORGAN. Madam President, I ask unanimous consent to be added as a cosponsor to the Senator's bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. SPECTER:

S. 1436. A bill to authorize additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings; to the Committee on Rules and Administration.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation which specifically authorizes funding for Senators to mail town meeting notices to their constituents. My legislation authorizes \$3 million each year for the next five years for Members to spend on the mailing of town meeting notices in counties with populations of less than 50,000.

Town meetings are the best way for Members to inform constituents about our actions in Washington, and town meeting notices are the most effective means we have of advising constituents about these events. Unfortunately, the budgets under which we operate today are very restrictive and do not allow us to properly advise all of our constituents when we will be holding a town meeting in their area. For Pennsylvania alone, it would cost \$735,000, one third of my entire office budget, to circulate town meeting notices to each household in Pennsylvania. For this reason, additional funding is necessary to allow Members to send adequate notice to constituents of their visits throughout their States. However, recognizing the fiscal constraints under which we are currently operating, I have limited the scope of my legislation to only counties with smaller populations.

Smaller, rural communities are not always effectively reached by the mass media, which are generally relied upon to deliver news of our legislative activities. For example, if you take the northern tier of Pennsylvania, or the southern tier, where residents do not necessarily get any of the major newspapers and are outside television range, unless you actually go to the county, it is very hard for Senators to communicate with their constituents about what they are doing in Washington. Town meetings are a valuable forum in which Members can share details of our work and in turn hear directly from constituents concerning their thoughts on a variety of topics. My legislation would ensure that constituents in all parts of a Member's State are afforded

the opportunity to participate in this process.

I regularly visit all 67 counties in Pennsylvania and find it very refreshing to get outside the beltway, to find out what people are thinking about in the more rural, remote parts of Pennsylvania. Likewise, my constituents also find it valuable to be able to receive notice that ARLEN SPECTER is coming to town, to listen to a short speech, and spend the majority of meeting time participating in a question and answer session. That way you have participatory democracy.

In July 2001, during Senate floor consideration of the Fiscal Year 2002 Legislative Branch Appropriations bill, Subcommittee Chairman DURBIN and Ranking Minority Member BENNETT accepted my amendment which provides \$3 million for the mailing of town meeting notices, subject to authorizing legislation. Today I am introducing this authorizing legislation, and urge my colleagues to join me in supporting its timely passage.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. WYDEN):

S. 1437. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I have spoken many times over the past two years of the problems caused by the so-called McDade law, 28 U.S.C. 530B, which was slipped into the omnibus appropriations bill at the end of the 105th Congress. The McDade law has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate Federal prosecutions. At a time when we need Federal law enforcement authorities to move quickly to catch those responsible for last week's terrorist attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on Federal investigations and prosecutions caused by this ill-considered legislation.

The bill that I am introducing today, along with Senators HATCH and WYDEN, will modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. I introduced similar legislation in the last Congress, but was unable to get it before the Judiciary Committee for consideration. Since then, I have continued to work closely with the Justice Department and the FBI to monitor the problems caused by the McDade law and to refine this corrective legislation. I hope Congress will make it a top priority as it considers ways to improve Federal law enforcement and combat terrorism.

By way of background, controversy surrounding the application of State

ethics rules to Federal prosecutors began over a decade ago, when a Federal appellate court held in *United States v. Hammad*, that a disciplinary rule prohibiting lawyers from communicating with persons they knew to be represented applied in the investigatory stages of a Federal criminal prosecution. The court also noted that suppression of evidence was an appropriate remedy for a prosecutor's breach of an ethical rule.

The Department of Justice responded to the *Hammad* opinion with what became known as the Thornburgh Memorandum. Issued on June 8, 1989, the Memorandum asserted that "contact with a represented individual in the course of authorized law enforcement activity does not violate" the ABA's model "no contact" rule. The Memorandum concluded, "The Department will resist, on Supremacy Clause grounds, local attempts to curb legitimate Federal law enforcement techniques."

The Federal courts responded negatively to the Department's position. In general, the Department was unable to persuade the courts of the efficacy of the Attorney General's policy statement.

Amid mounting criticism of the Thornburgh Memorandum, Attorney General Reno issued regulations in 1994 governing all Justice Department litigators in their communications with persons represented by counsel. These regulations allowed contacts with represented persons in certain circumstances, even if such contacts were at odds with State or local Federal court ethics rules. State disciplinary authorities could sanction a government attorney for willful violation of the regulations, but only upon a finding by the Attorney General that a willful violation had occurred.

The Department's new regulations shared the fundamental defect of the Thornburgh Memorandum, regulation of Federal prosecutors by the Justice Department instead of by the courts, without valid statutory authority. Not surprisingly, the only court to consider these regulations found them to be invalid.

On May 1, 1996, Representative Joseph McDade introduced legislation that sought to resolve the controversy over the Justice Department's claimed authority to write its own ethics rules. In essence, H.R. 3386 provided that Federal prosecutors were governed by the ethics rules that apply to lawyers generally. A hearing on the bill was held on September 12, 1996, before the Subcommittee on Courts and Intellectual Property, but no further action was taken.

On March 5, 1998, Representative McDade introduced H.R. 3396, a modified version of H.R. 3386. Although the House Judiciary Committee did not hold hearings or act on the bill, language similar to H.R. 3396 was included

in the House-passed Commerce-Justice-State appropriations bill for FY1999. Thereafter, without the benefit of any hearings or debate in the Senate, and over the objection of a bipartisan majority of the Senate Judiciary Committee, the same language was enacted as Title VIII of the final omnibus bill, with a six-month delayed effective date.

At a hearing before a Judiciary Subcommittee on March 24, 1999, a number of law enforcement officials lined up to criticize the new law. In particular, they argued that its vague directive to comply with rules in each State where the attorney engages in his or her duties leaves prosecutors unsure about what rule applies to particular conduct. The one certain result of this confusion: Attorneys would refrain from taking critically important investigative steps or would leave law enforcement officers to make their own decisions about whom and how to investigate.

The McDade law went into effect on April 19, 1999. Since then, all of law enforcement's concerns about the McDade law have come to pass.

In floor statements on May 25 and September 14, 2000, I described some of the devastating effects that the McDade law is having on Federal law enforcement efforts across the country. You will recall some of the disturbing facts I described:

In Oregon, Federal prosecutors will no longer authorize undercover operations, and the FBI was forced to shut down its Innocent Images initiative, which targets child pornography and exploitation.

In California, a grand jury investigation into an airline's safety and maintenance practices was stalled for many months because of the McDade law's interplay with that State's ethics rules. After about a year of investigation, one of the airline's planes crashed, after experiencing mechanical problems on the first leg of its trip.

In another State, the FBI was stymied in a child murder investigation because of a State Bar ethics rule that went far beyond what is required by established Supreme Court and Federal appellate case law.

There are other recent examples. In one case, the FBI has had to close an investigation into allegations of fraud committed by the officials of a city with regard to FEMA disaster funds after the city's attorney invoked the McDade law to prohibit FBI agents from interviewing any city employees. In another case, counsel for an aviation company has used the McDade law to prevent the FBI from working with company employees who are willing to provide information and evidence concerning allegations that the company has been selling defective aircraft engine parts to military and civilian airlines.

Of more immediate urgency, the McDade law seriously threatens to impede the terrorism investigation into the events of September 11, 2001. In this widespread, international investigation, the McDade law will subject Justice Department attorneys to multiple and different attorney conduct rules, either because the attorneys working on or supervising the investigation are admitted to practice in more than one state, or because they are seeking assistance through court processes, search warrants; material witness warrants; criminal complaints; and grand jury subpoenas, in more than one Federal district court, each of which adopts its own set of attorney conduct rules. How are Justice Department attorneys meant to resolve conflicts in those rules in a manner that is reliable without unduly delaying this critical investigation?

There can no longer be any serious doubt about the need for corrective legislation. We cannot afford to wait until the McDade law impedes the investigation into last Tuesday's attacks before taking action.

Supporters of the McDade law have argued that Federal prosecutors are no worse off than their State counterparts, who have long been subject to State ethics rules. This is simply not the case. State prosecutors practice almost entirely before the courts of the State in which they are licensed: they do not practice in Federal court. Thus, they are subject to only one set of ethics rules, the rules applied by the courts before which they appear and the rules of the State in which they are licensed are one and the same. This is not true for Federal prosecutors, who are licensed by a State but practice in Federal courts and must comport with local Federal court ethics rules. Thus, Federal prosecutors are generally subject to at least two sets of potentially conflicting ethics rules.

Additionally, Federal prosecutors frequently work across State lines. This is not true of State prosecutors, whose work is generally confined to a single State. Under the McDade law, Federal prosecutors must comport with the State ethics rules of each State where they engage in their duties, which may be different than the rules of either the licensing State or the local Federal court. This means that Federal prosecutors may be subject to three or more sets of ethics rules with respect to the same conduct, including two or more sets of State ethics rules that do not take into consideration the special needs and interests of the United States in investigating and prosecuting violations of Federal law.

In any event, even assuming that State Bar rules are causing serious problems for State prosecutors as well as Federal prosecutors, that is a matter for the States, not for Congress. Our responsibility is to ensure the ef-

fective enforcement of the Federal criminal laws, and that is what my legislation seeks to accomplish.

The Professional Standards for Government Attorneys Act adheres to the basic premise of the McDade law: The Department of Justice does not have the authority it has long claimed to write its own ethics rules. This legislation establishes that the Department may not unilaterally exempt Federal trial lawyers from the standards of professional responsibility adopted by the Federal courts. Federal courts are the more appropriate body to establish such standards for Federal prosecutors, not only because Federal courts have traditional authority to establish such standards for lawyers generally, but because the Department lacks the requisite objectivity.

The first part of this bill embodies the traditional understanding that when lawyers handle cases before a Federal court, they should be subject to the Federal court's standards of professional responsibility, and not to the possibly inconsistent standards of other jurisdictions. By incorporating this ordinary choice-of-law principle, the bill preserves the Federal courts' traditional authority to oversee the professional conduct of Federal trial lawyers, including Federal prosecutors. It thus avoids the uncertainties presented by the McDade law, which potentially subjects Federal prosecutors to State laws, rules of criminal procedure, and judicial decisions which differ from existing Federal law.

Another part of the bill specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. Such activities are legitimate and essential crimefighting tools. The Professional Standards for Government Attorneys Act ensures that these tools will be available to combat terrorism.

Finally, the bill addresses the most pressing contemporary question of government attorney ethics, namely, the question of which rule should govern government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective Federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules, both because the Federal judiciary traditionally is responsible for overseeing the conduct of lawyers in Federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.

The problems posed to Federal law enforcement investigations and prosecutions by the McDade law are real and urgent. The Professional Standards for Government Attorneys Act provides a reasonable and measured alternative: It preserves the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. I urge Congress to move quickly to pass this corrective legislation before more cases are compromised.

I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the additional material ordered to be printed in the RECORD, as follows:

S. 1437

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional Standards for Government Attorneys Act of 2001".

#### SEC. 2. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

(a) Section 530B of title 28, United States Code, is amended to read as follows:

##### "SEC. 530B. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.

"(a) DEFINITIONS.—In this section:

"(1) GOVERNMENT ATTORNEY.—The term 'Government attorney'—

"(A) means the Attorney General; the Deputy Attorney General; the Solicitor General; the Associate Attorney General; the head of, and any attorney employed in, any division, office, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; and Special Assistant to the Attorney General or Special Attorney appointed under section 515; any special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and

"(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

"(2) STATE.—The term 'State' includes a Territory and the District of Columbia.

"(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

"(1) for conduct in connection with a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of that court;

"(2) for conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is intended to be brought; and

"(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

"(c) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)—

"(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

"(2) shall not be required to be a member of the bar of any particular State.

"(d) COVERT ACTIVITIES.—Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting covert activities, and participate in such activities, even though such activities may require the use of deceit or misrepresentation.

"(e) ADMISSIBILITY OF EVIDENCE.—No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceeding.

"(f) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical standards for attorneys for the Government" and inserting "Professional standards for Government attorneys".

(c) REPORTS.—

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 1 year after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.

(2) ACTUAL OR POTENTIAL CONFLICTS.—Not later than 2 years after the date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—

(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identi-

fied pursuant to the review under subparagraph (A).

(3) REPORT CONSIDERATIONS.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

#### SUMMARY OF THE "PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001"

##### I. AMENDMENTS TO 28 U.S.C. § 530B

The first part of the bill supersedes the McDade law with a new 28 U.S.C. § 530B, consisting of six subsections:

Subsection (a) codifies the definition of "government attorney," by reference to the current Department of Justice regulations.

Subsection (b) establishes clear choice-of-law rules for government attorneys with respect to standards of professional responsibility, modeled on Rule 8.5(b) of the ABA's Model Rules of Professional Conduct. These choice-of-law rules apply only with respect to government attorney conduct that is related to the attorney's work for the government. Under these rules, an attorney who is handling a case in court would be subject to the professional standards established by the rules and decisions of that court; an attorney who is engaged in conduct reasonably intended to lead to a proceeding in court, such as conduct in connection with a grand jury or civil investigation, would be subject to the professional standards of the court in which the proceeding is intended to be brought; in other circumstances, where no court has clear supervisory authority over particular conduct, an attorney would be subject to the professional standards established by rules and decisions of the United States District Court for the judicial district in which the attorney principally performs his official duties. In the event that the Supreme Court promulgates one or more uniform national rules governing the professional conduct of government attorneys practicing before the Federal courts, the terms of the uniform national rule would apply.

Subsection (c) clarifies the law regarding the licensing of government attorneys, an issue that is currently addressed through the appropriations process. Since 1979, appropriations bills for the Department of Justice have incorporated by reference section 3(a) of Pub. L. 96-132, which states: "None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia." Subsection (c) codifies this longstanding requirement, and also makes clear that government attorneys need not be licensed under the laws of any state in particular. The clarification is necessary to ensure that local rules regarding state licensure are not applied to federal prosecutors. Cf. *United States v. Straub*, No. 5:99 Cr. 10 (N.D. W. Va. June 14, 1999) (granting defense motion to disqualify the Assistant United

States Attorney because he was not licensed to practice in West Virginia).

Subsection (d) specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. See *In re Gatti*, 330 Or. 517 (2000). This subsection ensures that these traditional law enforcement tools will be available to federal prosecutors and agents.

Subsection (e) makes clear that violations of professional conduct rules by government attorneys shall not be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceeding.

Subsection (f), like the McDade law, authorizes the Attorney General to make and amend rules to assure compliance with section 530B.

## II. JUDICIAL CONFERENCE REPORT AND RECOMMENDATIONS

The second part of the bill directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules.

The first report would address the issue of contacts with represented persons, which has generated the most serious controversy regarding the professional conduct of government attorneys. See, e.g., *State v. Miller*, 600 N.W.2d 457 (Minn. 1999); *United States v. McDonnell Douglas Corp.*, 132 F.3d 1252 (8th Cir. 1998); *United States v. Lopez*, 4 F.3d 1455 (9th Cir. 1993); *United States v. Hammad*, 858 F.2d 834 (2d Cir. 1988).

Rule 4.2 of the ABA's Model Rules of Professional Conduct and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These "no contact" rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses from lawyers who would exploit the disparity in legal skill between attorneys and lay people and damage the position of the represented person. Courts have given a wide variety of interpretations to these rules, however, creating uncertainty and confusion as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to Federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

Lawyers who practice in federal court—and federal prosecutors in particular—have a legitimate interest in being governed by a single set of professional standards relating to frequently recurring questions of professional conduct. Further, any rule governing federal prosecutors' communications with represented persons should be respectful of legitimate law enforcement interest as well as the legitimate interests of the represented individuals. Absent clear authority to engage in communications with represented persons, when necessary and under limited circumstances carefully circumscribed by law, the government is significantly hampered in its ability to detect and prosecute Federal offenses.

The proposed legislation charges the Judicial Conference with developing a uniform national rule governing government attor-

ney contacts with represented persons. Given the advanced stage of dialogue among the interested parties, the Department of Justice, the ABA, the Federal and State courts, and others, the Committee is confident that a satisfactory rule can be developed within the one-year time frame established by the bill.

While the "no contact" rule poses the most serious challenge to effective law enforcement, other rules of professional responsibility may also threaten to interfere with legitimate investigations. The proposed legislation therefore directs the Judicial Conference to prepare a second report addressing broader questions regarding the regulation of government attorney conduct. This report, to be completed within two years, would review any areas of conflict or potential conflict between federal law enforcement techniques and existing standards of professional responsibility, and make recommendations concerning the need for additional national rules.

Mr. WYDEN. Mr. President, I wish to bring to the Senate's attention a serious legal matter currently impeding Federal criminal investigations in many States, especially Oregon, and legislation that I am joining the Chairman of the Judiciary Committee, Senator LEAHY, in introducing today to correct this problem.

Enacted at the end of the 105th Congress as Section 801 of the Omnibus Appropriations Bill (Public Law 105-277), the Citizens Protection Act, commonly known as the "McDade law," has hampered Federal law enforcement efforts aimed at combating child pornography, drug trafficking, and terrorism, particularly in the State of Oregon.

In the *Gatti* case [*Gatti*, 330 Or. 517 (2000)] in early 2000, the Oregon Supreme Court held that a private attorney had acted unethically by intentionally misrepresenting his identity to the employees of a medical records review company called Comprehensive Medical Review, CMR. The attorney, who represented a client who had filed a claim with an insurance company, believed that the insurance company was using CMR to generate fraudulent medical reports that the insurer then used to deny or limit claims. The attorney called CMR and falsely represented himself to be a chiropractor seeking employment with the company. The attorney was hoping to obtain information from CMR that he could use in a subsequent lawsuit against CMR and the insurance company.

The Oregon Supreme Court upheld the State Bar's view that the attorney's conduct violated two Oregon State Bar disciplinary rules and an Oregon statute, specifically, a disciplinary rule prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation; a disciplinary rule prohibiting knowingly making a false statement of law or fact; and a statute prohibiting willful deceit or misconduct in the legal profession. In doing so, the court rejected the attorney's defense that his misrepresenta-

tions were justifiable because he was engaged in an investigation to seek evidence of fraud and other wrongful conduct. The court expressly ruled that there was no 'prosecutorial exception' to either the State Bar disciplinary rules or the Oregon statute. As a result of this decision, prosecutors in Oregon may not concur or participate in undercover and other covert law enforcement techniques, even if the law enforcement technique at issue is lawful under Federal law.

Soon after this Oregon Supreme Court decision, the Oregon U.S. Attorney's Office informed the Oregon FBI Field Office that it would not concur or participate in the use of long-used and highly productive techniques, such as undercover operations and consensual monitoring of telephone calls, that could be disallowed by the State Bar. Several important investigations were immediately terminated or severely impeded. The Oregon U.S. Attorney even refused to certify the renewal of the Portland Innocent Images undercover program, which targets child pornography and exploitation. Without the U.S. Attorney's certification, the program was shut down and a significant criminal problem has since gone unchecked.

The Federal Investigation Enhancement Act that I am introducing today with Senator LEAHY will clarify that Federal attorneys may, for the purpose of enforcing Federal law, authorize, concur, direct, and supervise covert investigations even though such activities may require the use of deceit or misrepresentation. In doing so, our legislation will make it possible for Federal authorities to continue their efforts to investigate and apprehend the most dangerous criminals.

It is my hope that the Senate will act quickly on this legislation that will correct the most serious problems caused by the McDade law. It will be of enormous help to Federal law enforcement efforts in Oregon and across our country who are prosecuting these crimes.

By Mr. CRAIG:

S. 1440. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am introducing the Victims of Terrorism Relief Act of 2001, to provide tax relief for the innocent victims of the terrorist attacks against our Nation last Tuesday, September 11.

Last week's attack was unlike any event in our Nation's history. It was an act of war committed on U.S. soil, and more, with innocent civilians cold-bloodedly selected as the principal targets and even strapped to the weapons. I am confident that, under the leadership of our Commander-in-Chief, and

with broad and deep support, across our country and, on a bipartisan basis, here in Congress, we will win this war decisively.

A significant part of our response also must be compassion for the survivors of those victims of the first day of this war. Our tax code has long recognized that compassion demands we extend a helping hand by providing relief to our military heroes killed in combat. Today, sadly, we recognize the need to extend similar comfort and relief to the families of civilian victims whose lives have been taken.

The other body has already passed emergency legislation along these lines. The bill I am introducing is identical to that legislation. The main provisions of this bill would extend the same relief to individuals killed in last week's terrorist attack as is currently provided for members of our armed forces, with regard to the death tax, and currently provided for Federal military and civilian employees, with regard to Federal income taxes.

I fully realize that my Senate colleagues, including knowledgeable members of the Senate Finance Committee, will propose additional tax relief provisions to meet additional needs that are still being identified. But I want to add my voice, early and urgently, to emphasize the importance of acting swiftly and decisively to provide this relief to our fellow Americans.

I ask unanimous consent that the text of this bill be printed in the RECORD, as well as a brief summary of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1440

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Victims of Terrorism Relief Act of 2001".

#### SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

“(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001, any tax imposed by this subtitle shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual's death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

#### (b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of section 692 of such Code is amended to read as follows:

“**SEC. 692. INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH AND VICTIMS OF CERTAIN TERRORIST ATTACKS.**”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended to read as follows:

“Sec. 692. Income taxes of members of Armed Forces on death and victims of certain terrorist attacks.”.

(3) Section 5(b)(1) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(4) Section 6013(f)(2)(B) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

#### SEC. 3. RELIEF FROM ADDITIONAL ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting “(a) IN GENERAL.—” before “The additional estate tax”, and

(2) by adding at the end the following:

“(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—The additional estate tax shall not apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

#### (b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

“**SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.**”.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

“Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

#### VICTIMS OF TERRORISM RELIEF ACT OF 2001— EXPLANATION OF PROVISIONS

**Death Tax Relief.**—Section 2201 of the Internal Revenue Code currently provides an estate tax reduction for members of the armed forces who are killed while serving in a combat zone or who die as a result of injuries suffered while serving in a combat zone. The provision reduces estate tax liability by more than half.

The bill would extend this estate tax treatment to individuals who were killed as a result of the September 11 terrorist attack or who die as a result of injuries suffered from that attack.

**Income Tax Relief.**—Section 692(c) of the Internal Revenue Code currently exempts Federal military and civilian employees from paying Federal income taxes in the year of their death if they die during (or as a result of injuries suffered in) a military or terrorist act outside of the United States.

The bill would extend this Federal income tax relief to individuals who died as a result of the September 11 terrorist attack or who die from injuries suffered as a result of that attack.

**Relief for Airline Payments to Passengers.**—The bill would clarify that the \$25,000 per passenger payments made by United Airline will be exempt from Federal income taxes, if such a clarification is needed. Any similar payments made by American Airlines would receive similar treatment.

**Exempt FEMA Assistance Payments from Tax.**—The bill would ensure that FEMA assistance payments are exempt from federal income tax.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 66—TO EXPRESS THE SENSE OF THE CONGRESS THAT THE PUBLIC SAFETY OFFICER MEDAL OF VALOR SHOULD BE AWARDED TO PUBLIC SAFETY OFFICERS KILLED IN THE LINE OF DUTY IN THE AFTERMATH OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. STEVENS (for himself, Mr. CARPER, and Mr. LIEBERMAN) submitted the following concurrent resolution, which was ordered held at the desk.

S. CON. RES. 66

Whereas the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107-12, 115 Stat. 20)—

(A) allows the President to award, and present in the name of Congress, a Medal of Valor to a public safety officer cited by the Attorney General of the United States, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty; and

(B) provides that the Public Safety Officer Medal of Valor shall be the highest national award for valor by a public safety officer;

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of the planes into the towers of the World Trade Center in New York City, and a third into the Pentagon in suburban Washington, DC;

Whereas thousands of innocent Americans were killed or injured as a result of these attacks, including rescue workers, police officers, and firefighters at the World Trade Center and at the Pentagon;

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon;

Whereas police officers, firefighters, public safety officers, and medical response crews were thrown into extraordinarily dangerous situations, responding to these horrendous events and acting heroically, without concern for their own safety, trying to help and to save as many of the lives of others as possible in the impact zones, in spite of the clear danger to their own lives; and

Whereas these attacks were by far the deadliest terrorist attacks ever launched against the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) because of the tragic events of September 11, 2001, the limit on the number of Public Safety Officer Medals of Valor should be waived, and a medal should be awarded under the Public Safety Officer Medal of Valor Act of 2001 to any public safety officer, as defined in that Act, who was killed in the line of duty; and

(2) the Medal of Valor Review Board should give strong consideration to the acts of bravery by other public safety officers in responding to these events.

Mr. STEVENS. Mr. President, yesterday Senator INOUE and I went to New York City to visit the disaster area. It was an experience I shall never forget. We had the cooperation of the New York National Guard, which flew us in a helicopter over the area of the World Trade Center, and then met Mayor Giuliani on the ground and visited the disaster scene.

Today, I have come to this Chamber to introduce a Senate concurrent resolution. This resolution would express the sense of the Congress that the Public Safety Officers Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

It is with a sad heart that I introduce this resolution, for once again America has seen some of our finest go into harm's way to help those they are sworn to protect and serve. Many of these firefighters, police officers, and public safety officers gave their lives. They made the ultimate sacrifice for our country in the service of their fellow Americans.

Without regard for their own safety, firefighters, police officers, port authority officers, rescue personnel, and others rushed into the World Trade Center and the Pentagon to help in the rescue of workers in those buildings. Senator INOUE and I visited the Pentagon the day before yesterday to view that site.

Many of these people gave their lives in helping those they sought to rescue. The truly heroic response of our public servants to these horrible and evil attacks on America and Americans should not go unnoticed, and we all know the acts will not go unpunished.

The Public Service Medal of Valor was created to recognize public safety officers who act with extraordinary valor above and beyond the call of duty and to recognize the protective service that goes often unnoticed in our daily lives.

In 1998, in the U.S. Capitol, Senators, Congressmen, tourists, and staff were reminded of the tremendous sacrifices that officers make every day when Officers Jacob Chestnut and John Gibson gave their lives defending the peace and defending our lives here in the Nation's Capitol.

Shortly after that tragic event, I introduced the Senate version of the Medal of Valor Act. The law allows for five medals to be awarded a year, but I

believe it is important to recognize all those who lost their lives on September 11, 2001, in the horrendous attacks in New York City and the Pentagon. They deserve consideration under this law.

When President Bush signed the Public Safety Medal of Valor Act into law on May 30 of this year, 28 of our colleagues were cosponsors of the Senate version.

It is my hope that they and others in the Senate will join in recognizing the heroic acts of all our public safety officers killed in the line of duty in the aftermath of these terrorist attacks of September 11 of this year by cosponsoring this resolution and helping to get it passed.

I ask the concurrent resolution remain at the desk so those who wish to cosponsor can do so through tomorrow.

Is that request in order, Mr. President?

The PRESIDING OFFICER. The Chair is advised that doing so may delay referral of the bill.

Mr. STEVENS. It is my desire to have those who wish to be an original cosponsor have the opportunity to do so, and I ask the cooperation of the Parliamentarian to see how that can be worked out.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 67—PERMITTING THE CHAIRMAN OF THE COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO DESIGNATE ANOTHER MEMBER OF THE COMMITTEE TO SERVE ON THE JOINT COMMITTEE ON PRINTING IN PLACE OF THE CHAIRMAN

Mr. DODD submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 67

*Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Seventh Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.*

SENATE CONCURRENT RESOLUTION 68—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. DODD (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 68

*Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:*

JOINT COMMITTEE ON PRINTING: Mr. Dayton, Mrs. Feinstein, Mr. Inouye, Mr. Cochran, and Mr. Santorum.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Dodd, Mr. Schumer, Mr. Dayton, Mr. Stevens, and Mr. Cochran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1570. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

SA 1571. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2590, supra; which was ordered to lie on the table.

SA 1572. Mr. KERRY (for himself, Mr. BOND, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2590, supra; which was ordered to lie on the table.

SA 1573. Mr. MCCONNELL (for himself, Mr. BURNS, Mr. HUTCHINSON, Mr. SMITH of Oregon, and Mr. STEVENS) proposed an amendment to the bill H.R. 2590, supra.

SA 1574. Mr. DORGAN (for Mr. JOHNSON (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill H.R. 2590, supra.

SA 1575. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, supra.

SA 1576. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2590, supra.

SA 1577. Mr. DORGAN (for Mr. CAMPBELL (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN)) proposed an amendment to the bill H.R. 2590, supra.

SA 1578. Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, supra.

SA 1579. Mr. DORGAN (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 2590, supra.

SA 1580. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

SA 1581. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, supra.

SA 1582. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, supra.

SA 1583. Mr. DORGAN (for Mrs. CLINTON (for himself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELBY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER)) proposed an amendment to the bill H.R. 2590, supra.

SA 1584. Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill H.R. 2590, supra.

## TEXT OF AMENDMENTS

**SA 1570.** Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, namely:

## TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES  
SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$3,500,000 for official travel expenses; not to exceed \$3,813,000, to remain available until expended for information technology modernization requirements; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$187,322,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than \$19,732,000: *Provided further*, That of these amounts \$2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL  
INVESTMENTS PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$69,028,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$35,150,000.

TREASURY INSPECTOR GENERAL FOR TAX  
ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$123,799,000.

TREASURY BUILDING AND ANNEX REPAIR AND  
RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$32,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES  
(RESCISSION)

Of the funds appropriated under this heading in the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106-346), \$8,000,000 are rescinded effective September 30, 2001.

FINANCIAL CRIMES ENFORCEMENT NETWORK  
SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$45,702,000, of which not to exceed \$3,400,000 shall remain available until September 30, 2004; and of which \$7,790,000 shall remain available until September 30, 2003: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

## COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, \$44,879,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: *Provided*, That any amount provided under this heading shall be available only after the advance approval of the Committees on Appropriations.

FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

## SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law en-

forcement training; not to exceed \$11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, \$106,317,000, of which \$650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to \$17,166,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2004: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,  
AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$33,434,000, to remain available until expended.

## INTERAGENCY LAW ENFORCEMENT

## INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury

Department law enforcement violations such as money laundering, violent crime, and smuggling, \$106,965,000, of which \$7,827,000 shall remain available until expended.

#### FINANCIAL MANAGEMENT SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$212,316,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2004, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

#### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

##### SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed \$20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed \$50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, \$821,421,000, of which \$3,500,000 shall be available for retrofitting and upgrades of the National Tracing Center Facility in Martinsburg, West Virginia; of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to \$2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms, and of which \$16,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training; *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2002; *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees; *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amend-

ment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994; *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c); *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c); *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

#### UNITED STATES CUSTOMS SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed \$40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, \$2,022,453,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed \$4,000,000 shall be available until expended for research; of which not less than \$100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than \$200,000 shall be available for Project Alert; not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed \$8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed \$5,000,000 shall be available until expended for repairs to Customs facilities; *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year; *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000.

#### HARBOR MAINTENANCE FEE COLLECTION

##### (INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, \$3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

#### OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following:

the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$172,637,000, which shall remain available until expended; *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committee on Appropriations.

#### AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, \$357,832,000, to remain available until expended, of which \$5,400,000 shall be for the International Trade Data System, and not less than \$230,000,000 shall be for the development of the Automated Commercial Environment; *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committee on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office; *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that expenditure plan has been approved by the Committee on Appropriations.

#### BUREAU OF THE PUBLIC DEBT

##### ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$191,718,000, of which not to exceed \$15,000 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization; *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than \$4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at \$187,318,000. In addition, \$40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106-53.

## INTERNAL REVENUE SERVICE

## PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,786,347,000, of which up to \$3,950,000 shall be for the Tax Counseling for the Elderly Program, of which \$8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed \$25,000 shall be for official reception and representation expenses.

## TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,535,198,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2004, for research.

## EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105-33), \$146,000,000, of which not to exceed \$10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

## INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,563,249,000 which shall remain available until September 30, 2003.

## BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, \$419,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 34; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been

reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

## ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

## UNITED STATES SECRET SERVICE

## SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 745 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$25,000 for official reception and representation expenses; not to exceed \$100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeiting investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, \$899,615,000, of which \$1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which \$2,554,000 shall be

available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2003.

## ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$3,352,000, to remain available until expended.

## GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the

Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until enactment of the Intelligence Authorization Act for fiscal year 2002.

SEC. 119. Section 122 of Public Law 105-119, as amended by Public Law 105-277, is further amended in paragraph (g)(1), by striking "three years" and inserting "four years"; and by striking "the United States Customs Service, and the United States Secret Service".

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

This title may be cited as the "Treasury Department Appropriations Act, 2002".

## TITLE II—POSTAL SERVICE

### PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$76,619,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2002.

This title may be cited as the "Postal Service Appropriations Act, 2002".

## TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

#### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of

the funds made available for official expenses shall be considered as taxable to the President.

#### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$54,165,000: *Provided*, That \$10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

#### EXECUTIVE RESIDENCE AT THE WHITE HOUSE OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$11,914,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

#### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a re-

port setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

#### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$8,625,000, to remain available until expended, of which \$1,306,000 is for six projects for required maintenance, safety and health issues, and continued preventative maintenance; and of which \$7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in conjunction with the General Services Administration, the United States Secret Service, the Office of the President, and other agencies charged with the administration and care of the White House.

#### SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

##### SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$3,896,000.

##### OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$314,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

#### COUNCIL OF ECONOMIC ADVISERS

##### SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$4,192,000.

#### OFFICE OF POLICY DEVELOPMENT

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$4,119,000.

#### NATIONAL SECURITY COUNCIL

##### SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$7,447,000.

OFFICE OF ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$46,032,000, of which \$11,775,000 shall be available until September 30, 2003 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET  
SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$70,519,000, of which not to exceed \$5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed \$8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$25,096,000, of which \$2,350,000 shall remain available until expended, consisting of \$1,350,000 for policy research and evaluation, and \$1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT  
CENTER  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277), \$42,000,000, which shall remain available until expended, consisting of \$20,000,000 for counternarcotics research and development projects, and \$22,000,000 for

the continued operation of the technology transfer program: *Provided*, That the \$20,000,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$226,350,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (HIDTA), of which \$1,000,000 shall be for an additional amount for the Rocky Mountain HIDTA; of which \$1,500,000 shall be used for an additional amount for the Midwest HIDTA; of which \$1,000,000 shall be for an additional amount for the Gulf Coast HIDTA; of which \$1,000,000 shall be for an additional amount for the Hawaii HIDTA; of which \$500,000 shall be for an additional amount for the Milwaukee HIDTA; of which \$500,000 shall be for an additional amount for the Philadelphia/Camden HIDTA; of which \$1,000,000 shall be for an additional amount for the Northwest HIDTA; of which \$1,500,000 shall be for an additional amount for the Southwest Border HIDTA; of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, not less than \$2,100,000 shall be used for auditing services and activities: *Provided further*, That HIDTAs designated as of September 30, 2001, shall be funded at no less than fiscal year 2001 levels unless the Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND  
(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by Public Law 105-277, \$249,400,000, to remain available until expended, of which \$185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998; of which \$4,800,000 shall be made available no later than 30 days after the enactment of this Act to the United States Anti-Doping Agency for their anti-doping efforts; of which \$50,600,000 shall be to continue a program of matching grants to drug-free communities, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; of which \$1,000,000 shall be available to the National Drug Court Institute; and of which \$3,000,000 shall be for the Counterdrug Intelligence Executive Secretariat: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2002".

TITLE IV—INDEPENDENT AGENCIES  
COMMITTEE FOR PURCHASE FROM PEOPLE WHO  
ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$4,498,000.

FEDERAL ELECTION COMMISSION  
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$43,993,000, of which no less than \$4,453,000 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses of which \$2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: *Provided*, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

FEDERAL LABOR RELATIONS AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$26,378,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION  
REAL PROPERTY ACTIVITIES  
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE  
(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites;

maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$6,217,350,000, of which (1) \$477,544,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:  
Mobile, U.S. Courthouse, \$11,290,000  
Arkansas:  
Little Rock, U.S. Courthouse Annex, \$5,022,000  
California:  
Fresno, U.S. Courthouse, \$121,225,000  
District of Columbia:  
Washington, U.S. Courthouse Annex, \$6,595,000  
Washington, Southeast Federal Center Site Remediation, \$5,000,000  
Florida:  
Ft. Pierce, Courthouse, \$4,314,000  
Miami, Courthouse, \$15,282,000  
Illinois:  
Rockford, Courthouse, \$4,933,000  
Iowa:  
Cedar Rapids, Courthouse, \$14,795,000  
Maine:  
Jackman, Border Station, \$868,000  
Maryland:  
Montgomery County, FDA Consolidation, \$19,060,000  
Suitland, U.S. Census Bureau, \$2,813,000  
Suitland, National Oceanic and Atmospheric Administration II, \$34,083,000  
Massachusetts:  
Springfield, U.S. Courthouse, \$6,473,000  
Mississippi:  
Gulfport, U.S. Courthouse, \$3,000,000  
Jackson, Mississippi, \$13,231,000  
Michigan:  
Detroit, Ambassador Bridge Border Station, \$9,470,000  
Montana:  
Raymond, Border Station, \$693,000  
New Mexico:  
Las Cruces, U.S. Courthouse, \$4,110,000  
New York:  
Brooklyn, U.S. Courthouse Annex—GPO, \$3,361,000  
Buffalo, U.S. Courthouse Annex, \$716,000  
New York, U.S. Mission to the United Nations, \$4,617,000  
Oregon:  
Eugene, U.S. Courthouse, \$4,470,000  
Pennsylvania:  
Erie, U.S. Courthouse Annex, \$30,739,000  
Tennessee:  
Nashville, Courthouse, \$20,700,000  
Texas:  
Del Rio III, Border Station, \$1,869,000  
Eagle Pass, Border Station, \$2,256,000  
El Paso, U.S. Courthouse, \$11,193,000  
Fort Hancock, Border Station, \$2,183,000  
Houston, Federal Bureau of Investigation, \$6,268,000  
Utah:  
Salt Lake City, Courthouse, \$5,000,000  
Virginia:  
Norfolk, U.S. Courthouse Annex, \$11,609,000  
Nationwide:  
Judgment Fund Repayment, \$84,406,000

Non-prospectus construction, \$5,900,000:  
*Provided*, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance notice is transmitted to the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$844,880,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance notice is transmitted to the Committees on Appropriations of a greater amount:

Repairs and Alterations:  
Alabama:  
Montgomery, Frank M. Johnson, Jr. Federal Building-Courthouse, \$4,000,000  
California:  
Laguna Niguel, Chet Holifield Federal Building, \$11,711,000  
San Diego, Edward J. Schwartz Federal Building-U.S. Courthouse, \$13,070,000  
Colorado:  
Lakewood, Denver Federal Center, Building 67, \$8,484,000  
District of Columbia:  
Washington, 320 First Street, Federal Building, \$8,260,000  
Washington, Internal Revenue Service Main Building, Phase 2, \$20,391,000  
Washington, Main Interior Building, \$22,739,000  
Washington, Main Justice Building, Phase 3, \$45,974,000  
Florida:  
Jacksonville, Charles E. Bennett Federal Building, \$23,552,000  
Tallahassee, U.S. Courthouse, \$4,894,000  
Illinois:  
Chicago, Federal Building, 536 South Clark Street, \$60,073,000  
Chicago, Harold Washington Social Security Center, \$13,692,000  
Chicago, John C. Kluczynski Federal Building, \$12,725,000  
Iowa:  
Des Moines, 210 Walnut Street, Federal Building, \$11,992,000  
Missouri:  
Kansas City, Federal Building, 811 Grand Boulevard, \$1,604,000  
St. Louis, Federal Building, 104/105 Goodfellow, \$20,212,000  
New Jersey:  
Newark, Peter W. Rodino Federal Building, \$5,295,000  
Nevada:  
Las Vegas, Foley Federal Building-U.S. Courthouse, \$26,978,000  
Ohio:  
Cleveland, Anthony J. Celebrezze Federal Building, \$22,986,000  
Cleveland, Howard M. Metzenbaum Courthouse, \$27,856,000  
Oklahoma:  
Muskogee, Federal Building-U.S. Courthouse, \$8,214,000  
Oregon:  
Portland, Pioneer Courthouse, \$16,629,000  
Pennsylvania:  
Pittsburgh, Post Office-Courthouse, \$12,600,000

Rhode Island:  
Providence, Federal Building and Courthouse, \$5,039,000  
Wisconsin:  
Milwaukee, Federal Building-U.S. Courthouse, \$10,015,000  
Nationwide:  
Design Program, \$33,657,000  
Heating, Ventilation and Air Conditioning Modernization—Various Buildings, \$6,650,000  
Transformers—Various Buildings, \$15,588,000  
Basic Repairs and Alterations, \$370,000,000:  
*Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; (3) \$186,427,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$2,959,550,000 for rental of space which shall remain available until expended; and (5) \$1,748,949,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance notice is transmitted to the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under

section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$6,217,350,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses, \$145,749,000, of which \$27,887,000 shall remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$36,025,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

#### ELECTRONIC GOVERNMENT (E-GOV) FUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$5,000,000 to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Senate Committee on Appropriations.

#### ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

##### (INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, \$3,376,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

#### GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, up-

keep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2003 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 408 of Public Law 106-554 is amended by striking "April 30, 2002" and inserting "September 30, 2002".

SEC. 409. Notwithstanding any other provision of law, the General Services Administration is directed to maintain the vehicle rental rates and per mile rates charged for buses used by schools and dormitories funded by the Bureau of Indian Affairs that were in effect on April 30, 2001 until such time as appropriations to the Bureau of Indian Affairs funding for the Student Transportation Program for schools and dormitories funded by the Bureau of Indian Affairs equals or exceeds \$3 per mile.

SEC. 410. DESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 100 1st Street, SW, Minot, North Dakota, shall be known and designated as the "Judge Bruce M. Van Sickle Federal Building and United States Courthouse."

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section (a) shall be deemed to be a reference to the Judge Bruce M. Van Sickle Federal Building and United States Courthouse.

#### MERIT SYSTEMS PROTECTION BOARD

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$30,375,000 together with not to exceed \$2,520,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

#### MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

##### MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$1,996,000, to remain available until expended: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation shall submit to the Committee on Appropriations a report describing the distribution of such funds.

#### ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$1,309,000, to remain available until expended.

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

##### OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$244,247,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds made available, \$22,302,000 is for the electronic records archive, \$16,337,000 of which shall be available until September 30, 2004: *Provided further*, That the Archivist of the United States is authorized, pursuant to 44 U.S.C. 2903, to construct a new Southeast Regional Archives on land to be acquired (Federal site),

by direct payment or the provision of site improvements, from the State of Georgia or Clayton County or some other governmental authority thereof; such Federal site to be located near the campus of Clayton College and State University in Clayton County, Georgia, and abut land designated for construction of the Georgia State Archives facility, with both archival facilities co-located on a combined site. There is hereby appropriated \$30,500,000 which shall be available until expended to be used for acquiring the Federal site, construction, and related services for building the new Federal archival facility, other related costs for improvement of the combined site which may also indirectly benefit the Georgia State Archives facility, and other necessary expenses.

#### REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$41,143,000, to remain available until expended.

#### NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$6,436,000, to remain available until expended.

#### OFFICE OF GOVERNMENT ETHICS

##### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$10,060,000.

#### OFFICE OF PERSONNEL MANAGEMENT

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$99,036,000, of which \$3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition \$115,928,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust

funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$1,398,000; and in addition, not to exceed \$10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

#### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

#### GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

#### PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

#### OFFICE OF SPECIAL COUNSEL

##### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees

and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, \$11,784,000.

#### UNITED STATES TAX COURT

##### SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$37,305,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2002".

#### TITLE V—GENERAL PROVISIONS

##### THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynnco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or sub-contract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with re-programming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 512. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 513. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that: (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104-13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2002 and 2003 in the burden imposed by all rules issued by each agency that issued such a major rule.

SEC. 514. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in the Treasury and General Government Appropriations Act, 2002 may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

#### TITLE VI—GENERAL PROVISIONS

##### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid ve-

hicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly

adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2001, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary

to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act

for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. 630. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed \$17,000,000. Such transfers may only be made 15 days following notification of the

Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 631. (a) IN GENERAL.—Hereafter, in accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 632. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 633. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 634. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 635. Subsection (f) of section 403 of Public Law 103-356 is amended by deleting "October 1, 2001" and inserting "October 1, 2002".

SEC. 636. Section 6 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting " , or for use at official functions in or about," after "about".

SEC. 637. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branch of the Federal government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States

Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available in law.

SEC. 638. Section 3 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting " , utilities (including electrical) for," after "military staffing".

SEC. 639. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 640. (a) Section 1238(e)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398) is amended by adding at the end the following: "The executive director and any personnel who are employees of the United States-China Security Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title."

(b) The amendment made by this section shall take effect on January 3, 2001.

SEC. 641. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

SEC. 642. Not later than six months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2002".

**SA 1571.** Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**SEC. —. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP.**

(a) SHORT TITLE.—This section may be cited as the "Breast Cancer Research Stamp Act of 2001".

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

"(h) This section shall cease to be effective after July 29, 2008."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

- (A) the date of enactment of this Act; or
- (B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5."

**SA 1572.** Mr. KERRY (for himself, Mr. BOND, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

**SEC. . LOAN SUBSIDY COST ESTIMATE CORRECTION.**

By October 1, 2001, the Housing, Treasury and Finance Division shall, in consultation with the Small Business Administration, develop subsidy cost estimates for the 7(a) General Business Loan Program and the 504 Certified Development Company loan program which use data that reflect the current performance of those programs and track the actual default experience in those programs since the implementation of the Federal Credit Reform Act in 1992: *Provided*, That, notwithstanding any other provision of law, these subsidy estimates shall be effective October 1, 2001 for fiscal year 2002, and be included in the President's fiscal year 2003 budget submission and the Office of Management and Budget shall report on the progress of the development of these estimates to the Senate Committee on Appropriations and the Senate Committee on Small Business and Entrepreneurship prior to the submission of the President's fiscal year 2003 budget.

**SA 1573.** Mr. MCCONNELL (for himself, Mr. BURNS, Mr. HUTCHINSON, Mr. SMITH of Oregon, and Mr. STEVENS) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VI, insert the following:

SEC. . (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administration costs for the issuance of bonds, to be known as 'War Bonds', under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of

interest as the Secretary of the Treasury may prescribe.

**SA 1574.** Mr. DORGAN (for Mr. JOHN-SON (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Unity Bonds Act of 2001".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) a national tragedy occurred on September 11, 2001, whereby certain individuals tried to steal America's freedom;

(2) Americans stand together to resist all attempts to steal their freedom;

(3) united, Americans will be victorious over their enemies, whether known or unknown; and

(4) Americans must respond to this tragedy in a spirit not of revenge, but of justice.

**SEC. 3. AUTHORIZATION FOR THE ISSUANCE OF UNITY BONDS.**

Section 3102 of title 31, United States Code, is amended by adding at the end the following:

"(f) **ISSUANCE OF UNITY BONDS.**—

"(1) **IN GENERAL.**—The Secretary shall issue bonds under this section, to be known as 'Unity Bonds', in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

"(2) **USE OF PROCEEDS.**—Proceeds from the issuance of Unity Bonds shall be used to raise funds to assist in recovery and relief operations following the terrorist acts referred to in paragraph (1), including humanitarian assistance, and to combat terrorism.

"(3) **FORM.**—The bonds authorized by paragraph (1) shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary may prescribe."

**SA 1575.** Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 57, line 16, strike "\$22,302,000" and insert "\$23,302,000".

On page 57, line 18, delete "further" and after "2004", move all of the text that follows through to "penses" on page 58, line 10 and re-insert the text after the word "expended" on page 58, line 14.

On page 57, line 16, strike "\$22,302,000" and insert "\$23,302,000".

On page 57, line 18, delete "further" and after "2004", move all of the text that follows through to "penses" on page 58, line 10 re-insert the text after the word "expended" on page 58, line 14.

On page 55, after line 14, insert the following new sections:

"SEC. 411. Section 410 of Appendix C of Public Law 106-554 (114 Stat. 2763A-146) is amended—

"by striking 'a 125 foot wide right-of-way' and inserting 'up to a 125 foot wide right-of-way'";

"by striking 'northeast corner of the existing port' and inserting 'southeast corner of the existing port'"; and

"striking 'approximately 4,750 feet' and inserting 'and then west to a connection with State Highway 11 between approximately 5000 and 7000 feet'";

"by striking 'a road to be built by the County of Luna, New Mexico to connect to'

"by striking 'Provided further, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration:'

"by striking consisting of approximately 12 acres and inserting consisting of approximately 10.22 acres.

"SEC. 412. Notwithstanding any other provision of law, the United States Government is directed to deed block four (4) of the LOCH HAVEN REPLAT, as recorded in Plat Book 'Q', Page 9, Public Records of Orange County, Florida, back to the City of Orlando, Florida, under the same terms that the land was deeded to the United States Government by the City of Orlando in the recorded deed from the City dated September 20, 1951."

On page 7, line 5, after "2004:", insert the following: "and of which up to 20 percent of the \$17,166,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefitting agency:"

On page 94, between lines 14 and 15, insert the following new section:

**SEC. . DEADLINE FOR SUBMISSION OF ANNUAL REPORTS BY UNITED STATES-CHINA SECURITY REVIEW COMMISSION.**

Section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by section 1 of Public Law 106-398) is amended by striking "March" and inserting "May".

On page 35, line 23, strike "1,500,000" and insert "\$1,750,000".

At the appropriate place in the bill insert the following:

SEC. . Subsection (a) of section 2105 of title 44, United States Code, is amended to read as follows:

(a)(1) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

(2) Notwithstanding paragraph (1), the Archivist is authorized to appoint, subject to the consultation requirements set forth in paragraph (f)(2) of section 2203 of this Title, a director at each Presidential archival depository established under section 2112 of this Title. The Archivist may appoint a director without regard to subchapter I and subchapter VIII of chapter 33 of title 5, United States Code, governing appointments in the competitive service and the Senior Executive Service. A director so appointed shall be responsible for the care and preservation of the Presidential records and historical materials deposited in a Presidential archival depository, shall serve at the pleasure of the Archivist and shall perform such other functions as the Archivist may specify.

At the end of title VI, add the following:

**SEC. . REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP.**

(a) **SHORT TITLE.**—This section may be cited as the "Breast Cancer Research Stamp Act of 2001".

(b) **REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.**—

(1) **IN GENERAL.**—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

"(h) This section shall cease to be effective after July 29, 2008."

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or

(B) July 29, 2002.

(c) **RATE OF POSTAGE.**—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5."

On page 13, line 10, after "Alert," insert "not less than \$1,000,000 shall be provided to develop a curriculum for the training of law enforcement dogs to combat and respond to terrorist activities specifically related to chemical and biological threats;"

**SA 1576.** Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

After section 642, insert the following:

SEC. 643. (a) State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Service Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of fees provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

**SA 1577.** Mr. DORGAN (for Mr. CAMPBELL (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

**SECTION 1. AMENDMENT TO TITLE 39.**

Section 5402(d) of title 39, United States Code, is amended by—

- (1) inserting “(1)” after “(d)”;
- (2) inserting at the end the following:

“(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

“(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

“(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending September 30, 2005.”.

**SA 1578.** Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 26, after line 8 insert the following new section:

“SEC. . . None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.”

**SA 1579.** Mr. DORGAN (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

Designation of G. Ross Anderson, Jr. Federal Building and United States Courthouse

(a) The Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina, shall be known and designated as the “G. Ross Anderson, Jr. Federal Building and United States Courthouse.”

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.

**SA 1580.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

At the end of the bill, add the following:

**DIVISION D—NATIONAL ENERGY SECURITY**

**SEC. 4001. ENACTMENT OF ENERGY PROVISIONS.**

The provisions of H.R. 4 of the 107th Congress, as passed by the House of Representatives on August 2, 2001, are enacted into law.

**SA 1581.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

On page 413, between lines 13 and 14, insert the following:

**SEC. 1217. AUTHORITY TO WAIVE SANCTIONS.**

(a) **AUTHORITY.**—Notwithstanding any other provision of law, the President is authorized to waive any sanction imposed against any foreign country or government (including any agency or instrumentality thereof) or any foreign entity if the President determines that to do so would assist in efforts to combat global terrorism or is otherwise in the national security interests of the United States.

(b) **CONGRESSIONAL NOTIFICATION.**—Not less than 30 days prior to the exercise of any waiver authorized by subsection (a), the President shall notify Congress of his intention to exercise the waiver, together with an explanation of his reasons for the waiver.

(c) **SANCTION DEFINED.**—In this section, the term “sanction” means any prohibition or restriction with respect to a foreign country or government or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(1) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(2) a mandatory decision of the United Nations Security Council.

**SA 1582.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

At the end of the bill, add the following:

**DIVISION D—NATIONAL ENERGY SECURITY**

**SEC. 4001. SHORT TITLE.**

This division may be cited as the “National Energy Security Act of 2001”.

**SEC. 4002. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the United States economy, threatens national security, undermines the ability of Federal, State, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, rose to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) even with increased energy efficiency, energy use in the United States is expected to increase 27 percent by 2020;

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydroelectric;

(5) a comprehensive energy strategy must be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) this comprehensive strategy must decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2011;

(7) this comprehensive energy strategy must be multi-faceted and enhance the use of renewable energy resources (including hydroelectric, solar, wind, geothermal and biomass), conserve energy resources (including improving energy efficiencies), and increase domestic supplies of conventional energy resources (including oil, natural gas, coal, and nuclear);

(8) conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America's power at this time; and

(9) immediate actions must also be taken to mitigate the economic effects of recent increases in the price of crude oil, natural gas, and electricity and the related impacts on American consumers, including the poor and the elderly.

(b) **PURPOSES.**—The purposes of this division are to protect the energy security of the United States by decreasing America's dependence on foreign oil sources to not more than 50 percent by 2010, by enhancing the use of renewable energy resources, conserving energy resources (including improving energy efficiencies), and increasing domestic energy supplies, improving environmental quality by reducing emissions of air pollutants and greenhouse gases, and mitigating the immediate effect of increases in energy prices on the American consumer, including the poor and the elderly.

**TITLE I—GENERAL PROVISIONS TO PROTECT ENERGY SUPPLY AND SECURITY**

**SEC. 4101. CONSULTATION AND REPORT ON FEDERAL AGENCY ACTIONS AFFECTING DOMESTIC ENERGY SUPPLY.**

Prior to taking or initiating any action that could have a significant adverse effect on the availability or supply of domestic energy resources or on the domestic capability to distribute or transport such resources, the head of a Federal agency proposing or participating in such action shall notify the Secretary of Energy in writing of the nature and scope of the action, the need for such action, the potential effect of such action on energy resource supplies, price, distribution, and transportation, and any alternatives to such action or options to mitigate the effects and shall provide the Secretary of Energy

with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action. The proposing agency shall consider any such recommendations made by the Secretary of Energy. The Secretary of Energy shall provide an annual report to the Committee on Energy and Natural Resources of the United States Senate and to the appropriate committees of the House of Representatives on all actions brought to his attention, what mitigation or alternatives, if any, were implemented, and what the short-term, mid-term, and long-term effect of the final action will likely be on domestic energy resource supplies and their development, distribution, or transmission.

**SEC. 4102. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.**

(a) **REPORT.**—Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other relevant Federal agencies, shall submit a report to the President and Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) **ALTERNATIVES.**—The report shall specify legislative or administrative actions that must be implemented to meet this goal and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the report. The report shall indicate, in detail, options and alternatives to (1) increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) conserve energy resources, including improving efficiencies and decreasing consumption, and (3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

(c) **REFINERY CAPACITY.**—As part of the reports submitted in 2001, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions and ensure long-term supplies on a reliable and affordable basis.

(d) **NOTIFICATION TO CONGRESS.**—Whenever the Secretary determines that stocks of petroleum products have declined or are anticipated to decline to levels that would jeopardize national security or threaten supply shortages or price increases on a national or regional basis, he shall immediately notify Congress of the situation and shall make such recommendations for administrative or legislative action as he believes are necessary to alleviate the situation.

**SEC. 4103. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.**

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Study (referred to in this section as the "Panel") to study oil markets and estimate the extent and frequency of fluctuations in

the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to strengthen the ability of the Strategic Petroleum Reserve to respond to energy requirements. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and Congress within 6 months from the date of enactment of this Act.

**SEC. 4104. STUDY OF EXISTING RIGHTS-OF-WAY TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.**

Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission whether the right-of-way can be used to support new or additional capacity and what modifications or other changes, if any, would be necessary to accommodate such additional capacity. In performing the review, the head of each agency shall consult with agencies of State or local units of government as appropriate and consider whether safety or other concerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities and shall set forth those considerations in the report.

**SEC. 4105. USE OF FEDERAL FACILITIES.**

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction.

(b) Based on this inventory and other information, the Secretary of the Interior and the Secretary of the Army shall each submit a report to Congress not later than 180 days after the date of enactment of this Act. Each report shall—

(1) describe, in detail, each facility that is capable, with or without modification, of producing additional hydroelectric power. For each such facility, the report shall state the full potential for the facility to generate hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or take other actions to increase the hydroelectric generating capability of the facility. For each facility that currently has hydroelectric generating equipment, the report shall indicate the condition of such equipment, maintenance requirements, and schedule for any improvements as well as the purposes for which power is generated; and

(2) describe what actions are planned or underway to increase hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

**SEC. 4106. NUCLEAR GENERATION STUDY.**

The Chairman of the Nuclear Regulatory Commission shall submit a report to Congress not later than 180 days after the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this Nation's energy mix. The

report shall include an assessment of agency readiness to license new advanced reactor designs and discuss the needed confirmatory and anticipatory research activities that would support such a state of readiness. The report shall also review the status of the relicensing process for civilian nuclear power plants, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to recommendations for expediting the process and ensuring that relicensing is accomplished in a timely manner.

**SEC. 4107. DEVELOPMENT OF A NATIONAL SPENT NUCLEAR FUEL STRATEGY AND ESTABLISHMENT OF AN OFFICE OF SPENT NUCLEAR FUEL RESEARCH.**

(a) **DETERMINATION BY CONGRESS.**—Prior to the Federal Government taking any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) **OFFICE OF SPENT NUCLEAR FUEL RESEARCH.**—There is hereby established an Office of Spent Nuclear Fuel Research (referred to in this section as the "Office") within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(c) **ASSOCIATE DIRECTOR.**—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(d) **GRANT AND CONTRACT AUTHORITY.**—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (e)(2).

(e) **DUTIES.**—The Associate Director of the Office shall—

(1) involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(2) develop a research plan to provide recommendations by 2015;

(3) identify technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(4) conduct research and development activities on such technologies;

(5) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(6) require research on both reactor- and accelerator-based transmutation systems;

(7) require research on advanced processing and separations;

(8) encourage that research efforts include participation of international collaborators;

(9) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and

their host country is unable to provide for their support; and

(10) ensure that research efforts with the Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(f) **REPORT.**—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to Congress on the activities and expenditures of the Office, including the progress that has been made to achieve the objectives of subsection (c).

**SEC. 4108. STUDY AND REPORT ON STATUS OF DOMESTIC REFINING INDUSTRY AND PRODUCT DISTRIBUTION SYSTEM.**

(a) **ANNUAL REPORT.**—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, the States, the National Petroleum Council, and other representatives of the petroleum refining, distribution and retailing industries, shall submit a report to Congress on the condition of the domestic petroleum refining industry and the petroleum product distribution system. The first such report shall be submitted not later than January 1, 2002, and revised annually thereafter.

(b) **RECOMMENDATIONS.**—Each annual report shall include any recommendations that the Secretary believes should be implemented either through legislation or regulation to ensure that there is adequate domestic refining capacity and motor fuel supplies to meet the economic, social, and security requirements of the United States.

(c) **PREPARATION.**—In preparing each annual report, the Secretary shall—

(1) provide an assessment of the condition of the domestic petroleum refining industry and the Nation's motor fuel distribution system, including the ability to make future capital investments necessary to manufacture, transport, and store different petroleum products required by local, State, and Federal statute and regulations;

(2) examine the reliability and cost of feedstocks and energy supplied to the refining industry as well as the reliability and cost of products manufactured by such industry;

(3) provide an assessment of the collective effect of current and future motor fuel requirements on—

(A) the ability of the domestic motor fuels refining, distribution, and retailing industries to reliably and cost-effectively supply fuel to the Nation's consumers and businesses;

(B) gasoline (reformulated and conventional) and diesel fuel (on-highway and off-highway) supplies; and

(C) retail motor fuel price volatility;

(4) explore opportunities to streamline permitting and siting decisions and approvals for expanding existing and/or building new domestic refining capacity;

(5) recommend actions that can be taken to reduce future motor supply concerns; and

(6) provide an assessment of whether uniform, regional, or national performance-based fuel specifications would reduce supply disruptions and price spikes.

(d) **CONFIDENTIALITY OF DATA.**—Any information requested by the Secretary to be submitted by industry for purposes of this section shall be treated as confidential and shall be used only for the preparation of the annual report.

**SEC. 4109. REVIEW OF FEDERAL ENERGY REGULATORY COMMISSION NATURAL GAS PIPELINE CERTIFICATION PROCEDURES.**

The Federal Energy Regulatory Commission shall, in consultation with other appro-

appropriate Federal agencies, immediately undertake a comprehensive review of policies, procedures, and regulations for the certification of natural gas pipelines to determine how to reduce the cost and time of obtaining a certificate. The Commission shall report its findings not later than 180 days after the date of enactment of this Act to the Senate Committee on Energy and Natural Resources and the appropriate committees of the United States House of Representatives, including any recommendations for legislative changes.

**SEC. 4110. ANNUAL REPORT ON AVAILABILITY OF DOMESTIC ENERGY RESOURCES TO MAINTAIN THE ELECTRICITY GRID OF THE UNITED STATES.**

(a) Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Council, States, and appropriate regional organizations, shall submit a report to the President and Congress which evaluates the availability and capacity of domestic sources of energy generation to maintain the electricity grid in the United States. Specifically, the Secretary shall evaluate each region of the country with regard to grid stability during peak periods, such as summer, and options for improving grid stability.

(b) The report shall specify specific legislative or administrative actions that could be implemented to improve baseload generation and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The report shall indicate, in detail, options and alternatives to (1) increase the use of nonemitting domestic energy sources, including conventional and nonconventional sources such as, but not limited to, increased nuclear energy generation, and (2) conserve energy resources, including improving efficiencies and decreasing fuel consumption.

**SEC. 4111. STUDY OF FINANCING FOR NEW TECHNOLOGIES.**

(a) The Secretary of Energy shall undertake an independent assessment of innovative financing techniques to encourage and enable construction of new electricity supply technologies with high initial capital costs that might not otherwise be built in a deregulated market.

(b) The assessment shall be conducted by a firm with proven expertise in financing large capital projects or in financial services consulting, and is to be provided to Congress not later than 270 days after the date of enactment of this Act.

(c) The assessment shall include a comprehensive examination of all available techniques to safeguard private investors in high capital technologies—including advanced design power plants including, but not limited to, nuclear—against government-imposed risks that are beyond the investors' control. Such techniques may include (but not be limited to) Federal loan guarantees, Federal price guarantees, special tax considerations, and direct Federal Government investment.

**SEC. 4112. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.**

(a) **IN GENERAL.**—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) **REPORT TO CONGRESS.**—Not later than eighteen months from date of enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) **PERIODIC REVIEW.**—Each agency shall subsequently review its regulations and standards in this manner no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

**SEC. 4113. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.**

The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects. The task force shall include the Bureau of Land Management and the Fish and Wildlife Service in the Department of the Interior, the United States Army Corps of Engineers, the United States Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation and such other agencies as the Office and the Federal Energy Regulatory Commission deem appropriate. The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission. The agreement shall be completed within 6 months after the effective date of this section.

**SEC. 4114. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) **PURPOSE.**—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) **AREAS.**—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) **RESEARCH AND DEVELOPMENT PROGRAM PLAN.**—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with the appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) **IMPLEMENTATION.**—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) **REPORTS TO CONGRESS.**—The Secretary of Transportation shall report to Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

(g) **PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan as defined in subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) **MEMBERSHIP.**—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Transportation and to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2002 through 2006.

#### **SEC. 4115. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TECHNOLOGIES.**

(a) The Secretary of Energy shall conduct a comprehensive 5-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators gas turbines reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

(b) There are authorized to be appropriated such sums as may be necessary for the purposes of this section.

#### **TITLE II—TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM FOR ADVANCED CLEAN COAL TECHNOLOGY FOR COAL-BASED ELECTRICITY GENERATING FACILITIES**

##### **SEC. 4201. PURPOSE.**

The purpose of this title is to direct the Secretary of Energy (referred to in this title as the “Secretary”) to—

(1) establish a coal-based technology development program designed to achieve cost and performance goals;

(2) carry out a study to identify technologies that may be capable of achieving, either individually or in combination, the cost and performance goals and for other purposes; and

(3) implement a research, development, and demonstration program to develop and demonstrate, in commercial-scale applications, advanced clean coal technologies for coal-fired generating units constructed before the date of enactment of this title.

##### **SEC. 4202. COST AND PERFORMANCE GOALS.**

(a) **IN GENERAL.**—The Secretary shall perform an assessment that identifies costs and

associated performance of technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020.

(b) **CONSULTATION.**—In establishing cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of equipment using advanced coal technologies;

(6) organizations representing workers; and

(7) organizations formed to—

(A) further the goals of environmental protection;

(B) promote the use of coal; or

(C) promote the development and use of advanced coal technologies.

(c) **TIMING.**—The Secretary shall—

(1) not later than 120 days after the date of enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of enactment of this Act, and after taking into consideration any public comments received, submit to Congress the final cost and performance goals.

##### **SEC. 4203. STUDY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to—

(1) identify technologies capable of achieving cost and performance goals, either individually or in various combinations;

(2) assess costs that would be incurred by, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals; and

(3) develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technologies.

(b) **COOPERATION.**—In carrying out this section, the Secretary shall give appropriate consideration to the expert advice of representatives from the entities described in section 4111(b).

##### **SEC. 4204. TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.**

(a) **IN GENERAL.**—The Secretary shall carry out a program of research on and development, demonstration, and commercial application of coal-based technologies under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.).

(b) **CONDITIONS.**—The research, development, demonstration, and commercial application programs identified in section 4203(a) shall be designed to achieve the cost and performance goals, either individually or in various combinations.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report containing—

(1) a description of the programs that, as of the date of the report, are in effect or are to

be carried out by the Department of Energy to support technologies that are designed to achieve the cost and performance goals; and

(2) recommendations for additional authorities required to achieve the cost and performance goals.

#### SEC. 4205. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out the provisions of sections 4202, 4203, and 4204, \$100,000,000 for each of fiscal years 2002 through 2012, to remain available until expended.

(b) CONDITIONS OF AUTHORIZATION.—The authorization of appropriations under subsection (a)—

(1) shall be in addition to authorizations of appropriations in effect on the date of enactment of this Act; and

(2) shall not be a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

#### SEC. 4206. POWER PLANT IMPROVEMENT INITIATIVE.

(a) IN GENERAL.—The Secretary shall carry out a power plant improvement initiative program that will demonstrate commercial applications of advanced coal-based technologies applicable to new or existing power plants, including co-production plants, that, either individually or in combination, advance the efficiency, environmental performance and cost competitiveness well beyond that which is in operation or has been demonstrated to date.

(b) PLAN.—Not later than 120 days after the date of enactment of this title, the Secretary shall submit to Congress a plan to carry out subsection (a) that includes a description of—

(1) the program elements and management structure to be used;

(2) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan; and

(3) the demonstration activities that will benefit new or existing coal-based electric generation units having at least a 50 megawatt nameplate rating including improvements to allow the units to achieve either—

(A) an overall design efficiency improvement of not less than 3 percentage points as compared with the efficiency of the unit as operated on the date of enactment of this title and before any retrofit, repowering, replacement or installation;

(B) a significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxide or mercury in a manner that is well below the cost of technologies that are in operation or have been demonstrated to date; or

(C) a means of recycling or reusing a significant proportion of coal combustion wastes produced by coal-based generating units excluding practices that are commercially available at the date of enactment.

#### SEC. 4207. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits to Congress the plan under section 4206(b), the Secretary shall solicit proposals for projects which serve or benefit new or existing facilities and, either individually or in combination, are designed to achieve the levels of performance set forth in section 4206(b)(3).

(b) PROJECT CRITERIA.—A solicitation under subsection (a) may include solicitation of a proposal for a project to demonstrate—

(1) the reduction of emissions of 1 or more pollutants; or

(2) the production of coal combustion by-products that are capable of obtaining economic values significantly greater than by-

products produced on the date of enactment of this title.

(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that—

(1) demonstrate overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy to maintain a diversity of fuel choices in the United States to meet electricity generation requirements;

(3) achieve in a cost-effective manner, 1 or more of the criteria set out in the solicitation; and

(4) demonstrate technologies that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock on the date of enactment of this title.

(d) FEDERAL SHARE.—The Federal share of the cost of any project funded under this section shall not exceed 50 percent.

(e) EXEMPTION FROM NEW SOURCE REVIEW PROVISIONS.—A project funded under this section shall be exempt from the new source review provisions of the Clean Air Act (42 U.S.C. 7401 et seq.).

#### SEC. 4208. FUNDING.

To carry out sections 4206 and 4207, there are authorized to be appropriated such sums as may be necessary.

#### SEC. 4209. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to develop mining research priorities identified by the Mining Industry of the Future Program and in the National Academy of Sciences report on Mining Technologies, establish a process for joint industry-government research; and expand mining research capabilities at universities.

(b) There are authorized to be appropriated to carry out the requirements of this section, \$10,000,000 in fiscal year 2002, \$12,000,000 in fiscal year 2003, and \$15,000,000 in fiscal year 2004. At least 20 percent of any funds appropriated shall be dedicated to research carried out at universities.

#### SEC. 4210. RAILROAD EFFICIENCY.

(a) The Secretary shall, in conjunction with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) There are authorized to be appropriated to carry out the requirements of this section \$50,000,000 in fiscal year 2002, \$60,000,000 in fiscal year 2003, and \$70,000,000 in fiscal year 2004.

### TITLE III—OIL AND GAS

#### Subtitle A—Deepwater and Frontier Royalty Relief

##### SEC. 4301. SHORT TITLE.

This subtitle may be cited as the “Outer Continental Shelf Deep Water and Frontier Royalty Relief Act”.

##### SEC. 4302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Section 8(a)(1)(D) of the Outer Continental Shelf Lands Act (43 U.S.C.

1337(a)(1)(D)) is amended by striking the word “area;” and inserting in lieu thereof the word “area,” and the following new text: “except in the Arctic areas of Alaska, where the Secretary is authorized to set the net profit share at 16% percent. For purposes of this section, ‘Arctic areas’ means the Beaufort Sea and Chukchi Sea Planning Areas of Alaska;”.

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

“(9) After an oil and gas lease is granted pursuant to any of the bidding systems of paragraph (1) of this subsection, the Secretary shall reduce any future royalty or rental obligation of the lessee on any lease issued by the Secretary (and proposed by the lessee for such reduction) by an amount equal to—

“(A) 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater, pursuant to this Act in Arctic areas of Alaska; and

“(B) an additional 10 percent of the qualified costs of any such exploratory wells which are located ten or more miles from another well drilled for oil and gas.

For purposes of this Act, ‘qualified costs’ shall mean the costs allocated to the exploratory well or geophysical work in support of an exploration program pursuant to the Internal Revenue Code of 1986; ‘exploratory well’ shall mean either an exploratory well as defined by the United States Securities and Exchange Commission in sections 210.4 through 210.10(a)(10) of title 17, Code of Federal Regulations (or a successor regulation), or a well 3 or more miles from any oil or gas well or a pipeline which transports oil or gas to a market or terminal; ‘geophysical work’ shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and all distances shall be measured in horizontal distance. When a measurement beginning or ending point is a well, the measurement point shall be the bottom hole location of that well.”.

##### SEC. 4303. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this subtitle not later than 180 days after the date of enactment of this Act.

##### SEC. 4304. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

#### Subtitle B—Oil and Gas Royalties in Kind

##### SEC. 4310. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192) or section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353) or any other mineral leasing law from the date of enactment of this Act through September 30, 2006.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.

1331 et seq.) or any other mineral leasing law on demand of the Secretary of the Interior shall be paid in oil or gas. If the Secretary of the Interior elects to accept the royalty in kind—

(1) delivery by, or on behalf of, the lessee of the royalty amount and quality due at the lease satisfies the lessee's royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit;

(2) royalty production shall be placed in marketable condition at no cost to the United States;

(3) the Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind for not less than fair market value; and

(B) transport or process any oil or gas royalty taken in kind;

(4) the Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without regard to fiscal year limitation, or may use royalty production, to pay the cost of—

(A) transporting the oil or gas;

(B) processing the gas; or

(C) disposing of the oil or gas; and

(5) the Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel or other administrative costs of the Federal Government.

(c) **REIMBURSEMENT OF COST.**—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs, or, at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) **BENEFIT TO THE UNITED STATES.**—The Secretary shall administer any program taking royalty oil or gas in kind only if the Secretary determines that the program is providing benefits to the United States greater than or equal to those which would be realized under a comparable royalty in value program.

(e) **REPORT TO CONGRESS.**—For every fiscal year, beginning in 2002 through 2006, in which the United States takes oil or gas royalties within any State or from the outer Continental Shelf in kind, excluding royalties taken in kind and sold to refineries under subsection (h) of this section, the Secretary of the Interior shall provide a report to Congress that describes—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts realized from taking royalties in kind, and costs and savings associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) **DEDUCTION OF EXPENSES.**—

(1) Prior to making disbursements under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) or other applicable provision of law, of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under paragraphs (b)(3) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under paragraph (c), the Secretary of the Interior may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) **CONSULTATION WITH STATES.**—The Secretary of the Interior will consult with a State prior to conducting a royalty in kind program within the State and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law. The Secretary shall also consult annually with any State from which Federal royalty oil or gas is being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) **PROVISIONS FOR SMALL REFINERIES.**—

(1) If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than fair market value.

(2) In selling oil under this subsection, the Secretary of the Interior may at his discretion prorate such oil among such refineries in the area in which the oil is produced.

(i) **DISPOSITION TO FEDERAL AGENCIES.**—

(1) Any royalty oil or gas taken in kind from onshore oil and gas leases may be sold at not less than the fair market value to any department or agency of the United States.

(2) Any royalty oil or gas taken in kind from Federal oil and gas leases on the outer Continental Shelf may be disposed of under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)).

**Subtitle C—Use of Royalty In Kind Oil To Fill the Strategic Petroleum Reserve**

**SEC. 4320. USE OF ROYALTY IN KIND OIL TO FILL THE STRATEGIC PETROLEUM RESERVE.**

The Secretary of the Interior shall enter into an agreement with the Secretary of Energy to transfer title to the Federal share of crude oil production from Federal lands for use at the discretion of the Secretary of Energy in filling the Strategic Petroleum Reserve during periods of crude oil market stability. The Secretary of Energy may also use the Federal share of crude oil produced from Federal lands for other disposal within the Federal Government, as he may determine, to carry out the energy policy of the United States.

**Subtitle D—Improvements to Federal Oil and Gas Lease Management**

**SEC. 4330. SHORT TITLE.**

This subtitle may be cited as the “Federal Oil and Gas Lease Management Improvement Act of 2000”.

**SEC. 4331. DEFINITIONS.**

In this subtitle:

(1) **APPLICATION FOR A PERMIT TO DRILL.**—The term “application for a permit to drill” means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(2) **FEDERAL LAND.**—

(A) **IN GENERAL.**—The term “Federal land” means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or non-mineral estate.

(B) **EXCLUSION.**—The term “Federal land” does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(3) **OIL AND GAS CONSERVATION AUTHORITY.**—The term “oil and gas conservation authority” means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(4) **PROJECT.**—The term “project” means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(5) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(6) **SURFACE USE PLAN OF OPERATIONS.**—The term “surface use plan of operations” means a plan for surface use, disturbance, and reclamation.

**SEC. 4332. NO PROPERTY RIGHT.**

Nothing in this subtitle gives a State a property right or interest in any Federal lease or land.

**SEC. 4333. TRANSFER OF AUTHORITY.**

(a) **NOTIFICATION.**—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) **TRANSFER OF AUTHORITY.**—

(1) **IN GENERAL.**—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) **AUTHORITY INCLUDED.**—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communication;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) **RETAINED AUTHORITY.**—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

#### **SEC. 4334. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.**

(a) **FEDERAL AGENCIES.**—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) **STATE AUTHORITY.**—

(1) **IN GENERAL.**—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) **APPEALS.**—Following a transfer of authority under section 4333, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) **PENDING ENFORCEMENT ACTIONS.**—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 4333 until those proceedings are concluded.

(d) **PENDING APPLICATIONS.**—

(1) **TRANSFER TO STATE.**—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 4333 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) **ACTION BY THE STATE.**—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

#### **SEC. 4335. COMPENSATION FOR COSTS.**

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 4333.

(b) **PAYMENT SCHEDULE.**—Payments shall be made not less frequently than every quarter.

(c) **COST BREAKDOWN REPORT.**—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

#### **SEC. 4336. APPLICATIONS.**

(a) **LIMITATION ON COST RECOVERY.**—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) **COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.**—

(1) **IN GENERAL.**—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) **PREPARATION BY APPLICANT OR LESSEE.**—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) **REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.**—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

#### **SEC. 4337. TIMELY ISSUANCE OF DECISIONS.**

(a) **IN GENERAL.**—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) **OFFER TO LEASE.**—

(1) **DEADLINE.**—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) **FAILURE TO MEET DEADLINE.**—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) **APPLICATION FOR PERMIT TO DRILL.**—

(1) **DEADLINE.**—The Secretary and a State that has accepted a transfer of authority under section 4333 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) **FAILURE TO MEET DEADLINE.**—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) **SURFACE USE PLAN OF OPERATIONS.**—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) **ADMINISTRATIVE APPEALS.**—

(1) **DEADLINE.**—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) **FAILURE TO MEET DEADLINE.**—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

#### **SEC. 4338. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.**

(a) **IN GENERAL.**—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) **LAND DESIGNATED FOR MULTIPLE USE.**—

(1) **IN GENERAL.**—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the deci-

sion approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) **APPEAL.**—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) **REJECTION OF OFFER TO LEASE.**—

(1) **IN GENERAL.**—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) **PREVIOUS RESOURCE MANAGEMENT DECISION.**—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) **SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.**—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) **DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.**—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) **EFFECTIVENESS OF DECISION.**—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

#### **SEC. 4339. REPORTS.**

(a) **IN GENERAL.**—Not later than March 31, 2002, the Secretaries shall jointly submit to Congress a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) **RECOMMENDATIONS.**—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

#### **Subtitle E—Royalty Reinvestment in America**

#### **SEC. 4351. ROYALTY INCENTIVE PROGRAM.**

(a) **IN GENERAL.**—To encourage exploration and development expenditures on Federal land and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than \$18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than \$2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) **NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.**—In no case

shall such capital expenditures made on outer Continental Shelf leases be credited against onshore Federal royalty obligations.

#### TITLE IV—NUCLEAR

##### Subtitle A—Price-Anderson Amendments

###### SEC. 4401. SHORT TITLE.

This subtitle may be cited as the “Price-Anderson Amendments Act of 2001”.

###### SEC. 4402. INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NRC LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

(b) INDEMNIFICATION OF DOE CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “, until August 1, 2002,”.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

###### SEC. 4403. DOE LIABILITY LIMIT.

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

“(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

“(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on such date.”.

###### SEC. 4404. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “\$100,000,000” and inserting “\$500,000,000”.

###### SEC. 4405. REPORTS.

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2008”.

###### SEC. 4406. INFLATION ADJUSTMENT.

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) such date of enactment, in the case of the first adjustment under this subsection; or

“(B) the previous adjustment under this subsection.”.

###### SEC. 4407. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is further amended by striking subsection d. and inserting the following:

“d. Notwithstanding subsection a., no contractor, subcontractor, or supplier considered to be nonprofit under the Internal Revenue Code of 1954 shall be subject to a civil penalty under this section in excess of the amount of any performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation or violations occur.”.

###### SEC. 4408. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date of enactment of this Act.

(b) INDEMNIFICATION PROVISIONS.—The amendments made by sections 4403 and 4404 shall not apply to any nuclear incident occurring before the date of enactment of this Act.

(c) CIVIL PENALTY PROVISIONS.—The amendments made by section 4407 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) shall not apply to any violation occurring under a contract entered into before the date of enactment of this Act.

##### Subtitle B—Funding From the Department of Energy

###### SEC. 4410. NUCLEAR ENERGY RESEARCH INITIATIVE.

There are authorized to be appropriated \$60,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, for grants to be competitively awarded and subject to peer review for research relating to nuclear energy. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Research Initiative.

###### SEC. 4411. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

There are authorized to be appropriated \$10,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy’s Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on

Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Plant Optimization Program.

###### SEC. 4412. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.

There are authorized to be appropriated \$25,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Technology Development Program to be managed by the Director of the Office of Nuclear Energy, for a roadmap to design and develop a new nuclear energy facility in the United States and subject to annual review by the Secretary of Energy’s Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Technology Development Program.

##### Subtitle C—Grants for Incentive Payments for Capital Improvements To Increase Efficiency

###### SEC. 4420. NUCLEAR ENERGY PRODUCTION INCENTIVES.

(a) INCENTIVE PAYMENTS.—For electric energy generated and sold by an existing nuclear energy facility during the incentive period, the Secretary of Energy shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application, which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) DEFINITIONS.—For purposes of this section:

(1) QUALIFIED NUCLEAR ENERGY FACILITY.—The term “qualified nuclear energy facility” means an existing reactor used to generate electricity for sale.

(2) EXISTING REACTOR.—The term “existing reactor” means any nuclear reactor the construction of which was completed and licensed by the Nuclear Regulatory Commission before the date of enactment of this section.

(c) INCENTIVE PERIOD.—A qualified nuclear energy facility may receive payments under this section for a period of 15 years (referred to in this section as the “incentive period”).

(d) AMOUNT OF PAYMENT.—

(1) Payments made by the Secretary under this section to the owner or operator of a nuclear energy facility shall be based on the increased volume of kilowatt hours of electricity generated by the qualified nuclear energy facility during the incentive period. The amount of such payment shall be 1 mill for each kilowatt-hour produced in excess of the total generation produced over the most recent calendar year prior to the first fiscal year in which payment is sought. Such payment is subject to the availability of appropriations under subsection (f), except that no facility may receive more than \$2,000,000 in 1 calendar year.

(2) The amount of the payment made to any person under this section as provided in

paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2001 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions, the calendar year 2001 shall be substituted for the calendar year 1979.

(e) **SUNSET.**—No payment may be made under this section to any nuclear energy facility after the expiration of the period of 20 fiscal years beginning with fiscal year 2001, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 15 fiscal years.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out the purposes of this section \$50,000,000 for each of the fiscal years 2001 through 2015.

#### **SEC. 4421. NUCLEAR ENERGY EFFICIENCY IMPROVEMENT.**

(a) **INCENTIVE PAYMENTS.**—The Secretary of Energy shall make incentive payments to the owners or operators of qualified nuclear energy facilities to be used to make capital improvements in the facilities that are directly related to improving the electrical output efficiency of such facilities by at least 1 percent.

(b) **LIMITATIONS.**—

(1) Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvement concerned and not more than 1 payment may be made with respect to improvements at a single facility.

(2) No payments in excess of \$1,000,000 in the aggregate may be made with respect to improvements at a single facility.

(3) Payments may be made by the Department or used by a facility to offset the costs of NRC permitting fees for a capital improvement.

(4) Payments made by the Department to the Nuclear Regulatory Commission for permitting an improvement that can impact multiple facilities are not subject to the limitation in (b)(2).

(c) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this section not more than \$20,000,000 in each fiscal year after fiscal year 2001.

#### **TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2001**

##### **SEC. 4501. SHORT TITLE.**

This title may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2001”.

##### **SEC. 4502. DEFINITIONS.**

When used in this title the term—

(1) “1002 Area” means that area identified as “Coastal Plain” in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)) comprising approximately 1,549,000 acres; and

(2) “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary’s designee.

##### **SEC. 4503. LEASING PROGRAM FOR LANDS WITHIN THE ANWR 1002 AREA.**

(a) **AUTHORIZATION.**—Congress hereby authorizes and directs the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and pro-

duction of the oil and gas resources of the 1002 Area and to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations and other provisions that ensure the oil and gas exploration, development, and production activities on the 1002 Area will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations, and in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) **REPEAL.**—The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) are hereby repealed.

(c) **COMPATIBILITY.**—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the 1002 Area are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(d) **SOLE AUTHORITY.**—This title shall be the sole authority for leasing on the 1002 Area: *Provided*, That nothing in this title shall be deemed to expand or limit State and local regulatory authority.

(e) **FEDERAL LAND.**—The 1002 Area shall be considered “Federal land” for the purposes of the Federal Oil and Gas Royalty Management Act of 1982.

(f) **SPECIAL AREAS.**—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the 1002 Area as Special Areas and close such areas to leasing if the Secretary determines that these Special Areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit leasing of all or portions of any Special Areas within the 1002 Area by setting lease terms that limit or condition surface use and occupancy by lessees of such lands but permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) **LIMITATION ON CLOSED AREAS.**—The Secretary’s sole authority to close lands within the 1002 Area to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(h) **CONVEYANCE.**—In order to maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the 1002 Area, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation’s entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

##### **SEC. 4504. RULES AND REGULATIONS.**

(a) **PROMULGATION.**—The Secretary shall prescribe such rules and regulations as may

be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area. Such rules and regulations shall be promulgated not later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the 1002 Area related to the leasing, exploration, development and production of oil and gas.

(b) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary’s attention.

##### **SEC. 4505 ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.**

The “Final Legislative Environmental Impact Statement” (April 1987) prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and any subsequent lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

##### **SEC. 4506. LEASE SALES.**

(a) **LEASE SALES.**—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the 1002 Area for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALES ON 1002 AREA.**—The Secretary shall, by regulation, provide for lease sales of lands on the 1002 Area. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall offer for lease those acres receiving the greatest number of nominations, but no less than 200,000 acres and no more than 300,000 acres shall be offered. If the total acreage nominated is less than 200,000 acres, the Secretary shall include in such sales any other acreage which he believes has the highest resource potential, but in no event shall more than 300,000 acres be offered in such sale. With respect to subsequent lease sales, the Secretary shall offer for lease no less than 200,000 acres of the 1002 Area. The initial lease sale shall be held within 20 months of the date of enactment of this title. The second lease sale shall be held not later than 2 years after the initial sale, with additional sales conducted not later than 1 year thereafter so long as sufficient interest in development exists to warrant, in the Secretary’s judgment, the conduct of such sales.

**SEC. 4507. GRANT OF LEASES BY THE SECRETARY.**

(a) **IN GENERAL.**—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the 1002 Area upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ percent in amount or value of the production removed or sold from the lease.

(b) **ANTITRUST REVIEW.**—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, 30 days to perform an antitrust review of the results of such lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General shall advise the Secretary with respect to such review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) **SUBSEQUENT TRANSFERS.**—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) **IMMUNITY.**—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) **DEFINITIONS.**—As used in this section, the term—

(1) “antitrust review” shall be deemed an “antitrust investigation” for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); and

(2) “antitrust laws” means the Acts referred to in section 1 of the Clayton Act (15 U.S.C. 12).

**SEC. 4508. LEASE TERMS AND CONDITIONS.**

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed 5,760 acres, or 9 surveyed or protracted sections which shall be as compact in form as possible;

(2) be for an initial period of 10 years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 4507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 4509 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the 1002 Area to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resource. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonproducing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice by registered letter to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect correlative rights, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(15) require that the holder of a lease or leases on lands within the 1002 Area shall be fully responsible and liable for the reclamation of those lands within and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the 1002 Area by the holder of a lease or as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under

this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 4503(a) of this title;

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this title; and

(21) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

**SEC. 4509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.**

(a) **REQUIREMENT.**—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, or financial arrangement is in addition to, and not in lieu of, any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(b) **AMOUNT.**—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) **ADJUSTMENT.**—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) **DURATION.**—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable laws.

(e) **TERMINATION.**—Within 60 days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after

consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

#### SEC. 4510. OIL AND GAS INFORMATION.

(a) IN GENERAL.—(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information from any lease granted pursuant to this title (including processed and analyzed) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If processed and analyzed information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such processed and analyzed information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1)—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) REGULATIONS.—The Secretary shall prescribe regulations to:

(1) ensure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and

(2) set forth the time periods and conditions which shall be applicable to the release of such information.

#### SEC. 4511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other action of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint: *Provided*, That any complaint seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(b) Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 4512. RIGHTS-OF-WAY ACROSS THE 1002 AREA.

Notwithstanding title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized and directed to grant, in accordance with the provisions of subsections (c) through (t) and (v) through (y) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), rights-of-way and easements across the 1002 Area for the transportation of oil and gas under such terms and conditions as may

be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the 1002 Area. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued as required by section 4504 of this title shall include provisions granting rights-of-way and easements across the 1002 Area.

#### SEC. 4513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITY OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, subsistence resources, and the environment of, the 1002 Area; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of each facility on the 1002 Area which is subject to any environmental or safety regulation promulgated pursuant to this title or conditions contained in any lease issued pursuant to this title to ensure compliance with such environmental or safety regulations or conditions; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to ensure compliance with all environmental or safety regulations.

#### SEC. 4514. NEW REVENUES.

(a) DEPOSIT INTO TREASURY.—Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the 1002 Area shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska the same percentage of such revenues as is set forth under the heading “EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA” in Public Law 96-514 (94 Stat. 2957, 2964) semi-annually to the State of Alaska, on March 30 and September 30 of each year and shall deposit the balance of all such revenues as miscellaneous receipts in the Treasury. Notwithstanding any other provision of law, the Secretary of the Treasury shall monitor the total revenue deposited into the Treasury as miscellaneous receipts from oil and gas leases issued under the authority of this subtitle and shall deposit amounts received as bonus bids into a special fund established in the Treasury of the United States known as the Renewable Energy Research and Development Fund (referred to in this section as the “Renewable Energy Fund”).

(b) USE OF RENEWABLE ENERGY FUND.—Of the amounts in the Renewable Energy Fund,

an amount equal to ten percent of the total deposits shall be made available to the Secretary of Energy, without further appropriation, at the beginning of each fiscal year in which amounts are available, and may be expended by the Secretary of Energy for research and development of renewable domestic energy resources of wind, solar, biomass, geothermal and hydroelectric. Such amounts shall remain available until expended and shall be in addition to funds appropriated in the preceding fiscal year to the Secretary of Energy for renewable energy research, development and demonstration programs authorized by section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813). The Secretary of Energy shall develop procedures for the use of the Renewable Energy Fund that ensure accountability and demonstrated results. Beginning the first full fiscal year after deposits are made into the Renewable Energy Fund, the Secretary of Energy shall submit an annual report to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives detailing the use of any expenditures.

#### TITLE VI—ENERGY EFFICIENCY, CONSERVATION, AND ASSISTANCE TO LOW-INCOME FAMILIES

##### SEC. 4601. EXTENSION OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking “such sums as may be necessary for each of fiscal years 2000 and 2001, and \$2,000,000,000 for each of fiscal years 2002 through 2004” and inserting “\$3,000,000,000 for each of fiscal years 2000 through 2010”.

(b) PAYMENTS TO STATES.—Section 2602(d)(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621) is amended by striking “2004” and inserting “2010”.

(c) EMERGENCY FUNDS.—Section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking “\$600,000,000” and inserting “\$1,000,000,000”.

##### SEC. 4602. ENERGY EFFICIENT SCHOOLS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy the Energy Efficient Schools Program (referred to in this section as the “Program”).

(b) IN GENERAL.—The Secretary of Energy may, through the Program, make grants to—

(1) be provided to school districts to implement the purpose of this section;

(2) administer the program of assistance to school districts pursuant to this section; and

(3) promote participation by school districts in the program established by this section.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—Grants under subsection (b)(1) shall be used to achieve energy efficiency performance not less than 30 percent beyond the levels prescribed in the 1998 International Energy Conservation Code as it is in effect for new construction and existing buildings. Grants under such subsection shall be made to school districts that have—

(1) demonstrated a need for such grants in order to respond appropriately to increasing elementary and secondary school enrollments or to make major investments in renovation of school facilities;

(2) demonstrated that the districts do not have adequate funds to respond appropriately to such enrollments or achieve such investments without assistance; and

(3) made a commitment to use the grant funds to develop energy efficient school

buildings in accordance with the plan developed and approved pursuant to subsection (e)(1).

(d) OTHER GRANTS.—

(1) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to evaluate compliance by school districts with the requirements of this section and in addition may be used for—

(A) distributing information and materials to clearly define and promote the development of energy efficient school buildings for both new and existing facilities;

(B) organizing and conducting programs for school board members, school district personnel, architects, engineers, and others to advance the concepts of energy efficient school buildings;

(C) obtaining technical services and assistance in planning and designing energy efficient school buildings; and

(D) collecting and monitoring data and information pertaining to the energy efficient school building projects.

(2) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with school administrations, students, and communities, and coordinating public benefit programs.

(e) IMPLEMENTATION.—

(1) PLANS.—Grants under subsection (b) shall be provided only to school districts that, in consultation with State offices of energy and education, have developed plans that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants were made.

(2) SUPPLEMENTING GRANT FUNDS.—The State agency referred to in paragraph (1) shall encourage qualifying school districts to supplement their grant funds with funds from other sources in the implementation of their plans.

(f) ALLOCATION OF FUNDS.—Except as provided in subsection (c), funds appropriated for the implementation of this section shall be provided to State energy offices to administer the program of assistance to school districts under this section.

(g) PURPOSES.—Except as provided in subsection (c), funds appropriated under this section shall be allocated as follows:

(1) Seventy percent shall be used to make grants under subsection (b)(1).

(2) Fifteen percent shall be used to make grants under subsection (b)(2).

(3) Fifteen percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may, through the Program established under subsection (a), retain an amount, not exceed \$300,000 per year, to assist State energy offices in coordinating and implementing such Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve energy efficient school buildings.

(i) AUTHORIZATION OF APPROPRIATIONS.—For this section, there are authorized to be appropriated \$200,000,000 for each of fiscal years 2002 through 2005, and such sums as may be necessary for each of fiscal years 2006 through 2011.

(j) DEFINITIONS.—

(1) ELEMENTARY AND SECONDARY SCHOOL.—The terms “elementary school” and “secondary school” shall have the same meaning given such terms in paragraphs (14) and (25) of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14),(25)).

(2) ENERGY EFFICIENT SCHOOL BUILDING.—The term “energy efficient school building” refers to a school building which, in its design, construction, operation, and maintenance maximizes use of renewable energy and efficient energy practices, is cost-effective on a life-cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(3) RENEWABLE ENERGY.—The term “renewable energy” means energy produced by solar, wind, geothermal, hydroelectric power, and biomass power.

**SEC. 4603. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.**

(a) ELIGIBILITY.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended—

(1) in paragraph (7)(A), by striking “125” and inserting “150”; and

(2) in paragraph (7)(C), by striking “125” and inserting “150”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422(a) of the Energy Conservation and Production Act (42 U.S.C. 6872(a)) is amended—

(1) by striking “\$200,000,000” and inserting “\$250,000,000”; and

(2) by striking “1991” and all that follows through “1994.” and inserting “2002, \$325,000,000 for fiscal year 2003, \$400,000,000 for fiscal year 2004, \$500,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.”.

**SEC. 4604. AMENDMENTS TO STATE ENERGY PROGRAM.**

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

“(f) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended—

(1) by striking “October 1, 1991” and inserting “January 1, 2001”; and

(2) by striking “10” and inserting “25”; and

(3) by striking “2000” and inserting “2010”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)(1)) is amended by striking “and” and all that follows through “1993.” and inserting “\$45,000,000 for fiscal year 1993, \$75,000,000 for fiscal year 2002, \$100,000,000 for fiscal years 2003 and 2004, \$125,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.”.

**SEC. 4605. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.**

(a) ENERGY SAVINGS THROUGH CONSTRUCTION OF REPLACEMENT FACILITIES.—Section 804 of the National Energy Conservation Policy Act (42 U.S.C. 8287c) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” after “(2)”;

(C) by adding at the end the following:

“(B) The term ‘energy savings’ also means a reduction in the cost of energy, from such a base cost established through a methodology set forth in the contract, that would otherwise be utilized in 1 or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of 1 or more new buildings or facilities.”; and

(2) in paragraph (3), by inserting after the first sentence the following: “The terms also mean a contract that provides for energy savings through the construction or operation of 1 or more new buildings or facilities.”.

(b) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

“(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of 1 or more buildings or facilities to replace 1 or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities, from a base cost of operation and maintenance established through a methodology set forth in the contract.

“(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.”.

(c) 5-YEAR EXTENSION OF AUTHORITY.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking “October 1, 2003” and inserting “October 1, 2008”.

(d) UTILITY INCENTIVE PROGRAMS.—Section 546(e) of the National Energy Conservation Policy Act (42 U.S.C. 8256(e)) is amended—

(1) in paragraph (3), by adding at the end the following: “Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation. Notwithstanding section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.”; and

(2) by adding at the end the following:

“(6) A utility incentive program may include a contract or contract term for a reduction in the cost of energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federally owned buildings or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term, including savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities when compared with the costs of operation and maintenance at existing buildings or facilities.”.

**SEC. 4606. FEDERAL ENERGY EFFICIENCY REQUIREMENT.**

(a) IN GENERAL.—Through cost-effective measures, each agency shall reduce energy

consumption per gross square foot of its facilities by 30 percent by 2010 and 50 percent by 2020 relative to 1990.

(b) **IMPLEMENTATION PLAN.**—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan for fulfilling the requirements of this section.

(c) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) **GUIDELINES.**—The Secretary of Energy, in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies' preparation of their annual report, including guidance on how to measure energy consumption in Federal facilities.

(d) **EXEMPTION OF CERTAIN FACILITIES.**—A facility may be deemed exempt when the Secretary determines that compliance with the Energy Policy Act of 1992 is not practical for that particular facility. Not later than 1 year from date of enactment, the Secretary shall, in consultation with the Administrator of the Energy Information Administration, set guidelines for agencies to use in excluding certain kinds of facilities to meet the requirements of this section.

(e) **APPLICABILITY.**—The Department of Defense is subject to this order only to the extent that it does not impair or adversely affect military operations and training (including tactical aircraft, ships, weapons systems, combat training, and border security).

(f) **DEFINITIONS.**—For the purposes of this section—

(1) "agency" means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) "facility" means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term "facility" also includes any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.

#### **SEC. 4607. ENERGY EFFICIENCY SCIENCE INITIATIVE.**

There are authorized to be appropriated \$25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter, but not to exceed \$50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an

explanation of how the research relates to energy efficiency.

### **TITLE VII—ALTERNATIVE FUELS AND RENEWABLE ENERGY**

#### **Subtitle A—Alternative Fuels**

#### **SEC. 4701. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.**

Section 102(a)(1) of title 23, United States Code, is amended by inserting "(unless, at the discretion of the State transportation department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)))" after "required".

#### **SEC. 4702. ALTERNATIVE FUEL VEHICLE CREDITS FOR INSTALLATION OF QUALIFYING INFRASTRUCTURE.**

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) **CREDIT FOR ACQUISITION OR INSTALLATION OF QUALIFYING INFRASTRUCTURE.**—The Secretary shall allocate an infrastructure credit to a fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for the acquisition or installation of the fuel or the needed infrastructure, including the supply and delivery systems, necessary to operate or maintain the alternative fueled vehicle. Such necessary infrastructure shall include—

"(1) equipment required to refuel or recharge the alternative fueled vehicle;

"(2) facilities or equipment required to maintain, repair or operate the alternative fueled vehicle;

"(3) training programs, educational materials or other activities necessary to provide information regarding the operation, maintenance or benefits associated with the alternative fueled vehicle; and

"(4) such other activity as the Secretary deems an appropriate expenditure in support of the operation, maintenance or further wide spread adoption or utilization of the alternative fueled vehicle.

"(f) **QUALIFYING INFRASTRUCTURE CREDIT.**—The term 'infrastructure credit' shall mean—

"(1) that equipment or activity defined in subsection (e) above; and

"(2) be equivalent in cost to the acquisition of an alternative fueled vehicle for which the expenditure on the infrastructure is made.

"(g) **LIMITATION ON NUMBER OF INFRASTRUCTURE CREDITS ISSUED.**—Each fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or each Federal fleet as defined by section 303(b)(3) of title III of this Act, shall be limited in the number of infrastructure credits that may be acquired and used to meet the alternative fueled vehicle requirements of this Act to no more than the equivalent of ½ of the alternative fueled vehicles required per annum."

#### **SEC. 4703. STATE AND LOCAL GOVERNMENT USE OF FEDERAL ALTERNATIVE FUEL REFUELING FACILITIES.**

Section 304 of the Energy Policy Act of 1992 (42 U.S.C. 13213) is amended by adding at the end the following:

"(c) **STATE AND LOCAL GOVERNMENT OWNED VEHICLES.**—Federal agencies may include any alternative fuel vehicles owned by States or local governments in any commercial arrangements for the purpose of fueling Federal alternative fueled vehicles as authorized under subsection (a) of this section. The Secretary may allocate equivalent infrastructure credits to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for

the inclusion of such vehicles in any such commercial fueling arrangements."

#### **SEC. 4704. FEDERAL FLEET FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.**

(a) **FUEL ECONOMY.**—Through cost-effective measures, each agency shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 3 miles per gallon by the end of fiscal year 2005 compared to acquisitions in fiscal year 2000.

(b) **USE OF ALTERNATIVE FUELS.**—Through cost-effective measures, each agency shall, by the end of fiscal year 2005, use alternative fuels for at least 50 percent of the total annual volume of fuel used by the agency. No more than 25 percent of fuel purchased by State and local governments at federally-owned refueling facilities may be included by an agency in meeting the requirement of this section.

(c) **IMPLEMENTATION PLAN.**—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan for fulfilling the requirements of this section. Each agency should develop an implementation plan that meets its unique fleet configuration and fleet requirements.

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) **GUIDELINES.**—The Secretary of Energy, through the Federal Energy Management Program and in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies' preparation of their annual report, including guidance on how to measure fuel economy for the collection and annual reporting of data to demonstrate compliance with the requirements of this section.

(e) **APPLICABILITY.**—This order applies to each Federal agency operating 20 or more motor vehicles within the United States.

(f) **EXEMPTION OF CERTAIN VEHICLES.**—Department of Defense military tactical vehicles are exempt from this order. Law enforcement, emergency, and any other vehicle class or type determined by the Secretary, in consultation with the Federal Energy Management Program, are exempted from the requirements of this section. Not later than 1 year from date of enactment, the Secretary shall, in consultation with the Federal Energy Management Program, set guidelines for agencies to use in the determination of exemptions.

(g) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term "agency" means an executive agency as defined in 5 U.S.C. 105. (Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.)

(2) **ALTERNATIVE FUEL.**—The term "alternative fuel" means any fuel defined as an alternative fuel pursuant to section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(h) **CONFORMING AMENDMENTS.**—Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended as follows:

(1) in subsection (a)(3)(E), by striking the period at the end and inserting the following: ", except that, not later than fiscal year 2005 at least 50 percent of the total annual volume of fuel used must be from alternative fuels."; and

(2) in subsection (g)(4)(B), after the words, "solely on alternative fuel", insert the words ", including a 3-wheeled enclosed electric vehicle having a VIN number".

**SEC. 4705. LOCAL GOVERNMENT GRANT PROGRAM.**

(a) **ESTABLISHMENT.**—Within 1 year of date of enactment of this section, the Secretary of Energy shall establish a program for making grants to local governments for covering the incremental cost of qualified alternative fuel motor vehicles.

(b) **CRITERIA.**—In deciding to whom grants shall be made under this subsection, the Secretary of Energy shall consider the goal of assisting the greatest number of applicants, provided that no grant award shall exceed \$1,000,000.

(c) **PRIORITIES.**—Priority shall be given under this section to those local government fleets where the use of alternative fuels would have a significant beneficial effect on energy security and the environment.

(d) **QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE DEFINED.**—For purposes of this section, the term “qualified motor vehicle” means any motor vehicle which is capable of operating only on an alternative fuel.

(e) **INCREMENTAL COST.**—For purposes of this section, the incremental cost of any qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer’s suggested retail price for such vehicle over such price for a gasoline or diesel motor vehicle of the same model.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of this section, there are authorized to be appropriated \$100,000,000 annually for each of the fiscal years 2002 through 2006.

**Subtitle B—Renewable Energy****SEC. 4710. RESIDENTIAL RENEWABLE ENERGY GRANT PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Energy shall develop and implement a grant program to offset a portion of the total cost of certain eligible residential renewable energy systems.

(b) **ELIGIBILITY.**—Grants may be awarded for—

(1) the new installation of an eligible residential renewable energy system for an existing dwelling unit;

(2) the purchase of an existing dwelling unit with an eligible residential renewable energy system that was installed prior to the date of enactment of this section;

(3) the addition to or augmentation of an existing eligible residential renewable energy system installed on a dwelling unit prior to the date of enactment of this section, provided that any such addition or augmentation results in additional electricity, heat, or other useful energy; or

(4) the construction of a new home or rental property which includes an eligible residential renewable energy system.

(c) **TOTAL COST.**—

(1) **IN GENERAL.**—For purposes of this section, “total cost” means expenditure of funds for—

(A) any equipment whose primary purpose is to provide for the collection, conversion, transfer, distribution, storage or control of electricity or heat generated from renewable energy;

(B) installation charges;

(C) labor costs properly allocable to the on-site preparation, assembly, or original installation of the system; and

(D) piping or wiring to interconnect such system to the dwelling unit.

(2) **LEASED SYSTEMS.**—In the case of a system that is leased, “total cost” means the principal recovery portion of all lease payments scheduled to be made during the full term of the lease, excluding interest charges and maintenance expenses.

(3) **EXISTING SYSTEMS.**—In the case of addition to or augmentation of an existing system, “total cost” shall include only those expenditures related to the incremental cost of the addition or augmentation, and not the full cost of the system.

(d) **COST BUY-DOWN.**—Grants provided under this section shall not exceed \$3,000 per eligible residential renewable energy system, and shall be limited further as follows:

(1) For fiscal years 2002 and 2003, grants provided under this section shall be limited to the smaller of—

(A) 50 percent of the total cost of the energy system; or

(B) \$3.00 per watt of system electricity output or equivalent.

(2) For fiscal years 2004 and 2005, grants provided under this section shall be limited to the smaller of—

(A) 40 percent of the total cost of the energy system; or

(B) \$2.50 per watt of system electricity output.

(3) For fiscal years 2006 and 2007, grants provided under this section shall be limited to the smaller of—

(A) 30 percent of the total cost of the energy system; or

(B) \$2.00 per watt of system electricity output.

(4) For fiscal years 2008 and 2009, grants provided under this section shall be limited to the smaller of—

(A) 20 percent of the total cost of the energy system; or

(B) \$1.50 per watt of system electricity output.

(5) For fiscal years 2010 and 2011, grants provided under this section shall be limited to the smaller of—

(A) 10 percent of the total cost of the energy system; or

(B) \$1.00 per watt of system electricity output.

(e) **LIMITATIONS.**—No grant shall be allowed under this section for an eligible residential renewable energy system unless—

(1) such expenditure is made for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence;

(2) in the case of solar water heating equipment, such equipment is certified for performance and safety by the nonprofit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed; and

(3) such system meets appropriate fire and electric code requirements.

(f) **RENEWABLE ENERGY.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **FORM OF RENEWABLE ENERGY.**—The term “form of renewable energy” means energy produced through the use of—

- (i) a solar thermal system;
- (ii) a solar photovoltaic system;
- (iii) wind;
- (iv) biomass;
- (v) a hydroelectric system; or
- (vi) a source of geothermal energy.

(B) **RENEWABLE ENERGY SYSTEM.**—The term “renewable energy system” means property that uses a form of renewable energy to create electricity, heat, or any other form of useful energy.

(2) **SOLAR PANELS.**—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) solely because it constitutes a structural component of the structure on which it is installed.

(3) **ENERGY STORAGE MEDIUM.**—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

(g) **SPECIAL RULES.**—For purposes of this section:

(1) **TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.**—In the case of an individual who is a tenant-stockholder (as defined in 26 U.S.C. 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder’s proportionate share (as defined in 26 U.S.C. 216(b)(3)) of any expenditures of such corporation.

(2) **CONDOMINIUMS.**—

(A) **IN GENERAL.**—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

(B) **CONDOMINIUM MANAGEMENT ASSOCIATION.**—For purposes of this paragraph, the term “condominium management association” means an organization which meets the requirements of paragraph (1) of 26 U.S.C. 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

(3) **RENEWABLE ENERGY SYSTEMS FOR MULTIPLE DWELLINGS.**—

(A) **IN GENERAL.**—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

(B) **LIMITS APPLIED SEPARATELY.**—In the case of any expenditure described in subparagraph (A), the amount of the grant available under subsection (d) shall be computed separately with respect to the amount of the expenditure made for each dwelling unit.

(h) **ANNUAL REPORT.**—The Secretary shall submit to Congress and the President an annual report on grants distributed pursuant to this section. The report shall include, at minimum—

(1) a summary of the eligible residential renewable energy systems receiving grants in the year just concluded;

(2) an estimate of new renewable energy generation installed as a result of grants awarded, and its distribution by renewable energy source and geographic location;

(3) evidence that the program is contributing to declining costs for renewable energy technologies; and

(4) description of the methods used to award such grants.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of this section, there are authorized to be appropriated \$30,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter, but not to exceed \$150,000,000 in any fiscal year.

**SEC. 4711. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.**

(a) **IN GENERAL.**—Not later than twelve months after the date of enactment of this section, the Secretary of Energy shall submit to Congress an assessment of all renewable energy resources available within the United States.

(b) **RESOURCE ASSESSMENT.**—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources,

and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary of Energy believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy and water resources.

(c) **AVAILABILITY.**—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of carrying out this section, there are authorized to be appropriated \$10,000,000 for fiscal years 2002 through 2006.

#### Subtitle C—Hydroelectric Licensing Reform

##### SEC. 4721. SHORT TITLE.

This subtitle may be cited as the “Hydroelectric Licensing Process Improvement Act of 2001”.

##### SEC. 4722. FINDINGS.

Congress finds that—

(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;

(2) hydroelectric power is the leading renewable energy resource of the United States;

(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;

(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;

(5) the process of licensing hydroelectric projects by the Commission—

(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license;

(B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain;

(C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and

(D) is burdensome for all participants and too often results in litigation; and

(6) while the alternative licensing procedures available to applicants for hydroelectric project licenses provide important opportunities for the collaborative resolution of many of the issues in hydroelectric project licensing, those procedures are not appropriate in every case and cannot substitute for statutory reforms of the hydroelectric licensing process.

##### SEC. 4723. PURPOSE.

The purpose of this subtitle is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—

(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;

(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and

(3) making other improvements in the licensing process.

##### SEC. 4724. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

(a) **IN GENERAL.**—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

##### “SEC. 33. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

“(a) **DEFINITIONS.**—In this section:

“(1) **CONDITION.**—The term ‘condition’ means—

“(A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

“(B) a prescription relating to the construction, maintenance, or operation of a fishway determined by a consulting agency for the purpose of the first sentence of section 18.

“(2) **CONSULTING AGENCY.**—The term ‘consulting agency’ means—

“(A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

“(B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

“(b) **FACTORS TO BE CONSIDERED.**—

“(1) **IN GENERAL.**—In determining a condition, a consulting agency shall take into consideration—

“(A) the impacts of the condition on—

“(i) economic and power values;

“(ii) electric generation capacity and system reliability;

“(iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

“(iv) drinking, flood control, irrigation, navigation, or recreation water supply;

“(B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

“(C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

“(2) **DOCUMENTATION.**—

“(A) **IN GENERAL.**—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

“(B) **SUBMISSION TO THE COMMISSION.**—A consulting agency shall include the documentation under subparagraph (A) in its submission of a condition to the Commission.

“(c) **SCIENTIFIC REVIEW.**—

“(1) **IN GENERAL.**—Each condition determined by a consulting agency shall be subjected to appropriately substantiated scientific review.

“(2) **DATA.**—For the purpose of paragraph (1), a condition shall be considered to have been subjected to appropriately substantiated scientific review if the review—

“(A) was based on current empirical data or field-tested data; and

“(B) was subjected to peer review.

“(d) **RELATIONSHIP TO IMPACTS ON FEDERAL RESERVATION.**—In the case of a condition for the purpose of the first proviso of section 4(e), each condition determined by a con-

sulting agency shall be directly and reasonably related to the impacts of the project within the Federal reservation.

“(e) **ADMINISTRATIVE REVIEW.**—

“(1) **OPPORTUNITY FOR REVIEW.**—Before submitting to the Commission a proposed condition, and at least 90 days before a license applicant is required to file a license application with the Commission, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before an administrative law judge or other independent reviewing body of—

“(A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

“(B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

“(2) **COMPLETION OF REVIEW.**—

“(A) **IN GENERAL.**—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

“(B) **FAILURE TO MAKE TIMELY COMPLETION OF REVIEW.**—If review of a proposed condition is not completed within the time specified by subparagraph (A), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 10(j).

“(3) **REMAND.**—If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

“(A) render a decision that—

“(i) explains the reasons for a finding that the condition is unreasonable and may make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be found unreasonable; or

“(ii) explains the reasons for a finding that a requirement was not met and may describe any action that the consulting agency should take to meet the requirement; and

“(B) remand the matter to the consulting agency for further action.

“(4) **SUBMISSION TO THE COMMISSION.**—Following administrative review under this subsection, a consulting agency shall—

“(A) take such action as is necessary to—

“(i) withdraw the condition;

“(ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

“(iii) otherwise comply with this section; and

“(B) include with its submission to the Commission of a proposed condition—

“(i) the record on administrative review; and

“(ii) documentation of any action taken following administrative review.

“(f) **SUBMISSION OF FINAL CONDITION.**—

“(1) **IN GENERAL.**—After an applicant files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

“(2) **LIMITATION.**—Except as provided in paragraph (3), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

“(3) **DEFAULT.**—If a consulting agency does not submit a final condition to a license by the date set under paragraph (1)—

“(A) the consulting agency shall not thereafter have authority to recommend or establish a condition to the license; and

“(B) the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license that—

“(i) furthers the interest sought to be protected by the provision of law that authorizes the consulting agency to propose or establish a condition to the license; and

“(ii) conforms to the requirements of this Act.

“(4) **EXTENSION.**—The Commission may make 1 extension, of not more than 30 days, of a deadline set under paragraph (1).

“(g) **ANALYSIS BY THE COMMISSION.**—

“(1) **ECONOMIC ANALYSIS.**—The Commission shall conduct an economic analysis of each condition submitted by a consulting agency to determine whether the condition would render the project uneconomic.

“(2) **CONSISTENCY WITH THIS SECTION.**—In exercising authority under section 10(j)(2), the Commission shall consider whether any recommendation submitted under section 10(j)(1) is consistent with the purposes and requirements of subsections (b) and (c) of this section.

“(h) **COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.**—When requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

“(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

“(2) was subjected to scientific review in accordance with subsection (c);

“(3) relates to direct project impacts within the reservation, in the case of a condition for the first proviso of section 4(e);

“(4) is reasonable;

“(5) is supported by substantial evidence; and

“(6) is consistent with this Act and other terms and conditions to be included in the license.”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—

(1) **SECTION 4.**—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(A) in the first proviso of the first sentence, by inserting after “conditions” the following: “, determined in accordance with section 33.”; and

(B) in the last sentence, by striking the period and inserting “(including consideration of the impacts on greenhouse gas emissions)”.

(2) **SECTION 18.**—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended in the first sentence by striking “prescribed by the Secretary of Commerce” and inserting “prescribed, in accordance with section 33, by the Secretary of the Interior or the Secretary of Commerce, as appropriate.”

**SEC. 4725. COORDINATED ENVIRONMENTAL REVIEW PROCESS.**

Part I of the Federal Power Act (16 U.S.C. 791a et seq.) (as amended by section 4724) is amended by adding at the end the following:

**“SEC. 34. COORDINATED ENVIRONMENTAL REVIEW PROCESS.**

“(a) **LEAD AGENCY RESPONSIBILITY.**—The Commission, as the lead agency for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects licensed under this part, shall conduct a single consolidated environmental review—

“(1) for each such project; or

“(2) if appropriate, for multiple projects located in the same area.

“(b) **CONSULTING AGENCIES.**—In connection with the formulation of a condition in accordance with section 33, a consulting agency shall not perform any environmental review in addition to any environmental review performed by the Commission in connection with the action to which the condition relates.

“(c) **DEADLINES.**—

“(1) **IN GENERAL.**—The Commission shall set a deadline for the submission of comments by Federal, State, and local government agencies in connection with the preparation of any environmental impact statement or environmental assessment required for a project.

“(2) **CONSIDERATIONS.**—In setting a deadline under paragraph (1), the Commission shall take into consideration—

“(A) the need of the license applicant for a prompt and reasonable decision;

“(B) the resources of interested Federal, State, and local government agencies; and

“(C) applicable statutory requirements.”.

**SEC. 4726. STUDY OF SMALL HYDROELECTRIC PROJECTS.**

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a study of the feasibility of establishing a separate licensing procedure for small hydroelectric projects.

(b) **DEFINITION OF SMALL HYDROELECTRIC PROJECT.**—The Commission may by regulation define the term “small hydroelectric project” for the purpose of subsection (a), except that the term shall include at a minimum a hydroelectric project that has a generating capacity of 5 megawatts or less.

**TITLE VIII—ELECTRIC SUPPLY RELIABILITY; PURPA REPEAL; PUHCA REPEAL**

**Subtitle A—Electric Energy Transmission Reliability**

**SEC. 4801. SHORT TITLE.**

This subtitle may be cited as the “National Electric Reliability Act”.

**SEC. 4802. ELECTRIC ENERGY TRANSMISSION RELIABILITY.**

(a) **ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.**—

(1) **IN GENERAL.**—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

**“SEC. 215. ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.**

“(a) **DEFINITIONS.**—In this section:

“(1) **AFFILIATED REGIONAL RELIABILITY ENTITY.**—The term ‘affiliated regional reliability entity’ means an entity delegated authority under the provisions of subsection (h).

“(2) **BULK POWER SYSTEM.**—The term ‘bulk power system’ means all facilities and control systems necessary for operating an interconnected transmission grid (or any portion thereof), including high-voltage transmission lines; substations; control centers; communications; data, and operations planning facilities; and the output of generating units necessary to maintain transmission system reliability.

“(3) **ELECTRIC RELIABILITY ORGANIZATION, OR ORGANIZATION.**—The term ‘Electric Reliability Organization’ or ‘Organization’ means the organization approved by the Commission under subsection (d)(4).

“(4) **ENTITY RULE.**—The term ‘entity rule’ means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enforce 1 or more Organization Standards. An entity rule shall be approved by the organization and once approved, shall be treated as an Organization Standard.

“(5) **INDUSTRY SECTOR.**—The term ‘industry sector’ means a group of users of the bulk power system with substantially similar commercial interests, as determined by the Board of the Electric Reliability Organization.

“(6) **INTERCONNECTION.**—The term ‘interconnection’ means a geographic area in which the operation of bulk power system components is synchronized such that the failure of 1 or more such components may adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

“(7) **ORGANIZATION STANDARD.**—The term ‘Organization Standard’ means a policy or standard duly adopted by the Electric Reliability Organization to provide for the reliable operation of a bulk power system.

“(8) **PUBLIC INTEREST GROUP.**—The term ‘public interest group’ means any nonprofit private or public organization that has an interest in the activities of the Electric Reliability Organization, including, but not limited to, ratepayer advocates, environmental groups, and State and local government organizations that regulate market participants and promulgate government policy.

“(9) **VARIANCE.**—The term ‘variance’ means an exception or variance from the requirements of an Organization Standard (including a proposal for an Organization Standard where there is no Organization Standard) that is adopted by an affiliated regional reliability entity and applicable to all or a part of the region for which the affiliated regional reliability entity is responsible. A variance shall be approved by the organization and once approved, shall be treated as an Organization Standard.

“(10) **SYSTEM OPERATOR.**—The term ‘system operator’ means any entity that operates or is responsible for the operation of a bulk power system, including but not limited to a control area operator, an independent system operator, a regional transmission organization, a transmission company, a transmission system operator, or a regional security coordinator.

“(11) **USER OF THE BULK POWER SYSTEM.**—The term ‘user of the bulk power system’ means any entity that sells, purchases, or transmits electric power over a bulk power system, or that owns, operates, or maintains facilities or control systems that are part of a bulk power system, or that is a system operator.

“(b) **COMMISSION AUTHORITY.**—

“(1) Within the United States, the Commission shall have jurisdiction over the Electric Reliability Organization, all affiliated regional reliability entities, all system operators, and all users of the bulk-power system, for purposes of approving and enforcing compliance with the requirements of this section.

“(2) The Commission may, by rule, define any other term used in this section, provided such definition is consistent with the definitions in, and the purpose and intent of, this Act.

“(3) Not later than 90 days after the date of enactment of this section, the Commission shall issue a proposed rule for implementing the requirements of this section. The Commission shall provide notice and opportunity

for comment on the proposed rule. The Commission shall issue a final rule under this subsection within 180 days after the date of enactment of this section.

“(4) Nothing in this section shall be construed as limiting or impairing any authority of the Commission under any other provision of this Act, including its exclusive authority to determine rates, terms, and conditions of transmission services subject to its jurisdiction.

“(C) EXISTING RELIABILITY STANDARDS.—After the date of enactment of this section, and prior to the approval of an organization under subsection (d), any entity, including the North American Electric Reliability Council and its member regional reliability councils, may file any reliability standard, guidance, or practice that such entity would propose to be made mandatory and enforceable. The Commission, after allowing an opportunity to submit comments, may approve any such proposed mandatory standard, guidance, or practice, or any amendment thereto, if it finds that the standard, guidance, or practice, or amendment is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission may, without further proceeding or finding, grant its approval to any standard, guidance, or practice for which no substantive objections are filed in the comment period. Filed standards, guidances, or practices, including any amendments thereto, shall be mandatory and applicable according to their terms following approval by the Commission and shall remain in effect until—

“(1) withdrawn, disapproved, or superseded by an Organization Standard, issued or approved by the Electric Reliability Organization and made effective by the Commission under subsection (e); or

“(2) disapproved by the Commission if, upon complaint or upon its own motion and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice unjust, unreasonable, unduly discriminatory, or preferential or not in the public interest.

Standards, guidances, or practices in effect pursuant to the provisions of this subsection shall be enforceable by the Commission.

“(d) ORGANIZATION APPROVAL.—

“(1) Following the issuance of a final Commission rule under subsection (b)(3), an entity may submit an application to the Commission for approval as the Electric Reliability Organization. The applicant shall specify in its application its governance and procedures, as well as its funding mechanism and initial funding requirements.

“(2) The Commission shall provide public notice of the application and afford interested parties an opportunity to comment.

“(3) The Commission shall approve the application if the Commission determines that the applicant—

“(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of the bulk power system;

“(B) permits voluntary membership to any user of the bulk power system or public interest group;

“(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of Organization Standards and the exercise of oversight of bulk power system reliability;

“(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the Electric Reliability Organization's discharge of its responsibilities (including actions by committees recommending standards to the board or other board actions to implement and enforce standards);

“(E) provides for governance by a board wholly comprised of independent directors;

“(F) provides a funding mechanism and requirements that are just, reasonable, and not unduly discriminatory or preferential and are in the public interest, and which satisfy the requirements of subsection (1);

“(G) establishes procedures for development of Organization Standards that provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has—

“(i) openness;

“(ii) balance of interests; and

“(iii) due process, except that the procedures may include alternative procedures for emergencies;

“(H) establishes fair and impartial procedures for implementation and enforcement of Organization Standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

“(I) establishes procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

“(J) provides for the consideration of recommendations of States and State commissions; and

“(K) addresses other matters that the Commission may deem necessary or appropriate to ensure that the procedures, governance, and funding of the Electric Reliability Organization are just, reasonable, not unduly discriminatory or preferential, and are in the public interest.

“(4) The Commission shall approve only 1 Electric Reliability Organization. If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

“(e) ESTABLISHMENT OF AND MODIFICATIONS TO ORGANIZATION STANDARDS.—

“(1) The Electric Reliability Organization shall file with the Commission any new or modified organization standards, including any variances or entity rules, and the Commission shall follow the procedures under paragraph (2) for review of that filing.

“(2) Submissions under paragraph (1) shall include—

“(A) a concise statement of the purpose of the proposal; and

“(B) a record of any proceedings conducted with respect to such proposal.

The Commission shall provide notice of the filing of such proposal and afford interested entities 30 days to submit comments. The Commission, after taking into consideration any submitted comments, shall approve or disapprove such proposal not later than 60 days after the deadline for the submission of

comments, except that the Commission may extend the 60 day period for an additional 90 days for good cause, and except further that if the Commission does not act to approve or disapprove a proposal within the foregoing periods, the proposal shall go into effect subject to its terms, without prejudice to the authority of the Commission thereafter to modify the proposal in accordance with the standards and requirements of this section. Proposals approved by the Commission shall take effect according to their terms but not earlier than 30 days after the effective date of the Commission's order, except as provided in paragraph (3) of this subsection.

“(3)(A) In the exercise of its review responsibilities under this subsection, the Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a new or modified organization standard, but shall not defer to the organization with respect to the effect of the standard on competition. The Commission shall approve a proposed new or modified organization standard if it determines the proposal to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

“(B) An existing or proposed organization standard which is disapproved in whole or in part by the Commission shall be remanded to the Electric Reliability Organization for further consideration.

“(C) The Commission, on its own motion or upon complaint, may direct the Electric Reliability Organization to develop an organization standard, including modification to an existing organization standard, addressing a specific matter by a date certain if the Commission considers such new or modified organization standard necessary or appropriate to further the purposes of this section. The Electric Reliability Organization shall file any such new or modified organization standard in accordance with this subsection.

“(D) An affiliated regional reliability entity may propose a variance or entity rule to the Electric Reliability Organization. The affiliated regional reliability entity may request that the Electric Reliability Organization expedite consideration of the proposal, and may file a notice of such request with the Commission, if expedited consideration is necessary to provide for bulk-power system reliability. If the Electric Reliability Organization fails to adopt the variance or entity rule, either in whole or in part, the affiliated regional reliability entity may request that the Commission review such action. If the Commission determines, after its review of such a request, that the action of the Electric Reliability Organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, then the Commission may remand the proposed variance or entity rule for further consideration by the Electric Reliability Organization or may direct the Electric Reliability Organization or the affiliated regional reliability entity to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity. Any such variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the Electric Reliability Organization for review and filing with the Commission in accordance with the procedures specified in this subsection.

“(E) Notwithstanding any other provision of this subsection, a proposed organization standard or amendment shall take effect according to its terms if the Electric Reliability Organization determines that an emergency exists requiring that such proposed organization standard or amendment take effect without notice or comment. The Electric Reliability Organization shall notify the Commission immediately following such determination and shall file such emergency organization standard or amendment with the Commission not later than 5 days following such determination and shall include in such filing an explanation of the need for such emergency standard. Subsequently, the Commission shall provide notice of the organization standard or amendment for comment, and shall follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard. Any such organization standard that has gone into effect shall remain in effect unless and until suspended or disapproved by the Commission. If the Commission determines at any time that the emergency organization standard or amendment is not necessary, the Commission may suspend such emergency organization standard or amendment.

“(4) All users of the bulk power system shall comply with any organization standard that takes effect under this section.

“(f) COORDINATION WITH CANADA AND MEXICO.—The Electric Reliability Organization shall take all appropriate steps to gain recognition in Canada and Mexico. The United States shall use its best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for effective compliance with organization standards and to provide for the effectiveness of the Electric Reliability Organization in carrying out its mission and responsibilities. All actions taken by the Electric Reliability Organization, any affiliated regional reliability entity, and the Commission shall be consistent with the provisions of such international agreements.

“(g) CHANGES IN PROCEDURES, GOVERNANCE, OR FUNDING.—

“(1) The Electric Reliability Organization shall file with the Commission any proposed change in its procedures, governance, or funding, or any changes in the affiliated regional reliability entity's procedures, governance, or funding relating to delegated functions, and shall include with the filing an explanation of the basis and purpose for the change.

“(2) A proposed procedural change may take effect 90 days after filing with the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of an existing procedure. Otherwise, a proposed procedural change shall take effect only upon a finding by the Commission, after notice and opportunity for comments, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (d)(4).

“(3) A change in governance or funding shall not take effect unless the Commission finds that the change is just, reasonable, not unduly discriminatory or preferential, in the public interest, and satisfies the requirements of subsection (d)(4).

“(4) The Commission, upon complaint or upon its own motion, may require the Electric Reliability Organization to amend the procedures, governance, or funding if the Commission determines that the amendment

is necessary to meet the requirements of this section. The Electric Reliability Organization shall file the amendment in accordance with paragraph (1) of this subsection.

“(h) DELEGATIONS OF AUTHORITY.—

“(1) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate to the entity any other authority, except that the Electric Reliability Organization shall reserve the right to set and approve standards for bulk power system reliability.

“(2) The Electric Reliability Organization shall file with the Commission any agreement entered into under this subsection and any information the Commission requires with respect to the affiliated regional reliability entity to which authority is to be delegated. The Commission shall approve the agreement, following public notice and an opportunity for comment, if it finds that the agreement meets the requirements of paragraph (1), and is just, reasonable, not unduly discriminatory or preferential, and is in the public interest. A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of bulk power system reliability. No delegation by the Electric Reliability Organization shall be valid unless approved by the Commission.

“(3)(A) A delegation agreement entered into under this subsection shall specify the procedures for an affiliated regional reliability entity to propose entity rules or variances for review by the Electric Reliability Organization. With respect to any such proposal that would apply on an interconnection-wide basis, the Electric Reliability Organization shall presume such proposal valid if made by an interconnection-wide affiliated regional reliability entity unless the Electric Reliability Organization makes a written finding that the proposal—

“(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

“(ii) has a significant adverse impact on reliability or commerce in other interconnections;

“(iii) fails to provide a level of reliability of the bulk-power system within the interconnection such that it would constitute a serious and substantial threat to public health, safety, welfare, or national security; or

“(iv) creates a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

“(B) With respect to any such proposal that would apply only to part of an interconnection, the Electric Reliability Organization shall find such proposal valid if the affiliated regional reliability entity or entities making the proposal demonstrate that it—

“(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

“(ii) would not have an adverse impact on commerce that is not necessary for reliability;

“(iii) provides a level of bulk power system reliability adequate to protect public health, safety, welfare, and national security, and would not have a significant adverse impact on reliability; and

“(iv) in the case of a variance, is based on legitimate differences between regions or between subregions within the affiliated regional reliability entity's geographic area.

The Electric Reliability Organization shall approve or disapprove such proposal within 120 days, or the proposal shall be deemed approved. Following approval of any such proposal under this paragraph, the Electric Reliability Organization shall seek Commission approval pursuant to the procedures prescribed under subsection (e)(3). Affiliated regional reliability entities may not make requests for approval directly to the Commission except pursuant to subsection (e)(3)(D).

“(4) If an affiliated regional reliability entity requests, consistent with paragraph (1) of this subsection, that the Electric Reliability Organization delegate authority to it, but is unable within 180 days to reach agreement with the Electric Reliability Organization with respect to such requested delegation, such entity may seek relief from the Commission. If, following notice and opportunity for comment, the Commission determines that a delegation to the entity would meet the requirements of paragraph (1) above, and that the delegation would be just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably withheld such delegation, the Commission may, by order, direct the Electric Reliability Organization to make such delegation.

“(5)(A) The Commission may, upon its own motion or upon complaint, and with notice to the appropriate affiliated regional reliability entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

“(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively or efficiently its implementation or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of this section;

“(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its implementation or enforcement responsibilities under the agreement;

“(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability; or

“(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

“(B) Following an order of the Commission issued under subparagraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization or the affiliated regional reliability entity does not propose an appropriate and timely modification. If the agreement is suspended, the Electric Reliability Organization shall assume the previously delegated responsibilities.

The Commission shall allow the Electric Reliability Organization and the affiliated regional reliability entity an opportunity to appeal the suspension.

“(i) ORGANIZATION MEMBERSHIP.—Every system operator shall be required to be a member of the electric Reliability Organization and shall be required also to be a member of any affiliated regional reliability entity operating under an agreement effective pursuant to subsection (h) applicable to the region in which the system operator operates or is responsible for the operation of bulkpower system facilities.

“(j) INJUNCTIONS AND DISCIPLINARY ACTION.—

“(1) Consistent with the range of actions approved by the Commission under subsection (d)(4)(H), the Electric Reliability Organization may impose a penalty, limitation of activities, functions, operations, or other disciplinary action the Electric Reliability Organization finds appropriate against a user of the bulk power system if the Electric Reliability Organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the user of the bulk-power system has violated an organization standard. The Electric Reliability Organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a user of the bulk-power system that affected or threatened to affect bulk power system facilities located in the United States, and the sanctioned party shall have the right to seek modification or rescission of such disciplinary action by the Commission. If the organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

“(2) A disciplinary action taken under paragraph (1) may take effect not earlier than the 30th day after the Electric Reliability Organization files with the Commission its written finding and record of proceedings before the Electric Reliability Organization and the Commission posts its written finding, unless the Commission, on its own motion or upon application by the user of the bulk power system which is the subject of the action, suspends the action. The action shall remain in effect or remain suspended unless and until the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the action, but the Commission shall conduct such hearing under procedures established to ensure expedited consideration of the action taken.

“(3) The Commission, on its own motion or on complaint, may order compliance with an organization standard and may impose a penalty, limitation of activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a user of the bulk power system with respect to actions affecting or threatening to affect bulk power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the user of the bulk power system has violated or threatens to violate an organization standard.

“(4) The Commission may take such action as is necessary against the Electric Reliability Organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting the Electric Reliability Organization or an affiliated regional reliability entity.

“(k) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk power system in North America and shall report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

“(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—The reasonable costs of the Electric Reliability Organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation and enforcement of organization standards or other requirements contained in a delegation agreement approved under subsection (h), shall be assessed by the Electric Reliability Organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all end users. The Commission shall provide by rule for the review of such costs and allocations, pursuant to the standards in this subsection and subsection (d)(4)(F).

“(m) SAVINGS PROVISIONS.—

“(1) The Electric Reliability Organization shall have authority to develop, implement and enforce compliance with standards for the reliable operation of only the bulk power system.

“(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

“(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

“(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, the Commission shall issue a final order determining whether a State action is inconsistent with an Organization Standard, after notice and opportunity for comment, taking into consideration any recommendations of the Electric Reliability Organization.

“(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

“(n) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least ⅓ of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of 1 member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States, upon execution of an international agreement or agreements described in subsection (f). A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding the governance of an existing or proposed affiliated regional reliability entity within the same region, whether an organization standard, entity rule, or variance proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and whether fees proposed to be assessed within the region are just, reasonable, not unduly

discriminatory or preferential, in the public interest, and consistent with the requirements of subsection (l). The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

“(o) COORDINATION WITH REGIONAL TRANSMISSION ORGANIZATIONS.—

“(1) Each regional transmission organization authorized by the Commission shall be responsible for maintaining the short-term reliability of the bulk power system that it operates, consistent with organization standards.

“(2) Except as provided in paragraph (5), in connection with a proceeding under subsection (e) to consider a proposed organization standard, each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding whether the proposed organization standard hinders or conflicts with that regional transmission organization's ability to fulfill the requirements of any rule, regulation, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission. Where such hindrance or conflict is identified, the Commission shall address such hindrance or conflict, and the need for any changes to such rule, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission in its order under subsection (e) regarding the proposed standard. Where such hindrance or conflict is identified between a proposed organization standard and a provision of any rule, order, tariff, rate schedule or agreement accepted, approved or ordered by the Commission applicable to a regional transmission organization, nothing in this section shall require a change in the regional transmission organization's obligation to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

“(3) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after approval of a reliability standard under subsection (c) or organization standard under subsection (e), each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with that regional transmission organization's ability to fulfill the requirements of any rule, regulation, order tariff, rate schedule, or agreement accepted, approved or ordered by the Commission. The Commission shall seek to ensure that such hindrances or conflicts are resolved promptly. Where a hindrance or conflict is identified between a reliability standard or an organization standard and a provision of any rule, order, tariff, rate schedule or agreement accepted, approved or ordered by the Commission applicable to a regional reliability organization, nothing in this section shall require a change in the regional transmission organization's obligation to comply with such provision unless the Commission orders such a

change and the change becomes effective. If the Commission finds that the tariff, rate schedule or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that an organization standard needs to be changed, it shall order the electric reliability organization to develop and submit a modified organization standard under subsection (e)(3)(C).

“(4) An affiliated regional reliability entity and a regional transmission organization operating in the same geographic area shall cooperate to avoid conflicts between implementation and enforcement of organization standards by the affiliated regional reliability entity and implementation and enforcement by the regional transmission organization of tariffs, rate schedules, and agreements accepted, approved or ordered by the Commission. In areas without an affiliated regional reliability entity, the electric reliability organization shall act as the affiliated regional reliability entity for purposes of this paragraph.

“(5) Until 180 days after approval of applicable subsection (h)(3) procedures, any reliability standard, guidance, or practice contained in Commission-accepted tariffs, rate schedules, or agreements in effect of any Commission-authorized independent system operator or regional transmission organization shall continue to apply unless the Commission accepts an amendment thereto by the applicable operator or organization, or upon complaint finds them to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest. At the conclusion of such transition period, any such reliability standard, guidance, practice, or amendment thereto that the Commission determines is inconsistent with organization standards shall no longer apply.”

(2) ENFORCEMENT.—Sections 316 and 316A of the Federal Power Act (16 U.S.C. 825o, 825o-1) are amended by striking “or 214” each place it appears and inserting “214, or 215”.

(b) APPLICATION OF ANTITRUST LAWS.—Notwithstanding any other provision of law, each of the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

(1) Activities undertaken by the Electric Reliability Organization under section 215 of the Federal Power Act or affiliated regional reliability entity operating under an agreement in effect under section 215(h) of such Act.

(2) Activities of a member of the Electric Reliability Organization or affiliated regional reliability entity in pursuit of organization objectives under section 215 of the Federal Power Act undertaken in good faith under the rules of the organization.

Primary jurisdiction, and immunities and other affirmative defenses, shall be available to the extent otherwise applicable.

#### **Subtitle B—PURPA Mandatory Purchase and Sale Requirements**

##### **SEC. 4803. PURPA MANDATORY PURCHASE AND SALE REQUIREMENTS.**

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

“(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

“(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from, or sell electric energy under this section.

“(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

“(A) the right to recover costs of purchasing such electric energy or capacity; and

“(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

“(3) RECOVERY OF COSTS.—

“(A) REGULATION.—To ensure recovery, by an electric utility that purchases electricity or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all costs associated with the purchases, the Commission shall issue and enforce such regulations as are required to ensure that no electric utility shall be required directly or indirectly to absorb the costs associated with such purchases.

“(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act.”

#### **Subtitle C—Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2001**

##### **SEC. 4810. SHORT TITLE.**

This subtitle may be cited as the “Public Utility Holding Company Act of 2001”.

##### **SEC. 4811. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Public Utility Holding Company Act of 1935 was intended to facilitate the work of Federal and State regulators by placing certain constraints on the activities of holding company systems;

(2) developments since 1935, including changes in other regulation and in the electric and gas industries, have called into question the continued relevance of the model of regulation established by that Act;

(3) there is a continuing need for State regulation in order to ensure the rate protection of utility customers; and

(4) limited Federal regulation is necessary to supplement the work of State commissions for the continued rate protection of electric and gas utility customers.

(b) PURPOSES.—The purposes of this title are—

(1) to eliminate unnecessary regulation, yet continue to provide for consumer protection by facilitating existing rate regulatory authority through improved Federal and State commission access to books and records of all companies in a holding company system, to the extent that such information is relevant to rates paid by utility customers, while affording companies the flexibility required to compete in the energy markets; and

(2) to address protection of electric and gas utility customers by providing for Federal and State access to books and records of all companies in a holding company system that are relevant to utility rates.

##### **SEC. 4812. DEFINITIONS.**

For the purposes of this subtitle—

(1) the term “affiliate” of a company means any company 5 percent or more of the

outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company;

(2) the term “associate company” of a company means any company in the same holding company system with such company;

(3) the term “Commission” means the Federal Energy Regulatory Commission;

(4) the term “company” means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing;

(5) the term “electric utility company” means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale;

(6) the terms “exempt wholesale generator” and “foreign utility company” have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935, as those sections existed on the day before the effective date of this Act;

(7) the term “gas utility company” means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power;

(8) the term “holding company” means—

(A) any company that directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with 1 or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon holding companies;

(9) the term “holding company system” means a holding company, together with its subsidiary companies;

(10) the term “jurisdictional rates” means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(11) the term “natural gas company” means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale;

(12) the term “person” means an individual or company;

(13) the term “public utility” means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce;

(14) the term “public utility company” means an electric utility company or a gas utility company;

(15) the term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies;

(16) the term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with 1 or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon subsidiary companies of holding companies; and

(17) the term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

**SEC. 4813. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.**

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 1 year after the date of enactment of this Act.

**SEC. 4814. FEDERAL ACCESS TO BOOKS AND RECORDS.**

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to

his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

**SEC. 4815. STATE ACCESS TO BOOKS AND RECORDS.**

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act.

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, records, or any other information, or in any way limit the rights of any State to obtain books, records, or any other information under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

**SEC. 4816. EXEMPTION AUTHORITY.**

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 4815 any person that is a holding company, solely with respect to 1 or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, records, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company, the Commission shall exempt such person or transaction from the requirements of section 4815.

**SEC. 4817. AFFILIATE TRANSACTION.**

Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

**SEC. 4818. APPLICABILITY.**

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

**SEC. 4819. EFFECT ON OTHER REGULATIONS.**

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

**SEC. 4820. ENFORCEMENT.**

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825d–825p) to enforce the provisions of this subtitle.

**SEC. 4821. SAVINGS PROVISIONS.**

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

**SEC. 4822. IMPLEMENTATION.**

Not later than 180 days after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title (other than section 4815); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

**SEC. 4823. TRANSFER OF RESOURCES.**

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

**SEC. 4824. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

**SEC. 4825. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.**

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

**Subtitle D—Emission-Free Control Measures Under State Implementation Plans**

**SEC. 4830. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.**

Actions taken by a State to support the continued operation of existing emission-free electricity sources, or the construction or operation of new emission-free electricity sources, shall be considered control measures necessary or appropriate to meet applicable requirements under section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)) and shall be included in a State Implementation Plan.

**TITLE IX—TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION****SEC. 4901. SENSE OF CONGRESS REGARDING TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION.**

It is the sense of Congress that certain Federal tax incentives including those contained in title IX of S. 389 as introduced in the First Session of the 107th Congress should be enacted into law to encourage energy production and conservation in the United States.

**SA 1583.** Mr. DORGAN (for Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELBY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER)) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

**SECTION 1. SHORT TITLE.**

This title may be cited as the "The 9/11 Heroes Stamp Act of 2001".

**SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.**

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (b).

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (a), subject to the following:

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5."

(d) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this Act.

(e) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.

"(g) For purposes of section 416 (including any regulation prescribed under subsection

(e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time."

(c) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

**SEC. 3. DEFINITIONS.**

For purposes of this Act—

(1) the term "emergency relief personnel" means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term "semipostal" has the meaning given such term by section 416 of title 39, United States Code.

**SA 1584.** Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 36, line 7, after the semicolon insert the following: "of which \$2,500,000 shall be used for a newly designated HIDTA in the State of Utah."

**NOTICES OF HEARINGS/MEETINGS****SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 25, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment that was recently agreed to by the Western Governors' Association, Secretary of the Interior Gale Norton and Secretary of Agriculture Ann Veneman.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and For-

ests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

**SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 26, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

**SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 2, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the interaction of old-growth forest protection initiative and national forest policy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

**PRIVILEGE OF THE FLOOR**

Mr. DORGAN. Mr. President, I ask unanimous consent that Matt King, a

legislative fellow on the subcommittee, be granted the privilege of the floor during consideration of H.R. 2590.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. I ask unanimous consent that Patricia Raymond and Lula Edwards have unlimited floor privileges during the consideration of the Treasury and general government bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that on Friday, September 21, 2001, immediately following the convening of the Senate at 9 a.m., the Senate proceed to executive session to consider en bloc the Executive Calendar nominations numbered 360 and 361; Sharon Prost to be a U.S. circuit judge, and Reggie Walton to be U.S. district judge; that there be 20 minutes for debate on the two nominees, equally divided between the chairman and ranking member of the Judiciary Committee; that at the conclusion, or yielding back the time, the Senate vote on confirmation of each nominee; that upon the disposition of these nominations the President be immediately notified of the Senate's action, the Senate return to legislative session, and the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that it be in order to ask, as in executive session, for the yeas and nays on both nominations now with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, so there is no misunderstanding, on the unanimous consent request that was just entered, the 20 minutes is total for both nominees, equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Finance Committee be discharged from further consideration of the nomination of Robert Bonner to be Commissioner of Customs, that the nomination be confirmed, the motion to reconsider

be laid upon the table, the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

Robert C. Bonner, of California, to be Commissioner of Customs.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 231 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 231) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 231) was agreed to.

#### DISCHARGE AND REFERRAL—H.R. 768

Mr. REID. Mr. President, I ask unanimous consent that H.R. 768, the Need-Based Educational Aid Act of 2001, be discharged from the HELP Committee and then referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DESIGNATING A MEMBER TO SERVE ON THE JOINT COMMITTEE ON PRINTING

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 67 submitted earlier by Senator DODD.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

Senate Concurrent Resolution (S. Con. Res. 67) permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of

the Committee to serve on the Joint Committee on Printing in place of the Chairman.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements and supporting documents be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 67) was agreed to.

(The text of the concurrent resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

#### PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 68 submitted earlier by Senators DODD and McCONNELL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

Senate concurrent resolution (S. Con. Res. 68) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, in regard to S. Con. Res. 68, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 68) was agreed to.

(The text of the resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

#### ORDERS FOR THURSDAY, SEPTEMBER 20, AND FRIDAY, SEPTEMBER 21, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today it adjourn until 8:30 p.m. tomorrow, Thursday, September 20. I further ask consent that on Thursday, immediately following the prayer

and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 8:40 p.m., with Senators permitted to speak for up to 5 minutes each. Further, that the Senate adjourn upon the conclusion of the joint session until 9 a.m. Friday, September 21. I further ask unanimous consent that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. On Thursday, the Senate will convene at 8:30 p.m. and there will be a joint session beginning at 9 p.m. to hear from the President of the United States. The Senators should be in the Senate Chamber by 8:40 to proceed to the House Chamber. There will be no rollcall votes tomorrow.

The Senate will then convene Friday at 9 a.m. The next rollcall vote will begin at 9:20 a.m. on Friday.

#### ADJOURNMENT UNTIL 8:30 P.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask

unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Thursday, September 20, 2001, at 8:30 p.m.

#### NOMINATIONS

Executive nominations received by the Senate September 19, 2001:

##### TENNESSEE VALLEY AUTHORITY

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2011. (REAPPOINTMENT)

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2002, VICE CRAVEN H. CROWELL, JR., RESIGNED.

##### DEPARTMENT OF STATE

JOHN PRICE, OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

##### DEPARTMENT OF JUSTICE

PATRICK J. FITZGERALD, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE SCOTT RICHARD LASSAR, RESIGNED.

ALICE HOWZE MARTIN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE G. DOUGLAS JONES, RESIGNED.

JOHN MCKAY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE KATRINA CAMPBELL PFLAUMER, RESIGNED.

KARL K. WARNER, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE REBECCA ALINE BETTS, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C. SECTION 601:

##### To be lieutenant general

MAJ. GEN. JOHN M. LE MOYNE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be lieutenant colonel

ROGER L ARMSTEAD, 0000 CH  
GERALD K BEBBER, 0000 CH  
FRANCIS M BELUE, 0000 CH  
PAUL K BRADFORD, 0000 CH  
RICHARD J CHAVARRIA, 0000 CH  
RUBEN D COLON JR., 0000 CH  
THOMAS L DUDLEY JR., 0000 CH  
THOMAS M DURHAM, 0000 CH  
JOHN W ELLIS III, 0000 CH  
STEPHEN E FEHMAN, 0000 CH  
JAMES R FOXWORTH, 0000 CH  
DON E GERMAN, 0000 CH  
JAMES L GRIFFIN, 0000 CH  
CHARLES L HOWELL, 0000 CH  
KARL O KUCKHAHN JR., 0000 CH  
WILLIAM T LAIGATE, 0000 CH  
MICHAEL T LEMBKE, 0000 CH  
SCOTTIE R LLOYD, 0000 CH  
DONALD G MCCONNAUGHAY, 0000 CH  
DAN L PAYNE, 0000 CH  
RICHARD G QUINN, 0000 CH  
MICHAEL L RAYMO, 0000 CH  
KENNETH L WERHO, 0000 CH  
JAMES R WHITE JR., 0000 CH  
THOMAS P WILD, 0000 CH  
GREGORY K WILLIAMSON, 0000 CH  
CHRISTOPHER H WISDOM, 0000 CH  
CARL S YOUNG JR., 0000 CH

#### CONFIRMATION

Executive Nomination Confirmed by the Senate September 19, 2001:

##### DEPARTMENT OF THE TREASURY

ROBERT C. BONNER, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS.

## EXTENSIONS OF REMARKS

TRIBUTE TO KENNETH AND  
JENNIFER LEWIS

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2001*

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Jennifer and Kenneth Lewis.

On Tuesday, September 11, 2001, the lives of a husband and wife from Culpeper, Virginia, were tragically wrenched from us.

Jennifer and Kenneth Lewis, attendants on Flight 77, will be greatly missed by their family, their friends, and their community.

Rest assured that the people of Culpeper and across the Commonwealth mourn this great loss in unity.

Mr. and Mrs. Lewis are two of the courageous souls who paid the price on Tuesday for America's freedom.

America was chosen as a target because it is the brightest beacon for freedom and democracy this world has ever known.

Jennifer and Kenneth stood on the anvil of America's greatness and suffered as the representatives of our freedom and the values that have made America the strongest nation in the world.

Consequently, their memory will remain with us.

Their memory will guide us as America rebuilds and grows stronger in the wake of Tuesday's tragedy.

The great loss of Jennifer and Kenneth will serve as a reminder to us of the precious value of each life and will draw us closer together as a community.

America must not forget Jennifer and Kenneth and those who perished with them, for their memory will motivate us to protect our families, our communities, and our Nation from future tragedy.

It is fitting that the Lewises were together on their final day—a demonstration of their unity and their strength as a family.

They have helped America to unify. We will now care more for our neighbor and treasure every day more dearly, in their honor.

God bless America. Our loss is not in vain.

My prayers and those of my wife, Diana, remain with the family and friends of Jennifer and Kenneth Lewis and with the community of Culpeper.

INTRODUCTION OF THE VICTORY  
BONDS ACT OF 2001

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2001*

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation that will provide Ameri-

cans in every part of the Nation with an opportunity to contribute directly to our Nation's response to last week's tragic events. The "Victory Bonds Act of 2001" directs the United States Treasury to issue special bonds to help finance the Federal government's recovery and anti-terrorism efforts.

The American people have responded to last week's murderous attacks on the World Trade Center and the Pentagon with great courage, generosity, and determination. Thousands of volunteers have joined in the rescue efforts in New York City and tens of thousands more have donated blood and contributed money and supplies to aid both the rescuers and victims. These efforts represent the true spirit and finest traditions of our American republic.

Americans in my district and across the country have called Federal offices asking how they can also assist in relief and rebuilding efforts and how they can show support for possible military operations against terrorism. The legislation I am introducing responds to these requests by directing the Treasury Department to offer special "Victory Bonds" to fund recovery operations, victim relief and military operations responding to the terrorist attacks. By purchasing these special U.S. bonds, patriotic citizens will make a direct contribution that helps heal and rebuild our Nation and expresses a common determination to resist all future terrorist attacks on American soil.

The "Victory Bonds Act of 2001" also directs the Treasury to place the proceeds of the bond sales into a separate Treasury fund that would be earmarked for recovery and anti-terrorism expenses. Americans who purchase the bonds should have assurance that they are contributing directly to Federal relief for terrorist victims and specific programs to combat terrorism. The bill is similar in this approach to legislation introduced in the Senate by Sen. TIM JOHNSON (D-SD).

The issuance of special bonds in times of national emergency is one of our country's proudest traditions that dates back to the American Revolution. The war bond effort during World War II generated more than \$200 billion as patriotic Americans sought to contribute to our Nation's struggle against international fascism. A similar outpouring of public support will be needed in what could be a long and arduous effort to defeat international terrorism.

Just as special war bonds enabled our parents and grandparents to contribute to our military victory in World War II, purchases of Victory Bonds will give millions of Americans a vital and continuing role in our new struggle against terrorism. The bonds will help mobilize and direct public resources for emergency spending while signifying that all Americans stand together in their resolve to root out terrorism once and for all.

I urge prompt consideration of this important and timely legislation.

HONORING THE NEW JERSEY  
URBAN SEARCH AND RESCUE  
TEAM

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 19, 2001*

Mr. HOLT. Mr. Speaker, I rise to praise the members of the State of New Jersey Office of Emergency Management's Urban Search and Rescue Team (NJTF-1), who responded to the call for assistance in New York City after the terrorist attack on September 11, 2001.

I had the privilege of spending time with their members who have created a tent city at the Jacob Javitz Convention Center. They are among the best-trained rescue personnel anywhere, and no one works harder than they do. They, along with the Federal Emergency Management Agency and others, have risen to the challenge of last week's tragedy.

Within hours after the attack on the World Trade Center, the New Jersey Urban Search and Rescue Team were in New York City volunteering to assist in the immediate search for victims. The team stayed in New York City for nine days, away from their families, and in harm's way, in order to help those in need. Tomorrow, they return to their homes and jobs in New Jersey. First NJTF-1 will stop at their deployment center in Lakehurst where their families and friends will celebrate their service to their fellow citizens.

On behalf of all of New Jersey's residents, I am proud of these dedicated men and women and proud they serve not only the people of New Jersey, but all the people of the United States. They, like so many of New Jersey's fire, police, and emergency medical technicians, deserve our praise and our thanks for their efforts in Manhattan. They have served as a bright light of hope in our days of darkness and are a testament to the unyielding will of the American people and the strength of our democracy.

I urge all my colleagues in the House to join me in honoring them for their dedication and their heroism.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

September 19, 2001

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 20, 2001 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### SEPTEMBER 21

9:30 a.m.

Governmental Affairs

To hold hearings to examine the U.S. response to homeland attacks.

SD-342

12 p.m.

Foreign Relations

To hold hearings on the nomination of Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; the nomination of Mattie R. Sharpless, of North Carolina, to be Ambassador to the Central African Republic; the nomination of R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; the nomination of Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; the nomination of Kevin Joseph McGuire, of Maryland, to be Ambassador to the Republic of Namibia; the nomination of Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; and the nomination of Robert W. Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

SD-419

#### EXTENSIONS OF REMARKS

##### SEPTEMBER 25

10 a.m.

Health, Education, Labor, and Pensions  
Public Health Subcommittee

To hold hearings to examine environmental health issues.

SD-430

Judiciary

To hold hearings to examine homeland defense matters.

SD-226

Armed Services

To hold hearings to examine the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. John W. Handy, to be General; the nomination of The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Adm. James O. Ellis Jr., to be Admiral; and the nomination of The following named officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152: Gen. Peter Pace, to be General.

SH-216

2 p.m.

Health, Education, Labor, and Pensions  
Employment, Safety and Training Subcommittee

To hold hearings to examine workplace safety for immigrant workers.

SD-430

Commission on Security and Cooperation in Europe

To hold hearings to examine the situation in Moldova, focusing on developments in the Transdnistria region and

17317

the promised withdrawal of Russian military forces as well as armaments and ammunition from Moldova.

334 Cannon Building

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment.

SD-366

##### SEPTEMBER 26

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD-430

Health, Education, Labor, and Pensions

To hold hearings to examine psychological trauma and terrorism, focusing on assurance that Americans receive the support they need.

SD-430

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

SD-366

##### OCTOBER 2

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold oversight hearings to examine the interaction of old-growth forest protection initiatives and national forest policy.

SD-366

**SENATE—Thursday, September 20, 2001**

The Senate met at 8:30 p.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of grace and God of glory, on the Congress pour Your power. Grant these leaders wisdom; grant them courage for the facing of this hour. We pray for our President, George W. Bush, tonight as he speaks to the joint session of Congress about the soul-sized issues confronting our Nation and the world. May this evening be a defining hour in our history. Reveal Your strategy for exorcising the evil treachery of terrorism. Draw us into Your inspiring presence, then into one another in shared patriotism, then to loyalty to our Commander in Chief in mutual commitment to seek and do Your will in the battle against this insidious, infamous threat to the freedom and peace of our world. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Ms. STABENOW thereupon assumed the Chair as Acting President pro tempore.

**MEASURES PLACED ON CALENDAR—S. 1438 AND S. 1439**

Mr. REID. Madam President, I understand that the following bills are at the desk having been read for the first time: S. 1438 and S. 1439. I ask unani-

mous consent that it be in order en bloc for these two bills to have received a second reading, and I would then object to any further consideration of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills will be placed on the calendar.

**AUTHORITY TO APPOINT A COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES INTO THE HOUSE CHAMBER**

Mr. REID. Madam President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held at 9 p.m. on Thursday, September 20, 2001.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Leadership time is reserved.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 8:40 p.m. with Senators permitted to speak therein for up to five minutes.

**A HOUSE UNITED**

Mr. LEVIN. Mr. President, in the wake of the terrible events of September 11, 2001, there have been reports of senseless acts of gun violence against innocent Americans, whose only crime was their ethnicity or religion. In this time of national crisis we must not lose sight that it is our diversity, our freedom to worship, and our steadfast commitment to liberty and the rule of law that form the foundation of this great Nation. While it has shaken, standing together we can ensure that the American house remains strong. And it is unity that guarantees our ultimate victory.

**SURVIVOR BENEFIT PLAN AMENDMENT TO THE NATIONAL DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2002**

Mr. THURMOND. Mr. President, today, I am offering an amendment to the national Defense authorization bill for fiscal year 2002 that would correct the longstanding injustice to the widows or widowers of our military retirees. The proposed legislation, which reflects the language of S. 145 which I introduced on January 23, 2001, would immediately increase for surviving spouses over the age 62 the minimum survivor Benefit Plan, SBP, annuity from 35 percent to 40 percent of the SBP covered retired pay. The bill would provide a further increase to 45 percent of covered retired pay as of October 1, 2004, and to 55 percent as of September 2011.

As I outlined in my many statements in support of this important legislation the Survivor Benefit Plan advertises, that if the service member elects to join the plan, his survivor will receive 55 percent of the member's retirement pay. Unfortunately, that is not so. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount of the survivor's Social Security benefit or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as our constituent mail attests, believed their premium payments would guarantee 55 percent of retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation for many years experience when they learn of the annuity reduction.

Uninformed services retirees pay too much for the available SBP benefit both, compared to what we promised and what we offer other Federal retirees. When the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government's cost sharing has declined to about 26 percent. In other words, the retiree's premiums now cover 74 percent of expected long-term program costs versus the intended 60 percent. Contrast this with the Federal civilian

SBP, which has a 42-percent subsidy for those personnel under the Federal Employees Retirement System and a 50-percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the Federal civilian retiree.

Although the House conferees thwarted my previous efforts to enact this legislation into law, I am ever optimistic that this year we will prevail. I base my optimism on the fact that the National Defense Authorization Act for Fiscal Year 2001 included a sense of the Congress on increasing Survivor Benefit Plan annuities for surviving spouses age 62 or older. The sense of the Congress reflects the concern addressed by the legislation I am introducing again today.

Since I introduced S. 145, 32 of my colleagues joined as cosponsors to the bill. I hope my colleagues will speak in support of this important legislation and the Senate will adopt this amendment.

#### THE FIRST ENGINEER BATTALION

Mr. LIEBERMAN. Mr. President, I rise today in recognition of a military unit whose gallant service to our Nation extends over a century and a half.

The First Engineer Battalion, tracing its intrepid lineage to 1846, is the oldest Engineer Battalion in the United States Army. Having served in both the Mexican War and Civil War, they continued their valorous service to our great Nation through the Spanish American War, in Cuba, and in the Philippine Insurrection.

The First Engineer Battalion was reorganized and expanded in World War I to form the First Engineer Regiment, assigned to the First Division, fighting in every major engagement in France. They were cited by the French Government with the French Fourragere and two Croix De Guerres. Taking part in North African landings and invasions of Sicily and Normandy during World War II, they were awarded three Presidential Unit Citations, two additional Croix De Guerres with Palm, the Medaille Militaire, and the Belgian Fourragere. Earning eight campaign streamers, they distinguished themselves across two continents. They again were called to Southeast Asia in support of the "Big Red One" being awarded three Meritorious Unit Commendations, Vietnamese Cross of Gallantry with Palm, and Vietnamese Civil Action Honor Medal. Deploying to Germany as part of REFORGER exer-

cises and to Southwest Asia as part of Desert Shield and Desert Storm they were again lauded for their actions and awarded the Valorous Unit Citation.

We cannot take lightly their dauntless and meritorious service to our Nation. Nor can we forget the valiant actions of those who served in building the necessary infrastructure for our troops under the most adverse and hazardous conditions. For over two-thirds of our Nation's history, their accomplishments, both individually and collectively, were pivotal not only to a successful combat effort, but to establishing and maintaining the legacy of which the Combat Engineers may be justifiably proud.

I join in expressing the respect, admiration, and grateful appreciation of our Nation as they gather for their annual reunion in Ashville, NC, later this month.

#### SBP ELIGIBILITY FOR MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY

Mrs. HUTCHISON. Mr. President, on September 11, 2001, our lives were changed irrevocably. It is a day none of us will forget, a day where each of us will remember exactly where we were when we heard our nation had been attacked and our freedom had been assaulted.

We lost so many innocent civilians in New York and so many dedicated military personnel in Washington, DC. The amendment I am introducing today deals with the military. Each of them has made a choice: to defend our Nation, its freedom, and its principles. On September 11, we were reminded of how real that sacrifice is, and how critical those contributions are.

We all witnessed the destruction of innocent people and American landmarks. These evil acts did not destroy our spirit, our faith, or our hope. And they will never destroy our freedom—because Americans are resilient, and our men and women in uniform brave.

It is why, in my career in public service, I have dedicated myself to supporting and defending these noble men and women and their families who serve our Nation in the Armed Forces. Their courage, their work, and their efforts are important, honorable, and inspiring.

We have only just started to deal with the greatest loss to our country since Pearl Harbor; only started to uncover the lasting effects of this heinous evil, and once again our military has been among those directly hit. In the months ahead we will respond and those who serve will put their lives on the line.

This is why I introduced legislation in June to ensure that all military personnel who die in the line of duty, like those who died serving their country at

the Pentagon, are able to receive retirement benefits they have earned. In the military, personnel are not vested in retirement benefits unless they have served 20 years or more, or unless the services medically retire them before death. Clearly, someone who dies in the line of duty cannot fulfill either of these requirements, meaning their families do not receive their pro rata share of retirement pensions. It is horrible enough for a family to lose a loved one—it is an even greater hardship for them to not receive these earned benefits.

I think it is only right that those who die while defending our country and our principles can know that their families will be taken care of by their country. Therefore, today I am submitting an amendment to the Defense authorization bill that will ensure that the surviving spouse receives survivors' retirement benefits commensurate with the number of years their loved one has served—effective September 10, 2001.

This is the very least we can do for the families of our men and women in uniform, for the families who lost loved ones on September 11. They have made the ultimate sacrifice, and we must take care of them now. This is no different from a civilian worker's family receiving the retirement accumulated by a lost loved one.

Tragically, two of the very men who were working with me on this legislation were killed at the Pentagon on that fateful day. Gary F. Smith, the Chief of Army Retirement Services and a retired Army Lieutenant Colonel, and Max Beilke, a member of his staff, a retired Army Master Sergeant, were impressive men who had provided invaluable assistance to me and my staff on this legislation. On June 15, Colonel Smith wrote my staff about this legislation saying, "Those of us who work on these issues daily know how important this will be. We'll keep our fingers crossed and hope it will get into law."

In memory of Colonel Smith and Master Sergeant Beilke, I ask that we pass this amendment for those who died September 11 and those who will die in the future in the service of our country.

As the true impact of September's horrifying events become even clearer, this legislation would offer a measure of support for families facing unbelievable tragedy. It is, again, the least we can do.

#### RECOGNITION TO ONE OF GEORGIA'S FINEST: COCA-COLA COMPANY

Mr. MILLER. Mr. President, I rise today to pay tribute to the spirit of giving and compassion exhibited by one of the world's finest multi-national companies, the Coca-Cola Company. Coke's employees and bottlers have

generously donated \$12 million to the relief efforts ongoing in New York and Washington. It is not surprising to see that Coca-Cola is continuing its long tradition of supporting people in need.

Approximately \$6 million will be used to support the efforts of the Red Cross, which has been tireless in its dedication to the victims of this attack. The remaining \$6 million will be channeled directly to local funds in New York and Washington to support humanitarian causes. It is fitting that a company so associated with America and the American spirit would come to the aid of our citizens in this difficult time.

It is for this reason that I rise to honor the Coca-Cola Company for its charitable support. Their efforts deserve our applause and recognition.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO EDWIN L. SULLIVAN

• Mr. REED. Mr. President, it is with great pleasure that I rise today to acknowledge a distinguished Rhode Islander and proven leader in my State's labor community, Mr. Eddie Sullivan, the President and Business Manager of the International Union of Operating Engineers, (IUOE), Local 57 in Providence.

Eddie Sullivan lives in Warwick with his wife Dolly and is a proud father of four wonderful daughters, Kim, Kimberly, Kristen, and Katherine. Mr. Sullivan was initiated into IUOE Local 57 in January of 1964, and has worked for various contractors in the State of Rhode Island as a crane operator over the years, taking part in the construction of some of Rhode Island's most significant structures. In 1976, Local 57 elected him as an Auditor, and due to his hard work appointed him as the Vice President in 1980. In just five short years, Eddie was appointed as the Business Manager and President of Local 57 in 1985 and continues to serve in this capacity today.

In addition to his various responsibilities within the labor movement, Mr. Sullivan has served as the President of the Rhode Island Building and Construction Trades Council and was elected as a Trustee of the International Union of Operating Engineers for the Northeastern States in 1991.

As Local 57 celebrates its centennial of fighting for the concerns and needs of hard working Rhode Islanders, it is only fitting to acknowledge Eddie for his decades of service to the IUOE. I would like to take this opportunity to personally extend my deep appreciation and gratitude to Eddie Sullivan for his continued hard work and leadership over the years to the labor movement, and his efforts to improving the lives of so many Rhode Islanders and their families.●

##### TRIBUTE TO ALEX EUCARE

• Mr. CONRAD. Mr. President, I rise today to recognize the efforts of a patriotic American. On September 14, 2001, Senator MITCH MCCONNELL and I introduced S. 1431, a bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center.

After the news media broadcast our efforts, Mr. Alex Eucare of Gaithersburg, MD heard about the bill and moved to reserve the Internet domain name "warbonds.com" and toll free telephone number "866-WAR-BOND" to ensure that others attempting to improperly profit or exploit Americans would not be able to do so.

This action by a concerned and caring citizen such as Alex Eucare makes me proud to call myself an American. His act was selfless and unsolicited. Patriotic efforts like this are taking place all over our great nation. There is no doubt in my mind, that with a collaboration of these efforts, we will prevail, both in solidifying our unity as a nation and in punishing those responsible for these acts of terror.

As my good friend Senator MCCONNELL noted, "Alex's foresight in reserving the domain name and toll free number is yet another example of the thoughtful and compassionate nature of Americans. It is those very qualities that Senator BURNS and I are confident will make War Bonds such a success."●

#### MESSAGES FROM THE PRESIDENT

##### REPORT ON RECOVERY AND RESPONSE TO TERRORIST ATTACKS ON WORLD TRADE CENTER AND PENTAGON—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, transmitting a copy of the President's address concerning the terrorist attack on New York's World Trade Center and the Pentagon, delivered to a joint session of Congress on September 20, 2001; which was ordered to lie on the table.

##### *To the Congress of the United States:*

Mr. Speaker, Mr. President pro tempore, Members of Congress, and fellow Americans:

In the normal course of events, Presidents come to this chamber to report on the state of the Union. Tonight, no such report is needed. It has already been delivered by the American people.

We have seen it in the courage of passengers, who rushed terrorists to save others on the ground—passengers like an exceptional man named Todd Beamer. Please help me to welcome his wife, Lisa Beamer, here tonight.

We have seen the state of our Union in the endurance of rescuers, working past exhaustion. We have seen the unfurling of flags, the lighting of candles, the giving of blood, the saying of prayers—in English, Hebrew, and Arabic. We have seen the decency of a loving and giving people, who have made the grief of strangers their own.

My fellow citizens, for the last nine days, the entire world has seen for itself the state of our Union—and it is strong.

Tonight we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.

I thank the Congress for its leadership at such an important time. All of America was touched on the evening of the tragedy to see Republicans and Democrats, joined together on the steps of this Capitol, singing "God Bless America." And you did more than sing, you acted, by delivering forty billion dollars to rebuild our communities and meet the needs of our military.

Speaker Hastert and Minority Leader Gephardt, Majority Leader Daschle, and Senator Lott, I thank you for your friendship and your leadership and your service to our country.

And on behalf of the American people, I thank the world for its outpouring of support. America will never forget the sounds of our National Anthem playing at Buckingham Palace, and on the streets of Paris, and at Berlin's Brandenburg Gate. We will not forget South Korean children gathering to pray outside our embassy in Seoul, or the prayers of sympathy offered at a mosque in Cairo. We will not forget moments of silence and days of mourning in Australia and Africa and Latin America.

Nor will we forget the citizens of eighty other nations who died with our own. Dozens of Pakistanis. More than 130 Israelis. More than 250 citizens of India. Men and women from El Salvador, Iran, Mexico, and Japan. And hundreds of British citizens. America has no truer friend than Great Britain. Once again, we are joined together in a great cause. The British Prime Minister has crossed an ocean to show his unity of purpose with America, and tonight we welcome Tony Blair.

On September the eleventh, enemies of freedom committed an act of war against our country. Americans have known wars—but for the past 136 years, they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war—but not at the center of a great city on a peaceful morning. Americans have known surprise attacks—but never before on thousands of civilians. All of this was brought upon us in a single day—and night fell on a different

world, a world where freedom itself is under attack.

Americans have many questions tonight. Americans are asking: Who attacked our country?

The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaida. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for the bombing of the U.S.S. *Cole*.

Al-Qaida is to terror what the mafia is to crime. But its goal is not making money; its goal is remaking the world—and imposing its radical beliefs on people everywhere.

The terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics—a fringe movement that perverts the peaceful teachings of Islam. The terrorists' directive commands them to kill Christians and Jews, to kill all Americans, and make no distinctions among military and civilians, including women and children.

This group and its leaders—a person named Usama bin Ladin—are linked to many other organizations in different countries, including the Egyptian Islamic Jihad and the Islamic Movement of Uzbekistan.

There are thousands of these terrorists in more than sixty countries. They are recruited from their own nations and neighborhoods, and brought to camps in places like Afghanistan where they are trained in the tactics of terror. They are sent back to their homes or sent to hide in countries around the world to plot evil and destruction.

The leadership of al-Qaida has great influence in Afghanistan, and supports the Taliban regime in controlling most of that country. In Afghanistan, we see al-Qaida's vision for the world.

Afghanistan's people have been brutalized—many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough.

The United States respects the people of Afghanistan—after all, we are currently its largest source of humanitarian aid—but we condemn the Taliban regime. It is not only repressing its own people, it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder. And tonight, the United States of America makes the following demands on the Taliban:

Deliver to United States authorities all the leaders of al-Qaida who hide in your land.

Release all foreign nationals—including American citizens—you have un-

justly imprisoned, and protect foreign journalists, diplomats, and aid workers in your country.

Close immediately and permanently every terrorist training camp in Afghanistan and hand over every terrorist, and every person in their support structure, to appropriate authorities.

Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.

These demands are not open to negotiation or discussion. The Taliban must act and act immediately. They will hand over the terrorists, or they will share in their fate.

I also want to speak tonight directly to Muslims throughout the world: We respect your faith. It is practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah. The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists, and every government that supports them.

Our war on terror with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

Americans are asking: Why do they hate us?

They hate what we see right here in this chamber—a democratically elected government. Their leaders are self-appointed. They hate our freedoms—our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.

They want to overthrow existing governments in many Muslim countries, such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa.

These terrorists kill not merely to end lives, but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us, because we stand in their way.

We are not deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all the murderous ideologies of the twentieth century. By sacrificing human life to serve their radical visions—by abandoning every value except the will to power—they follow in the path of fascism, and Nazism, and totalitarianism. And they will follow that path all the way, to where it ends: in history's unmarked grave of discarded lies.

Americans are asking: How will we fight and win this war?

We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war—to the disruption and defeat of the global terror network.

This war will not be like the war against Iraq a decade ago, with its decisive liberation of territory and its swift conclusion. It will not look like the air war above Kosovo two years ago, where no ground troops were used and not a single American was lost in combat.

Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes, visible on television, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or rest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

Our Nation has been put on notice: We are not immune from attack. We will take defensive measures against terrorism to protect Americans.

Today, dozens of Federal departments and agencies, as well as State and local governments, have responsibilities affecting homeland security. These efforts must be coordinated at the highest level. So tonight I announce the creation of a Cabinet-level position reporting directly to me—the Office of Homeland Security. And tonight I also announce a distinguished American to lead this effort to strengthen America's security—a military veteran, an effective Governor, a true patriot, and my trusted friend, Pennsylvania's Governor Tom Ridge. He will lead, oversee, and coordinate a comprehensive national strategy to safeguard our country against terrorism, and respond to any attacks that may come.

These measures are essential. But the only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows.

Many will be involved in this effort, from FBI agents to intelligence operatives to the reservists we have called to active duty. All deserve our thanks, and all have our prayers. And tonight, a few miles from the damaged Pentagon, I have a message for our military: Be ready. I have called the armed forces to alert, and there is a

reason. The hour is coming when America will act, and you will make us proud.

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.

We ask every nation to join us. We will ask, and we will need, the help of police forces, intelligence services, and banking systems around the world. The United States is grateful that many nations and many international organizations have already responded—with sympathy and with support. Nations from Latin America, to Asia, to Africa, to Europe, to the Islamic world. Perhaps the NATO Charter reflects best the attitude of the world: an attack on one is an attack on all.

The civilized world is rallying to America's side. They understand that if this terror goes unpunished, their own cities, their own citizens may be next. Terror, unanswered, can not only bring down buildings, it can threaten the stability of legitimate governments. And we will not allow it.

Americans are asking: What is expected of us?

I ask you to live your lives and hug your children. I know many citizens have fears tonight, and I ask you to be calm and resolute, even in the face of a continuing threat.

I ask you to uphold the values of America, and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or unkind words because of their ethnic background or religious faith.

I ask you to continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, [libertyunites.org](http://libertyunites.org), to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.

The thousands of FBI agents who are now at work in this investigation may need your cooperation, and I ask you to give it.

I ask for your patience, with the delays and inconveniences that may accompany tighter security—and for your patience in what will be a long struggle.

I ask your continued participation and confidence in the American economy. Terrorists attacked a symbol of American prosperity. They did not touch its source. America is successful because of the hard work, and creativity, and enterprise of our people. These were the true strengths of our economy before September eleventh, and they are our strengths today.

Finally, please continue praying for the victims of terror and their families, for those in uniform, and for our

great country. Prayer has comforted us in sorrow, and will help strengthen us for the journey ahead.

Tonight I thank my fellow Americans for what you have already done and for what you will do. And ladies and gentlemen of the Congress, I thank you, their representatives, for what you have already done, and for what we will do together.

Tonight, we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying with direct assistance during this emergency.

We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act, and find them before they strike.

We will come together to take active steps that strengthen America's economy, and put our people back to work.

Tonight we welcome here two leaders who embody the extraordinary spirit of all New Yorkers: Governor George Pataki and Mayor Rudy Giuliani. As a symbol of America's resolve, my Administration will work with the Congress, and these two leaders, to show the world that we will rebuild New York City.

After all that has just passed—all the lives taken, and all the possibilities and hopes that died with them—it is natural to wonder if America's future is one of fear. Some speak of an age of terror. I know there are struggles ahead, and dangers to face. But this country will define our times, not be defined by them. As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty, here and across the world.

Great harm has been done to us. We have suffered great loss. And in our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom—the great achievement of our time, and the great hope of every time—now depends on us. Our Nation—this generation—will lift a dark threat of violence from our people and our future. We will rally the world to this cause, by our efforts and by our courage. We will not tire, we will not falter, and we will not fail.

It is my hope that in the months and years ahead, life will return almost to normal. We'll go back to our lives and routines, and that is good. Even grief recedes with time and grace. But our resolve must not pass. Each of us will remember what happened that day, and to whom it happened. We will remember the moment the news came—where

we were and what we were doing. Some will remember an image of fire, or a story of rescue. Some will carry memories of a face and a voice gone forever.

And I will carry this. It is the police shield of a man named George Howard, who died at the World Trade Center trying to save others. It was given to me by his mom, Arlene, as a proud memorial to her son. This is my reminder of lives that ended, and a task that does not end.

I will not forget this wound to our country, or those who inflicted it. I will not yield—I will not rest—I will not relent in waging this struggle for the freedom and security of the American people.

The course of this conflict is not known, yet its outcome is certain. Freedom and fear, justice and cruelty, have always been at war, and we know that God is not neutral between them.

Fellow citizens, we will meet violence with patient justice—assured of the rightness of our cause, and confident of the victories to come. In all that lies before us, may God grant us wisdom, and may He watch over the United States of America.

Thank you.

GEORGE W. BUSH.

THE WHITE HOUSE, September 20, 2001.

#### MEASURE REFERRED

The following concurrent resolution, which was being held at the desk pending further disposition, was referred to the Committee on the Judiciary:

S. Con. Res. 66. A concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1438. A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1439. A bill to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 20, 2001, she had presented to the President of the United States the following enrolled bill:

S. 1424. An act to amend the Immigration and Nationality Act to provide permanent authority for the admission of "S" visa non-immigrants.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3956. A communication from the Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Bank Secrecy Act Regulations—Registration of Money Services Business and Requirement that Money Transmitters and Money Order and Traveler's Check Issuers, Sellers and Redeemers Report Suspicious Transactions; Implementation Dates" (RIN1506-AA24) received on September 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3957. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Benefits Act of 2001"; to the Committee on Veterans' Affairs.

EC-3958. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated August 16, 2001; transmitted jointly, pursuant to the order on January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC-3959. A communication from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting, pursuant to law, a report relative to prospective funding obligations; to the Committee on Appropriations.

EC-3960. A communication from the Commissioner of the Department of the Interior, transmitting, pursuant to law, a report entitled "Desalination and Water Purification Research and Development Program" dated May 2001; to the Committee on Energy and Natural Resources.

EC-3961. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Quality of Water Colorado River Basin"; to the Committee on Energy and Natural Resources.

EC-3962. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Fee for Services to Support FEMA's Offsite Radiological Emergency Preparedness Program" (RIN3067-AC87) received on July 5, 2001; to the Committee on Environment and Public Works.

EC-3963. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Water, received on August 10, 2001; to the Committee on Environment and Public Works.

EC-3964. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Air and Radiation, received on August 10, 2001; to the Committee on Environment and Public Works.

EC-3965. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination

confirmed for the position of General Counsel, received on August 10, 2001; to the Committee on Environment and Public Works.

EC-3966. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for International Affairs, received on August 10, 2001; to the Committee on Environment and Public Works.

EC-3967. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zeta-cypermethrin and its Inactive R-isomers; Pesticide Tolerances" (FRL6801-1) received on September 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3968. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mefenoxam; Pesticide Tolerance" (FRL6801-4) received on September 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3969. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluroxypyr 1-Methylheptyl Ester; Pesticide Tolerances for Emergency" (FRL6798-5) received on September 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3970. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clethodim; Pesticide Tolerance" (FRL6800-9) received on September 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3971. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bispyrida-Sodium Pesticide Tolerance" (FRL6803-2) received on September 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3972. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bentazon; Pesticide Tolerances" (FRL6803-2) received on September 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3973. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Exemption from Certain Immigration Inspection Fees"; to the Committee on the Judiciary.

EC-3974. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Activities and Operations of the Public Integrity Section for 2000; to the Committee on the Judiciary.

EC-3975. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, National Institute of Justice, received on August 20, 2001; to the Committee on the Judiciary.

EC-3976. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a

nomination confirmed for the position of Assistant Attorney General, received on August 20, 2001; to the Committee on the Judiciary.

EC-3977. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, received on August 20, 2001; to the Committee on the Judiciary.

EC-3978. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, received on August 20, 2001; to the Committee on the Judiciary.

EC-3979. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Drug Enforcement Administration, received on August 20, 2001; to the Committee on the Judiciary.

EC-3980. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, Federal Bureau of Investigations, received on August 20, 2001; to the Committee on the Judiciary.

EC-3981. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a report relative to H.R. 2276; to the Committee on the Judiciary.

EC-3982. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to income and transportation taxes on our military and civilian personnel; to the Committee on Finance.

EC-3983. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling—Determination of Interest Rates, Quarter beginning October 1, 2001" (Rev. Rul. 2001-47); to the Committee on Finance.

EC-3984. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rollover for Qualified Tuition Plans" (Notice 2001-55) received on September 7, 2001; to the Committee on Finance.

EC-3985. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "Certain Circular Welded Carbon Quality Line Pipe: Monitoring Developments in the Domestic Industry"; to the Committee on Finance.

EC-3986. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2001-40" received on September 18, 2001; to the Committee on Finance.

EC-3987. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers" (RIN1515-AC84) received on September 18, 2001; to the Committee on Finance.

EXECUTIVE REPORTS OF  
COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

\*Joseph M. Clapp, of North Carolina, to be Administrator of the Federal Motor Carrier Safety Administration.

\*Marion Blakey, of Mississippi, to be Chairman of the National Transportation Safety Board for a term of two years.

\*Marion Blakey, of Mississippi, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2005.

\*Read Van de Water, of North Carolina, to be an Assistant Secretary of Transportation.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1441. A bill to establish the Oil Region National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. MILLER:

S. 1442. A bill to amend the Immigration and Nationality Act to impose a limitation on the wage that the Secretary of Labor may require an employer to pay an alien who is an H-2A nonimmigrant agricultural worker; to the Committee on the Judiciary.

By Mr. MILLER:

S. 1443. A bill to amend the Water Resources Development Act of 2000 to modify a provision relating to easement prohibitions; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND  
SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Ms. MIKULSKI, Mr. NELSON of Nebraska, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WELLSTONE, Mr. TORRICELLI, and Mr. THURMOND):

S. Res. 161. A resolution designating October 17, 2001, as a "Day of National Concern About Young People and Gun Violence"; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 662

At the request of Mr. DODD, the name of the Senator from Michigan (Mr.

LEVIN) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate, certain individuals.

S. 917

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1054

At the request of Mr. KOHL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1250

At the request of Mrs. CARNAHAN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1371

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1371, a bill to combat money laundering and protect the United States financial system by strengthening safeguards in private banking and correspondent banking, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1421

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1421, a bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days.

S. 1430

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S.J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from Nebraska (Mr. NELSON), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from New York (Mrs. CLINTON), the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE), the Senator

from Alabama (Mr. SHELBY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Maine (Ms. SNOWE), the Senator from Kentucky (Mr. BUNNING), the Senator from Hawaii (Mr. INOUE), the Senator from Ohio (Mr. VOINOVICH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. CLELAND), the Senator from Tennessee (Mr. FRIST), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Louisiana (Mr. BREAUX), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. HELMS), the Senator from Georgia (Mr. MILLER), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Hampshire (Mr. GREGG), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

## AMENDMENT NO. 1583

At the request of Mrs. CLINTON, the names of the Senator from Virginia (Mr. ALLEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 1583 proposed to H.R. 2590, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 1441. A bill to establish the Oil Region National Heritage Area; to the Committee on Energy and Natural Resources.

Mr. SANTORUM. Mr. President, I rise today to introduce legislation that would establish the Oil Region National Heritage Area. This bill is a companion to H.R. 695, introduced by Representative JOHN PETERSON, which passed the House of Representatives on September 10, 2001. This legislation is significant not only to Pennsylvania's history but to our Nation's history and modern, commercial development.

The creation of a national Oil Heritage Region will support the preservation of many natural, cultural and historical resources associated with the site of the first successfully drilled oil well.

The notion of drilling for oil was first considered by the Pennsylvania Rock Oil Company who believed that "digging" for oil was too time consuming. Acting on the prospect of greater efficiency, the company sent Edwin "Colonel" Drake to Titusville, Pennsylvania in 1858 to undertake a drilling endeavor. Throughout the next year, Drake spent his time convincing investors; securing financing; and laying the groundwork to begin actual drilling. A year later, the derrick was built and drilling began. Results did not come immediately, but eventually. And so began the modern commercial petroleum industry.

Without a doubt, petroleum has played a major part in the history and ultimate development and industrialization of our country. Currently, more than 300,000 workers are employed in the oil industry nationwide with more than 8,000 companies producing oil in the United States. The importance of a national heritage region designation will ensure that the vision of a Pennsylvania company and Edwin Drake's persistence and ultimate success in oil drilling is not only preserved but shared. Establishing a national heritage region will coordinate preservation activities and promote the region's cultural richness through exhibits, displays, and the development of educational and recreational opportunities.

I would be remiss not to mention the significant grassroots support associated with this effort. Introduction of this legislation is the product of much collaboration from individuals, businesses, and local government. A key element to securing designations of this kind is assurances of the community's collective and widespread support. I am confident that such support has been capably demonstrated and proven.

The Commonwealth of Pennsylvania has also recognized these local efforts, as well as the region's historical significance, by granting a state heritage park designation. Today, visitors are able to enjoy cultural and recreational opportunities in the scenic valleys and restored rivers like the Allegheny River and Oil Creek.

The Commonwealth of Pennsylvania is rich with historical firsts, and the fruitful efforts of Edwin Drake and the Pennsylvania Rock Oil Company are tops among them. I am pleased to introduce this legislation today, and to have the shared support of my fellow Pennsylvania Senator, ARLEN SPECTER.

## STATEMENTS ON SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 162—DESIGNATING OCTOBER 17, 2001, AS A "DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE"

Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Ms. MIKULSKI, Mr. NELSON of Nebraska, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WELLSTONE, Mr. TORRICELLI, and Mr. THURMOND) submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 161

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions and by positively influencing the decisions and actions of others, help chart a new, less violent course for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 17, 2001, as a "Day of National Concern About Young People and Gun Violence" will allow students to make a positive and earnest decision about their future by having the opportunity to voluntarily sign the "Student Pledge Against Gun Violence" and promise that they will never take a gun to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 17, 2001, as a "Day of National Concern About Young People and Gun Violence"; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

Mrs. MURRAY. Mr. President, I rise today to submit with Senator WARNER and 27 original cosponsors a resolution that establishes October 17, 2001, as a "Day of National Concern About Young People and Gun Violence." I wish to express my appreciation to Senator WARNER in joining me again by shepherding this resolution on his side of the aisle. I thank him for his assistance and support.

The need for this resolution could not be more clear. Every year, our Nation loses too many young lives to school shootings and other acts of gun violence. These tragedies leave lasting

scars on families and communities. The Senate must actively combat this violence and work to address the concerns of families and communities throughout our nation who worry about the safety of their children.

I am introducing this resolution again because I firmly believe that we must involve our children and young people in working to end gun violence. This resolution establishes a special day that gives young people the opportunity to examine how they can help reduce gun violence that targets their peers. Additionally, this special day promotes the Student Pledge Against Gun Violence, an important avenue through which young people can empower themselves and their friends to take action against these tragedies.

The pledge was developed by Mary Lewis Grow, a Minnesota homemaker. Students who take the pledge agree to never bring a gun to school, to never use a gun to resolve a conflict, and to encourage their friends to do the same. Last year, more than 2.4 million students signed the pledge. The pledge has received national support from such prominent organizations as the National Parent Teacher Association, the National School Boards Association, and the American Medical Association. It is entirely appropriate that the Senate lend its powerful voice to this chorus.

Just imagine how many young people would still be alive today if every student in America had signed, and lived up to, the pledge. Imagine how much safer children would feel as they go to school each day. Imagine how much happier parents would feel if they knew that their children would not be endangered as they tried to learn. It is clear that if the Senate's support can convince more young people to sign the pledge, and prevent even one more gun from coming to a school, then we have taken a step in the right direction.

The Senate must continue to be active in addressing crime in many ways. We must pass strong and effective anticrime legislation that gets criminals off the streets. And we should, through supporting legislation and by example, help parents spend more time with their children and get communities to reach out to those young people who have no one to care for them.

Reducing and ending youth violence will certainly not be easy. But by passing this resolution, we take an important step in the right direction. Let us join with teachers, administrators, parents, and community members around the Nation in working to empower our young people. Let us encourage all of our children to be active in reducing gun violence. By working together, we can make America safer and can secure a better future for all of our Nation's youth.

Mr. WARNER. Mr. President, I rise today to once again submit a resolu-

tion with my colleague from Washington, Senator MURRAY, to establish October 17, 2001, as the Day of National Concern About Young People and Gun Violence.

We all remember the events in Conway, GA, Littleton, CO, Pearl, MS, West Paducah, KY, Jonesboro, AR, and Springfield, OR. Neighborhoods in these areas have all been home to horrific school shootings. Youth gun violence, however, is not limited to these all too often incidences of school shootings. America has lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars, and other crimes, as well as in self-inflicted and unintentional shootings.

While there is no simple solution as to how to stop youth violence, a Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern About Young People and Gun Violence. I believe this idea is a step in the right direction, as do such groups as National School Boards Association, the National Association of Student Councils, the American Federation of Teachers, the National Parent Teacher Association, and the American Medical Association.

Simply put, this resolution will establish October 17, 2001, as the Day of National Concern About Young People and Gun Violence. On this day, students in every school district in the Nation will be invited to voluntarily sign the "Student Pledge Against Gun Violence." By signing the pledge, students promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence in a positive manner to prevent friends from using guns to settle disputes.

The Day of National Concern addresses the necessity of involving America's youth in the debate on gun violence against young people. While adults may give advice and support, it is America's youth that must make the final decision to not use a firearm to resolve conflict.

Just last year over 2 million young Americans signed the Student Pledge Against Gun Violence. Though this resolution is not the ultimate solution to preventing future tragedies, if it stops even one incident of youth gun violence, this resolution will be invaluable.

I urge all of my colleagues to join in this resolution to focus attention on gun violence among youth.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1585. Mrs. HUTCHISON (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construc-

tion, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1586. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1585. Mrs. HUTCHISON (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

#### SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—

"(A) a member who dies while on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies in line of duty while on active duty."

(b) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "based upon his years of active service when he died." and inserting "based upon the following:"; and

(B) by adding at the end the following new clauses:

"(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the

retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

“(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

“(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died.”; and

(2) in subparagraph (B)(i), by striking “if the member or former member” and all that follows and inserting “as described in subparagraph (A).”.

(c) CONFORMING AMENDMENTS.—(1) The heading for subsection (d) of section 1448 of such title is amended by striking “RETIRED-MEMBER-ELIGIBLE”.

(2) Subsection (d)(3) of such section is amended by striking “1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A).”.

(d) EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking “\$720,000,000” and inserting “\$760,000,000”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) \$770,000,000 by the end of fiscal year 2011.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

**SA 1586.** Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, between lines 12 and 13, insert the following:

**SEC. 652. COMPUTATION OF SURVIVOR BENEFITS.**

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking “35 percent of the base amount.” and inserting “the product of the base amount and the

percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 40 percent for months beginning after such date and before October 2005, and 45 percent for months beginning after September 2005.”.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking “35 percent” and inserting “the percent specified under subsection (a)(1)(B)(i) as being applicable for the month”.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking “35 percent” and inserting “the applicable percent”; and

(B) by adding at the end the following: “The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.”.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: “COMPUTATION OF ANNUITY.—”.

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking “5, 10, 15, or 20 percent” and inserting “the applicable percent”; and

(2) by inserting after the first sentence the following: “The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 15 percent for months beginning after that date and before October 2005, and 10 percent for months beginning after September 2005.”.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2005.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

**NOTICES OF HEARINGS/MEETINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 2, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States and on legislation that may be required to expedite the construction of a pipeline from Alaska.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, Attn: Deborah Estes, United States Senate, Washington, D.C. 20510.

For further information, please call Deborah Estes at (202) 224-5360.

**SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

Mr. BINGAMAN. Mr. President, this is to advise you that the oversight hearing scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Wednesday, September 26, 2001, beginning at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, D.C. has been postponed. This hearing has not been rescheduled.

The purpose of the hearing was to receive testimony on the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

**PROGRAM**

Mr. REID. Madam President, the majority leader, Senator DASCHLE, asked me to announce that at 8:40 p.m., of course, this evening we are to proceed to the House Chamber for the joint session. Following the joint session, the Senate will adjourn until 9 a.m. tomorrow morning, Friday, September 21. On Friday, there will be 20 minutes of current debate on the nomination of Sharon Prost to be United States Circuit Judge and Reggie B. Walton to be United States District Judge.

Two rollcall votes on these nominations will begin at approximately 9:20 tomorrow morning. Following these votes, the Senate will stand in recess subject to the call of the Chair.

Senator DASCHLE has announced that there will be a Democratic caucus at 10 a.m. tomorrow morning.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES**

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will now proceed in body to the House of Representatives.

Thereupon, at 8:40 p.m., the Senate, preceded by the Secretary of the Senate, Jeri Thomson; the Assistant Sergeant at Arms, Elizabeth McAlhany; and the President pro tempore, proceeded to the Hall of the House of Rep-

resentatives to hear the address by the President of the United States.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in today's RECORD under "Messages from the President.")

ADJOURNMENT UNTIL 9 A.M.  
TOMORROW

At the conclusion of the joint session of the two Houses, at 9:44 p.m., the Senate adjourned until Friday, September 21, 2001, at 9 a.m.

# HOUSE OF REPRESENTATIVES—Thursday, September 20, 2001

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

September 20, 2001.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

*Speaker of the House of Representatives.*

## PRAYER

Dr. Harold Bales, District Superintendent, United Methodist Church, Salisbury, North Carolina, offered the following prayer:

Eternal God, when we lift our eyes to spacious skies, we know that You are there.

When as if two lightning bolts slice hotly through the high places and plunge us by the thousands into molten, crushing caverns, we know that You are there.

When heroic spirits, roused to action, steer a chariot meant for evil to the right and make a crater of courage in the rich soil of freedom, we know that You are planted there as if a seed, the seed of life.

When wild barbarians spur their murderous winged mount into the encampment of those who serve when called to liberating strife, we know that You are there.

And when representative forces of freedom meet to do their civilizing work, grant, O God, not only Your blessing on their work but grant Your presence there.

So please, God, bless this House and those within it, that through its actions and by Your presence here, justice, mercy, love, and peace may come to reign in every house upon this earth. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr.

McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 231. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

S. Con. Res. 68. Concurrent resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that the practice of reserving seats prior to the Joint Session by placard will not be allowed.

Members may reserve their seats by physical presence only, following the security sweep of the Chamber.

WELCOMING DR. HAROLD BALES, DISTRICT SUPERINTENDENT, UNITED METHODIST CHURCH, SALISBURY, NORTH CAROLINA

(Mrs. MYRICK asked and was given permission to address the House for 1 minute.)

Mrs. MYRICK. Mr. Speaker, it is a true honor for me to have Dr. Harold Bales here to offer prayer to us at this most difficult time in our Nation's history.

Dr. Bales and his wife, Judy, have been friends of my husband, Ed, and myself for over 20 years, as well as pastor. Judy and their daughter, Suzannah, are here with him today.

He has served in many capacities in the Methodist Church, from being a

pastor to organizing the World's Fair in Knoxville to administrative positions; and many years ago in Charlotte, he was among the first to recognize our growing problem with homeless people. And our church, First United Methodist, was among the first to start a program uptown to help. He was also instrumental in building our homeless shelter.

When tornados raked through North and South Carolina in 1986, Harold was one of the first responders, not only with spiritual leadership, but also in a relief and recovery effort in the basement of First Methodist, over a hundred miles away.

Recently he has battled cancer, but that has not stopped him from caring and working for others. Harold relieves many tense situations with his wonderful sense of humor. He always makes everyone feel comfortable, and he has always got a real story to tell that is funny as the dickens.

He also writes poetry. One of his masterpieces is called Ode to Okra. Yes, that is the vegetable. Harold loves okra.

As an instrument of reconciliation, Harold has repeatedly brought together people of diverse beliefs and different factions to celebrate their similarities in honor of God. His surgeon, who coincidentally was also my surgeon for breast cancer, recently shared something with me. She has become a dear friend, also.

Dr. Teresa Flippo told me that he always had an aura of calm about him. Whenever he would come in and when she would go in to see him, he would end up ministering to her and really being concerned about all the stresses that she underwent in her profession, had far more concern for her than he did for his own condition.

That is Dr. Bales, a true servant of God.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair will entertain 10 one-minute speeches per side.

## HELPING CHILDREN AFFECTED BY SEPTEMBER 11 TERRORISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in scenes worse than a horror movie,

Americans witnessed hijacked planes slam into the World Trade Center and the Pentagon and fall to the ground in Pittsburgh. In the blink of an eye, thousands of lives were snatched and Americans lost our sense of safety.

For millions who watched the carnage, the harrowing images will be imprinted forever in our memory. But for the children who lost a parent in this catastrophic act of terror, their lives will never be the same again.

Today, I am proud to join my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), in introducing H. Con. Res. 228. This resolution calls for immediate benefits for children who lost one or both parents or guardians in the multiple tragedies.

H. Con. Res. 228 will ensure that services for these children will include, but not be limited to, foster care, medical assistance, and psychological services which they so desperately need.

All the money and the services in the world could never replace the loss of their loved ones. But although money cannot heal their scars, with the passage of this resolution, we can begin to bandage their deep wound.

I hope our colleagues sign on to H. Con. Res. 228.

#### HELPING AIRLINES TO RECOVER

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, every day for the past 8 days, we have watched with deep respect and gratitude as our firefighters, emergency medical personnel, police, soldiers, counselors, and volunteers rescued and then continued the search and the clearing of the debris of the buildings and lives left by the terrorists.

This morning, I want to especially recognize another group of brave and caring people, our airline pilots, cockpit crews, and flight attendants who went back to work and continue to work every day to get us to our destinations safely and comfortably.

Thank you to those at American who took me to mine last weekend and those at all of the other airlines which serve the many cities in all of our districts.

In a few days, we will have the opportunity to really show our gratitude and pass a package to keep our planes flying and thousands of people in the jobs they need so they can provide for themselves and their families. Let us do it.

#### KEEPING FOCUSED ON KEEPING AMERICA STRONG

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, this past week the response of Congress and the American people has been tremendous. We have seen patriotism, bipartisanship, and spiritual renewal, which has been unprecedented in our lifetime.

The focus of Congress has been on the best interests of the country, not on personal ambition or party superiority. The key question is this: What will our focus be next week, next month, and next year?

The best thing that we can do as a Congress to combat terrorism is to, first, display unity of purpose, to serve the national interests above all else; second, provide total commitment, staying power over the coming months and years. This is not going to be a sprint; it is going to be an endurance race. And victory will not go to the swiftest, but to those who have the most resolve and the most commitment.

Third, I think we must support the administration and the military and avoid micromanaging. We cannot become military and tactical experts from this floor.

The Nation will be watching. Our enemies will be watching. Congress will set the tone, one way or another.

#### A TIME FOR WAR

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, as was written long ago, there is a time for everything, and a season for every activity under heaven; a time to be born, and a time to die; a time to tear down, and a time to build; a time for war, and a time for peace.

Tonight, as our American President will again walk the blue carpet of this Chamber to lead our Nation in a time of war, my hope and my prayer, Mr. Speaker, is that this President will reflect the heart of the American people from this Chamber. I know there is a need to plan, to prepare, to deploy. But justice is inherently impatient, and so am I.

Mr. Speaker, I pray that the President knows in the defense of our Nation, now is the time to tear down. Now is the time for war.

#### REOPENING AMERICA'S AIRPORT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, America's airport, National Airport, remains closed as a lasting symbol of the attack of September 11. Until it is opened, the terrorists have a temporary victory.

I would be the last to want us to be reckless. Not only do I live here, 600,000

people whom I represent live here. But they want this airport opened with security, and so does America. Part of the problem may be that there are so many issues with which our country must cope that National Airport may not be getting the attention it deserves.

The Congress and the administration must focus on National Airport because of what it means, not to the capital of the United States, but to our country. As immediate steps, the recommendation that the shuttles be opened is most important, because it would unite Washington with New York and Boston, the two cities that were the objects of attack.

We must make National Airport a pilot for airport security for the Nation. To be sure, many jobs and the economy of this city and region are at stake. More important, opening the airport would be a giant symbol of our willingness to fight back.

□ 1015

#### UNITED STATES SHOULD NOT OVERREACT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the attacks of last week were the most evil, tragic actions ever carried out in this country.

I have said many times that we need to take the strongest possible action against bin Laden and other terrorists. However, we must be very careful not to overreact. If we go overboard and have an almost panic-type reaction, we will be doing just what the terrorist want us to do.

The Wall Street Journal reports today that bin Laden's fortune is nowhere close to the \$300 million stated in some stories, that his fortune has been wildly exaggerated, and bin Laden's network is a "primitive and cheap force." Besides that, we have just appropriated \$40 billion in emergency funding, and today we start on a bill to give the military the biggest increase in history following 6 straight years of multi-billion dollar increases.

I believe bin Laden has probably been shocked by the worldwide condemnation he received even from people and countries he probably thought would support him. We need to take the terrorists' threats very seriously, but it would be a very bad mistake to greatly overreact. We need to carry on the other functions of government too, and as President Bush has urged, try to get back to normal as soon as we possibly can.

## AWARDING CONGRESSIONAL GOLD MEDALS

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, there are countless heroes that have emerged from this tragedy, firefighters, police and others who have offered themselves in aid to their fellow citizens; but a few have risen even above those, and these are the folks that through their acts of incredible valor actually saved the lives of countless others. They are Jeremy Glick, Todd Beamer, Tom Burnett, and Mark Bingham and the other members of the crew and passengers of Flight 93 that were hijacked.

These people did something so extraordinary that it deserves the attention of this Congress. The way we are able to provide that attention is to award them and the other members of the crew and the passengers of that plane who participated in the events that prevented that plane from reaching its ultimate destination and killing who knows how many other people. We should, in fact, therefore, bestow on them the Congressional Gold Medal.

Mr. Speaker, I am introducing legislation today for that purpose, and I encourage all of my colleagues to join me in that effort.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6, rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before noon today.

## AMENDING CHARTER OF SOUTHEASTERN UNIVERSITY OF THE DISTRICT OF COLUMBIA

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2061) to amend the charter of Southeastern University of the District of Columbia.

The Clerk read as follows:

H.R. 2061

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. AMENDMENTS TO CHARTER OF SOUTHEASTERN UNIVERSITY REGARDING BOARD OF TRUSTEES.

(a) IN GENERAL.—Section 3 of the Act entitled “An Act for the relief of the Southeastern University of the Young Men’s Christian Association of the District of Columbia”, approved August 19, 1937 (50 Stat. 697), as amended by section 1 of the Act entitled “An Act to amend the charter of South-

eastern University of the District of Columbia”, approved October 10, 1966 (80 Stat. 883), is amended—

(1) in the first sentence, by striking “, one-third of whom” and all that follows and inserting a period; and

(2) in the second sentence, by striking “elected for a term” and inserting “elected by the board for a term”.

(b) TREATMENT OF CURRENT TRUSTEES.—The amendment made by subsection (a) shall not affect the term of office of any individual serving on the Board of Trustees of Southeastern University as of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

## GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2061.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague and ranking member of the subcommittee of the District of Columbia, the gentlewoman from the District of Columbia (Ms. NORTON), introduced H.R. 2061 on June 5, 2001. The subcommittee on the District of Columbia considered and marked up the bill on June 26, and the legislation was considered and ordered reported by the Committee on Government Reform on July 25.

H.R. 2061 amends the charter of Southeastern University of the District of Columbia and removes a provision in its charter requiring that one-third of the board of trustees of the university be alumni of the university. This provision would enable the university to attract a wider pool of nominees to the board.

I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for introducing this legislation on behalf of the president and board of directors of Southeastern University. I also want to recognize the dedicated work of Dr. Charlene Drew Jarvis, who has headed Southeastern University and brought it to the level of recognition that it enjoys today.

Mr. Speaker, I urge our colleagues to support H.R. 2061, a bill to amend the charter of Southeastern University of the District of Columbia, which was incorporated by an act of Congress in 1937, giving it the flexibility to appoint its board of directors from a larger group of candidates.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2061, legislation I introduced on June 5, 2001, to remove the provision of Southeastern University charter requiring that one-third of the board of trustees be Southeastern alumni.

Southeastern University President Charlene Drew Jarvis and the board of trustees asked me to introduce this corrective measure. The bill unanimously passed in both the subcommittee of the District of Columbia and the full Committee on Government Reform.

Mr. Speaker, I want to express my appreciation to the Chair of the subcommittee for the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), for her support of H.R. 2061 and for her continuing support of all we do in the District of Columbia.

Southeastern University was incorporated in the District of Columbia by an act of Congress on October 19, 1937. Its charter contains a provision requiring that one-third of the University’s board of trustees be alumni. On September 9, 1997, I received letters from Southeastern University President Charlene Drew Jarvis and board of trustees Chair Elizabeth Lisboa-Farrow asking that I introduce legislation to remove this provision.

President Jarvis and the board of trustees would like this provision removed in order to let the university draw from a wider pool of potential board nominees. Because the university was incorporated by an act of Congress, only the Congress can effectuate this change.

Southeastern University is an important and productive institution which contributes to higher education and the economy of the District of Columbia by offering undergraduate and graduate degrees geared specifically to the needs of working professionals such as accounting, banking, business management, computer science, information systems management, health services administration, government management, marketing and taxation.

Under the able leadership of Southeastern’s president, Dr. Charlene Drew Jarvis, who formerly served with distinction as a member of our city council for 17 years, the university has emerged from past difficulties and reached many milestones.

For example, in 1997, the Consortium of Universities of the Washington Metropolitan Area admitted Southeastern to its membership. Since Ms. Jarvis has been president, Southeastern’s enrollment has doubled. Southeastern has developed productive partnerships with local businesses that foster community involvement, while at the same time promoting educational achievement. One such partnership is D.C. Link and Learn, a technological training center founded with Southeastern’s help near Southeastern’s main campus. In addition, Southeastern has obtained

cooperative agreements with the Washington Teachers' Union and the Greater Washington Society of Certified Public Accountants to create partnerships in support of professional development programs.

Mr. Speaker, H.R. 2061 will allow Southeastern to complement these and other efforts under way to strengthen the university's role in the life of the District of Columbia. I urge my colleagues to support this corrective measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I have no further requests to speak on this very important bill, and I urge my colleagues to support H.R. 2061.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2061.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2657) to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

The Clerk read as follows:

H.R. 2657

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Family Court Act of 2001".

#### SEC. 2. REDESIGNATION OF FAMILY DIVISION AS FAMILY COURT OF THE SUPERIOR COURT.

(a) IN GENERAL.—Section 11-902, District of Columbia Code, is amended to read as follows:

##### "§ 11-902. Organization of the court

"(a) IN GENERAL.—The Superior Court shall consist of the Family Court of the Superior Court and the following divisions of the Superior Court:

- "(1) The Civil Division.
- "(2) The Criminal Division.
- "(3) The Probate Division.
- "(4) The Tax Division.

"(b) BRANCHES.—The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

"(c) DESIGNATION OF PRESIDING JUDGE OF FAMILY COURT.—The chief judge of the Superior Court shall designate one of the judges assigned to the Family Court of the Superior Court to serve as the presiding judge of the Family Court of the Superior Court.

"(d) JURISDICTION DESCRIBED.—The Family Court shall have exclusive jurisdiction over the actions, applications, determinations, adjudications, and proceedings described in section 11-1101, except that those actions within the jurisdiction of the Domestic Violence Unit (a section of the Civil Division, Criminal Division, and the Family Court) pursuant to Administrative Order No. 96-25 (October 31, 1996) shall remain in that Unit."

(b) CONFORMING AMENDMENT TO CHAPTER 9.—Section 11-906(b), District of Columbia Code, is amended by inserting "the Family Court and" before "the various divisions".

(c) CONFORMING AMENDMENTS TO CHAPTER 11.—(1) The heading for chapter 11 of title 11, District of Columbia, is amended by striking "FAMILY DIVISION" and inserting "FAMILY COURT".

(2) Section 11-1101, District of Columbia Code, is amended by striking "Family Division" and inserting "Family Court".

(3) The item relating to chapter 11 in the table of chapters for title 11, District of Columbia, is amended by striking "FAMILY DIVISION" and inserting "FAMILY COURT".

(d) CONFORMING AMENDMENTS TO TITLE 16.—

(1) CALCULATION OF CHILD SUPPORT.—Section 16-916.1(o)(6), District of Columbia Code, is amended by striking "Family Division" and inserting "Family Court of the Superior Court".

(2) EXPEDITED JUDICIAL HEARING OF CASES BROUGHT BEFORE HEARING COMMISSIONERS.—Section 16-924, District of Columbia Code, is amended by striking "Family Division" each place it appears in subsections (a) and (f) and inserting "Family Court".

(3) GENERAL REFERENCES TO PROCEEDINGS.—Chapter 23 of title 16, District of Columbia Code, is amended by inserting after section 16-2301 the following new section:

##### "§ 16-2301.1. References deemed to refer to Family Court of the Superior Court

"Upon the effective date of the District of Columbia Family Court Act of 2001, any reference in this chapter or any other Federal or District of Columbia law, Executive order, rule, regulation, delegation of authority, or any document of or pertaining to the Family Division of the Superior Court of the District of Columbia shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia."

(4) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 23 of title 16, District of Columbia, is amended by inserting after the item relating to section 16-2301 the following new item:

"16-2301.1. References deemed to refer to Family Court of the Superior Court."

#### SEC. 3. APPOINTMENT AND ASSIGNMENT OF JUDGES; NUMBER AND QUALIFICATIONS.

(a) NUMBER OF JUDGES FOR FAMILY COURT; QUALIFICATIONS AND TERMS OF SERVICE.—Chapter 9 of title 11, District of Columbia Code, is amended by inserting after section 11-908 the following new section:

##### "§ 11-908A. Special rules regarding assignment and service of judges of Family Court

"(a) NUMBER OF JUDGES.—The number of judges serving on the Family Court of the Superior Court at any time may not be—

"(1) less than the number of judges determined by the chief judge of the Superior

Court to be needed to serve on the Family Court under the transition plan for the Family Court prepared and submitted to the President and Congress under section 3(b) of the District of Columbia Family Court Act of 2001; or

"(2) greater than 15.

"(b) QUALIFICATIONS.—The chief judge may not assign an individual to serve on the Family Court of the Superior Court unless—

"(1) the individual has training or expertise in family law;

"(2) the individual certifies to the chief judge that the individual intends to serve the full term of service, except that this paragraph shall not apply with respect to individuals serving as senior judges under section 11-1504; and

"(3) the individual certifies to the chief judge that the individual will participate in the ongoing training programs carried out for judges of the Family Court under section 11-1104(c).

"(c) TERM OF SERVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of 5 years.

"(2) SPECIAL RULE FOR JUDGES SERVING ON SUPERIOR COURT ON DATE OF ENACTMENT OF FAMILY COURT ACT.—

"(A) IN GENERAL.—An individual assigned to serve as a judge of the Family Court of the Superior Court who is serving as a judge of the Superior Court on the date of the enactment of the District of Columbia Family Court Act of 2001 shall serve for a term of not fewer than 3 years.

"(B) REDUCTION OF PERIOD FOR JUDGES SERVING IN FAMILY DIVISION.—In the case of a judge of the Superior Court who is serving as a judge in the Family Division of the Court on the date of the enactment of the District of Columbia Family Court Act of 2001, the 3-year term applicable under subparagraph (A) shall be reduced by the length of any period of consecutive service as a judge in such Division as of the date of the enactment of such Act.

"(3) ASSIGNMENT FOR ADDITIONAL SERVICE.—After the term of service of a judge of the Family Court (as described in paragraph (1) or paragraph (2)) expires, at the judge's request the judge may be assigned for additional service on the Family Court for a period of such duration (consistent with section 431(c) of the District of Columbia Home Rule Act) as the chief judge may provide.

"(4) PERMITTING SERVICE ON FAMILY COURT FOR ENTIRE TERM.—At the request of the judge, a judge may serve as a judge of the Family Court for the judge's entire term of service as a judge of the Superior Court under section 431(c) of the District of Columbia Home Rule Act.

"(d) REASSIGNMENT TO OTHER DIVISIONS.—The chief judge may reassign a judge of the Family Court to any division of the Superior Court if the chief judge determines that the judge is unable to continue serving in the Family Court."

(b) PLAN FOR FAMILY COURT TRANSITION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall prepare and submit to the President and Congress a transition plan for the Family Court of the Superior Court, and shall include in the plan the following:

(A) The chief judge's determination of the number of judges needed to serve on the Family Court.

(B) The chief judge's determination of the role and function of the presiding judge of the Family Court.

(C) The chief judge's determination of the number of magistrate judges of the Family Court needed for appointment under section 11-1732, District of Columbia Code.

(D) The chief judge's determination of the appropriate functions of such magistrate judges, together with the compensation of and other personnel matters pertaining to such magistrate judges.

(E) A plan for case flow, case management, and staffing needs (including the needs for both judicial and nonjudicial personnel) for the Family Court.

(F) A description of how the Superior Court will meet the requirements of section 11-1104(a), District of Columbia Code (as added by section 4(a)), regarding the promulgation of rules to enforce the "one family, one judge" requirement for cases and proceedings in the Family Court.

(G) An analysis of the needs of the Family Court for space, equipment, and other physical plant requirements, as determined in consultation with the Administrator of General Services.

(H) An analysis of the success of the use of magistrate judges under the expedited appointment procedures established under section 6(d) in reducing the number of pending actions and proceedings within the jurisdiction of the Family Court (as described in section 11-902(d), District of Columbia, as amended by subsection (a)).

(I) Consistent with the requirements of paragraph (2), a proposal and timetable for the disposition of actions and proceedings pending in the Family Division of the Superior Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11-1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date) in a manner consistent with applicable Federal and District of Columbia law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

(2) DISPOSITION AND TRANSFER OF PENDING ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court shall take such actions as may be necessary to provide for the earliest practicable disposition of actions and proceedings pending in the Family Division of the Superior Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11-1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date), but in no event may any such action or proceeding remain pending longer than 18 months after the date the chief judge submits the transition plan required under paragraph (1) to the President and Congress.

(3) TRANSFER OF ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court shall take such steps as may be required to ensure that each action or proceeding within the jurisdiction of the Family Court of the Superior Court (as described in section 11-902(d), District of Columbia Code, as amended by subsection (a)) which is pending as of the effective date described in section 9 is transferred or otherwise assigned to the Family Court immediately upon such date.

(4) EFFECTIVE DATE OF IMPLEMENTATION OF PLAN.—The chief judge of the Superior Court

may not take any action to implement the transition plan under this subsection until the expiration of the 30-day period which begins on the date the chief judge submits the plan to the President and Congress under paragraph (1).

(C) TRANSITION TO APPROPRIATE NUMBER OF JUDGES.—

(1) ANALYSIS BY CHIEF JUDGE OF SUPERIOR COURT.—The chief judge of the Superior Court of the District of Columbia shall include in the transition plan prepared under subsection (b)—

(A) the chief judge's determination of the number of individuals serving as judges of the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court under section 11-908A, District of Columbia Code (as added by subsection (a)); and

(B) if the chief judge determines that the number of individuals described in subparagraph (A) is less than the number of individuals the chief judge is required to assign to the Family Court under such section, a request that the President appoint (in accordance with section 433 of the District of Columbia Home Rule Act) such additional number of individuals to serve on the Superior Court who meet the qualifications for judges of the Family Court under such section as may be required to enable the chief judge to make the required number of assignments.

(2) ONE-TIME APPOINTMENT OF ADDITIONAL JUDGES TO SUPERIOR COURT FOR SERVICE ON FAMILY COURT.—If the President receives a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B), the President (in accordance with section 433 of the District of Columbia Home Rule Act) shall appoint additional judges to the Superior Court who meet the qualifications for judges of the Family Court in a number equal to the number of additional appointments so requested by the chief judge, and each judge so appointed shall be assigned by the chief judge to serve on the Family Court of the Superior Court.

(3) ROLE OF DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION.—For purposes of section 434(d)(1) of the District of Columbia Home Rule Act, the submission of a request from the chief judge of the Superior Court of the District of Columbia under paragraph (1)(B) shall be deemed to create a number of vacancies in the position of judge of the Superior Court equal to the number of additional appointments so requested by the chief judge. In carrying out this paragraph, the District of Columbia Judicial Nomination Commission shall recruit individuals for possible nomination and appointment to the Superior Court who meet the qualifications for judges of the Family Court of the Superior Court.

(4) JUDGES APPOINTED UNDER ONE-TIME APPOINTMENT PROCEDURES NOT TO COUNT AGAINST LIMIT ON NUMBER OF SUPERIOR COURT JUDGES.—Any judge who is appointed to the Superior Court of the District of Columbia pursuant to the one-time appointment procedures under this subsection for assignment to the Family Court of the Superior Court shall be appointed without regard to the limit on the number of judges of the Superior Court under section 11-903, District of Columbia Code. Any judge who is appointed to the Superior Court under any procedures other than the one-time appointment procedures under this subsection shall count against such limit, without regard to whether or not the judge is appointed to replace a judge appointed under the one-time appoint-

ment procedures under this subsection or is otherwise assigned to the Family Court of the Superior Court.

(d) REPORT BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall prepare and submit to Congress and the chief judge of the Superior Court of the District of Columbia a report on the implementation of this Act (including the effect of the transition plan under subsection (b) on the implementation of this Act), and shall include in the report the following:

(A) An analysis of the procedures used to make the initial appointments of judges of the Family Court under this Act and the amendments made by this Act, including an analysis of the time required to make such appointments and the effect of the qualification requirements for judges of the Court (including requirements relating to the length of service on the Court) on the time required to make such appointments.

(B) An analysis of the impact of magistrate judges for the Family Court (including the expedited initial appointment of magistrate judges for the Court under section 6(d)) on the workload of judges and other personnel of the Court.

(C) An analysis of the number of judges needed for the Family Court, including an analysis of how the number may be affected by the qualification requirements for judges, the availability of magistrate judges, and other provisions of this Act or the amendments made by this Act.

(D) An analysis of the timeliness of the resolution and disposition of pending actions and proceedings required under the transition plan (as described in subsection (b)(1)(I) and (b)(2)), including an analysis of the effect of the availability of magistrate judges on the time required to resolve and dispose of such actions and proceedings.

(2) SUBMISSION TO CHIEF JUDGE OF SUPERIOR COURT.—Prior to submitting the report under paragraph (1) to Congress, the Comptroller General shall provide a preliminary version of the report to the chief judge of the Superior Court and shall take any comments and recommendations of the chief judge into consideration in preparing the final version of the report.

(e) ONGOING REPORTS ON PENDING CASES AND PROCEEDINGS.—

(1) IN GENERAL.—The chief judge of the Superior Court of the District of Columbia shall submit a status report to the President and Congress on the disposition of actions and proceedings pending in the Family Division of the Superior Court as of the date of the enactment of this Act (together with actions and proceedings described in section 11-1101, District of Columbia Code, which were initiated in the Family Division but remain pending in other Divisions of the Superior Court as of such date) and the extent to which the Court is in compliance with the requirements of this Act regarding the timetable for the disposition of such actions and proceedings.

(2) TIMING OF REPORTS.—The chief judge of the Superior Court shall submit the report required under paragraph (1) not later than 6 months after submitting the transition plan under subsection (b) and every 6 months thereafter until the final disposition or transfer to the Family Court of all of the actions and proceedings described in such paragraph.

(f) CONFORMING AMENDMENT.—The first sentence of section 11-908(a), District of Columbia Code, is amended by striking "The

chief judge" and inserting "Subject to section 11-908A, the chief judge".

(g) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 11, District of Columbia Code, is amended by inserting after the item relating to section 11-908 the following new item:

"11-908A. Special rules regarding assignment and service of judges of Family Court."

**SEC. 4. IMPROVING ADMINISTRATION OF CASES AND PROCEEDINGS IN FAMILY COURT.**

(a) IN GENERAL.—Chapter 11 of title 11, District of Columbia, is amended by adding at the end the following new sections:

**"§ 11-1102. Use of alternative dispute resolution"**

"To the greatest extent practicable and safe, cases and proceedings in the Family Court of the Superior Court shall be resolved through alternative dispute resolution procedures, in accordance with such rules as the Superior Court may promulgate.

**"§ 11-1103. Standards of practice for appointed counsel"**

"The Superior Court shall establish standards of practice for attorneys appointed as counsel in the Family Court of the Superior Court.

**"§ 11-1104. Administration"**

"(a) 'ONE FAMILY, ONE JUDGE' REQUIREMENT FOR CASES AND PROCEEDINGS.—

"(1) IN GENERAL.—The Superior Court shall promulgate rules for the Family Court which require all issues within the jurisdiction of the Family Court concerning one family or one child to be decided by one judge, to the greatest extent practicable, feasible, and lawful.

"(2) SPECIFIC REQUIREMENTS.—Under the rules promulgated by the Superior Court under paragraph (1), to the greatest extent practicable, feasible, and lawful—

"(A) if an individual who is a party to an action or proceeding assigned to the Family Court has an immediate family or household member who is a party to another action or proceeding assigned to the Family Court, the individual's action or proceeding shall be assigned to the same judge or magistrate judge to whom the immediate family member's action or proceeding is assigned; and

"(B) if an individual who is a party to an action or proceeding assigned to the Family Court becomes a party to another action or proceeding assigned to the Family Court, the individual's subsequent action or proceeding shall be assigned to the same judge or magistrate judge to whom the individual's initial action or proceeding is assigned.

"(b) RETENTION OF JURISDICTION OVER CASES.—Any action or proceeding assigned to the Family Court of the Superior Court shall remain under the jurisdiction of the Family Court until the action or proceeding is finally disposed. If the judge to whom the action or proceeding is assigned ceases to serve on the Family Court prior to the final disposition of the action or proceeding, the presiding judge of the Family Court shall ensure that the matter or proceeding is reassigned to a judge serving on the Family Court, unless there are extraordinary circumstances, subject to approval and certification by the presiding judge and based on appropriate documentation in the record, which demonstrate that a case is nearing permanency and that changing judges would both delay that goal and result in a violation of the Adoption and Safe Families Act of 1997 (or an amendment made by such Act).

"(c) TRAINING PROGRAM.—

"(1) IN GENERAL.—The presiding judge of the Family Court shall carry out an ongoing program to provide training in family law and related matters for judges of the Family Court, other judges of the Superior Court, and appropriate nonjudicial personnel, and shall include in the program information and instruction regarding the following:

"(A) Child development.

"(B) Family dynamics.

"(C) Relevant Federal and District of Columbia laws.

"(D) Permanency planning principles and practices.

"(E) Recognizing the risk factors for child abuse.

"(F) Any other matters the presiding judge considers appropriate.

"(2) USE OF CROSS-TRAINING.—The program carried out under this section shall use the resources of lawyers and legal professionals, social workers, and experts in the field of child development and other related fields.

"(d) ACCESSIBILITY OF MATERIALS, SERVICES, AND PROCEEDINGS; PROMOTION OF 'FAMILY-FRIENDLY' ENVIRONMENT.—

"(1) IN GENERAL.—To the greatest extent practicable, the chief judge of the Superior Court shall ensure that the materials and services provided by the Family Court are understandable and accessible to the individuals and families served by the Court, and that the Court carries out its duties in a manner which reflects the special needs of families with children.

"(2) LOCATION OF PROCEEDINGS.—To the maximum extent feasible, safe, and practicable, cases and proceedings in the Family Court shall be conducted at locations readily accessible to the parties involved.

"(e) INTEGRATED COMPUTERIZED CASE TRACKING AND MANAGEMENT SYSTEM.—The Executive Officer of the District of Columbia courts under section 11-1703 shall work with the Joint Committee on Judicial Administration in the District of Columbia—

"(1) to ensure that all records and materials of cases and proceedings in the Family Court are stored and maintained in electronic format accessible by computers for the use of judges, magistrate judges, and nonjudicial personnel of the Family Court, and for the use of other appropriate offices of the District government in accordance with the plan for integrating computer systems prepared by the Mayor of the District of Columbia under section 4(c) of the District of Columbia Family Court Act of 2001;

"(2) to establish and operate an electronic tracking and management system for cases and proceedings in the Family Court for the use of judges and nonjudicial personnel of the Family Court, using the records and materials stored and maintained pursuant to paragraph (1); and

"(3) to expand such system to cover all divisions of the Superior Court as soon as practicable.

**"§ 11-1105. Social services and other related services"**

"(a) ON-SITE COORDINATION OF SERVICES AND INFORMATION.—

"(1) IN GENERAL.—The Mayor of the District of Columbia, in consultation with the chief judge of the Superior Court, shall ensure that representatives of the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Po-

lice Department, the Department of Health, and other offices determined by the Mayor) are available on-site at the Family Court to coordinate the provision of such services and information regarding such services to such individuals and families.

"(2) DUTIES OF HEADS OF OFFICES.—The head of each office described in paragraph (1), including the Superintendent of the District of Columbia Public Schools and the Director of the District of Columbia Housing Authority, shall provide the Mayor with such information, assistance, and services as the Mayor may require to carry out such paragraph.

"(b) APPOINTMENT OF SOCIAL SERVICES LIAISON WITH FAMILY COURT.—The Mayor of the District of Columbia shall appoint an individual to serve as a liaison between the Family Court and the District government for purposes of subsection (a) and for coordinating the delivery of services provided by the District government with the activities of the Family Court and for providing information to the judges, magistrate judges, and nonjudicial personnel of the Court regarding the services available from the District government to the individuals and families served by the Court. The Mayor shall provide on an ongoing basis information to the chief judge of the Superior Court and the presiding judge of the Family Court regarding the services of the District government which are available for the individuals and families served by the Family Court.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Mayor of the District of Columbia for each fiscal year such sums as may be necessary to carry out this section.

**"§ 11-1106. Reports to Congress"**

"Not later than 90 days after the end of each calendar year, the chief judge of the Superior Court shall submit a report to Congress on the activities of the Family Court during the year, and shall include in the report the following:

"(1) The chief judge's assessment of the productivity and success of the use of alternative dispute resolution pursuant to section 11-1102.

"(2) Goals and timetables to improve the Family Court's performance in the following year.

"(3) Information on the extent to which the Court met deadlines and standards applicable under Federal and District of Columbia law to the review and disposition of actions and proceedings under the Court's jurisdiction during the year.

"(4) Information on the progress made in finding and utilizing suitable locations and space for the Family Court.

"(5) Information on any factors which are not under the control of the Family Court which interfere with or prevent the Court from carrying out its responsibilities in the most effective manner possible.

"(6) Based on outcome measures derived through the use of the information stored in electronic format under section 11-1104(d), an analysis of the Court's efficiency and effectiveness in managing its case load during the year, including an analysis of the time required to dispose of actions and proceedings among the various categories of the Court's jurisdiction, as prescribed by applicable law and best practices, including (but not limited to) best practices developed by the American Bar Association and the National Council of Juvenile and Family Court Judges.

“(7) If the Court failed to meet the deadlines, standards, and outcome measures described in the previous paragraphs, a proposed remedial action plan to address the failure.”

(b) **EXPEDITED APPEALS FOR CERTAIN FAMILY COURT ACTIONS AND PROCEEDINGS.**—Section 11-721, District of Columbia Code, is amended by adding at the end the following new subsection:

“(g) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals and shall be certified by the appellant.”

(c) **PLAN FOR INTEGRATING COMPUTER SYSTEMS.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the President and Congress a plan for integrating the computer systems of the District government with the computer systems of the Superior Court of the District of Columbia so that the Family Court of the Superior Court and the appropriate offices of the District government which provide social services and other related services to individuals and families served by the Family Court of the Superior Court (including the District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, the Office of the Corporation Counsel, the Metropolitan Police Department, the Department of Health, and other offices determined by the Mayor) will be able to access and share information on the individuals and families served by the Family Court.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Mayor of the District of Columbia such sums as may be necessary to carry out paragraph (1).

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 11 of title 11, District of Columbia Code, is amended by adding at the end the following new items:

“11-1102. Use of alternative dispute resolution.

“11-1103. Standards of practice for appointed counsel.

“11-1104. Administration.

“11-1105. Social services and other related services.

“11-1106. Reports to Congress.”.

#### **SEC. 5. TREATMENT OF HEARING COMMISSIONERS AS MAGISTRATE JUDGES.**

(a) **IN GENERAL.**—

(1) **REDESIGNATION OF TITLE.**—Section 11-1732, District of Columbia Code, is amended—

(A) by striking “hearing commissioners” each place it appears in subsection (a), subsection (b), subsection (d), subsection (i), subsection (l), and subsection (n) and inserting “magistrate judges”;

(B) by striking “hearing commissioner” each place it appears in subsection (b), subsection (c), subsection (e), subsection (f), subsection (g), subsection (h), and subsection (j) and inserting “magistrate judge”;

(C) by striking “hearing commissioner’s” each place it appears in subsection (e) and subsection (k) and inserting “magistrate judge’s”;

(D) by striking “Hearing commissioners” each place it appears in subsections (b), (d), and (i) and inserting “Magistrate judges”;

(E) in the heading, by striking “Hearing commissioners” and inserting “Magistrate Judges”.

(2) **CONFORMING AMENDMENTS.**—(A) Section 11-1732(c)(3), District of Columbia Code, is amended by striking “, except that” and all that follows and inserting a period.

(B) Section 16-924, District of Columbia Code, is amended—

(i) by striking “hearing commissioner” each place it appears and inserting “magistrate judge”; and

(ii) in subsection (f), by striking “hearing commissioner’s” and inserting “magistrate judge’s”.

(3) **CLERICAL AMENDMENT.**—The item relating to section 11-1732 of the table of sections of chapter 17 of title 11, D.C. Code, is amended to read as follows:

“11-1732. Magistrate judges.”.

(b) **TRANSITION PROVISION REGARDING HEARING COMMISSIONERS.**—Any individual serving as a hearing commissioner under section 11-1732 of the District of Columbia Code as of the date of the enactment of this Act shall serve the remainder of such individual’s term as a magistrate judge, and may be reappointed as a magistrate judge in accordance with section 11-1732(d), District of Columbia Code, except that any individual serving as a hearing commissioner as of the date of the enactment of this Act who was appointed as a hearing commissioner prior to the effective date of section 11-1732 of the District of Columbia Code shall not be required to be a resident of the District of Columbia to be eligible to be reappointed.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

#### **SEC. 6. SPECIAL RULES FOR MAGISTRATE JUDGES OF FAMILY COURT.**

(a) **IN GENERAL.**—Chapter 17 of title 11, District of Columbia Code, is amended by inserting after section 11-1732 the following new section:

##### **“§ 11-1732A. Special rules for magistrate judges of Family Court of the Superior Court**

“(a) **USE OF SOCIAL WORKERS IN ADVISORY MERIT SELECTION PANEL.**—The advisory selection merit panel used in the selection of magistrate judges for the Family Court of the Superior Court under section 11-1732(b) shall include certified social workers specializing in child welfare matters who are residents of the District and who are not employees of the District of Columbia Courts.

“(b) **SPECIAL QUALIFICATIONS.**—Notwithstanding section 11-1732(c), no individual shall be appointed as a magistrate judge for the Family Court of the Superior Court unless that individual—

“(1) is a citizen of the United States;

“(2) is an active member of the unified District of Columbia Bar;

“(3) for the 5 years immediately preceding the appointment has been engaged in the active practice of law in the District, has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or District government, or any combination thereof;

“(4) has not fewer than 3 years of training or experience in the practice of family law; and

“(5) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment (or becomes a bona fide resident of the District of Columbia and maintains an actual place of abode in the District not later than 90 days after appointment), and retains such residency during service as a magistrate.

“(c) **SERVICE OF CURRENT HEARING COMMISSIONERS.**—Those individuals serving as hear-

ing commissioners under section 11-1732 on the effective date of this section who meet the qualifications described in subsection (b)(4) may request to be appointed as magistrate judges for the Family Court of the Superior Court under such section.

“(d) **FUNCTIONS.**—A magistrate judge, when specifically designated by the presiding judge of the Family Court of the Superior Court, and subject to the rules of the Superior Court and the right of review under section 11-1732(k), may perform the following functions:

“(1) Administer oaths and affirmations and take acknowledgements.

“(2) Subject to the rules of the Superior Court and applicable Federal and District of Columbia law, conduct hearings, make findings and enter interim and final orders or judgments in uncontested or contested proceedings within the jurisdiction of the Family Court of the Superior Court (as described in section 11-1101), excluding jury trials and trials of felony cases, as assigned by the presiding judge of the Family Court.

“(3) Subject to the rules of the Superior Court, enter an order punishing an individual for contempt, except that no individual may be detained pursuant to the authority of this paragraph for longer than 180 days.

“(e) **LOCATION OF PROCEEDINGS.**—To the maximum extent feasible, safe, and practicable, magistrate judges of the Family Court of the Superior Court shall conduct proceedings at locations readily accessible to the parties involved.

“(f) **TRAINING.**—The Family Court of the Superior Court shall ensure that all magistrate judges of the Family Court receive training to enable them to fulfill their responsibilities, including specialized training in family law and related matters.”.

(b) **CONFORMING AMENDMENTS.**—(1) Section 11-1732(a), District of Columbia Code, is amended by inserting after “the duties enumerated in subsection (j) of this section” the following: “(or, in the case of magistrate judges for the Family Court of the Superior Court, the duties enumerated in section 11-1732A(d)).”.

(2) Section 11-1732(c), District of Columbia Code, is amended by striking “No individual” and inserting “Except as provided in section 11-1732A(b), no individual”.

(3) Section 11-1732(k), District of Columbia Code, is amended—

(A) by striking “subsection (j),” and inserting the following: “subsection (j) (or proceedings and hearings under section 11-1732A(d), in the case of magistrate judges for the Family Court of the Superior Court),”; and

(B) by inserting after “appropriate division” the following: “(or, in the case of an order or judgment of a magistrate judge of the Family Court of the Superior Court, by a judge of the Family Court)”.

(4) Section 11-1732(l), District of Columbia Code, is amended by inserting after “responsibilities” the following: “(subject to the requirements of section 11-1732A(f) in the case of magistrate judges of the Family Court of the Superior Court)”.

(c) **CLERICAL AMENDMENT.**—The table of sections for subchapter II of chapter 17 of title 11, District of Columbia, is amended by inserting after the item relating to section 11-1732 the following new item:

“11-1732A. Special rules for magistrate judges of Family Court of the Superior Court.”.

(d) **EFFECTIVE DATE.**—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXPEDITED INITIAL APPOINTMENTS.—

(A) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the chief judge of the Superior Court of the District of Columbia shall appoint not more than 5 individuals to serve as magistrate judges for the Family Division of the Superior Court in accordance with the requirements of sections 11-1732 and 11-1732A, District of Columbia Code (as added by subsection (a)).

(B) APPOINTMENTS MADE WITHOUT REGARD TO SELECTION PANEL.—Sections 11-1732(b) and 11-1732A(a), District of Columbia Code (as added by subsection (a)) shall not apply with respect to any magistrate judge appointed under this paragraph.

(C) PRIORITY FOR CERTAIN ACTIONS AND PROCEEDINGS.—The chief judge of the Superior Court and the presiding judge of the Family Division of the Superior Court (acting jointly) shall first assign and transfer to the magistrate judges appointed under this paragraph actions and proceedings described as follows:

(i) The action or proceeding involves an allegation of abuse or neglect.

(ii) The action or proceeding was initiated in the Family Division prior to the 2-year period which ends on the date of the enactment of this Act.

(iii) The judge to whom the action or proceeding is assigned as of the date of the enactment of this Act is not assigned to the Family Division.

(3) SPECIAL REFERENCES DURING TRANSITION.—During the period which begins on the date of the enactment of this Act and ends on the effective date described in section 9, any reference to the Family Court of the Superior Court of the District of Columbia in any provision of law added or amended by this section shall be deemed to be a reference to the Family Division of the Superior Court of the District of Columbia.

#### SEC. 7. SENSE OF CONGRESS REGARDING BORDER AGREEMENT WITH MARYLAND AND VIRGINIA.

It is the sense of Congress that the State of Maryland, the Commonwealth of Virginia, and the District of Columbia should promptly enter into a border agreement to facilitate the timely and safe placement of children in the District of Columbia's welfare system in foster and kinship homes and other facilities in Maryland and Virginia.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the District of Columbia courts such sums as may be necessary to carry out this Act and the amendments made by this Act, including sums necessary for salaries and expenses and capital improvements for the District of Columbia courthouse facilities.

#### SEC. 9. EFFECTIVE DATE.

The amendments made by sections 2 and 4 shall take effect on the first date occurring after the date of the enactment of this Act on which 10 individuals who meet the qualifications described in section 11-908A, District of Columbia Code (as added by section 3(a)) are available to be assigned by the chief judge of the Superior Court of the District of Columbia to serve as associate judges of the Family Court of the Superior Court (as certified by the chief judge).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Colum-

bia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2657.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas (Mr. DELAY), our distinguished colleague, introduced H.R. 2657 on July 26 of this year, 2001. This bill has the original cosponsorship of the gentleman from Virginia (Mr. TOM DAVIS), the gentlewoman from the District of Columbia (Ms. NORTON), and myself and was reported out of subcommittee.

I want to thank the gentleman from Texas (Mr. DELAY) for his hard work and his sagacity in introducing and persevering with this important legislation and for being able to include the interests of numerous stakeholders that will be affected by the bill. I also want to recognize the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, for recognizing the significance of the legislation and his interest in getting the bill to the floor expeditiously, as well as the ranking member of the full committee.

This legislation, the District of Columbia Family Court Act of 2001, is the product of a lot of collaboration, a lot of discussion, and lot of debate; but I think the final product is one that we can all be proud of.

The Family Division of the D.C. Superior Court is supposed to be a last resort, a haven, for abused and neglected children. It should be a place where caring and responsible adults make decisions that protect our most vulnerable and our most precious members of society. But too often, the court has failed in its mission. Cases take too long to process, families are shuttled from one judge to another, and unforgivable mistakes are made. The tragedy of Brianna Blackmond, who was found dead just 2 weeks after a judge removed her from a foster home and returned Brianna to her troubled mother, is the most obvious case. It is far from the only one, as we have heard during my subcommittee's June 26 hearing on the family court.

This legislation takes a huge step forward in improving family court. It adds more judges to the court, requires new judges to stay for at least 5 years, provides for ongoing judicial training, and requires the use of alternative dispute resolution, mediation, and other methods that will not only help speed up case processing but also will allow

for less adversarial proceedings. It establishes the position of judge magistrates who will assist the court in reducing its case backlog. It also promotes the idea of one "family, one judge," meaning that families will not have to endure the long delays when their cases are switched from one judicial calendar or judge to another.

But as I have said all along, fixing family court is only one piece of the puzzle. Any upgrades made by Congress must be accompanied by real substantial improvements on behalf of the District's Child and Family Services Agency. I hope my colleagues have had a chance to read the eye-opening Washington Post series this past week on the agency.

Here are the grim statistics: 229 children in the District died between 1993 and 2000, even though their family situation had been brought to the attention of the city's child protective services.

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The Post investigation found that at least 40 of these boys and girls "lost their lives after government workers failed to take key preventive action or placed children in unsafe homes or institutions."

Among the victims are Wesley Lucas, a 10-week-old who died of dehydration after he was placed in the care of a 69-year-old man who himself was dying of lung cancer; Eddie Ward, who died at the age of 13; Eddie was alone on a bus and was later found dead in a decaying house, his body riddled with insect bites; 8-year-old Sylvester Brown, left in the care of his mentally ill mother, who stabbed him so many times the medical examiner could not count the number of wounds.

The series goes on to detail some of the underlying causes for these failures, including inadequate and undertrained employees, high turnover among social workers, limited foster care options, a lack of funding, and poor oversight over the agencies responsible for protecting children.

I know this issue resonates deeply with Mayor Williams. I know he is pushing for wholesale changes in the area of Child Protective Services, and, as I have said before, I stand willing to offer any assistance that I can or our subcommittee can or this Congress can in erasing the deficiencies of this department.

Until then, what we in Congress can do is pass the District of Columbia Family Court Act of 2001. This bill will help. It will not solve all the problems concerning the District's Child Protective Services, but it will greatly strengthen the Family Court, and that is a good place to start.

I want to take a few moments again to thank the gentleman from Texas (Mr. DELAY), and to recognize the commitment of the staff member of the

gentleman from Texas, Cassie Bevan, who has devoted untold hours in crafting this legislation, holding meetings with other staff, the courts, and various interested parties.

I also want to recognize Jon Bouker of the staff of the gentlewoman from the District of Columbia (Ms. NORTON); also my staff director, Russell Smith, and Victoria Proctor of the staff of the gentleman from Virginia (Mr. TOM DAVIS) who worked with Cassie Bevan to bring this bill to the floor. So it has been a collaborative effort.

Mr. Speaker, I urge our colleagues to support H.R. 2657, a bill which will be beneficial to the most vulnerable children of the District of Columbia and their families.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2657, the District of Columbia Family Court Act of 2001. However, I want first to thank the current Chair of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the former chair of the subcommittee, the gentleman from Virginia (Mr. TOM DAVIS), for their contributions to the bill; also, the gentleman from Massachusetts (Mr. DELAHUNT) who assisted with this bill, even though he is not a member of our subcommittee; our full committee chairman, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), for their leadership and for expediting this bill, which needed the permission of the chair and the ranking member to come to the House floor without a full committee markup after it passed our subcommittee unanimously.

Mr. Speaker, this truncated action was necessary in order to assure that the bill was ready for the floor in time for the fiscal 2002 appropriation process.

If I may say so, Mr. Speaker, Cassie Bevan and Jon Bouker, Cassie Bevan of the staff of the gentleman from Texas (Mr. DELAY) and Jon Bouker of my staff, did much of the heavy lifting to get this bill to the point that we find it today. We very much appreciate their hard work.

I would particularly like to thank the majority whip of the House, the gentleman from Texas (Mr. DELAY), whose interest, energy, and commitment has been an indispensable force behind the Family Court Act.

The gentleman from Texas (Mr. DELAY) and I are not of the same party, but he and I share an overriding concern for the children of this country and for children caught in the District's foster care system.

The concern and involvement of the gentleman from Texas did not end with this bill, or with seeking to have it

reach the floor expeditiously. The gentleman from Texas (Mr. DELAY) is chiefly responsible for the millions of dollars that are now part of the D.C. appropriation that will fund the reforms that this bill mandates.

I also appreciate the support of the gentleman from Texas (Mr. DELAY) for the return of the agency responsible for foster care in the District, the Child and Family Services Agency, to the D.C. government from a failed Federal court receivership.

The need to update the Family Division became a priority as a result of the tragic death of Brianna Blackmond, an infant who was allowed to return to her troubled mother without a hearing after it was alleged that lawyers representing all the parties, the social workers, and the guardians ad litem all certified that the child should be returned.

Several important investigations followed the child's death, especially concerning the agency chiefly responsible, the Child and Family Services Agency, then under a Federal court receivership. Because a Federal court had jurisdiction, we held hearings in the Subcommittee on the District of Columbia on the District's child welfare system. My staff and I commenced a detailed investigation of best practices of family courts and family divisions here and around the country, and began writing a bill, because D.C. local courts are Federal courts not under the jurisdiction of the D.C. government.

Meanwhile, the gentleman from Texas (Mr. DELAY) and his staff also were working on a bill, and we soon began working together to produce a single product, with support and assistance from our Chair, the gentlewoman from Maryland (Mrs. MORELLA), from the gentleman from Virginia (Mr. TOM DAVIS), and other interested Members. The Family Court Act is the result of this joint effort, the culmination of a collegial process spanning several months. The subcommittee held a hearing on the Family Court Act on June 26, 2001, prior to reporting it unanimously to the full committee.

It must be noted that the D.C. City Council is far more familiar with the children and families of the city than we in the Congress, and are best qualified to write such a bill. However, when the Home Rule Act was passed in 1973, Congress withheld jurisdiction over Federal courts from the city. The District of Columbia needs to have the same control of its courts as other cities.

In the meantime, at my request, the council passed a resolution in support of the reforms in this bill, after scrutinizing it and offering their own recommendations for changes. We have also worked closely with Mayor Anthony Williams and Chief Judge Rufus King and the judges of the Superior Court in writing this bill.

The D.C. Family Court Act of 2001 is the first overhaul of our Family Division since 1970, when it was upgraded to be part of the Superior Court of the District of Columbia. The old Family Court, then called Juvenile Court, was a stand-alone court that had become a place apart, in effect a ghetto court, to which the city's most troubled children and families were sent, away from the real judicial system and out of sight, which left children and families out of mind until the Juvenile Court was abolished as hopelessly ineffective and poorly funded.

All agree that the Family Division has proved to be a vast improvement over the Juvenile Court, despite the increasing number of abused and neglected children, troubled juveniles, and families in crisis typical of big cities and of foster care systems in rural areas, suburbs, and cities alike today.

However, no court or other institution should go a full 30 years without a close examination of its strengths and weaknesses. The Family Division increasingly has been taxed by intractable societal problems, and, in addition, must depend on an outside agency, the Child and Family Services Agency, which only recently had been adjudged so dysfunctional that it had been taken over by the Federal courts and placed in receivership.

Our bill incorporates what we found in our investigation to be the best practices from successful independent family courts and family divisions as a part of family courts across the country.

These courts have in common several basic reforms: creating an independent family court or division; providing ample family court judges to handle family matters; mandating terms for judges in family court; requiring family court judge magistrate judges and other court personnel to have training or expertise in family law; requiring ongoing training of family court judges and other personnel; employing alternative dispute resolution and mediation in family cases; adhering to the standard of "one family one judge" in family cases; retaining family cases in the Family Court and the Family Court alone; using magistrate judges to assist family court judges with their caseloads; and dedicating special magistrate judges to assist judges with current pending cases. The D.C. Family Court Act incorporates all of these best practices.

As important as our bill is, the major problem for children and families in the District is not the court but the Child and Family Services Agency. The court needs more resources and it needs modernization. CFSA needs a complete makeover. Yet, after 6 years in a family court receivership, CFSA is returning to the District largely because the receivership failed, not because that agency has been revitalized.

No matter what we achieve in our Family Division bill, children and families are unlikely to notice much difference in their lives unless CFSA is fundamentally changed. Courts are the back end of the process when all else has failed, the last resort when people must be compelled to do what they are required to do. Our bill assures that the city has a full-time staff liaison on-site at the court, but inevitably the court will be handicapped by the condition of CFSA in the first years of the agency's return to the District.

Assuring that CFSA and the new Family Court of the Superior Court are seamless in their response to our children and families is a formidable challenge for both the city and the court. Because the court has been generally well run and responsive to children and families, I believe that with new resources and additional and updated functions, the court can do the job.

The city's challenge to both reform the CFSA and realign the agency with the court is more serious. However, Mayor Williams' careful work in management reform and accountability and the council's diligent oversight encourages optimism. The mayor's own background as a foster child will surely encourage dedication.

Mr. Speaker, let me conclude by saying that although I strongly support this bill, the speed with which we have had to bring the bill to the floor precluded me from offering several amendments to sharpen various provisions of the act. These amendments are important to ensure, for example, that the necessary work of disposing of a large volume of pending cases and continuing intake of new cases coming into the new Family Court does not overwhelm the court while it meets timetables mandated in the bill.

In addition, my amendments will ensure that the jurisdiction of the court's successful domestic violence unit is not undermined by the bill.

It is also critical to strengthen language in the bill calling on Maryland and Virginia to enter foster care agreements with the District to ensure rapid placement of our children, without undue expense to our State partners or harmful delay to our children.

We have all agreed that these and other matters should be discussed with our Senate partners as we move forward in our negotiation to produce a consensus bill. The Senate has been wonderfully cooperative and collaborative with us in all aspects of this bill.

I want to once again thank the gentleman from Texas (Mr. DELAY) for his tireless work and partnership with me on this bill, and the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Virginia (Mr. TOM DAVIS) for their special efforts on this important piece of legislation.

I urge all of our colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her wonderful comments, but even beyond that, for the work that has been done through the years to make this bill possible. As was mentioned time and time again, this has been a collaborative effort. But all collaborative efforts have to have a leader. They have to have somebody who is going to guide, watch over, and make sure and bring the parties together.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), who is that person and that leader.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding time to me, and for her kind remarks. I thank the gentlewoman from Washington, D.C. (Ms. NORTON) for her kind remarks.

Mr. Speaker, this is the first day of the rest of reform in the child welfare system in Washington, D.C. This is not the end of reform, as the gentlewoman from the District of Columbia (Ms. NORTON) has so eloquently stated. This is an ongoing effort. It is going to take everybody in Washington, D.C., as well as in Congress, to do what is necessary to save the kids of the District.

Mr. Speaker, the purpose of the District of Columbia Family Court Act of 2001 is to save lives of children in the District. We do this by creating a specialized Family Court that will allow judges to spend more time hearing, reviewing, and monitoring the accomplishments of abused and neglected children.

The work that has been done by the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), and the gentleman from Virginia (Mr. TOM DAVIS) is exemplary, and it has taken a long, hard road to get to where we are in putting this legislation together.

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I also want the thank my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), who has had his input and his support for this legislation, obviously.

I too want to thank the real movers and shakers of this House. And that is the staff, John Bouker, staff member of the gentlewoman from the District of Columbia (Ms. NORTON); Russell Smith and Heea Vazirani-Fales of the office of the gentlewoman from Maryland (Mrs. MORELLA); Victoria Proctor and Melissa Wogciak of the office of the gentleman from Virginia (Mr. TOM DAVIS); and Mark Agrast of the office of the gentleman from Massachusetts (Mr. DELAHUNT).

Most importantly, the driving force for all of us is a woman that is really

incredible in her knowledge of what children need, especially abused and neglected children and their needs, is Dr. Casie Bevan on my staff. Without her leadership, none of this would have happened.

Last week, The Washington Post ran a series of articles under the headline "Protected Children Died as Government Did Little." The Post attributed 40 child deaths in the past decade, including Brianna Blackmond, to the District's failed child protection system. This system includes the judges and the Superior Court as well as the social workers and the police. Our bill aims to put the need of the children for safety and permanency first. And here is how we do it:

We require that the judges be trained before they serve on Family Court. We mandate that judges sit on the Family Court bench for 5 years, long enough to become effective, and we insist that every judge that serves on the Family Court be a volunteer.

Our bill creates a separate pool of judges to set on Family Court with the desired training and expertise necessary to serve. Training is critical for judges who have to decide if and when a home is too dangerous for a child to remain there or safe enough for a child to be returned.

Meaningful change cannot happen without committed judges. That is why I believe that 5-year terms are a key measure. A 5-year term on Family Court increases the chance that a judge really wants to serve on this bench and is not just serving time.

Today, judges who rotate off the family division bench take cases with them. Our bill ends that practice. A specialized family court, by its very nature, requires that all family cases remain in this court until they are closed. The "one judge, one family" concept is central to real reform. Only a judge who knows the full history surrounding a child's family and reasons for placement will be better able to consider the child's best interests.

Our bill provides resources to hire more judges and magistrate judges in order to decrease the number of children seen by each judicial officer. With this change, more time can be spent with the children and their families to identify their need and to monitor progress.

Funds are provided under this bill to upgrade and integrate the computer systems at the courts and at the Child and Family Services agency so that children do not become lost in the system, like they have been in the past.

Finally, our bill authorizes funds for expanding courtroom facilities to accommodate the increased number of judges and magistrates hired to hear these cases. We hope this expansion will lead to closer monitoring of the cases and increased judicial oversight. Too many cries have gone unanswered.

I cannot say enough about the work that has been done on behalf of the children of the District in pulling this bill together. I greatly appreciate everyone's input and everybody's work. The children will benefit.

Mr. Speaker, I am attaching a section-by-section analysis of my statement containing my comments and summarizing congressional intent supporting each provision. I insert this for the RECORD so that the intent of Congress in passing this legislation is clear and unequivocal.

#### DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

##### PURPOSE

To redesignate the Family Division as a Family Court of the Superior Court. To recruit and retain trained and experienced judges to serve in the Family Court.

Intent: This legislation is intended to reorganize the Family Court so that more time will be spent on making expeditious and informed decisions that affect the lives of the children brought before the court. With this legislation will come specialized judges, who volunteer to serve on the Family Court and to sit on the bench for 5 years, so that they can gain the experience necessary to make good decisions that will impact the lives and the futures of the children that come before them.

##### Section 1. Short title

Title: "District of Columbia Family Court Act of 2001".

##### Section 2. Redesignation of Family Division as Family Court of the Superior Court

The Family Division of the Superior Court is renamed the Family Court of the Superior Court.

Intent: Note that we considered creating a separate court but were concerned about the additional expenses for administration and facilities that a separate court would create. Expenses that we could not tie to improved outcomes for abused children and their families. However, the intent here is not to merely rename the family division but to establish a Family Court that will make the safety and permanency of abused children its highest and exclusive priority. This is accomplished by reforming the way the Family Court is organized to create specialized pools for the recruitment of judges, to lengthen the judicial term to five years, and to increase the training these family court judges receive. The reorganization includes expanding the judicial powers of the magistrate judges to close cases.

The Chief Judge of Superior Court assigns a judge as the Presiding Judge of Family Court.

Intent: While the assignment of a Presiding Judge is left to the Chief Judge, the intent of Congress here is that the presiding Judge be given sufficient authority so that he can be held accountable for the actions of the Family Court. Congress considers the role of the Presiding Judge to be significantly different from the current role and expects to see this difference articulated in the transition plan.

The Family Court will have broad and exclusive jurisdiction over all family related matters.

##### Section 3. Appointment of judges; number and qualifications

The number of judges to serve on Family Court will be determined by the chief judge

under a transition plan to be submitted to the President and Congress.

Intent: This issue of the number of judges is crucial to the success of the reforms. Unfortunately, to date DC Superior Court has not provided an empirically based workload analysis to justify an increase in Family Court judges. Moreover, it is uncertain the effect the magistrate judges will have on the caseload but Congress expects that the magistrate judges will be able to bring a significant number of cases to resolution. Again, we look to the transition plan to provide the details on the number of judges needed to serve.

The number of judges on the Family Court must not exceed 15.

Intent: Note that this number represents an increase of 3 judges as requested by the Chief Judge. Again, we look forward to the transition plan for justification.

Special qualifications are established for judges who volunteer to serve in Family Court (training or expertise in family law, commitment to serving for full term and willingness to participate in ongoing training).

Intent: The qualifications of the Family Court judges are intimately linked to reforming the courts. While Congress did not quantify the years of training or expertise, we did envision that the training or expertise be established and verifiable. It is absolutely essential that the candidate commits to serving the full term as this indicates that the candidate wants to sit on the Family Court bench and is not using the initial placement onto the bench as a stepping-stone merely to further his/her career. The judges' willingness to participate in ongoing training indicates his/her dedication to serving the children and families under his/her jurisdiction.)

Judges currently serving on Family Court are required to serve for a minimum of three years (the time consecutively served in Family Court counts towards the three year term.)

Intent: This provision grandfathers the judges currently on the bench to three-year terms. The intent here is to ensure that judges currently sitting who want to serve on the Family Court be required to spend the minimum of three years to provide the children under their care with the continuity and the focus that each of their cases deserve.

Judges currently serving on Superior Court are required to serve for a minimum of three years (the time outside of the Family Division does not count toward the three year term.)

Intent: While this provision allows judges outside of the Family Court to voluntarily return to the Family Court it requires that the judges serve for a minimum of three years. Again, this provision grandfathers only those judges who meet the requirements and voluntarily request to transfer to Family Court.

New Judges assigned to the Family Court are required to serve for a term of five years.

Intent: A review of the length of terms in Family Courts nationwide indicates that only three of the 13 states with Family Courts serve less than five years. Congress strongly endorses this provision as indicating a judicial commitment to the families and children in his/her court and his/her willingness to become an expert in this specialty of law to benefit those that come before the bench. It is envisioned that the new judges will be recruited because of their interest and expertise and that they will volunteer

for this pool because of their dedication. The reforms that Congress anticipates hinge on the recruitment and retention of judges with training and expertise in family law who serve for five years. Five years will allow the judge sufficient time on the bench to become the true expert that is needed in these challenging cases.

A judge is permitted to serve on Family Court for the entire term of service that is 15 years.

Intent: The purpose of this provision is to allow a judge who wants to serve on the Family Court for his/her entire career to do so.

Family Court judges may be reassigned for additional terms of service as the chief judge may provide.

The chief judge may reassign a judge of the Family Court if the determination is made that the judge is unable to continue serving in the Family Court.

Intent: This provision allows for the removal of a judge from the Family Court bench when this judge is unable to continue because to continue would not be in the best interests of the children under his jurisdiction. This reassignment must not be made to advance the judges' career but must be made because the judges' ability to serve the Family Court is questioned.

Within 90 days, the chief judge must submit a transition plan for the Family Court to the President and to Congress containing the following: (A) a determination of the number of judges needed to serve on the Family Court; (B) a determination of the role and function of the presiding judge of the Family Court; (C) a determination of the number of magistrate judges needed for appointment; (D) a determination of the appropriate functions of the magistrate judges together with compensation and other personnel matters; (E) a plan for a case flow, case management, and staffing needs (both judicial and non-judicial); (F) a description of how the Superior Court will implement the "one family one judge" requirement for cases and proceedings in the Family Court; (G) an analysis of the needs of the Family Court for space, equipment, and other physical requirements; (H) an analysis of the effectiveness of expediting the hiring of magistrates to handle laws and best practices.

Intent: It is critical that this transition plan be based on an empirical analysis of the workload, the equipment needs and the adequacy of the facility. This is meant to be a "needs assessment" plan based on data analysis. The plan must specify the court's budgetary assumptions. How the various aspects in the plan translate to improved outcomes for the children and families served must be clearly noted. The plan must detail the specific improvements in the handling of child abuse and neglect cases that will become possible with the increased funding proposed.

The chief judge must take action to provide for the earliest practicable return or resolution of all cases carried by judges outside of the Family Division to the Family Court but this must take place no later than 18 months from the submission of the transition plan.

Intent: While the statute allows the chief judge 18 months to complete the return of all cases, the cases should start returning to the Family Court as soon as the magistrate judges are hired.

The chief judge must ensure that cases pending within the jurisdiction of the Family Court as of the date of enactment are immediately assigned to the Family Court.

The chief judge may not take any action to implement the transition plan until Congress and the President have 30 days to review.

Intent: The purpose here is to ensure that Congress and the President have time to review the plan.

The chief judge must include in the transition plan an analysis of how many judges currently on the bench in Superior Court meet the qualifications for judges of Family Court. If the chief judge determines that the number is less than the number needed to serve on Family Court a request must be made to the President for the appointment of additional judges for Family Court.

Intent: At the time of passage in the House, it is unclear how many judges sitting on the bench will volunteer for the Family Court or qualify under this proposal to sit. Therefore, it is important that the chief judge only after review make a request for a specified number of additional judges.

After receiving the request from the chief judge the President must appoint additional qualified judges to serve on the Family Court. The District of Columbia Judicial Nomination Commission, upon the request from the chief judge, must provide nominees to fill these vacancies in the Superior Court equal to the number of judicial appointments requested by the chief judge and must recruit individuals for nomination to the Superior Court who meet the qualifications for judges of Family Court.

For the purpose of making the transition only the initial appointments to Family Court will be made without regard to the limit on the number of Superior Court Judges.

Intent: The appointments without regard to the limit on the number of Superior Court judges are one-time only.

The Comptroller General is required to submit a report analyzing the impact of these reforms on the time required to make appointments to the Family Court, on the impact of the magistrate judges on the workload of judges, on how the number of judges may be affected by the qualification requirements for judges, and, on the timeliness of the resolution of cases.

The chief judge must submit a status report every six months to the President and Congress on the backlog of cases that are still outside of the Family Court.

Intent: While the chief judge has 18 months to return all the cases to the Family Court, Congress requires the chief judge to provide a status report every six months on the progress of the return of these cases to the Family Court.

#### *Section 4. Improving administration of cases and proceedings in Family Court*

To the greatest extent practicable, cases must be resolved through alternative dispute resolution procedures.

The Superior Court must establish standards of practice for attorneys appointed to Family Court.

The Superior Court must promulgate rules for the Family Court requiring "one family, one judge" so that all issues concerning one family or one child are decided by one judge, to the greatest extent practicable.

Intent: Extensive testimony was taken regarding the importance of this provision. While the provision does not prohibit the establishment of separate calendars, the intent here is that children see the same judge while their cases remain open and before the court. The rationale behind one judge/one child is to provide the child with judicial continuity so that the approach to the case

and to the child is seamless and comprehensive.

Family members who have actions pending in family court will be assigned to the same judge or magistrate judge.

Intent: This provision recognizes the importance of keeping all matters involving one family or household before the same judge. When the members of the same family have actions before the same judge this enhances the judges understanding of not just the particular case before him but of the family dynamics that impact each family member in each case.

Children who have actions pending in family court will be assigned to the same judge or magistrate judge.

Intent: While this provision does not prohibit separate calendars the provision envisions that separate calendars will not be routinely used which would necessitate children's cases being heard by different judges. The drafters have taken testimony that there are no due process violations in implementing the one judge/one child plan.

All cases will remain in Family Court until final disposition (even if the judge involved moves out of the Family Court) unless there are extraordinary circumstances which show that a case is nearing permanency and that changing judges would both delay that goal and result in a violation of the Adoption and Safe Families Act of 1997.

Intent: Cases that remain outside of Family Court are meant to be truly extraordinary circumstances and the drafters do not envision more than 10% of these cases falling within this category.

The presiding judge of the Family Court must implement a Family Law training program for judges, magistrates and nonjudicial personnel to include among other things: child development, family dynamics and recognizing the risk factors in child abuse.

The training program is required to use social workers and experts in child development as well as lawyers and legal professionals.

The presiding judge of the Family Court must ensure that materials and services be understandable and accessible to the families served and that the environment be family friendly.

Cases and proceedings in the Family Court must be conducted at locations readily accessible to the parties involved to the extent practicable.

The Executive Officer of the court must provide for an integrated computerized case tracking and management system to: (1) ensure that all records, materials and proceedings be computerized; (2) establish an integrated tracking system for cases and proceedings to be used by judicial and nonjudicial personnel; and (3) expand when feasible the integrated computer system to all divisions of Superior Court.

Social Services will be coordinated on site with the Mayor ensuring that the appropriate offices are represented.

Intent: Coordination between social service agencies and the courts is absolutely essential to the success of these reforms. The drafters remain concerned about the lack of coordination to date and have inserted this provision to hold both the Mayor and the Chief Judge accountable for providing coordination.

The Mayor must ensure that representatives of the relevant agencies be on-site to coordinate social services and provide information to the judges about the availability of services.

Intent: The judges must be informed by social services representatives about the avail-

ability and quality of prevention, intervention and placement services available to serve the children moving through the court system.

The Mayor must appoint a Social Services Liaison with Family Court for coordinating the delivery of services.

The chief judge must submit an annual report to Congress on the activities of the Family Court to include: (1) an assessment of the alternative dispute resolution process; (2) goals and timetables to improve Family Court performance; (3) information on the extent to which the Court is in compliance with relevant Federal and District of Columbia laws; (4) information on the progress made in finding suitable locations and space for the Family Court; (5) information on any factors which are not under the control of the Family Court which interfere with or prevent the Court from carrying out its responsibilities; (6) an analysis of the Court's efficiency and effectiveness in managing its caseload; and, (7) any proposed remedial action plan needed to address any failures.

Intent: This report must be comprehensive to allow Congress to fulfill its oversight responsibilities. This report must provide sufficient empirical evidence to document the extent of progress.

Appeals terminating parental rights or petitions to adopt are required to receive expedited review by the DC Court of Appeals.

Within six months after enactment, the Mayor and the Courts are required to submit a plan to develop an integrated computer system that will interface with appropriate agencies.

Intent: the Mayor and the Courts have to work together to develop this integrated computer system that meets the requirements of both the social service system and the Court system to track and monitor children as they come into and move through the various systems.

Funds are to be provided to the Mayor to carry out these requirements.

#### *Section 5 Hearing Commissioners renamed magistrate judges.*

Hearing commissioners are renamed magistrate judges.

#### *Section 6. Special rules for magistrate judges of Family Court of the Superior Court*

The advisory merit selection panel used to select magistrate judges must include certified social workers specializing in child welfare matters.

Magistrate judges must have no fewer than 5 years practicing law in the District and no less than 3 years of training or experience in family law. Magistrate judges will be appointed for 4 years.

The Board of Judges may suspend or remove a magistrate judge.

Magistrate judges will: administer oaths, establish and enforce child support orders, make findings and enter final judgments. Contempt powers will also be afforded to the magistrates.

Intent: Magistrate judges are given expanded powers to hear and resolve cases to expedite the handling and timing of decisions.

Magistrate judges must conduct proceedings at readily accessible locations to the extent feasible.

Magistrate judges must be trained in family law.

The initial appointment of no more than five magistrate judges will be expedited.

Intent: This provision ensures that upon enactment, the backlog of cases pending outside of the family court will be addressed.

Cases involving allegations of maltreatment that are at least two years in the system and are currently handled by judges outside of the Family Division will be given priority to be referred to the magistrate judges for expedited handling.

Intent: This provision is an attempt to triage the cases in the backlog so that the oldest cases are reviewed first.

*Section 7. Sense of Congress regarding border agreements with Maryland and Virginia*

Congress resolves that DC, Maryland and Virginia should promptly enter into border agreements to facilitate timely placement of DC children.

Intent: Testimony has been received that indicates that problems with the Interstate Compact on the Placement of Children are causing lengthy delays in the placement of children. A border agreement would facilitate the movement of children across state lines to ensure timely placement.

**EFFECTIVE DATE**

Special magistrate judges will be hired immediately to handle the backlog of cases pending outside of the Family Division.

The Act becomes effective as soon as ten judges who meet the qualifications are appointed to serve on the Family Court.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), who has been very helpful in assisting us on this bill because of his own interest in the children of this country; and I want to especially thank a member of his staff, Mark Agrast, who was also very helpful to all of us.

Mr. DELAHUNT. Mr. Speaker, I thank the gentlewoman for yielding me this time. I caught the earliest flight possible from Boston today because I felt it was important to be here to commend the gentleman from Texas (Mr. DELAY) and the gentlewoman from the District of Columbia (Ms. NORTON) for their resolve and commitment to achieve a result that would be truly effective. This is truly remarkable, and they deserve our gratitude.

It is also, I suggest, a good day for children, not just here in the District of Columbia but all over America. Given the events of the past week, it is good to stand here and to say it is a good day. It is a good day. As the majority whip indicated, today is a new day for reform. Maybe this bill is also a new day for the children and the future of America.

The gentleman from Texas (Mr. DELAY) and the gentlewoman from the District of Columbia (Ms. NORTON) have worked together with the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Virginia (Mr. TOM DAVIS) for months, through many drafts, to reach agreement. It is honestly a tribute to their shared concern for children, which they do share, and particularly the children of the District, that they have been able to put aside the usual political differences and work together to achieve a well-crafted, thoughtful bill that I am con-

fident will make a huge difference in the lives of many, many children and their families.

If anyone had any doubt about the importance of this legislation, and it has been alluded to by the gentlewoman from Maryland, the gentleman from Texas and the gentlewoman from the District of Columbia, but it cannot be stated often enough, they would only have to read the shocking series which ran in *The Washington Post*. Those articles documented the fate of 180 of the 229 children who died in the District of Columbia between 1993 and the year 2000 after their families came to the attention of the District's child protection system. We cannot, again, say it often enough. According to *The Post*, at least 40 of these children died because government workers placed them in unsafe homes or institutions or otherwise failed to take timely action to protect them.

It is too late to do anything to save those children, but this legislation will help ensure that the children currently in the system and those who come after them do not suffer a similar fate. I genuinely believe that this bill will do more. The children who never had a family, who have never known what the term "home" really means, I would suggest never really have a break in life, and often end up in our prison systems.

There has been study after study which corroborate the relationship between crime and the dysfunctional family. One study by a professor at the University of Rhode Island, Professor Gellis, who examined 50 inmates who were serving time in the San Quentin institution in California, revealed that of those 50 inmates serving time for armed robbery, every single one of them was a legacy of a dysfunctional family, had been abused or neglected as children. What better anti-crime initiative than this legislation before us?

Now, I want to join with my colleagues who have already sung the praises of the staff members that have been involved in this. I want to make special mention of Cassie Bevan, on the staff of the gentleman from Texas (Mr. DELAY), and John Bouker, on the staff of the gentlewoman from the District of Columbia (Ms. NORTON).

This is not the first time I have worked with Cassie. We have worked together on a number of other children's issues, especially in conjunction with intercountry adoption. I have learned to trust her judgment, to value her tenacity, and to admire her deep commitment to the well-being of children everywhere and her love for children in need. I would also note that the same is true of the gentleman from Texas (Mr. DELAY). And this is truly profound and inspirational for many of us.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume to

thank the gentleman from Massachusetts (Mr. DELAHUNT) for his comments and the fact that in working with him I know of his concern about human rights and children's rights and applaud him.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), someone who has been a leader in helping to craft this bill through the years and my predecessor as chairman of the District of Columbia authorizing committee.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank my colleague for yielding me this time. And I rise in strong support of H.R. 2657, the District of Columbia Family Court Act of 2001, which will create structural and management reforms so the Family Court can better serve the needs of the city's vulnerable children.

The bill addresses the recruitment and retention of family court judges and mandates longer judicial terms of service in the Family Court to ensure continuity in the handling of cases. Additionally, it imposes the critically important "one family, one judge" requirement for the Family Court.

After the tragic death of 23-month-old Brianna Blackmond in January of 2000, the Subcommittee on the District of Columbia held two hearings to review the status of the Child and Family Services Administration and to determine how we could prevent further tragedies. It was clear from those hearings that reforming CFSA alone would be insufficient. The court plays an integral role in the D.C.'s child welfare system and has to be overhauled as well.

Anyone who has been following *The Washington Post's* coverage of the District's most vulnerable residents understands this is very complex and challenging, and will require a comprehensive response. It is imperative that the Family Court judges have the knowledge, the training, and the administrative processes in place so that the best interests of the children in the City's child welfare system can be served. This bill puts the court on the right track. It provides strategic management tools the court needs to accomplish key reform objectives.

Decisions the Family Court judges make often have a lasting impact on children's lives. We do not want judges to feel burdened by service in the Family Court. This assignment should never be a form of punishment. That is why this bill encourages volunteerism and appoints the Family Court judges who have committed themselves to the practice of family law. To ensure greater continuity, judges need to serve on the Family Court longer than the 1 year they have typically served now. Therefore, the term of service on the Family Court for new judicial appointees for D.C. Superior Court is 5 years.

Additionally, the "one family, one judge" requirement will allow Family Court judges to handle cases from intake through final disposition. They will then have a full history of the child's family dynamics to help them make better informed decisions regarding the safety and the welfare of the child.

H.R. 2657 mandates the immediate return of all family law cases to the Family Court. The court must eliminate the backlog and manage cases within the time frame established by the adoption of the Safe Families Act. To facilitate case management, the bill directs the court to integrate its computer system so that judges, magistrate judges, and nonjudicial personnel will have access to all pending cases related to a child and his or her family. The bill requires the D.C. government to integrate the computer systems with those of the Superior Court to improve communication in the sharing of information about families served by the court.

In addition to the training requirement for judges, it is important that they are well informed about critical social services available to the children and the families they serve. By requiring a social services liaison and representatives from D.C. agencies to be on site, our bill gives judges the tools to help children and families access much-needed programs and services.

I would like to thank the gentleman from Texas (Mr. DELAY), the gentlewoman from Maryland (Mrs. MORELLA), and the gentlewoman from the District of Columbia (Ms. NORTON) for their leadership and dedication on this issue.

H.R. 2657 mandates critical and long overdue reforms to the current family division of the D.C. Superior Court, and I urge all my colleagues to support this legislation.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Virginia (Mr. TOM DAVIS) for all of the work that went into this bill in collaboration with the others.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), co-chair of the Children's Caucus.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2657 and add my deep appreciation to the distinguished gentlewoman from the District of Columbia and for her ability to work across party lines, and to my colleague from Texas, the gentleman from Texas (Mr. DELAY), the majority whip, who has shown, as has the representative from the District of Columbia, a deep and abiding caring for the children of this Nation and of this community, and to the gentlewoman from

Maryland (Mrs. MORELLA), whose task and commitment in this process were necessary to see this legislation move forward.

My reason for wanting to add my comments is to say to Brianna Blackmond that we have not forgotten her, and to be able to say that this legislation brings honor to lawyers who practice in family courts and to the discipline of family law and family courts. This system now will develop in the District of Columbia judges who will have long-lasting expertise and commitment to the issues dealing with families, and a D.C. bar that is further enhanced because their focus is on the family court system and families. That will help put a dent in the tragedy of 180 of the District of Columbia's children from 1993 to 2000 that died after the families came to the attention of the District's Child and Family Services.

Mr. Speaker, the important aspect of this is that they came to the attention of that agency, but the connection was lost so those children may have been placed back in homes or back in foster care that was not good for them and resulted in their death.

Obviously we know that abused children result in juvenile delinquents and incarcerated adults. With a family court tracking the system of many of our States, we will have a professional court that deals specifically with these issues. This has been a tumultuous time. We have seen in the last week the trauma on families and the trauma on children across the Nation who may have lost their parents during the tragedies of September 11.

We are making a commitment today to provide another vehicle to nurture our children and protect them, as we will do throughout these days for children who suffered through September 11, 2001.

I applaud the proponents of this legislation. I believe this will make the family court in the District of Columbia a very prominent example of how we can save lives and track families and how we can intervene appropriately in order to provide the most nurturing and supportive system for our children.

Mr. Speaker, I add my applause for those who have supported and will help pass this legislation.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I reiterate this is a terrific bill. It is a gleam of light in a very difficult time. I thank the gentleman from Texas (Mr. DELAY) for his leadership and the gentlewoman from the District of Columbia (Ms. NORTON), the gentleman from Virginia (Mr. TOM DAVIS). I thank my colleagues who spoke, the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman

from Massachusetts (Mr. DELAHUNT), and all of the people who will be voting for this bill. Indeed, it could not happen if we did not have great staff.

Mr. Speaker, I reiterate the names of some of the staff: Casie Bevan, Russell Smith, Heea Vazirani-Fales, John Bouker, Victoria Proctor, Melissa Wogciak, and all of the others who have toiled to bring this about. I urge my colleagues to vote for H.R. 2657, a bill that will be beneficial to the most vulnerable children of the District of Columbia and their families and strengthen our Nation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2657.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2779

Ms. NORTON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2779.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

#### JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2001

Mr. GREENWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1900) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, as amended.

The Clerk read as follows:

H.R. 1900

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Definitions.

Sec. 5. Concentration of Federal effort.  
 Sec. 6. Coordinating Council on Juvenile Justice and Delinquency Prevention.  
 Sec. 7. Annual report.  
 Sec. 8. Allocation.  
 Sec. 9. State plans.  
 Sec. 10. Juvenile delinquency prevention block grant program.  
 Sec. 11. Research; evaluation; technical assistance; training.  
 Sec. 12. Demonstration projects.  
 Sec. 13. Authorization of appropriations.  
 Sec. 14. Administrative authority.  
 Sec. 15. Use of funds.  
 Sec. 16. Limitation on use of funds.  
 Sec. 17. Rules of construction.  
 Sec. 18. Leasing surplus Federal property.  
 Sec. 19. Issuance of rules.  
 Sec. 20. Content of materials.  
 Sec. 21. Technical and conforming amendments.  
 Sec. 22. Effective date; application of amendments.

## SEC. 2. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

### "FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) Although the juvenile violent crime arrest rate in 1999 was the lowest in the decade, there remains a consensus that the number of crimes and the rate of offending by juveniles nationwide is still too high.

"(2) According to the Office of Juvenile Justice and Delinquency Prevention, allowing 1 youth to leave school for a life of crime and of drug abuse costs society \$1,700,000 to \$2,300,000 annually.

"(3) One in every 6 individuals (16.2 percent) arrested for committing violent crime in 1999 was less than 18 years of age. In 1999, juveniles accounted for 9 percent of murder arrests, 17 percent of forcible rape arrests, 25 percent of robbery arrests, 14 percent of aggravated assault arrests, and 24 percent of weapons arrests.

"(4) More than 1/2 of juvenile murder victims are killed with firearms. Of the nearly 1,800 murder victims less than 18 years of age, 17 percent of the victims less than 13 years of age were murdered with a firearm, and 81 percent of the victims 13 years of age or older were killed with a firearm.

"(5) Juveniles accounted for 13 percent of all drug abuse violation arrests in 1999. Between 1990 and 1999, juvenile arrests for drug abuse violations rose 132 percent.

"(6) Over the last 3 decades, youth gang problems have increased nationwide. In the 1970's, 19 States reported youth gang problems. By the late 1990's, all 50 States and the District of Columbia reported gang problems. For the same period, the number of cities reporting youth gang problems grew 843 percent, and the number of counties reporting gang problems increased more than 1,000 percent.

"(7) According to a national crime survey of individuals 12 years of age or older during 1999, those 12 to 19 years old are victims of violent crime at higher rates than individuals in all other age groups. Only 30.8 percent of these violent victimizations were reported by youth to police in 1999.

"(8) One-fifth of juveniles 16 years of age who had been arrested were first arrested before attaining 12 years of age. Juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence.

"(9) The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the juvenile justice system.

"(10) These problems should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions and in developing the competencies necessary to become responsible and productive members of their communities, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(11) Coordinated juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter can help prevent juveniles from becoming delinquent and help delinquent youth return to a productive life.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts and which provide opportunities for competency development. Without true reform, the juvenile justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 18 percent between 2000 and 2030."

## SEC. 3. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

### "PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency."

## SEC. 4. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior";

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,"

(4) in paragraph (12)(B) by striking ", of any nonoffender,"

(5) in paragraph (13)(B) by striking ", any nonoffender,"

(6) in paragraph (14) by inserting "drug trafficking," after "assault,"

(7) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(8) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(9) in paragraph (23) by striking the period at the end and inserting a semicolon, and

(10) by adding at the end the following:

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'prohibited physical contact' means—

"(i) any physical contact between a juvenile and an adult inmate; and

"(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate;

"(26) the term 'sustained oral and visual contact' means the imparting or interchange of speech by or between an adult inmate and a juvenile, or clear visual contact between an adult inmate and a juvenile in close proximity, but does not include—

"(A) brief communication or brief visual contact that is accidental or incidental; or

"(B) sounds or noises that cannot reasonably be considered to be speech;

"(27) the term 'adult inmate' means an individual who—

"(A) has reached the age of full criminal responsibility under applicable State law; and

"(B) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense;

"(28) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(29) the term 'collocated facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(30) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996."

## SEC. 5. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) in paragraph (5) by striking “parts C and D” each place it appears and inserting “parts D and E”, and

(C) by amending paragraph (7) to read as follows:

“(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing mental health care to incarcerated juveniles.”,

(2) in subsection (c) by striking “and reports” and all that follows through “this part”, and inserting “as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency”;

(3) by striking subsection (i), and

(4) by redesignating subsection (h) as subsection (f).

#### SEC. 6. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206(c)(2)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)(2)(B)) is amended by striking “Education and Labor” and inserting “Education and the Workforce”.

#### SEC. 7. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended by striking paragraphs (4) and (5), and inserting the following:

“(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.”.

#### SEC. 8. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “(other than parts D and E)”;

(II) by striking “amount, up to \$400,000,” and inserting “amount up to \$400,000”;

(III) by striking “1992” the 1st place it appears and inserting “2000”;

(IV) by striking “1992” the last place it appears and inserting “2000”;

(V) by striking “the Trust Territory of the Pacific Islands,” and

(VI) by striking “amount, up to \$100,000,” and inserting “amount up to \$100,000”;

(i) in subparagraph (B)—

(I) by striking “(other than part D)”;

(II) by striking “\$400,000” and inserting “\$600,000”;

(III) by striking “or such greater amount, up to \$600,000” and all that follows through “section 299(a) (1) and (3)”;

(IV) by striking “the Trust Territory of the Pacific Islands,”;

(V) by striking “amount, up to \$100,000,” and inserting “amount up to \$100,000”;

(VI) by striking “1992” and inserting “2000”;

(B) in paragraph (3)—

(i) by striking “allot” and inserting “allocate”, and

(ii) by striking “1992” each place it appears and inserting “2000”, and

(2) in subsection (b) by striking “the Trust Territory of the Pacific Islands”.

#### SEC. 9. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2d sentence by striking “and challenge” and all that follows through “part E”, and inserting “, projects, and activities”;

(B) in paragraph (3)—

(i) by striking “, which—” and inserting “that—”;

(ii) in subparagraph (A)—

(I) by striking “not less” and all that follows through “33”, and inserting “the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and”;

(II) by inserting “, in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws” after “State”;

(III) in clause (i) by striking “or the administration of juvenile justice” and inserting “, the administration of juvenile justice, or the reduction of juvenile delinquency”;

(IV) in clause (ii) by striking “include—” and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

“represent a multidisciplinary approach to addressing juvenile delinquency and may include—

“(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, juveniles, or non-profit private organizations, particularly such organizations that serve juveniles; and

“(II) such other individuals as the chief executive officer considers to be appropriate; and”;

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (D)—

(I) in clause (i) by inserting “and” at the end.

(II) in clause (ii) by striking “paragraphs” and all that follows through “part E”, and inserting “paragraphs (11), (12), and (13)”, and

(III) by striking clause (iii), and

(iv) in subparagraph (E) by striking “title—” and all that follows through “(ii)” and inserting “title”;

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking “, other than” and inserting “reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding”, and

(ii) in subparagraph (C) by striking “paragraphs (12)(A), (13), and (14)” and inserting “paragraphs (11), (12), and (13)”;

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting “, including in rural areas” before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking “for (i)” and all that follows through “relevant jurisdiction”, and inserting “for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State”, and

(II) by striking “of the jurisdiction; (ii)” and all that follows through the semicolon at the end, and inserting “of the State; and”;

(ii) by amending subparagraph (B) to read as follows:

“(B) contain—

“(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

“(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

“(iii) a plan for providing needed mental health services to juveniles in the juvenile

justice system, including information on how such plan is being implemented and how such services will be targeted to those juveniles in such system who are in greatest need of such services”;

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

“(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State”;

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking “, specifically” and inserting “including”;

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (D) to read as follows:

“(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law”;

(iii) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking “juveniles, provided” and all that follows through “provides; and”, and inserting the following:

“juveniles—

“(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

“(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and”;

(iv) by amending subparagraph (F) to read as follows:

“(F) expanding the use of probation officers—

“(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(ii) to ensure that juveniles follow the terms of their probation”;

(v) by amending subparagraph (G) to read as follows:

“(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, Department of Defense personnel, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained”;

(vii) in subparagraph (H) by striking “handicapped youth” and inserting “juveniles with disabilities”;

(viii) by striking subparagraph (K),

(ix) in subparagraph (L)—

(I) in clause (iv) by adding “and” at the end,

(II) in clause (v) by striking “and” at the end, and

(III) by striking clause (vi),

(x) in subparagraph (M) by striking “boot camps”;

(xi) by amending subparagraph (N) to read as follows:

“(N) community-based programs and services to work with juveniles, their parents, and other family members during and after

incarceration in order to strengthen families so that such juveniles may be retained in their homes;";

(xii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other"; and

(II) by striking the period at the end and inserting a semicolon.

(xiii) by redesignating subparagraphs (L), (M), (N), and (O) as subparagraphs (K), (L), (M), and (N), respectively; and

(xiv) by adding at the end the following:

"(O) programs designed to prevent and to reduce hate crimes committed by juveniles;

"(P) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

"(Q) community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;

"(R) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and

"(S) programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.";

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;";

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral and visual contact with adult inmates; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adult inmates, including in collocated facilities, have been trained and certified to work with juveniles;";

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of non-status offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates and only if there is in effect in the State a policy that requires individuals who work with both such juveniles and adult inmates in collocated facilities have been trained and certified to work with juveniles;

"(B) juveniles who are accused of non-status offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have prohibited physical contact or sustained oral and visual contact with adults inmates; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and adults inmates in collocated facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;

"(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of non-status offenses and who are detained not to exceed 20 days in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved, in consultation with the counsel representing the juvenile, consents to detaining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile—

"(I) consults with the parents of the juvenile to determine the appropriate placement of the juvenile; and

"(II) has an opportunity to present the juvenile's position regarding the detention involved to the court before the court approves such detention;

"(iv) the court hears from the juvenile before court approval of such placement; and

"(v) detaining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined

that such placement is in the best interest of such juvenile; and

"(II) required to be reviewed periodically and in the presence of the juvenile, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention;";

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)".

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability";

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;";

(O) by amending paragraph (22) to read as follows:

"(22) provide that the State agency designated under paragraph (1) will—

"(A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

"(B) from time to time, but not less than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, that it considers necessary; and

"(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the State agency;";

(P) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;";

(Q) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

“(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

“(ii) such court shall conduct a hearing to determine—

“(I) whether there is reasonable cause to believe that such juvenile violated such order; and

“(II) the appropriate placement of such juvenile pending disposition of the violation alleged;”.

(R) in paragraph (25)—

(i) by striking “1992” and inserting “2000”, and

(ii) by striking the period at the end and inserting a semicolon.

(S) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(T) by adding at the end the following:

“(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the State advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

“(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court;

“(27) establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders; and

“(28) provide assurances that juvenile offenders whose placement is funded through section 472 of the Social Security Act (42 U.S.C. 672) receive the protections specified in section 471 of such Act (42 U.S.C. 671), including a case plan and case plan review as defined in section 475 of such Act (42 U.S.C. 675).”.

(2) by amending subsection (c) to read as follows:

“(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 2001, then—

“(1) subject to paragraph (2), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 12.5 percent for each such paragraph with respect to which the failure occurs, and

“(2) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

“(A) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

“(B) the Administrator determines that the State—

“(i) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

“(ii) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.”.

(3) in subsection (d)—

(A) by striking “allotment” and inserting “allocation”, and

(B) by striking “subsection (a) (12)(A), (13), (14) and (23)” each place it appears and inserting “paragraphs (11), (12), (13), and (22) of subsection (a)”, and

(4) by adding at the end the following:

“(e) Notwithstanding any other provision of law, the Administrator shall establish appropriate administrative and supervisory board membership requirements for a State agency designated under subsection (a)(1) and permit the State advisory group appointed under subsection (a)(3) to operate as the supervisory board for such agency, at the discretion of the chief executive officer of the State.”.

#### SEC. 10. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2d part I as part F, and

(4) by inserting after part B the following:

#### “PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

##### “SEC. 241. AUTHORITY TO MAKE GRANTS.

“(a) GRANTS TO ELIGIBLE STATES.—The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) projects that provide treatment (including treatment for mental health problems) to juvenile offenders, and juveniles who are at risk of becoming juvenile offenders, who are victims of child abuse or neglect or who have experienced violence in their homes, at school, or in the community, and to their families, in order to reduce the likelihood that such juveniles will commit violations of law;

“(2) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other juveniles with disabilities;

“(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; or

“(H) to provide services to juveniles with serious mental and emotional disturbances (SED) in need of mental health services;

“(3) projects which expand the use of probation officers—

“(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(B) to ensure that juveniles follow the terms of their probation;

“(4) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

“(5) community-based projects and services (including literacy and social service programs) which work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

“(6) projects designed to provide for the treatment (including mental health services) of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

“(7) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

“(8) projects which provide for an initial intake screening of each juvenile taken into custody—

“(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

“(B) to provide appropriate interventions (including mental health services) to prevent such juvenile from committing subsequent offenses;

“(9) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

“(10) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies (including collaboration on appropriate prenatal care for pregnant juvenile offenders), private non-profit agencies, and public recreation agencies offering services to juveniles;

“(11) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

“(12) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

“(13) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

“(14) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

“(15) programs that focus on the needs of young girls at-risk of delinquency or status offenses;

“(16) projects which provide for—

“(A) an assessment by a qualified mental health professional of incarcerated juveniles who are suspected to be in need of mental health services;

“(B) the development of an individualized treatment plan for those incarcerated juveniles determined to be in need of such services;

“(C) the inclusion of a discharge plan for incarcerated juveniles receiving mental health services that addresses aftercare services; and

“(D) all juveniles receiving psychotropic medications to be under the care of a licensed mental health professional;

“(17) after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

“(18) programs related to the establishment and maintenance of a school violence hotline, based on a public-private partnership, that students and parents can use to report suspicious, violent, or threatening behavior to local school and law enforcement authorities;

“(19) programs (excluding programs to purchase guns from juveniles) designed to reduce the unlawful acquisition and illegal use of guns by juveniles, including partnerships between law enforcement agencies, health professionals, school officials, firearms manufacturers, consumer groups, faith-based groups and community organizations;

“(20) programs designed to prevent animal cruelty by juveniles and to counsel juveniles who commit animal cruelty offenses, including partnerships among law enforcement agencies, animal control officers, social services agencies, and school officials;

“(21) programs that provide suicide prevention services for incarcerated juveniles and for juveniles leaving the incarceration system;

“(22) programs to establish partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

“(23) programs that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system;

“(24) local programs that provide for immediate psychological evaluation and follow-up treatment (including evaluation and treatment during a mandatory holding period for not less than 24 hours) for juveniles who bring a gun on school grounds without permission from appropriate school authorities; and

“(25) other activities that are likely to prevent juvenile delinquency.

“(b) GRANTS TO ELIGIBLE INDIAN TRIBES.—The Administrator may make grants to eli-

gible Indian tribes from funds allocated under section 242(b), to carry out projects of the kinds described in subsection (a).

#### “SEC. 242. ALLOCATION.

“(a) ALLOCATION AMONG ELIGIBLE STATES.—Subject to subsection (b), funds appropriated to carry out this part shall be allocated among eligible States proportionately based on the population that is less than 18 years of age in the eligible States.

“(b) ALLOCATION AMONG INDIAN TRIBES COLLECTIVELY.—Before allocating funds under subsection (a) among eligible States, the Administrator shall allocate among eligible Indian tribes as determined under section 246(a), an aggregate amount equal to the amount such tribes would be allocated under subsection (a), and without regard to this subsection, if such tribes were treated collectively as an eligible State.

#### “SEC. 243. ELIGIBILITY OF STATES.

“(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

“(1) An assurance that the State will use—

“(A) not more than 5 percent of such grant, in the aggregate, for—

“(i) the costs incurred by the State to carry out this part; and

“(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

“(B) the remainder of such grant to make grants under section 244.

“(2) An assurance that, and a detailed description of how, such grant will supplement, and not supplant State and local efforts to prevent juvenile delinquency.

“(3) An assurance that such application was prepared after consultation with and participation by the State advisory group, community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

“(4) An assurance that the State advisory group will be afforded the opportunity to review and comment on all grant applications submitted to the State agency.

“(5) An assurance that each eligible entity described in section 244 that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

“(6) Such other information and assurances as the Administrator may reasonably require by rule.

“(b) APPROVAL OF APPLICATIONS.—

“(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

“(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

“(A)(i) the State submitted a plan under section 223 for such fiscal year; and

“(ii) such plan is approved by the Administrator for such fiscal year; or

“(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

#### “SEC. 244. GRANTS FOR LOCAL PROJECTS.

“(a) GRANTS BY STATES.—Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State, and reviewed by the State advisory group, to carry out projects and activities described in section 241.

“(b) SPECIAL CONSIDERATION.—For purposes of making grants under subsection (a), the State shall give special consideration to eligible entities that—

“(1) propose to carry out such projects in geographical areas in which there is—

“(A) a disproportionately high level of serious crime committed by juveniles; or

“(B) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

“(2)(A) agreed to carry out such projects or activities that are multidisciplinary and involve more than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles; or

“(B) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

“(3) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

#### “SEC. 245. ELIGIBILITY OF ENTITIES.

“(a) ELIGIBILITY.—Except as provided in subsection (b), to be eligible to receive a grant under section 244, a unit of general purpose local government, acting jointly with not fewer than 2 private nonprofit agencies, organizations, and institutions that have experience dealing with juveniles, shall submit to the State an application that contains the following:

“(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (25) of section 241(a) as specified in, such application.

“(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(3) A statement identifying the research (if any) such entity relied on in preparing such application.

“(b) LIMITATION.—If an eligible entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.

#### “SEC. 246. GRANTS TO INDIAN TRIBES.

“(a) ELIGIBILITY.—

“(1) APPLICATION.—To be eligible to receive a grant under section 241(b), an Indian tribe

shall submit to the Administrator an application in accordance with this section, in such form and containing such information as the Administrator may require by rule.

“(2) PLANS.—Such application shall include a plan for conducting programs, projects, and activities described in section 241(a), which plan shall—

“(A) provide evidence that the applicant Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

“(B) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted with funds provided by the grant for which such application is submitted, by the Indian tribe in the geographical area under the jurisdiction of the Indian tribe;

“(C) provide for fiscal control and accounting procedures that—

“(i) are necessary to ensure the prudent use, proper disbursement, and accounting of grants received by applicants under this section; and

“(ii) are consistent with the requirement specified in subparagraph (B); and

“(D) comply with the requirements specified in section 223(a) (excluding any requirement relating to consultation with a State advisory group) and with the requirements specified in section 222(c); and

“(E) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably require by rule to ensure the effectiveness of the projects for which grants are made under section 241(b).

“(b) FACTORS FOR CONSIDERATION.—For the purpose of selecting eligible applicants to receive grants under section 241(b), the Administrator shall consider—

“(1) the resources that are available to each applicant Indian tribe that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

“(2) with respect to each such applicant—

“(A) the juvenile population; and

“(B) the population and the entities that will be served by projects proposed to be carried out with the grant for which the application is submitted.

“(c) GRANT PROCESS.—

“(1) SELECTION OF GRANT RECIPIENTS.—

“(A) SELECTION REQUIREMENTS.—Except as provided in paragraph (2), the Administrator shall—

“(i) make grants under this section on a competitive basis; and

“(ii) specify in writing to each applicant selected to receive a grant under this section, the terms and conditions on which such grant is made to such applicant.

“(B) PERIOD OF GRANT.—A grant made under this section shall be available for expenditure during a 2-year period.

“(2) EXCEPTION.—If—

“(A) in the 2-year period for which a grant made under this section shall be expended, the recipient of such grant applies to receive a subsequent grant under this section; and

“(B) the Administrator determines that such recipient performed during the year preceding the 2-year period for which such recipient applies to receive such subsequent grant satisfactorily and in accordance with the terms and conditions applicable to the grant received;

then the Administrator may waive the application of the competition-based requirement specified in paragraph (1)(A)(i) and may allow the applicant to incorporate by reference in the current application the text of

the plan contained in the recipient's most recent application previously approved under this section.

“(3) AUTHORITY TO MODIFY APPLICATION PROCESS FOR SUBSEQUENT GRANTS.—The Administrator may modify by rule the operation of subsection (a) with respect to the submission and contents of applications for subsequent grants described in paragraph (2).

“(d) REPORTING REQUIREMENT.—Each Indian tribe that receives a grant under this section shall be subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

“(e) MATCHING REQUIREMENT.—(1) Funds appropriated for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of any program or project with a matching requirement funded under this section.

“(2) Paragraph (1) shall not apply with respect to funds appropriated before the date of the enactment of the Juvenile Justice and Delinquency Prevention Act of 2001.

“(3) If the Administrator determines that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any program or activity to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent the Administrator deems necessary.”

#### SEC. 11. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 10, the following:

##### “PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

#### “SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

“(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

“(A) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(B) conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

“(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

“(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

“(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

“(iv) successful efforts to prevent recidivism;

“(v) the juvenile justice system;

“(vi) juvenile violence;

“(vii) appropriate mental health services for juveniles and youth at risk of participating in delinquent activities;

“(viii) reducing the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups;

“(ix) evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system;

“(x) determining—

“(I) the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to this subparagraph and subsection (b); and

“(II) the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

“(aa) the relationship between victims and perpetrators;

“(bb) demographic characteristics of victims and perpetrators; and

“(cc) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

“(xi) other purposes consistent with the purposes of this title and title I.

“(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

“(3) Nothing in this subsection shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies, or in data-collection efforts, carried out under paragraph (1)(B)(x).

“(4) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall conduct a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system, and to juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and who remain wards of the State. Such study shall include—

“(A) the number of juveniles in each category;

“(B) the extent to which State juvenile justice systems and child welfare systems are coordinating services and treatment for such juveniles;

“(C) the Federal and local sources of funds used for placements and post-placement services;

“(D) barriers faced by State in providing services to these juveniles;

“(E) the types of post-placement services used;

“(F) the frequency of case plans and case plan reviews; and

“(G) the extent to which case plans identify and address permanency and placement barriers and treatment plans.

“(b) STATISTICAL ANALYSES.—The Administrator may—

“(1) plan and identify the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(2) undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

“(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

“(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with

the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

“(e) INFORMATION DISSEMINATION.—The Administrator may—

“(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

“(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

“(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

**“SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.**

“(a) TRAINING.—The Administrator may—

“(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, to carry out the purposes specified in section 102.

“(b) TECHNICAL ASSISTANCE.—The Administrator may—

“(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts (including model juvenile and family courts), corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.

“(c) TRAINING AND TECHNICAL ASSISTANCE TO MENTAL HEALTH PROFESSIONALS AND LAW ENFORCEMENT PERSONNEL.—The Administrator shall provide training and technical assistance to mental health professionals

and law enforcement personnel (including public defenders, police officers, probation officers, judges, parole officials, and correctional officers) to address or to promote the development, testing, or demonstration of promising or innovative models (including model juvenile and family courts), programs, or delivery systems that address the needs of juveniles who are alleged or adjudicated delinquent and who, as a result of such status, are placed in secure detention or confinement or in nonsecure residential placements.”.

**SEC. 12. DEMONSTRATION PROJECTS.**

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 11, the following:

**“PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS**

**“SEC. 261. GRANTS AND PROJECTS.**

“(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

“(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

**“SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.**

“The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

**“SEC. 263. ELIGIBILITY.**

“To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonably require by rule.

**“SEC. 264. REPORTS.**

“Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying out the projects for which such grants are made.”.

**SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

“(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—

(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2002, 2003, 2004, 2005, and 2006.

“(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

“(A) not more than 5 percent shall be available to carry out part A;

“(B) not less than 80 percent shall be available to carry out part B; and

“(C) not more than 15 percent shall be available to carry out part D.

“(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.

“(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 2002, 2003, 2004, 2005, and 2006.”.

**SEC. 14. ADMINISTRATIVE AUTHORITY.**

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking “as are consistent with the purpose of this Act” and inserting “only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance”, and

(2) by adding at the end the following:

“(e) If a State requires by law compliance with the requirements described in paragraphs (1), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.”.

**SEC. 15. USE OF FUNDS.**

Section 299C(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674(c)) is amended to read as follows:

“(c) No funds may be paid under this title to a residential program (excluding a program in a private residence) unless—

“(1) there is in effect in the State in which such placement or care is provided, a requirement that the provider of such placement or such care may be licensed only after satisfying, at a minimum, explicit standards of discipline that prohibit neglect, physical and mental abuse, as defined by State law;

“(2) such provider is licensed as described in paragraph (1) by the State in which such placement or care is provided; and

“(3) such provider satisfies the licensing standards of each other State from which such provider receives a juvenile for such placement or such care, in accordance with the Interstate Compact on Child Placement as entered into by such other State.”.

**SEC. 16. LIMITATIONS ON USE OF FUNDS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10, is amended adding at the end the following:

**“SEC. 299F. LIMITATIONS ON USE OF FUNDS.**

“None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.”.

**SEC. 17. RULES OF CONSTRUCTION.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by section 16, is amended adding at the end the following:

**“SEC. 299G. RULES OF CONSTRUCTION.**

“Nothing in this title or title I shall be construed—

“(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

“(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.”.

**SEC. 18. LEASING SURPLUS FEDERAL PROPERTY.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16 and 17, is amended adding at the end the following:

**"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.**

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities."

**SEC. 19. ISSUANCE OF RULES.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16, 17, and 18, is amended adding at the end the following:

**"SEC. 299I. ISSUANCE OF RULES.**

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title."

**SEC. 20. CONTENT OF MATERIALS.**

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 10 and amended by sections 16, 17, 18, and 19, is amended by adding at the end the following:

**"SEC. 299J. CONTENT OF MATERIALS.**

"Materials produced, procured, or distributed both using funds appropriated to carry out this Act and for the purpose of preventing hate crimes that result in acts of physical violence, shall not recommend or require any action that abridges or infringes upon the constitutionally protected rights of free speech, religion, or equal protection of juveniles or of their parents or legal guardians."

**SEC. 21. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) **TECHNICAL AMENDMENTS.**—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS-18 of the General Schedule by section 5332" and inserting "payable under section 5376";

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93-415 (88 Stat. 1132-1143).

(b) **CONFORMING AMENDMENTS.**—(1) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(C) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E"; and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(2) Section 404(a)(5)(E) of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended by striking "section 313" and inserting "section 331".

**SEC. 22. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), this Act and the amendments

made by this Act shall take effect on the date of the enactment of this Act.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

**GENERAL LEAVE**

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1900.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act of 2001. The Office of Juvenile Justice and Delinquency Prevention was created by Congress in 1974 to help communities and States prevent and control delinquency and to improve their juvenile justice systems. The nature and extent of juvenile delinquency has changed considerably since the Office of Juvenile Justice and Delinquency Prevention was created, and this reauthorization has taken that into account.

This office has not been reauthorized since 1994, although a similar bill has passed this House by overwhelming margins at least twice since then. This year we have an opportunity for both the House and the Senate to pass this legislation and get it to the President for his signature.

I thank the gentleman from Michigan (Mr. HOEKSTRA) and the gentleman from Indiana (Mr. ROEMER) for their good work in marking H.R. 1900 up through the Subcommittee on Select Education and the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their able assistance in reporting the bill from the Committee on Education and the Workforce.

I thank the gentleman from Virginia (Mr. SCOTT) for joining me in introducing this legislation. This bill is virtually the same legislation the gentleman from Virginia (Mr. SCOTT) and I successfully negotiated on a bipartisan basis last Congress. We are looking forward to having the House and the Senate pass this measure so after 6 years of hard work, the reauthorization of this act can become law.

I want to particularly emphasize the spirit of bipartisanship my colleague, the gentleman from Virginia (Mr. SCOTT), has put into this measure from the beginning. Tough issues have not

been easily resolved; but day after day, week after week, year after year the gentleman from Virginia (Mr. SCOTT) and his able staff have been extraordinarily good natured and willing to wrestle these controversies to the ground.

I thank my legislative director, Judy Borger, who has worked tirelessly on this legislation for years. As all of the Members know, we do the talking and we do some of the thinking in terms of concept, and then it is the staff that works the 12- and 16- and 24-hour days hammering out the language and doing all of the detail work that finally makes it possible.

I also thank Denise Fort from the staff of the gentleman from Virginia (Mr. SCOTT), who has worked equally tirelessly, as well as Bob Sweet and Chris Anne Pierce from our committee.

H.R. 1900 is designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. This legislation acknowledges that most successful solutions to juvenile crime are developed at the State and local levels of government by those individuals who understand the unique characteristics of youth in their areas.

By combining the current discretionary programs into a prevention block grant to the States, and allowing States and local communities discretion in how such funds are used, we allow the local officials to use their own good judgment, and based upon the realities of each situation, and yet we have not given them so much flexibility that harm could be done to the children.

It is an extraordinarily difficult task to create a juvenile justice system in each of the States and in each of the counties that can respond to the very, very different young people in our society who get caught up in the law. But I believe that this bipartisan bill represents good policy. The bill successfully strikes a balance in dealing with children who grow up and come before the juvenile justice system who are already very dangerous and vicious criminals, and other children who come before the juvenile justice system who are harmless and scared and running away from abuse at home.

We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to assure that juveniles who need to be temporarily housed with adults be held out of sight and sound of adults, how to address the overrepresentation of minorities in the juvenile justice system, and determining the correct balance between block-granting funds to the States and keeping some strings attached.

We added language directing the States to give priority in funding to programs and activities that are based on rigorous, systematic, and objective

research that is scientifically based; and we found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers while protecting scared kids from overly harsh kids in the juvenile justice system.

Mr. Speaker, I urge all of my colleagues to join me in supporting H.R. 1900.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we begin to rebuild from the tragedy and devastation we experienced in New York, Pennsylvania, and at the Pentagon, it is appropriate that two of the first three bills we take up this week concern the safety and well-being of our children.

I am proud to be a cosponsor of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act, with my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD). Juvenile justice is always a challenge because we have a choice of playing politics or reducing crime.

This bill is a bipartisan initiative that lays the groundwork for sensible juvenile crime policy. Five years ago we started from a decidedly different perspective. The House considered juvenile crime bills with such titles as the "Violent Youth Predator Act," the "Juvenile Crime Control Act," and others. The titles of the bills made it clear that Congress was more considered in using political sound bites than coming up with sound policy designed to reduce crime. After those bills collapsed in partisan controversy, the gentleman from Illinois (Mr. HASTERT) and the gentleman from Missouri (Mr. GEPHARDT) appointed a bipartisan working group on youth violence to thoughtfully review the issue of youth violence and to make meaningful suggestions.

Our working group reviewed studies of problems of youth violence and heard testimony from academia, law enforcement, the judicial system, and advocacy groups. Those experts that met with us agreed that prevention and early intervention were the things that we needed to reduce crime. Those efforts needed to require parental and community participation.

H.R. 1900 is a culmination of 5 years of work, at the end of which we made the choice to stop playing politics and to promote constructive legislation.

Mr. Speaker, I am pleased that we have arrived at a different place today than where we were 5 years ago. We have made the right choice. H.R. 1900 is a bipartisan agreement that promotes sound juvenile crime policy which is based on proven research.

H.R. 1900 reflects what was presented to the bipartisan working group and testimony heard through numerous hearings in Washington and across the

country. We heard that prevention programs are effective in reducing youth violence in the community and often save more money than they cost. Programs such as early childhood education, structured after-school activities, dropout prevention, and mentoring have all been shown successful in reducing youth delinquency.

I am also pleased that we were able to maintain the core mandates of the Juvenile Justice and Delinquency Prevention Act so that juveniles who come in contact with the juvenile justice system are assured of fundamental protections. For example, runaways and truants should not be jailed in secure facilities. And if juveniles are ever housed in adult facilities, it must be for short periods of time; and during that time they must be separated by sight and sound from adult offenders.

Lastly, States have a responsibility to address the disproportionate number of minority youth who are under the jurisdiction of the juvenile court system.

The bill before us recognizes the need for community input and requires community collaboration and planning that encourages bringing delinquency prevention professionals around the table to decide how best to respond to the crime prevention needs of the community. Those experts should include the school system, law enforcement, social services, business, sociology and other experts. And for the first time we are also asking the States to ensure that the child welfare system, the foster care system, and the juvenile justice system are working together to address the needs of juvenile offenders. We know that two-thirds of children in the juvenile system are already known by the child welfare system. The link between abuse, neglect, and delinquency demands greater involvement between the various systems that serve at-risk youth.

H.R. 1900 starts us down the path of greater collaboration, and I appreciate the work of my ranking member, the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Pennsylvania (Mr. GREENWOOD) in offering these important improvements to the bill. H.R. 1900 deserves the support of this body. It is not based on politics or sound bites, but instead represents sound policy; and it is the product of a constructive, bipartisan cooperative effort to reduce youth crime in our communities. It will add to the safety and security of future generations.

Mr. Speaker, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I rise today in support of the juvenile justice

bill that we have on the floor, and thank all of my colleagues that have taken part in bringing us to this important day. I think the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) have fully explained the bill.

My reason for rising today is to say that, without a true bipartisan effort over the long journey of bringing this bill to the floor, we would not be here. The gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) have worked diligently for 5 years trying to bridge the differences, and they have done it in such a way that we have learned a great deal from them.

I also thank the chairman of the subcommittee, the gentleman from Michigan (Mr. HOEKSTRA) and the ranking Democrat on the subcommittee, the gentleman from Indiana (Mr. ROEMER), for their efforts in shepherding this bill through the committee process. Lastly, I thank the ranking Democrat, the gentleman from California (Mr. GEORGE MILLER), who provided an atmosphere of cooperation and respect which I think brings this bill here in front of us today.

Mr. Speaker, this is a great example of what can happen when people keep their eye on the goal, and the goal being what is it that we can do from our perspective here in Washington to help these juvenile justice programs work better. They have done a great job, and they deserve our thanks.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the leadership for bringing this bill to the floor today. As the gentleman from Virginia (Mr. SCOTT) earlier said, in the wake of the tragedies in New York, Pennsylvania and here at the Pentagon, our concentration on our children and those children who are so desperately in need of services and at risk is a nice tribute to America's families.

I also want to join those who have already expressed their thanks to the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their diligence on this matter.

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I cannot think of two people in the Congress who have worked harder to try to bring about a resolution of what was a very contentious issue over the last several years to make sure that we move forward in the protection and the service of our children; in making sure that we, in fact, develop those kinds of programs that have the best opportunity at reducing juvenile crime, at

reducing juvenile delinquency and making sure that our children, in fact, get into programs of opportunity and programs that will help them to sort out their lives and lead productive lives in America. I want to thank them very, very much for all their effort, all their time to bring this legislation to the floor in the form that it is now in.

While we have seen a decrease in juvenile crime over the last couple of years, we also see some disturbing factors, that many of the perpetrators of that crime are younger and younger. We see the inclusion of more and more young girls in the perpetration of these crimes, and these are reasons for concern. It is a reason we need to take new approaches and new choices.

This legislation is really about prevention and about accountability and about focusing our efforts on the early part of a child's life because, again, the scientific-based research, the peer-reviewed research tells us that this is our best opportunity to intervene on behalf of these children, to intervene in their dysfunctional families.

I want to commend those who supported the previous bill on the floor today dealing with the D.C. court system and the foster care system in the District of Columbia. Understanding the need to intervene early, to save these children and to give them an opportunity, where they are caught up in a family that is so clearly dysfunctional that it now becomes a threat to those children in the immediate sense, but the long-term ramifications and impact on the kinds of lives those children will lead in terms of their involvement in the juvenile justice system or the adult criminal system makes it all the more important.

I believe that H.R. 1900 does this by providing the recognition of early intervention and accountability and providing the guidelines to make sure that we, in fact, protect these children at the same time that we are dealing with their transgressions, so that we do not send them off to schools that improve their ability to commit a crime but do not improve their ability to extract themselves from that life of crime.

I also want to quickly mention the parts of this legislation dealing with the question about the needs, and the support for the needs of these services. According to a report produced by the Inspector General at the Department of Health and Human Services, an audit of cases in California found that few children are ever receiving case planning and family permanency planning systems.

What does that mean? That means that these children are really never given the tools, or the caseworkers are not given the tools to get these children out of the situation that they are in. And without family permanency or planning permanency, the children find

themselves continually swirling around the system from one foster care, one institution, over and over again, because we have not taken the time as the law in fact requires, to develop planning for these children's futures, so that we can make sure that they have the absolute best opportunity at success.

I also want to draw attention to the fact that this legislation deals with the children who are sent to boot camps, and recognizing that the New York Times recently reported that since 1980 there have been over 31 children who have died in these boot camps and numerous other children have been subjected to sexual abuse and assault while they are in these camps.

In July, a child who was voluntarily placed in a wilderness camp in Arizona died as a result of abuse and negligence of the camp operators. The autopsy revealed that he drowned in a hotel shower where the camp staff had left him after he had collapsed. He had collapsed after being punished for bad behavior. What was his bad behavior? He complained that the program was too hard. What was his punishment for that bad behavior? They made him eat dirt and he subsequently died.

That kind of punishment, if it had been meted out by a parent or a relative, would have been child abuse. We have got to make sure that child abuse laws protect these children in this kind of custody. And I believe that this legislation, in fact, does that in a manner in which we know that you cannot delegate, you cannot delegate the right to abuse a child to another factor.

H.R. 1900 requires that any residence program receiving funds under this act must be licensed by State and must have standards of discipline to prohibit abuse and neglect as defined by State law. What the State standard is will apply to those operations within that State. I think this is the minimum that we can do for these children.

Let me close again by just thanking the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) for all of the time. I think very often the public does not understand the kind of effort or the kind of time that individual Members or legislators put into subjects like this, where there is not a lot of attention given except when things go terribly wrong.

These are children that, in many instances, are seriously disenfranchised from the system; that, in many instances, through no fault of their own, found themselves caught up in dysfunctional institutions, dysfunctional families. And this is an effort, and the time that these two gentlemen have spent, this is an effort to throw them, if you will, a life preserver to see that if we can bring them back, we can provide the services, provide the accountability for those rendering the services

and see whether or not we can give these children an opportunity at success rather than almost a condemnation to failure under the existing system.

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE), an active member of the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Speaker, I rise in strong support of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act. I am particularly pleased to see language in the bill to provide positive youth development which includes mentoring. We often see money spent on building prisons, drug rehabilitation programs, hiring more police, and building youth correction facilities as money that is well spent. Money spent on prevention of juvenile crime, drug abuse, teenage pregnancy, is often seen as less important and sometimes is perceived as being wasteful. It costs 25 to \$30,000 per year to incarcerate a young person. If that young person stays in prison for life, it is more than \$1 million. States are currently raising unwanted children at unprecedented cost. Drug addiction leads to other crime and a great social cost to those involved. Recidivism is very high. It is much more cost effective to prevent juvenile misbehavior than to attempt to correct behavior after the fact.

One example is mentoring. According to "Character Counts," mentoring reduces absenteeism from school by more than 50 percent, significantly cuts dropout rates, reduces drug abuse by more than 50 percent, certainly curtails teenage pregnancy, crime and violent behavior by significant degrees, and the cost is only about \$400 per year, on the average, for a good mentoring program. So it is tremendously cost effective. The return is phenomenal in terms of the expense.

Mr. Speaker, I would like to point out the fact that the bill provides more flexibility for the use of funds at the local level. I think all of us realize that money spent at the local level is spent much more effectively than money spent at the Federal or the State level.

Finally, I would like to thank the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD) for their efforts, and strongly encourage passage of H.R. 1900.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), a member of the Committee on Education and the Workforce.

Ms. SOLIS. I thank the gentleman for yielding me this time.

Mr. Speaker, I also rise in support of H.R. 1900. I stand here as a new member of the Committee on Education and the Workforce. My heart is full, because I realize that this is such an important issue that needs to be addressed. In my

district alone, in Los Angeles County, I represent the East Lake detention facility. I had the opportunity of visiting that facility a couple of months ago and realized that a good number of the children, youngsters, that are there represented my district. I felt compelled that we need to do something immediately to help them, prevent them from furthering a life of crime and hopefully deterring them into a better life-style.

But I found that many of the young people, particular Latinos that I found there from my district, were experiencing some different kinds of hardships. Many of them at the age of 13 and 14 were already finding themselves as mothers. They were pregnant. I found that the treatment and medical attention that they needed to be prioritized. I asked the gentleman from Virginia (Mr. SCOTT) and other Members if they would please include an amendment in this bill to help address prenatal assistance in assessing these young women's needs. They adopted that.

I also wanted to thank them for including another provision, suicide prevention. Many of the youngsters that I saw at these facilities were also coming from a life of hardship. Some of them were recent immigrants, coming from war-torn El Salvador and other Central American countries. Faced with that dilemma, many of them had this put before them, of how they were going to lead their lives, not having appropriate supervision by their parents and by our inadequate school system that does not provide enough counseling and after-school programs. This bill, I believe, in my opinion will do that.

I want to thank the committee and I want to thank our leadership for taking the time to address these issues and including these two amendments in this bill. I ask for support of this legislation.

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO), another active member of the Committee on Education and the Workforce.

Mr. TANCREDO. Mr. Speaker, I rise in strong support of H.R. 1900. One of the things that our community in Littleton, Colorado had to deal with shortly after the Columbine tragedy was the fact that there were many parents and children who were frightened to return to school. They were frightened because they felt helpless in their ability to control their own environment. With that in mind, I asked the Colorado Bureau of Investigation, the Colorado Department of Education, U.S. West and AT&T to help me construct the Colorado school safety hotline. Within just a few months after the tragedy at Columbine, these posters were up in every school in the State of Colorado and a 24-hour hotline had

been started and was in operation at CBI. Since that time, there have been some 1,323 phone calls, there have been several arrests, and God only knows how many incidents have been avoided as a result of the Colorado school safety hotline.

H.R. 1900 includes a provision that would allow States to use their safe and drug-free school money in the creation of their own hotline. I certainly encourage them to think about this as a way of preventing possible incidents similar to Columbine. The one thing we learned since then is that in every single situation we have had of school violence, without exception, the perpetrators of the crime told somebody.

With this knowledge in mind, it is imperative that every State in the Nation take the kind of action that we took in Colorado, the establishment of the hotline, to allow someone who may have heard something to call somebody anonymously, tell them what they have heard, and let the authorities take what actions need to be taken. With the inclusion of this particular amendment and for all of the other good things that are in this particular piece of legislation, I sincerely hope that my colleagues will support H.R. 1900.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Virginia for yielding me this time. I also thank the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), both the gentleman from Virginia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. GREENWOOD), for a very policy-changing initiative, H.R. 1900, that will really turn the corner in how we address the questions of juvenile crime control and the issue of delinquency. Let me thank them and their staff for this legislation.

Let me thank in particular my colleague on the Committee on the Judiciary for merging his responsibilities as the ranking member of the Subcommittee on Crime of the Committee on the Judiciary and the Committee on Education and the Workforce, realizing that these are two very important responsibilities, that there is some commonality.

Mr. Speaker, about a year ago, I held a hearing in my district with Senator PAUL WELLSTONE on the question of mental health and juvenile delinquency. We had over 90 witnesses, of local authorities, mental health specialists, parents who had dealt with suicide amongst their teenagers, and teenagers who said they had attempted suicide on a number of occasions.

□ 1135

One thing we determined out of that hearing was that we had to approach

the issue of juvenile delinquency and the resulting crime in a totally different mode; that prevention and intervention on these young people and their families was crucial for America to get its hands around the whole question of juvenile indiscretions or crime and delinquency.

This bill authorizes the use of juvenile delinquency prevention block grants for projects that provide treatment to juvenile offenders. The bill covers a litany of programs, including treatment for mental health problems for juveniles who have experienced violence, projects which provide for an individualized assessment, and the treatment plans for incarcerated juveniles suspected to be in need of mental health services, after-school programs for at-risk juveniles, programs related to the establishment and maintenance of a school violence hot line, and programs designed to reduce the unlawful acquisition and illegal use of guns by juveniles. It is heavy on prevention.

When we visited one of our juvenile detention centers with Senator WELLSTONE and County Judge Bob Eckels, we were able to see youngsters who were crying out for services, crying out for an adult that would help supervise them, and certainly in need of mental health.

This bill, of course, is of special importance to me; and I thank my colleague, the gentleman from Virginia (Mr. SCOTT), for addressing the question of the issue of mental health.

The mental health of children, including its intersection with the issue of juvenile justice, is an issue that has long been ignored. In the bill, as this passed through the Committee on the Judiciary, I was very glad that amendments that I proposed, language I proposed, was included, dealing with the mental health aspect as it was in the Committee on Education and Workforce.

Yet one to which I pay special attention, not only in my capacity as a member of the Committee on the Judiciary but also in my capacity as founder and chair of the Congressional Children's Caucus, in working with the House Bipartisan Working Group on Youth Violence that many of my colleagues served on, it was interesting that Members from both sides of the aisle came away from that 6- or 7- or 8-week time frame, and determined that prevention had to be the way this country and this Congress would go.

In doing so, mental health was raised as a very important issue. In the presentation I made, my particular subcommittee was dealing with mental health, it was without question that that was what was needed.

The mental health of children is an issue that has been too long ignored. Untreated, it manifests itself in many ways, ranging from eating disorders to school bullying and violence. That is

why I have H.R. 75, that deals in particular with helping children overcome their frustration or their need for counseling by providing enhanced community mental health services.

We held a hearing a couple of weeks ago, the Congressional Children's Caucus, about bullying; and we determined that children need counseling to intervene so they do not bully each other and that turns into violence.

This legislation has many aspects to it, but what I believe is the key element to this legislation is a recognizing that we must look at juvenile delinquency and crime control in a totally different manner; intervene, prevent, before we run into trouble.

I, in conclusion, will simply say that this bill overall is an excellent bill. I would raise a reservation, however, about the provision of the bill that gives local authorities the ability to hold juveniles in adult lockups for more than 24 hours if other alternatives are not available. I would encourage my local communities to find alternative sites for our children, because what we want to do is intervene so those children can grow up to be contributing adults.

I support H.R. 1900, and ask my colleagues to unanimously support it.

I rise in support of the Juvenile Crime Control and Delinquency Prevention Act, H.R. 1900.

This bill authorizes the use of Juvenile Delinquency Prevention Block Grants for projects that provide treatment to juvenile offenders. The bill covers a litany of programs, including treatment for mental health problems, for juveniles who have experienced violence, projects which provide for an individualized assessment and the treatment plans for incarcerated juveniles suspected to be in need of mental health services, after-school programs for at-risk juveniles, programs related to the establishment and maintenance of a school violence hotline and programs designed to reduce the unlawful acquisition and illegal use of guns by juveniles.

This bill also authorizes the Office of Juvenile Crime Control and Delinquency Prevention to undertake specified activities regarding research, evaluation, technical assistance, and training, including providing training and technical assistance to mental health professionals and law enforcement personnel to address or promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems addressing the needs of delinquent juveniles who are placed in secure detention, confinement or in non-secure residential placements.

This bill is of special importance to me because it so wisely addresses the issue of mental health. The mental health of children, including its intersection with the issue of juvenile justice, is an issue that has been long ignored, yet one to which I pay special attention, not only in my capacity as a member of the Judiciary Committee, but also in my capacity as Founder and Chair of the Congressional Children's Caucus and as a member of the House Bipartisan Working Group on Youth Vi-

olence, which was formed on June 25, 1999 by Speaker HASTERT and Minority Leader GEPHARDT and which issued its final report on March 8, 2000.

Just this past July, the Congressional Children's Caucus held a briefing on the relationship between children's mental health and school bullying, and we discussed how bullying, which causes and is caused by mental health problems, can escalate into violence. And I am the sponsor of the bi-partisan bill H.R. 75, which would sponsor grants to schools to put more mental health professionals in our schools.

The issue is of such pressing importance that during the Congressional Black Caucus annual legislative conference this month, I will be hosting a forum on the nexus between juvenile justice and children's mental health. National experts will join us to discuss this topic.

The mental health of children is an issue that has been too long ignored. Untreated, it manifests itself in many ways, ranging from eating disorders to school bullying and violence, as I just discussed. In fact, in the bipartisan Working Group on Youth Violence formed a mental health subgroup to determine the extent to which mental health problems lead to incidences of youth violence and how to address the problem. We determined, in part, that it is important to identify at risk youths in school to encourage them to see schools are safe, stable learning environments and to ensure that they have access to mental health services. The Report also noted that the juvenile justice system should screen youths who enter the system and that treatment is provided where the need is identified. Hence, I am pleased to see that many of the recommendations of the Working Groups have been considered in drafting this legislation. This was not a group of mere talking heads, but a group that proposed and is enacting real, practical solutions.

The fact the juvenile violent crime has decreased does not mean that we should ignore the problem. Indeed, we should see it as an opportunity to identify the previously unanswered problems and reach those who might otherwise be issued.

I do have reservations about the provision of the bill that gives local authorities the ability to hold juveniles in adult lockups for more than 24 hours if other alternatives are not available. However, I applaud efforts to address the mental health needs of the troubled youths. Hence, I believe that the benefits of the bill far outweigh its negative aspects and believe that as its provisions are enacted, we will work to correct any shortcomings.

It is time we took an affirmative step forward and realized that although we may differ on some provisions, we all agree that we must help our youth become, productive, mentally and physically, law-abiding citizens. I urge my colleagues to join me in supporting this bill.

Mr. GREENWOOD. Mr. Speaker, it is my pleasure and honor to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the most distinguished chairman of the Subcommittee on Education Reform of the Committee on Education and the Workforce.

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman from the

Commonwealth of Pennsylvania for yielding me time.

Mr. Speaker, I am pleased also to support this legislation. When police arrest children and young adults who shrug off their criminal acts as a right of passage, our response is often fear and anger. How can we protect ourselves? How can we make them pay for what they have done?

Then a secondary, more productive response sets in, how did these children become settled in lives of delinquency and crime? How can we intervene to break the link between a single delinquent act and a life of criminal activity?

Today, after countless hearings and debates, we seek to answer these questions with a balanced response through H.R. 1900, the Juvenile Crime Control and Delinquency Prevention Act. This act, sponsored by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT), is a product of extensive negotiations between Members of both sides of the aisle; and I am pleased that it comes to the floor with bipartisan support, thanks in large part to the sustained effort of the bill's authors.

H.R. 1900 recognizes that there are many root causes of crime. When we examine the lives of our most troubled young adults, we often see many predictors of their behavior, absent parents and an absence of safe and enriching places to go after school, among others.

The bill also appreciates the fact that most successful solutions to juvenile crime are developed at the State and local levels, encompassing multiple strategies that are put in place according to specific need of families, neighbors, and communities. In so doing, H.R. 1900 is flexible enough to fund State and local programs and services ranging from character education and mental health, to school violence hot lines.

In addition, H.R. 1900 recognizes that after-school programs give our most at-risk children a positive alternative to television, drugs, and crime; and it ensures that funds are available to support these programs. In this age of dual-income families, roughly 5 million children come home to an empty house after school. It is, therefore, not surprising then that juvenile crime increases by 300 percent after 3 p.m. This bill will help change that.

Finally, H.R. 1900 allows States to use their funds to extend the reach of after-school programs to children in need. As we all know, children who enjoy the advantages of caring parents and good schools can just as easily go astray as those who do not.

Many adults in prison today began their criminal careers as youths and teenagers, and any attempt to reduce crime and its societal cost must place a high priority on the needs of our young adults.

For 6 years, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Virginia (Mr. SCOTT) have worked to create a bipartisan solution to this difficult problem. This year, I am confident that, with our support, they will see their bill become law. To that end, I urge an aye vote.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a product of a lot of hard work. We had leadership from the committee, from the chairman, the gentleman from Ohio (Mr. BOEHNER); the subcommittee chairman, the gentleman from Michigan (Mr. HOEKSTRA); the gentleman from Delaware (Mr. CASTLE); and, our side, from our ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER); and the gentleman from Indiana (Mr. ROEMER).

But, more important, Mr. Chairman, we had hard work from our staffs, Jo-Marie St. Martin, Judy Borger, Bob Sweet, and Krisann Pearce from the Republican side, and Denise Forte, Maggie McDow, Cheryl Johnson, and Ruth Friedman from the Democratic side.

I would point out that Judy Borger and Denise Forte spent innumerable long hours over the last 5 years working on this bill, and they are really the experts on juvenile justice for the House of Representatives.

I am particularly pleased, Mr. Speaker, to have worked over those years with the gentleman from Pennsylvania (Mr. GREENWOOD). We have had many long, difficult discussions. This is a very politically charged issue. Two years ago when we went through this, there were a lot of provisions put into the bill that his side wanted, but our side did not; a lot of provisions were put in the bill that our side wanted, that his side did not; and when we ended up, we had a bill that nobody wanted and it did not pass.

We focused on those core, important issues. That was very difficult, and I want to thank the gentleman from Pennsylvania (Mr. GREENWOOD) for his hard work and cooperation.

Mr. Speaker, I ask the House approve the bill. It is a product of very hard work and will help our next generation.

Mr. Speaker I yield back the balance of my time.

Mr. GREENWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me also return the kind word of the gentleman from Virginia (Mr. SCOTT). We have worked together long and hard. There were a dozen issues in which it would have been a relatively easy matter for us to collapse our negotiations and collapse our talks and walk away and give up, which is sadly too often what happens in this body.

But each and every time that I went to the gentleman from Virginia (Mr.

SCOTT) and said we have to work this out, how can we do this, let us put our heads together, can you yield a little bit here if I yield a little bit here, can you get your Members to go along with this compromise if I can get my Members to go along, without exception, every single time the gentleman from Virginia (Mr. SCOTT) was there to do that.

I have made a good friend of one of the best Members of this House, and I am proud to be associated with the gentleman in this work and thank him again.

Mr. Speaker, we are at a time of national crisis; and, ultimately, our success will depend partly upon our superiority when it comes to technology and to our military equipment. Ultimately, our success over the coming months and years and decade will be a function of the character of the American people.

When we talk about the character of the American people, we have to remember that that means everyone.

□ 1145

No one can be absent from the national cause to develop the strength of character and to see us through these dark times and to resecure America's place in the world.

As a former caseworker who has worked with abused and neglected and troubled and delinquent children, I know firsthand that what these kids need more than anything else is adults in their lives who care about them, who are interested in their future, who believe in them, who have confidence in them, and who do not throw them away into the dark dungeons of the juvenile justice system but, in fact, spend time with them to teach them discipline, to teach them self control, to teach them about the need to take responsibility for the consequences of their actions.

I believe that this legislation will promote those efforts in every State and county in the country so that the young people who find themselves, generally because of difficulties in their home situation, with histories of abuse and violence and neglect and terrible home situations, find themselves in trouble with the law. These provisions in H.R. 1900, I think, will help these young people become full-fledged members of society who can contribute to our national security and well-being, rather than drain resources for important and vital needs.

Again, I thank all of the Members and the staff who have worked on this. I urge passage of H.R. 1900.

Mr. WU. Mr. Speaker, I rise in support of H.R. 1900, the Juvenile Justice and Delinquency Prevention Act of 2001. The rise of crime, particularly violent crime, among our nation's youth is a problem that affects us all. The downstream result of our action—

or inaction—is tremendous. Today is all about the future. Future generations will be affected by the actions we take today, and we can choose to either address the current situation and work for tomorrow, or turn a blind eye. I believe we must work with our youth to make a brighter future.

I am particularly pleased that the bill before the House today includes a provision which I wrote to help local schools detain and monitor, including a psychological evaluation, any student who brings a gun to school. Recent school tragedies, like the one that took place in my home State of Oregon, have occurred after a student was sent home after bringing a gun to school. The WU provision in the Juvenile Justice bill will ensure that local schools can provide for immediate psychological evaluation and follow-up treatment for any juvenile that brings a gun on school grounds.

By ensuring that local schools will have these students evaluated in a timely fashion, we are intervening at the right time: before another tragedy transpires. I believe this provision is in the best spirit of commonsense and prevention. I want to thank my colleague from Oregon, Mr. DEFAZIO, who has been very supportive of this amendment. He has toiled very hard on behalf of his constituents, including those in Springfield, and deserves to be recognized for his good work. I thank him for his friendship and counsel.

I thank the Members of the Committee on both sides of the aisle for their good efforts, and urge all my colleagues to support this legislation.

Mr. BOEHNER. Mr. Speaker, today we consider legislation to prevent juvenile crime, while at the same time holding juvenile criminal offenders accountable for their actions. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was created by Congress in 1974 to help communities and States prevent and control delinquency and to improve their juvenile justice systems. The nature and extent of delinquency and abuse have changed considerably since OJJDP was created, and this reauthorization has taken that into account.

I want to especially thank my colleagues JIM GREENWOOD and BOBBY SCOTT for this bipartisan bill. They have worked tirelessly for several years to craft a bipartisan bill that I believe will provide flexibility and assistance to States and local communities in preventing and controlling juvenile crime. And I also want to thank Chairman HOEKSTRA and Ranking Member TIM ROEMER for the good work they did in steering this bill through Committee. My thanks to Ranking Member GEORGE MILLER who has worked closely with me in bringing this bill through full Committee and to the Floor for consideration today.

These programs have not been authorized since 1994, although a similar bill has passed the Congress by overwhelming margins at least twice since then. This year, I believe we have an opportunity to send this bill to the President for his signature.

There have been a number of issues that we have included in this bill that are worthy of note.

The collection of data on the frequency, seriousness, and incidence of drug use by youth and information on the relationship between victims and perpetrators of violence; the determination of the type of weapon used in violent incidents as reported in the FBI's Uniform Crime Report; the prohibition of the development of any national data base of personally identifiable information; a prevention block grant that will give states added flexibility in how they use grant funds to prevent and control juvenile delinquency; an emphasis on making sure that juvenile justice programs under this act are proven effective based on scientifically based research; participation by the State advisory groups in helping States determine those areas most in need of juvenile justice system improvements; mentoring and positive youth development programs; attention to the mental health needs of juvenile offenders; the development and implementation of character education programs; and a school violence hotline for students and parents to report suspicious, violent, or threatening student behavior.

Although violent juvenile crime peaked in 1994 and has declined almost 36 percent since then, we must not become complacent. The juvenile justice system, including the courts, face new challenges, including ways to deal with illegal drug dependence, underage drinking, youth gangs, violent juvenile offenders, and an increasing number of female juvenile offenders, just to name a few. We must find solutions to these new challenges, and the best way to do this is offering flexibility to those most directly responsible for preventing and controlling juvenile crime. The reauthorization of the Juvenile Justice and Delinquency Prevention programs is an important step in providing this assistance. I urge a favorable vote on this bill today.

Mr. SCHAFFER. Mr. Speaker, I rise today in opposition to HR 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001.

Few things are more important than reducing youth violence and delinquency. If America's children are truly important—and I believe they are—then we should be prepared to spend whatever it takes, and do whatever is necessary to help them on their way to full wholesome participation in American society. Mr. Speaker, I am also convinced this Congress is capable of accomplishing these important goals. The political will of the House probably exists. But if it does, we will not know, because the bill in question betrays our noble intentions regarding America's youth and the scourge of youth violence.

Mr. Speaker, the current research associated with the subject of HR 1900 provides alarming, overwhelming, irrefutable, and confirmed evidence that programs undertaken by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are a complete waste of taxpayer dollars, because they cannot be proven to work.

Despite these programs lack of proven effectiveness, the number of active OJJDP discretionary grants has more than tripled since 1996 (the time of OJJDP's expiration), and the

related funding has almost doubled to \$555 million. Before reauthorizing this questionable program again, Congress should at least question whether OJJDP programs are a good use of federal funds. Congress should also devote its energy to ensuring any and all such programs yield the kinds of results that might inspire public confidence and ultimately improve the lives of America's youth.

In 1997, the Center for the Study and Prevention of Violence released Blueprints for Violence Prevention, the most comprehensive review of juvenile crime prevention programs at that time. The Congress was referred to this report by the Department of Justice itself during testimony before the House Committee on Education and the Workforce. The study contains a scathing review and rather harsh criticism of various youth justice and delinquency programs. The expository report filled a void for much-needed research on the ineffectiveness of violence prevention programs.

The authors of Blueprints surveyed 400 program activities and could identify only a paltry 10 that met their standards for effectiveness. The report's analysis pronounced a credible and shocking indictment on violence prevention programs, stating, "the vast majority of these programs are not being evaluated. Worse yet, some of the most popular programs have actually been demonstrated in careful scientific studies to be ineffective, and yet we continue to invest huge sums of money in them for largely political reasons."

The report goes on to lambaste violence prevention programs further. "A responsible accounting to the taxpayers, private foundations, or businesses funding these programs requires that we justify these expenditures with tangible results. No respectable business or corporation would invest millions of dollars in an enterprise without checking to see if it is profitable."

In the long run, Blueprints found that "the deterrent effects of most prevention programs deteriorate quickly once youth leave the program and return to their original neighborhoods, families, and peer groups." So, unfortunately, even the best violence prevention programs have little lasting value over time.

Since Blueprints was released in 1997, the Center for the Study and Prevention of Violence has reviewed 100 additional programs, yet it has added only one to its list of effective programs. An additional 19 programs have been listed as "promising."

Just this past week, I received a briefing on the status of two GAO reports to be released in October on OJJDP programs. The findings are not complimentary of the way OJJDP is monitoring and evaluating its programs. In fact, the reports provide even more compelling evidence that OJJDP has not responded to 1996 GAO recommendations for better grant monitoring as the agency pledged it would. Mr. Speaker, why should anyone expect OJJDP to comply now?

The soon-to-be-released GAO reports show that an incredible 96 percent of the demonstration grants had no documentation showing the required number of phone contacts had been met, and 88 percent of the grants had no documentation for the proper number of site visits. Progress reports did not cover the entire grant period in 56 percent of the 89

demonstration grant files and 80 percent of the 45 training and technical assistance grants files. Financial status reports did not cover the entire grant period in 65 percent of the demonstration grant files and 60 percent of the 45 training and technical assistance grant files. According to the GAO, "Our current observations are similar to those we reported in May 1996 about the agency's lack of documentation of its monitoring activities."

In addition to grant monitoring problems, the GAO has found major problems in the way OJJDP is evaluating some of its programs for effectiveness on juvenile attitudes and behavior. A standard component of good social science research is the inclusion of a control group by which to compare students in OJJDP programs to those not in the programs. GAO has found that a significant number of OJJDP impact evaluations do not include control groups, thus rendering the evaluations useless and a complete waste of money.

Congress should be alarmed by this information. If OJJDP cannot determine the effectiveness of its own programs, why should the American people, especially during a time of resource scarcity, continue to fund unproven—sometimes dangerous—programs? I submit to this House, Mr. Speaker, there is no compelling answer.

In light of the ongoing monitoring and evaluation failures at OJJDP and the embarrassing lack of evidence for program effectiveness, I strongly urge my colleagues to join me in opposing H.R. 1900. We should not continue to fund OJJDP programs to the tune of more than \$500 million per year when the programs consistently receive poor marks for effectiveness and the research shows no progress toward actually making an appreciable difference in the lives of America's youth.

To pass this legislation is to perpetrate great harm upon America's youth and a cruel hoax upon those who expect this Congress to act in a compassionate, responsible manner toward the provision of suitable guidance for troubled young citizens. On the contrary, Congress owes our youngest Americans more than the hollow effort, and the sinister gesture that the research reveals HR 1900 to be.

Mr. Speaker, this House should instead act in a dignified way by rejecting this bill in deference to a more serious effort to restructure the Nation's juvenile justice programs in a way that will work. This House should insist that the efforts of the federal bureaucracy reflect the higher value of America's young citizens. We should be prepared to spend whatever it takes, and devote as much as we can for the legitimate improvement of American society.

Unfortunately, Mr. Speaker, HR 1900 only perpetuates the bad habits of an uncaring and unproven bureaucracy and it abandons the very children in whose name this poor legislation is deceptively cloaked.

Mr. GREENWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Pennsylvania (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 1900, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

# RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon today.

Accordingly (at 11 o'clock and 47 minutes a.m.), the House stood in recess until approximately noon.

□ 1205

# AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 12 o'clock and 5 minutes p.m.

## DISTRICT OF COLUMBIA FAMILY COURT ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2657.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2657, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 22, as follows:

[Roll No. 343]

YEAS—408

Abercrombie	Brady (PA)	Culberson
Ackerman	Brady (TX)	Cummings
Aderholt	Brown (FL)	Cunningham
Akin	Brown (OH)	Davis (CA)
Allen	Brown (SC)	Davis (FL)
Andrews	Bryant	Davis (IL)
Armey	Burr	Davis, Jo Ann
Baca	Buyer	Davis, Tom
Bachus	Callahan	DeFazio
Baird	Calvert	Delahunt
Baldacci	Camp	DeLauro
Baldwin	Cannon	DeLay
Ballenger	Cantor	DeMint
Barcia	Capito	Deutsch
Barr	Capps	Diaz-Balart
Barrett	Capuano	Dicks
Bartlett	Cardin	Doggett
Barton	Carson (IN)	Dooley
Bass	Carson (OK)	Doolittle
Becerra	Castle	Doyle
Bentsen	Chabot	Dreier
Bereuter	Chambliss	Duncan
Berkley	Clayton	Dunn
Berry	Clement	Edwards
Biggert	Clyburn	Ehlers
Bilirakis	Coble	Ehrlich
Bishop	Collins	Emerson
Blagojevich	Combest	Engel
Blumenauer	Condit	English
Blunt	Conyers	Eshoo
Boehrlert	Cooksey	Etheridge
Boehner	Costello	Evans
Bonilla	Cox	Everett
Bonior	Coyne	Farr
Bono	Cramer	Fattah
Borski	Crane	Ferguson
Boswell	Crenshaw	Filner
Boucher	Crowley	Flake
Boyd	Cubin	Fletcher

Foley	Latham	Rivers
Forbes	LaTourette	Rodriguez
Ford	Leach	Romer
Fossella	Lee	Rogers (KY)
Frank	Levin	Rogers (MI)
Frelinghuysen	Lewis (CA)	Rohrabacher
Frost	Lewis (GA)	Ros-Lehtinen
Gallegly	Lewis (KY)	Ross
Ganske	Linder	Rothman
Gekas	Lipinski	Roukema
Gephardt	LoBiondo	Roybal-Allard
Gibbons	Lofgren	Royce
Gilchrest	Lowey	Ryan (WI)
Gilman	Lucas (KY)	Ryun (KS)
Gonzalez	Luther	Sabo
Goode	Maloney (CT)	Sanchez
Goodlatte	Maloney (NY)	Sanders
Gordon	Manzullo	Sandlin
Goss	Markey	Saxton
Graham	Mascara	Schakowsky
Granger	Matheson	Schiff
Graves	Matsui	Schrock
Green (TX)	McCarthy (MO)	Scott
Green (WI)	McCarthy (NY)	Sensenbrenner
Greenwood	McCollum	Serrano
Grucci	McCrery	Sessions
Gutierrez	McDermott	Shadegg
Gutknecht	McGovern	Shaw
Hall (OH)	McHull	Shays
Hall (TX)	McIntyre	Sherman
Hansen	McKeon	Sherwood
Harman	McKinney	Shimkus
Hart	McNulty	Shows
Hastings (FL)	Meehan	Shuster
Hastings (WA)	Meek (FL)	Simmons
Hayes	Meeks (NY)	Simpson
Hayworth	Menendez	Skeen
Hefley	Mica	Skelton
Herger	Millender-	Slaughter
Hill	McDonald	Smith (MI)
Hilleary	Miller (FL)	Smith (NJ)
Hilliard	Miller, Gary	Smith (TX)
Hinche	Miller, George	Smith (WA)
Hinojosa	Mink	Snyder
Hobson	Mollohan	Solis
Hoeffel	Moore	Souder
Hoekstra	Moran (KS)	Spratt
Holt	Moran (VA)	Stark
Honda	Morella	Stearns
Hoolley	Myrick	Stenholm
Horn	Nadler	Strickland
Houghton	Napolitano	Stump
Hoyer	Neal	Sununu
Hulshof	Nethercutt	Sweeney
Hunter	Ney	Tancred
Hyde	Northup	Tanner
Inlee	Norwood	Tauscher
Isakson	Nussle	Tauzin
Israel	Oberstar	Taylor (MS)
Issa	Obey	Taylor (NC)
Istook	Oliver	Terry
Jackson (IL)	Osborne	Thomas
Jackson-Lee	Ose	Thompson (CA)
(TX)	Otter	Thompson (MS)
Jefferson	Owens	Thornberry
Jenkins	Oxley	Thune
John	Pallone	Thurman
Johnson (CT)	Pascarell	Tiahrt
Johnson (IL)	Pastor	Tiberi
Johnson, E. B.	Paul	Tierney
Johnson, Sam	Payne	Toomey
Jones (NC)	Pelosi	Traficant
Jones (OH)	Pence	Turner
Kanjorski	Peterson (MN)	Udall (CO)
Kaptur	Peterson (PA)	Udall (NM)
Keller	Petri	Upton
Kelly	Phelps	Velázquez
Kennedy (MN)	Pickering	Visclosky
Kennedy (RI)	Pitts	Vitter
Kerns	Platts	Walden
Kildee	Pommo	Walsh
Kilpatrick	Pomeroy	Wamp
Kingston	Portman	Waters
Kirk	Price (NC)	Watson (CA)
Kleczka	Pryce (OH)	Watt (NC)
Knollenberg	Putnam	Watts (OK)
Kolbe	Quinn	Waxman
Kucinich	Radanovich	Weiner
LaFalce	Rahall	Weldon (FL)
LaHood	Ramstad	Weldon (PA)
Lampson	Rangel	Weller
Langevin	Regula	Wexler
Lantos	Rehberg	Whitfield
Largent	Reyes	Wicker
Larsen (WA)	Reynolds	Wilson
Larson (CT)	Riley	

Wolf  
Woolsey

Wu  
Wynn

Young (AK)  
Young (FL)

# NOT VOTING—22

Baker  
Berman  
Burton  
Clay  
Deal  
DeGette  
Dingell  
Gillmor

Holden  
Hostettler  
Kind (WI)  
King (NY)  
Lucas (OK)  
McInnis  
Murtha  
Ortiz

Rush  
Sawyer  
Schaffer  
Stupak  
Towns  
Watkins (OK)

□ 1246

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERMISSION TO EXPAND TIME FOR GENERAL DEBATE DURING CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2586 in the Committee of the Whole pursuant to the order of September 19, 2001, general debate be enlarged to 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from Arizona?

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 19, 2001, and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2586.

The Chair designates the gentlewoman from Illinois (Mrs. BIGGERT) as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky (Mr. WHITFIELD) to assume the chair temporarily.

□ 1247

# IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, with Mr. WHITFIELD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, September 19, 2001, the bill

is considered as having been read the first time.

Pursuant to the order of the House of today, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

On August 1, the Committee on Armed Services reported H.R. 2586 with strong bipartisan support, a vote of 58-1.

The bill authorizes appropriations for the Department of Defense and for the Department of Energy national security programs for a total of \$343 billion in budget authority, consistent with the President's amended defense budget request.

Mr. Chairman, normally at this point we cover all the various initiatives in the bill and why this is a strong proposal to support our men and women in uniform. This bill is all that and more.

The bill contains the largest military pay increase since 1982 and provides significant increases in funding for critical military readiness accounts. The bill also makes great strides in beginning to fix our crumbling military infrastructure and makes a modest down payment on our next priority, the modernization of our aging fleet of combat equipment.

However, the bill also reflects the reality that existed prior to last Tuesday's terrorist attacks on the United States.

The tragic events of September 11, 2001, have changed our Nation. They exposed our vulnerability to terrorism and removed forever the belief that Americans here at home were safe from the kinds of barbaric attacks that have occurred against our citizens, our military personnel, and our friends and allies overseas. We now know that America itself is a target and that terrorists will not hesitate to use whatever means at their disposal to kill innocent Americans on a massive scale.

The terrorists' actions were deliberate and calculated. Our response must be as well. Once again, our Armed Forces are being called upon to defend this great Nation, this time from the scourge of terrorism. I have no doubt that they will rise to the occasion. But we must ensure that they have the proper tools and resources to do the job, now and in the future.

H.R. 2586 provides our men and women in uniform with the tools they need to combat the challenges our country will face in the next decade and beyond. The bill goes a long way toward helping our military recover from the devastating effects of the chronic underfunding that has taken place over the past 8 years. It is a critical step toward ensuring that the United States is ready to meet the

challenges that lie ahead, including the challenge of meeting and defeating international terrorism.

The bill recognizes that the war against terrorism will not be won quickly and that the United States will require additional capabilities to deal with the threat terrorism poses to America. To this end, the bill authorizes roughly \$6 billion for Department of Defense programs to combat terrorism. Moreover, the bill reflects the need to modernize America's military capabilities so that our country's vulnerability to other threats, including ballistic missiles, will be eliminated.

This is a good bill. However, despite the increases contained in the bill, additional resources will be needed. America's defenses cannot be rebuilt in a single year. The war against terrorism cannot be won with a single year of defense increases. Our ability to protect our citizens against other emerging threats cannot be assured with a single year of defense increases. The effort to improve our Nation's defenses and our people's security must be significant and it must be sustained.

That said, it is clear that the funding levels in this bill will not be sufficient to support the level of effort that the Department must undertake to hunt down and root out the perpetrators of last week's attack. I understand that the Pentagon and the administration are in the process of identifying additional resources required, and we hope to receive a proposal to address these needs soon.

Rather than wait until that proposal arrives, I urge the House to proceed with the approval of this bill and allow us to adjust it as the outlines of the administration's revised budget proposal become clearer. The bill is too important and contains too many critical legislative tools necessary for the Department to conduct its business to fall victim to the press of schedule.

I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been quite a trying year for the Committee on Armed Services. Last year I stood with Floyd Spence to offer the bill, which was titled in his name. I am very glad that Congress approved that bill, not least as a tribute to Floyd. Since then, too, the passing of Herb Bateman and Norman Sisisky took from our committee and the Congress great knowledge and wisdom.

A significantly compressed budget process challenged the committee's ability to maintain its required oversight role. And, more recently, the revived specter of military action led to consideration of significant changes in this bill.

Through all this, Mr. Chairman, I am grateful for the friendship and the

teamwork displayed by the gentleman from Arizona (Mr. STUMP). He has an open door and an open mind, which are in large part why I am able to say that I support this bill and ask my colleagues to do so as well. The road has been difficult, but the product is well worth the journey.

When we began work on this bill, America was at peace. We looked at the future and saw a world of new threats, from less traditional sources and differing means. Our goal as a committee was twofold: to help the military services make their transitions into this new world, while maintaining their capabilities to meet the needs of the present.

Then some of our worst fears were realized, and innocent Americans, civilian and military, became targets of an unspeakable and inhumane barbarism. The United States was thrust into a new kind of war, emphasizing intelligence and adaptability over force and firepower. Through the amendment and conference process, our bill will change to meet this new challenge without losing our other capabilities.

The gentleman from Arizona has told you of some of the bill's particulars. I am particularly proud of the pay raise for the men and women who represent America in uniform, and wish only that it had been higher. I am proud, also, of the way our subcommittee chairs worked with their ranking members in creating this bill. Plenty of creativity and tolerance went into their work. Even in areas of disagreement, the debate was agreeable.

And, to be sure, there are some worthy highlights. Of the \$343 billion authorized, the bill commits approximately \$10.3 billion to build and renovate new facilities and housing for the military services. It helps to privatize 28,000 units and builds 51 new barracks and dormitories. This is putting our money where the soldier is.

And we do not forget the families. The bill builds or improves 6,800 units of military family housing, makes substantial contributions to supporting additional quality-of-life enhancements like child development centers and fitness centers for military personnel, and improves basic working conditions.

As the Department of Defense considers how it shall fight in the decades ahead, our procurement and research development titles preserve the widest range of options. We do not take away capabilities commanders say they need, and back a full array of new and innovative approaches for the future.

The bill also begins to formally close the door on the Cold War. It takes a bold new step in our relations with Russia, allowing for the elimination of 50 Peacekeeper missiles. At the same time, it funds the cooperative threat reduction programs that make those

offensive reductions possible. Other adversaries would do well to note how cooperation in making peace leads to greater security on all sides.

There are many more strong reasons to support the bill, but let me set aside the formalities for a moment and speak to my colleagues from the heart.

One clear trend in the history of warfare is that war has come closer and closer to civilians. Now we are faced with an aggressor who deliberately chooses to make war on civilians.

We have a military, Mr. Chairman, of volunteers, each of whom has chosen to put on a uniform. Each of them knows that by doing so, he or she is saying this: "I will put myself between Americans and danger. I will risk my life and freedom to preserve yours. I will do what my country asks, and more."

Mr. Chairman, their strength and fidelity may soon be put to the test. I guarantee every Member that they will not be found wanting.

As they go, I hope and believe that they carry with them every good wish of those in this Chamber and across the civilized world. And I wish them God-speed.

Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Research and Development.

Mr. HUNTER. Mr. Chairman, this is a bill in which we generally have some fairly hotly contested issues. It is a bill in which Members voice strong opinions because national security issues evoke strong opinions. But all of us understand now that we have a major mission which predominates over all other missions with respect to this bill; and that is to give the President the tools that he needs to pursue the terrorists who struck America.

Because of that, Mr. Chairman, I think we are all going to be working together here as we walk through the floor with this bill and go to conference and try to keep our controversy to a minimum, try to compromise on packages, and try to move to the point where we are actually procuring for the President, for our armed services, the resources that they need.

□ 1300

So let me thank my colleagues, the gentleman from Massachusetts (Mr. MEEHAN), my partner on the Subcommittee on Research and Development; the gentleman from Missouri (Mr. SKELTON); all the other fine Members on the Democrat side of the aisle; and all my fine colleagues on the Republican side of the aisle, who make up this great committee called the Committee on Armed Services.

In R&D, let me tell Members where we have been moving. We have been trying to do everything we can to le-

verage America's technology, both militarily developed technology and commercially developed technology, to give our smaller forces which we now have today the capability to be extremely effective, extremely mobile, and extremely flexible.

This is a long, difficult challenge, and it is going to take years to make this change; but in a number of areas, we are making great strides with this bill. We are putting quite a bit of money into precision munitions, to upgrade our capability to use a single munition to do the job. Where, heretofore, you needed to use lots of dumb bombs, for example, to knock down a bridge or something of that nature and the ability to go in with a precision munition and make a single hit and do effective damage with that one hit, it is a great advantage that comes out of our technology; and that is something that we are trying to manifest in our munitions programs.

Stealth, Madam Chairman, the ability to fly aircraft through heavy enemy air protection to avoid and evade radar, so we can move our planes into position to strike and move them back out without losing pilots. That is an area manifested in the Joint Strike Fighter program, the F-22 program, and other programs which we are developing or are devoting a lot of resources to in R&D.

In the Army, the ability to move our forces quickly and to make sure that they are mobile enough and flexible enough to get into very small, tight, parts of the world, the problem that we discovered in the campaign in Kosovo. We are trying to rectify that with some changes in the makeup of our military forces and the armor forces that accompany those forces.

Madam Chairman, in the Subcommittee on Research and Development, we are devoting a large amount of dollars to help the Army change to a position where it is more mobile, more responsive, and especially more air mobile, because we have to get a lot of this equipment around the world in a very short period of time.

With respect to missile defense, we all understand we live in an age of missiles. That was revealed to us in the early 1990s when 26 Americans were killed in the Gulf War by ballistic missiles. Across-the-board, Democrats and Republicans are working on a whole family of anti-ballistic missile systems, some of which are deployable now, like PAC-3, which can handle some of the basic Scuds, right up to the testing range that the President needs for national missile defense. We think we are going to have a package on that a little later, Madam Chairman, that Democrats and Republicans can agree to.

So, across-the-board, Madam Chairman, on R&D we are doing everything we can to give our country broad capa-

bility against military threats. As we walk through this package, we are going to want to add things as we go into the conference with the other body to focus especially on new requirements as a result of the strike on America.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Madam Chairman, I thank our leader on the Democratic side for yielding me time.

Madam Chairman, at this particular time in our debate here in Congress, there is no more important bill that we are confronted with than this particular bill to provide adequate resources to our men and women in uniform and to all the people who work in support of those men and women in uniform. Certainly at this point in time in our Nation's history as we contemplate a wide variety of ideas and scenarios regarding what is an appropriate response to the heinous attacks that have been unleashed upon our people, the Defense Authorization Act for fiscal year 2002 will certainly be one of the most important defense authorizations in our history.

Madam Chairman, I rise today to join my colleagues in support of H.R. 2586, the fiscal year 2002 Defense Authorization Bill. This bill is well-crafted legislation and a result of tremendous bipartisan effort. It will go a long way toward ensuring that the bedrock of our security, our troops, will be well looked after and supported in the forthcoming year. It provides the largest military pay raise since 1982, and meets many of our military's modernization needs. This bill is essential to stemming the decline in readiness and buttressing the security of the United States and around the world.

In particular, I want to address the provisions in the act relating to the morale, welfare, and recreation activities of DOD. First, I want to acknowledge the outstanding leadership of the panel chair, the gentleman from Maryland (Mr. BARTLETT), and active participation and strong support of panel members. While there are few legislative provisions in this bill, it does not detract from the work of the panel or support of the committee for those provisions.

I also want to draw attention to some of the items in the defense authorization which will support Guam and its strategic role to our Nation's national security. There is over \$66 million in MILCON activities. The people of Guam stand ready to do their part.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of our Subcommittee on Readiness.

Mr. HEFLEY. Madam Chairman, I rise today in strong support of H.R. 2586, the National Defense Authorization Act for fiscal year 2002.

I believe the committee has done a good job in fulfilling its role of oversight of the Department of Defense and has done its best to provide the necessary funding to improve the readiness of our military forces. Let us not forget, however, that for many years we have asked our military to do more and more with less and less. Now, after the tragic events of last week, we will be asking our military men and women to do even more.

Although there have been many additional missions placed on our military forces over the years, there has not been a corresponding increase in funding to fully sustain our infrastructure and equipment.

We are all heartened that the funding levels requested by the administration for next year makes an attempt to arrest the decline in military readiness and begins the process of rebuilding and restoring our military forces. To accomplish this, the administration has had to significantly increase readiness funding this year as compared with last year. As an example, funding for flight operations has increased by over \$2.2 billion, which includes the increased costs for fuel and attempts to address the severe parts shortages. In addition, there is an increase for combat training of over \$825 million, an increase for facilities repair and sustenance of nearly \$500 million, and an increase of \$1.2 billion for depot maintenance and repair of equipment. These are significant increases; but, again, they merely halt the decline.

Madam Chairman, H.R. 2586 is a responsible, meaningful bill, that fairly allocates resources for the restoration of acceptable readiness and an acceptable quality of life for men and women of our military forces. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the military.

As we get this bill into conference, we may decide on or the President may come down with other needs based upon the events of the last few days and we can address those and we need to address those. For now, however, this is a good bill, and it deserves our support. I strongly urge my colleagues to vote yes on this bill, to vote yes to maintain military readiness.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Chairman, as the ranking member of the Subcommittee on Military Personnel, I would like to thank my friend and colleague, the fine chairman of the Subcommittee on Military Personnel, the gentleman from New York (Mr. MCHUGH), for his leadership this year.

Madam Chairman, each and every day our volunteer men and women in uniform go forward to protect America's freedoms. Sometimes they are

asked to pay the ultimate sacrifice, like those serving in the Pentagon on September 11. We owe those dedicated and committed individuals not only our gratitude but also our support.

With this bill, we continue to improve the quality of life for those men and women and their families who chose to serve our Nation. It provides the largest military pay raise since 1982, including a 6 percent minimum to enlisted members and a 5 percent minimum to officers, and targets up to 10 percent for mid-grade and senior non-commissioned officers.

The enhancements made to permanent change of station benefits will help to reduce out-of-pocket costs for those uniformed personnel and their families who often move to different bases to meet the needs of the individual services. And we continue to reduce out-of-pocket housing costs for families.

The bill directs improvements to protect the rights and privileges of military personnel and their families to exercise the constitutional right to vote. We have also made improvements to health care. The Department has been directed to review the need to provide health care coverage to reservists and their families, and it clarifies previously enacted benefits under TRICARE for Life and other TRICARE benefits which were authorized last year.

Given the expected increase in deployments for our forces as a result of the attack on the United States, I believe that in conference we need to review the \$100 per day deployment bonus for those deployed more than 400 days out of every 2 years. While I understand why this policy was developed and passed last year, to encourage the services to reduce the high rate of deployments for military personnel, and I appreciate the language that has been added to ensure that the potential impacts of the policy are looked at, we need to ensure that the deployment pay policy is fair, that it does not inadvertently harm military operations or that it becomes too expensive for the services, particularly the Navy and Marine Corps, to bear.

Madam Chairman, the bill before us today continues to improve the quality of life for those who serve their Nation in uniform and their families. These defenders of liberty need to know that their families are being taken care of while they are protecting our freedoms.

Once again, Madam Chairman, let me say it is a pleasure to work with the gentleman from New York (Mr. MCHUGH) and the members of the Subcommittee on Military Personnel. I urge my colleagues to support this measure.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from New York (Mr. MCHUGH), the chairman of our Subcommittee on Military Personnel.

Mr. MCHUGH. Madam Chairman, I thank the chairman for yielding me time.

Madam Chairman, let me echo the words of many who have spoken already. I know we will hear more about the great spirit of unity that we have seen displayed in the formulation of this bill, and that is a compliment, of course, to the Members on both sides of the aisle. But a particular word of thanks and appreciation to the chairman, the gentleman from Arizona (Mr. STUMP), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for their incredible leadership.

Madam Chairman, given the truly tragic events of Tuesday, September 11, in my home State of New York and Northern Virginia at the Pentagon, and, of course, in Pennsylvania, it certainly is fitting, timely and essential that we consider this bill at this moment.

Like so many others, I rise in strong support of this measure. I believe there are many, many reasons for each and every Member of this body to enthusiastically endorse the legislation when it is called for a vote.

Most importantly, Madam Chairman, this bill represents a balanced approach to improving national security, providing significant initiatives in modernization, missile defense, readiness, research and development, military construction and procurement and that kind of balanced approach. For the long-term improvement to our national security, it is absolutely essential to our mission and certainly is essential to dealing most effectively with those developments of September 11.

On the personnel side, I think that there are many exceptional provisions that certainly argue strongly in favor of this bill. I want to thank the gentleman from Arkansas (Mr. SNYDER) who just spoke for his leadership as the ranking member and for working with all of us on both sides of the aisle to put these provisions together. Although you just heard a number of them, I think they bear repeating.

Specifically, this bill builds on the administration's fiscal year 2002 budget request for military personnel and health care that causes this legislation to be the strongest, most robust proposal in years. It provides some \$6.9 billion more for the military personnel accounts than we provided just last year. That is the biggest 1-year increase in military personnel accounts since 1985.

It increases the health care operations accounts by \$6 billion over what was authorized in fiscal year 2001. It reflects a commitment shared by DOD and the Congress to fully fund health care for our brave men and women in uniform that we are now looking to to lead us in this, this greatest of challenges.

The legislation also provides for the largest military pay increase since

1982, including a 5 percent across-the-board increase for officers and a 6 percent across-the-board increase for all enlisted personnel.

Further, the bill authorizes retirement-qualified members of the uniformed services to receive VA disability compensation. This would allow us for the first time to meaningfully deal with that concurrent receipt issue. I want to thank the gentleman from Florida (Mr. BILIRAKIS), who has been such a leader in this provision.

The bill also very quickly reduces out-of-pocket costs that we require our military men and women to pay from 15 percent to 11.3 percent over the next year, keeping faith with the plan that we initiated to eliminate those costs, and many other provisions with respect to improving TRICARE, health care for our men and women in uniform, building on the budget request for so many other kinds of personnel issue accounts that are so invaluable as we ask these men and women to go forward to defend our Nation.

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As we ask these men and women to go forward to defend our Nation and defend our interests, this bill I think signifies very strongly our shared commitment to them as we go forward on this day; and I certainly urge all of the Members to strongly support this measure when the vote is called.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Madam Chairman, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2002.

As the ranking member of the National Nuclear Security Administration Oversight panel, I want to specifically address the provisions of the bill relating to the Department of Energy and the NNSA.

Madam Chairman, the decision to retain the oversight panel again this year sends a very clear message of Congress's intent to aggressively exercise its oversight responsibility in an area that is undoubtedly crucial to our national security. This resurgence of meaningful interest in the Department of Energy's defense nuclear activities will have a lasting impact on the activity that has been entangled in a bureaucratic kudzu since its inception. But unfortunately, this bill does not provide relief for all of the challenges the NNSA faces.

In light of the catastrophic events of September 11, I wish we could have provided additional resources to continue the development of technologies that would enhance our ability to detect the production, testing, transfer, or use of weapons of mass destruction. The administration's budget request severely reduces funding for nonproliferation research and development focused on

enhancing essential domestic non-proliferation capabilities. It is an area where we can ill afford to lose any momentum. I hope that my colleagues will continue to seek additional resources for this area as we enter into conference with the Senate.

Madam Chairman, I also want to note for the full House that the panel's accomplishments would not have been possible without the strong leadership of the panel chairman, the gentleman from Texas (Mr. THORNBERRY), and the support of the gentleman from Arizona (Mr. STUMP), the chairman of the full committee, and the gentleman from Missouri (Mr. SKELTON), the ranking member, and the cooperation and support of our colleagues on the panel and on the full committee.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Procurement.

Mr. WELDON of Pennsylvania. Madam Chairman, I thank our distinguished chairman for yielding the time and for his leadership on this bill, and I thank our distinguished ranking member for his cooperation.

This is truly a bill that I think reflects the need for this Congress to move forward aggressively in supporting our defense in a way that we perhaps have not done over the past several years. I am ecstatic that we have struck a balance. We have continued to fund aggressive support for missile defense, we have continued to fund aggressive support for modernization, and in this bill we begin to address the needs of the readiness shortfall that our troops have experienced.

Madam Chairman, just 2½ weeks ago, a group of five of us traveled around the country interacting with 20 of our colleagues as we toured 24 bases in 15 States to get a glimpse of the capability of our military to respond. What we saw was atrocious. We saw military bases that one would not put their worst enemies on. We saw raw sewage coming out of barracks. We saw day care centers for the children of the offspring of our personnel with mold on the wall, without adequate fire protection. This bill begins to address those long-term maintenance and improvement needs that we have had for so many years and begins to address the readiness shortfall.

I commend the leadership of both the majority under the gentleman from Arizona (Mr. STUMP), the chairman of the full committee, and the minority under the gentleman from Missouri (Mr. SKELTON), the ranking member, for allowing us to move forward in this area.

But we have done other things besides readiness. We have continued to work on this committee in addressing the issues relative to terrorism. I am proud of the fact that this committee has been out on the forefront, even

though we have had some silent ears in the past, of calling for additional funds to combat terrorism. In fact, Madam Chairman, it was this committee 2 years ago that called for the need for an integration of our intelligence capabilities, the establishment of a national data fusion center, and a national operations and analysis hub. It was this committee that called for that.

Yet the CIA and the FBI have not yet torn down the stovepipes that exist between our intelligence agencies. It was this committee that said all 32 Federal agencies must come together, because the most significant need for our military and our warfighters in the 21st century is the ability to do profiling, to use our intelligence systems to understand the enemy, to understand terrorists and terrorist groups and terrorist organizations.

This bill again reaffirms that priority. In fact, we are working for some specific funding to implement that during the process of moving this legislation. It is this committee who again, Madam Chairman, reestablishes the Gillmor Commission. The Gillmor Commission was created by this committee to look at the interaction between the military and our domestic responders. Long before the World Trade Center, we were on the cutting edge of telling the Congress and the American people that our domestic defenders, our international defenders, our military and our fire and EMS must work together. In this bill, we will continue the effort of that.

In every possible area of terrorism, we have been in the forefront and we will continue on the forefront. I urge my colleagues to vote "yes" on this legislation.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Let me take just a moment to compliment the gentleman from Pennsylvania (Mr. WELDON) on his efforts concerning the housing for our young people in uniform. He and the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Virginia (Mr. SCHROCK) made a series of appearances to look at the conditions of some of our young folks. We ask so much of them; and I think this bill does make, as the gentleman said, a major step in helping the living conditions for those young people in uniform, and we thank him for his efforts in that regard.

Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I rise today to support the defense authorization and to thank the gentleman from Arizona

(Mr. STUMP), the chairman of the committee, and the gentleman from Missouri (Mr. SKELTON), the ranking member, for putting together a strong defense bill.

In this time of national crisis, I am pleased that we are able to come together to support increased funding for our military services. Our combat troops, which President Bush has or soon will call to deployment, are trained and ready; let no one anywhere make any mistake about that. These men and women who are at the point of the spear are ready to handle whatever mission we require of them. However, it is those others who are further back from that point that need increased funding to fix problems.

I want to also thank the gentleman from Pennsylvania (Mr. WELDON) for having the vision to put together a fact-finding trip that we recently completed. On this trip we visited 23 bases across the country and saw horrendous living and working conditions. Ceilings were falling in, sewage was backing up; our men and women in uniform and their families were being forced and are being forced to live in substandard housing.

Madam Chairman, we have the finest military personnel in the whole world, and they simply deserve better. They give us 110 percent each and every day, and we as a Nation owe them a better quality of life. This bill will begin to fix some of those problems, but we must still do more for them. In this time of great peril and danger, let us not forget to get our priorities straight. I ask all of my colleagues to support this bill.

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Madam Chairman, I rise in strong support of our National Defense Authorization Act.

Madam Chairman, I rise in strong support of H.R. 2586, the National Defense Authorization Act.

Before I begin in earnest, I would like to pause for just a moment to pay my respect to someone who is not with us today, our good friend Floyd Spence. In my entire time on the House Armed Services Committee, I have not experienced an authorization bill without him. I will miss Floyd greatly and I know that I join my colleagues in sending our thoughts and prayers to his family.

I want to thank Chairman STUMP and Ranking Member SKELTON for their leadership, hard work, and dedication to our men and women in uniform. Because of their efforts, the Defense Authorization Act for Fiscal Year 2002 reflects the strong bipartisan values of the committee and this legislative body in favor of securing and maintaining the most capable defense force in the world.

Madam Chairman, H.R. 2586 represents this committee's and Congress' desire to rebuild our Nation's Armed Forces after years of neglect. Specifically, the legislation reflects the

President's request for the largest increase in defense spending since the mid-1980s. In total, the President request and the House Armed Services Committee approved a \$33 billion increase from the fiscal year 2001 spending level.

Madam Chairman, I want to highlight two specific areas where I believe the committee has done exemplary work. First, the committee approved the largest military pay raise since 1982, significant construction efforts to improve the facilities in which military personnel live and work, and substantial increases to readiness accounts that support operations, maintenance, and training.

Second, the committee fully funds the required upgrades for the B-2 bomber. By including \$123 million for Link 16 and in-flight replanning, the committee has given the B-2 the required equipment to accomplish the job its capable of doing. Furthermore, the committee has asked the Air Force to report back on the number of B-2s it will need to accomplish the mission set out by Air Force Chief of Staff General John Jumper's Global Strike Task Force. While I believe that more B-2s would accomplish the mission, it is important that the Air Force provide us with this data so that Congress can appropriate the needed funds to support their mission.

In view of last week's events and the commencement of Operation Infinite Justice, swift action by this legislative body will further demonstrate the unity and determination of this great Nation to overcome the challenges before us.

May God bless America and the brave men and women who are putting their lives on the line to defend it.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of our Subcommittee on Research and Development.

Mr. SAXTON. Madam Chairman, I rise in strong support of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

Prior to the August recess, the Committee on Armed Services met to mark up this legislation and ordered it reported by a vote of 58 to 1, a testament to the tradition of bipartisanship of the committee.

I must say that I have been gratified by the strengthening unity of purpose which has seized this House. As a matter of fact, Madam Chairman, if the terrorists who perpetrated last Tuesday's attacks hoped to play on any partisan or policy differences we may have with each other, they have failed. As a matter of fact, the aisle that separates the two sides of this House has disappeared.

Obviously, in light of the horrific terrorist attacks of September 11, many aspects of the defense program will be looked at anew; but we are pressing ahead with this bill because there are many, many important defense priorities addressed in this measure. All of us in this great body understand that we need to relook at everything we have been doing to protect our national

security, and I promise my colleagues that those needs will be our first priority as we meet in conference with the other body to give final shape to this measure.

Even though we all yearn to act now, the prudent course of action is to address the requirements that the Secretary of Defense identifies, requirements that have been studied hard over the last 10 days. I know the Secretary is working hard with members of our leadership and with the chairman and vice chairman of the Committee on Armed Services to develop our priorities for our consideration; and in the weeks ahead, we will be considering those measures.

As chairman of both the Special Oversight Panel on Terrorism and the Subcommittee on Military Installations and Facilities, I will be very active in pursuing effective ways to defeat the scourge of terrorism while allowing all Americans, but particularly those who serve in the military, to live and work without fear of sudden attack. Clearly, we must do what we can to protect the safety of our citizens, our military, and our military families. Just as importantly, we must find ways to streamline the security processes so that military bases are reasonably accessible.

In all of this tragedy, there is a glimmer of hope. For example, there is evidence that the improved reinforced measures that have been taken in new construction have saved lives. I am told, and will go and visit soon to see for myself, that portions of the Pentagon that have been renovated, which included several explosion-resistant features, stood up far better than the original structure. I will be leading a delegation of my colleagues to examine the damage very soon and promise my best efforts to do whatever we can to protect all Americans from terrorism.

Later this week, the Committee on Appropriations is expected to bring to the floor the bill to provide appropriations for military construction for the coming year which, of course, are also included in this bill. Our two committees have worked closely together, that is, the Committee on Appropriations and the Committee on Armed Services, in the development of the MILCON program for the next fiscal year. The gentleman from Ohio (Mr. HOBSON) and the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Massachusetts (Mr. OLIVER) have worked closely together with all parties, and our bills mirror each other. H.R. 2586 would commit approximately \$10.3 billion, roughly \$350 million more than the President's request, to the military construction and military housing for the coming fiscal year.

In closing, I want to again express my appreciation to the members of the subcommittee who have contributed to

this bill. In particular, I want to express my appreciation to the gentleman from Hawaii (Mr. ABERCROMBIE), with whom I have worked for many years, and I value his counsel.

Madam Chairman, I encourage all Members to support H.R. 2586.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), who is the ranking member on the Special Oversight Panel on Terrorism.

Mr. TURNER. Madam Chairman, I am pleased to rise in support of the 2002 National Defense Authorization Act. I want to say I am pleased to follow the gentleman from New Jersey (Mr. SAXTON), the chairman of our terrorism panel, who has done such an outstanding job working on that very critical issue. I am pleased to serve with him on that panel.

I also want to thank the gentleman from Arizona (Mr. STUMP), the chairman of the committee, for his outstanding leadership, and to thank the gentleman from Missouri (Mr. SKELTON), our ranking Democrat on the committee. These two gentlemen have worked tirelessly and have worked together, along with our committee staff, to produce this piece of legislation.

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In my view, there are many reasons to support the bill that is before us. It includes pay for military personnel, a pay raise; it includes funding for additional acquisition; it addresses several quality-of-life issues. However, I am particularly pleased with the fact that this bill makes significant improvements to address the new and ever-changing realities of the environment we live in today, brought home so tragically to us on September 11.

As many of our colleagues have pointed out, America faces its greatest challenge since the Second World War. Last week's terrorist attack on the World Trade Center and the Pentagon has shown all Americans that the threat of terrorism is ever present on our shores and abroad. It exhibits vast destruction capabilities and sophistication. It is like a threat we have never faced before.

With it, there is a bonus. We must be diligent in our efforts to embrace new response methods and techniques. This legislation makes great strides in our efforts toward that end. The research and development provisions add a significant amount of funding for a variety of transformational and leap-ahead technologies. This legislation provides for even more investments to combat terrorism, and also to handle consequent management and force protection.

Madam Chairman, we recognize the continuing possibility of future terrorist attacks. I urge all Members to join with us in support of this legislation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN), a member of the committee.

Mr. HANSEN. Madam Chairman, I thank the gentleman for yielding time to me.

As the President said, we have seen the first battle of the first war of the 21st century, but there are many battles to come. Even as we speak, our military forces are deploying to the farthest reaches of the planet to begin the noble campaign to rid the planet of the scourge of terrorism.

I appreciate the gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for the great work they have done on this very important piece of legislation.

I would like to say one thing: This bill has some things that are very important to the ranges of America. As many realize, there have been some real encroachments in it. We had one hearing where they said they could only use 18 percent of Camp Pendleton because of the Endangered Species Act, a small percent of Fort Hood, and challenges coming around. This piece of legislation allows us to have the military have some hand in the Endangered Species Act.

If Members read the 1973 Endangered Species Act, the Secretary of Defense has a prerogative in there to utilize it, and I would urge the Secretary to take a look at that bill. That may help him.

This bill also sets aside the referendum in Vieques. At a time like this, I am sure Puerto Ricans and Americans all over will stand tall, square their shoulders, and say that this is important. And it is important when the JFK goes out that it has live-fire training, that they do not go out unprepared. That is an extremely important thing.

It gets into the idea of readiness, of \$7.5 billion more for readiness, which is so important at this time. I think the gentleman from Pennsylvania (Chairman WELDON) and others who have worked admirably in getting this bill ready to go on things that will protect America.

This is a good piece of legislation, a piece of legislation that should be passed. If Members read the Constitution of America, what is the reason we are here in these offices anyway? It is not a lot of this stuff we have been debating for the past year. The main reason we are here is to defend our people and defend this Nation.

This is the first piece of legislation I have seen this year that does it, and it is a good piece of legislation. Let us all vote for this bill.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I thank my friend, the gentleman from Missouri, for yielding time to me.

At a time of great uncertainty in our country, this bill provides strong assurances to the American people. When our Commander in Chief calls our men and women in service to action, they will be ready because of this legislation and other bills from this committee that have gone before it.

When the planes need to fly and the ships need to be deployed and the Marines need to land and the soldiers need to do their work, they will be ready because of the diligence and vigilance of Members of this committee on both sides of the aisle.

This bill does a lot to make them even more ready. It raises their pay, and makes significant steps towards improving the conditions in which their families live. It provides for funding for the ships, the planes, the weapons that they will need to do their job. As a member of the Subcommittee on Military Research and Development, I am particularly pleased that under the leadership of the gentleman from California (Chairman HUNTER), with the active leadership of the gentleman from Massachusetts (Mr. MEEHAN), we were able to increase by \$6 billion, from \$41 billion in the present fiscal year to \$47 billion in the forthcoming fiscal year, the resources for research and development.

If Members want to make the airports safer, these research and development projects will make it so. If Members are looking for ways to defend America's civilian infrastructure from attacks that we dread and anticipate, these projects are the way to make it so.

Our enemies should note duly this afternoon, we are united on this bill. We will go forward together, and when our Commander in Chief calls, our troops will be ready as a result of this legislation. I urge its passage by the House.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), chairman of our Panel on Morale, Welfare and Recreation of the Committee on Armed Services.

Mr. BARTLETT of Maryland. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in support of H.R. 2586, the National Defense Authorization Act for fiscal year 2002.

Under normal circumstances, I would confine my remarks to the provisions in the bill relating to the morale, welfare, and recreation and activities for military personnel in my capacity as chairman of the Panel on Morale, Welfare, and Recreation of the Committee on Armed Services. I certainly wish to thank my ranking member, the gentleman from Guam (Mr. UNDERWOOD), for his commitment and help.

But these are far from normal circumstances. The morale, welfare, and recreation provisions are important,

and I commend them to all Members of this great body. More to the point, the overreaching purpose of this bill is to strengthen the national defense. The barbaric, despicable acts of terrorism committed just last week brought home the grim reality to us that our enemies are real, they are clever, and they are determined. We must not rest until others responsible are brought to justice. We in Congress must not rest until we discharge our sacred duty to provide for the common defense of this great Nation.

In my opinion, we should have been doing more. However, this is not the time to dwell on what we did or did not do in the past. As Members of Congress, we must fulfill our responsibility to work together to provide the men and women who volunteer to serve in our military with the tools and resources they need to exact justice and ensure victory against the terrorists.

I am sure we will have disagreements about exactly how to do that as this effort moves forward. We have to keep focused and united behind the ultimate goal of securing liberty for ourselves and our posterity. This bill and the \$40 billion supplemental we passed a few days ago are a good start. More should and will be done, but this bill, as we will amend it today and tomorrow, is a good follow-up to the supplemental, and I urge all Members to support it.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Chairman, I thank the chairman and ranking member for putting together a good bill.

While I take issue with the bill's acceleration of national missile defense, the overall bill is worthy of support, especially given the importance of supporting our troops in the war on terrorism.

Let me take a moment to mention a little-noticed but important part of the bill, the maritime section. I thank the gentleman from California (Mr. HUNTER), the chairman of the Merchant Marine Panel, for crafting a quality bipartisan product.

The likelihood of a military buildup overseas shows that the need for a ready and viable Merchant Marine fleet and a shipbuilding industrial base remains as critical as ever. The committee recommends \$104 million to maintain the Title 11 loan guarantee program, and provides \$99 million for operation of the Maritime Administration, including the U.S. and State maritime academies.

In addition, we did not support the President's request to transfer the maritime security program from the Department of Transportation to the Department of Defense because the committee has not received any justification for the transfer.

As the Nation stands united after the terrorist attacks, today is not the time

for controversial debates. But there are items in this bill worthy of a full debate and vote in the future.

For example, I believe the massive increase for a technologically unproven national missile defense to deal with the least likely terrorist threat to this country is misguided, given the more conventional and readily apparent terrorist threats that we face. Moreover, withdrawal from the ABM Treaty could undermine our ability to keep Russia as a reliable partner in the antiterrorism coalition.

The administration's fiscal year 2002 budget adds \$3 billion for missile defense, a 57 percent increase. Its original increase for counterterrorism was only one-eighth as large, a mere 7 percent increase. The response to September 11 has already required defense increases, from air patrols at home to reserve call-ups to deployments overseas. But we should not use this tragedy as an excuse to throw money at the Pentagon. New spending should be justified by an overall strategy and reviewed by Congress. This crisis does not obviate the necessity to prioritize.

Again, I urge support for this bill to give full support to the American men and women who may be asked to put themselves in harm's way in our war on terrorism.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of our Special Oversight Panel on Department of Energy Reorganization.

Mr. THORNBERRY. Madam Chairman, like other Members, I rise in appreciation and admiration for the leadership shown by our chairman, the gentleman from Arizona (Mr. STUMP), and by the gentleman from Missouri (Mr. SKELTON) in moving this bill, particularly at this difficult time.

I also appreciate the participation of all the members in the special panel dealing with the Department of Energy's nuclear weapons program. At this time, as it has been for the past few years, security of our nuclear weapons and the complex which produces them has been a very high matter of concern.

I can report to the House that General Gordon, who is the administrator of the National Nuclear Security Administration, has done a good job, in my view, in making sure that our nuclear weapons facilities are secure, and particularly in this difficult time.

Along with the very distinguished ranking member of the panel, the gentlewoman from California (Mrs. TAUSCHER), we have worked side by side over the past year in overseeing the reorganization which Congress passed a few years ago.

Included in this bill are some minor adjustments to the reorganization which I think are good and prudent and requested by General Gordon. But the bigger bill also provides more funding for our nuclear weapons projects, in-

cluding some set-aside money for our facilities, which have been very badly underfunded in recent years, and I think helps give the necessary emphasis on these critical elements of our defense posture now, just as much as 2 weeks ago.

Madam Chairman, in the broader sense, I believe this bill takes important steps forward in making sure that we are prepared for the challenges of the future. One thing that the events of last week reminds us is that the United States can be attacked by more actors using more different methods than ever before, so we have to have a military that is more flexible and more adaptable. This committee has been pushing to make sure that we have expanded capabilities that can deal with this greater variety of threats.

Among the things that are included in this bill are a suggestion that the Secretary of Defense establish a transformation office within his office, to have an advocate in the highest reaches of the Pentagon to make sure that we are preparing for the wars and challenges of the future, not refighting the wars of the past.

Included in this bill are important provisions dealing with space, because while a lot of our focus now is on these particular acts of terrorism, this country can also be subject to economic terrorism, if for example satellites were disabled, and it would also of course cripple our military. Having control of space and giving space the proper attention it needs is a critical thing.

We support the Army's efforts to transform itself to have smaller units that are more mobile and more lethal, and obviously the events of recent days point out the importance of that. This bill also moves ahead with the conversion of the Trident Submarines into SSGNs. It is an important step that gives us additional capability.

So this bill helps move us forward and will make us better prepared to deal with the challenges ahead.

Mr. SKELTON. Madam Chairman, I yield 7 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Madam Chairman, I have grave concerns about this bill. I would first like to say that I hope that reason and common sense prevail in any decisions on our Nation's future response to terrorism.

Madam Chairman, I pray for God's intervention in ensuring the safe return of our many young men and women who are now being sent off to fight this war against terrorism. They face tremendous dangers and uncertain futures, and their families will endure many long and sleepless nights waiting for their return. We must remember them all, and acknowledge the great personal sacrifices they are going to have to make on our behalf in the coming days.

H.R. 2586 represents a near \$33 billion increase from last year. In comparison,

appropriations for diplomacy and foreign aid total only \$22.9 billion, a mere 6 percent of the entire defense budget.

□ 1345

With the financial mismanagement that continues to exist within the Department of Defense, increases should not be made until a system of financial responsibility is instituted to prevent waste and address the lack of accountability.

The single largest portion of the budget increase is dedicated to the development of missile defense systems. It should be apparent to us all now that ballistic missiles are not our worst threat at this time. Expensive high-tech weapons are no substitute for effective diplomacy. Arms control, disarmament, and international cooperation will be far more effective in advancing peace and security in the years ahead and will cost far less than a missile shield.

This bill also prevents our Nation from reducing our nuclear weapons arsenal and from de-alerting our nuclear weapons stockpile. In light of recent events, I think it would be prudent to de-alert our nuclear missiles and to retire as many as possible, lest they become greater targets or be turned against us.

I regret that the committee did not support the Sanchez amendment to change current law to permit servicewomen and female dependents who are overseas to access military hospitals for the purpose of privately funded abortions. This provision is tantamount to gender discrimination and should be changed.

This bill also reduces the likelihood of the Navy's departure from Vieques. It is my hope that the administration will be permitted to go ahead with its plans for withdrawal from Vieques in 2003.

There have been recent revelations about the use of military intelligence for domestic purposes, specifically with respect to the surveillance of Dr. Martin Luther King, Jr., and Operation Lantern Spike. Evidence of such past activities give rise today to grave constitutional issues and concern about civil liberties. The 1975 report written by the Frank Church Committee revealed practices abhorrent in a free society. The Church committee exposed that in the name of State security a program of manipulation, surveillance, disruption, and murder was carried out with the consent of those at the highest levels of the United States Government and against domestic and international law. Domestic uses of the military have long been prohibited, for good reason, and the same should continue to apply.

The escalating war on drugs is another problem area for us. As with the continued bombing of Iraq, I think now is not the time to be fighting proxy

wars overseas, making more enemies abroad than we may already now have. Now is a time to focus on diplomacy abroad and justice and security at home. As such, I do not support continued funding for training for civil conflicts in Colombia and elsewhere.

Despite my reservations with this legislation, it does include positive aspects that I applaud. I would like to commend the committee for the increase in military pay and salaries. This is an appropriate step that not only provides our servicemen and women with sufficient compensation but also furthers the professionalism and enhances the retention of our servicemen and women. Similarly, increases in moving allowances, housing expenditures, provisions permitting concurrent receipt of retired pay and veterans' disability benefits, and efforts to promote voting rights of personnel are praiseworthy.

Much has changed since the committee passed this bill in August. However, I am still confident that many of the nations that we perceive as a threat will respond to the expansion and proliferation of missile defense, the expanding role of the military and drug interdiction, and preventions of reductions in nuclear missiles. It is uncertain how these nations will respond, but I am confident that diplomacy and engagement will have a much more positive effect on our national security than will expanding the defense budget.

I urge this body to consider its role in developing not only national policy but also international relations, and to realize that as a global leader we have a role in not only preparing for war, but also in promoting peace.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. RYUN), a member of the committee.

Mr. RYUN of Kansas. Madam Chairman, I want to thank the chairman and ranking member of the committee for their hard work on this bill.

Madam Chairman, this Congress is still experiencing the pain of a tremendous tragedy. America's military personnel and their families will be called on to make even greater sacrifices to protect the freedoms of our Nation. Unfortunately, for too many years they have been called on to do more with less.

Now, more than ever before, we realize our presence represents a stabilizing force to countries around the globe. With the pace of deployments likely to increase, the Committee on Armed Services has appropriately concentrated on enhancing quality-of-life issues in support of our deserving personnel.

I support H.R. 2586, the Fiscal Year 2002 National Defense Authorization Act, because it directly addresses the quality-of-life problems today's service members are experiencing. In total, the

bill authorizes \$343 billion for defense spending in 2002. Of the \$33 billion increase from last year, military health care receives a 54 percent increase in funding. Clearly, this is one of the largest given in this critical area in many years.

It is a well-known adage in the military that you recruit soldiers and you retain families. Quality of life is essential in recruiting and retaining quality personnel. If we are serious about resolving the attrition problem, we must continue to focus on the quality of health care for the entire family. That is why I wanted to eliminate a burdensome requirement experienced by military spouses in maternity-related care.

I believe that service members should not have to worry about administrative health care problems their families may suffer. It detracts from their focus on their work, when their work demands total attention to protect our Nation. This bill appropriately calls on the Pentagon to make some changes. They are required to report on how they are operating under recent changes made in this aspect of beneficiary health care.

Congress must move ahead to remove the pressures felt by America's military personnel who put their lives on the line every day to protect America's freedom. H.R. 2586 makes great strides in adequately addressing pay, housing, and health care for our soldiers, sailors and Marines. I urge my colleagues to vote "yes" on this very important piece of legislation.

Mr. SKELTON. Madam Chairman, may I make an inquiry of the time we have remaining?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 33½ minutes remaining, and the gentleman from Arizona (Mr. STUMP) has 29 minutes remaining.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Chairman, I appreciate the gentleman's courtesy in yielding me this time.

As the Nation's eyes turn towards what we can do to protect our citizens from these horrible actions of terrorist violence, it would be sad, in an era of unprecedented increase in military spending, if we did not also do everything we could to save the lives and health of innocent Americans.

Sadly, as the committee has recognized, the landscape across this country is still littered with the explosive residue from years of military testing, storage, unexploded ordnance and other toxins that have taken the lives of adults and children and threatened the health of Americans across the country, including right here in Washington, D.C.

I wish to thank the chairman and ranking member for the committee's

action to do something about this important problem of unexploded ordnance. I appreciate the committee's including the most important provision of this legislation, which the gentleman from Alabama (Mr. RILEY) and I have introduced to deal with this problem that is not theoretical and touches every congressional district, and that is to inventory the sites and provide a program for their prioritization.

We are going to have to address the problem of unexploded ordnance at some time. The current rate of cleanup will take hundreds, some have even estimated it may take as many as a thousand, years. That is unacceptable. Sooner is better for the environment, for our citizens, and for the taxpayers. I hope that this last week's tragic incident will strengthen our resolve to do everything we can to make our citizens safe in every way possible.

Unexploded ordnance, also known as UXO, is the bombs and shells that did not go off as intended and are subsequently buried or litter the landscape. Our bill, the Ordnance and Explosives Risk Management Act (H.R. 2605), lays out policy guidelines to address this problem.

Section 311 of the Committee bill calls for an inventory of explosive risk sites at former military ranges. It requires DOD to complete and annually update the inventory that is already begun and establishes criteria for site prioritization among UXO sites.

I want to clarify the purpose of this prioritization requirement. It requires the Department of Defense to develop much more detailed information on the nature and extent of the unexploded ordnance problem that it has compiled to date. Recent GAO reports have concluded that the Department of Defense does not have a complete inventory of current and former training ranges, and that DOD may have overlooked as many as 200 former training ranges in compiling a survey of Formerly Used Defense Sites for the Senate Armed Services Committee. Thus, DOD has likely significantly underestimated the scope of the unexploded ordnance problem. In addition to woefully incomplete information on the scope of this problem, DOD has not been able to provide much information on the urgency of cleaning up the many sites that have been identified.

Some have expressed concern to me that the prioritization requirements of the new section 2710 (which is added to Chapter 160 of title 10, United States code) may preempt states' regulatory authority. That certainly is not the case. I want to emphasize that these requirements are simply intended to generate information on the relative urgency of necessary response actions at and within different ranges. These provisions are not intended to impair or alter, or diminish any existing federal or state authorities to establish requirements for investigating and responding to ordnance contamination.

Madam Chairman, I am pleased to note that the Senate is addressing similar issues to this inventory requirement regarding UXO in its version of the FY02 Defense Authorization.

We in the House of Representatives look forward to combining and improving the language in conference in pursuit of what appear to be our common objectives.

It is difficult to find a Congressional district that does not have a UXO problem: over 1,000 formerly-used defense sites (FUDS) are known or suspected to be contaminated with it. They are located from extremely remote areas in Alaska to dense urban environments such as the Spring Valley neighborhood in Washington, DC.

Many of these sites are located in already heavily populated urban areas bordered by housing developments, schools, and parks. Much of this land is otherwise highly desirable, yet its use is restricted due to UXO contamination. At least 65 people have been killed in this country by accidents with UXO, most of them since World War II.

This inventory requirement is going to enable us to begin to learn more about the scope of the UXO problem and provide what is needed for our families to be safe, healthy, and economically secure.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SIMMONS), a member of the committee.

Mr. SIMMONS. Madam Chairman, I rise today in strong support of this legislation; and I commend the chairman, the ranking member, and the staff for their excellent work on this bill.

The past week has been one of tremendous challenge for this Nation and for this Congress; and as we stand here today, thousands and thousands of Americans in uniform are moving by land, sea and air to take part in what may be a long and difficult campaign against a vicious enemy. It is with great seriousness and bipartisanship that we work here today.

When I served as a young lieutenant in Vietnam, America was divided on the war. This made the war particularly difficult for me and for my generation. Today, I hope we stand with strong bipartisan support for this defense authorization bill. It is my hope that this bipartisanship will continue as we deploy the men and women of our armed services to defend our citizens, our interests, and our values both here at home and abroad. They deserve our unanimous support, and they certainly have mine.

The Second District of Connecticut is home to the Naval Submarine Base at New London—the proud home to nearly 10,000 military families and civilians who maintain and support 21 fast attack submarines within Submarine Group Two. The quality of life improvements in this bill have a major affect to many of these hardworking people in the community I have the privilege of representing.

Our men and women in the military and their families are this bill's primary focus. The pay raise, the highest single increase since 1982, is a critical element towards improving retention, morale, recruitment, and quality of life. Each day there are thousands of men and women who get up and put on a uniform and serve their country abroad or on the seas.

They guard our shores, provide stability in unstable regions, provide security to our allies, and deter our adversaries. These patriots have not experienced the years of prosperity in the same way that civilians have; this bill makes a significant step overcoming this disparity.

At the end of this month the Department of Defense will report the Quadrennial Defense Review to Congress outlining the findings of numerous reviews and studies it has conducted over the past months. This is expected to highlight the efforts of this administration to transform our military to meet the threats of the present day and those of the future. Madam Chairman, I was pleased that the President's budget and this bill already contains a significant step towards transforming our military to better meet the needs of the future, and it does so in a cost efficient manner through the Trident Submarine Conversion program.

Taking a Trident Ballistic Missile Submarine and converting it into a Guide Missile Submarine with 154 Tomahawk Cruise missiles is transformational. It provides the United States with a massive, stealthy, long-range knock-the-door-down capability, equal to 70% of the firepower of a carrier task force. A Guided Missile Submarine, an SSGN, could be manned by a crew of 120 compared to 7000 for carrier task force. The cost savings in personnel and in operations and maintenance is clear. This bill funds the conversion of two of the four Tridents currently requiring refueling and sets the course for the conversion of the remaining two. Let us now complete this transformational initiative.

Finally, I am especially pleased that this bill addresses one of my priorities—solving the problem of American soldiers on food stamps. Last year's targeted sustenance benefit and this year's large pay increase will make great strides toward reducing the numbers of our soldiers on food stamps. In addition, the bill continues to reduce out-of-pocket housing costs by increasing housing allowances to cover 88.7% of housing costs. Military families will therefore not be overburdened by the high cost of opting to live in off-base housing—at a time when DOD itself has deemed that 60% of the military family housing units it maintains are “substandard.”

While the bill will reduce the need for soldiers to use the food stamp program, I am especially pleased that the bill includes language that will work to prevent soldiers from going on food stamps in the future. This bill directs the services to examine and evaluate their financial management training and supplementary programs to prevent financial mismanagement—a condition that not only can lead to military personnel needing food stamps, but also leads to marriage and family dissolution, service separation, and professional decline. At a time when personal bankruptcy filings are at near-record levels, I believe this is a smart, pro-active rather than reactive approach to meet the needs of our service men and women.

I thank the chairman of the Subcommittee on Military Personnel, the gentleman from New York (Mr. MCHUGH) and the ranking member, the gentleman from Hawaii (Mr. ABERCROMBIE), and the subcommittee staff for

their assistance on the food stamp and financial management issues. I commend the chairman, the gentleman from Arizona (Mr. STUMP) the ranking member, the gentleman from Missouri (Mr. SKELTON) and the committee staff for putting together this legislation, and look forward to working with you in the future on these important issues.

Mr. SKELTON. Madam Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I thank the gentleman for yielding me this time.

Air Force Colonel John Boyd, perhaps our Nation's greatest military strategist, once said, "Machines don't fight wars, people do, and they use their minds." Last week, a group of terrorists shattered all of our established notions of warfare, commanding four of this country's own commercial airlines and utilizing them as weapons that wrought catastrophic damages on two of our major cities. Yet today, we gather to debate a defense bill oriented towards the type of war fought in past generations.

The tactics the perpetrators employed, fourth-generation warfare, are vastly different from traditional modes of battles. They are unorthodox and irregular, as likely to be carried out by non-state actors as nation states. They seek to create chaos by attacking people, cultures, and institutions rather than militaries. They have been in development for years, and on September 11th they became impossible to ignore.

The bill we debate here today allocates \$343 billion for the defense of our Nation. Will the expenditure of this money protect our Nation from the type of attack we faced last Tuesday? That is a key question. Will the 13 F-22s we will buy next year for \$4 billion have been able to prevent the hijacking of these four airliners? What of the role of the 55-ton Howitzer the Army is requesting \$500 million for? What of the role of the Land Attack Missile Destroyer? What about the ballistic missile defense system, the development of which to date has consumed over \$60 billion of taxpayer money?

Will any of this equipment help prevent or counter the next attack against our Nation? Will this equipment, for instance, be of any use against a suitcase bomb, which uses conventional explosives to distribute nuclear waste products?

Our military establishment seeks \$33 billion more than last year, the largest defense increase since the Cold War, for a total budget as large as the next 15 defense budgets combined, in order to leap ahead into the future. But this leap-ahead technology is rooted deeply in the past. Our current force is more than adequate at dealing with conventional battlefield threats. What we lack is the ability to deal with this new sort of warfare.

We need, then, a new set of principles to form the backbone of an efficient and effective national defense.

□ 1400

First, we need a force that is capable to adapt to changing circumstances, a force that is comfortable and capable countering a terrorist infiltration as an invading army. To accomplish this we need accurate and comprehensive information upon which to base our decisions. This includes information about ourselves, our systems, our current capabilities, our expenditures, as well as our potential enemies.

Finally, borrowing from Colonel Boyd, we need to acknowledge that our people, not our machines, are our most important assets.

The Pentagon, for example, in this context has never passed an independent audit, cannot properly document trillions of dollars in accounting entries, cannot account for all of its equipment, overpays its contractors and uses unrealistic assumptions in all aspects of planning, according to audit agencies.

We have the opportunity to construct an efficient and versatile force oriented towards the diverse threats facing our Nation, one that exploits the ability of a talented officer and enlisted corps and utilizes machines as their tools. But our Nation has much work to do before we complete that task, and we are in a position to accomplish it.

Madam Chairman, I want to thank the ranking member and also the Chair for this opportunity. I know they are trying to do what is best for this country. We have a lot more work to do.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, more Americans died last Tuesday than in our Revolutionary War. Therefore, I strongly support this bill and commend the chairman, the gentleman from Arizona (Mr. STUMP), and our ranking minority member, the gentleman from Missouri (Mr. SKELTON), for their excellent bipartisan work on this national defense measure.

As a Reserve Naval intelligence officer and a new member of the committee, I strongly support almost all of the provisions of this bill. I would especially like to thank the gentleman from Arizona (Mr. STUMP), the gentleman from Ohio (Mr. NEY), the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. DREIER), the gentleman from Missouri (Mr. SKELTON) for their support for my amendment, which would allow polling places to be established on military installations.

The Kirk-Langevin amendment would clarify an arcane statute that outlaws "military presence at voting facilities," hence, allowing the Department of Defense 1999 memo to prohibit

establishing polling places on military installations. The section of the U.S. Code that our amendment seeks to repeal was enacted in 1865 in response to irregularities during the 1863 elections involving Union troops at polling places in Maryland and Delaware. Voters in some States were reportedly asked to take an oath of loyalty to the Union before voting with Union soldiers preventing others from voting.

At the time the law was enacted, it was an appropriate response to these irregularities. However, the 1999 DOD interpretation of the statute makes voting for our men and women in uniform very difficult.

When the DOD issued a directive to base commanders instructing that polling places should not be located on military installations, it has forced existing polling places to be relocated. According to the CRS, an April 2000 survey of State election officials identified at least 20 jurisdictions that have lost polling places and others that were vulnerable. Some of those polling places had been used for at least 15 years. It is time to let State and county officials decide to choose the convenient places for our people to exercise the franchise granted by the Constitution.

Our amendment is to clarify this arcane law, making voting more accessible to our men and women in uniform. I thank my colleagues and I thank them for including this in the en bloc amendment and urge support for this legislation.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOFFEL).

Mr. HOFFEL. Madam Chairman, I rise in support of this bill and in strong support of the Tauscher amendment that will be offered later today as part of an en bloc amendment that would require a Presidential strategic plan dealing with nonproliferation issues regarding Russia.

Clearly, the unstable situation in Russia and the uncertainty about the future of her nuclear weaponry and technology requires this kind of strategic plan to be performed. It is very appropriate that the gentlewoman from California (Mrs. TAUSCHER) offer this amendment to the defense authorization bill. I wanted to speak in strong support of it.

I also want to bring to the attention of the House that we have passed in the State authorization bill a similar proposal that I offered that would require a 5-year strategic plan to be done on our arms control and non-proliferation strategies in general. It is important that we pay close attention to these challenges, that we require both the State Department and, in this case, the Department of Defense to do this sort

of planning under Presidential direction, and that we get our national security team and agencies to work together to deal with nonproliferation issues, with arms control matters.

Madam Chairman, I compliment the gentlewoman from California (Mrs. TAUSCHER) for bringing this matter to the attention of the House. I urge support for her amendment and the close attention to be paid to the future of proliferation issues. The events of last week bring home as clearly as possible the need for us to pay attention to keeping the nuclear weaponry, technology and information out of the hands of terrorists. This sort of strategic planning is the way to do it. I ask for support of the Tauscher amendment.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Madam Chairman, I congratulate the chairman and the ranking member for a good bipartisan bill. I rise in strong support of it.

Madam Chairman, I come to the floor today to discuss an inequity in the treatment of Americans who helped to win the Cold War. Unfortunately, an amendment that I would have offered to this bill was not made in order.

This same bill last year included the Energy Employees Occupational Illness Compensation Program Act of 2000. This act provides compensation to employees and survivors of employees suffering from illnesses incurred from exposure to beryllium in the performance of duty in America's nuclear weapons program.

Beryllium is a metal with structural and atomic characteristics that make it irreplaceable for many nuclear-related uses. Inhalation of beryllium dust, even at very low concentrations, can cause cancer and chronic beryllium disease, which gradually destroys lung function many years after exposure. Thousands of workers involved in producing nuclear weapons, materials and components have suffered disability and horrible deaths.

Although beryllium has numerous commercial applications, the Departments of Energy and Defense have been the largest users. In the construction of our strategic nuclear arsenal, the Department of Energy had responsibility for the nuclear device, that is, the weapon, while the Department of Defense had responsibility for the delivery system, the missile, and the inertial guidance system which would deliver the device to target.

Congress has recognized its responsibility and determined that we are responsible in accordance with the Energy Employees Occupational Illness Compensation Program Act.

Although it was passed with the best of intentions, the act is a travesty because it is not equitable. It applies only to the DOE. A worker with the

exact same condition developed under the exact same circumstances but who worked for the Department of Defense is not covered. Why should one Department of the Government have different responsibilities and liabilities than another Department?

If the Department of Energy has a responsibility to compensate its workers, then under the same circumstances the Department of Defense should have the same responsibility. I would not seek to greatly expand the scope of the Energy Employees Occupational Illness Compensation Program Act, but I insist that those people working for the Department of Defense under the same relationship and same conditions as those working for the Department of Energy receive the same benefit.

This inequitable treatment of people who did work on behalf of our national security must be addressed. These citizens who work on our national weapons program helped to win the Cold War, and they should not be punished unfairly only because they worked for one agency instead of another. I do not intend to give up on this matter. I and the people who are suffering from this disease are anxiously awaiting the Department of Defense's report on this subject, which is inexplicably late; and I will continue to pursue a legislative remedy for this injustice.

Mr. SKELTON. Madam Chairman, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, last Tuesday was a tragic reminder of what a dangerous place this world is. It is also a tragic reminder of how dangerous the world is not only for the men and women in uniform, but the people they protect. Last Tuesday, we did not do our job as well as we should have. The fact that any American died means that we have to do better.

This bill will address a lot of our Nation's needs, but it also leaves some things unattended. I regret to say this year's shipbuilding budget will lead to a Navy that is 210 ships in the very near future. That is inadequate. Maybe what happened on Tuesday will cause us to rethink that, and I hope so. I had the assurance 2 weeks ago from the Secretary of the Navy that he will try to do better. Unfortunately, he told me next year's budget does not look any better than this year's budget for shipbuilding.

Earlier I told my colleagues that defense was more important than tax breaks. I will say it again. Defending this Nation is more important than tax breaks. Having served in both State and local government, I can tell my colleagues that the States and cities can do almost everything; but they cannot defend the Nation. That is our job.

Madam Chairman, it is also equally important, as we are asking young people to put their lives on the line for our Nation, that we keep our promise to those people who have already served our Nation. One of the promises made to them was a lifetime of health care. Part of that was answered last year. This House, interestingly enough by over 400 votes, voted to allow our military retirees to continue using the base hospitals and to have their Medicare taxes, the taxes they pay just like every other person in America, be used to reimburse that base hospital for their care to ensure that promise was kept.

Over half of our Nation's military retirees live close to a military base, and the overwhelming preponderance of them did so so they could use the base hospital. Unfortunately, language was changed in conference last year that instead of saying they must do this, allowed Medicare and the Department of Defense health care system to reach an agreement. For 3 months under the Clinton administration and for 8 months under the Bush administration, neither HCFA nor the DOD have reached that agreement and now talks have broken off.

So on October 1, military retirees who walk into a base hospital will be turned away. Many have been going to those base hospitals since they were 18 years old. They like being called colonel or chief. They earned those titles. They want to go to the base hospital because that has been their family for 20 to 40 years of their life.

Madam Chairman, I have gone before the Committee on Rules with the same amendment that over 400 of my colleagues voted for last year. It is a very simple premise. It would allow our Nation's military retirees who pay Medicare taxes, just like every other American, to take their Medicare benefits to a base hospital.

Unfortunately, thus far the Committee on Rules has not made that amendment in order. I am here publicly to ask my colleagues, the gentleman from Missouri (Mr. SKELTON), the gentleman from Arizona (Mr. STUMP), I have met with the gentleman from Illinois (Mr. HASTERT), the ranking members on both sides of the Committee on Rules, let us make that amendment in order before we ask one more kid to serve their country with promises of doing good things for them. Let us keep the promises that we have made. Those promises have been made. Those promises were in the recruiting manuals all of the way up until 1991. It is the right thing to do. It can take an otherwise good bill and make it into a great bill. I think it is a very simple request.

Madam Chairman, I hope that request is fulfilled. I hope I do not have to cause mischief to get that amendment made in order.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Madam Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for a job well done on the bill.

The President, as we all know, is coming here tonight to address not only a joint session, but the American people, to describe not only his mission in the war on terrorism, but also how he will help stabilize and stimulate our economy and how sacrifice must be of a higher priority than personal inconvenience.

This is the first war of the 21st century, and it is nothing like anything we have ever faced. The enemy flies no flag, has no boundaries, and often goes unseen. We call it the asymmetrical threat; but this is one that is not subject to the traditional calculus of deterrence, which means that we also in this bill, and I am sure as we go to conference, will have to address the intelligence side of the House, not only by my colleagues' cooperation as an authorizing committee, but also with the appropriators to make sure that not only the intelligence community of our CIA but the military intelligence community is strengthened.

I thank on behalf of the Guard and Reserve Caucus, the gentleman from Mississippi (Mr. TAYLOR) and myself, the gentleman from Missouri (Mr. SKELTON), and the gentleman from Arizona (Mr. STUMP), for allowing us to play a part in the bill. I am pleased that the bill provides \$807 million, \$192 million more than the President's request for facilities enhancements to improve training and readiness for the Guard and Reserves.

Congress has worked hard in the past to close the procurement gap between the active and reserve components to ensure seamless integration of equipment and compatibility.

□ 1415

That modernization of those reserve components is highlighted by the call-up that is happening right now. We cannot go to remote places of the world without relying upon the Guard and Reserve. We need their air assets to build the air train, for the lift to get us to where we need to be.

As this bill supports them, I want to thank the gentleman from Missouri (Mr. SKELTON) and members of the committee on both sides of the aisle and the chairman for a job well done in this bill. Please support this defense bill.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, last year in the bill that related to the Department of Defense, there was a provision that required the General Accounting Office,

the GAO, to examine the Federal Government's progress in its effort to combat terrorism. As of today, the GAO is making its findings public.

First, let me point out that for quite some time, we have been in a quiet war against terrorism. Nothing has happened here on our soil. And as of September 11, the difference is now that everyone knows it. This report, which was well in the works before the horrific attacks on September 11, underscores our need to dedicate more attention to protecting Americans by combating terrorism.

This report is entitled "Combatting Terrorism: Progress Made, but Executive Direction Needed to Address Evolving Challenges."

The report concludes that while progress has been made, much remains to be done to establish overall leadership and coordination at the operational level and to implement a comprehensive national strategy. The report recommends the establishment of a single focal point for overall coordination and leadership and calls on the President to appoint a person to be responsible for threat assessments, strategy, budgeting, and oversight. The study further suggests the need for greater consolidation of Federal programs designed to assist State and local governments such as those managed by the Department of Justice and the Federal Emergency Management Agency.

This report, though it cannot be of help because of the September 11 acts that occurred, hopefully will be of help in the days and years ahead.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Chairman, I rise in strong support of the National Defense Authorization Act. In the coming days, we will see a strong demonstration of America's military might. But as our military responds to Tuesday's tragic events, keep in mind that this is a military that has faced a decade of high tempo of operations, armed with declining numbers of personnel and decreased funding. This other battle, the battle to maintain readiness, has degraded America's security by encouraging the attrition of some of its most talented personnel.

Now more than ever, we need to support our service personnel, the true power behind America's military might.

We must give our soldiers, sailors, airmen and marines modern weaponry with which to keep American interests secure. We must support shipbuilding, aircraft procurement, homeland defense, and research and development. We must support the National Defense Authorization Act if we want to ensure that America will be able to respond to

aggression, today and tomorrow. The National Defense Authorization Act addresses the urgent need to rebuild the U.S. military. I urge my fellow Members to support this balanced measure.

I thank the chairman and the ranking member for their hard work and dedication to this legislation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Madam Chairman, I thank the gentleman for yielding me this time.

One of the more revealing elements of the approach undertaken by Osama bin Laden and his terrorist network is the importance of lengthy preparation, meticulous planning and guerilla warfare. However, it is not guerilla warfare in the traditional sense. As the barbaric attacks of September 11 clearly demonstrated, anything and everything is possible. In the minds of these terrorists, anything and everything is justified. Thus, the U.S. must be prepared on every front to confront and eradicate such an enemy.

This bill seeks to accomplish just that. The U.S. and democratic principles triumphed over tyranny and communism during the Cold War by following the tenets of the landmark document, NSC-68, and the doctrine of peace through strength. We did simply more than match capabilities; we overpowered our adversaries through a policy firmly rooted in U.S. military superiority and overwhelming strength. The resources and the funding that we allocate for the war against terrorism must follow this precedent. We must provide for a flexible, comprehensive, and definitive response which includes any and all options available to the U.S.

As Thomas Jefferson wrote in 1788, "War requires every resource." Let us not gamble with the safety and security of the American people. Let us once again demonstrate congressional resolve. Let us render our full support to this important legislation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), a member of the committee.

Mr. HAYES. Madam Chairman, I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for their absolutely tireless effort on the part of our military, our men and women in uniform.

Madam Chairman, the tragic events of September 11, 2001, have thrust our Nation's military into the spotlight and called to duty the brave men and women of the U.S. Armed Forces. Once again, U.S. citizens are rallying behind them in strong support of the harrowing mission they have been called upon to do. We in Congress just passed a \$40 billion funding bill, half of

which will be devoted to our military. This financial support, devoted to our national security, is long in coming. I am proud to say that as a member of the House Committee on Armed Services, this legislation that we passed in August took the first step in rebuilding our military after almost a decade of decay and neglect.

The bill in front of us today marks the most significant increase to the defense budget since the mid-1980s. It is targeted at two of the most critical areas crucial to maintaining a healthy and robust military: quality of life and readiness. For the soldiers in my district at Fort Bragg, North Carolina, the ability to adequately care for their families and train for the mission for which they are called are the two issues that are second to none. I believe this legislation makes significant progress in these areas. Furthermore, this bill supports the President's missile defense program and ensures a necessary and realistic testing program.

Madam Chairman, it is gross injustice and misfortune that it took the tragedy of a week ago to focus the public eye on the need for a more robust defense budget. I feel the legislation in front of us today takes that important first step and sets a clear and strong course to rebuild our Nation's defenses. I urge my colleagues to send a message, loud and clear, to our soldiers, sailors and airmen that we will strongly support them and give them the resources necessary to perform the mission at hand.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Chairman, I wanted to briefly speak about an amendment that I had planned to offer. My amendment would have removed language added by the Committee on Armed Services regarding the B-1 bomber fleet. It is my understanding that an agreement has been worked out with the administration and the Committee on Armed Services that had raised concerns over reducing and consolidating the B-1 fleet. I understand that this is going to be worked out in conference.

It is my concern that we fight today's wars, not yesterday's wars. I believe that this agreement is going to be satisfactory. I just want to state for the record that modernizing the B-1 fleet is very important. I would strongly encourage the two parties to revisit the issue in conference.

Mr. HUNTER. Madam Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. HUNTER. Madam Chairman, I just want to add my thoughts on the B-1 fleet, the idea that we have been so short of money the last several years that we have been like a farmer who has three hay balers and he cannot af-

ford to keep all three of them running, so he starts cannibalizing parts off one of them just so he can keep the other two in operation. That is not the way to run a military, but that is the way we have been forced to run part of our B-1 fleet.

And so the idea was to save money, we would cut down that fleet, coming down from the nineties to the sixties, and basically do away with those operations of some 30-some aircraft. That would take out of operation one of our fine assets, our most recently built bombers beyond the few B-2s that we have built, something that has got long-range capability. In fact, those packages may be utilized in upcoming air operations.

My own thoughts are that it is wise for us to spend the money that it takes for the spare parts and the operational support to keep the entire B-1 fleet in the air and operational. I think that makes sense. I think that is where the gentleman was going with his amendment.

Mr. FLAKE. I thank the gentleman. Yes, I want a discussion in conference and want to make sure that we do not foreclose on any option by the administration.

Mr. HUNTER. Let me just say I would be happy to work with the gentleman, with Democrat and Republican Members, and with the administration, to try to persuade them that keeping all our bombers in the air is the way to go.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I would like to talk with the gentleman from Missouri (Mr. SKELTON) who is an expert on the B-2 fleet.

I still think that most Americans do not realize what we have done with that capability, because I just left the buildings in San Diego where, during World War II, we built bombers at a rate that was remarkable. We built a bomber aircraft per hour. That meant that in 1 day, in 24 hours, we would build more aircraft than we have in the entire B-2 fleet. And in some cases, in missions in Europe and other places, we lost more than that many planes in a day. Yet the B-2 fleet, because it has the ability to avoid and evade enemy radar and, therefore, the ability to penetrate into an enemy's airspace directly over target, coupled with precision munitions, where instead of dropping a giant payload of hundreds of bombs on a bridge or another asset, you send one precision-targeted munition into that one strut on that bridge and bring it down, that capability, that precision munitions, coupled with stealth that we have with B-2, has made us very effective.

Mr. SKELTON. Madam Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. As the gentleman knows, the B-2 fleet from Whiteman Air Force Base, which is in west central Missouri, did remarkable work during the Kosovo conflict. The precision ammunition that it used was the best effort in the history of aerial warfare. In this bill, we are working towards smaller precision-type ammunition, bombs, and I think that is a major step.

I also think that, regarding the B-2 fleet, we need certain upgrades to make sure that we stay ahead of all the technology so that, even more so, they will be stealthy. They are a first-class instrument of national defense. The B-2 fleet, as the gentleman knows, is so very, very important to our future. We must in our capacity as lawmakers and members of this committee make sure that the upgrades that are necessary for future technical advancement are bought and paid for.

On a related item, I might tell the gentleman from California that not long ago I was talking with a marine captain who had just relinquished his command as a company commander. I was asking him about his experience. He, of course, being a marine all the way through, was very proud of his service as commander of that company. But he did remark, "We didn't have enough ammunition to train properly."

The gentleman from California has done yeoman's work in the area. We need, I think, to do more in the area of ammunition. I know full well that I join him in that effort.

□ 1430

Mr. HUNTER. Madam Chairman, I thank the gentleman from Missouri (Mr. SKELTON); and you know, we are working with the administration right now, and I know he joins this effort to try to make sure that this package that is being worked up now through the Pentagon includes a lot of ammo, not only for Marines but for the Army.

Mr. SKELTON. Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

I want to take this opportunity to thank the gentleman from Missouri (Mr. SKELTON), the ranking member, for all his help this past year. This is our first bill. It has been a joy to work with him. He has been the epitome of a gentleman, and I thank the gentleman, my friend, for all his hard work. Few people are more diligent when it comes to the defense of this country than the gentleman from Missouri (Mr. SKELTON), and I commend him again.

I have no further speakers, Madam Chairman.

The CHAIRMAN. Does the gentleman from Missouri yield time?

Mr. SKELTON. How much time do I have remaining, Madam Chairman?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 20½

minutes. The gentleman from Arizona (Mr. STUMP) has 10 minutes.

Mr. SKELTON. Madam Chairman, I have one additional speaker who has a proposed colloquy with me, and I would like to wait a moment for that.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Appropriations.

Mr. CUNNINGHAM. Madam Chairman, the defense bill has been neglected for a long period of time, not necessarily by appropriations or even authorization, but by the utilization of our Armed Forces without replenishing those forces. It has prevented modernization in many areas.

I also serve on the Permanent Select Committee on Intelligence; and if we think about the depreciation of our personnel, of our equipment and every rock we turn over, whether it is parts, whether it is training, whether it is ship repair, there is a deficiency.

I would like for everyone to think also, because authorization goes to appropriations and under the appropriations cycle we fund the intelligence committees; but every time we had one of those 124 deployments, our intelligence agencies were forced to withdraw from their budget as well and not modernize both in the HUMINT, ELINT and areas in which they need to protect us from terrorism as well as national security from other sources.

I laud the gentlemen on both sides. One of my favorite Members here in Congress is the gentleman from Missouri (Mr. SKELTON), a direct descendant of Daniel Boone; and he believes in defense, as does the gentleman from Arizona (Mr. STUMP), the chairman, on our side of the aisle.

It is important now that the Nation realize just how far deficient that our Armed Forces are and our intelligence service; and if we are going to do an adequate job of protecting this country, then this must be just a start.

Mr. SKELTON. Madam Chairman, I would take this opportunity to thank my friend, the gentleman from California (Mr. CUNNINGHAM) for his very kind and generous remarks.

Madam Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Madam Chairman, I appreciate the time from the gentleman from Missouri (Mr. SKELTON), and I want to pay my deep respects to him and to the gentleman from Arizona (Mr. STUMP), the Chair, and to the others.

Let me just say parenthetically, I think we here all enormously enjoy this job almost all the time, but this is such a grave time that I think none of us feel confident that we are fully adequate to these terrible decisions and we are all doing our best; and I particularly admire those who have the re-

sponsibility for national security, especially because from what I have learned from our ranking member and others, there was a genuine effort to work together.

We understand that the kind of differences of opinion we have among ourselves do not mean a lack of national unity, but we also understand the importance of international perception, and we all carry with us a commitment to make sure that none of this murderous gang that has launched a war on innocent people here get any comfort from our debates; and indeed, I think and I understand this, there will be less of a debate in this particular bill over one very controversial issue, national missile defense, than there might otherwise have been and there will be some day.

While many regret that, I think that is an appropriate choice, and I commend the leadership on both sides for acknowledging that because we do run the risk that the people who do not understand that democracy is a strength and not a weakness might temporarily be emboldened by that. So many of us do note that we are supportive of a decision to forgo a all-out debate at this point, not because this is not an important issue, but because there will be another and better time in which to do it.

I do, however, want to stress one aspect of the missile defense question. President Bush has very wide, virtually unanimous support in this country in fashioning a response to this terrorism, which is based on his recognition that it cannot be done without significant international support. Just as a physical fact, given the location of Afghanistan, this, given all of the other problems we have with this far-flung network of murderous assailants that we confront, international cooperation is very important.

I was particularly struck that former President Bush made a point in a speech in Boston about the need for us to disavow any notion any might have had that America can go it alone. This reminds people why we need the rest of the world.

One discordant note in this, however, potentially, would be an American decision unilaterally to withdraw from the ABM treaty in the pursuit of national missile defense. Just as many of us are today acquiescing in the decision not to have a full-fledged debate on this issue, I hope the administration, in the interest of national unity and in the interest of getting that international supportive coalition that is so critical to success, will not be on the verge of or threatening to abdicate a treaty which is so important.

Cooperation from Russia and from the former Soviet states, Uzbekistan, Tajikistan, Kazakhstan, et cetera, that is very important. Cooperation with China is important. It would be, I

think, a mistake if we were to make it harder to get that necessary multilateral cooperation by an excessive unilateral approach to the question of the antiballistic missile treaty.

Just as many of us are deferring our views on the overall issue because we do not want anyone outside this country to misunderstand, we do not want anyone to misapprehend the degree of unity and determination there is here in America, we believe unanimously, almost, certainly in this Congress, that we have not only the right, but the moral obligation, to use whatever physical force is necessary to pursue these murderers, because it is our obligation as the nation of great strength, to prevent them from trying striking again and again and again.

But we need to do that with a full respect to our own traditions. We need to show our moral as well as our physical superiority. Part of that has been correctly understood by the President of the United States and by Secretary Powell and others, a multilateral approach.

So, therefore, I hope very strongly that nothing will be done in the area of missile defense in this next few months that would jeopardize the important principles of multilateralism, of getting maximum cooperation. It cannot be a good policy for us completely to disregard the views of others on that one issue, when we are so eager to have their cooperation; and we ought to have their cooperation. We are asking for something in the world's interests, as well as our own.

So, again, I want to thank the ranking member, the Chair and others, for the example they are setting of cooperation.

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Chairman, I thank the gentleman for yielding me time.

I want to respond to our colleague's comments. The gentleman raises a valid point, and I want to acknowledge the fact that many of our colleagues who oppose missile defense are working in a very constructive way to move forward with this sense of unity; and we appreciate that.

I want to assure the gentleman that we are working together. In fact, on Wednesday, a group of us will travel to Moscow. We have been working for 2 months quietly behind the scenes with the administration, both the Department of Defense, the National Security Council and the White House, to put together a major package, the most comprehensive package ever, to engage Russia and its people in the area of the environment, education, health care, culture, agriculture, across-the-board, with a component of that being defense.

We are very sensitive to the gentleman's comments that we do not want

to have this become an issue that becomes divisive. I share that feeling. Even though we may disagree on missile defense, I share the gentleman's sentiments. And I know many of our colleagues, like the gentleman from Ohio (Mr. KUCINICH) and others, feel the same way.

So we are using every ounce of energy to reach that compromise to work together. There will be members of the minority party on the trip. In fact, the gentleman from New York (Mr. HINCHY) has agreed to go, the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Texas (Mr. EDWARDS) is looking at going with us.

We will have constructive discussions. I want to assure our colleague, the White House, the Defense Department, and the State Department understand the gentleman's comments. We do not want to have this become a split between us and Russia, and I want to pledge my support to working every possible way I can to make sure that we do exactly what the gentleman has asked us to do, and that is not box Russia out.

So I appreciate the gentleman's comments.

Mr. FRANK. Madam Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. FRANK. Madam Chairman, given the fact that the gentleman acknowledges, yes, this is an area in which we differ, I appreciate very much his comments. And I hope that this will be part of the signal that we set, that we can maintain legitimate differences within our democratic structure without in any way endangering our unity.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the gentleman from Massachusetts (Mr. FRANK), for his comments on the need for working together with other countries. One of the pole stars of this entire effort against terrorism will be that of building a coalition of countries who desire and urge freedom for their people. So I thank the gentleman for pointing that out.

Madam Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Chairman, I want to join with those who have come to this floor today to express, first and foremost, the heartfelt feelings that all of us on the committee have for the extraordinary leadership on this committee, exemplified by the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON). Truly in this hour of need for our country and throughout their service on this committee, they have always put America first.

The help that I have received in putting forward legislation from people

like the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from California (Mr. HUNTER) and working with the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Hawaii (Mr. ABERCROMBIE), makes this committee, makes this Chamber, especially during this hour of crisis, that much more significant, that much more important. To see the debate that just transpired between two colleagues lets the American people know how strong and firm and committed we remain.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I just want to mention that with respect to the ranking member who was just talking about the need for a bilateral policy and working with our allies, obviously that system has now been energized, in light of the strike on the United States.

I think one other aspect of missile defense has been addressed by that, because one of the arguments of the Bush Administration to the Russians has been that while we did sign the ABM agreement with them and we promised not to defend ourselves against incoming missiles and they did the same thing with respect to the United States, our argument has been that this world is a very dangerous place external to that relationship between the Russians and the United States; that there are other states out there that would attack the United States that we should be worried about and who are developing missiles and developing those systems that could harm us.

□ 1445

I think that this strike on the United States has given a great deal of credibility to this message that we have been sending to the Russians, that we have not only a real threat, but we have obviously the supreme national interest of defending ourselves against that threat. I think there is going to be a new tone taken by the Russians post-strike.

Mr. SKELTON. Madam Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. SANCHEZ) for the purposes of a colloquy.

Ms. SANCHEZ. Madam Chairman, I rise to engage the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the committee, on an issue that directly impacts my district.

Mr. SKELTON. Madam Chairman, if the gentlewoman will yield, I would be pleased, of course, to engage with the gentlewoman from California in a discussion of her concerns.

Ms. SANCHEZ. Madam Chairman, as a member of the House Committee on Armed Services, I wish to bring to the attention of my colleagues and the ad-

ministration a problem that involves a former active military facility in my congressional district, the Marine Corps Air Station of Tustin.

Mr. SKELTON. Madam Chairman, I would tell the gentlewoman that I am familiar with the facility, which was closed under the auspices of the Base Closure and Realignment Commission, also known as BRAC. The gentlewoman has discussed the status with me in the past.

Ms. SANCHEZ. Madam Chairman, as the gentleman from Missouri knows, MCAS Tustin was closed along with MCAS El Toro in Orange County, California. As in other communities throughout the Nation, the local public and their leaders have had to decide how best to use these former military installations. In the case of MCAS Tustin, there is currently a "tug of war" going on in my district about the different interests. The city of Tustin wishes to use most of the facility for purposes that exclude public benefit conveyances to Santa Ana Unified School District and Rancho Santiago Community College District.

Mr. SKELTON. Madam Chairman, if the gentlewoman will again yield, I might say that I am aware of the city of Tustin's base reuse plan and that there is currently a dispute between the city of Tustin and the school districts, as the gentlewoman mentions. I further understand that the Department of the Navy has been meeting with both parties to try to encourage a compromise solution to the outstanding issues regarding this former base.

Ms. SANCHEZ. Madam Chairman, that is correct. In short, the city of Tustin has not provided for the conveyance of enough appropriate land to accommodate the needs of the growing school district populations in Santa Ana. The land that the city of Tustin has offered to the school districts is contaminated and unusable for purposes of housing children. The Department of the Navy has assured me that the resolution of the issues surrounding conveyance of this Tustin property for educational needs is critical in any conveyance decision, and the Navy continues to encourage a local agreement on the issue and feels that the lack of an agreement on educational transfers seriously complicates and has stopped any Navy decision to convey MCAS Tustin property.

Mr. SKELTON. Madam Chairman, that is my understanding of the position of the Department of the Navy as well. As ranking minority member of the committee, I can assure the gentlewoman that the committee would take a very dim view of a transfer of land by the Navy before the issues that she raises today are resolved.

Ms. SANCHEZ. Madam Chairman, I thank the gentleman.

Mr. MCGOVERN. Madam Chairman, I have many concerns about this bill and our defense budget, including its overall size, weapons systems, and priorities. I have never supported funding for National Missile Defense, and I never will. This foolish and expensive program takes monies away that would be better spent, in my opinion, to combat terrorism, enhance readiness, and support research on battlefield medical and other support.

At the same time, I strongly support the significant increases in this authorization bill for "quality of life" improvements for our uniformed men and women and their families. H.R. 2586 makes welcome advances in providing additional resources for military pay, health care, and housing, as well as health care for our military retirees.

I believe it is important to move this funding forward so that the Pentagon and our various defense agencies might rest assured that they have the resources they require to respond effectively to our current national security crisis.

I would like to take a moment, however, to talk about a small amount of military aid in this bill, small at least relative to the overall \$343.1 billion authorized in H.R. 2586. But not small in the impact these funds will have in the country where they will be used.

This bill contains a little over \$99 million in military aid for Colombia. In July, during debate on the foreign operations appropriations bill, many of my colleagues claimed that the amendment offered by Congressman HOEKSTRA and myself would eliminate military funding for Colombia. We said that was not true—that there were additional funds in the DOD bill. We were right.

President Pastrana recently announced that Colombia should rethink the entire approach of the United States-backed Plan Colombia. Indeed, as the Push Into Southern Colombia proceeds, President Pastrana described how coca fields are shifting from the southern state of Putumayo to regions never used before for drug cultivation. The various armed factions in Colombia—the guerrilla groups, the paramilitary forces and the Armed Forces—are now entering those regions, fighting for territorial control and bringing violence and death in their wake. And the expanded conflict has brought peace negotiations to a halt.

Rather than containing coca cultivation and decreasing the level of violence in Colombia, our policy is doing the opposite, and drawing Colombia and the United States into a wider conflict.

As we prepare for yet another war against an enemy that can easily shift territory and forces, we need to remember that military force alone can't win these campaigns.

Over \$340 billion in military aid for the Pentagon alone won't guarantee success.

I support the efforts of president Bush, Secretary of State Powell and other members of the administration to create a global, multilateral effort to coordinate our diplomatic, economic, judicial, law enforcement, and intelligence resources. The United States cannot do this alone, and we should not "go it alone."

Increased food aid, development and economic assistance can make a significant difference in overcoming the poverty, hunger, ignorance, illiteracy, and oppression, which are

often the breeding grounds of civil unrest, conflict and terrorism.

And unless the United States is actively engaged in finding just and lasting solutions to the many long-standing conflicts around the globe, including the Middle East, terrorism will continue to flourish.

Now, more than ever, we must make serious efforts to advance justice, human dignity and the rule of law to every corner of the globe.

And lest we forget, our national security is grounded in our ability to provide our own citizens with quality education, health care, a sound infrastructure, economic opportunity, and fundamental civil liberties.

So, while we take up consideration today of this defense bill, I urge my colleagues to also support significant new investments in food and development aid, in diplomatic resources, and in strengthening our domestic and international judicial and law enforcement programs. The September 11 terrorist attacks were attacks against our freedoms and the prosperity of our nation and our communities. We must ensure both continue to advance if we are to genuinely thwart the intent behind these evil acts.

Ms. McKINNEY. Madam Chairman, I have grave concerns about this bill.

I would first like to say that I hope that reason and common sense prevail in any decisions on our Nation's future response to terrorism.

Madam Chairman, I pray for God's intervention in ensuring the safe return of our many young men and women who are now being sent off to fight this war against terrorism. They face tremendous dangers and uncertain futures and their families will endure many long and sleepless nights waiting for their return. We must remember them all and acknowledge the great personal sacrifices they are going to have to make on our behalf in the coming days.

#### BUDGET INCREASE AND COMPARISON

The passage of H.R. 2586, the National Defense Authorization Act of 2002, by the House Armed Services Committee represented a near \$33 billion dollar increase from fiscal year 2001, and provides a total of \$343.3 billion in budget authority to the Department of Defense for fiscal year 2002. For the sake of comparison, the House of Representatives has passed an appropriation totaling \$7.7 billion for the Department of State for fiscal year 2002, and the appropriation for Foreign Operations was passed by the House at \$15.2 billion. The sum of these two appropriations—\$22.9 billion—representing the amount allocated to diplomacy, international aid, and peace by the United States, rises only to 70 percent of the defense allocation increase and 6.7 percent of the entire defense budget.

With the financial mismanagement that continues to exist within the Department of Defense, increases should not be made to many programs until a system of financial responsibility is instituted to prevent future overspending and fiscal waste and to address the lack of accountability.

#### MISSILE DEFENSE

The single largest portion of the budget increase is dedicated to the development and proliferation of missile defense systems. It

should be apparent to us all that ballistic missiles are not our worst threat at this time.

The committee's missile defense program is a carbon copy of the Bush administration proposal. It would dramatically increase the missile defense budget 57 percent—\$3 billion to \$8.3 billion. This accelerated missile defense program is virtually certain to lead China to increase the number of nuclear weapons pointed at United States cities and may discourage Russia from making deep cuts in its arsenal. It should be apparent be apparent to us all that ballistic missiles are not our worst threat at this time. This program has also had seriously questionable success in operational tests to date, and functional operation of any missile defense is still in doubt.

Expensive, high-tech weapons are no substitute for effective diplomacy, arms control, disarmament, and international cooperation. Cooperative international arms control and disarmament agreements will be far more effective in advancing peace and security in the years ahead and will cost far less than a missile shield.

#### NUCLEAR REDUCTIONS

Although both Russia and the United States have ratified START II, its implementation has become entangled in contradictory conditions by the Russian Duma and the U.S. Senate over the Anti-Ballistic Missile (ABM) Treaty. I have been encouraged by President Bush's proposal to unilaterally reduce the U.S. strategic arsenal, beginning with the 50 Peacekeeper (MX) missiles, which contain 500 nuclear warheads.

Unfortunately, current law prohibits the President from reducing the nuclear arsenal, other than through START II ratification. Current law also places unnecessary restrictions on the ability of the President to de-alert, or take off high-alert status, our nuclear weapons. Currently the United States and Russia have over 4,000 nuclear weapons aimed at each other—poised to be launched within minutes.

The committee unfortunately rejected the amendment by Representative TOM ALLEN to remove the restrictions in section 1302. It did allow a second, narrower amendment to remove the restrictions on the MX missile retirements. However, the committee denied the President the ability to negotiate deeper reductions with Russia by defeating the first Allen amendment.

The President, Secretary of Defense Rumsfeld, and the Joint Chiefs of Staff have all called for reductions in our strategic arsenal. Yet the majority party on our committee continues to cling to these weapons as cold war relics.

I was also disappointed that the committee rejected the amendment by Representative ELLEN TAUSCHER that would have de-alerted the nuclear weapons in our arsenal that are already slated for retirement. The first President Bush de-alerted thousands of nuclear weapons in 1991 as the Warsaw Pact disintegrated. The current President Bush has also supported the concept of taking nuclear weapons off hair-trigger alert. Unfortunately the committee again missed an opportunity to demonstrate leadership in reducing the nuclear danger. In light of recent events, I think that it would be prudent to de-alert as many

nuclear missiles, and to retire as many as possible lest they become greater targets, or become threats against ourselves.

#### MEDICAL ACCESS AND GENDER

I regret that the committee did not support changing current law to permit service women and female dependents who serve or reside overseas to access military hospitals and other facilities for the purpose of privately funded abortions. Similar women who serve or reside within the United States have constitutionally protected right to access to legal and safe facilities that provide abortions. Left with no other option than to either seek an abortion in a potentially unsafe, foreign medical facility or to forgo an abortion altogether, this legal provision is tantamount to gender discrimination and should be changed. Not only does this threaten the health of such women, such a policy is seemingly unconstitutional, and further, it threatens retention and recruitment of soldiers. I urge my colleagues to support efforts to correct this discriminatory discrepancy.

#### VIEQUES, PUERTO RICO

I find it unfortunate that the committee has sought to reduce the likelihood of the Navy's departure from the island of Vieques, PR, and that the Reyes amendment was defeated. The people of Vieques were provided last year with the opportunity to choose their own fate with regards to the Navy range, and through a nonbinding referendum on June 29, 2001, overwhelmingly issued their desire for the Navy to depart from their island. The continued bombing erodes the safety, environment and economy of this island and its people, and should cease. It is my hope that the administration is permitted to proceed with the Navy's planned withdrawal from Vieques in 2003, and that the unlikely discovery of another "suitable" alternate site not be held as prerequisite for this departure.

#### DOMESTIC USE OF INTELLIGENCE

There have been recent revelations about the use of military intelligence for domestic purposes, specifically with respect to the surveillance of Dr. Martin Luther King, Jr., and Operation Lantern Spike. Evidence of such past activities give rise today to grave constitutional issues and concern about civil liberties. The 1975 report written by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities revealed practices "abhorrent in a free society." The Church Committee, named after its Chairman, Frank Church of Idaho, exposed that in the name of state security and program of manipulation, infiltration, surveillance, harassment, disruption, and murder was carried out with the consent of those at the highest levels of the United States government and against domestic and international law.

Proposals supporting the creation of a National Homeland Security Agency raise a specter of the return of the most egregious aspects of the domestic program that deprived too many Americans of their constitutional rights and in some cases their lives. The military has an appropriate role in protecting the United States from foreign threats, and should remain dedicated to preparing for those threats. Domestic uses of the military have long been prohibited for good reason, and the same should continue to apply to all military

functions, especially any and all military intelligence and surveillance.

#### INTERNATIONAL ASSISTANCE AND PROGRAMS

The escalating war on drugs is another problem area for us. Though I appreciate a reduction of \$4 million from the contributions to Peru for counterdrug support, the events surrounding the death of American missionary Veronica Bowers and her 7-month old daughter highlight the role our Nation and military play in foreign affairs. Though it was private CIA contractors who were involved in this specific incident, our military resources are being used to train and support foreign nations in their efforts to curb drug production and distribution. As with the transgressions that resulted from training foreign militaries at the School of the Americas, human rights abuses can result from the training, arming, and empowerment of developing nations' armed forces. Further, we should be cautious that such activity does not draw our nation into difficult regional conflicts, and in light of the apparent failure of the war on drugs, the entire concept of military-based drug interdiction and its efficacy should be reconsidered.

As with the continued bombing and overflights of Iraq and other operations, I think that now is not the time to be fighting proxy wars overseas, making more enemies abroad than we may already have. Now is a time to focus on diplomacy abroad and justice and security within, and as such, I do not support continued funding and training for civil conflicts in Colombia or elsewhere.

#### QUALITY OF LIFE ISSUES

Despite my reservations with this legislation, it includes positive aspects that I applaud.

I would like to commend the committee, and particularly the Personnel Subcommittee for the increase in military pay and salaries. This is an appropriate step that not only provides our service men and women with sufficient compensation, but also achieves two other important goals: furthering the profession of the military and the responsibility inherent in the changing roles of the armed forces; and enhances the retention of service men and women. Similarly, increases in moving allowances, housing expenditures, provisions permitting concurrent receipt of retired pay and veteran's disability benefits, and efforts to protect voting rights of personnel are praiseworthy.

Much has changed since the committee passed this bill in August. Many of the nations that we perceive as a threat will respond to the expansion and proliferation of missile defense, the expanding role of the military in drug interdiction, and prevention of reductions in nuclear missiles. It is uncertain how these nations will respond, but I am confident that diplomacy and engagement will have much more positive effects on our national security than will an expanding defense budget. Similarly, the Department of Defense should be urged to respond to the trust that is instilled in it by reforming its financial management, reducing the obstruction that has plagued its history, and by eschewing involvement in domestic issues. I urge this body to prudently consider its role in developing not only national policy, but also international relations, and to realize that as the global leader we have a role not only in preparing for war, but also in promoting peace.

Mr. SOUDER. Madam Chairman, I rise in support of this bill at a particularly critical time for our Nation. As chairman of the Drug Policy Subcommittee and one of the cochairmen of the Speaker's Task Force for a Drug Free America, however, I wanted to express my desire to work with all interested parties with respect to critical counterdrug programs.

My subcommittee and the Speaker's Task Force have watched with some concern as significant changes to the Defense Department's counterdrug program and organization have been considered. This is an issue which deserves careful attention, and I very much appreciate the Armed Service's Committee's clear statement of its support for a robust counterdrug role for the Department. I also appreciate the committee's stated intention to continue to direct careful and continuing attention to departmental reorganization initiatives in this area.

Our counterdrug efforts are interagency efforts that require cooperation and coordination from agencies across the Federal Government. It is critical that the Defense Department not unilaterally withdraw key support in this area or conduct fundamental reorganizations without consulting with the Office of National Drug Control Policy and other affected Federal agencies. Any policy changes in this area must be considered in light of the overall national drug control strategy issued by ONDCP.

I would also like to express my concern about a provision of this bill related to the Tethered Aerostat Radar System, or TARS. I intended to offer an amendment regarding this provision, but was not able to submit it due to the extremely early deadline set by the Rules Committee regarding the bill. The TARS system has been an important asset to our narcotics interdiction efforts along the southern border and the Caribbean and has been operated in cooperation between the Department of Defense and the U.S. Customs Service. TARS balloons provide a platform for radars to detect incoming aircraft attempting to smuggle drugs into the United States.

The Defense Department has determined that the TARS system is no longer needed for national defense purposes, and has now shut down virtually all of the aerostats which previously operated in the Caribbean and the Gulf of Mexico. However, the Customs Service strongly believes, as do I, that these assets remain critical to our drug interdiction efforts. The Department and the Customs Service have been attempting to reach an agreement to transfer the system completely to the Customs Service. Because of the change in administration, those discussions have been stalled. The relevant political officials have only recently started work at DOD, and we still do not have a confirmed Commissioner of Customs.

This bill contains a provision authorizing the Secretary of Defense to transfer the TARS system to the Customs Service, which I support. I am concerned, however, that the bill contains a specific deadline of the end of the next fiscal year by which the transfer must be completed or the system will effectively be shut down. Since Customs Service officials have not yet been able to resume discussions with the Defense Department on this matter, I do not believe that it is wise either to mandate

a specific date for the resolution of this matter, or to pass legislation which would relieve the Defense Department of its responsibility to operate this system without providing for a mechanism to ensure that the counterdrug mission will continue.

I ask the committee to consider removing this deadline in the final version of the legislation and look forward to working with all interested parties to reach an appropriate resolution of this matter.

Mr. GALLEGLY. Madam Chairman, I rise today to thank both subcommittee Chairman McHUGH and Chairman STUMP for their help in including my legislation within the Defense Authorization Act to create a Korea Defense Service Medal for those members of the Armed Forces who served, and still serve, in Korea.

Madam Chairman, more than 40,000 members of the United States Armed Forces have served on the Korean Peninsula each year since the armistice was signed in July 1953. Since then, an estimated 1,200 service men and women have died as a direct result of their service in Korea.

Service medals are given the veterans who serve in particular regions during times of hostility or the threat of hostility. For example, those who served in Berlin during the cold war were awarded a service medal. Since the Korean armistice was signed, there have been more than 40,000 breaches of the cease-fire, making it among the more dangerous places to serve. However, no campaign medal has been awarded for Korean service.

In light of the current crisis, it is appropriate that we honor the thousands of dedicated and brave men and women we have sent, and continue to send, to Korea. This recognition is long overdue.

On another note, I again want to thank Chairman STUMP for supporting several projects that will upgrade the Navy facilities at Pt. Mugu and Port Hueneme, CA. The chairman and his staff have been most helpful and his interest in these facilities and the welfare of our service men and women is greatly appreciated.

Mr. BILIRAKIS. Madam Chairman, some military retirees—individuals who are eligible for military retirement benefits as a result of a full service career—are also eligible for disability compensation from the VA based on a medical problem they incurred while in the service. Under present law, these service-disabled retirees must surrender a portion of their retired pay if they want to receive the disability compensation to which they are entitled. Congress enacted this unjust law in 1891.

Think of two soldiers who joined the Army together and were wounded in the same battle. Joe left the Army after his 4-year stint and joined the Department of Justice as a civilian employee. Jim stayed on and made a career in the military.

Thirty years later, both men are receiving Federal longevity retired pay based on their careers. Both are also eligible for VA disability compensation as a result of the injuries they sustained while in the Army. The difference is that in order to get his disability compensation, Jim must forfeit an equal amount of his retired pay, while Joe collects the full amount of both benefits without a deduction in either.

Why should the individual who chose a military career be penalized? One benefit is based on longevity in a career, the other on an injury sustained while in the service. Joe in our example can even receive civil service retirement credit for his four years in the military. Yet, Jim is branded a "double dipper." This simply is not fair.

Nationwide, more than 500,000 disabled military retirees must give up their retired pay in order to receive their VA disability compensation. In effect, they must pay for their VA disability out of their military retirement—something no other Federal retiree must do. How can we possibly expect to maintain a viable national defense if service members realize that if they experience a service-connected disability, they cannot receive both VA disability compensation and military retired pay?

The 106th Congress took the first steps toward addressing this inequity by authorizing the military to pay a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans' Affairs at 70 percent or greater. While these special compensation provisions do not correct the long-standing inequity of the current offset, they do move us one step closer to correcting this injustice once and for all.

In the beginning of the 107th Congress, I once again introduced H.R. 303, the Retired Pay Restoration Act, to eliminate the current offset between military retired pay and VA disability compensation. I am pleased to report that my bill has received strong bipartisan support with approximately 370 cosponsors in the House—roughly 85 percent of House Members. A Senate companion bill, S. 170, has also received strong support with 73 cosponsors.

I would like to thank Military Personnel Subcommittee Chairman JOHN McHUGH and full committee Chairman BOB STUMP for working with me this year to incorporate "concurrent receipt" language into H.R. 2586, the FY 2002 National Defense Authorization Act.

I also want to thank Representatives STEVE BUYER and CHARLIE BASS for their assistance. They have been stalwart supporters of eliminating the current offset.

H.R. 2586 includes a provision to authorize military retirees to receive VA disability compensation concurrently with military retired pay. This provision will take effect after the President submits legislation in an annual budget request and Congress enacts legislation to offset the cost of this initiative. While not perfect, I do believe that this language is an important step in our efforts to eliminate the offset between military retired pay and VA disability compensation.

Each of the thousands of disabled military retirees answered when America called. Now it's time for America to answer their call.

I urge colleagues to support H.R. 2586.

Mr. SAM JOHNSON of Texas. Madam Chairman, as a nation, we have unfortunately witnessed firsthand the true threats to our Nation's security. It is vital for every Member to support our men and women in uniform—and this bill. Right now, our troops are being sent into harm's way—to protect us.

They are being asked to leave their families and defend this country against an enemy we do not fully understand, for an amount of time

we cannot determine. For 8 long years, we neglected our forces.

For America to win the war against terrorism, our military must have the best equipment, the best training, and the best resources available.

Our lives have changed forever, but the role of our military is still the same—to protect America. It is time to give them what they need now. They deserve our help and support.

You know, we live in the greatest nation on Earth. And we have a President and Commander-in-Chief who believes in our strength and in our military's might.

This bill today reflects that confidence. Rest assured, we can and will win this war against freedom.

Vote for freedom.

Vote for our men and women in uniform.

Vote for this bill.

Mr. ORTIZ. Madam Chairman, I rise in strong support of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. I want to specifically address the provisions in the Act relating to military readiness.

First, I would like to express my appreciation to the Readiness Subcommittee leadership and to my colleagues, on both the subcommittee and the full committee, for the manner in which the readiness provisions of H.R. 2586 were developed this session. I want to express my personal thanks to my friend and colleague, CURT WELDON, for the extraordinary steps he took while serving as chairman of the Readiness Subcommittee to focus attention on the critical readiness issues facing our military and the Nation. While we may differ on some policy and program objectives, we on the subcommittee were able to get a better appreciation of the challenges our military personnel and dedicated civilian employees face in trying to do more with less. For their effort, we can all be proud. I personally remain concerned about how long they will be able to keep up the pace.

Accepting the budget realities we are facing, the readiness provisions in the bill reflect some of the steps I believe are necessary, with the dollars available, to make their tasks easier. It does not provide all that is needed. I remain perplexed when I reflect on the impact that the resource shortages are having on every facet of our military. That includes the stability of our dedicated civilian employees who are also being asked to remain productive while at the same time the Department appears to be trying to take away their jobs. I regret that we are unable to do more about the deplorable facilities our personnel must use to train and to maintain equipment. There is an immediate need for the administration and the Congress to scrub the budget to address this serious budget shortfall. I am very concerned that what was thought to be a certain commitment of additional funds for defense could turn out to be a hollow promise.

Madam Chairman, I want to make it very clear that I believe that the readiness policy provisions in H.R. 2586 represent a step in the right direction. We denied several policy modifications requested by the Department that would do harm to overall readiness. It is the dollar shortfall that raises my concern. I hope that as we continue with the passage of this

bill and go into conference with the Senate, we will continue to search for opportunities to increase the resources available for the readiness accounts. We cannot afford to fail in this endeavor.

I hope my colleagues will join me in supporting H.R. 2586.

Mr. STUMP. Madam Chairman, I would like to submit the following letters for the CONGRESSIONAL RECORD for H.R. 2586, the National Defense Authorization Act of 2001.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, August 14, 2001.

Hon. BOB STUMP, Chairman,  
Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN, This letter concerns the jurisdiction interest of the Committee on Transportation and Infrastructure in H.R. 2586, the Department of Defense Authorization Act for Fiscal Year 2002.

H.R. 2586, as ordered reported by the Committee on Armed Services, contains many provisions over which the Committee on Transportation and Infrastructure has jurisdiction. As in previous bills, these include all sections that affect the pay, benefits, and personnel of the United States Coast Guard and the United States Coast Guard Reserve.

Our Committee recognizes the importance of H.R. 2586 and the need for this legislation to move expeditiously. While we have a valid claim to jurisdiction over a number of provisions in the bill, including many that affect the United States Coast Guard, I do not intend to request a sequential referral of the bill. This is, of course, conditional on our mutual understanding that nothing in this legislation waives or affects the jurisdiction of the Transportation Committee, that every effort will be made to include any agreements worked out by our staffs as the bill is taken to the Floor, and that a copy of this letter and your response will be included in the Committee Report and as part of the record during consideration of the bill by the House.

The Committee on Transportation and Infrastructure also requests to be included as conferees on the provisions over which we have jurisdiction.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, August 29, 2001.

Hon. DON YOUNG, Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, Thank you for your letter of August 14, 2001 regarding H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

I agree that the Committee on Transportation and Infrastructure has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Transportation and Infrastructure is not waiving its jurisdiction. Further, as you requested, this exchange of letters will be included in the Committee report on the bill.

Thank you for your cooperation in this matter.

Sincerely,

BOB STUMP,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON EDUCATION AND THE  
WORKFORCE,  
Washington, DC, August 28, 2001.

Hon. BOB STUMP, Chairman, Committee on Armed Services, Washington, DC.

DEAR CHAIRMAN STUMP, Thank you for working with me in your development of H.R. 2586, the "National Defense Authorization Act for Fiscal Year 2002," specifically: 1. Section 341, "Assistance to Local Educational Agencies that Benefit Dependents of Members of the Armed Forces and Department of Defense Civilian Employees" 2. Section 342, "Availability of Auxiliary Services of Defense Dependents education system for dependents who are home school students" 3. Section 343, "Report regarding Compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense" 4. Section 509, "One-year Extension of expiration date for certain force management authorities" 5. Section 584, "Clarification of military recruiter access to secondary school directory information about students."

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 2586, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should be a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 2586 and look forward to working with you on these issues in the future.

Sincerely,

JOHN BOEHNER,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, August 31, 2001.

Hon. BOB STUMP, Chairman, House Committee on Armed Services, U.S. House of Representatives, Washington, DC.

DEAR BOB, Thank you for working with me regarding H.R. 2586, the "National Defense Authorization Act for Fiscal Year 2002," which was referred to the Committee on Armed Services. As you know, the Committee on the Judiciary has a jurisdictional interest in this legislation, and I appreciate your acknowledgment of that jurisdictional interest. While the bill would be sequentially referred to the Judiciary Committee, I understand the desire to have this legislation considered expeditiously by the House; therefore, I do not intend to hold a hearing or markup on this legislation.

In agreeing to waive consideration by our Committee, I would expect you to agree that this procedural route should not be construed to prejudice the Committee on the Judiciary's jurisdictional interest and prerogatives on this or any similar legislation and will not be considered as precedent for consideration of matters of jurisdictional inter-

est to my Committee in the future. The Committee on the Judiciary takes this action with the understanding that the Committee's jurisdiction over the provisions within the Committee's jurisdiction is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill is preserved. I would also expect your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee should a conference with the Senate be convened on this or similar legislation.

Again, thank you for your cooperation on this important matter. I would appreciate your including our exchange of letters in your Committee's report to accompany H.R. 2586.

Sincerely,

F. JAMES SENSENBRENNER, JR.,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, August 31, 2001.

Hon. F. JAMES SENSENBRENNER, JR., Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, Thank you for your letter of August 31, 2001 regarding H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

I agree that the Committee on the Judiciary has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request such a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on the Judiciary is not waiving its jurisdiction. Further, as you requested, this exchange of letters will be included in the Committee report on the bill.

Thank you for your cooperation in this matter.

Sincerely,

BOB STUMP,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, August 31, 2001.

Hon. BOB STUMP, Chairman, Committee on the Armed Services, Washington, DC.

DEAR MR. CHAIRMAN, Thank you for an opportunity to review the text of H.R. 2586, the National Defense Authorization Act of 2002, for provisions which are within the jurisdiction of the Committee on Resources. Among these provisions are those dealing with benefits for the National Oceanic and Atmospheric Administration Corps, environmental review, public lands, and territories of the United States.

Because of the continued cooperation and consideration you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 2586 based on their inclusion in the bill. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Resources on these provisions, should such a conference become necessary.

Once again, I appreciate working with you and your staff on these matters, and look forward to urging my colleagues to support and pass H.R. 2586.

Sincerely,

JAMES V. HANSEN,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 4, 2001.

Hon. BOB STUMP,  
Chairman, Committee on Armed Services, U.S.  
House of Representatives, Washington, DC.

DEAR CHAIRMAN STUMP. On August 1, 2001, the Committee on Armed Services ordered reported H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. As ordered reported by the Committee on Armed Services, this legislation contains a number of provisions that fall within the jurisdiction of the Committee on Energy and Commerce. These provisions include the following:

Section 509—One-year extension of expiration date for certain force management authorities.

Section 514—Improved disability benefits for certain reserve component members.

Subtitle A of title 6—Pay and Allowances

Section 611—One-year extension of certain bonus and special pay authorities for reserve forces.

Section 612—One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Section 2906—Environmental compliance and environmental response requirements.

Section 3131—Termination date of Office of River Protection, Richland, Washington.

Section 3132—Organizational modifications for National Nuclear Security Administration.

Section 3201—Defense Nuclear Facilities Safety Board Authorization.

I understand that two provisions within my jurisdiction that are in the bill as ordered reported will be deleted in the reported version of H.R. 2586: (1) section 316, concerning the authority of the Department of Defense to accept and store mercury and (2) section 712, listing requirements regarding a Presidential task force. Further, I understand that section 3134, dealing with the disposition of surplus plutonium at the Savannah River Site in Aiken, South Carolina, will be modified to make clear that it only deals with military surplus plutonium, and therefore will not fall within my committee's jurisdiction.

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions or any other provisions of the bill that may fall within its jurisdiction. In addition, the Committee on Energy and Commerce reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference, and asks for your support in being accorded such conferees.

I request you include this letter as part of the report on H.R. 2586 and as part of the Record during consideration of this bill by the House.

Sincerely,

W.J. "BILLY" TAUZIN,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
Washington, DC, September 5, 2001.

Hon. BOB STUMP,  
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Government Reform has decided not to as-

sert its jurisdiction over the following provisions of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002, that fall within the Committee's jurisdiction.

Title III—Operation and Maintenance

Section 333. Continuation of contractor manpower reporting system in Department of the Army.

Title V—Military Personnel Policy

Section 519. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.

Section 588. Payment of FEHBP premiums for certain Reservists called to active duty in support of contingency operations.

Title VIII—Acquisition Policy, Acquisition Management, and Related Matters.

Section 803. Two-year extension of program applying simplified procedures to certain commercial items.

Section 811 through 819. Erroneous Payment Recovery.

Title X—General Provisions

Section 1041. Limited access to sensitive unclassified information for administrative support contractors.

Title XI—Civilian Personnel

Section 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.

Section 1103. Payment of expenses to obtain professional credentials.

Section 1104. Retirement portability elections for certain Department of Defense and Coast Guard employees.

Section 1105. Removal of requirement that granting civil service compensatory time be based on amount of irregular occasional overtime work.

Section 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.

Section 1107. Limitation on premium pay.

Section 1108. Use of common occupational and health standards as a basis for differential payments made as a consequence of exposure to asbestos.

Section 1110. "Monroney amendment" restored to its prior form.

Title XXXII—Defense Nuclear Facilities Safety Board

Section 3132. Organizational modifications for National Nuclear Security Administration.

As you know, House Rule X, Establishment and Jurisdiction of Standing Committees, grants the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service, procurement policy, and property disposal. The Committee's decision not to exercise its jurisdiction for these provisions is not intended or designed to limit our jurisdiction over any future consideration of related matters. I also intend to request that I be appointed as a conferee on all of the sections of the bill that fall within the jurisdiction of the Committee on Government Reform.

Mr. Chairman, we appreciate your consultation with the Government Reform Committee on these matters.

Sincerely,

DAN BURTON,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL  
RELATIONS,  
Washington, DC, September 6, 2001.

Hon. BOB STUMP,  
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN. I understand that on Wednesday, August 1, 2001, the Committee on

Armed Services ordered favorably reported H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. The bill includes a number of provisions that fall within the legislative jurisdiction of the Committee on International Relations pursuant to Rule X(1)(j) of the House of Representatives.

The specific provisions within our committee's jurisdiction are: (1) Section 1011, Revision in Types of Excess Naval Vessels for Which Approval by Law is Required for Disposal to Foreign Countries; (2) Section 1045, Sense of Congress on the Importance of the Kwajalein Missile Range/Ronald Reagan Defense Initiative Test Site at Kwajalein Atoll; (3) Section 1201, Clarification of Authority to Furnish Nuclear Test Monitoring Equipment to Foreign Governments; (4) Section 1202, Acquisition of Logistical Support for Security Forces; (5) Section 1203, Report on the Sale and Transfer of Military Hardware, Expertise, and Technology from States of the Former Soviet Union to the People's Republic of China; (6) Section 1205, Extension of Authority to Provide Assistance Under Weapons of Mass Destruction Act for Support of United Nations-Sponsored Efforts to Inspect and Monitor Iraqi Weapons Activities; (7) Section 1206, Repeal of Requirement for Reporting to Congress on Military Deployments to Haiti; (8) Section 1207, Report by Comptroller General on Provision of Defense Articles, Services, and Military Education and Training to Foreign Countries and International Organizations; and (9) Title XIII, Cooperative Threat Reduction with States of the Former Soviet Union.

Pursuant to Chairman Dreier's expected announcement that the Committee on Rules will move expeditiously to consider a rule for H.R. 2586 and your desire to have the bill considered on the House floor next week, the Committee on International Relations will not seek a sequential referral of the bill as a result of including these provisions, without waiving or ceding now or in the future this committee's jurisdiction over the provisions in question. I believe, however, that certain of these provisions, particularly sections 1011 and 1045, require additional refinement, and I look forward to working with you as H.R. 2586 moves through the legislative process to make any appropriate changes to these provisions. I will seek to have conferees appointed for these provisions during any House-Senate conference committee.

Although this letter was not included in the report accompanying H.R. 2586, I intend to publish this letter in the Congressional Record and make it part of the record during consideration of the bill by the House of Representatives.

With best wishes,

Sincerely,

HENRY J. HYDE,  
Chairman.

Mr. SKELTON. Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for the general debate has expired.

Pursuant to the order of the House of Wednesday, September 19, 2001, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2002”.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS****TITLE I—PROCUREMENT****Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical demilitarization program.

Sec. 107. Defense health programs.

**Subtitle B—Army Programs**

Sec. 111. Extension of multiyear contract for Family of Medium Tactical Vehicles.

Sec. 112. Repeal of limitations on bunker defeat munitions program.

**Subtitle C—Air Force Programs**

Sec. 121. Responsibility of Air Force for contracts for all defense space launches.

Sec. 122. Multi-year procurement of C-17 aircraft.

**Subtitle D—Chemical Munitions Destruction**

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION****Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

Sec. 211. Cooperative Department of Defense-Department of Veterans Affairs medical research program.

Sec. 212. Advanced Land Attack Missile program.

Sec. 213. Collaborative program for development of advanced radar systems for naval applications.

**Subtitle C—Ballistic Missile Defense**

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Sec. 3134. Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina.

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Sec. 3501. Authorization of appropriations for fiscal year 2002.

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Sec. 3503. Holding obligor's cash as collateral under title XI of Merchant Marine Act, 1936.

#### **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

For purposes of this Act, the term "congressional defense committees" means—

- (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

#### **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

##### **TITLE I—PROCUREMENT**

##### **Subtitle A—Authorization of Appropriations**

##### **SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Army as follows:

- (1) For aircraft, \$1,987,491,000.
- (2) For missiles, \$1,097,286,000.
- (3) For weapons and tracked combat vehicles, \$2,367,046,000.
- (4) For ammunition, \$1,208,565,000.
- (5) For other procurement, \$4,143,986,000.

##### **SEC. 102. NAVY AND MARINE CORPS.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Navy as follows:

- (1) For aircraft, \$8,337,243,000.
- (2) For weapons, including missiles and torpedoes, \$1,476,692,000.
- (3) For shipbuilding and conversion, \$9,321,121,000.
- (4) For other procurement, \$4,157,313,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Marine Corps in the amount of \$1,025,624,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$463,507,000.

##### **SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Air Force as follows:

- (1) For aircraft, \$10,705,687,000.
- (2) For missiles, \$3,226,336,000.
- (3) For ammunition, \$871,344,000.
- (4) For other procurement, \$8,250,821,000.

##### **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

Funds are hereby authorized to be appropriated for fiscal year 2002 for Defense-wide procurement in the amount of \$2,267,346,000.

##### **SEC. 105. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for fiscal year 2002 for procurement for the Inspector General of the Department of Defense in the amount of \$1,800,000.

##### **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

There is hereby authorized to be appropriated for fiscal year 2002 the amount of \$1,078,557,000 for—

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
- (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

##### **SEC. 107. DEFENSE HEALTH PROGRAMS.**

Funds are hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of \$267,915,000.

##### **Subtitle B—Army Programs**

##### **SEC. 111. EXTENSION OF MULTIYEAR CONTRACT FOR FAMILY OF MEDIUM TACTICAL VEHICLES.**

In order to ensure that an adequate number of vehicles of the "AI" variant of the Family of Medium Tactical Vehicles program continue to be fielded to the Army, the Secretary of the Army may extend for one additional year the existing multiyear procurement contract, authorized by section 112(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1648) and awarded on October 14, 1998, for procurement of vehicles under that program (notwithstanding the maximum period for such contracts otherwise applicable under section 2306b(k) of title 10, United States Code) if the Secretary determines that it is necessary to do so in order to prevent a break in production of those vehicles.

##### **SEC. 112. REPEAL OF LIMITATIONS ON BUNKER DEFEAT MUNITIONS PROGRAM.**

Section 116 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2682) is repealed.

##### **Subtitle C—Air Force Programs**

##### **SEC. 121. RESPONSIBILITY OF AIR FORCE FOR CONTRACTS FOR ALL DEFENSE SPACE LAUNCHES.**

(a) IN GENERAL.—(1) Chapter 807 of title 10, United States Code, is amended by inserting after section 8062 the following new section:

**"§8063. Contracts for space launches: responsibility of Air Force for all Department of Defense elements**

"The Secretary of the Air Force shall ensure that contracts for space launch vehicles and space launch services for all elements of the Department of Defense are prepared, negotiated, executed, and managed in a manner that maximizes launch effectiveness, minimizes cost of launch services, provides clear visibility to all elements into contract costs and functions, and, where practicable, takes advantage of commercial space launch capabilities."

(2) The table of sections at the beginning of such chapter is amended by inserting after the

item relating to section 8062 the following new item:

**"8063. Contracts for space launches: responsibility of Air Force for all Department of Defense elements."**

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees and the congressional intelligence committees a report on the implementation of section 8063 of title 10, United States Code, as added by subsection (a).

##### **SEC. 122. MULTI-YEAR PROCUREMENT OF C-17 AIRCRAFT.**

If the Secretary of Defense certifies to the congressional defense committees before the enactment of this Act that it is in the interest of the Department of Defense to proceed with a follow-on multi-year procurement of additional C-17 aircraft, then the Secretary may, in accordance with section 2306b of title 10, United States Code, enter into a new multi-year procurement contract or extend the current multi-year procurement contract beginning in fiscal year 2002 to procure up to 60 additional C-17 aircraft in order to meet the Department's airlift requirements.

##### **Subtitle D—Chemical Munitions Destruction**

##### **SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.**

Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 50 U.S.C. 1521 note) is amended—

- (1) in subsection (b)—
- (A) by inserting "for that site" after "in place"; and
- (B) by adding at the end the following new paragraphs:

"(4) Emergency preparedness and response capabilities have been established at the site and in the surrounding communities to respond to emergencies involving risks to public health or safety that are identified by the Secretary of Defense as being risks resulting from the storage or destruction of lethal chemical agents and munitions at the site.

"(5) The Under Secretary of Defense for Acquisition, Technology, and Logistics recommends initiation of destruction at the site after considering the recommendation by the board established by subsection (g)."; and

- (2) by adding at the end the following new subsection:

**"(g) OVERSIGHT BOARDS.—**(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall convene, for each site at which the chemical munitions stockpile is stored, an independent oversight board composed of—

- "(A) the Secretary of the Army;
- "(B) the Director of the Federal Emergency Management Agency;
- "(C) the Administrator of the Environmental Protection Agency;
- "(D) the President of the National Academy of Sciences;
- "(E) the Governor of the State in which the site is located; and
- "(F) one individual designated by the Under Secretary from a list of three local representatives of the area in which the site is located, prepared jointly by the Member of the House of Representatives who represents the Congressional District in which the site is located and the Senators representing the State in which the site is located.

"(2) Not later than six months after each such board is convened, the board shall make a recommendation to the Under Secretary whether the destruction of the chemical munitions stockpile should be initiated at the site.

"(3) The Under Secretary may not recommend initiation of destruction of the chemical munitions stockpile at a site after considering a negative recommendation of the board until 90 days

after the Under Secretary provides notice to Congress of the intent to recommend initiation of destruction.”

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### **Subtitle A—Authorization of Appropriations**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Department of Defense for research, development, test, and evaluation as follows:

- (1) For the Army, \$6,749,025,000.
- (2) For the Navy, \$10,863,274,000.
- (3) For the Air Force, \$14,455,653,000.
- (4) For Defense-wide activities, \$15,591,978,000, of which \$217,355,000 is authorized for the Director of Operational Test and Evaluation.

#### **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

(a) **FISCAL YEAR 2002.**—Of the amounts authorized to be appropriated by section 201, \$4,973,843,000 shall be available for basic research and applied research projects.

(b) **BASIC RESEARCH AND APPLIED RESEARCH DEFINED.**—For purposes of this section, the term “basic research and applied research” means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

#### **SEC. 211. COOPERATIVE DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL RESEARCH PROGRAM.**

Of the funds authorized to be appropriated by section 201(4), \$5,000,000 shall be available for the cooperative Department of Defense/Department of Veterans Affairs medical research program. The Secretary of Defense shall transfer such amount to the Secretary of Veterans Affairs for such purpose not later than 30 days after the date of the enactment of this Act.

#### **SEC. 212. ADVANCED LAND ATTACK MISSILE PROGRAM.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall establish a competitive program for the development of an advanced land attack missile for the DD-21 land attack destroyer and other naval combatants.

(b) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees, with the submission of the budget request for the Department of Defense for fiscal year 2003, a report providing the program plan for the Advanced Land Attack Missile program, the schedule for that program, and funding required for that program.

(c) **FUNDING.**—Of the amount authorized to be appropriated under section 201(2) for research, development, test, and evaluation for the Navy, \$20,000,000 shall be available in PE 0603795N for the Advanced Land Attack Missile program.

#### **SEC. 213. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ADVANCED RADAR SYSTEMS FOR NAVAL APPLICATIONS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall carry out a program to develop and demonstrate advanced technologies and concepts leading to advanced radar systems for naval and other applications.

(b) **DESCRIPTION OF PROGRAM.**—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into by the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Activities needed to develop and deploy advanced electronics materials, including specifi-

cally wide band gap electronics components needed to extend the range and sensitivity of naval radars.

(2) Identification of acquisition systems for use of the new technology.

(c) **REPORT.**—Not later than January 31, 2002, the Director of Defense Research and Engineering, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

- (1) A description of the memorandum of agreement referred to in subsection (b).
- (2) A schedule for the program.
- (3) Identification of the funding required for fiscal year 2003 and for the future-years defense program to carry out the program.
- (4) A list of program capability goals and objectives.

(d) **FUNDING.**—(1) Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, \$41,000,000 shall be available for applied research and maturation of high frequency and high power wide band gap semiconductor electronics technology to carry out the program under subsection (a).

(2) Of the amount authorized to be appropriated by section 201(2) for the Department of the Navy, \$15,500,000 shall be available to carry out the program under subsection (a).

### **Subtitle C—Ballistic Missile Defense**

#### **SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCUREMENT FOR MISSILE DEFENSE PROGRAMS FROM BALLISTIC MISSILE DEFENSE ORGANIZATION TO MILITARY DEPARTMENTS.**

(a) **BUDGETING OF MISSILE DEFENSE PROCUREMENT AUTHORITY.**—(1) Subsection (a) of section 224 of title 10, United States Code is amended by striking “procurement” both places it appears and inserting “research, development, test, and evaluation”.

(2) Such section is further amended by striking subsections (b) and (c) and inserting the following:

“(b) **COVERED PROGRAMS.**—Subsection (a) applies to any ballistic missile defense program for which research, development, test, and evaluation is carried out by the Ballistic Missile Defense Organization.”

(3)(A) The heading of that section is amended to read as follows:

“**§224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.**”

(B) The item relating to section 224 in the table of sections at the beginning of chapter 9 of such title is amended to read as follows:

“**224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.**”

(b) **TRANSFER CRITERIA.**—The Secretary of Defense shall establish, and submit to the congressional defense committees, criteria for the transfer of ballistic missile defense programs from the Ballistic Missile Defense Organization to the military departments. Those criteria shall, at a minimum, address technical maturity of the program, availability of facilities for production, and service commitment to procurement funding.

(c) **NOTIFICATION OF TRANSFER.**—Before responsibility for a ballistic missile defense program is transferred from the Ballistic Missile Defense Organization to the Secretary of a military department, the Secretary of Defense shall submit to the congressional defense committees notice in writing of the Secretary’s intent to make that transfer. The Secretary shall include with such notice a certification that the program has met the criteria established under sub-

section (b) for such a transfer. The transfer may then be carried out after the end of the 60-day period beginning on the date of such notice.

#### **SEC. 232. REPEAL OF PROGRAM ELEMENT REQUIREMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.**

(a) **REPEAL.**—Section 223 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 223.

#### **SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE BY THE NATIONAL DEFENSE LABORATORIES OF THE DEPARTMENT OF ENERGY.**

(a) **FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.**—Of the amounts authorized to be appropriated to the Department of Defense pursuant to section 201(4), \$25,000,000 shall be available, subject to subsection (b) and at the discretion of the Director of the Ballistic Missile Defense Organization, for research, development, and demonstration activities at the national laboratories of the Department of Energy in support of the missions of the Ballistic Missile Defense Organization, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to enhance performance, reduce risk, and improve reliability in hit-to-kill interceptors for ballistic missile defense.

(2) Support for science and engineering teams to assess critical technical problems and prudent alternative approaches as agreed upon by the Director of the Ballistic Missile Defense Organization and the Administrator for Nuclear Security.

(b) **REQUIREMENT FOR MATCHING FUNDS FROM NNSA.**—Funds shall be available as provided in subsection (a) only if the Administrator for Nuclear Security makes available matching funds for the activities referred to in subsection (a).

(c) **MEMORANDUM OF UNDERSTANDING.**—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034) and modified pursuant to section 3132 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-455) to provide for jointly funded projects.

#### **SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.**

(a) **TESTING INFRASTRUCTURE.**—(1) The Secretary of Defense shall ensure that each annual budget request of the Department of Defense—

(A) is designed to provide for comprehensive testing of ballistic missile defense programs during early stages of development; and

(B) includes necessary funding to support and improve test infrastructure and provide adequate test assets for the testing of such programs.

(2) The Secretary shall ensure that ballistic missile defense programs incorporate, to the greatest possible extent, operationally realistic test configurations (referred to as “test bed” configurations) to demonstrate system performance across a broad range of capability and, during final stages of operational testing, to demonstrate reliable performance.

(3) The Secretary shall ensure that the test infrastructure for ballistic missile defense programs is capable of supporting continued testing of ballistic missile defense systems after deployment.

(b) **REQUIREMENTS FOR EARLY STAGES OF SYSTEM DEVELOPMENT.**—In order to demonstrate

acceptable risk and developmental stability, the Secretary of Defense shall ensure that any ballistic missile defense program incorporates, to the maximum extent practicable, the following elements during the early stages of system development:

(1) Pursuit of parallel conceptual approaches and technological paths for all critical problematic components until effective and reliable solutions can be demonstrated.

(2) Comprehensive ground testing in conjunction with flight-testing for key elements of the proposed system that are considered to present high risk, with such ground testing to make use of existing facilities and combinations of facilities that support testing at the highest possible levels of integration.

(3) Where appropriate, expenditures to enhance the capabilities of existing test facilities, or to construct new test facilities, to support alternative complementary test methodologies.

(4) Sufficient funding of test instrumentation to ensure accurate measurement of all critical test events and, where possible, incorporation of mobile assets to enhance flexibility in test configurations.

(5) Incorporation into the program of sufficient schedule flexibility and expendable test assets, including missile interceptors and targets, to ensure that failed or aborted tests can be repeated in a prudent, but expeditious manner.

(6) Incorporation into flight-test planning for the program, where possible, of—

(A) methods referred to as “campaign testing” and “test through failure” and other appropriate test methods in order to reduce costs per test event;

(B) events to demonstrate engagement of multiple targets, “shoot-look-shoot”, and other pertinent operational concepts; and

(C) exploitation of opportunities to facilitate early development and demonstration of “family of systems” concepts.

(c) **SPECIFIC REQUIREMENTS FOR GROUND-BASED MID-COURSE INTERCEPTOR SYSTEMS.**—For ground-based mid-course interceptor systems, the Secretary of Defense shall initiate steps during fiscal year 2002 to establish a flight-test capability of launching not less than three missile defense interceptors and not less than two ballistic missile targets to provide a realistic test infrastructure.

#### **SEC. 235. MISSILE DEFENSE SYSTEM TEST BED FACILITIES.**

(a) **AUTHORITY TO ACQUIRE OR CONSTRUCT FACILITIES.**—(1) The Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may carry out construction projects, or portions of construction projects, including projects for the acquisition, improvement, or construction of facilities of general utility, to establish and operate the Missile Defense System Test Bed Facilities.

(2) The authority provided in paragraph (1) may be used to acquire, improve, or construct facilities at a total cost not to exceed \$500,000,000.

(b) **AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL COMMUNITIES.**—(1) Subject to paragraph (2), the Secretary of Defense, using funds appropriated to the Department of Defense for research, development, test, and evaluation for fiscal years after fiscal year 2001 that are available for programs of the Ballistic Missile Defense Organization, may provide assistance, by grant or otherwise, to local communities to meet the need for increased municipal or community services or facilities resulting from the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

(2) Assistance may be provided to a community under paragraph (1) only if the Secretary

of Defense determines that there is an immediate and substantial increase in the need for municipal or community services or facilities as a direct result of the construction, installation, or operation of the Missile Defense System Test Bed Facilities.

#### **Subtitle D—Other Matters**

#### **SEC. 241. ESTABLISHMENT OF UNMANNED AERIAL VEHICLE JOINT OPERATIONAL TEST BED SYSTEM.**

(a) **ESTABLISHMENT OF TEST BED SYSTEM.**—The commander of the United States Joint Forces Command shall establish a capability (referred to as a “test bed”) within the facilities and resources of that command to evaluate and ensure joint interoperability of unmanned aerial vehicle systems. That capability shall be independent of the military departments and shall be managed directly by the Joint Forces Command.

(b) **REQUIRED TRANSFER OF PREDATOR UAV ASSETS.**—The Secretary of the Navy shall transfer to the commander of the Joint Forces Command the two Predator unmanned aerial vehicles currently undergoing operational testing by the Navy, together with associated payloads and antennas and the associated tactical control system (TCS) ground station.

(c) **USE BY JOINT FORCES COMMAND.**—The items transferred pursuant to subsection (a) may be used by the commander of the United States Joint Forces Command only through the independent joint operational test bed system established pursuant to subsection (a) for testing of those items, including further development of the associated tactical control system (TCS) ground station, other aspects of unmanned aerial vehicle interoperability, and participation in such experiments and exercises as the commander considers appropriate to the mission of that command.

(d) **DEADLINE FOR TRANSFERS.**—The transfers required by subsection (b) shall be completed not later than 90 days after the date of the enactment of this Act.

(e) **TRANSFER WHEN NO LONGER REQUIRED BY JOINT FORCES COMMAND.**—Upon a determination by the commander of the United States Joint Forces Command that any of the items transferred pursuant to subsection (a) are no longer needed by that command for use as provided in subsection (c), those items shall be transferred to the Secretary of the Air Force.

#### **SEC. 242. DEMONSTRATION PROJECT TO INCREASE SMALL BUSINESS AND UNIVERSITY PARTICIPATION IN OFFICE OF NAVAL RESEARCH EFFORTS TO EXTEND BENEFITS OF SCIENCE AND TECHNOLOGY RESEARCH TO FLEET.**

(a) **PROJECT REQUIRED.**—The Secretary of the Navy, acting through the Chief of Naval Research, shall carry out a demonstration project to increase access to Navy facilities of small businesses and universities that are engaged in science and technology research beneficial to the fleet.

(b) **PROJECT ELEMENTS.**—In carrying out the demonstration project, the Secretary shall—

(1) establish and operate a Navy Technology Extension Center at a location to be selected by the Secretary;

(2) permit participants in the Small Business Innovation Research Program (SBIR) and Small Business Technology Transfer Program (STTR) that are awarded contracts by Office of Naval Research to access and use Navy facilities without charge for purposes of carrying out such contracts; and

(3) permit universities, institutions of higher learning, and Federally Funded Research and Development Centers (FFRDC) collaborating with SBIR and STTR participants to use Navy facilities.

(c) **REPORT.**—Not later than February 1, 2004, the Secretary shall submit to Congress a report

on the demonstration project. The report shall include a description of the activities carried out under the demonstration project and any recommendations for the improvement or expansion of the demonstration project that the Secretary considers appropriate.

#### **SEC. 243. MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAMS.**

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 211 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1946), is amended by striking “through 2003” and inserting “through 2008”.

#### **SEC. 244. PROGRAM TO ACCELERATE THE INTRODUCTION OF INNOVATIVE TECHNOLOGY IN DEFENSE ACQUISITION PROGRAMS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense shall carry out a program to provide opportunities for the increased introduction of innovative and cost-saving technology in acquisition programs of the Department of Defense. The program, to be known as the Challenge Program, shall provide an individual or activity within or outside the Department of Defense with the opportunity to propose alternatives, to be known as challenge proposals, at the component, subsystem, or system level of an existing Department of Defense acquisition program that would result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of that acquisition program.

(b) **PANEL.**—(1) In carrying out the Challenge Program, the Secretary of Defense shall establish a panel of highly qualified scientists and engineers (hereinafter in this section referred to as the “Panel”) under the auspices of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The duty of the Panel shall be to carry out review and evaluation of challenge proposals under subsection (c).

(2) A member of the Panel may not participate in any review and evaluation of a challenge proposal under subsection (c) if at any time within the previous five years that member has, in any capacity, participated in or been affiliated with the Department of Defense program for which the challenge proposal is proposed.

(c) **REVIEW AND EVALUATION OF CHALLENGE PROPOSALS.**—(1) Under procedures prescribed by the Secretary, an individual or activity within or outside the Department of Defense may submit challenge proposals to the Panel.

(2) The Panel shall carry out an expedited evaluation of each challenge proposal submitted under paragraph (1) to determine whether a prima facie case has been made that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program. If the Panel determines that such a case has not been made, the Panel may turn down the challenge proposal. In any other case, the Panel shall provide for a full review of the challenge proposal under paragraph (3).

(3) In carrying out a full review of a challenge proposal, the Panel shall ensure the following:

(A) Any incumbent that would be displaced by the implementation of the challenge proposal is provided notice of the challenge proposal and a full opportunity to demonstrate why the challenge proposal should not be implemented.

(B) Notice of the full review of the challenge proposal is published in one or more appropriate commercial publications of national circulation.

(C) If one or more other challenge proposals are submitted on matters relating to the challenge proposal being reviewed, the Panel shall, to the maximum extent practicable, carry out a

full review of those other challenge proposals together with the full review of the original challenge proposal.

(4) The Secretary of Defense shall ensure that the Panel, in carrying out review and evaluation of challenge proposals under this subsection, has the authority to call upon the technical resources of the laboratories, research, development, and engineering centers, test and evaluation activities, and other elements of the Department.

(d) FINDINGS OF SUBSTANTIAL SUPERIORITY.—If, after the full review of a challenge proposal is completed, the Panel finds that the challenge proposal will result in improvements in performance, affordability, manufacturability, or operational capability at the component, subsystem, or system level of the applicable acquisition program that are substantially superior to that of the incumbent, the Panel shall submit that finding to the Under Secretary.

(e) ACTION UPON FINDINGS.—Upon receiving a finding under subsection (d), the Under Secretary shall carry out a plan to acquire and implement the challenge proposal with respect to which the finding was made. The Secretary shall carry out such plan—

(1) after canceling the contract of any incumbent that would be displaced by the implementation of the challenge proposal; or

(2) after an appropriate program milestone (such as the expiration of such a contract) has been reached.

(f) ELIMINATION OF CONFLICTS OF INTEREST.—In carrying out each review and evaluation under subsection (c), the Secretary shall ensure the elimination of conflicts of interest.

(g) FUNDING.—Of the funds authorized to be appropriated by section 201(4) for Defense-wide research, development, test, and evaluation for fiscal year 2002, \$40,000,000 shall be available in PE 63826D8Z for the Challenge Program required by this section.

(h) REPORT.—The Secretary shall submit to Congress, with the submission of the budget request for the Department of Defense for each fiscal year beginning with fiscal year 2003, a report on the implementation of this section. The report shall include the number and scope of challenge proposals submitted, reviewed and evaluated, found to be substantially superior, and implemented.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

#### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$21,015,280,000.
- (2) For the Navy, \$26,587,962,000.
- (3) For the Marine Corps, \$2,898,114,000.
- (4) For the Air Force, \$25,811,462,000.
- (5) For Defense-wide activities, \$11,922,131,000.
- (6) For the Army Reserve, \$1,814,246,000.
- (7) For the Naval Reserve, \$1,003,690,000.
- (8) For the Marine Corps Reserve, \$144,023,000.
- (9) For the Air Force Reserve, \$2,017,866,000.
- (10) For the Army National Guard, \$3,705,359,000.
- (11) For the Air National Guard, \$3,967,361,000.
- (12) For the Defense Inspector General, \$152,021,000.
- (13) For the United States Court of Appeals for the Armed Forces, \$9,096,000.
- (14) For Environmental Restoration, Army, \$389,800,000.
- (15) For Environmental Restoration, Navy, \$257,517,000.

(16) For Environmental Restoration, Air Force, \$385,437,000.

(17) For Environmental Restoration, Defense-wide, \$23,492,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, \$190,255,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$49,700,000.

(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, \$820,381,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, \$25,000,000.

(22) For Defense Health Program, \$17,570,750,000.

(23) For Cooperative Threat Reduction programs, \$403,000,000.

(24) For Overseas Contingency Operations Transfer Fund, \$2,844,226,000.

(25) Support for International Sporting Competitions, Defense, \$15,800,000.

#### SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2002 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, \$1,951,986,000.

(2) For the National Defense Sealift Fund, \$407,708,000.

#### SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

#### SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than \$150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2002 in amounts as follows:

- (1) For the Army, \$50,000,000.
- (2) For the Navy, \$50,000,000.
- (3) For the Air Force, \$50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

#### Subtitle B—Environmental Provisions

#### SEC. 311. INVENTORY OF EXPLOSIVE RISK SITES AT FORMER MILITARY RANGES.

(a) INVENTORY REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues**

**“(a) DEFINITIONS.—In this section:**

**“(1) The term ‘former military range’ means a military range presently located in the United States that—**

**“(A) is or was owned by, leased to, or otherwise possessed or used by the Federal Government;**

**“(B) is designated as a closed, transferred, or transferring military range (rather than as an active or inactive range); or**

**“(C) is or was used as a site for the disposal of military munitions or for the use of military munitions in training or research, development, testing, and evaluation.**

**“(2) The term ‘abandoned military munitions’ means unexploded ordnance and other abandoned military munitions, including components thereof and chemical weapons materiel, that pose a threat to human health or safety.**

**“(3) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions.**

**“(4) The term ‘United States’, in a geographic sense, includes the Commonwealth of Puerto Rico and the territories and possessions.**

**“(b) INVENTORY REQUIRED.—(1) The Secretary of Defense shall develop and maintain an inventory of former military ranges that are known or suspected to contain abandoned military munitions.**

**“(2) The information for each former military range in the inventory shall include, at a minimum, the following:**

**“(A) A unique identifier for the range and its current designation as either a closed, transferred, or transferring range.**

**“(B) An appropriate record showing the location, boundaries, and extent of the range, including identification of the State and political subdivisions of the State in which the range is located and any Tribal lands encompassed by the range.**

**“(C) Known persons and entities, other than a military department, with any current ownership interest or control of lands encompassed by the range.**

**“(D) Any restrictions or other land use controls currently in place that might affect the potential for public and environmental exposure to abandoned military munitions.**

**“(c) SITE PRIORITIZATION.—(1) With respect to each former military range included on the inventory, the Secretary of Defense shall assign the range a relative priority for response activities based on the overall conditions at the range. The level of response priority assigned the range shall be included with the information required by subsection (b)(2) to be maintained for the range.**

**“(2) In assigning the response priority for a former military range, the Secretary of Defense shall primarily consider factors relating to safety and environmental hazard potential, such as the following:**

**“(A) Whether there are known, versus suspected, abandoned military munitions on all or any portion of the range and the types of munitions present or suspected to be present.**

**“(B) Whether public access to the range is controlled, and the effectiveness of these controls.**

**“(C) The potential for direct human contact with abandoned military munitions at the range and evidence of people entering the range.**

**“(D) Whether a response action has been or is being undertaken at the range under the Formerly Used Defense Sites program or other programs.**

**“(E) The planned or mandated dates for transfer of the range from military control.**

**“(F) The extent of any documented incidents involving abandoned military munitions at or from the range. In this subparagraph, the term ‘incidents’ means any or all of the following: explosions, discoveries, injuries, reports, and investigations.**

**“(G) The potential for drinking water contamination or the release of weapon components into the air.**

**“(H) The potential for destruction of sensitive ecosystems and damage to natural resources.**

**“(d) UPDATES AND AVAILABILITY.—(1) The Secretary of Defense shall annually update the inventory and site prioritization list to reflect**

new information that becomes available. The inventory shall be available in published and electronic form.

“(2) The Secretary of Defense shall work with adjacent communities to provide information concerning conditions at the former military range and response activities, and shall respond to inquiries. At a minimum, the Secretary shall notify immediately affected individuals, appropriate State, local, tribal, and Federal officials, and, when appropriate, civil defense or emergency management agencies.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2710. Former military ranges: inventory of explosive risk sites; use of inventory; public safety issues.”.

(b) INITIAL INVENTORY.—The inventory required by section 2710 of title 10, United States Code, as added by subsection (a), shall be completed and made available not later than one year after the date of the enactment of this Act.

#### SEC. 312. NATIONAL SECURITY IMPACT STATEMENTS.

(a) EVALUATION OF NATIONAL SECURITY IMPACTS REQUIRED.—(1) Chapter 160 of title 10, United States Code, is amended by inserting after section 2710, as added by section 311, the following new section:

##### “§2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives

“(a) AGENCY ACTION.—Whenever an environmental impact statement or environmental assessment is required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) to be prepared in connection with a proposed Department of Defense action, the Secretary of Defense shall include as a part of the environmental impact statement or environmental assessment a detailed evaluation of the impact of the proposed action, and each alternative to the proposed action considered in the statement or assessment, on national security, including the readiness, training, testing, and operations of the armed forces.

“(b) AGENCY INPUT.—The Secretary of Defense shall also include the evaluation required by subsection (a) in any input provided by the Department of Defense as a cooperating agency to a lead agency preparing an environmental impact statement or environmental assessment.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2711. Environmental impact statements and environmental assessments: evaluation of national security impacts of proposed action and alternatives.”.

(b) EFFECTIVE DATE.—Section 2711 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and apply with respect to any environmental impact statement or environmental assessment prepared by the Secretary of Defense that has not been released in final form as of that date.

#### SEC. 313. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH HOOPER SANDS SITE, SOUTH BERWICK, MAINE.

Using amounts authorized to be appropriated by section 301(15) for environmental restoration for the Navy, the Secretary of the Navy may pay \$1,005,478 to the Hooper Sands Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency in

full for certain response costs incurred by the Environmental Protection Agency for actions taken pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands site in South Berwick, Maine, pursuant to an interagency agreement entered into by the Department of the Navy and the Environmental Protection Agency in January 2001.

#### SEC. 314. RIVER MITIGATION STUDIES.

(a) PORT OF ORANGE, SABINE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with protruding structures and submerged objects remaining from the World War II Navy ship building industry located at the former Navy installation in Orange, Texas, which create navigational hazards along the Sabine River and surrounding the Port of Orange.

(b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE RIVER.—The Secretary of Defense may conduct a study regarding mitigation needs in connection with floating and partially submerged debris possibly relating to the Philadelphia Naval Shipyard in that portion of the Delaware River from Philadelphia to the mouth of the river which create navigational hazards along the river.

(c) USE OF EXISTING INFORMATION.—In conducting the studies authorized by this section, the Secretary shall take into account any information available from other studies conducted in connection with the same navigation channels.

(d) CONSULTATION.—The Secretary shall conduct the studies authorized by this section in consultation with appropriate State and local government entities and Federal agencies.

(e) REPORT ON STUDY RESULTS.—Not later than April 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that summarizes the results of the studies conducted under this section.

(f) COST SHARING.—Nothing in this section is intended to require non-Federal cost sharing of the costs incurred by the Secretary of Defense to conduct the studies authorized by this section.

(g) REMOVAL AUTHORITY.—Consistent with existing laws, using funds authorized to be appropriated for these purposes, and after providing notice to Congress, the Secretary of Defense may work with the other Federal, State, local, and private entities—

(1) to remove the protruding structures and submerged objects along the Sabine River and surrounding the Port of Orange that resulted from the abandonment of the ship building industry and Navy installation in Orange, Texas; and

(2) to remove floating and partially submerged debris in the portion of the Delaware River subject to the study under subsection (b).

(h) RELATION TO OTHER LAWS AND AGREEMENTS.—This section is not intended to modify any authorities provided to the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

#### SEC. 315. ELIMINATION OF ANNUAL REPORT ON CONTRACTOR REIMBURSEMENT FOR COSTS OF ENVIRONMENTAL RESPONSE ACTIONS.

Section 2706 of title 10, United States Code, is amended by striking subsection (c).

#### Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

#### SEC. 321. RESERVE COMPONENT COMMISSARY BENEFITS.

(a) ELIGIBILITY FOR COMMISSARY BENEFITS.—Section 1063 of title 10, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(3) by inserting after the section heading the following new subsections:

“(a) ELIGIBILITY.—Subject to subsection (c), the Secretary concerned shall authorize members of the Ready Reserve described in subsection (b) to have 24 days of eligibility to use commissary stores of the Department of Defense for any calendar year.

“(b) COVERED MEMBERS.—Subsection (a) applies with respect to the following members of the Ready Reserve:

“(1) A member of the Selected Reserve who is satisfactorily participating in required training as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32 in that calendar year.

“(2) A member of the Ready Reserve (other than a member described in paragraph (1)) who satisfactorily completes 50 or more points creditable under section 12732(a)(2) of this title in that calendar year.

“(c) REDUCED NUMBER OF COMMISSARY VISITS FOR NEW MEMBERS.—The number of commissary visits authorized for a member of the Selected Reserve described in subsection (b)(1) who enters the Selected Reserve after the beginning of the calendar year shall be equal to twice the number of full months remaining in the calendar year.”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

#### “§1063. Use of commissary stores: members of Ready Reserve”.

(2) The table of sections at the beginning of chapter 54 of such title is amended by striking the item relating to section 1063 and inserting the following new item:

“1063. Use of commissary stores: members of Ready Reserve.”.

#### SEC. 322. REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.

Section 2685 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) REIMBURSEMENT FOR NONCOMMISSARY USE OF COMMISSARY FACILITIES.—(1) If the Secretary concerned uses for noncommissary purposes a commissary facility whose construction was financed (in whole or in part) using the proceeds of adjustments or surcharges authorized by subsection (a) or revenues referred to in subsection (e), the Secretary concerned shall reimburse the commissary surcharge account for the depreciated value of the investment made with such proceeds and revenues.

“(2) In paragraph (1), the term ‘construction’ has the meaning given such term in subsection (d)(2).”.

#### SEC. 323. CIVIL RECOVERY FOR NON-APPROPRIATED FUND INSTRUMENTALITY COSTS RELATED TO SHOP-LIFTING.

Section 3701(b)(1)(B) of title 31, United States Code, is amended by inserting before the comma at the end the following: “, including actual and administrative costs related to shoplifting, theft detection, and theft prevention”.

#### Subtitle D—Workforce and Depot Issues

#### SEC. 331. FISCAL YEAR 2002 LIMITATIONS ON WORKFORCE REVIEWS.

(a) WORKFORCE REVIEW DEFINED.—In this section, the term “workforce review” has the meaning given the term in section 2461a(a) of title 10, United States Code.

(b) LIMITED NUMBER OF FULL-TIME EQUIVALENT POSITIONS REVIEWED.—During fiscal year 2002, the total number of full-time equivalent positions considered for possible change to performance by the private sector through the performance of a workforce review may not exceed the following:

(1) 328, in the case of full-time equivalent positions for civilian employees of the Department of the Army;

(2) 453, in the case of full-time equivalent positions for civilian employees of the Department of the Navy;

(3) 936, in the case of full-time equivalent positions for civilian employees of the Department of the Air Force; and

(4) 1,336, in the case of full-time equivalent positions for civilian employees of the Department of Defense, other than civilian employees of a military department.

(c) **ADDITIONAL LIMITATION.**—None of the full-time equivalent positions for civilian employees of the Department of the Navy that may be considered in a workforce review during fiscal year 2002 may involve civilian employees who perform functions on behalf of the Marine Corps.

**SEC. 332. APPLICABILITY OF CORE LOGISTICS CAPABILITY REQUIREMENTS TO NUCLEAR AIRCRAFT CARRIERS.**

Section 2464(a)(3) of title 10, United States Code, is amended by striking “nuclear aircraft carriers” and inserting “nuclear refueling of aircraft carriers”.

**SEC. 333. CONTINUATION OF CONTRACTOR MANPOWER REPORTING SYSTEM IN DEPARTMENT OF THE ARMY.**

Section 343 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 569) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) **REPORTING REQUIREMENT FOR DEPARTMENT OF THE ARMY.**—(1) Not later than March 1 of each fiscal year, the Secretary of the Army shall submit to Congress a report describing the use during the previous fiscal year of non-Federal entities to provide services to the Department of the Army.

“(2) The data collection required to prepare the report is deemed to be in compliance with the requirements of chapter 35 of title 44, United States Code, commonly known as the Paperwork Reduction Act.

“(3) The report required by this section is needed to comply with sections 115a and 129a of title 10, United States Code, and is not a procurement action.”;

(2) by striking “Department of Defense” each place it appears and inserting “Department of the Army”; and

(3) by adding at the end the following new subsection:

“(d) **GAO EVALUATION.**—Not later than 60 days after the Secretary submits to Congress the report required under subsection (a) for a fiscal year, the Comptroller General shall submit to Congress an evaluation of the report.”.

**SEC. 334. LIMITATION ON EXPANSION OF WHOLESALE LOGISTICS MODERNIZATION PROGRAM.**

(a) **LIMITATION.**—The Secretary of the Army may not authorize the expansion of the Wholesale Logistics Modernization Program beyond the original legacy systems included in the scope of the contract awarded in December 1999 until the Secretary certifies to Congress that the original legacy systems have been successfully replaced.

(b) **GAO EVALUATION.**—Not later than 60 days after the Secretary of the Army submits to Congress the certification required under subsection (a), the Comptroller General shall submit to Congress an evaluation of the certification.

**SEC. 335. PILOT PROJECT FOR EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) **PILOT PROJECT FOR THE EXCLUSION OF CERTAIN EXPENDITURES FROM LIMITATION ON PRIVATE SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**—

“(1) **AMOUNTS EXCLUDED.**—Amounts expended out of funds described in paragraph (2) for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence named in paragraph (4) shall not be counted for the purposes of section 2466(a) of this title if the personnel are provided by private industry pursuant to a public-private partnership undertaken by the Center under subsection (b).

“(2) **FUNDS FOR FISCAL YEARS 2002 THROUGH 2006.**—The funds referred to in paragraph (1) are funds available to the Air Force for depot-level maintenance and repair workloads for fiscal year 2002, 2003, 2004, 2005, or 2006, and shall not exceed 10 percent of the total funds available in any single year.

“(3) **REPORTING REQUIREMENTS.**—All funds covered by paragraph (1) shall be included as a separate item in the reports required under paragraphs (1), (2), and (3) of section 2466(e) of this title.

“(4) **COVERED CENTERS.**—(A) The Centers of Industrial and Technical Excellence referred to in paragraph (1) are the following:

“(i) Oklahoma City Air Logistics Center, Oklahoma.

“(ii) Ogden Air Logistics Center, Utah.

“(iii) Warner-Robins Air Logistics Center, Georgia.

“(B) The Secretary of the Air Force shall designate as a Center of Industrial and Technical Excellence under this section any of the air logistics centers named in subparagraph (A) that have not previously been so designated and shall specify the core competencies for which the designation is made.”.

**SEC. 336. PROTECTIONS FOR PURCHASERS OF ARTICLES AND SERVICES MANUFACTURED OR PERFORMED BY WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE DEPARTMENT OF DEFENSE.**

(a) **GENERAL RULE.**—Section 2563(c) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking “in any case of willful misconduct or gross negligence” and inserting “as provided in paragraph (3)”; and

(2) by adding at the end the following new paragraph:

“(3) Paragraph (1)(B) does not apply in any case of willful misconduct or gross negligence or in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the Government to comply with quality, schedule, or cost performance requirements in the contract to provide the articles or services.”.

(b) **CONFORMING AMENDMENT.**—Section 2474(e)(2)(B)(i) of such title is amended by striking “in a case of willful conduct or gross negligence” and inserting “under the circumstances described in section 2563(c)(3) of this title”.

**Subtitle E—Defense Dependents Education**

**SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **EDUCATIONAL AGENCIES ASSISTANCE.**—Of the amount authorized to be appropriated for section 301(5) for operation and maintenance for Defense-wide activities, \$30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) **NOTIFICATION.**—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for edu-

cational agencies assistance for fiscal year 2002 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) **DISBURSEMENT OF FUNDS.**—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) **DEFINITIONS.**—In this section:

(1) The term “educational agencies assistance” means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 342. AVAILABILITY OF AUXILIARY SERVICES OF DEFENSE DEPENDENTS' EDUCATION SYSTEM FOR DEPENDENTS WHO ARE HOME SCHOOL STUDENTS.**

Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) **AUXILIARY SERVICES AVAILABLE TO HOME SCHOOL STUDENTS.**—(1) A dependent who is educated in a home school setting, but who is eligible to enroll in a school of the defense dependents' education system, shall be permitted to use or receive auxiliary services of that school without being required to either enroll in that school or register for a minimum number of courses offered by that school. The dependent may be required to satisfy other eligibility requirements applicable to students actually enrolled in that school who use or receive the same auxiliary services.

“(2) For purposes of paragraph (1), the term ‘auxiliary services’ includes registration in individual courses, use of academic resources, access to the library of the school, after hours use of school facilities, and participation in music, sports, and other extracurricular and inter-scholastic activities.”.

**SEC. 343. REPORT REGARDING COMPENSATION FOR TEACHERS EMPLOYED IN TEACHING POSITIONS IN OVERSEAS SCHOOLS OPERATED BY THE DEPARTMENT OF DEFENSE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the method currently used by the Secretary to fix the basic compensation for teachers and teaching positions in the Department of Defense under the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.). The report shall include the recommendations of the Secretary regarding a proposal to increase such compensation to reflect the average of the range of rates of basic compensation for similar teaching positions of a comparable level of duties and responsibilities for teachers employed in public schools in the District of Columbia metropolitan area, which includes the District of Columbia Public Schools, Arlington Public Schools, Alexandria City Public Schools, Fairfax County Public Schools, Montgomery County Public Schools, and Prince George's County Public Schools.

**Subtitle F—Other Matters**

**SEC. 351. AVAILABILITY OF EXCESS DEFENSE PERSONAL PROPERTY TO SUPPORT DEPARTMENT OF VETERANS AFFAIRS INITIATIVE TO ASSIST HOMELESS VETERANS.**

(a) **TRANSFER AUTHORITY.**—Section 2557(a) of title 10, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(1) The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may make excess clothing, shoes, sleeping bags, and related nonlethal excess supplies available to the Secretary of Veterans Affairs for distribution to homeless veterans and programs assisting homeless veterans. The transfer of nonlethal excess supplies to the Secretary of Veterans Affairs under this paragraph shall be without reimbursement."

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"§2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief".**

(2) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2557 and inserting the following new item:

"2557. Excess nonlethal supplies: availability for homeless veteran initiatives and humanitarian relief."

**SEC. 352. CONTINUATION OF LIMITATIONS ON IMPLEMENTATION OF NAVY-MARINE CORPS INTRANET CONTRACT.**

(a) EXCLUSION OF MARINE CORPS.—Subsection (c) of section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-215) is amended—

(1) by striking "PROHIBITION ON INCREASE OF RATES CHARGED." and inserting "PROHIBITIONS.—(1)";

(2) by striking "fiscal year 2001" and inserting "fiscal year 2002"; and

(3) by adding at the end the following new paragraph:

"(2) The Navy Intranet contract may not include any activities of the Marine Corps."

(b) LIMITATION ON PHASED IMPLEMENTATION.—Subsection (b)(4) of such section is amended—

(1) by striking "fiscal year 2001" both places it appears and inserting "fiscal year 2002"; and

(2) by striking "Marine Corps, the naval shipyards, or" both places it appears and inserting "naval shipyards or".

**SEC. 353. COMPLETION AND EVALUATION OF CURRENT DEMONSTRATION PROGRAMS TO IMPROVE QUALITY OF PERSONAL PROPERTY SHIPMENTS OF MEMBERS.**

(a) COMPLETION.—The Secretary of Defense shall conduct to completion all demonstration programs in the Department of Defense that were designed to improve the movement of household goods of members of the Armed Forces and were being conducted or authorized as of October 1, 2000,

(b) EVALUATION.—Not later than August 31, 2002, the Secretary of Defense shall submit to Congress a report evaluating whether the demonstration programs referred to in subsection (a), as implemented, satisfy the goals (as contained in the General Accounting Report NSIAD 97-49) for such demonstration programs previously agreed upon between the Department of Defense and representatives of private sector entities involved in the transportation of household goods for members of the Armed Forces.

(c) INTERIM REPORTS.—Not later than January 15, 2002, and April 15, 2002, the Secretary shall submit to Congress interim reports regarding the progress of the demonstration programs referred to in subsection (a).

**SEC. 354. EXPANSION OF ENTITIES ELIGIBLE FOR LOAN, GIFT, AND EXCHANGE OF DOCUMENTS, HISTORICAL ARTIFACTS, AND OBSOLETE COMBAT MATERIAL.**

Section 2572(a)(1) of title 10, United States Code, is amended by inserting before the period

at the end the following: ", county, or other political subdivision of a State".

**Subtitle G—Service Contracting Reform**

**SEC. 361. SHORT TITLE.**

This subtitle may be cited as the "Department of Defense Service Contracting Reform Act of 2001".

**SEC. 362. REQUIRED COST SAVINGS LEVEL FOR CHANGE OF FUNCTION TO CONTRACTOR PERFORMANCE.**

Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector unless, as a result of the cost comparison examination required under paragraph (3)(A), that employed the most efficient organization process described in Office of Management and Budget Circular A-76 or any successor administrative regulation or policy, at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the term of the contract.

"(B) The cost savings requirement specified in subparagraph (A) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

"(C) The Secretary of Defense may waive the cost savings requirement if—

"(i) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

"(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

"(D) The Secretary of Defense shall publish a copy of the waiver in the Federal Register."

**SEC. 363. APPLICABILITY OF STUDY AND REPORTING REQUIREMENTS TO NEW COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS.**

(a) NEW FUNCTIONS.—Section 2461(a) of title 10, United States Code, is amended—

(1) by striking "CHANGE IN PERFORMANCE.—" and inserting "CHANGE IN OR INITIATION OF PERFORMANCE.—(1)"; and

(2) by adding at the end the following new paragraphs:

"(2) In the case of a commercial or industrial type function of the Department of Defense not previously performed by Department of Defense civilian employees or a contractor, the performance of the function by the private sector may not be initiated until—

"(A) the Secretary of Defense conducts a cost comparison examination that employs the most efficient organization process described in Office of Management and Budget Circular A-76, and its supplemental handbook or any successor administrative regulation or policy; and

"(B) a determination is made that performance of the function by the private sector would be less costly over the term of the contract than performance by Department of Defense civilian employees during that same period.

"(3) This subsection does not apply to the following contracts:

"(A) A contract between the Department of Defense and the private sector for work with a contract value of less than \$1,000,000 so long as the work was not divided, modified, or in any way changed for the purpose of avoiding the requirements of this section.

"(B) A contract for special studies and analyses, construction services, architectural services, engineering services, medical services, sci-

entific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

"(4) The Secretary of Defense may waive the applicability of this section if—

"(A) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

"(B) the written waiver is accompanied by a detailed determination that—

"(i) there is no reasonable expectation that civilian employees would win a public-private competition for the function; and

"(ii) the issuance of a waiver would not serve to reduce significantly the level of or quality of competition in the future award or performance of work.

"(5) The Secretary of Defense shall publish a copy of the waiver in the Federal Register."

(b) MINIMAL LEVELS OF PUBLIC-PRIVATE COMPETITION FOR NEW WORK.—(1) Notwithstanding the use of the waiver authority provided in section 2461 of title 10, United States Code, as amended by this section, not less than the percentage specified in paragraph (2) of the total dollars expended during a specified fiscal year for the performance by contractors of commercial or industrial type functions of the Department of Defense not previously performed by Department of Defense civilian employees or the private sector (that are not otherwise exempt from comparison under such section) shall be expended for service contracts that are awarded after the completion of cost comparison examinations.

(2) The requirements of paragraph (1) apply as follows:

(A) Not less than 10 percent, for fiscal year 2003.

(B) Not less than 20 percent, for fiscal year 2004.

(C) Not less than 30 percent, for fiscal year 2005.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section 2461 is amended to read as follows:

**"§2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance".**

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

"2461. Commercial or industrial type functions: required studies and reports before conversion to, or initiation of, contractor or civilian employee performance."

**SEC. 364. REPEAL OF WAIVER FOR SMALL FUNCTIONS.**

Section 2461 of title 10, United States Code, is amended by striking subsection (d).

**SEC. 365. REQUIREMENT FOR EQUITY IN PUBLIC-PRIVATE COMPETITIONS.**

Section 2461 of title 10, United States Code, is amended by inserting after subsection (c) the following new subsection:

"(d) EQUITY IN PUBLIC-PRIVATE COMPETITION.—(1) For any fiscal year in which commercial or industrial type functions of the Department of Defense performed by Department of Defense civilian employees are studied for possible change to private sector performance, the Secretary of Defense shall subject approximately the same number of positions held by non-Federal employees under contracts with the Department of Defense to the same cost comparison examination described in subsection (b)(3), subject to the completion of the terms of those contracts.

"(2) To the extent possible, the Secretary of Defense should, in complying with this subsection, select those contract positions held by

non-Federal employees under contracts with the Department of Defense that are associated with commercial or industrial type functions that are, or have been, performed at least in part by Department of Defense civilian employees at any time on or after October 1, 1980.

“(3) Notwithstanding any limitation on the number of Department of Defense civilian employees established by law, regulation, or policy, the Department of Defense may continue to employ, or may hire, such civilian employees as are necessary to perform functions acquired through the public-private competitions required by this subsection or any other provision of this section.”.

**SEC. 366. REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE'S SERVICE CONTRACTOR WORKFORCE.**

(a) IMPOSITION OF REPORTING REQUIREMENT.—(1) Chapter 146 of title 10, United States Code, is amended by inserting after section 2461a the following new section:

**“§2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements**

“(a) DEFINITIONS.—In this section:

“(1) CONTRACTOR.—The term ‘contractor’ includes a subcontractor.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ includes the Secretary of Defense with respect to matters concerning the Defense Agencies.

“(b) GENERAL REPORTING REQUIREMENT.—The Secretary concerned shall require each defense contractor to report to secure websites established and maintained by the Defense Agencies and military departments the same contractor direct and indirect manhour and cost information collected by the Department of the Army pursuant to part 668 of title 32, Code of Federal Regulations, as in effect on December 26, 2000, in terms of functions performed, appropriations funding the contract, and identification of the subordinate organizational elements within the Defense Agency or military department directly overseeing the contractor performance. The indirect information reported may comprise annualized rates for an entire company, which are not apportioned by specific contracts.

“(c) ASSIGNMENT OF REPORTING RESPONSIBILITY.—The Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by a defense contractor shall be responsible for collecting the data required by this section, even where all or part of the contracted work is funded by appropriations not controlled by the Secretary concerned. If the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor is different from the Defense Agency or military department containing the contracting activity, the Secretary concerned shall ensure that the contractor reports the required information to the Defense Agency or military department containing the major organizational element receiving or reviewing the work performed by the contractor.

“(d) TIMING OF CONTRACTOR REPORTING TO ASSURE DATA QUALITY.—The Secretary concerned shall require contractors to report the information described in subsection (c) to the secure web-site contemporaneous with submission of a request for payment (for example, voucher, invoice, or request for progress payment) or not later than quarterly.

“(e) CONTRACT REQUIREMENT EFFECTIVE DATE.—The Secretary concerned shall include the reporting requirement described in this section in each contract solicitation issued, contract awarded, and bilateral modification of an existing contract executed, by the Secretary concerned after October 1, 2001.

“(f) CONTRACTOR SELF-EXEMPTION.—The Secretary concerned shall exempt a contractor from

the data collection requirement imposed by this section if the contractor certifies in writing that the contractor does not have an internal system for aggregating billable hours in the direct or indirect pools, or an internal payroll accounting system, and does not otherwise have to ever provide this information to the Government. A contractor may not claim an exemption on the sole basis that the contractor is a foreign contractor, that services are provided pursuant to a firm fixed price or time and materials contract or similar instrument, that the payroll system of the contractor is performed by another person, or that the contractor has too many subcontractors. The validity of this certification is the only requirement in this section subject to audit and verification by the Secretary concerned.

“(g) REPORT TO CONGRESS AND COMPTROLLER GENERAL ACTIONS.—The Secretary concerned shall submit the information collected under subsection (c) to Congress not later than October 1 of each year for the prior fiscal year. Not later than April 1 of each year, the Comptroller General will review the information submitted for the prior fiscal year to assess compliance with this section and the effectiveness of Department of Defense initiatives to integrate this information into its budgeting process.

“(h) PUBLICATION OF REPORTS.—After completion of the Comptroller General review under subsection (h), the Secretary concerned shall take steps to make the nonproprietary compilations of the data public on web sites, using the publication standard expressed by the Department of the Army in part 668 of title 32, Code of Federal Regulations.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2461a the following new item:

“2461b. Use of private sector to perform commercial or industrial type function: contractor reporting requirements.”.

(b) EFFECTIVE DATE.—Section 2461b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2002, as follows:

- (1) The Army, 480,000.
- (2) The Navy, 376,000.
- (3) The Marine Corps, 172,600.
- (4) The Air Force, 358,800.

**SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.**

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

- (1) in paragraph (2), by striking “372,000” and inserting “376,000”; and
- (2) in paragraph (4), by striking “357,000” and inserting “358,800”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

**Subtitle B—Reserve Forces**

**SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2002, as follows:

- (1) The Army National Guard of the United States, 350,000.
- (2) The Army Reserve, 205,000.
- (3) The Naval Reserve, 87,000.
- (4) The Marine Corps Reserve, 39,558.

(5) The Air National Guard of the United States, 108,400.

(6) The Air Force Reserve, 74,700.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2002, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 22,974.
- (2) The Army Reserve, 13,108.
- (3) The Naval Reserve, 14,811.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 11,591.
- (6) The Air Force Reserve, 1,437.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2002 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army National Guard of the United States, 23,128.
- (2) For the Army Reserve, 5,999.
- (3) For the Air National Guard of the United States, 22,422.
- (4) For the Air Force Reserve, 9,818.

**SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STATUS TECHNICIANS.**

(a) LIMITATION.—The number of non-dual status technicians employed by the reserve components of the Army and the Air Force as of September 30, 2002, may not exceed the following:

- (1) For the Army Reserve, 1,095.
- (2) For the Army National Guard of the United States, 1,600.
- (3) For the Air Force Reserve, 90.
- (4) For the Air National Guard of the United States, 350.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

**SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES FOR ADMINISTRATION OF RESERVE COMPONENTS.**

(a) OFFICERS.—The text of section 12011 of title 10, United States Code, is amended to read as follows:

“(a) LIMITATIONS.—(1) Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of major, lieutenant colonel, and colonel may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
<i>Army Reserve:</i>			
10,000 .....	1,390	740	230
11,000 .....	1,529	803	242
12,000 .....	1,668	864	252
13,000 .....	1,804	924	262
14,000 .....	1,940	984	272
15,000 .....	2,075	1,044	282
16,000 .....	2,210	1,104	291
17,000 .....	2,345	1,164	300
18,000 .....	2,479	1,223	309
19,000 .....	2,613	1,282	318
20,000 .....	2,747	1,341	327
21,000 .....	2,877	1,400	336
<i>Army National Guard:</i>			
20,000 .....	1,500	850	325
22,000 .....	1,650	930	350
24,000 .....	1,790	1,010	370
26,000 .....	1,930	1,085	385
28,000 .....	2,070	1,160	400
30,000 .....	2,200	1,235	405
32,000 .....	2,330	1,305	408
34,000 .....	2,450	1,375	411
36,000 .....	2,570	1,445	411
38,000 .....	2,670	1,515	411
40,000 .....	2,770	1,580	411
42,000 .....	2,837	1,644	411
<i>Marine Corps Reserve:</i>			
1,100 .....	106	56	20
1,200 .....	110	60	21
1,300 .....	114	63	22
1,400 .....	118	66	23
1,500 .....	121	69	24
1,600 .....	124	72	25
1,700 .....	127	75	26
1,800 .....	130	78	27
1,900 .....	133	81	28
2,000 .....	136	84	29
2,100 .....	139	87	30
2,200 .....	141	90	31
2,300 .....	143	92	32
2,400 .....	145	94	33
2,500 .....	147	96	34
2,600 .....	149	98	35
<i>Air Force Reserve:</i>			
500 .....	83	85	50
1,000 .....	155	165	95
1,500 .....	220	240	135
2,000 .....	285	310	170
2,500 .....	350	369	203
3,000 .....	413	420	220
3,500 .....	473	464	230
4,000 .....	530	500	240
4,500 .....	585	529	247
5,000 .....	638	550	254
5,500 .....	688	565	261
6,000 .....	735	575	268
7,000 .....	770	595	280

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
8,000 .....	805	615	290
10,000 .....	835	635	300
<i>Air National Guard:</i>			
5,000 .....	333	335	251
6,000 .....	403	394	260
7,000 .....	472	453	269
8,000 .....	539	512	278
9,000 .....	606	571	287
10,000 .....	673	630	296
11,000 .....	740	688	305
12,000 .....	807	742	314
13,000 .....	873	795	323
14,000 .....	939	848	332
15,000 .....	1,005	898	341
16,000 .....	1,067	948	350
17,000 .....	1,126	998	359
18,000 .....	1,185	1,048	368
19,000 .....	1,235	1,098	377
20,000 .....	1,283	1,148	380.

“(2) Of the total number of members of the Naval Reserve who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members who may be serving in each of the grades of lieutenant commander, commander, and captain may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

“Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
10,000 .....	807	447	141
11,000 .....	867	467	153
12,000 .....	924	485	163
13,000 .....	980	503	173
14,000 .....	1,035	521	183
15,000 .....	1,088	538	193
16,000 .....	1,142	555	203
17,000 .....	1,195	565	213
18,000 .....	1,246	575	223
19,000 .....	1,291	585	233
20,000 .....	1,334	595	242
21,000 .....	1,364	603	250
22,000 .....	1,384	610	258
23,000 .....	1,400	615	265
24,000 .....	1,410	620	270.

“(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the appropriate table in paragraph (1) or (2) of subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in that table at the same proportion as is reflected in the nearest limit shown in the table.

“(c) REALLOCATIONS TO LOWER GRADES.—Whenever the number of officers serving in any

grade for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for any lower grade.

“(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve officers that may be on full-time reserve component duty for a reserve component in a grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for the grade in that table.

“(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

“(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term ‘full-time reserve component duty’ means the following duty:

“(1) Active duty described in sections 10211, 10302, 10303, 10304, 10305, 12310, or 12402 of this title.

“(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32.

“(3) Active duty described in section 708 of title 32.”.

(b) SENIOR ENLISTED MEMBERS.—The text of section 12012 of title 10, United States Code, is amended to read as follows:

“(a) LIMITATIONS.—Of the total number of members of a reserve component who are serving on full-time reserve component duty at the end of any fiscal year, the number of those members in each of pay grades of E-8 and E-9 who may be serving on active duty

under section 10211 or 12310, or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not, as of the end of that fiscal year, exceed the number determined in accordance with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
<i>Army Reserve:</i>		
10,000 .....	1,052	154
11,000 .....	1,126	168
12,000 .....	1,195	180
13,000 .....	1,261	191
14,000 .....	1,327	202
15,000 .....	1,391	213
16,000 .....	1,455	224
17,000 .....	1,519	235
18,000 .....	1,583	246
19,000 .....	1,647	257
20,000 .....	1,711	268
21,000 .....	1,775	278
<i>Army National Guard:</i>		
20,000 .....	1,650	550
22,000 .....	1,775	615
24,000 .....	1,900	645
26,000 .....	1,945	675
28,000 .....	1,945	705
30,000 .....	1,945	725
32,000 .....	1,945	730
34,000 .....	1,945	735
36,000 .....	1,945	738
38,000 .....	1,945	741
40,000 .....	1,945	743
42,000 .....	1,945	743
<i>Naval Reserve:</i>		
10,000 .....	340	143
11,000 .....	364	156
12,000 .....	386	169
13,000 .....	407	182
14,000 .....	423	195
15,000 .....	435	208
16,000 .....	447	221
17,000 .....	459	234
18,000 .....	471	247
19,000 .....	483	260
20,000 .....	495	273
21,000 .....	507	286
22,000 .....	519	299
23,000 .....	531	312
24,000 .....	540	325
<i>Marine Corps Reserve:</i>		
1,100 .....	50	11
1,200 .....	55	12
1,300 .....	60	13
1,400 .....	65	14
1,500 .....	70	15
1,600 .....	75	16
1,700 .....	80	17
1,800 .....	85	18
1,900 .....	89	19
2,000 .....	93	20
2,100 .....	96	21
2,200 .....	99	22
2,300 .....	101	23
2,400 .....	103	24
2,500 .....	105	25
2,600 .....	107	26

“Total number of members of a reserve component serving on full-time reserve component duty:

Number of members of that reserve component who may be serving in the grade of:

	E-8	E-9
<i>Air Force Reserve:</i>		
500 .....	75	40
1,000 .....	145	75
1,500 .....	208	105
2,000 .....	270	130
2,500 .....	325	150
3,000 .....	375	170
3,500 .....	420	190
4,000 .....	460	210
4,500 .....	495	230
5,000 .....	530	250
5,500 .....	565	270
6,000 .....	600	290
7,000 .....	670	330
8,000 .....	740	370
10,000 .....	800	400
<i>Air National Guard</i>		
5,000 .....	1,020	405
6,000 .....	1,070	435
7,000 .....	1,120	465
8,000 .....	1,170	490
9,000 .....	1,220	510
10,000 .....	1,270	530
11,000 .....	1,320	550
12,000 .....	1,370	570
13,000 .....	1,420	589
14,000 .....	1,470	608
15,000 .....	1,520	626
16,000 .....	1,570	644
17,000 .....	1,620	661
18,000 .....	1,670	678
19,000 .....	1,720	695
20,000 .....	1,770	712.

“(b) DETERMINATIONS BY INTERPOLATION.—If the total number of members of a reserve component serving on full-time reserve component duty is between any two consecutive numbers in the first column of the table in subsection (a), the corresponding authorized strengths for each of the grades shown in that table for that component are determined by mathematical interpolation between the respective numbers of the two strengths. If the total number of members of a reserve component serving on full-time reserve component duty is more or less than the highest or lowest number, respectively, set forth in the first column of the table in subsection (a), the Secretary concerned shall fix the corresponding strengths for the grades shown in the table at the same proportion as is reflected in the nearest limit shown in the table.

“(c) REALLOCATIONS TO LOWER GRADE.—Whenever the number of officers serving in pay grade E-9 for duty described in subsection (a) is less than the number authorized for that grade under this section, the difference between the two numbers may be applied to increase the number authorized under this section for pay grade E-8.

“(d) SECRETARIAL WAIVER.—(1) Upon determining that it is in the national interest to do so, the Secretary of Defense may increase for a particular fiscal year the number of reserve enlisted members that may be on active duty or

full-time National Guard duty as described in subsection (a) for a reserve component in a pay grade referred to in a table in subsection (a) by a number that does not exceed the number equal to 5 percent of the maximum number specified for that grade and reserve component in the table.

“(2) Whenever the Secretary exercises the authority provided in paragraph (1), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice in writing of the adjustment made.

“(e) FULL-TIME RESERVE COMPONENT DUTY DEFINED.—In this section, the term ‘full-time reserve component duty’ has the meaning given the term in section 12011(e) of this title.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

#### Subtitle C—Other Matters Relating to Personnel Strengths

#### SEC. 421. INCREASE IN PERCENTAGE BY WHICH ACTIVE COMPONENT END STRENGTHS FOR ANY FISCAL YEAR MAY BE INCREASED.

(a) INCREASE.—Section 115(c)(1) of title 10, United States Code, is amended by striking “1 percent” and inserting “2 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

#### SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR NATIONAL GUARD AND RESERVE PERSONNEL PERFORMING FUNERAL HONORS FUNCTIONS.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(10) Members of reserve components on active duty to prepare for and to perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.”

“(11) Members on full-time National Guard duty to prepare for and perform funeral honors functions for funerals of veterans in accordance with section 1491 of this title.”

#### SEC. 423. INCREASE IN AUTHORIZED STRENGTHS FOR AIR FORCE OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the figures under the heading “Major” in the portion of the table relating to the Air Force and inserting the following:

'9,861  
10,727  
11,593  
12,460  
13,326  
14,192  
15,058  
15,925  
16,792  
17,657  
18,524  
19,389  
20,256  
21,123  
21,989  
22,855  
23,721  
24,588  
25,454".

**Subtitle D—Authorization of Appropriations**  
**SEC. 431. AUTHORIZATION OF APPROPRIATIONS**  
**FOR MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2002 a total of \$82,279,101,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2002.

**TITLE V—MILITARY PERSONNEL POLICY**  
**Subtitle A—General Personnel Management**  
**Authorities**

**SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF SENIOR GENERAL AND FLAG OFFICER POSITIONS.**

(a) **REPEAL OF LIMIT ON NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.**—Section 528 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528.

**SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES FOR ACADEMY GRADUATES AND CERTAIN OTHER NEW OFFICERS.**

(a) **REPEAL OF REQUIREMENT FOR ONE YEAR OF ACTIVE DUTY IN A RESERVE GRADE.**—Section 532(e) of title 10, United States Code, is repealed.

(b) **MILITARY ACADEMY GRADUATES.**—Section 4353(b) of such title is amended to read as follows:

"(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Army as may be prescribed by the Secretary of the Army shall, upon graduation, be appointed a second lieutenant in the Regular Army under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title."

(c) **NAVAL ACADEMY GRADUATES.**—Section 6967 of such title is amended—

(1) by inserting "(a)" before "Under regulations"; and

(2) by adding at the end the following:

"(b) A midshipman who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the naval service as may be prescribed by the Secretary of the Navy shall, upon graduation, be appointed an ensign in the Regular Navy or a second lieutenant in the Regular Marine Corps under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title."

(d) **AIR FORCE ACADEMY GRADUATES.**—Section 9353(b) of such title is amended to read as follows:

"(b) A cadet who completes the prescribed course of instruction, is qualified for an original appointment in a regular component under section 532 of this title, and meets such other criteria for appointment as a commissioned officer in the Air Force as may be prescribed by the Secretary of the Air Force shall, upon graduation, be appointed a second lieutenant in the Regular Air Force under section 531 of this title, unless appointed under that section in a regular component of one of the other armed forces in accordance with section 541 of this title."

(e) **ROTC DISTINGUISHED GRADUATES.**—Section 2106(a) of such title is amended by adding at the end the following new sentence: "However, a member of the program selected for an appointment under this section who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate (or the equivalent) shall be appointed as a regular officer."

(f) **OTHER COMMISSIONING PROGRAMS.**—(1) Chapter 33 of such title is amended by adding at the end the following new section:

**"§542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC**

"A person who is selected for an original appointment as a commissioned officer in the Army, Navy, Air Force, or Marine Corps as a result of satisfactory completion of an officer commissioning program other than the course of instruction at one of the service academies named in section 541 of this title or the Senior Reserve Officers' Training Corps program and who, under regulations prescribed by the Secretary of the military department concerned, is designated or selected as a Distinguished Graduate of that program (or the equivalent) shall be appointed as a regular officer."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"542. Distinguished Graduates of officer commissioning programs other than service academies and ROTC."

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on May 1, 2002.

**SEC. 503. TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).**

(a) **AUTHORITY.**—Subsection (a) of section 619 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting before the period at the end the following: ", or such shorter period as may be in effect under paragraph (6)"; and

(2) by adding at the end the following new paragraph:

"(6)(A) When the needs of the service require, the Secretary of the military department concerned may reduce to eighteen months the period of service in grade applicable for purposes of paragraph (1)(B) in the case of officers who are serving in a position that is authorized for officers in the grade of captain or, in the case of the Navy, lieutenant."

"(B) If the Secretary of the military department concerned uses the authority provided in subparagraph (A), the number of captains or, in the case of the Navy, lieutenants on the active-duty list may not exceed the number of positions for which officers in that grade are authorized by more than one percent."

"(C) The authority under subparagraph (A) and the limitation under subparagraph (B) expire on September 30, 2005."

(b) **STYLISTIC AMENDMENTS.**—Such section is further amended as follows:

(1) Subsection (a) is amended by striking "(a)(1)" and inserting "(a) TIME-IN-GRADE REQUIREMENTS.—(1)".

(2) Subsection (b) is amended by striking "(b)(1)" and inserting "(b) CONTINUED ELIGIBILITY FOR CONSIDERATION FOR PROMOTION OF OFFICERS WHO HAVE PREVIOUSLY FAILED OF SELECTION.—(1)".

(3) Subsection (c) is amended by striking "(c)(1)" and inserting "(c) OFFICERS TO BE CONSIDERED BY PROMOTION BOARDS.—(1)".

(4) Subsection (d) is amended by inserting "CERTAIN OFFICERS NOT TO BE CONSIDERED.—" after "(d)".

(c) **TECHNICAL AMENDMENT.**—Subsection (a)(4) of such section is amended by striking "clause (A)" and inserting "subparagraph (A)".

**SEC. 504. INCREASE IN SENIOR ENLISTED ACTIVE DUTY GRADE LIMIT FOR NAVY, MARINE CORPS, AND AIR FORCE.**

(a) **MEMBERS IN PAY GRADE E-8.**—Section 517(a) of title 10, United States Code, is amended by striking "2 percent (or, in the case of the Army, 2.5 percent)" and inserting "2.5 percent".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

**SEC. 505. AUTHORITY FOR LIMITED EXTENSION OF MEDICAL DEFERMENT OF MANDATORY RETIREMENT OR SEPARATION.**

The text of section 640 of title 10, United States Code, is amended to read as follows:

"(a) If the Secretary of the military department concerned determines that the evaluation of the physical condition of an officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well being before the date on which the officer would otherwise be required to retire or be separated under this title, the Secretary may defer the retirement or separation of the officer under this title."

"(b) A deferral of retirement or separation under subsection (a) may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation."

**SEC. 506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE DUTY OF MEMBERS SUBJECT TO MANDATORY RETIREMENT OR SEPARATION.**

(a) **SECTION 12305 STOP-LOSS AUTHORITY.**—Section 12305 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days of the date of such termination."

(b) **SECTION 123 STOP-LOSS AUTHORITY.**—Section 123 of such title is amended by adding at the end the following new subsection:

"(d) Upon the termination of a suspension made under the authority of subsection (a) of a provision of law otherwise requiring the separation or retirement of officers on active duty because of age, length of service or length of service in grade, or failure of selection for promotion, the Secretary concerned shall extend by

up to 90 days the otherwise required separation or retirement date of any officer covered by the suspended provision whose separation or retirement date, but for the suspension, would have been before the date of the termination of the suspension or within 90 days of the date of such termination.”.

**SEC. 507. CLARIFICATION OF DISABILITY SEVERANCE PAY COMPUTATION.**

(a) **CLARIFICATION.**—Section 1212(a)(2) of title 10, United States Code, is amended by striking “for promotion” in subparagraph (C) and the first place it appears in subparagraph (D).

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to members separated under section 1203 or 1206 of title 10, United States Code, on or after date of the enactment of this Act.

**SEC. 508. OFFICER IN CHARGE OF UNITED STATES NAVY BAND.**

(a) **DETAIL AND GRADE.**—Section 6221 of title 10, United States Code, is amended to read as follows:

**§6221. United States Navy Band; officer in charge**

“(a) There is a Navy band known as the United States Navy Band.

“(b) An officer of the Navy designated for limited duty under section 5589 or 5596 of this title who is serving in a grade not below lieutenant commander may be detailed by the Secretary of the Navy as Officer in Charge of the United States Navy Band. While so serving, an officer so detailed shall hold the grade of captain if recommended by the Secretary of the Navy for appointment to that grade and appointed to that grade by the President, by and with the advice and consent of the Senate. Such an appointment may be made notwithstanding section 5596(d) of this title.”.

(b) **CLERICAL AMENDMENT.**—The item relating to section 6221 in the table of sections at the beginning of chapter 565 of such title is amended to read as follows:

“6221. United States Navy Band; officer in charge.”.

**SEC. 509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR CERTAIN FORCE MANAGEMENT AUTHORITIES.**

(a) **EARLY RETIREMENT AUTHORITY FOR ACTIVE FORCE MEMBERS.**—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(b) **SSB AND VSI.**—Sections 1174a(h)(1) and 1175(d)(3) of title 10, United States Code, are amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(c) **SELECTIVE EARLY RETIREMENT BOARDS.**—Section 638a(a) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(d) **TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.**—Section 1370 of such title is amended by striking “December 31, 2001” in subsections (a)(2)(A) and (d)(5) and inserting “December 31, 2002”.

(e) **MINIMUM COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.**—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(f) **TRAVEL, TRANSPORTATION, AND STORAGE BENEFITS.**—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c)(1) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(g) **EDUCATIONAL LEAVE FOR PUBLIC AND COMMUNITY SERVICE.**—Section 4463(f) of the Na-

tional Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(h) **TRANSITIONAL HEALTH BENEFITS.**—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(i) **TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.**—Section 1146 of such title is amended by striking “December 31, 2001” both places it appears and inserting “December 31, 2002”.

(j) **TRANSITIONAL USE OF MILITARY HOUSING.**—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(k) **CONTINUED ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS’ EDUCATION SYSTEM.**—Section 1407(c)(1) of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(l) **FORCE REDUCTION TRANSITION PERIOD DEFINED FOR CERTAIN GUARD AND RESERVE BENEFITS.**—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(m) **RETIRED PAY FOR NON-REGULAR SERVICE.**—Sections 12731(f) and 12731a(b) of title 10, United States Code, are amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(n) **AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.**—Section 1150(a) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(o) **RESERVE MONTGOMERY GI BILL.**—Section 16133(b)(1)(B) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

**Subtitle B—Reserve Component Personnel Policy**

**SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.**

(a) **CLARIFICATION OF EXEMPTION.**—Section 641(1)(D) of title 10, United States Code, is amended to read as follows:

“(D) on active duty under section 12301(d) of this title, other than as provided under subparagraph (C), if the call or order to active duty, under regulations prescribed by the Secretary concerned, specifies a period of three years or less and continued placement on the reserve active-status list.”.

(b) **RETROACTIVE APPLICATION.**—(1) The Secretary of the military department concerned may provide that an officer who was excluded from the active-duty list under section 641(1)(D) of title 10, United States Code, as amended by section 521 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-108), shall be considered to have been on the active-duty list during the period beginning on the date on which the officer was so excluded and ending on the date of the enactment of this Act.

(2) The Secretary of the military department concerned may provide that a Reserve officer who was placed on the active-duty list on or after October 30, 1997, shall be placed on the reserve active-status list if the officer otherwise meets the conditions specified in section 641(1)(D) of title 10, United States Code, as amended by subsection (a).

**SEC. 512. EXPANDED APPLICATION OF RESERVE SPECIAL SELECTION BOARDS.**

(a) **SPECIAL SELECTION BOARD FOR BELOW-THE-ZONE CONSIDERATION.**—Section 14502 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “from in or above the promotion zone”;

(2) in subsection (a)(3), by inserting “for selection for promotion from in or above the promotion zone” after “for consideration”; and

(3) in subsection (b)(1), by striking “from in or above the promotion zone”.

(b) **TECHNICAL AMENDMENT.**—Subsection (b)(1) of such section is amended by striking “under this chapter by a selection board” and inserting “by a promotion board convened under section 14101(a) of this title”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to any Reserve officer who was not considered for promotion because of administrative error, or was considered for promotion but not selected because of material error, under part III of subtitle E of title 10, United States Code, on or after October 1, 1996.

**SEC. 513. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT.**

Section 12205(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The appointment to a grade in the Army Reserve of a person whose original appointment as an officer in the Army Reserve was through the Officer Candidate School program and who immediately before that original appointment was an enlisted member on active duty.”.

**SEC. 514. IMPROVED DISABILITY BENEFITS FOR CERTAIN RESERVE COMPONENT MEMBERS.**

(a) **MEDICAL AND DENTAL CARE.**—Sections 1074a(a)(3) and 1076(a)(2)(C) of title 10, United States Code, are each amended by striking “, if the” and all that follows through “member’s residence”.

(b) **ELIGIBILITY FOR DISABILITY RETIREMENT OR SEPARATION.**—Sections 1204(2)(B)(iii) and 1206(2)(B)(iii) of title 10, United States Code, are each amended by striking “, if the” and all that follows through “member’s residence”.

(c) **RECOVERY, CARE, AND DISPOSITION OF REMAINS.**—Section 1481(a)(2)(D) of title 10, United States Code, is amended by striking “, if the site is outside reasonable commuting distance from the member’s residence”.

(d) **PAY.**—Sections 204(g)(1)(D), 204(h)(1)(D), and 206(a)(3)(C) of title 37, United States Code, are each amended by striking “, if the site is outside reasonable commuting distance from the member’s residence”.

**SEC. 515. TIME-IN-GRADE REQUIREMENT FOR RESERVE COMPONENT OFFICERS WITH A NONSERVICE CONNECTED DISABILITY.**

Section 1370(d)(3)(B) of title 10, United States Code, is amended to read as follows:

“(B) A person covered by subparagraph (A) who has completed at least six months of satisfactory service in grade may be credited with satisfactory service in the grade in which serving at the time of transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade, if that person—

“(i) is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person’s age or years of service; or

“(ii) is retired under chapter 1223 of this title because the person no longer meets the qualification for membership in the Ready Reserve solely because of a physical disability, as determined, at a minimum, by a medical evaluation board.”.

**SEC. 516. RESERVE MEMBERS CONSIDERED TO BE DEPLOYED FOR PURPOSES OF PERSONNEL TEMPO MANAGEMENT.**

Section 991(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—  
(A) by inserting “active” before “service”; and

(B) by adding at the end the following: “For the purpose of applying the preceding sentence to a member of a reserve component performing active service, the housing in which the member resides when on garrison duty at the member’s permanent duty station or homeport, as the case may be, shall be considered to be either the housing the member normally occupies when on garrison duty or the member’s permanent civilian residence.”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(4) in paragraph (3) (as so redesignated), by striking “in paragraphs (1) and (2)” and inserting “in paragraph (1)”.

**SEC. 517. FUNERAL HONORS DUTY PERFORMED BY RESERVE AND GUARD MEMBERS TO BE TREATED AS INACTIVE-DUTY TRAINING FOR CERTAIN PURPOSES.**

(a) **RESERVE MEMBERS.**—Section 12503(a) of title 10, United States Code, is amended by adding at the end the following new sentence: “Performance of funeral honors duty by a Reserve not on active duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”.

(b) **NATIONAL GUARD MEMBERS.**—Section 115(a) of title 32, United States Code, is amended by adding at the end the following new sentence: “Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to funeral honors duty performed on or after October 30, 2000.

**SEC. 518. MEMBERS OF THE NATIONAL GUARD PERFORMING FUNERAL HONORS DUTY WHILE IN NON-FEDERAL STATUS.**

Section 1491(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A member of the Army National Guard of the United States or the Air National Guard of the United States who serves as a member of a funeral honors detail while in a duty status authorized under State law shall be considered to be a member of the armed forces for the purposes of the first sentence of paragraph (2).”.

**SEC. 519. USE OF MILITARY LEAVE FOR FUNERAL HONORS DUTY BY RESERVE MEMBERS AND NATIONAL GUARDSMEN.**

Section 6323(a)(1) of title 5, United States Code, is amended by inserting “funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),” after “(as defined in section 101 of title 37),”.

**Subtitle C—Joint Specialty Officers and Joint Professional Military Education**

**SEC. 521. NOMINATIONS FOR JOINT SPECIALTY.**

Paragraph (2) of section 661(b) of title 10, United States Code, is amended by striking “The Secretaries” and all that follows through “officers—” and inserting “Each officer on the active-duty list on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002 who has not before that date been nominated for the joint specialty by the Secretary of a military department, and each offi-

cer who is placed on the active-duty list after such date, who meets the requirements of subsection (c) shall automatically be considered to have been nominated for the joint specialty. From among those officers considered to be nominated for the joint specialty, the Secretary may select for the joint specialty only officers—”.

**SEC. 522. JOINT DUTY CREDIT.**

Paragraph (4) of section 664(i) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking “The” and inserting “Except as provided in subparagraph (F), the”; and

(2) by adding at the end the following new subparagraph:

“(F) Service in a temporary joint task force assignment not involved in combat or combat-related operations may not be credited for the purposes of joint duty, unless, and only if—

“(i) the service of the officer and the nature of the joint task force not only meet all criteria of this section, except subparagraph (E), but also any additional criteria the Secretary may establish;

“(ii) the Secretary has specifically approved the operation conducted by the joint task force as one that qualifies for joint service credit, and notifies Congress upon each approval, providing the criteria that led to that approval; and

“(iii) the operation is conducted by the joint task force in an environment where an extremely fragile state of peace and high potential for hostilities coexist.”.

**SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY IN CERTAIN JOINT TASK FORCES.**

(a) **AUTHORITY.**—In accordance with section 664(i) of title 10, United States Code, as amended by section 522, the Secretary of Defense may award joint service credit to any officer who served on the staff of a United States joint task force headquarters in an operation and during the period set forth in subsection (b) and who meets the criteria specified in such section. To determine which officers qualify for such retroactive credit, the Secretary shall undertake a case-by-case review of the records of officers.

(b) **ELIGIBLE OPERATIONS.**—Service in the following operations, during the specified periods, may be counted for credit under subsection (a):

(1) Operation Northern Watch, during the period beginning on August 1, 1992, and ending on a date to be determined.

(2) Operation Southern Watch, during the period beginning on August 27, 1992, and ending on a date to be determined.

(3) Operation Able Sentry, during the period beginning on June 26, 1993, and ending on February 28, 1999.

(4) Operation Joint Endeavor, during the period beginning on December 25, 1995, and ending on December 19, 1996.

(5) Operation Joint Guard, during the period beginning on December 20, 1996, and ending on June 20, 1998.

(6) Operation Desert Thunder, beginning on January 24, 1998, and ending on December 15, 1998.

(7) Operation Joint Forge, beginning on June 20, 1998, and ending on June 10, 1999.

(8) Operation Noble Anvil, beginning on March 24, 1999, and ending on July 20, 1999.

(9) Operation Joint Guardian, beginning on June 11, 1999, and ending on a date to be determined.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report of the numbers, by service, grade, and operation, of the officers given joint service credit in accordance with this section.

**SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFICER MANAGEMENT.**

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

(B) by adding at the end the following new subparagraph:

“(B) The number of officers who meet the criteria for selection for the joint specialty but were not selected, together with the reasons why.”;

(2) by amending paragraph (2) to read as follows:

“(2) The number of officers with the joint specialty, shown by grade and branch or specialty and by education.”;

(3) in paragraph (3)—

(A) in subparagraph (A) and (B), by striking “nominated” and inserting “selected”;

(B) by inserting “and” at the end of subparagraph (D);

(C) by striking subparagraph (E); and

(D) by redesignating subparagraph (F) as subparagraph (E);

(4) in paragraph (4)(A), by striking “nominated” and inserting “selected”;

(5) in paragraph (14)—

(A) by inserting “(A)” after “(14)”; and

(B) by adding at the end the following new subparagraph:

“(B) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the Secretary of Defense under section 661(a) of this title.”; and

(6) in paragraph (16), by striking “section 664(i)” in the matter preceding subparagraph (A) and in subparagraph (B) and inserting “subparagraphs (E) and (F) of section 664(i)(4)”.

**SEC. 525. REQUIREMENT FOR SELECTION FOR JOINT SPECIALTY BEFORE PROMOTION TO GENERAL OR FLAG OFFICER GRADE.**

(a) **REQUIREMENT.**—Subsection (a) of section 619a of title 10, United States Code, is amended by striking “unless” and all that follows and inserting “unless—

“(1) the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title); and

“(2) for appointments after September 30, 2007, the officer has been selected for the joint specialty in accordance with section 661 of this title.”.

(b) **WAIVER AUTHORITY.**—Subsection (b) of that section is amended by striking “may waive subsection (a) in the following circumstances:” and inserting “may waive paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a), in the following circumstances (except that paragraph (2) of subsection (a) may not be waived by reason of paragraph (4))”:

(c) **PROPOSED LEGISLATIVE CHANGES.**—Not later than December 1, 2002, the Secretary of Defense shall submit to Congress a draft proposal for such legislative changes as the Secretary considers needed to implement the amendment made by subsections (a) and (b).

**SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MANAGEMENT AND JOINT PROFESSIONAL MILITARY EDUCATION REFORMS.**

(a) **STUDY.**—The Secretary of Defense shall provide for an independent study of the joint officer management system and the joint professional military education system. The Secretary shall ensure that the entity conducting the study is provided such information and support as required. The Secretary shall include in the contract for the study a requirement that the entity conducting the study submit a report to Congress on the study not later than June 30, 2002.

(b) **MATTERS TO BE INCLUDED WITH RESPECT TO JOINT OFFICER MANAGEMENT.**—With respect

to the joint officer management system, the entity conducting the independent study shall provide for the following:

(1) Assessment of implications for joint officer education, development, and management that would result from proposed joint organizational operational concepts (such as standing joint task forces) and from emerging officer management and personnel reforms (such as longer careers and more stabilization), that are under consideration by the Secretary of Defense.

(2) Assessment of the effectiveness of the current joint officer management system to develop and use joint specialty qualified officers in meeting both current and future requirements for joint specialty officers.

(3) Recommendations, based on empirical and other data, to improve the effectiveness of the joint officer management system, especially with regard to the following:

(A) The proper mix and sequencing of education assignments and experience assignments (to include, with respect to both types of assignments, consideration of the type and quality, and the length, of such assignments) to qualify an officer as a joint specialty officer, as well as the implications of adopting a variable joint duty tour length and the advisability and implications of a system of qualifying officers as joint specialty officers that uses multiple shorter qualification tracks to selection as a joint specialty officer than are now codified.

(B) The system of using joint specialty officers, including the continued utility of such measures as—

(i) the required fill of positions on the joint duty assignment list, as specified in paragraphs (1) and (4) of section 661(d) of title 10, United States Code;

(ii) the fill by such officers of a required number of critical billets, as prescribed by section 661(d)(2) of such title;

(iii) the mandated fill by general and flag officers of a minimum number of critical billets, as prescribed by section 661(d)(3) of such title; and

(iv) current promotion policy objectives for officers with the joint specialty, officers serving on the Joint Staff, and officers serving in joint duty assignment list positions, as prescribed by section 662 of such title.

(C) Changes in policy and law required to provide officers the required joint specialty qualification before promotion to general or flag officer grade.

(D) A determination of the number of reserve component officers who would be qualified for designation as a joint specialty officer by reason of experience or education if the standards of existing law, including waiver authorities, were applied to them, and recommendations for a process for qualifying and employing future reserve component officers as joint specialty officers.

(c) **MATTERS TO BE INCLUDED WITH RESPECT TO JOINT PROFESSIONAL MILITARY EDUCATION.**—With respect to the joint professional military education system, the entity conducting the independent study shall provide for the following:

(1) The number of officers who under the current system (A) qualified as joint specialty officers by attending joint professional military education programs before their first joint duty assignment, (B) qualified as joint specialty officers after arriving at their first joint duty assignment but before completing that assignment, and (C) qualified as joint specialty officers without any joint professional military education.

(2) Recommended initiatives (include changes in officer personnel management law, if necessary) to provide incentives and otherwise facilitate attendance at joint professional military education programs before an officer's first joint duty assignment.

(3) Recommended goals for attendance at the Joint Forces Staff College en route to a first joint duty assignment.

(4) An assessment of the continuing utility of statutory requirements for use of officers following joint professional military education, as prescribed by section 662(d) of title 10, United States Code.

(5) Determination of whether joint professional military education programs should remain principally an in-resident, multi-service experience and what role non-resident or distributive learning can or should play in future joint professional military education programs.

(6) Examination of options for the length of and increased capacity at Joint Forces Staff College, and whether other in-resident joint professional military education sources should be opened, and if opened, how they might be properly accredited and overseen to provide instruction at the level of the program designated as "joint professional military education".

(d) **CHAIRMAN OF JOINT CHIEFS OF STAFF.**—With respect to the roles of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, the entity conducting the independent study shall—

(1) provide for an evaluation of the current roles of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and joint staff in law, policy, and implementation with regard to establishing and maintaining oversight of joint officer management, career guidelines, and joint professional military education; and

(2) make recommendations to improve and strengthen those roles.

(e) **REQUIREMENTS FOR STUDY ENTITY.**—In providing for the independent study required by subsection (a), the Secretary of Defense shall ensure that the entity conducting the study—

(1) is not a Department of Defense organization; and

(2) shall, at a minimum, involve in the study, in an integral way, the following persons:

(A) The Chairman of the Joint Chiefs of Staff and available former Chairmen of the Joint Chiefs of Staff.

(B) Members and former members of the Joint Staff, the Armed Forces, the Congress, and congressional staff who are or who have been significantly involved in the development, implementation, or modification of joint officer management and joint professional military education.

(C) Experts in joint officer management and education from civilian academic and research centers.

#### **SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.**

(a) **EXECUTIVE AGENT FOR FUNDING.**—(1) Effective beginning with fiscal year 2003, the Secretary of Defense shall be the executive agent for funding professional development education operations of all components of the National Defense University, including the Joint Forces Staff College. The Secretary may not delegate the Secretary's functions and responsibilities under the preceding sentence to the Secretary of a military department.

(2) Nothing in this subsection affects policies in effect on the date of the enactment of this Act with respect to—

(A) the reporting of the President of the National Defense University to the Chairman of the Joint Chiefs of Staff; or

(B) provision of logistical and base operations support for components of the National Defense University by the military departments.

(b) **PREPARATION OF BUDGET REQUESTS.**—Section 2162(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) As executive agent for funding professional development education at the National Defense University, including the Joint Forces Staff College, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall prepare the annual budget for professional development education operations at the National Defense University and set forth that request as a separate budget request in the materials submitted to Congress in support of the budget request for the Department of Defense. Nothing in the preceding sentence affects policies in effect on the date of the enactment of this paragraph with respect to budgeting for the funding of logistical and base operations support for components of the National Defense University through the military departments.”.

(c) **FUNDING SOURCE.**—(1) Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) **SOURCE OF FUNDS FOR PROFESSIONAL DEVELOPMENT EDUCATION OPERATIONS.**—Funding for the professional development education operations of the National Defense University shall be provided from funds made available to the Secretary of Defense from the annual appropriation ‘Operation and Maintenance, Defense-wide’.”.

(2) Subsection (d) of section 2165 of title 10, United States Code, as added by paragraph (1), shall become effective beginning with fiscal year 2003.

#### **SEC. 528. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY TO ENROLL CERTAIN PRIVATE SECTOR CIVILIANS.**

(a) **IN GENERAL.**—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

##### **“§2167. National Defense University: admission of private sector civilians to professional military education program**

“(a) **AUTHORITY FOR ADMISSION.**—The Secretary of Defense may permit eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Defense University in accordance with this section. No more than 10 full-time equivalent private sector employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2165 of this title.

“(b) **ELIGIBLE PRIVATE SECTOR EMPLOYEES.**—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services or whose work product is relevant to national security policy or strategy. A private sector employee admitted for instruction at the National Defense University remains eligible for such instruction only so long as that person remains employed by the same firm.

“(c) **ANNUAL CERTIFICATION BY SECRETARY OF DEFENSE.**—Private sector employees may receive instruction at the National Defense University during any academic year only if, before the start of that academic year, the Secretary of Defense determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during that year will further national security interests of the United States.

“(d) **PROGRAM REQUIREMENTS.**—The Secretary of Defense shall ensure that—

“(1) the curriculum for the professional military education program in which private sector employees may be enrolled under this section is not readily available through other schools and

concentrates on national security relevant issues; and

“(2) the course offerings at the National Defense University continue to be determined solely by the needs of the Department of Defense.

“(e) TUITION.—The President of the National Defense University shall charge students enrolled under this section a rate—

“(1) that is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs, and

“(2) that considers the value to the school and course of the private sector student.

“(f) STANDARDS OF CONDUCT.—While receiving instruction at the National Defense University, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

“(g) USE OF FUNDS.—Amounts received by the National Defense University for instruction of students enrolled under this section shall be retained by the university to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the university.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2167. National Defense University: admission of private sector civilians to professional military education program.”

(b) EFFECTIVE DATE.—Section 2167 of title 10, United States Code, as added by subsection (a), shall take effect on January 1, 2002.

#### SEC. 529. CONTINUATION OF RESERVE COMPONENT PROFESSIONAL MILITARY EDUCATION TEST.

(a) CONTINUATION OF CONCEPT VALIDATION TEST.—During fiscal year 2002, the Secretary of Defense shall continue the concept validation test of Reserve component joint professional military education that was begun in fiscal year 2001 at the National Defense University.

(b) PILOT PROGRAM.—If the Secretary of Defense determines that the results of the concept validation test referred to in subsection (a) warrant conducting a pilot program of the concept that was the subject of the test, the Secretary shall conduct such a pilot program during fiscal year 2003.

(c) FUNDING.—The Secretary shall provide funds for the concept validation test under subsection (a) and for any pilot program under subsection (b) from funds appropriated to the Secretary of Defense in addition those appropriated for operations of the National Defense University.

#### Subtitle D—Military Education and Training

#### SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER.

(a) AUTHORITY TO CONFER ASSOCIATE OF ARTS DEGREE.—Chapter 108 of title 10, United States Code, is amended by adding after section 2167, as added by section 528(a)(1), the following new section:

“§2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language

“(a) Subject to subsection (b), the Commandant of the Defense Language Institute may confer an Associate of Arts degree in a foreign language upon any graduate of the Foreign Language Center of the Institute who fulfills the requirements for that degree.

“(b) A degree may be conferred upon a student under this section only if the Provost of the Center certifies to the Commandant that the student has satisfied all the requirements prescribed for the degree.

“(c) The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2167, as added by section 528(a)(2), the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Associate of Arts in foreign language.”

#### SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

(a) MARINE CORPS WAR COLLEGE DEGREE.—Section 7102 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) MARINE CORPS WAR COLLEGE.—Upon the recommendation of the Director and faculty of the Marine Corps War College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of strategic studies upon graduates of the Marine Corps War College who fulfill the requirements for that degree.”

(b) CONFORMING AMENDMENTS.—(1) Subsection (a) of such section is amended by striking “upon graduates” and all that follows and inserting “upon graduates of the Command and Staff College who fulfill the requirements for that degree.”

(2) Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by striking “subsection (a)” and inserting “subsections (a) and (b)”.

(3)(A) The heading of such section is amended to read as follows:

“§7102. Marine Corps University: masters degrees; board of advisors”.

(B) The item relating to such section in the table of sections at the beginning of chapter 609 of such title is amended to read as follows:

“7102. Marine Corps University: masters degrees; board of advisors.”

(c) CODIFICATION OF REQUIREMENT FOR BOARD OF ADVISORS.—(1) Section 7102 of title 10, United States Code, as amended by subsections (a) and (b), is further amended by adding at the end the following new subsection:

“(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.”

(2) Section 912 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 7102 note) is repealed.

(d) EFFECTIVE DATE.—The authority to confer the degree of master of strategic studies under section 7102(b) of title 10, United States Code (as added by subsection (a)) may not be exercised until the Secretary of Education determines, and certifies to the President of the Marine Corps University, that the requirements established by the Marine Corps War College of the Marine Corps University for that degree are in accordance with generally applicable requirements for a degree of master of arts. Upon receipt of such a certification, the President of the University shall promptly transmit a copy of the certification to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives.

#### SEC. 533. INCREASE IN NUMBER OF FOREIGN STUDENTS AUTHORIZED TO BE ADMITTED TO THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Subsection (a)(1) of section 4344 of title 10,

United States Code, is amended by striking “40 persons” and inserting “60 persons”.

(2) Subsection (b) of such section is amended—

(A) by inserting “some or all” in paragraph (2) after “unless a written waiver of”; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Military Academy to receive instruction under section 4344 of title 10, United States Code, before the date of the enactment of this Act.

(b) UNITED STATES NAVAL ACADEMY.—(1) Subsection (a)(1) of section 6957 of title 10, United States Code, is amended by striking “40 persons” and inserting “60 persons”.

(2) Subsection (b) of such section is amended—

(A) by inserting “some or all” in paragraph (2) after “unless a written waiver of”; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Naval Academy to receive instruction under section 6957 of title 10, United States Code, before the date of the enactment of this Act.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Subsection (a)(1) of section 9344 of title 10, United States Code, is amended by striking “40 persons” and inserting “60 persons”.

(2) Subsection (b) of such section is amended—

(A) by inserting “some or all” in paragraph (2) after “unless a written waiver of”; and

(B) by striking paragraph (3).

(3) The amendments made by paragraph (2) shall not apply with respect to any person who entered the United States Air Force Academy to receive instruction under section 9344 of title 10, United States Code, before the date of the enactment of this Act.

#### SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINTMENT AS A CADET OR MIDSHIPMAN IN SENIOR RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAMS.

(a) GENERAL ROTC SCHOLARSHIP PROGRAM.—Section 2107(a) of title 10, United States Code, is amended—

(1) by striking “27 years of age on June 30” and inserting “35 years of age on December 31”; and

(2) by striking “, except that” and all that follows through “on such date” the second place it appears.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD ROTC SCHOLARSHIP PROGRAM.—Section 2107a(a) of such title is amended—

(1) by striking “27 years of age on June 30” and inserting “35 years of age on December 31”; and

(2) by striking “, except that” and all that follows through “on such date” the second place it appears.

#### SEC. 535. ACTIVE DUTY PARTICIPATION AS A CADET OR MIDSHIPMAN IN SENIOR ROTC ADVANCED TRAINING.

(a) SENIOR RESERVE OFFICER TRAINING CORPS.—Section 2104(b)(3) of title 10, United States Code, is amended by striking “a reserve component of”.

(b) BASIC PAY.—Section 209(c) of title 37, United States Code, is amended by inserting “unless the cadet or midshipman is serving on active duty” before the period at the end.

#### SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGATION OF CERTAIN ROTC CADETS IN MILITARY JUNIOR COLLEGES RECEIVING FINANCIAL ASSISTANCE.

(a) AUTHORITY TO MODIFY AGREEMENTS.—Subsection (b) of section 2107a of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), and (6) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively;

(3) by designating the sentence following subparagraph (F), as so redesignated, as paragraph (2); and

(4) by adding at the end the following new paragraph:

“(3) In the case of a cadet under this section at a military junior college, the Secretary may, at any time and with the consent of the cadet concerned, modify an agreement described in paragraph (1)(F) submitted by the cadet to reduce or eliminate the troop program unit service obligation specified in the agreement and to establish, in lieu of that obligation, an active duty service obligation. Such a modification may be made only if the Secretary determines that it is in the best interests of the United States to do so.”.

(b) **RETROACTIVE APPLICATION.**—The authority of the Secretary of Defense under section 2107a(b)(3) of title 10, United States Code, as added by subsection (a), may be exercised with regard to any agreement described in subsection (b)(1)(F) (including agreements related to participation in the Advanced Course of the Army Reserve Officers' Training Corps at a military college or civilian institution) entered into during the period beginning on January 1, 1991 and ending on July 12, 2000.

(c) **TECHNICAL AMENDMENT.**—Subsection (h) of such section is amended by striking “military college” in the second sentence and inserting “military junior college”.

**SEC. 537. MODIFICATION OF NURSE OFFICER CANDIDATE ACCESSION PROGRAM RESTRICTION ON STUDENTS ATTENDING EDUCATIONAL INSTITUTIONS WITH SENIOR RESERVE OFFICERS' TRAINING PROGRAMS.**

Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking “that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title”; and

(2) in subsection (b)(1), by inserting before the semicolon at the end “or that has a Senior Reserve Officers' Training Program for which the student is ineligible”.

**SEC. 538. REPEAL OF LIMITATION ON NUMBER OF JUNIOR RESERVE OFFICERS' TRAINING CORPS (JROTC) UNITS.**

Section 2031(a)(1) of title 10, United States Code, is amended by striking the second sentence.

**SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM EXPANSION.**

(a) **PURPOSE OF PROGRAM.**—Subsection (a) of section 16201 of title 10, United States Code, is amended—

(1) by striking “specialties critically needed in wartime”; and

(2) by striking “training in such specialties” and inserting “training that leads to a degree in medicine or dentistry or training in a health professions specialty that is critically needed in wartime”; and

(3) by striking “training in certain health care specialties” and inserting “health care education and training”.

(b) **MEDICAL AND DENTAL STUDENT STIPEND.**—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) **MEDICAL AND DENTAL SCHOOL STUDENTS.**—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) is eligible to be appointed as an officer in a reserve component;

“(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in medicine or dentistry;

“(C) signs an agreement that, unless sooner separated, the person will—

“(i) complete the educational phase of the program;

“(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

“(iii) participate in a residency program; and

“(D) if required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a health profession skill which has been designated by the Secretary of Defense as a critically needed wartime skill.

“(2) Under the agreement—

“(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in the amount determined under subsection (f), for the period or the remainder of the period the student is satisfactorily progressing toward a degree in medicine or dentistry while enrolled in an accredited medical or dental school;

“(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

“(D) the participant shall agree to serve, upon successful completion of the program, one year in the Selected Reserve for each six months, or part thereof, for which the stipend is provided. In the case of a participant who enters into a subsequent agreement under subsection (c) and successfully completes residency training in a specialty designated by the Secretary of Defense as a specialty critically needed by the military department in wartime, the requirement to serve in the Selected Reserve may be reduced to one year for each year, or part thereof, for which the stipend was provided while enrolled in medical or dental school.”.

(c) **WARTIME CRITICAL SKILLS.**—Subsection (c) of such section (as redesignated by subsection (b)(1)) is amended—

(1) by inserting “WARTIME” after “CRITICAL” in the heading; and

(2) by inserting “or has been appointed as a medical or dental officer in the Reserve of the armed force concerned” in paragraph (1)(B) before the semicolon at the end.

(d) **SERVICE OBLIGATION REQUIREMENT.**—Paragraph (2)(D) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(D) of subsection (d) of such section (as so redesignated) are amended by striking “two years in the Ready Reserve for each year,” and inserting “one year in the Ready Reserve for each six months.”.

(e) **CROSS-REFERENCE.**—Paragraph (2)(A) of subsection (c) of such section (as redesignated by subsection (b)(1)) and paragraph (2)(A) of subsection (d) of such section (as so redesignated) are amended by striking “subsection (e)” and inserting “subsection (f)”.

**SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR THE CORPS OF CADETS, UNITED STATES MILITARY ACADEMY.**

(a) **AUTHORITY.**—The second sentence of section 4337 of title 10, United States Code, is amended to read as follows: “Notwithstanding any other provision of law, the chaplain is entitled to the same basic allowance for housing allowed to a lieutenant colonel, and to fuel and light for quarters in kind.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

**Subtitle E—Decorations, Awards, and Commendations**

**SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO HUMBERT R. VERSACE FOR VALOR DURING THE VIETNAM WAR.**

(a) **WAIVER OF TIME LIMITATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to Humbert R. Versace for the acts of valor referred to in subsection (b).

(b) **ACTION DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Humbert R. Versace between October 29, 1963, and September 26, 1965, while interned as a prisoner-of-war by the Vietnamese Communist National Liberation Front (Viet Cong) in the Republic of Vietnam.

**SEC. 542. REVIEW REGARDING AWARD OF MEDAL OF HONOR TO CERTAIN JEWISH AMERICAN AND HISPANIC AMERICAN WAR VETERANS.**

(a) **REVIEW REQUIRED.**—The Secretary of each military department shall review the service records of each Jewish American war veteran or Hispanic American war veteran described in subsection (b) to determine whether that veteran should be awarded the Medal of Honor.

(b) **COVERED JEWISH AMERICAN WAR VETERANS AND HISPANIC AMERICAN WAR VETERANS.**—The Jewish American war veterans and Hispanic American war veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American war veteran or Hispanic American war veteran who was awarded the Distinguished Service Cross, the Navy Cross, or the Air Force Cross before the date of the enactment of this Act.

(2) Any other Jewish American war veteran or Hispanic American war veteran whose name is submitted to the Secretary concerned for such purpose before the end of the one-year period beginning on the date of the enactment of this Act.

(c) **CONSULTATIONS.**—In carrying out the review under subsection (a), the Secretary of each military department shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) **RECOMMENDATION BASED ON REVIEW.**—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American war veteran or Hispanic American war veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor to that veteran.

(e) **AUTHORITY TO AWARD MEDAL OF HONOR.**—A Medal of Honor may be awarded to a Jewish American war veteran or Hispanic American war veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) **WAIVER OF TIME LIMITATIONS.**—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or Air Force Cross has been awarded.

(g) **DEFINITION.**—For purposes of this section, the term “Jewish American war veteran” means

any person who served in the Armed Forces during World War II or a later period of war and who identified himself or herself as Jewish on his or her military personnel records.

**SEC. 543. AUTHORITY TO ISSUE DUPLICATE MEDAL OF HONOR.**

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

**“§3754. Medal of honor: duplicate medal**

“A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Army may determine, as a duplicate or for display purposes only.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3754. Medal of honor: duplicate medal.”

(b) NAVY.—(1) Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

**“§6256. Medal of honor: duplicate medal**

“A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Navy may determine, as a duplicate or for display purposes only.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“6256. Medal of honor: duplicate medal.”

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

**“§8754. Medal of honor: duplicate medal**

“A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Air Force may determine, as a duplicate or for display purposes only.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“8754. Medal of honor: duplicate medal.”

(d) COAST GUARD.—(1) Chapter 13 of title 14, United States Code, is amended by inserting after section 503 the following new section:

**“§504. Medal of honor: duplicate medal**

“A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary may determine, as a duplicate or for display purposes only.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 503 the following new item:

“504. Medal of honor: duplicate medal.”

(e) DEFINITION OF MEDAL OF HONOR FOR PURPOSES OF FEDERAL UNAUTHORIZED-USE CRIME.—Section 704(b)(2)(B) of title 18, United States Code, is amended to read as follows:

“(B) As used in this subsection, ‘Congressional Medal of Honor’ means—

“(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or section 491 of title 14;

“(ii) a duplicate medal of honor issued under section 3754, 6256, or 8754 of title 10 or section 504 of title 14; or

“(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8747 of title 10 or section 501 of title 14.”

**SEC. 544. AUTHORITY TO REPLACE STOLEN MILITARY DECORATIONS.**

(a) ARMY, NAVY, AND AIR FORCE.—Sections 3747, 6253, and 8747 of title 10, United States Code, are each amended by striking “lost or destroyed” and inserting “stolen, lost, or destroyed”.

(b) COAST GUARD.—Section 501 of title 14, United States Code, is amended by inserting “stolen,” before “lost.”

**SEC. 545. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS TO CERTAIN PERSONS.**

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 31, 2000, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

**SEC. 546. KOREA DEFENSE SERVICE MEDAL.**

(a) ARMY.—(1) Chapter 357 of title 10, United States Code, as amended by section 543(a)(1), is further amended by adding at the end the following new section:

**“§3755. Korea Defense Service Medal**

“(a) The Secretary of the Army shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Army served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

“(b) In this section, the term ‘KDSM eligibility period’ means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

“(c) The Secretary of the Army shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.”

(2) The table of sections at the beginning of such chapter, as amended by section 543(a)(2), is further amended by adding at the end the following new item:

“3755. Korea Defense Service Medal.”

(b) NAVY AND MARINE CORPS.—(1) Chapter 567 of title 10, United States Code, as amended by section 543(b)(1), is further amended by adding at the end the following new section:

**“§6257. Korea Defense Service Medal**

“(a) The Secretary of the Navy shall issue a campaign medal, to be known as the Korea De-

fense Service Medal, to each person who while a member of the Navy or Marine Corps served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

“(b) In this section, the term ‘KDSM eligibility period’ means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

“(c) The Secretary of the Navy shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.”

(2) The table of sections at the beginning of such chapter, as amended by section 543(b)(2), is further amended by adding at the end the following new item:

“6257. Korea Defense Service Medal.”

(c) AIR FORCE.—(1) Chapter 857 of title 10, United States Code, as amended by section 543(c)(1), is further amended by adding at the end the following new section:

**“§8755. Korea Defense Service Medal**

“(a) The Secretary of the Air Force shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Air Force served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

“(b) In this section, the term ‘KDSM eligibility period’ means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

“(c) The Secretary of the Air Force shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.”

(2) The table of sections at the beginning of such chapter, as amended by section 543(c)(2), is further amended by adding at the end the following new item:

“8755. Korea Defense Service Medal.”

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—The Secretary of the military department concerned shall take appropriate steps to provide in a timely manner for the issuance of the Korea Defense Service Medal, upon application therefor, to persons whose eligibility for that medal is by reason of service in the Republic of Korea or the waters adjacent thereto before the date of the enactment of this Act.

**SEC. 547. COLD WAR SERVICE MEDAL.**

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

**“§1134. Cold War service medal**

“(a) MEDAL AUTHORIZED.—The Secretary concerned shall, upon application, issue the Cold War service medal to a person eligible to receive that medal. The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

“(b) ELIGIBILITY.—(1) A person is eligible to receive the Cold War service medal if the person—

“(A) served on active duty during the Cold War;

“(B) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge; and

“(C) except as provided under paragraph (3), meets the service requirements of paragraph (2).

“(2) The service requirements of this paragraph are—

“(A) in the case of a person who served on active duty during the Cold War as an enlisted member, that the person have completed that person's initial term of enlistment and after the end of that initial term of enlistment have reenlisted for an additional term of enlistment or have been appointed as an officer; and

“(B) in the case of a person who served on active duty during the Cold War as an officer, that the person have completed that person's initial service obligation as an officer and have served in the armed forces after completing that initial service obligation.

“(3) The Secretary concerned, under regulations prescribed under this section, may waive the service requirements of paragraph (2)—

“(A) in the case of any person discharged or released from active duty for a disability incurred or aggravated in line of duty;

“(B) in the case of any person discharged for hardship under section 1173 of this title; and

“(C) under any other circumstance for which the Secretary determines that such a waiver is warranted.

“(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

“(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person who is eligible for the Cold War service medal dies before being issued that medal, the medal may, upon application, be issued to the person's representative, as designated by the Secretary concerned.

“(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

“(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

“(g) COLD WAR DEFINED.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “1134. Cold War service medal.”.

**SEC. 548. OPTION TO CONVERT AWARD OF ARMED FORCES EXPEDITIONARY MEDAL AWARDED FOR OPERATION FREQUENT WIND TO VIETNAM SERVICE MEDAL.**

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible Vietnam evacuation veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of the Armed Forces Expeditionary Medal awarded the individual for participation in Operation Frequent Wind.

(b) ELIGIBLE VIETNAM EVACUATION VETERAN.—For purposes of this section, the term “eligible Vietnam evacuation veteran” means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations designated as Operation Frequent Wind arising from the evacuation of Vietnam on April 29 and 30, 1975.

**Subtitle F—Matters Relating to Voting**

**SEC. 551. VOTING ASSESSMENTS AND ASSISTANCE FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1566. Voting assistance: compliance assessments and assistance**

“(a) INSPECTOR GENERAL ASSESSMENTS.—(1) The Department of Defense Inspector General shall each calendar year conduct a random and unannounced assessment at a minimum of 15 Department of Defense installations of the compliance at those installations with—

“(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

“(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

“(C) other requirements of law regarding voting by members of the armed forces.

“(2) Each assessment under paragraph (1) shall include a review of such compliance—

“(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

“(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

“(C) within unit voting assistance officers to measure program effectiveness.

“(b) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

“(c) VOTING ASSISTANCE OFFICERS.—Voting assistance officers appointed or assigned under Department of Defense regulations regarding the Federal Voting Assistance Program shall be appointed or assigned with the expectation of serving in that capacity for a minimum of 30 months. A member of the armed forces assigned to such a position may not be assigned other duties that would not be considered part of the member's primary military duties, except when a unit commander determines that insufficient personnel are available to fulfill all additional duty requirements. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer.

“(d) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

“(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times.

“(3) In this section, the term ‘general Federal election month’ means November in an even-numbered year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1566. Voting assistance: compliance assessments and assistance.”.

**SEC. 552. ELECTRONIC VOTING DEMONSTRATION PROJECT.**

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall carry out a demonstration project to examine voting in Federal elections by absent uniformed services voters through a long-distance electronic voting system. The demonstration project shall be carried out for voting in the regularly scheduled general election for Federal office in November 2002. Under the demonstration project, absent uniformed services voters participating in the project shall be provided a means, with the cooperation and assistance of State election officials of States that agree to participate in the project, to cast their ballots in that election through a long-distance electronic voting method.

(b) SCOPE OF PROJECT.—The Secretary shall determine the scope of the demonstration project under this section, including the absent uniformed services voters authorized to participate in the project. The project shall be carried out with participation of sufficient numbers of absent uniformed services voters so that the results are statistically relevant.

(c) COORDINATION WITH STATE ELECTION OFFICIALS.—The Secretary shall carry out the demonstration project under this section through cooperative agreements with State election officials of States that agree to participate in the project.

(d) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit to Congress a report analyzing the demonstration project conducted under this section. The Secretary shall include in the report any recommendations the Secretary considers appropriate for continuing the project on an expanded basis during the next regularly scheduled general election for Federal office.

(e) ABSENT UNIFORMED SERVICES VOTER DEFINED.—In this section, the term “absent uniformed services voter” has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1)).

**Subtitle G—Matters Relating to Military Spouses and Family Members**

**SEC. 561. IMPROVED FINANCIAL AND OTHER ASSISTANCE TO MILITARY SPOUSES FOR JOB TRAINING AND EDUCATION.**

(a) EXAMINATION OF EXISTING EMPLOYMENT ASSISTANCE PROGRAMS.—(1) The Secretary of Defense shall examine existing Department of Defense and other Federal, State, and nongovernmental programs with the objective of improving retention of military personnel by increasing the employability of military spouses and assisting those spouses in gaining access to financial and other assistance for job training and education.

(2) In conducting the examination, the Secretary shall give priority to facilitating and increasing access of military spouses to existing Department of Defense, Federal, State, and nongovernmental sources for the types of financial assistance set forth in paragraph (3), but shall also specifically assess whether the Department of Defense should begin a program for direct financial assistance to military spouses for some or all of those types of assistance and whether such a program of direct financial assistance would enhance retention.

(3) In conducting the examination pursuant to paragraph (1), the Secretary should focus on financial assistance for military spouses for one or more of the following purposes:

- (A) Career-related education.
- (B) Certification and license fees for employment-related purposes.
- (C) Apprenticeships and internships.
- (D) Technical training.
- (E) Training to improve job skills.
- (F) Career counseling.
- (G) Skills assessment.
- (H) Job-search skills.
- (I) Job-related transportation.
- (J) Child care.

(K) Any additional employment-related purpose specified by the Secretary for the purposes of the examination under paragraph (1).

(4) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the examination under paragraph (1).

(b) REVIEW OF DEPARTMENT OF DEFENSE POLICIES.—(1) The Secretary of Defense shall review Department of Defense policies that affect employment and education opportunities for military spouses in the Department of Defense in order to further expand those opportunities. The review shall include the consideration of providing, to the extent authorized by law, separate spouse preferences for employment by appropriated and nonappropriated fund operations.

(2) Not later than March 30, 2002, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under paragraph (1).

(c) SPOUSE EMPLOYMENT ASSISTANCE.—Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(d) SPACE-AVAILABLE USE OF FACILITIES FOR SPOUSE TRAINING PURPOSES.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may make available to a non-Department of Defense entity space in non-excess facilities controlled by that Secretary for the purpose of the non-Department of Defense entity providing employment-related training for military spouses.

“(e) EMPLOYMENT BY OTHER FEDERAL AGENCIES.—The Secretary of Defense shall work with the Director of the Office of Personnel Management and the heads of other Federal departments and agencies to expand and facilitate the use of existing Federal programs and resources in support of military spouse employment.

“(f) PRIVATE-SECTOR EMPLOYMENT.—The Secretary of Defense—

“(1) shall seek to develop partnerships with firms in the private sector to enhance employment opportunities for spouses of members of the armed forces and to provide for improved job portability for such spouses, especially in the case of the spouse of a member of the armed forces accompanying the member to a new geographical area because of a change of permanent duty station of the member; and

“(2) shall work with the United States Chamber of Commerce and other appropriate private-sector entities to facilitate the formation of such partnerships.

“(g) EMPLOYMENT WITH DOD CONTRACTORS.—The Secretary of Defense shall examine and seek ways for incorporating hiring preferences for qualified spouses of members of the armed forces into contracts between the Department of Defense and private-sector entities.”

#### SEC. 562. AUTHORITY TO CONDUCT SURVEYS OF DEPENDENTS AND SURVIVORS OF MILITARY RETIREES.

(a) EXTENSION OF SURVEY AUTHORITY.—Subsection (a) of section 1782 of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY.—The Secretary of Defense, in order to determine the effectiveness of Federal programs relating to military families and the need for new programs, may conduct surveys of—

- “(1) members of the armed forces who are on active duty, in an active status, or retired;
- “(2) family members of such members; and
- “(3) survivors of retired members.”

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “family members” and all that follows through “armed forces” the second place it appears and inserting “persons covered by subsection (a)”.

#### SEC. 563. CLARIFICATION OF TREATMENT OF CLASSIFIED INFORMATION CONCERNING PERSONS IN A MISSING STATUS.

Section 1506(b)(2) of title 10, United States Code, is amended—

- (1) by inserting “(A)” after “(2)”;
- (2) by striking the period at the end and inserting “of all missing persons from the conflict or period of war to which the classified information pertains.”; and
- (3) by adding at the end the following new subparagraph:

“(B) For purposes of subparagraph (A), information shall be considered to be made reasonably available if placed in a separate and distinct file that is available for review by persons specified in subparagraph (A) upon the request of any such person either to review the separate file or to review the personnel file of the missing person concerned.”

#### SEC. 564. TRANSPORTATION TO ANNUAL MEETING OF NEXT-OF-KIN OF PERSONS UNACCOUNTED FOR FROM CONFLICTS AFTER WORLD WAR II.

(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II

“The Secretary of Defense may provide transportation for the next-of-kin of persons who are unaccounted for from the Korean conflict, the Cold War, Vietnam War era, or the Persian Gulf War to and from an annual meeting in the United States. Such transportation shall be provided under such regulations as the Secretary of Defense may prescribe.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2647. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.”

(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2001, or the date of the enactment of this Act, whichever is later.

#### SEC. 565. AMENDMENTS TO CHARTER OF DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

(a) MEMBERS APPOINTED FROM PRIVATE SECTOR.—Subsection (h)(1) of section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 639; 10 U.S.C. 1562 note) is amended—

- (1) by inserting “who is a member of the Armed Forces or civilian officer or employee of the United States” after “Each member of the task force”;
- (2) by striking “, but shall” and all that follows and inserting a period; and
- (3) by adding at the end the following new sentence: “Other members of the task force shall be appointed in accordance with, and subject to, section 3161 of title 5, United States Code.”

(b) EXTENSION OF TERMINATION DATE.—Subsection (j) of such section is amended by striking

“three years after the date of the enactment of this Act” and inserting “on April 24, 2003”.

#### Subtitle H—Military Justice and Legal Matters

#### SEC. 571. REQUIREMENT THAT COURTS-MARTIAL CONSIST OF NOT LESS THAN 12 MEMBERS IN CAPITAL CASES.

(a) CLASSIFICATION OF GENERAL COURT-MARTIAL IN CAPITAL CASES.—Section 816(1)(A) of title 10, United States Code (article 16(1)(A) of the Uniform Code of Military Justice) is amended by inserting after “five members” the following: “or, in a case in which the accused may be sentenced to a penalty of death, the number of members determined under section 825a of this title (article 25a)”.

(b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 825 (article 25) the following new section:

##### “§825a. Art. 25a. Number of members in capital cases

“In a case in which the accused may be sentenced to a penalty of death, the number of members shall be not less than 12, unless 12 members are not reasonably available because of physical conditions or military exigencies, in which case the convening authority shall specify a lesser number of members not less than five, and the court may be assembled and the trial held with not less than the number of members so specified. In such a case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.”

(2) The table of sections at the beginning of subchapter V of such chapter is amended by inserting after the item relating to section 825 (article 25) the following new item:

“825a. 25a. Number of members in capital cases.”

(c) ABSENT AND ADDITIONAL MEMBERS.—Section 829(b) of such title (article 29 of the Uniform Code of Military Justice) is amended—

- (1) by inserting “(1)” after “(b)”;
- (2) by striking “five members” both places it appears and inserting “the applicable minimum number of members”; and
- (3) by adding at the end the following new paragraph:

“(2) In this section, the term ‘applicable minimum number of members’ means five members or, in a case in which the death penalty may be adjudged, the number of members determined under section 825a of this title (article 25a).”

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to offenses committed after the date of the enactment of this Act.

#### SEC. 572. RIGHT OF CONVICTED ACCUSED TO REQUEST SENTENCING BY MILITARY JUDGE.

(a) SENTENCING BY JUDGE.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 852 (article 52) the following new section:

##### “§852a. Art. 52a. Right of accused to request sentencing by military judge rather than by members

“(a) In the case of an accused convicted of an offense by a court-martial composed of a military judge and members, the sentence shall be tried before and adjudged by the military judge rather than the members if, after the findings are announced and before evidence in the sentencing proceeding is introduced, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests orally on the record or in writing that the sentence be tried before and adjudged by the military judge rather than the members.

“(b) This section shall not apply with respect to an offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case.”.

(2) The table of sections at the beginning of subchapter VII of such chapter is amended by inserting after the item relating to section 852 (article 52) the following new item:

“852a. 52a. Right of accused to request sentencing by military judge rather than by members.”.

(b) **EFFECTIVE DATE.**—Section 852a of title 10, United States Code (article 52a of the Uniform Code of Military Justice), as added by subsection (a), shall apply with respect to offenses committed after the date of the enactment of this Act.

**SEC. 573. CODIFICATION OF REQUIREMENT FOR REGULATIONS FOR DELIVERY OF MILITARY PERSONNEL TO CIVIL AUTHORITIES WHEN CHARGED WITH CERTAIN OFFENSES**

(a) **CODIFICATION OF EXISTING PROVISIONS.**—Section 814 of title 10, United States Code (article 14 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(c) The Secretary of Defense shall ensure that the Secretaries of the military departments prescribe regulations under subsection (a) and that those regulations are uniform throughout the armed forces under the jurisdiction of the Secretary of Defense. Those regulations shall—

“(1) specifically provide for the delivery to the appropriate civil authority for trial, in any appropriate case, of a member accused by civil authority of parental kidnapping or a similar offense, including criminal contempt arising from any such offense or from child custody matters; and

“(2) specifically address the special needs for the exercise of the authority contained in this section (article) in a case in which a member of the armed forces assigned overseas is accused of an offense by civil authority.”.

(b) **REPEAL OF CODIFIED PROVISIONS.**—Section 721 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 10 U.S.C. 814 note), is repealed.

**SEC. 574. AUTHORITY TO ACCEPT VOLUNTARY LEGAL SERVICES FOR MEMBERS OF THE ARMED FORCES.**

(a) **AUTHORITY.**—Subsection (a) of section 1588 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) Voluntary legal assistance services under section 1044 of this title.”.

(b) **APPLICABLE FEDERAL LAWS.**—Subsection (d)(1) of such section is amended by adding at the end the following new subparagraph:

“(E) Section 1054 of this title (relating to defense of certain suits arising out of legal malpractice), in the case of persons providing voluntary legal assistance services under subsection (a)(5).”.

**Subtitle I—Other Matters**

**SEC. 581. SHIPMENT OF PRIVATELY OWNED VEHICLES WHEN MAKING PERMANENT CHANGE OF STATION MOVES WITHIN UNITED STATES.**

Section 2634(h)(1) of title 10, United States Code, is amended by inserting “or when the Secretary concerned determines that the transport of a vehicle upon such a transfer is advantageous and cost-effective to the United States” before the period at the end.

**SEC. 582. PAYMENT OF VEHICLE STORAGE COSTS IN ADVANCE.**

Section 2634(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Storage costs payable under this subsection may be paid in advance.”.

**SEC. 583. PERMANENT AUTHORITY FOR USE OF MILITARY RECRUITING FUNDS FOR CERTAIN EXPENSES AT DEPARTMENT OF DEFENSE RECRUITING FUNCTIONS.**

(a) **REPEAL OF TERMINATION PROVISION.**—Section 520c of title 10, United States Code, is amended by striking subsection (c).

(b) **TECHNICAL AMENDMENTS.**—Subsection (a) of such section is amended—

(1) in paragraph (4), by striking “recruiting events” and inserting “recruiting functions”; and

(2) in paragraph (5), by striking “recruiting efforts” the first place it appears and inserting “recruiting functions”.

**SEC. 584. CLARIFICATION OF MILITARY RECRUITER ACCESS TO SECONDARY SCHOOL DIRECTORY INFORMATION ABOUT STUDENTS.**

Section 503(c)(1) of title 10, United States Code, is amended by striking “purposes,” and all that follows and inserting the following: “purposes—

“(A) the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students; and

“(B) the same access to directory information concerning those students as is provided to a post-secondary educational institution upon an indication by a secondary school student that the student seeks to enroll or intends to enroll at that institution.”.

**SEC. 585. REPEAL OF REQUIREMENT FOR FINAL COMPTROLLER GENERAL REPORT RELATING TO ARMY END STRENGTH ALLOCATIONS.**

Section 552 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 319; 10 U.S.C. 115 note) is repealed.

**SEC. 586. POSTHUMOUS ARMY COMMISSION IN THE GRADE OF CAPTAIN IN THE CHAPLAINS CORPS TO ELLA E. GIBSON FOR SERVICE AS CHAPLAIN OF THE FIRST WISCONSIN HEAVY ARTILLERY REGIMENT DURING THE CIVIL WAR.**

The President is authorized and requested to posthumously appoint Ella E. Gibson to the grade of captain in the Chaplains Corps of the Army, the commission to issue as of the date of her appointment as chaplain to the First Wisconsin Heavy Artillery regiment during the Civil War and to be considered to have been in effect during the time during which she faithfully performed the services of a chaplain to that regiment and for which Congress by law (Private Resolution 31 of the 40th Congress, approved March 3, 1869) previously provided for her to be paid the full pay and emoluments of a chaplain in the United States Army as if she had been regularly commissioned and mustered into service.

**SEC. 587. NATIONAL GUARD CHALLENGE PROGRAM.**

(a) **TERMINATION OF LIMITATION ON FEDERAL EXPENDITURES.**—Subsection (b)(2)(A) of section 509 of title 32, United States Code, is amended by striking “in a fiscal year” and inserting “in fiscal year 2001 or 2002”.

(b) **MATCHING FUNDS REQUIREMENTS.**—Subsection (d) of such section is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) for fiscal years 2001 and 2002, 60 percent of the costs of operating the State program during that fiscal year; and

“(2) for fiscal year 2003 and each subsequent fiscal year, 75 percent of the costs of operating the State program during that fiscal year.”.

(c) **REPEAL OF CONTINGENT FUNDING FOR JROTC.**—(1) Section 2033 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 102 of such title is amended by striking the item relating to section 2033.

(3) The amendments made by this subsection shall take effect on October 1, 2002.

**SEC. 588. PAYMENT OF FEHBP PREMIUMS FOR CERTAIN RESERVISTS CALLED TO ACTIVE DUTY IN SUPPORT OF CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—Subsection (e) of section 8906 of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) An employing agency may pay both the employee and Government contributions, and any additional administrative expenses otherwise chargeable to the employee, with respect to health care coverage for an employee described in subparagraph (B) and the family of such employee.

“(B) An employee referred to in subparagraph (A) is an employee who—

“(i) is enrolled in a health benefits plan under this chapter;

“(ii) is a member of a reserve component of the armed forces;

“(iii) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

“(iv) is placed on leave without pay or separated from service to perform active duty; and

“(v) serves on active duty for a period of more than 30 consecutive days.

“(C) Notwithstanding the one-year limitation on coverage described in paragraph (1)(A), payment may be made under this paragraph for a period not to exceed 18 months.”.

(b) **CONFORMING AMENDMENT.**—The matter preceding paragraph (1) in subsection (f) of such section is amended to read as follows:

“(f) The Government contribution, and any additional payments under subsection (e)(3)(A), for health benefits for an employee shall be paid—”.

(c) **APPLICABILITY.**—The amendments made by this section apply with respect to employees called to active duty on or after December 8, 1995, and an agency may make retroactive payments to such employees for premiums paid on or after such date.

**SEC. 589. 18-MONTH ENLISTMENT PILOT PROGRAM.**

(a) **IN GENERAL.**—(1) Chapter 333 of title 10, United States Code, is amended by adding at the end the following new section:

**“§3264. 18-month enlistment pilot program**

“(a) During the pilot program period, the Secretary of the Army shall carry out a pilot program with the objective of increasing participation of prior service persons in the Selected Reserve and providing assistance in building the pool of participants in the Individual Ready Reserve.

“(b) Under the program, the Secretary may, notwithstanding section 505(c) of this title, accept persons for original enlistment in the Army for a term of enlistment consisting of 18 months service on active duty, to be followed by three years of service in the Selected Reserve and then service in the Individual Ready Reserve to complete the military service obligation.

“(c) No more than 10,000 persons may be accepted for enlistment in the Army through the program under this section.

“(d) A person enlisting in the Army through the program under this section is eligible for an enlistment bonus under section 309 of title 37, notwithstanding the enlistment time period specified in subsection (a) of that section.

“(e) For purposes of the program under this section, the pilot program period is the period beginning on October 1, 2003, and ending on December 31, 2007.

“(f) Not later than December 31, 2007, and December 31, 2012, the Secretary of the Army shall

submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the program under this section. In each such report, the Secretary shall set forth the views of the Secretary on the success of the program in meeting the objectives stated in subsection (a) and whether the program should be continued and, if so, whether it should be modified or expanded.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3264. 18-month enlistment pilot program.”.

(b) IMPLEMENTATION REPORT.—The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Secretary's plan for implementation of section 3264 of title 10, United States Code, as added by subsection (a). Such report shall be submitted not later than March 1, 2002.

**SEC. 590. PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.**

(a) FUNDING SOURCE FOR ALLOWANCE.—Section 436(a) of title 37, United States Code, is amended by adding at the end the following new sentence: “The Secretary shall pay the allowance from appropriations available for oper-

ation and maintenance for the armed force in which the member serves.”.

(b) EXPANDED REPORT REGARDING MANAGEMENT OF INDIVIDUAL MEMBER DEPLOYMENTS.—Section 574(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-138) is amended in the second sentence by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) a discussion of the experience in tracking and recording the deployments of members of the Armed Forces and the payment of the per diem allowance for lengthy or numerous deployments in accordance with section 436 of title 37, United States Code;

“(2) specific comments regarding the effect of section 991 of title 10, United States Code, and section 436 of title 37, United States Code, on the readiness of the Navy and Marine Corps given the deployment intensive mission of these services; and

“(3) any recommendations for revision of section 991 of title 10, United States Code, or section 436 of title 37, United States Code, that the Secretary considers appropriate.”.

**SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN GROUND COMBAT EXCLUSION POLICY.**

Section 542(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 113 note) is amended—

**COMMISSIONED OFFICERS<sup>1</sup>**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup> ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 .....	0.00	0.00	0.00	0.00	0.00
O-8 .....	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30
O-7 .....	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
O-6 .....	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
O-5 .....	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
O-4 .....	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
O-3 <sup>3</sup> .....	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70
O-2 <sup>3</sup> .....	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
O-1 <sup>3</sup> .....	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup> ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 .....	0.00	0.00	0.00	0.00	0.00
O-8 .....	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
O-7 .....	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
O-6 .....	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
O-5 .....	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
O-4 .....	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
O-3 <sup>3</sup> .....	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
O-2 <sup>3</sup> .....	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 <sup>3</sup> .....	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup> ...	\$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O-9 .....	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O-8 .....	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O-7 .....	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O-6 .....	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O-5 .....	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O-4 .....	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O-3 <sup>3</sup> .....	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O-2 <sup>3</sup> .....	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 <sup>3</sup> .....	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup> Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup> This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E ....	\$0.00	\$0.00	\$0.00	3,698.70	3,875.70
O-2E ....	0.00	0.00	0.00	3,276.30	3,344.10
O-1E ....	0.00	0.00	0.00	2,638.50	2,818.20

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER**  
*Years of service computed under section 205 of title 37, United States Code*

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
O-3E ....	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50
O-2E ....	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40
O-1E ....	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
O-3E ....	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
O-2E ....	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O-1E ....	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

**WARRANT OFFICERS<sup>1</sup>**

*Years of service computed under section 205 of title 37, United States Code*

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
W-5 .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 .....	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
W-3 .....	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
W-2 .....	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
W-1 .....	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
W-5 .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 .....	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
W-3 .....	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
W-2 .....	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
W-1 .....	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
W-5 .....	\$0.00	4,965.60	5,136.00	5,307.00	5,478.60
W-4 .....	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W-3 .....	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W-2 .....	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W-1 .....	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

**ENLISTED MEMBERS<sup>1</sup>**

*Years of service computed under section 205 of title 37, United States Code*

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
E-9 <sup>2</sup> .....	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 .....	0.00	0.00	0.00	0.00	0.00
E-7 .....	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E-6 .....	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E-5 .....	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E-4 .....	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E-3 .....	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E-2 .....	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 .....	<sup>3</sup> 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
E-9 <sup>2</sup> .....	\$0.00	\$3,423.90	3,501.30	3,599.40	3,714.60
E-8 .....	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E-7 .....	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E-6 .....	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E-5 .....	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30
E-4 .....	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 .....	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 .....	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 .....	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
E-9 <sup>2</sup> .....	\$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E-8 .....	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7 .....	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6 .....	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5 .....	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4 .....	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 .....	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 .....	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 .....	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup> Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup> In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,022.70.

**SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COMMISSIONED OFFICERS WITH PRIOR SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER.**

Section 203(d) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(d)”;

(2) by striking “who is credited” and all that follows through “and enlisted member” and inserting “is described in paragraph (2)”;

(3) by adding at the end the following new paragraph:

“(2) Paragraph (1) applies with respect to a commissioned officer in pay grade O-1, O-2, or O-3 who—

“(A) is credited with a total of over four years’ active service as warrant officer or as a warrant officer and enlisted member; or

“(B) earned a total of more than 1,460 points credited under section 12732(a)(2) of title 10 while serving as a warrant officer or enlisted member.”.

**SEC. 603. SUBSISTENCE ALLOWANCES.**

(a) **BASIC ALLOWANCE FOR SUBSISTENCE.**—Section 402 of title 37, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(4) For purposes of implementing paragraph (2), the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for calendar year 2001 shall be deemed to be \$233.”; and

(2) by striking subsection (d) and inserting the following new subsection:

“(d) **SPECIAL RULE FOR ENLISTED MEMBERS WHO MESS SEPARATELY.**—The Secretary of Defense may prescribe a basic allowance for subsistence for enlisted members at a rate higher than the rate provided for in subsection (b) when messing facilities of the United States are not available for the members.”.

(b) **TERMINATION OF BAS TRANSITIONAL AUTHORITY.**—Effective as of October 1, 2001, section 603(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-145) is amended by striking “October 1, 2001” and inserting “January 1, 2002”.

(c) **FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.**—Section 402a(b)(1) of title 37, United States Code, is amended by inserting “with dependents” after “a member of the armed forces”.

**SEC. 604. ELIGIBILITY FOR BASIC ALLOWANCE FOR HOUSING WHILE BETWEEN PERMANENT DUTY STATIONS.**

(a) **REPEAL OF PAY GRADE LIMITATION.**—Section 403(i) of title 37, United States Code, is amended by striking “who is in a pay grade E-4 (4 or more years of service) or above”.

(b) **EFFECTIVE DATE; APPLICATION.**—The amendment made by this section shall take effect on January 1, 2003, and apply to members of the uniformed services in a travel or leave status between permanent duty stations on or after that date.

**SEC. 605. UNIFORM ALLOWANCE FOR OFFICERS.**

(a) **RELATION TO INITIAL UNIFORM ALLOWANCE.**—Section 416(b)(1) of title 37, United States Code, is amended by striking “\$200” and inserting “\$400”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect as of October 1, 2000.

**SEC. 606. FAMILY SEPARATION ALLOWANCE FOR CERTAIN MEMBERS ELECTING TO SERVE UNACCOMPANIED TOUR OF DUTY.**

(a) **AVAILABILITY OF ALLOWANCE.**—Section 427(c) of title 37, United States Code, is amended—

(1) by striking “A member” in the first sentence and inserting “(1) Except as provided in paragraph (2) or (3), a member”;

(2) by redesignating the second sentence as paragraph (3); and

(3) by inserting after the first sentence the following new paragraph:

“(2) A member who elects to serve an unaccompanied tour of duty because the movement of a dependent of the member to the permanent station is denied for certified medical reasons is entitled to an allowance under subsection (a)(1)(A).”.

(b) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2002. Paragraph (2) of section 427(c) of title 37, United States Code, as added by subsection (a), shall apply with respect to pay periods beginning on or after that date for a member of the uniformed services covered by such paragraph regardless of the date on which the member first made the election to serve an unaccompanied tour of duty.

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) **SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302g(f) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(b) **SELECTED RESERVE REENLISTMENT BONUS.**—Section 308b(f) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(c) **SELECTED RESERVE ENLISTMENT BONUS.**—Section 308c(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(d) **SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section 308d(c) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(e) **SELECTED RESERVE AFFILIATION BONUS.**—Section 308e(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(f) **READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.**—Section 308h(g) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(g) **PRIOR SERVICE ENLISTMENT BONUS.**—Section 308i(f) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(h) **REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.**—Section 16302(d) of title 10, United States Code, is amended by striking “January 1, 2002” and inserting “January 1, 2003”.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.**

(a) **NURSE OFFICER CANDIDATE ACCESSION PROGRAM.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(b) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(c) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of title 37, United States Code, is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

**SEC. 613. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.**

(a) **AVIATION OFFICER RETENTION BONUS.**—Section 301b(a) of title 37, United States Code, is

amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(b) **REENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 308(g) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(c) **ENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 309(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(d) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section 312(e) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(e) **NUCLEAR CAREER ACCESSION BONUS.**—Section 312b(c) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(f) **NUCLEAR CAREER ANNUAL INCENTIVE BONUS.**—Section 312c(d) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

(g) **RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.**—Section 323(i) of such title is amended by striking “December 31, 2001” and inserting “December 31, 2002”.

**SEC. 614. CONFORMING ACCESSION BONUS FOR DENTAL OFFICERS AUTHORITY WITH AUTHORITIES FOR OTHER SPECIAL PAY AND BONUSES.**

Section 302h(a)(1) of title 37, United States Code, is amended by striking “the date of the enactment of this section, and ending on September 30, 2002” and inserting “September 23, 1996, and ending on December 31, 2002”.

**SEC. 615. ADDITIONAL TYPE OF DUTY RESULTING IN ELIGIBILITY FOR HAZARDOUS DUTY INCENTIVE PAY.**

(a) **PERFORMANCE OF MARITIME BOARD AND SEARCH OPERATIONS.**—Section 301(a) of title 37, United States Code, is amended—

(1) in paragraph (10), by striking “or” at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following new paragraph:

“(11) involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations; or”.

(b) **MONTHLY AMOUNT.**—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “(10)” and inserting “(11)”;

(2) in paragraph (2)(A), by striking “(11)” and inserting “(12)”.

(c) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2002, and apply to duty described in the amendment made by subsection (a)(2) on or after that date.

**SEC. 616. EQUAL TREATMENT OF RESERVISTS PERFORMING INACTIVE-DUTY TRAINING FOR RECEIPT OF AVIATION CAREER INCENTIVE PAY.**

(a) **INCENTIVE PAY EQUITY FOR RESERVISTS.**—Subsection (d) of section 301a of title 37, United States Code, is amended to read as follows:

“(d) **MEMBERS PERFORMING INACTIVE-DUTY TRAINING.**—Under regulations prescribed by the President and to the extent provided for by appropriations, in the case of a member of a reserve component of a uniformed service, or of the National Guard, who is entitled to compensation under section 206 of this title, and who performs, under orders, duty described in subsection (a), the member is also entitled to monthly incentive pay under subsection (b) for the performance of that duty in the same manner as a member with corresponding years of aviation service who is entitled to basic pay. Such member is entitled to the incentive pay for as long as the member remains qualified for it,

as provided in subsection (a). This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.”.

(b) **EFFECTIVE DATE; APPLICATION.**—The amendment made by this section shall take effect on January 1, 2002, and apply to duty described in the amendment made by subsection (a)(2) on or after that date.

**SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING SUBMARINE DUTY INCENTIVE PAY RATES.**

(a) **AUTHORITY OF SECRETARY OF THE NAVY; MAXIMUM RATE.**—Section 301c of title 37, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

“(b) **MONTHLY RATES.**—(1) Subject to paragraph (2), a member who meets the requirements prescribed in subsection (a) is entitled to monthly submarine duty incentive pay in an amount prescribed by the Secretary of the Navy.

“(2) The monthly amount of submarine duty incentive pay may not exceed \$1,000.”.

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (a), by striking “set forth in” each place it appears and inserting “prescribed pursuant to”; and

(2) in subsection (d), by striking “authorized by” and inserting “prescribed pursuant to”.

(c) **EFFECTIVE DATE; TRANSITION.**—The amendments made by this section shall take effect on January 1, 2002. The tables set forth in subsection (b) of section 301c of title 37, United States Code, as in effect on December 31, 2001, shall continue to apply until the Secretary of the Navy prescribes new submarine duty incentive pay rates as authorized by the amendment made by subsection (a).

**SEC. 618. IMPOSITION OF CRITICAL WARTIME SKILL REQUIREMENT FOR ELIGIBILITY FOR INDIVIDUAL READY RESERVE BONUS.**

Section 308h(a)(1) of title 37, United States Code, is amended—

(1) by striking “and who” and inserting “, who is qualified in a skill or speciality designated by the Secretary concerned as critically short to meet wartime requirements, and who”; and

(2) by striking “a combat or combat support skill of”.

**SEC. 619. INSTALLMENT PAYMENT AUTHORITY FOR 15-YEAR CAREER STATUS BONUS.**

(a) **MEMBER ELECTION.**—Section 322(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “paid in a single lump sum of” and inserting “equal to”; and

(2) by redesignating paragraph (2) as paragraph (4), and in such paragraph, by striking “The bonus” and inserting “The lump sum payment of the bonus, and the first installment payment in the case of members who elect to receive the bonus in installments,”; and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) A member electing to receive the bonus under this section shall elect one of the following payment options:

“(A) A single lump sum of \$30,000.

“(B) Two installments of \$15,000 each.

“(C) Three installments of \$10,000 each.

“(D) Four installments of \$7,500 each.

“(E) Five installments of \$6,000 each.

“(3) If a member elects installment payments under paragraph (2), the second installment (and subsequent installments, as applicable) shall be paid on the earlier of the following dates:

“(A) The annual anniversary date of the payment of the first installment.

“(B) January 15 of each succeeding calendar year.”.

(c) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take ef-

fect on the date of the enactment of this Act. The Secretary concerned (as defined in section 101(5) of title 37, United States Code) shall extend to each member of the uniformed services who has executed the written agreement required by subsection (a)(2) of section 322 of such title before that date, but who has not received the lump sum payment by that date, an opportunity to make the election authorized by subsection (d) of such section, as amended by subsection (a) of this section.

**SEC. 620. ACCESSION BONUS FOR NEW OFFICERS.**

(a) **BONUS AUTHORIZED.**—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

**“§ 324. Special pay: accession bonus for new officers**

“(a) **ACCESSION BONUS AUTHORIZED.**—Under regulations prescribed by the Secretary concerned, a person who executes a written agreement to accept a commission as an officer of the armed forces and serve on active duty for the period specified in the agreement may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

“(b) **LIMITATION ON AMOUNT OF BONUS.**—The amount of an accession bonus under subsection (a) may not exceed \$100,000.

“(c) **PAYMENT METHOD.**—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount of the accession bonus payable under the agreement becomes fixed. The agreement shall specify whether the accession bonus will be paid by the Secretary in a lump sum or installments.

“(d) **RELATION TO OTHER ACCESSION BONUS AUTHORITY.**—An individual may not receive a accession bonus under this section and section 302d, 302h, 302j, or 312b of this title for the same period of service.

“(e) **REPAYMENT.**—(1) If an individual who has entered into an agreement under subsection (a) and has received all or part of the accession bonus under the agreement fails to accept a commission as an officer or to commence or complete the total period of active duty service specified in the agreement, the Secretary concerned may require the individual to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, any or all of the amount paid to the individual under the agreement.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“324. Special pay: accession bonus for new officers.”.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND TRANSPORTATION ALLOWANCE FOR TRAVEL PERFORMED UPON A CHANGE OF PERMANENT STATION AND CERTAIN OTHER TRAVEL.**

(a) **ESTABLISHMENT OF RATE.**—Section 404(d) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(5) The per diem rates established under paragraph (2)(A) for travel performed in connection with a change of permanent station or for travel described in paragraph (2) or (3) of subsection (a) shall be equal to the standard per

diem rates established in the Federal travel regulation for travel within the continental United States of civilian employees and their dependents, unless the Secretaries concerned determines that a higher rate for members is more appropriate.”.

(b) **EFFECTIVE DATE; APPLICATION.**—The amendment made by this section shall take effect on January 1, 2003, and apply to travel covered by such amendment that is performed on or after that date by members of the uniformed services and their dependents.

**SEC. 632. PAYMENT OR REIMBURSEMENT OF TEMPORARY SUBSISTENCE EXPENSES.**

(a) **INCLUSION OF OFFICERS.**—Subsection (a)(2)(C) of section 404a of title 37, United States Code, is amended by striking “an enlisted member” and inserting “a member”.

(b) **INCREASE IN MAXIMUM DAILY AUTHORIZED RATE.**—Subsection (e) of such section is amended by striking “\$110” and inserting “\$180”.

(c) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order in connection with a change of permanent station issued on or after that date.

**SEC. 633. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR JUNIOR ENLISTED MEMBERS.**

(a) **INCREASED WEIGHT ALLOWANCES.**—The table in section 406(b)(1)(C) of title 37, United States Code, is amended—

(1) by striking the two footnotes; and

(2) by striking the items relating to pay grade E-1 through E-4 and inserting the following new items:

“E-4 .....	7,000	8,000
“E-3 .....	5,000	8,000
“E-2 .....	5,000	8,000
“E-1 .....	5,000	8,000”.

(b) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

**SEC. 634. REIMBURSEMENT OF MEMBERS FOR MANDATORY PET QUARANTINE FEES FOR HOUSEHOLD PETS.**

Section 406(a)(1) of title 37, United States Code, is amended in the last sentence by striking “\$275” and inserting “\$675”.

**SEC. 635. AVAILABILITY OF DISLOCATION ALLOWANCE FOR MARRIED MEMBER, WHOSE SPOUSE IS A MEMBER, ASSIGNED TO MILITARY FAMILY HOUSING.**

(a) **ALLOWANCE AVAILABLE.**—Section 407(a)(2) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

“(F) A member married to another member, both of whom are without other dependents, who actually moves to a new permanent duty station where the member is assigned to family housing provided by the United States, except that only one dislocation allowance may be paid to the married couple with respect to the move.”.

(b) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 636. ELIMINATION OF PROHIBITION ON RECEIPT OF DISLOCATION ALLOWANCE BY MEMBERS ORDERED TO FIRST DUTY STATION.**

(a) **ALLOWANCE AVAILABLE.**—Section 407(e) of title 37, United States Code, is amended—

(1) by striking “FIRST OR LAST DUTY” and inserting “EFFECT OF ORDER FROM LAST DUTY STATION”; and

(2) by striking "from the member's home to the member's first duty station or".

(b) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2003, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 637. PARTIAL DISLOCATION ALLOWANCE AUTHORIZED FOR HOUSING MOVES ORDERED FOR GOVERNMENT CONVENIENCE.**

(a) **AUTHORIZATION OF PARTIAL DISLOCATION ALLOWANCE.**—Section 407 of title 37, United States Code is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

"(f) **PARTIAL DISLOCATION ALLOWANCE.**—(1) Under regulations prescribed by the Secretary concerned, a member ordered to occupy or vacate family housing provided by the United States to permit the privatization or renovation of housing or for any other reason (other than pursuant to a permanent change of station) may be paid a partial dislocation allowance of \$500.

"(2) Effective on the same date that the monthly rates of basic pay for all members are increased under section 1009 of this title or another provision of law, the Secretary of Defense shall adjust the rate of the partial dislocation allowance authorized by this subsection by the percentage equal to the average percentage increase in the rates of basic pay.

"(3) Subsections (c) and (d) do not apply to the partial dislocation allowance authorized by this subsection."

(b) **EFFECTIVE DATE; APPLICATION.**—The amendments made by this section shall take effect on January 1, 2002, and apply with respect to an order to move for a member of a uniformed service issued on or after that date.

**SEC. 638. ALLOWANCES FOR TRAVEL PERFORMED IN CONNECTION WITH MEMBERS TAKING AUTHORIZED LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.**

Section 411b(a)(1) of title 37, United States Code, is amended by striking ", or his designee, or to a place no farther distant than his home of record".

**SEC. 639. FUNDED STUDENT TRAVEL AS PART OF SCHOOL-SPONSORED EXCHANGE PROGRAMS.**

(a) **RECOGNITION OF TEMPORARY EXCHANGE PROGRAMS.**—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by inserting before the comma at the end the following: "or is attending a school outside the continental United States, if the dependent is attending the school outside the continental United States for less than one year under a program approved by the school in the continental United States at which the dependent is enrolled"; and

(2) in subsection (b)(1), by striking "in the continental United States for the purpose of obtaining a formal education" in the first sentence and inserting "described in subsection (a)(3)".

(b) **LIMITATION ON AMOUNT OF ALLOWANCE.**—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) The transportation allowance under paragraph (1) for a dependent child who is attending a school outside the continental United States for less than one year under a program approved by the school in the continental United States at which the dependent is enrolled shall not exceed the allowance the member would be paid for a trip between the school in the continental United States and the member's duty station outside the continental United States and return."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 2002.

**Subtitle D—Retirement and Survivor Benefit Matters**

**SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.**

(a) **RESTORATION OF RETIRED PAY BENEFITS.**—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority**

"(a) **PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.**—Subject to subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38, subject to the enactment of qualifying offsetting legislation as specified in subsection (f).

"(b) **SPECIAL RULE FOR CHAPTER 61 CAREER RETIREES.**—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) **EXCEPTION.**—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) **DEFINITIONS.**—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(12) of title 38.

"(e) **EFFECTIVE DATE.**—If qualifying offsetting legislation (as defined in subsection (f)) is enacted, the provisions of subsection (a) shall take effect on—

"(1) the first day of the first month beginning after the date of the enactment of such qualifying offsetting legislation; or

"(2) the first day of the fiscal year that begins in the calendar year in which such legislation is enacted, if that date is later than the date specified in paragraph (1).

"(f) **EFFECTIVENESS CONTINGENT ON ENACTMENT OF OFFSETTING LEGISLATION.**—(1) The provisions of subsection (a) shall be effective only if—

"(A) the President, in the budget for any fiscal year, proposes the enactment of legislation that, if enacted, would be qualifying offsetting legislation; and

"(B) after that budget is submitted to Congress, there is enacted qualifying offsetting legislation.

"(2) For purposes of this subsection:

"(A) The term 'qualifying offsetting legislation' means legislation (other than an appropriations Act) that includes provisions that—

"(i) offset fully the increased outlays to be made by reason of the provisions of subsection (a) for each of the first 10 fiscal years beginning after the date of the enactment of such legislation;

"(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

"(iii) are included in full on the PayGo scorecard.

"(B) The term 'PayGo scorecard' means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the ten fiscal years following the date of the enactment of the legislation that is qualifying offsetting legislation for purposes of this section."

(b) **CONFORMING TERMINATION OF SPECIAL COMPENSATION PROGRAM.**—Section 1413(a) of such title is amended by adding at the end the following new sentence: "If the provisions of subsection (a) of section 1414 of this title become effective in accordance with subsection (f) of that section, payments under this section shall be terminated effective as of the month beginning on the effective date specified in subsection (e) of that section."

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans' disability compensation; contingent authority."

(d) **PROHIBITION OF RETROACTIVE BENEFITS.**—If the provisions of subsection (a) of section 1414 of title 10, United States Code, becomes effective in accordance with subsection (f) of that section, no benefit may be paid to any person by reason of those provisions for any period before the effective date specified in subsection (e) of that section.

**Subtitle E—Other Matters**

**SEC. 651. FUNERAL HONORS DUTY ALLOWANCE FOR RETIRED MEMBERS.**

(a) **ALLOWANCE AUTHORIZED.**—Subsection (a) of section 435 of title 37, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary concerned may also authorize payment of an allowance under this section to a retired member of the armed forces who performs at least two hours of duty preparing for or performing honors at the funeral of a veteran."

(b) **RELATION TO OTHER COMPENSATION.**—Such section is further amended by adding at the end the following new subsection:

"(c) **CONCURRENT PAYMENT.**—Notwithstanding any other provision of law, the allowance paid to a retired member of the armed forces under this section shall be in addition to any other compensation to which the retired member may be entitled under this title or titles 10 or 38."

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—TRICARE Program**

**SEC. 701. IMPLEMENTING COST-EFFECTIVE PAYMENT RATES UNDER THE TRICARE PROGRAM.**

Not later than January 1, 2002, the Secretary of Defense shall, with respect to categories of health care providers or services for which the Secretary has not already done so and to the extent that the Secretary determines is practicable—

(1) implement the payment rates used under medicare, or similar rates based on medicare payment methods, to pay for health care services provided by institutional and noninstitutional providers under the TRICARE program; and

(2) as a condition of participation in the TRICARE program, prohibit balance billing of

covered beneficiaries by institutional providers and limit balance billing by noninstitutional providers (subject to any exceptions the Secretary determines appropriate) consistent with the limiting charge percentage under medicare.

**SEC. 702. WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION REQUIREMENT.**

(a) IN GENERAL.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-184) is amended—

(1) in the matter preceding paragraph (1) in subsection (a), by striking “new”;

(2) by striking subsection (c) and inserting the following:

“(c) EXCEPTIONS.—(1) Subject to paragraph (2), the Secretary may provide that subsection (a) shall not apply for a period of up to one year if—

“(A) the Secretary—

“(i) demonstrates significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

“(ii) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

“(iii) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

“(B) the Secretary provides notification of the Secretary's intent to make an exception under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to make an exception under this subsection;

“(C) the Secretary provides notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to make an exception under this subsection, the reason for making an exception, and the date that a nonavailability statement will be required; and

“(D) 60 days have elapsed since the date of the notification described in subparagraph (C).

“(2)(A) Except as provided in subparagraph (B), the Secretary may make an exception under this subsection with respect to—

“(i) one or more services performed at a military medical treatment facility or facilities; or

“(ii) one or more services performed in a TRICARE region.

“(B) With respect to maternity care, the Secretary may make an exception under this subsection with respect to a military medical treatment facility.

“(3) In the case of health care provided in conjunction with a graduate medical education program, the period of nonapplicability described in paragraph (1) shall be, instead of one year, the period for which a residency review committee has approved the program.”; and

(3) in subsection (d), by striking “October 1, 2001” and inserting “two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002”.

(b) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing such section.

**SEC. 703. IMPROVEMENTS IN ADMINISTRATION OF THE TRICARE PROGRAM.**

(a) EXPANSION OF TRICARE PROGRAM.—Section 1072(7) of title 10, United States Code, is amended by striking “the competitive selection of contractors to financially underwrite”.

(b) REDUCTION OF CONTRACT START-UP TIME.—Section 1095c(b) of such title is amended—

(1) in paragraph (1)—

(A) by striking “The” and inserting “Except as provided in paragraph (3), the”; and

(B) by striking “contract.” and all that follows through “as soon as practicable after the award of the”; and

(2) by adding at the end the following new paragraph:

“(3) The Secretary may reduce the nine-month start-up period required under paragraph (1) if—

“(A) the Secretary—

“(i) determines that a shorter period is sufficient to ensure effective implementation of all contract requirements; and

“(ii) submits notification to the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to reduce the nine-month start-up period; and

“(B) 60 days have elapsed since the date of such notification.”.

**SEC. 704. SUB-ACUTE AND LONG-TERM CARE PROGRAM REFORM.**

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

**“§ 1074j. Sub-acute care program**

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish an effective, efficient, and integrated sub-acute care benefits program under this chapter (hereinafter referred to in this section as the ‘program’). Except as otherwise provided in this section, the types of health care authorized under the program shall be the same as those provided under section 1079 of this title. The Secretary, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this section.

“(b) BENEFITS.—(1) The program shall include a uniform skilled nursing facility benefit that shall be provided in the manner and under the conditions described in section 1861(h) and (i) of the Social Security Act (42 U.S.C. 1395x(h) and (i)), except that the limitation on the number of days of coverage under section 1812(a) and (b) of such Act (42 U.S.C. 1395d(a) and (b)) shall not be applicable under the program. Skilled nursing facility care for each spell of illness shall continue to be provided for as long as medically necessary and appropriate.

“(2) In this subsection:

“(A) The term ‘skilled nursing facility’ has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)).

“(B) The term ‘spell of illness’ has the meaning given such term in section 1861(a) of such Act (42 U.S.C. 1395x(a)).

“(3) The program shall include a comprehensive, intermittent home health care benefit that shall be provided in the manner and under the conditions described in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074i the following new item:

“1074j. Sub-acute care program.”.

(b) EXTENDED BENEFITS FOR CERTAIN DEPENDENTS.—Section 1079 of such title is amended by striking subsections (d), (e), and (f) and inserting the following new subsections:

“(d)(1) The Secretary of Defense shall establish a program to provide extended benefits for eligible dependents, which may include the provision of comprehensive health care services, including case management services, to assist in the reduction of the disabling effects of a qualifying condition of an eligible dependent. Registration shall be required to receive the extended benefits.

“(2) The Secretary of Defense, after consultation with the other administering Secretaries, shall promulgate regulations to carry out this subsection.

“(3) In this subsection:

“(A) The term ‘eligible dependent’ means a dependent of a member of the uniformed services on active duty for a period of more than 30 days, as described in subparagraph (A), (D), or (I) of section 1072(2) of this title, who has a qualifying condition.

“(B) The term ‘qualifying condition’ means the condition of a dependent who is moderately or severely mentally retarded, has a serious physical disability, or has an extraordinary physical or psychological condition.

“(e) Extended benefits for eligible dependents under subsection (d) may include comprehensive health care services with respect to the qualifying condition of such a dependent, and include, to the extent such benefits are not provided under provisions of this chapter other than under this section, the following:

“(1) Diagnosis.

“(2) Inpatient, outpatient, and comprehensive home health care supplies and services.

“(3) Training, rehabilitation, and special education.

“(4) Institutional care in private nonprofit, public, and State institutions and facilities and, if appropriate, transportation to and from such institutions and facilities.

“(5) Custodial care, notwithstanding the prohibition in section 1077(b)(1) of this title.

“(6) Respite care for the primary caregiver of the eligible dependent.

“(7) Such other services and supplies as determined appropriate by the Secretary, notwithstanding the limitations in subsection (a)(13).

“(f) Members shall be required to share in the cost of any benefits provided to their dependents under subsection (d) as follows:

“(1) Members in the lowest enlisted pay grade shall be required to pay the first \$25 incurred each month, and members in the highest commissioned pay grade shall be required to pay the first \$250 incurred each month. The amounts to be paid by members in all other pay grades shall be determined under regulations to be prescribed by the Secretary of Defense in consultation with the administering Secretaries.

“(2) A member who has more than one dependent incurring expenses in a given month under a plan covered by subsection (d) shall not be required to pay an amount greater than would be required if the member had only one such dependent.”.

(c) DEFINITIONS OF CUSTODIAL CARE AND DOMICILIARY CARE.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(8) The term ‘custodial care’ means treatment or services, regardless of who recommends such treatment or services or where such treatment or services are provided, that—

“(A) can be rendered safely and reasonably by a person who is not medically skilled; or

“(B) is or are designed mainly to help the patient with the activities of daily living.

“(9) The term ‘domiciliary care’ means care provided to a patient in an institution or home-like environment because—

“(A) providing support for the activities of daily living in the home is not available or is unsuitable; or

“(B) members of the patient's family are unwilling to provide the care.”.

(d) CONFORMING AMENDMENT.—Section 1079 of title 10, United States Code, is amended in subsection (a) by striking paragraph (17).

(e) CONTINUATION OF INDIVIDUAL CASE MANAGEMENT SERVICES FOR CERTAIN ELIGIBLE BENEFICIARIES.—(1) Notwithstanding the termination of the Individual Case Management Program by subsection (d), the Secretary of Defense shall, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment as if such program

were in effect for home health care or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing chapter 55 of title 10, United States Code.

(2) The determination referred to in paragraph (1) is a determination that discontinuation of payment for services not otherwise provided under such chapter would result in the provision of services inadequate to meet the needs of the eligible beneficiary and would be unjust to such beneficiary.

(3) For purposes of this subsection, "eligible beneficiary" means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of this section, was provided custodial care services under the Individual Case Management Program for which the Secretary provided payment.

(f) Report on Initiatives Regarding Long-Term Care.—The Secretary of Defense shall, not later than April 1, 2002, submit to Congress a report on the feasibility and desirability of establishing new initiatives, taking into account chapter 90 of title 5, United States Code, to improve the availability of long-term care for members and retired members of the uniformed services and their families.

(g) Reference in Title 10 to Long-Term Care Program in Title 5.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074j (as added by subsection (a)) the following new section:

**"§ 1074k. Long-term care insurance**

"Provisions regarding long-term care insurance for members and certain former members of the uniformed services and their families are set forth in chapter 90 of title 5."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074j (as added by subsection (a)) the following new item:

"1074k. Long-term care insurance."

(h) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on October 1, 2001.

**SEC. 705. REIMBURSEMENT OF TRAVEL EXPENSES OF A PARENT, GUARDIAN, OR RESPONSIBLE FAMILY MEMBER OF A MINOR COVERED BENEFICIARY.**

Section 1074i of title 10, United States Code, is amended by adding at the end the following new sentence: "In any case in which reimbursement of travel expenses of a covered beneficiary who is a minor and dependent is required under this section, the Secretary also shall provide reimbursement for reasonable travel expenses of the parent or guardian of, or the family member responsible for, such covered beneficiary."

**Subtitle B—Other Matters**

**SEC. 711. PROHIBITION AGAINST REQUIRING MILITARY RETIREES TO RECEIVE HEALTH CARE SOLELY THROUGH THE DEPARTMENT OF DEFENSE.**

No provision of law (whether enacted before or after this Act) may be construed as authorizing the Secretary of Defense to take any action that would require, or have the effect of requiring, a member or former member of the Armed Forces who is entitled to retired or retainer pay to enroll to receive health care from the Federal Government only through the Department of Defense. This section may not be superseded by a subsequent Act unless that Act—

(1) specifically refers to this section; and

(2) specifically states that such provision of law supersedes the provisions of this section.

**SEC. 712. TRAUMA AND MEDICAL CARE PILOT PROGRAM.**

(a) REQUIREMENT TO CONDUCT PILOT PROGRAM.—The Secretary of Defense shall conduct

a pilot program under which the Brooke Army Medical Center and the Wilford Hall Air Force Medical Center in San Antonio, Texas, may charge civilians who are not covered beneficiaries under chapter 55 of title 10, United States Code, fees representing the actual costs of trauma and other medical care provided to such civilians using private sector itemized rates.

(b) USE OF FEES COLLECTED.—(1) The Brooke Army Medical Center and the Wilford Hall Air Force Medical Center may use the amounts collected under the pilot program for—

(A) trauma consortium activities;

(B) administrative, operating, and equipment costs; and

(C) readiness training.

(2) The operating budgets of those medical centers shall not be reduced as a result of fees collected under the pilot program.

(c) EFFICIENT PRACTICES.—Under the pilot program, the commander of the Brooke Army Medical Center or Wilford Hall Air Force Medical Center may authorize the use of funds appropriated to the Department of Defense for medical care for trauma and other medical care provided at such center to civilians described in subsection (a).

(d) LENGTH OF PILOT PROGRAM.—The pilot program under this section shall commence on October 1, 2001, and be conducted for a period of three years.

(e) REPORTS.—The Secretary of Defense shall submit to Congress not later than October 1st of each of 2002 through 2004 a report describing the progress and effectiveness of the pilot program carried out under this section.

**SEC. 713. ENHANCEMENT OF MEDICAL PRODUCT DEVELOPMENT.**

Section 980 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Funds"; and

(2) by adding at the end the following new subsection:

"(b) The Secretary of Defense may waive the prohibition in this section with respect to a specific research project to advance the development of a medical product necessary to the armed forces if the research project is carried out in accordance with all other applicable laws."

**SEC. 714. REPEAL OF OBSOLETE REPORT REQUIREMENT.**

Section 701 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 1074g note) is amended by striking subsection (d).

**SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

"(b) In this chapter:

"(1) The term 'Department of Defense retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care under a Department of Defense or uniformed services program for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

"(2) The term 'designated Department of Defense health care program' means a program described in paragraph (1) of this subsection that is designated under section 1113(c).

"(3) The term 'eligible dependent' means a dependent (as such term is defined in section 1072(2)) described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3)).

"(4) The term 'medicare-eligible', with respect to any person, means entitled to benefits under

part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

"(5) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c)."

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding after subsection (b), the following new subsection:

"(c) The Secretary of Defense may enter into an agreement with any other administering Secretary for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary comparable to the contributions to the Fund made by the Secretary of Defense under section 1116."

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

"(4) Amounts paid into the Fund pursuant to section 1111(c)."

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting "participating" before "uniformed services"; and

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services".

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services".

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) The second sentence of subsection (a) of section 1111 of such title is amended by inserting "designated" before "Department of Defense retiree health care programs for medicare-eligible beneficiaries".

(2) Subsection (a) of section 1113 of such title is amended to read as follows:

"(a) There shall be paid from the Fund amounts payable for the costs of designated Department of Defense retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare-eligible, and eligible dependents described in section 1111(b)(3) who are medicare-eligible."

(3) Such section is further amended by adding at the end the following new subsection:

"(c) For purposes of payments from the Fund under subsection (a), the Secretary of Defense shall designate the program authorized by section 1086 of this title."

(d) TECHNICAL AMENDMENTS.—(1) The heading for section 1111 of such title is amended to read as follows:

**"§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements".**

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

"1111. Establishment and purpose of Fund; definitions; authority to enter into agreements."

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

**SEC. 801. ACQUISITION MILESTONES.**

(a) TITLE 10, U.S.C.—Title 10, United States Code, is amended—

(1) in section 2366(c), subsections (b)(3)(A), (c)(3)(A), and (h)(1) of section 2432, and section 2434(a), by striking "engineering and manufacturing development" each place such words appear and inserting "system development and demonstration";

(2) in section 2400—

(A) in subsection (a)(2), by striking "engineering and manufacturing development" and inserting "system development and demonstration"; and

(B) in subsections (a)(1)(A), (a)(2), (a)(4) and (a)(5), by striking "milestone II" each place such term appears and inserting "milestone B"; and

(3) in section 2435—

(A) in subsection (b), by striking "engineering and manufacturing development" and inserting "system development and demonstration";

(B) in subsection (c)(1), by striking "demonstration and validation" and inserting "system development and demonstration";

(C) in subsection (c)(2), by striking "engineering and manufacturing development" and inserting "production and deployment"; and

(D) in subsection (c)(3), by striking "production and deployment" and inserting "full rate production".

(b) **OTHER LAWS.**—(1) Section 811(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-211) is amended—

(A) by striking "Milestone I" and inserting "Milestone B";

(B) by striking "Milestone II" and inserting "Milestone C"; and

(C) by striking "Milestone III" and inserting "full rate production".

(2) Section 8102(b) of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 696) is amended—

(A) by striking "Milestone I" and inserting "Milestone B";

(B) by striking "Milestone II" and inserting "Milestone C"; and

(C) by striking "Milestone III" and inserting "full rate production".

#### **SEC. 802. ACQUISITION WORKFORCE QUALIFICATIONS.**

(a) **QUALIFICATIONS.**—Section 1724 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding paragraph (1) and inserting the following:

"(a) **CONTRACTING OFFICERS.**—The Secretary of Defense shall require that, in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the simplified acquisition threshold referred to in section 2304(g) of this title, an employee of the Department of Defense or member of the armed forces (other than the Coast Guard) must, except as provided in subsections (c) and (d)—"

(B) in paragraph (1)—

(i) by striking "mandatory"; and

(ii) by striking "at the grade level" and all that follows and inserting "(A) in the case of an employee, serving in the position within the grade of the General Schedule in which the employee is serving, and (B) in the case of a member of the armed forces, in the member's grade;"; and

(C) in paragraph (3)(A), by inserting a comma after "business";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) **GS-1102 SERIES POSITIONS AND SIMILAR MILITARY POSITIONS.**—(1) The Secretary of Defense shall require that in order to qualify to serve in a position in the Department of Defense that is in the GS-1102 occupational series an employee or potential employee of the Department

of Defense meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to serve in such a position an employee or potential employee meet any of the requirements of paragraphs (1) and (2) of that subsection.

"(2) The Secretary of Defense shall require that in order for a member of the armed forces to be selected for an occupational specialty within the armed forces that (as determined by the Secretary) is similar to the GS-1102 occupational series a member of the armed forces meet the requirements set forth in paragraph (3) of subsection (a). The Secretary may not require that in order to be selected for such an occupational specialty a member meet any of the requirements of paragraphs (1) and (2) of that subsection."; and

(3) by striking subsections (c) and (d) inserting the following new subsections:

"(c) **EXCEPTIONS.**—The qualification requirements imposed by the Secretary of Defense pursuant to subsections (a) and (b) shall not apply to an employee of the Department of Defense or member of the armed forces who—

"(1) served as a contracting officer with authority to award or administer contracts in excess of the simplified acquisition threshold on or before September 30, 2000;

"(2) served, on or before September 30, 2000, in a position either as an employee in the GS-1102 series or as a member of the armed forces in similar occupational specialty;

"(3) is in the contingency contracting force; or

"(4) is described in subsection (e)(1)(B).

"(d) **WAIVER.**—The acquisition career program board concerned may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the board certifies that the individual possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. Such document shall be submitted to and retained by the Director of Acquisition Education, Training, and Career Development.

"(e) **DEVELOPMENTAL OPPORTUNITIES.**—(1) The Secretary of Defense may—

"(A) establish or continue one or more programs for the purpose of recruiting, selecting, appointing, educating, qualifying, and developing the careers of individuals to meet the requirements in subparagraphs (A) and (B) of subsection (a)(3);

"(B) appoint individuals to developmental positions in those programs; and

"(C) separate from the civil service after a three-year probationary period any individual appointed under this subsection who, as determined by the Secretary, fails to complete satisfactorily any program described in subparagraph (A).

"(2) To qualify for any developmental program described in paragraph (1)(A), an individual shall have—

"(A) been awarded a baccalaureate degree from an accredited institution of higher education authorized to grant baccalaureate degrees; or

"(B) completed at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management.

"(f) **CONTINGENCY CONTRACTING FORCE.**—The Secretary shall establish qualification requirements for the contingency contracting force con-

sisting of members of the armed forces whose mission is to deploy in support of contingency operations and other operations of the Department of Defense, including—

"(1) completion of at least 24 semester credit hours or the equivalent of study from an accredited institution of higher education or similar educational institution in any of the disciplines of accounting, business, finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, or organization and management; or

"(2) passage of an examination that demonstrates skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours or the equivalent of study in any of the disciplines described in paragraph (1)."

(b) **CLERICAL AMENDMENT.**—Section 1732(c)(2) of such title is amended by inserting a comma after "business".

#### **SEC. 803. TWO-YEAR EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.**

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

#### **SEC. 804. CONTRACTS FOR SERVICES TO BE PERFORMED OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

##### **"§2382. Contracts for services to be performed outside the United States**

"The Secretary of Defense may enter into contracts to employ individuals or organizations to perform services in countries other than the United States without regard to laws regarding the negotiation, making, and performance of contracts and performance of work in the United States. Individuals employed by contract to perform such services shall not by virtue of such employment be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management, but the Secretary may determine the applicability to such individuals of any other law administered by the Secretary concerning the employment of such individuals in countries other than the United States."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2381 the following new item:

"2382. Contracts for services to be performed outside the United States."

#### **SEC. 805. CODIFICATION AND MODIFICATION OF "BERRY AMENDMENT" REQUIREMENTS.**

(a) **BERRY AMENDMENT REQUIREMENTS.**—(1) Chapter 148 of title 10, United States Code, is amended by inserting after section 2533 the following new section:

##### **"§2533a. Requirement to buy certain articles from American sources; exceptions**

"(a) **REQUIREMENT.**—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Defense may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

"(b) **COVERED ITEMS.**—An item referred to in subsection (a) is any of the following:

"(1) An article or item of—

"(A) food;

"(B) clothing;

"(C) tents, tarpaulins, parachutes, or covers;

"(D) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn

for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

“(E) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

“(2) Specialty metals, including stainless steel flatware.

“(3) Hand or measuring tools.

“(c) EXCEPTION.—The Secretary of Defense or the Secretary of the military department concerned may waive the requirement in subsection (a) if—

“(1) such Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) or specialty metals (including stainless steel flatware) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices;

“(2) such Secretary has provided notice to the public regarding the waiver;

“(3) such Secretary has notified the Committees on Appropriations, Armed Services, and Small Business of the House of Representatives and the Senate regarding the waiver and provided a justification to such committees for the waiver; and

“(4) 30 days have elapsed since the date of the notification of such committees.

“(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

“(1) Procurements outside the United States in support of combat operations.

“(2) Procurements by vessels in foreign waters.

“(3) Emergency procurements or procurements of perishable foods by an establishment located outside the United States for the personnel attached to such establishment.

“(e) EXCEPTION FOR SPECIALTY METALS AND CHEMICAL WARFARE PROTECTIVE CLOTHING.—Subsection (a) does not preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States if—

“(1) such procurement is necessary—

“(A) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

“(B) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

“(2) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of this title.

“(f) EXCEPTION FOR CERTAIN FOODS.—Subsection (a) does not preclude the procurement of foods manufactured or processed in the United States.

“(g) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of this title.

“(h) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

“(i) GEOGRAPHIC COVERAGE.—In this section, the term ‘United States’ includes the commonwealths, territories, and possessions of the United States.

“(j) EXCEPTION FOR COMMISSARIES, EXCHANGES, AND OTHER NONAPPROPRIATED FUND INSTRUMENTALITIES.—Subsection (a) does not apply to items purchased for resale purposes in commissaries, military exchanges, or non-appropriated fund instrumentalities operated by the military departments or the Department of Defense.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2533 the following new item:

“2533a. Requirement to buy certain articles from American sources; exceptions.”.

(b) REPEAL OF SOURCE PROVISIONS.—The following provisions of law are repealed:

(1) Section 9005 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 10 U.S.C. 2241 note).

(2) Section 8109 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 2241 note).

#### Subtitle B—Erroneous Payments Recovery

##### SEC. 811. SHORT TITLE.

This subtitle may be cited as the “Erroneous Payments Recovery Act of 2001”.

##### SEC. 812. IDENTIFICATION OF ERRORS MADE BY EXECUTIVE AGENCIES IN PAYMENTS TO CONTRACTORS AND RECOVERY OF AMOUNTS ERRONEOUSLY PAID.

(a) PROGRAM REQUIRED.—The head of each executive agency that enters into contracts with a total value in excess of \$500,000,000 in a fiscal year shall carry out a cost-effective program for identifying any errors made in paying the contractors and for recovering any amounts erroneously paid to the contractors.

(b) RECOVERY AUDITS AND ACTIVITIES.—A program of an executive agency under subsection (a) shall include recovery audits and recovery activities. The head of the executive agency shall determine, in accordance with guidance provided under subsection (c), the classes of contracts to which recovery audits and recovery activities are appropriately applied.

(c) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance for the conduct of programs under subsection (a). The guidance shall include the following:

(1) Definitions of the terms “recovery audit” and “recovery activity” for the purposes of the programs.

(2) The classes of contracts to which recovery audits and recovery activities are appropriately applied under the programs.

(3) Protections for the confidentiality of—  
(A) sensitive financial information that has not been released for use by the general public; and

(B) information that could be used to identify a person.

(4) Policies and procedures for ensuring that the implementation of the programs does not result in duplicative audits of contractor records.

(5) Policies regarding the types of contracts executive agencies may use for the procurement of recovery services, including guidance for use, in appropriate circumstances, of a contingency contract pursuant to which the head of an executive agency may pay a contractor an amount equal to a percentage of the total amount collected for the United States pursuant to that contract.

(6) Protections for a contractor’s records and facilities through restrictions on the authority of a contractor under a contract for the procurement of recovery services for an executive agency—

(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency;

(B) to establish, or otherwise have, a physical presence on the property or premises of any private sector entity for the purposes of performing the contract; or

(C) to act as agents for the Government in the recovery of funds erroneously paid to contractors.

(7) Policies for the appropriate types of management improvement programs authorized by section 815 that executive agencies may carry out to address overpayment problems and the recovery of overpayments.

##### SEC. 813. DISPOSITION OF RECOVERED FUNDS.

(a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS AND ACTIVITIES PROGRAM.—Funds collected under a program carried out by an executive agency under section 812 shall be available to the executive agency, in such amounts as are provided in advance in appropriations Acts, for the following purposes:

(1) To reimburse the actual expenses incurred by the executive agency in the administration of the program.

(2) To pay contractors for services under the program in accordance with the guidance issued under section 812(c)(5).

(b) FUNDS NOT USED FOR PROGRAM.—Any amounts erroneously paid by an executive agency that are recovered under such a program of an executive agency and are not used to reimburse expenses or pay contractors under subsection (a)—

(1) shall be credited to the appropriations from which the erroneous payments were made that remain available for obligation as of the time such amounts were collected, shall be merged with other amounts in those appropriations, and shall be available for the purposes and period for which such appropriations are available; or

(2) if no such appropriation remains available for obligation at that time, shall be disposed of as provided in subsection (c).

(c) OTHER DISPOSITIONS.—Of the total amount collected under such a program of an executive agency that is to be disposed of under this subsection—

(1) up to 25 percent of such amount may be expended by the head of the executive agency for carrying out any management improvement program of the executive agency under section 815; and

(2) the remainder of that total amount, including any amount not expended under paragraph (1), shall be deposited in the Treasury as miscellaneous receipts.

(d) PRIORITY OF OTHER AUTHORIZED DISPOSITIONS.—Notwithstanding subsections (b) and (c), the authority under such subsections may not be exercised to use, credit, or deposit funds collected under such a program as provided in those subsections to the extent that any other provision of law requires or authorizes the crediting of such funds to a nonappropriated fund instrumentality, revolving fund, working-capital fund, trust fund, or other fund or account.

##### SEC. 814. SOURCES OF RECOVERY SERVICES.

(a) CONSIDERATION OF AVAILABLE RECOVERY RESOURCES.—(1) In carrying out a program under section 812, the head of an executive agency shall consider all resources available to that official to carry out the program.

(2) The resources considered by the head of an executive agency for carrying out the program shall include the resources available to the executive agency for such purpose from the following sources:

(A) The executive agency.

(B) Other departments and agencies of the United States.

(C) Private sector sources.

(b) **COMPLIANCE WITH APPLICABLE LAW AND REGULATIONS.**—Before entering into a contract with a private sector source for the performance of services under a program of the executive agency carried out under section 812, the head of an executive agency shall comply with—

(1) any otherwise applicable provisions of Office of Management and Budget Circular A-76; and

(2) any other applicable provision of law or regulation with respect to the selection between employees of the United States and private sector sources for the performance of services.

**SEC. 815. MANAGEMENT IMPROVEMENT PROGRAMS.**

In accordance with guidance provided by the Director of the Office of Management and Budget under section 812, the head of an executive agency required to carry out a program under section 812 may carry out a program for improving management processes within the executive agency—

(1) to address problems that contribute directly to the occurrence of errors in the paying of contractors of the executive agency; or

(2) to improve the recovery of overpayments due to the agency.

**SEC. 816. REPORTS.**

(a) **REQUIREMENT FOR REPORTS.**—Not later than 30 months after the date of the enactment of this Act, and annually for each of the first two years following the year of the first report, the Director of the Office of Management and Budget shall submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, a report on the implementation of this subtitle.

(b) **CONTENT.**—Each report shall include—

(1) a general description and evaluation of the steps taken by the heads of executive agencies to carry out the programs under this subtitle, including any management improvement programs carried out under section 815;

(2) the costs incurred by executive agencies to carry out the programs under this subtitle; and

(3) the amounts recovered under the programs under this subtitle.

**SEC. 817. RELATIONSHIP TO AUTHORITY OF INSPECTORS GENERAL.**

Nothing in this subtitle shall be construed as impairing the authority of an Inspector General under the Inspector General Act of 1978 or any other provision of law.

**SEC. 818. PRIVACY PROTECTIONS.**

(a) **PROHIBITION.**—Any nongovernmental entity that, in the course of recovery auditing or recovery activity under this subtitle, obtains information that identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual, may not disclose the information for any purpose other than such recovery auditing or recovery activity and governmental oversight of such activity, unless disclosure for that other purpose is authorized by the individual to the executive agency that contracted for the performance of the recovery auditing or recovery activity.

(b) **LIABILITY.**—Any person that violates subsection (a) shall be liable for any damages (including nonpecuniary damages), costs, and attorneys fees incurred by the individual as a result of the violation.

**SEC. 819. DEFINITION.**

In this subtitle, the term “executive agency” has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE**

(a) **REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.**—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2002 so that the total number of such personnel as of October 1, 2002, is less than the total number of such personnel as of October 1, 2001, by at least 13,000.

(b) **DEFENSE ACQUISITION WORKFORCE DEFINED.**—For purposes of this section, the term “defense acquisition and support personnel” has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2106).

**SEC. 902. SENSE OF CONGRESS ON ESTABLISHMENT OF AN OFFICE OF TRANSFORMATION IN THE DEPARTMENT OF DEFENSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Armed Forces should give careful consideration to implementing transformation to meet operational challenges and exploit opportunities resulting from changes in the threat environment and the emergence of new technologies.

(2) A 1999 Defense Science Board report on transformation concluded that there was no overall Department of Defense vision for transformation, no road map, no metrics to measure progress, and little sense of urgency.

(3) Historic case studies have shown that within the military, as well as commercial enterprises, successful transformation must be directed from the highest levels of an organization.

(b) **SENSE OF CONGRESS ON ESTABLISHMENT OF OFFICE OF TRANSFORMATION.**—It is the sense of Congress that the Secretary of Defense should consider the establishment of an Office of Transformation within the Office of the Secretary of Defense to advise the Secretary on—

(1) development of force transformation strategies to ensure that the military of the future is prepared to dissuade potential military competitors and, if that fails, to fight and win decisively across the spectrum of future conflict;

(2) ensuring a continuous and broadly focused transformation process;

(3) service and joint acquisition and experimentation efforts, funding for experimentation efforts, promising operational concepts and technologies, and other transformation activities, as appropriate; and

(4) development of service and joint operational concepts, transformation implementation strategies, and risk management strategies.

(c) **SENSE OF CONGRESS ON FUNDING.**—It is the sense of Congress that the Secretary of Defense should consider providing funding adequate for sponsoring selective prototyping efforts, wargames, and studies and analyses and for appropriate staffing, as recommended by the director of an Office of Transformation as described in subsection (b).

**SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.**

(a) **REVISED REPORT.**—At the same time as the submission of the budget for fiscal year 2003 under section 1105 of title 31, United States Code, the Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a revised report assessing alternatives for the establishment of a national collaborative information analysis capability.

(b) **MATTERS INCLUDED.**—The revised report shall cover the same matters required to be in-

cluded in the DOD/CIA report, except that the alternative architectures assessed in the revised report shall be limited to architectures that include the participation of all Federal agencies involved in the collection of intelligence. The revised report shall also include a draft of legislation sufficient to carry out the preferred architecture identified in the revised report.

(c) **OFFICIALS TO BE CONSULTED.**—The revised report shall be prepared after consultation with all appropriate Federal officials, including the following:

(1) The Secretary of the Treasury.

(2) The Secretary of Commerce.

(3) The Secretary of State.

(4) The Attorney General.

(5) The Director of the Federal Bureau of Investigation.

(6) The Administrator of the Drug Enforcement Administration.

(7) The Director of the Defense Threat Reduction Agency.

(8) The Director of the Defense Information Systems Agency.

(d) **DOD/CIA REPORT DEFINED.**—In this section, the term “DOD/CIA report” means the joint report required by section 933 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-237).

**SEC. 904. ELIMINATION OF TRIENNIAL REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.**

(a) **REPEAL OF REQUIREMENT FOR SEPARATE REPORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**—Section 153 of title 10, United States Code, is amended by striking subsection (b).

(b) **ROLES AND MISSIONS CONSIDERED AS PART OF DEFENSE QUADRENNIAL REVIEW.**—Subsection 118(e) of such title is amended—

(1) by inserting “(1)” before “Upon the completion”;

(2) by designating the second and third sentences as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following new paragraph:

“(2) As part of his assessment under paragraph (1), the Chairman shall provide his assessment of the assignment of functions (or roles and missions) to the armed forces and such recommendations for changes thereto as the Chairman considers necessary to achieve maximum efficiency of the armed forces. In preparing such assessment, the Chairman shall consider (among other matters) the following:

“(A) Unnecessary duplication of effort among the armed forces.

“(B) Changes in technology that can be applied effectively to warfare.”.

**SEC. 905. REPEAL OF REQUIREMENT FOR SEMI-ANNUAL REPORTS THROUGH MARCH 2003 ON ACTIVITIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.**

Section 916 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-231) is repealed.

**SEC. 906. CORRECTION OF REFERENCES TO AIR MOBILITY COMMAND.**

(a) **REFERENCES IN TITLE 10, UNITED STATES CODE.**—Sections 2554(d) and 2555(a) of title 10, United States Code, are each amended by striking “Military Airlift Command” and inserting “Air Mobility Command”.

(b) **REPEAL OF OBSOLETE PROVISION.**—Section 8074 of such title is amended by striking subsection (c).

(c) **REFERENCES IN TITLE 37, UNITED STATES CODE.**—Sections 430(c) and 432(b) of title 37, United States Code, are each amended by striking “Military Airlift Command” and inserting “Air Mobility Command”.

**SEC. 907. ORGANIZATIONAL ALIGNMENT CHANGE FOR DIRECTOR FOR EXPEDITIONARY WARFARE.**

Section 5038(a) of title 10, United States Code, is amended by striking "Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments" and inserting "office of the Deputy Chief of Naval Operations with responsibility for warfare requirements and programs".

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

**SEC. 1001. TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2002 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$2,000,000,000.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

(a) **STATUS OF CLASSIFIED ANNEX.**—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 2586 of the One Hundred Seventh Congress and transmitted to the President is hereby incorporated into this Act.

(b) **CONSTRUCTION WITH OTHER PROVISIONS OF ACT.**—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) **LIMITATION ON USE OF FUNDS.**—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) **DISTRIBUTION OF CLASSIFIED ANNEX.**—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

**SEC. 1003. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2002.**

(a) **LIMITATION.**—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—

(1) no more than \$1,315,600,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and

(2) no more than \$1,528,600,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.

(b) **PRESIDENTIAL WAIVER.**—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:

(1) The President's written certification that the waiver is necessary in the national security interests of the United States.

(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(3) A report setting forth the following:

(A) The reasons that the waiver is necessary in the national security interests of the United States.

(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2002.

(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.

(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2002 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations.

(c) **PEACEKEEPING OPERATIONS DEFINED.**—For the purposes of this section:

(1) The term "Bosnia peacekeeping operations" has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2112).

(2) The term "Kosovo peacekeeping operations"—

(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and

(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.

**SEC. 1004. INCREASE IN LIMITATIONS ON ADMINISTRATIVE AUTHORITY OF THE NAVY TO SETTLE ADMIRALTY CLAIMS.**

(a) **ADMIRALTY CLAIMS AGAINST THE UNITED STATES.**—Section 7622 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking "\$1,000,000" and inserting "\$15,000,000"; and

(2) in subsection (c), by striking "\$100,000" and inserting "\$1,000,000".

(b) **ADMIRALTY CLAIMS BY THE UNITED STATES.**—Section 7623 of such title is amended—

(1) in subsection (a)(2), by striking "\$1,000,000" and inserting "\$15,000,000"; and

(2) in subsection (c), by striking "\$100,000" and inserting "\$1,000,000".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to any claim accruing on or after February 1, 2001.

**Subtitle B—Naval Vessels**

**SEC. 1011. REVISION IN TYPES OF EXCESS NAVAL VESSELS FOR WHICH APPROVAL BY LAW IS REQUIRED FOR DISPOSAL TO FOREIGN NATIONS.**

(a) **REVISION IN VESSEL THRESHOLD.**—Section 7307 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "A naval vessel" and inserting "Except as provided in subsection (b), a combatant naval vessel";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

"(b) **TREATMENT OF VESSELS HELD BY FOREIGN NATIONS BY LOAN OR LEASE.**—Subsection (a) shall not apply to the disposal to another nation of a vessel described in that subsection that, at the time of the disposal, is held by the nation to which the disposal is to be made pursuant to a loan or lease arrangement made under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or any other provision of law."; and

(4) by adding after subsection (c), as redesignated by paragraph (2), the following new subsection:

"(d) **INAPPLICABILITY OF VESSEL DISPOSALS TO AGGREGATE ANNUAL VALUE LIMITATIONS.**—The value of a vessel transferred to another country under an applicable provision of law as described in subsection (c) shall not be counted for the purposes of any aggregate limit on the value of articles transferred to other countries under that provision of law during any year (or other applicable period of time)."

(b) **TECHNICAL AMENDMENTS.**—Subsection (a) of such section is further amended—

(1) by striking "LARGER OR NEWER" in the subsection heading and inserting "CERTAIN COMBATANT; and

(2) by striking "approved by law enacted after August 5, 1974" and inserting "specifically approved by law".

**Subtitle C—Counter-Drug Activities**

**SEC. 1021. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.**

Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-255) is amended—

(1) by inserting "and April 15, 2002," after "January 1, 2001,"; and

(2) by striking "fiscal year 2000" and inserting "the preceding fiscal year".

**SEC. 1022. AUTHORITY TO TRANSFER TRACKER AIRCRAFT CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.**

(a) **TRANSFER AUTHORITY.**—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency all Tracker aircraft in the inventory of the Department of Defense.

(b) **EFFECT OF FAILURE TO TRANSFER.**—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, any Tracker aircraft remaining in the inventory of the Department of Defense may not be used by the Armed Forces for counter-drug purposes after that date.

**SEC. 1023. AUTHORITY TO TRANSFER TETHERED AEROSTAT RADAR SYSTEM CURRENTLY USED BY ARMED FORCES FOR COUNTER-DRUG PURPOSES.**

(a) **TRANSFER AUTHORITY.**—The Secretary of Defense may transfer to the administrative jurisdiction and operational control of another Federal agency the Tethered Aerostat Radar System currently used by the Armed Forces in maritime, air, and land counter-drug detection and monitoring.

(b) **EFFECT OF FAILURE TO TRANSFER.**—If the transfer authority provided by subsection (a) is not exercised by the Secretary of Defense by September 30, 2002, the Tethered Aerostat Radar System may not be used by the Armed Forces for counter-drug purposes after that date.

**Subtitle D—Reports**

**SEC. 1031. REQUIREMENT THAT DEPARTMENT OF DEFENSE REPORTS TO CONGRESS BE ACCOMPANIED BY ELECTRONIC VERSION.**

(a) **IN GENERAL.**—Chapter 23 of title 10, United States Code, is amended by inserting

after the table of sections the following new section:

**“§480. Department of Defense reports: submission in electronic form**

“(a) REQUIREMENT.—Whenever the Secretary of Defense or any other official of the Department of Defense is required by law to submit a report to Congress (or any committee of either House of Congress), the Secretary or other official shall provide to Congress (or each such committee) a copy of the report in an electronic medium.

“(b) EXCEPTION.—Subsection (a) does not apply to a report submitted in classified form.

“(c) DEFINITION.—In this section, the term ‘report’ includes any certification, notification, or other communication in writing.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 481 the following new item:

“480. Department of Defense reports: submission in electronic form.”.

**SEC. 1032. REPORT ON DEPARTMENT OF DEFENSE ROLE IN HOMELAND SECURITY MATTERS.**

The Secretary of Defense shall conduct a study on the appropriate role for the Department of Defense in homeland security matters. The Secretary shall submit to the Congress a report on the results of that study at the same time that the budget of the President for fiscal year 2003 is submitted to Congress.

**SEC. 1033. REVISION OF ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.**

The text of section 10541 of title 10, United States Code, is amended to read as follows:

“(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress each year, not later than March 1, a written report concerning the equipment of the National Guard and the reserve components of the armed forces. Each such report shall cover the current fiscal year and the three succeeding years.

“(b) MATTERS TO BE INCLUDED IN REPORT.—Each report under this section shall include the following (shown in the aggregate and separately for each reserve component):

“(1) A list of major items of equipment required and on-hand in the inventories of the reserve components.

“(2) A list of major items of equipment that are expected to be procured from commercial sources or transferred from the active component to the reserve components.

“(3) A statement of major items of equipment in the inventories of the reserve components that are substitutes for a required major item of equipment.

“(4) A narrative explanation of the plan of the Secretary concerned to equip each reserve component, including an explanation of the plan to equip units of the reserve components that are short major items of equipment at the outset of war or a contingency operation.

“(5) A narrative discussing the current status of the compatibility and interoperability of equipment between the reserve components and the active forces and the effect of that level of compatibility or interoperability on combat effectiveness, together with a plan to achieve full equipment compatibility and interoperability.

“(6) A narrative discussing modernization shortfalls and maintenance backlogs within the reserve components and the effect of those shortfalls on combat effectiveness.

“(7) A narrative discussing the overall age and condition of equipment currently in the inventory of the reserve components.

“(c) MAJOR ITEMS OF EQUIPMENT.—In this section, the term ‘major items of equipment’ includes ships, aircraft, combat vehicles, and key combat support equipment.

“(d) FORMAT AND LEVEL OF DETAIL.—Each report under this section shall be expressed in the same format and with the same level of detail as the information presented in the Future-Years Defense Program Procurement Annex prepared by the Department of Defense.”.

**Subtitle E—Other Matters**

**SEC. 1041. DEPARTMENT OF DEFENSE GIFT AUTHORITIES.**

(a) ADDITIONAL ITEMS AUTHORIZED TO BE DONATED BY SECRETARY OF THE NAVY.—Section 7545 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Subject to” and all that follows through “by him,” and inserting “AUTHORITY TO MAKE LOANS AND GIFTS.—The Secretary of the Navy”;

(B) by striking “captured, condemned,” and all that follows through “to—” and inserting “items described in subsection (b) that are not needed by the Department of the Navy to any of the following:”

(C) by capitalizing the first letter after the paragraph designation in each of paragraphs (1) through (12);

(D) by striking the semicolon at the end of paragraphs (1) through (10) and inserting a period;

(E) by striking “; or” at the end of paragraph (11) and inserting a period;

(F) in paragraph (5), by striking “World War I or World War II” and inserting “a foreign war”;

(G) in paragraph (6), by striking “soldiers’ monument” and inserting “servicemen’s monument”; and

(H) in paragraph (8), by inserting “or memorial” after “a museum”;

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a) the following new subsections:

“(b) ITEMS ELIGIBLE FOR DISPOSAL.—This section applies to the following types of property held by the Department of the Navy:

“(1) Captured, condemned, or obsolete ordnance material.

“(2) Captured, condemned, or obsolete combat or shipboard material.

“(c) REGULATIONS.—A loan or gift made under this section shall be subject to regulations prescribed by the Secretary of the Navy and to regulations under section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486).”.

(4) in subsection (d) (as redesignated by paragraph (2)), by inserting “MAINTENANCE OF THE RECORDS OF THE GOVERNMENT.—” after the subsection designation;

(5) in subsection (e) (as redesignated by paragraph (2)), by inserting “ALTERNATIVE AUTHORITIES TO MAKE GIFTS OR LOANS.—” after the subsection designation; and

(6) by adding at the end the following new subsection:

“(f) AUTHORITY TO TRANSFER A PORTION OF A VESSEL.—The Secretary may lend, give, or otherwise transfer any portion of the hull or superstructure of a vessel stricken from the Naval Vessel Register and designated for scrapping to a qualified organization specified in subsection (a). The terms and conditions of an agreement for the transfer of a portion of a vessel under this section shall include a requirement that the transferee will maintain the material conveyed in a condition that will not diminish the historical value of the material or bring discredit upon the Navy.”.

(b) CONFORMING AMENDMENTS.—Section 2572(a) of such title is amended—

(1) in paragraph (2), by striking “soldiers’ monument” and inserting “servicemen’s monument”; and

(2) in paragraph (4), by inserting “or memorial” after “An incorporated museum”.

**SEC. 1042. TERMINATION OF REFERENDUM REQUIREMENT REGARDING CONTINUATION OF MILITARY TRAINING ON ISLAND OF VIEQUES, PUERTO RICO, AND IMPOSITION OF ADDITIONAL CONDITIONS ON CLOSURE OF LIVE-FIRE TRAINING RANGE.**

(a) IN GENERAL.—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–348) is amended by striking sections 1503, 1504, and 1505 and inserting the following new sections:

**“SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.**

“(a) REQUIRED CERTIFICATION.—The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if—

“(1) the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that there is an alternative training facility that provides an equivalent or superior level of training for units of the Navy and the Marine Corps stationed or deployed in the eastern United States; and

“(2) the new facility is available and fully capable of supporting such training immediately upon cessation of live-fire training on Vieques.

“(b) EQUIVALENT OR SUPERIOR LEVEL OF TRAINING DEFINED.—In this section, the term ‘equal or superior level of training’ refers to an ability by the Armed Forces to conduct at a single location coordinated live-fire training, including simultaneous large-scale tactical air strikes, naval surface fire support and artillery, and amphibious landing operations, as was conducted at Vieques Naval Training Range before April 19, 1999.

**“SEC. 1504. NAVY RETENTION OF CLOSED VIEQUES NAVAL TRAINING RANGE.**

“(a) RETENTION.—If the conditions specified in section 1503(a) are satisfied and the Secretary of the Navy terminates all Navy and Marine Corps training operations on the island of Vieques, the Secretary of the Navy shall retain administrative jurisdiction over the Live Impact Area and all other Department of Defense real properties on the eastern side of the island for possible reactivation for training use, including live-fire training, in the event a national emergency.

“(b) ADMINISTRATION.—The Secretary of the Navy may enter into a cooperative agreement with the Secretary of the Interior to provide for management of the property described in subsection (a), pending reactivation for training use, by appropriate agencies of the Department of the Interior as follows:

“(1) Management of the Live Impact Area as a wilderness area under the Wilderness Act (16 U.S.C. 1131 et seq.), including a prohibition on public access to the area.

“(2) Management of the remaining property as wildlife refuges under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

“(c) LIVE IMPACT AREA DEFINED.—In this section, the term ‘Live Impact Area’ means the parcel of real property, consisting of approximately 900 acres (more or less), on the island of Vieques that is designated by the Secretary of the Navy for targeting by live ordnance in the training of forces of the Navy and Marine Corps.”.

(b) CONFORMING AMENDMENT.—Section 1507(c) of such Act is amended by striking “the issuance of a proclamation described in section 1504(a) or”.

**SEC. 1043. REPEAL OF LIMITATION ON REDUCTIONS IN PEACEKEEPER ICBM MISILES.**

Subsection (a)(1) of section 1302 of the National Defense Authorization Act for Fiscal

Year 1998 (Public Law 105-85) is amended by striking subparagraph (D).

**SEC. 1044. SENSE OF THE CONGRESS ON THE IMPORTANCE OF THE KWAJALEIN MISSILE RANGE/RONALD REAGAN DEFENSE INITIATIVE TEST SITE AT KWAJALEIN ATOLL.**

(a) **IMPORTANCE OF MISSILE RANGE.**—Congress recognizes the importance of the Kwajalein Missile Range to the Department of Defense, particularly in that—

(1) Kwajalein acts as a buffer between Hawaii and Asia and provides an important role in monitoring potential adversaries in the Pacific Theatre; and

(2) the range is the only location at which tests for United States exoatmospheric ballistic missile defense intercepts occurs.

(b) **FINDINGS.**—Congress finds that the Department of Defense conducted a study regarding the importance of Kwajalein Missile Range and made the following findings:

(1) The United States has an overriding defense interest in continuing the use of the Kwajalein Missile Range and facilities on Kwajalein Atoll.

(2) The requirements of United States missile defense and space surveillance programs, combined with the uniqueness of Kwajalein's location, and infrastructure investment, make renewal of the Compact in the best interest of the Department of Defense.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States—

(1) should work to continue the long-term relationship of the Department of Defense with the Kwajalein Missile Range/Ronald Reagan Defense Initiative Test Site at Kwajalein Atoll; and

(2) should continue to recognize the vital importance of that test site to the national security of the United States and peacekeeping efforts in Asia.

**SEC. 1045. TRANSFER OF VIETNAM ERA F-4 AIRCRAFT TO NONPROFIT MUSEUM.**

(a) **AUTHORITY TO CONVEY.**—The Secretary of the Air Force may convey, without consideration, to the nonprofit National Aviation Museum and Foundation of Oklahoma (in this section referred to as the "museum"), all right, title, and interest of the United States in and to one surplus F-4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.

(b) **CONDITION OF AIRCRAFT.**—(1) The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the museum has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have.

(2) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) **REVERTER UPON BREACH OF CONDITIONS.**—The Secretary shall include in the instrument of conveyance of the aircraft—

(1) a condition that the museum not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;

(2) a condition that the museum operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and

(3) a condition that if the Secretary determines at any time that the museum has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth

in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(d) **CONVEYANCE AT NO COST TO THE UNITED STATES.**—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the museum.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 1046. BOMBER FORCE STRUCTURE.**

(a) **LIMITATION.**—None of the funds available to the Department of Defense for fiscal year 2002 may be obligated or expended for retiring or dismantling any of the 93 B-1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit or the facility to which assigned as of that date, until each of the following has occurred:

(1) The President transmits to Congress a national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 4040) as required by subsection (a)(3) of that section.

(2) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Quadrennial Defense Review (QDR) under section 118 of title 10, United States Code, that under that section is required to be submitted not later than September 30, 2001.

(3) The Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report that provides—

(A) the changes in national security considerations from those applicable to the air force bomber studies conducted during 1992 and 1995 that warrant changes in the current configuration of the bomber fleet; and

(B) the plans of the Department of Defense for assigning new missions to the National Guard units that currently fly B-1 aircraft and for the transition of those units and their facilities from the current B-1 mission to their future missions.

(4) The Secretary of Defense submits to Congress the annual report of the Secretary for 2001 required by section 113(c) of title 10, United States Code.

(5) The Secretary of Defense submits to Congress a report on the results of the Revised Nuclear Posture Review conducted under section 1042 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-262), as required by subsection (c) of that section.

(6) The Secretary of Defense conducts, and submits to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the results of, a comprehensive study to determine—

(A) the role of manned bomber aircraft appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1);

(B) the amount and type of bomber force structure in the United States Air Force appropriate to meet the requirements derived from the National Security Strategy report referred to in paragraph (1); and

(C) the most cost effective allocation of bomber force structure, factoring in use of the reserve components of the Air Force consistent with the

requirements of the National Security Strategy report referred to in paragraph (1).

(b) **GAO STUDY AND REPORT.**—The Comptroller General of the United States shall conduct a study on the same matters as specified in subparagraphs (A), (B), and (C) of subsection (a)(6). The Comptroller General shall submit to Congress a report containing the results of that study not later than 180 days after the date of the submission of the report referred to in subsection (a)(6).

(c) **DEFINITIONS.**—For purposes of this section:

(1) **AMOUNT AND TYPE OF BOMBER FORCE STRUCTURE.**—The term "amount and type of bomber force structure" means the required numbers of B-2 aircraft, B-52 aircraft, and B-1 aircraft consistent with the requirements of the National Security Strategy referred to in subsection (a)(1).

(2) **COST EFFECTIVE ALLOCATION OF BOMBER FORCE STRUCTURE.**—The term "cost effective allocation of bomber force structure" means the lowest cost for stationing, maintaining, and operating the bomber fleet fully consistent with the requirements of the National Security Strategy referred to in subsection (a)(1).

**SEC. 1047. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) **TITLE 10, UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, are each amended by striking the period after "1111" in the item relating to chapter 56.

(2) Section 119(g)(2) is amended by striking "National Security Subcommittee" and inserting "Subcommittee on Defense".

(3) Section 130c(b)(3)(C) is amended by striking "subsection (f)" and inserting "subsection (g)".

(4) Section 176(a)(3) is amended by striking "Chief Medical Director" and inserting "Under Secretary for Health".

(5)(A) Section 503(c) is amended in paragraph (6)(A)(i) by striking "14101(18)" and "8801(18)" and inserting "14101" and "8801", respectively.

(B) The amendment made by subparagraph (A) shall take effect on July 1, 2002, immediately after the amendment to such section effective that date by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 131).

(6) Section 663(e) is amended—

(A) by striking "Armed Forces Staff College" in paragraph (1) and inserting "Joint Forces Staff College"; and

(B) by striking "ARMED FORCES STAFF COLLEGE" and inserting "JOINT FORCES STAFF COLLEGE".

(7) Section 667(17) is amended by striking "Armed Forces Staff College" both places it appears and inserting "Joint Forces Staff College".

(8) Section 874(a) is amended by inserting after "a sentence of confinement for life without eligibility for parole" the following: "that is adjudged for an offense committed after October 29, 2000".

(9) Section 1056(c)(2) is amended by striking "not later than September 30, 1991".

(10) The table of sections at the beginning of chapter 55 is amended by transferring the item relating to section 1074i, as inserted by section 758(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-200), so as to appear after the item relating to section 1074h.

(11) Section 1097a(e) is amended by striking "section 1072" and inserting "section 1072(2)".

(12) Sections 1111(a) and 1114(a)(1) are each amended by striking "hereafter" and inserting "hereinafter".

(13) Section 1116 is amended—

(A) in subsection (a)(2)(B), by inserting an open parenthesis before “other than for training”; and

(B) in subsection (b)(2)(D), by striking “section 111(c)(4)” and inserting “section 1115(c)(4)”.

(14) The heading for subchapter II of chapter 75 is transferred within that chapter so as to appear before the table of sections at the beginning of that subchapter (as if the amendment made by section 721(c)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 694) had inserted that heading following section 1471 instead of before section 1475).

(15) Section 1611(d) is amended by striking “with”.

(16) Section 2166(e)(9) is amended by striking “App. 2” and inserting “App.”.

(17) Section 2323(a)(1)(C) is amended—

(A) by striking “section 1046(3)” and inserting “section 365(3)”;

(B) by striking “20 U.S.C. 1135d-5(3)” and inserting “20 U.S.C. 1067k”; and

(C) by striking “, which, for the purposes of this section” and all that follows through the period at the end and inserting a period.

(18) Section 2375(b) is amended by inserting “(41 U.S.C. 430)” after “section 34 of the Office of Federal Procurement Policy Act”.

(19) Section 2376(1) is amended by inserting “(41 U.S.C. 403)” after “section 4 of the Office of Federal Procurement Policy Act”.

(20) Section 2410(f)(a) is amended by inserting after “inscription” the following: “, or another inscription with the same meaning,”.

(21) Section 2461a(a)(2) is amended by striking “efficiency” and inserting “efficiency”.

(22) Section 2467 is amended—

(A) in subsection (a)(2)—

(i) by striking “, United States Code” in subparagraph (A); and

(ii) by striking “such” in subparagraphs (B) and (C); and

(B) in subsection (b)(2)(A), by striking “United States Code”.

(23) Section 2535 is amended—

(A) in subsection (a)—

(i) by striking “intent of Congress” and inserting “intent of Congress—”;

(ii) by realigning clauses (1), (2), (3), and (4) so that each such clause appears as a separate paragraph indented two ems from the left margin; and

(iii) in paragraph (1), as so realigned, by striking “Armed Forces” and inserting “armed forces”;

(B) in subsection (b)(1)—

(i) by striking “in this section, the Secretary is authorized and directed to—” and inserting “in subsection (a), the Secretary of Defense shall—”; and

(ii) by striking “defense industrial reserve” in subparagraph (A) and inserting “Defense Industrial Reserve”; and

(C) in subsection (c)—

(i) by striking paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (1) and in that paragraph—

(i) by striking “means” and inserting “means—”;

(II) by realigning clauses (A), (B), and (C) so that each such clause appears as a separate subparagraph indented four ems from the left margin; and

(III) by inserting “and” at the end of subparagraph (B), as so realigned; and

(iii) by redesignating paragraph (3) as paragraph (2).

(24) Section 2541c is amended by striking “subtitle” both places it appears in the matter preceding paragraph (1) and inserting “subchapter”.

(25) The second section 2555, added by section 1203(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-324), is redesignated as section 2565, and the item relating to that section in the table of sections at the beginning of chapter 152 is revised to conform to such redesignation.

(26) The second section 2582, added by section 1(a) of Public Law 106-446 (114 Stat. 1932), is redesignated as section 2583, and the item relating to that section in the table of sections at the beginning of chapter 153 is revised to conform to such redesignation.

(27)(A) Section 2693(a) is amended—

(i) in the matter preceding paragraph (1), by inserting “of Defense” after “Secretary”; and

(ii) in paragraph (3)—

(I) by inserting “to the Secretary of Defense” after “certifies”;

(II) by inserting “(42 U.S.C. 3762a)” after “of 1968”; and

(III) by striking “to the public agencies referred to in section 515(a)(1) or 515(a)(3) of title I of such Act” and inserting “to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section”.

(B)(i) The heading of such section is amended to read as follows:

**“§2693. Conveyance of certain property: Department of Justice correctional options program”.**

(ii) The item relating to such section in the table of sections at the beginning of chapter 159 is amended to read as follows:

“2693. Conveyance of certain property: Department of Justice correctional options program.”.

(28) Section 3014(f)(3) is amended by striking “the number equal to” and all that follows and inserting “67.”.

(29) Section 5014(f)(3) is amended by striking “the number equal to” and all that follows and inserting “74.”.

(30) Section 8014(f)(3) is amended by striking “the number equal to” and all that follows and inserting “60.”.

(31) Section 9783(e)(1) is amended by striking “40101(a)(2)” and inserting “40102(a)(2)”.

(32) Section 12741(a)(2) is amended by striking “received” and inserting “receive”.

(b) AMENDMENTS RELATING TO CHANGE IN TITLE OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Title 10, United States Code, is further amended as follows:

(1) Section 133a(b) is amended by striking “shall assist the Under Secretary of Defense for Acquisition and Technology” and inserting “shall assist the Under Secretary of Defense for Acquisition, Technology, and Logistics”.

(2) The following provisions are each amended by striking “Under Secretary of Defense for Acquisition and Technology” and inserting “Under Secretary of Defense for Acquisition, Technology, and Logistics”: sections 139(c), 139(f), 171(a)(3), 179(a)(1), 1702, 1703, 1707(a), 1722(a), 1722(b)(2)(B), 1735(c)(1), 1737(c)(1), 1737(c)(2)(B), 1741(b), 1746(a), 1761(b)(4), 1763, 2302c(a)(2), 2304(f)(1)(B)(iii), 2304(f)(6)(B), 2311(c)(1), 2311(c)(2)(B), 2350a(b)(2), 2350a(e)(1)(A), 2350a(e)(2)(B), 2350a(f)(1), 2399(b)(3), 2435(b), 2435(d)(2), 2521(a), and 2534(i)(3).

(3)(A) The heading for section 1702 is amended to read as follows:

**“§1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities”.**

(B) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 is amended to read as follows:

“1702. Under Secretary of Defense for Acquisition, Technology, and Logistics: authorities and responsibilities.”.

(4) Section 2503(b) is amended by striking “Under Secretary of Defense for Acquisition” and inserting “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

(c) AMENDMENTS TO SUBSTITUTE CALENDAR DATES FOR DATE-OF-ENACTMENT REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Section 130c(d)(1) is amended by striking “the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001” and inserting “October 30, 2000.”.

(2) Section 184(a) is amended by striking “the date of the enactment of this section,” and inserting “October 30, 2000.”.

(3) Section 986(a) is amended by striking “the date of the enactment of this section,” and inserting “October 30, 2000.”.

(4) Section 1074g(a)(8) is amended by striking “the date of the enactment of this section” and inserting “October 5, 1999.”.

(5) Section 1079(h)(2) is amended by striking “the date of the enactment of this paragraph” and inserting “February 10, 1996.”.

(6) Section 1206(5) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,” and inserting “October 5, 1999.”.

(7) Section 1405(c)(1) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,” and inserting “October 5, 1994.”.

(8) Section 1407(f)(2) is amended by striking “the date of the enactment of this subsection—” and inserting “October 30, 2000—”.

(9) Section 1408(d)(6) is amended by striking “the date of the enactment of this paragraph” and inserting “August 22, 1996.”.

(10) Section 1511(b) is amended by striking “the date of the enactment of this chapter.” and inserting “February 10, 1996.”.

(11) Section 2461a(b)(1) is amended by striking “the date of the enactment of this section,” and inserting “October 30, 2000.”.

(12) Section 4021(c)(1) is amended by striking “the date of the enactment of this section.” and inserting “November 29, 1989.”.

(13) Section 6328(a) is amended by striking “the date of the enactment of this section” and inserting “February 10, 1996.”.

(14) Section 7439 is amended—

(A) in subsection (a)(2), by striking “one year after the date of the enactment of this section,” and inserting “November 18, 1998.”;

(B) in subsection (b)(1), by striking “the date of the enactment of this section,” and inserting “November 18, 1997.”;

(C) in subsection (b)(2), by striking “the end of the one-year period beginning on the date of the enactment of this section.” and inserting “November 18, 1998.”; and

(D) in subsection (f)(2), by striking “the date of the enactment of this section” and inserting “November 18, 1997.”.

(15) Section 12533 is amended—

(A) in each of subsections (b) and (c)(1), by striking “the date of the enactment of this section.” and inserting “November 18, 1997.”; and

(B) in each of subsections (c)(2) and (d), by striking “the date of the enactment of this section” and inserting “November 18, 1997.”.

(16) Section 12733(3) is amended—

(A) in subparagraph (B), by striking “the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001,” and inserting “October 30, 2000.”; and

(B) in subparagraph (C), by striking “the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001” and inserting “October 30, 2000.”.

(d) AMENDMENTS RELATING TO CHANGE IN TITLE OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—The following provisions are each

amended by striking "Stewart B. McKinney Homeless Assistance Act" and inserting "McKinney-Vento Homeless Assistance Act":

(1) Sections 2814(j)(2), 2854a(d)(2), and 2878(d)(4) of title 10, United States Code.

(2) Sections 2905(b)(6)(A) and 2910(11) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(3) Section 204(b)(6)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(4) Section 2915(c)(10) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2687 note).

(5) Section 2(e)(4)(A) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103-421; 10 U.S.C. 2687 note).

(6) Section 1053(a) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2650).

(e) AMENDMENTS TO REPEAL OBSOLETE PROVISIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 1144 is amended—

(A) in subsection (a)(3), by striking the second sentence; and

(B) by striking subsection (e).

(2) Section 1581(b) is amended—

(A) by striking "(1)" and all that follows through "The Secretary of Defense shall deposit" and inserting "The Secretary of Defense shall deposit"; and

(B) by striking "on or after December 5, 1991,".

(3) Subsection (e) of section 1722 is repealed.

(4) Subsection 1732(a) is amended by striking the second sentence.

(5) Section 1734 is amended—

(A) in subsection (b)(1)(B), by striking "on and after October 1, 1991,"; and

(B) in subsection (e)(2), by striking the last sentence.

(6)(A) Section 1736 is repealed.

(B) The table of sections at the beginning of subchapter III of chapter 87 is amended by striking the item relating to section 1736.

(7)(A) Sections 1762 and 1764 are repealed.

(B) The table of sections at the beginning of subchapter V of chapter 87 is amended by striking the items relating to sections 1762 and 1764.

(8) Section 2112(a) is amended by striking "with the first class graduating not later than September 21, 1982".

(9) Section 2218(d)(1) is amended by striking "for fiscal years after fiscal year 1993".

(10)(A) Section 2468 is repealed.

(B) The table of sections at the beginning of chapter 146 is amended by striking the item relating to section 2468.

(11) Section 2832 is amended—

(A) by striking "(a)" before "The Secretary of Defense"; and

(B) by striking subsection (b).

(12) Section 7430(b)(2) is amended—

(A) by striking "at a price less than" and all that follows through "the current sales price" and inserting "at a price less than the current sales price";

(B) by striking "or" and inserting a period; and

(C) by striking subparagraph (B).

(f) PUBLIC LAW 106-398.—Effective as of October 30, 2000, and as if included therein as enacted, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is amended as follows:

(1) Section 525(b)(1) (114 Stat. 1654A-109) is amended by striking "subsection (c)" and inserting "subsections (a) and (b)".

(2) Section 1152(c)(2) (114 Stat. 1654A-323) is amended by inserting "inserting" after "and".

(g) PUBLIC LAW 106-65.—Effective as of October 5, 1999, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended as follows:

(1) Section 531(b)(2)(A) (113 Stat. 602) is amended by inserting "in subsection (a)," after "(A)".

(2) Section 549(a)(2) (113 Stat. 611) is amended by striking "such chapter" and inserting "chapter 49 of title 10, United States Code,".

(3) Section 576(a)(3) (10 U.S.C. 1501 note; 113 Stat. 625) is amended by adding a period at the end.

(4) Section 577(a)(2) (113 Stat. 625) is amended by striking "bad conduct" in the first quoted matter and inserting "bad-conduct".

(5) Section 811(d)(3)(B)(v) (10 U.S.C. 2302 note; 113 Stat. 709) is amended by striking "Mentor-Protégé" and inserting "Mentor-Protégé".

(6) Section 1052(b)(1) (113 Stat. 764) is amended by striking "The Department" and inserting "the Department".

(7) Section 1053(a)(5) (10 U.S.C. 113 note; 113 Stat. 764) is amended by inserting "and" before "Marines".

(8) Section 1402(f)(2)(A) (22 U.S.C. 2778 note; 113 Stat. 799) is amended by striking "3201 note" and inserting "6305(4)".

(9) Section 2902(d) (10 U.S.C. 111 note; 113 Stat. 882) is amended by striking "section 2871(b)" and inserting "section 2881(b)".

(h) PUBLIC LAW 102-484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended as follows:

(1) Section 3161(c)(6)(C) (42 U.S.C. 7274h(c)(6)(C)) is amended by striking "title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.)" and inserting "title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.)".

(2) Section 4416(b)(1) (10 U.S.C. 12681 note) is amended by striking "force reduction period" and inserting "force reduction transition period".

(3) Section 4461(5) (10 U.S.C. 1143 note) is amended by adding a period at the end.

(i) OTHER LAWS.—

(1) Section 1083(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 113 note) is amended by striking "NAMES" and inserting "NAME".

(2) Section 845(d)(1)(B)(ii) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note) is amended by inserting a closed parenthesis after "41 U.S.C. 414(3)".

(3) Section 1123(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1556) is amended by striking "Armed Forces Staff College" each place it appears and inserting "Joint Forces Staff College".

(4) Section 1412(g)(2)(C)(vii) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)(C)(vii)) is amended by striking "(c)(3)" and inserting "(c)(4)".

(5) Section 8336 of title 5, United States Code, is amended—

(A) in subsection (d)(2), by striking "subsection (o)" and inserting "subsection (p)"; and

(B) by redesignating the second subsection (o), added by section 1152(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-320), as subsection (p).

(6) Section 9001(3) of title 5, United States Code, is amended by striking "and" at the end of subparagraph (A) and inserting "or".

(7) Section 318(h)(3) of title 37, United States Code, is amended by striking "subsection (a)" and inserting "subsection (b)".

(8) Section 3695(a)(5) of title 38, United States Code, is amended by striking "1610" and inserting "1611".

(9) Section 13(b) of the Peace Corps Act (22 U.S.C. 2512(b)) is amended by striking "subject to section 5532 of title 5, United States Code".

(10) Section 127(g)(6) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note), as amended by section 311(b) of the Legislative Branch Appropriations Act, 2000 (Public Law 106-57; 113 Stat. 428), is amended—

(A) by striking "AUTHORITIES.—" and all that follows through "An individual" and inserting "AUTHORITIES.—An individual"; and

(B) by striking subparagraph (B).

(11) Section 28 of the Atomic Energy Act of 1954 (42 U.S.C. 2038) is amended in the last sentence by striking "subject to" and all that follows through the period at the end and inserting a period.

(12) Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402) is amended by redesignating the second subsection (e), added by section 3159(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-469), as subsection (f).

#### TITLE XI—CIVILIAN PERSONNEL

##### SEC. 1101. UNDERGRADUATE TRAINING PROGRAM FOR EMPLOYEES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) AUTHORITY TO CARRY OUT TRAINING PROGRAM.—Subchapter III of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

##### "§ 462. Undergraduate training program

"(a) AUTHORITY TO CARRY OUT PROGRAM.—The Secretary of Defense may authorize the Director of the National Imagery and Mapping Agency to establish an undergraduate training program under which civilian employees of the National Imagery and Mapping Agency may be assigned as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of the National Imagery and Mapping Agency. Such training may lead to the award of a baccalaureate degree.

"(b) PURPOSE.—The purpose of the program authorized by subsection (a) is to facilitate the recruitment of individuals, particularly minority high school students, with a demonstrated capability to develop skills critical to the mission of the National Imagery and Mapping Agency, including skills in mathematics, computer science, engineering, and foreign languages.

"(c) REQUIREMENTS.—(1) To be eligible for assignment under subsection (a), an employee of the National Imagery and Mapping Agency must agree in writing—

"(A) to continue in the service of the National Imagery and Mapping Agency for the period of the assignment and to complete the educational course of training for which the employee is assigned;

"(B) to continue in the service of the National Imagery and Mapping Agency following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

"(C) to reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, before the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with the National Imagery and Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily; and

"(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with the National Imagery and

Mapping Agency is terminated either by the National Imagery and Mapping Agency due to misconduct by the employee or by the employee voluntarily, before the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

"(2) Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

"(3)(A) A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

"(B) The Secretary of Defense may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in his discretion, the Secretary determines that equity or the interests of the United States so require.

"(C) The Secretary of Defense shall permit an employee assigned under this section who, before commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the National Imagery and Mapping Agency, to satisfy his obligation under an agreement described in paragraph (1) by reimbursing the United States according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

"(d) DISCLOSURE REQUIRED.—(1) When an employee is assigned under this section to an institution, the Secretary shall disclose to the institution to which the employee is assigned that the National Imagery and Mapping Agency employs the employee and that the National Imagery and Mapping Agency funds the employee's education.

"(2) Efforts by the Secretary to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

"(e) APPROPRIATION OF FUNDS REQUIRED.—The Secretary may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

"(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31 shall not apply with respect to this section.

"(g) REGULATIONS.—The Secretary of Defense may prescribe such regulations as may be necessary to implement this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"462. Undergraduate training program."

#### SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAINING EXPENSES.

(a) AUTHORITY TO CARRY OUT PILOT PROGRAM.—(1) The Secretary of Defense may establish a pilot program to facilitate the reemploy-

ment of eligible employees of the Department of Defense who are involuntarily separated due to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station. Under the pilot program, the Secretary may pay retraining incentives to encourage non-Federal employers to hire and retain such eligible employees.

(2) Under the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the employer agrees—

(A) to employ an eligible employee for at least 12 months at a salary that is mutually agreeable to the employer and the eligible employee; and

(B) to certify to the Secretary the amount of costs incurred by the employer for any necessary training (as defined by the Secretary) provided to such eligible employee in connection with the employment.

(3) The Secretary may pay a retraining incentive to the non-Federal employer upon the employee's completion of 12 months of continuous employment with that employer. The Secretary shall determine the amount of the incentive, except that in no event may such amount exceed the amount certified with respect to such eligible employee under paragraph (2)(A), or \$10,000, whichever is greater.

(4) In a case in which an eligible employee does not remain employed by the non-Federal employer for at least 12 months, the Secretary may pay to the employer a prorated amount of what would have been the full retraining incentive if the eligible employee had remained employed for such 12-month period.

(b) ELIGIBLE EMPLOYEES.—For purposes of this section, an eligible employee is an employee of the Department of Defense, serving under an appointment without time limitation, who has been employed by the Department for a continuous period of at least 12 months and who has been given notice of separation pursuant to a reduction in force, relocation as a result of a transfer of function, realignment, or change of duty station, except that such term does not include—

(1) a reemployed annuitant under the retirement systems described in subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, or another retirement system for employees of the Federal Government;

(2) an employee who, upon separation from Federal service, is eligible for an immediate annuity under subchapter III of chapter 83 of such title, or subchapter II of chapter 84 of such title; or

(3) an employee who is eligible for disability retirement under any of the retirement systems referred to in paragraph (1).

(c) DURATION.—No incentive may be paid under the pilot program for training commenced after September 30, 2005.

(d) DEFINITIONS.—In this section:

(1) The term "non-Federal employer" means an employer that is not an Executive agency, as defined in section 105 of title 5, United States Code, or an entity in the legislative or judicial branch of the Federal Government.

(2) The term "reduction in force" has the meaning of that term as used in chapter 35 of such title 5.

(3) The term "realignment" has the meaning given that term in section 2910 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

#### SEC. 1103. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

#### "§5757. Payment of expenses to obtain professional credentials

"(a) An agency may use appropriated funds or funds otherwise available to the agency to pay for—

"(1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

"(2) examinations to obtain such credentials.

"(b) The authority under subsection (a) may not be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "5757. Payment of expenses to obtain professional credentials."

#### SEC. 1104. RETIREMENT PORTABILITY ELECTIONS FOR CERTAIN DEPARTMENT OF DEFENSE AND COAST GUARD EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(1) in paragraph (1)(B), by striking "has 5 or more years of civilian service creditable under" and inserting "is employed subject to"; and

(2) in paragraph (2)(B)—  
(A) by striking "vested"; and  
(B) by striking ", as the term 'vested participant' is defined by such system".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of such title is amended—

(1) in paragraph (1)(B), by striking "has 5 or more years of civilian service creditable under" and inserting "is employed subject to"; and

(2) in paragraph (2)(B)—  
(A) by striking "vested"; and  
(B) by striking ", as the term 'vested participant' is defined by such system".

#### SEC. 1105. REMOVAL OF REQUIREMENT THAT GRANTING CIVIL SERVICE COMPENSATORY TIME BE BASED ON AMOUNT OF IRREGULAR OR OCCASIONAL OVERTIME WORK.

Section 5543 of title 5, United States Code, is amended by striking "irregular or occasional" in each place such words appear.

#### SEC. 1106. APPLICABILITY OF CERTAIN LAWS TO CERTAIN INDIVIDUALS ASSIGNED TO WORK IN THE FEDERAL GOVERNMENT.

Section 3374(c)(2) of title 5, United States Code, is amended by inserting "the Ethics in Government Act of 1978, section 1043 of the Internal Revenue Code of 1986, section 27 of the Office of Federal Procurement Policy Act," after "chapter 73 of this title,".

#### SEC. 1107. LIMITATION ON PREMIUM PAY.

Section 5547 of title 5, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) An employee may be paid premium pay under sections 5542, 5545 (a), (b), and (c), 5545a, and 5546 (a) and (b) of this title only to the extent that the aggregate of such employee's basic pay and premium pay under those provisions would, in any calendar year, exceed the maximum rate payable for GS-15 in effect at the end of such calendar year.

"(b) Subsection (a) shall not apply to any employee of the Federal Aviation Administration or the Department of Defense who is paid premium pay under section 5546a of this title,"; and

(2) in subsection (c)—  
(A) in paragraph (1), by striking "Subsections (a) and (b)" and inserting "Subsection (a)"; and

(B) in paragraph (2), by striking "pay period" and inserting "calendar year".

**SEC. 1108. USE OF COMMON OCCUPATIONAL AND HEALTH STANDARDS AS A BASIS FOR DIFFERENTIAL PAYMENTS MADE AS A CONSEQUENCE OF EXPOSURE TO ASBESTOS.**

(a) **PREVAILING RATE SYSTEMS.**—Section 5343(c)(4) of title 5, United States Code, is amended by inserting before the semicolon the following: "(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)".

(b) **GENERAL SCHEDULE PAY RATES.**—The first sentence of section 5545(d) of such title is amended by inserting before the period the following: "(and for any hardship or hazard related to asbestos, such differentials shall be determined by applying occupational safety and health standards consistent with the permissible exposure limit promulgated by the Secretary of Labor under the Occupational Safety and Health Act of 1970)".

(c) **APPLICABILITY.**—Any administrative or judicial determination made after the date of enactment of this Act concerning differential back payments related to asbestos under section 5343(c)(4) or 5545(d) of such title shall be based on the occupational safety and health standards described in such section, respectively.

**SEC. 1109. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOYEES ABROAD TO ACT AS A NOTARY.**

(a) **IN GENERAL.**—Paragraph (4) of section 1044a(b) of title 10, United States Code, is amended—

(1) by inserting "and, when outside the United States, all civilian employees of the Department of Defense," after "duty status,"; and

(2) by inserting "or the Department of Defense" before "or by statute".

(b) **CLARIFICATION OF STATUS OF CIVILIAN ATTORNEYS ACTING AS A NOTARY.**—Paragraph (2) of such section is amended by striking "legal assistance officers" and inserting "legal assistance attorneys".

**SEC. 1110. "MONRONEY AMENDMENT" RESTORED TO ITS PRIOR FORM.**

Paragraph (2) of section 5343(d) of title 5, United States Code, is amended to read as such paragraph last read before the enactment of section 1242 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 735).

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

**SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NUCLEAR TEST MONITORING EQUIPMENT TO FOREIGN GOVERNMENTS.**

Section 2565 of title 10, United States Code, as redesignated by section 1047(a)(25), is amended—

(1) in subsection (a)—

(A) by striking "CONVEY OR" in the subsection heading and inserting "TRANSFER TITLE TO OR OTHERWISE";

(B) in paragraph (1)—

(i) by striking "convey" and inserting "transfer title"; and

(ii) by striking "and" after "equipment,";

(C) by striking the period at the end of paragraph (2) and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(3) inspect, test, maintain, repair, or replace any such equipment."; and

(2) in subsection (b)—

(A) by striking "conveyed or otherwise provided" and inserting "provided to a foreign government";

(B) by inserting "and" at the end of paragraph (1);

(C) by striking "; and" at the end of paragraph (2) and inserting a period; and

(D) by striking paragraph (3).

**SEC. 1202. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.**

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

"(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit comprised of members of the United States Armed Forces.

"(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement, whenever the President determines that such action enhances or supports the national security interests of the United States."

**SEC. 1203. REPORT ON THE SALE AND TRANSFER OF MILITARY HARDWARE, EXPERTISE, AND TECHNOLOGY FROM STATES OF THE FORMER SOVIET UNION TO THE PEOPLE'S REPUBLIC OF CHINA.**

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 781; 10 U.S.C. 113 note) is amended by adding at the end the following new subsection:

"(d) **REPORT ON SALES AND TRANSFERS FROM STATES OF THE FORMER SOVIET UNION TO CHINA.**—(1) The report to be submitted under this note not later than March 1, 2002, shall include in a separate section a report describing the sales and transfer of military hardware, expertise, and technology from states of the former Soviet Union to the People's Republic of China. The report shall set forth the history of such sales and transfers since 1990, forecast possible future sales and transfers, and address the implications of those sales and transfers for the security of the United States and its friends and allies in Asia.

"(2) The report shall include analysis and forecasts of the following matters related to military cooperation between states of the former Soviet Union and the People's Republic of China:

"(A) The policy of each of those states with respect to arms sales to, and military cooperation with, the People's Republic of China.

"(B) Any laws or regulations of those states that could prohibit or limit such sales or cooperation.

"(C) The extent in each of those states of government knowledge, cooperation, or condoning of sales or transfers of military hardware, expertise, or technology to the People's Republic of China.

"(D) An itemization of sales or transfers of military hardware, expertise, or technology from any of those states to the People's Republic of China that have taken place since 1990, with a particular focus on command, control, communications, and intelligence systems.

"(E) A description of any sale or transfer of military hardware, expertise, or technology from any of those states to the People's Republic of China that is currently under negotiation or contemplation through the end of 2005.

"(F) Identification of Chinese defense industries in which technicians from states of the former Soviet Union are working and of defense industries of those states in which Chinese technicians are working and a description in each case of the extent and the nature of the work performed by such technicians.

"(G) The extent of assistance by any of those states to key research and development programs of China, including programs for develop-

ment of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons.

"(H) The extent of assistance by any of those states to information warfare or electronic warfare programs of China.

"(I) The extent of assistance by any of those states to manned and unmanned space operations of China.

"(J) The extent to which arms sales by any of those states to the People's Republic of China are a source of funds for military research and development or procurement programs in the selling state.

"(3) The report under paragraph (1) shall include, with respect to each area of analysis and forecasts specified in paragraph (2)—

"(A) an assessment of the military effects of such sales or transfers to entities in the People's Republic of China;

"(B) an assessment of the ability of the People's Liberation Army to assimilate such sales or transfers, mass produce new equipment, or develop doctrine for use; and

"(C) the potential threat of developments related to such effects on the security interests of the United States and its friends and allies in Asia."

**SEC. 1204. LIMITATION ON FUNDING FOR JOINT DATA EXCHANGE CENTER.**

(a) **LIMITATION.**—Funds made available to the Department of Defense for fiscal year 2002 may not be obligated or expended for any activity associated with the Joint Data Exchange Center in Moscow, Russia, until—

(1) the United States and the Russian Federation enter into a cost-sharing agreement as described in subsection (d) of section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654A-329);

(2) the United States and the Russian Federation enter into an agreement or agreements exempting the United States and any United States person from Russian taxes, and from liability under Russian laws, with respect to activities associated with the Joint Data Exchange Center;

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a copy of each agreement referred to in paragraphs (1) and (2); and

(4) a period of 30 days has expired after the date of the final submission under paragraph (3).

(b) **JOINT DATA EXCHANGE CENTER.**—For purposes of this section, the term "Joint Data Exchange Center" means the United States-Russian Federation joint center for the exchange of data to provide early warning of launches of ballistic missiles and for notification of such launches that is provided for in a joint United States-Russian Federation memorandum of agreement signed in Moscow in June 2000.

**SEC. 1205. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE UNDER WEAPONS OF MASS DESTRUCTION ACT FOR SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.**

(a) **LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2002.**—The total amount of the assistance for fiscal year 2002 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed \$15,000,000. Such assistance may be provided for fiscal year 2002 only to support activities of an organization established for the purpose of (or otherwise given

the mission of providing) a comprehensive accounting for all items, facilities, and capabilities in Iraq related to weapons of mass destruction.

(b) **EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.**—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking “2001” and inserting “2002”.

(c) **CHANGE OF QUARTERLY REPORT REQUIREMENT TO ANNUAL REPORT.**—(1) Subsection (e)(1) of such section is amended—

(A) by striking “quarter of a” in the first sentence; and

(B) by striking “(for the preceding quarter and cumulatively)” and inserting “for the preceding fiscal year”.

(2) The amendments made by subsection (a) shall take effect on November 1, 2001, or the date of the enactment of this Act, whichever is later.

**SEC. 1206. REPEAL OF REQUIREMENT FOR REPORTING TO CONGRESS ON MILITARY DEPLOYMENTS TO HAITI.**

Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 788) is repealed.

**SEC. 1207. REPORT BY COMPTROLLER GENERAL ON PROVISION OF DEFENSE ARTICLES, SERVICES, AND MILITARY EDUCATION AND TRAINING TO FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.**

(a) **STUDY.**—The Comptroller General shall conduct a study of the following:

(1) The benefits derived by each foreign country or international organization from the receipt of defense articles, defense services, or military education and training provided after December 31, 1989, pursuant to the drawdown of such articles, services, or education and training from the stocks of the Department of Defense under section 506, 516, or 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j, or 2348a) or any other provision of law.

(2) Any benefits derived by the United States from the provision of defense articles, defense services, and military education and training described in paragraph (1).

(3) The affect on the readiness of the Armed Forces as a result of the provision by the United States of defense articles, defense services, and military education and training described in paragraph (1).

(4) The cost to the Department of Defense with respect to the provision of defense articles, defense services, and military education and training described in paragraph (1).

(b) **REPORTS.**—(1) Not later than April 15, 2002, the Comptroller General shall submit to Congress an interim report containing the results to that date of the study conducted under subsection (a).

(2) Not later than August 1, 2002, the Comptroller General shall submit to Congress a final report containing the results of the study conducted under subsection (a).

**SEC. 1208. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.**

(a) **LIMITATION.**—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) **EXCEPTIONS.**—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance

office, or as a member of the Marine Corps security contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military personnel.

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION**

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF CTR PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2002 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, \$133,400,000.

(2) For strategic nuclear arms elimination in Ukraine, \$51,500,000.

(3) For nuclear weapons transportation security in Russia, \$9,500,000.

(4) For nuclear weapons storage security in Russia, \$56,000,000.

(5) For biological weapons proliferation prevention activities in the former Soviet Union, \$17,000,000.

(6) For activities designated as Other Assessments/Administrative Support, \$13,200,000.

(7) For defense and military contacts, \$18,700,000.

(8) For activities related to the construction of a chemical weapons destruction facility in Russia, \$35,000,000.

(9) For elimination of chemical weapons production facilities in Russia, \$15,000,000.

(10) For weapons of mass destruction infrastructure elimination activities in Kazakhstan, \$6,000,000.

(11) For weapons of mass destruction infrastructure elimination activities in Ukraine, \$6,000,000.

(12) For activities to assist Russia in the elimination of plutonium production reactors, \$41,700,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (12) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2002 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2002 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in subsection (a)(3) or any of paragraphs (5) through (12) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

**SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL SUBMISSION OF REPORTS.**

No fiscal year 2002 Cooperative Threat Reduction funds may be obligated or expended until 30 days after the date of the submission of—

(1) the report required to be submitted in fiscal year 2001 under section 1308(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-341); and

(2) the multiyear plan required to be submitted for fiscal year 2001 under section 1308(h) of such Act.

**SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing how the Secretary plans to monitor the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in Russia and Ukraine.

**SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.**

(a) **PROHIBITION.**—No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.

(b) **CONFORMING AMENDMENT.**—Section 1304 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-341) is amended to read as follows:

**“SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.**

Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than \$412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).”

**SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF CERTAIN FOSSIL FUEL ENERGY PLANTS.**

Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-341) is amended—

(1) by striking the heading and inserting the following new heading:

**“SEC. 1307. PROHIBITION AGAINST USE OF FUNDS FOR CONSTRUCTION OR REFURBISHMENT OF FOSSIL FUEL ENERGY PLANTS; REPORT.”; and**

(2) by striking subsection (a) and inserting the following new subsection:

“(a) **PROHIBITION.**—No funds appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the construction or refurbishment of a fossil fuel energy plant intended to provide power to local communities that receive power from nuclear energy plants that produce plutonium.”.

**SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.**

Section 1308(c)(4) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-342) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “audits” and all that follows through “conducted” and inserting “means (including program management, audits, examinations, and other means) used”; and

(B) by striking “and that such assistance is being used for its intended purpose” and inserting “, that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively”;

(2) in subparagraph (C), by inserting “and an assessment of whether the assistance being provided is being used effectively and efficiently” before the semicolon; and

(3) in subparagraph (D), by striking “audits, examinations, and other”.

**SEC. 1308. REPORT ON RESPONSIBILITY FOR CARRYING OUT COOPERATIVE THREAT REDUCTION PROGRAMS.**

Not later than March 15, 2002, the Secretary of Defense shall submit to Congress a report describing—

(1) the rationale for executing Cooperative Threat Reduction programs under the auspices of the Department of Defense and the justification for maintaining responsibility for any particular project carried out through Cooperative Threat Reduction programs with the Department of Defense;

(2) options for transferring responsibility for carrying out Cooperative Threat Reduction programs to an executive agency (or agencies) other than the Department of Defense, if appropriate; and

(3) how such a transfer might be carried out.

**SEC. 1309. CHEMICAL WEAPONS DESTRUCTION.**

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 794) is amended by inserting before the period at the end the following: “until the Secretary of Defense submits to Congress a certification that there has been—

“(1) full and accurate disclosure by Russia of the size of its existing chemical weapons stockpile;

“(2) a demonstrated annual commitment by Russia to allocate at least \$25,000,000 to chemical weapons elimination;

“(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

“(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site; and

“(5) an agreement by Russia to destroy its chemical weapons production facilities at Volgograd and Novocheboksark”.

**TITLE XIV—DEFENSE SPACE REORGANIZATION**

**SEC. 1401. SHORT TITLE.**

This title may be cited as the “Defense Space Reorganization Act of 2001”.

**SEC. 1402. AUTHORITY TO ESTABLISH POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.**

(a) **AUTHORITY TO ESTABLISH POSITION.**—The President may establish in the Department of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If that position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth in section 137 of title 10, United States Code, as added by subsection (e).

(b) **DEADLINE FOR EXERCISE OF AUTHORITY.**—The authority provided in subsection (a) may not be exercised after December 31, 2003.

(c) **NOTICE OF EXERCISE OF AUTHORITY.**—(1) If the authority provided in subsection (a) is exercised, the President shall immediately submit to Congress notification in writing of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date as of which the position is established. If the President declines to exercise the authority provided in subsection (a), the President shall, before the date specified in subsection (b), submit to Congress a report on how the President has implemented the recommendations of the report of the Space Commission with respect to the Department of Defense.

(2) For purposes of paragraph (1), the term “report of the Space Commission” means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 815).

(d) **CONTINGENT ENACTMENT OF U.S. CODE AMENDMENTS.**—If the position of Under Secretary of Defense for Space, Intelligence, and Information is established under the authority provided in subsection (a), then the amendments set forth in subsections (e) and (f) shall be executed, effective as of the date specified in the notice submitted under the first sentence of subsection (c)(1). Otherwise, those amendments shall not be executed.

(e) **APPOINTMENT, DUTIES, ETC., OF UNDER SECRETARY.**—(1) Subject to subsection (d), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

**“137. Under Secretary of Defense for Space, Intelligence, and Information**

“(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe.

“(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

“(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.”.

(2) Subject to subsection (d), section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

“(6) The Under Secretary of Defense for Space, Intelligence, and Information.”.

(3) Subject to subsection (d), the table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

“137. Under Secretary of Defense for Space, Intelligence, and Information.”;

and

(B) by inserting after the item relating to section 139 the following new item:

“139a. Director of Defense Research and Engineering.”.

(f) **ASSISTANT SECRETARIES OF DEFENSE.**—Subject to subsection (d), section 138 of such title is amended—

(1) in subsection (a), by striking “nine” and inserting “eleven”; and

(2) in subsection (b), by inserting after paragraph (2) the following new paragraph:

“(3) Not more than three of the Assistant Secretaries may be assigned duties under the authority of the Under Secretary of Defense for Space, Intelligence, and Information and shall report to that Under Secretary.”.

(g) **REPORT.**—Not later than 30 days before exercising the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information. If such a report has not been submitted as of April 15, 2002, the President shall submit to Congress a report, not later than that date, setting forth the President's view as of that date of the desirability of establishing the position of Under Secretary of Defense for Space, Intelligence, and Information in the Department of Defense.

**SEC. 1403. AUTHORITY TO DESIGNATE UNDER SECRETARY OF THE AIR FORCE AS ACQUISITION EXECUTIVE FOR SPACE OF THE DEPARTMENT OF DEFENSE.**

(a) **EXECUTIVE AGENT.**—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

**“CHAPTER 135—SPACE PROGRAMS**

“Sec.

“2271. Executive agent.

**“§ 2271. Executive agent**

“(a) **SECRETARY OF THE AIR FORCE.**—The Secretary of the Air Force may be designated as the executive agent of the Department of Defense—

“(1) for the planning of the acquisition programs, projects, and activities of the Department that relate to space; and

“(2) for the execution of those programs, projects, and activities.

“(b) **ACQUISITION EXECUTIVE.**—The Secretary may designate the Under Secretary of the Air Force as the acquisition executive of the Air Force for the programs, projects, and activities referred to in subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The tables of chapters at the beginning of such subtitle and the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

**“135. Space Programs ..... 2271”.**

**SEC. 1404. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.**

(a) **REQUIREMENT.**—The Secretary of Defense may create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) **COMMENCEMENT.**—If the category under subsection (a) is created, such category shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

**SEC. 1405. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF SPACE COMMISSION.**

(a) **ASSESSMENT.**—(1) The Comptroller General shall carry out an assessment through February 15, 2003, of the actions taken by the Secretary of Defense in implementing the recommendations in the report of the Space Commission that are applicable to the Department of Defense.

(2) For purposes of paragraph (1), the term “report of the Space Commission” means the report of the Commission To Assess United States National Security Space Management and Organization, dated January 11, 2001, and submitted to Congress under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 815).

(b) **REPORTS.**—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the assessment carried out under subsection (a).

Each report shall set forth the results of the assessment as of the date of such report.

**SEC. 1406. COMMANDER OF AIR FORCE SPACE COMMAND.**

(a) **IN GENERAL.**—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

**“§8584. Commander of Air Force Space Command**

“The Secretary of Defense may require that the officer serving as commander of the Air Force Space Command not serve simultaneously as commander of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “8584. Commander of Air Force Space Command.”.

**SEC. 1407. AUTHORITY TO ESTABLISH SEPARATE CAREER FIELD IN THE AIR FORCE FOR SPACE.**

The Secretary of the Air Force, acting through the Under Secretary of the Air Force, may establish and implement policies and procedures to develop a cadre of technically com-

petent officers with the capability to develop space doctrine, concepts of space operations, and management of space systems for the Air Force.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE; DEFINITION.**

(a) **SHORT TITLE.**—This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2002”.

(b) **DEFINITION OF FISCAL YEAR 2001 DEFENSE AUTHORIZATION ACT.**—In this division, the term “Spence Act” means the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654).

**TITLE XXI—ARMY**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation or location	Amount
Alabama .....	Anniston Army Depot .....	\$5,150,000
	Fort Rucker .....	\$11,400,000
Alaska .....	Redstone Arsenal .....	\$7,200,000
	Fort Richardson .....	\$97,000,000
Arizona .....	Fort Wainwright .....	\$27,200,000
	Fort Huachuca .....	\$6,100,000
California .....	Yuma Proving Ground .....	\$3,100,000
	Defense Language Institute .....	\$5,900,000
Colorado .....	Fort Irwin .....	\$23,000,000
District of Columbia .....	Fort Carson .....	\$66,000,000
Georgia .....	Fort McNair .....	\$11,600,000
	Fort Benning .....	\$23,900,000
	Fort Gillem .....	\$43,600,000
	Fort Gordon .....	\$34,000,000
Hawaii .....	Fort Stewart/Hunter Army Air Field .....	\$39,800,000
	Navy Public Works Center, Pearl Harbor .....	\$11,800,000
	Pohakuloa Training Facility .....	\$5,100,000
Kansas .....	Wheeler Army Air Field .....	\$50,000,000
Kentucky .....	Fort Riley .....	\$10,900,000
Louisiana .....	Fort Campbell .....	\$88,900,000
Maryland .....	Fort Polk .....	\$21,200,000
	Aberdeen Proving Ground .....	\$58,300,000
	Fort Meade .....	\$5,800,000
	Fort Leonard Wood .....	\$12,250,000
New Jersey .....	Fort Monmouth .....	\$20,000,000
	Picatinny Arsenal .....	\$10,200,000
New Mexico .....	White Sands Missile Range .....	\$7,600,000
New York .....	Fort Drum .....	\$59,350,000
North Carolina .....	Fort Bragg .....	\$21,300,000
	Sunny Point Military Ocean Terminal .....	\$11,400,000
Oklahoma .....	Fort Sill .....	\$5,100,000
South Carolina .....	Fort Jackson .....	\$3,650,000
Texas .....	Corpus Christi Army Depot .....	\$10,400,000
	Fort Sam Houston .....	\$9,650,000
	Fort Bliss .....	\$5,000,000
	Fort Hood .....	\$104,200,000
Virginia .....	Fort Belvoir .....	\$35,950,000
	Fort Eustis .....	\$24,750,000
	Fort Lee .....	\$23,900,000
Washington .....	Fort Lewis .....	\$238,200,000
	Total: .....	\$1,300,710,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation or location	Amount
Germany .....	Area Support Group, Bamberg .....	\$36,000,000
	Area Support Group, Darmstadt .....	\$13,500,000
	Baumholder .....	\$9,000,000
	Hanau .....	\$7,200,000
	Heidelberg .....	\$15,300,000
	Mannheim .....	\$16,000,000

**Army: Outside the United States—Continued**

Country	Installation or location	Amount
Korea .....	Wiesbaden Air Base .....	\$26,300,000
	Camp Carroll .....	\$16,593,000
	Camp Casey .....	\$8,500,000
	Camp Hovey .....	\$35,750,000
	Camp Humphreys .....	\$14,500,000
	Camp Jackson .....	\$6,100,000
	Camp Stanley .....	\$28,000,000
Kwajalein .....	Kwajalein Atoll .....	\$11,000,000
Total: .....		\$243,743,000

(c) **UNSPECIFIED WORLDWIDE.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Location .....	\$4,000,000

**SEC. 2102. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts, set forth in the following table:

**Army: Family Housing**

State or Country	Installation or location	Purpose	Amount
Alaska .....	Fort Wainwright .....	32 Units .....	\$12,000,000
Arizona .....	Fort Huachuca .....	72 Units .....	\$10,800,000
Georgia .....	Fort Stewart .....	160 Units .....	\$2,500,000
Kansas .....	Fort Leavenworth .....	40 Units .....	\$10,000,000
Texas .....	Fort Bliss .....	76 Units .....	\$13,600,000
Korea .....	Camp Humphreys .....	54 Units .....	\$12,800,000
Total: .....			\$61,700,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$11,592,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$220,750,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$3,018,077,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$1,089,416,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$243,743,000.

(3) For a military construction project at an unspecified worldwide location authorized by section 2101(c), \$4,000,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$18,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$163,676,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$294,576,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,102,732,000.

(7) For the construction of a cadet development center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261, 112 Stat. 2182), \$37,900,000.

(8) For the construction of phase 2C of a barracks complex, Tagaytay Street, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 825), \$17,500,000.

(9) For the construction of phase 1C of a barracks complex, Wilson Street, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65, 113 Stat. 825), \$23,000,000.

(10) For construction of phase 2 of a basic combat training complex at Fort Leonard Wood, Missouri, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, \$27,000,000.

(11) For the construction of phase 2 of a battle simulation center at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, \$9,000,000.

(12) For the construction of phase 1 of a barracks complex, Butner Road, at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), \$49,000,000.

(13) For the construction of phase 1 of a barracks complex, Longstreet Road, at Fort Bragg,

North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), \$27,000,000.

(14) For the construction of a multipurpose digital training range at Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389), as amended by section 2105 of this Act, \$13,000,000.

(15) For the homeowners assistance program, as authorized by section 2832(a) of title 10, United States Code, \$10,119,000, to remain available until expended.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) The total amount authorized to be appropriated under paragraphs (1), (2), (3) of subsection (a);

(2) \$52,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, D Street, at Fort Richardson, Alaska);

(3) \$41,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a barracks complex, Nelson Blvd, at Fort Carson, Colorado);

(4) \$36,000,000 (the balance of the amount authorized under section 2201 (a) for construction of phase 1 of a basic combat training complex at Fort Jackson, South Carolina); and

(5) \$102,000,000 (the balance of the amount authorized under section 2201 (a) for construction of a barracks complex, 17th & B Streets, at Fort Lewis, Washington).

(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of

the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$36,168,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) \$75,417,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

**SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECTS.**

(a) **MODIFICATION.**—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–389) is amended—

(1) in the item relating to Fort Leonard Wood, Missouri, by striking “\$65,400,000” in the amount column and inserting “\$69,400,000”;

(2) in the item relating to Fort Drum, New York, by striking “\$18,000,000” in the amount column and inserting “\$21,000,000”;

(3) in the item relating to Fort Hood, Texas, by striking “\$36,492,000” in the amount column and inserting “\$39,492,000”; and

(4) by striking the amount identified as the total in the amount column and inserting “\$623,074,000”.

(b) **CONFORMING AMENDMENTS.**—Section 2104 of that Act (114 Stat. 1654A–391) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “\$1,925,344,000” and inserting “\$1,935,744,000”;

(2) in subsection (b)(2), by striking “\$22,600,000” and inserting “\$27,000,000”;

(3) in subsection (b)(3), by striking “\$10,000,000” and inserting “\$13,000,000”; and

(4) in subsection (b)(6), by striking “\$6,000,000” and inserting “\$9,000,000”.

**TITLE XXII—NAVY**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
Arizona .....	Marine Corps Air Station, Yuma .....	\$22,570,000
California .....	Marine Air-Ground Task Force Training Center, Twentynine Palms .....	\$75,125,000
	Marine Corps Air Station, Camp Pendleton .....	\$4,470,000
	Marine Corps Air Station, Miramar .....	\$3,680,000
	Marine Corps Base, Camp Pendleton .....	\$96,490,000
	Naval Air Facility, El Centro .....	\$23,520,000
	Naval Air Station, Lemoore .....	\$10,010,000
	Naval Air Warfare Center, China Lake .....	\$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island .....	\$13,730,000
	Naval Amphibious Base, Coronado .....	\$8,610,000
	Naval Construction Battalion Center, Port Hueneme .....	\$12,400,000
	Naval Construction Training Center, Port Hueneme .....	\$3,780,000
	Naval Station, San Diego .....	\$47,240,000
District of Columbia .....	Naval Air Facility, Washington .....	\$9,810,000
Florida .....	Naval Air Station, Key West .....	\$11,400,000
	Naval Air Station, Whiting Field, Milton .....	\$2,140,000
	Naval Station, Mayport .....	\$16,420,000
	Naval Station, Pensacola .....	\$3,700,000
Hawaii .....	Marine Corps Base, Kaneohe .....	\$24,920,000
	Naval Magazine Lualualei .....	\$6,000,000
	Naval Shipyard, Pearl Harbor .....	\$20,000,000
	Naval Station, Pearl Harbor .....	\$40,600,000
	Navy Public Works Center, Pearl Harbor .....	\$16,900,000
Illinois .....	Naval Training Center, Great Lakes .....	\$82,260,000
Indiana .....	Naval Surface Warfare Center, Crane .....	\$14,930,000
Maine .....	Naval Air Station, Brunswick .....	\$67,395,000
Maryland .....	Naval Air Warfare Center, Patuxent River .....	\$2,260,000
	Naval Air Warfare Center, St. Inigoes .....	\$5,100,000
	Naval Explosive Ordnance Disposal Technology Center, Indian Head .....	\$1,250,000
Mississippi .....	Naval Construction Battalion Center, Gulfport .....	\$21,660,000
	Naval Air Station, Meridian .....	\$3,400,000
Missouri .....	Marine Corps Support Activity, Kansas City .....	\$9,010,000
North Carolina .....	Marine Corps Air Station, New River .....	\$4,050,000
	Marine Corps Base, Camp Lejeune .....	\$67,070,000
Pennsylvania .....	Naval Foundry and Propeller Center, Philadelphia .....	\$14,800,000
Rhode Island .....	Naval Station, Newport .....	\$15,290,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$8,020,000
	Marine Corps Recruit Depot, Parris Island .....	\$5,430,000
	Naval Hospital, Beaufort .....	\$7,600,000
Tennessee .....	Naval Support Activity, Millington .....	\$3,900,000
Texas .....	Naval Air Station, Joint Reserve Base, Ft. Worth .....	\$9,060,000
Virginia .....	Marine Corps Air Facility, Quantico .....	\$3,790,000
	Marine Corps Combat Dev Com .....	\$9,390,000
	Naval Amphibious Base, Little Creek .....	\$9,090,000
	Naval Station, Norfolk .....	\$139,270,000
Washington .....	Naval Air Station, Whidbey Island .....	\$3,470,000
	Naval Shipyard, Bremerton .....	\$14,000,000
	Naval Station, Everett .....	\$6,820,000
	Strategic Weapons Facility, Bangor .....	\$3,900,000
	<i>Total:</i> .....	\$1,038,920,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<i>Country</i>	<i>Installation or location</i>	<i>Amount</i>
Greece .....	Naval Support Activity Joint Headquarters Command, Larissa .....	\$12,240,000
	Naval Support Activity, Souda Bay .....	\$3,210,000
Guam .....	Naval Station, Guam .....	\$9,300,000
	Navy Public Works Center, Guam .....	\$14,800,000
Iceland .....	Naval Air Station, Keflavik .....	\$2,820,000
Italy .....	Naval Air Station, Sigonella .....	\$3,060,000
Spain .....	Naval Station, Rota .....	\$2,240,000
	<i>Total:</i> .....	\$47,670,000

**SEC. 2202. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Navy: Family Housing**

State	Installation or location	Purpose	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	51 Units .....	\$9,017,000
California .....	Marine Air-Ground Task Force Training Center, Twentynine Palms .....	74 Units .....	\$16,250,000
Hawaii .....	Marine Corps Base, Kaneohe .....	172 Units .....	\$46,996,000
Mississippi .....	Naval Station, Pearl Harbor .....	70 Units .....	\$16,827,000
Virginia .....	Naval Construction Battalion Center, Gulfport .....	160 Units .....	\$23,354,000
Italy .....	Marine Corps Combat Development Command, Quantico .....	81 Units .....	\$10,000,000
	Naval Air Station, Sigonella .....	10 Units .....	\$2,403,000
		Total: .....	\$124,847,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$6,499,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$201,834,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,389,605,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$980,018,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$47,670,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$10,546,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$35,392,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$332,352,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$913,823,000.

(6) For construction of phase 6 of a large anachioic chamber facility at the Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2590), \$10,770,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828), as amended by section 2205, \$37,580,000.

(8) For repair of a pier at Naval Station, San Diego, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-396), \$17,500,000.

(9) For replacement of a pier at Naval Shipyard, Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-396), \$24,460,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$33,240,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier, increment I, at Naval Station, Norfolk, Virginia; and

(3) \$20,100,000 (the balance of the amount authorized under section 2201(a) for a combined propulsion and explosives lab at Naval Air Warfare Center, China Lake, California).

(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs

(1) through (9) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$6,854,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) \$13,652,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

**SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.**

(a) **MODIFICATION.**—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 828) is amended—

(1) in the item relating to Camp H.M. Smith, Hawaii, by striking “\$86,050,000” in the amount column and inserting “\$89,050,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$820,230,000”.

(b) **CONFORMING AMENDMENTS.**—Section 2204 of that Act (113 Stat. 830) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “\$2,108,087,000” and inserting “\$2,111,087,000”; and

(2) in subsection (b)(3), by striking “\$70,180,000” and inserting “\$73,180,000”.

**TITLE XXIII—AIR FORCE****SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alabama .....	Maxwell Air Force Base .....	\$34,400,000
Alaska .....	Eareckson Air Force Base .....	\$4,600,000
	Elmendorf Air Force Base .....	\$32,200,000
Arizona .....	Davis-Monthan Air Force Base .....	\$23,500,000
	Luke Air Force Base .....	\$4,500,000
Arkansas .....	Little Rock Air Force Base .....	\$10,600,000
California .....	Beale Air Force Base .....	\$7,900,000
	Edwards Air Force Base .....	\$21,300,000
	Los Angeles Air Force Base .....	\$23,000,000
	Travis Air Force Base .....	\$10,100,000
	Vandenberg Air Force Base .....	\$11,800,000
Colorado .....	Buckley Air Force Base .....	\$23,200,000
	Schriever Air Force Base .....	\$30,400,000
	United States Air Force Academy .....	\$25,500,000
District of Columbia .....	Bolling Air Force Base .....	\$2,900,000
Florida .....	Cape Canaveral Air Force Station .....	\$7,800,000
	Eglin Air Force Base .....	\$11,400,000
	Hurlburt Field .....	\$10,400,000
	MacDill Air Force Base .....	\$10,000,000
	Tyndall Air Force Base .....	\$20,350,000

*Air Force: Inside the United States—Continued*

State	Installation or location	Amount
Georgia .....	Moody Air Force Base .....	\$4,900,000
	Robins Air Force Base .....	\$14,650,000
Hawaii .....	Hickman Air Force Base .....	\$6,300,000
Idaho .....	Mountain Home Air Force Base .....	\$14,600,000
Kansas .....	McConnell Air Force Base .....	\$5,100,000
Maryland .....	Andrews Air Force Base .....	\$19,420,000
Massachusetts .....	Hanscom Air Force Base .....	\$9,400,000
Mississippi .....	Keesler Air Force Base .....	\$28,600,000
Nevada .....	Nellis Air Force Base .....	\$12,600,000
New Jersey .....	McGuire Air Force Base .....	\$36,550,000
New Mexico .....	Cannon Air Force Base .....	\$9,400,000
	Kirtland Air Force Base .....	\$19,800,000
North Carolina .....	Pope Air Force Base .....	\$17,800,000
North Dakota .....	Grand Forks Air Force Base .....	\$7,800,000
Ohio .....	Wright-Patterson Air Force Base .....	\$5,800,000
Oklahoma .....	Altus Air Force Base .....	\$20,200,000
	Tinker Air Force Base .....	\$17,700,000
South Carolina .....	Shaw Air Force Base .....	\$24,400,000
Tennessee .....	Arnold Air Force Base .....	\$24,400,000
Texas .....	Lackland Air Force Base .....	\$12,800,000
	Laughlin Air Force Base .....	\$15,600,000
	Sheppard Air Force Base .....	\$45,200,000
Utah .....	Hill Air Force Base .....	\$44,000,000
Virginia .....	Langley Air Force Base .....	\$47,300,000
Washington .....	Fairchild Air Force Base .....	\$2,800,000
	McChord Air Force Base .....	\$20,700,000
Wyoming .....	F E Warren Air Force Base .....	\$10,200,000
	Total: .....	\$822,320,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

*Air Force: Outside the United States*

Country	Installation or location	Amount
Germany .....	Ramstein Air Force Base .....	\$42,900,000
	Spangdahlem Air Base .....	\$8,700,000
Greenland .....	Thule .....	\$19,000,000
Guam .....	Andersen Air Force Base .....	\$10,150,000
Italy .....	Aviano Air Base .....	\$11,800,000
Korea .....	Kunsan Air Base .....	\$12,000,000
	Osan Air Base .....	\$101,142,000
Turkey .....	Eskisehir .....	\$4,000,000
United Kingdom .....	Royal Air Force, Lakenheath .....	\$11,300,000
	Royal Air Force, Mildenhall .....	\$22,400,000
Wake Island .....	Wake Island .....	\$25,000,000
	Total: .....	\$268,392,000

(c) *UNSPECIFIED WORLDWIDE.*—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location and in the amounts, set forth in the following table:

*Air Force: Unspecified Worldwide*

Location	Installation	Amount
Unspecified Worldwide .....	Classified Location .....	\$4,458,000

**SEC. 2302. FAMILY HOUSING.**

(a) *CONSTRUCTION AND ACQUISITION.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts, set forth in the following table:

*Air Force: Family Housing*

State	Installation or location	Purpose	Amount
Arizona .....	Luke Air Force Base .....	120 Units .....	\$15,712,000
California .....	Travis Air Force Base .....	118 Units .....	\$18,150,000
Colorado .....	Buckley Air Force Base .....	55 Units .....	\$11,400,000
Delaware .....	Dover Air Force Base .....	120 Units .....	\$18,145,000
District of Columbia .....	Bolling Air Force Base .....	136 Units .....	\$16,926,000
Hawaii .....	Hickam Air Force Base .....	102 Units .....	\$25,037,000
Louisiana .....	Barksdale Air Force Base .....	56 Units .....	\$7,300,000
South Dakota .....	Ellsworth Air Force Base .....	78 Units .....	\$13,700,000
Virginia .....	Langley Air Force Base .....	4 Units .....	\$1,200,000
Portugal .....	Lajes Field, Azores .....	64 Units .....	\$13,230,000
	Total: .....		\$140,800,000

(b) *PLANNING AND DESIGN.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architec-

tural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$24,558,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated

pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$370,879,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) *IN GENERAL.*—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,526,034,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$806,020,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$268,392,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), \$4,458,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$11,250,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$84,630,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$536,237,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$866,171,000.

(7) \$12,600,000 for construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399), as amended by section 2305.

(b) *LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.*—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a); and

(2) \$12,000,000 (the balance of the amount authorized under section 2301(a) for a maintenance depot hanger at Hill Air Force Base, Utah).

(c) *ADJUSTMENT.*—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$15,846,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) \$47,878,000, which represents the combination of savings resulting from adjustments to

foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

**SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.**

(a) *MODIFICATION.*—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–399) is amended—

(1) in the item relating to McGuire Air Force Base, New Jersey, by striking “\$29,772,000” in the amount column and inserting “\$32,972,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$748,955,000”.

(b) *CONFORMING AMENDMENTS.*—Section 2304(b)(2) of that Act (114 Stat. 1654A–402) is amended by striking “\$9,400,000” and inserting “\$12,600,000”.

**TITLE XXIV—DEFENSE AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Chemical Demilitarization .....	Blue Grass Army Depot, Kentucky .....	\$47,220,000
Defense Education Activity .....	Laurel Bay, South Carolina .....	\$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina .....	\$8,857,000
Defense Logistics Agency .....	Defense Distribution Depot Tracy, California .....	\$30,000,000
	Defense Distribution New Cumberland, Pennsylvania .....	\$19,900,000
	Eielson Air Force Base, Alaska .....	\$8,800,000
	Fort Belvoir, Virginia .....	\$900,000
	Grand Forks Air Force Base, North Dakota .....	\$9,110,000
	Hickam Air Force Base, Hawaii .....	\$29,200,000
	McGuire Air Force Base, New Jersey .....	\$4,400,000
	Minot Air Force Base, North Dakota .....	\$14,000,000
	Philadelphia, Pennsylvania .....	\$2,429,000
	Pope Air Force Base, North Carolina .....	\$3,400,000
Special Operations Command .....	Aberdeen Proving Ground, Maryland .....	\$3,200,000
	Fort Benning, Georgia .....	\$5,100,000
	Fort Bragg, North Carolina .....	\$35,962,000
	Fort Lewis, Washington .....	\$6,900,000
	Hurlburt Field, Florida .....	\$13,400,000
	MacDill Air Force Base, Florida .....	\$12,000,000
	Naval Station, San Diego, California .....	\$13,650,000
TRICARE Management Activity .....	Andrews Air Force Base, Maryland .....	\$10,250,000
	Dyess Air Force Base, Texas .....	\$3,300,000
	F. E. Warren Air Force Base, Wyoming .....	\$2,700,000
	Fort Hood, Texas .....	\$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia .....	\$11,000,000
	Holloman Air Force Base, New Mexico .....	\$5,700,000
	Hurlburt Field, Florida .....	\$8,800,000
	Marine Corps Base, Camp Pendleton, California .....	\$1,150,000
	Marine Corps Logistics Base, Albany, Georgia .....	\$5,800,000
	Naval Air Station, Whidbey Island, Washington .....	\$1,900,000
	Naval Hospital, Twentynine Palms, California .....	\$1,600,000
	Naval Station, Mayport, Florida .....	\$24,000,000
	Naval Station, Norfolk, Virginia .....	\$21,000,000
	Schriever Air Force Base, Colorado .....	\$4,000,000
Washington Headquarters Services .....	Pentagon Reservation, Virginia .....	\$25,000,000
	Total: .....	\$325,228,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Agency	Installation or location	Amount
Defense Education Activity .....	Aviano Air Base, Italy .....	\$3,647,000
	Geilenkirchen AB, Germany .....	\$1,733,000
	Heidelberg, Germany .....	\$3,312,000
	Kaiserslautern, Germany .....	\$1,439,000
	Kitzingen, Germany .....	\$1,394,000
	Landstuhl, Germany .....	\$1,444,000

## Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Defense Logistics Agency .....	Ramstein Air Force Base, Germany .....	\$2,814,000
	Royal Air Force, Feltwell, United Kingdom .....	\$22,132,000
	Vogelweh Annex, Germany .....	\$1,558,000
	Wiesbaden Air Base, Germany .....	\$1,378,000
	Wuerzburg, Germany .....	\$2,684,000
	Anderson Air Force Base, Guam .....	\$20,000,000
	Camp Casey, Korea .....	\$5,500,000
	Naval Station, Rota, Spain .....	\$3,000,000
	Yokota Air Base, Japan .....	\$13,000,000
	Comalapa Air Base, El Salvador .....	\$12,577,000
Office Secretary of Defense .....	Heidelberg, Germany .....	\$28,000,000
TRICARE Management Activity .....	Lajes Field, Azores, Portugal .....	\$3,750,000
	Thule, Greenland .....	\$10,800,000
	Total: .....	\$140,162,000

**SEC. 2402. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$35,600,000.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$1,421,319,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$370,164,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$140,162,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$24,492,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$74,496,000.

(6) For energy conservation projects authorized by section 2402 of this Act, \$35,600,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$532,200,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, \$250,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$43,762,000, of which not more than \$37,298,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, \$2,000,000.

(9) For the construction of phase 6 of an ammunition demilitarization facility at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), and section 2407 of this Act, \$26,000,000.

(10) For the construction of phase 3 of an ammunition demilitarization facility at Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), \$11,000,000.

(11) For construction of phase 4 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), \$66,000,000.

(12) For construction of phase 4 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), as amended by section 2406 of this Act, \$66,500,000.

(13) For construction of a hospital at Fort Wainwright, Alaska, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 836), \$18,500,000.

(14) For construction of an aircrew water survival training facility at Naval Air Station, Whidbey Island, Washington, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 836), as amended by section 2405 of this Act, \$6,600,000.

(15) For the construction of phase 2 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 836), as amended by section 2405, \$3,000,000.

(16) For construction of FHOTC Support Facilities at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-402), as amended by section 2404 of this Act, \$3,150,000.

(17) For replacement of a Medical/Dental Clinic, Las Flores, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-402), as amended by section 2404 of this Act, \$3,800,000.

(18) For replacement of a Medical/Dental Clinic, Las Pulgas, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-402), as amended by section 2404 of this Act, \$4,050,000.

(19) For replacement of a Medical/Dental Clinic, Horno, at Camp Pendleton, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001

(division B of the Spence Act; 114 Stat. 1654A-402), as amended by section 2404 of this Act, \$4,300,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (19) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$17,857,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) \$10,250,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

**SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.**

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-402) is amended—

(1) under the agency heading relating to TRICARE Management Activity, in the item relating to Marine Corps Base, Camp Pendleton, California, by striking “\$14,150,000” and inserting “\$15,300,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$258,056,000”.

**SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.**

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 836) is amended—

(1) under the agency heading relating to TRICARE Management Activity, in the item relating to Naval Air Station, Whidbey Island, Washington, by striking “\$4,700,000” inserting “\$6,600,000”; and

(2) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking “\$206,800,000” in the amount column and inserting “\$254,030,000”; and

(3) by striking the amount identified as the total in the amount column and inserting “\$636,550,000”.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (113 Stat. 839) is amended by striking “\$184,000,000” and inserting “\$231,230,000”.

**SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.**

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193) is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Aberdeen Proving Ground, Maryland, by striking “\$186,350,000” in the amount column and inserting “\$223,950,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$727,616,000”.

(b) **CONFORMING AMENDMENTS.**—Section 2404(b)(3) of that Act (112 Stat. 2196) is amended by striking “\$158,000,000” and inserting “\$195,600,000”.

**SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.**

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), is amended under the agency heading relating to Chemical Agents and Munitions Destruction, in the item relating to Pine Bluff Arsenal, Arkansas, by striking “\$154,400,000” in the amount column and inserting “\$177,400,000”.

**SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP FORWARD OPERATING LOCATION ON ARUBA FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.**

None of the funds appropriated under the heading “MILITARY CONSTRUCTION, DEFENSE-WIDE” in chapter 3 of title III of the Emergency Supplemental Act, 2000 (Public Law 106-246; 114 Stat. 579), may be used by the Secretary of Defense to develop any forward operating location on the island of Aruba to serve as a location from which the United States Southern Com-

mand could conduct counter-drug detection and monitoring flights.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM****SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2001, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$162,600,000.

**TITLE XXVI—GUARD AND RESERVE FACILITIES****SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **IN GENERAL.**—There are authorized to be appropriated for fiscal years beginning after September 30, 2001, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

- (1) For the Department of the Army—
  - (A) for the Army National Guard of the United States, \$304,915,000; and
  - (B) for the Army Reserve, \$173,017,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$53,291,000.
- (3) For the Department of the Air Force—
  - (A) for the Air National Guard of the United States, \$197,472,000; and

(B) for the Air Force Reserve, \$79,132,000.

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS****SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2004; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

- (1) October 1, 2004; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2005 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.**

(a) **EXCEPTION.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act, shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) **TABLES.**—The tables referred to in subsection (a) are as follows:

**Air Force: Extension of 1999 Project Authorizations**

State	Installation or location	Project	Amount
Delaware .....	Dover Air Force Base .....	Family Housing Replacement (55 Units) .....	\$8,998,000
Florida .....	Patrick Air Force Base .....	Family Housing Replacement (46 Units) .....	\$9,692,000
New Mexico .....	Kirtland Air Force Base .....	Family Housing Replacement (37 Units) .....	\$6,400,000
Ohio .....	Wright-Patterson Air Force Base .....	Family Housing Replacement (40 Units) .....	\$5,600,000

**Army National Guard: Extension of 1999 Project Authorizations**

State	Installation or location	Project	Amount
Massachusetts .....	Westfield .....	Army Aviation Support Facility .....	\$9,274,000
South Carolina .....	Spartanburg .....	Readiness Center ...	\$5,260,000

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-408), shall remain in effect until October 1, 2002, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003, whichever is later.

(b) **TABLES.**—The tables referred to in subsection (a) are as follows:

*Army: Extension of 1998 Project Authorization*

<i>State</i>	<i>Installation or location</i>	<i>Project</i>	<i>Amount</i>
Maryland .....	Fort Meade .....	Family Housing Construction (56 units) .....	\$7,900,000

*Navy: Extension of 1998 Project Authorizations*

<i>State</i>	<i>Installation or location</i>	<i>Project</i>	<i>Amount</i>
California .....	Naval Complex, San Diego .....	Family Housing Replacement (94 units) .....	\$13,500,000
California .....	Marine Corps Air Station, Miramar .....	Family Housing Construction (166 units) .....	\$28,881,000
Louisiana .....	Naval Complex, New Orleans .....	Family Housing Replacement (100 units) .....	\$11,930,000
Texas .....	Naval Air Station, Corpus Christi .....	Family Housing Construction (212 units) .....	\$22,250,000

*Air Force: Extension of 1998 Project Authorization*

<i>State</i>	<i>Installation or location</i>	<i>Project</i>	<i>Amount</i>
New Mexico .....	Kirtland Air Force Base .....	Family Housing Replacement (180 units) .....	\$20,900,000

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 2001; or
- (2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS****Subtitle A—Military Construction Program and Military Family Housing Changes****SEC. 2801. INCREASE IN CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECT THRESHOLDS.**

Section 2805 of title 10, United States Code, is amended—

- (1) in subsection (b)(1), by striking “\$500,000” and inserting “\$750,000”;
- (2) in subsection (c)(1)(A), by striking “\$1,000,000” and inserting “\$1,500,000”; and
- (3) in subsection (c)(1)(B), by striking “\$500,000” and inserting “\$750,000”.

**SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL HAZARD REMEDIATION FROM LIMITATION ON AUTHORIZED COST VARIATIONS.**

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

“(d) The limitation on cost increases in subsection (a) does not apply—

“(1) to the settlement of a contractor claim under a contract; or

“(2) to the costs associated with the required remediation of an environmental hazard in connection with a military construction project or military family housing project, such as asbestos removal, radon abatement, lead-based paint removal or abatement, or any other legally required environmental hazard remediation, if the required remediation could not have reasonably been anticipated at the time the project was approved originally by Congress.”.

**SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT ON MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.**

(a) **REPEAL.**—Section 2861 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2861.

**SEC. 2804. PERMANENT AUTHORIZATION FOR ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) **REPEAL OF TERMINATION PROVISION.**—Section 2885 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885.

**Subtitle B—Real Property and Facilities Administration****SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN RECREATIONAL ACTIVITIES.**

Section 2671 of title 10, United States Code, is amended—

- (1) by transferring subsection (b) to the end of the section and redesignating such subsection, as so transferred, as subsection (e); and
- (2) by inserting after subsection (a) the following new subsection (b):

“(b) Subsection (a) shall not apply with respect to all or certain specified hunting, fishing, or trapping at a military installation or facility if the Secretary of Defense determines that the application of the State or Territory fish and game laws to such hunting, fishing, or trapping without modification could result in undesirable consequences for public safety or adverse effects on morale, welfare, or recreation activities at the installation or facility. The Secretary may not waive or modify the requirements under subsection (a)(2) regarding a license for such hunting, fishing, or trapping or any fee imposed by a State or Territory to obtain such a license.”.

**SEC. 2812. BASE EFFICIENCY PROJECT AT BROOKS AIR FORCE BASE, TEXAS.**

(a) **INDEMNIFICATION OF TRANSFEREES.**—Section 136 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 520), is amended—

- (1) by striking subsection (n);
- (2) by redesignating subsection (m) as subsection (n); and
- (3) by inserting after subsection (l) the following new subsection:

“(m) **INDEMNIFICATION OF TRANSFEREES.**—(1) With respect to the disposal of real property under subsection (e) at the Base as part of the Project, the Secretary shall hold harmless, defend, and indemnify in full the Community and other persons and entities described in para-

graph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

“(2) The persons and entities referred to in paragraph (1) are the following:

“(A) The Community (including any officer, agent, or employee of the Community) that acquires ownership or control of any real property at the Base as described in paragraph (1).

“(B) The State of Texas or any political subdivision of the State (including any officer, agent, or employee of the State or political subdivision) that acquires such ownership or control.

“(C) Any other person or entity that acquires such ownership or control.

“(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

“(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

“(4) No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

“(A) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

“(B) furnishes to the Department of Defense copies of pertinent papers the entity receives;

“(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

“(D) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

“(5) In any case in which the Secretary determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal

injury or property damage referred to in paragraph (1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage. If the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

“(6) For purposes of paragraph (4)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance, pollutant or contaminant, or petroleum or petroleum derivative as a result of Department of Defense activities at the Base.

“(7) Nothing in this subsection shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

“(8) In this subsection, the terms ‘facility’, ‘hazardous substance’, ‘release’, and ‘pollutant or contaminant’ have the meanings given such terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601).”.

(b) **DEFINITIONS.**—Paragraph (9) of subsection (n) of such section, as redesignated by subsection (a)(2), is amended by striking “, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate”.

#### **Subtitle C—Defense Base Closure and Realignment**

##### **SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.**

(a) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (E), (F), (G), (H), and (I) as subparagraphs (F), (G), (H), (I), and (J), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph (E):

“(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this title (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

“(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

“(iii) A lease under clause (i) may not require rental payments by the United States.

“(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

“(v) Notwithstanding clause (iii) or chapter 137 of title 10, United States Code, if a lease under clause (i) involves a substantial portion of the installation, the department or agency con-

cerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

“(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

“(II) firefighting or security-guard functions.”.

(b) 1990 LAW.—Section 2905(b)(4)(E) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new clause:

“(v) Notwithstanding clause (iii) or chapter 137 of title 10, United States Code, if a lease under clause (i) involves a substantial portion of the installation, the department or agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

“(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

“(II) firefighting or security-guard functions.”.

#### **Subtitle D—Land Conveyances PART I—ARMY CONVEYANCES**

##### **SEC. 2831. MODIFICATION OF LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.**

(a) **ADDITIONAL CONVEYANCE AUTHORIZED.**—Subsection (a) of section 2832 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 857) is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary may convey to the City all right, title, and interest of the United States in and to an additional parcel of real property, including improvements thereon, at the Rock Island Arsenal consisting of approximately .513 acres.”.

(b) **CONSIDERATION.**—Subsection (b) of such section is amended—

(1) by inserting “(1)” before “As consideration”;

(2) by striking “subsection (a)” both places it appears and inserting “subsection (a)(1)”;

(3) by adding at the end the following new paragraph:

“(2) As consideration for the conveyance under subsection (a)(2), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .063 acres and construct on the parcel, at the City's expense, a new access ramp to the Rock Island Arsenal.”.

##### **SEC. 2832. MODIFICATION OF LAND CONVEYANCES, FORT DIX, NEW JERSEY.**

Section 2835(c) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2004) is amended by adding at the end the following new paragraph:

“(3) Notwithstanding paragraphs (1) or (2), the Borough and Board may exchange between

each other, without the consent of the Secretary, all or any portion of the property conveyed under subsection (a) so long as the property continues to be used by the grantees for economic development or educational purposes.”.

##### **SEC. 2833. LEASE AUTHORITY, FORT DERUSSY, HAWAII.**

Notwithstanding section 809 of the Military Construction Authorization Act, 1968 (Public Law 90-110; 81 Stat. 309) and section 2814(b) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2117), the Secretary of the Army may enter into a lease with the City of Honolulu, Hawaii, for the purpose of making available to the City a parcel of real property at Fort DeRussy, Hawaii, for the construction of a parking facility.

##### **SEC. 2834. LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.**

(a) **EXCHANGE AUTHORIZED.**—(1) The Secretary of the Army may convey to the Nisqually Tribe, a federally recognized Indian tribe whose tribal lands are located within the State of Washington, all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, consisting of approximately 138 acres at Fort Lewis, Washington, in exchange for the real property described in subsection (b).

(2) The property authorized for conveyance under paragraph (1) does not include Bonneville Power Administration transmission facilities or the right of way described in subsection (c).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Nisqually Tribe shall—

(1) acquire from Thurston County, Washington, several parcels of real property consisting of approximately 416 acres that are owned by the county, are within the boundaries of Fort Lewis, and are currently leased by the Army; and

(2) convey fee title over the acquired property to the Secretary.

(c) **RIGHT-OF-WAY FOR BONNEVILLE POWER ADMINISTRATION.**—The Secretary may use the authority provided in section 2668 of title 10, United States Code, to convey to the Bonneville Power Administration a right-of-way that authorizes the Bonneville Power Administration to use real property at Fort Lewis as a route for the Grand Coulee-Olympia and Olympia-White River electric transmission lines and appurtenances to facilitate the removal of such transmission lines from tribal lands of the Nisqually Tribe.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) and acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary and the Nisqually Tribe. The cost of the survey shall be borne by the recipient of the property.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

##### **SEC. 2835. LAND CONVEYANCE, WHITTIER-ANCHORAGE PIPELINE TANK FARM, ANCHORAGE, ALASKA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Port of Anchorage, an entity of the Municipality of Anchorage, Alaska, all right, title, and interest of the United States in and to two adjoining parcels of real property, including any improvements thereon, consisting of approximately 48 acres in Anchorage, Alaska, which are known as of the Whittier-Anchorage Pipeline Tank Farm, for the purpose of permitting the Port of Anchorage to use the parcels for economic development.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section (a) as the Secretary considers appropriate to protect the interests of the United States.

## PART II—NAVY CONVEYANCES

### SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE BEACH NAVAL STATION, HUMBOLDT COUNTY, CALIFORNIA.

(a) **TRANSFER AUTHORIZED.**—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior the real property, including any improvements thereon, consisting of the closed Centerville Beach Naval Station in Humboldt County, California, for the purpose of permitting the Secretary of the Interior to manage the real property as open space or for other public purposes.

(b) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

### SEC. 2842. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, TOLEDO, OHIO.

(a) **CONVEYANCE AUTHORIZED.**—(1) The Secretary of the Navy may convey, without consideration, to the Toledo-Lucas County Port Authority, Ohio (in this section referred to as the "Port Authority"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 29 acres, including any improvements thereon, and comprising the Naval Weapons Industrial Reserve Plant, Toledo, Ohio.

(2) The Secretary may include in the conveyance under paragraph (1) such facilities, equipment, fixtures, and other personal property located or based on the parcel conveyed under that paragraph, or used in connection with the parcel, as the Secretary determines to be not required by the Navy for other purposes.

(b) **LEASE AUTHORITY.**—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the real property, together with any improvements, facilities, equipment, fixtures, and other personal property thereon, to the Port Authority in exchange for security services, fire protection services, and maintenance services provided by the Port Authority for the real property.

(c) **CONDITIONS OF CONVEYANCE.**—(1) The conveyance under subsection (a), and any lease under subsection (b), shall be subject to the conditions that the Port Authority—

(A) accept the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, in their condition at the time of the conveyance or lease, as the case may be; and

(B) except as provided in paragraph (2), use the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, whether directly or through an agreement with a public or private entity, for economic development, redevelopment, or retention purposes, including the creation or preservation

of jobs and employment opportunities, or such other public purposes as the Port Authority determines appropriate.

(2) The Port Authority may at any time convey, lease, or sublease, as the case may be, the parcel, and any improvements, facilities, equipment, fixtures, and other personal property thereon, to a public or private entity for purposes described in paragraph (1)(B).

(d) **INSPECTION.**—The Secretary may permit the Port Authority to review and inspect the improvements, facilities, equipment, fixtures, and other personal property located on the parcel described in subsection (a)(1) for purposes of the conveyance authorized by that subsection and the lease authorized by subsection (b).

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1), and of any facilities, equipment fixtures, or other personal property to be conveyed under subsection (a)(2), shall be determined by a survey and other means satisfactory to the Secretary. The cost of any activities under the preceding sentence shall be borne by the Port Authority.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1), and any lease under subsection (b), as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2843. MODIFICATION OF AUTHORITY FOR CONVEYANCE OF NAVAL COMPUTER AND TELECOMMUNICATIONS STATION, CUTLER, MAINE.

Section 2853(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A–430) is amended by inserting "any or" before "all right".

### SEC. 2844. MODIFICATION OF LAND CONVEYANCE, FORMER UNITED STATES MARINE CORPS AIR STATION, EAGLE MOUNTAIN LAKE, TEXAS.

Section 5 of Public Law 85–258 (71 Stat. 583) is amended by inserting before the period at the end the following: "or for the protection, maintenance, and operation of other Texas National Guard facilities".

### SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SECURITY GROUP ACTIVITY, WINTER HARBOR, MAINE.

(a) **TRANSFER OF JURISDICTION OF SCHOODIC POINT PROPERTY AUTHORIZED.**—(1) The Secretary of the Navy may transfer, without consideration, to the Secretary of the Interior administrative jurisdiction of a parcel of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 26 acres as generally depicted as Tract 15–116 on the map entitled "Acadia National Park Schoodic Point Area", numbered 123/80.418 and dated May 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) The transfer authorized by this subsection shall occur, if at all, concurrently with the reversion of administrative jurisdiction of a parcel of real property consisting of approximately 71 acres, as depicted as Tract 15–115 on the map referred to in paragraph (1), from the Secretary of the Navy to the Secretary of the Interior as authorized by Public Law 80–260 (61 Stat. 519) and to be executed on or about June 30, 2002.

(b) **CONVEYANCE OF COREA AND WINTER HARBOR PROPERTIES AUTHORIZED.**—The Secretary of the Navy may convey, without consideration, to the State of Maine, any political subdivision of the State of Maine, or any tax-supported agency in the State of Maine, all right, title, and interest of the United States in and to any of the parcels of real property, including any improvements thereon and appurtenances thereto, consisting of approximately 485 acres and

comprising the former facilities of the Naval Security Group Activity, Winter Harbor, Maine, located in Hancock County, Maine, except for the real property described in subsection (a)(1).

(c) **TRANSFER OF PERSONAL PROPERTY.**—The Secretary of the Navy shall transfer, without consideration, to the Secretary of the Interior in the case of the real property transferred under subsection (a), or to any recipient of such real property in the case of real property conveyed under subsection (b), any or all personal property associated with such real property so transferred or conveyed, including—

(1) the ambulances and any fire trucks or other firefighting equipment; and

(2) any personal property required to continue the maintenance of the infrastructure of such real property, including the generators and an uninterrupted power supply in building 154 at the Corea site.

(d) **MAINTENANCE OF PROPERTY PENDING CONVEYANCE.**—The Secretary of the Navy shall maintain any real property, including any improvements thereon, appurtenances thereto, and supporting infrastructure, to be conveyed under subsection (b) until the earlier of—

(1) the date of the conveyance of such real property under subsection (b); or

(2) September 30, 2003.

(e) **INTERIM LEASE.**—(1) Until such time as any parcel of real property to be conveyed under subsection (b) is conveyed by deed under that subsection, the Secretary of the Navy may lease such parcel to any person or entity determined by the Secretary to be an appropriate lessee of such parcel.

(2) The amount of rent for a lease under paragraph (1) shall be the amount determined by the Secretary to be appropriate, and may be an amount less than the fair market value of the lease.

(f) **REIMBURSEMENT FOR ENVIRONMENTAL AND OTHER ASSESSMENTS.**—(1) The Secretary of the Navy may require each recipient of real property conveyed under subsection (b) to reimburse the Secretary for the costs incurred by the Secretary for any environmental assessment, study, or analysis carried out by the Secretary with respect to such property before completing the conveyance under that subsection.

(2) The amount of any reimbursement required under paragraph (1) shall be determined by the Secretary, but may not exceed the cost of the assessment, study, or analysis for which reimbursement is required.

(3) Section 2695(c) of title 10, United States Code, shall apply to any amount received by the Secretary under this subsection.

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property transferred under subsection (a), and each parcel of real property conveyed under subsection (b), shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of any survey under the preceding sentence for real property conveyed under subsection (b) shall be borne by the recipient of the real property.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy may require such additional terms and conditions in connection with any conveyance under subsection (b), and any lease under subsection (e), as the Secretary considers appropriate to protect the interests of the United States.

## PART III—AIR FORCE CONVEYANCES

### SEC. 2851. WATER RIGHTS CONVEYANCE, ANDERSON AIR FORCE BASE, GUAM.

(a) **AUTHORITY TO CONVEY.**—In conjunction with the conveyance of the water supply system for Anderson Air Force Base, Guam, under the authority of section 2688 of title 10, United States Code, and in accordance with all the requirements of that section, the Secretary of the

Air Force may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate to serve the interests of the United States, in the water rights related to the following Air Force properties located on Guam:

(1) Andy South, also known as the Andersen Administrative Annex.

(2) Marianas Bonins Base Command.

(3) Andersen Water Supply Annex, also known as the Tumon Water Well or the Tumon Maui Well.

(b) **ADDITIONAL REQUIREMENTS.**—The Secretary may exercise the authority contained in subsection (a) only if—

(1) the Secretary determines that adequate supplies of potable groundwater exist under the main base and northwest field portions of Andersen Air Force Base to meet the current and long-term requirements of the installation for water;

(2) the Secretary determines that such supplies of groundwater are economically obtainable; and

(3) the Secretary requires the conveyee of the water rights under subsection (a) to provide a water system capable of meeting the water supply needs of the main base and northwest field portions of Anderson Air Force Base, as determined by the Secretary.

(c) **INTERIM WATER SUPPLIES.**—If the Secretary determines that it is in the best interests of the United States to transfer title to the water rights and utility systems at Andy South and Andersen Water Supply Annex before placing into service a replacement water system and well field on Andersen Air Force Base, the Secretary may require that the United States have the primary right to all water produced from Andy South and Andersen Water Supply Annex until the replacement water system and well field is placed into service and operates to the satisfaction of the Secretary. In exercising the authority provided by this subsection, the Secretary may retain a reversionary interest in the water rights and utility systems at Andy South and Andersen Water Supply Annex until such time as the new replacement water system and well field is placed into service and operates to the satisfaction of the Secretary.

(d) **SALE OF EXCESS WATER AUTHORIZED.**—(1) As part of the conveyance of water rights under subsection (a), the Secretary may authorize the conveyee of the water system to sell to public or private entities such water from Andersen Air Force Base as the Secretary determines to be excess to the needs of the United States. In the event the Secretary authorizes the conveyee to resell water, the Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(2) If the Secretary cannot meet the requirements of subsection (b), and the Secretary determines to proceed with a water utility system conveyance under section 2688 of title 10, United States Code, without the conveyance of water rights, the Secretary may provide in any such conveyance that the conveyee of the water system may sell to public or private entities such water from Andy South and Andersen Water Supply Annex as the Secretary determines to be excess to the needs of the United States. The Secretary shall negotiate a reasonable return to the United States of the value of such excess water sold by the conveyee, which return the Secretary may receive in the form of reduced charges for utility services provided by the conveyee.

(e) **TREATMENT OF WATER RIGHTS.**—For purposes of section 2688 of title 10, United States Code, the water rights referred to in subsection

(a) shall be considered as part of a utility system (as that term is defined in subsection (h)(2) of such section).

**SEC. 2852. REEXAMINATION OF LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.**

The Secretary of the Air Force shall reevaluate the terms and conditions of the pending negotiated sale agreement with the Lowry Redevelopment Authority for certain real property at Lowry Air Force Base, Colorado, in light of changed circumstances regarding the property, including changes in the flood plain designations affecting some of the property, to determine whether the changed circumstances warrant a reduction in the amount of consideration otherwise required under the agreement or other modifications to the agreement.

**Subtitle E—Other Matters**

**SEC. 2861. TRANSFER OF JURISDICTION FOR DEVELOPMENT OF ARMED FORCES RECREATION FACILITY, PARK CITY, UTAH.**

(a) **TRANSFER REQUIRED.**—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force a parcel of real property in Park City, Utah, including any improvements thereon, that consists of approximately 35 acres, is located in township 2 south, range 4 east, Salt Lake meridian, and is designated as parcel 3 by the Bureau of Land Management.

(2) The transfer shall be subject to existing rights, except that the Secretary of the Interior shall terminate any lease with respect to the parcel issued under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 689 et seq.), and still in effect as of the date of the enactment of this Act.

(3) The transfer required by this subsection shall be completed not later than one year after the date of the enactment of this Act.

(b) **USE OF TRANSFERRED LAND.**—(1) The Secretary of the Air Force may use the real property transferred under subsection (a) as the location for an armed forces recreation facility to be developed using nonappropriated funds.

(2) The Secretary of the Air Force may return the transferred property (or property acquired in exchange for the transferred property under subsection (c)) to the administrative jurisdiction of the Secretary of the Interior at any time upon certifying that development of the armed forces recreation facility would not be in the best interests of the Government.

(c) **SUBSEQUENT CONVEYANCE AUTHORITY.**—(1) In lieu of developing the armed forces recreation facility on the real property transferred under subsection (a), the Secretary of the Air Force may convey or lease the property to the State of Utah, a local government, or a private entity in exchange for other property to be used as the site of the facility.

(2) The values of the properties exchanged by the Secretary under this subsection either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The conveyance or lease shall be on such other terms as the Secretary of the Air Force considers to be advantageous to the development of the facility.

(d) **ALTERNATIVE DEVELOPMENT AUTHORITY.**—The Secretary of the Air Force may lease the real property transferred under subsection (a), or any property acquired pursuant to subsection (c), to another party and may enter into a contract with the party for the design, construction, and operation of the armed forces recreation facility. The Secretary of the Air Force may authorize the contractor to operate the facility as both a military and a commercial operation if the Secretary determines that such an

authorization is a necessary incentive for the contractor to agree to design, construct, and operate the facility.

(e) **LEGAL DESCRIPTION.**—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey. The cost of the survey shall be borne by the Secretary of the Air Force.

**SEC. 2862. SELECTION OF SITE FOR UNITED STATES AIR FORCE MEMORIAL AND RELATED LAND TRANSFERS FOR THE IMPROVEMENT OF ARLINGTON NATIONAL CEMETERY, VIRGINIA.**

(a) **DEFINITIONS.**—In this section:

(1) The term “Arlington Naval Annex” means the parcel of Federal land located in Arlington County, Virginia, that is subject to transfer to the administrative jurisdiction of the Secretary of the Army under section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879).

(2) The term “Foundation” means the Air Force Memorial Foundation, which was authorized in Public Law 103-163 (107 Stat. 1973; 40 U.S.C. 1003 note) to establish a memorial in the District of Columbia or its environs to honor the men and women who have served in the United States Air Force and its predecessors.

(3) The term “Air Force Memorial” means the United States Air Force Memorial to be established by the Foundation.

(4) The term “Arlington Ridge tract” means the parcel of Federal land in Arlington County, Virginia, known as the Nevius Tract and transferred to the Department of the Interior in 1953, that is bounded generally by—

(A) Arlington Boulevard (United States Route 50) to the north;

(B) Jefferson Davis Highway (Virginia Route 110) to the east;

(C) Marshall Drive to the south; and

(D) North Meade Street to the west.

(5) The term “Section 29” means a parcel of Federal land in Arlington County, Virginia, that is currently administered by the Secretary of the Interior within the boundaries of Arlington National Cemetery and is identified as “Section 29”.

(b) **OFFER OF PORTION OF ARLINGTON NAVAL ANNEX AS SITE FOR AIR FORCE MEMORIAL.**—Within 60 days after the date of the enactment of this Act, the Secretary of Defense shall offer to the Foundation an option to use, without reimbursement, up to three acres of the Arlington Naval Annex as the site within which the Foundation will construct the Air Force Memorial. The offered acreage shall include the promontory adjacent to, and the land underlying, Wing 8 of Federal Office Building #2 in the northeast quadrant of the Arlington Naval Annex.

(c) **ACCEPTANCE OR REJECTION OF OFFER.**—

(1) **DEADLINE.**—Within 90 days after the date on which the Secretary of Defense makes the offer required by subsection (b), the Foundation shall provide written notice to the Secretary of the decision of the Foundation to accept or decline the offer.

(2) **EFFECT OF ACCEPTANCE.**—Subject to subsection (d), if the Foundation accepts the offer of the Secretary of Defense, the Foundation shall relinquish all claims to the previously approved location for the Air Force Memorial. No other commemorative work may thereafter be established on the Arlington Naval Annex property.

(3) **EFFECT OF REJECTION.**—If the Foundation declines the offer of the Secretary of Defense, the Foundation may resume its efforts to construct the Air Force Memorial on the Arlington Ridge tract from the farthest point of progress. Any administrative record compiled during previous proceedings related to the siting of the memorial on the Arlington Ridge tract pursuant to

Public Law 103-163 (40 U.S.C. 1003 note), shall be preserved, and all deadlines tolled, while the Foundation is considering the offer of a site for the memorial within the Arlington Naval Annex.

(d) PREPARATION FOR AND CONSTRUCTION OF AIR FORCE MEMORIAL.—

(1) PREPARATION FOR CONSTRUCTION.—Not later than two years after the date on which the Foundation accepts the offer made under subsection (b) and has available sufficient funds to construct the Air Force Memorial, the Secretary of Defense, in coordination with the Foundation, shall remove all structures and prepare the Arlington Naval Annex site for use as may be necessary to permit construction of the memorial and appropriate access.

(2) CONSTRUCTION OF MEMORIAL.—Upon the removal of structures and preparation of the property for use as required by paragraph (1), the Secretary of Defense shall permit the Foundation to commence construction of the Air Force Memorial on the Arlington Naval Annex site.

(3) RELATION TO OTHER TRANSFER AUTHORITY.—Nothing in this section alters the deadline for transfer of the Arlington Naval Annex to the Secretary of the Army and remediation of the transferred land for use as part of Arlington National Cemetery, as required by section 2881 of the Military Construction Authorization Act for Fiscal Year 2000.

(4) OVERSIGHT.—The Secretary of Defense shall have exclusive authority in all matters relating to approval of the siting and design of the Air Force Memorial on the Arlington Naval Annex site, and the siting, design, and construction of the memorial on such site shall not be subject to the requirements of the Commemorative Works Act (40 U.S.C. 1001 et seq.).

(e) ACCESS AND MANAGEMENT OF RESULTING AIR FORCE MEMORIAL.—The Secretary of the Army may enter into a cooperative agreement with the Foundation to provide for management of the Air Force Memorial constructed on the Arlington Naval Annex site and to guarantee public access to the memorial.

(f) LAND TRANSFER, ARLINGTON RIDGE TRACT.—

(1) TRANSFER REQUIRED.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over the Arlington Ridge tract.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the Arlington Ridge tract into Arlington National Cemetery and may designate and use up to 15 acres of that portion of the tract east of the Netherlands Carillon and Marine Corps Memorial as new in-ground burial sites, for both full casket and cremated remains, for the burial of eligible individuals in Arlington National Cemetery. Burial sites shall not be developed within 50 feet of the pathway, in existence as of the date of the enactment of this Act, that connects the Netherlands Carillon and the Marine Corps Memorial or the existing roadway that circles the Marine Corps Memorial. No other structures shall be permitted on the Arlington Ridge tract.

(3) ACCESS AND MANAGEMENT OF EXISTING MEMORIALS.—The Secretary of the Army and the Secretary of the Interior shall enter into a cooperative agreement to continue National Park Service management of the Netherlands Carillon and the Marine Corps Memorial and to guarantee public access to these locations.

(g) LAND TRANSFER, SECTION 29.—

(1) TRANSFER REQUIRED.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall transfer, without reimbursement, to the Secretary of the Army administrative jurisdiction over that portion of Section 29 located more than 50 feet from Sher-

man Drive and located between Ord and Weitzel Drive and the southern boundary of Section 29.

(2) USE OF LAND.—The Secretary of the Army shall use the transferred property only for the development of in-ground burial sites and columbarium which are designed to meet the contours of Section 29. The Secretary of the Army shall preserve the natural setting of the parcel and the mature trees on the parcel to the greatest extent practicable while providing for its efficient use as burial space.

(3) MANAGEMENT OF REMAINDER.—The Secretary of the Army and the Secretary of the Interior shall enter into a cooperative agreement to continue National Park Service management of that portion of Section 29 that is not transferred under this subsection to provide a natural setting and visual buffer for Arlington House, the Robert E. Lee Memorial.

(h) REMOVAL OF ARLINGTON NAVAL ANNEX AS POSSIBLE NATIONAL MILITARY MUSEUM SITE.—

(1) EXISTING NAVY ANNEX TRANSFER.—Section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 879) is amended—

(A) in subsection (b)—

(i) by striking “(1) Subject to paragraph (2), the” and inserting “The”; and

(ii) by striking paragraph (2);

(B) by striking subsections (d), (e), and (f); and

(C) by redesignating subsections (g) and (h) as subsections (d) and (e), respectively.

(2) COMMISSION ON NATIONAL MILITARY MUSEUM.—Section 2902 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 881; 10 U.S.C. 111 note) is amended by striking subsection (d) and inserting the following new subsection:

“(d) PROHIBITION ON CONSIDERATION OF ARLINGTON NAVAL ANNEX.—The Commission may not consider any portion of the Navy Annex property described in section 2881 as a possible site for a national military museum.”

**SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.**

(a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

“**SEC. 107. AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.**

“(a) AVAILABILITY OF HOUSING UNITS FOR ARMY LEASE.—The Trust shall make available for lease, to those persons designated by the Secretary of the Army, housing units specified in subsection (b).

“(b) HOUSING UNITS.—The housing units referred to in this section are identified as follows:

“(1) Liggett 715 A&B, 716 A&B, 717 A&B, 718 A&B, 719 A&B, and 720 A&B.

“(2) West Washington 1401 A&B, 1403 A&B, and 1405 B.

“(3) Infantry Terrace 340, 341, 342, and 343.

“(4) Wright Loop 1332.

“(c) REPLACEMENT OF DAMAGED OR DESTROYED HOUSING UNITS.—In the event of significant damage to or destruction of a housing unit specified in subsection (b), the Trust shall provide a substitute housing unit of equal size and accommodation.

“(d) LEASE AMOUNT.—The monthly amount charged by the Trust for the lease of a housing unit, including utilities and municipal services, under this section shall not exceed the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code. The Department of the Army shall have no other fiscal obligations with regard to the housing units specified in subsection (b) or

housing units replaced pursuant to subsection (c).

“(e) RELATIONS TO TRUST FUNDING LIMITATIONS.—The Trust shall comply with this section without regard to the requirement of section 105(b) that the Trust achieve financial self-sufficiency.”

(b) INCREASED BORROWING AUTHORITY.—Section 104(d)(3) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as redesignated by section 101(13)(G) of the Omnibus Parks Technical Corrections Act of 2000 (Public Law 106-176; 114 Stat. 25), is amended—

(1) by striking “\$50,000,000” and inserting “\$150,000,000”; and

(2) by striking “paragraph (3) of”.

**SEC. 2864. EFFECT OF LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.**

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2219), as amended by section 2881 of the Spence Act (114 Stat. 1654A-438), is amended by adding at the end the following new subsection:

“(g) LIMITATION ON CONSTRUCTION OF ROADS OR HIGHWAYS.—If a State law enacted after January 1, 2001, directly or indirectly prohibits or restricts the construction or approval of a road or highway within the easement granted under this section, the State law shall not be effective with respect to such construction or approval.”

**SEC. 2865. ESTABLISHMENT OF WORLD WAR II MEMORIAL AT ADDITIONAL LOCATION ON GUAM.**

Section 2886 of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Spence Act; 114 Stat. 1654A-441) is amended—

(1) in subsection (a), by inserting “, and on Federal lands near Yigo,” after “Fena Caves”; and

(2) in the heading of subsection (b), by striking “MEMORIAL” and inserting “MEMORIALS”; and

(3) in subsections (b) and (c), by striking “memorial” each place it appears and inserting “memorials”.

**TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL**

**SEC. 2901. SHORT TITLE.**

This title may be cited as the “Fort Irwin Military Land Withdrawal Act of 2001”.

**SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR NATIONAL TRAINING CENTER.**

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all public lands and interests in lands described in subsection (c) are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, and jurisdiction over such lands and interests in lands withdrawn and reserved by this title is hereby transferred to the Secretary of the Army.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army for the following purposes:

(1) The conduct of combined arms military training at the National Training Center.

(2) The development and testing of military equipment at the National Training Center.

(3) Other defense-related purposes consistent with the purposes specified in paragraphs (1) and (2).

(4) Conservation and related research purposes.

(c) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this section comprise approximately 110,000

acres in San Bernardino County, California, as generally depicted as "Proposed Withdrawal Land" on the map entitled "National Training Center—Proposed Withdrawal of Public Lands for Training Purposes," dated September 21, 2000, and filed in accordance with section 2903.

(d) **CHANGES IN USE.**—The Secretary of the Army shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than those purposes identified in subsection (b).

(e) **INDIAN TRIBES.**—Nothing in this title shall be construed as altering any rights reserved for tribal use by treaty or Federal law. The Secretary of the Army shall consult with federally recognized Indian tribes in the vicinity of the lands withdrawn under subsection (a) before taking action affecting rights or cultural resources protected by treaty or Federal law.

#### **SEC. 2903. MAP AND LEGAL DESCRIPTION.**

(a) **PREPARATION OF MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file a map and legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) **LEGAL EFFECT.**—The map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(c) **Availability.**—Copies of the map and the legal description shall be available for public inspection in the following offices:

(1) The offices of the California State Director, California Desert District Office, and Riverside and Barstow Field Offices of the Bureau of Land Management.

(2) The Office of the Commander, National Training Center and Fort Irwin.

(d) **Costs.**—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs incurred by the Secretary of the Interior in implementing this section.

#### **SEC. 2904. MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.**

(a) **GENERAL MANAGEMENT AUTHORITY.**—During the period of the withdrawal and reservation made by this title, the Secretary of the Army shall manage the lands withdrawn and reserved by this title for the purposes specified in section 2902.

(b) **TEMPORARY PROHIBITION ON CERTAIN USE.**—Military use of the lands withdrawn and reserved by this title that result in ground disturbance, as determined by the Secretary of the Army and the Secretary of the Interior, are prohibited until the Secretary of the Army and the Secretary of the Interior certify to Congress that there has been full compliance with respect to such lands with the appropriate provisions of this title, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable laws.

(c) **ACCESS RESTRICTIONS.**—

(1) **IN GENERAL.**—If the Secretary of the Army determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the lands withdrawn and reserved by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) **LIMITATION.**—Any closure under paragraph (1) shall be limited to the minimum areas and periods that the Secretary of the Army de-

termines are required for the purposes specified in such paragraph.

(3) **NOTICE.**—Immediately preceding and during any closure under paragraph (1), the Secretary of the Army shall post appropriate warning notices and take other steps, as necessary, to notify the public of the closure.

(d) **INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.**—The Secretary of the Army shall prepare and implement, in accordance with title I of the Sikes Act (16 U.S.C. 670 et seq.), an integrated natural resources management plan for the lands withdrawn and reserved by this title. In addition to the elements required under the Sikes Act, the integrated natural resources management plan shall include the following:

(1) A requirement that any hunting, fishing, and trapping on the lands withdrawn and reserved by this title be conducted in accordance with section 2671 of title 10, United States Code.

(2) A requirement that the Secretary of the Army take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of Fort Irwin and brush and range fires occurring outside the boundaries of Fort Irwin that result from military activities at Fort Irwin.

(e) **FIREFIGHTING.**—Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Army may obligate funds appropriated or otherwise available to the Secretary of the Army to enter into a memorandum of understanding, cooperative agreement, or contract for fire fighting services to carry out the requirements of subsection (d)(2). The Secretary of the Army shall reimburse the Secretary of the Interior for costs incurred by the Secretary of the Interior to assist in carrying out the requirements of such subsection.

(f) **CONSULTATION WITH NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.**—In preparing and implementing any plan, report, assessment, survey, opinion, or impact statement regarding the lands withdrawn and reserved by this title, the Secretary of the Army shall consult with the Administrator of the National Aeronautics and Space Administration whenever proposed Army actions have the potential to affect the operations or the environmental management of the Goldstone Deep Space Communications Complex. The requirement for consultation shall apply, at a minimum, to the following:

(1) Plans for military training, military equipment testing, or related activities that have the potential of impacting communications between Goldstone Deep Space Communications Complex and space flight missions or other transmission or receipt of signals from outer space by the Goldstone Deep Space Communications Complex.

(2) The integrated natural resources management plan required by subsection (d).

(3) The West Mojave Coordinated Management Plan referred to in section 2907.

(4) Any document prepared in compliance with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other laws applicable to the lands withdrawn and reserved by this title.

(g) **USE OF MINERAL MATERIALS.**—Notwithstanding any other provision of this title or the Act of July 31, 1947 (commonly known as the Materials Act of 1947, 30 U.S.C. 601 et seq.), the Secretary of the Army may use sand, gravel, or similar mineral material resources of the type subject to disposition under such Act from the lands withdrawn and reserved by this title if the use of such resources is required for construction needs of the National Training Center.

#### **SEC. 2905. WATER RIGHTS.**

(a) **NO RESERVED WATER RIGHT ESTABLISHED.**—Nothing in this title shall be construed—

(1) to establish a reservation in favor of the United States with respect to any water or water right on the lands withdrawn and reserved by this title; or

(2) to authorize the appropriation of water on such lands by the United States after the date of the enactment of this Act, except in accordance with applicable State law.

(b) **EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.**—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act, and the Secretary of the Army may exercise any such previously acquired or reserved water rights.

#### **SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRONMENTAL RESPONSE REQUIREMENTS.**

(a) **AGREEMENT CONCERNING ENVIRONMENT AND PUBLIC HEALTH.**—The Secretary of the Army and the Secretary of the Interior may enter into such agreements concerning the environment and public health as are necessary, appropriate, and in the public interest to carry out the purposes of this title.

(b) **RELATION TO OTHER ENVIRONMENTAL LAWS.**—Nothing in this section shall be construed to alter the rights, responsibilities, and obligations of the Secretary of the Army or the Secretary of the Interior under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other environmental laws applicable to the lands withdrawn and reserved by this title.

#### **SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT PLAN.**

(a) **COMPLETION.**—The Secretary of the Interior shall make every effort to complete the West Mojave Coordinated Management Plan not later than two years after the date of the enactment of this Act.

(b) **CONSIDERATION OF WITHDRAWAL AND RESERVATION IMPACTS.**—The Secretary of the Interior shall ensure that the West Mojave Coordinated Management Plan considers the impacts of the availability or nonavailability of the lands withdrawn and reserved by this title on the plan as a whole.

(c) **CONSULTATION.**—The Secretary of the Interior shall consult with the Secretary of the Army and the Administrator of the National Aeronautics and Space Administration in the development of the West Mojave Coordinated Management Plan.

#### **SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.**

Congress hereby finds and directs that lands withdrawn and reserved by this title have been adequately studied for wilderness designation pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), and are no longer subject to the requirement of such section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

#### **SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY CORRIDORS.**

(a) **REQUIRED SEPARATION.**—All military ground activity training on the lands withdrawn and reserved by this title shall remain at least 500 meters from any utility system, in existence as of the date of the enactment of this Act, in Utility Planning Corridor D, as described in the California Desert Conservation Area Plan, dated 1980 and subsequently amended.

(b) **EXCEPTION.**—Subsection (a) does not modify the use of any lands used, as of the date of the enactment of this Act, by the National Training Center for training or alter any right of access granted by interagency agreement.

#### **SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.**

(a) **TERMINATION DATE.**—Unless extended pursuant to section 2911, unless relinquishment is

postponed by the Secretary of the Interior pursuant to section 2912(b), and except as provided in section 2912(d), the withdrawal and reservation made by this title shall terminate 25 years after the date of the enactment of this Act.

(b) **LIMITATION ON SUBSEQUENT AVAILABILITY FOR APPROPRIATION.**—At the time of termination of the withdrawal and reservation made by this title, the previously withdrawn lands shall not be open to any forms of appropriation under the general land laws, including the mining laws and the mineral and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order that shall state the date upon which such lands shall be restored to the public domain and opened.

**SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.**

(a) **NOTIFICATION REQUIREMENT.**—Not later than three years before the termination date specified in section 2910(a), the Secretary of the Army shall notify Congress and the Secretary of the Interior concerning whether the Army will have a continuing military need, beyond the termination date, for all or any portion of the lands withdrawn and reserved by this title.

(b) **PROCESS FOR EXTENSION OF WITHDRAWAL AND RESERVATION.**—

(1) **CONSULTATION AND APPLICATION.**—If the Secretary of the Army determines that there will be a continuing military need after the termination date for any of the lands withdrawn and reserved by this title, the Secretary of the Army shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such needed lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such needed lands.

(2) **APPLICATION REQUIREMENTS.**—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension of the land withdrawal and reservation made by this title shall be considered to be complete if the application includes the information required by section 3 of Public Law 85-337 (commonly known as the Engle Act; 43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and only to the extent, the Secretary of the Army proposes to use or develop such resources during the period of extension.

(c) **SUBMISSION OF PROPOSED EXTENSION TO CONGRESS.**—The Secretary of the Interior and the Secretary of the Army may submit to Congress a legislative proposal for the extension of the withdrawal and reservation made by this title. The legislative proposal shall be accompanied by an appropriate analysis of environmental impacts associated with the proposal, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

**SEC. 2912. TERMINATION AND RELINQUISHMENT.**

(a) **NOTICE OF TERMINATION.**—During the first 22 years of the withdrawal and reservation made by this title, if the Secretary of the Army determines that there is no continuing military need for the lands withdrawn and reserved by this title, or any portion of such lands, the Secretary of the Army shall submit to the Secretary of the Interior a notice of intent to relinquish jurisdiction over such lands. The notice shall specify the proposed date of relinquishment.

(b) **ACCEPTANCE OF JURISDICTION.**—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice under sub-

section (a) if the Secretary of the Interior determines that the Secretary of the Army has taken or will take all environmental response and restoration activities required under applicable laws and regulations.

(c) **NOTICE OF ACCEPTANCE.**—If the Secretary of the Interior decides to accept jurisdiction over lands covered by a notice under subsection (a) before the termination date of the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order that shall—

(1) terminate the withdrawal and reservation of such lands under this title;

(2) constitute official acceptance of administrative jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral and geothermal leasing laws, if appropriate.

(d) **RETAINED ARMY JURISDICTION.**—Notwithstanding the termination date specified in section 2910, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment pursuant to this section, such land shall remain withdrawn and reserved for the Secretary of the Army for the limited purposes of environmental response and restoration actions under section 2906 and continued land management responsibilities pursuant to the integrated natural resources management plan required under section 2904, until such environmental response and restoration activities on those lands are completed.

(e) **SEVERABILITY OF FUNCTIONS.**—All functions described under this section, including transfers, relinquishments, extensions, and other determinations, may be made on a parcel-by-parcel basis.

**SEC. 2913. DELEGATION OF AUTHORITY.**

(a) **SECRETARY OF THE ARMY.**—The Secretary of the Army may delegate to officials in the Department of the Army such functions as the Secretary of the Army may determine appropriate to carry out this title.

(b) **SECRETARY OF THE INTERIOR.**—The functions of the Secretary of the Interior under this title may be delegated, except that the order described in section 2912(c) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of \$6,859,895,000, to be allocated as follows:

(1) **WEAPONS ACTIVITIES.**—For weapons activities, \$5,369,488,000, to be allocated as follows:

(A) For stewardship operation and maintenance, \$4,527,192,000, to be allocated as follows:

(i) For directed stockpile work, \$1,043,791,000.

(ii) For campaigns, \$2,036,413,000, to be allocated as follows:

(I) For operation and maintenance, \$1,653,441,000.

(II) For construction, \$382,972,000, to be allocated as follows:

Project 01-D-101, distributed information systems laboratory, Sandia National Laboratories, Livermore, California, \$5,400,000.

Project 00-D-103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$20,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$11,070,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$5,377,000.

Project 98-D-125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, \$81,125,000.

Project 98-D-126, accelerator production of tritium (APT), various locations, \$15,000,000.

Project 96-D-111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, \$245,000,000.

(iii) For readiness in technical base and facilities, \$1,446,988,000, to be allocated as follows:

(I) For operation and maintenance, \$1,292,324,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$154,664,000, to be allocated as follows:

Project 02-D-101, microsystems and engineering sciences applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico, \$2,000,000.

Project 02-D-103, project engineering and design (PED), various locations, \$9,180,000.

Project 02-D-107, electrical power systems safety communications and bus upgrades, Nevada Test Site, Nevada, \$3,507,000.

Project 01-D-103, preliminary project design and engineering, various locations, \$45,379,000.

Project 01-D-124, highly enriched uranium (HEU) materials storage facility, Y-12 Plant, Oak Ridge, Tennessee, \$9,500,000.

Project 01-D-126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, \$7,700,000.

Project 01-D-800, sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, \$12,993,000.

Project 99-D-103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, \$4,400,000.

Project 99-D-104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, \$2,800,000.

Project 99-D-106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, \$4,955,000.

Project 99-D-125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, \$300,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, \$22,200,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, \$3,300,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, \$13,700,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 consolidation, Oak Ridge, Tennessee, \$6,850,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, \$3,000,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$2,900,000.

(B) For facilities and infrastructure, \$50,600,000.

(C) For secure transportation asset, \$121,800,000, to be allocated as follows:

(i) For operation and maintenance, \$77,571,000.

(ii) For program direction, \$44,229,000.  
(D) For safeguards and security, \$448,881,000, to be allocated as follows:

(i) For operations and maintenance, \$439,281,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$9,600,000, to be allocated as follows:

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$9,600,000.

(E) For program direction, \$250,000,000.

(F) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (E), reduced by \$28,985,000, to be derived from a security charge for reimbursable work.

(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, \$773,700,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, \$206,102,000, to be allocated as follows:

(i) For operation and maintenance, \$170,296,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$35,806,000, to be allocated as follows:

Project 00-D-192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, \$35,806,000.

(B) For arms control, \$101,500,000.

(C) For international materials protection, control, and accounting, \$138,800,000.

(D) For highly enriched uranium transparency implementation, \$13,950,000.

(E) For international nuclear safety, \$10,800,000.

(F) For fissile materials control and disposition, \$293,089,000, to be allocated as follows:

(i) For United States surplus fissile materials disposition, \$236,089,000, to be allocated as follows:

(I) For operation and maintenance, \$130,089,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$106,000,000, to be allocated as follows:

Project 01-D-407, highly enriched uranium blend-down, Savannah River Site, Aiken, South Carolina, \$24,000,000.

Project 99-D-141, pit disassembly and conversion facility, Savannah River Site, Aiken, South Carolina, \$16,000,000.

Project 99-D-143, mixed oxide fuel fabrication facility, Savannah River Site, Aiken, South Carolina, \$63,000,000.

Project 99-D-142, immobilization and associated processing facility, Savannah River Site, Aiken, South Carolina, \$3,000,000.

(ii) For Russian surplus fissile materials disposition, \$57,000,000, to be allocated as follows:

(I) For Russian plutonium disposition, and support and oversight in the United States, \$56,000,000.

(II) For advanced reactor technology, \$1,000,000.

(G) For program direction, \$51,459,000.

(H) The total amount authorized by this paragraph is the sum of the amounts authorized to be appropriated by subparagraphs (A) through (G), reduced by \$42,000,000, to be derived from offsets and use of prior year balances.

(3) NAVAL REACTORS.—For naval reactors, \$688,045,000, to be allocated as follows:

(A) For naval reactors development, \$665,445,000, to be allocated as follows:

(i) For operation and maintenance, \$652,245,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$13,200,000, to be allocated as follows:

Project 01-D-200, major office replacement building, Schenectady, New York, \$9,000,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$4,200,000.

(B) For program direction, \$22,600,000.

(4) DEFENSE NUCLEAR COUNTERINTELLIGENCE.—For defense nuclear counterintelligence, \$13,662,000.

(5) OFFICE OF ADMINISTRATOR FOR NUCLEAR SECURITY.—For the Office of the Administrator for Nuclear Security, for program direction, \$15,000,000.

#### SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for environmental restoration and waste management activities in carrying out programs necessary for national security in the amount of \$4,646,427,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836; 42 U.S.C. 7277n), \$1,050,538,000.

(2) SITE/PROJECT COMPLETION.—For site completion and project completion in carrying out environmental management activities necessary for national security programs, \$920,196,000, to be allocated as follows:

(A) For operation and maintenance, \$872,030,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$48,166,000, to be allocated as follows:

Project 02-D-420, FB line plutonium stabilization and packaging, Savannah River Site, Aiken, South Carolina, \$20,000,000.

Project 01-D-402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$3,256,000.

Project 01-D-414, preliminary project, engineering and design (PE&D), various locations, \$10,254,000.

Project 99-D-402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, \$5,040,000.

Project 99-D-404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$2,700,000.

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$1,910,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$4,244,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$762,000.

(3) POST-2006 COMPLETION.—For post-2006 completion in carrying out environmental restoration and waste management activities necessary for national security programs, \$3,021,201,000, to be allocated as follows:

(A) For operation and maintenance, \$1,761,979,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$6,754,000, to be allocated as follows:

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, \$6,754,000.

(C) For the Office of River Protection in carrying out environmental restoration and waste management activities necessary for national security programs, \$832,468,000, to be allocated as follows:

(i) For operation and maintenance, \$272,151,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$560,317,000, to be allocated as follows:

Project 01-D-416, waste treatment and immobilization plant, Richland, Washington, \$520,000,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$33,473,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$6,844,000.

(4) SCIENCE AND TECHNOLOGY DEVELOPMENT.—For science and technology development in carrying out environmental restoration and waste management activities necessary for national security programs, \$196,000,000.

(5) EXCESS FACILITIES.—For excess facilities in carrying out environmental restoration and waste management activities necessary for national security programs, \$1,300,000.

(6) SAFEGUARDS AND SECURITY.—For safeguards and security in carrying out environmental restoration and waste management activities necessary for national security programs, \$205,621,000.

(7) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs, \$355,761,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated by subsection (a) is the sum of the amounts authorized to be appropriated by paragraphs (1) through (7) of that subsection, reduced by \$53,652,000, to be derived from offsets and use of prior year balances.

#### SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for other defense activities in carrying out programs necessary for national security in the amount of \$502,099,000, to be allocated as follows:

(1) INTELLIGENCE.—For intelligence, \$40,844,000.

(2) COUNTERINTELLIGENCE.—For counterintelligence, \$32,727,000.

(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, \$269,250,000, to be allocated as follows:

(A) For nuclear safeguards and security, \$121,188,000.

(B) For security investigations, \$44,927,000.

(C) For corporate management information programs, \$20,000,000.

(D) For program direction, \$83,135,000.

(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, \$14,904,000.

(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, \$105,293,000, to be allocated as follows:

(A) For environment, safety, and health (defense), \$84,500,000.

(B) For program direction, \$20,793,000.

(6) **WORKER AND COMMUNITY TRANSITION ASSISTANCE.**—For worker and community transition assistance, \$21,900,000, to be allocated as follows:

(A) For worker and community transition, \$19,000,000.

(B) For program direction, \$2,900,000.

(7) **OFFICE OF HEARINGS AND APPEALS.**—For the Office of Hearings and Appeals, \$2,893,000.

(8) **NATIONAL SECURITY PROGRAMS ADMINISTRATIVE SUPPORT.**—For national security programs administrative support, \$25,000,000.

(b) **ADJUSTMENT.**—The amount authorized to be appropriated pursuant to subsection (a) is the total of the amounts authorized to be appropriated by paragraphs (1) through (8) of that subsection, reduced by \$10,712,000, of which \$10,000,000 is to reflect an offset provided by use of prior year balances and \$712,000 is to reflect an offset provided by user organizations for security investigations.

**SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$126,208,000, to be allocated as follows:

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$49,332,000.

Project 97-PVT-2, advanced mixed waste treatment project Idaho Falls, Idaho, \$40,000,000.

Project 97-PVT-3, transuranic waste treatment, Oak Ridge, Tennessee, \$10,826,000.

Project 98-PVT-5, environmental management/waste management disposal, Oak Ridge, Tennessee, \$26,050,000.

**SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2002 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$310,000,000.

**Subtitle B—Recurring General Provisions**

**SEC. 3121. REPROGRAMMING.**

(a) **IN GENERAL.**—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year, the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) **REPORT.**—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) **LIMITATIONS.**—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

**SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

(a) **IN GENERAL.**—The Secretary of Energy may carry out any construction project under

the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$5,000,000.

(b) **REPORT TO CONGRESS.**—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$5,000,000, the Secretary shall immediately furnish a report to the congressional defense committees explaining the reasons for the cost variation.

**SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

(a) **IN GENERAL.**—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, authorized by 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) **EXCEPTION.**—Subsection (a) does not apply to a construction project with a current estimated cost of less than \$5,000,000.

**SEC. 3124. FUND TRANSFER AUTHORITY.**

(a) **TRANSFER TO OTHER FEDERAL AGENCIES.**—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) **TRANSFER WITHIN DEPARTMENT OF ENERGY.**—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(c) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may be used only to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) **NOTICE TO CONGRESS.**—The Secretary of Energy shall promptly notify the Committees on

Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

**SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**

(a) **REQUIREMENT OF CONCEPTUAL DESIGN.**—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—

(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for that design must be specifically authorized by law.

**SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.**

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making those activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

**SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

**SEC. 3128. AVAILABILITY OF FUNDS.**

(a) **IN GENERAL.**—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to

be expended only until the end of fiscal year 2003.

**SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS AT FIELD OFFICES OF THE DEPARTMENT OF ENERGY.**

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) **LIMITATIONS.**—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed \$5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) **NOTIFICATION.**—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) **DEFINITIONS.**—In this section:

(1) The term “program or project” means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) **DURATION OF AUTHORITY.**—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during fiscal year 2002.

**SEC. 3130. TRANSFERS OF WEAPONS ACTIVITIES FUNDS AT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.**

(a) **TRANSFER AUTHORITY.**—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall provide the head of each national security laboratory and nuclear weapons production facility with the authority to transfer weapons activities funds from a program under the jurisdiction of such laboratory or facility to another such program.

(b) **LIMITATIONS.**—(1) The amount transferred under subsection (a) by a laboratory or facility in a fiscal year may not exceed the lesser of—

(A) \$5,000,000; and

(B) 10 percent of the total weapons activities funds available to that laboratory or facility in that fiscal year for programs under the jurisdiction of such laboratory or facility.

(2) A transfer may not be carried out under subsection (a) unless the head of the laboratory or facility determines that the transfer will result in cost savings and efficiencies.

(3) A transfer may not be carried out under subsection (a) to cover a cost overrun or scheduling delay for any program.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied, limited, or increased funds or for a new program that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) **NOTIFICATION.**—The Secretary, acting through the Administrator for Nuclear Security, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) **DEFINITIONS.**—In this section:

(1) The term “program” means, with respect to a national security laboratory or nuclear weapons production facility, any of the following:

(A) A program referred to or listed in paragraph (1) of section 3101.

(B) A program not described in subparagraph (A) that is for weapons production or weapons component production of the National Nuclear Security Administration that is being carried out by the laboratory or facility, and for which weapons activities funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “weapons activities funds” means funds appropriated to the Department of Energy pursuant to an authorization for weapons activities of the National Nuclear Security Administration in carrying out programs necessary for national security.

(3) The terms “national security laboratory” and “nuclear weapons production facility” have the meanings given such terms in section 3281 of the National Nuclear Security Administration Act (title XXXII of Public Law 106-65; 113 Stat. 968; 50 U.S.C. 2471).

(f) **DURATION OF AUTHORITY.**—The heads of the national security laboratories and nuclear weapons production facilities may exercise the authority provided under subsection (a) during fiscal year 2002.

**Subtitle C—Program Authorizations, Restrictions, and Limitations**

**SEC. 3131. TERMINATION DATE OF OFFICE OF RIVER PROTECTION, RICHLAND, WASHINGTON.**

Subsection (f) of section 3139 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2250), as amended by section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-462), is amended to read as follows:

“(f) **TERMINATION.**—(1) The Office shall terminate on the later to occur of the following dates:

“(A) September 30, 2010.

“(B) The date on which the Assistant Secretary of Energy for Environmental Management determines, in consultation with the head of the Office, that continuation of the Office is no longer necessary to carry out the responsibilities of the Department of Energy under the Tri-Party Agreement.

“(2) The Assistant Secretary shall notify, in writing, the committees referred to in subsection (d) of a determination under paragraph (1).

“(3) In this subsection, the term ‘Tri-Party Agreement’ means the Hanford Federal Facility Agreement and Consent Order entered into among the Department of Energy, the Environmental Protection Agency, and the State of Washington Department of Ecology.”.

**SEC. 3132. ORGANIZATIONAL MODIFICATIONS FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **ESTABLISHMENT OF PRINCIPAL DEPUTY ADMINISTRATOR.**—(1) Subtitle A of the National Nuclear Security Administration Act is amended by inserting after section 3213 (50 U.S.C. 2403) the following new section:

**“SEC. 3213A. PRINCIPAL DEPUTY ADMINISTRATOR.**

“(a) **IN GENERAL.**—(1) There is in the Administration a Principal Deputy Administrator, who is appointed by the President, by and with the advice and consent of the Senate.

“(2) The Principal Deputy Administrator shall be appointed from among persons who—

“(A) have extensive background in national security, organizational management, and appropriate technical fields; and

“(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the Administration in a manner that advances and protects the national security of the United States.

“(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Principal Deputy Administrator shall perform such duties and exercise such powers as the Administrator may prescribe, including the coordination of activities among the elements of the Administration. The Principal Deputy Administrator shall act for, and exercise the powers of, the Administrator when the Administrator is disabled or the position of Administrator is vacant.”.

(2) The table of contents preceding section 3201 of such Act is amended by inserting after the item relating to section 3213 the following new item:

“Sec. 3213A. Principal Deputy Administrator.”

(3) Section 5315 of title 5, United States Code, is amended—

(A) by inserting before the item relating to Deputy Administrators of the National Nuclear Security Administration the following new item:

“Principal Deputy Administrator, National Nuclear Security Administration.”; and

(B) by inserting “Additional” before “Deputy Administrators of the National Nuclear Security Administration”.

(b) **ELIMINATION OF REQUIREMENT THAT NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES REPORT TO DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.**—Section 3214 of the National Nuclear Security Administration Act (50 U.S.C. 2404) is amended by striking subsection (c).

(c) **REPEAL OF DUPLICATIVE PROVISION.**—Section 3245 of the National Nuclear Security Administration Act (50 U.S.C. 2443) is repealed.

**SEC. 3133. CONSOLIDATION OF NUCLEAR CITIES INITIATIVE PROGRAM WITH INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.**

The Administrator for Nuclear Security shall consolidate the Nuclear Cities Initiative program with the Initiatives for Proliferation Prevention program under a single management line. The consolidation shall be completely accomplished not later than July 1, 2002.

**SEC. 3134. DISPOSITION OF SURPLUS DEFENSE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.**

(a) **CONSULTATION REQUIRED.**—The Secretary of Energy shall consult with the Governor of the State of South Carolina regarding any decisions or plans of the Secretary related to the disposition of surplus defense plutonium located at the Savannah River Site, Aiken, South Carolina, including the plan required by subsection (b).

(b) **PLAN FOR DISPOSITION.**—Not later than February 1, 2002, the Secretary shall submit to Congress a plan for disposal of the surplus defense plutonium currently located at the Savannah River Site and for disposal of defense plutonium and defense plutonium materials to be

shipped to the Savannah River Site in the future. The plan shall review each option considered for such disposal, identify the preferred option, and state the cost of construction and operation of the facilities required by the Department of Energy's Record of Decision for the Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement dated January 14, 1997. The plan shall also specify a schedule for the expeditious construction of such facilities, including milestones, and a firm schedule for funding the cost of such facilities. The plan shall specify, in addition, the means by which all such plutonium will be removed in a timely manner from the Savannah River Site for storage or disposal elsewhere.

(c) **REQUIREMENT FOR ALTERNATIVE DISPOSITION.**—If the Secretary determines that proceeding with construction of the Plutonium Immobilization Plant at the Savannah River Site is not feasible, the Department shall modify the design of the Mixed Oxide Fuel Fabrication facility at the Savannah River Site so that it includes an immobilization capability. If the Secretary determines that proceeding with the Mixed Oxide Fuel Fabrication facility is not feasible, the Department shall proceed with construction of the Plutonium Immobilization Plant.

(d) **LIMITATION ON PLUTONIUM SHIPMENTS.**—If the plan required in subsection (b) is not submitted to Congress by February 1, 2002, the Secretary shall be prohibited from shipping defense plutonium or defense plutonium materials to the Savannah River Site during the period beginning on February 1, 2002, and ending on the date on which such plan is submitted to Congress.

**SEC. 3135. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) **SUPPORT FOR FISCAL 2002.**—From amounts appropriated or otherwise made available to the Secretary of Energy by this title—

(1) \$5,000,000 shall be available for payment by the Secretary for fiscal year 2002 to the not-for-profit Los Alamos National Laboratory Foundation, as chartered in accordance with section 3167(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2052); and

(2) \$8,000,000 shall be available for extension of the contract between the Department of Energy and the Los Alamos Public Schools through fiscal year 2002.

(b) **SUPPORT FOR FISCAL 2003.**—Subject to the availability of appropriations, the Secretary is authorized to—

(1) make payment for fiscal year 2003 similar to the payment referred to in subsection (a)(1); and

(2) provide for a contract extension through fiscal 2003 similar to the contract extension referred to in subsection (a)(2).

(c) **USE OF FUNDS.**—The foundation referred to in subsection (a)(1) shall—

(1) utilize funds provided under this section as a contribution to the endowment fund for the foundation; and

(2) use the income generated from investments in the endowment fund that are attributable to payments made under this section to fund programs to support the educational needs of children in public schools in the vicinity of Los Alamos National Laboratory.

(d) **REPORT.**—Not later than March 1, 2002, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) An evaluation of the requirements for continued payments beyond fiscal year 2003 into the endowment fund of the foundation referred to in subsection (a) to enable the foundation to meet the goals of the Department to support the recruitment and retention of staff at the Los Alamos National Laboratory.

(2) The Secretary's recommendations for any further support beyond fiscal year 2003 directly to the Los Alamos Public Schools.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2002, \$18,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

**SEC. 3301. DEFINITIONS.**

In this title:

**Authorized Stockpile Disposals**

<b>Material for disposal</b>	<b>Quantity</b>
Bauxite, Refractory .....	40,000 short tons
Chromium Metal .....	3,512 short tons
Iridium .....	25,140 troy ounces
Jewel Bearings .....	30,273,221 pieces
Manganese, Ferro HC .....	209,074 short tons
Palladium .....	11 troy ounces
Quartz Crystal .....	216,648 pounds
Tantalum Metal Ingot .....	120,228 pounds of contained Tantalum
Tantalum Metal Powder .....	36,020 pounds of contained Tantalum
Thorium Nitrate .....	600,000 pounds

(b) **CONSULTATION WITH MARKET IMPACT COMMITTEE.**—In disposing of materials under subsection (a), the President shall consult with the Market Impact Committee to ensure that the disposal of the materials does not disrupt the usual markets of producers, processors, and consumers of the materials.

(c) **RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.**—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding

the materials specified in the table in such subsection.

**SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COBALT FROM NATIONAL DEFENSE STOCKPILE.**

Section 3305(a)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 50 U.S.C. 98d note) is amended by striking "fiscal year 2003" and inserting "the two-fiscal year period ending September 30, 2003".

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

(3) The term "Market Impact Committee" means the Market Impact Committee appointed under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1(c)).

**SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2002, the National Defense Stockpile Manager may obligate up to \$65,200,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**SEC. 3303. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN NATIONAL DEFENSE STOCKPILE.**

(a) **DISPOSAL AUTHORIZED.**—Subject to subsection (b), the President may dispose of certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements, in the quantities specified in the following table:

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AMOUNT.**—There are hereby authorized to be appropriated to the Secretary of Energy \$17,371,000 for fiscal year 2002 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) **PERIOD OF AVAILABILITY.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

**TITLE XXXV—MARITIME ADMINISTRATION**  
**SEC. 3501. AUTHORIZATION OF APPROPRIATIONS**  
**FOR FISCAL YEAR 2002.**

Funds are hereby authorized to be appropriated for fiscal year 2002, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$89,054,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$103,978,000, of which—

(A) \$100,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,978,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, \$10,000,000.

**SEC. 3502. DEFINE "WAR RISKS" TO VESSELS TO INCLUDE CONFISCATION, EXPROPRIATION, NATIONALIZATION, AND DEPRIVATION OF THE VESSELS.**

Section 1201(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1281(c)) is amended to read as follows:

"(c) The term 'war risks' includes to such extent as the Secretary may determine—

"(1) all or any part of any loss that is excluded from marine insurance coverage under a 'free of capture or seizure' clause, or under analogous clauses; and

"(2) other losses from hostile acts, including confiscation, expropriation, nationalization, or deprivation."

**SEC. 3503. HOLDING OBLIGOR'S CASH AS COLLATERAL UNDER TITLE XI OF MERCHANT MARINE ACT, 1936.**

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended by inserting after section 1108 the following:

**"SEC. 1109. DEPOSIT FUND.**

"(a) **ESTABLISHMENT OF DEPOSIT FUND.**—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

"(b) **AGREEMENT.**—

"(1) **IN GENERAL.**—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

"(2) **TERMS.**—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

"(3) **SECURITY INTEREST OF UNITED STATES.**—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

"(c) **INVESTMENT.**—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

"(d) **WITHDRAWALS.**—

"(1) **IN GENERAL.**—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

"(2) **USE OF INCOME.**—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

"(3) **RETENTION AGAINST DEFAULT.**—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation."

Amend the title so as to read: "A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those specified in the previous order of the House.

Except as specified in that order, each amendment printed in the report shall be considered only in the order placed at the desk, may be offered only by a Member designated on the amendment or a designee, shall be considered read, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member, or their designees.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of amendments out of the order previously specified, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After disposition of the amendments specified in the previous order of the House, the Committee shall rise without motion. No further consideration

of the bill shall be in order except pursuant to a subsequent order of the House.

AMENDMENTS EN BLOC OFFERED BY MR. STUMP  
 Mr. STUMP. Madam Chairman, I offer amendments en bloc made in order by order of the House of yesterday.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments En Bloc offered by Mr. STUMP: consisting of the amendments originally proposed by the following Members and made in order by the order of the House of September 19, 2001:

Mr. Hall of Ohio,  
 Mr. Manzullo,  
 Mr. Lantos,  
 Mr. Spratt,  
 Mr. Stearns (Amdt #50),  
 Mr. Weldon of Pennsylvania (Amdt #81),  
 Mr. Ehrlich,  
 Mr. Kirk,  
 Mr. Boyd,  
 Mr. Farr of California, and  
 Mr. Lewis of California:

AMENDMENT OFFERED BY MR. HALL OF OHIO:

At the end of title II (page 43, after line 9), insert the following new subtitle:

**Subtitle E—Air Force Science and Technology for the 21st Century**

**SEC. 251. SHORT TITLE.**

This subtitle may be cited as the "Air Force Science and Technology for the 21st Century Act".

**SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND DEVELOPMENT PLANNING.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of the Air Force should carry out each of the following:

(1) Continue and improve efforts to ensure that—

(A) the Air Force science and technology community is represented, and the recommendations of that community are considered, at all levels of program planning and budgetary decisionmaking within the Air Force;

(B) advocacy for science and technology development is institutionalized across all levels of Air Force management in a manner that is not dependent on individuals; and

(C) the value of Air Force science and technology development is made increasingly apparent to the warfighters, by linking the needs of those warfighters with decisions on science and technology development.

(2) Complete and adopt a policy directive that provides for changes in how the Air Force makes budgetary and nonbudgetary decisions with respect to its science and technology development programs and how it carries out those programs.

(3) At least once every five years, conduct a review of the long-term challenges and short-term objectives of the Air Force science and technology programs that is consistent with the review specified in section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-46).

(4) Ensure that development and science and technology planning and investment activities are carried out for future space warfighting systems and for future nonspace warfighting systems in an integrated manner.

(5) Elevate the position within the Office of the Secretary of the Air Force that has primary responsibility for budget and policy decisions for science and technology programs.

(b) REINSTATEMENT OF DEVELOPMENT PLANNING.—(1) The Secretary of the Air Force shall reinstate and implement a revised development planning process that provides for each of the following:

(A) Coordinating the needs of Air Force warfighters with decisions on science and technology development.

(B) Giving input into the establishment of priorities among science and technology programs.

(C) Analyzing Air Force capability options for the allocation of Air Force resources.

(D) Developing concepts for technology, warfighting systems, and operations with which the Air Force can achieve its critical future goals.

(E) Evaluating concepts for systems and operations that leverage technology across Air Force organizational boundaries.

(F) Ensuring that a "system-of-systems" approach is used in carrying out the various Air Force capability planning exercises.

(G) Utilizing existing analysis capabilities within the Air Force product centers in a collaborative and integrated manner.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the implementation of the planning process required by paragraph (1). The report shall include the annual amount that the Secretary considers necessary to carry out paragraph (1).

**SEC. 253. STUDY AND REPORT ON EFFECTIVENESS OF AIR FORCE SCIENCE AND TECHNOLOGY PROGRAM CHANGES.**

(a) REQUIREMENT.—The Secretary of the Air Force, in cooperation with the National Research Council of the National Academy of Sciences, shall carry out a study to determine how the changes to the Air Force science and technology program implemented during the past two years affect the future capabilities of the Air Force.

(b) MATTERS STUDIED.—(1) The study shall independently review and assess whether such changes as a whole are sufficient to ensure the following:

(A) That the concerns about the management of the science and technology program that have been raised by the Congress, the Defense Science Board, the Air Force Science Advisory Board, and the Air Force Association have been adequately addressed.

(B) That appropriate and sufficient technology is available to ensure the military superiority of the United States and counter future high-risk threats.

(C) That the science and technology investments are balanced to meet the near-, mid-, and long-term needs of the Air Force.

(D) That technologies are made available that can be used to respond flexibly and quickly to a wide range of future threats.

(E) That the Air Force organizational structure provides for a sufficiently senior level advocate of science and technology to ensure an ongoing, effective presence of the science and technology community during the budget and planning process.

(2) In addition, the study shall independently assess the specific changes to the Air Force science and technology program as follows:

(A) Whether the biannual science and technology summits provide sufficient visibility into, and understanding and appreciation of, the value of the science and technology program to the senior level of Air Force budget and policy decisionmakers.

(B) Whether the applied technology councils are effective in contributing the input of all levels beneath the senior leadership into the coordination, focus, and content of the science and technology program.

(C) Whether the designation of the commander of the Air Force Materiel Command as the science and technology budget advocate is effective to assure that an adequate budget top line is set.

(D) Whether the revised development planning process is effective to aid in the coordination of the needs of the Air Force warfighters with decisions on science and technology investments and the establishment of priorities among different science and technology programs.

(E) Whether the implementation of section 252 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-46) is effective to identify the basis for the appropriate science and technology program top line and investment portfolio.

(c) REPORT.—Not later than 60 days after the date on which the study required by subsection (a) is completed, the Secretary of the Air Force shall submit to Congress the results of the study.

(d) FUNDING.—Of the amount made available pursuant to section 201(3) for research, development, test, and evaluation for the Air Force, \$950,000 shall be available only to carry out this section.

**AMENDMENT OFFERED BY MR. MANZULLO:**

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

**SEC. 8. INCREASE OF ASSISTANCE LIMITATION REGARDING PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.**

Section 2414(a)(1) of title 10, United States Code, is amended by striking "\$300,000" and inserting "\$600,000".

**AMENDMENT OFFERED BY MR. LANTOS:**

Strike section 1044 (page 281 beginning line 6), relating to a sense of the Congress regarding Kwajalein Atoll.

**AMENDMENT OFFERED BY MR. SPRATT:**

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 10. LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.**

Subsection (g) of section 2667 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Paragraph (1) does not apply to a renewal or extension of a lease by the Secretary of the Navy with a selected institution for operation of a ship within the University National Oceanographic Laboratory System if, under the lease, each of the following applies:

"(A) Use of the ship is restricted to federally supported research programs and to non-Federal uses under specific conditions with approval by the Secretary of the Navy.

"(B) Because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewal or extension.

"(C) The lessee is required to maintain the ship in a good state of repair, readiness, and efficient operating condition, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the

ship, its crew, and scientific personnel aboard."

**AMENDMENT OFFERED BY MR. STEARNS:**

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

**SEC. . SENSE OF CONGRESS REGARDING CONTINUED UNITED STATES COMMITMENT TO RESTORING LAFAYETTE ESCADRILLE MEMORIAL, MARNES LA-COGUETTE, FRANCE.**

(a) FINDINGS.—Congress finds the following:

(1) The Lafayette Escadrille, an aviation squadron within the French Lafayette Flying Corps, was formed April 16, 1916.

(2) The Lafayette Escadrille consisted of aviators from the United States who volunteered to fight for the people of France during World War I.

(3) 265 volunteers from the United States served in the Lafayette Flying Corps, completing 3,000 combat sorties and amassing nearly 200 victories.

(4) The Lafayette Escadrille won 4 Legions of Honor, 7 Medailles Militaires, and 31 citations, each with a Croix de Guerre.

(5) In 1918, command of the Lafayette Escadrille was transferred to the United States, where the Lafayette Escadrille became the combat air force of the United States.

(6) In 1921, a Franco-American committee was organized to locate a final resting place for the 68 United States aviators who lost their lives flying for France during World War I.

(7) The Lafayette Escadrille Memorial was dedicated on July 4, 1928, in honor of all United States aviators who flew for France during World War I.

(8) The Lafayette Escadrille Memorial Foundation, located in the United States and in France, was founded by Nelson Cromwell in 1930 and endowed with a \$1,500,000 trust for the maintenance and upkeep of the Lafayette Escadrille Memorial.

(9) Environmental conditions have contributed to structural damage to, and the overall degradation of, the Lafayette Escadrille Memorial, preventing the holding of memorial services inside the crypt.

(10) The French Government has pledged funds to support a restoration of the Lafayette Escadrille Memorial.

(11) The Lafayette Escadrille Memorial should be restored to its original beauty to honor all the United States aviators who flew for France during World War I and to demonstrate the respect of the United States for the sacrifices made by all Americans who have served our Nation and our allies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial in Marnes La-Coguette, France.

**AMENDMENT OFFERED BY MR. WELDON OF PENNSYLVANIA:**

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. . DESIGNATION OF FIREFIGHTER ASSISTANCE PROGRAM IN HONOR OF FLOYD D. SPENCE, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES, AND SENSE OF CONGRESS ON NEED TO CONTINUE THE PROGRAM.**

(a) DESIGNATION.—Section 33(b)(2)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(2)(A)) is amended—

(1) by inserting "AND DESIGNATION" after "ESTABLISHMENT"; and

(2) by adding at the end the following new sentence: "The program of firefighter assistance administered by the Office shall be known as the 'Floyd D. Spence Memorial Domestic Defenders Initiative'."

(b) SENSE OF CONGRESS.—The firefighters assistance grant program authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is recognized as having served as an effective device in Congress' ongoing effort to address the needs of America's fire service, and it is the sense of Congress that the program should be reauthorized for fiscal year 2003 and subsequent fiscal years at a higher level of funding.

#### AMENDMENT OFFERED BY MR. EHRLICH:

At the end of title XII (page 331, after line 15), insert the following new section:

#### SEC. 12. AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.

(a) AUTHORITY TO CONDUCT INSPECTIONS.—Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in Public Law 105-277; 112 Stat. 2681-873; 22 U.S.C. 6723) is amended in subsection (b)(2) by inserting "(and in the case of inspection of Federal Government-owned facilities, such designation may include employees of a contractor with the Federal Government)" after "Federal Government".

(b) PROCEDURES FOR INSPECTIONS.—Section 304 of such Act (22 U.S.C. 6724) is amended in subsection (c) by inserting "or contractor with the Federal Government" after "Federal Government".

#### AMENDMENT OFFERED BY MR. KIRK:

At the end of subtitle B of title XXVIII (page 394, after line 20), insert the following new section:

#### SEC. \_\_\_\_ . USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

"(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

"(3) In this subsection, the term 'military installation' has the meaning given the term in section 2687(e) of this title."

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of such title is amended by adding at the end the following new subsection:

"(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any

Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place."

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

"(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title)."

(c) CONFORMING AND CLERICAL AMENDMENTS.—(1) section 2670 of such title is further amended—

(A) by striking "Under" and inserting "(a) USE BY RED CROSS.—Under"; and

(B) by striking "this section" and inserting "this subsection".

(2) The heading of such section is amended to read as follows:

**"§2670. Buildings on military installations: use by American National Red Cross and as polling places".**

(3) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

**"2670. Buildings on military installations: use by American National Red Cross and as polling places."**

#### AMENDMENT OFFERED BY MR. BOYD:

At the end of part III of subtitle D of title XXVIII (page 414, after line 7), insert the following new section:

#### SEC. 285. LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Florida State University, all right, title and interest of the United States in and to a parcel of real property known as "Defense Fuel Support Point", including any improvements thereon, located in Lynn Haven, Florida, and consisting of approximately 200 acres for the purpose of establishing a National Coastal Research Center.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

#### SEC. 2866. ADDITIONAL EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public

Law 103-337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2225), is amended by inserting before the period at the end the following: ", with regard to firefighting and police services, and September 30, 2003, with regard to other services described in under subsection (a)".

#### AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

#### SEC. 2866. CONVEYANCE OF AVIGATION EASEMENTS, FORMER NORTON AIR FORCE BASE, CALIFORNIA.

The Administrator of General Services shall convey, without consideration, to the Inland Valley Development Agency (the redevelopment authority for former Norton Air Force Base, California) two aviation easements (identified as APN 289-231-08 and APN 289-232-08) held by the United States.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, September 19, 2001, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Chairman, I wish to thank the gentleman from Arizona (Mr. STUMP), my good friend, for incorporating my amendments as part of the manager's amendment in this defense authorization bill.

My first amendment concerns the deteriorating state of the Lafayette-Escadrille Memorial. It is basically a sense of the Congress resolution. This memorial honors all U.S. aviators who flew for France in World War I. I laid a wreath at the memorial on June 17 with 40 of my colleagues in attendance to commemorate the 85th anniversary of the squadron's formation.

Seven Americans originally formed the squadron. When the escadrille transferred to the U.S. command in 1918, 265 American volunteers had served in the French air service with 180 of those having flown combat missions. In all, the escadrille flew 3,000 combat sorties, amassing nearly 200 victories. In fact, the escadrille became the birth of the United States Air Force.

A joint French/American committee was organized at the end of World War I to locate a final resting place for those Americans who died there. With land donated by the French Government, the Lafayette-Escadrille Memorial was dedicated on July 4, 1928. It is essentially an American cemetery with 68 Americans who gave their lives interred in the memorial.

Sadly, this memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, exacerbated by the poor functioning drains and water

leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation and double glass is needed to protect the remarkable stained glass windows.

The Lafayette-Escadrille Memorial Foundation was endowed originally with a \$1.5 million trust fund for its maintenance, but that has been exhausted. The French Government has pledged funds and has begun working in earnest to repair this memorial. I want to point out that the foundation is an American not-for-profit and is subject to IRS regulations governing not-for-profit activities.

Madam Chairman, our men and women in uniform, present and future and past, we hold those who served in the highest regard; and they should be remembered. I have received letters from descendants of members of the Lafayette-Escadrille offering their support, and I have received calls from persons only wanting to see the memorial restored.

Our men and women in uniform deserve the best this Nation can give them. Such action should not stop at their deaths.

The second amendment that I offer and is part of the en bloc amendment highlights the need for the Department of Defense to realign its focus on using energy efficient technologies. I feel that the Department of Defense should take into account the recommendations contained in the report by the Defense Science Board entitled "More Capable War-Fighting Through Reduced Fuel Burden."

The report states: "Military fuel consumption for aircraft, ships, ground vehicles and facilities make the Department of Defense the single largest consumer of petroleum in America, perhaps in the world. Naval forces depend each day on millions of gallons of fuel to operate around the globe. The Air Force spends approximately 85 percent of its fuel budget to deliver, by airborne tankers, just 6 percent of its annual jet fuel usage."

It is without a doubt that fuel cost is directly associated with military readiness. By no means, however, should the DOD sacrifice performance requirements to save a few gallons of fuel. Obviously, including energy efficiency as a requirement under DOD's procurement process and investing in new improvements through its S&T community is a significant step in the direction of curtailing energy consumption in a responsible manner, while maintaining the performance and overall military capability.

The DSB report states "that the largest element of the total fuel cost in DOD is the cost of delivery." Improving on daily use of fuel for both combat and support units could reduce the logistics need while allowing units to deploy and remain in the field for a longer sustained period of time.

Undoubtedly, a component in the war against terrorism will be the use of lighter, more mobile forces. So, it is imperative that we improve our logistics capability and reduce the "logistics tail." As the DSB report notes, "efficiency is a strong component of agility."

So I again want to thank the chairman, the gentleman from Arizona (Mr. STUMP), for allowing me to incorporate these into the manager's amendment; and I urge the adoption of the manager's amendment.

Mr. SKELTON. Madam Chairman, I might say that we have seen these amendments on our side, and we fully agree and approve of them.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I move to strike the last word, and I yield to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Chairman, I want to thank our distinguished chairman and ranking member for their support of three amendments in this en bloc amendment that I introduced. The first one I think is perhaps the most important that I want to talk about.

Two years ago I made a recommendation to our leadership that we establish a task force that would integrate our domestic response network, our fire and EMS community, with our military. That task force recommendation was accepted and the panel that was established became known as the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, more commonly known as the Gilmore Commission, because the Gilmore Commission has been chaired by Governor Gilmore of Virginia.

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This commission for the past 2 years has been looking at ways that we can further integrate our military and the response of our first responders, our fire and EMS personnel.

Madam Chairman, this commission has done tremendous work in giving us recommendations to assist our domestic defenders who just this past week were the first responders at the World Trade Center.

In fact, Madam Chairman, I went to New York on Friday. I went up on Friday for a very specific reason. The Gilmore Commission, the task force we are extending for 2 years, had members from all aspects of our urban response network: the military, domestic fire service.

The representative of the New York City Fire Department in charge of Special Operations Command was Ray Downey. Ray Downey is a friend of mine who escorted me at the first World Trade Center bombing in 1993. Thirty minutes after the buildings col-

lapsed in New York this past week, as the New York City firefighters were providing their first response, Ray Downey was killed. Ray Downey was the chief of the special operations function for the New York City department. He was a member of the commission that we are going to extend for 2 more years in this amendment. He was the point person to help us understand how our military and our urban response community and civilian response community could interact.

He was making specific recommendations, Madam Chairman, that have helped us better integrate our two networks. In fact, one of the results of their recommendations was that initiative last year that is, in fact, the subject of a second amendment that we have accepted. That amendment deals with the recommendation by this Congress that we accept the firefighter assistance program that we first put into place last year.

Last year it was \$100 million. We had \$300 billion of requests across the country. What we are asking for is an extension of that program, and the amendment here says that Congress should renew the authorization for that program.

That program, again, was a bipartisan effort. The gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. PASCRELL), Congressmen on our side, including the chairman of our Committee on Armed Services and our ranking member, the gentleman from Missouri (Mr. SKELTON), were the reason why that recommendation became law.

This year we are in the process of giving out \$100 million of direct grants through FEMA that are going to local fire and emergency services groups across the country, including the New York City Fire Department.

So the recommendation in the second amendment is to continue that program and to name it after the honorable Floyd Spence, without whose acceptance, as our committee chairman, it would not have become law. That does not diminish the work by other colleagues, the gentleman from Missouri (Mr. SKELTON), the gentleman from Maryland (Mr. HOYER), the gentleman from New Jersey (Mr. PASCRELL), the gentleman from Arizona (Mr. STUMP), and a whole host of other Members from the Congress.

But we are naming it after Floyd Spence because he was the one, as chair of the committee, that allowed this program to move forward.

Madam Chairman, these two amendments are critically important because they both deal with events of the past week. They also show that this committee was far in front of the Congress and the American people in preparing for the kind of incident that we saw occur on Tuesday.

That kind of foresight is what this Committee on Armed Services has been

doing since I have been here in Congress for 15 years. It continues with the leadership of our chairman and our ranking member. I thank them both for including the amendments that I offer. I thank them for their commitment not just to our military, but our domestic defenders.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Texas (Mr. FROST).

Mr. FROST. Madam Chairman, I rise in support of the defense authorization bill.

Madam Chairman, I am pleased that the House of Representatives is getting back to regular business so quickly—and I'm particularly glad that we're starting with this bill.

After the horror of September 11th, everyone in this Congress and around the country understands the importance of maintaining the finest military in the world.

I have no doubt that the men and women of America's armed forces will rise to the challenges posed by today's dangerous new world. And I have no doubt that this Congress will ensure America's military has the resources it needs to win the war on terrorism.

Indeed, this bill is a good example of the bipartisan support America's armed forces enjoy. It passed the Armed Services Committee on a bipartisan vote of 58 to 1. Democrats and Republicans are strongly committed to a first-rate military that will protect this nation and its people, and that will maintain our position as the chief protector of democracy and the rule of law throughout the world.

I am particularly pleased that this bill will improve quality of life for men and women in uniform and their families. It increases basic military pay, and provides important resources for military family housing and for military retirees' health care.

Additionally, this bill continues our commitment to the wide range of weapons programs that ensure our military superiority throughout the world—which will be particularly important as we prepare for a new and dangerous world.

Madam Chairman, the first duty of the Congress and the President is to provide for the national defense, and the men and women who protect it. I am proud that this bipartisan bill takes major steps toward accomplishing that goal, and I support it strongly.

Still, I, like many others, believe we need to do more—more especially to provide for "Homeland Defense" and to fight terrorism. Our top priority should be ensuring that Americans are never again victimized by another barbaric attack like September 11th. So I look forward to working with Republicans and Democrats over the next few days to ensure that our armed forces have the resources to win this war on terror.

Mr. MANZULLO. Madam Chairman, I want to convey my thanks to the Chairman and the Ranking Minority Member of the House Armed Services Committee for including my amendment to the managers' amendment to HR 2586. My provision doubles the Defense Logistics Agency (DLA) grant match to states which run state-wide Procurement Technical Assistance Centers (PTACs) program so that they would be able to receive up to \$600,000 in funding.

Small business participation in government procurement is dropping, particularly for Defense Department contracts. For new contracts worth over \$25,000, the number of small businesses winning these opportunities dropped from a high of 70,088 in 1995 to 41,075 in 1999. Even for sales opportunities to the federal government of \$2,500 or less, which used to be reserved for small business, the number of small purchase actions from small businesses decreased from nearly 10 million in 1995 to 3.8 million in 2000. One solution to this problem is to enhance the role of Procurement Technical Assistance Centers (PTACs).

During the 1980's, Congress created local PTACs around the country to increase small business participation in defense procurement. Modeled after Small Business Development Centers (SDBC)s run by the Small Business Administration (SBA), these centers offer free advice and help to small businesses both in educating them about how to get involved in government procurement and also how to obtain contracts. Most of the PTACs are co-located in a local higher education institution.

About half of the funding for most of the PTACs comes from Defense Logistics Agency (DLA). The remainder comes from the state government and/or the local host such as the community college. States currently have a choice: they can either ask for up to \$300,000 to run a state-wide program or regional centers can ask for up to \$150,000 to run a program locally. Some states have decided to run a statewide program in order to have continuity of service throughout the state. However, some states have allowed regional or city PTACs to operate.

Currently, 15 states have regional or city PTACs that receive an excess of \$300,000. For example, Pennsylvania received nearly \$1.2 million in DLA funding to run eight regional PTACs. Similarly, Michigan received just over \$1 million to run eight regional PTACs. The current funding formula penalizes states like my home state of Illinois who have opted for a seamless delivery of procurement assistance services throughout the state but also serve a large population.

My amendment, which was also introduced as a clean bill (H.R. 2689) supported by all the Illinois Members of the House Armed Services Committee, increases the DLA grant match to states that run a state-wide PTAC program so that they would be able to receive up to \$600,000 in funding, double the current level of \$300,000. This would potentially benefit 30 states and one territory that either have a statewide PTAC program or only one city participates in the PTAC program. These include, in alphabetical order: Alaska, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Iowa, Idaho, Illinois, Kentucky, Massachusetts, Maryland, Maine, Minnesota, Mississippi, Montana, North Carolina, Nebraska, New Hampshire, New Mexico, Nevada, Oregon, Puerto Rico, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and Wyoming.

There are also the five states and four other territories that do not have any PTAC program which could potentially benefit from this amendment. These include, in alphabetical order: American Samoa, Colorado, the District

of Columbia, Guam, Hawaii, Kansas, North Dakota, South Dakota, and the Virgin Islands.

It is important to remember that each state with a state-wide run PTAC program would not automatically receive a \$600,000 grant from the DLA because each proposal would have to stand on its own merits. Currently, 10 states and one territory do not even receive the full \$300,000 in grant funds from the DLA authorized to run a statewide PTAC program. Thus, this proposal does not necessarily mean that the cost of the program would immediately balloon. Only those states that submit a sound proposal who serve a large population would qualify for the maximum of \$600,000, as contained in my amendment.

Finally, the Manzullo amendment does not mean that the 15 states with regional or city PTACs would receive less funding. This amendment is silent on the match received from DLA to regional or city PTACs.

With the criticism of recent Pentagon procurements that disadvantage small businesses, my amendment is one positive way to remedy the problem. I respectfully urge my colleagues to support the managers' amendment.

Mr. HALL of Ohio. Madam Chairman, I rise in support of the Hall Amendment, the "Air Force Science and Technology for the 21st Century Act," which is included in the en bloc amendment. The amendment addresses deficiencies in the Air Force's planning and budget process for the Science and Technology (S&T) program to better link the future needs of the warfighter with S&T investment decisions and to increase support for the S&T program at senior levels of Air Force leadership. The amendment expresses the sense of Congress that the Air Force solidify and institutionalize the steps that it has already taken to address the planning and budgeting deficiencies. It also requires the Air Force to reinstate "development planning" as part of the planning and budgeting process to help the Air Force Research Laboratory better define the technologies most likely required by tomorrow's defense needs. Furthermore, the amendment requires a study by National Academy of Sciences' National Research Council (NRC) to assess the effect of recent organizational changes in the operation of the Air Force S&T program to the future capabilities of the Air Force.

After a decade of decline, in the last few years, the Department of Defense (DoD) has made modest increases in S&T funding. However, the increases have not been made uniformly across all of the services. Among the military services, the Air Force's spending on S&T has seen the most dramatic decline. Once, the rate of Air Forces A&T spending was almost equal to the Army and Navy combined. Now it is the lowest of the three services. Air Force spending on S&T has dropped by almost 50 percent from 1989 to 2001 measured in constant dollars. This decline in spending has been widely criticized as a threat to the future ability of the Air Force to field weapon systems employing cutting edge technologies. Especially critical in light of recent events, the Air Force may not have the technology available to respond to future emerging threats including threats of terrorism to homeland security.

In recent years, Congress has made efforts to reverse the decline in Air Force S&T development by appropriating funds greater than requested in the President's budget request. Congress has also enacted legislation mandating improvements in the S&T program management and requesting expert opinions on what changes should be made. After pressure from Congress, the academic community, the aerospace industry, and Air Force advocates, the Air Force made fundamental changes in how it makes budgetary and non budgetary policy decisions for its science and technology development programs and the management of those programs. However, despite these worthwhile efforts, additional measures are needed to ensure sufficient levels of advocacy for science and technology development within the Air Force and that the best decisions are made for science and technology investment.

One factor contributing to the decline in Air Force science and technology is the lack of a proactive development planning process that analyzes the long-term needs of the warfighter to guide the direction of scientific research. Without a strong link between the technology needs of the warfighter and the work of the Air Force Research Laboratory, the science and technology program risks insufficient support within the Air Force and a misdirected focus. Until the mid 1990s, Congress funded an office of development planning sometimes called the "crystal ball office," which bridged the gap between laboratory and warfighter. The process has since been discontinued. Restoration of this planning function was a key recommendation of the recent study of the Air Force Science Advisory Board and it was supported in testimony this year before the House Armed Services Subcommittee on Military Research and Development. My amendment requires the Air Force to reinstate a revised development planning process and report back to Congress on the new program format.

Another contributing factor is the lack of a sufficiently high level Air Force leader with duties focused solely on science, technology, and engineering. This was pointed out in recent reports by the Air Force Association and National Academy of Sciences' National Research Council. Currently, the top policy slot is the Deputy Assistant Secretary for Science, Technology and Engineering with the grade of SES-5, the civilian equivalent of a major general. This amendment expresses the sense of Congress that the position should be elevated to a higher level within the organization.

In the last year, the Air Force has instituted several new initiatives to improve science research. These include biannual S&T Summits to increase the visibility, understanding and appreciation of the value of the S&T program to senior Air Force leaders; establishing Applied Technology Councils to provide input from levels beneath senior management into the coordination, focus and content of the S&T program; and the designation of the Commander of Air Force Material Command as the general officer advocate for the S&T budget. Also, section 252 of P.L. 106-398, The National Defense Authorization Act for Fiscal Year 2001, enacted in 2000, called for a comprehensive review of the long-term challenges and short-term objectives of the Air Force S&T

program. My amendment requires the National Academy of Sciences' National Research Council (NRC) to study the effectiveness of these changes and make recommendations for further improvements in the management of the S&T program. The amendment authorizes \$950,000 for the study from the funds currently authorized under section 201(3) of the National Defense Authorization Act for Fiscal Year 2002.

My amendment also expresses the sense of Congress that the Air Force should continue and improve on the recent actions taken by the Air Force to solidify and institutionalize the S&T management and budget decisions process; formally adopt the policy directives to implement those actions; conduct at least once every five years a review of long-term challenges and short-term objectives of the Air Force science and technology program; and ensure the integration of science and technology development for space and non-space warfighting systems.

In light of recent events, it is important to note that military experts believe that maintaining the United States' technological superiority is key to fighting terrorism. However, numerous studies have suggested that the investment science is inadequate to meet the needs of fighting the future emerging threats including threats to homeland security. My amendment is aimed at helping the Air Force develop the necessary technology to respond flexibly and quickly to a wide range of future threats, including terrorism.

My amendment requires no sweeping changes in the management of the Air Force S&T program. Rather, it is intended to nudge the Air Force back toward increased support for scientific research as an integral part of its mission and to restore its traditional role as the technology service that most depends on scientific advances to maintain military superiority.

I strongly urge the adoption of the amendment.

Mr. SKELTON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

#### AMENDMENTS EN BLOC OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer amendments en bloc made in order by the House yesterday.

The CHAIRMAN. The Clerk will designate the amendments en bloc:

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. STUMP consisting of the amendments originally proposed by the following Members and made in order by the order of the House of September 19, 2001: Mr. OSE, Mr. BEREUTER, Mr. UNDERWOOD, Mr. GILCHREST, Mr. STRICKLAND, Ms. VELÁZQUEZ, No. 46 offered by Mr. STEARNS, Mrs. TAUSCHER, No. 70 offered by Mr. WELDON of Pennsylvania, No. 78 offered by Mr. WELDON of Pennsylvania, and Mrs. KELLY:

Amendment offered by Mr. OSE:

In section 341, relating to assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employ-

ees (page 64, beginning line 20), strike subsections (a) and (b) and insert the following new subsections:

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) \$30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) \$1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

Amendment Offered by Mr. BEREUTER:

At the end of subtitle B of title V (page 115, after line 18), insert the following new section:

#### SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CONDUCT OF ATHLETIC COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) ATHLETIC AND SMALL ARMS COMPETITIONS.—Section 504 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(c) CONDUCT OF AND PARTICIPATION IN CERTAIN COMPETITIONS.—(1) Under regulations prescribed by the Secretary of Defense, members and units of the National Guard may conduct and compete in a qualifying athletic competition or a small arms competition so long as—

“(A) the conduct of, or participation in, the competition does not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

“(B) National Guard personnel will enhance their military skills as a result of conducting or participating in the competition; and

“(C) the conduct of or participation in the competition will not result in a significant increase in National Guard costs.

“(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with the conduct of or participation in a qualifying athletic competition or a small arms competition under paragraph (1).”

(b) OTHER MATTERS.—Such section is further amended by adding after subsection (c), as added by subsection (a) of this section, the following new subsections:

“(d) AVAILABILITY OF FUNDS.—(1) Subject to paragraph (2) and such limitations as may be enacted in appropriations Acts and such regulations as the Secretary of Defense may prescribe, amounts appropriated for the National Guard may be used to cover—

“(A) the costs of conducting or participating in a qualifying athletic competition or a small arms competition under subsection (c); and

“(B) the expenses of members of the National Guard under subsection (a)(3), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.

“(2) Not more than \$2,500,000 may be obligated or expended in any fiscal year under subsection (c).

“(e) **QUALIFYING ATHLETIC COMPETITION DEFINED.**—In this section, the term ‘qualifying athletic competition’ means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.”

(c) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) in subsection (a), by inserting “**AUTHORIZED ACTIVITIES.**—” after “(a)”; and

(2) in subsection (b), by inserting “**AUTHORIZED LOCATIONS.**—” after “(b)”.

(d) **CONFORMING AND CLERICAL AMENDMENTS.**—(1) Subsection (a) of such section is amended—

(A) in paragraph (1), by inserting “and” after the semicolon;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3).

(2) The heading of such section is amended to read as follows:

**“504. National Guard schools; small arms competitions; athletic competitions”.**

(3) The item relating to section 504 in the table of sections at the beginning of chapter 5 of title 10, United States Code, is amended to read as follows:

“504. National Guard schools; small arms competitions; athletic competitions.”

Amendment offered by Mr. UNDERWOOD:

At the end of section 552 (page 166, after line 5), insert the following new subsection:

(f) **STATE DEFINED.**—In this section, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

Amendment offered by Mr. GILCREST:

At the end of title V (page 187, after line 12), insert the following new section:

**SEC. \_\_\_\_ . REPORT ON HEALTH AND DISABILITY BENEFITS FOR PRE-ACCESSION TRAINING AND EDUCATION PROGRAMS.**

(a) **STUDY.**—The Secretary of Defense shall conduct a review of the health and disability benefit programs available to recruits and officer candidates engaged in training, education, or other types of programs while not yet on active duty and to cadets and midshipmen attending the service academies. The review shall be conducted with the participation of the Secretaries of the military departments.

(b) **REPORT.**—Not later than March 1, 2002, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the findings of the review. The report shall include the following with respect to persons described in subsection (a):

(1) A statement of the process and detailed procedures followed by each of the Armed Forces under the jurisdiction of the Secretary of a military department to provide health care and disability benefits to all such persons injured in training, education, or other types of programs conducted by the Secretary of a military department.

(2) Information on the number of total cases of such persons requiring health care and disability benefits and the total number of cases and average value of health care and disability benefits provided under the authority for each source of benefits available to those persons.

(3) A discussion of the issues regarding health and disability benefits for such persons that are encountered by the Secretary during the review, to include discussions with individuals who have received those benefits.

(4) A discussion of the necessity for legislative changes and specific legislative proposals needed to improve the benefits provided those persons.

Amendment offered by Mr. STRICKLAND:

At the end of title V (page 187, after line 12), insert the following new section:

**SEC. \_\_\_\_ . REQUIREMENT TO PROVIDE APPROPRIATE ARTICLES OF CLOTHING AS A CIVILIAN UNIFORM FOR CIVILIANS PARTICIPATING IN FUNERAL HONOR DETAILS FOR VETERANS UPON SHOWING OF FINANCIAL NEED.**

Section 1491(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “To provide”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

“(2)(A) Upon a showing of financial need and subject to subparagraph (B), the Secretary of a military department shall provide articles of clothing described in subparagraph (C) to an organization referred to in subsection (b)(2) or to members of such an organization who participate in funeral honors details. Any such showing of financial need shall be made in such manner as the Secretary may require.

“(B) The Secretary concerned may provide articles of clothing to an organization (or members of an organization) under this paragraph only if the Secretary determines that participation of that organization or its members in the funeral honors mission is advantageous to the performance of that mission and meets the performance standards set by the Secretary for that mission.

“(C) Articles of clothing covered by subparagraph (A) are articles of clothing determined by the Secretary concerned to be appropriate as a civilian uniform for persons participating in a funeral honors detail who are not authorized to wear the uniform of any of the armed forces.”

Amendment offered by Ms. VELÁZQUEZ:

At the end of subtitle A of title VIII (page 248, after line 9), insert the following new section:

**SEC. 8 \_\_\_\_ . STUDY OF CONTRACT CONSOLIDATIONS.**

The Secretary of Defense, in consultation with the Comptroller General of the United States, shall develop a database to track contract consolidations which consolidate 2 or more contracts previously awarded by the Department of Defense to small business concerns. The database shall contain, at a minimum, the names and addresses of the businesses to which the contracts that were consolidated were previously awarded, the rationale for consolidating the contracts, and the monetary benefit projected to be realized by the contract consolidation. Not later than December 1st of each year, the Secretary of Defense shall submit a report regarding the information contained in such database to the Committees on Armed Serv-

ices of the House of Representatives and the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate.

Amendment No. 46 offered by Mr. STEARNS:

At the end of subtitle E of title X (page 307, after line 20), insert the following new section:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON IMPLEMENTATION OF FUEL EFFICIENCY REFORMS IN DEPARTMENT OF DEFENSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Federal Government is the largest single energy user in the United States, and the Department of Defense is the largest energy user among all Federal agencies.

(2) The Department of Defense consumed 595,000,000,000 BTUs of petroleum in fiscal year 1999, while all other Federal agencies combined consumed 56,000,000,000 BTUs of petroleum.

(3) The total cost of petroleum to the Department of Defense amounted to \$3,600,000,000 in fiscal year 2000.

(4) Increased fuel efficiency would reduce the cost of delivering fuel to military units during operations and training and allow a corresponding percentage of defense dollars to be reallocated to logistic shortages and other readiness needs.

(5) Increased fuel efficiency would decrease the time needed to assemble military units, would increase unit flexibility, and would allow units to remain in the field for a longer period of time.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should work to implement fuel efficiency reforms, as recommended by the Defense Science Board report, which allow for investment decisions based on the true cost of delivered fuel, strengthen the linkage between warfighting capability and fuel logistics requirements, provide high-level leadership encouraging fuel efficiency, target fuel efficiency improvements through science and technology investment, and include fuel efficiency in requirements and acquisition processes.

Amendment offered by Mrs. TAUSCHER:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 10 \_\_\_\_ . PLAN FOR SECURING RUSSIA'S NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE.**

(a) **PLAN FOR NONPROLIFERATION PROGRAMS WITH RUSSIA.**—Not later than June 15, 2002, the President shall submit to Congress a plan—

(1) for cooperation with Russia on disposition as soon as practicable of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenal; and

(2) to prevent the outflow from Russia of scientific expertise that could be used for developing nuclear weapons or other weapons of mass destruction, including delivery systems.

(b) **CONTENT OF PLAN.**—The plan required by subsection (a) shall include the following:

(1) Specific goals and measurable objectives for the programs that are designed to carry out the objectives specified in paragraphs (1) and (2) of subsection (a).

(2) Criteria for success for those programs and a strategy for eventual termination of United States contributions to those programs and assumption of the ongoing support of those programs by Russia.

(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of the programs to be implemented under the plan.

(4) An estimate of the cost of carrying out those programs.

(c) **CONSULTATION WITH RUSSIA.**—In developing the plan required by subsection (a), the President shall consult with Russia regarding the practicality of various options.

(d) **CONSULTATION WITH CONGRESS.**—In developing the plan required by subsection (a), the President shall consult with the majority and minority leadership of the appropriate committees of Congress.

Amendment No. 70 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 1048. TWO-YEAR EXTENSION OF ADVISORY PANEL TO ASSESS DOMESTIC RESPONSE CAPABILITIES FOR TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION.**

Section 1405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 2301 note) is amended—

(1) in subsection (h)(2), by striking “2001” and inserting “2003”; and

(2) in subsection (l), by striking “three years” and inserting “five years”.

Amendment No. 78 offered by Mr. WELDON of Pennsylvania:

At the end of title X (page 307, after line 20), insert the following new section:

**SEC. 1048. ACTION TO PROMOTE NATIONAL DEFENSE FEATURES PROGRAM.**

(a) **FINDINGS.**—The Congress finds the following:

(1) The National Defense Features program, which is funded from the National Defense Sealift Fund established by section 2218 of title 10, United States Code, is a constituent element of the defense policy of the United States intended to provide essential sealift capacity in emergencies, strengthen the national shipbuilding base, and maintain a resource of highly trained merchant seamen.

(2) Implementation of the National Defense Features program would provide significant benefits both for the United States and for allied nations during military contingencies.

(3) For the United States and nations allied with the United States to realize these benefits, it is essential that vessels built under that program enjoy commercial opportunities in peacetime on trade routes between the United States and allied nations and that those vessels not be excluded from such opportunities through restrictive trade practices.

(4) The failure of vessels built, or to be built, under the National Defense Features program to obtain employment as common carriers or contract carriers in the particular sector of any trade route in the foreign commerce of the United States for which they are designed to operate, together with long-term domination of that sector of the trade route by citizens of an allied nation, evidences the existence of restrictive trade practices.

(b) **ACTION TO PROMOTE PROGRAM.**—In any case in which the Secretary of Defense finds the existence of the conditions determined by subsection (a)(4) to prove the existence of restrictive trade practices, the Secretary shall certify the case to the Federal Maritime Commission, which thereupon, in consultation with the Secretary, shall take action to counteract such practices, utilizing all remedies available under section

10002(e)(1) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a).

Amendment offered by Mrs. KELLY:

At the end of title XXVIII (page 427, after line 7), insert the following new section:

**SEC. 2866. REPORT ON OPTIONS TO PROMOTE ECONOMIC DEVELOPMENT IN COMMUNITY ADJACENT TO UNITED STATES MILITARY ACADEMY, NEW YORK.**

(a) **REPORT REQUIRED.**—Not later than February 1, 2002, the Secretary of the Army shall submit to Congress a report evaluating various options by which the Secretary may promote economic development in the Village of Highland Falls, New York, which is located adjacent to the United States Military Academy.

(b) **SPECIFIC CONSIDERATION OF CERTAIN OPTIONS.**—Among the options evaluated under subsection (a), the Secretary shall specifically address the following:

(1) The fee simple conveyance of real property under the jurisdiction of the Secretary in the Town of Highlands, New York, to the Village, without consideration, for the purpose of permitting the Village to use the property to promote economic development.

(2) Use by the Secretary of the authority under section 2667 of title 10, United States Code, to make non-excess real property under the jurisdiction of the Secretary available to the Village for such purpose.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, September 19, 2001, the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Chairman, I thank the gentleman from Arizona for yielding time to me.

I would just like to make three quick comments.

One, I think it is vital for the defense authorization bill to go through this House today, and I would hope that we could pass it with the unanimous votes of the Members on both sides of the aisle.

We also come here today to express our condolences to those families and victims of this cruel tragedy; praise, with as much compassion and encouragement to those people who have responded, and in particular the firefighters, the medical teams, the police officers, our military services, and all those volunteers that have contributed to that effort, as well as the non-governmental organizations like people of religious faiths, and also certainly the Red Cross.

In essence, the long-term victory will come in this battle when we as Members of Congress and the Nation come together to focus our attention and our hearts to those tragedies that have been brought to America, and with our allies in the international community, to know that we need to make this worldwide effort to replace arrogance with humility, to replace ignorance

with knowledge, and to replace dogma with tolerance. This is what is needed. I think, in fact, this is probably what will happen.

On a smaller scale, in the defense authorization bill, I am glad that the chairman of the committee has basically included this en bloc amendment in H.R. 2586, in the Defense Authorization Act, to ask the Secretary of Defense to study the issue that has not been resolved yet, dealing with our citizens that attend our military academies, to determine whether or not they can be in the same category as men and women in the regular armed services as far as compensation is concerned for disabilities that they incurred while they were at the military academies.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. HUNTER) is recognized for 3 minutes.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me, and once again I thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) for their leadership in bringing Democrats and Republicans together on this bill at this time of national emergency.

Mr. Chairman, I thought I would just let my colleagues know, or give them the broader context within which we are working with this defense bill.

Ronald Reagan in 1985 had a very major defense bill. That was the height of the buildup, the rebuilding of America's Armed Forces. That bill in today's dollars was \$452 billion. Today's bill is a little over \$340 billion. That means that even with the increases that we have placed in this bill so far, we are still \$100 billion under Ronald Reagan's defense bill of 1985, when we had a gross national product which was much smaller.

So it is important for Americans, both in uniform and out of uniform, to understand that today we are asking our people to do more with less. We do not have the force structure that we had during Desert Storm. We had the fruits of the Reagan-Bush defense buildup used in Desert Storm. In those days, we had 18 Army divisions. We have cut those 18 Army divisions down to 10. We had about 546 Navy ships. We have cut that down to 316. We are going down further. We had 24 fighter air wings. We have cut that down to 13.

Beyond that, we have piled up some shortages in munitions, equipment, spare parts, and other vital areas. So this effort is not the finish. This is the start of a rebuilding of national defense. I hope we work together in a bipartisan way to add some more things that we now need as we go through the

conference with the other body and finally get a bill on the President's desk.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would just like to add that in recent comments that I made to the CSIS, I touched on the area of air power. It appears to me that through the years we have done a pretty good job in the area of fighter aircraft and air-to-ground aircraft, but we have not done what we should have done in the area of bomber support.

If one looks at the geography, particularly of the Asian Pacific area, hopefully nothing will ever come to pass where we will need long-range bomber efforts. However, I think this is an area that the gentleman and I have explored together over a period of years, that we must look to the future of the B-2 fleet, not only keeping it up to date, but even hopefully some day adding to that fleet.

Mr. HUNTER. I think the gentleman is absolutely right, Mr. Chairman. Once again, we made more bombers in one day in San Diego in 1943 than the entire B-2 fleet, and expecting that small fleet of 21 aircraft to do the job they are going to have to do in future years I think is a strain. I thank the gentleman for his remarks. I would hope that we would continue to build that fleet.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me for a moment tell the Members that this base at Whiteman Air Force base in my district, which has the 509th bomb wing, which is a very historic wing and has the B-2s, is in superb condition and ready, should they ever be called upon, now or in the future.

I was with them yesterday and had the opportunity to visit with them. I am so very, very proud of the young men and young women who not only fly but who maintain that fleet.

I have a question of the gentleman from California, Mr. Chairman. I would ask the gentleman, in his opinion, would he tell us the importance of continuing to expand the bomber fleet of the United States?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I would be happy to, and I notice my good friend, the gentleman from Washington (Mr. DICKS) has just arrived, who is also an expert on long-range strike and deep strike.

Very simply, if we look at the experience of Desert Storm, I think that carries out not only the importance of having deep strike aircraft but also deep strike aircraft with stealth. We analyzed at the time the two B-2 bomb-

ers, for example, which do not have to have flight cover. Because they are able to avoid and evade radar, they do not have as much air-to-air refueling or suppression of SAM missile systems, and they can hit as many targets, two aircraft can hit as many targets as 75 conventional aircraft.

At a time when we have cut our air wings from 24 to 13, our tactical air wings, it is important to have that leverage capability. We saw this in Kosovo, where we hit multiple targets with a single B-2 mission, hit multiple targets and destroyed a much larger percentage of the target availability than other conventional planes. So this is a leverage capability. It leverages the thing Americans are greatest at, which is technology.

If we couple that with precision munitions, where, for example, into that bridge we send that one precision munition into a strut and knock that entire bridge out, because we are able to hit one precise spot, that is better than dropping 2,000 bombs on it with older conventional aircraft.

So leverage, technology, and precision munitions leverage is what we get from deep strike fighter capability like the B-2. I would be happy to hear the comments of the gentleman from Washington.

Mr. SKELTON. Mr. Chairman, I might point out that the aircraft, the B-2, in the Kosovo conflict, and of course they are still capable, the pilots flew out of Whiteman Air Force Base, had refuelings, bombed the targets with great precision, and returned with refuelings, came back home. In one case, the pilot went back and was greeted by his wife. She said, please cut the grass.

In other words, they do superb work from one base, and they are worldwide. I thank the gentleman.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I would just say to the gentleman from California and my good friend, the gentleman from Missouri, who have been two of the stalwarts in the House of Representatives for advocacy for the B-2, we still have work to do. I know that the gentleman from California (Mr. HUNTER) had included some of the upgrades that are necessary to improve upon this capability.

But to think about this one revolutionary fact, in Kosovo the B-2 carried 162,000 pounds bombs called JDAMs, near precision weapons, almost precision.

□ 1515

And the interesting thing is, like 3 percent of the sorties, they took out 33 percent of the fixed targets. Now, we see even another revolution of being able to put eighty 500-pound JDAMs on

these airplanes and they would be able to hit 80 separate fixed targets on one sortie, and two of them would be 160, obviously.

The other thing that is interesting, just in the last few days there has been a successful test; and I know the gentleman from California is aware of this, of being able, from one of these airplanes, to hit a moving target. One of our greatest problems has been the inability to hit moving targets. This target was moving at 30 miles an hour, it was an F-16, and they used this weapon and they were able to hit the moving target. Now, this will be a major breakthrough as we pursue this.

I just appreciate all the work of these two gentlemen. We have all worked together. The B-2 is certainly the premier conventional weapon in our arsenal today.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to thank the leadership for allowing my amendment to be considered during the floor debate of the defense authorization bill. In January of this year, a bipartisan task force, chaired by former Senator Howard Baker and former White House Counsel Lloyd Cutler stated that the most urgent unmet national security threat to the United States is the danger that weapons of mass destruction in Russia can be stolen and sold to terrorists or hostile nations and used against American troops abroad or citizens at home.

The report concluded that the national security benefits to the United States from securing or neutralizing the equivalent of more than 80,000 existing potential nuclear weapons would constitute the highest return on investment of any current U.S. national security defense program.

To address this critically important concern, I am offering a simple amendment requiring the President to submit a strategic plan to Congress on how to dispose of excess nuclear material that Russia does not retain in its arsenal and to prevent the outflow from Russia of nuclear weapons expertise. I am offering this amendment because I believe it is critical that we have an overall strategic road map of how we plan to deal with the growing threat of weapons of mass destruction.

The tragic events of last week make our nonproliferation programs even more important. If we can assure that excess nuclear material in Russia does not flow into the wrong hands, we can reduce the chances that a nuclear weapon used by a hostile state or a terrorist group can be used against us. I was pleased to work with the chairman, the gentleman from Arizona (Mr.

STUMP), and the ranking member, the gentleman from Missouri (Mr. SKELTON), in crafting this amendment to ensure that its provisions would meet both the Democrats and Republicans concerns about national security.

Mr. Chairman, I respectfully urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, reclaiming my time, I thank the gentleman from California.

Mr. Chairman, we have examined the amendments en bloc, and we agree thereto on this side.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the en bloc amendment and to thank Chairman STUMP and Ranking Democratic Member SKELTON for agreeing to include my amendment to H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. My amendment requires that the Department of Defense work with the Comptroller General to develop a database to track the consolidation of contracts that displace two or more small businesses, and that the Department use this database to generate reports to Congress. This amendment will, for the first time, require that the Department collect empirical data so that Congress can determine the true effect of these consolidated contracts on small businesses and so that we can determine if any savings to the taxpayer are accruing as a result of this practice.

Since World War II, when small businesses were called upon to assist with the war effort, small businesses have greatly contributed to our nation's diverse industrial base, and have been adept at providing goods and services for the changing needs of the government. Federal agencies have often found that corporate America was too large to react quickly and efficiently. The unique niche that small businesses filled, and continue to fill, has allowed for a competitive Federal contracting process. We all know that a competitive Federal marketplace leads to true cost savings and higher quality—a great return for the American taxpayer.

Any discussion of the Federal marketplace, leads to a discussion of the Department of Defense's role, as the Department of Defense has historically accounted for 65 percent of Federal contracts. However, for the last several years, the Small Business Committee has noted that the Department's contract opportunities available to small businesses have decreased. It is this declining number of small business opportunities by the Department and other large agencies, that inspired Committee Democrats to start grading agency's small business efforts.

For the past two years, myself and my Democratic colleagues on the Committee on Small Business, have released what we call the "Scorecard." The "Scorecard" is an evaluation of the small business achievements of 21 Federal agencies, compared to their statutory goals.

The results of these two studies have been disturbing. Last year, the overall government grade was a "C-." This year, although the overall grade was also a "C-," the government is slipping further into the "D" range.

The Department of Defense stood out both last year and this year, as an exceptionally

poor performer as it relates to doing business with our nation's small businesses. This year, the Department had the lowest grade of all agencies: a "D-."

This is very important, in light of the fact that the Department of Defense historically accounts for 65 percent of Federal procurement. When the Department of Defense fails to make the grade, it is unlikely that the rest of the government will make the grade either.

Small businesses are still not getting their fair share of the Department's contracts—from either a dollars or a numbers standpoint. Despite an increase in procurement volume from \$119.7 billion in 1999 to \$126.2 billion in 2000, the Department did not achieve its small business goal, or its women-owned business goal. The Department of Defense had a 23 percent goal for small businesses and achieved only 21.41 percent. This translates to over \$2 billion in contracts that should have gone to small businesses, but didn't. Women-owned businesses fared even worse. The Department had a goal of 5 percent for women-owned businesses, but achieved 2 percent. This translates to nearly \$4 billion in contracts that should have gone to women-owned businesses, but didn't.

From 1997 to 2000, the numbers of contracts awarded to small businesses by the Department have decreased by over 41 percent. The numbers of contracts to minority-owned businesses have decreased by over 55 percent. The number of contracts awarded to women-owned businesses have decreased by over 43 percent. This declining trend in the number of contracts translates directly to the number of opportunities available to small businesses to sell their products and services directly to their government.

Both the 1999 study and the 2000 study demonstrate that little progress is being made as far as agency's small business goal achievements. In fact, the 2000 study highlights that the plight of small businesses is getting worse—small businesses have fewer opportunities for participation in the Federal marketplace than they ever did.

To begin to correct this problem, my amendment was included in the en bloc amendment. A similar amendment was accepted into the House version of last year's Defense Authorization but failed to be included in the final Conference Report signed by the President. The amendment requires that the Department of Defense work with the Comptroller General to develop a database for tracking and annual reporting to Congress of contract awards that result in the displacement of two or more small businesses as prime contractors.

What remained in Public Law 106-398, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 regarding contract bundling, was a requirement in Section 834 that the Secretary of Defense conduct a comprehensive study of contract bundling. "Contract bundling" is the consolidation of two or more contracts performed by small businesses, into one contract that is too large for small business participation as prime contractors. In seven hearings since 1993, the Committee on Small Business has heard a very compelling case by numerous small businesses that they are losing untold millions of dollars in business as a result of this practice.

The Department of Defense contends that through contract bundling, they are able to save money, yet not one dollar has been shown to have been saved. Instead, the numbers of Defense contracts available to small businesses are declining every year, and the anecdotal information is overwhelming that small businesses are able to provide higher quality products at prices that result in savings to the taxpayer.

Despite the statutory requirement contained in Section 834 of Public Law 106-398 that required the Department of Defense to conduct a comprehensive study on contract bundling, the Committee on Small Business received a letter dated April 17, 2001 from Deputy Secretary of Defense Paul Wolfowitz. The letter states, in part, "the Department is unable to conduct the comprehensive study required by Section 834" because the General Service Administration's Federal Procurement Data System—the repository of all Federal contracting information—only began collecting data on contract bundling in October of 2000. The letter goes on to reference a study performed by the Department under contract with the Logistics Management Institute (LMI).

The requirement to perform the study was not an "optional" requirement for the Department to follow—it was part of the agency's authorizing statute. It was mandated by Congress that the study be performed. To have an agency essentially refuse to comply with its authorizing statute is, to me, unheard of. The Department knew the study was required by statute. If essential data was not being collected, the Department should have started collecting data in order to comply. The taxpayers deserve to know—and we have an obligation to tell them—whether the consolidation of contracts that eliminate small businesses save them money.

As previously stated, the letter sent by Deputy Secretary Wolfowitz refers to a study on contract bundling performed by LMI. This study is the direct result of a hearing held by the Committee on Small Business in November of 1999. It was undertaken not by an independent auditor, but by the Logistics Management Institute (LMI)—a non-profit organization that is funded 50 percent by the Department of Defense. LMI performed a case review, rather than the study that the Department promised, of 10 contracts out of a pool of 718 contracts—barely 1 percent—not a statistically valid sampling by anyone's definition. LMI concluded that "savings (as a result of contract bundling) are based on intuition. This means that people THINK they are savings money, but it has not been proven with empirical data." Clearly, given the mind-set of the Department of Defense's contracting officers, much more needs to be done.

In order to get something done, in last year's Small Business Reauthorization, we were successful in getting former-Chairman Jim Talent's bundling data collection bill language into the Reauthorization. Unfortunately, that language has a flaw. By using the definition of "contract bundling" contained in the Small Business Act, it only narrowly looks at those bundled contracts determined as such by the Department, leaving the vast majority of consolidations out of the database's scope. This deprives us of critical information necessary to solve this problem.

My amendment requires that the Department of Defense work with the Comptroller General to collect data on a much broader definition. As the General Accounting Office continues to report that no data can be collected, we believe that the Department should work with the Comptroller General to ensure that the data that is ultimately collected will provide useful information. This amendment will cover all contracts in which two or more small businesses are displaced as prime contractors. At a minimum, the database will include the names and addresses of the small businesses that are displaced, the rationale for consolidating the contracts, and the monetary benefits projected to be realized by the consolidation. This database will give Congress very important information on contract consolidations that we can use to not only protect small businesses, but also ensure the taxpayer that their money is being saved. Once we start getting reports from this database, we will learn what happens to those small businesses who are displaced. Do they go out of business? Do they become subcontractors? Are taxpayer dollars actually being saved with these contract consolidations that displace small businesses? There is an important distinction between streamlining Federal contracting processes for streamlining's sake and streamlining for a reason. We know now that small businesses are being displaced—effectively streamlined right out of business. What we haven't seen is taxpayer savings.

The impact of these contract consolidations on the small business community has been enormous, and has flowed-down to the economies of local communities. There is no doubt that the need to collect empirical data more than warrants any inconvenience this could place on the Department to collect this important and useful information.

For Congress to determine the depth of the problem of contract bundling, we need all of the facts. It is imperative that empirical data is collected that will allow Congress to determine what, if any, statutory changes need to be made to ensure the Federal acquisition system is fair to small businesses, and ensures that taxpayers receive the very best value for their dollars. My amendment is the first step in making that determination, and it is a common-sense solution. As a direct result of the data collected by the requirements of my amendment, the Federal procurement system will be one that provides true savings to the taxpayer. Further, small businesses in communities across the country will have increased access to Federal prime contracts.

Again, I thank Chairman STUMP and Ranking Democratic Member SKELTON for agreeing to include my amendment in the en bloc so Congress can finally get some comprehensive information on how contract consolidations have affected our Nation's small businesses.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of the bipartisan amendment which he is offering with the distinguished gentleman from Rhode Island, Mr. LANGEVIN. The Bereuter-Langevin Amendment would authorize the use of appropriated funds for members and units of the National Guard to conduct and participate in athletic competitions and small arms competitions in conjunction with required training.

Mr. Chairman, the National Guard provides the men and women serving their country with the opportunity to hone their service-related skills in competitive events as the National Guard Bureau Marathon in Lincoln, Nebraska; a biathlon in Vermont; the Leapfest in Rhode Island; and marksmanship competitions in North Little Rock, Arkansas. Indeed, the opportunity to participate in these competitions provides incentives for National Guard recruitment and retention programs. Additionally, the competitions bring National Guard members together with Active Duty military personnel which builds better appreciation among the various components and overall force cohesiveness.

However, the playing field for the National Guard is not level with that for Active Duty military members. Currently, state National Guard units can use only non-appropriated funds to cover operating expenses for the events and for health, pay, and personal expenses for participating unit members. Because the non-appropriated funds are very limited, National Guard members must often pay out of their own pockets for expenses, including medical coverage. For Active Duty military participants, appropriated funds cover all expenses participants incur.

By authorizing the use of appropriated funds in addition to the non-appropriated funds, National Guard members participating in competitions could receive full coverage for health, pay, and personal expenses. This is particularly important for National Guard members who cannot afford medical expenses stemming from possible injuries. Additionally, the National Guard units would face fewer budget constraints when continuing to host these valuable competitions and when sending teams and individuals into competition.

Finally, it is important to note that H.R. 1705 does not recommend appropriation levels nor does the legislation create participation incentives for National Guard members which are greater than those incentives for Active Duty military.

Mr. Chairman, this Member urges his colleagues to vote for the Bereuter-Langevin amendment as an important way to show support for the men and women serving their country in our National Guard.

Mr. WELDON of Pennsylvania. Mr. Chairman, Congress authorized the original National Defense Features (NDF) program in the mid-1990s in response to a report by the Department of Defense describing a shortage of sealift capacity during military contingencies. The NDF program was considered to be the most cost-effective way to augment the substantial investment that was being made in new sealift ships by the Navy.

Since then, Congress has authorized and appropriated funds to install special defense features in new commercial vessels to be built in the shipyards of the United States. Last year, for example, at my request and as a result of the leadership of our colleague from New Jersey, Mr. FRELINGHUYSEN, the House included in the National Defense Authorization Act for FY 2001 a provision that would expand the Secretary of Defense's ability to fund militarily useful projects under the NDF program. I am pleased to report that our amendment was included in the final legislation signed into law by the President.

When the NDF program was launched, Congress expected that our allies, particularly Japan, would find mutual defense benefits in promoting the program. Under one project that has received considerable attention in the press and has the support of domestic maritime labor, ten commercial vessels would be built in the United States based on a design funded and approved by DARPA's Maritime Technology Program. These vessels would normally operate in the Japan-United States vehicle trade, which is at present entirely dominated by Japanese carriers. Quite importantly, the vessels would be crewed by American merchant seamen, a group vital to maintaining the readiness of our military to handle contingencies abroad.

Notwithstanding expressions of support by very senior officials in our government, this expectation has not been realized. As a result, the hopes of our commercial shipbuilders and merchant mariners have not been realized, and our military planners have not been able to rely upon NDF vessels to support their contingencies operations. Much to my disappointment, the Government of Japan apparently continues to take the position that the decision to employ NDF ships is strictly a matter for the commercial judgment of Japanese vehicle manufacturing and shipping companies. The vehicle manufacturers, which operate under closely inter-locking relationships with the Japanese vehicle carriers, continue to insist that the NDF program is a matter between the two respective governments since it addresses defense.

In view of the U.S. role in providing security for our Far East allies, it hardly seems appropriate that defense concerns expressed by our government should not have been met with a more positive response. Our government's repeated representations to the Japanese government have fallen to the ground as if the NDF program was without military value, a position that is contradicted by two U.S. Navy reports on the NDF program. Taking note of the extensive military collaboration of our two governments, which it is safe to say has conferred material benefits on Japan, this is not the position that Congress should have expected.

The position that this matter is purely commercial in nature rather than governmental in character is not defensible. Japan, like other nations, supports its merchant marine with financial assistance, including direct construction loans at artificially low rates of interest. This is not the mark of a purely private industry operating under purely commercial conditions.

Based on all the evidence gathered to date, it would appear that the real reason our carriers are effectively being excluded from this market is the Japanese kereitsu system of doing business. In short, a fleet of U.S.-built and operated ships, commercially competitive and having significant defense value to both nations, has apparently no chance to break through the economic fence encircling the Japanese vehicle trade.

As I explained to my colleagues last year, I continue to hope that the Government of Japan and the vehicle manufacturers will ultimately see the merit of supporting the NDF program, especially given the longstanding support of the Department of Defense. But if

the past is any guide, we may anticipate further intransigence. Therefore, I am joining today with my colleague from New Jersey, Mr. FRELINGHUYSEN, in introducing a bill that we intend to push later this year if we do not see any movement on the part of the Government of Japan. The bill—which is identical to the bill we introduced late last year in the form of H.R. 5488—is very straightforward. It says: If the Federal Maritime Commission finds that vessels built under the NDF program are unable to obtain employment in a particular trade route in the foreign commerce of the United States for which they are designed to operate, and if that sector of the trade route has been dominated historically by citizens of an allied nation, then the Commission shall take action to counteract the restrictive trade practices that have led to this situation.

As I pointed out last year, it should not be necessary to enact legislation to encourage support for a program so self-evidently in the mutual security interests of our two nations. I trust that the Government of Japan will support the new consultative mechanism so that the NDF program can begin the much needed recapitalization of our aging Ready Reserve Force.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). All time for debate on the amendments has expired.

The question is on the amendments en bloc offered by the gentleman from Arizona (Mr. STUMP).

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. No further amendments are in order. Under the order of the House of yesterday, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALSH) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, had come to no resolution thereon.

#### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2586.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### REPORT ON H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-207) on the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

#### APPOINTMENT OF CONFEREES ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and, without objection, appoints the following conferees: Messrs. TAYLOR of North Carolina, WAMP, LEWIS of California, LAHOOD, SHERWOOD, YOUNG of Florida, MORAN of Virginia, HOYER, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. WALSH, DELAY, HOBSON, KNOLLENBERG, FRELINGHUYSEN, Ms. NORTHUP, Messrs. SUNUNU, GOODE, ADERHOLT, YOUNG of Florida, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, and Messrs. PRICE of

North Carolina, CRAMER, FATTAH, and OBEY.

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 2311, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. CALLAHAN, ROGERS, FRELINGHUYSEN, LATHAM, WICKER, WAMP, Mrs. EMERSON, Messrs. DOOLITTLE, YOUNG of Florida, VISCLOSKEY, EDWARDS, PASTOR, CLYBURN, Ms. ROYBAL-ALLARD, and Mr. OBEY.

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees: Messrs. SKEEN, REGULA, KOLBE, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, HINCHEY, SABO, and OBEY.

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be opened.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

□ 1530

#### RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 5 minutes.

Accordingly (at 3 o'clock and 35 minutes p.m.), the House stood in recess for approximately 5 minutes.

□ 1554

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 3 o'clock and 54 minutes p.m.

#### PRIVILEGES OF THE HOUSE—RETURNING TO SENATE H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. THOMAS. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 240) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 240

*Resolved*, That the amendment of the Senate to the bill H.R. 2500 entitled the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution raises a question of the privileges of the House.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

As was indicated by the content of the resolution, the resolution is nec-

essary to return to the Senate, unfortunately, the Commerce-State-Justice appropriations bill because there is a provision, section 404 of the Senate amendments, that is an import ban. This, therefore, is a revenue measure and contravenes the Constitution, article 1, section 7, clause 1.

Notwithstanding the meritorious nature of the amendment, the idea of trying to deal with importation bans on diamonds from certain African countries that are used to finance rebel causes, the underlying constitutional question of the Constitution's statement that all bills for raising revenue shall originate in the House of Representatives transcends any particular issue, no matter the merits of a particular issue. Therefore, I am asking the House that it insist on its constitutional prerogative as the sole originator of revenue measures, notwithstanding the meritorious aspects of any particular desired piece of legislation.

In addition to that, Mr. Speaker, I would indicate that this is not necessarily, unfortunately, a novel or new conflict between the House and the Senate. As recently as July 14, and then again on August 12, 1994, on the Treasury-Postal, appropriation bill and then on the Agriculture appropriation bill, just such a blue slip was requested and granted. This is another indication of the difficulty of wanting to move legislation but understanding that there is a process constitutionally required.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the chairman of the Committee on Ways and Means that this is an important piece of legislation, but there are constitutional prerogatives that provide that the Committee on Ways and Means originate this type of legislation.

Mr. Speaker, in view of the merits of the legislation, I yield 5 minutes to the gentleman from Ohio (Mr. HALL), one of the original sponsors in the House of the legislation such as myself and other Members.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me the time. I do not intend to oppose the resolution. The reason why the chairman of the committee has opposed it, as I understand it, is more technical and procedural. It does not prejudice, I think, the vote of the House on this issue because he does not oppose the substantive part of it.

The substantive part of the bill which they are sending back to the Senate has to do with blood diamonds. That is a part that I have been working on along with the gentleman from Virginia (Mr. WOLF), the gentleman from New York (Mr. HOUGHTON), the gen-

tleman from New York (Mr. RANGEL) and a lot of Members in a bipartisan way, as well as Senator FEINGOLD, Senator DURBIN, Senator GREGG, and Senator DEWINE have been very supportive of this legislation.

Blood diamonds are diamonds that are used to really fund wars in Africa, particularly in Sierra Leone, in Angola, and in the Congo. For years they have been using diamonds, either through the smuggled ways, or through a lot of different ways that they find themselves coming into America to fund the kind of wars that are going on; particularly in Sierra Leone, where a group of 500 ragtag rebels were able to increase their small little army to about 25,000 with very sophisticated training, drugs, guns, et cetera. They terrorized all of Sierra Leone. They have done the same thing in Angola. It has been used in Liberia in many different ways.

Why should we be interested in this as Americans? The reason why we should be interested in it is that Americans buy 65 percent of all the diamonds in the world every year. A lot of these blood diamonds are coming into our country. We essentially are funding wars in Africa. It is my understanding just in the last couple of days, I have been told through press accounts and through intelligence services, that even bin Laden has used the services of conflict diamonds to fund some of his activities in the world.

We have great bipartisan support on this, both Republicans and Democrats, in both the House and the Senate. We have 100 of the top human rights organizations that are firmly behind this legislation. And, for the first time, the diamond merchants, the diamond industry, is 100 percent behind this bill.

□ 1600

We were hoping that this would be accepted in this particular way. The gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, he does not want to deal with it in this way. He wants to deal with it in another way, as I understand.

I hope that he and the gentleman from Virginia (Mr. WOLF) and I can have a colloquy on it from the standpoint of what they intend to do with this bill in their committee; and with that, I would urge the House to take up this issue soon, in a manner which is acceptable to the Committee on Ways and Means. And I would ask the gentleman from California (Mr. THOMAS), Chairman of the Committee on Ways and Means, what his intentions are with the substance of the bill that he objects to.

Mr. THOMAS. Mr. Speaker, if the gentleman will yield, I thank the gentleman for the question, and the substance of the bill has been under discussion at the United Nations level on

an international discussion. The United States Trade Representative has indicated that a unilateral sanction by any particular country is in violation of the World Trade Organization rules, but an ability to move under the United Nations' auspices is not.

We would obviously all like to see an international agreement under which these kinds of diamonds could be banned. If, in fact, observing that process it does not appear that it is going to reach any reasonable or positive conclusion in the timeframe within which we could act legislatively, I will tell the gentleman from Ohio (Mr. HALL), and the gentleman from Virginia (Mr. WOLF) as well, that we would then bring up legislation.

The gentleman from New York (Mr. HOUGHTON) already has a bill in the hopper. We would examine that bill, if necessary, make the appropriate changes and look forward to moving that bill out of committee in a timely fashion.

Mr. HALL of Ohio. Mr. Speaker, when the chairman says a timely fashion, I hope that he is meaning before the end of the year or before we adjourn.

Mr. THOMAS. Mr. Speaker, definitely a timely fashion means before the session of Congress ends; and it seems to me that if, in fact, the committee moves, it should not be difficult to deal with the scheduling to bring it to the floor, if that is the appropriate thing to do on the basis of leadership's decision.

Mr. HALL of Ohio. Mr. Speaker, I appreciate the gentleman's answer. I think it is a good answer. I look forward to seeing it on the bill soon. I think the longer that we keep this piece of legislation from passing in this Congress the more kinds of civil wars we are going to see in Africa; and it is just horrendous, when you see these people, how they have had their lives terrorized.

Americans can help Africa, it is very interesting, through a piece of legislation, by being very careful through the kind of diamonds they buy in America.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I want to thank the chairman for agreeing to bring this up.

The reason this is so important is that many of these groups who are being funded from these diamonds are really connected to all of the disreputable groups that are around the world.

The passage of this legislation, one, will save the diamond industry, because if this does not pass the diamond industry, particularly in New York City and other places, may very well collapse because I think there may be a boycott against it.

Secondly, the opportunity to bring about a lot of good whereby people will

no longer have their arms cut off or limbs cut off. There are indications that the RUF in Sierra Leone, Charles Taylor in Liberia, have been connected with many of the other terrorist groups around the world and were even together earlier this year meeting and agreeing and talking, and the resources of this may very well be used by terrorists and many others around the world.

I called Senator GREGG from New Hampshire, and he was very gracious and said he would attempt to work this out. He is committed to doing this. Hopefully we can resolve this issue whereby it will be worked out, the conferees on Commerce, State, Justice can be appointed, which has a lot of counterterrorism money, lot of money with regard to the Justice Department and other areas, INS, money with regard to the State Department, embassy security, diplomatic security, we can move ahead.

So with the gentleman from Ohio's (Mr. HALL) promise to move it as a freestanding bill, hopefully the Senate can resolve that issue; and I want to thank my friend from Ohio (Mr. HALL) for his faithfulness on this issue and thank the gentleman from California (Mr. THOMAS) for his commitment.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I just want to give assurances to the gentleman from Virginia (Mr. WOLF) and the gentleman from Ohio (Mr. HALL) that I will be working with Mr. HOUGHTON and the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, not only on the legislation but on our trade ambassador to make certain that he is giving this a priority.

When it reaches the point that we can meet together, see where we are and then if we do not get the type of response that we believe is adequate, then you can depend on me working with the committee and the chairman to see that this is done.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend from Bakersfield, California (Mr. THOMAS), for yielding me time; and I would like to congratulate the chairman of the Committee on Ways and Means and the gentleman from New York (Mr. RANGEL), the ranking minority member.

This concern was first raised to my attention by the gentleman from Ohio (Mr. HALL) of the Committee on Rules late one night; and we have been trying since that time when he, the gentleman from Virginia (Mr. WOLF), and I discussed this, to move ahead.

I would simply like to congratulate the leadership of the committee on

Ways and Means for addressing this very important human rights issue, which I believe can see successful resolution, and will look forward to the progress that is made.

I thank my friends for bringing this to our attention and for the work they have done on it.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2041

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 41 minutes p.m.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2590) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints, Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. REED, Mr. BYRD, Mr. CAMPBELL, Mr. SHELBY, Mr. DEWINE, and Mr. STEVENS to be the conferees on the part of the Senate.

□ 2042

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 231 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Mr. Bill Sims, announced the President pro tempore and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from Missouri (Mr. GEPHARDT); and

The gentleman from Michigan (Mr. BONIOR).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from South Dakota (Mr. DASCHLE);

The Senator from Nevada (Mr. REID);

The Senator from Mississippi (Mr. LOTT); and

The Senator from Oklahoma (Mr. NICKLES).

The Assistant to the Sergeant at Arms announced the Dean of the Diplomatic Corps, His Royal Highness Prince Bandar Bin Sultan Bin Abdul Aziz, Ambassador of the Kingdom of Saudi Arabia.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Assistant to the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Assistant to the Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

□ 2102

At 9 o'clock and 2 minutes p.m., the Sergeant at Arms, Mr. Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

ADDRESS TO THE NATION BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Thank you all. Please be seated.

Mr. Speaker, Mr. President Pro Tempore, Members of Congress, and fellow Americans:

In the normal course of events, Presidents come to this Chamber to report on the state of the Union. Tonight no such report is needed. It has already been delivered by the American people. We have seen it in the courage of passengers who rushed terrorists to save others on the ground, passengers like an exceptional man named Todd Beamer. Would you please help me welcome his wife, Lisa Beamer, here tonight.

We have seen the state of our Union in the endurance of rescuers working past exhaustion. We have seen the unfurling of flags, the lighting of candles, the giving of blood, the saying of prayers, in English, Hebrew and Arabic. We have seen the decency of a loving and giving people who have made the grief of strangers their own.

My fellow citizens, for the last 9 days, the entire world has seen for itself the state of our Union, and it is strong.

Tonight we are a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice or bring justice to our enemies, justice will be done.

I thank the Congress for its leadership at such an important time. All of America was touched on the evening of the tragedy to see Republicans and Democrats joined together on the steps of this Capitol singing "God Bless America." And you did more than sing, you acted, by delivering \$40 billion to rebuild our communities and meet the needs of our military.

Speaker HASTERT, Minority Leader GEPHARDT, Majority Leader DASCHLE and Senator LOTT, I thank you for your friendship, for your leadership, and for your service to our country.

And on behalf of the American people, I thank the world for its outpouring of support. America will never

forget the sounds of our national anthem playing at Buckingham Palace, on the streets of Paris, and at Berlin's Brandenburg Gate. We will not forget South Korean children gathering to pray outside our embassy in Seoul, or the prayers of sympathy offered at a mosque in Cairo. We will not forget moments of silence and days of mourning in Australia and Africa and Latin America.

Nor will we forget the citizens of 80 other nations who died with our own: dozens of Pakistanis, more than 130 Israelis, more than 250 citizens of India, men and women from El Salvador, Iran, Mexico and Japan, and hundreds of British citizens. America has no truer friend than Great Britain. Once again we are joined together in a great cause. We are so honored the British Prime Minister has crossed an ocean to show his unity with America. Thank you for coming, friend.

On September the 11th, enemies of freedom committed an act of war against our country. Americans have known wars, but for the past 136 years they have been wars on foreign soil, except for one Sunday in 1941. Americans have known the casualties of war, but not at the center of a great city on a peaceful morning. Americans have known surprise attacks, but never before on thousands of civilians. All of this was brought upon us in a single day, and night fell on a different world, a world where freedom itself is under attack.

Americans have many questions tonight. Americans are asking who attacked our country? The evidence we have gathered all points to a collection of loosely affiliated terrorist organizations known as al-Qaida. They are the same murderers indicted for bombing American embassies in Tanzania and Kenya, and responsible for bombing the U.S.S. *Cole*. Al-Qaida is to terror what the Mafia is to crime. But its goal is not making money. Its goal is remaking the world and imposing its radical beliefs on people everywhere.

The terrorists practice a fringe form of Islamic extremism that has been rejected by Muslim scholars and the vast majority of Muslim clerics, a fringe movement that perverts the peaceful teaching that is Islam. The terrorists directive commands them to kill Christians and Jews, to kill all Americans, and make no distinctions among military and civilians, including women and children.

This group and its leader, a person named Osama bin Ladin, are linked to many other organizations in different countries, including the Egyptian Islamic Jihad and the Islamic Movement of Uzbekistan. There are thousands of these terrorists in more than 60 countries. They are recruited from their own nations and neighborhoods and brought to camps in places like Afghanistan where they are trained in

the tactics of terror. They are sent back to their homes or they are sent to hide in countries around the world to plot evil and destruction.

The leadership of al-Qaida has great influence in Afghanistan and supports the Taliban regime in controlling most of that country. In Afghanistan, we see al-Qaida's vision for the world. Afghanistan's people have been brutalized. Many are starving and many have fled. Women are not allowed to attend school. You can be jailed for owning a television. Religion can be practiced only as their leaders dictate. A man can be jailed in Afghanistan if his beard is not long enough.

The United States respects the people of Afghanistan. After all, we are currently its largest source of humanitarian aid. But we condemn the Taliban regime. It is not only repressing its own people, it is threatening people everywhere by sponsoring and sheltering and supplying terrorists. By aiding and abetting murder, the Taliban regime is committing murder. And tonight, the United States of America makes the following demands on the Taliban:

Deliver to United States authorities all the leaders of al-Qaida who hide in your land. Release all foreign nationals, including American citizens you have unjustly imprisoned. Protect foreign journalists, diplomats, and aid workers in your country. Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist and every person in their support structure to appropriate authorities. Give the United States full access to terrorist training camps so we can make sure they are no longer operating.

These demands are not open to negotiation or discussion.

The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate.

I also want to speak tonight directly to Muslims throughout the world; we respect your faith. It is practiced freely by many millions of Americans, and by millions more in countries that America counts as friends. Its teachings are good and peaceful, and those who commit evil in the name of Allah blaspheme the name of Allah.

The terrorists are traitors to their own faith, trying, in effect, to hijack Islam itself. The enemy of America is not our many Muslim friends; it is not our many Arab friends. Our enemy is a radical network of terrorists, and every government that supports them.

Our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

Americans are asking: Why do they hate us? They hate what they see right here in this Chamber, a democratically elected government. Their leaders are

self-appointed. They hate our freedoms, our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.

They want to overthrow existing governments in many Muslim countries, such as Egypt, Saudi Arabia, and Jordan. They want to drive Israel out of the Middle East. They want to drive Christians and Jews out of vast regions of Asia and Africa.

These terrorists kill not merely to end lives, but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends. They stand against us because we stand in their way.

We are not deceived by their pretenses to piety. We have seen their kind before. They are the heirs of all of the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions, by abandoning every value except the will to power, they follow in the path of fascism, Naziism, and totalitarianism. And they will follow that path all the way to where it ends: in history's unmarked grave of discarded lies.

Americans are asking: How will we fight and win this war? We will direct every resource at our command, every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war, to the disruption and defeat of the global terror network.

Now this war will not be like the war against Iraq a decade ago, with its decisive liberation of territory and a its swift conclusion. It will not look like the air war above Kosovo 2 years ago, where no ground troops were used and not a single American was lost in combat.

Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes visible on TV, and covert operations, secret even in success. We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or rest. And we will pursue nations that provide aid or safe havens to terrorism. Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists.

From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

Our Nation has been put on notice; we are not immune from attack. We will take defensive measures against terrorism to protect Americans.

Today, dozens of Federal departments and agencies, as well as State and local governments, have responsibilities affecting homeland security.

These efforts must be coordinated at the highest level. So tonight I announce the creation of a cabinet-level position reporting directly to me, the Office of Homeland Security.

And tonight I also announce the distinguished American to lead this effort to strengthen American security, a military veteran, an effective Governor, a true patriot, a trusted friend, Pennsylvania's Tom Ridge.

He will lead, oversee, and coordinate a comprehensive national strategy to safeguard our country against terrorism and respond to any attacks that may come.

These measures are essential. The only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows.

Many will be involved in this effort, from FBI agents to intelligence operatives, to the reservists we have called to active duty.

All deserve our thanks, and all have our prayers.

Tonight a few miles from the damaged Pentagon, I have a message for our military: be ready. I have called the Armed Forces to alert, and there is a reason. The hour is coming when America will act, and you will make us proud.

This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.

We ask every nation to join us. We will ask, and we will need the help of police forces, intelligence services, and banking systems around the world.

The United States is grateful that many nations and many international organizations have already responded with sympathy and with support, nations from Latin America to Asia to Africa to Europe to the Islamic world. Perhaps the NATO charter reflects best the attitude of the world: an attack on one is an attack on all.

The civilized world is rallying to America's side. They understand that if this terror goes unpunished, their own cities, their own citizens may be next. Terror unanswered cannot only bring down buildings, it can threaten the stability of legitimate governments. And you know what, we are not going to allow it.

Americans are asking: What is expected of us? I ask you to live your lives and hug your children. I know many citizens have fears tonight, and I ask you to be calm and resolute, even in the face of a continuing threat.

I ask you to uphold the values of America and remember why so many have come here. We are in a fight for our principles, and our first responsibility is to live by them. No one should be singled out for unfair treatment or

unkind words because of their ethnic background or religious faith.

I ask you to continue to support the victims of this tragedy with your contributions. Those who want to give can go to a central source of information, libertyunites.org, to find the names of groups providing direct help in New York, Pennsylvania, and Virginia.

The thousands of FBI agents who are now at work in this investigation may need your cooperation, and I ask you to give it.

I ask for your patience with the delays and inconveniences that may accompany tighter security, and for your patience in what will be a long struggle.

I ask your continued participation and confidence in the American economy. Terrorists attacked a symbol of American prosperity. They did not touch its source. America is successful because of the hard work and creativity and enterprise of our people. These were true of our economy before September 11, and they are our strengths today.

And finally, please continue praying for the victims of terror and their families, for those in uniform, and for our great country. Prayer has comforted us in sorrow and will help strengthen us for the journey ahead.

Tonight I thank my fellow Americans for what you have already done and what you will do. And ladies and gentlemen of the Congress, I thank you, their representatives, for what you have already done, and for what we will do together.

Tonight we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights, and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying with direct assistance during this emergency.

We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities, to know the plans of terrorists before they act, and to find them before they strike.

We will come together to take active steps that strengthen America's economy and put our people back to work.

Tonight we welcome two leaders who embody the extraordinary spirit of all New Yorkers: Governor George Pataki and Mayor Rudolph Giuliani. As a symbol of America's resolve, my administration will work with the Congress and these two leaders to show the world that we will rebuild New York City.

After all that has just passed, all the lives taken, and all the possibilities and hopes that died with them, it is natural to wonder if America's future is one of fear. Some speak of an age of

terror. I know there are struggles ahead, and dangers to face. But this country will define our times, not be defined by them. As long as the United States of America is determined and strong, this will not be an age of terror; this will be an age of liberty here and across the world.

Great harm has been done to us. We have suffered great loss. In our grief and anger we have found our mission and our moment. Freedom and fear are at war. The advance of human freedom, the great achievement of our time, and the great hope of every time, now depends on us. Our Nation, this generation, will lift the dark threat of violence from our people and our future. We will rally the world to this cause by our efforts and by our courage. We will not tire, we will not falter, and we will not fail.

It is my hope that in the months and years ahead, life will return almost to normal. We will go back to our lives and routines, and that is good. Even grief recedes with time and grace. But our resolve must not pass. Each of us will remember what happened that day, and to whom it happened. We will remember the moment the news came, where we were, and what we were doing. Some will remember an image of fire, or a story of rescue. Some will carry memories of a face and a voice gone forever.

And I will carry this. It is the police shield of a man named George Howard, who died at the World Trade Center trying to save others. It was given to me by his mom, Arlene, as a proud memorial to her son. It is my reminder of lives that ended, and a task that does not end.

I will not forget this wound to our country, and those who inflicted it. I will not yield, I will not rest, I will not relent in waging this struggle for the freedom and security of the American people.

The course of this conflict is not known, yet its outcome is certain. Freedom and fear, justice and cruelty, have always been at war, and we know that God is not neutral between them.

□ 2140

Fellow citizens, we will meet violence with patient justice assured of the rightness of our cause, and confident of the victories to come. In all that lies before us, may God grant us wisdom, and may He watch over the United States of America.

Thank you.

(Applause, the Members rising.)

At 9 o'clock and 41 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Dean of the Diplomatic Corps.

#### JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 9 o'clock and 45 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

#### RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3712. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Scrapie in Sheep and Goats; Interstate Movement Restrictions and Indemnity Program [Docket No. 97-093-5] (RIN: 0579-AA90) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3713. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Payments for Commercial Citrus Tree Replacement [Docket No. 00-037-3] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3714. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fluazinam; Pesticide Tolerance [OPP-301160; FRL-6797-3] (RIN: 2070-AB78) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3715. A letter from the Director, Executive Office of the President, transmitting notification of the President's intent to exempt all military personnel accounts from sequester for FY 2002, if a sequester is necessary, pursuant to section 255(f) of the Balanced Budget Emergency Deficit Control Act of 1985; to the Committee on Appropriations.

3716. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation—received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3717. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor

Claims Involving Federally-Insured Credit Unions in Liquidation—received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3718. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Union Incidental Powers Activities—received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3719. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Registration of Broker-Dealers Pursuant to Section 15(b)(11) of the Securities Exchange Act of 1934 [Release No. 34-44730; File No. S7-13-01] (RIN: 3235-A121) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3720. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Method for Determining Market Capitalization and Dollar Value of Average Daily Trading Volume; Application of the Definition of Narrow-Based Security Index [Release No. 34-44724; File No. S7-11-01] (RIN: 3235-A113) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3721. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3722. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting the Department's final rule—FAR Class Deviation Addressing Service Contract Act Requirements for Subcontracts for Certain Commercial Services [AL-2000-10R] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3723. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Georgia (Transmittal No. 23-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3724. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Slovenia (Transmittal No. 22-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3725. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Ukraine (Transmittal No. 25-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3726. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Uzbekistan (Transmittal No. 26-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3727. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Moldova (Transmittal No. 24-01), pursuant to

22 U.S.C. 2796a(a); to the Committee on International Relations.

3728. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Navy's proposed lease of defense articles to the Federal Republic of Germany (Transmittal No. 11-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3729. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Army's proposed lease of defense articles to the Government of Singapore (Transmittal No. 10-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3730. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Navy's proposed lease of defense articles to the Government of the Arab Republic of Egypt (Transmittal No. 12-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3731. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Kyrgyzstan (Transmittal No. 29-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3732. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Kazakhstan (Transmittal No. 28-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3733. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Albania (Transmittal No. 13-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3734. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Romania (Transmittal No. 16-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3735. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of the Slovak Republic (Transmittal No. 21-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3736. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Bulgaria (Transmittal No. 14-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3737. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Estonia (Transmittal No. 17-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3738. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Croatia (Transmittal No. 20-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3739. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Latvia (Transmittal No. 18-01), pursuant to 22

U.S.C. 2796a(a); to the Committee on International Relations.

3740. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Lithuania (Transmittal No. 19-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3741. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Republic of Macedonia (Transmittal No. 15-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3742. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of Defense's proposed lease of defense articles to the Government of Turkmenistan (Transmittal No. 27-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a notice, in accordance with Section 42(b) of the Arms Export Control Act, that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale of 100 M1A1 ABRAMS tank kits in order to co-produce 100 M1A1 ABRAMS tanks in Egypt; to the Committee on International Relations.

3744. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of Interior, transmitting the Department's final rule—Solid Minerals Reporting Requirements (RIN: 1010-AC86) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3745. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of Reports of Building Project Survey for Ft. Pierce, FL, Jackson, MS, and Austin, TX; to the Committee on Transportation and Infrastructure.

3746. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Certification for Eligibility for Adaptive Equipment for Automobiles or Other Conveyances (RIN: 2900-AK96) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3747. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans' Benefits Administration Nomenclature Changes (RIN: 2900-AK46) received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3748. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-43] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3749. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 2001-46] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3750. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Rev. Rul. 2001-44] received August

21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3751. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Effective Dates for Certain Amendments Made by the Economic Growth and Tax Relief Reconciliation Act of 2001 [Notice 2001-56] received August 31, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee on Appropriations. H.R. 2904. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-207). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107-208). Referred to the Committee of the Whole House on the State of the Union.

□ 0850

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUINN) at 8 o'clock and 50 minutes a.m.

#### REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-209) on the resolution (H. Res. 242) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. LAHOOD. Mr. Speaker, I move that the message of the President be

referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

#### GIVING HIGHEST PRIORITY TO CHILDREN VICTIMIZED BY EVENTS OF SEPTEMBER 11, 2001

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, again I wish to offer my deepest sympathy and compassion for those who have lost their lives, their loved ones and, as well, who have been injured through the heinous acts of September 11. Now I think it is time for us to come together as Americans and deal with the human tragedy for those who are remaining.

It is very important that we speak to and address the issues dealing with our children. I am delighted to join with almost 30 other cosponsors and my co-chair of the Congressional Children's Caucus, the gentlewoman from Florida (Ms. ROS-LEHTINEN), to put to the Congress H. Con. Res. 228, which expresses a sense of the Congress to deal with those children who have lost a parent or parents or guardians, to prioritize their needs, to ensure that the dollars that we have to assist in this tragedy are quickly and deliberately given to these children as we seek to nurture them and to say to them all will be well.

We must also look at the human capital that is impacting those who are losing their jobs: U.S. Airways, 20,000; Continental Airways, 12,000; Boeing, 30,000.

So, as we move to assist the airlines and others, let us remember those who are now being laid off, the human tragedy, the human loss. Let us make sure that language in the bill that is being put forward for the airlines talks about the laid-off employees. As we do that, we must make sure we take care of our children.

Mr. Speaker, this resolution is for our children. The World Trade Center, Pentagon, and Somerset County tragedies did not discriminate against the social, racial, or economic status of Americans—all were murdered with equal and deliberate impunity. Our American brothers and sisters slaughtered ranged from food service workers on the top floor of the

World Trade Center, to cleaning and maintenance crews, to CEOs and top brass of major brokerage houses. They included all races, colors, and religious denominations. But those who will suffer the greatest and most enduring losses will be the children that they left behind.

This important resolution expresses the sense of the Congress that the children who lost one or both parents or a guardian in the September 11, 2001, World Trade Center and Pentagon tragedies (including the aircraft crash in Somerset County, Pennsylvania) should be provided with all necessary assistance, services, and benefits and urges the heads of Federal agencies responsible for providing such assistance, services and benefits to give the highest possible priority to those children.

Mr. Speaker, this resolution is non-controversial. It merely prioritizes the delivery of federal benefits currently available under federal law to children who have lost their parent(s) or guardian in this horrific tragedy. These should include: (1) foster care assistance; (2) adoption assistance; (3) medical, nutritional, and psychological care; (4) educational services; and (5) such additional care or services as may be necessary in light of this tragedy.

Additionally, we urge such agencies, to the maximum extent possible, to take such steps as necessary to ensure that such assistance, services and benefits are provided within 60 days of the date of the determination of the death of the child's parent or guardian.

I urge my colleagues to support this important legislation.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KIND (at the request of Mr. GEPHARDT) for today on account of an unavoidable weather delay.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of medical reasons.

#### ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 52 minutes a.m.), the House adjourned until today, Friday, September 21, 2001, at 9 a.m.

## EXTENSIONS OF REMARKS

TRIBUTE TO JAMES A. MONTOYA

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's outstanding public servants, Trinidad Police Chief James A. Montoya, who recently announced his retirement. Chief Montoya is a true professional who has performed his duties with the highest degree of excellence. His leadership as Chief of Police will be greatly missed.

For 23 years James Montoya served as a distinguished public servant carrying out both his personal and professional life with dignity, respect and dedication. His reflections in a recent edition of *The Pueblo Chieftain* convey the gratefulness James has for being Police Chief. "I want to express my genuine gratitude for the opportunities afforded me during my career with the city of Trinidad. I am proud of the department's many accomplishments and the advancements we've made. I leave a staff genuinely dedicated to the mission, ethics and ideas of policing. I will always consider it a privilege to have served this community," Chief Montoya said.

A constituent of the Fourth Congressional District in Colorado, Chief Montoya not only makes his community proud but also his State and country. He has taken the responsibilities and standards of his job to a higher level and I applaud him. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Chief Montoya on his commendable accomplishments.

BOB BIRD: GENTLEMAN,  
ADVOCATE, AND FRIEND

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Ms. KAPTUR. Mr. Speaker, our friends at the other cereal company may think they have something that's "Grrreat", but for nearly 25 years, true greatness has been present at General Mills in the form of one outstanding gentleman, Mr. Bob Bird. Bob is retiring after more heart-felt skirmishes than some of our greatest generals, and is being feted by friends and colleagues this evening for a career that is worthy of admiration.

From his early days as a copyboy at The New York Post through his years with the Baltimore Sun and then writing for Jack Anderson and Drew Pearson, Bob Bird has had a keen appreciation for news. He went from reporting it to creating it during his days with Sargent Shriver at the U.S. Office of Economic Oppor-

tunity, then director of governmental relations for the National Center for Resource Recovery, and then with the Senate Subcommittee on Executive Reorganization under Senator Abraham Ribicoff.

Many of our colleagues know Bob Bird from his stellar days with General Mills, where he has worked to represent one of our Nation's finest food companies in a most responsible and successful fashion. In particular, Bob's efforts on behalf of General Mills to support food assistance programs to critically at risk women, infants, and children, have earned him the respect and praise of colleagues, of food program advocates, and respected members of the nutrition community. Acting always as a true professional, no one could doubt that this gentleman of good humor was always acting in an honorable and forthright fashion.

Bob likes to mention that a lesson he learned early in his career is that it is most important to listen, to hear the ideas of others, and to evaluate all information that may be at hand. This method of operation has allowed him to act as a well-informed advocate for General Mills who is welcomed by those who agree with him, as well as those who may have other views. A man of honor who knows how to operate in an honorable fashion is a precious commodity, so I assure you that he will be truly missed by all of us who have come to depend on him as an advisor. And those of us who may be fortunate enough to call him a friend will look forward to more contacts with him in the years to come, but will still miss having him come by as frequently as he had in the past.

With his wonderful wife Lillian, and his family, perhaps Bob will have a better chance to continue his love of jazz, his voracious reading, or his skilled appreciation for thoroughbred horse racing. These relaxations are well earned. But I am also certain that this man of skills and commitment will have many more opportunities to leave his impression on important policy matters.

So from one member who represents the Cheerios Capitol of the World, Toledo, OH, let me say to the man who helped make this Capitol cheerier on many days, Bob, thank you. We are blessed to have known and worked with you. We wish you the best and look forward to seeing your smiling self for many days to come.

PAYING TRIBUTE TO JIM  
GOLDSMITH

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Jim Goldsmith on his new position as National Commander of the Veterans of Foreign Wars.

After he was drafted into the U.S. Army in 1965, Jim served his country with distinction for eighteen months in Vietnam as a member of the 84th Engineering Battalion, returning home in 1967. Since that time no job has been too small for Jim at his local VFW Post 5666, from holding public office to working evening fish fries. In his new position as National Commander, Jim will likely travel more than 300 days per year working on behalf of veterans.

Jim's lasting commitment to his country and his fellow veterans must not go unrecognized. Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Jim Goldsmith for his continued devotion to those who sacrificed their lives protecting all our freedoms.

## PERSONAL EXPLANATION

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. DAVIS of Illinois. Mr. Speaker, I was unable to cast votes on September 10 due to important district business, and I was out of the country on September 11, 12, and 13, 2001. If I was present for rollcall votes for the following bills:

336 on motion to suspend the rules and pass H.R. 1766—To designate the facility of the United States Postal Service located at 4270 John Marr Drive in Annandale, Virginia, as the "Stan Parris Post Office Building";

337 on motion to suspend the rules and pass as amended H.R. 1761—To designate the facility of the United States Postal Service located at 8588 Richmond Highway in Alexandria, Virginia, as the "Herb E. Harris Post Office Building";

338 on passage of H.J. Res. 61—Expressing the sense of the Senate and House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001;

339 on passage of H.R. 2882—To provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct result of a personal injury sustained in the line of duty in connection with the terrorist attacks on September 11, 2001;

340 on passage of H.R. 2884—Victims of Terrorism Relief Act of 2001; and

341 on passage of H.R. 2888—Emergency Supplemental Appropriations for FY 2001.

I would have voted "yea" to all of these bills.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO NATIONAL CENTER  
FOR INDIGENOUS AMERICAN  
CULTURES IN KANSAS CITY, MO

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the National Center for Indigenous American Cultures at Line Creek in Frank Vaydik Park in Kansas City, Missouri.

Frank Vaydik Park lies within an area that has been recognized as sacred ground by Native Americans. It contains a large number of American Indian archeological artifacts, many of which date back more than 1,000 years. The National Center for Indigenous American Cultures at Line Creek, an organization created to preserving the site, is working hard to ensure that future generations will be able to learn about the different cultures that have inhabited that sacred land. Additionally, the Center intends to establish an education center to promote and protect this important archeological site.

On September 21st, 22nd, and 23rd, there will be a meeting of Spiritual Leaders from all over the nation at the site to perform a Healing Ceremony. It will be an opportunity for people from both the American Indian and the Kansas City communities to come together to celebrate as the plans for the construction of an educational center and protection of the archeological site progress.

I would like to commend the National Center for Indigenous American Cultures for their work to preserve the past, and I wish them many blessings as they partake in this important sacred ritual that will provide a wonderful beginning for their future education and preservation endeavors.

TRIBUTE TO PARKER  
AGRICULTURAL SERVICE

**HON. BOB SCHAFFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to Parker Agricultural Services of Limon, Colorado, a recent recipient of the Environmental Achievement Award from the United States Environmental Protection Agency. The Environmental Achievement Award is one of the highest awards given by the Environmental Protection Agency and recognizes Parker Ag's success of using biosolids as a fertilizer and soil enhancement product in Prowers County.

The biosolid program performance by Parker Agricultural Service has made monumental changes in the environmental makeup of Prowers County. Through this program New York and Boston biosolids are used as fertilizer for farmland. Not only has this program been successful for farmland but has also transformed marginal lands once again into rich producing ground. As reported by The Limon Leader, a 250-acre plot of land was

EXTENSIONS OF REMARKS

transformed from bare sand to being completely covered by vegetation. Other instances have shown that using this program has increased the amount of protein content in certain plants as well as increasing yield per acre.

Parker Ag has been a shining example of what every company must strive for, achieving the delicate balance between production and environmental protection. I applaud the company for its courageous and noble efforts to preserve and enhance the environment in its community.

As a company located in Colorado's Fourth Congressional District, Parker Ag not only makes its community proud but also those of its state and country. It is a true honor to have such an extraordinary company reside in Colorado and we owe it a debt of gratitude for its service. I ask the House to join me in extending wholehearted congratulations to Parker Agricultural Services.

HONORING DR. HRAYR "HAGOP"  
HOVAGUIMIAN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Hrayr "Hagop" Hovaguimian for his contributions to the improvement of health care in Armenia. He started the Nork Marash Medical Center, which provides cardiac surgery, free of cost, in Armenia.

Decades of under-the-table, behind-closed-door payments have plagued the health care system in Armenia. Armenian citizens tell stories of bribing nurses, doctors and other health care staff just to get the medical attention they require. Dr. Hovaguimian, a Syrian-born specialist in complex pediatric surgery, made his first trip to Armenia in 1991 to see the corrupt medical practices first-hand. Since then he has been actively committed to providing affordable cardiac surgery in Armenia and abolishing corrupt medical practices prevalent in that country.

Dr. Hovaguimian left behind a lucrative career in Portland, Oregon to establish Nork Marash Medical Center in Yerevan, Armenia. With the help of a pediatric cardiologist from Spokane, Washington, Dr. Hrair Garabedian, Hagop is running Armenia's first medical facility that is free of the corruptive influences that are crippling the country's health care system. In June of 1994, the first pediatric heart surgery was performed at the hospital. In 1996, the first adult surgery was performed. Nork Marash Medical Center operates at standards equivalent to those of United States hospitals. These standards also include noncorrupt business practices indicated by a zero-tolerance policy against gratuities. Led by the efforts of Dr. Hovaguimian, the Nork Marash Medical Center has brought a breath of fresh air to a health care system marked by bribes, kickbacks and payoffs.

Nork Marash has struggled to achieve financial self-sufficiency without government subsidies. Many surgeries on pediatric patients

who cannot afford the cost of cardiac surgery are performed at no charge. Dr. Hovaguimian has a guiding principle: no patient is denied care because of inability to pay. Although the hospital has faced several financial obstacles, they have been able to achieve financial self-sufficiency.

Mr. Speaker, I honor Dr. Hovaguimian for his efforts to bring high standards and professionalism to the health care system in Armenia. I urge my colleagues to join me in wishing Dr. Hrayr "Hagop" Hovaguimian many more years of continued success.

2001 EMERGENCY SUPPLEMENTAL  
APPROPRIATIONS ACT FOR RE-  
COVERY FROM AND RESPONSE  
TO TERRORIST ATTACKS ON THE  
UNITED STATES

SPEECH OF

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Ms. KAPTUR. Mr. Speaker, I rise in support of H.R. 2888, the emergency supplemental appropriations bill providing essential funds for recovery from and response to the terrorist attacks on New York, Washington, and Pennsylvania.

I want to thank our distinguished Chairman, Mr. YOUNG of Florida, and our ranking member, Mr. OBEY, for their hard work in negotiating this essential package with the leadership of both bodies and the President. The mettle of a nation is tested at trying times, and the response before us today demonstrates that America, her people, and her leaders, are ready for this test.

Today we provide \$40 billion to start beginning to pay for the damage caused by the attack, to assist the victims who were impacted by it, to upgrade our security, and to begin the military preparations necessary for an appropriate response. \$10 billion is available immediately for the President to use as he sees fit. Another \$10 billion is available after the President specifies how he wishes to use the funding provided that the Congress concurs within fifteen days of that plan. Congress as part of our work on regular appropriations bills will expend the final \$20 billion based upon a submission of a budget request by the President and further action in the weeks ahead.

Mr. Speaker, there have been so many times when America has committed her resources to the causes of peace and in support of freedom. There can be no more appropriate time than when our homeland has been attacked and our citizens killed.

I am one who believes that we should celebrate the victory that we had in the thousands of people who survived, and in the outpouring of the American spirit in support of the victims of the attack.

No one will forget the devotion of the firefighters, police, and emergency medical technicians who braved the danger presented by the destruction.

No one can ignore the determination of the iron, steel and construction workers who felt an obligation to donate their professional skills to the rescue effort.

No one can doubt the conviction of the men and women of America's military who moved swiftly to safeguard our nation, or the thousands of Americans on reserve duty who stood ready for the call to action.

The entire world is in awe of the outpouring of support of people, from the youngest children to our senior citizens who looked for things or money to donate, wrote encouraging message to the worker, and supported friends, neighbors and even strangers in any way they could during a traumatic time.

But that is what America is. America is resilient. America is resourceful. America is at her very best when challenged and when angered. Others around the world often misunderstand America's resolve. Now the execution of that resolve will leave no questions.

In this Capitol, we celebrate what makes our nation special. We revere the times when we can pursue those policies that we believe to be in the best interest of the United States. We have heated and principled debates in which we highlight, not hide, our differences of opinion. We cherish those moments because that is what freedom brings to us—the ability to advance those causes that are important to us, while openly disagreeing with those we dislike without the fear of retribution.

And now, in a moment of historical significance, we also celebrate another matter that makes our nation special—the ability to come together as one when our precious freedom is attacked by those who either misunderstand or are fearful of freedom's power.

In the days and weeks to come, this Congress will work together on behalf of our nation. We will have disagreements, and at the end of the day our nation and we will be better for it.

Those who thought that they could infect our nation with ill will should remember the words of a great man who served in this very building, Hubert Humphrey: "Freedom is the most contagious virus known to man." Let us use this challenge to create an opportunity for America to once again celebrate freedom, and to help spread it to others who for too long have been under the scourge of terror.

#### SPECIAL RECOGNITION AND COMMENDATION FOR KIDS DAY AMERICA/INTERNATIONAL

##### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. OXLEY. Mr. Speaker, I rise today to highlight a special community event that will take place in Lima, Ohio. I am pleased to announce that the second annual "Kids Day America/International" will occur September 22, 2001. This special day is set aside to address health, safety and environmental issues that affect us as individuals and as a community. It was founded for the purpose of educating families and communities about these important social issues. I am glad to report that it has succeeded admirably.

More than 1,300 communities have taken part in this event and more than 1,000,000 children and their families have enjoyed this

day across the globe. With the assistance and support of thousands of local police departments, county sheriff offices, dentists, and photographers who volunteer their time, all these children completed Child Safety ID cards.

I join Mayors, Governors, Senators, and Representatives who have endorsed Kids Day America/International. Chiropractors have also contributed greatly in helping our communities' children. Dr. Kay Heaston of Network Chiropractic of Lima is also volunteering her time and skills for this event.

This year the event in Lima will benefit DARE. Officer Bob Stoodt will attend, with the DARE mascot "Daren" the lion, to fingerprint ID children. Doctors will be doing spinal screenings; Huntington Bank will be sending Winnie the Pooh and friends. The Lima Fire Department will bring a fire truck and their mascot. Lima City officers will inspect for car seat safety. Girl Scouts will have environmental presentations. As communities rally in support of our great nation, this event will allow families to protect their children even more.

Mr. Speaker, once again allow me to voice my strong support for this worthy event and those supporting it.

#### RECOGNIZING MR. SCOTT HURFF

##### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. TIBERI. Mr. Speaker, I would like to congratulate and honor a young Ohioan from my district who has distinguished himself among his peers and community.

Mr. Scott Hurff, an honor student at Dublin Coffman High School and a 2001 delegate to Ohio's American Legion Boys State, delivered the following address at this year's Memorial Day ceremonies in Dublin, OH. I believe this stirring presentation is worthy of the Nation's attention.

#### ORATION BY SCOTT HURFF, BOY'S STATE DELEGATE 2001

They kicked him. The Nazis kicked him to see if he was dead.

My great-grandfather, who landed at Normandy in WW II, had to play dead to stay alive. He had landed fighting next to his friends. Now they were dead. The Nazis kicked their bodies to see if they were alive, and if they believed that there was some spark of life left in them, they shot them.

My great-grandfather then was eventually discharged because of severe frostbite on his feet. He would be forever tormented with the images of the short time he spent in Europe.

At this very second, America has seen only 11 generations. It is only 225 years old. Yet, the pillars that are supporting this country, the pillars that tell the world what is just and right, are being torn down.

But how? How can the core values of this country possibly be in danger?

It's called apathy. Not caring for what America is built upon, not caring about those that made sure these pillars could stand.

Our society is vulnerable to self-absorbed greed. Our society is vulnerable to the apathy that tears down and makes us forget the

origins of America. Our society is vulnerable to irresponsible behavior.

The same situation pertains to Memorial Day. Memorial Day is vulnerable to being forgotten. The men and women that we are recognizing today fought for the good of our society and our country. When their lives should have been filled with fun, work, and adventure, they were fighting in remote, god-forsaken areas of the world. Places like Tunisia, places like Guadalcanal, places like Okinawa, places like the Chosin reservoir, places like Khe Sahn. They had to endure the most horrible conditions to save the world and our country.

What have we given them?

Too many people of this generation barely acknowledge the significance of this holiday. Too many people of this generation have no idea what the holiday represents.

Thus, the people of my generation must ensure a transition to restore confidence and security to all citizens. We must begin with Memorial Day.

The only way we can honor the men that surrendered their time to wholeheartedly defend this country is for this generation to dedicate their time to ensuring that the citizens of America are fully aware of what has been given to them and what could easily be taken away. This generation has to reinstate the active patriotism and restore the constant awareness of what this country is based upon. We must ensure another 11 generations, 225 years, and beyond. We must be leaders in this transition.

As President Bush said, "The only good society is a caring society." Take heart to what has been done for you, and be motivated to make a difference in someone's life. Become a teacher. Help lead the way to guarantee equality in Ohio's schools. Support the World War II memorial. Participate in government. That is the way to ensure that America's pillars stand. That is the way to honor the soldiers that fought to preserve those pillars.

#### TRIBUTE TO COLORADO STATE SENATOR MARK HILLMAN

##### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise to express gratitude and congratulations to Colorado State Senator Mark Hillman of Burlington, CO, this year's recipient of the National Legislator of the Year by the American Legislative Exchange Council. The American Legislative Exchange Council gives this award to outstanding legislators who understand that what is good for business is good for America.

In a recent edition of the La Junta Tribune Democrat Duane Parde, executive director of the American Legislative Exchange Council said, "Mark Hillman is one of the finest state legislators in the nation. He's a leader who truly personifies the Jeffersonian principles of individual liberty, limited government and free markets."

Mr. Speaker, Senator Hillman is a person of high integrity and honor. I consider it a privilege to know and work with him. Mark has served the State of Colorado well taking the responsibilities and standards of his job to the

highest level. Furthermore I know he will continue that record of leadership in the future.

As a State senator from the Fourth Congressional District, Mark not only makes his community proud, but also his State and country. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Senator Hillman on his commendable accomplishments.

CONGRATULATING TONY AND  
ALICE GIANNETTA

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Tony and Alice Giannetta on their appointments to the status of Senior Life Directors. The Building Industry Association (BIA) recognizes the appointments by the National Association of Home Builders (NAHB) and the National Association of Home Builders Women's Council.

The National Association of Home Builders is recognizing Tony Giannetta for his 20 consecutive years of dedicated service as a member of the NAHB Board of Directors. Tony began his career in Fresno County in the 1940s. He has developed over 27 subdivisions and constructed over 4,500 homes. He has been a member of the BIA of the San Joaquin Valley for more than 50 years. Tony served as the BIA President in 1967, 1979, and 1980. He has been active in community activities, including providing student work experience training, helping to establish a National Association of Home Builders Student Chapter at Fresno City College and California State University, Fresno, and supporting scholarship programs to provide financial aid to construction students at both Fresno City College and California State University, Fresno.

The NAHB is recognizing Alice Giannetta for 20 years of consecutive service as a member of the NAHB Women's Council. She is a charter member of the Women's Council of the BIA of the San Joaquin Valley, started in 1980. Alice served as the Women's Council President in 1982. She has also been active in community activities, including providing ongoing assistance and support to a young blind mother, volunteering with the American Cancer Society's Angels on Wheels Program, and repeatedly serving as a Cub Scout Den Mother and Room Mother.

The BIA's membership of builders, developers, subcontractors, and associated businesses is dedicated to protect and promote the home building industry and to keep home ownership possible.

Mr. Speaker, I rise to congratulate Tony and Alice Giannetta on the occasion of their appointments to the status of Senior Life Directors by the National Association of Home Builders and their Women's Council. I urge my colleagues to join me in wishing Tony and Alice Giannetta many more years of continued success.

## EXTENSIONS OF REMARKS

IN HONOR OF THE DEDICATED  
SERVICE OF M. JOSEPH MATAN

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. CASTLE. Mr. Speaker, I rise today to recognize the passing of a Delawarean who served his country, his government, and his family with great honor and distinction. This past July, M. Joseph Matan passed away at the age of 92 at his home in Rehoboth Beach, DE.

During World War II, Mr. Matan left his job as a Justice Department lawyer working on issues related to mail fraud, and enlisted as a sailor in the U.S. Navy. He quickly rose to an officer's rank and worked on intelligence matters. He retired in 1970 from his position as counsel to the House Government Operations Subcommittee on Legal and Monetary Affairs, where he directed investigations into banking, currency and organized crime. Prior to that he had practiced law with the Washington, DC, law firm of Tumulty & Tumulty.

In addition to residing in Rehoboth Beach, Mr. Matan and his wife Anne Marie lived part of the year in the Washington, DC, metropolitan area. Joe was active as a member of this city's social and religious communities. He was a strong supporter of local Catholic youth organizations and a faithful member of St. Jane Frances de Chantal Catholic Church and the Shrine of the Most Blessed Sacrament. A wonderful legacy of 6 children, 22 grandchildren, and 21 great-grandchildren has been given to us by the man they all knew as "Daddy Joe".

Mr. Speaker, I salute M. Joseph Matan for his contributions to the American people, the Washington, DC, area and the State of Delaware. He was a committed family man whose values have been passed on to his adoring family and the many people who he touched during his lifetime.

NEW YORK FIREFIGHTERS GRIEVE  
FOR LOST BROTHERS

**HON. NYDIA M. VELÁZQUEZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Ms. VELÁZQUEZ. Mr. Speaker, I would like to share with this House a unique story of individual sacrifice and heroism after last week's devastating terrorist assault on the United States. The Washington Post published an article about Engine 202 from Brooklyn in the 12th District of New York. It tells the story of this company of fire fighters that rushed to the World Trade Center after it was attacked. Seven men from their company disappeared in the inferno and collapse.

This is a personal story of heroism and loss tragically repeated in other rescue teams working at ground zero. I am proud of this band of brothers from Red Hook, and I join the country in mourning with them.

*September 20, 2001*

[From the Washington Post, Sept. 14, 2001]  
NEW YORK'S FIREFIGHTERS GRIEVE FOR LOST  
BROTHERS

(By Anne Hull)

NEW YORK, Sept. 13.—The firefighters from Engine 202 in Brooklyn called themselves the brothers from Red Hook. At the firehouse, they tried out new recipes on one another. They named their softball team the Red Hook Raiders and started a cigar club that allowed them to puff on Macanudos at their adopted hangout, Smokey's.

On Tuesday, seven of them disappeared in the World Trade Center inferno.

Where, Tony Catapano wondered, did his brothers go?

For 39 years, Catapano has survived his line of work. He is 61, with gray hair and a pension within reach. He is old and they were young. He showed them how to make meatballs and how to find fire hidden in a wall.

Today he walked near the smoldering landscape of rubble and kept thinking he would see them, shining flashlights miraculously from a crevice.

He looked for Tommy Kennedy, Terry McShane, Patrick Byrd, Joe Maffeo, Brian Cannizzaro, Salvatore Calabro and Joe Gullicksen.

Even as the veteran firemen wept, he was calmly defiant. "Missing don't mean anything but missing," he said.

About 400 firefighters were missing and presumed dead, a numbing toll exacted on a tight fraternity. Entire ladder companies and squads were gone, including all five of the elite rescue companies that serve New York City.

Five of the department's most senior officials died, plus a dozen battalion chiefs. Unlike other senior military officers, who are strategically kept from the front, senior fire officers typically enter burning buildings to assess damage and plot a strategy for rescue and fire containment.

But the rank-and-file firefighters—the Irish and Italian sons of working-class neighborhoods in Long Island and Staten Island, many of them grandsons of New York firemen—symbolize the deepest loss. Men like the brothers from Red Hook.

Wall Street, where they sacrificed their lives, was a fancier world than they knew. They didn't shop for cuff links or keep portfolios with Goldman Sachs. After nearly four decades with the Fire Department of New York, Tony Catapano made \$55,000 a year. Once, ages ago, he splurged and took his wife, Marie, for their anniversary dinner to Windows on the World, on the 106th floor of the World Trade Center.

It was expensive, Catapano remembered, "but the view was spectacular, and sometimes you need that."

The next time Catapano returned to the World Trade Center, he could barely see his hands through the smoke.

"It was snowing dirt," said Catapano, who came in the second wave of firefighters from his 32nd Battalion Tuesday, following the first wave responding to a call that a plane had crashed into the north tower of the World Trade Center—a call that came just as shifts were changing at firehouses across metropolitan New York. Firefighters coming off their night shifts hopped on ladder trucks and engines with the fresh day crews, fattening the deployment.

Arriving early to the scene, as many of the companies from lower Manhattan and Brooklyn did, proved fatal.

"You've got to understand," said Matthew James, the Brooklyn trustee for the Unified Firefighters Association of Greater

New York, "all the companies that were there, they're not there anymore."

At 9:15 a.m., 18 minutes after the commercial airliner hit the North Tower, a second airliner hit the South Tower. Surviving office workers who were evacuating reported going down stairwells while firefighters were marching up to help those on the higher floors. One firefighter still on the ground was killed when a person on a burning upper floor jumped and landed on him. The fire department priest who was ministering last rites to this fireman died when a crush of rubble came down on both of them.

At high noon, no one could really see anything. Catapano hocked up thick, black spit. Medics washed out his eyes. He kept looking for names he knew on firefighters' jackets.

Hours later, when Catapano made it back to his firehouse in Red Hook, not all the men were there. The young guys—the ones who would poke fun at his culinary inventions like "Potpourri Ree-shard"—left empty beds. Catapano kept thinking they were stuck somewhere or transferred to other firehouses to sleep.

He searched for them when he returned to the wreckage the next day. "Down there," he called it. Or "the site." He spoke with the Brooklyn union trustee James, an Irishman who keeps a bottle of Johnnie Walker Black on a shelf in his office.

"I lost some brothers, Matty," Catapano said, his voice breaking.

"I know, brother, we all did," James said. None of the firefighters could escape the stink. At the firehouses where they retreated after long shifts last night, there piles of dirty T-shirts, socks and underwear reminded them. They washed and scrubbed, but the smell beat soap and clung inside their noses.

At the divisional headquarters of the Salvation Army in Manhattan, where many out-of-town search and rescue workers camped, the cots were filled with great, heaving bodies that tried to find sleep and peace. But even their blankets carried proof of the mission: that sour smell, like singed hair, lit matchsticks and a child's chemistry set.

Nor could they get away from everything they saw.

At 2 a.m. today, the site was like a stage set for a disaster movie, blasted with light. So many steel beams and girders were still strewn through the wreckage that firefighters resorted to bucket brigades, with long lines of men passing pails of small chunks and dust from the top of one mountain down to the waiting hands. It was almost farcical, but then it wasn't.

"We were digging around and saw a face," said Charles Diggs, with Engine 207 from Brooklyn. "We uncovered a part of her and put her in a body bag."

Their work was a crude archaeology of pickaxes, shovels and Halligan bars. Sniffer dogs trotted out across the foothills of rubble, but because of the breeze and the pancake of metal tonnage, the dogs were thrown off course.

"There's dead in that pile," said a handler from Evansville, Ind., watching from the sidelines. Dogs on rest cooled their paws in buckets of water.

And when the dogs yelped excitedly, it meant there was life. One brindle-colored female set out into the pile of metal and concrete, and 30 feet away from the perimeter she began yelping and running in circles, and all eyes turned toward the dog's horrible joy. But it was the just the wind playing tricks.

Overlooking the rescue efforts was a blast-out Brooks Brothers. The front of the

## EXTENSIONS OF REMARKS

store had been sheared off, making it open-air. Inside, stacks of folded dress shirts were undisturbed but blanketed in the gray grit.

The streets were littered with crushed vehicles and tons of financial documents. "We are pleased to confirm the following transaction," read one investment statement nearly ground into the sidewalk.

Tony Catapano noticed none of it. His eyes could not stay off the rubble.

Before he returned for another shift this afternoon, his wife told him not to push too hard. But it was no use. "Those guys are a strange bunch, a family, you know," she said. "Tony is not really their brother; he's more like their father."

While Catapano suited up at the firehouse, a father and son brought flowers and a toy fire truck. The pastries and cakes kept coming. But Catapano was edgy to return.

"Be strong, guys," a man on the sidewalk called out to him.

Catapano didn't even hear. He was already mentally back on the rubble. With a four-day beard and red-rimmed eyes, he gunned the car back down to Lower Manhattan.

When he was a boy he dreamed of being a cowboy. Then he worked in a bank, pushing papers around. Then he found his calling as a firefighter, "trying to save people." His son is now on the waiting list to join the New York City Fire Department.

## TRIBUTE TO JAY FEAVEL

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to recognize the achievements of an outstanding Coloradan, Mr. Jay Feavel of Fort Collins. Jay is an entrepreneur who has performed his duties with the highest degree of excellence. His reputation has been confirmed through his many accomplishments.

At its recent Worldwide Rally, Domino's Pizza awarded 15 of its franchises the coveted "Gold Franny" award and Jay Feavel was one of the recipients. Jay was recognized for both his franchise's operational excellence and his team's community involvement. Jay's leadership was chosen to be among the top one percent of all franchisees in the areas of sales performance, product quality, store safety and security, store crew moral, and community involvement.

A constituent of Colorado's Fourth Congressional District, Jay not only makes his community proud, but also his country. He has taken the responsibilities and standards of his job and his business to a higher level and for that I applaud him. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Jay on his many accomplishments.

WALL STREET JOURNAL REPORTS THAT U.S. IS PRESSING LEBANON AND SYRIA FOR ACTION AGAINST HEZBOLLAH TERRORISTS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. LANTOS. Mr. Speaker, yesterday, the Wall Street Journal reported that the United States Government has asked Lebanon and Syria to extradite Palestinians and Lebanese Shiites suspected of committing acts of terrorism over the past two decades. I welcome this indication of aggressive action against all terrorists. As I have said on numerous occasions last week as we debated our response to the horrendous acts of terrorism committed against the United States, the only action we can take that will end this plague of terrorist violence is to act against terrorism everywhere.

If Osama bin Laden were to fall into our hands this afternoon, this would not end the possibility of terrorist actions against our nation and others. This is a struggle that must take on terrorism wherever and however it appears, and we delude ourselves if we think that this is a struggle only against bin Laden. To succeed, we must move against terrorists everywhere.

First, Mr. Speaker, the Taliban must hand over to us Osama bin Laden—if not for the horrible acts committed last week, for his previous acts of terrorism in Africa, Saudi Arabia, and Kuwait. But that cannot and must not be end of action against the scourge of terrorism against innocent children, women, and men.

Iran must cease its support of Hezbollah. Lebanon and Syria must take action to disarm and end the terrorist actions of Hezbollah. Syria must also close the headquarters of the various terrorist organizations which are now located in Damascus. Yasser Arafat should arrest all terrorists, suicide bombers, and plotters of mass murder who have been released since the Palestinian Authority assumed authority in parts of the West Bank and Gaza. Europe must join us in our policy vis-a-vis Iran and Libya and stop providing aid and important economic and trade assistance to them. Russia, China, and North Korea must stop selling technology and weapons of mass destruction to countries that support terrorism.

Mr. Speaker, earlier this year, the House approved by a narrow vote—216 to 212—an amendment to the Foreign Relations Authorization Act for 2002–2003 which I offered. That amendment would cut off U.S. IMET assistance to the Lebanese military forces unless the Lebanese government acts against Hezbollah and secures its southern border, where numerous terrorist actions

are spawned and committed. The Administration opposed my amendment when it was considered earlier this year, but I am delighted to report that the Administration is now taking the action that my amendment was intended to motivate.

Mr. Speaker, the report yesterday in yesterday's issue of the Wall Street Journal is a most welcome development. I commend the Administration for its most positive steps in raising this issue with Lebanese and Syrian officials. I urge both governments to take these positive steps. Terrorism and terrorist cells anywhere is a threat to the security of civilized nations and peoples everywhere.

I ask that the Wall Street Journal article be placed in the RECORD, and I urge my colleagues to read it.

[From the Wall Street Journal, Sept. 19, 2001]

U.S. PRESSES LEBANON ON SUSPECTS  
(By James M. Dorsey)

BEIRUT, LEBANON.—The U.S. has asked Lebanon and Syria to extradite Palestinians and Lebanese Shiites suspected of terrorism in the past 20 years, according to Lebanese officials and people close to Lebanese Prime Minister Rafik Hariri.

The officials and people close to the prime minister said the Bush administration was also calling for disarmament if not disbanding, of Hezbollah. The group is a Shiite Muslim militia believed responsible for the 1983 suicide bombings of the U.S. Embassy and a U.S. Marine peacekeeping mission in Beirut as well as the 1980s kidnapping in Lebanon of Westerners, including 18 Americans. The U.S. demands are part of seven requests presented this week to Lebanese and Syrian officials.

The Lebanese officials cautioned that meeting the demands could tear apart the country's fragile social fabric unless it is carried out properly.

A Hezbollah spokesman, in his Beirut office sitting below portraits of the late Iranian leader Ayatollah Ruhollah Khomeini and the current Iranian religious leader Ayatollah Sayed Ali Khamenei, expressed confidence that Lebanon and Syria would reject the U.S. demands. I rule out the Lebanese government doing anything against the Lebanese resistance that liberated Lebanon and Israeli occupation. The Lebanese government knows how to protect innocent people," the spokesman said.

A spokesman for the U.S. Embassy in Beirut, Ann O'Leary, said the Bush administration "is asking the Lebanese government for its complete cooperation in the war against terrorism." Ms. O'Leary declined to comment on the specific list of demands.

The officials and people cost to Mr. Hariri said the U.S. demands included the prosecution or extradition of terrorists, stopping their movement in and out of Lebanon and Syria, intelligence sharing and banning organizations that support terrorism.

Whether the demands bring any result depends largely on Syria, and possibly Iran, because of their support for Hezbollah and other radical groups, these people said. Syria has an estimated 30,000 troops based in Lebanon.

"Hezbollah is a major political party here. It represents a major segment of society. They are regarded as heroes. Now, they've become a hot potato and everybody is look-

ing at what the Syrians will do," said one person close to Mr. Hariri.

Mr. Hariri in the past year has allied himself with Hezbollah, seeking to benefit from its popularity after the group's successful military campaign that last year forced Israel to end its 22-year occupation of southern Lebanon. The officials said Mr. Hariri had aided the Hezbollah campaign by granting Hezbollah access to military intelligence, licensing its arms and securing access roads to southern Lebanon. Hezbollah earlier this week offered its condolences to the victims of last week's bombings in New York and Washington.

Signaling that Lebanon wouldn't simply comply with the U.S. demands,

Syrian endorsement would be essential to cracking down on Hezbollah without disrupting the fragile communal balance established in Lebanon after the end of that country's civil war in 1991, people close to Mr. Hariri said. Syria is likely to drive a hard bargain, they said, possibly demanding that the U.S. pressure Israel to withdraw from the Golan Heights conquered from Syria in 1967 and create a platform for a negotiated end to the Israeli-Palestinian conflict.

"Anything less than Madrid Two will not be acceptable. Syria will not relinquish its tools in its struggle against Israel for less," said one person close to the Syrian government. Madrid Two refers to a 1991 conference organized by the U.S. that launched the Mideast peace process; the U.S. role in calling for the peace talks helped it win Syrian and other Arab support for its military campaign a year earlier to force Iraq's withdrawal from Kuwait.

Among those the U.S. wants extradited, people close to Mr. Hariri said, are former Hezbollah leader Imad Mughniyeh and the Damascus-based head of the Popular Front for the Liberation of Palestine, General Command Ahmed Jibril, who is believed to be responsible for a series of attacks in the 1980s.

Authorities in the U.S., Israel and some Arab states suspect Mr. Mughniyeh of involvement in the April 1983 bombing that destroyed the U.S. Embassy in Beirut and killed 63 people, including 17 Americans. Other attacks he is believed to have masterminded: the suicide bombing six months later that destroyed a U.S. Marine base in the Lebanese capital and killed 241 Marines; and a 1984 attack on the current U.S. Embassy compound in Beirut, in which a vehicle packed with explosives rammed the embassy, killing 15 people. Mr. Mughniyeh is also thought to be behind the kidnapping of foreigners in Lebanon in the 1980s, including former Associated Press correspondent Terry Anderson.

Israeli and Argentine officials hold Mr. Mughniyeh responsible for the 1992 bombing of the Israeli Embassy in Buenos Aires as well as a 1994 attack on a Jewish social center. About 124 people were killed in the two incidents. Argentina's Supreme Court earlier this

year issued a warrant for Mr. Mughniyeh's arrest.

RE-EMPHASIZING THE NEED FOR  
TOLERANCE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Ms. SOLIS. Mr. Speaker, today I rise to again urge tolerance during this challenging time.

In California, there have been over 70 acts of violence against individuals perceived to be of Arab or Muslim descent in the last week. My own district has served witness to one of these most abhorrent acts. An Egyptian shopkeeper in San Gabriel was shot to death Saturday in a potential hate crime.

Adel Karas and his family had lived in San Gabriel for over 20 years and had become a welcome fixture in the community.

In another act of ignorance, a Latino man was mistaken as an Arab and was pulled from his car and beaten.

This misguided violence must cease.

TRIBUTE TO LELEA TURNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to Mrs. Lelea Turner of Campo, CO, one of Colorado's most outstanding citizens. Lelea, better known as "Grandmother Turner" by her community, is an individual who has made a positive and lasting difference in the lives of others.

Lelea has been a hard worker her entire life as well as being a compassionate leader always making time to change the lives of others. Lelea grew up in Campo, CO, where she received most of her education until transferring to Springfield, CO, to finish her senior year of high school. Lelea then began teaching at the age of 18 and continued to teach and serve her country until the age of 84. It was in 1932 that Lelea met her husband Uel Turner and was married in Boise City, OK. During World War II Lelea did her part aiding in the war effort by working in a munitions factory while continuing to teach part time. Lelea's husband, Uel Turner passed away in 1963, leaving her to single handedly care and provide for her sons. Through this struggle Lelea persevered as she not only went to school part time while working to receive her bachelor's but also went on to receive her master's degree in special education. She then went on to teach special education in Campo for 25 years.

Mr. Speaker, Lelea's service and dedication to teaching and serving her country remind us of all that is good in America. Lelea is truly a shining example for all Americans.

As a constituent of Colorado's Fourth Congressional District, "Grandma Turner" not only

makes her community proud, but also her State and country. It is a true honor to have such an extraordinary citizen in Colorado and we owe her a debt of gratitude for her service and dedication to the community. I ask the House to join me in extending wholehearted congratulations to Mrs. Lelea Turner.

TRIBUTE TO TERRY LYNCH

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. TRAFICANT. Mr. Speaker, today, I am deeply saddened to share the news of the passing of Terry Lynch.

Terry, who was a graduate of Ursuline High School and Youngstown State University in my district, was lost in the unfortunate incident that occurred at the Pentagon on September 11, 2001.

Terry, now currently of Mount Vernon, VA, worked as a congressional aide to Senators RICHARD SHELBY and ARLEN SPECTER. Through his work, Terry became committed to the fight against arthritis, by helping to introduce legislation that created National Juvenile Arthritis Awareness Week.

Two years ago, Terry joined the firm Booz-Allen & Hamilton, Inc. His work often required him to visit the Pentagon.

My heart and my prayers go out to Terry's wife, Jackie, his daughters, Tiffany and Ashley, and his extended family. Terry was a great American who had a history of showing compassion for people in need. He will be deeply missed.

INTRODUCTION OF CONCURRENT RESOLUTION FOR THE "FIRST RESPONDERS" INJURED AT THE WTC, PENTAGON, AND IN PENNSYLVANIA

**HON. J.C. WATTS**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. WATTS of Oklahoma. Mr. Speaker, it is with great honor that I introduce this Concurrent Resolution on behalf of myself, Rep. ENGEL and the other original House cosponsors.

The resolution expresses Congress' profound sorrow for the loss of life and injuries suffered by "first responders" as a result of their efforts to save innocent Americans in the aftermath of the World Trade Center, Pentagon and Pennsylvania terrorist attacks on September 11, 2001. It also expresses our deepest condolences to the families and loved ones of the first responders who will never again return home.

Last Tuesday, in New York City and at the Pentagon, law enforcement, firefighters, and emergency medical personnel (first responders) were the first public service personnel on the scene of the attacks. If it were not for their heroic efforts immediately after these attacks, numerous innocent people would not be alive today.

We also believe that it is important for America to better understand the activities and responsibilities of first responders. In addition to the everyday well-being, security and safety of Americans that depend upon first responders' official duties, the consequences of terrorist attacks also compel their service. In preparation for the these tragedies, first responders around the country plan, train and exercise for mass casualty events. Our resolution recognizes the hard work and dedication of "first responder" personnel for their anti-terrorism preparation efforts that many participate in on their own time.

In addition, this resolution recognizes the hard work and dedication of first responders after the 1993 World Trade Center and 1995 Oklahoma City bombings.

As the days in this session of Congress wind down, we must lead the nation to ensure that Americans are as protected as possible against future terrorist attacks. Congress must remain vigilant against other threats such as biological, chemical, nuclear, radiological attacks that terrorists may unleash on our shores in the future. I am going to fight to maintain and increase America's deterrence, prevention, preparation, and response abilities today and the coming tomorrows.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. MOORE. Mr. Speaker, the week of September 17-23 has been officially designated as Constitution Week. This marks the 214th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans have been attacked on our own soil by terrorists who do not recognize the rule of human law.

TRIBUTE TO WILL HEERMANN

**HON. BOB SCHAFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. SHAFFER. Mr. Speaker, I rise tonight to recognize Will Heermann of Haxtun, Colorado. Will was one of only nine to be selected at the National Future Business Leaders of America convention to be a part of the national officer team. For this, Mr. Speaker, the United States Congress should honor him.

Will led the regional FBLA leadership conference in Denver and was also a guest speaker, contest judge, and led workshops at many other regional conferences. According to Will's teachers, he is an energetic, hard-working, and caring young man, an outstanding student, and dedicated to helping others while contributing to his community. Will has been instrumental in many organizations from being a group leader in the March of Dimes project to participating in the "burn-the-mortgage" campaign.

Mr. Speaker, students like Will Heermann take our minds off of all the negative and tragic events in our Nation's schools, and focus on all the positives. As a constituent of Colorado's Fourth Congressional District, Will is truly someone who can be looked up to by young people everywhere. He makes his community, and his State and country proud. I ask the House to join me in extending wholehearted congratulations to Mr. Will Heermann.

HONORING DOROTHY BRYAN O'NEILL ON THE OCCASION OF HER 90TH BIRTHDAY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. PALLONE. Mr. Speaker, it is with great pleasure that I introduce and honor Mrs. Dorothy Bryan O'Neill as she celebrates her 90th

birthday on September 23, 2001. As a devoted wife and mother, Dorothy has led an exemplary life of dedication to her family and to her community.

A native of Charleston, SC, Dorothy Bryan was born on September 23, 1911. Upon her graduation from Burke High School, she married Mr. Lawrence I. O'Neill and became his wife, then mother to their 12 children, including their third oldest Lawrence E. O'Neill (Buddy), a resident of the county of Monmouth, NJ, since 1950. As her new family grew larger with the birth of each child, her commitment to them grew as well; 11 children have graduated college, some with graduate degrees, all going on to successful careers ranging from lawyers to business entrepreneurs. Carrying with her the inspiration of her mother, whom she considers her personal hero, Dorothy has maintained her strength and fully embodies the traits of kindness, selflessness, and encouragement that are only possessed by a truly devoted mother. Her own children describe her as their best friend, their confidant, and their trusted advisor.

Today Dorothy is defined as "a beacon and family matriarch for whom we all should aspire." In reaching her 90th year, Dorothy O'Neill has done more than fulfill her goal of raising successful children; rather, her dream lives on through her 54 grandchildren, 19 great-grandchildren and 4 great-great-grandchildren. "Mrs. O'Neill once called her children an investment that paid many dividends." Fellow community members and friends admire Dorothy for her lifelong commitment to the idea of family and the important role that family plays in our society. As both a woman and an African-American, she is an inspiration to those who need to work a little bit harder in the midst of adversity in order to obtain personal achievement.

Mr. Speaker, it is my hope that you join me in distinguishing Dorothy Bryan O'Neill, as her 12 children and family celebrate her life as a most remarkable woman, wife and professional mother, in addition to her continuing efforts to sustain the invaluable institution of the family.

CONGRATULATIONS TO MR. ALDO  
M. CACCAMO

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mrs. TAUSCHER. Mr. Speaker, I would like to honor and congratulate Mr. Aldo M. Caccamo upon his retirement from Chevron. Mr. Caccamo is retiring from his current position as Vice President of Public Affairs, and corporate officer, after completing a distinguished 37-year career.

Mr. Caccamo was born in 1937, received his Bachelor of Science in Civil Engineering from the New Jersey Institute of Technology in 1960, and a MBE degree from Harvard Business School in 1964. That same year he joined Chevron.

I would like to also honor Jane Caccamo, Al's wife, who together celebrated their 38th wedding anniversary this past August. They

have three sons, Daniel—36 years old, Paul—33 years old, and David—who is 31 years old and married to Amy Jo. Al and Jane recently became grandparents with the birth of David and Amy Jo's daughter, Emily Jane, who is now almost 1 year old.

His distinguished service has included global responsibilities. Prior to assuming his current position in 1996, he was the President of Chevron International Oil Co.—responsible for Chevron's international crude oil, products trading and international sales. He started as a financial analyst and progressed, in 1967 to the assistant area manager-aviation sales for Chevron International. He became worldwide aviation fuels manager in San Francisco in 1971, and subsequently held positions as corporate planning consultant and planning manager for Chevron U.S.A.

In 1979, he was named manager, pricing and evaluation, for Chevron U.S.A. marketing. In 1982, he became manager of the west central marketing division. In 1984, he was named general manager, western region, supply and distribution. In 1986, he became general manager, eastern region, supply and distribution in Houston. In 1988, he was named general manager, marketing for Chevron U.S.A. Products Co.

Mr. Caccamo has served on the board of directors of the San Francisco Friends of the Urban Forest, the San Francisco Academy, the San Francisco Opera, and the National Council of La Raza. He has also served as chairman of the San Francisco Global Trade Council Advisory Board, and as a director of Caltex Petroleum Corp.—which operates a major refining and marketing business in Africa and the Far East.

On behalf of the U.S. Congress, and my fellow citizens of the San Francisco Bay area, I extend our sincere congratulations to Al Caccamo.

#### INTRODUCTION OF THE PLANT BIOTECHNOLOGY IN THE DEVEL- OPING WORLD RESEARCH ACT OF 2001

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I am introducing a bill to establish a grant program under the National Science Foundation to support research and development programs in plant biotechnology to address the food and economic needs of the developing world.

My bill recognizes the great potential of plant biotechnology to combat hunger, malnutrition, and sickness in the developing world and provides the mechanism to encourage the pursuit of this exciting technology under the National Science Foundation, which has made important contributions to advance the knowledge base for plant biotechnology. Research funding levels at the National Science Foundation and elsewhere are obstacles to the use of plant biotechnology to address problems in the developing world.

Plant biotechnology research has the potential to help developing countries increase food

security and improve the quality and nutritional content of food. Additionally, biotechnology can also improve the health of citizens of developing countries by combating illness. Substantial progress has been made in the developed world on vaccines against life-threatening illnesses, but, unfortunately, infrastructure limitations often hinder the effectiveness of traditional vaccination methods in some parts of the developing world. For example, many vaccines must be kept refrigerated until they are injected. Even if a health clinic has electricity and is able to deliver effective vaccines, the cost of multiple needles can hinder vaccination efforts. Additionally, the improper use of hypodermic needles can spread HIV, the virus that causes AIDS. Biotechnology offers the prospect of orally delivering vaccines to immunize against life-threatening illnesses through agricultural products in a safe and effective manner.

My bill establishes a grant program under the National Science Foundation to encourage research in plant biotechnology. Eligible grant recipients are required to enter into a partnership with one or more research institutions in one or more developing nations. Historically black colleges and universities, land-grant colleges, Hispanic serving institutions, and tribal colleges or universities are given special consideration under the merit-reviewed competitive grant application process. Non-profit and for-profit organizations are also eligible. The research partnership established between scientists in the United States and developing countries will help strengthen the capabilities of those countries to develop and implement applications of plant biotechnology.

Mr. Speaker, I encourage my colleagues to support this important piece of legislation.

#### FAMILIES STAMP ACT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mrs. CAPPS. Mr. Speaker, as we begin our long recovery from the attacks on our nation last week, many of our thoughts are with those who lost loved ones. I think we have all been overwhelmed by the outpouring of generosity by the American people. I have been one of the few silver linings in an otherwise dark, dark cloud hanging over this nation.

Among Congress' many tasks, I believe it is our duty to enable and magnify this generosity in the most productive way. And I am very proud that so many members have introduced legislation to that effect.

In this effort, Congressman SHAYS and I are introducing the September 11th Families Stamp Act. This legislation would establish a commemorative stamp to assist the families of those who lost their lives in the attacks last week.

Our bill would instruct the Postal Service to issue a stamp in the memory of the victims. Like the very successful Breast Cancer Research stamp, this stamp would cost six cents more than a regular first-class stamp. The extra money raised would be distributed to the families of those who lost their loved ones, at

the World Trade Center, the Pentagon, or in the four hijacked airliners on September 11th. The Breast Cancer Research stamp has raised \$20 million since its inception in 1997.

The funds raised by the September 11th Families Stamp would be distributed by the Office of Victims of Crimes, in the Department of Justice, and would be tax-exempt for the recipients. The stamp would be issued by December 1, so that it is available for the holiday season, and would be in circulation for two years.

And I am very pleased to say that this is only one of several ideas put forward to help the families torn apart by last week's terrible events. My colleagues, Representative ACKERMAN and Representative FOSSELLA, have a bill to issue a stamp specifically for the families of the firefighters, police, and rescuers lost in this tragedy. Representative ENGEL has introduced a bill to issue a commemorative coin to do much the same. Representative LAFALCE has put forward a Victory Bond bill as yet another excellent way to allow Americans to give to the relief effort. And Representative VELÁZQUEZ has introduced legislation to allow people to devote their tax refunds to the relief efforts more easily.

I think it is absolutely wonderful to have so many options before the Congress. And I hope that more members will come up with such good ideas and keep introducing legislation to help the victims. But I also want to encourage the leadership to use these ideas in developing a comprehensive package to build upon America's generous desire to help all the victims of these unspeakable events.

Clearly, nothing will ever make up for the terrible loss our countrymen have suffered. But we can at least help make their lives easier as they go forward.

IN RECOGNITION OF LAWSUIT  
ABUSE AWARENESS WEEK: SEP-  
TEMBER 17-21, 2001

**HON. ROBERT L. EHRLICH, JR.**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. EHRLICH. Mr. Speaker, while the tragic events of last week remain paramount in our hearts and minds, I, nonetheless, rise today to recognize Maryland Citizens Against Lawsuit Abuse (MDCALA), who joins thousands of Marylanders in declaring the week of September 17, 2001, to be Lawsuit Abuse Awareness Week.

MDCALA is a nonprofit, nonpartisan, legal watchdog organization dedicated to improving the civil justice system. Over the last six years, MDCALA has worked to educate Marylanders about the cost of frivolous litigation. With more than 10,000 supporters statewide, MDCALA emphasizes the negative consequences that lawsuit abuse has on the public.

Maryland is home to many large corporations and family businesses. Yet, the constant fear of lawsuits threatens the economic vitality of our State. Small businesses simply cannot afford one frivolous lawsuit. In order to compensate for potential legal bills, businesses

are forced to raise prices to protect their bottom-line. Lawsuit abuse, therefore, results in higher prices, increased medical expenses and loss of business growth.

Through public outreach programs, MDCALA increases awareness of frivolous litigation and the need for personal responsibility throughout the State. In particular, the MDCALA sponsored an essay contest for high school seniors earlier this year. In a terrific example of the concern of our next generation of voters, students from throughout Maryland took the time to craft thoughtful, well-written essays on the importance of personal responsibility in their daily lives.

As a former member of the Maryland General Assembly, I worked hard to reform our legal system at the State level. During my tenure in Congress, I have supported efforts with respect to product liability reform, securities litigation reform, and reform of the Federal Superfund program. More importantly, I sponsored legislation that has helped reduce, in my view, frivolous class action lawsuits brought against mortgage brokers.

Legal reform is a very complex issue. The legal system must function to provide justice to every American. This does not mean, however, that the status quo is necessarily perfect. When lawsuits and the courts are used in excess or to the detriment of innocent parties, the system should be reviewed and reformed if possible.

For their efforts, let me acknowledge MDCALA Chairman, The Honorable Phillip D. Bissett; Board of Directors—Joseph Brown, Jack Doll, Janna Naylor, Vikki Nelson, Gary Prince, The Honorable Joseph Sachs, Dr. Michael Saylor, and The Honorable Michael Wagner; and Executive Director Nancy H. Hill.

In closing, Mr. Speaker, I remind our citizens that frivolous lawsuits—nationwide—clog our courts and prevent access to legitimate litigation. We must work together to implement common sense reform in order to restore fairness and justice to our legal system. I commend these citizens, and all involved in this worthwhile effort, for their dedication and commitment and to acknowledge this week as a time of public awareness on the serious issues associated with lawsuit abuse.

AUTHORIZING USE OF UNITED  
STATES ARMED FORCES  
AGAINST THOSE RESPONSIBLE  
FOR RECENT ATTACKS AGAINST  
THE UNITED STATES

SPEECH OF

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mr. SERRANO. Mr. Speaker, as you know, I traditionally do not support the use of military force to pursue our national objectives. In the past, I felt that we often resorted to military force too early, resorting to military reprisals before we explored all of our diplomatic options or fully questioned our motivations for such action. But today we are facing a different situation altogether.

I will support this resolution. The attacks on America only three days ago, without a doubt,

were an act of war and unmitigated aggression against our country. I will not spend another day of my life without remembering the nightmare of that day. And I, like every other American, know that such assaults on our freedom cannot go unanswered. We have no other option but to respond.

Still, I hope that the president will fully realize the awesome power he has been given and that he uses its full strength only after all other options to protecting our freedoms and bringing our attackers to their knees have been exhausted. The president must use this power prudently and with the understanding that many of us who vote today to approve this power do so with a heavy heart.

Nonetheless, we have no other option. I never thought I would find myself in this situation, where I would agree with many of my more eager peers, that force would be a legitimate option. But I, like my colleagues, know that we have no other choice. Faceless aggressors have challenged our society's core principles and I am confident that the ideals of our great land will prevail.

We will complete our objective and will not yield until we find and mete out justice to those nations, organizations or persons behind those horrific attacks. Yet I remain confident that we will not fall to the level of the terrorist. I know that the president will use our military force to make the world safer for free peoples and be careful not to wantonly crush innocent souls purely to make a point. Our motivations are right, our goals are just and I know that we will use our awesome military power to make the world better for all of us who embrace freedom in our hearts.

AUTHORIZING USE OF UNITED  
STATES ARMED FORCES  
AGAINST THOSE RESPONSIBLE  
FOR RECENT ATTACKS AGAINST  
THE UNITED STATES

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 14, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.J. Res. 64/S.J. Res. 23, the use-of-military force resolution. By passing this resolution, the House of Representatives will send a clear message to our country's enemies—the United States is resolute. We stand with the President. We are united in defending our freedom and our liberty.

I spent the last two days in New York, offering assistance and comfort to my constituents in this time of great tragedy. Earlier this afternoon, I toured lower Manhattan with the President and other members of the New York, New Jersey and Connecticut delegations.

Over these last few days I have not been able to truly describe the landscape of destruction. When I walk among the rubble I am speechless. I have often thought that perhaps I should call upon religious scholars or poets to try to put these visions into words—I do not think I am up to the task. It is an indescribable place.

Walking through New York City I can tell you that the pain is very deep and very real but so is the resolve to rebuild and to not give into terror.

I have never been so moved by the actions of everyday people.

I have held the relatives of the missing as they sob for their loved ones while they proclaim in the same breath that they have never been so proud of New York City and America.

I have witnessed ashen-faced firefighters, as they move uptown after working at ground zero, applauded and embraced by total strangers as if returning from battle.

New Yorkers want a response to the madness of September 11th. Passage of the resolution will solidify this country's ability to take military action.

Congress stands with the President. And when the perpetrators have been identified, this resolution says that we will support President Bush when he takes action against the cowards who attacked our beloved country.

A day after Pearl Harbor was attacked, President Franklin D. Roosevelt, a great President and a great New Yorker said: "I believe I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost, but will make very certain that this form of treachery shall never endanger us again."

International terrorism should never endanger us again! I urge all my colleagues to vote in favor of this resolution.

#### SIKHS CONDEMN ATTACK ON UNITED STATES

**HON. CYNTHIA A. MCKINNEY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Ms. MCKINNEY. Mr. Speaker, the Council of Khalistan has written a letter to President Bush condemning Tuesday's brutal terrorist attack on the United States. This terrible attack is an act of war against all Americans and the freedom-loving people of all the world. The Council has also issued an excellent press release on the matter.

In the letter, the Council's President, Dr. Gurmit Singh Aulakh, writes, "On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, I would like to express our sadness and our sympathies to the people of the United States for the terrible attack on the United States yesterday and for the loss of life it entails."

Mr. Speaker, I would like to place this letter to President Bush and the Council of Khalistan's press release on the bombing into the RECORD.

COUNCIL OF KHALISTAN,  
GURU GOBIND SINGH JI, TENTH MASTER,  
Washington, DC, September 12, 2001.  
Hon. GEORGE W. BUSH,  
President of the United States,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT, On behalf of the 21-million strong Sikh Nation and especially on

#### EXTENSIONS OF REMARKS

behalf of more than 500,000 Sikh Americans, I would like to express our sadness and our sympathies to the people of the United States for the terrible attack on the United States yesterday and for the loss of life it entails. This is a terrible tragedy and we know that you will take appropriate action. Like all Americans and all decent people everywhere, we condemn this brutal senseless attack.

The Sikh religion recognizes all humanity as our brothers and we pray for the well-being of all. Our prayers and our sympathies are with the people of the United States at this tragic time. We especially pray for the families of those who have departed. May God bring peace to these departed souls and to their families.

We support you and we pray for the people of America. God bless you and God bless America.

Sincerely,

DR. GURMIT SINGH AULAKH,  
President,  
Council of Khalistan.

#### COUNCIL OF KHALISTAN CONDEMNS ATTACK ON UNITED STATES

##### URGES SIKHS TO GIVE BLOOD

WASHINGTON, DC.—SEPTEMBER 12, 2001—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today condemned the brutal attack on the United States that occurred yesterday.

"On behalf of the 21-million strong Sikh Nation and especially on behalf of more than 500,000 Sikh Americans, I would like to express our sadness and our sympathies to the people of the United States for the terrible attack on the United States yesterday and for the loss of life it entails," Dr. Aulakh said.

"I urge Sikh Americans to give blood and to pray for the victims, for their families, and for all those who are helping our country and our communities in this time of need," Dr. Aulakh said. "We must do our part as American citizens," he said. "We stand together as a nation."

"Like all Americans and all decent people everywhere, we condemn this brutal and senseless attack. The Sikh religion recognizes all the human race as one and we pray for the well-being of all. Our prayers and our sympathies are with the people of the United States at this tragic time. We especially pray for the families of those who have departed."

"This tragic event happened in the most diverse city in the world," Dr. Aulakh said. "There is hardly a national or ethnic group that has not been touched directly by this tragedy. Our sympathies are extended to those who have been touched personally," he said. "Violence against innocent people of any religion or ethnicity is unacceptable. It must be ended."

Unfortunately, some people have engaged in violence against Sikhs in the wake of the bombings yesterday. A couple of young Sikhs were attacked in Brooklyn. Sikh businesses have been stoned and cars have been burned. A Sikh boy was even shot in New York.

"Today we all stand together as Americans, regardless of race, religion, or ethnicity," he said. "We must not accept terrorism. We must unite against this evil," he said. "We must work to bring all Americans together to defeat this brutal enemy."

*September 20, 2001*

#### CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, AMERICAN MUSLIMS, AND AMERICANS FROM SOUTH ASIA

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. ROGERS of Michigan. Mr. Speaker, today, I speak in support of House Concurrent Resolution 227, condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of the terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001.

Our nation suffered a horrendous tragedy on September 11, 2001. There is no question that those responsible for this heinous act must be brought to justice. However, we must not further compound the tragedy by turning against each other in our time of grief and anger. Unfortunately, in the aftermath of the recent attack, there have been reports of violence against Americans of Arab and South Asian descent. This is nothing short of divisive, and is unacceptable, unconscionable, and un-American.

The Arab-American, South Asian-American, and American Muslim communities are an integral part of the United States. The state of Michigan itself has one of the largest Middle Eastern communities outside of the Middle East. Like all Americans, members of these communities are outraged by the recent attacks upon our nation. As law abiding and patriotic citizens of our nation they do not deserve our rancor, but the dignity afforded to every American.

Indeed, in the wake of the recent terrorists attacks, the rights and liberties of all Americans must continue to be respected and upheld. We must relentlessly pursue those guilty of this cowardly act, and refrain from lashing out against the innocent. I fully support the language of H. Con. Res. 227, which stresses that throughout our search for the perpetrators of the terrorists acts of September 11, 2001, our nation will continue to adhere to the civil rights and civil liberties that has made the United States the land of the free.

#### PERSONAL EXPLANATION

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. KIND Mr. Speaker, on rollcall No. 343, unfortunately, due to an unavoidable weather delay I missed today's rollcall vote. Had I been present, I would have voted "yea."

September 20, 2001

IN RECOGNITION OF THE MT.  
OLIVE MISSIONARY BAPTIST  
WORSHIP CENTER

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of the 100th Anniversary of the construction of Mt. Olive Missionary Baptist Worship Center in Houston, Texas. On Sunday, September 23, 2001, the congregation will celebrate their centennial.

Under the direction of Pastor Willie James Coleman, the theme for the celebration will be Faith, Love, Patience, a Reality. The program for the celebration will also include a nice tribute to the late Professor Nathaniel Edward. Professor Edward will always be remembered for his commitment to the congregation and his musical offerings. Each December Professor Edward would direct the annual Candlelight musical.

Pastor Willie James Coleman has been at the helm of Mt. Olive Missionary Baptist Worship Center since 1974. His leadership has seen the congregation through the past 27 years. Throughout his tenure the church has undergone much renovation and expanded its membership.

Mt. Olive also has several Deacons; John Paul, William Derrick, Tommy E. Ford, Stacy Brisco, Ed Edwards, Issac Johnson, John McClellan, Charles Johnson, and Walter Jefferson. The spiritual leadership at Mt. Olive serves as a beacon in the Third Ward community. With such programs as Feed the Hungry and the Annual back to School Clothing Drive, the congregation's sense of community activism and outreach provides an ideal model of service to the city of Houston. Their dedication to the community and commitment to their neighbors sets them apart as the spark that keeps faith aglow.

In closing Mr. Speaker, I want to again recognize the 100th Anniversary of the construction of Mt. Olive Missionary Baptist Worship Center and offer my sincerest wishes for a successful celebration.

2001 EMERGENCY SUPPLEMENTAL  
APPROPRIATIONS ACT FOR RE-  
COVERY FROM AND RESPONSE  
TO TERRORIST ATTACKS ON THE  
UNITED STATES

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mrs. MALONEY of New York. Mr. Speaker, I want to thank Chairman YOUNG and Ranking Member OBEY for their leadership today. Congress has taken swift action to respond to the critical needs of our Nation stemming from the terrorist attack.

This emergency supplemental appropriations for \$40 billion in disaster relief and increased security means so much to this Nation and to the great city of New York. The

## EXTENSIONS OF REMARKS

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support for domestic and humanitarian assistance is a vital and important first step on our Nation's long road of recovery.

The emergency supplemental package provides \$40 billion both to fund rescue operations and a military response to Tuesday's terrorist attacks in New York and Virginia.

I am especially pleased that the supplemental targets funding to New York. To return lower Manhattan to its former state, New York will need this funding and much more support in the future.

Today is the first time I have been back to Washington since the attacks. I can tell you that I have never been so moved by the actions of everyday people.

Walking through New York City I can tell you that the pain is very deep and very real but so is the resolve to rebuild and not give in to terror.

I have held the relatives of the missing as they sob for their loved ones while they proclaim in the same breath that they have never been so proud of New York City and America.

I have witnessed ashen-faced firefighters, as they move uptown after working at ground zero, applauded and embraced by total strangers as if returning from battle.

New Yorkers will come back. Today I thank all of my colleague and all Americans for this legislation and for helping get the City on its way.

TRIBUTE TO MR. WILTON "CURLY"  
COLLIER

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. HUNTER. Mr. Speaker, I rise today to recognize the extraordinary service and dedication of Mr. Wilton "Curly" Collier of Alpine, California, who will be honored by his community this Saturday, September 22, 2001. Curly was born in Vernon, Texas on April 19, 1921. His family moved to Colorado where he attended high school before moving to California to enroll at the University of California, Los Angeles. In his professional life, Curly began his career as a parts manager and retired 30 years later as a sales manager in Alpine.

Curly joined the International Kiwanis Club with the sponsorship of fellow Alpine resident Bob Wilson on October 6, 1967. In the Kiwanis, Curly spent his time volunteering for the many activities and fund-raisers the Kiwanis sponsor, including the Worldwide Service Project, disaster-relief efforts, worldwide charities, and the Kiwanis family youth programs.

Curly became the president of the Alpine Kiwanis Club in 1970 and he used this position to help raise money to purchase radio equipment for the Alpine Fire Station. He was also responsible for a 346% membership increase at the Alpine Chapter, which went from 15 to 52 members in just his first year of office. In recognition of his outstanding efforts and achievements, he was elected to the office of Lt. Governor of Kiwanis Division 31 in 1976.

In 1985, Curly started the Endowment Fund for Children's Hospitals and the Miracle Mile of

Quarters Project. In the first year of its existence, the Miracle Mile of Quarters Project raised and donated \$56 to the Children's Hospital. Last year, the project awarded the hospital's single largest donation of \$42,500.

During his tenure as a member of the Kiwanis Club, Curly has not only held high-ranking offices, but has been the recipient of many awards, including the Kiwanian of the Year in 1987 and the distinguished Hexson Award in 1996. This award was established by the Kiwanis International Foundation in honor of the first Kiwanis International President, George F. Hexson. The recipients are honored each year during a special reception at the Kiwanis International and District Conventions and are listed in the annual publication of the Kiwanis Honors Booklet, as well as on a permanent donor recognition electronic accolade at the Kiwanis International Office.

In 1998, Curly received the Tablet of Honor, the most prestigious honor available from the Kiwanis International Foundation. This award is given to recipients on behalf of individuals, Kiwanis Clubs, corporations, or organizations to honor their accomplishments and recognize their service. Besides the prestige that comes with the award, recipients are pleased to know that contributions made in their names are helping the Kiwanis organization provide assistance to children around the world. Each recipient has their name added to the Tablet of Honor accolade in the lobby of the International Office in Indianapolis, IN, and all are honored at a special Kiwanis reception at each year's international convention.

Mr. Speaker, Curly is a symbol of commitment and dedication to his fellow citizens and community. He has dedicated his life to helping the Kiwanis serve both his community and children across the world. Today, let us all honor and thank Curly for his remarkable contributions and for serving as an example of placing others before yourself.

HONORING THE RETIREMENT OF  
HELEN BRANDT

**HON. LANE EVANS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. EVANS. Mr. Speaker, I rise today to pay tribute to a dedicated citizen and long-time employee of the Quad Cities Development Group of Rock Island, Illinois—Ms. Helen Brandt.

The Quad Cities Development Group, an umbrella organization for economic development for the major cities in my district, has been the catalyst for attracting over 14,000 new jobs and over \$1 billion in new investment in the Quad Cities in the last 10 years. But an organization is only as good and only as effective as the men and women who give it its energy and life, and Helen Brandt has certainly been a dynamic force for enhancing the quality of life in the Quad Cities.

For the past nine years, Helen has been a Project Manager for the Quad Cities Development Group. Helen worked on many of the successful projects that brought jobs and investment to the Quad Cities area including organizing marketing efforts for business clients

around the John Deere Classic golf tournament. Helen also led the successful visits by the Quad City community leaders on their annual visit to Washington, DC, to present regional issues to legislative leaders and Federal officials.

Prior to Helen's work with the Quad Cities Development Group, she served as the Executive Vice President of the Northern Illinois Industrial Development Corporation, and before that worked in the telephone industry for 25 years. Helen is one of those rare persons who can successfully accomplish all these work-related tasks while still finding time to volunteer in many professional and community groups.

Helen will be missed by all her friends at the Quad Cities Development Group, but she plans to have an active retirement in the Moline area, so I am sure her community volunteer efforts will continue. I would like to wish Helen, her two children and five grandchildren continued success in her retirement.

TRIBUTE TO JESUS "JESSE" SALVADOR VARGAS AND ROBERT "BOBBY" A. HILL

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to honor two dedicated citizens of Indiana's First Congressional District on the occasion of their retirement from the Inland Steel Company of East Chicago, Indiana. Jesus "Jesse" Salvador Vargas and Robert "Bobby" A. Hill, both longtime members of Local Union 1010 of the United Steelworkers of America, will be honored at a Retirement Party to be held on Friday, September 21, 2001 at American Legion Post 369 in East Chicago.

A native of Monterrey, Mexico, Jesse Vargas has been employed in the Transportation Department at Inland Steel since 1965. During that time, Mr. Vargas has been extremely active in Local Union 1010. He has held many appointed positions, including serving on both the Sports and Community Service committees. Mr. Vargas has also been elected Safety Man for the Transportation Department, and has been selected to represent Local 1010 at many United Steelworkers of America International Conventions. Throughout his career, he has shown his dedication to his Union Brothers and Sisters by traveling across the nation to assist them in strikes, lockouts, and organizing drives. Now retiring with his wife, Rubia, after a 36-year career, Mr. Vargas serves as an outstanding example of the dedicated Union craftsmen and laborers that built our nation.

Bobby Hill, an employee of Inland Steel and member of Local Union 1010 for 43 years, has provided exemplary service and leadership to both his employer and his union. Hailing from Haysi, Virginia, Mr. Hill grew up the youngest of nine children. Since 1958, he worked as a Switchman, Conductor, and Engineer at the Indiana Harbor Works. Mr. Hill has also served diligently in numerous elected positions at Local 1010, including Safety Steward for

the Transportation Department, Guide, Trustee, and Head Trustee. As a member of the Community Service committee, Mr. Hill volunteered his services across the Calumet Region. Like Jesse Vargas, Mr. Hill traveled across the country to assist his brethren in strikes, lockouts, and organizing drives. Bobby Hill will be greatly missed by his colleagues at Inland Steel and Local 1010 as he retires with his wife, Mary Ann.

Mr. Speaker, I ask that you and my colleagues join with me today in thanking these two men for their lifetime of service, and in wishing them well in their retirement. Bobby Hill and Jesse Vargas have given many hours of their precious time in service of their Union brethren. The sacrifices made by dedicated workers like Mr. Hill and Mr. Vargas have made American labor the safest, most efficient, and most quality-driven labor force in the world. I wish them both a long, healthy, and happy retirement.

TRIBUTE TO COMMANDER JOHN MILEY

**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. MURTHA. Mr. Speaker, I rise today to recognize a truly outstanding Naval Officer, Commander John Miley. He has served with distinction and dedication for three years as a Congressional Liaison Officer in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Department of the Navy, the Congress, and our great Nation.

During his tenure as a representative of the Department of the Navy to the House and Senate Appropriations Committees, Commander Miley diligently and successfully worked budget submission and resource issues. During that time he has accompanied me on numerous fact-finding visits to Navy and Marine Corps facilities both stateside and abroad. I could always count on him to provide well thought out and candid input. Commander Miley was always on top of the issues of the day, and be relied on to insure Congress got the "right information at the right time".

Additionally, Commander Miley has provided members of the Appropriations Committees, as well as our professional and associate staffs with timely and accurate support regarding Navy plans, programs and budget decisions. He has earned our respect and trust for his dedication, knowledge of the Navy and the way he handles himself in this demanding position. His valuable contributions have enabled the Congress and the Navy to strengthen its close working relationship and to maintain the most modern, well-trained and well-equipped naval forces in the world.

Mr. Speaker, it gives me great pleasure to recognize Commander John Miley before the Congress today. It is clear through his stated and unstated accomplishments that he is a true leader with a clear sense of purpose, conviction, and conscience of service to his Na-

tion. As he departs the Washington area to command Helicopter Combat Support Squadron EIGHT in Norfolk, VA, I call upon my colleagues to wish him and his wife, Anne-Marie, and their young son, Sean, continued success and the traditional Navy send-off "fair winds and following seas."

IN TRIBUTE TO CHARLES M. HAIR, M.D.

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Charles M. Hair, M.D., cofounder and President of the Livingston Memorial Foundation and Chairman of the Board of Livingston Memorial Visiting Nurse Association.

Dr. Hair was raised in my district, in the farming community of Santa Paula, California. He joined the U.S. Army after earning his M.D. at the USC School of Medicine, and served two years in an Army field hospital in post-World War II Salzburg, Austria.

He returned to his home in Ventura County, California, in 1948, and for the next 38 years led a fulfilling life as a family doctor. He and his wife, Gerry, whom he met when he was a student at Ventura College and she a student at Ventura High School, raised five children here.

During that time, Dr. Hair made his home a better home for all his neighbors. Dr. Hair's leadership in the field of nonprofit healthcare philanthropy began in 1950 when he became an active member of the Ventura County Medical Society, of which he became president in 1958. He soon joined the Governing Council of the California Medical Council and served as CMA president from 1981 to 1983. Other boards he served on through the years are the California State Board of Consumer Affairs, the California State Chamber of Commerce, Western Conference of Prepaid Service Plan and Blue Shield of California.

Perhaps his most enduring legacy is co-founding Livingston Memorial Foundation in 1974 with Oxnard attorney Ben Nordman. The Foundation provides grants to enhance local patient care and make it available to people in financial need. In 1981, the then-Ventura Visiting Nurses Association, founded in 1947, affiliated with Livingston Memorial Foundation and changed its name to Livingston Memorial Visiting Nurse Association (LMVNA). Together, the nonprofit organizations have greatly enhanced health care for those who otherwise would not be able to afford it.

LMVNA was founded to provide home care services as an alternative to institutionalizing the frail, elderly, sick and disabled, an idea dear to the heart of a family physician. In 1965, Medicare certified LMVNA as a home health agency. In 1987—now affiliated with Livingston Memorial Foundation—it developed a Medicare-certified Hospice program. The LMVNA Hospice program incorporates skilled nursing care with a multidisciplinary team approach to meet the physical, emotional and spiritual needs of the terminally ill and their families.

Needed services are provided at reduced or no charge to those who cannot afford to pay for them.

Mr. Speaker, Dr. Hair "retired" in the mid-1980s, but his dedication to his profession and the ill continues undaunted. He is the epitome of the family doctor, one who knows that diagnosing an illness is just one part of the healing process. I know my colleagues will join me in recognizing his vast contributions to medicine, to his community, and to the ill, and thank him for a lifetime of healing.

TRIBUTE TO RABBI ISRAEL  
ZOBERMAN

HON. EDWARD L. SCHROCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. SCHROCK. Dear Mr. Speaker, it is with great pleasure that I rise today to honor Rabbi Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach. He is also the President of the Hampton Roads Board of Rabbis, and Chairman of the Community Relations Council of the United Jewish Federation of Tidewater. I would like to share the following article that was written by Rabbi Zoberman and appeared in the *Virginian-Pilot* on August 13, 2001.

ISRAEL WILL FOCUS ON SURVIVAL FIRST,  
PEACE LATER

I have just encountered a place like no other where a watermelon may include an explosive device and fanatic suicide bombers threaten to rip apart all who happen to be in their vicinity. Being in Jerusalem a week ago, the latest terrifying carnage there has a chilling immediacy of both numbness and outrage! Can our Western mindset focused on fulfilling our individual lives in the here and now, catering to our every whim, understand those young Islamic terrorists transformed into martyrs with their bodies perfumed to reach heavenly delights not before turning earth into hell?

On a recent solidarity mission to Israel sponsored by the Union of American Hebrew Congregations (Judaism's Reform branch), I was exposed to that reality reminiscent of the twilight zone, though the Israelis, to their credit proceed almost with life as usual. In fact, a major disaster was averted in Haifa when a suicide bomber got cold feet, an unusual occurrence. We were there to offer our brethren the familial support that only our physical presence could provide, so essential to their ability to persevere in face of a challenge not to them alone but to all civilized life.

Israel's dramatic accomplishments, aided by the promise of peace, particularly shine brightly in that part of the world, with a GNP approaching Western Europe's and a second-to-none high-tech revolution reflective of its brain-power, underlying an alliance with human progress and innovation. It is even more impressive given the Israeli context of security concerns while absorbing a million immigrants from as diverse cultures as the Russian and Ethiopian ones. The great strides toward lasting peace with the Arab world following bitter wars with only a year ago reaching the brink of finally burying the hatchet with the resilient Palestinian foe. That dream dashed by Chairman Arafat who apparently could not grasp how

far his people came, turning instead to his all too familiar way of violence in violation of the Oslo Accords that he signed. Rabbi Michael Melchoir, Deputy Foreign Minister, who was at Camp David, assured us that former Prime Minister Barak indeed courageously made the "historical concessions" inviting Arafat to respond constructively. Melchoir emphasized that the present lengthy crisis has created much hardship to the Palestinian population with fifty-percent unemployment and their towns under closure.

Perhaps it was the 1995 assassination of Prime Minister Rabin by a Jewish extremist that ultimately led to the deadly impasse. Rabin and Arafat developed a personal bond so essential for overcoming years of mutual mistrust. The daughter of the general turned peacemaker, Dalia Rabin-Pelosoff, who serves as Deputy Defense Minister, movingly reminded us at the Rabin Center For the Study of Peace, that the fateful bullet continues to affect the Middle East's destiny. But the petite and assertive woman was also adamant of the need to stand up to terrorism and carefully separate the two peoples, in which I wholeheartedly concur. Disconcertingly, she reported of yet no information on the fate of the three kidnapped Israeli soldiers including Benny Avraham of Tidewater's adopted Pardes Katz. At the same setting, the new U.S. Ambassador to Israel, Daniel Kurtzer, asked us in the midst of a trying scenario to remember the end goal of peace.

Prime Minister Ariel Sharon's message to us dwelled on the overriding importance of preserving our common Jewish identity and his profound appreciation for the role played by American Jewry, the bridge between the small Jewish state and the tested ally and true friend of the world's sole super power, which too has painfully faced Arab terrorism. He is under heavy criticism for this dovish transformation from his own Likud party and Israelis at large to end an intolerable situation that no state would put up with. His targeting of Palestinian leaders engaged in organized terror in which Arafat's non-democratic and corrupt Palestinian Authority is a key factor, aims at reducing the level of violence while avoiding the risk of a wider war which, I believe, might not be prevented after all. From the political left, Yossi Beilin, the former Justice Minister and architect of the Oslo Accords, told us of Sharon's need to negotiate with Arafat even under fire. However, the latter's message of non-compromise is quite clear. Colonel (Res.) Yigal Carmon, president of the Middle East Media and Research Institute, proved to us that the Arab leaders use double-talk in English and Arabic. They are denying the very basic assumptions of Jewish peoplehood, its link to the land of Israel and sacred bond to Jerusalem's Temple Mount, intent on covering Israel with Palestinian refugees, whom they abandoned. Employing traditional anti-Semitism, they also disregard the Holocaust and continue to teach their children to demonize Israelis and become terrorist-martyrs.

Israel can not afford to give up its vision of peace for itself and its neighbors, it is rooted in its very being, sacrificing so long, much for it. For now, it must insist that survival comes first till Abba Eban's proven maxim will be disproved that "the Palestinians never miss an opportunity to miss an opportunity."

THE TERRORIST ATTACKS LAST  
WEEK IN NEW YORK CITY AND  
WASHINGTON, D.C.

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

Mr. DUNCAN. Mr. Speaker, many thousands of families across this Nation were hurt in terrible and tragic ways by the terrorist attacks last week in New York City and Washington, D.C.

For them, there will be no closure, a word I dislike, because I believe it is simply a word used by those not directly affected to make themselves feel better.

Those who lost loved ones or those who suffered very severe injuries will have to learn to cope with their losses and/or their injuries in the best way possible, but it will be extremely difficult, especially for parents who lost sons or daughters or small children who lost a mother or father.

So I certainly do not in any way want to minimize their losses.

But, there has been an outpouring of love, kindness and patriotism like I have never seen in my lifetime.

There are thousands of people across this country attempting to do everything they can to bring good out of this bad, triumph out of tragedy—horrible, horrible tragedy.

We have all been moved by many wonderful people and the stories of the good they have done.

But I want to especially call to the attention of my colleagues, and readers of the record all over the Nation, the actions of Melissa Kesling and the words of Justin Wright, two outstanding young people from East Tennessee.

Melissa is a 15-year-old sophomore at Faragut High School in West Knox County, just outside the City of Knoxville.

She had worked for many months as a clerk in a doctor's office and as a babysitter to save money for a trip to Spain.

On her own, without her parents ever knowing, she donated her entire savings of \$1,100 to the American Red Cross to assist in their work arising out of these attacks.

Justin is a fifth-grade student at Ball Camp Elementary School, also in Knox County.

He was given an assignment to write about his feelings following the tragedies of September 11. He wrote the following words (words I wish all Americans could read):

ATTACK ON THE U.S.A.

I wonder why someone would do such a horrible thing? Whoever caused this tragedy will be greatly punished.

At first I was scared because we live near Oak Ridge, which has lots of nuclear weapons. If the terrorists had attacked Oak Ridge, we might have been injured or killed.

There may be a war, but I am not afraid. Many men will be put to the test. I believe in their ability to find and punish the morons responsible. I am still very upset, and I wish I had some way to help the government figure out who is responsible. If I were old enough, I would volunteer to be a fighter pilot and help punish these terrorists.

I feel so sorry for all the victims and their families. I am glad that my family was neither on the airplanes nor in the damaged

buildings. If I were old enough, I would go to New York and Washington to help the victims.

I have chosen not to dwell on this tragedy. I will live my life in a cautious manner, but I will not let the threat of terrorism ruin my life. Our money says, "In God We Trust", and this is what we should do. We need to put our trust in God each and every day. The Lord is our shepherd, and He will guide us through the rest of our lives. I AM PROUD TO BE AN AMERICAN!!!!!!!

We would not need to worry about the future of this Nation if all of our young people were outstanding citizens and patriotic Americans like Melissa Kesling and Justin Wright. I am very proud of both of them.

#### PERSONAL EXPLANATION

#### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. ORTIZ. Mr. Speaker, I was unavoidably detained during the following rollcall vote. Had I been present, I would have voted as indicated below.

Rollcall No. 343: "Yea."

TRIBUTE TO WILLIAM McDONOUGH ON BEING AWARDED THE 2001 JOSEPH AND FRANK DUVECK HUMANITARIAN AWARD FOR NATIONAL SERVICE

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Ms. ESHOO. Mr. Speaker, I rise today to honor a proud American, William McDonough, who is being honored with the 2001 Josephine and Frank Duveneck Humanitarian Award for national service on Saturday, September 22, 2001, in Los Altos Hills, California.

Recognized in 1999 as a "Hero for the Planet" by Time Magazine, William McDonough was the recipient of the first and only Presidential Award for Sustainable Development in 1996. An architect by training, he has dedicated his life to reconnecting our citizens with their surrounding environment.

The founder of William McDonough & Partners, William McDonough's architectural firm was created to celebrate the creativity of the human spirit and the abundance of nature. Through his work and his advocacy, William McDonough has consistently displayed an abiding respect for ecology, social equity and economy. Heeding an ultimate objective of removing potential poisons from all products, factories, and the natural landscape, William McDonough creates consumer goods with biodegradable and synthetic materials that can be recycled for future use. Many of the buildings he has designed create more energy than they use in their own operation, an extraordinarily important innovation for California and the rest of the nation. William McDonough has designed products and office buildings for Nike, The Gap, and Palm, Inc.

William McDonough has dedicated his professional life to strengthening the economic and spiritual ties between our environment and ourselves. It is therefore fitting that he is being honored with the 2001 Josephine and Frank Duveneck Humanitarian Award. Mr. Speaker, I ask my colleagues today to join me in honoring this special man who has given so much to our community and our environment. We are indeed a better country, a better planet and a better people because of him.

#### TRIBUTE TO THE FIREFIGHTERS OF THE THIRTYMILE FIRE

#### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. INSLEE. Mr. Speaker, I rise to speak in honor of four heroic individuals from Washington State who gave their lives protecting our precious national forests. On July 10, 2001, Tom Craven, Karen Fitzpatrick, Jessica Johnson, and Devin Weaver died while battling a fire in the Okanogan National Forest. The House of Representatives, rightly so, has already passed a resolution honoring these firefighters, but I would like to share with my colleagues, and indeed the rest of the nation, a little more about these courageous young Americans whose lives were cut far too short.

Tom Craven, of Ellensburg, began working for the Forest Service as a firefighter in 1990. Tom earned 11 letters from Cle Elum High School in football, track, and basketball, and played football at the College of the Redwoods in Eureka, CA. He graduated from Central Washington University in 1997, and was the first member of the Craven family to graduate from college and obtain a degree. A devoted family man, Tom is survived by his wife, Evelyn, and his two children.

Karen Fitzpatrick, of Yakima, had just graduated from West Valley High School where she was an honor student, soccer player, and musician. She was involved in the Department of Ecology's Youth Corps, active in her church and the Kiwanis Key Club, and loved to cook, bake, and sew. Karen is survived by her parents, John and Kathie Fitzpatrick.

Jessica Johnson, of Yakima, graduated from West Valley High School in 1999 and was a junior at Central Washington University majoring in Food Science and Nutrition. She loved the outdoors and was strong in body and spirit. A volunteer at West Valley Fire Department since 1998, Jessica is survived by her parents, Jody Gray and Rick Johnson.

Devin Weaver, of Yakima, was enrolled in Yakima Valley Community College since 1999 and was planning to pursue a degree in Electrical Engineering from the University of Washington. He loved the outdoors and enjoyed backpacking, hunting, and camping in his free time. Since the eighth grade, Devin worked for his father's silk-flower manufacturing business and always volunteered for extra work assignments. Devin is survived by his parents, Ken and Barbara Weaver.

Firefighters are on the front lines, every single day, saving lives and safeguarding our property and natural resources. While most of

us would immediately flee a smoky, fire-engulfed home, building, or forest, these brave souls choose to enter these dangerous places sacrificing their safety for ours. I want to thank them personally for their bravery and their courage. Their heroism is of the same rank as so many other American patriots who have lost their lives in service to our country. Tom, Karen, Jessica, and Devin—you are in our thoughts and prayers.

#### TRIBUTE TO KATHLEEN BATTLE

#### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. LEWIS of Georgia. Mr. Speaker, I join my fellow colleagues in the Congressional Black Caucus to salute and pay tribute to Kathleen Battle, a lyrical legend whose contribution to the spirit of music is beyond measure.

In classic, poetic soprano, Kathleen Battle has captivated millions through her performances around the world. The purity and projection of her voice has earned her broad acclaim as one of the premier vocalists of all time. Her range travels through the era of Baroque and into the realm of folk and contemporary jazz.

Kathleen Battle has distinguished herself as one of the finest interpreters of Mozart, Rossini and Donizetti. Her performances are often described as "spellbinding" or "euphoric" as she takes listeners to the seat of her own soul, refusing to return them until the last chord.

Kathleen Battle's melodic, mesmerizing voice has been featured with the world's most acclaimed orchestras and conductors including Levine, Solti, Ozawa, Previn and Maazel. She is a frequent guest at the festivals of Salzburg, Ravinia and Tanglewood, and has toured extensively in recital across the United States, Canada, Europe and the Far East. She performs regularly at the Metropolitan Opera in New York as well as at the opera houses of Vienna, Paris, San Francisco, Chicago and the Royal Opera House Covent Garden.

Appearing in concert and recording with some of the world's most renowned musicians, including violinist Itzhak Perlman, flutist Jean-Pierre Rampal, and tenors Luciano Pavarotti and Placido Domingo, Kathleen Battle is a brilliant collaborative artist and favorite among the best of the best. Hers is a language of passion . . . raw emotion on stage that cannot be paralleled.

Keen musical sensitivity and introspective interpretation have won Kathleen Battle three Grammy Awards. She is truly one of the most distinguished recording artists of all time, having released complete opera, concert, choral and solo recital albums.

Kathleen Battle has left an indelible imprint on the hearts of her fans and the souls of musicians to come. Today, we honor this great American, but the legacy of her music will live forever.

September 20, 2001

TRIBUTE TO MARThELIA HARGROVE ON BEING AWARDED THE 2001 JOSEPH AND FRANK DUENECK HUMANITARIAN AWARD FOR REGIONAL SERVICE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Ms. ESHOO. Mr. Speaker, I rise today to honor a great American and distinguished California, Marthelia Hargrove, who is being honored with the 2001 Josephine and Frank Duveneck Humanitarian Award for regional service on Saturday, September 22, 2001, in Los Altos Hills, California.

Named the National Principal of the Year for 2000–2001 by the National Alliance of Black School Educators, Marthelia Hargrove has distinguished herself as a passionate advocate of students and the disenfranchised, and as a model of excellence in teaching and administration.

A native of the segregated South, Marthelia Hargrove traces her commitment to education back to a one-room schoolhouse near Oxford, North Carolina. A child growing up in the wake of the depression, her parents endured great sacrifice in order to ensure that Marthelia, her sister and her brother received a decent education. Marthelia Hargrove earned a scholarship to study at Virginia Union University in Richmond and a Master's Degree in early education from Petersburg's Virginia State University.

Having married while in Richmond, Marthelia and her husband relocated to Santa Clara 28 years ago where they've lived ever since. In 1981, Marthelia Hargrove was appointed principal of the Brentwood Oaks School in East Palo Alto. Nine years later, she took the helm at Costaño School, determined to transform this low-achieving elementary school into a premier teaching institution. During her eleven-year tenure, she has more than succeeded. Last year, Costaño's score in the California Academic Performance Index was 142 points higher than the previous year and 84 points higher than the state median.

The recipient of the Ravenswood Principal of the Year Award, Marthelia Hargrove has also been honored by the Mid-peninsula NAACP, the San Jose University Department of Teacher Education, the Ravenswood Community Nguzo Saba Committee, the San Mateo County Sheriff's Department and the City of East Palo Alto. A member of the National Political Congress of Black Women, she also serves on the Board of the East Palo Alto Kids Foundation.

Marthelia Hargrove has dedicated her life to building extraordinary educational institutions that involve students, parents and community members as stakeholders and beneficiaries. She has worked hard to provide a brighter future for underprivileged children and for children of diverse ethnicities and backgrounds. It is therefore fitting that Marthelia Hargrove is being honored with the 2001 Josephine and Frank Duveneck Humanitarian Award. Mr. Speaker, I ask my colleagues to join me today in honoring this great and good woman who has given so much to our young citizens and

## EXTENSIONS OF REMARKS

to our educational institutions. We are indeed a better nation, a better community and a better people because of her.

IN HONOR OF JEREMY GLICK OF WEST MILFORD, NEW JERSEY

**HON. MARGE ROUKEMA**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mrs. ROUKEMA Mr. Speaker, I rise today with a heavy heart to honor the great bravery, courage, and patriotism of Jeremy Glick of West Milford, New Jersey. His acts of exceptional bravery, valor, and patriotism are worthy of the Congress granting Jeremy the Congressional Gold Medal.

Jeremy Glick was a passenger on board United Airlines Flight #93 that on September 11, 2001, departed from Newark International Airport at 8:01 a.m. on its scheduled route to San Francisco, California, with 7 crewmembers and 37 passengers on board. Shortly after departure, the plane was hijacked by terrorists. At 10:37 a.m. United Airlines Flight 93 crashed near Shanksville, Pennsylvania killing all on board.

It is clear from the evidence that after learning that other hijacked planes had been used to attack the World Trade Center in New York City, Jeremy and others onboard United Airlines Flight #93 decided to fight the terrorists for control of the plane. Their brave defiance appear to have caused United Flight #93 to crash prematurely, potentially saving hundreds of thousands of lives. It is widely believed that the White House or the Capitol was the target of the terrorists.

Jeremy was a devoted family man. His wife Lyzbeth had recently given birth to their daughter Emerson. Anyone who has seen the picture of Jeremy holding his baby daughter can clearly see the deep love that was in his heart.

Jeremy was a man who loved life. Lyz, his brother Jared, or any of his friends could tell you endless stories that end in laughter. Ironically, Jeremy and his buddies dressed up like their favorite super heroes a couple of weeks ago. Jeremy dressed up as the Green Lantern. Little would we know that on September 11, 2001, Jeremy became a super hero.

Soon after the terrorists took over the plane, Jeremy called his wife on his cell phone. Jeremy told his family about the terrorists and the location of the plane. Jeremy's family relayed the information to the police over another phone line. After Jeremy learned that other terrorists crashed planes into the World Trade Center he left his phone for a while and return to say that the men voted to attack the terrorists. He left the phone and said he would be back—he never came back on the line.

It is not hard to imagine that Jeremy deciding to join with other passengers to fight the terrorists. He was well over six-feet and was a college judo champion. It was reported that Jeremy faced down the terrorists armed only with a plastic knife from an airline meal. I believe that Jeremy did not even need the plastic knife because he had courage and bravery on his side when he fought with the cowards who commandeered the plane.

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Jeremy's last words to his wife were, "Lyz, I need you to be happy." It should be the hope and prayer of all Americans that Lyz will be happy. Lyz said after the crash, "I think God had a larger purpose for him. He was supposed to fly out the night before, but couldn't. I had Emmy one month early, so Jeremy got to see her. You can't tell me God isn't at work here." I believe God is at work with the Glicks.

One thing that Lyz can definitely be, as we all are, is proud. The incredible courage and bravery that Jeremy showed in the face of certain danger is not only an inspiration to us all but a bright light in the flame that burns in the hearts of all freedom loving people. When Jeremy died, he did it on his own terms—fighting against evil, with a brave heart, and boundless courage to sacrifice himself so many others could live.

Now our nation faces a long and hard struggle to rid the world of the evil that took Jeremy's and so many others lives on September 11. Many thousands of our men and women in uniform will meet the challenge. Jeremy though not expecting to be became one of the first "soldiers" in this crusade. I will forever remember and honor Jeremy as a true American superhero.

Mr. Speaker, I urge passage of this measure.

God bless Jeremy Glick and God bless America.

TRIBUTE TO MARY CURTIS DAVEY ON BEING AWARDED THE 2001 JOSEPH AND FRANK DUENECK HUMANITARIAN AWARD FOR LOCAL SERVICE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Ms. ESHOO. Mr. Speaker, I rise today to honor a great American and distinguished Californian, Mary Curtis Davey, who is being honored with the 2001 Josephine and Frank Duveneck Humanitarian Award for local service on Saturday, September 22, 2001, in Los Altos Hills, California.

In 1966, Mary Curtis Davey became the first woman to serve on the Los Altos Hills City Council. During her 6-year tenure, she distinguished herself through her unparalleled support of open space and fair housing. Through her civic and community involvement, Mary Curtis Davey has improved countless lives on the Peninsula, by focusing on housing for low-income residents, basic services for the elderly, and encouraging others to engage in volunteer work, non-profit organizations and local government. Among the organizations that have benefited from her effective leadership are the United Way of Santa Clara County, the American Red Cross, Avenidas, Bay Area Action, and Committee for Green Foothills.

At the request of legendary humanitarian Josephine Duveneck, Mary Curtis Davey joined the Board of Trust for the Hidden Villa environmental Preserve in 1966 where she served for 20 years, including four as its president. A 1600-acre oasis for both children and

adults, the Hidden Villa provides a forum for participants to take part in educational and community-building programs that teach social justice and respect for all living things. In 1971, Mary Curtis Davey organized the Friends of Hidden Villa to continue fund raising, and in 1997 she chaired the annual Duveneck Awards Dinner for multicultural programs.

Mary Curtis Davey helped found the Midpeninsula Regional Open Space District in 1972, an invaluable organization created to safeguard, protect and preserve open space in and around the urban areas of Silicon Valley. The District's 23 preserves are open to the public free of charge. Mary Curtis Davey now serves on the Board of Directors for the District, representing the communities of Cupertino, Sunnyvale, Los Altos Hills and Stanford.

Since 1960, when she and her husband, Jack, and their three children first arrived in California from Maryland, Mary Curtis Davey has championed thee and other causes among a host of volunteer and non-profit organizations. She has been an exceptional voice and a passionate advocate for improving the quality of life in our community. It is therefore fitting that Mary Curtis Davey is being honored with the 2001 Josephine and Frank Duveneck Humanitarian Award. Mr. Speaker, I ask my colleagues to join me in honoring this great and good woman who has given so much to our community and to our environment. We are indeed a better nation, a better society and a better people because of her.

STATEMENT OF CONGRESSMAN  
CHRISTOPHER SHAYS ON THE  
SEPTEMBER 11TH FAMILIES  
STAMP ACT

**HON. CHRISTOPHER SHAYS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. SHAYS. Mr. Speaker, earlier today Congresswoman CAPPS and I introduced bipartisan legislation to create a postal stamp to honor the memories of those lost in the September 11th terrorist attacks and raise money to help their families.

The outpouring of support from across the country following last week's tragedy has been truly remarkable and speaks volumes about the capacity of Americans to join together to help those in need. It is in this spirit of compassion that we are introducing this legislation.

The September 11th Families Stamp Act authorizes the U.S. Postal Service to issue a semipostal stamp, similar to the breast cancer

research stamp which has raised \$20 million. Money raised from the stamp will assist the families of the victims from the World Trade Center, the Pentagon, and United Airlines flight 93.

Mr. Speaker, our first responsibility as a nation is to console the families who have lost loved ones and heal the wounded. The legislation we are introducing will allow us to celebrate the lives of the victims and provide much needed support to their families.

I urge my colleagues to cosponsor the September 11th Families Stamp Act.

CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, AMERICAN MUSLIMS, AND AMERICANS FROM SOUTH ASIA

SPEECH OF

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Ms. KAPTUR. Mr. Speaker, I rise in support of this resolution condemning bigotry and violence against Arab-Americans. I am proud to be a cosponsor of this resolution introduced by the gentleman from Michigan, Mr. BONIOR, and I thank the distinguished majority leader, Mr. ARMEY, for his active support of the resolution.

This past week our precious nation has suffered a great amount of pain and sorrow inflicted by horrible individuals who have no respect for innocent life. America can ill-afford to have our own people unfairly and unjustifiably inflicting even more pain on other Americans or friends of Americans who are of Arab heritage or of the Muslim faith, and who bear no responsibility for the events of September 11th. In fact, they have joined with their neighbors in condemning this heinous attack. Arab Americans deserve to be recognized as the patriotic individuals they are, not victimized for their heritage. Indeed, the greatest enemy of a radical Islamic terrorist is a practicing Muslim.

This past Tuesday evening, as the Toledo Blade reported in its September 19th edition, "about 1,500 people, a . . . mix of Christians and Muslims, gathered . . . at the Islamic Center of Greater Toledo in Perrysburg Township to encircle the mosque, pray for the safety of those who worship within, and sing patriotic songs.

"American flags were everywhere—medium-sized ones along the driveways, a large one hanging from the mosque's roof, and small red, white, and blue stickers adorning everyone's clothing.

"The people making up the crowd, many of whom rarely cross paths, made an effort to

reach out to one another in this time of national crisis."

There will be many images that we recall from last week. One, which will always stand out for me, is the image of the Statue of Liberty erect in New York Harbor. More importantly, the values for which she stands are lodged deeper in our hearts. While Lady Liberty witnessed this assault on peace, she remains a beacon calling for our tired but valiant and indispensable rescue workers. She reassures our fellow citizens who lost their loved ones. And she encourages our huddled neighbors throughout America who are offering support for one another, as we discover who made this assault on freedom and why. She continues to lift her lamp beside the golden door of freedom. She increases our resolve as Americans. She lifts her lamp to celebrate the thousands who did survive, and to illuminate those who banded together in one of the most tremendous outpourings of selflessness in our nation's history.

The depth of the American people's resourcefulness has been demonstrated to the entire world. Our nation will prevail over the most recent challenge to our liberties. We will actively embrace the precious diversity that is America. Our families hail from throughout the world, with religious convictions of every faith. Our diverse population offers the strongest nation in support of freedom in the world.

Over the years, many people of Arab heritage have come to call the United States home. They are just as loyal as any other American and deserve equal treatment. I know in my own community of Toledo one could not have asked for a stronger show of patriotism than what I had heard from so many Arab Americans wanting to know what they could do to help the victims of Tuesday's assault.

It was truly sad to hear the stories of Arab Americans around the nation, including some in my community, who were the targets of wrong-placed anger. I share the intense feeling that our nation and our people have been immeasurably hurt. But I firmly believe that as a people we must commit ourselves to fighting the terrorism that invaded our shores, not succumb to its infective powers by lashing out at the innocent.

We need to honor the lives that were lost, celebrate the heroes that created another wonderful moment in our nation's stunning history, and emulate the people of Toledo who came together across faiths and across heritage to form what Hussein Barby described as "like a family."

Our American family has been hurt. And in the best American tradition, let our family band together at a time when our strength lies in our unity.

**SENATE—Friday, September 21, 2001**

The Senate met at 9 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign of our beloved Nation, we want to express our profound gratitude for citizenship in the United States of America.

After September 11 we no longer take for granted the privileges of being citizens of this land You have blessed so bountifully through the years. Now we gratefully think about our freedoms of worship, speech, assembly, and the liberty to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in government. Help the Senators and all of us who labor with and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to continue to make this good Nation great.

Thank You for the renewed spirit of patriotism sweeping across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to overcome terrorism and to assure opportunity and justice for all Americans and the world. So, today, as we pledge allegiance to our Flag, our hearts express joy: This is our own, our native land and You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JACK REED led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 21, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, the majority leader has asked me to remind everyone we are going to have a vote at approximately 9:25 this morning.

There will now be 20 minutes of concurrent debate on the nomination of Sharon Prost to be United States Circuit Judge and Reggie Walton to be United States District Judge.

Following these votes, the Senate will stand in recess subject to the call of the Chair, as both parties are having conferences.

This is an extremely important day for us. We have the Defense Appropriations Committee bill which we believe will be brought up and also some legislation dealing with the airlines.

So there will be rollcall votes today. There will be rollcall votes on Monday, earlier than usual—sometime probably midmorning or early afternoon. So we ask everyone's cooperation, which we usually get.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**EXECUTIVE SESSION****NOMINATION OF SHARON PROST, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT****NOMINATION OF REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Orders 360 and 361, which the clerk will report.

The legislative clerk read the nominations of Sharon Prost, of the District of Columbia, to be United States Cir-

cuit Judge for the Federal Circuit, and Reggie B. Walton, of the District of Columbia, to be United States District Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a total of 20 minutes for debate on the two nominations, with the time to be equally divided between the chairman and the ranking member.

The Senator from Utah.

Mr. HATCH. Mr. President, let me first thank the distinguished majority leader, Senator DASCHLE, and my dear friend the chairman of the Judiciary Committee, Senator LEAHY, for their support and efforts in moving this nomination and scheduling this vote today. The nominees before us are both great people, but I am going to first chat about the nominee Sharon Prost.

She is no ordinary nominee. She is an extraordinary woman of integrity and intellect who is the nominee to be an appellate judge on the U.S. Court of Appeals for the Federal Circuit. She also happens to serve as the Republican Chief Counsel to the Senate Judiciary Committee, my chief counsel, Sharon Prost.

Many of us who have worked with Sharon either on the Judiciary or the Labor Committees know her well. Sharon grew up in an Orthodox Jewish home, where the values of faith, family, and country were instilled in her. Simply put, Sharon embodies the American dream. Her parents were concentration camp survivors who arrived in this country from Poland in 1948. The pursuit of their own educations was derailed by the war, but they nonetheless emphasized to Sharon the importance of education and hard work in achieving success—advice Sharon has followed throughout her life. And, as Sharon noted at her hearing, her parents instilled in her the love of community, love of family, and love of God.

Tragically, Sharon's father died when she was only 13 years old. Upon his death, she had to support herself, and worked her way through high school and college. But despite the obstacles life placed before her, Sharon persevered. She and her sister Marlene became the first in their family to graduate from high school and go on to attend college. Perhaps one of the best-educated individuals ever to have worked in the Senate, Sharon holds four degrees, including a bachelor of science from an Ivy League university, a law degree, an LLM in tax, and an MBA. She got three of her degrees at night while working full-time.

A labor lawyer at heart, Sharon first came to work for me 12 years ago, after

serving as acting solicitor of the NLRB. I sought Sharon out to work for me on the Senate Labor Committee because I learned of her intellect, her integrity, her exceptional legal skills, and her background in finance.

In her role as my chief counsel on the Judiciary Committee, she has been responsible for everything on the committee agenda, including matters of immigration, antitrust, and patent law.

I cannot stress enough how indebted I am to her for her service over all of these many years. She is one of the most loyal, decent, and intelligent people with whom I have had the privilege to serve.

Sharon truly is something of a modern renaissance woman, with a breadth and depth of knowledge in a variety of areas. Her background and education make her uniquely suited for service on the Federal Circuit, which, as you know, handles myriad issues ranging from veterans matters to patent cases to employment cases.

It has been said that "[t]he value of government to the people it serves is in direct relationship to the interest citizens themselves display in the affairs of state." Sharon has proved herself to be a valuable asset to our Nation, having devoted much of her life to public service.

I know that Sharon holds the other Members of this body in the highest regard, and that those who have worked with her have the utmost respect for her as well—a fact reflected by the standing ovation that the Judiciary Committee members gave Sharon when they unanimously approved her nomination to be sent to the full Senate.

Sharon has been the primary counsel working for me on a number of bipartisan initiatives, including the Violence Against Women Act with Senator BIDEN and his staff, as well as the religious liberty bill that was passed last year. And Sharon has worked closely with Senator KENNEDY's staff over the years on Labor Committee and immigration issues.

I would be remiss in talking about Sharon Prost and her many accomplishments without mentioning the role she considers most important of all: that of being the mother of her terrific sons, Matthew and Jeffrey. She is one of the most noble and fine people I have ever known.

Let me close by noting that Sharon is not only an able counsel and wonderful mother, but she is a person with a good heart.

As Robert Traver wrote more than four decades ago,

Judges, like people, may be divided roughly into four classes: judges with neither head nor heart—they are to be avoided at all costs; judges with head but no heart—they are almost as bad; then judges with heart but no head—risky but better than the first two; and finally, those rare judges who possess both head and a heart.

Sharon will serve this country as a judge with head and a heart. In fact, Matthew and Jeffrey will tell you that one of their mom's favorite things to say is, when you use both your head and your heart, you will do things right and do the right things.

These words are insufficient to express how much I respect and love her, and how much I will miss her and her skill and good counsel. I truly have mixed emotions, but I have no doubt that confirming her to the Federal Circuit will be the right thing for the country.

Let me also take a moment to express again my personal thanks to the distinguished chairman of the Judiciary Committee, Senator LEAHY for moving Sharon out of the committee and for the distinguished majority leader for scheduling this vote today. I also commend the President for recognizing Sharon's skills and talent and selecting her for the prestigious and noble position of being a circuit judge. I urge and thank my colleagues' support for Sharon's nomination.

Mr. President, I wish to say a few words in support of Judge Reggie B. Walton who has been nominated to be a district court judge for the District of Columbia. Judge Walton is an excellent nominee for this position who brings a wealth of talent and experience to the job.

Judge Walton began his legal career as a staff attorney in the Defender Association of Philadelphia from 1974 to 1976. There he served as defense counsel for indigent criminal defendants. Next he became an assistant U.S. attorney for the District of Columbia from 1976 to 1981, and he served as the executive assistant U.S. attorney for that office from 1980 to 1981.

In 1981, President Ronald Reagan appointed Judge Walton to the Superior Court of the District of Columbia. He served as the deputy presiding judge of the Superior Court's Criminal Division from 1986 to 1989. In 1989, Judge Walton was appointed by President George H.W. Bush as the Associate Director of the Office of National Drug Control Policy, Executive Office of the President. Judge Walton served in this position until 1991, when he was named by President Bush as the Senior White House Advisor for Crime. Judge Walton was reappointed to the Superior Court bench by President Bush in 1991. Judge Walton served as the presiding judge of the Superior Court's Domestic Violence Unit in 2000. Since January 1, 2001, Judge Walton has served as the presiding judge of the Superior Court's Family Division.

Judge Walton has been active in legal education throughout his professional career. Currently, he serves as a faculty member at the National Judicial College in Reno, NV, as an instructor at the Harvard University Law School's Trial Advocacy Workshop, and

as a faculty member with the National Institute of Trial Advocacy.

In short, Mr. President, Judge Walton is a highly capable person of demonstrated talent who deserves the vote of confirmation by this body.

I commend him to the Senate. And, above all, I commend Sharon Prost who has given this body, the U.S. Senate, tremendous service, dedicated service, good service, and intelligent service over the last number of years for whom I could not have any greater respect. She is a terrific human being.

I hope both of these two judges-to-be will enjoy their service for our country in these very important positions.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering en bloc the nominations of Sharon Prost and Reggie Walton. There are 20 minutes evenly divided. The Senator controls 10 minutes.

Mr. LEAHY. I thank the Chair, my distinguished friend from New England.

To reiterate, I commend the President of the United States for his speech last night. I said to him after the speech that I thought, as most people do, it was the finest speech of his public career. He spoke to us in accordance with constitutional provisions contained in article II, section 3 of our Constitution to report to the Congress on the state of the Union. But, more importantly, he spoke to all Americans.

I was there. My wife Marcelle was in the galleries. Millions upon millions of Americans across the country and people all around the world listened to the President. We knew America had been hit by murderous terrorist acts in New York and at the Pentagon in Virginia, and at the plane crash in Pennsylvania.

The President was right in saying there are no easy answers; that we face a long and terrible fight.

I could not help but think as I listened to him that we will know our defeats in the years ahead. Often we will not know our victories. That makes the fight even more difficult. It is easier when you face a well-known foe, as we have in other times. Here we will know when we lose some battles. We will not always know when we win some.

The President should know that we have a United States behind us—a United States of America united more than at any time since I have served in the Senate. We must use that unity to bring out what is the best in our country, both in protecting our own liberties and our own rights as Americans—and we will do that—but also in demonstrating to the rest of the world that we are not a defenseless giant.

I have served for many years with both the Majority Leader and the Republican leader. In fact, I have been in

the Senate throughout all of their careers. I commend Senators DASCHLE and LOTT for their reinforcing reaction and response. I believe Senator DASCHLE and Senator LOTT showed the best of the Senate last night and in these difficult days.

The desk I sit in was once used by Senator George Vandenberg. Senator Vandenberg said "politics stops at the water's edge." And we showed that last night.

I have been working with the President and the Attorney General to bring together a package of legislative proposals to aid in this effort, laws that can help without sacrificing the freedoms and constitutional protections that define what is best in America. I want publicly to thank Attorney General Ashcroft for his cooperation. He and I have probably spoken more times in the past week and a half than we might have in months when we served side by side in the Senate.

Since the terrorist attacks of September 11, the Judiciary Committee has been devoting virtually undivided attention to the aftermath, the investigation and the proper legislative response. The exceptions have been the confirmation hearings we have conducted since the attacks for high-ranking law enforcement officials at the Department of Justice and for judicial nominees. All will hopefully help. Today we are going to confirm Sharon Prost and Judge Walton.

I spoke of the pride I had and all Senators had—both Democrat and Republican—when Ms. Prost appeared before our committee, at our extraordinary hearings during the August recess.

I spoke about her not just as a person and as a lawyer and not just because I feel she will be a superb judge on this very important court, but I also spoke of her as the mother of two wonderful young men. I was gratified in seeing the looks in the faces of those two young men as they watched their mother testify but also the love that she showed to them.

As we were reporting the Prost nomination from the Committee, she received a spontaneous standing ovation from all those assembled.

This morning the Senate will confirm Sharon Prost to be a Judge of the United States Court of Appeals for the Federal Circuit. At that moment, the Senate will have confirmed as many judges to our Courts of Appeals, since July of this year, as were confirmed in the entire first year of the Clinton administration. We are moving forward very quickly. In the first year of the Clinton administration, where they did not have all the disruptions and distractions and shifts we have had here, the first Court of Appeals judge was not confirmed until September 30 and the third was not confirmed until November. We have moved a lot faster. Actually, we have moved a lot faster

than the Senate did during the first year of the first Bush administration, as well. That year, 1989, the third Court of Appeals nominee was not confirmed until October 24.

With the reporting of the Prost nomination to the Senate earlier this month, we had reported as many Court of Appeals nominees as were reported all last year. Since then we have had a hearing on an outstanding nomination to the Second Circuit and I expect to be scheduling more hearings including Court of Appeals nominees in the days ahead.

I recall the predictions when I was becoming Chairman in June that all the President's judicial nominations would be blocked and the Senate would not confirm a single nominee. By mid-July we had held hearings, the Committee had reported and the Senate had acted to confirm Judge Roger Gregory to the Fourth Circuit and we have continued to work at a brisk pace throughout the summer and into the fall.

I recall published reports that the White House had predicted that the Senate would be confirming only five judges all year. With the confirmation of Judge Walton, we will confirm the sixth Federal judge since July. A fair assessment of the circumstances of this year would lead to the conclusion that we have done what we said we would do and what the Senate should do, proceed to consider and confirm those qualified, consensus nominees that the President is nominating to help fill the vacancies on our federal courts.

We will also have the Attorney General before us on Tuesday morning. I intend to work with the Attorney General and the administration all day today, this evening, all day Saturday, all day Sunday, and all day Monday to try to bring together all the things necessary to get needed legislation enacted. I noted a coalition of more than 150 organizations, ranging from the most conservative to the most liberal, that have joined together to ask the Senate and our committee not to trample on civil liberties as we do this. These groups range from the Eagle Forum to the ACLU, all united, taking the same position. I can assure them that trampling the rights of Americans is not the intention of our committee. We will be very careful.

As the Attorney General said, we can operate within our Constitution. The Constitution has been our greatest shield throughout our democracy. We must honor it and operate within its confines and protections. We will also protect ourselves against terrorism, both domestic and foreign.

I thank those Senators who stayed here with me last weekend, have worked with me evening after evening, and are committed to working with me this weekend, and their staffs. It is a great effort pulling all this legislation together.

I hope that we can continue to show unanimity both for the American people and for this Senate. For example, I want my colleagues to know that early this morning, when most of us could barely keep our eyes open, we reached agreement with the White House and with the House of Representatives on a victims' compensation program for the victims of the terrorist attacks of September 11, 2001. When we met with the White House and with the House leadership and, in particular, when I met with the heads of the various airline companies, I said that we must have a victims' compensation program.

I thank the majority leader, Senator DASCHLE; Senator LOTT, the Republican leader; Speaker HASTERT; Leader GEPHARDT; Senator HATCH; Senator KOHL; Senator DEWINE; Senator SCHUMER; and Senator CLINTON for their bipartisan efforts. We have created a victims' compensation fund. Payments to these victims will be tax free. We will move forward quickly.

I thank Ed Pagano, John Dowd and Greg Cota of my staff for being willing to work around the clock and Makan Delrahaim of Senator HATCH's staff. I commend Mark Childress and Andrea LaRue of the Majority Leader's staff and Dave Hoppe of the Republican Leader's office, as well as Victoria Bassetti, Pete Levitas, Jeff Berman and Leecia Eve. This is extremely important. There is no higher priority. Again, this has been an occasion where in a bipartisan effort working for long hours in good faith and with common resolve, we have been able to forge a good agreement.

I see the time has arrived for the votes. I ask unanimous consent to print in the RECORD the following relating to establishment of a victims' compensation fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE BIPARTISAN COMPROMISE: ESTABLISHMENT OF A SEPTEMBER 11 VICTIMS' COMPENSATION FUND

CREATION OF THE SEPTEMBER 11 VICTIMS' COMPENSATION PROGRAM

Congress shall authorize and appropriate such funds as may be necessary to compensate any victims or their families with physical injury or wrongful death claims arising out of the terrorist-related airline crashes in the United States on September 11, 2001.

To be eligible for compensation, applicants will need to provide information about the harm they suffered or death linked to the terrorist-related airline crashes on September 11, 2001. Applicants will not be required to prove negligence or any other theory of liability.

The Department of Justice shall supervise the program and the Senate shall confirm a Special Master to administer the program to determine victim compensation.

QUICK REVIEW AND PAYMENT OF CLAIMS FOR COMPENSATION

The Special Master shall make a final determination of the applicant's eligibility for

compensation and appropriate level of compensation within 100 days of having received the application.

In all cases, the compensation shall be paid within 20 days of the final determination.

Filing of a claim under the program will preempt all other civil remedies available under federal or state law for the same physical injury or wrongful death suffered as a result of the September 11, 2001 terrorist acts.

Payments to victims will be tax free.

Mr. LEAHY. I ask for the yeas and nays on the nominees.

The ACTING PRESIDENT pro tempore. The yeas and nays have been previously ordered.

Mr. LEAHY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to proceed for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. I thank the chairman of the Judiciary Committee for his solid support of Sharon Prost and Reggie Walton and for the work he has done. I also have enjoyed working with him as we have worked to fashion, along with all the people whose names he mentioned, and certainly in the House of Representatives, the law enforcement changes and terrorism laws that really need to occur. I hope we can get that done. I hope we can do it on a completely bipartisan basis. It has to be done.

We have also worked very hard on the airline bill which he has described adequately. I thank him for the efforts he is putting forth, and his staff and, of course, my staff. A number of these staff people worked all night long on some of this legislation. They deserve an awful lot of credit, along with the White House staff, staffs of both Houses, and the staff of both sides on this issue. I am very grateful that we were able to move ahead on these matters. I hope we can move ahead in a way to protect, preserve, and defend our country as it deserves to be protected, defended, and preserved.

Let's proceed to the vote.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Sharon Prost, of the District of Columbia, to be a United States Circuit Judge for the Federal Circuit? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Wyoming (Mr. THOMAS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 282 Ex.]

#### YEAS—97

Akaka	Dorgan	Lugar
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Frist	Nickles
Boxer	Graham	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thompson
Corzine	Kohl	Thurmond
Craig	Kyl	Torricelli
Crapo	Landrieu	Voinovich
Daschle	Leahy	Warner
Dayton	Levin	Wellstone
DeWine	Lieberman	Wyden
Dodd	Lincoln	
Domenici	Lott	

#### NOT VOTING—3

Gramm	McCain	Thomas
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The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF REGGIE B. WALTON

The ACTING PRESIDENT pro tempore. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Reggie B. Walton to be a U.S. District Judge for the District of Columbia? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM), the Senator from Arizona (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 283 Ex.]

#### YEAS—97

Akaka	Cantwell	Domenici
Allard	Carnahan	Dorgan
Allen	Carper	Durbin
Baucus	Chafee	Edwards
Bayh	Cleland	Ensign
Bennett	Clinton	Enzi
Biden	Cochran	Feingold
Bingaman	Collins	Feinstein
Bond	Conrad	Fitzgerald
Boxer	Corzine	Frist
Breaux	Craig	Graham
Brownback	Crapo	Grassley
Bunning	Daschle	Gregg
Burns	Dayton	Hagel
Byrd	DeWine	Harkin
Campbell	Dodd	Hatch

Helms	Lott	Sessions
Hollings	Lugar	Shelby
Hutchinson	McConnell	Smith (NH)
Hutchison	Mikulski	Smith (OR)
Inhofe	Miller	Snowe
Inouye	Murkowski	Specter
Jeffords	Murray	Stabenow
Johnson	Nelson (FL)	Stevens
Kennedy	Nelson (NE)	Thompson
Kerry	Nickles	Thurmond
Kohl	Reed	Torricelli
Kyl	Reid	Voinovich
Landrieu	Roberts	Warner
Leahy	Rockefeller	Wellstone
Levin	Santorum	Wyden
Lieberman	Sarbanes	
Lincoln	Schumer	

#### NOT VOTING—3

Gramm	McCain	Thomas
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The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President is notified of these actions taken by the Senate.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume legislative session.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. The Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 10:17 a.m., recessed subject to the call of the Chair and reassembled at 11:54 a.m. when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Senator from Nevada is recognized.

#### DEFENSE AUTHORIZATION

Mr. REID. Mr. President, the majority and minority leaders have agreed that in the near future, the two managers, Senators WARNER and LEVIN, will move forward with the Defense authorization bill. The opening statements will take some time because this is such an important piece of legislation.

At some point later in the day, when the House, we hope, completes their work on the airlines legislation, which they have worked on during the night, and we worked on during the night, we will move to that. The managers understand that.

I hope that people will understand how hard these two veteran legislators—Senator LEVIN and Senator WARNER—have worked on this legislation. I personally know of the time they have spent on this bill in the past week, and prior to that they spent much more time on it. This is a very crucial time in the history of this country, and although it is always important, it is even more so now.

I hope Members will be very cautious in trying to make a Christmas tree out

of this piece of legislation. The two leaders want as little controversy with this legislation as possible. We understand the Senate rules, that any person can do anything they want with this legislation. But we certainly ask that they be very cautious with this legislation. We have a timeframe within which we very badly need to complete this bill—as soon as possible. By next Wednesday at 2 o'clock, we not only have to complete this legislation but also do the continuing resolution to get us past the fiscal year. So there is really a lot to do.

I repeat for the third time, I hope that Members will be very discrete in what they do with this legislation as it relates to these two managers.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank the Senator from Nevada for his very kind words and for his efforts and the leadership on both sides of the aisle in helping to bring this bill forward. Senator WARNER and I have indeed worked very hard on it and, as always, we have worked together to bring a bill forward that hopefully the Senate can pass and pass quickly. But without the support of our leadership, that would not have been possible. As hard as we and our staffs work, it takes leadership support to make it happen. We are grateful that Senator REID is on the floor, and we thank all leaders not on the floor.

Mr. WARNER. If the Senator will yield, I join that with respect to the leadership provided by our distinguished majority whip. Yesterday on the train, as we were going to New York, we had Senator DASCHLE, Senator LOTT, Senator REID, Senator LEVIN, and I, and I think we finished up basically the procedural and, to some degree, the substantive points that remain, under the circumstances on which we concluded on the eve of visiting ground zero.

That is an example of how, throughout the last six or seven days, Senator LEVIN and I have collaborated on bringing together a closure of the differences that were experienced in the committee, when the committee for the first time in living memory had a partisan division on reporting out a bill.

I commend our chairman and the leadership. I think we are prepared today to present to the Senate a very fine bill on behalf of the men and women of the Armed Forces, their families, and those who are dependent and work with our Armed Forces. It would be my hope that in the course of the day, we can address such items as Members wish. But I think on our side, having participated in our caucus this morning, there is a feeling that we would like to move forward on this bill; and depending on the number of hours today, quite possibly we can bring to

closure a number of issues and possibly begin to focus on when final passage could be achieved, subject to the leadership's desire for the time of the vote. I thank my colleague.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 163, S. 1438, the Department of Defense authorization bill; that once the bill is reported, I be recognized to offer a managers' amendment; that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object—and I certainly will not object—I have joined with my distinguished chairman in preparation of the managers' amendment and will be a cosponsor of it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### AMENDMENT NO. 1598

Mr. LEVIN. Mr. President, the managers' amendment is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes an amendment numbered 1598.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment is agreed to, and the motion to reconsider is laid upon the table.

The amendment (No. 1598) was agreed to.

The amendment is as follows:

At the appropriate place in the bill, add the following:

#### SEC. . AUTHORIZATION OF ADDITIONAL FUNDS.

(a) AUTHORIZATION.—\$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in Division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

- (1) research, development, test and evaluation for ballistic missile defense; and
- (2) activities for combating terrorism.

Mr. LEVIN. Mr. President, this is no ordinary time in our country. In New York and just across the Potomac in Virginia, our fellow citizens continue

to sift through the ruins left by the most deadly attack ever against the United States. Our fury at those who attack innocents is matched by our determination to protect our citizens from more terror and by our resolve to track down, root out, and relentlessly pursue the terrorists and those who would shelter or harbor them. The President spoke eloquently and forcefully last night setting out those goals.

Against this background, we bring the National Defense Authorization Act for Fiscal Year 2002 to the floor of the Senate. The bill authorizes the full amount requested by the administration for national defense, including the \$18.4 billion requested by the President in his amended budget request. The bill also addresses a number of important priorities identified by the Armed Services Committee.

I am pleased we were able to add a significant amount of money, over \$700 million, to the budget request for compensation and quality of life.

We added more than \$1 billion to improve the readiness of the military services to carry out their assigned missions.

We added a large amount of money to advance the transformation of the military services and to improve the capability of the armed forces to meet nontraditional threats, including terrorism.

Even in advance of the terrorist attack on the World Trade Center and the Pentagon, we gave particular attention to the problem of terrorism as reflected in our bill and in the report that accompanies it. Not only did the committee fully fund the President's proposal for combating terrorism, we were able to add funds for a new combating terrorism initiative to improve the ability of the U.S. forces to deter and defend against terrorism, including additional funds for research by the Department of Defense and the Department of Energy on the detection, identification, and measurement of chemical and biological weapons, and funds to upgrade Army installations and make them less vulnerable to terrorism. Much more remains to be done in this area, and that has surely been dramatized by the events of September 11.

We have already passed a \$40 billion emergency supplemental for our war on terrorism. I understand the Department of Defense will be coming forward with an additional supplemental budget request in the next several weeks, and our committee will review any such request.

The U.S. military is by far the most capable fighting force in the world. From Europe to the Persian Gulf to the Korean peninsula, the presence of U.S. military forces and their contributions to regional peace and security reassure our allies and deter adversaries.

U.S. forces have excelled in every mission assigned to them, including

the 1999 NATO air campaign over Kosovo and ongoing enforcement of the no-fly zones over Iraq, humanitarian operations from Central America to Africa, and peacekeeping operations from the Balkans to East Timor.

The U.S. armed forces remain the standard against which all militaries are measured. Our armed forces are without peer today, and this bill will help ensure they remain so for the foreseeable future. At his confirmation hearing before the Armed Services Committee last week, Gen. Richard Myers, the next Chairman of the Joint Chiefs of Staff, testified that we have military forces and capability that we need to respond to the terrorist attack on the World Trade Center and the Pentagon.

We identified five priorities to guide our consideration of the bill: Continuing the improvements in the compensation and quality of life of the men and women of the armed forces and their families; improving the capability of the armed forces to meet non-traditional threats, including terrorism and unconventional means of delivery of weapons of mass destruction; sustaining the readiness of the military services to carry out their assigned missions; encouraging the transformation of the military services to lighter, more lethal, and more capable forces; and improving the efficiency of Department of Defense programs and operations.

Let me briefly address each of those areas.

One of our top priorities was to continue the improvements in the compensation and quality of life for our men and women in uniform. In this regard, we approved a pay raise of at least 5 percent for all military personnel and targeted pay raises of between 6 and 10 percent for enlisted personnel and junior officers, and we provided \$17.9 billion requested by the Department to fully fund the Defense Health Program, including the significant new benefits we authorized last year.

The committee approved a number of other important initiatives to improve the quality of life for our military, and, in particular, the bill before us would authorize \$30 million to improve retention efforts by allowing personnel with critical skills to transfer up to 18 months of unused benefits under the Montgomery GI bill to family members in return for a commitment to serve 4 additional years.

Senator CLELAND has been fighting for that initiative since he came to the Senate, and I am delighted we were able to include it in our bill this year.

We added more than \$450 million for family housing and other military construction to improve the facilities in which our military personnel work and housing in which they and their families live.

We added more than \$230 million to increase the basic allowance for housing and eliminate all out-of-pocket housing costs for service members and their families by the year 2003, which is 2 years earlier than the Department of Defense plan.

Finally, the bill includes a set of provisions offered by 18 members of the committee, led by Senators LANDRIEU, ALLARD, CLELAND, and NELSON, to ensure overseas voters and absent military voters have a meaningful opportunity to exercise their voting rights as citizens of the United States.

Another top priority of our committee was to improve the ability of the United States and U.S. forces to deal effectively with nontraditional threats, including terrorism, unconventional means of delivering weapons of mass destruction, and the proliferation of nuclear, biological, and chemical weapons. The Emerging Threats Subcommittee, under the leadership of Senator MARY LANDRIEU and Senator PAT ROBERTS, took the lead in this effort.

Our committee added funds to the budget request to help address non-traditional threats. First, the bill adds funds for a combating terrorism initiative to improve the ability of U.S. forces to deter and defend against terrorism, including almost \$100 million for research by the Department of Defense and the Department of Energy to detect and identify chemical and biological weapons in advance of their use, and more than \$75 million to upgrade Army installations and make them less vulnerable to terrorism.

I am particularly pleased that we were able to add \$13 million to the budget for standoff explosive detection research and development, a proof-of-concept system for predetonation of explosive devices and hand held explosive detectors for the U.S. Navy, all fulfilling the requirements which were so urgently identified in the aftermath of the October 2000 attack on the U.S.S. *Cole*.

If we can develop that standoff explosive detection, if we can come up with the technology to do that, learning the lesson which we learned to our great expense, cost, and horror with the attack on the U.S.S. *Cole*, we will make a very significant gain in the war against terrorism.

The bill would authorize the full \$400 million requested by the administration for cooperative threat reduction programs, to continue destroying and dismantling nuclear warheads and missiles in the former Soviet Union, and we added more than \$50 million to Department of Energy programs to prevent the proliferation of weapons of mass destruction and related expertise.

Earlier this year, a bipartisan task force, chaired by former Senator Howard Baker and former White House counsel Lloyd Cutler, concluded the

following: The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable materiel in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

With this funding, the committee has placed itself firmly on record in support of the continuing effort to reduce the threats posed by offensive nuclear weapons, their delivery systems, and related material.

Another priority of the committee was to sustain the readiness of the U.S. military. Toward that end, we added approximately \$1 billion to the budget request to fund critical priorities of the military services. These additions included the following: Almost \$250 million to improve the readiness of Army aviation, including additional Black Hawk helicopters, upgrades to Apache helicopters, and additional TH-67 training helicopters.

We added \$125 million for upgrades to the B-2 and B-52 bombers and an additional \$100 million to maintain B-1 bombers to ensure we will continue to have a ready, capable bomber fleet.

We added more than \$120 million to upgrade engines and reduce maintenance costs for the F-15 and F-16 aircraft, and we added almost \$100 million for the maintenance of surface ships and Navy and Marine Corps equipment.

The committee also added money to increase full-time manning in the Army National Guard, to upgrade the Navy's electronic warfare aircraft, to improve the operational safety and capabilities of the test ranges and space launch facilities, and to continue modernizing the training aircraft used by the Air Force and Navy for the training of new pilots.

Again, I emphasize these additions to the President's budget request were all made before the events of September 11. There will be additional ones I will list in a moment, but we will be receiving in the next few days an amended budget request from the administration, or a supplemental budget request, to add additional funds to those I am outlining.

We do not have that request before us yet, so we are unable to respond to it. Of course, it will be mainly an appropriations request, but we also hope as authorizers to have an opportunity to take a look at that request in the days ahead.

The committee also gave priority to continued support for transformation of the U.S. military forces. To do this, we added more than \$800 million to the budget request to advance the transformation efforts of the military to a lighter, more lethal, and a more flexible force. These additions included the following: Nearly \$400 million to support Navy transformation, including more than \$300 million to support conversion of four excess Trident missile

submarines to carry Tomahawk cruise missiles; more than \$200 million to increase the defense science and technology budget, including substantial increases for advanced materials and manufacturing technologies, nanotechnologies, and cutting-edge communication technologies. We added almost \$200 million for Army transformation programs, including full funding for all of the objective force priorities on the Army's list of unfunded requirements in fiscal year 2002, and more than \$80 million to fund continued efforts to develop and field unmanned vehicles.

I want to give special credit to our ranking member, Senator WARNER. He has been an active advocate, for as long as I can remember, for putting additional funds in for our unmanned aerial vehicles and other unmanned vehicles. He has had a great deal of foresight in focusing on the importance of doing that, and I have supported those efforts, but the credit for the leadership really belongs to Senator WARNER. The Nation is in his debt for that and so many other actions on his part. In future years and future decades, we will see the payoff for these kinds of investments now in these unmanned vehicles.

The money that is needed to fund these priorities was obtained through management and other efficiencies identified by the committee. In particular, we determined the Department should be able to achieve significant savings through improved management of its purchases of services, including—I emphasize this—the increased use of performance-based service contracting, competition for orders under service contract, program review spending analyses, and other best practices commonly used in the commercial sector.

In fact, the final report on an OMB pilot program 3 years ago concluded Federal agencies should be able to save as much as 15 to 30 percent on their service contracts through the use of performance-based service contracting alone. There has not been much done in that area. There is a lot we can do, and we will harvest significant savings when we do so, as this bill provides.

We are also able to achieve efficiencies by identifying programs in which the Department requested more money than it could wisely spend in fiscal year 2002. We approved a reduction of \$592 million to the V-22 tilt rotor Osprey aircraft program because of continuing concerns about the program and the recommendation of the V-22 review panel that production should be kept to a minimum sustaining rate in order to minimize the number of aircraft requiring retrofit after these programs have been addressed.

Similarly, we approved a net reduction of about \$250 million to the Joint Strike Fighter Program because of the likely delay of the launch of the engi-

neering and manufacturing development phase of the JSF Program.

The bill before us authorizes a new round of base alignments and closures for the year 2003, and that will produce a significant increase in the Department of Defense's savings that it has achieved the four previous rounds. The civilian and military leadership of the Department of Defense has told us for years, through two administrations, that the Department of Defense has excess infrastructure and needs a new round of base closings to free up funds for higher priority defense needs and to support the successful transformation of our military and implementation of the Quadrennial Defense Review.

Senator MCCAIN and I have been fighting for a new BRAC, as we call it, for more than 4 years. I am glad the committee endorsed by a 17-8 vote the proposal the administration sent to us.

Now we are asking the Department of Defense whether or not, in light of recent circumstances, there is any change in their position that they want the tool of reducing excess infrastructure in order to make savings so they can apply those savings in the years ahead to other vital needs of the Defense Department. That request has been sent to the Department of Defense to see what their current position is in light of the events of September 11. We will have discussions with our colleagues relative to this matter in the hours and days ahead, and with the Defense Department, because we do want to make sure the Defense Department position is still the same and that is still a tool they consider to be essential for them in waging a war efficiently and in having resources needed to wage future efforts, such as the long effort that is going to be needed in the war against terrorism.

In short, we believe this is a strong and balanced bill that fully funds the amount requested by the administration for national defense, and it goes a long way to meet the urgent needs of our military. In light of recent events, we are obviously going to do more, as we have with the enactment of \$40 billion emergency supplemental appropriations bill last week. On top of that, in the next few days we will be receiving a request for additional funds given the circumstances that have unfolded.

As important as the funding that we provide is, there is something else that is critically important. That is the unity of purpose that we show as we enter into the current struggle. Debate on a bill such as this is an inherent part of our democracy. While our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We set aside those differences that we cannot bridge. We try to resolve differences that we previously were unable to resolve. But in cases of other differences, we put them

off for another day, where the effort or attempt to resolve them now would create dissent where we need unity.

There are a number of these issues that were in this bill. One had to do with the question of national missile defense. We were able, by one vote in committee, to put into the original bill which came before this Senate a provision which would have required Presidential certification in the event that it was decided or determined there were activities that were going to be funded that were in conflict with the arms reduction and arms control treaty that we entered into. It was a matter of major seriousness, regardless of what position people took on that issue, to just about every Member of this body. Rather than to have the effort made to resolve that issue now, we decided we would withhold those provisions. That is why a few days ago I withdrew those provisions from this bill and introduced under rule XIV a separate bill which contained those provisions.

Under that rule, today, that separate bill which contains these provisions relative to national missile defense is on the calendar of the Senate. It is available for the majority leader to call up, should he choose to do so, for debate by this body. If and when—and I emphasize the “if,” not just the “when”—the administration determines that an activity for which it is using funds from this bill conflicts with the arms control treaty, the ABM Treaty, it would then be an option for the majority leader to call up the bill that is now on the calendar which would then provide the opportunity for us to debate whether or not we wanted to fund such activity. That was the way in which we preserved that option, delayed that debate that preserved the rights of people who feel strongly about that issue, including myself, to have such a debate should it be appropriate to do so.

To summarize what we have done relative to those provisions, relative to national missile defense, the specific provisions relative to activities for which funds might be used from this bill in conflict with the ABM Treaty, the provision which is now on a separate bill would not have prohibited such activities but, rather, would have deferred a congressional decision on funding them until we had a determination from the administration as to whether the activities would be in conflict with the treaty.

For some Members, that is very important information. As the author of that provision, I believe very strongly that we have a responsibility to determine whether or not a testing activity or funding conflicts with an arms control agreement. Some might vote to approve the funding without regard to that arms control agreement. Others would want additional information and

the nature of the conflict between the treaty and the requested activity. Some Members would want to know the significance of the testing effort, to weigh whether or not the value of the test which is in conflict with that arms control agreement outweighs some of the negative circumstances which might be created by the unilateral withdrawal which would have to take place before such a testing activity occurred.

It seemed to me, regardless of one's position relative to the issue of whether or not we should proceed with such activities in conflict with the treaty, that was important information for all Members to have. We don't have that information now. The Department has been unable to tell us whether or not any of the activities which funds are being asked for in this bill, and to be authorized in the bill, are in conflict with the Anti-Ballistic Missile Treaty. They have been unable to tell us. The thought behind the language was that if and when the time comes when they do determine there is such a conflict, at that time Congress should have an opportunity to vote.

Again, I emphasize that language, subject of much debate and much dissent, has now been withdrawn from this bill by myself and put into a separate bill which is now on the Senate calendar. This was a very difficult decision, I tell my good friend from New Jersey.

While the Senator is presiding, I must say how extraordinarily moving he and Senator TORRICELLI were in New Jersey yesterday, as many Senators visited New Jersey after our visit to ground zero in New York City. It helped Members get a full picture by our visit to New Jersey with the presentations which were made to us by Senator CORZINE, Senator TORRICELLI, by the Governor of New Jersey, and by so many mayors who helped to round out exactly what the effect was of that attack upon us on September 11. I know I speak for all who were present yesterday in New Jersey when our Presiding Officer, Senator CORZINE, and Senator TORRICELLI made such an effective presentation. Many of us were not aware that perhaps half of the people killed in that terrorist attack were residents of New Jersey. While New York City was ground zero, and we had severe losses at the Pentagon, New Jersey and also many from Connecticut and I believe from as many as 40 or 50 other countries were attacked by those terrorists. There were many, many countries symbolized on that attack on the World Trade Center when citizens from so many countries were killed in that attack. I think Britain lost literally hundreds of its citizens.

What was so dramatically presented to us yesterday was the fact that New Jersey's families are suffering in as great a number as any other place, in-

cluding New York, as a result of that attack. I just wanted to thank Senator CORZINE for his role in bringing us to New Jersey, along with Senator TORRICELLI. It makes a difference.

Just as important as it is that we stand together in these days, coming together where we can on a bill which is so important to the defense of this Nation and to our security—and where we cannot agree, trying to defer those other issues to a different time and place—it is also important that our colleagues join us in trying to focus on issues that directly relate to this bill as this bill comes before the Senate.

Obviously, amendments are appropriate. They always are appropriate. But there are some amendments currently being filed that really cannot be appropriately considered on this bill. It is going to require all the efforts of all of us to focus on the material in this bill and the subject matter of this bill if we are going to get a bill passed as it should be passed urgently; if not today, and that is unlikely—by Monday or Tuesday.

(Mr. CORZINE assumed the chair.)

Mr. WARNER. Today may be possible.

Mr. LEVIN. Today may be possible, I am told by my good friend, Senator WARNER. We should not even eliminate that possibility. But if we all cooperate in the kind of spirit which we have in bringing this bill to the committee and trying to avoid amendments which are not related to the subject matter of this bill, we have a chance of passing this bill as it should be passed, with great urgency and with great unity and with one voice.

Senator WARNER and I have spent a lot of time in the last few days working to do just that—to be able to bring a bill to the floor where we can say together that we, the members of the committee, all support this bill now.

We hope other Members of the Senate will join in this debate, offer amendments as they must, which relate to the subject matter, but help us to pass this bill with the urgency which is required and the unity which, God knows, is appropriated in circumstances such as this.

I want to say one other thing to my friend from Virginia before I yield; that is, how grateful this Nation is to him for his leadership in bringing to our attention the losses, the personal losses and the tragedies that were involved in the attack on the Pentagon. I was able to personally join with Senator WARNER on a number of these visits that he has made. I know how many hours he has spent with, not only the families of those who have lost loved ones at the Pentagon but with the leadership at the Pentagon focusing on how to restore the Pentagon, to let the terrorists know we are going to restore New York, we are going to restore the Pentagon, and we are going to restore any other places they were able to damage.

But I thank Senator WARNER because he has played the leadership role in bringing to the attention of the Nation that the losses in New York are the largest losses numerically, assuredly, but that we had almost 200 people between the people working in the Pentagon and the people on the airplane that hit the Pentagon, lost in Virginia. I know how his heart goes out to those families.

I can only tell him—I know he already knows every Member of this Senate is with you and with your colleague from Virginia in your efforts to bring some peace and closure and then some restoration to those families and to your State. I thank you for that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague. The morning of September 11 was a moving moment in the life of every American. Senator LEVIN and I, within a very short time after learning of the attacks both in New York and in Virginia, and of course the devastation that occurred in Pennsylvania and the peripheral tragic consequences that came upon the States of New Jersey, Connecticut, Maryland and the District of Columbia, in close proximity to these attacks—I called my friend and I said I think you and I should show our support at this point in time for the men and women of the Armed Forces and for the President and for the Secretary of Defense.

I made a call to the Pentagon which resulted in the Secretary of Defense saying, "Your participation this day of the attack would be welcome and helpful."

The two of us met and went to the Department of Defense. Just a few hours after that attack, Senator LEVIN, the Secretary of Defense, and I stood right there, about 100 yards or so from where that plane crashed into that edifice, the Pentagon, which represents, to our men and women in uniform, the epicenter of the command and control of their destiny.

I thank my colleague for joining me that morning in going to the Department. I think every time I have had the opportunity to address the Senate since that period, I begin by saying that all of us in the Senate have in our minds, in our prayers, the victims who were lost in these attacks and their families, no matter where they are, around the nation and around the world. Yes, we have them in our prayers. But, those prayers are combined with prayers for literally thousands of men and women: firefighters, policemen, rescue squads, hospital and Red Cross workers, construction workers—that realm of individuals that shun recognition but who selflessly responded to those sites, first in New York and then in a fraction of time in Virginia, to try to help at those sites where the attacks were inflicted.

That band of brothers and sisters, as one fireman said to me, whether they are in Virginia or New York or Pennsylvania, or from any of the many States and localities that sent help, represent the finest traditions of this great Nation about how we respond and help each other in time of need, all of us.

Now the Nation is arm in arm united behind our President, moving forward—steadily, carefully, thoughtfully—to address the needs of the Nation and the means by which we, seeking justice, will bring about a redress of these criminal acts, perhaps with the use of force, which is likely to be necessary. Of course, last night, as our President spoke, I and others had in mind the men and women in the uniform of the United States Armed Forces and their families who will bear the brunt if and when that force is used.

Mr. President, I thank my chairman. We have worked together in this chamber for 23 years and now we face another challenge. We are fortunate to have on our committee men and women who are absolutely committed to do what is necessary and proper to help this country in this hour of challenge and need.

I think it is appropriate, following the President's magnificent address last night—and I know of no President in the history of the United States of America who has ever been faced with a more challenging, a more complex framework of international security issues, economic issues, and threats to the United States than has our President, President Bush—that we now take up and swiftly pass this Defense Authorization Bill for Fiscal Year 2002 that provides the President the resources he has asked for and that our armed forces need.

The President not only rose to the occasion last night, but I think, if I may say, he exceeded in every way our hopes and prayers that he would take command—as he did—and deliver a very clear message.

Today, as the Senate turns to the consideration of our national defense authorization bill for the year 2002, in this time of national emergency, it is time we provide our President and the men and women of the Armed Forces, and the thousands of civilians who support those men and women, the requirements that they have for the coming fiscal year as best we can judge them.

The chairman indicated that the President would be forthcoming any day now with an amendment to the 2002 bill. Our committee and other committees of the Senate will immediately turn to that, upon receipt. It is my expectation that it can be incorporated in this legislation during the course of the conference between the House and the Senate.

The events of September 11 have forever changed this world, and forever changed the United States. The one change that is clear is that we are a stronger nation today. That inherent strength emerged not a second after the infliction of these grave attacks. The 11th, when we saw the smoke billowing from our homeland, is a day forever etched into everyone's memory.

The initial shock was followed by a surging sense of new purpose and strength and, a word that all of us understand—"patriotism"—love of country for the freedoms that we have.

Now a responsibility and a challenge fall upon the Congress—a coequal branch our Government—to work with our President and to serve our citizens. It is vital that we very carefully—as we have done—and expeditiously address this bill and, hopefully, act on it. The leadership has been tremendously supportive of Senator LEVIN, myself, and other members of the committee throughout the course of the past few days as we have worked to bridge our differences and bring this bill to the floor.

I hope we can pass this bill, for this bill will communicate a message to our citizens and to the world that the U.S. resolves to do whatever is necessary to protect our homeland and our forces abroad, to work with our allies for their mutual protection, and to address the full spectrum of threats that confront our Nation, the entire Western World, and, indeed, all of civilization. As we have all heard and felt, this was not just an attack on America, but an attack on the world and the fundamental principles of civilization.

All of us in this Chamber have recognized the fact that this is an increasingly dangerous world. There will be a time to look back on events and how well we were prepared, and how we were not prepared, to deal with this crisis. But those debates are yet to come. Now is the time for unity. We have it here today in the Senate.

I addressed my caucus this morning outlining what Senator LEVIN and I have agreed upon. He addressed his caucus. We bridged the one remaining difference early this morning between the hours of 8 and 9. This managers' amendment, which we have just adopted by unanimous consent, in my judgment, satisfactorily addresses the remaining differences we had.

When the authorization bill was reported out by the Armed Services Committee almost 2 weeks ago, there was a division among its members. That was understandable because our side—the Republican side—was unified behind what we saw were clear and justified requests by our President. The bill, at that time, contained certain provisions which we believed might impede his ability under the Constitution as the chief architect of foreign policy to continue and, hopefully, conclude certain

negotiations he has undertaken with Russia with regard to the Anti-Ballistic Missile Treaty.

Further, we thought the dollar amounts which our President requested of the Congress for the purpose of initiating new research, development and testing with regard to our Nation's absolute necessity to prepare ourselves today, and most especially for future generations, against the threat of a limited attack on us, were inconsistent with what I believe are the President's justifiable requests. For that reason, we were not able to report out, as is the tradition of our committee, a bipartisan bill.

But in the aftermath of the tragic events of September 11, the distinguished chairman and I, working with our Members on both sides, have now bridged these differences in large measure. We agree at this time, for reasons I have stated, that we feel that, in the aftermath of these attacks, the justification for moving forward with new ways to prepare this Nation against a limited attack of missiles is enhanced by what we saw on the 11th. It brought to us the realization that, yes, while there was some thought it was remote that a missile could attack this Nation someday, now we cannot ignore or eliminate any part of that full spectrum of threats that may be directed towards this country.

So, as never before, we are strongly committed to support our President.

In my own many years on this committee, I have worked as ranking member with Chairman Nunn, Chairman Stennis, and others. There were rare times when the chairman and the ranking member of the Armed Services Committee recognized, for whatever reason, that they could no longer have bipartisanship. I am reminded of two instances between Senator Nunn and myself. One was when we had a difference of view on the Tower nomination, and the other was the Gulf War resolution giving President George H. W. Bush the authority to utilize force in 1991.

History reflects the outcome of those two events. But I remember that Senator Nunn and I shook hands. We recognized we had to go our different ways, and we did it. In the aftermath of both events, we rejoined as the chairman and ranking of the committee to work together. Senator LEVIN and I have likewise done so.

There came a point in the course of our deliberations—it was actually last weekend following a joint appearance—when we were on a national television show that I told him I felt I had to go my separate way and introduce legislation which reflected very clearly what we Republicans perceived as the essentials that the Commander in Chief, the President, desired and needed. This included preserving his ability to continue negotiations regarding the ABM

Treaty and to prepare for a future, limited missile attack. Hopefully, God will never let that happen. Regardless, we must make preparations.

For a while we went our separate ways. But then in due course, Senator LEVIN introduced this bill we are acting on today. I say to my colleagues that I believe, along with the managers' amendment, this bill satisfies the concerns we had with the bill originally reported to the Senate by the committee, with regards to the ABM Treaty and equitable funding for ballistic missile defense. After careful consultation with the Secretary of Defense, the Deputy Secretary, and many others—consultations I have had at length every day this past week—I can represent to our chairman and to all members that the administration now supports this bill as it is drawn.

Proceeding on, we have, as managers of this bill, introduced legislation which we believe should meet the expectations of the Senate and that the Senate, hopefully, will act swiftly upon this bill. I did not realize we would have the opportunity to consider this bill today, and I thank our leaders for recognizing the importance and timeliness of this important legislation.

I hope Members, having heard the deliberations in our caucuses this morning regarding this bill, know those areas in which they are interested. If they have amendments, they should bring them to the floor. Hopefully they will be germane to the provisions of this bill and respectful of the spirit of discretion our leaders have asked for so that we can move expeditiously on this bill.

I urge my colleagues to join us in sending our President and our fellow citizens in the world a message of this resolve by passing this bill. I remember also Governor Bush, when he was a candidate, reminded us almost prophetically in the Citadel in the fall of 1999 that: "The protection of America itself will assume a high priority in a new century. Once a strategic afterthought, homeland defense has become an urgent duty." In that same Citadel speech, he called for "anti-ballistic missile systems, both theater and national, to guard against attack and blackmail." He also called for strengthening our intelligence community and developing the technologies to detect chemical, biological, and nuclear weapons threatening our shores. The threat, as he perceived it then, required greater emphasis on homeland defense.

Our committee, when I was privileged to be chairman several years ago, with the help of my now chairman, Senator LEVIN, established a subcommittee entitled "Emerging Threats." The responsibility of that subcommittee was to provide the full committee with the wide spectrum of issues as they saw it with regard to

known, anticipated, and unanticipated threats. This subcommittee examines whether the current elements of the national defense we have in place need to be strengthened or, indeed, new initiatives taken to strengthen, to hopefully deter, and, if necessary, to respond to these threats. This subcommittee has done a lot of valuable work. Senator ROBERTS was chairman; now Senator LANDRIEU is chairman. They have continued to provide very helpful assistance to the full committee, and the full committee has acted in many ways to protect our country from the growing threat of terrorism.

When the bill was adopted by the committee this year—and I commend the chairman—the chairman actually, with his initiative, added another \$200 million towards antiterrorist activities. As he mentioned earlier, part of that increase was expanding the scope of research and development of unmanned military vehicles. I thank the chairman for his recognition of my modest role in that. I assure you, I could not have achieved those initiatives as chairman without his support and that of the other members of the committee.

The President of the United States has committed significant resources to deal with the types of terrorists threats we witnessed a week ago. For fiscal year 2002, President Bush requested \$5.6 billion for the Department of Defense for activities to combat terrorism. This is a \$1 billion increase over last year's level of funding. Again, the chairman added another \$215 million, for which I commend him. With the committee's support, we clearly have a bill that addresses homeland defense, and supports this highest priority concern our President brought to the attention of the Nation in the fall of 1999 at the Citadel.

Missile defense, in my judgment, is a critical component of that homeland defense. The President stands by his vision to prepare America and begin now to look at new options by which to prepare us to hopefully deter and then defend against a limited attack. This is clearly the time to stand by our President.

I remember when the Director of the Central Intelligence Agency, George Tenet, came before our committee. He has repeatedly warned us that "America's superpower status does not bestow invulnerability upon us but in fact makes us a target for the angry and disaffected of the world."

That was in his testimony. We as a Nation have grown accustomed to being safe within our borders. While many of us recognized the growing vulnerability, this vicious attack on our homeland removed all doubts about the full spectrum of the capabilities, military and otherwise, that the terrorists can use to inflict damage upon us.

We have heard incredible stories of courage and heroism amidst the tragedy of the past week and a half. Our Nation today, as the President said last night, remains in danger. All American citizens should understand that. I remember so clearly in my past experience with the military, there was occasionally that sign—the all clear, sound the all clear bell aboard ships. And at my airbase in Korea, the cold winter of 1951–1952: The all clear siren had blown—We could rest easy.

Today, that siren has not blown. I don't know, nor does anyone else know, when that siren can be blown across this Nation. We are in danger at this moment. We remain in danger. But the world should know that we are a much stronger Nation, and we are prepared, with the men and women of the Armed Forces today and the other many resources that we have, to deter and hopefully not let another attack hit this Nation.

I hope those Members who have amendments will come to the floor. I see other Members seeking recognition. I hope our members of the committee will likewise come and express their views about this bill and their active participation on the committee.

Again, I thank our chairman. I thank all members of our committee and our magnificent staff, on both sides. We have produced a commendable piece of legislation which is deserving of prompt consideration and enactment by the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank both the chairman of the Armed Services Committee and the ranking Republican, Senator WARNER, for their diligent efforts in reaching this compromise. It means a lot to me, to the State of Colorado, and particularly to the Nation. When you consider the events that happened just 10 days ago, those tragic events, it is imperative that we get a Defense authorization bill to move forward.

The way the issue of missile defense started out in the subcommittee on which I am the ranking Republican, it was a rocky road. The chairman of that strategic subcommittee, Senator JACK REED of Rhode Island, is a tremendous chairman. I like working with him. There are a couple of committees on which I serve with him, where he is the chairman and I am the head Republican. Our working relationship I describe as superb. He listens, tries to work with the minority side. I try and do everything I can to work with him. We have a very good relationship.

It was with a heavy heart, when reporting out of that subcommittee our portion of the armed services bill, we had it reported out in a divided mode. We had a strict partisan vote, Republicans voting against it, Democrats

were for it, the chairman. It was over the issue of missile defense. Then the issue went to the full Armed Services Committee and that debate continued.

I know when it got to that point in the debate, people began to lock in their positions, and we would still be tied up today if it would not have been for the tremendous leadership of our chairman of the Armed Services Committee, Senator LEVIN, as well as the ranking Republican working together on this most important issue.

There are many other important issues in this bill. I am particularly pleased that we have moved forward with missile defense. I am pleased the restrictive language in missile defense was taken out and the funding is there with the flexibility to either use for missile defense or for terrorism. The President, in light of the recent changes in the last 10 days, needed that flexibility. I, for one, was more than willing to give it to him.

I appreciate the efforts in the area of defense environmental management of my chairman, what has been in the committee; in particular, the support in the bill for closure sites which would benefit the sites' surrounding communities and the Nation as a whole. This would provide a clean and safe environment at the sites of former defense nuclear weapons facilities. It would free up scarce resources as these sites are cleaned up and closed down to help advance environmental cleanup and restoration at other environmental management sites.

In my subcommittee, we had basically two functions.

We have the armed services function, and then also we have the Energy Department function. So we deal with many of the nuclear programs, as well as the bombing programs and missile defense and defense intelligence. So I think this was important to the country as well as the State of Colorado.

I also appreciate the efforts for the National Nuclear Security Administration. The National Nuclear Security Administration appears to be making important strides. There are still enormous challenges ahead, but I think the NNSA seems to be moving in the right direction. In intelligence matters, I was encouraged by the support for unmanned aerial vehicles, sensor capabilities, and commercial satellite imagery. I am still concerned, however, that other critical components of the intelligence architecture did not receive similar support.

Processing and dissemination of intelligence products remains a weakness in the overall system. Current programs in intelligence are underfunded and would greatly benefit from increased support. Hopefully, we have taken care of much of that with some of the funding approved by the Senate in the past week.

I was pleased with the support for greater Department of Defense involve-

ment in the development of reusable launch vehicles. However, I should note that I was disappointed that the committee had opted not to implement any of the reforms of the Space Commission. This is an area of particular interest to me and to another former member of the subcommittee, Senator BOB SMITH.

There was a lot of hard work put into the Space Commission report. So I was very disappointed that there wasn't more consideration taken on those recommendations.

I was also a member of another commission, the NRO Commission. Many of the provisions we recommended in our commission were adopted in the Intelligence Committee and then subsequently adopted in my subcommittee and the full Armed Services Committee.

So I think we have set the stage for us to move forward at this point in time. I am supportive of the bill and am pleased the chairman and the ranking member could work out our differences and move forward. I look forward to the debate, and I thank the ranking Republican for his tremendous statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado yields the floor. Who seeks recognition?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I have been listening intently to our chairman, our ranking member, as well as the Senator from Colorado. I find myself in agreement with virtually everything that has been said. I think it is important for us to realize something that really has not been said, which is that on Friday, September 7, we met—the Senate Armed Services Committee. We passed out of the Armed Services Committee our Defense authorization bill. Four days later, we find ourselves at war. So there are some things that have changed; the dynamics have changed—those things which we know are urgent to our Nation's defense and to our national security. They weren't there back on September 7 when we passed our authorization bill.

I have around 14 amendments at the desk. It is not my intention to offer any of them now or call for a resolution to those. But I will be doing it when we get into the bill on Monday.

One is to give the President the authority to waive sanctions against allies in our war on global terrorism. This was something we didn't really anticipate on September 7. It was just a matter of weeks ago that we passed sanctions against both India and Pakistan, which receive both military and economic aid. There are some conditions under which the President can waive these sanctions, but they are not too well defined. They put him in a position, when negotiating with coun-

tries, where he doesn't have that authority firmly planted within his powers to do it. So I am going to propose in an amendment, No. 1593, that we provide for notification in a 30-day period of time to Congress. But the President can say, if you do this, we are going to lift sanctions.

You might argue that there are vehicles in place to lift sanctions right now. But if it happens that we are in recess at that time, if it happens that there is some ambiguity as to whether or not Congress would go along with it, this way he can say, yes, we are going to lift these sanctions or waive these sanctions. I don't think there will be a lot of opposition to this. It is something that would give power to the President, who last night, I believe, gave the defining speech of his career.

Second, it deals with something more technical, but I think we need to look at it differently now, and that is depot maintenance. Depot maintenance refers to the type of maintenance of our military fighting equipment that has to be done in a publicly owned depot. The idea behind it, which has always been our policy, was we should have the capability of doing core maintenance—maintenance that would help us in times of war—so that we don't take the risk of being held hostage by a single supplier or contractor. So what I am going to be suggesting is to change our waiver policy. What we have done over the past several years is say, well, we do want the depots to have the capability of maintaining our vehicles.

Take, for example, aircraft, the air logistics centers; there are three. There used to be five; now there are three. They are operating with equipment put in place back during World War II. It is outdated. We still have on the books a law that says 50 percent of the core maintenance has to be done in a public depot. So we have been operating on waivers now for several years. The waivers are put in there by the Secretary of the Air Force, in this case, or the Secretaries.

This power should be changed so that there is a new accountability. We have gone waiver after waiver after waiver, with no hope that in the following year we would be able to do it without a national security waiver. I will suggest it be written into the bill that we give the President of the United States the authority to waive the performance of depot level maintenance instead of the Secretary of the Air Force. If the President signs the waiver, he must deliver a report that lists why the waiver is necessary and what will be done to prevent the waiver from being required in the future.

The President, under the amendment I will be offering, may delegate this to another party. The President has that responsibility. This is what is missing because right now it goes from administration to administration without

any interest in really resolving the problem or saying what we are doing to increase the capability of our public depots in order to make the maintenance that is prescribed by law.

There are several others. I want to say that even though I am hoping that the amendment I have filed—I have two, 1597 and 1596, that would attach to the Defense authorization bill an energy policy for America. Let me be critical not of Democrats, not of Republicans, but of both, going all the way back to the early eighties because then, when President Reagan was President of the United States, we tried to get him to have an energy policy. In fact, Don Hodel was Secretary of the Interior at that time, or in that timeframe.

Mr. President, we had this dog and pony show where we went all around the United States—to the consumption States, not the production States—demonstrating clearly that the outcome of every war, back to and including the First World War, has been determined by who has control of the energy. That is still true today.

Nobody believed it then. Since then we have gone through the Persian Gulf war. We realize we have enemies in the Middle East, and yet to a great extent we are reliant on the Middle East for our ability to fight a war. It is insane we should continue that policy.

I know there are a lot of Members who are asking why it is an issue right now. It is an issue now because this is a readiness issue. I spent 5 years as chairman of the Readiness Subcommittee. It is now chaired by my distinguished colleague from Hawaii, Senator AKAKA, and I am his ranking member.

I can tell you right now that we are not ready in many areas to fight the war we are looking at right now. One of those areas is our dependency on foreign oil.

Let me put up a chart. My amendment is not a partisan attack. I hope my colleagues do not take it as such. I have been urging Democrats and Republicans to deal with this for years, and they have refused to do it. Even George Sr., coming from an oil patch, said: Yes, we have to have an energy policy, the cornerstone of which would be the maximum percentage of the energy we need to fight a war.

In the year 2000, 19.6 million barrels a day was used for the consumers of America. I guess what I am trying to say is, our need for petroleum consumption has been going up for a long time. From the year 2000 to 2001, it is up to 19.7 million barrels of oil a day. That is on the rise.

The second chart shows our domestic oil production has sharply decreased over the last 10 years. We have produced less domestic oil since World War II. In January of 1991, we produced 17.6 million barrels a day, and that has

dropped down to 6 million barrels a day during this timeframe.

On chart No. 3, we can see that our domestic oil production continues to decrease while our consumption continues to increase. This was not true in the days when we started calling this to the public's attention, but it is true today.

That means we are getting oil from foreign sources, and that is what this chart shows. It shows our imports in that same year, January of 1991, were 4.6 million barrels a day, and they went up to 8 million barrels a day. It has almost doubled since that period of time.

Our dependence on foreign oil has dramatically increased since 1973 and is projected to increase in the future. Currently, 56.6 percent of U.S. oil needs are met by foreign sources. This presents a real energy and national security problem. The military is equally dependent on foreign oil, as is the general public. We must seek to drastically increase a domestically produced, diverse energy supply, including nuclear, coal, oil, gas, and renewables.

All these sources of energy are addressed in the House bill, and I have one amendment that would merely adopt the language in the House bill and also the language in the bill from the Senate Energy Committee.

Looking at our dependence on foreign oil imports and how it has escalated, we are today at 56 percent. We were at 36 percent when I talked about going around the country alerting people to the seriousness of the problem. In the same progression, we are going to be up to 66-percent dependent upon foreign sources in our ability to fight a war.

What is most startling is that we depend on nations in the Middle East, such as Iraq, to supply our oil needs. The Middle East supplies about 25 percent of our oil needs. What shocks an awful lot of people is that of that amount, we are importing 862,000 barrels a day from Iraq, a country we just defeated in a war 10 years ago, a country whose President made the statement that: If we had waited 10 years to march into Kuwait, the Americans would not have come to their aid because we would have the capability of lobbing a missile at them. That is the dilemma in which we find ourselves today. That is why I say this is a national defense issue.

Iraq is the fastest growing source of United States oil imports. That is the same nation that we took military action against seven times last month, the same nation we know has links to bin Laden, who is the prime suspect in the horrible attacks in New York and Washington, as well as the U.S.S. *Cole* and both Embassy bombings in East Africa.

This is a major national security problem. Energy will be critical if and when America engages in military action.

Operating a modern war machine requires a lot more oil than it used to. A contemporary 17,500-soldier U.S. Army division uses twice as much oil daily than did an entire 200,000-soldier field army during World War II.

The 450,000 barrels of petroleum products consumed daily by the 582,000 soldiers in the Persian Gulf was four times the daily amount used by the 2 million allied soldiers who liberated Europe from the Nazis. Today it takes eight times as much oil to meet the needs of each soldier as it did during World War II, and the Department of Defense accounts for nearly 80 percent of all U.S. Government energy use.

What I am saying is this is a very serious issue, and this is an issue that directly relates to our readiness, relates to our ability to defend America, and relates to our ability to carry on the war which we are in right now. It is very important that we pass an energy package. I don't care if it is the House wording, I don't care if it is the wording that came out of the Senate Energy Committee, but it directly relates to our ability to fight a war.

It will be perfectly acceptable to me if we make an arrangement whereby we agree to passing a comprehensive energy policy by the end of this year and not having it as a part of the Defense authorization bill because it would complicate things. It is very important we pass our Defense authorization bill and get it into conference and signed into law in a very short period of time.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise today to support the Armed Services Committee actions on the fiscal year 2002 Defense authorization bill. I also commend the chairman, Mr. LEVIN, and ranking member, Mr. WARNER, for their part in leading the committee, as well as guiding the committee, in their efforts to bring about a bill that will give confidence to the people of our country.

My friend and partner, Senator INHOFE, and I have worked closely to ensure that the Readiness Subcommittee's actions support the full committee's five goals for this bill. As Chairman LEVIN has described, these goals are: One, to continue improvements in the quality of life; two, to sustain readiness; three, to encourage transformation; four, to improve the capability of the Department of Defense to meet nontraditional threats; and five, to increase the efficiency of Department of Defense operations.

Our subcommittee worked together to make contributions in all five areas, and these actions are reflected in the bill we present to you today.

In the area of improving quality of life, the bill takes strong steps to improve the facilities in which our military personnel work and the housing in

which they and their families live. This bill supports the \$10.0 billion administration request for military construction and family housing for fiscal year 2002, which is a 10-percent increase over fiscal year 2001 levels. This funding will, according to Department of Defense calculations, reduce the current 192-year replacement cycle for military facilities to 101 years. While this is a significant improvement, this figure is still nearly double the standard of approximately 57 years accepted in the private sector.

The bill invests an additional \$451 million from savings and efficiencies achieved elsewhere in the budget to make further improvements in military facilities, including projects to enhance mission performance, build additional unaccompanied housing and family housing, purchase key tracts of land at military installations to prevent future encroachment problems, and adequately fund legally binding cleanup requirements at facilities closed by previous base closure rounds.

The bill also includes an increase of \$40.0 million for personal gear for military members to improve their safety and comfort in the field.

The committee's second theme was one that I and the whole committee care deeply about: sustaining the readiness of our Armed Forces.

This bill supports the funding increases contained in the administration's budget request to more accurately reflect the increased use of spare parts and the higher prices for spare parts associated with older weapons systems. In addition to the requested increases, the bill provides almost \$100 million in additional funding for maintenance work on surface ships and other Marine Corps and Navy equipment. These funds will increase the availability of equipment to units and allow them to spend more time training.

The bill also supports the budget request for an increase of seven percent in real terms for facilities sustainment, restoration and modernization over fiscal year 2001 levels. I believe that these additional funds will provide critical improvements to service members' places of work, allowing for greater productivity and increased job satisfaction.

I also believe that further advances in sustainment, restoration and equipment maintenance are possible, in particular by increasing attention to corrosion prevention technologies and products. As I know from the military facilities in Hawaii and elsewhere in the Pacific, maintaining military equipment and facilities in wet, salty, and hot environments is a significant challenge. I believe progress can be made on this critical issue that will both improve the service life of our property and the lives of our service members who have to maintain this property.

This bill includes a \$7.4 million increase for anti-corrosion product testing and treatments, and directs the Department of Defense to coordinate anti-corrosion research and testing across the military services. The bill also supports small increases in a limited number of ammunition programs to reduce training and war reserve shortfalls and enhance troop safety.

The committee's third goal was encouraging transformation. This bill includes small increases to support necessary training for the Army's new Interim Brigade Combat Teams (IBCTs), a critical step in the Army's transformation to a lighter, more rapidly-deployable force. Other actions taken by the Readiness Subcommittee to improve efficiency should also result in savings in both the current and future budgets, savings that can be redirected to the necessary process of transforming our armed forces.

The committee's fourth priority was to improve the Department of Defense's capability to meet non-traditional threats, the importance of which was made painfully and sorrowfully clear to us all last week. Many of my colleagues will speak forcefully on this issue, and I share their sentiments of outrage and extreme sadness as we cope with this horrendous attack. The committee looks forward to bringing further recommendations to our colleagues on this critical issue in the near future. Until this occurs, the bill before us will provide funding for the requested improvements to bases and installations that will increase the safety of our forces at home and abroad.

The fifth theme of our bill this year was to improve the efficiency of DOD programs and operations. This is a goal the committee shares with Secretary of Defense Donald Rumsfeld, and we look forward to working with him closely to make further progress on this in the future. The bill presented here today takes important steps to help us along the path.

In the area of acquisition reform, the bill includes a number of provisions to improve the acquisition of equipment and services. One provision would require the Department to set up a management structure, management information system, and program review structure for the Department's contracts for services. A related provision would establish savings goals for services contracts and goals that would be achieved through the application of best commercial practices, including competition, performance-based contracting, and spending analyses.

Another provision strengthens requirements for competition for multiple-award contracts to purchase products and services, and would require approval for sole-source awards. The bill also includes provisions enabling DOD to shorten the acquisition cycle

for weapons systems by codifying a technological maturity requirement for key technologies to be incorporated into new systems.

Other provisions of the bill address acquisition workforce issues and aim to ensure that the defense components have sufficient staff to manage requirements in a cost effective manner. I was impressed by the work of the Acquisition 2005 Task Force's recent report, "Shaping the Civilian Acquisition Work Force of the Future." I intend to confer with the Task Force to further define the extent of the problem. As the chairman of the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services as well as the Senate Armed Services Subcommittee on Readiness, the issues raised by the Task Force are of great interest to me.

This bill also takes steps to improve financial management within DOD. Specifically, it includes a provision that would refocus comptroller and auditor resources on addressing systemic problems in DOD financial systems rather than wasting resources on reviews of financial statements. Another provision codifies the Department's Senior Financial Management Oversight Council and financial feeder systems compliance process to provide top-level guidance in addressing financial management problems.

Though the committee finished its work just days prior to last week's terrible attacks in New York and at the Pentagon, I believe that the bill we produced is just as relevant today as it was then. This bill lays a firm foundation to fortify our armed forces, takes many important actions to sustain and improve their readiness in both the short- and the long-term, and represents a product which I commend to my colleagues. I urge your support for this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I was going to make a statement on an amendment I had filed. I did not know the Senator from Georgia was about to speak now. I will be happy to yield to him.

Mr. CLELAND. Mr. President, I am glad to work with the distinguished Senator from Texas, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to speak briefly on an amendment I offered to the armed services bill. It relates to survivor benefits for

people in the military who are killed in the line of duty. I had offered this amendment with Senator INOUE actually before September 11, the day that changed all of our lives, because I thought there was an injustice in the law as it deals with our military personnel; that is, if someone died in a training accident or in the line of duty but had not yet retired, he or she would not be entitled to any retirement benefits, even the benefits already earned. So if someone died after 10 years of service and had not had the opportunity to serve the full 20 years, the survivors would have no benefits.

I do not think that is the way to treat our military families, so I have been working on a piece of legislation that would allow those people who die in the line of service while on active duty to have the retirement benefits for their survivors—just what they have already accumulated. It would not give them the full 20 years, but it would give them the 5 years they served or the 10 years they served. This is something that now takes on an even bigger, more important role as we are dealing with the issues of September 11 because, as we know, over 100 of our military personnel were in the Pentagon and were killed in the line of service while on active duty.

So I am offering this amendment, once again, to the armed services bill. I hope it will be accepted. I hope both sides will agree that all those who were in the Pentagon at the time should have the survivor benefits to which they are entitled by their years of service.

The interesting thing about this is that the very parts of the Pentagon where this particular issue was being worked is the part that was hit.

I want to specifically mention a couple of the people who were in the Pentagon and who are now missing who were really pushing for my legislation to go forward—not for themselves because they were already retired. But they knew about the dangers of not taking care of our people. They were in the Pentagon talking to the personnel about the necessity of this particular piece of legislation. COL Gary F. Smith, who was the Chief of Army Retirement Services, and Army MSG Max Beilke were working on this legislation. Those two men were in the Pentagon and are now missing as of September 11, 2001. LTC Smith wrote to my staff about this legislation on June 15 saying:

Those of us who work on these issues daily know how important this will be. We'll keep our fingers crossed and hope it will get into law.

That was written to Jimmie Keenan, who is an Army nurse on my staff detailed to me as an Army fellow. She is an expert in this area and has worked tirelessly on this issue. She has worked long hours. It was because of her expe-

rience in working with her fellow members of the military medical corps that she realized there was something wrong. Many times in a training accident, for instance, we go through an elaborate procedure to medically retire someone who is already dead. That is what we have been doing—where we could—if someone died in a training accident. Before we declare a military person dead, we go through a process that medically retires that person.

My staff says this isn't right; why would we go through this process when the family is already in trauma and the people around the person who has died are in trauma? Why do we have to go through that? Why don't we just say when someone dies in the line of duty, for heaven's sake, they should have the benefits to which they are entitled by the number of years they serve?

She went to work. It is a great idea. Another fellow knew what was needed. And they worked on this for almost a year.

It just happens that the people who were working on it with her in the Pentagon will not be able to see this bill pass. But what they will get is the comfort of knowing that their families are going to be taken care of in a much better way than before.

I am asking the managers of the bill to put this provision in the managers' amendment. I think it is a very important part of taking care of all members of the military—not only the ones who have died before and not only the ones who died on September 11.

I think this is an important message to the members of our military who are getting ready to be called up. Many are already called up. Many are waiting for those orders. That is what our military does. They wait until they are called up to serve their country. They are waiting to be called to service today as we speak and as we are seeing the preparations to enact the war against terrorism that our President so eloquently laid out for the people of America.

As we know, the brunt of carrying out the President's orders is going to be on the men and women of our military. I want them to answer the call knowing that if anything does happen to them, their survivors will be entitled to the benefits of their retirement for whatever number of years prorated they would be entitled to under the preretirement laws.

I thank Jimmie Keenan and Ray Ivie in my office, along with Michael Ralsky and David Davis who have also helped on this issue.

In memory of LTC Gary Smith and MSG Max Beilke, I ask that this amendment be accepted.

Thank you, Mr. President. I yield floor.

**THE PRESIDING OFFICER.** The Senator from Georgia is recognized.

**MR. CLELAND.** Mr. President, it has been an incredible 10 days.

I was reading in the New York Times today a marvelous quote of John Kennedy that I think is appropriate for where this country stands as we face our future.

Only in winter can you tell which trees are truly green. Only when the winds of adversity blow can you tell whether an individual or a country has steadfastness.

In so many ways over the last week and a half, it has been my honor and personal privilege to be a part of this great body, to see its steadfastness in the face of adversity, and to see the wonderful staff people come back to work even though they knew they were at least for a moment in time a target of the terrorists.

It has been encouraging to see the steadfastness of my own people in my own home State of Georgia as they rally for the cause.

It has been a marvelous thing to experience, watching television and seeing the experience of New Yorkers who rose to the occasion to honor their firefighters, and to honor their policemen, and who did what it was difficult to do in dealing with that terrifying situation which still goes on this day.

But one element of steadfastness we are showing is that this legislative process continues. The Senate Armed Services Committee was busy but-tressing the defense of America before the attack. We are busy today but-tressing the defense of America after the attack.

I would like to discuss today this pending legislation—the Defense authorization bill for fiscal year 2002.

Just 2 short weeks ago, the Senate Armed Services Committee completed its markup of this authorization bill, which I heavily support. After the tragic events of last week, in a very timely fashion, we bring this measure to the floor to begin the process of providing our military men and women with the resources they will need to respond in this crisis.

As all of us are aware, last week people and property of the United States were attacked in a vicious, deliberate, cowardly, and inhumane fashion. The full cost of this attack is only now becoming clearer.

In the days that followed the attack, I was often asked what I thought was the historical meaning of this moment. I have often quoted Admiral Yamamoto who planned and executed the attack against Pearl Harbor. Afterwards, he was quoted as saying he feared he had only “awakened a sleeping giant.” In so many ways I think that is exactly what has happened to our country. We have become awakened. This sleeping giant called America is now awakened.

What is also clear to the perpetrators of this crime, while being unified against our country, is that we are now unified against them. The President spoke eloquently and with great

strength last night in that regard. But I will say that the U.S. military will not be alone in this fight. Indeed, I have spent some time this morning listening to testimony before the Governmental Affairs Committee regarding how we ought best to support the President's establishment of a National Office for Homeland Security. In that hearing, it was the unanimous consent of the witnesses that the current effort of the myriad agencies involved in the fight against terrorism, including the Department of Defense, must be better coordinated.

The Government Accounting Office report recently released—actually released yesterday—sums up the issue succinctly. "Current Federal efforts," the GAO says, "to combat terrorism are inherently difficult to lead and manage because the policies, strategies, programs, budgets, and activities are spread across more than 40 different Federal agencies."

Since the problem appears to be one of coordination—and the GAO has fingered that—I believe the President's Office of Homeland Security is an excellent solution. It promises to adapt our Government to accomplish more effective counterterrorism coordination and assign responsibility for measurable results.

It is simple enough to be rapidly implemented—and that is important—without disrupting the operations of the agencies which are affected.

I join the distinguished chairman of the Governmental Affairs Committee, Senator LIEBERMAN, in his desire to move quickly to support the President's action with appropriate legislation.

Notwithstanding the fact that our response to terrorism will involve many agencies, it will be our military that will be on the cutting edge—the tip of the spear, so to speak. It will be our military, our young men and women, that will wage one of the most visible and dangerous attacks that we have seen in many, many years. They are on the cutting edge of this war on terrorism. For many around the world, the performance of our military will characterize our success or failure in the war on terrorism.

As the military carries out its critical part in the war, we must also continue to provide for our military men and women in terms of their security as they protect our national security. This bill does that.

Prior to the recent terrorist attacks, the Senate Armed Services Committee increased the original budget request for combating terrorism by well over \$200 million. This increase includes over \$100 million to support research and development aimed at detecting, defending against, and responding to the use of weapons of mass destruction. The other half of this increase—over \$100 million—would increase the ability

of U.S. forces to deter and U.S. installations to defend against a terrorist attack.

Within this latter total, the committee determined that the Army had an unfunded mandate for installation security, and we provided an additional \$778 million to address this need.

The committee also added funding of almost \$14 million for U.S. special operations for the special operations command. Though we expect additional requests and will identify future needs, the measure pending before the Senate continues this committee's bipartisan efforts to provide a solid foundation for combating terrorism.

Just one anecdote: On the last day of consideration of this massive bill, authorizing over \$300 billion to be spent for our defense, one of the questions I asked my fellow committee members was: Defense against what? What is the threat? This was 2 weeks ago.

Senator PAT ROBERTS, the distinguished Senator from Kansas, for the last couple years has been the chairman of the Subcommittee on Emerging Threats. Senator MARY LANDRIEU from Louisiana is now the chairman of that subcommittee. I asked both of them in their research, in their hearings, in their study of the real threat against America: What is it? What are we defending against?

Both agreed the most likely threat to the country was a terrorist attack, a stealthy attack, with no known address, no return to sender address, especially biological or chemical attack. That was the threat No. 1. Threat No. 2 was cyber-warfare against our Internet, against our computers to, in effect, shut us down in terms of our communications and our data processing.

I thought about that last Tuesday when we had the terrifying attack on this country. We were zeroing in on the fact that the real honest to goodness threat against this Nation was going to be a terrorist attack.

Today I had the pleasure of visiting with two former Members, Senator Warren Rudman and Senator Gary Hart, part of the Hart-Rudman commission, who months ago identified the chilling fact that it wasn't a question of whether this country was going to get hit by a terrorist attack but when. Lord knows, we have learned that lesson.

As we proceed in the days and weeks and months ahead to consider additional counterterrorist efforts, I cite an editorial that appeared in Monday's Atlanta Journal Constitution.

In that editorial, former U.S. Senator Sam Nunn, in whose seat I now sit, whose position I now have in the Senate and position I have on the Senate Armed Services Committee, coauthor of the Nunn-Lugar Cooperative Threat Reduction Act, who currently serves as cochairman of the Nuclear Threat Initiative, clearly summarized the threat

we face and outlined some key elements that should be included in our response.

Senator Nunn points out that the terrorists' murderous deeds are limited only by the weapons they are able to employ—limited only by the weapons they are able to employ. He notes that the disintegration of the former Soviet Union left many thousands of tons of nuclear, biological, and chemical weapons, along with the scientists who worked with those weapons, adrift in an eroding infrastructure of inadequate controls and depressed economies.

We must prevent terrorist groups from exploiting this situation to obtain weapons of mass destruction, weapons materials and know-how. As we have only narrowly averted some attempts by terrorists to purchase these materials in recent years, I call on my colleagues to act on the recommendation of the bipartisan task force that called for a fourfold increase in the funding of programs aimed at reducing the threat of inadequately safeguarding weapons, materials, and know-how in Russia.

As Senator Nunn correctly states:

We must develop a comprehensive defense against the full range of threats based on relative risk and supported by strong alliances around the world so that the pain of today will not be known by the children of tomorrow.

In the trials to come, we must remember our military might springs from the willingness of our people to serve. I have always thought, since I was a young serviceman in Vietnam, 35 years ago, the key to our defense is our defenders. They are the military and civilian personnel who make up the Department of Defense. They are our defenders.

As chairman of the Personnel Subcommittee of the Armed Services Committee, I am pleased to inform the Senate that this authorization measure is a good bill and the provisions that address the needs of our military men and women and their families enjoy the full and bipartisan support of all members of our committee.

Some of the personnel provisions in this legislation include: total funding for personnel-related items at a level of \$106 billion, about \$7 million over the original budget request; and support for the recommended active duty end strength requested by the administration. This includes an increase of over 3,000 personnel in the Navy and almost an increase of 2,000 in the Air Force. This bill provides an increase in the full-time manning end strength by almost 2,000 personnel. This is the first installment of an 11-year plan to increase full-time manning, which is one of the top readiness priorities for the Reserves.

As we now know, some 50,000 reservists have already been called up. All of our State adjutant generals have said to us that they need help with the

shortage in full-time support that they receive from the active duty force.

This bill also provides a significant pay raise—well above the rate of inflation—for all military personnel.

Mr. President, again, for our troops in the field, military personnel, there is a significant pay raise in this bill, well above the rate of inflation. We recommend a targeted pay raise that ranges from 5 percent to 10 percent, beginning in January of 2002. It is between 5 and 10 percent. Enlisted personnel and junior officers will receive a pay raise of at least 6 percent or more.

We also extend the special pays and bonuses that are so important for recruiting and retention. As someone who has served on the Personnel Subcommittee over the last 5, 5½ years, and now chairs that subcommittee, as you know, we have been struggling with recruitment and retention. I am pleased to report the military services have seen a burst of recruitment around the country. That is another sign that the steadfastness of this country is sound, particularly when we are threatened.

Acceleration by 2 years of the existing plan to gradually increase the basic allowance for quarters to eliminate average out-of-pocket expenditures for off-post housing by 2005—accelerate that by 2 years—the BAH will cover median housing costs by 2003. We have capped the average out-of-pocket expenditures for 2002 at 7.5 years.

The bill authorizes a significant increase in funding for the defense health program, which includes full funding for TRICARE for Life. That is for the military retirees over 65. This is the retiree benefit that this committee initiated. The bill includes an authorization of an expanded benefit for disabled dependents of active duty personnel. This benefit includes comprehensive health care, home health care, and case management services for the disabled family member and respite care for the primary caregiver to the disabled family member. We recognize that providing for the special needs of disabled family members increases the capability of service members to perform their military mission.

The bill also includes two new initiatives to help retain service members with critical skills. As a matter of fact, I was surprised to actually learn that part of the report recommended a focus on terrorist attacks and an emphasis on homeland defense. This report by Senator Rudman and Senator Hart also included recommendations to dramatically upgrade the Montgomery GI bill. Some of those recommendations were already in this authorization bill.

These initiatives include my own initiative, which I worked on for 3 years with my staff, to allow service members to transfer up to 18 months of unused Montgomery GI bill benefits to family members and Senator HUTCH-

INSON's education savings bond initiative. Both of these help the educational package now available to service men and women.

The bill also authorizes retired service members with a service-connected disability to receive both military retired pay and veterans disability compensation, contingent upon the President proposing and Congress authorizing an offset.

The bill also authorizes pilot programs with the VA for a joint program of graduate medical education, and for the VA to conduct separation and retirement physicals.

Finally, the bill authorizes \$35 million for impact aid and \$5 million for impact aid for children with severe disabilities. Not only is this bill good for our service members, but this year's Defense authorization bill provides critical resources to sustain and improve the strength of America's Armed Forces, from funding initial production of the world's most advanced fighters, such as the F-22, to addressing infrastructure concerns, to adding to our airlift capabilities, and providing extra C-130s—shortfalls that DOD identified, and it guarantees that we as a nation are continuing the strong tradition of supporting our military, as well as preparing for the threats of the future.

In conclusion, I thank Chairman LEVIN for his leadership and hard work on this bill and the ranking Republican, Senator WARNER—he and his staff. They have made a strong contribution to this year's authorization bill.

I think we should all commend these two gentlemen for their tremendous dedication to our Nation's military and their continued example of true bipartisan cooperation and accomplishment.

Mr. President, I will conclude with a line that I came across when I was going through Reserve Officer Training Corps school as a young cadet, written by one of Wellington's troops after the Battle of Waterloo, after the glory of the battle had long since faded. He wrote once that:

In time of war and not before,  
God and the soldier men adore,  
But in time of peace, with all things righted,  
God is forgotten and the soldier slighted.

Mr. President, over the last 10 days, this country has in many ways rediscovered our God and certainly has rediscovered our soldiers, our service men and women. This bill is in their interest. I urge my colleagues to adopt it.

I yield the floor.

Mr. DASCHLE. Mr. President, a number of our colleagues have been calling both leaders asking for some update on the schedule for the day. I wanted to notify Senators that the negotiations on the airline legislation have just been concluded. So it is my expectation that we will take the bill up within the next hour and a half.

All Senators should be on notice that we will attempt to get a unanimous consent agreement to move to the bill shortly after the legislation has been drafted, and it would be my expectation to take the bill up immediately. There would be most likely a rollcall vote before the end of the day. I guess, in the 3:30 to 4 o'clock range we will take the bill up. I am not sure about the length of the debate. We will have a rollcall vote on that legislation before the end of the day.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, I associate myself with the remarks of the chairman and the ranking member, as well as the eloquent statement that my colleague, Senator CLELAND, has just made.

This is a good bill. It is one that strengthens our military and enhances the quality of life for our Armed Forces and prepares our Nation to confront terrorism.

One group of Americans will be on the front line of the new war on terrorism: our reservists and National Guard members. President Bush has authorized a callup of 50,000 of these citizen soldiers. They may soon leave their families and civilian jobs and, at a great personal sacrifice, report to active duty. They will be among those who will confront our enemies, defending our freedoms in a shadowy and potentially brutal war.

Our Nation must do all we can to support these brave men and women and their families. There are many things we need to do to address the issues for reservists' quality of life. One of those is to ensure that those who are called to duty and their families have access to uninterrupted health care coverage.

Currently, when reservists are called up, they are temporarily considered active duty components. While they are in harm's way, members of the Reserves and National Guard and their dependents are entitled to the same military health care coverage as other military personnel, with what is called TRICARE. Reservists who have deployed for more than 30 days during a major contingency may extend their military health care coverage for 30 days after they return.

I have discussed this issue at length with several reservists and the leadership of the Missouri National Guard, and I can tell you 30 days simply is not enough. Oftentimes, civilian employers are unable to restore the reservists' health care benefits immediately. In other cases, Reserve members have quit their jobs before deploying and have no source of insurance when they return home.

On Monday I will offer an amendment on behalf of myself and Senators DEWINE, LEAHY, LANDRIEU, JOHNSON,

BREAUX, BINGAMAN, DODD, and THURMOND. The amendment is based on legislation I introduced with Senator DEWINE earlier this year with seven cosponsors. Our amendment will allow reservists returning from deployments without health care, to extend their TRICARE coverage for up to 180 days or until their civilian health insurers return their coverage to them.

This legislation would address the circumstances faced by reservists like Capt. Terri McGranahan. She volunteered to be a part of our peacekeeping mission in Kosovo. During her service, she worked in a health clinic that had been newly painted with a toxic sealant. Working in this clinic had made her very ill, resulting in pneumonia. Eventually, she developed a spot on her lung. She did not detect this condition right away. When she finally sought medical treatment, the 30 days of TRICARE coverage had already expired.

When she returned home, her private health insurance company refused to cover her. She asked the Army for help, but was turned down. Captain McGranahan has fallen through the cracks of two health care bureaucracies.

We have to do better than this.

Mr. President, my amendment will provide comfort to thousands of reserve families whose loved ones risk their lives defending our Nation. But more important it would be part of our national effort to unite behind our troops during this time of national crisis.

The bill on which the amendment is based has been endorsed by 28 organizations across the country, including the Reserve Officers Association, National Guard Association, Enlisted Association of the National Guard, the Air Force Association, the Association of the U.S. Army, and several other organizations promoting quality of life for our service men and women.

Over 50,000 reservists may soon be called into service. As President Bush himself has said, "We're talking about somebody's mom, or somebody's dad, somebody's employee, somebody's friend, or somebody's neighbor."

Our initial cost estimate for our original bill was just 5 million dollars a year. This proposal is not extravagant in a \$343 billion defense budget. It is the right thing to do, and it is needed right now. This is not a permanent solution. We need a full health care program for these service men and women. The Defense authorization bill requires the Pentagon to study this issue, and I look forward to reviewing it. But in the meantime, I am pleased to offer this amendment in the name of our Missouri's National Guard and Reservists, as well as our country's other citizen soldiers.

General Eisenhower once said:

Leadership cannot be exercised by the weak. It demands strength—the strength of

this great nation when its people are united in purpose, united in a common fundamental faith, united in their readiness to work for human freedom and peace.

Mr. President, let us assure our citizen soldiers that when they return home, they will not be denied health care because of their military's service. They deserve no less. I thank the Chair.

I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DASCHLE. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 2:45 p.m. the Senate recessed, subject to the call of the Chair, and reassembled at 3:07 p.m., when called to order by the Presiding Officer (Mrs. FEINSTEIN).

Ms. LANDRIEU. Madam President, I come to the floor this afternoon to speak on the subject of our Defense authorization bill.

First, let me say how appreciative I am of the leadership of Senator LEVIN and Senator WARNER. These are two Senators who trust one another and who work beautifully together. I have personally witnessed the work they have done both publicly and during many hours of private negotiations. I cannot thank them enough for their extraordinary leadership at this very important time in our Nation. I truly think that God has blessed us at this time to have these two fine men helping lead the negotiations at this particular time on a very important bill for our country.

President Kennedy reminded us during the height of the cold war that to ensure the peace we must prepare for war. September 11 seems to many of us literally years ago. It was just last week that our preparations for 21st century warfare were cut dramatically short. We had just reached the point where the American public was beginning to comprehend that future wars would, indeed, be very different; We would need a different sort of military to combat them. However, national security infrastructure is a large, lumbering ship. It takes time, focus, patience, and determination to turn its direction.

On September 11, early in the morning, the attention of our Pentagon turned on a dime to this new threat. As all of us are now beginning to under-

stand, 21st century warfare is very different.

I have referred to the current attack on the United States as a silent war. People have asked me what I mean by that. I mean that the resources we employ to fight this war may not be visible on CNN. We will fight electronically, with our special forces, with our intelligence operatives, with psychological operations. It will be a war in which our greatest victories may never be fully appreciated and in which our full vulnerabilities are perceived by only a few.

It is also a silent war because silence is the only real asset of our enemies. When we can identify our foes, they will be eliminated. For that reason, we must be relentless and patient. We are in a chess match with killers. A great deal rides upon its outcome.

My confidence in our victory comes from one simple fact: Our opponents rely on a few pathological minds to win this war. Our Nation can call upon the minds of free-thinking, freedom-loving people around the world to ensure our victory. And ultimately we will prevail.

We have a long journey in front of us. Today we take another step. I commend our chairman, Senator LEVIN of Michigan, and Senator WARNER of Virginia for their outstanding leadership at this time.

As the chairperson of the Emerging Threats Subcommittee, I am clear about the work our committee must undertake over the next few months and perhaps years until the successful conclusion of this conflict. I also sincerely thank the Senator from Kansas, Mr. ROBERTS, our ranking member of this important committee, for his cooperation, his insight, his vision, and his passion on this subject. His advice and counsel and our excellent working relationship have made a difficult task more bearable.

It should be noted that I have determined a new policy for our subcommittee. From now on, all meetings of the Emerging Threats Subcommittee will be bipartisan in nature. We have neither the time, nor do the American people have the patience, for partisan squabbling and bickering because the stakes are so high.

In formulating the Department of Defense budget for the next fiscal year, we considered five priorities. Sadly, recent events have brought three of those priorities to the forefront. We have done very good work recently in ensuring that our military is ready to meet nontraditional threats and to ensure that our Armed Forces are ready to defend our Nation on a moment's notice. Now is the time to enact all of our plans and defend America and its values against this unprecedented challenge to our Nation.

In addition, we have sought to improve the quality of life for our service

men and women and their families. It is the service family who will keep the hearth warm while our fighting men and women are deployed. We must provide them with the quality of life they deserve.

In almost every war of which we are aware and have studied—and many have actually participated in—it was always hard on the family. I imagine and predict that in this war, in some ways it will be harder on families because the intelligence, the secrecy of what we have to do, while it was always important in past wars, is going to be more so. There will be families separated from loved ones for long periods of time and children who will never be able to receive a letter from a father or a mother or to hear their voice for long periods of time. I urge that our Nation give some extraordinary and new thinking to what we might do to support the families who are going to be called to the front lines and, in addition, to recognize while my committee only supervises and oversees the military operations, as our President and as our leaders have so eloquently stated recently, it is not just men and women in uniform who are on the front line, but our firefighters, our local elected officials, our National Guard, business people, in many instances, are on the front line, depending on what their business is. Their families need special consideration.

We have also done important work in improving the efficiencies of the Department of Defense. This will become more crucial in the coming days as our Nation commits its treasury to the present struggle. We must ensure that we invest wisely in the best possible means toward ensuring absolute victory.

There are a few aspects of this legislation of which I am particularly proud. We have made a significant investment in upgrading and sustaining our fighters and our bombers. Any student of modern history cannot overlook how important these are to conducting modern war and how vital they will be to achieving victory in this new type of war.

In this bill, we have authorized a 5-percent pay raise for all of our service personnel. Perhaps it can be more. Perhaps 5 percent is not enough. We can revisit that issue. It is another step along with an 8-percent pay raise that was done the year before and raises the year before to make the paycheck begin to match—which it can never quite do, obviously—the sacrifices our men and women are called on to perform.

As we contemplate the tasks that our men and women in uniform face, we are made aware of our duty to properly compensate them and their families and to support them financially, psychologically, emotionally and, in many ways, spiritually.

We have provided a guarantee that our fighting men and women will be able to fully participate in democracy while being deployed abroad. We included language in this bill to ensure that their right to vote will be uninhibited, barriers taken down, and that valid votes will be counted.

This Nation set a precedent in 1864, when we conducted a Presidential election in the midst of a paralyzing war. This bill ensures that we will not allow the current crisis to disrupt our democratic process.

I now focus, briefly, and in conclusion, on the work done by the Emerging Threats Subcommittee in the last few months. Our committee is charged with the task of concentrating on the efforts of the Department of Defense to counter new and emerging threats to our national security interests. Our jurisdiction includes terrorism, the subject that is absorbing the attention of the entire world at this time.

I stress that as the threat of terrorism has emerged in a most horrific way, we must not overlook our other jurisdiction of counterproliferation and chemical warfare. Those responsible for the tragic events of last Tuesday know they must find new ways to threaten our security, and we must be ready for them.

I will concentrate on the subcommittee's work on counterterrorism initiatives just for a moment.

The threat of terrorism can no longer be described as emerging. It has, unfortunately, emerged. The subcommittee has done substantial work in protecting our Nation from the terrorist threat, but it is obvious that we must do more.

There is no doubt in my mind that in the coming days we will see the work of this committee increase and our efforts redouble to stem the tide of terrorism here on our homeland. We have sought to meet the immediate needs of the services and commanders for counterterrorism initiatives and force protection. These initiatives include \$14.3 million to fund enhanced counterterrorism training for the special operations command—a very special command now in this new war with this emerged threat—which has a mission of defeating terrorist actions. This is a crucial investment. There will be more to be made in the future, and I call on all Members of Congress and the President to understand the critical importance of significant investment in this particular area.

In our bill, we have \$10 million to increase and formalize the Chairman of the Joint Chiefs of Staff combating terrorism readiness initiative fund, which allows commanders in the field to fund emergent, high-priority requirements. Again, this was the amount of money put in prior to 9/11. I am certain, as we have time to confer with each other and revisit the budget

allocations again, there can be additional funding authorization so that our commanders in the field have no barrier to protect their forces and to protect Americans wherever they may be in the world.

We also devoted \$107 million to the Departments of Defense and Energy for detecting, defending against, and responding to the use of weapons of mass destruction. This includes funds allocated for chemical and biological detection and prevention.

The attack initiated against the United States last week was committed with a rather crude weapon of mass destruction. It is important that we keep our guard up against other more sophisticated weapons.

Additionally, we have devoted over \$77 million to establish minimum access and entry controls at military installations abroad. As security is increased on installations both domestically and abroad, these funds are needed now more than ever.

But while we focus on the threat that has emerged, it is important that we also address the proliferation of nuclear weapons. As our enemy searches for new and innovative and very destructive ways to attack us, it is important that we deny him access to the most destructive weapons. The markup package fully funds—and I am very proud that this decision was made last week—the Cooperative Threat Reduction Program at the DOD budget request level of \$403 million. Included in the \$403 million is \$50 million for destruction of Russian chemical munitions. Before the program can spend the money to destroy the Russian chemical munitions, however, DOD must meet certain prerequisites. These prerequisites include a Russian commitment to contribute \$25 million to the program per year. These prerequisites are based on those originated by Senator ROBERTS last year.

We also cannot overlook chemical and biological weapons that can inflict unthinkable, unbearable harm on our civilian population and our men and women in the field. That is why our committee devoted over \$1.2 billion for demilitarization. Additionally, we have acquired vaccines to combat the threat of chemical and biological weapons and are in the process of making that entire system much more robust, and that work is well underway.

Let me close by proclaiming my extreme confidence and admiration for the men and women of our Armed Forces. They have trained day in and day out for their ultimate mission. And now we must all call on them to fulfill that mission. I am confident they are up to the task because, as I said in my opening, this war that we fight does not necessarily rely on the genius and strength of our President, although he showed great strength and genius last night. It doesn't just rely on the great

strength of the 100 of us in this Chamber, but it rests squarely and stably and securely on the shoulders of every American everywhere, our allies, and of free-thinking people who have been inspired by God over the centuries to fight this war. That is why I know we will win and we will all do our part.

I yield back the remainder of my time.

Mr. THURMOND. Mr. President, at this tragic time in our Nation's history, it is time for the Senate to lay aside politics and focus on the needs of our country, especially those of the men and women of our military services. The National Defense Authorization Bill for Fiscal Year 2002 is the key legislation that this Senate will consider this year to provide critical funding and legislative authority to the Department of Defense so it can carry out its national security role. The bill also includes important provisions to improve the quality of life for our soldiers, sailors, airmen and Marines. These men and women will be the spears in the fight to rid this world of the terrorist that threaten not only this great Nation, but all peace loving people throughout the world.

The fact that we are considering this important legislation at this time is a reflection of the bipartisan effort to support this nation. I joined my Republican colleagues on the Armed Services Committee in voting against reporting out the Defense Authorization Bill for Fiscal Year 2002. I would have joined my colleagues in voting against final passage of this bill if the onerous provision on the future course of the deployment of ballistic missile defenses had not been not struck from the bill. By removing the provisions that would have hindered the President's ability to deploy an effective National Missile Defense System, Chairman LEVIN has come a long way toward assuring passage of this important legislation and laid aside partisanship in favor of unity.

I will support this important legislation in its current form, although I have significant reservations regarding the section 821 which severely restricts Federal Prison Industries' ability to sell to the Department of Defense. Since the Department is FPI's largest customer, my concern is that this provision would severely harm FPI and its essential mission in keeping inmates safely and productively occupied.

FPI is an essential program that maintains prison safety and security. It keeps thousands of prisoners working and productively occupied, which helps prevent mischief and violence. Also, it is the most successful government program for teaching inmates job skills that they can use in the private sector when they are released. It does all of this without any cost to the taxpayers. Because of these concerns and the fact that this matter is under the

jurisdiction of the Judiciary Committee, I will join any effort to strike this provision and am optimistic that it will not survive to see the light of day.

Under the leadership of our new Chairman Senator LEVIN and the Ranking Member, Senator WARNER, the Armed Services Committee included many provisions and funding items that the administration supports and will have a significant impact on readiness and quality of life. The bill provides \$10.5 billion for military construction and family housing construction. It adds more than \$232.0 million to increase the Basic Allowance for Housing to further reduce the out-of-pocket expenses housing costs for service members and their families. It adds more than \$1.0 billion to the budget request to improve the readiness of U.S. forces.

The bill also includes significant funding to improve the capability of our forces to meet the nontraditional threats that we will face in the coming years. These threats, as so tragically evidenced on September 11, are not only focused on our Armed Forces, but the heart and soul of our nation, its citizens.

I am especially pleased that this bill contains significant funding levels to support the operations, especially environmental clean-up, at the Savannah River Site in my home State. Additionally, the bill includes the bill makes a strong statement, which was inserted at my request, regarding plutonium disposition. I believe that now more than ever we must eliminate the threat that this material pose. I strongly urge the Department of Energy to follow the RECORD of Decision on plutonium disposition and build the MOX fuel fabrication plant otherwise the Savannah River Site may be forced to store plutonium indefinitely, which is an unacceptable situation.

Although this bill came to the floor under a shadow, I urge the Senate to unite and put aside the partisan interest for the sake of the Nation and, more importantly, for the sake of the men and women who may soon be thrust into harms way.

Mrs. CARNAHAN. Mr. President, I would like to associate myself with remarks of the chairman and ranking member on the pending legislation.

Several months ago, I called for a new national commitment to our armed forces. I said that we need to reassess who the enemy is, redesign our military for a new century, and rededicate ourselves to our men and women in uniform and their families.

I am pleased to report that the Defense Authorization bill does all of those things. As our armed forces prepare for a long struggle against terrorism, they count on full support from this Congress.

This legislation authorizes \$343.5 billion for national defense programs, the

full amount requested by the administration. And it goes beyond what the administration requested in pay increases and quality of life improvements for the men and women of the armed forces.

The bill also provides additional investments to redesign our military capabilities. It will enhance our airlift capabilities, which will allow US forces to mobilize quickly and respond to crises and terrorist threats around the globe. A centerpiece of this effort is the C-17, produced in my home State of Missouri. I am proud to have worked closely with Senators LEVIN, WARNER, KENNEDY, and SESSIONS, to authorize an additional multi-year contract for this versatile aircraft.

In addition, the committee worked to improve the country's defenses against emerging threats. It adds \$600 million to the administration's budget proposal to combat terrorism and weapons of mass destruction attacks.

The bill will help us shape a new force structure to respond quickly, forcefully, and effectively against terrorists. Senators LANDRIEU and ROBERTS, in particular, helped develop an important framework for responses to threats against our homeland. We have recommended that the Pentagon review its antiterrorism defenses. It should ascertain how various parts of the Defense Department can better coordinate preventative measures and responses to such attacks.

I have the honor of being my State's first Senate Armed Services Committee member in nearly 25 years. I have enjoyed working with my colleagues, Senators LEVIN and WARNER, to help craft this bill. This legislation is good for Missouri, but far more importantly, it is good for America. It will strengthen our military, enhance quality of life for our armed forces, and prepare our Nation to confront the terrorists head-on.

In every generation, Americans have risen to threats against our freedom. Now we must do so again. We must make a new national commitment to our armed forces.

By passing this bill, let us send a message to the terrorists and those who harbor them: America is ready. Your days are numbered.

Mr. President, I thank the Chairman and the Ranking Member for their leadership, and I enthusiastically support this bill.

#### MUKILTEO LAND TRANSFER

Mrs. MURRAY. Mr. President, today I am pleased to offer an amendment to the fiscal year 2002 Defense Authorizations bill improving upon a land transfer included in the fiscal year 2001 Defense Authorizations bill. Last year, I worked to include language transferring the 22 acre Mukilteo Tank Farm from the United States Air Force to

the Port of Everett, Washington. The Port, in cooperation with the City of Everett, the City of Mukilteo, the Washington State Department of Transportation, Sound Transit, and the Washington State Ferry System, plans to redevelop the site to include a new ferry terminal, commuter rail, a marina and enhanced shoreline access. This redevelopment will revitalize Mukilteo and Everett while improving transportation in this area. An important first step in implementing these development plans is for the Air Force to convey this property to the Port of Everett.

For almost 30 years, the 22 acre parcel of land has also been home to the National Marine Fisheries Service's, NMFS', Mukilteo Field Research Facility. Its laboratories are currently housed in old, run-down military barracks. Last year's land transfer legislation did not convey any of the property to NMFS. The agency was concerned that it had lost its chance to own a portion of the 22 acres, and thus to make significant improvements to the site. The facility conducts valuable marine research, which will lead to improved long-term success in protecting and restoring salmon, groundfish and other species in Puget Sound.

I directed the parties involved to reach a mutually agreeable solution. I am very pleased to announce that today's amendment reflects an agreement between the National Oceanic and Atmospheric Administration, NOAA, NMFS and the Port of Everett. Upon transfer of the 22 acres, the Air Force will convey 1.1 acres to NOAA. After 12 years, any portion of the 1.1 acres not being used by NOAA shall automatically revert to the Port of Everett. In addition, the Secretary of Commerce will have the authority to exchange portions of the 1.1 acres with the Port of Everett should such an exchange be deemed mutually agreeable.

This amendment reflects almost a year of negotiations and hard work on the part of many people within each organization. I would like to thank John Mohr, Executive Director for the Port of Everett, and Donna Darm, Acting Regional Administrator for NMFS in the Northwest Region. I appreciate their outstanding leadership in crafting this agreement. I look forward to continuing to work with the Port of Everett, NMFS and NOAA on this and any other issue that may arise in the future. Congratulations on working out an agreement which, I believe, is in the long-term interest of the community, the state of Washington and the nation.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I ask unanimous consent that I may proceed as in morning business for 20 minutes.

Mr. WARNER. Mr. President, reserving the right to object, I wish to ask

the Senator if he will forbear for a moment.

In my capacity as ranking member of the committee, I thank our committee member from the great State of Louisiana for all of her hard work and for her taking over the chairmanship of the Emerging Threats Subcommittee. I don't know of any other task facing the Senate today that is greater than what faces her in trying to work for the administration now that the President has made some very significant announcements in restructuring efforts of the Federal Government toward addressing the emerging and, indeed, regrettably existing threats now poised at our country. So I commend the Senator from Louisiana and wish her well in the weeks and months to come in her new capacity as chairman.

Ms. LANDRIEU. I thank the Senator. Let me respond briefly. To assure the Senator from Virginia that we are up to the task and that our members are ready to go, we look forward to working with him, and I appreciate his guidance, support, and direction.

Mr. WARNER. I thank the Senator from Louisiana.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina to speak as in morning business?

Mr. REID. Madam President, what was the request?

The PRESIDING OFFICER. The request is from the Senator from South Carolina to speak as in morning business.

Mr. REID. Reserving the right to object, before we move off the Defense bill—if it is within the rules, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate enter into a period for morning business, with Senators not to speak for more than 15 minutes each.

Mr. WARNER. Madam President, I will not object. That will mean we will now go off the Defense bill, which we discussed. In consultation with our chairman, I hope by Monday we will be ready to proceed with some amendments as soon as the leadership establishes the parameters as to when the votes will be taken. We will be ready.

Mr. DASCHLE. Madam President, I appreciate very much the report from the ranking member. The ranking member and the chairman have done a good job getting us to this point. We

ought to be ready with amendments. We are going to have votes as early as 12 o'clock on Monday. I would like to entertain amendments as early as 10 o'clock on Monday morning and be prepared for votes as early as 12 o'clock on Monday.

We will certainly work with the ranking member, the chairman, and accommodate those Senators who wish to offer amendments. We need to get started. I would like to get into a very complete debate on Monday. We will be in throughout the day and maybe into the evening on Monday in order to continue our work on the Defense authorization bill.

Mr. WARNER. Madam President, I thank our distinguished leader.

Mr. DASCHLE. Madam President, I will also say for the interest of colleagues, we will be propounding the unanimous consent request with regard to the consideration of the aviation legislation sometime shortly, but it was in the interest of accommodating Senators who wish to speak that I thought it would be appropriate for us now to enter into a period for morning business. We will do that and be back on the floor with the request in the not too distant future.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? The Senator from South Carolina.

#### MEASURE READ THE FIRST TIME—S. 1447

Mr. HOLLINGS. Madam President, I understand that a settlement has been reached between the leadership of the House and Senate relative to the airline assistance measure. This measure, an attempt to propound a bare bones solution, does not encompass all the main considerations that came out at the hearing we had in the Commerce Committee yesterday.

It is more or less a gentlemen's agreement that safety is just as important, or this particular Senator was trying to get safety and security ahead of money. Be that as it may, the money has prevailed and the bill will pass, perhaps this weekend or perhaps this afternoon. I want to save time by speaking now so that when the bill is under consideration, I will not be holding up my colleagues who are trying to catch transportation to get home for the weekend.

In that light, I have at the desk a bill by myself, Senator MCCAIN, Senator KERRY, Senator ROCKEFELLER, Senator HUTCHISON, Senator BREAUX, Senator CLELAND, Senator NELSON, Senator EDWARDS, Senator BURNS, Senator SMITH, and Senator REID. I ask it be given its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1447) to improve aviation security, and for other purposes.

Mr. HOLLINGS. I thank the distinguished Chair. Madam President, there is not any question when we are talking about financing that we can give the airline industry billions upon billions of dollars in the next 10 minutes, but the sustenance, success, and the full resumption of airline travel will never occur until the traveling public is confident of safety and security at the airports and on planes in America.

First and foremost, of course, is the matter of the cockpit. Pilots do not want to get into the position of those pilots on 9-11. So they are not only asking for a secure door that can only be opened from the inside, going along with the rule that it not be opened in flight, but that they also be equipped with stun guns. That is going to be taken care of.

We have Federal marshals. We need to extend that program, there is no question about it. But the main kick in the arm of security at all airports of America is the reliance upon the industry itself to provide for that security. It has been going to the lowest bidder, to temporary workers paid minimum wage, their average stay not exceeding 5 months. So there is no professionalism, there is no experience and, as a result, there is no security. Everyone knows this. This was not just revealed at the hearing.

The bill establishes a Deputy Administrator at the Federal Aviation Administration for Aviation Security. We need a central command with fixed responsibility for this security.

The bill also establishes an Aviation Security Council comprised of representatives from the FAA, the Department of Justice, the Department of Defense, and the CIA to coordinate national security, intelligence, and aviation security information and make recommendations.

There was a question about curbside check-in. Employees stationed there look at their computers. They are well trained to look for certain persons that Interpol, other countries, or the FBI in this country have given as known security risks.

With those that they may have some suspicion about, they check that baggage. Obviously, if the distinguished Senator from California was going through, and she comes through every other week or so, going back and forth to the west coast, she is a discernible public figure, no security risk whatsoever and there is no reason to open the bag. That facilitates airline travel and that is understood.

Even at curbside when they use the computer and bring up the name "Hollings" on the computer, they can see exactly what his travel practices are and other important information to the security of air travel, and either give a double-check through his luggage or maybe a personal check.

El Al Airlines requires that in Tel Aviv. The truth is, we invited El Al's safety executive, and due to the holidays he could not make it, but he will be here the first of the week and is going to brief our committee.

We know there is required security in the country of Israel, and as a result we want to try to emulate their success in that regard. First, put in a deputy administrator with a coordinated council and strengthen the cockpit doors and locks.

We have heard from the distinguished Senator from Massachusetts of his constituent who manufactures such a door. He will be momentarily addressing that.

There is no question in this Senator's mind that once the door is locked securely with a substance such as Kevlar that it cannot be penetrated. Once that is secured and you get the security personnel at Reagan National Airport, you can open up Reagan National. There is no difference between opening up Dulles Airport or Baltimore-Washington Airport and not Reagan with respect to the proximity because, after all, it was the Dulles flight that hit the Pentagon.

Once a flight takes off, to turn around and come back into Washington, it is just as easy to turn from, say, Baltimore or Dulles before anything can really be done to stop its course and come right into the Pentagon again.

I understand what the Secret Service and the National Security Council are saying, but this is no time for debate. As the President said, this is a time for action. So let us start with action, get in the security personnel in a studied, incremental fashion. Start with the shuttle flights to New York and Boston and immediately have enough security personnel in those particular planes already equipped with the secured cockpit.

This particular measure also increases the number of Federal air marshals. In the interim, the FAA can use personnel from other Federal agencies to serve as those air marshals. It federalizes airport security operations. I heard a while ago at a conference that the Secretary of Transportation said we did not have the money to do this. We do have the money, and we have voted the money. That is why this Senator voted the \$20 billion. Someone has said it is \$3 billion, and that \$3 billion is enough. Put some 23,000, 24,000 security personnel in the airports around the country as Federal service employees, civil service Government employees, skilled, with training, with adequate pay and retirement and health care benefits. That is when you are going to get the competent personnel.

I have had this struggle for the past several years about privatizing the comptrollers. I do not see anybody in the Chamber this afternoon talking about privatize, privatize, privatize. We

can see what privatization has done to security.

Europe affords government workers in its airports. If Europe can afford it, we can. In fact, after 9-11, we must afford it. We cannot play games with the number of employees and everything else of that kind when it comes to security, and this is just as important or more so to this particular Senator than the money.

I am going to explain the money in a little while. You can give airlines all the money in the world, but if nobody comes to fly on their planes, if the airports and the planes themselves are not secure, then they are going to suffer badly financially and there is not enough money in the Government Treasury to keep them alive unless we do this No. 1 thing; namely, provide for airport security, which is on everybody's mind.

The bill also improves screening procedures for passengers. It checks the passenger's name against a coordinated list comprised of criminal, national security intelligence, and INS information.

I heard the previous administrator of the Immigration and Naturalization Service, Doris Meissner, on TV the other evening. She was talking about checking names off as they come in. The INS gets this information. The FBI gets this information. It ought to be absolutely certain that it also goes to all of the airports and is disseminated, because there is some question that they had some information about the 9-11 attack ahead of time but it was not properly dispensed among those responsible.

The bill provides for hijack training for the flight crew. It calls for background checks on students at flight schools for large planes and increases perimeter security at airports and air traffic facilities. It assesses a dollar-per-passenger security charge and authorizes funds to carry out the security initiatives.

This bill is totally bipartisan, but there was a concern amongst several of the Senators about assessing a charge. I think all members of our committee more or less will cosponsor the bill, once we can check this afternoon, in a bipartisan fashion.

Now, that charge will bring in \$250 million. Assuming the security responsibility at airports is federalized, it relieves the private airline industry of \$1 billion. So \$250 million for passengers to start contributing toward taking care of some of these expenses is definitely in order, in this Senator's mind.

I want to cover one particular thing with respect to the bill itself. The bill might have to be repaired if there is not a cap on claims. We are establishing a Federal claims procedure so the injured are not further damaged and do not have to chase around several jurisdictions and file all kinds of

legal motions. So the Federal claims provision will be included in the bill this afternoon.

My understanding, because I was trying to get it on as a cap, if you do not have a cap on these particular claims, there will not be enough money in the Federal til. That will have to be repaired.

I could give the example of this high paid group on the top of the World Trade Towers, and they are very deserving people, but if they make \$8 million or \$10 million a year, if I were a lawyer I know I could get a \$200 million to \$300 million verdict of some kind, and while I am getting the \$200 million to \$300 million verdict, the poor fireman's lawyer comes in and says, "Wait a minute. You are paying that high paid individual a couple of hundred million dollars, but this is a poor fireman who rushed in and saved his life, I want \$200 million," and up and away it goes. Or the insurance company takes a traveling passenger who was on one of those planes and the lawyer goes to the insurance company and says, "Go ahead, give us the \$50 million, give us whatever million you want because you are subrogated, you can go against the Government claims, no limit on the government claims, and you can be reimbursed." They say I am out here shilling for the trial lawyers, but right is right. I am confident most of my trial lawyer friends would understand, in an act of war of this kind, there have to be some limits. If there are not limits, we will not sustain.

I hold the bill up with an amendment. I was prepared, but I have been talked out of it by the leadership, to have the airline security measure that could be passed this afternoon in the House and Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, since others are prepared now, let me read the most significant testimony of Harry Pinson of Credit Suisse First Boston, in Texas, and the head of the southwest regional investment banking group based in Houston that handles all of these industrial accounts. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF HARRY PINSON, HEARINGS ON AIRLINE INDUSTRY FINANCES, SENATE COMMITTEE ON COMMERCE, SEPTEMBER 20, 2001

Good afternoon Mr. Chairman. I want to thank you for holding these hearings today and allowing me to appear before the Committee.

My name is Harry Pinson and I am a Managing Director of Credit Suisse First Boston ("CSFB"), and Head of the Southwest Regional Investment Banking Group, based in

Houston. I joined CSFB in 1984, and moved to Houston in the summer of 1995 from New York. I am responsible for coordinating the coverage of industrial accounts in the Southwest, including the airline industry. While in New York, I was Head of the Transportation Group in the Investment Banking Department from 1990 through 1995.

I began my business career as an Associate in the public finance department of Merrill Lynch, where I specialized in the transportation industry, prior to joining CSFB. I have managed a variety of financing and strategic advisory assignments for major U.S. industrial companies including the acquisition of McDonnell Douglas by The Boeing Company, the strategic alliance between Continental Airlines and Northwest Airlines, the sale of United Airlines to its employees, advising the creditors of Continental Airlines in the reorganization of the Company, the privatization of Qantas Airways and the acquisition of TWA by AMR.

The U.S. air transportation system, for all its faults, is the envy of the world. Its cheapness and ease of use means that more Americans fly more often than the citizens of any other major country. Whole industries are built around this unquestioned principal of mobility: hotels, resorts, car rental agencies. It binds us together as a nation, and connects us to the world.

The events of last Tuesday and their ramifications are threatening that principal of mobility in a number of ways.

First, the cash losses suffered while the industry was grounded and as it rebuilds this week are weakening an industry already made vulnerable by a weakening economy.

Second, the reduction in demand caused by the loss of passenger confidence and the impact on travel times caused by the security guidelines necessary to restore that confidence, coupled with the increased operating costs and lower fleet utilization that those same safety guidelines are likely to require, means that the profit model for the industry will change, perhaps permanently. For the first time ever, an industry conditioned to growth will have to find a way to shrink to profitability. It will take a lot of Yankee ingenuity to find that path, and many will not succeed.

Third, the catastrophe last week and our government's response to it have served to raise the perceived potential liabilities of operating an airline while simultaneously reducing the availability of insurance for that risk. This means that airline shareholders, creditors, and potentially even the officers and directors of these carriers are being asked to bear the risk of potentially catastrophic losses: an unprecedented and highly disruptive situation.

Finance, the industry I participate in, has always had a big role to play in this industry because its persistent growth, capital intensity, fierce competition and low profit margins mean lots of external capital needs to be raised: about \$10 billion so far this year. Because the airplanes can be deployed anywhere in the world, have long useful lives and a long history of holding their value, the vast proportion of the capital raised is in the form of long-term debt secured by these aircraft. This form of financing keeps annual ownership costs low and has generally been available in large amounts in virtually all operating environments, allowing airlines to fulfill purchase commitments even when business is bad. It also means that the airlines have accumulated enormous debt service and lease payment burdens which will not diminish soon.

We, in our industry, are eager to get back to the business of financing this industry, as we are eager to get back to business generally. It is our livelihood. The rebuilding of this industry will generate terrific investment opportunities which will attract the capital necessary to fund the future of this industry and eventually supplant the aid you are considering.

The fact that these investments will be risky does not necessarily diminish their appeal. The assessment of risk and speculation about an uncertain future are at the core of the investing process. There are, however, some types of risks that financial markets find hard to deal with which the current situation contains, and act as barriers to restarting the investing process.

For example, the more stringent security procedures which are essential to attracting passengers back to the airlines will be costly and disruptive, but we don't know how much because we don't understand them yet nor do we know who will bear the costs. Clarity on the "rules of the game" will be essential for the investment community to begin to assess rationally the future of the industry and its various participants. Until the rules are clear, investors will put their brains to work elsewhere. Since this issue also affects the likely size of the fleet for the foreseeable future, it makes the value of aircraft the bedrock collateral for much of the industry's financing, also hard to determine.

Second, investors are conditioned to assessing management turnaround plans and placing their bets, but liquidity concerns will make analysis again difficult. "Shrinking to profitability" is a new concept in the airline industry. Given the rigidity of airline cost structures in both capital and labor, it will take a long time, years for a turnaround to take place. No airline has anything like the resources necessary to fund this turnaround and investors in the current poor general investment climate are not likely to bet on a company's ability to raise money in the future to fund its plan. Therefore another, necessary condition to getting private capital moving back into this industry is to give the airlines access to sufficient liquidity to fund a turnaround, so that investors can focus on the business risks they understand.

It is in the nature of these support arrangements that, if the process goes as intended, much of this support will not be used because it will act as a catalyst for private capital to flow to the industry and take back from the government the role of financing the industry.

Third, new kinds of liability issues have arisen because of the catastrophe itself and the state of war resulting from it. The industry's insurance arrangements are not adequate to deal with this situation, and the war risk is effectively uninsurable at present. This has the potential to paralyze the industry as investors and creditors are faced with the potential of catastrophic loss. This is an impossible situation for investors to grapple with.

Clarity, liquidity, liability. Address these issues and we're in business.

Mr. HOLLINGS. I will start on page 3:

First, the cash losses suffered while the industry was grounded and as it rebuilds this week are weakening an industry already made vulnerable by a weakened economy.

This measure is not going to save a couple of airlines, in this Senator's opinion.

Continuing:

Second, the reduction in demand caused by the loss of passenger confidence impact on travel times caused by the security guidelines necessary to restore that confidence, coupled with the increased operating costs and lower fleet utilization that those same safety guidelines are likely to require, means that the profit model for the industry will change, perhaps permanently. For the first time ever an industry conditioned to growth will have to find a way to shrink to profitability. It will take a lot of Yankee ingenuity to find that path, and many will not succeed.

Third, the catastrophe last week and our government's response to it have served to raise the perceived potential liabilities of operating an airline while simultaneously reducing the availability of insurance for that risk. This means that airline shareholders, creditors, and potentially even the officers and directors of these carriers are being asked to bear the risk of potentially catastrophic losses; an unprecedented and highly disruptive situation.

Finance, the industry I participate in, has always had a big role to play in this industry because its persistent growth, capital intensity, fierce competition and low profit margins mean lots of external capital needs to be raised: About \$10 billion so far this year. Because the airplanes can be deployed anywhere in the world, have long useful lives and a long history of holding their value, the vast proportion of the capital raised is in the form of long-term debt secured by these aircraft.

Madam President, jumping forward:

Second, investors are conditioned to assessing management turnaround plans and placing their bets, but liquidity concerns will make analysis again difficult. "Shrinking to profitability" is a new concept in the airline industry. Given the rigidity of airline cost structures in both capital and labor, it will take a long time, years, for a turnaround to take place. No airline has anything like the resources necessary to fund this turnaround.

Madam President, we are going to do our best at the Washington level to re-instill confidence in airlines, their operation, and, more particularly, the airline traveling public. We have been watching it day by day, and incrementally we have to address the insurance problem, we have to address the warrant problem with respect to payments to dividend.

I am not worried about the pay of the airline executives right now; I am worried about more substantial things for the moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WELLSTONE. Could I ask for 10 seconds? I ask unanimous consent, following the Senator from Illinois, I be allowed to speak.

The PRESIDING OFFICER. Are you propounding a unanimous consent request?

Mr. WELLSTONE. Yes, that after the Senator from Illinois, I be allowed to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, I thank the distinguished chairman of the Senate Commerce Committee for his leadership on this issue over a number of years. It has been almost 10 years that the Senate in committee has been advocating at many levels the notion of the federalizing of airport security. I guess it is part of the nature of all Members not to mention just the nature of our politics, that sometimes things of good common sense don't happen for inertia, for indifference, for other interests that weigh in, until there is a tragedy such as we experienced a week ago.

The Senator from South Carolina has talked for a moment about the issue of the finances of our airlines. I emphasize that we obviously need to do something and do it fast. But that something has to be smart. That something has to recognize the distinction between the airline industry that existed on September 10 and the airline industry that was impacted on September 11 and what happens as a consequence there of. It is clear that prior to September 11, the airline industry was already experiencing a significant downturn in passengers and ridership because of the state of the economy. That has now been exacerbated a hundredfold.

I say to my fellow Americans today as forcefully as I can, there is no reason not to fly in an airplane in the continental United States or to fly out of the United States in today's system. There really isn't. That system is safer than the air system has been in years. The scrutiny level already in our airports today is significantly higher than it has ever been. The level of safety today as a result of the redundancy of checks and the level of concern by air marshals and State police, local police, and others is raised to the highest level it has ever been in our country. It is safe to fly in aircraft in the United States today. It may be that some people in this country would deem most of those in Washington expendable anyway, but if it is any consolation, Senators, Congressmen, and others are flying those planes now, and the American public should not hesitate to do so.

Here is also a truth, a reality. We can do things that create almost a fail-safe capacity, that raise the scrutiny level often further in order to establish an even greater level of confidence notwithstanding that what we are doing today is the greatest level of scrutiny we have ever had. That is what brings the Senator from South Carolina, Mr. HOLLINGS, Mr. MCCAIN, myself, and others to the floor today to introduce an airport security bill that will, in fact, raise the level to the point where there is no excuse for anybody having any fear or any sense of dread about flying.

How do we do that? Let me remind people that what happened last Tues-

day was not high technology, nor was it even force at the end of a gun barrel or a bomb that had somehow gone through and evaded security. In fact, everything that was used as a weapon was used within the permissiveness of the system as it existed then. It wasn't as if somebody walked through security and had a weapon that wasn't detected. What these terrorists evidently did was use terror in a low-tech way as effectively and as deviously, as hideously, as any of us could ever have imagined; using a box cutter, using a minimalist kind of weapon, they managed to terrorize flight attendants and terrorize passengers who, up until that point in time, had an understanding of hijacking that you sort of behave. You try not to unsettle the hijackers. In fact, the tapes that were used by the flight attendants were 1970 tapes, a 1-hour tape that taught them to try to calm the hijackers and perhaps persuade them to seek political asylum, or at least not to harm the passengers while they took them to Cuba or took them to some other country.

What we learned on September 11 was that now there is a completely different strategy that we now know people are willing to employ. Someone is willing to commit suicide and try to take over an airplane and use it as a weapon.

The task now is to make certain that no one can again use an airplane as a weapon. I again point out that, in an act of absolutely extraordinary heroism, three American citizens who were informed of the change in tactic, who were told by loved ones on the ground that the planes prior to them had been used as weapons, understood the new equation. They understood that they were faced with the potential of imminent death and, if that was true, they were going to take matters into their own hands.

I think that forever changes the equation with respect to the potential of an aircraft again being used as a directable weapon by someone moving into the cockpit, taking over and actually flying the aircraft, using it as an instrument with specific targeting.

It may well be that through some extraordinary lapse, even after all the security measures, although it is hard to imagine how that might be if we do our jobs properly, someone might be able to terrorize passengers. But they could walk into any restaurant anytime, anywhere and do that. They could walk into any mosque, any church, any synagogue—they could walk into any place where crowds gather and, if they were willing to die, tragically they would have the ability to wreak havoc and chaos and mayhem in the area of their choice.

But we have the ability to do something to make it safe to fly, beyond any doubts whatsoever, beyond what I think is the extraordinary level of safety that exists today. One of the things

that would give greater confidence to our fellow citizens is the awareness that all across this country there is a standardized, uniform system by which people are being screened as they come to an airport, not some individual company in Boston and a different company in New York and a different company in another city with different supervisors and no accountability across the board except to those particular airports and to some Federal standard which is not applied in a Federal way.

It seems to me we could guarantee that safety. A lot of people in America are not aware of it, but the turnover rate of the current employment of those security operators is simply unacceptable: in some places 100-percent turnover, 200-percent, 300-percent turnover within the span of a year. And that is even among supervisors.

If we federalize the process we not only have the opportunity to hire people at a decent wage, to guarantee the continuity, to guarantee the level of supervision, but we also will have an ability to do one of the most critical things now. We recognize that airport security is also a matter of national security. If it is a matter of national security, then those airport personnel have to work within a system that has the ability to share information that comes from law enforcement, information that comes from national security—the CIA, NSA, FBI, Defense Department.

If someone is on a watch list or if someone is a frequent flier with patterns that raise suspicion because of those prior trips and travels—which, incidentally, do show up in your passport check when you come through INS, and you can begin to make those determinations but there is no such similar kind of cross-tabulation or verification in the processing of passengers' manifests and flights—in a virtual world where we have computers at our fingertips with instantaneous communication of the Internet, shame on us for not having a system that has that kind of cross-pollination between our law enforcement agencies and security agencies across the Nation.

This is now a matter of law enforcement and national security. The only way to raise the airport security issue to that level is to federalize the process.

We are here to talk about how we are going to bail out or help the airlines. The airlines pay \$1 billion a year for their security costs. So if the Federal Government indeed takes over those security costs, we are automatically reducing the burden of \$1 billion a year or more, under increased status, from the airlines. Given that the airlines are working, hopefully, for profit and this affects the profit line, and therefore affects the kind of bids and expenses they are willing to put out in it, we should guarantee to Americans that security

at our airports is not going to be subject to the bottom line of an industry that is already in difficulties. It is going to be subject only to the judgment of our public officials about what offers the greatest level of security.

In the legislation that Chairman HOLLINGS and Ranking Member McCAIN and I and others on the committee are offering today, we are suggesting the establishment of a Deputy Administrator at the FAA for airport security. We establish an Aviation Security Council with the FAA, the Department of Justice, the Department of Defense, and the CIA, to coordinate national security intelligence and aviation security information and make recommendations.

We require the strengthening of cockpit doors and locks with limited access to the cockpit so every passenger who boards an aircraft will know that unless it is at the choice of the pilots, no person will enter that cockpit from the time they leave the gate until the time they arrive at their destination.

We increase the number of Federal air marshals so people will know that while riding an aircraft, particularly those with the greatest potential of diversion, they would be protected by the use of Federal air marshals riding in the air with them.

We federalize the overall airport security operations, providing improved training and testing for screening personnel.

We improve the screening procedures for passengers, checking passengers' names against a coordinated list comprised of criminal, national security, intelligence, and INS information. I might add, the INS component is a critical component in the context of security.

We will provide new and modern hijack training for flight crews based on what we now understand to be the threat. We perform background checks on students at flight schools. We increase perimeter security at airports and air traffic facilities, and we authorize the funds to carry out these initiatives.

Let me echo what has been said here previously. We can pass a bill that provides funding for the airlines through these next weeks. But we need the passengers of this country to come back to those airlines. I reiterate, I am convinced—I know the Senator from Florida is; he has flown commercially in the last days, as have others—this airline system is safe to fly today. But to whatever degree our fellow citizens doubt that, we need to guarantee they will come back to those airports to ride the aircraft that we empower to fly.

Nothing is more important to revitalize the car rental industry, the restaurants, the hotels, the entertainment industry, the travel industry—all those ancillary spinoff industries that depend

on people flying the aircraft of our various entities in this country.

I believe this legislation, while we will not vote on it today, is imperative to move on as rapidly as the legislation that we are moving on today with the hopes that we will be able to guarantee to every one of our citizens the full assurance of every level of safety that they expect. I hope we will do that as rapidly as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). Under the previous order, the Senator from Illinois is to be recognized.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: I would like to ask if the Senator from Illinois would allow me to speak for 5 minutes on the aviation security bill on which I am a cosponsor with Senators HOLLINGS, KERRY, and McCAIN, if the Senator from Minnesota will agree.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I ask unanimous consent to follow the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota.

I rise to speak on behalf of the aviation security bill that has been introduced by the distinguished Senator from South Carolina, Mr. HOLLINGS; Senator McCAIN, the distinguished ranking Member of the Commerce Committee, the Senator from Massachusetts, and myself. This is very much a part of the overall program that we are putting forward.

The bill we will probably vote on today is the finance part of the package. I think most Americans agree we cannot allow our aviation industry to fall. So we are going to pass, I hope very shortly, a measure that will help our airlines get over the hump until the people have the security to come back and fly.

The aviation security bill that we are introducing today, that I hope we will be able to pass early next week or the following week, is very much a part of airlines getting back to normal. I think the flying public wants to come back. Aviation is an important part of our economy and our way of life and our commerce.

The way we are going to draw them back is to have the security in place so they know they will be safe when they get to the airport and board an airplane. But in the interim, until we are able to put all of these things in place, we need the financial aid package that is before us today.

I am very pleased that under the chairmanship of Senator HOLLINGS we had a hearing yesterday to talk about the security need. We talked to the Secretary of Transportation. We talked

to the FAA Administrator. We talked to pilots and people who know what needs to be done to close the vulnerabilities that we saw on September 11. In fact, the bill that is being introduced today, of which I am a cosponsor, has many of the items I have proposed in the past and certainly think we must pass today. We must have sky marshals in the air. In fact, I applaud the Attorney General for putting sky marshals on many of our flights around the country. They are in plain clothes. Most people would not know they are on a flight. But we do indeed have armed sky marshals on many of the flights that are in the air as we speak. But we want to make them permanent. We want to make sure we have sky marshals on virtually every flight, and possibly every flight later down the road.

We need to assure the passengers that there is a certified peace officer onboard who is trained to do what is necessary to deal with the crime that is committed in the air.

The second major provision in this bill that I think we must do is upgrade the screening. We will upgrade the equipment, and we will upgrade personnel education and training. We all know the screeners have been hired by contractors. They have high turnover rates. They do not have the experience that we would expect in screening. We have seen pictures of things that have gone through the screens and gotten onto an airplane that are just not appropriate. We want to stop that from happening.

That is why upgrading the screeners is important. I think they should be a part of a Federal system of security.

We are going to put some kind of barrier between the pilots and the rest of the airplane so that someone would not be able to penetrate a cockpit, as so sadly happened on September 11. We will have a Deputy FAA Administrator in charge of aviation security so that we will have one person in charge of all of aviation security.

It is my hope that we would start with entry-level screeners, and that it would be a career path for the aviation security department which would include graduating to become a sky marshal, staying in the system with a career in the system so we could have more trained and experienced people.

Those are some of the important points that are in this bill. I know some people disagree with certain parts of this bill. But it is a great start. It is an important start for rehabilitating our airline industry.

If we have the security, people will fly. People love to fly. We had 600 million people fly last year. We can build back to that number if we have the security for passengers. The convenience will be there. It is going to take a little longer going through the airport, but I think people are willing to wait a little

longer and go earlier in order to feel safe. The flying public will come back.

I support this bill. I will continue to work on it with the chairman. But mainly I want the people of America to know we are addressing security in the air and we will do something very shortly, as we are also trying to shore up our airlines. We will not let our transportation system fail. If we do, the terrorists will have won. The terrorists are not going to beat the United States of America.

Thank you, Mr. President.

#### UNANIMOUS CONSENT REQUEST— S. 1450

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1450, the aviation assistance and security bill; that no amendments or motions be in order to the bill; that there be 1 hour for debate equally divided between the two leaders or their designees, with an additional 15 minutes under the control of Senator BYRD, with 10 minutes for Senator KENNEDY; that at the conclusion or yielding back of the time, the bill be read a third time and the Senate vote without intervening action or debate on final passage of the bill.

I further ask unanimous consent that when the Senate receives from the House its companion bill, it be immediately considered, read a third time, and passed, provided it is identical to the Senate-passed bill.

I further ask unanimous consent that once the House bill has been enacted into law, provided it is identical to the Senate measure, then action on the Senate bill be vitiated and the measure then be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. FITZGERALD. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

#### AVIATION SAFETY

Mr. WELLSTONE. Mr. President, I believe this Transportation Safety Act, which I know Senator HOLLINGS and others are going to introduce very soon, will certainly pass with strong support.

First of all, I ask unanimous consent to be added as an original cosponsor of this piece of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, the Senator from South Carolina is absolutely right. Not only does safety have to be there with the money, but the fact is, without the safety, people aren't going to fly. If they don't fly, we are never going to have this industry financially viable. It is that simple. You can see it traveling around the country right now. There are very few

people at the airports. People are quite frightened. We have to absolutely pass this bill. I think it should be in this package right here. But we will be coming back to this very soon, and I think the sooner the better.

There were some provisions that I desperately wanted to see in this bill. I know the Senator from South Carolina and others tried with all their might. I know Senator DASCHLE did. There were negotiations late into the evening.

From my point of view, this language is essential to air service. I want to make sure that gets lived up to.

A good part of our State is rural. We don't want our smaller airports left out.

On the question of general aviation and VFR, there are a lot of people hurting right now. I traveled in a small plane this last weekend. They are having to lay off people. We don't have any protections for them. We will get back to that next week.

But the final point I want to make is that we had, I think, about a \$3.7 billion package that dealt with all the people who are being laid off. Northwest Airlines just announced that 10,000 people will be laid off. Half of them are in the State of Minnesota. Frankly, look at the economy.

There are an awful lot of people in a world of economic pain. I believe what should have been in this package—I know there were Representatives on the House side who resisted this, talking about the companies, yes—is the extending of unemployment benefits and making sure people have access to job training, that there is a dislocated worker focus.

The most frightening thing of all, next to losing your job, is that you then lose your health care coverage. COBRA is too expensive. I wish we had something better. For so many of these employees, this is going to be critically important.

These are going to be some really hard times for people. As one Senator from the State of Minnesota, I am really disappointed we did not get this included. I know the Senate majority leader, Mr. DASCHLE, said this would be a first priority. I know Senator HOLLINGS has said that. We have to come back next week and we have to focus on these employees. We have to make sure we provide the help to them and to their families. That has to be part of a relief package. We have to move fast now. We couldn't get it in today. It will be in next week or it will be in as soon as possible. It must be.

Last point: We have all these huge issues staring us in the face. When I flew out here, I was talking to some of the employees of Northwest. I said: How are you doing? They said: We are holding on. They meant about the world they live in. Everybody is very worried. Everybody is very resolute. Everybody is very worried. But they

also meant: We are afraid we are going to lose our jobs. I am sure a number of those people now have lost their jobs. We have to provide help for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be recognized for 5 minutes. It is my understanding, under a previous order, that the Senator from Illinois has time. If he is not ready, then I ask unanimous consent that I be recognized for 5 minutes prior to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, as we consider a major component of America's economic engine and what to do about it, clearly there are two things that stand out and that came out of our Commerce Committee hearing yesterday chaired by Senator HOLLINGS.

For the airlines to be able to fly again financially solvent, the security measures must be put into place so that the American public has confidence to fly again.

I personally think it is safe to fly. I flew Monday night to Orlando, and there were only 10 people on the plane. Happily, when I flew back from Florida, from Tampa to Washington on Tuesday night, there were 40 people on the plane. My recommendation on the basis of going to two major airports in Florida, checking all of their security arrangements, is that the security apparatus is beginning to work. It didn't work on September 11.

The first part of restoring this industry to health is security, so that we can get people back in the airplanes and the American public flying again. That, of course, has been amply demonstrated by our discussion today. I am a cosponsor of this bill.

The second component that came out of our hearing was that the airlines, in order to be able to operate, have to have insurance that is available and affordable. That is what is creating the crisis right now, that several of the insurance carriers are about to yank the coverage from the airlines. Of course, the airlines will be grounded if that is going to occur.

That is what is so important in this package that is coming out that the majority leader and the Republican leader are about to describe, a component of victims' compensation which would eliminate a lot of the uncertainty about all that collateral damage that had been done as a result of the World Trade Center being rammed by those two jet liners and where would be the source of that funding.

Preliminarily, for the leaders to discuss what has been agreed upon as a first step—and I do believe this is a first step in a long journey, as we return to normality in our airline traffic

system, a very big, essential first step—the American public, the American traveling public, has to be a major component. They have to have the confidence that they are going to be safe when they get back into air travel.

A major component of economic restoration in this country is hanging in the balance. I am going to discuss why I think this is of critical importance to the country.

Once we get through and decide on this first package—hopefully we will enact it this afternoon—then there are going to be many steps in this journey. There are collateral industries that have been decimated. Clearly, all of these other collateral industries, such as hotels, restaurants, tourist attractions, car rental agencies—and I have three of the Nation's largest that are headquartered in the State of Florida:

Alamo, National, and Budget Rent A Car companies are headquartered in the State of Florida. You can imagine, with 50 percent of their business now not coming in the door, what is happening to their financial obligations, and to the obligations they have to banks on loan payments, and their obligations to the salaries of their employees.

So as we get on down the road, I think what we are going to discover is, first and foremost, we have to get the airline industry back in the air operating with fairly full loads, so the economic engine is working and so it is supplying all of the air traffic that feeds so many of these other collateral industries, such as car rentals, such as hotels, such as convention centers, such as restaurants. Once that package has been firmly established—and I hope this gathering right here in this Senate is bringing reasonable men together so they might agree—then I think in the very near future—and I am talking about next week—we can address some of these other collateral industries that desperately need help.

Today we are going to proceed with the debate on the aviation security bill. I don't think there is going to be a lot of disagreement on that. I think it clearly will reestablish in the public's mind that it is safe to travel. Indeed, I am going to demonstrate that with my own feet tonight when I walk on to another commercial airliner. I really do believe it is safe. By the way, if you need to fly, now is the time to fly because there are no lines. But in addition, it is my hope that we are going to have agreement here so we can proceed with this financial package to give the aviation industry the security it needs and, thus, the insurance industry will not start canceling their insurance starting Monday and Tuesday. It is absolutely essential, and it is essential for one more reason: because we don't want the terrorists to win. If they disrupt our economy, if they cause financial distress to a major

component of America's economic engine, then they will have scored a victory. But we are not going to let them. That is why this great democracy is functioning as it is to provide the needed help.

I thank the Chair for the opportunity for me to share. I thank the chairman of the committee, Senator HOLLINGS. I thank the ranking member, Senator MCCAIN. It was an excellent all-day hearing yesterday in the Commerce Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I have a few observations to make and then the Senator from Arizona, Mr. KYL, is here as well. He would like to follow after me.

I want to say a few words in support of the Air Transportation System Stabilization Act, which we will pass, hopefully, in the Senate shortly. My only concern with this bill is that the Federal Government is not doing all it should for the victims of this tragedy with respect to their legal remedies. Specifically, there is no limit in this legislation on the amount of lawyer fees that personal injury lawyers can receive for filing lawsuits, either in absolute terms or as a percentage of the victim's recovery. In other words, there is no guarantee that the victims or their families will receive an amount of the damages awarded to ensure that the personal injury lawyers do not end up taking the lion's share of the award.

I think this is, in short, completely wrong, particularly when this legislation caps the compensation of airline executives relative to the aid package. Bear in mind, what we have in the underlying bill is a cap on airline executives' compensation but no cap on personal injury lawyer fees. It is right that we are going to make sure airline executives do not take advantage of this terrible tragedy, but we should also make sure personal injury lawyers do not unduly profit from other people's miseries. I am relieved, however, that there is already in Federal law a bereavement rule in effect that will protect victims and families from being chased down and harangued by insensitive and opportunistic lawyers. Specifically, 49 U.S.C., section 1136 (g)(2) protects victims of a commercial airline disaster and their families from unsolicited contact from lawyers for 45 days after a disaster. In other words, already under Federal law—I remind all of those who are concerned about the victims that there is a 45-day period from the day of the disaster during which, under this bereavement rule, lawyers are not to contact the families of victims of planes that have been lost.

It provides in relevant part that in the event of an accident involving an

air carrier providing interstate or foreign air transportation:

No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including an associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to the individual injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

Let me repeat: For 45 days after this tragedy, Federal law protects the victims and their families from unsolicited contact and harassment by lawyers or their agents. And this protection applies to all victims, whether they are from New York, New Jersey, Virginia, or any other State.

I am glad we acted in 1996 to protect the emotionally vulnerable from those in the legal community who do not have their best interests at heart. I am glad we acted again in 2000 to extend the bereavement time from 30 to 45 days. This gives the relatives of victims time to find their loved ones, arrange for burial, and come to grips with their loss. And I want to make sure that the victims and their families know that, as we speak, Federal law protects them in this fashion. This is a Federal Government guarantee to innocent victims that all aggrieved families will be protected until Friday, October 26, from any contact whatsoever on the part of lawyers seeking to represent those who have been victims of this disaster.

I wish the legislation had included at least a 25-percent cap on fees, such as is already the case in the Federal Tort Claims Act today. Already today, in the Federal Tort Claims Act, there is a 25-percent cap on legal fees. I wish that had been applied to this bill. At least we do have the bereavement rule in existing law to protect the victims of this disaster from being contacted by lawyers for 45 days, and that will go up until October 26.

I commend the Senator from South Carolina for his legislation regarding airport safety. There is no question that we need to make thoughtful and sweeping changes to help ensure that the tragedy of September 11 never occurs again.

I would also like to commend the Senator from Arizona and the Senator from Texas for their leadership on this issue. Yesterday, I introduced legislation that had a similar purpose to expand airport and airplane security.

The legislation I introduced yesterday, however, took a different approach by placing the primary responsibility for an expanded Federal Air Marshal program with the Attorney General, as our nation's top law enforcement official. I firmly believe that we need a comprehensive Federal Air Marshal program to secure airports from curbside to cockpit.

So, the fundamental difference between my approach and the Committee

approach is that my legislation would relieve the obligations of airport security from the FAA and the airlines, whose primary purpose is to facilitate and manage air travel, and entrust that obligation to the Department of Justice, whose primary mission is to enforce federal law, and most importantly, to safeguard and protect us from terrorism.

Obviously this new Federal Air Marshals program will require additional manpower and financial resources. And that is where we intend to harness the volunteer spirit espoused by so many of our law enforcement personnel throughout the country. The new Federal Air Marshals program not only will recruit new full-time active professional marshals but will augment that program with Deputy Federal Air Marshals drawn from retired military personnel, as well as active or retired Federal, State, and local law enforcement officers—anyone from a DEA agent to a local law enforcement officer who wants to serve his country by securing our airports and aircraft. It is also crucial that we retain a sufficient measure of cost-sharing with private and state and local entities. Private airlines and airport authorities should share a responsibility, as they do now, to help fund a portion of airport security.

We actually already have models in place for the type of curbside to cockpit security envisioned in this bill. Our federal courthouses currently are secured by our United States Marshals, who also employ Court Security Officers (CSOs) to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These CSO are themselves retired Federal, State, and local law enforcement personnel. Part of the reason our courthouses are so secure today is that this unified system provides for layers of security far before one enters the actual courtroom. This is perhaps why Americans have so little to fear today when they walk inside a federal courtroom. What is good for our federal judges is good for all Americans. Our nation's Capitol also is secured by a uniform system of federal officers who patrol from the interior of this chamber to the surrounding neighborhood sidewalks. Our democracy now demands, in the interest of our national security, that we make sure our cockpits are every bit as secure as our courthouses and this chamber.

I believe we should entrust this national security item with the resources, expertise, and experience of our Nation's top law enforcement agency, and that we do so immediately.

I look forward to ongoing discussions with my colleagues who serve on the Commerce Committee and the Judiciary Committee. I think we can work together to produce a thoughtful and effective airline security law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I wish to speak on this bill and to add my voice to those who have pointed out how critical it is that the U.S. Government support our airline industry.

I share some concerns, such as those expressed by the Senator from Kentucky. There are other concerns that others have expressed that also have merit. I will note in a moment why I am very concerned about a provision of the bill. I would not have written it the way it is written, but I think fundamentally the U.S. Government must support our airlines at this critical time.

Everyone knows what happened on September 11. Everybody knows that as a result the U.S. Government shut down the airlines—no more air travel until we deemed it was safe.

That shutdown resulted in huge losses to our airlines, not just for the days those airlines were down, but we have seen a continuation of a reluctance of people to fly, a diminution in the revenues of these airlines, fewer flights, people laid off and, frankly, the possibility of a spiraling down of this industry to the point that it could affect many other facets of our economy and drive our GNP down to an unacceptable level.

In my State, which depends a lot on tourism—either everyone has come to Arizona for a vacation or would like to, I suspect, just as they would for the State of the Presiding Officer, States such as Hawaii, Nevada, Arizona—we have had a tremendous loss in our tourism industry, everything from the hotels and the motels, the golf courses, the limousine and taxi services, and everything else connected with it. Those losses are going to be extraordinary and a huge drag on our economy if people do not begin to have confidence that they can fly in safety at reasonable fares.

That brings up the concern I have about the legislation. We need to support this industry. I think we are going to pass this legislation overwhelmingly. I hope so. I look forward to supporting it. I want to issue a warning about the way this will be implemented because the administration will have a fork in the road and they will have to choose which path to follow. I am going to argue strongly for the first path rather than the second, and I want to explain why.

This bill actually provides, among other things, some financial relief for the airlines of two different kinds. The first is \$5 billion of grants. This is to make up for the immediate loss to the airlines when the Federal Government shut them down. That is fair. Everybody agrees with that. There is a formula for that based on passenger miles and some other factors that have been agreed to by the airline industry.

That same formula was supposed to apply to the subsequent loan guarantees. The bill has \$10 billion of loan guarantees. The industry wanted more, but there is \$10 billion of loan guarantees in the bill. That is also very important for the industry because besides getting over the immediate hump of those revenue losses, they need to make themselves whole again by going out to the financial market and financing their future needs until the fares begin to make up for that lost revenue. To do that, they need the backing of the U.S. Government because most of them cannot convince lenders at this point that they are a good credit risk, for all of the obvious reasons of which we are aware.

The administration did not want the formula to apply to the loan guarantees and has fought very hard to take that formula out. This is regrettable because it suggests the possibility that this administration will actually involve itself in picking winners and losers in a free market. That is not right. One can say it is not a free market if the Government guarantees loans, but the Government is supposed to be guaranteeing these loans on an equal basis to everybody. It should not be deciding which companies to favor and which ones not to favor.

That is my concern about the possibility that because there is no formula for the loan guarantees, some Federal official is going to literally be picking winners and losers. They certainly would not do that on the basis of some prejudice. I am not suggesting that. Instead, they would argue they need to protect the taxpayers' money. There is not anybody who has been stronger in this body on that than I have been. We all agree we need to protect the taxpayers and to grant these loans on the basis that they are going to be repaid, obviously so the taxpayers are not left holding the bag. Therein lies the rub because some airlines are different from other airlines in terms of what they can show the bank. Let me give an example.

The older, larger, well-established airlines have what is called collateral. They have assets they can pledge as collateral for the loans. They go to the bank and say: We need to borrow \$200 million, and we promise, if we do not pay it back, you can have these three airplanes worth \$200 million. That is probably way off, but you get my point.

The newer airlines have not established the collateral, the asset base which enables them to pledge to the bank that if their loan defaults, they have all these assets with which they can repay the loan. Instead, the newer airlines have financed themselves based upon the projection of future revenues, and future revenues have, obviously, panned out in most cases. So they have been able to obtain financing, too.

I will give an example. An airline headquartered in my State, America West Airlines, which is 9th or 10th in the country, but a relatively new airline, had just obtained a commitment for a \$200 million line of credit based upon future expected revenues. That was set to go through on September 11, when the bottom fell out. Obviously, no lender under the current circumstances wants to lend to anybody. That is why we are talking about guaranteed loans.

There are those who say these loans should be based on some collateral, something very specific and definite, or else the Federal Government should not be in the business of guaranteeing the loan. That would cut out certain companies, the very companies that offer the primary competition to these older, larger airlines to keep the fares low.

The reason these newer airlines have succeeded is that they have been able to offer low-fare service, and the net result has been a lot of people have gone to these newer, smaller airlines. But it has also served to keep the older, larger airlines' fares within a reasonable level.

I happen to fly a couple of these older, larger airlines a lot, and I love them. They have provided very good service, and I want to help them, but I think they would agree that it would not be fair simply because of a difference in size or age, therefore representing different circumstances, that one airline should be preferred over another airline in terms of the ability to get these loans.

The legislation has embodied within it total discretion on the part of the President and his agents in any event because it says that the loans that are made under this guaranteed loan provision are only to be offered under rules and regulations the President deems necessary—no other further restrictions.

The reality is, if the President of the United States wants to say: I want to make sure the taxpayers get their money back, so I am going to require a condition of X, he can do that. The ability, however, to do that should not be confused with the ability of an airline to say: Even though the President has total discretion to grant terms and conditions that we may not be able to satisfy, if there is a formula involved, we at least have the right to go to the banks or other lenders and say: Under the legislation, we are, in effect, guaranteed the right to apply for 3 percent or 5 percent, or whatever that percentage is, of the available loans, and therefore would you, please, based upon that commitment of the Federal Government, lend us that money? There is at least a right to apply for a certain amount of money to borrow. There is no guarantee the Government is going to approve the terms of the loan, but

there is at least the right to do that. That is what returning the formula to the legislation would do.

Senator MCCAIN and I have considered offering an amendment to that effect. We know the leadership would like to consider the bill without amendments, and we are willing to proceed on that basis if everyone else is as well.

What I am saying to our leadership, to you, Mr. President, and to anybody in the administration who will listen, is we are willing to cooperate on this, and, on behalf of the people we represent, we are willing to be cooperative, but we plead with them that for good public policy, they need to appreciate the differences among the airlines, the fact that some can do one thing, others can do another, and that this Government should not be in the business of literally picking winners and losers, the result of which could be to drive companies into bankruptcy. I do not think anybody wants that on their hands.

In the granting of these loans, I hope it will be done in such a way that they do not disadvantage certain companies with the result that they cannot stay in business. All of the industry will suffer as a result, and the American travelers will suffer as a result.

Mr. ROCKEFELLER. Mr. President, I rise before you today to support the Aviation Security Bill introduced by Senator HOLLINGS and me. As the nation strives to recover from the tragic events of September 11, 2001, one of the vital steps we must take to protect our economy and regain our sense of national security is to restore full function and confidence to our nation's air transport system. We are on the verge of passing a large financial package to aid in relieving the financial pressures placed on our airlines as the result of these heinous attacks. This is a crucial first step in restoring consumer confidence in our airlines, both to the passengers who rely on their services and to the economy.

While the financial package is of critical importance, I believe the single most crucial element in the airlines' recovery is restoring confidence in air travel by making it as safe and secure as is practical. While the financial package will help the airlines recover from the short-term losses associated with the September 11th disasters and subsequent shutdown, only the public's return to air travel can guarantee their long-term success. Travelers must be confident that the United States has the most advanced, secure aviation system in the world. The Aviation Security Bill before us today is an important first step in restoring such confidence to those in the sky and those on the ground. I am proud to stand with Senator HOLLINGS to introduce this momentous legislation.

The Aviation Security Bill contains important security measures which

will drastically reduce the potential for future disruptions in our nation's air traffic. The bill demands the strengthening of cockpit doors and limits access to the cockpit itself, thus assuring that a commercial plane can never again be used as a guided weapon of destruction. Only pilots will be able to allow others into the cockpit. Under the provisions of this bill, even flight attendants won't have keys. It federalizes airport security operations, improving the training and testing programs for screening personnel, giving these invaluable men and women the tools necessary to perform their jobs properly. It increases perimeter security at airports, in their parking lots, and in air traffic facilities so that we can be sure at all times that only authorized personnel and vehicles have immediate access to our airports and aircraft. Additionally, it increases the number of federal Air Marshals and provides hijack training for flight crews to make certain those in the skies are equipped to deal with any situation that may arise after takeoff. It establishes a Deputy Administrator at the Federal Aviation Administration for Aviation Security and establishes an interagency Aviation Security Council to make it easier for the government to assess and respond to the needs of the aviation community. It requires the performance of background checks on those seeking training in the operation of large planes. This will allow us to ensure that those who know how to fly our planes have the noble goals of service and self-betterment in mind. All of these steps guarantee that air transportation will be safer and more secure than it has ever been.

However, it is important to remember that this is only the first step. It is crucial that we take immediate, but not final action. In the eleven days since these tragic events, many common-sense security solutions have emerged all over the country and on Capitol Hill. These are the solutions included in this bill. Yet a longer look remains necessary. We must continue to examine aviation security, working in phases to implement newer and better security measures as we go. We cannot forget about smaller commercial airports and general aviation airports. My home state of West Virginia is full of these airports and we must ensure that they receive the same scrutiny and attention as larger airports. We must ensure that customers in smaller markets can also travel with confidence. Furthermore, additional security measures for our major airlines, such as limits on carry-on baggage, must also be considered. I am certain that as we continue to examine the safety issues before us, we cannot only restore confidence in our nation's air transport system but, in fact, instill in the flying public a level of confidence even greater than before. I ask you to join me in

supporting The Aviation Security Bill and to join me in finding future solutions to improve our national aviation system.

The PRESIDING OFFICER. The majority leader.

#### UNANIMOUS CONSENT AGREEMENT—S. 1450

Mr. DASCHLE. Mr. President, we are now at a point where I can propound this unanimous consent request.

Mr. President, I ask unanimous consent that the Senate now proceed to S. 1450, the aviation assistance and security bill; that no amendments or motions be in order to the bill; that there be 1 hour for debate equally divided between the two leaders, or their designees, with an additional 15 minutes under the control of Senator BYRD and 10 minutes for Senator KENNEDY and 5 minutes for Senator SPECTER; that at the conclusion or yielding back of the time, the bill be read a third time, and the Senate vote, without intervening action or debate, on final passage of the bill.

I further ask unanimous consent that when the Senate receives from the House its companion bill, it be immediately considered, read a third time, and passed, provided it is identical to the Senate-passed bill.

I further ask unanimous consent that once the bill has been enacted into law, provided it is identical to the Senate measure, then action on the Senate bill be vitiated and the measure then be indefinitely postponed.

Mr. SPECTER. Mr. President, reserving the right to object, and I do not intend to object, for clarification, is the specific time within the bill, within the 1-hour total?

Mr. DASCHLE. Mr. President, those would be in addition to the 1-hour total as is propounded.

Mr. BOND. Mr. President, reserving the right to object, and I will not object, I ask I be given 5 minutes out of the minority leader's time.

Mr. DASCHLE. I so amend the request, Mr. President.

The PRESIDING OFFICER. It will be included in the request.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, reserving the right to object, I ask for 2 minutes.

Mr. DASCHLE. Mr. President, I so amend the request.

The PRESIDING OFFICER. Is there any objection?

Mr. NICKLES. Reserving the right to object, parliamentary inquiry: Are the times that were mentioned outside of the 1 hour?

Mr. DASCHLE. The Senator is correct.

Mr. NICKLES. I want to clarify that because I think we need to be at least on equal footing as far as additional time is concerned. I understand there

is a time request by the Senator from Illinois and others on this side, so we ought to try to be equitable in the time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, if the Senator will yield, we have a commitment to Senators who wish to be heard, such as Senator KYL and Senator FITZGERALD, that they will be yielded time out of the one half hour on our side. Of course, Senator HUTCHISON will be my designee to handle the time on our side, and she will speak also, but I urge the Senators to speak within the allowed time and hopefully keep the total time under an hour.

Mr. SPECTER. That is agreeable to me.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, reserving the right to object, our Nation's airlines are clearly suffering as a result of last week's terrorist attacks, and I express my appreciation to the distinguished majority leader for his efforts to craft a comprehensive package of financial assistance for the airlines. I am confident the leader's efforts will ensure that the attackers who took down our buildings will not succeed in taking down the airline industry, too. I look forward to supporting this measure.

I also believe we must act to bolster the airline industry. We must demonstrate our commitment to supporting the men and women who represent the industry's heart and soul. The tens of thousands of workers who before September 11 were flying our planes, building our planes, keeping our airports open, and serving the flying public are now facing unemployment. They will need financial assistance to be sure they can continue to pay their mortgages. They may need retraining so they can find jobs in a new industry. And we ought to be sure they and their families are not put in the scary position of being without health care coverage. As we have done for the airlines, the Federal Government must take the lead in supporting these workers.

I inquire of the leader as to his thoughts on the prospect for enacting a benefit package for displaced workers in the near future.

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Missouri for raising the issue and commend her for her active involvement on this matter now for some time. She spoke eloquently about it in the caucus, and she has addressed this issue on a number of occasions. I share her conviction and her strong belief that we must address the impact on employees as well.

Over 100,000 employees are now out of work as a result of this extraordinary economic problem we are facing, and

we have to address it. I indicated my caucus this morning that it is my strong view that this is the first installment of a series of efforts that must be made to put our economy back on track and to address the myriad other economic challenges we face, especially those involving workers and their families. So we are going to continue to work and find ways in which to do that.

I emphasize I see this only as the first installment. We will have to go back and address other issues, especially those involving families. I thank the Senator for raising the issue.

Mrs. CARNAHAN. As always, I thank the leader for his guidance. I look forward to working with him next week, and I do not object.

Mr. LOTT. Reserving the right to object, and I will not object, but I ask that Senator NICKLES get 20 minutes so we will have a balance of the time. I urge all Senators to not feel they must use all of the time.

I inquire of the Chair, with that change, has the question been put?

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1450) to preserve the continued viability of the United States air transportation system.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri, Mr. BOND.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry.

Mr. BOND. Mr. President, I yield to the manager of the bill, the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, are we now on the bill and into my 30 minutes of time?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Thank you, Mr. President. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Texas for yielding me time. Let me try to be quicker than 5 minutes.

No. 1, while this package may not be what anyone likes, I am sure in this body and the other body there are probably 535 different ideas as to what we need to do. I hope we can come together, the House and Senate, and de-

cide that we must move. I am more than willing to take what has been put together as an emergency measure and urge my colleagues to support it, and to support it without amendment.

We are looking at a situation where the airline industry, which is a critical element in our economy, is right on the verge—from the smallest airlines that need an immediate infusion of cash to make up for the losses that were sustained when the Federal Government rightfully shut down air transportation this past week, to the current time where consumer concerns over safety have limited the flying public. We have put our entire airline industry at great risk. This bill is necessary if we are to solve those problems and if we are to get the planes back in the air.

I can understand what my colleagues in this body and the other body have raised as concerns about insurance and compensation for those who are out of work. Let me be clear; it is not just the airline industry which has suffered losses. Boeing laid off 30,000 workers. I have just talked to people in the travel and tourism industry and consumer products industries. They have suffered a great downturn, and there may be people out of work. The good news is we have in place statutes and programs designed to assist those people.

Let me be clear; if we delay passing this bill, as we attempt to craft a change or adjustment on assistance for laid-off employees, we risk causing a tremendous economic calamity.

I understand that in the House objections over the failure to include relief for unemployment led to objections that put the passage of this package in doubt.

Right now, we are looking at layoffs in the airline industry in the neighborhood of 20 to 25 percent. If we do not pass this bill, we are looking at 100-percent layoffs. We are looking not only at disaster for those people who work in the airline industry, those of us who depend upon airline traffic to get back to our constituents, those who depend upon airline travel for business, for recreation, and for tourism, but a risk to the entire economy. So this bill needs to be passed.

Let me also point out that last week I was in this Chamber and I said that one of the key things we must include in the airline rescue package is a carefully crafted, structured means of providing compensation to the victims. There is a two-part means of providing compensation for the families of those who are deceased as a result of the accident and those who are injured. There are various provisions built in which would seem to make an option of two structures available, and there is a clear-cut indication that airlines will be liable only up to the limits of their existing insurance coverage.

I thank the White House and the leadership for including those protec-

tions. Without them, at least two of our major airlines would not be able to continue in business next week. This is critically important, as is the provision in the measure for direct loans to those who can demonstrate their need to the Secretary of Transportation as well as loans which are to be structured by a board composed of the Secretary of Transportation, the Chairman of the Federal Reserve, the Secretary of the Treasury, and the Comptroller General. We put a great deal of discretion and responsibility in the hands of those very able officials. While none of us may have crafted the bill exactly as it was crafted, this is our only hope to ensure we do not have a disaster resulting from the total shutdown of the airline industry.

I urge my colleagues, I beg my colleagues, to pass it.

I return to the manager on this side any time remaining on my time. I thank the Chair and the Senator from Texas for their accommodation.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Texas.

Mrs. HUTCHISON. I will take up to 3 minutes of time now to explain what is in the bill, but I want to be told when 3 minutes is up because I will lose the remaining 30 minutes to other people.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mrs. HUTCHISON. Madam President, the Air Transportation System Stabilization Act is the effort of the U.S. Congress, working with the President, to shore up the aviation industry in our country. Already we have seen announced almost 100,000 layoffs in the aviation industry in our country. That will have a rippling effect throughout the economy. What we are doing today is trying to stabilize this industry to keep it on its feet in very tough times so we can minimize the layoffs. Hopefully, they will not be as bad as the airlines announced they will be and we can get this country back on track so our economy will stay strong.

What this bill does is have \$5 billion in immediate assistance to the carriers based on their actual losses for the grounded airplane time they have had. As we know, there is still one airport that does not have service. We still have airlines losing business because of the September 11 tragedy that was not any fault of theirs.

We have in addition \$10 billion of loan guarantees subject to terms and conditions set by the President. There will be a board created to review and decide on the applications for these Federal credit instruments. The board will be the Secretary of the Treasury, the Federal Reserve Chairman, the Secretary of Transportation, and the Comptroller General. These loans will be based on sound, solid, hopefully, financial integrity. We are also going to put limits on executive compensation of any carrier that gets a part of this airline cash assistance package.

We also have provisions for the Secretary of Transportation to provide help for airlines that are the only airline serving a community, and if the airline wants to pull out, we are going to try to encourage that airline to stay in the community. We are dealing with the liability issues, trying to take from the airlines any liability beyond what their insurers will carry.

We also have liability provisions for the war risk insurance for all other industries that might be affected in the future with an act of terrorism that is beyond their control so that they will not be liable beyond their means and be put out of business.

These are the basic parts of this legislation that we are hoping to pass tonight and send to the President.

I yield up to 10 minutes to the Senator from Illinois.

Mr. FITZGERALD. Madam President, I rise to say what I think are some improvements that have been made to the bill as it has been negotiated by various parties in the House and the Senate, and I guess with involvement from the White House and the Office of Management and Budget.

I am very concerned about the airline industry and especially the many employees of the industry. Tens of thousands of airline employees have already been laid off. My home State of Illinois is home to O'Hare International Airport which is a hub for United and American Airlines, the Nation's two largest carriers. Perhaps no State in the country is as immediately affected by the problems affecting the aviation industry as is Illinois. I am very concerned about the employees. I met with several skycaps the other day who told me it was their last day on the job, and to see the forlorn look in their eyes was heart wrenching.

However, I alert my colleagues, the way this bill is designed, there is no protection for the employees of these airlines. There are no strings, really, attached to the airline access of up to \$15 billion in taxpayer money. It is money that some airlines will take, and still we will see lots of layoffs and poor treatment of some of the airline employees.

I think Congress is remiss; we are moving too fast. We should have some strings attached if they are getting all this government money. We should have some protections for the airline employees. That is an omission in this bill.

I am also concerned that anytime you have a Federal bailout of an industry, you have to ask, by what principle or what reasoning are you bailing out this industry? In this case, we have chosen to bail out the airline industry. The airline industry has said they are entitled to Federal money because the Federal Government issued a ground stop order on September 11 that kept their planes out of the air for at least

2½ days, and but for that ground stop order, that edict of the Government, they would not have incurred the losses they did during those days.

This bill might make sense if we were only compensating them for the losses incurred by virtue of that ground stop order. The fact is we are compensating them for many times the losses they suffered as a result of the ground stop order.

Analysts testified before the Senate Commerce Committee yesterday. I sat in the whole hearing for 4 hours. We heard from many people. It was testified that the direct loss to the aviation industry in America as a result of that ground stop order on September 11 was \$2 to \$3 billion. That comports with the estimates that have come out from research departments, investment banks around the country, and comports with everything I have seen. Yet this bill has \$5 billion in direct cash assistance and another \$10 billion in loan guarantees or \$15 billion in Federal taxpayer bailouts.

Leo Mullin, the CEO of Delta Air Lines, testified that the direct loss of Delta Air Lines for each day they were shut down as a result of that ground stop order was \$70 million. So over 3 days, Delta Air Lines incurred a loss as a result of the ground stop order of \$210 million. How much in Federal assistance will Delta get as a result of this bill? At least four times the losses they sustained as a result of the ground stop order. Delta will get about 60 percent of the \$5 billion in cash assistance. In other words, they will get a grant of about \$800 million, four times their losses, plus they will be eligible for these new loan guarantees.

The bottom line is, I think this assistance is too generous. It gives too much money. It goes far beyond compensating the airlines for those 3 days that Government edict was in effect.

Clearly we are compensating them for far more. In fact, this bill suggests we are compensating them for all their losses through the end of the year. Then my question is, By what principle do we not agree to help other industries?

I had the general counsel of a major car rental company call me and say they needed the bailout. I had restaurants tell me they are shutting down. There are hotels shutting down. The fact is, those other industries did not quite have the effective lobbying team the airline industries had. They were very prompt in coming to Capitol Hill and requesting relief. And, moreover, they got this relief in a way that I think is virtually unprecedented.

When the Chrysler Corporation got its loans guaranteed back in the 1970s, in return for making those Government guarantees the Federal Government was paid in warrants of Chrysler Corporation stock. The Government took 14 million warrants of Chrysler

Corporation. When those warrants rose in value as the company did better and got back on its feet, the Government sold those warrants at, I believe, a \$300 million profit.

Fortunately, Senator CORZINE and I worked together. We did get put into this bill, at our request, language to allow the Treasury Department, in return for any of the loan guarantees that are given out under this bill—the Treasury will have the authority to negotiate appropriate warrants so the taxpayers can participate in the upside here.

I would prefer that the Treasury Department have clear authority to ask for warrants in return for the \$5 billion in cash assistance. I think that would be the appropriate protection for the taxpayers. In fact, without that protection, then, what we are doing, by the way we are structuring this bailout—this is not a bailout of the industry so much as it is a transfer of the loss that industry has incurred from the airline industry shareholders to Joe Taxpayer.

It may be intuitive to some that the general decline of the industry, that loss, should be borne by the taxpayers. To this Senator it is not intuitive that the shareholders of airlines should be protected and indemnified from any loss here. I find it very troubling. I think there should be a price the shareholders have to pay.

I hope the Treasury Department and the Office of Management and Budget will try to find if they have any residual authority—they tell me they believe they do—to ask for warrants from each airline in return for the grants they are given.

In the Continental Bank bailout, which happened in Chicago, IL, many years ago, in the 1980s, the FDIC did not come in and make the shareholders of Continental Bank rich. In fact, they wiped out the shareholders of Continental Bank in return for the Government assistance, and FDIC ended up owning 80 percent of the bank. Then, when the bank got back on its feet, the Government did an initial public offering of its shares and sold them back to the public and recouped for the taxpayers what they had given.

I think we could have done better. It is an improvement from where it was earlier in the process. I certainly hope the issuance of warrants—and the Treasury has the authority now to accept warrants in return for the issuance of the loan guarantees—I hope that authority on the part of the Treasury will deter companies, airlines that do not need a Federal guarantee, from coming to the taxpayers and asking them for that guarantee. So I am hopeful the Treasury will use that authority to the fullest extent, and I am hopeful, furthermore, that in return for the cash grants available under this bill, the Treasury will insist upon getting some equity instruments in the

corporation or some payment for the taxpayers, lest this just be a complete and total indemnification of the sophisticated shareholders of the airline industry.

Madam President, I yield the floor.

Mr. CORZINE. Will the Senator yield for a question before he yields the floor?

The PRESIDING OFFICER. The Senator has no time at this time. His time has expired.

Who yields time?

Mr. ROCKEFELLER. The Senator from West Virginia is happy to yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I wonder if I might ask a question of the Senator from Illinois with regard to his premise that would not be subtracted from my time?

Mr. ROCKEFELLER. If the Senator wishes to do it, it is on his time.

Mr. CORZINE. The Senator from Illinois spoke about the need to ensure some accountability by giving the Government a stake in airlines that are provided grants beyond the funding necessary to compensate them for the shutdown period. I agree with him on that.

Has the Senator had conversations with anyone on this question? Has he been led to believe that equity participation—warrants, options, calls—also will be extended to grants that go beyond compensation for losses associated with the shutdown?

Mr. FITZGERALD. Yes, I have, in a conversation, I think, with Sean O'Keefe from the Office of Management and Budget. He works for Mitch Daniels. He was under the impression that the executive branch had the authority, in return for granting \$5 billion worth of cash assistance, to demand warrants or other appropriate instruments from the airlines that were getting them, and that that would deter the airlines from asking for more than they should.

Mr. CORZINE. Is it the Senator's belief that the equity stake associated with those grants would operate in the same way that is explicitly outlined in the bill with respect to loan guarantees, with respect to which the Treasury clearly has the authority to access warrants, options, or calls?

Mr. FITZGERALD. Yes. Just as in return for the loan guarantees the Treasury could ask for warrants, I believe that in return for the cash grants, the Treasury can ask for warrants from the corporation.

Mr. CORZINE. I thank the Senator from Illinois for helping clarify this, and making clear what the administration has said about this aspect of the bill.

Having said that, Madam President, let me emphasize that I rise very much in support of the efforts to reinforce

our aviation industry. This industry is in dire straits. And it is an industry that plays a critical role in our economy.

It also plays an important role for our military. Senator TORRICELLI and I visited McGuire Air Force Base with senior officers on Monday, and they told us that about 40 percent of the transportation that our military folks will need in a full war might be provided by our private aviation industry. The strength of that industry clearly is important for our national security.

Madam President, I live in a State where about 12,000 Continental employees work at Newark Airport. It is the largest employer in Newark. I very much understand the needs and desires of having a healthy and ongoing industry which is under stress. But, in my view, unless we have some discipline in this process—which very clearly has been outlined in the bill as it relates to loan guarantees—we would be writing a blank check for some companies that are very strong. This would be unnecessary and could dissipate resources that could be better spent on other important priorities, including workers who are losing their jobs and other struggling companies that are not in the airline industry.

In my view, it would be a mistake to provide direct support without discipline. So I hope the Administration will do what it said it will do, and ensure that, as with the loan guarantees, the grants that we are offering companies—beyond those needed to compensate them for losses directly associated with the stop order—are accompanied by warrants, or options held by the Federal government. This will help ensure discipline and accountability, just as would be required in the private sector.

Mr. ROCKEFELLER. Madam President, I would like to commend the Majority Leader for his hard work in putting together an airline stabilization bill that will save our nation's airlines and our air transport infrastructure. I will strongly support this bill without amendment.

The terrorists who launched those despicable attacks on September 11 took thousands of American lives, and did billions of dollars of damage. It has also become clear in the past 10 days that they dealt a body blow to the U.S. airline industry, on which virtually all of our citizens depend on to one degree or another.

Demand for air travel has virtually collapsed in the past week. Last weekend I flew back to West Virginia, and on the return flight Sunday night—usually a crowded flight from Charleston to Dulles—I was the only passenger on the plane. Many of my colleagues have mentioned that they've had similar experiences in the past ten days. Flights are departing West Virginia airports with a load factor of 25 per

cent—only one in four seats filled. Unfortunately, this is not, like last week's closure of the New York Stock Exchange, a temporary phenomenon. Based on past air disasters or international conflicts—none of which was of the same massive scale as last Tuesday's attacks—airlines are predicting that passenger traffic will be down by almost half for the remainder of this year, and will take until next summer to return to normal levels. And those are optimistic estimates.

This kind of crisis could do irreparable harm to the ability of America's airlines to continue in business. Airlines lost \$300 million each day that they were shut down last week. They are set to lose billions more in the coming months. Their insurance rates have shot up, with some airlines telling us of a 600 percent increase in their insurance rates. Coming on top of what was already a difficult outlook because of our slowing economy, the nation's airlines—main line carriers and regional carriers alike—could be in bankruptcy within a few weeks and possibly out of business within a few months. Already we are seeing the first signs: a round of massive, painful layoffs for nearly 100,000 of our nation's hard-working airline employees. And huge cutbacks of around 20 percent to most airlines' schedules.

Some people have said, well, this is the market, and it is not the American way to interfere with the market. But I have been pleased, as chairman of the Senate's aviation subcommittee, to see a broad consensus among my colleagues that the air transport industry is not just a huge business and employer, but it is also a critical element of our nation's infrastructure. Nowhere is that more the case than in the smaller states and communities like West Virginia. When people think of the airline industry, they usually think of big hub airports like Hartsfield and O'Hare. But airline traffic is just as important—maybe more important to smaller communities like Beckley and Bridgeport. Safe, convenient and affordable air service represents an important element of our efforts to attract development to our state. It's an important connection that allows our citizens and our businesses to overcome the historic isolation created by our state's mountainous terrain.

And when I see planes flying with one passenger, and learn that carriers are cutting back on their schedules, and hear that several carriers could be in bankruptcy within two weeks, I know that the first communities to be hit will be small communities like those in West Virginia that are at the end of the food chain, so to speak. That would be tragic. It would reverse the efforts our communities have made to attract and retain air service, and turn their residents into aviation "have nots." It

would also set in motion the slow implosion of the U.S. airline industry, which would spread to larger hubs and airports as well. And finally, it would give the terrorists who perpetrated last week's heinous attacks the ultimate victory, as their actions would lead to a severe curtailment of America's freedom of movement and mobility.

It is the shared consensus of this body that cannot be permitted to happen, and that has driven our remarkable efforts this past week to put together a stabilization package for our nation's airlines.

It will contain up to \$5 billion in immediate credits to reimburse airlines for the revenues they lost when the government shut down U.S. air space last week. It will also contain \$10 billion in loan guarantees so that our airlines can continue to obtain financing in the coming months.

It will limit airlines' liability for collateral damage incurred up to the amount of their existing insurance coverage as a result of last week's terrorist attacks—a key provision because our airlines might otherwise not be able to obtain or afford insurance.

It will set up a victim's compensation fund for the families of the innocent victims of last week's despicable attacks.

It will provide \$120 million in additional authority to fund to the Essential Air Service program, a key element in preserving air service to smaller communities.

This package is an important first step in stabilizing the U.S. airline industry and ensuring that air service to communities across the nation survives this crisis. But it does not address all the needs that this crisis has created.

One important issue we will need to take up in short order is the plight of the nearly 100,000 airline workers who will lose their jobs as a result of this week's cutbacks. We have already begun to see airline layoffs in West Virginia. Excellent workers who expected a promising career in a growing industry, until terrorists hijacked four planes and frightened Americans out of the skies. We must take measures to address their needs. We provide special assistance to American workers who have been displaced by foreign trade; we must provide the same level of assistance to American workers who have been displaced by foreign terrorism.

We must also be prepared to look at the needs of related industries, as well as the future needs of the airline industry. Many related industries—aircraft manufacturers, travel agents, and various travel-related businesses—have already begun to feel the effects of this attack. We will have to look carefully at the real needs of those industries, and be prepared to take bold measures where they are needed and appropriate.

One thing is certain: the survival of America's airlines is a key element of any solution. Their needs are real and urgent, and I congratulate the Majority Leader on his success in putting together a stabilization package that will address them.

Madam President, Senator SCHUMER and I believe Senator CLINTON wants to speak, along with the Senator from Texas and a few others. But I note that the Senator from Texas has an obligation, as well as all of us, and we would like to see this drawn to a close and have our vote. Those who want to speak on other subjects could perhaps do that after the vote. It would be just as relevant.

From my point of view, we are at a very clear and obvious, arithmetically, inevitable point in time where we have to say to the aviation industry of the United States and, even more importantly, to the American people that there are going to be planes flying on Monday. We have to have a safety bill. That is an enormous subject, and safety has to come. Safety will come. Safety is going to be addressed immediately. There are planes to make safe. People need to feel confident about safety and then get aboard the plane. None of it makes any difference if their insurance expires. When insurance expires—airplane companies have all received their notices—then of course there can be no flights. That will happen very early next week. The Nation will shut down with respect to that.

The whole question of providing support on a temporary basis and based only on what happened as a result of the tragedy on September 11 is important. Nothing that the Senate will be voting on will be based upon anything that had to do with the airlines' financial condition prior to September 11—only as a result of the tragedy on September 11 and the Government-mandated shutdown.

There are a lot of considerations about the broad economy of America as well as the ability of the American people to gain some level of confidence in getting back to travel. In fact, there are airplanes at the airport they can board. I remind all Americans as well as my colleagues that airlines remain far and away the safest form of travel, and they have been that way for a long time in comparison with any other form.

Safety will happen. Safety is somewhat more complex, and it will happen. It will be done by legislation. It will be done by the administration. There will be a lot of money for it. But the ability of the aviation industry to put planes in the sky next week is where we have to start. If we do not pass this legislation, and do not do so promptly, it will not happen.

I urge my colleagues—who understandably are saying: Wait a second, what about my rental car company or

what about my steel industry—there are all kinds of things that can come into an emergency designation. But here, we are focused on aviation. That is the order of this day within our national security situation. If the planes don't fly, much of the economy shuts down. I think this is arithmetically uncontested. I think it is an absolute priority of this Senate to pass it and hopefully do so in a very short amount of time.

I call upon my colleagues to at the proper time support this aviation legislation—not to say that it is perfect, not to say that some of the legislation which has arisen out of this crisis is perfect. We will have a chance to revisit it. This is only the first of a wave of accountability and dealings with the airline industry, its financial health, safety, and all other manner of conditions that are coming before us. Without this, nothing else follows.

I plead with my colleagues to support this legislation in spite of worker protection and other things which will be absolutely a part of what follows this vote and this legislation.

I reserve the remainder of my time and yield 5 minutes to the senior Senator from the State of New York.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I ask unanimous consent, following the Senator from New York, to yield time to the Senator from Alabama, who has been waiting for 5 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Thank you, Madam President.

First, I thank the chairman of our Aviation Subcommittee, the Senator from West Virginia, and the Senator from Texas, the ranking member, and everybody who worked so hard on this issue.

I particularly thank our leader, TOM DASCHLE, for his outstanding efforts on this bill and for all the help he provided to New York and the Nation in this recovery from the crash and tragic events of September 11. I also want to thank his talented staff who worked long and hard on into the night in working out provisions that were vexing to me—they are: Andrea LaRue, Laura Petrou, Randy DeVal, Mark Childress, and Mark Patterson—for all of their help during the past 2 weeks.

In addition, there are two technical points I want to clarify. It may be a little unclear to some whether all lawsuits or just lawsuits against the airlines will be situated in the Southern District of New York. The intent here is to put all civil suits arising from the tragic events of September 11 in the Southern District.

Second, the prospective liability package covers the airlines, their agents, and other relevant parties.

Agents includes, as I understand it, airplane lessors and financiers.

This bill is a mixed bag. It has some things that I am grateful for and support. It does not take any of this money from the \$20 billion we were able to vote for for New York. There was a real attempt to do that. It does not. I appreciate that.

There was a huge fight on the liability issue. I understand the need for prospective liability exemption. But at some point the families of those who died in the World Trade Center and not on the airplanes are going to be treated differently than victims had been and those who died who were on the ground or in buildings in the past. That has been rectified. There is a very generous package for those families who lost members in the World Trade Center bombing—who were in the World Trade Center, not just on the airplanes.

Finally, my crusade has been to bring good service to the middle-sized cities of upstate New York. While I am not fully satisfied with the provisions, there are provisions in the bill, and let us hope that is the beginning of a new chapter. The airlines are no longer totally independent. Therefore, I am relying on them in my meetings with them. What the majority leader and others have told us is that as we come back in future bills, we will strengthen those provisions further so that these airlines cannot abandon middle-sized cities such as Rochester, Syracuse, Albany, and Buffalo—rather large cities that depend on airline service. But there is a provision in the bill that recognizes some of that. It is better than the present law, and I appreciate it.

For all those reasons, this bill is a bill I will vote for. I have some misgivings. Amtrak should have been included in this bill. To have a comprehensive transportation system, we need a good rail system. The congestion that so many of us see in New York airports and other airports around the country could well be relieved by a functioning Amtrak. Again, I am relying on the understanding of our leadership on both sides of the aisle that when we come back and do other airline bills, we will include Amtrak.

It also does nothing for the workers. I am very worried, and I urge the airlines not to invoke a war clause when they deal with their union workers. Yes, indeed, when business contracts, we don't expect airlines not to accept those economic consequences, but I would regard invoking that clause as a breach of faith. I hope they will not do it. I hope they know they will have to come back to us and deal with it. We have to include employees and what they need in this package as well.

It is a mixed bag: good on liability, good on where the money comes from, and OK making progress on taking account for middle size cities; not enough, nothing for Amtrak, nothing

for labor, but we will come back and deal with those issues.

If it is a mixed bag, why am I supporting this bill? Because we are in a new era where every one of us has to give a little bit. We heard the President speak. We were unified yesterday. We must keep that unity. It is important that each one of us no longer say: It is my way or no way.

I didn't get everything I wanted in this bill. I did get some things. I am a little worried about the numbers as well.

If we don't vote for this bill and we bicker, airlines will not fly on Monday. It will set a tone in this body that we don't need right now.

Relying on the good work of our majority leader and our minority leader and knowing we will get back to the other issues we care about, I will vote for the bill, and I urge my colleagues to do the same.

Mrs. BOXER. Madam President, I am pleased that the Senate has been able to act so quickly on this issue.

As you know, all four planes hijacked last week were headed for my State of California. Consequently, many Californians who were simply trying to make their way home lost their lives in these attacks. My heart goes out not only to the Californians who fell victim to terrorism, but to all the victims of last week's attacks and their loved ones.

Our Nation's aviation system was transformed into a terrorist weapon. As a result of the terrorist attack, the airlines are confronting an alarming financial situation. Last week's tragedy will be compounded if the aviation industry is destroyed as well.

As an industry, airlines are losing \$300 million per day. Lines of credit may not be available. Insurance premiums for some airlines may rise \$100 million per year or may be unavailable period. Without insurance, the airlines cannot fly.

Therefore, I support this bill to provide financial assistance to the airlines. I also support a victim's compensation fund to help ensure that victims' families receive compensation in a timely fashion.

I am particularly pleased with the language in this bill that commits \$3 billion of the \$40 billion in the emergency funding that we passed last week for airline security. I hope this funding is used to improve screening in our airports. It is extremely important that security be the responsibility of the Federal Government, including creation of a professional security force for passenger screening. I also believe the funding should be used to increase the number of air marshals by placing an air marshal on every commercial domestic flight.

This is only the first step in aviation security. In the next week or two, I will be working to see that Congress

passes comprehensive security legislation, including federalizing screening and guaranteeing that air marshals are on every flight.

Finally, I am disappointed that this bill, while bailing out the airlines, does not provide assistance to laid-off workers. This week almost 100,000 jobs were lost industry-wide. That is 100,000 families who are losing their incomes.

These numbers do not even include the manufacturing sector of the airline industry. Boeing also announced that it could lay off as many as 30,000 employees in the next few months.

We must not forget the workers who are affected. They may need help with job training and acquiring new skills. They may need help with keeping their health insurance. Again, I will be working to see that help comes to these families soon.

This bill is important, but it is only the beginning of what we need to do after last week's tragic events.

Mr. NELSON of Nebraska. Madam President, as we discuss this much needed legislation to provide financial assistance to our airline industry, I would like to voice my concern that air service to our small communities not be lost in this effort. I have consistently supported adequate funding for the Essential Air Service Program, and ensuring the viability of our small airports is a priority for me. Because I realize the economic impact a loss of air service would have on our small, rural communities, I applaud the efforts made in this legislation to include the needs of carriers who serve these markets.

It is important that in considering financial assistance for the airline industry, that thought is given to the impact this tragedy has had on the regional airlines, which service our small communities. Essential air funding is critical to providing air service to most of the communities in Nebraska, as I know is the case in many States. As we continually focus on how to regain confidence in our economy, I believe this is one area where Government assistance can truly be beneficial. Because it is imperative to the economic wellbeing of these small communities that air service be continued, increasing the level of essential air service funding is critical to ensuring the air carriers serving small communities can continue to do so.

I understand that the bill contains language authorizing the Secretary of Transportation to require air carriers currently receiving direct financial assistance to maintain scheduled air service to any point served by that carrier prior to September 11. In addition, the Secretary may require these carriers to enter into agreements, which will, to the maximum extent practicable, ensure that all communities that had scheduled air service before September 11 continue to receive adequate air service.

I do have concern that in light of recent events some of these carriers will cut service to communities that rely on Government-subsidized air service. Therefore, I urge the Secretary of Transportation, in carrying out his authority under this bill with respect to these carriers, to consider the devastating impact cutting air service to small communities, especially rural communities, will have. It is my hope that the provisions of this bill provide sufficient protection of air service to small communities.

Mr. MCCAIN. Madam President, the bill that we are voting on today not only provides financial assistance to airlines, it addresses the issue of legal liability for the tragic events of last week by creating a federally-funded victims' compensation fund and by limiting airlines' potential legal liability to ensure their continued operation.

The effect on the airlines of the September 11 terrorist attack put Congress in the unenviable position of having to take immediate action to prevent the collapse of the aviation industry as a result of the federally ordered grounding of all aircraft and the anticipated reduction of air travel.

One of the most difficult issues we had to grapple with was the enormous potential liability that airlines faced if courts determine that they were negligent and in some way responsible for the damage wrought by the terrorist attacks last week.

Aviation financiers informed Congress that this potential liability was a barrier to the airlines' obtaining credit in the private market, which we anticipate they will soon have to seek despite the direct financial assistance we are providing to them today.

The vast uncertainty of our litigation system posed significant challenges to crafting reasonable limitations on airline liability while providing compensation for the victims of the terrorist attacks and their families.

Disturbingly, while courts could order the liquidation of our biggest airlines if they are deemed liable for the catastrophic damage of September 11, victims could also receive no compensation from the courts if they determine that corporate entities, including airlines, were not responsible for the devastating damage arising from the terrorist attacks.

We faced two unsatisfactory outcomes: 1. that the airlines, whose liability insurance coverage is insufficient to cover all damage, would be dissolved as their assets were sold to pay off their liability and/or; 2. some or all of the victims who were injured or killed in this tragedy would receive no compensation.

The liability provisions in this bill are by no means perfect, but they are intended to prevent these two unacceptable results.

To ensure that the victims and families of victims who were physically injured or killed on September 11th are compensated even if courts determine that the airlines and any other potential corporate defendants are not liable for the harm; if insurance monies are exhausted; or are consumed by massive punitive damage awards or attorneys' fees, the bill also creates a victims' compensation fund. These victims and their families may, but are not required to, seek compensation from the Federal fund instead of through the litigation system.

At the same time, to provide for the continued operation of our airlines, the bill limits airlines' civil liability to the amount for which they were insured at the time of these unforeseen events.

No amount of money can begin to compensate the victims for their suffering. Nothing will make them and their families "whole." It is not the intent of the federal fund to do this. Nor is it the intent of the fund to duplicate the arbitrary, wildly divergent awards that sometimes come from our deeply flawed tort system—awards from which up to one third or more of the victims' award is often taken by attorneys.

The intent of the fund is to ensure that the victims of this unprecedented, unforeseeable, and horrific event, and their families do not suffer financial hardship in addition to the terrible hardships they already have been forced to endure.

In addition to removing the specter of devastating potential liability from the airlines, and guaranteeing that victims and their families will receive compensation regardless of the outcomes of the tangle of lawsuits that will ensue, the bill attempts to provide some sense to the litigation by consolidating all civil litigation arising from the terrorist attacks of September 11 in one court.

It is regrettable, but perhaps inevitable, that the unity that this terrorist attack has wrought will devolve in the courts to massive legal wrangling and assignment of blame among our corporate citizens. It is my hope that the liability provisions we are adopting today will serve, to some extent, to reduce this, and produce as fair a result as possible in light of the gross injustice of these events.

Mr. GRASSLEY. Madam President, I am pleased that the Senate is moving with great speed to insure the short-term stability of our nation's airlines. The tragic events of September 11 have unfortunately made this legislation an absolute and immediate necessity. This Senate us wisely moving with great dispatch.

This act is difficult for all of us. It has not been easy to negotiate by any means. But the Senate has come together for the good of this great nation to do the right thing. That is, to keep the airlines in the air.

The airline industry is a marginal industry, just like farming. And just like farming, it depends upon a constant and consistent flow of cash. That critical cash flow dried up on September 11. This legislation provides needed cash assistance and loan guarantees to make up for the current terrorist induced shortfall.

The bill also addresses critical liability issues. As a member of the Judiciary Committee, I will monitor these provisions continually and closely as to their propriety and proper functioning. I will not hesitate to step in as I see necessary should the situation call for further action.

I welcome the language concerning Essential Air Service, EAS. This is a proven program with an administrative bureaucracy already in place. State and communities understand the EAS program and its important role in maintaining air service to small, underserved communities. This program has the potential to help several communities in Iowa which now face the loss of air service. It will help to prevent these small communities from bearing the brunt of air service reductions. I strongly urge appropriations to provide the funding necessary to insure the success of the program.

I wish this measure was not necessary. But it is. The cowardly acts committed by terrorists on September 11 have made it so.

The terrorists will not win. The American airlines will continue to fly, and Americans will continue to fly on them. Our economy and culture will grow and thrive. Of this, I am confident.

Mr. HATCH. Madam President, I rise to speak about S. 1450, the Air Transportation Safety and System Stabilization Act.

Let me first say that I support the intention of this bill. I want to ensure that the victims of this heinous crime receive just compensation while at the same time we provide much needed stabilization to the airline industry. That balance is a very difficult thing to achieve. I have very strong reservations about whether we accomplished that task in a fair or feasible manner here today. It is with mixed emotions that I support this bill. I hope that there is an opportunity to address these concerns down the road and to improve on what we have done here.

This bill does do some good. We provide a generous administrative remedy for all victims who were physically injured or killed as a result of this attack. This will help ensure that injured people receive money and receive it faster than they otherwise would if left to pursue claims through litigation. It also provides that the Federal Government can recoup, to the extent possible, any money from the responsible parties, including the terrorists whose assets we may be able to recover in the future.

We also provide the airlines with some much needed cash to cover the losses they incurred as a result of the Federal Aviation Administration's ordered shutdown of air traffic for nearly a week. However, we have not included a provision that I wanted to guarantee that once the airlines receive this cash infusion and government loan guarantees, they would not discharge their federally guaranteed debt in bankruptcy.

The limitation on liability included in this bill has some productive aspects. We limit the liability of the airlines to the extent of their insurance coverage in order to allow them to keep operating. In my home state of Utah, Delta Airlines employs over 4,700 people. I don't want to see a company that employs so many people in my State go out of business. Air service is essential. However, we also must protect the liability of other defendants in potential litigation. If we do not, then we very likely will place other defendants in a worse position than if we do nothing at all. For instance, under the legal principle of joint and several liability, even if a nonairline defendant is only 10 percent liable and the airline is determined to be 90 percent liable, the nonairline defendant may be required to pay more than its share of liability because the airline's policy limits have been exceeded in the judgment. This could be an unfair outcome and is a serious concern. Do we really accomplish our goal of keeping air transportation operating if we sacrifice the other entities that contribute to a well-functioning airline industry? I am talking about the airline contractors and subcontractors as well as the companies that built the planes, the port authorities, and even those that built the World Trade Center itself.

For those who seek to pursue the litigation route, I am pleased that we consolidated the causes of action in one Federal court so that there will be some consistency in the judgments awarded. However, because the pool of funds available to potential plaintiffs will be limited, we need to eliminate, or at least limit, the punitive damages that can be awarded. I do not want to deny any legitimate plaintiff just compensation. He or she should receive both economic and reasonable non-economic damages which would include everything from lost earnings to emotional distress. However, if we do not limit outrageous jury awards of punitive damages, we run the risk of denying some plaintiffs their rightful share in an award. If one plaintiff's punitive damage award is excessive, it could very well deplete the amount of funds available to pay awards, leaving other plaintiffs out in the cold. Don't we want to ensure that all legitimate plaintiffs receive compensation?

This was indeed a horrible attack on our country and I have confidence that

the President will make sure that the terrorists are brought to justice. With this bill the Government attempts to provide some relief to the victims of this attack. Unfortunately, the Government cannot do everything. What pleases me most in the aftermath of this tragedy is the extent to which the communities across the country have reached out to help their neighbors. We have all heard of those heroic firemen and police officers who gave their lives trying to save the lives of others. Also, those noble passengers who sacrificed themselves rather than let the terrorist inflict even greater damage on the ground. There are many wonderful charitable organizations such as the Red Cross and the Salvation Army who responded immediately to assist victims of the terrorist attack. Donations have been pouring in from across the country to assist the victims. It warms my heart and reminds me of the Thousand Points of Light that President Bush's father often referenced regarding the generous nature of our communities. Because of all of this, I am confident our country will come out of this tragedy stronger.

Mr. CLELAND. Madam President, I rise today to direct my colleagues' attention to the needs the workers who play a vital role in our nation's aviation system—tens of thousands of men and women who are often overlooked by those who travel by air. From the ticket agents to the sky caps to the mechanics, these workers support the American airline industry and promote its viability.

These same workers were uniquely impacted by the terrorist attack on September 11, 2001. Their place of work—a place that should be safe—was violated when terrorists turned the four commercial planes into missiles. On that fateful day, the air travel system in this country ground to a halt. The order to ground our aircraft was an unprecedented and correct action by the Department of Transportation. For the next four days there was virtually no air travel in this country, and the airlines suffered huge financial losses.

In the wake of this tragedy and as the airline industry is returning to the skies, the Administration and Congress are working to stabilize this industry. Unfortunately, the aid Congress is providing will not be enough to retain the entire current workforce of the major airlines. I have heard that lay-offs in the airline industry could top 100,000 by next week! That is one hundred thousand people who will be faced with losing their health insurance and their source of income. One hundred thousand people who will be faced with reviewing their retirement plans. One hundred thousand people who will be faced with making difficult decisions. These people cannot be forgotten.

While I will be supporting the economic aid package for the airlines

without a provision for employee assistance, I will be redoubling my efforts to ensure these dedicated employees, who are casualties of the first war of the 21st century, will not be overlooked. I am cosponsoring a bill introduced by Senator CARNAHAN to provide benefits to the dislocated employees of our aviation industry. This package of relief would provide funding for unemployment insurance and health insurance, and it will contain provisions to aid in the retraining of these workers. These are basic measures we can and must take to help stabilize these employees.

No one expected September 11 to develop as it did, and we are reeling from this tragedy. Congress is appropriately acting today to support the airlines—an industry critical to our national security and economy. And I fully support and will work to enact a package of assistance to those workers who are suffering as a result of this attack.

Mr. FEINGOLD. Madam President, I will support this relief package, however, I have a number of concerns. There is certainly a legitimate need to assist our nation's airlines in this time of crisis. I am concerned, however, that we are forgetting about airline employees and their families, including many Wisconsinites. These massive layoffs are a double blow to an already shocked country. We should act quickly to ensure that those who work for our nation's airlines and their families receive adequate relief, including continued access to health care and unemployment and job training assistance. We must be careful that this airline relief package is targeted at those airlines that are facing economic losses due to the recent terrorist attacks and not instead used to prop up firms that were already in financial trouble before this tragedy.

Mr. LEVIN. Madam President, I am very disappointed language was not included in the Air Transportation Safety and System Stabilization Act addressing employee compensation for the thousands of airline employees who have lost their jobs in the past week. It is imperative that we address this in the immediate future. However, there is a crucial need to act swiftly to stabilize the airline industry. Therefore, I will support this legislation which includes a number of critical provisions to stabilize the airline industry and restore confidence in this industry. I hope that we will address employee compensation and additional airline security issues in the very near future.

The airline industry is losing about \$300 million to \$350 million a day. Losses incurred by the industry for the 2 days that the airlines were grounded total \$1.25 billion. In the past week alone there have been 100,000 layoffs by the airlines including 10,000 at Northwest Airlines. Northwest Airlines has as a major hub in Detroit and serves as

an economic engine for Michigan with over 18,000 employees in the State. Northwest Airlines now has a net negative booking rate which means that more people are calling to cancel their tickets than there are people calling to purchase tickets. The airlines are now only carrying about 30 to 40 percent of their normal capacity.

We cannot let this important industry go under. There is simply too much at stake. This legislation provides an immediate \$5 billion cash infusion to stop the immediate hemorrhaging of the airline industry and to cover their losses for the month of September. It also provides \$10 billion in Government-backed loan guarantees which will help the industry gain access to credit and maintain its long-term viability. The airline industry currently has no access to capital because its traditional collateral, airplanes, are now considered worthless by Wall Street. The \$10 billion will be made in the form of loans, not grants, and that they will be paid back.

Under this bill, the Secretary of Transportation has discretion in making the loan guarantees. For instance, when an airline applies for a loan it will have to provide access to its books to prove that the loan is not going to repair past management actions that might have occurred before September 11.

This bill also allows the Secretary of Transportation to use his authority to require airlines benefitting from Federal funding to continue to serve mid-sized and small airports and communities. This is important for all those people in Michigan and around the country living in rural communities who may depend on a single airline for service. If that airline were to pull out, they would be left stranded. In addition, the bill authorizes \$120 million for the Essential Air Service, an important program which subsidizes airline service in those communities where it is not profitable to serve. This program allows the Government to share some of the costs of providing service and in exchange, the Government can require that a carrier continue to serve a community. This guarantees that these communities will have airline service. It is a program that is currently underfunded and in need of a higher authorization which this bill provides. A number of Michigan communities participate in this program and, unfortunately, others may soon need to gain access to the program in order to keep the air service they currently have.

Senate action today to provide the airlines with funding to keep them solvent is very important. It will help return confidence to the marketplace and keep some airlines from going under. But it is equally important that we turn immediately to the other critical issues such as providing assistance for

displaced workers and airport security measures.

Mrs. FEINSTEIN. Madam President, I rise today in support of the financial package before the Senate to help protect a vital industry to our Nation's economy. I believe that this legislation is one essential component in a series of steps that Congress has taken, and will continue to take, to address the tragic and horrific attacks of September 11, 2001.

So far, Congress has taken considerable action in the wake of the unprecedented events last Tuesday. Congress condemned the violence in a joint resolution, Congress authorized the President to use "all necessary and appropriate force" to retaliate for the acts of war against our Nation, and Congress approved \$40 billion to rebuild from the rubble and prevent further acts of terrorism during this time of great peril.

These are the steps Congress has taken so far, but they are not the last of what we will do, or what we need to do to mitigate the damage and destruction.

The next step we must take is to pass this financial relief package. Once this is passed, Congress will need to consider legislative solutions on other matters stemming from the September 11 attacks. For example: What long-term changes do we need to make to our aviation security system? How can we establish stricter guidelines on issuing visas? How do we build up our homeland defense against more deadly terrorist attacks in the future? What can we do to stimulate more consumer spending, more job creation, and more investment in this time of uncertainty?

The events of September 11 demand that Congress and the President work together to remedy the devastation the attacks have inflicted upon our safety, our economy, and our livelihood. The legislation before us today is part of the comprehensive action Congress must take to help our Nation reclaim unprecedented growth of which we know our economy is capable.

The terrorist attacks of September 11 have dealt a crippling blow to the airline industry. This package of assistance is essential to keep the airlines up and running because they are an important component to our Nation's economy. Airlines are the very backbone of our transportation infrastructure enabling people and goods to flow freely and quickly across our Nation.

Airline travel and air cargo shipments interconnect our global economy and contribute a significant amount of jobs to the U.S. Economy. Consider the following: Approximately 1.2 million people work for the airlines in this country. Last year about 670 million passengers traveled on commercial airlines and the industry provided over 25 billion ton miles of freight delivery. The U.S. commercial

aviation industry contributes over 10 percent of the Nation's GDP.

Yesterday, David Walker, Comptroller General of the United States, testified before the Commerce Committee. According to Mr. Walker, "The continuation of a strong, vibrant, and competitive commercial air transportation system is in the national interest. A financially strong air transportation system is critical not only for the basic movement of people and goods, but also because of the broader effects this sector exerts throughout the economy."

The contributions airlines make to our economy are clear, yet the industry estimates that the overall impact of the terrorist attacks will cost \$24 billion and companies may be forced to lay off over 140,000 employees. Airline stocks plummeted when the market reopened Monday and they have continued to fall this week.

Secretary Mineta has indicated that the industry has been losing \$300 million a day in lost revenue since Tuesday, September 11. Some financial analysts predict the airline industry will lose \$6.5 billion this year, triple the \$2.2 billion loss that was expected.

The ripple effect of the terrorist attacks is clear. Once people stop flying, airlines cut back on flights. Lighter flight schedules mean airplanes lie idle and companies' employees lose their jobs. Fewer flights mean airlines do not need as many new planes or airplane parts. So it comes as no surprise that this week, Boeing announced 30,000 employees would lose their jobs.

I have received many letters asking me to support this plan before the Senate, and I believe it is important to point out that the vast majority of these letters are not from airline employees, but rather, from workers whose jobs are indirectly dependent on airlines.

One such letter is from G. Hardy Acree, the director of Sacramento County's airports. Mr. Acree wrote, "Quality air service is critical to our community. Without it, Sacramento County's economic development and tourism industry will suffer, and the growth we've worked so hard to sustain will be lost. This is an issue whose impact goes well beyond the airline sector."

The same could be said for all of California's 58 counties and, in fact, for every one of the 3,142 counties across the Nation.

The economic impact is spreading beyond U.S. borders. London-based Virgin Atlantic Airways said it must trim its operations by 20 percent and lay off 1,200 employees, the first ever layoffs for the company in its 18 years of existence.

Just as the problems are not confined to one region, they are not confined to one industry. The president of the American Society of Travel Agents,

Richard Copland, wrote to tell me of the tremendous losses suffered by the travel agencies across the U.S. According to Mr. Copland, "There are many other groups of firms that are normally thought of as separate 'industries' but that in fundamental reality are an integral part of what airlines do. Travel agencies are among those."

Travel agencies, hotels, cruises, and many other industries directly depend on the airline industry. And there is almost no business that does not indirectly depend on the airlines. How else do employees meet with clients? How else do goods ship overnight?

As Jonathan Tisch, chairman of the Travel Business Roundtable, wrote, "The link that airlines provide to the travel and tourism industry cannot be underscored enough. Airlines are the conduit for so many industry activities, bringing travelers to hotels, resorts, restaurants and shopping in cities and towns around the country."

I want to acknowledge Mr. Tisch's point, the collective ripple effect airlines have on the entire economy is immense. I would like to ask my colleagues and constituents to think of this legislation, not as a bailout plan, but as a relief package. It is just compensation for the direct damage inflicted on the airline industry and the U.S. economy as a whole.

One more point I would like to make is that since my husband is on the board of an airline company, the easiest thing for me to do would be not to vote on this legislation. The Senate Ethics Committee, however, has assured me that voting on this bill is not a conflict of interest for me because there will be a wide range of beneficiaries from this legislation.

Furthermore, at this time, the economic ramifications are as such that I am compelled to vote on this bill because I strongly believe it is in the national interest to do so.

We have allocated billions to rebuild in New York and Virginia. Let us also allocate billions to rebuild our Nation's economy.

Mr. DOMENICI. Madam President, this is an important piece of legislation. We need to enact it today. Without immediate financial assistance, many airlines face imminent bankruptcy as a direct result of the horrific terrorist attacks that took place on September 11.

This bill provides \$5 billion in emergency direct assistance to reimburse the airlines for the direct costs of the terrorist attacks and preventing another attack. It also provides \$10 billion in loans and loan guarantees to help the airlines while they recover from these attacks. These loans will also restore the confidence of the private capital markets, which are unwilling to lend the airlines.

Because of this legislation, the airlines are going to be around to pay

back these loans. Therefore, from a budget point of view, the impact of the loans on the Federal budget will only be about \$3 billion. But the airlines get the \$10 billion essential to keep them in business.

Also, this afternoon President Bush made the first apportionment of monies we appropriated one week ago today for the Emergency Supplemental Appropriations Act for Recovery to the Terrorists Attacks.

Out of the \$40 billion in that Emergency appropriation bill provided to the President, he has this afternoon transferred nearly \$5.1 billion to Departments and Agencies to address funding needs related to the attacks of September 11.

This is just the first in what will be many more transfers out of the total funds provided. The Department of Defense will immediately receive \$2.5 billion and the Federal Emergency Management Agency will receive \$2.0 billion today.

But also within today's transfers is \$141 million for the Department of Transportation, the bulk of which is to the FAA to support immediate increased airport security measures. I am sure, once again this is just the first of what will be much more funding coming out of the \$40 billion to increase security measures at our airports and expand the Federal Sky Marshal program.

This expansion requires first-rate training for our new law enforcement officers. The Federal Law Enforcement Training Center, FLETC, in Artesia, NM, is uniquely positioned to serve as the primary training center for the new sky marshals and other aviation law enforcement officers. Moreover, it is located only 40 miles from the Roswell Industrial Air Center, which can handle planes as large as 747's. These facilities can play a vital role in enhancing our Nation's aviation security.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, the Senator from West Virginia recognizes the junior Senator from New York for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator from New York is recognized.

Mrs. CLINTON. Madam President, I thank the Senator from West Virginia. I rise to join the comments of my colleague, Senator SCHUMER.

Many of us recognize the need for immediate action to aid our struggling airline industry and are prepared to do so. We also appreciate greatly the continuing bipartisan cooperation that is helping this body address the needs of our country in the wake of the terrible attacks of September 11.

I am very grateful that the long negotiations in the House and the Senate

over the last several days, along with the White House, have resulted in a process to provide relief to families who have either lost a loved one or sustained significant personal injury.

We are also grateful that the legislation provides more support for essential air services, particularly in many of our more rural areas, such as Watertown, NY, that are totally reliant on air service which still comes in to serve those communities.

The passage of this legislation can only be a beginning. We also must make our airports as secure as possible. I am honored to join in legislation Senator HOLLINGS and Senator ROCKEFELLER and others are putting forward to address the security issues so that Americans have the confidence I know they should have in flying once again, resuming our normal life.

We also will have to work together to develop a process so the many businesses that have sustained losses will be able to seek relief in some expedited process and not get buried and even bankrupted by an extensive round of litigation. I just learned that the litigation that was filed following the 1993 bombing of the World Trade Center is still ongoing. Businesses have no certainty, no resolution of what their liability, if any, might be. We need to avoid that in the wake of this tragedy and do everything we can to come up with a process that deals with the needs of other businesses as well as the airline industry.

I also hope that the assurances we have received with respect to the airline workers who have been laid off or displaced will be addressed as soon as possible. I am well aware that a package being considered to help the workers was stripped out of this bill. We have to revisit it. It is something that is growing in importance day by day. There are now at least 74,000 people affected. We expect in the next few days that number to grow to 100,000. I suggest we look at some kind of an aid package modeled after trade adjustment assistance to extend unemployment insurance, job training, support services to airline workers and other workers who have been directly affected by the attacks on our country.

We also will have to look at the way our entire transportation system operates. I am very proud of the way Amtrak stepped in to fill the need for the movement of passengers and goods. Their ridership is up nationwide. They have honored airline tickets of stranded airline passengers and shipped relief and medical supplies. Amtrak has also made security upgrades on trains and in stations. But we need to do much more to address the critical needs in the Northeast corridor as well as the rest of the country.

I look forward to working with my colleagues. I see my good friend Senator HUTCHISON from Texas who led the

fight on the high speed rail bonding act. That is just one of the many issues we need to consider as we look at transportation, again, as part of national defense.

I well recall how President Eisenhower obtained the funding for the Interstate Highway System because it was part of national defense. Our highways, our airways, and our railways are all part of our national defense infrastructure.

Finally, I say once again how grateful we in New York are for the tremendous and continuing outpouring of support from the American people. I particularly thank the President for his strong support. I was overcome by his absolute resolute commitment to rebuilding New York in his speech last night as well as the other very strong words of reassurance and resoluteness he delivered with respect to the challenges we face. I appreciate greatly his leadership and his support throughout this crisis.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I yield 5 minutes from my time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I thank Senator HUTCHISON, who has been an outstanding leader on the issue of aviation safety and better airline quality for many years.

This is not something that Senator HUTCHISON first started worrying about after this terrible disaster of September 11. She has been working on this issue way ahead of time. If more people had listened to Senator HUTCHISON years ago, some of the concerns we are now finally addressing would have been addressed.

I join with many of my colleagues in thanking Senator HUTCHISON and all those who worked together on this package to provide some stabilization for air transportation.

Yesterday we had hours and hours of hearings with Secretary Mineta, who all of us recognize did a great job in coordination with the FAA, in grounding all flights. They saved lives. They saved lives here in America with that quick decision.

However, without that decision in response to the terrorist attack, our airlines would be in much better financial shape today. We are now in a different paradigm, a different world.

I have heard comments from my colleagues: Why is the Federal Government involved in this versus other businesses? The main reason is, the Federal Government controls the air, and the FAA grounded all the airplanes. It actually said: You must stop business. That decision has caused losses for the industry. Today we will vote to provide compensation for those lost revenues resulting from this nec-

essary decision regarding the safety of our citizens.

We also recognize the absolute essential nature of air travel for our way of life, for our economy, for commerce, and for our national security. It has been stated by many others how important it is for our economy and how many jobs are affected.

In our Commonwealth of Virginia, Reagan National Airport is shut down today. It remains the only airport in the Nation that is prohibited from operating. There are 10,200 employees currently out of work, and then about five to seven times as many employees indirectly affected who are also out of work.

General aviation fortunately is back, at least at a greater level than it was previously. But we know that the layoffs are in the tens of thousands across this country. We recognize the need for safe planes. Next week we will address airline safety with efforts to make sure the cockpits are safer and the security is better. Today we will address the financial losses resulting from the events of September 11.

However, I had hoped that this bill would include assistance for workers who had lost their jobs as a result of the airlines being grounded.

Mrs. HUTCHISON. Madam President, my time is taken. I apologize, but my time is taken.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Senator ROCKEFELLER, may I have 1 minute of your time?

Mrs. HUTCHISON. Our time has been divided.

Mr. ROCKEFELLER. I yield 30 seconds.

Mr. ALLEN. I thank the Senator from West Virginia. I share the desire to make sure employees who are out of work are also taken care of with both health and unemployment benefits. I am working with Senator CARNAHAN of Missouri to make sure that this is made part of the overall package. I will cosponsor her bill to provide unemployment assistance, extend healthcare benefits and to provide for worker retraining. We need to act today on aid for the airlines so that future job losses are avoided, and in the future let's make sure we take care of those hard-working employees who are have already lost their jobs through no fault of their own. I thank my friend from West Virginia.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, the airline industry's damages from the September 11 terrorist attacks are immense and unprecedented. Clearly, we must provide relief for the airlines, but we must not forget the airline workers and other workers harmed by this tragedy.

Failing to include relief to workers in this bill is a serious omission. It is essential for Congress to act as soon as possible to provide support for airline workers.

The toll across the economy from this tragedy will be staggering, and the economic hardships to millions of American working families will be severe. Large numbers of workers have already been laid off, and the working poor will soon become the unemployed poor.

We have already seen tens of thousands of layoffs. Who are these workers? They are the flight attendants who are single parents raising their kids on their own; they are the reservation agents trying to make a living; they are the security clerks, cashiers, and baggage handlers.

I also understand that the airlines are trying to get out from under the contracts they have with employees. I think this is wrong.

We are assisting the airlines, and they should not leave their workers high and dry. We need to provide critical long-term unemployment insurance benefits, training assistance, and health care coverage for workers affected by these terrorist attacks. Layoffs in the airline industry alone are expected to total more than 100,000 workers.

Even beyond the issue of fairness, helping workers during a slowing economy is good economic policy. The unemployment insurance system will be critical to our Nation's recovery and economic health. Unemployment benefits help workers bridge the gap between jobs. It also puts the money in the hands of the unemployed. Unemployed workers spend benefits rather than saving them, thereby stimulating the economy.

Workers deserve action on this issue from this Congress. This is not just a matter of labor rights; it is a matter of human rights, fairness, and decency. Every day we delay, more workers suffer. American workers are waiting for relief, and we owe it to them to act.

A strong airline industry is critical to the national economy. We need to keep the airlines flying. But we also need to provide critical assistance for the airline workers and other workers who have lost their jobs as a result of this disaster. I call on my colleagues and the President to address this matter as soon as possible. No one has been more affected by this than our State of Washington, and Senator MURRAY has spoken frequently about this, as well as Senator CANTWELL.

I yield a minute to the Senator from Washington and the remaining time to the floor manager.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague from Massachusetts. I thank all of our colleagues who

have worked together in a very bipartisan manner over the last week to address the critical issues coming at us. I know we need to help the airline industry, and that is why this bill is important.

I remind my colleagues that thousands of workers were left out of this bill. I have 30,000 employees in my home State of Washington at Boeing who have been left out of this bill. They are just as patriotic and they have worked just as hard. They deserve our attention just as much. We should not forget them when we are taking care of the owners of these airline companies.

It is the workers who go to work every day who make this country great and strong. We need to make sure we have a commitment to them in the coming week to put together an aviation package that includes employee assistance for those who have made this country what it is.

I thank my colleague from Massachusetts and Senator CANTWELL from my State, and other Members, such as Senator CARNAHAN. I pledge my support to make sure this Senate doesn't forget the workers as we put together the aviation package that has been promised. I thank my colleague from Massachusetts, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I yield 3 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Texas. I am encouraged to see the Senate and the House moving so promptly on this legislation to keep the airlines functioning. The terrorist attack is really an attack against the United States as a whole, and when we have losses directly attributable to that attack, it seems fair to me that the entire Nation should sustain those damages. What we are doing today with the cash grant and especially the loan guarantee will keep the airlines operating, which is very important for the lifeblood of our country and very important for an economic recovery.

US Airways, illustratively, needs the loan guarantees in order to get financing to keep operating. US Airways is only one of many carriers across the country, but it illustrates the problem and it illustrates the issue especially pertinent to my State of Pennsylvania, which has some 17,000 US Airways employees dependent upon their jobs. This is a very, very important matter for Pennsylvania, and a very important matter for America.

This legislation also establishes a very appropriate procedure for compensating the victims on a program administered by the Attorney General's office without going through the long litigation process. However, it is only a first step.

There is more to be done on airport security, on security within the air-

planes, on compensation for the workers with some 100,000 already having lost their jobs, and with the ripple effect on hotels, on the airport complexes, on restaurants, on tourism, and on the airports which sustain themselves by having the shops now unfrequented by customers because only ticketed passengers can get within the area.

How much time remains on my 3 minutes?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. SPECTER. I yield back the time.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. I yield 2 minutes to the Senator from Vermont.

Mr. LEAHY. Madam President, I thank the Senator from West Virginia.

The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11th. Our first priority should be ensuring that their needs are met and that they receive adequate compensation.

At the same time, the airline industry of this country is in grave danger of collapse. The industry has announced more than 100,000 layoffs. Insurance companies have reportedly contacted the airlines about lowering the terrorist-related protections in their policies. And they have warned that they are running out of cash. If Congress does not pass this legislation today, it is likely that all of our Nation's air carriers would cease service next Wednesday.

The bipartisan, bicameral legislation we are considering today provides \$5 billion in direct grants to cover the cost to the airlines from the closing of all the nation's airports after last week's terrorist attacks. The bill also provides \$10 billion in loan guarantees to help the airlines through their cash crunch, funds to be distributed within 14 days by a four-member Air Transportation Stabilization Board. Further, it extends the existing War Act, which protects airlines from liability during wartime for overseas flights, to cover domestic flights and include terrorist acts. Finally, it provides that the liability of the airlines involved in the terrorist-related airline crashes on September 11, 2001, will be limited to the amount of the insurance coverage they have for such instances, and all legal cases stemming from these incidents will be consolidated in the United States District court for the Southern District of New York.

Most importantly, working with Majority Leader DASCHLE, Republican Leader LOTT, Speaker HASTERT, Congressman GEPHARDT, and Senators HATCH, KOHL, DEWINE, SCHUMER, and CLINTON, we have established a Victims Compensation Program to provide expeditious payments to victims and their

families. To be eligible for compensation, applicants will need to provide information about the harm they suffered or death linked to the terrorist attack, but they will not be required to prove negligence or liability. It is our responsibility to provide fair compensation to those most affected by this disaster. We have devised a plan that means prompt filing, quick review, and prompt payments to victims and families.

The Department of Justice will supervise the Victims' Compensation Fund that will be administered by a Special Master. The Special Master will make a final determination of an applicant's eligibility and level of compensation within 120 days of receiving a claim. All payments must be paid within 20 days after the determination. This is a simple and fair approach to put the victims and their families first. These payments will be tax free. Filing a claim under the program will preclude other civil remedies.

This program is targeted to help the neediest victims and their families. When making a determination, the Special Master will take into account any life insurance, death benefit, or other government payment received by the victims and their families.

The victims in this tragedy and the airline industry are in need of relief. The terrorists will win if victims continue to suffer and the airlines go under. Establishing the Victim Compensation Fund and giving the airlines the capital they need to continue operating are crucial first steps in our national healing process. I thank the leadership of both parties in both Houses of Congress for their cooperation in moving this essential legislation forward.

Madam President, again, the heart of every American aches for those who have died or have been injured because of the terrorist attacks in New York, Virginia, and Pennsylvania on September 11—and due to the ripple effect out to New Jersey and Connecticut and Maryland and the District of Columbia. It has been terrible. I think we have to ensure that the needs of those who suffered most directly are met, that they receive adequate compensation.

We also know that the airline industry in the country is in danger of collapse. They have announced, I believe, around 100,000 layoffs. Insurance companies reportedly have contacted airlines saying they will lower terrorist-related protections in their policies. They have said they are not going to be able to pay their bills. If we don't do something, we can literally see the terrorists shutting down the airlines next week. We have worked with Senators DASCHLE and LOTT, Speaker HASTERT and Congressman GEPHARDT, Senators HATCH, KOHL, DEWINE, SCHUMER, and CLINTON, and we put together a victims' compensation program to provide

for victims and their families. It is going to be simple. It is a speeded-up process. In fact, the payments will be tax free, with prompt filing, quick review, and prompt payments to victims of families. We literally had children who kissed their parents good-bye in the morning and came home at night and found that they were orphans, and the mortgage is due in 2 weeks. We have to do something to help them. We can.

The victims in this tragedy are in need of relief. The airline industry is in need of relief.

The terrorists will have even a greater victory if we do not help. We can help.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. Madam President, I yield 10 minutes to the senior Senator from West Virginia.

The PRESIDING OFFICER. The senior Senator from West Virginia has 15 minutes of his own time under the agreement.

Mr. ROCKEFELLER. Madam President, I revise my statement simply to say the senior Senator from West Virginia has 15 minutes under the unanimous consent agreement.

The PRESIDING OFFICER. The senior Senator from West Virginia.

Mr. BYRD. Madam President, the distinguished majority whip wishes me to yield time to him. How much time does he need?

Mr. REID. Three minutes.

Mr. BYRD. I yield 3 minutes of my time to the Senator.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I received a letter, as did all Senators, today addressed to the Honorable TOM DASCHLE, majority leader, and the Honorable TRENT LOTT, minority leader, of the U.S. Senate. The letter reads as follows:

DEAR SENATORS: The Association of Trial Lawyers of America (ATLA) commends the United States Congress and President Bush for their leadership and decision to put families victimized by our national tragedy first and to ease their pain by expediting appropriate relief to them through the "September 11th Compensation Act of 2001."

ATLA agrees with you that extraordinary situations demand extraordinary response.

At least seven thousand families are hurting more than any of us can imagine. And, because the first priority of every American should be prompt and full justice for the thousands of families who know first-hand the unspeakable horror visited upon the world on September 11, 2001, members of ATLA will provide fine legal services to any family wishing to pursue justice through the fund established by this unprecedented, humanitarian legislation.

ATLA believes that 100% of the compensation from the fund should go directly to these families.

The officers and Executive Committee of ATLA have volunteered to be the first attorneys to provide legal services free of charge under this program.

God Bless America.

Sincerely,

Leo V. Boyle, President, on behalf of the 60,000 men and women of ATLA.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the bill currently before the Senate provides \$5 billion in immediate direct cash assistance to the airline industry. It also provides up to an additional \$10 billion in loan guarantees for the airlines. This bill is not simply an authorization bill. It is also an appropriations bill which provides funding over and above the \$40 billion Emergency Supplemental Appropriations Bill that the Senate passed one week ago today.

The airline industry is essential to this Nation's commerce. It produces about \$125 billion annually and creates work for thousands of manufacturers and other companies. The Federal Government cannot allow this industry to fold without seriously disrupting the United States economy. That fact is not lost on this Senator.

However, we have now reached an important turning point in the relationship between the Federal Government and the airlines, and this should not go unnoticed. As of this day, the airlines are now required to live off the generosity of the general treasury. We are about to grant them several billion dollars of assistance, not from the Aviation Trust Fund, not from any ticket taxes from airline passengers, but from the general treasury. We are talking about money from people's income taxes, including the income taxes of millions of Americans who did not board a plane last year, who will not board a plane this year, and who will not board a plane next year perhaps.

Twenty-three years ago, the Senate passed the conference report on the airline deregulation bill on October 14, 1978 by a vote of 82-4, I believe. I was Majority Leader at the time. I was among the 82 Senators who voted for that bill. And as I have mentioned on the Senate floor many times, I have regretted that vote ever since.

My colleague at that time was Jennings Randolph. Jennings Randolph voted against deregulation. I voted for deregulation. He voted the right way at that time, and I voted the wrong way. I regret that vote because ever since deregulation, numerous airlines have pulled out of West Virginia and other rural states altogether. Many of them pulled out immediately following the vote. My constituents and millions of other Americans who live in smaller communities have been left with infrequent air service at astronomical prices. Indeed, today, it is often cheaper to fly from Washington D.C. to London, England, than it is to fly from Washington D.C. to Charleston, WV. The quality and cost of service to many of our smaller airports in West Virginia and across the Nation are even worse.

Yesterday, as part of a Transportation Appropriations Subcommittee hearing with Secretary Mineta, I expressed my view that we should not be providing the airlines with billions of dollars from the income taxes of hard working Americans without requiring the air carriers to provide a reasonable level of service to those Americans. Now that this industry must live off the generosity of the U.S. taxpayer, at least for a while, I think we have a responsibility to ensure that the taxpayers are well served. But today, we find that the airlines are cutting back service and eliminating cities from their national network at the same time they have their hands out on Capitol Hill.

I recognize that the airlines find themselves in such precarious financial condition because of a recent tragedy of massive proportion. However, the airlines were not doing so well before that time. I am determined to make sure that the airlines do not use this incident as a rationale for abandoning or dramatically reducing service to communities that depend on that service to connect with the national economy.

Toward that end, I want to call the attention of the Senate to a critically important section of the bill. Under this bill, the Secretary of Transportation is granted broad new statutory authority to require an airline that receives direct financial assistance under this act to continue to provide service to any city that it was serving prior to the tragedy of September 11.

The bill also grants the Secretary the authority to require any airline taking assistance under this act to enter into agreements to ensure that all communities that had scheduled air service before September 11 continue to receive adequate air service.

These provisions, if applied appropriately, will ensure that the small cities and the rural airports of America are not cut off from our national aviation system as the industry endures a downturn. The Committee on Appropriations, which I chair, will monitor carefully how Secretary Mineta implements these critically important provisions. He has been granted important new powers in this time of crisis, and I expect him to use these powers. The committee will also monitor carefully the actions of the airlines when it comes to discontinuing routes and reducing service. We must see to it that the small communities of our country are not relegated to the status of an economic backwater as the jets keep flying from New York to Los Angeles to London and to other far away ports.

I understand there are discussions that additional Federal assistance may be needed for the airlines in later bills. The airlines should be on notice and the Department of Transportation

should be on notice that if the provisions in this bill are not applied appropriately, and we see a pattern wherein the small communities of our Nation are not being treated fairly, we will be back with stronger legislative measures to address this problem. This issue will not go away with the passage of this bill.

As we stand poised to hand the airlines billions of dollars in general revenue tax dollars, we must ensure that taxpayers in all communities, small and large, have access to reasonable and affordable air service. During this time of national crises—during a time of war—we should require that there will be air service to all parts of America to ensure that there is mobility for all Americans.

I want to thank my colleague, Senator ROCKEFELLER, for the leadership he has demonstrated in this area of legislation. He has done a great piece of work. He is highly dedicated to the service of his constituents, who are my constituents, but in thinking of our constituents we are also thinking of Americans across this country who live in rural areas and who have been deprived of fairness in service and in connection with costs in flying.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Madam President, I yield 2 minutes to the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the work of our leadership in this Senate working together to produce legislation that each day, since this tragedy occurred, we have been virtually unanimous on. I want to keep that unanimity going. I express my appreciation to Senators DASCHLE, LOTT, NICKLES, REID, and the others who have worked on this legislation. I know there is a belief that there is a critical time period, and apparently there is, an insurance problem of monumental proportions that needs to be dealt with promptly.

However, I do believe, as Senator FITZGERALD from Illinois has said, we are rushing this matter, that this bill is not a perfect bill. It is far from a perfect bill. Maybe it is approximately correct, but we do not know all of that yet. I am not happy with how fast this is moving and how much money we are dealing with. I want to support our leadership. I know they have hammered it out. I know they have made some progress. I know they have made some agreements. I know Senator NICKLES has worked hard to bring as much accountability as he could in the time he had to make this a reality. So I salute them for it, but I am not convinced we are doing it the right way.

I was pleased to see trial lawyers say they would do work for free, but I am

not sure that, in the way we have crafted the bill, a client still does not need a lawyer that is loyal to them and that is paid by them. I would like to see us create a way to compensate people simply by who they are. If they are the widow of a person who has lost his life, they can make a claim and certify that and get their payment without any fees needing to be paid. Maybe we could do that in this kind of mass tort. We have not had time to think that through.

I know this bill is probably moving on to passage tonight. I am troubled by it. We are going to need to do some work on it in the future, and I expect we will be coming back and revisiting this. I think that should be made clear. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. I am going to finish our 30 minutes of time by saying this is not a perfect bill. There are areas we have not addressed but that we will address in the future. Since September 11, 2001, a lot of things have been thrown at us, and we are going to handle every one of them as they come. We will keep the airlines flying. We will try to minimize the damage to the economy of layoffs from the airline industry and all the other people who are laid off from their jobs. We will take it one step at a time.

Senator ROCKEFELLER and I have worked hand-in-hand on this issue and on the security issue that we will have on the floor next week or the week after, because security is what will make the flying public feel safe in our skies. So we are going to address this issue and keep the airlines financially secure in the interim period while we are getting that security bill passed so America will not be in any way hampered in our freedom and our ability to have commerce and business as usual in our country. That is what we are all trying to accomplish.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from Oklahoma.

Mr. NICKLES. I yield to the Senator from West Virginia.

Mr. ROCKEFELLER. I commend the majority leader for his hard work in putting together an airline stabilization bill that will save our nation's airlines and our air transport infrastructure. I will strongly support this bill without amendment.

The terrorists who launched those despicable attacks on September 11 took thousands of American lives, and did billions of dollars of damage. It has also become clear in the past 10 days that they dealt a body blow to the U.S. airline industry, on which virtually all of our citizens depend to one degree or another.

Demand for air travel has virtually collapsed in the past week. Last week-

end I flew back to West Virginia, and on the return flight Sunday night—usually a crowded flight from Charleston to Dulles—I was the only passenger on the plane. Many of my colleagues have mentioned that they've had similar experiences in the past ten days. Flights are departing West Virginia airports with a load factor of 25 percent—only one in four seats filled. Unfortunately, this is not, like last week's closure of the New York Stock Exchange, a temporary phenomenon. Based on past air disasters or international conflicts—none of which was of the same massive scale as last Tuesday's attacks—airlines are predicting that passenger traffic will be down by almost half for the remainder of this year, and will take until next summer to return to normal levels. And those are optimistic estimates.

This kind of crisis could do irreparable harm to the ability of America's airlines to continue in business. Airlines lost \$300 million each day that they were shut down last week. They are set to lose billions more in the coming months. Their insurance rates have shot up, with some airlines telling us of a 600 percent increase in their insurance rates. Coming on top of what was already a difficult outlook because of our slowing economy, the nation's airlines—main line carriers and regional carriers alike—could be in bankruptcy within a few weeks and possibly out of business within a few months. Already we are seeing the first signs: a round of massive, painful layoffs for nearly 100,000 of our nation's hard-working airline employees. And huge cutbacks of around 20 percent to most airlines' schedules.

Some people have said, well, this is the market, and it's not the American way to interfere with the market. But I've been pleased, as chairman of the Senate's Aviation Subcommittee, to see a broad consensus among my colleagues that the air transport industry is not just a huge business and employer, but it's also a critical element of our nation's infrastructure. Nowhere is that more the case than in the smaller states and communities like West Virginia. When people think of the airline industry, they usually think of big hub airports like Hartsfield and O'Hare. But airline traffic is just as important—maybe more important—to smaller communities like Beckley and Bridgeport. Safe, convenient and affordable air service represents an important element of our efforts to attract development to our state. It's an important connection that allows our citizens and our businesses to overcome our state's historic isolation created by our mountainous terrain.

And when I see planes flying with one passenger, and learn that carriers are cutting back on their schedules, and hear that several carriers could be in

bankruptcy within two weeks, I know that the first communities to be hit will be small communities like those in West Virginia that are at the end of the food chain, so to speak. That would be tragic. It would reverse the efforts our communities have made to attract and retain air service, and turn their residents into aviation "have nots." It would also set in motion the slow implosion of the U.S. airline industry, which would spread to larger hubs and airports as well. And finally, it would give the terrorists who perpetrated last week's heinous attacks the ultimate victory, as their actions would lead to a severe curtailment of America's freedom of movement and mobility.

It is the shared consensus of this body that cannot be permitted to happen, and that has driven our remarkable efforts this past week to put together a stabilization package for our nation's airlines.

It will contain up to \$5 billion in immediate credits to reimburse airlines for the revenues they lost when the government shut down U.S. air space last week. It will also contain \$10 billion in loan guarantees so that our airlines can continue to obtain financing in the coming months.

It will limit airlines' liability for collateral damage incurred as a result of last week's terrorist attacks up to the amount allowable under their insurance policies—a key provision because our airlines might otherwise not be able to obtain or afford insurance.

It will set up a victim's compensation fund for the families of the innocent victims of last week's despicable attacks.

It will provide \$120 million in additional authorization authority for the Essential Air Service program, a key element in preserving air service to smaller communities.

This package is an important first step in stabilizing the U.S. airline industry and ensuring that air service to communities across the nation survives this crisis. But it does not address all the needs that this crisis has created.

One important issue we will need to take up in short order is the plight of the nearly 100,000 airline workers who will lose their jobs as a result of this week's cutbacks. We have already begun to see airline layoffs in West Virginia. Excellent workers who expected a promising career in a growing industry, until terrorists hijacked four planes and frightened Americans out of the skies. We must take measures to address their needs. We provide special assistance to American workers who have been displaced by foreign trade; we must provide the same level of assistance to American workers who have been displaced by foreign terrorism.

We must also be prepared to look at the needs of related industries, as well

as the future needs of the airline industry. Many related industries—aircraft manufacturers, travel agents, and various travel-related businesses—have already begun to feel the effects of this attack. We will have to look carefully at the real needs of those industries, and be prepared to take bold measures where they are needed and appropriate.

One thing is certain: the survival of America's airlines is a key element of any solution. Their needs are real and urgent, and I congratulate the majority leader on his success in putting together a stabilization package that will address them.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the submission of S. Con. Res. 73 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. NICKLES. Madam President, I have worked with some of our colleagues on the underlying bill that deals with assisting the airline industry to try to make a significant and positive impact, and I compliment both Democrats and Republicans, because we have worked together, and I think we are passing a bill tonight that will provide needed assistance to the airline industry.

This bill has several provisions some of our colleagues are somewhat familiar with, some maybe not, but it has a provision that provides for \$5 billion in cash assistance. Some people said that is too much. Actually, last Friday we were looking at a bill that was two and a half. The airline industry generates revenues of about \$2 billion per week, and this bill provides \$5 billion. Well, they were shut down for 2½ days, but certainly when they started again they had significant losses, and this \$5 billion is an attempt to offset the losses that will be incurred not only for the shutdown but for the resumption of service, and that is for the time period from September 11 through December 31.

Also, there are losses that have to be incurred. I would love to see ridership come up to a very full volume in a very short period of time and maybe that \$5 billion would not be necessary. In all likelihood it will be. The legislation also provides for \$10 billion of loan assistance. Some people have asked for details, but we left the regulations up to OMB, and some people have disputed whether it be cost share, whether it will be a guaranteed loan amount.

When we did the steel loan guarantees, that this Senator did not support but we put a percentage must be required, the Federal Government did not guarantee 100 percent. The Federal Government guaranteed up to a percentage, and I hope that would be the case in this bill. So it would not be a 100-percent Federal loan guarantee but

up to 80, with those regulations to be determined by the Office of Management and Budget. They have 15 days to do so from date of enactment.

The legislation also has about a page and a half, or two pages, dealing with essential air service. It is my thought that should not be in the legislation, and it is because Senator BYRD and Senator ROCKEFELLER and others wanted to have it and said the Secretary should make efforts to endeavor that communities that now have assistance in Federal air service would continue to receive it. In my opinion, it should not have been put in, but it is in and I am not that upset. It does give some discretion, but in some of these communities we have airplanes flying with two or three people on them and they cost a lot of money. They cost the airlines and taxpayers a lot of money, and I question whether we should mandate that it continue.

The language we have in the bill is less than a mandate. It does have some discretion, so hopefully common sense will prevail. That is not a particularly big provision.

Most importantly, the bill does provide some limitation on liabilities for the air carriers. If we did not have that, they probably would not be able to buy insurance. They probably would not be flying in a month. We did not want that to happen so we did put some liability protection, some limitations there. Carriers would be liable on September 11. The limitations for liability will be for the amount of insurance they have. So that was pretty well agreed upon.

The prospective liability, where the Government would assume additional liability if there were another act of war or terrorism, was pretty well agreed upon.

We also passed legislation, and it begins on page 19 and goes through page 30 in this legislation, called victims' compensation. It basically says that victims and/or their family survivors, people who were killed by the terrorist act of September 11, may receive financial assistance or at least have legal recourse. They can do it either by suing in a Federal district court or they can do it through a new system we are now creating in this legislation called the special master.

It was my hope this would not be included in this legislation, that we would defer it until we had a little more time to study it. This is very complex law. It deals with the State of New York law, it deals with Federal law, it deals with liability, and the liability of not only the airlines but also the building, the port authority, and other individuals and governments. It is very complicated and very complex.

Although I think the committees and the other people who worked on it did a pretty good job, the special master has enormous responsibility under this

legislation, to be making determinations on what family survivors will receive, what injured members and individual will receive.

I am not against having a victims' compensation section, but when we put this together in a short period of time, I am not sure we did it the best way. I am not trying to be critical, and I have assurance from proponents of this, as late as last night: If we find it is in error and it needs adjustments, we will revisit it. I compliment my colleagues because we have operated in a bipartisan spirit, and we should continue to do so. That is vitally important. We did it last week; we did it this week.

Some people said we want to rewrite unemployment compensation laws and make everybody whole on unemployment compensation because of the airline employees, because of restaurant employees, et cetera. We have to be cautious. The unemployment compensation system can be enormously expensive. We have an unemployment compensation system providing benefits in most cases for 26 weeks. I don't know that has such urgency we need to address it in the next week. Some said we need to do this next week. Almost everyone in every State of the Nation has unemployment compensation that will last at least for 6 months.

We have made good progress in providing stability for the airlines. They will be able to buy insurance; they will be able to continue flying. We provided cash assistance and provided loan guarantees to get them through, bridging this very difficult time as a result of the terrorist act and tragedy that happened on September 11.

I encourage my colleagues to vote in favor of this legislation.

For the information of our colleagues, a lot of people are wanting to get out of town. It is my intention to yield back the remainder of time and commence the rollcall in a very short period of time.

Mr. ROCKEFELLER. Madam President, the Senator from the State of Oregon has up to 5 minutes.

Mr. WYDEN. In a few hours the U.S. Congress is going to respond to the horrible tragedy in New York in an unprecedented way. The U.S. Congress is going to vote to send billions of dollars to the airline industry, while not making any funds available to the scores and scores of other businesses across this country affected by this tragedy that also teeter on bankruptcy.

The process that the U.S. Congress is using is also unprecedented. The number being used to send these billions of dollars of taxpayer money to the airline industry comes from the airline industry itself. There has not been an independent, third party review of the numbers and the projections on which this legislation tonight is based. It is a leap of faith. The Congress tonight is responding to the airline industry's as-

sertion that because this tragedy is so dire and the circumstances so enormous, we should waive the traditional process of saying that someone independent should evaluate a piece of legislation such as this involving billions and billions of dollars.

But it is also unprecedented, the horror and the tragedy that the Congress must address. Tonight, in what has been one of the hardest decisions I have had to face, I am going to vote for this legislation because of one addition that has been made, and I am pleased to announce it tonight. Senator DASCHLE, the majority leader, has worked so hard on this legislation; Senator HOLLINGS, chairman of the Commerce Committee, has done yeoman work on this bill; Congressman DOGGETT; and a variety of Members have indicated they expect the General Accounting Office to give a briefing to the U.S. Congress by September 28 on this legislation.

I make it clear tonight, if it appears on September 28 or in the days that succeed that briefing that this legislation was in excess of what the airlines needed, I am going to come back on this floor and do everything in my power to send this money to the scores of other businesses across this country that teeter on bankruptcy tonight. This is unprecedented, first, because of the tragedy; second, because one class of those affected in the airline industry is receiving help while others are not; and third, because there has not been an independent analysis of what the claims actually constitute and what funds are truly needed.

Because the circumstances are so dire, the Congress is going to vote for this legislation over the next few hours. I want the Congress to know, that briefing on September 28 will be critical because it will be our first chance to get an objective analysis of whether the industry needs this sum of money and needs it for the claims that are being made.

I wrap up by saying in my view Senator ROCKEFELLER and Senator HUTCHISON have done a first-rate job on this legislation. This is, as we all know, just the beginning of the debate about how to deal with the financial consequences of the horror in New York, but it is a particularly difficult choice the Congress is making tonight. I assure my constituents and others who are following this debate that the way this money is going to be spent is something that is going to be scrutinized with as much care as any subject that has ever come before the U.S. Congress.

I yield the floor.

Mr. REID. Madam President, it is my understanding that all time is going to be yielded back on this matter.

Mr. ENZI. I rise to make a few remarks concerning the Air Transportation System Stabilization Act.

First, I would like to associate myself with the comments by the Senator

from Alabama, Mr. SESSIONS and the Senator from Oklahoma, Mr. NICKLES.

I know we need to take immediate action to keep the airline industry in the air. The last few days have taught us that air travel is the heart of our economy. Many businesses have been hurt by the events last week. I am disappointed that help has not been offered particularly to the small businesses. But I realize that those businesses will be out of business if air travel ceases or is greatly reduced. Airlines are a lifeline for many occupations.

This morning I had many concerns about this bill. I am pleased that many of my suggestions were taken and now appear in the bill. Other parts of this bill can and must be reworked in the days to come.

I am pleased at the recognition that will assure essential air service, help to airlines that serve small, rural communities throughout the nation.

I am pleased that we remembered the regional air carriers and proportionally helped them.

I understand the reluctance of the insurance companies to continue to insure air carriers, because of the uncertainty of the exposure, so I am pleased that an insurance provision was provided.

I am pleased that provisions were put into the bill that would remove concern and provide assurance that the grant money will not be golden parachutes for highly paid executives.

I know the bill now has provisions for audits to be sure the money is spent within the criteria set out. I would feel more comfortable if the audits were mandatory instead of optional. Taxpayer money always comes with strings.

I understand the need for expediting compensation to victims, but I'm not sure that we have done that. Perhaps we have just opened up a trial lawyer's dream. I have been assured that section will be reworked to give assurance that the money will go to the victims and not just to attorneys, and that the taxpayer won't be the one providing all the compensation. I had hoped that the Federal obligation would be available only for those who took the expedited avenue of resolving their loss using the Special Master.

I applaud my colleagues and the Administration in expediting aid to the nation's airlines under this bill for damages arising out of the September 11, 2001 terrorist attack. This initial funding will provide the resources necessary to assure continuity and stabilization of the airline industry. By including direct cash assistance, loan guarantees, increased air transportation safety, and prospective and prior liability provisions, the bill will ensure the safety of the American public and restore confidence in our economic foundations. The provisions of this bill

are designed to restore the confidence of airline customers and industry investors and provide a bridge of assistance to the new environment in which the industry will need to operate.

I am pleased that the bill states that the U.S. Department of Transportation Secretary should take appropriate action to ensure that all communities, both rural and urban communities, that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption. In addition, the bill authorized an appropriation of \$120 million for the Essential Air Service program. This additional funding in the EAS program will greatly benefit the rural communities in Wyoming.

Resumption of normal air travel is essential for our commerce and the mobility for our way of life. We have to act to keep our airlines flying without throwing the free market out of the window. These businesses need to show that their requests for assistance are tied to the recent terrorist attacks and not debts incurred prior to September 11, 2001. They also need to show that the financial assistance they receive will be used wisely, keeping their planes flying and their employees working.

I believe that the airlines should submit a business plan to the U.S. Department of Transportation to justify why they need the grant funding and loan guarantees and what the funds will be used for. Within the business plan, the airlines should state specific provisions that executive management of the airlines should not receive pay increases greater than the cost-of-living adjustment and they should not receive any bonuses due to the funding allocated to them by this bill. I believe this emergency funding for the airlines should help all airline employees, not just the executive management.

I have been assured there will be specific criteria when directing federal funding to the airlines in the form of a loan guarantee. For example, the bill gives the President the authority to issue the \$10 billion in loan guarantees to the airline industry subject to terms and conditions as he seems necessary. We must assure there is no abuse and that the bill protects the federal government who is the U.S. taxpayer from incurring costs from the possible defaulting on the loans.

Traditionally, loan guarantee programs ensure that the General Accounting Office, GAO, can exercise its authority by auditing the business that receives a loan guarantee. The administration should include a provision that mandates the GAO act as the auditor of this loan guarantee program. At present, an audit may be conducted by the GAO and U.S. Department of Transportation if the Comp-

troller General and Transportation Secretary deem necessary. We have to ensure that the funds are spent accordingly in relation to the intended purpose of this bill.

Furthermore, the bill should more directly address the higher costs incurred by commuter and short-haul carriers and issues arising from recent changes in air transportation availability to small- and medium-sized communities. These regional airlines provide the only air service between the major airports and the more than a hundred small- and medium-sized communities in the West.

I am committed to supporting an economically strong airline industry for the West and the nation. Due to last week's tragic events, we have realized that interdependence is key to keeping our economy strong, if planes are flying, then the motels are being occupied and the restaurants are being utilized. I look forward to supporting my colleagues in restoring public confidence in the fact that the United States has the strongest and safest airline system in the world.

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UNANIMOUS CONSENT AGREEMENT—NOMINATION OF KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF TRANSPORTATION

Mr. REID. I ask unanimous consent that on Monday, September 24, at 2 p.m., the Senate proceed to executive session to consider Calendar No. 385, the nomination of Kirk Van Tine to be general counsel of the Department of Transportation; that the Senate vote immediately on confirmation of the nomination; that the motion to reconsider be laid on the table, and any statements thereon appear at the appropriate place in the RECORD and the President be immediately notified of the action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As in executive session, I ask for the yeas and nays on that nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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UNANIMOUS CONSENT AGREEMENT—H.R. 2603

Mr. REID. I ask unanimous consent on Monday, September 24, at 12 noon, the Finance Committee be discharged from further consideration of H.R. 2603 and that the Senate then proceed to its immediate consideration under the following limitations: That no amendments or motions be in order; the debate be limited to 2 hours, with 1 hour under the control of Senator GRAMM of

Texas and 1 hour under the control of Senator BAUCUS or his designee; following the use or yielding back of the time, the bill be read a third time and passed, and the motion to reconsider be laid on the table, all with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

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AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT—Continued

Mr. NICKLES. We yield back the remainder of our time.

Mr. REID. I yield 1 minute to the Senator from Washington.

Ms. CANTWELL. Madam President, I do appreciate the time before the vote. I thank the leadership of Senator DASCHLE, Senator KENNEDY, Senator CARNAHAN, and Senator MURRAY for working on what is part of this package that we will discuss next week and that is worker compensation.

Last week's terrorist attacks murdered thousands of innocent Americans, and left thousands more grieving for friends and loved ones. Those people are the first and most visible victims of the unprovoked terrorist attacks—but they are not the only ones.

Already tens of thousands of workers at major U.S. airlines have lost their jobs due to the economic fallout of the terrorist attacks on September 11. Current projections are for a total of 100,000 airline jobs to be cut this year—nearly 10 percent of the industry workforce. Boeing, America's leading aircraft manufacturer, has announced it will lay off up to 30,000 employees by the end of 2002.

These workers and their families are secondary victims of the terrorists who attacked the World Trade Center and the Pentagon, and Congress should not leave them to bear a disproportionate share of the economic burden of terrorism.

I am supportive of the overall intent of this bill and the need to shore up the airline industry, but I still have some concerns.

The current airline relief package is good as far as it goes—but it does not go far enough.

The airline relief package does nothing to ensure that airlines will uphold their contractual obligations and other commitments to employees. Those should be fundamental qualifications for any airline seeking government assistance.

The airline relief package does nothing to directly benefit the thousands of airline and aircraft manufacturing workers who are being laid off as a result of the recent terrorist attacks.

In this speech to the nation last night, President Bush told the American people "justice will be done." If Congress passes an airline relief package without addressing worker assistance, we will have done a grave injustice to thousands of American workers

and their families who are suffering from the aftermath.

In the meantime, I think that the industry needs to step up to the plate. I am very concerned about reports that some airlines are considering invoking the war clause to avoid contractual obligations to their workers. That would be a tragic failure of their obligation to the American people to act in good faith. Let's be clear; American taxpayers are shouldering the burden of this relief package, and I think they will be angry if workers are not treated fairly while the airlines get relief.

I have worked with several of my colleagues over the past several days to develop a reasonable package of worker assistance provisions, and I believe that we have a proposal that makes a great deal of sense and would take at least a small step toward helping those workers get back on their feet. That package would extend income supports, pay for the extension of healthcare coverage and provide training assistance to the affected workers. I am deeply disappointed that those provisions were not ultimately included in the bill, but pleased that the majority leader has committed to continue his work on this critical component in the days to come.

For the past 10 days, ever since the terrorist attacks my congressional colleagues have spoken eloquently and with great emotion about the courage, compassion and commitment of the relief and rescue teams who have reached out a helping hand to victims of terrorism. Today, we have our own chance to help thousands of other Americans who have been harmed by terrorism. We must not turn away.

Mr. REID. I appreciate very much the comments of the Senator from Wyoming and the Senator from Washington. The majority leader has asked me to note for everyone the first vote Monday will be at 2 p.m. on the Kirk Van Tine nomination.

Senator WARNER and Senator LEVIN, the managers of the Defense authorization bill, have indicated there will also be votes throughout the day. They are moving that legislation as quickly as possible.

We yield all time on our side.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. THOMAS), the Senator from Texas (Mr. GRAMM), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 284 Leg.]

#### YEAS—96

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Helms	Santorum
Cantwell	Hollings	Sarbanes
Carnahan	Hutchinson	Schumer
Carper	Hutchison	Sessions
Chafee	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Clinton	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kohl	Stevens
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

#### NAYS—1

Fitzgerald

#### NOT VOTING—3

Campbell Gramm Thomas

The bill (S. 1450) was passed, as follows:

#### S. 1450

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Transportation Safety and System Stabilization Act".

#### TITLE I—AIRLINE STABILIZATION

##### SEC. 101. AVIATION DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed \$10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to \$5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget author-

ity and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

#### SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BOARD.—The term "Board" means the Air Transportation Stabilization Board established under subsection (b).

(2) FINANCIAL OBLIGATION.—The term "financial obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) LENDER.—The term "lender" means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) OBLIGOR.—The term "obligor" means a party primarily liable for payment of the principal or of interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

#### (b) AIR TRANSPORTATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a board (to be known as the "Air Transportation Stabilization Board") to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) COMPOSITION.—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

#### (c) FEDERAL CREDIT INSTRUMENTS.—

(1) IN GENERAL.—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

#### (2) TERMS AND LIMITATIONS.—

(A) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 101(a)(1) in such form and on such

terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

#### SEC. 103. SPECIAL RULES FOR COMPENSATION.

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) \$4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) \$500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

#### SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded \$300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

#### SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.

(a) ACTION OF SECRETARY.—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) ESSENTIAL AIR SERVICE.—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, \$120,000,000 for fiscal year 2002.

(c) SECRETARIAL OVERSIGHT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) AGREEMENTS.—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

#### SEC. 106. REPORTS.

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of en-

actment of this Act, the President shall update and transmit the report to the Committees.

#### SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) FEDERAL CREDIT INSTRUMENT.—The term "Federal credit instrument" means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) INCREMENTAL LOSS.—The term "incremental loss" does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

#### TITLE II—AVIATION INSURANCE

#### SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

(a) IN GENERAL.—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "foreign-flag aircraft—" and all that follows through the period at the end of subparagraph (B) and inserting "foreign-flag aircraft.";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

"(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

"(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

"(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

"(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

"(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph."

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting ", or reimburse an air carrier under subsection (b) of this section," before "only with the approval"; and

(B) in the second sentence—

(i) by inserting "or the reimbursement" before "only after deciding"; and

(ii) by inserting "in the interest of air commerce or national security or" before "to carry out the foreign policy"; and

(5) in subsection (d) (as so redesignated) by inserting "or reimbursing an air carrier" before "under this chapter".

(b) COVERAGE.—

(1) IN GENERAL.—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting “, or reimburse insurance costs, as” after “insurance and reinsurance”; and

(B) in paragraph (1) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”.

(2) DISCRETION OF THE SECRETARY.—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary's judgment, based on the Secretary's analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed \$100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds \$100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) REINSURANCE.—Section 44304 of such title is amended—

(1) by striking “(a) GENERAL AUTHORITY.—”; and

(2) by striking subsection (b).

(d) PREMIUMS.—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.”.

(e) CONFORMING AMENDMENT.—Section 44305(b) of such title is amended by striking “44302(b)” and inserting “44302(c)”.

#### SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities' liability coverage, as determined by the Secretary.

#### TITLE III—TAX PROVISIONS

##### SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.

(a) EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.—

(1) IN GENERAL.—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue

Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for “November 15, 2001” each place it appears—

(A) “January 15, 2002”, or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) ELIGIBLE AIR CARRIER.—For purposes of this subsection, the term “eligible air carrier” means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such transportation is available to the general public.

(3) AIRLINE-RELATED DEPOSIT.—For purposes of this subsection, the term “airline-related deposit” means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air), and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) TREATMENT OF LOSS COMPENSATION.—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

#### TITLE IV—VICTIM COMPENSATION

##### SEC. 401. SHORT TITLE.

This title may be cited as the “September 11th Victim Compensation Fund of 2001”.

##### SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) AIR TRANSPORTATION.—The term “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) CLAIMANT.—The term “claimant” means an individual filing a claim for compensation under section 405(a)(1).

(4) COLLATERAL SOURCE.—The term “collateral source” means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual determined to be eligible for compensation under section 405(c).

(7) NONECONOMIC LOSSES.—The term “noneconomic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) SPECIAL MASTER.—The term “Special Master” means the Special Master appointed under section 404(a).

##### SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

##### SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

##### SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not

submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

#### SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

#### SEC. 407. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

(1) forms to be used in submitting claims under this title;

(2) the information to be included in such forms;

(3) procedures for hearing and the presentation of evidence;

(4) procedures to assist an individual in filing and pursuing claims under this title; and

(5) other matters determined appropriate by the Attorney General.

#### SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

(b) FEDERAL CAUSE OF ACTION.—

(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

#### SEC. 409. RIGHT OF SUBROGATION.

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

### TITLE V—AIR TRANSPORTATION SAFETY

#### SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.

Congress affirms the President's decision to spend \$3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

#### SEC. 502. CONGRESSIONAL COMMITMENT.

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

### TITLE VI—SEPARABILITY

#### SEC. 601. SEPARABILITY.

If any provision of this Act (including any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

Mr. NICKLES. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

### ORDER OF BUSINESS

Mr. DASCHLE. Madam President, for the interest of all Senators, I want to make sure people understand what the schedule is for Monday.

We will convene at 12 noon. From 12 o'clock to 2 o'clock, we will take up the Jordan free trade agreement. That has already been established by unanimous consent. There will be a 2-hour debate and, by agreement, a voice vote.

At 2 p.m., there will be a rollcall vote on the Kirk Van Tine nomination, Mr. Van Tine to be general counsel of the Department of Transportation.

Following that vote, we will resume consideration of the Defense authorization bill.

PASSAGE OF S. 1450

I appreciate very much the tremendous cooperation of all Senators. I know this bill was extremely difficult and very complex, very controversial in many respects. I appreciate the work on both sides of the aisle to get us to the point we are now.

I know there are a lot of Senators who would have appreciated the opportunity to offer amendments. It is not our intent to deny Senators the right to offer amendments. Under these circumstances, I am grateful for the acknowledgment that we are in a very difficult time and that cooperation, as

was demonstrated again this afternoon, is essential if we are able to respond as we now have to the crisis we are facing, not only in the aviation industry but in the economy in a number of other ways having to do with the tragedy.

In my view, there were two essential pieces of legislation missing from this bill. Others have already addressed it. Senators Carnahan, Murray, Cantwell, and Kennedy, and others have been working on a proposal to deal with the disaster adjustment assistance and extended COBRA coverage. It is essential that we provide dislocated workers some income security, some training, access to health benefits. We did a little bit of that in this bill. It was a first step, but we really have a long way to go if we are going to address in a comprehensive and meaningful way the tremendous problems that families all over this country are now facing as a result of layoffs, as a result of bankruptcies, as a result of the economic slowdown. For all of the reasons we have heard, we simply cannot allow the circumstances to go unattended. It is critical that we do it sooner rather than later.

I have talked to Senators KENNEDY and CARNAHAN and others. I have talked with some Senators on this side of the aisle, especially Senator LOTT. It is my hope and my determination to address this issue in the not-too-distant future. We must. We simply cannot go without the acknowledgment of the seriousness of the problem as well as a recognition that this problem must be addressed.

Secondly, I am very pleased that the Senator from South Carolina, Mr. HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, Senator HUTCHISON, so many others, and Senator KERRY, have worked as closely together as they have on airport security and on airplane security as well. If there is one piece I really wish we could have addressed in this bill more comprehensively, it is that.

I talked to the President about it this morning. It is his intention to address the issue in a much more comprehensive way as well. I have no doubt we can work with him on security. The Presiding Officer very eloquently and passionately addressed the issue of security this morning in the caucus.

I am pleased that at least the \$3 billion that has been committed to airport security will allow us to take some of the initial steps. We must rebuild confidence on the part of air travelers. We must ensure that airports and airplanes can be made more secure. We must work together to make that happen soon. We can continue to provide these bills with billions and billions of dollars, but if people are not going to climb on those airplanes, if they are not going to feel comfortable walking through the airports, if they don't know whether the ramps are secure or

not, those billions of dollars will not solve the problem.

I am equally as determined to address this issue of security in the days ahead. Senator HOLLINGS has indicated he will continue to work with our colleagues on both sides of the aisle. I intend to work with the administration. I will bring this matter up with the speaker at the next opportunity. We will continue to find ways with which to address security, perhaps as early as next week.

The bill the Commerce Committee has now introduced is a bill I believe very confidently will address many of these issues, so confidently that I have cosponsored it along with many other Senators. I am hopeful that in the not-too-distant future it can be a subject for debate and consideration in the Senate Chamber and that we can work to get a bill passed that will truly provide the kind of infrastructure and security that will be required to raise the confidence level that is necessary.

Security, additional compensation, and a safety net for all of those workers who have been left out so far are issues that I am committed to address and that I know the Senate is committed to address. I will continue to work with my colleague Senator LOTT, who is every bit as concerned about many of these issues as I am.

We will continue to find ways to work together to do what we know we must to put this country back and to recognize the needs of families, workers, and businesses across the country.

#### MORNING BUSINESS

Mr. GRAHAM. Madam President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1448 and S. 1449 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### KAZAKHSTAN

Ms. LANDRIEU. Madam President, the events of last week by terrorists illustrate the worst of human nature, however, the actions of people in the wake of the disaster has shown the best.

While the attacks were in the United States, they were directed at the entire civilized world. And the entire world has responded. Today, I would like to draw your attention to the response of a key ally in Central Asia.

In light of the direct threat to world freedom that we faced on September 11, 2001, Kazakhstan has emerged as one of the only "silver-linings" in Central Asia. I am very grateful for the outpouring of support from the President of Kazakhstan, Mr. Nursultan Nazarbayev. Within a day of the attack President Nazarbayev said, "Kazakhstan is ready to support measures undertaken by the United States to fight against terrorism, with all the means necessary." I would also ask unanimous consent to submit the President's entire statement into the Congressional RECORD.

Kazakhstan is predominantly a Muslim nation about four times the size of Texas in Central Asia. Surrounded by Russia, China, Turkey, Iran, and Afghanistan. Kazakhstan's continued economic and political stability is critical to the long-term success of the Central Asian nations.

In the first few years after its independence from the former Soviet Union in 1991, Kazakhstan successfully dismantled the fourth largest nuclear arsenal in the world with U.S. support via the Cooperative Threat Reduction Program, CTR. Kazakhstan continues to set a model for the global community in its leadership on unilateral disarmament and nonproliferation.

In addition, I believe our Nation needs to continue to support the Government of Kazakhstan which has begun to transform its economy from the old Soviet based communist model to a market-based economy with significant U.S. foreign direct investment, FDI.

It is for these reasons that I have cosponsored S. 168 that authorizes the extension of nondiscriminatory treatment to the products of Kazakhstan. In summary, the United States must do its part to enhance cooperation and encourage prosperity and stability for the entire Central Asian region.

#### THE CALIFORNIANS WHO PERISHED ON SEPTEMBER 11, 2001

Mrs. BOXER. Madam President, as the American people struggle to come to terms with the horrific events of Tuesday, September 11, we are reminded again and again of the countless individual tragedies still playing out in every corner of our country: another firefighter is laid to rest, a classroom copes with the loss of a teacher, a baby is born who will never know her father, a family accepts that a loved one will never be found.

We are all haunted by such stories, each one profound in its deep sadness and, considered together, staggering in their scope.

None of us is untouched by last Tuesday's terror, and it is now painfully clear that many residents of California were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to the dozens of Californians who perished on that awful morning. I want to assure the victims' families that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten. As a nation, we hold them close.

Words alone cannot convey the depth of our dismay, but the names of those Californians who lost their lives provide a stark and simple symbol of our anger and our pain. The list that follows may well grow. I will honor each one in every way that I can.

David Angell of Pasadena; Lynn Angell of Pasadena; Seima Aoyama of Los Angeles; Barbara Aresteguis of Los Angeles; Melissa Barnes of Redlands; Alan Beaven of Emeryville; Berry Berenson of Los Angeles; Carolyn Beug of Los Angeles; Yeneneh Betru of Burbank; Mark Bingham of San Francisco; Deora Bodley of Santa Clara; Touri Bolourchi of Beverly Hills; Daniel Brandhourst of Hollywood Hills; David Brandhourst of Hollywood Hills; Thomas Burnett of San Ramon; Suzanne Calley of San Martin; Jefferey Collman of Novato; Dorothy Dearaujo of Long Beach; Darlene Flagg of Corona; Dee Flagg of Corona; Wilson Flagg of Corona; Lisa Frost of Rancho Santa Margarita; Ronald Gamboa of Los Angeles; Andrew Garcia of Portola Valley; Edmund Glazer of Chatsworth; Lauren Grandcolas of San Rafael; Andrew Curry Green of Los Angeles; Richard Guadagno of Humboldt County; Stanley Hall of Rancho Palos Verdes; Gerald Hardacre of Carlsbad; John Hofer of Bellflower; Stephen Hyland of Claremont; Barbara Keating of Palm Springs; Chandler Keller of El Segundo; Jude Larson of Los Angeles; Natalie Larson of Los Angeles; Daniel John Lee of Van Nuys; Maclovio Lopez of Norwalk; Dora Menchaca of Santa Monica; Nicole Miller of San Jose; Laurie A. Neira of Los Angeles; Ruben Ornedo of Los Angeles; Jerrold Paskins of Anaheim Hills; Thomas Pecorelli of Los Angeles; Robert Penniger of Poway; Mari-Rae Soppor of Santa Barbara; Alicia Titus of San Francisco; Otis Tolbert of Lemoore; Pendyala Vamsikrishna of Los Angeles; Timothy Ward of San Diego; and John Wenckus of Torrance.

In the name of these Californians, and in the name of all the other innocent victims, it is time for the terrorism to stop.

#### RETIREMENT OF SHERRY ADKINS

Mr. HATCH. Madam President, I am grateful for this opportunity to recognize and pay tribute to Sherry Adkins, who has worked in my Salt Lake City office for 25 years as a Constituent Services Representative. Sherry is retiring after many years of hard work to fulfill her dream of moving to Alaska with her husband Bruce to spend time with her grandchildren.

Sherry's life has epitomized true public service. She literally touched thousands of Utahans' lives by assisting me in helping constituents with problems ranging from Social Security issues to Veterans Administration benefits. Over the years, I have received hundreds of letters from constituents who have praised Sherry's work and expressed their gratitude to me for her assistance.

Sherry has been described as "a valuable resource," "efficient," "courtous," "concerned for others' welfare," and "trustworthy." Many people have been able finally to receive their Medicare benefits, resolve their tax problems, or find their missing Social Security checks, because of her commitment and concern.

Sherry's life has been an example of service. She has always championed the underdog and looked for ways to help others in need. She spent many years volunteering at the Salt Lake City Odyssey House, an organization designed to help men and women overcome the tragic disease of alcoholism. In fact, she even directed the Odyssey House Choir, giving members new hope and experiences, as well as entertaining thousands of people through their music.

I have always known that I could count on Sherry to get her job done, and to do it well. In fact, Sherry's work with me didn't start when I was elected to the U.S. Senate. Sherry and I go back even further. I was privileged to have Sherry as my personal secretary for a few years while I practiced law in Utah. So, Sherry has been my longest serving staffer, and I will miss her greatly.

It has always been a pleasure to work with Sherry Adkins. I am so grateful to Sherry for her efforts and the service that she has rendered to me, my office, and to all Utahans. I feel blessed to be able to call her a friend. I want to wish Sherry and her husband Bruce the very best that life has to offer in the beautiful land of Alaska. May they find peace and happiness in their retirement years doing the things that they love the most.

#### ARMENIAN INDEPENDENCE DAY

Mr. JOHNSON. Madam President, I rise today to recognize the 10th anniversary of Armenia's independence.

On September 21, 1991, the people of Armenia began their journey of free-

dom and democracy. The road they have travelled over the past 10 years has been full of challenges including natural disasters, conflict in Nagorno Karabagh, and the struggles associated with economic and political transformation. Any of these could have led Armenians off the path of liberty. However, it is through the perseverance of Armenians, and those around the world who support them, that Armenia begins this new century a strong republic and an example for young democracies worldwide.

The events of September 11, 2001, pose a new challenge to Armenians, Americans, and those who reject terrorism and fight the war against fear. In his September 11 letter to President George Bush, Armenian President Robert Kocharyan called on Armenians to confront the "evil of terrorism" with "determination and resolve." At this most critical time, Americans are thankful for Armenia's support, and together, along with a global coalition of freedom-loving nations, we will find the strength and patience to continue our journey.

#### NATIONAL POW/MIA RECOGNITION DAY

Mr. LUGAR. Madam President, today is National POW/MIA Recognition Day.

In light of the tragic events of September 11, this day of remembrance and recognition has new meaning. We have spoken about a new kind of "war" but we are not sure what shape it will take. Whatever form, however, it will likely include casualties and perhaps prisoners, these are among the harsh lessons history has taught us. This day gains new meaning, too, when we consider the rescue workers who continue to comb through the war zones at the Pentagon and in lower Manhattan for the bodies of the fallen, the missing, in action.

In time of war, an entire nation unites with a singularity of purpose. But, we all know how swiftly the Nation's attention can wane and be distracted. Those of us in this body and across the relevant Executive agencies, however, cannot be distracted from one thing; that is, a commitment to ensure the return of POWs and MIAs at the end of hostilities. The vigorous pursuit of this commitment must continue through painstaking on-site investigations, diplomatic negotiations and complete examinations of records following a conflict.

As we look forward with resolve, we must recognize the work that the many POW/MIA organizations have done, led by the Department of Defense Prisoner of War/Missing Personnel Office, DPMO. The painstaking work of recovery operations have, in the past year, seen the return of 36 Americans from the war in Southeast Asia; however, 1,957 remain unaccounted for at

this time from SEA, 1,474 from Vietnam alone. Last year, those numbers stood at 2,005 and 1,511 respectively.

Seven of the dedicated men engaged in Vietnam recovery operations gave their own lives this year, even as they searched for fallen comrades. The Americans died along with nine Vietnamese in April when their helicopter crashed into a fog-shrouded mountain about 250 miles south of Hanoi. The team was scouting excavations for six MIA crash sites.

In Korea, where the fighting ended in 1953, progress continues. Ten Joint Recovery Operations have been conducted in North Korea this year, resulting in the identification and return of three Americans to their families and final resting places. Twenty-six servicemen have been identified from World War II recoveries. Teams from the U.S. Army Central Identification Laboratory in

Hawaii continue to implement cutting-edge DNA technology, and as renowned experts in the field, have contributed their know-how and direct assistance to the operations in New York and at the Pentagon.

Just last month, another team headed off to Russia to bring home the remains of seven Navy flyers whose World War II PV-1 Ventura bomber were lost on the Kamchatka peninsula. The plane went missing from a March 25, 1944 bombing mission from Alaska to the Kurile Islands. The Navy has located family members and prepared comparison DNA samples in hopes that all will be returned at long last. Having spent time in that part of the world, I know what dedication to duty it takes to dig in that extreme weather. I understand that weather permits them only about a 30-day window.

As we know well, this is a team effort requiring the commitment and dedication of the Congress, the Administration, the Departments of Defense and State, the Joint Chiefs of Staff and the NSA. I am hopeful that all of us, through continued humanitarian support and dedicated diplomatic endeavors will gain further information about the servicemen still missing to honor their sacrifice and provide peace and solace to their loved ones. You are not forgotten.

At this point in the record, I ask unanimous consent that the names of Indiana's missing and unaccounted from the Korea and Vietnam Wars be printed in the record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### U.S. UNACCOUNTED FOR IN SOUTHEAST ASIA—POST 1973

Military service	Country of casualty	Refno	Name	Last rank	Status	Date incident	Home of record
USAF	N. Vietnam	1675	Bancroft, William W. Jr	O2	BB	1970/11/13	Indianapolis
USA	S. Vietnam	1648	Beals, Charles Elbert	E4	BB	1970/07/07	French Lick
USA	S. Vietnam	0731	Beecher, Quentin Rippetoe	W2	XX	1967/06/11	Terre Haute
USMC	S. Vietnam	1287	Breiner, Stephen Eugene	E2	BB	1968/09/24	Decatur
USA	S. Vietnam	1124	Carver, Harry Franklin	E6	BB	1968/04/10	New Albany
USMC	S. Vietnam	0734	Chomel, Charles Dennis	E2	BB	1967/06/11	Columbus
USAF	N. Vietnam	0496	Clark, Lawrence	E5	XX	1966/10/18	Logansport
USMC	N. Vietnam	1156	Clem, Thomas Dean	O2	XX	1968/05/03	New Paris
USMC	S. Vietnam	1999	Crody, Kenneth Lloyd	E4	BB	1972/07/11	Griffith
USAF	S. Vietnam	0271	Davis, Gene Edmund	E5	XX	1966/03/13	Evansville
USMC	S. Vietnam	0472	Ducat, Phillip Allen	O3	BB	1966/03/25	St. Wayne
USAF	S. Vietnam	0271	Duvall, Dean Arnold	E3	XX	1966/03/13	Monticello
USA	Laos	1681	Green, George Curtis Jr	E5	BB	1970/12/04	Attica
USMC	S. Vietnam	1203	Harper, Ralph Lewis	E3	BB	1968/06/06	Indianapolis
USA	S. Vietnam	1085	Heftman, Steven W	E5	XX	1968/03/13	Indianapolis
USAF	S. Vietnam	1131	Held, John Wayne	O3	XX	1968/04/17	Indianapolis
USMC	S. Vietnam	0286	Hewitt, Samuel Eugene	E2	XX	1966/03/23	Walkerton
USA	Laos	0252	Hills, John Russell	O4	BB	1966/02/14	South Bend
USAF	S. Vietnam	1837	Joskins, Donald Russell	E6	BB	1972/04/26	Madison
USA	S. Vietnam	1547	Howes, George Andrews	W3	XX	1970/01/10	Knox
USAF	Laos	1218	Johns, Paul F	O4	XX	1968/06/28	Laconia
USA	S. Vietnam	0436	Johnson, James Reed	E3	BB	1966/08/21	Indianapolis
USA	S. Vietnam	1528	Jones, Grayland	E3	BB	1969/11/23	Indianapolis
USN	S. Vietnam	0273	Klute, Karl Edwin	O3	BB	1966/03/14	Richmond
USMC	N. Vietnam	0467	Knochel, Charles Allen	O3	BB	1966/09/22	Lafayette
USMC	S. Vietnam	1362	Kuhlman, Robert J Jr	O2	XX	1969/01/17	Richmond
USA	N. Vietnam	0361	Lambton, Bennie Richard	E7	BB	1966/06/13	Indianapolis
USA	S. Vietnam	1775	Lautzenheiser, Michael (NMI)	E5	BB	1971/10/26	Muncie
USA	S. Vietnam	1123	Lawson, Karl Wade	E4	BB	1968/04/09	Terre Haute
USA	S. Vietnam	1040	Liendewald, Charels W.	E7	XX	1968/02/007	La Porte
USA	S. Vietnam	1556	Lyon, James Michael	O3	KK	1970/02/05	Indianapolis
USAF	S. Vietnam	0177	Mann, Robert Lee	O3	BB	1965/10/22	Lafayette
USA	S. Vietnam	1672	Martin, Jerry Dean	E5	BB	1970/11/03	Bedford
USMC	N. Vietnam	0643	McGarvey, James Maurice	O4	XX	1967/04/17	Valparaiso
USAF	N. Vietnam	0806	Midnight, Francis B	O2	XX	1967/08/23	Gary
Civilian	S. Vietnam	1997	Miller, George C	.....	BB	1975/03/12	
USN	S. Vietnam	2053	Mitchell, Harry E	E8	XX	1968/05/05	Marion
USN	N. Vietnam	2004	Montgomery, Ronald Wayne	E5	BB	1969/10/02	Moores Hill
USA	S. Vietnam	0666	Moore, Ralph Edward	E3	BB	1967/05/03	Indianapolis
USA	Laos	0276	Nash, John Michael	O3	BB	1966/03/15	Tipton
USAF	N. Vietnam	0838	Nellans, William L	O3	XX	1967/09/17	Warsaw
USA	S. Vietnam	0818	Newburn, Larry Stephen	E3	BB	1967/08/29	Kokomo
USA	S. Vietnam	1372	Padgett, David E	O2	XX	1969/02/06	Washington
USN	S. Vietnam	2021	Parker, Thomas Aquinas	E6	BB	1967/04/05	Oxford
USAF	N. Vietnam	0589	Poor, Russell Arden	O3	XX	1967/02/04	Warsaw
USN	S. Vietnam	1271	Posey, George Ray	E3	BB	1968/09/05	Anderson
USN	N. Vietnam	1532	Rogers, Billy Lee	E3	BB	1969/12/01	Gary
USAF	Laos	0668	Rogers, Charles Edward	O4	BB	1967/05/04	Gary
USN	S. Vietnam	0232	Schoonover, Charles David	O4	BB	1966/01/16	Indianapolis
USA	Laos	1679	Smith, Ronald Eugene	E7	BB	1970/11/28	Covington
USN	N. Vietnam	0708	Soucy, Ronald Philip Sr	E5	BB	1967/05/23	Whiting Lake
USMC	S. Vietnam	1152	Staehtli, Bruce Wayne	E3	XX	1968/04/30	Crow Point Lake
USAF	N. Vietnam	1312	Stonebraker, Kenneth Arrol	O3	XX	1968/10/28	Hobart
USAF	N. Vietnam	1955	Stuart, John F.	O4	XX	1972/12/20	Indianapolis
USA	S. Vietnam	0905	Stuckey, John Steiner Jr	E2	BB	1967/11/11	Cloverdale
USA	S. Vietnam	1489	Trampski, Donald Joseph	E2	XX	1969/09/16	Chesterton
USAF	Cambodia	1805	Wagner, Raymond Anthony	E3	BB	1972/03/27	Evansville
USA	S. Vietnam	0469	Whittle, Junior Lee	E4	BB	1966/09/24	Indianapolis
USAF	N. Vietnam	1063	Wright, Thomas T	O3	XX	1968/02/27	Gary
USA	S. Vietnam	1874	Yeakley, Robin Ray	E4	BB	1972/06/11	South Bend
USA	S. Vietnam	1582	Young, Jeffrey Jerome	E3	BB	1970/04/04	Indianapolis

Number of records: 61.

#### PERSONNEL MISSING KOREA—[PMKOR] FOR INDIANA

Name	Svc	Service No.	Grade	Rank	Status	Unit	IDATE	Veh type	City/county	State	DOD
Acton, Floyd Neal	USA	RA23047724	E4	CPL	MIA	G CO 38TH INF	1951/05/17	None	Jackson	IN	1953/12/31
Adams, James Dwight	USA	RA16312228	E4	CPL	KIA	MED CO 38TH INF	1950/11/29	None	Tiptecanoe	IN	1950/11/29
Akers, Herbert D	USA	RA16314622	E4	CPL	POW	A BTRY 82ND AAAV	1950/12/01	None	Vigo	IN	1951/03/05
Anspaugh, George	USA	ER35908869	E7	SFC	MIA	G CO 38TH INF	1951/05/17	None	DeKalb	IN	1953/12/31

## PERSONNEL MISSING KOREA—[PMKOR] FOR INDIANA—Continued

Name	Svc	Service No.	Grade	Rank	Status	Unit	IDATE	Veh type	City/county	State	DOD
Archer, Robert Gene	USA	RA15420142	E4	CPL	POW	HQ CO 1/32ND INF	1950/12/02	None	Clay	IN	1951/02/28
Baker, David	USA	RA16324110	E3	PFC	MIA	I CO 24TH INF	1950/11/28	None	Lake	IN	1953/12/31
Baker, Donald Lewis	USA	RA16277531	E5	SGT	POW	H CO 24TH INF	1950/09/06	None	Howard	IN	1951/03/31
Barker, Donald Lee	USA	RA35971592	E4	CPL	KIA	HQ CO 2/9TH INF	1950/11/26	None	Cass	IN	1950/11/26
Bauer, Lester William	USA	RA15277574	E3	PFC	MIA	I CO 29TH INF	1950/07/27	None	Clinton	IN	1953/12/31
Beard, Robert Allen	USA	O-02212047	O2	1LT	MIA	H CO 9TH INF	1950/11/26	None	Vermillion	IN	1953/12/31
Beed, Milton Marion	USA	RA17038006	E7	SFC	POW	A CO 38TH INF	1951/02/12	None	Marion	IN	1951/10/31
Bellar, Lowell W	USA	RA15198647	E3	PFC	KIA	M CO 31ST INF	1950/12/01	None	Lake	IN	1950/12/01
Berry, A D	USA	RA35721765	E8	MSG	POW	HM CO 32ND INF	1950/12/02	None	Vandervurgh	IN	1950/12/20
Binge, Charles F	USA	US55329092	E4	CPL	MIA	K CO 180TH INF	1953/07/15	None	Newton	IN	1954/06/17
Blasdel, William Stanley	USMC	0561269	E3	CPL	MIA	H BTRY 3/11	1950/11/28	None	New Albany	IN	1953/11/28
Bowerman, William J	USA	RA16268609	E4	CPL	MIA	B CO 32ND INF	1950/12/02	None	DeKalb	IN	1953/12/31
Bowman, Allen Milford	USMC	1082663	E3	CPL	KIA	B CO 1/5	1950/11/28	None	Covington	IN	1950/11/28
Bradley, Eldon R	USA	RA16314247	E4	CPL	POW	E CO 8TH CAV	1950/11/02	None	St Joseph	IN	1951/04/17
Brock, Kenneth Wilber	USMC	1064429	E2	PFC	KIA	G CO 3/5	1950/12/01	None	Indianapolis	IN	1950/12/01
Brown, Kenneth	USA	US55200622	E3	PFC	KIA	K CO 15TH INF	1952/08/14	None	Marion	IN	1952/08/14
Brown, Thomas James	USA	RA15420057	E4	CPL	MIA	B CO 38TH INF	1951/05/18	None	Elkhart	IN	1953/12/31
Burch, Hugh Maynard	USAF	AF15277194	E5	SSG	MIA	93RD BOMB SQ	1951/04/12	B-29	New Carlisle	IN	1954/01/31
Burns, Forrest S	USA	O-00974111	O2	1LT	KIA	7 CO 38TH INF	1952/08/30	None	Bartholomew	IN	1952/08/30
Caddell, Donald	USA	RA16324148	E2	PVT	KIA	L CO 38TH INF	1952/01/12	None	Greene	IN	1952/01/12
Calhoun, Stanley Louis Jr	USN	2767382	E3	EMFN	MIA	USS MAGPIE	1950/10/01	Ship	Dunkirk	IN	1951/10/02
Chadwell, George R	USA	RA16313989	E3	PFC	MIA	M CO 31ST INF	1950/12/12	None	Tiptecanoe	IN	1953/12/31
Chappel, Richard A	USA	RA23020626	E4	CPL	MIA	B CO 8TH CAV RGT	1950/11/02	None	Allen	IN	1953/12/31
Clark, Gene Franklin	USA	RA15275841	E5	SGT	MIA	HQ 8TH CAV	1950/11/02	None	Delaware	IN	1953/12/31
Clark, Harold Robert	USA	ER35368243	E3	PFC	POW	L CO 38TH INF	1951/02/13	None	Marion	IN	1951/05/31
Clifford, Clyde R	USA	RA16314210	E4	CPL	MIA	D CO 27TH INF	1950/07/26	None	Elkhart	IN	1953/12/31
Conrad, Jack Dwayne	USA	RA16313046	E2	PV2	KIA	HQ CO 1/29TH INF	1950/07/31	None	Delaware	IN	1950/07/31
Conrad, Richard Leon	USA	RA16313050	E3	PFC	KIA	HQ CO 1/29TH INF	1950/07/31	None	Delaware	IN	1950/07/31
Cosby, Folton	USA	RA35686359	E7	SFC	NBD	H CO 35TH INF	1950/08/15	None	Edinburg	IN	1950/08/15
Cowger, John Harold	USMC	0619868	E3	CPL	KIA	C CO 1/5	1950/11/28	None	Terra Haute	IN	1950/11/28
Cox, Clarence Vernon Jr	USA	RA15419041	E7	SFC	MIA	G CO 8TH CAV	1950/11/01	None	Madison	IN	1953/12/31
Cozad, Kenneth Lee	USA	RA15275155	E5	SGT	MIA	G CO 19TH INF	1950/07/30	None	Jennings	IN	1954/03/01
Cranor, George Eldon	USA	RA16311698	E3	PFC	MIA	AMB CO 7/7TH INF	1950/11/28	None	Lake	IN	1954/03/18
Cunningham, William R	USA	RA15276473	E4	CPL	MIA	B CO 32ND INF	1950/12/02	None	Vigo	IN	1953/12/31
Dally, Kenneth Horton	USA	RA35327139	E8	MSG	POW	A CO 2ND ENGR BN	1950/12/01	None	Steuben	IN	1951/01/15
Davis, Ezekiel Alfonso	USA	RA16333109	E2	PVT	MIA	D CO 9TH INF	1951/02/11	None	Grant	IN	1954/02/17
Davis, Jack A	USA	ER15246484	E3	PFC	MIA	K CO 9TH INF	1951/02/12	None	St Joseph	IN	1953/12/31
Debaun, George Jr	USMC	0550786	E3	CPL	MIA	G CO 3/1	1953/07/25	None	Shelbyville	IN	1954/07/26
Decker, Hobart	USA	RA35098620	E3	PFC	NBD	D CO 31ST INF	1950/12/20	None		IN	1950/12/20
Decker, Raymond Alfred	USAF	AO-2000360	O2	1LT	MIA	729TH BOMB SQ(L)	1951/07/19	B-26	Hobart	IN	1953/12/31
Delong, Clayton C	USA	RA16311080	E4	CPL	MIA	K CO 31ST INF	1950/12/12	None	Allen	IN	1953/12/31
Dennis, Gene Alton	USAF	20163A	O2	1LT	MIA	428TH FTR BMB SQ	1952/09/28	F-84E	Marion	IN	1953/12/31
Dewitt, Stanley L	USA	RA16312243	E5	SGT	MIA	57TH FA BN	1950/12/06	None	Cass	IN	1953/12/31
Dick, William L	USA	RA16314645	E3	PFC	MIA	E CO 5TH CAV	1950/08/15	None	Jennings	IN	1954/02/19
Dinerboiler, Milton J	USA	RA15277160	E3	PFC	POW	HV MTR CO 32ND I	1950/12/02	None	Elkhart	IN	1951/04/30
Doody, James Thomas	USA	RA15243815	E4	CPL	KIA	F CO 23RD INF	1952/07/17	None	Marion	IN	1952/07/17
Dunn, James R	USA	RA35725173	E7	SFC	MIA	HQ CO 3/8TH CAV	1950/11/02	None	Knox	IN	1953/12/31
Durakovich, Joseph	USA	ER35143986	E8	MSG	MIA	G CO 5TH CAV	1950/11/28	None	Lake	IN	1953/12/31
Eads, Donald Wayne	USMC	1277798	E2	PFC	MIA	C CO 1/5	1953/03/26	None	Bloomington	IN	1954/03/26
Eaton, John Omer	USA	RA16313235	E4	CPL	POW	A CO 34TH INF RGT	1950/07/20	None	Crawford	IN	1951/05/08
Eggers, Herbert P	USA	RA16320452	E3	PFC	MIA	MED CO 19TH INF	1950/07/16	None	Marion	IN	1953/12/31
Emrick, Howard W	USA	RA23008101	E3	PFC	MIA	L CO 34TH INF	1950/07/20	None	Allen	IN	1953/12/31
Enright, William Chester	USMC	0894035	E4	SGT	KIA	I CO 3/7	1950/12/02	None	Hammond	IN	1950/12/02
Estes, Robert Vernon	USA	RA16312230	E4	CPL	POW	HQ CO 1BN 9TH INF	1950/11/30	None	White	IN	1951/01/02
Faith, Don Carlos Jr	USA	O-046673	O5	LTC	KIA	HQ CO 1/32ND INF	1950/12/02	None	Daviess	IN	1950/12/02
Finch, Robert Clarence	USAF	AO-2078198	O2	1LT	MIA	728TH BOMB SQ(L)	1951/09/07	B-26	Lafayette	IN	1953/12/31
Fluhr, Peter Paul Jr	USA	RA 15380970	E4	CPL	MIA	F CO 8TH CAV	1950/09/03	None	Scott	IN	1953/12/31
Frakes, Edward Leo	USMC	P-051084	O2	1STLT	MIA	VMF 311 MAG 33	1951/10/03	F-9F	Branchville	IN	1953/12/16
Frankart, Ned Charles	USAF	AO-839010	O2	1LT	MIA	39TH FTR INT SQ	1951/11/03	F-51D	Fort Wayne	IN	1953/12/31
Frans, Jack Marvin	USA	ER 16313202	E4	CPL	MIA	A CO 38TH INF	1950/12/12	None	Daviess	IN	1954/01/18
Frantz, George Arthur	USA	RA 16311766	E3	PFC	POW	L CO 21ST INF	1950/07/11	None	Marion	IN	1950/12/03
Garrigus, Charles	USA	RA35968746	E5	SGT	KIA	HQ CO 1/32ND INF	1950/12/01	None	Gibson	IN	1950/12/01
Gibson, Clifton E	USA	US55248898	E3	PFC	MIA	F CO 31ST INF	1952/10/15	None	St Joseph	IN	1953/12/31
Gibson, Willard M	USA	RA16314737	E5	SGT	MIA	E CO 9TH INF	1950/12/01	None	Sullivan	IN	1951/06/21
Goe, Clyde	USA	RA06662785	E8	MSG	MIA	I CO 38TH INF	1950/11/30	None	Brown	IN	1953/12/31
Goodall, Robert	USA	RA16332019	E3	PFC	POW	K CO 9TH INF	1951/02/12	None	Delaware	IN	1951/03/31
Greene, Joseph P	USA	ER35720706	E3	PFC	KIA	RECON CO 2ND INF	1951/02/14	None	Vanderburgh	IN	1951/02/14
Griffith, Jack Walter	USN	O-283413	O3	LT	MIA	CARRIER AIR GP 2	1952/07/04	F-9F2	Evansville	IN	1954/05/25
Gude, Edward Allen	USA	RA16310231	E4	CPL	MIA	M CO 23RD INF	1950/11/19	None	Perry	IN	1953/12/31
Guyann, John Edwin	USA	RA35902554	E4	CPL	POW	HM CO 19TH INF	1950/11/04	None	Huntington	IN	1951/03/02
Hamm, Donald Lane	USA	RA15244528	E5	SGT	MIA	HH CO 2/5TH CAV	1950/11/28	None	Daviess	IN	1953/12/31
Hammon, Keith Edward	USAF	AF15230651	E6	TSG	MIA	307TH BOMB GP	1953/11/08	B/29	Rockville	IN	1953/11/09
Harmon, Gilbert Larry	USMC	1123570	E2	PFC	MIA	I CO 3/5	1953/07/26	None	Terre Haute	IN	1954/07/26
Harris, Elmer Jr	USA	RA15416300	E4	CPL	MIA	C CO 2ND ENGR BN	1950/11/28	None	Monroe	IN	1953/12/31
Harris, Max Eugene	USA	RA1526584	E7	SFC	POW	L CO 31ST INF	1950/12/12	None	White	IN	1951/09/30
Harrison, Bannie Jr	USA	RA15278030	E4	CPL	POW	M CO 9TH INF	1950/12/01	None	Allen	IN	1951/01/07
Hatch, Gene N	USA	RA15278016	E5	SGT	POW	MED CO 9TH INF	1950/12/01	None	Allen	IN	1951/03/31
Hay, Kenneth Verne	USA	RA15243924	E4	CPL	POW	I CO 5TH CAV RGT	1951/03/19	None	Wayne	IN	1951/09/30
Henkenius, Leo Joseph	USMC	1063789	E2	PFC	MIA	E CO 2/7	1950/11/28	None	Fort Wayne	IN	1953/10/23
Hill, James Fella	USA	O-38835	O5	LTC	POW	HH CO 9TH INF	1950/12/01	None	Spencer	IN	1950/12/15
Hinds, Robert Lee	USMC	1048219	E2	PFC	KIA	D CO 2/5	1950/12/07	None	Indianapolis	IN	1950/12/07
Holle, Joseph Francis	USA	US55327978	E4	CPL	MIA	E CO 17TH INF	1953/07/08	None	Marion	IN	1954/07/09
Holman, Charles	USN	O-486204	O2	LTJG	KIA	USS PRINCETON	1952/08/01	AD-4	Indianapolis	IN	1952/08/01
Hooper, Floyd E	USA	ER52007636	E4	CPL	POW	I CO 19TH INF	1951/02/04	None	Madison	IN	1951/06/30
Hubart, Ralph Ernest Jr	USA	RA16311033	E4	CPL	MIA	H CO 38TH INF	1950/11/27	None	Huntington	IN	1953/12/31
Hukill, Paul F	USA	RA16311584	E3	PFC	POW	A BTRY 38TH FA	1950/11/30	None	Lake	IN	1951/01/12
Jaynes, Edward R	USA	RA15416806	E3	PFC	MIA	C CO 13TH ENGR B	1950/12/01	None	Gibson	IN	1953/12/31
Jester, William F	USA	O-00057490	O2	1LT	POW	HQ 3/21ST INF RGT	1950/07/12	None	Marion	IN	1951/05/31
Jester, William R	USA	RA15276540	E4	CPL	POW	L CO 21ST INF	1950/07/11	None	Switzerland	IN	1951/06/16
Jinks, Leonard W E	USA	RA15057580	E4	CPL	MIA	C CO 19TH INF	1950/07/16	None	Ripley	IN	1954/02/18
Johnson, William H	USA	RA15275557	E3	PFC	MIA	F CO 7TH INF	1950/12/03	None	Clark	IN	1953/12/31
Killar, Paul Martin	USA	US55324677	E3	PFC	MIA	A CO 13TH ENG	1953/07/09	None	Lake	IN	1954/07/10
Lander, Lawrence E	USA	RA15208600	E6	SGT	POW	HQ CO 3/9TH INF RGT	1950/12/01	None	Vanderburgh	IN	1951/02/28
Langwell, Robert Warren	USN	O-534047	O1	ENS	MIA	USS MAGPIE	1950/10/01	SHIP	Indianapolis	IN	1951/10/02
Leffler, Everett W	USA	RA16310242	E4	CPL	MIA	C BTRY 38TH FA	1950/11/30	None	Knox	IN	1953/12/31
Liddle, Harry H Jr	USA	US55200056	E3	PFC	KIA	F CO 179TH INF	1952/06/11	None	Dearborn	IN	1952/06/11
Loveless, Larry	USA	RA16311922	E3	PFC	KIA	C CO 9TH INF	1950/08/11	None	Harrison	IN	1950/08/11
Magnus, Donald F	USA	RA15255097	E4	CPL	POW	HQ CO 3/21ST INF	1950/07/12	None	Vanderburgh	IN	1951/01/04
Manion, Everett D	USA	RA15418921	E4	CPL	MIA	F CO 35TH INF	1950/07/22	None	Montgomery	IN	1953/12/31
Mariatt, Donald Lee	USA	RA17314684	E4	CPL	MIA	B CO 2ND ENGR BN	1950/11/28	None	Jasper	IN	1953/12/31
Martin, Herbert O	USA	RA15244895	E3	PFC	KIA	F CO 21ST INF	1950/09/05	None	Gibson	IN	1950/09/05
Mastabayvo, Steve A	USA	US55219335	E3	PFC	MIA	C CO 9TH INF	1952/08/14	None	Lake	IN	1953/12/31
McClain, Earl E	USA	RA15417938	E5	SGT	MIA	HVY MORT 21 INF	1950/09/04	None	Marion	IN	1953/12/31
McDoniel, Raymond John	USA	O-1321324	O3	CPT	POW	D CO 9TH INF	1950/11/28	None	Monroe	IN	1950/11/28
McFarren, Edward Q	USA	ER52008423	E3	PFC	MIA	E CO 5TH CAV	1950/11/28	None	Kosciusko	IN	1953/12/31
McIntyre, James T	USA	RA16313204	E4	CPL	POW	K CO 21ST INF	1950/07/11	None	Floyd	IN	1950/12/28
McNally, Joseph Lawrence	USA	RA35893731	E8	SG	MIA	A CO					

## PERSONNEL MISSING KOREA—[PMKOR] FOR INDIANA—Continued

Name	Svc	Service No.	Grade	Rank	Status	Unit	IDATE	Veh type	City/county	State	DOD
Metzcar, R Maurice	USA	0-1059560	03	CPT	POW	HQ CO 555 FA BN	1951/04/25	None	Delaware	IN	1951/09/28
Michaels, Melvin J	USA	RA16335916	E3	PFC	KIA	L CO 35TH INF	1951/09/07	None	Porter	IN	1951/09/07
Middleton, Harry Richard	USAF	16941A	03	CPT	KIA	12TH FTR BMBR SQ	1951/04/30	F-51D	Nappanee	IN	1952/04/24
Minnear, Robert G	USA	RA16313155	E4	CPL	POW	C BTRY 37TH FA	1950/11/30	None	Tippicanoe	IN	1951/03/13
Mishler, James E	USA	RA15276384	E3	PFC	POW	SV BTRY 38 FA BN	1950/11/30	None	Clay	IN	1951/03/04
Mitchell, Donald K	USA	RA15417787	E4	CPL	KIA	G CO 23RD INF	1950/11/30	None	Lake	IN	1951/11/30
Moore, John D Jr	USA	RA35892154	E5	SGT	POW	G CO 24TH INF	1950/11/27	None	Lake	IN	1951/05/31
Morris, Clarence Taylor	USMC	1243690	E2	PRC	MIA	E CO 2/1	1951/02/12	None	Gary	IN	1951/06/28
Morris, David Wesley	USA	ER35145756	E4	CPL	POW	D CO 38TH INF	1951/02/12	None	Madison	IN	1951/06/17
Morris, Russell F	USA	ER35169826	E5	SGT	MIA	HQ CO 3 38TH INF	1951/02/13	None	Delaware	IN	1954/03/05
Mullett, Richard Everett	USMC	0550847	E7	MSGT	MIA	VMF 513 MAG 12	1952/06/15	F-73N	Butler	IN	1953/12/17
Myers, Donald William	USMC	0655408	E2	PFC	MIA	C CO 1/7	1950/12/02	None	Ft. Wayne	IN	1953/12/04
Neiswinger, Thomas W	USA	RA15420168	E4	CPL	MIA	F CO 38TH INF	1950/09/06	None	Clay	IN	1953/12/31
Nicholson, Richard L	USA	RA15276162	E4	CPL	MIA	E CO 7TH CAV	1950/09/06	None	Henry	IN	1953/12/31
Northcutt, Charles Jr	USA	RA15417798	E4	CPL	MIA	C CO 3RD ENGR BN	1950/07/20	None	Montgomery	IN	1953/12/18
Olcott, Richard Lee	USAF	AO-736315	02	1LT	KIA	39TH FTR INT SQ	1951/10/06	F-51	Ft Wayne	IN	1951/10/31
Phillips, Virgil L	USA	RA35813775	E5	SGT	MIA	K CO 8TH CAV	1950/11/02	None	Martin	IN	1951/10/31
Pickens, Russell B	USA	RA16310805	E4	CPL	MIA	A BTRY 63RD FA	1950/07/20	None	Allen	IN	1953/12/31
Pleiss, Lewis Peifer	USAF	AO-1912244	02	1LT	MIA	25TH FTR INT SQ	1951/09/23	F-80	New Albany	IN	1953/12/31
Plump, James	USA	RA34014959	E8	MSG	KIA	C CO 24TH INF	1950/11/27	None	St Joseph	IN	1950/11/27
Pothast, Bobby Lee	USMC	1181849	E2	PFC	KIA	F CO 2/1	1952/06/13	None	Indianapolis	IN	1952/06/13
Rider, Alexander David	USMC	443270	E6	TSGT	KIA	4-2 MORT CO 7TH MAR	1950/12/06	None	Gary	IN	1950/12/06
Riley, Charles D	USA	RA16314614	E4	CPL	POW	B CO 2ND ENGR BN	1950/11/28	None	Delaware	IN	1951/02/28
Rodman, Marvin L	USA	US55200683	E7	SFC	MIA	K CO 32ND INF	1952/10/20	None	Washington	IN	1953/12/31
Ross, Edward F	USA	ER35540297	E5	SGT	MIA	H CO 7TH INF	1951/04/25	None	DeKalb	IN	1953/12/31
Ross, Robert Lewis	USAF	AF22998208	E5	SSG	MIA	28TH BOMB SQ	1952/06/10	B-29	Rockville	IN	1954/02/28
Ruby, Gene Robert	USMC	1082534	E2	PFC	KIA	HQ BTRY 3/11	1950/11/30	None	Roanoke	IN	1950/11/30
Rush, John Earl	USMC	520559	E3	CPL	MIA	I CO 3/7	1950/12/02	None	South Bend	IN	1954/01/14
Scott, Marie D	USA	RA15278294	E3	PFC	KIA	B BTRY 57TH FA	1950/11/29	None	Fountain	IN	1950/11/29
Scott, Richard Dale	USN	2916861	E6	BM1	MIA	USS MAGPIE	1950/10/01	Ship	Peru	IN	1951/10/02
Sechman, Donald R	USA	RA15275776	E4	CPL	MIA	I CO 34TH INF	1950/07/20	None	Montgomery	IN	1954/01/20
Selman Clifford Gene	USAF	AO-1864097	02	1LT	MIA	13 BOMB SQ, LT	1953/05/17	B-26	LaFayette	IN	1954/05/18
Shepler, Gerald Ivin	USA	RA15419662	E4	CPL	KIA	K CO 187TH ABN	1950/11/29	None	Union	IN	1950/11/29
Simmons, Wallace Jr	USA	RA35569696	E8	MSG	MIA	HQ BTRY 7TH INF	1950/12/06	None	Marion	IN	1953/12/31
Sizemore, Charles E	USA	RA16311923	E4	CPL	MIA	HQ HQ CO 8TH CAV	1950/11/02	None	Marion	IN	1953/12/31
Smith, Charles E	USA	RA16314105	E3	PFC	MIA	B CO 29TH INF	1950/07/27	None	St Joseph	IN	1953/12/31
Smith, Leland Ford	USA	RA23021038	E4	CPL	POW	K CO 35TH INF	1950/11/28	None	Steuben	IN	1951/02/28
Spangler, Donald E	USA	RA15275871	E3	PFC	MIA	B CO 8TH CAV RGT	1950/11/02	None	Delaware	IN	1953/12/31
Stebbens, Alvin Lowell	USA	RA16312837	E4	CPL	MIA	A CO 32ND INF	1950/12/02	None	Grant	IN	1953/01/26
Strawser, Paul P	USA	RA15212417	E4	CPL	POW	A CO 34TH INF	1950/07/06	None	Steuben	IN	1950/11/22
Sturdivant, Charles	USA	ER5200570	E3	PFC	POW	I CO 38TH INF	1951/02/12	None	Huntington	IN	1953/12/31
Sturgeon, Gene Alfred	USMC	0450033	E3	CPL	KIA	B CO 1/7	1950/11/28	None	Connersville	IN	1950/11/28
Surber, Harold Paul	USA	US55031109	E4	CPL	POW	C CO 38TH INF	1951/05/18	None	Marion	IN	1951/07/31
Tabczynski, Edwin Felix	USAF	AO-2221757	01	2LT	KIA	16TH FTR INT SQ	1951/08/20	F-80	Mishawaka	IN	1952/08/01
Talley, James Willis	USA	RA16324102	E3	PFC	KIA	C CO 24TH INF	1950/11/26	None	Lake	IN	1950/11/26
Thurman, John Edward	USAF	AF16346460	E4	AIC	NBD	1 ST SHORAN SQ	1952/10/16	C-46	Greensboro	IN	1952/11/07
Titus, Robert Eli	USA	RA16312767	E3	PFC	POW	C CO 19TH INF	1950/07/16	None	Grant	IN	1950/12/31
Toops, William Wilbur	USAF	AO-1911692	02	1LT	KIA	8TH FTR BMBR SQ	1952/06/16	F-84E	Anderson	IN	1952/06/16
Turner, Robert William	USN	2914368	E7	ENC	KIA	USS PLEDGE, AM-277	1950/10/12	AM	Logansport	IN	1950/10/12
Wagner, Gene Lewis	USA	RA15275693	E4	CPL	POW	A CO 19TH INF	1950/07/16	None	White	IN	1950/10/31
White, Robert Lee	USA	RA16312975	E4	CPL	POW	A BTRY 38TH FA	1950/11/30	None	Henry	IN	1951/04/04
Wildner, Robert Dewitt	USMC	1176607	E3	CPL	KIA	G CO 3/7	1952/10/06	None	Evansville	IN	1952/10/06
Williams, Grover Lois	USMC	0593728	E3	CPL	MIA	E CO 2/7	1950/11/28	None	Walkerton	IN	1953/10/22
Wilson, Merbie Eugene	USA	RA15242639	E3	PFC	POW	L CO 5th CAV RGT	1951/02/15	None	Tippicanoe	IN	1954/03/05
Wolung, John George	USAF	AO-826818	03	CPT	MIA	12th FTR BMBR SQ	1952/11/05	F-51	Greencastle	IN	1953/10/28
Zekucia, Bernard M	USA	US55061590	E4	CPL	KIA	38th INF	1951/08/27	None	Lake	IN	1951/08/27
Bender, Victor Vernon	USA	RA15277459	E7	SFC	MIA	L CO 38th INF	1950/11/27	None	Marion	IN	1953/12/31
Byard, Billie Jack	USA	RA15418425	E3	PFC	KIA	C BTRY 58th FA BN	1950/11/28	None	Marion	IN	1950/11/29
Coleman, James Allen	USA	RA15246539	E7	SFC	KIA	I CO 19th INF	1951/04/25	None	Vermillion	IN	1951/04/25
Conde, Louis Bernard	USA	US55170838	E5	SGT	MIA	B CO 15th INF	1952/01/29	None	Lake	IN	1953/12/31
Constant, James L	USA	RA16320424	E3	PFC	MIA	A CO 23RD INF	1950/09/08	None	Marion	IN	1953/12/31
Dalton, Howard Dale	USA	RA15418915	E4	CPL	POW	E CO 21ST INF	1951/04/27	None	Tippicanoe	IN	1954/01/05
Drew, Donald D	USA	RA15419313	E4	CPL	MIA	M CO 34TH INF	1950/07/20	None	Washington	IN	1953/12/31
Hamilton, Donald Sewell	USA	RA15275073	E5	SGT	MIA	MED CO 32ND INF	1950/12/02	None	Greene	IN	1953/12/31
Hodge, William M	USA	RA15258056	E2	PVT	MIA	I CO 24TH INF	1950/07/26	None	Lake	IN	1953/12/31
Inman, Richard George	USA	O-00066536	01	2LT	MIA	HV MORT CO 17TH	1953/07/07	None	Knox	IN	1953/07/07
Jochim, Cornelius A	USA	RA15416759	E7	SFC	MIA	MTR CO 31ST IN R	1950/11/28	None	Vanderburgh	IN	1953/13/31
Lykins, Earl Paul	USA	RA15419183	E4	CPL	POW	D CO 34TH INF	1950/07/20	None	Randolph	IN	1950/10/27
Mace, Delbert Ulysses	USA	US55031792	E7	SFC	KIA	A CO 21ST INF	1951/12/12	None	Porter	IN	1951/12/12
Martin, Albert F	USA	US55201362	E4	CPL	MIA	G CO 179TH INF	1952/10/29	None	Jay	IN	1953/12/31
McDaniel, Charles H	USA	RA17000585	E8	MSG	MIA	MED CO 8TH CAV REG	1950/11/02	None	Jennings	IN	1953/12/31
McKeehan, Herbert V	USA	RA16311516	E3	PFC	KIA	B CO 70TH TNK BN	1950/11/02	None	La Porte	IN	1950/11/02
Meshulan, Morris	USA	RA15277708	E4	CPL	POW	D CO 82ND AAAWBN	1950/12/01	None	Marion	IN	1951/01/11
Murdoch, Jackie Lee	USA	RA16314045	E3	PFC	POW	B CO 34TH INF	1950/07/06	None	Montgomery	IN	1950/10/29
Pearson, Raymond Edward	USA	O-02014734	02	1LT	POW	SVC BTRY 63RD FA BN	1950/07/14	None	Montgomery	IN	1951/02/28
Reynolds, Bernard Clayton	USA	US55049102	E4	CPL	MIA	D CO 38TH INF REG	1951/05/18	None	Randolph	IN	1953/12/31
Serwise, Luther Dean	USA	ER35096963	E7	SFC	MIA	A CO 38TH INF	1951/02/12	None	Lake	IN	1954/02/17
Wasiak, Richard L	USA	RA16311250	E4	CPL	MIA	G CO 32ND INF	1950/12/02	None	Lake	IN	1953/12/31
White, Robert Louis	USA	RA16320481	E5	SGT	MIA	HQ CO 1BN 9INF	1950/11/30	None	Decatur	IN	1953/12/31
Soderstrom, Marvin W	USA	US55091639	E3	PFC	MIA	E CO 35TH INF	1951/09/09	None	Porter	IN	1954/02/15
Rice, Donald Ray	USA	RA16311222	E5	SGT	POW	L CO 23RD INF	1951/05/18	None	Porter	IN	1951/10/31
Davis, Norman Glen	USAF	AF15209199	E6	SSG	MIA	8 BOMB SQ, LT	1951/09/12	B-26	Hymara	IN	1954/02/28
Criswell, Reed A	USA	RA16314940	E4	CPL	POW	A BTRY 15TH FA	1951/02/13	None	Washington	IN	1951/04/05
Tucker, Robert Jerome	USA	RA35724130	E4	CPL	MIA	E CO 24TH INF	1950/11/27	None	Gibson	IN	1950/11/27

Count Total: 195.

HONORING THE BRAVERY OF  
MISSOURI TASK FORCE ONE

Mrs. CARNAHAN. Madam President, during the course of the past week, we have witnessed extraordinary acts of bravery. Americans from all walks of life have reached deep into their souls and sought to bring forth comfort to those who have suffered the unimaginable. Their efforts range from simple acts of kindness to the emotionally numbing tasks of searching through

the aftermath for survivors. Today I rise to applaud the efforts of a special team of Americans, Missouri Task Force One.

Created in the early '80s by the Federal Emergency Management Agency, the philosophy behind urban search and rescue was to compile a team of highly trained and motivated rescue and medical specialists that could find and return people in collapsed buildings. This past week the 62 volunteers that make up Missouri Task Force One

have used the full range of their skills in the New York City rescue mission.

Searchers work in 12-hour shifts. They search around the clock. The effort is slow and methodical and emotions run high. "It's sensory overload in every aspect," said team member Doug Wasar, a firefighter from St. Louis. Yet, despite the fatigue and anguish they face, they must be forced to stop and eat. When the shift is over, they are reluctant to stop. They are

driven by an inner force they find hard to explain.

Their job is as difficult and challenging as perhaps any task that has been undertaken since the attack, but their focus remains true. As the days and weeks progress and the chances of finding survivors wane, they press on, their hope and determination strong.

On behalf of all Missourians I express my sincere and heartfelt appreciation to the heroes and heroines who make up Missouri Task Force One. They are shining examples of the best Missouri has to offer and an inspiration to the world.

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#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 30, 1993 in Tyler, TX. Nicholas West, a 23-year-old gay man, was abducted from a park known as a meeting place for gays, robbed and shot to death. Donald Aldrich, 29, David Ray McMillan, 17, and Henry Dunn Jr., 19, were charged with murder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

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#### IN MEMORY OF TWO BRAVE CALIFORNIA PILOTS, LARRY GROFF AND LARS STRATTE

Mrs. BOXER. Madam President, I rise today to commemorate the tragic deaths of Larry Groff and Lars Stratte, pilots who were killed on August, 27, 2001 in a mid-air tanker collision while fighting the Bus Fire in Northern California. Both pilots were flying Gruman S-2 aircraft and were making fire retardant drops on the fire when they collided.

Larry Groff and Lars Stratte were established and dedicated pilots who have recorded numerous hours of flying time. Both pilots were employees of San Joaquin Helicopters, Incorporated. Larry Groff was a 20 year Navy Veteran pilot and Lars Stratte was Past President of the Redding Area Pilots Association.

We will never forget the service of these pilots to their community. In a difficult and dangerous occupation, they demonstrated outstanding courage and extraordinary ability to fight

fires from the air in their service with the California Department of Forestry and Fire Protection.

Larry Groff, from Windsor, CA, leaves behind his wife Christine, his six children and two grandchildren. Lars Stratte, from Redding, CA, leaves behind his wife Terri and two children.

Larry Groff and Lars Stratte served their community and the people of California with great distinction. I am honored to pay tribute to these brave men today and I encourage my fellow colleagues to join me in celebrating their lives and service, mourning their passing and extending our condolences to their families.

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#### IN RECOGNITION OF DAVID BOHLEY

Mr. BOND. Madam President, I ask the Senate to pause long enough to recognize an outstanding member of my staff who is moving on to new challenges and new opportunities. Dave Bohley has been a member of my Small Business Committee staff since 1998. Since that time he has set a high standard of excellence and knowledge in handling banking and related matters for the Committee. He was also deeply involved in the Small Business Innovation Research program reauthorization we passed last year, and in the Small Business Technology Transfer program legislation currently working its way through the Congress.

Dave's expertise recently attracted him into a new career at Fannie Mae, the financial services company. Although I am happy for him to have this new opportunity, I am sorry to see him leave my staff. Fannie Mae's gain is truly our loss. I wish him every success and thank him so very much for his exemplary service to me and to the Senate.

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#### NATURALIZATION EXTENSION ACT OF 2001

Mr. KOHL. Madam President, I rise today as an original cosponsor of the Bruce Vento Hmong Veterans Naturalization Extension Act of 2001. This important piece of legislation will ensure that the sizable Hmong population in Wisconsin is able to take advantage of a status adjustment opportunity extended to them unanimously by this Congress last year. The Hmong, and particularly the Lao Veterans of America, deserve our respect and honor for all their help during the conflict in Vietnam.

The Hmong Veterans Naturalization Act of 2000 waives the English language requirement and provides for a translator during administration of the Civics test for all Hmong Veterans of the Special Forces in Laos and their spouses and widows applying for U.S. citizenship. However, the Hmong veteran community only had the benefit

of this legislation for 18 months. Since enactment, fewer than half of all Hmong veterans and their family members have been able to seek citizenship under these standards. The legislation introduced today would give those eligible an additional 18 months to apply for citizenship under the Naturalization Act.

I commend my colleague Senator WELLSTONE for his efforts on behalf of the Hmong population living in the upper midwestern United States, and I urge expeditious consideration of this legislation.

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#### CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB, MUSLIM AND SOUTH ASIAN AMERICANS

Mr. FEINGOLD. Madam President, I rise to join with my colleagues in support of H. Con. Res 227 condemning bigotry and violence against Arab, Muslim, and South Asian Americans.

I am sincerely grateful for and proud of the tremendous response of the American people who have shown true courage and loyalty in the face of the horrific attacks on our country on September 11, 2001. No one should doubt the resolve of this Nation to meet the challenge before us in fighting terrorism. But as we continue to wrestle with deep and conflicting emotions of sadness, pain, anger, and fear, we must ensure that the spirit of America, that ability to transcend differences in race, religion, and ethnicity to achieve greatness, is not only preserved, but strengthened as a result of this tragedy.

As history has shown, America has always triumphed when we are united. That is why it is so important in this chapter in our history, as we prepare to defend and preserve our Nation, that we stay united as one Nation. This should not be an occasion for irrational impulses of fear, hate or violence towards Arab-Americans, Muslim Americans, South Asian Americans, or any other person in this country. Such actions are wrong. The idea of "America" knows no racial, ethnic, or religious boundaries, and no American should have to live in fear as a result of this situation. I stand together with my colleagues, and with Americans of all backgrounds, in condemning such actions. We must renew our commitment to protect our fellow Americans and our Nation against those who want to divide us with hate.

Unfortunately, there has been a rash of acts of hate during the last week, compounding the anxiety of Americans in communities throughout this Nation. I have been saddened to hear of incidents in my own State. Ashraf "Mike" Khaled, a Wisconsin resident of Jordanian descent and gas station owner, has been the victim of several incidents of hateful statements and threats of his safety by customers and

passerby. He reminded us of why our country is so great and why these actions of hatred can be so damaging. He said, "I love this country because I found my freedom here."

This is a critical moment for America. One in which we must all live by and honor our Pledge to live as "One Nation, under God, indivisible, with liberty and justice for all."

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO BISHOP TIMLIN

• Mr. SPECTER. Madam President, I seek recognition today to acknowledge the service of my friend, Bishop James C. Timlin, D.D., of the Diocese of Scranton, who is today celebrating 25 years since his elevation to the rank of bishop. Recently, on July 16, 2001, Bishop Timlin also observed the 50th anniversary of his priestly ordination.

Bishop Timlin was born in Scranton on August 5, 1927. He attended Holy Rosary High School and St. Charles College in Catonsville, MD. He then attended St. Mary's Seminary in Baltimore and the North American College in Rome, Italy, where he completed his studies for the priesthood. Bishop Timlin was ordained on July 16, 1951, in Rome by the Most Reverend Martin J. O'Connor, D.D. Bishop Timlin continued his studies in theology there before returning to the Diocese of Scranton, where he was appointed Assistant Pastor at St. John Evangelist Parish, Pittston, in 1952.

On June 12, 1953, he became Assistant Pastor of St. Peter's Cathedral in Scranton, where he served until September 12, 1966, when he was named Assistant Chancellor of the Diocese of Scranton. He was named Chaplain to His Holiness Pope Paul VI on August 3, 1967, Chancellor of the Diocese of Scranton on December 15, 1971, and Prelate of Honor to His Holiness on April 23, 1972. He was named the Auxiliary Bishop of Scranton on August 3, 1976, and Pastor of the Nativity of Our Lord, Scranton, in September 1979. Cardinal John J. O'Connor, the seventh Bishop of Scranton, appointed him Chairman of the Board of Advisors for St. Pius X Seminary and Chairman of the Preparatory Commission for the Scranton Diocesan Synod in 1983.

Pope John Paul II appointed him the eighth Bishop of Scranton on April 24, 1984, and his installation followed on June 7, 1984. Bishop Timlin has served two terms as a member of the Administrative Board and the National Advisory Council of the National Conference of Catholic Bishops. He also served as a member of the Board of the North American College, as well as a consultant on the Liturgy Committee. He is presently a consultant to the NCCB's Ecumenical and Migration committees.

For his leadership and spiritual shepherding of 340,000 Catholics in the 11 counties of the Diocese of Scranton, I would like to extend the gratitude and recognition of the United States Senate to Bishop James Timlin.●

##### IN MEMORY OF ROSE ANN VUICH

• Mrs. BOXER. Mr. President, I rise today to recognize the recent passing of Rose Ann Vuich, an extraordinary public servant and Californian who died on August 30th at the age of 74, after a long battle with Alzheimer's.

Rose Ann Vuich was California's first woman State senator, serving in the California State Senate for 16 years until her retirement in 1992. With the election of Senator Vuich in 1976, she became an icon in California's political history and helped to write a new era in the history of the California State Senate.

Rose Ann Vuich set a high level of integrity and decency. To this day, there is a Rose Ann Vuich award recognizing other great public servants who meet her high standards. She was a woman of great determination and dedication, who worked tirelessly for her constituents and was loved and respected by so many.

Rose Ann Vuich was the daughter of Yugoslav immigrants and was from the small farming community of Dinuba in Tulare County, California. Senator Vuich was dedicated to agriculture, family, community and promoting the San Joaquin Valley. She will be greatly missed by all.

On behalf of the Senate, I extend our thoughts and prayers to the Vuich Family on the loss of an extraordinary woman. I ask that the Fresno Bee Editorial from August 31, 2001 be printed in the RECORD.

[From the Fresno Bee, Aug. 31, 2001]

ROSE ANN VUICH—VALLEY LAWMAKER LEFT AN ENDURING LEGACY OF ETHICAL, HONEST BEHAVIOR

At a time when there's so much cynicism about government, Rose Ann Vuich reminded us that public service is noble. Sen. Vuich, who died Thursday, was California's first woman state senator, but her mark in Sacramento was made with her integrity and a commitment to her Valley constituents.

A Democrat from Dinuba, Sen. Vuich represented the region for 16 years until retiring in 1992. She served at a time when the Legislature was controlled by special interests and laws limiting gifts from lobbyists were not as strict as they are today. Many legislators had their hands out, and the special interests were only too happy to grease them. But they could not get to Sen. Vuich, although they tried.

Sen. Vuich had earned a reputation for voting her conscience and, didn't look kindly on so-called "juice bills," which were bills that had no value

other than attracting campaign contributions for lawmakers. In Sacramento, FBI agents played a tape that had a witness saying a bill shouldn't go to the Banking and Commerce Committee, which Sen. Vuich chaired, because she didn't "play ball."

In 1998, an award for ethical leadership was established in Sen. Vuich's name. The aim was to raise the ethical bar in the region, which was sorely needed after the many indictments in the local Operation Rezone case.

Sen. Vuich also was a role model for women in government. It was difficult being California's first woman state senator, but she broke into that men's club with humor and dignity. She kept a bell on her desk in the Senate chamber, and when her male colleagues referred to the "gentlemen of the Senate" or "fellow senators," she rang the bell loudly. The Senate soon became more sensitive to gender-biased language.

Sen. Vuich was instrumental in getting the local freeway system built and the centerpiece of her 1976 campaign was completing Freeway 41, which she called "the freeway to nowhere."

Sen. Vuich remains a role model for all of us. The lessons she taught us must endure.●

##### IN MEMORY OF SARAH MAE SHOEMAKER CALHOON

• Mr. CARPER. Mr. President, I rise today to commemorate the passing of a wonderful woman, mother, and American. Sarah Mae Shoemaker Calhoon died on July 7, 2001 outside of Columbus, OH, (Hilliard), after a courageous battle with cancer. Mrs. Calhoon was 75 years old.

Mrs. Calhoon was born on August 31, 1925 in Philadelphia, PA to the late Samuel and Sarah Mae Shoemaker. She spent her childhood in Philadelphia, where she would graduate from Cheltenham High School. On August 29, 1947, just two days before her 22nd birthday, Sarah Mae Shoemaker was married to J. Thomas Calhoon, a Marine from Grandview Heights, a suburb of Columbus, OH.

The new Mr. and Mrs. Calhoon had their first child, Thomas F. or "little" Tom as they often called him early in their marriage. In September of 1948, Tom, Sarah, and "little" Tom moved to Columbus, OH, where, over the next four years they would become the proud parents of three more sons, Sam, Don, and Bob. Their only daughter, Susie, would be born in April of 1961.

Although I did not know Sarah Mae Calhoon personally, I have known her son Tom for more than half of my life. We met as undergraduates at the Ohio State University in the 1960s and have been fraternity brothers for more than three decades. Despite living so far from each other, Tom and I have managed to keep in touch over the years. It

is often said that all children are a reflection of their parents. If Tom is even a faint reflection of his mother, it is a great tribute to the values she carried throughout her life and instilled in her children.

Since her recent passing, I have heard and read many wonderful things about Sarah Mae Calhoon. I have learned about her strong commitment to the community of Columbus, whether it be through her active membership in a variety of organizations like the PTA, 4-H, the Lions Auxiliary or in her unofficial role as the "zoning watchdog" of the Calhoon's neighborhood on Old Cemetery Road. I have read about her great success as a multi-million dollar producer in the real estate industry. I have heard, from both former customers and competitors alike, about the dedication, loyalty, and integrity that she brought to her job every day.

Most importantly, however, I have learned about her unfailing commitment to being a mother and wife. Nothing was more precious to Sarah Calhoon than her family and she did all she could to ensure that all of her children grew up in a loving and nurturing environment that would enable them to go on to lead valuable and fulfilling lives. She consistently put the needs, concerns and feelings of her family and others, before her own wishes, never asking for much but always giving a great deal. Her life served as an example, providing inspiration to women everywhere struggling to maintain the careful balance between career and family, a task that she carried out with admirable grace and skill.

Everything that I have learned about Sarah Mae Calhoon since her death has only confirmed what I had always pictured my good friend Tom's mother would be like: the epitome of an exemplary wife, mother, business woman, and citizen.

In closing, I would like to extend my greatest condolences to her husband, their five children, seven grandchildren, and countless others whose lives were touched by this wonderful woman. As we celebrate her remarkable life, let it be known that Sarah Mae Calhoon will be dearly missed, yet never forgotten.●

#### IN HONOR OF SHOSHONA GREENBAUM

● Mrs. BOXER. Mr. President, a suicide bombing occurred in Jerusalem during the Congressional recess that claimed the life of a young American woman, Shoshona Greenbaum. Ms. Greenbaum, four months pregnant with her first child, is yet another tragic victim in the numbing string of suicide bomb attacks perpetrated by Palestinian extremists against innocent Israeli citizens.

Shoshona Greenbaum was one of 15 people killed on August 9th in a down-

town Jerusalem pizzeria, after a Palestinian terrorist detonated a bomb studded with nails, screws and bolts that he had strapped to his body. She died instantly, and with her died the hopes and dreams of a young, idealistic woman, a wife, a devoted school teacher and mother-to-be.

Ms. Greenbaum spent most of her life in Southern California, and her parents, Alan and Shifra Hayman, still live in Los Angeles. My heart goes out to her family, her many friends, and to her grieving husband Steven for their cruel and unexpected loss.

I have had the opportunity to talk with Shoshona's father, and I know what a deep loss this is for the entire family. I condemn this cowardly attack that robbed a husband of his beloved wife and child, devastated a family and took a remarkable young woman from a community that adored her.

It is time for the terrorism to stop. It is time for the suicide bomb attacks to stop. It is time for the Palestinian leadership to renounce the use of violence and to rein in those individuals and elements who seek only to destroy Israel and forever destabilize the region.

In the name of Shoshona Greenbaum and the other innocent victims of these attacks, we must seek to understand the roots of terrorism in the Middle East and bring to an end the ever-escalating cycle of violence. I can think of no more appropriate memorial to Shoshona than to ensure one day that the people of Israel can live in freedom and safety, secure in their knowledge of a peaceful and productive future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 9:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1900. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes.

H.R. 2061. An act to amend the charter of Southeastern University of the District of Columbia.

H.R. 2657. An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. SKEEN, Mr. REGULA, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. NETHERCUTT, Mr. WAMP, Mr. KINGSTON, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. DICKS, Mr. MURTHA, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. SABO, and Mr. OBEY.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. CALLAHAN, Mr. ROGERS of Kentucky, Mr. FRELINGHUYSEN, Mr. LATHAM, Mr. WICKER, Mr. WAMP, Mrs. EMERSON, Mr. DOOLITTLE, Mr. YOUNG of Florida, Mr. VISCLOSKEY, Mr. EDWARDS, Mr. PASTOR, Mr. CLYBURN, Ms. ROYBAL-ALLARD, and Mr. OBEY.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. WALSH, Mr. DELAY, Mr. HOBSON, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mrs. NORTHUP, Mr. SUNUNU, Mr. GOODE, Mr. ADERHOLT, Mr. YOUNG of Florida, Mr. MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina, Mr. CRAMER, Mr. FATTAH, and Mr. OBEY.

The message further announced that the House has disagreed to the amendments of the Senate to the bill (H.R.

2647) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. TAYLOR of North Carolina, Mr. WAMP, Mr. LEWIS of California, Mr. LAHOOD, Mr. SHERWOOD, Mr. YOUNG of Florida, Mr. MORAN of Virginia, Mr. HOYER, Ms. KAPTUR, and Mr. OBEY.

The message also announced that the House agrees to the resolution (H. Res. 240) returning to the Senate the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate.

At 11:59 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1900. An act to amend the Juvenile, Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes; to the Committee on the Judiciary.

H.R. 2061. An act to amend the charter of Southeastern University of the District of Columbia; to the Committee on Governmental Affairs.

H.R. 2657. An act to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes, to the Committee on Governmental Affairs.

H.R. 2904. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes;

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1447. A bill to improve aviation security, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3988. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to civilian personnel, property disposal or transfer, and contractor claims; to the Committee on Governmental Affairs.

EC-3989. A communication from the General Counsel of the Office of Government Ethics, transmitting, pursuant to law, a draft of proposed legislation entitled "To Amend the Ethics in Government Act of 1978, as Amended, to Streamline the Financial Disclosure Requirements for Executive Branch Employees"; to the Committee on Governmental Affairs.

EC-3990. A communication from the Counsel to the Inspector General, United States Services Administration, transmitting, pursuant to law, the report of the discontinuation of service in acting role in the position of Inspector General, received on August 14, 2001; to the Committee on Governmental Affairs.

EC-3991. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Regulations That May be Adopted on Interest Allocation" (Notice 2001-59) received on September 18, 2001; to the Committee on Finance.

EC-3992. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to Federal Firefighters Retirement Age Fairness Act; to the Committee on the Budget.

EC-3993. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Executive Compensation" (RIN2550-AA13) received on September 19, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3994. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Attorney General, received on September 19, 2001; to the Committee on the Judiciary.

EC-3995. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Attorney General, Environment and Natural Resources Division, received on September 19, 2001; to the Committee on the Judiciary.

EC-3996. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Director, Community Relations Service, received on September 19, 2001; to the Committee on the Judiciary.

EC-3997. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Director, Bureau of Justice Assistance, received on September 19, 2001; to the Committee on the Judiciary.

EC-3998. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Administrator, Office of Juvenile Justice and Delinquency Prevention, received on September 19, 2001; to the Committee on the Judiciary.

EC-3999. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC-4000. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of Assistant Attorney General, Office of Legal Counsel, received on September 19, 2001; to the Committee on the Judiciary.

EC-4001. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC-4002. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC-4003. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination returned for the position of Director, Office for Victims of Crime, received on September 19, 2001; to the Committee on the Judiciary.

EC-4004. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination and a nomination returned for the position of United States Parole Commissioner, received on September 19, 2001; to the Committee on the Judiciary.

EC-4005. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report entitled "Response to Conference Report Accompanying the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001"; to the Committee on Armed Services.

EC-4006. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report entitled "Chemical and Biological Defense Program Annual Report and Performance Plan, July 2001"; to the Committee on Armed Services.

EC-4007. A communication from the United States Office of Special Counsel, transmitting, pursuant to law, the Commercial Activities Inventory, and the FAIR Annual Management Report for 2001; to the Committee on Governmental Affairs.

EC-4008. A communication from the Chair and Chief Executive Officer of the Armed Forces Retirement Home Board, transmitting, the report of the Commercial Activities Inventory for year 2001; to the Committee on Governmental Affairs.

EC-4009. A communication from the Chairman of the United States Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the Annual Report on Audit and Investigative Coverage for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-4010. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the Commercial Activities Inventory Report for the year 2001; to the Committee on Governmental Affairs.

EC-4011. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Europe and Eurasia, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4012. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Europe and Eurasia, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4013. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4014. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4015. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Management, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4016. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Global Programs, Field Support and Research, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4017. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Latin America and the Caribbean, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4018. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4019. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4020. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4021. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4022. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Europe and Eurasia, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4023. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4024. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4025. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4026. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4027. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4028. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4029. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4030. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4031. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4032. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4033. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Administrator, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4034. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Humanitarian Response, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4035. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Management, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4036. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Global Programs, Field Support and Research, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4037. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Latin America and the Caribbean, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4038. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Administrator, Bureau for Asia and the Near East, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4039. A communication from the Acting Executive Secretary, Agency for International Development, transmitting, pursuant to law, the report of the designation of acting officer in the position of Assistant Administrator, Bureau for Africa, received on September 19, 2001; to the Committee on Foreign Relations.

EC-4040. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 2001 Summer Flounder, Scup and Black Sea Bass Commercial Quotas" (I.D. 090601A) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4041. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closes Pollock in Statistical Area 630 of the Gulf of Alaska" received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4042. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Clarify the Definition of Length Overall of a Vessel" (RIN0648-AN23) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4043. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Interpretive Rule Regarding Imports of Illegally Harvested Patagonian or Antarctic Toothfish Seized by Foreign Law Enforcement Authorities and Placed into International Commerce" (RIN0648-AP35) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4044. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes C Season Pollock Fishery in Statistical Area 610, GOA" received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4045. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Swordfish Quota Adjustment" (I.D. 070201A) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4046. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species; Postponement of Closure; Fishing Season Notification" (I.D. 082901B) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4047. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fisheries; Adjustment of Daily Retention Limit; Inseason Quota Transfer" (I.D. 082701D) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4048. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Recreational Fishery; Retention Limit Adjustment" (I.D. 080201B) received on September 19, 2001; to the Com-

mittee on Commerce, Science, and Transportation.

EC-4049. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Tunas Reporting; Fishery Allocations and Regulatory Adjustments" (RIN0648-AN97) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4050. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting" received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4051. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 9" (RIN0648-AO97) received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4052. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Shallow—Water Species Fishery Using Trawl Gear, Gulf of Alaska" received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4053. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closes Trawling in Steller Sea Lion Protection Areas in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4054. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Research and Special Programs Administration, received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4055. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Motor Carrier Safety Administration, received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4056. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, Office of the Secretary, received on September 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4057. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Zoxamide 3,5-dichloro-N-(3-Chloro-1-ethyl-1-methyl-2-oxopropyl)-4-Methylbenzamide; Pesticide Tolerance" (FRL6803-7) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4058. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfosate; Pesticide Tolerances" (FRL6801-8) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4059. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosa; Pesticide Tolerance" (FRL6802-9) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4060. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propamocarb Hydrochloride; Pesticide Tolerances" (FRL6797-2) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4061. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Paraquat; Pesticide Tolerances" (FRL6799-2) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4062. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxytobin; Pesticide Tolerances" (FRL6803-1) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4063. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 41 and 140—Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions" (RIN3038-AB82) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4064. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR 41 (CFTC)—Method for Determining Market Capitalization and Dollar Value of Average Daily Trading Volume; Application of the Definition of Narrow-Based Security Index; Joint Final Rule" (RIN3235-A113) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4065. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 39—A New Regulatory Framework for Clearing Organizations" (RIN3038-AB66) received on September 19, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4066. A communication from the Administrator of the General Service Administration, transmitting, the report of lease prospectuses that support the Fiscal Year

2002 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-4067. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for *Astragalus holmgreniorum* (Holmgren milk-vetch) and *Astragalus ampullarioides* (Shivwits milk-vetch)" (RIN1018-AG02) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4068. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans for Colorado and Montana: Transportation Conformity" (FRL7055-4) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4069. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Texas; Revisions to General Rules and Regulation for Control of Air Pollution by Permits for New Sources and Modifications" (FRL7063-2) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4070. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL7056-2) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4071. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision" (FRL7057-5) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4072. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: California" (FRL7058-5) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4073. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: South Carolina" (FRL7062-1) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4074. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permits Program; State of New Hampshire" (FRL7064-1) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4075. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Finding of Attainment;

Spokane, Washington Particulate Matter (PM-10) Nonattainment Area" (FRL7064-3) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4076. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport—Federal NO<sub>x</sub> Budget Trading Program, Rule Revisions" (FRL7058-2) received on September 19, 2001; to the Committee on Environment and Public Works.

EC-4077. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2001" (Rev. Rul. 2001-49) received on September 20, 2001; to the Committee on Finance.

EC-4078. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Calculation of Average Weekly Trading Volume under Rule 144 and Termination of 10b5-1 Trading Plan" received on September 20, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4079. A communication from the Acting Director of the Fish and Wildlife Service, Endangered Species, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List *Silene spaldingii* (Spalding's Catchfly) as Threatened" (RIN1018-AF79) received on September 20, 2001; to the Committee on Environment and Public Works.

EC-4080. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Annisquam River, MA" ((RIN2115-AE47)(2001-0094)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4081. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Bayou Lafourche, LA" ((RIN2115-AE47)(2001-0099)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4082. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Selfridge Air National Guard Base, Michigan" ((RIN2115-AA97)(2001-0103)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4083. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chelsea River Blasting, Boston, Massachusetts" ((RIN2115-AA97)(2001-0101)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4084. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations: San Francisco Bay, CA" ((RIN2115-AA98)(2001-0001)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4085. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY" ((RIN2115-AE47)(2001-0095)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4086. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Bayou Lafourche, LA" ((RIN2115-AE47)(2001-0097)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4087. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Old River, California" ((RIN2115-AE47)(2001-0092)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4088. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Charleston, South Carolina" ((RIN2115-AA97)(2001-0104)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4089. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Sunset Lake, Wildwood Crest, New Jersey" ((RIN2115-AE46)(2001-0032)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4090. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; Atlantic Ocean, Atlantic City, New Jersey" ((RIN2115-AE46)(2001-0033)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4091. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Shaw Cove, CT" ((RIN2115-AE47)(2001-0093)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4092. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Napa River, California" ((RIN2115-AE47)(2001-0091)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4093. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Highbridge Road Draw-bridge, Atlantic Intracoastal Waterway, Volusia County, Florida" ((RIN2115-AE47)(2001-0098)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4094. A communication from the Chief of the Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Draw-bridge Regulations: Mullica River" ((RIN2115-AE47)(2001-0096)) received on September 21, 2001; to the Committee on Commerce, Science, and Transportation.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment:

S. 746: A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes. (Rept. No. 107-66).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCONNELL:

S. 1444. A bill to establish a Federal air marshals program under the Attorney General; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. FRIST, and Mr. HUTCHINSON):

S. 1445. A bill to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain terrorist attack zone compensation of civilian uniformed personnel; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. KERRY, Mr. ROCKEFELLER, Mrs. HUTCHINSON, Mr. BREAUX, Mr. BURNS, Mr. REID, Mr. CLELAND, Mr. SMITH of Oregon, Mr. EDWARDS, Mr. NELSON of Florida, Mrs. CARNAHAN, Mr. WELLSTONE, Mr. WYDEN, Mrs. BOXER, Mrs. CLINTON, Ms. MIKULSKI, Mr. DASCHLE, Mr. DORGAN, Mr. INOUE, and Mr. HARKIN):

S. 1447. A bill to improve aviation security, and for other purposes; read the first time.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1448. A bill to enhance intelligence and intelligence-related activities of the United States Government in the prevention of terrorism, and for other purposes; to the Select Committee on Intelligence.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Ms. MIKULSKI,

Mr. DURBIN, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1449. A bill to establish the National Office for Combatting Terrorism; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. 1450. A bill to preserve the continued viability of the United States air transportation system; considered and passed.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1451. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. BROWNBACK, Mr. GRASSLEY, Mr. LEAHY, and Ms. CANTWELL):

S. 1452. A bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire:

S. 1453. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for, and respond to, terrorist attacks, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CARNAHAN (for herself, Mr. DASCHLE, Mr. KENNEDY, Mrs. MURRAY, Ms. CANTWELL, Mr. ALLEN, Mr. WELLSTONE, Mr. DURBIN, Mr. ROCKEFELLER, Mr. CLELAND, and Mr. DAYTON):

S. 1454. A bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. STEVENS):

S. 1455. A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. MCCONNELL):

S. Res. 162. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

By Ms. LANDRIEU (for herself, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. CARNAHAN, Mrs. HUTCHINSON, Ms. CANTWELL, Mrs. FEINSTEIN, Ms. STABENOW, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. BOXER, Mr. HATCH, and Mrs. CLINTON):

S. Res. 163. A resolution designating the week of September 23, 2001, through September 29, 2001, as "National Ovarian Cancer Awareness Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. HAGEL):

S. Con. Res. 69. A concurrent resolution expressing support for tuberous sclerosis awareness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. ALLEN):

S. Con. Res. 70. A concurrent resolution expressing the sense of the Congress in support of the "National Wash America Campaign"; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. Con. Res. 71. A concurrent resolution designating the week of October 7 through October 13, 2001, as "National Mental Health Awareness Week"; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Ms. COLLINS, and Ms. STABENOW):

S. Con. Res. 72. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Martha Matilda Harper, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Governmental Affairs.

By Mr. NICKLES (for himself, Mr. INHOFE, Mr. SCHUMER, Mrs. CLINTON, Mr. ALLEN, Mr. MCCONNELL, Mr. CRAPO, Mr. LUGAR, Mr. WARNER, Mr. ROBERTS, Mr. MCCAIN, Mr. LEVIN, Mr. BIDEN, Mr. BAYH, Mr. JOHNSON, Mr. SARBANES, Mr. FITZGERALD, Mr. CLELAND, Ms. CANTWELL, Mr. NELSON of Florida, Mr. KOHL, Mr. KERRY, Mr. FEINGOLD, Mr. BREAUX, Mr. LIEBERMAN, Ms. COLLINS, and Mr. HUTCHINSON):

S. Con. Res. 73. A concurrent resolution expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001; to the Committee on the Judiciary.

### ADDITIONAL COSPONSORS

S. 181

At the request of Mr. SHELBY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to phase out the taxation of social security benefits.

S. 237

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 351

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of

mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 459

At the request of Mr. BUNNING, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 521

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 521, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 627

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 753

At the request of Mr. BREAUX, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 753, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 790

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 790, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 905

At the request of Mr. HARKIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 950

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1136

At the request of Mr. SARBANES, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1136, a bill to provide for mass transportation in certain Federally owned or managed areas that are open to the general public.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

At the request of Mrs. CARNAHAN, the name of the Senator from Oklahoma (Mr. INHOFE) was withdrawn as a cosponsor of S. 1250, *supra*.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1429

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1429, a bill to provide for the improvement of security at airports and seaports.

S. 1430

At the request of Mr. JOHNSON, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1432

At the request of Mr. SMITH of Oregon, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from

Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes.

S. 1433

At the request of Mr. ALLEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1433, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Massachusetts (Mr. KERRY), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S.J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. RES. 160

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Colorado (Mr. CAMPBELL), the Senator from New York (Mrs. CLINTON), the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Virginia (Mr. ALLEN), the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. SMITH), the Senator from California (Mrs. FEINSTEIN), the Sen-

ator from South Dakota (Mr. DASCHLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Delaware (Mr. BIDEN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from West Virginia (Mr. BYRD), the Senator from Florida (Mr. NELSON), the Senator from New York (Mr. SCHUMER), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Jersey (Mr. CORZINE), the Senator from Tennessee (Mr. THOMPSON), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Mr. BREAUX), the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as "Family History Month."

S. RES. 161

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 161, a resolution designating October 17, 2001, as a "Day of National Concern About Young People and Gun Violence."

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. THOMAS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Con. Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1583

At the request of Mrs. CLINTON, the names of the Senator from Nebraska (Mr. NELSON), the Senator from North Dakota (Mr. CONRAD), the Senator from

New Jersey (Mr. CORZINE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of amendment No. 1583 proposed to H.R. 2590, a bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL.

S. 1444. A bill to establish a Federal air marshals program under the Attorney General; to the Committee on Commerce, Science, and Transportation.

Mr. MCCONNELL. Madam President, two unmistakable American voices have emerged from the aftermath of September 11.

One voice expressed a newfound hesitancy to fly. Passengers have canceled scheduled flights en masse and I, for one, can hardly blame them. Just this week we heard chilling reports that more acts of terror may be planned in our skies, and, even after the tragic events of September 11, we continue to hear anecdotes of lax security at our Nation's airports. Almost overnight, air travel, a way of life for millions of Americans every day, is now limping along. Families who gather to celebrate holidays, businesspeople who depend upon air transport, and Americans who simply prefer the speed of airplanes, now all must deal with the awful reality of terrorism. The hard economic truth of September 11 is that it scared so many passengers from airlines that it threatens to destroy our multi-billion dollar aviation industry.

But a second, more inspiring, voice emerged from Americans after the acts of September 11, a visceral, instinctive urge to serve their country in some way after the attack on American soil. Minutes after Tuesday's tragedy, we saw real-life armies of compassion come to the aid of those whose lives were destroyed. We saw police and fire rescue units risk their lives to save their fellow citizens. We saw American families generously pour nearly \$200 million of relief money to charitable organizations such as the Red Cross, the United Way, and the Salvation Army. And in memorial services and vigils all over the country, we saw Americans rallying together to pause, to pray, and to pledge that the American spirit will not be broken. Still today, in a remarkable show of patriotism, there is a chorus, especially those in law enforcement, asking "what can I do?" to protect and defend our fellow countrymen from future terrorist tragedies.

What we need to do is harness this spirit in order to make our airlines safe again for American families. So, today, I am introducing legislation that authorizes the Attorney General, as our Nation's top law enforcement official, to establish a comprehensive Federal Air Marshal program to secure airports from curbside to cockpit. And to capitalize on the desire of so many Americans to serve our country in the fight against terrorism, the legislation specifically authorizes the Attorney General to use active and retired Federal, State, and local law enforcement officials to serve in the Air Marshal program.

America needs a uniform Federal Air Marshal program to combat potential terrorism from the minute passengers arrive at an airport until the time they arrive safely at their intended destinations. This requires a professional law enforcement team to police airport points of entry, operate x-ray machines, and serve as undercover air security marshals on board commercial aircraft. While we have an existing FAA Federal Air Marshal program on board aircraft, we need to expand Federal aviation security to put Federal marshals on more flights and to stop terrorism on the ground before it can board an aircraft. For a comprehensive Air Marshal program to be most effective, we need to relieve the obligations of airport security from the FAA and the airlines, whose primary purpose is to facilitate and manage air travel, and entrust that obligation to the Department of Justice, whose primary mission is to enforce Federal law, and most important, to safeguard and protect us from terrorism.

Obviously this new Federal Air Marshals program will require additional manpower and financial resources. And that is where we intend to harness the spirit espoused by so many of our law enforcement personnel throughout the country. The new Federal Air Marshals program not only will recruit new full-time active professional marshals but will augment that program with Deputy Federal Air Marshals drawn from retired military personnel, as well as from active or retired Federal, State, and local law enforcement officers, anyone from a DEA agent to a local law enforcement officer who wants to serve his country by securing our airports and aircraft. It is also crucial that we retain a sufficient measure of cost-sharing with private and State and local entities. Private airlines and airport authorities should share a responsibility, as they do now, to help fund a portion of airport security.

The Attorney General will, of course, determine how to deploy the Deputy Air Marshals most effectively, and will ensure that they are properly trained to perform the task required of them, be it thwarting hijackers on board an aircraft or searching suspicious pack-

ages in the terminal. What is certain, however, is that tapping this reservoir of knowledgeable and experienced law enforcement officers to serve this vital national security function will allow us to put more Marshals both in the air and on the ground. Our goal should be to secure as many airports and as many aircraft as possible using the most experienced and professional staff available.

We already have models in place for the type of curbside to cockpit security envisioned in this bill. Our Federal courthouses currently are secured by our United States Marshals, who also employ Court Security Officers, CSOs, to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These CSOs are themselves retired Federal, State, and local law enforcement personnel. Part of the reason our courthouses enjoy such security today is that this unified system provides for layers of security far before one enters the actual courtroom. Our democracy now demands, in the interest of our national security, that we make sure our cockpits are every bit as secure as our courthouses.

In times and events such as these, the Federal Government is not only the best answer, but the only answer. The challenge we face in securing our airports and airlines is not a matter of free market economics, it is a matter of national security, as the tragic events of September 11 made so horrifyingly clear. That is why it is imperative that we entrust this national security item with the resources, expertise, and experience of our Nation's top law enforcement agency, and that we do so immediately.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1444

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Air Marshals and Safe Sky Act of 2001".

#### SEC. 2. PROGRAM ESTABLISHED.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

##### "§ 570. Federal air marshals program

"(a) DEFINITIONS.—In this section:

"(1) AIRCRAFT.—The term 'aircraft' has the meaning given that term in section 40102 of title 49.

"(2) AIR TRANSPORTATION.—The term 'air transportation' has the meaning given that term in section 40102 of title 49.

"(3) PROGRAM.—The term 'program' means the program established under subsection (c).

"(4) UNITS OF LOCAL GOVERNMENT.—The term 'units of local government' includes an airport authority.

"(b) RESPONSIBILITY FOR AIRPORT AND AIRCRAFT SAFETY.—This section shall govern

the security at airports and on board commercial aircraft.

##### "(c) FEDERAL AIR MARSHALS PROGRAM.—

"(1) GOAL.—The goal of the program is to provide maximum security at airports and on board commercial aircraft by having the Federal Government be responsible for all phases of security for air passengers.

##### "(2) ESTABLISHMENT OF FEDERAL AIR MARSHALS PROGRAM.—

"(A) ESTABLISHMENT.—The Attorney General shall establish a Federal Air Marshals program consisting of Federal Air Marshals, including the Federal Air Marshals participating in the Federal Air Marshals Program being administered by the Federal Aviation Administration before the effective date of this section, and Deputy Federal Air Marshals in order to provide maximum security at airports and on board commercial aircraft.

"(B) FEDERAL AIR MARSHALS.—Federal Air Marshals shall serve for the purpose of enforcing Federal laws that regulate security at airports and on board commercial aircraft, including laws relating to acts of terrorism, hijacking, or aircraft piracy and laws relating to violent, abusive, or disruptive behavior by passengers in air transportation.

##### "(C) DEPUTY FEDERAL AIR MARSHALS.—

"(i) IN GENERAL.—The Attorney General shall deputize individuals described in clause (ii) as Deputy Federal Air Marshals for the purpose of augmenting and assisting Federal Air Marshals.

"(ii) PERSONNEL.—The Attorney General shall utilize retired military personnel, retired Federal, State, and local law enforcement personnel, and active-duty Federal, State, and local law enforcement personnel from other government departments and agencies as Deputy Federal Air Marshals.

"(iii) COMPENSATION.—The Attorney General may employ personnel described in clause (ii)—

"(I) as volunteers;

"(II) by paying a reasonable per diem;

"(III) by employing a fee-for-service or contract arrangement; or

"(IV) using any other method authorized by law.

"(4) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

"(A) the United States Government (including the Administrator of the Federal Aviation Administration or his designated representative); and

"(B) State and local governments in any geographic area in which the program may operate.

"(5) CERTIFICATION, TRAINING AND EXAMINATION OF AIR MARSHALS; PRIOR APPROVAL OF EMPLOYER TO SERVE AS DEPUTY AIR MARSHAL.—

"(A) IN GENERAL.—Under the program, the Attorney General shall provide appropriate training and supervision of all air marshals, as well as appropriate background and fitness examination of eligible candidates as part of their certification.

"(B) EMPLOYER APPROVAL.—Active Federal, State, or local law enforcement officers who serve as Deputy Federal Air Marshals shall receive approval to participate in the program from their employer.

"(d) POWERS AND STATUS OF FEDERAL AIR MARSHALS AND DEPUTY AIR MARSHALS.—

"(1) IN GENERAL.—Subject to paragraph (2), Federal Air Marshals and Deputy Federal Air Marshals may arrest and apprehend an individual suspected of violating any Federal law relating to security at airports or on board aircraft, including any individual who

violates a provision subject to a civil penalty under section 46301, 46302, 46303, 46314, 46318, 46502, 46504, 46505, or 46507 of title 49, or who commits an act described in section 46506 of title 49, or who violates a provision subject to a criminal penalty under sections 32 and 37 of title 18.

“(2) **LIMITATION.**—The powers granted to a Deputy Federal Air Marshal shall be limited to enforcing Federal laws relating to security at airports or on board aircraft.

“(e) **STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to—

“(1) grant any Federal Air Marshal or Deputy Federal Air Marshal the power to enforce any Federal law that is not described in subsection (d); or

“(2) limit the authority that a Federal, State, or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable law.

“(f) **REGULATIONS.**—The Attorney General shall promulgate such regulations as may be necessary to carry out this section.

“(g) **COST SHARING.**—The costs of the program shall be paid by—

“(1) the airlines in an amount not less than the amount (as adjusted for inflation after the effective date of this section) the airlines were paying for airport security on the date before the effective date of this section;

“(2) State and units of local government in an amount not less than the amount (as adjusted for inflation after the effective date of this section) the States and units of local government were paying for airport security on the date before the effective date of this section; and

“(3) the Federal Government.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), there are authorized to be appropriated to carry out this section such sums as may be necessary.

“(2) **LIMITATION.**—The Federal share of carrying out this section shall be limited to the cost of the program after payments by airlines and States and units of local government pursuant to subsection (g).”.

### SEC. 3. REPEAL.

Section 44903 of title 49, United States Code, is repealed.

### SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

By Mr. ENZI (for himself, Mr. DORGAN, Mr. FRIST, and Mr. HUTCHINSON):

S. 1445: A bill to amend the Higher Education Act of 1965 to expand the opportunities of higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I am pleased to have this opportunity to introduce the Internet Equity and Education Act of 2001 in the Senate. This important legislation, which is based on the findings of the bipartisan Web-Based Education Commission on which I served, will accomplish the critical goal of giving more students in both rural and urban areas access to distance education by expanding Internet-based educational opportunities at the post-secondary level.

Specifically, this legislation, which is cosponsored by Senators DORGAN,

FRIST and HUTCHINSON, will remove three regulatory barriers that are slowing the growth of distance education in our nation. First, it will modify the Department of Education's "50 percent rule" that requires institutions that are eligible for Title IV student aid programs under the Higher Education Act to offer at least 50 percent of their instruction in a classroom-based environment. This legislation will instead allow institutions to offer more than 50 percent of their classes by telecommunications methods if the institution already participates in the student loan programs and their student loan default rate is less than 10 percent for the three preceding years. This ensures that distance education options are available to schools with a proven track record of successfully administering federal financial aid programs.

Second, it will eliminate the "12 hour rule." This rule defines a week of instructional time to mean 12 hours of "regularly scheduled instruction, examinations, or preparation for examination" for programs that are offered in non-standard terms. This legislation will instead require that programs offered on a non-standard term, such as those offered by the University of Wyoming and the Western Governors University, be held to the same accountability standards as those offered on a traditional semester or quarter basis.

Third, this legislation will clarify the incentive compensation restrictions that were passed by Congress in 1992 with the intent of prohibiting colleges and universities that participate in federal student financial aid programs from paying any commission, bonus, or other incentive payments to third parties based on their success in enrolling new students. These restrictions, while well intentioned, have had the unintended consequence of preventing some higher education institutions from using third-party Web portals. This practice, which is fairly common and often necessary for many distance education and Internet based education programs, provides prospective students with access to information about the programs they offer and admissions requirements. This legislation clarifies the incentive compensation prohibitions in the Higher Education Act by allowing the use of third-party Web portals and allowing schools to appropriately reward employees for their job performance. The bill preserves the intent of the 1992 law by stating that non-salary payments to those directly involved in recruiting students or awarding financial aid are not allowed. It will also allow the Secretary of Education to impose appropriate sanctions against an institution if a violation occurs. This change to the regulation will continue to ensure that Federal student aid programs are free from fraud and abuse, while allowing prospective students to gain information about all

of the post-secondary educational opportunities that are available.

As some of you may know, I have a very personal interest in the issue of distance education. I saw how effective it can be because my wife, Diana, received her masters degree in adult education by taking classes through the University of Wyoming while living here in Washington. After witnessing the high quality of the course work, the responsiveness to students' needs, and the "technology flexibility" that enabled Diana's experience, I have become a strong advocate for distance learning.

I am especially pleased to be able to sponsor this legislation at a time when the University of Wyoming is experiencing record breaking enrollment in Online UW, the web-based educational arm of the University of Wyoming Outreach School. I was impressed to learn that as of August 28, 2001 class enrollments totaled 1,164, which is a dramatic increase over the 140 students who enrolled in the spring of 1999 when the University launched this program. In addition to the enrollment growth, the number of courses that are being offered is also expanding. During the fall 2001 semester 43 online courses are available at the University of Wyoming, supporting seven degree programs or certificates. It is my hope that with the passage of this legislation, programs like those at the University of Wyoming will be able to expand even further to serve more interested students.

In closing, I would like to take this opportunity to extend my thanks to Congressman JOHNNY ISAKSON and his staff. As the Vice Chair of the Web-Based Education Commission, Congressman ISAKSON introduced this legislation in the House earlier this year and has successfully steered it through the House Education and the Workforce Committee, where it passed overwhelmingly on August 1, 2001. I look forward to the same success here in the Senate so that we might open up the possibilities of distance education to a new generation of students.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1448: A bill to enhance intelligence and intelligence-related activities of the United States Government in the prevention of terrorism, and for other purposes; to the Select Committee on Intelligence.

By Mr. GRAHAM (for himself, Mrs. FEINSTEIN, Mr. BAYH, Ms. MIKULSKI, Mr. DURBIN, Mr. NELSON of Florida, and Mr. ROCKEFELLER):

S. 1449: A bill to establish the National Office for Combatting Terrorism; to the Committee on Governmental Affairs.

Mr. GRAHAM. Madam President, it has now been 10 days since our Nation was struck by a well-coordinated series of terrorist attacks. It has been 10 days since we all witnessed the horror of hijacked airliners crashing into the World Trade Center and the Pentagon. It has been 10 days since we vowed to track down and bring to justice those who assisted, financed, and harbored these terrorists and to treat them as terrorists.

Today, as the investigation proceeds, I believe it is time we begin to look beyond the crisis of September 11. It is time we begin to develop a long-term response to the continued threat of terrorism.

Terrorism ultimately is not a crisis. It is a cancerous condition, a condition that all Americans must come to grips with as we strive to return to normalcy.

Today, with several of my colleagues, I am introducing a pair of bills that offer a prescription for the condition of terrorism.

The first bill will make changes to a number of laws, including the Foreign Intelligence Surveillance Act of 1978, to enhance our ability to infiltrate terrorist cells, to collect information necessary to guarantee America's security, and to coordinate more effectively our domestic efforts against terrorism.

There are four primary goals of this legislation. The first relates to data collection to assure that our foreign intelligence should be brought into line with the laws that control domestic law enforcement actions. In a number of areas, we have different standards if we are collecting information for domestic law enforcement than when we are collecting analogous information for purposes of foreign intelligence.

Second, many regulations have not kept pace with the rapid changes we have seen, particularly in communication technology, and need to be updated.

Third, as we saw on September 11, most terrorist acts have both a criminal and an intelligence component. Our foreign intelligence and domestic law enforcement agencies need to be able to share information in order to protect our citizens.

Fourth, there are some strategic changes we need to make in the laws, such as better training of our local law enforcement so that they can play their appropriate role in responding to terrorism before the act to prevent terrorist actions, as opposed to just, as we are doing now at the Pentagon and in New York City, picking up the pieces of the consequences of a terrorist act that has been executed.

I emphasize that the Senate Select Committee on Intelligence has been working on these proposals for several months. We have worked closely with the appropriate Federal agencies, as

well as within the Senate Judiciary Committee, the Governmental Affairs Committee, and the Armed Services Committee.

It is my hope that we will develop a consensus around the proposals other Members of Congress may have that the Attorney General has recently submitted. We do not purport that our list is exclusive. We think it represents a well-researched, solid beginning against a very serious challenge to our Nation, and we look forward to fully reviewing those recommendations that have been made within the last 72 hours by the Attorney General.

I also want to make it clear that I am mindful of the concerns we are beginning to hear from various organizations that we might overreact and impinge upon the civil liberties of our people. We would hand the ultimate victory to terrorists if we were to allow them to coerce our great Nation into compromising our highest values, personal freedom, and civil rights.

Madam President, in many ways we are here today much as the country was in the 1920s. It was at that time that America launched a national crusade against organized crime. The Nation committed itself to rooting out the corrupt captains of crime who had infiltrated labor unions, run gambling operations, trafficked in illegal drugs and, in the course of their activities, accumulated great wealth and, in many communities, great political influence.

We can take pride that over several decades an earlier generation of American leaders managed to put many of these domestic enemies behind bars and diminish their influence and their corrosive effect on our society.

I take this experience of the 20th century, our ability to begin to roll back the influence of organized crime in the United States, as a hopeful sign, a sign that we can pass on to our children and our grandchildren a world that has greatly diminished the threat we now face from terrorists. It is our hope that these two legislative proposals will be a step in that direction.

Under our proposal, the President will appoint the Director of the National Office for Combating Terrorism subject to Senate confirmation. This individual will be accountable to the President, to the Congress, and to the Nation.

One of the key responsibilities of this new office would be budget coordination to assure that all of the agencies—and there are now as many as 40 agencies that have some piece of antiterrorism activity—are operating from a coordinated plan and that resources to carry out their portions of the plan are properly coordinated. To do that will require the statutory authority from Congress.

Madam President, the second bill has as its objective to assure that the doz-

ens of Federal agencies that have counterterrorism as one of their missions are working together in a coordinated way to detect and disarm terrorists.

There have been over the past several years several independent commissions which have reviewed the issue of terrorism. Two of our former colleagues, Senators Rudman and Hart, have headed one of those commissions. All of those commissions have endorsed the principle of a stronger central coordination of the Federal Government's efforts against terrorism.

Just this past week, the General Accounting Office issued yet another study of this issue. I quote a portion of that General Accounting Office study:

Key interagency functions are resident in several different organizations, resulting in fragmented leadership and coordination. These circumstances hinder unity of effort and limit accountability. However, the current attention being focused on this issue provides an opportunity to improve the overall leadership and coordination of programs to combat terrorism.

In other words, we need to assign responsibility to someone who will be the leader of our national effort to make certain that all of the agencies are on the field, from the Central Intelligence Agency to the FBI, and are following a common set of objectives. I am pleased that President Bush endorsed this approach in his address to the Nation.

The President called, by Executive order, for the creation of a position of homeland defense within the White House. He has assigned that responsibility to the current Governor of Pennsylvania, Tom Ridge.

I believe we should build on what the President has recommended by going a step further and making this position a statutory position.

Mr. ROCKEFELLER. Madam President, in the wake of the tragic events of September 11, 2001, it is not with pride exactly, but with a firm resolve that I join with my good friend and colleague Senator BOB GRAHAM, the chairman of the Senate Select Committee on Intelligence, in cosponsoring two important pieces of legislation: Bills to establish the National Office for Combating Terrorism and the Intelligence to Prevent Terrorism Act of 2001.

While we strive to go on and do the work that the people sent us here to do, we cannot help but feel heartsick as a Congress, and I am quite sure as individuals, when we consider the unimaginable loss of human life and the magnitude of the destruction wrought by these malicious and misguided men. But grieve though we must, it is our solemn responsibility as representatives of the American people to look into this abyss and find the lessons that may be there for us.

When a relatively large group of foreign terrorists who had lived and even trained in this country carried out a despicable and unfortunately well-

choreographed wave of terror attacks months or years in the planning, it cast a harsh light on a range of deficiencies in our Nation's efforts to combat terrorism. We are made to feel vulnerable by the sheer enormity of the evil and by the realization that any of us could become targets of the next fanatical assault. Our dread might even turn to despondency if we consider the agonizing possibility that our law enforcement and intelligence establishments might have been able to prevent the horror of last Tuesday if they had had adequate mechanisms with which to collaborate on strategy, share information, and assist in investigation and apprehension of men capable of these heinous crimes.

Rather than feeling despondent, however, it is our duty as a Congress to act. This Nation and this Congress can no longer tolerate a situation in which competing missions of agencies—or competing personalities of public officials—put our citizens and our property at risk. We must create an environment of coordination between the intelligence community, our Federal, State, and local law enforcement agencies, the military, public health authorities, and all the other parties who can play a role in combating terrorism. I believe these two pieces of legislation, which establish a centralized authority to coordinate the activities and responsibilities of a multifaceted group of agencies, and provide both the intelligence community and law enforcement with valuable tools to combat terrorism-related crimes, do just this.

Briefly, the bills introduced today in the Senate would do the following:

Establish a “National Office for Combating Terrorism” to provide a greater level of coordination among the Nation's law enforcement establishment, the intelligence community, the military, public health authorities, and State and local governments to create a coherent, functional strategy for combating terrorism out of a current system a blue-ribbon Presidential Commission has called fragmented, uncoordinated, and politically unaccountable.

Ensure that terrorism-related intelligence gathered under the Foreign Intelligence Surveillance Act—FISA—is used to further the overall antiterrorism strategy. The legislation clarifies that the Director of Central Intelligence—DCI—is the primary government official responsible for coordination and dissemination of intelligence gathered under, while retaining the FBI as the agency with operational authority for intelligence gathering from foreign nationals.

Require law enforcement agencies to share with the DCI any terrorism-related intelligence information gathered in criminal investigations.

Mandate cooperation between the DCI and the Treasury Department to

root out and cut off the international money trail terrorists use to finance their activities.

Develop training programs for State and local law enforcement agencies and public officials to help them detect terrorist activity, and to improve their understanding and use of intelligence shared with them.

Establish a National Virtual Translation Center to enable intelligence information collected anywhere in the world to be transmitted over secure electronic lines, translated and analyzed by experts elsewhere, and shared with relevant law enforcement and government personnel throughout this country, as well as by policymakers in Washington and intelligence agents overseas.

Make explicit that U.S. Government officers, acting in their official capacity, may recruit any person who has information about terrorist, terrorist groups, or those who assist or harbor them—including foreign governments.

The reactions to last week's attacks have ranged from shock, to horror, to sadness, to rage, and now, as I said at the beginning of my remarks, to resolve. Just over a week after the worst act of terrorism, indeed, the worst crime, in the history of the country, we are united as a people behind our President, our armed forces, and our law enforcement agencies, resolved to root out and defeat terrorism wherever this particular breed of hatred is fostered. Part of that resolve may be seen in the package of legislation introduced here today, although it would be incorrect to characterize this legislation as a reaction to the nightmare of September 11. These bills are the product of a longstanding concern about a lack of coordination between our law enforcement and intelligence resources and are the result of several months of hard work on the part of Chairman GRAHAM, several other members of our committee, and Intelligence Committee staff. I believe these bills represent good first steps.

I have not had the privilege of being a member of the Intelligence Committee for very long, but from the very first day I have been enormously impressed with the careful balance the committee strikes between the intelligence gathering needs of this nation, and the civil liberties enjoyed by its citizens. However, in this time of heightened tension and increased security, I must admit that I share some of the concerns of many Americans, from across the political spectrum, who fear that well-meaning reforms may unduly infringe on the liberties we cherish.

While I am confident that in crafting this legislation Senator GRAHAM has taken those concerns very much to heart and has protected the rights of law-abiding Americans, I will closely monitor the progress of this legislation. I cannot overestimate the impor-

tance of ensuring that in our zeal to prevent another terrorist assault on this Nation we do not contribute to an atmosphere of fear and mistrust of our fellow citizens.

I will also be looking for an understanding of these concerns from our colleagues on the various committees of referral, and in the Senate as a whole. We must commit ourselves and our Nation that, despite the grave seriousness of combating terrorism, we will always safeguard civil liberties as we consider this or any other piece of legislation introduced to combat terrorism. What is needed—and what this package of legislation provides—is greater coordination, efficiency, and effectiveness among our existing antiterrorism resources, without a surrender of the rights and liberties that make this the greatest nation in the history of the world.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. 1450. A bill to preserve the continued viability of the United States air transportation system; considered and passed.

Mr. DASCHLE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1450

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Air Transportation Safety and System Stabilization Act”.

#### TITLE I—AIRLINE STABILIZATION

##### SEC. 101. AVIATION DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed \$10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to \$5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act

of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

#### SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BOARD.—The term “Board” means the Air Transportation Stabilization Board established under subsection (b).

(2) FINANCIAL OBLIGATION.—The term “financial obligation” means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) LENDER.—The term “lender” means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) OBLIGOR.—The term “obligor” means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(b) AIR TRANSPORTATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a board (to be known as the “Air Transportation Stabilization Board”) to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) COMPOSITION.—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

(c) FEDERAL CREDIT INSTRUMENTS.—

(1) IN GENERAL.—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

(2) TERMS AND LIMITATIONS.—

(A) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 101(a)(1) in such form and on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

#### SEC. 103. SPECIAL RULES FOR COMPENSATION.

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) \$4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) \$500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

#### SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded \$300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

#### SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.

(a) ACTION OF SECRETARY.—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) ESSENTIAL AIR SERVICE.—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, \$120,000,000 for fiscal year 2002.

(c) SECRETARIAL OVERTSIGHT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) AGREEMENTS.—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

#### SEC. 106. REPORTS.

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

#### SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) **AIR CARRIER.**—The term “air carrier” has the meaning such term has under section 40102 of title 49, United States Code.

(2) **FEDERAL CREDIT INSTRUMENT.**—The term “Federal credit instrument” means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) **INCREMENTAL LOSS.**—The term “incremental loss” does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

## TITLE II—AVIATION INSURANCE

### SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

(a) **IN GENERAL.**—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “subsection (b)” and inserting “subsection (c)”; and

(B) by striking “foreign-flag aircraft—” and all that follows through the period at the end of subparagraph (B) and inserting “foreign-flag aircraft.”;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) **REIMBURSEMENT OF INSURANCE COST INCREASES.**—

“(1) **IN GENERAL.**—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

“(2) **PAYMENT FROM REVOLVING FUND.**—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

“(3) **FURTHER CONDITIONS.**—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

“(4) **TERMINATION OF AUTHORITY.**—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.”;

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting “, or reimburse an air carrier under subsection (b) of this section,” before “only with the approval”; and

(B) in the second sentence—

(i) by inserting “or the reimbursement” before “only after deciding”; and

(ii) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”; and

(5) in subsection (d) (as so redesignated) by inserting “or reimbursing an air carrier” before “under this chapter”.

(b) **COVERAGE.**—

(1) **IN GENERAL.**—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting “, or reimburse insurance costs, as” after “insurance and reinsurance”; and

(B) in paragraph (1) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”.

(2) **DISCRETION OF THE SECRETARY.**—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary’s judgment, based on the Secretary’s analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed \$100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds \$100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) **REINSURANCE.**—Section 44304 of such title is amended—

(1) by striking “(a) **GENERAL AUTHORITY.**—”; and

(2) by striking subsection (b).

(d) **PREMIUMS.**—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.**—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.”.

(e) **CONFORMING AMENDMENT.**—Section 44305(b) of such title is amended by striking “44302(b)” and inserting “44302(c)”.

### SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities’ liability coverage, as determined by the Secretary.

## TITLE III—TAX PROVISIONS

### SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.

(a) **EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.**—

(1) **IN GENERAL.**—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the

Treasury so prescribes, the preceding sentence shall be applied by substituting for “November 15, 2001” each place it appears—

(A) “January 15, 2002”, or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) **ELIGIBLE AIR CARRIER.**—For purposes of this subsection, the term “eligible air carrier” means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such transportation is available to the general public.

(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term “airline-related deposit” means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air), and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) **TREATMENT OF LOSS COMPENSATION.**—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

## TITLE IV—VICTIM COMPENSATION

### SEC. 401. SHORT TITLE.

This title may be cited as the “September 11th Victim Compensation Fund of 2001”.

### SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) **AIR CARRIER.**—The term “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) **AIR TRANSPORTATION.**—The term “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) **CLAIMANT.**—The term “claimant” means an individual filing a claim for compensation under section 405(a)(1).

(4) **COLLATERAL SOURCE.**—The term “collateral source” means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) **ECONOMIC LOSS.**—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means an individual determined to be eligible for compensation under section 405(c).

(7) **NONECONOMIC LOSSES.**—The term “noneconomic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) **SPECIAL MASTER.**—The term “Special Master” means the Special Master appointed under section 404(a).

### SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives

of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

#### SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

#### SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the

claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

#### SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

(c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

#### SEC. 407. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

(1) forms to be used in submitting claims under this title;

(2) the information to be included in such forms;

(3) procedures for hearing and the presentation of evidence;

(4) procedures to assist an individual in filing and pursuing claims under this title; and

(5) other matters determined appropriate by the Attorney General.

#### SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

(b) FEDERAL CAUSE OF ACTION.—

(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

**SEC. 409. RIGHT OF SUBROGATION.**

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

**TITLE V—AIR TRANSPORTATION SAFETY****SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.**

Congress affirms the President's decision to spend \$3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

**SEC. 502. CONGRESSIONAL COMMITMENT.**

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

**TITLE VI—SEPARABILITY****SEC. 601. SEPARABILITY.**

If any provision of this Act (including any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

By Mr. REID (for himself and Mr. ENSIGN):

S. 1451. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

Mr. REID. Madam President, I rise today for myself and for Senator ENSIGN to introduce the Clark County Public Shooting Range Conveyance Act.

Clark County and the Las Vegas Valley have experienced tremendous population growth over the past decade from about 770,000 in 1990 to over 1.4 million people today. This growth has had a tremendous impact on uses of the outlying public lands, including traditional recreational activities such as hunting, fishing and target shooting. There are literally dozens, if not hundreds, of makeshift shooting ranges across Las Vegas Valley which pose extreme danger to nearby homes and increasingly busy roads.

My bill provides the foundation for the establishment of a world-class shooting range, sports park and firearms training facility by conveying 2,880 acres of public land to Clark County. This facility will be used by residents of, and visitors to the Las Vegas Valley for recreation, education, competitive and marksmanship events, and training related to firearms. Firearms training facilities owned and operated by the Metropolitan Police Department and the North Las Vegas Police Department are also being encroached upon by residential and commercial development. Special facilities will be provided at the Clark County facility to accommodate law enforcement training for firearms qualification and certification.

This facility will provide a great public benefit by creating a safe central-

ized location for this important purpose. It will enhance public safety by reducing indiscriminate shooting. This facility will also provide economic incentives to the Las Vegas Valley in the form of jobs and support services.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1451

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.**

(a) FINDINGS.—Congress finds that—

(1) the Las Vegas area has experienced such rapid growth in the last few years that traditional locations for target shooting are now too close to populated areas for safety;

(2) there is a need to designate a centralized location in the Las Vegas valley where target shooters can practice safely; and

(3) a central facility is also needed for persons training in the use of firearms, such as local law enforcement and security personnel.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a suitable location for the establishment of a centralized shooting facility in the Las Vegas valley; and

(2) to provide the public with—

(A) opportunities for education and recreation; and

(B) a location for competitive events and marksmanship training.

(c) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall convey to Clark County, Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (d).

(d) LAND DESCRIPTIONS.—The parcels of land to be conveyed under subsection (c) are the parcels of land described as follows:

(1) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 25, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(2) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 26, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(3) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 27, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(4) Approximately 640 acres of land in Clark County, Nevada, in sec. 34, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(5) Approximately 640 acres of land in Clark County, Nevada, in sec. 35, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(6) Approximately 640 acres of land in Clark County, Nevada, in sec. 36, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(e) USE OF LAND.—

(1) IN GENERAL.—The parcels of land conveyed under subsection (c)—

(A) shall be used by Clark County for the purposes described in subsection (b) only; and

(B) shall not be disposed of by the county.

(2) REVERSION.—If Clark County ceases to use any parcel for the purposes described in subsection (b), title to the parcel shall revert to the United States, at the option of the United States.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require

such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) RELEASE OF LAND.—Congress—

(1) finds that the parcels of land conveyed under subsection (c), comprising a portion of the Quail Springs Wilderness Study Area, NV-050-411, managed by the Bureau of Land Management and reported to Congress in 1991, have been adequately studied for wilderness designation under section 603 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1782); and

(2) declares that those parcels are no longer subject to the requirements contained in subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

By Mr. KENNEDY (for himself, Mr. BROWNBAC, Mr. GRASSLEY, Mr. LEAHY, and Ms. CANTWELL):

S. 1452. A bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record; to the Committee on the Judiciary.

Mr. KENNEDY. Madam President, it is a privilege to join my colleagues Senators BROWNBAC, LEAHY, GRASSLEY, and CANTWELL in introducing immigration legislation that will enhance our intelligence capabilities and improve our border security.

These critical functions are an important part of the massive challenges now facing the country in the wake of last week's terrorist attacks. These functions are the shared responsibility of the FBI, the INS, and the State Department. This legislation will provide U.S. consular officers and the INS, including inspectors at our ports of entry, with electronic access to information located within certain FBI databases, such as the National Crime Information Center's Interstate Identification Index, the Wanted Persons File, and other files maintained by the National Crime Information Center. Electronic access to this information will enable the State Department and the INS to act immediately to identify high-risk criminals seeking admission to the United States or seeking other immigration benefits.

Clearly, we must improve the security and intelligence capabilities of the Nation. But we must do so without violating the basic rights and liberties of the American people. Our legislation includes provisions to protect individual privacy. It authorizes the Secretary of State to draft regulations which will appropriately limit the use of the FBI's information. These regulations will require the information to be safeguarded from unnecessary dissemination, so that it is used only for the purpose of making decisions on the

issuance or denial of visas or immigration benefits, and so that its confidentiality will be maintained to protect the privacy rights of those who are the subject of the information.

These steps are needed now. We must also examine other ideas to improve safety at the Nation's borders and strengthen our overall ability as much as possible to prevent future terrorist attacks.

I urge all of my colleagues to support this important legislation.

By Ms. SNOWE (for herself and Mr. STEVENS):

S. 1455. A bill to amend title 49, United States Code, to regulate the training of aliens to operate jet-propelled aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I am sure I am not alone in finding that one of the more disturbing revelations of the investigation into the September 11 terrorist attack on the World Trade Center and Pentagon is that over half of the hijackers received flight instruction at American facilities. Investigators have named ten separate flying schools across the United States, from California to Oklahoma to Florida, where the hijacking suspects may have engaged in flight training in one form or another. In addition, it is believed that one of these suspects was able to gain legal entry into the United States through the assistance of a flight school that provided immigration documentation.

I know that this ironic turn of events, the schools dedicated to the safety of the airline industry were unwittingly utilized to facilitate the worst airline disaster in history, has school administrators and instructors asking themselves, "What if . . ." as they look in the mirror every morning.

We need to take action now to remove the doubts of the instructors as well as restore confidence in student pilots engaged in valid training. That is why I am introducing legislation to require thorough background checks on foreign nationals seeking advanced flight or jet aircraft training in American flight schools.

At present the Federal Aviation Administration FAA, regulates course content at these schools and does it well, the U.S. has the best training program in the world and pilot certification from the FAA is considered the industry "gold standard." That is why a large number of foreign students are attracted to American schools. And we want to continue to encourage foreign participation at our schools, it assures aviation safety world wide.

However, the FAA does not regulate who can participate in pilot training, be it glider plane basics or 757 advanced training. More specifically, the requirement for foreign students is lim-

ited to demonstrated English proficiency and proper immigration documentation.

Given the events of September 11, it is imperative that the screening process for pilot trainees be improved. As such, the legislation I am introducing today mandates the completion of security checks before foreign nationals may commence advanced jet training. Specifically, by requiring that the Attorney General carry out background investigations on individuals seeking such training, the legislation ensures a comprehensive review against records held by such agencies as the FBI, INS, and DEA will be carried out prior to starting training on any simulator or jet powered aircraft. Also, given the recent tragedies in New York, Washington DC, and Pennsylvania, all foreign nationals currently in training would be required to stop until a satisfactory background check is completed.

I want to urge my colleagues to join me in taking this small but critical step to prevent a repeat of unintentionally training those who would terrorize our cities and skies and ask for their support in increasing security requirements for flight training.

#### STATEMENTS ON SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 162—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. DODD (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 162

*Resolved*, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Dayton, Mrs. Feinstein, Mr. Inouye, Mr. Cochran, and Mr. Santorum.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Dodd, Mr. Schumer, Mr. Dayton, Mr. Stevens, and Mr. Cochran.

##### SENATE RESOLUTION 163—DESIGNATING THE WEEK OF SEPTEMBER 23, 2001, THROUGH SEPTEMBER 29, 2001, AS "NATIONAL OVARIAN CANCER AWARENESS WEEK"

Ms. LANDRIEU (for herself, Mrs. MURRAY, Ms. COLLINS, Ms. SNOWE, Mrs. CARNAHAN, Mrs. HUTCHISON, Ms. CANTWELL, Mrs. FEINSTEIN, Ms. STABENOW, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. BOXER, Mr. HATCH, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 163

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until the cancer has spread beyond the ovaries;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and Members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 23, 2001, through September 29, 2001, as "National Ovarian Cancer Awareness Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate ceremonies and activities.

##### SENATE CONCURRENT RESOLUTION 69—EXPRESSING SUPPORT FOR TUBEROUS SCLEROSIS AWARENESS

Mr. WARNER (for himself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 69

Whereas at least two children born each day will be affected with tuberous sclerosis;

Whereas nearly one million people worldwide are known to have tuberous sclerosis;

Whereas tuberous sclerosis affects all races and ethnic groups equally;

Whereas tuberous sclerosis is caused by either an inherited autosomal disorder or by a spontaneous genetic mutation;

Whereas when tuberous sclerosis is genetically transmitted as an autosomal dominant disorder, a child with a parent with the gene will have a 50-percent chance of inheriting the disease;

Whereas two-thirds of the cases of tuberous sclerosis are believed to be a result of spontaneous mutation, although the cause of such mutations is a mystery;

Whereas diagnosis takes an average of 90 days with consultation of at least three specialists;

Whereas tuberous sclerosis frequently goes undiagnosed because of the obscurity of the disease and the mild form the symptoms may take; and

Whereas the Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the need for increased funding for research, detection, and treatment of tuberous sclerosis and to support the fight against tuberous sclerosis: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) all Americans should take an active role in the fight against tuberous sclerosis by all means available to them, including early and complete clinical testing and investigating family histories;

(2) the role played by national and community organizations and health care providers in promoting awareness of the importance of early diagnosis, testing, and ongoing screening should be recognized and applauded;

(3) the Federal Government has a responsibility to—

(A) endeavor to raise awareness about the importance of the early detection of, and proper treatment for, tuberous sclerosis;

(B) increase funding for research so that the causes of, and improved treatment for, tuberous sclerosis may be discovered; and

(C) continue to consider ways to improve access to, and the quality of, health care services for detecting and treating tuberous sclerosis; and

(4) the Director of the National Institutes of Health should take a leadership role in the fight against tuberous sclerosis by acting with appropriate offices within the National Institutes of Health to provide to the Congress a five-year research plan for tuberous sclerosis.

Mr. WARNER. Madam President, I rise today to introduce a resolution to help increase the awareness of tuberous sclerosis or TS. Even though 1,000,000 people worldwide are affected with this disease, few are even aware of it.

TS is a genetic condition characterized by lesions of the skin and central nervous system, tumor growth and seizures, and TS is transmitted either through genetic inheritance or as a spontaneous genetic mutation. It is the leading known cause of epilepsy, and may also cause brain, eye or kidney tumors, hydrocephalus, and disfiguring growths on the skin. At least two children born every day will be affected by TS, which affects 1 million people worldwide of all races and ethnic groups. Infants and children too often spend their lives being misdiagnosed, possibly leading to irreparable brain damage, kidney failure, and even premature death.

Because there is no cure for this disease, early intervention is important in helping to overcome developmental delays. Passage of this important resolution will help to raise the importance of early detection and proper treatment of TS; encourage increased funding for research and treatments; and call upon the National Institutes of Health, NIH, to develop a research plan for TS.

For all of the families that are affected by this terrible disease, I ask that my colleagues support this important legislation. By helping America to learn about and understand tuberous sclerosis, we will help to improve the quality of life for many Americans.

# SENATE CONCURRENT RESOLUTION 70—EXPRESSING THE SENSE OF THE CONGRESS IN SUPPORT OF THE “NATIONAL WASH AMERICA CAMPAIGN”

Mr. WARNER (for himself and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 70

Whereas on September 11, 2001, the United States was victim to the worst terrorist attack on American soil, as hi-jacked aircraft were deliberately crashed into the World Trade Center in New York, New York, and the Pentagon outside Washington, D.C.;

Whereas the tragic events of September 11, 2001, have inflicted enormous emotional pain on Americans of all ages;

Whereas young Americans, who are generally unable to donate blood, help with rescue efforts, or make financial contributions, are nevertheless sharing in the Nation's pain and are especially in need of a way to make a difference and help their country;

Whereas four young sister, Ashley, Aubrey, Alyssa and Alana Welsh, from Annandale, Virginia, whose father serves in the military and narrowly avoided the Pentagon disaster, resolved that they could make a difference by holding local car washes to raise funds for the American Red Cross and to “help wash away the hurt”;

Whereas within forty-eight hours the young girls had involved hundreds of others and raised more than \$10,000, all in one Northern Virginia community;

Whereas there are more than 100,000 schools across the United States, whose teachers, students, and parents are searching for ways to unite and help rebuild the Nation as the Welch sisters have done in their home town;

Whereas a National Wash America Campaign has been created with its own Internet site, [www.WashAmerica.org](http://www.WashAmerica.org), to help other communities launch similar efforts on the weekends of September 22 and 23, September 29, and 30, and October 6 and 7, 2001; and

Whereas the American Red Cross is designating an account to receive all Wash America funds, giving the children of this campaign the opportunity to participate in one of its largest fund-raising drives ever: Now, therefore, be it

*Resolved, by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—*

(1) salutes the young Americans who take part in Wash America events in their communities to help raise funds for the American Red Cross efforts in the wake of the terrorist attacks on the United States on September 11, 2001, and thanks them for doing their part to “Help Wash Away the Hurt” across the Nation.

Mr. WARNER. Madam President, September 11, 2001 was indeed one of the most tragic days in America's history. While our lives will never be the same, I know that we will be better and stronger as a Nation.

Regrettably, these loathsome, cowardly acts of terrorism have deeply wounded our country, but they have not, and will never dull, the spirit and resolve of the American people. My thoughts and prayers are with those who lost loved ones on that horrific day. My thanks and deep appreciation

go out to the many thousands who stepped up in the face of danger to assist in the devastating aftermath, and who continued to work tirelessly at the Pentagon, the World Trade Center, and the Pennsylvania crash site.

During this time of crisis it is important that we come together as a nation. Thus far, the American people have responded in many different ways: by donating blood, sending money, even participating in the rescue efforts underway in Virginia and New York.

But, for one group of people, young Americans, it has been especially difficult for them to find a meaningful outlet for their tremendous need to be involved.

That is why I am so proud today to rise in support of four Virginia youngsters, and to introduce a resolution on their behalf that will help share their remarkable and uplifting story with a country in need of such stories.

The Welch sisters, Ashley, Aubrey, Alyssa and Alana, might not have their father, Lt. Col. Tracy Welch, here today had a meeting he was due to attend at the Pentagon in the morning of September 11, 2001, not been postponed.

After the cowardly attacks on our country, the Welch sisters, like so many other Americans, went to donate blood. However, because they were underage, they were turned away.

Some might have stopped there, but these girls, aged 10-16, were determined to make a difference. So, in two days, they organized four local car washes and mobilized approximately one hundred of their friends to help them wash cars by urging their friends to “Help Wash the Hurt Away.” At the end of these two days, the Welch Sisters and their friends raised \$10,000 for the American Red Cross. They called their effort “Wash America.”

The Welch sisters are now taking their effort a step further, believing that what can be accomplished in two days in Annandale and Alexandria, Virginia, can happen in cities and towns and rural areas across this country. Accordingly, they decided to organize three consecutive “National Wash America Weekends” to reach out to millions of youth in more than 100,000 schools around America and to raise funds for the American Red Cross.

Today, they have a Web site, [www.washamerica.org](http://www.washamerica.org), a logo, and companies pledging support. I am honored that they asked me for support in the United States Senate.

The resolution I introduce today will support these young Americans' determination to create three, consecutive “National Wash America weekends.” This resolution will serve as a vehicle for my colleagues, by adding their names as cosponsors, to similarly support Wash America events within their states. And, most important, it salutes every young person in America who is doing his or her part to “Wash Away the Hurt.”

I urge my colleagues to support this important resolution.

SENATE CONCURRENT RESOLUTION 71—DESIGNATING THE WEEK OF OCTOBER 7 THROUGH OCTOBER 13, 2001, AS “NATIONAL MENTAL HEALTH AWARENESS WEEK”

Ms. LANDRIEU submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 71

Whereas mental health is defined by the state of emotional and psychological well-being in which an individual is able to use the individual's cognitive and emotional capabilities, to function in society, and to meet the ordinary demands of everyday life;

Whereas mental health disorders include, depression, substance abuse, anxiety, Alzheimer's disease, autism, bipolar illness, and panic attacks;

Whereas more than 51,000,000 individuals in the United States suffer from a mental illness in a single year, but only 8,000,000 seek treatment;

Whereas 40,000,000 adults in the United States are affected by 1 or more mental disorders;

Whereas 6,500,000 individuals in the United States are disabled by severe mental illness;

Whereas the Surgeon General has reported that 4 out of 10 of the leading causes of disability for persons age 5 and older are mental disorders;

Whereas 5.4 percent of the adult population in the United States suffers from a “serious” mental illness which interferes with some area of their social functioning;

Whereas children and adolescents, like adults, have mental health problems that can lead to school failure, family conflicts, drug abuse, violence, and suicide;

Whereas education and awareness about mental health and mental health services are necessary to detection and treatment; and

Whereas Congress, as an institution, and the Members of Congress, as individuals, have the unique possibility of raising awareness about mental health: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) designates the week of October 7 through October 13, 2001, as “National Mental Health Awareness Week”;

(2) encourages all Americans to find out more about mental health services in their communities and seek mental health treatment when necessary; and

(3) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 72—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED HONORING MARTHA MATILDA HARPER, AND THAT THE CITIZENS' STAMP ADVISORY COMMITTEE SHOULD RECOMMEND TO THE POSTMASTER GENERAL THAT SUCH A STAMP BE ISSUED

Ms. LANDRIEU (for herself, Ms. COLLINS, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 72

Whereas Martha Matilda Harper, after spending much of the first 25 years of her life as a domestic servant, opened the Harper Method Shops and School, a health-conscious hair and skin care store in Rochester, New York, in 1888;

Whereas Martha Matilda Harper subsequently expanded the business to include 2 international manufacturing centers, 5 training schools, and over 500 beauty shops around the world;

Whereas Martha Matilda Harper shared the opportunity of business ownership with former servant women, and created the first franchise business model;

Whereas customers of Harper shops included world leaders, socialites, and suffragists, such as Presidents Woodrow Wilson and Calvin Coolidge, Kaiser Wilhelm II, Prime Minister Anthony Eden, First Ladies Jacqueline Kennedy and Lady Bird Johnson, and Susan B. Anthony;

Whereas Martha Matilda Harper's 19th century management practices, which included a customer-oriented focus, an equitable relationship with staff, a childcare center in each shop, and the manufacture and promotion of organic products and procedures, would be contemporary by today's standards;

Whereas franchising now dominates retail business (with a new franchise opening every 8 minutes) and generates more than \$1,000,000,000,000 in revenues annually; and

Whereas, for her accomplishments, Martha Matilda Harper has been referred to by some as the “mother of franchising”: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) a commemorative postage stamp should be issued honoring Martha Matilda Harper; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

SENATE CONCURRENT RESOLUTION 73—EXPRESSING THE PROFOUND SORROW OF CONGRESS FOR THE DEATHS AND INJURIES SUFFERED BY FIRST RESPONDERS AS THEY ENDEAVORED TO SAVE INNOCENT PEOPLE IN THE AFTERMATH OF THE TERRORIST ATTACKS ON THE WORLD TRADE CENTER AND THE PENTAGON ON SEPTEMBER 11, 2001

Mr. NICKLES (for himself, Mr. INHOFE, Mr. SCHUMER, Mrs. CLINTON, Mr. ALLEN Mr. MCCONNELL, Mr. CRAPO,

Mr. LUGAR, Mr. WARNER, Mr. ROBERTS, Mr. MCCAIN, Mr. LEVIN, Mr. BIDEN, Mr. BAYH, Mr. JOHNSON, Mr. SARBANES, Mr. FITZGERALD, Mr. CLELAND, Ms. CANTWELL, Mr. NELSON, of Florida, Mr. KOHL, Mr. KERRY, Mr. FEINGOLD, Mr. BREAUX, Mr. LIEBERMAN, Ms. COLLINS, and Mr. HUTCHINSON) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 73

Whereas law enforcement officers, firefighters, and emergency medical personnel are collectively known as first responders;

Whereas following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, first responders reacted immediately in evacuating and rescuing innocent people from the buildings;

Whereas first responders also arrived quickly at the crash site of United Airlines flight 93 in southwestern Pennsylvania;

Whereas if it were not for the heroic efforts of first responders immediately after the terrorist attacks, numerous additional casualties would have resulted from the attacks;

Whereas as the first emergency personnel to arrive at the scenes of the terrorist attacks, first responders risked their lives in their efforts to save others;

Whereas while first responders were bravely conducting the evacuation and rescue after the terrorist attacks on the World Trade Center, the 2 towers of that complex collapsed, and many first responders themselves became victims of the attacks;

Whereas the everyday well-being, security, and safety of Americans depend upon the official duties of first responders;

Whereas in addition to their official duties, first responders around the Nation participate in planning, training, and exercises to respond to terrorist attacks;

Whereas emergency managers, public health officials, and medical care providers also invest significant time in planning, training, and exercises to better respond to terrorist attacks in the United States;

Whereas the Nation has not forgotten the heroic efforts of first responders after the bombing of the World Trade Center on February 26, 1993, and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995;

Whereas there are numerous Federal programs that help prepare first responders from across the Nation, including the Domestic Preparedness Program and other training and exercise programs administered by the Department of Justice;

Whereas there are also domestic preparedness programs administered by the Federal Emergency Management Agency, which together with the programs of the Department of Justice support State and local first responders with funding, training, equipment acquisition, technical assistance, exercise planning, and execution;

Whereas many of the first responders who participate in such programs do so on their own time;

Whereas an effective response of local first responders to a terrorist attack saves lives; and

Whereas in response to a terrorist attack, first responders are exposed to a high risk of bodily harm and death as the first line of defense of the United States in managing the aftermath of the attack: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) expresses its profound sorrow for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001;

(2) expresses its deepest sympathies to the families and loved ones of the fallen first responders;

(3) honors and commends the first responders who participated in evacuating and rescuing the innocent people in the World Trade Center and the Pentagon after the terrorist attacks;

(4) encourages the President to issue a proclamation calling upon the people of the United States to pay respect to the first responder community for their service in the aftermath of the terrorist attacks and their continuing efforts to save lives; and

(5) encourages all levels of government to continue to work together to effectively coordinate emergency preparedness by providing the infrastructure, funding, and inter-agency communication and cooperation necessary to ensure that if an attack occurs, first responders will be as prepared as possible to respond effectively.

Mr. NICKLES. Madam President, it is with great honor that I introduce this concurrent resolution on behalf of Senator INHOFE, Senator SCHUMER, Senator CLINTON, and myself, as well as many other original co-sponsors.

The resolution expresses Congress' profound sorrow for the loss of life and injuries suffered by "first responders" as a result of their efforts to save innocent Americans in the aftermath of the World Trade Center, Pentagon and Pennsylvania disasters on September 11, 2001. It also expresses our deepest condolences to the families and loved ones of the first responders who will never again return home.

Last Tuesday, in New York City and at the Pentagon, law enforcement, firefighters, and emergency medical personnel (first responders) were the first public-service personnel on the scene. If it were not for their heroic efforts immediately after these attacks, the death toll would be much higher.

We also believe that it is important for America to better understand the daily activities and responsibilities of first responders. Our everyday well-being, security and safety depend upon first responders' official duties. In preparation for these tragedies, first responders around the country plan, train and exercise for mass-casualty events. Our resolution recognizes the hard work and dedication of "first responder" personnel and thanks them for the long hours of training that many participate in on their own time.

In addition, this resolution recognizes the hard work and dedication of first responders after the 1993 World Trade Center and the 1995 Oklahoma City bombings.

First Responders exemplify great courage and patriotism in the darkest of hours and for this we are most grateful.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1587. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1588. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1589. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1590. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1591. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1592. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1593. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1594. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1595. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1596. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1597. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1598. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1599. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1600. Mr. LOTT (for himself, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1601. Mr. LOTT (for himself, Mr. BUNNING, Mr. HUTCHINSON, Mr. COCHRAN, Mr. STEVENS, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1602. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1603. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1604. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1605. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an

amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1606. Mr. ALLARD (for himself and Mr. SMITH, of New Hampshire) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1607. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1608. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1609. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1610. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1611. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1612. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1613. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1614. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1615. Mr. REID (for Mr. SARBANES (for himself and Mr. GRAMM)) proposed an amendment to the bill H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

SA 1616. Mr. REID (for Mr. HOLLINGS (for himself and Mr. GREGG)) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 1587.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purpose; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:  
**SEC. 908. POSITION OF DEPUTY UNDER SECRETARY OF DEFENSE (DEPUTY COMPTROLLER).**

(e) ESTABLISHMENT OF POSITION.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135 the following new section:

**"§ 135a. Deputy Under Secretary of Defense (Deputy Comptroller)**

"(a) There is a Deputy Under Secretary of Defense (Deputy Comptroller) appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) The Deputy Under Secretary of Defense (Deputy Comptroller) shall assist the Under Secretary of Defense (Comptroller) in the performance of his duties. The Deputy Under Secretary of Defense (Deputy Comptroller) shall act for, and exercise the powers of, the Under Secretary when the Under Secretary is absent or disabled.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 135 following new item:

“135a. Deputy Under Secretary of Defense (Deputy Comptroller).”.

**SA 1588.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purpose; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. REAUTHORIZATION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.**

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended by striking “September 30, 1999” and inserting “September 30, 2003”.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking “January 1, 2000” and inserting “January 1, 2003”; and

(2) in paragraph (2), by striking “March 1, 2000” and inserting “March 1, 2003”.

**SA 1589.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. COMPLIANCE OF THE DEFENSE AUTOMATED PRINTING SERVICE WITH FEDERAL PRINTING REQUIREMENTS.**

(a) REPEAL OF REQUIREMENT.—Section 195 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 8 of such title is amended by striking the item relating to section 195.

**SA 1590.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1027. REPEAL OF REQUIREMENT FOR MONTHLY REPORTS ON ALLOCATION OF FUNDS WITHIN OPERATION AND MAINTENANCE BUDGET SUBACTIVITIES.**

(a) REPEAL.—Section 228 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 228.

**SA 1591.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1027. CONTENT OF PERIODIC REPORT ON COMBAT SUPPORT AGENCIES.**

Section 193(a)(1) of title 10, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) a determination with respect to the effectiveness and efficiency of each such agency to support the armed forces; and”.

**SA 1592.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

**SEC. 908. REPEAL OF LIMITATION ON NUMBER OF PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE.**

(a) REPEAL.—Section 143 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended by striking the item relating to section 143.

**SA 1593.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1217. AUTHORITY TO WAIVE SANCTIONS.**

(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to waive any sanction imposed against any foreign country or government (including any agency or instrumentality thereof) or any foreign entity if the President determines that to do so would assist in efforts to combat global terrorism or is otherwise in the national security interests of the United States.

(b) CONGRESSIONAL NOTIFICATION.—Not less than 30 days prior to the exercise of any waiver authorized by subsection (a), the President shall notify Congress of his intention to exercise the waiver, together with an explanation of his reasons for the waiver.

(c) SANCTION DEFINED.—In this section, the term “sanction” means any prohibition or restriction with respect to a foreign country or government or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(1) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(2) a mandatory decision of the United Nations Security Council.

**SA 1594.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**

Section 2466(c) of title 10, United States Code, is amended to read as follows:

“(c) WAIVER OF LIMITATION.—(1) The President may waive the limitation in subsection (a) for a fiscal year if—

“(A) the President determines that—

“(i) the waiver is necessary for reasons of national security; and

“(ii) compliance with the limitation cannot be achieved through effective management of depot operations consistent with those reasons; and

“(B) the President submits to Congress a notification of the waiver together with—

“(i) a discussion of the reasons for the waiver; and

“(ii) the plan for terminating the waiver and complying with the limitation within two years after the date of the first exercise of the waiver authority under this subsection.

“(2) The President may delegate only to the Secretary of Defense authority to exercise the waiver authority of the President under paragraph (1).”.

**SA 1595.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department

of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 380, after line 15, insert the following:

**SEC. 1066. CLOSURE OF VIEQUES NAVAL TRAINING RANGE.**

(a) **CONDITIONAL AUTHORITY.**—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-348) is amended by striking sections 1503 and 1504 and inserting the following new section:

**“SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.**

The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps stationed or deployed in the eastern United States.”.

(b) **ACTIONS RELATED TO CLOSURE.**—(1) Section 1505 of such Act (114 Stat. 1654A-353) is amended—

(A) by striking subsection (a) and inserting the following:

“(a) **TIME FOR TAKING ACTIONS.**—The actions required or authorized under this section may only be taken upon the closure of the Vieques Naval Training Range by the Secretary of the Navy.”;

(B) in subsection (b)(1), by striking “Not later than May 1, 2003, the” and inserting “The”;

(C) in subsection (d)(1), by striking “pending the enactment of a law that addresses the disposition of such properties”;

(D) in subsection (e)(2), “the referendum under section 1503” and all that follows and inserting “the Secretary of the Navy closes the Vieques Naval Training Range.”; and

(E) by adding at the end the following new subsection:

“(f) **MILITARY USE OF TRANSFERRED PROPERTY DURING WAR OR NATIONAL EMERGENCY.**—

“(1) **TEMPORARY TRANSFER BY SECRETARY OF THE INTERIOR.**—Upon a declaration of war by Congress or a declaration of a national emergency by the President or Congress, the Secretary of the Interior shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Navy notwithstanding the requirement to retain the property under subsection (d)(1).

“(2) **TRAINING AUTHORIZED.**—Training of the Armed Forces may be conducted in the Live Impact Area while the property is under the administrative jurisdiction of the Secretary of the Navy pursuant to a transfer made under that paragraph (1). The training may include live-fire training. Subsection (b) shall not apply to training authorized under this paragraph.

“(3) **RETURN OF PROPERTY TO SECRETARY OF THE INTERIOR.**—Upon the termination of the war or national emergency necessitating the transfer of administrative jurisdiction under paragraph (1), the Secretary of the Navy shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Interior, who shall assume responsibility for the property and administer the property in accordance with subsection (d).”.

(2) The heading of such section is amended to read as follows:

**“SEC. 1505. ACTIONS UPON CLOSURE OF THE VIEQUES NAVAL TRAINING RANGE.”.**

(c) **CONFORMING AMENDMENT.**—Section 1507(c) of such Act is amended by striking “the issuance of a proclamation described in section 1504(a) or”.

**SA 1596.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION D—NATIONAL ENERGY SECURITY**

**SEC. 4001. ENACTMENT OF ENERGY PROVISIONS.**

The provisions of H.R. 4 of the 107th Congress, as passed by the House of Representatives on August 2, 2001, are enacted into law.

**SA 1597.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**DIVISION D—NATIONAL ENERGY SECURITY**

**SEC. 4001. SHORT TITLE.**

This division may be cited as the “National Energy Security Act of 2001”.

**SEC. 4002. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all sectors of the United States economy, threatens national security, undermines the ability of Federal, State, and local units of government to provide essential services, and jeopardizes the peace, security, and welfare of the American people;

(2) dependence on imports of foreign oil was 46 percent in 1992, rose to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) even with increased energy efficiency, energy use in the United States is expected to increase 27 percent by 2020;

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil and gas, coal, nuclear and hydroelectric;

(5) a comprehensive energy strategy must be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) this comprehensive strategy must decrease the United States dependence on foreign oil supplies to not more than 50 percent by the year 2011;

(7) this comprehensive energy strategy must be multi-faceted and enhance the use of

renewable energy resources (including hydroelectric, solar, wind, geothermal and biomass), conserve energy resources (including improving energy efficiencies), and increase domestic supplies of conventional energy resources (including oil, natural gas, coal, and nuclear);

(8) conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America's power at this time; and

(9) immediate actions must also be taken to mitigate the economic effects of recent increases in the price of crude oil, natural gas, and electricity and the related impacts on American consumers, including the poor and the elderly.

(b) **PURPOSES.**—The purposes of this division are to protect the energy security of the United States by decreasing America's dependence on foreign oil sources to not more than 50 percent by 2010, by enhancing the use of renewable energy resources, conserving energy resources (including improving energy efficiencies), and increasing domestic energy supplies, improving environmental quality by reducing emissions of air pollutants and greenhouse gases, and mitigating the immediate effect of increases in energy prices on the American consumer, including the poor and the elderly.

**TITLE I—GENERAL PROVISIONS TO PROTECT ENERGY SUPPLY AND SECURITY**

**SEC. 4101. CONSULTATION AND REPORT ON FEDERAL AGENCY ACTIONS AFFECTING DOMESTIC ENERGY SUPPLY.**

Prior to taking or initiating any action that could have a significant adverse effect on the availability or supply of domestic energy resources or on the domestic capability to distribute or transport such resources, the head of a Federal agency proposing or participating in such action shall notify the Secretary of Energy in writing of the nature and scope of the action, the need for such action, the potential effect of such action on energy resource supplies, price, distribution, and transportation, and any alternatives to such action or options to mitigate the effects and shall provide the Secretary of Energy with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action. The proposing agency shall consider any such recommendations made by the Secretary of Energy. The Secretary of Energy shall provide an annual report to the Committee on Energy and Natural Resources of the United States Senate and to the appropriate committees of the House of Representatives on all actions brought to his attention, what mitigation or alternatives, if any, were implemented, and what the short-term, mid-term, and long-term effect of the final action will likely be on domestic energy resource supplies and their development, distribution, or transmission.

**SEC. 4102. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE.**

(a) **REPORT.**—Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other relevant Federal agencies, shall submit a report to the President and Congress which evaluates the progress the United States has made toward obtaining the goal of not more than 50 percent dependence on foreign oil sources by 2010.

(b) **ALTERNATIVES.**—The report shall specify legislative or administrative actions that must be implemented to meet this goal and set forth a range of options and alternatives

with a benefit/cost analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public and request information from the Energy Information Agency and other agencies to develop the report. The report shall indicate, in detail, options and alternatives to (1) increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) conserve energy resources, including improving efficiencies and decreasing consumption, and (3) increase domestic production and use of oil, natural gas, nuclear, and coal, including any actions necessary to provide access to, and transportation of, these energy resources.

(c) **REFINERY CAPACITY.**—As part of the reports submitted in 2001, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions and ensure long-term supplies on a reliable and affordable basis.

(d) **NOTIFICATION TO CONGRESS.**—Whenever the Secretary determines that stocks of petroleum products have declined or are anticipated to decline to levels that would jeopardize national security or threaten supply shortages or price increases on a national or regional basis, he shall immediately notify Congress of the situation and shall make such recommendations for administrative or legislative action as he believes are necessary to alleviate the situation.

**SEC. 4103. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT.**

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Study (referred to in this section as the "Panel") to study oil markets and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to strengthen the ability of the Strategic Petroleum Reserve to respond to energy requirements. The Panel shall complete its study and submit a report containing its findings and any recommendations to the President and Congress within 6 months from the date of enactment of this Act.

**SEC. 4104. STUDY OF EXISTING RIGHTS-OF-WAY TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES.**

Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairman of the Federal Energy Regulatory Commission whether the right-of-way can be used to support new or additional capacity and what modifications or other changes, if any, would be necessary to accommodate such additional capacity. In performing the review, the head of each agency shall consult with agencies of State or local units of government as appropriate and consider whether safety or other con-

cerns related to current uses might preclude the availability of a right-of-way for additional or new transportation or transmission facilities and shall set forth those considerations in the report.

**SEC. 4105. USE OF FEDERAL FACILITIES.**

(a) The Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction.

(b) Based on this inventory and other information, the Secretary of the Interior and the Secretary of the Army shall each submit a report to Congress not later than 180 days after the date of enactment of this Act. Each report shall—

(1) describe, in detail, each facility that is capable, with or without modification, of producing additional hydroelectric power. For each such facility, the report shall state the full potential for the facility to generate hydroelectric power, whether the facility is currently generating hydroelectric power, and the costs to install, upgrade, modify, or take other actions to increase the hydroelectric generating capability of the facility. For each facility that currently has hydroelectric generating equipment, the report shall indicate the condition of such equipment, maintenance requirements, and schedule for any improvements as well as the purposes for which power is generated; and

(2) describe what actions are planned or underway to increase hydroelectric production from facilities under his jurisdiction and shall include any recommendations the Secretary deems advisable to increase such production, reduce costs, and improve efficiency at Federal facilities, including, but not limited to, use of lease of power privilege and contracting with non-Federal entities for operation and maintenance.

**SEC. 4106. NUCLEAR GENERATION STUDY.**

The Chairman of the Nuclear Regulatory Commission shall submit a report to Congress not later than 180 days after the date of enactment of this Act on the state of nuclear power generation and production in the United States and the potential for increasing nuclear generating capacity and production as part of this Nation's energy mix. The report shall include an assessment of agency readiness to license new advanced reactor designs and discuss the needed confirmatory and anticipatory research activities that would support such a state of readiness. The report shall also review the status of the relicensing process for civilian nuclear power plants, including current and anticipated applications, and recommendations for improvements in the process, including, but not limited to recommendations for expediting the process and ensuring that relicensing is accomplished in a timely manner.

**SEC. 4107. DEVELOPMENT OF A NATIONAL SPENT NUCLEAR FUEL STRATEGY AND ESTABLISHMENT OF AN OFFICE OF SPENT NUCLEAR FUEL RESEARCH.**

(a) **DETERMINATION BY CONGRESS.**—Prior to the Federal Government taking any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements.

(b) **OFFICE OF SPENT NUCLEAR FUEL RESEARCH.**—There is hereby established an Office of Spent Nuclear Fuel Research (referred to in this section as the "Office") within the Office of Nuclear Energy Science and Technology of the Department of Energy. The Office shall be headed by the Associate Director, who shall be a member of the Senior Ex-

ecutive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(c) **ASSOCIATE DIRECTOR.**—The Associate Director of the Office of Spent Nuclear Fuel Research shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office shall report to the Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(d) **GRANT AND CONTRACT AUTHORITY.**—In carrying out his responsibilities under this section, the Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in (e)(2).

(e) **DUTIES.**—The Associate Director of the Office shall—

(1) involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(2) develop a research plan to provide recommendations by 2015;

(3) identify technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(4) conduct research and development activities on such technologies;

(5) ensure that all activities include as key objectives minimization of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(6) require research on both reactor- and accelerator-based transmutation systems;

(7) require research on advanced processing and separations;

(8) encourage that research efforts include participation of international collaborators;

(9) be authorized to fund international collaborators when they bring unique capabilities not available in the United States and their host country is unable to provide for their support; and

(10) ensure that research efforts with the Office are coordinated with research on advanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.

(f) **REPORT.**—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit a report to Congress on the activities and expenditures of the Office, including the progress that has been made to achieve the objectives of subsection (c).

**SEC. 4108. STUDY AND REPORT ON STATUS OF DOMESTIC REFINING INDUSTRY AND PRODUCT DISTRIBUTION SYSTEM.**

(a) **ANNUAL REPORT.**—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency, the States, the National Petroleum Council, and other representatives of the petroleum refining, distribution and retailing industries, shall submit a report to Congress on the condition of the domestic petroleum refining industry and the petroleum product distribution system. The first such report shall be submitted not later than January 1, 2002, and revised annually thereafter.

(b) **RECOMMENDATIONS.**—Each annual report shall include any recommendations that

the Secretary believes should be implemented either through legislation or regulation to ensure that there is adequate domestic refining capacity and motor fuel supplies to meet the economic, social, and security requirements of the United States.

(c) **PREPARATION.**—In preparing each annual report, the Secretary shall—

(1) provide an assessment of the condition of the domestic petroleum refining industry and the Nation's motor fuel distribution system, including the ability to make future capital investments necessary to manufacture, transport, and store different petroleum products required by local, State, and Federal statute and regulations;

(2) examine the reliability and cost of feedstocks and energy supplied to the refining industry as well as the reliability and cost of products manufactured by such industry;

(3) provide an assessment of the collective effect of current and future motor fuel requirements on—

(A) the ability of the domestic motor fuels refining, distribution, and retailing industries to reliably and cost-effectively supply fuel to the Nation's consumers and businesses;

(B) gasoline (reformulated and conventional) and diesel fuel (on-highway and off-highway) supplies; and

(C) retail motor fuel price volatility;

(4) explore opportunities to streamline permitting and siting decisions and approvals for expanding existing and/or building new domestic refining capacity;

(5) recommend actions that can be taken to reduce future motor supply concerns; and

(6) provide an assessment of whether uniform, regional, or national performance-based fuel specifications would reduce supply disruptions and price spikes.

(d) **CONFIDENTIALITY OF DATA.**—Any information requested by the Secretary to be submitted by industry for purposes of this section shall be treated as confidential and shall be used only for the preparation of the annual report.

**SEC. 4109. REVIEW OF FEDERAL ENERGY REGULATORY COMMISSION NATURAL GAS PIPELINE CERTIFICATION PROCEDURES.**

The Federal Energy Regulatory Commission shall, in consultation with other appropriate Federal agencies, immediately undertake a comprehensive review of policies, procedures, and regulations for the certification of natural gas pipelines to determine how to reduce the cost and time of obtaining a certificate. The Commission shall report its findings not later than 180 days after the date of enactment of this Act to the Senate Committee on Energy and Natural Resources and the appropriate committees of the United States House of Representatives, including any recommendations for legislative changes.

**SEC. 4110. ANNUAL REPORT ON AVAILABILITY OF DOMESTIC ENERGY RESOURCES TO MAINTAIN THE ELECTRICITY GRID OF THE UNITED STATES.**

(a) Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Council, States, and appropriate regional organizations, shall submit a report to the President and Congress which evaluates the availability and capacity of domestic sources of energy generation to maintain the electricity grid in the United States. Specifically, the Secretary shall evaluate each region of the country with regard to grid stability during peak periods, such as summer, and options for improving grid stability.

(b) The report shall specify specific legislative or administrative actions that could be implemented to improve baseload generation and set forth a range of options and alternatives with a benefit/cost analysis for each option or alternative together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The report shall indicate, in detail, options and alternatives to (1) increase the use of nonemitting domestic energy sources, including conventional and nonconventional sources such as, but not limited to, increased nuclear energy generation, and (2) conserve energy resources, including improving efficiencies and decreasing fuel consumption.

**SEC. 4111. STUDY OF FINANCING FOR NEW TECHNOLOGIES.**

(a) The Secretary of Energy shall undertake an independent assessment of innovative financing techniques to encourage and enable construction of new electricity supply technologies with high initial capital costs that might not otherwise be built in a deregulated market.

(b) The assessment shall be conducted by a firm with proven expertise in financing large capital projects or in financial services consulting, and is to be provided to Congress not later than 270 days after the date of enactment of this Act.

(c) The assessment shall include a comprehensive examination of all available techniques to safeguard private investors in high capital technologies—including advanced design power plants including, but not limited to, nuclear—against government-imposed risks that are beyond the investors' control. Such techniques may include (but not be limited to) Federal loan guarantees, Federal price guarantees, special tax considerations, and direct Federal Government investment.

**SEC. 4112. REVIEW OF REGULATIONS TO ELIMINATE BARRIERS TO EMERGING ENERGY TECHNOLOGY.**

(a) **IN GENERAL.**—Each Federal agency shall carry out a review of its regulations and standards to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).

(b) **REPORT TO CONGRESS.**—Not later than eighteen months from date of enactment of this section, each agency shall provide a report to Congress and the President detailing all regulatory barriers to emerging energy-efficient technologies, along with actions the agency intends to take, or has taken, to remove such barriers.

(c) **PERIODIC REVIEW.**—Each agency shall subsequently review its regulations and standards in this manner no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agency actions taken to remove existing barriers to emerging energy technologies.

**SEC. 4113. INTERAGENCY AGREEMENT ON ENVIRONMENTAL REVIEW OF INTERSTATE NATURAL GAS PIPELINE PROJECTS.**

The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an interagency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects. The task force shall include the Bureau of Land Management and the Fish and Wildlife Service in the Department of the Interior, the United States Army Corps of Engineers, the

United States Forest Service, the Environmental Protection Agency, the Advisory Council on Historic Preservation and such other agencies as the Office and the Federal Energy Regulatory Commission deem appropriate. The interagency agreement shall require that agencies complete their review of interstate pipeline projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission. The agreement shall be completed within 6 months after the effective date of this section.

**SEC. 4114. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) **PURPOSE.**—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) **AREAS.**—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) **RESEARCH AND DEVELOPMENT PROGRAM PLAN.**—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to Congress a 5-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with the appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) **IMPLEMENTATION.**—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) **REPORTS TO CONGRESS.**—The Secretary of Transportation shall report to Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

(g) **PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan as defined in subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) **MEMBERSHIP.**—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Com-

mittee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Transportation and to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2002 through 2006.

#### **SEC. 4115. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TECHNOLOGIES.**

(a) The Secretary of Energy shall conduct a comprehensive 5-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators gas turbines reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

(b) There are authorized to be appropriated such sums as may be necessary for the purposes of this section.

#### **TITLE II—TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM FOR ADVANCED CLEAN COAL TECHNOLOGY FOR COAL-BASED ELECTRICITY GENERATING FACILITIES**

##### **SEC. 4201. PURPOSE.**

The purpose of this title is to direct the Secretary of Energy (referred to in this title as the “Secretary”) to—

(1) establish a coal-based technology development program designed to achieve cost and performance goals;

(2) carry out a study to identify technologies that may be capable of achieving, either individually or in combination, the cost and performance goals and for other purposes; and

(3) implement a research, development, and demonstration program to develop and demonstrate, in commercial-scale applications, advanced clean coal technologies for coal-fired generating units constructed before the date of enactment of this title.

##### **SEC. 4202. COST AND PERFORMANCE GOALS.**

(a) **IN GENERAL.**—The Secretary shall perform an assessment that identifies costs and associated performance of technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020.

(b) **CONSULTATION.**—In establishing cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of equipment using advanced coal technologies;

(6) organizations representing workers; and

(7) organizations formed to—

(A) further the goals of environmental protection;

(B) promote the use of coal; or

(C) promote the development and use of advanced coal technologies.

(c) **TIMING.**—The Secretary shall—

(1) not later than 120 days after the date of enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of enactment of this Act, and after taking into

consideration any public comments received, submit to Congress the final cost and performance goals.

##### **SEC. 4203. STUDY.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to—

(1) identify technologies capable of achieving cost and performance goals, either individually or in various combinations;

(2) assess costs that would be incurred by, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals; and

(3) develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technologies.

(b) **COOPERATION.**—In carrying out this section, the Secretary shall give appropriate consideration to the expert advice of representatives from the entities described in section 4111(b).

##### **SEC. 4204. TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.**

(a) **IN GENERAL.**—The Secretary shall carry out a program of research on and development, demonstration, and commercial application of coal-based technologies under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(4) title XVI of the Energy Policy Act of 1992 (42 U.S.C. 13381 et seq.).

(b) **CONDITIONS.**—The research, development, demonstration, and commercial application programs identified in section 4203(a) shall be designed to achieve the cost and performance goals, either individually or in various combinations.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report containing—

(1) a description of the programs that, as of the date of the report, are in effect or are to be carried out by the Department of Energy to support technologies that are designed to achieve the cost and performance goals; and

(2) recommendations for additional authorities required to achieve the cost and performance goals.

##### **SEC. 4205. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out the provisions of sections 4202, 4203, and 4204, \$100,000,000 for each of fiscal years 2002 through 2012, to remain available until expended.

(b) **CONDITIONS OF AUTHORIZATION.**—The authorization of appropriations under subsection (a)—

(1) shall be in addition to authorizations of appropriations in effect on the date of enactment of this Act; and

(2) shall not be a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

##### **SEC. 4206. POWER PLANT IMPROVEMENT INITIATIVE.**

(a) **IN GENERAL.**—The Secretary shall carry out a power plant improvement initiative program that will demonstrate commercial applications of advanced coal-based technologies applicable to new or existing power

plants, including co-production plants, that, either individually or in combination, advance the efficiency, environmental performance and cost competitiveness well beyond that which is in operation or has been demonstrated to date.

(b) PLAN.—Not later than 120 days after the date of enactment of this title, the Secretary shall submit to Congress a plan to carry out subsection (a) that includes a description of—

(1) the program elements and management structure to be used;

(2) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan; and

(3) the demonstration activities that will benefit new or existing coal-based electric generation units having at least a 50 megawatt nameplate rating including improvements to allow the units to achieve either—

(A) an overall design efficiency improvement of not less than 3 percentage points as compared with the efficiency of the unit as operated on the date of enactment of this title and before any retrofit, repowering, replacement or installation;

(B) a significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxide or mercury in a manner that is well below the cost of technologies that are in operation or have been demonstrated to date; or

(C) a means of recycling or reusing a significant proportion of coal combustion wastes produced by coal-based generating units excluding practices that are commercially available at the date of enactment.

#### SEC. 4207. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits to Congress the plan under section 4206(b), the Secretary shall solicit proposals for projects which serve or benefit new or existing facilities and, either individually or in combination, are designed to achieve the levels of performance set forth in section 4206(b)(3).

(b) PROJECT CRITERIA.—A solicitation under subsection (a) may include solicitation of a proposal for a project to demonstrate—

(1) the reduction of emissions of 1 or more pollutants; or

(2) the production of coal combustion by-products that are capable of obtaining economic values significantly greater than by-products produced on the date of enactment of this title.

(c) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to projects that—

(1) demonstrate overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) improve the competitiveness of coal among various forms of energy to maintain a diversity of fuel choices in the United States to meet electricity generation requirements;

(3) achieve in a cost-effective manner, 1 or more of the criteria set out in the solicitation; and

(4) demonstrate technologies that are applicable to 25 percent of the electricity generating facilities that use coal as the primary feedstock on the date of enactment of this title.

(d) FEDERAL SHARE.—The Federal share of the cost of any project funded under this section shall not exceed 50 percent.

(e) EXEMPTION FROM NEW SOURCE REVIEW PROVISIONS.—A project funded under this section shall be exempt from the new source review provisions of the Clean Air Act (42 U.S.C. 7401 et seq.).

#### SEC. 4208. FUNDING.

To carry out sections 4206 and 4207, there are authorized to be appropriated such sums as may be necessary.

#### SEC. 4209. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to develop mining research priorities identified by the Mining Industry of the Future Program and in the National Academy of Sciences report on Mining Technologies, establish a process for joint industry-government research; and expand mining research capabilities at universities.

(b) There are authorized to be appropriated to carry out the requirements of this section, \$10,000,000 in fiscal year 2002, \$12,000,000 in fiscal year 2003, and \$15,000,000 in fiscal year 2004. At least 20 percent of any funds appropriated shall be dedicated to research carried out at universities.

#### SEC. 4210. RAILROAD EFFICIENCY.

(a) The Secretary shall, in conjunction with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) There are authorized to be appropriated to carry out the requirements of this section \$50,000,000 in fiscal year 2002, \$60,000,000 in fiscal year 2003, and \$70,000,000 in fiscal year 2004.

### TITLE III—OIL AND GAS

#### Subtitle A—Deepwater and Frontier Royalty Relief

##### SEC. 4301. SHORT TITLE.

This subtitle may be cited as the “Outer Continental Shelf Deep Water and Frontier Royalty Relief Act”.

##### SEC. 4302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

(a) Section 8(a)(1)(D) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(D)) is amended by striking the word “area;” and inserting in lieu thereof the word “area,” and the following new text: “except in the Arctic areas of Alaska, where the Secretary is authorized to set the net profit share at 16% percent. For purposes of this section, ‘Arctic areas’ means the Beaufort Sea and Chukchi Sea Planning Areas of Alaska;”.

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is amended by adding at the end the following:

“(9) After an oil and gas lease is granted pursuant to any of the bidding systems of paragraph (1) of this subsection, the Secretary shall reduce any future royalty or rental obligation of the lessee on any lease issued by the Secretary (and proposed by the lessee for such reduction) by an amount equal to—

“(A) 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater, pursuant to this Act in Arctic areas of Alaska; and

“(B) an additional 10 percent of the qualified costs of any such exploratory wells

which are located ten or more miles from another well drilled for oil and gas.

For purposes of this Act, ‘qualified costs’ shall mean the costs allocated to the exploratory well or geophysical work in support of an exploration program pursuant to the Internal Revenue Code of 1986; ‘exploratory well’ shall mean either an exploratory well as defined by the United States Securities and Exchange Commission in sections 210.4 through 210.10(a)(10) of title 17, Code of Federal Regulations (or a successor regulation), or a well 3 or more miles from any oil or gas well or a pipeline which transports oil or gas to a market or terminal; ‘geophysical work’ shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and all distances shall be measured in horizontal distance. When a measurement beginning or ending point is a well, the measurement point shall be the bottom hole location of that well.”.

#### SEC. 4303. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this subtitle not later than 180 days after the date of enactment of this Act.

#### SEC. 4304. SAVINGS CLAUSE.

Nothing in this subtitle shall be construed to affect any offshore pre-leasing, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

#### Subtitle B—Oil and Gas Royalties in Kind

##### SEC. 4310. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) APPLICABILITY OF SECTION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all royalty in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 192) or section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353) or any other mineral leasing law from the date of enactment of this Act through September 30, 2006.

(b) TERMS AND CONDITIONS.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or any other mineral leasing law on demand of the Secretary of the Interior shall be paid in oil or gas. If the Secretary of the Interior elects to accept the royalty in kind—

(1) delivery by, or on behalf of, the lessee of the royalty amount and quality due at the lease satisfies the lessee’s royalty obligation for the amount delivered, except that transportation and processing reimbursements paid to, or deductions claimed by, the lessee shall be subject to review and audit;

(2) royalty production shall be placed in marketable condition at no cost to the United States;

(3) the Secretary of the Interior may—

(A) sell or otherwise dispose of any royalty oil or gas taken in kind for not less than fair market value; and

(B) transport or process any oil or gas royalty taken in kind;

(4) the Secretary of the Interior may, notwithstanding section 3302 of title 31, United States Code, retain and use a portion of the revenues from the sale of oil and gas royalties taken in kind that otherwise would be deposited to miscellaneous receipts, without

regard to fiscal year limitation, or may use royalty production, to pay the cost of—

- (A) transporting the oil or gas;
- (B) processing the gas; or
- (C) disposing of the oil or gas; and

(5) the Secretary may not use revenues from the sale of oil and gas royalties taken in kind to pay for personnel, travel or other administrative costs of the Federal Government.

(c) **REIMBURSEMENT OF COST.**—If the lessee, pursuant to an agreement with the United States or as provided in the lease, processes the gas or delivers the royalty oil or gas at a point not on or adjacent to the lease area, the Secretary of the Interior shall reimburse the lessee for the reasonable costs of transportation (not including gathering) from the lease to the point of delivery or for processing costs, or, at the discretion of the Secretary of the Interior, allow the lessee to deduct such transportation or processing costs in reporting and paying royalties in value for other Federal oil and gas leases.

(d) **BENEFIT TO THE UNITED STATES.**—The Secretary shall administer any program taking royalty oil or gas in kind only if the Secretary determines that the program is providing benefits to the United States greater than or equal to those which would be realized under a comparable royalty in value program.

(e) **REPORT TO CONGRESS.**—For every fiscal year, beginning in 2002 through 2006, in which the United States takes oil or gas royalties within any State or from the outer Continental Shelf in kind, excluding royalties taken in kind and sold to refineries under subsection (h) of this section, the Secretary of the Interior shall provide a report to Congress that describes—

(1) the methodology or methodologies used by the Secretary to determine compliance with subsection (d), including performance standards for comparing to amounts likely to have been received had royalties been taken in value;

(2) an explanation of the evaluation that led the Secretary to take royalties in kind from a lease or group of leases, including the expected revenue effect of taking royalties in kind;

(3) actual amounts realized from taking royalties in kind, and costs and savings associated with taking royalties in kind; and

(4) an evaluation of other relevant public benefits or detriments associated with taking royalties in kind.

(f) **DEDUCTION OF EXPENSES.**—

(1) Prior to making disbursements under section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (30 U.S.C. 1337(g)) or other applicable provision of law, of revenues derived from the sale of royalty production taken in kind from a lease, the Secretary of the Interior shall deduct amounts paid or deducted under paragraphs (b)(3) and (c), and shall deposit such amounts to miscellaneous receipts.

(2) If the Secretary of the Interior allows the lessee to deduct transportation or processing costs under paragraph (c), the Secretary of the Interior may not reduce any payments to recipients of revenues derived from any other Federal oil and gas lease as a consequence of that deduction.

(g) **CONSULTATION WITH STATES.**—The Secretary of the Interior will consult with a State prior to conducting a royalty in kind program within the State and may delegate management of any portion of the Federal royalty in kind program to such State except as otherwise prohibited by Federal law.

The Secretary shall also consult annually with any State from which Federal royalty oil or gas is being taken in kind to ensure to the maximum extent practicable that the royalty in kind program provides revenues to the State greater than or equal to those which would be realized under a comparable royalty in value program.

(h) **PROVISIONS FOR SMALL REFINERIES.**—

(1) If the Secretary of the Interior determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, the Secretary may grant preference to such refineries in the sale of any royalty oil accruing or reserved to the United States under Federal oil and gas leases issued under any mineral leasing law, for processing or use in such refineries at private sale at not less than fair market value.

(2) In selling oil under this subsection, the Secretary of the Interior may at his discretion prorate such oil among such refineries in the area in which the oil is produced.

(i) **DISPOSITION TO FEDERAL AGENCIES.**—

(1) Any royalty oil or gas taken in kind from onshore oil and gas leases may be sold at not less than the fair market value to any department or agency of the United States.

(2) Any royalty oil or gas taken in kind from Federal oil and gas leases on the outer Continental Shelf may be disposed of under section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)(3)).

#### **Subtitle C—Use of Royalty In Kind Oil To Fill the Strategic Petroleum Reserve**

##### **SEC. 4320. USE OF ROYALTY IN KIND OIL TO FILL THE STRATEGIC PETROLEUM RESERVE.**

The Secretary of the Interior shall enter into an agreement with the Secretary of Energy to transfer title to the Federal share of crude oil production from Federal lands for use at the discretion of the Secretary of Energy in filling the Strategic Petroleum Reserve during periods of crude oil market stability. The Secretary of Energy may also use the Federal share of crude oil produced from Federal lands for other disposal within the Federal Government, as he may determine, to carry out the energy policy of the United States.

#### **Subtitle D—Improvements to Federal Oil and Gas Lease Management**

##### **SEC. 4330. SHORT TITLE.**

This subtitle may be cited as the “Federal Oil and Gas Lease Management Improvement Act of 2000”.

##### **SEC. 4331. DEFINITIONS.**

In this subtitle:

(1) **APPLICATION FOR A PERMIT TO DRILL.**—The term “application for a permit to drill” means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(2) **FEDERAL LAND.**—

(A) **IN GENERAL.**—The term “Federal land” means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or non-mineral estate.

(B) **EXCLUSION.**—The term “Federal land” does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(3) **OIL AND GAS CONSERVATION AUTHORITY.**—The term “oil and gas conservation authority” means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(4) **PROJECT.**—The term “project” means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(5) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(6) **SURFACE USE PLAN OF OPERATIONS.**—The term “surface use plan of operations” means a plan for surface use, disturbance, and reclamation.

##### **SEC. 4332. NO PROPERTY RIGHT.**

Nothing in this subtitle gives a State a property right or interest in any Federal lease or land.

##### **SEC. 4333. TRANSFER OF AUTHORITY.**

(a) **NOTIFICATION.**—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) **TRANSFER OF AUTHORITY.**—

(1) **IN GENERAL.**—Effective 180 days after the Secretary receives the State’s notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) **AUTHORITY INCLUDED.**—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communication;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) **RETAINED AUTHORITY.**—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

##### **SEC. 4334. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.**

(a) **FEDERAL AGENCIES.**—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) **STATE AUTHORITY.**—

(1) **IN GENERAL.**—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas

lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) **APPEALS.**—Following a transfer of authority under section 4333, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) **PENDING ENFORCEMENT ACTIONS.**—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 4333 until those proceedings are concluded.

(d) **PENDING APPLICATIONS.**—

(1) **TRANSFER TO STATE.**—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 4333 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) **ACTION BY THE STATE.**—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

#### SEC. 4335. COMPENSATION FOR COSTS.

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 4333.

(b) **PAYMENT SCHEDULE.**—Payments shall be made not less frequently than every quarter.

(c) **COST BREAKDOWN REPORT.**—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

#### SEC. 4336. APPLICATIONS.

(a) **LIMITATION ON COST RECOVERY.**—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) **COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.**—

(1) **IN GENERAL.**—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) **PREPARATION BY APPLICANT OR LESSEE.**—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) **REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.**—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

#### SEC. 4337. TIMELY ISSUANCE OF DECISIONS.

(a) **IN GENERAL.**—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) **OFFER TO LEASE.**—

(1) **DEADLINE.**—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) **FAILURE TO MEET DEADLINE.**—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) **APPLICATION FOR PERMIT TO DRILL.**—

(1) **DEADLINE.**—The Secretary and a State that has accepted a transfer of authority under section 4333 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) **FAILURE TO MEET DEADLINE.**—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) **SURFACE USE PLAN OF OPERATIONS.**—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) **ADMINISTRATIVE APPEALS.**—

(1) **DEADLINE.**—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) **FAILURE TO MEET DEADLINE.**—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

#### SEC. 4338. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) **IN GENERAL.**—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) **LAND DESIGNATED FOR MULTIPLE USE.**—

(1) **IN GENERAL.**—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) **APPEAL.**—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) **REJECTION OF OFFER TO LEASE.**—

(1) **IN GENERAL.**—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) **PREVIOUS RESOURCE MANAGEMENT DECISION.**—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) **SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.**—The Secretary may not reject an offer to lease land available for

leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) **DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.**—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) **EFFECTIVENESS OF DECISION.**—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

#### SEC. 4339. REPORTS.

(a) **IN GENERAL.**—Not later than March 31, 2002, the Secretaries shall jointly submit to Congress a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) **RECOMMENDATIONS.**—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

#### Subtitle E—Royalty Reinvestment in America

##### SEC. 4351. ROYALTY INCENTIVE PROGRAM.

(a) **IN GENERAL.**—To encourage exploration and development expenditures on Federal land and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than \$18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than \$2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) **NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.**—In no case shall such capital expenditures made on outer Continental Shelf leases be credited against onshore Federal royalty obligations.

#### TITLE IV—NUCLEAR

##### Subtitle A—Price-Anderson Amendments

##### SEC. 4401. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2001".

##### SEC. 4402. INDEMNIFICATION AUTHORITY.

(a) **INDEMNIFICATION OF NRC LICENSEES.**—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

(b) **INDEMNIFICATION OF DOE CONTRACTORS.**—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking " , until August 1, 2002."

(c) **INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.**—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each

place it appears and inserting "August 1, 2012".

**SEC. 4403. DOE LIABILITY LIMIT.**

(a) **AGGREGATE LIABILITY LIMIT.**—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of \$10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary."

(b) **CONTRACT AMENDMENTS.**—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on such date."

**SEC. 4404. INCIDENTS OUTSIDE THE UNITED STATES.**

(a) **AMOUNT OF INDEMNIFICATION.**—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "\$100,000,000" and inserting "\$500,000,000".

(b) **LIABILITY LIMIT.**—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "\$100,000,000" and inserting "\$500,000,000".

**SEC. 4405. REPORTS.**

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

**SEC. 4406. INFLATION ADJUSTMENT.**

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) such date of enactment, in the case of the first adjustment under this subsection; or

"(B) the previous adjustment under this subsection."

**SEC. 4407. CIVIL PENALTIES.**

(a) **REPEAL OF AUTOMATIC REMISSION.**—Section 234Ab.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) is amended by striking the last sentence.

(b) **LIMITATION FOR NONPROFIT INSTITUTIONS.**—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a) is further amend-

ed by striking subsection d. and inserting the following:

"d. Notwithstanding subsection a., no contractor, subcontractor, or supplier considered to be nonprofit under the Internal Revenue Code of 1954 shall be subject to a civil penalty under this section in excess of the amount of any performance fee paid by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation or violations occur."

**SEC. 4408. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this subtitle shall become effective on the date of enactment of this Act.

(b) **INDEMNIFICATION PROVISIONS.**—The amendments made by sections 4403 and 4404 shall not apply to any nuclear incident occurring before the date of enactment of this Act.

(c) **CIVIL PENALTY PROVISIONS.**—The amendments made by section 4407 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(b)(2)) shall not apply to any violation occurring under a contract entered into before the date of enactment of this Act.

**Subtitle B—Funding From the Department of Energy**

**SEC. 4410. NUCLEAR ENERGY RESEARCH INITIATIVE.**

There are authorized to be appropriated \$60,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, for grants to be competitively awarded and subject to peer review for research relating to nuclear energy. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Research Initiative.

**SEC. 4411. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.**

There are authorized to be appropriated \$10,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Energy Plant Optimization Program.

**SEC. 4412. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.**

There are authorized to be appropriated \$25,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Technology Development Program to be managed by the Director of the Office of Nuclear Energy, for a roadmap to design and develop a new nuclear energy facility in the United States and subject to annual review by the Secretary of Energy's Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, and to the Com-

mittee on Energy and Natural Resources and the Committee on Appropriations of the Senate, an annual report on the activities of the Nuclear Technology Development Program.

**Subtitle C—Grants for Incentive Payments for Capital Improvements To Increase Efficiency**

**SEC. 4420. NUCLEAR ENERGY PRODUCTION INCENTIVES.**

(a) **INCENTIVE PAYMENTS.**—For electric energy generated and sold by an existing nuclear energy facility during the incentive period, the Secretary of Energy shall make, subject to the availability of appropriations, incentive payments to the owner or operator of such facility. The amount of such payment made to any such owner or operator shall be as determined under subsection (e) of this section. Payments under this section may only be made upon receipt by the Secretary of an incentive payment application, which establishes that the applicant is eligible to receive such payment and which satisfies such other requirements as the Secretary deems necessary. Such application shall be in such form, and shall be submitted at such time, as the Secretary shall establish.

(b) **DEFINITIONS.**—For purposes of this section:

(1) **QUALIFIED NUCLEAR ENERGY FACILITY.**—The term "qualified nuclear energy facility" means an existing reactor used to generate electricity for sale.

(2) **EXISTING REACTOR.**—The term "existing reactor" means any nuclear reactor the construction of which was completed and licensed by the Nuclear Regulatory Commission before the date of enactment of this section.

(c) **INCENTIVE PERIOD.**—A qualified nuclear energy facility may receive payments under this section for a period of 15 years (referred to in this section as the "incentive period").

(d) **AMOUNT OF PAYMENT.**—

(1) Payments made by the Secretary under this section to the owner or operator of a nuclear energy facility shall be based on the increased volume of kilowatt hours of electricity generated by the qualified nuclear energy facility during the incentive period. The amount of such payment shall be 1 mill for each kilowatt-hour produced in excess of the total generation produced over the most recent calendar year prior to the first fiscal year in which payment is sought. Such payment is subject to the availability of appropriations under subsection (f), except that no facility may receive more than \$2,000,000 in 1 calendar year.

(2) The amount of the payment made to any person under this section as provided in paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2001 in the same manner as provided in the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions, the calendar year 2001 shall be substituted for the calendar year 1979.

(e) **SUNSET.**—No payment may be made under this section to any nuclear energy facility after the expiration of the period of 20 fiscal years beginning with fiscal year 2001, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 15 fiscal years.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out the purposes of this section \$50,000,000 for each of the fiscal years 2001 through 2015.

**SEC. 4421. NUCLEAR ENERGY EFFICIENCY IMPROVEMENT.**

(a) **INCENTIVE PAYMENTS.**—The Secretary of Energy shall make incentive payments to the owners or operators of qualified nuclear energy facilities to be used to make capital improvements in the facilities that are directly related to improving the electrical output efficiency of such facilities by at least 1 percent.

**(b) LIMITATIONS.**—

(1) Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvement concerned and not more than 1 payment may be made with respect to improvements at a single facility.

(2) No payments in excess of \$1,000,000 in the aggregate may be made with respect to improvements at a single facility.

(3) Payments may be made by the Department or used by a facility to offset the costs of NRC permitting fees for a capital improvement.

(4) Payments made by the Department to the Nuclear Regulatory Commission for permitting an improvement that can impact multiple facilities are not subject to the limitation in (b)(2).

(c) **AUTHORIZATION.**—There is authorized to be appropriated to carry out this section not more than \$20,000,000 in each fiscal year after fiscal year 2001.

**TITLE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2001****SEC. 4501. SHORT TITLE.**

This title may be cited as the “Arctic Coastal Plain Domestic Energy Security Act of 2001”.

**SEC. 4502. DEFINITIONS.**

When used in this title the term—

(1) “1002 Area” means that area identified as “Coastal Plain” in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142(b)(1)) comprising approximately 1,549,000 acres; and

(2) “Secretary”, except as otherwise provided, means the Secretary of the Interior or the Secretary’s designee.

**SEC. 4503. LEASING PROGRAM FOR LANDS WITHIN THE ANWR 1002 AREA.**

(a) **AUTHORIZATION.**—Congress hereby authorizes and directs the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the 1002 Area and to administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations and other provisions that ensure the oil and gas exploration, development, and production activities on the 1002 Area will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, and shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations, and in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) **REPEAL.**—The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) are hereby repealed.

(c) **COMPATIBILITY.**—Congress hereby determines that the oil and gas leasing program and activities authorized by this section in the 1002 Area are compatible with the purposes for which the Arctic National Wildlife Refuge was established, and that no further findings or decisions are required to implement this determination.

(d) **SOLE AUTHORITY.**—This title shall be the sole authority for leasing on the 1002 Area: *Provided*, That nothing in this title shall be deemed to expand or limit State and local regulatory authority.

(e) **FEDERAL LAND.**—The 1002 Area shall be considered “Federal land” for the purposes of the Federal Oil and Gas Royalty Management Act of 1982.

(f) **SPECIAL AREAS.**—The Secretary, after consultation with the State of Alaska, City of Kaktovik, and the North Slope Borough, is authorized to designate up to a total of 45,000 acres of the 1002 Area as Special Areas and close such areas to leasing if the Secretary determines that these Special Areas are of such unique character and interest so as to require special management and regulatory protection. The Secretary may, however, permit leasing of all or portions of any Special Areas within the 1002 Area by setting lease terms that limit or condition surface use and occupancy by lessees of such lands but permit the use of horizontal drilling technology from sites on leases located outside the designated Special Areas.

(g) **LIMITATION ON CLOSED AREAS.**—The Secretary’s sole authority to close lands within the 1002 Area to oil and gas leasing and to exploration, development, and production is that set forth in this title.

(h) **CONVEYANCE.**—In order to maximize Federal revenues by removing clouds on title of lands and clarifying land ownership patterns within the 1002 Area, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), is authorized and directed to convey (1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 2 of Public Land Order 6959, to the extent necessary to fulfill the Corporation’s entitlement under section 12 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611), and (2) to the Arctic Slope Regional Corporation the subsurface estate beneath such surface estate pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

**SEC. 4504. RULES AND REGULATIONS.**

(a) **PROMULGATION.**—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area. Such rules and regulations shall be promulgated not later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the 1002 Area related to the leasing, exploration, development and production of oil and gas.

(b) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary’s attention.

**SEC. 4505. ADEQUACY OF THE DEPARTMENT OF THE INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.**

The “Final Legislative Environmental Impact Statement” (April 1987) prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is hereby found by Congress to be adequate to satisfy the legal and procedural requirements of the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of the leasing program authorized by this title, to conduct the first lease sale and any subsequent lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

**SEC. 4506. LEASE SALES.**

(a) **LEASE SALES.**—Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the 1002 Area for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALES ON 1002 AREA.**—The Secretary shall, by regulation, provide for lease sales of lands on the 1002 Area. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall offer for lease those acres receiving the greatest number of nominations, but no less than 200,000 acres and no more than 300,000 acres shall be offered. If the total acreage nominated is less than 200,000 acres, the Secretary shall include in such sales any other acreage which he believes has the highest resource potential, but in no event shall more than 300,000 acres be offered in such sale. With respect to subsequent lease sales, the Secretary shall offer for lease no less than 200,000 acres of the 1002 Area. The initial lease sale shall be held within 20 months of the date of enactment of this title. The second lease sale shall be held not later than 2 years after the initial sale, with additional sales conducted not later than 1 year thereafter so long as sufficient interest in development exists to warrant, in the Secretary’s judgment, the conduct of such sales.

**SEC. 4507. GRANT OF LEASES BY THE SECRETARY.**

(a) **IN GENERAL.**—The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive cash bonus bid any lands to be leased on the 1002 Area upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ percent in amount or value of the production removed or sold from the lease.

(b) **ANTITRUST REVIEW.**—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, 30 days to perform an antitrust review of the results of such lease sale on the likely effects the

issuance of such leases would have on competition and the Attorney General shall advise the Secretary with respect to such review, including any recommendation for the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws.

(c) **SUBSEQUENT TRANSFERS.**—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(d) **IMMUNITY.**—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(e) **DEFINITIONS.**—As used in this section, the term—

(1) “antitrust review” shall be deemed an “antitrust investigation” for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); and

(2) “antitrust laws” means the Acts referred to in section 1 of the Clayton Act (15 U.S.C. 12).

#### **SEC. 4508. LEASE TERMS AND CONDITIONS.**

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not to exceed 5,760 acres, or 9 surveyed or protracted sections which shall be as compact in form as possible;

(2) be for an initial period of 10 years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(3) require the payment of royalty as provided for in section 4507 of this title;

(4) require that exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an exploration plan or a revision of such plan approved by the Secretary;

(5) require that all development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with development and production plans approved by the Secretary;

(6) require posting of bond as required by section 4509 of this title;

(7) provide that the Secretary may close, on a seasonal basis, portions of the 1002 Area to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(8) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(9) provide that the Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title in the interest of conservation of the resource or where there is no available system to transport the resource. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto;

(10) provide that whenever the owner of a nonproducing lease fails to comply with any

of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for more than thirty days after mailing of notice by registered letter to the lease owner at the lease owner's post office address of record;

(11) provide that whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title;

(12) provide that cancellation of a lease under this title shall in no way release the owner of the lease from the obligation to provide for reclamation of the lease site;

(13) allow the lessee, at the discretion of the Secretary, to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept such relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease;

(14) provide that for the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect correlative rights, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(15) require that the holder of a lease or leases on lands within the 1002 Area shall be fully responsible and liable for the reclamation of those lands within and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the 1002 Area by the holder of a lease or as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents;

(16) provide that the holder of a lease may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another party without the express written approval of the Secretary;

(17) provide that the standard of reclamation for lands required to be reclaimed under this title be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(18) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by section 4503(a) of this title;

(19) provide that the holder of a lease, its agents, and contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska

Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(20) require project agreements to the extent feasible that will ensure productivity and consistency recognizing a national interest in both labor stability and the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under leases issued pursuant to this title; and

(21) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

#### **SEC. 4509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.**

(a) **REQUIREMENT.**—The Secretary shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. Such bond, surety, or financial arrangement is in addition to, and not in lieu of, any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(b) **AMOUNT.**—The bond, surety, or financial arrangement shall be in an amount—

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) **ADJUSTMENT.**—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) **DURATION.**—The responsibility and liability of the lessee and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable laws.

(e) **TERMINATION.**—Within 60 days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond, surety, or other financial arrangement has been terminated.

#### **SEC. 4510. OIL AND GAS INFORMATION.**

(a) **IN GENERAL.**—(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information from any lease granted pursuant to this title (including processed and analyzed) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If processed and analyzed information provided pursuant to paragraph (1) is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such processed and analyzed information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1)—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) REGULATIONS.—The Secretary shall prescribe regulations to:

(1) ensure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and

(2) set forth the time periods and conditions which shall be applicable to the release of such information.

#### SEC. 4511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other action of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint: *Provided*, That any complaint seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia.

(b) Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 4512. RIGHTS-OF-WAY ACROSS THE 1002 AREA.

Notwithstanding title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized and directed to grant, in accordance with the provisions of subsections (c) through (t) and (v) through (y) of section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), rights-of-way and easements across the 1002 Area for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the 1002 Area. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued as required by section 4504 of this title shall include provisions granting rights-of-way and easements across the 1002 Area.

#### SEC. 4513. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS TO ENSURE COMPLIANCE WITH TERMS AND CONDITIONS OF LEASE.

(a) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall diligently enforce all regulations, lease terms, conditions, restric-

tions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITY OF HOLDERS OF LEASE.—It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, subsistence resources, and the environment of, the 1002 Area; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of each facility on the 1002 Area which is subject to any environmental or safety regulation promulgated pursuant to this title or conditions contained in any lease issued pursuant to this title to ensure compliance with such environmental or safety regulations or conditions; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to ensure compliance with all environmental or safety regulations.

#### SEC. 4514. NEW REVENUES.

(a) DEPOSIT INTO TREASURY.—Notwithstanding any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rents, fees, or interest derived from the leasing of oil and gas within the 1002 Area shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska the same percentage of such revenues as is set forth under the heading “EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA” in Public Law 96-514 (94 Stat. 2957, 2964) semi-annually to the State of Alaska, on March 30 and September 30 of each year and shall deposit the balance of all such revenues as miscellaneous receipts in the Treasury. Notwithstanding any other provision of law, the Secretary of the Treasury shall monitor the total revenue deposited into the Treasury as miscellaneous receipts from oil and gas leases issued under the authority of this subtitle and shall deposit amounts received as bonus bids into a special fund established in the Treasury of the United States known as the Renewable Energy Research and Development Fund (referred to in this section as the “Renewable Energy Fund”).

(b) USE OF RENEWABLE ENERGY FUND.—Of the amounts in the Renewable Energy Fund, an amount equal to ten percent of the total deposits shall be made available to the Secretary of Energy, without further appropriation, at the beginning of each fiscal year in which amounts are available, and may be expended by the Secretary of Energy for research and development of renewable domestic energy resources of wind, solar, biomass, geothermal and hydroelectric. Such amounts shall remain available until expended and shall be in addition to funds appropriated in the preceding fiscal year to the Secretary of Energy for renewable energy research, development and demonstration programs authorized by section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813). The Secretary of Energy shall develop procedures for the use of the Renewable Energy Fund that

ensure accountability and demonstrated results. Beginning the first full fiscal year after deposits are made into the Renewable Energy Fund, the Secretary of Energy shall submit an annual report to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives detailing the use of any expenditures.

#### TITLE VI—ENERGY EFFICIENCY, CONSERVATION, AND ASSISTANCE TO LOW-INCOME FAMILIES

##### SEC. 4601. EXTENSION OF LOW INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2602(b) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking “such sums as may be necessary for each of fiscal years 2000 and 2001, and \$2,000,000,000 for each of fiscal years 2002 through 2004” and inserting “\$3,000,000,000 for each of fiscal years 2000 through 2010”.

(b) PAYMENTS TO STATES.—Section 2602(d)(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621) is amended by striking “2004” and inserting “2010”.

(c) EMERGENCY FUNDS.—Section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621), is amended by striking “\$600,000,000” and inserting “\$1,000,000,000”.

##### SEC. 4602. ENERGY EFFICIENT SCHOOLS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy the Energy Efficient Schools Program (referred to in this section as the “Program”).

(b) IN GENERAL.—The Secretary of Energy may, through the Program, make grants to—

(1) be provided to school districts to implement the purpose of this section;

(2) administer the program of assistance to school districts pursuant to this section; and

(3) promote participation by school districts in the program established by this section.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—Grants under subsection (b)(1) shall be used to achieve energy efficiency performance not less than 30 percent beyond the levels prescribed in the 1998 International Energy Conservation Code as it is in effect for new construction and existing buildings. Grants under such subsection shall be made to school districts that have—

(1) demonstrated a need for such grants in order to respond appropriately to increasing elementary and secondary school enrollments or to make major investments in renovation of school facilities;

(2) demonstrated that the districts do not have adequate funds to respond appropriately to such enrollments or achieve such investments without assistance; and

(3) made a commitment to use the grant funds to develop energy efficient school buildings in accordance with the plan developed and approved pursuant to subsection (e)(1).

(d) OTHER GRANTS.—

(1) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to evaluate compliance by school districts with the requirements of this section and in addition may be used for—

(A) distributing information and materials to clearly define and promote the development of energy efficient school buildings for both new and existing facilities;

(B) organizing and conducting programs for school board members, school district personnel, architects, engineers, and others to advance the concepts of energy efficient school buildings;

(C) obtaining technical services and assistance in planning and designing energy efficient school buildings; and

(D) collecting and monitoring data and information pertaining to the energy efficient school building projects.

(2) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) may be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy service companies, working with school administrations, students, and communities, and coordinating public benefit programs.

(e) IMPLEMENTATION.—

(1) PLANS.—Grants under subsection (b) shall be provided only to school districts that, in consultation with State offices of energy and education, have developed plans that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants were made.

(2) SUPPLEMENTING GRANT FUNDS.—The State agency referred to in paragraph (1) shall encourage qualifying school districts to supplement their grant funds with funds from other sources in the implementation of their plans.

(f) ALLOCATION OF FUNDS.—Except as provided in subsection (c), funds appropriated for the implementation of this section shall be provided to State energy offices to administer the program of assistance to school districts under this section.

(g) PURPOSES.—Except as provided in subsection (c), funds appropriated under this section shall be allocated as follows:

(1) Seventy percent shall be used to make grants under subsection (b)(1).

(2) Fifteen percent shall be used to make grants under subsection (b)(2).

(3) Fifteen percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may, through the Program established under subsection (a), retain an amount, not exceed \$300,000 per year, to assist State energy offices in coordinating and implementing such Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve energy efficient school buildings.

(i) AUTHORIZATION OF APPROPRIATIONS.—For this section, there are authorized to be appropriated \$200,000,000 for each of fiscal years 2002 through 2005, and such sums as may be necessary for each of fiscal years 2006 through 2011.

(j) DEFINITIONS.—

(1) ELEMENTARY AND SECONDARY SCHOOL.—The terms “elementary school” and “secondary school” shall have the same meaning given such terms in paragraphs (14) and (25) of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14), (25)).

(2) ENERGY EFFICIENT SCHOOL BUILDING.—The term “energy efficient school building” refers to a school building which, in its design, construction, operation, and maintenance maximizes use of renewable energy and efficient energy practices, is cost-effective on a life-cycle basis, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(3) RENEWABLE ENERGY.—The term “renewable energy” means energy produced by solar, wind, geothermal, hydroelectric power, and biomass power.

**SEC. 4603. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.**

(a) ELIGIBILITY.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended—

(1) in paragraph (7)(A), by striking “125” and inserting “150”; and

(2) in paragraph (7)(C), by striking “125” and inserting “150”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422(a) of the Energy Conservation and Production Act (42 U.S.C. 6872(a)) is amended—

(1) by striking “\$200,000,000” and inserting “\$250,000,000”; and

(2) by striking “1991” and all that follows through “1994.” and inserting “2002, \$325,000,000 for fiscal year 2003, \$400,000,000 for fiscal year 2004, \$500,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.”.

**SEC. 4604. AMENDMENTS TO STATE ENERGY PROGRAM.**

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

“(f) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions carried out in pursuit of common energy conservation goals.”.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended—

(1) by striking “October 1, 1991” and inserting “January 1, 2001”; and

(2) by striking “10” and inserting “25”; and

(3) by striking “2000” and inserting “2010”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)(1)) is amended by striking “and” and all that follows through “1993.” and inserting “\$45,000,000 for fiscal year 1993, \$75,000,000 for fiscal year 2002, \$100,000,000 for fiscal years 2003 and 2004, \$125,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.”.

**SEC. 4605. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATING TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.**

(a) ENERGY SAVINGS THROUGH CONSTRUCTION OF REPLACEMENT FACILITIES.—Section 804 of the National Energy Conservation Policy Act (42 U.S.C. 8287c) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” after “(2)”; and

(C) by adding at the end the following:

“(B) The term ‘energy savings’ also means a reduction in the cost of energy, from such a base cost established through a methodology set forth in the contract, that would otherwise be utilized in 1 or more existing federally owned buildings or other federally owned facilities by reason of the construction and operation of 1 or more new buildings or facilities.”; and

(2) in paragraph (3), by inserting after the first sentence the following: “The terms also mean a contract that provides for energy savings through the construction or operation of 1 or more new buildings or facilities.”.

(b) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

“(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of 1 or more buildings or facilities to replace 1 or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities, from a base cost of operation and maintenance established through a methodology set forth in the contract.

“(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in that subparagraph.”.

(c) 5-YEAR EXTENSION OF AUTHORITY.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking “October 1, 2003” and inserting “October 1, 2008”.

(d) UTILITY INCENTIVE PROGRAMS.—Section 546(e) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended—

(1) in paragraph (3), by adding at the end the following: “Such a utility incentive program may include a contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation. Notwithstanding section 201(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.”; and

(2) by adding at the end the following:

“(6) A utility incentive program may include a contract or contract term for a reduction in the cost of energy, from a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federally owned buildings or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term, including savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities when compared with the costs of operation and maintenance at existing buildings or facilities.”.

**SEC. 4606. FEDERAL ENERGY EFFICIENCY REQUIREMENT.**

(a) IN GENERAL.—Through cost-effective measures, each agency shall reduce energy consumption per gross square foot of its facilities by 30 percent by 2010 and 50 percent by 2020 relative to 1990.

(b) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan for fulfilling the requirements of this section.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) GUIDELINES.—The Secretary of Energy, in consultation with the Administrator of

the Energy Information Administration, shall develop and issue guidelines for agencies' preparation of their annual report, including guidance on how to measure energy consumption in Federal facilities.

(d) **EXEMPTION OF CERTAIN FACILITIES.**—A facility may be deemed exempt when the Secretary determines that compliance with the Energy Policy Act of 1992 is not practical for that particular facility. Not later than 1 year from date of enactment, the Secretary shall, in consultation with the Administrator of the Energy Information Administration, set guidelines for agencies to use in excluding certain kinds of facilities to meet the requirements of this section.

(e) **APPLICABILITY.**—The Department of Defense is subject to this order only to the extent that it does not impair or adversely affect military operations and training (including tactical aircraft, ships, weapons systems, combat training, and border security).

(f) **DEFINITIONS.**—For the purposes of this section—

(1) "agency" means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) "facility" means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term "facility" also includes any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.

#### **SEC. 4607. ENERGY EFFICIENCY SCIENCE INITIATIVE.**

There are authorized to be appropriated \$25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter, but not to exceed \$50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary for Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

### **TITLE VII—ALTERNATIVE FUELS AND RENEWABLE ENERGY**

#### **Subtitle A—Alternative Fuels**

#### **SEC. 4701. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.**

Section 102(a)(1) of title 23, United States Code, is amended by inserting "(unless, at the discretion of the State transportation department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)))" after "required".

#### **SEC. 4702. ALTERNATIVE FUEL VEHICLE CREDITS FOR INSTALLATION OF QUALIFYING INFRASTRUCTURE.**

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) **CREDIT FOR ACQUISITION OR INSTALLATION OF QUALIFYING INFRASTRUCTURE.**—The Secretary shall allocate an infrastructure credit to a fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for the acquisition or installation of the fuel or the needed infrastructure, including the supply and delivery systems, necessary to operate or maintain the alternative fueled vehicle. Such necessary infrastructure shall include—

"(1) equipment required to refuel or recharge the alternative fueled vehicle;

"(2) facilities or equipment required to maintain, repair or operate the alternative fueled vehicle;

"(3) training programs, educational materials or other activities necessary to provide information regarding the operation, maintenance or benefits associated with the alternative fueled vehicle; and

"(4) such other activity as the Secretary deems an appropriate expenditure in support of the operation, maintenance or further wide spread adoption or utilization of the alternative fueled vehicle.

"(f) **QUALIFYING INFRASTRUCTURE CREDIT.**—The term 'infrastructure credit' shall mean—

"(1) that equipment or activity defined in subsection (e) above; and

"(2) be equivalent in cost to the acquisition of an alternative fueled vehicle for which the expenditure on the infrastructure is made.

"(g) **LIMITATION ON NUMBER OF INFRASTRUCTURE CREDITS ISSUED.**—Each fleet or covered person that is required to acquire an alternative fueled vehicle under this title, or each Federal fleet as defined by section 303(b)(3) of title III of this Act, shall be limited in the number of infrastructure credits that may be acquired and used to meet the alternative fueled vehicle requirements of this Act to no more than the equivalent of ½ of the alternative fueled vehicles required per annum."

#### **SEC. 4703. STATE AND LOCAL GOVERNMENT USE OF FEDERAL ALTERNATIVE FUEL REFUELING FACILITIES.**

Section 304 of the Energy Policy Act of 1992 (42 U.S.C. 13213) is amended by adding at the end the following:

"(c) **STATE AND LOCAL GOVERNMENT OWNED VEHICLES.**—Federal agencies may include any alternative fuel vehicles owned by States or local governments in any commercial arrangements for the purpose of fueling Federal alternative fueled vehicles as authorized under subsection (a) of this section. The Secretary may allocate equivalent infrastructure credits to a Federal fleet as defined by section 303(b)(3) of title III of this Act, for the inclusion of such vehicles in any such commercial fueling arrangements."

#### **SEC. 4704. FEDERAL FLEET FUEL ECONOMY AND USE OF ALTERNATIVE FUELS.**

(a) **FUEL ECONOMY.**—Through cost-effective measures, each agency shall increase the average EPA fuel economy rating of passenger cars and light trucks acquired by at least 3 miles per gallon by the end of fiscal year 2005 compared to acquisitions in fiscal year 2000.

(b) **USE OF ALTERNATIVE FUELS.**—Through cost-effective measures, each agency shall, by the end of fiscal year 2005, use alternative fuels for at least 50 percent of the total annual volume of fuel used by the agency. No more than 25 percent of fuel purchased by

State and local governments at federally-owned refueling facilities may be included by an agency in meeting the requirement of this section.

(c) **IMPLEMENTATION PLAN.**—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress and the President an implementation plan for fulfilling the requirements of this section. Each agency should develop an implementation plan that meets its unique fleet configuration and fleet requirements.

(d) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Each agency shall measure and report annually to Congress and the President its progress in meeting the requirements of this section.

(2) **GUIDELINES.**—The Secretary of Energy, through the Federal Energy Management Program and in consultation with the Administrator of the Energy Information Administration, shall develop and issue guidelines for agencies' preparation of their annual report, including guidance on how to measure fuel economy for the collection and annual reporting of data to demonstrate compliance with the requirements of this section.

(e) **APPLICABILITY.**—This order applies to each Federal agency operating 20 or more motor vehicles within the United States.

(f) **EXEMPTION OF CERTAIN VEHICLES.**—Department of Defense military tactical vehicles are exempt from this order. Law enforcement, emergency, and any other vehicle class or type determined by the Secretary, in consultation with the Federal Energy Management Program, are exempted from the requirements of this section. Not later than 1 year from date of enactment, the Secretary shall, in consultation with the Federal Energy Management Program, set guidelines for agencies to use in the determination of exemptions.

(g) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term "agency" means an executive agency as defined in 5 U.S.C. 105. (Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.)

(2) **ALTERNATIVE FUEL.**—The term "alternative fuel" means any fuel defined as an alternative fuel pursuant to section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(h) **CONFORMING AMENDMENTS.**—Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended as follows:

(1) in subsection (a)(3)(E), by striking the period at the end and inserting the following: ", except that, not later than fiscal year 2005 at least 50 percent of the total annual volume of fuel used must be from alternative fuels."; and

(2) in subsection (g)(4)(B), after the words, "solely on alternative fuel", insert the words "including a 3-wheeled enclosed electric vehicle having a VIN number".

#### **SEC. 4705. LOCAL GOVERNMENT GRANT PROGRAM.**

(a) **ESTABLISHMENT.**—Within 1 year of date of enactment of this section, the Secretary of Energy shall establish a program for making grants to local governments for covering the incremental cost of qualified alternative fuel motor vehicles.

(b) **CRITERIA.**—In deciding to whom grants shall be made under this subsection, the Secretary of Energy shall consider the goal of assisting the greatest number of applicants, provided that no grant award shall exceed \$1,000,000.

(c) **PRIORITIES.**—Priority shall be given under this section to those local government fleets where the use of alternative fuels

would have a significant beneficial effect on energy security and the environment.

(d) **QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE DEFINED.**—For purposes of this section, the term “qualified motor vehicle” means any motor vehicle which is capable of operating only on an alternative fuel.

(e) **INCREMENTAL COST.**—For purposes of this section, the incremental cost of any qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel motor vehicle of the same model.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of this section, there are authorized to be appropriated \$100,000,000 annually for each of the fiscal years 2002 through 2006.

#### Subtitle B—Renewable Energy

#### SEC. 4710. RESIDENTIAL RENEWABLE ENERGY GRANT PROGRAM.

(a) **IN GENERAL.**—The Secretary of Energy shall develop and implement a grant program to offset a portion of the total cost of certain eligible residential renewable energy systems.

(b) **ELIGIBILITY.**—Grants may be awarded for—

(1) the new installation of an eligible residential renewable energy system for an existing dwelling unit;

(2) the purchase of an existing dwelling unit with an eligible residential renewable energy system that was installed prior to the date of enactment of this section;

(3) the addition to or augmentation of an existing eligible residential renewable energy system installed on a dwelling unit prior to the date of enactment of this section, provided that any such addition or augmentation results in additional electricity, heat, or other useful energy; or

(4) the construction of a new home or rental property which includes an eligible residential renewable energy system.

(c) **TOTAL COST.**—

(1) **IN GENERAL.**—For purposes of this section, “total cost” means expenditure of funds for—

(A) any equipment whose primary purpose is to provide for the collection, conversion, transfer, distribution, storage or control of electricity or heat generated from renewable energy;

(B) installation charges;

(C) labor costs properly allocable to the on-site preparation, assembly, or original installation of the system; and

(D) piping or wiring to interconnect such system to the dwelling unit.

(2) **LEASED SYSTEMS.**—In the case of a system that is leased, “total cost” means the principal recovery portion of all lease payments scheduled to be made during the full term of the lease, excluding interest charges and maintenance expenses.

(3) **EXISTING SYSTEMS.**—In the case of addition to or augmentation of an existing system, “total cost” shall include only those expenditures related to the incremental cost of the addition or augmentation, and not the full cost of the system.

(d) **COST BUY-DOWN.**—Grants provided under this section shall not exceed \$3,000 per eligible residential renewable energy system, and shall be limited further as follows:

(1) For fiscal years 2002 and 2003, grants provided under this section shall be limited to the smaller of—

(A) 50 percent of the total cost of the energy system; or

(B) \$3.00 per watt of system electricity output or equivalent.

(2) For fiscal years 2004 and 2005, grants provided under this section shall be limited to the smaller of—

(A) 40 percent of the total cost of the energy system; or

(B) \$2.50 per watt of system electricity output.

(3) For fiscal years 2006 and 2007, grants provided under this section shall be limited to the smaller of—

(A) 30 percent of the total cost of the energy system; or

(B) \$2.00 per watt of system electricity output.

(4) For fiscal years 2008 and 2009, grants provided under this section shall be limited to the smaller of—

(A) 20 percent of the total cost of the energy system; or

(B) \$1.50 per watt of system electricity output.

(5) For fiscal years 2010 and 2011, grants provided under this section shall be limited to the smaller of—

(A) 10 percent of the total cost of the energy system; or

(B) \$1.00 per watt of system electricity output.

(e) **LIMITATIONS.**—No grant shall be allowed under this section for an eligible residential renewable energy system unless—

(1) such expenditure is made for property installed on or in connection with a dwelling unit which is located in the United States and which is used as a residence;

(2) in the case of solar water heating equipment, such equipment is certified for performance and safety by the nonprofit Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed; and

(3) such system meets appropriate fire and electric code requirements.

(f) **RENEWABLE ENERGY.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **FORM OF RENEWABLE ENERGY.**—The term “form of renewable energy” means energy produced through the use of—

(i) a solar thermal system;

(ii) a solar photovoltaic system;

(iii) wind;

(iv) biomass;

(v) a hydroelectric system; or

(vi) a source of geothermal energy.

(B) **RENEWABLE ENERGY SYSTEM.**—The term “renewable energy system” means property that uses a form of renewable energy to create electricity, heat, or any other form of useful energy.

(2) **SOLAR PANELS.**—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) solely because it constitutes a structural component of the structure on which it is installed.

(3) **ENERGY STORAGE MEDIUM.**—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

(g) **SPECIAL RULES.**—For purposes of this section:

(1) **TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.**—In the case of an individual who is a tenant-stockholder (as defined in 26 U.S.C. 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in 26 U.S.C. 216(b)(3)) of any expenditures of such corporation.

(2) **CONDOMINIUMS.**—

(A) **IN GENERAL.**—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

(B) **CONDOMINIUM MANAGEMENT ASSOCIATION.**—For purposes of this paragraph, the term “condominium management association” means an organization which meets the requirements of paragraph (1) of 26 U.S.C. 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

(3) **RENEWABLE ENERGY SYSTEMS FOR MULTIPLE DWELLINGS.**—

(A) **IN GENERAL.**—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

(B) **LIMITS APPLIED SEPARATELY.**—In the case of any expenditure described in subparagraph (A), the amount of the grant available under subsection (d) shall be computed separately with respect to the amount of the expenditure made for each dwelling unit.

(h) **ANNUAL REPORT.**—The Secretary shall submit to Congress and the President an annual report on grants distributed pursuant to this section. The report shall include, at minimum—

(1) a summary of the eligible residential renewable energy systems receiving grants in the year just concluded;

(2) an estimate of new renewable energy generation installed as a result of grants awarded, and its distribution by renewable energy source and geographic location;

(3) evidence that the program is contributing to declining costs for renewable energy technologies; and

(4) description of the methods used to award such grants.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of this section, there are authorized to be appropriated \$30,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter, but not to exceed \$150,000,000 in any fiscal year.

#### SEC. 4711. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) **IN GENERAL.**—Not later than twelve months after the date of enactment of this section, the Secretary of Energy shall submit to Congress an assessment of all renewable energy resources available within the United States.

(b) **RESOURCE ASSESSMENT.**—Such report shall include a detailed inventory describing the available amount and characteristics of solar, wind, biomass, geothermal, hydroelectric and other renewable energy sources, and an estimate of the costs needed to develop each resource. The report shall also include such other information as the Secretary of Energy believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, nearby energy infrastructure, and location of energy and water resources.

(c) **AVAILABILITY.**—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of carrying out this section, there are authorized to be appropriated \$10,000,000 for fiscal years 2002 through 2006.

**Subtitle C—Hydroelectric Licensing Reform**  
**SEC. 4721. SHORT TITLE.**

This subtitle may be cited as the “Hydroelectric Licensing Process Improvement Act of 2001”.

**SEC. 4722. FINDINGS.**

Congress finds that—

(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;

(2) hydroelectric power is the leading renewable energy resource of the United States;

(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;

(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;

(5) the process of licensing hydroelectric projects by the Commission—

(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license;

(B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain;

(C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and

(D) is burdensome for all participants and too often results in litigation; and

(6) while the alternative licensing procedures available to applicants for hydroelectric project licenses provide important opportunities for the collaborative resolution of many of the issues in hydroelectric project licensing, those procedures are not appropriate in every case and cannot substitute for statutory reforms of the hydroelectric licensing process.

**SEC. 4723. PURPOSE.**

The purpose of this subtitle is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—

(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;

(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and

(3) making other improvements in the licensing process.

**SEC. 4724. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.**

(a) IN GENERAL.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

**“SEC. 33. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.**

“(a) DEFINITIONS.—In this section:

“(1) **CONDITION.**—The term ‘condition’ means—

“(A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

“(B) a prescription relating to the construction, maintenance, or operation of a fishway determined by a consulting agency

for the purpose of the first sentence of section 18.

“(2) **CONSULTING AGENCY.**—The term ‘consulting agency’ means—

“(A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

“(B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

“(b) **FACTORS TO BE CONSIDERED.**—

“(1) IN GENERAL.—In determining a condition, a consulting agency shall take into consideration—

“(A) the impacts of the condition on—

“(i) economic and power values;

“(ii) electric generation capacity and system reliability;

“(iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

“(iv) drinking, flood control, irrigation, navigation, or recreation water supply;

“(B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

“(C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

“(2) **DOCUMENTATION.**—

“(A) IN GENERAL.—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

“(B) **SUBMISSION TO THE COMMISSION.**—A consulting agency shall include the documentation under subparagraph (A) in its submission of a condition to the Commission.

“(c) **SCIENTIFIC REVIEW.**—

“(1) IN GENERAL.—Each condition determined by a consulting agency shall be subjected to appropriately substantiated scientific review.

“(2) **DATA.**—For the purpose of paragraph (1), a condition shall be considered to have been subjected to appropriately substantiated scientific review if the review—

“(A) was based on current empirical data or field-tested data; and

“(B) was subjected to peer review.

“(d) **RELATIONSHIP TO IMPACTS ON FEDERAL RESERVATION.**—In the case of a condition for the purpose of the first proviso of section 4(e), each condition determined by a consulting agency shall be directly and reasonably related to the impacts of the project within the Federal reservation.

“(e) **ADMINISTRATIVE REVIEW.**—

“(1) **OPPORTUNITY FOR REVIEW.**—Before submitting to the Commission a proposed condition, and at least 90 days before a license applicant is required to file a license application with the Commission, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before an administrative law judge or other independent reviewing body or—

“(A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

“(B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

“(2) **COMPLETION OF REVIEW.**—

“(A) IN GENERAL.—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

“(B) **FAILURE TO MAKE TIMELY COMPLETION OF REVIEW.**—If review of a proposed condition is not completed within the time specified by subparagraph (A), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 10(j).

“(3) **REMAND.**—If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

“(A) render a decision that—

“(i) explains the reasons for a finding that the condition is unreasonable and may make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be found unreasonable; or

“(ii) explains the reasons for a finding that a requirement was not met and may describe any action that the consulting agency should take to meet the requirement; and

“(B) remand the matter to the consulting agency for further action.

“(4) **SUBMISSION TO THE COMMISSION.**—Following administrative review under this subsection, a consulting agency shall—

“(A) take such action as is necessary to—

“(i) withdraw the condition;

“(ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

“(iii) otherwise comply with this section; and

“(B) include with its submission to the Commission of a proposed condition—

“(i) the record on administrative review; and

“(ii) documentation of any action taken following administrative review.

“(f) **SUBMISSION OF FINAL CONDITION.**—

“(1) IN GENERAL.—After an applicant files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

“(2) **LIMITATION.**—Except as provided in paragraph (3), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

“(3) **DEFAULT.**—If a consulting agency does not submit a final condition to a license by the date set under paragraph (1)—

“(A) the consulting agency shall not thereafter have authority to recommend or establish a condition to the license; and

“(B) the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license that—

“(i) furthers the interest sought to be protected by the provision of law that authorizes the consulting agency to propose or establish a condition to the license; and

“(ii) conforms to the requirements of this Act.

“(4) **EXTENSION.**—The Commission may make 1 extension, of not more than 30 days, of a deadline set under paragraph (1).

“(g) ANALYSIS BY THE COMMISSION.—

“(1) ECONOMIC ANALYSIS.—The Commission shall conduct an economic analysis of each condition submitted by a consulting agency to determine whether the condition would render the project uneconomic.

“(2) CONSISTENCY WITH THIS SECTION.—In exercising authority under section 10(j)(2), the Commission shall consider whether any recommendation submitted under section 10(j)(1) is consistent with the purposes and requirements of subsections (b) and (c) of this section.

“(h) COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.—When requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

“(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

“(2) was subjected to scientific review in accordance with subsection (c);

“(3) relates to direct project impacts within the reservation, in the case of a condition for the first proviso of section 4(e);

“(4) is reasonable;

“(5) is supported by substantial evidence; and

“(6) is consistent with this Act and other terms and conditions to be included in the license.”.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 4.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(A) in the first proviso of the first sentence, by inserting after “conditions” the following: “, determined in accordance with section 33,”; and

(B) in the last sentence, by striking the period and inserting “(including consideration of the impacts on greenhouse gas emissions)”.

(2) SECTION 18.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended in the first sentence by striking “prescribed by the Secretary of Commerce” and inserting “prescribed, in accordance with section 33, by the Secretary of the Interior or the Secretary of Commerce, as appropriate.”

**SEC. 4725. COORDINATED ENVIRONMENTAL REVIEW PROCESS.**

Part I of the Federal Power Act (16 U.S.C. 791a et seq.) (as amended by section 4724) is amended by adding at the end the following:

**“SEC. 34. COORDINATED ENVIRONMENTAL REVIEW PROCESS.**

“(a) LEAD AGENCY RESPONSIBILITY.—The Commission, as the lead agency for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects licensed under this part, shall conduct a single consolidated environmental review—

“(1) for each such project; or

“(2) if appropriate, for multiple projects located in the same area.

“(b) CONSULTING AGENCIES.—In connection with the formulation of a condition in accordance with section 33, a consulting agency shall not perform any environmental review in addition to any environmental review performed by the Commission in connection with the action to which the condition relates.

“(c) DEADLINES.—

“(1) IN GENERAL.—The Commission shall set a deadline for the submission of comments by Federal, State, and local government agencies in connection with the preparation of any environmental impact statement or environmental assessment required for a project.

“(2) CONSIDERATIONS.—In setting a deadline under paragraph (1), the Commission shall take into consideration—

“(A) the need of the license applicant for a prompt and reasonable decision;

“(B) the resources of interested Federal, State, and local government agencies; and

“(C) applicable statutory requirements.”.

**SEC. 4726. STUDY OF SMALL HYDROELECTRIC PROJECTS.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a study of the feasibility of establishing a separate licensing procedure for small hydroelectric projects.

(b) DEFINITION OF SMALL HYDROELECTRIC PROJECT.—The Commission may by regulation define the term “small hydroelectric project” for the purpose of subsection (a), except that the term shall include at a minimum a hydroelectric project that has a generating capacity of 5 megawatts or less.

**TITLE VIII—ELECTRIC SUPPLY RELIABILITY; PURPA REPEAL; PUHCA REPEAL**

**Subtitle A—Electric Energy Transmission Reliability**

**SEC. 4801. SHORT TITLE.**

This subtitle may be cited as the “National Electric Reliability Act”.

**SEC. 4802. ELECTRIC ENERGY TRANSMISSION RELIABILITY.**

(a) ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.—

(1) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

**“SEC. 215. ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.**

“(a) DEFINITIONS.—In this section:

“(1) AFFILIATED REGIONAL RELIABILITY ENTITY.—The term ‘affiliated regional reliability entity’ means an entity delegated authority under the provisions of subsection (h).

“(2) BULK POWER SYSTEM.—The term ‘bulk power system’ means all facilities and control systems necessary for operating an interconnected transmission grid (or any portion thereof), including high-voltage transmission lines; substations; control centers; communications; data, and operations planning facilities; and the output of generating units necessary to maintain transmission system reliability.

“(3) ELECTRIC RELIABILITY ORGANIZATION, OR ORGANIZATION.—The term ‘Electric Reliability Organization’ or ‘Organization’ means the organization approved by the Commission under subsection (d)(4).

“(4) ENTITY RULE.—The term ‘entity rule’ means a rule adopted by an affiliated regional reliability entity for a specific region and designed to implement or enforce 1 or more Organization Standards. An entity rule shall be approved by the organization and once approved, shall be treated as an Organization Standard.

“(5) INDUSTRY SECTOR.—The term ‘industry sector’ means a group of users of the bulk power system with substantially similar commercial interests, as determined by the Board of the Electric Reliability Organization.

“(6) INTERCONNECTION.—The term ‘interconnection’ means a geographic area in which the operation of bulk power system components is synchronized such that the failure of 1 or more such components may

adversely affect the ability of the operators of other components within the interconnection to maintain safe and reliable operation of the facilities within their control.

“(7) ORGANIZATION STANDARD.—The term ‘Organization Standard’ means a policy or standard duly adopted by the Electric Reliability Organization to provide for the reliable operation of a bulk power system.

“(8) PUBLIC INTEREST GROUP.—The term ‘public interest group’ means any nonprofit private or public organization that has an interest in the activities of the Electric Reliability Organization, including, but not limited to, ratepayer advocates, environmental groups, and State and local government organizations that regulate market participants and promulgate government policy.

“(9) VARIANCE.—The term ‘variance’ means an exception or variance from the requirements of an Organization Standard (including a proposal for an Organization Standard where there is no Organization Standard) that is adopted by an affiliated regional reliability entity and applicable to all or a part of the region for which the affiliated regional reliability entity is responsible. A variance shall be approved by the organization and once approved, shall be treated as an Organization Standard.

“(10) SYSTEM OPERATOR.—The term ‘system operator’ means any entity that operates or is responsible for the operation of a bulk power system, including but not limited to a control area operator, an independent system operator, a regional transmission organization, a transmission company, a transmission system operator, or a regional security coordinator.

“(11) USER OF THE BULK POWER SYSTEM.—The term ‘user of the bulk power system’ means any entity that sells, purchases, or transmits electric power over a bulk power system, or that owns, operates, or maintains facilities or control systems that are part of a bulk power system, or that is a system operator.

“(b) COMMISSION AUTHORITY.—

“(1) Within the United States, the Commission shall have jurisdiction over the Electric Reliability Organization, all affiliated regional reliability entities, all system operators, and all users of the bulk-power system, for purposes of approving and enforcing compliance with the requirements of this section.

“(2) The Commission may, by rule, define any other term used in this section, provided such definition is consistent with the definitions in, and the purpose and intent of, this Act.

“(3) Not later than 90 days after the date of enactment of this section, the Commission shall issue a proposed rule for implementing the requirements of this section. The Commission shall provide notice and opportunity for comment on the proposed rule. The Commission shall issue a final rule under this subsection within 180 days after the date of enactment of this section.

“(4) Nothing in this section shall be construed as limiting or impairing any authority of the Commission under any other provision of this Act, including its exclusive authority to determine rates, terms, and conditions of transmission services subject to its jurisdiction.

“(c) EXISTING RELIABILITY STANDARDS.—After the date of enactment of this section, and prior to the approval of an organization under subsection (d), any entity, including the North American Electric Reliability Council and its member regional reliability councils, may file any reliability standard,

guidance, or practice that such entity would propose to be made mandatory and enforceable. The Commission, after allowing an opportunity to submit comments, may approve any such proposed mandatory standard, guidance, or practice, or any amendment thereto, if it finds that the standard, guidance, or practice, or amendment is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission may, without further proceeding or finding, grant its approval to any standard, guidance, or practice for which no substantive objections are filed in the comment period. Filed standards, guidances, or practices, including any amendments thereto, shall be mandatory and applicable according to their terms following approval by the Commission and shall remain in effect until—

“(1) withdrawn, disapproved, or superseded by an Organization Standard, issued or approved by the Electric Reliability Organization and made effective by the Commission under subsection (e); or

“(2) disapproved by the Commission if, upon complaint or upon its own motion and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice unjust, unreasonable, unduly discriminatory, or preferential or not in the public interest.

Standards, guidances, or practices in effect pursuant to the provisions of this subsection shall be enforceable by the Commission.

“(d) ORGANIZATION APPROVAL.—

“(1) Following the issuance of a final Commission rule under subsection (b)(3), an entity may submit an application to the Commission for approval as the Electric Reliability Organization. The applicant shall specify in its application its governance and procedures, as well as its funding mechanism and initial funding requirements.

“(2) The Commission shall provide public notice of the application and afford interested parties an opportunity to comment.

“(3) The Commission shall approve the application if the Commission determines that the applicant—

“(A) has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of the bulk power system;

“(B) permits voluntary membership to any user of the bulk power system or public interest group;

“(C) ensures fair representation of its members in the selection of its directors and fair management of its affairs, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of Organization Standards and the exercise of oversight of bulk power system reliability;

“(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has the ability to veto, the Electric Reliability Organization's discharge of its responsibilities (including actions by committees recommending standards to the board or other board actions to implement and enforce standards);

“(E) provides for governance by a board wholly comprised of independent directors;

“(F) provides a funding mechanism and requirements that are just, reasonable, and not unduly discriminatory or preferential and are in the public interest, and which satisfy the requirements of subsection (l);

“(G) establishes procedures for development of Organization Standards that provide reasonable notice and opportunity for public

comment, taking into account the need for efficiency and effectiveness in decision-making and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has—

“(i) openness;

“(ii) balance of interests; and

“(iii) due process, except that the procedures may include alternative procedures for emergencies;

“(H) establishes fair and impartial procedures for implementation and enforcement of Organization Standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

“(I) establishes procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

“(J) provides for the consideration of recommendations of States and State commissions; and

“(K) addresses other matters that the Commission may deem necessary or appropriate to ensure that the procedures, governance, and funding of the Electric Reliability Organization are just, reasonable, not unduly discriminatory or preferential, and are in the public interest.

“(4) The Commission shall approve only 1 Electric Reliability Organization. If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

“(e) ESTABLISHMENT OF AND MODIFICATIONS TO ORGANIZATION STANDARDS.—

“(1) The Electric Reliability Organization shall file with the Commission any new or modified organization standards, including any variances or entity rules, and the Commission shall follow the procedures under paragraph (2) for review of that filing.

“(2) Submissions under paragraph (1) shall include—

“(A) a concise statement of the purpose of the proposal; and

“(B) a record of any proceedings conducted with respect to such proposal.

The Commission shall provide notice of the filing of such proposal and afford interested entities 30 days to submit comments. The Commission, after taking into consideration any submitted comments, shall approve or disapprove such proposal not later than 60 days after the deadline for the submission of comments, except that the Commission may extend the 60 day period for an additional 90 days for good cause, and except further that if the Commission does not act to approve or disapprove a proposal within the foregoing periods, the proposal shall go into effect subject to its terms, without prejudice to the authority of the Commission thereafter to modify the proposal in accordance with the standards and requirements of this section. Proposals approved by the Commission shall take effect according to their terms but not earlier than 30 days after the effective date of the Commission's order, except as provided in paragraph (3) of this subsection.

“(3)(A) In the exercise of its review responsibilities under this subsection, the Commission shall give due weight to the technical

expertise of the Electric Reliability Organization with respect to the content of a new or modified organization standard, but shall not defer to the organization with respect to the effect of the standard on competition. The Commission shall approve a proposed new or modified organization standard if it determines the proposal to be just, reasonable, not unduly discriminatory or preferential, and in the public interest.

“(B) An existing or proposed organization standard which is disapproved in whole or in part by the Commission shall be remanded to the Electric Reliability Organization for further consideration.

“(C) The Commission, on its own motion or upon complaint, may direct the Electric Reliability Organization to develop an organization standard, including modification to an existing organization standard, addressing a specific matter by a date certain if the Commission considers such new or modified organization standard necessary or appropriate to further the purposes of this section. The Electric Reliability Organization shall file any such new or modified organization standard in accordance with this subsection.

“(D) An affiliated regional reliability entity may propose a variance or entity rule to the Electric Reliability Organization. The affiliated regional reliability entity may request that the Electric Reliability Organization expedite consideration of the proposal, and may file a notice of such request with the Commission, if expedited consideration is necessary to provide for bulk-power system reliability. If the Electric Reliability Organization fails to adopt the variance or entity rule, either in whole or in part, the affiliated regional reliability entity may request that the Commission review such action. If the Commission determines, after its review of such a request, that the action of the Electric Reliability Organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, then the Commission may remand the proposed variance or entity rule for further consideration by the Electric Reliability Organization or may direct the Electric Reliability Organization to develop a variance or entity rule consistent with that requested by the affiliated regional reliability entity. Any such variance or entity rule proposed by an affiliated regional reliability entity shall be submitted to the Electric Reliability Organization for review and filing with the Commission in accordance with the procedures specified in this subsection.

“(E) Notwithstanding any other provision of this subsection, a proposed organization standard or amendment shall take effect according to its terms if the Electric Reliability Organization determines that an emergency exists requiring that such proposed organization standard or amendment take effect without notice or comment. The Electric Reliability Organization shall notify the Commission immediately following such determination and shall file such emergency organization standard or amendment with the Commission not later than 5 days following such determination and shall include in such filing an explanation of the

need for such emergency standard. Subsequently, the Commission shall provide notice of the organization standard or amendment for comment, and shall follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard. Any such organization standard that has gone into effect shall remain in effect unless and until suspended or disapproved by the Commission. If the Commission determines at any time that the emergency organization standard or amendment is not necessary, the Commission may suspend such emergency organization standard or amendment.

“(4) All users of the bulk power system shall comply with any organization standard that takes effect under this section.

“(f) COORDINATION WITH CANADA AND MEXICO.—The Electric Reliability Organization shall take all appropriate steps to gain recognition in Canada and Mexico. The United States shall use its best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for effective compliance with organization standards and to provide for the effectiveness of the Electric Reliability Organization in carrying out its mission and responsibilities. All actions taken by the Electric Reliability Organization, any affiliated regional reliability entity, and the Commission shall be consistent with the provisions of such international agreements.

“(g) CHANGES IN PROCEDURES, GOVERNANCE, OR FUNDING.—

“(1) The Electric Reliability Organization shall file with the Commission any proposed change in its procedures, governance, or funding, or any changes in the affiliated regional reliability entity's procedures, governance, or funding relating to delegated functions, and shall include with the filing an explanation of the basis and purpose for the change.

“(2) A proposed procedural change may take effect 90 days after filing with the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of an existing procedure. Otherwise, a proposed procedural change shall take effect only upon a finding by the Commission, after notice and opportunity for comments, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (d)(4).

“(3) A change in governance or funding shall not take effect unless the Commission finds that the change is just, reasonable, not unduly discriminatory or preferential, in the public interest, and satisfies the requirements of subsection (d)(4).

“(4) The Commission, upon complaint or upon its own motion, may require the Electric Reliability Organization to amend the procedures, governance, or funding if the Commission determines that the amendment is necessary to meet the requirements of this section. The Electric Reliability Organization shall file the amendment in accordance with paragraph (1) of this subsection.

“(h) DELEGATIONS OF AUTHORITY.—

“(1) The Electric Reliability Organization shall, upon request by an entity, enter into an agreement with such entity for the delegation of authority to implement and enforce compliance with organization standards in a specified geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation

promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate to the entity any other authority, except that the Electric Reliability Organization shall reserve the right to set and approve standards for bulk power system reliability.

“(2) The Electric Reliability Organization shall file with the Commission any agreement entered into under this subsection and any information the Commission requires with respect to the affiliated regional reliability entity to which authority is to be delegated. The Commission shall approve the agreement, following public notice and an opportunity for comment, if it finds that the agreement meets the requirements of paragraph (1), and is just, reasonable, not unduly discriminatory or preferential, and is in the public interest. A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnection-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of bulk power system reliability. No delegation by the Electric Reliability Organization shall be valid unless approved by the Commission.

“(3)(A) A delegation agreement entered into under this subsection shall specify the procedures for an affiliated regional reliability entity to propose entity rules or variances for review by the Electric Reliability Organization. With respect to any such proposal that would apply on an interconnection-wide basis, the Electric Reliability Organization shall presume such proposal valid if made by an interconnection-wide affiliated regional reliability entity unless the Electric Reliability Organization makes a written finding that the proposal—

“(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

“(ii) has a significant adverse impact on reliability or commerce in other interconnections;

“(iii) fails to provide a level of reliability of the bulk-power system within the interconnection such that it would constitute a serious and substantial threat to public health, safety, welfare, or national security; or

“(iv) creates a serious and substantial burden on competitive markets within the interconnection that is not necessary for reliability.

“(B) With respect to any such proposal that would apply only to part of an interconnection, the Electric Reliability Organization shall find such proposal valid if the affiliated regional reliability entity or entities making the proposal demonstrate that it—

“(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

“(ii) would not have an adverse impact on commerce that is not necessary for reliability;

“(iii) provides a level of bulk power system reliability adequate to protect public health, safety, welfare, and national security, and would not have a significant adverse impact on reliability; and

“(iv) in the case of a variance, is based on legitimate differences between regions or between subregions within the affiliated regional reliability entity's geographic area.

The Electric Reliability Organization shall approve or disapprove such proposal within 120 days, or the proposal shall be deemed ap-

proved. Following approval of any such proposal under this paragraph, the Electric Reliability Organization shall seek Commission approval pursuant to the procedures prescribed under subsection (e)(3). Affiliated regional reliability entities may not make requests for approval directly to the Commission except pursuant to subsection (e)(3)(D).

“(4) If an affiliated regional reliability entity requests, consistent with paragraph (1) of this subsection, that the Electric Reliability Organization delegate authority to it, but is unable within 180 days to reach agreement with the Electric Reliability Organization with respect to such requested delegation, such entity may seek relief from the Commission. If, following notice and opportunity for comment, the Commission determines that a delegation to the entity would meet the requirements of paragraph (1) above, and that the delegation would be just, reasonable, not unduly discriminatory or preferential, and in the public interest, and that the Electric Reliability Organization has unreasonably withheld such delegation, the Commission may, by order, direct the Electric Reliability Organization to make such delegation.

“(5)(A) The Commission may, upon its own motion or upon complaint, and with notice to the appropriate affiliated regional reliability entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

“(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively or efficiently its implementation or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of this section;

“(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its implementation or enforcement responsibilities under the agreement;

“(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of an affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability; or

“(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

“(B) Following an order of the Commission issued under subparagraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization or the affiliated regional reliability entity does not propose an appropriate and timely modification. If the agreement is suspended, the Electric Reliability Organization shall assume the previously delegated responsibilities. The Commission shall allow the Electric Reliability Organization and the affiliated regional reliability entity an opportunity to appeal the suspension.

“(i) ORGANIZATION MEMBERSHIP.—Every system operator shall be required to be a member of the electric Reliability Organization and shall be required also to be a member of any affiliated regional reliability entity operating under an agreement effective pursuant to subsection (h) applicable to the region in which the system operator operates or is responsible for the operation of bulkpower system facilities.

“(j) INJUNCTIONS AND DISCIPLINARY ACTION.—

“(1) Consistent with the range of actions approved by the Commission under subsection (d)(4)(H), the Electric Reliability Organization may impose a penalty, limitation of activities, functions, operations, or other disciplinary action the Electric Reliability Organization finds appropriate against a user of the bulk power system if the Electric Reliability Organization, after notice and an opportunity for interested parties to be heard, issues a finding in writing that the user of the bulk-power system has violated an organization standard. The Electric Reliability Organization shall immediately notify the Commission of any disciplinary action imposed with respect to an act or failure to act of a user of the bulk-power system that affected or threatened to affect bulk power system facilities located in the United States, and the sanctioned party shall have the right to seek modification or rescission of such disciplinary action by the Commission. If the organization finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the affected facilities are located.

“(2) A disciplinary action taken under paragraph (1) may take effect not earlier than the 30th day after the Electric Reliability Organization files with the Commission its written finding and record of proceedings before the Electric Reliability Organization and the Commission posts its written finding, unless the Commission, on its own motion or upon application by the user of the bulk power system which is the subject of the action, suspends the action. The action shall remain in effect or remain suspended unless and until the Commission, after notice and opportunity for hearing, affirms, sets aside, modifies, or reinstates the action, but the Commission shall conduct such hearing under procedures established to ensure expedited consideration of the action taken.

“(3) The Commission, on its own motion or on complaint, may order compliance with an organization standard and may impose a penalty, limitation of activities, functions, or operations, or take such other disciplinary action as the Commission finds appropriate, against a user of the bulk power system with respect to actions affecting or threatening to affect bulk power system facilities located in the United States if the Commission finds, after notice and opportunity for a hearing, that the user of the bulk power system has violated or threatens to violate an organization standard.

“(4) The Commission may take such action as is necessary against the Electric Reliability Organization or an affiliated regional reliability entity to ensure compliance with an organization standard, or any Commission order affecting the Electric Reliability Organization or an affiliated regional reliability entity.

“(k) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk power system in North America and shall report annually to the Secretary of Energy and the Commission its findings and recommendations for monitoring or improving system reliability and adequacy.

“(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—The reasonable costs of the Electric Reliability Organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation and enforcement of organization standards or other requirements contained in a delega-

tion agreement approved under subsection (h), shall be assessed by the Electric Reliability Organization and each affiliated regional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all end users. The Commission shall provide by rule for the review of such costs and allocations, pursuant to the standards in this subsection and subsection (d)(4)(F).

“(m) SAVINGS PROVISIONS.—

“(1) The Electric Reliability Organization shall have authority to develop, implement and enforce compliance with standards for the reliable operation of only the bulk power system.

“(2) This section does not provide the Electric Reliability Organization or the Commission with the authority to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

“(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any Organization Standard.

“(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, the Commission shall issue a final order determining whether a State action is inconsistent with an Organization Standard, after notice and opportunity for comment, taking into consideration any recommendations of the Electric Reliability Organization.

“(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

“(n) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least ⅔ of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of 1 member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States, upon execution of an international agreement or agreements described in subsection (f). A regional advisory body may provide advice to the electric reliability organization, an affiliated regional reliability entity, or the Commission regarding the governance of an existing or proposed affiliated regional reliability entity within the same region, whether an organization standard, entity rule, or variance proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, and whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, in the public interest, and consistent with the requirements of subsection (l). The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

“(o) COORDINATION WITH REGIONAL TRANSMISSION ORGANIZATIONS.—

“(1) Each regional transmission organization authorized by the Commission shall be responsible for maintaining the short-term reliability of the bulk power system that it operates, consistent with organization standards.

“(2) Except as provided in paragraph (5), in connection with a proceeding under sub-

section (e) to consider a proposed organization standard, each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding whether the proposed organization standard hinders or conflicts with that regional transmission organization's ability to fulfill the requirements of any rule, regulation, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission. Where such hindrance or conflict is identified, the Commission shall address such hindrance or conflict, and the need for any changes to such rule, order, tariff, rate schedule, or agreement accepted, approved or ordered by the Commission in its order under subsection (e) regarding the proposed standard. Where such hindrance or conflict is identified between a proposed organization standard and a provision of any rule, order, tariff, rate schedule or agreement accepted, approved or ordered by the Commission applicable to a regional transmission organization, nothing in this section shall require a change in the regional transmission organization's obligation to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that the proposed organization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

“(3) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after approval of a reliability standard under subsection (c) or organization standard under subsection (e), each regional transmission organization authorized by the Commission shall report to the Commission, and notify the electric reliability organization and any applicable affiliated regional reliability entity, regarding any reliability standard approved under subsection (c) or organization standard that hinders or conflicts with that regional transmission organization's ability to fulfill the requirements of any rule, regulation, order tariff, rate schedule, or agreement accepted, approved or ordered by the Commission. The Commission shall seek to ensure that such hindrances or conflicts are resolved promptly. Where a hindrance or conflict is identified between a reliability standard or an organization standard and a provision of any rule, order, tariff, rate schedule or agreement accepted, approved or ordered by the Commission applicable to a regional reliability organization, nothing in this section shall require a change in the regional transmission organization's obligation to comply with such provision unless the Commission orders such a change and the change becomes effective. If the Commission finds that the tariff, rate schedule or agreement needs to be changed, the regional transmission organization must expeditiously make a section 205 filing to reflect the change. If the Commission finds that an organization standard needs to be changed, it shall order the electric reliability organization to develop and submit a modified organization standard under subsection (e)(3)(C).

“(4) An affiliated regional reliability entity and a regional transmission organization operating in the same geographic area shall cooperate to avoid conflicts between implementation and enforcement of organization

standards by the affiliated regional reliability entity and implementation and enforcement by the regional transmission organization of tariffs, rate schedules, and agreements accepted, approved or ordered by the Commission. In areas without an affiliated regional reliability entity, the electric reliability organization shall act as the affiliated regional reliability entity for purposes of this paragraph.

“(5) Until 180 days after approval of applicable subsection (h)(3) procedures, any reliability standard, guidance, or practice contained in Commission-accepted tariffs, rate schedules, or agreements in effect of any Commission-authorized independent system operator or regional transmission organization shall continue to apply unless the Commission accepts an amendment thereto by the applicable operator or organization, or upon complaint finds them to be unjust, unreasonable, unduly discriminatory or preferential, or not in the public interest. At the conclusion of such transition period, any such reliability standard, guidance, practice, or amendment thereto that the Commission determines is inconsistent with organization standards shall no longer apply.”.

(2) ENFORCEMENT.—Sections 316 and 316A of the Federal Power Act (16 U.S.C. 825o, 825o-1) are amended by striking “or 214” each place it appears and inserting “214, or 215”.

(b) APPLICATION OF ANTITRUST LAWS.—Notwithstanding any other provision of law, each of the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States:

(1) Activities undertaken by the Electric Reliability Organization under section 215 of the Federal Power Act or affiliated regional reliability entity operating under an agreement in effect under section 215(h) of such Act.

(2) Activities of a member of the Electric Reliability Organization or affiliated regional reliability entity in pursuit of organization objectives under section 215 of the Federal Power Act undertaken in good faith under the rules of the organization.

Primary jurisdiction, and immunities and other affirmative defenses, shall be available to the extent otherwise applicable.

#### **Subtitle B—PURPA Mandatory Purchase and Sale Requirements**

##### **SEC. 4803. PURPA MANDATORY PURCHASE AND SALE REQUIREMENTS.**

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

“(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

“(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from, or sell electric energy under this section.

“(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

“(A) the right to recover costs of purchasing such electric energy or capacity; and

“(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogenera-

tion facility, backup, standby, and maintenance power.

“(3) RECOVERY OF COSTS.—

“(A) REGULATION.—To ensure recovery, by an electric utility that purchases electricity or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all costs associated with the purchases, the Commission shall issue and enforce such regulations as are required to ensure that no electric utility shall be required directly or indirectly to absorb the costs associated with such purchases.

“(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act.”.

#### **Subtitle C—Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2001**

##### **SEC. 4810. SHORT TITLE.**

This subtitle may be cited as the “Public Utility Holding Company Act of 2001”.

##### **SEC. 4811. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Public Utility Holding Company Act of 1935 was intended to facilitate the work of Federal and State regulators by placing certain constraints on the activities of holding company systems;

(2) developments since 1935, including changes in other regulation and in the electric and gas industries, have called into question the continued relevance of the model of regulation established by that Act;

(3) there is a continuing need for State regulation in order to ensure the rate protection of utility customers; and

(4) limited Federal regulation is necessary to supplement the work of State commissions for the continued rate protection of electric and gas utility customers.

(b) PURPOSES.—The purposes of this title are—

(1) to eliminate unnecessary regulation, yet continue to provide for consumer protection by facilitating existing rate regulatory authority through improved Federal and State commission access to books and records of all companies in a holding company system, to the extent that such information is relevant to rates paid by utility customers, while affording companies the flexibility required to compete in the energy markets; and

(2) to address protection of electric and gas utility customers by providing for Federal and State access to books and records of all companies in a holding company system that are relevant to utility rates.

##### **SEC. 4812. DEFINITIONS.**

For the purposes of this subtitle—

(1) the term “affiliate” of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company;

(2) the term “associate company” of a company means any company in the same holding company system with such company;

(3) the term “Commission” means the Federal Energy Regulatory Commission;

(4) the term “company” means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing;

(5) the term “electric utility company” means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale;

(6) the terms “exempt wholesale generator” and “foreign utility company” have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935, as those sections existed on the day before the effective date of this Act;

(7) the term “gas utility company” means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power;

(8) the term “holding company” means—

(A) any company that directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with 1 or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon holding companies;

(9) the term “holding company system” means a holding company, together with its subsidiary companies;

(10) the term “jurisdictional rates” means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(11) the term “natural gas company” means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale;

(12) the term “person” means an individual or company;

(13) the term “public utility” means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce;

(14) the term “public utility company” means an electric utility company or a gas utility company;

(15) the term “State commission” means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies;

(16) the term “subsidiary company” of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and

opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with 1 or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this title upon subsidiary companies of holding companies; and

(17) the term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

**SEC. 4813. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.**

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 1 year after the date of enactment of this Act.

**SEC. 4814. FEDERAL ACCESS TO BOOKS AND RECORDS.**

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

**SEC. 4815. STATE ACCESS TO BOOKS AND RECORDS.**

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more qualifying facilities under the Public Utility Regulatory Policies Act.

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, records, or any other information, or in any way limit the rights of any State to obtain books, records, or any other information under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

**SEC. 4816. EXEMPTION AUTHORITY.**

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 4815 any person that is a holding company, solely with respect to 1 or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, records, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company, the Commission shall exempt such person or transaction from the requirements of section 4815.

**SEC. 4817. AFFILIATE TRANSACTION.**

Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

**SEC. 4818. APPLICABILITY.**

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

**SEC. 4819. EFFECT ON OTHER REGULATIONS.**

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

**SEC. 4820. ENFORCEMENT.**

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825d-825p) to enforce the provisions of this subtitle.

**SEC. 4821. SAVINGS PROVISIONS.**

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

**SEC. 4822. IMPLEMENTATION.**

Not later than 180 days after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title (other than section 4815); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

**SEC. 4823. TRANSFER OF RESOURCES.**

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

**SEC. 4824. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

**SEC. 4825. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.**

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

**Subtitle D—Emission-Free Control Measures Under State Implementation Plans**

**SEC. 4830. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.**

Actions taken by a State to support the continued operation of existing emission-free electricity sources, or the construction or operation of new emission-free electricity sources, shall be considered control measures necessary or appropriate to meet applicable requirements under section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)) and shall be included in a State Implementation Plan.

**TITLE IX—TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION**

**SEC. 4901. SENSE OF CONGRESS REGARDING TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION.**

It is the sense of Congress that certain Federal tax incentives including those contained in title IX of S. 389 as introduced in the First Session of the 107th Congress should be enacted into law to encourage energy production and conservation in the United States.

**SA 1598.** Mr. LEVIN (for himself and Mr. WARNER) proposes an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of

Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, add the following:

**SEC. . AUTHORIZATION OF ADDITIONAL FUNDS.**

(a) AUTHORIZATION.—\$1,300,000,000 is hereby authorized, in addition to the funds authorized elsewhere in Division A of this Act, for whichever of the following purposes the President determines to be in the national security interests of the United States—

- (1) research, development, test and evaluation for ballistic missile defense; and
- (2) activities for combating terrorism.

**SA 1599.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . FISCAL YEAR 2003 BUDGET REQUEST FOR THE NAVY FOR SHIPBUILDING AND CONVERSION.**

Notwithstanding any other provision of law, the budget for fiscal year 2003 that is submitted to Congress by the President under section 1105(a) of title 31, United States Code, may set forth the amounts for the Navy for fiscal year 2003 for shipbuilding and conversion on an advance appropriations basis for all naval vessels.

**SA 1600.** Mr. LOTT (for himself, Mr. HUTCHINSON, Mr. COCHRAN, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIX, add the following:

**SEC. . MODIFICATION OF INSTALLATIONS SUBJECT TO CLOSURE OR REALIGNMENT IN 2003 BASE CLOSURE ROUND.**

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting after section 2902 the following new section:

**“SEC. 2902A. INSTALLATIONS SUBJECT TO CLOSURE OR REALIGNMENT IN 2003 BASE CLOSURE ROUND.**

“(a) IN GENERAL.—Notwithstanding any other provision of this part, the only installations subject to closure or realignment under this part as a result of activities under this part in 2003 are the following:

“(1) Military installations located outside the United States (as that term is defined in section 2910(7)).

“(2) Notwithstanding section 2910(7), military installations located in the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other possession or territory of the United States.

“(3) Research, development, test, and evaluation facilities, whether located in the United States or outside the United States.

“(b) REFERENCE.—For purposes of any activities under this part in 2003, and activities under this part thereafter as a result of the approval of the closure or realignment of military installations under this part in 2003, any reference to military installations in the United States shall be deemed to be a reference to military installations referred to in subsection (a).”.

**SA 1601.** Mr. LOTT (for himself, Mr. BUNNING, Mr. HUTCHINSON, Mr. COCHRAN, Mr. STEVENS, and Mrs. HUTCHINSON) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXIX, relating to defense base closure and realignment.

**SA 1602.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 572 and insert the following:

**SEC. 572. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

- (1) by striking “Each State” and inserting “(a) IN GENERAL.—Each State”; and
- (2) by adding at the end the following:

“(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

“(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter on the grounds that the ballot was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud in the preparation or casting of the ballot by the voter.

“(2) CLEAR AND CONVINCING EVIDENCE.—For purposes of this subsection, the lack of a witness signature, address, postmark, or other identifying information may not be considered clear and convincing evidence of fraud (absent any other information or evidence).

“(3) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with re-

spect to ballots described in section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

In section 577(a), strike “shall carry out” and insert “may carry out”.

In section 577(b), strike “the demonstration project” and insert “any demonstration project”.

In section 577(c), strike “the demonstration project” and insert “any demonstration project”.

At the end of subtitle F of title V, add the following:

**SEC. 578. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.**

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

- (1) by striking “Under” and inserting “(a) USE BY RED CROSS.—Under”;

(2) by striking “this section” and inserting “this subsection”; and

- (3) by adding at the end the following:

“(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

“(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

“(3) In this section, the term ‘military installation’ has the meaning given the term in section 2687(e) of this title.”.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.”.

(2) Section 18236 of such title is amended by adding at the end the following:

“(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).”.

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

“This section shall not prohibit the use of buildings located on military installations,

or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10."

(2) Section 593 of such title is amended by adding at the end the following:

"This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10."

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: "Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section."

(e) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

**"§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections".**

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections."

**SEC. 579. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) IN GENERAL.—For purposes of voting in any primary, special, general, or runoff election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)), each State shall, with respect to any recently separated uniformed services voter requesting to vote in the State—

(1) deem the voter to be a resident of the State;

(2) waive any requirement relating to any period of residence or domicile in the State for purposes of registering to vote or voting in that State;

(3) accept and process, with respect to any primary, special, general, or runoff election, any otherwise valid voter registration application from the voter on the day of the election; and

(4) permit the voter to vote in that election.

(b) DEFINITIONS.—In this section:

(1) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(2) The term "recently separated uniformed services voter" means any individual that was a uniformed services voter (as defined in subsection (f)(1)(D)) on the date that is 60 days before the date on which the individual seeks to vote and who—

(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

(B) is no longer such a voter; and

(C) is otherwise qualified to vote.

**SEC. 580. GOVERNORS' REPORTS ON IMPLEMENTATION OF FEDERAL VOTING ASSISTANCE PROGRAM RECOMMENDATIONS.**

(a) REPORTS.—Not later than 90 days after the date on which a State receives a legisla-

tive recommendation, the State shall submit a report on the status of the implementation of that recommendation to the Presidential designee and to each Member of Congress that represents that State.

(b) PERIOD OF APPLICABILITY.—This section applies with respect to legislative recommendations received by States during the period beginning on the date of enactment of this Act and ending three years after such date.

(c) DEFINITIONS.—In this section:

(1) The term "legislative recommendation" means a recommendation of the Presidential designee suggesting a modification in the laws of a State for the purpose of maximizing the access to the polls of absent uniformed services voters and overseas voters, including each recommendation made under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3).

(2) The term "Presidential designee" means the head of the executive department designated under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

**SA 1603.** Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 303 and insert the following:

**SEC. 303. ARMED FORCES RETIREMENT HOME.**

(a) AMOUNT FOR FISCAL YEAR 2002.—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) AMOUNTS PREVIOUSLY AUTHORIZED.—Of amounts authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, amounts shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

**SA 1604.** Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 346, line 20, insert after "professional" the following: "or a member of the Armed Forces serving on active duty in a

grade above major or lieutenant commander".

**SA 1605.** Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, between lines 2 and 3, insert the following:

**SEC. 233. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT**

(a) PROCUREMENT THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Subsection (a) of section 2534 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

"(6) AMMUNITION AND AMMUNITION PROPELLANT.—Conventional ammunition and ammunition propellant used therein."

(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end the following new subsection:

"(j) ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT.—(1) In addition to the requirement under subsection (a)(6), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

"(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

"(A) is a part of the national technology and industrial base; and

"(B) was selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

"(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose under paragraph (2)(B) shall—

"(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technically appropriate for use in the product to be made by the manufacturer; and

"(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the aggregate amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.

"(4) This subsection sets forth procurement procedures expressly authorized by statute within the meaning of section 2304(a)(1) of this title."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to the procurement of ammunition and ammunition propellant by the Secretary of Defense on or after that date.

**SA 1606.** Mr. ALLARD (for himself, and Mr. SMITH of New Hampshire) submitted an amendment intended to be

proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

**Subtitle B—Organization and Management of Space Activities**

**SEC 911. ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.**

(a) **AUTHORITY OF SECRETARY OF DEFENSE TO ESTABLISH POSITION.**—Upon the direction of the President, the Secretary of Defense may, subject to subsection (b), establish in the Office of the Secretary of Defense the position of Under Secretary of Defense for Space, Intelligence, and Information. If the position is so established, the Under Secretary of Defense for Space, Intelligence, and Information shall perform duties and exercise powers as set forth under section 137 of title 10, United States Code, as amended by subsection (d).

(b) **DEADLINE FOR EXERCISE OF AUTHORITY.**—The Secretary may not exercise the authority in subsection (a) after December 31, 2003.

(c) **NOTICE OF EXERCISE OF AUTHORITY.**—If the authority in subsection (a) is exercised, the Secretary shall immediately notify Congress of the establishment of the position of Under Secretary of Defense for Space, Intelligence, and Information, together with the date on which the position is established.

(d) **NATURE OF POSITION.**—

(1) **IN GENERAL.**—Effective as of the date provided for in paragraph (7), chapter 4 of title 10, United States Code, is amended—

(A) by redesignating section 137 as section 139a and by transferring such section (as so redesignated) within such chapter so as to appear after section 139; and

(B) by inserting after section 136 the following new section 137:

**“§ 137. Under Secretary of Defense for Space, Intelligence, and Information**

“(a) There is an Under Secretary of Defense for Space, Intelligence, and Information, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Space, Intelligence, and Information shall perform such duties and exercise such powers relating to the space, intelligence, and information programs and activities of the Department of Defense as the Secretary of Defense may prescribe. The duties and powers prescribed for the Under Secretary shall include the following:

“(1) In coordination with the Under Secretary of Defense for Policy, the establishment of policy on space.

“(2) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the acquisition of space systems.

“(3) The deployment and use of space assets.

“(4) The oversight of research, development, acquisition, launch, and operation of space, intelligence, and information assets.

“(5) The coordination of military intelligence activities within the Department.

“(6) The coordination of intelligence activities of the Department and the intelligence community in order to meet the long-term intelligence requirements of the United States.

“(7) The coordination of space activities of the Department with commercial and civilian space activities.

“(c) The Secretary of Defense shall designate the Under Secretary of Defense for Space, Intelligence, and Information as the Chief Information Officer of the Department of Defense under section 3506(a)(2)(B) of title 44.

“(d) The Under Secretary of Defense for Space, Intelligence, and Information takes precedence in the Department of Defense after the Under Secretary of Defense for Personnel and Readiness.”.

(2) **ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.**—Section 138(a) of that title is amended by striking “nine Assistant Secretaries of Defense” and inserting “ten Assistant Secretaries of Defense”.

(3) **DUTIES OF ASSISTANT SECRETARIES OF DEFENSE FOR SPACE, INTELLIGENCE, AND INFORMATION.**—Section 138(b) of that title is amended by adding at the end the following new paragraph:

“(7) Two of the Assistant Secretaries shall have as their principal duties supervision of activities relating to space, intelligence, and information. The Assistant Secretaries shall each report to the Under Secretary of Defense for Space, Intelligence, and Information in the performance of such duties.”.

(4) **CONFORMING AMENDMENTS.**—Section 131(b) of that title is amended—

(A) by redesignating paragraphs (6) through (11) as paragraphs (7) through (12), respectively; and

(B) by inserting after paragraph (5) the following new paragraph (6):

“(6) The Under Secretary of Defense for Space, Intelligence, and Information.”.

(5) **PAY LEVELS.**—(A) Section 5314 of title 5, United States Code, is amended by inserting after “Under Secretary of Defense for Personnel and Readiness” the following:

“Under Secretary of Defense for Space, Intelligence, and Information.”.

(B) Section 5315 of title 5, United States Code, is amended in the item relating to Assistant Secretaries of Defense by striking “(9)” and inserting “(10)”.

(6) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(A) by striking the item relating to section 137 and inserting the following new item:

“137. Under Secretary of Defense for Space, Intelligence, and Information.”; and

(B) by inserting after the item relating to section 139 the following new item:

“139a. Director of Defense Research and Engineering.”.

(7) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect as of the date specified in the notification provided by the Secretary of Defense to Congress under subsection (c) of the exercise of the authority in subsection (a).

(e) **REPORT.**—(1) Not later than 30 days before an exercise of the authority provided in subsection (a), the President shall submit to Congress a report on the proposed organization of the office of the Under Secretary of Defense for Space, Intelligence, and Information.

(2) If the Secretary of Defense has not exercised the authority granted in subsection (a) on the date that is one year after the date of the enactment of this Act, the Secretary

shall submit to the Committees on Armed Services of the Senate and the House of Representatives on that date a report describing the actions taken by the Secretary to address the problems in the management and organization of the Department of Defense for space activities that are identified by the Commission To Assess United States National Security Space Management and Organization in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 815).

**SEC. 912. RESPONSIBILITY FOR SPACE PROGRAMS.**

(a) **IN GENERAL.**—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 134 the following new chapter:

**“CHAPTER 135—SPACE PROGRAMS**

**“Sec.**

**“2271. Responsibility for space programs.**

**“§ 2271. Responsibility for space programs**

“(a) **RESPONSIBILITY OF SECRETARY OF AIR FORCE AS EXECUTIVE AGENT.**—The Secretary of the Air Force shall be the executive agent of the Department of Defense for functions of the Department designated by the Secretary of Defense with respect to the following:

“(1) Planning for the acquisition programs, projects, and activities of the Department that relate to space.

“(2) Efficient execution of the programs, projects, and activities.

“(b) **RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS ACQUISITION EXECUTIVE.**—The Under Secretary of the Air Force shall be the acquisition executive of the Department of the Air Force for the programs, projects, and activities referred to in subsection (a).

“(c) **RESPONSIBILITY OF UNDER SECRETARY OF AIR FORCE AS DIRECTOR OF NRO.**—The Under Secretary of the Air Force shall act as the Director of the National Reconnaissance Office.

“(d) **COORDINATION OF DUTIES OF UNDER SECRETARY OF AIR FORCE.**—In carrying out duties under subsections (b) and (c), the Under Secretary of the Air Force shall coordinate the space programs, projects, and activities of the Department of Defense and the programs, projects, and activities of the National Reconnaissance Office.

“(e) **SPACE CAREER FIELD.**—(1) The Under Secretary of the Air Force shall establish and implement policies and procedures to develop a cadre of technically competent officers with the capability to develop space doctrine, concepts of space operations, and space systems for the Department of the Air Force.

“(2) The Secretary of the Air Force shall assign to the commander of Air Force Space Command primary responsibility for—

“(A) establishing and implementing education and training programs for space programs, projects, and activities of the Department of the Air Force; and

“(B) management of the space career field under paragraph (1).

“(f) **JOINT PROGRAM MANAGEMENT.**—The Under Secretary of the Air Force shall take appropriate actions to ensure that, to maximum extent practicable, Army, Navy, Marine Corps, and Air Force personnel are assigned, on a joint duty assignment basis, as follows:

“(1) To carry out the space development and acquisition programs of the Department of Defense; and

“(2) To the Office of the National Security Space Architect.”.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of such subtitle and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 134 the following new item:

**"135. Space Programs ..... 2271".**  
**SEC. 913. MAJOR FORCE PROGRAM CATEGORY FOR SPACE PROGRAMS.**

(a) REQUIREMENT.—The Secretary of Defense shall create a major force program category for space programs for purposes of the future-years defense program under section 221 of title 10, United States Code.

(b) COMMENCEMENT.—The category created under subsection (a) shall be included in each future-years defense program submitted to Congress under section 221 of title 10, United States Code, in fiscal years after fiscal year 2002.

**SEC. 914. ASSESSMENT OF IMPLEMENTATION OF RECOMMENDATIONS OF COMMISSION TO ASSESS UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.**

(a) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall carry out an assessment of the progress made by the Department of Defense in implementing the recommendations of the Commission To Assess United States National Security Space Management and Organization as contained in the report of the Commission submitted under section 1623 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 815).

(b) REPORTS.—Not later than February 15 of each of 2002 and 2003, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the assessment carried out under subsection (a). Each report shall set forth the results of the assessment as of the date of such report.

**SEC. 915. GRADE OF COMMANDER OF AIR FORCE SPACE COMMAND.**

(a) IN GENERAL.—Chapter 845 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 8584. Commander of Air Force Space Command**

**"(a) GRADE.—The officer serving as commander of the Air Force Space Command shall, while so serving, have the grade of general.**

**"(b) LIMITATION ON CONCURRENT COMMAND ASSIGNMENTS.—The officer serving as commander of the Air Force Space Command may not, while so serving, serve as commander-in-chief of the United States Space Command (or any successor combatant command with responsibility for space) or as commander of the United States element of the North American Air Defense Command."**

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

**"8584. Commander of Air Force Space Command."**

**SEC. 916. SENSE OF CONGRESS REGARDING GRADE OF OFFICER ASSIGNED AS COMMANDER OF UNITED STATES SPACE COMMAND.**

It is the sense of Congress that the Secretary of Defense should assign the best qualified officer of the Army, Marine Corps, or Air Force with the grade of general, or of the Navy with the grade of admiral, to the position of Commander of the United States Space Command.

**SA 1607.** Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an

amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. . BIG CROW PROGRAM AND DEFENSE SYSTEMS EVALUATION PROGRAM.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$15,100,000, with the amount of the increase to be available for operational test and evaluation (PE605118D).

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(4), as increased by subsection (a)—

(1) \$12,000,000 shall be available for the Big Crow program; and

(2) \$3,100,000 shall be available for the Defense Systems Evaluation (DSE) program.

(c) OFFSET.—The amount authorized to be appropriated by this division, other than the amount authorized to be appropriated by subsection (a), is hereby reduced by \$15,100,000, which represents savings resulting from adjustments to foreign currency exchange rates.

**SA 1608.** Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$1,800,000.

(b) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), \$1,800,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

(2) The amount made available by paragraph (1) for the Clara Barton Center for Domestic Preparedness is in addition to any other amounts made available by this Act for the Clara Barton Center for Domestic Preparedness.

**SA 1609.** Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the De-

partment of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. PILOT PROGRAM FOR EFFICIENT INVENTORY MANAGEMENT SYSTEM FOR THE DEPARTMENT OF DEFENSE.**

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall, using amounts available under subsection (c), carry out a pilot program for the development and operation of an efficient inventory management system for the Department of Defense. The pilot program shall be designed to address the problems in the inventory management system of the Department that were identified by the Comptroller General of the United States as a result of the General Accounting Office audit of the inventory management system of the Department in 1997.

(2) In entering into any contract for purposes of the pilot program, the Secretary shall take into appropriate account current Department contract goals for small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the pilot program under subsection (a). The report shall describe the pilot program, assess the progress of the pilot program, and contain such recommendations at the Secretary considers appropriate regarding expansion or extension of the pilot program.

(c) FUNDING.—(1) The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$1,000,000.

(2) Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by paragraph (1), \$1,000,000 shall be available for the pilot program under subsection (a).

**SA 1610.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. FUNDING FOR LAND FORCES READINESS-INFORMATION OPERATIONS SUSTAINMENT.**

Of the amount authorized to be appropriated by section 301(6), \$5,000,000 shall be available for land forces readiness-information operations sustainment.

**SA 1611.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, line 22, increase the amount by \$1,000,000.

On page 22, line 21, reduce the amount by \$1,000,000.

**SA 1612.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXIX and insert the following:

**TITLE XXIX—COMMISSION ON DEPARTMENT OF DEFENSE INFRASTRUCTURE**

**SEC. 2901. COMMISSION ON THE DEPARTMENT OF DEFENSE INFRASTRUCTURE.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “Commission on the Department of Defense Infrastructure” (in this section referred to as the “Commission”).

(b) **MEMBERSHIP.**—(1) The Commission shall be composed of 13 members who shall be appointed, not later than 90 days after the date of the enactment of this Act, as follows:

(A) Seven members appointed by the President in consultation with the Secretary of Defense, including at least one member appointed from each of the Army, Navy, Air Force, and Marine Corps.

(B) Two members appointed by the Speaker of the House of Representatives.

(C) Two members appointed by the Majority Leader of the Senate.

(D) One member appointed by the Minority Leader of the House of Representatives.

(E) One member appointed by the Minority Leader of the Senate.

(2) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(3) The President shall designate one member of the Commission to serve as the Chairman.

(4) The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but a lesser number may hold hearings for the Commission.

(c) **DUTIES.**—The Commission—

(1) shall evaluate the infrastructure of the Department of Defense inside and outside the United States, including the use of the infrastructure, in relationship to the requirements of the Department of Defense;

(2) shall develop a plan of actions that the Commission recommends for rationalizing and maximizing the use of the facilities of the Department of Defense and other elements of the infrastructure;

(3) if the Commission finds that the infrastructure is excess to the requirements of the Department of Defense, shall develop a recommended plan of actions for reducing the excess, which may include closure or realignment of installations and other facilities, basing of forces or workforces in urban areas, privatization of the operation of fa-

cilities, increasing the use of leasing, and any other actions determined appropriate by the Commission; and

(4) shall develop a recommended analytical process for evaluating the infrastructure of the Department of Defense on the basis of the factors described in subsection (d).

(d) **CONSIDERATIONS.**—In evaluating infrastructure and developing a plan or plans under subsection (c), the Commission shall take into consideration the following factors:

(1) Present and future force structure and mission requirements through 2020, consistent with the Joint Vision 2020 issued by the Joint Chiefs of Staff, including—

(A) mobilization requirements; and

(B) requirements for utilization of facilities by the Department of Defense and other departments and agencies of the United States, including—

(i) joint use by two or more of the Armed Forces; and

(ii) use by reserve components.

(2) The availability and condition of facilities, land, and associated airspace, including—

(A) proximity to mobilization points, including points of embarkation for air or rail transportation and ports;

(B) current, planned, and programmed military construction.

(3) Ranges and airspace factors, including—

(A) uniqueness; and

(B) existing or potential electromagnetic or other encroachment.

(4) Force protection.

(5) Anticipated costs and effects of relocating critical infrastructure in the case of a base closure or realignment, including—

(A) associated military construction costs at receiving installations and facilities;

(B) associated environmental costs, including costs of compliance with Federal and State environmental laws;

(C) termination costs and other liabilities relating to existing contracts and transactions that involve outsourcing or privatization of services, housing, or utilities used by the Department of Defense;

(D) impact on co-located organizations of the Department of Defense;

(E) impact on co-located Federal agencies; and

(F) costs of civilian personnel transfers and relocations and other workforce implications.

(6) Community support of military presence, including—

(A) opportunities for public and private partnerships in support of Department of Defense activities; and

(B) economic effects and other effects of base closures and realignments on local communities.

(7) Lessons learned from previous base closures and realignments, including those regarding disparities between anticipated savings and actual savings.

(8) Anticipated savings and other benefits of realigning or closing a base or facility, including—

(A) any enhancement of capabilities to make better use of remaining infrastructure; and

(B) ability to relocate units and other assets.

(9) Any other factors that the Commission considers significant.

(e) **REPORT.**—(1) Not later than 270 days after the date of the enactment of this Act, the Commission shall submit a report on its activities to the President and Congress.

(2) The report shall include the following:

(A) The Commission's findings and conclusions.

(B) The plan or plans of recommended actions developed under subsection (c).

(C) The recommended analytical process developed under subsection (c)(4).

(f) **ADMINISTRATIVE REQUIREMENTS AND AUTHORITIES.**—(1) The Secretary of Defense shall ensure that the Commission is provided such administrative services, facilities, staff, and other support services as may be necessary to carry out its duties.

(2) The Commission may hold hearings, sit and act at times and places, take testimony, and receive evidence that the Commission considers necessary to carry out the purposes of this Act.

(3) The Commission may request directly from any department or agency of the Federal Government any information that the Commission considers necessary to carry out the provisions of this section. To the extent consistent with applicable requirements of law and regulation, the head of such department or agency shall furnish such information to the Commission.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) **COMMISSION PERSONNEL MATTERS.**—(1) Members of the Commission shall serve without additional compensation for their service on the Commission, except that members appointed from among private citizens may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) The Chairman of the Commission may appoint staff, request the detail of Federal employees, and accept temporary or intermittent services in accordance with subchapter IV of chapter 31 of title 5, United States Code.

(h) **TERMINATION.**—The Commission shall terminate 30 days after the submission of the report under subsection (e).

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Commission, \$5,000,000, to remain available until expended.

**SA 1613.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1009. ADDITIONAL FUNDS FOR UNFUNDED PRIORITIES OF THE ARMED FORCES.**

(a) **INCREASE IN AMOUNT AUTHORIZED FOR ARMED FORCES.**—The aggregate amount authorized to be appropriated by this division is hereby increased by \$1,778,000,000, with the amount of such increase to be allocated in equal portions among the Army, Navy, Marine Corps, and Air Force, and available to meet the unfunded requirements of each Armed Force in accordance with the priority list of such Armed Force.

(b) DECREASE IN AMOUNT AUTHORIZED FOR DEPARTMENT OF ENERGY.—The aggregate amount authorized to be appropriated by title XXXI is hereby reduced by \$1,778,000,000.

**SA 1614.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ UNITED STATES-CHINA MILITARY-TO-MILITARY EXCHANGES.**

(a) INSTRUCTION IN THE LAW OF WAR AND THE HAGUE AND GENEVA CONVENTIONS.—United States-China military-to-military exchanges shall include instruction in the following for PLA officers participating in the exchanges:

(1) The principles, spirit, and intent of the 1907 Hague and 1949 Geneva Conventions.

(2) The law of war prohibiting unnecessary destruction.

(3) The law of war requiring humane treatment of prisoners of war (POWs), other captured and detained personnel, and civilians.

(4) The obligation not to commit war crimes.

(5) The obligation to report all violators of the law of war.

(6) The significant provisions of the Geneva Convention Relative to the Treatment of Prisoners of War, done on August 12, 1949.

(7) Full exposure to the Uniform Code of Military Justice (UCMJ) and the Soldier's Handbook.

(b) HUMAN RIGHTS VIOLATIONS BY CHINA.—None of the funds made available by this Act for military-to-military exchanges may be provided to any officers of the security forces of the People's Republic of China if the Secretary of State has credible evidence that such officers have committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that the Government of the People's Republic of China is taking effective measures to bring the responsible members of the security forces to justice.

(c) HUMAN RIGHTS VIOLATIONS BY OTHER FOREIGN COUNTRIES.—None of the funds made available by this Act may be used to support any exchange program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(d) WAIVER.—The Secretary of Defense may waive the provisions of this section if he determines that extraordinary circumstances require it. Within 15 days of issuing such a waiver, the Secretary shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the exchange program, the United States forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

**SA 1615.** Mr. REID (for Mr. SARBANES (for himself and Mr. GRAMM)) proposed

an amendment to the bill H.R. 2510, to extend the expiration date of the Defense Production Act of 1950, and for other purposes; as follows:

On page 2, strike lines 9 through 14 and insert the following: "2002".

**"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

"Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking '2001' and inserting '2002'."

**SA 1616.** Mr. REID (for Mr. HOLLINGS (for himself and Mr. GREGG)) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike section 404 of the Senate amendment.

**NOTICE OF HEARINGS/MEETINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a closed hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 26, at 9:30 a.m., in location to be announced.

The purpose of the hearing is to receive testimony on critical energy infrastructure security and the energy industry's response to the events of September 11, 2001.

Those wishing to submit written statements on this subject should address them to the Committee on Energy and Natural Resources, Attn: Deborah Estes, U.S. Senate, Washington, DC 20510.

For further information, please call Deborah Estes at 202/224-5360.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be Authorized to meet during the session of the Senate on Friday, September 21, 2001, at 8:30 a.m., in closed session to receive a briefing on current Department of Defense activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Friday, September 21, 2001, at 9 a.m., to conduct a hearing on following pending nominations: Brigadier General Edwin J. Arnold, Jr. to be a Member and President of the Mississippi River Com-

mission; Nils J. Diaz to be a Member of the Nuclear Regulatory Commission; Marianne Lamont Horinko to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency; Patrick Hayes Johnson to be Federal Cochairperson, Delta Regional Authority; Paul Michael Parker to be Assistant Secretary of the Army for Civil Works, Department of Defense; Mary E. Peters to be Administrator of the Federal Highway Administration, Department of Transportation; Harold Craig Manson to be Assistant Secretary for Fish and Wildlife, Department of the Interior; and Brigadier General Carl A. Strock to be a Member of the Mississippi River Commission.

The hearing will be held in the Rm. SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 21, 2001, at 12 p.m., to hold a nomination hearing.

Nominees: The Honorable Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; Ms. Mattie Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Mr. R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; Mr. Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; Mr. Kevin McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Mr. Ralph Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; and Mr. Robert Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Friday, September 21, 2001, at 9:30 a.m., for a hearing entitled "Responding to Homeland Threats: Is Our Government Organized for the Challenge?"

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. WARNER. Mr. President, I ask unanimous consent that Jimmie Keenan and Ray Ivie, fellows on the staff of Senator Hutchison, be granted the privilege of the floor for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I ask unanimous consent that privileges of the floor be granted to my staff, Steve

Tryon, during the discussion of this Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

On September 19, 2001, the Senate amended and passed H.R. 2590, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2590) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

#### TITLE I—DEPARTMENT OF THE TREASURY DEPARTMENTAL OFFICES

##### SALARIES AND EXPENSES

*For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$3,500,000 for official travel expenses; not to exceed \$3,813,000, to remain available until expended for information technology modernization requirements; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$187,322,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than \$19,732,000: Provided further, That of these amounts \$2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.*

#### DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

*For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$69,028,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.*

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehi-*

*cles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$35,150,000.*

#### TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

##### SALARIES AND EXPENSES

*For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$123,799,000.*

#### TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

*For the repair, alteration, and improvement of the Treasury Building and Annex, \$32,932,000, to remain available until expended.*

#### EXPANDED ACCESS TO FINANCIAL SERVICES (RESCISSION)

*Of the funds appropriated under this heading in the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106-346), \$8,000,000 are rescinded effective September 30, 2001.*

#### FINANCIAL CRIMES ENFORCEMENT NETWORK SALARIES AND EXPENSES

*For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$45,702,000, of which not to exceed \$3,400,000 shall remain available until September 30, 2004; and of which \$7,790,000 shall remain available until September 30, 2003: Provided, That funds appropriated in this account may be used to procure personal services contracts.*

#### COUNTERTERRORISM FUND

*For necessary expenses, as determined by the Secretary, \$44,879,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: Provided, That any amount provided under this heading shall be available only after the advance approval of the Committees on Appropriations.*

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER SALARIES AND EXPENSES

*For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$11,500 for official reception and representation expenses; room*

*and board for student interns; and services as authorized by 5 U.S.C. 3109, \$106,317,000, of which \$650,000 shall be available for an inter-agency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to \$17,166,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2004, and of which up to 20 percent of the \$17,166,000 also shall be available for travel, room and board costs for participating agency basic training during the first quarter of a fiscal year, subject to full reimbursement by the benefiting agency: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104-32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.*

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

*For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$33,434,000, to remain available until expended.*

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

*For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling,*

\$106,965,000, of which \$7,827,000 shall remain available until expended.

#### FINANCIAL MANAGEMENT SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$212,316,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2004, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

#### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

##### SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed \$20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed \$50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, \$821,421,000, of which \$3,500,000 shall be available for retrofitting and upgrades of the National Tracing Center Facility in Martinsburg, West Virginia; of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to \$2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms, and of which \$16,000,000, to remain available until expended, shall be available for disbursements through grants, cooperative agreements or contracts to local governments for Gang Resistance Education and Training: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2002: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18

U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

#### UNITED STATES CUSTOMS SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed \$40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, \$2,022,453,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed \$4,000,000 shall be available until expended for research; of which not less than \$100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than \$200,000 shall be available for Project Alert; of which not less than \$1,000,000 shall be provided to develop a curriculum for the training of law enforcement dogs to combat and respond to terrorist activities specifically related to chemical and biological threats; not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed \$8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed \$5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000.

#### HARBOR MAINTENANCE FEE COLLECTION

##### (INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, \$3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

#### OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and

emergency humanitarian efforts, \$172,637,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committee on Appropriations.

#### AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, \$357,832,000, to remain available until expended, of which \$5,400,000 shall be for the International Trade Data System, and not less than \$230,000,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committee on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that expenditure plan has been approved by the Committee on Appropriations.

#### BUREAU OF THE PUBLIC DEBT

##### ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$191,718,000, of which not to exceed \$15,000 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than \$4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at \$187,318,000. In addition, \$40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106-53.

#### INTERNAL REVENUE SERVICE

##### PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,786,347,000, of which up to \$3,950,000 shall be for the Tax Counseling for the Elderly Program, of which \$8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed

\$25,000 shall be for official reception and representation expenses.

#### TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,535,198,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2004, for research.

#### EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105-33), \$146,000,000, of which not to exceed \$10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

#### INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,563,249,000 which shall remain available until September 30, 2003.

#### BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, \$419,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11, part 34; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

#### ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures

that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 745 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$25,000 for official reception and representation expenses; not to exceed \$100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, \$899,615,000, of which \$1,633,000 shall be available for forensic and related support of investigations of missing and exploited children, and of which \$2,554,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2003.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$3,352,000, to remain available until expended.

#### GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance,

repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until enactment of the Intelligence Authorization Act for fiscal year 2002.

SEC. 119. Section 122 of Public Law 105-119, as amended by Public Law 105-277, is further amended in paragraph (g)(1), by striking "three years" and inserting "four years"; and by striking "the United States Customs Service, and the United States Secret Service".

SEC. 120. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the

explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 121. None of the funds appropriated or made available by this Act may be used for the production of Customs Declarations that do not inquire whether the passenger had been in the proximity of livestock.

This title may be cited as the "Treasury Department Appropriations Act, 2002".

#### TITLE II—POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$76,619,000: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2002.

This title may be cited as the "Postal Service Appropriations Act, 2002".

#### TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

###### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

###### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$54,165,000: Provided, That \$10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

##### EXECUTIVE RESIDENCE AT THE WHITE HOUSE OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$11,914,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

###### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as

may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

##### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$8,625,000, to remain available until expended, of which \$1,306,000 is for six projects for required maintenance, safety and health issues, and continued preventative maintenance; and of which \$7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in conjunction with the General Services Administration, the United States Secret Service, the Office of the President, and other agencies charged with the administration and care of the White House.

##### SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

###### SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions;

services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$3,896,000.

##### OPERATING EXPENSES

###### (INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$314,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

##### COUNCIL OF ECONOMIC ADVISERS

###### SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$4,192,000.

##### OFFICE OF POLICY DEVELOPMENT

###### SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$4,119,000.

##### NATIONAL SECURITY COUNCIL

###### SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$7,447,000.

##### OFFICE OF ADMINISTRATION

###### SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$46,032,000, of which \$11,775,000 shall be available until September 30, 2003 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

##### OFFICE OF MANAGEMENT AND BUDGET

###### SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$70,519,000, of which not to exceed \$5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed \$3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY  
SALARIES AND EXPENSES  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed \$8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$25,096,000, of which \$2,350,000 shall remain available until expended, consisting of \$1,350,000 for policy research and evaluation, and \$1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277), \$42,000,000, which shall remain available until expended, consisting of \$20,000,000 for counter-narcotics research and development projects, and \$22,000,000 for the continued operation of the technology transfer program: Provided, That the \$20,000,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS  
HIGH INTENSITY DRUG TRAFFICKING AREAS  
PROGRAM  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$226,350,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (HIDTA), of which \$1,000,000 shall be for an additional amount for the Rocky Mountain HIDTA; of which \$1,750,000 shall be used for an additional amount for the Midwest HIDTA; of which \$1,000,000 shall be for an additional amount for the Gulf Coast HIDTA; of which \$1,000,000 shall be for an additional amount for the Hawaii HIDTA; of which \$500,000 shall be for an additional amount for the Milwaukee HIDTA; of which \$500,000 shall be for an additional amount for the Philadelphia/Camden HIDTA; of which \$1,000,000 shall be for an additional amount for the Northwest HIDTA; of which \$1,500,000 shall be for an additional amount for the Southwest Border HIDTA; of which \$2,500,000 shall be used for a newly designated HIDTA in the State of Utah, of which not less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of this latter amount, not less than \$2,100,000 shall be used for auditing services and activities: Provided further, That HIDTAs designated as of September 30, 2001, shall be funded at no less than fiscal year 2001 levels unless the Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated prior-

ities for the HIDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND  
(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by Public Law 105-277, \$249,400,000, to remain available until expended, of which \$185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998; of which \$4,800,000 shall be made available no later than 30 days after the enactment of this Act to the United States Anti-Doping Agency for their anti-doping efforts; of which \$50,600,000 shall be to continue a program of matching grants to drug-free communities, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; of which \$1,000,000 shall be available to the National Drug Court Institute; and of which \$3,000,000 shall be for the Counterdrug Intelligence Executive Secretariat: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2002".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO  
ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$4,498,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$43,993,000, of which no less than \$4,453,000 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses of which \$2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for making such grants: Provided, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$26,378,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations con-

ferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE  
(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$6,217,350,000, of which (1) \$477,544,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, U.S. Courthouse, \$11,290,000

Arkansas:

Little Rock, U.S. Courthouse Annex, \$5,022,000

California:

Fresno, U.S. Courthouse, \$121,225,000

District of Columbia:

Washington, U.S. Courthouse Annex, \$6,595,000

Washington, Southeast Federal Center Site Remediation, \$5,000,000

Florida:

Ft. Pierce, Courthouse, \$4,314,000

Miami, Courthouse, \$15,282,000

Illinois:

Rockford, Courthouse, \$4,933,000

Iowa:

Cedar Rapids, Courthouse, \$14,795,000

Maine:

Jackman, Border Station, \$868,000

Maryland:

Montgomery County, FDA Consolidation, \$19,060,000

Suitland, U.S. Census Bureau, \$2,813,000

Suitland, National Oceanic and Atmospheric Administration II, \$34,083,000

Massachusetts:

Springfield, U.S. Courthouse, \$6,473,000

Mississippi:

Gulfport, U.S. Courthouse, \$3,000,000

Jackson, Mississippi, \$13,231,000

Michigan:

Detroit, Ambassador Bridge Border Station, \$9,470,000

Montana:

Raymond, Border Station, \$693,000  
 New Mexico:  
 Las Cruces, U.S. Courthouse, \$4,110,000  
 New York:  
 Brooklyn, U.S. Courthouse Annex—GPO, \$3,361,000  
 Buffalo, U.S. Courthouse Annex, \$716,000  
 New York, U.S. Mission to the United Nations, \$4,617,000  
 Oregon:  
 Eugene, U.S. Courthouse, \$4,470,000  
 Pennsylvania:  
 Erie, U.S. Courthouse Annex, \$30,739,000  
 Tennessee:  
 Nashville, Courthouse, \$20,700,000  
 Texas:  
 Del Rio III, Border Station, \$1,869,000  
 Eagle Pass, Border Station, \$2,256,000  
 El Paso, U.S. Courthouse, \$11,193,000  
 Fort Hancock, Border Station, \$2,183,000  
 Houston, Federal Bureau of Investigation, \$6,268,000  
 Utah:  
 Salt Lake City, Courthouse, \$5,000,000  
 Virginia:  
 Norfolk, U.S. Courthouse Annex, \$11,609,000  
 Nationwide:  
 Judgment Fund Repayment, \$84,406,000  
 Non-prospectus construction, \$5,900,000:

Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance notice is transmitted to the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$844,880,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance notice is transmitted to the Committees on Appropriations of a greater amount:

Repairs and Alterations:  
 Alabama:  
 Montgomery, Frank M. Johnson, Jr. Federal Building-Courthouse, \$4,000,000  
 California:  
 Laguna Niguel, Chet Holifield Federal Building, \$11,711,000  
 San Diego, Edward J. Schwartz Federal Building-U.S. Courthouse, \$13,070,000  
 Colorado:  
 Lakewood, Denver Federal Center, Building 67, \$8,484,000  
 District of Columbia:  
 Washington, 320 First Street, Federal Building, \$8,260,000  
 Washington, Internal Revenue Service Main Building, Phase 2, \$20,391,000  
 Washington, Main Interior Building, \$22,739,000  
 Washington, Main Justice Building, Phase 3, \$45,974,000  
 Florida:  
 Jacksonville, Charles E. Bennett Federal Building, \$23,552,000  
 Tallahassee, U.S. Courthouse, \$4,894,000  
 Illinois:  
 Chicago, Federal Building, 536 South Clark Street, \$60,073,000  
 Chicago, Harold Washington Social Security Center, \$13,692,000  
 Chicago, John C. Kluczynski Federal Building, \$12,725,000

Iowa:  
 Des Moines, 210 Walnut Street, Federal Building, \$11,992,000  
 Missouri:  
 Kansas City, Federal Building, 811 Grand Boulevard, \$1,604,000  
 St. Louis, Federal Building, 104/105 Goodfellow, \$20,212,000  
 New Jersey:  
 Newark, Peter W. Rodino Federal Building, \$5,295,000  
 Nevada:  
 Las Vegas, Foley Federal Building-U.S. Courthouse, \$26,978,000  
 Ohio:  
 Cleveland, Anthony J. Celebrezze Federal Building, \$22,986,000  
 Cleveland, Howard M. Metzenbaum Courthouse, \$27,856,000  
 Oklahoma:  
 Muskogee, Federal Building-U.S. Courthouse, \$8,214,000  
 Oregon:  
 Portland, Pioneer Courthouse, \$16,629,000  
 Pennsylvania:  
 Pittsburgh, Post Office-Courthouse, \$12,600,000  
 Rhode Island:  
 Providence, Federal Building and Courthouse, \$5,039,000  
 Wisconsin:  
 Milwaukee, Federal Building-U.S. Courthouse, \$10,015,000  
 Nationwide:  
 Design Program, \$33,657,000  
 Heating, Ventilation and Air Conditioning Modernization—Various Buildings, \$6,650,000  
 Transformers—Various Buildings, \$15,588,000  
 Basic Repairs and Alterations, \$370,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$186,427,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$2,959,550,000 for rental of space which shall remain available until expended; and (5) \$1,748,949,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be

expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance notice is transmitted to the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$6,217,350,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses, \$145,749,000, of which \$27,887,000 shall remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$36,025,000: Provided, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

#### ELECTRONIC GOVERNMENT (E-GOV) FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$5,000,000 to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Senate Committee on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER  
PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, \$3,376,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL  
PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2003 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 408 of Public Law 106-554 is amended by striking "April 30, 2002" and inserting "September 30, 2002".

SEC. 409. Notwithstanding any other provision of law, the General Services Administration is directed to maintain the vehicle rental rates and per mile rates charged for buses used by schools and dormitories funded by the Bureau of Indian

Affairs that were in effect on April 30, 2001 until such time as appropriations to the Bureau of Indian Affairs funding for the Student Transportation Program for schools and dormitories funded by the Bureau of Indian Affairs equals or exceeds \$3 per mile.

SEC. 410. DESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 100 1st Street, SW, Minot, North Dakota, shall be known and designated as the "Judge Bruce M. Van Sickle Federal Building and United States Courthouse".

(b) Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section (a) shall be deemed to be a reference to the Judge Bruce M. Van Sickle Federal Building and United States Courthouse.

SEC. 411. Section 410 of Appendix C of Public Law 106-554 (114 Stat. 2763A-146) is amended—

(1) by striking "a 125 foot wide right-of-way" and inserting "up to a 125 foot wide right-of-way";

(2) by striking "northeast corner of the existing port" and inserting "southeast corner of the existing port";

(3) striking "approximately 4,750 feet" and inserting "and then west to a connection with State Highway 11 between approximately 5,000 and 7,000 feet";

(4) by striking "a road to be built by the County of Luna, New Mexico to connect to";

(5) by striking "Provided further, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration"; and

(6) by striking "consisting of approximately 12 acres" and inserting "consisting of approximately 10.22 acres".

SEC. 412. Notwithstanding any other provision of law, the United States Government is directed to deed block four (4) of the LOCH HAVEN REPLAT, as recorded in Plat Book "Q", Page 9, Public Records of Orange County, Florida, back to the City of Orlando, Florida, under the same terms that the land was deeded to the United States Government by the City of Orlando in the recorded deed from the City dated September 20, 1951.

SEC. 413. DESIGNATION OF G. ROSS ANDERSON, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 315 S. McDuffie Street, Anderson, South Carolina, shall be known and designated as the "G. Ross Anderson, Jr. Federal Building and United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in subsection (a) shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$30,375,000 together with not to exceed \$2,520,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in

amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$1,996,000, to remain available until expended: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: Provided further, That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation shall submit to the Committee on Appropriations a report describing the distribution of such funds.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$1,309,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS  
ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$244,247,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds made available, \$23,302,000 is for the electronic records archive, \$16,337,000 of which shall be available until September 30, 2004.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$41,143,000, to remain available until expended: Provided, That the Archivist of the United States is authorized, pursuant to 44 U.S.C. 2903, to construct a new Southeast Regional Archives on land to be acquired (Federal site), by direct payment or the provision of site improvements, from the State of Georgia or Clayton County or some other governmental authority thereof; such Federal site to be located near the campus of Clayton College and State University in Clayton County, Georgia, and abut land designated for construction of the Georgia State Archives facility, with both archival facilities co-located on a combined site. There is hereby appropriated \$30,500,000 which shall be available until expended to be used for acquiring the Federal site, construction, and related services for building the new Federal archival facility, other related costs for improvement of the combined site which may also indirectly benefit the Georgia State Archives facility, and other necessary expenses.

NATIONAL HISTORICAL PUBLICATIONS AND  
RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as

authorized by 44 U.S.C. 2504, as amended, \$6,436,000, to remain available until expended.

#### OFFICE OF GOVERNMENT ETHICS

##### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$10,060,000.

#### OFFICE OF PERSONNEL MANAGEMENT

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$99,036,000, of which \$3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition \$115,928,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$1,398,000; and in addition, not to exceed \$10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Manage-

ment, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

#### GOVERNMENT PAYMENT FOR ANNUITANTS,

##### EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

#### GOVERNMENT PAYMENT FOR ANNUITANTS,

##### EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

#### PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

#### OFFICE OF SPECIAL COUNSEL

##### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, \$11,784,000.

#### UNITED STATES TAX COURT

##### SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2002".

#### TITLE V—GENERAL PROVISIONS

##### THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Fed-

eral Law Enforcement Training Center located at Glyncro, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health

Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 512. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 513. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that: (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104-13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2002 and 2003 in the burden imposed by all rules issued by each agency that issued such a major rule.

SEC. 514. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in the Treasury and General Government Appropriations Act, 2002 may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

#### TITLE VI—GENERAL PROVISIONS

##### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the

United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for,

any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the

charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2001, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that re-

quires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal

Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and (7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 625. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 626. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 627. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 628. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. 630. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed \$17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 631. (a) IN GENERAL.—Hereafter, in accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may

use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 632. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 633. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 634. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 635. Subsection (f) of section 403 of Public Law 103-356 is amended by deleting "October 1, 2001" and inserting "October 1, 2002".

SEC. 636. Section 6 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting "or for use at official functions in or about," after "about".

SEC. 637. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branch of the Federal government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available in law.

SEC. 638. Section 3 of Public Law 93-346 as amended (3 U.S.C. 111 note) is amended by inserting "utilities (including electrical) for," after "military staffing".

SEC. 639. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency

for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 640. (a) Section 1238(e)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398) is amended by adding at the end the following: "The executive director and any personnel who are employees of the United States-China Security Review Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title."

(b) The amendment made by this section shall take effect on January 3, 2001.

SEC. 641. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

SEC. 642. Not later than six months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 643. DEADLINE FOR SUBMISSION OF ANNUAL REPORTS BY UNITED STATES-CHINA SECURITY REVIEW COMMISSION. Section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by section 1 of Public Law 106-398) is amended by striking "March" and inserting "May".

SEC. 644. Subsection (a) of section 2105 of title 44, United States Code, is amended to read as follows:

"(a)(1) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

"(2) Notwithstanding paragraph (1), the Archivist is authorized to appoint, subject to the consultation requirements set forth in paragraph (f)(2) of section 2203 of this title, a director at each Presidential archival depository established under section 2112 of this title. The Archivist may appoint a director without regard to subchapter I and subchapter VIII of chapter 33 of title 5, United States Code, governing appointments in the competitive service and the Senior Executive Service. A director so appointed shall be responsible for the care and preservation of the Presidential records and historical materials deposited in a Presidential archival depository, shall serve at the pleasure of the Archivist and shall perform such other functions as the Archivist may specify."

SEC. 645. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP. (a) SHORT TITLE.—This section may be cited as the "Breast Cancer Research Stamp Act of 2001".

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

"(h) This section shall cease to be effective after July 29, 2008."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or  
(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5."

SEC. 646. AMENDMENT TO TITLE 39. Section 5402(d) of title 39, United States Code, is amended by—

(1) inserting "(1)" after "(d)"; and  
(2) inserting at the end the following:

"(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail shipments of day-old poultry and such other live animals as postal regulations allow to be transmitted as mail matter. The authority of the Postal Service under this subparagraph shall not apply in the case of any air carrier who commonly and regularly refuses to accept any live animals as cargo.

"(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the mailers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary additional expense incurred in handling such shipments.

"(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this paragraph, and ending September 30, 2005."

SEC. 647. (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as "War Bonds", under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

SEC. 648. (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as "Unity Bonds", under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

SEC. 649. (a) State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Service Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of fees provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

## TITLE VII—THE 9/11 HEROES STAMP ACT OF 2001

### SEC. 701. SHORT TITLE.

This title may be cited as the "9/11 Heroes Stamp Act of 2001".

### SEC. 702. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (b).

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (a), subject to the following:

(1) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(A) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(B) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5."

(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this Act.

(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.

(c) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

(d) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

### SEC. 703. DEFINITIONS.

For purposes of this Act—

(1) the term "emergency relief personnel" means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term "semipostal" has the meaning given such term by section 416 of title 39, United States Code.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2002".

## ORDER FOR SENATE TO RECEIVE HOUSE COMPANION BILL TO S. 1450

Mr. REID. Madam President, I ask unanimous consent that it be in order

for the Senate to receive the House companion to S. 1450, the airlines stabilization bill, notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 362, 384, 387, 388, and 389; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements thereon be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF JUSTICE

Deborah J. Daniels, of Indiana, to be an Assistant Attorney General.

#### DEPARTMENT OF TRANSPORTATION

Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, Department of Transportation.

#### NATIONAL TRANSPORTATION SAFETY BOARD

Marion Blakey, of Mississippi, to be Chairman of the National Transportation Safety Board for a term of two years.

Marion Blakey, of Mississippi, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2005.

#### DEPARTMENT OF TRANSPORTATION

Read Van de Water, of North Carolina, to be an Assistant Secretary of Transportation.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

### DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2510 and the Senate proceed to its consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 1615

Mr. REID. Mr. President, I understand that Senator SARBANES and Senator GRAMM have an amendment at the

desk, and I ask unanimous consent that the amendment be considered; that the amendment be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 1615) was agreed to, as follows:

(Purpose: To provide for a one-year extension)

On page 2, strike lines 9 through 14 and insert the following: "2002".

#### "SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

"Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking '2001' and inserting '2002'."

Mr. REID. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD, with no intervening action.

The PRESIDENT pro tempore. Without objection, the several requests will be agreed to.

The bill (H.R. 2510), as amended, was read the third time and passed.

### DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House with respect to H.R. 2500, the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill.

The PRESIDENT pro tempore laid before the Senate the message from the House of Representatives, as follows:

*Resolved*, That the amendment of the Senate to the bill (H.R. 2500) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Senate amendment be amended with the language at the desk, and that the amendment be agreed to, and the motion to reconsider be laid upon the table; further, that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 1616) was agreed to, as follows:

Strike section 404 of the Senate amendment.

The PRESIDENT pro tempore appointed Mr. HOLLINGS, Mr. INOUE, Ms.

MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN conferees on the part of the Senate.

### PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 162, submitted earlier today by Senators DODD and MCCONNELL.

The PRESIDENT pro tempore. The clerk will state the title of the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 162) providing for Members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, any statements and supporting documents relating to the resolution be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 162) was agreed to.

(The text of the resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

### ORDERS FOR MONDAY, SEPTEMBER 24, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Monday, September 24. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, on Monday, September 24, 2001, the Senate will convene at 12 noon and consider H.R. 2603, the Jordan Free-Trade Act, under a 2-hour time agreement, followed by a voice vote on the act.

At 2 p.m., the Senate will vote on the nomination of Kirk Van Tine to be general counsel to the Department of Transportation.

Following this vote, the Senate will resume consideration of the Department of Defense authorization bill under the direction of Senators LEVIN and WARNER.

Rollcall votes are expected on the amendments to the DOD bill all afternoon Monday.

#### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement during morning business by the Senator from Alabama, Mr. SESSIONS.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

#### DEFENSE BUDGETS

Mr. SESSIONS. Mr. President, we have for the most part today been dealing with the Defense authorization bill. As a member of the Armed Services Committee, it is something we wrestled with for some time. We realize how tight our budget is, and I thought it would be important for those Americans who care about those things, that remnant out there, that we give them some perspective as to where we are, what this authorization bill would mean, and how it would affect our Armed Forces.

In the early 1990s, our defense budget was as high as \$326 billion, as I recall, well over \$300 billion. After the collapse of the Soviet Union, President Bush commenced a decline in that budget. He had projected it out over a certain number of years and then it began to flatten out at a fairly substantial rate over \$300 billion.

What happened was, in our glee over the collapse of the Soviet Union, we allowed that budget to continue downward. We reached as low as \$286 billion, I believe, in the mid-1990s, \$20 billion more or less than former President Bush had proposed, and as a result we reduced our personnel very rapidly.

We had problems in a number of areas funding our budget, and as a result, the military began to suffer. In

particular, what suffered was our plans to recapitalize defense in America. I am talking about ships and planes and equipment that is pretty expensive. We paid the electric bills. We trained our men and women in uniform. We paid their salaries. We did the things we needed to do, but as one naval officer said, we created a bow wave out in front of the ship of increased capitalization needs. So we have been doing that for some years.

Gradually, we made a few increases since I have been in the Senate in the last 3 years, an increase in our defense budget, but it has not been much.

President Bush ran on the promise that he would do more for defense. He said, "Help is on the way." We remember that phrase.

We do indeed, this year, have a Defense appropriations bill that shows the largest increase in probably well over a decade. I know the President pro tempore is so familiar with these numbers, there is no need for me to recall them for him. We made some progress, and as I read this budget, this authorization bill, we will take defense spending from \$296 billion last year to \$328. If you count the supplemental of \$6 billion, we have a \$35 billion increase in defense, which amounts to a little over around 10 percent of the budget.

I thought we would have more impact, but I have not seen it. It strikes me that presumably the money has gone to do the things we need to do. We promised and committed to higher pay and better medical care, as we promised our men and women in uniform. They received that, and they are pleased with it. Retention and recruitment and morale is up, for which we can certainly celebrate, but it has left us not nearly as much as we had hoped we would have to begin to do better about capitalization.

For example, it was not too many years ago we were looking for a 600-ship Navy. We are now down to around 315 ships. We have ships going out of service every year because of age and lack of serviceability, and the number of ships coming on are less. So at the present rate, we can expect our fleet to fall well below 300. Maybe that is wise. I doubt it. I think we are getting a bit thin. I say that simply to say the money is not there in this budget to build ships at the rate it needs to.

I served as the ranking member on the Sea Power Subcommittee and dealt with those numbers, along with Senator KENNEDY, and we did the best we could with the moneys we had to allocate, but we are not where we need to be in shipbuilding.

So now we find ourselves in a war against terrorism. I think it is causing us to reevaluate what we have done with defense. As a percentage of our total gross domestic product, our spending on defense is at a low level, certainly since the midpart of the last

century. We are at a low level in spending as a percentage of the gross domestic product.

I think we can do better. Right now, in short order, we will receive the QDR, the Quadrennial Defense Review, report. That should help us plan for the future. I hope it will be a bold and aggressive call for reform and change and innovation. I think it will have some of that in it, but I am not sure it will go as far as we would like it to go. We will be looking at that.

Then the Secretary of Defense is also completing his review, and he will analyze the situation and will make a recommendation to us for a reformation of our military, a transformation of our military, so it is more capable of dealing with conflicts of the kind we are discussing this very night, the television commentators are discussing: Are we ready to fight that kind of war?

I believe we need to be sure we are. I do not think it will cost us an amount of money that we cannot afford. I am not sure we are where we need to be with regard to transformation to go from a military that was capable and required to defend on the plains of Europe against massive attacks by tanks and infantry and troops from the Soviet Union to a world that is much more complex, much more diverse, requiring more speed, more maneuver, more mobility to transport troops around the country.

I salute Senator LEVIN and Senator JOHN WARNER, the ranking Republican on the committee, for working together to reach an accord at this critical time in our country that I can support at this time, and that was not easy. We had some differences of opinion, and when the bill came out of committee on a partisan vote, 13-12, we were distressed about that. In the days that have gone by since and after this terrorist attack, I think we all realized it was necessary we should reach an agreement on how to proceed.

I believe that was done. I can support this bill as I understand it today, and we will probably vote next Tuesday. We will have made a step in the right direction. Our challenge, of course, with \$20 billion more in defense, is to confront terrorism around the world.

Our distinguished President pro tempore is a student of Roman history, the best in this Senate, probably one of the best in the United States. I thought I would share tonight a little bit of Roman history, Appian's Roman history; as someone referred to me, what the Romans did about terrorists.

This is the situation they faced: Pirates were developing throughout the Mediterranean. It became unsafe for Roman ships to sail. According to Appian, in a very short time these pirates increased in number to tens of thousands. They dominated now not only the eastern waters but the whole Mediterranean to the Pillars of Hercules.

They now even vanquished some of the Roman generals in naval engagements, and among others the praetor of Sicily on the Sicilian coast itself.

No sea could be navigated in safety, and land remained untilled for want of commercial intercourse. The city of Rome felt this evil most keenly, her subjects being distressed and herself suffering grievously from hunger by reason of her own populousness. But it appeared to her to be a great and difficult task to destroy so large a force of seafaring men scattered everywhither on land and sea, with no fixed possession to encumber their flight, sallying out from no particular country or any known places, having no property or anything to call their own, but only what they might chance to light upon. Thus, the unexampled nature of this war, which was subject to no laws and had nothing tangible or visible about it, caused perplexity and fear.

When the Romans could no longer endure the damage or the disgrace they made Gnaeus Pompey, who was then their man of greatest reputation, commander by law for 3 years, with absolute power over the whole sea within the Pillars of Hercules, and of the land a distance of 400 stades from the coast to coast. They sent letters to all kings, rulers, peoples and cities, they should aid Pompey in all ways. They gave him the power to raise troops and to collect money from the provinces, and they furnished a large Army from their own muster-roll, and all the ships they had, and money to the amount of 6,000 Attic talents—

Perhaps the President would know how much that was; apparently it was a lot—

So great and difficult did they consider the task of overcoming such great forces, dispersed over so wide a sea, hiding easily in so many nooks, retreating quickly and darting out again unexpectedly. Never did any man before Pompey set forth with so great authority conferred upon him by the Romans. He had an Army of 120,000 foot and 4,000 horse, and 270 ships.

Pompey, like a king of kings, should move to and fro and stationed his people where he thought best.

He developed a brilliant scheme to deploy his forces. And he astonished all by the rapidity of his movement, the magnitude of his preparations, and his formidable reputation, so that the pirates, who had expected to attack him first, or at least to show that the task he had undertaken against him was no easy one, became straightway alarmed, abandoned their assaults upon the towns they were besieging, and fled to their accustomed peaks and inlets. Thus the sea was cleared by Pompey forthwith without a fight, and the pirates were everywhere subdued at their several locations.

According to Appian's history, whereas it was expected to take 3 years to win this war because they were so united, so determined, and so committed, within a matter of days the war was won, 10,000 of the pirates were killed and the rest surrendered.

I don't know and don't expect we can accomplish this much in dealing with our modern-day terrorist pirates, but I like the way they set about to do it. They recognized their nation was threatened and jeopardized, and when the disgrace could be stood no more, they took action to defend their just interest, and did so with a commitment that was total and complete, and they set about it and were successful far more quickly than people thought possible.

I don't know if this will occur more quickly than we think possible, but I know one thing: If we commit ourselves to it, just as the Romans, we can succeed. And even though these people move about and seem to have no place they call their own, and are difficult to locate, they can be located, they can be pressured, they can be attacked, and can be defeated. I hope and pray we will succeed in that.

I am honored to be a Member of this Senate—not the Roman Senate but this Senate. It is a great Senate, as the Presiding Officer is wont to remind us—the greatest since the Roman Senate. I believe, united as we are today, we can succeed in eliminating these modern-day terrorists who threaten our world, our prosperity, and our liberty.

I am honored to have the opportunity to speak tonight, and I yield the floor.

#### ADJOURNMENT UNTIL MONDAY, SEPTEMBER 24, 2001

The PRESIDENT pro tempore. Under the previous order, the Senate stands in adjournment until 12 noon, Monday, September 24, 2001.

Thereupon, the Senate, at 7:43 p.m., adjourned until Monday, September 24, 2001, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate September 21, 2001:

##### DEPARTMENT OF DEFENSE

MICHELLE VAN CLEAVE, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE BRIAN E. SHERIDAN.

WILLIAM WINKENWERDER, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE SUE BAILEY.

##### EXECUTIVE OFFICE OF THE PRESIDENT

JOHN H. MARBURGER, III, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE NEAL F. LANE.

##### DEPARTMENT OF STATE

WILLIAM R. BROWNFIELD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

LARRY MILES DINGER, OF IOWA, A CAREER MEMBER OF THE FOREIGN SERVICE, TO BE AMBASSADOR TO THE FEDERATED STATES OF MICRONESIA.

##### ENVIRONMENTAL PROTECTION AGENCY

KIMBERLY TERESE NELSON, OF PENNSYLVANIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE EDWIN A. LEVINE, RESIGNED.

##### THE JUDICIARY

CLAY D. LAND, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF GEORGIA, VICE J. ROBERT ELLIOTT, RETIRED.

RANDY CRANE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

##### EXECUTIVE OFFICE OF THE PRESIDENT

MARY ANN SOLBERG, OF MICHIGAN, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY. (NEW POSITION)

##### SMALL BUSINESS ADMINISTRATION

THOMAS M. SULLIVAN, OF MASSACHUSETTS, TO BE CHIEF COUNSEL FOR ADVOCACY, SMALL BUSINESS ADMINISTRATION, VICE JERE WALTON GLOVER, RESIGNED.

##### PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

##### To be medical director

KETTY M. GONZALEZ  
GUNTA I. OBRAMS

##### To be senior surgeon

VITO M. CASERTA  
OLGA GRAJALES  
MARY L. KAMB  
DAWN L. WYLLIE

##### To be surgeon

ANDREW BLAUVELT  
MICHAEL J. BOGUARD  
J. RUSSELL BOWMAN  
MONICA E. PARISE  
LISA G. RIDER  
ABIGAIL M. SHEFFER  
DARRELL P. STONE

##### To be senior assistant surgeon

DAHNA L. BATTS-OSBORNE  
STEPHEN M. HEWITT  
JAMES F. LANDO  
JOHN T. NING  
ALEXANDER K. ROWE  
STEPHEN M. RUDD  
SEYMOUR G. WILLIAMS

##### To be senior dental surgeon

MICHAEL L. CAMPSMITH  
A. ISABEL GARCIA

##### To be dental surgeon

RONALD E. BAJUSCAK  
TANIA M. MACIAS  
WILNETTA A. SWEETING  
MICHAEL P. WINKLER

##### To be senior assistant dental surgeon

DAWN A. BREEDEN  
KATHERINE T. COTTON  
BRYAN S. DAWSON  
STANLEY K. GORDON  
MARIA-PAZ U. SMITH  
VALARIE D. WILSON

##### To be senior nurse officer

ROBERT E. EATON  
MARY I. LAMBERT  
SUSANNE R. ROHRER  
MARJORIE LYNN WITMAN

##### To be nurse officer

EILEEN D. BONNEAU  
RUTH M. COLEMAN  
TERRI L. DODDS  
SUSAN D. HILLIS  
BARBARA W. KILBOURNE  
GWETHLYN J. SABATINOS  
AMANDA S. WAUGAMAN

##### To be senior assistant nurse officer

THOMAS C. ARMINIO  
DEBORAH M. CARTER  
CHARLES D. DUKE JR.  
KEYLA E. GAMMARANO  
MARY C. KARLSON  
JULIE D. KING  
KIMBERLY M. MOCK  
LISA S. PENIX  
LAVERNE PUCKETT  
KEYSHA L. ROSS  
MICHAEL R. SANCHEZ  
JEANNE D. SHAFER  
STEVEN M. WACHA

##### To be assistant nurse officer

BENJAMIN F. BROWN JR.  
SERINA A. HUNTER  
PATRICIA K. MITCHELL  
TODD A. RIDGE  
WILLIAM RUIZ-COLON  
TONIA L. SAWYER  
THOMAS R. STANLEY  
ROBBIE K. TAYLOR

##### To be engineer officer

KEVIN B. MILNE

*To be senior assistant engineer officer*

DONALD C. ANTROBUS  
MARK A. CALKINS  
EDWARD A. CAYOUS  
TRACY D. GILCHRIST  
STEVEN M. MCGOVERN  
DALE M. MOSSEFIN  
JEFFREY S. REYNOLDS  
HILDA F. SCHAREN-GUIVEL  
JERRY A. SMITH  
MICHAEL A. STOVER  
DARRALL F. TILLOCK  
MARY M. WEBER

*To be scientist director*

VICTOR KRAUTHAMER

*To be senior scientist*

YOUNG H. LEE  
H. EDWARD MURRAY

*To be scientist*

KATE M. BRETT  
ANGELA M. GONZALEZ  
O'NEAL A. WALKER

*To be senior assistant scientist*

NELSON ADEKOYA  
MEHRAN S. MASSOUDI  
DARIN J. WEBER

*To be sanitarian*

JARET T. AMES  
DAVID P. BLEICHER

*To be senior assistant sanitarian*

STEPHEN P. BERARDINELLI JR.  
CALVIN K. COOK  
CALVIN W. EDWARDS  
WILLIAM T. GOING III  
ROBERT W. GRUHOT  
SUSAN D. MCCrackEN  
JOSEPH A. TERRA JR.  
DAVID B. TIBBS  
LINDA K. WEST

*To be senior veterinary officer*

MARK A. BRYANT  
SHELLEY HOOGSTRATEN-MILLER  
BARTON G. WEICK

*To be veterinary officer*

JUDITH A. DAVIS  
MARISSA A. MILLER  
ALFRED W. MONTGOMERY

*To be senior pharmacist*

JOHNNY W. BENSON  
JAMES S. WILLIAMS III  
STANLEY K. WORK

*To be pharmacist*

LAURIE B. BURKE  
FLOYD J. KRIEGHOFF  
JOSEPH F. MCGINNIS  
RAELENE W. SKERDA  
MATTHEW A. SPATARO  
KIMBERLY A. ZIETLOW

*To be senior assistant pharmacist*

KARL D. AAGNES  
CLINTON D. BULLOCK  
RICHARD O. DECEDERFELT  
DENISE M. DIGIULIO  
SCOTT F. GIBERSON  
MICHAEL J. GOODIN  
JANE M. KREIS  
JOHN R. MARTIN  
TERRI J. MARTIN  
SHEILA K. NORRIS  
LISA M. ROSE  
VANESSA G. THOMAS-WILSON  
JEFFREY W. WALLING  
TERESA A. WATKINS  
TRAVIS E. WATTS

*To be assistant pharmacist*

TINA M. SPENCE

*To be dietitian*

SUSAN T. DETHMAN

*To be senior assistant dietitian*

CHARLENE G. SANDERS

*To be therapist*

REBECCA A. PARKS

*To be senior assistant therapist*

LAURA M. GROGAN  
MICHAEL D. LAPLANTE  
ERIC D. PAYNE  
MATTHEW E. TAYLOR

DANIEL C. WEAVER

*To be assistant therapist*

COREY S. DAHL

*To be senior health services officer*

ILZE L. RUDITIS

*To be health services officer*

STEVEN M. GLOVER  
DARLENE A. HARRIS  
CARMENCITA T. PALMA  
JULIA A. STOKES

*To be senior assistant health services officer*

SHERLENE BAILEY  
KATHY L. BALASKO  
MARINNA A. BANKS  
JOSE H. BELARDO  
JULIE WOFFORD BLACK  
DAWN M. CLARY  
SANDRA L. FERGUSON  
KATHLEEN D. HEIDEN  
MARY C. HOLLISTER  
DAVID W. KEENE  
SCOTT A. MIDDLEKAUFF  
GODWIN O. ODIA  
ELIZABETH A. PIERCE  
BRIAN E. RICHMOND  
RENEE S. ROBERSON  
LISA D. STARNES  
SCOTT W. TOBIAS  
GILBERT E. VARNEY JR.  
KIMBERLY A. WALKER

*To be assistant health services officer*

PARMJEET S. SAINI  
AMANDA D. STODDARD

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral*

REAR ADM. (LH) JAMES C. OLSON, 0000  
REAR ADM. (LH) JAMES W. UNDERWOOD, 0000  
REAR ADM. (LH) RALPH D. UTLEY, 0000  
REAR ADM. (LH) KENNETH T. VENUTO, 0000

## IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. DAVID F. BRUBAKER, 0000  
COL. MICHAEL W. CORBETT, 0000

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. LARRY R. JORDAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. KEVIN P. BYRNES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. PAUL J. KERN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOSEPH R. INGE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL KEITH B. ALEXANDER, 0000  
BRIGADIER GENERAL ELDON A. BARGEWELL, 0000  
BRIGADIER GENERAL DAVID W. BARNO, 0000  
BRIGADIER GENERAL JOHN R. BATISTE, 0000  
BRIGADIER GENERAL PETER W. CHIARELLI, 0000  
BRIGADIER GENERAL CLAUDE V. CHRISTIANSON, 0000  
BRIGADIER GENERAL ROBERT T. DAIL, 0000  
BRIGADIER GENERAL PAUL D. EATON, 0000

BRIGADIER GENERAL KARL W. EIKENBERRY, 0000  
BRIGADIER GENERAL ROBERT H. GRIFFIN, 0000  
BRIGADIER GENERAL JOHN W. HOLLY, 0000  
BRIGADIER GENERAL DAVID H. HUNTOON JR., 0000  
BRIGADIER GENERAL JAMES C. HYLTON, 0000  
BRIGADIER GENERAL GENE M. LACOSTE, 0000  
BRIGADIER GENERAL DEE A. MCWILLIAMS, 0000  
BRIGADIER GENERAL RAYMOND T. ODIERNO, 0000  
BRIGADIER GENERAL VIRGIL L. PACKETT II, 0000  
BRIGADIER GENERAL JOSEPH F. PETERSON, 0000  
BRIGADIER GENERAL DAVID H. PETRAEUS, 0000  
BRIGADIER GENERAL MARILYN A. QUAGLIOTTI, 0000  
BRIGADIER GENERAL MICHAEL D. ROCHELLE, 0000  
BRIGADIER GENERAL DONALD J. RYDER, 0000  
BRIGADIER GENERAL HENRY W. STRATMAN, 0000  
BRIGADIER GENERAL JOE G. TAYLOR JR., 0000  
BRIGADIER GENERAL N. ROSS THOMPSON III, 0000  
BRIGADIER GENERAL JAMES D. THURMAN, 0000  
BRIGADIER GENERAL THOMAS R. TURNER II, 0000  
BRIGADIER GENERAL MICHAEL A. VANE, 0000  
BRIGADIER GENERAL WILLIAM G. WEBSTER JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

GEORGE M. GOUZY III, 0000  
CARROL H. KINSEY JR., 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JEFFREY E. ARNOLD, 0000  
BENJAMIN GUZMANTORRES, 0000  
TIMOTHY L. SHEPPARD, 0000

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

HENRY J. GOODRUM, 0000

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant*

RICHARD D. ANDERSON III, 0000  
JAMES P. INGRAM, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

BRADLEY J. SMITH, 0000

## CONFIRMATIONS

## EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE SEPTEMBER 21, 2001:

## DEPARTMENT OF TRANSPORTATION

ELLEN G. ENGLEMAN, OF INDIANA, TO BE ADMINISTRATOR OF THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

## NATIONAL TRANSPORTATION SAFETY BOARD

MARION BLAKEY, OF MISSISSIPPI, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

MARION BLAKEY, OF MISSISSIPPI, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2005.

## DEPARTMENT OF TRANSPORTATION

READ VAN DE WATER, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## THE JUDICIARY

SHARON PROST, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

## DEPARTMENT OF JUSTICE

DEBORAH J. DANIELS, OF INDIANA, TO BE AN ASSISTANT ATTORNEY GENERAL.

**HOUSE OF REPRESENTATIVES—Friday, September 21, 2001**

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, ever faithful to Your covenant with Your people, and always loving to those who call upon Your Holy Name, be with us today and in the unfolding historic days ahead. In this land of liberty, we freely choose to be renewed in faith and place our trust in You.

At this time of seeking justice, Lord, guide our President and the Members of this Congress. Confirm them and all Americans, military and civilians alike, to the noble task of performing daily work to the best of their ability.

Already You have lifted this Nation from death and debris with stories of heroes and heroines, songs of revitalized patriotism and new depth of unity born out of love of family and love of country.

With Your help, our grieving will never end but become fond remembrance. With Your help, our response to all forces of evil and injustice has just begun and will never cease.

Emerging from clouds of dismay, You Lord, have brought about quiet resolve, a deeper respect for all humanity and a longing for lasting peace.

Lord, may the words of Daniel Webster which are engraved above this Chamber now come to life in the flesh and bone of this country.

Let us develop the resources of our land, call forth its power, build up its institutions, promote all its great interests and see whether we also, in our day and generation, may not perform something worthy to be remembered.

And with Your blessing, may this country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty upon which the world may gaze with admiration forever. Amen.

**THE JOURNAL**

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

**PLEDGE OF ALLEGIANCE**

The SPEAKER. Will the gentleman from New York (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER. The Chair will delay 1-minute requests until the end of the legislative day.

**MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2904, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002**

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, and that consideration of the bill proceed according to the following order.

The first reading of the bill shall be dispensed with.

All points of order against the bill and against its consideration are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

**GENERAL LEAVE**

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2904, and that I may include tabular and extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

**MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2002**

The SPEAKER. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole of the State of the Union for the consideration of the bill, H.R. 2904.

□ 0905

**IN THE COMMITTEE OF THE WHOLE**

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Defense Department for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, September 21, 2001, the bill is considered as having been read the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I present the subcommittee's recommendations, let me take a moment to address the events perpetrated on the United States last week.

America has been hurt by these attacks, but we are far from defeated. We will care for our wounded and mourn for those who have lost their lives. We will repair the physical damage to our institutions and seek out those who are responsible. We will have justice. We

will stand together, and we will emerge from this catastrophe stronger than before.

This subcommittee is committed to working with the Defense Department to ensure the necessary resources are available for reconstructing the Pentagon and improving the anti-terrorism and force protection measures of defense facilities at home and abroad.

Let me assure the Members, the funding needed to rebuild the Pentagon will be made available from last week's \$40 billion emergency spending measure; and it is my understanding that the Department is already moving ahead with the reconstruction effort from the first \$10 billion provided to the President.

Mr. Chairman, I would also like to point out that the portion of the Pentagon which was damaged in the attack on September recently received a thorough renovation. The safety improvements made as part of those renovations, including the Kevlar window protection and the new sprinkler system, have been credited with saving more lives from being lost in the attack.

Although the renovation of the Pentagon was originally funded through the Subcommittee on Defense of the Committee on Appropriations and the Pentagon Renovation Revolving Fund, we fully expect the reconstruction of the destroyed wedge of the building to be funded through the military construction defense-wide appropriation.

For now, the President has encouraged America to go back to work. This includes the Congress, and today we are moving forward with this needed legislation to improve the quality of life for our military personnel.

This legislation also includes numerous infrastructure and security improvements at bases across the coun-

try. These are desperately needed by our military forces. Force protection requirements are addressed in every new building or major renovation, and we will continue to work with the Department to ensure these requirements are current and met.

Therefore, it is my pleasure to present to the House the recommendations of the military construction appropriations bill for fiscal year 2002.

I would particularly like to thank the gentleman from Massachusetts (Mr. OLVER), my ranking member, and other members of the subcommittee for their help in producing a bipartisan recommendation.

The bill presented to the House today totals \$10.5 billion. This represents a \$1.56 billion, or 17 percent increase, from last year's appropriation. This appropriation amount is within the 302(b) allocation for both budget authority and outlays.

The recommendations before the House are solid, fully funded priority projects for the services and our troops. The legislation helps meet the needs of our military families and improves our national security infrastructure. It is fiscally responsible, while supporting the housing, child care and medical needs of our military.

Within the \$10.5 billion, we have been able to address quality of life issues, including \$1.2 billion for troop housing, \$43 million for child development centers, \$199 million for hospital and medical facilities, \$1.1 billion for new family housing units and for improvements to existing units, and \$2.9 billion for operating and maintenance of existing family housing units.

In this bill, there is over \$1.1 billion for overseas construction of family housing. This subcommittee has seen firsthand the conditions that our troops live and work in overseas, and we are appalled by what we have seen.

This \$1.1 billion only begins to buy down these requirements, but it will go a long way for the spirit and morale of our servicemen and women stationed overseas.

We have worked closely with the authorizing committee; and I would like to thank the gentleman from New Jersey (Mr. SAXTON) and his staff for their help, particularly Phil Grone, a longtime staff member who is leaving to go down to the Defense Department.

Also this year we have had a new clerk of our committee, Valerie Baldwin. Valerie and her staff have done a great job in her first year as clerk.

I would also like to thank Tom Forhan of the minority staff. Tom has traveled with us as we have gone around. He has been very helpful in making sure that this is a bipartisan bill.

Of course, I have to thank my ranking member. The gentleman from Massachusetts (Mr. OLVER) has been a great Member. He has gone with us all over the world looking at facilities, making sure that the environment is protected, and where we are going for the future. He has done a terrific job in learning this job. This is not an easy job to learn, and he has done a great job at it.

In conclusion, this \$10.5 billion is roughly 3 percent of the total defense budget, but it directly supports the men and women in our Armed Forces. There are critical shortfalls in our defense infrastructure; and we believe this bill begins to address those shortfalls, in increasing productivity, readiness, recruitment and retention, all very vital at this most critical time in our national defense.

Mr. Chairman, I include the following tabular material for the RECORD.

**MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2002 (H.R. 2904)**  
**(Amounts in thousands)**

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Military construction, Army.....	907,878	1,760,541	1,739,334	+831,456	-21,207
Foreign currency fluctuation adjustment.....	-635			+635	
Rescission.....			-36,400	-36,400	-36,400
Miscellaneous appropriations (P.L. 106-554).....	26,941			-26,941	
Supplemental appropriations (P.L. 107-20).....	9,144			-9,144	
Total.....	943,328	1,760,541	1,702,934	+759,606	-57,607
Military construction, Navy.....	929,113	1,071,408	1,154,248	+225,135	+82,840
Foreign currency fluctuation adjustment.....	-2,889			+2,889	
Rescission.....			-19,588	-19,588	-19,588
Supplemental appropriations (P.L. 107-20).....	3,187			-3,187	
Total.....	929,411	1,071,408	1,134,660	+205,249	+63,252
Military construction, Air Force.....	868,294	1,068,250	1,185,220	+316,926	+116,970
Miscellaneous appropriations (P.L. 106-554).....	11,974			-11,974	
Supplemental appropriations (P.L. 107-20).....	5,065			-5,065	
Total.....	885,333	1,068,250	1,185,220	+299,887	+116,970
Military construction, Defense-wide.....	819,954	694,558	863,058	+43,104	+168,500
Foreign currency fluctuation adjustment.....	-7,115			+7,115	
Rescission.....			-10,250	-10,250	-10,250
Supplemental appropriations (P.L. 107-20).....	-14,376			+14,376	
Total.....	798,463	694,558	852,808	+54,345	+158,250
Total, Active components.....	3,556,535	4,594,757	4,875,622	+1,319,087	+280,865
Military construction, Army National Guard.....	281,097	267,389	313,348	+32,251	+45,959
Miscellaneous appropriations (P.L. 106-554).....	4,490			-4,490	
Total.....	285,587	267,389	313,348	+27,761	+45,959
Military construction, Air National Guard.....	203,381	149,072	198,803	-4,578	+49,731
Supplemental appropriations (P.L. 107-20).....	6,700			-6,700	
Total.....	210,081	149,072	198,803	-11,278	+49,731
Military construction, Army Reserve.....	108,499	111,404	167,769	+59,270	+56,365
Military construction, Naval Reserve.....	64,331	33,641	62,351	-1,980	+28,710
Rescission.....	-2,400		-925	+1,475	-925
Total.....	61,931	33,641	61,426	-505	+27,785
Military construction, Air Force Reserve.....	36,510	53,732	81,882	+45,372	+28,150
Total, Reserve components.....	702,608	615,238	823,228	+120,620	+207,990
Total, Military construction.....	4,259,143	5,209,995	5,698,850	+1,439,707	+488,855
Appropriations.....	(4,261,543)	(5,209,995)	(5,766,013)	(+1,504,470)	(+556,018)
Rescissions.....	(-2,400)		(-67,163)	(-64,763)	(-67,163)
NATO Security Investment Program.....	171,622	162,600	162,600	-9,022	
Family housing, Army:					
New construction.....	165,459	59,200	61,700	-103,759	+2,500
Construction improvements.....	63,450	220,750	220,750	+157,300	
Planning and design.....	6,528	11,592	11,592	+5,064	
Subtotal, construction.....	235,437	291,542	294,042	+58,605	+2,500
Operation and maintenance.....	969,566	1,108,991	1,096,431	+126,665	-12,560
Foreign currency fluctuation adjustment.....	-19,911			+19,911	
Subtotal, operation and maintenance.....	949,655	1,108,991	1,096,431	+146,776	-12,560
Supplemental appropriations (P.L. 107-20).....	26,480			-26,480	
Total, Family housing, Army.....	1,211,572	1,400,533	1,390,473	+178,901	-10,060
Family housing, Navy and Marine Corps:					
New construction.....	204,669	114,847	124,847	-79,822	+10,000
Construction improvements.....	192,652	183,054	203,434	+10,782	+20,380
Planning and design.....	19,914	6,499	6,499	-13,415	
Subtotal, construction.....	417,235	304,400	334,780	-82,455	+30,380
Operation and maintenance.....	880,696	918,095	910,095	+29,399	-8,000
Foreign currency fluctuation adjustment.....	-1,071			+1,071	
Subtotal, operation and maintenance.....	879,625	918,095	910,095	+30,470	-8,000
Supplemental appropriations (P.L. 107-20).....	20,300			-20,300	
Total, Family housing, Navy and Marine Corps.....	1,317,160	1,222,495	1,244,875	-72,285	+22,380

**MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2002 (H.R. 2904)—Continued**  
**(Amounts in thousands)**

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing, Air Force:					
New construction .....	71,857	140,800	140,800	+ 68,943	.....
Construction improvements .....	173,663	352,879	370,879	+ 197,216	+ 18,000
Planning and design .....	12,732	24,558	24,558	+ 11,826	.....
Foreign currency fluctuation adjustment .....	-6,839	.....	.....	+ 6,839	.....
Subtotal, construction .....	251,413	518,237	536,237	+ 284,824	+ 18,000
Operation and maintenance .....	824,453	869,121	858,121	+ 33,668	- 11,000
Foreign currency fluctuation adjustment .....	-5,392	.....	.....	+ 5,392	.....
Subtotal, operation and maintenance .....	819,061	869,121	858,121	+ 39,060	- 11,000
Supplemental appropriations (P.L. 107-20) .....	13,625	.....	.....	- 13,625	.....
Total, Family housing, Air Force .....	1,084,099	1,387,358	1,394,358	+ 310,259	+ 7,000
Family housing, Defense-wide:					
Construction improvements .....	.....	250	250	+ 250	.....
Operation and maintenance .....	44,787	43,762	43,762	- 1,025	.....
Total, Family housing, Defense-wide .....	44,787	44,012	44,012	- 775	.....
Department of Defense Family Housing Improvement Fund .....	.....	2,000	2,000	+ 2,000	.....
Homeowners assistance fund, Defense .....	.....	10,119	10,119	+ 10,119	.....
(By transfer) .....	.....	.....	(7,730)	(+ 7,730)	(+ 7,730)
Total, Family housing .....	3,657,618	4,066,517	4,085,837	+ 428,219	+ 19,320
New construction .....	(441,985)	(314,847)	(327,347)	(- 114,638)	(+ 12,500)
Construction improvements .....	(429,765)	(756,933)	(795,313)	(+ 365,548)	(+ 38,380)
Foreign currency fluctuation adjustment .....	(- 6,839)	.....	.....	(+ 6,839)	.....
Planning and design .....	(39,174)	(42,649)	(42,649)	(+ 3,475)	.....
General reduction .....	.....	.....	.....	.....	.....
Operation and maintenance .....	(2,779,907)	(2,939,969)	(2,908,409)	(+ 128,502)	(- 31,560)
Foreign currency fluctuation adjustment .....	(- 26,374)	.....	.....	(+ 26,374)	.....
Family Housing Improvement Fund .....	.....	(2,000)	(2,000)	(+ 2,000)	.....
Homeowners Assistance Fund .....	.....	(10,119)	(10,119)	(+ 10,119)	.....
(By transfer) .....	.....	.....	(7,730)	(+ 7,730)	(+ 7,730)
Base realignment and closure accounts:					
Part IV .....	1,022,115	532,200	552,713	- 469,402	+ 20,513
Supplemental appropriations (P.L. 107-20) .....	9,000	.....	.....	- 9,000	.....
Total .....	1,031,115	532,200	552,713	- 478,402	+ 20,513
GENERAL PROVISIONS					
General provision (sec. 129) .....	- 100,000	.....	.....	+ 100,000	.....
Foreign currency account (sec. 132) .....	- 83,000	.....	.....	+ 83,000	.....
Grand total:					
New budget (obligational) authority .....	8,936,498	9,971,312	10,500,000	+ 1,563,502	+ 528,688
Appropriations .....	(8,938,898)	(9,971,312)	(10,567,163)	(+ 1,628,265)	(+ 595,851)
Rescissions .....	(- 2,400)	.....	(- 67,163)	(- 64,763)	(- 67,163)
(By transfer) .....	.....	.....	(7,730)	(+ 7,730)	(+ 7,730)

Mr. Chairman, I reserve the balance of my time.

□ 0915

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to start out by returning the thanks that the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee has already given. I want first to thank the chairman for his cooperation in the production of what is truly a bipartisan bill. I want to thank also the very excellent work that has been done by the staffs, both the majority staff, so ably led by Valerie Baldwin, and our minority staff, Tom Forhan from the minority, and my own personal staff, Suzanne DuMont.

Mr. Chairman, I want to make clear that America will find no difference between the majority and the minority in our support for the men and women who protect America. So I endorse the comments that have been made along those lines by the chairman.

This bill was reported out before the terrible events of last week, but includes help on the course the President of the United States set in America's fight against international terrorism.

Many Members know that many of our problems with military facilities are with those facilities overseas. It is always easier to get the required resources at home. Troops and their families serving at our bases in foreign countries are more easily forgotten. We have railheads that can barely be used to move equipment, vehicle maintenance shops smaller than the vehicles they are supposed to support, and housing so poor that, for the sake of their families, members of the armed services are reluctant to reenlist.

This bill provides \$500 million more than the President requested earlier this year and, obviously, before the events of September 11. The gentleman from Ohio (Mr. HOBSON) and the committee have already added to the President's requested projects that are badly needed in the Middle East, Europe and the Far Pacific.

We have added, for instance, for separate projects a total of more than \$5 million for two special forces training ranges in the Pacific which will be used to train our troops, our ground troops, the Marines and the Army, for urban combat. We have added more than \$5 million for an Air Force facility in Turkey, and there is another \$12 million for replacing the barracks in Korea. Those are some of the kinds of examples of foreign places where the facilities are particularly inadequate. But what we have been able to do within the allocation is just a small step in the right direction.

We have many serious problems with our facilities overseas that affect not only the quality of life for our troops and their families, but our military

readiness as well. We all have a responsibility to work together to correct this grim situation.

The report for this bill begins with a declaration of the committee support for our national efforts to recover from and respond to the terrorist attacks. We may have our differences on a few matters, but on this we are standing together. We need this bill to continue our efforts, to give our support to the men and women who are protecting us in the military. I urge the Members to support the bill.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT) for a colloquy.

Mr. TRAFICANT. Mr. Chairman, I would like to first make a brief statement.

America certainly has been a generous Nation. We have literally rebuilt Germany, Japan and Italy after World War II and saved France from collapse. The Marshall Plan and the Truman Plan have saved other countries.

I want to applaud President Bush for challenging both America and the entire free world in one of the great speeches made in our history last night. It is certainly helping to heal America. But there are still some symptoms that exist that must be addressed.

In our great show of patriotism with flags waving all over America, the news has been reported that most of these flags have been made in China. I want to just state that China, as recently as this morning, has announced and pledged support to President Bush and our coalition worldwide. But on Tuesday, September 11, if that date rings a bell, the Chinese Government signed a cooperative agreement with the Taliban government of Afghanistan which, in fact, harbors Osama bin Laden.

I think we have to make sure that nations do not speak out of both sides of their mouths. But my question was, when I first came over, I have added Buy American language to respective bills. After having looked, there were two versions of bills here. I want a clarification.

The Traficant language basically states that any grants awarded under this bill shall be to entities that shall agree to comply with the Buy American Act. In addition, the Traficant language says that any firm or company that is in violation of the Buy American Act shall be ineligible to receive grants or contracts under this bill.

I was under the impression that only one section of that existed, but the staff of the gentleman has basically stated that both provisions are in the bill.

Mr. Chairman, I would like to know if both of those provisions do exist in this particular bill.

Mr. HOBSON. Mr. Chairman, if the gentleman will yield, it is my opinion

they do, as it is our intent. I am very sensitive to this. I happen to be pursuing a similar Buy American situation in another bill right now, which I plan to talk to the gentleman about at a later time.

Mr. Chairman, I want the gentleman to know I am very sympathetic to that provision.

Mr. TRAFICANT. Mr. Chairman, I would like to offer that Buy American provision with the gentleman. I want to commend the gentleman for the great job he has done; and I also want to commend our ranking member, the gentleman from Massachusetts (Mr. OLVER) for his initiation here.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume. I have no further requests for time, but I would like to do two things before I ask my ranking member if he has any additional speakers.

First of all, I would like to thank Kenny Kraft of my personal staff who has worked on the Hill for over 20 years. He worked on appropriations for many, many years. He has been very helpful to me as we put this bill together, along with the staff of the committee. Kenny has been very loyal to our staff, and I very much appreciate that.

Also, the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, feels very strongly about our military and about the military preparedness of our troops. He had hoped to be here this morning; he wanted to speak on this bill, but he has been requested to be in a conference discussing other bills that are before the Committee on Appropriations; and, therefore, he was not able to be here. But both the gentleman from Florida (Mr. YOUNG) and his wife, Beverly, have traveled extensively and have a very strong feeling for our troops and the quality of life of our troops. I want to thank them for their support. I know that the gentleman, if he were here, would be much more eloquent on this, but he has done a great job for us; and I just want to say that I am sorry he is not here this morning, because I know he wanted to do that.

Mr. Chairman, I have no further requests for time, and I would ask my ranking member if he has any further requests for time.

Mr. OLVER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I join my colleagues in support of H.R. 2904, legislation making appropriations for our nation's military construction needs for FY 2002. Passage of this bill will ensure that our military infrastructure is maintained and upgraded to meet our increased national defense demands. Most importantly, this bill will enhance the quality of life for our military personnel and their families

by improving the living and working conditions at our military installations.

I am particularly pleased to note that included within this bill is funding for several MILCON projects that will directly support Guam and its strategic role to our national security in the Western Pacific. The military facilities located on Guam will benefit from over \$66 million in new construction and improvements, an amount almost doubling what Guam received last year. Phase II of the Guam Army Guard Readiness Center and the ground breaking for a Guam Air National Guard training center will go forward as a result of this legislation. These are two very important and desperately needed projects to maintain essential readiness and operational capabilities. Other projects included in the bill are a Forward Operation Location War Reserve Material Storage Facility at Andersen Air Force Base and the modernization of the Navy's Bachelor Enlisted Quarters and Public Works Waterfront Utilities. This bill also contains \$20 million to continue the replacement of Andersen's hydrant fuel system, funding that will equip the base with the largest fuel capacity in the entire Pacific.

The people of Guam welcome this significant boost in military construction activity and appreciate the recognition given our people in uniform, particularly the Guam Army and Air Guards. This bill ultimately bolsters our troops, advances our readiness and strengthens our overall defense capabilities. I commend the Chairman, Mr. HOBSON, and the Ranking Member, Mr. OLVER, for their diligent work in crafting this important legislation and I urge its passage.

Mr. NUSSLE. Mr. Chairman, I rise in favor of H.R. 2904, providing appropriations for military construction.

H.R. 2904 provides \$10.5 billion in budget authority and \$9.2 billion in outlays for fiscal year 2002. It is fully consistent with the concurrent resolution on the budget and complies with the Congressional Budget Act.

The bill provides exactly the amount of new budget authority permitted under the 302(b) allocation for the Subcommittee on Military Construction. Consequently, it complies with section 302(b) of the Budget Act, which stipulates that appropriation bills may not exceed the reporting subcommittee's 302(b) allocation.

The bill exceeds the level requested by the President by \$529 million in budget authority.

The bill does not designate any emergencies. Nor does it provide any advanced appropriations. It does, however, rescind \$67 million in previously appropriated budget authority.

I commend my colleagues for working to produce a bill that is consistent with our national priorities and the budget resolution.

Mr. BUYER. Mr. Chairman, I rise in strong support of the Fiscal Year 2002 Military Construction Appropriations bill.

This bill is good for defense, and it is good for the nation.

Equally important, it is good for the people of Indiana because it continues to recognize their important contributions to this nation's national security, by providing funding for Grissom Air Reserve Base, the Newport Chemical depot, and the Crane Naval Service Warfare Center.

I would like to thank Chairman HOBSON for honoring my requests for funding.

Specifically for the \$66 million for Newport Chemical depot.

This funding comes on the heels of well over \$145 million for Newport over the last four years.

In addition, this bill provides \$13.2 million to finish Phase III of the Grissom Air Reserve Base Services Complex.

Over the last two years, this body has authorized \$22.1 million for phases I and II, as well as an additional \$4.73 million for the construction of a new Marine Corps Reserve Center at Grissom, and a total of \$4.8 million for three Army National Guard Maintenance Shops in Plymouth, Logansport, and Delphi.

Lastly, this bill provides \$9.11 million for a Microwave Engineering Device Facility and \$5.82 million for a Special Warfare Engineering Facility at the Crane Naval Surface Warfare Center.

Mr. Chairman, I want to thank this body on behalf of the hard working people of Indiana for recognizing their contributions to national security, as well as funding the military construction projects that I have requested.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the bill, through page 21, line 13, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill through page 21, line 13, is as follows:

H.R. 2904

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2002, and for other purposes, namely:

**MILITARY CONSTRUCTION, ARMY**  
(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,739,334,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$163,141,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 106-52, \$36,400,000 is hereby rescinded.

**MILITARY CONSTRUCTION, NAVY**  
(INCLUDING RESCISSION)

For acquisition, construction, installation, and equipment of temporary or permanent

public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,154,248,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$30,972,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy" under division A of Public Law 106-246, \$19,588,000 is hereby rescinded.

**MILITARY CONSTRUCTION, AIR FORCE**

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,185,220,000, to remain available until September 30, 2006: *Provided*, That of this amount, not to exceed \$83,000,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

**MILITARY CONSTRUCTION, DEFENSE-WIDE**  
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$863,058,000, to remain available until September 30, 2006: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$74,496,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense-wide" under division B, title III, chapter 3 of Public Law 106-246, \$10,250,000 is hereby rescinded.

**MILITARY CONSTRUCTION, ARMY NATIONAL GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$313,348,000, to remain available until September 30, 2006.

**MILITARY CONSTRUCTION, AIR NATIONAL GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities

for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$198,803,000, to remain available until September 30, 2006.

#### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$167,769,000, to remain available until September 30, 2006.

#### MILITARY CONSTRUCTION, NAVAL RESERVE (INCLUDING RESCISSION)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$62,351,000, to remain available until September 30, 2006: *Provided further*, That of the funds appropriated for "Military Construction, Naval Reserve" under division A of Public Law 106-246, \$925,000 is hereby rescinded.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$81,882,000, to remain available until September 30, 2006.

#### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$162,600,000, to remain available until expended.

#### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$294,042,000, to remain available until September 30, 2006.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$1,096,431,000.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$334,780,000, to remain available until September 30, 2006.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing,

minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$910,095,000.

#### FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, \$536,237,000, to remain available until September 30, 2006.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$858,121,000.

#### FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for construction, \$250,000 to remain available until September 30, 2006; for Operation and Maintenance, \$43,762,000; in all \$44,012,000.

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,000,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing, and supporting facilities.

#### HOMEOWNERS ASSISTANCE FUND, DEFENSE

For the Homeowners Assistance Fund established by Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374) \$10,119,000, to remain available until expended.

#### BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$552,713,000, to remain available until expended: *Provided*, That not more than \$511,670,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

#### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads

as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by

section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved

and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than \$25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures, and all uses of funds pursuant to 10 U.S.C. 2601, for each individual flag and general officer quarters for the prior fiscal year: *Provided further*, That nothing herein precludes the Secretary concerned from using funds pursuant to 10 U.S.C. 2601 or similar authority.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2002, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(TRANSFER OF FUNDS)

SEC. 129. Of the funds made available in this Act, \$4,000,000 appropriated under the heading "Military Construction, Air Force" and \$4,000,000 appropriated under the heading "Military Construction, Defense-wide" shall be available to complete a military construction project for which funds were appropriated in Public Law 107-20 under the heading, "Military Construction, Air Force".

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed

in the designated place in the CONGRESSIONAL RECORD, and those amendments will be considered as having been read. Are there any amendments?

If not, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 2002".

The CHAIRMAN. If there are no amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2904) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes, pursuant to the order of the House of today, he reported the bill back to the House.

The SPEAKER pro tempore (Mr. SHIMKUS). Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 29, as follows:

[Roll No. 344]

YEAS—401

Abercrombie	Boswell	Cramer
Ackerman	Boucher	Crane
Aderholt	Boyd	Crenshaw
Akin	Brady (PA)	Crowley
Allen	Brady (TX)	Cunningham
Andrews	Brown (FL)	Davis (CA)
Armey	Brown (OH)	Davis (FL)
Baca	Brown (SC)	Davis (IL)
Bachus	Bryant	Davis, Jo Ann
Baird	Burr	Davis, Tom
Baker	Burton	Deal
Baldacci	Buyer	DeFazio
Baldwin	Callahan	DeGette
Ballenger	Calvert	Delahunt
Barcia	Camp	DeLauro
Barr	Cannon	DeLay
Barrett	Cantor	DeMint
Bartlett	Capito	Deutsch
Barton	Capps	Diaz-Balart
Bass	Capuano	Dicks
Becerra	Cardin	Doggett
Bentsen	Carson (OK)	Dooley
Bereuter	Castle	Doolittle
Berkley	Chabot	Doyle
Berry	Chambliss	Dreier
Biggert	Clay	Duncan
Billirakis	Clayton	Dunn
Bishop	Clement	Edwards
Blagojevich	Clyburn	Ehlers
Blumenauer	Coble	Emerson
Blunt	Collins	English
Boehlert	Combest	Eshoo
Boehner	Condit	Etheridge
Bonilla	Cooksey	Evans
Bonior	Costello	Everett
Bono	Cox	Farr
Borski	Coyne	Fattah

Ferguson	Langevin	Rodriguez
Filner	Lantos	Roemer
Flake	Largent	Rogers (KY)
Fletcher	Larsen (WA)	Rogers (MI)
Foley	Larson (CT)	Rohrabacher
Forbes	Latham	Ros-Lehtinen
Ford	LaTourette	Ross
Fossella	Leach	Rothman
Frank	Lee	Roukema
Frelinghuysen	Levin	Roybal-Allard
Frost	Lewis (CA)	Royce
Gallegly	Lewis (GA)	Rush
Ganske	Lewis (KY)	Ryan (WI)
Gekas	Linder	Ryun (KS)
Gephardt	Lipinski	Sabo
Gibbons	LoBiondo	Sanchez
Gilchrest	Lofgren	Sanders
Gillmor	Lucas (KY)	Sandlin
Gilman	Lucas (OK)	Sawyer
Gonzalez	Luther	Saxton
Goode	Maloney (CT)	Schakowsky
Goodlatte	Maloney (NY)	Schiff
Gordon	Manzullo	Schrock
Goss	Mascara	Scott
Graham	Matheson	Sensenbrenner
Granger	Matsui	Serrano
Graves	McCarthy (MO)	Sessions
Green (TX)	McCarthy (NY)	Shadegg
Green (WI)	McCollum	Shaw
Grucci	McDermott	Shays
Gutierrez	McGovern	Sherman
Gutknecht	McHugh	Sherwood
Hall (OH)	McInnis	Shimkus
Hall (TX)	McIntyre	Shows
Harman	McKeon	Shuster
Hart	McNulty	Simmmons
Hastings (FL)	Meehan	Simpson
Hastings (WA)	Meek (FL)	Skeen
Hayes	Menendez	Skelton
Hayworth	Mica	Slaughter
Hefley	Miller, Gary	Smith (MI)
Herger	Miller, George	Smith (NJ)
Hill	Mink	Smith (TX)
Hilleary	Mollohan	Smith (WA)
Hilliard	Moore	Snyder
Hinojosa	Moran (KS)	Solis
Hobson	Moran (VA)	Souder
Hoeffel	Morella	Spratt
Hoekstra	Murtha	Stark
Holt	Myrick	Stearns
Honda	Nadler	Stenholm
Hooley	Napolitano	Strickland
Horn	Neal	Stump
Hostettler	Nethercutt	Stupak
Houghton	Ney	Sununu
Hoyer	Northup	Sweeney
Hulshof	Norwood	Tancred
Hunter	Nussle	Tanner
Hyde	Oberstar	Tauscher
Inslee	Obey	Tauzin
Isakson	Oliver	Taylor (MS)
Israel	Ortiz	Taylor (NC)
Issa	Osborne	Terry
Istook	Ose	Thomas
Jackson (IL)	Otter	Thompson (CA)
Jackson-Lee	Owens	Thompson (MS)
(TX)	Oxley	Thornberry
Jefferson	Pallone	Thune
Jenkins	Pascarell	Thurman
John	Pastor	Tiahrt
Johnson (CT)	Payne	Tiberi
Johnson (IL)	Pelosi	Tierney
Johnson, E. B.	Pence	Toomey
Johnson, Sam	Peterson (MN)	Trafficant
Jones (NC)	Peterson (PA)	Udall (CO)
Jones (OH)	Petri	Upton
Kanjorski	Phelps	Velázquez
Kaptur	Pickering	Visclosky
Keller	Pitts	Vitter
Kelly	Platts	Walden
Kennedy (MN)	Pombo	Walsh
Kennedy (RI)	Pomeroy	Wamp
Kerns	Portman	Watkins (OK)
Kildee	Pryce (OH)	Watson (CA)
Kilpatrick	Putnam	Watt (NC)
Kind (WI)	Quinn	Waxman
King (NY)	Radanovich	Weiner
Kingston	Rahall	Weldon (FL)
Kirk	Ramstad	
Klecza	Rangel	
Knollenberg	Regula	
Kolbe	Rehberg	
Kucinich	Reyes	
LaFalce	Reynolds	
LaHood	Riley	
Lampson	Rivers	

Wolf	Wu	Young (AK)
Woolsey	Wynn	Young (FL)

NOT VOTING—29

Berman	Hansen	Miller (FL)
Carson (IN)	Hinchey	Paul
Conyers	Holden	Price (NC)
Cubin	Lowey	Schaffer
Culberson	Markey	Towns
Cummings	McCrery	Turner
Dingell	McKinney	Udall (NM)
Ehrlich	Meeks (NY)	Waters
Engel	Millender-	Watts (OK)
Greenwood	McDonald	Weldon (FL)

□ 0957

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 344 I entered the chamber just as the clerk closed the vote because I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. WELDON of Florida. Mr. Speaker, I was unavoidably detained during the vote on H.R. 2904. Had I been present I would have voted "yes" in favor of the bill.

Ms. MCKINNEY. Mr. Speaker, on rollcall No. 344, Military Construction Appropriations Act, had I been present, I would have voted "yea."

Mr. UDALL of New Mexico. Mr. Speaker, on rollcall No. 344, I was unable to record my vote. Had I been present, I would have voted "yea."

Mr. WATTS of Oklahoma. Mr. Speaker; as a result of the tragic events of September 11, 2001, I was involved in an Inter-Faith Alliance Ministry meeting this morning at your request. Due to my participation in this meeting, I was not present for the vote on H.R. 2904, The Military Construction Appropriations Act for Fiscal Year 2002. Had I been present for this vote, I would have voted "aye."

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1109

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1109.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 58 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1744

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 5 o'clock and 44 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2926, AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-214) on the resolution (H. Res. 244) providing for consideration of the bill (H.R. 2926) to preserve the continued viability of the United States air transportation system, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

*Resolved*, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of Friday, September 21, 2001, providing for consideration or disposition of a bill to preserve the continued viability of the United States air transportation system.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 242 waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules. The rule applies to the waiver to a special rule reported on the legislative day of September 21, 2001, providing for consideration or disposition of a bill to preserve the continued viability of the United States air transport system, H.R. 2926, the Air Transportation Safety and System Stabilization Act.

The rule allows this body to take up this legislation in a timely fashion, making it possible for prompt consideration of a much needed relief measure for the struggling airline industry.

Mr. Speaker, this House has been united as rarely, if ever, seen before. We came together in an overwhelming and bipartisan fashion to aid those in crisis and support our President as he seeks justice. Today, we need to come together again to consider a critical piece of legislation to further guide our Nation and its citizens through this

crisis. Now is not the time for stalling or dilatory tactics. This legislation has been approved by leaders on both sides of the aisle, in both Chambers, and in conjunction with the administration. It is imperative that we move forward with this urgent measure.

I urge my colleagues to support this rule so we may proceed with the legislation itself.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I thank my colleague for yielding the time, and I yield myself such time as I may consume.

This is the first of two rules that we will consider. This rule provides for the waiver of the 24-hour layover requirement for the next rule. I will have a fairly lengthy statement when we take up the next rule. We do have a number of speakers who want to speak on this rule as well as the next rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman for yielding time.

Mr. Speaker, here we have before us a bill that will cost the taxpayers of America more than \$20 billion. There will be 1 hour of debate. No amendments will be allowed. Even if this bill passes, 100,000 people in jobs directly related to the airline industry will lose their jobs. We have heard that from the CEOs who essentially wrote this bill. They are still going to fire or lay off 100,000 people. There is not one penny in this bill of accommodation for those people, for their insurance, for their mortgage, or anything else. Not one penny.

There are tens of thousands of other people who work in related businesses: travel agents, car rental agencies, hotels. The list is endless. There is not one penny for those people of assistance in this bill. Not an emergency disaster declaration. No help with their payments to the bank. Not one penny.

And then we go to our local airports. Millions of dollars a day are being spent by our local airports to beef up security. There is not one penny in this bill for them either. So 100,000 workers, related workers, all the other governments in America that are incurring costs, not one cent in this bill.

Even more distressing than that is the fact that the inadequate security measures that prevailed before this tragedy continue to prevail and under this bill will not be improved. This bill does not specify that we will federalize airport security, which we have heard from virtually every expert, we have even heard it from the airline CEOs, they just say they are not willing to pay for it, and they say the American public will not pay for it. They say the American public will not tolerate a \$3 tax for airline security. That is incredible. They are so out of touch. But they are so much in touch that they got ev-

erything they wanted in this bill, but everybody else is excluded.

This bill does not do the things we need to do today. It might be hard to write a good bill by tonight, but we can stay here this weekend and write a bill. If this is a crisis, why are the Republicans running out of town? Why are they pushing us out of here? Why are they limiting debate? And why are they not allowing a single amendment?

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, last night we heard from our President about what this Nation needs to do to come together in the face of the challenge and the crises and the dangers that we face. Yet today the first thing we do is bring out legislation that is very narrow in its focus. It only takes care of the solvency of the airlines to the exclusion of everyone else; to the exclusion of the workers who have lost their jobs, who are directly related to this, to their families, the problems they are suffering now as a result of that.

We take care of airline executive compensation. They are guaranteed in this bill they can make somewhere between 5 and 35, and, if they bail out of this industry in the next few months, they can make up to \$70 million. They are taken care of. But the people who have lost their health care coverage, the people who have lost their income, they are not taken care of.

This is about a Nation going forward together. But in this legislation, we left the workers behind. This legislation is based upon the premise that somehow if we give the airlines a bailout, that people will fly again.

But this legislation does not deal with the problems that the American public is concerned about. They are not concerned about whether or not their airline is solvent, they are concerned about whether or not it is safe. We failed to address, as we have for over a decade, the federalization of the law enforcement powers given to the people who are screening the bags and providing security. The fact of the matter is we have heard from so many people in the airline industry that people are only marginally better off, if any better off, since September 11 in the airline industry. That is why they are not flying.

This legislation should direct this administration and this government to federalize those systems. No, we are going to debate it. We are going to debate, and the airlines are going to come back and tell us that airline traffic cannot stand this fee, they cannot stand this fee so we cannot federalize this system. We had better do this, but we do not do it in this legislation. Why? Because we had to rush home

last weekend. Why? Because we have to rush home this weekend.

Supposedly we are in a setting here where we have to take these extraordinary measures to deal with the Nation's business, and all the Congress can think about is getting out of town. We ought to take care of the American people. We ought to take care of the American people who lost their jobs.

Mr. REYNOLDS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time.

Mr. Speaker, our Nation has gone through some of the most extraordinary days in our over 200-year history. A week ago Tuesday, we saw the harshest, most strident, barbaric attack on the civilian population of this country that we have ever seen. We have, over the last several days, been working together in a bipartisan way to deal with the challenge that lies ahead. Last night in this Chamber, the President of the United States stood right behind me and delivered an extraordinarily eloquent statement about the challenges that are ahead of us. As he did that, I was very pleased to see enthusiastic support from Democrats and Republicans, and the American people.

Last Friday night, an attempt was made to deal with part of this challenge by addressing the concerns of an industry that is critically important to the economic survival of the United States. I am not one who is a proponent of having the Federal Government subsidize or in any way underwrite a private sector entity. I happen to have very libertarian leanings as a Republican. I want to get the government out as much as we possibly can, especially when it comes to the marketplace. But a week ago Tuesday, following the tragic incident at the World Trade Center, here at the Pentagon, and in Pennsylvania, all planes that were headed, incidentally, to my State of California, we tried our darndest to look at ways in which we could deal with this challenge. Obviously, a decision was made by the Federal Government that we had to, on Tuesday, close down our Nation's airports.

In closing down those airports, we have seen figures of several hundred million dollars a day lost by the airline industry. That was a decision that the Federal Government made to close down those airports. A private sector entity was impacted by that. It happens to be the industry which allows for the flow of goods and services, and people, around this country and throughout the world.

In the 21st century, it is obvious that air travel is going to be critical for our Nation's survival. We have to rely on that. We cannot go back to simply rail,

truck, car or bus travel. We need to have a viable airline industry.

Last Friday night, an attempt was made to put into place a package that would provide an immediate influx of cash so that the airline industry did not go under, and provide some loan guarantees that would help sustain the industry for a longer period of time. I do not support the idea of rewarding any entity for bad practices, unwise business practices of the past. But I will say that when Speaker Hastert and Minority Leader Gephardt and our team, with the other body, proceeded to work on this package late into last night, my friend the gentleman from Missouri (Mr. BLUNT) has been very involved in this, many Members have been involved again on both sides of the aisle, a decision was made that we would try to ensure that we did not see the airline industry in this country go under.

That is exactly what we are trying to do right now, because a decision that was made by the Federal Government jeopardized the ability of this industry to have the flow of revenue that it needed to survive and continue to allow people and goods to move throughout this country. So that is why when the package, after having worked on it for a week, it was a week ago tonight that the first attempt was made to move this package through, and many Members, as I said, have been involved in this, we came together late last night. And I want to, as I often do here, thank both Democrats and Republicans on the Committee on Rules who worked late into the night in preparation for this and then reconvened early this morning to proceed again, and we have just now completed our work in the Committee on Rules, reporting out this bill which I believe is a very positive and important step.

Now, as we held our hearing upstairs this afternoon, Mr. Speaker, I should say that there were a wide range of very important and understandable concerns that have been raised. There is a great deal of pain that these barbarians have inflicted on the American people and on the civilized world. We want to do everything that we possibly can to mitigate the level of that pain. But right now we are here dealing with a very important industry that needs to remain viable for the economic stability of the United States and the world. That is why this effort is focused on this industry.

Again, there are loads of very important concerns that have been raised and will be continually raised from both sides of the aisle. But at this point, I recommend, Mr. Speaker, that we pass, first of all, the provision that allows us to proceed with the same-day consideration of this rule, then pass the rule, and move ahead and pass this bill so we can send that very important signal to the American people that we

are going to ensure that we can see that very important flow of individuals and of goods and of services throughout this country.

I urge an "aye" vote on this first rule that allows us to bring up consideration of the rule for the legislation.

□ 1800

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, there is absolutely no question that we must help the airline industry, but I have some real problems with the way we are going about it.

This package says we are going to give roughly \$15 billion in assistance to the airline industry, and I have no objection to that so long as it is a fair package, but there is nothing in this package for the people who work for those airlines; nothing by way of extension of unemployment compensation; nothing by way of extending their health benefits under COBRA, even though they would have to pay for those benefits themselves; nothing by way of additional training for them.

People are saying, "Oh, there is a limit of \$300,000 in this bill on executive compensation for airline executives." That is not true. This proposal says that if you made more than \$300,000 last year, you cannot earn more than you made last year and have your company eligible for this loan guarantee. That means that one airline CEO can collect \$13 million in compensation next year. Another, \$11 million. Meanwhile, for workers, there is zip, zero.

If we are going to have everybody get into the lifeboats, we ought to have enough lifeboats. We should not be like the Titanic. There ought to be enough lifeboats so that not just investors and CEOs but also workers get some help out of their government. We ought to be willing to stay here Saturday and Sunday and Monday, however long it takes, to put this package together.

There is much talk of unity. God knows how much we need it. But if you want unity, the best way to get it is to convince all Americans that they are going to be treated equally. Do not tell the workers of this country that they will be considered as afterthoughts, and that is what has happened.

Yes, we have an urgent need to act, but we also have an urgent need to provide fairness and justice. That is what the American people deserve. This package does not do that. I desperately do not want to vote against it, but it is very difficult to vote for it when it has this kind of rampant unfairness.

This bill ought to go back to committee. Our leaders on both sides of the aisle have enough talent and enough dedication to take a couple of extra days and put this package together so that everyone, everyone is helped by it,

not just those who have the best connections with Washington.

Mr. REYNOLDS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I would like to thank the gentleman from New York (Mr. REYNOLDS) for bringing this matter to consideration on the floor.

I am chairman of the Travel and Tourism Caucus, and I can underscore the concern in this building today is to get the economy moving. Now, I respect the concerns of the other Members of this body who are worried about employees and safeguards for employees. I struggle with those issues, too; but if we do not deal with this issue rather quickly, there will not be employees at all, regardless of the efforts of those to protect them in this bill.

The Dow Jones industrial average dropped 1,200 points this week. I left my home a moment ago to watch the news out of BWI airport talking about massive layoffs. Wall Street is looking and the major banks around the globe are watching what we do tonight to decide whether any credit will be available for airlines.

So we have a real choice here today. We have a choice of helping immediately, move some economic stimulus, loan guarantees to the airline industry or we can sit here and twiddle our thumbs and assume that this will fix itself. Wall Street is saying it will not.

I can assure you, based on the economic model that I am seeing in Florida, Hawaii, California, New York, Texas, Arkansas, I do not have time to go over 50 States, but stick around because the economic pain is real, not imagined.

One of the prior speakers said somehow that we rushed out of this building last week and we are trying to rush out of the building this week. I take great exception to that because many of us have worked and labored and toiled to try and find some opportunity to provide comfort for those in New York, those at the Pentagon; and we have focused our efforts on both relief and remedy for those. And we have also given the President of the United States the unified support of the Congress and the people of this country to endeavor to try and rid the world of terrorism.

I would love to obviously have a lot of time to debate some of these issues. God knows we would love to sit around and hammer things out, knock the table, and protect everyone in the room. I mean this in all sincerity, that we need to put this underlying legislation on the floor now today and move expeditiously so that on Monday next when the markets open there is a safety net under the structure of the airline industry.

Believe me, I complained to many of these same operators yesterday that were in my office that own the major

carriers, and I was worried about baggage carriers and line workers and fuelers and mechanics and flight attendants and captains and co-captains. I worry about the treatment of individuals.

I worry about the treatment received by individual Americans as they traversed this country just but a few weeks ago and complained about how they were treated and talked about airline passenger rules or bill of rights. And, sure, I would like to sweep up some of these things and spend hours and days and weeks on finding a perfect solution here, because I know with both sides working, we can.

But, regrettably, based on this economic crisis we face, we either provide the guarantee, as we did in the Chrysler Corporation bailout years ago that many objected to vehemently, that Members from Detroit insisted we needed; and, thank God, the Congress responded, because, God knows, Chrysler not only succeeded, but survived and excelled and hired millions of American workers to be on their assembly line.

So the choice is clear today: move consideration or find huge massive layoffs. So the employees you think you are protecting under the debate today will be those that are, in fact, given pink slips on Monday, because credit will be shut off, airline employees will be going home, no one will be flying, and the economy of the United States of America will grind to an absolute halt.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this bill should not be coming up now. It is not ready. It does not deal with the fundamental problem. Yes, there is an urgent need to strengthen the airline industry. We need to do this in a bipartisan way. We need to do it urgently. There is much in this bill, \$15 billion in direct aid and loan guarantees, and that is good. You will hear about perspective liability and retrospective liability. I will not talk about that.

It does not include, however, anything, about the needs of working families—the baggage handlers, the flight attendants, the pilots, the agents, the clerks—unless you consider executive salary packages of \$13 million as dealing with the needs of working families.

But let us face facts. What is the real problem now? People are not flying. Why are they not flying? They are concerned about airline security.

This bill has two sentences about airline security. One sentence says that last week we said we were going to do something. The other sentence says that in the future we are going to do something.

If we want to revitalize the airline industry, we have to get people back in

the planes. How are we going to get them back in the planes? Certainly we cannot do it unless we reassure them about the security of the airlines. The fundamental problem we are facing right now is people are not flying.

Yes, we have an urgent need. We should stay here this weekend, Saturday, Sunday, Monday, if necessary, and get it right. This is an important industry. It is critical to all other aspects of our society. We should do it, and we should take the time to do it right.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise encouraging all my colleagues to vote for this rule, which allows same day consideration, and then the subsequent rule on the bill, and certainly passage of the final bill.

This is the first bite of the apple. There have been a number of Members who have risen who want to do more. We are going to have plenty of opportunity to do more, but we are clearly in a crisis situation right now.

I know the impact of this issue in the State that I represent, Florida, is gigantic. We have hotels in Florida that are virtually empty, rental car fleets that are virtually at a standstill, theme parks and other tourist attractions that are empty. We are going to be seeing layoffs in a lot of other industries, and all of the myriad other issues, airline safety, fair treatment for employees, we are going to have an opportunity to take those issues up.

I will tell you an issue I am very concerned about. We have indemnification in this underlying bill. We indemnify the airlines, but not the manufacturers. Some people might say how ridiculous; what trial attorney would sue a manufacturer of an airplane in a hijack situation? Mr. Speaker, it has happened. They have tried to sue manufacturers of airplanes in hijacking situations. So we are going to have to go back and revisit indemnification.

We are going to have lots of opportunities to deal with these issues. But this is the right thing to do at this hour. We need to do this for America. It is not for the airline industries, it is for Florida, California, Washington State, it is for the United States of America.

Let us pass this rule, and pass the next rule and the underlying bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am going to vote against the rule for same day consideration, because I think if this bill were not considered today and were considered tomorrow, we could get a much, much better bill in several respects. I

am going to vote against the second rule for consideration of the bill, because I think if we were allowed to offer amendments to the bill, we would end up with a much, much better bill.

But if, at the end of the day, those rules are passed and this bill comes before us, I am going to vote for the bill. Not because I think it is a perfect bill. It can be improved by adding security provisions. It can be improved by adding employee assistance provisions, which I think are gravely needed and we must pass, whether we pass them tonight or in the near future. It can be improved with amendments regarding executive compensation and a number of other things.

But we must get the airlines back on a solid footing, and we must provide an assurance to the families of the victims of this tragic incident that their interests, their financial interests, will be taken care of. Those two things are in this bill.

So my opposition to the bill really is about the things that are not in it, which I hope the majority will see fit to bring a bill on next week. I understand that is being considered. I think it is absolutely imperative that we deal with employee assistance provisions, whether in this bill or in some other bill. And if we were not rushing to judgment tonight, we could do it in the context of this bill. I think we are missing an opportunity.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in favor of this rule, the subsequent rule, and the final bill. As a member of the Subcommittee on Aviation and as a Member that has answered numerous questions over the last 2 days, and in light of some of the things that have been said, I think it is important that we be very honest and very candid in our debate today.

Mr. Speaker, safety was considered first priority to this bill, and any reference to the contrary is incorrect.

□ 1815

In fact, the \$5 billion infusion is in part because the FAA shut down the American airlines, all of them, until such time as new security procedures were put in place, which, in fact, have resulted in the arrest and capture and now the jailing of certain suspects against the United States of America.

Secondly, it should be known that sky marshals are already on United States aircraft and additional marshals are already in training. For someone to send the signal to America that we have not paid attention to safety is wrong. For someone to say that executive compensation or management compensation, one must be considered over the other, I ask a simple question to those who object. There will be no

compensation to anyone if America's airlines fail and are grounded.

For those that worry about the travel agent and the hotel and Disneyland, in my city, my district, tourism is number two. There are no safe airlines flying. There is no safe financial underfooting on those airlines, there is no other ancillary business.

I respect genuine debate, but America needs to know this Congress dealt with safety first. Second, its interest is for all workers, management or otherwise; and third, to ensure the dominos do not fall, we must stabilize the lead domino in a principle industry of American commerce that carries 40 percent of all U.S. exports today.

So I conclude, I am prejudiced. I am for this. I ran a business for 33 years. I watched America save the jobs of Chrysler's workers by this Congress underwriting loan guarantees for a period of time for them to recover. I watched them save the city of New York, the one we all cry for today, for that same reason, and Lockheed Aircraft that builds the planes that are about to go and fly. Now for us to quibble over perceptions or send a mixed signal that safety is not first or that we have not given this deliberation is, I would submit, incorrect and unfair.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, we do have a national emergency. We do have an industry that we need to be working in America. But those emergencies should not be an excuse to stampede the democratic process, to rush through a bill which has not been considered duly, prohibits amendments, prohibits the process from taking place. I object to a process when we do have the time. The markets will not open until Monday morning. We have time to look at this.

As JOHN SWEENEY says, who is the president of the AFL-CIO, "If Members of Congress fail to include relief to workers in the airline bailout bill, it will be an unconscionable, divisive and economically irresponsible omission."

He writes, "Over the past ten days, our Nation has been reminded again and again by the grim and inspiring images of rescue and relief workers that it is working people who are the first to step up to respond to their neighbors, their community and their country. And it is workers and their families who are taking a direct and immediate hit from the terrorist attacks and the resulting airline crisis. A hit that will have a rippling, destabilizing effect on the economy unless it is addressed."

"Over the past week, the AFL-CIO, airline unions and congressional leaders have invested a huge amount of work into developing a worker relief package that includes unemployment, job training and health benefit protec-

tions to workers laid off as a result of the financial crisis in the airline industry. Extensive work has also gone into developing additional assistance to workers throughout the economy and that package must be acted upon soon.

"But now, Members of Congress appear poised to stiff airline industry workers in the bailout bill, even as they award protections to airline executives for their golden parachutes."

"Any Member of either party who casts a vote to leave workers out of the relief bill will be voting to betray American workers in the bipartisan spirit of our last ten days."

That is a letter that JOHN SWEENEY wrote to the Members of Congress.

Mr. Speaker, I would add that we have time to right this wrong. Let us do it please.

The letter referred to is as follows:

AMERICAN FEDERATION OF LABOR AND  
CONGRESS OF INDUSTRIAL ORGANIZATIONS  
STATEMENT BY AFL-CIO PRESIDENT JOHN J.  
SWEENEY REGARDING CONGRESSIONAL DECISION ON WORKER RELIEF PACKAGE—AIRLINE  
BAILOUT BILL SEPTEMBER 21, 2001

If members of Congress fail to include relief to workers in the airline bailout bill, it will be an unconscionable, divisive and economically irresponsible omission.

Over the past 10 days, our nation has been reminded again and again by the grim and inspiring images of rescue and relief workers that it is working people who are the first to step up to respond to their neighbors, their community and their country. And it is workers and their families who are taking a direct and immediate hit from the terrorist attacks and the resulting airline crisis—a hit that will also have a rippling, destabilizing effect on the economy unless it is addressed.

Over the past week, the AFL-CIO, airline unions and congressional leaders have invested a huge amount of work into developing a worker relief package that includes unemployment, job training and health benefits protections to workers laid off as a result of the financial crisis in the airline industry. Extensive work has also gone into developing additional assistance to workers throughout the economy and that package must be acted upon soon.

But now, members of Congress appear poised to stiff airline industry workers in the bailout bill—even as they award protections to airline executives for their golden parachutes.

Any member of either party who casts a vote to leave workers out of the relief bill will be voting to betray American workers and the bipartisan spirit of the last week.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would remind all Members of the rule and Speaker's directive regarding the use of cellular telephones on the House floor.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the underlying bill. It is well intentioned and relief to the airline industry is necessary to keep these vital transportation

links operating. But its provisions are so fatally flawed that it will disrupt other parts of the economy and its victim compensation provisions are unfair and set an expensive precedent which Congress will rue in the future.

First, the liability limitation provisions transfer the airlines' contingent liabilities to others with devastating implications on other segments of the economy. It is fine to limit airlines' liability, but this will simply put others on the hook.

In addition to United and American Airlines, who will have limited liability under this bill, plaintiffs' lawyers will also likely sue Boeing, which manufactured the four planes, General Electric or Pratt and Whitney who probably made the engines, the Port Authority which is the owner of the World Trade Center, whatever company made the steel which collapsed, and on and on. These companies' liability is not limited by this bill.

While the airlines will not face bankruptcy as a result of September 11, should this bill pass, its failure to limit others' liability will mean Congress will need to pass corrective legislation again and again to protect American companies and their workers' jobs because this bill did not do it right.

Remember, any company having a substantial contingent liability will not be able to borrow money from the banks to keep itself afloat.

The formula that compensates the airlines is not fair either. The United States Government does have a moral responsibility to make whole the airlines for the losses they suffered as a result of the FAA closing U.S. air space and the delays caused by airplane closures and heightened security. But that is not all this bill does. It makes payments based upon how many seat-miles each carrier has. That amounts to a subsidy and gives a premium to those carriers based not on their losses caused by the tragedies of September 11 but how big they are and how many seats they have.

Finally, this bill creates a new entitlement program to pay families of victims of this tragedy through taxpayers' dollars.

No entitlement was enacted by Congress to compensate victims of the Oklahoma City bombing, earthquakes in California, hurricanes in Florida, and floods along the Mississippi River. If this entitlement is approved, does Congress really want to say no to the victims of future tragedies, whether as a result of natural or man-made disasters? If a disaster strikes in any of our hometowns, how can we explain voting for an entitlement in this bill, but not for our own constituents? Stop and think of the precedent this bill sets when a future disaster strikes.

There is plenty money available to compensate the families of the victims of September 11. Mr. Speaker, \$20 bil-

lion has already been appropriated for relief. The President has signed legislation to speed up payments to the families of police and firefighters killed in the line of duty, and the Crime Victims Compensation Fund has over \$1 billion already available for disbursement. Millions come from FEMA and the Department of Health and Human Services and elsewhere, and there will be tens of billions of dollars from insurance and those liable.

But stop, let us do this right. Let us vote this bill down and come back and address these very legitimate problems.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, as our country faces some very difficult times, we are going to hear a lot about shared sacrifice. Shared sacrifice is firefighters charging into the World Trade Center to rescue people they had never met and dying in the effort. Shared sacrifice, we are told, is the unfortunate news that over 100,000 workers are going to lose their jobs for the good of their companies. Shared sacrifice, it is clear, means that our sons and daughters, mothers and fathers in the military are going to be sent into battle. But today, in the first economic bill to deal with the September 11 tragedy, we see that there are limits to shared sacrifice.

Under this airline bailout bill, senior executives will be able to continue to earn millions of dollars in salary and other compensation. In one case, this bill will permit a senior executive to earn over \$34 million and, if he leaves the company, to receive up to \$70 million in severance benefits. This is inexcusable, it is obscene, it exploits a painful tragedy, and it makes a mockery of the idea of shared sacrifice.

We cannot change this bill; but we can be morally outraged by this inequity, and we can ask the airline CEOs to do what this bill does not. They are asking taxpayers for billions of dollars in help, and then they will be firing thousands of their workers. At this time, they should publicly adopt policies that limit executive compensation to reasonable levels. That will honor shared sacrifice and the sacrifices so many others have made and will make.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, during the last 10 days, the American people and Members of the Congress have been in emotional shock from the terrible loss of life and tragedy that struck. We are all together struggling and trying to determine the most effective way to end ter-

rorism and to punish those people who committed this atrocious act.

But on the issue of how we can deal with the airlines and how as a Nation we deal with the perhaps coming recession, I do not think that there should be a lot of debate. The American people want to believe that we are all in this together; and when they see that 100,000 airline workers are laid off in an industry that is crumbling, they not only want to restore that industry, but they want to make sure that the workers who have been running those industries are treated fairly. They do not want to read in the papers that they are providing taxpayer dollars so that CEOs can end up with tens and tens of millions of dollars in executive compensation but, at the same time, there is apparently no money available to provide health insurance for workers who were laid off. They want to know that the package that we are passing is fair in terms of providing security for the people who will get on the planes. Where is the definition of what we will be doing in terms of security?

Mr. Speaker, we are moving into an economic recession; and in a certain sense, this legislation is the first bill that we will be looking at as to how we are going to respond; and the American people are demanding that, if we are in this together, we have got to protect the working people, we have got to protect the most vulnerable people; and this legislation does not do that.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, we have a crisis in public confidence in our airline industry. Before September 11, fuel prices were rising, business travel was declining, and some of our airlines in my State had serious financial problems.

□ 1830

After September 11, the government ordered the grounding of flights for several days, which caused considerable financial loss to all airlines. Now the flights have resumed. Consumers have been slow to return to the air. Therefore, the financial problems of our airlines have become more severe, and they need help from the Federal Government.

Indeed, the Federal Government should help the airlines, but this bill does not adequately address the economic and security issues resulting from and exacerbated by the terrorist hijacking and the crashes on September 11. A Federal bailout of our airlines alone will not restore public confidence and increase ridership in our airlines which is, indeed, the basis for the airlines' long-term security.

Simply stated, people are afraid to fly. In order to restore public confidence, we should move responsibility

for aviation security from airlines and their subcontractors to the Federal Government, employing trained security experts. We should do this immediately. In this bill, at least make an indication we are committed to it, not sometime in the future but in this bill.

The tragic events of last Tuesday should be a wake-up call to this Nation. No longer can we afford to rely upon low-wage unskilled workers, with an astonishingly high turnover annually, to manage our first line of defense against a repeat of events of September 11. We should act now to federalize airport security. This probably will substantially increase public confidence and ridership, and increase financial stability and the cash flow to our airlines.

In addition to the hardships suffered by our airlines during the crisis, thousands of airline workers have lost their jobs or may lose their jobs in the future. Thousands of airport vendors, hotels, tourism, business, and small business, mostly, also are suffering economically and need help from the Federal Government.

We should be careful how we respond here, because we must respond to others as well; not that we should not respond, but this response is insufficient. The workers and small business operators in communities all across our Nation constitute the backbone of their local economies. These workers, tens of thousands of them, may be expendable from any airline, but they are essential to their families and to their communities.

Mr. Speaker, we should vote against this rule, and we should also vote against this bill.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), who represents the Dallas-Fort Worth Airport, one of the busiest in the world.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York, the distinguished member of the Committee on Rules, for yielding time to me.

Mr. Speaker, D-FW airport, except for one runway, is totally within the Sixth District of Texas, which happens to be the district that I am privileged to represent. There were over 40,000 American Airlines and Delta Airlines and various other airline employees that work at that hub airport.

We know the tragic events that happened on September 11 in which four American flag carriers, two Delta and two American Airlines, went into the Trade Center, the Pentagon, or into the countryside in Pennsylvania. At D-FW as we speak, it is an airport that is operating at less than 50 percent capacity. The flights that go in that airport are operating about at about 30 percent capacity.

American, United, and other airlines have laid off tens of thousands of peo-

ple this week. This is not the time to argue about the perfect airline relief bill. We have a very reasonable bill before us. It has been hammered out in negotiation between the minority, the majority, the airline industry, the airport associations, and the White House. We need to get the bill on the floor. The first thing we have to do is pass this rule. Then we have to pass the second rule. Then we have to pass the bill.

I have an airport security task force at D-FW that has been operating for over a year and a half to come up with a series of recommendations about how to increase airport security. Most of those recommendations, until last week, dealt with increasing security to prevent illegal drugs from going through our hub airports, but many of them are applicable to terrorism.

I am very willing to continue the dialogue with the Department of Transportation, the FAA, and all the other interested parties, but I am not willing to get into a contest where we refuse to bring up absolutely necessary legislation.

I would urge my colleagues, let us pass this rule, let us pass the second rule, and then let us pass the bill. If we need to come back in a month, 2 months, or whatever, let us do it, but let us not take an industry that is on its knees and force it to be flat on its back. Let us help the airlines and the economy. Pass these rules and pass this bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this is not a perfect bill, but it is an important first step toward protecting the viability of our Nation's air transportation system. For that important reason, I am going to support these rules and support this legislation today.

But, Mr. Speaker, I also want to send a very clear message to the airlines that will receive these taxpayers' funds today. That is that those of us who represent hundreds of thousands of people from mid-sized cities and rural areas will be watching to see whether they take our Federal tax dollars in one hand and with the other hand cut off service to middle America.

That should not happen, it cannot happen; and if it were to happen, I think when the second round of this airline support legislation inevitably comes back before this House, it would be very difficult to encourage and convince the taxpayers of middle America and rural America to continue supporting airline viability if there is no viability in rural areas because they have already cut off service.

With that caveat, we will support this legislation, and hope Members on both sides of the aisle will do so, as well.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise in support of the rule and in support of the bill. I appreciate some of the concerns that our colleagues have brought up. It is a shame that we did not address employee issues and security issues. Quite frankly, I think we had the time to do it, but we did not.

I want to focus on some areas that I had particular concern about. I, for one, and I do not think this is a partisan issue, have had concerns where we have the Federal Government intervening in the private markets. The intention of giving loan guarantees in any private market function is something the Congress should have great concerns about.

I and many Members of this body have supported that from time to time when we have felt there are extraordinary situations, and I do think this is an extraordinary situation. But I also think it is incumbent upon the Members of the House and the other body to ensure that the Federal Government, and thus the taxpayers, have an ability that we may well be paid back if there is a problem with the extension of this credit.

As the bill was originally drafted, quite frankly, it did not meet that standard. So I appreciate the fact, in how I read the bill now, that we have done a couple of things that are important. One, we brought the fiduciary officers of the Federal Government, in effect, the chairman of the Federal Reserve Board and the Secretary of the Treasury, as voting members into this commission, because they should be involved in the extension of credit. That has always been the case in any other extension of credit that I am aware of that we have done as a government.

Number two is that we have said that they have to consider and in fact have to have certain collateralization of the guarantee or the credit that is extended. Many of these airlines are highly leveraged, and there is not much that they can extend in terms of collateral, but the use of warrants, the use of equity, the use of options is something that is not unprecedented and is something that in fact we should consider. I am glad it is finally in this bill.

Finally, I am glad that the bill does not include a set, specific term, but rather gives broad discretion to the board and to the administration in setting the terms and condition. The burden will be on them to strike the best deal for the taxpayers, and ensuring that this is done, but it is better than a 10-year term.

With that, I rise in strong support of the bill and ask that my colleagues pass it.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the rule and in support of the underlying bill.

Last week's attacks did unspeakable damage, unspeakable harm with great loss of life, but last week's attack underscored just how indispensable air travel is to our economy. Since the attacks, hotel occupancy in New York City has plummeted, restaurants are empty, Broadway shows have closed. People fly to New York from all over the world, but right now they are scared to fly.

With the \$3 billion allocated from the antiterrorism package, new safeguards will make air travel safer, but we do not know when passengers will return. In the meantime, if the airlines go out of business, what will be the next business to go out of business? We will all be out of business, and we cannot let that happen.

Supporting our airlines is also an act of patriotism. The terrorists wanted to ground America, so we need to fly. We also need to compensate victims, many of whom were my constituents and friends. We need to compensate workers that are not covered in this package.

I have been assured by our leader, the gentleman from Missouri (Mr. GEPHARDT), that he will introduce a bill tomorrow which will do that, with the support of many in the leadership on the other side of the aisle. We need to answer this act of hostility by restoring the friendly skies domestically, and by sending airplanes of a different sort to get the cowards of the September 11 attack.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I want to begin by commending President Bush for his efforts to bring our Nation together. This is a time for bipartisan commitment to make common cause on behalf of our country.

Yet the handling of this bill, I believe, violates that very spirit. We now debate what is really a "jam rule," jamming through this Chamber a piece of legislation involving a tremendous expenditure of taxpayer money without an opportunity for the Members to read and understand the provisions; and it will be immediately followed by a "gag rule" that denies the Members the slightest opportunity to improve this bill by offering amendments and strictly limits their remarks during debate. Such parliamentary tricks, really, I think divide us at a time when we should be coming together.

There was a plainspoken Texan who once sat in that chair, a legendary fig-

ure who presided over this House, by the name of Sam Rayburn. He said that, in conducting the people's business, three of the most important words are simply "wait a minute." That simple maxim I think has never rung more true than with this piece of legislation.

At midnight last Friday, when many Members of this House were asleep, like many members of the American public, when we had been told that all of our regular work was completed, an attempt was made to force through this House, in a matter of minutes, a bill that spent \$15 billion, that is billion with a B, of taxpayer money, a bill composed of a mere three pages.

All that I personally did about those three pages at that time was to apply Mr. Rayburn's three words: Wait a minute. Wait a minute, because the bill that we had then and that we have now contains nothing meaningful, not one word, well, a few words at the end of the bill that are meaningless, making passing reference to previous legislation, but it does nothing to assure the security of Americans on planes flying across this country. That is deferred until later, instead of making it our first priority now. We have 31 pages tonight instead of last Friday's three pages, but those pages provide no more security for the travelling public.

I said "wait a minute" because that bill did not contain protection for the taxpayer; those three pages were only a blank check.

In that regard, I want to commend again President Bush's administration, because had it not been for them seizing the opportunity of these last few days and demanding an Air Transportation Stabilization Board, it would not be in the bill. This very provision of which the supporters tonight boast in this bill would not be there if they had overcome my objection at midnight last week.

I said, wait a minute then, because it contained no provision to protect those who do the hard work within our airline industry.

□ 1845

It contained no shared sacrifice. At that time all the money could have gone to executive compensation, to those at the top.

Tonight, now that it has been studied carefully, they put a limitation in the bill. And do you know what that limitation is? That limitation is that those at the top of the airline industry cannot make any more than they did last year. Do you know how much that is? For one fellow that is \$35 million. And the poorer CEO's can only make \$6 million. And so the American taxpayer is going to contribute to their \$35 million; and, oh, by the way, if they bail out this next year, they can get up to \$70 million in a golden parachute.

What about the people that cook the meals, that clean the cabins, that

stand out there and risk their lives for the safety of all of us? What security do they get in this bill? They do not get one dime or one plug nickel in this bill.

That is why I say it is a shame what is happening here tonight. They got nothing last Friday, and we have come around to another Friday and those hardworking Americans do not get the protection they need in this bill. It is wrong for this Congress to help those at the top and forget those who are doing the hard work out there. And we have been told in the interim that 100,000 Americans working for the airlines will probably be laid off even if the airlines get every dime for which they are asking.

It is not my intent to demonize this industry or question the motives of those who have come forward. This is a vital industry to our country. I am ready to help it. I am ready to respond. I am ready to respond this very minute. But crafting this bill has not been an open inclusive process. Rather it has been one closed-door session after another where the taxpayer rights, the safety of the American public, and the rights of American workers have been ignored.

I'm voting no because it's not right to put those at the top in first class seats and leave everybody else—the taxpayers, the flying public, and the workers out on the tarmac without even a bag of peanuts.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman has expired. All time of the gentleman from Texas (Mr. FROST) has expired. The gentleman from New York (Mr. REYNOLDS) has 7 minutes remaining.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume to note that the previous speaker indicated that some Members were sleeping last Friday.

I want to remind Members of the history of last week. We were actually in regular order of business. There was a unanimous consent request brought, as the gentleman knows, because he was here as part of the debate that was under consideration.

And the second thing the gentleman referred to was the language regarding executive salaries. I would like the record to so record that the executive salaries language that capped the executive salaries was included at the request of a minority ranking member, and that is why that language appears as it does in the legislation.

Mr. Speaker, I yield 2½ minutes to my friend, the gentleman from Missouri (Mr. BLUNT), who has spent countless hours on this legislation in the spirit of compromise with both Republican and Democratic Members and leadership.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

What has happened, Mr. Speaker, in the last week, is that 100,000 layoff announcements have been issued. I do not know how many fewer of those would have been announced if we had acted last week, but I think fewer than that. And if we do not act this week, there will be more layoffs next week.

We have had a whole week to discuss this bill. People have suggested that was not a bipartisan process. I can seldom think of a time in the House, in the few years I have been here, of a more bipartisan process, where the minority leader in the House, the Speaker of the House, the two leaders of the other body both agreed totally on what was going to go in this bill.

That does not mean they think that is the only thing that needs to be done, nor should anybody suggest for a minute that anybody on this floor thinks this will be the last thing that is done. Just because our leaders on both sides of the aisle were for this does not mean that is all they are for. It does not mean we will not hear even later in this debate an understanding that there will be more legislation. But what it does mean is that if this rule is not approved and the second rule is not approved and the bill is not approved, after a week, a full week to come together, for our leaders to come together with the very best thing they could all agree on, is that some time this week airlines would no longer have insurance.

The unknown liability of two airlines who were victims of terrorists last week would make it impossible, in all likelihood, for them to get access to the financial markets they need to get access to. And by this time next week, planes all over America would be sitting on runways. Nobody will be flying if we do not address these critical issues. Airlines cannot fly without liability coverage.

We address those issues here. Two airlines would not be able to have access to capital with some unknown question about their liability. We address those issues here. Victims could not begin to get access to compensation through a special procedure that is addressed in this bill.

This is a critical time. There will be more legislation that relates to this industry. Many of the points that have been made here tonight can be addressed. Those points were not made during the week in these discussions. Now, that does not mean they cannot be made; that does not mean they cannot be made or will not be made in the next few days. It does mean that we need to stop the layoffs now, we need to keep these planes in the air, and we need to keep this irreplaceable industry a viable part of our economy.

We do this with the action we take here tonight. I urge my colleagues to vote for the rules and for the bill.

## POINT OF ORDER

Mr. DEFAZIO. Mr. Speaker, I rise to a point of personal privilege on the previous statement of the gentleman. If I could state that, or I could ask to have his words taken down, if you would give me a moment.

The SPEAKER pro tempore. The Chair would inform the gentleman that there is no point of personal privilege based on the debate which is in order at this time.

Mr. DEFAZIO. Well, then, if the gentleman made a statement that was untrue about the position of the Democratic leaders and basically directly casting aspersion on them by saying that they did not raise the issues raised by many Members here on the floor in those discussions, and we know that they did, is there a process under which I could have his words taken down or reviewed?

The SPEAKER pro tempore. It is certainly the right of any Member during debate to ask that a Member's words be taken down. At that point the words must be transcribed and read to the House and the Chair will rule upon them.

Mr. DEFAZIO. But what my question is, since he made an assertion about the Democratic leaders, which I know and others know to be untrue, and about the points we are making on the floor, that these issues were not raised in the negotiations, is there some objection that I could lodge against such an untrue statement on the floor of the House?

The SPEAKER pro tempore. The Chair is unable to rule or respond in anticipation of the actual words being read back to the House.

Mr. DEFAZIO. At this point, hopefully, we will get a chance to rebut those untrue words in future debate.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) has 4 minutes remaining.

Mr. REYNOLDS. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I would just like to say that if I inadvertently suggested that anybody had not addressed these issues in good faith all week, or suggested that all of our leaders had not worked hard to make this happen, or that the issues, and I believe in fact I said I was confident that later in this debate our leaders would come to the floor, I meant to say and indicate they had discussed this; they had an understanding of how this would be handled in the future.

I certainly meant no suggestion of any kind that our leaders had not worked hard; that they, and that all sides are not concerned about these issues. If I misspoke in any way, I certainly did not intend to. Because I think there has been hard and dedicated work put in on this by all sides this week.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is my understanding that the other body intends to deem this as passed with no debate, because I think they recognize the seriousness and the cooperation, the unity that has been the hallmark here since September 11 between both bodies of the Congress and the administration. And there should be ample debate. We are trying to next move into a rule that will provide debate on the bill; and, if it is passed, we will move forward to the debate on the issue at hand.

Today, we need to come together again to consider a critical piece of legislation to further guide our Nation and its citizens through this crisis. Now is not the time for stalling or dilatory tactics. This legislation has had constant participation by legislative leaders on both sides of the aisle, both Houses, and with the administration. It is imperative that we move forward with this urgent message and this measure before us tonight.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 303, nays 107, not voting 20, as follows:

[Roll No. 345]

YEAS—303

Abercrombie	Brown (SC)	DeLay
Ackerman	Bryant	DeMint
Aderholt	Burr	Diaz-Balart
Akin	Burton	Dicks
Andrews	Buyer	Doolittle
Armey	Callahan	Doyle
Bachus	Calvert	Dreier
Baker	Camp	Duncan
Baldacci	Cannon	Dunn
Ballenger	Cantor	Edwards
Barr	Capito	Ehlers
Barrett	Capps	Ehrlich
Bartlett	Cardin	Emerson
Barton	Carson (OK)	English
Bass	Chabot	Etheridge
Bentsen	Chambliss	Everett
Berkley	Coble	Fattah
Berry	Collins	Ferguson
Biggert	Combest	Flake
Bilirakis	Cooksey	Fletcher
Bishop	Cramer	Foley
Blunt	Crane	Forbes
Boehlert	Crenshaw	Ford
Boehner	Crowley	Frelinghuysen
Bonilla	Cubin	Frost
Bono	Culberson	Gallegly
Borski	Cummings	Ganske
Boswell	Cunningham	Gekas
Boucher	Davis, Jo Ann	Gephardt
Brady (PA)	Davis, Tom	Gibbons
Brady (TX)	Deal	Gilchrest

Gillmor	Lucas (KY)	Roukema
Gilman	Lucas (OK)	Royce
Goode	Maloney (CT)	Ryan (WI)
Goodlatte	Maloney (NY)	Ryun (KS)
Gordon	Manzullo	Sabo
Goss	Mascara	Sawyer
Graham	Matheson	Saxton
Granger	Matsui	Schiff
Graves	McCarthy (NY)	Schrock
Green (TX)	McCrery	Sensenbrenner
Green (WI)	McGovern	Serrano
Greenwood	McHugh	Sessions
Grucci	McInnis	Shadegg
Gutknecht	McIntyre	Shaw
Hall (OH)	McKeon	Shays
Hall (TX)	McNulty	Sherwood
Hansen	Meehan	Shimkus
Hart	Meeks (NY)	Shows
Hastings (WA)	Menendez	Shuster
Hayes	Mica	Simmmons
Hayworth	Miller, Gary	Simpson
Herger	Moore	Skeen
Hill	Moran (KS)	Skelton
Hilleary	Morella	Smith (MI)
Hobson	Murtha	Smith (NJ)
Hoeffel	Myrick	Smith (TX)
Hoekstra	Nethercutt	Smith (WA)
Honda	Ney	Snyder
Horn	Northup	Souder
Hostettler	Norwood	Stearns
Houghton	Nussle	Stenholm
Hoyer	Oberstar	Stump
Hulshof	Ortiz	Sununu
Hunter	Osborne	Sweeney
Hyde	Ose	Tancredo
Isakson	Otter	Tanner
Israel	Oxley	Tauscher
Istook	Pallone	Tauzin
Jenkins	Pascrell	Taylor (MS)
John	Pastor	Taylor (NC)
Johnson (CT)	Paul	Terry
Johnson (IL)	Pence	Thomas
Johnson, E. B.	Peterson (PA)	Thompson (CA)
Johnson, Sam	Petri	Thornberry
Jones (NC)	Phelps	Thune
Kanjorski	Pickering	Tiahrt
Keller	Pitts	Tiberi
Kelly	Platts	Toomey
Kennedy (MN)	Pombo	Trafigant
Kerns	Pomeroy	Turner
Kind (WI)	Portman	Upton
King (NY)	Price (NC)	Vitter
Kingston	Pryce (OH)	Walden
Kirk	Putnam	Walsh
Knollenberg	Quinn	Wamp
Kolbe	Radanovich	Watkins (OK)
LaHood	Ramstad	Watson (CA)
Lampson	Rangel	Watts (OK)
Largent	Regula	Weiner
Larson (CT)	Rehberg	Weldon (FL)
Latham	Reyes	Weldon (PA)
LaTourette	Reynolds	Weller
Leach	Riley	Wexler
Levin	Roemer	Whitfield
Lewis (CA)	Rogers (KY)	Wicker
Lewis (GA)	Rogers (MI)	Wilson
Lewis (KY)	Rohrabacher	Wolf
LoBiondo	Ros-Lehtinen	Wynn
Lofgren	Ross	Young (AK)
Lowey	Rothman	Young (FL)

## NAYS—107

Allen	DeFazio	Jefferson
Baca	DeGette	Jones (OH)
Baird	Delahunt	Kaptur
Baldwin	DeLauro	Kennedy (RI)
Barcia	Doggett	Kildee
Becerra	Engel	Kilpatrick
Blagojevich	Eshoo	Kleczka
Blumenauer	Evans	Kucinich
Bonior	Farr	LaFalce
Boyd	Filner	Langevin
Brown (FL)	Frank	Lantos
Brown (OH)	Gonzalez	Larsen (WA)
Capuano	Gutierrez	Lee
Clay	Hastings (FL)	Lipinski
Clayton	Hilliard	Luther
Clement	Hinchev	Markey
Clyburn	Hinojosa	McCarthy (MO)
Condit	Holt	McCollum
Costello	Hooley	McDermott
Coyne	Inslee	McKinney
Davis (CA)	Jackson (IL)	Meek (FL)
Davis (FL)	Jackson-Lee	Millender
Davis (IL)	(TX)	McDonald

Miller, George	Rodriguez	Stupak
Mink	Roybal-Allard	Thompson (MS)
Mollohan	Rush	Thurman
Nadler	Sanchez	Tierney
Napolitano	Sanders	Udall (CO)
Neal	Sandin	Udall (NM)
Obey	Schakowsky	Velázquez
Oliver	Scott	Visclosky
Owens	Sherman	Watt (NC)
Payne	Slaughter	Waxman
Pelosi	Solis	Woolsey
Peterson (MN)	Spratt	Wu
Rahall	Stark	
Rivers	Strickland	

## NOT VOTING—20

Bereuter	Dingell	Linder
Berman	Dooley	Miller (FL)
Carson (IN)	Fossella	Moran (VA)
Castle	Harman	Schaffer
Conyers	Hefley	Towns
Cox	Holden	Waters
Deutsch	Issa	

## □ 1915

Mr. KUCINICH and Mr. BAIRD changed their vote from "yea" to "nay."

Mr. SCHIFF and Mr. MALONEY of Connecticut changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 2926, AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 244 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 244

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2926) to preserve the continued viability of the United States air transportation system. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 244 is a closed rule that provides for the consideration of H.R. 2926, the Air Transportation Safety and System Stabilization Act. This rule and its underlying legislation address the impending needs of the airline industry after last

week's tragic attacks on the World Trade Center and the Pentagon.

The rule provides for 1 hour of debate to be equally divided between the chairman and the ranking minority member of the Committee on Transportation and Infrastructure. The rule waives all points of order against consideration of the bill. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, since the morning of September 11, 2001, when, as President Bush said last night, enemies of freedom committed an act of war against our country, our Nation has been through extraordinary and trying times. Over the past week and a half, we have heard countless stories of personal tragedy and selfless heroism. We have seen a Nation come together in a steely resolve to see justice served. And we have felt here in this Congress an unprecedented unity, rooted not just in bipartisanship but nonpartisanship, in citizenship. And we have much work to do.

As President Bush said, "We face new and sudden national challenges," because this war has many fronts. It was heartening for me to see my State's great Governor, George Pataki, and New York's outstanding Mayor, Rudy Giuliani, here in these Chambers last night. I have long valued their friendship. But as a New Yorker, today I value even more their leadership. Each as shown a steady hand and quiet courage through which so many have drawn strength. Equally important, their attendance served as a reminder that we still have work to do to recover, rebuild and strengthen a city and a Nation.

Mr. Speaker, the ripple effect of last week's events has been felt all over the world. In the blink of an eye, the way of life that we have taken for granted for so long has been changed forever. Despite a national state of shock, thousands of our fellow citizens immediately went to work to ensure the safety and security of American citizens.

Within a matter of hours on the day of the attacks, the Federal Aviation Administration carefully orchestrated the safe grounding of every single airplane flying within the United States. This quick response and cooperation from the entire airline industry ensured the safety and well-being of countless individuals. But in the wake of the cowardly attacks on our Nation, scheduling cutbacks and subsequent reductions in the number of flights have hit the industry hard. Already there have been over 80,000 airline-related layoffs, with even more expected in the days and weeks to come.

We must remember that this is not just an industry giant that is suffering. This is a critical component to our way of life and a vital segment of our national economy. Our airlines move people and products across America and

throughout the world. They serve not just business and tourism but can, quite literally, determine whether we are able to compete in a global economy.

In my own community, which had already been lagging the national economy, competitive air travel is continually cited as a primary component to economic growth. By coming to the aid of the airline industry, we will make America stronger. And in making America stronger, we will repair and reinforce the fabric of our Nation which was torn by cowards in last week's criminal act of war.

That is why we have a responsibility to help rebuild an industry that has helped keep America strong.

Specifically, the legislation before us authorizes the President to provide \$10 billion in loan guarantees and an additional \$5 billion in immediate direct aid. This money will help stabilize an industry that is desperately in need of urgent relief.

Additionally, the legislation contains language limiting the liability for any damages arising out of the hijacking and subsequent crashes of American Airlines Flights 11 or 77 and United Airline Flights 93 or 175.

As President Bush stated in his address to the Nation last night, "We will come together to promote stability and keep our airlines flying with direct assistance during this emergency."

America faces a daunting struggle in the times ahead. We must stand united as a Nation. We must restore and strengthen our infrastructure so that Americans feel safe and confident again in utilizing the best transportation system in the world.

Mr. Speaker, as I conclude, I would like to commend the chairman of the Committee on Transportation and Infrastructure the gentleman from Alaska (Mr. YOUNG) and the ranking member the gentleman from Minnesota (Mr. OBERSTAR) for their tireless devotion and hard work on this important measure. I would also like to commend the Speaker and the majority leader and the minority leader for their leadership in crafting this legislation along with the other body and with the administration.

I urge my colleagues to support this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me the time, and I yield myself such time as I may consume.

Last night, Mr. Speaker, we were all impressed by the President's resolve. Today, this Congress continues the work of helping America recover and rebuild from last week's cowardly, barbaric attack.

On September 11, terrorists murdered thousands of innocent people. They also struck directly at the fabric of

America's economy, seeking to cripple our air transportation system. Make no mistake, there is strong bipartisan support for stabilizing America's air transportation system and for ensuring the victims of September 11 get the assistance they need as they rebuild their lives. How to do those things is a difficult and complex question, but a crucially important one. At stake is nothing less than the strength of the economy, hundreds of thousands of American jobs, and our values and way of life.

So Democrats and Republicans have been working overtime to craft a bipartisan emergency package. All of those who have spent the last week hashing out this bill, especially Leader GEPHARDT, Speaker HASTERT, and Ranking Member OBERSTAR, deserve enormous credit.

Mr. Speaker, since the Federal Government grounded air traffic last week, the airline industry has been losing billions of dollars. As a result, hundreds of thousands of Americans, employees of the airlines, as well as the service and manufacturing industries around them, have seen their livelihoods threatened. In the aftermath of last week's attack, fewer people are flying, further hurting the industry. Make no mistake, it is critical that we ensure the security of air travel so people are not afraid to fly. And until the government ensures just compensation for the victims of September 11, the airlines will not be able to buy the insurance or borrow the capital they need to keep operating.

Mr. Speaker, the airlines have already announced some 80,000 layoffs. Each airline job affects numerous additional jobs in other related industries. Make no mistake, the airlines are part of the foundation of our economy, affecting industries from travel and tourism to manufacturing and electronics.

In North Texas, the area that I represent, thousands of hardworking Americans make their living and support their families at companies like American Airlines, Boeing and Vought Industries.

□ 1930

I have talked to them and I believe this reasonable package will help them and people like them around the country.

This package provides \$5 billion to the airlines immediately to make up for the revenue they have lost this month as a result of Tuesday's terrorist attack and the government's order grounding their planes. It provides \$10 billion in loan guarantees for airlines that face fewer customers, higher insurance premiums, and rising security costs in the wake of September 11 and requires independent oversight to ensure the government will not be bailing out past management mistakes. Finally, it establishes

the Federal Government as the insurer of last resort against terrorist attacks and sets up a victim compensation fund.

Make no mistake, it is not a perfect bill. A lot of Democrats, myself included, believe the Federal Government should guarantee the safety of air travel by taking over security and ensuring security staff are professionally trained and paid.

Additionally, Democrats believe we should do more to help the hundreds of thousands of airline workers whose jobs are on the line. We thought we had a bipartisan agreement to significantly expand unemployment insurance and health coverage for those who lose their jobs; but unfortunately, that was lost at some point late last night. So we will keep working to get that done.

I am pleased that the Speaker has made a commitment to allow us next week to try to help the people who are losing their jobs. I look forward to working on it with colleagues on both sides of the aisle.

So this bill does not do everything I think it should, Mr. Speaker, but it is a reasonable response under the circumstances; and it should help stabilize an industry uniquely devastated by terrorists while also ensuring the victims of September 11 will receive the compensation they and their families need. It protects thousands of Americans' jobs and provides thousands of Americans with justice.

For all those reasons, I urge the adoption of this rule and the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and the underlying legislation.

Mr. Speaker, today was another sad day in Minnesota. Today, Minnesota-based Northwest Airlines, the largest employer in my congressional district, was forced to eliminate 4,500 jobs. That means layoffs for more than 20 percent of Northwest's 23,000 employees in Minnesota. System-wide, these job cuts affect 10,600 Northwest workers. Before last week's terrorist attacks, Northwest employed 53,000 people.

Because the Federal Government had no choice but to shut down the skies last week as an act of national defense, all the carriers I believe deserve compensation. We simply cannot let the airlines fail.

In the strongest terms possible, I support the legislation before us, providing a \$15 billion plan to bolster this struggling airline industry. It is clearly the right thing to do, and we need to do it now.

Mr. Speaker, America needs this airline assistance package which includes \$5 billion in direct aid and \$10 billion in loan guarantees so the imperiled airlines can continue flying and avoid bankruptcy. Every 1,000 layoffs by Northwest Airlines in Minnesota will result in a \$30 million payroll cut. So failure by Congress to pass this critical relief package for the airlines would be absolutely devastating to our economy as well as our airline employees and their families and hundreds of thousands of airline passengers nationally.

Mr. Speaker, without this immediate financial support from the Federal Government, the future of aviation in America would be severely threatened. Let us pass this important legislation today without further delay.

I deeply appreciate the leadership on this package by the gentleman from Minnesota (Mr. OBERSTAR), my friend and colleague, as well as the gentleman from Florida (Mr. YOUNG); and I urge all Members to support this very critical rule and legislation. The employees of Northwest Airlines and the people of Minnesota are both grateful for your bipartisan support.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST), the distinguished ranking member, my friend, for yielding me this time; and I rise to oppose the rule.

I consider the airline industry to be the linchpin of our way of life in America. It is the fuel that provides the engine for our economy here and worldwide. A safe, secure, stable industry is all of our objectives as policymakers.

On Tuesday, airlines were grounded as a matter of defense. On Wednesday, workers living from paycheck to paycheck were driven into the ground. We have a responsibility in a bipartisan manner to protect airplanes and to protect people.

I can assure my colleagues that all of us know that in the past week nearly 100,000 airline employees have been laid off as a result of the terrorist attacks. In the coming days, weeks, and months it is almost certain that the number of layoffs in the airline industry, as well as the industries directly and indirectly affected by airline travel, will drastically increase by thousands.

Analysts point out that the airline industry has a high multiplier effect. For every 100 jobs created by the airline industry, an additional 250 jobs are created by those industries who service the airline. In turn, as many as 250,000 workers may be on the brink of losing their jobs as a result of the layoffs of just the past week.

The human dimension means domestic violence will increase. It means that crime will increase. It means that

child abuse will increase. I suffer, as does every Member of this House, with every victim; and we should restore them. I, for one, believe we should rebuild the World Trade Center; and I think we have some responsibility to build the Pentagon immediately. And we should open National Airport.

The Air Transportation System Stabilization Act, as introduced, does very little to provide relief to the workers who already have been or shortly will be displaced as a result of the terrorist attacks. The amendment that I offered in the Committee on Rules today would have provided needed relief to these hardworking Americans while at the same time helping to stimulate our economy.

What I want to know from the Members is why are we going home when we have the responsibility not only to the airline but we have a responsibility to extend unemployment benefits for those who work for the airline?

Why are we going home, when we could stay here tomorrow, Sunday, and Monday and extend job training benefits for people we know will lose their job, or provide more weeks of federally subsidized consolidated omnibus budget reconciliation premiums, and provide optional temporary Medicaid coverage for those workers without COBRA?

I think we should defeat this rule. We should protect the airline industry and the workers. We should do it all and do it now.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW.)

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I must say that I agree very much with what my friend and colleague the gentleman from Florida just said, except his conclusion is wrong. We must first save the airlines. That is what is of utmost importance.

I listened to the gentleman from Wisconsin (Mr. OBEY) speaking on his concern about some of the obscene salaries that are continued to be paid while these airlines continue to hemorrhage red ink. I think the people who are considering the loans that we are being asked to guarantee should look very carefully at top executive salaries and see that these salaries should be based upon performance, and performance should be based upon, in part at least, the bottom line. When these airlines are continuing to lose money, the salaries at the top should not be in the figures that they are today. But this is for the loan people to figure out, and I hope that they do so.

But thinking of this country, a collapse of the airline industry all across this country would be devastating. You talk about lost jobs? Talking to some of the executives in my own district about what is happening to the car rental agencies, what is happening to

the hotels, what is happening to the theme parks, what is happening to the restaurants, and all of the people who work in those businesses, it is absolutely time that we pass this rule and that we pass this bill.

It may only be the first step, but it is so important that we act tonight, and that we send this message to Wall Street, that the American United States Congress is behind the American airline industry, that we understand the problem, and that we are not going to let the airlines fail, we are not going to let our economy fail. Tonight we must pass this rule, we must pass this bill, and we must move on.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me time.

Mr. Speaker, I thank the chairman of the Committee on Rules and the ranking member as well. I thank the Speaker, the gentleman from Illinois (Mr. HASTERT) and our leader, the gentleman from Missouri (Mr. GEPHARDT).

Last evening, the President told America that the hour is coming. He indicated to us as a unified Nation that we would not tire or falter or fail. In that spirit, last week I voted aye for America's response. I voted aye for the \$40 billion to respond to the horrific tragedy.

Today I am equally concerned about avoiding bankrupt airlines and losing thousands of jobs. I am concerned. Let me say to Linda, who wrote me from my district, along with hundreds of other letters, that I am aware that Continental Airlines has single mothers supporting families and they have invested the last several years to Continental. It would be difficult, as she said, for them to find jobs.

I am equally aware that Captain Kevin B. Lawson may be willingly misinterpreting my position. He needs to pay attention to his Air Pilots Association who want comprehensive legislation. We are concerned about airlines and the airline industry, but we are equally concerned about people and jobs.

Therefore, I would have hoped that this Congress could have looked to solve the problem of jobs. I supported the Hastings amendment, which extended unemployment benefits, provided unemployment insurance benefits, extended job training, and provided COBRA extensions for health care. Who of the hundreds of persons that have written me from the airline would be against that?

I also support helping the airport concessionaires. They are in desperate need. I want an SBA disaster declaration to help them. And I want to federalize the security of airlines, so Americans can get back on the airlines quickly and start flying, going to Hawaii and Las Vegas and taking their

children back to college and enjoying life again.

Mr. Speaker, I believe we can do more and reach to higher angels. I believe it is important to have a comprehensive package, and that is why I have raised my voice to fight for those who cannot fight for themselves.

I want to support the airline industry and those employees, too! I want to keep the millions of existing jobs. But, do you know what, Mr. Speaker? When I walk through the airports, I talk to the skycaps, I talk to the cleaning people. Those are the ones that pat Congresswoman SHEILA JACKSON-LEE on the back, and ask for help, not a hand-out.

I promised them I would work on their behalf, and I want a commitment from this Congress today that we are not going to leave here today without providing assistance for these people who are also affected, hotel workers, skycaps, cleaning people, contract people, people who are also innocent of the events of September 11, 2001.

I believe that we have to work with this rule and work with this legislation. But my heart is broken. Why? Because we could have done this in a more comprehensive manner. What do I say to the skycaps of 20 and 30 years that get \$2 an hour? We can do better. The hour is coming. We can vote aye on a plan that will help everyone, if not today—we must do this in the coming days.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), who has spent countless hours in committee hearings on this very subject.

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me time, and I thank the ranking member for conducting this debate in a very professional and proper way.

Mr. Speaker, I have sat through every minute of hearings on airline financial stability and on security. I have been there for every minute. Members have raised relevant points, some more relevant than others, but here tonight we are faced with doing something that is crucial to our economy and to the airlines, which are a building log of that economy.

Last Friday night, it was brought to our attention by the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Alaska (Mr. YOUNG) that the markets would open on Monday and we needed to send a strong message to Wall Street and the financial community that we would be there for this important part of our commerce.

That did not happen. We spent a week talking about very important things. Let me assure my colleagues, many of whom I have spoken to individually, and thank the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from Texas (Mr.

FROST) for their wonderful cooperation; but here we are a week later. We could have been doing the things that people are raising now.

□ 1945

Please put this discussion aside. Take this building block, put it in place, then we will address in time, as everyone has promised and everyone unanimously wants to do, the other issues, some of which are discovered, many of which are yet to be discovered. Let us pass this rule and this bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I appreciate the gentleman for yielding me the time.

Mr. Speaker, these are unique and extraordinary times. Some of the steps that we take are not perfect. This is not a perfect piece of legislation. If the events of last Tuesday are any indication, this is not a perfect world.

I support this assistance bill because I believe it is necessary to maintain our transportation and aviation infrastructure. Passing this legislation does not absolve Congress from moving forward with air travel safety and displaced worker assistance. We must do both as soon as possible. There are other industries that have been and will be effected by the events of September 11, 2001. We must look at these issues in a broader context.

This financial emergency assistance package will ensure the survival of a vital engine to our economy, the airline industry. We cannot afford to wait. By getting the aviation industry back on track, we will have a downstream effect that will provide a boost to all of the related industries that have been hit hard by this tragedy: the car rental agencies, travel agents, tourism, restaurants, theme parks, cruise lines and the list goes on and on and it even multiplies.

By no means does passing this bill today end our work. This is only the first step. We must also address safety and displaced-worker protections immediately.

It is essential that we address safety. We need to restore confidence in the flying public. No financial aid package will bring passengers back to the planes unless they feel safe. Passengers need to feel sure, or they will indeed stay home.

I strongly believe that a worker-relief package must be addressed by this body as soon as possible. We must provide displaced worker protections and extended health care coverage, not only for airline workers, but all workers affected by this tragedy; or, again, the costs will multiply. But I do believe that these issues should be addressed in a separate package. This is not the time to try to address every issue in one bill.

These are not ordinary times. Congress is being called on to do extraordinary things, and I urge my colleagues to support this legislation today.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, let me say that safety is job one, which is why the airlines, when they were grounded last week, were given a whole set of new rules and regulations by which to live. Anybody who thinks that security is not being taken seriously in this country ought to go to one of the airports, because we have a whole new list of things that we are dealing with that will keep our airports more safe and secure.

Mr. Speaker, I am one who believes in an expanded role for the Federal Government in airport and airline security, and that discussion and debate is under way about how best to do that.

In the meantime, Mr. Speaker, the terrorist attacks of September 11 have sent the entire airline industry into an economic crisis with bankruptcy just a few weeks away for the entire industry. These desperate times require action. I believe it is Congress' responsibility to act.

As a fiscal conservative, I am extremely cautious when it comes to spending the money of South Dakotans and all Americans. However, our country has been the victim of a despicable act of terrorism that has ricocheted throughout our entire economy. No business could have foreseen the acts of September 11. In this time of open conflict, it is our responsibility to preserve the American aviation industry.

Mr. Speaker, in South Dakota where air service is provided by small carriers to small airports, we have been hit especially hard. We have already seen carriers curtail air service to some of our communities. However, this legislation contains specific provisions to help small communities in rural States like South Dakota.

I appreciate the leaders on both sides working with me to include language that gives the Secretary of Transportation the authority to ensure that airplane service to small communities continues without interruption. It also includes a \$55 million increase in the amount of money authorized under the Essential Air Service Program. This means that small communities across our Nation will have enhanced access to much-needed essential air service funding.

I am pleased that Congress has chosen to make air service a priority for our Nation. I am pleased this legislation contains language to ensure that communities across the country will maintain the air service they have been accustomed to.

Mr. Speaker, I would conclude by saying I look forward to working with the administration, the carriers and

the communities to preserve air service, and with the help of this legislation, make sure that those small communities across South Dakota and across this country continue to have the air service they currently have and that it is safe and secure for the future of America.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of this rule and the legislation which it permits to be taken up later tonight.

Mr. Speaker, I rise in support of this legislation, which will provide necessary assistance to our airlines and protect this sector of our Nation's infrastructure.

We must resolve ourselves to restore the financial stability of our airlines—for we do this not for the sake of the airlines alone, but for the sake of the millions of air travelers.

Even with this assistance, Americans still will be asked to sacrifice, for our country has changed. And yet we know that our country has faced and conquered so many other challenges in its proud history and we will survive this as well.

Thousands of workers in the travel industry have already lost or will lose their jobs, and citizens will be impacted by reduced options for air travel.

My district has already felt the brunt of these airline cutbacks. Continental Express will discontinue service to Abilene and San Angelo Airports beginning October 1, and the sole remaining carrier, American Eagle, has announced that it will reduce the number of daily flights to Dallas-Fort Worth.

I commend Chairman YOUNG and Ranking Member OBERSTAR for including language in this bill to protect rural communities and small airports. Each community that had service prior to September 11 must be assured of continuing air service, and I encourage Secretary Mineta to take steps to ensure this.

It is also important for the airlines to realize that now is not the time to unreasonably raise fares on passengers—especially in rural areas that are served by only one or two carriers. We must make sure that airfare remains reasonable and affordable for all Americans.

We must make our Nation's sky safe again, by increasing security at our airports and on the airplanes themselves, but tonight by ensuring the financial security of the airlines.

This bill is not perfect. In fact there are many changes I would have made. But this bill is the best we can do tonight.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, our Nation's airlines do need our help. They are indeed in a crisis situation. I know in my own State of Maryland, U.S. Airways, which has a major economic impact, is in real trouble.

I think there is a large consensus that we ought to help them and we ought to provide the \$15 billion that they will need to keep flying. But there is another question that needs to be asked that the American people need

to keep at the forefront of their minds during these grim times, and that is simply this: What about the workers? What about the workers?

Make no mistake. Even with this \$15 billion infusion, there will still be layoffs; there will still be dislocation. Many of us have said, in this bill we ought to deal with those problems. We ought to deal with the problem of extending unemployment compensation; we ought to deal with the problem of extending health care benefits; we ought to deal with the problem of job retraining.

I believe in balance and fairness. We ought to help the industry; we ought to give the \$15 billion. But it is not fair to ignore the employees, the workers, the clerks, the baggage handlers, the cooks, the mechanics, the people that keep the airplanes flying and say, well you wait until later. That seems to be the approach of some in this body that we will take care of that later. They have made a commitment that they will indeed address the workers' concerns. I sincerely hope that they will keep that commitment, and I hope the American people will take them to task; that in the weeks to come, we will, in fact, on the floor of this House deal with the question of protecting our dislocated workers, because they are the people who truly keep America flying.

Mr. REYNOLDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a bill that recently passed in the other body 96 to one. Ninety-six to one. I had to come to the floor because I could not believe the rhetoric that I am hearing, the passion. I understand the song that is being sung, but let us remember what is occurring here at the moment. An industry is hemorrhaging. Hemorrhaging. Folks, let us calm down for a moment here.

When you look into a pond and it is nice and glassy on a calm, windless day and you take a rock and you throw it into a pond, sure you see the splash; but then you have the ripples that go far out infinitum. We are trying to deal with those ripples and bring calm to it before it hits the shores. Here is an industry that is approaching 100,000 layoffs. We cannot give in to the terrorists. We have to have this immediate infusion.

I have great respect for the leaders of both parties that negotiated this. Let us bring calm here also to our words.

This needs to pass. Yes, it is an economic stabilization. Yes, we have to address security assurances. Yes, we have to address liability. There is plenty of work still yet for us to do.

I want to compliment the Governor of Indiana, Frank O'Bannon, a Demo-

crat governor. He sent a letter to me and said, "I would like to urge you to support the enactment of the economic assistance for our domestic airline industry as quickly as possible. As you well know, the tragic hijackings of the four commercial jets last week resulted in the first-ever complete shutdown of our air traffic system. This closure itself cost the airline industry hundreds of millions of dollars each day. The continued closure of Reagan Washington National Airport, heightened security measures, reduced passenger demand due to concerns about air safety pose significant obstacles to recovery. Without Federal assistance, including grants and loans, many airlines will go bankrupt."

I want to compliment Democrat Governor Frank O'Bannon.

Republicans and Democrats are unified. We are unified and there is unity to do this measure, so please let us be very cautious about the rhetoric and the tone that is being used here on this floor, and let us continue our work in a bipartisan fashion on behalf of the American people.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, everyone in this House wants to be sure that we have a sound airline industry and that it is functioning properly for the American people. But this bill does not do enough in too many areas and in some areas, it does what it does in the wrong way.

The bill, first of all, provides \$5 billion in outright grants to the airline industry. The September 21 report of the Democratic staff of the Joint Economic Committee estimates that because of the shutdown, the airline industry in the United States has lost between \$360 million and \$1 billion, and this bill gives them \$5 billion in outright grants and another many billions of dollars and more in loan guarantees follow upon that.

If we want people to get back into airlines, the way to do that is to increase the confidence of the American people in the airline industry. The way to do that is to put safety procedures in place, the kind of safety procedures that the airline industry has resisted for decades, since deregulation. These people who run these airlines are using the cover of crisis for financial gain, and that is what is happening in the context of this bill. No safety procedures, no increases in safety procedures, no additional confidence on the part of the American people.

If we want people back in the airlines, we have to make them safe. Why are we not requiring the airlines to do the kinds of things that will produce confidence in the people who ride on these airlines? Where is that \$5 billion going? What is it going to be used for when the airlines have only lost less

than \$1 billion as a result of the shutdown.

Then, of course, there is the issue of the people who work for the airlines who are getting absolutely nothing out of this particular piece of legislation.

Airline executives making between \$5 million and \$35 million a year, at a time when the economy has been at its best in modern history, at a time when more people are flying, have nevertheless been able to run several of these airline companies into the ground, and now we are rewarding them with additional billions of dollars.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I have one piece of concern about the legislation that I wanted to air here. The bailout, or the \$5 billion portion, is given on the basis of formula, which is fine, as it should be. However, the next portion, the loan guarantees, will be distributed based not on a formula, but where a governmental entity or a group of individuals will simply pick winners and losers: you have more cash flow than the other guy. You have a bigger asset base than the other guy. You win; you lose.

I hope that as this goes forward, if this legislation passes, that we are vigilant here in ensuring that those who dole out that money do so in an equitable basis and do not try to pick winners and losers in the economy.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

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Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule. At a time when the American people expect, more than ever expect and truly deserve a full discussion of our response to our national tragedy, the Committee on Rules has presented us with a closed rule.

At a time when the collateral damage to workers associated with the airline industry can run up to 100,000 layoffs, we are not even allowed to discuss amendments to help them. At a time when the airline industry has placed the burden of safety on the travelers with 3-hour waits before scheduled takeoffs, and present us with a bill which barely mentions safety, a bailout of the airline industry will only be a temporary fix if we do not get passengers back on the flights.

The airlines must do a better job of facilitating travel, and this Congress must do a better job for the thousands who are losing their jobs. To do anything less while we are considering a \$15 billion bailout is a national disgrace. I urge my colleagues to oppose this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule and of the underlying bill. A week ago tonight, actually early in the wee hours of Saturday morning, I stood on this floor and urged my colleagues to pass the bill that was before us then.

At that time, I discussed the fact that the airline industry had been massively attacked, and that it was suffering, and if we did not act, we would bring financial consequences to the airline industry, and people would lose their jobs. In point of fact, sadly, that prediction turns out to be true. We now know of some 100,000 layoffs in the industry. How many of those layoffs would not have occurred if we had been able to send the right signal last week?

Our enemies do not seek just to destroy buildings, such as the Pentagon and the World Trade Center, they seek to destroy our economy. We cannot let that happen. This bill is a piece of intensely negotiated legislation on which there are fair compromises on each side. Many of my colleagues have concerns about the liability provisions, but as a result of the compromise which has occurred in the last several hours, in the last several days, those compromises are fair.

There is a claims procedure under which the victims of this atrocious act will be able to get relief without having to rely on an attorney, and that is a good move. They should not be victimized again by having to pay a huge contingency fee in order to recover.

The danger in this bill, however, lies in the ability of the Airline Stabilization Board to allocate the monies which are allocated for loan guarantees. Those funds are absolutely critical to keep our airlines in the air.

Sadly, under the wording of this bill, that board can pick winners and losers. We do not need the government picking winners and losers. It is vitally important that we ensure that the airlines of America, not just the big carriers who have lots of capital, who have an old fleet with a lot of equity in it that can stay in the air, but it is vitally important that we keep the small carriers, the cost-sensitive, low-priced carriers, in the air. They are much less able to qualify for those loans.

This legislation should say, "If you were flying on September 10, we are not going to let the act of these terrorists destroy you and keep you from flying, because we understand that will put your employees out of work."

I urge my colleagues to make sure that we should not let the stabilization board pick winners and losers and hurt the employees of the small airlines while picking winners for the employees of the bigger airlines.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the rule. It is amazing, the last speaker said those airlines that were flying on September 10 should continue flying. That is exactly the amendment I offered in the Committee on Rules today, which the Committee on Rules rejected. Because what we have found, Mr. Speaker, is the airline industry is asking for billions of dollars of taxpayers' money, and yet they are telling some of us in certain parts of this country, we are no longer going to service your area.

If you are taking the taxpayers' money and if you are flying and doing well before September 11, 2001, why are they now cutting out service to areas like Chattanooga; Escanaba, Michigan; and the rest of this country? They are using the terrorist attack as an excuse to get out of certain marketplaces.

The intent of my amendment was not to minimize or aggravate the losses incurred by the airline industry, but a sense of fairness. If they can service our areas before the terrorist attack and take billions of dollars from us, they should at least be able to continue to service our area.

That was our amendment, straight up, forward. That is all we wanted. It was to ensure that areas do not get dropped by airline carriers in a rush to save money during this time. It is a real concern that the carriers will use this emergency as an excuse to cut routes, and, indeed, they already have.

The amendment states, "Any carrier who drops service within the next 2 years to an airport they served prior to September 11 will not be eligible for funding under the airline bailout bill." If a carrier stops providing air transportation to an airport, then the carrier must repay the United States the amount of money that they received.

Billions of dollars in aid should not be given to private industry without some promises in return. Our communities are the heart and soul of America, and should not suffer undue hardship as a result of this tragedy. We cannot leave this to the airlines' discretion. They have already spoken. They have spoken loudly. They will cut service in some parts of this country.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I thank my distinguished friend, the gentleman from New York, for yielding time to me. I thank all those in the House here tonight, and all those working on this bill.

About a week ago, when I saw what will forever be known as Ground Zero in New York, my heart ached. My heart ached for those who were afflicted with the pain and suffering, and for those who were going through the rubble and trying to find human life that was left.

Now my heart aches for more Americans, people who are out of work, people who are affected, small business owners across this country, because the airline industry is not up and running. It is the people who live in my district who work there as well. I want to help them. I will do all that I can to do that. But before we can put them back to work, we have to put the airlines back in the air. We need to do all we can to make sure that this country continues to move forward.

We are going to do what we need to do. I heard the President say that; that not only are we going to rebuild New York and Washington, but we are going to rebuild our economy. That is going to be one brick at a time. As we move forward, we are going to take piece by piece, and this piece is to help put the airline industry back in solvency so we can go forward and put people back to work.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, let me say that everybody in this House feels the pain of what is going on in the country, and certainly we all want to be supportive. I personally sat through the testimony of the CEOs in the Committee on Transportation and Infrastructure. I know that our carriers need some relief.

But I refuse to vote for a bill that was never debated in committee, and does absolutely nothing for the thousands of employees and businesses that rely on the airline carriers for survival. We are handing over \$5 billion, a blank check, to the airline CEOs, and over \$10 billion in loan guarantees, with no questions asked; but not one single dime for the over 100,000 employees who the airline carriers are laying off.

How can we go back to the district and tell those hardworking men and women that we were not able to provide a dime for them, but yet we are giving the CEOs \$5 billion? Mr. Speaker, the airline carriers are taking advantage of us. We are being chumps.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank him for his leadership on this issue.

Mr. Speaker, Congress is right to act because America's air transportation system is as critical to our economy as our highways, our railroads, and our seaports. This is important locally to me because the 20,000 Continental Airlines furloughs are causing a great deal of hardship for our families in our communities. Without swift action from Congress, many more of our jobs and our businesses will suffer greatly, and

so will our chances for recovering from this economic strain, and as we work to open new markets for Texas and for the United States.

These are extraordinary times, and in the end, whatever concerns we may have, we simply cannot sit idle and give terrorists the satisfaction of toppling America's economy as they did the Twin Towers. This is crucial legislation tonight, now, for America.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLIVER).

Mr. OLIVER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this bill today aids the airline companies that were devastated by the terrorism of September 11: United, American, Delta, Northwest, and U.S. Air, and the others who on average have announced a 20 to 25 percent reduction in employees, and cutting 25 percent, on average, of routes. By all accounts, they need the aid.

But the airline industry is not solely these largest of the airline corporations. This bill provides no parallel aid for the nearly 100,000 direct employees of those companies who are losing their jobs, and this bill does not even contemplate the spin-off losses of jobs in the travel/tourism industry, the hotels and resorts, the restaurants, and travel services. That is a severe inequity.

Beyond that, this bill does absolutely nothing to assure the American public that they can travel safely in the new world that has followed September 11. Yesterday, the joint subcommittees of the Committee of Appropriations, the joint Senate and House subcommittees, held a hearing and heard powerful testimony from the FAA, the GAO, the IG, which documented the utterly porous security systems operated by the airlines. They have found that the screeners frequently fail to detect guns, knives, and other threats; that they have been able to repeatedly to breach the secure areas in a large percentage of the airports, and once they had breached the secure areas, could enter easily aboard aircraft.

Mr. Speaker, why is it that these breaches of security systems are so easy? The IG and the GAO cite low wages and low benefits of the employees, little or no training, weak and no criminal investigations of the screeners, no uniform standards for screening. In other words, they are largely dead-end jobs providing security. We must come back to this bill, even though I am going to support the legislation.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, the terrorists not only wanted to kill Americans, the terrorists wanted to destroy the great symbols of America's freedom: New York, the Trade Center, the Pentagon. If not for those brave

Americans, that plane in Pennsylvania would have probably visited this Capitol.

I do not think there is anybody who has fought more for jobs in this Congress than I have. Failure to pass this bill will do something that I think was unintended by the terrorists. It will give them a victory because our aviation industry shutdown kills our economy, kills more jobs, and destroys and wrecks the stability of our freedom.

This is not a perfect bill, but we have the word of the Speaker, the minority leader, that they will revisit this issue and this bill will be perfected. But failure to pass this bill gives these terrorists a victory that they never envisioned. They wanted a symbolic victory. We are giving them an absolute economic victory. That cannot occur, it should not occur, and Congress should do one other thing: not divide our resolve. That is the real goal of these terrorists.

Stay together, pass the rule, pass the bill, and let us fix that as we go on, as we remedy this great disaster.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, every single Member of this body and every person in this country understands fully that a functioning airline industry is vital to the functioning of our country. Yet, I stand in opposition to this legislation. Why? Because, remarkably, this bill completely ignores the heroes in the airline industry who were and are most deeply and personally affected by the September 11 atrocities, the thousands of everyday airline workers who are now losing their jobs as a result of the September 11 attack.

Members can look in every line and in every page of this bill and we will not find a single mention of them. Those airline executives who earn up to \$35 million a year, they will find a whole section here, but not a word about the up to 100,000 industry workers who will lose their jobs even if we pass this bill.

An angry and hurt Association of Flight Attendants said, "It is sad how quickly those who sacrificed to make our country great, even in these times of tragedy, get left out when corporations go asking for taxpayer money."

This bill says nothing about unemployment benefits, job training, and health benefits. I stand here tonight ready to help the airline industry, but not just a part of it. Those who say they will help workers next week or the week after, have to be asked: Why not tonight? If we add them to the bill, I would gladly and proudly vote yes.

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Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the

gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I urge my colleagues to stay here and address these issues: the worker employment issues and the safety issues and security issues we have talked about.

There is no doubt that the airline industry is in need of assistance. This industry is vital to our nation's economic strength, and its current struggles have far-reaching implications for all segments of American society. Therefore, at this time of national emergency, I agree that we should help stabilize this important cog in the American economic wheel. However, I do not believe that we should simply provide a "bailout" bill for airline companies at the expense of American taxpayers.

As we consider the amount of assistance we are providing, we also need to ensure that there are sufficient provisions to assist everyone who has been affected by this tragedy. First, we must compensate the victims of the September 11th attack. Second, we need to take steps to prevent future tragedies. Third, we need to help the airline industry, but we also must remember those hard working airline employees who have lost their jobs. Finally, we need to provide support for smaller airports throughout the country. In providing assistance to the beleaguered industry, we must be mindful of these objectives.

Unfortunately, Mr. Speaker, I have reservations about whether or not this bill is mindful of those objectives. I have serious concerns about the lack of employee assistance provisions in this legislation and believe that we, the United States Congress, should be working through the weekend to ensure that those airline employees who need our help receive assistance as soon as possible. I am hopeful that the majority will keep its commitment to move additional legislation to help working families next week.

Nevertheless, Mr. Speaker, despite my reservations about this legislation, I do recognize that it is an important start in a time of great national crisis and will therefore support its passage. I believe that we should provide assistance to the airline industry, but believe it should be done responsibly. The American people demand it, and the American people deserve it.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am here in the Chamber tonight with a heavy heart. I will support this bill reluctantly, but I will oppose the rule. And I will oppose it because of the reasons that so many of my colleagues have given.

I am very disappointed that there is no relief for workers for the airline industry. There is no job training, there is no unemployment compensation, there is no health benefits protection to laid-off workers. None of that is in the bill. I know we are going to revisit it next week, and I hope we get a bill then, but it should be in the bill tonight.

Also, we all know that federalizing the security workers that are by the x-ray machines is something that we are going to have to do. Why are we not addressing this issue in the bill tonight? The fat cats, the heads of the airline industry, are guaranteed and locked in for millions, but American workers are not given the right time of day.

We ought to stay here and we ought to perfect the bill. That is why I am going to oppose this rule, because we should be having amendments that will deal with these issues that we are talking about. What could be more important than helping American workers? So I will support the bill, but I will oppose the rule. The airline industry needs to be helped, but we should be doing everything tonight.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

As I have been working on seeing this rule come to the floor for some 24 hours, I cannot help but reflect that the goal I hope to achieve by helping to invest some of America into our airlines is to protect those jobs that I have heard so much discussion about, to stop the layoffs, to stop the slow-downs of our economy, not just for the employees of the airlines that we have made reference to today but for all of America who is dependent on those airlines being in the air.

We are now in a global economy. We are dependent on the strength of the airline industry to make America work strong. And when I look at the investment of taxpayer dollars into our airlines, I am thinking about jobs and the economy first. I am thinking about not only the airline jobs, which are so important, but I am thinking about the jobs in my community and across America that people are working in. Americans working day in and day out are dependent on our airlines, whether they use them in their work or they are dependent on the goods and services that those airlines bring about in the reality of their jobs.

We are looking today to move forward with an opportunity for saving jobs, creating jobs, and addressing the jobs so dependent on our airlines. We have heard speeches made in debate today regarding the workers themselves, the airlines, men and women working across America in the tourism industry. That is why I think we need to move ahead and pass this rule so that we can get America working strong, able to depend upon the airline industry, which is so vitally important.

I think we have seen a recognition of that in the last rule vote. I think we will see that in this vote as we move forward to debate the bill. This legislation is about preserving and growing jobs in the airline industry, which means so much to this country.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from New York (Mr. REYNOLDS) has 5 minutes remaining, and the gentleman from Texas (Mr. FROST) has 5½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I thank the ranking minority member of the Committee on Rules for yielding me this time.

Mr. Speaker, there is no question that we must help the airline industry. They are in a real danger of financial collapse. However, I have real concerns with the way that we are going about giving the airline industry financial assistance. We have left the workers behind in this bill, the workers who are or in so many cases were the heart and the soul of the very industry we may be bailing out this evening.

Despite the efforts over the last several hours, hours to digest and debate a bill of this magnitude, the leadership in this House, the people's House, has refused to include in this legislation any relief for the tens of thousands of workers in the airline and related industries who have lost or will soon lose their jobs because of this crisis.

I have voted against the martial rule; and I will vote against this rule, because I believe that a bill this size, this magnitude, of this importance should not be rushed through the Congress. However, I will vote for this bill because I do not have a choice. The leadership has left no choice.

Mr. Speaker, this bill is not even close to perfect, but I will support it.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of not only the rule but also the Air Transport System Stabilization Act of 2001.

Last week, this country suffered a terrible human loss when terrorists decided to use our airline industry as a weapon of mass destruction. The human magnitude of this attack has now started to crystallize, but the economic consequences of many of our industries, like the airlines, is only now becoming known.

Whether intentionally or unintentionally, the terrorists have brought financial ruin on our national airline system. Our national carriers have suffered a 50 to 80 percent drop in passenger miles flown, and that number may actually get worse in the short term. Congress must step in immediately and provide a financial floor for the industry. They need help, and they need it now.

I understand there are many in this Chamber who want to attach a broad list of legislative mandates and conditions on the bill. I would like to do some of these. But this assistance is only the first step. If we delay providing financial assistance one more week while we haggle over these proposals, this industry would not need the \$15 billion because they will be out of business. That is because airlines are going to start declaring bankruptcy and will not need the money.

Delaying this financial assistance package means more workers will lose their jobs and Wall Street will continue to punish their stocks.

Let me make something very clear, our number one priority should be the jobs of the thousands of airline employees being furloughed or laid-off. But, we cannot begin to help them until we arrest the airlines sinking financial position. This legislation is not a bailout, it is a helping hand that I hope all the airlines fully appreciate.

Mr. Speaker, I do also want to interject that I would like to see all the airline CEO's show some solidarity with their workers by agreeing to take a cut in pay. I understand that the legislation caps their pay, but I do not think this is sufficient in the face of the thousands of pink slips being handed out. Tough times need to be shared by all. My colleagues, we have time left in this session to bring a second more comprehensive airline reform package to the floor.

I know the chairman, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), will work with all Members to address their concerns, but please let's get this package out the door today.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, this legislation tonight certainly is not perfect, but we have a very dire situation that faces the airlines. I happen to come from the State of Washington, which is a State that has already been affected with the Boeing Company announcing a layoff of 30,000 workers in our State. I believe this legislation will help stem that terrible loss and will keep people at work, both in the airlines and at Boeing.

I am deeply disappointed, however, that the leadership chose not to put in place the unemployment compensation benefits that would help the unemployed workers at Boeing and help the unemployed workers at the airlines. It is my understanding that the gentleman from Missouri (Mr. GEPHARDT) and the Speaker will have a colloquy in which they will state their intention to bring legislation up next week. My support for this legislation is contingent upon that happening.

Mr. Speaker, I rise tonight to offer my support for this legislation because I believe it is necessary for the survival of the airline indus-

try in our country at this time. Without the infusion of cash and loan guarantees that is contained in this bill, I believe we would run the real risk that this vital component of our transportation system—so critical to our economy and our way of life—will cease to operate. We have already seen huge airline layoffs resulting from the disaster of September 11th, along with the resulting airport closures and sharp decline in air passenger traffic. And in the Puget Sound area of Washington State that I represent, we face the prospect of 20,000 to 30,000 layoffs at the Boeing Company in the year ahead, due to the industry decline that was certainly exacerbated by the terrorist attacks last week. This package we are considering today will help us avoid more bad news, Mr. Speaker, and deeper job cuts.

However, my support of this bill is contingent on the premise that a comprehensive package of assistance for workers in the airline industry and at Boeing will become law in the next few weeks. This broad array of benefits, including income support, skills training, educational assistance and other re-employment help is absolutely necessary, and it recognizes the tangible impact on workers in the industry as a result of this terrible national tragedy. In fact, I would have preferred if we had included this worker assistance in the legislation we are considering today in the House of Representatives, because the workers deserve an immediate sign from the federal government that they will not be forgotten as we are responding to the financial crisis among the airline companies themselves.

Already, I have begun working with the State of Washington and the U.S. Department of Labor to ensure that existing programs of income support and training are able to meet the sudden huge demand that may be placed upon them. It is important to marshal these resources to help get these workers through the tough economic times ahead.

So I support the legislation to help the struggling airline industry in America at this critical time, Mr. Speaker. But I do so with the understanding and the hope that the workers who will be affected downstream by these same financial problems will know that help is on the way to them also.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time. I rise as the other co-chair of the Congressional Travel and Tourism Caucus, along with my colleague, the gentleman from Florida (Mr. FOLEY).

I rise in support of the bill but with great concern. We have shown nothing but unanimity since the disaster last week. The airlines need this help, but it is not only the airlines that need this help, it is the employees of the airlines that need this help and it is all the other tourism related issues. I really want to ask my colleagues on the other side to try to keep the unity that we saw last night by really helping all of the industry affected in the United States, not just the airlines.

I support this because it is a 3-5-10 bill. And to explain that: it is \$5 billion

in direct aid; it is \$3 billion for airport security, and certainly I think there is more needed in airport security, I think we need to Federalize all our security and we need to have a surcharge on that; and, lastly, it is \$10 billion in loan guarantees.

It is a good bill but a bad process.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) has 5 minutes remaining, and the gentleman from Texas (Mr. FROST) has 1½ minutes remaining.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, today I rise with a troubled conscience to address the rule before this body.

September 11 marked one of the darkest moments in our country's history. On that day, terrorists struck at the heart of our social and economic fabric, and the ripple effects of this tragedy are still being felt. In particular, the airline industry was severely impacted, resulting in tremendous economic hardship for the carriers, the people who work for them, and the travel industry as a whole.

This bill will allow the airlines to continue flying, provide some security for our airports and airways, and grant critical compensation to the families of victims of last week's barbaric attack. For those reasons, I hesitate to vote "no." Nonetheless, the bill does little for more than the 100,000 workers laid off as a result of this tragedy. Millions of laid-off workers and their families will be left behind with no guarantee they will retain their unemployment benefits.

The security provisions do not go far enough. The airline industry has fought the government tooth and nail over increased airline safety. We cannot afford for the airline industries to fail; but they deserve a stern warning, not just a check.

That is why I will vote "no" on the rule.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself the remaining time.

The SPEAKER pro tempore. The gentleman from Texas is recognized for ½ minute.

Mr. FROST. Mr. Speaker, as many people have indicated, this is not a perfect bill, but we have very little choice. We need to move forward tonight. We must pass this legislation.

I urge adoption of the rule and adoption of the bill, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of my time.

There has been a lot of debate on this rule about jobs and providing some assistance for what will be laid-off airline workers. And as I said earlier, I hope

that we will have the opportunity, by strengthening our airline system, that they will be called back.

We have many challenges ahead of us in the hard work that this House and the other body and the administration has. I think about New York City, at the other end of my State, faced with 30 to 40 million square feet of lost office space, and 40,000 workers no longer working every day. And while we look at some of the things we face, and it is apparent we will have future debate on some of the airline industries assistance for laid-off workers, we have so much work to do in a comprehensive package that we need to work together on as we address some of these national tragedies that occurred in America in loss of jobs, let alone loss of life in New York City.

Our focus here today was to save jobs and continue an airline industry that this country is critically dependent on. The ripple effect of last week's attacks have been felt all over the world. In the blink of an eye, the way of life that we have taken for granted for so long has been changed forever.

Despite that national state of shock, thousands of our fellow citizens immediately went to work to ensure the safety and security of our American citizens. Within a matter of hours on the day of the attacks, the Federal Aviation Administration carefully orchestrated the safe grounding of every single airplane flying within the United States. This quick response and cooperation from the entire airline industry ensured the safety and well-being of countless individuals.

□ 2030

But in the wake of the cowardly attacks on our Nation, scheduling cutbacks and subsequent reductions in the number of flights have hit the industry hard. We as Members of Congress know that full well. Already there have been over 80,000 airline-related layoffs with more expected. We must remember that this is not just an industry giant that is suffering. It is a critical component of our way of life and a vital segment of our national economy.

Our airlines move people and products across America and throughout the world. They serve not just business and tourism, but can, quite literally, determine whether we are able to compete in a global economy. The rule is now before us.

Mr. SPRATT. Mr. Speaker, the federal government must come to the aid of the airlines, and help them quickly, or the repercussions will be felt from coast to coast, all over our economy. Before September 11, our economy was at the tipping point; if the airlines fail, the economy will surely move into a recession, and the downturn will be deeper and longer.

I also believe that the victims of this tragedy, whether in the air or on the ground, deserve compensation, and most citizens will be pleased to know that this bill uses their tax

dollars for that purpose. But in this case, where the liability of the airlines is unsettled, I do think there are limits to which victims' compensation by the government should be provided. This bill sets up a Victims' Compensation Fund, but does not specify the size of the fund or the maximum that any beneficiary can recover. Many of the victims in the World Trade Center earned many times the incomes of the firemen and police who died trying to protect them. Under this bill, the heirs of those victims will be eligible for many times more benefits than this bill will allow those brave firemen and police. Quite a few claimants will be able to show substantial incomes. The earning capacity of their decedents will run into millions of dollars. I do not doubt their losses, or the grief their survivors must feel, but I do think the compensation to which they are entitled under this bill should be subject to some fair and reasonable limit. At this point, no one has any idea what the government's liability under the Victims' Compensation Fund may be, though it is likely to be substantial.

I wanted to propose that we set a fair but generous cap on the victims' benefits paid by the government, and use some of the money saved to help the thousands of airline workers who are being terminated or laid off, and are in a real sense, victims of the September 11 tragedy also. H. Resolution 244, the rule allowing this bill to come to the House floor, would not permit me to offer such an amendment, and for that reason, I voted against the rule. I will vote for the bill, but it would be a much better bill if such an amendment had been made.

Mr. BLUMENAUER. Mr. Speaker, I rise in opposition to the Rule. The rushed process by which this airline relief legislation has been brought to the Floor does not allow for full consideration of the critical elements that the public deserves to have addressed.

The rule does not allow Members to add provisions to this legislation that would provide a more fair and comprehensive relief package to protect and restore the entire aviation industry, including those who work for airlines and in other directly related industries. In this time of extreme tension and sense of urgency, we should be urgent about doing things right and not rushing to consider solutions that only address half of the problem.

Federal assistance to stabilize the industry is warranted. I cannot, however, support a rule that fails to consider all of the ripple effects to those people and businesses across the country who are directly impacted by last week's tragic events.

Mr. OLIVER. Mr. Speaker, every member of this house understands that the airline industry has been devastated by the terrorism of September 11th.

We must provide help to the airline industry. I am sure we will do that today. This bill today aids the airline companies and by all accounts they need aid. United, American, Delta, Northwest, and US Airways are laying off 20–25% of their workforces and cutting 25% of their routes.

But this bill provides no parallel aid for the nearly 100,000 direct employees who are losing their jobs. Furthermore, this bill does not even contemplate the spinoff losses of jobs in the travel and tourism industry, the hotels and

restaurants, the resorts and travel services. This is a severe inequity.

Beyond that, this bill does absolutely nothing to assure the American public that they can travel safely in this new world that the terrorism of September 11th has imposed on us all.

Yesterday, in a joint hearing, the Senate and House Transportation Subcommittees on Appropriations heard powerful testimony by the FAA, GAO, and Inspector General documenting the utterly porous security systems operated by the airlines.

Both the GAO and IG have extensively tested the security systems and found that screeners frequently fail to detect guns, knives, and other threats at security check points. The IG repeatedly breached secure areas in a large percentage of their tests at major airports. Once they entered secure areas, they could easily board aircraft.

Why are the breaches of the security system so easy?

The GAO and IG cite: low wages and benefits of security personnel; little or no training of screeners; weak to no criminal checks on screeners; no uniform standards for screening; very rapid turnover (from 80% to over 200%).

In other word these are largely dead end jobs. DEAD END JOBS protecting the security of American travelers.

This bill does nothing to correct the obvious error of placing airline companies in a double conflict of interest that the present system creates. First, spending the necessary money to provide the security that Americans must have comes from the airline's bottom line. Second, proper screening requires time and causes longer waits in line.

But Americans will not return to the airways unless they are convinced that travel is safe. So, we must professionalize the airport security system with the ultimate responsibility for that security system firmly federalized.

In conclusion, neither the plight of employees of airlines and the related travel and tourism industry nor the necessary security of the American public when they fly is considered in this bill. Both will have to be addressed very soon.

But today, we have a bill that deals with an important part of the airline industry problem.

I urge this House to do that much, but then come back and finish the job before we adjourn this session of Congress.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 285, nays 130, not voting 16, as follows:

[Roll No. 346]

YEAS—285

Aderholt Goss Osborne  
 Akin Graham Ose  
 Andrews Granger Otter  
 Armey Graves Oxley  
 Bachus Green (TX) Pallone  
 Baird Green (WI) Pascrell  
 Baker Greenwood Pastor  
 Baldacci Grucci Paul  
 Ballenger Gutknecht Pence  
 Barr Hall (OH) Peterson (PA)  
 Bartlett Hansen Petri  
 Barton Hart Phelps  
 Bass Hastert Pickering  
 Bentsen Hastings (WA) Pitts  
 Berkeley Hayes Platts  
 Berry Hayworth Pombo  
 Biggert Herger Pomeroy  
 Bilirakis Hill Portman  
 Blagojevich Hilleary Pryce (OH)  
 Blunt Hobson Putnam  
 Boehlert Hoekstra Quinn  
 Boehner Honda Radanovich  
 Bonilla Horn Ramstad  
 Bono Hostettler Regula  
 Borski Houghton Rehberg  
 Boswell Hulshof Reyes  
 Boucher Hunter Reynolds  
 Brady (TX) Hyde Riley  
 Brown (SC) Isakson Roemer  
 Bryant Israel Rogers (KY)  
 Burr Istook Rogers (MI)  
 Burton Jackson-Lee Rohrabacher  
 Buyer (TX) Ros-Lehtinen  
 Callahan Jenkins Ross  
 Calvert John Roukema  
 Camp Johnson (CT) Royce  
 Cannon Johnson (IL) Ryan (WI)  
 Cantor Johnson, E. B. Ryun (KS)  
 Capito Johnson, Sam Sabo  
 Capps Jones (NC) Saxton  
 Carson (OK) Kanjorski Schiff  
 Castle Keller Schrock  
 Chabot Kelly Sensenbrenner  
 Chambliss Kennedy (MN) Serrano  
 Coble Kerns Sessions  
 Collins King (NY) Shadegg  
 Combest Kingston Shaw  
 Cooksey Kirk Shays  
 Cramer Knollenberg Sherwood  
 Crane Kolbe Shimkus  
 Crenshaw LaHood Shows  
 Crowley Lampson Shuster  
 Cubin Largent Simmons  
 Culberson Larson (CT) Simpson  
 Cunningham Latham Skeen  
 Davis, Jo Ann LaTourette Skelton  
 Davis, Tom Leach Smith (MI)  
 Deal Levin Smith (NJ)  
 DeLay Lewis (CA) Smith (TX)  
 DeMint Lewis (KY) Snyder  
 Diaz-Balart LoBiondo Souder  
 Dicks Lofgren Stearns  
 Dooley Lucas (KY) Stenholm  
 Doolittle Lucas (OK) Stump  
 Doyle Maloney (NY) Sununu  
 Dreier Manzullo Sweeney  
 Duncan Mascara Tancred  
 Dunn Matheson Tanner  
 Edwards Matsui Tauscher  
 Ehlers McCrery Tauzin  
 Ehrlich McGovern Taylor (MS)  
 Emerson McHugh Taylor (NC)  
 English McInnis Terry  
 Etheridge McIntyre Thomas  
 Everett McKeon Thornberry  
 Ferguson Meehan Thune  
 Flake Meeks (NY) Tiahrt  
 Fletcher Menendez Tiberi  
 Foley Mica Toomey  
 Forbes Miller, Gary Traficant  
 Ford Moore Turner  
 Frelinghuysen Moran (KS) Upton  
 Frost Moran (VA) Vitter  
 Gallegly Morella Walden  
 Ganske Murtha Wamp  
 Gekas Myrick Watkins (OK)  
 Gephardt Nethercutt Watson (CA)  
 Gibbons Ney Watts (OK)  
 Gilchrest Northup Weiner  
 Gillmor Norwood Weldon (FL)  
 Gilman Nussle Weldon (PA)  
 Goode Oberstar Weller  
 Goodlatte Ortiz Wexler

Whitfield  
 Wicker  
 Wilson

Wolf  
 Wynn  
 Young (AK)

Young (FL)

NAYS—130

Abercrombie Hastings (FL) Neal  
 Ackerman Hilliard Obey  
 Allen Hinchey Oliver  
 Baca Hinojosa Owens  
 Baldwin Hoeft Payne  
 Barcia Holt Pelosi  
 Barrett Hooley Peterson (MN)  
 Becerra Hoyer Price (NC)  
 Bishop Inslee Rahall  
 Blumenauer Jackson (IL) Rangel  
 Bonior Jefferson Rivers  
 Boyd Jones (OH) Rodriguez  
 Brady (PA) Kaptur Rothman  
 Brown (FL) Kennedy (RI) Roybal-Allard  
 Brown (OH) Kildee Rush  
 Capuano Kilpatrick Sanchez  
 Cardin Kind (WI) Sanders  
 Clay Kleczka Sandlin  
 Clayton Kucinich Sawyer  
 Clement LaFalce Schakowsky  
 Clyburn Langevin Scott  
 Condit Lantos Sherman  
 Costello Larsen (WA) Slaughter  
 Coyne Lee Smith (WA)  
 Cummings Lewis (GA) Solis  
 Davis (CA) Lipinski Spratt  
 Davis (FL) Lowey Stark  
 Davis (IL) Luther Strickland  
 DeFazio Maloney (CT) Stupak  
 DeGette Markey Thompson (CA)  
 Delahunt McCarthy (MO) Thompson (MS)  
 DeLauro McCarthy (NY) Thurman  
 Doggett McCollum Tierney  
 Engel McDermott Udall (CO)  
 Eshoo McKinney Udall (NM)  
 Evans McNulty Velázquez  
 Farr Meek (FL) Visclosky  
 Filner Millender Walsh  
 Fitch McDonald Waters  
 Gonzalez Miller, George Watt (NC)  
 Gordon Mink Waxman  
 Gutierrez Mollohan Waxman  
 Hall (TX) Nadler Woolsey  
 Harman Napolitano Wu

NOT VOTING—16

Bereuter Dingell Linder  
 Berman Fossella Miller (FL)  
 Carson (IN) Frank Schaffer  
 Conyers Hefley Towns  
 Cox Holden  
 Deutsch Issa

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Mrs. MEEK of Florida, Mrs. MCCARTHY of New York, Ms. RIVERS, and Mr. DOGGETT changed their vote from "yea" to "nay."

Ms. LOFGREN changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### COMMITMENT TO ADDRESS NEEDS OF WORKERS AFFECTED BY EVENTS OF SEPTEMBER 11

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, as we work to address the problems affecting our airlines, we must not forget the men and women who have lost their jobs as a consequence of the tragic events of September 11. These workers are without income, without health care coverage for themselves and their families, and without a clear path right

now to future employment opportunities. I had hoped that we would be able to include something in this package to meet the needs of these American workers and their families. In my view, it is not right, and it is not fair, for these workers and their families to be denied these fundamental necessities after having lost their jobs through no fault of their own because of this national disaster. Working families are the backbone of our economy and our greatness as a Nation. I would hope that we would not ignore their plight now. I would ask the Speaker, who has worked hard with us to produce this legislation, if he could commit to me to address this problem in the coming weeks.

Mr. HASTERT. Mr. Speaker, if the gentleman will yield, I agree with the minority leader that we need to ensure that the safety net is strong and secure for all working Americans. And it is. Displaced workers need access to financial assistance as they work to get back on their feet. They have it. They need to be able to maintain their current health coverage without being thrown into the individual insurance market. Under current law, they can keep their same coverage. And for those workers unlikely to make it back to their old jobs, we need to ensure that they have access to adequate training programs. And we have. As the leader knows, due to the bipartisan progress over the years in this Congress, those pledges are secure.

But that does not mean that we should not consider proposals to do even more. The leader and I have discussed ways to address the unique health care needs of these working Americans as they seek employment. The committees of jurisdiction have already been examining proposals to assist in this area. We will take a comprehensive look at the health care needs of these displaced workers and work together to bring an appropriate legislative response to the floor as soon as possible. In the meantime, working Americans should know that the safety net is there, it is strong, and it is working.

Mr. GEPHARDT. Mr. Speaker, I would like to thank the Speaker of the House. He has dealt with me through these difficult days in an honorable and very good way. I appreciate it. I know all the Members appreciate it on our side as well.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1266

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1266, the Secret Evidence Repeal Act of 2001.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

## AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to House Resolution 244, I call up the bill (H.R. 2926) to preserve the continued viability of the United States air transportation system, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2926 is as follows:

H.R. 2926

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Transportation Safety and System Stabilization Act".

### TITLE I—AIRLINE STABILIZATION

#### SEC. 101. AVIATION DISASTER RELIEF.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed \$10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to \$5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

#### SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BOARD.—The term "Board" means the Air Transportation Stabilization Board established under subsection (b).

(2) FINANCIAL OBLIGATION.—The term "financial obligation" means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) LENDER.—The term "lender" means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) OBLIGOR.—The term "obligor" means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(b) AIR TRANSPORTATION STABILIZATION BOARD.—

(1) ESTABLISHMENT.—There is established a board (to be known as the "Air Transportation Stabilization Board") to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) COMPOSITION.—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

(c) FEDERAL CREDIT INSTRUMENTS.—

(1) IN GENERAL.—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

(2) TERMS AND LIMITATIONS.—

(A) FORMS; TERMS AND CONDITIONS.—A Federal credit instrument shall be issued under section 101(a)(1) in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation

or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

#### SEC. 103. SPECIAL RULES FOR COMPENSATION.

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) \$4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) \$500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) PAYMENTS.—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

#### SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.

(a) IN GENERAL.—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded \$300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination

of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) **TOTAL COMPENSATION DEFINED.**—In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

#### **SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.**

(a) **ACTION OF SECRETARY.**—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) **ESSENTIAL AIR SERVICE.**—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, \$120,000,000 for fiscal year 2002.

#### **(c) SECRETARIAL OVERSIGHT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) **AGREEMENTS.**—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure, to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

#### **SEC. 106. REPORTS.**

(a) **REPORT.**—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) **UPDATE.**—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

#### **SEC. 107. DEFINITIONS.**

In this title, the following definitions apply:

(1) **AIR CARRIER.**—The term “air carrier” has the meaning such term has under section 40102 of title 49, United States Code.

(2) **FEDERAL CREDIT INSTRUMENT.**—The term “Federal credit instrument” means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) **INCREMENTAL LOSS.**—The term “incremental loss” does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

### **TITLE II—AVIATION INSURANCE**

#### **SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.**

(a) **IN GENERAL.**—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “subsection (b)” and inserting “subsection (c)”; and

(B) by striking “foreign-flag aircraft—” and all that follows through the period at the end of subparagraph (B) and inserting “foreign-flag aircraft.”;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) **REIMBURSEMENT OF INSURANCE COST INCREASES.**—

“(1) **IN GENERAL.**—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

“(2) **PAYMENT FROM REVOLVING FUND.**—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

“(3) **FURTHER CONDITIONS.**—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

“(4) **TERMINATION OF AUTHORITY.**—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.”;

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting “, or reimburse an air carrier under subsection (b) of this section,” before “only with the approval”; and

(B) in the second sentence—

(i) by inserting “or the reimbursement” before “only after deciding”; and

(ii) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”; and

(5) in subsection (d) (as so redesignated) by inserting “or reimbursing an air carrier” before “under this chapter”.

(b) **COVERAGE.**—

(1) **IN GENERAL.**—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting “, or reimburse insurance costs, as” after “insurance and reinsurance”; and

(B) in paragraph (1) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”.

(2) **DISCRETION OF THE SECRETARY.**—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary’s judgment, based on the Secretary’s analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed \$100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds \$100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any

liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) **REINSURANCE.**—Section 44304 of such title is amended—

(1) by striking “(a) **GENERAL AUTHORITY.**—”; and

(2) by striking subsection (b).

(d) **PREMIUMS.**—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.**—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.”.

(e) **CONFORMING AMENDMENT.**—Section 44305(b) of such title is amended by striking “44302(b)” and inserting “44302(c)”.

#### **SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUBCONTRACTORS OF AIR CARRIERS.**

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities’ liability coverage, as determined by the Secretary.

### **TITLE III—TAX PROVISIONS**

#### **SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREATMENT OF LOSS COMPENSATION.**

(a) **EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.**—

(1) **IN GENERAL.**—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for “November 15, 2001” each place it appears—

(A) “January 15, 2002”, or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) **ELIGIBLE AIR CARRIER.**—For purposes of this subsection, the term “eligible air carrier” means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such transportation is available to the general public.

(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term “airline-related deposit” means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air), and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) TREATMENT OF LOSS COMPENSATION.—Nothing in any provision of law shall be construed to exclude from gross income under the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

#### TITLE IV—VICTIM COMPENSATION

##### SEC. 401. SHORT TITLE.

This title may be cited as the “September 11th Victim Compensation Fund of 2001”.

##### SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) AIR TRANSPORTATION.—The term “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) CLAIMANT.—The term “claimant” means an individual filing a claim for compensation under section 405(a)(1).

(4) COLLATERAL SOURCE.—The term “collateral source” means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual determined to be eligible for compensation under section 405(c).

(7) NONECONOMIC LOSSES.—The term “noneconomic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) SPECIAL MASTER.—The term “Special Master” means the Special Master appointed under section 404(a).

##### SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

##### SEC. 404. ADMINISTRATION.

(a) IN GENERAL.—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

##### SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.

###### (a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

###### (2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent’s death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

###### (b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

(A) the right to be represented by an attorney;

(B) the right to present evidence, including the presentation of witnesses and documents; and

(C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of

the terrorist-related aircraft crashes of September 11, 2001.

###### (c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

(A) is an individual described in paragraph (2); and

(B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

###### (3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

###### (B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

##### SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) PAYMENT AUTHORITY.—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

###### (c) ADDITIONAL FUNDING.—

(1) IN GENERAL.—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) USE OF SEPARATE ACCOUNT.—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

#### SEC. 407. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

- (1) forms to be used in submitting claims under this title;
- (2) the information to be included in such forms;
- (3) procedures for hearing and the presentation of evidence;
- (4) procedures to assist an individual in filing and pursuing claims under this title; and
- (5) other matters determined appropriate by the Attorney General.

#### SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

##### (b) FEDERAL CAUSE OF ACTION.—

(1) AVAILABILITY OF ACTION.—There shall exist a Federal cause of action for damages arising out of the hijacking and subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) SUBSTANTIVE LAW.—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) JURISDICTION.—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) EXCLUSION.—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

#### SEC. 409. RIGHT OF SUBROGATION.

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

### TITLE V—AIR TRANSPORTATION SAFETY

#### SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.

Congress affirms the President's decision to spend \$3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

#### SEC. 502. CONGRESSIONAL COMMITMENT.

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

### TITLE VI—SEPARABILITY

#### SEC. 601. SEPARABILITY.

If any provision of this Act (including any amendment made by this Act) or the applica-

tion thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

The SPEAKER pro tempore. Pursuant to House Resolution 244, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. YOUNG of Alaska. Mr. Speaker, I have listened with great interest to the debate on this legislation tonight. I commend those that brought up points that are not in this bill. But as I heard the Speaker say and the minority leader speak, this is just the beginning. I know there are those of you who wanted more in this bill, and I understand that and I would like to have had more in this bill, but I believe this is the best way we can do the job and get this problem solved tonight.

The gentleman from Minnesota (Mr. OBERSTAR) and I last week introduced a bill about this time on Friday night, and it was objected to, and we are here tonight.

But if we do not do this, as I said then and I will say now, this airline industry is in serious trouble. We will have an opportunity to bring up a bill on security with the gentleman from Florida (Mr. MICA) who is already working on it. That will happen next week if everything goes all right, although it is a shortened week. We will have an opportunity to think about those workers that lost those jobs. But may I remind you, as it has been said today, that if we do not do anything, there will not be any jobs to come back to.

The security issue is one that has been talked about and thought about, discussed for many, many years. And now I think we are awakened and we shall take care of that.

Mr. Speaker, I will suggest that if we do not do this legislation tonight, the workers you are trying to protect, and which I am trying to protect, will have nowhere to go. This is just the beginning of a series of packages we hope that will come to the floor. I will do everything in my jurisdiction.

May I remind my colleagues, one of the problems we had in this legislation is we had different committees that had other jurisdictional problems than what we are trying to do. I kept saying, "If you don't want us to do it, you do it." Yet we had to step up, the gentleman from Minnesota (Mr. OBERSTAR) and myself and the leadership of this House, to say we are going to do this and we did that.

We also had another effect. We had the other body. Working with the other

body is sometimes a very tedious process. What we have here tonight is not perfect, but it will do the job. We will have an airline industry. We will protect the workers. We do have the liability provision in it. And this money is not going to be a bailout. It is going to make sure that this airline industry survives.

Mr. Speaker, may I suggest, and I hope all Members will consider voting "yes" on this legislation for the benefit of this country.

Mr. Speaker, we bring to the floor tonight a bill that will address the threat to the continued stability and viability of our U.S. air transportation system. It is the first critical step toward addressing the financial burdens that last week's terrorist attacks put on our transportation and related industries and their employees.

The terrorists who attacked our country last week, were trying to destroy our way of life and our economy—we will not let them do that.

They have murdered thousands of innocent people, destroyed billions of dollars in property and have dealt a terrible blow to an air transportation system that is vital to the economic health of our country.

On September 11, 2001, the FAA grounded every airplane in this country within a two-hour period. This was necessary for the safety and protection of our country and of our people.

I want to commend the FAA and the air traffic controllers for their quick response and decisive action. I also want to commend the aviation industry for their cooperation and willingness to put the safety of others first.

Unfortunately, we are not facing a serious crisis in our air transportation system. The reductions in schedules and flights have started and layoffs are being implemented.

The capital markets are not coming to the aid of most of the airlines. We are seeing the ripple effect in our economy as layoffs occur in other related industries. Our economy is at risk. Our national security is also at risk.

Last week, my colleague, JIM OBERSTAR and I introduced H.R. 2891 to keep our U.S. air transportation system viable in the short term. Unfortunately, the House did not pass the bill last Friday when it had the chance. Since that time, we have conducted a hearing to document the needs and to fine-tune the bill. The bill before us today reflects much information that has been brought to light.

Mr. Speaker, today's bill is not the end. In the coming weeks we intend to address other issues, including aviation security and the economic impacts on other affected businesses and their employees.

H.R. 2926 authorizes the President to provide direct compensation and loan guarantees to the air carriers.

This assistance is intended as a short term, emergency response to keep the air transportation system operating for the benefit of the American people.

We will soon take further action to address the vitally important issue of aviation security. However, the bill now before us includes a congressional affirmation of the President's authority to use the emergency supplemental appropriations. The bill's language on using \$3

billion of such funds sends a strong message of our resolve. These funds should be used to beef up the sky marshall program, to address other modes of transportation such as port security, and for other activities that have an immediate impact.

The critical task before us is getting the airlines back to health so that all communities, large and small, can continue to receive air service. However, we also address the specific needs of small communities. The bill includes strong support for continuing air service to small communities. Authority and high priority is given to assuring that service to small communities does not suffer. In addition, we increase the authority for the "essential air services" program to \$120 million.

The bill also is responsive to air carriers' requirement for insurance during times of war. We modified the so-called "war risk" program to make it more flexible, such as making it applicable to domestic flights as well as international flights.

The bill is also very responsive to victims of terrorist attacks, whether those victims are on the aircraft or on the ground.

I know many of us are concerned about financial losses sustained by other businesses. However, I urge you to focus on the issue of how best to ensure the continued operation of our air transportation system. By assuring the survival of the air carriers, other related industries, and their employees, will gain a measure of economic stability.

We conducted hearings today and will conduct another next Tuesday to continue the evaluation of airline security issues and other economic issues. I want to assure members of this body that we will take necessary steps to address those matters.

The current crisis requires this bill to become law as quickly as possible to protect the well being of all Americans by preserving a functioning air transportation system.

I urge the Members of this chamber to fully support the effort to pass this legislation overwhelmingly.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

We are gathered here tonight because of one cataclysmic day in the storied history of aviation. Not to rescue an industry from its mistakes but to restore an industry because it was attacked as a symbol of American democracy, of our freedom, and of our great, strong economy. We are here to put back on its feet an industry that represents 10 percent of our \$7 trillion gross domestic product, a \$700 billion sector of our economy, one without which all the rest of our economy fails.

Mr. Speaker, I express my great appreciation for the chair of our committee, the gentleman from Alaska, for the work that we have done together to bring this bill here, and to the Speaker, as the Democratic leader said a minute ago, who was so gracious and firm and showed real leadership.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the Demo-

cratic leader who has been a tower of strength on our side.

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Mr. GEPHARDT. Mr. Speaker, this has been a very difficult process of putting this bill together. A lot of people, I assume, out in the public are asking why are we doing this for the airlines; there are a lot of other industries that have been affected.

I urge us all to understand that airlines were affected uniquely in this tragedy. Four planes were used as missiles of mass destruction; and because of that, the government of the United States ordered 2,200 planes that were in the air at the time to get on the ground as fast as they could, wherever they were, and that happened in about 2 hours.

When that happened and it persisted for the days after, the heart of our economy was affected. Air transportation affects everything that we do in our society. It affects every business and every enterprise and every activity. So a dagger was put into the heart of our economy as planes were put into these buildings.

So on this, because it is a national emergency, and what we acted on last week, we have tried to act with unity and together, as we should, as we must, as people expect us to. But I keep getting asked by people in the media and the press, how long will this bipartisanship last? And the truth is, I do not know the answer.

Then, I am always happy to tell them something that I think a lot of our citizens and maybe even we tend to forget. We are here to disagree. That is what we do. We do that because we each represent a half a million people who all disagree most of the time. If we were not here expressing their heart-felt views, democracy would not work and we would not be doing our job. Disagreement is normal and healthy in our great, vibrant democracy. If we were agreeing all the time the way we are tonight, that would be abnormal and, in the long run, unhealthy.

Tonight, in my humble opinion, agreeing and acting to save this industry and keep it going forward is in the highest and best interest of all the people of our country.

There are good things in this bill, and I want the Members to know that it is not an airline bill. It is a bill to keep these airlines going. They are operating tonight at about 30 percent of the capacity that they had the day before this event happened. So this is a bill to not only shore up the airlines, it is to help the baggage people keep their job and have a job in the next days and weeks hopefully. It helps the ticket attendants. It helps the flight attendants. It helps the pilots. It helps the hotel employees who are hoping that people will come back to hotels and the food service and all of the peo-

ple who have been so deeply affected by this disaster.

It is also not the bill that I wanted. It has some glaring omissions from my viewpoint, because while we are still trying to keep the people that are working working, we have about 100,000 or more people tonight who are not working, who have been laid off and are unemployed unexpectedly.

So they are asking us, I think, tonight and when we go home they will ask us, how can I get unemployment comp if they do not qualify for it? Some of these folks do not. And further than that, how can I keep my health care going? How can I protect my family? We need to consider that and how we are going to get them trained to take other jobs if this, God forbid, persists.

So we are learning tonight, in many ways, that bipartisanship is hard. You cannot get everything you want. You never do. I guess we have kind of gotten out of understanding what that means. It is kind of maybe the way we have operated over the long period of time. Bipartisanship means you get some things you really want and you give up some things that you really want.

Finally, let me talk to my colleagues for a moment about what has happened in this horror to our American family. Our American people have been so violated by what happened on September 11, it has affected all of us. The stories of the cell phone calls, the stories that New York Members told me this afternoon of talking to their constituents, calling a young man to say that you got your West Point appointment and the young man saying my father is dead and that is the one thing in his life he wanted to hear. The stories go on and on and they hurt. They make us cry. I find myself crying at least two or three times a day, and you do, too.

We have been so damaged by this, so violated, and we want answers. I think of my own kids, how would I feel if one of them had been killed or my wife, imagine the grief and the sadness; and we all want to find somebody to blame.

One of the things that worries me the most and that I think about every day, we cannot just lay this on the CIA or the FBI or somebody else. We all failed. The prime responsibility of government is to keep our people safe, and we failed the other day. Not by motive and design. We failed as a people, and we are going to do better.

We are going to make our planes safe. We are going to make our country safer. We are going to have homeland defense. We are going to do better than we did, and this bill that caps the airline liability, and this is something we fought for last night, does not cap the damages that these families who have lost so much can possibly get.

I hope tonight and in the days ahead, in the face of this unspeakable hatred

and evil, we, together with the American people, will demonstrate love and compassion and tolerance in everything that we do and say as we fight against this evil. At this time of incredible pain, we must be at our best, so that the army of terrorists and evil never, ever gains one more recruit. That is our mission, that is our responsibility, and we will prevail.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, to engage in a colloquy.

Mr. OXLEY. Mr. Speaker, I rise to engage the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Transportation and Infrastructure, in a colloquy.

Mr. Speaker, I would like to applaud the gentleman for the legal protections in the bill to get our airlines back in the air. But I wanted to clarify that these protections are intended to limit liability to reasonable levels and not in any way allow their transfer to another deep pocket party.

Is this the gentleman's understanding?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, that is my understanding.

Mr. OXLEY. Mr. Speaker, reclaiming my time, this bill also provides critical stopgap insurance assistance for the airlines. Is it the gentleman's understanding that any assistance by the Secretary of Transportation is intended to be short term and focused on addressing the uncertainty about further losses from an act of terrorism or war, and that it is not intended to displace the private sector market or be a long-term general insurance program?

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield further, the gentleman from Ohio is correct on both accounts.

Mr. OXLEY. Mr. Speaker, also I am concerned about the thousands of passengers who have advance-purchased airline tickets on flights that have been canceled or rescheduled as a result of the tragic events on September 11, 2001. Airline passengers must not be left stranded when flights are canceled. This is why I support the inclusion of language in this legislation that would require airlines to honor tickets issued by other airlines to the extent practicable. The language I support would also direct airlines to make passengers whole for the price of tickets on flights that are canceled or rescheduled.

I appreciate the gentleman's commitment to work with me and other concerned Members in the next few weeks to address this problem with legislation, if necessary. In the meantime, I trust the Federal agencies will do ev-

everything possible to make sure that passengers get their refunds they are entitled to or the alternative flights they need.

I thank the gentleman profusely.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will continue to yield, I can assure the gentleman that we will look into that. We will also contact the airlines and make sure they try to do this voluntarily. If they do not, we will make them do it in future legislation.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise against the bill.

Mr. Speaker, today, Congress blew an ideal opportunity to continue the bipartisan unity it had so nobly demonstrated during the past ten days. This bill could have provided critical aid to an industry in deep financial crisis as well as to their laid-off workers. Instead, Congress is handing airline executives golden parachutes while over 90,000 American workers—to date—are left without so much as a safety net!

Congress may have blown an opportunity but the Republicans have demonstrated their opportunistic aims. They neatly wrapped this one-sided bill in a patriotic package, enveloped not by the American flag mind you, but with the American Airlines logo. There is no question that the airlines desperately need this bailout, but why should the government shoulder the brunt of the responsibility—to resuscitate an industry that has shown its true colors—how they feel about unemployment insurance, job training, health benefits for their displaced workforce and safety. Does anyone here seriously believe that the American public will seriously consider returning to the airways when they can't really be sure that these planes are safe or even properly maintained. There isn't any money in this bill that ensures the future safety of our citizens. After all, isn't this an industry that resists government regulation and abhors collective bargaining agreements. And now they are asking us to bail them out!

I cannot, in good conscience, vote in support of legislation that doesn't include a package of worker relief benefits. It's time our leadership got their priorities straight. They should have brought a more responsible bill to the floor for our consideration and not wasted this body's precious time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today with grave concerns about this bill before the House today. We did not see this bill until just before it was brought to the floor for consideration. This bill falls far short of what the air travel industry as a whole requires.

People are not flying. Workers are being laid off at alarming rates. In Hawaii, the beaches are empty and our State economy is in a state of emergency.

Mr. Speaker, people will not fly until they feel safe. We can throw as much money as we want at the airlines to cover their losses, but the bottom line is that they will continue to

lose money until public confidence in security is regained. There is not a single mention about security in this bill, except reference to a previously enacted relief bill Congress passed last week which gave the President authority to do what he wants.

America's confidence has been shattered with the growing array of evidence that we have failed to adequately protect the flying public from hijackers. Until we fix the problem, people will not get back into airplanes. The federal government must assume control of the airline passenger security. All safety personnel must be federal employees with training and adequate wages. Trained, armed marshals must be on board at all aircraft. Cockpit doors must be reconfigured to be secure and of solid construction. The cockpit must also have a camera view of the cabin area. All ground crews, baggage handlers, and all people with access to the cabin must be security-cleared before hire.

I am committed to ensuring that the airlines function in the aftermath of the terrorist attack, but this is not the time to only pass a bill to bailout airlines whose financial problems are long term and predate September 11, 2001. The airline industry's problems existed well before the tragic events of September 11th. The federal government's role should be to get people to fly again; not just to bail out the airline industry.

This bill before us fails to take into account the workers who are being laid off nationwide at staggering rates. These people deserve protection. They should all be immediately eligible for 100% unemployment compensation. Their health care plans should be extended for themselves and their family. If we are going to take care of the airlines, we must also take care of the workers who have been laid off by the airlines because of this national crisis.

This bill needs to mention the federalization of airline passenger security. Public confidence must be restored if the air industry is to recover. There must be a provision that states the federal government will give immediate and full unemployment compensation to laid off workers for a full year. If the airline executives are to have their compensation protected, so should all the airline employees who have been laid off. We must act quickly and deliberately to restore the public's trust and get people back into skies.

Mr. OBERSTAR. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), the distinguished ranking member of the Subcommittee on Aviation, who has been a strong and supportive partner throughout this difficult process.

Mr. LIPINSKI. Mr. Speaker, first of all I want to thank the gentleman from Illinois (Speaker HASTERT); our leader, the gentleman from Missouri (Mr. GEPHARDT); the gentleman from Alaska (Mr. YOUNG); and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their leadership and cooperation in putting this legislation together. I know that they have done the best that they possibly could; but, unfortunately, I feel very strongly that I have to rise in opposition to this bill.

As ranking member of the Subcommittee on Aviation, I know how

important the aviation industry is to the economy of this Nation. I do not want to see the planes stop flying. But let me tell Members, we do not have to pass this legislation tonight. The real deadline is this coming Wednesday, because Wednesday is the day when the airlines lose their insurance. So we could work on this bill Saturday, Sunday, Monday, Tuesday, and even Wednesday, to improve it and take care of many of the concerns that people have, and the planes will keep flying at least until then.

Now, the first way to improve this bill is by improving security. I do not care how much money one gives to the air carriers. I do not care how solvent one makes them. Unless we can get passengers back into those planes, they are not going to be making any money, and the best way to get people back into the planes is by proving to them that the planes are safe and secure.

So what we should be doing in this legislation is passing some dramatic safety improvements. We should be passing things such as making the cockpit impregnable; we should be passing the federalizing of the screeners; we should be passing not only an authorization, but an appropriation to pay for 1,200 sky marshals.

□ 2115

Nothing will deter terrorists more than sky marshals.

We also should be restricting carry-on luggage to one piece, thereby reducing by 50 percent what a screener has to watch. If we did something dramatic such as that, we would restore confidence in the minds of the American traveling public, and they would get back on these planes.

We could also take care of the 100,000 workers who have already lost their jobs in the aviation industry. We could be getting them extended unemployment compensation; we could be getting them health care; we could be doing retraining for them; but no, unfortunately, we are rushing this bill through tonight.

It is a shame; it is a mistake. I just hope and pray that the promises that have been made for the future in regards to safety, in regards to workers come to pass.

In closing, I would like to clear up one point that has been made on this floor on numerous occasions. It has been stated that there is a \$300,000 cap on executives in the airline industry. That is totally incorrect. What it states in the bill is that anyone making over \$300,000 cannot make anymore in 2001, in 2002 than they made in the year 2000. So if they made \$10 million, \$15 million, \$20 million, they can still make that amount of money in 2001 and in 2002. That only applies to people who take the low money, not people who get to direct \$5 billion in cash.

So I say to all my colleagues, we have time, if we really want a bill that

takes care of all Americans and not only the aircraft CEOs and the air carriers, vote against this bill. We can pass a better bill by Wednesday.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES) for the purposes of a colloquy.

Mr. HAYES. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Alaska on this bill and the future of general aviation.

Let me thank the chairman and ranking member, first of all, for the work they have done on this important piece of legislation. The country's air carriers are not only a vital part of our transportation infrastructure, but they are of great importance to our national security. However, they are not the only part of the aviation industry that find themselves in dire straits following last week's horrible attacks in New York and Washington. Many of those in general aviation suffer as well. For example, some 3,500 flight schools will have lost up to \$245 million in revenue by this coming Tuesday due to the continued ban on VFR training.

Mr. Speaker, while I believe it is important to address the problems facing our air carriers, does the chairman of the committee also intend to address the financial difficulties of other components of general aviation in the near future?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman from North Carolina for yielding.

General aviation is of vital importance to our Nation's economy. In my home State of Alaska, general aviation aircraft are the only pipeline bringing supplies to those living in remote areas, and we are experiencing our small communities. We are experiencing a shortage of pilots to fly those, and a failure of the flight school industry will cause severe economic hardship to not only those in Alaska, but to those living in remote areas of the U.S. Therefore, it is my intention to present to this body by next week a bill, if possible, that will provide real economic relief to those in need.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding. I share the views of the chairman. General aviation is a major sector of our economy. There are some 345,000 general aviation pilots. I have written the National Security Advisor, Condoleezza Rice, urging her to lift the restrictions on VFR flights and boundaries of Class Bravo airspace and for flight school operations anywhere in the country.

For these and many other reasons, I join the chairman and will work with him to develop a relief package for those sectors of the aviation industry not subject to the provisions of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in support of this legislation, because I am voting "yes" for the 1.1 million workers still employed. If we do not do this tonight, that 1.1 million workers is going to be reduced accordingly. We cannot let them down. We will be back next week to do our job for those who are going to be laid off or have been laid off. With that, we will make another great step for America tonight. This can be a good vote; let us make it a positive vote. Let us walk out of this Chamber together.

Mr. Speaker, I rise in support of this legislation, but urge my colleagues to remember that this is just a part of what we must do.

It is clear that without some short-term assistance, our aviation industry will not survive the impact of last week's disastrous attacks on our country. And as a critical part of our nation's economy, we must act and act quickly. I'm voting for the workers still working.

The \$5 billion in direct aid is extremely important to keep the airlines afloat, and importantly, this is NOT a blank check.

We cannot and will not bail out the airlines for \$3 billion in losses they would have sustained without the tragic events of September 11th. The safeguards are here to insure that.

Even more critical in this bill is the \$10 billion dollars in loan guarantees, so airlines such as Continental—so critical to my region—can access much needed capital and establish lines of credit.

We are not only talking about the thousands of Continental jobs in New Jersey. Keeping Continental solvent will ensure the economy of New Jersey remains stable and is able to function.

Pharmaceuticals, Port Newark, small businesses such as the limousine industry—these businesses count on the airlines to do their daily business.

However, this package only took 10 days to come to the floor, and my major worry is that we are only finding a remedy to half of the problem.

This bill does nothing to address security measures, assistance for laid off employees, and health benefits for families.

I expect that we will be as vigilant on these critical issues as we were on this aid package.

In 10 days, if not sooner, I want to be back here on this Floor considering a bill that will make my constituents feel safe in the air.

Congress must take action. As I am hearing from my constituents, the security precautions must be in place before we can rebuild public confidence in the system.

We are talking about using air marshals on domestic flights, installing secure cockpit doors, and even federalization of airport security screening run by the Justice Department.

Economic stability must go hand in hand with security.

I thank the leadership of the Transportation Committee for their hard work on this important measure.

We need to ensure we are back on the floor soon to deal with security measures dealing with all airports, both large and small.

We need to ensure we are back on the floor soon to provide assistance to the tens of thousands of workers out of a job, and tens of thousands of families without a source of income.

Only then can we ensure that the airlines will be on their way back to stability.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT) for the purposes of a colloquy.

Mr. TIAHRT. Mr. Speaker, our Nation faces a crisis; and today we are acting with appropriate speed in dealing with that crisis. But in doing so, we want to be sure that we are dealing with the entire air transportation infrastructure. A major objective of this bill should be to mitigate job loss within the air transportation industry and, therefore, preserve the infrastructure of this crucial element of our economy.

Many sectors of the air transportation industry would be subject to economic dislocation and potential bankruptcy if they were exposed to unlimited liability for the terrorist-related aircraft crashes of September 11. This is not a problem for just the traditional air carriers. This is a problem for the entire industry. For this reason, we provided for an expanded definition of air carriers in section 402 of the bill. That would also apply to section 408.

I wish to make it clear that it is my understanding that this expanded definition encompasses air transportation elements such as aircraft manufacturers and aircraft components and parts manufacturers. Mr. Speaker, is that the chairman's understanding also?

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, in response to my colleague from Kansas, I too am greatly concerned about this issue of potential unlimited liability for the air transport industry. It is always my intent to ensure adequate liability and protection for all transport elements such as aircraft manufacturers and manufacturers of aircraft components and parts. I had hoped we could have this specifically addressed in this bill. However, I too agree that the definition of "air carrier" in section 402 should include those elements of air transportation.

Mr. TIAHRT. Mr. Speaker, I thank the chairman. We cannot afford to risk irreparable harm to the air transportation industry, and subsequent economic impacts and job loss, by exposing the industry to the spectre of un-

limited liability for a terrorist attack. I thank the chairman for his help in clarifying this important issue.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, my 2 minutes has been reduced to 30 seconds, so I will turn in my remarks. Two wrongs simply do not make a right. I share Dallas/Fort Worth airport with the gentleman from Texas (Mr. BARTON), and I have three other airports. I know how many people were laid off, but that will be fourfold or more if we do not support the airlines tonight. It is for that reason that I rise in support of this bill, and I have been working to make sure that we come up with the other bill to support those persons who have already lost their jobs.

Mr. Speaker, although I have some misgivings regarding what has not been included in the bill, I rise in support of H.R. 2926 and urge its passage by the House.

In the aftermath of the terrorist attacks on the World Trade Center and the Pentagon, air carriers have reported sustaining nearly \$1 billion in losses as a direct result of the Federal Government's order that flights be grounded. While service has been restored, passengers are still reluctant to fly. As a result, the airlines will certainly suffer further losses from reduced demand. On Monday, the financial markets responded predictably to this environment—the airlines lost about 40% of their market capitalization on that day alone, and Morgan Stanley wrote to the Treasury Secretary that the airline industry would not have access to private capital markets unless the Federal Government intervened.

H.R. 2926 is the intervention that the airlines need to stabilize their financial situation and to help them weather this crisis. Unless we act to pass H.R. 2926, some carriers face the very real possibility of bankruptcy. We cannot let that happen. The airline industry is an indispensable sector of the American economy, touching upon 10% of our gross domestic product. Without aviation, other important sectors such as aircraft manufacturing, hospitality, tourism, and countless others cannot function efficiently.

We already see a glimpse here in the Washington, DC metropolitan area how bankruptcies in the airline industry will affect businesses and communities. Washington National Airport has still not been given clearance to resume operations. As a result, the airport and other businesses dependent on passenger flows have laid off thousands of workers, and small businesses like restaurants and newsstands who cater to passengers are idle and losing money. Unemployment lines in this area are overflowing. We must act to pass H.R. 2926 to prevent this situation from being replicated in cities across the country. Despite the tax rebates, which my Democratic colleagues devised and which I supported, the nation is already teetering on the brink of a recession. If we do not act to stabilize our airlines, we risk plunging the country into a full-scale depression and massive unemployment.

Indeed, I am most concerned about the individuals who work in the airline industry and their families. They include the 140,000 employees of American Airlines, whose headquarters and major hub operations are located at DFW International Airport in my district. I am also concerned about the 40,000 people who work at the airport and whose jobs depend on American's survival. Two days ago, American announced that they would have to lay off 20,000 of its workers, and I know what kind of hardship they must be going through right now.

I have heard some of my colleagues object to this bill because it does not contain language to provide relief to displaced workers. I too want to ensure that workers have enough money to pay their rent and mortgages, to buy food and clothes for their kids, and to keep their health benefits while they are unemployed. I understand that Majority Leader DASCHLE has promised to call up legislation regarding displaced airline employees in the Senate next week, and I intend to make sure that this legislation also passes the House. I also intend to work with my colleagues on legislation to restore the public's confidence in airport and aircraft security because airlines' long-term survival depends on their having paying passengers.

In the meantime, we must deal with the impending crisis. The employees of American and DFW Airport have flooded my phone lines in my district office with a loud and clear message—Congress' number 1 priority in this area is to pass legislation to help American Airlines ride out this storm. They, in their collective wisdom, know what's at stake. We have some time and leeway to help displaced workers, but unless we act now to help the airlines avert bankruptcy, they might not have jobs to return to.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA), who is conducting hearings as of today and will have a bill on security, as I assured everybody else in this body, our outstanding subcommittee Chairman.

Mr. MICA. Mr. Speaker, this is an extraordinary piece of legislation, and it is an extraordinary piece of legislation for an extraordinary time. Never before in the history of American aviation have we faced such a disaster as we now face. We cannot wait. We lost over 100,000 jobs since Tuesday, September 11. By next week, we will lose that many jobs again. This disaster is having a ripple effect across this Nation. There is not a community across this country that has not been touched by the devastation. If we do not act tonight and take this first step in trying to put our economy and our transportation system together, I am telling my colleagues that the results will be disastrous.

Everything is not in this bill. The bill is not like the gentleman from Alaska would like to have it, it is not like the gentleman from Minnesota (Mr. OBERSTAR) would like to have it; but the minority leader came before us and pleaded so eloquently, pass this

legislation. The other body passed it with one dissenting vote.

So I plead with my colleagues: America is waiting. The people that we care about, those that we have compassion about tonight, we are going to take care of tonight, we are going to take care of Monday night, next week, next month; and we will be here next year because the people elected us here to do this job. So I plead with my colleagues, I beg my colleagues, do not delay. We cannot afford it. The Nation cannot afford it.

Mr. OBERSTAR. Mr. Speaker, I am happy to yield 30 seconds to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, before September 11, Las Vegas had one of the strongest economies in the country. Now it is among the worst, and thousands of people are being laid off and losing their jobs. In Nevada, our economy, our businesses, our jobs, our families, rely on the tourism industry. People in my district know that if the airplanes are not flying and people are not coming to Las Vegas, there is not going to be a Las Vegas.

Last year, 38 million people came to southern Nevada; approximately 46 percent arrived by air. Tourism is the lifeblood of my district, and the airline industry is a lifeline to my district. I know this is not a perfect bill; but, Mr. Speaker, this is an emergency. I need to protect the jobs in my district and the people in my district. I strongly urge all of my colleagues to vote for this bill.

Mr. Speaker, when I went home this weekend, I spoke to the people who live and work in my district. They are very worried about what has happened to our country, and they are very worried about what is going to happen to Las Vegas.

Before September 11th, Las Vegas had one of the strongest economies in the country. Now, it is among the worst and thousands of people are being laid off and may be losing their jobs.

Our economy, our businesses, our jobs, our families rely on the tourism industry. People in my district know that if airplanes are not flying and people are not coming to Las Vegas, there won't be a Las Vegas.

Last year, 38 million people came to Southern Nevada—approximately 46 percent arrived by air. Tourism is the lifeblood of my district. The airline industry is the lifeline to my district.

Last week, 240 conventions were canceled. The city's hotel occupancy rates have fallen from 100% to approximately 40% and the hotels are losing millions of dollars every day. Without the airlines flying visitors to Las Vegas, Las Vegas will soon be a ghosttown.

I know that this is not a perfect bill. We still need to immediately improve safety in the air, help the airline workers who have lost their jobs and provide incentives to get people flying again.

But Mr. Speaker, this is an emergency. I need to protect jobs in my district. I must protect the people in my district. I strongly urge all of my colleagues to vote for this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), who has been deeply affected by this act of terrorism.

Ms. DUNN. Mr. Speaker, I thank the gentleman for yielding time.

There is no question that the Government's decision to ground aircraft on September 11 was brilliant. It was the correct choice. The quick actions of the President, the Secretary of Transportation saved countless lives.

When the President spoke in this Chamber last night he said, "We will come together to take active steps that strengthen America's economy and put our people back to work." He was talking about the airline industry and all our Nation's workers who are affected by this crisis.

But I am particularly concerned about how the impending Boeing layoffs will affect the 25,000 Boeing employees I represent here on the floor of the House tonight.

Mr. Speaker, as the Speaker has said, we will address the various needs of our workers in next year's legislation. That has been his commitment. He is talking about the health care needs and the insurance needs and the job training needs, all of which we take very seriously and we are putting serious work into right now.

The first step toward addressing the stability of our economy is to stabilize the airline industry. It is critical that Congress act now, tonight, to ensure the solvency of our Nation's airlines, because doing so will protect the livelihoods of every American who relies on a vibrant air transport system.

□ 2130

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentleman from Iowa (Mr. BOSWELL), a distinguished member of our committee.

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I hold accountable, and I believe that the leaders will bring the other bill about the workers next week. After hearings this week, hours and hours of hearings that we spent together, our committee, I know our aviation industry is literally on the brink of collapse and liquidation. The need for government assistance cannot be overstated. A failure to act tonight would be like throwing an anvil to a drowning person.

The airlines have had their lines of credit cut off, their assets devalued, and their insurance canceled. A catastrophe is staring them in the face. We are faced with the worst crisis ever to confront our aviation industry. We must provide a helping hand. I urge Members' support.

Mr. Speaker, as a member of the Aviation Subcommittee, I rise in strong support of the Airline Stabilization Act. If I was the sole author of this legislation, I would have written it

differently. Because this is a collaborative body, we must come together and reach a consensus in what is known as the legislative process. Our respective congressional leaders, after consultation with members of Congress, industry leaders, labor representatives, financial analysts, and government officials, have written the bill we have under consideration. I believe it merits our support.

After 2 days of hearings this week, I have a very clear picture of our Nation's aviation industry. The industry is literally on the brink of collapse and liquidation. The need for immediate governmental assistance cannot be overstated. A failure to act tonight would be like throwing an anvil to a drowning person. The airlines have had their lines of credit cutoff, their assets devalued, and their insurance canceled. A catastrophe isn't around the corner, but it is staring them in the face.

We are faced with the greatest crisis ever to confront our aviation industry. We must provide a helping hand to them to ensure we will still have an industry next week. I am very concerned about the thousands of employees who are employed in the aviation industry and the thousands who have been or will soon be laid off. This economic devastation will cause great harm to many families across our Nation. We must promptly address their economic catastrophe next week, and also provide assistance to those who are facing job loss because of their association with the aviation industry. I challenge our leaders who brought forth this legislation tonight, to bring similar legislation to help our workers next week.

Please, let us act promptly and approve this very important and necessary legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, my office has been besieged by literally thousands of phone calls from workers at D-FW Airport. They have not identified themselves as Republicans or Democrats or union members or nonunion members, and in almost every case, they said, I am a flight attendant, I am a baggage-check-in person, I am a maintenance worker, and I need help.

This is the chance for us to help. This is not a perfect bill, but it is excellent, an excellent first start. All these people that have been calling my congressional office, and D-FW is 10 miles from my office, they are not asking about an unemployment package or a liability package. Do Members know what they are asking about? "Help protect my job," J-O-B. That is the best unemployment package we can do.

As has already been pointed out, we have laid off over 100,000 airline workers in the last week. We know how inconvenienced we are as a Congress because Reagan National is closed. What happens if Atlanta closes, LAX closes, O'Hare closes, Boston closes, LaGuardia closes? There is the very real possibility, if we do not pass this

package tonight, in the next month we may see some of that start to happen.

I would beg every Member of this body, let us do what the other body has done: Let us pass this with almost no "no" votes, or perhaps even 435 to zero. Let us help the airline industry now so they can help the economy and keep these jobs growing, and keep our economy growing. I would urge a yes vote on this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Maryland (Mr. CUMMINGS), a member of our committee.

Mr. CUMMINGS. Mr. Speaker, we have heard a plea for help from our airlines, and provided an immediate response to ensure that a key component of our economy, the airline industry, remains intact.

But I have also heard pleas for help from the many people and businesses that are critical to the efficient functioning of the aviation system: sky-caps, cabbies, and the employees of airlines, restaurants, and the variety of shops found in airports. Thousands of hard-working Americans have taken pay cuts or have lost their jobs but still have bills to pay.

Mr. Speaker, I urge Members, we have heard the airlines and we have quickly responded. I only urge us to hear the pleas of individual Americans and respond to them, also.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I rise in strong support of this bill. Make no mistake about it, it is not perfect, but it is a fair compromise worked out by the efforts of both sides.

A week ago today, late at night, in the wee hours of the morning, I argued that it was essential that we get our airlines back in the air, and that we as Americans use them. The terrorists who launched their vicious attack against America seek not just to destroy buildings, but to destroy our economy.

The airline industry comprises 10 percent of our gross domestic product. We in Congress and the American people must not let those terrorists destroy our economy, or the lives and jobs of the American people. Americans must resume their lives, and we must pass this bill. No additional American should lose his or her job, not an airline employee, not a tourist industry employee, not a baggage handler, no one. It is absolutely essential that we pass this bill tonight.

But there is a flaw in this bill. This bill empowers a government board to pick winners and losers in the airline industry, and that is flat wrong. No bureaucrat should say, "This airline wins; that airline loses." How do we say to the employees of the loser, "We are terribly sorry, you are out of your job, but the employee of some other airline keeps his or hers"?

If an airline or its employees was injured by this outrageous attack, they should be eligible to be made whole. They should be put back in the position where they can get back into the skies and fly. And we cannot let this board, I urge Members not to allow this board to pick and choose winners, so the employees of one airline remain unemployed, the employees of another airline get to stay back at work. It is absolutely essential, and it would be outrageous if we allowed that to happen.

This legislation must pass tonight. It is critical for the economy of this Nation. Americans need to get back aboard our airlines and resume their lives, but the board must handle its power fairly.

Mr. OBERSTAR. Mr. Speaker, I yield myself 5 seconds to express my appreciation to the gentleman from Arizona for his calm, reasoned intervention last Friday night when we were attempting to pass the first version of this bill.

Mr. Speaker, I yield 30 seconds to the gentleman from Tennessee (Mr. CLEMENT), a distinguished member of our committee.

Mr. CLEMENT. Mr. Speaker, I rise to support this legislation, even though I have serious reservations about it. In truth, while this bill helps to stabilize the industry and assist families who have lost loved ones, it is still incomplete. Simply put, it falls short of protecting the workers who have already lost their jobs or will lose them soon.

I will give some examples. It does not provide unemployment benefits to workers who have lost their jobs, or extend health care coverage to those employees, nor does it prohibit the airlines from abrogating their contracts with workers; and it mandates no job protections, or a system for rehiring when our airline industry recovers.

We do have a national emergency. Let us pass the legislation, but let us help our workers.

Mr. Speaker and fellow Members of Congress, we find ourselves at a time of crucial action. Before us is the prospect of the collapse of one of our greatest industries. As a result of the stunning acts of terrorism committed against our Nation, portions of our aviation system are on the brink of failure. We can not let that happen. We will not hand another victory to terrorists.

Our country's airlines are too important to all sectors of the economy. They are too important to the over 1 million aviation workers. And, they are too important to our quality of life and our understanding of freedom.

But, it is with great reservation that I will vote "yes" tonight for this piece of legislation. In truth, while this bill helps to stabilize the industry and assists families who have lost loved ones, it is still incomplete. Simply put, it falls short of protecting the workers who have already lost their jobs or will lose them soon. This bill, for all that it does, the Air Transportation Safety and System Stabilization Act does not: Provide unemployment benefits to

workers who have lost their jobs or extend health care coverage to those employees; nor does it prohibit the airlines from abrogating their contracts with workers; and, it mandates no job protections or a system for rehiring when our airline industry recovers.

Already, I have heard from airline employees in my hometown of Nashville who have been furloughed, their contracts abrogated, and left with nothing. We cannot allow the dedicated men and women of this Nation to languish without health benefits or severance income. In exchange for the \$15 billion in grants and loans that we are providing, airlines must do everything they possibly can to assist their employees through this difficult time. Let me also say that this legislation does not address adequately the needs of our aviation security system, nor does it address the other aviation-related sectors deeply effected by this tragedy. This must be changed as well.

In response, I will join my colleagues in the House in enacting additional legislation to ensure these flaws are fixed. And, I will vote "yes" on this bill, but only because it is the beginning of the process.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of this important legislation ensuring the continued operational viability of our Nation's airline industry.

The barbaric terrorist attacks of New York and Washington were calculated to throw our Nation into economic and social turmoil, but we are not going to let that happen. Our Nation's air transportation system is essential to our economic well-being. It is our duty to preserve the full and continued operation of this vital airline network.

However, in doing so, let us not forget there are many other industries that depend on the airlines for their own livelihood, including travel and auto rental agencies and food services. Let us encourage any airlines receiving emergency financial support under this legislation to restructure their fee scales with travel agents to convey their solidarity.

I also encourage airlines to carefully review policies that may impact the food service industry that employs thousands around the country.

Our air transport system is the best in the world, but it now needs our help to help them get through this difficult period. We must continue to foster the means for the advancement of this industry in the next century.

Accordingly, I urge my colleagues to support this important legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California (Mr. HONDA), a member of our committee.

Mr. HONDA. Mr. Speaker, this is not a perfect bill, but I do take heart in the words of the gentleman from Alaska (Chairman YOUNG), those of the subcommittee chair, the gentleman from Florida (Mr. MICA), and our leadership,

that we will come back and address those issues.

This is not a perfect bill, but after careful consideration, I have concluded that the common good must not be jeopardized in an effort for immediate perfection. Tonight we will pass this bill. Tomorrow, we will renew our work to impose stringent new security standards and provide critical Federal assistance to the many sectors and individuals left out in this bill.

Mr. Speaker, I rise today to express my reluctant support for this important and time sensitive legislation.

Just minutes after the tragic events of last week, the Department of Transportation acted swiftly to ground our Nation's entire commercial aviation and general aviation fleet—an unprecedented action aimed at averting any additional harm to innocent Americans.

As a result of the DOT's groundstop order and limitations on service, the airlines are hemorrhaging, many teetering on the verge of insolvency after losing billions of dollars in just days. The dire state of the airlines led to this week's downward spiral of the financial markets, moving our economy closer to recession.

As a member of the House Transportation and Infrastructure Committee, I quickly took up the call for expeditious congressional action to provide our ailing airline industry with a cash infusion and loan guarantees. I argued that while our airliners wait at the gate, Congress must not.

Tonight, a week and a half after terrorism struck America, Congress considers a multi-billion dollar bill to aid the industry that has been most devastated.

It is not a perfect bill. I am distressed that this bill fails to address the plight of over 100,000 airline employees who have or will soon be laid off. I am quite dismayed that this legislation provides no aid to the many related sectors that have been devastated by last week's attacks: the travel industry, flight academies, and aviation manufacturers.

I am equally disappointed that this bill fails to introduce substantive security measures to ensure the integrity of our nation's aviation infrastructure. The Nation's airlines will continue to lose money, so long as Americans lack confidence in the security of air travel.

However, after careful consideration, I have concluded that the common good must not be jeopardized in an effort for immediate perfection. Tonight, we will pass this bill. Tomorrow, we will renew our work to impose stringent new security standards and provide critical federal assistance to the many sectors and individuals left out of H.R. 2926.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, yesterday, on the third floor of this Capitol Building, I was standing in the hall when the gentleman from Illinois (Speaker HASTERT) and the minority leader, the gentleman from Missouri (Mr. GEPHARDT), walked by.

I stood aside and I applauded them. I applauded them because they are working very hard together under very difficult circumstances for this Nation. I

stand in agreement with the eloquent remarks made by the gentleman from Missouri (Mr. GEPHARDT) in this well just a few minutes ago, and I applaud the outstanding commitment and leadership of our Speaker.

Of course, we have to be concerned with the people part of this equation. Tens of thousands of people have lost their livelihood, through no fault of their own. They need health care for their families. They need job training for new opportunities. They need extended unemployment compensation. That is going to be provided. We will not ignore their needs.

But for the task at hand, we listened as the gentleman from Alaska Chairman YOUNG) was in that chair for 7 hours to hear leaders from the business community, the labor community, the financial community, one after another, say to us, "We must take immediate action to protect the viability of commercial aviation in America. We cannot lose a moment," and we are responding.

Safety is a concern that we all have. The gentleman from Florida Chairman MICA) is responding. The Committee on Transportation and Infrastructure has a proud record of dealing in a forthright manner with sensitive issues.

I am proud to serve with the gentleman from Alaska Chairman YOUNG) and the gentleman from Florida Chairman YOUNG), but I am proudest of all to serve with the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from Illinois (Mr. HASTERT) in this hour of need for America. Pass this legislation.

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that the House extend the time for debate on each side. We have more than 30 people on this side who would like to speak, and under this rule, those Members will be limited to 30 seconds or less.

I ask unanimous consent that we extend the time on both sides of the aisle. I am sure there are people on that side of the aisle who would like to speak at more length on this important legislation. I would suggest at least an additional 15 minutes on either side of the aisle for the debate.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Oregon?

Mr. YOUNG of Alaska. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we do not have to act in haste tonight with legislation that will bequest billions to a favored few and vague promises of future help to hundreds of thousands of others. We could work deliberately over the weekend, if

we so chose, to create a shared burden and benefit.

The 100,000 workers have already lost their jobs. They have been thrown into the so-called safety net, but they will get maybe something in the future. For the tens of thousands of people in related businesses, travel agents, car agencies, hotels, maybe we will do something in the future. Regional airlines, they get crumbs.

Now, there are no new security provisions in this bill. That is why people are not flying. If we do not put in security provisions tonight or tomorrow or over the weekend, people are not going to come back. This says, "The money we appropriated last week, we know the President will spend some of it on future security enhancements." That is not going to bring people back. It is not going to give them the assurances they need.

But do not worry, the CEOs will be limited to last year's salary, \$10 million, \$15 million, \$20 million, or \$30 million.

Mr. Speaker, this is not the best we can do. We all know that. We have just been denied time for additional debate. Where are Members going tonight? It is a little late to catch a plane. Why can we not extend the debate? Why can we not stay here and work this weekend? Why can we not have a better bill? Why do the 100,000 people who have already been laid off and do not have health insurance have to wait for the week after or the week after, or maybe Thanksgiving? Why? Do not just give them empty promises. I know the airline CEOs have a crisis, but let us help the people, too.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I rise in strong support of the aviation assistance package. As both the representative of LaGuardia Airport and a member of the Committee on Financial Services, I understand firsthand the importance of sending a signal to the capital markets that our airlines are strong and will receive the support they need to continue to operate.

□ 2145

The importance of securing the financial viability of our Nation's air carriers cannot be overstated. Additionally, this bill makes an effort to expedite compensation packages for those injured or lost in last week's vicious attacks upon our city. I welcome this bill, but as a first step towards remedying a number of other problems involved with the economic problems befalling our airline industry.

There are a number of things that this bill does not do. We need to provide protections for health care and

pay for the over 90,000 airline employees who have lost their jobs in the face of the economic hardship hitting the domestic airline industry, and we all know there could be more to come.

Furthermore, this Congress needs to bolster airline security. If we really want to restore consumer confidence, we need to provide increased safety to the airlines. We need to make the American public feel safe while flying.

I am not voting for this bill because I trust the airlines, and I am not voting for this bill because I trust airline executives. I am voting for this bill because I trust the American people. I know the American people will make this country strong again. My faith in their ability to rebuild our economy, if given the opportunity, is unwavering. I know this much is true. And I hope the American people show their faith by getting on an airplane to go to Disneyland, by visiting Las Vegas, by visiting our Nation's capitol. But most importantly, I ask my colleagues' constituents to revisit my city, New York, in the very, very near future.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume to note, in the bipartisan way that we have conducted ourselves, that the gentleman from New York (Mr. CROWLEY) has never voted with me on any piece of legislation in any committee. But this is a time we work together, and I thank the gentleman for his statement.

Mr. OBERSTAR. Mr. Speaker, I yield 40 seconds to the distinguished gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Speaker, I rise in reluctant support of this legislation. We have to help the airline industry or we will face even more layoffs and economic downturn in the days ahead. But this bill does nothing to help the pilots, flight attendants, mechanics, reservation agents, and other employees who make the aviation system work.

The bill contains no provisions extending unemployment benefits, health care coverage, job search assistance or any kind of relief to those who have lost their jobs as a result of the September 11 attacks. And it contains nothing about enhancing airline security, without which people will not fly the planes.

The bill is inadequate, and I am tempted to vote against it, but I fear that the defeat of this bill could result in the loss of many more jobs and negatively impact the one million employees still working in the industry. It is terrible we are forced to choose between an inadequate bill or no bill at all. But that is our choice, and so I have to exercise it. And I will vote "yes."

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding me

this time. I support victims compensation. I support the airline industry. But crisis is no excuse for a stampede. The wagons have been circled around the industry but not around the people who make it work.

Crisis is no excuse for unjust compensation for the airlines. Crisis is no excuse to deny the workers the protection they need now.

My father was a sky cap, my sister works in the airport, my niece is a flight attendant, my brother-in-law is a sky cap. I come from a family of workers for airlines. They need protection like the airlines. Let us step up to the plate, my colleagues, and protect the workers too.

As last week's tragedy continues to unfold, we, as Members of Congress are constantly challenged to find solutions to very complex issues. I believe that our American resolve and faith in God will bring this nation through these tough times. As a member of the Financial Services and Small Business Committees, I am compelled to speak because I realize the devastating effects this tragedy and its subsequent economic downturn has had on both our financial markets, insurance industry and small business. Companies are doing less—and in some cases no—business, workers are being laid-off and insurance claims are staggering. We must work together and hold to our resolve of building America back up. We are all doing our part to make sure this happens. We have put aside party differences and political wrangling and come together because we all know that, when it comes down to it, we are all one people. But we can't let this spirit of togetherness cause us to run blindly forward into actions that, while they may seem reasonable in the heat of our desperation to deal with this problem, will result in serious consequences in the long run.

That is why I am speaking out against this bill. I stand today as a supporter of congressional funding and other legislative efforts that restore stability to this nation and particularly, our financial markets, that are the envy of the world. With that, I wholeheartedly supported the \$40 billion supplemental appropriation for military support and clean-up efforts stemming from last week's tragedy. Our concerns, sadly enough, do not end there. Our financial markets, as well, face decline and other challenges to recovery. Today, we deal with an airline industry crisis. The airline industry facing staggering losses may face bankruptcy as a result. It was reported that during our national tragedy, when airplanes were grounded, the airline industry lost about \$330 million a day for each day that flights were grounded. No industry can recover from losses of that magnitude overnight.

I support our airline industry. I support direct aid of \$5 billion to the airlines. I also support \$10 billion in loan guarantees that assists large as well as small airline carriers that works to ensure the financial solvency of our airline industry and other affiliated jobs. However, I am troubled about some aspects of this bill. First, in our efforts to stabilize the airline industry, we cannot forget workers. We cannot overlook thousands of dislocated skycaps, attendants, pilots, food service workers, mainte-

nance workers and all of those other men and women employed in the airline service sector, who will receive absolutely nothing from this bill. We cannot simply save the plane and leave the people behind.

Second, liability protection. I cannot support a liability protection regime that is overly broad. To have the government as well the airline and insurance companies cover liability, could leave the government as the insurer of last resort. This aspect of the bill is too broad and overly complex.

Third negligence and damages. I am also concerned that this bill fails to consider any amounts for punitive damages and also reduces compensation if there is any collateral source compensation. While I support the stabilization of the airline industry, on one hand, I cannot remove all liability from the industry on the other.

In addition, this bill caps air carriers' liability to limits of their coverage and reduces victims' families should they have supplemental coverage. It is paradoxical to fully support the airlines while reducing support for survivors who need to resume their lives. I cannot in good conscience support such a measure.

Lastly, security. This bill does not address the issue of increased security that must be employed by the airline industry. With a tragedy of this magnitude, we cannot sweep the issue of security under the rug. The airline industry must make operational changes in security at our nation's airports in order to thwart future terrorist activities.

In conclusion, I support the stabilization of the airline industry with direct aid and loan guarantees. Our airline industry serves as a major cog of our economic engine and also

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, the firefighters in New York did not panic and neither should we. Tomorrow, when the sun comes up, Americans all over this country are going to ask this question: Why in this Chamber do the big dogs always eat first?

Twenty or thirty thousand Boeing laid-off workers who build the airplanes by their sweat of their brow are going to ask: Why are we using taxpayer money to help companies with CEOs who make \$35 million a year, and for the machinists, they get zero?

Bipartisanship does not mean the whole thing for the corporation and not a part for the worker. Help airlines, and put some "no's" up there to make sure we get a clean vote up there next week.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Alaska (Mr. YOUNG) has 9½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 16¼ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, we have just begun, I believe, to

comprehend the extent of our national trauma. And while we continue to grieve, we cannot let a terrorist attack bankrupt such a critical component of our economy, so we must keep the planes in the air.

But I want to remind my colleagues that we cannot stop here, and I appreciate the fact that people have expressed that tonight. We cannot stop here. What we need is a comprehensive package. We need to address airline security, and we need to address the growing employment crisis in our country.

Please, Members, let us go to the next step and let us do it with the fervor and the passion that we have addressed this step as well.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I want to address these remarks to the families of the victims, those who were injured on September 11.

One of the best provisions of this bill is that this Congress has provided a method whereby all those injured, the victims of those who have died, will have full recovery for their economic and noneconomic damages by the establishment of a special master. The Treasury of the United States has been opened by the Members of this Congress to ensure that every family will receive just recovery.

It is one of the best provisions of the bill, and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the aviation industry is in need of a lifeline, and we are all trying to find it. The bill today provides \$15 billion in taxpayer dollars to give a bailout, but there is no reason why this legislation could not have included the real face of the aviation industry: the pilots, the mechanics, the baggage handlers, the flight attendants, and ticket agents. The airlines could not run without them.

This package contains nothing for the industry's reportedly 100,000 displaced or soon-to-be-laid-off workers. This \$15 billion package spends nothing for the greater safety in our airlines as well.

Mr. Speaker, I want to make clear that we need to support legislation granting much-needed relief to our beleaguered airlines; but without help for workers, without real money for enhanced security, without real guarantees for air service to small communities, I cannot support this.

Mr. OBERSTAR. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I am supporting this bill. I am supporting it because of jobs.

I do not want to cut off our noses to spite our faces. If we lose this airline industry, we lose all jobs. We have to save it to save jobs, and then come back next week to make sure that we finish the job. It is indeed an incomplete job. We must finish the job, but we must not lose it all.

My heart goes out when I look at the New York City skyline and no longer see our twin towers. And I think if the towers were still standing, we could repair it and we could keep jobs in the building. But my heart is lost because there is no longer any towers on the skyline, and we have lost all of those jobs. Let us not lose any more jobs.

Mr. OBERSTAR. Mr. Speaker, I yield 40 seconds to the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is one of the first steps that we are taking as a result of the hell that descended on America over a week ago. I think that as we take these steps, we need to look very carefully at the larger picture.

Of course aviation is one of the most critical industries in our country. And I think today we are more fully appreciating everything that is related to the airlines. But I want to remind my colleagues that left out of this bill are the steps that we are going to have to take and take soon.

The planes will not stay in the air no matter how much we spend. What we put up in terms of the Federal dollar will not really do what we are seeking it to do unless we restore the confidence of the American flying public to get into these planes, as we are, and that it is safe to do so, and that the workers that help put those planes in the air be taken care of as well.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, our vital airline industry has asked for a hand; and we ought to give them a helping hand but not a handout. And that is what this bill does with billions of dollars of hard-earned Social Security Trust Fund monies.

While the airlines get those billions, the taxpayers do not get the protection, the workers do not get the support, and the traveling public does not get the safety. All they get is an IOU. We need to commit tonight to pay that IOU as quickly as the airlines cash the billions of dollars of checks that they are being granted in a bailout here tonight.

While this is hardly last Friday's midnight blank check to the industry that was urged, it remains grossly deficient. And even tonight the comptroller general of the General Accounting Office states that after reviewing the bill: "He has concerns that adequate safeguards need to be put in place to safeguard the taxpayers' interests."

We need to do that, but tonight we need to vote "no."

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would announce that the gentleman from Alaska (Mr. YOUNG) continues to have 9½ minutes remaining, and the gentleman from Minnesota (Mr. OBERSTAR) has 12½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), the chairman of the subcommittee.

Mr. MICA. Mr. Speaker, I returned to the floor really to try to eliminate some of the myths.

The previous speaker tries to couch this as a bailout to the airlines and talks about billions of dollars. Let us look at the billions. There are \$5 billion for direct costs. The airlines must prove direct costs of incidence from the September 11 tragedy.

Today, \$5 billion will barely replace a few number of airplanes. The gentleman does not have to worry about bailing out the airline industry, because there will be no airline industry. They will not have the insurance. They will not have the credit. They will not be in business. So we will not have 100,000 people out of work, we will have hundreds of thousands of people out of work.

The rest of the package, the \$10 billion, is not a loan program, it is a loan guarantee program. They must pay back the funds. So this is not any big handout.

The language on the compensation, the limits we took from the other side, in trust, to put some limits on compensation for overpaid airline executives, we took that in good faith from the other side.

The safety issue. There is \$3 billion in this legislation for safety and security. We gave the President another \$40 billion, of which he has complete discretion.

□ 2200

Mr. Speaker, this Congress is not going to decide airline safety on Monday. They tried to do it in 1996 with a bill that is still not enacted by the administration, the previous administration.

We passed another airline security bill in the year 2000, and that is still not implemented. We have given the money and the responsibility to the administration. We have sky marshals being put in place as fast as they are being trained. We have loaner security personnel on planes. Do not tell people that every possible security provision is not being instituted. That is not the truth. Do not demagogue this legislation, pass this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I support this bill because without it our

economy would be in even greater danger. While I would have written a bill that protected the more than 100,000 airline industry workers who have been laid off or are at risk of getting pink slips, and we must address that, a vote against this bill will put all of the airline industry workers at risk, both those who have been let go and are hoping to be rehired, and the more than one million still on the job.

Mr. Speaker, not to vote for the bill means no job is secure. Most important, I cannot in good conscience vote against a bill that provides compensation to the more than 150 families in my district, and that number may sadly grow, who have been directly affected by this tragedy and who are in desperate need right now.

There is no time to wait and negotiate further for them. I agree with my colleagues who want more for airline travel security and worker protection, but we need to move now and move quickly.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, no one is suggesting that we not help those airlines who as a result incurred costs and expenses of being ordered down by the Federal Government; but this legislation goes beyond that because it reimburses them for more than that cost, and that may turn out to be true in the future, but that is not true today in terms of what has been proven up.

Mr. Speaker, it does not deal with executive compensation. It allows people to continue on while workers are being laid off, while workers are losing their health insurance and wages.

The President talked to us about shared sacrifice, and that is not what this legislation is about. It is about the few and the powerful getting their hands on the \$5 billion and on the loan agreements and not providing for the workers and for the families that are devastated by the loss and tragedies that have taken place.

I think at a minimum we could have provided the coverage for these individuals. The language was ready; it was simply not agreed to. It is not about time.

We could have also made very sure that we directed the Federal agency to take over and federalize the safety of these airplanes. People are not avoiding airplanes because of the financial conditions of the airlines; they are not flying because they do not feel safe on airplanes.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that cataclysmic event that occurred a week ago brought this Nation together at the very same time that it tore us asunder. We are here tonight to attempt to thread together shattered pieces of our economy, the

torn hearts and spirits of our fellow citizens. In the limited way that we can, with the limited tools at our disposal, I share the frustration of many of my colleagues on this side of the aisle who wanted to reach out beyond the provisions of this bill and extend help to those workers who were laid off in the immediate aftermath of last Tuesday.

I thought we could do that and that we should do that, but there were other voices and other pressures. Since we do not have the majority, we do not dictate the course of events.

The Speaker wanted to do more, and he was magnificent in his management of the competing forces in that session that concluded at two o'clock this morning in his office when the final shape of this bill was hammered out. His willingness to work with our side to address the unmet needs and concerns of Members went on into today and into late afternoon.

Yes, I think we should have addressed security to a greater extent than we did in this bill. There is \$3 billion to be used by the Secretary of Transportation for sky marshals, for strengthening flight deck doors and for other airport security provisions; and there will be more to come.

Many on my side have said if we do not put it all in this train that is leaving the station it will never get done, but I trust the Members of this body and the leadership and the Secretary of Transportation on their word. They have given their word that we will do a broader and more inclusive security provision.

With the gentleman from Alaska (Mr. YOUNG), we are going to start on Monday in our committee crafting that broader language for broader security to carry out the work that, frankly, I began as a member of the Presidential Commission of Aviation Security and Terrorism in 1989 and 1990.

If all we have done and recommended had gotten enacted into law and fully carried out, we still would have gaps in security. That is why I asked for a review, a blue ribbon commission, in 1995 to come back and review aviation security from top to bottom; and it took a year for that to happen in the previous administration.

That group that was called together by the President, the baseline review committee met, and I addressed them. It was July 17, a year later, 1996; and that night TWA 800 went down off Long Island, and then a year later we came back with new legislation to fix aviation security once again; and we did it again last year in our committee. We are going to do it again until we get it right.

We have a lot of provisions in this bill to deal with the problems of those who lost their lives on the ground and the families who survived them, just as we did in the aftermath of TWA 800 and

Pan Am 103, and it pains me to be on this floor once again to be addressing these matters.

We are going to provide in this bill continuation of air service for small communities that feed into the hubs. We provide \$120 million for essential air service for the very smallest markets in our country. We provide assistance to our air carriers with accountability, with limitations on executive pay. In the Chrysler package of 1979, there was a proposal to cap wages of UAW workers; and the Members on this side said no, and a good many on the Republican side said no; and the Congress refused to do it.

But in this bill we put caps. We put limitations. Maybe we should have limited their pay below what they were making last year; but we did what was doable, capped their pay at what it was last year for the next 2 years, so that there is some shared contribution.

I believe that we are going to move further ahead. The Speaker made a commitment tonight to the minority leader that beginning next week they will start on a comprehensive package of worker assistance. I hope it will include extended unemployment compensation in many provisions of the Trade Adjustment Assistance Act, and I will call upon the airlines of the United States to follow the example of Northwest Airlines, which voluntarily told its unemployed laidoff workers that it will continue their health insurance through the end of this year, fully paid, employer-employee portions by the airline, whatever its cost will be; and if the other airlines will do the same, there would be a greater sense of shared sacrifice. There would be greater confidence on this floor that they are doing the right thing.

I have asked the airlines to express their support for worker provisions, and they have done so in a letter, and for improved security provision that I know they have done so as well. They will stand with us next week and in the following days when we bring legislation to the House floor.

This is the best we can do, and it is the most important thing that we can do to get aviation back again moving people and goods and moving our economy. It is not just here at home. The International Air Transport Association reported earlier today that European airlines since last Friday have lost \$5 billion. That is a greater percentage of loss for them than for our carriers. If we do not get American aviation moving again, world aviation is going to collapse.

Yes, we want to do more for the workers who are laid off, but we have to do something to keep the jobs of those who are still working. There are 1.2 million employees in the airline industry; 100,000 are laid off. But that means 1.1 million are working, and this bill is to keep those jobs, to help them

stay on their feet, help them continue contributing to the national economy.

That is why we are gathered around here, to do what we can in the right way, in the right time, to the extent that we can.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) very much for yielding me the time, and I know my colleagues are eager to leave this place, but many of us believe this is important enough that we should stay here and work.

I frankly believe that we can have a meeting of the minds. I believe that the United States Government last week made a catastrophic decision to ground the airlines; and they were right, and so we should compensate them. This legislation also speaks to the tragedy and travesty of 6,000 dead; and I think we should compensate them as well.

But at the same time, I believe we should advocate for the sky caps and cabbies, suppliers, airline stewardesses, and pilots that may be laid off.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; and I want to thank the gentleman from Alaska (Mr. YOUNG) for working this bill through. But I need be able to carry the message home in a very clear manner. I know the leader and the Speaker have spoken, and I would like to yield to the distinguished ranking member because he did recount for us extensively where we might go in this next week.

I ask the gentleman from Minnesota, the plan for next week or moving into next week on working on ensuring that we have a plan for extended employment assistance for the ability to cover employees that may be laid off and the commitment of the airlines respectively not to file bankruptcy, and I know there are no definitive answers, but to work with us to rebuild the airlines, thereby rebuild employment, because what I hear is that people do want their jobs.

□ 2215

Do we have the ability and the capacity and the commitment to do that?

Mr. Speaker, the September 11, 2001 terrorist acts against America will never be forgotten. 6,333 people are missing and presumed dead, and 6,291 have been injured as a result of the terrorist attack on the World Trade Center in New York. The death toll at the Pentagon is 189 including the 64 people who died on American Airline Flight 77.

Last night, we heard from President Bush regarding the need for national and world unity as we embark upon the mission of eradicating terrorism and bringing the terrorist to swift justice. I agree with President Bush on this issue. I vote to give the President the authority to act appropriately to achieve this goal. Also, I

voted to provide the \$40 billion necessary to fund the rebuilding of New York City, the Pentagon and to fund the campaign to bring the perpetrators to justice.

I want to express my support for H.R. 2926, the Air Transportation System Stabilization Act. The airlines of this nation serve as a great public asset to this nation. That is why we should properly address the needs of the employees, the traveling public and the airline companies.

The cowardly acts of September 11, 2001 left our nation's airline industry and its workers in a precarious financial condition. Since these events, airline profits and operating funds have plummeted and the number of proposed employee layoffs increase daily. If Congress does not act quickly, first tier airlines will be forced to file for Chapter 11—bankruptcy protection within 30 to 60 days. Furthermore, it is estimated that by June 1, 2002, the industry will realize cash shortfalls of at least \$10 billion.

H.R. 2926, is an appropriate and timely response by the Congress to deal with the intended and unintended consequences of these unprecedented events that I hope will never occur again on American soil. I must say that I agree with many of my colleagues in the House of Representatives regarding the necessity to act today because it is apparent to us all that the capital markets are not coming to the aid of most of the suffering airlines.

H.R. 2926 provides \$5 billion in direct aid to the airlines, an amount that airlines say they would lose by the end of the month as a result of the government-ordered grounding of flights following the terrorist hijackings of four jetliners and the sharp drop in business. Also, H.R. 2926 would provide \$10 billion in loan guarantees to airliners that face fewer customers, sharp increase in insurance premiums and rising costs for security. Further, H.R. 2926 creates a Victim Compensation Fund for victims of the terrorist-related attacks of September 11, 2001. A Special Master appointed by the Attorney General will administer the Fund. Air carrier liability is capped at the carriers' insurance company limit. The Federal Government will provide compensation above and beyond carrier liability.

Mr. Speaker, I must express my disappointment about this legislation's failure to address the needs of the hard working airport and other employees who will be out of work as a result of decreased air travel. This bill over looks the skycaps, the concession workers, cabbies and the others who happily greet us as we move through our nation's airports. These employees should not be required to wait for assistance when their mortgages and other daily obligations continue.

That is why I supported the Hastings Amendment to H.R. 2926 which will not be debated on the floor of the House of Representatives. If the House Rules Committee had allowed debate on the Hastings Amendment, airline and airport employees could have been provided timely benefits to assist in these difficult times. Those benefits would have included the extension of unemployment benefits from 26 weeks to 78 weeks, 26 weeks of unemployment insurance benefits for workers who would not otherwise qualify, extended job training benefits from 26 weeks to 78 weeks,

and provides up to 78 weeks of federally subsidized COBRA premiums.

Additionally, Mr. Speaker, this legislation does not address the needs of the small businesses, which are dependent upon the air travel industry. Also, Mr. Speaker, this legislation is lacking because it does not address the needs of small businesses based in the airports around the nation. I believe that it is imperative that we provide a statutorily acceptable mechanism to distribute relief funds to small businesses that have been affected outside the states that have been declared disaster areas. Primary disaster relief for small businesses comes from the Disaster Relief Assistance Program of the Small Business Administration. However, SBA cannot disburse funds without a disaster declaration by an individual state, and many affected airports are located in states geographically removed from the attack site like Texas. We must ensure that we provide fair treatment for these businesses caught in the ripple effect of the airline crisis. I will be working with the Mayor of Houston and the City Council to ensure that small businesses get the assistance that is needed.

Mr. Speaker, this legislation simply expresses the commitment of Congress to act expeditiously to strengthen airport security and take further measures to enhance the safety of air travel. But, I believe that we must take the next step and federalize all aspects of airport security so that the loss of consumer confidence can be restored within short order. Federalizing airport security does not mean that we discount the importance of the current airport security employees. Mr. Speaker, the aim should be to increase consumer confidence in air travel.

Mr. Speaker, H.R. 2926 clearly does not go far enough, however now is the time to begin the process of rebuilding so that we can realize increased air traffic at the Bush Intercontinental Airport, and the William Hobby P. Airport in Houston, and all of America's airports.

Finally, Mr. Speaker, I hope that the leadership of the House of Representatives and Senator DASCHLE and Senator LOTT will make a firm commitment to bring employee economic assistance legislation to the floor of both Houses of Congress early next week.

Mr. OBERSTAR. Mr. Speaker, if the gentlewoman will yield, that is not a matter I control. That is an agreement between the Speaker and the minority leader. They are certainly committed to working in the direction the gentlewoman has expressed.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, as my colleagues know, I am proud to represent Washington's National Airport which tonight is closed, completely closed except for terminal A, which has been transformed into an unemployment compensation center for the more than 10,000 people who have lost their jobs at National Airport and the more than 60,000 people in the Washington area whose jobs are dependent on National Airport. The terrorists caused the loss of more than

6,000 lives. They cannot cause the loss of thousands of livelihoods.

I am going to vote for this, but I have the confidence we are going to do something for the workers, too, who work day to day and breathe life into the aircraft and the airline industry. But we cannot have employees without employers. We have got to pass this bill. But it is not enough.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

To the gentleman who just spoke, I happen to support reopening Reagan National Airport. He is another gentleman, by the way, that has never voted for anything I have ever wanted, and I do support opening that airport. It is the right thing to do. I want him to know that.

I would also suggest that for those who question it, this committee has jurisdiction over some parts of this bill which we are bringing up tonight, but as the gentleman from Minnesota has mentioned, we do not have total jurisdiction. But I am going to do everything in my power, as well as the gentleman from Minnesota's, to make sure that the gentleman from Missouri (Mr. GEPHARDT) and the Speaker's commitment is followed through for the workers. But this bill tonight is so crucially important so that we can keep those jobs that remain still viable and we get the airline industry back on track so they can be rehired as they have lost their jobs. And we will do that.

I would suggest one thing. I hope, and I know most of my colleagues have not read the bill; I say that sincerely because I am also a Member of this Congress.

"Documentation. Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit."

I am going to suggest that all losses must be documented and if they make false statements, they have committed a felony and it is a crime. Let us keep that in mind.

Other than that, Mr. Speaker, I would like at this time to thank the gentleman from Minnesota (Mr. OBERSTAR) for the work he has done and the leadership he has shown on that side of the aisle with tremendous criticism from some of his Members. I did not face that on this side of the aisle at all. I also would like to thank the staffs on both sides. I may not name all of them

because some of the names I may not know and I will not pronounce those I do not know. But the staffs put in yesterday, last night, today, last week, Monday, Tuesday and Wednesday and they worked 48 hours sometimes, so I thank the staffs for the work they have done. It is crucially important.

We also had another player, or two players not in this body, in this bill that we had to work with. We had the administration. It is my administration, but I can tell you sometimes they can be very, very shortsighted. We also had the other body, and they can be equally shortsighted. But we had to bring this bill together so it can become a law.

I am asking my colleagues tonight to keep in mind, this is not a bailout. This is an attempt to keep a vital part of our economy working. This is, in fact, crucial to the total economy of this Nation that we pass this legislation tonight. I urge my colleagues to think of this and to vote for final passage.

Mr. BORSKI. Mr. Speaker, I rise in strong support of the bill before us today. Some are asking why we need a bill specifically for the airlines, when so many other sectors of the economy need our help as well. The answer is simple—we have to.

September 11, 2001 changed everything in our world. Including the continuing stability and viability of the U.S. aviation system. The aviation industry normally constitutes 10 percent of our national gross domestic product. In my City of Philadelphia, the airline industry is a \$7.4 billion economic engine. I cannot stress it enough that if we do not help this industry now, today, it will not be the same viable transportation system as we know it and layoffs will be even more staggering then we are currently witnessing.

The situation the airline industry finds itself was not one of their making. Within hours of the first strike, Secretary Mineta made the difficult, yet crucial decision to ground all flights in the U.S. and divert others. It was the federal government's correct choice to close the airlines' doors for four days and it was this decision that also caused the industry to lose \$200 million a day for each day their flights were grounded.

On the principle of fairness, it must also be the responsibility of the federal government to restore this industry's economic solvency. To act otherwise, will be devastating to our nation's transportation infrastructure and crippling to our national economy.

Additionally, airlines will not become viable until the American people are convinced that they are secure. I comment Transportation Secretary Mineta for creating two task force teams to report and advise on airline and airport security. I also look forward to this Congress passing legislation to federalize the aviation security system. For far too long, these workers have been underpaid, overworked, and unappreciated. I am confident that the federal government can and will create a credible and well-trained federal enforcement aviation security system as soon as possible.

We are passing this legislation tonight to not only restore the trust in our aviation industry, but also for the men and women who drive the industry forward—the airline employees. In 2000 alone, these dedicated employees served approximately 670 million passengers traveling over 700 billion miles, and provided over 25 billion ton miles of freight delivery. While some may argue that this bill hurts airline employees, I believe it does just the opposite.

I am saddened and angered by the layoffs we have already seen as a result of the September 11th attacks. But if we do not pass this bill tonight, all 1.2 million U.S. airline employees are in jeopardy of losing their jobs. If we can enact H.R. 2926 as soon as possible, it will only accelerate the airline industry's ability to get back on their feet and put them in a position to rehire some of the workers already laid off. The faster we can increase the demand for flights, the faster airline employees can get back to their jobs.

In addition, I take our Leadership's word that we will bring to the House floor, legislation to assist the airline employees that have already been effected by these tragedies. Within the next week or so I am confident that we will have an employee assistance package in hand, ready for these American heroes.

Mr. Speaker, I vote for this bill for the traveling public, the aviation employees, the American people, and all other business that rely on or are affected by the aviation industry.

Again, I urge my colleagues to vote for this important and necessary piece of legislation.

Ms. LEE. Mr. Speaker, I rise today to support H.R. 2926, the Airline Stabilization Act, which will revitalize our economy and protect jobs in my district and around the country. I do so with the strong intention of supporting additional legislation, scheduled to be considered on the House floor next, that will provide relief for airport workers and those who have already lost their jobs in the airline industry. I also believe Congress needs to provide additional resources for airport security as soon as possible.

Part of the aftermath of the tragedy our entire nation suffered on September 11 is that important industries in our nation's economy have become vulnerable. One of the most visibly affected industries has been the airline industry.

We know of 100,000 nationwide layoffs because airplanes were grounded for four days and because activity at our national airports which came to a halt, are only now slowly beginning to become active again.

As our nation recovers from this national tragedy, I believe that we must swiftly aid in this recovery. It is our obligation to help revive and ensure the viability of the airline industry by giving them the economic boost they require today.

I believe that by getting our airline industry back on track, our nation's economy as a whole will prosper, and we will prevent the loss of even more jobs in the long term.

Funds are included in this bill to give direct, prompt assistance to the airline industry. But the vast majority of the funds in the bill are loans that will be repaid. Additionally, there is a provision in the bill that I strongly support, to limit CEO compensation by putting a cap on

executive salaries over \$300,000 for two years.

While I am cognizant that this bill does not contain language that would provide relief for workers who have been affected, nor does it include language that would provide increased security measures, I do believe that this bill will help to ensure solvency for much of the airline industry and prevent further job losses.

I have stated since the tragedy last week that we must look for a multifaceted solution to this multifaceted problem. This bill is one small step toward restoring one facet—our economy—and for that reason I will support this bill.

Mr. UDALL of Colorado. Mr. Speaker, I am disappointed about the way the House has handled this legislation. I think legislation to help the airline industry is urgently needed, but I think this bill falls far short of doing everything that urgently needs to be done.

I voted against the rule because I thought we should be taking the time to do a better job before we go home for the weekend. And I voted for the motion to recommit because it would have made the bill better.

I wish that the outcome to those votes had been different, because I am not enthusiastic about this bill.

I am not enthusiastic about it because while it will help the airlines, it does not do enough for the airline employees who are facing unemployment.

I am not enthusiastic about it because it does not do enough to address the effects of the airlines' problems on many other businesses.

And I am not enthusiastic about this bill because it does nothing to respond to the very urgent need to improve the safety and security of airline passengers and the American people—a need that I think nobody can deny after the tragic and criminal events of last week.

Still, while not enthusiastic about the bill I will vote for it because I think it is urgently needed.

And, above all else, I will vote for it because of the assurance of the Speaker and the leadership that the House will act quickly to address the problems of employees and the other things that should have been part of the legislation. On that basis, and that basis alone, I am prepared to support passage of this incomplete and unbalanced bill.

Ms. KILPATRICK. Mr. Speaker, by bringing this bill up without extensive debate or scrutiny and without the opportunity for amendment, we are being asked to buy a pig in a poke.

I want to assist the airline industry. The condition of the industry was marginal before September 11. Since the assault on America, we now find it in a critical state.

In helping the airlines, we are protecting airline industry executives, managers and stockholders. I am not opposed to that if that is what it takes to rebuild the air transport system. But in the wake of trying to pull together a bill that will bridge the industry until some normalization in the system is restored, we are forgetting about the rank and file employees. These are the baggage handlers, the skycaps, the flight attendants, and the ticket agents who are the victims of last week's shutdown and who now find themselves out on the street. There is no provision in this bill that will help

bridge them and their families until the air transport system is back on its feet.

The leadership has promised to bring up legislation next week to provide compensation for workers, families and victims adversely impacted by this tragic incident. My problem with this "promise" is that it does not have the united commitment of the leadership on the other side of the aisle. That's why I am skeptical of supporting this bill on these terms, under these conditions.

More often than not, legislating quickly is legislating badly. Many Members in this chamber have cited the precedents of the Chrysler and New York City loan guarantees. Although I was not a Member of Congress when Congress acted on these proposals, I supported their passage and encouraged my representative in Congress to vote for their approval. The difference between those financial assistance packages and the one that is before us today is that the Chrysler and New York City relief bills were debated at length in committee, in private negotiations with the White House and industry executives, and on the floor of the House and the Senate. The legislative process worked deliberately and ultimately wisely. Chrysler and New York City repaid their federal loans and the federal government actually earned a profit in the process.

But this case is different. We are being asked to pass a \$15 billion assistance package to rescue the industry. According to one source, the \$5 billion in direct aid is more than four times the amount of the actual losses actually experienced by the airline industry. I am not here to argue about the size of the package, although it does lead one to ask if we are buying a pig in a poke. The problem is that it is a halfway measure. The bill provides no lifeline to the tens of thousands of workers who have just been laid off and to the low- and tip-wage workers who were regulated out of their jobs for reasons of increased air security. I am prepared to rescue the airline and airport executives, stockholders and managers. But I am not prepared to forget those who lost their jobs under these extraordinary circumstances.

We all have a large stake in rebuilding and rescuing the air transport system. Mr. OBERSTAR has done a great job to move this bill forward, and I have enormous respect for his leadership and knowledge of and competency in the airline industry. However, I regret that I have to vote against this bill because it ignores the very people who make the system work.

Mr. MCGOVERN. Mr. Speaker, I rise in support of the Air Transportation Safety and System Stabilization Act. Although I am voting for this bill today, I do not think that this bill is the best possible bill or the only bill that we should enact to stabilize the airline industry and its supporting industries in response to the tragic September 11 attack on the United States. There are a number of issues that this bill does not address.

Most importantly, I do not think that the bill adequately provides for the tens of thousands of airline industry employees that are facing imminent layoffs. These are the men and women that were on the front lines of the September 11 attack, many of whom would bravely and willingly go right back up into our skies to literally keep this economy and this country moving.

Additionally, I think that we should use this as an opportunity to drastically improve airline and airport security. I would have liked to have seen a bill that provided additional funding for the possible federalization of passenger screening facilities in our airports and an increase in the number of armed Sky Marshals in on board planes. I hope that Congress will act on both these issues as quickly as possible.

But the bottom line is that in this time of need the federal government must take strong action to stabilize the airline industry and the economy and to insure the continuity of safe and efficient air travel. A strong airline industry is critical to our national economy.

The airline industry has suffered immense and unprecedented financial damage from the events of September 11 and their aftermath. Unless substantial financial assistance is made available immediately, a major portion of the industry will fail financially over the next year; we will come out of the recovery period with, at best, a non-competitive, weak industry of only a few carriers, and, at worst, no viable survivors, no low fare competitors and the possible prospect of re-regulation or a government takeover. In either case, we would be likely to get much higher fares and less service than we had before September 11.

Mr. Speaker, last Friday we brought a stabilization bill to the floor and failed to act on it. This week, the airlines announced thousands of layoffs. This Friday I will vote in support of this bill and will urge my colleagues to support this bill, because if we act today, I can only hope that we will be able to save some jobs next week.

Mr. COLLINS. Mr. Speaker, Congress is taking important steps today to provide real short-term relief for the industry. The Air Transportation System Stabilization Act (H.R. 2926) delivers on the commitment supported by Congress and stated firmly by President George Bush in his address to the nation last night—"We will come together to promote stability and keep our airlines flying with direct assistance during this emergency."

For several days last week the U.S. government closed down the domestic aviation industry—a decision that was vital to the interest and safety of our country in a crisis situation. Now that the industry is back online, it is equally vital to our nation that we take steps to ensure that the public continues to have access to viable, competitive aviation transportation.

Today we are asking the taxpayers to provide a huge injection into the arm of the aviation industry. But the cash infusion, the tax deferral and the financial guarantees from Congress are only one part of the formula. We have also heard about a lot of talk tonight about providing additional legislation which provides a whole slew of health, unemployment benefits, in addition to those that already exist under current law.

But rather than double dip from the taxpayers, the aviation industry should use the initial taxpayer assistance provided through H.R. 2926, to keep their employees on board and utilize these professionally-trained men and women.

In order to survive, airlines must focus on reestablishing confidence among the American

consumer. The only way you are going to get people back on planes, is to assure them that air travel is 110 percent safe.

Airlines should consolidate flights and dedicate non-flying personnel to increased security inspections. Rather than laying off employees during this travel slowdown, why not utilize their professional training by putting them throughout airports to increase passenger security checks and baggage inspection.

It's a fact that the elevated security status means that federal employees are already being pulled from non-aviation assignments throughout the government to meet the increased demand for security precautions in airports. At least on a temporary basis, airline employees should be utilized in the same capacity—to increase security of airports and provide the consumers with the confidence they need in order to return to the airways.

Mr. LEVIN. Mr. Speaker, disintegration of the airline network of America is simply not a viable alternative for our nation. Therefore, I will vote for this bill. Defeating it would be a worse alternative than passing it. But passing it must not obscure the serious shortcomings of this bill. It fails to address the serious holes in key parts of the safety net to help hold up those who suffer as a result of the tragedy of September 11. There are severe gaps in our unemployment compensation system and in our retraining structure that must be addressed or else many, if not most, of the dislocated will be out in the cold economically. Many of these same persons will be left without health coverage.

We have been assured by the Speaker in a colloquy with the minority leader that the appropriate committees will turn their attention promptly to important outstanding issues, which must include those mentioned earlier. As a member of the Ways and Means Committee and the Subcommittee which has jurisdiction over unemployment compensation and some retraining programs, I intend to join in active efforts consistent with the assurances in the colloquy.

This Congress must also take far more vigorous steps to dramatically strengthen airline security, and I mean dramatically. This bill does not begin to do so. If the public does not retain confidence that they can fly safely, most will not fly and when nothing in this bill will safeguard the financial integrity of the airline industry.

The vote tonight must lead to further steps, and soon.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to express my support for H.R. 2926, the Air Transportation System Stabilization Act. I also must express my concerns for what is not contained in the legislation. While the assistance provided by this measure is absolutely essential to keep our airlines operating, the lack of provisions to address the needs of thousands of airline workers who were told by the government not to report to work and who will not be compensated for complying with that request is wrong. The bill lacks important provisions to increase security for pilots, crew and passenger that are needed to restore people's confidence in the industry that is so important to regaining the economic viability of the industry. At a time such as this, only the federal government can help restore

that confidence, and I fear that this bill does not go far enough to accomplish this critical task.

These terrorist attacks were aimed at disrupting our economy and destroying our way of life. The destruction that followed has threatened not only the economic viability of the airline industry, but the livelihood of workers employed by air carriers, manufacturers, and the hospitality industry. Each day that flights are grounded resulted in a loss over \$300 million a day for the industry. The airlines expect to lose \$24 billion in the next year due to the aftermath of the attacks.

Without federal aid, many carriers may go bankrupt. I support the provisions in the bill that will help the industry remain economically viable, such as the \$5 billion in direct aid and \$10 billion in loan guarantees. However, none of this money goes towards helping the tens of thousands of hard working Americans who now have no assistance to help them while they search for new jobs or maintain their health insurance. We must address their concerns as well as the concerns of other industries tied in with the airline industry.

My home state of Missouri will be considerably affected if an economic recovery package is not enacted soon. Missouri is home to Vanguard Airlines, a regional, low-fare airline that serves the metropolitan Kansas City area by linking it with the 14 largest cities in the United States. The company employs nearly 1,000 residents in Missouri and Kansas and is an integral part of the state and regional transport economies. In addition, American Airlines has an enormous presence in the state. As part of its merger agreement with Trans World Airlines (TWA), American has incorporated TWA's hub in St. Louis and its overhaul base in Kansas City. American Airlines employs almost 13,000 people and makes up a significant portion of Missouri's workforce. A considerable curtailment of its operations or those of Vanguard Airlines would be devastating to the state's economy.

This measure is only a first step towards putting the airline industry back on solid financial ground. It is incomplete. We must continue to work to bolster the security of the airlines, returning air marshals to skies and implementing the latest technologies available to ensure the traveling public that hijackings will not occur again. We cannot ignore the needs of the thousands of workers who have lost their jobs. If we do not provide the support needed, the temporary nature of the layoffs and furloughs will be harder to overcome and lengthen the effect. I strongly urge my colleagues to revisit this issue immediately and continue to be vigilant in addressing the needs of the industry's employees and families, and do what is necessary to restore the confidence of the American people in this most vital of industries.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in support of this bill and ask that this letter be included in the RECORD.

ASSOCIATION OF TRIAL LAWYERS OF  
AMERICA,  
September 21, 2001.

Hon. DENNIS HASTERT, Speaker and Hon.  
RICHARD GEPHARDT, Democratic Leader,  
U.S. House of Representatives, Washington, DC.  
DEAR MR. SPEAKER AND MR. LEADER: The  
Association of Trial Lawyers of America

(ATLA) commends the United States Congress and President Bush for their leadership and decision to put families victimized by our national tragedy first and to ease their pain by expediting appropriate relief to them through the "September 11 Compensation Fund of 2001," created by H.R. 2926, the Air Transportation Safety and System Stabilization Act.

ATLA agrees with you that extraordinary situations demand extraordinary responses.

At least seven thousand families are hurting more than any of us can imagine. And, because the first priority of every American should be prompt and full justice for the thousands of families who know first-hand the unspeakable horror visited upon the world on September 11, 2001, members of ATLA will provide free legal services to any family wishing to pursue justice through the fund established by this unprecedented, humanitarian legislation.

ATLA believes that 100% of the compensation from the fund should go directly to these families.

The officers and Executive Committee of ATLA have volunteered to be the first attorneys to provide legal services free of charge under this program.

God Bless America.

Sincerely,

LEO V. BOYLE, *President.*

*On behalf of the 60,000 men and women of  
ATLA.*

Mr. LAFALCE. Mr. Speaker, I rise in opposition to this legislation. Let me first acknowledge that this bill is much better than the bill we were asked to consider under unanimous consent one week ago. The fiduciary provisions associated with the bill's \$10 billion in loan guarantees are better in this bill, because they were non-existent in last Friday's version. Today's bill creates a loan guarantee board, which includes Treasury, the Fed, and GAO—all critical players in any loan guarantee package. There was no Board last week; the President had total discretion. It sets conditions for establishing the magnitude and source of financial losses prior to the extension of any guarantees, including the authority to conduct audits of corporate financial statements. And it provides a mechanism for the federal government, and ultimately the taxpayers, to be compensated for the risks assumed in the loan guarantees.

All of these provisions are sound. Unfortunately, they are part of an overall package that is seriously deficient.

First, the bill contains no provision for federalization of airline security. Yet, this is the critical element needed to restore confidence among Americans so that they will fly again. No amount of financial support from the federal government will return the airlines to sound footing if the American people remain reluctant to fly. And for confidence to be restored, the American people need to know that the federal government will assume the responsibility for airport and air security. We have no concrete assurance that actions to federalize airline security will be forthcoming any time soon, if at all.

Second, this bill is deficient in its provision for worker relief. In fact, it contains absolutely no worker relief. It is critical that we expand unemployment insurance coverage to the many workers who will be jobless as a result of the terrorist attack, yet currently are not covered by unemployment insurance. It is a

also critical that we extend the term of unemployment insurance, so that jobless Americans can count on adequate financial support throughout the duration of unemployment. Further, we need to do more to provide health coverage for laid-off workers by expanding COBRA benefits, which are currently structured to effectively put health coverage out of reach for many of the unemployed. But again, none of these provisions are in the bill, and we have no assurances that they will be forthcoming any time soon, if at all.

Third, while providing no support for rank and file workers, even as tens of thousands of these workers are being laid-off, the bill provides a meaningless limit on CEO compensation, allowing them to continue to reap the massive compensation packages they received in the year 2000. Telling a corporate executive that if he received \$15 million last year he can receive no more than \$15 million this year is not my idea of "shared sacrifice."

It is little wonder that this bill does not have the support of labor unions. Any industry financial package must be based on the tenet of shared sacrifice, as we saw in the Chrysler support package—that package had the support of the labor unions. Clearly, the labor unions see little evidence of shared sacrifice in this legislation, and they oppose it strongly. The AFL-CIO states, "members of Congress are poised to stiff airline industry workers in the bailout bill."

Fourth, this bill distributes \$5 billion in grants and \$10 billion in loan guarantees according to the airlines' passenger capacity, not their passenger load, during the month of August. This provides windfalls to airlines who were in weak financial straits prior to last Tuesday's tragic events. This is a fiscally irresponsible measure. Financial support should be distributed based on measures that would better reflect the financial condition of the airlines prior to September 11th.

Fifth, the victim's compensation provisions in this bill create gross inequities by compensating for economic losses based solely on the deceased worker's earnings. As a result, the family of a worker who earned millions of dollars a year will receive many multiples of that amount in compensation, while a deceased minimum wage worker's family will receive much, much less.

Sixth, this bill does nothing to address the economic losses of the many businesses directly and indirectly associated with the airlines, especially the travel industry. Without any assurances that we can address those losses in other legislation, we must wonder about the level of support in this bill, \$15 billion, for a single industry. These other businesses have a legitimate claim to federal support; yet, there is no assurance from the Administration or congressional leadership that further funding will be made readily available.

Seventh, I am concerned that limitations on the liability of the airline industry alone will merely shift lawsuits and losses from the airlines to other entities, setting off a chain of unintended consequences throughout the economy. The U.S. Chamber of Commerce opposes these provisions, saying that the provisions will have "dramatic and negative consequences on the entire business community."

Eighth, the bill only allows for warrants and other means of compensating the taxpayers

for this bailout as they pertain to the loan guarantees. There are no such mechanisms associated with the \$5 billion cash infusion. Warrants should be extended as a condition of cash aid.

Ninth, the cash infusion is not accompanied by any language that would seek to reimburse the taxpayers for insurance payments received by the airlines under business interruption or physical disaster insurance policies. The airlines will receive payments from these policies, and they should return any cash assistance to the government that is offset by such payments.

Finally, I must ask, why are we rushing through a bill that includes all of these deficiencies tonight? Why can't we have a few more days, with more input from Members, to craft a package that makes sense in its entirety? Let me remind my colleagues that we will have no opportunity to improve this bill during a conference committee, because no conference will occur. I oppose this specific bill, but I remain eager to come back and craft a new and much better package.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 2629, the Air Transportation System Stabilization Act. As our nation begins the hearing process in the aftermath of last week's attacks, we must focus our efforts toward getting back to the important business of our nation. I appreciate the hard work of Chairman YOUNG, Ranking Member OBERSTAR and all of the Members on the Committee on Transportation and Infrastructure, for crafting this legislative relief package for the airline industry. We as a Congress and a nation need to continue to unite during this tragedy, set aside partisanship, and focus on issues that protect our way of life. We need to pass this important bill.

Addressing the immediate situation confronting the airline industry must be one of our top priorities. The airline industry provides an essential public service and is an integral component of the United States national transportation infrastructure. For example, during calendar year 2000, the 1.2 million U.S. airline employees served approximately 670 million passengers traveling over 700 billion miles and provided over 25 billion ton miles of freight delivery.

The terrorist attacks have had a grave and dramatic effect on the airline industry. As we as a nation comes to grips with the vulnerability of our transportation systems to terrorist attacks, more resources will need to be allocated to assure the safety and security of everyone who travels by air. This will cost a tremendous amount of money and should not be borne solely by the airline industry.

The effect is not only being felt with airlines, but also in travel agencies and other businesses associated with the travel industry. As a Congress, we need to do everything in our power to assist the many people across our country who have businesses that have been adversely effected due to the dramatically reduced demand for air service. Airlines are reducing flight schedules and are expected to announce the layoff of 100,000 employees in the near future. Federal assistance to the airlines is an important first step, however, assistance must also be provided to our businesses that are dependent on the airlines.

There are many businesses in my district and districts across the country who are facing severe layoffs. Travel agencies, which are losing \$26 million per day, restaurants, hotels, cruise lines and many, many others are experiencing great hardship. We need to make sure that we address their issues.

Without immediate and significant U.S. government financial support, many U.S. airlines will go bankrupt, severely threatening our way of life. It is estimated that the overall impact on the airline industry alone from the September 11th attack will be \$24 billion based on anticipated revenue declines and cost increases. H.R. 2629 goes a long way toward stabilizing the airlines by providing \$5 billion in direct grants and an additional \$10 billion in loan guarantees.

Safe and efficient air travel must remain a national priority. A strong airline industry is vital to our economy and the security of our country. I pledge my support for this important piece of legislation and urge my colleagues to vote in favor of it.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of this important and needed legislation to preserve the continued viability of our country's air transportation system. The financial condition of our nation's commercial airline industry in the aftermath of the catastrophic events that occurred on September 11 is of the utmost importance. Stability and service continuity within the industry is desperately needed as it affects not only the airline industry itself, but also our entire economy and marketplace, from manufacturing, to travel and tourism, to the transportation of goods and services, to mail delivery. These industries are on the verge of facing a crisis and they will not survive if we do not act now.

This relief package is particularly vital to Guam and the territories, whose geographical isolation and distance from the U.S. mainland makes air service costly and challenging to begin with and that much more vulnerable to cutbacks and downsizing in times of difficulty.

If this legislation is not passed soon and quickly, the isolated territories and jurisdictions like Guam and other U.S. Pacific Islands, will face enormous and disproportionate economic and social repercussions. These areas are significantly dependent upon the industry, much more so than other areas in our country where alternative modes of transportation are available.

Guam, which is seven hours flying time from Hawaii and nineteen flying hours from Washington, D.C., is the furthest U.S. jurisdiction from our nation's capital. For years, Continental Micronesia has provided Guam with excellent air and cargo service. Without their continued and unimpaired service, the people of Guam are essentially left with no viable and reliable air service to Hawaii and the U.S. mainland via U.S. routes. Air service, both passenger and cargo, is vital to our economic development and tourism industry.

The recent announcement by Continental Airlines of a system-wide reduction of flights by 20 percent and a lay off of 12,000 people or about 20% of its parent company work force underscores the necessity for this legislation. Continental Micronesia is the largest private employer on Guam and is the only commercial airline that flies between Guam

and Hawaii. Hawaii is a required stop for travelers between Guam and the U.S. mainland, unless individuals travel to Guam via Asia on Northwest or international air carriers. Due to Guam's close proximity to Asia, Guam has been more impacted than most U.S. jurisdictions from the Asian financial crisis, particularly in Japan, for the last several years. With an unemployment rate of over 15% and the anticipated decrease in tourism, this legislation becomes more important. The economic impact that a single commercial airline's cutbacks may have on an isolated jurisdiction like Guam is potentially devastating. Continental Micronesia employs near 2000 workers. Apart from being the only commercial passenger carrier between Hawaii and Guam, Continental Micronesia provides a key role in the delivery of mail and cargo service, including medical specimens and commercial goods. Their ability to sustain these services is essential. They are in dire need of our support.

Air arrivals to Guam have dropped 40 percent since last week and everyday more and more airport, airline, and tourism employees have been furloughed or laid off. The Guam International Airport has done all it can to mitigate the financial burden on our airlines, including reducing passenger fees, but they cannot solve the recovery problem alone. I believe that consideration should be given to the impact on our nation's airports by providing assistance in the implementation of heightened security requirements. Requiring improved screening devices and other security functions will come at a significant cost. Successful implementation of and compliance with these new standards necessitates federal financial support.

I strongly support this commercial airline relief package and urge its expeditious consideration and passage. This legislation is good for our nation, good for our economy, and good for our future. We should take all the necessary steps to safeguard our airline industry from crippling in the midst of catastrophic circumstances. I thank the Transportation and Infrastructure Committee Chairman, Mr. YOUNG, and the Ranking Member, Mr. OBERSTAR, for their leadership and concern.

Mr. RAHALL. Mr. Speaker, I rise in support of this bill to stabilize the airline industry. Since the September 11 tragedy, the airlines have lost \$5 billion. There is fear in the industry that we could lose a possible 100,000 jobs. This include pilots, flight attendants, mechanics, sky caps, and other airport-related jobs like firefighters and food service workers.

This bill will save these workers from layoffs. I share the concerns expressed by unions that the bill does not provide protections for dislocated workers, and extended health care coverage for airline workers.

Speaker HASTERT and Democratic Leader GEPHARDT have pledged that the House will bring up a bill to help the workers expeditiously. I will help to write this bill and will work to get it enacted into law as quickly as possible.

I have always supported the American worker, and the unions, and will continue to do my best to support legislation that will protect the quality of life for the American worker.

Today, we are in a unique situation. Never, in the history of this nation, have we experi-

enced the horror of September 11. We must pass legislation one step at a time. Today, we will pass legislation to stabilize the airline industry and to save jobs in the airline industry. Then we will pass legislation to help displaced workers and to overhaul airport security.

Today's bill give the airlines an infusion of cash. Before the tragedy of September 11, the airlines were already burdened with a heavy debt load. Business was down due to a soft economy.

The bill will provide \$5 billion to the airlines and \$10 billion in loan guarantees. This will prevent a negative ripple effect in the economy, and will save jobs.

If the airlines were to go under, we would see a negative effect on domestic and international commerce, in economic development, agriculture, travel and tourism, the hotel-motel industry, the entertainment industry, sports events, rail, water and highway transportation, including the trucking industry, and the list goes on.

My constituents in West Virginia were worried that air service to rural areas and small towns would be irreparably damaged if the airlines go under. Already, USAirways and other major airlines announced a cutback in flights.

I am pleased that this bill provided \$120 million for essential air service to small communities for fiscal year 2002. This will ensure that small communities like Beckley, Bluefield and Lewisburg, West Virginia can continue to provide the most adequate air service to West Virginians.

In closing, we must remember that we are considering legislation under the most extraordinary circumstances. We must help the airline industry to stabilize, and then we will turn our immediate attention to the providing the most comprehensive protections, and extension of health care coverage, to the American workers who were displaced by this heinous crime.

Mrs. MCCARTHY of New York. Mr. Speaker, the tragic events of last week have left the airline industry in complete disarray. The significant reductions in service, caused by poor consumer confidence, has led to significant job loss within the airline industry. The ripple effect is already seen throughout our economy with substantial declines in the stock market, significant reductions in restaurant patronage, and an overall decline in consumer spending. Because of these factors, this stabilization package is needed to prevent further job loss, not only within the airline community, but also businesses dependent upon the prosperity of this industry.

Although I believe this bailout package is needed, the bill is not without its shortcomings. The absence of a provision to protect workers is extremely troublesome. Thousands of displaced workers are forced to rely upon substantially reduced unemployment benefits without health benefits. This is not the way a dedicated and reliable workforce should be treated. I understand the fact that labor is the airline industry's largest expense, and is contingent upon the number of airplanes and customers in the air. However, I believe the federal government should have adequately addressed the numerous layoffs within this legislation.

My disappointment over the lack of worker protections is countered by a need to preserve

the jobs we still have within the airline industry. Allowing the complete decimation of this industry benefits no one. It is my hope this bailout package assists the airline industry in a manner that allows it to, someday, rehire the workers it was forced to lay off. Nonetheless, my support for this legislation has not deterred my desire to assist workers that are displaced because of this terrible tragedy. The need to preserve the airline industry should not drown out the need to preserve its workforce. I urge leadership in both parties to address their needs in the same expedient fashion.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the Air Transportation System Stabilization Act, legislation that would provide immediate financial assistance to our nation's airlines. As the representative for William P. Hobby Airport, in Houston, Texas, and many Continental Airline employees who have been adversely impacted by last week's events, I strongly believe that we must assist our airlines. Last week, the federal government in response to the terrorist attacks, required that all airplanes be grounded for an extended period. This unprecedented event has caused financial harm to our airlines and we need to support them to ensure that they may continue to operate. It is estimated that for every directly employed airline employee, there are six ancillary jobs which are connected to these jobs. Our economy and our transportation infrastructure depend upon the airline industry to be operating at its full capacity.

This legislation would provide two forms of financial assistance, including \$5 billion in direct compensation to reimburse airlines for the cost of grounding their planes last week. This direct payment would also help airlines to cover the cost of reduced trips and ridership during the month of September. In order to protect taxpayer funds. This direct compensation program requires that the Comptroller General of the General Accounting Office (GAO) as well as the Secretary of Transportation to audit financial statements to justify the loss compensation payments.

Second, this bill would provide \$10 billion in loan guarantees so the airlines can have access to our capital markets. Earlier this week, we learned that the capital markets have evaluated the risks and have decided to decline to offer credit and capital to our airlines. This is due in part to the recent terrorist attacks. By providing federal government loan guarantees, we will help the airline industry to get the liquidity it needs to rebuild ridership. Our nation's transportation is the envy of the world. However, with the intentional grounding of planes, we have caused serious financial hardship for these companies. I am pleased that the final package includes critically important changes which will strengthen this loan guarantee program. First, this legislation now requires that any loans or guarantees will be determined and overseen by a board which would be made up of the Chairman of the Federal Reserve, the Secretary of the Treasury and the Secretary of Transportation as well as the Comptroller General. I believe it is our fiduciary duty to ensure that these loans will be made in a reasonable, fair manner and will not jeopardize taxpayer funds. This Board will determine the terms and conditions under

which airlines can apply for these loans. In addition, borrowers from these loans will be required to provide collateral where feasible in order to ensure that there will be an incentive for airlines to repay the federal government and taxpayers.

This comprehensive package also includes provisions to help the airline industry with the immediate problem of cost-prohibitive liability insurance. Since the terrorists attacks, many insurance companies have either dramatically revised premiums or refused to renew such necessary insurance. Without such insurance, the capital markets have indicated that they will not provide liquidity to airlines, which is a capital-intensive industry. This liability section would require the federal government to cover the cost of liability insurance for 180 days after these attacks if carriers cannot obtain it. This section does not preclude any claims which individuals may wish to bring against the airline industry.

Another important provision in this legislation would require the President to spend \$3 billion on airline safety and security in order to restore public confidence in the airline industry. This \$3 billion would come from the \$40 billion that Congress has already provided to the President in order to recover from this devastating attack. This bill could have been more specific on security measures and we should press hard that the Transportation Department provide new rules very soon.

This bill would also establish a voluntary Victims Compensation fund so that victims of terrorist-related attacks of September 11 could seek compensation. This Fund would be administered by a Special Master appointed by the Attorney General. Air carrier liability is capped at the carriers' insurance company limit. Any additional liability would be assumed by the federal government. The federal government will provide compensation above this carrier liability. If victims elect to use this compensation program, they would be required to provide that they were damaged by these attacks. For victims who seek compensation through lawsuits, they would also be required to prove that the airlines were negligent and had caused them damage. However, I believe it is important that families ultimately still have the right to seek higher compensation through a legal case.

I agree with my colleagues that this bill is deficient in providing necessary assistance to those airline employees who have been or will be laid off as a result of the attack on America on September 11, 2001. Such provisions addressing unemployment compensation, job retraining and extended COBRA health benefits could have very easily been added to this bill and I regret that they were not. We have received a commitment from the leadership that a bill addressing these concerns will be brought up next week, and it should.

I strongly believe that now is the time to provide confidence in our airport system. I urge my colleagues to support this legislation.

Mr. DELAHUNT. Mr. Speaker, I share the serious misgivings which others have expressed about this legislation. But I intend to support it—for two reasons. First, because I believe it is needed to preserve the viability of an entire industry—an industry which is at risk of collapse if we do not act now.

And second, because it will provide swift compensation to the victims and their families. They deserve everything we can do for them. The bill will give these families a way to obtain compensation without the expense, uncertainty, and pain of protracted litigation.

My chief concern is that the bill fails to provide any relief for the tens of thousands of airline workers who have been displaced as a result of the events of September 11. These workers are the heart and soul of the industry. It cannot function without them.

Were the need for this legislation any less acute, this issue alone would have caused me to oppose the measure until it could be addressed. But under the circumstances, I feel it would be even more unjust to hold these victims hostage. Again.

We have been assured that this matter will be taken up separately. If that promise is not kept we will bring shame on the House.

Finally, I want to express my appreciation to some people who get precious little praise in this institution. I ask permission to insert in the RECORD a letter to the Speaker from Mr. Leo Boyle, President of the Association of Trial Lawyers of America, pledging that members of his organization will provide free legal services to any family wishing to participate in the compensation fund. This means that claimants will be able to keep 100 percent of the proceeds.

This is just another example of the selflessness with which people from every walk of life have come together in our common cause.

ASSOCIATION OF TRIAL LAWYERS OF AMERICA,

September 21, 2001.

Hon. Dennis Hastert, Speaker

and Hon. Richard Gephardt, Democratic Leader

U.S. House of Representatives  
Washington, DC.

DEAR MR. SPEAKER AND MR. LEADER: The Association of Trial Lawyers of America (ATLA) commends the United States Congress and President Bush for their leadership and decision to put families victimized by our national tragedy first and to ease their pain by expediting appropriate relief to them through the "September 11th Compensation Act of 2001."

ATLA agrees with you that extraordinary situations demand extraordinary responses.

At least seven thousand families are hurting more than any of us can imagine. And, because the first priority of every American should be prompt and full justice for the thousands of families who know first-hand the unspeakable horror visited upon the world on September 11, 2001, members of ATLA will provide free legal services to any family wishing to pursue justice through the fund established by this unprecedented, humanitarian legislation.

ATLA believes that 100 percent of the compensation from the fund should go directly to these families.

The officers and Executive Committee of ATLA have volunteered to be the first attorneys to provide legal services free of charge under this program.

God Bless America.

Sincerely,

LEO V. BOYLE, President

On behalf of the 60,000 men and women of  
ATLA

Mr. CONYERS. Mr. Speaker, I have a number of procedural and substantive concerns regarding the legislation before us.

In short, there has been almost no semblance of fair or deliberate procedure on the legislation. We had no committee markup. We had no committee hearings on the bill. The bill itself was drafted in the dead of night, and has not been available to most members until a few hours before the vote. This is not the way we should legislate on a minor piece of legislation, let alone a major bill that impacts our entire airline industry.

If this issue is so important, why are we voting so late this Friday evening, without time to review or consider these serious measures? Why not take the time to read this legislation carefully? In our desperation to help our fellow citizens, I fear we are pushing to judgment without recognizing the complexity or importance of these issues.

In terms of substance, I also have grave concerns about the dollar amount we are giving to airline carriers, \$15 billion—\$5 billion in direct aid and \$10 billion in loan guarantees. First, we have no idea how the Members reached this dollar amount.

Second, we all know that the industry has and will face massive layoffs. More than 100,000 will be laid off in the industry, and Northwest announced 10,000 today. Yet the bill does not guarantee that a single employee will be rehired or will not be laid off.

Third, the bill does nothing to rehire the workers from the ancillary impacted industries—the airport workers, the hotel workers and the like. And what about the skycaps who work at substandard wages? The new security requirements mean they are totally out of the jobs. What does this bill do for them? Nothing.

I support the airline industry—but its needs must be balanced against all of our other priorities. Certainly, the air carriers need assistance but do they need it at the cost of Medicare and social security? As much as we think this legislation is needed, we must balance it with all of our priorities, and not sacrifice all of our priorities for the sake of one.

Finally, I would like to speak to the liability provisions of the bill. As Ranking Member of the Judiciary Committee, I was intimately involved in the crafting of Title IV, and I am happy to report that I can support this aspect of the legislation.

The key provision creates a victim compensation plan, which provides individuals, present during the September 11, 2001 terrorist-related aircraft crashes at the World Trade Center, the Pentagon, or site of the aircraft crash in Shanksville, Pennsylvania, or the passengers and crews of aircrafts involved in terrorist-related aircraft crashes, with due compensation. The legislation would provide compensation to any individual who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001. Specifically, the legislation authorizes a Special Master, appointed by the Attorney General, to review claims, within 120 days, submitted by claimants.

These claims would include notice of the death of the deceased or the harms suffered by the claimant, where the claim is filed on the behalf of a decedent, information of the claimants possible economic and noneconomic loss, and information regarding collateral sources of compensation the claimant has received or could receive. The submission of

this claim would allow the claimants and relatives of the deceased to be compensated. By submitting a claim, the claimant waives the right to file or be a party to a civil action for damages as a result of the events on September 11, 2001. If an individual is a party to or has filed a civil action, that action must be withdrawn 90 days after the regulations regarding this Title are promulgated. 90 days after the date of enactment, the Attorney General, in consultation with the Special Master, will promulgate regulations to carry out this compensation plan.

The Special Master may not include amounts for punitive damages in any compensation packages. In addition, the Special Master will not consider negligence or any other theory of liability. Only one claim may be filed and no claim may be filed two years after the date of enactment. Twenty days after the Special Master makes a determination of the amount of compensation due, the payment is authorized.

Finally, Section 409(b) of the legislation creates a Federal cause of action for damages arising out of the hijacking and subsequent crashes of September 11, 2001. Thus, individuals who elect not to be part of the victim compensation plan under this legislation have recourse of this Federal cause of action to claim damages. Of course, the availability of this new Federal action. This in no way supersedes recourse to the victim compensation fund, if the claimant so elects.

To help in the effort of aiding victims in receiving compensation, the Association of Trial Lawyers of America, has volunteered to provide legal services of its members, free of charge, under this program. I am attaching a copy of the letter to my statement. I commend the association for their extraordinary response to this extraordinary situation.

Mr. KIND. Mr. Speaker, I rise in support of this legislation.

In this time of crisis, it is essential that our nation maintain a strong economy for the upcoming challenges we will inevitably face. Having a viable, healthy airline industry is an essential component of a strong American economy.

There are, however, certain flaws in this bill. For instance, there is no language providing for the many thousands of airlines employees and their families that have been laid off. In addition, the provisions allowing for CEO compensation are questionable. How these currently unemployed workers receive nothing in this bill while CEO's are specifically allowed continued compensation based on the previous year is unacceptable. That is not my idea of shared sacrifice to get us through this difficult period. I look forward to debating legislation that provides relief to the airline workers in the upcoming weeks ahead.

Further, there are no specific provisions addressing air transportation safety concerns, that would bolster passenger confidence, and revitalize the industry.

My support for this bill is based on my understanding that an agreement between Minority Leader GEPHARDT and Speaker HASTERT has been made, ensuring Congress will address these important issues in the near future. These issues must be addressed and based on the Speaker's word, will be addressed.

Therefore, for the purposes of bipartisan unity, and based on the promise of future action on issues that will help those most hurt by this tragedy, I will support the legislation for the benefit of our Nation.

Mr. PORTMAN. Mr. Speaker, I rise in strong support for this legislation to preserve the viability of our nation's airlines needed as a direct result of the September 11, 2001 terrorist attacks on the United States.

The U.S. commercial airline transportation system is vital to our economy and our national security. The industry is an essential component of tourism, business transportation, and freight and mail delivery that contributes either directly or indirectly to more than 1 percent of the U.S. Gross Domestic Product. Furthermore, the primary aircraft and engine manufacturers for U.S. air carriers are also major U.S. defense contractors. Many of these suppliers would probably become insolvent if the airline industry goes bankrupt.

Delta Airlines operates its second largest hub in the Greater Cincinnati area and Continental Airlines has a hub in Cleveland, so the people of Ohio have a major stake in seeing that these airlines continue to survive. Loss of these hubs would be financially devastating to the state of Ohio and our entire region.

Without the assistance provided in this legislation, many airlines are in danger of bankruptcy in the very near future. Nobody wins in this situation. Not the airlines, not their employees, and certainly not the American public. I urge passage of this important legislation. Thank you.

Mr. STARK. Mr. Speaker, I had hoped that the bipartisan, level-headed leadership that charted our legislative agenda last week would continue to prevail this week. The commercial airline industry is asking American taxpayers for a \$20 billion bailout. I don't want to see the airline industry dissolve, and I don't want to see thousands of hard-working Americans lose their jobs. But the bill before us today provides a bailout for corporations and their highly compensated executive officers that would have faced insolvency despite the current crisis. Furthermore, the bill does very little for the thousands of employees who are about to lose their jobs over this crisis. It is unconscionable to provide a bailout for the airline industry without simultaneously addressing the more pressing needs of U.S. airline workers.

The package does not include health insurance benefits or job retraining assistance for workers who have been laid off as a result of the loss. With this bill, Congress writes a fat check to the airline industry without any protections for airline workers. I am particularly concerned that we have done nothing to ensure that these workers' and their families' health needs will be met during this difficult time. On top of losing their jobs, their income and their livelihood, these hard working Americans are in danger of losing their health benefits and joining the already-massive ranks of the uninsured.

Fifteen years ago we passed a bill that enabled displaced workers to retain their health insurance for a limited time while they look for other work. But there's a catch—employers may charge employees the full premium, plus an additional 2 percent. Laid-off airline workers thus face a Hobson's choice between

making ends meet and protecting their families against the risks of high healthcare bills. This legislation does nothing to save them from having to make that awful choice. At a minimum, we should ensure that part of this generous gift to the industry go toward guaranteeing these workers and their families continued health insurance coverage. I wish that my colleagues would develop the kind of compassion for working people that they have for corporations.

The Joint Economic Committee reports that the airline industry has lost \$1 billion since this national crisis began. Yet, Congress plans to give the industry \$5 billion to cover the incremental losses. This is an extra \$4 billion in taxpayer funds that don't need to be repaid and that don't cover losses from last Tuesday's catastrophe. We must also hold airlines accountable for any mismanagement they engaged in prior to these attacks. The bill before us does not ensure U.S. taxpayers that this is the case. Instead, it allows the General Accounting Office to look at the funding allocation after Congress has already given them \$20 billion. It will take a subsequent act of Congress to recover any overpayments to the airline industry. We must act responsibly now. We must hold the airlines accountable for their own shortcomings. More importantly, however, we must address the needs of airline employees first. These employees provide the foundation of the airline industry and must be taken into consideration before any CEO walks away with more than his fair share.

Vote no on the Air Transportation System Stabilization Act.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of the Air Transportation System Stabilization Act. While it doesn't include everything I would have liked to have included in the bill, I nonetheless support its passage because I strongly agree that without immediate government financial support, many U.S. airlines will go bankrupt as a result of the September 11th attack.

As someone who represents a district, which is singularly dependent upon tourism to fuel our local economy, the lack of airline service has been devastating to us. As of September 18, 2001, after four days of virtually no check-ins and a severe drop in hotel room occupancy because of last week's terrorist attacks, layoffs and dramatic cutbacks have already hit hotels in the Virgin Islands.

I believe Mr. Speaker that if we assist the airlines and keep the planes flying much of our economy will recover. We cannot afford to do otherwise or we will all suffer even more.

As a member of the steering committee of the Travel and Tourism Caucus, I am particularly aware of the importance of the airline industry to tourism and to our overall economy. Like it or not, air transportation is the engine that drives our nation's economy and it is especially important if our nation is to return to work and to normalcy. The staggering losses on Wall Street we saw this week illustrates the need for us to act and to act now.

We must also help those workers that will be and have been displaced because of last week's attack. In the coming days, this body must pass legislation to provide additional unemployment compensation to laid-off workers and to extend their health insurance coverage.

The leadership in both the House and the Senate has pledged to address this issue very soon and I intend to do all I can to hold them to their word.

If we are to get the public flying again, however, we must address the security at our airports.

I call upon the President to call out the National Guard and the Reserve to have them man security at our airports until such time that we can enact legislation to create a federal airport security force to, as much as is possible, guarantee the safety of the flying public.

Is this a perfect bill? No it is not. Should we be assisting laid-off workers and other segments of our economy such as the hotel industry? Yes we most certainly should. But it is necessary that we act on this bill now, if we are to prevent a critical component of our economy from going out of business. Without the airlines flying there will be no guest to fill the hotels on St. Thomas and St. Croix nor cruise ship passengers to buy the gifts and products in our shops. Lets pass this bill and then also pass legislation to take care of our workers and provide for the safety of all passengers.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

Pursuant to House Resolution 244, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEFAZIO. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DEFAZIO moves to recommit the bill H.R. 2926 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Redesignate sections 106 and 107 of the bill as sections 107 and 108, respectively.

After section 106 of the bill, insert the following new section:

**SEC. 107. REQUIREMENT TO COVER CERTAIN EMPLOYEE HEALTH INSURANCE COSTS.**

(a) IN GENERAL.—The President may only provide financial assistance under this title to an air carrier after the air carrier enters into a legally binding agreement with the President that the air carrier agrees to pay, from any financial assistance received under this title, 100 percent of the costs attributable to providing health insurance coverage for each eligible employee of the air carrier during the 18-month period beginning upon the separation of such employee referred to in subsection (b).

(b) ELIGIBLE EMPLOYEE.—For purposes of this section, the term “eligible employee”

means, with respect to an air carrier, an employee of the carrier who, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, becomes involuntarily separated (except for cause) from employment with such air carrier.

At the end of the bill, add the following new title:

**TITLE VII—SCREENING OF PASSENGERS AND PROPERTY**

**SEC. 501. SCREENING OF AIR PASSENGERS AND PROPERTY BY FAA.**

Section 44901 of title 49, United States Code, is amended—

(1) in the second sentence of subsection (a) by striking “The” and inserting “Subject to subsection (d), the”; and

(2) by adding at the end the following:

“(d) SCREENING TO BE CONDUCTED BY FAA EMPLOYEES.—As soon as practicable after the date of enactment of this subsection, the screening of passengers and property under subsection (a) shall be carried out by employees of the Federal Aviation Administration. The Administrator may prioritize the undertaking of screening responsibilities under this section with respect to an airport based on the Administrator’s assessment of the security threat to the airport.”.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

Mr. DOGGETT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk concluded the reading of the motion to recommit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes in support of his motion to recommit.

Mr. DEFAZIO. Mr. Speaker, I yield myself 1 minute and 15 seconds.

This does two simple things. I know we are going to hear, “The Senate didn’t include this. We can’t do it.”

We can do it. We are the United States House of Representatives. We are the House of the people. We can add these simple provisions, these necessary provisions to this bill and the Senate, when they come back to town on Monday, can add them and we still beat the deadline the airlines have said they have of Wednesday.

It does two things: One, it says any airline that takes billions, or hundreds of millions, of dollars under this bill will have to carry the health insurance of employees they lay off for 18 months. I do not think that is too much to ask. That is the first provision.

The second provision says, and the airline CEOs who seem to be getting a lot here tonight agree with this, they said in committee they think screening should be federalized immediately; they just do not want to pay for it. I remove the provision that paid for it, so we would just in this bill federalize

the screening, as the airline CEOs, the security experts, the FAA, all the experts say we need to do to get control. Knives were taken through by a BATF agent in Miami this week, this week, were smuggled through. The screening is still not working. We need Federal control.

Mr. Speaker, I yield 45 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding time.

Mr. Speaker, this motion to recommit does two things: It deals with the health security of those workers who have been laid off, who are traumatized by the collateral damage through the horror we have witnessed. Secondly, it deals with what the American public wants us to deal. They are not flying those planes to Las Vegas, Florida, Minneapolis or anyplace else because they do not believe they are safe. They want this system federalized. They have had enough of the people sleeping at the security machines. They have had enough of people sneaking by them. They have had enough of the Federal agents going by the system all of the time. They want it federalized, they want law enforcement officials there, and we ought to direct the FAA tonight to do it. Then we will start to see people get back on the airplanes.

We can talk about it. We can have commissions. We can have studies. This Congress ought to direct the FAA to do this, to federalize this air safety system in this country. Then people will fly again.

Mr. DEFAZIO. Mr. Speaker, I yield 45 seconds to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I have tremendous respect for Speaker HASTERT whom I believe has done a great job showing a unified stand to the world in the last week. But I represent 20 to 30,000 Boeing employees. The one thing I can tell them is you just cannot ask them to eat good intentions. We cannot be sure that we are going to get anything out of this House except this vote tonight.

To my friends on this side of the aisle, let me suggest to you this to think about when you vote for this motion. Sure, we may see some package that addresses workers’ rights. But I have not heard anything from my friends across the aisle that say it is not going to be attached to some poison pill. We need to show respect for the people who need help tonight. Support this motion.

Mr. DEFAZIO. Mr. Speaker, I yield 45 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Let us face it, folks, this bill without the motion to recommit leaves the whole question of security for the traveling public in a holding pattern. It is time to get it out of

the holding pattern and bring it down to Earth. Because when you ask the American people tonight what their concerns are, it is, is it safe? Is it secure? Will somebody else be sneaking by the minimum wage employees that are out at the airport something that is unsafe?

This is the first measure considered on this floor that does something to address that concern. It will not hold this bill up a bit. Let us approve it and answer the basic concern of the American people. Flying is safe, it can be safe, if we are assured we have the security there and it is not somebody who is concerned with our most basic security who could not get a job somewhere else.

Mr. DEFazio. Mr. Speaker, I yield 45 seconds to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding time. In fact, we are talking about security for the people who ride on the planes and security as well for the workers who have been working for the airline industry for the past years. It is not much to ask to provide them some health care for 18 months. We have given the industry dollars, or we are giving the industry dollars to continue. It is not a lot to ask for security for the fliers and riders on the airplanes who are entrusting their lives and their families to the airline industry.

I ask my colleagues to vote with us on this motion to recommit. I ask them to vote for health care insurance for the workers. Vote for security for the fliers. Put it in the hands of the FAA.

□ 2230

Mr. DEFazio. Mr. Speaker, I yield 45 seconds to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, Las Vegas is offering flights for \$1 to come to Las Vegas, and nobody is taking them. Now, even the gamblers know that the planes are not safe; and we ought to do something, as we are doing with this motion to recommit. But, more important than that, imagine what you would be like if you had a \$15,000 or a \$20,000 or \$30,000 job and you suddenly lost your health insurance, and you had a kid who had some problems, or you had cancer, or you had a husband or wife who had some problems, and you had no way in your unemployment insurance to pay for your COBRA.

When I left the State Department to run for Congress, I had to pick up my own under COBRA. Suddenly you have health insurance benefits and they cost \$750 a month. You cannot do that on unemployment.

Vote for the resolution.

The SPEAKER pro tempore (Mr. THORNBERRY). The time of the gentleman from Oregon (Mr. DEFazio) has expired.

Does the gentleman from Alaska (Mr. YOUNG) rise in opposition to the motion to recommit?

Mr. YOUNG of Alaska. Absolutely, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alaska is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 15 seconds to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, we have just witnessed a very difficult, trying time in Washington. I know we cannot speak to the gallery, but tonight I hope our colleagues will join with me in recognizing one of our Urban Search and Rescue Teams from New Mexico, who are here observing our proceedings, for the great job they did at the Pentagon this past week.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from California (Mr. HUNTER), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first of all, this motion to recommit does have consequences. The unanimous consent under which the Senate took up the bill said that they would vote on the House bill if the House bill was identical to the Senate bill. The Senate has finished its deliberations under the assumption that the House bill will be identical to the Senate bill. This motion to recommit will negate the unanimous consent agreement.

I find it ironic that less than 24 hours after the President of the United States came here in a joint session and said this was a battle of freedom versus fear, that what I just heard from a number of Members on the other side in arguing for this measure was fear.

I also find it ironic that a number of Members are upset that we are prolonging this debate because they want to catch planes to go home, and they are catching those planes because they believe they are safe, and they are going to fly, and they are going to fly back here for the next session, just as other people should. If, in fact, the attempt to pass this motion to recommit is based upon fear, they are wrong; and this motion should be defeated.

Secondly, the gentleman from Washington has made an urgent appeal that there are a number of people who are being laid off from Boeing and they should be taken care of in terms of their health care. This motion to recommit does not apply to a single Boeing employee. It refers very narrowly to any airline that takes a loan.

I have to tell the gentleman from Washington and the gentleman from Oregon that we are working today to make sure that not just the airline em-

ployees who have suffered and are being laid off, but every American who is laid off, should have the ability to get assistance on their health insurance needs if they are laid off.

The way you do that is to go back to the bipartisan legislation that we passed in 1996 called HIPA, which provided a window of opportunity for employees who are laid off to attach themselves to their former employer's insurance. It is true that under current law they have to pay the full cost of that, and what we are going to do is mitigate that cost, not just for the airline employees, not just reaching out beyond this narrow motion to recommit, but to the gentleman from Washington's Boeing employees, but, beyond that, anyone else in the secondary industry or other aspects that get laid off. That is the least we should do. It is not in this bill, but we are going to do it.

Just let me say, Mr. Speaker, that this bill is not perfect. There are a number of flaws in it, and we are going to have to deal with amendments as they come down the pike. But putting this motion to recommit in this bill makes it a fatal flaw; one, in terms of the Senate's unanimous consent agreement, but, secondly, why in the world are airline employees who are out of a job of any higher value than any other American who loses their job because of the consequences that we face?

Let us deal with this on a broad-based basis, and not on this motion to recommit.

Mr. YOUNG of Alaska. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Aviation.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 2 minutes.

Mr. MICA. Mr. Speaker, tonight we have to deal with facts. The provision in this bill of screening of passengers and properties is a smoke screen. This does not address the problem. Turning this responsibility over to somewhere between 18,000 and 27,000 new Federal aviation employees is not the answer, I can assure you.

What happened on September 11, we had turned over the responsibility to the Federal Aviation Administration. They did not have in place a rule or regulation or directive that stopped box-cutting knives or small knives to be on board airplanes.

Do not make a scapegoat out of the screeners. The screening process has been in limbo since we passed, in 1996, legislation directing FAA who they want to turn this over to, to get a rule out. It has taken 6 years, and today we still do not have a rule out for the certification of screeners; and that is who they want to turn this responsibility over to.

The airlines, yes, they want to give up this responsibility, but they testified yesterday that they would continue to pay for that. They do not want the responsibility; but, yes, they will pay for it. So that is a bogus argument.

We are working on legislation. We are trying to craft legislation that will make the right decision, not knee-jerk decision, spending billions, like they did after the TWA 800 crash when they spent billions. And we heard testimony of equipment ordered by the Congress that is sitting in warehouses not doing the job. Do not make the same mistake. Defeat the motion to recommit.

The SPEAKER pro tempore. All time for debate on the motion to recommit has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DEFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage of the bill.

The vote was taken by electronic device, and there were—yeas 174, nays 239, not voting 17, as follows:

[Roll No. 347]

YEAS—174

Abercrombie	Dooley	LaFalce
Ackerman	Doyle	Lampson
Allen	Edwards	Langevin
Andrews	Engel	Lantos
Baca	Eshoo	Larsen (WA)
Baird	Etheridge	Larson (CT)
Baldacci	Evans	Lee
Baldwin	Farr	Levin
Barcia	Fattah	Lewis (GA)
Barrett	Filner	Lipinski
Becerra	Ford	Lofgren
Bishop	Frank	Lowey
Blagojevich	Gephardt	Luther
Blumenauer	Gonzalez	Maloney (CT)
Bonior	Gordon	Maloney (NY)
Borski	Green (TX)	Markley
Boucher	Gutierrez	Mascara
Boyd	Hall (OH)	Matsui
Brady (PA)	Harman	McCarthy (MO)
Brown (FL)	Hastings (FL)	McCarthy (NY)
Brown (OH)	Hilliard	McCollum
Capps	Hinchey	McDermott
Capuano	Hinojosa	McGovern
Cardin	Hoeffel	McIntyre
Clay	Holt	McKinney
Clayton	Honda	McNulty
Clement	Hooley	Meehan
Clyburn	Hoyer	Meeks (NY)
Condit	Inslee	Menendez
Costello	Israel	Millender
Coyne	Jackson (IL)	McDonald
Crowley	Jackson-Lee	Miller, George
Cummings	(TX)	Mink
Davis (CA)	Jefferson	Mollohan
Davis (FL)	Jones (OH)	Moran (VA)
Davis (IL)	Kaptur	Nadler
DeFazio	Kennedy (RI)	Napolitano
DeGette	Kildee	Neal
Delahunt	Kilpatrick	Obey
DeLauro	Kind (WI)	Oliver
Dicks	Kleczka	Ortiz
Doggett	Kucinich	Owens

Pallone	Sanchez	Thompson (MS)
Pascarell	Sanders	Thurman
Pastor	Sandlin	Tierney
Payne	Sawyer	Udall (CO)
Pelosi	Schakowsky	Udall (NM)
Peterson (MN)	Scott	Velázquez
Pomeroy	Serrano	Visclosky
Price (NC)	Sherman	Waters
Rahall	Slaughter	Watson (CA)
Rangel	Smith (WA)	Watt (NC)
Reyes	Snyder	Waxman
Rivers	Solis	Weiner
Rodriguez	Spratt	Wexler
Roemer	Stark	Woolsey
Rothman	Strickland	Wu
Roybal-Allard	Stupak	Wynn
Rush	Thompson (CA)	

NAYS—239

Aderholt	Goodlatte	Ose
Akin	Goss	Otter
Armey	Graham	Oxley
Bachus	Granger	Paul
Baker	Graves	Pence
Ballenger	Green (WI)	Peterson (PA)
Barr	Greenwood	Petri
Bartlett	Grucci	Phelps
Barton	Gutknecht	Pickering
Bass	Hall (TX)	Pitts
Bentsen	Hansen	Platts
Berkley	Hart	Pombo
Berry	Hastings (WA)	Portman
Biggert	Hayes	Putnam
Bilirakis	Hayworth	Quinn
Blunt	Herger	Radanovich
Boehlert	Hill	Ramstad
Boehner	Hilleary	Regula
Bonilla	Hoekstra	Rehberg
Bono	Horn	Reynolds
Boswell	Hostettler	Riley
Brady (TX)	Houghton	Rogers (KY)
Brown (SC)	Hulshof	Rogers (MI)
Bryant	Hunter	Rohrabacher
Burr	Hyde	Ros-Lehtinen
Burton	Isakson	Ross
Buyer	Istook	Roukema
Callahan	Jenkins	Royce
Calvert	John	Ryan (WI)
Camp	Johnson (CT)	Ryun (KS)
Cannon	Johnson (IL)	Sabo
Cantor	Johnson, E. B.	Saxton
Capito	Johnson, Sam	Schiff
Carson (OK)	Jones (NC)	Schrock
Castle	Kanjorski	Sensenbrenner
Chabot	Keller	Sessions
Chambliss	Kelly	Shadegg
Coble	Kennedy (MN)	Shaw
Collins	Kerns	Shays
Combest	King (NY)	Sherwood
Cooksey	Kingston	Shimkus
Cramer	Kirk	Shows
Crane	Knollenberg	Shuster
Crenshaw	Kolbe	Simmons
Cubin	LaHood	Simpson
Culberson	Largent	Skeen
Cunningham	Latham	Skelton
Davis, Jo Ann	LaTourette	Smith (MI)
Davis, Tom	Leach	Smith (NJ)
Deal	Lewis (CA)	Smith (TX)
DeLay	Lewis (KY)	Souder
DeMint	LoBiondo	Stearns
Diaz-Balart	Lucas (KY)	Stenholm
Doolittle	Lucas (OK)	Stump
Dreier	Manzullo	Sununu
Duncan	Matheson	Sweeney
Dunn	McCrery	Tancred
Ehlers	McHugh	Tanner
Ehrlich	McInnis	Tauscher
Emerson	McKeon	Tauzin
English	Meek (FL)	Taylor (MS)
Everett	Mica	Taylor (NC)
Ferguson	Miller (FL)	Terry
Flake	Miller, Gary	Thomas
Fletcher	Moore	Thornberry
Foley	Moran (KS)	Thune
Forbes	Morella	Tiahrt
Frelinghuysen	Murtha	Tiberi
Frost	Myrick	Toomey
Gallegly	Nethercutt	Trafigant
Ganske	Ney	Turner
Gekas	Northup	Upton
Gibbons	Norwood	Vitter
Gilchrist	Nussle	Walden
Gilman	Oberstar	Walsh
Goode	Osborne	Wamp

Watkins (OK)	Weller
Watts (OK)	Whitfield
Weldon (FL)	Wicker
Weldon (PA)	Wilson

Welfer	Wolf
Whitfield	Young (AK)
Wicker	Young (FL)
Wilson	

NOT VOTING—17

Bereuter	Dingell	Issa
Berman	Fossella	Linder
Carson (IN)	Gillmor	Pryce (OH)
Conyers	Hefley	Schaffer
Cox	Hobson	Towns
Deutsch	Holden	

□ 2257

Mrs. JOHNSON of Connecticut, Mr. DELAY, Mr. CRAMER, and Mrs. NORTHUP changed their vote from “yea” to “nay.”

Mr. ORTIZ and Mr. VISCLOSKEY changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 356, nays 54, answered “present” 2, not voting 18, as follows:

[Roll No. 348]

YEAS—356

Abercrombie	Capps	Everett
Ackerman	Capuano	Farr
Aderholt	Cardin	Fattah
Akin	Carson (OK)	Ferguson
Allen	Castle	Fletcher
Andrews	Chabot	Foley
Armey	Chambliss	Forbes
Baca	Clay	Ford
Bachus	Clement	Frelinghuysen
Baird	Coble	Frost
Baker	Collins	Gallegly
Baldacci	Combest	Ganske
Ballenger	Cooksey	Gekas
Barcia	Cramer	Gephardt
Barr	Crane	Gibbons
Barrett	Crenshaw	Gilchrist
Bartlett	Crowley	Gilman
Barton	Cubin	Gonzalez
Bass	Culberson	Goodlatte
Bentsen	Cummings	Gordon
Berkley	Cunningham	Goss
Berry	Davis (CA)	Graham
Biggert	Davis (FL)	Granger
Bilirakis	Davis, Jo Ann	Graves
Bishop	Davis, Tom	Green (TX)
Blagojevich	Deal	Green (WI)
Blunt	Delahunt	Greenwood
Boehlert	DeLauro	Grucci
Boehner	DeLay	Gutierrez
Bonilla	DeMint	Gutknecht
Bono	Diaz-Balart	Hall (OH)
Borski	Dicks	Hall (TX)
Boswell	Dooley	Hansen
Boucher	Doolittle	Harman
Boyd	Doyle	Hart
Brady (PA)	Dreier	Hastings (WA)
Brady (TX)	Duncan	Hayes
Brown (SC)	Dunn	Hayworth
Bryant	Edwards	Herger
Burr	Ehlers	Hill
Burton	Ehrlich	Hilleary
Callahan	Emerson	Hinojosa
Calvert	Engel	Hoeffel
Camp	English	Hoekstra
Cannon	Eshoo	Honda
Cantor	Etheridge	Hooley
Capito	Evans	Horn

Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Isakson  
Israel  
Istook  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Knollenberg  
Kolbe  
LaHood  
Lampson  
Langevin  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (GA)  
Lewis (KY)  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez

Mica  
Millender-  
McDonald  
Miller (FL)  
Miller, Gary  
Mink  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Oliver  
Ortiz  
Osborne  
Ose  
Owens  
Oxley  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sandlin  
Sawyer

Saxton  
Schiff  
Schrock  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Snyder  
Souder  
Spratt  
Stearns  
Stenholm  
Stump  
Sununu  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Turner  
Udall (CO)  
Udall (NM)  
Upton  
Velázquez  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins (OK)  
Watson (CA)  
Watt (NC)  
Watts (OK)  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson  
Wolf  
Wu  
Wynn  
Young (AK)  
Young (FL)

#### NAYS—54

Baldwin  
Becerra  
Blumenauer  
Bonior  
Brown (FL)  
Brown (OH)  
Clayton  
Clyburn  
Condit  
Costello  
Coyne  
Davis (IL)  
DeFazio  
Doggett  
Filner  
Flake  
Frank  
Goode

Hastings (FL)  
Hilliard  
Hinchey  
Holt  
Inslee  
Jackson (IL)  
Jones (OH)  
Kilpatrick  
Kucinich  
LaFalce  
Lantos  
Lewis (CA)  
Lipinski  
Markey  
McDermott  
Miller, George  
Obey  
Otter

Paul  
Peterson (MN)  
Rush  
Sanders  
Schakowsky  
Scott  
Sensenbrenner  
Smith (WA)  
Solis  
Stark  
Strickland  
Stupak  
Tancredo  
Thompson (MS)  
Tierney  
Visclosky  
Waxman  
Woolsey

#### ANSWERED "PRESENT"—2

DeGette Kaptur

#### NOT VOTING—18

Bereuter Deutsch Holden  
Berman Dingell Issa  
Buyer Fossella Linder  
Carson (IN) Gillmor Pryce (OH)  
Conyers Hefley Schaffer  
Cox Hobson Towns

#### □ 2306

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BUYER. Mr. Speaker, on rollcall number 348, the vote we just had, I inserted my card, pushed "yea" and left the Chamber only to learn from a colleague that I had not voted. I believed that I had voted. I came back in, and the record was closed. I would like for the record to indicate that I would have voted "yea" on rollcall number 348. I was present.

#### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2926, the bill just passed.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Alaska? There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2500. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced the Senate insists upon its amendment to the bill (H.R. 2500) "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUE, Ms. MIKULSKI, Mr. LEAHY, Mr. KOHL, Mrs. MURRAY, Mr. REED, Mr. BYRD, Mr. GREGG, Mr. STEVENS, Mr. DOMENICI, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. CAMPBELL, and Mr. COCHRAN, be the conferees on the part of the Senate.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 2510. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

#### LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I would inquire of the distinguished majority leader the schedule for the remainder of the evening and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. Let me say that again, Mr. Speaker: I am so very pleased that the House has completed its legislative business for the week.

The House will next meet for morning business on Monday, September 24, at 12:30 p.m. and 2 o'clock p.m. for legislative business. The House will consider a number of measures under suspension of the rules, and a continuing resolution.

On Monday, no recorded votes are expected before 6 o'clock p.m.

Mr. Speaker, on Tuesday and Wednesday, the House will consider the District of Columbia Appropriations Act, and I am also hopeful that the House will be able to complete consideration of H.R. 2586, the National Defense Authorization Act for fiscal year 2002.

On Wednesday, only if it is necessary for the House to be in session, we will complete the business for the week. No votes are expected past 2 o'clock p.m. on Wednesday.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his information this evening. I would ask him two questions:

Number one, I gather from his remarks with respect to Wednesday next that if we finish the business of the House Tuesday, that we will be finished, so Members who need to get back for religious holidays will be able to do so.

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, we are going to work as hard as we can, and in full cooperation, I am sure, with all the Members to try to complete our work on Tuesday night. Members need to be home by sundown, and sometimes that is California or someplace else on the West Coast. We want to give them every opportunity to get an early start in the morning so they can accomplish that.

Mr. BONIOR. I thank my colleague.

Finally, I would ask my friend, the gentleman from Texas, we had a

lengthy debate today on the airline bill, and a good piece of that debate centered over the Speaker's commitment to the membership of this body on the benefits for workers that have lost their jobs from the airline disaster, and the airline industry's economic problems.

I am just interested, if the gentleman from Texas could enlighten us, and I do not expect to have a complete answer here, given the fact that this was just done today, but when in fact we might expect action on legislation that was discussed on the floor in the colloquy between the Speaker and the leader.

□ 2310

Mr. ARMEY. If the gentleman will continue to yield, I thank the gentleman for the question, and just to be clear, the Speaker's exact words earlier this evening were, and I quote, the committees of jurisdiction have already been examining proposals to assist in this area. We will take a comprehensive look at the health care needs of these displaced workers and work together to bring an appropriate legislative response to the floor as soon as possible.

It is my interpretation that by that the Speaker meant the committees of jurisdiction are working; and at whatever point they can report legislation, we would make the floor available for that legislation. I simply cannot speak for the committees' work.

Mr. BONIOR. I thank my colleague for that. I just want to encourage the gentleman from Texas and the rest of the leadership on the Republican side of the aisle to help expedite the hearing process and the committee process on this legislation. As I think the gentleman from Texas is aware, regretfully the numbers of laid-off workers have increased dramatically, especially, of course, in the airline industry; and we are probably going to see a fallout in some ancillary industries and other industries. I think it would be prudent, wise, and just to expect that we will move with some alacrity on these issues of health care, unemployment compensation, and, of course, training, when necessary.

It is not as if this is a difficult thing to do. It is pretty standard when we enter these economic downturns. And moving with some degree of speed on this would, I think, be appreciated, especially given the nature of the situation our country finds itself in today. So I will continue to raise this issue on a regular basis, with respect, but with urgency and with some passion. And I just want the gentleman to know that this is an issue that will be before us on many occasions as we go through these next weeks.

Mr. SHERMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding.

I do have an inquiry of the majority leader. I do join the gentleman in the fervent hope we can complete our business for the week by Tuesday night. In the event that it was necessary for us to convene on Wednesday morning, could we convene at 9 a.m., in the hopes that maybe we could wrap up our business on Wednesday morning and not continue into Wednesday afternoon?

Mr. ARMEY. If the gentleman from Michigan will yield further.

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for the inquiry. The gentleman makes a very good point, and I have to say, I think in full confidence, that as a matter of respect for our colleagues, should we have to propound such a unanimous consent request, I would guess that the gentleman would hear a resounding silence when asked if there were any objections. I appreciate the question.

Mr. SHERMAN. I thank the majority leader for doing everything possible to accommodate us.

#### ADJOURNMENT TO MONDAY, SEPTEMBER 24, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Texas (Mr. ARMEY)?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### APOLOGY TO SIKHS, MUSLIMS, AND ANYONE ELSE TAKING OFFENSE AT PRIOR STATEMENTS

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, I was recently quoted as saying something that Sikhs, Muslims, and other Americans facing harassment and violence in this country took as offensive. I am sorry for any distress my statement caused,

and I want them to know that I do not approve of any harassment or violence against any American. All I intended to say was that if a person fits the established profile of a terrorist, that person should expect to be looked at closely by airport security, given the atrocity of September 11.

Many Sikhs are being subjected to harassment due to their beards and turbans, which are required by their religion. Americans of the Muslim faith are also receiving harassment. Sikhism is an independent, monotheistic, revered religion. It is not part of any other religion, although Sikhs are sometimes mistaken for Muslims or Hindus. There are 21 million Sikhs in the world, most of whom live in the Punjab state of India. Approximately 500,000 live in the United States; and most are naturalized or American-born citizens. Most have contributed to all walks of life. Most of the people who wear turbans in this country are Sikhs.

There are many reasons Sikhs come to America, but mainly they come seeking freedom. To persecute them only weakens American unity at a time when our country is under attack.

Mr. Speaker, I would like to let the Sikhs, Muslims, and other Americans who are facing harassment and violence know that I do not condone such acts, that I stand shoulder to shoulder with them, and that I am on their side.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PLATTS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### AMERICANS FACING UGLY THREATS AT HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, as America mourns its dead and prepares to launch a global war on terrorism, some Americans are facing additional ugly threats here on the home front, and they are not from foreign terrorists but, regretfully, they are from fellow citizens.

Since the attacks on New York and Washington last week, many Arab Americans, Muslim Americans, Sikhs, and other Americans of South Asian heritage have become the targets of terrible bigotry and violence based solely on their faith, their heritage, or their choice of traditional clothing.

□ 2320

Americans of just about every religion and ethnic heritage lost loved ones in this terrorist attack. At least five Sikh Americans were killed in the

World Trade Center, and one a convenience store owner named Balbir Singh Sodhi was shot dead last week in Phoenix by an angry gunman calling himself a patriot. Other Sikhs are facing harassment and humiliation in our airports, and every American should deplore this backlash. It is morally repugnant.

Sadly, Mr. Speaker, Indian and Pakistani Americans died in the attacks, too; and they have become targets of retaliation in the aftermaths. In Dallas, a Pakistani Muslim grocer named Waqar Hassan was shot dead in a hate crime on Saturday.

In New Jersey, businesses owned by Indian Americans have been spray painted with crude epithets, warning them to leave town. Such intimidation is reminiscent of the KKK or Nazi Germany. It has no place in modern America, and all of us must stand with our neighbors in the face of such ignorance and hatred.

I am reminded of the remarks that were made on the floor of the House last Saturday morning between 12:45 and 2 a.m. in the morning when the gentlewoman from Illinois (Ms. SCHAKOWSKY) said on this floor in a comment or remarks that she made on the resolution, we had to condemn this kind of bigotry, that she was locking arms that weekend with religious leaders in her community, rabbis, ministers, priests, imams and others, and walking through the streets of her community in solidarity against this kind of repression and intimidation.

Mr. Speaker, mosques and temples have been vandalized, business owners shot and killed, school children taunted, and women attacked with stones and knives. As we have just heard from the gentleman from Louisiana (Mr. COOKSEY), in this House a colleague referred to the head covering some Sikhs or Muslims wear out of respect for God as a diaper, and his spokesman went on to say that all turban-wearing airline passengers should be taken aside and questioned.

Mr. Speaker, this runs directly against the very ideals that make our country great. It runs against the ideals of equality of tolerance of diversity and, yes, our own democracy. We are a Nation built by immigrants, a Nation that is stronger, not weaker for the many people and cultures who proudly call it home, and we must stand united as one people in this difficult time and this time of crisis.

So I say to my friends and colleagues here in the Chamber and across America, when this happens, join with your brothers and sisters of different faiths and races and nationalities and ethnicities and bind together and show your support for those who have been singled out unjustly.

America will prevail against terrorism, and we will prevail not just through the strength and the courage

of our military but through the enduring strength of our most cherished principles. Only if we stand by our ideals and our neighbors will we successfully defend the Nation that we love.

#### HEALTH CARE FOR MILITARY RETIREES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank you for the opportunity to speak to the people tonight about the terrible tragedy that occurred a week ago Tuesday, about the terrible loss of life for not only people who serve in the military at the Pentagon, the folks that worked at the World Trade Center, the people on those airplanes, but the firefighters who lost their lives trying to save the lives of others. I think it has caused us all to reflect and hopefully appreciate more those people who work every day to look out for us.

It also brings to mind the importance of rewarding those people who serve us, treating them well, paying them well, giving them the best possible equipment because as the President spoke last night, they will be called upon in the very near future.

One of the promises that has been made to those people for decades, certainly since World War II and in the Army recruiting those years all the way up to 1991, was a promise of free lifetime health care if they served their country honorably for 20 years or more in the military.

Mr. Speaker, I regret to inform my fellow citizens that because of the failure of an agreement between the Department of Defense and Medicare those military retirees who were hoping to take that benefit to a military treatment facility will probably be turned away on October 1.

I say I regret that because, as we probably know, more than half of our Nation's military retirees have chosen to retire near a military treatment facility. That is their family. We as a Nation asked them to leave their parents, leave their loved ones to go to places like Korea, Vietnam, Persian Gulf, Panama. We are getting ready to ask them to go to places like Afghanistan.

In doing so, for many of them, they lose the ability to maintain their nuclear family, so their family becomes the Air Force, the Marines, the Army, the Navy.

Since they were 18 years old, they were told they could go to a military treatment facility; but now because of the draw-down in the Department of Defense, there are not as many doctors as there used to be, and because the defense budget is tight, the Department of Defense made the decision that for

those who have reached the age of 65, you cannot go to the base hospital anymore. You have got to find a private sector doctor. You have got to leave the family. I think that is a tragedy.

Again, over half of our Nation's military retirees intentionally bought a home near a base so they could use that base hospital, and now the same Nation that can provide \$16 billion in foreign aid, the same Nation that can waive the budget rules to bail out the airlines, give their corporate executives 20 and \$30 million a year to run those companies into the ground, the same Nation that can spend money left and right, waiving the rules anytime they feel like it for those who really have not earned it to this extent are going to tell our Nation's military retirees that because you do not fit quite right into the budget we cannot find the money to solve your problem.

Mr. Speaker, I am asking for an amendment that has already passed this House overwhelmingly about a year ago right now. There were 406 of my colleagues who voted to say to our Nation's military retirees that they could continue to use that base hospital and that Medicare is going to reimburse that base hospital for their care. After all, the sailors, the soldiers, the Marines, the airmen paid their Medicare taxes just like everybody else; and if it is their choice to go to a military treatment facility, then that is where they ought to be able to go.

Unfortunately, the law now blocks them from doing so. We sent that bill over to the Senate; and unfortunately the Senate chose to take our language that says they have to do it and said to Medicare, they may do it, they can reach an agreement if they feel like it.

Well, the bureaucrats at Medicare did not feel like it; and so now our soldiers, our sailors, our airmen, our Marines, our coast guardsmen, they are the ones that have to suffer.

Mr. Speaker, I am asking for a real simple thing on the defense authorization bill next week. I am asking for an opportunity for this House to speak in favor for fulfilling the promise of lifetime health care to our Nation's military retirees and a Nation that is going to find \$320 billion to defend itself that just last week spent an additional \$40 billion on defense, one would think we could find a hundred million or so to do that for our Nation's military retirees.

I am particularly disturbed, Mr. Speaker, that you have put the word out that if I so much as ask for that amendment that you are going to pull the defense authorization bill. Let me say that again. If an elected representative of the people of south Mississippi so much as asks for a recorded vote on an amendment to fulfill the promise of lifetime health care for our military retirees, the Speaker of the House says he will not allow that bill to take place at all.

Mr. Speaker, I ask unanimous consent for 2 additional minutes.

The SPEAKER pro tempore. The Chair cannot entertain that request.

Mr. TAYLOR of Mississippi. Thank you, Mr. Speaker.

□ 2330

#### HEALTH CARE FOR MILITARY RETIREES

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I would like to thank my colleague from Hawaii and my other colleagues for bearing with me.

Mr. Speaker, the point I want to make is, I wish this Member had the power to keep some bills from coming to the House floor. I wish I could have kept NAFTA from coming to the floor because it has lost so many jobs for my fellow Mississippians and every American. I wish I could have kept portions of that tax bill that saw to it that half of the \$1.2 trillion in benefits went to the wealthiest fat cats in America, not the average Joes.

Mr. Speaker, if you can find the time and waive the rules to give the fat cats a tax break, you can find the time and you can waive the rules to let our military retirees go to the base hospitals. I am asking for an up or down vote. Be a decent human being and give us that vote.

Mr. ABERCROMBIE. Mr. Speaker, I yield back the balance of my time.

#### REGARDING ASPECTS OF SEPTEMBER 11 EVENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I thank my colleagues. I am due on a TV broadcast that starts rather soon. I know this sounds rather late, but it is prime time back in my own California.

I rise to address several aspects of the recent tragedy, the recent outrage. I want to associate myself with the statements of the gentleman from Michigan (Mr. BONIOR) when he came to this floor and talked about how important it was that we treat everyone with dignity and with respect, and decried several incidents involving discrimination against those of the Muslim, Sikh and Hindu faiths.

Let us, though, also applaud the 99.999 percent of Americans who in fact today are treating their fellow Americans with tolerance and respect. I had a large public meeting in my district in

which one of the two leaders of our Islamic community commented that, yes, we should all treat everyone with respect and, yes, he was chagrined by some recent reports. But he only wondered how much worse it would be in any other country in the world for any other minority group. And, in fact, in our own country in the 1940s, we did not act with the same level of respect and tolerance that we are showing today.

Let us remember that America is not anti-Muslim and not anti-Islam. In fact, the last three military engagements of the United States were for the purpose of defending Muslim people. We restored the independence of Kuwait. We then went on to save the Bosnian Muslims from genocide. And then we bombed a Christian country, Serbia, because of what Serbia tried to do to its Albanian Muslim minority. And now American and NATO troops are engaged in Macedonia for the purpose of achieving a just result for the Albanian Muslims who are a minority in that country. So let us not only condemn every act of intolerance, but let us applaud an overwhelming majority of Americans who are acting with tolerance even at a time when emotions run high.

Let me comment on those who suggest that we modify our foreign policy in the Middle East in order to placate Osama bin Laden, the Taliban, and other extremists. These calls do no honor to the greatest generation and its response to Pearl Harbor. After Pearl Harbor, there were some who suggested that all we had to do was change our foreign policy in the Far East, allow Japan to conquer all of China, and then we could avoid conflict. Instead, the greatest generation made the greatest sacrifices to win the greatest victory. It would be a dishonor to that generation for us to act any differently now that we have suffered the greatest loss of American life on American soil since our Civil War, a loss of life two to three times what we suffered at Pearl Harbor.

But not only is appeasement dishonorable, it is also, in this case, impossible. Because what motivated Osama bin Laden was a hatred for the fact that American troops are somehow "defiling" the soil of Arabia by being stationed there in defense of the Saudi and Kuwaiti regimes. Remember that if those soldiers were not there, Saddam Hussein would control not only Kuwait but also Saudi Arabia, also the Emirates, and he would control 70 percent of the world's oil reserves. But even a withdrawal of American soldiers from the Arabian peninsula would not be enough. It would just whet the appetite of Osama bin Laden, who will not rest until every Arab leader who is even moderately pro-American is displaced and killed, including the entire Saudi royal family.

But even that would not placate bin Laden, who would demand not what Arafat is demanding with regard to Palestinian-Israeli relations but the total destruction of 5 million Israelis. But even that would only whet his appetite. Bin Laden will not rest until every girl in every part of the world is kicked out of school, until the concept of female illiteracy is enshrined worldwide. I do not think that appeasement of bin Laden is possible. But even if it were, if you can change American foreign policy in the Mideast by an act of great terror, then what about those who disagree with our policy in Colombia or Kosovo, Macedonia, Sumatra, Sri Lanka or Taiwan? If we establish the policy that terrorists can change our foreign policy, then every terrorist will try to control the only superpower by an act of super terror.

We must stand by our friends in the Middle East and show that we cannot be controlled by terrorists.

□ 2340

#### ASSISTING AIRLINES AND AIRLINE EMPLOYEES

The SPEAKER pro tempore (Mr. PLATTS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, many times the legislative process proceeds as the American people watch, and there is sometimes much confusion. There is no obligation for any of us to take the added time that this House sometimes does not allow to be able to discuss a very important subject.

Because I come from an area that is heavily impacted, as I would imagine most of my colleagues, by the legislation that we have just passed, I believe it is important to discuss extensively in the brief time that I have, or at least broadly, the legislation that dealt with the Air Transportation System Stabilization Act that was debated today.

For the first time it appeared, since the heinous acts of September 11, 2001, that many Americans might say they were back to business as usual. There was a divided debate, I consider it a healthy debate, on the approach that we should take for something that all of us agreed with, that is, to provide assistance to the airline industry pursuant to the Federal actions that were taken after the September 11, 2001, heinous terrorist actions.

We, the United States Government, grounded the airlines of America. Certainly we have the responsibility to compensate them for Federal actions that resulted in large losses of revenue. At the same time, let me say to the American people that that grounding also took into account the safety of

Americans, to be able to protect them and to turn to the tragedies that occurred and to prepare ourselves for what should happen next.

I have no quarrel with the fact that we acted, and I certainly realize that we impacted those airlines as we did so. So this Air Transportation System Stabilization Act has merit from the perspective of giving direct aid to the airlines based upon accounted-for losses during that time.

But my question becomes, because no legislation is perfect, why there is such a disparate representation of those losses? The Democratic staff of the Joint Economic Council says that during that time frame, the airports or airlines lost \$360 million to \$1 billion. The aid that we have given them, direct aid, is \$5 billion. I would hope that helps to restore them, but I also hope that that may increase their generosity.

Why do I say that? Because the difficulty I have with the legislation today is that the broad concept of employees who may be laid off now or prospectively, or for those employees who really want to have jobs, as opposed to unemployment insurance, what guarantee do we have that this airline industry will be sensitive, that they will pull their bootstraps, tighten their belt and work hard to reinvest in their airlines and build the airlines and build employment?

Loan guarantees in this legislation were \$10 billion. I would hope that as those particular support systems are in place, that we will find the airlines being able to sufficiently rebuild, that the laid off or furloughed employees will return.

There are hundreds of letters that I received, probably many from Continental Airline employees, all believing that this package was going to save their jobs. I pray to God that it will, because I want them to work and to have the ability to have a livelihood. But I am sure that many of them are not aware that this package does not carry with it any protections for workers.

That is why I supported the Hastings amendment that provided unemployment benefits, extended them from 26 to 78 weeks, a year-and-a-half, provided 26 weeks of unemployment insurance benefits for workers who would otherwise not qualify, possibly the skycaps or contract workers who are now suffering. What about our cab drivers, who cannot even afford to pay their daily rental fee? This Hastings amendment also extended job training benefits from 26 to 78 weeks so that we could retrain individuals and also provided them with health care.

In addition, this bill could have been an omnibus bill and included the federalization of security. It did not. To my traveling public, I say to you, get on the airlines. But I also say that we

have the responsibility to work over a period of time to direct our attention towards security.

Then we also have the opportunity and the responsibility to ensure that we do not act in fear, we do not act recklessly; that we provide an overall bill that does two things, to keep the airlines strong, and, as well, keep the working people of America strong.

I would hope that this coming week we will make good on the promise of the gentleman from Illinois (Speaker HASTERT) and as well our leader, the gentleman from Missouri (Mr. GEPHARDT). We will pass real worker assistance so the hundreds who have written me will have written me not only to support the airline industry, but as well to support the working people of America. I believe that this is crucial. I believe that we must do that, and that is the reason that I made the votes that I did, not voting for the martial law, wanting to extend the time of debate, but supporting the legislation and as well the motion to recommit to protect the American workers.

#### ASKING FOR COMMON SENSE AND REASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, our Armed Forces are poised to conduct military strikes in foreign lands. My own State of Georgia is contributing significantly to our overseas forces with troops being committed from the 116th Bomber Wing, the 117th Air Control Squadron, the 293rd MP Company from Fort Stewart in Augusta, and the 224th Joint Communications Support Squad, Brunswick, Georgia. And I have no doubt that men of the elite 75th Ranger Battalion from Fort Benning are currently or soon will be deploying overseas.

Our Nation suffered a terrible injury last week with the attacks in New York, Washington, D.C. and Pennsylvania. Many thousands of our innocent civilians were unjustly taken from their families and loved ones, and we as a Nation must now respond. But just how we should do that, both internationally and domestically, is now giving rise to considerable debate.

We have heard the Bush Administration's call to arms to fight the first war of the 21st century. I understand that our Nation's full military resources are soon to be turned against not just the terrorists responsible for last week's attack, but international terrorism generally. Our intelligence agencies have allegedly identified terror cells in some 60 countries, and that whether or not Afghanistan actually surrenders Osama bin Laden, the alleged mastermind of last week's at-

tacks, our military intends on fighting a long and bitter worldwide campaign against international terrorism in more than 60 countries, or, as Secretary of Defense Rumsfeld announced this week, we intend to drain the swamp.

I understand a draft bill, which is the first of a far larger package of anti-terrorist legislation, is now circulating Capitol Hill, and I am told it proposes giving law enforcement the power to detain non-U.S. citizens for indefinite periods without charge, giving immigration authorities greater and accelerated powers to deport non-U.S. citizens, and, at the same time, curtailing rights of non-U.S. citizens to judicial review and appeal.

Many of these reforms that the Bush Administration is now proposing are the very same types of state powers that we routinely criticize other nations for possessing in our own State Department's annual Human Rights Report. I am greatly concerned that we are about to engage in an extremely hazardous military campaign of unknown duration with unrealistic objectives and perhaps even ultimately harmful long-term consequences for our Nation.

Already, there is disquiet in the Muslim world that the U.S. is poised to turn its terrorist campaign into a war against Islam. The Bush Administration has already had to change the name of the military mission once when it used term "crusade," and now it has got to change the name again, because it used the term "Infinite Justice," and that is offensive to our Muslim communities.

□ 2350

All of these gaffs feed the growing Muslim fear that this impending U.S. military action could become a broader campaign against them.

Mr. Speaker, I know I do not need to address the impending catastrophe should large sections of the world's 1.2 billion Muslims unify and turn against the United States. It would be ironic indeed if we as a Nation destroyed democracy in the name of saving democracy. But before we grant more powers and massive resources to our law enforcement, military and intelligence community, we should be examining why they did not detect the threat of these and other attacks, especially since we had been told that the attacks last week were sophisticated, involved many people over a considerable period of time, and maybe even involved the assistance of a foreign government.

We should know or should have known that bin Laden was capable of attacking our major cities. Just 7 months ago, during the trial of suspects charged with the embassy bombings in Africa, Federal prosecutors detailed the bin Laden network in open court. Details of bin Laden's business

and financial history, his international terror network, as well as his hatred for America, were all systematically dissected by Federal prosecutors.

Given these revelations, it was clear, or it should have been clear, that our Nation and our citizens were in grave danger. I do not understand how intelligence services have the ability to penetrate, analyze and publicly distribute records of bin Laden's alleged cellular phone traffic in the hours immediately after the bombings. From these conversations, we learned of bin Laden's alleged celebrations with supporters. But in stark contrast, over the same period of months, they were not able to intercept bin Laden's planning or preparations for the attacks.

I am also deeply concerned that recent reports in the press of specific, credible and quite extraordinary warnings of terrorist attacks on our citizens, which were ignored by our government, and some of these warnings directly referred to the use of hijacked aircraft attacking the World Trade Center.

For example, the L.A. Times reported on September 20, 2001, that Mossad, the Israeli intelligence service, had warned the FBI and the CIA that a major terrorist force of some 200 individuals were entering the U.S.

The Advertiser Newspaper from the Murdoch Group reported on Monday, September 17, that a man in the Cayman Islands wrote to U.S. authorities on August 29 and warned them that he had overheard three Afghan men in a bar talking about impending attacks on the United States. The CIA is said to have followed up on the attack, but apparently did not take it any further.

Then it is also reported that a week later, an Iranian in Hamburg, Germany, contacted police and warned them of an impending terrorist attack against the United States using hijacked planes.

Tragically, I am forced to say, this does not appear to be the first time our intelligence services have been caught flatfooted. Earlier this year, Jamal Ahmed al-Fadl, a former aid to Osama bin Laden, while testifying in New York against the four men accused of the U.S. embassy bombings in Africa, said that he told U.S. officials that bin Laden's group was trying to make a war on the United States. Similarly, Prudence Bushnell, the U.S. Ambassador in Nairobi, warned the State Department of the poor security of her embassy in Nairobi. Regrettably, these warnings appear to have been ignored. Not surprisingly, our government now finds itself subject to civil actions by survivors and family representatives of those killed in the U.S. embassy bombings in Africa.

Count up the combined assets of our Nation's law enforcement, military intelligence agencies charged with fighting terrorism over the last 10 to 15

years, and we have budgets worth billions and billions and billions of dollars, space-age technology that most countries would just dream of having; and despite all of these resources, we sustained three terrible attacks upon our military, our cities, our warships, our embassies.

In my view, the problem is not one of resources, but of a failure of implementation on a scale that should shame us. But what frustrates me most is that no one in a position of leadership in our Nation has yet to seriously ask why our Nation has been attacked in this way. Why have our cities, our embassies and our military forces been systematically targeted by terrorist organizations? Why is it that our Nation and its people are being attacked in these ways? Our politicians and political observers have, for years, been willing to analyze and discuss about the IRA in England, the Shining Path in Peru, the Red Brigade in Italy; but now that it has come home, all of a sudden, we failed to analyze and ask the question, why did it happen.

Secretary of State Colin Powell is absolutely right. We must give diplomacy a chance. We must honestly ask ourselves, what is the root cause of this war being waged on our people and our country? I suspect that we will need to look at altering some of our foreign policy positions. Unless we do this, I fear that a military campaign, unsupported by sound foreign policy strategies, will only cause immeasurable civilian suffering throughout the world and may well actually lead to more terrifying attacks upon our cities and our citizens.

I would ask our President to sidestep those Rambos in the Pentagon who are talking about using nuclear weapons. Now is not the time for us to be talking about using nuclear weapons. We need to free our Secretary of State to do his job, and I know he can do it.

Finally, I pray that common sense and reason will prevail.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of a family emergency.

Mr. BEREUTER (at the request of Mr. ARMEY) for today after 3:00 p.m. on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:

Mr. BONIOR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALONE, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. FOLEY, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, September 24 and 25.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. ABERCROMBIE, for 5 minutes, today.

#### BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 14, 2001, he presented to the President of the United States, for his approval, the following bills.

H.R. 2133. To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in *Brown v. Board of Education*.

H.R. 2882. To provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001.

H.R. 2888. Making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes.

#### ADJOURNMENT

Ms. MCKINNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until Monday, September 24, 2001, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3752. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report entitled, "Department of Defense Chemical and Biological Defense Program Annual Report To Congress and Performance Plan, July 2001"; to the Committee on Armed Services.

3753. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting office of Management and Budget Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

3754. A letter from the Secretary, Department of Health and Human Services, transmitting a consolidated report on the Community Food and Nutrition Program for Fiscal Years 1998 and 1999; to the Committee on Education and the Workforce.

3755. A letter from the Secretary, Department of Health and Human Services, transmitting the Community Services Block Grant Program Fiscal Year 1998 Summary Report to Congress; to the Committee on Education and the Workforce.

3756. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Improvement 2001: Evaluation Activities of the U.S. Department of Health and Human Services," pursuant to section 241(b) of the Public Health Service Act; to the Committee on Energy and Commerce.

3757. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards: Interior Trunk Release [Docket No. NHTSA-01-10381] (RIN: 2127-A151) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3758. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period April 1 to May 31, 2001, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

3759. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on International Relations.

3760. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on International Relations.

3761. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Fair Act of 1998 Commercial Activities Inventory, in accordance with Public Law 105-270; to the Committee on Government Reform.

3762. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's FY 2000 Annual Statement of Assurance, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

3763. A letter from the Librarian of Congress, Library of Congress, transmitting the FY 2000 annual report of the activities of the Library of Congress, and the FY 2000 annual report of the Library of Congress Trust Fund Board, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

3764. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting FY 2000 Report to the Congress U.S. Government Debt Collection Activities of Federal Agencies; to the Committee on the Judiciary.

3765. A letter from the Register of Copyrights, Register of Copyrights of the United States of America, transmitting the Office's report entitled, "DMCA Section 104 Report," pursuant to section 104 of Public Law No. 105-304; to the Committee on the Judiciary.

3766. A letter from the Chairman, Inland Waterway Users Board, transmitting the Board's 15th annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels

on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

3767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Final Rule with Request for Comments and Direct Final Rule with Request for Comments [Docket No. FAA-1999-5836; Amendment Nos. 91-269, 121-286, 135-82, 145-27 and SFAR 36-7] (RIN: 2120-AC38) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3768. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled, "Promoting Safe and Stable Families Amendments of 2001"; to the Committee on Ways and Means.

3769. A letter from the Secretary, Department of Energy, transmitting the Annual Report on Contractor Work Force Restructuring for Fiscal Year 2000, pursuant to 42 U.S.C. 7274h; jointly to the Committees on Armed Services and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Filed on September 21 (legislative day, September 20), 2001]*

Mr. REYNOLDS: Committee on Rules. House Resolution 242. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 107-209). Referred to the House Calendar.

*[Submitted September 21, 2001]*

Mr. MANZULLO: Committee on Small Business. H.R. 203. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; with an amendment (Rept. 107-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. H.R. 2538. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians (Rept. 107-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. H.R. 2666. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program (Rept. 107-212). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. H.R. 1860. A bill to reauthorize the Small Business Technology Transfer Program, and for other purposes; with an amendment (Rept. 107-213 Pt. 1).

Mr. REYNOLDS: Committee on Rules. House Resolution 244. Resolution providing for consideration of the bill (H.R. 2926) to preserve the continued viability of the United States air transportation system (Rept. 107-214) Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration. H.R. 1860 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1007. Referral to the Committee on Government Reform extended for a period ending not later than September 28, 2001.

H.R. 1860. Referral to the Committee on Science extended for a period ending not later than September 21, 2001.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

*[Omitted from the Record of September 20, 2001]*

By Mr. GREENWOOD:

H.R. 2903. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 2904. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. ACKERMAN (for himself, Mr.

FOSELLE, Mr. DAVIS of Florida, Mr. SHOWS, Mr. WEINER, Mr. SERRANO, Mr. TOWNS, Mr. POMEROY, Mr. GILCHREST, Mr. CROWLEY, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, Mr. ENGLISH, Mr. HINCHEY, Mrs. MINK of Hawaii, Mr. MASCARA, Mr. McNULTY, Ms. VELÁZQUEZ, Mr. ROYCE, Mr. KILDEE, Ms. SOLIS, Mr. PETERSON of Minnesota, Mr. KING, and Mr. ISRAEL):

H.R. 2905. A bill to require that the United States Postal Service issue a special commemorative postage stamp under section 416 of title 39, United States Code, in order to provide assistance in the case of emergency relief personnel who were killed or who suffer permanent disability as a result of the terrorist attacks against the United States on September 11, 2001, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. MCGOVERN, and Mr. BALLENGER):

H.R. 2906. A bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. SHAYS,

Mr. DICKS, Mr. GILMAN, Mr. ANDREWS, Mr. ENGLISH, Mr. VISCLOSKEY, Mrs. ROUKEMA, Ms. KILPATRICK, Mrs. MORELLA, Mrs. CHRISTENSEN, Mr. LATOURETTE, Mr. SANDERS, Mr. JOHNSON of Illinois, Mr. REYES, Mr. SHIMKUS, Mr. BLUMENAUER, Mr.

RADANOVICH, Mr. HINCHEY, Mr. LOBIONDO, Mr. LARSEN of Washington, Mr. GRUCCI, Mr. ISSA, Ms. KAPTUR, Mr. HAYWORTH, Mr. HINOJOSA, Mr. PAUL, Mr. UDALL of New Mexico, Mr. OBERSTAR, Mr. WYNN, Mr. PASCRELL, Mr. TOWNS, Mr. LANTOS, Mr. PHELPS, Mr. SCOTT, Ms. PELOSI, Mr. DEFAZIO, Ms. MCKINNEY, Mr. OWENS, Ms. RIVERS, Mr. DAVIS of Illinois, Mr. FRANK, Mr. STENHOLM, Mr. DOGGETT, Mr. BISHOP, Mr. CUMMINGS, Ms. ESHOO, Mr. MENENDEZ, Mr. MARKEY, Mr. CLAY, Mr. SKELTON, Mr. BECERRA, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. KIRK, Mr. MASCARA, Mr. MCNULTY, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. GARY G. MILLER of California, Ms. NORTON, Mr. ETHERIDGE, Mr. SHERMAN, Mr. NAPOLITANO, Mr. DINGELL, Mr. WAMP, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. TIBERI, Mr. HOLT, Mr. ABERCROMBIE, Mr. FROST, and Mr. KING):

H.R. 2907. A bill to provide for the issuance of a semipostal for the benefit of victims of the terrorist attacks against the United States on September 11, 2001, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. BONIOR, Mr. CAPUANO, Mr. STARK, Mr. BLUMENAUER, Ms. MCKINNEY, Ms. SLAUGHTER, Mr. RANGEL, Mr. HOFFEL, Mr. McDERMOTT, Mr. FILLNER, Ms. LEE, Ms. WOOLSEY, Mr. PAYNE, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. PALLONE, Ms. PELOSI, Mr. NEAL of Massachusetts, Mr. KLECZKA, Mr. SANDERS, Mr. HALL of Ohio, Mrs. TAUSCHER, Ms. MCCARTHY of Missouri, Mr. CONYERS, Mr. GUTIERREZ, Mr. LUTHER, Ms. MCCOLLUM, Mr. MARKEY, Mr. ROTHMAN, Mr. WEXLER, Mr. EVANS, Mr. ACKERMAN, Mr. FORD, Ms. BROWN of Florida, Mr. SERRANO, Mr. WEINER, Ms. LOFGREN, Mr. THOMPSON of Mississippi, Ms. BALDWIN, Mr. CROWLEY, Mr. TOWNS, Mr. OLVER, Mr. NADLER, Mr. WAXMAN, Mr. MALONEY of Connecticut, Mr. GEORGE MILLER of California, Ms. CARSON of Indiana, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. HOLT, Mr. FARR of California, Mrs. JONES of Ohio, Mr. DEFAZIO, Mrs. DAVIS of California, Ms. RIVERS, Mr. KUCINICH, Mrs. MEEK of Florida, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, Mr. TIERNEY, Mrs. MINK of Hawaii, Mr. FRANK, Ms. ROYBAL-AL-LARD, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. BALDACCIO, Ms. ESHOO, Mr. DEUTSCH, Mr. ALLEN, Mr. BERMAN, Mr. LEVIN, Mrs. MORELLA, Mr. ENGEL, Mrs. CAPPS, Mr. LANTOS, Mr. OWENS, Mrs. LOWEY, and Mr. INS-LEE):

H.R. 2908. A bill to provide additional protections for National Forest System lands in Alaska through the designation of wilderness areas, wilderness study areas, Land Use Designation II management areas, restoration areas, special management areas, and additional components of the national wild and scenic rivers system; to the Committee on Resources.

By Mr. FLETCHER:

H.R. 2909. A bill to provide for the conveyance of a portion of the Bluegrass Army Depot in Richmond, Kentucky, to Madison County, Kentucky; to the Committee on Armed Services.

By Mr. FORBES (for himself, Mr. SCHROCK, Mr. WOLF, Mr. GOODE, Mr. BOUCHER, Mr. GOODLATTE, Mr. MORAN of Virginia, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. SCOTT, Mrs. JO ANN DAVIS of Virginia, Mr. UNDERWOOD, Mr. TANNER, Mr. CRENSHAW, Mr. HUNTER, Mr. LANGEVIN, Mr. BOYD, Mr. ENGLISH, Mr. FRANK, Mr. TURNER, Mr. MCGOVERN, Mr. MCNULTY, Mr. STENHOLM, and Mr. FROST):

H.R. 2910. A bill to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building"; to the Committee on Government Reform.

By Mr. HOYER (for himself and Mrs. MORELLA):

H.R. 2911. A bill to designate the Federal building located at 5100 Paint Branch Parkway in College Park, Maryland, as the "Harvey W. Wiley Federal Building"; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 2912. A bill to authorize the National Science Foundation to establish a grant program for partnerships between United States research organizations and those in developing countries for research on plant biotechnology; to the Committee on Science.

By Mr. QUINN:

H.R. 2913. A bill to amend title 49, United States Code, to direct the Administrator of the Federal Aviation Administration to carry out the screening of passengers and property on flights in air transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 2914. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 2915. A bill to amend title 18, United States Code, with respect to the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 2916. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mrs. ROUKEMA, Mr. HOLT, Mr. MURTHA, Mr. FERGUSON, Mr. THOMPSON of Mississippi, Mr. SMITH of Washington, Mr. HILLIARD, Mr. CONYERS, Mr. PAYNE, Ms. LEE, Mr. ADERHOLT, Mr. SKEEN, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. ETHERIDGE, Mr. RADANOVICH, Mr. EHRLICH, Mr. CARSON of Oklahoma, Mr. WELLER, Mr. PLATTS, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. ENGLISH, Mr. GRAVES, Mr. RANGEL, Mr. BAIRD, Mr. KUCINICH, Mr. BALLENGER, Mr. WYNN, Mr. STARK, and Mr. STEARNS):

H.R. 2917. A bill to authorize the President to award gold medals on behalf of Congress to the people aboard United Airlines Flight 93 who helped resist the hijackers and caused

the plane to crash prematurely; to the Committee on Financial Services.

By Mr. TRAFICANT:

H.R. 2918. A bill to authorize the Secretary of the Interior to establish a memorial to Native Americans in the District of Columbia; to the Committee on Resources.

By Mr. TRAFICANT:

H.R. 2919. A bill to allow postal patrons to contribute to funding of veterans programs and services offered by the Military Order of the Purple Heart of the United States of America, Incorporated, through the issuance of a semipostal; to the Committee on Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself and Mr. LAFALCE):

H.R. 2920. A bill to amend title 31, United States Code, to prevent the smuggling of large amounts of currency or monetary instruments into or out of the United States, and for other purposes; to the Committee on Financial Services.

By Mrs. ROUKEMA:

H.R. 2921. A bill to authorize the President to award posthumously the Congressional Gold Medal to Jeremy Glick of West Milford, New Jersey, a passenger aboard United Airlines Flight 93 for acts of bravery, courage, and patriotism; to the Committee on Financial Services.

By Mrs. ROUKEMA (for herself and Mr. LAFALCE):

H.R. 2922. A bill to amend title 31, United States Code, to prevent the smuggling of large amounts of currency or monetary instruments into or out of the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLETCHER:

H. Con. Res. 232. Concurrent resolution expressing the sense of the Congress in honoring the crew and passengers of United Airlines Flight 93; to the Committee on Transportation and Infrastructure.

By Mr. WATTS of Oklahoma (for himself, Mr. ENGEL, Mr. DELAY, Mr. BURR of North Carolina, Mr. SHOWS, Ms. HART, Mr. MILLER of Florida, Mr. PITTS, Mrs. JOHNSON of Connecticut, Ms. GRANGER, Mr. SMITH of Texas, Mr. MURTHA, Mr. TOM DAVIS of Virginia, Mr. INSLEE, Mr. ISSA, Mr. SHIMKUS, Mr. McDERMOTT, Mr. REYES, Mr. SIMMONS, Mr. SWEENEY, Mr. CALLAHAN, Mr. GILLMOR, Mr. PICKERING, Mr. SHAYS, Mr. FRELINGHUYSEN, Mrs. CAPITO, Mr. SCHROCK, Mr. BERUTER, Mr. ADERHOLT, Mrs. MALONEY of New York, Mr. WELDON of Pennsylvania, Mr. HOYER, Ms. SANCHEZ, Mr. HONDA, Mr. FROST, Mr. CRAMER, Mr. PETERSON of Pennsylvania, Mr. DICKS, Mr. ABERCROMBIE, Mr. ISRAEL, Mrs. ROUKEMA, Mr. GILCHREST, Mr. BLUNT, Mr. ROYCE, Mrs. MYRICK, Mr. ENGLISH, Mr. LANGEVIN, Mr. JONES of North Carolina, Mrs. MORELLA, Mr. MORAN of Virginia, Mr. BARCIA, Mr. UDALL of New Mexico, Ms. MCKINNEY, Mr. CASTLE, Mr. PAUL, Mr. WOLF, Mr. FILLNER, Mr. FOSSELLA, Mr. RUSH, Mr. RILEY, Mr. HEFLEY, Mr. OXLEY, Mr.

ETHERIDGE, Mr. SMITH of New Jersey, Mr. SANDERS, Mr. CROWLEY, Mr. McNULTY, Mr. GRAVES, Mr. VITTER, Mr. BALLENGER, Mr. GARY G. MILLER of California, Mr. RANGEL, Ms. CARSON of Indiana, Ms. NORTON, Mr. BROWN of Ohio, and Ms. KAPTUR):

H. Con. Res. 233. Concurrent resolution expressing the profound sorrow of the Congress for the death and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001; to the Committee on Transportation and Infrastructure.

Mr. THOMAS:

H. Res. 240. Resolution returning to the Senate the bill H.R. 2500; considered and agreed to.

By Mr. GREEN of Texas:

H. Res. 241. A resolution expressing the sense of the House of Representatives that the Administrator of the Federal Aviation Administration should consider hiring an employee whose employment with an air carrier was terminated as a result of the terrorist attacks that occurred on September 11, 2001, for a position with the Federal Air Marshal program of the Administration; to the Committee on Transportation and Infrastructure.

[Submitted September 21, 2001]

By Mr. CALVERT:

H.R. 2924. A bill to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes; to the Committee on Resources.

By Mr. CALVERT:

H.R. 2925. A bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 2926. A bill to preserve the continued viability of the United States air transportation system; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 2927. A bill to limit the amount of total compensation for top executives of air carriers that receive certain Federal relief; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 2928. A bill to amend the Immigration and Nationality Act to provide for the removal of aliens who aid or abet a terrorist organization or an individual who has conducted, is conducting, or is planning to conduct a terrorist activity; to the Committee on the Judiciary.

By Mr. BARR of Georgia (for himself, Mr. WEXLER, Mr. BASS, Mr. BURTON of Indiana, Mr. KELLER, Mr. RANGEL, Mr. DEUTSCH, Mr. MEEKS of New York, Mr. MICA, Mr. CALVERT, Mr. DAVIS of Florida, Mr. SCOTT, Mr. CHABOT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McDERMOTT, Mr. BOEHNER, Mr. ENGLISH, Mr. WICKER, and Mr. BAIRD):

H.R. 2929. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 2930. A bill to provide for creation of a Counter-terrorism Trust Fund, to provide for the issuance of Freedom Bonds, to allow taxpayers to contribute income tax refunds and other amounts to support counter-terrorism efforts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. ARMEY, Mr. DELAY, Mr. BLUNT, Mr. DOOLITTLE, and Mr. NORWOOD):

H.R. 2931. A bill to amend the Internal Revenue Code of 1986 to clarify the restrictions on the lobbying and campaign activities of churches; to the Committee on Ways and Means.

By Mr. CRENSHAW:

H.R. 2932. A bill to amend title 49, United States Code, to require background checks for individuals enrolled in flight schools, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH (for himself, Mr. STARK, and Mr. FOLEY):

H.R. 2933. A bill to amend title XVIII of the Social Security Act to apply the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970 through Medicare provider agreements to hospitals that are not subject to that Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 2934. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of hearing aids and related hearing services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK (for himself, Mr. MATSUI, Mr. LARSON of Connecticut, Mr. TIERNEY, Mr. McDERMOTT, Ms. SOLIS, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Mr. OBEY, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCGOVERN, Mr. ABERCROMBIE, Ms. DELAURO, Mr. DELAHUNT, Mr. BONIOR, and Mr. LAFALCE):

H.R. 2935. A bill to amend the Internal Revenue Code of 1986 to increase the highest rate of income tax imposed on individual taxpayers to 39.6 percent, and to deposit the amounts received as a result of such increase into the Social Security trust funds; to the Committee on Ways and Means.

By Mr. FROST:

H.R. 2936. A bill to amend the Internal Revenue Code of 1986 to impose a 20 percent rate of tax on taxable estates and gifts; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 2937. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Resources.

By Mr. HEFLEY:

H.R. 2938. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate any portion of their income tax overpayments, and to make other contributions,

for the benefit of victims of the terrorist attacks on September 11, 2001, and for counter-terrorism efforts; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. TOOMEY, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. HILLIARD, Mr. STARK, Mr. TIERNEY, Ms. PELOSI, Mr. WAXMAN, Mr. CAPUANO, and Ms. CARSON of Indiana):

H.R. 2939. A bill to review, reform, and terminate unnecessary and inequitable Federal payments, benefits, services, and tax advantages; to the Committee on Government Reform, and in addition to the Committees on Ways and Means, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. REYNOLDS):

H.R. 2940. A bill to amend the Internal Revenue Code of 1986 to encourage the patronage of the hospitality, restaurant, and entertainment industries of New York City; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY of New York, Mr. OXLEY, and Mrs. ROUKEMA):

H.R. 2941. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Financial Services.

By Mr. MORAN of Kansas (for himself, Mr. MCINTYRE, and Mr. ROSS):

H.R. 2942. A bill to amend title XVIII of the Social Security Act to make permanent the hold harmless treatment for small rural hospitals under the Medicare prospective payment system for hospital outpatient department services and to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under that system; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 2943. A bill to protect classified information, and for other purposes; to the Committee on the Judiciary.

By Mrs. JONES of Ohio:

H. Con. Res. 234. Concurrent resolution expressing the sense of Congress relating to the increased importance of the United States steel industry since the attacks on the United States on September 11, 2001; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. TOWNS, Mr. TOM DAVIS of Virginia, and Mr. OWENS):

H. Con. Res. 235. Concurrent resolution expressing the sense of Congress regarding the establishment of a National Day of Remembrance; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. FOSSELLA, Mr. RANGEL,

Mr. KING, Mr. TOWNS, Mr. GILMAN, Mrs. MCCARTHY of New York, Mr. HOUGHTON, Mr. ENGEL, Mr. BOEHLERT, Mr. ISRAEL, Mr. McNULTY, Mr. GRUCCI, Mr. SERRANO, Mr. WALSH, Mr. LaFALCE, Mr. CONYERS, Mr. GUTKNECHT, Mr. DOOLITTLE, Mr. PETERSON of Minnesota, Mr. KIND, and Mr. ABERCROMBIE):

H. Res. 243. A resolution honoring Mayor Rudolph Giuliani, the rescue workers, and the residents of New York, New York, for their valiant efforts in responding to the terrorist attack; to the Committee on Government Reform.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

*[Omitted from the Record of September 20, 2001]*

Mr. COX introduced a bill (H.R. 2923) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sovereign*; which was referred to the Committee on Transportation and Infrastructure.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

*[Omitted from the Record of September 20, 2001]*

H.R. 28: Mr. ANDREWS.  
H.R. 162: Mr. MATHESON, Mr. LAMPSON, Mr. LARSON of Connecticut, and Mr. PHELPS.  
H.R. 184: Ms. CARSON of Indiana and Mr. GUTIERREZ.  
H.R. 218: Mr. LAMPSON, Mr. TURNER, and Mr. BENTSEN.  
H.R. 257: Mr. BARR of Georgia.  
H.R. 281: Mr. FORD.  
H.R. 292: Mr. WEINER, Mr. HINCHEY, Mr. PAYNE, Ms. NORTON, and Mr. BENTSEN.  
H.R. 425: Mr. McDERMOTT and Mr. OLVER.  
H.R. 439: Mr. BALDACCIO.  
H.R. 476: Mr. COLLINS and Mr. NEY.  
H.R. 488: Mr. MOORE.  
H.R. 525: Mr. PITTS.  
H.R. 597: Mr. GUTIERREZ.  
H.R. 817: Mr. HILL and Mr. CALLAHAN.  
H.R. 831: Mr. KINGSTON, Ms. BERKLEY, Mr. RYUN of Kansas, Mr. ROSS, Mr. DIAZ-BALART, Mr. McINTYRE, Mr. WELLER, Mr. ANDREWS, Ms. ROS-LEHTINEN, Mr. SHIMKUS, and Mrs. MYRICK.  
H.R. 902: Mr. OLVER and Mr. HILLIARD.  
H.R. 1037: Mr. DEMINT.  
H.R. 1084: Mr. GILLMOR.  
H.R. 1178: Mrs. JO ANN DAVIS of Virginia.  
H.R. 1254: Mr. WAXMAN.  
H.R. 1296: Mr. MORAN of Virginia, Mrs. MINK of Hawaii, Mr. SAM JOHNSON of Texas, Mr. HASTINGS of Washington, Mr. MEEHAN, and Mr. FRANK.  
H.R. 1354: Mr. FORD and Mr. MATSUI.  
H.R. 1367: Mr. STARK.  
H.R. 1421: Mr. MARKEY, Mr. TRAFICANT, Mr. DICKS, Mr. HOUGHTON, Ms. SANCHEZ, Mrs. NAPOLITANO, Mr. SANDERS, Ms. PRYCE of Ohio, and Mrs. MINK of Hawaii.  
H.R. 1454: Mr. DOYLE, Mr. MATHESON, Mrs. CHRISTENSEN, and Mr. STARK.  
H.R. 1460: Mr. DEFazio and Mr. LARSEN of Washington.  
H.R. 1462: Mr. TANCREDO.  
H.R. 1494: Mrs. TAUSCHER.  
H.R. 1509: Mr. MARKEY.  
H.R. 1510: Mr. MORAN of Kansas, Mr. LANGEVIN, Mr. LAHOOD, Mr. SUNUNU, Mrs. JO ANN DAVIS of Virginia, and Mr. EHRLICH.

H.R. 1532: Mr. ISAKSON.  
H.R. 1581: Mr. NETHERCUTT.  
H.R. 1582: Ms. WATSON.  
H.R. 1587: Mr. OWENS, Ms. MCCOLLUM, and Mr. GUTIERREZ.  
H.R. 1611: Mr. KELLER.  
H.R. 1645: Mr. RADANOVICH and Mr. CAPUANO.  
H.R. 1675: Mr. OSE.  
H.R. 1711: Mr. SMITH of Washington and Mr. LARSEN of Washington.  
H.R. 1718: Mr. HINOJOSA, Ms. LOFGREN, Ms. BALDWIN, Mr. ALLEN, Ms. PRYCE of Ohio, Mr. DEFazio, and Mr. DELAHUNT.  
H.R. 1720: Mrs. NAPOLITANO, Mr. CROWLEY, Mr. FROST, Mrs. MORELLA, Mr. WATTS of Oklahoma, Ms. ESHOO, Mr. STARK, Mr. OWENS, Mr. PAYNE, Mr. BOUCHER, and Mr. HINCHEY.  
H.R. 1744: Mr. SKELTON, Mrs. CAPPS, Mr. RUSH, Mr. DIAZ-BALART, and Mr. McNULTY.  
H.R. 1748: Mr. FORBES.  
H.R. 1775: Mr. SCHIFF.  
H.R. 1806: Mr. FILNER.  
H.R. 1873: Mr. UDALL of New Mexico.  
H.R. 1904: Mr. MCGOVERN.  
H.R. 1928: Mrs. CLAYTON.  
H.R. 1935: Mr. GREEN of Wisconsin and Mr. BROWN of South Carolina.  
H.R. 1982: Mr. BROWN of South Carolina.  
H.R. 1983: Mr. INSLEE and Mr. VITTER.  
H.R. 2009: Mr. LEVIN.  
H.R. 2158: Mr. COYNE.  
H.R. 2162: Mrs. NAPOLITANO.  
H.R. 2220: Mr. BONIOR and Ms. VELÁZQUEZ.  
H.R. 2222: Ms. NORTON.  
H.R. 2280: Mr. FOLEY.  
H.R. 2282: Mr. FROST.  
H.R. 2293: Mr. WELDON of Florida, Mr. GIBBONS, and Mr. LARGENT.  
H.R. 2308: Mr. PASTOR and Mr. SCHROCK.  
H.R. 2322: Ms. PRYCE of Ohio.  
H.R. 2352: Mr. EVANS.  
H.R. 2357: Mr. NEY and Mr. TAUZIN.  
H.R. 2363: Ms. ESHOO, Mr. MOLLOHAN, Ms. BALDWIN, and Mr. RAHALL.  
H.R. 2515: Mr. COOKSEY.  
H.R. 2521: Ms. HART, Mr. MATHESON, and Mr. ENGLISH.  
H.R. 2537: Mr. MATHESON, Mr. MCGOVERN, Mr. PLATTS, Ms. WATSON, Ms. McKINNEY, Mr. CROWLEY, Mr. ROTHMAN, and Mr. ENGLISH.  
H.R. 2538: Mr. CARSON of Oklahoma, Mr. PALLONE, Mr. KILDEE, Mr. HONDA, Mr. BAIRD, Mrs. JONES of Ohio, and Mrs. CHRISTENSEN.  
H.R. 2566: Mr. ROTHMAN, Mr. HORN, Mr. PLATTS, Mr. ENGLISH, Mr. SHAYS, Mr. OWENS, Mrs. MORELLA, Mr. BACA, and Mr. TANCREDO.  
H.R. 2605: Mr. MCGOVERN.  
H.R. 2654: Mr. LAMPSON.  
H.R. 2675: Ms. SANCHEZ.  
H.R. 2718: Mr. MCGOVERN.  
H.R. 2723: Mr. TIAHRT, Mrs. TAUSCHER, and Mr. CALVERT.  
H.R. 2725: Mr. WALSH and Mr. BONIOR.  
H.R. 2727: Mr. HINCHEY.  
H.R. 2794: Mr. HONDA and Mr. MEEHAN.  
H.R. 2804: Mr. LANTOS, Mr. DOOLEY of California, and Mr. COX.  
H.R. 2866: Mrs. MINK of Hawaii, Mr. FARR of California, Ms. DeLAURO, Mrs. DAVIS of California, Mrs. CLAYTON, Mr. CAPUANO, Mr. MEEHAN, Mr. HINCHEY, Ms. PELOSI, Mr. TIERNEY, Mr. OLVER, Mr. WYNN, and Ms. WOOLSEY.  
H.R. 2887: Mrs. ROUKEMA.  
H.R. 2891: Mr. PALLONE, Mr. ISRAEL, and Mr. PAYNE.  
H.R. 2899: Mr. ISSA and Mr. THUNE.  
H. Con. Res. 20: Mr. HOLT.  
H. Con. Res. 77: Mr. MCGOVERN.  
H. Con. Res. 104: Mr. STUMP.  
H. Con. Res. 173: Mr. MATSUI, Ms. WATSON, Mrs. MALONEY of New York, Ms. DeLAURO,

Mr. PASTOR, and Mr. PRICE of North Carolina.

H. Con. Res. 188: Mr. FLETCHER.

H. Con. Res. 211: Mr. KUCINICH.

H. Res. 52: Mr. SMITH of Michigan.

*[Submitted September 21, 2001]*

H.R. 19: Mr. NEY and Mr. HEFLEY.

H.R. 81: Mr. MCGOVERN.

H.R. 159: Mr. BROWN of South Carolina.

H.R. 189: Mr. WELDON of Florida.

H.R. 190: Mr. HORN.

H.R. 250: Mr. HOSTETTLER.

H.R. 257: Mr. TIAHRT.

H.R. 267: Mr. LoBIONDO.

H.R. 488: Mr. GUTIERREZ.

H.R. 525: Mr. MASCARA, Ms. LEE, and Mr. MOORE.

H.R. 529: Ms. McKINNEY.

H.R. 530: Ms. McKINNEY.

H.R. 537: Ms. McKINNEY.

H.R. 638: Mr. MARKEY.

H.R. 659: Ms. LOFGREN.

H.R. 690: Mr. CUMMINGS.

H.R. 774: Mr. GILLMOR and Mr. MANZULLO.

H.R. 775: Mr. MEEHAN, Mr. POMEROY, Mr. FRANK, and Mrs. CAPPS.

H.R. 776: Mr. BROWN of South Carolina.

H.R. 792: Mr. TRAFICANT, Mr. SAXTON, and Mr. FILNER.

H.R. 817: Mr. WALDEN of Oregon.

H.R. 839: Mr. GUTIERREZ.

H.R. 848: Mr. LoBIONDO, Mr. MORAN of Virginia, and Mr. WALDEN of Oregon.

H.R. 854: Ms. SANCHEZ, Mr. LATOURETTE, Mr. HALL of Ohio, Mrs. NORTHUP, Mr. GONZALEZ, Mr. KINGSTON, and Mr. TIBERI.

H.R. 868: Mr. ISSA.

H.R. 950: Mr. ENGLISH.

H.R. 951: Mr. HEFLEY, Mr. SWEENEY, Mr. BOYD, Mr. ISTOOK, Mr. TERRY, Mr. WEINER, Mr. LEWIS of Georgia, and Mr. McHUGH.

H.R. 959: Mrs. NAPOLITANO, Mr. EVANS, Mr. GALLEGLY, Mr. HUNTER, Mr. SMITH of Texas, and Ms. LOFGREN.

H.R. 969: Mr. VITTER.

H.R. 981: Mr. BARR of Georgia, Mr. PETERSON of Pennsylvania, and Mr. HALL of Texas.

H.R. 1032: Mr. HOLT.

H.R. 1051: Mr. SABO, Mr. SERRANO, and Mr. LANTOS.

H.R. 1073: Mr. BARRETT.

H.R. 1097: Mr. ABERCROMBIE.

H.R. 1158: Mrs. TAUSCHER, Mr. HASTINGS of Florida, and Ms. HART.

H.R. 1171: Mrs. CUBIN.

H.R. 1238: Mr. EHRLICH.

H.R. 1304: Mr. LAHOOD.

H.R. 1309: Mr. PRICE of North Carolina.

H.R. 1351: Mr. NUSSLE, Mr. LEACH, and Mr. TIBERI.

H.R. 1357: Mr. GONZALEZ.

H.R. 1377: Ms. SANCHEZ and Mr. KOLBE.

H.R. 1411: Mr. TOM DAVIS of Virginia.

H.R. 1436: Mr. CAPUANO, Ms. BROWN of Florida, Mr. EHRLICH, and Mr. McHUGH.

H.R. 1471: Mr. HYDE.

H.R. 1474: Mr. RYAN of Wisconsin.

H.R. 1475: Mr. LARSON of Connecticut, Mr. CUMMINGS, Mr. LAMPSON.

H.R. 1509: Mr. BONIOR.

H.R. 1540: Mr. ACEVEDO-VILA, Mr. EVANS, Mr. OWENS, Mr. CROWLEY, Ms. LEE, Mr. BONIOR, and Mrs. JONES of Ohio.

H.R. 1553: Mr. MCGOVERN.

H.R. 1556: Mr. WEXLER, Mr. TOOMEY, Ms. SANCHEZ, Mr. KINGSTON, Mr. MATHESON, and Mr. BALLENGER.

H.R. 1596: Mr. SUNUNU.

H.R. 1599: Mr. FOLEY and Mr. BARTLETT of Maryland.

H.R. 1609: Mr. KINGSTON and Mr. TOOMEY.

H.R. 1650: Mr. LEACH.

H.R. 1700: Mr. BOUCHER and Mr. LEVIN.

H.R. 1754: Mr. FOLEY.

H.R. 1773: Mr. FOLEY.  
H.R. 1795: Ms. HART, Ms. WATSON, and Mr. OSE.  
H.R. 1809: Mr. UDALL of New Mexico.  
H.R. 1822: Mr. SCHAFER, Mr. MORAN of Virginia, and Mr. GUTIERREZ.  
H.R. 1835: Mr. ROGERS of Kentucky and Mr. WICKER.  
H.R. 1897: Mr. EVANS.  
H.R. 1911: Mr. DEFazio.  
H.R. 1913: Mr. UDALL of New Mexico.  
H.R. 1919: Mr. GOODE, Mr. ROGERS of Michigan, Mr. SMITH of Michigan, Mr. BOSWELL, Mrs. JO ANN DAVIS of Virginia and Mr. MASCARA.  
H.R. 1948: Mr. PRICE of North Carolina.  
H.R. 1956: Mr. LARSEN of Washington.  
H.R. 1988: Mr. ROGERS of Kentucky, Ms. HART, and Mr. GRAHAM.  
H.R. 1990: Mr. CROWLEY, Ms. KAPTUR, and Ms. BALDWIN.  
H.R. 1997: Mr. LAMPSON, Mr. KUCINICH, Mr. GUTIERREZ, and Ms. MCKINNEY.  
H.R. 2001: Mr. SUNUNU and Ms. SANCHEZ.  
H.R. 2018: Mr. CRAMER, Mr. MANZULLO, Mr. CALLAHAN, Mrs. BIGGERT, Mr. TIAHRT, Mr. FORBES, Mr. GOODLATTE, Mr. BROWN of South Carolina, Mr. LAMPSON, Mr. MATHESON, and Mrs. MCCARTHY of New York.  
H.R. 2074: Mr. LOBIONDO, Ms. SANCHEZ, Mr. DAVIS of Florida and Mr. CLEMENT.  
H.R. 2155: Ms. JACKSON-LEE of Texas, Mr. GOODE, Mr. GALLEGLY, and Mr. MCDERMOTT.  
H.R. 2173: Mr. KUCINICH and Mr. OLVER.  
H.R. 2182: Mr. KILDEE.  
H.R. 2189: Mr. CALVERT.  
H.R. 2203: Mr. HALL of Texas, Mr. UDALL of New Mexico, Ms. HART, and Mr. GORDON.  
H.R. 2232: Mr. LANTOS, Mr. PAYNE, Mr. EVANS, Mr. PASCRELL, Mr. RUSH, Mr. BORSKI, Mr. BECERRA, Mr. UDALL of New Mexico, Mr. ORTIZ, Ms. SCHAKOWSKY, Mr. DOYLE, and Mr. KUCINICH.  
H.R. 2329: Mr. CONYERS and Mrs. LOWEY.  
H.R. 2333: Mr. PRICE of North Carolina, Mr. LEVIN, Mr. CRAMER, Mr. SHOWS, and Mr. BENTSEN.  
H.R. 2339: Mr. BONIOR.  
H.R. 2357: Mr. DEAL of Georgia, Mr. CALVERT, Mr. WELDON of Florida, Mr. KELLER, Mr. FORBES, Mr. WICKER, and Mr. BALLENGER.  
H.R. 2364: Ms. BALDWIN.  
H.R. 2375: Mr. WEXLER and Mrs. LOWEY.  
H.R. 2454: Mrs. DAVIS of California, Mr. CUNNINGHAM, Mr. ISSA, Mr. TAYLOR of North Carolina, Mr. ARMEY, Mr. GIBBONS, Mr. TOM DAVIS of Virginia, Mr. EHRLICH, Mr. OXLEY, Mr. BONILLA, Mr. CRANE, Mr. MICA, Mr. HASTERT, Mr. ROYCE, Mr. HUNTER, Mr. GALLEGLY, Mrs. MORELLA, Mr. GEPHARDT, and Mr. BONIOR.  
H.R. 2485: Mr. ISAKSON and Mr. SHAYS.  
H.R. 2515: Mr. ENGLISH, Mr. GOODE, Mr. PICKERING, and Mr. PETRI.  
H.R. 2555: Mrs. MEEK of Florida.  
H.R. 2560: Mr. GUTIERREZ.  
H.R. 2570: Mr. EHLERS, Ms. BERKLEY, Mr. MCDERMOTT, Mr. HOFFEL, Ms. SOLIS, Mr. UDALL of Colorado, Mr. FILNER, and Mr. GUTIERREZ.  
H.R. 2623: Ms. ROYBAL-ALLARD.  
H.R. 2629: Mr. HINCHEY.  
H.R. 2632: Mr. SMITH of New Jersey.  
H.R. 2722: Mr. CAPUANO, Ms. PELOSI, Mrs. TAUSCHER, Mr. UNDERWOOD, Mr. LAMPSON, Mr. COSTELLO, and Mr. WEXLER.  
H.R. 2725: Mr. CARSON of Oklahoma and Ms. HART.  
H.R. 2750: Mr. McNULTY, Mr. PAUL, Mr. FRANK, and Mr. HINCHEY.  
H.R. 2781: Mr. BROWN of South Carolina, Mr. MASCARA, and Mr. NEY.  
H.R. 2783: Mr. BONIOR.

H.R. 2788: Mr. OWENS.  
H.R. 2837: Mr. GUTIERREZ and Mr. THOMPSON of Mississippi.  
H.R. 2847: Mr. FROST.  
H.R. 2863: Mr. FILNER, Mr. CAPUANO, and Ms. ESHOO.  
H.R. 2895: Mr. KUCINICH, Mr. SANDERS, Mr. MCGOVERN, Mr. WU, Mr. UDALL of New Mexico, and Mr. NADLER.  
H.R. 2897: Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mrs. MINK of Hawaii, Mr. McNULTY, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mrs. NAPOLITANO, Mr. FRANK, Mr. GONZALEZ, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. REYES, Mr. UNDERWOOD, Ms. SOLIS, Mr. ENGEL, Mr. MENENDEZ, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. HINCHEY, and Ms. VELÁZQUEZ.  
H.R. 2899: Mr. FORBES, Mr. FLETCHER, Mr. ENGLISH, Mr. BALLENGER, Mr. ROGERS of Kentucky, Mr. REYES, Ms. HART, and Mr. LEWIS of Kentucky.  
H.R. 2900: Mr. SHERMAN, Mr. MALONEY of Connecticut, Mr. FORD, Mr. ISRAEL, and Mr. WATT of North Carolina.  
H.R. 2902: Mr. BECERRA, Mr. FALEOMAVAEGA, Mr. KUCINICH, Ms. LOFGREN, Mr. MCGOVERN, Mr. RANGEL, Mr. KING, Mr. SAWYER, Mrs. KELLY, Mr. WALSH, Mr. GONZALEZ, Mr. NADLER, and Mr. CALVERT.  
H.R. 2905: Mr. GILMAN, Mr. ENGEL, and Mrs. THURMAN.  
H.R. 2906: Mr. CALVERT, Mr. ENGEL, Mr. VITTER, and Mr. PICKERING.  
H.R. 2907: Mr. FARR of California, Mr. BILIRAKIS, Mr. SMITH of New Jersey, Ms. ROS-LEHTINEN, Mr. BARRETT, Mr. SANDLIN, Mr. WOLF, Mrs. BONO, Mr. BENTSEN, Mrs. DAVIS of California, Mr. COYNE, Ms. GRANGER, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Mr. FOSSELLA, Mr. GALLEGLY, Mr. RAMSTAD, Mr. WALSH, Mr. LIPINSKI, Mr. ENGEL, Mr. RAHALL, Mr. BONIOR, Mr. FILNER, Mr. COBLE, Mr. ROSS, Ms. HART, Mr. ROTHMAN, Mr. MATHESON, Mr. NEAL of Massachusetts, Mr. HASTINGS of Florida, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. SHOWS, Mr. PALLONE, Ms. MCCARTHY of Missouri, Mr. DOYLE, Ms. LEE, Mr. GONZALEZ, Mr. POMBO, Mr. KILDEE, and Ms. SOLIS.  
H.J. Res. 40: Mr. DAVIS of Florida.  
H.J. Res. 59: Mr. SHAW.  
H. Con. Res. 17: Mr. FILNER.  
H. Con. Res. 97: Mr. RADANOVICH.  
H. Con. Res. 104: Mrs. MINK of Hawaii, Mr. SIMPSON, and Mr. PICKERING.  
H. Con. Res. 162: Mr. MCKEON and Mr. FRANK.  
H. Con. Res. 181: Mr. SNYDER and Mr. ROGERS of Kentucky.  
H. Con. Res. 184: Mr. KERNS, Mr. HAYES, and Mr. VITTER.  
H. Con. Res. 197: Mr. WAXMAN, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Ms. LOFGREN, Mr. PUTNAM, and Mr. HINCHEY.  
H. Con. Res. 222: Mr. ENGEL.  
H. Con. Res. 228: Mr. SANDLIN, Mr. UDALL of Colorado, Mrs. JONES of Ohio, Mr. WEXLER, Mr. LAMPSON, Mrs. MEEK of Florida, Mr. MEEHAN, Mr. HOUGHTON, Mr. LIPINSKI, Mr. WYNN, Mr. ROTHMAN, Mr. FROST, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Mr. RANGEL, Mr. NADLER, Mr. LAFALCE, Ms. SOLIS, Mr. FORD, Mrs. CLAYTON, Mr. PAYNE, Mr. FATTAH, Mr. OWENS, Ms. WATSON, Mr. JEFFERSON, Ms. LEE, Ms. BROWN of Florida, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. HILLIARD, Ms. KILPATRICK, Mr. TIERNEY, Mr. WU, Mr. MCDERMOTT, Ms. VELÁZQUEZ, Mrs. LOWEY, Mr. UDALL of New Mexico, Ms. DELAURO, Mr. KILDEE, Mr. QUINN, Mr. DEUTSCH, Mr. FOLEY, Mr. PLATTS, Mr. ENGEL, and Mr. KUCINICH.

H. Con. Res. 230: Mr. RUSH, Mr. SMITH of Washington, Ms. NORTON, Mr. HOLDEN, Mr. BOYD, Mrs. MCCARTHY of New York, Mr. LANGEVIN, Mr. CROWLEY, Mr. JACKSON of Illinois, Mr. PALLONE, Mr. VISCLOSKEY, Mr. SHOWS, Mr. GEORGE MILLER of California, Mrs. THURMAN, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. BOUCHER, Mr. SERRANO, Mr. SANDLIN, Mr. LAMPSON, Ms. ROYBAL-ALLARD, Mr. CLYBURN, Ms. KILPATRICK, Mr. JEFFERSON, Mr. HALL of Texas, Mr. ACEVEDO-VILA, Mr. DOGGETT, Ms. SOLIS, Ms. LEE, Mr. HINCHEY, Mr. BACA, Mr. BISHOP, Mr. BECERRA, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. MOORE, Mr. FRANK, Mr. OWENS, Mr. BLUMENAUER, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. LAFALCE, Mr. CUMMINGS, Mr. DOYLE, Mr. GONZALEZ, Mr. STRICKLAND, Mr. GORDON, Ms. MCKINNEY, Mr. LANTOS, Mr. UNDERWOOD, Mr. SHERMAN, Mr. TURNER, Mr. ISRAEL, Mr. ROEMER, Mr. UDALL of New Mexico, Mr. PASCRELL, Mrs. CHRISTENSEN, Mrs. JONES of Ohio, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. DICKS, Mr. PHELPS, Mr. LUTHER, Mrs. CAPPS, Mr. DAVIS of Florida, Ms. VELÁZQUEZ, Ms. SCHAKOWSKY, Mr. FROST, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. SCOTT, Ms. MCCARTHY of Missouri, Mr. DEFazio, Mr. UDALL of Colorado, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. RODRIGUEZ, Mr. BALDACCIO, Mr. MCDERMOTT, Mr. BERMAN, Mr. CASTLE, Mr. DEUTSCH, Mr. REYES, Mr. WELLER, Mr. STUMP, Mr. HOEKSTRA, Mrs. ROUKEMA, Mrs. MORELLA, Mr. FORBES, Mr. KINGSTON, Mr. BILIRAKIS, Mr. PICKERING, Mr. GRAVES, Mr. ADERHOLT, Mr. LATOURETTE, Mr. HUNTER, Mr. SHERWOOD, Mr. LAHOOD, Mr. ROGERS of Kentucky, Mr. COLLINS, Mr. WAMP, Mr. PORTMAN, Mr. SESSIONS, Mr. CALLAHAN, Mr. SHADEGG, Mr. SCHROCK, Mrs. JO ANN DAVIS of Virginia, Mr. HUGH, Mr. SAXTON, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. ENGLISH, Mr. ROYCE, Mr. RADANOVICH, Mr. SIMMONS, Mr. OXLEY, Mr. DIAZ-BALART, Mr. WALDEN of Oregon, Mr. KENNEDY of Minnesota, Mr. KERNS, Mr. HAYES, Mr. CUNNINGHAM, Mr. GILMAN, Mr. SIMPSON, Mr. WATTS of Oklahoma, Mr. THUNE, Mr. JOHNSON of Illinois, Mr. GREENWOOD, Mr. SKEEN, Mr. GEKAS, Mrs. EMERSON, Mr. DOOLITTLE, Mr. GOODE, Mr. ISSA, Mr. KOLBE, Mr. HORN, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. CHAMBLISS, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. GRUCCI, Mr. GANSKE, Ms. GRANGER, Mr. WALSH, Mr. BACHUS, Mr. BALLENGER, and Mr. GARY G. MILLER of California.  
H. Con. Res. 233: Mrs. EMERSON, Mr. SUNUNU, Mr. WALSH, and Mr. MCHUGH.  
H. Res. 15: Mr. PHELPS.  
H. Res. 52: Mr. KING, Mr. SUNUNU, Mr. MORAN of Virginia, and Mr. MCGOVERN.  
H. Res. 98: Mr. PALLONE, Ms. BROWN of Florida, Ms. MILLENDER-MCDONALD, and Mr. FRANK.  
H. Res. 117: Mr. BAIRD.  
H. Res. 200: Mr. KIRK and Mr. DOYLE.  
H. Res. 235: Mr. RANGEL, Mr. GILMAN, Mr. SHERMAN, Mrs. CLAYTON, Mr. LEWIS of Georgia, and Mr. DEUTSCH.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of September 20, 2001]

H.R. 2779: Ms. NORTON.

[Submitted September 21, 2001]

H.R. 1109: Mr. CALLAHAN.

H.R. 1266: Mr. HASTINGS of Florida.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Omitted from the Record of September 20, 2001]

H.R. 2891

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: At the end of title I of the bill, add the following:

**SEC. \_\_\_\_ ASSISTANCE FOR CHAUFFEURED GROUND TRANSPORTATION COMPANIES.**

(a) IN GENERAL.—Before providing assistance to air carriers under section 101, the President may set aside a portion of the sums made available to provide such assistance for providing assistance to chauffeured ground transportation companies that incurred losses as a result of the terrorist attacks on the United States that occurred on September 11, 2001.

(b) ELIGIBILITY.—A chauffeured ground transportation company shall be eligible for assistance under subsection (a) if, in the 3-year period ending on the date of enactment of this Act, the company derived at least 50 percent of its revenues from providing transportation to or from an airport.

(c) TYPES OF ASSISTANCE.—In providing assistance under this section, the President is authorized—

(1) subject to such terms and conditions as the President deems necessary, to extend lines of credit and make guarantees and loans to chauffeured ground transportation companies; and

(2) to compensate chauffeured ground transportation companies for losses incurred by the companies as a direct result of the attacks.

(d) CHAUFFEURED GROUND TRANSPORTATION COMPANY DEFINED.—In this section, the term “chauffeured ground transportation company” means a company that provides transportation reliant upon a motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating

capacity in no event more than 15 passengers, including the driver. This shall not include taxicabs, hotel, or airport shuttles and buses.

[Submitted September 21, 2001]

H.R. 2926

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 1: At the end of the bill, add the following new title:

**TITLE V—ANCILLARY AIRLINE INDUSTRIES**

**SEC. 501. RELIEF FROM LOSSES RESULTING FROM TERRORIST ATTACKS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall take the following actions to compensate business concerns in the ancillary airline industry for incremental losses incurred by the business concerns as a result of the terrorist attacks on the United States that occurred on September 11, 2001.

(b) COMPENSATION.—Under subsection (a), the President shall compensate business concerns in an aggregate amount equal to \$4,000,000,000 for incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by the business concerns as a direct result of such attacks.

(c) EMERGENCY DESIGNATION.—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

**SEC. 502. SPECIAL RULES FOR COMPENSATION.**

(a) DOCUMENTATION.—The amount of compensation payable to a business concern in the ancillary airline industry under section 501 may not exceed the amount of losses described in section 501 that the business concern demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the business concern incurred.

(b) PAYMENTS.—The President may provide compensation to business concerns under section 501 in 1 or more payments up to the amount authorized by this title.

**SEC. 503. REPORTS.**

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the ancillary airline industry and the amounts of assistance provided under this title to business concerns.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

**SEC. 504. DEFINITIONS.**

In this title, the following definitions apply:

(1) ANCILLARY AIRLINE INDUSTRY.—The term “ancillary airline industry” means business concerns whose ability to derive revenues are directly affected by the airline industry, including travel agencies, car rental companies operating at airports, and other business concerns identified by the President, in consultation with the Secretary of Transportation.

(2) INCREMENTAL LOSS.—The term “incremental loss” does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

H.R. 2926

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page \_\_\_\_, after line \_\_\_\_, insert the following new section:

SEC. \_\_\_\_ No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

## EXTENSIONS OF REMARKS

## PAYING TRIBUTE TO MICHAEL REYELTS

## HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity and pay tribute to Michael Reyelts for his significant contributions to our educational system. Mr. Reyelts teaches English as a second language to students at the Colorado Mountain College in Rifle, Colorado. Through his lessons, he not only teaches English, but he also educates students on how to adapt to American society. He has been a positive influence on many members of our community.

Mr. Reyelts studied Spanish while attending high school and mastered the language while on a two-year church mission to Argentina, where he worked both in cities and in remote areas. Upon returning from Argentina, he attended Brigham Young University where he studied secondary education and English as a second language. In 1999, Michael received his masters in education with an emphasis in English as a second language.

Dozens of students attend his classes three nights a week. Michael has adopted a style of teaching that has proven to be very successful. He creates a comfortable atmosphere within the classroom by joking around with his students and making them feel at ease in what can be a stressful situation. His instruction certainly contains grammar lessons but Michael also tries to stress a practical understanding of the English language that his students will hear in every day life. Michael Reyelts does not stop simply at teaching the English language. He also relates current events to his students as a means of providing examples for understanding the English language.

Mr. Speaker, Michael Reyelts truly cares about his students and provides them with the valuable skills that increase their confidence and provide them more opportunities to reach their goals. I would like to thank him for his commitment to such an important cause and congratulate him on his achievements.

## TO HONOR MS. LINDA MAZÓN-GUTIÉRREZ AS A RECIPIENT OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

## HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize a special individual who

was honored for her leadership qualities and service to her community. On September 5th, Ms. Linda Mazón-Gutiérrez was honored by her peers at the Annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its twelfth year of honoring worthy individuals.

Honored in the category of Exemplary Leadership, Ms. Mazón-Gutiérrez, of Tucson, Arizona, was recognized for her dedication to advancing the growth and development of the Hispanic community through her work in various national and community organizations. She is a long time health care official currently serving as the Intergovernmental Administrator for the Arizona Health Care Cost Containment System (AHCCCS). In addition, she chairs the Board of Directors for the National Hispana Leadership Institute (NHLI) and is president of the Arizona Hispanic Women's Corporation. She is also a member of the Arizona Mexico Commission, the Arizona Children's Action Alliance Advisory Board, and the Tucson Chicanos Por La Causa Advisory Board.

Through her dedicated work in these organizations she improves the lives of her fellow Arizonans and Latinos. Mr. Speaker, please join me in recognizing Ms. Linda Mazón-Gutiérrez, who truly serves as a role model and inspiration to those dedicated to serving their community.

## TRIBUTE TO MARVIN WESTMORE AND THE WESTMORE ACADEMY OF COSMETIC ARTS

## HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Marvin Westmore and the Westmore Academy of Cosmetic Arts.

Marvin Westmore, founder of the Westmore Academy of Cosmetic Arts, is a long-time supporter of numerous community programs such as the Boy Scouts of America, Avon breast cancer research, Starlight Children's Foundation, Golden Acres Adult Day Health Center, Beautiful People Awards for the Boys and Girls Clubs of America, local community high school fund raising programs, Grossman Burn Center and many other worthy endeavors.

Mr. Westmore, a pioneer in the field of medical cosmetics, has used his expertise to develop special make-up products and application techniques. He has trained thousands of students to help disfigured patients normalize their appearance and regain their self-confidence. Students in need of financial assistance are awarded full scholarships and given

supplies at the finest make-up artists schools in the world, enabling them to realize their life-long dream of becoming professional make-up artists.

I salute the outstanding efforts of Mr. Westmore and sincerely thank him for the vital and compassionate service which he has provided for those less fortunate in his community.

## IN HONOR OF CAROL MAHLER, RECIPIENT OF UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

## HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Carol Mahler, a recipient of United Way's Congresswoman Mary T. Norton Memorial Award. The award, which was created by the United Way of Hudson County in 1990, pays tribute to women who demonstrate an unwavering commitment to community service as exemplified by Congresswoman Norton during her 13 terms in the U.S. House of Representatives (1925-1950). Ms. Mahler will receive this award of Tuesday, September 25, 2001, at the Meadowlands Crowne Plaza Hotel in Secaucus, New Jersey.

Carol Mahler currently serves as Executive Director of the Visiting Homemaker Service of Hudson County (VHS). As Executive Director of this organization, she manages three facilities in Hudson County that provide nursing supervision and social services to individuals in need of short- or long-term health care assistance. In supervising the operations and activities of VHS of Hudson County, she is dedicated to ensuring that the elderly and those in need of nursing supervision are provided with quality health care services.

Ms. Mahler has an extensive and comprehensive background in providing nursing services. A 24-year veteran of the VHS staff, she holds nursing degrees from the Orange Memorial Hospital School of Nursing and Jersey City State College. Furthermore, she has a Masters Degree in Public Administration from New York University, where she received the Dean's Award for Leadership.

Outside of her commitments to VHS, Carol Mahler is an active participant in numerous health associations. She serves as Vice President of the Board of Directors for the Home Health Assembly of New Jersey and is a Member of the Commission on Accreditation for Home Care University, a subsidiary of the National Association for Home Care in Washington, D.C. In addition, she is a Member of the Board for the Hudson Prenatal Consortium.

Mr. Speaker, I ask my colleagues to join me in honoring Carol Mahler for the outstanding

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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health care services that she has provided to the people of Hudson County. Through her efforts, the quality of life for many New Jersey residents has vastly improved.

RECOGNITION OF DORA  
MENCHACA-DORSEY'S DEATH

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. SOLIS. Mr. Speaker, I join Congressman HENRY WAXMAN to acknowledge the death of Dora Menchaca-Dorsey. Her death has brought great sorrow to family members in both of our districts.

Dora Menchaca-Dorsey, was an unfortunate victim of American Airlines Flight 77 which crashed into the Pentagon on September 11, 2001. Had Ms. Menchaca-Dorsey taken the later flight on which she was scheduled, she would have returned safely home to her husband, Earle Dorsey and 5-year-old son. Her daughter, Imani, was away at college in Oregon. Due to the airport shutdowns at the time, Imani Dorsey, drove from Portland to Los Angeles to be with her family. Ms. Menchaca-Dorsey also leaves behind a brother in San Gabriel.

Sadly, Dora Menchaca-Dorsey's life was cut short while she was working to save the lives of others. Ms. Menchaca-Dorsey was in Washington, DC attending a briefing with the Food and Drug Administration on medical developments for patients with prostate cancer. She was a dedicated scientist who worked tirelessly to find a cure for some of today's deadliest diseases. Ironically, amidst such death, her co-workers remember her laughter and energy. She could also be maternal towards others, urging them to get regular health-care check-ups. Her husband, Earle Dorsey says he owns his life to his wife. Because of her insistence, his prostate cancer was diagnosed at an early stage.

She also gave back to the community. Proud of her Mexican-American heritage, Dora Menchaca-Dorsey often visited schools to encourage students, especially minorities and girls, to pursue careers in the sciences. That is how we should all remember her.

Menchaca-Dorsey was an energetic and dedicated individual who believed in and lived to find a cure for the diseases plaguing society. She was also a giving and loving wife and mother to her two children. Let us celebrate her memory by remembering what was contributed, not what was lost. Her contribution to the scientific world, to society, and to her family will not be soon forgotten.

REGARDING THE DEATH OF  
JULIAN HESTER

**HON. BOB BARR**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize and pay tribute to Julian

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Hester, CEO, Community Bankers Association of Georgia, who passed away on September 4, 2001 after a long battle with cancer.

Julian was a native of Washington, Georgia. Upon graduation from Washington High School, he received a scholarship and attended the University of Georgia where he earned a bachelor's degree in business administration. Following graduation in 1955, he began his long and illustrious banking career with Farmers and Merchants Bank in his hometown of Washington. While at the bank, Julian graduated from the University of Georgia School of Banking. Later, in 1979, he served a term as president of the Community Bankers Association of Georgia. After serving more than 15 years with Farmers and Merchants Bank, he became president of Habersham Bank in Clarksville, Georgia, where he served for nearly 12 years.

During the early 1980's Julian worked for a large Southeastern correspondent bank, and recognized the need for a correspondent bank in Georgia. In 1984, he organized the Georgia Bankers Bank, which currently serves more than 800 community financial institutions across the Southeast. The following year, he began lobbying for the Community Bankers Association of Georgia, and in 1986 joined the staff as Executive Director/CEO.

As a well-respected lobbyist for more than two decades, Julian expanded the Association to include important services for its member banks, such as educational programs, group services and a strong system of inter-bank networking. Currently, the Association has more than 200 associate members and 330 community bank members statewide.

In addition to his incredible dedication and commitment to community banking, Julian was also very active in several business and civic organizations, and served in many leadership positions. He was a past president of the Independent Bankers Association of America's National Association of State Independent Banking Association Executives, and the Northeast Georgia Chapter of the Bankers Administration Institute. He also served as vice president, treasurer and president of his local Georgia Jaycees chapter, and president of the Rotary Club of Habersham County. He was an active member and a deacon of Bethlehem Baptist Church in Clarksville.

HONORING DEANNA STRAND

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Deanna Strand for her success and accomplishments in the field of aviation. Deanna owns the Strand Flying School in Grand Junction, Colorado. She started the school in 1983 and over the course of eighteen dedicated years, has produced a business with a great national reputation.

Flying has played a large role in her family. Deanna's parents owned an aviation business in Montana and she had received her private pilot's license before she graduated from high

school. Several years later she received her flight instructor rating and opened the Strand Flying School with one leased airplane and no employees. Over the years, she has been developing her credentials, expanding the capabilities of her school and, in turn, her reputation. In addition to being a flight instructor and business owner, she is also a Federal Aviation Administration Flight Examiner and a Flight Instructor Examiner. Deanna is one of only two people in Western Colorado who determines whether an applicant can receive their next license or rating, including an instructor's license. This year she was named FAA Flight Instructor of the Year in the Northwest Mountain Region as well as the Salt Lake City District. Her list of accomplishments also includes over 8,000 logged hours in the air. Deanna has recently taken on a new challenge. In cooperation with Colorado Northwestern Community College and Mesa State College, she will be providing a program that will award students an aviation degree.

Deanna Strand and the Strand Flying School have come a long way in the last eighteen years. She now owns seven planes and employs a fully staffed office and nine instructors. Deanna Strand has turned her favorite pastime into a successful business and an accomplished career. I would like to recognize her accomplishments in the field of aviation and thank her for the wonderful service that she is providing her community.

TO HONOR ELÍAS AND CECILIA  
ESQUER, RECIPIENTS OF THE  
12TH ANNUAL PROFILES OF  
SUCCESS HISPANIC LEADERSHIP  
AWARD

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize two outstanding citizens who have been honored for their leadership qualities and service to their community. On September 5th, Elías and Cecilia Esquer were honored by their peers at the Annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its twelfth year of honoring worthy individuals.

Honored in the Hall of Fame category, Mr. and Mrs. Esquer were recognized for their extensive civic involvement and service to their community. Together, they have served on various federal, state and local boards and commissions supporting educational, legal, and artistic advancement. They have been instrumental in creating the Arizona Association of Chicanos in Higher Education and the Hispanic Convocation at Arizona State University. Their work has been instrumental in creating various educational programs and they have dedicated countless hours towards mentoring students, staff and faculty members at colleges and universities throughout Arizona.

Mr. Speaker, please join me in recognizing these outstanding citizens for their fine work

and dedication. Through their work they have earned the respect and admiration of their community and peers.

POEM BY BRITTNI BATES

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. DUNCAN. Mr. Speaker, I am amazed at the many heroic and kind deeds that we have seen since the horrible terrorist attacks of September 11.

The Nation has developed a unity of spirit and patriotism such as I have never seen in my lifetime.

This spirit has been captured in a beautiful way in a poem written by one of my constituents, Brittni Bates.

This poem, entitled "United We Stand," is even more impressive, considering it was written by a 13-year-old middle school student.

This Nation would be a much better place if we had more young people like Brittni Bates, and I would like to call her poem to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD.

UNITED WE STAND

Blood was shed for this land, many men took a stand.

Now, again we unite. Now . . . again we must fight

We will protect our nation,  
and protect our civilization.

Freedom was won with a heavy price.  
Now again we must roll the dice.

United we stand for our land.

So now we come to pray,  
to our Lord and nation, we will obey.

The deaths of those were pointless and cruel.  
United we stand to protect our land.  
To banish hate and not discriminate.

And reclaim the declaration to our nation.  
Terrorists beware!

You have gone too far!

For United We Stand To Protect Our Land.

God Bless America, Home of the Brave.

—by Brittni N. Bates, age 13, Holston Middle School

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2001

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 1900, the Juvenile Crime Control and Delinquency Prevention Act of 2001 which amends current juvenile crime policy and provides quality prevention and accountability programs relating to juvenile delinquency.

Regrettably, juvenile crime is a growing problem in our country. Today's teenagers account for the largest portion of all violent crimes; offenders under the age of 18 commit

more than one-fifth of all violent crime. Furthermore, the Federal Bureau of Investigations (FBI) estimates that murders committed by juveniles will increase by 145%, forcible rapes by 66%, and aggravated assaults by 129% by the year 2010 as the number of juveniles increases dramatically.

In the wake of the rash of school shootings which our nation has endured over the past few years, I believe it is more important than ever to protect our children and communities from violence. Accordingly, H.R. 1900 will expand existing after-school programs for at-risk youngsters as well as providing innovative treatment for juvenile offenders.

H.R. 1900 will also fund programs related to the organization and maintenance of school violence hotlines and programs designed to reduce the unlawful acquisition and illegal use of guns by juveniles. This program directs much-needed resources to a social issue in which all Americans have a stake. Our children are the future of this country. Let us give them the tools and guidance to resist criminal activity and to improve their lives. Accordingly, I urge my colleagues to support H.R. 1900.

TRIBUTE TO JOHN N. HARDEE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to John N. Hardee of South Carolina, who is a respected member of the South Carolina Transportation Commission for the 2nd Congressional District. He has been a member of the Transportation Commission since 1997. Mr. Hardee's career achievements and accomplishments exemplify his extraordinary contributions to the state of South Carolina.

Currently, Mr. Hardee is the Director of Governmental Affairs at Lamar Advertising. He has served as the President of the Outdoor Advertising Association of South Carolina since 1989.

In 1995, Mr. Hardee was appointed to represent South Carolina on the Scenic Highways Committee. As a member of the committee, he assisted in the drafting of regulations that established the necessary criteria for Scenic Highways. Mr. Hardee has served as the Chairman of this valuable committee since its inception. Mr. Hardee was awarded the Order of the Palmetto, the State's highest honor, in 1998, in recognition of his dedication to the field of transportation through his service to the Transportation Commission and Scenic Highways Committee.

At the request of the Central Midlands Council of Governments, the South Carolina Transportation Commission voted to name the proposed seven-mile airport connector road between I-20 and I-26 in Lexington County as the John N. Hardee Airport Expressway, in recognition of his efforts to obtain funds to support the project.

Along with Mr. Hardee's service to the field of transportation, comes his service to the community.

As a member of the First Baptist Church in Florence, South Carolina, he served on the

Board of Deacons from 1985–1988 and 1990–1992, and was chairman of the Board in 1988. He organized the first prayer breakfast in Florence, as well. As a member of the First Baptist Church in Columbia, South Carolina since 1993, he has served on the Board of Deacons and Stewardship Planning in 1994.

He has served as a member of the Florence Chamber of Commerce from 1973–1992 and served as president in 1985. He was a member of the Florence County Economic Development Commission from 1988 to 1992, and was the chairman from 1990 to 1991. He was also a member of the Florence Planning Commission from 1981 to 1992, and chairman for almost five years.

Mr. Hardee has also served as a member of the Florence Lion's Club, and as its president in 1984. From 1980 to 1992 he served as a member of the Salvation Army Advisory Board, and as chairman from 1983 to 1986. He is currently a member of the Five Points Rotary Club and is a Paul Harris Fellow.

Mr. Speaker, I ask you to join me today in honoring Mr. John N. Hardee for the incredible service he has provided for the residents of South Carolina. I sincerely thank Mr. John Hardee for the outstanding contributions he has given to the state of South Carolina through his distinguished service to the field of transportation. I congratulate him on his recent accomplishment of having the airport expressway named on his behalf and wish him the best in all of his future endeavors.

HONORING JANICE LEE ROHLF

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GRUCCI. Mr. Speaker, I rise today in honor of the 60th birthday of Janice Lee Rohlf.

On September 18, 1941, Janice Lee Rohlf (nee Janice Smith) was born and raised in a remote, rural area in Northeast Pennsylvania. A high school teacher/guidance counselor encouraged Janice to attend college; he even gave her the \$15.00 to apply to what was then the East Stroudsburg State Teachers College. Janice was the first in her family to attend college, majoring in mathematics, with a minor in social studies.

Upon graduation, Janice came to LI to teach in the Islip school district. After one year, she married and began raising a family. Janice has three wonderful children, Justin, Jason and Janine. Janice divorced and returned to work, starting in Suffolk County Government. During this time, Janice also earned a Master's Degree in Public Administration at Stony Brook University, and moved through four positions in three years in Suffolk County: Investigator in the Child Support Enforcement Bureau, Labor Technician in the Department of Labor, Administrative Assistant in Medicaid, Legislative Aide in the County Legislature and, finally, an Administrative Assistant in the County Executive's Office. While in her last position in the Suffolk County Government Janice began work on a Master's Degree in Social Work at Stony Brook University, which she completed in December of 1989. Janice

currently has a small, part-time psychiatric social work practice.

Following a change in leadership in Suffolk County, Janice then worked for the Long Island Chapter of the New York State Head Injury Association. Then, in September of 1987, an opportunity arose at Stony Brook University, albeit temporary and part-time, in the University Affairs office as the Director of Public Affairs, which Janice accepted. Needless to say, Janice never left and since 1988 has been the Director of Governmental Relations at Stony Brook University.

In November of 1998 Janice married F. James Rohlf, a Professor in the Department of Ecology and Evolution at Stony Brook. They travel extensively, most recently to South Africa, Chile and Australia. Janice and Jim reside in Port Jefferson, with their cat, Tigger.

TRIBUTE TO GEORGE BLOCH

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor George Bloch, Ed.D., who has been named California Administrator of the Year in the Superintendent Category by the Association of California Administrators.

Dr. Bloch began his educational career in 1964. Over the years, he has achieved an impressive record of academic and civic accomplishments, and, in doing so, has earned the admiration and respect of those who have had the privilege of working with him.

I would like to congratulate him and sincerely thank him for his outstanding and dedicated service to the Chino Valley Unified School District.

IN HONOR OF PATRICIA DONNELLY, RECIPIENT OF UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Patricia Donnelly for winning United Way's Congresswoman Mary T. Norton Memorial Award. This prestigious award is bestowed annually to women who have made exceptional contributions to the success of communities throughout the nation. Ms. Donnelly will be presented with the award on Tuesday, September 25, 2001, at the Meadowlands Crowne Plaza Hotel in Secaucus, New Jersey.

Patricia Donnelly has enjoyed an extensive and impressive career in journalism that has spanned over three decades. During her career, she has initiated and overseen the operation of several print journalism projects, including the Gold Coast magazine and the Jersey Journal's Spanish-language weekly, El Nuevo Hudson. In addition, she has served as

editor for the Jersey Journal's Hudson Dispatch and the Hoboken Reporter.

Throughout her career, Ms. Donnelly has impressively balanced her demanding professional commitments with her desire to help promote community service initiatives that improve the quality of life for families living in New Jersey. She has consistently assisted the United Way and other non-profit organizations, by helping them advance and broadcast their message to thousands of New Jersey residents.

Ms. Donnelly is a native of Jersey City, New Jersey, and an alumnus of Marywood College in Scranton, Pennsylvania. Currently, she resides in Hoboken, New Jersey, and serves on the Board of Directors for the Hoboken-North Hudson YMCA. Furthermore, she is an active member of the Parish Council at St. Francis Church in Hoboken.

Patricia Donnelly is happily married to Arturo Martinez, her husband of 25 years. Patricia and Arturo are the proud parents of Nora and Peter.

Mr. Speaker, I ask my colleagues to join me in honoring Patricia Donnelly for her commitment and dedication in helping foster and promote community service initiatives that have assisted countless families in New Jersey.

HONORING THE SERVICE OF MARC HOLTZMAN TO THE STATE OF COLORADO

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MCINNIS. Mr. Speaker, technology has become an important tool today in terms of nearly every facet of our lives—from legislation to the completion of daily routines. It has been used to reinvent many systems and increase ties between people. Marc Holtzman, the first Secretary of Technology in the State of Colorado, has accepted this new and transformational role to merge technology with government, economics and education. I would like to recognize the work of this honorable man and all that he has done, and will continue to do, for the great State of Colorado.

Following his graduation from Leigh University, Marc founded an investment firm called MeesPierson EurAmerica, which was later sold to become the 11th largest bank in the world. His time in Europe has allowed him to become an authority on political development. Now, he serves in the cabinet-level position for Governor Owens while earning only \$1 per year. During the week, Marc resides in Denver, but during the weekend he travels to his house in the Roaring Fork Valley—a great opportunity to enjoy the mountain environment amidst his responsibilities.

Colorado is home to many high-tech industries and Marc plays a crucial role in securing a successful future for these companies, along with creating an environment conducive to attracting new businesses. Furthermore, Marc has been put in charge of creating quasi-charter schools that aim to build a bridge across the technological divide with the support of Microsoft's Bill Gates. Throughout all of his

projects, Marc has proven to be a valuable contributor to Colorado and has a high success rate in all that he does.

Mr. Speaker, at a time when technology is becoming such an important part of our world, the convergence of technology and governance is inevitable. Marc is ensuring that we implement this technology and in return, benefit the people of Colorado. Additionally, his charismatic leadership has led to many innovative experiments and successes. He is truly navigating Colorado through this remarkable revolution. I would like to honor his contributions and recognize the importance of his service to the State of Colorado. I extend my warmest regards to him and wish him the best in years to come.

RECOGNITION OF MR. ADEL KARAS' DEATH

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. SOLIS. Mr. Speaker, I rise today to acknowledge one of my constituents who was lost to us this past weekend in a tragic shooting.

Mr. Adel Karas, a resident of Arcadia, was shot in his grocery store in San Gabriel on September 15, 2001 in an attempted robbery that the FBI is now investigating as a hate crime. Mr. Karas had owned and operated the International Market in San Gabriel for two decades. As a Coptic Christian, Mr. Karas fled his native Egypt in the 1970's to escape religious persecution. It is difficult to think that despite living in the United States for 20 years, he may have lost his life because the perpetrators targeted him based on his race.

We will remember him as a warm and loving man who gave his best to his family and to his community. His family mourns his death and remembers him as a loving father to his sons and a good husband to his wife, Ronda Karas. Mr. Karas was also a care giver to his elderly parents, calling every day to check on their well-being. Furthermore, Mr. Karas was a respected businessman and appreciated by friends and neighbors. Our community mourns the loss of one of our own as is evident by the memorial filled with heart-felt cards and hundreds of flowers that has been created outside his storefront.

I am saddened by the loss of such a fine member of our community and wish his family and loved ones my greatest sympathies by acknowledging him today. Let us remember Adel Karas as a genuine, kind, and loving son, father, husband, and American.

RECOGNIZING COUNTY COMMISSIONER BILLY CROKER, POLK COUNTY, GEORGIA

**HON. BOB BARR**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BARR OF Georgia. Mr. Speaker, Mr. Billy Croker of Polk County, Georgia is one

county commissioner who consistently goes above and beyond the call of duty. In addition to being instrumental in bringing Our House for battered women and children and the Boys and Girls Club to Cedartown, Georgia, Mr. Croker has been very active in the Coosa Valley Regional Planning Commission, and he has recently been elected to a new position on the Board of Managers of the Association of County Commissioners of Georgia (ACCG). He represents the first ACCG district, which includes 15 counties in northwest Georgia.

The ACCG is a nonprofit agency assisting Georgia's county governments. Formed in 1914, ACCG serves as the consensus-building, training, and legislative organization for all 159 county governments in the state.

Billy had previously been an at-large representative to the Board of Managers. As a board member of the statewide association, he plays a prominent role in shaping ACCG's yearly policy objectives and in directing activities taken on by the Association to help counties meet the increasingly complex demands facing today's local governments.

Billy is recognized as an active participant and exceptional leader in the Association, and by his peers throughout Georgia. He always shows a committed interest in the welfare of the entire state, not just Polk County. He is a true and valued servant of the people of Georgia, and it is an honor to represent him in the U.S. House of Representatives.

#### CITIZENSHIP DAY AND CONSTITUTION WEEK

#### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. DUNCAN. Mr. Speaker, although we were not in regular session this past Monday, I would like to remind my Colleagues that September 17th was Citizenship Day and that this week is Constitution Week. The tragic events of the past week should remind us just how important our Citizenship and our Constitution are and what they mean to each and everyone of us.

This year's observances of Citizenship Day and Constitution Week come as we mourn for those who lost their lives in the terrorist attacks of September 11th. The National Conference on Citizenship urges every American to honor the victims by working constructively within our democratic process, so the United States will remain the world's foremost defender of freedom and a beacon of tolerance toward all men and women of good will.

The National Conference of Citizenship was founded in 1946 to sustain the unity of purpose that had bound together all Americans during World War II. In 1953, Congress granted this Conference a Charter that charged the organization "To encourage ever more effective participation in citizenship activities and to promote a spirit of cooperation on the part of all citizens."

Given the events of the past week, let us rededicate ourselves to this purpose. We are about to enter a period of our history that will perhaps be as important to our freedom as

were the trials and tribulations of World War II. Over the past few days, we have seen how all our lives are bound together. Today, let all Americans continue to express this newfound sense of unity of purpose that we have not seen since World War II and remember that we are a nation of laws and principle.

#### POW/MIA DAY 2001

#### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GILMAN. Mr. Speaker, I rise to bring to my colleague's attention that tomorrow has been designated as National POW/MIA Day for 2001. This is an annual commemoration, designated by the President, for Americans to remember the sacrifices of those armed service-members who were captured in wartime, and those whose ultimate fate remains unknown.

Our nation fought four major conflicts in the 20th century. In those wars, over 142,000 Americans were taken prisoner-of-war. Those servicemen and women experienced numerous hardships and treatment which could often be described only as barbaric during the course of captivity. Those Americans imprisoned by the Japanese during World War II faced the worst possible conditions in captivity and were firsthand witnesses to the utter depravity of their fellow men. Americans imprisoned in North Korea and Southeast Asia suffered similar treatment.

The vast majority of these individuals, ore than 134,000, were eventually returned to U.S. control. However, more than 17,000 did not come home, and joined the ranks of the missing-in-action. According to the Congressional research service, over 88,000 Americans remain unaccounted for from 20th century wars. The bulk of these, 78,794, are remains not recovered from World War II. Approximately 1,600 Americans remain missing from the first World War, and more than 8,100 individuals remain missing from the Korean War. Korean War figures have been notoriously inaccurate, and of this aforementioned figure, "only" 2,195 cases exist where death was not witnessed or otherwise well-documented. Regarding the Vietnam War, 1,956 Americans remain missing from that conflict, of which the defense department believes 657 are definitely dead, including 459 who were lost at sea or over water.

I have been a strong advocate of an accounting of our POW/MIA's since I first came to the Congress in 1973. I was introduced to the issue through the experience of two friends and constituents, George and Gladys Brooks, who had lost their son in Vietnam. They were early members of the National League of Families of American Prisoners and Missing in Southeast Asia, an advocacy group for the families that continues to play a key role in this issue to this day. At the time, the POW/MIA issue did not resonate with the American public, who wanted to forget the whole Vietnam experience as soon as possible. Along with like-minded colleagues in the House, I sought to work closely with the Na-

tional League of Families to raise the profile of the POW/MIA issue with the American people and force the Department of Defense to adopt a sustained policy of seeking a full accounting for all those individuals who did not come home, especially with those who were last known to be alive in captivity.

From 1975-77, I served as a member of the Montgomery Select Committee on Missing Persons in Southeast Asia, a body which held numerous hearings on the issue of whether live Americans were left behind in our Exodus from Vietnam. Subsequent to this, I co-chaired the House Select task force on this issue with my former colleague from Virginia, Lester Wolf. During this time, I made numerous trips to Southeast Asia, beginning with a trip to Hanoi in 1975.

In 1995, I introduced H.R. 945, The Missing Service Personnel Act of 1995, which was eventually incorporated into the Defense Authorization Act for FY '96. Included in this legislation was language which required the Secretary of Defense to centralize the responsibility for search and rescue operations under one office; instruct the Secretary to establish procedures for dealing with the families of missing persons by protecting the interests of the families; and provide a means by which the families of MIA's can express their concerns and questions about the missing family member. It also called for greater consultation between DOD and family members, and incorporated provisions create accountability and punishment for those in DOD who refuse to follow the law in this area.

Many of the good provisions in the bill were stripped out at the request of DOD in the House/Senate conference on the following year's authorization bill. The bulk of these, however, were overwhelmingly restored by the House in the FY 98 Defense Authorization bill.

Two years ago, I introduced legislation to declassify all of the classified documents from these hearings that were in the possession of the national archives. This resolution, which the House adopted unanimously, made available hundreds of formerly secret documents, allowing family members and academic researchers the opportunity to review previously unavailable material, which might eventually help with securing a final resolution for some MIA cases.

Permit me to focus special recognition on those POW/MIA's from Korea and Vietnam. Despite the prior administration's best assurances to the contrary, many of us in Congress remained unconvinced that the governments of North Korea and Vietnam have been fully cooperating with the united states on this issue. Regrettably, by normalizing relations with Vietnam, I believe that we have withdrawn our leverage over the Vietnamese government on this issue.

It bears noting that we have made some progress. Since the end of the war, 586 sets of remains have been returned from Vietnam, with 285 returned since 1991. However, despite an official position to the contrary, U.S. government efforts on the POW/MIA issue have traditionally focused on remains recovery, with little, if any, emphasis on the live Americans issue. In fact, in answers to questions I posed in hearings on recovery efforts back in 1996, Clinton administration officials

admitted that the discussion of live American prisoners was not even on the agenda when U.S. officials met with their North Korean, Vietnamese, or Laotian counterparts. Rather, they preferred to focus solely on the issue of remains recovery as a measurement of cooperation on the MIA issue from those countries.

The U.S. government, particularly the last administration, has often appeared to equate activity on recovery efforts, regardless of any subsequent results, with progress on the issue. This is not an insignificant point, the Defense Department has expended a substantial amount of money on remains recovery over the past decade, which begs the following question. Are North Korea, Vietnam and Laos truly interested in bilateral cooperation on this issue, or are they using it as a source of badly needed hard currency?

This is especially pertinent concerning the case of North Korea. According to the Congressional research Service, 208 sets of remains were repatriated from North Korea between 1990-96, and 107 sets since 1996 when joint exhumation efforts began. During the period of 1990-96, the United States paid North Korea \$987,000 for their unilateral retrieval efforts. Once bilateral efforts began in 1996, the price tag sharply increased—we paid \$6.3 million for the 77 sets of remains exhumed through November of last year.

Given that only eight sets of remains have been identified as U.S. soldiers, although ten more appear to be so, we have in effect been paying the North Koreans \$400,000 per body, an outrageous sum and certainly not evidence of North Korean "cooperation."

While the Vietnamese were not quite so brazen in their profiteering on the MIA issue, there is considerable evidence that they maintained a mortuary storehouse of sorts of U.S. remains, and doled these out over time. Most analysts, including those at the Library of Congress, agree that if this did occur, the supply of stored bodies was depleted in the early 1990s.

Regrettably, in its rush to normalize relations with Vietnam, the Clinton administration decided to overlook any evidence that Hanoi was holding back on cooperation or attempting to profit from it. This pattern was later repeated when the administration sought the establishment of trade relations. The opportunity to use trade and recognition as leverage to achieve faster results on the MIA issue was lost.

I am optimistic about our new President and his commitment to the POW/MIA issue. In a refreshing break from the past eight years, I expect that the Bush administration will adopt a more traditional stance towards Vietnam and North Korea on the POW/MIA issue. At the very least, I expect to see a higher standard applied towards determining whether or not those countries are cooperating and acting in good faith on this matter.

The new president has demonstrated a proven commitment to this important issue, and his relevant appointments to the State and Defense departments, including the new head of DPMO, Jerry Jennings, have the policy background to provide greater integration of the POW/MIA issue into our relations with Southeast Asia and North Korea.

On this point, I believe that Vietnam is the lynchpin that will determine the success or fail-

ures of any future endeavors. The Vietnamese are the key to gaining more information from both Laos and Cambodia on missing personnel. Moreover, the Vietnamese, despite recent certifications to the contrary, realize that there is much more they can do on this issue. On the issue of documentation alone, there is far more they can provide than what they have offered up to this point.

The Bush administration is in a much stronger position with regards to North Korea. This country has a far greater need for hard currency than Vietnam, and our new President is unlikely to continue the policy of outright appeasement on both nuclear power/weapons development and MIA remains recovery. It will be interesting to see how the white house approaches North Korea on these issues.

I believe we in Congress also have a role to play regarding North Korea. We need to have the new administration press the North Koreans harder on the issue of prisoner transfers to the USSR during and after the Korean war, as well as the matter of the possibility of live Americans still being held by P'yongyang. While this possibility, if it still exists, becomes more remote with each passing year, the escapes of several South Korean veterans of the 1950-53 war in recent years means this cannot be totally discounted. If any Americans are still being held in captivity in North Korea, and we know that four defectors/deserters still reside there, they should have the opportunity to return home before they die.

It is my hope that our bilateral relations can improve and will lead to a further clarification regarding the safe return of any living POW's who may still be in captivity in Korea or elsewhere.

Americans should always remember the love of country that America's veterans have shown as well as their personal sacrifices, courage, convictions and dedication to freedom that these individuals have exhibited.

To quote a portion of President Abraham Lincoln's letter to a mother who lost five sons on the battlefield: "I cannot refrain from tendering to you the thanks of the republic they died to save. I pray that our heavenly father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

May it be of some solace to the families and loved ones of our missing and POW's that there are many of us in the Congress committed to a full and final accounting of our missing.

In light of recent events in New York City, we hope that we will not be faced with a future POW/MIA issue from any resulting military action that we may undertake in Southern Asia.

#### HONORING MARTI DUPREY

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. McINNIS. Mr. Speaker, I would like to take a moment and acknowledge the selfless contributions of an extremely important mem-

ber of our community. Ms. Marti Duprey has spent the majority of her life caring for and helping others. She has continuously put the well being of others ahead of her own.

Ms. Duprey, a Catholic nun, moved to Glenwood Springs, Colorado in 1973 after having spent eighteen years working with the Rev. Jesse Jackson's "Operation Breadbasket" in Chicago. Her education, consisting of Bachelor's Degrees in education and social work and a Master's Degree in counseling, provided her with the proper tools for her work with the community of Glenwood Springs ever since. She provides three very important functions for the residents of Glenwood Springs. Whether it is her involvement in the Defiance Community Theatre, her counseling in the Helping Hands Grief Group or as Program Manager for Mountain Valley Weavers, she unselfishly helps others find ways of expressing themselves in a more self-reliant manner and provides them with outlets that will increase their confidence and happiness.

Marti Duprey provides very important services for the grieving, the disabled and many other members of her community. Her compassion for others makes her a truly valuable member of the Glenwood Springs community. I would like to recognize Ms. Marti Duprey for her wonderful efforts and contributions that have touched the lives of so many. Her acts of care and compassion deserve our recognition and I would like to extend my best wishes and warm regards to her for many years to come.

#### TRIBUTE TO DR. RONALD T. FARRAR

#### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Ronald T. Farrar of South Carolina, on the occasion of his retirement from the College of Journalism and Mass Communications at the University of South Carolina. Dr. Farrar is the epitome of what a college professor should be, and he is respected and loved by faculty and students alike.

In 1986, Dr. Farrar became a professor of history, media law and introduction to journalism at the University of South Carolina, until assuming the position of interim dean in July of 1999. Dr. Farrar's career achievements speak for his dedicated service as an extraordinary college professor, teacher, administrator, mentor, and respected member of the media.

After earning his Ph.D. in Journalism History from the University of Missouri in 1965, Dr. Farrar went on to serve as a professor/chairman in the journalism departments of Indiana University, Southern Methodist University, the University of Mississippi, and the University of Kentucky.

Dr. Farrar served as a reporter, news editor, general manager and circulation manager of the Arkansas Democrat, Daily Press, Arkansas Gazette, and Daily Iowan newspapers. From 1957 to 1958, he served as 2nd Lieutenant of the U.S. Army.

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Along with the many articles Dr. Farrar has authored and published, he has written such books as "Reluctant Servant" (Missouri, 1968); "Mass Media and the National Experience", with John D. Stevens (Harper & Row, 1971); "College 101" (Peterson's Guides), 1985, 1988; "Mass Communication: An Introduction to the Field" (West, 1988; Brown, 1995); "The Ultimate College Profession: Walter Williams, Journalist to the World" (Missouri, 1998).

Dr. Farrar is deeply respected in the field of journalism and academics. His expertise and talent have earned him commissions to write numerous articles and conduct national studies. He has been awarded various grants and certificates of achievement, including the Distinguished Service Medal for Research in Journalism in 1969 by the Society of Professional Journalists for Reluctant Servant; The Story of Charles G. Ross. From 1971 to 1973, he was a consultant for continuing study of television audiences for the Public Broadcasting System. Faculties for the US government, private sectors and journalistic associations have been privileged to have him serve on their boards.

His long career achievements include award research grants from the Kaltenborn Foundation, U.S. Steel Foundation, Harry S. Truman Library Institute, Indiana Research Foundation, Kentucky Press Association, Kentucky Humanities council, National Endowment for the Humanities, Sigma Delta Chi Foundation, University of Kentucky Research Foundation, University of South Carolina Research Foundation, Southern Regional Education Board, and Freedom forum.

Dr. Farrar was appointed the Reynolds-Faunt memorial Professor in 1986 and held that professorship until his retirement. He will now be recognized as Professor Emeritus.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Dr. Ronald T. Farrar for the incredible service he has provided through a lifetime in the academic community. I sincerely thank him for his outstanding contributions, congratulate him on his recent retirement, and wish him good luck and Godspeed in his future endeavors.

#### HONORING FIREFIGHTER ROBERT STEPHEN BOUDREAU

**HON. FELIX J. GRUCCI, JR.**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GRUCCI. Mr. Speaker, I rise today in honor of the retirement of a fine New York City Firefighter, Robert Stephen Boudreau.

On April 11, 1942, in the small village of Gaytons, New Brunswick, Canada, Robert Stephen Boudreau was born to Mary and Joseph. He was the youngest of four sons. Bob grew up in Canada and came to the United States in the early 1960's. From 1964-1966 he served as a Military Policeman in the Continental Headquarters Command of the United States Army. On September 24, 1967, Judy Weider and Bob were married.

A year later, November 30, 1968, Bob became a proud member of the New York City

Fire Department. His first assignment was Ladder Company 47 in the Bronx and then College Point in Queens. Bob was promoted to Lieutenant on April 2, 1983 and was a covering officer for a year in Battalion 34 in the Bedford-Stuyvesant area of Brooklyn. From there, Engine Company 238 in Greenpoint became his permanent assignment. On October 31, 1989, Bob was promoted to Captain, where he was on covering assignments in Division 10 before becoming a member of Engine 270 in Richmond Hill. Prior to his retirement, Bob served at Engine 302 and Ladder 155 in South Ozone Park, Queens. Although his love for the Fire Department will never waiver, Bob officially retired on July 8, 2001, after spending close to 33 years on the department. Today, September 22, 2001, members of every firehouse Bob has served in come together to celebrate his accomplishments and to cheer him on to his retirement.

During their marriage, Bob and Judy were blessed with three beautiful daughters: Kimberly Anne, Denise Marie, and on Valentine's Day 1976, Danielle Valerie joined their family. In 1995, Bob welcomed two "sons" to the family when Denise married Tom Scott and Kimberly married Steven Goldberg. Bob will soon be welcoming another "son" to the family, when Danielle and Alan DeLellis marry. After raising three daughters, Bob became the grandfather of Evan James on March 15, 1999, and twins, Dylan Thomas and Ryan Gerard on July 19, 2001, and he and Judy look forward to yet another grandchild in February. Bob's greatest loves are his family and friends, and the time he has spent serving as a New York City Firefighter.

#### COMMENDING THE STUDENTS, TEACHERS, PARENTS AND SUPPORT STAFF OF SUZANNE MIDDLE SCHOOL

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to commend the students, teachers, parents, and support staff of Suzanne Middle School on being named a 2001 California Distinguished School.

Suzanne Middle School, located in Walnut, California, is part of the Walnut Valley School District. Home to 1,300 sixth, seventh, and eighth-graders, its student body is representative of California's diverse culture. But despite the various backgrounds represented, each student is expected to contribute a learning environment which demands high expectations.

The teachers and staff of this school are committed to giving "whatever it takes" to meet the needs of their students. This goal frequently requires involving the parents and community in school activities.

The combination of high expectations for students, committed teachers and staff, and parental involvement has made Suzanne Middle School one of America's Distinguished Schools.

IN HONOR OF WILLIAM E. MARTIN,  
POSTHUMOUS RECIPIENT OF THE  
JERSEY CITY EDUCATION ASSO-  
CIATION'S LOUIS T. SCIALLI ME-  
MORIAL AWARD

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the late William E. Martin, a posthumous recipient of the Jersey City Education Association's Louis T. Scialli Memorial Award. A special ceremony remembering the achievements and accomplishments of Mr. Martin will take place on September 25, 2001, at the Meadowlands Crowne Plaza in Secaucus, New Jersey.

Youth outreach and community service initiatives were always top priorities in William Martin's life. In 1946, Archbishop Boland, the Archdiocese of Newark, New Jersey, appointed him Director of the CYO Center in Hudson County, New Jersey. While at CYO, he established one of the largest day camps in the state, with over 1,000 children participating in his youth programs.

In 1956, William Martin began his distinguished career with the United Way Foundation, serving as President of the United Way in Hudson County. During his tenure, Mr. Martin was instrumental in establishing over 30 Tri-State United Way agencies. As a result of his hard work and dedication, United Way now provides social services in over 700 communities throughout the Tri-State area, lending assistance to over 8 million people a year.

Beyond his administrative duties, William Martin also served as an Ambassador for the United Way Foundation. In 1988, he was chosen by his peers to set up United Way services in Beijing, China and Hong Kong. In addition, he assisted in the implementation of United Way services in Vietnam, Pakistan, Egypt, and the Philippines.

Today, I ask my colleagues to join me in honoring William Martin for his distinguished service and diligent efforts on behalf of the residents of Hudson County, New Jersey.

#### HONORING THE SERVICE OF LEE SPERRY

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MCINNIS. Mr. Speaker, the State of Colorado is growing at a tremendous pace and it requires sincere dedication and knowledge to help manage such expansion. After sixteen years of service to the people of Delta County as a member of the Planning Commission, Lee Sperry has decided to hand in his resignation. I would like to take this opportunity to recognize the important contributions that Lee has made and thank him for his years of service.

A lot has changed since Lee first joined the Planning Commission. Ideas of unbridled growth have been tempered with concerns of

open land preservation. Throughout this fundamental change, Lee has always attempted to maintain a balanced perspective between the county's master plan and the desires of the public seeking to live out their goals and dreams. Lee has a keen interest in ensuring that the common person is not overlooked in deliberations.

Mr. Speaker, as we wrestle with the issue of growth in Colorado, Lee Sperry has done an outstanding job shepherding that process for over sixteen years. He has truly helped to preserve the heritage of Colorado while allowing it to progress into the future judiciously. It is with great appreciation that I recognize Lee today and I extend my warmest regards to him upon his retirement and wish him many happy years to come.

**HONORING THE CATHOLIC-JEWISH  
COMMISSION OF SOUTHERN NEW  
JERSEY ON SIGNING AN INTER-  
FAITH AGREEMENT OF UNDER-  
STANDING AND COOPERATION**

**HON. JIM SAXTON**

OF NEW JERSEY

**HON. FRANK A. LoBIONDO**

OF NEW JERSEY

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. SAXTON. Mr. Speaker, I rise today with my colleagues to recognize the Catholic-Jewish Commission of Southern New Jersey as among the first in the nation to create a formal Agreement of Understanding and Cooperation between their faith communities.

The Roman Catholic Diocese of Camden, Jewish Federation of Southern New Jersey, the Jewish Community Relations Council, and the Tri-County Board of Rabbis have committed themselves to eliminating all forms of anti-Semitism, anti-Catholicism, racism and religious intolerance, and in promoting mutual understanding.

In the spirit of their respective traditions, this Agreement affirms the continuing commitment of these two communities to uphold and observe the right of every human being to freedom of religion and conscience.

We believe this Agreement is a shining example of a sound and lasting basis for continuing development of interfaith cooperation. We join the members of both the Catholic and Jewish communities worldwide in expressing appreciation to the efforts of the Catholic-Jewish Commission to build a bridge of faith and peace.

Mr. Speaker, please join us in congratulating the Catholic-Jewish Commission of Southern New Jersey on their historic achievements and the signing of their interfaith Agreement of Understanding and Cooperation.

**EXTENSIONS OF REMARKS**

IN MEMORY OF EDITH FINLAYSON

**HON. THOMAS M. BARRETT**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BARRETT of Wisconsin. Mr. Speaker, Wisconsin lost a true friend on Wednesday, with the passing of Edith Finlayson.

Edith was a self-made woman, an outstanding example for my daughters and for all young women. She was the daughter of a Baptist minister, and she drew on her faith for strength and guidance throughout her life. She earned a nursing degree and pursued advanced education in nursing administration.

Edith and her husband William moved to Milwaukee in 1958. She became the first African American nurse at Milwaukee's Veterans Administration hospital. Her talents and hard work won her the position of head nurse in the hospital's paraplegic unit.

When her own health failed, Edith left the VA hospital, but she did not retire. Instead, she began a long and illustrious second career as what our hometown newspaper aptly described as a "professional volunteer." Wisconsin's governor appointed Edith to the University of Wisconsin Board of Regents in 1980, and she represented the children of our community for decades with caring and distinction. Edith's dedicated leadership contributed immeasurably to the decision to bring doctoral programs to the University of Wisconsin—Milwaukee. She was also an active steward of institutions including the Greater Milwaukee Committee, the Milwaukee Foundation, Milwaukee Area Technical College, the National Council of Christians and Jews, the Milwaukee Urban League, the NAACP and the Milwaukee Regional Medical Center.

Edith Finlayson exemplified our Nation's finest spirit. She was an American who defined her citizenship not by her place of birth, but by her commitment to the betterment of our community. Though Wisconsin is diminished by her loss, we remain inspired by her example.

TRIBUTE TO FRANK J. TORNETTA

**HON. JOSEPH M. HOEFFEL**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize and congratulate the Frank J. Tornetta School of Anesthesia at Montgomery Hospital in Montgomery County, Pennsylvania on their fifty years of academic and clinical training of nurse anesthetists.

Dr. Tornetta founded the school in 1951 to provide the community with highly educated and clinically competent nurse anesthetists. Over the past fifty years, the school has graduated over 300 students. The nurse anesthetists from the Frank J. Tornetta School of Anesthesia are respected in their various fields and hold many high level positions in academic and administration fields. The school is accredited by the Council on Accreditation of Nurse Anesthesia.

A strong academic partnership exists between the La Salle University School of Nurs-

ing and the Frank J. Tornetta School of Anesthesia. This partnership has also received a one million dollar grant through the Department of Health and Human Services Health Resources and Services Administration.

The Frank J. Tornetta School of Anesthesia has been a premier institution at Montgomery Hospital for fifty years. It has developed a long tradition of excellence and a highly regarded reputation. Our community is very fortunate to have such an outstanding educational presence in the health care field in our area. I am honored to celebrate this special day with the Frank J. Tornetta School of Anesthesia.

**HONORING CHIEF MICHAEL E. RIO  
ON HIS RETIREMENT**

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a remarkable civil servant and protector of the public. I would like to honor Chief Michael E. Rio on his retirement from the Chicago Ridge Police Department and to pay tribute to his many years of service to the officers and citizens of the village of Chicago Ridge. Chief Rio retired from service to the department on August 31, 2001.

Chief Rio is a 31-year veteran of the Chicago Ridge Police Department. Hired as a patrol officer in 1970, he had risen to the rank of Detective and then was appointed Chief in August of 1987. He was the first member of the Chicago Ridge Police Department to attend the prestigious FBI national academy. His dedication, excellence, and courage can be seen through the numerous awards and commendations he has received, including two Awards of Valor for his actions in life-threatening incidents. Also, during his many years of service, Chief Rio has been instrumental in reforming the Chicago Ridge Police Department, making it one of the most state-of-the-art facilities around.

Chief Rio is well regarded by his family and the community for his personal character, honesty, and integrity. He is a father of four children, Linda, Joseph, Michelle, and Michael Jr., as well as the proud grandfather of six.

Mr. Speaker, as Chief Rio leaves behind a long and rich history at the Chicago Ridge Police Department, I would ask that my colleagues join me in honoring this great man.

TRIBUTE TO WILLIAM E. LEONARD

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of the Honorable William E. Leonard, the father of the Honorable Bill Leonard, member of the California Assembly, 63rd District.

Mr. Leonard earned a bachelor's degree in Business Administration from UC Berkeley in

1944, and served in the United States Army from 1943 to 1946 where he rose to the rank of First Lieutenant. After his military service, he joined his father at the Leonard Realty & Building Company. He served as a member of the California State Highway Commission from 1973 to 1977, and was appointed to the California Transportation Commission from 1985 to 1993, and served as its chair in 1990 and 1991. Prior to that he was a member of the state's Athletic Commission from 1956 to 1958. He currently serves on the state's High-Speed Rail Authority.

Mr. Leonard has been actively involved in a number of community organizations. He is a member and past director of the San Bernardino Host Lions, a founding member and president of Inland Action, Inc., and a member of the National Orange Show Board of Directors, where he has served as President and Chairman of the Board of Governors. He is also a member and elder of the First Presbyterian Church of San Bernardino. He served on the San Bernardino Valley Board of Realtors, San Bernardino Valley Foundation, St. Bernadine's Hospital Foundation, and the University of California at Riverside Foundation.

In recognition of his outstanding service to the people of the State of California, and his involvement in bringing the Foothill Freeway to the Inland Empire, the California State Senate passed a resolution naming the interchange of I-15 and Route 210 as the William E. Leonard Interchange. A dedication ceremony took place on July 20, 2001.

Mr. Leonard's exemplary record of service has earned the admiration and respect of those who have had the privilege of working with him. I would like to congratulate him on these accomplishments and thank him for the service he has provided to his community.

#### HONORING JOSEPH JURKULAK

#### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize a very caring and considerate individual who recently passed away. Joseph Jurkulak was a modest man who gave so much to the children of his community. Mr. Jurkulak was Glenwood Springs, Colorado's "Secret Santa" for the last nineteen years. He died in his home in Glenwood Springs at the age of 86.

In 1965, Mr. Jurkulak and his wife Ann moved from Denver to Glenwood Springs after Joseph retired as a construction superintendant. He was a loving husband and father but will be remembered by most for his generosity to the children of his community. In the early 1980s, Joe joined the Toys for Tots project and began collecting and fixing used toys. These toys became the highlight of many children's Christmas celebration after they were distributed by local police departments. He asked the police to keep his identity anonymous so that the department would receive credit for the gifts. For nineteen years, he made sure that not one child in his community went without a Christmas gift.

Mr. Speaker, Joseph Jurkulak will certainly be missed by his family and community. He dedicated his retired life to bringing smiles to youngsters throughout Glenwood Springs. I extend my deepest regrets and warmest regards to Joseph's family and friends during this time of mourning.

#### JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2001

SPEECH OF

#### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to thank Mr. HOEKSTRA, Mr. GREENWOOD, Mr. ROEMER, Mr. HOLT, and Mr. SCOTT for their hard work and willingness to work together to find a common ground on the Juvenile Justice Bill which includes an important crime study provision.

The crime study provision, which I offered during subcommittee mark-up, directs the National Institute of Justice to conduct a crime study on gun violence-related injuries and deaths by youth in schools and communities.

This study focuses on the relationship between victims and violent youth; the criminal act and location; and details about the firearm used in the crime.

The purpose of this provision is to examine this data and develop new ways to prevent violence in our schools.

Today school violence is reported simply as an act of violence. There is not a focus on what kind of firearm was used; or if there was a relationship between the victim and the culprit.

Let's be honest here, when kids are killing kids—we should be doing everything we can to prevent it. We should be figuring out the links between violent acts so we can put measures in place to stop them. A very real and easy way to prevent these tragedies is to see what is happening where and when.

If we continue to turn a blind eye to violence in our schools we will never be able to put an end to their violence.

Our children need and deserve to feel safe in their schools. Let's work together and give them back their schools.

Mr. Speaker, I am proud to have this important provision as part of the Juvenile Justice bill and I urge all my colleagues to support the overall bill.

#### "THE TRUE AMERICA"

#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. ISRAEL. Mr. Speaker, last week, our country, this community, was struck by tragedy. We lost family and friends, firefighters and police, loved ones and heroes. For our families, we offer our prayers. For President Bush, Major Giuliani, and Governor Pataki, we

offer our thanks. For the cowards who committed these atrocities, we submit our resolve.

On Friday, the President asked me to join with him at ground zero. In the wreckage of the World Trade Center, we saw a place of war . . . but also a place of great hope.

We saw, we smelled, we heard the signs of war: twisted metal . . . shattered windows . . . acrid, smoking ruins. As our Air Force jet passed, the clouds were low, and smoke billowed from the wreckage below, casting a gray shroud over lower Manhattan.

But amidst the devastation, we also saw the signs of the true America.

As our motorcade drove slowly down the west side highway, the clouds broke, and the sun shined brightly on the Statue of Liberty, reflecting the very best of our country.

Amidst the devastation, rescue workers planted small American flags, in their battered helmets.

They were weary from digging to save lives for three days, yet still able to raise their arms high and shout, "USA, USA, USA" when our President arrived.

I met our neighbors—one from East Islip, the other from Huntington Station—who had been working in that rubble since the calamity struck, defiantly insisting on hope with every brick they moved. I salute them and all of our unsung heroes who continue to provide comfort in a time of tragedy and save lives in a time of war.

Ladies and gentlemen, that is the America that was in my mind later that night, after I returned to Washington, and voted to give our President the authority he needs to protect the freedoms we hold so dear, the freedoms our Constitution offers us in its very first words, the Preamble:

"To establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

We didn't choose this fight. It chose us. And now we have no choice but to respond for the lives lost . . . and to preserve a uniquely American way of life:

Americans saw blood . . . and then lined up for hours to give it.

We saw disaster . . . but not defeat.

We felt fear . . . but now we join together in faith.

Our American democracy built by Washington, Adams, Jefferson, and Lincoln will not be weakened by cowardly terrorists.

As Alexis de Touquville said over a century ago: "Americans are great—because they are good." And we know well that good always triumphs over evil.

Ladies and gentlemen, that night, when I cast my vote on the Floor of the House to authorize the use of force, I was conscious of all these things.

And I was aware of the fact that sixty years before, from that very same place, President Roosevelt summoned America into a monumental crusade against evil. We remember his speech, calling that day one of "infamy." But I want to leave you with other words he proclaimed in the very same speech:

"With confidence in our armed forces—with unbounding determination of our people, we will gain the inevitable triumph, so help us God."

September 21, 2001

We triumphed then. We will triumph now.  
So help us God.

SEPTEMBER 11TH, 2001 TRAGEDY  
IN AMERICA

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. LEVIN. Mr. Speaker, since September 11, we are solemnly reminded each day what it means to be a firefighter. Like so many others in public life they serve the community, but they do so at great risk of peril to their own health and lives.

So I am particularly pleased and proud to rise today in recognition of the careers of two distinguished firefighters from Sterling Heights, Michigan upon their retirement and as they embark upon a new phase of their lives.

Captain Kerry Wolgast began his firefighting career in Sterling Heights in 1979. Since then, he has obtained numerous certifications ranging from Hazardous Materials First Responder to Terrorism Awareness. He was promoted to Lieutenant in 1994, and then to Captain in January of this year. He retired on September 17, 2001. Fire Inspector Andy Wallace began his career in Sterling Heights in 1980. Inspector Wallace has also obtained numerous certifications ranging from Criminal Justice Training to Fire and Arson investigation. He was promoted to Lieutenant in 1995 and Fire Inspector in 1997. He will retire on January 16, 2002.

We are grateful for the service Captain Wolgast and Inspector Wallace have provided the community and citizens of Sterling Heights over their long careers. Both have served the public well and have received letters of thanks and commendation from the community in response.

I send to them and to their families my best wishes for a healthy, happy and productive retirement.

IN COMMEMORATION OF THE  
TENTH ANNIVERSARY OF ARME-  
NIA'S INDEPENDENCE

**HON. JOE KNOLLENBERG**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. KNOLLENBERG. Mr. Speaker, I rise today to commemorate the 10th anniversary of Armenia's independence from the Soviet Union. This anniversary marks an important turning point for Armenia and an opportunity to highlight the U.S.-Armenia relationship. As our country continues to mourn the victims of last Tuesday's tragic attacks, so too do the Armenian people. Armenian President Robert Kocharian expressed his condolences to President Bush along with an offer to send experienced rescue workers to help the relief efforts in New York and at the Pentagon. The government of Armenia also pledged to support America's anti-terrorist campaign.

Since the dawn of history, Armenians have held to their land despite repeated occupa-

EXTENSIONS OF REMARKS

tions, oppression and genocide. They have retained their distinct heritage, language, culture and religion. In fact, this year Armenia—the first Christian nation—celebrates its 1700th anniversary of Christianity and as part of the celebration, the Pope will visit Armenia.

On September 21, 1991, with the fall of the Soviet Union, the long awaited dream of an independent Armenia became a reality as the Armenian people held a referendum to decide their future. An extraordinary 94 percent of Armenia's eligible voters turned out to support independence. I might note that one of our colleagues, the gentleman from Wisconsin, Mr. SENSENBRENNER, was in Armenia on this historic occasion.

Although the Republic of Armenia struggles against the impact of an ongoing blockade by its neighbors to the east and west, which has devastated the economy, Armenia continues to make economic strides. Armenia also continues to reach out to its neighbors without preconditions. Unfortunately, Armenia's numerous proposals—from opening borders, restoration of rail and road links in the Caucasus, energy swaps, agreeing to the U.S. proposal to open mutual information centers in Turkey and Armenia among others—have all been rejected.

I am pleased to note that some progress has been made in promoting improved Armenian-Turkish relations with the recent establishment of the Turkish-Armenian Reconciliation Commission (TARC). The commission is an important step toward fostering a new era of mutual understanding and good will between Armenians and Turks. This commission provides a forum for direct dialogue to address issues that continue to divide the people of Armenia and Turkey.

Oliver Wendell Holmes once said, "the great thing in this world is not so much where we stand, as in what direction we are moving." Armenia, like many other countries of the former Soviet Union, is still struggling to overcome many obstacles, but I believe it is headed in the right direction. And with the ongoing support of the United States, we can ensure that Armenia's young democracy will flourish. I am confident that the strong and natural bonds that exist between our two countries and peoples will continue to grow and become stronger in the years to come. God bless America and God Bless Armenia.

HONORING KERN COUNTY  
FIREFIGHTERS

**HON. WILLIAM M. THOMAS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. THOMAS. Mr. Speaker, I rise to acknowledge the real contributions of many individuals from California's 21st District to the relief effort because of the horrible tragedy on September 11, 2001. I am continually encouraged by the courageous and unselfish acts of our communities.

Over the past week, a tireless and dedicated crew of 11 firefighters from Kern County in California has helped with the rescue and cleanup efforts at the Pentagon. Facing long

days of work in a stressful environment, they kept their resolve. The display of internal fortitude by these heroes serves as a great example of generosity and selflessness.

I would like to express my appreciation to Steve Gage, Keven Harper, Nick Dunn, Ken Stevens, Bob Clinoff, Bob Lechtreck, Dean Clason, Pat Caprioli, Steve Shoemaker, Jim Scritchfield, and Dan Kleinman for all their hard work in assisting with the rescue and recovery efforts at the Pentagon. I would also like to thank their families for the sacrifices they also endured during these uncertain times.

I am extremely proud of these firefighters and our communities for the compassion shown to the victims of this horrific act of terrorism. The blood, sweat, and tears shed throughout our history in the quest for life, liberty, and pursuit of happiness have never been in vain. That is why I am certain the American people will rise to the occasion and triumph in these most trying of times. Together, there are no difficulties we cannot overcome as the greatest example of freedom and democracy in the world.

COMMONWEALTH OF THE MAR-  
IANA ISLANDS STANDS STRONG  
FOR U.S. NATIONAL SECURITY

**HON. RANDY "DUKE" CUNNINGHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. CUNNINGHAM. Mr. Speaker, I rise to commend the citizens of the Commonwealth of the Mariana Islands (CNMI) for their support of the United States Armed Forces. In particular, I want to thank the members of the House of Representatives of the CNMI and their Speaker, Ben Fitial. Recently, that body passed a resolution, authored by Speaker Fitial, calling for the U.S. Navy's continued use of Farallon de Medinilla Island for essential training exercises.

Of all the targets in the Western Pacific available to forward deployed U.S. units, only Farallon de Medinilla offers the target fidelity, access and maneuver space required to maintain the Navy's war-fighting capabilities. Rear Admiral Tom S. Fellin of the U.S. Navy has said that "Farallonde Medinilla . . . plays a special and unique role in national defense. Its location provides access frequency that supports established training requirements. In addition, the air and sea space in the Farallon provides sufficient room for the many different attack profiles necessary to replicate training opportunities in the CNMI."

The men and women in our military need places like Farallon de Medinilla in order to keep our forces the most effective in the world. Shutting them down will cost lives. But Puerto Rico's highly publicized and successful effort to end Navy training on its Vieques Island has inspired activists elsewhere to press for an end to military training in their backyard. Small groups of military extremists are now agitating for removal of U.S. military operations at Farallon de Medinilla Island and in Okinawa. Not only am I concerned about the implications of those efforts for our military

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readiness, but I am concerned that if successful, these efforts will ultimately encourage domestic pressure for removal of military operations which in any way inconvenience nearby residents. At this time of national crisis, we simply cannot afford to lose our most critical military training sites.

Unlike the situation in Puerto Rico, though, the overwhelming majority of residents and indeed the leaders of CNMI have not jumped on the political bandwagon to force the U.S. out. They are standing up to those fringe elements, because they recognize that freedom isn't free, and that with the benefits of being part of the U.S. territories come some responsibilities.

The tragic terrorist events in New York and Washington, D.C., show us once again, that we cannot just turn our military on like a light switch. To ensure peace, our military must always be prepared for the horrible reality of war. They must always maintain the people, the equipment and most important, the training to ensure that they prevail when a challenge arises. We thank Speaker Fitial for taking the initiative in confirming the commitment of the CNMI people to our fighting forces and all the citizens of the United States. As we enter the battle against terrorism around the world, it is heartening to have the CNMI people standing by our side. They have been there in times of peace, and they will be with us in the new war against terrorism.

DR. FREDERICK G. SAMPSON II  
CELEBRATES 50TH YEAR AS A  
MINISTER

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. CONYERS. Mr. Speaker, today I rise to commend Dr. Frederick G. Sampson II, pastor of Tabernacle Missionary Baptist Church, as he marks two very important milestones in his illustrious career. In addition to celebrating his 50th year as a minister, Dr. Sampson reaches his 30th anniversary as pastor of Tabernacle Missionary Baptist Church.

Dr. Sampson has an extensive educational background, holding degrees in both Behavioral Science and the Theological Sciences. Dr. Sampson, an avid lecturer at colleges and universities throughout our country, is also the annual keynote speaker for various Congresses, Fellowships, Conventions, Councils, Coalitions, Advisory Boards, and Community Outreach Programs all over this country. During his career, Dr. Sampson has pastored various congregations all over the country, and has served on commissions and boards with the aim of fighting crime, improving education, and bringing a higher level of consciousness to our community.

Dr. Sampson's many endeavors to enrich life at all levels of society have also led him to teaching, preaching, and studying mission all over the world. Dr. Sampson deserves praise for his rich, multi-national service record, including his leadership and participation in the Human Rights struggle. Once again, I urge my colleagues to join me in commending Dr. Sampson on his outstanding achievements.

## EXTENSIONS OF REMARKS

### JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 2001

SPEECH OF

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

Mr. HOLT. Mr. Speaker, yesterday we passed H.R. 1900, the Juvenile Justice Delinquency and Prevention Authorization Act, which I support and am pleased to have a hand in shaping.

According to government statistics, juveniles accounted for 17% of all arrests and 16% of all violent crime arrests in 1999. Moreover, in that same year, 2.5 million children under the age of 18 were arrested.

We must not be complacent about these figures. Too many young people get involved in criminal activity, and we must do all we can to prevent juveniles from engaging in such activities.

H.R. 1900 is a bipartisan effort to improve the juvenile justice system and give maximum flexibility to states and local communities in preventing and reducing juvenile crime.

I applaud Representative GREENWOOD and Representative SCOTT for putting together a bill that has garnered such wide bipartisan support.

I am particularly pleased, that because of an amendment I successfully offered in committee, this bill keeps research and statistical analysis within the National Institute of Juvenile Justice. It is imperative that we not lose our focus on early prevention and this is best accomplished by committing this work to a separate agency.

I am also pleased that an amendment Representative MCCARTHY and I offered in committee requiring a study be conducted on gun violence-related injuries and deaths by youth in schools and communities was later incorporated in this bill as well.

This study will focus on the relationship between victims and violent youth; the criminal act and location; and the types of weapons being used. By learning the source of the problem, we can find and develop ways to prevent future violence.

There is much more that we can do to prevent juvenile crime. However, this bill represents a good start and I am happy to support it. I urge all of my colleagues to support this important bill.

### IN RECOGNITION OF FIRST AND SECOND GRADERS AT CHICAGO'S JOSEFA ORTIZ DE DOMINGUEZ ELEMENTARY SCHOOL

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GUTIERREZ. Mr. Speaker, I am honored to recognize the members of 2000–2001 first and second grade classes of the Josefa Ortiz de Dominguez Elementary School in Chicago, Illinois.

*September 21, 2001*

I am proud to say that these young students are award-winning scientists. Earlier this year, they earned the Unisys Prize for their outstanding use of the Internet as a tool in science investigation. Their project was entitled, "El Agua Trabaja! How Water Benefits Quality of Life in Chicago's Little Village."

In collaboration with the Chicago Academy of Sciences and Friends of the Chicago River, the 2000–2001 first and second grade students of Josefa Ortiz de Dominguez Elementary School explored how the science of water benefits their Chicago neighborhood of Little Village. Specifically, these young scientists studied the water cycle, the three principal forms of water and ways to filter water to better understand how water and the Chicago River benefit their community. Using the Internet as their primary tool, the students shared what they learned by posting their scientific findings, personal journals, watercolor pictures and poetry on the Web.

I applaud the 2000–2001 first and second grade students of Josefa Ortiz de Dominguez Elementary School for their creativity and innovation while executing their scientific investigation. I believe these students also benefited greatly from the guidance of their teachers and the support of their families when they were awarded with such an outstanding science award. "El Agua Trabaja" or "Water Works" is now a bilingual web site explaining the experiments, facts and figures associated with the importance of water in everyday lives.

I am pleased to recognize the 2000–2001 first and second grade students who took part in this endeavor. The students in Ms. Nidsa LaLuz' class include Jaime Aguilar, Jesenia Avelar, Raul Cordova, Roxana Delgado, Juan Deluna, Alejandro Galvan, Amairan Galvan, Luis Garcia, Rosio Garcia, Keli Hernandez, Erick Martinez, Diego Nava, Israel Navarro, Jose Pena, Jorge Ramirez, Denisse Ruiz, Erwin Ruiz, Francisco Ruiz, Leonardo Sanchez, Maria Sosa, Sergio Vega, Samantha Vera, Jacob Villegas and Maria Zavala. The students in Ms. Claudia Torres' first grade class were Jose Aguirre, Christina Avila, Adrian Barraza, Guillermo Barriga, Fernando Cahue, Genesis, Carreon, Denis Casanova, Chris Contreras, Ynggrid Delacruz, Javier Deleon, Michael Gamez, Fernando Garcia, George Garcia, Francisco Gutierrez, Brenda Hernandez, Daniel Hernandez, Alejandro Ledezma, Genesis Lopez, Sarahi Michel, Marcos Osario, Jose Perez, Alexander Reyes, Christina Salazar, Yasmeen Salazar, Nadia Santiago, Alejandro Vazquez, Jesus Vera, Esmerada Vergara and Ruby Zuno. First grade students in Ms. Gloria Carrareo's class were Maria Alcantar, Javier Flores, Bryan Gomez, Christopher Gomez, Miguel Gonzalez, Jose Granados, Gustavo Hernandez, Andrea Labra, Karina Lara, Gilberto Laureano, Nalleli Luna, Alejandro Macias, Victor Majos, Lizett Mata, Crystal Medina, Beda Mendoza, Jose Mendoza, Luis Navarrete, Leonel Palaez, Bianca Paredes, Carmen Perea, Alvaro Quiroz, Alejandro Rojas, Cristina Rojas, Vicente Salamanca, Leobardo Solis and Ixsel Zavala. First and second grade students in Ms. Jennifer Myer's class were Guadalupe Avila, Virginia Bahena, Jose Carrasco, Alejandro Duneas, Cristian Garcia, Juan Garcia, Marco Garcia, Maria Garcia, Melissa Garcia, Valentino Gonzalez, Monica Hernandez,

Karen Laureano, Friney Lopez, Kevin Lopez, Ignatio Mandujano, Elizabeth Medina, Edgar Miranda, Andrew Mojica, Monica Monreal, Joyce Morales, Brenda Nava, Luis Palma, Joel Ramirez, Maria Resendiz, Daisy Rubio and Flavio Tafoya.

I wish all of these students, their teachers and parents continued success in their endeavors and I thank them for supporting and promoting the interest of young minds in science and technology.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes:

Mr. UNDERWOOD. Mr. Chairman, this amendment would extend the opportunity to vote in the November 2002 federal elections through the electronic voting system proposed by this bill to uniformed services personnel from the U.S. territories and the District of Columbia. These voters are from Guam, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, and the District of Columbia who are currently serving away from their homes as active duty military personnel. The Department of Defense estimates that nearly 15,000 uniformed services personnel would become eligible to participate in the system as a result of this amendment. In addition, it would grant spouses and eligible dependents of these uniformed services personnel the ability to participate as well.

The voting system under this bill is intended to facilitate and demonstrate a more efficient and convenient system that would increase voter participation among U.S. military service personnel stationed around the world. My amendment allows access to this voting system for all eligible military personnel regardless of where they may be registered to vote.

I appreciate the support of Military Personnel Subcommittee Chairman McHugh and urge your support for my amendment, which protects and extends the voting rights of our men and women in uniform from the U.S. territories and the District of Columbia.

TRIBUTE TO CARDINAL HAYES HIGH SCHOOL

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Cardinal Hayes High School, a treasured Bronx learning institution that cele-

brated its 60th anniversary September 23, 2001.

Cardinal Hayes High School was built and organized by His Eminence Francis Cardinal Spellman between September of 1940 and September of 1941. Its original student body consisted of over 3000 students who attended this institution in the original building, now deemed the Main Building on the small, elegant campus.

Mr. Speaker, Cardinal Hayes High School has consistently provided exceptional academic and religious guidance for generations of young men from the Bronx and Manhattan. This unique school has been staffed since its beginning by Archdiocesan Priests, Irish Christian Brothers, De La Salle Brothers, Franciscan Brothers and Priests, Marist Brothers, Xaverian brothers, Religious Sisters and scores of dedicated laymen and laywomen. Current members of this devoted staff are responsible for a 99 percent graduation rate. 96 percent of all Cardinal Hayes High School students go on to study at a college or university.

It must be noted also that Cardinal Hayes High School is one of a just few schools in the New York metropolitan area operating as a Cisco Networking Academy. This accreditation allows the school to provide a two-year course of study that prepares students for CCNA certification. CCNA (Cisco Certified Network Associate) is a highly-regarded certification of networking and internetworking skills.

Mr. Speaker, young men from all walks of life make up the Cardinal Hayes student body. These young men learn, work, play, and worship with one another while providing mutual support and comradery as well. I take pride in saying that my son, Jose, graduated from Cardinal Hayes and remembers his high school alma mater fondly.

I am very proud to acknowledge this learning institution that has produced so many upstanding men that have, no doubt, gone on to benefit society. I ask my colleagues to please join me in celebrating 60 years of first-rate academic, social, and spiritual instruction in the heart of the Bronx at CHHS.

RECOGNIZING MS. JULIE ANN CRIPE

**HON. KEN BENTSEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Ms. Julie Ann Cripe on being named Chairperson of the Board of Financial Women International, at the 79th Annual meeting being held in Williamsburg, Virginia, the week of September 22, 2001.

Financial Women International (FWI) is a professional association of women working together to achieve success in the financial services industry. Since its creation, Financial Women International has worked to empower women in all segments of the financial industry to attain their professional, economic, and personal goals. The association consists of more than 8,000 members representing the United States, Canada, Russia, Japan, and Mexico.

Ms. Cripe has been active in FWI since 1979, serving as President on the local and state levels before accepting positions at the international level. Aside from her work with the association, Ms. Cripe is currently President and Director of OMNIBANK, N.A., where under her leadership the bank has grown rapidly to become one of the largest locally owned banks in Houston. Ms. Cripe has worked closely with the development of Small Business Administration loans at OMNIBANK, most recently closing a \$25 million dollar loan on a chemical plant in Sherman, Texas.

Along with serving as President and Director of OMNIBANK, N.A., Ms. Cripe has been very active in the Texas Bankers Association and the American Banking Association, particularly serving on the legislative and education committees. Presently, Ms. Cripe serves on the Board of the Education Foundation for the American Banking Association, and was an excellent spokesperson for the home equity bill.

Ms. Cripe has been an exceptional leader in the community, earning the respect of her peers and associates in the business and civic communities. She has contributed to the betterment of the Houston area, by serving on committees at St. John the Divine Episcopal Church, M. D. Anderson Cancer Research Center, and the March of Dimes.

Again, I would like to take this time to congratulate Ms. Julie Ann Cripe on becoming Chairperson of the Board of Financial Women International and wish her continued success.

HONORING CHRISTIAN HEALTH CARE CENTER'S 90TH ANNIVERSARY

**HON. MARGE ROUKEMA**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to extend my sincerest congratulations to the Christian Health Care Center for its 90th anniversary of service and care to northern New Jersey. The Christian Health Care Center, located in the town of Wyckoff, offers care for the elderly as well as short and long-term mental health services. All of this is done in a wonderful environment, led by Christian principles. Founded in 1911 and currently under the outstanding leadership of President and CEO Doug Struyk, the Center has evolved into dynamic and caring organization with state-of-the-art facilities, serving the surrounding community for generations. This weekend, the Center will have the opportunity to celebrate its accomplishments and stories of the past 90 years.

The mission of the Christian Health Care Center speaks to the good work done at this facility. The Center provides a continuum of high quality services consistent with the Christian principles on which the institution was founded. Long term care and mental health care are offered, as well as residential living in a compassionate loving environment. The Center consists of a 251 bed skilled nursing home, a 40 unit supportive senior housing complex, a residential living facility and a psychiatric hospital. Recently, construction was

completed on an on-site day care center for the Center's care-providers. The Longview assisted living facility was also newly finished, which allowed the residential community to welcome an additional 80 residents to these state-of-the-art facilities. Such a tremendous number of lives are touched through the Christian Health Care Center.

This number also includes the friends and families of residents, for they can rest assured that their loved ones are in good hands with complete care. If you meet even one member of the staff at the Center or hear even one story from a resident, you will understand that the staff here is truly doing God's work-everyday. The philosophy by which the Center operates further testifies to this caring Christian spirit of the community: "the staff of nurses, doctors, program directors, aides and all others at the Center give unselfishly so that all of our residents and patients know that they are cared for and loved." Their personal touch in caring for the elderly has moved many.

I speak from personal experience. My beloved mother, Margaret Scafati, was cared for with compassion and professionalism of the highest caliber at the Center. For this I am truly grateful.

Under the excellent guidance of Mr. Struyk and the caring of the wonderful employees, the Christian Health Care Center will continue to shine as one of the finest care facilities of its kind in our nation. This weekend we celebrate 90 years of excellence and look forward to many more. Our hearts and prayers are with those involved with this wonderful center.

#### TRIBUTE TO DAVID FREEMYER

### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. HANSEN. Mr. Speaker, today I would like to share with the House and America, a statement by my friend David Freemyer. David is 9 years old and sent me the following speech about the tragedies of September 11, 2001.

"As we all know on September 11, 2001 terrorists hijacked four of our airplanes and crashed two of them into the World Trade Center and one into the Pentagon and one crashed in a field in Pennsylvania. This event has brought sadness to everyone and death to thousands of people. I ask myself why would anyone want to do such a thing. We have done no harm to any other country.

Not only have we done no harm, but we have helped all the countries that need our help and will still help any country that needs our help. We donate food and water and anything a country needs. And yet very few times has a country helped us. I'm not saying that all the other countries are bad. I'm just saying that just because we have a very strong military and that our country is very powerful that doesn't mean that we can do everything on our own. I have great respect for all the people from other countries that took time to go to church and pray for our country.

God Bless America!

David A. Freemyer"

I hope all Americans can somehow show their patriotism like my friend David.

#### TRIBUTE TO GEORGE EICHLER

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. GONZALEZ. Mr. Speaker, I rise today to honor a great man, George Eichler. Regretfully, George Eichler passed away on Friday, August 17, 2001, but he leaves us with a myriad of memories and lessons derived from his history of service and a legacy of championing important issues.

George was a life-long Democrat and a long-time labor leader in San Antonio. His tireless work on behalf of Democrats and in support of San Antonio working men and women is well recognized and respected within the Democratic Party. George's dedication to service and his commitment to family and to fatherhood is a shining example of the life we should all aspire to.

His daughter, Vanessa Eichler, said of him "He was the perfect father. Everyone knows him for what he did for labor and the Democratic Party, but he taught us to enjoy life." I believe that through his actions George taught us all a little bit about life and the need to help one another.

George Eichler's involvement in the labor movement saw its beginnings in 1949, when George went to work as a bottle washer at the Pearl Brewery in San Antonio, Texas. Soon after beginning his work there, George joined the International Association of Brewery Workers, and quickly moved up the union leadership ranks to become the Associate Business Agent in 1960. In 1967, the International Association of Brewery Workers joined the International Brotherhood of Teamsters, and George continued his leadership efforts, holding various local, State, and national level positions within the Teamsters organization throughout his career.

It was through his work as a labor leader that George also became well-known for his charitable contributions, selflessly dedicating his time and service to charitable organizations like Goodwill Industries and the United Way. From 1965 through 1974, George continued his commitment to service as Chair of the San Antonio AFL-CIO Council Pines Housing Trust, a program whose outstanding efforts in housing the handicapped was recognized by the U.S. Department of Housing and Urban Development. These local elderly and handicapped independent living programs are recognized as precursors to national handicapped housing initiatives.

George's work over the years also benefited the local Democratic Party and countless Democratic candidates, as he campaigned tirelessly during each campaign year. He also served as Democratic Precinct Chair, and as such attended many State and National Democratic Conventions.

I am proud to count myself among those who have had the opportunity to know and learn from George Eichler. I know his family will receive some comfort in the knowledge

that George's memory will endure among all those he touched throughout his life.

#### HONORING BERINGER VINEYARDS ON ITS 125TH ANNIVERSARY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 125th anniversary of Beringer Vineyards, located in St. Helena, Napa Valley, California.

Beringer Vineyards was founded in 1876, when Jacob Beringer and his brother, Frederick purchased a twenty-eight acre vineyard for \$14,500. One hundred and twenty-five years later, the winery is worth in excess of \$1.5 billion and is the oldest continuously operating winery in Napa Valley.

Beringer was not only a pioneer in the California wine industry, it is also a significant factor in the Napa Valley's emergence as one of the world's premier wine-growing regions. Today, Beringer Vineyards continues its extraordinary tradition of viticulture innovation and winemaking expertise to consistently produce the highest quality wines.

Mr. Speaker, Beringer Vineyards not only produces outstanding wines, but its generosity in the community is unsurpassed. Beringer supports numerous important charities, including civic organizations and youth groups throughout Napa Valley and the State of California. This year, the majority of its donations are being made to Napa Valley Health Charities, which provides critically needed health care services to low-income persons.

To commemorate this important occasion, Winemaker Ed Sbragia, who is celebrating his 25th year as Winemaker at Beringer, has produced a very special 1997 Napa Valley Cabernet Sauvignon from the original "Home Vineyard." As evidence of Beringer's continued tradition of excellence, Mr. Sbragia is the world's only winemaker to have both a red and a white wine named as Wine Spectator magazine's "#1 Wine of the Year."

Mr. Speaker, Beringer was where I worked as a young man and I am particularly proud of this tremendous organization. At this time, it is appropriate that we honor and congratulate Beringer Vineyards for its many successes and contributions to our Napa Valley community for the past 125 years.

#### RECOGNIZING HEAR O' ISRAEL INTERNATIONAL INC.

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BENTSEN. Mr. Speaker, in light of the tragedy that struck our nation September 11, 2001, I believe it's fitting to recognize a valued organization within the Houston community, Hear O' Israel International Inc., which is currently sponsoring its National Mercy, Love and Compassion Month. This month long event is

being conducted in conjunction with their ongoing campaign, "Listen to the Cries of the Children." Hear O' Israel works to make a difference in the lives of the physically challenged, the elderly, neglected children, and battered women across Houston. They work to give these men and women a stronger sense of self-worth and instill in them the need to treat others with compassion and respect. National Mercy, Love and Compassion Month has been endorsed by Houston Mayor Lee Brown and every member of the City Council, which further demonstrates the high regard for Hear O' Israel in our community.

Hear O' Israel International Inc., a non-profit, non-denominational organization works to increase public awareness of those that are less fortunate. "Listen to the Cries of the Children" is designed to strengthen unity amongst families and further public awareness of the negative consequences that drug abuse, family violence, child abuse, and gang activity have on children.

National Mercy, Love and Compassion Month is a campaign to call attention to the plight of children who do not have access to adequate food, shelter, clothing, and health care. As a symbol of compassion for suffering children, Hear O' Israel International Inc., encourages supporters to adopt a family or an individual in need as a gesture of support in resounding the alarm for those who have been forgotten and many times rejected by our communities.

Again, I would like to recognize Hear O' Israel International Inc., for its efforts to improve and enhance the quality of life for our children, and extend my personal best wishes for a successful and rewarding campaign.

TRIBUTE TO REVEREND BOOKER  
T. SEARS, JR., D.D.

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Reverend Booker T. Sears, a remarkable spiritual counselor and community leader, on his 16th anniversary as Pastor of Goodwill Baptist Church in the Bronx, New York.

Reverend Sears was born and raised in Columbia, South Carolina, as the eldest of four children born to the late Dr. and Mrs. Booker T. Sears Sr. Nurtured by a large family, Reverend Sears went on to pursue higher education in his hometown. He received a Bachelor of Arts degree in Religion and Philosophy from Benedict College and his Doctorate of Divinity degree from the Columbia Bible Institute. Reverend Sears spent 23 years pasturing congregations in South Carolina before bringing his gifts and compassion to the South Bronx.

Mr. Speaker, since his arrival to New York's religious community 16 years ago, Reverend Sears has left an undeniable mark. He is the Second Vice President of the Baptist Ministers Conference of Greater New York and Vicinity, an active member of the United Missionary Baptist Association, the Empire Missionary Baptist Convention, the National Baptist Con-

vention U.S.A., Inc., the Ministers Prayer Alliance, along with a number of other esteemed religious organizations and community organizations.

The man I am honoring today has been an example of leadership for his congregation and many community members. Worshipers at Goodwill Baptist Church describe Reverend Sears as not only their religious guide, but as their friend, confidant, and teacher.

Mr. Speaker, I ask my colleagues to join me in recognizing Reverend Booker T. Sears Jr., D.D. for his 16 years of dedicated service to the Goodwill Baptist Church congregation and South Bronx community.

CONGRATULATIONS TO NEWARK  
BETH ISRAEL ON ONE HUNDRED  
YEARS OF SERVICE

**HON. DONALD M. PAYNE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in paying tribute to Beth Israel Medical Center in Newark, New Jersey as staff and supporters celebrate 100 years of service to our community. Newark Beth Israel experienced its humble beginning a century ago, when a small group of women known as the Daughters of Israel raised \$4,000 to open Beth Israel Hospital on the corner of Kinney and High Streets in Newark.

The Beth quickly outgrew its original quarters and moved to its present location in 1928. In the ensuing decades Newark Beth Israel grew and changed in order to adapt to the community's needs, and was the site of numerous medical breakthroughs. During a Founders Day celebration which officially marked the 100th anniversary of the signing of the hospital's original charter, employees and physicians were joined by Paul A. Mertz, Executive Director; Robert Marks, Chairman of the Board of Trustees; and Lester M. Bornstein, former President of The Beth in signing replicas of the original charter. Victor Parsonnet, M.D., signed a replica of the original charter next to the name of his grandfather, Victor Parsonnet, M.D. Dr. Parsonnet's two grandfathers (the other is Max Danzis, M.D. were among the founders of Newark Beth Israel Hospital in 1901. Lester Bornstein, former President of Newark Beth Israel who served the medical center for 36 years, also signed the charter. The charter is being displayed in the lobby during the Centennial events.

Throughout this year, there will be numerous events scheduled to celebrate the Centennial, including monthly historical displays; a parade in conjunction with the center's Annual Fall Health Fair; a commemorative quilt with the theme "A Century of Caring"; in-hospital theme days, held once a month to celebrate each decade of the 20th century; group outings and contests for employees and physicians; and an Alumni Day to welcome back retired and former employees of the Medical Center. The Centennial celebration will also include several major events: Visionaries in

Medicine Science: A Series of Symposia Celebrating the Centennial of Newark Beth Israel Medical Center presenting on the topics "Healthcare and Cultural Diversity," "Cardiovascular Disorders," "Dentistry," "Pediatrics," "Nursing," "Renal Medicine" and "Genetics and Molecular Biology."

Mr. Speaker, in celebration of the important role that The Beth has played in our community throughout the decades, there will be a Centennial Gala at the New Jersey Performing Arts Center on Saturday, October 6, 2001. Let us join in offering our congratulations and best wishes for continued success to the entire Newark Beth Israel community—the medical and nursing staffs, the ancillary services and administration, the Auxiliary and of course, the many dedicated volunteers who give so generously of their time and talent.

TRIBUTE TO AURELIO VALDEZ

**HON. SOLOMON P. ORTIZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Aurelio Valdez for over a decade's worth of hard work and community service. For 27 years, Aurelio Valdez strove to improve the lives of an often overlooked segment of our American society, the mentally handicapped.

As the Superintendent of the Corpus Christi State School, Mr. Valdez labored to reconnect the Texas citizenry with the lives of the mentally impaired residents of the school. For 12 years, Mr. Valdez worked as the Superintendent of the Corpus Christi State School, and during that time, he helped to provide normalized living conditions for the school's three hundred eighty-seven resident students.

By helping to change people's perceptions of those suffering from mental illness, Aurelio became not only a respected educator and healer, but an architect of a unified Corpus Christi community.

Aurelio joined the Texas Department of Mental Health and Mental Retardation in 1974, and has received constant praise for his contributions to the improvements in care for those suffering from mental retardation and mental disease. He is noted around the State School as an innovator and a leader. Ray is one of those special people who sees what he is doing less as a job, and more as a labor of love.

A hero in the shadows, Aurelio urged his employees to step into the limelight and take credit for the work he encouraged from them. This life-long caregiver retires not only with the respect and admiration of his colleagues, but with a vow that he will continue to assist the mentally challenged in reaching their goals.

I am proud to have had the opportunity to serve with such a dedicated servant of the people on a number of health and education issues. With his retirement, Corpus Christi and the rest of Texas lose a leader, an inspiring educator, and a shining example of American patriotism.

I ask my colleagues to join me today in honoring a great and generous man, Aurelio

Valdez, as he retires from a lifetime of dedicated service to the Coastal Bend, to Texas and to the United States.

#### THE AMARONE FAMILY

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. DeLAURO. Mr. Speaker, is my great honor to rise today to pay tribute to a truly amazing family of my hometown neighborhood: the Amarones of New Haven, Connecticut. Now over two hundred strong, the Amarones have long been a legend in the Wooster Square neighborhood and have held the distinction of having the largest family in New Haven since 1938.

Their story begins in 1911 when twenty-one year old Josephine arrived in the United States and met Andrew Amarone on Wooster Street. It was there that they were married and there that they made their home. It was also where their seventeen children were born and where two of their children died. Twenty-two years separates oldest son John from their youngest son Nicolo and one can only imagine the schedule Josephine and Andrew kept. Raising seventeen children through the hardest of economic times, I am still amazed at all they were able to accomplish living on the wages Andrew received as a polisher at Sargents, an architectural hardware factory where many immigrants were employed—averaging between fourteen and twenty five dollars a week.

Throughout this last century, the Amarones have lost a number of their loved ones like Benny who was killed at Iwo Jima for which he was posthumously awarded the Silver Star. Many others will be remembered this weekend when New Haven will be host to an Amarone family reunion where over one hundred and twenty family members from across the United States are expected to attend.

The Amarones are an incredible family with a rich history and a reflection of times past. Generations to come will continue in their strong traditions and will be a bright beacon for the future. In a time when family values are under close scrutiny, it is families like the Amarones that we look to for inspiration. It is my honor and privilege to recognize the Amarone family as they gather to celebrate their first family reunion and to extend my very best wishes to them all.

#### IN APPRECIATION OF THE VETERANS OF NEW YORK'S SECOND CONGRESSIONAL DISTRICT

#### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. ISRAEL. Mr. Speaker, on September 17, as the smoke still rose above the site of a terrorist attack on America, I convened a meeting of veterans throughout New York's Second Congressional District. I wanted to

hear from them, firsthand, how our Nation should respond at this fateful moment in our history.

I asked for their opinions because these are the men and women who have already seen battle. They have already responded to America's call. They have already paid a price for freedom . . . and many saw their comrades pay an eternal price.

Mr. Speaker, this group of veterans was unified on two essential points which I share with my colleagues in Congress today.

First, the American people, the Congress, and the administration must provide our armed forces with the sustained support they will need to ensure that no terrorist has the capability of inflicting damage on America ever again. Not at any time. Not in any place. Never again. That means pursuing justice until we clean every cave, every tunnel, and every training base where terrorists threaten our country.

Second, we must understand our obligation to our armed forces as we send them into battle . . . and after they return home. There's been a lot of talk about postponing America's domestic agenda. And I agree that we must be focused on our national and economic security. But as we send American troops into conflict, now is not the time to cut veterans benefits. Now is not the time to reduce services at our veterans hospitals. Now is not the time to cut health security or income security for our veterans. We must send a strong message to our armed forces that when they take care of America in battle, America will take care of them in peace. The maxim of battle is "leave no soldier behind." When the battle is over, let us leave no veteran behind.

Mr. Speaker, no group of people can provide more valuable insight about the struggle to come than those who have bravely served in struggles before. I appreciate the counsel that the veterans of New York's Second Congressional District have provided.

#### IN SUPPORT OF CONGRESSWOMAN BARBARA LEE

#### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. CONYERS. Mr. Speaker, I rise to show my support for our colleague, Congresswoman BARBARA LEE. I am concerned about recent reports that violent threats have been directed at Ms. LEE following her vote against H.J. Res 64, which authorized the use of military force in response to the attacks of September 11.

While many of us may not agree with Congresswoman LEE's decision to vote against the authorization of the use of force, we must stand united to defend her right to vote her conscience as a Member of the United States House of Representatives. A Member's duty is to vote on behalf of their constituents and to vote with their conscience. We must rise in support of this intrinsic component of our democracy.

Just as the acts of September 11th can destroy us from without, they can also destroy us from within. As Members of Congress we

must call on America to check our inflamed passions and national anger so as not to risk destroying our national unity. In recent days we have seen a spate of hate crimes against Muslims, Arab Americans and South Asian Americans. Such hate and intolerance threatens to slowly destroy the foundation of our democracy.

During this very difficult time in American history, we must demonstrate to the American people that we are strong and united beyond party lines and ideologies. Today, I ask my colleagues to join me in deploring these acts against Congresswoman LEE and supporting our democratic process.

#### NEW THREATS' READINESS

#### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BLUNT. Mr. Speaker, reflection on the attacks at the World Trade Center and the Pentagon leads us to the inescapable conclusion that the United States must ever be ready to meet new threats that face us, regardless of their source.

During our district work period, former Congressman James W. Symington of Missouri spoke at Wilson's Creek National Battlefield for the groundbreaking on the new library at the Battlefield's visitors center. Mr. Symington's father, Senator Stuart Symington, spoke at the dedication of the National Battlefield forty years earlier. Jim Symington is now an attorney in Washington, D.C.

Mr. Symington challenged those at the dedication to consider that threats today could be met by "preventative diplomacy, the maintenance of traditional alliances, the forging of new ones, state-of-the-art intelligence capability, and sufficient countermeasures."

As we deliberate our response as a nation to the events of September 11, I urge my colleagues to consider the comments made by Mr. Symington.

#### UNION, RECONCILIATION, READINESS

In the words of a beloved hymn: "Time, like an ever-rolling stream, bears all its sons away. They vanish lightly as a dream fades at the break of day."

Has it really been forty years since my father stood here to dedicate this hard-won parksite as a memorial, in his words, "to a high point of valor" in our nation's history? It was a Missouri moment, just as it was a century earlier when Missourians in concert with units from neighboring states, contested and made sacred this ground in the same time frame as Bull Run in Virginia and with consequences no less significant. This morning we share another Missouri moment seven score years from the very day this hallowed ground became the resting place of so many gallant young Americans. The legacy of their combined valor, that proud legacy, is what brings us together, and requests that we reflect on its meaning. To my mind its meaning is three-fold: Union, Reconciliation, and Readiness.

First, it signifies our precious Union; its bonds re-forged by that historic battle and so many like it over the ensuing four years. Again, in my father's words, "As we dedicate this ground, let us join our hearts and minds

in prayer that this be a battlefield of the last war which will ever be fought on native Missouri or American soil". His words call to mind a speech Abe Lincoln made in 1838 to the Young Men's Lyceum in that other Springfield, Illinois: "From where", he said, "should we expect the approach of danger. Shall some transatlantic military giant step the ocean and crush us at a blow? Never! All the armies of Europe, Asia and Africa with a Bonaparte for a commander could not by force take a drink from the Ohio, or make a track on the Blue Ridge in the trial of a thousand years. No, if destruction be our lot, we must ourselves be its author and finisher. As a nation free of men, we will live forever or die by suicide."

What a prophetic utterance—for that Illinois lawyer to make, that young but farsighted Illinois lawyer destined to help his country draw back from the brink of such suicide a quarter of a century later. By giving his own life to the rescue he confirmed the spirit he had already seeded with the appeal he made in his First Inaugural Address. "We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break, our bonds of affection."

Reconciliation—the second lesson of Wilson's Creek. Missourians answered this appeal long before Appomattox. Last spring my wife and I journeyed down the Mississippi on the *Delta Queen*. Stopping at Vicksburg, we visited that historic battlefield, and particularly the monument to fallen Missourians. I had not known until then that Missouri was the only state that fielded troops on both sides in that crucial campaign. We were then given a heart-rending reminder that blood is thicker than politics. In the shadow of that graceful Missouri monument we were told by our escort that during a lull in the battle a young Confederate soldier, learning that his brother was in the opposing ranks, wrote him a letter telling him their mother was ill and in need of some money; could he help? The brother sent word, "of course", and they arranged to meet between the lines. Seeing this, their comrades on both sides laid down their rifles and met together with the dust of the day's battle hardly yet settled—in an area of no-man's-land that became known as "the trysting place". For there, during interludes in the fighting, they traded coffee, tobacco and beans, reminisced and talked of home families and mutual friends before reluctantly rising and returning of their posts.

Those of you who may have seen the Ken Burns public television documentary on the Civil War will recall, I'm sure, that poignant moment, recorded on scratchy black and white movie film in 1913, the Fiftieth Anniversary of Gettysburg. The lame, white haired old survivors of that bloodletting squared off again in reenactment of Pickett's charge. The Confederate veterans, giving their now feeble rebel yell, struggled up the incline to the Union parapets where they were met not by gunfire, but the cheers and welcoming arms of their former foes. Shedding unashamed tears, they embraced, and held one another close. Had the veterans of Wilson's Creek enjoyed a similar chance to meet, the result would surely have been the same. As it is we must assume their spirits mingle kindly together and hove approvingly over us today.

Accompanying my father at the 1961 dedication was his nine-year-old grandson, my nephew, Stuart Symington IV, now a career diplomat. Dad wanted him here to implant indelibly in his mind the significance of that joint sacrifice—just as my Mother, also at

the age of nine, had attended the dedication in 1914 of a monument at Gettysburg to her great grandfather, General James Wadsworth of New York. Wadsworth has fought in that battle and many others, against my father's granddad, Captain Stuart Symington, young aide-de-camp to General Pickett. Symington survived the war. But the 56-year-old Wadsworth was later killed at the Battle of Wilderness. His remains were returned to his widow by a young Virginia farmer whose life he has spared in an earlier encounter. Little did the two soldiers know that their families would one day be united in that ultimate reconciliation, matrimony, a union to which I have my family including nine-year-old twin grandsons, are understandably indebted.

Our born again Union and the new nation it forged has crossed many a perilous divide since the men in blue and gray stacked their arms, and returned to their homes in 1865. Two subsequent world wars preceded the 1961 commemoration my father addressed. The "passions and faults of human nature", as he said, coupled with the capacity of mankind to destroy itself, placed a grave burden on diplomacy, backed by a force no "transatlantic military giant" would ever dare confront. His focus was Soviet power and intent. Now nuclear proliferation, bio-chemical and other potential threats to our air, water, and cyberspace make today's challenges more complex, diverse, and unpredictable. They require preventative diplomacy, the maintenance of traditional alliances, the forging of new ones, state-of-the-art intelligence capability, and sufficient countermeasures to detect, deter, and, if necessary, overcome any threat that could arise within or beyond our borders. A daunting, multi-faceted challenge, but one which the heroes who contested this ground would expect us to meet cheerfully and without hesitation. And that is the third lesson of Wilson's Creek: Readiness, the wisdom to define it and the acceptance of the sacrifices necessary to maintain it.

Mr. Chairman, in conclusion I know I speak for my departed father, My brother Stuart, and all our family when I convey both our gratitude and warm congratulations to you every one of the remarkable men and women who dreamed, planned, designed, funded, promoted, lobbied, voted, and ultimately achieved this breathtaking memorial to Missouri's "high point of valor". It is an honor to be among you. And I thank you.

#### CALL FOR TOLERANCE FOR ETHNIC AMERICANS OF ARAB AND SOUTH ASIAN DESCENT

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. DAVIS of Illinois. Mr. Speaker, as the news media reported the attacks on New York City, Washington, DC and Pennsylvania, other attacks are also being reported by Americans on Americans who want immediate revenge. I am referring to incidence of hate crimes committed against Arab Americans, South Asians and other mistakenly identified individuals.

In spite of the terrorist attacks on our country, our nation's motto has not changed; it is still "Ex Pluribus Unum!" that is, "out of many

one", or a nation representing people from around the world. The City of Chicago has a thriving community of Arab Americans who are not all Muslims. Regardless of religion, all law-abiding citizens of Chicago and other communities deserve full protection of the law against all acts of intolerance. The principle of justice for all shall remain unchanged.

Mr. Speaker, I urge the passage of any resolution addressing hate crimes within our border.

#### TRIBUTE TO DEBORAH JACOBS WELSH

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to one of my constituents, Deborah Jacobs Welsh. I have never had the pleasure of meeting Ms. Welsh, but because of her courage and selflessness, I am able to stand here today on the floor of the House of Representatives and honor her memory.

Debbie, as her friends and family lovingly call her, was a flight attendant on United Airlines Flight 93, which was hijacked on that fateful morning of September 11 and then crashed into a field in western Pennsylvania.

But that's only part of the story.

Debbie and others aboard Flight 93 were aware that this hijacking was part of a bigger, coordinated terrorist attack. They knew that not only were their own lives at stake, but the lives of countless people on the ground also hung in the balance. Putting aside their own safety and well-being and overcoming paralyzing fear, several passengers and crew members banded together and vowed to take back control of the plane. Anyone who knows Debbie, knows that, without a doubt, she was part of the group that fought to the end, refusing to give in to the hijackers.

Words cannot express the rollercoaster of emotions running through me on that tragic day, especially when I learned of the heroic actions of those on Flight 93 which, according to authorities, was likely headed for the Capitol Building in Washington, DC. I cannot fathom the further devastation Flight 93 would have wrought if not for Debbie and the others who made the ultimate sacrifice, all in the name of protecting their fellow Americans and our nation. Because of these courageous individuals, I stand here today unharmed, as do my colleagues, members of my staff, and hundreds of other people who work on Capitol Hill.

The bravery Debbie demonstrated in her final moments was not an isolated incident. Throughout her life, she always stood up for herself and for those around her, doing what she could to right any injustices she encountered. She could light up a room with her smile and her wonderful sense of humor. Debbie showed the same level of loyalty and concern to strangers as she did her family, routinely giving unused airline food to the homeless people in her neighborhood. Most of all, Debbie was a loving wife to Patrick, and a devoted daughter, sister, and aunt.

Debbie will definitely be sorely missed, but she will never be forgotten. Her actions will live on as an example for all Americans.

I know I speak for myself and my colleagues, when I say, "Thank you, Debbie. For everything."

#### HONORING TODD BEAMER

#### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. HOLT. Mr. Speaker, America has found a hero in Todd Beamer, one of the passengers on the hijacked Flight 93 who gave their lives to deny the vicious hijackers their deadly mission. We all mourn the loss of Todd Beamer and the others on that flight and our hearts and prayers go out to Lisa Beamer, their two fine children, and to all the other families of the people on that plane. We also hold up the memory of Mr. Beamer as one who represents what is good about America.

For two centuries observers around the world from Alexis de Toqueville to Winston Churchill, have spoken about the marvelous ability of Americans to rise to meet a challenging situation, the ability of individual Americans to step from their ordinary lives to do extraordinary things.

I attended the memorial service for Todd Beamer at the church in Plainsboro, New Jersey where the Beamer family worships. From the remembrances delivered lovingly by friends and family I learned a lot about the character of this national hero. He was an outstanding athlete who led and inspired his teammates. He was a fine businessman who stood out in a national company. He was an involved and loving father who was looking forward to the upcoming birth of his third child. Especially, I learned that he was a man of deep religious faith, a faith that allowed him to look past death to act so courageously on board Flight 93.

We all believe that band of passengers who fought the hijackers—Todd's father called them freedom fighters—saved hundreds, perhaps thousands of lives that would have been taken if that plane had made its fiery descent into the hijackers' intended target. It is worth noting that none of those people whose lives were saved know who they are. We will never know. But all Americans can be grateful and can raise up the example of the heroes on that flight.

Their memory reminds us that this is not the last time America will need heroes. The survival of American ideals depends day in and day out on ordinary Americans doing extraordinary things, courageous things. The opportunity comes to every American to do courageous things. Most Americans will never have to face down an armed hijacker, but may have the opportunity in their neighborhoods or among their friends to face down bigotry, intolerance, or injustice. The memory of people like Todd Beamer helps us meet those challenges.

#### EXTENSIONS OF REMARKS

#### HONORING EXEL OF HOUSTON, TEXAS

#### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BENTSEN. Mr. Speaker, on September 27, 2001, the La Porte-Bayshore Chamber of Commerce will present Exel with the 2001 Industry of the Year Award at their Annual Salute to Industry. Although I will not be able to attend this ceremony, I want to congratulate all the employees at Exel, and in particular the Chief Executive Officer Bruce Edwards, for their excellence in operation and their ongoing commitment to our community.

The Industry of the Year Award, the highest honor presented by the La Porte-Bayshore Chamber of Commerce, is awarded each year to an area business whose mission emphasizes a strong commitment to the community.

Exel is a world leader in supply chain services. Throughout their operations Exel has aggressively employed advanced technology, maintained an industry-focused approach, and expanded their global coverage to include 1,300 locations in 120 countries. Within the gulf coast region alone, Exel employs over 780 people, operate on three local campuses, and services such companies as Dow, ExxonMobil, and Compaq Computers.

Exel has clearly demonstrated their commitment to our community. The Exel Foundation, working in close partnership with the employees, contributes over \$1 million annually to local charities. At Exel, they value the importance of investing in our nation's young people and plan to introduce educational programs in those nations where Exel has a material presence.

In closing, I want to congratulate the employees of Exel for their exemplary model of community activism and wish them continued success in future endeavors.

#### TENTH ANNIVERSARY OF ARMENIAN INDEPENDENCE

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the Armenian Republic on the nation's Tenth Anniversary of Independence. Today, citizens of Armenia, as well as people of Armenian descent here in the United States and around the world celebrate their independence from the former Soviet Union. Sadly, they will also be mourning the victims of the September 11th attack on our country. Armenia's early response to the attack was to assist American staff in ensuring the security of the U.S. Embassy in Yerevan. President Kocharian joined other world leaders in expressing both his solidarity with America and his shock and sorrow in a letter sent to President Bush. I would like to ask unanimous consent to submit President Kocharian's letter to President Bush for the record.

Since its independence, democratic nations have welcomed Armenia into the family. I am

*September 21, 2001*

proud that this Congress has consistently voted to provide humanitarian economic development assistance to help Armenia preserve democracy and the institutions of civil society and to continue its transition to a free market economy.

The United States has a fundamental national interest in bringing about stability in the strategically located Caucasus region and in supporting those emerging nations like Armenia that share our values. Given the horrific events of September 11th, it becomes even more important to ensure that the countries in the Caucasus move forward together—economically and politically. We must redouble our efforts to ensure that the tensions in the region subside and that the long-standing differences that divide the countries of the region are resolved. Winners and losers in the Caucasus will only foster greater insecurity and instability at a time when we need to bring everyone together to combat terrorism. I have been encouraged by Armenia's ongoing attempts to reach out to its neighbors—Turkey and Azerbaijan—in a constructive manner.

Mr. Speaker, the story of the Armenian people is an unforgettable story of triumph over adversity and tragedy. Earlier in this century, in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women and children were slaughtered by the Ottoman Turkish Empire. We must continue to remind the world that this genocide is an historic fact—despite the efforts of so-called "revisionists," many of them funded by the Turkish government, to deny the truth—and to make sure that our nation, the world community, and especially the Turkish nation come to terms with and appropriately commemorate this historic fact.

Mr. Speaker, it was the collapse of the Soviet Union in 1991 that allowed the Armenian people to re-establish a state and a nation, to create a society where their language, culture, religion and other institutions would prosper. The people of Armenia have endeavored to build a free and proud nation, based on the principles of democracy and a market economy.

The tiny, landlocked Republic of Armenia is surrounded by hostile neighbors, who have imposed blockades halting the delivery of basic necessities and greatly hindering economic development. Despite the dual blockades, Armenia continues to implement economic and democratic reforms. During the first six months of this year, Armenia's Gross Domestic Product (GDP) increased by 6.4 percent over last year's level. And during the last year, both the International Monetary Fund and the World Bank have publicly noted Armenia's economic progress.

Despite this progress, I would like to say that the economic reality of daily life for the people of the Republic of Armenia continues to be extremely hard.

Mr. Speaker, I hope that as we mark future Independence Days of the Republic of Armenia, we can look back with pride on building peace and prosperity in the entire Trans-Caucasus region, so that the people of Armenia and their neighbors can enjoy a stable and hopeful future. I hope that the Republics of Turkey and Azerbaijan will respond positively to Armenia's repeated offers to normalize relations. Specifically, I hope that Turkey will allow

for the exchange of diplomats and allow the free flow of goods and people across the borders. And I hope that, with the active participation of the United States, we will resolve the Nagorno Karabagh conflict, in a manner that guarantees the security and self-determination of the people of Karabagh.

Finally, I wish the Armenian people well on the occasion of their independence day, and, more important, in their ongoing effort to establish good relations with its neighbors and build a vibrant democracy so that their children may prosper in the homeland of their ancestors.

PRESIDENT OF  
THE REPUBLIC OF ARMENIA,  
Yerevan, 11 September 2001.

His Excellency GEORGE W. BUSH,  
President of the United States of America,  
Washington, DC.

DEAR MR. PRESIDENT, I have learned with utter shock the news about the terrorist attacks on The World Trade Center in New York and the Pentagon building in Washington, which resulted in human loss and massive destruction. The evil of terrorism has shown its ugly face and should be confronted with determination and resolve. Armenia joins the world in condemning this most deplorable and inhuman act of violence. On behalf of the people of Armenia and myself personally, I express our most heartfelt condolences to the people of America and to the bereaved families. We share your grief and wish you strength and patience.

ROBERT KOCHARIAN.

A TRIBUTE TO BRIGADIER GENERAL WILLIE RAY JOHNSON AND COLONEL ROGER FISHER HALL, JR.

### HON. MIKE McINTYRE

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES  
Friday, September 21, 2001

Mr. McINTYRE. Mr. Speaker, today I rise to pay tribute to two of North Carolina's finest gentlemen, Brigadier General Willie Ray Johnson and Colonel Roger Fisher Hall, Jr., on their service to and retirement from the North Carolina National Guard.

Theodore Roosevelt, our Nation's 25th president and a member of the National Guard, once said, "It is not the critic who counts; not the man who points out how the strong man crumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; . . . who knows the great enthusiasm, the great devotions; who spends himself in a worthy cause; who . . . knows in the end the triumph of high achievement." For a combined 68 years, General Johnson and Colonel Hall have been in the arena as part of our Nation's military force and our State's emergency response and community support. And they have served us well.

Since joining the Guard at age 17, General Johnson has served in a variety of assignments and been awarded many decorations. From Supply Officer to Platoon Leader to Maintenance Battalion Commander to Deputy

Adjutant General, Ray has served his State and country with distinction and devotion. This service has led to many awards including the Bronze Star Medal, National Defense Service Award, the Kuwait Liberation Medal, and the North Carolina Meritorious Unit Citation. In addition to his National Guard service, General Johnson has been an integral part of civic activities in Sampson County including president of the Roseboro Area Economic Development Commission, member of the Sampson County Shrine Club and a member of the Trustee Board of Sampson Regional Medical Center.

Enlisting in the Guard just prior to his 20th birthday, Colonel Hall has also served in several capacities and received numerous decorations. From Transportation Officer to Motor Officer to Headquarters Commandant to Commander, Colonel Hall has served with character and commitment. His work has been honored by receipt of the Bronze Star Medal, the Army Achievement Medal, the Armed Forces Reserve Medal, and the Meritorious Service Medal. Colonel Hall is a member of the Board of Directors of BB&T Bank, has been named Business Person of the Year in Hope Mills, has served as past president of the Cumberland County Democratic Party, and serves me well as Executive Vice-Chairman of the Seventh Congressional District Military & Veterans Affairs Committee.

Mr. Speaker, the North Carolina National Guard is one of the most respected and reliable guard forces in the world. General Johnson and Colonel Hall have been an integral part of their success, and on behalf of the citizens of southeastern North Carolina, I thank them for the service they have given to our State and Nation. May God's strength, peace, and joy be with both of them always.

### MEMORIAL TO MS. GALE CINCOTTA

### HON. DANNY K. DAVIS

OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
Friday, September 21, 2001

Mr. DAVIS of Illinois. Mr. Speaker, in these times of stress, as we unite and come together as a Nation, we look for leadership and for example to those who have preached unity, who have practiced organization—the bringing together of the diverse people of America for the common good.

Mr. Speaker, last month we lost a great American who spent her life bringing people together for the common good. She did not aspire to public office or great power. She eschewed financial reward. She never left her community.

Mr. Speaker, Gale Cincotta was born in 1929 and grew up in on Chicago's Westside. Gale Cincotta's experiences as a wife, as a mother, as a Westside resident led her to a career as an advocate for the interests of her neighbors, and for common folk everywhere; as she was once quoted in the Chicago Sun Times, "I got mad and stayed mad."

But her anger was never channeled into destruction. When Gale got mad she got her neighbors together to make things right. And she was very, very, good at making things right.

Gale Cincotta recognized early on that the key to people's advocacy was organization and she became an outstanding community organizer, empowering people to seek redress of grievances and pro-actively shape public policy to advance community interests.

Housing was a recurring and central issue for Gale's attention and she led struggles to organize for an end to block busting, mortgage and insurance readlining, reform of federal first-time home-owners programs, and for an end to predatory lending practices.

Ms. Cincotta played a key role in the passage of federal legislation including Home Mortgage Disclosure and the Community Reinvestment Act.

Her drive for empowerment and organization over time grew and evolved into a national organization known as the National Training and Information Center.

Mr. Speaker, during her lifetime, Gale was recognized for her advocacy with many honors and positions including a seat on the City of Chicago Commission on Women, a Chicago Commission on Human Rights Award and a "Woman of the Year" award from Ms. magazine.

But these awards only served to deepen her commitment to the community.

Mr. Speaker, we deeply mourn the passing of a tireless crusader for people's empowerment, Gale Cincotta.

We will miss her, we will miss her energy, we will miss her guidance. But we are resolved to carry on. That would be what Gale expected from us. That is what this great American experiment in democracy is all about. That is what we are resolved to do.

### HONORING THE PARTICIPANTS OF LEADERSHIP 2001

### HON. MARK UDALL

OF COLORADO  
IN THE HOUSE OF REPRESENTATIVES  
Friday, September 21, 2001

Mr. UDALL of Colorado. Mr. Speaker, as some of my colleagues in this body know, before I was elected to Congress I was an instructor and later executive director of Colorado's Outward Bound School. While Outward Bound gave me unparalleled opportunities to satisfy a passion for mountain climbing and other experiences in the outdoors, I believe my participation and involvement in Outward Bound may have been most rewarding for me because it began a life-long interest in the question of how we work to fully develop human potential and in the dynamics of leadership.

The credo of Outward Bound is that every human being has the inner potential to become a leader. This potential can be unlocked in many ways, whether it is facing a 14,000 foot mountain climb, beginning a trek across miles of desert and wilderness, working with a group of inner city school children, building a shelter for those who are homeless, or comforting a person in need.

How leadership is awakened is less important than acknowledging the diversity of ways in which each one of us faces deep challenge, whether it is physical, emotional or as part of a collaborative venture with others.

Earlier this year, a group of Coloradans came together to celebrate the individual and collective challenge of leadership in the lesbian, gay, bisexual and transgender community. These Coloradans were participants in an exhaustive and comprehensive national initiative called "Leadership Challenge 2001: Connecting, Communicating, Collaborating" sponsored by the Lundy Foundation, in partnership with the Gill Foundation and 40 other non-profit and corporate supporters.

Over the course of three years, 41 participants spent 56 days in intensive training sessions, addressing fundamental issues of trust, race, socioeconomic status, diversity and other challenges in building collaborative leadership within the LGBT community.

By vigorously addressing their own individual and communal issues, the participants in this innovative leadership training project also enhanced the potential of Colorado's LGBT community to address the needs and concerns of a much broader community, namely, the community we call "America."

As an enthusiast of leadership theory, I am very pleased to bring this initiative to the attention of my colleagues in this body, and to commend the project coordinates and the 32 participants who graduated from this program.

Their commitment and perseverance is admirable, and worthy of acknowledgement.

Please join me in recognizing their achievement today.

#### LEADERSHIP CHALLENGE 2001 ADMINISTRATION

Victor Dukay, Ph.D.—Project Director and President of the Lundy Foundation;

Harryl Hollingsworth, M.A.—Assistant Project Director;

Carl Larson, Ph.D.—Curriculum Development/Faculty;

Dora Lodwick, Ph.D.—Evaluator;

Allan Wallis, Ph.D.—Evaluator.

#### LEADERSHIP CHALLENGE 2001 GRADUATING PARTICIPANTS

Dave Anderson, Suzanne Banning, Joe Barrows, Jeff Basinger, Janet Corlett, Ashara Ekundayo, Robert Espinosa, Yvette Freeman, Lisha Gallegos, Peter Gross, Danielle Haraburda, Kevin Jones, Richard Jung, Matt Keefauver, Christopher Leach, Marielle Oetjen, Matt Patrick, Katherine Pease, Dean Prina, Lorenzo Ramirez, Kathy Rank, Roy Rosa, Debra Rose, Nori Rost, Becky Rudolph, Nick Sarchet, Tina Scardina, Dominick Sekich, Mike Smith, Darrell Watson, Tim Wilson, and Jennifer Woodard.

## NEED TO REBUILD OUR ECONOMY

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. BLUNT. Mr. Speaker, as brave firemen, police construction workers and other citizens continue to clear away the physical rubble of destroyed buildings, we also are surveying the damage done to our economy.

It is not too soon to begin plans to rebuild the Pentagon and the World Trade Center. It is also not too soon to begin thinking about what we can do to rebuild our economy.

World trade is an essential part in the engine of our economy, but a part that hasn't been working fully. The United States has been excluded from too many agreements in the past years because we couldn't move fast enough. It's time to make a change.

I urge my colleagues to read the following article from the September 9, 2001 issue of the Springfield News Leader by United States Trade Ambassador Robert Zoellick.

#### STATE NEEDS OPEN MARKETS TO PROSPER

It's critical for Congress to give President Bush a fast-track authority on trade pacts.

On a recent trip to the Springfield area, I visited the headquarters of five local companies engaged in foreign trade at the invitation of Congressman Roy Blunt, a legislative leader and partner. The performance of businesses such as Leggett & Platt, King Press and the Loren Cook Co. reinforced my belief that trade and open markets are critical to the economic well-being of America's manufacturers and farmers.

President Bush has been pressing to open markets to help U.S. businesses and families. Yet, this effort has been hampered because the president lacks U.S. Trade Promotion Authority that must be granted by Congress. This authority to negotiate market-opening agreements subject to an up-or-down vote by Congress expired in 1994.

Consider the following: There are 130 free-trade agreements worldwide; the United States is a party to only two. There are 30 free-trade agreements in the Western Hemisphere; the United States is a party to only one. The European Union has 27 special bilateral trade agreements, with 15 more in progress—Mexico has forged ahead with eight agreements, with 32 countries.

So what is the loss to the United States? Consider the story of Caterpillar Inc. with just one country; Chile. Caterpillar's motor graders made for export to Chile face nearly \$15,000 in tariffs. When Caterpillar manufacturers motor graders in Brazil for export to Chile, the tariff is just \$3,700. And when Caterpillar's competitors produce a similar (but not as good) product in Canada, it can be exported to Chile free of tariffs because of the Canada-Chile free-trade agreement.

But if we are going to correct problems such as that one and open markets around the world, President Bush and I need Congress to enact U.S. Trade Promotion Authority this autumn. This trade authority will help us launch a new round of global trade negotiations in November. And this new round is critical if we are going to reduce the world's trade barriers to an array of U.S. products.

Some people want to turn back the clock on trade, embracing isolationism and protectionism at a time of global interdependence. During my Springfield trip, I saw the region's companies appreciate that open markets create job opportunities in Missouri and throughout the United States.

Today, exports support 152,000 jobs in Missouri—in industries such as chemicals, agriculture and industrial machinery. More than 75,000 of Missouri's manufacturing jobs are tied to exports, as are more than 16,000 of the state's agriculture jobs. These dry numbers mean new jobs and improved prospects for companies and families throughout the Springfield region.

I toured the Paul Mueller Co., where exports—to countries ranging from Canada and Mexico to Japan and Brazil—accounted for 19 percent of its total sales last year, up approximately 42 percent since 1995. International Dehydrated Foods in Monett was Missouri's Agriculture Exporter of the Year in 1998 and has customers throughout Latin America and Asia.

Missouri's farmers, manufacturers and consumers need open markets to prosper. The Bush administration is committed to working with the Congress and our trading partners to clear the way. We have a historic opportunity to make free trade a defining feature of the 21st century. It is an opportunity and indeed necessity that America cannot afford to miss.

## HOUSE OF REPRESENTATIVES—Monday, September 24, 2001

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 24, 2001.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

### AIRLINE SECURITY

Mr. DEFAZIO. Mr. Speaker, last Friday night, Congress rushed through a \$15 billion airline bailout, and I am not going to revisit all of the problems with that legislation here this morning, with one exception. That legislation failed to allocate one cent toward additional airline security or mandate an iota of change in a system that we know has failed.

Now, the failings of aviation security were well documented before the terrorist attack. I introduced my first bill to enhance screening at airports and checking of baggage in 1987. Many other Members of Congress have introduced legislation in those intervening 15 years and even before that, but they were always opposed by the Air Transport Association acting on behalf of a number of their member airlines successfully and even in those few cases where we were able to mandate enhanced measures such as credentialing and standards for training and background checks for the screening companies.

The ATA and member airlines and the private security industry itself fought tooth and nail to delay the im-

plementation of those regulations for 5 years. Amazingly, on the floor on Friday night, some of my colleagues on that side of the aisle said we need to privatize the system that failed us.

It took them so long to get out these regulations. It took so long because the private industry, the private security companies fought it. There was not one single airline passenger in there objecting to these regulations, raising concerns, threatening to sue and making comments, except favorable comments, on these improvements.

In 1996, Ms. Hallett, the head of the Air Transport Association, in testimony to the White House commission said it has been suggested by some that we must radically alter our Nation's air transportation system in order to make it secure from terrorism. Based upon our understanding of the threat presented, this is not the case. The measured and deliberate steps to enhance security which we have put forward are responsive to the need. They then began to fight the recommendations of that commission.

It has always been driven by costs. We had the best system of security you could get by pinching pennies and always, always hiring the lowest bidder to provide the screening at the airports.

A year and a half ago in a hearing I said, and this is what I think has prevailed among the American public for a long time, I have got to tell you, when I am flying, I doubt that I could ever find one person in the plane who would say, gee, I would be really upset if I had to pay one-half of 1 percent more for my ticket to know that the person who screened me was not convicted of various felonies and at high risk of allowing something to happen on this plane. It is just extraordinary to me that we would let this system continue in this way, the lowest bidder.

Tragically, we have. In fact, last week, amazingly, after the tragedy, the CEO of Alaska Airlines told me directly in response to my suggestion that we levy a \$3 surcharge on tickets for security, he said no one would ever fly again if I was successful in getting that \$3 security surcharge. He said there is only one thing people respond to, quote, "people do not respond to anything other than total price." I guess he probably flew out here on his own executive jet, and he was not too worried about security. That is how out of touch this industry is.

Then last week at Miami International, a Bureau of Alcohol, Tobacco and Firearms agent acting on his own, having notified authorities, attempted

to smuggle at one time on his person three knives through security. He was successful. He even stopped and said to the people, is there anything wrong here, did something go off? And they said, oh, go, go, go. So he had given them an extra chance to ask him some questions.

Now, this same firm had been fined \$110,000 in fines and restitution for failing to do background checks on at least 22 employees and then lying about it to Federal regulators, sentenced to 2 years' probation, but they are still providing security at that airport; and their manager was sentenced to 5 years in Federal prison, and they are still providing security at MIA. This is the system we get with privatization.

Security at airports needs to be and is a legitimate function of the Federal Government of the United States, a security function, a law enforcement function. We should no longer resist that on some sort of ideological bias or an attempt to buy security on the cheap. The administration has convened a task force on kind of a slow timeline; they are proposing to come forward on October 1.

We know what we need to do. Let us not delay another day. I am amazed that this body rejected my motion last Friday night to begin the federalization process now to begin to put firms like this one in Miami International convicted of violating the law and leave them in charge. We need to take charge and make flying safer.

### COMMENTING ON LETTERS FROM CONSTITUENTS AFTER THE EVENTS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. FOLEY) is recognized during morning hour debates for 5 minutes.

Mr. FOLEY. Mr. Speaker, I appreciate the Speaker's recognition. Certainly the people of Indiana are proud to see him in the chair, and we are delighted to be reconvening this Monday morning.

Let me just thank, as chairman of the Travel and Tourism Caucus, my colleagues for working quickly on Friday to bring about some financial stability to the airline industry. And of course today, as I speak, the market, the Dow Jones Industrial Average is up some 350 points, and so we hope we have turned the corner on pessimism; and I know there is still opportunity to review and reflect on what the gentleman from Oregon (Mr. DEFAZIO) just spoke of.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We can certainly be Monday-morning quarterbacks and look back and see what we could have done differently. I hope prospectively we now start reviewing all the safety measures affecting our traveling public. We have to ensure stability in the marketplace. We have to make certain that airlines, of course, work on safety precautions, but the Government has to be a partner.

On Friday, some of our colleagues on the other side of the aisle objected to any bailout, suggesting somehow that that was unfair to the industry. I can assure you today we would be seeing a lot more massive economic downturn and a lot more jobs lost had we not acted.

Today, I wanted to spend a moment on two things: one, a constituent of mine, Dino Laudati, wrote this the morning of the tragedy, and he calls it "Eternal Flame of America."

"As I watched in horror and grief as the towers of the World Trade Center burned, I cried in pain and disbelief. As I wiped the tears from my eyes and removed my hands from my face, I had a vision.

"In front of me the burning towers turned into burning torches, torches of hope, torches of courage and strength, torches of unity and love, torches that will guide us into the darkness to seek and defeat our enemy. The same enemy that ignited that fire, believing he could bring us to our knees.

"Torches that will engulf our hearts with love and tenacity, torches that will always burn, for the freedom that America stands for and that every American will fight for and would rather die than succumb to defeat or submission.

"Torches that will always remind us that we are all equal no matter what religion, race or background and we stand together in peace, brotherhood and love. We believe that God is the only one who is above us. He enables us to carry within us the fire of the burning towers as torches of eternal light.

"To remind us that America is freedom and freedom is America. Our forefathers established it, our fathers believed in it, we will fight for it and our children will keep it forever.

"Dino Laudati, September 11, 2001."

Dianne Robbins from my district office sent this along. Her daughter sent it to her, Beth Horner.

"On Monday we e-mailed jokes.

On Tuesday we did not.

On Monday we thought that we were secure.

On Tuesday we learned better.

On Monday we were talking about heroes as being athletes.

On Tuesday we relearned who our heroes are.

On Monday we were irritated that our rebate checks had not arrived.

On Tuesday we gave money away to people we had never met.

On Monday there were people fighting against praying in schools.

On Tuesday you would have been hard pressed to find a school where someone was not praying.

On Monday people argued with their kids about picking up their room.

On Tuesday the same people could not get home fast enough to hug their kids.

On Monday people were upset that they had to wait 6 minutes in a fast food drive-through line.

On Tuesday people didn't care about waiting up to 6 hours to give blood for the dying.

On Monday we waved our flags signifying our cultural diversity.

On Tuesday we waved only the American flag.

On Monday there were people trying to separate each other by race, sex, color and creed.

On Tuesday they were all holding hands.

On Monday we were men or women, black or white, old or young, rich or poor, gay or straight, Christian or non-Christian.

On Tuesday we were all Americans.

On Monday politicians argued about budget surpluses.

On Tuesday, grief stricken, they sang 'God Bless America.'

On Monday the President was going to Florida to read to children.

On Tuesday he returned to Washington to protect our children.

On Monday we had families.

On Tuesday we had orphans.

On Monday people went to work as usual.

On Tuesday they died.

On Monday people were fighting the 10 Commandments on government property.

On Tuesday the same people all said 'God help us all' while thinking 'Thou shall not kill.'

It is sadly ironic how it takes horrific events to place things into perspective, but it has. The lessons learned this week, the things we have taken for granted, the things that have been forgotten or overlooked, hopefully will never be forgotten again.

These are messages from our community and our constituents. I am certain every Member in Congress probably has similar that they have received. The outpouring of support for our Commander in Chief, the President of the United States, has been wonderful.

In Palm Beach County, a county I come from, a typical blood bank volume is 500 pints a week. Last week when I visited Palm Beach County that same blood bank, and I will use the phrase used then by George Bush, the President, the President's father, a thousand points of light. Well, last week in Palm Beach County there were 7,000 pints of life supporting New York and Washington.

I commend my community. I commend this Congress. I am proud to be an American. I thank all who have witnessed and watched us work together on behalf of the American people.

#### GUAM STANDS READY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, it is in this time of national crisis and in this time of national need that I am proud to stand here in the House to reflect upon it and also to report that Guam stands ready to do its part. In fact, it is doing so as we speak and as we deliberate.

Guam's strategic location on the other side of the international date line, its very extensive military infrastructure, means that American resources and personnel, some of our strongest assets, are moving through Guam as we speak, through that part of America, on their way to South Asia and on their way to eventual victory.

The people of Guam have had a long experience with the military and, in fact, are very closely aligned with the military not only economically but socially and also politically. We have over 2,000 people in uniform, on active duty, which amounts to about three times the national average. The people of Guam are in every branch and in every special operations unit and in every corner of the world today.

□ 1245

The people of Guam extend their condolences and their support to all of our fellow Americans, and have done so through resolution by the Guam legislature, Resolution Number 125, which I include for the RECORD.

#### RESOLUTION NO. 125 (LS)

Relative to expressing the shock, repugnance and horror of the People of Guam at the hijacking of American commercial passenger airliners, the terrorist attacks upon the World Trade Center and Pentagon, and extending the condolences, sympathy and prayers of the People of Guam to those injured and the families of those who did not survive these acts of cowardice and inhumanity.

*Be it resolved by I LIHESLATURAN GUAHAN:*

Whereas, I Mina'Bente Sais Na Liheslaturan Guahan (the Twenty-Sixth Guam Legislature) on behalf of the People of Guam, having experienced the horrors of war during the bombing of their island on December 8, 1941 and having experienced the horrors, cruelty and human suffering of war, understand, comprehend and relate to the frightening terror resulting from the murderous attacks upon the World Trade Center in New York City and the Pentagon in Washington, D.C.; and

Whereas, the People of Guam, though situated more than 10,000 miles from New York and Washington, D.C., through advances in modern communications technology, watched, in horror and disbelief, the events beginning with the first aircraft attack upon the World Trade Center, and have continuously followed all news reports on these tragedies; and

Whereas, the People of Guam, being extremely loyal and patriotic Americans, agree, and are in consonance, with the words of President George W. Bush that these acts

have inflamed "a yielding anger" in all Americans; have created a firm resolve that America "will not rest until justice has been achieved"; that "there will be no differentiation between those who committed these acts of inhumanity and those who harbor them" and when identified and captured, justice will be served; and

Whereas, the People of Guam, staunch defenders of liberty, freedom and democracy, do and continue to support the United States of America's policy and philosophy of promoting principles of liberty, freedom and democracy throughout the World for all people; now therefore, be it

*Resolved*, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the People of Guam, condemn the hijacking of American commercial passenger airliners by terrorist forces and the attack and bombing of the New York City World Trade Center Twin Towers and the Pentagon as cowardly acts of war perpetrated upon the United States of America and its People; and be it further

*Resolved*, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the People of Guam, wholeheartedly and resolutely support the promise and determination of President George W. Bush to "hunt down and bring to justice" those who plan and perpetrate such acts of war against any freedom loving people and nation, as well as, identification and prosecution of those who harbor or provide refuge to such perpetrators and mass murderers; and be it further

*Resolved*, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the People of Guam, wholeheartedly support President George W. Bush's stern intent and resolve to capture, arrest and prosecute all involved in this breach of peace and violation of human rights, and his declaration of and resolution that the search, capture and prosecution of these mass murderers is a top priority of the United States government and its law enforcement agencies; and be it further

*Resolved*, That I Mina'Bente Sais Na Liheslaturan Guåhan does hereby, on behalf of the People of Guam, extend to the Honorable George Pataki, Governor of New York; the Honorable Rudolph Giuliani, Mayor of New York City; the People of New York City, especially the families of those who were injured or who perished as a result of the cowardly attacks upon the World Trade Center Twin Towers; the People of Washington, D.C., especially the families of those who were injured or who perished as a result of the cowardly attacks upon the Pentagon; and the crash of the hijacked plane in Somerset County, Pennsylvania the sympathy, condolences and prayers of all the People of Guam; and be it further

*Resolved*, That the Speaker certify and Legislative Secretary attest to the adoption hereof and that copies of the same be transmitted to the Honorable George W. Bush, President of the United States of America; to the Honorable Richard B. Cheney, Vice President of the United States of America and President of the U.S. Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable George Pataki, Governor of New York; to the Honorable Rudolph Giuliani, Mayor of New York City; to the Honorable Tom Ridge, Governor of Pennsylvania; to Mr. Jim Goodwin, President and Chief Executive Officer of United Airlines, Ltd.; to Mr. Donald J. Carty, President and Chief Executive Officer of American Airlines; to the Honorable Robert A. Underwood, Guam's Delegate to the U.S. House of Representatives; and to the

Honorable Carl T. Gutierrez, I Maga'lahan Guåhan (Governor of Guam).

But at the same time that we stand in solidarity with the rest of America, my home island is also facing the greatest economic challenge that it has faced since World War II when Guam was devastated as the only American territory occupied by an enemy during the entire 20th Century.

Guam's economy is fueled primarily by tourism, most of it from Japan. Even prior to this attack, Guam was experiencing a 15 percent unemployment rate, because our economy is tied so much to Japan's, which was three times the national average. Guam was experiencing a \$40 million shortfall in revenues for the Government of Guam, roughly 10 percent of its entire budget, and for months my office, along with other political leaders on Guam and business leaders, have since tried to figure out various economic strategies of recovery.

But since the attack, the results have even been worse. The economic picture that we face is even worse. Because of international uncertainty and safety concerns, and perhaps a little bit out of deference to a Nation in mourning, many international tourists have canceled their plans to come to Guam. This is devastating to my home island.

Continental Micronesia, which is the major airline of Guam, has laid off hundreds of workers. Hotels, restaurants and shops are empty; hundreds have been sent home or had their hours cut back dramatically. The ripple effect on ancillary economic activity and on Government of Guam revenues is immediate and dramatic. 25,000 Japanese tourists have canceled their plans to visit Guam this month, and it estimated that there will be a 25 to 30 percent decline in the coming months in the number of tourists from Japan.

The people of Guam are no strangers to tough economic times. Time and time again, the people of Guam have weathered the storm and persevered during economic hardship. Whether it was rebuilding the economy after a Supertyphoon, like Omar in 1992 and Paka in 1997, or an earthquake, like the 8.1 on the Richter scale we experienced in 1993, or following World War II, or the Gulf War, the people of Guam have always fought back, remained patient but determined, and eventually overcame the economic difficulty.

Recovery from the Asian financial crisis, the downsizing of the military following the Cold War, and now the recent terrorist attacks, presents an enormous challenge, in this hour of national crisis, Guam will do its part, as it has done in the past. We support the national effort and lend our assistance and support to all military activities in Guam.

Economic recovery is perhaps the best way to show that this Nation is back to normal. Economic assistance

for communities and workers suffering from the decimation of entire industries is one of the best ways, although not the best way, to demonstrate that this Nation's political leadership understands the meaning of the attack nearly 2 weeks ago.

In the coming days and weeks, I will vigorously pursue an economic stimulus plan for Guam and the insular areas. There has been some progress on this, but much work needs to be done. I ask that the U.S. territories not be forgotten as we contemplate economic relief proposals for the entire Nation in the coming weeks and the coming months.

#### RECESS

The SPEAKER pro tempore (Mr. PENCE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of time and eternity, our national story is rooted in faith in You. Motivated by religious sentiments, the chapters of our history turn on pages of prayerful trust during times of crisis.

Be with us at this present hour, during our evolving crisis.

We are on the way, O Lord. Our flag flies at full mast as our planes once again reach for the sky and our ships cross the mighty shoulders of the seas.

From memorial services, America struggles from her knees and comes to full stature again, poised for the next move.

Be with us, Lord, in our next step.

The distant display of military on the horizon and the powerful workforce engaged by Monday's routine are united here on the floor of Congress and motivate us to pray.

Be with all of us, Lord, about our daily tasks as Americans.

Ready to defend what we love, alert to alarms and setbacks, yet compassionate to all human limitation and suffering, we are on our way, Lord, to confront the evils of our time. With clear vision and good judgment, inspire in us only just desires.

Be with us, Lord, now and forever.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, September 24, 2001.

Hon. J. DENNIS HASTERT,

*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2001 at 11:30 p.m.

That the Senate passed without amendment H.R. 2926.

With best wishes, I am

Sincerely,

JEFF TRANDAH, *Clerk of the House.*

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, September 21, 2001:

H.R. 2926, to preserve the continued viability of the United States air transportation system.

#### A SALUTE TO THE MEMBERS OF THE NEVADA AIR NATIONAL GUARD

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to salute members of the Nevada Air National Guard in the State of Nevada who have been authorized and called to active duty in support of Operation Infinite Justice.

Eighty-three brave and dedicated personnel from the 152nd Intelligence Squadron, based in Reno, Nevada, are ready and eager to support this Nation against the war on terrorism.

All across this country, reservists and guardsmen are rearranging their lives to answer the call to duty. Many families in Nevada, and indeed

throughout America, will require the military's assistance in many ways. Everything from child care to changes in family benefits will be required to see that we can provide the most adequate care and peace of mind that our fighting men and women deserve.

Mr. Speaker, as we prepare to fight this war against terrorism, let us speak in one voice, a unified voice, in support of our military men and women.

Let us not forget that while we send our brave men and women off to defend freedom itself, that we, here at home, must lend support to their families throughout their time of need.

I know that these men and women will make America proud. I know that they will bring justice to America.

#### PUTTING THE FEDERAL GOVERNMENT IN CHARGE OF AIRPORT SECURITY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, last Friday, the House of Representatives passed a \$15 billion airline bailout bill with not one penny in that bill for enhanced aviation security; no mandate for a change in aviation security. The administration tells us we will have to wait till October 1 to get their recommendations.

It has been 14 years since I introduced my first bill to enhance screening at airports and checking of baggage. Many other Members introduced bills before I did, but for years, we have been thwarted by the Air Transport Association and member airlines, and they gave us the system we have today, a mish-mash of private security firms, some of whom are on probation for violating the rules, one whose manager is in jail, still providing security at our airports, lowest bidding firms for screening, uncoordinated local, State or Port Authority police on the airside.

It is time to put the Federal Government in charge of airport security.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on motions to suspend the rules ordered prior to 6 p.m. will be taken today. RECORD votes on remaining motions to suspend the rules will be taken tomorrow.

#### EXPRESSING SENSE OF CONGRESS REGARDING ESTABLISHMENT OF NATIONAL CHARACTER COUNTS WEEK

Mr. FLETCHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 204) expressing the sense of Congress regarding the establishment of National Character Counts Week.

The Clerk read as follows:

H. CON. RES. 204

Whereas the well-being of the Nation requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play their role in determining the future of the Nation;

Whereas effective character education is based on core ethical values which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities;

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups,

and other organizations would focus on character education, would be of great benefit to the Nation; and

Whereas the week beginning October 15, 2001, and the week beginning October 14, 2002, are appropriate weeks to establish as National Character Counts Week: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—*

(1) a National Character Counts Week should be established to promote character education; and

(2) the President should issue a proclamation calling upon the people of the United States to—

(A) embrace the elements of character identified by their local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty; and

(B) observe such a week with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. FLETCHER) and the gentlewoman from California (Ms. SOLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. FLETCHER).

#### GENERAL LEAVE

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution now under consideration, H. Con. Res. 204.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. FLETCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 204, expressing the sense of Congress regarding the establishment of National Character Counts Week and would like to thank the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) for introducing this resolution and in their efforts regarding character education.

With the growing concern for the safety of students and teachers, many have looked to character education in the schools as a solution. Making appropriate and good choices in life relies upon strong character, yet some children do not get much guidance or support for character development. Supporting the ethical, social and emotional development of children will help to create better schools and a more compassionate and responsible society.

In the past, those who have helped parents reinforce the values of their children, neighbors, coaches, teachers, guidance counselors, and many others would not necessarily have recognized their role as a character educator. It was just something that friends and family did to foster a sense of community among its youngest members. Unfortunately, in an increasingly transient society, where both parents often

work, this traditional model has been abandoned. As a result, it now seems that some children lack the basic values that would not only help them avoid such things as unwanted pregnancies, drugs, school violence, and alcohol problems, but also teach them the importance of being respectful and honest.

Today, every teacher and every student can articulate the consequences of this neglect. The recent rash of school shootings is one example, but so is the low voter turnout among young people and their lack of involvement in community organizations. As a result, many Americans are looking to character education as one possible solution to the problems that plague our classrooms and our communities.

Research indicates that character education can help improve behavior as well as academic achievement.

A University of Illinois study of four schools using the "Positive Action" character development program found that the average number of incidents requiring disciplinary referral dropped by 74 percent after one year, and achievement scores improved by an average of 28 percentage points.

Standardized test scores of students exposed to the "Responsive Classroom" program, which emphasizes good character, increased 22 percent on average, versus just three percent for students not participating in the program.

A 1997 study demonstrated that students trained in "Second Step," a character-based violence prevention program, used less physical aggression and engaged in more pro-social interactions than peers who were not exposed to the character curriculum.

I applaud the efforts of President Bush to improve the academic achievement of our Nation's youth and his plan or improving our students' character. As Governor Bush noted in 1999, yes, we want our children to be smart and successful, but even more, we want them to be good and kind and decent. Yes, our children must learn how to make a living, but even more, they must learn how to live and what to love. "Intelligence is not enough," said Martin Luther King, Jr. "Intelligence plus character, that is a true goal of education."

To continue the President's focus on character education, this resolution expresses the sense of Congress regarding the establishment of National Character Counts Week. This resolution is simple and straightforward. It expresses the sense of Congress that a National Character Counts Week should be established to promote character education; and, two, the President should issue a proclamation calling upon the people of the United States to embrace the elements of character identified by their local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty; and observe such a week with appropriate ceremonies, programs, and activities.

I urge all my colleagues to support House Concurrent Resolution 204.

Mr. Speaker, I reserve the balance of my time.

Ms. SOLIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the gentleman from Texas (Mr. SMITH) and the many other bipartisan cosponsors of House Concurrent Resolution 204 in urging our Members to support this important resolution today.

Character education can play a vital role in shaping the lives and values of our children. However, character education is not a substitute for good parenting or meant to take the place of good parenting. It is simply another tool our communities and schools can use to facilitate the development of a young person's moral character.

Many schools in the Los Angeles County area have recently taken up the cause of character education. Schools in my district are placing new emphasis on teaching young people about respect, responsibility, caring, citizenship and honesty.

Recent incidents remind us about the need for character education among our young people. Unfortunately, in the last few weeks, in my own community, in the City of San Gabriel, a shopkeeper who had been a store owner there for over 20 years and a pillar of the community was shot to death at 3 p.m. in the afternoon by some young individuals.

People have attacked and harassed individuals who look to be different or speak a different language or share a different religion. Young women in my district attending a local community college were recently harassed because they attended college wearing a Muslim scarf over their head.

And even before the tragedies of September 11, the City of Azusa, also in my congressional district, has been home to many hate crimes, Latinos and African American youth attacking each other.

This has gone on for too long. I hope that further emphasis on responsibility, good citizenship, tolerance, and understanding will help to stem the tide of hate crimes in this country.

House Concurrent Resolution 204 expresses the sense of Congress that a National Character Counts Week should be established and that the President should issue a proclamation on the topic of character education. The establishment of a National Character Counts Week will provide families, parents, children, students, community-based organizations, and civic groups the ability to focus on character education and its many benefits.

In closing, I want to thank the gentleman from Texas (Mr. SMITH) for his leadership on this issue and urge the Members to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. First, Mr. Speaker, I want to thank the gentleman from Kentucky (Mr. FLETCHER) for yielding me this time, and I also want to thank him for his help in passing this resolution, which I introduced last July.

Mr. Speaker, a good definition of character is summed up in the old saying "Character is what you do when no one is looking."

□ 1415

Men and women of character are guided by standards of right and wrong. They do not look to others for approval or bend to peer pressure.

National polls indicate that moral concerns and family decline are some of the most important problems facing the country today. Too many of our children grow up in a culture that acknowledges no right or wrong.

Americans are concerned about the quality of their children's education. They are also troubled about the decline in our Nation's values and its effect on our children. Although parents should be the primary developers of character, educators play an increasingly important role. Communities across the Nation recognize that character education is an integral part of a well-rounded curriculum.

Our Nation's teachers are aware that character education can establish standards for behavior.

President Bush has made character education an important component of his education reform bill. By allocating funds to character education, States, local education agencies, parents, and students will have an opportunity to promote character and values. This resolution will encourage schools to embrace character education. It designates the third week of October of this year and 2002 as "National Character Counts Week."

I hope children across the Nation will participate in character-building activities in their schools. It is imperative that we teach our children the values that strengthen their character and make our country strong. To reap the rewards of a virtuous society, we must first sow the seeds of character when we educate our children.

Ms. SOLIS. Mr. Speaker, I would like to just reiterate that this is a good bill and ask my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. FLETCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just close before I yield back the remainder of my time.

In light of the recent events, it seems even more appropriate to quote Dr. Martin Luther King. Let me read his quote. "The function of education, therefore, is to teach one to think intensively and to think critically. But education which stops with efficiency may prove the greatest menace to society. The most dangerous criminal may be the man gifted with reason and no

morals. We must remember that intelligence is not enough. Intelligence plus character, that is the goal of true education."

Mr. BUYER. Mr. Speaker, I rise in support of this Resolution, House Concurrent Resolution 204, legislation establishing a national "Character Counts Week" sponsored by my friend from Texas, Mr. LAMAR SMITH.

Today, the vast majority of Americans share a respect for fundamental traits of character, honesty, compassion, justice, courage, and perseverance. Yet, in today's world, all children face great uncertainties in a complex and sometimes troubled society.

Positive character traits are not always readily apparent and easy for them to grasp or learn. When children are young, it can be difficult to decipher between what is right and what is wrong. Therefore, our challenge is to provide youths with the self-esteem, stamina, and support they need to survive, be successful, and develop into strong, competent, caring, and responsible citizens.

This resolution encourages the establishment of a "Character Counts" week, geared towards educators, students and communities to become more involved in the development of positive character traits.

Life consists of a series of choices. Every choice you make helps to define the kind of person you choose to be. Good character requires doing the right thing even when it is costly, risky, or when no one is looking. With all the pressures youths face today, how can we, as lawmakers, encourage our children to do the right thing, while so many elements in our culture say the complete opposite?

That is why it is so important for Congress to pass this resolution. Character education is about celebrating what is right with young people while encouraging and enabling them to develop knowledge and life skills for enhancing ethical and responsible behavior. I urge my colleagues to join with me in support of this measure.

Ms. CARSON of Indiana. Mr. Speaker, "character."

Webster's New World Dictionary, Third college Edition defines "character" as "moral strength, self-discipline, fortitude."

The pillars which guide ethical decision-making, which make up character are: Trustworthiness, respect, responsibility, fairness, caring, citizenship.

Trustworthiness includes morality, honesty, truthfulness, sincerity, candor, loyalty and integrity.

Respect includes civility, courtesy and decency.

Being responsible means being in charge of our choices and, thus, our lives. It means being accountable for what we do and who we are.

Fairness involves issues of equality, impartiality, proportionality and openness.

Caring is ultimately about our responsibilities toward other people. A person who really cares feels an emotional response to both the pain and pleasure of others.

The concept of citizenship includes civic virtues and duties that prescribe how we ought to behave as part of a community. The good citizen gives more than he or she takes.

As leaders of this great nation, especially at this time, we must be examples of strong,

moral unblemished character and encourage the young people of this nation to replicate these attributes in all their ways and conduct.

Mr. FLETCHER. Mr. Speaker, I have no further requests for time, and I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Kentucky (Mr. FLETCHER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 204.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1860) to reauthorize the Small Business Technology Transfer Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1860

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Technology Transfer Program Reauthorization Act of 2001".

#### SEC. 2. EXTENSION OF PROGRAM AND EXPENDITURE AMOUNTS.

(a) IN GENERAL.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended to read as follows:

"(1) REQUIRED EXPENDITURE AMOUNTS.—

"(A) IN GENERAL.—With respect to each fiscal year through fiscal year 2009, each Federal agency that has an extramural budget for research, or research and development, in excess of \$1,000,000,000 for that fiscal year, shall expend with small business concerns not less than the percentage of that extramural budget specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.

"(B) EXPENDITURE AMOUNTS.—The percentage of the extramural budget required to be expended by an agency in accordance with subparagraph (A) shall be—

"(i) 0.15 percent for each fiscal year through fiscal year 2003; and

"(ii) 0.3 percent for fiscal year 2004 and each fiscal year thereafter."

(b) CONFORMING AMENDMENT.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsections (b)(4) and (e)(6), by striking "pilot" each place it appears.

#### SEC. 3. INCREASE IN AUTHORIZED PHASE II AWARDS.

(a) IN GENERAL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking "\$500,000" and inserting "\$750,000"; and

(2) by inserting before the semicolon at the end the following: "; and shorter or longer periods of time to be approved at the discretion of the awarding agency where appropriate for a particular project".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall be effective beginning in fiscal year 2004.

#### SEC. 4. AGENCY OUTREACH.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(14) implement an outreach program to research institutions and small business concerns for the purpose of enhancing its STTR program, in conjunction with any such outreach done for purposes of the SBIR program; and".

#### SEC. 5. POLICY DIRECTIVE MODIFICATIONS.

Section 9(p) of the Small Business Act (15 U.S.C. 638(p)) is amended by adding at the end the following:

"(3) **MODIFICATIONS.**—Not later than 120 days after the date of enactment of this paragraph, the Administrator shall modify the policy directive issued pursuant to this subsection to clarify that the rights provided for under paragraph (2)(B)(v) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(6)(A)), the second phase (as described in subsection (e)(6)(B)), and the third phase (as described in subsection (e)(6)(C)).".

#### SEC. 6. STTR PROGRAM DATA COLLECTION.

(a) **IN GENERAL.**—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by this Act, is amended by adding at the end the following:

"(15) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the STTR program, including information necessary to maintain the database described in subsection (k).".

(b) **DATABASE.**—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (1)—

(A) by inserting "or STTR" after "SBIR" each place it appears;

(B) in subparagraph (C), by striking "and" at the end;

(C) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(E) with respect to assistance under the STTR program only—

"(i) whether the small business concern or the research institution initiated their collaboration on each assisted STTR project;

"(ii) whether the small business concern or the research institution originated any technology relating to the assisted STTR project;

"(iii) the length of time it took to negotiate any licensing agreement between the small business concern and the research institution under each assisted STTR project; and

"(iv) how the proceeds from commercialization, marketing, or sale of technology resulting from each assisted STTR project were allocated (by percentage) between the small business concern and the research institution."; and

(2) in paragraph (2)—

(A) by inserting "or an STTR program pursuant to subsection (n)(1)" after "(f)(1)";

(B) by striking "solely for SBIR" and inserting "exclusively for SBIR and STTR";

(C) in subparagraph (A)(iii), by inserting "and STTR" after "SBIR"; and

(D) in subparagraph (D), by inserting "or STTR" after "SBIR".

(c) **SIMPLIFIED REPORTING REQUIREMENTS.**—Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended by inserting "or STTR" after "SBIR" each place it appears.

(d) **REPORTS TO CONGRESS.**—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and (o)(9)," and inserting ", (o)(9), and (o)(15), the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns under each of the SBIR and STTR programs,".

#### SEC. 7. STTR PROGRAM-WIDE MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.

(a) **DEVELOPMENT OF MODEL AGREEMENT.**—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(w) **STTR MODEL AGREEMENT FOR INTELLECTUAL PROPERTY RIGHTS.**—

"(1) **IN GENERAL.**—The Administrator shall promulgate regulations establishing a single model agreement for use in the STTR program that allocates between small business concerns and research institutions intellectual property rights and rights, if any, to carry out follow-on research, development, or commercialization.

"(2) **OPPORTUNITY FOR COMMENT.**—In promulgating regulations under paragraph (1), the Administrator shall provide to affected agencies, small business concerns, research institutions, and other interested parties the opportunity to submit written comments.".

(b) **ADOPTION OF MODEL AGREEMENT BY FEDERAL AGENCIES.**—Section 9(o)(11) of the Small Business Act (15 U.S.C. 638(o)(11)) is amended by striking "develop a model agreement not later than July 31, 1993, to be approved by the Administration," and inserting "adopt the agreement developed by the Administrator under subsection (w) as the agency's model agreement".

#### SEC. 8. FAST PROGRAM ASSISTANCE TO WOMEN-OWNED AND MINORITY-OWNED SMALL BUSINESS CONCERNS AND CONCERNS LOCATED IN AREAS NOT PARTICIPATING IN SBIR AND STTR.

(a) **SELECTION CONSIDERATION.**—Section 34(c)(2)(B) of the Small Business Act (15 U.S.C. 657d(c)(2)(B)) is amended—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(vi) whether the proposal addresses the needs of small business concerns—

"(I) owned and controlled by women;

"(II) owned and controlled by minorities; and

"(III) located in areas that have historically not participated in the SBIR and STTR programs.".

(b) **REGULATIONS.**—Section 34(c)(4) of the Small Business Act (15 U.S.C. 657d(c)(4)) is amended by adding at the end the following: "The Administrator shall promulgate regulations establishing standards for the consideration of proposals under paragraph (2), including standards regarding each of the considerations identified in paragraph (2)(B).".

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Texas (Mr. GONZALEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

#### GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1860 is to amend the Small Business Act to extend the Small Business Technology Transfer Program, more familiarly known as the STTR Program, through the end of September 2009.

Under present law, the STTR program will terminate on September 30, 2001. The STTR program requires a cooperative venture between a for-profit small business and a researcher from a university, federal lab, or a nonprofit research institute for the purpose of meeting particular needs or developing commercially viable products from ideas spawned in a laboratory environment.

This program builds on the well-established reputation that small businesses have for innovation and job creation to the benefit of the economy, generally, and specifically those who participate in the program. It also benefits the vast wealth of scientific knowledge that is available in this Nation's research institutions that employ approximately one-fourth of the scientists and engineers in the country.

Together small business concerns and the research community have proved a successful vehicle for moving ideas from academic environments to the practical, useful commercial world to the benefit of U.S. economy and workers. For a Federal agency to participate in the program, it must have a contracted-out research and development budget that exceeds \$1 billion in any fiscal year. Currently there are five Federal agencies that meet the funding requirement: the Department of Defense, the Department of Energy, the Department of Health and Human Services, NASA, and the National Science Foundation.

No new funding is required to reauthorize this program since the program is funded as a percentage of the contracted-out research and development funds annually appropriated by Congress to those federal agencies meeting the funding threshold.

Beginning in fiscal year 2004, the percentage of the R&D budget required to be spent for small high tech firms by agencies participating in the program increases from .15 percent to .3 percent.

Beginning in fiscal year 2004, the amount that a small business can receive for Phase II award is increased from 500,000 to 750,000 in line with Phase II awards made under the SBIR program.

Participating agencies are directed in this bill to implement an outreach program to research institutions and small business concerns for the purpose of enhancing the STTR program in conjunction with any such outreach done for purposes of SBIR program.

The bill is important to foster the development of small high technology firms. I commend my Committee on Science colleagues, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. BARRIA), in bringing this bill to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we stand and take the final step toward reauthorizing the Small Business Technology Transfer Program and upgrading it from its current pilot program status.

We began this initiative in 1992 with a unique goal, to help the small business and research communities work together to bring innovative new technologies to the marketplace. It is impossible to overstate the impact that technological innovation has had on the economy and on our lives. Computer and telecommunications innovation, biotechnology and chemical engineering have fueled a boom and profoundly changed the way we work and live. Some technologies were exotic or even unheard of just 10 years ago. Today, they have become commonplace.

Mr. Speaker, the Small Business Technology Transfer Program has helped to spur some of this remarkable creativity and growth. Between 1994 and 1998 alone, STTR awarded 864 Federal grants for research through 5 Federal departments and agencies. STTR has led to inventions emerging in highly evolved technologies, including advances in vaccine applications and biotechnology research.

With the passage of today's legislation, we will continue to support small technology firms across this country by extending the life of STTR through the year 2009, while expanding the program from its previous pilot program status.

In particular, we will expand the program's reach by increasing the percentage of Federal research grants reserved for small businesses from 0.15 to 0.30 percent, doubling the amount of research dollars going to small businesses. This will go a long way towards increasing the role small firms play in developing new technology.

In addition to increasing the number of opportunities for new enterprises, we are increasing the amount of Phase II grants from \$500,000 to \$750,000 so that those already successful small businesses will have an even better chance of product commercialization.

We are also directing the SBA to develop a streamlined model agreement so that small businesses can spend

more time developing technology and less time on bureaucratic paperwork.

But that is not enough. The Committee on Small Business recognizes that technology can be the great equalizer in underserved communities and has positioned STTR to play a far larger role. For example, of the 864 contracts awarded, only 1.5 percent of those went to women-owned small businesses, and only 2.8 percent were awarded to minority businesses. This defeats one of the core missions of STTR, to help small businesses that otherwise do not have access to the tools and advice they need to take their ideas from the laboratory drawing board to the marketplace.

The committee has also directed the Small Business Administration to begin tracking awards to low-income communities. This will give a measurement of the level of support that STTR is providing to these areas.

Finally, we are redirecting the Federal and State Technological Partnership to further emphasize the importance of outreach to low-income communities in spreading and increasing the benefits of technological innovation. We created this program last year to encourage technology development in areas that had limited growth and success in the past.

An important component of this was supposed to be outreach to low-income communities. Unfortunately, the implementing regulation failed to focus on low-income communities. In consultation with the Senate, the committee changed the statutory language specifically to increase STTR and Small Business Innovation Research awards to low-income communities.

With this bill, we expanded the language to focus awards on businesses owned by women and socially and economically disadvantaged individuals within each State, as well as small businesses in regions that have been previously overlooked by STTR and SBIR awards.

I want to make it absolutely clear that outreach is a critical component to technology development. The enhancements included in this bill will begin to open access to technology for businesses located in low-income communities and other underserved regions, and we will measure the success of this outreach by tracking the number of those awards in those particular communities.

During the past decade, we saw enormous growth in small business and technological innovation. The benefits are many, but the gap between communities who benefit from the economic strength of technological entrepreneurs and those who are left behind is too wide. STTR is instrumental in helping more researchers and small businesses build the next new thing while at the same time bridging the digital divide.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield 8 minutes to the gentleman from Michigan (Mr. EHLERS), the primary sponsor of this legislation.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 1860, the Small Business Technology Transfer Program Reauthorization Act of 2001. I thank the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Texas (Mr. GONZALEZ) for their supportive comments on this bill.

Approximately 5 years ago, I was chartered by then-Speaker Gingrich and the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science and Technology, to prepare a report on updating the science policy of our Nation and outline where we should be heading. That report came out of the Committee on Science and Technology, was approved by the House of Representatives, and became popular enough that it is now in paperback.

In that report, we made a major statement on several issues; one of which was to bridge the so-called valley of death between basic research and applied research so that we could have more ideas flowing out of basic research into applied research and eventually into product development.

The program we are talking about here today is a program which can help bridge that valley. We are recommending, based on the success of this program, that it be reauthorized and, in fact, improved.

Investment in technology, research, and development and this scientific enterprise is a key component of sustaining the economic growth of the past decade, much of which is based on developments in science and technology.

As growth slows, Congress must seek ways to bolster its investment and renew strong economic performance. I am pleased to rise in support of this legislation because it will bring research out of the labs and into the marketplace to help our economic engine roar back to life.

□ 1430

The Federal Government funds a wide range of basic research efforts which are carried out by our Nation's research institutions, such as universities, Federal laboratories, and non-profit research centers. Bringing the successes of these efforts into the marketplace can be difficult for a research institution. They are simply not geared up for this. At the same time, small businesses have a well-earned reputation for introducing new ideas to the marketplace but often lack the resources and the personnel to carry out extensive research and development. The Small Business Technology Transfer program, better known as STTR, helps bridge this gap.

This program, which is the subject of this bill, stimulates technology transfer from research institutions to small businesses by awarding grants for collaborative efforts between small businesses and nonprofit research institutions. This award process has three phases. Phase one is a testing stage to determine the scientific, technical, and commercial merit and feasibility of a proposed collaboration effort. Grants are limited to \$100,000 during this stage. Projects that successfully complete phase one may be further developed in phase two, with additional funding up to \$500,000. Phase three is designed for final R&D efforts and for commercialization of the idea. However, no Federal STTR funding is allowed for this stage. At that point it becomes the responsibility of the company.

This program is currently funded through a set-aside of 0.15 percent of Federal R&D budgets that exceed the threshold of \$1 billion. Currently, five agencies participate in STTR: Department of Defense; National Aeronautics and Space Administration; Department of Health and Human Services, primarily through the National Institutes of Health; the Department of Energy; and the National Science Foundation.

The General Accounting Office evaluated STTR in 2000–2001 and found that companies receiving phase one grants felt that both the company and research counterpart contributed significantly to the expertise and implementation of the project. They reported a variety of outcomes, ranging from product sales to project discontinuation. And 99 percent of the grant recipient companies surveyed believed the STTR program should continue.

In addition to that, they did a survey of the companies involved to see what the effects were, and they discovered that there is a substantial return on investment. Just the six most successful projects alone accounted for sales of \$132 million. That almost covers the cost of the entire STTR program during the first few years.

In addition, the top two projects had \$115 million of sales. Now, recognize, these sales go on and on for years. These are just the sales for the first year or two. So it clearly is a program that works. It is successful and does improve our economy.

This current bill, which I am offering, H.R. 1860, does several things to improve the program. First, the legislation reauthorizes the program through fiscal year 2009 and raises the set-aside percentage from 0.15 percent to 0.3 percent, which will increase the annual awards by approximately \$60 million overall. Second, it increases the ceiling on the phase two award from \$500,000 to \$750,000. This simply reflects the rising costs of doing business since the program's inception in 1992.

Finally, H.R. 1860 will, among other things, strengthen the data collection

and reporting requirements of the agencies and small businesses participating in STTR and standardize intellectual property rights agreements between the agencies and their partners. That last aspect is very important, because the participants reported a significant amount of their time, money, and effort had gone into developing the property rights agreements between the agencies and the business partners. This bill standardizes that process and will save a considerable amount of time and money, particularly in attorneys' fees and the time of the participants.

This bill is a cooperative effort between the House Committee on Science, the House Committee on Small Business and the Senate Small Business Committee. The three committees have worked in a bipartisan, bicameral effort to ensure this important program is reauthorized. In fact, the manager's amendment reflects that cooperation by inserting the text of Senate bill 856, which is almost identical to our bill, as the manager's amendment.

I would like to thank the leadership of these committees, Chairman BOEHLERT, ranking member HALL, Chairman MANZULLO and ranking member VELÁZQUEZ, for their efforts in bringing this bill to the floor. This is a good bill that will improve upon an already successful small business program. It will strengthen R&D partnerships between research institutions and small businesses. It will help America's economy by encouraging new small business ventures, which are a key component of fueling further economic growth. And it will demonstrate the importance of funding Federal research efforts by bringing technology developed in research institutions into the marketplace and creating jobs.

Mr. Speaker, I urge Members to support the bill.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, the small business technology transfer program has been a valuable tool to promote useful technological innovation since it was first authorized in 1992. Today, we take the final step toward extending and expanding STTR for the future. I hope that, if we see the same kind of development in the next 10 years as we have seen in the past decade, many more wonders will follow to change our lives and bolster our economy, which clearly needs it at this time.

The Subcommittee on Rural Enterprises, Agriculture, and Technology, on which I serve, held a hearing on this program on June 20, 2001. The STTR program is designed to address the lack of capital that small business research and development firms experience when getting started. Another unique

aspect of the program is that small businesses can partner for research projects with research institutions, federally funded research and development centers, or nonprofit organizations.

By supporting this legislation, we are taking a big step to strengthen and improve the STTR program and its delivery program to women-owned, minority-owned and those companies located in low-income communities. This program is a valuable tool to assist small business owners who focus on research and development initiatives.

We have expanded the STTR in a number of ways. We raised the percentage of Federal agencies' research budgets reserved for STTR from 1.5 percent to 3 percent. We also increased the amount of phase two awards from \$500,000 to \$750,000 to help more innovations get to market. To help small businesses and institutions deal with a blizzard of different standardized agreements, we are asking the Small Business Administration to develop a single, standardized model agreement. And we are asking SBA to make a concerted effort to reach out to underserved areas of the country with grants for those communities. We will see how well the agency does by tracking where and to whom STTR and SBIR grants are awarded. Technology can be the great economic equalizer, but the digital divide must be bridged first.

In my district in New Mexico, I have a large rural area. Issues of the digital divide are profound. In fact, one young student recently won a computer in a school contest but did not have a telephone line to hook up the computer. We need an aggressive effort at digital inclusion. The small business technology transfer program will help bridge this gap through a grant program.

I would like to thank all my colleagues on the Committee on Small Business for their support and hard work on this bill, which has been 9 years in the making and is needed now more than ever. I would also like to thank the gentleman from Illinois (Mr. MANZULLO). I know that he brings to this committee a bipartisan approach. We have been very successful at working together. I congratulate him for all his hard work and leadership on this bill.

Mr. GONZALEZ. Mr. Speaker, I yield myself the balance of my time.

The Committee on Small Business, Mr. Speaker, has always been recognized as a true model of bipartisanship. I commend the chairman of the committee today for continuing in that tradition. I want to commend both the chairman of the committee and the ranking member for being really the guiding light in this as in many other pieces of legislation that will expand that business universe to all the small business men and women in this Nation.

H.R. 1860 today presents a greater opportunity than ever before. It is not only an expansion but it is a monitoring; and it really is an accountability model to make sure that the legislation that we pass when it gets down on the ground, in our communities, actually is doing what it is supposed to.

Again, I commend the chairman and the ranking member for their fine work. I would ask that all my colleagues join us today in passage of this fine piece of legislation.

Mr. MANZULLO. Mr. Speaker, I yield myself the balance of my time.

I would urge my colleagues to vote in favor of this bill. We had a very interesting full committee hearing in New Mexico with regard to the Los Alamos lab in the district of the gentleman from New Mexico (Mr. UDALL). It became quite apparent that there has to be something done to make at least that lab come to the table and to include more local businesses and people involved in technology as part of their program. If this program is reauthorized, which I hope it will be, we will stay on top of the progress at Los Alamos and the other labs in this country to make sure the taxpayers' dollars that they are being given are used wisely and that the portion that is set aside for small businesspeople is done exactly for that purpose.

I would urge my colleagues to vote for the bill.

Ms. VELÁZQUEZ. Mr. Speaker, as an original co-sponsor of H.R. 1860, I rise in support of this important legislation to not only reauthorize, but to make permanent the Small Business Administration's Small Business Technology Transfer (STTR) Program.

As the Ranking Democratic Member on the Committee on Small Business, I am well aware of the important role that technology plays in not only developing small businesses, but in strengthening the Nation's economy. The economic boom of the 1990's—the longest period of economic strength in our Nation's history—was fueled by small businesses and, especially high-tech firms. The strength of the economy, for such an unprecedented time period, was directly related to the success of the high-tech sector.

It might surprise my colleagues to know that small businesses are the leading source of innovations and that small firms produce twice as many innovations per employee as large firms. In fact, small businesses were responsible for most of the important innovations in the twentieth century, including items ranging from such practical consumer products and services as over-night delivery services and quick-frozen food to high-tech items such as the personal computer and the high-resolution x-ray microscope.

The STTR Program that we are authorizing today increases small business participation in the high-tech industry. Established in 1992, the STTR Program works by allowing small businesses to partner with universities, non-profit organizations, and research institutions. These research partners bring important capabilities that small businesses might not pos-

sess on their own. The partnership submits a proposal for necessary Federal research requirements.

With this reauthorization legislation, we have removed the pilot status of the STTR Program, and have extended the Program through fiscal year 2009.

We have also taken important steps to increase the amount of Federal research that will be performed by small businesses by increasing the percentage of agency's extramural research budgets to be devoted to the STTR Program from .15 percent to .3 percent beginning in fiscal year 2004. This action doubles the amount of research that the government will be devoting to small firms.

We have increased the grant amount of Phase I awards from the current \$500,000 to \$750,000. This provision allows small businesses more fund with which to conduct their research, thereby increasing the likelihood that their research will result in useful items that will make it to the marketplace.

Additionally, the bill contains provisions that will assist with the assessment of the STTR program, by requiring the collection and maintaining of pertinent data, that can later be used to evaluate the program's strengths and weaknesses.

Democratic Members included three important provisions to this reauthorization to encourage the growth of high-tech businesses. These changes include developing an STTR Program-wide model agreement, increasing awards to low-income areas, and tracking low income awards.

The partnership between small businesses and research institutions is a cornerstone of the STTR Program. Included in the formalization of these teams, is the development of an agreement outlining the rights and responsibilities of each partner, and addressing the intellectual property rights and rights to carry out follow-on research, development or commercialization, if any, that are assigned to each partner.

It has come to the Committee's attention that each participating agency has a model agreement, and many universities and non-profits have model agreements. The result is an exercise in which the small business and its research partner must come to an agreement, and have that agreement parallel the agency's agreement. The scenario often occurs wherein a small business doing work for the same agency, but with multiple research partners, must have multiple agreements, none of which are standard. Ultimately, this results in time devoted to developing partnership agreements when that time would be more effectively used to actually conduct research.

Therefore, Committee Democrats have included language that requires the Small Business Administration (SBA) to go through a rule-making process to develop a single model agreement that can be acceptably used by all small businesses, agencies, and research partners. It is intended that this rule-making process involve commentary from affected agencies, small business owners, research institutions, and other interested parties. The resulting model agreement shall be used by all agencies as their model agreement so that small research firms can devote their time to that which they do best—research.

During last year's reauthorization of the Small Business Innovation Research (SBIR)

Program—the sister program to the STTR Program—important language was included to increase awards to businesses located in low-income areas. Language was included in this Federal and State Technology (FAST) Partnership Program by House Democrats on the Committee on Small Business that allows a 50 cents private for each federal dollar for assistance directed to low-income areas—even if the state is a high-volume state as far as SBIR awards. We were concerned when this language was included, that it would not be implemented properly, and that not enough emphasis would be placed on this issue. This has become a reality in that the SBA did not include any reference to low-income area assistance under the FAST Program in its recent Policy Directive.

As a result of the SBA not being able to properly implement the low-income area assistance of the FAST Program in accordance with our intent, Committee Democrats included language in the STTR reauthorization legislation to require that a separate evaluation criteria for FAST proposals be developed to ensure that these proposals address how they are going to increase STTR and SBIR awards to businesses located in low-income areas. When we consulted with the Senate Small Business Committee on this language, they expressed concern that states not having substantive amounts of low-income areas could be penalized in an evaluation criteria totally devoted to increasing opportunities in these areas. Therefore, compromise language was developed to establish an evaluation criteria to ensure that proposals address how they are going to increase STTR and SBIR awards to (1) businesses owned and controlled by women, (2) businesses owned by minorities, and (3) businesses located in areas of high unemployment and low-income—all of which have historically not participated in the SBIR and STTR Programs. It is our intent that the SBA go through a rule-making process to determine the weight that this criteria should have compared to other criteria, and to determine the standards by which these proposals shall be evaluated. It is our understanding that the term "minorities" will encompass all socially and economically disadvantaged individuals.

This important change to the FAST Program will address the grim reality that of the 864 STTR awards from 1994 through 1998, only 1.5 percent went to women-owned businesses, and only 2.8 percent went to minority owned businesses.

Lastly, we included language in the STTR reauthorization to require that the SBA report to Congress, on an annual basis, on the number of SBIR and STTR awards made to small businesses located in HUBZones. These "Historically Underutilized Business" Zones are specifically defined as areas of high unemployment and low income. These locations have been out of the mainstream of economic growth that the nation has experienced over the past 10 years, and, as such, would benefit greatly from the economic strength that technology provides to a community. Further, tracking awards made to these businesses will assist in evaluating the success of the FAST Program.

To conclude, I join my colleagues on the Committee on Small Business who are committed to ensuring that small businesses

across the country are able to grow and expand their technology capabilities. We know that not only do small businesses, in general, employ more than half of the non-farm workforce, but small businesses account for 38 percent of the private sector workforce in the high tech industry. We believe the STTR and SBIR Programs are critical to increasing the capacity of small business technology companies, and that these Programs should continue to be monitored and evaluated, and given the appropriate resources to ensure their continued success.

Mr. BOEHLERT. Mr. Speaker, I support the Small Business Technology Transfer Program Reauthorization Act of 2001.

The Small Business Technology Transfer Program (STTR) was created in 1992 as an offshoot of the larger Small Business Innovation Research Program (SBIR). Both programs are designed to tap into the innovation of high technology small businesses and foster the commercialization of their research capabilities.

Specifically, the STTR program funds cooperative research projects between a small business and a non-profit research institution, such as a university or Federally funded laboratory. There are currently five participating agencies: Department of Defense, Department of Energy, National Aeronautics and Space Administration, Department of Health and Human Services, and the National Science Foundation. These agencies make R&D awards to the small business collaboration in the hopes of bringing new technology or technology that may have been "on the shelf" of a research institution into the marketplace.

Since its inception, the STTR program has made approximately \$300 million in awards to small businesses and research institutions. As GAO recently reported, the return on our investment has been more than satisfactory. Out of the 102 responses from companies participating in the STTR program from fiscal years 1995–97, \$132 million in sales and \$53 million in additional development funding was reported. In addition, future sales for those projects are expected to be about \$900 million dollars by December 2005. These successful results are so encouraging since most of the R&D efforts have yet to reach the stage where they are ready for the marketplace.

H.R. 1860 will continue this successful R&D program by reauthorizing it through fiscal year 2009, and doubling the set-aside of the participating agencies to .3 percent. The bill also makes important improvements to the program. One of those is the establishment of an electronic database that will better enable the Small Business Administration to evaluate the program's progress.

Finally Mr. Speaker, I would like to commend the bipartisan effort to ensure this important program continues its successful efforts of technology transfer and innovation. I would like to thank Mr. EHLERS, Chairman of the Subcommittee on Environment, Technology and Standards, the Ranking Member of that Subcommittee Mr. BARCIA, the Chairman of the House Small Business Committee Mr. MANZULLO, and the Ranking Members Mr. VELÁZQUEZ for their efforts in crafting the legislation before the House.

H.R. 1860 will strengthen this country's research and development community by invest-

ing in our nation's innovative small businesses and I ask all Members to support its passage.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 1860, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LIMITATION ON PER COUNTRY SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 248) to amend the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

The Clerk read as follows:

S. 248

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LIMITATION ON THE PER COUNTRY SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 931(b)(2) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–480) is amended by striking "25 percent" and inserting "28.15 percent".

(b) CONFORMING AMENDMENT.—The undesignated paragraph under the heading "ARREARAGE PAYMENTS" in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; 112 Stat. 2681–96) is amended by striking "25 percent" and inserting "28.15 percent".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

#### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 248, a measure urgently requested by the administration. Its enactment will help to ensure that we can pay the second installment of our arrearages to the United Nations in return for continued progress in lowering our assessment ceilings for the U.N. regular budget and for U.N. peacekeeping operations.

Our actions on this measure are all the more important in light of the events of September 11. Meeting our financial obligations to the United Nations will help to ensure that our policymakers can keep the focus on broad policies that unite the members of the security council in the fight against global terrorism.

Its enactment revises one of the provisions of the underlying U.N. reform legislation, known as the Helms-Biden law, ensuring that we do not accumulate any additional arrears and that our assessed share for the United Nations peacekeeping operations will drop from close to 32 percent to 28 percent.

□ 1445

In December of 2000, the U.N. put in place a 6-year plan to reduce our share of U.N. peacekeeping costs, with the result that in 2002, our assessment ceiling will drop to 26.5 percent, with further reductions until it reaches 25 percent in 2006.

Our adoption of S. 248 will also ensure that our assessment ceiling for the U.N. regular budget will go from 25 percent to 22 percent, and that other long-term U.N. reform measures are fully implemented. Over the next 10 years, these lower payment ceilings will provide more than \$2 billion of savings to the American taxpayer.

Enacted in the 106th Congress, the Helms-Biden law authorized a total of \$819 million in arrearage payments to the U.N., including \$100 million in fiscal year 1998 funds, \$475 million in fiscal year 1999 funds, and \$244 million in fiscal year 2000. The legislation also allowed an additional \$107 million in debt relief of monies owed to the U.S. by the U.N.

These payments are only made upon specified certifications by the Department of State that the U.N. has implemented reform benchmarks upon each tranche of funds. Among the certifications for release of the first \$100 million authorized under the Helms-Biden legislation are stipulations that the U.N. would not implement any measure violating our Constitution, ceding sovereignty, taxing Americans, creating a standing army, charging the U.S. interest on arrears or exercising control over any U.S. park, monument or property.

In December of 1999, this certification was made, and \$100 million of fiscal year 1998 funds were paid to the U.N. This legislation would enable the Department of State to pay the second tranche of \$475 million, together with the \$107 million in debt relief foregone

to the U.S., for a total of \$582 million, conditional upon a similar certification that our U.N. assessment ceilings are being reduced.

I urge the adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

First, Mr. Speaker, I want to commend my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for his outstanding work in bringing this legislation before the House.

I wish to take this opportunity to discuss the recent terrorist attacks and explain why, in light of these tragic events, it is all the more important that we pay our arrears to the United Nations.

Two weeks ago, Mr. Speaker, our Nation lost its innocence, but it found a new sense of unity and purpose. This new sense of unity comes from the sudden realization that our open and free and democratic way of life is under attack, and it must be and will be defended. We must learn from this tragic experience and we must be able to take intelligent, thoughtful and swift action.

But the United States, Mr. Speaker, cannot act alone and expect to prevail in this long-term painful struggle against international terrorism. All Americans deeply appreciate the many expressions of sympathy and support from our friends and allies, and some who do not fall into either category, but it will require actions, not simply words, to defeat global terrorist organizations and the nations which give them support and safe harbor.

As President Bush, Secretary Powell and our Nation's diplomatic corps begin to secure concrete commitments required to wage this battle against international terrorism, we must take advantage of every forum available to reach out to the nations of the world. The United Nations is clearly the world's premier forum, and it will be one of the primary theaters for the United States to act diplomatically on this matter.

Within 48 hours of the September 11 outrage, the U.N. Security Council and the General Assembly of the United Nations condemned the violence and voted to support actions taken against those who are responsible and against those States that aid them.

On Friday of that week, U.N. Secretary General Kofi Annan wrote an op-ed piece in the New York Times, and he said the following:

The international communities is defined not only by what it is for, but by what and whom it is against. The United Nations must have the courage to recognize that just as there are common aims, there are common enemies. To defeat them, all nations must join forces in an effort encompassing every

aspect of the open, free global system, so wickedly and viciously exploited by the perpetrators of last week's atrocities. The United Nations is uniquely positioned to advance this effort.

Mr. Speaker, United Nations conventions already provide a legal framework for many of the concrete actions which must be taken by nations to eradicate terrorism. These conventions provide for the extradition and prosecution of terrorists and the suppression of money laundering. Nations that are serious about joining the United States in our battle against global terrorism must ratify these important conventions.

The United Nations can also help to ensure that the new battle against global terrorism does not slip to the back burner. Last Thursday President Bush said, "Even grief recedes with time and grace, but our resolve must not pass."

By helping to focus the international community on the scourge of terrorism, I believe the United Nations can help us turn our collective grief into concrete victories against the new enemy of the 21st century, international terrorism.

Aside from the battle against terrorism, the United Nations continues to play an invaluable role in promoting international peace and stability. Since its inception over half a century ago, the U.N. has negotiated 172 peaceful settlements to conflicts around the globe, helping to end the civil war in El Salvador and the Iran-Iraq war. Its peacekeeping operations have assisted to uphold cease-fires, conduct free and fair elections, deter violence and create free and democratic nations.

Even today, the U.N. is giving birth to a free and independent East Timor. Since the East Timorese voted in 1999 for independence from Indonesia and suffered enormous human and economic costs as a result of the violence following that vote, the United Nations has taken charge of this fledgling country, which just completed its first free and fair elections.

Now, Mr. Speaker, we cannot ask the United Nations to bring freedom to difficulties-possessed people, battle terrorism, resolve international conflicts and conduct extensive peacekeeping operations, and yet fail to pay our dues. The Helms-Biden United Nations package enacted in 1999 provided for the payment of American back-dues over a 3-year period, and our former United Nations ambassador, Richard Holbrook, performed exceptionally well in successfully negotiating the type of U.N. reforms called by the Helms-Biden Act.

The legislation before our body today brings the U.N. arrears package into line with the far-reaching U.N. reform plan engineered by Ambassador Holbrook and ensures that the \$582 million can move forward expeditiously. I am very pleased that the United Nations arrears legislation en-

joys such strong bipartisan support, and again, I wish to commend my friend, the gentleman from Illinois (Chairman HYDE), for his exemplary leadership on this bill.

I would note, however, that we are not bound by a side agreement between the White House and the House Republican leadership on the International Criminal Court that may be related to this legislation moving forward.

Mr. Speaker, the American people passionately support the common goal, punishment of those who conducted the September 11 attacks, and an end to global terrorism. The United Nations can help achieve that goal if we meet our commitments. I strongly urge all of my colleagues to support this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the learned gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I appreciate the chairman yielding me time.

Mr. Speaker, as the prime sponsor of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, fiscal years 2000 and 2001, H.R. 3427, signed by President Clinton on November 29, 1999, I rise in very strong support of this legislation, S. 248, legislation that alters that Act and provides additional flexibility in pursuing our goals of reforming the operations of the United Nations while strengthening our efforts to build a coalition against this terrorist threat that we all face.

Mr. Speaker, H.R. 3427, which authorized appropriations for the Department of State, contained dozens of reforms for our State Department, refugee protection, freedom broadcasting and a host of other things. As a matter of fact, the embassy security portion of it provided \$5.9 billion over 5 years to try to beef up our efforts and to mitigate the threats against terrorists abroad. It also contained what is commonly referred to as the Helms-Biden provisions, Title IX, which contained specific reforms for the U.N. in exchange for payment of U.S. arrearages.

In the first year, the new law required that before arrearages were to be made, the Secretary of State had to make a number of certifications concerning U.S. sovereignty. That satisfied, the arrears payments were released. In the second year, which is the focus of this legislation we are considering today, the Secretary of State is required to make certifications requiring reductions in assessments as mandated by law. Specifically, our legislation required that the assessment of the U.N.'s regular budget be lowered from 25 percent to 22 percent, and the U.S. share of any peacekeeping operations be reduced to no greater than 25 percent of the total cost.

In December of last year, as my colleagues, the gentleman from Illinois

(Mr. HYDE) and the gentleman from California (Mr. LANTOS) have pointed out, following negotiations with the U.S. Representative to the U.N., the General Assembly agreed to lower the assessment for the regular budget to 22 percent, as required.

In addition, an agreement was reached to lower the peacekeeping share borne by the U.S., although at a more gradual pace than envisioned. Under the negotiated agreement, the U.S. share would drop from approximately 31 percent to 28.15 percent beginning in January of 2001. Subsequently, the rate would drop from 27.5 percent on July 1, then to 26.5 in 2002, and further reductions are anticipated, until we get down to the 25 percent within a 6-year time period.

Mr. Speaker, while this reduction is not as great as we had called for in the legislation, it does represent a significant reform of the United Nations, and will save American taxpayers about \$2 billion over the next 10 years.

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Furthermore, Mr. Speaker, by accepting this negotiated settlement, we provide a clear signal to the world community that the United States is serious about acting together with other nations of the world.

Mr. Speaker, S. 248 will amend our law to fall in line with the negotiated reductions. I think it is a good bill and it deserves, I believe, the unanimous backing, especially during this time of crisis, of every Member of this Chamber.

Mr. LANTOS. Mr. Speaker, we continue to reserve our time.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, as chairman of the Committee on Government Reform Subcommittee on National Security, Veterans' Affairs, and International Relations, I rise in strong support of repaying our debt to the United Nations.

Make no mistake about it. While this bill is being considered on the suspension calendar, it is one of the most important foreign policy decisions Congress will make this year.

Since the brutal terrorist attacks of September 11, our Nation has been working as never before to build an international coalition for the war against terrorism. Yet, at the same time, the administration is reaching out to nations from every corner of the globe, the United States remains the biggest debtor nation at the U.N. This is not only unacceptable, it is a gigantic impediment to our diplomatic efforts and clearly endangers our national security.

Mr. Speaker, S. 248 is necessary because the 1999 Helms-Biden agreement, which I supported, authorized the repayment of our Nation's \$926 million debt to the U.N., but contained a number of benchmarks the U.N. was re-

quired to meet. Last December, Ambassador Richard Holbrooke reached a landmark agreement with our U.N. member nations on reductions in regular budget and peacekeeping contributions by the United States. The agreement received the subsequent endorsement of Senators JESSE HELMS and JOSEPH BIDEN who drafted this legislation to adjust certain statutory requirements so they would conform with this agreement and permit the long overdue payment of the U.S. arrears to the U.N.

The Cold War is over, but on September 11, we saw in very plain terms that the world is a far more dangerous place.

Today, there is considerable uncertainty, both at home and abroad, about the period we are entering and how we will wage the war against terrorists. During this period of less clearly defined global politics, we will, we must, increasingly rely on the United Nations as a forum for resolving the varied interests of autonomous nations. Yet, every day we fail to pay our debts to the U.N., we make our work far more difficult.

Countries all over the world are looking to the United States for leadership, yet what they see is a very powerful and wealthy country refusing to live up to some of its international commitments. Why, as a nation, would we want to unnecessarily complicate our diplomatic efforts at a time when we need every ounce of leverage?

I want to conclude by stating that S. 248 enjoys broad bipartisan support. It passed the Senate earlier this year by a vote of 99 to 0, and Secretary of State Colin Powell has called it a needed step in repaying our arrears. I commend the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, and the gentleman from California (Mr. LANTOS), the ranking member of the committee, for bringing this legislation to the floor in a way that will allow us to avoid a protracted conference with the Senate.

Mr. Speaker, I urge my colleagues to support S. 248 so we can get it to the President's desk immediately.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time; and I yield back the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of S. 248 which will authorize payment of United States back dues to the United Nations. Great nations pay their bills. It is time the United States met its obligations to this critical international organization.

This legislation will release the second installment of \$582 million to pay off our back dues to the U.N. totaling almost \$1 billion. As the United States has seen from the recent tragedy of September 11, a strong United Nations is in our national interest. The U.N. will play a critical role in building diplomatic and international support in the war against terrorism.

Mr. Speaker, the U.S. Congress needs to live up to our commitments. In 1999, we told

the U.N. that if it made certain reforms, we would pay our back dues through the Helms-Biden legislation. The U.N. has kept its end of the bargain and now it is time for Congress to keep our word to pay these funds. Former U.S. Ambassador to the U.N. Richard Holbrooke deserves credit and thanks for negotiating this agreement with the United Nations.

Finally, Mr. Speaker, I want to commend the leadership in the House for bringing this important measure to the floor today. Now is the time for action. I would urge my colleagues to vote in favor of this legislation.

Mr. GILMAN. Mr. Speaker, I rise in support of the Passage of the S. 248, the United Nations Dues Payment Act, which will allow the payment of \$582 million that has been already authorized in light of recent and ongoing reforms at the United Nations. This would give the United States increased leverage in pursuing its policies at the United Nations, particularly in forming a worldwide anti-terror coalition.

Today the United Nations, and the international community as a whole, is at a watershed. As we analyze our current situation, we must bear in mind where we have been. The United Nations was born out of the ashes of the most terrible, costly war of the 20th century. A strong U.N. might have prevented it. Today, the U.N. must seize a role in marshaling the international community's long-term efforts to defeat today's challenge: the scourge of international terrorism.

At the same time, the U.N. must abandon its unhealthy practice of placing an excessive dependence on a single contributor. Under S. 248, our assessed rate for the UN regular budget is cut from 25 to 22 percent while the U.S. assessed share for peacekeeping operations rate will drop immediately from about 32 to 28 percent. Furthermore, further reductions in the percentage of the U.N. budget paid by the U.S. for U.N. peacekeeping operations will take place on a sliding scale, reaching 25 percent by 2006 from 30 percent today.

The fact remains that as a member of the U.N., and having voted in favor many of these peacekeeping missions in the Security Council, we need to make good on our obligations to pay the current arrearage of \$582 million. Failure to do so jeopardizes our efforts to establish a multilateral, multifaceted coalition to combat the international terrorism.

Accordingly, it is fitting that we agree to this legislation.

Mr. HYDE. Mr. Speaker, I have no additional requests for time; and other than to thank my colleague, the gentleman from California (Mr. LANTOS), for his usual expeditious treatment of complicated matters, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 248.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

**LEE H. HAMILTON FEDERAL BUILDING AND UNITED STATES COURTHOUSE**

Mr. KERNs. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1583) to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 1583

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, shall be known and designated as the "Lee H. Hamilton Federal Building and United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Lee H. Hamilton Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. KERNs) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. KERNs).

Mr. KERNs. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1583 designates the Federal building and United States Courthouse at 121 West Spring Street in New Albany, Indiana as the "Lee H. Hamilton Federal Building and United States Courthouse." I would first like to note that this legislation has the strong bipartisan support of the entire Indiana delegation. I am very pleased to be a cosponsor of this important legislation.

Lee Hamilton is an extraordinary individual who represented the Ninth Congressional District in Indiana for 34 years. Congressman Hamilton was born in Daytona Beach, Florida and moved to Evansville, Indiana in 1944 where he attended public schools. Of course, we in Indiana love our basketball; and as a high school athlete, Lee Hamilton led the Evansville Central Golden Bears to the Indiana High School State Championship basketball game. Many believe that if the future congressman had not been injured during the game, the Golden Bears would have won.

Lee went on to graduate from DePauw University in Greencastle, Indiana and then graduated from Indiana University School of Law in 1956. Congressman Hamilton was admitted to the State bar in 1957.

He entered private law practice in Chicago, but returned shortly thereafter to Columbus, Indiana where he continued private law practice until seeking election to the U.S. House of Representatives in 1964. He was first

elected to serve in the 89th Congress and was reelected to 16 consecutive terms.

While in the House, Congressman Hamilton was a leader with an excellent appreciation for working with both sides of the aisle. He served as chairman of the House Committee on Intelligence from 1985 until 1987, and as chairman of the Joint Economic Committee in 1989 and 1990, and as the chairman of the Committee on International Relations from 1993 until 1995.

Congressman Hamilton was always a strong advocate for diplomatic international solutions. In the post-Cold War, he believed weapons proliferation was a major international concern. He also believed that protecting the environment and the fight against disease and hunger were important major foreign policy goals. Upon his retirement from Congress, Mr. Hamilton continues to serve the public to bridge that important gap between academia and foreign policy.

Today, I serve on the House Committee on International Relations; and during this most difficult time, I draw on the example he set throughout his career. Although he is no longer a member of this legislative body, I know its Members respect his opinion and seek his input on the challenges this crisis presents.

On a more personal note, Congressman Hamilton served with my father-in-law, John Myers, for 30 years in Congress; and, although they are different political parties, they would find common ground and work together on issues to benefit the people in Indiana and of our Nation.

As a fellow Hoosier, I take great pride in Congressman Hamilton's accomplishments and service to Indiana and the Nation. This naming bill is a fitting tribute to a distinguished former member of the House. I support this bill, and I urge my colleagues to join me in my support.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1583 is a bill to designate the Federal building in New Albany, Indiana as the "Lee H. Hamilton Federal Building and United States Courthouse." Lee Hamilton is a former colleague who represented the ninth district of Indiana for 34 years. The gentleman from Indiana (Mr. HILL) currently holds that seat and is the sponsor of this legislation.

Lee Hamilton graduated from Central High School in Evansville, Indiana. He then attended DePauw University and graduated from Indiana University Law School in 1956. While in high school and college, Hamilton was an outstanding basketball player and was inducted into the Indiana basketball Hall of Fame.

During his 34-year tenure in Congress, Lee Hamilton made his mark in

foreign affairs and domestic economic policy. He served on the Committee on Foreign Affairs, the Select Committee on Intelligence, the Iran Contra Committee, and the Joint Economic Committee. He had a front row seat for many historic events, including the fall of the Berlin Wall and the Gulf War. As a follower of economic issues, Lee Hamilton was a champion of global market competition and encouraged economic development.

During his government service, Lee Hamilton received numerous awards and honors. These include the Knight Commander Cross of the Order of Merit from the Government of Germany, the Paul Nitze Award for Distinguished Authority On National Security Affairs in 1999, and the Edmund Muskie Award for outstanding public service in 1997.

Congressman Hamilton, although a recognized and powerful figure in Washington, D.C., did not lose his sense of humility. He has retained his sense of humor, his grass roots "Hoosier" values, and remained a source of advice and counsel even today to his colleagues. Lee Hamilton is currently the director of the Woodrow Wilson International Center for Scholars here in Washington, D.C.

Mr. Speaker, I strongly support H.R. 1583, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KERNs. Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me simply say that I have had the privilege for most of the years of my service here to serve with the gentleman from Indiana (Mr. Hamilton); and, in my view, he is one of the most distinguished persons ever to occupy this body. He has a solid understanding of the economy. He served this House for years on the Joint Economic Committee and served as chair of that committee.

He is without question, in my view, the wisest member of this body in dealing with foreign affairs of any Member I have ever served with. Whether he was talking about Central America or the Middle East or the Soviet Union or its successor states, Lee Hamilton at all times came to his positions on the basis of facts, not on the basis of ideology. In the process, he served this country incredibly well.

He continues to serve this country well today in this time of crisis as the Director of the Woodrow Wilson Center at the Smithsonian. He has served the people of Indiana with incredible distinction, and he has done great honor to the people of the United States in

the manner of his service in this institution. I am pleased today to see that he is getting at least some of the recognition that all of us who know him understand that he deserves.

Mr. KERNs. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILL).

Mr. HILL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is indeed a pleasure to rise today in support of H.R. 1583, a bill to name the Federal Building and United States Courthouse in New Albany, Indiana after my friend and mentor and colleague and the former Congressman of southern Indiana's ninth district, Lee Hamilton.

I would like to thank all of my colleagues in the Indiana congressional delegation for supporting this bill: the gentlewoman from Indiana (Ms. CARSON), and the gentlemen from Indiana (Mr. BURTON), (Mr. BUYER), (Mr. HOSTETTLER), (Mr. KERNs), (Mr. PENCE), (Mr. ROEMER), (Mr. SOUDER), and (Mr. VISCLOSKY). I would also like to thank Senators EVAN BAYH and DICK LUGAR for their invaluable help in sponsoring a companion bill in the Senate, and I would also like to thank Indiana State Representatives Bill Cochran and Jim Bottorff for urging Congress to designate this building in honor of Lee.

Lee Hamilton served the people of southern Indiana with distinction for 34 years in the United States House of Representatives.

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He established himself as a leader in international affairs, serving as the chairman of the House Committee on Foreign Affairs, the House Permanent Select Committee on Intelligence, and the Iran-Contra Investigation Committee.

Lee was an honorable, forthright, and trustworthy Member of Congress who always provided a voice of reason when our Nation dealt with foreign policy issues throughout the Cold War. We still count on Lee today. It is no surprise to me, nor to any of Lee's former colleagues, to see the media and other scholars turn to Lee for his expertise in the wake of the terrorist attacks on September 11.

In troubled times like these, our Nation needs statesmen and our country demands leadership. Throughout his public life, Lee has always fulfilled those needs and met those demands.

Lee was my Congressman from the time I was 12 years old until he retired in 1998. His commonsense leadership in Congress helped make southern Indiana a better place for Hoosier families to live and work.

When Lee retired from Congress in 1998, Washington Post columnist David Broder wrote: "Hamilton is a throwback to the old days of the House, and not just because he still has the crew

cut he wore when he came to Washington as a small town Hoosier in the Democratic landslide of 1964. He is an exemplar of common sense and an instinctively moderate model of legislator that used to be common in Congress but is increasingly rare today."

Lee now serves as the director of the Woodrow Wilson International Center for Scholars and the director of the Center on Congress at Indiana University. His distinguished service as a Congressman and scholar has won him numerous public service awards and honorary degrees, far too many to list here today.

One thing is certain, though: throughout all Lee's professional successes, he never forgot the people of southern Indiana. To his neighbors and constituents, he was never "Congressman Hamilton," nor was he "Chairman Hamilton," he was just "Lee."

Even when he was being considered as a Vice-Presidential nominee or Secretary of State, or weighing a possible Senate campaign, Lee was never untouchable. He has always been down to earth and accessible and continues to embody the values and ideals of the people of southern Indiana.

It is fitting we designate this Federal building and the U.S. courthouse as the Lee H. Hamilton Federal Building to pay tribute to his limitless dedication and service to the people of southern Indiana.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Indiana (Mr. HILL) for his leadership in this. I know that I speak for all of our colleagues when I thank him for his leadership on this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Indiana (Mr. KERNs) for bringing this good bill to the floor, and I thank my good neighbor from the State of Illinois (Mr. COSTELLO) for his hard work. I certainly recognize the insight my good friend and fellow Hoosier, the gentleman from Indiana (Mr. HILL), had in putting this bill together and guiding it to the completion we are about to see today.

I think the people of New Albany are particularly proud today. I think the people of Indiana are particularly proud today. I know the people in the United States are particularly proud today of honoring our home State leader, Lee Hamilton, and his wife, Nancy, and his family for the 34 years that they gave to this country with his insight, his common sense, his civility, and his fortitude and courage.

It is altogether fitting and appropriate that a U.S. courthouse and a Federal building be named after Lee Hamilton, a U.S. courthouse in that Lee Hamilton guided this Nation during the Iran-Contra hearings and pro-

vided a very, very tight grasp of the law and applied that law firmly and fairly and helped us get through some difficult moments and times.

Senator Sam Irvin, during the Watergate hearings, was seen as a leader of common sense and a brilliant mind with the law. I think Lee Hamilton was our House counterpart during those days.

Secondly, for the Federal building, Lee has always had an intimate sense of not only fairness but bipartisanship, always looking at the principle and the facts of the law and then trying to build coalitions of people together to put forward good foreign policy.

So the people who walk into that Federal building, whether they be in the U.S. Bankruptcy Court, the U.S. Department of Labor, Wage, and House division; the FBI office, no matter what line of Federal service or civil service they serve in, I think they will look up with pride when they see Lee Hamilton's name on that building.

Lastly, I think Lee is remembered for helping through the 1960s and the 1970s and the 1980s and the 1990s guide our institutions through some very difficult times and difficult days. We face those same difficulties, given the events of September 11, today.

I can only imagine how many times Lee Hamilton's phone rang in the ensuing days from people looking for advice, trying to glean some counsel from Lee Hamilton. He will continue to provide that advice and that counsel and that common sense in the many days and months and years ahead with his leadership at the Woodrow Wilson Center for Scholars.

So I thank my colleagues for bringing this honor to Lee and Nancy and their children and family, to Indiana, and we are very proud of him in our home State for all he has brought forward.

Mr. KERNs. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would especially associate myself with the complimentary remarks made about the gentleman from Indiana (Mr. HILL), my colleague and friend to the south, for his great leadership on this legislation.

Mr. Speaker, I thank the gentlemen from Indiana, Mr. HILL and Mr. ROEMER, and the other prominent Members around here from Indiana today, for producing this legislation and permitting me to be part of it. I would also like to thank Senators BAYH and LUGAR for introducing the bill in the Senate.

Mr. Speaker, as a boy growing up in Columbus, Indiana, when I was the age of the little boy sitting on my office floor right now, my Congressman was Lee Hamilton; and that famous crew cut, that confident stride of a basketball player, was a frequent image on the streets of Columbus, Indiana.

I had the honor of following his career and unsuccessfully applying for a job in his office at one point in my early career. For 34 years, I watched as he served both my hometown and all of Indiana with humility and distinction. Upon his retirement from the House of Representatives in 1998, Congressman Hamilton left a blueprint in public service here in the halls of the Capitol. His approach to issues and accessibility to his constituents, already commented on eloquently today, is an inspiration for his role.

Congressman Hamilton was most respected and best known for his role as chairman of the House Committee on Foreign Affairs. His broad knowledge of foreign policy recently earned him the honor of serving as the director of the Woodrow Wilson International Center for Scholars.

Congressman Hamilton's influence is ongoing in the world of foreign affairs, as most Americans know, in the wake of the tragic events of 2 weeks ago. The President recently established in this very hall the Office of Homeland Security. What they may not know is that that was a direct result of the vision and the purpose and the leadership which Indiana's own Lee Hamilton provided as a member of the now-famous Commission on Terrorism.

Mr. Speaker, on Wednesday, as I travel to Europe to participate in a conference on terrorism, I will carry with me many things. I will carry with me notes to study on the issues about which I will comment; but I will, more than anything else, carry the image of Lee Hamilton, who presented not only the image of a gentleman Hoosier into the foreign scene, but also what it truly is to be an American of principle in the world.

I join my fellow Hoosier delegates in designating the building at 121 West Spring Street as the Lee H. Hamilton Federal building and U.S. courthouse. It is an honor worthy of one of our Nation's foremost experts in foreign policy and one of Indiana's proudest public servants.

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman for yielding, and I thank the other members of the Indiana delegation who are gathered here in one place and in one accord in support of naming a Federal building in honor of the Honorable Lee Hamilton.

I had the benefit of having two Congresspeople. I worked at Cummings Engine Company, headquartered in Indiana, for over 10 years. While I was at work during the day, Mr. Hamilton was my Congressman. When I would travel back to Indianapolis, Indiana, Andy Jacobs was my Congressman. So I had the benefit of having a dual congressional honor, if you will: two very famous

men in the halls of Congress. We have named a post office after the Honorable Andy Jacobs; and now today, with the help of the two distinguished Senators from Indiana, we will do the same for Mr. Hamilton.

Let me put a different spin on this, however. We know what a brilliant mind Lee Hamilton has now. We understand he was a basketball star, and even won the prestigious award for his basketball expertise, called the Trester Award.

But Mr. Speaker, on today's schedule, the resolution immediately preceding the Lee H. Hamilton Federal Building and the United States Courthouse Designation Act, was a resolution expressing the sense of Congress regarding the establishment of a National Character Counts Week.

We hear a lot of diatribe at these microphones about family values and condemning people's behavior and all that, but Lee Hamilton has an unblemished, uncompromising solid moral character. He is a man who has had the joy of being married to Nancy for countless years, has a beautiful family. So he is the type of individual who does not extol big messages about family values. But he characterized family values in a very positive way.

It is for that reason, and many others, that I am very proud to join my colleagues in support of this resolution naming the post office for Lee Hamilton in New Albany, Indiana.

Mr. KERNs. Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, before saying a word about my friend, Lee Hamilton, let me say something about Nancy Hamilton, who, throughout a remarkable and distinguished public career, has given Lee the support, the encouragement, the inspiration which is so exemplary and so rare these days.

Lee Hamilton symbolizes the quintessential public servant. His integrity was unquestioned. His character was an inspiration to all of us. He was the most hardworking Member of this body.

I had the pleasure and the privilege of sitting next to him in countless committee hearings; and every single time Lee was fully prepared, thoroughly briefed, widely read on any subject that came before the Committee on International Relations.

His bipartisanship was legendary. He could not care whether it was a Democratic proposal or a Republican proposal. He was looking for the merits and for the flaws of the proposal and then made up his mind and voted.

When Lee left this House, he left an enormous void. We are very fortunate that his work on behalf of our Nation continues in his present distinguished position. But this House will long remember and cherish and value the in-

credible contributions of this great son of Indiana who made this body a proud, productive, distinguished group through his presence.

Lee Hamilton will be a tower of strength for all young people from Indiana who aspire for public service, and it is an honor to join my colleagues in recommending an affirmative vote on this important legislation.

□ 1530

Mr. KERNs. Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, as the House considers H.R. 1583, I would like to rise in recognition of Representative Lee Hamilton for whom H.R. 1583 names the Federal building and United States courthouse in New Albany, Indiana after.

Over the years, I have had the honor and privilege of forming a relationship and friendship with Lee. He is a man for whom I hold in the highest regard and am proud to call him a friend.

As a United States representative from January 1965 until his retirement in 1999, Lee served his constituents of the Ninth District of Indiana with the same honor, integrity, dignity with which he has lived his entire life.

Lee has received many awards throughout his distinguished career, including the Knight Commander's Cross of the Order of Merit of the Federal Republic of Germany, the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, and the Department of Defense Medal for Distinguished Public Service, and the Central Intelligence Agency Medallion, just to name a few.

Lee Hamilton recently served on a national commission dealing with terrorism and related subjects. A week ago I attended a congressional briefing by Lee Hamilton on terrorism, and as usual, he came forward with significant insights on this very timely topic.

On a personal note, he served with my uncle, Congressman Morris Udall of Arizona, and Mo always used to tell me, listen to Lee Hamilton, he is one of the wisest Members of Congress.

Mr. Speaker, during his 34 years as a Member of Congress, Lee Hamilton was an exceptional legislator who forged partnerships on both sides of the aisle in order to get the American people's business done. Over the last couple of weeks, we as a Congress have had the opportunity to follow Lee's example.

Today, we continue to follow that example by honoring him and the city of New Albany, Indiana, by designating the Federal building and United States courthouse as the Lee H. Hamilton Federal Building and United States Courthouse.

I encourage all my colleagues to support H.R. 1583.

Mr. KERNs. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise today to join with my colleagues in designating the Lee H. Hamilton Federal Building and United States Courthouse in New Albany, Indiana.

I had the pleasure of serving in the House of Representatives for over twenty-two years with Lee Hamilton.

Lee's lifetime commitment to public service, under the administrations of seven Presidents from both parties, never faltered. His enormous achievements are a testament to a remarkable life of selfless duty and an unstinting commitment to the peace and prosperity of the people of Indiana, our Nation and to peoples living in every corner of the world.

Lee Hamilton was known in this House for his unimpeachable integrity, his gentle voice of reason, and professionalism; all for which I had the great fortune from which to benefit.

Lee Hamilton arrived in Washington to begin his long tenure in the House during the Lyndon Johnson administration. As those times demanded, he was present for the creation of such landmark legislation as the Elementary and Secondary and Higher Education Acts, helping assure an educated citizenry so that the socio-economic needs of this country might be met. He also presided over the enactment of legislation to assist those living at or below poverty—especially the children—as Johnson's War on Poverty began, and the President's Great Society began to take shape.

There was much going on in this House when Lee Hamilton arrived from Jeffersonville, Indiana to begin his service as the representative of the Ninth District of that great state, and aside from domestic issues, Lee was soon to become deeply involved in international issues as well.

As Lee Hamilton's distinguished service grew and flourished on behalf of those who needed federal support in order to obtain an education, food, shelter and health care, he quietly became our most able leader in International affairs. As he chaired and served as ranking member of the International Relations Committee for many years Lee devoted himself to leading this country through the cold war, helping bring about the fall of the Berlin Wall and the dissolution of the former Soviet Union; and then seeking to strengthen the development of new democracies.

Over the years I was able to look to him for assistance with concerns I have had over events in the Middle East, and especially in the land of my grandfathers, Lebanon. His deep understanding of the culture, history and traditions of the Middle Eastern countries is enormous. I know there were many times over the years when, at my request and no matter how busy he was, he took the time to share with me and my colleagues his remarkable insight into how best to address events in a troubled area in times of great distress.

Lee Hamilton continued his distinguished career in foreign relations when he left the House of Representatives to become Director of the Woodrow Wilson Center for Scholars and Director of the Center on Congress at Indiana University. His unmatched experience in both of these realms continues a distinguished career in advancing America's leadership on the world stage.

During this tragic time for the United States we need the steady hand and influence of

such honorable leaders as Lee Hamilton to guide our nation in her fight against terrorism. I can think of none better to contribute than this most accomplished statesman.

And so it is with warmest personal regard, highest esteem and deepest appreciation that I join my colleagues in designating the Lee Hamilton Federal Building and United States Courthouse in New Albany, Indiana.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 1583, a bill designating the Federal Building and U.S. Courthouse in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

Our colleague, former Congressman Lee Hamilton possessed all attributes that a very distinguished public servant should possess—sound and well-reasoned judgment, unswerving integrity, unfailing courtesy, and intellect. Throughout his 34-year congressional career, while a strong legislative leader, he also consistently sought constructive ways to forge a bipartisan consensus where possible. Also, he certainly knew and represented his Indiana constituents very well.

The people of Indiana's 9th Congressional District were exceedingly well-served by Representative Lee Hamilton during his service not only by his close attention to domestic issues and District concerns, but as Americans through his vast and respected foreign policy expertise and his leadership by his service as Chairman of the House Permanent Select Committee on Intelligence, and as Chairman and later as Ranking Minority Member of the House International Relations Committee. Indeed, Lee represented all Americans by rationally and insistently approaching foreign policy with U.S. national interests in mind, not simply those of special interest groups. Additionally, people world-wide have benefited from his dedication to food aid projects, to democracy-building projects in Russia and the former Soviet Union, and to many other international projects too numerous to mention.

Mr. Speaker, this Member served with Lee on the House International Relations Committee from 1983 through 1996 and remains particularly grateful for the informed, insightful assistance and counsel that Lee provided when this Member was a junior member of the Committee's minority. Regrettably, this Member did not have the opportunity to serve with Lee on the House Permanent Select Committee on Intelligence but, as current Vice-Chairman of the Committee and having served earlier for six years, this Member certainly does appreciate Representative Hamilton's contributions to the Intelligence Committee. We would all be well-advised to follow his example of setting aside emotion and irrationality from intricate, complex challenges and inserting common sense and careful analysis.

Mr. Sepaker, this Member has served in this body for 23 years and without any hyperbole would say that Lee Hamilton is one of the three or four most distinguished legislators with whom this Member has had the privilege to serve. Naming the New Albany, Indiana, Federal Building and U.S. Courthouse after Representative Hamilton is an appropriate tribute to a man who served Indiana and his country so extraordinarily well. This Member urges his colleagues to vote in favor of H.R. 1583.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to speak in support of H.R. 1583, which designates the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee Hamilton Federal Building and United States Courthouse".

Lee Hamilton and I were members of the same freshman class in Congress—we both began our service in the 89th Congress in 1965. I was sorry when my friend and valued colleague decided to retire at the end of the 105th Congress in 1998 after 17 terms in the House of Representatives. Lee currently serves as director of the Woodrow Wilson International Center for Scholars and the Center for Congress at Indiana University.

Lee Hamilton is remembered by his colleagues for his skilled and principled service as chair and ranking member on the House Committee on International Affairs. His achievements and deep knowledge of foreign affairs and national security issues have been recognized by numerous awards, including the 1999 Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Philip C. Habib Award for Distinguished Public Service, the Indiana Humanities Council Lifetime Achievement Award, and the U.S. Association of Former Members of Congress Statesmanship Award.

It is indeed fitting that the people of Indiana have a federal building and courthouse named after Lee Hamilton. His vast knowledge, keen intellect, and deeply held principles have been of great service to the people of Indiana and of the United States.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in support of H.R. 1583, a bill designating the federal building and courthouse in Albany, Indiana after my good friend Lee Hamilton. I am proud to stand before this body to honor my friend Lee Hamilton for this hard work and dedication to the people of this country.

Born in Daytona Beach, Florida, in 1931, Lee Hamilton is first and foremost an American. He is a Floridan as well, having left a great impression upon the people of Daytona Beach and throughout Florida.

Mr. Speaker, it is a pleasure to stand before you today to recognize a man that I admire professionally and consider a close and genuine friend. Having followed his career success and admired his accomplishments of becoming one of the most honored members of Congress, I had the pleasure of following in Lee's footsteps on serving on both the House Committee on International Relations and later on House Permanent Select Committee on Intelligence upon which he was distinguished the Chair.

What stands out about Lee and compels me to rise before you today, is not merely his accomplishments and political gains, but the fact that he distinguished himself over 34 years in Congress as a dedicated public servant and continue to embrace that integrity at the highest levels.

Mr. Speaker, I rise today to salute my close friend, Lee Hamilton for his significant contributions, hard work and dedication to promoting democracy. I urge my colleagues to support of H.R.1583 designating the federal building and courthouse in Indiana after my praiseworthy friend Lee Hamilton.

Mr. BURTON of Indiana. Mr. Speaker, it is with great pleasure that I rise today in full support of H.R. 1583, a bill designating the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana as the "Lee H. Hamilton Federal Building and United States Courthouse."

Lee Hamilton is a proud "Hoosier" through and through, and to this day he continues to work for the people of Indiana. Lee was the star of his basketball teams in high school and college, and earned induction into the Indiana Basketball Hall of Fame. Lee attended Evansville Central High School, where he excelled both in the classroom and on the basketball court. As a senior, he led his team to the final game of the Indiana state basketball tournament, and received the prestigious Trester award for scholarship and athletics. After graduation, Lee attended Depauw University where he studied history. Lee graduated with honors in 1952 and was awarded the Walker Cup, given to the most outstanding member of the senior class. He went on to study for a year in post-war Germany at Goethe University before returning to law school at Indiana University, from which he graduated in 1956.

While representing Indiana's 9th Congressional District in the U.S. House of Representatives, Lee Hamilton earned a reputation as a leader in international affairs, serving as Chairman of the House Foreign Relations Committee, the House Intelligence Committee, and the Iran-Contra Investigation Committee. During his tenure in Congress, Lee Hamilton established a broad record of expertise and influence in foreign affairs. He focused substantial attention on promoting democracy and market reforms in the former Soviet Union and Eastern Europe; advancing peace and stability in the Middle East; expanding U.S. markets overseas; and overhauling U.S. foreign aid.

In addition to his impressive record on foreign affairs, Congressman Hamilton also played an important role in reforming the institution of Congress itself. He co-chaired the Joint Committee on the Organization of Congress where he worked to develop ideas like the gift-ban tightening lobbying restrictions, and applying workplace laws to the United States Congress.

In 1999, after serving in the House of Representatives for 34 years, Lee Hamilton assumed the positions of Director of the Woodrow Wilson International Center for Scholars in Washington, D.C., and the Director of the Center on Congress at Indiana University. The non-partisan Center on Congress at Indiana University aims to educate citizens about the operations and importance of the U.S. Congress, and it includes a special outreach program to the people of Indiana.

I join my colleagues in honoring Lee by designating the New Albany Federal building and courthouse as the Lee H. Hamilton Federal Building and United States Courthouse, and I wish him well in his current endeavors.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 1583, legislation introduced by Rep. BARON HILL, to designate the Federal building and U.S. courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

Former Congressman Lee Hamilton retired in 1998 after 34 years of service in the U.S.

House of Representatives. Lee Hamilton represented the Ohio River counties of the State of Indiana and was first elected in 1964. Before retiring he served as the Chairman of our House Committee on International Relations.

While Chairman, I had the pleasure of working with Lee as the Ranking Republican Member, where I learned of his extensive knowledge and capacity for hard work in addition to his sense of moral imperative. It is at this time that I also learned of his willingness to bring back the pre-World War II era of bipartisan foreign policy.

Lee Hamilton was born in Daytona Beach, Volusia County, Fla. on April 20, 1931 and moved with his parents to Evansville, Ind., in 1944. He graduated from Indiana University School of Law in 1956 and was admitted to the bar in 1957. He began the practice of law in 1958 in Columbus, Ind. In 1968 he was first elected to the Eighty-ninth Congress and to the sixteen succeeding Congresses (January 3, 1965 through January 3, 1999).

In addition to serving as Chairman of the House International Relations Committee during the One Hundred Third Congress, Congressman Hamilton served as Chairman of the Select Committee on Intelligence during the Ninety-ninth Congress; the Select Committee to Investigate Covert Arms Transactions with Iran during the One Hundredth Congress; and the Joint Economic Committee during the One Hundred First Congress.

Accordingly, I urge all of my colleagues to fully support this measure.

Mr. BUYER. Mr. Speaker, I am pleased to lend my support to H.R. 1583, legislation to name the federal building and courthouse in New Albany, Indiana, after a very distinguished former member of this body, Lee Hamilton.

While a Member of the House, Lee Hamilton earned a reputation as foreign policy expert. With the recent tragic events that have struck our country, Lee Hamilton's advice and counsel are again being sought. He served for 34 years in this body before retiring in 1999. While his primary committee focus was in foreign policy, Lee also had a tenure as the Chairman of the Joint Economic Committee and on temporary panels to address standards of conduct and Congressional operations and organization.

Still although having a love of foreign policy, Lee Hamilton never forgot his constituents in Indiana. He worked hard for the well-being of his constituents and reached across the aisle on many items for the betterment of the Hoosier State.

Finally, it must be noted here, that perhaps one of his greatest accomplishments, came not on the House floor or in committee, but on the basketball court. He was a star player on his high school and college teams and has been inducted into the Indiana Basketball Hall of Fame.

I support H.R. 1583 and urge its adoption.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 1583, which recognizes our former colleague from Indiana, the Honorable Lee H. Hamilton, by naming in his honor a Federal Building and U.S. Courthouse in New Albany, Indiana.

Mr. Speaker, ever since I was elected to the U.S. Congress in 1989, I have served as a member of the House Foreign Affairs/Inter-

national Relations Committee. In that capacity, it was my distinct pleasure and honor to serve with and get to know our distinguished colleague, the former Chairman and Ranking Democratic Member, Lee Hamilton.

Over the decade that I worked with Mr. Hamilton, he was always looked to by Committee members for bipartisan leadership, wise insight and steady guidance in crafting America's foreign policy.

Mr. Hamilton's voice was one marked by moderation, thoughtfulness and balance, and he had the vision to look beyond momentary international crises to seek and preserve the long-term interests of our Nation.

In a distinguished career in Congress which spanned 34 years, Mr. Hamilton, in particular, provided exceptional leadership in efforts to promote democratic reforms in the former Soviet Union and Soviet bloc nations, as well his strong support of balanced peace initiatives in the Middle East. Mr. Hamilton was also a major instrumental force in revamping our Nation's foreign aid and export policies, while championing the expansion of overseas markets for U.S. products.

Mr. Speaker, all of us in Congress greatly miss our former colleague, Mr. Hamilton. We note, however, that he continues his tremendous contributions to our Nation's foreign policy by serving as the Director of the Woodrow Wilson International Center for Scholars, the respected international and world affairs think tank.

Mr. Speaker, I urge our colleagues to adopt the legislation before us, which fittingly honors and pays tribute to a great American and one of the most respected leaders in our Nation's capital.

Mr. COSTELLO. Mr. Speaker, I urge passage of this legislation. I have no further requests for time, and I yield back the balance of my time.

Mr. KERNS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. KERNS) that the House suspend the rules and pass the bill, H.R. 1583.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. KERNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1583.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### SENIOR HOUSING COMMISSION EXTENSION ACT OF 2001

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1850) to extend the

Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission.

The Clerk read as follows:

H.R. 1850

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Senior Housing Commission Extension Act of 2001".

**SEC. 2. EXTENSION OF SENIORS HOUSING AND HEALTH FACILITY NEEDS COMMISSION AND TECHNICAL CORRECTIONS.**

Section 525 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (42 U.S.C. 12701 note) is amended—

(1) in subsection (d)(4), by striking "reimbursable" and inserting "non-reimbursable";

(2) in the first sentence of subsection (f)—  
(A) by striking "Banking and"; and

(B) by striking "December 31, 2001" and inserting "December 31, 2002"; and

(3) in subsection (g), by striking "June 30, 2002" and inserting "March 31, 2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentlewoman from Indiana (Ms. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

GENERAL LEAVE

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1850.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1850, the Senior Housing Commission Extension Act, is to extend for 1 year the Commission on Affordable Housing and Health Care Facility Needs of Senior Citizens. In 1999, Congress created this Commission to develop a comprehensive strategy for dealing with the growing needs associated with senior housing.

This extension is necessary because the appointment of commission members was delayed for more than 1 year after the passage on October 20, 1999, with commission member appointments not occurring until January 2, 2001. Given that more than 1 year passed before commission co-chairpersons, members and a staff could be appointed, the Commission requested an extension of the report deadline from December 31, 2001, to March 30, 2003.

This legislation merely makes technical corrections to allow the Commission to do the job that Congress originally intended. H.R. 1850 extends the dates authorizing the Commission's reporting date, termination date and au-

thority to use agency employees on a non-reimbursable basis. The Congressional Budget Office estimates that this bill will require no additional spending.

This country is facing a serious housing crisis for low and moderate income families and individuals. In no other segment of our population is this crisis more evident than in our senior's population. According to the Department of Commerce, Bureau of the Census, in July 1999 there were more than 35.5 million Americans over 65 years of age, and the Bureau projects that by the year 2075, more than 55.7 million, or one in eight, Americans will be over 65 years in age.

HUD statistics indicate that only one-third of the low income senior citizens in need of affordable housing actually receives assistance. Appropriate senior housing is only part of the problem. Along with the decent housing, seniors need supportive services. Over the years, non-profits and faith-based organizations have worked with HUD to develop creative ways to meet the needs of this vulnerable group, but as our population continues to age, we must seek new ways to address this growing problem.

The commission is charged with developing a comprehensive strategy to address the issues that are inherent to America's aging population by reviewing existing programs and exploring new ideas and partnerships. H.R. 1850 will provide the Commission with the time that Congress originally intended that it have to complete this task.

I urge my colleagues' support and I urge adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume. I think the gentleman from Wisconsin (Mr. GREEN) has done a yeoman's job in detailing the needs of this legislation.

Let me reinforce a part of his message, and that is, the dire need for affordable, decent, safe housing for our aging population. Since I am probably one of them, this is probably a conflict of interest as I speak.

I rise in support of this bipartisan legislation, which extends the life of the "Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century," commonly referred to as the Seniors Commission.

The Seniors Commission was established on a bipartisan basis in the last Congress. It is charged with studying and proposing recommendations dealing with the challenges of developing aging in place strategies for the housing and health care needs of our Nation's senior citizens.

Originally, the commission was charged with issuing a report by December 31 of this year, and with wrapping up all business by June 30 of next year. However, more than a year passed after the bill's enactment before commissioners were actually named. This makes meeting the original statutory deadlines unre-

alistic. Without a change in deadlines, the commission simply cannot do a thorough job of completing the tasks they are charged with.

Therefore, this legislation provides a 1 year extension on the report deadline, to December 31 of next year, and a 9-month extension on the commission's termination, to March 31 of 2003.

In addition, the bill authorizes the detailing of Federal personnel to the commission on nonreimbursable basis. Currently, such detailing can only be done on a reimbursable basis.

This is a noncontroversial bill, and I urge its adoption.

Mr. Speaker, I encourage all my colleagues to give their enthusiastic support in extending the life of the commission.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 1850—the "Senior Housing Commission Extension Act of 2001."

The Committee voted unanimously to support this legislation on June 27, 2001 and reported [House Report 107-147] the bill to the House on July 19, 2001. This legislation makes certain technical corrections to legislation enacted in October 1999 creating the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century. As I understand, it took one year longer than anticipated for Congress to appoint Commission members. As a result, we are extending the Commission's reporting deadline and termination date by one year. We also clarify the Commission's authority to use agency employees as details on a non-reimbursable basis.

As many of you know, our population is aging, particularly for low- and moderate-income families and individuals. According to the Department of Commerce, Bureau of the Census, in July 1999 there were more than 35.5 million Americans over 65 years of age, and the Bureau projects that by the year 2075, more than 55.7 million, or one in eight Americans, will be over 65 years of age.

These are purely technical corrections worked-out between the majority and minority staffs along with the Commission's Executive Director—Gerard Holder—that will empower the Commission to provide the type of report and recommendations necessary to assist Congress in addressing elderly housing issues.

Mr. Speaker, I urge passage of this legislation.

Mr. GREEN of Wisconsin. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. CARSON of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 1850.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

# MARK-TO-MARKET EXTENSION ACT OF 2001

Mr. GREEN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (2589) to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2589

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Mark-to-Market Extension Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Purposes.

Sec. 3. Effective date.

## TITLE I—MULTIFAMILY HOUSING MORTGAGE AND ASSISTANCE RESTRUCTURING AND SECTION 8 CONTRACT RENEWAL

Sec. 101. Definitions.

Sec. 102. Mark-to-market program amendments.

Sec. 103. Consistency of rent levels under enhanced voucher assistance and rent restructurings.

Sec. 104. Eligible inclusions for renewal rents of partially assisted buildings.

Sec. 105. Eligibility of restructuring projects for miscellaneous housing insurance.

Sec. 106. Technical corrections.

## TITLE II—OFFICE OF MULTIFAMILY HOUSING ASSISTANCE RESTRUCTURING

Sec. 201. Reauthorization of Office and extension of program.

Sec. 202. Appointment of Director.

Sec. 203. Vacancy in position of Director.

Sec. 204. Oversight by Federal Housing Commissioner.

Sec. 205. Limitation on subsequent employment.

## TITLE III—MISCELLANEOUS HOUSING PROGRAM AMENDMENTS

Sec. 301. Extension of CDBG public services cap exception.

Sec. 302. Use of section 8 enhanced vouchers for prepayments.

Sec. 303. Prepayment and refinancing of loans for section 202 supportive housing.

Sec. 304. Technical correction.

## SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as “that Act”);

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

## SEC. 3. EFFECTIVE DATE.

Except as provided in sections 106(a)(2), 303(b), and 304(b), this Act and the amendments made by this Act shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this Act; or

(2) September 30, 2001.

## TITLE I—MULTIFAMILY HOUSING MORTGAGE AND ASSISTANCE RESTRUCTURING AND SECTION 8 CONTRACT RENEWAL

### SEC. 101. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

“(19) OFFICE.—The term ‘Office’ means the Office of Multifamily Housing Assistance Restructuring established under section 571.”

### SEC. 102. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking “Secretary may provide not more than \$10,000,000 annually in funding” and inserting “Secretary shall make available not more than \$10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years.”; and

(2) by striking “entities” and for tenant services,” and inserting “entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5).”

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “restructured mortgages in any fiscal year” and inserting “portfolio restructuring agreements”.

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking “Subject to” and inserting the following:

“(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsi-

bility to provide notice under this paragraph to the participating administrative entity.

“(2) ASSISTANCE AND MOVING EXPENSES.—Subject to”.

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

“(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties.”; and

(2) in the last sentence of section 512(2), by inserting “, but does include a project described in section 524(e)(3)” after “section 524(e)”.

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking “(7)” and inserting “(1)”;

(B) by adding at the end the following new paragraph:

“(2) ADDITION OF SIGNIFICANT FEATURES.—

“(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

“(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

“(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

“(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001.”; and

(3) by inserting after paragraph (6) of subsection (b) the following:

“(c) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—”

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period

at the end of the last sentence the following: "Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524."

(g) **SECOND MORTGAGES.**—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking "no more than the" and inserting the following: "not more than the greater of—

"(i) the full or partial payment of claim made under this subtitle; or

"(ii) the"; and

(2) in paragraph (5), by inserting "of the second mortgage, assign the second mortgage to the acquiring organization or agency," after "terms".

(h) **EXEMPTIONS FROM RESTRUCTURING.**—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: " , or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)".

#### **SEC. 103. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURING.**

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

#### **"SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURING.**

"(a) **IN GENERAL.**—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

"(b) **RENT STANDARDS.**—The rent standards described in this subsection are as follows:

"(1) **ENHANCED VOUCHERS.**—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

"(2) **MARK-TO-MARKET.**—The rents derived from comparable properties, for purposes of section 514(g) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

"(3) **CONTRACT RENEWAL.**—The comparable market rents for the market area, for purposes of section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note)".

#### **SEC. 104. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.**

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: "Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relat-

ing to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii)."

#### **SEC. 105. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.**

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking "under this Act: *Provided*, That the principal" and inserting the following: "under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

"(A) the principal";

(2) by striking "except that (A)" and inserting "except that (i)";

(3) by striking "(B)" and inserting "(ii)";

(4) by striking "(C)" and inserting "(iii)";

(5) by striking "(D)" and inserting "(iv)";

(6) by striking " : *Provided further*, That a mortgage" and inserting the following " ; and "(B) a mortgage";

(7) by striking "or" at the end; and

(8) by adding at the end the following new subparagraph:

"(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or".

#### **SEC. 106. TECHNICAL CORRECTIONS.**

(a) **EXEMPTIONS FROM RESTRUCTURING.**—

(1) **IN GENERAL.**—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106-74 (113 Stat. 1116) were made to "Section 514(h)(1)" instead of "Section 514(h)".

(2) **RETROACTIVE EFFECT.**—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106-74 (113 Stat. 1109).

(b) **OTHER.**—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking "this Act" and inserting "this title";

(2) in section 513, by striking "this Act" each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting "this title";

(3) in section 514(f)(3)(B), by inserting "Housing" after "Multifamily";

(4) in section 515(c)(1)(B), by inserting "or" after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking " ; and" at the end and inserting a period;

(6) in section 520(b), by striking "Banking and"; and

(7) in section 573(d)(2), by striking "Banking and".

### **TITLE II—OFFICE OF MULTIFAMILY HOUSING ASSISTANCE RESTRUCTURING**

#### **SEC. 201. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.**

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) **REPEALS.**—

"(1) **MARK-TO-MARKET PROGRAM.**—Subtitle A (except for section 524) is repealed effective October 1, 2006.

"(2) **OMHAR.**—Subtitle D (except for this section) is repealed effective October 1, 2004.";

(2) in subsection (b), by striking "October 1, 2001" and inserting "October 1, 2006";

(3) in subsection (c), by striking "upon September 30, 2001" and inserting "at the end of September 30, 2004"; and

(4) by striking subsection (d) and inserting the following new subsection:

"(d) **TRANSFER OF AUTHORITY.**—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary."

#### **SEC. 202. APPOINTMENT OF DIRECTOR.**

(a) **IN GENERAL.**—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

"(a) **APPOINTMENT.**—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

#### **SEC. 203. VACANCY IN POSITION OF DIRECTOR.**

(a) **IN GENERAL.**—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

"(b) **VACANCY.**—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant."

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

#### **SEC. 204. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.**

(a) **IN GENERAL.**—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

#### **"SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.**

"All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner."

(b) **REPORT.**—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42

U.S.C. 1437f note) is amended by striking "Secretary" and inserting "Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner".

**SEC. 205. LIMITATION ON SUBSEQUENT EMPLOYMENT.**

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "2-year period" and inserting "1-year period".

**TITLE III—MISCELLANEOUS HOUSING PROGRAM AMENDMENTS**

**SEC. 301. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.**

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking "through 2001" and inserting "through 2003".

**SEC. 302. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.**

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after "insurance contract for the mortgage for such housing project" the following: "(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)".

**SEC. 303. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.**

(a) IN GENERAL.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) EFFECTIVENESS UPON DATE OF ENACTMENT.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

**SEC. 304. TECHNICAL CORRECTION.**

(a) IN GENERAL.—Section 101(a) of Public Law 100-77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106-400 (114 Stat. 1675) were made to "Section 101" instead of "Section 1".

(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106-400 (114 Stat. 1675).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. GREEN) and the gentlewoman from Indiana (Ms. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

**GENERAL LEAVE**

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous ma-

terial on H.R. 2589, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

The legislation we are considering here today is about affordable housing for low-income families and how to keep it affordable. The mark-to-market program and the Office of Multifamily Housing Assistance Restructuring, OMHAR, are both scheduled to terminate on September 30, 2001. The legislation we are considering today represents a House-Senate consensus. H.R. 2589 extends the Office of Multifamily Housing Assistance Restructuring through October 1, 2004, and reauthorizes the mark-to-market program through October 1, 2006.

My colleagues should note, as a way of background, that in the late 1970s and in the early 1980s, about 800,000 units in 8,500 multifamily housing projects were financed with mortgage insured by the Federal Housing Administration and supported by Section 8 housing assistance payment contracts. The Federal Government guaranteed that these projects would be built by insuring the mortgages and using Section 8 contracts to guarantee that the rents would be high enough to pay off the mortgages. In most markets, these rents were above market levels. Typically, the mortgages for these multifamily dwellings had terms of 40 years and the Section 8 contracts had terms of 20 years.

By the late 1990s, the 20-year Section 8 contracts started to expire. Congress started renewing the Section 8 contracts for 1 year at market rents. In some areas, the market rents were sufficient to support the property, but in other areas, market rents were not enough to support the mortgage payments. Consequently, those properties were in danger of defaulting and costing the Federal taxpayer billions of dollars.

In 1997, after a careful review of the insured multifamily portfolio of the FHA, Congress realized that if substantial changes to the Section 8 project-based program were not made, the renewals of expiring contracts for Section 8 assistance would consume an increasingly larger share of HUD's future budgets. In fact, HUD estimated that if no action were taken by 2007, the annual cost of renewing project-based Section 8 contracts would rise to approximately \$7 billion, or about one-third of HUD's entire budget.

In an effort to address this growing problem, Congress enacted the Multifamily Assisted Housing Reform and Affordability Act. The goal of that 1997 legislation was twofold: First and foremost, to preserve affordable low-income rental housing; and, second, to

reduce the cost to the Federal Government of rental assistant payments.

Specifically, the legislation established OMHAR, the Office of Multifamily Housing Assistance, and the mark-to-market program for restructuring section 8 based properties with FHA-insured mortgages. The mark-to-market program provides the tools necessary for HUD to restructure the insured Section 8 multifamily housing projects by lowering their rents to market levels when their current Section 8 contracts expires, and also by restructuring their mortgage debt, if such action is necessary, for the property to continue to have a positive cash flow.

In addition to extending OMHAR and the authority of the mark-to-market program, H.R. 2589 simplifies issues of jurisdiction and coordination by requiring the program director to report directly to the Federal Housing Commissioner instead of the Secretary of HUD. At present, the Office of Housing is responsible for Section 8 subsidy payments and the management of insurance contracts while at the same time OMHAR is responsible for restructuring them for the future. The same projects are under the jurisdiction of two separate equal offices, each reporting to the Secretary simultaneously. Having OMHAR report to the Commissioner will simplify these issues of coordination and jurisdiction.

Mr. Speaker, I will be submitting for the record a section-by-section analysis of the bill and also several support letters for this legislation, letters from the National Association of Home Builders, the National Leased Housing Association, the National Housing Trust, and the National Affordable Housing Management Association.

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Mr. Speaker, this legislation is supported by the National Leased Housing Association, the National Apartment Association, the National Multi-Housing Council, the National Affordable Housing Management Association, the National Association of Realtors, the Institute of Real Estate Management, the Mortgage Bankers Association, the Council for Affordable and Rural Housing, the Coalition for Affordable Housing Preservation, the Appraisal Institute, the National Housing Trust, and the National Association of Home Builders.

Mr. Speaker, with all of that support, I urge my colleagues to support this legislation, and I urge its adoption.

Mr. Speaker, I submit for the RECORD the letters and section by section analysis I referred to earlier.

NATIONAL ASSOCIATION OF HOME BUILDERS, LEGISLATIVE AND POLITICAL RELATIONS, Washington, DC, September 24, 2001.

Hon. MARGE ROUKEMA,  
Chair, House of Representatives Subcommittee on Housing and Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR CHAIRWOMAN ROUKEMA: On behalf of the 205,000 members of the National Association of Home Builders, I write to express our support for H.R. 2589, the Office of Multifamily Housing Assistance Restructuring Act of 2001."

Timely passage of the reauthorizing legislation is critical to the continuation of the Department of Housing and Urban Development's (HUD) authority to restructure mortgages on multifamily properties insured by FHA and enhanced by Section 8 rental assistance. This program ensures the continued viability of affordable multifamily properties and ultimately saves the federal government money. Because the program is due to expire on October 1, 2001, I respectfully request your support for swift passage of H.R. 2589 which extends the program for another five years.

NAHB urges you to support passage of H.R. 2589, as amended. Thank you in advance for your consideration of views important to the housing industry.

Sincerely,

KATHERINE E. DODDRIDGE,  
Acting Senior Staff Vice President.

NATIONAL LEASED HOUSING ASSOCIATION,  
Washington, DC, September 24, 2001.

Hon. MARGE ROUKEMA,  
Chair, Subcommittee on Housing & Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR CHAIRWOMEN ROUKEMA: I am writing on behalf of the National Leased Housing Association (NLHA) in support of H.R. 2589 as revised. The bill includes the necessary reauthorization of the mark to market program while making a number of non-controversial revisions that will improve processing under the program.

The bill will present a disruption of mortgages currently in the OMHAR pipeline and will provide a measure of stability for future properties that will benefit from the technical provisions impacting contributions to rehabilitation, length of second mortgages, and the eligibility of HUD-held loans for certain mortgage processing. The bill also ensures the adequate distribution of technical assistance funding and corrects several inconsistent provisions in current law.

We are grateful for your leadership in crafting a compromise with the Senate to eliminate the controversial provisions in S. 1254. NLHA recently joined with a number of industry groups to express our concern with several provisions contained in the original S. 1254, including the National Apartment Association, the National Multi Housing Council, the National Association of Realtors, the Institute for Real Estate Management, the Mortgage Bankers Association, the Council for Affordable and Rural Housing, the National Affordable Housing Management Association, the Appraisal Institute and the Coalition for Affordable Housing Preservation. We appreciate your efforts to address and mitigate those concerns.

As always, we are thankful for your interest in promoting the preservation of the affordable housing stock.

Sincerely,

DENISE B. MUBA,  
Executive Director.

NATIONAL HOUSING TRUST,  
Washington, DC, September 24, 2001.

Re: Extension of Mark to Market Authorization;  
HR 2589

Congresswoman MARGE ROUKEMA,  
Chair, House Financial Services Subcommittee, Housing and Community Opportunity, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA: Formed in 1986, the National Housing Trust is a national nonprofit organization, located in Washington, D.C. The Trust is dedicated to the preservation of existing affordable housing. Its board of directors is comprised of nationally recognized authorities and practitioners in the housing and community development field.

The Trust is a multi-faceted organization, with expertise in the financial, regulatory, tax and legal aspects of existing, federal assisted, multifamily affordable housing. It performs a path-finding role in the area through a unique mix of public policy development, technical assistance and transactional activities.

The Trust plays a leading role in providing information and technical assistance to various stakeholders concerning various HUD proposals which concern the mortgage restructuring and subsidy renewal for nearly 1.3 million units of federally assisted and insured housing stock. The Trust has testified numerous times before Congress on this issue, developed policy papers concerning various proposals and developed a unique database for these apartments, noting term of contract, time of expiration, and the relationship of the current contract rent level to local rents. The Trust also trains and helps explain to residents their rights under HUD programs, including HUD's "Mark to Market" program.

The September 30, 2001 sunset date for the Mark to Market legislative authority provided Congress a unique opportunity to both review the existing program, analyze its progress and remedy any perceived problems with the current program. In our view, HR 2589 is a significant bipartisan response to the need for continued Mark to Market legislation.

The program of marking HUD rents down to comparable market levels has been successful at both saving the taxpayers unnecessary expense and reducing overleveraged HUD properties. At the same time, experience has shown that many Mark to Market assets provide necessary shelter for very low income American families who would have no other choice if the housing was not available to them. We are currently at mid point in the program's progress and an extension is obviously necessary.

HR 2589 is to be particularly commended because it not only extends the program but also rectifies some technical flaws that will make the program work better in the future. For example, apart from the very important procedural changes and extensions of the program itself, without any additional material cost to the American taxpayer:

HR 2589 makes plain that the HUD Secretary shall provide already statutorily provided funds for technical assistance to residents and nonprofits who are interested in Mark to Market housing and that funding for these programs should flow to those in entities on an uninterrupted basis.

As originally intended by Congress, the HUD Secretary is given the option to provide sufficient "Exception Rents" options for properties where the Secretary determines that the housing needs of residents and the community cannot be adequately addressed through implementation of the rent limitations in the statute.

HR 2589 makes a technical change permitting subordinate debt to be assumable by a nonprofit organization interested in preserving the housing as affordable;

HR 2589 permits HUD to consider for Mark to Market certain properties for sales to nonprofits and tenant groups which had previously not been permitted in the program;

HR 2589 requires the Secretary to include, for partially assisted projects owned by nonprofit organizations, budget based costs related to the project as a whole, including costs incurred with respect to units not covered by the contract for assistance; and

HR 2589 permits Section 223(a)(7), a HUD insurance program ideally suited for Mark to Market projects, more useful for Mark to Market financing.

Thank you for your leadership on this important issue.

Very truly yours,

MICHAEL BODAKEN,  
Executive Director.

NATIONAL AFFORDABLE HOUSING MANAGEMENT ASSOCIATION,  
Alexandria, VA, September 24, 2001.

Hon. MICHAEL G. OXLEY,  
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN OXLEY: NAHMA is pleased to express its support for H.R. 2589, the Mark-to-Market Extension Act of 2001.

An effective mortgage restructuring program can meet the dual objectives of reducing the cost of section 8 assistance at the time of contract renewal and preserving the existing supply of housing affordable by lower income families. Although we have been disappointed at times by the slow implementation of the mark-to-market program and by some of its procedural shortcomings, we believe that reauthorization of the program presents the best opportunity for an orderly restructuring process that protects the interests of owners, residents, communities and the public.

We want to thank you and your staff for considering the views of the multifamily housing industry in the development of this latest version of H.R. 2589. As currently drafted the bill makes a number of important improvements in the mark-to-market program and its administration. We believe that H.R. 2589 will increase the confidence of all stakeholders in the mark-to-market process.

Again, NAHMA thanks you for your leadership on this issue.

Sincerely,

GEORGE C. CARUSO,  
Executive Director.

H.R. 2589 "MARK-TO-MARKET EXTENSION ACT OF 2001"

SEC. 1 TITLE—"MARK-TO-MARKET EXTENSION ACT OF 2001"

SEC. 2. PURPOSES

The purposes of this Act are: (1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997; (2) to ensure that properties that undergo mortgage restructurings are rehabilitated to a standard allowing them to meet long-term affordability requirements, and that they have adequate reserves for long-term commitments; (3) to ensure that participating properties are operated efficiently and that operating expenses are adequate to maintain the properties in good physical and financial condition; (4) to ensure that properties that undergo rent restructuring have adequate resources to maintain the properties in good condition; (5) to ensure that

OMHAR continues to focus on the portfolio of properties eligible for restructuring; (6) that the condition of these properties is tracked on an ongoing basis; (7) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources necessary to build the capacity of tenant organizations; (8) to encourage OMHAR to continue to provide participating administrative entities with the flexibility to respond to specific problems while ensuring consistent outcomes around the country.

#### SEC. 3. EFFECTIVE DATE

Except for sections 106(a)(2) and 303(b), this Act and its amendments take effect on the earlier of the date of enactment or September 30, 2001.

#### *Title I—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal*

##### SEC. 101. DEFINITIONS

This section makes some technical changes to section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f) designating "office" as OMHAR.

##### SEC. 102. MARK-TO-MARKET PROGRAM AMENDMENTS

(1) This section amends 514(f)(3) of the Act by requiring HUD to give restructuring grants to tenant groups, tenant-endorsed community-based nonprofits, and public entities for tenant services in projects undergoing restructuring. These grants are available over a two-year period.

514(g)(2)(A) of the Act—Exception Rents—is amended by striking "restructured mortgages in any fiscal year" and inserting "portfolio restructuring agreements".

516(d) is amended to require section 8 tenants, living in projects that will no longer receive assistance, to be notified at the time of a rejection that a project will no longer participate in the program, and subject to the availability of appropriations, tenants of the project will be given enhanced vouchers and aided with reasonable moving expenses.

524(e) is amended by adding that if the owner of a property assisted under the Emergency Low Income Housing Preservation and Resident Homeownership Act of 1990, requests HUD to participate in the restructuring program in order to facilitate the sale or transfer of the property.

517(b)—Restructuring Tools—adds that if a participating administrative entity (PAE) determines that major additions (air-conditioning, elevators, etc.) are required for a property in the mortgage restructuring program, the owner contribution may not exceed 25% of the amount of rehabilitation assistance for this purpose. This applies to all eligible multifamily projects except those that worked out a restructuring plan with HUD before the enactment of this Act. All owners are still required to obtain at least 25% of the amount of rehabilitation assistance received from non-project sources for regular rehabilitation concerns.

512(2)—Look-Back Projects—allows the Secretary to treat a project as an eligible multifamily housing project if the project is assisted pursuant to a contract for project-based assistance under 8 of the United States Housing Act of 1937 and renewed under section 524 of this act, if the owner consents and the project meets the requirements in this section for eligibility. Essentially, this provision gives the Secretary authority to "look back" and bring properties into the Mark-to-Market (MTM) program after they have already gone through an initial rent comparability review at the discretion of the owner.

517(a)—Second Mortgages—permits second mortgages on participating projects to be re-sized to not more than the greater of the full or partial claim made under this program or the difference between the first mortgage. This provision also allows the Secretary to assign the second mortgage to an organization, such as a non-profit corporation.

514(h)(2)—Exemptions From Restructuring—amends section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q) to exempt elderly properties from restructuring.

##### SEC. 103. CONSISTENCY OF ENHANCED VOUCHER ASSISTANCE AND MARK-TO-MARKET RENTS

Requires the Secretary to establish procedures and guidelines that ensure that rent payment standards for enhanced voucher assistance, mark to market and contract renewal are consistent.

##### SEC. 104. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS

Amends section 524(a)(4)(C) to require the Secretary to approve rents under the section 8 contract to cover budget-based cost increases for the project as a whole, including costs incurred with respect to units not covered by the contract for assistance in order to permit capital repairs or acquisition by a nonprofit owner or purchaser.

##### SEC. 105. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended by including properties undergoing restructuring in FHA's streamlined refinancing program, and permits restructuring properties to have a refinance term of up to 30 years.

##### SEC. 106. TECHNICAL CORRECTIONS

This section makes technical corrections to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

#### *Title II—Office of Multifamily Housing Assistance Restructuring*

##### SEC. 201. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM

This section extends the Office of Multifamily Housing Assistance and Restructuring (OMHAR) for three years and restructuring authority for an additional two years.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended by repealing Subtitle A, the Mark-to-Market program, (except for section 524) effective October 1, 2006. Subtitle D, OMHAR, is repealed effective October 1, 2004 (except for this section).

Repealing Subtitle A in 2006 terminates HUD's authority to restructure mortgages after 5 years, though excluding section 524 allows HUD to continue to renew section 8 contracts indefinitely. Repealing Subtitle D in 2004 terminates OMHAR after 3 years.

##### SEC. 202. APPOINTMENT OF DIRECTOR

The Office shall be under the management of a Director, who shall be appointed by the President. The amendment made by subsection (a) shall apply to the first Director of OMHAR appointed after the date of enactment.

##### SEC. 203. VACANCY IN POSITION OF DIRECTOR

Section 572 is amended to permit the President to appoint a Director of OMHAR within 60 days after the position becomes vacant.

##### SEC. 204. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER

Section 578 is amended by placing oversight authority and responsibilities for OMHAR with the Federal Housing Commissioner.

Section 573(b) is amended by requiring the Director of OMHAR to report semi-annually to the Federal Housing Commissioner regarding his activities, actions and determinations, rather than to the Secretary of HUD.

##### SEC. 205. LIMITATION ON SUBSEQUENT EMPLOYMENT

Section 576 is amended by changing the limitation on subsequent employment from 2 years to 1 year (anti-conflict of interest provision).

#### *Title III—Miscellaneous Housing Program Amendments*

##### SEC. 301. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking "through 2001" and inserting "through 2003".

##### SEC. 302. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS

Section 8(t)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended to provide a technical correction allowing residents of developments, where the owner prepaid in FY 1996, to be eligible for enhanced vouchers.

##### SEC. 303. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING

Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) makes technical corrections to allow the program to proceed without advance appropriations and make effective immediately notwithstanding any delay in issuing HUD regulations.

##### SEC. 304. TECHNICAL CORRECTION

This section makes technical corrections to the McKinney—Vento Homeless Assistance Act (42 U.S.C. 11301).

Mr. Speaker, I reserve the balance of my time.

Ms. CARSON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bipartisan legislation which extends HUD's authority to reduce above-market rents on expiring section 8 projects and to restructure federally insured mortgages on these properties which the lower rents can no longer support.

The bill before us differs somewhat from the bill passed by voice vote in the Committee on Financial Services in July. However, the changes represent informal bipartisan, bicameral discussions that have taken place over the last few months. The final product is a good consensus bill with bipartisan support; and, certainly, therefore, I would urge my colleagues to adopt it.

H.R. 2589 extends for 5 years HUD's authority to conduct "mark-to-market" activities and extends for three years the Office of Multi-Family Housing Assistance Restructuring also known as OMHAR. This extends OMHAR's authority to continue the carry out mark-to-market activities. The purpose of market-to-markets is to reduce the level of project based section 8 rental assistance for affordable housing projects to rent levels commensurate with local market rents.

The end result is that this process saves money for the Federal tax payers

by reducing our section 8 expenditures. However, the statutory authority for mark-to-market activities and for OMHAR is set to expire at the end of this month. According to the GAO, 1,588 properties have entered the mark-to-market program but only 500 of these properties have completed rent reductions. Thus, over 1,000 properties have yet to have their rents reduced. As more contracts expire, there will be additional properties that need to go through rent restructuring.

Therefore, Mr. Speaker, it is essential to extend the program at this time. I would note that this legislation is estimated to save over \$300 million through the reduction of rents. I would also note that since this bill saves money, there is a reasonable possibility that it will later be attached to the VA/HUD appropriations conference report in order to receive a credit from the savings from this bill. If that occurs, we would urge appropriators to reinvest these savings in affordable housing programs instead of being diverted to other programs as is often the case.

With respect to the specific provisions of the bill, we have struck a balance between giving OMHAR the tools it needs while retaining accountability. We have also included a number of good provisions to further housing affordability including providing technical assistance to tenant groups and increasing flexibility for non-profits to operate.

So in conclusion of my remarks, Mr. Speaker, I am heartened by the bipartisan way we have developed the first major piece of housing legislation in this Congress. I am urging a "yes" vote.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a very distinguished, knowledgeable, articulate and dynamic friend of mine.

Mr. FRANK. Mr. Speaker, I thank the gentleman for yielding me this time. I am currently in the Committee on the Judiciary having hearings on the important question of the anti-terrorism legislation. The gentleman from Indiana (Ms. CARSON) graciously agreed to come down and has done a very good job of explaining the bill.

I simply want to note that the gentleman is correct. This is bipartisan. It is bicameral. We have worked it out in conjunction with the other party. It is important to note what I think is a duality of these issues. When it comes to how best to use existing resources to preserve housing, we are able to work together.

There continues to be differences between the parties on how much we should be putting in additional resources for housing. But once we have come to an agreement by whatever process as to what resources are there, I am very pleased we have been able to work in agreement because I think we

are committed to the principle that for the Federal Government to have put money into subsidized housing, to have invited people to come in and live there, and then to allow people's economics to drive them out of what have become their homes is simply unacceptable.

We need to have this ongoing commitment to do this. This is part of that ongoing commitment. It shows we can make adjustments that will save government money as well as require in other instances, not in this bill, increases. So I am grateful for this. I do note it, but I note that it does not do away from what I believe and I know what the gentleman from Indiana (Ms. CARSON) believes, is the need to put additional resources in this very rich country into the area of housing.

Let me ask the indulgence to say because I know the other bill will be coming up, the one on the Housing Commission. I also want to express my gratitude to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations because he was helpful in working that out. I am glad we are able to work out the extension and the appropriate staffing.

With that, I will take my leave and let us be guided by the gentleman from Indiana; and I will go back to the hearing of the Committee on the Judiciary.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 2589—the Mark-to-Market Extension Act of 2001.

The Committee on Financial Services approved unanimously this legislation on July 25, 2001 and reported [House Report 107-196] to the House on September 5, 2001. The Senate Committee on Banking, Housing and Urban Affairs considered a similar bill on August 1, 2001.

H.R. 2589 will extend authorization of the Office of Multifamily Housing Assistance Restructuring, also known as OMHAR, which is currently a separate office within the Department of Housing and Urban Development (HUD). The authority would extend by three years the office through FY 2004 and extend the Secretary's authority to provide mark-to-market services through FY 2006. We believe that HUD will be provided the special tools necessary to restructure developments that receive both project-based rental section 8 payments and Federal Housing Administration mortgage insurance.

As I understand, the original Act was enacted in 1997 and was designed to curtail exploding section 8 rental costs for units renting at far above the prevailing market rates. Without this Act, section 8 contract renewals could top \$7 billion dollars and account for as much as one-third of HUD's future budgets. Because the authorization for this office sunsets September 30th of this year, it is necessary that this bill pass the House today.

The Committee majority and minority staff worked with our Senate counterparts to agree on a legislative solution. Moreover, this Committee worked with the Administration and the

Department of Housing and Urban Development to accommodate their concerns. According to the Congressional Budget Office, this compromise language will result in savings of over \$307 million dollars.

Mr. Speaker, this is a good bill and deserves favorable House consideration. Housing Subcommittee Chairwoman MARGE ROUKEMA and Ranking Member BARNEY FRANK are to be commended for their leadership on this issue.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield back the balance of my time.

Ms. CARSON of Indiana. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 2589, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GREEN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 717) to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy, as amended.

The Clerk read as follows:

H.R. 717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001", or the "MD-CARE Act".*

#### SEC. 2. FINDINGS.

*Congress makes the following findings:*

(1) *Of the childhood muscular dystrophies, Duchenne Muscular Dystrophy (DMD) is the world's most common and catastrophic form of genetic childhood disease, and is characterized by a rapidly progressive muscle weakness that almost always results in death, usually by 20 years of age.*

(2) *Duchenne muscular dystrophy is genetically inherited, and mothers are the carriers in approximately 70 percent of all cases.*

(3) *If a female is a carrier of the dystrophin gene, there is a 50 percent chance per birth that her male offspring will have Duchenne muscular dystrophy, and a 50 percent chance per birth that her female offspring will be carriers.*

(4) *Duchenne is the most common lethal genetic disorder of childhood worldwide, affecting approximately 1 in every 3,500 boys worldwide.*

(5) *Children with muscular dystrophy exhibit extreme symptoms of weakness, delay in walking, waddling gait, difficulty in climbing stairs,*

and progressive mobility problems often in combination with muscle hypertrophy.

(6) Other forms of muscular dystrophy affecting children and adults include Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies.

(7) Myotonic muscular dystrophy (also known as Steinert's disease and dystrophia myotonica) is the second most prominent form of muscular dystrophy and the type most commonly found in adults. Unlike any of the other muscular dystrophies, the muscle weakness is accompanied by myotonia (delayed relaxation of muscles after contraction) and by a variety of abnormalities in addition to those of muscle.

(8) Facioscapulohumeral muscular dystrophy (referred to in this section as "FSHD") is a neuromuscular disorder that is inherited genetically and has an estimated frequency of 1 in 20,000. FSHD, affecting between 15,000 to 40,000 persons, causes a progressive and severe loss of skeletal muscle gradually bringing weakness and reduced mobility. Many persons with FSHD become severely physically disabled and spend many decades in a wheelchair.

(9) FSHD is regarded as a novel genetic phenomenon resulting from a crossover of subtelomeric DNA and may be the only human disease caused by a deletion-mutation.

(10) Each of the muscular dystrophies, though distinct in progressivity and severity of symptoms, have a devastating impact on tens of thousands of children and adults throughout the United States and worldwide and impose severe physical and economic burdens on those affected.

(11) Muscular dystrophies have a significant impact on quality of life—not only for the individual who experiences its painful symptoms and resulting disability, but also for family members and caregivers.

(12) Development of therapies for these disorders, while realistic with recent advances in research, is likely to require costly investments and infrastructure to support gene and other therapies.

(13) There is a shortage of qualified researchers in the field of neuromuscular research.

(14) Many family physicians and health care professionals lack the knowledge and resources to detect and properly diagnose the disease as early as possible, thus exacerbating the progressiveness of symptoms in cases that go undetected or misdiagnosed.

(15) There is a need for efficient mechanisms to translate clinically relevant findings in muscular dystrophy research from basic science to applied work.

(16) Educating the public and health care community throughout the country about this devastating disease is of paramount importance and is in every respect in the public interest and to the benefit of all communities.

### SEC. 3. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON MUSCULAR DYSTROPHY.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

#### "SEC. 404E. MUSCULAR DYSTROPHY; INITIATIVE THROUGH DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

"(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES.—

"(1) IN GENERAL.—The Director of NIH, in coordination with the Directors of the National Institute of Neurological Disorders and Stroke, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute of Child Health and Human Development, and the other national research institutes as appropriate, shall expand and intensify programs of such Institutes with respect to research

and related activities concerning various forms of muscular dystrophy, including Duchenne, myotonic, facioscapulohumeral muscular dystrophy (referred to in this section as "FSHD") and other forms of muscular dystrophy.

"(2) COORDINATION.—The Directors referred to in paragraph (1) shall jointly coordinate the programs referred to in such paragraph and consult with the Muscular Dystrophy Interagency Coordinating Committee established under section 6 of the MD-CARE Act.

"(3) ALLOCATIONS BY DIRECTOR OF NIH.—The Director of NIH shall allocate the amounts appropriated to carry out this section for each fiscal year among the national research institutes referred to in paragraph (1).

#### "(b) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—The Director of NIH shall award grants and contracts under subsection (a)(1) to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on various forms of muscular dystrophy.

"(2) RESEARCH.—Each center under paragraph (1) shall supplement but not replace the establishment of a comprehensive research portfolio in all the muscular dystrophies. As a whole, the centers shall conduct basic and clinical research in all forms of muscular dystrophy including early detection, diagnosis, prevention, and treatment, including the fields of muscle biology, genetics, noninvasive imaging, genetics, pharmacological and other therapies.

"(3) COORDINATION OF CENTERS; REPORTS.—The Director of NIH—

"(A) shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers; and

"(B) shall require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(4) ORGANIZATION OF CENTERS.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of NIH.

"(5) DURATION OF SUPPORT.—Support for a center established under paragraph (1) may be provided under this section for a period of not to exceed 5 years. Such period may be extended for 1 or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director of NIH and if such group has recommended to the Director that such period should be extended.

"(c) FACILITATION OF RESEARCH.—The Director of NIH shall provide for a program under subsection (a)(1) under which samples of tissues and genetic materials that are of use in research on muscular dystrophy are donated, collected, preserved, and made available for such research. The program shall be carried out in accordance with accepted scientific and medical standards for the donation, collection, and preservation of such samples.

#### "(d) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish the Muscular Dystrophy Coordinating Committee (referred to in this section as the "Coordinating Committee") to coordinate activities across the National Institutes and with other Federal health programs and activities relating to the various forms of muscular dystrophy.

"(2) COMPOSITION.—The Coordinating Committee shall consist of not more than 15 members to be appointed by the Secretary, of which—

"(A)  $\frac{2}{3}$  of such members shall represent governmental agencies, including the directors or their designees of each of the national research institutes involved in research with respect to

muscular dystrophy and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, including the Centers for Disease Control and Prevention, the Health Resources and Services Administration and the Food and Drug Administration and representatives of other governmental agencies that serve children with muscular dystrophy, such as the Department of Education; and

"(B)  $\frac{1}{3}$  of such members shall be public members, including a broad cross section of persons affected with muscular dystrophies including parents or legal guardians, affected individuals, researchers, and clinicians.

Members appointed under subparagraph (B) shall serve for a term of 3 years, and may serve for an unlimited number of terms if reappointed.

#### "(3) CHAIR.—

"(A) IN GENERAL.—With respect to muscular dystrophy, the Chair of the Coordinating Committee shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and to the heads of other relevant agencies. The Coordinating Committee shall select the Chair for a term not to exceed 2 years.

"(B) APPOINTMENT.—The Chair of the Committee shall be appointed by and be directly responsible to the Secretary.

"(4) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following shall apply with respect to the Coordinating Committee:

"(A) The Coordinating Committee shall receive necessary and appropriate administrative support from the Department of Health and Human Services.

"(B) The Coordinating Committee shall meet as appropriate as determined by the Secretary, in consultation with the chair.

#### "(e) PLAN FOR HHS ACTIVITIES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Coordinating Committee shall develop a plan for conducting and supporting research and education on muscular dystrophy through the national research institutes and shall periodically review and revise the plan. The plan shall—

"(A) provide for a broad range of research and education activities relating to biomedical, epidemiological, psychosocial, and rehabilitative issues, including studies of the impact of such diseases in rural and underserved communities;

"(B) identify priorities among the programs and activities of the National Institutes of Health regarding such diseases; and

"(C) reflect input from a broad range of scientists, patients, and advocacy groups.

"(2) CERTAIN ELEMENTS OF PLAN.—The plan under paragraph (1) shall, with respect to each form of muscular dystrophy, provide for the following as appropriate:

"(A) Research to determine the reasons underlying the incidence and prevalence of various forms of muscular dystrophy.

"(B) Basic research concerning the etiology and genetic links of the disease and potential causes of mutations.

"(C) The development of improved screening techniques.

"(D) Basic and clinical research for the development and evaluation of new treatments, including new biological agents.

"(E) Information and education programs for health care professionals and the public.

"(f) REPORTS TO CONGRESS.—The Coordinating Committee shall biennially submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes the research, education, and other activities on muscular dystrophy being conducted or supported through

the Department of Health and Human Services. Each such report shall include the following:

“(1) The plan under subsection (e)(1) (or revisions to the plan, as the case may be).

“(2) Provisions specifying the amounts expended by the Department of Health and Human Services with respect to various forms of muscular dystrophy, including Duchenne, myotonic, FSHD and other forms of muscular dystrophy.

“(3) Provisions identifying particular projects or types of projects that should in the future be considered by the national research institutes or other entities in the field of research on all muscular dystrophies.

“(g) **PUBLIC INPUT.**—The Secretary shall, under subsection (a)(1), provide for a means through which the public can obtain information on the existing and planned programs and activities of the Department of Health and Human Services with respect to various forms of muscular dystrophy and through which the Secretary can receive comments from the public regarding such programs and activities.

“(h) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 through 2006. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for conducting or supporting through the National Institutes of Health research and other activities with respect to muscular dystrophy.”.

**SEC. 4. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317P the following:

**“SEC. 317Q. SURVEILLANCE AND RESEARCH REGARDING MUSCULAR DYSTROPHY.**

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants and cooperative agreements to public or nonprofit private entities (including health departments of States and political subdivisions of States, and including universities and other educational entities) for the collection, analysis, and reporting of data on Duchenne and other forms of muscular dystrophy. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

“(b) **NATIONAL MUSCULAR DYSTROPHY EPIDEMIOLOGY PROGRAM.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to public or nonprofit private entities (including health departments of States and political subdivisions of States, and including universities and other educational entities) for the purpose of carrying out epidemiological activities regarding Duchenne and other forms of muscular dystrophies, including collecting and analyzing information on the number, incidence, correlates, and symptoms of cases. In carrying out the preceding sentence, the Secretary shall provide for a national surveillance program. In making awards under this subsection, the Secretary may provide direct technical assistance in lieu of cash.

“(c) **COORDINATION WITH CENTERS OF EXCELLENCE.**—The Secretary shall ensure that epidemiological information under subsections (a) and (b) is made available to centers of excellence supported under section 404E(b) by the Director of the National Institutes of Health.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.”.

**SEC. 5. INFORMATION AND EDUCATION.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall establish and implement a program to provide information and education on muscular dystrophy to health professionals and the general public, including information and education on advances in the diagnosis and treatment of muscular dystrophy and training and continuing education through programs for scientists, physicians, medical students, and other health professionals who provide care for patients with muscular dystrophy.

(b) **STIPENDS.**—The Secretary may use amounts made available under this section provides stipends for health professionals who are enrolled in training programs under this section.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 6. REPORT TO CONGRESS.**

Not later than January 1, 2003, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the implementation of this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. STRICKLAND) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

**GENERAL LEAVE**

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 717.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 717, the Duchenne Muscular Dystrophy Childhood Assistance Research and Education Amendments of 2001 which will help find cures for all forms of muscular dystrophy; and I commend at the outset the gentleman from Mississippi (Mr. WICKER) for writing this bill and for continuing to push for its movement through the process.

Mr. Speaker, the Subcommittee on Health of the Committee on Energy and Commerce held an important hearing on this issue where Ed McMahon spoke in favor of the legislation. I believe that every dollar invested in medical research will yield untold benefits for all Americans in years to come. Indeed, our own lives might some day depend on the efforts of scientists and doctors currently at work in our Nation's laboratories. Medical research represents the single most effective weapon against diseases such as muscular dystrophy.

While we live in a modern world, children with DMD are powerless. Boys die before reaching 20, before reaching adulthood, before experiencing life. Duchenne muscular dystrophy is the most common lethal childhood genetic

disorder in the world, affecting 1 in 2,328 male newborns worldwide, according to a 1997 German study.

The disease may be inherited within families, or it may be caused by a spontaneous mutation in individuals. In fact, one-third of Duchenne cases are not inherited but are caused by gene mutation.

Children who are born with DMD follow a predictable clinical course. Young children develop difficulties walking and begin falling due to muscle weakness, and by 8 to 10 years, the muscle weakness has progressed to the point where most children must rely on wheelchairs. By late teens, most DMD children have succumbed to their disease, usually as victims of respiratory failure. The diagnosis is accompanied by a lifetime of progressive loss of function, loss of independence, dependence on family caregivers, and extraordinary physical, mental, psychological, spiritual, and financial burdens for the family and for society.

As you know, this bill takes significant steps towards increasing Federal research efforts to find a cure for Duchenne and other forms of muscular dystrophy. Specifically, H.R. 717 takes four key steps toward improving the Federal commitment to muscular dystrophy:

First, increased coordination. Building on title 23 of the Children's Health Act of 2000, H.R. 717 expands, intensifies, and coordinates research activities related to muscular dystrophy by establishing the Muscular Dystrophy Interagency Coordinating Committee.

Secondly, it creates Centers of Excellence at NIH in order to ensure a focused research effort of muscular dystrophy. H.R. 717 establishes Centers of Excellence at NIH to support and expand clinical research on various forms of muscular dystrophy, including investigations into the diagnosis, early detection, prevention, control, and adequate treatment of various forms of DMD.

It also establishes a national muscular dystrophy surveillance program granting to public and nonprivate entities the implementation of the National Muscular Dystrophy Surveillance Program.

And fourth, it allows for dissemination of education to medical professionals and promotion of public awareness.

Mr. Speaker, the advances made over the course of the last century cannot have been predicted by the most farsighted observers. It is equally difficult to anticipate the significant gains from further medical research, particularly in the area of muscular dystrophy.

Mr. Speaker, I urge all of my colleagues to join the Parent Project on Duchenne Muscular Dystrophy, the Muscular Dystrophy Association, and Mr. Ed McMahon who spoke so eloquently in our subcommittee hearing in defense of all of the children suffering from this disease in support of H.R. 717.

Mr. Speaker, I reserve the balance of my time.

Mr. STRICKLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I am glad that the House is considering Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001, and I would like to thank the gentleman from Mississippi (Mr. WICKER) and my other colleagues on the Committee on Energy and Commerce for their strong bipartisan efforts to work in the passage of this legislation. My understanding is there are currently over 300 cosponsors in the House.

Mr. Speaker, the muscular dystrophies are a group of genetic diseases that cause the progressive weakness of skeletal muscles. Duchenne muscular dystrophy is the most common of the childhood muscular dystrophies, and is the world's most lethal genetic childhood disease.

The disease is characterized by rapidly progressive and painful muscle weakness that almost always results in death, usually by 20 years of age. Duchenne muscular dystrophy primarily affects boys with one in every 3,500 boys worldwide affected.

A woman who is a genetic carrier of the disease has a 50 percent chance of passing it on to her son, and a 50 percent chance that her daughter will also be a carrier. Currently there are no specific treatments, although therapies to improve the quality of life of those suffering from muscular dystrophy can be used.

Scientists are working to seek ways to increase understanding of muscular dystrophy and its causes, develop better therapies, and ultimately find ways to prevent and cure the disorder. However, research into muscular dystrophy is expensive, and requires an investment in gene therapies.

H.R. 717 will focus funding within the National Institutes of Health on muscular dystrophy, expanding research programs, and creating Centers of Excellence that will conduct basic and clinical research into Duchenne and other muscular dystrophies. H.R. 717 also directs the Centers for Disease Control and Prevention to collect, analyze, and to report data about Duchenne and other types of muscular dystrophy. This type of close surveillance and research is critical if we are to truly understand this terrible disease and how we can best treat it or even cure it.

In addition, the funding for the CDC will help to coordinate the Institutes of Health and CDC's research efforts.

□ 1600

Finally, the bill will create an educational program for family physicians who may fail to recognize the symptoms of muscular dystrophy. Identifying the disease early will ensure that treatment programs will be more effective.

Hopefully, strides in gene research will make early identification easier and treatment more effective.

H.R. 717 takes important steps toward a cure for muscular dystrophy. Again, I commend my colleagues for their efforts on this legislation. For all of those families who have prematurely lost a son or daughter because of muscular dystrophy, this bill provides some hope that science will find a cure so that others do not suffer the same loss.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER), the gentleman responsible for this legislation, who did a fantastic job on it and I commend him for it.

Mr. WICKER. Let me just say, Mr. Speaker, that it is indeed encouraging to see this House of Representatives coming together in support of H.R. 717, legislation which, as the gentleman from Florida said, is designed to increase the Federal research commitment to combat muscular dystrophy. I want to thank the leadership of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN), for their efforts in moving this bill through their committee and to the floor. I also want to thank my friend from Ohio for his kind comments about this legislation. And I want to thank the 310 cosponsors of this legislation who have demonstrated the broad bipartisan support that this bill enjoys.

In addition, I want to thank the parents of the young boys who suffer from Duchenne muscular dystrophy. Make no mistake about it, the parents and families of Duchenne boys have been the driving force in moving this bill and calling attention to this dreadful disease, people like Darlene Oliver of Tupelo, Mississippi, who has been tireless in her efforts. These parents, who are sitting around the country today on pins and needles as we debate this legislation, through their letters and visits to Members of Congress, have been instrumental in getting this bill to the House floor today.

I have received a flood of letters, e-mails, and calls from parents of DMD children from all over the country, often accompanied by pictures of their little boys. Even those who have already experienced the sorrow of losing a child have written to express their gratitude for this bill. A few days ago, I received a card from a woman in Raleigh, North Carolina. In part she writes, and I quote, "You can't possibly know how much your support means to us, Andrew's family. Our son will not benefit from your largesse, but countless children will. You have given hope to so many."

Mr. Speaker, through the work of NIH and CDC, the Federal Government has given hope to millions of Americans who suffer from a wide variety of diseases, such as cancer, cardiovascular disease, diabetes and arthritis. The research done at NIH and sponsored by NIH at universities across America is on the cutting edge of modern science. This is an arena where the Government must play an important role to ensure that the cures of tomorrow are available to all. Along with many of my colleagues, I have been proud to support the increases which are necessary to double the funding of NIH over a period of 5 years.

However, not all who suffer from disease have been able to realize the promise of NIH research. Duchenne muscular dystrophy, as the chairman pointed out, is the most common and most lethal childhood genetic disorder. Yet less than one one-thousandth of the NIH budget is focused on research linked to muscular dystrophy. Although the dystrophin gene which causes DMD was successfully identified and isolated by medical researchers in 1987, Federal research has been minimal. Many family physicians and health care professionals lack the knowledge and resources to detect and properly diagnose the disease as early as possible, allowing the disease to progress unchecked in cases that are undetected or misdiagnosed.

Mr. Speaker, during the August recess, while I was traveling across my district like so many of my colleagues, I met Walter and Inez Ewing of Prairie, Mississippi, who have lost five of their eight children to this disease. Each of these boys died at a young age, devastating the family and friends in Monroe County, Mississippi. It is my hope that through the enactment of this legislation and with continued increased appropriations for the NIH and CDC, we can make great strides against this killer of our children and we can give more hope to the children and their parents who suffer from its effects.

I urge my colleagues to support this legislation.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 717, the Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments Act. This legislation will provide much needed resources for research on this terrible disease.

Duchenne Muscular Dystrophy primarily affects boys, and is usually discovered during their toddler or preschool years. Nearly all children with DMD lose the ability to walk sometime between the ages of 7 and 12.

DMD is a truly devastating disease for those who have to live with it every day, like the DeGrenier family in my District. Their son has this horrible disease, and they have been tireless in their fight to gain exposure for this issue.

The most tragic part of DMD is that there is so little known about the disease and no known treatment for it. Treatment has traditionally been aimed at managing the

symptoms in an effort to optimize the quality of life. The medication required just to treat the symptoms is often too expensive for families to handle.

Research is what is desperately needed to fight this deadly disease. This bill will provide a significant step in addressing the lack of knowledge about DMD. By expanding the programs at the National Institute of Neurological Disorders and Stroke, as well as establishing research centers of excellence and authorizing research grants, we can start to find out more about DMD and give hope to families like the DeGreniers.

I urge my Colleagues to support this important legislation.

Mr. EHRLICH. Mr. Speaker, I rise today in strong support of H.R. 717, the Duchenne Muscular Dystrophy (DMD) Childhood Assistance, Research, and Education (CARE) Act. As a cosponsor of H.R. 717, I am extremely pleased this bill, which focuses federal resources on researching DMD, is being considered by the House of Representatives today.

DMD is the most common form of genetic childhood disease, affecting approximately one in every 3,500 boys worldwide. As the disease progresses, muscle deterioration in the back and chest exerts pressure against the lungs, making it difficult to breathe. By age 10, children born with DMD will lose the ability to walk. The deterioration process continues until it ultimately takes the boy's life, typically by the late teens or early twenties.

Although the gene that causes DMD was successfully identified and isolated by medical researchers in 1987, federal research devoted to potential treatment options or a cure since this initial discovery has been minimal. Of the \$20.3 billion allocated for the National Institutes of Health (NIH) during FY 2001, only a few million dollars are invested in medical research specific to DMD. This limited federal support has resulted in minimal treatment options aimed at managing the symptoms, not treating the disease.

I want to commend my colleagues, ROGER WICKER and COLIN PETERSON, for introducing H.R. 717, the CARE Act. This legislation will increase the funding available for researching DMD, direct NIH's attention to solving this problem, and better educate the public on this tragic disease.

Further, I want to thank the leadership of the Energy and Commerce Committee and its Health Subcommittee for expediting this matter to ensure that the federal government acts as quickly as possible to combat DMD. Finally, I want to recognize Parent Project, an important organization for families of sufferers of DMD, and thank them for their continued efforts to significantly increase research at the federal level.

Mr. UPTON. Mr. Speaker, I am very pleased that you have called up for our consideration this evening H.R. 717, the Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2001. I am an original cosponsor of this legislation designed to substantially strengthen support at the national Institutes of Health for research on Duchenne and several other types of muscular dystrophy, coordinate that research across federal agencies, and translate discoveries in the lab into improved patient care.

I have seen the human face of Duchenne muscular dystrophy and the toll that it takes

on children and families. Some time ago, I had the opportunity to visit with Don and Joyce Carpenter of Kalamazoo, Michigan, and their courageous son Ben, who suffers from Duchenne muscular dystrophy. From them I learned that Duchenne muscular dystrophy is the most common and the most catastrophic form of genetic childhood disease. Sadly, it generally kills its victims in their late teens or early 20s.

For decades, the only drug treatment known to somewhat alter the course of the disease is the use of steroids—whose serious side effects are well known. We've simply got to do better. We have to find a way to prevent this devastating disorder in the first place—perhaps through the promise of gene therapy. And until we learn how to prevent it, we've got to learn how to treat it more effectively.

This legislation has strong bipartisan support. It has 310 cosponsors and was unanimously approved by both by the Health Subcommittee and the full Energy and Commerce Committee.

I call on my colleagues to join me in supporting this legislation. What we are doing here this evening is giving hope to Don and Joyce and Ben Carpenter and many others who suffer from Duchenne and other devastating forms of muscular dystrophy in this nation and across the world. We can work miracles when we really try.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today in support of H.R. 717, the Muscular Dystrophy Community Assistance, Research and Education Act.

Representative WICKER and I introduced H.R. 717, after being inspired by testimonies from our constituents. I am inspired by an extraordinary 9-year-old boy, Jacob, who has Duchenne Muscular Dystrophy.

For those of you who don't know about Duchenne Muscular Dystrophy: Duchenne is typically diagnosed in boys between the ages of 3 and 5 years; the disease is characterized by progressive weakness, with a gradual deterioration of muscle capacity, first in the legs, then in the arms, back, lungs, and heart; and children affected by Duchenne typically do not live to see their 20's.

Currently, Jacob uses a motorized scooter to get around, but soon he will need a ventilator to breathe. There is no treatment for Duchenne Muscular Dystrophy. The life expectancy of a child with Duchenne has not changed since 1859 when it was first identified. It is time for us to focus our efforts and target funds to Muscular Dystrophy research at NIH and CDC.

H.R. 717, will fight childhood muscular dystrophy by boosting research funding and raising public awareness. Less than 1/2000 of the NIH budget is focused on research linked to Muscular Dystrophy. Time is running out.

I asked Jacob, if he could trade places with anyone in the world who would he be; I expected him to say a famous athlete or movie star, but he simply answered his older brother, so he can play football with his friends. You see his biggest wish is to be a regular boy.

Today, let's do what we can to help this little boy grow up to play football with his friends. I hope all of you are as inspired as I am by the courage of Jacob and other children who suffer from this, terrible disease.

I urge you to support H.R. 717.

Mr. STRICKLAND. Mr. Speaker, I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 717, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area.

#### REPORT ON H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107-216) on the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5:30 p.m.

Accordingly (at 4 o'clock and 6 minutes p.m.), the House stood in recess until 5:30 p.m.

□ 1730

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 5 o'clock and 30 minutes p.m.

**APPOINTMENT OF CONFEREES ON  
H.R. 2500, DEPARTMENTS OF  
COMMERCE, JUSTICE, AND  
STATE, THE JUDICIARY, AND RE-  
LATED AGENCIES APPROPRIA-  
TIONS ACT, 2002**

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia? The Chair hears none and, without objection, appoints the following conferees: Messrs. WOLF, ROGERS of Kentucky, KOLBE, TAYLOR of North Carolina, REGULA, LATHAM, MILLER of Florida, VITTER, YOUNG of Florida, SERRANO, MOLLOHAN, Ms. ROYBAL-ALLARD, and Messrs. CRAMER, KENNEDY of Rhode Island, and OBEY.

There was no objection.

**MAKING IN ORDER AT ANY TIME  
CONSIDERATION OF H.J. RES. 65,  
CONTINUING APPROPRIATIONS,  
FISCAL YEAR 2002**

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes; that the joint resolution be considered as read for amendment; the joint resolution shall be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on Appropriations; and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

**GENERAL LEAVE**

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 65, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

**CONTINUING APPROPRIATIONS,  
FISCAL YEAR 2002**

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order of the House of

today, I call up the joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 65 is as follows:

**H.J. RES. 65**

*Resolved by the Senate and House of Representatives of the United States of America in congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2002, and for other purposes, namely:*

SEC. 101. (a)(1) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2001 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(A) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002;

(B) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1));

(C) the Energy and Water Development Appropriations Act, 2002;

(D) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956;

(E) the Department of the Interior and Related Agencies Appropriations Act, 2002;

(F) the Legislative Branch Appropriations Act, 2002;

(G) the Military Construction Appropriations Act, 2002;

(H) the Department of Transportation and Related Agencies Appropriations Act, 2002;

(I) the Treasury and General Government Appropriations Act, 2002; and

(J) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002;

*Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 2001, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: Provided further, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 2001, for a continuing project or activity which was conducted in fiscal year 2001 and for which there is fiscal year 2002 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001.*

(2) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of October 1, 2001, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 2001, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001.

(3) Whenever an Act listed in this subsection has been passed by only the House or only the Senate as of October 1, 2001, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001: *Provided, That whenever there is no amount available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 2001, for a continuing project or activity which was conducted in fiscal year 2001 and for which there is fiscal year 2002 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001.*

(b) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2001 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2001, at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) the Department of Defense Appropriations Act, 2001, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)); and

(2) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001.

(3) the District of Columbia Appropriations Act, 2001;

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 2001 or prior years, for the increase in production rates above those sustained with fiscal year 2001 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during fiscal year 2001: *Provided, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.*

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to

section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2001.

SEC. 105. No provision which is included in an appropriations Act listed in section 101(a) but which was not included in the applicable appropriations Act for fiscal year 2001 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 16, 2001, whichever first occurs.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for fiscal year 2002 listed in section 101(a) that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 107(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2001 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2002 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Activities authorized by sections 1319 and 1336(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) may continue through the date specified in section 107(c) of this joint resolution.

SEC. 114. Activities authorized by title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998, may continue through the date specified in section 107(c) of this joint resolution.

SEC. 115. Activities authorized by section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law

103-428, may continue through the date specified in section 107(c) of this joint resolution.

SEC. 116. Activities authorized by chapter 2 of title II of the Trade Act of 1974 shall continue through the date specified in section 107(c) of this joint resolution.

SEC. 117. Activities authorized by subsection (f) of section 403 of Public Law 103-356 may continue through the date specified in section 107(c) of this joint resolution.

SEC. 118. Notwithstanding any other provision of this joint resolution, except section 107, the Library of Congress may temporarily transfer to the revolving fund established under section 103 of Public Law 106-481 amounts to continue program operations at a rate not exceeding the rate under authority applicable prior to October 1, 2001.

SEC. 119. Of amounts provided by section 101 of this joint resolution, for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, \$100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2001 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000-2001 of \$2,535,700,000.

SEC. 120. Notwithstanding any other provision of this joint resolution, in the event that H.R. 1088, the Investor and Capital Markets Fee Relief Act, or other legislation to amend section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), and sections 13(e), 14(g), and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), is enacted into law during the period covered by this joint resolution, the fees, charges, and assessments authorized by such sections, as amended, shall be deposited and credited as offsetting collections to the account that provides appropriations to the Securities and Exchange Commission.

SEC. 121. Collection and use of maintenance fees as authorized by section 4(i) and 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §136a-1(i) and (k)) may continue through the date specified in section 107(c) of this joint resolution. Prohibitions against collecting "other fees" as described in section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §135a-1(i)(6)) shall continue in effect through the date specified in section 107(c) of this joint resolution.

SEC. 122. Notwithstanding section 106 of this joint resolution, funds made available in Public Law 107-38 are not limited by the terms and conditions of this joint resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Speaker is well aware, all of the appropriations bills for 2002 have not been completed. The Senate has asked for a conference on the Energy and Water bill, the Interior bill, the Legislative bill, the VA-HUD

bill; and we just a few minutes ago asked for a conference on the Commerce-Justice bill. We are prepared to go to conference on those bills, but we are not able to complete the conferences on those and the other bills remaining prior to the end of September, which is this weekend.

And so this is a continuing resolution that would take the Government spending at the 2001 levels through October 16 of this year. We have the usual waivers that normally go with a CR. We do not add anything new to this CR. It is noncontroversial. I urge the House to move the CR so that we can get it behind us and move on to the balance of our regular 2002 bills.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the continuing resolution brought to the floor by the distinguished gentleman from Florida. As he has indicated, we are about to go to conference on a wide variety of appropriations bills. We expect to finish most of those conferences in short order, but this resolution will allow us to do so in a more orderly fashion than was the case last year when we had a series of 1- and 2-day CRs. I think under the circumstances it is the proper thing to do.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

# RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 5 o'clock and 39 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 6 p.m.

# VACATING ORDERING OF YEAS AND NAYS ON H.R. 2589, MARK-TO-MARKET EXTENSION ACT OF 2001

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 2589, as amended, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. GREEN) that the House suspend the rules and pass the bill, H.R. 2589, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today, and the question on passage of House Joint Resolution 65.

Votes will be taken in the following order:

H.R. 717, by the yeas and nays, and H.J. Res. 65, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 717, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 717, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 47, as follows:

[Roll No. 349]

## YEAS—383

Abercrombie	Duncan	Kerns
Ackerman	Dunn	Kildee
Aderholt	Edwards	Kilpatrick
Akin	Ehlers	Kind (WI)
Allen	Ehrlich	King (NY)
Andrews	Emerson	Kingston
Armye	Engel	Kirk
Baca	English	Klecza
Bachus	Eshoo	Knollenberg
Baird	Etheridge	Kolbe
Baker	Evans	Kucinich
Baldacci	Everett	LaFalce
Baldwin	Farr	LaHood
Ballenger	Fattah	Lampson
Barcia	Ferguson	Langevin
Barr	Filner	Lantos
Barrett	Flake	Largent
Bartlett	Fletcher	Larsen (WA)
Barton	Foley	Larson (CT)
Bass	Forbes	Latham
Becerra	Ford	LaTourette
Bentsen	Fossella	Leach
Bereuter	Frank	Lee
Berkley	Frelinghuysen	Levin
Berman	Frost	Lewis (CA)
Berry	Gallegly	Lewis (GA)
Biggert	Ganske	Lewis (KY)
Bilirakis	Gekas	Linder
Bishop	Gephardt	Lipinski
Blagojevich	Gibbons	LoBiondo
Boehert	Gilchrest	Lofgren
Bonilla	Gilman	Lowe
Bonior	Gonzalez	Lucas (OK)
Bono	Goode	Luther
Borski	Goodlatte	Maloney (CT)
Boswell	Gordon	Manzullo
Boucher	Goss	Markley
Boyd	Graham	Mascara
Brady (PA)	Graves	Matheson
Brown (FL)	Green (TX)	Matsui
Brown (OH)	Green (WI)	McCarthy (MO)
Brown (SC)	Greenwood	McCarthy (NY)
Burr	Grucci	McCollum
Burton	Gutknecht	McCrery
Callahan	Hall (OH)	McDermott
Calvert	Hall (TX)	McGovern
Camp	Hansen	McHugh
Cannon	Harman	McIntyre
Cantor	Hart	McKeon
Capito	Hastings (FL)	McKinney
Capps	Hastings (WA)	McNulty
Capuano	Hayes	Meehan
Cardin	Hefley	Meek (FL)
Carson (IN)	Herger	Meeks (NY)
Carson (OK)	Hill	Menendez
Castle	Hilleary	Mica
Chabot	Hilliard	Miller (FL)
Chambliss	Hinchey	Miller, George
Clay	Hinojosa	Mink
Clayton	Hobson	Mollohan
Clement	Hoefel	Moore
Clyburn	Hoekstra	Moran (KS)
Coble	Holden	Moran (VA)
Collins	Holt	Morella
Combest	Honda	Murtha
Condit	Hooley	Myrick
Conyers	Horn	Nadler
Costello	Hostettler	Napolitano
Cox	Houghton	Nethercutt
Coyne	Hoyer	Ney
Cramer	Hunter	Northup
Crane	Hyde	Norwood
Crenshaw	Isakson	Nussle
Cubin	Israel	Oberstar
Culberson	Issa	Obey
Cummings	Istook	Oliver
Cunningham	Jackson (IL)	Ortiz
Davis (FL)	Jackson-Lee	Osborne
Davis (IL)	(TX)	Ose
Davis, Jo Ann	Jefferson	Otter
Davis, Tom	Jenkins	Pallone
Deal	John	Pascarell
DeFazio	Johnson (CT)	Pastor
DeGette	Johnson (IL)	Pelosi
Delahunt	Johnson, E. B.	Pence
DeLauro	Johnson, Sam	Peterson (PA)
DeLay	Jones (NC)	Petri
Deutsch	Jones (OH)	Phelps
Diaz-Balart	Kanjorski	Pickering
Dicks	Kaptur	Pitts
Dingell	Keller	Platts
Doggett	Kelly	Price (NC)
Dooley	Kennedy (MN)	Pryce (OH)
Doyle	Kennedy (RI)	Putnam

Quinn	Shadegg	Thompson (CA)
Radanovich	Shaw	Thompson (MS)
Rahall	Sha's	Thornberry
Ramstad	Sherman	Thune
Rangel	Sherwood	Thurman
Regula	Shimkus	Tiahrt
Rehberg	Shows	Tierney
Reyes	Shuster	Toomey
Reynolds	Simmons	Trafficant
Riley	Simpson	Turner
Rivers	Skeen	Udall (CO)
Rodriguez	Skelton	Udall (NM)
Roemer	Slaughter	Upton
Rogers (KY)	Smith (NJ)	Vitter
Rogers (MI)	Smith (TX)	Walsh
Rohrabacher	Smith (WA)	Wamp
Ros-Lehtinen	Snyder	Waters
Ross	Solis	Watkins (OK)
Rothman	Souder	Watson (CA)
Roukema	Spratt	Watt (NC)
Roybal-Allard	Stearns	Waxman
Royce	Stenholm	Weldon (FL)
Ryan (WI)	Strickland	Weldon (PA)
Ryun (KS)	Stump	Weller
Sanchez	Stupak	Wexler
Sandlin	Sununu	Whitfield
Sawyer	Sweeney	Wicker
Saxton	Tancred	Wilson
Schakowsky	Tauscher	Wolf
Schiff	Tauzin	Woolsey
Schrock	Taylor (MS)	Wu
Scott	Taylor (NC)	Wynn
Sensenbrenner	Terry	Young (AK)
Sessions	Thomas	Young (FL)

## NOT VOTING—47

Blumenauer	Hulshof	Portman
Blunt	Inslee	Rush
Boehner	Lucas (KY)	Sabo
Brady (TX)	Maloney (NY)	Sanders
Bryant	McInnis	Schaffer
Buyer	Millender-	Serrano
Cooksey	McDonald	Smith (MI)
Crowley	Miller, Gary	Stark
Davis (CA)	Neal	Tanner
DeMint	Owens	Tiberi
Doolittle	Oxley	Towns
Dreier	Paul	Velázquez
Gillmor	Payne	Visclosky
Granger	Peterson (MN)	Walden
Gutierrez	Pombo	Watts (OK)
Hayworth	Pomeroy	Weiner

□ 1836

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and Emery-Dreifuss muscular dystrophies."

A motion to reconsider was laid on the table.

Stated for:

Mr. WALDEN of Oregon. Mr. Speaker, on rollcall No. 349, due to weather-related problems, I missed the vote. Had I been present, I would have voted "yes."

Ms. MILLENDER-MCDONALD. Mr. Speaker, H.R. 717 was called while I was enroute from the Airport (Dulles) of which I was detained due to a storm that delayed the landing of the flight coming in from California. Had I been present, I would have voted "yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of

clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device will be taken on the question of passage of H.J. Res. 65.

#### CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

The SPEAKER pro tempore. The pending business is the question de novo on passage of the joint resolution, H.J. Res. 65, on which further proceedings were postponed earlier today.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 392, noes 0, not voting 38, as follows:

[Roll No. 350]

#### AYES—392

Abercrombie	Carson (OK)	Fattah
Ackerman	Castle	Ferguson
Aderholt	Chabot	Fliner
Akin	Chambliss	Flake
Allen	Clay	Fletcher
Andrews	Clayton	Foley
Army	Clement	Forbes
Baca	Clyburn	Ford
Bachus	Coble	Fossella
Baird	Collins	Frank
Baker	Combust	Frelinghuysen
Baldacci	Condit	Frost
Baldwin	Conyers	Gallegly
Ballenger	Costello	Ganske
Barcia	Cox	Gekas
Barr	Coyne	Gephardt
Barrett	Cramer	Gibbons
Bartlett	Crane	Gilchrest
Barton	Crenshaw	Gilman
Bass	Cubin	Gonzalez
Becerra	Culberson	Goode
Bentsen	Cummings	Goodlatte
Bereuter	Cunningham	Gordon
Berkley	Davis (FL)	Goss
Berman	Davis (IL)	Graham
Berry	Davis, Jo Ann	Graves
Biggart	Davis, Tom	Green (TX)
Bilirakis	Deal	Green (WI)
Bishop	DeFazio	Greenwood
Blagojevich	DeGette	Grucci
Blumenauer	Delahunt	Gutknecht
Boehlert	DeLauro	Hall (OH)
Bonilla	DeLay	Hall (TX)
Bonior	Deutsch	Hansen
Bono	Diaz-Balart	Harman
Borski	Dicks	Hart
Boswell	Dingell	Hastings (FL)
Boucher	Doggett	Hastings (WA)
Boyd	Dooley	Hayes
Brady (PA)	Doolittle	Hefley
Brown (FL)	Doyle	Hergert
Brown (OH)	Dreier	Hill
Brown (SC)	Duncan	Hillery
Burr	Dunn	Hilliard
Burton	Edwards	Hinchee
Callahan	Ehlers	Hinojosa
Calvert	Ehrlich	Hobson
Camp	Emerson	Hoeffel
Cannon	Engel	Hoekstra
Cantor	English	Holden
Capito	Eshoo	Holt
Capps	Etheridge	Honda
Capuano	Evans	Hooley
Cardin	Everett	Horn
Carson (IN)	Farr	Hostettler

Houghton	Meehan	Schiff
Hoyer	Meek (FL)	Schrock
Hunter	Meeks (NY)	Scott
Hyde	Menendez	Sensenbrenner
Isakson	Mica	Sessions
Israel	Millender-Issa	Shadegg
Issa	McDonald	Shaw
Istook	Miller (FL)	Shays
Jackson (IL)	Miller, Gary	Sherman
Jackson-Lee	Miller, George	Sherwood
(TX)	Mink	Shimkus
Jefferson	Mollohan	Shows
Jenkins	Moore	Shuster
John	Moran (KS)	Simmons
Johnson (CT)	Moran (VA)	Simpson
Johnson (IL)	Morella	Skeen
Johnson, E. B.	Murtha	Skelton
Johnson, Sam	Myrick	Stangler
Jones (NC)	Nadler	Smith (MI)
Jones (OH)	Napolitano	Smith (NJ)
Kanjorski	Nethercutt	Smith (TX)
Kaptur	Ney	Smith (WA)
Keller	Northup	Snyder
Kelly	Norwood	Solis
Kennedy (MN)	Nussle	Souder
Kennedy (RI)	Oberstar	Spratt
Kerns	Obey	Stearns
Kildee	Oliver	Stenholm
Kilpatrick	Ortiz	Strickland
Kind (WI)	Osborne	Stump
King (NY)	Ose	Stupak
Kingston	Otter	Sununu
Kirk	Pallone	Sweeney
Klecza	Pascarell	Tancred
Knollenberg	Pastor	Tauscher
Kolbe	Paul	Tauzin
Kucinich	Pelosi	Taylor (MS)
LaFalce	Pence	Taylor (NC)
LaHood	Peterson (PA)	Terry
Lampson	Petri	Thomas
Langevin	Phelps	Thompson (CA)
Lantos	Pickering	Thompson (MS)
Largent	Pitts	Thornberry
Larsen (WA)	Platts	Thune
Larson (CT)	Pombo	Thurman
Latham	Price (NC)	Tiahrt
LaTourette	Pryce (OH)	Tierney
Leach	Putnam	Toomey
Lee	Quinn	Traficant
Levin	Radanovich	Turner
Lewis (CA)	Rahall	Udall (CO)
Lewis (GA)	Ramstad	Udall (NM)
Lewis (KY)	Rangel	Upton
Linder	Regula	Vitter
Lipinski	Rehberg	Walden
LoBiondo	Reyes	Walsh
Lofgren	Reynolds	Wamp
Lowe	Riley	Waters
Lucas (OK)	Rivers	Watkins (OK)
Luther	Rodriguez	Watson (CA)
Maloney (CT)	Roemer	Watt (NC)
Manzullo	Rogers (KY)	Waxman
Markey	Rogers (MI)	Weldon (FL)
Mascara	Rohrabacher	Weldon (PA)
Matheson	Ros-Lehtinen	Weller
Matsui	Ross	Wexler
McCarthy (MO)	Rothman	Whitfield
McCarthy (NY)	Roukema	Wicker
McCollum	Roybal-Allard	Wilson
McCrery	Royce	Wolf
McDermott	Ryan (WI)	Woolsey
McGovern	Ryun (KS)	Wu
McHugh	Sanchez	Wynn
McIntyre	Sandlin	Young (AK)
McKeon	Sawyer	Young (FL)
McKinney	Saxton	
McNulty	Schakowsky	

#### NOT VOTING—38

Blunt	Hulshof
Boehner	Inslee
Brady (TX)	Lucas (KY)
Bryant	Maloney (NY)
Buyer	McInnis
Cooksey	Neal
Crowley	Owens
Davis (CA)	Oxley
DeMint	Payne
Gillmor	Peterson (MN)
Granger	Pomeroy
Gutierrez	Portman
Hayworth	Rush

Sabo
Sanders
Schaffer
Serrano
Stark
Tanner
Tiberi
Towns
Velázquez
Visclosky
Watts (OK)
Weiner

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, due to the severe weather conditions in the Washington D.C. area, my airplane was not able to land before the votes occurred on H.R. 717, the Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001, and H.J. Res. 65, the FY 2002 Continuing Resolution.

Had I been present, I would have voted "yea" on each of these bills.

#### PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Speaker, on September 24, 2001, I was unavoidably detained the train broke down—and I missed rollcall votes numbered 349 and 350. Rollcall vote 349 was on the motion to suspend the rules and pass HR 717, to provide for research and services with respect to Duchenne muscular dystrophy. Rollcall vote 350 was on passage of H. J. Res. 65, to provide for continuing appropriations for the fiscal year, and for other purposes.

Had I been present I would have voted "yea" on both H.R. 717 and H. J. Res. 65.

#### SUPPORTING THE GOALS OF RED RIBBON WEEK IN PROMOTING DRUG-FREE COMMUNITIES

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent for immediate consideration in the House of the concurrent resolution (H. Con. Res. 84) supporting the goals of Red Ribbon Week in promoting drug-free communities.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Florida?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I would like a brief explanation from the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, this resolution calls for increased awareness of drug abuse and promotes drug-free communities.

Red Ribbon Week began in 1985 following the death of Enrique "Kiki" Camarena, a drug enforcement agent who was close to uncovering identities of key members of a Mexican drug cartel. Saddened by his death and concerned by the destruction caused by drugs in America, his friends and family in his hometown of Calexico, California began wearing red ribbons in his honor to raise the consciousness of communities throughout the Imperial Valley.

Today the red ribbon has become the national symbol for drug prevention

across America. Red Ribbon Week activities make a positive impact in communities nationwide. The program focuses on identifying resources for parents and collaborating with community stakeholders to provide primary prevention and education to strengthen healthy families.

I support the goals of this resolution, Mr. Speaker; and I believe it is a critical tool through which local communities learn, educate, and act to ensure a healthier future for our children. I ask my colleagues to support the fight against drugs and to help us pass H. Con. Res. 84, supporting the goals of Red Ribbon Week and promoting drug-free communities.

Mr. BROWN of Ohio. Further reserving the right to object, Mr. Speaker, I yield to my colleague, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I stand here today in support of House Concurrent Resolution 84. This bill expresses a sense of Congress supporting the goals of Red Ribbon Week and preventing drug use. We must focus on awareness and prevention.

The battle against drugs is being fought in our homes, in our living rooms with real human beings and with our children, our brothers, our sisters, our parents, our neighbors, our friends, our relatives and our communities.

In California, I have worked hard to recognize Red Ribbon Week, as you can see by the red ribbon that I am wearing now. And as it was stated earlier before, it originally started in 1985 in Imperial Valley; and we have celebrated in San Bernardino, throughout the last 7 or 8 years, Red Ribbon Week. We have a parade.

I think it is important for our communities to know that drugs kill our children. We must be aware. We must do everything possible to prevent the use of drugs, saving a life and getting a child to go in a positive direction is good for our children. Let them know that we will say no to drugs. Drugs are bad, bad for our children, bad for our community, bad for our society, whatever we can do to promote that awareness and involvement in our neighborhoods.

We have got our communities involved. We have schools that are involved. We have businesses that are involved. We have neighborhoods that are involved. We have youth and families that participate because we know what it means and what a disaster it is to a family who is involved in drugs.

It is also a savings in taxpayer dollars to us as well. When we look at a child or someone who is into drugs, it costs us for that particular child to rehabilitate them. It is a lot better to do the prevention and awareness to save the child and save a life.

I believe we have to do everything possible to make sure our communities are drug free. We participate with law enforcement in our communities. We

participate with the fire department. We participate with our neighbors. We want healthy and productive and drug-free life society. By all of us being involved and coming together, we are touching the lives and saving the lives of many individuals in our community.

Today we are committed in this movement and we will continue to do this. This week is Red Ribbon Week; and hopefully, everybody will display the red ribbon that I have here along, of course, the flag that we carry in our lapel for many Americans right now. As we look at what has happened right now, as many of the individuals who died there, we want to demonstrate to those individuals who have sacrificed their lives to save a life, it is that life for many other individuals and possibly those children that lost their lives there and many of the children we have to save as well.

Mr. Speaker, I ask everybody to recognize we must save the lives of our children.

Mr. BROWN of Ohio. Mr. Speaker, I support passage of the concurrent resolution, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution, as follows:

#### H. CON. RES. 84

Whereas the National Family Partnership, Governors, Attorneys General, Parent Teacher Associations, and over 100 other organizations throughout the United States annually cosponsor October 23 through October 31 as Red Ribbon Week;

Whereas the objective of Red Ribbon Week is to promote drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges our Nation faces in securing a safe and healthy future for our children; and

Whereas parents, youth, schools, businesses, law enforcement and religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the Nation demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this weeklong celebration: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) supports the goals of Red Ribbon Week; and

(2) encourages all Americans to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, drug-free lifestyles.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 84, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2269

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2269, the Retirement Security Advice Act of 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-124)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 2001.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospects for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military operations.

GEORGE W. BUSH.

THE WHITE HOUSE, September 24, 2001.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-125)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, September 24, 2001.

BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-126)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the unusual and extraordinary threat posed to the national security, foreign policy, and economy of the United States by grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks at the World Trade Center, New York, at the Pentagon, and in Pennsylvania. I have also issued an Executive Order to help deal with this threat by giving the United States more powerful tools to reach the means by which terrorists and terrorist networks finance themselves and to encourage greater cooperation by foreign financial institutions and other entities that may have access to foreign property belonging to terrorists or terrorist organizations.

The attacks of September 11, 2001, highlighted in the most tragic way the

threat posed to the security and national interests of the United States by terrorists who have abandoned any regard for humanity, decency, morality, or honor. Terrorists and terrorist networks operate across international borders and derive their financing from sources in many nations. Often, terrorist property and financial assets lie outside the jurisdiction of the United States. Our effort to combat and destroy the financial underpinnings of global terrorism must therefore be broad, and not only provide powerful sanctions against the U.S. property of terrorists and their supporters, but also encourage multilateral cooperation in identifying and freezing property and assets located elsewhere.

This Executive Order is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. In general terms, it provides additional means by which to disrupt the financial support network for terrorist organizations by blocking the U.S. assets not only of foreign persons or entities who commit or pose a significant risk of committing acts of terrorism, but also by blocking the assets of their subsidiaries, front organizations, agents, and associates, and any other entities that provide services or assistance to them. Although the blocking powers enumerated in the order are broad, my Administration is committed to exercising them responsibly, with due regard for the culpability or the persons and entities potentially covered by the order, and in consultation with other countries.

The specific terms of the Executive Order provide for the blocking of the property and interests in property, including bank deposits, of foreign persons designated in the order or pursuant thereto, when such property is within the United States or in the possession or control of United States persons. In addition, the Executive Order prohibits any transaction or dealing by United States persons in such property or interests in property, including the making or receiving of any contribution of funds, good, or services to or for the benefit of such designated persons.

I have identified in an Annex to this order eleven terrorist organizations, twelve individuals terrorist leaders, three charitable or humanitarian organizations that operate as fronts for terrorist financing and support, and one business entity that operates as a front for terrorist financing and support. I have determined that each of these organizations and individuals have committed, supported, or threatened acts of terrorism that imperil the security of U.S. nationals or the national security, foreign policy, or economy of the United States. I have also authorized the Secretary of State to determine and designate additional foreign persons who have committed or pose a significant risk of committing acts or ter-

rorism that threaten the security of U.S. national or the national security, foreign policy, or economy of the United States. Such designations are to be made in consultation with the Secretary of the Treasury and the Attorney General.

The Executive Order further authorizes the Secretary of the Treasury to identify, in consultation with the Secretary of State and the Attorney General, additional persons or entities that:

Are owned or controlled by, or that act for or on behalf of, those persons designated in or pursuant to the order;

Assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of acts of terrorism or those persons designated in or pursuant to the order; or

Are otherwise associated with those persons designated in or pursuant to the order.

Prior to designating persons that fall within the latter two categories, the Secretary of the Treasury is authorized to consult with any foreign authorities the Secretary of State deems appropriate, in consultation with the Secretary of the Treasury and the Attorney General. Such consultation is intended to avoid the need for additional designations by securing bilateral or multilateral cooperation from foreign governments and foreign financial and other institutions. Such consultation may include requests to foreign governments to seek, in accordance with international law and their domestic laws, information from financial institutions regarding terrorist property and to take action to deny terrorists the use of such property. The order also provides broad authority, with respect to the latter two categories, for the Secretary of the Treasury, in his discretion, and in consultation with the Secretary of State and the Attorney General, to take lesser action than the complete blocking of property or interests in property if such lesser action is deemed consistent with the national interests of the United States. Some of the factors that may be considered in deciding whether a lesser action against a foreign person is consistent with the national interests of the United States include:

The impact of blocking on the U.S. or international financial system;

The extent to which the foreign person has cooperated with U.S. authorities;

The degree of knowledge the foreign person had of the terrorist-related activities of the designated person;

The extent of the relationship between the foreign person and the designated person; and

The impact of blocking or other measures on the foreign person.

The Executive Order also directs the Secretary of State, the Secretary of the Treasury, and other agencies to

make all relevant efforts to cooperate and coordinate with other countries, including through existing and future multilateral and bilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of the financial and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

In the Executive Order, I also have made determinations to suspend otherwise applicable exemptions for certain humanitarian, medical, or agricultural transfers or donations. Regrettably, international terrorist networks make frequent use of charitable or humanitarian organizations to obtain clandestine financial and other support for their activities. If these exemptions were not suspended, the provision of humanitarian materials could be used as a loophole through which support could be provided to individuals or groups involved with terrorism and where activities endanger the safety of United States nationals, both here and abroad.

The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is authorized to issue regulations in exercise of my authorities under IEEPA to implement the prohibitions set forth in the Executive Order. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the order, and, where applicable, to advise the Secretary of the Treasury in a timely manner of the measures taken.

The measures taken here will immediately demonstrate our resolve to bring new strength to bear in our multifaceted struggle to eradicate international terrorism. It is my hope that they will point the way for other civilized nations to adopt similar measures to attack the financial roots of global networks.

In that regard, this Executive Order is an integral part of our larger effort to form a coalition in the global war against terrorism. We have already worked with nations around the globe and groups such as the G-8, the European Union, and the Rio Group, all of which have issued strong statements of their intention to take measures to limit the ability of terrorist groups to operate. In the next several weeks the 33rd Session of the International Civil Aviation Organization (ICAO) General Assembly and other fora will focus on terrorism worldwide. It is our intention to work within the G-7/G-8, the ICAO, and other fora to reach agreement on strong concrete steps that will limit the ability of terrorists to operate. In the G-7/G-8, the United States will work with its partners, drawing on the G-8 Lyon Group on Transnational Crime, the G-8 Group on Counter-terrorism, the G-7 Financial Action Task

Force, and the existing G-8 commitments to build momentum and practical cooperation in the fight to stop the flow of resources to support terrorism. In addition, both the Convention for the Suppression of the Financing of Terrorism and the Convention for the Suppression of Terrorist Bombings have been forwarded to the Senate, and I will be forwarding shortly to the Congress implementing legislation for both Conventions.

I am enclosing a copy of the Executive Order I have issued. This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, September 23, 2001.

#### RECOGNIZING SARGENT SHRIVER WITH CONGRESSIONAL GOLD MEDAL

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise today to introduce a Congressional Gold Medal resolution for Sargent Shriver who was the first director of the Peace Corps. I do this with my cosponsors, former members of the United States Peace Corps, myself, the gentleman from Connecticut (Mr. SHAYS), the gentleman from Ohio (Mr. HALL), the gentleman from New York (Mr. WALSH), the gentleman from California (Mr. HONDA), and the gentleman from Wisconsin (Mr. PETRI).

I also do it on behalf of the 163,000 volunteers who have served the United States Government in over 135 countries. I also do this based on what I did Saturday which was to celebrate the 40th anniversary of the Peace Corps here in Washington, but then on Sunday I went to the World Trade Center, ground zero in New York City, so I saw peace on Saturday and war on Sunday.

I view the destruction with a renewed reemphasis in the role of the Peace Corps in order to better understand the world cultures, the world languages and the world differences.

Mr. Speaker, what better way than to authorize the President to present Sargent Shriver with a Congressional Gold Medal to commemorate the 40th anniversary of the Peace Corps in recognition of its founding father.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### TRIBUTE TO TOM BURNETT, JR., A TRUE AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a true American hero. America owes Tom Burnett, Jr., a deep debt of gratitude for his bravery on September 11. Indeed, the Members of this very body may owe their very lives to Tom Burnett, Jr.

Mr. Speaker, Tom Burnett, who grew up in Bloomington, Minnesota in the Third Congressional District, which I am privileged to represent, was aboard United Flight 93 on that darkest of days for our Nation. Tom was among the small group of passengers who confronted the hijackers that fateful morning. Department of Defense officials believe Flight 93 was headed for a target here in Washington, most likely the White House or the Capitol.

Tom was able to reach his wife, Deena, on his cell phone from the plane. She told him that other hijacked planes had crashed into the World Trade Center towers and the Pentagon.

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Tom then told her, and I am quoting, "We've got to do something. I know we're all going to die. There's three of us who are going to do something about it."

Mr. Speaker, that is exactly what Tom Burnett did. His courage and sacrifice foiled the hijackers' plans of mass destruction. Without regard to his own safety, Tom helped save countless lives.

In recent days, after listening to the tape from the black box, law enforcement officials have described a desperate struggle aboard the plane. As FBI Director Mueller said after being briefed on the contents of the tape, and I am quoting, "We believe those passengers were absolute heroes, and their actions during this flight were heroic."

Mr. Speaker, Tom Burnett, Jr. has shown this kind of selfless leadership many times before. As a quarterback at Thomas Jefferson High School in Bloomington, Minnesota, Tom's inspired play led his team to the conference championship game in 1980, the only game they lost that season. The team that beat them won the State title, in fact. He was also a leader in his remarkable business career, as chief operating officer for a medical device manufacturer in California.

No one who knew Tom Burnett is surprised at his heroism.

His football coach in high school, Bruno Waldner, said, "Tom, if anybody, would have the type of character to do that. He didn't get rattled. He took everybody up another level. He was on an average football team that went on to play over their heads. And they almost won a championship."

Another business associate said: "Tom was a man of action. If he knew that he could have any potential beneficial effect and he knew what the odds were, he would have taken action." Another business associate said: "This was very much in character for Tom Burnett. It's just the type of man he was."

Mr. Speaker, such moving testimonials to this great and courageous man have literally come in floods of words and tears in recent days back in Minnesota. At a memorial service last Tuesday night at St. Edward's Catholic Church in Bloomington, I was among the 1,200 mourners who attended and heard many such moving tributes. The streets and parking lot of that church were lined with many other people who could not get into the packed church. Many waved American flags of all sizes. It was very sad. And it was very uplifting.

Mr. Speaker, many people claim America has suffered from a lack of heroes in recent years. Not anymore. Not with Tom Burnett, Jr. to look up to. Like so many heroes of September 11 who gave their lives to help others, from Tom and his fellow passengers on Flight 93, to the police, rescue personnel and firefighters in New York who rushed into those doomed towers and so many others, America has real heroes to remember and to cherish. We must never forget their ultimate sacrifice.

Mr. Speaker, our thoughts and prayers are with Tom's wonderful family, his loving wife, Deena, their daughters Madison, Halley and Anna-Clair, his parents Thomas Sr. and Beverly of Bloomington, and his sisters Martha O'Brien and Mary Margaret Burnett.

May God bless Tom Burnett and his family. And may God bless America and all the heroes and heroines like Tom Burnett who gave their lives to save others on September 11.

#### INTRODUCTION OF RESOLUTION IN SUPPORT OF RECOVERY AND RETURN OF LUDWIG KOONS

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Madam Speaker, today I rise to let my colleagues know of my introduction of a concurrent resolution in support of the United States Government becoming actively involved in the recovery and return of Ludwig Koons, a boy who was abducted to Italy by his mother.

Ludwig, son of Jeffrey Koons, an award-winning, internationally renowned artist, was abducted to Italy by his mother, Ilona Staller, on June 9, 1994. Mr. Koons has filed a petition against the Republic of Italy with the European Court of Human Rights in Strasbourg, and a preliminary decision regarding the admissibility of this petition is expected to be issued by the court in October 2001. I have respectfully requested that both the U.S. Department of Justice and the U.S. Department of State file briefs in the European Court of Human Rights supporting Mr. Koons' petition, pursuant to article 36 of the Convention for the Protection of Human Rights of the

Council of Europe, which states the United States has a right to intervene in proceedings before the European court in Strasbourg, promoted by its citizens seeking relief from human rights violations.

On May 29, 2001, Mrs. Staller was convicted in Italy for kidnapping their minor son, Ludwig, from his family residence in New York on June 9, 1994. In addition, with a judgment dated May 31, 2001, this year, Mrs. Staller was found guilty by the Rome Tribunal of repeated acts of defamation through the media against Mr. Koons. The delays of the Italian judicial authorities in finding Mrs. Staller guilty of international child kidnapping were instrumental in allowing the mother to retain custody of Ludwig in Italy illegitimately.

Authorities have not taken into consideration the judgment of divorce entered by the New York Supreme Court, which had exclusive jurisdiction to decide the parties' custody dispute. The decision of the Italian judicial authorities to prohibit Ludwig, a native American citizen, from exercising his right of access to the United States, even for temporary visits, in order to maintain meaningful relations with his father and his paternal family is in violation of international principles of law and treaties to the detriment of a U.S. minor.

My resolution states that the United States should request that the Italian Republic immediately return Ludwig Maximilian Koons to the custody of the father in the United States as established by the judgment of divorce in the Supreme Court of New York of December 9, 1994. Pending a final decision by the Republic of Italy regarding the permanent return of Ludwig to the United States, the United States should also request that Italy authorize Ludwig to visit his father in his New York residence on a temporary basis.

As an American citizen, Ludwig has a right to preserve his identity, his nationality, and his family relations and to be raised by the parent who can best assure him a sound and healthy environment.

#### OH SAY CAN WE SEE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, lying aboard a British warship in Baltimore Harbor, Francis Scott Key listened through the night as shells rained down on Fort McHenry. The small, undermanned garrison suddenly found itself under the attack of the greatest Navy in the world. One thousand American soldiers were charged with the daunting task of defending Fort McHenry against 30 British warships and thousands of enemy ground

troops. The bombs fell for 25 straight hours. Many hit their target. Others burst overhead, raining shrapnel on the soldiers below. When the rocket explosions ceased on the morning of September 14, 1814, Key surely thought that Fort McHenry had been taken.

Straining to see through the smoke that hung over the water in the early morning light, Key wiped away tears to see the Stars and Stripes still flying defiantly over that battered fort. The Americans had achieved the unthinkable. They had bravely held their position against all odds. The magnificent sight moved Key to pen the words that have stirred American hearts ever since, the Star-Spangled Banner.

Two weeks ago, 187 years after the defense of Fort McHenry, our Nation stared in horror at the smoke hanging over New York City and Washington, D.C. We looked on in disbelief as the towers of the World Trade Center crumbled before our very eyes. Yet out of the destruction shone a beacon of hope. Wiping tears from our eyes, we watched modern heroes, New York's firefighters, raising the Stars and Stripes atop the mountain of rubble. The comparison to Iwo Jima is inescapable.

Madam Speaker, the attack on America was not an attempt to defeat our Army. It was an organized plan to destroy the lives of innocent Americans. It was a direct assault on the American spirit. The terrorists succeeded in killing thousands of our fellow citizens, but they can never kill the American spirit.

Napoleon once said, "The great soldiers run to the sound of the guns." Consider the heroism of the passengers aboard United Flight 93 who attacked their hijackers. They saved thousands of lives on the ground and perhaps the most precious symbols of our Nation. We will never forget the firefighters who gave their lives when they courageously rushed into the burning towers as others streamed out. Now we see the quiet heroism of rescue workers who continue to dig tirelessly through the rubble in hopes of finding just one survivor. These Americans stand on the shoulders of the defenders of Fort McHenry.

Throughout our history, many adversaries have underestimated the steely resolve of the American spirit. They underestimate us now. We have been called to action, to demonstrate the virtues that make this a great Nation. At a similar hour, Winston Churchill said, "Do not let us speak of darker days. Let us speak, rather, of sterner days. These are not dark days. These are great days, the greatest days our country has ever lived. We must all thank God that we have been allowed, each of us according to our stations, to play a part in making these days memorable in the history of our race."

Madam Speaker, as we declare war on terrorism around the world, the

American flag will inspire us just as it inspired Francis Scott Key. It will serve as a notice to our adversaries. Though bruised and bloodied, we remain unbowed. The authors of terror may never understand the words of our national anthem, but they will come to understand the spirit that it embodies. We will turn our rage into moral outrage. When the dust of battle clears, America will remain the land of the free and the home of the brave.

Madam Speaker, to victory. May God bless America.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7:00 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 8 o'clock and 16 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-217) on the resolution (H. Res. 245) providing for consideration of the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-218) on the resolution (H. Res. 246) providing for further consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. MILLENDER-McDONALD, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today and September 25.

Mr. KERNS, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 2926. To preserve the continued viability of the United States air transportation system.

#### BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 21, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 2926. To preserve the continued viability of the United States air transportation system.

#### ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 25, 2001, at 9 a.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3770. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Labeling of Natural or Regenerated Collagen Sausage Casings [Docket No. 94-030F] (RIN: 0583-AC80) re-

ceived August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3771. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107-123); to the Committee on Appropriations and ordered to be printed.

3772. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Child-Resistant Packaging for Certain Over-The-Counter Drug Products—received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3773. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Motorcycle Brake Systems [Docket No. NHTSA 01-10367] (RIN: 2127-AH15) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3774. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Devices; 12-Month-Old Child Dummy; Final Rule; Response to Petitions for Reconsideration [Docket No. NHTSA-00-7052] (RIN: 2127-AI37) received August 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3775. A letter from the Attorney Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Correction [Docket No. NHTSA-01-10636] (RIN: 2127-AH24) received September 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3776. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—List of Nonconforming Vehicles Decided to be Eligible for Importation [Docket No. NHTSA-2001-10629] (RIN: 2127-A161) received September 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3777. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska [FRL-7052-7] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3778. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Trip Reduction, and Reduction of Diesel Vehicle Emissions [CO-001-0048a, CO-001-0049a, CO-001-0050a; FRL-7044-6] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3779. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver 1-Hour Ozone Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [CO-001-0054; FRL-7044-8] received September 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3780. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: State of Tennessee [TN-232-200118(a); FRL-7044-4] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3781. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Indiana [IN135-2; FRL 7052-6] received September 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3782. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Oregon [Docket No. OR-00-002a; FRL-7044-9] received September 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3783. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Conversion of the Conditional Approval of the 15 Percent Plan for the Pennsylvania Portion of the Philadelphia-Wilmington-Trenton Nonattainment Area to a Full Approval [PA 150-4150; FRL-7043-5] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3784. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Ozone Attainment Plan and Finding of Failure to Attain; State of California, San Francisco Bay Area [CA232-0289, FRL-7048-1] received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3785. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's "Major" final rule—Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AH79) received September 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3786. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Recordkeeping and Reporting Requirements; Alaska Commercial Operator's Annual Report [Docket No. 001114320-1191-02; I.D. 080400B] (RIN: 0648-AN01) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 072501A] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Com-

mercial Fishery from the U.S.—Canada Border to Cape Falcon, OR [Docket No. 000501119-0119-01; I.D. 061201A] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3789. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); 2001 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls [Docket No. 010326079-1170-02; I.D. 010301C] (RIN: 0648-AO96) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3790. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 001121328-1066-03; I.D. 081001B] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3791. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Milwaukee Harbor, Milwaukee, WI [CGD09-01-059] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3792. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Middle Bass Island, Lake Erie, Ohio [CGD09-01-060] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3793. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; City of Lynn Fireworks, Lynn, Massachusetts [CGD01-01-066] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3794. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Piscataqua River, ME [CGD01-01-121] received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3795. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Jamaica Bay and connecting waterways, NY [CGD01-01-108] (RIN: 2115-AE47) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3796. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation: Massalina Bayou, Florida [CGD08-01-009] (RIN: 2115-AE47) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3797. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation: Lower Grand River, LA [CGD08-01-017] received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3798. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: State Road A1A (North Bridge) Drawbridge, Atlantic Intracoastal Waterway, Fort Pierce, Florida [CGD07-01-059] received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3799. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Illinois Waterway, Illinois [CGD08-01-005] (RIN: 2115-AE47) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3800. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Chemical Testing [USCG-2000-7759] (RIN: 2115-AG00) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3801. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Marine Shipboard Electrical Cable Standards [USCG-1999-6096] (RIN: 2115-AF89) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate SA5765NM or SA5978NM [Docket No. 2000-NM-232-AD; Amendment 39-12386; AD 2001-16-17] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, A321 Series Airplanes [Docket No. 2001-NM-138-AD; Amendment 39-12383; AD 2001-16-14] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100 and -200 Series Airplanes [Docket No. 99-NM-367-AD; Amendment 39-12374; AD 2001-16-06] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, and -30F (KC-10A Military) Series Airplanes, and Model MD-10-10F and -30F Series Airplanes [Docket No. 2000-NM-410-AD; Amendment 39-12381; AD 2001-16-12] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER and -135LR Series Airplanes, and Model EMB-145, -145ER, -145MR, and -145LR Series Airplanes [Docket No. 2001-NM-249-AD; Amendment 39-12395; AD 2001-17-04]

(RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2001-NM-248-AD; Amendment 39-12394; AD 2001-17-03] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 Series Airplanes Modified by Supplemental Type Certificate SA4998NM [Docket No. 2000-NM-238-AD; Amendment 39-12390; AD 2001-16-21] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 2000-NM-401-AD; Amendment 39-12380; AD 2001-16-11] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3810. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2001-NM-262-AD; Amendment 39-12392; AD 2001-17-01] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3811. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-30 Series Airplanes Modified by Supplemental Type Certificate SA8452SW [Docket No. 2000-NM-241-AD; Amendment 39-12391; AD 2001-16-22] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3812. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Firstar Fireworks Display, Milwaukee Harbor [CGD09-01-074] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3813. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 and 767 Series Airplanes Equipped with General Electric CF6-80C2 Series Engines [Docket No. 2000-NM-275-AD; Amendment 39-12375; AD 2001-16-07] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3814. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Sail Detroit and Tall Ship Celebration 2001, Detroit and Saginaw Rivers, MI [CGD09-01-004] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate ST00157SE [Docket No. 2000-NM-233-AD; Amendment 39-12387; AD 2001-16-18] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3816. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Columbia River, Astoria, Oregon [CGD13-00-011] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100 and -200 Series Airplanes Modified by Supplemental Type Certificate ST00196SE [Docket No. 2000-NM-234-AD; Amendment 39-12388; AD 2001-16-19] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 Series Airplanes Modified by Supplemental Type Certificate SA5134NM [Docket No. 2000-NM-235-AD; Amendment 39-12389; AD 2001-16-20] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2001-NM-236-AD; Amendment 39-12393; AD 2001-17-02] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3820. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2000-NM-342-AD; Amendment 39-12377; AD 2001-16-09] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3821. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Columbia River, Vancouver, Washington [CGD13-01-012] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3822. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Michigan, Chicago, IL [CGD09-01-047] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3823. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; River, Toledo, OH [CGD09-01-050] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3824. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; 4th of July Celebration, Weymouth, Massachusetts [CGD01-01-065] (RIN: 2115-AA97) received August 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3825. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With General Electric Model CF6-45 or -50 Series Engines or Pratt & Whitney Model JT9D-3, -7, or -70 Series Engines; and 747-E4B (Military) Airplanes [Docket No. 2000-NM-302-AD; Amendment 39-12376; AD 2001-16-08] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-185-AD; Amendment 39-12396; AD 2001-17-05] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. 2000-NM-369-AD; Amendment 39-12378; AD 2000-17-10 R1] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-200, -300, -320, and -500 Series Airplanes; and Model ATR72 Series Airplanes [Docket No. 2000-NM-379-AD; Amendment 39-12379; AD 2001-16-10] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-193-AD; Amendment 39-12403; AD 2001-17-12] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-191-AD; Amendment 39-12402; AD 2001-17-11] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; JanAero Devices Part Number (P/N) 14D11, A14D11, B14D11, C14D11, 23D04, A23D04, B23D04, and C23D04 Fuel Regulator Shutoff Valves [Docket No. 2001-CE-26-AD; Amendment 39-12404; AD 2001-17-13] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-188-AD; Amendment 39-12399; AD 2001-17-08] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-187-AD; Amendment 39-12398; AD 2001-17-07] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-186-AD; Amendment 39-12397; AD 2001-17-06] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-190-AD; Amendment 39-12401; AD 2001-17-10] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-189-AD; Amendment 39-12400; AD 2001-17-09] (RIN: 2120-AA64) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; South Carolina [Department of the Treasury Circular, Public Debt Series No. 2-86] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3838. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance; Determining Disability and Blindness; Revision to Medical-Vocational Guidelines (RIN: 0960-AE42) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2385. A bill to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property, and for other purposes; with

an amendment (Rept. 107-215). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 2944. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 245. Resolution providing for consideration of the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against said revenues of said District for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-217). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 246. Resolution providing for consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes (Rept. 107-218). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KNOLLENBERG:

H.R. 2944. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. HASTINGS of Florida:

H.R. 2945. A bill to authorize the Secretary of Transportation to make grants to travel agencies, car rental companies, and other business concerns in the ancillary airline industry to provide compensation for losses incurred as a result of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Ms. HART, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Mrs. MINK of Hawaii, Ms. KILPATRICK, Mr. PASCRELL, Mr. LANTOS, Mr. MENENDEZ, Mr. HINCHEY, Mr. RUSH, Mr. ABERCROMBIE, Mr. LANGEVIN, Mr. INSLEE, Mr. LARSEN of Washington, and Ms. JACKSON-LEE of Texas):

H.R. 2946. A bill to provide assistance to employees who suffer loss of employment in the airline industry as a result of the terrorist attacks of September 11, 2001; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 2947. A bill to allow actions for damages caused by terrorist acts to be brought against any country or officials thereof; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.J. Res. 65. A joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes; considered and passed.

By Mr. TOM DAVIS of Virginia:

H. Con. Res. 236. Concurrent resolution expressing the sense of the Congress in support

of the "National Wash America Campaign"; to the Committee on International Relations.

By Mr. LAMPSON:

H. Con. Res. 237. Concurrent resolution expressing the sense of the Congress urging the Republic of Italy to safely and immediately return Ludwig Maximilian Koons to the custody of his father in New York; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. TIERNEY and Mr. HOUGHTON.

H.R. 52: Mr. BACA and Mr. WAXMAN.

H.R. 75: Ms. NORTON, Ms. RIVERS, Mr. OWENS, Mr. LAMPSON, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. KENNEDY of Rhode Island, and Mr. LANTOS.

H.R. 185: Mr. LEVIN.

H.R. 336: Mr. MANZULLO.

H.R. 458: Mr. GARY G. MILLER of California.

H.R. 482: Mr. WICKER and Mr. WELDON of Florida.

H.R. 510: Mr. MATHESON, Ms. BROWN of Florida, Mrs. NAPOLITANO, and Mr. MANZULLO.

H.R. 527: Mr. FILNER, Mr. BRYANT, and Mr. SHOWS.

H.R. 547: Mr. SCHIFF.

H.R. 590: Ms. ROS-LEHTINEN.

H.R. 612: Mr. ROTHMAN.

H.R. 632: Mr. BORSKI and Mr. HINCHEY.

H.R. 830: Mr. BROWN of South Carolina.

H.R. 921: Mr. WICKER.

H.R. 950: Mr. CRANE.

H.R. 984: Mr. BARCIA.

H.R. 986: Mr. HOEKSTRA and Mr. HERGER.

H.R. 1004: Mr. HINCHEY, Mr. FILNER, Mr. OWENS, and Mr. CUMMINGS.

H.R. 1070: Ms. SCHAKOWSKY and Mr. BARRETT.

H.R. 1136: Mr. SIMMONS.

H.R. 1158: Mr. TAYLOR of Mississippi and Mrs. MYRICK.

H.R. 1354: Mr. CUMMINGS.

H.R. 1405: Mr. LAMPSON.

H.R. 1436: Mr. WELDON of Pennsylvania and Mr. PETRI.

H.R. 1466: Mr. FORBES, Mr. LAHOOD, Mr. KELLER, Mr. SAXTON, Mr. RILEY, and Mr. CUNNINGHAM.

H.R. 1511: Mr. RUSH and Mr. BALDACCI.

H.R. 1622: Ms. SANCHEZ.

H.R. 1626: Ms. PRYCE of Ohio.

H.R. 1700: Mr. MOORE.

H.R. 1734: Mr. BONIOR.

H.R. 1744: Mrs. ROUKEMA, Mr. RAMSTAD, Mrs. MALONEY of New York, Mr. UDALL of New Mexico, Mr. KIRK, Mr. GORDON, and Mr. ISSA.

H.R. 1779: Ms. WATSON, Mr. BAIRD, Ms. MCCARTHY of Missouri, and Mr. DOYLE.

H.R. 1839: Mr. BRYANT and Mr. UPTON.

H.R. 1919: Mr. FROST, Mr. JONES of North Carolina, and Mr. KING.

H.R. 2058: Mr. UDALL of New Mexico.

H.R. 2146: Mr. RYUN of Kansas.

H.R. 2220: Mr. PORTMAN, Mr. KOLBE, Mr. UPTON, Mr. ORTIZ, Mr. HINOJOSA, Mrs. LOWEY, and Mr. CONDIT.

H.R. 2258: Mr. RANGEL, Ms. LOFGREN, Mr. ENGLISH, Mr. PASTOR, Ms. NORTON, Mr. MCGOVERN, and Mr. MEEHAN.

H.R. 2331: Ms. SANCHEZ.

H.R. 2333: Mr. LAHOOD and Ms. SOLIS.

H.R. 2374: Mr. BARCIA and Mr. JEFFERSON.

H.R. 2379: Mr. PASCRELL, Mr. RUSH, and Mr. BONIOR.

H.R. 2380: Mr. GONZALEZ, Mrs. TAUSCHER, Mr. HORN, Mr. CAPUANO, and Ms. RIVERS.

H.R. 2561: Mr. KERNS.

H.R. 2619: Ms. MCKINNEY, Mr. UDALL of Colorado, and Mr. HONDA.

H.R. 2623: Mrs. JO ANN DAVIS of Virginia and Mr. SERRANO.

H.R. 2625: Mr. RANGEL, Mr. ENGLISH, and Mr. ISSA.

H.R. 2630: Mr. UDALL of New Mexico, Mr. MATSUI, and Ms. BALDWIN.

H.R. 2638: Mrs. CAPPS.

H.R. 2709: Mr. BRADY of Pennsylvania and Mr. FRANK.

H.R. 2725: Mrs. JONES of Ohio.

H.R. 2737: Mr. STUPAK.

H.R. 2775: Mr. FROST and Mr. STARK.

H.R. 2787: Ms. DELAURO, Mr. HASTINGS of Florida, Mr. CUMMINGS, and Mr. STARK.

H.R. 2805: Mr. SOUDER and Mr. SCHAFER.

H.R. 2851: Mr. FALCOMA.

H.R. 2866: Mr. MCDERMOTT.

H.R. 2887: Mr. SMITH of New Jersey and Mr. RANGEL.

H.R. 2896: Mr. GOODE.

H.R. 2897: Mr. LAFALCE, Mr. OWENS, Mr. HINOJOSA, and Mr. RODRIGUEZ.

H.R. 2905: Mr. OWENS, Mr. RANGEL, Mr. QUINN, and Mrs. CAPPS.

H.R. 2907: Mr. GORDON, Mr. ORTIZ, Mr. MCINTYRE, Mr. TAYLOR of Mississippi, Mr. TURNER, Mr. GUTIERREZ, Mr. STRICKLAND, Mr. MCDERMOTT, Mr. MORAN of Virginia, Mr. SERRANO, Mr. PRICE of North Carolina, Mr. GREENWOOD, Ms. WOOLSEY, Ms. DELAURO, Mr. BACA, Mr. KNOLLENBERG, and Ms. SCHAKOWSKY.

H.R. 2935: Mr. JACKSON of Illinois and Mr. BLUMENAUER.

H.R. 2940: Mr. NADLER, Mr. KING, Mr. ISRAEL, Mr. GRUCCI, Mr. ACKERMAN, Mr. CROWLEY, Mr. WEINER, Mr. OWENS, Ms. VELAZQUEZ, Mr. SWEENEY, Mr. WALSH, Mr. HINCHEY, Mr. SERRANO, Mr. ENGEL, Mrs. KELLY, Mr. GILMAN, Mr. FROST, Ms. SOLIS, Mr. QUINN, and Mr. MCNULTY.

H.J. Res. 16: Mr. GOODE.

H.J. Res. 42: Mr. PENCE and Mr. SIMMONS.

H. Con. Res. 104: Mr. TRAFICANT and Mr. LARSEN of Washington.

H. Con. Res. 212: Ms. SOLIS, Mrs. NAPOLITANO, Ms. PELOSI, Ms. ROYBAL-AL-LARD, and Ms. SANCHEZ.

H. Con. Res. 221: Mr. WELDON of Pennsylvania, Ms. PELOSI, and Mr. HINCHEY.

H. Con. Res. 222: Mr. DOYLE.

H. Con. Res. 228: Mrs. BIGGERT, Mrs. MALONEY of New York, Mr. BENTSEN, Mr. DAVIS of Illinois, and Mr. UNDERWOOD.

H. Res. 65: Mr. MANZULLO.

through "GENERAL PROVISIONS" and insert the following:

#### DISTRICT OF COLUMBIA FUNDS

##### OPERATING EXPENSES

##### DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,025,838,000 (of which \$124,163,000 shall be from intra-District funds and \$3,553,300,000 shall be from local funds): *Provided further*, That this amount may be increased by (1) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs or (2) additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and which certification shall be approved by the Council, contingent upon (A) no written notice of disapproval being filed with the Secretary to the Council within 14 calendar days after the receipt of the certification from the Mayor, and no oral notice of disapproval is given during a meeting of the Council during such 14 calendar day period, the request shall be deemed to be approved and (B) if notice of disapproval be given during such initial 14 calendar day period, the Council may approve or disapprove the certification by resolution within 30 calendar days after the initial receipt of the certification from the Mayor, or such certification shall be deemed to be approved: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

##### GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$284,559,000 (including \$228,471,000 from local funds, \$38,809,000 from Federal funds, and \$17,279,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any

other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That not later than the later of November 1, 2001, or 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures: *Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: *Provided further*, That not less than \$50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: *Provided further*, That not less than \$50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel: *Provided further*, That section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.03), is amended as follows:

(1) Subsection (c) is amended by striking "shall receive, in addition to the compensation to which he is entitled as a member of the Council, \$10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman".

(2) A new subsection (d) is added to read as follows:

"(d) Notwithstanding subsection (a), as of the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to \$10,000 less than the compensation of the Mayor."

##### ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$230,878,000 (including \$60,786,000 from local funds, \$96,199,000 from Federal funds, and \$73,893,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That the Department of Consumer and Regulation Affairs use \$50,000 of the receipts from the net proceeds from the contractor (ASI) that handles the District's occupational and professional licensing to fund additional staff and equipment for the Rental Housing Administration: *Provided further*, That the Department of Consumer and Regulatory Affairs transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring DCRA employees into NSO positions without filling the resultant vacancies, into the revolving 5-513 fund to be used to

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2269: Mr. BROWN of Ohio.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2944

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. \_\_\_\_\_. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

H.R. 2944

OFFERED BY: MS. NORTON

AMENDMENT NO. 2. Strike "DISTRICT OF COLUMBIA FUNDS" and all that follows

implement the provisions in D.C. Act 13-578, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: *Provided further*, That the fees established and collected pursuant to D.C. Act 13-578 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs: *Provided further*, That 18 percent of the annual total amount in the 5-513 fund, up to \$500,000, deposited into the 5-513 fund on an annual basis, be used to implement section 102 and other related sections of D.C. Act 13-578: *Provided further*, That the Department shall hire, with the consultation and guidance of the Director of the Office of Personnel on the necessary qualifications and salary level, from these lapsed funds, as soon as possible, but in no event later than November 1, 2001, a professional human resources manager who will become part of the Department's senior management team, and provide, in consultation with its newly hired human resources professional manager and the Office of Personnel, a detailed plan to the Council's Committee on Consumer and Regulatory Affairs, by December 1, 2001, for the use of the personal services lapsed funds, including the 58 vacant positions identified by the Department in fiscal year 2001, to reclassify positions, augment pay scales once positions are reclassified where needed to fill vacancies with qualified and necessary personnel, and to fund these new and vacant positions.

#### PUBLIC SAFETY AND JUSTICE

Public safety and justice, including such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government, \$632,668,000 (including \$593,618,000 from local funds, \$8,298,000 from Federal funds, and \$30,752,000 from other funds): *Provided*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That no less than \$173,000,000 shall be available to the Metropolitan Police Department for salary in support of 3,800 sworn officers: *Provided further*, That no less than \$100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: *Provided further*, That not less than \$296,000 shall be available to support the Child Fatality Review Committee: *Provided further*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (Public Law 84-460; 70 Stat. 78; D.C. Official Code, sec. 47-1812.11(c)(3)): *Provided further*, That notwithstanding any other provision of law, section 3703 of Title XXXVII of the Fiscal Year 2002 Budget Support Act of 2001 (D.C. Bill 14-144), adopted by the Council of the District of Columbia, is enacted into law.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$1,106,165,000 (including \$894,494,000 from local funds, \$185,044,000 from Federal funds, and \$26,627,000 from other funds), to be allocated as follows: \$810,542,000 (including \$658,624,000 from local funds, \$144,630,000 from Federal funds, and \$7,288,000 from other funds), for the public schools of the District of Columbia; \$47,370,000 (including \$19,911,000 from local funds, \$26,917,000 from Federal funds, \$542,000 from other funds), for the State Education Office, \$17,000,000 from local funds, previously appropriated in this Act as

a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and \$142,257,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur not later than 15 days after the beginning of each fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per-pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104-134; D.C. Official Code, sec. 38-1804.03(A)(2)(D)): *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,542,000 (including \$45,912,000 from local funds, \$12,539,000 from Federal funds, and \$18,091,000 from other funds) shall be available for the University of the District of Columbia, and \$27,256,000 (including \$26,030,000 from local funds, \$560,000 from Federal funds and \$666,000 other funds) for the Public Library: *Provided further*, That the \$1,007,000 enhancement shall be allocated such that \$500,000 is used for facilities improvements for 8 of the 26 library branches, \$235,000 for 13 FTEs for the continuation of the Homework Helpers Program, \$143,000 for 2 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and \$129,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That \$2,198,000 (including \$1,760,000 from local funds, \$398,000 from Federal funds and \$40,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Official Code, sec. 38-201 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the non-

resident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall spend \$1,200,000 to implement D.C. Teaching Fellows Program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003: *Provided further*, That no less than \$200,000 be available for adult education: *Provided further*, That the third sentence of section 441 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.41), is amended to read as follows: "However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year, and, beginning the first day of July 2003, the fiscal year for the District of Columbia Public Schools, District of Columbia Public Charter Schools and the University of the District of Columbia shall begin on the first day of July and end on the thirtieth day of June of each calendar year.": *Provided further*, That the paragraph under the heading "Public Education System" in Public Law 107-20, approved July 24, 2001, is amended to read as follows:

"For an additional amount for 'Public Education System', \$1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school, to remain available until expended."

#### HUMAN SUPPORT SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

Human support services, \$1,803,923,000 (including \$711,072,000 from local funds, \$1,075,960,000 from Federal funds, and \$16,891,000 from other funds): *Provided*, That \$27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, that \$75,000,000 shall be available from local funds for the District of Columbia Health and Hospitals Public Benefit Corporation (PBC) to support the continuation of services provided by D.C. General Hospital and the PBC clinics, unless the District of Columbia Supplemental Appropriations Act, 2001, does not contain additional funding for the Public Benefit Corporation beyond the \$45,313,000 subsidy contained in the District of Columbia Health and Hospitals Public Benefit Corporation title of the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106-522; 114 Stat. 2440) or

the Congress does not approve the Supplemental Appropriations Act by August 4, 2001, in which case the \$75,000,000 shall be available to the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14-144; \$90,000,000 appropriated under District of Columbia Appropriations Act, 2001 (Public Law 106-522) to the Public Benefit Corporation for restructuring shall be made available to the Department of Health's Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia shall remain available until expended: *Provided further*, That no less than \$7,500,000 of this appropriation, to remain available until expended, shall be deposited in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, effective July 8, 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004), and used solely for the purpose of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Official Code, sec. 7-3003): *Provided further*, That no less than \$500,000 of the \$7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: *Provided further*, That no less than \$2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: *Provided further*, That no less than \$60,000 be available for a D.C. Energy Office Matching Grant: *Provided further*, That no less than \$2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14-144).

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$300,151,000 (including \$286,334,000 from local funds, \$4,392,000 from Federal funds, and \$9,425,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That no less than \$650,000 be available for a mechanical alley sweeping program: *Provided further*, That no less than \$6,400,000 be available for residential parking enforcement: *Provided further*, That no less than \$100,000 be available for a General Counsel to the Department of Public Works: *Provided further*, That no less than \$3,600,000 be available for ticket processing: *Provided further*, That no less than 14 residential parking control aides or 10 percent of the residential parking control force be available for night time enforcement of out-of-state tags: *Provided further*, That of the total of 3,000 additional parking meters being installed in commercial districts and in commercial loading zones none be installed at loading zones, or entrances at apartment buildings and none be installed in residential neighborhoods: *Provided further*, That no less than \$262,000 be available for taxicab enforcement activities: *Provided further*, That no less than \$241,000 be available for a taxicab driver security revolving fund: *Provided further*, That no less than \$30,084,000 in local appropriations be available to the Division of Transportation, within the Department of Public Works: *Provided further*, That no less than \$12,000,000 in rights-of-way fees shall be

available for the Local Roads, Construction and Maintenance Fund: *Provided further*, That funding for a proposed separate Department of Transportation is contingent upon Council approval of a reorganization plan: *Provided further*, That no less than \$313,000 be available for handicapped parking enforcement: *Provided further*, That no less than \$190,000 be available for the Ignition Interlock Device Program: *Provided further*, That no less than \$473,000 be available for the Motor Vehicle Insurance Enforcement Program: *Provided further*, That \$11,000,000 shall be available for transfer to the Highway Trust Fund the Local Roads, Construction and Maintenance Fund, upon certification by the Chief Financial Officer that funds are available from the 2001 budgeted reserve or where the Chief Financial Officer certifies that additional local revenues are available.

#### RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$403,368,000 (including \$250,015,000 from local funds, \$134,339,000 from Federal funds, and \$19,014,000 from other funds).

#### WORKFORCE INVESTMENTS

For workforce investments, \$42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

#### RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8), \$120,000,000 from local funds.

#### RESERVE RELIEF

For the purpose of spending funds made available through the reduction from \$150,000,000 to \$120,000,000 in the amount required for the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8), \$30,000,000: *Provided*, That \$12,000,000 shall be available to the District of Columbia Public Schools and District of Columbia Public Charter Schools for educational enhancements: *Provided further*, That \$18,000,000 shall be available pursuant to a procedure established by local law: *Provided further*, That of the \$18,000,000, no funds shall be available for purposes specified by local District law unless the Chief Financial Officer of the District of Columbia certifies that the funds are not required to address potential deficits.

#### CONTINGENCY RESERVE FUND

For the contingency reserve fund established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(b)), the amount provided for fiscal year 2002 under such section, to be derived from local funds.

#### REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, secs. 1-204.62, 1-204.75, 1-204.90), \$247,902,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance \$14,300,000 of equipment

cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That \$4,440,000 for the Fire and Emergency Medical Services Department, \$2,010,000 for the Department of Parks and Recreation, \$7,850,000 for the Department of Public Works: *Provided further*, That no less than \$533,000 be available for trash transfer capital debt service.

#### REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1-204.61(a)).

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$500,000 from local funds.

#### WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,859,000 from local funds.

#### EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and, interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7-1811.01(a)(ii)) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7-1831.03 et seq.), there is transferred the amount available pursuant thereto, but not to exceed \$33,254,000, to the Emergency Reserve Fund established pursuant to section 450A(a) of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(a)).

#### NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, \$5,799,000 from local funds.

#### ENTERPRISE AND OTHER FUNDS

##### WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$244,978,000 from other funds for fiscal year 2002. For construction projects, \$152,114,000, in the following capital programs; \$52,600,000 for the Blue Plains Wastewater Treatment Plant, \$11,148,000 for the sewer program, \$109,000 for the combined sewer program, \$118,000 for the stormwater program, \$77,957,000 for the water program, \$10,182,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

##### WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct \$46,510,000 from other funds for fiscal year 2002.

##### STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,100,000 from other funds for fiscal year 2002.

##### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established pursuant to the District of Columbia Appropriation Act, 1982

(Public Law 97-91; 95 Stat. 1174, 1175), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$229,688,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

#### SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$9,127,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (Public Law 93-198; 87 Stat. 824; D.C. Official Code, sec. 1-204.42(b)).

#### HEALTH CARE RESTRUCTURING

For the Public Benefit Corporation established by section 202 of the Health and Hospitals Public Benefit Corporation Act of 1996 (D.C. Law 11-212; D.C. Official Code, sec. 44-1102.01), \$78,235,000: *Provided*, That the District of Columbia Supplemental Appropriations Act, 2001, contains additional funding for the Public Benefit Corporation beyond the \$45,313,000 subsidy contained in the District of Columbia Health and Hospitals Public Benefit Corporation title of the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106-522; 114 Stat. 2440) and be approved by Congress prior to August 4, 2001.

For the Health Care Safety Net Administration established by section 1802 of the Fiscal Year 2002 Budget Support Act of 2001, D.C. Bill 14-144, \$78,235,000: *Provided*, That the District of Columbia Supplemental Appropriations Act, 2001, does not contain additional funding for the Public Benefit Corporation beyond the \$45,313,000 subsidy contained in the District of Columbia Health and Hospitals Public Benefit Corporation title of the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106-522; 114 Stat. 2440) or Con-

gress has not approved the Supplemental Appropriations Act by August 4, 2001.

#### DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1-711), \$13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

#### WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$57,278,000 from other funds.

#### HOUSING FINANCE AGENCY

For the Housing Finance Agency, \$4,711,000 from other funds.

#### NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$2,673,000 from other funds.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,550,786,700 of which \$1,348,782,387 shall be from local funds, \$44,431,135 from Highway Trust, and \$157,573,178 from Federal funds, and a rescission of 476,182,431 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,074,604,269 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That the capital budget of \$83,400,000 for the Department of

Health shall not be available until the District of Columbia Council's Committee on Human Services receives a report on the use of any capital funds for projects on the grounds of D.C. General Hospital: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (Public Law 90-495; 82 Stat. 827), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse: *Provided further*, That except for funds approved in the budgets prior to the fiscal year 2002 budget and FL-MA2 in the Fiscal Year 2002 Budget Request, no funds from any source may be expended to renovate, rehabilitate or construct any facility within the boundaries of census tract 68.04 for any purpose associated with the D.C. Department of Corrections, the CSOSA, or the Federal Bureau of Prisons unit such time as the Mayor shall present to the Council for its approval, a plan for the development of census tract 68.04 south of East Capitol Street, S.E., and the housing of any misdemeanants, felons, ex-offenders, or persons awaiting trial within the District of Columbia.

#### GENERAL PROVISIONS

##### H.R. 2944

##### OFFERED BY: MS. NORTON

AMENDMENT No. 3: Strike sections 102, 104, 105, 106, 107, 108, 109, 111, 113, 114, 116, 117, 118, 120, 121, 122, 123, 124, 125, and 127 through 134.

##### H.R. 2944

##### OFFERED BY: MS. NORTON

AMENDMENT No. 4: In lieu of the matter proposed to be inserted by the amendment, insert the following new section:

SEC. 134. None of the funds contained in this Act may be used to infringe upon any right of association, guaranteed by the first amendment to the Constitution, of any non-profit, voluntary membership organization, including the Boy Scouts of America.

**SENATE—Monday, September 24, 2001**

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. BYRD].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, source of all our blessings, we are amazed as we check the balance in our spiritual bank account. We begin this new week realizing that You have made an immense deposit of grace, strength, wisdom, and courage in our hearts. And what's exciting is that You constantly will replenish our depleted resources throughout this week. Your love has no limits, Your spiritual resiliency has no energy crisis, Your hope has no restrictions, and Your power has no ending.

Free us from the false assumption that we are adequate for life's challenges on our own. You promise to go before us. We will encounter no problem for which You have not prepared a solution; we will deal with no person whom You have not prepared to receive a blessing from You through us; we will face no challenge for which You will not make us capable for courageous leadership.

Now, dear God, help the Senators use the abundant blessings You have lavished on them because You have placed them in leadership to get Your work done for our beloved Nation and the welfare of the world. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

**SCHEDULE**

Mr. REID. Mr. President, today there will be 2 hours of debate on the Jordan Free Trade Area Implementation Act. We are going to have our first rollcall vote at or near 2 p.m. today on the nomination of Kirk Van Tine to be the general counsel at the Department of Transportation.

Following that, the Senate is going to resume consideration of the Department of Defense authorization bill. I have had a number of conversations this morning with the chairman of the committee and the majority leader, Senator DASCHLE and Senator LEVIN. Although I have not spoken to Senator WARNER, I am confident he also believes we should complete this legislation as quickly as possible. It is the intent of the leader to finish this legislation tomorrow. There are a number of amendments that need to be brought forward, one of which deals with base closings, and we would hope that could be done as quickly as possible.

Also, Mr. President, the two managers of the bill will ask for a time for disposing of the amendments, either a finite list or something that would give the managers of the bill some idea of what amendments Members are wanting to offer. Also, because of this very short week which is going to end Wednesday at 2 o'clock because of the Jewish holiday, Yom Kippur, it is important we complete the continuing resolution to get us through the first couple weeks of next month so we can go forward working on appropriations bills.

I am happy to report to the membership that the House has appointed a number of conference committees on the appropriations bills, and that is a good sign that we can move forward in the usual process. I hope by the time we have run out of time on the continuing resolution, we will have made great progress in our appropriations bills. We would ask cooperation of all Members. This is going to be a very jam-packed week. The leader has indicated there may be other things he wishes to bring up in addition to the CR and the Defense bill.

**MEASURE PLACED ON CALENDAR—S. 1447**

Mr. REID. Mr. President, I understand that S. 1447 is now at the desk and due for its second reading.

The PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I would ask that S. 1447 be read for a second time and then, Mr. President, I would object to any further proceedings on the legislation at this time.

The PRESIDENT pro tempore. The clerk will read the title for the second time.

The assistant legislative clerk read as follows:

A bill [S. 1447] to improve aviation security, and for other purposes.

The PRESIDENT pro tempore. There being no objection to any further pro-

ceedings, the bill will go on the calendar.

**UNITED STATES-JORDAN FREE TRADE AREA IMPLEMENTATION ACT**

The PRESIDENT pro tempore. Under the previous order, the Finance Committee will now be discharged from further consideration of H.R. 2603, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill [H.R. 2603] to implement the agreement establishing a United States-Jordan free trade area.

The PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of debate on the bill with 1 hour under the control of the Senator from Texas, Mr. GRAMM, and 1 hour under the control of the Senator from Montana, Mr. BAUCUS, or his designee.

What is the will of the Senate? Time is running.

The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, I rise to urge the adoption of H.R. 2603. That is a bill to implement the United States-Jordan Free Trade Agreement. The House passed the bill by a voice vote just before the August recess. The Finance Committee reported a virtually identical bill, also immediately before the August recess. Only two Members dissented when the Finance Committee reported that bill out.

I have advocated the approval of this agreement since it was negotiated by the Clinton administration last year. Finally, after a number of hitches, a number of setbacks, the administration and Congress appear poised to give final approval to the United States-Jordan Free Trade Agreement.

This implementing bill sends an unmistakable signal of support for an important friend, an important ally in the Middle East. That signal was important when the agreement was signed last October. It is even more important now. Jordan has been a steadfast friend in its support for the United States' efforts to bring peace to the Middle East. We all remember the critical role played by King Hussein a few years ago. King Abdullah has maintained that support.

As we all know, Jordan has been steadfast in its support for America in the wake of the terrorist attacks against us. In a September 12 letter to President Bush, the King condemned the attacks and pledged Jordan's support in our fight against terrorism. As

he put it, Jordan is committed to work with the United States, "to ensure that the enemies of peace and freedom do not prevail."

This is precisely the kind of commitment we now need from our friends and our allies. Accordingly, we should do whatever we can to reinforce Jordan's support. By implementing the free trade agreement, we will do just that.

But that is not the only reason we should pass the implementing bill. To put it simply, it is a solid agreement that is not only good for Jordan but it is also good for the United States and good for the world trading system. The agreement itself is closely modeled upon the United States-Israel Free Trade Agreement. It provides for the staged elimination of tariffs and other trade barriers, provides for extensive intellectual property protection, and extends trading rules to new issues such as electronic commerce.

The United States-Jordan Free Trade Agreement is truly a 21st century free trade agreement. But I do not just mean it addresses high-technology trade issues. Our free trade agreement with Jordan also demonstrates a commitment to a progressive trade agenda, an agenda that recognizes the links between trade and environmental standards and between trade and labor standards, an agenda that puts these important matters on the same plane as market access, the protection of intellectual property rights, and other matters.

Some Senators have criticized the labor and environmental provisions in the Jordan agreement. Let me respond and explain why these provisions are, in fact, positive developments that point the way toward further progress.

In the areas of labor and environment, the United States and Jordan have undertaken a straightforward, common-sense obligation. Both countries have strong labor and environmental laws. Recognizing this, both countries agree to effectively enforce their own laws.

This simple obligation reflects a recognition that as the more glaring tariff and nontariff barriers come down, measures such as a lowering of labor and environmental standards can have a trade distorting effect as well.

Some have charged that the labor and environmental provisions in the Jordan agreement encroach on the sovereignty of the United States. That charge is basically—in fact, it is plainly—wrong.

The provisions of the agreement do not in any way prevent us from enacting and enforcing the laws and regulations that we decide are appropriate to protect our environment and the health and safety of our own workers. This is a critical issue, so I want to be specific. For a labor or environmental measure to be challenged under the agreement, it must meet each of three conditions. Remember, this is for a

labor or environmental measure to be challenged under the agreement. I will now briefly go over the three conditions that must be met.

First, it must constitute a sustained or recurring course of action or inaction—a sustained or recurring course of action or inaction. Second, it must affect trade. It cannot be something that does not affect trade. It must affect trade. Third, it must be beyond the bounds of the reasonable exercise of discretion in such matters.

Further, no arbitrator can order the United States to change its practices pursuant to the agreement. Let me repeat that. No arbitrator can order the United States to change its practices pursuant to the agreement.

Under the agreement, dispute settlement will be based on nonbinding mediation—not arbitration but non-binding mediation. That is very important. In other words, even in the unlikely event that the three conditions are met, and a mediator—not an arbitrator—and a mediator finds against the United States, that determination is purely advisory, intended only to guide the parties in resolving any disputes through consultation.

To my mind, the approach to labor and environment in the Jordan agreement makes perfect sense. Consider the alternative. Would we really want to enter into a trade agreement with a country intent on weakening enforcement of its labor and environmental laws in order to gain a trade advantage? I don't think so. Yet the opponents of the labor and environmental provisions would permit precisely that result. That is not just bad policy, it is bad environmental policy, it is bad labor policy, and bad trade policy. Indeed, I hope that by including labor and environmental provisions in the Jordan agreement we will set a precedent for future trade agreements.

In conclusion, let me stress that getting the United States-Jordan agreement off the ground would be essential even if we were not currently mobilizing support for a global campaign against terrorism. The agreement represents an important expression of American support for a key partner in the Middle East as well as a model of a progressive free trade agreement. I hope the President will sign it immediately so the benefits to both the United States and Jordan can begin to flow.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, in order to avoid dead time in the Senate while we are waiting for other Senators to speak, I would like to read into the RECORD two letters. One by our United States Trade Representative, Ambassador Robert Zoellick, to Jordan's Ambassador to the United States, and the other by Ambassador Muasher to USTR Zoellick. The letters are identical. They were exchanged on July 23 of this year in order to demonstrate common agreement on a critical point.

Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my government considers that appropriate measures for resolving any differences that may arise regarding the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Mr. President, again, this is an exchange of letters between Ambassador Zoellick and the Ambassador representing Jordan.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,

Washington, DC, 20508, July 23, 2001.

His Excellency MARWAN MUASHER,  
Ambassador of the Hashemite Kingdom of Jordan to the United States.

DEAR MR. AMBASSADOR: I wish to share my Government's views on implementation of the dispute settlement provisions included in the Agreement between the United States of America and the Hashemite Kingdom of Jordan in the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise regarding the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Sincerely,

ROBERT B. ZOELICK,  
U.S. Trade Representative.

EMBASSY OF THE H. K. OF JORDAN,  
Washington, DC, July 23, 2001.

Hon. ROBERT B. ZOELLICK,  
U.S. Trade Representative,  
United States of America.

DEAR MR. AMBASSADOR: I wish to share my Government's views on implementation of the dispute settlement provisions included in the Agreement between the Hashemite Kingdom of Jordan and the United States of America on the Establishment of a Free Trade Area, signed on October 24, 2000.

Given the close working relationship between our two Governments, the volume of trade between our two countries, and the clear rules of the Agreement, I would expect few if any differences to arise between our two Governments over the interpretation or application of the Agreement. Should any differences arise under the Agreement, my Government will make every effort to resolve them without recourse to formal dispute settlement procedures.

In particular, my Government would not expect or intend to apply the Agreement's dispute settlement enforcement procedures to secure its rights under the Agreement in a manner that results in blocking trade. In light of the wide range of our bilateral ties and the spirit of collaboration that characterizes our relations, my Government considers that appropriate measures for resolving any differences that may arise regarding the Agreement would be bilateral consultations and other procedures, particularly alternative mechanisms, that will help to secure compliance without recourse to traditional trade sanctions.

Sincerely,

MARWAN MUASHER,  
Ambassador of the Hashemite Kingdom  
of Jordan.

Mr. BAUCUS. Mr. President, I want to say a few words about these letters, since many have referred to them as the U.S.-Jordan Agreement has moved through the Congress.

First, this exchange of letters should not have been necessary. We should have passed this legislation months ago, without the exchange of letters.

Second, the exchange of letters does not change the U.S.-Jordan Agreement one jot. It simply reflects the views of the current Administration and the Government of Jordan. It is not an amendment to the Agreement. Indeed, it is not even binding on future Administrations.

Clearly, the number of disputes between our two countries will be few, if any. In the unlikely event we do go to formal dispute settlement, we should avoid resorting to sanctions, whatever the subject of the dispute. The exchange of letters expresses that view.

However, if in a particular case a future Administration should decide that sanctions are appropriate, it will be free to act accordingly. Nothing in this exchange of letters changes that.

Mr. President, I now would like to read into the RECORD article 5 of the agreement, pertaining to the environment.

1. The Parties recognize that it is inappropriate to encourage trade by relaxing domestic environmental laws. Accordingly, each Party shall strive to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws as an encouragement for trade with the other Party.

2. Recognizing the right of each Party to establish its own levels of domestic environmental protection and environmental development policies and priorities, and to adopt or modify accordingly its environmental laws, each Party shall strive to ensure that its laws provide for high levels of environmental protection and shall strive to continue to improve those laws.

3. (a) A Party shall not fail to effectively enforce its environmental laws, through a sustained or recurring course of action or inaction, in a manner affecting trade between the Parties, after the date of entry into force of this Agreement.

(b) The Parties recognize that each Party retains the right to exercise discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters and to make decisions regarding the allocation of resources to enforcement with respect to other environmental matters determined to have higher priorities. Accordingly, the Parties understand that a Party is in compliance with subparagraph (a) where a course of action or inaction reflects a reasonable exercise of such discretion, or results from a bona fide decision regarding the allocation of resources.

4. For purposes of this Article, "environmental laws" mean any statutes or regulations of a Party, or provision thereof, the primary purpose of which is the protection of the environment, or the prevention of a danger to human, animal, or plant life or health, through:

(a) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants;

(b) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto; or

(c) the protection or conservation of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas in the Party's territory, but does not include any statutes or regulations, or provision thereof, directly related to worker safety or health.

Again, to summarize, Mr. President, the labor and environmental provisions are somewhat contentious. They are framed in such a way that I think it helps labor and the environment in both the United States and Jordan, and in a way that does not in any way intrude upon American sovereignty.

Let me repeat: The simple obligation that the United States and Jordan make reflects a recognition that as the more glaring tariff and non-tariff barriers come down, measures such as labor and environmental standards may have an effect on trade. Measures that may have a trade-distorting effect have been dealt with in past trade agreements. Since a lowering or a suppression of labor and environmental standards may distort trade, these too should be dealt with in trade agreements.

The idea here is to encourage countries to protect labor and labor rights and to protect the environment in ways that do not distort trade.

The provisions of this agreement do not in any way prevent us from enacting and enforcing the laws and regulations that we decide are appropriate to protect our environment and the health and safety of our workers.

For a labor or environmental measure to be challenged under the agreement, it must meet three conditions. I think it is important to re-state what those three conditions are.

First, a measure must constitute a sustained or recurring action or inaction. It can't be just a single act by the President or by the Congress. It has to be a sustained or recurring action in order for a labor or environmental provision to be deemed trade distorting.

Second, it must affect trade. An environmental action or labor action which may have a significant effect on the United States but does not affect trade is not actionable.

Third, it must be beyond the bounds of a reasonable exercise of discretion.

There are certainly matters that may slightly distort trade, and may arguably be sustained or recurring. But if the action is within the bounds of a reasonable exercise of discretion by the United States, then no action is permissible.

Even if those tests are met, we move to the question of what sort of dispute settlement is provided for in this agreement. In this agreement there is no binding dispute settlement. There is consultation, but that is it. There is no arbitration in this agreement. There is no arbitration panel, no judge, and no tribunal. Rather, under this agreement, if one country thinks each of the three conditions is met, it may request non-binding mediation, and not arbitration. If a mediator finds that an action is inappropriate under this agreement, that finding is non-binding. And the parties will then move toward consultation, trying to work out what seems to make the most sense. Even if the mediator finds against the United States, the United States cannot be forced to follow the recommendation of the mediator.

The argument against this provision is that it intrudes upon American sovereignty, that it commits the United States to at least listen to a mediator, and at least consult with Jordan on labor and environmental matters.

I think that is not much of an argument against the agreement, because I think we want to encourage labor and environmental standards that are non-trade-distorting between the two countries.

Let's say in this case that Jordan implements a labor or environmental action that is trade distorting. Absent the provisions of the agreement, it would be totally within bounds of Jordan to do so. But at least here we would have the opportunity to discuss the matter with Jordan. Consider what would happen if there were no labor or environment provisions in this agreement. In that case, could enact a trade-distorting labor law or an environmental law that hurts American trade and workers, and that hurts our economy, and we would have no recourse whatsoever. I think we want some recourse.

The provisions in this agreement allow some recourse, in that both sides obligate themselves not to enact trade-distorting measures on labor and the environment. If one country does, there is at least a process whereby the countries can discuss it. The action by the mediator, if he takes any action, is not binding upon either party.

So I think these are very good provisions. I think they are wise, and therefore, the agreement is something our country should approve and the President should sign very quickly.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I see my good friend from North Dakota is ready to speak. But before he does speak, I would like to reemphasize and underline the point that trade agreements properly include not only the very traditional trade matters, such as tariffs, quotas, and subsidies, but they also include other matters which do have an effect on trade. I would like to suggest what a few of them are.

For example, the length of product patents and copyrights on music has only recently been addressed in trade agreements. These are not tariffs, quotas, or subsidies, but they certainly affect trade. Thus, these issues were addressed in the Uruguay Round.

What about the use of names, such as "champagne," on a product label? Some suggest that the use of the word "champagne" is not generic because it means a particular region of the world—in France, Champagne. That was an issue brought up and included in the Uruguay Round.

What about payments to farmers to promote conservation practices, such as land set-asides, or low till agriculture? These are not tariffs, quotas, or subsidies, but they definitely affect trade. In fact, this is a current trade issue with the Europeans. They are very concerned about the actions of the United States in that area.

What about the placement of products on store shelves, just putting products on store shelves? For example, we had a dispute with Canada over distribution of beer and other alcoholic beverages. The point is, obviously, that trade agreements do include matters, and should include matters, which could have the effect of distorting trade. And if a country enacts environmental laws or labor laws that have the effect of distorting trade, I think most Americans would think that, if properly worded, in a common-sense way, they, too, should be addressed in

trade agreements. That is what we are trying to do with this legislation. This is not a huge leap. This is not unreasonable. This is not radical. This is very modest, if you will, but very important.

I urge Senators to look at this legislation closely and look at it in that light. When they do, I think they will recognize this is an agreement that should pass and be approved by the Senate and signed by the President very quickly, particularly in light of the current situation in the Mideast. But apart from the Mideast situation, on its merits only, this is a very good agreement.

Mr. President, I yield to my friend from North Dakota for—how many minutes?

Mr. DORGAN. Ten minutes.

Mr. BAUCUS. Ten minutes.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have come to this Senate Chamber to support the trade agreement that is brought to the floor today. I believe it will be approved by the Senate by unanimous consent. Perhaps not, but I am told that it will be approved by the Senate, in any event.

I have been a critic of our trade policies. I have been a critic and have voted against a fair number of trade agreements. This trade agreement, it seems to me, is a reasonable agreement. It is with an abiding friend, Jordan, that has been a very helpful country to us. We have had a long and good friendship with the country of Jordan. This trade agreement includes in it some provisions dealing with the environment and labor. I think this is a breakthrough and a step in the right direction.

While trade relations between the United States and Jordan are important, the size of our trade is not very extensive. As a trading partner, Jordan ranks 98th.

While I do not think the U.S.-Jordan Free Trade Agreement is going to, in one way or another, affect our country's trade balance, I want to say that at this time and place our country needs to worry about its trade policies on a much broader context.

I have brought a chart with me that shows our country's ballooning trade deficit. For years, we have seen relentless growth in it. At the same time, there has been a systematic lack of concern among policymakers about it. It's as if they say: Well, it is happening, so let it happen.

It injures this country to have this kind of relentlessly growing trade deficit. Last year the merchandise deficit was \$452 billion. Our deficit with China was \$84 billion; with Japan, \$81 billion; and with the European Union, \$55 billion. That is almost \$1.25 billion a day. Every single day, 7 days a week, we are buying more from abroad than we are exporting.

Now, what does that have to do with the current circumstances in the United States? Given the issues of national security, it is important for us to understand that no country can long remain a strong country unless it has a strong, vibrant manufacturing base. We are eroding the manufacturing base of this country.

One thing that is not in this trade agreement—and it has never been in any trade agreement that I am aware of—is something that deals with currency fluctuations.

Our manufacturing sector has now discovered that when it tries to sell abroad, it is much more difficult. Due to currency fluctuations, it 30 percent more expensive to sell a product abroad than it was 5 years ago. This increase has nothing at all to do with the cost of manufacturing the product. It is solely due to the value of our currency.

Because of currency fluctuation, our manufacturing base in this country is being hurt very substantially. There are some who say: Well, the doctrine of comparative advantage ought to determine how we trade, and we ought not worry about whether we retain a strong manufacturing sector in this country. I strongly disagree with that belief.

No country can remain strong unless it has a very vibrant manufacturing base. Yet, due to currency fluctuations that have not been accounted for in our trade agreements, our manufacturing base has been undercut.

We need to negotiate currency fluctuation mechanisms into our trade agreements. We may sign trade agreements that lead to reductions in tariffs. But if the currency fluctuates, and we don't have any mechanisms in place, U.S. exports may end up being more expensive, and U.S. imports may be less expensive.

Our currency has fluctuated dramatically over the last few years. The U.S. dollar has risen about 40 percent against the Canadian dollar in the last 10 years. Generally speaking, the U.S. dollar has had a 30-percent increase in value versus 5 years ago. It is worth 10 percent more just a year ago.

On the television news people talk about the "strong dollar." That is the wrong term. They should be saying, the "Expensive dollar". The dollar is more expensive today relative to other currencies. When our dollar is more expensive relative to other currencies, it means our manufacturers are at a disadvantage when competing against the rest of the world.

My point is very simple: In these days, we are all very concerned about national security. And we should be. We are concerned about what is going to happen around the world with respect to terrorism and our aggressive approach in trying to deal with it. All of us want to speak as one; we want America to have one voice. With relentless determination, we want to

take on terrorists and do what is necessary.

Part of national security is in the area of international trade. It is important that we straighten out the problems that have assisted in eroding our manufacturing base and have, at the same time, weakened our country from the inside.

I met with the president of one of the Nation's large manufacturers this morning. It was coincidental and had nothing to do with speaking on this bill. The products that this country manufactures have been named, several times, by *Fortune* magazine as all-American products, the best in the world. The products are made in the finest manufacturing plant in the world; a plant that uses the finest state-of-the-art robotics. There is no manufacturing plant that is more high tech or more modern than the one used by this company.

Yet, the company has discovered that, when trying to sell their product around the rest of the world, it has become more and more difficult. It is not because their product can't compete, but, rather, it is because the fluctuation of currency has made their product more expensive relative to the similar products manufactured in other countries. The president of this company said: The value of the dollar is hurting our company badly. And it is not just his company. It is true all over America.

Jerry Jasinowski, president of the National Association of Manufacturers, recently remarked that the dollar is overvalued and that its strong value has led U.S. manufacturers to have little pricing power. In its annual report, the Association noted that: "The dollar has reached a point at which it is pricing many U.S. goods out of world markets and making it harder to compete against imports here at home."

That was from the National Association of Manufacturers.

My only point is this: I am going to support this trade agreement with Jordan because at this point in time it is the right thing to do. Right now, we are not talking about trade policy. With respect to trade policy, I have been a constant critic and will remain so. I voted against the North American Free Trade Agreement. I voted against GATT. Had I had a chance to vote against the bilateral agreement with China, I would have voted against it in an instant.

If I might, as an aside, just point out, our negotiators, after long negotiations, agreed to allow China to have a tariff on U.S. automobiles that is 10 times higher than our tariff on Chinese automobiles sold in the United States. We agreed to a 2.5-percent tariff on Chinese automobiles, while they have a 25-percent tariff on U.S. automobiles. This is just a small example of what has happened to us in every trade agreement of consequence.

It is long past time for our country to pay attention. The trade deficit is injuring the United States. Our trade agreement with Jordan will have almost nothing to do with the deficit and I will support it. It is the first agreement I have supported in a long time.

The job in international trade is to bring NAFTA back and renegotiate it. We need to get rid of those bilateral trade agreements in which our country has a major disadvantage. We recently lost in the Chinese bilateral agreement. And we lost in the agreements we have had on GATT. People say: That is just the way things are. I say: It is not the way things are. It is the way we allow them to be. We don't have the backbone, the nerve, or the will to stand up and begin to say: We negotiate on behalf of the United States of America and we demand fair trade.

If I could have just another minute, let me go through a couple of examples, lest people think this is all rhetoric.

How much time do I have remaining?

The PRESIDING OFFICER. Thirty-five seconds.

Mr. DORGAN. I assume the Senator from Montana is delighted I am supporting the bill and probably not happy that I would talk about other trade problems.

Mr. BAUCUS. I might ask how much time remains on our side?

The PRESIDING OFFICER. Twenty minutes.

Mr. BAUCUS. Mr. President, I will let the Senator speak for a few more minutes. Progress is progress. This is the first time the Senator has supported a trade agreement. I know in the future he will support others. I very much appreciate his taking the time to support this agreement. I yield the Senator another couple minutes.

Mr. DORGAN. Mr. President, I am overwhelmed by the additional minutes.

I have a couple of examples, if I might, on trade issues. Ask those who are working on these issues in the U.S. Trade Representative's office, in the Commerce Department, and those in Congress to try to address these issues with us.

Motor Vehicles in Korea. Last year, we had about 570,000 vehicles shipped into the United States from Korea. Do you know how many vehicles we shipped to Korea? Seventeen hundred. Five hundred seventy thousand vehicles this way, 1,700 that way. Why? Because of the tariff and taxes, it raises substantially the price of American cars sold in Korea. It is not just price. There are other difficulties too in selling foreign vehicles in Korea. Standards and perceptions also play roles. The result is, we are not shipping cars to Korea. They are flooding our markets with theirs.

Canada and Stuffed Molasses. Go to Canada and watch them load up Bra-

zilian sugar on top of liquid molasses so they can ship it down here in the form of stuffed molasses. Then they take the sugar out and send the molasses back. Why? To violate U.S. trade laws.

Japan and Steak. Go to Tokyo and have a T-bone steak and understand, if it came from the United States, it had a 38.5-percent tariff on it, 12 years after the last beef agreement.

People think this is all humorous and interesting. The fact is, it all represents the failure of this country to stand up for its producers. This country ought not be bashful about standing up for its producers, its manufacturers, American men and women and American businesses, who only demand the opportunity to compete fairly. It is not fair when currency fluctuations make our products 40 percent more expensive in foreign countries. We say that doesn't matter, but it does matter. It is not fair. Unfairness matters. We should and must be willing to compete in international trade, but the competition ought to be fair.

I thank my colleague from Montana. I will support this trade agreement. It is a small one, not much of a trade consequence to us, in my judgment. It is written marginally better than previous agreements because it has labor and environmental issues in it.

There is a big job ahead of us. We need to try and deal with the ballooning trade deficit. We need to try to convince the American people that what we are doing represents their best interests. We need to expand trade but it must be done in a manner that is fair to them.

I will have more to say about international trade at some future point in time. I yield the floor.

Mr. BAUCUS. Mr. President, I thank my good friend from North Dakota. He raises a very good point. Clearly, currency fluctuation certainly in the short term distorts trade almost to the magnitude which he suggested, a 30 to 40 percent differential.

It is also true that, as imperfect as markets are in the long-term, the relative economic strength of countries tends to reflect the value of a country's currency—not entirely but tends to. There have been times when the dollar is low; there are times when the dollar is high. It is very difficult to write into an agreement how to manage currency fluctuations, extremely difficult, particularly with larger countries such as the United States, Japan, the EU, with a single-currency market.

If the United States were to peg exchange rates vis-a-vis those other countries, it would be difficult for those countries to agree. I doubt that they would. Japan tends to like a low yen. It kind of likes the United States having a high dollar. I doubt that Japan would want to address exchange rates in a trade agreement. Could we force them to in a trade agreement? I

don't know. It would be difficult. The same applies to the EU.

Let's say we were able to peg an exchange rate. Let's say it happened that the countries all agreed. Let's say that one of the country's economies deteriorates, for example, the United States or Japan or some other one. If the currencies are pegged, then it is going to be harder for that country to retain its economic strength, at least with respect to trade.

There will be other distortions. It is like a balloon. If we stop natural competitive pressures worldwide from operating through exchange rates, the problem is going to pop up someplace else. I don't know that we have fully thought through where the "someplace else" might be in any rational discussion of exchange rates to include an attempt to address that consideration.

I might add that, to some degree, this is an external-internal matter. It is much more complicated than what meets the eye. The U.S. Government, in many administrations, tends not to discourage a high dollar policy. Why is that? The reason is because the U.S. Government tends to be worried about inflation, as well as other considerations, in addition to the trade imbalance, the current imbalances.

As my friend from North Dakota said—and he is right—trade deficits have been burgeoning, and it is a problem. To say that currency exchange provisions will solve the problem, I think, doesn't quite do it. The U.S. tends to be a country with a favored currency. We are perceived to be strong and to be dynamic, even in the wake of the events in the last several weeks. Investors worldwide tend to like dollars as opposed to other currencies. That tends to drive up the value of the dollar.

There are a lot of factors to be considered here. Having said all that, I do agree with the Senator that at least an attempt should be made. We should at least have a more open discussion of these issues. I don't think our Treasury Secretary, or our President, or anybody else of stature in the executive branch, or the Chairman of the Federal Reserve should have an open discussion of these matters, for fear of people misinterpreting what they may be saying. But I do think it is important for the Congress, in the appropriate setting and in the appropriate situation, to begin to examine all the ramifications of exchange rates. It is extremely complicated. In smaller countries we can deal with it, but in larger countries, as in Japan, and with the EU beginning next January, it is going to be difficult.

Mr. DORGAN. Will the Senator yield for a question?

Mr. BAUCUS. I am happy to yield.

Mr. DORGAN. Let me say that it was not my intent to say that solving the issue of fluctuating currencies would solve the trade problem. You cannot

solve the trade problem without addressing the fluctuation of currency values. There are many other issues—although the fluctuating value of currencies is a 500-pound gorilla issue, it is not the only issue. I don't mean to suggest that if you solve that, you solve the problems. There are more.

Mr. BAUCUS. Mr. President, I reserve 10 minutes. How much time is remaining?

The PRESIDING OFFICER. Twelve minutes.

Mr. BAUCUS. Mr. President, I reserve myself 5 minutes. I reserve the majority leader 5 minutes when he wishes to speak on the bill.

I yield to my good friend from Virginia who I think wants to speak on the bill. Can the Senator take 5 minutes?

Mr. ALLEN. I say to the Senator from Montana that I will try to say what I want to say in support of this measure in 5 minutes.

Mr. BAUCUS. I yield the Senator from Virginia, Mr. ALLEN, 5 minutes.

Mr. ALLEN. Mr. President, I rise in support of the United States-Jordan Free Trade Agreement. First, I congratulate Chairman BAUCUS and Senator GRASSLEY for their work in producing this very important legislation, which is a significant step forward in making Jordan a world partner with the United States.

Most of the debate on this matter is centered on the new ground which this measure makes in including multiple worker rights provisions in the body of the U.S. trade agreement, rather than as a side agreement, for the first time.

The volume of the bilateral trade between the United States and Jordan throughout the 1990s was consistently modest. Therefore, it is thought, this agreement is unlikely to have any great immediate or dramatic impact on the volume of bilateral trade.

However, I wish to share with my colleagues what this agreement means to the Commonwealth of Virginia and, particularly, to the Albemarle Corporation, headquartered in Richmond, VA.

Albemarle is a worldwide manufacturer and marketer of specialty chemicals, such as bulk ibuprofen, biocide products, and flame retardants. Nearly 50 percent of the corporation's revenues are derived from products that are sold outside the United States.

Several years ago, Albemarle Corporation began negotiations with the Arab Potash Company to create a joint venture company that will process bromine and bromine derivatives from the Dead Sea in Safi, Jordan. This agreement will allow Albemarle to bring the bromine into the United States tariff free. It will be actually shipped to Albemarle's facility in Magnolia, AR, for final processing.

This will represent a multimillion-dollar investment and it will be used for a variety of products, such as flame

retardants for TVs and computers, and other products, and it obviously will provide Albemarle with increased marketing opportunities globally for these lines of products.

It is anticipated that the capital outlay for this joint venture will be \$150 million. This outlay makes this joint venture the largest U.S.-Jordanian private venture in Jordan to date. At full operation, they will be creating over 200 new jobs at the plant near Safi and its main Amman office.

I congratulate King Abdullah and his government for their efforts leading to Jordan's accession to the World Trade Organization. Acceptance by the World Trade Organization, combined with Jordan's economic reforms, are significant steps forward to making Jordan a world partner with the United States.

These developments also made Albemarle more excited about conducting business with its Jordanian partners. This free trade agreement is another step toward solidifying our relationship and placing Virginia products on the same tariff footing as products from other countries.

I believe fair and free trade is the best way to increase trade, encourage economic development, and improve investment opportunities for all involved. It is important that the achievements made by King Abdullah and the signing of this free trade agreement be recognized and ratified by the Senate. For that reason, I urge my colleagues to support this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, how much time do I have?

The PRESIDING OFFICER. One hour.

Mr. GRAMM. Mr. President, I rise today to support the Jordanian free trade agreement, but I support it with reservations. I am determined that the adoption of this agreement not set a precedent for the future. What I would like to try to do, even though I know it may take a little time to do so, is explain to my colleagues the problems with this agreement, the problem that we have when we bring non-trade matters into fast track, and the very real sovereignty questions that are raised by this small and seemingly insignificant trade agreement.

I would like to try to explain the logic of fast track and its history and, within that context, make it clear that, in the current international crisis in which we find ourselves, I have decided to withdraw my opposition to this agreement and, in the process, see it become law. In withdrawing that opposition in a moment of crisis where we need to reconfirm our bond of friendship with Jordan, I wish to make it very clear that in doing this we are not setting a precedent for the future.

Now, having outlined all that, let me start at the beginning and try to explain the logic of fast track and the

problems we are going to have to address. The plain truth is that no one wants to address these issues, but they are there whether we like them or not. Therefore, at some point, we are going to have to come to grips with them when we adopt a bill that will provide what we used to call fast-track authority and now call trade promotion authority.

Let me begin at the beginning. America, in the postwar period, immediately following World War II, recognized that world trade was a powerful engine for creating wealth and democracy and, in essence, remaking the world in our image.

We had an incredible bipartisan consensus on trade: that neither party would try to use trade to politically benefit itself in the American electoral process because trade was too important in promoting prosperity and democracy and in fighting communism in the postwar period.

In that context, we adopted what was then called fast-track trade authority, which gave the Executive some remarkable powers. Under fast track, a President could negotiate a trade agreement which, when it came before Congress, would be unamendable, and all of the Senate rules related to unlimited debate and unlimited amendment would be waived; further, there would be a time limit for consideration, and Congress would then simply have the ability to vote yes or no.

That made sense in the following context: No. 1, Presidents argued, and I believe persuasively, that if you are going to negotiate a trade agreement where both sides give and take, you cannot then have that agreement be subject to further change, by Congress, after the fact. That is a persuasive argument, in my opinion.

The second argument was that we were talking about a limitation of the constitutional prerogatives of Congress under article I of the Constitution, and we had agreed to limit those powers because we were talking about only external matters, such as protective tariffs. We were not making domestic law, but were simply setting out trade agreements that involved external pricing of American and foreign products but did not make law in America that would govern the well-being of our people.

With those two very strong arguments, we adopted fast-track authority, and let me say, the evidence is overwhelming that we were successful.

When the Berlin Wall came down, it came down in part because we had the resolve to keep Ivan back from the gate, we were strong enough to deter a war, and our program of peace through strength worked. But what happened that really tore the wall down was that the growth of world trade generated a wealth-creating engine that created massive economies in places such as South Korea and Taiwan where those

economic engines had never existed. It rebuilt Japan. It rebuilt Europe. The sheer power of that wealth-creating machine destroyed the Soviet Union.

If there is one principle I am committed to, it is free trade. I take a back seat to no one in Congress in my defense of trade, and I make no excuses, such as talk about "fair trade." I do not engage in fair trade with a grocery store; I buy food from them and sell them nothing. But what I am in favor of is trade. Not going to the grocery store might eliminate unfair trade with them, but it would mean I might go hungry, so I choose to go to the grocery store.

One might wonder what is it about the Jordanian "free trade" agreement that I am unhappy about, especially my colleagues who have listened to me before talk about trade, knowing I am committed to it and have defended it under all circumstances against all opponents everywhere. What is wrong with the Jordanian free trade agreement?

What is wrong is, for the first time, it brings into a trade agreement items that have to do with domestic law. It brings into a free trade agreement provisions that relate to labor law and labor standards, and environmental law and environmental standards, in America. And in the process, we are literally transferring a degree of American sovereignty in labor and environmental areas to decision-making entities that will be beyond the control of the United States. This is a very serious matter.

Let me talk generically about trade agreements that embody labor and environmental standards and then talk about this one in particular.

When we built a consensus on fast-track authority, the consensus was based in part on the fact that the President was negotiating trade agreements, tariffs. It was clear that the intent of the negotiation was to lower tariffs on foreign goods coming into our economy and lower tariffs on American goods going into the economy of the country with which we entered these trade agreements. That was the understanding. It was clearly understood that, within that context, we were simply negotiating tariffs but not making domestic law.

Someone who was going to debate this would immediately point out that in the last 10 years we have injected another issue: patent and copyright. They would say: We were already a little bit pregnant when we did that because that had a binding effect on America in terms of respecting patents and copyrights.

I think that might score you a point in some debating class in high school or college, but the plain truth is, America is in the patent and copyright business. We own 90 percent of all the patents and copyrights in the world, and so when we negotiated to put into

free trade agreements that countries would respect patent and copyright, that basically was a provision that had no effect on us because we owned the patents and copyrights, but it had an effect on our trading partners by committing them, at least through moral suasion, if not retaliation, to respecting patent rights and copyrights.

I would argue that element in free trade agreements was pretty much like Britain being for freedom of the seas when they controlled the seas because they had the world's greatest navy. They were for British seas, just as we should be for freedom of the seas today.

Two substantial problems arise when labor and environmental issues, or any other issue related to the laws under which we live and function every day in the United States, are brought into this fast-track process. One is a loss of power by Congress in ceding its rights under article I of the Constitution, and the other is a loss of American sovereignty, and they are both bad things.

When you allow the President to negotiate labor and environmental laws, and labor and environmental standards, under fast-track authority, where the agreement cannot be debated and cannot be amended, what you are literally doing is giving the President of the United States a unilateral power to write domestic law under fast-track authority.

Under fast-track authority, where the President has this power to write labor and environmental standards into trade agreements, which then become the law of the land when we adopt them, President Clinton, for instance, in a free trade agreement, could literally have included the Kyoto Environmental Treaty. It would have come to the Senate. It would have been unamendable and undebatable, and we would have had a dramatic loss in our law-making powers, and a substantial diminution in the effectiveness of fast-track had the Senate been forced to reject the agreement because non-trade matters been included.

If we had a President who wanted to change environmental or labor law, and do it in a way to limit congressional power and authority, he could do it unilaterally through fast track, through negotiations of trade agreements. We never, ever contemplated such an extension of power when we wrote fast track. Never did we contemplate the Executive would make domestic law in these trade agreements. They were about tariffs. They were not about laws that would govern America and Americans in our daily lives.

The second problem with allowing labor and environmental provisions in trade agreements that have expedited consideration is they represent a ceding of American sovereignty. In my opinion, they are unconstitutional.

Let me explain how this would work in the context of a bilateral agreement

and then in the context of GATT. I'll start with GATT. Using fast-track authority where labor and environmental issues can be included, let us say that we entered into a GATT agreement where we agreed—as we do in this agreement, and I will talk about it in particular in a minute—on labor and environment provisions. Now, while we have to give the Clinton administration some credit for writing all kinds of boilerplate protections for congressional authority, in the end they could not protect what the provision is about.

Under this bill, we agree with Jordan that we will not take any actions with regard to our labor or environmental laws that would advantage us in our trading with Jordan. Now, let me take those provisions and apply it to GATT and the World Trade Organization. Let us say this became the norm for trade agreements. Who decides whether a change in environmental law affects our competitive position with our trading partner? Who decides whether a change in regulation was made to benefit us in trade or because it was made through the Executive power of the President basically to promote the general well-being of the country? Is it not true, at least to a small degree, every change in environmental law and every change in labor law or regulation has a trade effect, making us more or less competitive?

If we had the Jordanian free trade agreement as part of GATT, it is literally true, if we decided under the Clean Air Act to grant a clean air waiver to Atlanta, GA, which we have done in the past, and to Dallas, TX, which we are doing today, or Houston, which we are doing today, literally if this agreement were in existence as part of GATT a question would arise as to whether granting this waiver under the Clean Air Act benefited us in trade. In the case of GATT the judgment would be made by the World Trade Organization—a third party, a world organization, determining whether or not we are enforcing the Clean Air Act to benefit us in trade and, therefore, whether we should be penalized with protective tariffs against American products that put Americans out of work.

If we had the provisions of this Jordanian free trade agreement in effect through GATT, and we then opened up ANWR to produce oil, the World Trade Organization and its decisionmaking body, which we are minority members of, could determine that by opening ANWR we have had degradation in environmental standards that benefit us in terms of trade and we could literally have protective tariffs imposed against American products on the world market and put Americans out of work.

If we repealed Davis-Bacon, a special interest law that requires the Government to pay the highest prevailing wage for labor, it could be ruled by the

World Trade Organization, if these provisions were in force worldwide, that we had violated the trade agreement, and we would then be subject to reprisal and punishment imposed on the American economy.

If we adopted provisions that gave workers flexibility to work 60 hours one week and 20 hours the next week by changing our antiquated wage and hour laws so that a working mom could go see her son play football on Friday afternoon, something that is eminently reasonable and long overdue, if the provisions of this bill were in effect worldwide through the World Trade Organization, we could have a judgment by a world decisionmaking body that we have violated our trade agreements by giving flexibility under the wage and hour laws, flex-time/comp-time we call it; that we have benefited in trade and, therefore, we are subject to reprisal.

My point is, as we go beyond the Jordanian free trade agreement, and as we go to fast-track authority and as this becomes part of our world trading system, I ask my colleagues, are we ready to give to the President of the United States unilateral authority to write domestic law we cannot amend and cannot debate? I am not ready to do that. I love our President. I do not think any Member of the Senate feels closer to our current President than I do, but I am not willing to give that authority to anybody. I do not know who is going to be President in the future. Are we willing, through a free trade agreement and through trade promotion authority, to put ourselves in a situation where the World Trade Organization can determine that by giving a waiver to Atlanta, GA, under the Clean Air Act, we are violating our international trade agreements and, therefore, protective tariffs can be imposed on American products to punish us for exercising our power under articles I and III of the Constitution?

Is that not a loss of sovereignty that would be virtually unimaginable by the Founding Fathers? I think the answer is clearly yes.

So the first point I wanted to make today is I have decided, just as one Member, to step aside and allow this Jordanian free trade agreement to become law, but not because I think these are good provisions. I think inclusion of these matters is one of the most dangerous actions we have taken since I have been a Member of the Senate. I am doing this today because we have a crisis in the world. We need to reaffirm our relationship with Jordan, a critical country in a very important part of the world, when we are at the very moment beginning to look toward a war with terrorism. So our relationship with Jordan is important.

I do it also because our trade with Jordan is relatively insignificant. It is important to Jordan, of course, and we are grateful for it. We want to trade 1,000 times as much with them, but rel-

atively speaking, we are not talking about any significant amount of trade.

Finally, I am willing to do it, making it clear that this sets no precedent for the future. If it were not for this current crisis, this trade agreement negotiated by the Clinton administration would never have become the law of the land. I am willing, today, to step aside and vote for it because it sets no precedent, and it is clearly important internationally at this critical moment in a very important part of the world.

However, I want my colleagues to understand that any efforts to take this process forward would entail giving the President unilateral powers to make domestic law in the labor and the environmental area without Congress having the ability to amend it or to extensively debate it. I am adamantly opposed to that, and I believe the American people would be opposed to it if they understood it.

Second, if we go forward and embody the same provisions in major trade agreements, we are ceding sovereignty to the World Trade Organization and to dispute resolution organizations where we will literally have third parties casting the deciding votes as to whether we can grant waivers under the Clean Air Act, or open up ANWR, or change our wage and hour standards, or repeal Davis-Bacon, or do other things that make eminently good public policy. That is a ceding of sovereignty that has no popular support in this country, and it cannot be allowed to go forward.

I turn to the Jordanian free trade agreement. First, if I could pick up this pen today and sign a free trade agreement with the world, I would do it. I am in favor of free trade. I believe free trade promotes freedom; I am for freedom. It promotes prosperity; I am for prosperity. My concern about the Jordanian agreement is the nontrade provisions. It has two provisions that may very well never be used in our trade with Jordan but they are extraordinarily dangerous.

The first provision is related to the environment. It says, despite all the boilerplate efforts of the Clinton administration, that if either country—Jordan or the United States—did anything to change its environmental laws that improved its competitiveness with the other country, that would violate the trade agreement. Under the rules of world trade, there would then be a dispute resolution that would ultimately include a United States representative, a Jordanian representative, and a third party, which would determine whether a violation had occurred and, if so, whether the “violating party” would be subject to penalties.

I understand the dollar value of our trade with Jordan is less than the combined budgets of the two great universities in my State. It is not significant in terms of the global picture. But principles are significant. And bad

principles are set often in little, insignificant bills. This provision literally puts us in a position where an international dispute resolution could determine, in the name of the environment, that opening ANWR or granting waivers, which we do routinely under the Clean Air Act, violate this agreement, and we could have trade reprisals imposed against us as a result of it.

If we didn't sell anything to Jordan, it would obviously matter to the companies involved. It would be a terrible thing, but economically it would not be a catastrophe. My objection to including these labor and environmental provisions is based on principle, and if inclusion of these issues goes any further and is established worldwide, it is going to have a profound impact on the lawmaking authority of the U.S. Congress.

Now, granted the Clinton administration puts nice boilerplate language that says to Jordan, you make your own laws; and it says to the United States, you make your own laws. But it also says, if those laws are judged to improve your competitiveness as a result of a reduction in your level of environmental protection, then there can be reprisals.

Who makes that determination? The problem is, the United States does not make that determination. That determination is made by an international dispute resolution system. The same is true in this bill with regard to labor law. Under this bill, you have an obvious question: When have you changed labor standards to benefit yourself in terms of competition? With Jordan, who makes the determination?

I would have no objection if the determination of whether we were meeting our agreement were made by Americans. I think it would be foolish to get into this area, because everyone who is the least bit objective about trade understands, if you care about labor standards, you are for trade, because trading countries are rich, and they have high wages, and they have good working conditions. If you care about the environment, you are for trade, because trading countries are rich and they can protect their environment, and they do.

I know we have people talking about a race to the bottom in labor and environmental standards, but the truth is, trade is a race to the top, not to the bottom. But these are the problems with this bill.

Now people do not want to deal with this issue. It was clear in the Finance Committee, people were not ready to come to grips with this issue. What is appealing about putting labor and environmental provisions into the bill is that it lets us be on three sides of a two-sided issue. It lets us be with the people who want to have international labor and environmental standards, and yet be for trade. The problem is, you are either for trade or you are

against it. When we write these provisions into our trade agreement, we are setting ourselves up for loss of sovereignty and we are ceding power to the executive branch of government. I think those are two extraordinarily dangerous things.

This agreement will be approved today. I am going to support it. But I am going to support it as a matter of foreign policy. The President wants this agreement to show to Jordan we are committed to our friendship and our partnership. We need Jordan's support in this war on terrorism, and as a result, I, for one, intend to step aside and allow this agreement to be adopted. But in doing so, I want to make it clear that this sets no precedent in terms of our willingness to cede sovereignty over America's right to set its own environmental and labor laws and to interpret and enforce those laws without being penalized in world trade because some international decision-making body decides, in doing so, we benefited ourselves in terms of trade.

I submit, why would you change these laws, if you were not in some way trying to benefit yourself, either by improving the environment or improving your competitiveness?

Look at the application that Atlanta, GA, or Dallas, TX, or Houston, TX, submitted, asking for a waiver of the Clean Air Act. That application is full of the dire impacts that are going to be had if they stop building highways in Atlanta or Houston and if they have to shut down those refineries from Corpus Christi to Beaumont that produce 50 percent of the petrochemicals in the world in the Houston area.

Their application for a waiver of the Clean Air Act is full of exactly the argument that, if we don't grant this waiver and give them more time to meet these requirements, we are going to destroy hundreds of thousands of jobs and are going to adversely affect the ability of America to compete on the world market.

If we expand this logic into the World Trade Organization, does anybody doubt that our competitors will take the application for a waiver of the Clean Air Act from Atlanta or Houston that is full of arguments, as it should be, about American competitiveness and say "not only did they not enforce their law by granting this waiver, but if you read the application from Houston, TX, it is full of the logic that is going to hurt them competitively if they don't grant a waiver?"

Do we really want the World Trade Organization or an international dispute resolution putting our people out of work in Georgia or Montana or Texas because they believe when we changed our law, or when we changed the enforcement of it, that it benefited us in world trade? I do not think we signed on to do that.

So that is where we are today. We have a trade agreement before us that

was negotiated in the previous administration that has a very severe problem. If this agreement were with another country at another time, I do not believe it would be adopted. But today, facing a war with terrorism and given that this is with Jordan and given that the amount of trade involved is insignificant, from the United States point of view, I for one am willing to step aside and to support this bill. But I want to make it clear that any fast track or trade promotion authority legislation that would transfer the making of domestic law to the President, limiting—in this case eliminating—our power to amend or debate, or any future trade promotion agreement that would grant to a world decisionmaking authority the right to determine whether we have exercised our article I rights under the Constitution of the United States properly, where a world organization is making a determination as to whether our people are going to be put out of work because we amended labor and environmental laws in conformity with our rights under article I of the Constitution, that is something that I never, ever intend to support and never, ever within the ability to debate it and to fight it intend to see it accepted.

We have to come to grips with these issues. We are putting them off today because this bill needs to pass. But these are matters that are going to have to be understood. They are going to have to be debated as we deal with fast-track authority, or as we now call it, trade promotion authority. To this point, everybody has tried to hide from these issues. But they are very real. They represent an assault on our separation of powers, they represent an assault on national sovereignty, and they do not belong in a fast-track or trade promotion agreement.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Texas has 24 minutes and the Senator from Montana has 8.

Mr. BAUCUS. Mr. President, I yield to the Senator from Nebraska, 4 or 5 minutes?

Mr. HAGEL. Let's try 5 minutes. I appreciate that.

Mr. BAUCUS. I yield 5 minutes with the recognition there is only 3 minutes left after the 5 minutes are used.

Mr. HAGEL. Mr. President, I rise today to support the Jordanian free trade agreement. I wish also to strongly support the remarks just given by the distinguished senior Senator from Texas, Mr. GRAMM. In my opinion, he has calibrated this exactly right. He has framed it right. He has made poignant remarks about issues that are most important to this debate this day but a continued debate on trade this body

must have, a debate which will take us, I hope, at some point in the near future, to the question of granting to the President of the United States what has been referred to as fast-track authority but now is referred to as trade promotion authority.

September 11 highlighted why we need to strengthen our relations with the rest of the world. Tools that will be required to combat terrorism include more than just military power. I think most of us recognize that terrorism is not about human destruction; it is about holding nations and societies and peoples captive, hostage to the fear of terror.

Terrorists are best able to harness the fears and prejudices of impoverished people to gain support for terrorist acts such as those that occurred on September 11. These areas are the breeding grounds of terrorism: the impoverished, the downtrodden, those people of the world with little or no hope.

To combat terrorism and the support of terrorists, we need to broaden the understanding of what America stands for and to continue to help improve the lives of these impoverished people around the world. I believe trade helps do that. Trade also helps develop market economies and strengthens democracies. What does that mean? It is not an end unto itself but to stabilize regions of the world, stabilize governments, and help maintain responsible governments and relationships and standards of living and accountability and responsible action. That is what trade can do and has done.

At our Banking Committee hearing last week, Chairman Greenspan stated that global economics relies on the movement of people and goods. The openness of economies is critical to that growth. We are talking about one small part of that larger universe of trade today. But nonetheless, it is an important part of this debate.

The New York Times article by Tom Friedman last week pointed out that through all of the instability in the Middle East, Jordan last year grew in real numbers at about 4 percent. And as we are able to encourage and participate with Jordan through these bilateral trade agreements, we will continue to help Jordan grow, which helps, again, stabilize a very important region of the world.

As Senator GRAMM has pointed out, this agreement is far from perfect. In my opinion, sanctions should never be part of a market-opening trade agreement for many of the same reasons Senator GRAMM enunciated and delineated with precision. Sanctions do not address the root of environmental or labor problems or other such problems. These are currently much better handled at other international organizations such as the United Nations and international labor organizations in other areas. I shall not go back and

deal with the same area about which Senator Gramm talked. But sanctions will actually harm countries and will limit the much-needed capital they receive from exporting to the United States.

For the reasons that have been stated before, the economy is a fundamental dynamic influencing a country's political stability, hence world peace.

Trade contributes to a country's security for two reasons: It establishes relationships and understandings between two nations, and it raises the standard of living for nations and encourages that stability.

In my opinion, this debate today is a good beginning to address a comprehensive trade agenda this Congress must have.

This Congress must ultimately grant President Bush trade promotion authority. TPA is in the clear and vital interests of this country, and security and economic interests are interconnected and dependent on each other.

Today, I encourage my colleagues to vote for this agreement, as flawed as it may be. But I consider it a good opening for the bigger trade debate issues that must come from this Congress. It is a good beginning. But we are far from the kind of finish that will be required not only for the trade interests of this country but the security interests of America and the world.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). Who yields time?

Mr. BAUCUS. Mr. President, I understand that we only have 2½ minutes.

Mr. GRAMM. I yield the distinguished ranking member 15 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am not going to bring up the same issues the Senator from Texas brought up. But I had a chance to listen to his remarks. I share many of the concerns that he has.

Although I have been an enthusiastic supporter of this agreement from day 1 and have not found all of the considerations that he has to specific parts of it, I have reservations about those parts, particularly as they deal with labor and the environment, but to appeal to some extent through an exchange of letters that these issues have been taken care of at least enough to satisfy my concerns to move forward with this legislation.

I speak in favor of the United States-Jordan Free Trade Agreement. I urge my colleagues to support it. But before we move forward, I would like to put this agreement in context—not a context different than other speakers have but to emphasize some things that have already been said.

First of all, this agreement is very important between two countries that have been friends for a long time and that want to maintain that friendship.

It has been almost a year since President Clinton and King Abdulla signed the U.S.-Jordan Free Trade Agreement. By all accounts the agreement should have passed Congress with little controversy.

The Kingdom of Jordan and King Abdullah are good friends of the United States. The agreement itself is a good agreement. It opens up new markets for U.S. exports to Jordan. And it enhances Jordan's access to our markets. But there is one part of the agreement that caused problems.

These are controversial labor and environment provisions that were put in the U.S.-Jordan Free Trade Agreement. It is these labor and environment provisions which slowed passage of an agreement that should have passed both Houses of Congress quickly.

In the Senate legislation was introduced by MAX BAUCUS on March 28, 2001 to implement the agreement. On July 17 the Finance Committee began to debate the bill.

During debate many Members expressed concern about the labor and environment provisions in the Jordan agreement.

Many others pushed hard for an amendment to the agreement which would give the President trade negotiating authority, which was supported very eloquently by the Senator from Nebraska.

Unfortunately, this amendment was withdrawn because of the chairman's opposition.

To help move the agreement forward the U.S. Government and the Government of Jordan exchanged official letters on July 23, 2001.

These important letters clarified that neither government intends to apply the labor and environment provisions in a way which blocks trade.

The exchange of letters was an important development.

After all, the purpose of a free trade agreement is to facilitate trade.

After all, we are talking about an agreement that has the purpose of facilitating trade. That is pretty clear with the term "free trade agreement"—not to deal with a bunch of social and environmental issues.

While these commitments did not resolve every Senator's concern with the agreement, it was an important step forward.

And because of these letters the Finance Committee was able to complete consideration of the bill on July 26, 2001.

Unfortunately, some tend to characterize the labor and environment provisions in the Jordan FTA as a precedent for future trade legislation.

I want it understood very clearly that I do not accept that, and I want to say that loudly and clearly. This should not be considered as a precedent.

It does not mean that the Jordan free trade agreement in other ways does not

set a precedent. It is the first free trade agreement we have entered into with a Muslim country. I hope it is not the last.

I also hope this sends a loud signal to our Muslim friends and our friends around the world. The United States wants close trading relationships with these countries and their people.

We want to help your economies grow through trade.

I think it was President Kennedy who said "trade, not aid."

It enhances the prosperity throughout the world generally. But as the Jordan agreement is precedent setting with a Muslim country, we would surely expect it to enhance prosperity throughout the Middle East as well as the entire world benefitting because we all know that free trade is a very powerful engine of growth. It can lift millions out of poverty, as we have seen in the development of this regime since 1947 when these free trade agreements started—and under the GATT process the revitalization of Japan and all of Western Europe. Countries that were poverty stricken 50 years ago are very prosperous today—Japan, Taiwan, South Korea, to name a few.

Their prosperity depends a great deal upon trade. Lifting millions out of poverty also in the process opens the door to new hope for people. It offers opportunity to people who have only known despair.

Trade can help undermine terrorism by taking away the fertile ground of poverty and hopelessness from which that terrorism is sown.

It can broaden horizons and lift human spirits to greatness.

Our friends and allies must know that we share their hope in the future. But trade and the regime for arriving at free trade agreements and further negotiations within the World Trade Organization are a way to show that we put our actions where our mouth is.

It also shows that we have history on our side—that there has been progress made in the past. It can predict the good future that lies ahead as a result of freeing up trade. They must know we will open up our arms and embrace them through trade. Just as trade lifted Germany and Japan from the ashes of World War II, it will lift nations today.

However, we have to have the tools to make it work. One of those tools, as you keep hearing in this debate—and a lot of other places—is the need to give the President of the United States trade promotion authority. We ought to do this in the same apolitical or bipartisan way that it has been done over a long period of time. And this is done because we do not put a lot of preconditions on these negotiations. People of good will sit down to work out their differences, each respecting their own national interests. The President of the United States will not negotiate away the interests of the United States of America and its people.

So it is time to give the President the power to negotiate trade agreements with our friends and our allies, and even with countries that we might not consider our friends and allies, if they are in the World Trade Organization.

The Finance Committee has quite a history of bipartisanship in this area, to give the President what used to be called fast-track trade negotiating authority, now called trade promotion authority.

This type of legislation, over a long period of time, has passed with broad bipartisan support. We in the Senate generally have not waited for others to act. We have seized the reins of leadership and have moved ahead. Today, we need to be doing that as well. I hope I can help move that process along. I hope this bill today helps do that as well. There is bipartisan legislation that is already introduced that would be a good bill for this committee to consider.

At a time when the world economy is slowing, we must act. We must put aside our partisan preconditions and excuses to trade and show the world that the United States is ready, willing, and able to lead.

I thank the Chair and reserve the remainder of what time I did not use for Senator GRAMM.

Mr. BINGAMAN. Mr. President, I rise today in very strong support of H.R. 2603, the United States-Jordan Free Trade Area implementing bill. There is a very limited time for debate available to my colleagues today on this legislation, so I will keep my comments short.

First, let me say that the timing for the consideration of this legislation could not be more propitious given the horrific events that have just occurred in our country. As we consider this bill, let us not lose sight of the geopolitical context within which we now conduct international affairs. Trade negotiations between the U.S. and Jordan were initiated for one reason alone, that being that government officials felt it would substantially increase economic interaction between the two countries and thus significantly enhance political stability in the Middle East as a whole. Although the immediate economic gains from the agreement will, no doubt, be modest, the long-term political benefits will be considerable. Of particular importance are the opportunities the agreement potentially provides Palestinians living in Jordan and operating in qualified industrial zones. For these individuals, nearly all of whom at present live in poverty and have little chance to improve their lives, this agreement changes the equation and offers real hope. Significantly, it offers a tangible alternative to violence, and I need not emphasize how important a different path like this might be to young individuals, and the strategic interests of the United States, at this time.

I understand the concern of certain colleagues about national sovereignty as it relates to the dispute resolution provisions in the agreement. But clearly this concern comes not because this agreement in particular threatens our sovereignty—from my perspective it does not and it will not, but rather because of the apprehension that this agreement establishes a precedent for future negotiations. The concern relates to this trade agreement being a "model," and once this trade agreement is passed, others will certainly look much the same.

To this criticism I respond by saying that each agreement negotiated by our country is unique and based on the issues that concern the parties at the time. There is no reason to assume that every agreement will contain similar language to that which is contained in this agreement. Indeed, there is much reason to doubt that they will. Clearly, there is a balance that must be found between having an agreement and having ways to ensure that the provisions that are in an agreement are implemented. In this particular case, I think a very appropriate arrangement has been created.

But I want to emphasize today that I do intend to be very cognizant of how we establish dispute resolution mechanisms down the road. And I say this simply because we have reached a point in international trade relations where we have to ask if we are prepared to change the ideas and institutions that form the foundation of our political economic system to attain a trade agreement. That is the essence of the debate at hand, and if we have learned anything at all from NAFTA, it is that this is not something to be taken lightly.

All this said, this legislation must be passed today, and it deserves to be passed today. It sends a signal to the people of Jordan that while they are already our political friend and ally, the time has come that they also become our economic partner. I look forward to the benefits, short and long-term, that will come as a result of this historic free trade area agreement. I would like to take this opportunity to compliment the Clinton and Bush Administrations for recognizing its significance and pushing the agreement forward.

Mr. DURBIN. Mr. President, I rise today in support of this trade agreement between the U.S. and Jordan. It is important in terms of national security. Jordan is important in the quest for peace and security in the Middle East, which couldn't come at a more appropriate time. It is important economically—without a healthy Jordanian economy, they will not be able to play a constructive role in the Middle East.

For me, it is important because it recognizes that included in the economic relationship between the U.S.

and Jordan are labor and environmental standards. It goes without saying that domestic labor markets and environmental standards are relevant to competition within a nation and between nations. Both the U.S. and Jordan have strong practices in the areas of labor and the environment.

Some critics of this historic legislation counsel us that if either country fails to meet their commitments to enforce these or other provision of the agreement, they do not expect or intend to use traditional enforcement mechanisms to enforce them. This kind of talk is unfortunate. To say that regardless of the violations in a trade agreement, enforcement mechanisms will not be used is irresponsible. Trade sanctions are always a last resort. But to set a precedent in any agreement that under no circumstances is there an expectation they may have to be used is a mistake an unwise precedent.

I should remind critics of this legislation that the agreement carefully sets up a framework for various consultations and mediation over a long period of time before either party could use sanctions only after recurring violations affecting trade and only with appropriate and commensurate measures. This is clear. Cutting corners on the important issues of labor and environmental standards in trade agreements is a step backwards for future constructive action on trade.

I support this agreement because of the importance of our relationship and because the timing couldn't be more important. I support this agreement because we need to support our friends in the Middle East. By passing this legislation today, the United States Senate sends a clear signal of support to our many allies in the Middle East and a clear signal to Osama Bin Laden that we stand united with his neighbors to do whatever we can to promote the economies between civilized nations.

Mr. HATCH. Mr. President, I rise to urge support of the free trade agreement between the United States and Jordan.

As ranking Republican member of the Trade Subcommittee of the Finance Committee, I am pleased that the Jordanian Free Trade Agreement was approved by the full committee and now is receiving floor consideration.

While some would say that this agreement amounts to nothing more than a garden variety trade agreement, they would be wrong. From a strict U.S. economic perspective, it is not a major agreement. However, as King Abdullah has made clear, from the standpoint of the Jordanians, it is an important precedent for his country and for other nations in the region. This was true before the tragic events of September, and may be more true today as our country wages a campaign to reach out to moderate Arab states.

Bilateral free trade agreements between the U.S. and other countries

help establish a mutual understanding of the norms and expectations of trade. I think when foreign business interests enter into trading partnerships with American firms under a free trade agreement, both parties can benefit economically, and the U.S. and our trading partner will almost inevitably grow closer together due to this type of joint enterprise.

I must commend Chairman Baucus and Ranking Republican Member Grassley for their work on this agreement.

Anyone who has followed the debate on this agreement knows that progress was slowed by a vigorous discussion of how the ambiguous language pertaining to labor and the environment in the Jordanian agreement might, or might not, serve as a precedent in any trade promotion authority legislation adopted by Congress.

It is clear that the biggest stumbling block to passage of TPA legislation is how labor and the environment are handled. As a proponent of free trade, I have serious reservations about any move that would make labor and environmental concerns central concerns of trade negotiations.

While I know that there may be some in the Senate who would like, for proper but misguided motivations, to attempt to raise the standard of living in the developing world through the implementation of non-trade aspects in trade legislation. But we must not confuse trade negotiations with social engineering. Our chief goal in trade negotiations must focus on benefitting American consumers and American workers.

We must remember that what is good for the goose is good for the gander. If we try to impose our views on labor and environment on our trading partners, we should not be surprised if one day these trading partners complain that our food safety laws are insufficient, our air pollution levels too high, and our minimum wage too low.

Even prior to the terrorist attacks two weeks ago, the economy was losing steam. It seems to me and I am sure to many other members of the Senate, that one good way to help revive and stimulate our economy is to pass trade promotion authority legislation. Fast track can help put our country back on the right path to economic recovery and growth.

While it is my hope that we can work on a bi-partisan basis to pass TPA legislation before we adjourn for the year, the Jordanian agreement is not the vehicle to resolve all these issues. Today, we can accomplish a significant achievement by adopting the Jordanian agreement.

On balance, this is a good agreement with a good partner, Jordan. It is not a model for how labor and environmental concerns should be addressed in trade promotion authority legislation. It is a statement to those in the MidEast and

around the world that the United States is a good partner. King Abdullah and other world leaders need to know that partnering with the United States can result in tangible benefits to their citizens.

I urge my colleagues to vote for this measure.

Mr. MURKOWSKI. Mr. President, the U.S.-Jordan Free Trade Agreement is an important acknowledgment of our long-standing friendship with the Hashemite Kingdom of Jordan, which has been a stalwart ally in pursuing peace and prosperity in the Middle East. Opening our markets to free trade with one another is appropriate, not simply in order to foster the opportunities free trade can bring between our two economies, but to draw our countries closer together in the struggle for peace.

I have been an advocate of this free trade agreement since the prospect of its negotiation was first raised some years ago. I believe strongly in the power of trade to eliminate poverty, encourage political transparency and draw nations closer together. I also believe that free trade is one of the best manifestations of mutual understanding, trust and congruent interests two like-minded countries as the United States and Jordan can have. So I have strongly supported the negotiation and implementation of this agreement on the essential policy grounds on which it is founded.

I do not, however, support the inclusion in this agreement of politically charged provisions linking trade remedies to environmental and labor standards. We have learned over the years that as a means to enforce expressions of U.S. political will on other nations, trade sanctions are ineffective at best. Quite often, they do more harm to American interests, including the very interests they are invoked to serve, than doing nothing at all. Those that champion the linkage of trade with non-trade interests understand this basic fact quite well. Sanctions do not work. Sanctions are nothing more than thinly-veiled proxies for economic protectionism.

The effort to link trade and environmental and labor standards are largely championed by those whose primary interest is in limiting the growth of trade. The labor movement is understandably interested in limiting the impact of trade on entrenched labor interests. Their desire is to maintain the economic status quo, not to promote growth through competition. Likewise, the American environmental movement perceives economic growth as inherently counter to their interests in preserving the environmental status quo. The evidence is overwhelming that the long-term benefits of trade are vastly more positive for labor and environmental interests. However, labor and environmental groups serve only narrow, short-term interests.

Those of us who understand the overwhelming economic and social benefits of expanded trade are rightly concerned, therefore, with the inclusion of environmental and labor provisions in trade agreements. Even seemingly innocuous provisions such as those slipped in, almost mischievously, by the previous Administration into the U.S.-Jordan Free Trade Agreement are designed as poison pills by the interest groups which championed them. They are invitations for mischief-making on a grand scale.

There is no doubt that opening markets to new economic activity places new pressures on labor and environmental concerns. Attention to easing such impacts is thoroughly appropriate in implementing new trade agreements. To condition trade on prescribed labor and environmental standards is, however, to do the work of the opponents of trade. When, as in the case of the Jordan Free Trade Agreement, we establish an open-ended and vague linkage between trade and non-trade standards, we ransom our long-term policy interests for short-term political gain.

Jordan is not, happily, a model for future trade agreements. Our interests in pursuing a free trade agreement with Jordan are unparalleled and unique. An attempt to draw parallels between the negotiated Jordan agreement and negotiations toward a new WTO Round, a Free Trade Agreement with the Americas, or even new bilateral agreements with other countries is fool's errand. The reasons pro-trade Americans support the agreement with Jordan have few echoes in our support for other more clearly economically-based trade negotiations. Jordan is the exception that proves the rule: trade agreements must stand on their own, or they will not stand.

Mr. MCCAIN. Mr. President, I am pleased to support passage of S. 643, the U.S.-Jordan Free Trade Area Implementation Act. Two weeks ago, a proud symbol of global free trade was destroyed by terrorists in New York City. The terrorists who struck the World Trade Center meant harm not only to the United States, but to the entire civilized world. In this new era, our attention turns increasingly to defending against this catastrophic threat, and to pursuing policies that advance our interests overseas and reflect the values of our people.

Strengthening our strategic relations with our friends in the Middle East has become an urgent priority of American policy. This free trade agreement marks an important benchmark in U.S. relations with Jordan, an island of moderation and stability in a volatile region. U.S.-Jordanian intelligence co-operation will be helpful to our efforts to crack down on terrorism at its source. That Congress has made ratification of this bilateral trade agreement a priority as we wind down the

current session while sorting through the pressing obligations ahead reflects its meaning to our people, and our mutual interests.

The U.S.-Jordan Free Trade Area represents the first free trade agreement the United States has negotiated with an Arab nation. Liberalized trade with Jordan will benefit both our economies. Although various Jordanian and American goods already enjoy duty-free status or low tariff rates, this free trade area will ensure that Jordanian and American consumers enjoy an expansion of commercial choice and value. Both nations will also benefit from greater foreign direct investment and trade-related job creation.

I remain concerned about the hostility this Congress has shown towards free trade. Many important new trade bills enabling the expansion of bilateral and multilateral trade have not moved through the legislative process this year. Existing laws, such as the Andean Trade Preference Act and the Generalized System of Preferences, are set to expire shortly but have received little if any attention from Congress. This summer, we struggled as a body to determine whether or not we would honor our Nation's solemn commitments to NAFTA, an invaluable trade agreement with our neighbors and largest trading partners.

Indeed, it has seemed as though free trade is no longer a priority of this body. In addition to the strategic significance of this legislation to U.S.-Jordanian relations, it is my hope that passage of this bill represents a change in the direction this Congress will take toward a policy of free trade that has upheld our prosperity and advanced our values around the world.

Mr. LEVIN. Mr. President, the U.S.-Jordan Free Trade Agreement is an important agreement and I am pleased the Senate has agreed to pass it by unanimous consent today. The agreement will provide a closer economic relationship with the Hashemite Kingdom of Jordan, which has proven itself to be an important strategic ally in the Middle East. Importantly, this agreement also represents the first free trade agreement to include in the core text, binding provisions recognizing the trade impacts of labor and environmental standards. The agreement sets a precedent that future trade agreements should follow.

Some in the Senate have opposed the agreement because of the labor and environmental provisions. The Administration responded to this opposition by exchanging side letters with the Government of Jordan indicating that neither country expected or intended to use trade sanctions to enforce the agreement. These letters do not specifically mention the labor and environmental provisions of the agreement. The exchange of letters was, however, clearly aimed at the labor and environ-

mental provisions. I think that this exchange of letters was unfortunate. I continue to support the agreement, though, because the letters did not affect the text of the agreement. I believe in the need to have meaningful and binding labor and environmental provisions in trade agreements, provisions that are fully enforceable and can be implemented through the same mechanisms as any other part of the agreement.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, there are a number of Senators wishing to speak. The unanimous consent agreement indicated that this debate would be for 2 hours, which would end at about 2:08. I ask unanimous consent that the time be extended an additional 4 minutes on each side and that the vote occur thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Just to alert everyone, the two leaders may wish to speak on this legislation. If they do, they will use leader time and extend the time until we vote a little more. If that is the case, they can come and take care of that themselves. So the vote, as I understand it, will occur at approximately 2:15, 2:16, something like that.

The PRESIDING OFFICER. The Senator is correct.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, as a consequence of the recent change in time, will the Presiding Officer indicate how much time is available to each side?

The PRESIDING OFFICER. The Senator from Montana has 5 minutes 20 seconds, and the Senator from Texas has 17 minutes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, it may very well be that the distinguished chairman of the Finance Committee would like to end the debate. I will afford him that courtesy.

Let me just try to sum up very briefly by saying I am hopeful we can work together on a bipartisan basis to have trade promotion authority. There is no temporal issue that I have stronger feelings about than trade. I see it as an extension of freedom. I see it as the great promoter of economic opportunity and prosperity and happiness in

the world. I am in favor of world free trade. Obviously, I am in favor of free trade with any individual nation.

There are very real problems when you bring domestic law into these trade agreements, and I have outlined today the two problems you have in trying to inject, in this case, domestic labor law, domestic environmental law, and then the enforcement of those laws through regulation. When you bring them into trade agreements, you create two very real problems: First, you give an extraordinary grant of power to the executive branch of Government to write domestic laws in a context where Congress' powers to debate and amend are severely limited; and, second, you pass decisionmaking authority, as to America's intent and as to the impact of the making of domestic law, to an international decisionmaking unit. And you create a situation where literally, with strong popular support, with the best of intentions, with the goal of promoting the well-being of our people—and the only legitimate objective of American Government is to promote the well-being of its people—we could find ourselves in a situation where a change in a labor or an environmental law was judged by an international decisionmaking body or dispute resolution mechanism to benefit us in trade, and I would hope that would be one of our objectives in passing law. But by judging it in those terms, we could literally have tariffs imposed on any American product sold on the world market, and the net result would be severe limits on our national sovereignty.

These are very real issues. They are not easy to fix. If you are going to extend trade promotion authority into the area of domestic law—in this case, labor and environment—my own preference would be, knowing that trade promotes the environment, knowing that trade promotes labor rights by promoting competition, the ultimate right of a worker comes down to their ability to quit and go get another job. That is the ultimate worker right: I do not have to worry about somebody protecting my rights and treating me well when I can go across the street.

Trade promotes that kind of competition. But there are two sides to every story. I know the distinguished chairman has very different views, at least on what he hopes to achieve with labor and environmental provisions.

I conclude by saying I am willing to try to work with him to come up with a way of finding a solution to this problem so that we can give the President trade promotion authority at a time when we desperately need it, at a time when we need to be promoting world prosperity, and at a time when we need to be promoting democracy and capitalism, because democracy and capitalism do not give rise to the kind of hate that endangers us and our people and our future and our happiness. I

do think it is important that we work this out. But these are very real issues, very tough issues.

Let me conclude by saying that in having this bill go forward, from my own viewpoint, this is a decision that was made based on the necessity of approving this agreement now as we are looking at a long and difficult war on terrorism, a trade agreement that in the big scheme of economics is not very important, but the country with which we are entering into this agreement is a critical country, critical for American interests in the Middle East. And it is in the Middle East that many of our problems with world terrorism are focused. Without setting a precedent for this labor and environmental extension into trade or loss of sovereignty or violating the separation of powers, I intend to support the agreement.

I reiterate, in conclusion, that I am willing to work with anybody to try to find a way to get trade promotion authority for the President. It would be a great tragedy if we adjourn this year without the President having this authority. It is an arrow in his quiver that he needs to fight this war. We are not going to win this war just with bullets, though we need some bullets and we need them properly delivered. However many we need, I am willing to buy. That alone will not win this war. Trade and the mutual respect it creates will be important tools, as important as bullets in winning this war.

This trade promotion authority is very important, but to deal with it, we have to come to grips with these issues.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself the remainder of the time.

I first wish to congratulate Charlene Barshefsky, the very able U.S. Trade Representative who negotiated this agreement, and also President Bush and his administration. They have been very far-sighted in urging the Congress to pass this legislation for all the reasons I and others have mentioned.

I also thank my colleague and good friend from Iowa, Senator GRASSLEY, ranking member of the committee, for his steadfast support for this agreement.

This agreement was signed by both countries last October. The implementing legislation was passed by the House before the August recess. A virtually identical bill was reported out of the Finance Committee with only two dissenting votes, again before the August recess.

The point being, there was immense support for this agreement even before the disastrous events of September 11. Certainly, the events of September 11 make it all the more important now that we pass the bill to implement this agreement.

I also thank Senator GRAMM for allowing this bill to come to the floor. He had earlier expressed his disagreement with the bill to the point where its passage was a little bit uncertain. I very much thank the Senator for allowing this bill to come up and pass and for his support of the bill at this time.

I respectfully disagree with some of his concerns. First, the distinctions he suggests between trade and non-trade issues are just not valid. We have a whole plethora of domestic issues routinely included in trade agreements, whether patents or copyrights or trademarks, uses of geographical names on labels, farm tilling practices. That gets pretty domestic. You can't get more domestic than farming. We address farm tilling practices in our discussions of trade. They are now very much in discussion between the European Union and ourselves with respect to which practices are included as trade-distorting subsidies and which are not. There are a lot of domestic issues that are included in trade agreements.

Second, the statement has been made that this agreement impinges upon American sovereignty. It is important to remind ourselves that any agreement the U.S. Government enters into with another country to some degree has sovereignty consequences. Arms control, for example, the Montreal Protocol restricting chlorofluorocarbons, tax treaties, all have consequences for American sovereignty. International agreements are not a free lunch. They are bargained-for agreements that have consequences and have effects on each country's sovereignty.

Also, it is important to remember that a lot of traditional economic provisions included in trade agreements have some effect on our sovereignty. For example, in the GATT, we have mutually agreed to reduce tariffs. If we didn't agree to reduce our tariffs, we would never get other countries to reduce theirs. The issue of intellectual property rights is another example. Agreements in this area have consequences to one degree or another on actions that this country may or may not take.

The main point I wish to make is that the agreement before us does not infringe upon U.S. sovereignty because, under the agreement, neither country is required to change its laws. And there has been a lot of talk about international dispute settlement mechanisms. There is no binding international dispute settlement mechanism in this agreement. If there is a dispute, as I mentioned previously, three conditions have to be met for either side to request consultations. I won't go through those conditions again, because time is limited. But even if a party claims that the three conditions are met, the next step is to go to mediation, not arbitration. There is mediation, and it is non-binding.

A mediator might suggest to the United States or to Jordan, let's say

the United States, that the United States has done something untoward. The United States can accept it or not accept it. There is no requirement whatsoever for the United States to accept what a non-binding mediation panel—one panelist named by the United States, the other by Jordan, a third selected between them—might suggest. Again, it is non-binding.

Finally, I might say that I do believe this agreement does set a precedent, by definition, because it is the first of its kind. That is a precedent. I hope that all future trade agreements will now, after the passage of this agreement, include proper, reasonable labor and environmental provisions, because that is where we are in the world today.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, I think I have pretty well said everything I came to say. Let me yield back my time and then if someone else wants to speak, they can come speak. If not, we can just remain in a quorum call until we are ready to vote. With that, let me yield back the remainder of my time, seeing the distinguished majority leader.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Texas. Especially I thank the chair of the Senate Finance Committee and the ranking member for their work in getting us to this point.

I simply wanted to come to the floor before the end of the debate to express my strong support for the Jordan Free Trade Area Implementation Act. This is the first-ever U.S. free trade agreement with an Arab country. I think at these very tenuous and challenging times, there could be no stronger statement for us to make than to pass this legislation. I appreciate very much the work by all of those involved to see that it is done.

I note this agreement was negotiated before the events of September 11. We are moving ahead today because forging this agreement is the right thing to do for the people of the United States. It is also the right thing to do for the people of Jordan. It serves as a statement that our enemy is terrorism, not the Muslim world.

More than a year ago, President Clinton and King Abdullah began discussions about how we could more closely link the United States and Jordan, which, as everyone knows, is an increasingly important and strategic friend in the Middle East. This act is the result of those efforts, an important step in deepening that bond. When President Clinton and King Abdullah signed the United States-Jordan Free Trade Agreement a year ago, they expressed their concern about the impact of trade on workers and the environment. I share that concern today.

I am pleased that written into the text for the first time ever are several provisions to protect the environment and the rights of workers.

I see this as not only an important bilateral agreement but hopefully a template for future trade agreements as well.

I recognize, as others have noted, that several of my colleagues have concerns about how this agreement is structured, and I thank them for saving this debate for another day and allowing us to move forward on this important legislation.

Our disagreements on this bill are far outweighed by our areas of agreement. We all agree on the strategic importance and good friendship of the Kingdom of Jordan.

Bordering Israel, Syria, Iraq, and Saudi Arabia, Jordan sits in the middle of a wide range of critical U.S. national interests—geographically and politically.

This centrality has been bolstered by Jordan's supportive orientation toward U.S. interests. This agreement should stand as a strong symbol of the importance we attach to our relations with Jordan.

The Jordanians have taken admirable steps to improve relations with Israel, including the 1994 peace treaty that helped to advance the Middle East peace process.

This trade agreement, as the foreign assistance and debt relief before it, is a signal to Jordan that we appreciate its efforts at peace in the Middle East and that we hope for more.

That view is held by Israeli Prime Minister Sharon, who, on his first visit to Washington as Prime Minister, urged Congress to pass this historic trade agreement.

This trade agreement is also a signal to King Abdullah that we support his efforts at economic modernization. He and his team have instituted a series of significant economic reforms in order to restore growth.

We understand those reforms, while necessary, are painful. With this vote today, we are telling the Jordanians their reform and austerity will pay dividends.

Lastly, and most importantly, this agreement signals that the United States is not the enemy of the Arab and Muslim world.

Osama bin Laden and his associate extremists argue that the West is waging a war on Islam. Nothing could be further from the truth. We are waging a war on terrorism.

Jordan's participation in this international coalition against terror will only hasten our triumph and isolate the extremists and criminals who attacked America 2 weeks ago.

By further solidifying our important relationship at this critical time, the United States-Jordan Free Trade Area Implementation Act will give further impetus to the international coalition

against terrorism and advance vital U.S. national security interests as well.

For these reasons, I come to the floor in support of H.R. 2603 and hope that all my colleagues will do the same.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2603) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 2603) was passed.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### EXECUTIVE SESSION

#### NOMINATION OF KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION

The PRESIDING OFFICER. The Senate will now go into executive session and proceed to vote on Executive Calendar No. 385, which the clerk will report.

The assistant legislative clerk read the nomination of Kirk Van Tine, of Virginia, to be General Counsel of the Department of Transportation.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 285 Ex.]

YEAS—97

Akaka	Byrd	Daschle
Allard	Campbell	Dayton
Allen	Cantwell	DeWine
Baucus	Carnahan	Dodd
Bayh	Carper	Domenici
Bennett	Chafee	Dorgan
Biden	Cleland	Durbin
Bingaman	Clinton	Edwards
Bond	Cochran	Enzi
Boxer	Collins	Feingold
Breaux	Conrad	Feinstein
Brownback	Corzine	Fitzgerald
Bunning	Craig	Frist
Burns	Crapo	Graham

Gramm	Levin	Schumer
Grassley	Lieberman	Sessions
Gregg	Lincoln	Shelby
Hagel	Lott	Smith (NH)
Harkin	Lugar	Smith (OR)
Hatch	McCain	Snowe
Helms	McConnell	Specter
Hollings	Mikulski	Stabenow
Hutchinson	Miller	Stevens
Hutchison	Murkowski	Thomas
Inhofe	Murray	Thompson
Inouye	Nelson (FL)	Thurmond
Johnson	Nelson (NE)	Torricelli
Kennedy	Nickles	Voinovich
Kerry	Reed	Warner
Kohl	Reid	Wellstone
Kyl	Roberts	Wyden
Landrieu	Rockefeller	
Leahy	Sarbanes	

## NOT VOTING—3

Ensign	Jeffords	Santorum
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The nomination was confirmed.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1438, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. As I announced for the majority leader this morning, he has every intent of finishing this bill by tomorrow. This is one of the most important pieces of legislation we have dealt with all year. People who have amendments should offer those amendments. I have spoken to the two managers. We are in the process of getting ready to offer a unanimous consent agreement that we would have a finite list of amendments by 4 o'clock today. Everyone who wants to offer an amendment must notify their respective manager or aide by 4 o'clock today. I hope we can propound that unanimous consent agreement within the next few minutes so we will know the status of all the amendments.

The managers have indicated if we have no amendments, they will move to third reading.

Mr. LEVIN. Could we tell the Senators who have amendments they wish to offer, if they could notify our respective Cloakrooms, it would facilitate things. We are not ready yet to offer a

unanimous consent agreement, but we will propound that agreement in the next few minutes to set a time for those who want to offer amendments. Is that agreeable?

Mr. WARNER. We are endeavoring to do that on our side. A number of Senators have just returned to Washington. They need just a bit of time to assess this situation. I know there is a strong spirit of cooperation on this side to move forward with the bill and complete it by Wednesday afternoon early. In order to do that, we have to have this type of working document from which to chart our course, night and day, between now and Wednesday afternoon, and recognize that we have to set aside time for the CR when it comes.

Mr. LEVIN. I wonder if it is agreeable with my friend from Virginia we seek to complete action on this bill by tomorrow night, rather than Wednesday. That is the goal. I take it the Senator would agree with that goal?

Mr. WARNER. I agree.

Mr. DOMENICI. I say to the distinguished chairman, I understand there is an amendment that the Senator from Kentucky will offer.

Mr. LEVIN. Senator JACK REED has been waiting to make an opening statement.

Mr. DOMENICI. Of course. And I ask it be in order that after the first amendment offered by the Senator from Kentucky, I offer an amendment on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, we have to clear that. I wonder if we could withhold that for a moment.

Mr. DOMENICI. Sure.

Mr. INHOFE. Mr. President, it is hard to hear. I would like to know what kind of agreement we are coming to concerning amendments.

Mr. WARNER. I do not think we have reached any agreement. We have just come to the floor for the purpose of starting consideration of the bill. I defer to my chairman. As I understand, we have colleagues waiting to move ahead. I am prepared to try to do what we can, subject to his concurrence.

Mr. LEVIN. Mr. President, if we could recognize Senator REED, who is waiting to make an opening statement, and while he is giving that statement, we will try to line up the order of amendments. Is that agreeable?

Mr. WARNER. Yes.

Mr. SESSIONS. I would like to have a chance for opening comments, perhaps 10 minutes for that, whenever it is appropriate.

Mr. LEVIN. I ask that the Chair recognize Senator REED, then Senator SESSIONS, and at that point, after opening statements, we hope to have at least one or two amendments lined up in terms of order of recognition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan regarding the order of speakers?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senators from Michigan and Virginia not only for their gracious offer of the opportunity to speak this afternoon but also for their work as chairman and ranking member of this committee. I thank Chairman LEVIN and Senator WARNER for their leadership.

I rise this afternoon in support of this authorization bill for the Department of Defense for the year 2002. It comes at a critical time in history where we have to prepare for a series of threats, both anticipated before September 11 and now understood very well after September 11.

I also speak specifically with respect to my responsibility as chairman of the Strategic Subcommittee of the Armed Services Committee. In that regard, I first thank and commend Senator WAYNE ALLARD of Colorado, the ranking member. Senator ALLARD did a tremendous amount of work, and his perseverance, diligence, his good humor, and his cooperation were essential to the legislation we are contemplating and considering today. He has truly done a remarkable job. It was a distinct pleasure and honor working with him. I thank him for his activities.

The jurisdiction of the Strategic Subcommittee has a very wide swath, including space and space systems, strategic programs, intelligence, reconnaissance and surveillance programs, ballistic missile defense programs, and Defense-funded programs at the Department of Energy.

The Strategic Subcommittee held hearings on all of the matters of jurisdiction, including reports of the Space Commission and the National Reconnaissance Organization Commission. We had extensive hearings, particularly on the ballistic missile defense organization. We had at one point a 5-hour hearing on their plans and programs for this year. We also had a very useful and instructive hearing on the status of our long-range bomber force. Even though we had a compressed timeframe to consider these issues because of the late submission of the budget, the Strategic Subcommittee conducted extensive hearings.

The result is the legislation we have before the Senate, a product of these hearings, and of hard work, particularly by the staff. I commend and compliment the staff for their intense effort and their thorough analysis of the requests made to the committee.

Based upon these hearings and this extensive analysis, we were able to increase, in many critical areas, authorization for programs. In providing additional funds for these programs, we were guided by the recommendations of the military services themselves. We were very attentive to the unfunded requests outlined and identified by the Departments of the Air Force, Army, Navy, and Marine Corps, their so-called

wish lists. That gave us a sense of where we had to apply additional resources. We tried to do that.

Now, with respect to space and space systems, we understand the United States has a continuing and increased reliance on access to space. For space programs, we added \$53.9 million to improve readiness and operations of safety at the east and west coast space launch and range facilities. This was the Air Force's No. 1 unfunded priority. We were able to fund a significant portion of their request.

We also added funds to the Air Force to improve its space surveillance capabilities and its communications capabilities. With the additional funds we have provided in this legislation, the Air Force will be able to exercise an option to buy additional wide band gap-filler satellites to ensure global wide band communications capability. Again, as we contemplate and prepare for extensive operations around the world directed at those who attacked us, these types of global communications become more and more critical to the successful operations not only of the Air Force but of our ground elements and all of the elements in the Department of Defense.

In the area of strategic systems, we have included a provision consistent with the requests by the Department of Defense and the administration that would repeal section 1302 of the National Defense Authorization Act for fiscal year 1998. Section 1302 required the Secretary of Defense to stay at the START I nuclear force structure level until such time as START II enters into force. This provision, the provision we have included, will allow significant immediate reduction in the number of strategic nuclear warheads, and will continue the transition of our forces away from a cold war structure without having to wait for START II to enter into force.

Also related to the repeal of section 1302 is the inclusion within the bill of funds to allow the Air Force to begin to retire the Peacekeeper ICBMs beginning next year. This is consistent with the overall thrust of the administration to make reductions in our nuclear force structure.

We are awaiting a nuclear posture review, due in the next few weeks. But we are giving the administration what they desire and what we think is appropriate: the authority to begin to make reductions in our nuclear forces and the money to begin immediately to retire the Peacekeeper ICBMs.

Also in the strategic area, we have included a provision that would direct the Secretary of the Air Force to keep the full fleet of B-1B bombers in place, including those B-1B bombers that are assigned to the Air National Guard until both the Quadrennial Defense Review and the Nuclear Posture Review are completed and the Secretary has thoroughly reviewed the missions of

the B-1B bomber fleet. We have included the necessary \$100 million in operations and maintenance funds to keep the B-1B bombers flying in fiscal year 2002.

I also suggest and point out the B-1B bombers are among those assets that have been identified and notified for possible forward deployment in support of our antiterrorist operations.

As we today and in the future place increased reliance on our bomber fleet, not only have we dealt with the B-1B bomber force, we have also added an additional \$125 million for much needed upgrades to the B-2 bomber and the B-52 bomber. We have all watched recently as those B-52s left Barksdale Air Force Base in support, again, of our antiterrorist operations, so it is essential to support these Air Force aircraft also.

In the intelligence surveillance and reconnaissance area, we have continued the emphasis started by Senator WARNER on transforming our military forces by promoting unmanned aerial vehicles. This bill includes an additional \$64.2 million for unmanned aerial vehicles. As we improve the capability of these vehicles, we will rely on them for a growing list of missions. Once again, in any type of counterterrorism operation where we need relatively low-level, nonobservable, we hope, observation from the sky and where we are unwilling to risk pilots, these vehicles are terribly useful.

Last year we sponsored a demonstration for the Global Hawk system in an air surveillance role. This bill includes funding for a signals intelligence demonstration project using the Global Hawk UAV. We think it is an important addition to our repertoire of overhead reconnaissance.

Another responsibility of the Strategic Subcommittee is the defense-funded programs at the Department of Energy with the exception of the nonproliferation programs. These DOE programs include environmental cleanup programs, the Stockpile Stewardship Program, and intelligence and counterintelligence programs.

This bill would add approximately \$855 million for these important programs. The budget request for these programs was not sufficient to cover all the needs for DOE to comply with its cleanup agreements or to improve the conditions of the production complex or to complete stockpile life extension programs. Additional resources are needed to not only maintain weapons reliability and our ability to safeguard the stockpile, but also our responsibility to clean up sites that have been polluted by nuclear processes in the past.

We recognize that more money may be needed but this is a substantial downpayment on cleanup and stockpile security programs. The additional funding included \$422 million for the

DOE environmental programs and \$500 million for the National Nuclear Security Administration.

In addition to the extra funding for DOE programs, we have included legislative provisions to streamline the DOE polygraph program and help the National Nuclear Security Administration complete its reorganization. As we all know, the initial response prompting these programs, the polygraph program and the creation of NNSA, was the situation of security breaches in our nuclear laboratories. We hope and believe that is a thing of the past because of our emphasis on streamlined security procedures and a more rational, robust, and efficient NNSA.

One of the most controversial elements of our deliberations involve ballistic missile defense. Let me say initially that there is a consensus on the committee that we need robust research and development of ballistic missile defense and immediate deployment of theater missile defenses to counter the threat. But it turns out that when you come to national missile defense there are two schools of thought. There are those who might say it will never work and those who say we don't care if it works, we need it. The reality is somewhere in between. We have a strong obligation to test and develop national missile defenses so we can bring, we hope, that technology to bear to defend the country. But we have to be careful not to deploy something that will not work. That is what we have attempted to do in this legislation, to provide a counter to immediate threats but also ensure that we spend money wisely, with the ultimate goal of producing a technology that works, not fielding a technology that doesn't work.

Let me first discuss the threat that we see before us immediately. It is most easily divided, I think, into the theater threats, short-range, less than 1,000 kilometers, and medium range, 1,000 to 3,000 kilometers, and then those national threats, ICBMs that can travel more than 5,500 kilometers.

You can see there is a large number of countries that have theater missile capability, and it is growing each and every day. These are the threats that immediately challenge our troops in the field, that immediately involve American interests through our forces and our allies throughout the world.

When you go to the area of national missile defense, we know the Russians have thousands of missiles, the Chinese approximately 20, and then it is uncertain, frankly. As we all know, there is a strong suspicion that the North Koreans have this capability. There is certainly an indication other countries want this capability. But it is clear to us, and it should be clear to the American public, that the great, immediate threat that should prompt our immediate response is in the area of theater missile defense. This authorization responds to that grave theater missile defense threat.

It responds also to the national missile defense threat by continuing to support robust funding for research and development.

Let me give an overview of the funding levels that we have recommended for the ballistic missile defense program. It is good, I think, to begin with our baseline, which is last year's authorization: \$5.1 billion overall—national missile defense and theater missile defense, as indicated on this bar graph. The "other" category simply refers to other nonspecific BMDO-wide activities such as program operation and other generally supporting programs. The request by the administration was \$8.3 billion, about a 60-percent increase, the largest request for any particular category in this DOD authorization. In this chart, you can see roughly the breakout between "other," national missile defense, and theater missile defense.

After very careful consideration of each and every program, after hours of hearings and discussions with the officers in charge of BMDO, and other officials, we made adjustments unrelated to the debate about the Anti-Ballistic Missile Treaty, related simply to several principles that are important.

Avoid contingency deployments—avoid deploying equipment that has not been thoroughly tested and we are not quite sure will work.

Do not fund activities that cannot be executed this year. We have scarce resources. We are about to mount a worldwide campaign against terror and terrorists who struck us and to fund things this year that cannot be performed when we have other glaring needs, to me is not the way to spend our money wisely and to support our troops appropriately.

Also, to avoid excessive nonspecific funding, requests for large amounts of money without any real plan to spend it—the sense I got from listening to the Administration is that they will figure out what they are doing on the run.

That is not the way to develop a system that is going to protect the United States.

Finally, avoid an undue program growth rate—programs that have been moving along with good progress and suddenly are going to be accelerated without justification for the acceleration.

Those are the principles we used to decide program-by-program adjustments we would be making.

The effect was to reduce the overall budget to \$7 billion, almost \$2 billion more than last year's authorization; specifically, to increase theater missile defense by \$600 million, the immediate threat, while reducing the administration's request for national missile defense yet still increasing that budget by \$1.1 billion. This was a robust authorization for ballistic missile defense.

The committee decisions have been impacted, of course, by what we did

last week. In the manager's amendment, we added back the \$1.3 billion we had cut. But we have given the President the opportunity to use this money for either ballistic missile defense or for antiterrorism activity.

I hope he will look at what we have done, and while looking at the ability to deploy systems that aren't ready and activities that can't really be executed this year, that he will wisely spend that \$1.3 billion for antiterrorism in the conduct of this campaign that threatens America today. If he does that, we will still be on the path to a strong theater missile defense and a strong national missile defense, but we will be able to affect the immediate crisis we face with more resources. I hope he makes that choice. The legislation we presented him after last week's amendment will give him that choice.

Let me try to go into some detail about the recommendations.

Again, I hope the President and DOD will take our work and use it to form their views with respect to the additional \$1.3 billion.

As I mentioned, we have increased theater missile defense by \$626 million. We have tried to identify with surety well-defined programs such as the PAC-3 Program, which is just ready for deployment, and the THAAD Program, and to fund them robustly. We have also tried to increase resources for the Navy Area Defense Program and the Airborne Laser to resolve emerging technical problems to keep them on schedule.

In addition to these programs, we have added \$76 million to the administration's request for the Arrow Missile System. The Arrow is a joint Israeli-United States project. These funds will help make the Arrow interoperable with our forces. It is an essential part of the development. Today that is one of the few theater missile defense systems that is fielded and operational.

We have also gone ahead and looked at some of these ill-advised contingency deployments.

We save \$390 million by not funding untested THAAD missiles, Navy Theater-Wide missiles, premature THAAD radar, and Airborne Laser components. We save over \$200 million by rationalizing the Navy Theater-Wide test and radar development programs while funding tests for Block 1 missiles and asking the Secretary of Defense for future plans on Navy Theater-Wide.

When it comes to national missile defense, I also pointed out that we have increased last year's authorization by a total of \$1.1 billion. It would fund a new midcourse test bed. It would provide 20 percent more for NMD, but it would save over \$500 million by moderating growth in the NMD system and reducing funding for nonexecutable programs—those programs which we think, after careful analysis, cannot be completed in this year's authorization.

We also have saved over \$200 million by reducing excessive funding for ac-

tivities not associated with specific programs—essentially large categories of money with very little justification. All of this money can now be used, pursuant to the amendment of last week, for counterterrorism operations, all the things we know we have to do today, and I hope we do today.

We have also funded the request by the administration for a test bed in Alaska. Even though there is a great deal of controversy about the efficacy of this test bed to test missiles, even though there is a suggestion that it could be used for deployment which would raise issues under the ABM Treaty, we have tried to give the administration the benefit of the doubt by not only significantly increasing resources but also assuming that they are working very diligently not to arbitrarily move away from the treaty but to comply with it until they are forced otherwise.

This approach of giving the administration not only permission but authority to establish their test bed is again another commitment to do everything we can to promote research and development of a national missile defense system. As we go forward, we hope we can continue working closely with the administration.

Let me also point out that our response to the proposal by the administration for missile defense was prompted not by an ideological approach to BMD but by a desire to see a program that works. We tried to base our judgments on the experience of these programs before.

One of the most influential aspects of our review was considering the report of General Welch, the former Chief of Staff of the U.S. Air Force, who conducted a thorough study of the THAAD system, the theater high-altitude system. A few years ago, this system was going nowhere, with test failure after test failure. General Welch was asked to come in and look at the program, analyze its faults, and point out whether it could be saved and how it could be saved. His conclusions were very instructive to our deliberations.

First of all, the Welch panel, set up by the BMD office to look at the failure in this theater high-altitude program, concluded that the THAAD program's "rush-to-failure" was caused in part by the decision to buy operational missiles early. That was the key factor in the difficulties of this program. Until they got back to careful, thorough development with requirements and objectives, this program was in danger of failing. If it failed, it would be a significant loss to the Nation.

The same logic was echoed by GEN Kadish, director of BMDO, when he testified that "emergency deployments are disruptive and can set back normal development programs by years." That is precisely what the administration was urging us to do in this authorization—to accelerate deployment before

we had done the testing, to buy missiles that were untested, to rush to failure.

I argue very strenuously that if the program adopted by the administration is to simply take this \$1.3 billion back and plug it right back into this program, it will be a rush to failure, and it will defeat what we all want to see—the immediate deployment of effective theater missile defenses and the deployment, subject to considerations of international law and treaties at this point, of an effective national missile defense.

Until we have the testing and the development completed, deployment is something that is both premature and ultimately harmful to the program development. The program should be careful and deliberate, and we hope ultimately successful. As the Welch report concluded, attempting to deploy minimal operational capability early “is unlikely to be productive for programs of this complexity. The drive for early capability is proving to be counterproductive.”

I hope the administration takes these words to heart. Much of what we suggested in terms of funding reductions was based upon this logic—the logic of seasoned professionals who looked closely at this program and who want these programs to succeed but understand that they have to be done thoroughly and carefully, and not rushed to failure.

As we go forward, we will, I am sure, continue this debate about national missile defense and ballistic missile defense, and a host of other issues. I hope and I know the full Senate has the same type of very constructive and very helpful debate that the members of my subcommittee and the members of the full committee had because I think it is important to have this type of significant debate as we go forward about issues. We have tried to do this, and we have tried to do it thoroughly. I believe we have produced, at the subcommittee level, and the full committee, a thoughtful and very logical and very defensible product.

Today we are in this Chamber presenting the administration with the opportunity to use these resources to counter terrorism or to go back and invest in programs of dubious immediate efficacy and efficiency and worth for the national defense. Again, I hope that the administration does this.

Let me just make brief comments about the situation with respect to the ABM treaty which, I point out, was separated from the logic of this discussion.

Regardless of the existence of an ABM treaty, our responsibility is to look closely at every one of these programs and to conclude which ones have real value for national defense and which ones are simply not worth the effort in terms of the resources committed this year. We did that—regard-

less of the existence of the ABM treaty. But the ABM treaty is a factor that has to be considered when you talk about national missile defense.

The point I make is that many things changed on September 11. One thing that changed is the appreciation, I believe, by all of us and the administration that we need the help and the cooperation of the world community to beat our enemy, to beat the terrorists, to root out these networks out and destroy them.

In that context, I suggest and advise that it would be very counterproductive for immediate and unilateral departure from the ABM treaty, because of the consequences it would produce. That advice, I hope, is taken to heart by the President.

The President clearly has the authority today to withdraw from a treaty. We attempted—and we continue to attempt in separate legislation—to provide a forum for this Senate at least to consider a proposed departure from the ABM treaty. But until that other legislation is considered, and perhaps passed, it is clear that the President has this right.

But today, as we assemble a world coalition to fight people who have harmed us—grievously—I would think that he would be very careful not to withdraw because we need the support of many nations. I think it is particularly inappropriate and premature to do that since I believe we do not have the technology today that will, in fact, be capable of deployment within the next few months, perhaps the next few years.

While we are developing the technology, we should be very careful about undermining the stability of international relations, particularly at a time when we are reaching out to nations across the globe, including our European allies, including Russia, including China, asking them all to stand with us and to trust our judgment and our leadership as we go forth to counter and destroy the common enemy, the terrorists in the world.

So I believe among the many things that have changed on September 11 is the attitude that was demonstrable in the administration that we can go it alone, that we don't need many other people; it is our way or the highway. We are now on a common path, we hope, to overcome and defeat the terrorists. This is not time to debate the language that was embodied in the original version of the bill which passed the committee. I do hope there is a more appropriate time soon.

We are in this Chamber today at a momentous time in our history. All of us are committed to giving our Department of Defense every resource it needs to defend this country and, most specifically, to destroy those who attacked us and attempted to destroy us. It is in that spirit we continue these deliberations. It is in that spirit we

will pass this legislation. And it is in that spirit we will triumph and prevail.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). Under the previous order, the Senator from Alabama is recognized.

Mr. WARNER. I ask my colleague to defer for a moment so that I can recognize the valuable contribution of the Senator from Rhode Island.

Mr. SESSIONS. I defer to the ranking member.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Senator. We recognize the Senator from Alabama is next to be recognized for an opening statement.

I commend our colleague from Rhode Island first for his hard work throughout the years on the committee on which he has served from the first day he came to the Senate, and most particularly now in his capacity as the chairman of the subcommittee, which is a very important subcommittee dealing with many issues. I thank him for his work with Senator LEVIN and myself as we worked our way through the resolution of some issues that were very important to him. I thank the Senator very much.

Mr. President, I will keep on my desk, as will the distinguished chairman, a list of the amendments which are now coming in. I am pleased to say we are down to where there is a single person who is examining the possibility of the UC request shortly to be propounded on the question of putting in the amendments for consideration by a certain time today, so we can hopefully complete this bill tomorrow night.

My understanding is that at the conclusion of the remarks of the Senator from Alabama, we will turn to amendments; and in all probability, our distinguished colleague from Kentucky will seek recognition at that time.

Mr. LEVIN. Will the Senator from Alabama yield for just an additional minute without losing his order for recognition?

Mr. SESSIONS. I am pleased to yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Senator from Rhode Island for not just his opening statement, which is always extraordinary and thoughtful, but also for his magnificent work as the chairman of the Strategic Subcommittee. They are both invaluable. I thank him very much for that.

Mr. REED. Mr. President, may I say what a privilege it is working with Chairman LEVIN and the ranking member, Senator WARNER. The Senators have led this Senate with great distinction.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am pleased to express my appreciation to Senator LEVIN and Senator WARNER

and to all others who have worked very hard to make sure we complete our work in this Chamber in a bipartisan way. We were very close to doing that on almost every issue that has come before us. But one issue did divide us; that was national missile defense. And Senator REED is one of the most knowledgeable and articulate spokesmen concerning that issue.

In my subcommittee, of which I am ranking member, I think Senator KENNEDY and I were able to reach an agreement on issues pertinent to seapower that both of us felt good about. It was not perfect; it was not what we would like; but with the money that we were allocated to spend on seapower, I think we did a good job. Our problems simply were the lack of money and resources. And, indeed, I will mention a few things that we were missing as a result of that.

President Bush campaigned that he would improve the situation for our defense people and our defense budget and do some things that needed to be done. If you look at his budget, it represents an historic improvement and increase in defense. This appropriations bill we are voting out today totals \$328 billion. Last year, we were at \$296 billion. That is a \$30 billion increase, plus a \$6 billion supplemental we passed. It means a \$38 billion increase in defense this year over last year.

That is the biggest increase in probably 15 years in defense. It represents a long overdue step. It was done before we had these terrorist attacks. And it represented a consensus by the administration and their representation to the Congress on the needs of our defense budget. So we made a big step forward, and we are happy about that.

We spent a good deal of that money on a number of things, such as a 5-percent pay raise for our men and women in uniform, which is tacked on to last year's increase—well above the inflation rate; 6- to 10-percent pay raises for people in critical positions; a \$232 million increase in the housing allowance for families—increased funding for housing—an increase for national missile defense, and a number of other increases.

So we are proud of those things. We are proud of the overall increase in the defense budget. However, our defense budget still, as a percentage of our GDP—our total gross domestic product—is far less than it was in the 1980s. At a time when we are seeing increased threats to our ability to function in the world as a result of terrorists and rogue nations, we are going to have to increase the budget in the years to come.

The biggest thing we were not able to do in this budget—and the American people need to understand it—we did not make enough progress in recapitalization, replacing old and worn-out equipment such as tanks, aircraft, and

ships; nor did we do enough in research and development of new equipment for the future. We did not make enough progress despite a very significant increase in defense spending this year.

We are going to have—we approved the other day—an additional \$20 billion for defense, most of which—virtually all of which will be spent for the terrorist problem we are now facing. With some of that, we will be able to strengthen our Defense Department for other issues, but most of it, indeed, will go to a terrorist response. That is not going to leave us in a significantly stronger position.

If you count that, we are looking at a \$58 billion increase over last year. From a financial point of view, we did pretty well. From a procurement point of view, most of us are somewhat concerned.

For example, in the Seapower Subcommittee, of which I am ranking member, we were wrestling with a Navy that now has about 315 ships afloat out there. At one point in this country not too long ago, we were talking about a 600-ship Navy. Along with everything else, we have had a steady reduction in funding for ships. In this budget, we are going to have six new ships approved, which is good—they are expensive, every one of them—but that will not stop the decline. Our estimates from our Navy people are it takes eight to ten ships a year to maintain the current level of 315 ships. So we are still on a downward slope for ships.

At some point, you just have to have a ship on the sea to be able to project American power in areas around the globe. You have to have a certain number. Many of them have to be in home port to be repaired. The sailors need to respond to various crises in different places. It does not leave you that many ships to actually send to a given place at a given time when they are needed. Seapower is a good example of our inability to be as effective in procuring capital assets for our defense as we would like to be. I wish I had a more positive story to tell there, but I don't.

One defense official recently said that it was like a bow wave in front of a ship, this procurement need. We are just pushing it in front of us. Sooner or later, we will have to confront it. Another defense official in the Clinton administration said we are in a death spiral. What he meant by that was, we are trying to keep afloat and keep operating equipment and airplanes and ships that need constant repair, and they are getting older and older. We would do better to purchase new, modern, more effective equipment that would not, perhaps, have as many personnel needed to operate it and could actually save us money in operation to a significant degree. Those are the issues with which we need to wrestle.

Senator REED is very knowledgeable and makes a number of points about

national missile defense. It would be appropriate for me to respond to some degree on that. I will make a few points the items that concern me. We are not in perfect agreement on it.

However, I do want to say how much I appreciate Senator REED and Chairman LEVIN and Senator WARNER, the ranking member, and Senator ALLARD, ranking member of the subcommittee, for their determination at this time of national crisis to reach an agreement on this issue and not to have us be in disagreement. They have accomplished that. They have done so in a way I can support. I believe it moves us in a direction that we needed to move. I am very proud we were able to have that occur.

As it came out of committee, we split 13-12 on the budget for national missile defense. Let me relate a few things about it.

President Clinton's budget for national missile defense this year, as he projected it, was approximately \$5 billion. As President Bush campaigned, he told America he believed we needed to do more on national missile defense. Two and a half years ago, this Congress voted 97-3, I believe, to deploy a national missile defense system. As soon as technologically feasible, we would deploy a national missile defense system.

Secretary Rumsfeld, when he was in the private sector, chaired a bipartisan commission, the Rumsfeld commission. They did a study to determine what kind of threat we faced from incoming missiles. The report was unanimous, the bipartisan commission was unanimous, that by 2005, this Nation could be subject to missile attack for which we have absolutely no defense at this time. The President recognized that. Later he chose Mr. Rumsfeld to be Secretary of Defense. When he came in, he proposed a \$38 billion increase in the defense budget. He asked for \$3 billion more for national missile defense, to go from \$5 to \$8 billion. We think that is a reasonable increase. It is a significant increase, but I believe—and I know Senator WARNER and others believe—this is the right thing for us to do.

People say: Well, they may not have this missile that can reach us now. The commission said, by 2005, they could. If we are going to have a defense against it when they do have the capability of reaching us with missiles, we have to start today. This is not something about which we can do at a snap of our fingers.

Of course, this administration will not, this Congress will not tolerate the deployment of a system that is not feasible, that won't work. We have to get started on building it. A \$3 billion increase in national missile defense spending is a reasonable increase when that is the one gap we saw in our defense.

Indeed, Assistant Secretary of Defense Paul Wolfowitz, in his testimony,

talked about the Gulf War. He said: If you look at the Gulf War, you could see that in many ways we overestimated our enemy's capability. And, in fact, we overestimated his capability in virtually every area except one. The one we did not consider enough was his ability to launch missiles, Scud missiles, if you remember, into our military bases and troops out in the field and into Israel and perhaps even destabilizing our relationship with Israel and causing consternation in our defense effort. So we rushed in the Patriot missile. It actually succeeded in knocking some of those Scuds down, but it was not designed for that and had not been ready to be deployed for that. It was rushed out as an emergency, and it worked to a degree.

Since then, we realize we do have the capability to knock down an incoming missile. Some people almost think it is Star Wars and it can't be done, but we have had hearing after hearing after hearing on that subject. Both sides of the aisle agree it is technologically something that can be done. We have the ability to do it. It is just the question of when it ought to be deployed, I suppose; that is our disagreement.

The American people need to realize that if, by 2005, Iran or Pakistan, any nation, Iraq, or North Korea continues their development or their purchase of missiles, they could have the ability to reach us with a missile, and we have no defense to that whatsoever.

You say we have theater missile defense, but it cannot be deployed around this country in a way that would protect us as a national missile defense. Why is that, under present circumstances? The reason for that is, in 1972 we entered into an ABM treaty, Anti-Ballistic Missile Treaty, with the Soviets.

At that time, we both had the capability to destroy each other many times over with our missiles. Both of us, in the 1970s, were thinking about a national missile defense program. So somebody finally, I guess, got our nations to start thinking that this is really not good for either one of us. Why should we invest billions of dollars in a system that will not really protect us from the overwhelming force of the other. So we signed the treaty. It, flat out, said that we will not deploy a national missile defense. The treaty is not but two or three pages.

The first article says: We will not build a national missile defense. People have said we don't need to get out of this treaty. Well, if we are going to build a national missile defense, we do have to get out of it. What if the Russians don't agree? We are threatened now from a multitude of nations. We want to have a friendly relationship with Russia. I pray we don't have a threat from Russia. I hope that our relationship will get even better with Russia. But we have a bunch of nations out there—and if anybody had any

doubts about it, they didn't after September 11—who wish us ill. If they had the capability of launching missiles and hitting Los Angeles, New York, Miami, or some other American city and can kill millions of American people, then we are not safe in this world.

We have the ability to do this, and it is time for us to get busy about it. No great nation ought to leave itself vulnerable. Indeed, Henry Kissinger, an architect of the ABM Treaty, was quoted. He talked about the new circumstances we are in. He said:

I have never heard of a nation whose policy it is to keep itself vulnerable to attack.

That is what we are basically talking about. We are having a policy by trying to adhere to a treaty with a dead empire, the Soviet Union—it wasn't even with the Russia of today. Many legal scholars say we are not even required to abide by it because it is not with a legal entity that exists today. So we need to get out of that treaty.

The Russians want to extract compromises from us, and we all understand that. So the President deals with them and works and increases our relationship with Russia, and the mutual interests get furthered. I thought we were on the road to making an agreement with the Russians. They have said some things that indicate they would agree. The Europeans, after initially being opposed, have warmed up to the idea quite considerably. About the only place left that we are having problems with is the U.S. Senate. The House is on board with this, but we are still having some problems here. So there was language in this bill—and the reason I and others voted against it when it came out of committee—which said that if the Russians didn't agree to allow us to build a national missile defense, the President could not go forward, but had to come back to Congress and ask for a vote.

Whereas, under the ABM treaty, the President has personal unilateral power to wipe out the treaty. But if they did agree, the President could go forward. To me, that is an odd thing for the Congress to do—to cede our power to build a national missile defense system to the Russians, to have them have a veto over whether or not we have a missile system deployed. I don't think that was good.

I am glad that this compromise language came out. I am very, very happy that it came out. It is something I don't think we should have done.

As a former Federal lawyer, I think about the legal situation here. The treaty prohibits us from deploying a national missile defense system, which would include deploying the radar systems, perhaps, out there that support one. It prohibits us from developing or testing a sea-based or mobile system of any kind, which is precisely what we need to be doing now. As a lawyer, it seems to me that when the Senate votes 97-3 to deploy a national missile

defense system, the President of the United States at that time, President Clinton, signed that legislation, and the President of the United States today, President Bush, campaigns on developing and deploying one, and we are funding the money to carry one out, we ought to be honest enough to say we are moving to contradiction of the treaty, if we have not already.

We have the intent to deploy a national missile defense system, which is contrary to the treaty. So the President either has to get out of it, or the Russians need to agree to that. Hopefully, they will agree. If not, we need to move on because we have to protect ourselves. We can't let a 1972 treaty with an empire that no longer exists prohibit us from protecting ourselves from other nations around this world who have the ability to launch missiles that could hit us. It is just that simple. I hope and believe I can support the language that is in the bill. I salute those who worked hard to make it acceptable.

I will just mention a couple of things in general about this legislation. Secretary Rumsfeld is committed to transforming our military. Certainly, the events of September 11 should make us doubly committed to that goal. The old system of defending against a Soviet attack on the planes of Europe is not what our threat is today. We need a transformation that has more mobility, the ability to move our equipment, to disembark it around the globe. This is what the transformation plan was about that he has pushed, which was in discussion and agreement, really, by all of us before September 11. It was that we be more mobile, have more agility, that the weapons systems and equipment we use have more abilities to perform different functions. It would be more lethal with the smart bombs and those kinds of things. A single round, a single bomb, could be much more directed and effective in its attack.

We needed better surveillance and reconnaissance and intelligence information, and we need a modernized command and control system. Those were the goals of transformation. I believe this legislation supports that, although perhaps not as much as I would like. I would like to believe that the quadrennial defense review coming out of the Department of Defense within a few weeks, and Secretary Rumsfeld's own internal review, will further push our services to go forward to a transformation to a world that is quite different than the one we have had—particularly against asymmetric threats.

I am concerned that we may not have enough money in this budget for smart weapons of all kinds—the kinds we saw in Kosovo that could go in the window of a building. We need an adequate supply of those weapons, but the new funding—the \$20 billion we approved—should be able to fill those needs. But

we have to watch to make sure we have a sufficient supply of those. I don't think we have been operating at the level we should. We are closer to minimum sustaining rates for production of those kinds of weapons; whereas, we could get the weapons cheaper if we increase the production level.

I thank Chairman LEVIN for his leadership and dedication, and I particularly thank Senator WARNER, the ranking member, whose advice and wisdom I have called on frequently and value highly.

I believe we have a bill here that is good. But we remain challenged as a nation. Our challenge remains that we have to consider how much more we are going to need for defense, because this remains a dangerous world.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Alabama. He is a tireless worker on our committee and a great watchdog of the taxpayers' dollars. I especially thank him for his reference to the work done by the full committee, and indeed others subsequent thereto, to resolve such issues as we had during the course of the markup on the missile defense system. He has been a keen observer and a strong contributor to America's ability to prepare itself against a limited attack. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

AMENDMENT NO. 1622

Mr. BUNNING. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. Hutchinson, Ms. COLLINS, Mr. INHOFE, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, and Mrs. CLINTON, proposes an amendment numbered 1622.

(Purpose: To strike title XXIX, relating to defense base closure and realignment)

Strike title XXIX, relating to defense base closure and realignment.

Mr. BUNNING. Mr. President, I thank the chairman and ranking member of the full committee for giving me an opportunity to offer this amendment on behalf of 20 cosponsors. This amendment is a straightforward amendment.

The underlying bill authorizes a base closure realignment in the year 2003. This amendment simply strikes that language, that provision.

There are a number of good reasons why we should not move ahead with another BRAC at this time. Most important, there has always been the uncertainty as to whether or not previous rounds of BRAC have actually saved the military and the taxpayers any money. This has always been my main concern with proposals for future BRACs.

I will go further into this aspect in a moment, but right now I, and many others, have a bigger concern with future BRAC rounds, and it unfortunately stems from the awful terrorist attacks on September 11. Now more than ever, we should hold off further downsizing of our military infrastructure as we analyze how to fight the first war of the 21st century.

Last week, President Bush laid it all out for us. We are gearing up for war. It will be a different kind of war and different from any battles this Nation has ever fought. Its future is unknown. The course of the conflict is uncharted. The strengths we will use and need are unforeseen.

The President has warned us that victory is not going to come quickly and it is not going to come without pain. There will be casualties, and our will and resources will be tested, probably for many years to come.

The fight will require force. It may require more and a different kind of training at our military posts and bases. This war may change from the United States battling only terrorist organizations to the United States battling armies of nations harboring terrorists.

Because of this uncertainty, it is unwise to begin hacking away at our military infrastructure. I am not here to chant gloom and doom. I know in the end we are going to triumph over evil, but at this point in time, we have to ask a fundamental question: Is now the time to cut bases and to reduce our military infrastructure? The answer is a clear and resounding no.

President Bush said recently the course of this conflict is unknown. If this course is unknown, then it must be unwise to move ahead with another BRAC round until we have a clearer picture of where we are going and how we are going to get there. Now is not the time to further authorize the reduction of our military infrastructure.

More than ever, we must focus on security and how to maximize our resources. We should not leap before we are even able to look. We are venturing into the unknown and attempting to survey the landscape of 21st century warfare. We should not go blindly or with one hand tied behind our back in the name of so-called efficiency and cost savings.

During markup of this bill, the Readiness Subcommittee heard from our professional staff on the BRAC issue. They were unable to pinpoint any definitive cost savings from the prior BRAC rounds. In fact, they could not provide any firm details because DOD could not provide them definitive numbers from previous BRAC rounds.

We have heard talk about so-called savings numbers from DOD here and there, but when the rubber hits the road, DOD is unable to provide these savings with cold, hard numbers.

I and many others have asked the Department of Defense many times to

provide detailed data showing savings from previous BRAC rounds. If it is there, we should definitely take a look at it, but until we see real numbers, supporting another BRAC is only a shot in the dark.

CRS, CBO, and GAO have all been asked to find real savings, and they also have had a tough time finding consistent and detailed savings numbers. They quote DOD projections and predictions as their source, but they admit that DOD has been unable to document any detailed underlying savings.

We all support efficiency in not only our military but throughout the Federal Government. But after the attacks of September 11, the landscape for me and others has changed from one of efficiency to one of security. In these turbulent times, we need serious numbers before we can even contemplate another BRAC, let alone approve it.

In conclusion, it seems to me at this point that it would be foolish and dangerous to go ahead with another BRAC. When you boil it down, it is pretty simple: We are entering a new type of conflict in which we are not sure what resources are going to be needed. So how can we take a chance on eliminating resources that may be vital to our struggle against terrorism? In fact, last week, the House of Representatives withdrew a BRAC amendment to their fiscal year DOD authorization bill. It is clear that support in the House for another BRAC round evaporated after the attacks of September 11.

If the Senate bill includes another BRAC round, this could make for a contentious issue in conference, and now is not the time for prolonged contentious debate.

I ask my colleagues' support for this amendment. In light of the September 11 terrorist attacks, we need to act prudently and carefully. Authorizing another BRAC round is neither. I urge my colleagues to support this amendment.

I want to read from Secretary Rumsfeld's letter of September 21. I want to read a portion of it because it says in the third paragraph: "While our further future needs as to base closure are uncertain and are strategically dependent," he says we must simply go ahead and do it. I firmly and strongly disagree with Secretary Rumsfeld. If base closures are uncertain and strategically dependent, then now is not the time when we are planning for a full, all-out war against terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from Kentucky for his remarks. He is a very valuable member of our committee, and he straightforwardly told us from the

very first he would be in opposition to the BRAC procedure. The opposition he indicated preceded indeed the crisis we now face as a consequence of the tragedies of September 11.

I nevertheless have decided to continue to support the action of the committee, and I will recite my reasons for doing so in the course of the next few minutes. I will address one point my colleague made so it is fresh in the minds of those Senators and others following this important debate. He read from a letter, and I shall put the letter in the RECORD. It is addressed to me from the Secretary of Defense and I will read it in its entirety momentarily. But he quoted:

While our future needs as to base structure are uncertain and are strategy dependent, we must simply have the freedom to maximize the efficient use of our resources.

Freedom, in a sense, goes directly to what the bill says. The bill very carefully and simply puts in place, in the hands of the Secretary of Defense, the authority to go forward with such legislation if he deems it necessary at some future date. So the Senate will be asked to make a decision of deleting this provision or sustaining the committee report and bill and thereby just putting in place the authority for the Secretary to do the following: If the President does not transmit to Congress the nomination for appointment to the commission on or before the date specified for 1993 in clause 2 of subparagraph B, for 1995 in clause 3 of that paragraph, or for 2003 in section 4, the process by which the military installations may be selected for closure realignment under this part with respect to that year shall be terminated.

So what we are doing, in a sense, putting aside all of that technical language, is simply giving the Secretary of Defense the authority to proceed. I supported it in the committee, and I support it now.

I say to my good friend, after discussion with him and others, I thought as to whether or not we should proceed to put in place on a standby basis the authority. I reflected on the many rounds of base closures in which I have had personal experience. As a matter of fact, I was the author of the legislation involving several previous BRAC rounds. Going as far back as when I was privileged to serve in the Department of Defense, in those days a service secretary could initiate the BRAC procedures and did so and closed such major installations as the Boston naval shipyard. That was, I believe, in the 1971-1972 timeframe. So I have had a long familiarity with the BRAC procedures, the goals of BRAC, and I reflected on whether or not I would support the BRAC when this bill came to the floor, and I do so.

My concern was much along the lines of our distinguished colleague from Kentucky. America is experiencing a callup of the Reserve and Guard units.

America sees our Nation faced with a great many uncertainties and challenges never before faced, the complexity of the foreign policy considerations and the security considerations flowing from the tragic events of September 11, without parallel in our history. So why should we at this point in time critical to our national defense and that to help our allies and friends be faced with a BRAC round?

I long ago made the decision, before we took it up in committee, we would not have 2 years; we would only have the one, and I told that to the Secretary of Defense, and indeed when they came before the Congress they had selected the single year because BRAC brings upon a community a tremendous amount of unsettling factors, particularly in the towns and cities where we have the military bases. It is home for so many of the men and women of the Armed Forces and civilian workers. It is an unsettling thing from their economic standpoint. They are planning for the future and for business, and to have this hanging over their head is a difficult situation.

Most communities will go out and expend a considerable sum of money to hire experts who have been through the complicated procedures that BRAC thrusts upon the communities to assist them in stating their claim, as they have a right under the law for continuing to have those military facilities open and not have them the subject of a possible future closure by a base closure commission.

Having thought all through that, I personally talked to the Secretary of Defense and I reiterated these arguments to him. I think it was not more than a day or two after September 11, because I have had an opportunity to visit with him on a number of occasions—and Deputy Secretary Wolfowitz—and I laid before them the fact we are calling up people, we are augmenting our forces, there is uncertainty, and the last thing we need is instability in those communities which provide a home for the men and women of the military.

So I said I would like to have you send a letter to me, if it is your desire that the Senate proceed to ask for a vote in favor of the bill as now written, and he wrote me on September 21.

I will read it because it is very important.

Dear Senator WARNER: I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished. Since that fateful day, the Congress has provided additional billions of taxpayers' funds to the department. We owe it to all Americans, particularly those service members on whom much of our responsibility depends, to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platform from which we will deploy the forces needed for

the sustained campaign the President outlined last night. While our future needs as to the base structures are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close bases and facilities will be a critical element of ensuring the right mix of bases and forces within our warfighting strategy. No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, 'We face new and sudden national challenges,' and those challenges will force us to confront many difficult choices. In that spirit, I am hopeful that Congress will approve our request for authority to close and realign our military base facilities. Thank you for the opportunity to provide our views in this important matter.

Other Senators are anxious to address this matter, and I may reenter the debate subsequently before we proceed to a vote, but I assure the Senate this Senator deliberated long and carefully as to whether or not I would continue my support. I have given the request by the Secretary simply to put in place the necessary authorization to proceed. If it is his judgment and that of the President to do so some months ahead, then I think it is important we do proceed because we have an obligation to the American taxpayers that those dollars that are authorized and appropriated for the Department of Defense be spent very wisely.

Subsequently, I or others will address the question of savings, but my calculation is, the 152 major closures and realignments resulting from the BRAC procedures of 1988 through 1995 will save the Department \$14.5 billion by 2001—that fiscal year is about to end—and \$5.7 billion every year thereafter. There is additional information on the savings which will be placed into the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before I speak to the pending amendment, I want to commend the two leaders of our committee. I joined this committee in January, and they have worked very hard in the last week to come up with a bill that would unify this body. So I want to commend both Senator LEVIN and Senator WARNER for their tremendous efforts in producing a bill that will help bring us together and ensure we are providing the resources and the authority for the important task before us. I praise them and thank them for their efforts.

I commend the Senator from Kentucky for his amendment. I rise in strong opposition to the provisions in our bill known as the base realignment and closure, or BRAC, proposal. I opposed this proposal in committee, and I continue to oppose it today. In fact, I think the reasons for opposition are even more compelling than they were at the time of our committee markup. After the September 11 attacks on America, I question, with even more

certainty, the decision to proceed with additional cuts in our base infrastructure.

As the result of the first 4 BRAC rounds, 97 military bases in the United States have been or are in the process of being closed, degrading our defense readiness according to some military experts.

In light of the recent terrorist attacks on our homeland, and based on the testimony provided by the Chief of Naval Operations before the Senate Armed Services Committee when Admiral Clark recently cautioned that the Navy's infrastructure is already at barebones, now is simply not the time, it is simply not in our country's best interests, to initiate yet another round of base closures.

At a time when our Commander in Chief has warned of a long and sustained military operation, we should be preserving, not eroding, our facilities and infrastructure, so that they are fully available for our Armed Forces both at home and abroad. It is the responsibility of this Congress to ensure that these installations are not placed at risk without careful, prudent consideration of the additional military requirements, particularly with regard to homeland defense, that are evolving as a result of the recent horrific attacks on our Nation. It is also clear that our ongoing peacekeeping and humanitarian missions require a greater force structure than had been expected. Our war on terrorism will most likely require a greater one still. In short, it is difficult to conceive of a worse time for the Pentagon to divert its energies to another round of base closures.

Before we legislate a defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense needs time to complete its comprehensive plan identifying the operational and maintenance infrastructure required to support national security requirements, particularly in light of the challenge to come. Before we know what to cut, we need to know what to keep. It is that simple. I fear we are approaching the issue of excess capacity exactly backwards. As Secretary Rumsfeld acknowledged in his recent letter to the committee, our future needs as to base structure are uncertain and our strategy dependent.

I make it clear I understand the Secretary still wants to proceed with base closures, but his own letter says very clearly that our future needs as to base structure are uncertain. Shouldn't we determine what our infrastructure needs are before embarking on a whole new round of closing bases? Wouldn't that be the better, more logical way to proceed?

Further, while those who support BRAC hope for substantial savings from base closures, the one consequence you can count on when a base is closed is the need for a significant upfront investment.

A recent GAO report released in July of this year underscores how costly base closures can be and how ephemeral the savings estimates may be. The loose estimates of supposed savings, for example, exclude over \$1.2 billion in costs of Federal assistance provided to affected communities. These are costs paid by the Federal Government but not out of the BRAC budget accounts. Some \$10.4 billion in environmental cleanup costs were the direct result of the first four BRAC rounds. We ought to be doing a better job of environmental cleanup at our bases, whether they are open or closed. However, we can't ignore these significant costs. These are considerable costs which only continue to grow, often not counted, as costs associated with closing bases.

There is another more fundamental reason I oppose the BRAC language in this bill. Simply stated, BRAC is the wrong process for identifying bases for closure. If the Pentagon believes certain bases are no longer needed, those installations should be identified and included in DOD's budget submission. There is no need to cast a cloud of uncertainty over every base in virtually every community hosting a base all across this great Nation.

Senator SNOWE and I can testify personally that BRAC is not the clinical, impartial process it is often made out to be. Rather, the BRAC process in the past has been highly politicized and it remains susceptible to political pressure in its current form in this bill. While I recognize the need to reduce proven excess capacity, the BRAC procedure has been unfair in the past. It has not produced the savings anticipated by past rounds of closures, and it could at a critical time result in degraded readiness for our Armed Forces.

I will continue, therefore, to voice my strong opposition to another round of base closures. I will continue to work to ensure that critical assets and training capacities provided by our existing force structure and infrastructure are not lost.

Now is certainly not the time to create chaos, concern, in every community that has proudly hosted a military installation. Now is certainly not the time to embark on another round of base closures, when all of the energies of our civilian and military leaders must be focused on the overriding goal of crushing the global network of terrorists intent on harming our great Nation and its citizens.

I urge support for the amendment of the Senator from Kentucky.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Arizona.

Mr. MCCAIN. I intend to speak at greater length later on on this issue. It is very clear, the opinion of Members of this body, including those just articulated by the Senator from Maine who, among other things, said there has

been no savings, when we have ample documentation that they have achieved net savings of \$15 billion by the end of this fiscal year from the previous base closure rounds, with another \$6 billion in savings each and every year thereafter.

What we are really talking about is an opinion held in the Senate, which I respect, for which I have admiration, and I have great respect for the individuals who are opposing the base closing round. The fact is, at a time when we rally around the President of the United States and the Secretary of Defense and the men and women in the armed services, we are going in direct contravention to the views of the President of the United States, the Secretary of Defense, and our military and civilian leadership. It is that clear.

That is really what this debate is all about.

As the Secretary of Defense wrote on September 21, to Senator CARL LEVIN and Senator JOHN WARNER:

We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources.

Why is that? Earlier this year there was testimony before the Armed Services Committee by the people who are responsible for our installations. Do you know what they are saying?

"We are in a slow death spiral," said Air Force MG Earnest Robbins II, the civil engineer for his service, who predicted the 2002 defense budget will include enough money only to handle the most pressing priorities.

The services have argued that the poor conditions of many facilities and the shortage of money to fix them are proof they must close unneeded bases.

What is going on here is, because we have so many bases, we don't have the funds to maintain not only their capabilities but the quality of life. The quality of life deteriorates when we do not maintain these facilities. Therefore, there is a requirement to close the unnecessary ones.

By the way, we will get into this argument about how you do it and whether it is politicized. I will submit for the RECORD and discuss, over time, clearly the fact that there is no other way to close bases. We went for many years until we came up with the Base Closing Commission.

But if you go out to any military facility, you will see that people have aging, not only installations at which they work but aging installations in which they live. It is because we simply have not enough money to go around to maintain all of these facilities.

So what does that translate into? Difficulties in recruiting, difficulties in retention. According to a study last year, the U.S. Army has had the greatest exodus of captains they have had in their history. What do they say? They say they do not put us in conditions in which we can live. We have men and women in the military living in barracks that were constructed in World War II and Korea.

An example of the problems, Robbins said, is at Travis Air Force Base, where routine operations on one runway had to be suspended because a 90-foot-long, 4- to 6-inch-wide crack has appeared.

The Navy has a \$2.6 billion backlog in critically needed repairs, about the same as a year ago, because the budget did not include enough money to make up any ground, officials said. Navy people "are so used to operating and living in inadequate facilities that many accept this as the norm."

Should we be asking men and women in the military to be living in inadequate facilities and accepting it as the norm?

The carrier berth at Norfolk Naval Air Station is a prime example. Structural deterioration of the berth has forced access restrictions that allow only emergency vehicles to park near the ships.

Marine COL Michael Lehnert, assistant deputy commandant for installations and logistics, says his service does not even have enough money to assess problems at its bases.

Assess problems at its bases?

We are doing the right thing; we just aren't doing it fast enough.

At Camp Pendleton, the base sewer system, which spilled 3 million gallons of sewage into the Santa Margarita River last year, needs to be replaced. But that would cost \$179 million—more than the entire \$173 million construction budget proposed by the Marine Corps for 2002.

"The effects of underfunding only get worse as our facilities age," Army MG Robert Van Antwerp, Jr. said. He noted that the backlog has grown to \$18.4 billion, a \$600 million increase in 1 year.

We are asking these men and women to live and work in facilities that are, at best, substandard, in some cases absolutely abysmal, because we have too many of them. We have too many of them.

I will challenge the proponents of this amendment to find one military expert, active-duty or retired, who would not say we need to close unnecessary bases. I would like for the Senator from Maine to talk to GEN Schwarzkopf. He is a fairly well respected individual. I would like for her to hear all the former Chairmen of the Joints Chiefs of Staff. I would like for her to hear from all the experts on military readiness. All these people unanimously, without exception, will say we have too many bases and we need to reduce those numbers of bases

so we can be more efficient, but also we can take the limited assets that we have and put them into the bases that remain so the people there would have a lifestyle, both operationally and recreationally, and living-wise, that would give them the standard of living of most Americans outside the military.

That is all we are asking. The President of the United States needs the flexibility to be able to do that. I know the President feels strongly about this. I know the Secretary of Defense feels strongly about it. I know how the Chairman of the Joint Chiefs of Staff feels about it. But do you know who feels most strongly about it? The squadron commanders and base commanders at these installations where they see their men and women subjected to a lifestyle that is not satisfactory. It is not satisfactory. They know it, I know it, and everybody else knows it.

I believe if we take this base closing amendment out of this bill, we will send a signal, my friends, and the signal is: It is business as usual in the U.S. Congress. It is business as usual. We are not prepared to make the necessary sacrifices—even if it affects our State; a base closing commission can clearly affect my State—that are necessary to fight this war on terrorism.

The opening signal is business as usual, my friends. We will not even approve giving the Secretary of Defense the authority, through a base closing commission which, with one exception, has been an apolitical process.

I admit there were some politics around the base closing. We have fixed this. Senator LEVIN and I have fixed this with this amendment so that is not possible again. If anybody believes there can be any other process to eliminate these bases, then obviously the history of how we tried to do this in the past shows it doesn't work.

So I say this is a very important vote. It is even more important than whether we are going to have a base closing commission. This vote is really all about whether we are going to do business as usual and preserve our bases in our States, whether they are necessary or not, or whether we are going to have another commission so we can have the most efficient military machine to fight this long, protracted struggle, the opening salvo of which was fired on Tuesday, September 11. This is a very important vote.

I am glad to see the Secretary of Defense has made such a very strong statement, a very strong statement in support of this base closing commission. I hope the Members of this body will pay close attention to the views of the uniformed and civilian leadership of the U.S. military, including the President of the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to support the language in this legislation that would authorize another round of base closings. I do so, as we all do, knowing full well there are perhaps facilities in my home State that might be considered. I am confident and hopeful that, because of their critical role, they will continue to be vital parts of the Department of Defense. But every Senator is a bit nervous when we authorize a round of base closings.

Simply stated, we have too many facilities. We have a cold-war base structure. We have a post-cold-war Department of Defense. We have to reconcile the two.

I associate myself with the comments of the Senator from Arizona. The bottom line here, the effect that is most obvious from too many bases, is the deteriorating quality of life of the troops who serve in our Armed Forces.

I spent 12 years in the U.S. Army, from 1967 to 1979. There were facilities back then, in the 1970s, which the Army desired to close. Some are still open. There were facilities back then that were inadequate or barely adequate. They remain on the books of the Army. Troops are using them for their barracks. Family housing is being used.

Base closure is just common sense. When you have the demands of training, operational readiness, integrating new equipment, and then family housing, troop housing, and community facilities on Army posts and Navy bases or an Air Force base, something has to give. What typically gives are those quality-of-life items: The community center, the child care center, the library, family housing, and troop housing.

That is multiplied and amplified when you have just too many bases.

About 3 weeks ago, I traveled to Fort Bragg, NC, to watch the 82nd Airborne Division conduct live fire exercise for their division readiness brigade. Those soldiers are today on orders and on alert to go out and be the tip of the spear. I talked to the brigade commander, the division commander, the battalion commander, and the troops. The one thing they said is they are proud to be in this division, and that one of the reasons they are is because the commanding officer, the division commander, and battalion commander—all the way down—put the money and emphasis on training. They are ready to go. They are well trained. But what they can't do is put sufficient resources to all the needs they have on the post.

I must say that Bragg is one of the primary posts in the Army it does quite well. They are getting ready to conduct massive reconstruction of family housing. They are reconstructing barracks. But they cannot do as much as they want.

When you go away from those major division posts, such as Fort Bragg, Fort

Campbell, and other posts around the country and go out to other posts that do not have quite that high of a priority, the crisis is even more severe. It is then manifested, as Senator McCain indicated, in retention problems and in recruiting problems. It is manifested in quality of life which is not commensurate with the sacrifices these young men and women make for their country and will make even more dramatically in the days ahead.

This base closing round is supported by the President, the Secretary of Defense, by the Joint Chiefs, and by service chiefs because they know they can't continue to operate efficiently and effectively if they have facilities they do not need but have to keep barely open. It drains resources from the quality-of-life of troops, and also from the ability of this military force, which is the best in the world, to maintain its razor edge of readiness, training, and operational capability.

The DOD estimates that we are maintaining 23-percent excess capacity of infrastructure. That is obvious because after the end of the cold war we reduced our force structure 36 percent.

There are those arguing based upon the tragic and horrific events of September 11 that we need to keep these bases open. Some of those bases were built at the beginning of the First World War. But substantially the infrastructure was built in the Second World War when we were fighting huge national armies in two theaters. We were drafting hundreds of thousands of men. We were training them. We were preparing to conduct operations with armies and corps.

The operation we face going forward will involve our military forces but most likely special operations troops—specially tailored brigades of Army and Marines. We will not be engaged, mercifully, thankfully in a tank-to-tank army battle with hundreds of thousands of troops on each side. We don't have that force structure today. But we have that infrastructure today.

If we want to be efficient and effective, we have to reconcile our infrastructure with our force structure. We are not going to fight World War II again—I hope. We are not going to fight the cold war again—I hope. But we have serious threats before us. Those threats require a faster, leaner military. Part of that efficient, leaner military is allowing the services to make judicial judgments about what real estate they need.

Yes, we have an imperfect structure in terms of base closing conditions. Nothing is perfect. But there are closed bases that some people thought would never be closed in our lifetime, or several lifetimes. So it has worked.

There are other arguments that no savings have been realized. As the Senator from Arizona pointed out, between \$15 billion and \$16 billion will have been realized by the end of fiscal year

2001 on these base closures. It is projected going forward that we will accrue an annual savings of approximately \$6.2 billion. That is real money that goes back into the bottom line of the Department of Defense for improved barracks, improved family housing, improved readiness, improved technology, a better fighting force.

There are some who argue that we can't do this because there is just too many environmental flaws; that it turns out to be just a big environmental remediation project. Those environmental costs are not avoidable. It is mandated by law that the DOD, like everyone else, is responsible for serious environmental degradation. They have to pay for it. They are doing it right now on posts that are open and operating. It is not something you can throw into the mix and say don't close the base because of environmental costs. You have environmental costs for open bases. They have to be faced, addressed, and paid for.

For many reasons, I believe we have to follow through on the base closing language in this legislation. I think it is time to give the Department of Defense the flexibility to tailor their resources, to tailor their infrastructure, and to fit the mission that faces us today.

We have the best military force in the world. We will see them in action shortly. I think we owe them our vote to sustain their base closing round as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am compelled to rise today in opposition to the amendment offered by the Senator from Kentucky and to join with the Senator from Rhode Island and the Senator from Arizona and others who have spoken eloquently and effectively on this point.

For 23 years of my life, I was not a Senator but was a naval flight officer, and I served as commission commander of Navy aircraft.

We saw a lot in the news earlier this year about this. I have been stationed on bases that did not get much support. As the Senator from Rhode Island suggested, it is not an enviable position to be in—either professionally in terms of supporting your mission, your aircraft, or whatever weapons systems with which you operate. And it is not an especially satisfying position to be in for the families of those who are assigned to those bases because you don't get the kind of support for your child care development centers, and you don't get the kind of support for your family-related activities on those bases.

Several people rose today to say there are cost savings that flow out of base realignment and closures. Just take the figures that were estimated by the previous two speakers: Savings of \$15 billion to \$16 billion by 2001, and

annual savings going forward of about \$6 billion per year. Let's say those figures are not right. Let's say they overstate by half the amount of money that has been saved and will be saved. It was suggested that we have already saved anywhere between \$7.5 billion to \$8 billion, and that going forward we might expect to save another \$3 billion each year.

What would we do with that money? There are plenty of things to spend it on in this Defense authorization bill. I will just mention a few of them: Fighter aircraft that we are anxious to build; military airlift capability; cargo aircraft—either anxious to build or upgrade and improve—helicopters that need to be replaced, and ships.

Earlier we heard from the Senator from Alabama that 315 Navy ships continue to diminish. We need to build ships to replace those that are being decommissioned. We need to build submarines as well.

The President and others support the idea of developing and deploying a national missile defense system which will cost tens of billions of dollars. But even if we set aside those weapons systems and simply consider the aircraft and the ships that stay on the ground, with the helicopters that stay on the ground that are used just for cannibalization—we steal their spare parts to keep other ships and other aircraft and other helicopters flying, the ships that aren't going to sea simply because they lack the spare parts that enable them to carry out their missions.

It has been suggested that in the wake of the tragedies in the last 2 weeks—the terrorist attacks in New York and Virginia—somehow keeping military bases that are unutilized or underutilized open will enable us to be more vigilant against our enemies. I just do not see it. I just do not see it that way.

The language in the legislation before us today does not mandate the establishment of a base realignment commission. It provides the discretion to the President and to our Secretary of Defense, if they see fit, to appoint the members to serve on a commission. As Senator McCain has suggested, the language in this legislation is crafted in a way to take the politics out of whatever might be done with respect to base realignment.

If the President and if the Secretary of Defense elected to use the discretion provided for them in this legislation, they would ultimately establish the commission, and that commission would ultimately come back to us in this body and in the House of Representatives in order to have the final say, the final word, as to whether or not the bases recommended for closure be closed. We have the final word.

I believe it is prudent for us, in a day and age when we do have substantial needs for additional weapons systems—upgraded weapons systems, and to

make the ones we already have workable—to look for some opportunities to save not just a few dollars but a substantial number of dollars. The potential in this bill, with this approach, is very real.

With that, Mr. President, I urge my colleagues to support the language the committee has reported out, and also to support our President and our Secretary of Defense, as well as our military leaders, who have sought just this kind of authorization.

I yield back my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. REID. Will the Senator from North Carolina allow me to propound a unanimous consent request without you losing your right to the floor?

Mr. DORGAN. I have no idea what the Senator from North Carolina would say, but the Senator from North Dakota would be happy to yield.

Mr. REID. I am so sorry.

Mr. DORGAN. They both start with "North."

Mr. REID. That is why they should change the name to "Dakota."

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, first of all, I am going to propound a unanimous consent request. We have been talking now for a couple days about having a final cutoff time for amendments, telling Senators that they have to give both Cloakrooms amendments so we know how many. We need a finite list of amendments. We have been going back and forth on this. We want to move this along. This is the country's bill. The President is very interested in getting this passed as quickly as possible. Unless we work out something on these amendments, we will never finish this bill. So this is the purpose of this unanimous consent request.

I ask unanimous consent that the list I will send to the desk be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments the bill be read a third time and the Senate vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I object, Mr. President. I might explain.

The PRESIDING OFFICER. Objection is heard.

Mr. ALLARD. I understand there are a couple Members yet on our side who are still working on it. I am not sure whether we have those issues resolved or not. As soon as Senator WARNER returns to this Chamber, we might be able to get a final agreement on that.

Mr. REID. Mr. President, I would say we are losing ground. A little while ago we only had one Member who was concerned; now we have two. This has been

going on literally all this day. I repeat, I certainly understand the point by my friend from Colorado, but the fact is, we need to move this legislation. This does not prevent anyone from offering an amendment. They can offer amendments to their heart's content. But we need a list of finite amendments so the managers can work on these amendments to move this legislation forward.

I think it is really too bad that we can't get a final list of these amendments. Senator WARNER and Senator LEVIN have worked very hard on this legislation. It is important—I repeat—to this institution and to the country to get this legislation passed.

So I am very disappointed we were not able to do this. I hope we can do it at some subsequent time. And I hope that subsequent time is not far in the future.

Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow, Tuesday, September 25, following the usual opening activities, the Senate resume consideration of S. 1438, the Department of Defense authorization bill; that there be 15 minutes remaining for debate prior to a motion to table the Bunning amendment, with the time equally divided and controlled in the usual form, provided no second-degree amendments be in order prior to the vote.

I would say, before I put this to the Chair in final form, that the managers of the bill are being very gracious in doing this. People tonight can debate this amendment as long as they wish. Either manager, or any anyone else, of course, could move to table at any time. So I think this is certainly generous on behalf of the two managers. People would have all night tonight to debate. We would come in tomorrow morning and have a vote on a motion to table. So I propound this request.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I again—

Mr. BUNNING. May I state my objection?

Mr. REID. Of course.

Mr. BUNNING. I really have not had a chance to talk to the minority leader.

Mr. REID. OK.

Mr. BUNNING. As soon as I speak with him, I will get back to you.

Mr. REID. I express my appreciation to the Senator from Kentucky.

Mr. BUNNING. Thank you.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this amendment deals with an issue that is not new to any of us. We have long debated the issue of base closures and the establishment of a BRAC commission for the purpose of base closures. In fact, we have had previous base closure rounds in 1988, 1991, 1993, and 1995. In

those rounds, 451 installations, including 97 major installations, were ordered closed or realigned by the year 2001. And the last two big installations, Kelly and McClellan Air Force Bases, were closed this past summer.

Now even though most of those installations have been closed or realigned, only 41 percent of the unneeded base property has, in fact, been transferred. From all of those base closures, over all of that period of time, only 41 percent of the unneeded base property has been transferred.

It takes years to dispose of this property. And, principally, the reason for that is the strict environmental clean-up standards which are very costly and very expensive. In fact, I find it interesting, according to pages 118 and 119 of the Department of Defense's 1998 Report on Base Realignment and Closure, the first several years after a base closure incur additional costs to the government, not savings.

For the 1993 BRAC round, a net cost to the Federal Government—not a net savings—a net cost was incurred for the first 3 years beginning in the year 1994.

If you take a look at the 1995 BRAC round, you find exactly the same thing. The BRAC-related costs exceeded savings by \$1.5 billion for five years from fiscal year 1996 to 2000.

One might make the case, if you skip over the next 3-5 years you will find some savings from a new round of base closures. Maybe so, although lying out there is the disposal of almost 40 percent of all the property that has not yet been disposed of because of the environmental cleanup costs. So one wonders exactly what these savings are. They are certainly not in the next 3-5 years.

Those who make the point that there is an urgency to close these bases, at a time when we desperately need investment in the Department of Defense, are probably going to end up costing the Department of Defense additional money through base closures if we, in fact, decide to approve another round.

I support this amendment to strike the base closure provisions from the underlying bill for two reasons. One is military, and the other is economic. First, the military side of things.

We do not know what the force structure is going to be of the Department of Defense. There is a quadrennial review that is going on, but at this point no one in this Chamber knows what the force structure is going to be. If you do not know what the force structure is going to be, how do you know what the base structure should be? How do you know what kind of facilities for military operations you need if you do not know what kind of military force you are going to have?

Will this military force change as a result of the tragedies that occurred on September 11? Probably. Will we—when we see now a renewed attention to

homeland security and homeland defense—will we be more concerned about the issue of bases in this country? Where they are located? Whether they are strategic in location? Whether they are needed or not needed? Will all that change? I think it will.

But the main point is this: If you do not know what your force structure is, how can you be talking about your base structure? Yet the Department of Defense is already saying our base structure is way out of line, even though they don't know their force structure.

I deeply respect the men and women in uniform. God bless them. I want to give them everything they need to do their job in preserving liberty and fighting for freedom. But we don't need a new BRAC round to find savings in the Pentagon. We all know there are areas of inefficiency in the Pentagon. I won't go through them. But let me give you one instance I have dealt with in the last 6 months, just as an example. I say this only to say that if there are worries about efficiency, let's go find where money is being wasted hand over foot.

We have 5,700 trailers that were manufactured for the U.S. Army. They had a problem with the brake actuator. The result is, they put 5,700 trailers in storage facilities, and they were there for years. It turns out in fact, in addition to a brake actuator that didn't work on the hitch, the bumpers on the Humvees that were supposed to pull the trailers weren't strong enough. They hooked these things up to the Humvee, and it broke the Humvee. You talk about waste. There is a lot of waste, a lot of inefficiency. I think we ought to go at that. I don't think it ought to be business as usual with respect to the waste of the taxpayers' money.

With respect to the question of which bases are important in the future of this country, which bases might be important with respect to homeland security, I don't think we know the answer to that at this point. We certainly don't know what the force structure is, so how on Earth would we know what the base structure should be?

Economic circumstances have really changed with respect to this country's economy. We had a very soft economy prior to the tragedy on September 11. That economy has turned more than soft, I am afraid. All of us are struggling to try to find ways to see if we can't give some lift to the economy.

I will tell you how you put a lode-stone on the economy, how you put an anvil on the economies of literally dozens and dozens of communities, all across America: Tell the communities tomorrow that we are going to have a base closing commission and that every single base is at risk, and, therefore, if you are thinking of making an investment in a community that has a sizable base, don't do it because it might be this base that will get caught

in the next BRAC round and be closed. That message in this particular piece of legislation will say to potential investors in literally hundreds of communities across this country that you ought not make investments in those communities now, you ought to wait.

I can't think of a more destructive thing to do to the economy at this point than to send that message to all of those communities and all the folks who might invest in them.

When you have a wide open BRAC commission like the Administration proposes, every single military installation is at risk. It is as if you are painting a bull's eye on the front gate of every base that says: This might be the one that is selected; this might be the one that is closed. The result is, people will stunt the economic growth of those communities because they feel they must, in order to make good prudent investment decisions, they must wait until that BRAC round is complete.

Investors will say: I can't build a 12-plex apartment in this community because I don't know whether there will be 20- or 30-percent unemployment 2 years from now if that base is ordered closed. From a military standpoint and economic standpoint, I think this is a very inappropriate and unwise judgment. That is what will happen if we approve the base closure provision in this bill.

The amendment I support simply says, let's strip that provision out.

My point remains: How can you realign and create a base structure before you know what your force structure is? And we don't know that. No one in the Senate, no one in the Congress and, for that matter, no one in the Pentagon yet understands what our force structure is going to be.

It might very well be the case—I suspect it will—that following the tragedy of September 11, we might have a very different view of the base structure in this country relating to homeland security and homeland defense. If that is the case, it will change the views of Congress and the Pentagon about what our missions ought to be and where they ought to be placed. At this point I believe strongly that we ought to do the right thing, and the right thing is to take this out of the bill. Pass this amendment.

My colleague, for whom I have great affection, said that, if we strip this out of the bill, we will be sending a signal that it is business as usual in the Congress. It is not that, with due respect. It just is not that. Business as usual is gone, as far as I am concerned. Business as usual is thinking the way we used to think. Everyone in this Chamber and in the Congress ought to be prepared to think differently about these issues. We have a quadrennial review commission that will evaluate force structure. We don't have the foggiest idea what that is going to be or

how that will change as a result of what has happened in the last couple weeks. Yet we are going to go right back to the same old cry on the floor of the Senate that we need to unleash a base closing commission that will evaluate whether any and every base in this country shall be a candidate for closure. That makes no sense to me.

Let me make a couple of additional points. The term they are now using to create a BRAC is "efficient facilities initiative," which as an acronym is pronounced "iffy." I really don't like acronyms very much. This particular one I don't like a lot. "Iffy" probably describes the difficulty, the serious difficulty, virtually every community in this country that hosts a military installation will have with respect to its future and the consequences of this Congress unleashing another round of base closures.

One of my colleagues said: This doesn't really create a round, it just authorizes a round. Of course it creates a round. There is no difference between authorization and creating one. If we don't pass this amendment and it strip out the base closure provision, we will have a new round of base closures. And if we have a base closing round, I am certain it will have significant consequences on this country's economy, beginning immediately. The minute the Congress enacts legislation and it is signed, every single community in this country that hosts a military installation is going to see its investment deteriorate. It is the worst possible result for this country's economy.

Aside from that, as I said, the issue is not just economics, and should not be. The issue is also military. Given the circumstances with our new needs in homeland defense and given the fact that we don't know what the military force structure is going to be, this Congress should not at this point anticipate that the base structure ought to be cut by creating a new BRAC commission. If the new force structure justifies cutting base structure, we can consider that again next year, since the base closure round the Administration wants is not applicable until the year 2003. There would be nothing that would prevent it from being included in the next year's authorization bill.

This proposal for a new round of base closures is a terrible idea. I hope very much my colleagues will join me in supporting the amendment offered by the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BINGAMAN. I yield to my colleague from Michigan.

Mr. LEVIN. Mr. President, I renew now the unanimous consent request the Senator from Nevada had made before. I understand it has now been cleared.

I ask unanimous consent that at 9:30 a.m. on Tuesday, September 25, following the usual opening activities, the

Senate resume consideration of S. 1438, the Department of Defense authorization bill; that there be 15 minutes remaining for debate prior to a motion to table the Bunning amendment, with the time equally divided and controlled in the usual form, provided no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Reserving the right to object, and I don't plan to object, does that mean there will not be any more votes tonight so Members can clear their schedules?

Mr. REID. May I respond to that on behalf of the manager of the bill? Senator DASCHLE has not made a decision on whether or not there will be more votes tonight. We hope there will be the opportunity to offer other amendments tonight. If people want to debate this base closing issue until the wee hours of the morning, the two managers have no concern about that. But if people have completed their debate tonight on this issue, we hope that others will offer amendments on other matters. There could be votes. The leader has not made an announcement on that.

I think the Senator from Colorado makes a good point, that the leader needs to make a decision on that, and he will in the near future.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. I join Senator LOTT, Senator BUNNING, my colleague who just spoke, and others, in supporting the amendment to strike section 29 of the bill. That is the provision in the bill that comes to the Senate floor to authorize the Base Realignment and Closure Commission that would be convened 2 years from now.

Simply stated, I believe this is the wrong time for us to be committing our country to this course. It adds greatly to the uncertainty that already is substantial in the country. In the context of this new threat that we have all come to recognize in stark terms in recent weeks, it strikes me as inconsistent for us to agree to close more military facilities, not knowing precisely what our military needs are going to be as we move ahead. We may decide we need to resize the military and we may need to reconfigure it in a great many ways.

Let me make one other point that I believe is accurate, which I have always thought got too little attention in this discussion; that is, the point that the administration has authority to realign and, in fact, even to close bases—or essentially do that—if it determines that is an appropriate course to follow. When they send us their

budget each year, they can send us proposals to move people from here to there and, in fact, they don't need to wait for the next budget cycle or for the next fiscal year to take those actions.

I think the reality is that this whole concept of setting up a commission to make these determinations is a way for the administration to not have to specify what bases it believes ought to be realigned or what bases it believes ought to be closed.

We had a base closed in my State back in the 1960s. Lyndon Johnson was the President at the time that happened. We didn't have a law on the books that authorized that in this same way. It was the decision of the President to support the recommendations made to him by the people he chose to review this matter.

So I don't really think anyone in this Senate should be under the illusion that if we don't pass this provision, the administration is totally hamstrung; they are not. If they feel strongly about this, they should come to the Congress and make their recommendation or take their action. If the Department of Defense decides to reduce the number of vulnerable overseas bases and facilities—which they may well do in light of this new terrorist threat of which we have all become aware—then that would require that personnel and equipment and their families be brought home, and we may well need the various facilities in this country to accommodate them at that time. It is another aspect of the uncertainty that we face in going forward. Clearly, there are other aspects of that uncertainty that we also need to take into account.

Let me also raise the obvious issue about the impact that closing bases and realigning bases has on morale and quality of life for the people in uniform and their families. There is a lot of relocating that goes on when you are in the military. I think we have all observed that, and we see that in our own States. But that relocating is added to very substantially when you go through this process of doing a major realignment and closure of a whole raft of bases. So that needs to be taken into account in determining whether this is the right time to be pursuing this course of action.

Among those who support setting up a new commission on realignment and closure, we hear a lot about savings. They say the reason we are doing this is that this will give us extra money in the defense budget to meet these urgent needs. Several Senators have already spoken about how those savings are fairly illusory when you get down to looking at them. The costs of closing bases and realigning bases can be very substantial. When the Department of Defense was closing bases in the 1990s, there were expenditures—identifiable expenditures—of over \$3 billion during 1994, 1995, and 1996. The Congress-

sional Budget Office cited the Department of Defense estimates that an average round of base realignment and closure could average costing more than \$2 billion each year during the first 3 years after that process begins.

I think what people are not focusing on is that these extra costs—if we approve this provision as it comes to the Senate floor, these extra costs that can be incurred in going forward with this issue are not in the budgets we have been given by the Department of Defense so far. If the Congress approves another round of base realignment and closure, those upfront costs have to come out of some other portion of funds that are identified for the Department of Defense. It could be procurement of weaponry, it could be readiness, and it could be research and development for improvements in our force structure in the future. Those choices, which are already hard to make, become even harder if we lay these additional billions of dollars of expense on the defense budget. So the upfront cost problem is a very real problem and needs to be taken into account.

Supporters of BRAC, as I mentioned before, refer to the billion dollars in savings; there will be savings and I recognize that. But they will be a long time in the future. According to the Department of Defense estimates, the Department did not begin to show overall net savings for the first four rounds of base realignment and closure until at least 10 years after the first round of the base realignment and closure was approved in 1988. So there may be savings, but we need to recognize that those are far in the future, and that for the next several years there will be additional costs laid on top of the military, which they will have to take out of some other activity in which they are engaged. I believe the timing is wrong for this issue.

From a national security standpoint, it does not make sense to me to commit ourselves to reducing our base infrastructure, with all of the uncertainty we have about what that base infrastructure ought to be as we move forward. It also doesn't make sense to undertake significant new spending that is not currently in the Department of Defense budget when future budgets promise to be tighter and our economy clearly is more fragile than we thought it was several months ago. All of this we are doing, or proposing to do, in the hope we will have some savings in the far distant future.

In my view, that is not an adequate justification for going forward with another base realignment and closure commission. I hope my colleagues will support the amendment Senator LOTT and Senator BUNNING have put forward on this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise to oppose the amendment

and to support our chairman, Senator LEVIN, and our ranking member, Senator WARNER, and to support our Secretary of Defense, Donald Rumsfeld, who has written a very clear letter to all of us, which Senator WARNER has already read into the RECORD, setting forth his reasons why we need to consider realignment and closure of some bases.

We have close to 400 bases in the United States. With a reorganization of the force structure, it is very clearly stated by the Secretary of Defense that we don't need all of those bases, and that there would be substantial savings from closing some of them.

Now, is any Senator up here going to want any base closed in his or her particular State? Of course not.

Are all of us, with such a recommendation for closure, going to fight like the dickens to keep that base open in our particular States? Of course we are. But we are judging a question not within the myopic lens of just the interest of our own States but, rather, from the view as Senators looking at protection and providing for the common defense of the country.

I have heard a number of our colleagues talk about this very sad tragedy of September 11 as a justification for not closing bases. It seems to me it is a justification for exactly the opposite; that it is a justification for recognizing that we need to be smart in how we are going to allocate the funds that are clearly going to be needed for the defense of this country, and that we best utilize and direct those funds in combating this terrible plague that has now beset not only us but the entire world, and that is this plague of terrorism.

I wanted to add my voice to perhaps what is an unpopular point of view. Indeed, if one of our bases ends up on the closure list, I will be making the pitch, but that is not the question. The question is what is in the best interest of the country in the allocation of the dollars that are appropriated for the Department of Defense. If we can save some that can be allocated more to the prosecution of this war against terrorism, then, in this Senator's judgment, that is in the best interest of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I thank my colleague from Florida. He is a man who has served his country in a variety of capacities and understands the military, the men and women in the military, and the need for this provision.

None of us who have a significant number of bases—such as is the case in the State of Florida, as is the case in the State of Arizona—that are very important to the economy of our States enjoy this exercise. I respect the views of those who are supporters of the amendment, including the sponsor

himself, who is an experienced individual having served in the House and now in the Senate and has been involved in these issues of national security.

We have an honest difference of opinion. I believe this is a good debate to have. I respect—I repeat, I respect—the views articulated by those who are supporters of the amendment. But I do think, as I said before, this will be a defining vote. The President of the United States has clearly asked for the authority to close unnecessary bases. The Secretary of Defense has spoken in the strongest terms. Our civilian and military leaders of the services have spoken in the strongest terms. Every objective observer recognizes that we need to have a base closing process.

There are several arguments that are being made in behalf of the amendment of the Senator from Kentucky. One is we need more studies before we act.

Here are some things we already know. We know we have excess infrastructure. An April 1998 report from the Department of Defense on base closure required by the Congress found that the Department still maintains excess capacity that should be eliminated.

We know having more facilities to run costs more money, and having fewer facilities to run costs less. Excess infrastructure is a drain on resources and the military services are struggling. I quoted earlier from testimony given to the House Armed Services Committee by the people who are responsible for these installations.

Some of the conditions at these bases are deplorable. None of us would want to live and work under the conditions which they presently have, and this does have an effect on morale, which then does have an effect on retention of good men and women in the military. God knows, we need them now more than any time perhaps since December 7, 1941.

We know the Base Closure Commission used to reduce that excess in an impartial way not only works well but is considered a model for others to follow. Many times I hear we ought to have a commission on Social Security along the lines of the Base Closure Commission so Congress can vote up or down. It has been a model.

We know the military has unmet needs that have higher priority than preserving our current base structure. The fact is DOD has excess facilities; that closing bases saves money; that the military has other pressing needs for those savings, and BRAC is the fairest way we know to reduce the excess.

I point out, I do not think it is totally fair. As long as you have human beings making these decisions, it will not be a totally fair process. There will be some subjectivity, but for me, someone has to come up with a more objective way. The only way I know is crank all the information into a computer,

and I do not think we are quite ready for that process.

People keep saying: We don't know if closing bases really saves money. The Defense Department says they will have achieved a net savings of \$15 billion by the end of this fiscal year from the previous base closure rounds, with another \$6 billion in savings each and every year thereafter.

One of the things that costs money that was not anticipated was the environmental cleanup costs. We found out that on these bases, particularly those that were built during World War II and before, in some cases there were enormous environmental problems. Those were additional costs associated with closing those facilities.

My response to that is, no, we did not anticipate that, but should we have left these environmental problems alone? Shouldn't we have cleaned them up anyway? Were we asking our active duty military men and women to work in places that were environmental hazards, perhaps even to their health? These measures should have been taken while the bases were still open.

We do know it saves money. We do know there are environmental costs, but I would argue those environmental steps should be taken on every base in America whether they are open or closed. Why should we expect a military base to put up with an environmental situation which is not acceptable off the military base? Some people say DOD has not proved that is the right number. This is because the BRAC savings costs you avoid does not mean the savings are not real. The more bases you have, the more you have to spend. We know that.

We have to wait for Secretary Rumsfeld to finish all his strategy reviews before we authorize any new base closures. The fact is, we are now undertaking several strategy reviews that may revise DOD's force structure plans and their estimates of what facilities are in excess. Authorizing new base closure rounds now does not preempt these reviews. Just the opposite: It will allow Congress to act on them.

We are in the process right now and already have spent more money on defense. There will be additional costs for defense because, as the President so eloquently stated to Congress and the American people, we are in a long twilight struggle. But I know of no one who believes we will have to expand the size of the military establishment to fit in these excess costs. I think all of us envision a military that is not necessarily expanded in size but restructured; something we should have done beginning in 1991 at the time of the collapse of the Soviet Union.

This military structure will not necessarily be a larger one. This military structure will be one that is equipped to respond to emergencies throughout the world, deploy in force, be on the battlefield, effect the outcome, and

leave. That is basically the kind of military we need to meet the challenges and win the first war of the 21st century.

So, yes, there is restructure in the military; yes, we need more high-tech equipment; yes, we need more of some kinds of equipment. We need less of others. But no one believes we will go back to a military of the size that would require the use of the number of bases we have today.

I do not believe the Secretary of Defense would have written the letter he did yesterday that says I want to underscore the importance we place on the Senate's approval of authority for a single round of base closures and alignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity and warfighting ability is enhanced, not diminished.

I repeat, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

I want to talk about another issue that is kind of important, although perhaps from a national security standpoint it is not too important, but that is the economic impact it has on the local communities. There is the belief it devastates the local community. If a base is closed, it can go well, and it can go badly. There are many cases where the local communities put together a good reuse plan and they are as well off or even better off after the closure of an installation.

The Congress and the Defense Department have taken steps, since the last base closure round, to speed up the disposal of property for any future rounds.

In the majority of bases that were closed, there has been an increase both of employment as well as revenues into the local communities. Why is that? One reason is that in a lot of cases you have a nice runway, and an air facility is readily available then for usage; in the case of Williams Air Force Base, in the case of many others. Another reason is, you have recreational facilities, such as a golf course. You have buildings. You have an infrastructure there that businesses, education, and others have chosen to move into.

There is another argument that it is not fair to put every community with a base through all the anxiety of BRAC when we only need to close some of them, so we ought to change the process and take some bases we know we will not want to close off the list, certain bases that will not be closed under any circumstances.

On the surface it sounds like a good idea. I think anybody could name 20 bases we would not want to see closed. But who decides which 20 bases cannot even be looked at, what criteria would be used, and how do you put 20 bases on the list and say no to the 21st or the 40th or the 100th?

I have every confidence the Norfolk naval base will not be closed. I do not

see how the Navy could exist without it. Could Luke Air Force Base be closed? It is the only place where F-16 pilots are trained today. I am not so sure. Should Luke Air Force Base be in the top 20? I hope so. But maybe not. Maybe this BRAC could figure they could consolidate F-16 and F-15 training together in one base. So that is not, I believe, a procedure that could lead us to any meaningful result.

There is another issue that is important: Closing bases will deprive military retirees of access to health care, and that happens. Not only health care but commissary facilities and others. That is one of the reasons we induce people to join the military—because they will receive benefits and have access to military bases after they are retired. They have reduced retiree health care options, but the TRICARE For Life Program enacted in the fiscal year 2001 Defense authorization bill addresses this issue by providing a quality benefit package that allows military retirees to get care from civilian doctors. This was a big step forward. It also allows the services in the Base Closure Commission to focus fully on the military value of each base.

I know if Luke Air Force Base were closed, a lot of retirees who use the commissary, use the other facilities, would be deprived. I feel very bad about that, but at least we have taken care, to some degree, of their most important needs, and that is health care they would otherwise get at these installations.

So we have been through this debate for years. We have been through this debate since I came to the Congress in 1983. We had a series of base closures, and unneeded and unwanted and unnecessary bases were closed. If we had not gone through that process and left a number of bases open that had been closed through previous BRAC processes, I cannot imagine the costs that would be entailed today.

I note with some interest the Secretary of Defense is asking for one more round. Perhaps we are getting close to the point where we will not need any more rounds of base closings, but every study, every objective observer, every person I know of—and there may be some who do not, but I do not know of any who are military experts who are admired and respected by the people of this country who think we need another round of BRAC.

Again, I want to point out—and this is a very important point—it is very difficult for us to recruit and maintain a quality military force if they are living and working in facilities that are inadequate and sometimes unsatisfactory. I mentioned the issue of environmental cleanup. It is obvious now, because of the base closure process, that many of the men and women in the military were working and living in areas that were environmentally unsafe, if not hazardous. So the quality of

life does have a significant impact on the efficiency of our military.

We will be asking men and women in the military to go out and fight and perhaps sacrifice their lives. It seems to me the least we can do is make sure their quality of life, both at home and overseas, is at a level we would want for all of us, our families and our friends and particularly those brave young Americans whom we are going to ask to serve and sacrifice in the future.

Is this a life-or-death issue? No, it is not a life-or-death issue. We will muddle through if the Bunning amendment is passed. As I said earlier, I think this sends a signal that could be very wrong, and that is that on a major issue, according to the Secretary of Defense and our uniformed and civilian leaders, we do need a base closing commission, we are not prepared to do that. I think that would be a very serious error on our part.

So I hope we will defeat the Bunning amendment.

I want to thank Senator LEVIN, the distinguished chairman of the committee, for his unstinting and unrelenting support of this issue. He and I have tried to get this done for a number of years now, and our track record, like mine on several other issues, has not been exemplary, but I think we now have an opportunity.

I thank Senator LEVIN again for his leadership and his willingness to be involved in this issue. I am aware in the State of Michigan there are bases that could be closed, as there are in any State.

I thank all of those who support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope I did not cause the Senator from Arizona to wrap up his argument prior to when he planned to. I did not mean to do that.

Senator DASCHLE has asked me to announce there will be no more rollcall votes tonight. We also hope, if there is a lull in the debate regarding this base closing issue, that Senators offer amendments on other matters, and we would arrange a time to vote on those tomorrow.

We are going to renew our request for a finite list of amendments. We had great difficulty getting that. We are sorry the minority has objected to that. This is a bill that is of the utmost importance, and it appears now there are people who do not want this legislation to go forward, which I think sends a terrible message to the American people.

Mr. LEVIN. Will the Senator from Nevada yield for a question?

Mr. REID. Yes.

Mr. LEVIN. If Senators come forward tonight with other amendments, if the BRAC debate ends at a reasonable hour, would it be possible for those amendments not agreed to, to have

votes on those amendments, stacked immediately after the BRAC motion to table tomorrow morning?

Mr. REID. It may be difficult because the Attorney General is coming before the Judiciary Committee at 10 o'clock. It is a very important meeting. With all he has on his plate, we should not keep him waiting. We will work to arrange the votes as quickly as possible.

Mr. MCCAIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. MCCAIN. I was prepared and I think Senator LEVIN was prepared to offer a motion to table very shortly. Is that out of the question at this time?

Mr. REID. I say to my friend from Arizona, we have a vote scheduled at 9:45 in the morning. People said they wanted more time to debate this. Although, as I announced prior to entering into that consent agreement, anyone at any time can move to table, but in consideration of the importance of this issue, we thought it would be best that everyone have everything they have to say tonight.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from New York.

Mrs. CLINTON. Mr. President, I, too, thank the chairman and ranking member and a number of our distinguished colleagues who have risen to support and oppose the Bunning amendment. I believe many Members in this Chamber either had no well-informed or formed opinion prior to September 11, or, perhaps, were inclined to support a new round of base realignment closings. It is with some regret that I rise in support of the amendment from the Senator from Kentucky. I believe after September 11, it is imperative we have more information available than we currently have.

There are many arguments that have already been made on the floor, very good ones, from our colleagues from Arizona, Rhode Island, Delaware, and Florida, as to what efficiency issues should take precedence. I agree we need to constantly be evaluating our defense budget and expenditures, to become as efficient as possible. Yet I also believe there are serious security concerns we are only beginning to address. I take very seriously the Secretary's letter which has been referred to and which has been read into the RECORD.

I believe my colleague from New Mexico, Senator BINGAMAN, is correct in saying the President and the Secretary have inherent power to realign, depending upon the needs we face in any kind of strategic or emergency situation.

We are about to engage in a broad-scale reevaluation of our homeland defense and security. We are going to be asking ourselves some very tough questions about our readiness, about the proper intersection between our domestic policing agencies and functions and our military.

At this point, I think there are several factors that have to be addressed in addition to the request of the Department of Defense and the recommendation from the Armed Services Committee before many Members would be comfortable voting for a new round. I am not sure the new round, if it is only a Defense Department review, will adequately look at some of these other broader issues that may have implications for both physical infrastructure and force deployment.

Some have said the QDR, which is expected by the end of this month, is out of date now. I don't believe that is the case, at least from what I am told and read in the paper; that the quadrennial review that the Department has been undertaking will have some very significant recommendations that should be digested and taken into account with respect to moving forward on another round of base realignments and closings.

It is important we integrate our domestic and military capacities in a way we have never had to think about before. Many were deeply concerned when we read reports of the short time, but nevertheless, unfortunately delayed time, that it took to scramble fighters into the air to try to deal with the impending threat and the potential threat that might have still been out there from additional hijackers.

I don't know that the BRAC round has the same substantive understanding or impact that we have had in years past, given the new threats we have so tragically suffered. I would be very confident and supportive of our chairman and ranking member and members of the Armed Services Committee, working with the administration, coming up with a proposal that does make some sense.

I listened very carefully to the comments of the Senator from Arizona—maybe certain bases should be taken off the table. Maybe they should. That is something we have never talked about before, but in the context of the new threats we face, I think we have to think differently. It may be we may have a BRAC round where some bases would be off the table, some of the assets that we have would be put to one side and we say they are essential to homeland security and they are essential to our projection of force abroad. Therefore, any BRAC round would not look at those. That might be an idea worth considering because I think everything changed on September 11. A threat that was not understood as being so deadly and imminent has caused such terrible destruction and tragedy.

I, for one, will support the Bunning amendment at this time because I think we have to reevaluate what we mean when we think about closing bases and realigning our forces. No one should argue about the efficiency measures that need to be taken, so

that we do, No. 1, get the most effective use of our dollars; and, No. 2, provide the kind of infrastructure and resources that our all-volunteer military deserves to have.

I am concerned at this point we may not be ready for the "son of" BRAC. There may be the need to rethink how we get to the level of bases that are required. I think perhaps for the first time we have to seriously take into account the new mission that the President has given for homeland security, to make sure there is, if necessary, the kind of integration that will make us safe at home as well as abroad in terms of America's values, interests, and security.

I rise with some regret because I have the greatest of respect for our chairman, our ranking member, and those who support this request for another round. I probably will very much end up supporting it, but only after we give the kind of thought I think is required today, to take into account the new threats and perhaps do it differently than we have done it before after we carefully evaluate what kind of presence we need, taking into account homeland security. I would support that kind of approach. That is not what is being proposed at this time. I urge my colleagues to support the Bunning amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think it is important we go back and outline how the base-closing commission works. In listening to this debate, we get the idea that by continuing a process of having a base-closing commission, that the commission simply takes on its own head and imposes the closing of bases without regard to the thinking of the President, without regard to the wishes of the Secretary of Defense.

Let me remind my colleagues how the process works. How the process works is, you set up a structure and nothing happens until the President and the Secretary of Defense come forward and say, we believe for these reasons that these bases should be realigned, closed, restructured, merged, et cetera.

Nothing happens until the President makes the proposal.

Look, I understand base closings. We have closed bases in my State. I have a lot of bases. I am proud of every one of them. I love every one of them. And nothing is harder than watching communities that sacrificed and supported the military and helped win the cold war, and then through base closing and realignment we end up closing the base and imposing a very heavy burden on the community. I understand that. I identify with it. I have seen it in flesh and blood in my State.

But the bottom line is we have 20 to 25 percent excessive capacity in military bases in America today. I was for

the Base Closing Commission process before the 11th, but I am stronger for it now. The arguments for it today are stronger than they were then because we need these resources moved into areas where they can support the defense of the American people and into nontraditional areas.

The first proposal the new Secretary of Defense made as part of his military realignment and restructuring was the renewal of the Base Closing Commission process that we had under a Democrat and a Republican President. If we come in now and simply say we forbid them from undertaking this process—we forbid the President and the Secretary of Defense from looking at our new situation and saying that based on where we were before the 11th, based on what happened on the 11th, based on the challenge we face today, we need to close or realign these bases and we want an orderly process to have it evaluated and to have Congress vote up or down, yes or no in response to that evaluation—if we come in and take the first proposal the Secretary of Defense has made and say no, we are not going to do it, it seems to me we are basically saying we do not want to restructure the military and we are going to look at our interests in our States and we are going to say those interests supersede the national security interests of the United States.

There are two sides of every argument. I know there are good arguments on the other side, and they are going to be made persuasively. But let me just sum up.

We have 20 to 25 percent excessive capacity in military bases, and I cannot foresee or imagine a circumstance under which that will not grow as a result of the conflict that started on the 11th. No base could be considered for base closing by the Commission unless it was recommended by the President and the Secretary of Defense.

What we are doing here is taking away flexibility from them, to restructure resources to meet the current needs—not the needs of World War II, not the needs of the Korean conflict, but the needs of the military today. In the end, if we do not agree with the process, if after we go through their recommendation and the outside evaluation of people who are appointed to the Commission, confirmed by the Senate, evaluated independently—if we disagree with it, we can reject it.

But I think it is very important that we not reject the only reform proposal that has come before the Congress since the new administration took office. I just think to accept this amendment today is basically to say to them: Forget about this reform because the first one you proposed, we say no to.

I hope this amendment will be rejected. I am not sure that it will be, but I hope it will be.

I would also like to say, while I have Senator LEVIN here in the Chamber, I

thank him for his leadership on this issue. I would like to make a plea to him.

He and I, out of the best of intentions, have for the last half dozen years engaged in a battle about the Prison Industries. I am not going to give a long speech on it today. I will have plenty of opportunities if we do not work something out to do that. But for the last half dozen years we have had a running debate. I believe people in prison ought to work. I think the evidence of decline in recidivism of people who are in Prison Industries is overwhelming. No less an authority than de Tocqueville, when he came to America in the 1830s to study American prisons and then decided to stay and study democracy, commented on the importance of prison labor and prison industry.

Senator LEVIN and I have had a running debate about this issue. I want to preserve the prison industry system. He wants to—I would say “kill it,” but I will say “dramatically change it,” in this new spirit of bipartisanship. It is an important issue. It is one that deserves to be debated. There are two sides of the issue. Strong arguments can be made on both sides.

But my plea to Senator LEVIN is, this is not the year or the time or the bill, it seems to me, on which to have this debate. I hope we can set aside this divisive issue on which the Senate has been roughly evenly divided. I think in the 6 years or so we have debated this issue, Prison Industries has survived by a handful of votes in each and every one of those years.

I hope we can wait and debate this next year or the year after. We do not have to debate it this year. I think this is an impediment to seeing this important bill pass.

I would just call on the better angels of his nature to let us set this issue aside with a guarantee that next year or the year after we will have a hot debate on it and we will each present our side of the argument and we can decide then on prison labor and prison industry in the Defense Department. But I think, with all we have going on, with all the major issues, this is not a good use of our time.

So being here to support the chairman on this issue of base closing, I simply wanted to make my appeal that we put off this divisive issue of prison labor for another day. Next year we will do another Defense authorization bill. We can debate this divisive issue then. Hopefully this war will be well underway and we will be in the process of winning it overwhelmingly. If he would do that, this Member would greatly appreciate it. All the prisoners who are working would appreciate it. But I would appreciate it if we would eliminate this divisive issue and speed up the process of moving ahead with this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First, let me respond to my good friend from Texas. I very much welcome his constancy on the issue of base closings. We have had base closings in our States, just about all of us. We know how complicated that can be. He has taken a very courageous position on that, even though there have been bases closed in his State as well as others in this Chamber as well. I thank him for the commitment he has made to doing something which is not easy to do because back home it can, at least on occasion, cause some disruption.

Senator THOMAS is also in the Chamber. He is a cosponsor of our legislation, which is in the bill. My good friend from Texas mentioned perhaps a year or two from now we could debate it. It is kind of tempting to have that debate 2 years from now because such an effective advocate for his position would no longer be here, to wit, the good Senator from Texas.

But when my good friend from Texas says people in prison ought to work, I have to say I could not agree with him more. I could not agree with him more.

But I also think people who are not in prison ought to have the right to at least bid when their Government is buying items. Right now there are too many occasions when people in the private sector are prohibited from bidding for items being purchased by their Government. That may be hard for colleagues to believe. But it is the truth. Despite all of the advantages in terms of “costs” of Prison Industries, to wit: labor at incredibly low cost, including the fact that they do not pay a whole lot of other benefits, to put it mildly, there are businesses in this country that are not allowed to bid on items that their Government is purchasing. I find that to be simply incredible and wrong fundamentally.

It is that issue which this language addresses in our bill. We want the Defense Department, when they bid for purchasers, to let out bids and to be able to receive bids not just from Prison Industries but from the private sector as well, and then go with the lowest bidder, or the best quality. The Defense Department wants that power. Prison Industries wants to maintain the monopoly and deny the private sector the opportunity simply to bid. It may be unbelievable that the private sector could bid less than Prison Industries charged the Defense Department for items. But there is one way to find out. Let them bid. It is the only way to find out. In this system of ours, it is unthinkable to me that we not allow the private sector to compete when it comes to the Government purchases.

I thank Senator THOMAS who has been so active on this issue, as well as others. I wish we could figure out a way to accommodate my friend from Texas. But I can't do that without giving up what I consider to be an important principle.

Mr. GRAMM. Mr. President, I know there are a lot of other people who want to talk. One of the compromises that I would be satisfied with is to have competition in the Defense Department on procuring—competition with Prison Industries but let prison labor within the constraints of not selling locally, which could disrupt the local economy, and not glut the markets, let them produce and sell things in the private sector.

If we could generate that, the problem is the practical impact of the policy that we have 1.2 million people in jail—almost all of them males in their prime, productive period—and the net result of the amendment is that the relatively few who are working won't be working. So they can't sell in the private sector. If you take away from them the right to sell to the largest Government customer, then there is no prison labor.

Mr. LEVIN. Mr. President, I will correct my friend. This is not a question of a right to sell to the customer. They have ever right to sell to the customer.

Mr. GRAMM. The right to sell in the private sector.

Mr. LEVIN. That is what we tell China—that we don't want China to use prison labor to make products to sell to us and that compete with us. We tell China that we don't want prison labor to make products that come into this country and compete with us. But my friend from Texas wants us to use domestic prison labor.

Mr. GRAMM. Absolutely I do. Why shouldn't prisoners be paid to work?

Mr. LEVIN. They are being paid about 35 cents an hour. No one in the private sector can compete for a job if he has to compete with prison labor on that basis.

Let me say that I fundamentally disagree with the Senator from Texas on that issue. That is not the issue in the language in this bill. The issue in the language in this bill has to do with simply allowing the private sector to compete. This is one of those cases where the AFL-CIO and the U.S. Chamber of Commerce and the NFIB are in total agreement. We can debate this later. It is not often that you get those organizations together. But in this case they are because the issue is so fundamental. Will our private sector be allowed to bid on Government purchases or can the Federal Prison Industries have a monopoly on some items even though they are charging the Government more despite their 50-cents-an-hour payment on labor—whatever they pay—despite the fact they make no benefit payments to the prisoners. Despite all of that, in many cases they still are charging the Government more than the private sector can charge the Government. Let the private sector, for heaven's sake, bid on items which their own Government is buying. It is unthinkable that we do not allow the private sector to bid on

items which their own Government is buying. It is unthinkable to me.

Mr. THOMAS. Mr. President, I am little unsure where we are. I am not sure about my position on this issue. However, I and many of us here worked very hard to pass a fair bill last year to allow for the private sector to bid and compete for Government business rather than doing it by outsourcing. I think that applies here. Certainly there are many other things that prisoners can do to continue to work. This is matter of competition.

I ask the Senator from Michigan: Did the Senator from Texas agree to pull his amendment? What is the agreement?

Mr. LEVIN. Mr. President, I am happy that is not quite the way I heard him at this time. Perhaps we will be able to figure out some approach where this matter can be resolved.

I emphasize that the right to compete with the private sector is in the bill. The amendment which will be offered would have to be written with language that allows competition in the bill.

Mr. THOMAS. We are prepared to talk about that.

Mr. SESSIONS. Mr. President, I ask the distinguished chairman: But it does change current law to provide for additional competitive strictures on the Federal prison system. Is that correct?

Mr. LEVIN. No. It allows competition where there is none now. The Federal prison system now can declare a monopoly for something, and declare that no private sector can bid on an item that it wants to supply to the Federal Government. That prevents the private sector from bidding. We would say that is not right. Let the private sector bid, and if the Prison Industries folks can produce it cheaper or better, fine. But if they can't, and the private sector is doing it cheaper or better, then the private sector ought to be allowed to compete.

Mr. SESSIONS. But it would alter current law. Under current law, the plan has been for Prison Industries to produce products for sale to the Federal Government thereby improving prison conditions and receiving some financial benefit to the prison.

Mr. LEVIN. That part doesn't change. They can still produce what they want but they wouldn't be allowed to declare a monopoly so nobody else could compete for that product.

Mr. SESSIONS. I remember not too many years ago that I met an individual who I had prosecuted as a Federal prosecutor. He served a number of years in jail and was a former elected public official. We got to talking about this very subject. He said to me: If you need a witness, call me because I have been in prison where prisoners work, and I have been in prisons where they don't work. And it is a lot better where they are working. It is when you go to the chow line at 6 o'clock in the after-

noon, there are no fights, and no shoving or pushing. People are tired and want to get their food and go to the cell and go to bed.

It is a tough call for me because I believe in competition. And I am wrestling with this vote. I understand the Senator's concern about it. But I believe deeply that we have to ensure that prisoners work. There are forces out there that want to shut it off at every angle. But at some point we need these prisoners working, for their benefit and for America's benefit. I don't know how they can't be competitive with the advantages they have. That is why I am thinking I could support the Senator's amendment on the theory that they would probably tighten things up and get competitive if it passed. But they certainly need to work.

I thank the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today to support S. 1438, the National Defense Authorization Act for Fiscal Year 2002. This bill provides our armed forces the tools necessary to protect, serve, and defend the United States of America and our allies. Recent events underscore the critical importance of this bill: as the country mourns those lost in last week's terrorist attacks, our armed forces must stand at the ready.

This bill has many laudable initiatives, including several efforts from all three of the subcommittees on which I serve: Seapower, Emerging Threats and Capabilities, and Personnel.

In the area of Seapower, our subcommittee was faced with the difficult task of balancing the competing priorities of: new construction of ships for our naval fleet; sustaining our current platforms and weapons systems; and investing in the weapons systems and platforms of the future. I am pleased that this bill takes important steps to ensure that our naval forces can continue to command the seas and project power ashore while sustaining a viable industrial base to support our future national security needs.

The bill approves more than \$9 billion in funding for such major programs as three DDG-51 *Arleigh Burke* class destroyers, one SSN-774 *Virginia* class attack submarine, and one T-AKE auxiliary cargo and ammunition ship. It is critical that the U.S. Navy's destroyer program sustain a viable production rate to ensure a smooth transition from the current DDG-51 *Arleigh Burke* destroyer program to the future land attack destroyer program, DD-21, which will form the backbone of our future fleet.

The bill further authorizes advance procurement funding for four LPD-17 amphibious transport dock ships and the LHD-8 amphibious assault ship. Full funding of \$643.5 million for the continued research and development

for the DD-21 *Zumwalt* land attack destroyer program is also included in this bill. This is particularly important in light of the House's unfortunate decision to cut the DD-21 authorization for the coming fiscal year.

DD-21 will be vital to assure and sustain access to areas of U.S. interests overseas. It will do so very efficiently, with a target crew size of less than 100 and other design innovations that result in significant life-cycle cost reductions over the current destroyer program. The U.S. security strategy to defeat adversaries that seek to deny us access to littoral regions of the world will be critically dependent on U.S. ships that are harder to target and attack, and on weapons systems that can deliver combat power ashore.

The Seapower Subcommittee also allocated substantial resources to strengthen aviation assets in the areas of airlift, as well as for patrol, reconnaissance and surveillance platforms. The bill authorizes nearly \$90 million in additional funding to sustain readiness for C-17 maintenance trainers and improved shipboard navigation radars, among other items. Additionally, the bill provides more than \$170 million to improve the ability to meet non-traditional threats, including \$96 million for P-3 modifications to increase the capability of the P-3 aircraft to support operations in littoral environments. These modifications to the P-3 aircraft will ensure that the aging P-3 aircraft can continue to respond relevant to the changing threat and operational environment.

The Subcommittee on Emerging Threats and Capabilities has spent a great deal of time this year analyzing the military's ability to meet non-traditional threats. This bill continues to improve the ability of U.S. forces to deter and defend against a very real, asymmetrical and growing terrorist threat. Tragically, we have learned just how real the threat has become. The threat is not "emerging"; unfortunately, it's real and present.

In light of the recent terrorist attacks and testimony of the military regional Commanders-in-Chief, I believe that we must do more in the areas of force protection, antiterrorism, counter-terrorism training, and research and development in order to protect U.S. forces against weapons of mass destruction, and to help them support domestic efforts to manage the deadly consequences of terrorist attacks on our homeland.

The awful events of September 11th should highlight the urgency of ensuring preparedness in this arena. In this new "war" against terrorism, such programs are our front lines.

The Emerging Threats and Capabilities Subcommittee sought to improve capabilities to meet non-traditional threats by encouraging the development of technology for the detection, identification, and measurement of

weapons of mass destruction agents, investing in research initiatives that will detect biological and chemical weapons, and funding the terrorism readiness initiatives of the Chairman of the Joint Chiefs of Staff.

This bill demonstrates our commitment to reexamine and bolster our efforts to combat terrorism and to extend the Defense Department's emphasis upon force protection overseas to include better protection at home as well. One of the first hearings held by the Senate Armed Services Committee this year, for example, focused on "lessons learned" from the attack upon the destroyer USS *Cole*, which had killed 17 sailors. Tragically, we will now have many more lessons to learn.

The Subcommittee on Emerging Threats also has been examining the role of civil support teams in dealing with terrorist attacks and upon broader issues of how we should prepare for "homeland defense." This work has been eye-opening, and the tragic events of the past few days underscore, as perhaps nothing else could, how important it is to support the Defense Department's efforts in these areas.

I am pleased with the work of our Personnel Subcommittee as well. The bill we are considering fully funds the Tricare for Life, TFL, initiative authorized in the FY 2001 National Defense Authorization Act, while also improving the compensation and quality of life of U.S. forces and families. The committee added \$700 million to the budget request to improve compensation and quality of life, including additional funds to reduce service members' out-of-pocket housing costs, to increase higher education opportunities, and to provide personal gear to improve the safety and comfort of U.S. forces in the field.

Effective January 1, 2002, every service member will receive a pay raise of at least 5 percent, and personnel in certain pay grades will receive targeted pay raises ranging between 6 and 10 percent. These will be the largest increases in military pay since 1982. Further, the bill supports the budget request of \$17.9 billion for the Defense Health Program, which represents a significant increase in order to meet rising costs of medical care and increased benefits for military retirees.

While it is our responsibility to exercise our best judgment regarding the security of our Nation, we must do so while considering the administration's current priorities, as well as the emergent needs of our sailors, soldiers, airmen, and marines. In this time of constrained resources and limited budgets, every initiative needs to be carefully considered in the wake of traditional and non-traditional threats.

With that said, it is my belief that we in Congress, and this administration have some very tough choices to make, not only in the areas of missile defense and the new war on terrorism,

but also in developing a integrated national security strategy, force structure, and future investments critical to our armed forces. Such fundamental decisions should be made first, and we should move forward to the evaluation of where and how our force structure should be supported.

While the debate continues on how to transform our armed forces, and the committee takes action to support our armed forces and the administration's priorities, I would like to take this opportunity to acknowledge and thank Chairman LEVIN and Senator WARNER for their tireless efforts to tackle these very tough issues and produce an authorization bill that funds a number of critical priorities and provides support for the men and women of our armed forces.

I wish to make a few points in response to the speech given by my distinguished colleague from Arizona earlier today on the issue of base closures.

Many of us have made the argument that it makes far more sense to determine our force structure, particularly in light of the new emphasis that must be placed on homeland defense before we proceed with closing installations that may well prove to be needed later on.

But it isn't just those of us serving in the Senate who support Senator BUNNING's amendment who feel that way. Let me quote from an answer that our Secretary of the Army, Thomas White, gave to a question regarding base closures put to him by Senator DORGAN at a hearing before the Defense Appropriations Subcommittee in June. Senator DORGAN gave an excellent speech on this issue earlier. Secretary White said:

I think that the cart's a little before the horse. The first thing we have to nail down is what the national military strategy is . . . in accordance with the QDR process. That's step one.

Step two is sizing the force against the strategy, and that will flow out of the exercises currently ongoing.

And the third step will be what's the most efficient basing for that force, and only at that stage of the game, when we try to figure out the most efficient way to base the force and to support it from a business perspective, will we get into which infrastructure is excess or not. This has got to be a strategy driven exercise.

Ironically, Secretary Rumsfeld, in arguing for base closures, also makes the point that:

Our future needs as to base structure are uncertain and strategy dependent.

This is the wrong time. We face tremendous challenges. We should not be embarking on a whole new round of closing and downsizing base installations until we know what our needs are. And then, Mr. President, we should not be using the discredited BRAC process.

My colleague from Maine, Senator SNOWE, and I have extensive experience with the BRAC process. We have found it to be unfair. We have found it to be inconsistent in its application.

If the Pentagon identifies bases that are truly excess, that are not needed—and I recognize there is excess capacity—then the Pentagon should identify those bases and put it in the budget. Why should we put every community across this country that hosts a base through the uncertainty, the worry, and the expense of hiring consultants to make the case for the retention of their base? That just does not make sense.

We are experiencing this right now in Maine the Pentagon's closure of a base in Winter Harbor. We wish that this Navy installation, which has been there for more than 70 years, were going to remain open, but, unfortunately, its mission has become obsolete. What the Maine congressional delegation is doing is working with the local communities, with the Park Service, and with DOD, on a transition plan so it can be effectively reused. We do not need to endure the uncertainties of a politicized BRAC system.

Finally, I want to respond to the comments made by the Senator from Arizona about the need for improved housing for our troops. I could not agree with him more. I have visited our troops stationed at the DMZ in Korea. I was shocked and appalled at how bad the housing was for our brave men and women who are serving there on the front lines. We do have to do better. But that is a completely separate issue from the issue of whether now is the time to embark on base closures.

Now is not the time—now is the worst possible time—to divert the energies of the civilian and military leaders of the Pentagon into an exercise of closing bases that may well prove to be needed later. Now is certainly not the time to create concern and chaos and confusion in every community that has proudly hosted a military installation and is supporting our men and women in uniform. Now is certainly not the time to embark on another round of base closures when all of our energies must be focused on the overriding goal of crushing the international network of terrorist organizations that have so harmed our Nation and its citizens.

I urge support for the amendment offered by the Senator from Kentucky.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I would like to make an inquiry and then I have a couple comments to make.

When are we going to be taking up amendments that have been on the list for quite some time? Has that been decided yet? Or may I ask the manager of the bill, are we going to be disposing of the Bunning amendment before we go to other amendments? Is that going to be the order?

Mr. LEVIN. We are going to be disposing of the Bunning amendment to-

morrow morning at 9:15. What we are hoping for is that other people with amendments—if debate ends early enough tonight on the Bunning amendment—will come forward with their amendments so we can debate those amendments and then set votes on those amendments tomorrow.

Mr. INHOFE. Yes.

Mr. LEVIN. Senator REID is here so we will leave that conversation for him.

Mr. REID. The manager of the bill is absolutely right. We are certainly willing tonight to take up any amendments that need to be offered. I say to my friend from Oklahoma, as I have said several times throughout the day, this is a very important amendment, the one now before the Senate. We are going to dispose of it in the morning, more than likely, at 9:45.

But the problem we have, I say to my friend from Alabama, is we cannot get your side to agree on a list of amendments. We are not saying eliminate amendments. We are not saying you cannot offer amendments. We are saying offer anything you want, but let's have the managers have a finite list of amendments.

And I don't know what the majority leader is going to do, but if this goes on tomorrow, I think the majority leader would have to think seriously about going to some other legislation because we cannot go on with each hour that goes by with more amendments coming in. We need a cutoff period of some kind.

So I say to my friend from Alabama, if there is some way you can prevail on the people on your side of the aisle to allow us to have this unanimous consent request agreed to—what the consent agreement says is that—I offered it already, and I will just tell you what is in it again—in fact, I will propound it right now.

Mr. President, I ask unanimous consent that the list that I will send to the desk at this time be the only first-degree amendments remaining in order to S. 1438; that these amendments be subject to second-degree amendments that are relevant; that upon disposition of all amendments, the bill be read a third time and the Senate vote on passage of the bill, with no intervening action or debate.

I propound this unanimous consent request, but I say, Mr. President, before I ask you to rule—I say to my friend from Alabama, and anyone within the sound of my voice—this is something that isn't unique to this bill. We do it all the time. That is how we complete legislation. If we cannot get people to agree on a finite list of amendments, we cannot do anything on the legislation. We might as well just pull it.

Mr. INHOFE. I thank the distinguished assistant majority leader.

And I will say this: I started out with 16 amendments, and I have 3. I think if

everyone did this, we would be able to complete this bill. It is very important we have the Defense authorization bill and we act on it. So I will do my part.

Mr. REID. I say to my friend, if he had 16, that is your privilege. You can have as many as you want. We are saying, have as many as you want, but let's have a cutoff period so the managers, at some time, can work through these amendments. If there is no end to these amendments, there is nothing to work through; we never finish the legislation.

So, Mr. President, I propound this unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I understand there are still those who wish to continue debate and who have not been prepared to agree to that on this side—maybe somebody on this side. We have had this frustration ever since I have been in the Senate. We have been on the other side as the majority. But maybe we can get this thing moving. I certainly would like to see this bill move. I would not personally object. I am objecting for others who, I understand, have a right to object and have asked that I do so. I certainly will do what I can to see this bill move. I hope we can reach an agreement soon.

Mr. REID. I say to my friend from Alabama, this unanimous consent request that I have propounded does not in any way limit debate. In fact, it will allow unlimited debate on each amendment. We are not saying don't talk more than an hour on an amendment. We are saying just tell us what you want to talk about so that the managers can determine if they can be accepted as part of a managers' package, or if they want to try to work out time agreements on these amendments, or if they want to basically accept some of them.

The way it is now, under the Senate rules we will never, ever finish this legislation unless there is a finite list of amendments. And we can't do it.

Mr. SESSIONS. I understand the Senator's concerns and frustrations. We have been on this less than 2 full days. This is a major bill. Maybe we can get the agreement soon. I will certainly help him in that regard, if I can.

Mr. INHOFE. Let me reclaim my time.

The PRESIDING OFFICER. The Senator from Oklahoma does have the floor.

Mr. INHOFE. I appreciate this, I say to both the Senator from Alabama and the Senator from Nevada. It is very important. We must get to a point where we can vote on it. I do have three amendments I want to take up. I will just stick it through until such time as I can bring them up.

Let me make a couple comments on some of the debate that has been going on. As far as prison labor is concerned, I assure the Senator from Alabama, who has been concerned about it, expressing his desire to have prisoners work, I can assure him that prisoners can work.

I can also assure him that the language, in my opinion—I have been on this committee now since 1994, and I have heard this debate every year since 1994—in the bill is good language. We need to be able to have quality work done on the work we are talking about in conjunction with this prison labor debate.

Let me assure the Senator from Alabama that we can go ahead and keep the language that is in our bill and still have a lot for the prisoners to do. I know a lot about this. I was mayor of Tulsa for three, four terms. During that time, we had a prostitution ring that hit Oklahoma and hit my city of Tulsa. It was a very serious problem. Of course, we would throw them in jail. They would get out about 10 minutes later, when their attorneys would come up. What I did was, instead of putting them in jail and incarcerating them, I put them in work details.

We had them out there—it worked out really well—cleaning up our parks. Because they had spiked heels, they could kind of go out there and pick up the trash, and it worked out very well. That program actually stopped that ring. It was because it was hard work. They didn't want to do it.

I can remember once I got a call from someone from Sidney, Australia, on a live radio show. I don't know what time it was there, but it was the middle of the night in Tulsa.

He said: Mr. Mayor, how cruel can you be, making those poor women go out and work hard in the hot sun and do all that labor.

I said: I'll tell what you I will do. We will just package them all up and send them to Sidney, and then it will be your problem.

Then he said: By jove, I think you have a good program there.

There is a lot of work that can be done by prisoners. Anyone who has worked in this area, which I have in Oklahoma with our State penitentiary, knows that can happen. That is not the issue. There is going to be work. They are going to get work anyway that is not as enjoyable as the work we are talking about. I support the language in the bill.

Under the debate right now, we have been talking about the proposed fifth round of the BRAC, base realignment and closure round. I have to say this: I am opposed to it, but for a different reason than the Senator from Maine who spoke before me. It is not that I don't believe in the process.

I was elected to the House of Representatives in 1986. DICK ARMEY put out this problem. He said: As it is, we

are never going to be able to close installations and get rid of infrastructure that is no longer something we need if we leave it up to the political process. Each one is an economic base. There is not a Member of the House or the Senate who is not going to protect his own turf.

That had been true. So I strongly supported DICK ARMEY, and in 1987 we passed the BRAC process. We went through four rounds. Until the last round came up, it worked beautifully. It wasn't to everyone's satisfaction. A lot of people were mad about it. But a lot of bases, in New York and other places, were closed down and everyone cooperated.

In the fourth round, politics entered into it. It was a partisan thing because it was Democrats and Republicans who did it. That has taken care of where it can't happen again.

The system is good. I far prefer the system of having BRAC rounds over the system that we used before then.

Here is why I am opposed to it. It is a totally different reason. I heard Senator BUNNING ask: Can anyone show me the amount of money that has been saved? We all have opinions as to what is projected into the future. I will say this: One thing we know for sure, we have closed 97 installations. I would suggest we wouldn't have closed one of them if it had not been for this process. We closed them. And in that time that we actually closed those, there wasn't one that didn't lose money for the first 3 or 4 years afterwards.

I think there probably is infrastructure out there that we are going to have to address at some time. We have two things that are going on right now: No. 1, we are bleeding. Everything is hemorrhaging right now. We know we are having problems in our force structure, problems with retention, problems with modernization. We need to have a missile defense system. All these things have top priority in the bill, and I agree that they should be done. So if we postpone the consideration—I know it doesn't take place until 2003—if we postpone it until a later date, then we will not have to forgo that money that it is going to cost to close bases at a time that we need to go into rebuilding our defense structure. We are repeating something right now like it was in 1981. We have a hollow force. So this is not the time. I might seriously consider it later on.

The second reason is this: We know we are going to change the force structure. We know we are right now at one-half of the force structure we were in 1991 during the Persian Gulf War. That can be documented. That is one-half the Army divisions, one-half the tactical Air Force, one-half the ships, down from 600 to 300. We know we are going to have to start building that force structure back up.

As we do it, we may be needing some of the infrastructure that right now, if

it were looked at by a committee that were appointed now or next year, they might think is not necessary.

Let's wait. To artificially lower the infrastructure down to here, when our force structure is too low and we are going to have to raise it up—we don't know what we are going to be needing at the time. The time is not right.

I believe in the system. I will support it at the appropriate time. But we need every dollar we can get to rebuild our defenses today. That is what this bill is all about. That is why this is one of the few parts of this bill with which I disagree.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Ohio.

Mr. VOINOVICH. Madam President, I rise today to indicate my strong opposition to amendment No. 1622, which would strip a provision authorizing a round of base closures in fiscal year 2003 from the fiscal year 2002 Defense authorization bill, and differ from some of my colleagues who would like to do that.

As one who voted for base closing last year, I understand how important this provision is to our national security. As many of my colleagues are aware, our military now finds itself with an infrastructure base that is no longer proportionate to its force structure. It is estimated we now support an infrastructure that is in excess nearly 25 percent. In other words, we have an infrastructure out there of bases; there is 25 percent more than what we really need. I believe rather than continuing to pay for unneeded facilities, our defense dollars can and should be better spent to meet the most pressing needs of our armed services.

I stand behind Chairman LEVIN, Senator WARNER, and other members of the Armed Services Committee who supported the inclusion of this provision in the fiscal year 2002 Defense authorization bill.

As the committee noted in its report accompanying the bill, our top civilian and uniformed military leaders have requested this authority. For the last 5 years, they have been asking for it. I believe we should trust their guidance and act to grant the Defense Department this much-needed authority. Too often I have noticed in this body that we do not support the recommendations of the people we charged with the responsibility to get the job done. We know more about it than they do.

In this case, we have charged these people with the responsibility to secure our freedom and provide our national defense. We should listen to them. I am so glad the Armed Services Committee did so in this case.

The committee said:

The committee believes that the arguments for allowing the closure of additional facilities are clear and compelling. The department has excess facilities. Closing bases saves money, and the military services have higher priority uses that could be funded with those savings.

As our Nation prepares to engage in a new battle to combat terrorist threats against the United States and the Free World at large, it is critical that these excess resources be used to meet the most pressing defense needs.

I respectfully disagree with the argument that we should not act on this initiative as our country prepares to take on those who commit acts of terrorism against our Nation. On the contrary, I believe that now, more than ever before, we need these resources for more important endeavors.

As the Secretary of Defense noted in a letter to Chairman LEVIN, dated September 21, 2001—I want to make the point that I have heard several people say on the floor of the Senate that they can't do it, they are too busy with other things, and don't have the time or resources to properly do the overview that they need to determine which of these bases ought to be closed. It seems to me that they have a better idea of what their capacity is than we have.

In this letter from the Secretary of Defense, dated September 21—that is pretty near—he said:

Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into war-fighting ability is enhanced, not diminished.

Basically, they say we can handle the job. Give us the permission so we can move on with it. We made hard decisions regarding the size of force structure during the past decade and we can continue to do more to make corresponding choices regarding the size and configuration of our military installations. Some of the words I have heard were that we have had base closings and they have been wonderful in terms of cost savings. The cost savings associated with past base realignment and closures, including several from my State of Ohio, is considerable.

That is the other thing. So often when these things come up, people are thinking of their own bases and they don't want to lose the bases. I didn't want to lose the bases in Ohio that went through the BRAC process. I thought it was fair and above board. They did close down bases. In other instances, we were able to convince them that the bases should remain open. But the fact is, as a result of these base closings, the Department of Defense has a cost savings of nearly \$14 billion because of these initiatives. Given the fact we still have a military infrastructure that is in excess of more than 20 percent, we can continue to generate even more savings with an additional round of base closures.

The Secretary of Defense estimates that with an additional round of base closures, in fiscal year 2003, our taxpayers are going to save \$3.5 billion annually. In this particular case, I don't think the savings are going to be there. We will take the savings and put them to use by taking care of this war deal-

ing with terrorism. Given these savings, there should be little doubt that additional rounds of closures will do a much better job of directing expenditures where we need them.

As I have long advocated during my time in public office, I believe we should work harder and smarter and do more with less. That is what we are asked to do. Keeping excess and unneeded military installations up and running takes scarce and critical resources from meeting important priorities in light of our new war. It just doesn't make sense.

How can we ask the American people to increase our defense budget by \$18.4 billion and, at the same time, know that by closing these bases we can save another \$3.5 billion annually? Again, that is \$3.5 billion annually. I believe the base closures are essential to allowing our men and women in uniform to best serve the strategic and national security interests of the United States.

I strongly oppose any amendment that would remove the much needed provision from the fiscal year 2002 Defense Authorization Act.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Madam President, I will be brief. I rise in reluctant support of this amendment. There have been many who have talked about the macro reasons for doing this—that since September 11 we are in a brave new world; that we may need reassessment, and we probably do; that we probably should not rush to judgment.

Those are good arguments. But I want to talk about the particular issues that affect my State because we are all looking at our States here. I supported BRAC while I was in the House consistently. I knew that it might affect bases in my State. But my mouth has been so soured by the last BRAC that I cannot support it again. It is not simply that my State suffered dramatically of our large bases—three out of the four were closed—it is rather that the process, by just about all accounts, was highly politicized—at least in the instance of my State.

While the BRAC Commission did recommend the closing of Griffiss Air Force Base, and they did recommend the closing of the Seneca Army Depot, they did not recommend the closing of Plattsburgh Air Force Base. It was a state-of-the-art base, one of the few bases east of the Mississippi that dealt with long-range bombers and tankers. Plattsburgh was a state-of-the-art facility with a huge landing runway, with huge investments in its infrastructure that was being built; and, with good reason, the Commission did not recommend Plattsburgh.

Perhaps because the chairman of the Commission came from another State—a fact that may or may not have had an effect on this situation's ultimate outcome—at the last minute

Plattsburgh was put on the closing list and McGuire Air Force Base in the middle of the New York/Philadelphia skyway was used to replace it. The devastation in Plattsburgh was enormous. The BRAC Commission does not take into account areas where, when bases are closed, people will never find jobs again because they are shrinking areas. We are having the same problem in Utica. It was done so unfairly that I cannot support this amendment unless steps are taken to avoid the kind of politicization that occurred. I was not in the Senate then. I would have filibustered or done whatever I could to stop it because it was so unfair.

Now we have only really two large non-Guard facilities left in New York State. They are: Fort Drum, a state-of-the-art 10th Mountain Division, a highly trained and mobile unit, those soldiers have served nobly in the Bosnian arena. We have Rome Labs, which is an information center for the Air Force. These days, as the tragedy of September 11 showed us, military intelligence, information, and communication is the key.

If I had faith that the decision would be made on the merits, I believe that neither of these bases would be on the list. They are both outstanding and important to our security and unique. Fort Drum is, again, one of the few bases in the East—Northeast—that does this. It is one of the few that can train mountain fighting in the kind of terrains that we will be called upon to be involved with in the near future. Rome Labs, with the work of Congressman BOEHLERT and myself, has chipped in \$12.5 million to help revitalize, and it is doing state-of-the-art research. I have no doubt that if a decision were made totally on the merits, those bases would not be on a BRAC list. Had not the sour experience of the Plattsburgh Air Force Base existed in my mouth, I would roll the dice and gamble, hoping and believing that a decision would be made on the merits. But I believe that that did not happen. I don't think New York should take another hit, especially with two such outstanding bases like Fort Drum and Rome Labs.

So, as I said, I will reluctantly vote for this amendment. I would like to see some safeguards put in, and that we take into account areas that are shrinking in terms of population and in terms of jobs.

Most important, I would like to see the process insulated from the kind of last-minute political horse trading that occurred and unfairly closed Griffiss and put McGuire in its place.

I appreciate the work of my colleagues on the committee. I know their intentions are the best and, as I said in the past, before I reached the Senate, I had supported this process. I hope we can straighten it out so that decisions are completely made on the merits and I can support it again. But until that time, given, again, the bitter and unfair experience of our State, I cannot.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Madam President.

I rise today in strong support of the amendment that has been offered by the Senator from Kentucky to strike the base closing provisions within the DOD authorization bill.

We all recognize that this is not business as usual. We also recognize how we will have to reevaluate many of the considerations that are included in the Defense authorization bill, many of the ways in which we viewed our military and our force structure prior to September 11.

Even before the horrific attacks of September 11, I, along with many of my colleagues, had serious questions about the integrity of the base closing process itself, as well as the actual benefits realized. Now, with acts of war committed against the United States, with the President addressing a joint session of Congress that justice will be done, with our Reservists being called up and our troops being deployed and the unpredictability of the mission ahead, of the asymmetric threats, I do not believe this is the time to be considering the closure of additional bases.

Indeed, now more than at any other time in recent history, I believe it is absolutely critical that this Nation not sacrifice valuable defense infrastructure when we have just committed ourselves to a new war on terrorism.

This challenge will require a new overarching military doctrine, one, indeed, that has yet to be developed. One of the central goals of this administration has been to overhaul the military doctrine which has been in place since the cold war, requiring that the United States must be able to be engaged in and to win two major theater wars at the same time.

Until a new doctrine has been determined, we cannot decide what the military infrastructure should be. Now with the announcement by the President of a Cabinet-level position responsible for homeland defense, we certainly do not know essentially what our requirements at home will be to provide for our national security interests. Until there is an assessment and cataloging of those needs, we simply cannot afford to determine what additional bases should be closed.

I look at the Northeast, and in all the four previous rounds the Northeast has lost 49 bases, roughly 50 percent of what we had prior to the BRAC process; 73 of those bases, or just under 35 percent of the installations on the east coast, were closed during the previous four rounds.

Although the Office of Homeland Security will not take the place of the Department of Defense, it obviously will be coordinating many of the law enforcement responsibilities of the

myriad agencies across the Federal Government, and all of our military installations will no doubt play a critical and prominent role in our homeland security.

Moreover, the war on terrorism will be a long-term challenge, as the President has said repeatedly. This will require a sustained resolve and effort on the part of the United States. It will employ U.S. military, intelligence, and law enforcement personnel and resources. These forces will require the support of our domestic and overseas installations. This is all in addition to our existing force deployments and peacekeeping operations that we have in Bosnia and Kosovo and, of course, our logistical support in Macedonia.

Instead of chasing elusive savings, I believe the Department of Defense needs to provide to the Congress a comprehensive plan that identifies the operational and maintenance infrastructure required to support the services' national security requirements. We all know that once the property is relinquished and remediated, it is permanently lost as a military asset for all practical purposes.

Proponents of additional base closure rounds are quick to point out that reducing infrastructure has not kept pace with post-cold-war military force reductions. They say bases must be downsized proportionate to the reduction in total force strength. However, the fact of the matter is, there is no straight-line corollary between the size of our forces and the infrastructure required to support them. Belief that there is disturbs me. I heard it repeatedly when I served on the Senate Armed Services Committee and chaired the Seapower Subcommittee. I was in the House when this whole process began. I think about it in terms of the 1997 QDR, the Quadrennial Defense Review process.

Since the end of the cold war, we have reduced the military force structure by 36 percent and have reduced the Defense budget by 40 percent, but now I ask you: How much are we employing that force? Although the size of our armed service has decreased, the number of contingency operations that our service members, our men and women who are in the military, have been called upon to respond to in recent years has dramatically increased.

As I said, I chaired the Seapower Subcommittee of the Senate Armed Services Committee in the last Congress. Guess what. The Navy and Marine Corps team alone responded to 58 contingent missions between 1980 and 1989—58 between 1980 and 1989—and between 1990 and 1999 they responded to 192, a remarkable threefold increase.

Between 1980 and 1989, they responded to 58 contingencies. But from 1990 to 1999, in that entire decade, it was 192, and that is just for the Navy and Marine Corps alone.

During the cold war, the U.N. Security Council rarely approved the cre-

ation of peace operations. In fact, it was a relatively rare event. I served on the Foreign Affairs Committee in the House of Representatives, and I was the ranking member on the Subcommittee on International Operations. We rarely had such contingency operations. In fact, the U.N. implemented only 13 peace operations between 1948 and 1978 and none—none—from 1979 to 1987. However, from 1988 through last year, by contrast, there were 38 peace operations, nearly 3 times as many during the previous 40 years.

Madam President, as a former member of the Senate Armed Services Committee, and chair of the Seapower Subcommittee, I can attest that the Armed Services Committee has listened to our leaders in uniform testify that our current military forces have been stretched too thin, and that estimates predicted in the fiscal year 1997 QDR underestimated how much the United States would be using its military. Clearly, the benefits of the peace dividend were never truly realized. So, we are seeing first hand that the 1997 QDR force levels underestimated how much our military force was intended to be used, that our military force is being called upon now more than what military strategies estimated, and that are forces are being stretched to cover a wide range of operations.

Keep in mind, Mr. President, that force levels may have to be revisited once again in light of the new anti-terrorism mission our military faces, and may well require an increase. So would we then go and buy back property that we have given up in future base closure rounds to build new bases—I think not.

Madam President, the Department of Defense contends there is 20 to 25 percent excess infrastructure today. Before we legislate defense-wide policy that will reduce the size and number of training areas critical to our force readiness, the Department of Defense ought to be able to tell us, through a comprehensive plan, the level of operational and maintenance infrastructure required to support our shifting national security requirements. Congress, instead, is being pressed to authorize base closures essentially in the dark, without the upcoming Quadrennial Defense Review or Future Years Defense Plan. We will have a preliminary QDR in the near future, but it will have to be revised in light of the new threat facing this nation. How can we make fundamental decisions about our infrastructure needs before we even have any guidance from the QDR?

In the full committee hearings and the subcommittee hearings that the Armed Services Committee held during the 106th Congress—while I sat on the committee, and chaired the Seapower Subcommittee—the Chief of Naval Operations and fleet commanders testified that the QDR-established force levels were not sufficient to support

their operational requirements. A report by the Chairman of the Joint Chiefs of Staff concluded that the submarine force levels needed to be raised from the 1997 Quadrennial Defense Review and I anticipate that the next QDR will support an increase in the Navy force as well.

We simply must not take the risk of losing critical infrastructure at this time. Not only have arbitrary comparisons of personnel and infrastructure levels never been the basis for military force structure changes . . . Not only has a direct correlation between force and facility level yet to be established . . . but the Department of Defense has said that the primary criteria for base closure will be military value tied to the forthcoming QDR. But this begs the question as to the validity of the QDR numbers—the 1997 QDR has been heavily criticized for getting the numbers wrong, particularly with regard to Naval fleet size. It could be premature and costly to predicate base closure decisions even on the 2001 QDR, until we know for certain what our needs will be as we confront the new terrorist threat. Critical assets such as waterfront property, airspace, and bombing ranges would be far more difficult and expensive to replace than troops, ships, and tanks.

Proponents argue that the administration's approach will be based upon military value and removes parochial and political factors from the process, but in reality, the administration's Efficient Facilities Initiative is more similar to past BRAC rounds than one might think. Much has been made of the de-politicization of the process by including "military value" and the other criteria in the legislation. However, review of the last process reveals that these criteria are nearly identical to those used in the 1995 round. This is very disturbing, because in my view, the past BRAC rounds were not fair or equitable, and were not based solely on military value. I have been through BRAC before. And I have to say, I know how the criteria can be twisted to the advantage or disadvantage of a given facility. In fact we had not one but two Air Force generals defending the former Loring Air Force Base before a past BRAC commission; yet the Air Force claimed its facilities were "well below average"—and this despite the fact that \$300 million had been spent there over a ten year period to replace our upgrade nearly everything on the base and it ended up being closed on so-called "quality of life" issues even though that was never supposed to be part of the criteria.

I strongly believe Congress must also consider the economic impact of base closures on communities in light of the uncertainty regarding the nation's economy in the wake of the September 11 terrorist attacks. Prior to that date, it was clear that the economy was slowing, perhaps even entering a reces-

sion. Today, there is a great deal of uncertainty about the state of the economy in the quarters to come.

In August 2001, GAO issued an overview of the status of economic recovery, land transfers, and environmental cleanup in communities that have lost bases during previous BRAC rounds. GAO found that the short term impact of a base closure was traumatic for the surrounding community and that economic recovery was dependent on several factors including the strength of the national economy, federal assistance programs totaling more than \$1.2 billion, and an area's natural resources and economic diversity.

Keep in mind, Mr. President, this assessment was done during a time of unprecedented economic growth and as GAO stated, the health of the national economy was critical to the ability of communities to adjust: "Local officials have cited the strong national or regional economy as one explanation of why their communities have avoided economic harm and found new areas for growth." GAO also noted: "Local officials from BRAC communities have stressed the importance of having a strong national economy and local industries that could soften the impact of job losses from a base closure."

With the slow-down of the economy, and the uncertainty brought about by the recent tragedy, it is doubtful that communities will be able to rebound even to the extent they have in previous years. Indeed, it is vital to note that not every community affected by base closures has fared so well in the past—those in rural areas still experienced above average unemployment and below average per capita incomes.

In this vein, I would like to discuss for a moment the issue of the up-front costs involved in the base closure process. This appears to be noticeably absent from the debate. The facts reveal that there are, in fact, billions of dollars in costs incurred to close a base.

These costs include over \$1.2 billion in federal financial assistance provided to each affected community—a cost paid by the federal government, not through base closure budget accounts, and therefore not counted in the estimates. And more significantly, there is at least a \$7 billion environmental cleanup bill so far as a result of the first four BRAC rounds—a conservative figure that will continue to grow, according to a December 1998 GAO report.

Indeed, the Department of Defense has admitted that savings would not be immediate; that approximately \$10 billion would be needed for up-front environmental and other costs. The Department of Defense also projects that savings from 2003 closures would not materialize until 2007.

Advocates of base closure allege that billions of dollars will be saved, despite the fact that there is no consensus on the numbers among different sources. These estimates vary because, as the

Congressional Budget Office explains, BRAC savings are really "avoided costs." Because these avoided costs are not actual expenditures and cannot be recorded and tracked by the Defense Department accounting systems, they cannot be validated, which has led to inaccurate and overinflated estimates.

The General Accounting Office found that land sales from the first base closure round in 1988 were estimated by Pentagon officials to produce \$2.4 billion in revenue; however, as of 1995, the actual revenue generated was only \$65.7 million. That's about 25 percent of the expected value. This type of overly optimistic accounting establishes a very poor foundation for initiating a policy that will have a permanent impact on both the military and the civilian communities surrounding these bases.

And the GAO has found that, in reality, the majority of land designated as excess in previous BRAC rounds is still in DOD possession. Moreover, GAO reports that environmental cleanup costs have been underestimated. So far, as I mentioned, \$7 billion or 32 percent of BRAC-associated costs have been attributed to environmental cleanups. This figure is estimated to increase over \$3.4 billion after FY01, \$1 billion more than the \$2.4 billion originally projected in 1999.

Lastly, when and if cost savings materialize, the Department of Defense intends to allow the services to retain savings and use the funding at their discretion. This does not guarantee that any freed up funding will go toward comprehensive modernization or quality of life improvements—one of the arguments employed in favor of the BRAC process.

I believe that the Department of Defense has other long term alternatives to base closures that provide savings for important military programs. The 1997 Defense Reform Initiative included actions such as streamlining, paperless contracting, and reduction in staff personnel. These reforms were estimated to lead to approximately \$3 billion in savings. The new administration has proposed similar initiatives and efficiency improvements that could generate substantial savings.

Madam President, I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our Nation and its interests. I want to protect the economic viability of communities in every state. And I want to make absolutely sure that this Nation maintains the military infrastructure it will need in the years to come to support the war on terrorism. We must not degrade the readiness of our armed forces by closing more bases, certainly not at this time. Certainly not without information on our future defense needs that we do not have.

Madam President, we say that we are going to have a Quadrennial Defense Review, and at least the preliminary report is expected to be forthcoming this month. Supposedly we predicate our infrastructure and our national security requirements on that report, and I know, having been a member of the Senate Armed Services Committee, we listened to our leaders in uniform testify that our current military forces have been stretched too thin and that the estimates in that 1997 QDR, in fact, underestimated how much the United States would be using its military, how much our men and women would be called upon to be involved in contingency operations abroad.

They have multiplied. So now we are seeing firsthand, even before September 11, that the forces established in the 1997 QDR underestimated how much our military force was intended to be used, that our military force is being called upon now more than what the military strategies estimated, and that our forces are being stretched to cover a wide range of operations.

We know our force levels obviously may have to be revisited once again in light of the new antiterrorism our military faces. The threat that is represented to the United States and our security interests may well require an increase. How do we know exactly what infrastructure we need and where we need it? In hearing after hearing, I implored the Pentagon and the previous administration: Give us your plan, tell us what you think our infrastructure requirements will be, and based on what threats, that we will need to have so many installations and so many locations around the country. That is something we have never received.

Now they say they base it on the 1997 QDR report. Well, we know that underestimated the utilization of our military forces. So now why would we want to put in place another base commission closing process, set it on an automatic path, when we have yet to receive the new Quadrennial Defense Review and how that will have to be re-evaluated in light of the threat we now face with terrorism? It really does not make any sense.

I know the Department of Defense has indicated there is a 20- to 25-percent excess of infrastructure, but I do not know how we have arrived at that excess of this 20 to 25 percent because we have never had a plan. I know this is a new administration, and it is beginning to evaluate it, and obviously an enormous burden has been placed upon it as a result of September 11. Those of us who have been through the four previous rounds, who have been through the experience of this last decade with contingency operation upon contingency operation that has stretched our forces to the maximum—that has had a tremendous impact on their abilities, and they have performed in such a professional and

skilled way, even in spite of all of the pressures as a result of doing so much more with less.

So I say we have to really draw back. We cannot afford to put this process in an automatic motion for some course in the year 2003 because we have to go back and reexamine exactly what we need and why we need it.

What message does it send to those who are deployed or those who are about to deploy, that somehow we are going to be downsizing at home? We might need those bases. I know the Senator from New York mentioned Plattsburgh, that it was a state-of-the-art facility. So too was Loring Air Force Base. It was on the base closing list and was closed in 1991, and we spent a total of \$300 million providing every upgrade in that facility. It happened to be a base that was the closest base to Europe, to the Middle East, to Africa, to Russia, but we were told we are in a new era where it is no longer required.

How do we really know, when we see the threat that occurred and the tragedy and the enormity of the impact of that attack on September 11? No one could have fully anticipated what has affected the United States and the civilized world.

So I think it would be prudent on our part to recede from this predicate that somehow we have excess infrastructure because we really do not know. It is an uncertainty. It is as uncertain as the asymmetric threats that are now prevalent in the world today.

So I hope the Senate will support this amendment to strike these provisions because we really do have to re-examine many of the issues that are now prevailing in our world of today. We do not know the validity of what numbers, from which report, will now be applicable in today's world with this threat of terrorism. I know from my own experience, not only with the four previous rounds and the base closing process, but also in terms of underestimating the number of times our men and women would be deployed in other parts of the world, and I know firsthand from the testimony that was provided to my subcommittee when I chaired the Seapower Subcommittee, that our forces were stretched too thin, that we could no longer absorb the demands being placed on us because we were being asked to do so much in so many places around the world.

So now, in view of September 11, it is all the more prudent that we begin to examine what we need in America today to provide for our security, an acknowledgment that we have now had an attack on domestic soil that we heretofore did not anticipate in the manner in which this happened.

I think we really do have to look very carefully at what our requirements will be in the future, because once these bases are lost, once you lose the waterfront property, once you lose

the land, once you lose the access, it is very difficult to retrieve. It is very difficult to be able to create an installation in the manner in which it was established before.

Also, we hear about the savings, and there is no doubt we ought to do everything we can to find savings within the Defense Department, as is true with all other budgets, but I have yet to see the methodology that is the rationale for the savings the Defense Department has indicated have been created as a result of the four previous base closing rounds.

I know the Defense Department claims there are \$15.5 billion in net savings through fiscal year 2001 due to prior base closing rounds, but even in the July 2001 GAO report it indicated there were flaws with that estimate. And I quote: The savings estimates have been infrequently updated, and, unlike for estimated costs, no method or system has been established to track savings on a routine basis. Over time, this contributes to imprecision as the execution of closures or realignments may vary from original plans.

That is true. It has been my experience, in examining what potential savings would be derived from these base closings, that they have traditionally underestimated the costs of closing such a base. They overestimated the savings and the benefits that would be yielded as a result of land sales. In fact, they were far below what they had originally estimated.

The environmental cleanup costs have been underestimated. So far, \$7 billion, or 32 percent, of the BRAC-associated costs have been attributed to environmental cleanups, and this figure is estimated to increase over \$3.4 billion after fiscal year 2001. These figures are for base closures already in progress. If another 20 to 25 percent of installations are closed, environmental costs can be expected to skyrocket. Increased costs in environmental cleanup have led to delays in the cleanup process and deferment of land transfer for reuse. This further cripples local communities already hurt by the base closures.

There are a number of other issues regarding those savings, and I draw my colleagues' attention to the GAO report "Military Base Closures, DOD's Updated Net Savings Estimate Remains Substantial" dated July, 2001.

In conclusion, this is not the time to ask this of our communities that would be directly affected by potential closures, the men and women who work at these installations. They have to use their energy, attention, and focus to begin to prepare for the arduous, complex, and burdensome process that we ask of those who are trying to defend these installations. It costs millions of dollars for communities across this country, with the installations at stake. In Maine, for example, a community in Brunswick has already established a committee to begin to re-evaluate. Now, in light of September

11, that is not what we should be asking of anyone.

We have to absolutely make sure this Nation maintains the military infrastructure it will require in the years to come to support all of our challenges, and certainly this new one, which is the war on terrorism. I hope we will not embark on this process that ultimately could lead to a degradation in terms of the readiness of our Armed Forces, certainly not at this time, not without information on our future defense requirements that we certainly do not have at our disposal at this point.

I hope my colleagues will support the Senator from Kentucky in his effort to strike the language that creates this additional process. I thank Senator LOTT, our leader, for all of his efforts. I know he has been supportive in making sure this can happen.

Mr. LOTT. Madam President, I thank the Senator from Maine for her remarks and for her leadership in this area. She paid attention to these issues when she was in the House and served on the Armed Services Committee in the Senate and is very knowledgeable and makes such a good point. To go forward with this, with no plan, no certainty about where we are going in the future, would be a big mistake. I thank her for her efforts.

Madam President, I rise in support of an amendment that strikes section 29 of the National Authorization Act of 2002. Section 29 provides authority to carry out a base closure round in 2003.

As this body considers yet another round of base closure hearings, I think it is very important that we pause and reflect on where we have been, and examine where we are, and particularly today, where we are going with our future force structure considering we find ourselves in a new war against terrorism.

I've said it many times before; we have been down this "old BRAC Road" before, actually four times. The pros and cons of the BRAC process should be well defined by now.

I have always opposed the BRAC process because, first and foremost, it is an abdication of responsibility by Congress. For years, Congress made base closure decisions based on recommendations from our military leaders. This supposedly independent BRAC commission was supposed to take politics out of the base closure process, but it has failed. There are always concerns about the fairness of how it is done. There are always implications or indications that some political considerations came into play, and always will be.

Regrettably there have already been statements from Defense officials, which hint at bases that should be reduced or moved. In a USA Today article Ray DuBois, Deputy Undersecretary of Defense for Installations and Environment, said the Pentagon wants

to consolidate its bases by relocating some operations from congested areas to sparsely populated regions. He offered hints about moving training bases in the fast-growing Southeast to the Northern Plains State, whittling down some of the 150 military operations in the Norfolk, Virginia area, and moving activities out of Andrews Air Force Base.

Secretary of Defense Donald Rumsfeld recently said the Pentagon was considering a variety of options, including mothballing some bases, mothball part of a base and keep the rest open, or close only part of a base. Mothballing means that even the surrounding community will be prevented from using the abandoned facilities, devastating any hope of economic development in these local communities.

We must realize that an attempt to close bases, through any means, is in some form political. The future of our bases, our base communities and our Nation's security should therefore be decided by the elected officials of this nation, not by an appointed commission.

Secondly, we know for certain that the BRAC process severely disrupts the local economies of communities across the nation. Statements like those coming out of the DOD in the past few months only exacerbate the anxieties of local communities. These communities have hired consultants and will spend millions of dollars trying to prove the worth of their bases out of fear that they will be closed.

For such communities, losing a base is more than just an economic loss; it is an emotional loss and a blow to the core of their identity. These are not just nameless, faceless people involved. In most military communities, personnel from the base are their church leaders, little league coaches and scout leaders, not just men and women with money to spend. Communities that closed a base have lost much more than economic well being, they have lost friends, neighbors, and community leaders. I think it is very important that we remember what this process does to these communities and to the people who are involved.

The third thing we now know about BRAC is that its savings cannot be documented. The economic and fiscal ramifications of closing and realigning bases Congress has already authorized will stretch well into the 21st century. The proposed savings from previous BRAC rounds are nothing more than imprecise Department of Defense estimates that cannot be confirmed.

In fact, both the CBO and the GAO have said the Department of Defense cannot back up its savings estimates with hard facts. Given BRAC's purpose in life is to save money, I find this especially disturbing. If DOD cannot tell us how much has been saved by previous base closures, it begs the question, how can they say we need more?

Now we know that it is almost impossible to assess the real damages, savings, or benefits from these previous base closings. We have seen this time and time again. For instance, we have made decisions that certain bases would be closed and there would be certain savings. Yet, we have found that it is very difficult to move toward closing these bases and getting the savings for no other reason than there are extensive environmental problems in cleaning up those bases before they can be turned over to the private sector or the local communities. To this day, many of the recommendations from previous BRAC's have not been completed. We are still operating bases, facilities, or depots that supposedly were going to be closed. Today, they are still not closed.

Finally, the objective of BRAC is to match base infrastructure with force structure. Yet today, the Department of Defense is working on their plan to transform our Armed Forces. In light of current events, I think we all agree that a new threat has emerged and a new type of war will be fought. I have to ask, what will be the force structure of the future? And, where will we need bases for operating, training, and maintaining this force? These are just a few of the questions that must be answered before we make a large-scale commitment to change our defense infrastructure.

Secretary Rumsfeld is still working on his Strategic Reviews to define the environment for the future and to make recommendations on force structure changes. He has stated that the fiscal year 2003 Defense budget submission will be his first opportunity to implement these transformational ideas.

DOD is also currently executing the Congressionally mandated Quadrennial Defense Review (QDR), and was scheduled to report to the Congress later this month on the results. I have no doubt this report will be delayed due to the terrorist attack on the Pentagon. This body has been patient, and continues to wait anxiously for these reviews because we know their importance to the future of our military. Why, then, would we make such an important decision as closing certain bases before these long awaited reports are even available?

Without these key assessments, how do we define the base requirements for our future force? We have yet to decide not only what that force should be, but where it should be based. Now is not the time to get the proverbial "cart in front of the horse." Another round of base closures should not occur until all of the studies and reviews have been completed and the President is given the appropriate time to update the National Security Strategy.

So without having had an opportunity or a means to assess the changes in our infrastructure, and without having the opportunity to get

previously identified bases closed and savings realized, and without even identifying the future force structure of our military, we now have to confront the recommendation that we should have yet another round of base closures. As a result of all these factors, CBO observed that additional base closures "should follow an interval during which DOD and independent analysis examine the actual impact of the measure that have been taken."

I agree. Before we go forward, we need to take a look at what we have already done, evaluate it, and make sure we understand the cost savings and the costs that have been expended—both in financial terms and in terms of our military capabilities. Only after this review can we make an informed decision about whether or not to have another round. To go forward and blindly close more bases when we are not even sure what the benefits, if any, would be, just does not seem like good policy.

I have stated to the President, the Secretary of Defense, and all the Service Chief of Staffs that if they desire another round I could only support a round that focuses on those areas identified with large excess capacity. This focused round would provide savings but not reduce infrastructure below what might be required by the future force.

One area is overseas bases and facilities. The 1990 BRAC legislation outlines the sense of Congress that closure of military installations outside the United States should be accomplished at the discretion of the Secretary of Defense at the earliest opportunity.

Yet today, we have over 700 activities in Europe and Asia alone. Europe has 523 activities with 115,650 active duty personnel. We invested \$572 million in military construction in Europe from 1997–2001. That equates to an average annual investment of \$114.5 million per year. In Asia we have 188 activities with 129,482 active duty personnel. There are more troops in Asia than Europe but 60 percent less activities. The United States invested \$653.8 million in military construction in Asia from 1997–2001. That equates to an average annual investment of \$121 million per year.

In a recent meeting with Secretary of the Army Tom White, he mentioned the possibility of moving 10,000 troops from the European theater to the Pacific theater. During a separate meeting, Deputy Secretary Paul Wolfowitz mentioned transferring 10,000 troops from Europe back to the United States. Just last week on Friday, September 14, President Bush granted the authority to mobilize 50,000 reserve personnel for Homeland Defense. How will these large-scale troop realignments affect our infrastructure requirements of the future?

Why are we continuing to close installations in the United States when there are so many facilities overseas

that we continue to sink large amounts of funds into year after year? In light of the events of September 11, I believe we need to consolidate overseas installations, therefore providing a more secure environment as well as improving the quality of life for our service-members and their families.

These are some of the questions we need answered before we authorize an additional round of BRAC. If after the Strategic Reviews and the QDR, the required force structure supports further base closures, then I think DOD should identify bases they no longer feel are necessary and submit their finding to Congress. I have full faith that this body is capable of looking objectively at our defense needs and determining whether a base has outlived its usefulness.

Given what we already know about BRAC, the ongoing reviews, and more importantly, what has happened in recent days, I cannot support and vigorously oppose the Department of Defense's request for another round of base closure.

For that and many other reasons, I offer these amendments, one to strike and one to modify section 29 of the National Defense Authorization Act for Fiscal Year 2002. I hope my colleagues will support me on this important issue.

I support and am a principal cosponsor of the amendment to strike section 29 of the national authorization act of 2002. That section provides authority to carry out the base closure round of 2003.

As this body considers yet another round of base closure hearings and proceedings, I think it is important we pause and reflect on where we have been and examine where we are, and particularly, today, where we plan to be in the future with our force structure, considering the events we have witnessed in the last 2 weeks.

I have said many times before we have been down this old BRAC road—actually, four times—and there are pros and cons about whether we should do it.

This time I have listened to the arguments of the Pentagon, and the Secretary of Defense and I have weighed it very carefully. I still oppose the process. I still think this is an abdication of responsibility, to turn decisions of this nature over to this Base Closure Commission. I have always taken that position. Some people, say, well, how did you plan to do it? How did we do it before? We started this process in the 1980s. The Pentagon would make decisions about excess capacity, bases we did not need, missions that were not necessary or could not be consolidated, and they sent a recommendation to the Congress. And the Congress would take it under advisement, sometimes accept the recommendation, sometimes reject it. In many instances, bases were closed in the late 1940s and 1950s and

1960s. I know of at least four bases in my immediate region that were closed, including one I believe in the 1970s, Brookley Air Force Base in Mobile, AL, bases around my State.

Congress faced up to it. If it could be justified, if it can be, and we can be assured it will leave us the capacity to do what we need to do, I think Congress will step up to it. Some will say this is a way to get politics out of it. Really? How many think politics did not come into play the last time we had a base closure round? It clearly did. That is why many Democrats and Republicans in the Senate have opposed another BRAC process over the last 2 years.

Some would have said 3 weeks ago that it is time we give it another chance, and we do have duplication and excess capacity. In my meetings with the Secretary of Defense and the service secretaries and representatives of the Office of Management and Budget, I have indicated I would do one round, not two, but also if it would be targeted to those places where we know we have redundancy or excess capacity; or, to put it conversely, where we know we are not going to close bases, then say it will not apply in these areas.

By the way, one of the key questions I want to ask in my remarks: What about bases in other places of the world? We have given the Pentagon the authority to consolidate missions and close bases in Europe and other parts of the world, but they have done very little of it. In fact, I think one of the most interesting statistics I have come across anywhere is this: We have over 700 activities in Europe and Asia alone. Europe has 523 activities with 115,650 active-duty personnel. We have invested \$572 million in military construction in Europe from 1997 to 2001. That equates to an average annual investment of \$114.5 million per year. Shouldn't we look at excess capacity and consolidation in Europe before we start closing bases and facilities we may need at home?

Now I support and understand the need for having some Air Force bases in Europe, such as at Rhein-Main, and we need naval bases so we can project force. But when you look at the number of missions, where the missions are, what we are doing in Europe, you cannot help but realize they are snickering at us. They view it as economic development and jobs activity.

I would like to make sure in fact something is going to be done in Europe before we start down this track of another base closure round in the United States. We have already had some hints at how this might work. The Deputy Under Secretary of Defense for Installations and Environment was quoted as saying maybe we would want to accommodate bases by relocating some operations from congested areas to sparsely populated regions, even talking of moving bases from one region to another. I understand there is

some denial of that or apology for it. Maybe it shows some of the thinking.

We have also had the suggestion from the Pentagon that they were maybe considering a variety of options, including mothballing some bases, or mothballing part of a base and keeping the rest open or closing only part of that base. What that means is, even the surrounding community will be prevented from using the abandoned bases. That might be the worst of all worlds. We will not say yes or no. We will say, well, we might want to keep part of it, not this part, maybe mothball it, we will not turn it over to the county, community, the State, for them to do something else with it.

I don't think this has been thought out. I don't think there is a plan of how this would work.

We know for certain that the BRAC process severely disrupts local economies of communities across this Nation. If we have another BRAC, every community, every State in America for the next 2 years will have to hire some high-priced, high-powered consultants and lobbyists to tell them what to do. You are not talking about cheap money, you are talking about \$200,000 a year, a quarter of a million a year. Everybody will get on their war footing to try to satisfy the anxieties. And, by the way, in many instances where they are not even going to be considered—or where they might be considered, but clearly in the end it will not happen. But let me tell you, that is what will happen.

Here is one thing that worries me. I had this feeling basically before 2 weeks ago, but think about it now. Think about it today. Our National Guard units are being activated. Tankers from Meridian, MS, are flying overhead to keep our jets flying. Our Air Guard unit that has the C-141 cargo aircraft, they are going to be involved. You can be sure of that. We have already had reservists called up, medical units, intelligence units and military police forces.

At a time when we are activating Reserve units and calling up Guard units and we are telling the American people: We have been attacked, get ready, be ready and break out the flags. Let's support our men and women in uniform—oh, gee, and by the way, your base may be on the base closure list.

Great timing? This is a great way to rally the troops. While we are expanding and planning for the future and not really sure what all we are going to need, making demands on communities, individuals, every community in every State in America is about to be affected by this, and then we are going to come with this particular proposal? I don't think so, colleagues.

Some people say: Don't worry, it will be taken care of in conference. I have counted on that before and it did not quite work out that way.

So I hope my colleagues in the Senate will think about the timing of this. What are we to expect in the future?

The third thing we now know about BRAC is the savings cannot really be documented. Again, we will get arguments there can be savings. Yes, maybe there should be savings in the future, but as a matter of fact the proposed savings from previous BRAC rounds are nothing more than imprecise Department of Defense estimates that cannot be confirmed. In fact, both the CBO and GAO have said the Department of Defense cannot back up its savings estimates with hard facts.

One thing, the cleanup we have to go through, you can argue about whether it is necessary or not, and sometimes I think we go to the extreme on that. But the cleanup has been a big problem in terms of cost and also in getting it into some other usage.

In some areas, some communities, some States, they have been able to turn these bases into economic development opportunities, and they worked out in those local communities. But I think the savings are of a very dubious nature.

Finally, the objective of BRAC, as I understand it, is to match base infrastructure with force structure. Yet today the Department of Defense is working on their plan to transform our Armed Forces. In light of current events, we all agree a new threat has emerged and a new type of war will have to be fought. So I have to ask what will be the force structure of the future? What it likely may have been 3 weeks ago may not be what it is now. Where will we need bases for operating, training, and maintaining this force?

Just this past weekend I heard an Air Force general talking about how our jets and our mission had always been set up and planned from inside out, looking out to stop attack. Now we have to change that thinking. We have to think about how do we have protection inward. It is going to be fundamentally different. We have to now think about, if we have to scramble planes, where would they have to come from to get to New York? Where would they have to come from to get to Chicago? Where would they have to come from to get to Boston? I understand we did have some planes scrambled out of Massachusetts. But we have to look anew at how we have this force structure and where these aircraft will come from, what type of forces we will need, what type of training will we need for our men and women.

Secretary Rumsfeld is still working on his strategic review to define the environment for the future and to make recommendations of force structure changes. He stated that the fiscal year 2003 defense budget submission will be his first opportunity to implement these transformational ideas. If that is the case, shouldn't we at least wait until we know that before we move toward another base closure round?

I have never supported a BRAC, but I have also never said I would not some-

day if I could be convinced there was a plan, that there was a force structure, that we knew what we were going to need and we could be shown there is duplication and redundancy and overlapping, things we did not need because of changes in plans for the future, and it would be aimed at those areas, not just a broad brush at every base.

DOD is also currently executing the congressionally mandated Quadrennial Defense Review and was scheduled to report to Congress later this month on the results. I have no doubt this report will be delayed due to the terrorist attack.

So I think I have made my point here. This could be done, but I think it would have to be done with more planning, with more indication of what our needs are going to be, what we want in the future, and with some targeting. But that is not what we have here.

I say again, I think we need to take a look when we do it, not just at what we have here in America but what we have around the world. We are going to have this new homeland defense position. Would we like to see how that is going to be formed and what their recommendations would be, before we start down this trail?

I think that would be the responsible thing to do. This is an administration that I am very proud of. I have had a long relationship with Secretary Rumsfeld. I have listened to Secretary Cohen, my personal friend—I sat next to him on the Armed Services Committee—the Secretary of Defense with President Clinton; I have listened to the Pentagon officials this time around. I think they are the experts, but I think we have a responsibility to ask the tough questions.

This time, the toughest question is, Are we ready? Do we know what we are doing, or is this just the knowledge that maybe we have some activities that we can do without? But is that the case today as it was 2 weeks ago? I don't think we know.

So I hope we will move on this amendment to strike. I appreciate the effort that has been made by the chairman and the ranking member to come with this bill. Concessions were made. Senator DASCHLE and I kept encouraging them to keep working and they did. They did a great job.

I hate to stand up and speak on behalf of an amendment to strike anything out of this bill. I hoped basically we could just come together and get it done. I still think we can. There is no reason why we should not be able to get a list of amendments agreed to and complete this legislation tomorrow or Wednesday morning. I think that would be another important sign of how we are working together. We are doing the right thing for the defense of our country and our efforts to help the economy and help deal with the threats this country faces.

The American people are saying they like seeing us do that. I think we

should do it on this bill. But for now, I think we should do it without this section. I thank my colleagues for their patience and I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent the list I shortly will send to the desk be the only first-degree amendments remaining in order to S. 1438, the Defense authorization bill, and that these amendments be subject to relevant second-degree amendments; upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from Texas.

Mr. GRAMM. Reserving the right to object, I was over here trying to do my reading homework. I am not sure I heard. Is the Senator asking that we limit amendments to the bill at this point?

Mr. REID. Yes. The unanimous consent agreement I proposed just now, for the third or fourth time, is that we would have a finite list of amendments, not limiting the amendments but that the two managers would be able to sort through the amendments, find out which ones they agree with, those they want in the managers' amendment. Anyway, they would have a list of amendments.

If we do not do that, I say to my friend from Texas, we will never finish the bill. This doesn't limit debate on any amendment. It doesn't limit the number of amendments that people would want to offer. But it would bring some finality to the list of amendments.

Mr. GRAMM. Further reserving the right to object, I am hoping something can be worked out on a nondefense issue which has found its way into the bill. I am doing everything I can to expedite that, to get that issue out of the way. I think we can save time by working that out, if we can.

On that basis I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I say to my friend, I know there are other items that need to be worked on tonight. I say to my friend from Texas, we are arriving at a point in this legislation where I simply do not think it works to have us on this bill. There are many other important issues we need to finish before Wednesday at 2 o'clock.

One of the things we wanted to finish was this bill. The majority leader badly wanted to finish this bill.

The President wants the bill. It is important for this institution and it is important for the country, but unless the managers get a list of amendments, we are not going to finish this bill.

I suggest perhaps to the leader that tomorrow maybe we should go to some of the other legislation that has to be done before we get out of here on

Wednesday. I know the Senator from Texas feels strongly about a matter that is in the bill. But I would suggest to him that he should offer an amendment, debate it, and let the cards fall where they may.

But, as I said, the unanimous consent request that has been propounded does not limit debate or amendments in any way.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to speak in opposition to the motion to strike BRAC from the Defense authorization bill and to speak on behalf of amendments that would put the money that we would save to better use in terms of our national security.

We just elected a new President of the United States. He selected an outstanding management team: Colin Powell, Secretary of State; Donald Rumsfeld, Secretary of Defense; people who are well seasoned in terms of our national security interests. It seems to me if that team we are entrusting the security of the United States of America to believes the BRAC process would be well taken in the best interests of the United States of America and would serve our national security needs that we ought to follow their leadership in that regard.

If we have confidence in them moving forward with all the other aspects of securing our national defense, we ought to also give them some recognition and approval in terms of what they want to do in terms of our infrastructure and our bases in the United States and throughout the world.

I hope the Members of the Senate will consider their recommendations.

As recently as September 21 after the national tragedy on the 11th, Secretary Rumsfeld came back and said to the Armed Services Committee: We want it. We need it. Please give it to us.

I urge my colleagues to pay attention to the folks to whom we have entrusted our security.

Almost two weeks ago, the American people watched in horror as the terrorist attack on the World Trade Center and the Pentagon unfolded before our very eyes.

As the nation slowly recovers, the image that no one will forget is that of Fire, Police and emergency service personnel running towards the flames and destruction while terrified individuals ran the other way.

These brave men and women knew they were racing into obvious danger, risking their own lives in order to save others, but each one knew—and accepted the fact—that it was their job to do so.

Just three days after the attack on the Pentagon, I got an opportunity to see the devastation at that familiar landmark first-hand.

I was struck by the looks of quiet determination on the faces of the rescue personnel, each knowing the serious

business they faced, and contemplating the serious business they have yet to do.

Last Thursday, I was in New York City with 40 of my colleagues to tour the World Trade Center site. Standing at "ground zero," seeing that devastation first hand, has sealed my resolve to do whatever I can to make sure that such terrorism is never again used upon the United States of America.

It is important for the future of our nation—our children and grandchildren—that we support the President. The President was absolutely right in his speech to the nation last Thursday evening when he said "Americans should not expect one battle, but a lengthy campaign unlike any other we have ever seen."

As I said on the floor of the Senate the day after this heinous attack, "our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head."

And if we expect to win this war, we will need the resources necessary to do so, and the one resource we need above all others is human capital.

The American people have demanded—and rightly so—that we make our airports and commercial aircraft safer.

They want this government to turn the full force of the FBI towards conducting investigations and pursuing terrorism suspects.

They have urged us to beef-up our border patrols and strengthen our immigrations and customs enforcement.

And most of all, they want this nation to use the full force of its intelligence, law enforcement and military apparatus to root out and squash every terrorist organization in the world.

To ask their government to do these things is the right of every American, but these will not be easy tasks to accomplish, Mr. President.

They will not be easy because at this moment, the federal government faces a human capital crisis; we are losing the very people we need to run our government—and their valuable experience—with each passing month.

And as they retire, we are not doing enough to replace them with the "best and the brightest:" the individuals who will carry-on the important work of our nation.

The human capital crisis saps our strength as a nation, and at this critical time in our history, we cannot afford to be vulnerable.

Since I was elected to the Senate, I have devoted a great deal of my time towards examining this crisis in the Federal workforce and how we can address it.

I can tell you that we need a unified strategy to rebuild the federal civil service in light of the challenges it confronts—especially in the aftermath of the attack on our nation on September 11.

The human capital crisis extends not just to our security and law enforcement agencies, but it includes virtually every department, agency, and office in the Federal Government.

While the entire Federal Government is in need of a massive infusion of high quality human capital, I am most concerned about the workforce of the national security establishment, because national security is the most important responsibility of the Federal Government.

On March 29, the Subcommittee on Oversight of Government Management held a hearing entitled, "The National Security Implications of the Human Capital Crisis."

At the March 29 hearing that I chaired, former Defense Secretary James Schlesinger and Admiral Harry Train, United States Navy, retired, testified on behalf of the U.S. Commission on National Security in the 21st Century.

The Commission, which was chartered by former Defense Secretary William Cohen in 1998 and chaired by former Senators Warren Rudman and Gary Hart, undertook a comprehensive evaluation of our national security strategy and structure.

The final report of the Commission, "Road Map for National Security: Imperative for Change," was released this past February. It includes 50 recommendations on such areas as recapitalizing America's strengths in science and education, institutional redesign of critical national security agencies, the human requirements for national security, and securing the national homeland.

On this latter point, I am pleased that the President has taken quick action to establish an Office of Homeland Security. The head of that office, Governor Tom Ridge is a friend of mine, and I know that he is more than able to face this challenge.

Regarding human capital, the Commission's final report concludes:

As it enters the 21st century, the United States finds itself on the brink of an unprecedented crisis of competence in government. The maintenance of American power in the world depends on the quality of U.S. government personnel, civil and military, at all levels. We must take immediate action in the personnel area to ensure that the United States can meet future challenges.

The report went on the state that:

... it is the Commission's view that fixing the personnel problem is a precondition for fixing virtually everything else that needs repair in the institutional edifice of U.S. national security policy.

The General Accounting Office's Comptroller General, David Walker, also pointed to the human capital crisis as a growing problem in our national security establishment, stating at a hearing I held in February that:

At the Department of Defense, where a Defense Science Board task force found that "there is no overarching framework" for planning DOD's future workforce, civilian

downsizing has led to skills and experience imbalances that are jeopardizing acquisition and logistics capacities. In addition, the State Department is having difficulty recruiting and retaining Foreign Service Officers . . .

In fact, we have less people today applying to the Foreign Service. And of those people who we find meeting those very high standards, less of them are going in the Foreign Service than ever before.

I believe Secretary Schlesinger and Comptroller General Walker hit it right on the head when it comes to human capital.

Consider that we are currently making preparations to take on Osama bin Laden and his Taliban protectors and we don't have enough people who speak their language.

Consider that the investigation that is underway by the FBI is hampered by a lack of language specialists.

Indeed, the Washington Post reported on September 17 that:

... although investigators are receiving large quantities of data from documents and wiretaps, two well-placed former law enforcement officials said the FBI suffers a lack of Arabic linguists and analysts.

In fact, the situation is such that, the United States is now advertising for anyone who speaks Farsi or Arabic to come forward and help out as translators in the aftermath of the September 11 tragedies.

I do not know how many people in the national security establishment actually speak Farsi, but it is apparent that we do not have enough.

And while I believe we need a full scale assault on human capital crisis in the Federal Government, again, the first and foremost obligation of the Nation is to ensure the defense of its citizens.

For the last 2½ years, I have been working on a targeted piece of the human capital needs of the civilian defense workforce.

I remind my colleagues that during the 1990s, over 280,000 Defense Department civilian positions were eliminated with little or no regard for workforce planning. On top of that, new hiring was severely restricted.

Taken together, these two factors have inhibited the development of mid-level career, civilian professionals—the men and women who serve a vital role in the management and development of our Nation's military.

To help remedy this, Senator DEWINE and I amended last year's defense authorization bill and provided the Department with a special authority to reshape its workforce after a decade of significant downsizing.

The authority provided to the Department last year allowed it to offer 1,000 voluntary separation incentive payments in fiscal year 2001, and 8,000 total incentive payments and voluntary early retirements—4,000 in fiscal year 2002 and 4,000 in fiscal year 2003—for the purpose of reshaping that

workforce. Last year's defense authorization bill required these authorities to be reauthorized this year.

Human capital is the Federal Government's most valuable resource, and this program is only a downpayment on the changes and authorities the U.S. will need to enact and implement to revitalize the civilian side of our defense establishment.

The amendment Senator DEWINE and I are offering to section 1113 of this bill is simple: it reauthorizes these important workforce reshaping proposals for both fiscal years 2002 and 2003.

Wright-Patterson Air Force Base in Dayton, OH, is an excellent example of the challenge facing military installations across the country. Wright-Patterson is the headquarters of the Air Force Materiel Command, employing 10,900 civilian Federal workers.

By 2005, 40 percent of the workforce will be age 55 or older. Another 19 percent will be between 50 and 54 years of age. Thirty-three percent will be in their forties. Only 6 percent will be age 35 to 39, and less than 2 percent will be under the age of 34.

According to these numbers, by 2005—only 4 years from now—60 percent of Wright-Patterson's civilian employees will be eligible for either early or regular retirement.

There is a legitimate concern that when significant portions of the civilian workforce at Wright-Patterson and other military bases retire, including hundreds of key leaders and employees with crucial expertise, the remaining workforce could be left without experienced leadership and most important institutional knowledge.

Military base leaders—indeed, the entire Defense establishment—need to be given the flexibility to hire new employees so they can begin to develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

I thank Chairman LEVIN and Senator WARNER for their support on this amendment.

Incredibly, with a human capital crisis facing our Nation and the report on the vulnerability of U.S. security in the year 2000, it seems that the House of Representatives may not reauthorize the workforce reshaping program that Congress passed last year. We should be very, very concerned about this.

If the provisions of our amendment are not included in the House bill, I would urge the House conferees to join in support of this amendment as the final version of the Defense Authorization Act is being developed.

Let me state again that this amendment does not address all of the human capital needs of the Defense Department. It is just a small down payment.

Additional action needs to be taken to help ensure that the Department of Defense recruits and retains a quality workforce so that our Armed Forces

may remain the best in the world and be able to keep the world secure in the 21st century.

I will continue to work towards that goal, and will be introducing a more comprehensive bill that not only responds to the human capital crisis in the U.S. security establishment, but in the entire Federal Government as well.

In the wake of these attacks, our men and women in Government all across the Nation have a renewed sense of purpose—to keep America safe and preserve our freedoms. I have never seen more determination and patriotism in my entire life.

Right now, law enforcement and military personnel are standing vigilant to watch over America.

The Border Patrol, the Customs Service, and the Immigration and Naturalization Service are closely monitoring who is coming into the United States and who is leaving.

Active and reserve elements of the Air Force, Navy, and the Marine Corps have been and will continue to patrol the skies above Washington and other cities.

The Navy and Coast Guard are guarding our ports and patrolling our waters. Tens of thousands of reservists have been called up to assist in these activities.

At this moment, troops are being deployed in Southwest and Central Asia.

In the days and weeks and months ahead, our brave soldiers, sailors, airmen and Marines will be called upon to risk their lives and, in some cases, give their lives in an effort to rid the world of the evil scourge of terrorism.

Still, Mr. President, as much as we are asking our military personnel and our Government employees to do what we are asking them to do right now, more is going to be asked of them. More will be asked of them.

We have a responsibility to the future generations of this Nation to give the Federal Government the tools it needs to help retain and attract the best and the brightest. I believe our amendment is a good first start towards getting that job done.

I think all of us know, if we want to win the World Series or we want to win the Super Bowl, we need the best and the brightest. That is what we need. And the best and the brightest have not been coming to the Federal Government. In fact, I have talked to the dean of Harvard's John F. Kennedy School, Dean Nye. He is very concerned about the fact that 10 years ago, 70 percent of their brightest people would be going into Government; today it is around 40 percent. So we have a long way to go.

I hope with this amendment we will be able to attract some of those people to our civilian defense establishment.

Mr. BAUCUS. Mr. President, I rise today to join my colleagues, Senator BUNNING in strong support of Amendment 1622. This important provision

would prevent military base closures through 2003.

In the light of the recent, tragic events, implementing another round of base closures could be a dangerous decision. We are entering a new phase of heightened national security in our great Nation. And President Bush has correctly warned of the continued threat to the security of the United States and its allies from terrorist groups and rogue states. I believe that base closures would not be in our country's best interest any time in the near future.

While the defense budget can be increased in a matter of days for increased intelligence efforts or readiness assistance, the same is not true of the force structure or the base structure. Once property is converted to civilian use, as it would be under another round of Base Closures, it is, for all practical purposes, permanently lost as a military asset.

I would like to draw attention to Malmstrom Air Force Base in my home State of Montana. After two weeks of rigorous evaluations, the 341st Space Wing's operations, security, maintenance, communications personnel, and equipment were recently given an "excellent" overall rating for Combat Capability Assessment. A very high mark! I'd like to congratulate them on a job well done.

It would take months or even years to reach this state of effectiveness if we had to start from scratch to re-engage the base. To lose this asset in moments of heightened national security could permanently scar our force capability to respond.

While protection of our national security and military readiness is enough of a reason to halt base closures, there are additional concerns to address, as well: first, while reducing spending is the main motivation behind base closures, studies have shown that the additional funds are never realized. The majority of savings comes from reduction of personnel, which is not directly tied to base closures. And reduction of personnel shouldn't be an option given the current circumstances. Second, there is no procedure for selecting which bases are closed. And that is very troubling. "Military value" is only the definition currently used and is open to interpretation. A concrete set of criteria must be developed before any further base closures are conducted.

Since September 11, we have seen that our economic security is clearly tied to our national security. In order to bring strength to our economy, we must maintain strength in our military.

We do not have months or years to wait while our bases are refurbished with military personnel, equipment and missions. If additional bases were closed, we would waste valuable resources as we scrambled to reinstate a

base during a time of high security. Now is not the time to limit our military's ability to respond.

I urge my colleagues to vote against further base closures and support amendment 1622.

Mr. HATCH. Mr. President, I rise in support of this amendment to the Defense Authorization Bill.

I must tell you that I have thought long and hard on the subject of base closings. The arguments for and against initiating another process which might lead to additional base closings have weighed heavily on my mind. I have the deepest respect for Defense Secretary Rumsfeld and I know how hard he is working to find efficiencies and economies within the Department of Defense. I know he believes that a new base closing initiative is an important tool in his efforts to fix our defense infrastructure problems. However, I strongly believe that the events of September 11th changed this Nation's priorities. Now is not the time to engage in any type of activity that distracts from our national defense priorities.

This is a pivotal time in our history. All our efforts and resources must be focused on fighting terrorism at home and abroad. At this time, I do not think that the time and money spent preparing for base closings will contribute to this effort. Military bases and the military establishment need to be focused on the war effort. Our military leaders and base commanders throughout the country do not need to be worrying about justifying their installations' existence. The communities around the bases do not need to be worrying about their future economic well-being. At a time when we, as a Nation, face an uncertain future, we need not take on a process that is rife with uncertainty and turmoil and which distracts from our national goals.

Additionally, we do not yet know what force structure will be required to accomplish all the missions associated with this new 21st century warfare. I believe it will take some time to determine what our military should look like. Why would we start a base closure process when we have no idea what shape or size our forces will take? Equally important, we do not know which bases will be key to our efforts in building an effective homeland security network.

There is great debate about how much base closings cost and how much base closings save. In a time of economic uncertainty, I do not believe it is wise to spend millions of dollars on a base closure process. I am not willing to sacrifice the readiness of our armed forces for theoretical savings.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEVIN. Will the Senator from Nebraska yield for an inquiry?

Mr. NELSON of Nebraska. I am happy to yield.

Mr. LEVIN. Mr. President, I am wondering if my friend from Oklahoma would agree with me on the following procedure, that after Senator NELSON speaks—I understand that is going to be on the BRAC amendment, I want to speak on the BRAC amendment—that unless others notify our Cloakrooms that they wish to speak on the BRAC amendment, at that point we would be done with the BRAC debate. We would then move to the amendments offered by the Senator from Oklahoma. I don't want to put that in the form of a UC, but I will state that would be my intention. I am wondering whether or not the Senator will concur.

Mr. INHOFE. I do concur in that. In fact, I will go along with a UC to that effect, whatever the Senator wishes.

Mr. LEVIN. We are not sure yet if anyone else wants to speak on BRAC. I would ask if any of our colleagues want to speak on the Bunning amendment, that they let our Cloakrooms know so we would then be able to accommodate those Senators before we move to the Senator's two amendments. I thank my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise in support of the amendment of the Senator from Kentucky to strike the BRAC language from the fiscal year 2002 Defense authorization bill.

Senator DORGAN referred to Secretary Rumsfeld's label for BRAC, the Efficient Facilities Initiative, as "Ify." I have to agree with him. I think it is iffy in terms of cost, iffy in terms of our present force structure, and would be iffy to the morale of our troop force.

On Tuesday, September 11, the strategic environment in which the United States operates was completely changed; certainly, as it relates to the military as well. Many issues that crowded our plate disappeared, and we have all begun to focus on the current crisis. I believe that change in environment involves base closures.

I said at the time we were debating this issue during the Defense authorization bill that we should wait on the QDR before we voted to give the administration the ability to close bases. That point of view was not shared by every member of the Armed Services Committee, and accordingly the BRAC language was included in the authorization bill.

We are now told that the Department of Defense will submit an on-time QDR to the Congress and that DOD has indicated they will send an amended QDR to us just as soon as they can at a later date to address the current crisis.

Authorizing another round of BRAC without first reviewing the QDR and without first admitting that our strategic environment has shifted dramatically is a classical case of putting the cart before the horse. I didn't think

that BRAC was right before September 11, and I don't think our military knows if it is right now.

We know, for example, as a result of the September 11 events, our fighter jets are flying cover over major U.S. cities. Those jets need bases from which to fly in and out. It strikes me as a rather odd time to be closing bases.

Now that we are in the process of creating a homeland defense office, what role will our bases play in the protection of our major cities? Will we need increased ground defenses which are located at bases which could otherwise be closed? What role will bases play in our new security structure? Again, we haven't had the opportunity to think this through and, therefore, we must, in fact, set aside the BRAC authorization at this time.

Some say that BRAC will provide us significant cost savings. Certainly, I am for cost savings. Over the long term it may be possible, but no one disagrees that in the short run, BRAC costs money. Right now we need every bit of our resources, financial and otherwise, to address our significant force protection concerns.

Finally, this sends a mixed message to the men and women who are now preparing to engage a new and terrible enemy. How can we be united as a country if we are adversely affecting morale? Now is the time to focus on reducing the threat of terrorism, not on relocating and uprooting families from bases. It would be inopportune to include this language in the Defense authorization bill, certainly at this time.

Until I am presented with more persuasive evidence regarding this matter, I simply cannot support an initiative that could hamstring our homeland defense. And in my opinion, it might. Certainly I believe others share that view based on comments on the floor.

Clearly, it would be prudent to strike the language in the best interest of our country and our military personnel at this time. Let us consider BRAC under less threatening circumstances, when we will have more information at our disposal and when we will know what the QDR expects from our military. Let us not act prematurely. Instead, let's exercise prudence and do the right thing for the right reason.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to speak on behalf of the Bunning amendment because I don't think we are ready to make the decisions about which bases we are going to need. We didn't know before September 11 exactly what our troop strength was going to be in the future because we didn't have the reviews in place yet from the new administration.

Today we know even less about the troop strength, and we certainly need to know how many we are going to

have in our component organizations—the Army, Navy, Air Force, and Marines—before we make the decision on which bases we will need for the future.

Also we need to know how we are going to do our training. What is the best place to do the training? I have visited bases overseas where we have training facilities, but we have limited airspace in some of those. We have limited missile range in some of those places.

Is it better to do the training there or is it better perhaps to do it at a U.S. base where we have better facilities and more control over the airspace and the ground space? I don't know the answer to those questions. I know we should have the answer before we make a decision on whether we start closing bases.

I have seen us do two things in previous base closings. I have seen us close bases that we then needed in the future. The Air Force has said that we should have kept some of the training bases in the United States opened, but they were already closed. It was too late to do anything about it.

Secondly, I have not seen us estimate anywhere close to the true cost of closing a base. If I could get real numbers that showed that closing a base really saves money, I would consider having another round of base closings. But until we know what the environmental cleanup is, what the hazards are in each of these bases and what it is going to cost for that cleanup to put it in order for the base to either be sold or given back to the community, depending on what the arrangement is, there is no way I would support a base-closing commission.

I think we are spending more closing these bases than we have keeping them open. I am the ranking member of the Military Construction Subcommittee. We have \$150 million in that bill that is going to come to the floor in the next few weeks, \$150 million for environmental cleanup that was not anticipated in base closings.

That is not the way we ought to do business. I don't think we ought to say that environmental cleanup is going to be \$15 million and then all of a sudden have a bill for \$150 million and say that is an efficient use of our assets. We have not done our homework yet.

I am not saying I am never going to be for a base closing. I will be for a base closing, if I see what our troop strength is projected to be for the next 25 years or even 10 years, if I see that training is going to be done either in America or overseas, but we have studied where that training ought to be. In fact, I would support a study that would prepare us for a base-closing round. But I will not support another round of base closings until we have done our homework, until we have a study, until we know how this new war that we have just determined we must wage for the freedom of our country is

going to be waged and how long it is going to take and where the bases might be needed. We probably will have more overseas bases. But are they going to be in the same places that they are now? Maybe not. Maybe we will have to build new bases in other sites.

So I don't think we ought to be talking about closing things until we know what we are going to need in the future. I am not against base closings; I am just against doing it too soon, because I think we are throwing good money after bad if we don't have our ducks in a row and know exactly what our needs will be from the military construction standpoint.

On the Military Construction Subcommittee, I did not like having to spend money on environmental clean-up, when I would have liked to have spent that money building better housing for our people, building more facilities to do the job that we know we must do. Yet we are still cleaning up bases that were closed 10 years ago. I don't think that is the way we ought to operate. We ought to operate with good business sense. We ought to decide what our troop strength is going to be, where we can best do the training, what our needs are going to be with this new war that we now know we must fight—and we know it is going to be tough. We are going to support the President and give him the resources he needs to make sure we win because freedom is at stake.

The idea that we would have a premature round of base closings is a bad idea whose time has not come. So I appreciate the work of everyone here. I know we have legitimate disagreements on this issue. But I am going to support the Bunning amendment. I hope we can set it aside for this year.

I have an amendment, which I have already offered, which I hope we can consider. It does have a study that would ask just the questions I have asked tonight. If we can answer those questions, then we can have base closings based on what we are going to need in the future, based on facts, based on studies, and knowing exactly what we are going to do before we take these steps. Most of all, we will know what the costs are going to be and how much could be saved and how much must be spent for those savings.

Mr. President, I appreciate the work of the distinguished chairman and ranking member, and I hope we can pass the Bunning amendment. I also hope we can pass the Hutchison amendment that will provide studies for the future, and that we can do this in the right way and in a thoughtful way, in a way that will make sure we do right by our men and women in the services and protect them wherever they may be in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, a number of arguments have been raised this afternoon about the Bunning amendment which would strike the BRAC language from our bill. By the way, this is the first time the Armed Services Committee—at least within my memory—has adopted a bill for an additional round of base closings on a very strong bipartisan vote. It was adopted because the civilian and uniformed leadership of our Armed Forces pleaded with us to allow them to get rid of excess structure, which costs a lot of money and makes it impossible for us to do the things we want to do to modernize Air Forces, make them more ready and more lethal, to make them more mobile, to give them greater pay, because we are spending billions of dollars on infrastructure we do not need.

For the last 4 years, Senator MCCAIN and I have come to this floor and said our leadership is asking for the authority—just the authority—to have another round of base closings. It has been denied year after year. We have been told “this is not the time,” year after year. We have been told we should have a study year after year. As a matter of fact, in 1997 there was a study that was substituted for the round of base closings. The April 1998 report contained 1,800 pages of detailed backup material for why we should have another round of base closings.

I think the most important question that has been raised is, Does September 11 change all this? That, to me, is the real vital issue. We wanted to get the thinking of our uniformed and civilian leadership on that issue because, surely, I think each one of us—and perhaps no one more than the person occupying the chair now—would want to know what is the effect of the events of September 11. I want to read a letter we have received because even though parts of it have been used before, it seems to me this letter addresses that most pungent of all questions. This is from Donald Rumsfeld, dated September 21. The same letter was written to both myself and to Senator WARNER. It reads as follows:

I write to underscore the importance we place on the Senate's approval of authority for a single round of base closures and realignments. Indeed, in the wake of the terrible events of September 11, the imperative to convert excess capacity into warfighting ability is enhanced, not diminished.

Since that fateful day, the Congress has provided additional billions of taxpayer funds to the Department. We owe it to all Americans—particularly those service members on whom much of our response will depend—to seek every efficiency in the application of those funds on behalf of our warfighters.

Our installations are the platforms from which we will deploy the forces needed for the sustained campaign the President outlined last night. While our future needs as to base structure are uncertain and are strategy dependent, we simply must have the freedom to maximize the efficient use of our resources. The authority to realign and close

bases and facilities will be a critical element ensuring the right mix of bases and forces within our warfighting strategy.

No one relishes the prospect of closing a military facility or even seeking the authority to do so, but as the President said last evening, “we face new and sudden national challenges,” and those challenges will force us to confront many difficult choices.

In that spirit, I am hopeful the Congress will approve our request for authority to close and realign our military base facilities.

Mr. President, I hope we will have the will to do something that is not easy. This is not easy for any Member for his facilities and his State to do; we know that. That is why facilities were not closed until we had commissions that were in place. We make a recommendation to the President, and the President would then have a right under our approach to either say yes or no to the entire list. If he says yes, Congress has the right to say yes or no to the entire list.

This does not abdicate responsibility to a base-closing commission. What it does is it permits us to shed excess infrastructure that is costing us billions, that is detracting from the ability of our warfighters to fight a war, because it means billions of dollars which should go into that effort are instead being spent to maintain structure that is no longer needed.

We would not put excess baggage on a warfighter. We would not tell that warfighter you have to carry a larger load than is necessary. By keeping bases open, that is exactly what we are doing. We are denying the warfighter the resources that would otherwise go into what is needed in the Defense Department.

That is the issue. The issue, if anything, it seems to me, is sharper since 9-11. More than ever, we must avoid waste. More than ever, we must have the will to make tough choices. We have done a lot of things that have been difficult, and we have done a lot of things differently since 9-11 in this Congress. We have come together on a lot of issues that we thought we could not come together on, and we have avoided the kind of dissension and debate in which our people do not want us to engage.

Now we have our military leadership and the President of the United States pleading with us to allow them to get rid of excess infrastructure 2 years down the road. That is the plea from our President, that is the plea from our military leadership, civilian and uniformed: to allow them to begin the process 2 years from now of removing excess infrastructure.

I hope we have the will to do that, to respond to the men and women of our military who have much greater needs than excess infrastructure.

We have been told also that we should be closing more bases overseas instead of starting this process here. Since the end of the cold war, the Department of Defense has closed 59 percent of our overseas sites compared to

about 21 percent of our domestic sites. They do not need authority legislatively to close overseas facilities. They have that without our action, and they have been able to close 59 percent of the overseas sites. That is quite a difference from what they have closed in this country. So I do not think that argument works either.

Then we have been told as well that we should know what we want in our force structure before we move for some additional flexibility on our base structure. We ought to know what our force structure is going to be, and there is no doubt about that. Before the base structure is concluded, surely we must know, or should know, what the force structure is going to look like. That is why in this bill we require that "the Secretary shall carry out a comprehensive review of the military installations of the Department of Defense inside the United States based on the force structure plan submitted under section A(2). . . ." And that plan is very specific. That is part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2003: The Secretary shall include a force structure plan for the Armed Forces based on the assessment of the Secretary in the Quadrennial Defense Review under another section.

The force structure plan is required by our law. We have heard many times this afternoon and this evening, and correctly, that we ought to base our base structure on our force structure and we do not know what that force structure is going to be.

The answer is we know that the force structure must be determined prior to the base structure recommendations that go to the Base Closure Commission and then from them to us. It is a requirement of law.

The Senators who have made this point are right; we should know our force structure before we know our base structure, but the inaccuracy is in their argument that we will not know that force structure prior to the decision on base structure, both by the Defense Department, in terms of their recommendation to the Base Closure Commission, and by the Base Closure Commission in their recommendations back to the President and to us.

The one final point I will make this evening has to do with cost. The argument has been made that there either have not been savings or that the savings have not been demonstrated, or that there has been no proof of the savings, or that the savings have not been precise. We have GAO report after GAO report saying that—and I will reading from one:

Our work has consistently affirmed that the next savings of the four rounds of base closures and realignments are substantial and are related to decreased funding requirements in specific operational areas.

In addition to our audits, review by the Congressional Budget Office, the Department

of Defense Inspector General, the Army Audit Agency have affirmed the net savings are substantial after initial investment costs are recouped.

The Defense Department has even attempted to give us a very precise document as to what those savings are. They have made a real effort year by year, item by item, to tell us where there have been costs, where there have been savings, starting in 1990 for each round of base closures.

They have come up with net savings to date of approximately \$16 billion. Total savings, and I am rounding this off, is \$37 billion. That is gross savings. Those are total costs of about \$21 billion—again I am rounding that off—with the savings to date of \$16 billion.

Recurring savings from those rounds each year are now about \$6 billion per year. That is what we are saving because Congress had enough courage to walk down this road, and believe me, I know it takes courage. It is not an easy vote. I have been through a few. We have lost our strategic air command bases. We have some other bases, other facilities that are very nervous about the possibility that maybe in the next round they will be caught. So this is not an easy vote, but it is a cost-effective vote. It is a vote that the President, his Secretary of Defense, the Chairman of the Joint Chiefs, every military leader we have ever had in front of our committee, civilian or uniformed, is pleading with us to make.

The plea, it seems to me, is more eloquent than ever after September 11 because it is so critically important that we not load down our defense with unneeded infrastructure anymore than we would load down a soldier with unneeded baggage. They are related.

I hope that tomorrow we will cast this vote. The country will be looking at us, the Nation will be looking at us to see whether or not we are willing to do some tough things that our uniform and our civilian leadership in the Defense Department and our President are calling upon us to do. I cannot think of any way more eloquently to state this cause, other than to read from a letter of August 30 from Secretary Rumsfeld and General Shelton. I expect we will be hearing from the Chairman of the Joint Chiefs on this same issue before we vote tomorrow.

This letter, which I will make part of the RECORD, makes a very potent case for saving the money. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 30, 2001.

Hon. CARL LEVIN,  
*Chairman, Committee on Armed Services,*  
Hon. JOHN W. WARNER,  
*Ranking Member, Committee on Armed Services,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN AND SENATOR WARNER:  
We are writing to underscore how critically important it is that Congress authorize the

Department to conduct another round of base closures and realignments.

The Department must reshape and restructure its installations to serve the country's national security in the 21st century. Currently, our installations do not match and therefore do not adequately serve our current and projected force structure. Underutilized facilities, estimated to be 23 percent DoD wide, are a waste of public resources and an impediment to our efforts to protect our national security.

Because current law makes it virtually impossible for the Department to make prudent decisions in managing its facilities, we can only rectify these problems through a Congressionally authorized round of base closures and realignments in 2003. Drawing on the process from past rounds, the Efficient Facilities Initiative is an objective way to rationalize an infrastructure on the basis of military value, verified by an independent commission. In addition, both the General Accounting Office and the Congressional Budget Office confirm DoD's savings estimates from prior rounds.

The Department is committed to accomplishing the necessary reshaping and restructuring in a single round of base closures and realignments to minimize the difficulty these efforts pose to communities surrounding our bases. While the process may be hard, the record from our previous rounds indicates that the majority of affected communities actually emerge in a better economic condition than prior to the closure or realignment. As before, the Department will work closely with these communities in fostering economic reuse.

We know you share our concerns that additional base closures are a necessity to provide resources necessary to meet essential national security requirements. We simply must take action. Please do not hesitate to call on us in your efforts to secure passage of this important legislation.

Sincerely,  
GENERAL HENRY H. SHELTON, USA,  
*Chairman of the Joint Chiefs of Staff.*  
DONALD H. RUMSFELD,  
*Secretary of Defense.*

Mr. LEVIN. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my colleague for his strong stance on base closure. He and Senator McCain have worked for a number of years on this issue.

I do not know how many years ago it was I joined on that legislation, and then, of course, we had a problem with the previous administration. Anyway, I was with them up until that problem arrived. So it is indeed long overdue.

Even though I am proud to say my State has a very significant share of military installations, I stand with my colleagues and the vote of the Senate Armed Services Committee because I think that is what it should be, an efficiency that should be given to the Secretary of Defense. We need these savings. We need them desperately.

Mr. President, I believe that concludes the remarks on base closure. I see the Senator from Oklahoma, one of our valued members of the committee. He wishes to, as I understand it, lay down two amendments for tonight, and then the chairman and I will proceed to

do a number of cleared amendments. Am I correct?

Mr. LEVIN. The Senator is correct. We now hopefully will turn to our friend from Oklahoma to offer two amendments. I think one of them we may be able to accept, although I am not sure if that is true, on both sides. If that is true, and I think the Senator knows which one that is, he can offer that one first.

Mr. WARNER. That would be—

Mr. INHOFE. The amendment on the waiver process.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1594

Mr. INHOFE. Mr. President, in an effort to try to get this bill through, which America desperately needs now, I had about 16 amendments on which I worked out arrangements and understandings with other people so that I am down to only three amendments. Of these three amendments, as was suggested by the Senator from Michigan, one is without controversy, I thought, until about 5 minutes ago.

My understanding is one Republican Senator is going to object to it. That being the case, we will have to have a rollcall on that amendment.

I would like to explain that amendment and hopefully that one Senator would be available and tell us if she is not going to object to it.

Mr. President, for quite a number of years we have had a debate, when we do our defense authorization bills, on an issue that is in place in order to keep an internal ability to handle depot maintenance in areas where it might be considered to be core maintenance; in other words, areas where it is necessary to have that ability in order to fight a war. The concern has been this: With the decreasing number of defense contractors and the decreasing number of people who are able to perform certain maintenance functions, if we are in a war, we would not want to be held hostage by a single contractor who would be able to keep us from being able to do it internally.

For that reason, some time ago we passed a law that said under that 60/40 bill, which is now 50/50 in our statute, simply this, that 50 percent of the maintenance has to be performed in-house by a depot capable of doing it without outside help. For that reason—and I agree with those who disagree with the 50/50 concept, that this is merely an arbitrary figure, but there has to be some type of a figure and we have not been able to come up with anything since then that is any better than this. So the law now says that 50 percent of the maintenance has to be done internally by a public depot.

There is a way they have been able to get around 50/50, and that is if any of the service secretaries say that within their service they could declare there is a national security reason that for 1 year or one period of time we are not

going to be able to do 50 percent of the maintenance work in a public depot, if they do that, they do not have to give any reason for it, but they merely say this is for national security.

This has happened a few times so we have gone back to the service secretaries and we have said to them: Tell us why it is as much as 50 percent of the maintenance in a public depot. We have never gotten any good answers, and then we have also asked them afterwards: What are you going to do to ensure that we are going to be able to meet this 50 percent in the next fiscal year? And we have not been able to do that.

I am not saying this critically of any particular service secretary. We need to know why, if we are going to find a loophole around one of our existing laws, this being the 50/50, it is necessary, and what we are going to do in the future to prevent that from being invoked.

So my amendment does simply two things: One, it takes that jurisdiction away from the service secretary and puts it with the President of the United States. He then can delegate it back to the Secretary of Defense. If he is going to say that there is a national security reason that we cannot do 50 percent of the work at a public depot, he has to say why that is and what they are planning to do to correct that in the next fiscal year. That is all it does.

So if people are opposed to the 50/50 concept, fine. Let us pass a bill or try to pass a bill to do away with 50/50. That is not the issue. The issue is if we are going to use a national security waiver to waive 50/50 for a given year, we need to make sure we know why we are doing it and what can be done for the next year to keep from having to do that. So that is simply it.

I was hoping we might have a note from the Senator. We do, and there will be apparently one vote against this.

So that is an explanation, and I am going to ask that this be voted on tomorrow.

I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment has not been sent up yet.

Mr. INHOFE. Yes, the amendment is at the desk. It has been there since last week.

Mr. LEVIN. Will the Senator yield for a minute?

Mr. INHOFE. Yes.

Mr. LEVIN. Will the Senator call up his amendment so it will be pending immediately after the disposition of the Bunning amendment?

Mr. INHOFE. I call up amendment No. 1594 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1594.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the President to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel)

At the end of subtitle D of title III, add the following:

**SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.**

Section 2466(c) of title 10, United States Code, is amended to read as follows:

“(c) WAIVER OF LIMITATION.—(1) The President may waive the limitation in subsection (a) for a fiscal year if—

“(A) the President determines that—

“(i) the waiver is necessary for reasons of national security; and

“(ii) compliance with the limitation cannot be achieved through effective management of depot operations consistent with those reasons; and

“(B) the President submits to Congress a notification of the waiver together with—

“(i) a discussion of the reasons for the waiver; and

“(ii) the plan for terminating the waiver and complying with the limitation within two years after the date of the first exercise of the waiver authority under this subsection.

“(2) The President may delegate only to the Secretary of Defense authority to exercise the waiver authority of the President under paragraph (1).”.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, then there would be additional debate available on this amendment because there has been no time agreement relative to this amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. As I understand—perhaps the Chair can confirm—after disposition of the Bunning amendment at approximately 9:45 a.m. or 10 a.m. tomorrow, the debate on the first amendment of the Senator from Oklahoma would recur; is that correct?

The PRESIDING OFFICER. That would then be the pending question, the Senator is correct.

Mr. LEVIN. I ask unanimous consent, so that we can sequence amendments, if the Senator from Oklahoma is willing, that we now set aside the pending amendment and the underlying amendment to allow the Senator from Oklahoma to offer an additional amendment, and then part of that unanimous

consent agreement will be we will then immediately, after he lays down his second amendment, come back to the Bunning amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment will be set aside.

AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I send Senate amendment No. 1595 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1595.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To revise requirements relating to closure of Vieques Naval Training Range)

On page 380, after line 15, insert the following:

**SEC. 1066. CLOSURE OF VIEQUES NAVAL TRAINING RANGE.**

(a) **CONDITIONAL AUTHORITY.**—Title XV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-348) is amended by striking sections 1503 and 1504 and inserting the following new section: **"SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL TRAINING RANGE.**

The Secretary of the Navy may close the Vieques Naval Training Range on the island of Vieques, Puerto Rico, and discontinue live-fire training at that range only if the Chief of Naval Operations and the Commandant of the Marine Corps jointly certify that the training range is no longer needed for the training of units of the Navy and the Marine Corps stationed or deployed in the eastern United States."

(b) **ACTIONS RELATED TO CLOSURE.**—(1) Section 1505 of such Act (114 Stat. 1654A-353) is amended—

(A) by striking subsection (a) and inserting the following:

"(a) **TIME FOR TAKING ACTIONS.**—The actions required or authorized under this section may only be taken upon the closure of the Vieques Naval Training Range by the Secretary of the Navy."

(B) in subsection (b)(1), by striking "Not later than May 1, 2003, the" and inserting "The";

(C) in subsection (d)(1), by striking "pending the enactment of a law that addresses the disposition of such properties";

(D) in subsection (e)(2), "the referendum under section 1503" and all that follows and inserting "the Secretary of the Navy closes the Vieques Naval Training Range."; and

(E) by adding at the end the following new subsection:

"(f) **MILITARY USE OF TRANSFERRED PROPERTY DURING WAR OR NATIONAL EMERGENCY.**—

"(1) **TEMPORARY TRANSFER BY SECRETARY OF THE INTERIOR.**—Upon a declaration of war by Congress or a declaration of a national emergency by the President or Congress, the Secretary of the Interior shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Navy notwithstanding the requirement to retain the property under subsection (d)(1).

"(2) **TRAINING AUTHORIZED.**—Training of the Armed Forces may be conducted in the Live

Impact Area while the property is under the administrative jurisdiction of the Secretary of the Navy pursuant to a transfer made under that paragraph (1). The training may include live-fire training. Subsection (b) shall not apply to training authorized under this paragraph.

"(3) **RETURN OF PROPERTY TO SECRETARY OF THE INTERIOR.**—Upon the termination of the war or national emergency necessitating the transfer of administrative jurisdiction under paragraph (1), the Secretary of the Navy shall transfer the administrative jurisdiction of the Live Impact Area to the Secretary of the Interior, who shall assume responsibility for the property and administer the property in accordance with subsection (d)."

(2) The heading of such section is amended to read as follows:

**"SEC. 1505. ACTIONS UPON CLOSURE OF THE VIEQUES NAVAL TRAINING RANGE."**

(c) **CONFORMING AMENDMENT.**—Section 1507(c) of such Act is amended by striking "the issuance of a proclamation described in section 1504(a) or"

Mr. INHOFE. This amendment is one further that there may be some opposition to and it is going to require the yeas and nays, but I will briefly say what we are doing with this. The issue of the Vieques training range has been a contentious one now for a number of years. We did resolve this in such a way that there would be a referendum that would take place on November 6, where the eligible voters among the population of 9,300 people on the Island of Vieques would vote as to whether or not the Navy should continue naval training operations on the range.

A lot of things have happened since then. I agreed with that. That was my language in the Defense authorization bill last year. However, since that time we have found we are deploying east coast deployments to the Persian Gulf. A lot of these battle groups have not been able to have adequate training. Since that time we had the war declared upon us by the terrorists on the 11th of September. That has changed everything.

Since that time we have had Puerto Rico come and say they want to support the training of our troops. We currently have, being debated now, a resolution in the legislature in Puerto Rico that is going to say: "We Puerto Ricans, as proud American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises on the island municipality of Vieques." Vieques is a municipality of Puerto Rico.

What we believe is a solution to this now and should be put on this bill as an amendment is language that would do away with the referendum of November 6. There are several reasons why. One reason is the policy is not a good policy. I never believed it was. Prior to the events of September 11, we thought this was something that would resolve that issue.

This amendment would do two things. It would do away with the refer-

endum of the 6th of November; two, it would say we would continue to do as the law provides today, until such time as both the CNO of the Navy and the Commandant of the Marine Corps sign a certificate saying that training is no longer needed. I cannot think of a worse time to force our military to stop training than right now. Right now we should be enhancing training.

That is a very simple amendment, one to which there may be some opposition. However, it merely says that, at least in the time being, do not have a referendum, but continue to train our troops as they are deployed in these battle group deployments, from the east coast and elsewhere, until such time as the CNO and the Commandant agree that training is no longer necessary.

Mr. WARNER. Mr. President, the Senator has received, in accordance with your request, a communication from the Department of Defense.

Does the Senator wish to include it in the RECORD?

Mr. INHOFE. First, I will read the last paragraph:

Senator Inhofe's amendment, SA 1595, supports the Defense Department's request to repeal the local referendum and provides for transfer of the eastern property to the Department of Interior, following cessation of training. Unlike the Department's proposed legislation on Vieques, however, the amendment does not provide for a date certain departure. Nonetheless, the Department believes that the amendment does not constrain the Department's ability to define and meet its training needs and the target departure date may still be achieved. To the extent that the amendment offered by Senator Inhofe, SA 1595, is not inconsistent with the Department's legislative proposal and underlying intent, we interpose no objection.

I ask unanimous consent this entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,  
Washington, DC, 24 September 2001.

Hon. CARL LEVIN,  
Chairman, Senate Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN: As you are aware, the Department of Defense previously submitted proposed legislation that would eliminate the requirement in Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, requiring a referendum among the Vieques electorate on whether the people of Vieques approve or disapprove of the continuation of training beyond May 1, 2003. Consistent with the commitments made by both the President and the Department of the Navy, the Navy is actively planning to discontinue training operations on the island of Vieques in May of 2003 and is committed to identifying alternatives to Vieques from both a geographical and technological standpoint to provide effective military training. Consequently, a referendum regarding continuation of training past this point in time is no longer necessary. I still believe that conducting a local referendum on issues critical to the Department of Defense sets a bad precedent and strikes at the heart of military readiness. Enacting legislation that

does away with this requirement will avoid such a precedent and potential domino effect on our other military training ranges.

Senator Inhofe's amendment, SA 1595, supports the Defense Department's request to repeal the local referendum and provides for transfer of the eastern property to the Department of Interior, following cessation of training. Unlike the Department's proposed legislation on Vieques, however, the amendment does not provide for a date certain departure. Nonetheless, the Department believes that the amendment does not constrain the Department's ability to define and meet its training needs and the target departure date may still be achieved. To the extent that the amendment offered by Senator Inhofe, SA 1595, is not inconsistent with the Department's legislative proposal and underlying intent, we interpose no objection.

Sincerely,

GORDON R. ENGLAND,  
*Secretary of the Navy.*

Mr. INHOFE. I am happy to respond to any questions, and if there are no questions, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INHOFE. The amendment I will not bring up is the amendment having to do with incorporating the language of our energy policy in this bill.

The question could be asked, Is this an issue that should be put into the Defense authorization bill? I served as chairman of the Senate Armed Services Readiness Subcommittee for 5 years. I can assure Members there is no time in our history that should be more clear that we will have to do something about our dependency on the Middle East for our ability to fight a war. Right now, we are 56.6-percent dependent upon foreign sources for our ability to fight a war. That is not acceptable.

I remember back in the early 1980s during the Reagan administration I criticized the Republicans and Democrats alike. We have been trying to get an energy policy since the Reagan administration. We tried at that time. We introduced one. We were unable to get it done.

We tried during the Bush administration, certainly thinking that a President coming out of the oil patch would understand why we cannot be dependent upon foreign sources for our ability to fight a war. We were unsuccessful. We were unsuccessful during the Clinton administration. We started during the Carter administration.

I have an amendment that will put a policy into effect. I have two amendments. One adopts the House language and the other is to adopt the language of the energy bill that is proposed in the Senate. I will not bring it up and debate it tonight because I want to do it when everybody is here. This is very significant.

Right now, on a daily basis, we are becoming more and more dependent upon foreign sources for our energy supply. By the end of this decade it is projected to be in excess of 60 percent.

We will become 60-percent dependent upon foreign sources for our ability to fight a war.

I remember a few years ago Don Hodel, Secretary of the Interior, and I used to go to consumption states and make speeches as to how the outcome of every war—back to and including the First World War—has been who controlled the energy supplies. We have gone through the 1990 war, the Persian Gulf war. In 1991, we remember the words of Saddam Hussein who said, "if we had waited for 10 years to go into Kuwait, the Americans would not have intervened because we would have a missile we could shoot over at them." And now we are dependent upon the Iraqis for our imported oil.

It is very much an issue. There has been a lot of things floating around, including letters saying they are saying this has to do with ANWR. It doesn't. I only say this is an issue that should be addressed on this bill, and sometime tomorrow or the next day I will debate this and call for a vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are ready to handle a series of amendments and complete our work on this bill before the Senate tonight.

#### AMENDMENT NO. 1660

Mr. WARNER. I offer an amendment on behalf of myself and my distinguished colleague, the chairman, Mr. LEVIN. This amendment would eliminate the cap costs that the Congress very wisely and appropriately placed on the costs of the overall renovation of the Department of Defense. Given the tragic attack on September 11—and, coincidentally, that attack was directed at a portion of the building which was the subject of the very contract on which this cap rests—we think it is wise, now, the chairman and I, that the cost of repairing this area of the Department of Defense just would not enable us to work within this cap as now established in current law.

This amendment has been cleared by the chairman on his side. I believe we are ready to proceed on it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes an amendment numbered 1660.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

#### AMENDMENT NO. 1660

(Purpose: To repeal the limitation on the cost of renovation of the Pentagon Reservation)

Strike section 2842, relating to a limitation on availability of funds for renovation of the Pentagon Reservation, and insert the following:

#### SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806) is repealed.

Mr. LEVIN. Mr. President, we support Senator WARNER's amendment. It is obvious the circumstances have changed in a massive way. Senator WARNER knows, probably more than anybody I know of, firsthand, what the necessity is out there. We certainly support his amendment.

Mr. WARNER. Mr. President, once again, I thank my distinguished colleague. He and I went out there to the Department of Defense just a matter of a few hours following that attack to join the Secretary of Defense. I think it is important we adopt this amendment, so I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1660) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENTS NOS. 1661 THROUGH 1670, EN BLOC

Mr. LEVIN. Mr. President, I send to the desk now 10 amendments and ask they be considered and agreed to en bloc and any statements relating to the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. WARNER, proposes amendments numbered 1661 through 1670, en bloc.

Mr. WARNER. The chairman has correctly represented to the Senate the status of this bloc of amendments. We concur, of course.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments Nos. 1661 through 1670 were agreed to, en bloc, as follows:

#### AMENDMENT NO. 1661

(Purpose: To authorize emergency supplemental appropriations made for fiscal year 2001)

At the end of subtitle A of title X, add the following:

#### SEC. 1009. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.

(a) AUTHORIZATION.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant

to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) **QUARTERLY REPORT.**—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) **PROPOSED ALLOCATION AND PLAN.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

#### AMENDMENT NO. 1662

(Purpose: To authorize the use of contractors to provide logistical support to the Multinational Force and Observers)

At the end of subtitle B of title XII, add the following:

#### **SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.**

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

“(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

“(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.”.

#### AMENDMENT NO. 1663

(Purpose: To clarify the use of State Department authority to contract for personal services in support of activities of the Department of Defense and other departments and agencies of the United States)

At the end of subtitle B of title XII, add the following:

#### **SEC. 1217. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.**

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following:

“(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be.”.

#### AMENDMENT NO. 1664

(Purpose: To provide SBP eligibility for survivors of retirement-ineligible members of the uniformed services who die while on active duty)

At the end of subtitle D of title VI, add the following:

#### **SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.**

(a) **SURVIVING SPOUSE ANNUITY.**—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) **SURVIVING SPOUSE ANNUITY.**—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—  
“(A) a member who dies while on active duty after—

“(i) becoming eligible to receive retired pay;

“(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

“(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

“(B) a member not described in subparagraph (A) who dies in line of duty while on active duty.”.

(b) **COMPUTATION OF SURVIVOR ANNUITY.**—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “based upon his years of active service when he died.” and inserting “based upon the following:”; and

(B) by adding at the end the following new clauses:

“(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

“(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line of duty, the member's years of active service when he died.

“(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died.”; and

(2) in subparagraph (B)(i), by striking “if the member or former member” and all that follows and inserting “as described in subparagraph (A).”.

(c) **CONFORMING AMENDMENTS.**—(1) The heading for subsection (d) of section 1448 of such title is amended by striking “RETIREMENT-ELIGIBLE”.

(2) Subsection (d)(3) of such section is amended by striking “1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A)”.

(d) **EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.**—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking “\$720,000,000” and inserting “\$760,000,000”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) \$770,000,000 by the end of fiscal year 2011.”.

(e) **EFFECTIVE DATE AND APPLICABILITY.**—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

#### AMENDMENT NO. 1665

(Purpose: To provide for the construction of a parking garage at Fort DeRussy, Hawaii)

At the end of subtitle D of title XXVIII, add the following:

#### **SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.**—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the “Fund”), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) **FORM OF AGREEMENT.**—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) **USE OF PARKING GARAGE BY PUBLIC.**—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

(d) **TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.**—Notwithstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center-Hawaii (Hale Koa Hotel).

#### AMENDMENT NO. 1666

(Purpose: To modify the authority for the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania)

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

#### **SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT.**—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) **DESIGN AND CONSTRUCTION.**—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) **ACCEPTANCE OF FACILITY.**—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) **USE OF CERTAIN GIFTS.**—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of \$250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

#### AMENDMENT NO. 1667

(Purpose: To waive a restriction on the use of funds that adversely affects compliance with a requirement in law for Federal agencies to utilize consensus technical standards)

At the end of subtitle C of title XI, add the following:

#### **SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.**

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **EXPENSES OF GOVERNMENT PERSONNEL.**—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.”.

#### AMENDMENT NO. 1668

(Purpose: To authorize use of Armed Forces Retirement Home Trust Fund funds for a blended use, multicare facility at the Naval Home)

Strike section 303 and insert the following:

#### **SEC. 303. ARMED FORCES RETIREMENT HOME.**

(a) **AMOUNT FOR FISCAL YEAR 2002.**—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home, including the

United States Soldiers' and Airmen's Home and the Naval Home.

(b) **AMOUNTS PREVIOUSLY AUTHORIZED.**—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of \$22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

#### AMENDMENT NO. 1669

(Purpose: To require a study and report on the interconnectivity of National Guard Distributive Training Technology Project networks and related public and private networks)

At the end of subtitle C of title X, add the following:

#### **SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) **PURPOSES.**—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) **PARTICULAR MATTERS.**—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

#### AMENDMENT NO. 1670

(Purpose: To provide eligibility for senior officers of the Armed Forces to serve as Deputy Directors of facilities of the Armed Forces Retirement Home)

On page 346, line 20, insert after “professional” the following: “or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander”.

#### AMENDMENT NO. 1667

Mr. LIEBERMAN. Mr. President, I rise to discuss an amendment to the Fiscal Year 2002 National Defense Authorization Act which will serve to assist our military in their continuing transformation into a more efficient fighting force, ready to meet the threats of the 21st century. It amends the National Technology Transfer Act of 1995 in order that the Federal Government can use appropriated funds for personnel to participate in meetings to set technical standards for products, manufacturing processes, and management practices of interest to the military. Specifically, it eliminates an obscure technical restriction established by an 89-year-old statute so that the Federal Government will be able to cover the expenses of those employees participating in standards activities critical to the Department.

The amendment is consistent with previous act of Congress, Department of Defense policy and Governmentwide policy to support efforts to replace Government-unique standards wherever possible with standards developed

jointly with the private sector and other interested parties. There are major Federal savings and national security improvements that can result from this participation. I am proud to be joined by Senator SANTORUM in this effort. I thank my colleagues' for their support for this technical amendment.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, the aftermath of the despicable terrorist attacks continue to weigh heavily on our hearts, and I again express my deepest sympathy to those lost and injured in the attacks, as well as their families. We will do everything in our power to bring all of those responsible to justice and I am confident that our military, both active and reserve, stand ready to act in response to act. Congress will see that they are given all they need to accomplish the missions they are given.

This bill increases defense spending. It focuses on improving readiness, and also improving service member quality of life. It contains the largest defense spending increase in many years. At \$329 billion, a \$33 billion increase over last year, this bill represents a significant new investment in service members and the nation's security.

As chairman of the Seapower Subcommittee, I have strongly advocated strengthening Navy, Marine Corps and Strategic Lift forces. The worldwide presence of our armed forces requires at least a 300-ship navy. The Navy is facing a serious shortfall in the numbers of ships available to meet the Nation's future security needs. This bill fully funded the President's request for most major programs, including the *Virginia* Class attack submarine, the DDG-51 AEGIS Destroyer, research and development for the DD-21 land attack destroyer, and 13 additional C-17 airlift aircraft.

The bill also supports a series of transformation initiatives, especially the Trident submarine conversion. The Navy's budget called for converting only two of these submarines. The bill includes an increase of \$307 million to reserve the option of converting all four submarines. I believe that these converted submarines can make a significant contribution to the Navy in the future.

The committee also considered the V-22 Osprey program and the future role of this aircraft. We agree that the production line needs to remain open and we have authorized the minimum sustaining production of nine aircraft. It is the committee's belief that the minimum sustaining rate is nine rather than twelve aircraft. This reduced number of aircraft will also limit future retrofit costs that the existing V-22 aircraft will require. The committee

also recommended the program for the Air Force V-22 version, the CV-22, be restructured by removing the funding for acquisition, but supporting research and development.

Our Armed Forces continue to operate and train at a more robust level than at any other time during this Nation's history. At this moment, service members are being mobilized for possible action in the current crisis. They are already risking their lives daily by actively enforcing the no-fly zones over Iraq and patrolling the Arabian Gulf for oil smugglers. Our men and women in uniform are overseas providing stability in Kosovo, and they are now involved in bringing peace to Macedonia. They are also monitoring the demilitarized zone in Korea, and they are assisting in the battle against drugs in Central and South America. These activities are in addition to the daily exercises they conduct at home and with our allies overseas to maintain the readiness of our forces.

All of America's men and women in uniform put our Nation's interests above their own. When called upon, they risk their lives for our freedom. As a nation, we often take this sacrifice for granted, until we are reminded of it again by tragic events such as the vicious attack on the Pentagon.

They face constant risks in training for the many missions that they are called upon to carry out. This past year, seven Army personnel lost their lives when their helicopters crashed in a night training exercise in Hawaii. Two Marine AV-8B pilots died in a training flight in North Carolina. We lost 21 National Guardsmen when their transport plane went down in Florida. The cost of training in the name of peace and security is high, and we are very proud of the brave men and women who accept these risks to defend our Nation and our ideals.

In this bill, we continue the efforts to support service members and their families. The bill grants a minimum of a 5 percent pay raise, with personnel in certain pay grades receiving raises between 6 and 10 percent. This raise is the largest since 1982, and the third straight year that the committee has authorized a significant pay raise above the rate of inflation.

The committee also recognizes the importance of providing service members with decent housing and work conditions. The bill provides \$451 million above the budget request for military family housing and facilities.

The bill also expedites the timeline for the gradual reduction to zero of the out-of-pocket housing costs for service members living off base, from 2005 to 2003. We also provide additional funding to cover the costs of military health care for service members and their families. These are important quality of life improvements that our dedicated, well-trained men and women

deserve, and they are important steps in retaining them in the armed forces.

The bill allows the transferability of GI bill benefits. Senator CLELAND's dedication to this issue has resulted in the authorization of \$30 million to allow the transfer of up to 18 months of unused G.I. Bill education benefits to a family member, in return for a commitment of four more years of service.

The bill also includes significant parts of the Tricare Modernization Act, which I introduced earlier this year, to ensure that disabled family members of active duty service men and women have access to the health care they deserve. Early last year, a young man in the Air Force drove 12 hours with his wife and disabled four-year old daughter to testify to Congress about the need to make Medicaid more accessible, because the military health care system did not adequately meet his daughter's needs. In order to continue her eligibility for Medicaid, he could not accept a promotion to a higher rank.

No member of the Armed Forces should ever be put in the position of having to choose between health care for their disabled child and serving our country. These families should not have to rely on Medicaid to obtain health care that works.

The Tricare Modernization Act has been endorsed by The Military Coalition, a consortium of armed forces and veterans' organizations representing 5.5 million current and former members of the military and their families. We need to correct the injustices that these families have suffered by integrating services for disabled dependents into the basic military health benefit program, so that no medically necessary services are denied.

Last year, the Armed Services Committee heeded the needs of our military retirees, and addressed their number-one priority—the cost of prescription drugs. This benefit, which began in April, lets all men and women in uniform know that we care about their service.

The bill also provides an additional \$217 million for protection of our forces against terrorism, for counter-terrorism training, research and development to protect our forces against attacks by weapons of mass destruction, and to help the services in their efforts to support civilian agencies in the battle against terrorism.

The bill also recognizes the very real threat we face from biological weapons. It addresses these threats with significant investments in science and technology for chemical and biological defense and medical counter-measures. These additional investments will support needed research on chemical and biological detection technology and decontamination. It will also support lifesaving research on medical treatments, vaccines, anti-toxins, and advanced diagnostic technology.

In addition, the cyber threat to national security is very real, and our armed forces must be better prepared to deal with this threat and to protect their information systems. The bill adds \$5 million to the \$7.9 million requested to address this serious and growing threat.

The bill also takes an important stand to begin the process of cleaning up unexploded ordnance. At many active and closed military bases, UXO is a major challenge. The bill addresses these hazards by including a major provision requiring the Department of Defense to establish specific accounts to fund the cleanup of UXO at military bases across the country, which clearly poses a hazard to civilians, military personnel, the environment, and the safe use of live-fire ranges necessary for a high state of military readiness. These new accounts are essential to demonstrate the Department's commitment to safety, the environment, and responsible use of its facilities.

Finally, on the issue of ballistic missile defense, the committee responsibly cut back the President's \$8.3 billion request for research, development and testing of a ballistic missile defense system by \$1.3 billion. The administration's request was clearly in excess of what the Ballistic Missile Defense Office could have reasonably allocated in the coming year, and the committee was right to give priority to other military programs. The committee also took a strong stand against testing that would violate the Anti-Ballistic Missile Treaty.

It makes no sense to rush forward prematurely with tests that will violate the treaty, or with deployment of a missile defense system, when there are serious doubts about whether it will work. Our European allies and Russia continue to be skeptical about abandoning the ABM Treaty and deploying a missile defense system. We should work with our allies and continue consultations with Russia, not act unilaterally or establish arbitrary deadlines.

It is disappointing that these important ballistic missile defense provisions were removed from the bill we are currently considering. These issues are, and will continue to be, very important.

I commend my colleagues on the Armed Services Committee for their leadership in dealing with the many challenges facing our nation on national and homeland defense. This bill keeps the faith with the 2.2 million men and women who make up our active duty, guard, and reserve forces. This legislation is vital to the Nation's security, and I urge the Senate to approve it.

Mr. ROBERTS. Mr. President, I rise in support of S. 1438, the National Defense Authorization Act for fiscal year 2002. As the ranking Republican on the Emerging Threats and Capabilities

Subcommittee, I would like to thank subcommittee Chairman LANDRIEU and her staff for their cooperation in the preparation of this bill. While I may have some concerns with several issues contained within the legislation, I do support the bill and urge its adoption by the full Senate.

At this time I would like to take a moment to highlight a few important issues which are under the jurisdiction of the Emerging Threats and Capabilities Subcommittee.

In particular, the legislation continues to build upon the committee's past efforts to strengthen and streamline the Department of Defense's combating terrorism program. As we were tragically reminded by the events on September 11 and last year's bombing of the U.S.S. *Cole*, it is vital that we continue to focus on this growing threat.

As we all know, the threat of attacks on our national and defense information systems seem to grow daily. Last year, Senator WARNER proposed an innovative scholarship program to encourage young people to pursue careers with the Federal Government in the information assurance area. I am gratified that our collective efforts this year have increased support for this innovative program, as well as other Departmental efforts to enhance the security of our critical information systems. However, I am concerned that the funding level included in the bill for the scholarship program may not be sufficient.

Since the creation of the Emerging Threats and Capabilities Subcommittee in 1999, I have worked hard to ensure that our nonproliferation and threat reduction programs in Russia are fulfilling their national security objectives. This year I have worked hard to incorporate the kind of oversight I believe is essential if these nonproliferation programs are going to produce the desired results.

This committee has a long history of supporting a strong and stable science and technology program and I was pleased to see the administration's budget request of \$8.8 billion in this important area. This \$1.2 billion increase over last year's request is the first step towards achieving the Secretary's goal of having science and technology programs make up 3 percent of the overall defense budget. It remains critical that we continue our support of a vibrant science and technology base.

I strongly urge the rapid adoption of this important legislation. Our Nation is faced with a daunting task ahead and now is the time to show our strong support for the men and women in the armed services who so proudly and bravely serve our Nation.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a

period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DAY OF NINE-ONE-ONE

Mr. REID. Mr. President, Ira Somers was my neighbor and friend when I had my house in McLean, VA. I found Ira to be not only a mental giant but also a spiritual great as well. I ask unanimous consent to have printed in the RECORD a poem written by Ira Somers that loudly outlines Americans' thoughts on the events of September 11, 2001.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

#### THE DAY OF NINE-ONE-ONE

This began as a quiet day  
Lives were normal in every way.  
The sun arose with fullest light  
And moved the shadows of the night.  
But this was not to last for long,  
Two big giants tall and strong  
Which seemed to stand for what is good  
Were struck by evil where they stood.

'Twas on the day of nine-one-one  
That they were lost to everyone.  
There they were, and now they're not,  
And where they stood's a gruesome spot.  
How could these giants of our day  
Be brought to naught in such a way,  
To leave this mass of jumbled parts  
Which tear with grief at all our hearts?

We sensed the feelings of despair  
In those who walked most every where  
To find the ones that they had lost  
And bring them back at any cost.  
We were moved by the kindly deed  
Of those who toiled for other's needs,  
And the many hours they have spent  
Clearing rubble from this event.

A vicious crash at the Pentagon  
Tore at the souls of every one,  
And reports of heroes in the air  
Touched hearts of people everywhere.  
We all can learn from such great loss  
To look at need before the cost  
When giving help to anyone,  
And not say quit 'till peace has won.—Ira Somers.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 29, 1993 in Walla Walla, WA. A man believed to be gay was sexually assaulted with a stick, struck by the assailant's truck and abandoned in a remote area. Todd I. Klevgaard, 27, was charged with felony assault.

I believe that Government's first duty is to defend its citizens, to defend

them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### AUTOMATIC MEMBER PAY INCREASE

Mr. FEINGOLD. Mr. President, there is a great sense of unity across the Nation as we begin to recover from the events of September 11. The President's speech last week gave both comfort and strength to the American people and to people around the globe.

I have been heartened by the bipartisan unity demonstrated by Congress as it acts to respond to the human and economic devastation, and we will need to maintain that unity as we ask for the sacrifices necessary to end this business.

Given all that has happened and all that will happen, it is all the more inappropriate for Congress to accept a \$4,900 backdoor pay raise.

Of course, I believe the automatic pay raise is never appropriate. As my colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the RECORD.

This process of pay raises without accountability must end. It is offensive. It is wrong. And it is unconstitutional.

In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost exactly 212 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened."

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn

in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment.

This practice must end, and earlier this year I reintroduced legislation to end the automatic cost-of-living adjustment for congressional pay.

But we should not wait to enact that law to say "no" to the \$4,900 pay raise that will go into effect beginning next year.

To that end, I call upon the leadership of both parties to work together, in the spirit of the bipartisan unity we have seen flourish in recent days, to stop the pay raise that is scheduled to go into effect in 2002.

I very much hope it will not be necessary to fight this issue out on the floor of the Senate. I have an amendment prepared to stop this backdoor pay raise, and am willing to offer it if that becomes necessary, but I want to give our leadership the opportunity to respond and to act together.

We are spending the hard-earned tax dollars of millions of Americans to recover from the horrific events of September 11 and to ensure that it does not happen again.

And right this minute, our Nation is sending the men and women of our Armed Services into harm's way.

This is not the time for Congress to accept a pay raise, and I am confident that upon reflection, Members of the Senate and the other body will want to stop this automatic pay raise from taking effect.

Let's stop this backdoor pay raise right now, and then, let's enact legislation to end this practice once and for all.

#### THE WORLD SITUATION AFTER THE TERRORIST STRIKE

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by a member of the U.S. Court of International Trade, Evan Wallach. A graduate of Cambridge and a Nevedan, this expert international jurist and expert in the law of war, with clarity reviews the world situation, only days after the terrorist strike of September 11, 2001.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH, 21 SEPTEMBER, 2001 HUGHES HALL COLLEGE, CAMBRIDGE

It is good to be home. Whether it is because we as peoples share the same language and laws, value the same rights of humanity, and pray to the same God, or because I have developed so many ties and deep friendships since I first set foot in these halls some twenty-one years ago, I cannot feel myself a stranger in this house and in this fair land. It is good to be home and to share with you our common hopes and our common tragedy.

When President Richards invited me to speak here some months past, I had in mind a few words about my personal history at Hughes, and some specific thoughts about how much Cambridge has meant to the cause of freedom. I meant to speak about how England stood alone and undaunted in those dark days of May and June, 1940, as the only bulwark between the free world and the dark night of unending barbarism. Long before we Americans were forced into the affair, even before her empire could effectively rally to the colors, this island held the line; and this small town, with its great university, was at the center of that resistance, providing many of its pilots, much of its intelligence apparatus, and a great deal of its military leadership.

My original thought was to come here to thank you yet again, and to speak about the links forged in that crucible of war which bind us still.

That was before Tuesday, September 11.

On that morning I was talking to my secretary Linda Sue as she prepared coffee. When we heard the first explosion I thought it was a bomb. We were relieved when the television said it was an airplane. It had to be an accident. We watched the second aircraft fly into the WTC. In one second it changed everything. We knew we were at war.

New Yorkers reacted very well. They reminded me so much of Londoners in the Blitz. Our court is exactly a half mile from the WTC. There was no panic. People helped someone when they stumbled, urged one another on, and were kind to strangers. It was as Dickens says, the best of times and the worst of times.

We are much a family, we Americans, a very large, very extended and often very dysfunctional family. When our brothers and sisters come into harm's way we react as does any family; we cry, we grieve, we pray, we hold each other close, and then we go on living.

Make no mistake about it, we will go on. The continental Europeans have a conception of America which has a strong kernel of truth. We are still, somewhat, the vaguely isolationist, happy-go-lucky plough boy who can be insulted by foreign waiters, euchred by a sidewalk grifter, blow his month's pay on a pretty bar girl, and still go home convinced he had a real nice time in the big city.

But when you slap us across the face, we know we've been wronged and it is not in our nature to slap you in return. Rather, our national instinct is to destroy your armies, drive your population into exile, pillage your cities and plow salt into the ground where they stood; in short, to act like Europeans. Then, however, being Americans we pass out chewing gum and foreign aid to help rebuild what we just destroyed.

That baser instinct, however, is fortunately also mitigated by one equally strong which we suckled at the breast of our mother country with the milk of Magna Carta. I refer, of course, to the sanctity of the rule of law. As Edmund Burke said in 1775: "In this character of the Americans a love of freedom is the predominating feature which marks and distinguishes the whole . . . This fierce spirit of liberty is stronger in the English colonies, probably, than in any other people of the earth [because] the people of the colonies are descendants of Englishmen."

We learned our lessons well at your knee. We learned from Entick v. Carrington that though a citizen lives in the rudest hut with no door or window, though the wind may blow through and the rain may pour in, the King of England with all his armies may not

pass over his thresh hold without an invitation to enter.

We have taken the rights and liberties of Englishmen and extended them even further. We have enshrined them in a written Constitution and from time to time, as we have done wrong to individuals and learned our lesson from that wrong doing, we have added additional protections.

We have been attacked by people from one particular part of the world. I am not an Arabist or a scholar of that region's history to any great degree but I think I can say those who planned this attack are mistaken about the United States in many ways. I believe they thought to wound us deeply by attacking our national symbols, and that they viewed the WTC as one such symbol. They thought, I imagine, that as a capitalist state, worshipping the almighty dollar, we would reel back, shaken and demoralized, by the loss of this great temple of Mammon. Truly they mistake us.

We reel back, not at the loss of a building, because bricks, and mortar can always be re-stacked; we usually tear down our great edifices every few decades or so anyway, to construct something larger and more modern. What wounded us, what cut us to our souls, what enraged us beyond the comprehension of these bombers, was the loss of five thousand of our sons and daughters, moms, and dads, firemen, policemen, janitors, bankers, doctors and lawyers. For this we shall not forgive the perpetrators; this we shall never forget. They are sadly mistaken.

If I could say one thing to those attackers and to their followers it would be this: "Beware of false prophets, which come to you in sheep's clothing but inwardly they are ravaging wolves. Ye shall know them by their fruits . . . Every tree that bringeth not forth good fruit is hewn down and cast into the fire. Wherefore, by their fruits shall ye know them."

I trust we will not again make the mistake of the Second World War and presume that because an individual or his forefathers came from that region or worships our common God in its way, that he is anything other than someone entitled to mutual rights and mutual respect. There will be no mass round-ups based on race, there will be no mass internment camps based on religion. We are not the same people as we were in 1941, and thank God, we are not the same people as those with whom we are at war.

I take some pride, that as a member of the federal judiciary I have taken an oath to do equal justice to all who come before me, and I have great confidence that not only shall we honor that oath, but that the executive branch will equally honor its obligation to protect the rights of those who reside within our nation whatever their race or religion. If restrictions there are, and there will be, if some limitations arise on the freedom from government interference with our ability to travel, and there will be, they will be applied equally. If individual officials make mistakes simply because of someone's color or creed, we will correct those mistakes as quickly as possible and apologize for the error. We will all face the burden together, we shall spread it as fairly as possible, and we shall bear it with quiet determination and good humor, for we are at war.

Make no mistake about it, we are at war. It is a different war than those of the recent past, and we Americans tend to be so forward looking that we confine our vision only to the front, but there is historical precedent for what we are about to do. When our nation was still in its infancy we fought an undeclared war with your neighbors across the Channel, we sent our young navy to the

Mediterranean to battle the corsairs of Barbary, and over the years we have chased bandits and pirates beyond our borders whenever our national interest required it. Often, and for many decades, we shared that job with the Royal Navy.

I cannot, in this English language, say anything about this endeavor upon which we now embark in any way better than my hero who led your fight for civilization in the last world war. Let me quote from two speeches by Mr. Churchill: "There shall be no halting or half measures, there shall be no compromise or parley. These gangs of bandits have sought to darken the light of the world; have sought to stand between the common people and their inheritance. They shall themselves be cast into the pit of death and shame, and only when the earth has been cleansed and purged of their crimes and villainy shall we turn from the task they have forced upon us, a task which we were reluctant to undertake, but which we shall now most faithfully and punctiliously discharge."

\* \* \* \* \*

"We do not war primarily with races as such. Tyranny is our foe, whatever trappings or disguise it wears, whatever language it speaks, be it external or internal, we must forever be on our guard, ever mobilized, ever vigilant, always ready to spring at its throat. In this, we march together."

In this indeed, I know, we shall march together.

#### ELECTIONS IN BELARUS

Mr. FEINGOLD. Mr. President, I rise today to speak about Belarus and my concerns about the country's recent presidential election.

Belarus has endured tremendous difficulties in its history. For centuries, Belarus has been fought over, occupied and carved up. It has borne heavy losses, including the loss of over 2 million people, one quarter of its population, during WWII. Today, the Belarusian people continue to suffer devastating consequences from the 1986 Chernobyl nuclear disaster in neighboring Ukraine.

Belarus' declaration of independence in 1991 held great promise for a better future. As it broke from communist rule, it had the opportunity to build a free nation and become part of a peaceful, more secure Europe. The country began to embrace economic and political reforms and democratic principles. It courageously chose to be a nuclear-free state, ratified the START Treaty, acceded to the Non-Proliferation Treaty, and became a member of NATO's Partnership for Peace. It established a constitution and held its first Presidential election in 1994.

Unfortunately, the prospect of democratic change in Belarus was quickly halted as its first President, Alexander Lukashenka, adopted increasingly authoritarian policies, including amending the constitution in a flawed referendum to extend his term and broaden his powers. Lukashenka's regime has been marked by a terrible human rights record that is progressively getting worse, with little respect for freedom of expression, assembly and an independent media. A pattern of dis-

turbing disappearances of opposition leaders fails to be seriously investigated by authorities. The living conditions in Belarus are declining and Lukashenka's refusal to institute economic reforms has only exacerbated the situation.

For months, nations throughout the world have been following closely the events leading up to the presidential election which took place on September 9, 2001, with hope that Lukashenka would take the necessary steps to allow the election to be free, fair and transparent. The United States, the European Union and leaders of the Organization for Security and Cooperation in Europe, OSCE, had urged Lukashenka to uphold his commitments to democratic principles as an OSCE member state and adhere to international election standards. Lukashenka was encouraged to seize this opportunity to signal to his European neighbors and the rest of the world that he is ready to change his heavy handed policies which have isolated his government and earned him a reputation as the lone remaining dictator in Europe.

Unfortunately, this election process demonstrated that Lukashenka is still unwilling to acknowledge the will of the Belarusian people. Much like last year's parliamentary elections, this election was marred by reports of intimidation, harassment and fraud. The OSCE concluded that it failed to meet internationally recognized democratic election standards.

Leading up to the election the opposition was denied fair and equal access to state-controlled media coverage, the independent media was harassed, publishing houses were shut down, and newspapers reporting on the opposition were seized. International observers from the Office for Democratic Institutions and Human Rights, ODHIR, were denied entry into the country for several weeks, and some were denied visas altogether, thus hindering efforts to establish a complete and thorough observation mission. Consequently, observation of critical aspects of a free and democratic election were missed, including the formation of election commissions and the candidate registration process. As voters cast their ballots, efforts to conduct a parallel vote-count were thwarted when Belarusian authorities disqualified thousands of domestic election observers. As a result, while most of Belarus' Central and Eastern European neighbors continue to progress toward democracy and integration into a peaceful, more secure Europe, Belarus remains on a path of its own, isolated from much of the world.

The United States must continue to pressure Lukashenka to change his archaic iron fist policies and adopt political reforms that espouse democratic principles such as respect for human rights, support for civil society, and

the rule of law. We must continue to urge his regime to institute desperately needed market-oriented economic reforms to promote trade, investment, growth and development in Belarus. We should also engage the Russians in high-level discussions, urging them to raise these issues with their neighbor, to pressure Lukashenka to take the steps he knows are necessary to facilitate normal, productive relations between his country and the international community.

While putting pressure on the Belarusian Government, the U.S. should also continue to support programs that will strengthen civil society and build democracy. The OSCE cited one positive observation about the Presidential election in Belarus: an increasingly pluralistic civil society is emerging and working to build the core institutions neglected by the state. The U.S. should continue to support programs that will build upon this progress within civil society and help restore democracy in Belarus.

#### ADDITIONAL STATEMENTS

##### HISPANIC HERITAGE MONTH

• Mr. SARBANES. Mr. President, today I rise in recognition of Hispanic Heritage Month. Each year, from September 15 through October 15, we recognize the contributions that Hispanic Americans bring to the United States. During this Hispanic Heritage Month, our Nation is in the process of coming to terms with the unspeakably savage attacks of September 11th and bracing for what may follow. Yet, in the wake of these heinous terrorist acts, we have demonstrated one of our greatest strengths, the ability to unite in times of crises. A major element of that unity is recognizing and embracing our diversity. This month we do so by showing our respect and appreciation for the rich cultural heritage Hispanic Americans bring to our Nation.

Recent census figures show that there are more than 35 million Hispanic Americans in this country. Their ranks have increased 58 percent through the last decade. Hispanic Americans will soon be the largest minority group in the United States, making up 24 percent of the population by 2050. In my State of Maryland, the number of Hispanics grew more than 82 percent since 1990, making up more than 4 percent of the population statewide. I know that Hispanic Americans will continue to bring great contributions to Maryland's culture and economy.

Like America, the Hispanic culture within our country is diverse. Whether we look to the large Puerto Rican community in New York, the influx of Central Americans to the Washington Metropolitan region, Mexican Americans who have a long history in California,

or Cuban Americans who have made South Florida their home, Hispanic American culture reflects the breadth and depth of the cultures of their nations of origin. Hispanic Americans are changing the face of America, challenging our tendency to view the world in terms of black and white and teaching us to accept ethnic diversity as well as racial differences.

I strongly believe that we will live up to the ideals of our Nation's founding only when all Americans have equal access to the building blocks of a strong society, education, employment, health care, housing and political participation. We must make sure that basic services and opportunities are available to Hispanic Americans. And, as this segment of the population grows, it will be increasingly important for educators, hospitals, civil services, and financial institutions to be able to communicate effectively, provide bilingual materials where appropriate, and be aware of cultural differences when delivering services. Hispanic Americans deserve to take full part in their communities and language barriers should not prevent them from doing so.

Throughout our history, different groups have come to this country contributing their culture, values and strengths to make the United States the strong diverse country that it is. The story of immigrants searching for a better life is a story that has been replayed countless times throughout our history, sustaining the growth of America since her beginning. Hispanic Americans continue this tradition and I am proud to have the opportunity to recognize their heritage this month.

##### IN RECOGNITION OF DR. HENRY WALL

• Mr. DOMENICI. Mr. President, I rise today to recognize the service of Dr. Henry Wall to New Mexican veterans. Dr. Wall recently retired from the Artesia Veterans Affairs community-based outpatient clinic after nearly 50 years of service to meeting the health care needs of Artesia residents.

Dr. Wall graduated from the University of Oklahoma in 1953 and moved to Artesia shortly thereafter. Dr. Wall's private practice spanned from 1955 to 1991, and he became well known for his dedication to patient care, as well as for his maternity practice. In fact, many Artesia residents remind him that "You delivered me, my children, and my mom."

In 1989, the Artesia community-based clinic was founded. The clinic was an outgrowth of legislation that I sponsored to establish six satellite veterans outpatient centers. I believed that veterans should have access to quality health care at a convenient location. Dr. Wall also saw this opening as an opportunity to serve the veterans of southeastern New Mexico. He joined

the clinic's staff and brought his care and expertise to the many veterans in the local community. Dr. Wall is a veteran himself, having served in the Marine Corps in World War II, and he understood the need to provide our Nation's veterans with superior health care.

I wish to express my gratitude to Dr. Henry Wall for his years of service to Artesia, and to the veteran population, in particular. I have frequently stated that ensuring the health and well-being of the servicemen and women, who have placed their lives in harm's way in order to secure our freedoms, should be a commitment that Americans do not take lightly. I am proud that Dr. Wall has done his part to live up to this commitment. I am sincerely grateful for his service to New Mexico's veterans.●

##### TRIBUTE TO SISTER MARGARET SMITH

• Mr. DAYTON. Mr. President, today, I would like to take the opportunity to pay special tribute to an exceptional person, Sister Margaret Smith of Park Rapids, Minnesota. With great pride, Minnesotans have named Sister Margaret Minnesota's Outstanding Older Worker for this year. This is an honor richly deserved, for Sister Margaret has spent 55 of her 80 years serving in a variety of capacities at the St. Joseph's Area Health Services, in Park Rapids.

The award for Minnesota's Outstanding Older Walker is conferred by Green Thumb, Inc., the Minnesota Department of Economic Security, and the Minnesota Department of Labor.

Sister Margaret is virtually an institution, a pillar at St. Joseph's where she has touched the lives of thousands of people. With her humor, warmth, feeling for people, and dedication, she has been a support not only for appreciative patients and their families, but also for her coworkers at St. Joseph's. Indeed, one of the affectionate nicknames conferred on her by the medical staff is "The Presence." This is a fitting title, indeed: She was among the seven Sisters of Saint Joseph who arrived in Park Rapids in 1946 to establish a hospital, is always where she is needed, and has never missed a single day of work. Moreover, Sister Margaret is nothing if not versatile. Having become a certified radiology technician in 1945, she has worked in almost every department of the hospital, including the lab and surgery; was once St. Joseph's administrator; and now sits on the Board of Directors.

Although she no longer performs procedures, she keeps the radiology department running smoothly by scheduling patients' appointments; maintaining statistics, information, and activities in superb order; working with physicians to arrange radiology procedures; and supervising the department's peer review. In the hospital at

large, she keeps her finger well placed on the pulse of the organization by overseeing quality control. Moreover, Sister Margaret is the hospital historian and photo archivist.

At St. Joseph's, Sister Margaret is called "the rock, the foundation." So loved is she for her steadfastness, lightheartedness, and solid values, that patients of 20 years ago return and ask to see her. At its genesis, the success of St. Joseph's and its founders might not have been predicated. Rather, some in the community opposed a Catholic hospital. Today, sister Margaret says she believes her presence as a Sister of St. Joseph has made a difference. Caring for patients, she believes is sacred. Her philosophy has been to care for the whole person, spiritfully as well as physically.

Sister Margaret was to have visited Washington, D.C., during the week of September 11, in order to attend the National Prime Time Awards Program. Although our Nation's crisis made it impossible for this trip to take place, I would like to add my voice to those who have honored Sister Margaret's constancy of heart and spirit in ministering to so many patients for more than 50 years.●

#### IN RECOGNITION OF I. MARTIN MERCADO

● Mr. DOMENICI. Mr. President, I rise today to recognize the accomplishments of Mr. I. Martin Mercado, who will be presented today with the Small Business Administration's Minority Small Business Person of the Year Award. This prestigious award recognizes the vital role that minority-owned small businesses play in creating jobs and providing robust economic development in their communities. Mr. Mercado is the president of Mercado Construction in Albuquerque and is the perfect example of the important contributions that small business make to our economy.

Mr. Mercado is one of seven children of immigrant parents who left their native country of Mexico in search of better opportunities for their children. Although they had little knowledge of American culture or language, they were able to provide their children with a good education and a bright future. I. Martin Mercado is a wonderful illustration of the American dream. Although he came from this humble background, he has built a successful business from the ground up.

Mercado Construction began in 1994 with only \$20,000 in cash and one employee. Mr. Mercado faced enormous difficulty in securing financing and credit because it was a start-up company. However, after the successful completion of several projects, Mercado Construction was able to demonstrate its ability and began to gain access to working capital. Through hard work and resolve, Mercado Con-

struction has grown exponentially. It now has 23 employees and \$4.8 million in revenues and has contributed to many important development projects in the Albuquerque and Rio Rancho communities.

Equally important, Mercado Construction shares its success with other New Mexican small businesses. Mr. Mercado is an active member of the New Mexico 8(a) Association and frequently subcontracts with and purchases materials from other minority- and women-owned small businesses. In fact, over 50 percent of Mercado Construction's subcontractors are minority- and women-owned firms. Mercado Construction is also an active participant in the Albuquerque community. It has sponsored youth sports teams and contributes to several charities, such as the North Valley Little League and the Big Brothers/Big Sisters program.

I wish to congratulate Mercado Construction and its president, Mr. I. Martin Mercado, on being named a Minority Small Business Person of the Year. I am grateful for their contribution to economic development and job creation in New Mexico, and I look forward to their continued growth and success.●

#### MESSAGES FROM THE PRESIDENT

##### REPORT ON BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the unusual and extraordinary threat posed to the national security, foreign policy, and economy of the United States by grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks at the World Trade Center, New York, at the Pentagon, and in Pennsylvania. I have also issued an Executive Order to help deal with this threat by giving the United States more powerful tools to reach the means by which terrorists and terrorist networks finance themselves and to encourage greater cooperation by foreign financial institutions and other enti-

ties that may have access to foreign property belonging to terrorists or terrorist organizations.

The attacks of September 11, 2001, highlighted in the most tragic way the threat posed to the security and national interests of the United States by terrorists who have abandoned any regard for humanity, decency, morality, or honor. Terrorists and terrorist networks operate across international borders and derive their financing from sources in many nations. Often, terrorist property and financial assets lie outside the jurisdiction of the United States. Our effort to combat and destroy the financial underpinnings of global terrorism must therefore be broad, and not only provide powerful sanctions against the U.S. property of terrorists and their supporters, but also encourage multilateral cooperation in identifying and freezing property and assets located elsewhere.

This Executive Order is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. In general terms, it provides additional means by which to disrupt the financial support network for terrorist organizations by blocking the U.S. assets not only of foreign persons or entities who commit or pose a significant risk of committing acts of terrorism, but also by blocking the assets of their subsidiaries, front organizations, agents, and associates, and any other entities that provide services or assistance to them. Although the blocking powers enumerated in the order are broad, my Administration is committed to exercising them responsibly, with due regard for the culpability of the persons and entities potentially covered by the order, and in consultation with other countries.

The specific terms of the Executive Order provide for the blocking of the property and interests in property, including bank deposits, of foreign persons designated in the order or pursuant thereto, when such property is within the United States or in the possession or control of United States persons. In addition, the Executive Order prohibits any transaction or dealing by United States persons in such property or interests in property, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such designated persons.

I have identified in an Annex to this order eleven terrorism organizations, twelve individual terrorist leaders, three charitable or humanitarian organizations that operate as fronts for terrorist financing and support, and one business entity that operates as a front for terrorist financing and support. I have determined that each of these organizations and individuals have committed, supported, or threatened acts of terrorism that imperil the security of U.S. nationals or the national security, foreign policy, or economy of the

United States. I have also authorized the Secretary of State to determine and designate additional foreign persons who have committed or pose a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. Such designations are to be made in consultation with the Secretary of the Treasury and the Attorney General.

The Executive Order further authorizes the Secretary of the Treasury to identify, in consultation with the Secretary of State and the Attorney General, additional persons or entities that:

- Are owned or controlled by, or that act for or on behalf of, those persons designated in or pursuant to the order;
- Assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of acts of terrorism or those persons designated in or pursuant to the order; or
- Are otherwise associated with those persons designated in or pursuant to the order.

Prior to designating persons that fall within the latter two categories, the Secretary of the Treasury is authorized to consult with any foreign authorities the Secretary of State deems appropriate, in consultation with the Secretary of the Treasury and the Attorney General. Such consultation is intended to avoid the need for additional designations by securing bilateral or multilateral cooperation from foreign governments and foreign financial and other institutions. Such consultation may include requests to foreign governments to seek, in accordance with international law and their domestic laws, information from financial institutions regarding terrorist property and to take action to deny terrorists the use of such property. The order also provides broad authority, with respect to the latter two categories, for the Secretary of the Treasury, in his discretion, and in consultation with the Secretary of State and the Attorney General, to take lesser action than the complete blocking of property or interests in property if such lesser action is deemed consistent with the national interests of the United States. Some of the factors that may be considered in deciding whether a lesser action against a foreign person is consistent with the national interests of the United States include:

- The impact of blocking on the U.S. or international financial system;
- The extent to which the foreign person has cooperated with U.S. authorities;
- The degree of knowledge the foreign person had of the terrorist-related activities of the designated person;

—The extent of the relationship between the foreign person and the designated person; and

—The impact of blocking or other measures on the foreign person.

The Executive Order also directs the Secretary of State, the Secretary of the Treasury, and other agencies to make all relevant efforts to cooperate and coordinate with other countries, including through existing and future multilateral and bilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of the financing of and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

In the Executive Order, I also have made determinations to suspend otherwise applicable exemptions for certain humanitarian, medical, or agricultural transfers or donations. Regrettably, international terrorist networks make frequent use of charitable or humanitarian organizations to obtain clandestine financial and other support for their activities. If these exemptions were not suspended, the provision of humanitarian materials could be used as a loophole through which support could be provided to individuals or groups involved with terrorism and whose activities endanger the safety of United States nationals, both here and abroad.

The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is authorized to issue regulations in exercise of my authorities under IEEPA to implement the prohibitions set forth in the Executive Order. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the order, and, where applicable, to advise the Secretary of the Treasury in a timely manner of the measures taken.

The measures taken here will immediately demonstrate our resolve to bring new strength to bear in our multifaceted struggle to eradicate international terrorism. It is my hope that they will point the way for other civilized nations to adopt similar measures to attack the financial roots of global terrorist networks.

In that regard, this Executive Order is an integral part of our larger effort to form a coalition in the global war against terrorism. We have already worked with nations around the globe and groups such as the G-8, the European Union, and the Rio Group, all of which have issued strong statements of their intention to take measures to limit the ability of terrorism groups to operate. In the next several weeks the 33rd Session of the International Civil Aviation Organization (ICAO) General Assembly and other fora will focus on terrorism worldwide. It is our intention to work within the G-7/G-8, the

ICAO, and other fora to reach agreement on strong concrete steps that will limit the ability of terrorists to operate. In the G-7/G-8, the United States will work with its partners, drawing on the G-8 Lyon Group on Transnational Crime, the G-8 Group on Counterterrorism, the G-7 Financial Action Task Force, and the existing G-8 commitments to build momentum and practical cooperation in the fight to stop the flow of resources to support terrorism. In addition, both the Convention for the Suppression of the Financing of Terrorism and the Convention for the Suppression of Terrorist Bombings have been forwarded to the Senate, and I will be forwarding shortly to the Congress implementing legislation for both Conventions.

I am enclosing a copy of the Executive Order I have issued. This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, September 23, 2001.

#### REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.

THE WHITE HOUSE, September 24, 2001.

#### REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO UNIT A—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 2001.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), and 1173 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospects for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military operations.

GEORGE W. BUSH.

THE WHITE HOUSE, September 24, 2001.

#### MESSAGE FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on September 21, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2926. An act to preserve the continued viability of the United States air transportation system.

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the following enrolled bill, previously signed by the Speaker of the House, was signed by the President pro tempore (Mr. BYRD) on September 21, 2001:

H.R. 2926. An act to preserve the continued viability of the United States air transportation system.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1447. A bill to improve aviation security, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4095. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Board's report under the Government in the Sun-

shine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC-4096. A communication from the Office of Sustainable Fisheries, Domestic Fisheries Division, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Framework Adjustment 2" (RIN0648-AO92) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4097. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Coast Guard Authorization Act of 2001"; to the Committee on Commerce, Science, and Transportation.

EC-4098. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled "National Aeronautics and Space Administration Science and Technology Career Enhancement Act of 2001"; to the Committee on Commerce, Science, and Transportation.

EC-4099. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, National Highway Traffic Safety Administration, received on August 15, 2001; to the Committee on Commerce, Science, and Transportation.

EC-4100. A communication from the Secretary of Commerce and the Secretary of the Interior, transmitting jointly, pursuant to law, a report entitled "A Population Study of Atlantic Striped Bass"; to the Committee on Commerce, Science, and Transportation.

EC-4101. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment sold under a contract in the amount of \$50,000,000 or more to New Zealand; to the Committee on Foreign Relations.

EC-4102. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of \$14,000,000 or more to Singapore; to the Committee on Foreign Relations.

EC-4103. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to The Arab Republic of Egypt; to the Committee on Foreign Relations.

EC-4104. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed license for the export of major defense equipment sold under a contract in the amount of \$50,000,000 or more to Korea; to the Committee on Foreign Relations.

EC-4105. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of the certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Brazil; to the Committee on Foreign Relations.

EC-4106. A communication from the Assistant Secretary of Legislative Affairs, Depart-

ment of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with France; to the Committee on Foreign Relations.

EC-4107. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement for the export of defense articles of defense services sold commercially under a contract in the amount of \$50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC-4108. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-4109. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Technical Assistance Agreement for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to North Korea; to the Committee on Foreign Relations.

EC-4110. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed Manufacturing License with Germany; to the Committee on Foreign Relations.

EC-4111. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-4112. A communication from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exports of Agricultural Products, Medicines, and Medical Devices to Cuba, Sudan, Libya, and Iran; Cuba Travel-Related Transactions" received on July 9, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4113. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation relative to currency, postage stamps, and other security documents for foreign governments, and security documents for State governments and their political subdivisions, on a reimbursable basis; to the Committee on Banking, Housing, and Urban Affairs.

EC-4114. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation regarding FHA-insured multifamily housing mortgage and housing restructuring; to the Committee on Banking, Housing, and Urban Affairs.

EC-4115. A communication from the General Counsel of the Department of the Treasury and the Department of Commerce, transmitting, a draft of proposed legislation entitled "Trade Sanctions Reform and Export Enhancement Technical Amendments Act of 2001"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4116. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the

report of a rule entitled "Bookkeeping Services Provided by Auditors to Audit Clients in Emergency or Other Unusual Situations" (RIN3235-AI31) received on September 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-4117. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Injury Prevention and Control-Related Programs and Activities of the Centers for Disease Control and Prevention for Fiscal Years 1997 and 1998; to the Committee on Health, Education, Labor, and Pensions.

EC-4118. A communication from the Administrative Officer, Institute of Museum and Library Services, the report of the discontinuation of service in acting role for the position of Director, received on August 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4119. A communication from the Administrative Officer, Institute of Museum and Library Services, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, received on August 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4120. A communication from the Administrative Officer, Institute of Museum and Library Services, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, received on August 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4121. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4122. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Assistant Secretary for Occupational Safety and Health Administration, received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4123. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Veterans Employment and Training Service, received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4124. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Assistant Secretary for Employment and Training Administration, received on August 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-4125. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Promotion and Support of Responsible Fatherhood and Health Marriage Act of 2001"; to the Committee on Health, Education, Labor, and Pensions.

EC-4126. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to transportation and environ-

mental matters as they affect the Department; to the Committee on Armed Services.

EC-4127. A communication from the General Counsel of the Department of Transportation, transmitting, a draft of proposed legislation relative to the Revision of Determination Regarding Continuation of Navy Training on Island of Vieques; to the Committee on Armed Services.

EC-4128. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Annual Report to Congress on Combating Terrorism for Fiscal Year 2000 through 2002; to the Committee on Armed Services.

EC-4129. A communication from the General Counsel of the Department of Defense, transmitting, the Efficient Facilities Initiative of 2001; to the Committee on Armed Services.

EC-4130. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the operations and management of the Department; to the Committee on Armed Services.

EC-4131. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary of Defense, Command, Control, Communications and Intelligence, received on August 13, 2001; to the Committee on Armed Services.

EC-4132. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Navy, Installations and Environment, received on August 13, 2001; to the Committee on Armed Services.

EC-4133. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Army, Installations and Environment, received on August 13, 2001; to the Committee on Armed Services.

EC-4134. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Air Force, Manpower and Resource Affairs, Installation and Environment, received on August 13, 2001; to the Committee on Armed Services.

EC-4135. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Air Force, Space, received on August 13, 2001; to the Committee on Armed Services.

EC-4136. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, International Security Policy, received on August 13, 2001; to the Committee on Armed Services.

EC-4137. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Command, Control, Communications and Intelligence, received on August 13, 2001; to the Committee on Armed Services.

EC-4138. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, Defense Research and Engineering, received on August 13, 2001; to the Committee on Armed Services.

EC-4139. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service of acting role for the position of Assistant Secretary of the Air Force, Financial Management and Comptroller, received on August 13, 2001; to the Committee on Armed Services.

EC-4140. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Defense Health Program Obligation of Fiscal Year 2000 Emergency Supplemental Funding; to the Committee on Armed Services.

EC-4141. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the operation and management of the Department; to the Committee on Armed Services.

EC-4142. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the operation and management of the Department; to the Committee on Armed Services.

EC-4143. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relating to the reduction of recurring reporting requirements; to the Committee on Armed Services.

EC-4144. A communication from the White House Liaison, Department of Energy, transmitting, pursuant to law, the report of the designation of acting officer for the position of Deputy Administrator for Defense Programs, received on August 28, 2001; to the Committee on Armed Services.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT (for himself and Mr. KYL):

S. 1456. A bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SARBANES (by request):

S. 1457. A bill to extend FHA-insured multifamily housing mortgage and housing assistance restructuring authority, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 1458. A bill to facilitate the voluntary provision of emergency services during commercial air flights; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 323

At the request of Mr. KERRY, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 323, a bill to amend the Elementary and Secondary Education Act of 1965 to establish scholarships for inviting new scholars to participate in renewing education, and mentor teacher programs.

S. 357

At the request of Mr. FRIST, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 357, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 760

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain un-

lawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1200

At the request of Mr. CLELAND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1250

At the request of Mrs. CARNAHAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

S. 1274

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1274, a bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1300, a bill to amend the Internal Revenue Code of 1986 to encourage foundational and corporate charitable giving.

S. 1326

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1326, a bill to extend and improve working lands and other conservation programs administered by the Secretary of Agriculture.

S. 1343

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1343, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. 1400

At the request of Mr. KYL, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1400, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien.

S. 1433

At the request of Mr. ALLEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1433, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1447

At the request of Mr. HOLLINGS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1447, a bill to improve aviation security, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KERRY), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S.J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. RES. 160

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 160, a resolution designating the month of October 2001, as "Family History Month."

S. CON. RES. 73

At the request of Mr. NICKLES, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alabama (Mr. SESSIONS), the Senator from Illinois (Mr. DURBIN), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Con. Res. 73, a concurrent resolution

expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

#### AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

#### AMENDMENT NO. 1601

At the request of Mr. LOTT, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of amendment No. 1601 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself and Mr. KYL):

S. 1456. A bill to facilitate the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, to enhance the recovery from such attacks, and for other purposes; to the Committee on Governmental Affairs.

Mr. BENNETT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

#### S. 1456

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Critical Infrastructure Information Security Act of 2001".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The critical infrastructures that underpin our society, national defense, economic prosperity, and quality of life—including energy, banking and finance, transportation, vital human services, and telecommunications—must be viewed in a new context in the Information Age.

(2) The rapid proliferation and integration of telecommunications and computer sys-

tems have connected infrastructures to one another in a complex global network of interconnectivity and interdependence. As a result, new vulnerabilities to such systems and infrastructures have emerged, such as the threat of physical and cyber attacks from terrorists or hostile states. These attacks could disrupt the economy and endanger the security of the United States.

(3) The private sector, which owns and operates the majority of these critical infrastructures, and the Federal Government, which has unique information and analytical capabilities, could both greatly benefit from cooperating in response to threats, vulnerabilities, and actual attacks to critical infrastructures by sharing information and analysis.

(4) The private sector is hesitant to share critical infrastructure information with the Federal Government because—

(A) Federal law provides no clear assurance that critical infrastructure information voluntarily submitted to the Federal Government will be protected from disclosure or misuse;

(B) the framework of the Federal Government for critical infrastructure information sharing and analysis is not sufficiently developed; and

(C) concerns about possible prosecution under the antitrust laws inhibit some companies from partnering with other industry members, including competitors, to develop cooperative infrastructure security strategies.

(5) Statutory nondisclosure provisions that qualify as Exemption 3 statutes under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), many of them longstanding, prohibit disclosure of numerous classes of information under that Act. These statutes cover specific and narrowly defined classes of information and are consistent with the principles of free and open government that that Act seeks to facilitate.

(6) Since the infrastructure information that this Act covers is not normally in the public domain, preventing public disclosure of this sensitive information serves the greater good by promoting national security and economic stability.

#### SEC. 3. PURPOSE.

The purpose of this Act is to foster improved security of critical infrastructure by—

(1) promoting the increased sharing of critical infrastructure information both between private sector entities and between the Federal Government and the private sector; and

(2) encouraging the private sector and the Federal Government to conduct better analysis of critical infrastructure information in order to prevent, detect, warn of, and respond to incidents involving critical infrastructure.

#### SEC. 4. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551 of title 5, United States Code.

(2) CRITICAL INFRASTRUCTURE.—The term "critical infrastructure"—

(A) means physical and cyber-based systems and services essential to the national defense, government, or economy of the United States, including systems essential for telecommunications (including voice and data transmission and the Internet), electrical power, gas and oil storage and transportation, banking and finance, transportation, water supply, emergency services (including medical, fire, and police services), and the continuity of government operations; and

(B) includes any industry sector designated by the President pursuant to the National Security Act of 1947 (50 U.S.C. 401 et seq.) or the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) as essential to provide resources for the execution of the national security strategy of the United States, including emergency preparedness activities pursuant to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.).

(3) CRITICAL INFRASTRUCTURE INFORMATION.—The term "critical infrastructure information" means information related to—

(A) the ability of any protected system or critical infrastructure to resist interference, compromise, or incapacitation by either physical or computer-based attack or other similar conduct that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B) any planned or past assessment, projection, or estimate of the security vulnerability of a protected system or critical infrastructure, including security testing, risk evaluation, risk management planning, or risk audit;

(C) any planned or past operational problem or solution, including repair, recovery, reconstruction, insurance, or continuity, related to the security of a protected system or critical infrastructure; or

(D) any threat to the security of a protected system or critical infrastructure.

(4) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term "Information Sharing and Analysis Organization" means any formal or informal entity or collaboration created by public or private sector organizations, and composed primarily of such organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information in order to better understand security problems related to critical infrastructure and protected systems, and interdependencies of critical infrastructure and protected systems, so as to ensure the availability, integrity, and reliability of critical infrastructure and protected systems;

(B) communicating or disclosing critical infrastructure information to help prevent, detect, mitigate, or recover from the effects of a problem related to critical infrastructure or protected systems; and

(C) voluntarily disseminating critical infrastructure information to entity members, other Information Sharing and Analysis Organizations, the Federal Government, or any entities which may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

(5) PROTECTED SYSTEM.—The term "protected system"—

(A) means any service, physical or computer-based system, process, or procedure that directly or indirectly affects a facility of critical infrastructure; and

(B) includes any physical or computer-based system, including a computer, computer system, computer or communications network, or any component hardware or element thereof, software program, processing instructions, or information or data in transmission or storage therein (irrespective of storage medium).

(6) VOLUNTARY.—The term "voluntary", in the case of the submittal of information or records to the Federal Government, means the submittal of the information or records in the absence of an agency's exercise of legal submission.

# SEC. 5. PROTECTION OF VOLUNTARILY SHARED CRITICAL INFRASTRUCTURE INFORMATION.

## (a) PROTECTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, critical infrastructure information that is voluntarily submitted to a covered Federal agency for analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose, when accompanied by an express statement specified in paragraph (3)—

(A) shall not be made available under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) may not, without the written consent of the person or entity submitting such information, be used directly by such agency, any other Federal, State, or local authority, or any third party, in any civil action arising under Federal or State law, unless such information is submitted in bad faith; and

(C) may not, without the written consent of the person or entity submitting such information, be used for a purpose other than the purpose of this Act, or disclosed by any officer or employee of the United States, except pursuant to the official duties of such officer or employee pursuant to this Act.

(2) COVERED FEDERAL AGENCY DEFINED.—In paragraph (1), the term “covered Federal agency” means the following:

- (A) The Department of Justice.
- (B) The Department of Defense.
- (C) The Department of Commerce.
- (D) The Department of Transportation.
- (E) The Department of the Treasury.
- (F) The Department of Health and Human Services.
- (G) The Department of Energy.
- (H) The Environmental Protection Agency.
- (I) The General Services Administration.
- (J) The Federal Communications Commission.
- (K) The Federal Emergency Management Agency.
- (L) The National Infrastructure Protection Center.
- (M) The National Communication System.

(3) EXPRESS STATEMENT.—For purposes of paragraph (1), the term “express statement”, with respect to information or records, means—

(A) in the case of written information or records, a written marking on the information or records as follows: “This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure under the provisions of the Critical Infrastructure Information Security Act of 2001.”; or

(B) in the case of oral information, a statement, substantially similar to the words specified in subparagraph (A), to convey that the information is voluntarily submitted to the Federal Government in expectation of protection from disclosure under the provisions of this Act.

(b) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of the Federal Government to obtain and use under applicable law critical infrastructure information obtained by or submitted to the Federal Government in a manner not covered by subsection (a).

(c) TREATMENT OF VOLUNTARY SUBMITTAL OF INFORMATION.—The voluntary submittal to the Federal Government of information or records that are protected from disclosure by this section shall not be construed to constitute compliance with any requirement to submit such information to a Federal agency under any other provision of law.

## (d) PROCEDURES.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall, in consultation with appropriate representatives of the National Security Council and the Office of Science and Technology Policy, establish uniform procedures for the receipt, care, and storage by Federal agencies of critical infrastructure information that is voluntarily submitted to the Federal Government. The procedures shall be established not later than 90 days after the date of the enactment of this Act.

(2) ELEMENTS.—The procedures established under paragraph (1) shall include mechanisms regarding—

(A) the acknowledgement of receipt by Federal agencies of critical infrastructure information that is voluntarily submitted to the Federal Government, including confirmation that such information is protected from disclosure under this Act;

(B) the marking of such information as critical infrastructure information that is voluntarily submitted to the Federal Government for purposes of this Act;

(C) the care and storage of such information; and

(D) the protection and maintenance of the confidentiality of such information so as to permit, pursuant to section 6, the sharing of such information within the Federal Government, and the issuance of notices and warnings related to protection of critical infrastructure.

# SEC. 6. NOTIFICATION, DISSEMINATION, AND ANALYSIS REGARDING CRITICAL INFRASTRUCTURE INFORMATION.

## (a) NOTICE REGARDING CRITICAL INFRASTRUCTURE SECURITY.—

(1) IN GENERAL.—A covered Federal agency (as specified in section 5(a)(2)) receiving significant and credible information under section 5 from a private person or entity about the security of a protected system or critical infrastructure of another known or identified private person or entity shall, to the extent consistent with requirements of national security or law enforcement, notify and convey such information to such other private person or entity as soon as reasonable after receipt of such information by the agency.

(2) CONSTRUCTION.—Paragraph (1) may not be construed to require an agency to provide specific notice where doing so would not be practicable, for example, based on the quantity of persons or entities identified as having security vulnerabilities. In instances where specific notice is not practicable, the agency should take reasonable steps, consistent with paragraph (1), to issue broadly disseminated advisories or alerts.

(b) ANALYSIS OF INFORMATION.—Upon receipt of critical infrastructure information that is voluntarily submitted to the Federal Government, the Federal agency receiving such information shall—

(1) share with appropriate covered Federal agencies (as so specified) all such information that concerns actual attacks, and threats and warnings of attacks, on critical infrastructure and protected systems;

(2) identify interdependencies; and

(3) determine whether further analysis in concert with other Federal agencies, or warnings under subsection (c), are warranted.

## (c) ACTION FOLLOWING ANALYSIS.—

(1) AUTHORITY TO ISSUE WARNINGS.—As a result of analysis of critical infrastructure information under subsection (b), a Federal agency may issue warnings to individual companies, targeted sectors, other governmental entities, or the general public regarding potential threats to critical infrastructure.

(2) FORM OF WARNINGS.—In issuing a warning under paragraph (1), the Federal agency concerned shall take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for the warning.

## (d) STRATEGIC ANALYSES OF POTENTIAL THREATS TO CRITICAL INFRASTRUCTURE.—

(1) IN GENERAL.—The President shall designate an element in the Executive Branch—

(A) to conduct strategic analyses of potential threats to critical infrastructure; and

(B) to submit reports on such analyses to Information Sharing and Analysis Organizations and such other entities as the President considers appropriate.

## (2) STRATEGIC ANALYSES.—

(A) INFORMATION USED.—In conducting strategic analyses under paragraph (1)(A), the element designated to conduct such analyses under paragraph (1) shall utilize a range of critical infrastructure information voluntarily submitted to the Federal Government by the private sector, as well as applicable intelligence and law enforcement information.

(B) AVAILABILITY.—The President shall take appropriate actions to ensure that, to the maximum extent practicable, all critical infrastructure information voluntarily submitted to the Federal Government by the private sector is available to the element designated under paragraph (1) to conduct strategic analyses under paragraph (1)(A).

(C) FREQUENCY.—Strategic analyses shall be conducted under this paragraph with such frequency as the President considers appropriate, and otherwise specifically at the direction of the President.

## (3) REPORTS.—

(A) IN GENERAL.—Each report under paragraph (1)(B) shall contain the following:

(i) A description of currently recognized methods of attacks on critical infrastructure.

(ii) An assessment of the threats to critical infrastructure that could develop over the year following such report.

(iii) An assessment of the lessons learned from responses to previous attacks on critical infrastructure.

(iv) Such other information on the protection of critical infrastructure as the element conducting analyses under paragraph (1) considers appropriate.

(B) FORM.—Reports under this paragraph may be in classified or unclassified form, or both.

(4) CONSTRUCTION.—Nothing in this subsection shall be construed to modify or alter any responsibility of a Federal agency under subsections (a) through (c).

## (e) PLAN FOR STRATEGIC ANALYSES OF THREATS TO CRITICAL INFRASTRUCTURE.—

(1) PLAN.—The President shall develop a plan for carrying out strategic analyses of threats to critical infrastructure through the element in the Executive Branch designated under subsection (d)(1).

(2) ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) A methodology for the work under the plan of the element referred to in paragraph (1), including the development of expertise among the personnel of the element charged with carrying out the plan and the acquisition by the element of information relevant to the plan.

(B) Mechanisms for the studying of threats to critical infrastructure, and the issuance of warnings and recommendations regarding such threats, including the allocation of personnel and other resources of the element in order to carry out those mechanisms.

(C) An allocation of roles and responsibilities for the work under the plan among the Federal agencies specified in section 5(a)(2), including the relationship of such roles and responsibilities.

(3) REPORTS.—

(A) INTERIM REPORT.—The President shall submit to Congress an interim report on the plan developed under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(B) FINAL REPORT.—The President shall submit to Congress a final report on the plan developed under paragraph (1), together with a copy of the plan, not later than 180 days after the date of the enactment of this Act.

**SEC. 7. ANTITRUST EXEMPTION FOR ACTIVITY INVOLVING AGREEMENTS ON CRITICAL INFRASTRUCTURE MATTERS.**

(a) ANTITRUST EXEMPTION.—The antitrust laws shall not apply to conduct engaged in by an Information Sharing and Analysis Organization or its members, including making and implementing an agreement, solely for purposes of—

(1) gathering and analyzing critical infrastructure information in order to better understand security problems related to critical infrastructure and protected systems, and interdependencies of critical infrastructure and protected systems, so as to ensure the availability, integrity, and reliability of critical infrastructure and protected systems;

(2) communicating or disclosing critical infrastructure information to help prevent, detect, mitigate, or recover from the effects of a problem related to critical infrastructure or protected systems; or

(3) voluntarily disseminating critical infrastructure information to entity members, other Information Sharing and Analysis Organizations, the Federal Government, or any entities which may be of assistance in carrying out the purposes specified in paragraphs (1) and (2).

(b) EXCEPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market, or to fix prices or output.

(c) ANTITRUST LAWS DEFINED.—In this section, the term “antitrust laws”—

(1) has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(2) includes any State law similar to the laws referred to in paragraph (1).

**SEC. 8. NO PRIVATE RIGHT OF ACTION.**

Nothing in this Act may be construed to create a private right of action for enforcement of any provision of this Act.

By Mr. FEINGOLD:

S. 1458. A bill to facilitate the voluntary provision of emergency services during commercial air flights; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to introduce the Volunteers For Safe Skies Act of 2001. This bill will allow our Nation's firefighters, law enforcement officials, and emergency medical technicians, EMTs, to serve voluntarily on commercial aircraft to help ensure the safety of the flying public. In many cases, these public servants already notify the crew when they board that they are fully trained

for emergencies and are willing to help out in the event they are needed.

This bill would simply streamline and organize this practice by requiring the Federal Aviation Administration to create a program through which these officials can register voluntarily and confidentially with the airlines. Our Nation's law enforcement officials, firefighters, and EMTs are trained to respond to and keep calm during emergencies and can be of great assistance to an airline crew.

When I was back in Wisconsin following the vicious attacks on our country, I was proud of the outpouring of support and the number of people who wanted to help the victims, their families, and the rescue workers in the attacks. Across Wisconsin and the country, we have all heard the stories of people lining up to donate blood and food, of charities being flooded with donations of goodwill. People are searching for ways to help.

When I held one of my listening sessions last week, Fire Chief James Reseburg and Deputy Police Chief Charles Tubbs of Beloit, WI, came up to me with an idea that they thought would help make our skies safer. Part of this idea was to create a registration system through which law enforcement officials, firefighters, and EMTs could register voluntarily to serve in the event of an emergency on a commercial airplane. For example, if an official was going on vacation on an airplane, he would register with the airline beforehand to notify them that they would have a trained public safety official on that flight. Like the sky marshals, only the crew would know when one of these volunteers was on the plane.

Keep in mind that this would strictly be a volunteer program. This bill will help make our skies safer while at the same time making it easier for our police officers, firefighters, and EMTs to serve their country.

As many of my colleagues have stated, if the airline industry is to recover fully from the events of September 11, 2001, we must make the flying public feel safe once again in our skies. The Volunteers For Safe Skies Act would help us do just that.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1617. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1618. Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1619. Mr. SANTORUM submitted an amendment intended to be proposed by him

to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1620. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1621. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1622. Mr. BUNNING (for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. HUTCHINSON, Ms. COLLINS, Mr. INHOFE, Mr. SMITH, of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, Mrs. CLINTON, and Mr. DORGAN) proposed an amendment to the bill S. 1438, supra.

SA 1623. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1624. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1625. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1626. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1627. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1628. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1629. Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1630. Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1631. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1632. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1633. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1634. Mrs. HUTCHISON (for herself, Mr. INOUE, Mr. STEVENS, Mr. DEWINE, Mr. BENNETT, Mr. HATCH, Mr. CRAIG, Ms. MIKULSKI, Mr. SARBANES, Mr. VOINOVICH, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1635. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1636. Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1637. Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1638. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. Feingold and intended to be proposed to the bill

(S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table.

SA 1639. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1640. Mr. HUTCHINSON (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1641. Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1642. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1643. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1644. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1645. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1646. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1647. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1648. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1649. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1650. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1651. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1652. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1653. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1654. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1655. Mr. DOMENICI (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1656. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1657. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1658. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1659. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1660. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, supra.

SA 1661. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1662. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1663. Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, supra.

SA 1664. Mr. WARNER (for Mrs. HUTCHISON (for himself and Mr. LIEBERMAN)) proposed an amendment to the bill S. 1438, supra.

SA 1665. Mr. LEVIN (for Mr. AKAKA) submitted an amendment intended to be proposed by Mr. Levin to the bill S. 1438, supra.

SA 1666. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1667. Mr. LEVIN (for Mr. LIEBERMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 1438, supra.

SA 1668. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1669. Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, supra.

SA 1670. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, supra.

SA 1671. Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1617.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

#### **SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.**

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and of-

fices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) DESIGN AND CONSTRUCTION.—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) ACCEPTANCE OF FACILITY.—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of \$250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

**SA 1618.** Mr. TORRICELLI (for himself, Mr. CARPER, and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

#### **SEC. 142. LIMITATIONS ON PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT**

(a) PROCUREMENT THROUGH MANUFACTURERS IN NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Subsection (a) of section 2534 of title 10, United States Code, is amended by adding at the end of the following new paragraph:

“(6) AMMUNITION AND AMMUNITION PROPELLANT.—Subject to subsection (j)(5), conventional ammunition and ammunition propellant used therein.”

(b) ADDITIONAL REQUIREMENTS FOR PROCUREMENT.—Such section is further amended by adding at the end of the following new subsection:

“(j) ADDITIONAL REQUIREMENTS FOR PROCUREMENT OF AMMUNITION AND AMMUNITION PROPELLANT.—(1) In addition to the requirement under subsection (a)(6) and subject to paragraph (5), the Secretary of Defense shall procure ammunition or ammunition propellant only from manufacturers, whether privately owned or governmentally-owned, meeting the requirements of paragraph (2).

“(2) A manufacturer of ammunition or ammunition propellant meets the requirements of this paragraph if the manufacturer warrants that any subcontractor which furnishes smokeless nitrocellulose to the manufacturer—

“(A) is a part of the national technology and industrial base; and

“(B) was selected to furnish smokeless nitrocellulose through a competition meeting the requirements of paragraph (3).

“(3) The competition of a manufacturer for the furnishing of smokeless nitrocellulose under paragraph (2)(B) shall—

“(A) be open to all other manufacturers of smokeless nitrocellulose in the national technology and industrial base that manufacture the type of smokeless nitrocellulose that is technically appropriate for use in the product to be made by the manufacturer; and

“(B) provide that the winner of the competition may not furnish to the manufacturer an amount of smokeless nitrocellulose in excess of 1.5 times the aggregate amount of smokeless nitrocellulose to be furnished to the manufacturer by all other participants in the competition.

“(4) This subsection sets forth procurement procedures expressly authorized by statute within the meaning of section 2304(a)(1) of this title.

“(5) The Secretary may waive any requirement under this subsection, with respect to the procurement of ammunition or ammunition propellant if the Secretary determines that the waiver of such requirement is in the national security interests of the United States.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to the procurement of ammunition and ammunition propellant by the Secretary of Defense on or after that date.

**SA 1619.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, line 12, increase the amount by \$1,000,000.

On page 23, line 11, reduce the amount by \$1,000,000.

**SA 1620.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES.**

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2002.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities—

(1) \$30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies; and

(2) \$1,000,000 shall be available only for the purpose of making payments to local educational agencies to assist such agencies in adjusting to reductions in the number of military dependent students as a result of the closure or realignment of military installations, as provided in section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).

(b) NOTIFICATION.—Not later than June 30, 2002, the Secretary of Defense shall notify each local educational agency that is eligible for assistance or a payment under subsection (a) for fiscal year 2002 of—

(1) that agency's eligibility for the assistance or payment; and

(2) the amount of the assistance or payment for which that agency is eligible.

**SA 1621.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1066. SENSE OF SENATE ON MOBILIZATION OF NATIONAL GUARD AND RESERVES TO ENHANCE GROUND-BASED SECURITY AT AIRPORTS.**

It is the sense of the Senate that, in light of the terrorist attacks of September 11, 2001, the President, in consultation with the Secretary of Defense, the Secretary of Transportation, and the chief executive officers of the States, should consider mobilizing appropriate elements of the National Guard and Reserves in order to enhance ground-based security at airports for a period of not less than 120 days or until alternative means of providing adequate ground-based security at airports are in place.

**SA 1622.** Mr. BUNNING (for himself, Mr. LOTT, Mr. DOMENICI, Mr. BINGAMAN, Mr. CRAIG, Mr. BURNS, Mr. HUTCHINSON, Ms. COLLINS, Mr. INHOFE, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CONRAD, Mrs. HUTCHISON, Mr. STEVENS, Mrs. CLINTON, and Mr. DORGAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike title XXIX, relating to defense base closure and realignment.

**SA 1623.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 12 and 13, insert the following:

**SEC. 3159. ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF DEPARTMENT OF ENERGY FACILITIES TO TERRORIST ATTACK.**

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following new section:

**“ANNUAL ASSESSMENT AND REPORT ON VULNERABILITY OF FACILITIES TO TERRORIST ATTACK**

**“SEC. 663. (a)** The Secretary shall, on an annual basis, conduct a comprehensive assessment of the vulnerability of Department facilities to terrorist attack.

**“(b)** Not later than January 31 each year, the Secretary shall submit to Congress a report on the assessment conducted under subsection (a) during the preceding year. Each report shall include the results of the assessment covered by such report, together with such findings and recommendations as the Secretary considers appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that Act is amended by inserting after the item relating to section 662 the following new item:

**“Sec. 663. Annual assessment and report on vulnerability of facilities to terrorist attack.”.**

**SA 1624.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

**SEC. \_\_\_\_ . CLARIFICATION OF CALCULATION OF ANNUAL INFLATION ADJUSTMENT FOR ECONOMIC ASSISTANCE PAYMENTS FOR THE WASTE ISOLATION PILOT PLANT.**

Section 15(c) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579; 106 Stat. 4791) is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting after “such subsection” the following: “, as adjusted from time to time under this subsection.”; and

(B) in subparagraph (B), by inserting after “decrease” the following: “for such fiscal year”; and

(2) in paragraph (2), by striking “the fiscal year prior to the first fiscal year to which subsection (a) applies” and inserting “the fiscal year preceding such preceding fiscal year”.

**SA 1625.** Mr. KERRY submitted an amendment intended to be proposed by

him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SMALL BUSINESS PROCUREMENT COMPETITION.**

(a) DEFINITION OF COVERED CONTRACTS.—Section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) is amended—

(1) by inserting after “bundled contract” the following: “, the aggregate dollar value of which is anticipated to be less than \$5,000,000, or any contract, whether or not the contract is a bundled contract, the aggregate dollar value of which is anticipated to be \$5,000,000 or more”;

(2) by striking “In the” and inserting the following:

“(A) IN GENERAL.—In the”; and

(3) by adding at the end the following:

“(B) CONTRACTING GOALS.—

“(i) IN GENERAL.—A contract award under this paragraph to a team that is comprised entirely of small business concerns shall be counted toward the small business contracting goals of the contracting agency, as required by this Act.

“(ii) PREPONDERANCE TEST.—The ownership of the small business that conducts the preponderance of the work in a contract awarded to a team described in clause (i) shall determine the category or type of award for purposes of meeting the contracting goals of the contracting agency.”

(b) PROPORTIONATE WORK REQUIREMENTS FOR BUNDLED CONTRACTS.—

(1) SECTION 8.—Section 8(a)(14)(A) of the Small Business Act (15 U.S.C. 637(a)(14)(A)) is amended—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) notwithstanding clauses (i) and (ii), in the case of a bundled contract—

“(I) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(II) no other concern will perform a greater proportion of the work on that contract; and

“(III) no other concern that is not a small business concern will perform work on the contract.”

(2) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 3(p)(5)(A)(i)(III) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)(III)) is amended—

(A) in item (bb), by striking “and” at the end;

(B) by redesignating item (cc) as item (dd); and

(C) by inserting after item (bb) the following:

“(cc) notwithstanding items (aa) and (bb), in the case of a bundled contract, the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award, no other concern will perform a greater proportion of the work on that contract, and no other concern that is not a small business concern will perform work on the contract; and”.

(3) SECTION 15.—Section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) notwithstanding subparagraphs (A) and (B), in the case of a bundled contract—

“(i) the concern will perform work for at least 33 percent of the aggregate dollar value of the anticipated award;

“(ii) no other concern will perform a greater proportion of the work on that contract; and

“(iii) no other concern that is not a small business concern will perform work on the contract.”

(c) SMALL BUSINESS PROCUREMENT COMPETITION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Small Business Administration;

(B) the term “Federal agency” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(C) the term “Program” means the Small Business Procurement Competition Program established under paragraph (2);

(D) the term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(E) the term “small business-only joint ventures” means a team described in section 15(e)(4) of the Small Business Act (15 U.S.C. 644(e)(4)) comprised of only small business concerns.

(2) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish in the Small Business Administration a pilot program to be known as the “Small Business Procurement Competition Program”.

(3) PURPOSES OF PROGRAM.—The purposes of the Program are—

(A) to encourage small business-only joint ventures to compete for contract awards to fulfill the procurement needs of Federal agencies;

(B) to facilitate the formation of joint ventures for procurement purposes among small business concerns;

(C) to engage in outreach to small business-only joint ventures for Federal agency procurement purposes; and

(D) to engage in outreach to the Director of the Office of Small and Disadvantaged Business Utilization and the procurement officer within each Federal agency.

(4) OUTREACH.—Under the Program, the Administrator shall establish procedures to conduct outreach to small business concerns interested in forming small business-only joint ventures for the purpose of fulfilling procurement needs of Federal agencies, subject to the rules of the Administrator, in consultation with the heads of those Federal agencies.

(5) REGULATORY AUTHORITY.—The Administrator shall promulgate such regulations as may be necessary to carry out this subsection.

(6) SMALL BUSINESS ADMINISTRATION DATABASE.—The Administrator shall establish and maintain a permanent database that identifies small business concerns interested in forming small business-only joint ventures, and shall make the database available to each Federal agency and to small business concerns in electronic form to facilitate the formation of small business-only joint ventures.

(7) TERMINATION OF PROGRAM.—The Program (other than the database established under paragraph (6)) shall terminate 3 years after the date of enactment of this Act.

(8) REPORT TO CONGRESS.—Not later than 60 days before the date of termination of the

Program, the Administrator shall submit a report to Congress on the results of the Program, together with any recommendations for improvements to the Program and its potential for use Governmentwide.

(9) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection waives or modifies the applicability of any other provision of law to procurements of any Federal agency in which small business-only joint ventures may participate under the Program.

**SA 1626.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.—The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by \$2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(b) AVAILABILITY.—The amount available under subsection (a) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

**SA 1627.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**SEC. 306. IMPROVEMENTS IN INSTRUMENTATION AND TARGETS AT ARMY LIVE FIRE TRAINING RANGES.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for the Army for operation and maintenance is hereby increased by \$11,900,000 for improvements in instrumentation and targets at Army live fire training ranges.

(b) OFFSET.—The amount authorized to be appropriated by section 302(1) for the Department of Defense for the Defense Working Capital Funds is hereby decreased by \$11,900,000, with the amount of the decrease to be allocated to amounts available under that section for fuel purchases.

**SA 1628.** Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following new section.

**SEC. . PLAN.**—The Secretary of the Navy shall, not later than February 1, 2002, submit to Congress a plan to ensure that the embarkation of selected civilian guests does not interfere with the operational readiness and safe operation of Navy vessels. The plan shall include, at a minimum:

Procedures to ensure that guest embarkations are conducted only within the framework of regularly scheduled operations and that underway operations are not conducted solely to accommodate non-official civilian guests.

Guidelines for the maximum number of guests that can be embarked on the various classes of Navy vessels.

Guidelines and procedures for supervising civilians operating or controlling any equipment on Navy vessels.

Guidelines to ensure that proper standard operating procedures are not hindered by activities related to hosting civilians.

Any other guidelines or procedures the Secretary shall consider necessary or appropriate.

**Definition.** For the purposes of this section, civilian guests are defined as civilians invited to embark on Navy ships solely for the purpose of furthering public awareness of the Navy and its mission. It does not include civilians conducting official business.

**SA 1629.** Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, line 9, strike “(A)” and all that follows through “(4)” on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) **EVALUATION OF BUNDLING EFFECTS.**—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting “, and whether contract bundling played a role in the failure,” after “agency goals”; and

(2) by adding at the end the following:

“(G) The number and dollar value of any bundled contracts awarded to small business concerns, and the number and dollar value of any bundled contracts awarded to concerns that are not small business concerns.”.

(d) **REPORTING REQUIREMENT.**—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

“(p) **REPORTING REQUIREMENT.**—

“(1) **IN GENERAL.**—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

“(2) **PROVISION OF INFORMATION.**—The head of each contracting agency shall provide, upon request of the Administrator—

“(A) all market research required under subsection (e)(2); and

“(B) any recommendations for the study required by paragraph (1) of this subsection.

“(3) **REPORT.**—Not later than 180 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.”.

On page 290, between lines 3 and 4, insert the following:

**SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.**

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) **RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.**—

“(A) **IN GENERAL.**—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

“(B) **CONCERNS DESCRIBED.**—A small business concern is described in this subparagraph if the small business concern—

“(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

“(ii) files reports with the Securities and Exchange Commission as a small business issuer.”.

“(C) **NON-CITIZENS.**—In this paragraph, the term ‘non-citizen’ means:

“(i) an individual that is not a United States citizen; and

“(ii) any other person that is not organized under the laws of any State or the United States.”.

**SA 1630.** Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

On page 50, line 16, strike “\$190,255,000” and insert “\$230,255,000”.

**SA 1631.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1217. REPEAL OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN.**

Section 907 of the FREEDOM Support Act (Public Law 102-511; 22 U.S.C. 5812 note) is repealed.

**SA 1632.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

On page 23, line 12, increase the amount by \$1,000,000.

On page 23, line 11, reduce the amount or \$1,000,000.

**SA 1633.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. DEPARTMENT OF DEFENSE MOST EFFICIENT ORGANIZATION BID-TO-GOAL AND BEST-VALUE PURCHASING PILOT PROGRAM.**

(a) **REQUIREMENT FOR PROGRAM.**—The Secretary of Defense shall carry out a pilot program to demonstrate an alternative to the Office of Management Budget Circular A-76 approach for achieving cost-effective performance of Department of Defense commercial activities.

(b) **ELIGIBLE ACTIVITIES.**—(1) The Secretary shall provide under the pilot program for each of not more than five continuing or recurring commercial activities of the Department of Defense to be performed by an organization of the department that is to be configured as the most efficient organization for the performance of that activity.

(2) A commercial activity may be covered by the pilot program if, at the time that the activity is designated for performance under the pilot program—

(A) the commercial activity is an activity of a defense agency or a military department that is being performed by employees of the United States numbering not less than 150 employees and not more than 750 full-time employees or the equivalent number of full-time and part-time employees; and

(B) the head of the agency concerned has not issued to the public (in either draft or final form) a request for proposals for a contract for the performance of the activity by a commercial source as an action initiated under Office of Management and Budget Circular A-76 to determine whether to convert the activity to contractor performance.

(c) **PROJECTS.**—The Secretary shall consider whether to carry out the pilot program in several projects, as follows:

“(1) One project that involves a group of 600 to 750 employees.

“(2) Four projects, each of which involves 150 to 599 employees.

“(3) At least one project undertaken within the Defense Logistics Agency, Defense Finance and Accounting Service, or any other defense agency not performing base operations.

(d) **PERFORMANCE-BASED CHARTER.**—(1) The performance of a commercial activity under the pilot program shall be covered by a performance-based memorandum of understanding that is entered into by the head of the agency concerned and the subordinate of that official who is the head of the organization designated to perform the activity.

(2) The head of the agency concerned shall set forth the performance standards that are applicable to the performance of a commercial activity under the pilot program in the memorandum of understanding for that activity. The performance standards shall include the following:

(A) Achievement of the following cost and performance objectives:

(i) The total amount of the cost savings estimated, as of the beginning of the pilot program, to be achievable by use of the most efficient organization.

(ii) A total cost of performance for the period covered by the memorandum that does not exceed the amount equal to 110 percent of the estimated total cost of private sector performance of the activity for that period.

(B) Achievement of the performance improvements projected, as of the beginning of the pilot program, to be achievable by use of the most efficient organization.

(C) Any other performance standards determined appropriate by the head of the agency.

(D) Rigorous use of technology-based solutions, performance measurements, and quality of service standards that will be subject to past and future performance.

(3) Each memorandum of understanding under the pilot program shall, to the maximum extent practicable, be consistent with contracts used to procure the same performance from a commercial source and shall clearly define performance goals, standards, rewards, and penalties.

(4) Each memorandum of understanding shall be in effect for five years, except that the head of the agency concerned may terminate the memorandum of understanding earlier on the basis of a failure to achieve a performance standard provided in the memorandum during the five-year period.

(5)(A) After the first year of the performance of a memorandum of understanding under the pilot program, the head of the agency concerned shall take the actions described in subparagraph (B) if the head of the agency determines, through quarterly reviews, that the most efficient organization has failed to achieve a performance standard that is determined critical and a cause for default.

(B) The actions to be taken by the head of an agency with respect to a memorandum of understanding under subparagraph (A) are as follows:

(i) Termination of the memorandum of understanding.

(ii) Initiation of a best value source selection process that excludes participation by a public employee team and provides for competitive selection of a source of performance on the basis of performance standards comparable to those that were used as bid-to-goal targets, including the specific cost targets.

(e) **DETERMINATION OF MOST EFFICIENT ORGANIZATION.**—(1) The Secretary of Defense shall ensure that, for the purposes of the pilot program under this section, the most efficient organization for the performance of a Department of Defense commercial activ-

ity by employees of the United States is determined by using world class methods for benchmarking and related activity-type costing methods.

(2) Before initiating the determination of the most efficient organization for performing a Department of Defense commercial activity pursuant to a memorandum of understanding under the pilot program, the head of the agency concerned shall—

(A) define the scope of the services that comprise the performance of the activity;

(B) provide for an entity independent of the Department of Defense to estimate, for the 5-year period to be covered by the memorandum of understanding, the costs that would be incurred for the continued performance of the activity by employees of the United States without a conversion to performance by the most efficient organization;

(C) estimate the cost to the United States of private sector performance of the activity for that 5-year period; and

(D) determine appropriate cost and other performance objectives for the performance of the activity under the pilot program on the basis of comparable performance, innovation, and costs, which may not exceed 110 percent of potential costs of performance by a private sector source.

(f) **MANAGEMENT PLAN.**—The head of the agency concerned shall prescribe or approve a management plan for the performance of a commercial activity under the pilot program. The management plan shall include the following:

(1) A description of the most efficient organization for the performance of the activity.

(2) A plan for achieving the objectives determined appropriate for the performance of the activity under subsection (e)(2)(D).

(3) For any case in which a reduction in the workforce is necessary to achieve the most efficient organization for performing the activity, provisions for attrition to be used as the principal means for achieving the necessary reduction.

(g) **MORATORIUM ON APPLICABILITY OF OMB CIRCULAR A-76.**—During the period that a memorandum of understanding is in effect for a Department of Defense commercial activity under subsection (d), no action may be initiated under Office of Management and Budget Circular A-76 regarding the acquisition of performance of that commercial activity.

(h) **QUARTERLY REPORT TO HEAD OF AGENCY.**—Promptly after the end of each quarter of a year, the head of an organization performing a Department of Defense commercial activity under the pilot program shall submit a report on the performance of that activity during that quarter to the head of the agency concerned. The report shall include an assessment of the performance in terms of the performance standards provided in the memorandum of understanding applicable to the activity under subsection (d).

(i) **REPORT TO CONGRESS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program under this section.

(j) **DEFINITIONS.**—In this section:

(1) The term “Department of Defense commercial activity” means an activity covered by the Department of Defense commercial activities program pursuant to Department of Defense Directive 4100.15 or any successor Department of Defense Directive.

(2) The term “head of the agency concerned” means—

(A) the head of a Defense Agency, with respect to a Department of Defense commercial activity carried out by that official; and

(B) the Secretary of a military department, with respect to a Department of De-

fense commercial activity carried out by that official.

(3) The term “Defense Agency” has the meaning given the term in section 101(a)(11) of title 10, United States Code.

**SA 1634.** Mrs. HUTCHISON (for herself, Mr. INOUE, Mr. STEVENS, Mr. DEWINE, Mr. BENNETT, Mr. HATCH, Mr. CRAIG, Ms. MIKULSKI, Mr. SARBANES, Mr. VOINOVICH, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 418, in the table before line 1, insert after the item relating to Fort Stewart/Hunter Army Air Field Georgia, the following new item:

Hawaii .....	Kahuku .....	\$900,000
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On page 418, in the table before line 1, strike “\$5,800,000” in the amount column of the item relating to Fort Meade, Maryland, and insert “\$11,200,000”.

On page 418, in the table before line 1, strike the amount identified as the total in the amount column and insert “\$1,264,300,000”.

On page 420, line 21, strike “\$3,068,303,000” and insert “\$3,074,603,000”.

On page 420, line 24, strike “\$1,027,300,000” and insert “\$1,033,600,000”.

On page 434, in the table after line 3, strike “\$24,850,000” in the amount column of the item relating to Wright-Patterson Air Force Base, Ohio, and insert “\$28,250,000”.

On page 434, in the table after line 3, insert before the item relating to Lackland Air Force Base, Texas, the following new item:

Texas .....	Dyess Air Force Base .....	\$16,800,000
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On page 434, in the table after line 3, strike “\$14,000,000” in the amount column of the item relating to Hill Air Force Base, Utah, and insert “\$22,000,000”.

On page 434, in the table after line 3, strike the amount identified as the total in the amount column and insert “\$839,570,000”.

On page 436, in the table after line 5, insert after the item relating to Hickam Air Force Base, Hawaii, the following new item:

Idaho .....	Mountain Home	118 Units	\$10,000,000
	Air Force Base.		

On page 436, in the table after line 5, strike the amount identified as the total in the amount column and insert “\$150,800,000”.

On page 437, line 10, strike “\$2,579,791,000” and insert “\$2,617,991,000”.

On page 437, line 14, strike “\$816,070,000” and insert “\$844,270,000”.

On page 438, line 7, strike “\$542,381,000” and insert “\$552,381,000”.

**SA 1635.** Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Insert at the appropriate place in the bill the following new item:

The Secretary of the Navy may sell to a person outside the Department of Defense articles and services provided by the Naval Magazine, Indian Island facility that are not available from any United States commercial source; *Provided*, That a sale pursuant to this section shall conform to the requirements of 10 U.S.C. section 2563 (c) and (d); and *Provided further*, That the proceeds from the sales of articles and services under this section shall be credited to operation and maintenance funds of the Navy, that are current when the proceeds are received.

**SA 1636.** Mr. HELMS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

**SEC. 1066. FORCE PROTECTION OF PERSONNEL AT UNITED STATES MILITARY INSTALLATIONS.**

(a) **REPEAL OF LIMITATION ON CONTRACTING FOR SECURITY-GUARD SERVICES.**—(1) Section 2465(a) of title 10, United States Code, is amended by striking “or security-guard”.

(2) The heading of section 2465 of such title is amended by striking “or security-guard”.

(3) The item relating to such section at the beginning of chapter 146 of such title is amended to read as follows:

“2465. Prohibition on contracts for performance of firefighting functions.”.

**SA 1637.** Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. ALLARD) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.**

(a) **CLARIFICATION OF COVERED BENEFICIARIES.**—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-184) is amended by striking “covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,” and inserting “covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code.”.

(b) **REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.**—Subsection (b) of such section is repealed.

(c) **WAIVER AUTHORITY.**—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

“(b) **WAIVER AUTHORITY.**—The Secretary may waive the prohibition in subsection (a) if—

“(1) the Secretary—

“(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

“(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

“(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

“(2) the Secretary provides notification of the Secretary’s intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

“(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary’s intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

“(4) 60 days have elapsed since the date of the notification described in paragraph (3).”.

(d) **DELAY OF EFFECTIVE DATE.**—Subsection (d) of such section is amended—

(1) by striking “take effect on October 1, 2001” and inserting “be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002”; and

(2) by redesignating the subsection as subsection (c).

(e) **REPORT.**—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary’s plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

**SA 1638.** Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1438 submitted by Mr. FEINGOLD and intended to be proposed to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the appropriate place in title XXVIII, insert the following:

**SEC. \_\_\_\_ . TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR UTILITY SERVICES FROM UTILITY SYSTEMS CONVEYED UNDER PRIVATIZATION INITIATIVE.**

Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) **TREATMENT OF FINANCING COSTS AS ALLOWABLE EXPENSES UNDER CONTRACTS FOR SERVICES.**—The Secretary concerned may include in a contract for utility services from a utility system conveyed under subsection (a) terms and conditions that recognize financing costs, such as return on equity and interest on debt, as an allowable expense when incurred by the conveyee of the utility

system to acquire, operate, renovate, replace, upgrade, repair, and expand the utility system.”.

**SA 1639.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 3172 through 3178 and insert the following:

**SEC. 3172. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further response action. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) **PURPOSES.**—The purposes of this subtitle are—

(1) to provide for the establishment of the Rocky Flats site as a national wildlife refuge following cleanup and closure of the site;

(2) to create a process for public input on refuge management before transfer of administrative jurisdiction to the Secretary of the Interior; and

(3) to ensure that the Rocky Flats site is thoroughly and completely cleaned up.

**SEC. 3173. DEFINITIONS.**

In this subtitle:

(1) **CLEANUP AND CLOSURE.**—The term “cleanup and closure” means the response actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) **COALITION.**—The term “Coalition” means the Rocky Flats Coalition of Local

Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

- (A) the city of Arvada, Colorado;
- (B) the city of Boulder, Colorado;
- (C) the city of Broomfield, Colorado;
- (D) the city of Westminster, Colorado;
- (E) the town of Superior, Colorado;
- (F) Boulder County, Colorado; and
- (G) Jefferson County, Colorado.

(3) **HAZARDOUS SUBSTANCE.**—The term “hazardous substance” means—

(A) any hazardous substance, pollutant, or contaminant regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any—

- (i) petroleum (including any petroleum product or derivative);
- (ii) unexploded ordnance;
- (iii) military munition or weapon; or
- (iv) nuclear or radioactive material;

not otherwise regulated as a hazardous substance under any law in effect on the date of enactment of this Act.

(4) **POLLUTANT OR CONTAMINANT.**—The term “pollutant or contaminant” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) **REFUGE.**—The term “refuge” means the Rocky Flats National Wildlife Refuge established under section 3177.

(6) **RESPONSE ACTION.**—The term “response action” has the meaning given the term “response” in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) **RFCA.**—The term “RFCA” means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) **ROCKY FLATS.**—

(A) **IN GENERAL.**—The term “Rocky Flats” means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled “Rocky Flats Environmental Technology Site”, dated July 15, 1998, and available for inspection in the appropriate offices of the United States Fish and Wildlife Service.

(B) **EXCLUSIONS.**—The term “Rocky Flats” does not include—

(i) land and facilities of the Department of Energy’s National Wind Technology Center; or

(ii) any land and facilities not within the boundaries depicted on the map identified in subparagraph (A).

(9) **ROCKY FLATS TRUSTEES.**—The term “Rocky Flats Trustees” means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

#### **SEC. 3174. FUTURE OWNERSHIP AND MANAGEMENT.**

(a) **FEDERAL OWNERSHIP.**—Except as expressly provided in this subtitle or any Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land or interest therein, including minerals, within

the boundaries of Rocky Flats shall be retained by the United States.

(b) **LINDSAY RANCH.**—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3173(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) **PROHIBITION ON ANNEXATION.**—Neither the Secretary nor the Secretary of the Interior shall not allow the annexation of land within the refuge by any unit of local government.

(d) **PROHIBITION ON THROUGH ROADS.**—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) **TRANSPORTATION RIGHT-OF-WAY.**—

(1) **IN GENERAL.**—

(A) **AVAILABILITY OF LAND.**—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary, in consultation with the Secretary of the Interior, shall make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) **BOUNDARIES.**—Land made available under this paragraph may not extend more than 300 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) **EASEMENT OR SALE.**—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) **COMPLIANCE WITH APPLICABLE LAW.**—Any action under this paragraph shall be taken in compliance with applicable law.

(2) **CONDITIONS.**—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is constructed so as to minimize adverse effects on the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the regional transportation plan of the metropolitan planning organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

#### **SEC. 3175. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.**

(a) **IN GENERAL.**—

(1) **MEMORANDUM OF UNDERSTANDING.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which—

(i) the Secretary shall provide for the subsequent transfer of administrative jurisdiction over Rocky Flats to the Secretary of the Interior; and

(ii) the Secretary of the Interior shall manage natural resources at Rocky Flats until the date on which the transfer becomes effective.

(B) **REQUIRED ELEMENTS.**—

(i) **IN GENERAL.**—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the division of responsibilities between the Secretary and the Secretary of the Interior necessary to carry out the proposed transfer of land;

(II) for the period ending on the date of the transfer—

(aa) provide for the division of responsibilities between the Secretary and the Secretary of the Interior; and

(bb) provide for the management of the land proposed to be transferred by the Secretary of the Interior as a national wildlife refuge, for the purposes provided under section 3177(d)(2);

(III) provide for the annual transfer of funds from the Secretary to the Secretary of the Interior for the management of the land proposed to be transferred; and

(IV) subject to subsection (b)(1), identify the land proposed to be transferred to the Secretary of the Interior.

(ii) **NO REDUCTION IN FUNDS.**—The memorandum of understanding and the subsequent transfer shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) **DEADLINE.**—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) **EXCLUSIONS.**—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) **CONDITION.**—The transfer under paragraph (1) shall occur—

(A) not earlier than the date on which the Administrator of the Environmental Protection Agency certifies to the Secretary and to the Secretary of the Interior that the cleanup and closure and all response actions at Rocky Flats have been completed, except for the operation and maintenance associated with those actions; but

(B) not later than 30 business days after that date.

(4) **COST; IMPROVEMENTS.**—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior has requested in writing for refuge management purposes.

(b) **PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.**—

(1) **IN GENERAL.**—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a radionuclide or any other hazardous substance, pollutant, or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) **CONSULTATION.**—

(A) **IDENTIFICATION OF PROPERTY.**—

(i) **IN GENERAL.**—The Secretary shall consult with the Secretary of the Interior, the Administrator of the Environmental Protection Agency, and the State of Colorado on the identification of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(ii) **AMENDMENT TO MEMORANDUM OF UNDERSTANDING.**—

(I) **IN GENERAL.**—After the consultation, the Secretary and the Secretary of the Interior shall by mutual consent amend the memorandum of understanding required under subsection (a) to specifically identify the land for transfer and provide for determination of the exact acreage and legal description of the property to be transferred by a survey mutually satisfactory to the Secretary and the Secretary of the Interior.

(II) **COUNCIL ON ENVIRONMENTAL QUALITY.**—In the event the Secretary and the Secretary of the Interior cannot agree on any element of the land to be retained or transferred, the Secretary or the Secretary of the Interior

may refer the issue to the Council on Environmental Quality, which shall decide the issue within 45 days of such referral, and the Secretary and the Secretary of the Interior shall then amend the memorandum of understanding required under subsection (a) in conformity with the decision of the Council on Environmental Quality.

**(B) MANAGEMENT OF PROPERTY.—**

(i) **IN GENERAL.**—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) **CONFLICT.**—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) **ACCESS.**—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

**(c) ADMINISTRATION.—**

(1) **IN GENERAL.**—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this subtitle subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) **CONFLICT.**—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) **CONTINUING ACTIONS.**—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

**(d) LIABILITY.—**

(1) **IN GENERAL.**—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

**(2) RESPONSE ACTIONS.—**

(A) **IN GENERAL.**—The Secretary shall be liable for the cost of any necessary response actions, including any costs or claims asserted against the Secretary, for any release, or substantial threat of release, of a hazardous substance, if the release, or substantial threat of release, is—

(i) located on or emanating from land—

(I) identified for transfer by this section; or  
(II) subsequently transferred under this section;

(ii) (I) known at the time of transfer; or

(II) subsequently discovered; and

(iii) attributable to—

(I) management of the land by the Secretary; or

(II) the use, management, storage, release, treatment, or disposal of a hazardous substance on the land by the Secretary.

(B) **RECOVERY FROM THIRD PARTY.**—Nothing in this paragraph precludes the Secretary, on behalf of the United States, from bringing a cost recovery, contribution, or other action against a third party that the Secretary reasonably believes may have contributed to the release, or substantial threat of release, of a hazardous substance.

**SEC. 3176. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.**

**(a) ONGOING CLEANUP AND CLOSURE.—**

(1) **IN GENERAL.**—The Secretary shall—

(A) carry out to completion cleanup and closure at Rocky Flats; and

(B) conduct any necessary operation and maintenance of response actions.

(2) **NO RESTRICTION ON USE OF NEW TECHNOLOGIES.**—Nothing in this subtitle, and no action taken under this subtitle, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

**(b) RULES OF CONSTRUCTION.—**

(1) **NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW.—**

(A) **IN GENERAL.**—Nothing in this subtitle, and no action taken under this subtitle, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) **NO EFFECT ON RFCA.**—Nothing in this subtitle impairs or alters any provision of the RFCA.

**(2) REQUIRED CLEANUP LEVELS.—**

(A) **IN GENERAL.**—Except as provided in subparagraph (B), nothing in this subtitle affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) **NO EFFECT FROM ESTABLISHMENT AS NATIONAL WILDLIFE REFUGE.—**

(i) **IN GENERAL.**—The requirements of this subtitle for establishment and management of Rocky Flats as a national wildlife refuge shall not reduce the level of cleanup and closure.

(ii) **CLEANUP LEVELS.**—The Secretary shall conduct cleanup and closure of Rocky Flats to the levels established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public (including the United States Fish and Wildlife Service and other interested government agencies), of the appropriateness of the interim levels in the RFCA.

(3) **NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL CONTAMINATION.**—Nothing in this subtitle, and no action taken under this subtitle, affects any long-term obligation of the United States, acting through the Secretary, relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) **PAYMENT OF RESPONSE ACTION COSTS.**—Nothing in this subtitle affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) **CONSULTATION.**—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that—

(1) does not impair the attainment of the goals of the response action; but

(2) minimizes, to the maximum extent practicable, adverse effects of the response action on the refuge.

**SEC. 3177. ROCKY FLATS NATIONAL WILDLIFE REFUGE.**

(a) **ESTABLISHMENT.**—Not later than 30 days after the transfer of jurisdiction under sec-

tion 3175(a), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the "Rocky Flats National Wildlife Refuge".

(b) **COMPOSITION.**—The refuge shall consist of the real property subject to the transfer of administrative jurisdiction under section 3175(a)(1).

(c) **NOTICE.**—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

**(d) ADMINISTRATION AND PURPOSES.—**

(1) **IN GENERAL.**—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this subtitle, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) **REFUGE PURPOSES.**—At the conclusion of the transfer under section 3175(a)(3), the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)); and

(D) providing opportunities for compatible, wildlife-dependent environmental scientific research.

(3) **MANAGEMENT.**—In managing the refuge, the Secretary shall ensure that wildlife-dependent recreation and environmental education and interpretation are the priority public uses of the refuge.

**SEC. 3178. COMPREHENSIVE CONSERVATION PLAN.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, in developing a comprehensive conservation plan in accordance with section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a comprehensive planning process that involves the public and local communities.

(b) **OTHER PARTICIPANTS.**—In addition to the entities specified in subsection (a), the comprehensive planning process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) **DISSOLUTION OF COALITION.**—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the comprehensive planning process under this section—

(1) the comprehensive planning process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the comprehensive planning process.

(d) **CONTENTS.**—In addition to the requirements under section 4(e) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)), the comprehensive conservation plan required by this section shall address and make recommendations on the following:

(1) The identification of any land described in section 3174(e) that could be made available for transportation purposes.

(2) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(3) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(4) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(5) Any other issues relating to Rocky Flats.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the Committee on Resources of the House of Representatives—

(1) the comprehensive conservation plan prepared under this section; and

(2) a report that—

(A) outlines the public involvement in the comprehensive planning process; and

(B) to the extent that any input or recommendation from the comprehensive planning process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

**SA 1640.** Mr. HUTCHINSON (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, add the following:

**SEC. 306. CLARA BARTON CENTER FOR DOMESTIC PREPAREDNESS, ARKANSAS.**

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$1,800,000.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, as increased by subsection (a), \$1,800,000 shall be available for the Clara Barton Center for Domestic Preparedness, Arkansas.

(c) OFFSET.—The amount authorized to be appropriated by section 301(17) for operation and maintenance for environmental restoration Defense-wide is hereby reduced by \$1,800,000.

**SA 1641.** Mr. DOMENICI (for himself, Mr. THURMOND, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. LUGAR, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 3135. UNITED STATES PARTICIPATION IN UNITED STATES AND RUSSIA PLUTONIUM DISPOSITION PROGRAMS.**

(a) LIMITATION ON MODIFICATION OF UNITED STATES PARTICIPATION IN PROGRAMS.—No modification may be made in United States participation in the current United States and Russia plutonium disposition programs until the date of the submittal to the congressional defense committees of a report setting forth a comprehensive United States strategy for activities under such programs as so modified.

(b) PLUTONIUM DISPOSITION PROGRAMS.—For purposes of this section, the current United States and Russia plutonium disposition programs are the following:

(1) The United States Plutonium Disposition Program identified in the January 1997 Record of Decision setting forth the intention of the Department of Energy to pursue a hybrid plutonium disposition strategy that includes irradiation of mixed oxide fuel (MOX) and immobilization, and the January 2000 Record of Decision of the Surplus Plutonium Disposition Final Environmental Impact Statement identifying the Savannah River Site, South Carolina, for plutonium disposition activities.

(2) The United States-Russian Agreement on the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, signed in September 2000 by the Government of the United States and the Government of Russia.

(c) SCOPE OF MODIFICATIONS.—Any modification of United States participation in a current United States or Russia plutonium disposition program shall provide for the disposition of not less than 34 tons of Russian weapons-grade plutonium on a schedule which completes disposition of such plutonium not later than 2026, the date envisioned in the Agreement referred to in subsection (b)(2).

(d) ELEMENTS OF REPORT ACCOMPANYING MODIFICATION.—If any modification is proposed to United States participation in a current United States or Russia plutonium disposition program, the report under subsection (a)—

(1) shall assess any impact of such modification on other elements of the environmental management strategy of the Department of Energy for the closure or cleanup of current and former sites in the United States nuclear weapons complex;

(2) shall specify the costs of such modification, including any costs to be incurred in long-term storage of weapons-grade plutonium or for research and development for proposed alternative disposition strategies; and

(3) shall describe the extent of interaction in development of such modification with, and concurrence in such modification from—

(A) States directly impacted by the plutonium disposition program;

(B) nations participating in current programs, or proposing to participate in future programs, for the disposition of Russian weapons-grade plutonium, including the willingness of such nations to offset the costs specified under paragraph (2); and

(C) the Russian Federation.

(e) ANNUAL REPORT ON FUNDING FOR FISSILE MATERIALS DISPOSITION ACTIVITIES.—The Secretary of Energy shall include with the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report setting forth the extent to which amounts requested for the De-

partment for such fiscal year for fissile material disposition activities will enable the Department to meet commitments for such activities in such fiscal year.

(f) LIMITATION ON ALTERNATIVE USE OF CERTAIN FUNDS FOR DISPOSITION OF PLUTONIUM.—The amount made available by chapter 2 of title I of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-560) for expenditures in the Russian Federation to implement a United States-Russian accord for disposition of excess weapons plutonium shall be available only for that purpose until the submittal to the congressional defense committees of the report referred to in subsection (a).

**SA 1642.** Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle C—Coordination of Nonproliferation Programs and Assistance**

**SEC. 1231. SHORT TITLE.**

This title may be cited as the “Nonproliferation Programs and Assistance Coordination Act of 2001”.

**SEC. 1232. FINDINGS.**

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

**SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) ESTABLISHMENT.—There is established within the executive branch of the Government an interagency committee known as

the "Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union" (in this title referred to as the "Committee").

(b) **MEMBERSHIP.**—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department's representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) **CHAIR.**—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

#### **SEC. 1234. DUTIES OF COMMITTEE.**

(a) **IN GENERAL.**—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) **DUTIES SPECIFIED.**—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

#### **SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS AND ACTIVITIES.**

(a) **PROGRAM REQUIRED.**—The President shall, acting through the Committee, develop a comprehensive program for the Federal Government for carrying out nonproliferation programs and activities.

(b) **PROGRAM ELEMENTS.**—The program under subsection (a) shall include plans and proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities relating to the export of nuclear, radiological, biological, and chemical weapons and related materials and technologies.

(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium, which plans shall take into account an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) **REPORT.**—(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

#### **SEC. 1236. ADMINISTRATIVE SUPPORT.**

All departments and agencies of the Federal Government shall provide, to the extent

permitted by law, such information and assistance as may be requested by the Committee or the Secretary of State in carrying out their functions and activities under this title.

#### **SEC. 1237. CONFIDENTIALITY OF INFORMATION.**

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

#### **SEC. 1238. STATUTORY CONSTRUCTION.**

Nothing in this title—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

#### **SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.**

In this title the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

**SA 1643.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

#### **SEC. 718. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.**

Section 1074(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "who is on active duty" and inserting "described in paragraph (2)"; and

(3) by adding at the end the following new paragraph:

"(2) Members of the uniformed services referred to in paragraph (1) are as follows:

"(A) A member of a uniformed service on active duty.

"(B) A member of a reserve component of a uniformed service who has been commissioned as an officer if—

"(i) the member has requested orders to active duty for the member's initial period of active duty following the commissioning of the member as an officer;

"(ii) the request for orders has been approved;

"(iii) the orders are to be issued but have not been issued; and

"(iv) does not have health care insurance and is not covered by any other health benefits plan."

**SA 1644.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for

military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 317, after line 23, add the following:

**SEC. 908. EVALUATION OF STRUCTURE AND LOCATION OF ARMY ENVIRONMENTAL POLICY INSTITUTE.**

(a) **EVALUATION REQUIRED.**—The Secretary of the Army, acting through the Assistant Secretary of the Army for Installations and Environment, shall carry out a thorough evaluation of the current structure and location of the Army Environmental Policy Institute for purposes of determining whether the structure and location of the Institute provide for the most efficient and effective fulfillment of the charter of the Institute.

(b) **MATTERS TO BE EVALUATED.**—In carrying out the evaluation, the Secretary shall evaluate—

(1) the performance of the Army Environmental Policy Institute in light of its charter;

(2) the current structure and location of the Institute in light of its charter; and

(3) various alternative structures (including funding mechanisms) and locations for the Institute as a means of enhancing the efficient and effective operation of Institute.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the evaluation carried out under this section. The report shall include the results of the evaluation and such recommendations as the Secretary considers appropriate.

**SA 1645.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 1066. CRITICAL INFRASTRUCTURES PROTECTION.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and

interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the nation.

(b) **POLICY OF UNITED STATES.**—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, essential human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(c) **SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.**—(1) The National Infrastructure Simulation and Analysis Center (NISAC) shall provide support for the activities of the President's Critical Infrastructure Protection and Continuity Board under Executive Order \_\_\_\_\_.

(2) The support provided for the Board under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to members of the Board, and other policymakers, on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to members of the Board and other policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) Modeling, simulation, and analysis provided under this subsection to the Board shall be provided, in particular, to the Infrastructure Interdependencies committee of the Board under section 9(c)(8) of the Executive Order referred to in paragraph (1).

(d) **ACTIVITIES OF PRESIDENT'S CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BOARD.**—The Board shall provide to the Center appropriate information on the critical infrastructure requirements of each Federal agency for purposes of facilitating the provision of support by the Center for the Board under subsection (c).

(e) **CRITICAL INFRASTRUCTURE DEFINED.**—In this section, the term “critical infrastructure” means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on national security, national economic security, national public health or safety, or any combination of those matters.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There is hereby authorized for the Department of Defense for fiscal year 2002, \$20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under subsection (c) in that fiscal year.

(2) The amount available under paragraph (1) for the National Infrastructure Simulation and Analysis Center is in addition to any other amounts made available by this Act for the National Infrastructure Simulation and Analysis Center.

**SA 1646.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR ADVANCED RELAY MIRROR SYSTEM DEMONSTRATION.**

(a) **ADDITIONAL FUNDS.**—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Advanced Relay Mirror System (ARMS) demonstration (PE603605F) is hereby increased by \$9,200,000.

(2) The amount available under paragraph (1) for the Advanced Relay Mirror System demonstration is in addition to any other amounts available under this Act for the Advanced Relay Mirror System demonstration.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by \$9,200,000.

**SA 1647.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR SATELLITE SIMULATION TOOLKIT.**

(a) **ADDITIONAL FUNDS.**—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Satellite Simulation Toolkit (PE602601F) is hereby increased by \$5,000,000.

(2) The amount available under paragraph (1) for the Satellite Simulation Toolkit is in addition to any other amounts available under this Act for the Satellite Simulation Toolkit.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for MILSATCOM (PE603430F) is hereby decreased by \$5,000,000.

**SA 1648.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR COOPERATIVE ENERGETICS INITIATIVE.**

(a) **ADDITIONAL FUNDS.**—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for the Cooperative Energetics Initiative (PE602624A) is hereby increased by \$10,000,000.

(2) The amount available under paragraph (1) for the Cooperative Energetics Initiative is in addition to any other amounts available under this Act for the Cooperative Energetics Initiative.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army for Landmine Warfare/Barrier Engineering Development (PE604808A) is hereby decreased by \$10,000,000.

**SA 1649.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR UPGRADES TO THEATER AEROSPACE COMMAND AND CONTROL SIMULATION FACILITY.**

(a) **ADDITIONAL FUNDS.**—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for the Theater Aerospace Command and Control Simulation Facility (TACCSF) (PE207605F) is hereby increased by \$7,250,000.

(2) The amount available under paragraph (1) for the Theater Aerospace Command and Control Simulation Facility is in addition to any other amounts available under this Act for the Theater Aerospace Command and Control Simulation Facility.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force for Joint Expeditionary Force (PE207028) is hereby decreased by \$7,250,000.

**SA 1650.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department

of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 215. ADDITIONAL FUNDING FOR ADVANCED TACTICAL LASER.**

(a) **ADDITIONAL FUNDS.**—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy for the Advanced Tactical Laser (ATL) (PE603851D8Z) is hereby increased by \$35,000,000.

(2) The amount available under paragraph (1) for the Advanced Tactical Laser is in addition to any other amounts available under this Act for the Advanced Tactical Laser.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$35,000,000, with the amount of the decrease to be allocated as follows:

(1) \$20,000,000 shall be allocated to amounts available for Deployable Joint Command and Control (PE603237N).

(2) \$15,000,000 shall be allocated to amounts available for Shipboard System Component Development (PE603513N).

**SA 1651.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ RADIATION EXPOSURE COMPENSATION TRUST FUND APPROPRIATIONS.**

(1) **IN GENERAL.**—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Radiation Exposure Compensation Trust Fund for the purpose of making payments to eligible beneficiaries under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

(2) **LIMITATION.**—Amounts appropriated pursuant to paragraph (1) may not exceed—

(A) in fiscal year 2002, \$172,000,000;

(B) in fiscal year 2003, \$143,000,000;

(C) in fiscal year 2004, \$107,000,000;

(D) in fiscal year 2005, \$65,000,000;

(E) in fiscal year 2006, \$47,000,000;

(F) in fiscal year 2007, \$29,000,000;

(G) in fiscal year 2008, \$29,000,000;

(H) in fiscal year 2009, \$23,000,000;

(I) in fiscal year 2010, \$23,000,000; and

(J) in fiscal year 2011, \$17,000,000.

**SA 1652.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe

personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) **REPEAL.**—Section 1451(c) of title 10, United States Code, is amended by striking paragraph (2).

(b) **PROHIBITION OF RETROACTIVE BENEFITS.**—No benefits may be paid to any person for any period before the effective date specified in subsection (c) by reason of the amendment made by the subsection (a).

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

**SA 1653.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

“SEC. 31. For weapons activities, an additional \$338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.”

On page 416, line 22, strike “\$1,018,394,000” and replace with “\$1,357,338,000”.

**SA 1654.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In title II, insert the following:

**SEC. [SC001.673]. FUNDS FOR THE FAMILY OF SYSTEMS SIMULATOR, THE LOW COST INTERCEPTOR, AND ARMY MULTI-MODE TOP ATTACK SIMULATOR.**

(a) **INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR RDT&E, ARMY.**—The amount authorized to be appropriated by section 201(1) is hereby increased by \$14,600,000.

(b) **AVAILABILITY OF FUNDS.**—Of the amount authorized to be appropriated by section 201(1), \$10,000,000 may be available for the Army Space and Missile Defense Command, and \$4,600,000 for the Army Threat Simulator Management Office, Redstone Arsenal.

(1) For the Family of Systems Simulator, \$5,000,000.

(2) For the Low Cost Interceptor, \$5,000,000.

(3) For the Army Multi-Mode TOP Attack Simulator, \$4,600,000.

**SA 1655.** Mr. DOMENICI (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

“SEC. 31. For weapons activities, an additional \$338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.”

On page 416, line 22, strike “\$1,018,394,000” and replace with “1,357,338,000”.

**SA 1656.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table as follows:

On page 600, after line 6, add the following:

**TITLE XXXV—COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Commercial Reusable In-Space Transportation Act of 2001”.

**SEC. 3502. FINDINGS.**

Congress makes the following findings:

(1) It is in the national interest to encourage the utilization of cost-effective, in-space transportation systems, which would be developed and operated by the private sector on commercial basis.

(2) The use of reusable in-space transportation systems will enhance performance levels of in-space operations, enhance efficient and safe disposal of satellites at the end of their useful lives, and increase the capability and reliability of existing ground-to-space launch vehicles.

(3) Commercial reusable in-space transportation systems will enhance the economic well-being and national security of the United States by reducing space operations costs for commercial and national space programs and by adding new space capabilities to space operations.

(4) Commercial reusable in-space transportation systems will provide new cost-effective space capabilities (including orbital transfers from low altitude orbits to high altitude orbits and return, the correction of erroneous satellite orbits, and the recovery, refurbishment, and refueling of satellites) and the provision of upper stage functions to increase ground-to-orbit launch vehicle payloads to geostationary and other high energy orbits.

(5) Commercial reusable in-space transportation systems can enhance and enable the

space exploration of the United States by providing lower cost trajectory injection from earth orbit, transit trajectory control, and planet arrival deceleration to support potential National Aeronautics and Space Administration missions to Mars, Pluto, and other planets.

(6) Satellites stranded in erroneous earth orbit due to deficiencies in their launch represent substantial economic loss to the United States, estimated at as much as \$3,000,000,000 to \$4,000,000,000 in a recent 12-month period, and present substantial concerns for the current backlog of national space assets valued at \$20,000,000,000.

(7) Commercial reusable in-space transportation systems can provide new options for alternative planning approaches and risk management to enhance the mission assurance of national space assets.

(8) Commercial reusable in-space transportation systems developed by the private sector can provide in-space transportation services to the National Aeronautics and Space Administration, the Department of Defense, the National Reconnaissance Office, and other agencies without the need for the United States to bear the cost of development of such systems.

(9) The availability of limited direct loans and loan guarantees, with the cost of credit risk to the United States paid by the private-sector, is an effective means by which the United States can help qualifying private-sector companies secure otherwise unattainable private financing for the development of commercial reusable in-space transportation systems, while at the same time minimizing Government commitment and involvement in the development of such systems.

**SEC. 3503. LOANS AND LOAN GUARANTEES FOR DEVELOPMENT OF COMMERCIAL REUSABLE IN-SPACE TRANSPORTATION.**

(a) **AUTHORITY TO MAKE LOANS AND LOAN GUARANTEES.**—The Administrator may make loans, and may guarantee loans made, to eligible United States commercial providers for purposes of developing commercial reusable in-space transportation systems.

(b) **ELIGIBLE UNITED STATES COMMERCIAL PROVIDERS.**—The Administrator shall prescribe requirements for the eligibility of United States commercial providers for loans, and loan guarantees, under this section. Such requirements shall ensure that eligible providers are financially capable of undertaking a loan made or guaranteed under this section.

(c) **FEES.**—

(1) **CREDIT SUBSIDY.**—

(A) **COLLECTION REQUIRED.**—The Administrator shall collect from each United States commercial provider receiving a loan or loan guarantee under this section an amount equal to the amount, as determined by the Administrator, to cover the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the loan or loan guarantee, as the case may be.

(B) **PERIODIC DISBURSEMENTS.**—In the case of a loan or loan guarantee in which proceeds of the loan are disbursed over time, the Administrator shall collect the amount required under this paragraph on a pro rata basis, as determined by the Administrator, at the time of each disbursement.

(2) **ADMINISTRATIVE FEE.**—

(A) **COLLECTION REQUIRED.**—The Administrator shall collect from each United States commercial provider receiving a loan or loan guarantee under this section an amount equal to 0.5 percent of the proceeds of the loan concerned.

(B) **AVAILABILITY.**—Amounts collected by the Administrator under this paragraph

shall be available to the Administrator for purposes of carrying out this section.

(3) **PAYMENT OF AMOUNTS.**—Amounts paid by a United States commercial provider under this subsection shall be derived from amounts other than the proceeds of the loan for which such amounts are paid.

(d) **INTEREST RATE.**—The interest rate on a loan made or guaranteed under this section may not be less than an interest rate determined by the Administrator based on a benchmark interest rate on marketable Treasury securities with a similar maturity to the loan.

(e) **OTHER TERMS AND CONDITIONS.**—

(1) **AMORTIZATION PERIOD.**—A loan made or guaranteed under this section shall be amortized over the shorter, as determined by the Administrator, of—

(A) 20 years; or

(B) the useful life of the physical asset to be financed by the loan.

(2) **PROHIBITION ON SUBORDINATION.**—A loan made or guaranteed under this section may not be subordinated to another debt contracted by the United States commercial provider concerned, or to any other claims against such provider. S0634

(3) **RESTRICTION ON INCOME.**—A loan made or guaranteed under this section may not—

(A) provide income which is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

(B) in the case of a loan guaranteed under this section, provide significant collateral or security, as determined by the Administrator, for other obligations the income from which is so excluded.

(4) **TREATMENT OF GUARANTEE.**—The guarantee of a loan under this section shall be conclusive evidence of the following:

(A) That the guarantee has been properly obtained.

(B) That the loan qualifies for the guarantee.

(C) That, but for fraud or material misrepresentation by the holder of the loan, the guarantee is valid, legal, and enforceable.

(5) **OTHER TERMS AND CONDITIONS.**—The Administrator may establish any other terms and conditions for a loan made under this section, or for the guarantee of a loan under this section, as the Administrator considers appropriate to protect the financial interests of the United States.

(f) **ENFORCEMENT OF RIGHTS.**—

(1) **IN GENERAL.**—The Attorney General may take any action the Attorney General considers appropriate to enforce any right accruing to the United States under a loan or loan guarantee under this section.

(2) **FORBEARANCE.**—The Attorney General may, with the approval of the parties concerned, forbear from enforcing any right of the United States under a loan made or guaranteed under this section for the benefit of a United States commercial provider if such forbearance will not result in any cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, to the United States.

(3) **UTILIZATION OF PROPERTY.**—Notwithstanding any other provision of law and subject to the terms of a loan made or guaranteed under this section, upon the default of a United States commercial provider under the loan, the Administrator may, at the election of the Administrator—

(A) assume control of the physical asset financed by the loan; and

(B) complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell the physical asset.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated \$1,500,000,000 for the making of loans under this section and for the administration

of loans and loan guarantees under this section.

**SEC. 3504. DEFINITIONS.**

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.

(2) **COMMERCIAL PROVIDER.**—The term “commercial provider” means any person or entity providing commercial reusable in-orbit space transportation services, primary control of which is held by persons other than the Federal Government, a State or local government, or a foreign government.

(3) **IN-SPACE TRANSPORTATION SERVICES.**—The term “in-space transportation services” means operations and activities involved in the direct transportation or attempted transportation of a payload or object from one orbit to another by means of an in-space transportation vehicle.

(4) **IN-SPACE TRANSPORTATION SYSTEM.**—The term “in-space transportation system” means the space and ground elements, including in-space transportation vehicles and support space systems, and ground administration and control facilities and associated equipment, necessary for the provision of in-space transportation services.

(5) **IN-SPACE TRANSPORTATION VEHICLE.**—The term “in-space transportation vehicle” means a vehicle designed—

- (A) to be based and operated in space;
- (B) to transport various payloads or objects from one orbit to another orbit; and
- (C) to be reusable and refueled in space.

(6) **UNITED STATES COMMERCIAL PROVIDER.**—The term “United States commercial provider” means any commercial provider organized under the laws of the United States that is more than 50 percent owned by United States nationals.

**SA 1657.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1217. LIMITED AUTHORITY TO PROVIDE ASSISTANCE TO PAKISTAN AND INDIA.**

If the President determines that it is in the national interests of the United States to do so, the President is authorized to provide assistance to Pakistan and India under the Arms Export Control Act, the Foreign Assistance Act of 1961, the Export-Import Bank Act of 1945, or any Act without regard to any grounds for prohibiting or restricting such assistance under those Acts that arose prior to September 11, 2001.

**SA 1658.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII add the following:

**SEC. 1217. ALLIED DEFENSE BURDENSARING.**

It is the sense of the Senate that—

(1) the efforts of the President to increase defense burdensharing by allied and friendly nations deserve strong support;

(2) the efforts by the Secretary of Defense and the Secretary of the State to negotiate host nation support agreements that increase the amounts of the financial contributions made for common defense by allied and friendly nations should be aggressively prospected; and

(3) host nation support agreements should be negotiated consistent with section 1221 of the National Defense Authorization Act for Fiscal Year 1998, which set forth the goals of obtaining from host nations contributions to pay 75 percent of the nonpersonnel costs incurred by the United States Government for stationing military personnel in those nations.

**SA 1659.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

**SEC. 301(5). AUTHORIZATION OF ADDITIONAL FUNDS.**

**AUTHORIZATION.**—\$3,000,000 is authorized for appropriations in section 301(5), for the replacement or refurbishment of air handlers and related control systems at Keesler AFB Medical Center.

**SA 1660.** Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 2842, relating to a limitation on availability of funds for renovation of the Pentagon Reservation, and insert the following:

**SEC. 2842. REPEAL OF LIMITATION ON COST OF RENOVATION OF PENTAGON RESERVATION.**

Section 2864 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2806) is repealed.

**SA 1661.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1009. AUTHORIZATION OF 2001 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES.**

(a) **AUTHORIZATION.**—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2001 in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) are hereby adjusted by the amounts of appropriations made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(b) **QUARTERLY REPORT.**—(1) Promptly after the end of each quarter of a fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of funds made available to the Department of Defense pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States.

(2) The first report under paragraph (1) shall be submitted not later than January 2, 2002.

(c) **PROPOSED ALLOCATION AND PLAN.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 15 days after the date on which the Director of the Office of Management and Budget submits to the Committees on Appropriations of the Senate and House of Representatives the proposed allocation and plan required by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, a proposed allocation and plan for the use of the funds made available to the Department of Defense pursuant to that Act.

**SA 1662.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1217. ACQUISITION OF LOGISTICAL SUPPORT FOR SECURITY FORCES.**

Section 5 of the Multinational Force and Observers Participation Resolution (22 U.S.C. 3424) is amended by adding at the end the following new subsection:

“(d)(1) The United States may use contractors to provide logistical support to the Multinational Force and Observers under this section in lieu of providing such support through a logistical support unit composed of members of the United States Armed Forces.

“(2) Notwithstanding subsections (a) and (b) and section 7(b), support by a contractor under this subsection may be provided without reimbursement whenever the President determines that such action enhances or supports the national security interests of the United States.”.

**SA 1663.** Mr. LEVIN (for himself and Mr. WARNER) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of

Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1217. PERSONAL SERVICES CONTRACTS TO BE PERFORMED BY INDIVIDUALS OR ORGANIZATIONS ABROAD.**

Section 2 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669) is amended by adding at the end the following: "(n) exercise the authority provided in subsection (c), upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be."

**SA 1664.** Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. LIEBERMAN)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 652. SBP ELIGIBILITY OF SURVIVORS OF RETIREMENT-INELIGIBLE MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE ON ACTIVE DUTY.**

(a) **SURVIVING SPOUSE ANNUITY.**—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) **SURVIVING SPOUSE ANNUITY.**—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of—  
"(A) a member who dies while on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

"(B) a member not described in subparagraph (A) who dies in line of duty while on active duty."

(b) **COMPUTATION OF SURVIVOR ANNUITY.**—Section 1451(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "based upon his years of active service when he died." and inserting "based upon the following:"; and

(B) by adding at the end the following new clauses:

"(i) In the case of an annuity payable under section 1448(d) of this title by reason of the death of a member in line of duty, the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death with a disability rated as total.

"(ii) In the case of an annuity payable under section 1448(d)(1)(A) of this title by reason of the death of a member not in line

of duty, the member's years of active service when he died.

"(iii) In the case of an annuity under section 1448(f) of this title, the member's years of active service when he died."; and

(2) in subparagraph (B)(i), by striking "if the member or former member" and all that follows and inserting "as described in subparagraph (A)."

(c) **CONFORMING AMENDMENTS.**—(1) The heading for subsection (d) of section 1448 of such title is amended by striking "RETIREMENT-ELIGIBLE".

(2) Subsection (d)(3) of such section is amended by striking "1448(d)(1)(B) or 1448(d)(1)(C)" and inserting "clause (ii) or (iii) of section 1448(d)(1)(A)".

(d) **EXTENSION AND INCREASE OF OBJECTIVES FOR RECEIPTS FROM DISPOSALS OF CERTAIN STOCKPILE MATERIALS AUTHORIZED FOR SEVERAL FISCAL YEARS BEGINNING WITH FISCAL YEAR 1999.**—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2262; 50 U.S.C. 98d note) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) in paragraph (4)—

(A) by striking "\$720,000,000" and inserting "\$760,000,000"; and

(B) by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(5) \$770,000,000 by the end of fiscal year 2011."

(e) **EFFECTIVE DATE AND APPLICABILITY.**—This section and the amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

**SA 1665.** Mr. LEVIN (for Mr. AKAKA) submitted an amendment intended to be proposed by Mr. LEVIN to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2844. CONSTRUCTION OF PARKING GARAGE AT FORT DERUSSY, HAWAII.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT FOR CONSTRUCTION.**—The Secretary of the Army may authorize the Army Morale, Welfare, and Recreation Fund, a non-appropriated fund instrumentality of the Department of Defense (in this section referred to as the "Fund"), to enter into an agreement with a governmental, quasi-governmental, or commercial entity for the construction of a parking garage at Fort DeRussy, Hawaii.

(b) **FORM OF AGREEMENT.**—The agreement under subsection (a) may take the form of a non-appropriated fund contract, conditional gift, or other agreement determined by the Fund to be appropriate for purposes of construction of the parking garage.

(c) **USE OF PARKING GARAGE BY PUBLIC.**—The agreement under subsection (a) may permit the use by the general public of the parking garage constructed under the agreement if the Fund determines that use of the parking garage by the general public will be advantageous to the Fund.

(d) **TREATMENT OF REVENUES OF FUND PARKING GARAGES AT FORT DERUSSY.**—Not-

withstanding any other provision of law, amounts received by the Fund by reason of operation of parking garages at Fort DeRussy, including the parking garage constructed under the agreement under subsection (a), shall be treated as non-appropriated funds, and shall accrue to the benefit of the Fund or its component funds, including the Armed Forces Recreation Center-Hawaii (Hale Koa Hotel).

**SA 1666.** Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 2841, relating to the development of the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania, and insert the following:

**SEC. 2841. DEVELOPMENT OF UNITED STATES ARMY HERITAGE AND EDUCATION CENTER AT CARLISLE BARRACKS, PENNSYLVANIA.**

(a) **AUTHORITY TO ENTER INTO AGREEMENT.**—(1) The Secretary of the Army may enter into an agreement with the Military Heritage Foundation, a not-for-profit organization, for the design, construction, and operation of a facility for the United States Army Heritage and Education Center at Carlisle Barracks, Pennsylvania.

(2) The facility referred to in paragraph (1) is to be used for curation and storage of artifacts, research facilities, classrooms, and offices, and for education and other activities, agreed to by the Secretary, relating to the heritage of the Army. The facility may also be used to support such education and training as the Secretary considers appropriate.

(b) **DESIGN AND CONSTRUCTION.**—The Secretary may, at the election of the Secretary—

(1) accept funds from the Military Heritage Foundation for the design and construction of the facility referred to in subsection (a); or

(2) permit the Military Heritage Foundation to contract for the design and construction of the facility.

(c) **ACCEPTANCE OF FACILITY.**—(1) Upon satisfactory completion, as determined by the Secretary, of the facility referred to in subsection (a), and upon the satisfaction of any and all financial obligations incident thereto by the Military Heritage Foundation, the Secretary shall accept the facility from the Military Heritage Foundation, and all right, title, and interest in and to the facility shall vest in the United States.

(2) Upon becoming property of the United States, the facility shall be under the jurisdiction of the Secretary.

(d) **USE OF CERTAIN GIFTS.**—(1) Under regulations prescribed by the Secretary, the Commandant of the Army War College may, without regard to section 2601 of title 10, United States Code, accept, hold, administer, invest, and spend any gift, devise, or bequest of personnel property of a value of \$250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the United States Army Heritage and Education Center.

(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the agreement authorized to be entered into by subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

**SA 1667.** Mr. LEVIN (for Mr. LIEBERMAN (for himself and Mr. SANTORUM)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XI, add the following:

**SEC. 1124. PARTICIPATION OF PERSONNEL IN TECHNICAL STANDARDS DEVELOPMENT ACTIVITIES.**

Subsection (d) of section 12 of the National Technology Transfer and Advancement Act of 1995 (109 Stat. 783; 15 U.S.C. 272 note) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **EXPENSES OF GOVERNMENT PERSONNEL.**—Section 5946 of title 5, United States Code, shall not apply with respect to any activity of an employee of a Federal agency or department that is determined by the head of that agency or department as being an activity undertaken in carrying out this subsection.”.

**SA 1668.** Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 303 and insert the following:

**SEC. 303. ARMED FORCES RETIREMENT HOME.**

(a) **AMOUNT FOR FISCAL YEAR 2002.**—There is hereby authorized to be appropriated for fiscal year 2002 from the Armed Forces Retirement Home Trust Fund the sum of \$71,440,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

(b) **AMOUNTS PREVIOUSLY AUTHORIZED.**—Of amounts appropriated from the Armed Forces Retirement Home Trust Fund for fiscal years before fiscal year 2002 by Acts enacted before the date of the enactment of this Act, an amount of \$22,400,000 shall be available for those fiscal years, to the same extent as is provided in appropriation Acts, for the development and construction of a blended use, multicare facility at the Naval Home and for the acquisition of a parcel of real property adjacent to the Naval Home, consisting of approximately 15 acres, more or less.

**SA 1669.** Mr. LEVIN (for Mrs. CARNAHAN) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of De-

fense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1027. COMPTROLLER GENERAL STUDY AND REPORT ON INTERCONNECTIVITY OF NATIONAL GUARD DISTRIBUTIVE TRAINING TECHNOLOGY PROJECT NETWORKS AND RELATED PUBLIC AND PRIVATE NETWORKS.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study of the interconnectivity between the voice, data, and video networks of the National Guard Distributive Training Technology Project (DTTP) and other Department of Defense, Federal, State, and private voice, data, and video networks, including the networks of the distance learning project of the Army known as Classroom XXI, networks of public and private institutions of higher education, and networks of the Federal Emergency Management Agency and other Federal, State, and local emergency preparedness and response agencies.

(b) **PURPOSES.**—The purposes of the study under subsection (a) are as follows:

(1) To identify existing capabilities, and future requirements, for transmission of voice, data, and video for purposes of operational support of disaster response, homeland defense, command and control of premobilization forces, training of military personnel, training of first responders, and shared use of the networks of the Distributive Training Technology Project by government and members of the networks.

(2) To identify appropriate connections between the networks of the Distributive Training Technology Project and networks of the Federal Emergency Management Agency, State emergency management agencies, and other Federal and State agencies having disaster response functions.

(3) To identify requirements for connectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a) in the event of a significant disruption of providers of public services.

(4) To identify means of protecting the networks of the Distributive Training Technology Project from outside intrusion, including an assessment of the manner in which so protecting the networks facilitates the mission of the National Guard and homeland defense.

(5) To identify impediments to interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(6) To identify means of improving interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(c) **PARTICULAR MATTERS.**—In conducting the study, the Comptroller General shall consider, in particular, the following:

(1) Whether, and to what extent, national security concerns impede interconnectivity between the networks of the Distributive Training Technology Project and other Department of Defense, Federal, State, and private networks referred to in subsection (a).

(2) Whether, and to what extent, limitations on the technological capabilities of the Department of Defense impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(3) Whether, and to what extent, other concerns or limitations impede interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(4) Whether, and to what extent, any national security, technological, or other concerns justify limitations on interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(5) Potential improvements in National Guard or other Department technologies in order to improve interconnectivity between the networks of the Distributive Training Technology Project and such other networks.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study conducted under subsection (a). The report shall describe the results of the study, and include any recommendations that the Comptroller General considers appropriate in light of the study.

**SA 1670.** Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 346, line 20, insert after “professional” the following: “or a member of the Armed Forces serving on active duty in a grade above major or lieutenant commander”.

**SA 1671.** Mr. DOMENICI (for himself, Mr. REID, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Division C, Title XXXI, Subtitle A, insert a new section as follows:

“SEC. 31 . For weapons activities, an additional \$338,944,000 is authorized to be appropriated to the Department of Energy for fiscal year 2002 for the activities of the National Nuclear Security Administration.”

On page 399, line 22, strike “\$1,018,394,000” and replace with “1,357,338,000”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, September 24, 2001, at 3:30 p.m., to hold a nomination hearing.

Nominees: Ms. Charlotte Beers, of Texas, to be Under Secretary of State

for Public Diplomacy; Mrs. Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs); Mr. John Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation); the Honorable Kevin Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador; the Honorable Kenneth Brill, of Maryland, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador; Mr. Michael Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 24, 2001, from 12 p.m.-3:30 p.m., in Dirksen 192 for the purpose of conducting a hearing: Re long-term care.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, September 24, 2001, at 3 p.m., to hold an open hearing: Re counter-terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. INHOFE. I ask unanimous consent that a military fellow, Dave Teal, be given privileges of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent that a member of Senator Jeffords'

staff, Jonathan Farnham, be given floor privileges during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that Virginia Renee Simpson, a congressional fellow in my office, be permitted floor privileges throughout the debate on the national defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Kimberly Connor of Senator Bond's staff, as well as LCDR Dell Bull, during consideration of S. 1438.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, at the request of Senator DOMENICI, I ask unanimous consent that Pete Lyons, a fellow in Senator DOMENICI's office, be granted floor privileges for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE INDEFINITELY POSTPONED—S. 643

Mr. LEVIN. Mr. President, I ask unanimous consent that Calendar No. 148, S. 643, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, SEPTEMBER 25, 2001

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Tuesday, September 25. I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed ex-

pired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of the Department of Defense Authorization Act; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. LEVIN. On Tuesday the Senate will convene at 9:30 a.m. and resume consideration of the DOD authorization bill, with 15 minutes of closing debate on the Bunning base closure amendment. A rollcall vote on a motion to table the Bunning amendment will occur at approximately 9:45 a.m. Additional rollcall votes are expected as the Senate works to complete action on the DOD authorization bill on Tuesday.

The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LEVIN. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:14 p.m., adjourned until Tuesday, September 25, at 9:30 a.m.

#### CONFIRMATION

Executive nomination confirmed by the Senate September 24, 2001:

##### DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.  
THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## EXTENSIONS OF REMARKS

## LADY LIBERTY

## HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. BILIRAKIS. Mr. Speaker, in the aftermath of the terrorist attacks of September 11, 2001, everyone's thoughts and prayers are with those whose lives have been forever altered by this tragedy. Several days after the attack, I received a copy of a poem entitled "Lady Liberty Still Stands Tall." It was written by a good friend, Dr. Ken Webster. I wanted to share this touching poem with my colleagues.

LADY LIBERTY STILL STANDS TALL  
(By Kenneth E. Webster)

The New York Harbor was attacked,  
As the twin towers came tumbling down.  
With Lady Liberty standing by,  
She sheds a tear and a frown.

I've watched this harbor over 100 years,  
And welcomed thousands to our shores.  
The tired, poor and huddled masses,  
As I lift my lite beside the golden door.

People come from all over the world,  
Yearning for a life that is free.  
They could count on safe harbor here,  
For our democracy is the key.

But on September 11 the year 2001,  
Some terrorists attack—what a pity.  
I saw them fly right past my torch,  
As others who visit New York City.

I could see the terror in the eyes,  
Of everyone on board the plane.  
It headed straight for the twin towers,  
Soon to inflict them all with pain.

I saw the terrible crash occur,  
I couldn't believe my eyes.  
The buildings exploded into the sky,  
And I knew many would lose their lives.

I've never cried here in the harbor,  
I've always remained straight and strong.  
But today my tears cover the world,  
As terrorists perform a terrible wrong.

But I'm still standing for all to see,  
That America is the land of the free.  
We'll survive as we have before,  
And I'll stay here for all to see.

TRIBUTE TO CHIEF MASTER  
SERGEANT JOHN F. FITZGERALD

## HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. WELDON of Florida. Mr. Speaker, let me take this means to pay tribute to Chief Master Sergeant John F. Fitzgerald upon his retirement from the United States Air Force.

Chief Master Sergeant John Fitzgerald has served our nation with honor and distinction for over 26 years, and his performance his en-

tire career has been characterized by the highest of standards and professionalism. He was born in Evansville, Indiana, on 23 February 1957. He graduated from William Henry Harrison High School in 1975 and entered active duty in January 1976. Upon graduation from basic military training in March 1976, he was assigned under the direct duty assignment program to Charleston Air Force Base and entered into training as an Administrative Specialist. After serving on the base honor guard and coaching little league, he was selected for promotion to Senior Airman Below The Zone and was reassigned to Camp New Amsterdam, The Netherlands, in August 1978.

Chief Master Sergeant Fitzgerald's outstanding job performance and professionalism led to his selection for a special duty assignment to join the elite USAF Air Demonstration Squadron, "Thunderbirds," in December 1981. While assigned to the team he was selected as the 1984 Fitzgerald Award Winner, given to the enlisted member of the squadron who contributed most to the team mission. At the culmination of this tour in December 1984, the chief was selected for another special duty assignment to the Headquarters, Tactical Air Command Deputy Chief of Staff, Personnel, at Langley AFB, Virginia. In August 1988, the chief was selected for a special duty assignment to the Commandant of Cadets, USAF Academy, Colorado.

At the end of this tour in December 1991, the chief was selected as a member of the base closure team to end the Air Force's 51-year service at Sondrestrom AB, Greenland. Upon closure of Sondrestrom Air Base on 30 September 1992, the chief was reassigned to Patrick Air Force Base, Florida.

After assignment as the 45th Space Wing Command Section Superintendent, he was reassigned to the 45th Mission Support Squadron as the Military Personnel Flight Superintendent. In March 1999, he was selected to become the Command Chief Master Sergeant for Joint Task Force-Southwest Asia and OPERATION SOUTHERN WATCH headquartered at Eskan Village, Riyadh, Kingdom of Saudi Arabia. In June 2000, Chief Master Fitzgerald returned to his previous position as the Superintendent, Military Personnel Flight for the 45th Mission Support Squadron at Patrick AFB, Florida, and in January 2001, moved to the 45th Space Wing Staff to a newly created position as Superintendent of the Wing Plans Division. In this capacity he supported various high level, special interest projects of vital importance to NASA, the Florida Spaceport Authority, and the 45th Space Wing, in the development of the Florida Spaceport program.

Chief Master Sergeant Fitzgerald's awards include the Defense Meritorious Service Medal, Meritorious Service Medal with five oak leaf clusters, Air Force Commendation Medal, Air Force Achievement Medal with one oak leaf cluster, USAF Outstanding Airman of the Year Medal, Armed Forces Expeditionary

Medal, and the Southwest Asia Service Medal with star.

Chief Master Sergeant Fitzgerald is married to the former Phyllis Ann Vaught, and they have one daughter, Amanda.

Mr. Speaker, I am thankful for the contributions Chief Master Sergeant John Fitzgerald has made to the people of my State, the United States Air Force, and the country. I am certain my colleagues will join me in wishing Chief Master Sergeant Fitzgerald and his wife, Phyllis, all the best. We thank them for over 26 years of service to the United States of America.

TRIBUTE TO FERRIS LIBRARY INFORMATION, TECHNOLOGY AND EDUCATION

## HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the Ferris Library for Information, Technology and Education at Ferris State University (FLITE), which is being dedicated today as a Federal Depository Library in the 4th District of Michigan.

I am honored to have assisted Richard Cochran, Dean of Library Services and Education, in making this day possible. Designating the FLITE as a Federal Depository Library will be a tremendous asset to the community, as well as the university's students.

This is a proud moment for everyone at the dedication today as the FLITE becomes one of more than 1,300 libraries across the country that offers the American public access to information from the three branches of government. As a federal depository library, the FLITE now has the responsibility for assuring that the public has free access to that material, and I am confident that Mr. Cochran and his staff will ensure that the public they serve will receive the kind of service expected from a Federal Depository Library.

On behalf of the 4th District of Michigan, I congratulate the Ferris State University community for joining a select number of libraries who serve our citizens with this important resource.

HONORING THE DISTINGUISHED  
PUBLIC SERVICE CAREER OF  
TOM REED

## HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

great friend of mine, Murfreesboro City Attorney Tom Reed. Tom, who has worked for our city as an attorney for more than 29 years, is retiring at the end of this month.

Tom began his distinguished career with the city of Murfreesboro soon after his graduation from the University of Tennessee School of Law, helping guide the Middle Tennessee community through nearly three decades of unprecedented growth and prosperity.

Tom's keen legal mind aided city leaders and officials in their effort to make Murfreesboro, my hometown, one of America's most desirable places to live. Tom's influence has reached much farther than the legal interests of his city, though.

He has also been instrumental in bolstering the city's economic health and development. And he has been actively involved in many local, state and national committees, boards and professional associations.

His unflinching dedication and tireless service to the city will be sorely missed. I congratulate Tom on his outstanding career and with him well in his future endeavors.

#### VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

#### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

ON BEHALF OF HILLARY KNAPP AND CHRISTINE HARVEY—REGARDING HEALTHY CHOICES DURING THE TEENS YEARS, MAY 7, 2001

Hillary Knapp. In January, Otter Teen Network helped organize and run a peer leadership project, with the help of Green Mountain Prevention Project.

Christine Harvey. Otter Teen is a student-initiated and run organization that invites teens to work together to create a safe environment and positive school community at Otter Valley. And OTM encourages young students to develop leadership skills, have fun, and be high on life, not alcohol, tobacco or other dangerous drugs. One of OTM's goals is to empower individuals to respect themselves and others, and not give in to negative peer pressure. There are no membership requirements. All student and faculty are already members. As a member, you can become involved as much or as little as you desire.

Hillary Knapp. Peer Leadership Project is where certain kids from the school go and have leadership training for one weekend. And Green Mountain Prevention projects provided a facilitator, Workshop-presenter and team-building games. Through the PLP, we generated interest among the middle school students to get involved with planning and carrying out of our Power of Choice Day.

Christine Harvey. Our Power of Choice Day was a day where we had workshops for stu-

dents to go to instead of regular classes, and the workshops were on healthy choices and the power you have to make your own choices.

Hillary Knapp. Students came to our Power of Choice Day thinking that it was going to be really boring and they were just going to sit there. And as they went to the workshops and did all the Activities we had, they found that it was interesting and they liked the day. The preliminary results of the survey for the day showed that the vast majority of the students enjoyed the day and found it somewhat to be useful in their everyday life.

Christine Harvey. We have a packet on all the stuff that we did during the day, and some pictures.

#### ON BEHALF OF JOSH SMOLKIN—REGARDING LEGALIZING CANNABIS, MAY 7, 2001

Josh Smolkin. My name is Joshua Smolkin. Thank you for letting me speak here. Cannabis legalization has been increasingly popular. This push is misunderstood by those who discredit and close their ears to the cause. This push has not come from people who merely wish to walk down the street and smoke a joint without getting apprehended. It comes from intelligent individuals who wish to make as much use of a significant resource as humanly possible. Cannabis is the only plant that has resilient enough growing habits, frugal value, and the versatility to provide all the basic necessities of life while helping to save our ecosystem and supply all the energy we would ever need. I feel it is in our best interest to legalize cannabis. Hemp is a form of the cannabis plant that does not contain enough tetrahydrocannabinol, or THC, the psychoactive chemical found in cannabis, to get an individual high. It would astonish me as to why we have been confronted with so many problems whenever there is an attempt to use it industrially. That is, it would astonish me if I did not know that it is because hemp poses a huge threat to the timber and oil companies, both of which exert huge influence within the United States. Hemp can be effectively made into all sorts of energy products that are practically sulfur-free and cleaner burning than currently used national resources such as crude oil, its by-products, and coal. It can be easily made into a biomass form of charcoal and gasoline. While when burnt, it will release carbon dioxide, while it is growing, it uses up CO<sub>2</sub>, creating more of a balance. I am convinced cannabis is one of our prime allies in the fight against the greenhouse effect and pollution. This possibility is definitely not given enough credence. I guess it is a horrible thing to explore likely ways to save our ecosystem. The truth is, our oil supplies are not going to last that much longer. Why destroy our world for the hundred some-odd years it will take for our oil to be depleted, at which point we will just have to run to a savior such as hemp or of necessity? Pulped hemp is a prime candidate for paper production. The cannabis plant has four times as much paper-usable pulp per acre as trees do. Furthermore, it grows back in about four months. Hemp fibers are very long, and grow in the organically binding glue found in plant cells, allowing for environmentally safe chlorine-free bleaching. These fibers can be made into various household items and clothing, far superior to cotton in durability, insulation, UV protection, and is easy to mass-produce. Hemp produces fibers which are 15 feet long and is health-conducive to the soil, while cotton produces fibers 1 to 2 centimeters

long and destroys the soil. All products made are biodegradable. In a composite form, it is twice as strong as wood, and can replace timber in most all its forms. Hemp seeds are highly nutritious, even more so than soy. They are roughly 25 percent protein, 30 percent carbohydrates, and contain a whole list of vitamins, minerals, essential fatty acids, and contain rare lineolic that is good for the immune system. Hemp seed oil is good for lowering cholesterol levels and strengthening the cardiovascular system. Besides hemp, there are various strains of budding cannabis containing higher levels of THC. Even these are relatively harmless compared to other substances which are legal. There has never been a death caused solely from marijuana. This was confirmed by the National Institute on Drug Abuse. Meanwhile, alcohol and tobacco have a combined death rate of over 500,000 annually, give or take a few thousand. It is hard to count with that many deaths. Even caffeine and aspirin cause upward of a thousand deaths of more a year, individually. In 1972, commissioned by President Nixon, the National Committee on Marijuana and Drug Abuse concluded that "marijuana's relative potential for harm to the vast majority of individuals and its actual impact on society does not justify a social policy to seek out and punish those who use it." I think that the accepted belief is that Marijuana is on a similar level with alcohol. Of course, there are those who would say it is far worse, and others who say it is less harmless. The fact is, if an individual of legal age can go home and drink a few beers and watch TV, why can't a person go home after work, smoke some marijuana, and watch TV? Is just so happens that, during the cultural development of our country, some substances became more socially acceptable than others. I think the main position taken by anti-marijuana legalization advocates is that it is a gateway drug. This assumption, made by those who would see cannabis hung, is false. In 1999, the Institute of Medicine reported on the so-called "gateway theory." The report says that, "although marijuana use often precedes the use of harder drugs, there is not conclusive evidence that marijuana acts as a 'gateway' drug that actually causes people to make this progression." If marijuana is a gateway drug, then alcohol or tobacco or Tylenol PM would be a gateway drug. The medicinal uses of cannabis and hemp are only now being understood and applied, in spite of the fact that it has been used medicinally for thousands of years. The flowers of marijuana, smoked or eaten, are used to treat many ailments. Marijuana treats nausea for cancer and AIDS and patients going through chemotherapy. For glaucoma sufferers, marijuana relieves the pressure in their eyes. It is a great pain-reducers, effective against migraine headaches and postmenstrual cramps. In asthma patients, marijuana smoke dilates the bronchial passages, opening the airways. There are many more known and unknown uses for medical marijuana. No matter how much credit we give ourselves, money is the strongest factor behind a lot of our actions. Upwards of \$9 billion or more tax dollars was spent on antimarijuana in individual past years. It was estimated that \$1 billion in tax revenues could be collected, not to mention income from legal sellers, producers and distributors. If cannabis were legalized that would be over \$20 billion we could put towards education. It's clear we're not getting all we should out of our current money spent on this issue. Prohibition is a failure. Millions of Americans smoke marijuana despite

laws outlawing its use. Law enforcement arrests a marijuana smoker every 54 seconds in America, at a tremendous cost to society. Over 10 million Americans have been arrested on marijuana charges since the National Commission on Marijuana and Drug Abuse issued its recommendations to Congress in 1972 to decriminalize the plant. Non-violent marijuana offenders often serve longer sentences than rapists or murderers, and there are currently 60,000 in jail. This means that peaceful middle-class people are thrown in cells with rapists and murderers. Civil forfeiture laws allows the police to seize the money and property of suspected marijuana offenders; charges need not even be filed. Vigorous enforcement of the laws forces hardened criminals to take over marijuana trafficking. This causes violence and increased predatory crime. Marijuana prohibition creates a mixed drug market, which puts marijuana customers in contact with hard-drug dealers. Regulating marijuana would separate marijuana from cocaine, heroin and other hard drugs. Because marijuana is typically used in private, trampling the Bill of Rights is a routine part of marijuana-law enforcement—for example, the use of drug dogs, urine tests, phone taps, government informants, curbside garbage searches, military helicopters, and infrared heat detectors. There are simply so many facts which support cannabis legality that I could speak of them to you all day today. Hopefully, these facts and my opinions that I have presented are helpful and informative. I urge you to support this cause, given the opportunity. The industrial, medicinal, nutritional, and moral benefits of cannabis legalization are too much to ignore.

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ROFEH

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. FRANK. Mr. Speaker, I have had the very great privilege over the past several years of sharing with my colleagues information about the very important work of ROFEH International and the New England Chassidic Center. Under the leadership of Grand Rabbi Levi Horowitz, the Bostoner Rebbe, project ROFEH has pioneered in efforts to make it possible for people all over the world to derive the great benefits of the first rate medical care that is available in Boston. Rabbi Horowitz, in addition to his religious role, is a leading scholar in the field of medical ethics—indeed, I have myself benefitted from his advice in dealing with some of the important research issues which are now before us—and it is thus not surprising that he has played this leadership role in an organization which make it possible for people to receive vital medical treatment which would otherwise not be available to them.

Every year, ROFEH International and the Chassidic Center come together with their supporters at a dinner, a highlight of which is the recognition of people who have provided especially important service to this wonderful effort. This year's honorees are two men of very great distinction, Dr. Judah Folkman, and Mr. Arnold Andler.

Professor Judah Folkman, M.D., was born in Cleveland, Ohio. He received his B.A. (cum

laude), in 1953 from Ohio State University, and his M.D., (magna cum laude), in 1957 from Harvard Medical School. While at Ohio State he worked in Dr. Robert Zollinger's surgical laboratory and was a co-author on papers describing a new method of hepatectomy for liver cancer. As a student at Harvard Medical School he worked in Dr. Robert Gross' laboratory where he developed the first atrio-ventricular implantable pacemaker, for which he received the Boylston Medical Prize, the Soma Weiss Award, and the Borden Undergraduate Award in Medicine.

In 1957, Dr. Folkman started his surgical training at the Massachusetts General Hospital and served as Chief Resident in surgery from 1964–1965. His surgical residency was interrupted between 1960 and 1962 when served as a lieutenant in the U.S. Navy at the National Naval Medical Center in Bethesda. It was here that Dr. Folkman with David Long first reported the use of silicone rubber implantable polymers for the sustained-release of drugs. It was also in Bethesda that he carried out the experiments of growing tumors in isolated perfused organs, which led to the idea that tumors are angiogenesis-dependent.

In 1965, Dr. Folkman joined Harvard's Surgical Service at the Boston City Hospital where he was appointed Instructor in Surgery. In 1967 he was promoted to Professor of Surgery at Harvard Medical School and to Surgeon-in-Chief at Children's Hospital Medical Center, becoming the Julia Dyckman Andrus Professor of Surgery in 1968. After 14 years as Surgeon-in-Chief, he stepped down to devote his full time to research.

Dr. Folkman's discoveries on the mechanism of angiogenesis opened a field of investigation now pursued worldwide. His laboratory reported the first purified angiogenesis molecule, the first angiogenesis inhibitor, proposed the concept of angiogenic disease, and has begun clinical trials based on this research. Basic fibroblast growth factor (bFGF) was first purified in Folkman's laboratory (together with Michael Klagsbrun and Yuen Shing). Angiogenesis inhibitors are currently in clinical trials in the U.S. and Europe.

Dr. Folkman's exceptional achievements have been recognized by numerous national and international awards. In 1990 he was elected to the National Academy of Sciences. He is also a member of the American Academy of Arts and Sciences, the American Philosophical Society and the Institute of Medicine. He holds honorary degrees from five universities. Dr. Folkman is the author of more than 300 peer-reviewed papers as well as many other publications.

Arnold Andler affectionately known as "Arnie" to his family and friends has been an endearing member of the Chassidic Center and Rofeh following in the footsteps of his parents, aunts and uncles and many others in the Andler family.

Arnie spent his early years in Dorchester where his family always kept Judaism in the forefront of his life. In the 50's Arnie's family moved to Newton where they became very active in the Jewish Community and in Beth-El Atereth Israel. Today Arnie is still an active board member, Chairman of the Hebrew School as well as serving on a variety of other committees. He is a staunch supporter of

many other organizations and synagogues not only in Boston and its surrounding area, but all over the world.

Arnie is known in the Newton Community as the "Candy Man", a title inherited from his father, Samuel, of Blessed Memory, and the more recent title of grandfather, a title of which he is exceptionally proud. His three beautiful granddaughters, Brooke, Paige, and Brianna can be seen accompanying him at Shabbos and Holiday Services much to his and everyone's delight.

Arnie's mother, Frieda, is still an active member of the Jewish Community and along with his father, Samuel, of Blessed Memory, have given him only the highest of standards to achieve, both religiously and morally. His mother-in-law, Lillian and late father-in-law, Maurice, of Blessed Memory have always been supportive and proud of his accomplishments. Arnie especially thanks his lovely wife Barbara of 40 years, their three children, Doug and wife Kim, Wendy and husband Joseph, and son Greg, and all his brothers and sisters for their understanding and support. Arnie emphasizes—"Without their love and guidance I would not be here today". This award is humbly accepted in honor and memory of the Andler family and the continuous outstanding work of the Rebbe, the Chassidic Center, and Rofeh.

Mr. Speaker I consider it a very great honor that these important institutions are located in the Congressional district which I am privileged to serve, and I am very proud to have the chance to salute here the important work done by ROFEH and the New England Chassidic Center, and to join in paying tribute to their extremely distinguished honorees.

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CONDEMNING BIGOTRY AND VIOLENCE AGAINST ARAB-AMERICANS, AMERICAN MUSLIMS, AND AMERICANS FROM SOUTH ASIA

SPEECH OF

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 14, 2001*

Mrs. MORELLA. Mr. Speaker, I rise in support of this resolution condemning bigotry and violence against Arab and Muslim-Americans. I also thank Congressman BONIOR for bringing this issue to the full attention of the House, because the incidents seem to be multiplying.

Americans are sharing many emotions. We are angry at our own vulnerability. We grieve for ourselves and the tremendous pain that thousands continue to endure. We watch, feeling helpless and unable to help those in need. Our reactions are frantic but, similar. They are similar because we are Americans.

We are a nation founded on the ideals of freedom, liberty and compassion; a true democracy. Our citizenry shares the ability to accept and to desire to be accepted, for whom we choose to be, and what we choose to believe. We shall never cease to condemn the practice of intolerance, bigotry and discrimination.

This week we have shared a tragedy that must bring ALL Americans together. To faction

ourselves now is a breakdown of our solidarity, which must be absolute. Racism and hate are characteristics of terrorists, not of individuals who treasure freedom.

I urge my colleagues to join me in encouraging unity with our fellow Arab and Muslim Americans and all Americans, who share our commitment to freedom and democracy. Unity, not hatred, will provide our nation with clarity needed to prevail.

As Dr. Martin Luther King, Jr. said, "Through our scientific genius, we have made of this world a neighborhood; now, through our moral and spiritual development we must make of it a brotherhood [and sisterhood] . . . we must all live together; we must all be concerned about each other."

I hope all Americans can be concerned about each other at this pivotal time in our history.

HONORING ALLAN Y. JENDIAN

**HON. GEORGE RADANOVICH**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Allan Y. Jendian for being elected Secretary/Treasurer of Chapter 97 of the National Treasury Employees Union (NTEU). The NTEU represents 6,000 employees of the Fresno Internal Revenue Service (IRS) Campus.

Jendian has been an IRS Revenue Agent for the past 34 years. During the last fiscal year, he was named "Employee of the Year" of the Compliance Division for his community service at Public Service Recognition ceremonies. Jendian also successfully coordinated the Fresno IRS Campus Combined Federal Campaign, which reached a record-breaking high of over \$220,000.

Jendian, who has long been a highly active member of his community, is a Deacon at the Armenian Orthodox Church. He recently served as the Regional Chairman of the Pontifical Visit of the Catholics of All Armenians to the Central Valley. In addition, he serves on numerous Boards, including the Armenia Fund of the Western Region, the Diocesan Council of the Western Diocese and the Armenian Inter-Denominational Community Council. Furthermore, Jendian is an active member of the St. Paul Armenian Church, Armenian General Benevolent Union, Knights of Vartan and the Tekeyan Cultural Association, while serving on various committees within these organizations.

Mr. Speaker, I rise to congratulate Allan Y. Jendian for being elected Secretary/Treasurer of Chapter 97 of the National Treasury Employees Union. I urge my colleagues to join me in wishing Mr. Jendian many more years of continued success.

PERSONAL EXPLANATION

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. BEREUTER. Mr. Speaker, this Member was returning to his district for official business

purposes the evening of September 21, 2001, and unfortunately missed several roll call votes on H.R. 2926, the Air Transportation Safety and System Stabilization Act. Had this Member been present, this Member would have voted in the following ways:

1. Rollcall Number 345—"aye" on the Rule (H. Res. 242) to allow same day consideration of legislation to preserve the continued viability of the United States air transportation system;
2. Rollcall Number 346—"aye" on the Rule (H. Res. 244) for H.R. 2926;
3. Rollcall Number 347—"no" on the motion to recommit with instructions; and
4. Rollcall Number 348—"aye" on final passage of H.R. 2926.

HONORING GEN. HENRY H. "HUGH" SHELTON, USA, FOR HIS EXCEPTIONAL SERVICE AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

**HON. BENJAMIN A. GILMAN**

OF

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. GILMAN. Mr. Speaker, I am pleased to rise to recognize and commend the exceptional work of a distinguished American, a great friend and an exceptional soldier, General Henry H. "Hugh" Shelton, USA, the 14th Chairman of the Joint Chiefs of Staff. On October 1, 2001, General Shelton, concludes his second term as the principal military adviser to the President, the Secretary of Defense, and to the National Security Council.

General Shelton, known to his friends as "Hugh", was born in Tarboro, North Carolina, and grew up on his family's 1,000 acre farm in the tiny town of Speed, N.C., with its population of 100. He is the oldest of four children whose father was a farmer and sold farm equipment, and his mother was a local school teacher. General Shelton attended the Speed Baptist Church every Sunday where his mother served as its pianist. General Shelton's father achieved his goal of sending his children to college so they could broaden their horizons and not be limited to a life of growing cotton and tobacco.

As a freshman of North Carolina State University Hugh Shelton joined the U.S. Army Reserve Officers' Training Corps (ROTC), where he was drawn to the discipline, the values, and the esprit d' corps of the U.S. Army and the precision of his unit's drills. After completing this two-year ROTC requirement after college, General Shelton went to work at Regal Textiles, a local business.

Mr. Speaker, it is almost hard to imagine General Shelton not serving our Nation as an Army officer. After a year in the private sector, he returned to the Army with a regular commission, and through rigorous training, determination and discipline became a member of the Army's Special Forces. During his distinguished career General Shelton has served in a variety of command and staff positions in the United States and abroad. He is a combat veteran of Vietnam and the Gulf War. During his two tours in Vietnam, he served with the 5th Special Forces Group, and with the 173rd Airborne Brigade. It was during his service in Vietnam he earned the Purple Heart.

General Shelton also commanded the 3rd Battalion, 60th Infantry Division at Ft. Lewis, Washington; serving as the assistant chief of staff for operations for the 9th Infantry Division; commanded the 1st Brigade of the 82nd Airborne Division at Ft. Bragg, North Carolina; served in Ft. Drum, NY as the 10th Mountain Division's Chief of Staff; as the assistant division commander of the 101st Airborne; and commanded the Special Operations Command.

A testament to General Shelton's exceptional leadership and of his commitment to our Nation is his meteoric rise through the Army's general officer ranks from brigadier general through general in 9 years! In 1987, as a brigadier general, General Shelton served for 2 years in the Joint Chiefs of Staff's Operations Directorate, followed by another 2-year assignment as the 101st Airborne Division's Assistant Division Commander, which included a 7-month deployment to the Gulf for Operations Desert Shield and Desert Storm. Following the Gulf War, General Shelton was promoted to the rank of major general and was assigned to command the 82nd Airborne Division at Ft. Bragg, N.C., and in 1993, was promoted to the rank of lieutenant general and assumed the command of the XVIII Airborne Corps. While serving as Corps Commander, General Shelton commanded the Joint Task Force that conducted Operation Uphold Democracy in Haiti. In February 1996, General Shelton served as the Chief of the Special Operations Command in Tampa, Florida. As the Command's Chief, General Shelton became the overall commander of our Nation's elite fighting forces participation in joint operations.

True to his roots as a "soldier's soldier" and a leader who is "at home" being out in the field, I was not surprised to learn that General Shelton was in Namibia reviewing special operations forces when he was contacted by the Pentagon regarding his interest in being considered for the Chairman's position. Following his nomination by then President Bill Clinton, and confirmation by the Senate, General Shelton worked tirelessly during his tenure as the Chairman of the Joint Chiefs of Staff to improve the quality of life for our men and women serving in our armed forces.

General Shelton sought and received the largest across the board pay increases for the military in nearly two decades; pushed for greater salary increases for our mid-grade noncommissioned officers; and instituted a retirement reform package that reinstated benefits for those who entered our Nation's military service after 1986; implemented an enhanced housing allowance that gradually eliminated out of pocket expenses for service members living off their post or base; and advocated for medical health care reform that made health care more responsive to the needs of our military and their families, and included military retirees over the age of 65.

As part of Chairman Shelton's dynamic leadership, he established a U.S. Joint Forces Command to serve as the nucleus for Joint Experimentation and Joint Force Readiness; established a Joint Task Force-Civil Support to increase the military's ability and readiness to respond to U.S. homeland defense crises, and established a Joint Task Force-Computer Network Operations to develop and enhance

measures and protocols to further safeguard our information networks. In his Joint Vision 2020, General Shelton set forth the goals and metrics for the future joint force. General Shelton promulgated numerous initiatives designed to improve the interoperability of our services including: a Joint Warfighting Logistics initiative, a revision of Joint Professional Military Education Programs, development of a Global Information Grid, and an enhancement of the Joint Requirements Oversight Council's focus on joint warfighting. Additionally, General Shelton through his hard work, preparation, and personal presence, the Department of Defense realized an increase of 112 billion dollars for defense spending over the 5-year defense plan, as well as implemented new processes to carefully manage and account for resources in support of the overall National Security Strategy.

During General Shelton's distinguished career he was awarded numerous awards and decorations, including: the Defense Distinguished Service Medal (with 2 oak leaf clusters), the Distinguished Service Medal, the Legion of Merit (with oak leaf cluster), the Bronze Star Medal with V device I (with three oak leaf clusters), and the Purple Heart, for injuries received during combat in Vietnam. General Shelton has also been awarded the Combat Infantryman Badge, Joint Chiefs of Staff Identification Badge, Air Assault Badge, Military Freefall Badge, Master Parachutist Badge, Pathfinder Badge, and the coveted Special Forces and Ranger Tabs, as well as numerous foreign awards and badges.

General Shelton's leadership, drive and initiatives have proven time and time again that he was a superb choice to serve as our Nation's top military adviser as we entered into the 21st Century. On September 11, 2001, our Nation suffered from the horrors of terrorist attacks in New York and in Washington, and I am confident that if it were not for the Joint Chiefs of Staff's instantaneous and swift response to the attacks under the leadership of General Shelton working under our President, the Secretaries of Defense and State, and our top-notch national security team, the damage and casualties we suffered may have been far greater.

General Shelton meritoriously served as our 14th Chairman of the Joint Chiefs of Staff with honor and distinction during the past four years. While he may have served as the senior military officer and operated at the highest levels of government, General Shelton never lost touch with our men and women in uniform, and no matter how busy or over committed he is, he always makes the time to assist others. In August 2001, a member of my staff underwent two surgeries and General Shelton and his staff called Matt to see if there was anything that they could do—that is but one example of the true, caring professional that epitomizes General Shelton as a "soldier's soldier."

I also want to recognize and offer my sincere gratitude to General Shelton's wife Carolyn for her dedicated work, tireless efforts, and support of our military families during her service to our Nation. General and Mrs. Shelton's three sons Jonathan, Jeffrey and Mark deserve our thanks for supporting their father during his distinguished service.

Mr. Speaker, I urge my colleagues to join me in expressing our gratitude to General Henry H. "Hugh" Shelton, the 14th Chairman of the Joint Chiefs of Staff, a superb leader, a quiet diplomat-warrior, a gentleman of the truest sense of the word, and a true friend of mine and of our great Nation!

#### RECOGNIZING SALADINO'S

#### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Don and Craig Saladino on the occasion of the grand opening of their new facility. Saladino Company operates as two separate privately owned corporate entities: Saladino Sausage Company and Saladino's, Incorporated, which is a specialized foodservice distribution company.

The Saladino Sausage Company was established in Fresno, California in the meat department of a grocery store, owned by Don Saladino's father. Don's sausage products were first made and sold in 1944. The distinct sausages were made from special family recipes brought over from the Calabrese region of Italy. His special sausages helped Don's business grow quickly and earned him a reputation for producing quality sausages at a fair price.

Craig, Don's son, joined his father in the family business in 1979. Together they extended their core product line to include pizza sausage and linguica to sell to local restaurants and pizzerias. The Saladino Sausage Company's wide variety of raw and cooked sausage products soon developed a loyal following of retail and institutional customers. A growing reputation of integrity and quality products soon presented Saladino's with expanded distribution opportunities.

Saladino's expansion has allowed the company to move into their new state-of-the-art distribution facility. The new facility has increased warehouse capability, climate controlled docks, and a layout that allows for orders to be processed more efficiently. The new facility will help Saladino's Company to continue building on a tradition of service.

Saladino's Sausage Company is run by President Don Saladino. Under Don's leadership, the company has maintained a high level of quality, integrity and growth. Don's motto, "Never forget where you came from," keeps the company focused on providing continuous quality service to its customers. Saladino's, Incorporated is run by President Craig Saladino. His company has a unique philosophy of partnership with its foodservice customers, vendors and associates.

Mr. Speaker, I rise to recognize Don and Craig Saladino and Saladino's Company on the occasion of the opening of their new facility. I urge my colleagues to join me in wishing the Saladino family and the Saladino Company many more years of continued success.

#### AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

#### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2001

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to the airline relief legislation currently under consideration. I do so because I believe the bill before us does not get to the heart of the problem faced by the airline industry aviation security—and fails to include compensation for the tens of thousands of workers that have also been affected.

The events of September 11th have had a profound effect on the country, economically, psychologically, and militarily. There is no doubt that the airline industry has suffered in the aftermath of the terrorist attacks. However, while it may be necessary to spend billions now to keep the airlines solvent, we will not restore the faith of the American people—and in turn the health of the industry—until we assure them it is safe to fly. Security enhancements cannot wait. We need to radically improve our procedures for ensuring the safety of airline passengers.

To address these concerns, I recently joined with others on the Aviation Subcommittee to introduce H.R. 2895. This bill would greatly expand the Federal Aviation Administration's (FAA's) Air Marshal Program, give the FAA or another Federal law enforcement agency control over the airport security screening system and limit airline passengers to one carry-on bag. I also believe cockpit doors should be secured to prevent entry by hijackers.

Testimony received last week by the Aviation Subcommittee revealed that strong measures are indeed necessary. Just last week, former Bureau of Alcohol, Tobacco, and Firearms agents successfully boarded a plane concealing graphite knives. In addition, Department of Transportation Inspector General Kenneth M. Mead testified that when his office reviewed security procedures at Dulles International Airport it found that over 80% of security screeners there were not U.S. citizens, which adds to language barriers, and that screeners earn low-pay and have an extremely high turnover rate. We need a uniform system for employing, training, and monitoring the performance of our aviation security personnel. Our proposals are not new, but we need to act on them with a renewed sense of urgency.

Also, the lack of provisions in this airline relief package for the tens of thousands of workers that have been or will be laid off is disturbing. While I understand promises have been made to address these issues in the near future, there is no good reason why they cannot be included now. Similarly, there is no language to protect the American taxpayer. In past instances of industry distress, the Chrysler Corporation comes to mind, government aid was tied to stock or some other commitment that the company would pay the money back. No such provision applies here.

Mr. Speaker, while I understand that the airline industry has real needs after the tragic events of last week, this is not an appropriate

way to meet them. I urge my colleagues to join me in voting against this legislation.

# AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

**HON. WILLIAM J. COYNE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. COYNE. Mr. Speaker, I rise today in opposition to H.R. 2926, the Air Transportation Safety and System Stabilization Act when it was considered by the House of Representatives on September 21, 2001.

This bill would provide \$5 billion in direct aid to the airlines for losses incurred as a result of the government-ordered shut-down of the nation's air travel industry, as well as \$10 billion in loan guarantees.

I oppose this legislation because I believe that it is incomplete. It fails to address several important and time-sensitive issues.

I oppose H.R. 2926 because this bill does nothing to help the tens of thousands of hard-working Americans who were laid off by the airlines and airline manufacturers in the wake of the terrorist attacks of September 11, 2001. 78,000 airline employees and 30,000 employees of aircraft manufacturers have been or are going to be laid off. The workers who lost their jobs as a result of these terrorist attacks are also victims of the terrorists. While they were fortunate enough not to have lost their lives, they have lost their livelihoods through no fault of their own.

The airline workers who have lost their jobs will need continued health insurance coverage and job search and possibly retraining assistance. Unemployment benefits don't last very long, so time is of the essence. And while these employees can continue their existing health insurance coverage under COBRA, they will be responsible for the full cost of the premiums, which a family with the chief breadwinner out of work can find it difficult if not impossible to afford. Consequently, I believe that the federal government should provide premium assistance to the affected families.

This bill should contain provisions to help these unemployed individuals and their families. I think that it is unacceptable that Congress will act swiftly to help the airline companies while ignoring the injured employees of those companies. It is even more unacceptable in light of the fact that multi-million dollar severance packages are available to the Presidents and CEOs of the major airlines.

In addition, I oppose this legislation because it does nothing more than express the Congress's commitment to act expeditiously to strengthen airport security. It did absolutely nothing to actually improve airline security. I believe that improving security in airports and on airplanes should be our first and highest priority. I am convinced that airport security can no longer be left to the airlines. Now that terrorist attacks on airliners have become a major national security threat, I support the assumption of responsibility for airport security.

Finally, I am concerned that the bill does not adequately address the liability issue. I believe

## EXTENSIONS OF REMARKS

that a little more time should be taken to think through the liability issue and come up with a more equitable, comprehensive solution.

Mr. Speaker, I believe that these shortcomings should be addressed before the House passes H.R. 2926. Consequently, I urge my colleagues to join me in supporting the motion to recommit and in opposing this legislation in its current form. Thank you, Mr. Speaker.

# THE FRIENDS OF CHICKAMAUGA & CHATTANOOGA NATIONAL MILITARY PARK

**HON. ZACH WAMP**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. WAMP. Mr. Speaker, I would like to commend the work of a very special group of people, the Friends of Chickamauga & Chattanooga National Military Park.

In September 1863, Union and Confederate soldiers fought over access to Chattanooga in what was one of the bloodiest battles of the Civil War. In 1890, Congress established the Chickamauga & Chattanooga National Military Park as the country's first national military battlefield park. Those petitioning for its establishment were veterans of both sides who came together in a spirit of reunion and brotherhood to memorialize the hills and fields where their brothers had fought and died.

What is now known as the Chickamauga Battlefield is bisected by a two-lane portion of U.S. Highway 27, a major north-south artery extending from Michigan to Florida. Over the years, heavy commercial and commuter traffic has created a threat to the cultural, historical and abundant natural resources in the national park.

On December 24, 1987, Public Law 100-211 was enacted to authorize the relocation of a 5.7 mile section of U.S. Highway 27. This new section of road, on the western perimeter of the Chickamauga Battlefield, will be officially dedicated on October 12, 2001. Its successful completion is the result of a partnership among the Eastern Federal Lands Highway Division of the Federal Highway Administration, Department of Transportation; the National Park Service, Department of Interior; and the Georgia Department of Transportation.

In honor of this accomplishment, Friends of the Park is presenting a weekend of activities to celebrate the opening of this new road that will allow Park visitors to experience this historical Battlefield more safely.

Mr. Speaker, the Friends of the Park was one of the first National Park support groups in the nation and has, in its 15 years, raised more than \$4.6 million for capital projects at the Park while pursuing its goals of advocacy, educational programming and fundraising. I applaud their effort and hard work to protect and preserve this land. Their dedicated membership assures continued support for the protection of the Chickamauga & Chattanooga National Military Park for years to come.

*September 24, 2001*

# TRIBUTE TO TROOPER BOBBY KINTZEL

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Ms. BERKLEY. Mr. Speaker, I rise today to recognize a truly outstanding individual from Nevada. Trooper Bobby Kintzel of the Nevada Highway Patrol is a six-year highway patrolman, Persian Gulf War veteran, and a Valley High School graduate. Several months ago, Trooper Kintzel was laying tire-piercing spikes across the highway to end a 40-minute high speed chase when a fleeing sport utility vehicle, driven by an escaping murder suspect, purposely struck him at an estimated speed of 90 mph. Trooper Kintzel suffered a fractured pelvis and skull, a severe brain injury, and internal bleeding. A few days later, surgeons removed a portion of his brain that had been irreversibly damaged. The family was devastated and are facing an uncertain future. Trooper Kintzel has recently begun using head and hand signals to communicate, and has had a throat operation to help him speak. Trooper Kintzel's plight has triggered sympathy from fellow law enforcement officers across the United States, as well as in Europe and Australia. More than a thousand well wishers have left encouraging messages for Trooper Kintzel, and on Sunday, September 30, 2001, the City of Las Vegas, and Clark County, Nevada will be honoring the Nevada State Trooper by proclaiming "Trooper Bobby Kintzel Day."

Mr. Speaker, it gives me great pleasure to recognize Trooper Bobby Kintzel before the Congress today. I call upon my colleagues to join me in honoring this special man for his bravery and courage in the line of duty.

# IN RECOGNITION OF MR. CARL E. SWEARINGEN UPON HIS RETIREMENT FROM THE NATIONAL BOARD OF ADVISORS FOR THE MUSEUM OF AVIATION IN WARNER ROBINS, GEORGIA

**HON. SAXBY CHAMBLISS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to Mr. Carl Swearingen upon his retirement as the Chairman of the National Board of Advisors established for the Museum of Aviation in Warner Robins, Georgia.

Carl is the kind of man that strives to achieve the maximum of his ability. Following his service in the U.S. Air Force, he began his telephone career with BellSouth in 1972. With increasing responsibility in 1977 he became the general public relations manager for Georgia. By 1985 Carl was appointed assistant vice-president for public affairs in Charlotte, N.C. Four years later in 1989, he was promoted to state president of BellSouth Telecommunications in Georgia. He was elected a corporate officer and promoted to his current position Senior Vice President, Corporate

Compliance and Corporate Secretary from BellSouth Corporation of Georgia in June 1998.

He exemplifies strong character, leadership, fine management skills, and a dedication to improving education and his local community. Each of these qualities are demonstrated through the position he holds on several boards including the University of Georgia Foundation, Berry College, American Cancer Society, Georgia Partnership for Excellence in Education, and Georgia Industry Trade and Tourism.

We hate to see him retire from his position as Chairman of the National Board of Advisors established for the Museum of Aviation in Warner Robins, Georgia where he has served since 1993. He and his wife have personally donated their time, money, and hard work to guarantee the educational programs offered by the museum have grown to reach 62,000 children a year. He has been responsible for raising millions of dollars from corporations and foundations throughout the country to benefit the museum. His leadership has been vital in the expansion and success of the museum and the educational programs associated with it. He is now heading a campaign called Century 2000 The Next Generation to raise 30 million dollars for the expansion of the museum and its programs.

Setting high standards, hard work and dedication have ensured his continued success. We all appreciate his service to the industry, the Museum of Aviation, and the 8th District of Georgia. He is a spectacular example of a fine businessman, family man, and role model for people of all ages. I wish him all the best in his retirement and continued success in all his future endeavors.

“THE KING OF VIBES”

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. CONYERS. Mr. Speaker, as the Dean of the Congressional Black Caucus, and chairman of its annual Jazz Issue Forum and Concert, I rise to call to this body's attention the achievements of a distinguished American, Mr. Lionel Hampton. At the age of 92, he continues a career that has brought him international acclaim as a musician, composer, and bandleader. I am extremely honored that he will be my guest here in Washington, DC, on Thursday, September 27, 2001, during the Congressional Black Caucus Foundation's Annual Legislative Conference. That evening, my colleagues and I will have the opportunity to thank him for the great pleasure that his life's work has brought to us, and to millions across this nation and around the world.

The Congressional Black Caucus is not alone this year in recognizing the magnificence of what Lionel Hampton has accomplished. On January 31, 2001, the Smithsonian Institution's National Museum of American History added “Hamp's” vibraphone to its collection of “national treasures.” In addition, on February 22, 2001, the University of Idaho dedicated the Lionel Hampton Center for the

Study and Performance of Jazz. The University, however, did not just discover and acknowledge Lionel Hampton's genius, it did so many years ago by launching the Lionel Hampton Jazz Festival in 1984. It reaffirmed its reverence of Hampton in 1987 by establishing the Lionel Hampton School of Music; the first music school named in honor of a jazz musician.

Born April 12, 1909, in Louisville Kentucky, Lionel Hampton has for 70 years been a giant in the field of jazz. Many highlights of his career are noted in the following excerpts from a biography prepared by the University of Idaho:

Lionel Hampton began his phenomenal musical career at an early age when a student at the Holy Rosary Academy in Kenosha, Wisconsin, where he studied under the strict supervision of the Dominican Sisters. His first instrument was a set of drums and his idol during these early years was drummer Jimmy Bertrand whose records he treasured. Louis Armstrong soon became a major influence in Hamp's young years. It was in 1930 that Armstrong hired him to appear, on the drums, at a Los Angeles nightclub engagement. Louis was so impressed with Hampton's talents he invited him to join his big band for a recording session. During the session break, Armstrong led young Hampton to a set of vibes and asked if he knew how to play them. Lionel, who was well schooled in his keyboard studies, picked up the mallets and played. The first tune cut that day, “Memories of You,” (with Lionel on vibes) became a tremendous hit and has remained a classic throughout the years.

In 1936, Benny Goodman asked Lionel to join his small group, featuring Goodman, Teddy Wilson on piano, and Gene Krupa on drums. They immediately became the legendary Benny Goodman Quartet. Musical history was being made, both for the brilliant music produced, and because they were the first racially integrated group of jazz musicians. The Swing Era had begun. “Moonglow,” “Dinah,” and “Vibraphone Blues” were immediate hits and will always remain classics in the jazz annals. Hampton formed his own band in the early 1940's. “Sunny Side of the Street,” “Central Avenue Breakdown,” his signature tune, “Flying Home,” and “Hamp's Boogie-Woogie” all became top-of-the-chart best-sellers upon release and the name Lionel Hampton became world famous overnight.

The Lionel Hampton Orchestra had a phenomenal array of sidemen. Among those who got their start with Hamp were: Quincy Jones, Wes Montgomery, Clark Terry, Cat Anderson, Ernie Royal, Joe Newman and Fats Navarro. Among Lionel's proteges were singers Dinah Washington, Joe Williams, Betty Carter and Aretha Franklin. Over the years, jazz giant Hampton has received innumerable prestigious awards, which keep coming to the distinguished musical master. Among them: The title, American Goodwill Ambassador, bestowed by Presidents Eisenhower and Nixon, The Papal Medal from Pope Paul I, Sixteen Honorary Doctorates, and in 1992 the highly esteemed Kennedy Center Honors Award, in which he shared the musical distinction with Mstislav Rostropovich.

Also a celebrated composer, Hamp's original ballad, “Midnight Sun” (with Johnny Mer-

cer and Sonny Burke) has become a beloved classic in American Jazz and popular music. His talent in the symphonic field is highly respected. Two major symphonic works, “King David Suite” and “Blues Suite” have been performed often by leading orchestras throughout the world.

Despite the rigors of his hectic calendar, Hampton continues to amaze those in the music business with the care and time he devotes to many public service projects. A “dream” of his would be to aid in the creation of a university in Uptown New York “. . . where young Black kids can learn to be Doctors, Lawyers, IBM technicians, and, maybe even musicians.”

Mr. Speaker, Lionel Hampton has established himself one of our nation's greatest cultural heroes and ambassadors. Therefore, I urge all Members to join me in paying him this well deserved tribute.

STOP THE VIOLENCE AGAINST  
SIKHS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. TOWNS. Mr. Speaker, I was distressed to hear that on Saturday, September 15, a Sikh named Balbir Singh Sodhi, who owned a gas station in Mesa, Arizona, was murdered at his place of business. It appears that he was killed because of his turban and beard, which are required by the Sikh religion. Apparently, his killer thought that Mr. Sodhi was a follower of Osama bin Laden.

This was just one of well over 100 acts of harassment or violence against Sikhs in the week since the terrorist bombings of the Pentagon and the World Trade Center. A list of these acts can be found by visiting <http://www.sikh.org/hatecrime>.

This past Tuesday, just one week after the terrorists carried out their brutal acts, the Council of Khalistan held a press conference at the National Press Club to denounce these crimes against Sikhs and other minorities. Dr. Gurmit Singh Aulakh, the President of the Council of Khalistan, made some excellent remarks. He called on the Attorney General to investigate and called on the victims of these crimes to contact their local prosecutors and police. At this time, I would like to insert Dr. Aulakh's remarks into the RECORD so that we can all have a better understanding of this problem.

REMARKS OF DR. GURMIT SINGH AULAKH

Ladies and Gentlemen of the Media: Thank you for coming today. I want to talk to you about a very important issue. Then I will be open for questions. Sikh Americans, Muslim Americans, Christian Americans, our neighbors and countrymen, are being harassed and acts of violence are being committed against them merely because of their religious or ethnic heritage. All Americans should join together to condemn these cowardly acts.

On behalf of the 2 1/2-million strong Sikh Nation and more than 500,000 Sikhs in the United States, I strongly condemn these acts of violence. I condemn the violence against Muslim Americans and I condemn the attacks on Sikh Americans. There have been

over 100 acts of harassment or violence against Sikhs. A Sikh man was murdered in Mesa, Arizona, a suburb of Phoenix, over the weekend. Balbir Singh Sodhi, who owned a Chevron gasoline station, was shot to death at his business. Some time later, the same gunman shot a Lebanese gasoline station owner. We demand that the man who killed Balbir Singh Sodhi, be prosecuted and punished to the fullest extent of the law.

Attackers threw a brick through the window of a local Sikh, Ranjit Singh of Fairfax, Virginia. Another local Sikh, Sher Singh, was arrested by police in Rhode Island after the attack, but was released the next day. A couple of young Sikhs were attacked in Brooklyn, New York. Sikh businesses have been stoned and cars have been burned. An Egyptian Christian man was shot in San Gabriel, California. A Pakistani Muslim who owned a grocery store was shot in Dallas.

What a group of terrorists did Tuesday was a terrible crime and an act of war against America, but it was done by a group of individuals who are no more typical of their religion than Timothy McVeigh is typical of Christianity. Members of minority religious communities are being targeted for violence, and this is unacceptable, especially in America.

Sikhs are not Muslims. We are not Hindus. Like Hinduism, Christianity, Islam, and any other religion, we are an independent, monotheistic religion with our own symbols. Among those are a turban and beard. That does not make us followers or associates of Osama bin Laden, yet we are being targeted for violence in the wake of the atrocities last Tuesday.

We appreciate the support of Congressmen Dan Burton, Edolphus Towns, and all our other friends in the Congress who condemned the acts of violence against the Sikhs and other minorities. Their statements in the Congressional Record are available here.

I call on Attorney General John Ashcroft to look into this nationwide pattern of violence and I urge the victims of these attacks to call their police departments and their local prosecutors. This is the best way to ensure that those who perpetrate this violence are appropriately punished. Let's not let America descend to the level of those who attacked it.

STATEMENT OF CONGRESSMAN  
ALCEE L. HASTINGS INTRODUCING THE DISPLACED WORKERS RELIEF ACT OF 2001

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. HASTINGS of Florida. Mr. Speaker, earlier today I received a call from George Mador. Mr. Mador is the President of L & M Aircraft Services and he called my office looking for help. L & M is a small aircraft maintenance company that services charter airlines transporting passengers to and from the Bahamas. L & M only has seven employees and many of them have been with the company for a majority of the company's existence.

However, in the wake of the terrorist attacks on September 11, L & M is now facing imminent bankruptcy and its seven employees, therefore, are facing certain unemployment. George told me that he did not want to get out

of bed this morning because of the reality that he will have to lay off at least half of his staff by the end of the week as a result of zero income in the past two weeks. Last week's payroll left George and some of his employees without a paycheck and L & M \$500 in the hole. With no apparent income coming in this week, the future of L & M Airport Services and its seven employees are undoubtedly in jeopardy.

At the three international airports serving my district, Ft. Lauderdale/Hollywood, Palm Beach, and Miami, there are more than 300 small businesses just like L & M that are now on the verge of bankruptcy as a result of loss of income. In Miami-Dade County, the airline and aviation industry is the County's primary economic engine, representing more than nine percent of the County's total workforce. Thousands of employees have already or will lose their jobs, and hundreds of business will go under nationwide if Congress does not act today.

To help remedy some of the future hardships sure to be faced by hundreds of thousands of people in the coming days, weeks, and months, I am proud to introduce the Displaced Workers Relief Act of 2001. My bill serves as the companion bill to S. 1454, which was introduced in the Senate by Senator JEAN CARNAHAN of Missouri. It provides those who have lost their jobs in the wake of the attacks of September 11 with the ability to pay rent, put food on their table, buy school books for their children, while trying to live their lives even in these difficult times.

My bill extends unemployment benefits from 26 to 78 weeks, provides 26 weeks of unemployment insurance benefits for workers who would not otherwise qualify, extends Job Training Benefits from 52 to 78 weeks, and provides up to 78 weeks of federally subsidized COBRA premiums; and provides optional temporary Medicaid coverage for up to eighteen months to those workers without COBRA coverage.

Under the Displaced Workers Relief Act of 2001, all airline and airport workers, including transit workers, as well as employees who work for airline suppliers, such as service employees and plane manufacturers, will all be eligible to receive these needed benefits.

In the past two weeks, more than 100,000 airline employees have been laid off, and airline analysts suggest that as many as 250,000 additional layoffs in airline-related industries may shortly follow. Everywhere I look in this country, industries and business are hurting. Hotels are reporting record lows in occupancy levels; travel agencies are losing customers by the dozen; the cruise industry has come to a virtual standstill; and service industries dependent upon airlines are closing their doors as we speak. As these businesses suffer, Mr. Speaker, so do their employees, many of whom no longer have jobs.

Indeed, Mr. Speaker, last Friday evening, Congress missed a golden opportunity to assist American workers affected by this tragedy. Now, it is time for this body to recognize the responsibility it has to these hard working Americans and provide them with relief. The Displaced Workers Relief Act of 2001 is the vehicle which Congress can use to help these workers at a time that they need it most. For

if we fail to act today, then we are neglecting the responsibility that we have to serve the very same people who put us here to represent them. It is essential that Congress move swiftly and pass this legislation immediately.

PERSONAL EXPLANATION

**HON. VITO FOSSELLA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 348, I was inadvertently detained. Had I been present, I would have voted "yes."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 25, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 26

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine Administration's perspective with regard to the new federal farm bill; immediately following, a hearing on the nominations of Elsa A. Murano, of Texas, to be Under Secretary for Food Safety, and Edward R. McPherson, of Texas, to be Chief Financial Officer, both of Department of Agriculture.

SD-106

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Administration's national money laundering strategy for 2001.

SD-538

Energy and Natural Resources

To hold closed hearings to examine critical energy infrastructure security and the energy industry's response to the events of September 11, 2001.

Room to be announced

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine psychological trauma and terrorism, focusing

September 24, 2001

EXTENSIONS OF REMARKS

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on assurance that Americans receive the support they need.  
SD-430

OCTOBER 2

9:30 a.m.  
Energy and Natural Resources  
To hold hearings to examine the status of proposals for the transportation of natural gas from Alaska to markets in the lower forty-eight states and on proposed legislation that may be required to expedite the construction of a pipeline from Alaska.  
SD-366  
Commerce, Science, and Transportation  
Surface Transportation and Merchant Marine Subcommittee  
To hold hearings to examine surface transportation security issues.  
SR-253

2:30 p.m.  
Energy and Natural Resources  
Public Lands and Forests Subcommittee  
To hold oversight hearings to examine the interaction of old-growth forest protection initiatives and national forest policy.  
SD-366

OCTOBER 4

9:30 a.m.  
Governmental Affairs  
To resume hearings to examine the security of critical governmental infrastructure.  
SD-342

POSTPONEMENTS

SEPTEMBER 26

10 a.m.  
Health, Education, Labor, and Pensions  
Business meeting to consider pending calendar business.  
SD-430  
2:30 p.m.  
Energy and Natural Resources  
Public Lands and Forests Subcommittee  
To hold oversight hearings to examine the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.  
SD-366

**SENATE—Tuesday, September 25, 2001**

The Senate met at 9:30 a.m. and was called to order by the Honorable PAUL WELLSTONE, a Senator from the State of Minnesota.

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You promised through Isaiah that "You will keep him in perfect peace, whose mind is stayed on You, because he trusts in You."—Isaiah 26:3. We need this peace, the peace that passes understanding; the peace that settles our nerves and gives us serenity in these perplexing times. Your promise through Isaiah reminds us that You are the source of perfect peace, true shalom/shalom. You stay our minds on You: Your grace and goodness, Your faithfulness, Your resourcefulness, and Your forgiving heart.

Therefore, we commit all our worries and concerns to You. True peace can never be separated from Your Spirit. You are peace! Lasting peace is the result of a heart filled with Your Spirit of peace. Take up residence within us and spread Your peace into every facet of our being. Help us to receive Your gift of peace and be peacemakers in our relationships in the Senate family. "Shalom/shalom to you today!" says the Lord. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable PAUL WELLSTONE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, September 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL WELLSTONE, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WELLSTONE thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

**SCHEDULE**

Mr. REID. Mr. President, the Senate is going to resume consideration of the Department of Defense authorization bill. There will be 15 minutes of closing debate on the Bunning base closure amendment. The debate will be evenly divided between the proponents and the opponents of that matter. This debate will be followed by a vote on a motion to table the amendment.

There are going to be additional roll-call votes during the day. After this vote takes place, there will be a unanimous-consent request offered to again try to get a finite list of amendments. It is still the hope of the majority leader that we can complete this legislation by tomorrow. It would be great if we could do it tonight, but certainly by tomorrow we should be able to do that.

In addition to this very important legislation, before we finish tomorrow at 2 o'clock, we really need to take up the continuing resolution. We have a lot to do today. The Senate will be in recess from 12:30 until 2:15 for our party conferences.

There are a lot of very important hearings going on today. The Attorney General is here at 10 o'clock. The Secretary of State is here later in the day.

People are going to have to work with us so we can have votes on these important amendments that are coming up on this legislation, some of which have already been filed.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1438, which the clerk will report. The bill clerk read as follows:

A bill (S. 1438) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

Pending:

Bunning amendment No. 1622, to strike title XXIX, relating to defense base closure and realignment.

Inhofe amendment No. 1594, to authorize the President to waive a limitation on performance of depot-level maintenance by non-Federal Government personnel.

Inhofe amendment No. 1595, to revise requirements relating to closure of Vieques Naval Training Range.

**AMENDMENT NO. 1622**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 15 minutes of debate remaining on the Bunning amendment numbered 1622.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I note that the Senator from Arizona is here. I assume, since we oppose the Bunning amendment, that he, along with the two managers, will be controlling the time.

I yield myself 1 minute at this point to put into the RECORD a letter that I, along with Senator WARNER, received from Gen. Shelton, who is the Chairman of the Joint Chiefs of Staff. These are his words:

... reiterate how critically important it is that Congress authorize another round of base closures and realignments.

We previously put in the RECORD a letter from the Secretary of Defense, Donald Rumsfeld, strongly supporting one additional round of base-closing authority to begin in the year 2003 and giving the reasons for that need.

I ask unanimous consent to have printed in the RECORD the letter I received this morning from the Chairman of the Joint Chiefs, Gen. Shelton.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,

Washington, DC, September 25, 2001.

Hon. CARL LEVIN,  
Chairman, Senate Armed Services Committee,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the full Senate deliberates the FY 2002 Defense Authorization Bill I would like to reiterate how critically important it is that Congress authorize another round of base closures and realignments.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the

required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Sincerely,

HENRY H. SHELTON,  
*Chairman of the  
Joint Chiefs of Staff.*

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to read two paragraphs of this letter from the Chairman.

Last Thursday the President outlined a sustained campaign to combat international terrorism. The efficient and effective use of the resources devoted to this effort will be the responsibility of the Services and the Combatant Commanders. The authority to eliminate excess infrastructure will be an important tool our forces will need to become more efficient and serve as better custodians of the taxpayers money. As I mentioned before, there is an estimated 23 percent under-utilization of our facilities. We cannot afford the cost associated with carrying this excess infrastructure. The Department of Defense must have the ability to restructure its installations to meet our current national security needs.

I know you share my concerns that additional base closures are necessary. The Department is committed to accomplishing the required reshaping and restructuring in a single round of base closures and realignments. I hope the Congress will support this effort.

Mr. President, both the Secretary of Defense and the Chairman of the Joint Chiefs are acting in accordance with the Commander in Chief, the President of the United States. This BRAC issue is clearly one that our President needs at this time given the extenuating circumstances facing the United States of America.

I yield sufficient time as he may need to our colleague from Arizona, Senator McCain.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCain. Mr. President, how much time is remaining and how is it divided?

The ACTING PRESIDENT pro tempore. There are 5 minutes remaining to the opponents and 7½ minutes remaining to the other side.

Mr. LEVIN. Mr. President, I ask unanimous consent that the opponents of the Bunning amendment be given an extra 2 minutes.

Mr. WARNER. Mr. President, I want to make sure Senator McCain has adequate time. How much time would he like?

Mr. McCain. I would like to request that Senator LEVIN have 2 additional minutes at the expiration of the 5 minutes I have. I ask unanimous consent for 2 additional minutes for Senator LEVIN and 2 additional minutes for the Senator from Kentucky, if he wishes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, Senator DORGAN will be the first speaker.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Who yields time?

Mr. BUNNING. I yield 2½ minutes.

Mr. DORGAN. Mr. President, I do not doubt that when there is excess capacity with respect to military installations we ought to take action to deal with them. But I think it ought to be action that is targeted, thoughtful, and timely. In my judgment, there are two reasons why we ought to strike the language from this bill at this point: One is military and the other is economic.

First, we do not know what the force structure is going to be. We are undergoing a quadrennial review at this point and yet, before we talk about force structure, we already presumably know what the base structure should be.

With the issue of homeland security and all the other changes that will occur as a result of this country's determination to protect itself, we ought to, at this point, reserve the question of what should be our base structure. And for that reason, I do not think this is the time to do this.

Second, on the economic circumstances, the potential of having a base-closing commission that says to every military installation in the country, by the way, we are going to look at you for potential closure, is, in my judgment, an opportunity to stunt the economic growth of virtually every community in every region in the country that has a military installation.

At a time when we have an extraordinarily soft economy, and one that is in significant trouble, can you imagine anyone making a decision to invest in any military installation community in this country if they know the prospect might exist that installation will be closed? The answer is, they will not make that investment. They will decide they cannot in good conscience do it.

We have been through this before. If we just say that every base is at risk with respect to a commission, it stunts the economic growth of every community in which a base exists.

I say to the Pentagon, I think it would make much more sense to narrow the focus of where they have excess capacity. When that is narrowed, then let's have a commission that evaluates that excess capacity and how to deal with it. But I really believe that both for military and economic purposes this amendment ought to be agreed to and this provision ought to be stricken.

I disagree with my friend from Arizona. I think he is an American hero. I have the greatest respect for him—and he is a good friend of mine—but we disagree. I believe we ought to take a chunk out of this excess capacity at some point but not now, given the question of homeland security. I certainly do not believe now is the time, given what it will do to the economy, the economy of communities, regions,

and our country, if we say every military installation is at risk of closure. That clearly will dry up investment that we need in this country to try to uplift the American economy.

For that reason, I intend to support the motion to strike.

The PRESIDING OFFICER. The Senator has used his 2½ minutes.

Who yields time?

The Senator from Arizona.

Mr. McCain. Mr. President, I yield myself 5 minutes.

Mr. President, I would like to very briefly address some of the arguments that have been made. One is that the economy is too soft right now to consider further base closings and couldn't absorb the loss of jobs. The fact is that the provision gives the President the authority to consider a base closure in 2003, not 2001. If our economy is still bad in the year 2003, we will have other problems besides a base-closing commission.

Taxpayers for Common Sense and the Center for Defense Information prepared an independent report that they released in September 2001. Some of this data may surprise some of my colleagues who are citing economic concerns as to why they oppose further base-closing rounds.

This objective study studied 97 bases closed in four base-closing rounds. Eighty-eight percent of the bases closed experienced per capita personal income growth, as high as 36 percent, and averaging nearly 10 percent. Seventy-five percent of the bases closed experienced gains in average earnings per job. Eighty-seven percent of the bases closed had positive employment rates. Sixty-eight percent beat the national average. The average job replacement rate of all these bases closed—all bases is 102 percent.

By the beginning of 2001, only 3 of the 97 counties had higher unemployment rates than the BRAC announcement year; and 53 percent had unemployment rates lower than the national average.

I will be glad to share this information with my colleagues.

Everything has changed with regard to BRAC. The argument is, and as my friend from North Dakota has said, everything is changed now as of September 11. That may be the view of some, but it is not the view of the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. In fact, in their view, the opposite is the case—the opposite—that we need now to provide the Secretary of Defense with more flexibility because we may be called upon to do things very differently.

The argument is made that we do not know what the force structure will be absent the QDR—the Quadrennial Defense Review—so how can we vote on further base closure rounds? Maybe we ought to remember that this issue has been around since 1970.

In 1983, the Grace Commission made recommendations for base closures. In 1997, the QDR recommended that after four closure rounds we must shed excess infrastructure. The 1997 Defense Reform Initiative and National Defense Panel strongly urged Congress and the Department of Defense to move quickly the base realignment, and BRAC has been recommended—basic realignment—by Presidents Reagan, Bush I, Clinton, and now President George W. Bush.

Finally, Mr. President—and I think this is important—this is a time we should place trust in the judgment of the Commander in Chief and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. If we adopt the Bunning amendment, we will be acting in direct contradiction to their views. I think it is important that there is not a single military expert in this country of any credibility who doesn't believe that we need a base-closing round.

I ask my colleagues to consult anyone—Gen. Schwarzkopf—retired or active. Who does not believe we need another base closing round? I hope we will vote down the Bunning amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. I yield Senator TED STEVENS 1 minute.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1 minute.

Mr. STEVENS. Mr. President, I support the Bunning amendment to strike the base realignment and closure language from this year's Defense authorization bill.

It is my view that this is the wrong time for our country and our military to move forward with BRAC legislation.

There are serious questions about the adequacy of the costs and savings estimates upon which the Department bases its claims for savings in the near term.

My concern has been that over the past 12 years, we have spent over \$22 billion to close and realign bases throughout the United States. These costs are substantial and must be figured into DOD's future budgets. There is still considerable work to be done to clean up previously closed bases.

However, the Department of Defense has not put aside funds in the future year Defense plan to pay for BRAC. They have not budgeted for the up-front costs. A reasonable estimate that an additional BRAC round would cost \$3 to \$4 billion a year—starting as early as 2004.

In recent General Accounting Office reports, they state that "net savings from BRAC were not generated as quickly as initially estimated because the costs of closing bases and environmental cleanup were high and offset the savings."

The up-front money must be found and it will most likely come from the Department's investment accounts. The diversion of billions of dollars to support an additional BRAC round could have a serious impact on the transformation of the services for the 21st century.

There has been a lot of discussion about savings. We found that in the past, most of the savings came from the elimination of civilian and military positions. This was consistent with the downsizing of our Armed Forces through the 1990s—not necessarily related to closing bases. Many of the military personnel were simply realigned to other bases.

Further, I know of no comprehensive assessment of the mission impact of the totality of the closure and realignment decisions made to date.

Particularly with the considerable uncertainty about the future size of the force and its requirements, it would seem the more prudent approach would delay this legislation until we have a better picture of our future requirements.

I urge you to vote to support the Bunning amendment to strike the BRAC language.

Mr. President, there will be a lot of discussion about the elimination of these bases and the impact on the economy. This is not the time to do it.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. KYL. Mr. President, I rise in opposition to the amendment proposed by my good friends and colleagues, Senators BUNNING and LOTT, concerning eliminating the authorization for another Base Realignment and Closure review in 2003.

In February of 2001, the Business Executives for National Security, a non-profit organization focused on improving the Nation's defense business policies reported that nearly 70 percent of the defense budget is spent on support functions including bases and infrastructure.

In the 1997 Department of Defense Report on Base Realignment and Closure, Secretary Cohen noted that our force structure has been brought down significantly, 33 percent, but our domestic infrastructure has decreased only 21 percent.

In June of this year, Secretary Rumsfeld stated that he needed "greater freedom to manage," and he pointed out that a "reduction in excess military bases and facilities could generate savings of several billion dollars annually."

This year, the Joint Chiefs testified before the Armed Services Committee, and each one—General Ryan, Admiral Clark, General Jones, General Shinseki—agreed to a need for an additional round of base closures or realignments. In their comments they pointed out that savings from excess

capacity are real and that the excess infrastructure burdens their ability to efficiently execute their national strategy.

On September 3, 2001, Admiral David Jeremiah, former Vice Chairman of the JCS, and General Richard Hearney, former Assistant Commandant of the USMC wrote in commentary that "Every billion not spent on unneeded bases is a billion that can be re-directed toward building an even stronger military."

To those of my friends and colleagues who say that we are in a different time than in 1997, or in February 2001 or even August, and that we must support our military at this time, I say I agree with you. We must support our soldiers, sailors, airmen and women and Marines. We must give them the financial tools and operational and administrative flexibility to effectively carry out their mission, especially at this time.

I draw my colleagues' attention to September 21, 2001, as it is after the horrific events of September 11. On that date Secretary Rumsfeld communicated to the Congress, once again, his strong support for converting "excess capacity into warfighting ability." My colleagues, a stronger more applicable comment could not have come at a more critical time.

To my colleagues who may point out that in that letter Secretary Rumsfeld noted that "our future needs as to base structure are uncertain . . ." I point out that he goes on to emphasize that the DoD, "simply must have the freedom to maximize the efficient use of our resources." By authorizing another round of realignments and closures we let our war fighters mold their infrastructure to fit their requirements. Let us not burden them for political reasons with infrastructure that should have been retired with the P-51, the Enfield rifle and the Sherman tank.

I stand with the Secretary, the Joint Chiefs of Staff, and the Senate Armed Services Committee in opposition to this amendment.

Mrs. BOXER. Mr. President, I support the amendment of the Senator from Kentucky to strike language from the fiscal year 2002 Defense authorization bill that would authorize a new base closure and realignment round in 2003.

I feel very strongly that the time is not right for another painful round of military base closures, and my opposition is only strengthened in the aftermath of the tragedy that occurred on September 11. As a result of the terrorist attacks at the World Trade Center and at the Pentagon, I believe we must reevaluate our military force structure needs—both at home and abroad—in a new and very different light.

In fact, I was extremely skeptical about the need for additional base closures even before the terrorist attacks.

On August 14, Congressman GEORGE MILLER and I sent letters to the chairmen and ranking members of the House and Senate Armed Services Committees outlining our reasons for opposing a new base closure round. I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, August 14, 2001.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S. Senate.

Hon. JOHN W. WARNER,  
Ranking Member, Committee on Armed Services, U.S. Senate.

DEAR CHAIRMAN LEVIN AND SENATOR WARNER: We write to express our deep concern about the round of military base closures proposed by the Pentagon for 2003, and the enabling legislation that the Armed Services Committee will be considering. Since the late 1980s, in a series of Congressionally mandated base closures, 97 major military facilities have been closed or "realigned"—29 of them in California.

These closures have been extremely painful for the communities involved, and it has proven extremely difficult to convert these bases to other, economically viable uses. As you know, the primary obstacles to converting closed bases are the enormous costs and huge technical challenges associated with cleaning them up. In our state of California, while some sites have made great progress, none of the 29 bases closed since 1988 have been fully cleaned up or converted to non-military uses. And until a base is cleaned up (or at least a fully funded clean up plan is in place), it is virtually impossible for a community to attract the vendors, developers and others who can help make a base's conversion an economic and social success.

We believe it would be unfair and inefficient to close even one more base while the Pentagon continues to raise financial and bureaucratic hurdles to communities that are doing everything in their power to adjust to new civilian economic realities. The Pentagon must work in good faith with communities in California and across the country to expedite and complete the clean up and conversion efforts now underway.

Instead of devoting time, money and energy to developing a new base closure round, we ask that you work with us and our communities to finish the job we started so long ago.

Sincerely,

BARBARA BOXER,

U.S. Senator.

GEORGE MILLER,

Member of Congress.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, August 14, 2001.

Hon. BOB STUMP,  
Chairman, Committee on Armed Services, House of Representatives.

Hon. IKE SKELTON,  
Ranking Member, Committee on Armed Services, House of Representatives.

DEAR CHAIRMAN STUMP AND CONGRESSMAN SKELTON: We write to express our deep concern about the round of military base closures proposed by the Pentagon for 2003, and the enabling legislation that the Armed Services Committee will be considering. Since the late 1980s, in a series of Congressionally mandated base closures, 97 major military facilities have been closed or "realigned"—29 of them in California.

These closures have been extremely painful for the communities involved, and it has proven extremely difficult to convert these bases to other, economically viable uses. As you know, the primary obstacles to converting closed bases are the enormous costs and huge technical challenges associated with cleaning them up. In our state of California, while some sites have made great progress, none of the 29 bases closed since 1988 have been fully cleaned up or converted to non-military uses. And until a base is cleaned up (or at least a fully funded clean up plan is in place), it is virtually impossible for a community to attract the vendors, developers and others who can help make a base's conversion an economic and social success.

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Instead of devoting time, money and energy to developing a new base closure round, we ask that you work with us and our communities to finish the job we started so long ago.

Sincerely,

BARBARA BOXER,

U.S. Senator.

GEORGE MILLER,

Member of Congress.

Mr. LEVIN. Mr. President, we have heard basically three arguments. One is that this is the wrong time to do this, following the events of September 11. It seems to me, the compelling answers are set forth in the letters from Secretary Rumsfeld and GEN Shelton on that issue.

Secretary Rumsfeld: "the imperative to convert excess capacity into warfighting ability is enhanced, not diminished," because of those events because we need to maximize our resources—in his words—"the finite use of resources." And the authority to realign and close bases and facilities will be a critical element to ensure the right mix of bases and forces within our warfighting strategy.

We are asking our troops to take risks. It seems to me, at a minimum, we ought to be willing now to set aside our own back-home concerns and do what is essential in order to have the efficient use of resources. We cannot afford infrastructure which is excess at any time but surely when we are asking our troops to go into combat. There is no justification for us to continue to say we are going to preserve excess infrastructure. This begins in 2003. I emphasize this because some of our colleagues have said, if you don't know the force structure, how can you know the base structure? We don't know what our force structure is going to be. That is why in the bill itself we require that before 2003, before this base structure plan is put into place—and here the words of the bill are being quoted:

The Secretary shall carry out a comprehensive review of the military installations of the Department of Defense . . . based on the force-structure plan submitted under subsection (a)2. . . .

There must be a force structure plan submitted under this law prior to the base restructuring proposal.

Finally, in terms of savings, we heard that at times you cannot prove the savings. We have shown, it seems to me, through GAO report after GAO report, that—and now I am going to quote from one of the more recent ones:

Our work has consistently affirmed that the net savings for four rounds of base closure and realignment are substantial.

That is the GAO talking. And we have had a report from the Department of Defense, a very specific report, showing the savings in a chart which lays them out line by line. I ask unanimous consent that the Department of Defense chart showing specifically where the \$6 billion annual recurring savings comes from be printed in the RECORD.

That is a significant amount of money. We cannot afford to waste this money. We cannot afford to ask our forces to go into combat if we ourselves will not do what is necessary to give them the resources.

This is excess baggage. They should not be going into combat with the belief that we are not willing to strip the excess, at least starting in the year 2003, at least starting after there is a new force structure that has been decided upon, if they are going to be taking the risks we are going to be asking them to take.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF FY 2002 BRAC BUDGET ESTIMATES; SUMMARY OF ALL BRAC COSTS AND SAVINGS BY FISCAL YEAR—INCLUDES ANNUAL SAVINGS (INFLATED) AND ENVIRONMENTAL COSTS

[Current dollars in millions]

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
ONE TIME IMPLEMENTATION COSTS													
Military Construction .....	345.6	478.8	298.1	812.4	985.5	915.6	1244.7	719.1	506.5	224.4	65.7	12.8	6,609.1

## SUMMARY OF FY 2002 BRAC BUDGET ESTIMATES; SUMMARY OF ALL BRAC COSTS AND SAVINGS BY FISCAL YEAR—INCLUDES ANNUAL SAVINGS (INFLATED) AND ENVIRONMENTAL COSTS—Continued

(Current dollars in millions)

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
Family Housing—Construction .....	0.0	0.0	0.3	0.0	0.7	0.0	0.0	38.4	46.8	2.0	0.0	0.0	88.2
Family Housing—Operations .....	0.0	0.1	0.5	1.4	0.3	0.0	0.1	0.0	0.4	0.3	0.0	0.0	3.1
Environmental .....	0.0	366.4	621.9	487.3	540.5	643.1	847.0	676.9	830.5	750.4	360.7	770.1	6,894.8
Operations and Maintenance .....	111.8	120.6	98.9	409.3	784.6	1029.3	1513.9	1057.3	709.7	671.3	270.1	213.3	6,990.2
Military Personnel—PCS .....	0.3	1.3	2.2	13.7	23.7	26.9	14.8	17.9	11.9	19.7	1.5	5.4	139.4
Other .....	13.6	17.9	4.1	40.4	89.6	160.8	119.4	33.1	17.7	10.1	2.4	0.6	509.6
Homeowners Assistance Program .....	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.0	13.5	18.5
AF Move Bill From O'Hare Airport .....	0.0	0.0	0.0	0.0	0.0	0.0	0.0	94.6	0.0	0.0	0.0	0.0	94.6
Commission Expenses .....	0.0	0.0	13.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	13.0
Prior Year Financing .....	0.0	0.0	0.0	0.0	0.0	0.0	1.3	3.5	0.0	19.0	0.0	0.0	23.8
Total One Time Costs .....	471.3	985.1	1,039.0	1,764.5	2,425.0	2,775.7	3,741.1	2,640.8	2,123.5	1,697.2	705.3	1,015.7	21,384.3
Estimated Land Revenues .....	(4.3)	(4.2)	(40.6)	(12.7)	(0.1)	(7.4)	(6.2)	(113.5)	(48.9)	(59.2)	(39.1)	(0.3)	(336.4)
Appropriations For 90-01 .....	467.0	980.9	998.4	1,751.8	2,424.9	2,768.3	3,735.0	2,527.3	2,074.5	1,638.0	666.2	1,015.4	21,047.8
COST FUNDED OUTSIDE THE ACCOUNT													
Military Construction .....	0.0	0.0	23.2	0.0	5.9	0.4	0.0	0.0	0.0	0.0	0.0	0.0	29.4
Family Housing .....	0.0	0.0	0.8	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0
Environmental .....	38.0	0.0	25.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	63.6
Operations and Maintenance .....	0.0	0.0	95.5	13.0	61.4	60.4	111.4	85.6	96.5	67.0	20.2	2.1	613.1
Other .....	0.0	0.0	12.2	4.9	0.0	4.8	2.4	2.9	2.1	2.0	0.0	0.0	31.2
Homeowners Assistance Program .....	0.1	0.1	0.2	51.1	30.9	98.7	2.3	2.3	0.0	0.0	0.0	0.0	185.6
Total Costs Outside of the Account .....	38.0	0.1	157.5	69.2	98.2	164.3	116.1	90.8	98.5	69.0	20.2	2.1	924.0
Total BRAC Cost [Incl. land revenues] .....	505.0	981.0	1,155.9	1,821.0	2,523.2	2,932.6	3,851.1	2,618.1	2,173.1	1,707.0	686.4	1,017.5	21,971.8
Cumulative BRAC Cost .....	505.0	1,486.0	2,641.9	4,462.9	6,986.1	9,918.7	13,769.8	16,387.8	18,560.9	20,267.9	20,954.3	21,971.8	
SAVINGS													
Military Construction .....	16.8	16.9	236.9	82.1	165.4	141.9	124.4	88.4	27.9	47.1	1.3	15.5	964.7
Family Housing—Construction .....	12.6	16.9	59.6	9.7	18.7	3.5	11.6	0.8	1.7	38.8	1.5	1.5	176.9
Family Housing—Operations .....	0.0	15.0	22.8	47.1	100.7	113.2	134.0	154.2	186.3	202.2	210.1	216.8	1,402.5
Operations and Maintenance .....	6.5	48.4	148.4	241.3	806.4	1,225.9	1,873.0	2,268.2	2,762.8	2,978.8	3,269.0	3,561.1	19,189.8
Military Personnel—PCS .....	(0.5)	25.4	78.7	362.6	722.0	925.0	1,152.2	1,357.8	1,489.3	1,572.4	1,627.2	1,682.9	10,994.9
Other .....	0.4	0.5	19.7	98.4	104.6	179.5	887.1	879.7	753.0	673.0	704.6	724.5	5,025.0
Total Savings .....	35.8	123.0	566.1	841.2	1,917.8	2,588.9	4,182.2	4,749.2	5,221.0	5,512.3	5,813.9	6,202.4	37,753.9
Cumulative Savings .....	35.8	158.9	725.0	1,566.2	3,484.0	6,073.0	10,255.2	15,004.4	20,225.4	25,737.7	31,551.5	37,753.9	
NET IMPLEMENTATION COSTS													
Net Cost/(Savings) [Incl. land revenues] .....	469.2	858.0	589.8	979.7	605.4	343.6	(331.1)	(2,131.1)	(3,048.0)	(3,805.2)	(5,127.5)	(5,184.9)	(15,782.1)
Cumulative Net .....	469.2	1,327.2	1,917.0	2,896.7	3,502.1	3,845.7	3,514.6	1,383.4	(1,664.5)	(5,469.8)	(10,597.2)	(15,782.1)	

Cost \$B:22.0; Savings \$B: 37.8; Net \$B: 15.8; Recurring Savings \$B: 6.2.

Mr. LOTT. Mr. President, I know we are about to vote. I yield myself some leader time.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. LOTT. Mr. President, it is no secret that I have always opposed the BRAC process. I think it is an abdication of the responsibility of the Congress. For years and years, the Pentagon made recommendations for Congress, and Congress considered them, acted on many of them, and bases were closed.

Second, we know for certain that the BRAC process severely disrupts the local economies of communities in States across the Nation. We also know there is still a question about the BRAC savings from the past base closures. For instance, I know that in the military construction appropriations bill that will be coming up, perhaps later today or tomorrow, there is \$150 million for cleanup as a result of previous base closures, most of it going, I guess, to California, some to Texas, and some I think maybe to New York. We are still in the process of trying to expend money so that the process can be completed.

Also, I think the timing is bad. We are arguing about exactly what we should do now, but I saw an Air Force general talking the other day about how our fighters had been looking outward up until 2 weeks ago; now they have to look inward. The world did

change. I think that at a time of our Reserves being called up, the National Guard being called up, communities being told to support the military, we are going to be together, we have been attacked, and we are going to respond appropriately, but we are going to say: By the way, we are going to look at closing your base.

I don't think the timing is good. While I have never supported BRAC, it is not to say I won't someday. I realize we have excess capacity and duplication. I think we could do this. Maybe we could even look at it in a few weeks or months when we see exactly what the force structure is going to be, what this conflict is going to look like. After more consultation, in my opinion, we will know about how this would look.

I was interested and appreciative of the language Senator LEVIN pointed out about the force structure. Obviously, before we go forward on this, we should match base infrastructure with force structure. We still have a lot of questions out there about this homeland defense. And Secretary Rumsfeld is still working on his strategic review and is currently executing the congressionally mandated quadrennial defense review. It is underway, but it is not completed.

Also, my concern is that every base, every community, every State is going to be affected by this. They are going to be alarmed by this. They are going to hire consultants and all kinds of people to make sure their case is made

appropriately. I think that is the wrong way to go. Where we have excess capacity, identify it and say we are going to look here. Where we know we may not have sufficient capacity now, why have a question about that particular base?

I continue to wonder why we have not done more about overseas bases. We gave the Pentagon authority a few years ago to move in that area. Have they done it? No. Have they consolidated missions and looked at closing bases? No. Do we need bases in Europe? Yes. We need to have air and naval bases where we can project power from Europe. We have 523 activities in Europe, 116,000 troops. We have spent well over a half-billion dollars since 1997 on MILCON in Europe. So should we not take a look at that before, or at least at the same time we are looking at bases in our own country?

Mr. President, I support the Bunning amendment. I think this is a classic case of getting the cart in front of the horse. I am committed and prepared to work with Senator WARNER and Senator LEVIN and the Defense Department to see if there can be a way to do this. I don't think the way this is set up in the bill is appropriate. I think the timing could not be any worse.

I urge a vote for the Bunning amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky controls just under 6 minutes.

Mr. BUNNING. Mr. President, I want to make sure I get to close. Do we have any other speakers?

The ACTING PRESIDENT pro tempore. The time of the opponents has expired. The Senator would have the last word.

Mr. WARNER. Mr. President, I hope the Chair will recognize me for the purpose of a tabling motion at the conclusion of my colleagues' presentation.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we are embarking on a new war like nobody has ever seen before. We are not experts in knowing what the landscape of the 21st century warfare will look like. None of us knows for certain that we need to downsize our military infrastructure under these extraordinary circumstances.

I have heard it said here today, and before, that DOD has a certain amount of savings. I show you two reports. One is from the GAO on military base closings. In the report, it says: The estimates are imprecise and should be reviewed as rough approximations and not likely savings. These prospects apply as well to the Department's updated net savings estimates.

So even the GAO and the CBO say the savings are not really savings because they didn't consider everything. They can't even back up their own numbers. If you agree with DOD on savings—and they also say the cost upfront actually is more, which was brought out by Senator STEVENS. BRAC has been a political football. Anybody who has been involved in it knows it has been a political football. First it was the commission; then it was the administration. So it cannot be done objectively.

I know our good chairman and the ranking member have tried to do that in this BRAC round. But I am not sure it won't become a political football again. So that is BRAC as usual, and I am not for BRAC as usual.

The new home security cabinet, as Senator LOTT has said, may decide they need these bases to make our homeland secure. I think it is very good that we keep in mind that when Governor Ridge is confirmed, he may decide how important certain bases are. Our economy and BRAC don't go hand in hand. If we slow it down, it may fall off the edge. I know that is not as necessary a reason, but it is a reason for not doing BRAC at this time.

The DOD's Quadrennial Defense Review is not even completed. It is premature to act on BRAC when we don't even know what the quadrennial report proposes regarding our infrastructure.

Please vote no on the tabling motion that is coming.

The ACTING PRESIDENT pro tempore. Does the Senator from Kentucky yield back his remaining time?

Mr. BUNNING. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I move to table the Bunning amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—53

Akaka	Graham	McCain
Allard	Gramm	Miller
Allen	Grassley	Nelson (FL)
Bayh	Hagel	Nickles
Biden	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Santorum
Chafee	Kennedy	Sessions
Corzine	Kerry	Smith (OR)
Daschle	Kohl	Stabenow
Dayton	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Leahy	Voinovich
Ensign	Levin	Warner
Enzi	Lieberman	Wellstone
Feingold	Lincoln	Wyden
Frist	Lugar	

NAYS—47

Baucus	Craig	McConnell
Bennett	Crapo	Mikulski
Bingaman	Domenici	Murkowski
Bond	Dorgan	Murray
Boxer	Durbin	Nelson (NE)
Breaux	Edwards	Roberts
Brownback	Feinstein	Sarbanes
Bunning	Fitzgerald	Schumer
Burns	Gregg	Shelby
Campbell	Hatch	Smith (NH)
Carnahan	Helms	Snowe
Cleland	Hutchinson	Specter
Clinton	Hutchison	Stevens
Cochran	Inhofe	Thomas
Collins	Inouye	Torricelli
Conrad	Lott	

The motion was agreed to.

CHANGE OF VOTE

Mr. DOMENICI. Mr. President, I ask unanimous consent that my vote on the last amendment be changed. I erroneously voted aye because I thought I was voting for the amendment. That was a tabling motion. I now ask unanimous consent to change my vote, and it will not in any way change the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I believe there is an order sequenced for two amendments. Am I correct?

AMENDMENT NO. 1594

The PRESIDING OFFICER (Mr. EDWARDS). The pending business is amendment No. 1594 offered by Senator INHOFE from Oklahoma.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1594, AS MODIFIED

Mr. INHOFE. Mr. President, we have talked about the amendment that is under consideration, No. 1594. We have agreed to change it. I send to the desk the amendment, No. 1594, as modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 1594), as modified, is as follows:

At the end of subtitle D of title III, add the following:

**SEC. 335. REVISION OF AUTHORITY TO WAIVE LIMITATION ON PERFORMANCE OF DEPARTMENT-LEVEL MAINTENANCE.**

(a) Section 2466(c) of title 10, United States Code, is amended to read as follows:

“(c) WAIVER OF LIMITATION.—(1) The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if—

“(A) the Secretary of Defense determines that—

“(i) the waiver is necessary for reasons of national security; and

“(B) the Secretary of Defense submits to Congress a notification of the waiver together with—

“(i) the reasons for the waiver; and

“(2) The Secretary of Defense may not delegate the authority to exercise the waiver authority under paragraph (1).”.

(b) The Secretary of Defense shall provide a report to Congress not later than January 31, 2002 that outlines the Secretary's strategy regarding the operations of the public depots.

Mr. WARNER. Mr. President, may we have a minute?

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. WARNER. Mr. President, the chairman has advised me that the Inhofe amendment is acceptable to the other side.

Would you restate the number of that?

Mr. INHOFE. Yes.

Mr. LEVIN. I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Amendment No. 1594.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

Mr. WARNER. Mr. President, can we adopt the Inhofe amendment?

Mr. INHOFE. Mr. President, we have reached agreement on the amendment

having to do with depot maintenance. We have made two modest changes from that which was introduced. One is, instead of sending it to the President in lieu of the service chiefs, it now goes to the Secretary of Defense. No. 2, it says we need to have the report from the Secretary of Defense as to the future use of depots. That is essentially it. It is agreed to, and I ask it be accepted.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The question is on agreeing to the amendment, as modified.

Mr. LEVIN. I understand there is no objection to the amendment, as modified, on our side.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1594), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

#### AMENDMENT NO. 1674

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1674.

The amendment is as follows:

Strike section 821 of the bill.

Mr. WARNER. Mr. President, this is an unusual step, but as a manager of the bill I have the responsibility to keep this bill moving. We have exercised good-faith efforts on both sides to reconcile an issue which is deserving of the attention of the Senate. The amendment of the Senator from Virginia would strike from the bill that language referred to generically as the prison issue of materials made by prisoners and sold to the Department of Defense.

I support the bill, and I am going to vote against my own amendment, but in order for the Senate to move expeditiously, to continue to have this bill go forward, because at the moment we cannot hope to achieve finalization of this bill—the desire of both the majority leader and the Republican leader—by tomorrow unless we get finalization on the list of amendments.

I do not, in any way, disparage my distinguished colleague who is exercising, perfectly within his rights, certain procedures. But I think this will enable the Senate to address this issue

now and to come to some resolution on it so that we can move on with this bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I move to table the amendment.

Mr. GRAMM. I suggest the absence of a quorum.

Mr. WARNER. Mr. President, we need to have some debate, I think.

Mr. THOMAS. Mr. President, I would like to have some debate, so I will, at the appropriate time, move to table the amendment.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. WARNER. I thank my colleague. I think it is important that debate take place on this amendment, and at the appropriate time the Senator may seek recognition for that purpose.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me first say I want to make it clear that—reserving all of my rights under the rules of the Senate to offer substitutes or amendments—I am hopeful that in the midst of a national crisis we can find a way to gather new information and commit to make a decision on this divisive issue next year.

We have voted on this issue probably four or five times in the last decade. To this point, in each and every case we have preserved prison labor in America. Our new chairman of the Armed Services Committee, who has consistently sought provisions in the bill that would effectively end the current program, is now chairman of the committee and has the provision eliminating the program for all practical purposes—I will explain that—has put that in the bill itself which has produced the situation in which we find ourselves.

Now let me try to talk about this problem. I want to begin by talking about the history of prison labor in America. I want then to talk about the point at which we came to a fork in the road, and took the wrong fork, in my opinion. And that occurred during the Great Depression.

I want to talk about the Levin amendment, as to why it violates every principle in the bill. Then I want to outline the prison labor system and why it is so critically important to our system of criminal justice, and why the program, at least in our last study, which was in 1998, was given very high marks. At that point, I will have made this case, I hope.

We do have some Members of the Senate who are voting on this issue for the first time, and I believe it is important that a full presentation be made.

Let me begin with de Tocqueville. We all remember that de Tocqueville came to America and wrote the greatest critique ever on democracy in America,

the great classic which people read even today to understand the special nature of America and to understand the genius of our economic and political system.

Many of us forget that de Tocqueville came to America not to study democracy but he came to America to study our prison system. In fact, his first book was about the American prison system. He basically concluded that we had the finest prison system in the world, and the foundation of the excellence of the American penal system, as de Tocqueville found in the 1830s, was a comprehensive program where, for all practical purposes, every prisoner in America worked.

We had a system where prisoners engaged in manufacturing, prisoners engaged in agriculture, and substantial amounts of the cost of incarceration were paid for by prison labor, lifting the burden on the taxpayers of the 1830s in America to fund our prison system; but most important, in de Tocqueville's opinion, was the humanness of labor in prisons. In fact, de Tocqueville went to great lengths to talk about the prison system and to talk about how humane it was that people in prison in America, unlike Europe, worked.

Let me read you a quote from de Tocqueville:

It would be inaccurate to say that in the Philadelphia Penitentiary labor is imposed. We may say, with more justice, that the favor of labor is granted. When we visited this penitentiary, we successively conversed with all its inmates. There was not one single one among them who did not speak of labor with a kind of gratitude and who did not express the idea that without the relief of constant occupation, life would be insufferable.

In 19th century America when someone went to prison, they went to work, and they worked 12, 14 hours a day, 6 days a week, and in working several good things happened. One, they weren't idle. And as we all know from Poor Richard's Almanac, "idle hands are the devil's workshop."

Secondly, they produced food, they produced products that could be sold, and they dramatically reduced the cost of incarceration in 19th century America. From 1900, where virtually every prisoner in America worked—and I would have to say there is some justice to requiring people in prison to work and to share the burden of their incarceration with working people who today pay \$30,000 per Federal inmate to put people in prison and keep them there. It is cheaper to send somebody to Harvard University than it is to send somebody to the Federal penitentiary.

Now, by the turn of the century, we had an effective prison system all over America. In Texas, I am proud to say, we had a model program where every prisoner worked, and they worked hard. They grew their own food, they made their own clothes, and they produced products that were sold in the

economy. Attention was given not to glut local markets, so generally products were not sold in areas where prisons were located. And by all accounts, beginning with de Tocqueville and ending with anybody who studied the penal systems of the world, at the turn of the century, in 1900, we had far and away the finest prison system in the world. And the recidivism rate relative to the current day was low because prison was not an experience that people wanted to repeat. They had generally accumulated productive skills in prison by working, and they were blessed that when they left prison, they knew how to do something and it gave them a chance to go back to society and to try to do it—and do it for pay.

This system took a dramatic turn in the 1930s. In the 1930s, we passed three laws: Hawes-Cooper in 1929, Summers-Ashurst in 1935, and Walsh-Healy in 1936. The Hawes-Cooper Act made it illegal to sell prison-produced goods in America across State lines. The Summers-Ashurst Act made it illegal to transport prison goods in interstate commerce. The Walsh-Healy Act, in essence, said, if you produce things in prison, you have to pay prisoners union scale.

The net result of these three laws was it killed the prison industry in America. So, today, we have 1.2 million people in prison. Almost all of them are young men in their peak years, in terms of ability to work. Yet all over America, they are idle because of prohibitions against prison labor. So it is all right to let working people work, it is all right to tax people at confiscatory rates to pay \$30,000 a year to have people in the Federal penitentiary. But it is not all right to force them to work and to have a process whereby there is productive work to be done.

The only vehicle left—the only work that is currently done in America by prisoners is work to produce items that are purchased by the Government. That is a pale comparison with the program that we had in 1900. But it is all that is left today.

Now, the Levin amendment would effectively kill that program with regard to the Defense Department, which is the largest purchaser of goods from our Federal prison industry. Senator LEVIN is going to say that all we want is competition. But I am sorry that I have to say that nothing in this bill is aimed at competition except the prison labor standard. This bill is full of provisions that ban competition, that force the Defense Department to pay a higher price. Not one contractor in America can bid for a job with the Defense Department unless that contractor pays union wages, unless that contractor pays the highest wage scale that anyone is paying in that labor market.

That is not competition. You are going to later hear Senator LEVIN say: All we want is competition.

All his bill has is the absence of competition. The only place it calls for “competition” is in the prison labor industry. This, in reality, is not a competition provision; this is a special interest provision supported by organized labor and supported by private manufacturers. Senator LEVIN and proponents of this provision will say: What could be wrong? Business and labor are together on this issue, and if the two great special interests of America are for it, surely it must be America's interest.

I beg to disagree. The special interests of labor and business are not in America's interest. And I remind my colleagues that by idling these prisons who are beginning to pay victims restitution, who are beginning to pay funds that displace taxpayers' money, what we are going to do is to impose a heavier and heavier burden on the American taxpayer. We are going to destroy the only system we have that effectively trains prisoners so when they get out, they can go out and get a job and hope to hold a job—and America will be a loser.

Part of the problem here is that all the political interests are on the side of the amendment that is now in this bill. I am proud to say that in the last decade we have voted on this thing four or five times, and each time we have saved prison labor in America. I don't know where the votes are here, and I would have to say that I am profoundly disappointed that in a year where we are facing an imminent crisis, that instead of focusing on defense, we have a special interest provision in this bill that is aimed at killing prison labor.

I want my colleagues to know that I have proposed doing an independent study through the General Accounting Office where the report would be made in May and where we could have a comprehensive debate and, hopefully, have a compromise that would allow us to solve this problem once and for all. Senator LEVIN and I have fought over this issue for a decade.

Let me go back and complete the story. Where we are is that we have a provision in the bill that basically claims that the Defense Department is a loser from the prison labor system. I want my colleagues to understand the Defense Department did not ask for the Levin amendment. You might ask: How come they didn't send a letter down here saying they opposed it? If you were the Secretary of Defense and the chairman of the Armed Services Committee in the Senate had a provision related to prison labor, would you write a letter saying you are against it? No, you would not.

I want my colleagues to understand, the Secretary of Defense did not ask for this provision, and the Attorney General and the Justice Department are adamantly opposed to the provision in Senator LEVIN's amendment.

Senator LEVIN apparently is going to make the argument, which he has

made for the last decade, that the prison labor system is unfair to the Defense Department. I simply make two comments: One, how come every other noncompetitive purchasing provision in the pending bill is not unfair to the Defense Department? Why only prison labor? What is this about?

I can tell you what it is about. It is about greedy special interest. That is what it is about.

Let me tell you what the facts are, and they are old facts. One of the reasons we ought to do a study is to update the facts so we know exactly what we are talking about. There was an audit report mandated by the Congress that was submitted to Congress on August 5, 1998, 3 years ago. It was submitted by the Office of Inspector General of the Department of Defense. This is basically what it concluded. It was a comprehensive study. I have the study here if anybody would like to look at it.

Basically, what the study concluded was that when they looked at a random sampling of procurement by the Defense Department from the Federal Prison Industries Program, in 78 percent of the products they looked at, the price the Defense Department got from the Federal Prison Industries was lower than the competitive market price. In 20 percent of the cases, it was higher. In 2 percent of the cases, it was the same.

Also, when they looked at waivers—that is where the Defense Department concluded that the property that was being procured was not being sold at a competitive price or at competitive quality or on a timely basis—in over 80 percent of the cases where the Defense Department sought a waiver because they believed it was not a good deal, that waiver was granted.

When you look at the overall aggregate situation that existed in 1998 when we last studied the Federal Prison Industries, in 78 percent of the cases, the Prison Industries sold the product at less than the competitive price in the private sector; 20 percent of the time, it was more; 2 percent of the time, for all practical purposes, it was the same. The quality of the product was found to be excellent. There were problems in terms of deliverability and, in fact, in 1998, a series of reforms were implemented to try to deal with the deliverability problem.

Senator LEVIN will say that all his amendment does is require competition. My answer is, let's require competition in everything the Defense Department buys from anybody. If the Senator will change his amendment to simply give the Secretary of Defense the ability to buy competitively so that the Secretary can have competitive bidding and buy the highest quality product at the lowest price across the board, I will support that amendment. But that is not going to happen because this bill is not a competition

bill. This bill is full of restrictions on competition everywhere except prison labor.

Another provision I would support and would rejoice to the heavens about would be to eliminate the Federal Prison Industries Program at the Department of Defense and in the rest of the Government and let's allow the Federal Prison Industries to compete with anybody else in Government procurement with no special arrangement, but then, subject to simple restrictions, let's let them sell in the private sector.

What would those restrictions be? A, you cannot sell in the area where the prison is located because you do not want to glut the market; B, you cannot sell products that are in excessive supply where the price is falling precipitously; and C, let's focus production where prisoners are producing things we are importing—component parts, for example.

Unless I am sadly misinformed by the last 10 years of the debate, I do not expect the proponents of the provision in the bill to say they want competition. In fact, not only do they not want prisoners to work and produce things to sell in the private sector, they do not want prisoners to work to produce things in the public sector. That is our dilemma.

We have before us a provision in the bill which was not sought by the Defense Department, which is adamantly opposed by the Attorney General and the Department of Justice, a provision that the Federal Prison Industries Program believes will be extraordinarily detrimental to their program. It is a provision which is now a part of the entire bill. If there were a provision in the bill that said the Secretary of Defense, in promoting the public interest, shall be driven by the same motivation which motivates every consumer and every producer in America, and that is to buy the best quality product at the lowest possible price and they shall be in no other way constrained, I would support that amendment, and I would think it was enlightened policy.

I want my colleagues to remember when they hear this impassioned argument about competition, there is no competition in this bill save for prison industry. If the bill had a general competition provision, I would be for it because the benefits to America of having competitive procurement in defense would greatly outweigh the problems it would produce in the American prison industries, but there is no competition in this bill, save an effort to kill the prison industries in America.

Part of our problem in this debate, and it has been one for the whole decade—I do not know why it is that I always end up on these issues where there is no constituency—the taxpayers, by and large, hardly know this issue is even being debated today. In fact, they would be stunned. If somebody turned on the television, they

would say: What in the world is that guy doing standing up talking about prison labor when the Nation is hearing the drumbeat and the bugle to march off to war? I wonder why we are doing that, too. I did not bring this up.

The point is, the American public does not understand we have an effort underway to kill what is left of prison labor. So we have 1.2 million young men, at their peak productive period, who are rotting away in prison and not working. Why is this being killed? Because of the power of special interests, the two biggest ones in America, labor and business.

If anybody cares, I want to make an additional argument, and that is about recidivism. I am sorry I did not offer this amendment today. I was getting ready to debate it when it was offered by the ranking member of the committee, and so I have to thumb through my book to try to find it, but let me summarize it rather than reading the number. Those prisoners who work have a dramatic decline in the recidivism rate or, in English, if people work in prison, they are far less likely to come back to prison when they leave. Why? For one thing, because they accumulate skills in prison.

What we really ought to be debating today and every day is turning our prisons into industrial parks. We ought to have American manufacturers in joint ventures with our prison systems producing the component parts in prison that we are buying from other parts of the world. We ought to have every prisoner working 10, 12 hours a day, 6 days a week, bringing down the cost of incarceration and building up the skill level, and when they are not working, they ought to be going to school, building up the skill level, so when they get out of prison, they know how to do something.

Amazingly—almost astounding to me—is not only are we not going in that direction but we are trying to kill the last remaining vestige of prison labor.

I want to ask my colleagues, on the basis of a couple of things, to support the Warner amendment to strike this provision.

No. 1, I am willing to support a comprehensive study. We have not had one since 1998. In all fairness, the study was done by the inspector general of the Department of Defense, and that is part of the same executive branch that is for prison labor. So what I proposed, which has not yet been accepted—I am hoping it will be—is we have the General Accounting Office, which is part of the legislative branch of Government, do a comprehensive study of the prison labor system and procurement by the Defense Department and report back to us by May, so we have it for next year, how competitive is prison labor production? What is the quality like?

We know in 1998 that 78 percent of the time it was cheaper, 20 percent oft-

times more expensive, 2 percent oftentimes about the same.

We should have a report on quality. We know in 1998 quality was excellent. And we should have a report on the problem that was uncovered in 1998, which was deliverability.

With that report, I then commit to seeking a compromise within our Government, or voting one way or the other on the program.

So I hope my colleagues will vote to strike this provision now, knowing we will have an opportunity next year, hopefully under very different circumstances than today, to deal with this problem.

The second thing I ask people is to not kill the remaining vestige of prison labor in America. I know my colleagues are hearing from furniture manufacturers, from some electronics manufacturers, saying: We do not want to compete with prison labor. We want to force prison labor into a—we want to eliminate the special status they have.

I say, and have said to manufacturers in my State: Look, if you will let prison labor compete in selling in the private sector, in a no glutting of the market system, then I will support taking away their special relationship with government. I would support that. But they do not want to do that. They do not want to compete with prison labor anywhere.

The problem is, if you do not let prisoners work, you have 1.2 million young men idle—idle hands are the devil's workshop—and you eliminate the building programs of victims' restitution and self-funding of prisons. In fact, since the 1930s we have largely destroyed the greatest prison system in history by destroying prison labor.

Finally, let me ask my colleagues to look very closely at the recidivism rates. Look at what is happening with people who are working in prison and what is happening when they leave prison versus people who are not privileged to work in prison and their recidivism rate. What you are going to find is the probability of people coming back to prison when they are released falls dramatically if they have worked in prison; it goes up dramatically if they have not worked in prison.

So I understand we do not have any prisoner PACs. We do not have any organized lobby from people in prison.

I am not sympathetic to people in prison. I think they ought to have to work. I am sympathetic to working people who are going to have to work harder to pay this \$30,000 a year to keep people in prison because special interests want to kill off the prison labor system because some desk at the Defense Department is buying or some component part of some item the Defense Department is buying is being produced by prison labor.

So remember, if the issue were, let us buy everything competitively in the

Defense Department and have the Secretary constrained in no way, save by the best product, the lowest price, put me down as a cosponsor, but there is no such provision in this bill. In fact, there are pages in this bill that prohibit competition. If I am a paving contractor and they are paving a road at the Pentagon or a parking lot at the Pentagon, I cannot even bid on pouring of the concrete unless I pay the highest wages in the region. What kind of competition is that?

So when you hear this chest thumping about all we want is competition—that is all they want—where is it? Where is it except for Prison Industries?

Secondly, if people think Prison Industries should not have a special agreement with the Government to buy products it produces, let Prison Industries produce and sell in the private sector and eliminate the special privilege. But there is no proposal for competition. There is no proposal for allowing Prison Industries to sell in the private sector.

Cloaked in the righteousness of competition—and what special interest in American history has ever cloaked itself in anything other than the public interest?—cloaked in the public interest is this demand by unions and by manufacturers to kill the prison labor system in America. Reform it, yes. Study it and find better ways of doing it, yes. Bring competition to defense procurement in general, yes. Let anybody bid on a prison contract based on pricing and quality, yes. But kill prison labor in America, no. That is what the issue is.

I urge my colleagues to vote for this amendment and let us settle this issue. But this issue will not be settled if this amendment is rejected because there are other amendments and other ways of doing this, and I think it is very important. We are talking about the lives of real people. We are talking about the burden on taxpayers. They are not represented. I assume no taxpayers know what is going on here. Nobody has heard from one. I don't take calls from prisoners myself, so they are not busy lobbying. But the AFL-CIO and furniture manufacturers, in particular, are very active on this issue.

One will say: All they want is competition. What about competition in selling to the private sector? They do not want that. This is a special interest provision aimed at killing or dramatically reducing the Federal Prison Industries. I think that is a mistake. It is wrong. I am opposed to it.

This is a debate that ought to be taking place, but on another day, on another bill, not on our defense authorization bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I rise in support of tabling this amendment. I have listened

to my esteemed friend from Texas. I am not going back to Plato. I will start closer to the current situation. I am surprised, when we talk about giving the private sector an opportunity to compete for contracts put out by the Defense Department, that that is special interest. That is difficult for me to understand.

This is defense authorization. It is absolutely the appropriate place to talk about how we do that, how we pay for it, and who does the work. It is also important we get moving with this program.

This is not an amendment that came in; this language is in the committee bill.

I have worked for several years, as many have, on a fair amendment designed to give the private sector an opportunity to bid on Government businesses. We have been successful. We have had many agencies look at what they are doing instead of doing it internally, instead of putting it out for contract. It seems reasonable. This is competition. The prisons will continue to have the opportunity to compete under a very unfair—for them, favorable—situation. They don't have to pay taxes; they don't have to pay minimum wage; they don't have to do any of the things they do in the private sector.

This has been in place since 1934. Talk about a study. The study was not even made by the congressional group. The study did not come up with the real facts. It is time to do something. It is time to deal with this idea that the private sector ought to be able to participate, to compete. That is the bottom line.

As to the notion that this does away with Federal Industries, only 18 percent of the Federal prisoners are involved. The other 82 percent are doing food service, plumbing, carpentry, other things. It is not a fact that this does away with the industry. As a matter of fact, as a good example, New Mexico, a State that had a mandatory source situation such as this, lifted it. The New Mexico Prison Industries operated under that until the State legislature reformed it. They are very happy with the result of that transformation which does, indeed, provide for competition, which is exactly what we want.

The Senator from Texas, a proponent of the private sector for the most part, is calling the private sector private interest. That is peculiar. We have a Government monopoly and we are saying this is an opportunity for people to compete. This does not eliminate the prison production. It makes it competitive.

As I mentioned, there are a number of opportunities for them. The competitive advantages are retained: Inmate wages, from \$.23 to \$1.15, compared to the private sector; factory space furnished by the host prison, with no cost to the actual production;

equipment, utilities, taxes, insurance, workplace benefits—none of those things offered. Yet they will be able to compete. That is what it is, competition.

We have had meetings about the private sector and trying to strengthen the economy. Yet we seem to be reluctant to allow the private sector to help the economy by moving into this area. It is very timely and appropriate to do it on this bill. The idea of setting it off I don't think makes much sense.

There are many other products beyond defense, less vital to the time. We have had, for 45 years, a policy in this Government that we ought to go to the private sector to provide for governmental needs. That has been the policy. Yet we still have a monopoly to do it the other way. There are plenty of jobs prisoners can do. I, too, support the idea that there ought to be work for prisoners. But there are lots of jobs that can be done in the prison realm that would be outside of this competitiveness as to who can do the supplies and the necessary equipment for the defense.

This idea is also supported as a special interest by the U.S. Chamber of Commerce, by the small business NFIB, by labor unions, which also favor all these opportunities for the private sector to supply the needs of Government. It is not a new idea. It makes sense to me.

Also, we will find it is difficult for the Defense Department to have various contracts. They are not the ones that supervise the contract. They lose some control when it goes to this prison authority. It is difficult when we have a mandatory source for the needs that are required in defense.

I don't know that we need to go into a great deal of detail. The facts are that prison workers can still continue. Most support the idea that we ought to have competition for these expenditures. Most support the idea the private sector ought to have an opportunity to compete with Government in any circumstance where the private sector can do that. That is what strengthens it.

We are in a time that anything we can do to increase the activity of the private sector is good for the economy. We are fighting on two fronts: terrorism on one side and strengthening the economy on the other. These are the things we need to do.

The policy for doing this is 46 years old. We have strengthened that in the last several years to get more emphasis on the idea that there needs to be competition, there needs to be private sector involvement. In my view, the more the private sector can do in terms of the Government realm, the better off we are. What the Government ought to do is strengthen their ability to let contracts and review the contracts and make sure it is done that way.

Prison Industries has been in place since 1934. I think it has not been improved. This is not going to change it.

Only 18 percent are involved out of 22,000.

So we are going to find ourselves with an opportunity that they can find ways to continue to do it. We will find a way to put the private sector in, have more efficiency, less cost, and if they cannot compete, then the prisons will continue.

I am not going to take an awful lot of time. It seems to me the issues here are fairly basic. Let me just review them again. This was not an amendment. This was part of the bill of the committee. This is a time when we ought to be looking for more opportunities for the private sector. This is a time when we ought to have competition. I think we have an opportunity to do that here and yet continue to have a program which works for the prisoners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, if I may speak for a couple of brief moments about the Gramm amendment?

Mr. WARNER. Mr. President, the Senator's remarks are welcome even though they might be contrary to the views of the Senator from Virginia. But I arranged this debate. It is quite unusual to put on a fellow Senator's amendment, but it was necessary to keep this bill moving. We welcome the debate. I shall be voting against it eventually. My distinguished colleague from Wyoming will be seeking recognition for purposes of a tabling motion in due course.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I will not keep the body long. I do rise in support of the amendment of Senator GRAMM of Texas regarding Prison Industries. This has come after some considerable review, and visiting the prison in Kansas at Leavenworth, the Federal Penitentiary of Leavenworth. I note: visiting, not occupying. This is a maximum security facility. Men are in this facility for years, frequently for life, and at these Prison Industries at this facility.

I visited with the warden about 2 months ago—a month and a half ago, actually—about this particular issue, and also with the head of Corrections for the Federal Government. Both insisted that if we do not allow Prison Industries to effectively be able to compete—there are questions about that in the language, but if we don't allow Prison Industries to effectively compete, they are going to have difficulty at the penitentiary keeping these gentlemen occupied, working with them, and being able to effectively run that prison. Otherwise, these men are going to be sitting around, and idle hands present a great deal of difficulty.

I have worked with the Senator from Wyoming on privatization efforts with-

in the Federal Government. I think he is absolutely on the mark on these issues. From a personal perspective and the perspective of Kansas, having a penitentiary that has long-term inmates, people who are going to be incarcerated frequently for life, or at least 10 to 20 years, prisoners need something that is going to keep them occupied and working or else we are going to have a great deal of difficulty with them.

Prison Authorities don't know what they are going to do with these inmates otherwise, and they pleaded with me, saying: Don't allow this to go forward. This is going to be very difficult for us in the system.

I bring that word to my colleagues from a State with a major Federal penitentiary facility housing long-term inmates. They don't know how they are going to be able to handle it. Some say it will still allow them to compete and do the work all right, but reading this, within the system, it will cut back their ability to effectively have jobs for these inmates, and they need jobs for these inmates. It helps with restitution pay, helps them build self-worth; more than anything, it helps manage this population that is very violent, very difficult, and if you do not give them anything to do, the idle hands are the devil's playground. This has a great deal of difficulty.

I appreciate my colleagues allowing me to put those sentences forward, and I will be supporting the Gramm amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment that strikes section 821 of our bill. Section 821 is a good government provision. It simply says the private sector should be allowed to compete when it comes to selling items to the Department of Defense and that Federal Prison Industries should not establish a monopoly and say the Department must buy an item made in the prison, even though the private sector might be able to make it more cheaply.

I think everybody wants prisoners to work. But I hope everyone also wants the private sector to be able to survive and compete and be able to offer products to its own Government. I think if anything would shock taxpayers, it would be that the private sector—private businesses, private industry—is precluded from bidding on items the Department of Defense wants to buy.

I think it also would come as a shock that the private sector can produce something more cheaply than can a prison at times. The Senator from Texas said about 20 percent of the time the prices are lower in the private sector, according to a study, than they are from a prison. That is not bad savings—20 percent of the time.

Of course we want prisoners to work. The Senator from Kansas just said we

should not stop the prisons from competing for purchases by the Department of Defense. We are not stopping the prisons from competing. What we are trying to do in this legislation is allow the private sector to compete, instead of saying Prison Industries can establish a "must buy from us" policy.

The Senator from Texas also said this is the only provision in the bill which talks about competition. There are probably dozens of provisions in this bill that promote competition explicitly. This is but one of them. The Senator from Texas said: Why don't we, then, say competition will be everywhere; eliminate Davis-Bacon—which of course he favors anyway. If he wants to offer an amendment to eliminate Davis-Bacon, that is his right. But that is not in this bill. What is in this bill is the opportunity for private businesses to bid. If they are underbid by prisons, that is the way it is.

Prisons have tremendous economic advantages when it comes to bidding. Obviously, 25 cents or 50 cents or a dollar an hour is an incredible advantage to prisons when it comes to bidding. But even with that advantage, the private sector can produce things more cheaply and at better quality at times. At those times, how in Heaven's name can we tell a Government agency that they must buy from a prison if they can buy more cheaply from the private sector? How in the name of Heaven can we tell someone in a private business, or an employee in a private business, that he cannot bid on something that his Government is buying? That is all this language does. It doesn't end the Prison Industries program, or come close.

There are all kinds of things prisoners can and should be doing, by the way, including focusing on things the Government buys that it currently imports. There are all kinds of opportunities.

We talk to Federal Prison Industries about this year after year. They always say they are going to do something about it, and they have not.

The Senator from Texas says let's do a study. We just had a study, in 1999, April. This is what the joint study of the Department of Defense and the Federal Prison Industries did. This is the result of that study:

On price, 54 percent of Department of Defense electronics buyers, 70 percent of Department of Defense clothing and textile buyers, 46 percent of Department of Defense furniture buyers, 53 percent of Department of Defense office case goods buyers, and 57 percent of Department of Defense systems furniture buyers rated the Federal Prison Industries prices as average, fair, or poor. There is a lot of room in there to save money for the Department of Defense.

On delivery, the figures are approximately the same: Roughly 50, 60 percent say: average, fair, or poor. On

quality, about 50 percent say average, fair, or poor. Those are averages. These are buyers at the Department of Defense.

So we ought to be very clear what this provision does and does not do. It allows, for the first time in a long time, a private person who is working hard on the outside of prison to make a product and be able to bid when his Government is buying that product and not be stopped from bidding by an establishment of a monopoly by Federal Prison Industries.

There are letters which we received, to which I think my friend from Virginia will also refer. I will place one of the letters in the RECORD. It comes from the AFL-CIO, urging us to oppose any effort to weaken or eliminate the Federal Prison Industries reforms contained in the bill. It says at the end that the AFL-CIO supports prison work programs and recognizes that they make prisons safer for correctional staff. They say:

However, we do not believe that the Federal Prison Industries should enjoy a monopoly that unilaterally deprives other firms and workers of job opportunities. Section 821 represents a more balanced policy and we urge you to support it.

Finally, my friend from Texas talks about letting prisons sell in the private sector. We have laws going back 50 years which say that they can't. The reason we say that is because it is obviously totally unfair to say that 25 cents or 50 cents an hour should be able to compete commercially against people who provide products when they are paying a decent wage. We prohibit imports from China that are made with prison labor. Yet the suggestion of the Senator from Texas is, hey, let's just, across the board, allow prisoners to make anything that goes into the commercial world at the scale that they are paid.

In that case, he said he would favor the language and broaden it to include anything. He says that is real competition. That sure is. That is totally unfair competition.

You can't compete. If an employer pays a decent wage to somebody, you can't possibly compete with somebody who is paying 25 cents or 50 cents an hour. Yet that is the approach which the Senator from Texas really favors and says so openly on this floor.

That is not an approach which too many of us—I hope—would favor. I surely don't favor that. To hold that up as being what is desirable, and short of that we should not allow a private business in this country to offer to supply its own Government a product because Federal Prison Industries has said you may not bid because we have a monopoly on this item, it seems to me, is just highly wrong.

The language in the bill has been carefully constructed; it simply allows for competition. It doesn't say that Federal Prison Industries can't compete at all, as the Senator from Kansas

suggested. That is not what it says at all. It simply says, allow private businesses to compete, as I think most Americans would think that the private sector surely can now compete when it comes to providing the Department of Defense with products.

We received many letters from owners of businesses across this country. From an office supply company in Biloxi, MS:

I could go on and on about how we could have sold the product much cheaper which would have saved taxpayers' money, faster delivery, which would have increased productivity, and, finally, better service. You get the picture.

From Tucson, AR:

The Prison Industries' representatives routinely refuse waivers. The answer is the standard "we have products which will meet your needs." No explanation. They refuse to answer waiver requests in a timely fashion. I had a \$110,000 order for the Arizona Air National Guard in Tucson literally taken away by Prison Industries. The representative demanded the designs—the company's—and said that Prison Industries would fill the request. No waiver, no discussion.

Fairfax, VA:

You know, it is not just the impact that Federal Prison Industries has had on our businesses. It is the waste of everybody's tax dollars when furniture costs more and doesn't even do the job.

According to Economy Office Products of Fairfax, VA:

Federal Prison Industries tells their customers what the customer can have rather than the needs of the customer.

I hope this language will remain in the bill and that the effort to table it on the part of Senator GRAMM will fail. When the time comes for a tabling motion, I hope that tabling motion is agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thoroughly support what my distinguished chairman has said, and indeed the Senator from Wyoming.

For purposes of clarity, I submitted the amendment to keep the bill moving and to frame the issue so it could be debated. We have now had a very good debate on this subject.

Just for clarity, I will be voting against my own amendment, which I said at the time I introduced it. There will be a motion to table, and therefore Senators who desire to have the bill remain intact would then support the motion to table.

The distinguished chairman alluded to certain letters. I think it is important that colleagues understand that while the labor unions, which Senator LEVIN addressed, are strongly in favor of keeping the bill intact, there is an equal strength among the private sector organizations.

The National Federation of Independent Business, the voice of small business, addressed a letter to the Senate signed by the senior vice president.

Mr. President, I ask unanimous consent that the entire letter be printed in

the RECORD, together with a letter from the Chamber of Commerce, which I will shortly address.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,

Washington, DC, September 20, 2001.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S.  
Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for your language in the FY 2002 National Defense Authorization Act that would allow the Department of Defense to purchase products from the private sector rather than from Federal Prison Industries if it would benefit the taxpayer and the DOD. We will oppose any effort to strike this language from the defense authorization bill.

Eighty-nine percent of NFIB members do not believe that prisons should receive preference over small businesses for federal contracts. NFIB's members have long fought against unfair government competition with the private sector. Federal Prison Industries (FPI) has become one of the most egregious examples of unfair government competition. FPI, also known by its trade name UNICOR, is a government-owned corporation operated by the Federal Bureau of Prisons. From a small program when it was established in 1935, FPI has grown to be a large enterprise. According to its most recent annual report, FPI operates a centrally managed chain of over 100 prison factories that employed 20,966 inmate workers in 1999. With sales to the Federal Government of \$566.2 million, FPI would rank 36th among the top 100 contractors to the Federal Government.

FPI would be a formidable competitor for even the most accomplished small business experienced in the Federal market, but FPI does not have to compete. FPI simply takes its contracts from its captive Federal agency "customers." Under FPI's Depression-era statute, FPI is a mandatory source for all Federal agencies, meaning that they are not required to compete with private businesses for Federal contracts. A Federal agency must actually obtain FPI's authorization, a so-called "waiver," before it can even solicit competitive offers from the private sector. FPI, rather than the Federal agency, determines whether FPI's product, delivery schedule, and non-competitive price meet the agency's needs.

FPI's advantages don't stop there. FPI pays its workers at hourly rates of \$1.25 per hour or less, rather than market-driven wages. FPI's facilities are built as part of a prison. FPI has access to production equipment excess to other Government agencies at no-cost. Congress even gave FPI direct access to the Treasury with authority to borrow up to \$20 million, at rates far below what would be available to even the largest commercial enterprise.

Your language provides for fundamental change, making FPI less predatory to small business government contractors and a more responsible supplier to Federal agencies and taxpayers. It would require that FPI compete for its contracts with the Federal government. Small businesses do not want to prohibit prison industries from entering the market, they just want a fair and level playing field upon which to compete against the

FPI. Thank you for your support for small business and fair competition.

Sincerely,

DAN DANNER,  
Senior Vice President,  
Public Policy.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, September 20, 2001.

Hon. CARL LEVIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEVIN: The United States Senate is expected to very shortly consider A. 1416, the Fiscal 2002 National Defense Authorization Act. Contained in that measure is a provision (Section 821), based on legislation authored by Senators Carl Levin and Craig Thomas, that would allow the Department of Defense to purchase goods and services in the private sector rather than from Federal Prison Industries (FPI), if doing so would be in the best interests of the taxpayer and DOD. Be aware that efforts may be made to strike or alter this provision.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region urges you to support Section 821 and oppose amendments to weaken or strike this pro-defense, pro-business, pro-taxpayer, pro-worker provision.

Under current law, federal agencies, including the Department of Defense (DOD), must purchase needed goods from FPI rather than buy them following a competitive procurement process. As a result, DOD and other Federal agencies subject to the FPI monopoly, waste taxpayers dollars purchasing inferior-quality prison made goods and services at inflated costs.

By supporting the Levin-Thomas FPI provision you will signal your support for freeing up needed defense dollars for other vital needs and you will save jobs in your state just as many workers and their employers are facing layoffs and cutbacks.

Prisoners should work and learn skills, but can be occupied with work and skills development activities that do not mean that DOD and other agencies waste taxpayers dollars and cost jobs in the private sector.

The language in Section 821 has broad bipartisan support as well as support from both the business community and organized labor. Please join the U.S. Chamber, the AFL-CIO, and scores of other organizations, large and small, in opposition to any attempt to strike or amend Section 821. The U.S. Chamber may use votes on or in relation to Section 821 in our annual "How They Voted" guide to Congress.

Sincerely,

R. BRUCE JOSTEN,  
Executive Vice President.

Mr. WARNER. Mr. President, it says:

On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for your language in the FY 2002 National Defense Authorization Act that would allow the Department of Defense to purchase products from the private sector rather than from Federal Prison Industries if it would benefit the taxpayer and the DOD. We will oppose any effort to strike this language from the defense authorization bill.

Eighty-nine percent of NFIB members do not believe that prisons should receive preference over small businesses for federal contracts.

That is what we are talking about here.

The Chamber of Commerce:

The United States Senate is expected to very shortly consider S. 1416, the Fiscal 2002 National Defense Authorization Act. Contained in that measure is a provision (Section 821), based on legislation authored by Senators Carl Levin and Craig Thomas, that would allow the Department of Defense to purchase goods and services in the private sector rather than from Federal Prison Industries (FPI), if doing so would be in the best interests of the taxpayer and DOD. Be aware that efforts may be made to strike or alter this provision.

On behalf of the Senator from Wyoming and myself, I move to table the amendment.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the Senator from Texas has been very cooperative on this unusual procedure. He advises the managers that he and two other Senators wish to participate in this important debate, that debate by these total of three Senators could be concluded prior to 2:15. The leadership is prepared to agree to have a vote at 2:15.

Mr. REID. Mr. President, the Secretary of State is going to be here for a briefing at 2:30. We would have to have that vote at 2:15. The time between now and 12:30 when we recess would be taken. I understand the Senator from Texas says he has at least one other person who wants to come to speak in addition to him. I am sure the two managers will fairly divide the time between now and when we recess. But if we could have an agreement, we first ask for the yeas and nays on Senator WARNER's motion to table and then agree that the vote would be at 2:15 this afternoon. I ask that in the form of a unanimous consent request.

Mr. WARNER. I ask the Senator from Texas, is that agreeable? We would now ask unanimous consent that a vote would occur on the tabling motion which I, together with the Senator from Wyoming, will make at 2:15, subject, however, to a continuation of this debate up until, should we say, no later than 1 o'clock.

Mr. GRAMM. That is fine.

Mr. REID. Why don't you make it 12:40 or something.

Mr. LEVIN. 12:30.

Mr. WARNER. 12:30.

Mr. GRAMM. That is fine. All I want to do is answer the three speeches that have been given. I have two other people who say they may want to speak. They may not get over to the Chamber. If they cannot, they cannot.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. REID. Mr. President, I only ask unanimous consent that we vote at 2:15, that the time until 2:15 be divided between the two managers, and that prior to that motion to table there be no amendments in order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request proposed by the Senator from Nevada?

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been trying to get an amendment up, amendment No. 1595. That is the Vieques amendment, not the energy amendment. And this somehow got in front of me.

Mr. REID. This has nothing to do with that amendment.

Mr. INHOFE. I understand that. After that vote, could we then take up this amendment?

Mr. REID. It recurs automatically, so we do not have to do anything.

Mr. INHOFE. OK.

The PRESIDING OFFICER. Is there objection to the unanimous consent request propounded by the Senator from Nevada?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I don't object. I would just like to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, I have listened to our three speeches. In listening to them, you get the idea that what they want is competition in defense procurement. I would, therefore, like to ask unanimous consent that the pending resolution be set aside and that an amendment be adopted by unanimous consent, which says the following:

All defense procurement shall be on a competitive basis, and the Secretary of Defense shall buy products at the highest possible quality at the lowest possible price.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Mr. President, I wanted that objection because I wanted to make a point. And that point is, this bill is completely full of noncompetitive provisions. This bill is full of provisions that say who can do business with the Pentagon and who cannot. This bill prohibits someone from even bidding on a contract with the Pentagon unless they pay the highest wage rates paid in their region. There is no price competition in this bill. This bill is the antithesis of price competition. When our colleagues talk about price competition, their bill has none, save they want to destroy Prison Industries.

The point I want to make is the following: This amendment has nothing

to do with price competition. This bill has to do with killing Prison Industries. Now, look, if you listen to our colleagues, it sounds as though they are saying, we do not want to compete with prisoners. It sounds as if prisoners are getting all this money that would have gone to some private sector producer.

Mr. President, I ask unanimous consent that a letter from The National Center for Victims of Crime be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE NATIONAL CENTER FOR  
VICTIMS OF CRIME,  
Washington, DC, September 24, 2001.

Hon. PHIL GRAMM,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR GRAMM: The National Center for Victims of Crime wishes to express its strong opposition to Section 821 of the National Defense Authorization Act for Fiscal Year 2002 (S. 1438), concerning purchases from federal prison industries. This amendment raises a panoply of concerns at both the federal and state levels, and will literally take desperately needed funds away from victims who are trying to piece their lives back together in the aftermath of crime.

At the federal level, we are deeply concerned that this provision would thwart the Federal Bureau of Prisons' (BOP) efforts to collect millions of dollars each year to support victim assistance and pay crime victim restitution.

In addition, we have spoken to state officials who are extremely concerned that this federal provision may set precedent for state level action, significantly affecting the ability of crime victims to collect restitution. Many states require a percentage of money deposited into inmate accounts—including inmate earnings from prison industries—to be collected to support statewide funds for crime victim assistance programs as well as to satisfy court-ordered restitution for victims. For example, in California, during fiscal 2000-2001, the state Prison Industry Authority (PIA) deducted 20% of the inmate wages and transfers (or the balance of victim restitution orders of court-ordered fines, whichever was less) to pay for crime victim assistance programs and restitution orders. The total payment from PIA wages for crime victim restitution during that year was \$440,000 dollars. In Florida, the statewide private Prison Rehabilitative Industries and Diversified Enterprises (PRIDE) collected \$264,000 in crime victim restitution during the last fiscal year. To take away those desperately needed victim assistance funds is a slap in the face of the already wounded.

Furthermore, we believe that prison work programs can prepare inmates for a productive return to society, reducing recidivism. Section 821, by introducing competitive bidding into the procurement process, will reduce the availability of prison work. The result will be fewer prisoners returning to society with the necessary skills and work history to gain employment.

We strongly urge you to support restitution for victims of crime and oppose Section 821 of the National Defense Authorization Act.

Sincerely,

SUSAN HERMAN,  
Executive Director.

Mr. GRAMM. The point of this letter is, some of the money that is being

earned by producing goods in prison is going for restitution to their victims. Prisoners get approximately 5 percent of the value of the products that are sold. This is not benefiting prisoners in any real sense. Who it is benefiting really boils down to three groups of people: One, restitution to victims, where some of the money goes for that purpose; two, we are beginning to develop a program whereby we can pay some of the \$30,000 per-prisoner cost of keeping somebody in the Federal penitentiary by having them work; and, finally, indirectly prisoners benefit by a reduced recidivism rate.

Our colleagues say: Well, look, why should the Government give to Prison Industries the right of first offering to sell products to the Government? Why shouldn't we just do it competitively?

Let me say, Madam President, I would be perfectly happy—in fact, I ask unanimous consent that the current amendment be set aside and that the following amendment be adopted:

The Federal Prison Industry Program and its special relationship to the Defense Department shall be terminated and the Federal Prison Industries shall have every right to sell products in the private sector of the economy except with two limitations: No. 1, no products shall be sold in the immediate vicinity of the prison; and, No. 2, no products shall be sold in a market where price has declined more than 10 percent in the last year.

I ask unanimous consent that be adopted.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Madam President, I wanted that objection because I wanted to make the point that when our colleagues are talking about wanting prison labor to compete; they do not want prison labor to compete; they do not want it to work. The unions and the furniture manufacturers pound their chest and talk about: We want to compete with prison labor. But they are not telling the truth. They want to take away the only market that is left for prison labor.

They killed off the market for prison labor in the 1930s where virtually everybody in American prisons worked and where they produced their own food, where they produced their own clothes, where they paid for part of the cost of their incarceration, and where they learned skills. So having killed that, now they want to kill the last vestige of prison labor; and that is selling to the Federal Government. They cloak themselves in the righteousness of competition, but they want no competition.

Now, lest anybody think the relationship the Federal Prison Industries has is a relationship which is unfair to the Government, I remind my colleagues that in the 1930s we killed the prison industry as it related to producing and selling goods in the private

marketplace with three Federal statutes: One, forbid the sale of prison goods in interstate commerce; another, forbid the transportation of prison goods in interstate commerce; and another one said: You can work, but you have to pay them union wages. The simple English was: Prisoners are not going to work. What happened? We drove up the cost of keeping people in prison.

The only thing left is Government procurement. Every other kind of production by prisoners is now illegal in the United States of America.

Let me recite these facts: In the last comprehensive study by the Office of the Inspector General, Department of Defense—let me remind my colleagues, the Defense Department did not ask for the Levin amendment. The Justice Department is adamantly opposed to the Levin amendment. But you get the idea in listening to the proponents of this provision that, well, these prison products are overpriced and are no good. When we did a comprehensive study that was reported to Congress on October 5, 1998, here is what it found:

In 78 percent of the procurements that the Defense Department engaged in with Federal Prison Industries, the cost of the product was actually lower than the cost of the product that was available in the private sector. So 78 percent of the time it was cheaper buying from the prisons; 20 percent of the time, in the survey, it was higher; 21 percent of the time it was roughly the same.

When the cost is higher, the Defense Department has the ability to apply for a waiver so that they don't have to buy from Prison Industries if they think it is not a good deal. Well, in listening to the proponents of this provision, you would get the idea that the answer every time they asked for a waiver was no. The plain truth is that in 89 percent of the cases where they said they didn't want this product from Prison Industries, that waiver was granted.

Let me summarize by making the following points: First of all, by roughly a 4-to-1 margin in the surveys that have been done, it is cheaper to buy from Prison Industries than from the private sector.

Secondly, in those cases where it is not cheaper, almost 90 percent of the time a waiver was granted so that the Pentagon did not have to purchase the item from Prison Industries.

Our colleagues talk about competition, but they don't want competition. When I asked unanimous consent to have competition for the Pentagon to buy the best quality at the lowest price, just as Mr. and Mrs. America try to do every day—and as every business in America tries to do every day—they claim it is what they want, but when I ask that we do it by unanimous consent, they object. They say they want prison labor to have to compete, but when I ask unanimous consent that it

be able to compete for both Government contracts and private contracts, save the limitation that you could not sell things right around the prison when you glut the market and you could not sell in markets where prices were falling because of an excess supply—when I tried to take the principle they argue on and apply it across the board, they object.

So what is the principle? The principle is, having killed prison labor in the private sector, having gone from a system where virtually every prisoner in America worked 12 hours a day, 6 days a week to pay restitution to victims, to pay for their incarceration—having killed that in the private sector, we have an effort before us today to kill it in the public sector. That is what this amendment is about. It is not about competition.

Now, it is true that our colleagues hold up letters from the AFL-CIO and from the NFIB, and those letters say they are for this bill, and that is true. We do have a letter from labor unions. We have a letter from people who produce items and who would like to see prison labor killed so that they can sell the items to the Federal Government. But I ask my colleagues, who benefits from that? It is true that the workers of a furniture manufacturing plant that might get more jobs or higher wages by killing the Federal Prison Industries—maybe they will benefit. It is probably true that the furniture manufacturer who would sell the product if we kill Federal Prison Industries will benefit. But there are 285 million people in America who are paying \$30,000 per year to incarcerate one person in a Federal penitentiary. We have 1.2 million people nationwide in prison. Does that cost, borne by 285 million people to keep someone in prison, carry no weight? Do we only care about the labor unions and the manufacturers who would benefit by killing the Federal prison system? And do we not care about the 285 million people who would lose by losing victim restitution, by losing our ability to develop a system where prisoners will help pay some of that \$30,000 a year? Do we only hear from the voices of the few who would benefit by killing the Federal prison system and not hear from the 285 million people who would lose?

What a skewed debate this is. But the problem is, the unions know who they are; they have sent letters and they have called Members of the Senate. My dear friends at the NFIB—one of the great organizations in America, which is a special interest organization—have sent out letters, and they have called and lobbied. Where are the lobbyists for the 285 million people who are going to pay \$30,000 a year to keep somebody in prison? Have we heard from them? No. They can't figure out why we are talking about killing Federal Prison Industries when the Nation hears the drum roll and the bugle of war. They don't even know this is being debated.

So we have Members of Congress, and over their left shoulder are all those special interest groups that want to kill the last vestige of prison labor in America. They are all going to send letters back home telling people—whether you care about the manufacturer or the labor union, they are going to send those letters. Nobody is going to send a letter back home saying that you cared about 285 million taxpayers because the American public thinks that we are in a crisis and they are paying attention to it.

That is how bad laws are made. I urge my colleagues to defeat the Levin amendment. We had a very unusual thing happen. I must say, in all the time I have been here I don't remember it happening before, but it is perfectly within the rules. We had the Senator from Virginia offer a tabling amendment on behalf of another member—in this case, myself—before I was ready to debate the issue, before I could get together my supporters to come speak on behalf of it. I am sure that was not his intention. His intention was to get on with this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Did we have a unanimous consent agreement dividing the time? If so, I did not hear it.

The PRESIDING OFFICER. The time was to be equally divided.

Mr. GRAMM. That was in the unanimous consent request?

The PRESIDING OFFICER. Yes, it was.

Mr. GRAMM. I ask unanimous consent for one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. The issue is not going to be decided on this tabling motion unless this provision is stricken because I have not yet had an opportunity to offer an amendment. I would like to have a compromise. I would like to get new data, and I would like to try to improve the Federal prison system. I would like to respond to the legitimate concerns that have been raised. But I am not willing to step aside and allow prison labor to be killed in America. We have 1.2 million people sitting around in idleness, and the cost of keeping people in prison is driving up taxes all over America.

If, in fact, this amendment is taken out of this bill, it will settle this issue for this year, but if it is not taken out of this bill, it will not settle this issue for this year. I urge the distinguished chairman of the committee to compromise, to come to a reasonable solution so we can deal with the Nation's problems.

This is an important issue. There are 285 million people paying \$30,000 a year to keep people in prison. We have 1.2 million people in prison. I just cannot be indifferent about that. As a result, I am opposed to the Levin amendment. I will vote against this tabling motion.

If it is not tabled, the amendment will be pending and it can be amended. If it is tabled, then another amendment can be offered, so I do not know that we have settled anything.

We have had a good debate, and I think the more people hear about this, the better off we are. I cannot imagine an objective American siding with killing the Federal Prison Industries.

I thank the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Madam President, very briefly, there are a number of points which the Senator from Texas has made which deserve, again, to be refuted. I will pick two of them.

First he says Mr. and Mrs. America, if they only knew, they surely would say that we have to allow the Prison Industries to establish a monopoly so that the Defense Department must buy a product from Prison Industries, even though the Defense Department is paying more for it from Prison Industries than they do from a private firm.

I think Mr. and Mrs. America would be stunned, would be shocked if they heard that a private firm is not allowed to bid on a product that the Government is buying.

I think Mr. and Mrs. America would probably shake their heads in disbelief and say: Wait a minute, you mean that the office supply company down the street my husband or wife works at is not allowed to bid even if they have a lower price than Prison Industries at 50-cents-an-hour labor? You mean that firm, that company, where my spouse has a job, cannot even bid on it? Talk about being stunned. That would stun Mr. and Mrs. America.

There is something else, by the way, about Mr. and Mrs. America to which I want to make reference. We do not allow Americans to buy products made by Chinese prison labor. We prohibit it. We just do not think it is right that we should be competing with Chinese prison wages. It is tough enough to be competing with wages of people who are not in prison in other countries, but we have a prohibition on that.

Yet our friend from Texas says we ought to let prison labor sell in the private sector. That is really what is at issue by the way. The issue is much more than the language which is in this bill which would simply allow the private sector to compete. What the Senator from Texas is really after and has said he would support would be a provision that would let prison labor make products and sell in the private sector.

I want to see whether or not the American public will support a system where our workers not in prison have to compete with prison wages. I do not think they want to do it any more than we want to compete with Chinese prison wages. I do not think they want to do it. Yet that is what the Senator from Texas says he will support.

I hope this Senate will reject that as being really what the Senator from Texas is after and, according to his own words, something he will support.

The issue before us is a narrower issue. Although the issue I mentioned may be the underlying issue, the narrower issue is the language in this bill. The language in this bill simply says that if a private firm wishes to bid on a product that the Department of Defense is buying, it ought to be allowed to do so and that Prison Industries should not be able unilaterally to say a private company may not bid, that Prison Industries is going to have a monopoly.

The Senator from Texas repeated perhaps 20 times that the effort here is to kill prison labor, kill Prison Industries. Of course, it is not. It is to permit the private sector to compete. Indeed, the statistics, which he cited a number of times, support our language. It was his statistics which said that in 78 percent of the procurements by the Department, the price paid to Prison Industries was actually lower. Fine. We are not trying to change that. All this language does is take care of the other 20 percent, which is also one of the statistics cited by the Senator from Texas.

In the other 20 percent, according to the Senator from Texas, it would actually be cheaper for the Department of Defense to buy from the private sector than it would from Prison Industries. He cites that statistic as proving that in most cases it would be cheaper for the Department to buy from Prison Industries. Fine. We are not trying to stop that. We are not trying to stop the Prison Industries from competing. We just want to allow the private sector to compete so that in 20 percent of the cases where the Department of Defense would save money by buying from the private sector, it would be allowed to do so.

Madam President, I hope this language will stay in the bill. It has broad support. It is also, it seems to me, so fundamentally fair that American citizens not in prison be allowed to bid on items that their Government is buying. That to me is so obvious and so fair that it would come as a shock to American citizens to learn that is anything other than what the current system is. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

ORDER FOR RECESS SUBJECT TO CALL OF THE CHAIR

Mr. REID. Madam President, I ask unanimous consent that following the 2:15 p.m. vote, the Senate be in recess subject to the call of the Chair as a result of the briefing that will take place by Secretary of State Colin Powell.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, we have a minute before we recess. I feel

so strongly about this notion that we favor private enterprise, that we favor the opportunity for competition, and that we have worked at this problem for a number of years and now to pick out a portion of it and say somehow private competition should not work surprises me a great deal.

I understand the number of Federal prisons in Texas. Talk about special interests. It is there. What we ought to do is follow the policy we have had for a very long time and see if we can move as much activity to the private sector as possible when they can compete, when they can make the best product, and that is the case here.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, we have a couple minutes remaining, and I would like to have that time, if I may.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Madam President, first of all, I am not in a Federal prison, and I do not have any kinfolk in a Federal prison, so I do not know how I would benefit from that.

Second, it is interesting, all this concern about competition. The Defense Department sent the chairman a recommendation that they be allowed to be more competitive in purchasing items by not requiring defense contractors to pay inflated wage rates in order to bid. They estimated that next year they could save \$180 million if they were allowed to be more competitive, and that provision was struck and not included in this bill.

The Defense Department sent the chairman and the ranking member a letter saying: If you will just let us have a little bit more leeway in getting competitive bidding on small contracts of less than \$1 million, that could have saved \$180 million in 1 year.

Our colleagues who are so concerned about competition today say basically we do not want to save \$180,000 if it means competition, and so they rejected that provision. Yet when it comes to Federal Prison Industries, now all of a sudden everything should be different.

So I hope my colleagues will vote on this on the merits. Do you want to kill Federal Prison Industries or not? Do you think a handful of workers and a handful of manufacturers who would benefit by killing Federal Prison Industries are more important than the 285 million taxpayers who are paying \$30,000 a year to keep somebody in prison where those costs can be ultimately partially paid by prisoners working and where we could use some of the money for victims' restitution? That is the issue, and I hope people will vote on that basis.

Mr. VOINOVICH. Madam President, I rise today in support of the preservation of the Federal Prison Industries Program. Language that is currently

in the Defense authorization bill would gut this program within the Bureau of Federal Prisons, effectively withdrawing hope for thousands of incarcerated Federal prisoners and fostering a dangerous number of idle hands within our Federal prison system.

Today, the Federal Prison Industries Program employs and provides valuable skills training to the greatest practicable number of inmates incarcerated within the Federal prison system. Overall, FPI has some 21,000 inmates in more than 100 Federal prisons working in 100 industries, from textiles to electronics to graphic design. In Ohio, the Federal Correctional Institute at Elkton has up to 450 inmates working in data processing and electronics recycling. This employment of prisoners does more than just occupy time, it teaches prisoners the skills they need to obtain a job once they leave prison.

By giving prisoners an opportunity to change their lives, the FPI program contributes to security inside prisons, and it reduces the rate of recidivism among those it trains. Indeed, inmates in FPI's work programs are 24 percent less likely to be repeat offenders after being released. In addition, 55 percent of inmates' wages go toward meeting their financial obligations, such as victim restitution, child support, and court fees.

When I was Governor of Ohio, we had a similar program to FPI and saw firsthand the success and value of giving inmates a second chance at being productive members of society. In Ohio, we had inmates who had been trained in horticulture take part in groundskeeping throughout the Governor's residence. We had inmates working in the Governor's office mailroom and copy center operations, where they put together news clippings, distributed mail and did a good portion of the photocopying. Overall, I had an extremely good experience with the work these inmates did, and I have to say that for the most part, the work they performed was excellent. For some inmates who had exemplified themselves, I even wrote letters of recommendation to help them get jobs when they got out of prison.

The experience that I have had at the State level by employing State inmates is one that is replicated at the Federal level through the FPI program.

I understand that some private sector companies desire to compete for FPI contracts, however, I believe that FPI provides an invaluable opportunity for inmates, and the communities to which they will eventually return, that cannot be ignored.

While I find merit in pursuing possible reforms to the FPI program, I do not believe the answer is to completely obliterate FPI, as the current language does. Therefore, I urge my colleagues to support to ensure the viability of FPI, the safety of our Federal prisons

and the rehabilitation of our Federal inmates.

Mr. BYRD. Madam President, I oppose section 821 of the Fiscal Year 2002 Defense authorization bill because I fear that this section would undermine what has proved to be a successful program in helping to manage Federal prisoners.

Section 821 would effectively eliminate the mandatory source requirement for the Department of Defense, which ensures that Federal prisoners are employed in sufficient numbers, and thus is fundamental to the security of our Federal prisons.

Moreover, since this section would significantly affect our Federal prisons, it is an issue that the Senate Judiciary Committee should first consider before the Senate takes action on it after only 2 hours of debate.

I support competition for the provision of goods and services to the Federal Government. However, this competition should not be sought at the expense of a successful prisoner management program, and that program should certainly not be repealed without some alternative program to replace it.

Mr. BROWBACK. Madam President, I rise to support my colleague from Texas in his effort to strike section 821 from S. 1438. I have outlined why I believe that the Federal Prison Industries is important for the continued orderly function of our prisons.

Today I have received a letter from Fraternal Order of Police President Steve Young. In his letter, Mr. Young made an interesting point that a healthy Federal Prison Industries is not only important for the orderly function of our prisons but also for the safety of our corrections officers.

I ask unanimous consent that Mr. Young's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,  
Washington, DC, September 25, 2001.

Hon. SAM BROWBACK,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BROWBACK: I am writing on behalf of the more than 299,000 members of the Fraternal Order of Police to advise you of our strong support for Amendment No. 1674 to strike Section 821 from S. 1438, the "FY 2002 National Defense Authorization Act;" and therefore urge a "no" vote on the motion to table this important amendment.

Reform of Federal Prison Industries has been an issue which has received much attention over the past several years. For our organization, any reform proposal put before the Congress must be viewed from the perspective of its potential impact on both the safety of Federal correctional officers, and the safety of the public from recidivist offenders.

With the large number of Federal prisoners incarcerated in Bureau of Prison (BOP) facilities, now is the time to seek increased opportunities for inmates to gain meaningful employment through FPI. In so doing, we

can reduce the rate of recidivism, enhance public safety, provide restitution to victims of crime and their families, and require these inmates to truly pay their debt to society at no additional cost to the American taxpayers. In addition, it will create a safer environment for the thousands of correctional officers who work in BOP facilities.

On behalf of the membership of the Fraternal Order of Police, I wish to thank you for your continuing leadership on this issue and your support of America's law enforcement officers. Please do not hesitate to contact me, or Executive Director Jim Pasco, if we can provide you with any additional information or assistance.

Sincerely,

STEVE YOUNG,  
National President.

Mr. THURMOND. Madam President, I rise to express my strong support for the amendment to strike section 821, the Federal Prison Industries provision of the Defense Authorization Act. I commend Senator GRAMM for his leadership and excellent remarks today on this critical issue.

FPI or UNICOR is an essential correctional program that keeps thousands of prisoners working every day without any cost to taxpayers. It helps maintain prison safety and security because inmates that are productively occupied are less likely to be involved in mischief and violence.

FPI has existed since the 1930s, but it has never been more important than it is today in these times of rising prison populations. Just on the Federal level, the prison population today is twice what it was in the late 1980s. While the number of inmates in State prisons may be leveling off now, the number of Federal prisoners is continuing to rise and is expected to expand by 40 percent in the next seven years. The Congress is approving 28 more medium or high-security prisons to accommodate this continuing increase, which is needed to keep our streets safe and keep the crime rate declining. It is prisons of this type that most need the work programs that FPI provides.

Moreover, Prison Industries helps provide prisoners a future when they are released. The program teaches inmates meaningful job skills that they can use when they return to society, and has proven to be the most successful government initiative in helping prevent prisoners from returning to a life of crime. It is an extremely popular work program, through which inmates volunteer to participate. In fact, the prisons have long waiting lists for inmates to be involved. It is worth repeating that FPI requires no government funding and sustains itself as a government corporation.

We should not destroy what keeps the growing correctional population occupied in a way that benefits prisoners and protects the prisons and our communities. Yet, Section 821 of the Defense authorization bill could do just that. It would essentially exclude the Defense Department from FPI and endanger this program and its essential mission.

The Defense Department is critical to FPI's continued success. It is one of FPI's most important customers, constituting about 60 percent of FPI sales. Also, FPI is an important part of the military supply network. DOD and FPI have a good working relationship, and there is no basis for us to create a special carve out of DOD from FPI's very long-standing Federal Government preference in procurement.

Section 821 would eliminate the preference that FPI has over the private sector for sales less than \$2,500, for products that are part of a national security system, or for products that are components of items that FPI does not sell. This would essentially exclude Defense from the mandatory source because the great majority of DOD orders fit into one of these three categories. In fact, for any remaining purchases, DOD would be required to conduct "market research" before making purchases. This provision is simply unworkable in practice and, considering that DOD constitutes about 60 percent of FPI sales, would severely harm FPI, and even endanger the program.

The arguments that opponents of Prison Industries are making are certainly not new. These issues were raised by Senator LEVIN years ago in a previous Defense authorization bill, and the Congress required the Defense Department and the Justice Department to complete a major study regarding their relationship. The results of that joint study were released in 1999, and show that the changes we are considering today are not warranted. The study found that they have a beneficial and cooperative relationship, and the suggestions it made for improvement have been implemented. It specifically concluded that no statutory changes in the procurement process are warranted, which the provision we are considering today entirely disregards.

Moreover, the current Bush administration opposes this type of piecemeal effort to harm FPI, just as the Clinton administration and others did in the past. The Bush administration has expressed great concern about the effect that Section 821 could have on the safe and effective administration of Federal prisons.

This concern is entirely appropriate. The fact is that Section 821 would eliminate many FPI jobs and create problems for the safe and efficient operation of Federal prisons. Also, many opportunities for inmates to earn marketable job skills would be lost or have to be subsidized with scarce Government funds. Given the severe budget constraints and demands for Federal money caused by the September 11 terrorist attacks, this is definitely not the time to be creating an additional need for Federal dollars.

The operation of Federal prisons is a matter within the jurisdiction of the Judiciary Committee, and that committee is the appropriate place to consider matters related to FPI. In fact,

reform legislation that we should consider in the Judiciary Committee is currently pending there.

I agree that it is time to move away from the mandatory source preference that FPI has in the Federal market. However, we must do so in a reasoned, comprehensive way that creates more opportunities, not less.

Senator HATCH and I have introduced a bill that is pending in the Judiciary Committee which would eliminate the mandatory source in a way that would not endanger FPI. Our legislation, S. 1228, would give private businesses the opportunity to partner with FPI to make products in the private sector.

Most importantly, it would permit prisoners to make products for private companies that otherwise would be made overseas, such as electronic toys and televisions. This has the potential to return jobs to America that have been lost to foreign labor. FPI already purchases over \$400 million per year in raw materials and equipment from United States companies, most of which comes from small businesses. This bill would expand those opportunities for private industry.

Also, under S. 1228, when inmates made products in the domestic market, they would earn comparable locality wages. Additional money that they earned would be used to pay restitution, child support, and a portion of their room and board costs. This would be in addition to the millions of dollars that FPI inmates already contribute annually to their families and to crime victims. I think we should make FPI a partner with the private sector as part of a comprehensive solution to this long-standing issue.

Any argument about forced labor, whether in FPI today or in this bill, has absolutely no merit. FPI is a program that inmates volunteer to participate in, and S. 1228 would require that participation be voluntary. Also, the facilities would comply with standards established by OSHA, the International Labor Organization, and the American Correctional Association.

I am prepared to work with all interested parties to help resolve this matter once and for all. However, the Defense Authorization Act is not the right place and section 821 is clearly not the right approach to reforming Prison Industries. With the recent terrorist attack, many want to limit the Defense authorization bill to our military and national security needs. This bill certainly should not be used to interfere in the orderly operation of Federal prisons. Thus, I encourage my colleagues to support this important amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, do I have any time remaining?

The PRESIDING OFFICER. There is no time remaining.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, if the Senator from Texas wants to offer an amendment to modify the Davis-Bacon law to accomplish what he talked about, he ought to offer it. Nobody offered it in committee, but the Senator from Texas is free to offer it.

What troubles me is we have a bill which is of critical significance to the Armed Forces of the United States. We have pay increases in the bill. We have housing allowances. What the Senator from Texas is saying is, unless he gets his way on this issue, he is not going to allow that bill to go forward. It seems to me that is wrong, and that is the problem. That is what has caused this particular situation.

That is the only reason the Senator from Virginia obviously offered the amendment and moved to table it, to see whether or not there is support for the position of the Senator from Texas. If the Senator from Texas prevails on his position, fine. If he does not prevail on his position, this bill is too important, has too much in it that matters to the security of this country, to be held up by one Senator who insists he is going to get his way even if the majority of the Senate disagrees with him. That is what the issue is. It seems to me that is the overriding issue.

Back to competition, if the Senator from Texas believes there should be an amendment that would modify Davis-Bacon, I would urge him to offer that. Let us debate it. Let us vote it, but let us not hold up the Defense bill as his position would.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I ask unanimous consent that the request of the Defense Department that they have the right to engage in competitive bidding on contracts of less than a million dollars be accepted.

Mr. LEVIN. I object. I have said very clearly that the Senator should offer the amendment if he wants to do so. Send the amendment to the desk. Let's debate that amendment. Win or lose, modify Davis-Bacon if he wishes. Send an amendment to the desk. We will debate it. But what I object to is holding up the Defense bill on this ground. We do not do this by unanimous consent.

Mr. GRAMM. Not to keep dragging this dead cat back across the table, but I am not asking for any special privilege. I wanted to offer my own amendment, which someone else offered. The Senator can deal with his bill as he chooses. I have been a private in the Army, but I believe I am a private in the right. I want this issue to be heard, and I want to debate it. I don't understand why that is somehow unreasonable.

When people want to pass special interest legislation, they can cloak themselves in the righteousness of the moment. I do not understand why it is

even in this bill. I think, quite frankly, people ought to be embarrassed that it is in this bill.

In any case, I am not asking for any special privilege whatsoever. I want to exercise my right as 1 of 100 Senators. That is all I am doing.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:34 p.m. having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The majority leader.

## ORDER OF BUSINESS

Mr. DASCHLE. For the interest of all Senators, we will stand in recess immediately following this vote in order to accommodate Senators who wish to attend the briefing that will be held in room 407 this afternoon. That briefing will be to hear the Secretary of State give an update on the current circumstances.

## MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. DASCHLE. I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 65, a continuing resolution.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 65) making continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 65) was considered read the third time and passed.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Virginia, Mr. WARNER, No. 1674.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. WARNER. We have no objection. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Delaware (Mr. CARPER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 287 Leg.]

#### YEAS—74

Akaka	Domenici	Lugar
Allard	Dorgan	Mikulski
Allen	Edwards	Miller
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Frist	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Bunning	Hagel	Rockefeller
Burns	Harkin	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Corzine	Kyl	Thomas
Craig	Landrieu	Torricelli
Crapo	Leahy	Warner
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden
Dodd	Lincoln	

#### NAYS—24

Bond	Graham	McConnell
Brownback	Gramm	Murkowski
Byrd	Hatch	Roberts
Chafee	Hutchison	Santorum
DeWine	Jeffords	Stevens
Durbin	Kohl	Thompson
Ensign	Lott	Thurmond
Fitzgerald	McCain	Voinovich

#### NOT VOTING—2

Biden Carper

The motion was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. JOHNSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:48 p.m., recessed subject to the call of the Chair and reassembled at 4:06 p.m., when called to order by the Presiding Officer (Mr. MILLER).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I understand the amendment of the Senator

from New Mexico has now been cleared on both sides. We welcome that news. He has been working hard on this amendment for a number of years to provide some equity to some people who have had severe losses. I have always commended him on his efforts and supported him. I think we have worked it out within the budget constraints of the bill.

Perhaps the Senator from Oklahoma would agree that his amendment will be temporarily laid aside so the Senator from New Mexico could offer an amendment.

Mr. WARNER. Mr. President, I join the chairman. We have known of the years and years of work and the foundation laid by our colleague from New Mexico. He provided for it in the budget amendment long before the current situation developed. We support it.

#### AMENDMENT NO. 1672

Mr. DOMENICI. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. ALLARD, proposes an amendment numbered 1672.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide permanent appropriations with fiscal year limits to the Radiation Exposure Compensation Trust Fund to make payments under the Radiation Exposure Compensation Act)

At the appropriate place, insert the following:

#### SEC. . RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

“(e) APPROPRIATION.—

“(1) IN GENERAL.—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

“(2) LIMITATION.—Amounts appropriated pursuant to paragraph (1) may not exceed—

“(A) in fiscal year 2002, \$172,000,000;

“(B) in fiscal year 2003, \$143,000,000;

“(C) in fiscal year 2004, \$107,000,000;

“(D) in fiscal year 2005, \$65,000,000;

“(E) in fiscal year 2006, \$47,000,000;

“(F) in fiscal year 2007, \$29,000,000;

“(G) in fiscal year 2008, \$29,000,000;

“(H) in fiscal year 2009, \$23,000,000;

“(I) in fiscal year 2010, \$23,000,000; and

“(J) in fiscal year 2011, \$17,000,000.”.

Mr. DOMENICI. Mr. President, we are going to do something that is very fair that will eliminate a serious problem that is out there among a few thousand Americans, some of whom have walked into meetings with the

U.S. Government carrying an IOU. The IOU is that the Federal Government owes them the money they were supposed to receive months ago, because either the person there or one of their spouses have died or is seriously ill with an ailment that is charged and relates directly to having been in the uranium mining activity for years and years in the early days of the nuclear weapons program.

What happened was, we put money in a trust fund and we made this an entitlement, but it was not funded. The trust fund was a given amount of money. They adjudicated these claims. We did it so they could do them quickly; they didn't have to spend a lot of money on lawyers.

The Government ruled quickly, even though in some cases, with some of them listening in the Four Corners area, they did go through an awful lot of trouble to get their claim. But then, the insult: they produced their claim and said, where is the money? The U.S. Department of Justice said, oops, sorry, we don't have any. These people are walking around, some of them almost in a daze, because they cannot believe that their Federal Government they read about every day, spending hundreds of billions of dollars, huge amounts for defense, huge amounts for other things, is telling them for a claim that is theirs, that has been adjudicated, that says the U.S. Government of America owes Jimmy Jones \$100,000, there is no money. And this is what they bring to our meetings.

We do not take very long in agreeing with them. We try to give them the history, the fact it has to be funded. Every time we sought funding for one reason or another, we received just enough for a month or two. This claim got mixed up in jurisdictional problems as to which committee ought to fund it.

I say to the Senate, when we were working on the budget resolution, we allocated in that budget to the Armed Services Committee the money that was necessary to keep this program going for a substantial period of time. We said, even though it is allocated to the defense part of our budget, this amount of money should be used for the claimants I am talking about under the Radiation Exposure Compensation Fund.

Under this bill, there is \$172 million in the defense account that has not been used because it is for these claimants. A little bit of it was used in the process of producing this bill. I do not choose to argue about that. That is all right with me. I just want this amendment adopted so nobody uses the rest of the money that is in this bill for these people.

For anybody who is interested, we are about to do something for a lot of Americans, principally in the Four Corners area, some in the Dakotas. Those claimants ought to know the

best we can do is to put it on this bill. This bill has a long way to go, but the Senator from New Mexico does not know where else to put it that will get it into their hands any sooner.

We will be watching and observing, and if for some reason this authorization bill cannot get through the process—through the House to the President and signed—we will try to find another way. We did not succeed totally. We do not make this a completely mandatory program.

We are taking jurisdiction away from no one. If this bill is in the Judiciary Committee, they will retain jurisdiction. We are going to pay for it out of an allocation that went to this committee's work on defense, and we are just about to say that this money will now go to whom it was intended: those people to whom the Government is clearly indebted and owes money.

I offered this amendment that will make funding for the Radiation Exposure Compensation Fund mandatory.

From the 1940s through 1971, uranium miners, Federal employees, who participated in above-ground nuclear tests, and downwinders from the Nevada Test Site were exposed to dangerous levels of radiation. As a result of this exposure, these individuals contracted debilitating and too often deadly radiation-related cancers and other diseases.

In 1990, Congress recognized their contribution by passing the Radiation Exposure Compensation Act to ensure that these individuals and their families were indemnified for their sacrifice and suffering. However, the RECA Trust Fund ran out of money in May, 2000. Consequently, for over a year most eligible claimants received nothing more than a five-line IOU from the Justice Department explaining that no payments will be made until Congress provides the necessary funds. Some of these claimants died while awaiting their payments. This is simply unconscionable.

Fortunately, we were able to secure the necessary funds in this year's supplemental to pay the IOUs and all claims approved by September 30, 2001. Nonetheless, many claims will be filed and approved over the coming years, and it is time we make all payments to this fund mandatory so that these people who have suffered so greatly for our Nation's security are not again shortchanged by the political complexities of the annual congressional appropriations process. If we do not adopt this amendment, more of these men will die holding nothing but a Government IOU.

In a time when our Nation is at war, it is imperative that we do not forget those citizens who have contributed so much to the strength and security of our Nation. After all, these folks helped build our nuclear arsenal, the nuclear arsenal that is responsible, at least in part, for ending the cold war

and leading to America's place as the world's only superpower.

Moreover, it is important that we show those who are now being called on to protect our Nation that the Senate cannot and will not forget their efforts and sacrifice. By turning our backs on some of yesterday's heroes we will be sending the wrong message to the heroes of today.

This is the appropriate time to raise this issue because we assumed this spending in the Senate budget resolution and the funding was allocated to the Armed Services Committee for this purpose. It is important to note that under this amendment, these mandatory payments are capped at the amounts allocated to the Armed Services Committee and will not exceed \$172 million in any one year.

Those who helped protect our Nation's security through their work on our nuclear programs must be compensated for the enormous price they paid. Anything less is unacceptable.

Mr. President, there were a lot of Senators involved. If they want to be a cosponsor, we will be glad to ask they be made original cosponsors. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our good friend from New Mexico. He and Senator BINGAMAN and others have fought hard and long for equity in this area. We intended to do it for some time, but it has always been subject to appropriation.

The Senator from New Mexico made sure that in the budget resolution there was an allocation that would make this possible on this bill. He has done his homework, as he always does. It is very gratifying.

I know the people he represents, plus a lot of other people for whom justice will finally be done. I commend him for his work and support on the amendment.

Mr. BINGAMAN. Mr. President, I am an original cosponsor of this amendment by Senator DOMENICI and strongly supportive of it because it takes important steps to fully fund the Radiation Exposure Compensation Act, or RECA.

RECA was originally enacted as a means of compensating thousands of individuals who suffered from exposure to radiation as a result of the Federal Government's nuclear testing program and Federal uranium mining activities. While the Government can never fully compensate for the loss of a life or the reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended in 1990 to the victims of the radiation tragedies. This amendment is critical to ensure that the Federal Government finally lives up to that commitment of providing a compassionate program of compensation to these workers and their families.

Unfortunately, for years the Federal Government's commitment to RECA has been half-hearted. The fund has been consistently shortchanged, so much so that the Justice Department was until recently shamefully issuing IOU's to sick and dying workers. This amendment will assure uranium millers, miners and ore transporters that the Federal Government values the service they gave to our country and is committed to ensuring they receive compassionate compensation for that service.

The amendment provides \$655 million over 10 years to workers and their families that are eligible through RECA. This goes a long way toward the Federal Government fully living up to its promise when we passed RECA 11 years ago. Unfortunately, the Congressional Budget Office estimates that we need \$812 million over the same period. So, while I urge the Congress to recognize we are making important and critical strides to fully funding this commitment, we remain around \$150 million short and we must all work to ensure that the program is fully funded throughout the 10-year period. We must never reach a point of issuing IOU's rather than actual financial assistance to these workers and their families again.

I would also like to thank Chairman LEVIN and Senator WARNER for their hard work on this issue. They have, from the beginning, recognized the importance and fairness involved in passage of this amendment and I am appreciative of their help and support.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1672) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the senior Senator from Michigan. I yield the floor.

Mr. DASCHLE. Mr. President, I am delighted that the Senate has adopted an amendment I cosponsored with Senator DOMENICI to provide \$665 million over the next 10 years to fund the Radiation Exposure Compensation Act.

Hundreds of former uranium workers in South Dakota and thousands across the Nation have developed cancer and other life-threatening diseases as a result of their work producing uranium on behalf of the U.S. Government. Although the Federal Government knew this work put the health of these men and women at risk, it failed to take appropriate steps to warn or protect them.

The Radiation Exposure Compensation Act is designed to compensate these individuals, or their surviving

family. Although Congress has already committed to the compensation, adequate funding has never been available to fund this program. In fact, the Federal Government at times has been sending IOUs to eligible beneficiaries because Congress has not been providing enough money to pay these claims.

The amendment just adopted by the Senate takes a significant step toward addressing this problem. It provides \$665 million over the next 10 years to pay these claims. While this amount is not sufficient to cover all those expected to apply for benefits, it will cover the vast majority of claims. I plan to work with my colleagues to ensure that any remaining funds that prove to be necessary are provided.

I want to express my thanks to Senator DOMENICI for his work on this issue, and to Senators BINGAMAN, REID and HATCH for their consistent efforts to support uranium workers.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Congressional Budget Office is required to prepare a cost estimate for spending legislation reported by committees. The cost estimate for the bill reported by the committee, S. 1416, was not finished at the time the report on this bill was filed. The CBO cost estimate is now available. I ask unanimous consent that the Congressional Budget Office cost estimate for the Defense authorization bill reported by our Committee on Armed Services be printed in the RECORD.

Because the four sections removed from S. 1416 should not affect the funding levels in the bill, this CBO cost estimate will also apply to S. 1438 which we are presently considering.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 19, 2001.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1416, the National Defense Authorization Act for Fiscal Year 2002.

The CBO staff contact is Kent Christensen, who can be reached at 226-2840. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

BARRY B. ANDERSON,  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST  
ESTIMATE

S. 1416—National Defense Authorization Act for  
Fiscal Year 2002

Summary: S. 1416 would authorize appropriations totaling \$343 billion for fiscal year 2002 for the military functions of the Department of Defense (DoD) and the Department of Energy and certain other defense-related programs. It also would prescribe personnel strengths for each active duty and selected reserve component of the U.S. armed forces. CBO estimates that appropriation of the authorized amounts for 2002 would result in additional outlays of \$338 billion over the 2002–2006 period.

The bill also contains provisions that would raise the costs of discretionary defense programs over the 2003–2006 period. CBO estimates that those provisions would

require appropriations of \$10 billion over those four years.

The bill contains provisions that would reduce direct spending, primarily through revised payment rates for some services offered under the Tricare for Life program and certain asset sales. We estimate that the direct spending savings resulting from provisions of S. 1416 would total \$209 million over the 2002–2006 period and \$86 million over the 2002–2011 period. Those totals include estimated net receipts from asset sales of \$144 million over the next five years and \$120 million over 10 years. Because it would affect direct spending, the bill would be subject to pay-as-you-go procedures.

Section 4 of the Unfunded Mandates Reform Act (UMRA) excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote. The bill contains one private-sector mandate; however, the costs of that mandate would not exceed the threshold as specified in UMRA (\$113 million in 2001, adjusted annually for inflation).

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about \$1 million in 2002 and over \$2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1416 is shown in Table 1. Most of the costs of this legislation fall within budget function 050 (national defense).

TABLE 1.—BUDGETARY IMPACT OF S. 1416, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

(By fiscal year, in millions of dollars)

	2001	2002	2003	2004	2005	2006
<b>SPENDING SUBJECT TO APPROPRIATION</b>						
Spending Under Current Law for Defense Programs:						
Budget Authority <sup>1</sup> .....	316,051	0	0	0	0	0
Estimated Outlays .....	301,602	107,667	36,099	13,839	6,256	3,308
Proposed Changes:						
Estimated Authorization Level .....	0	342,647	0	0	0	0
Estimated Outlays .....	0	226,562	76,529	23,636	8,254	3,008
Spending Under S. 1416 for Defense Programs:						
Estimated Authorization Level <sup>1</sup> .....	316,051	342,647	0	0	0	0
Estimated Outlays .....	301,602	334,229	112,628	37,475	14,510	6,316
<b>DIRECT SPENDING (EXCLUDING ASSET SALES)</b>						
Estimated Budget Authority .....	0	32	–200	61	25	17
Estimated Outlays .....	0	32	–200	61	25	17
<b>ASSET SALES<sup>2</sup></b>						
Estimated Budget Authority .....	0	–40	–114	–16	–5	31
Estimated Outlays .....	0	–40	–114	–16	–5	31

<sup>1</sup> The 2001 level is the amount appropriated for programs authorized by the bill.

<sup>2</sup> Asset sale receipts are a credit against direct spending.

Note.—This table excludes estimated authorizations of appropriations for years after 2002. (Those additional authorizations are shown in Table 3.)

#### Basis of Estimate

##### Spending Subject to Appropriation

The bill would authorize appropriations totaling \$343 billion in 2002 (see Table 2). Most of those costs would fall within budget function 050 (national defense). S. 1416 also would authorize appropriations of \$71 million for the Armed Forces Retirement Home (function 600—income security) and \$17 million for the Naval Petroleum Reserves (function 270—energy).

Title XIII would make \$15.2 billion of the authorizations in the bill contingent upon either a procedural action taken by the Chairman of the Committee on the Budget in the Senate or a procedural waiver agreed to by

three-fifths of the members of the Senate. The estimate assumes that one of these actions would occur and that \$343 billion will be appropriated near the start of fiscal year 2002. Outlays are estimated based on historical spending patterns.

The bill also contains provisions that would affect various costs, mostly for personnel, that would be covered by the fiscal year 2002 authorization and by authorizations in future years. Table 3 contains estimates of those amounts. In addition to the costs covered by the authorizations in the bill for 2002, these provisions would raise estimated costs by \$10 billion over the 2003–2006 period. The following sections describe the provisions identified in Table 3 and provide

information about CBO's cost estimates for those provisions.

Multiyear Procurement. In most cases, purchases of weapon systems are authorized annually, and as a result, DoD negotiates a separate contract for each annual purchase. In a small number of cases, the law permits multiyear procurement; that is, it allows DoD to enter into a contract to buy specified annual quantities of a system for up to five years. In those cases, DoD can negotiate lower prices because its commitment to purchase the weapons gives the contractor an incentive to find more economical ways to manufacture the weapon, including cost-saving investments. Funding would continue to be provided on an annual basis for these

multiyear contracts, but potential termination costs would be covered by an initial appropriation.

TABLE 2. SPECIFIC AUTHORIZATIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
<b>Military Personnel:</b>					
Authorization Level .....	82,342	0	0	0	0
Estimated Outlays .....	77,105	4,611	165	82	0
<b>Operation and Maintenance:</b>					
Authorization Level .....	125,702	0	0	0	0
Estimated Outlays .....	94,195	24,527	4,092	1,703	506
<b>Procurement:</b>					
Authorization Level .....	62,217	0	0	0	0
Estimated Outlays .....	16,037	22,489	13,471	5,112	2,011
<b>Research, Development, Test, and Evaluation:</b>					
Authorization Level .....	46,616	0	0	0	0
Estimated Outlays .....	25,286	17,229	3,019	662	191
<b>Military Construction and Family Housing:</b>					
Authorization Level .....	10,478	0	0	0	0
Estimated Outlays .....	2,712	4,027	2,312	785	338
<b>Atomic Energy Defense Activities:</b>					
Authorization Level .....	14,285	0	0	0	0
Estimated Outlays .....	9,669	3,849	767	0	0
<b>Other Accounts:</b>					
Authorization Level .....	2,512	0	0	0	0
Estimated Outlays .....	1,778	431	166	74	20
<b>Unspecified Reductions (DoD):</b>					
Authorization Level .....	-1,630	0	0	0	0
Estimated Outlays .....	-617	-582	-236	-104	-38
<b>General Transfer Authority:</b>					
Authorization Level .....	0	0	0	0	0
Estimated Outlays .....	280	-60	-120	-60	-20
<b>Total:</b>					
Authorization Level <sup>1</sup> .....	342,522	0	0	0	0
Estimated Outlays .....	226,445	76,521	23,636	8,254	3,008

<sup>1</sup> These specific authorizations comprise nearly all of the proposed changes shown in Table 1; they do not include estimated authorizations of \$83 million for the Coast Guard Reserve, and \$42 million for payments to WWII slave laborers, which are shown in Table 3.

TABLE 3.—ESTIMATED AUTHORIZATIONS OF APPROPRIATIONS FOR SELECTED PROVISIONS IN S. 1416

[By fiscal year, in millions of dollars]

Category	2002	2003	2004	2005	2006
<b>MULTIYEAR PROCUREMENT</b>					
F/A-18E/F Engines .....	-10	-10	-10	-10	-10
C-17 Aircraft .....	0	-117	-293	-272	-252
<b>FORCE STRUCTURE</b>					
DoD Military Endstrengths .....	262	542	560	576	594
Coast Guard Reserve Endstrengths .....	83	0	0	0	0
Grade Structure .....	20	41	47	53	55
<b>COMPENSATION AND BENEFITS (DOD)</b>					
Military Pay Raises .....	1,026	1,420	1,490	1,558	1,624
Expiring Bonuses and Allowances .....	564	457	257	171	114
Housing Allowances .....	230	712	407	84	0
Travel and Transportation Allowances .....	84	88	93	99	104
Increase Incentive Pay and Bonuses .....	49	71	75	81	87
New Bonuses .....	38	24	21	21	22
Subsistence Allowances .....	6	15	8	3	0
Uniform Allowances .....	4	4	4	4	4
Commissary Benefits for Reservists .....	3	3	3	4	4
Education and Training .....	22	26	30	35	41
<b>DEFENSE HEALTH PROGRAM</b>					
Payment Rates .....	-144	-90	0	0	0
Long-Term Care Rules .....	-44	0	0	0	0
Travel Reimbursements .....	5	5	5	5	5
<b>OTHER PROVISIONS</b>					
Strategic Forces .....	-20	-70	-140	-200	-220
Voluntary Separation and Early Retirement Incentives .....	0	145	6	0	0
Payments to World War II Slave Laborers .....	42	37	31	4	4
Purchase Alternative Fuel Vehicles for DoD .....	0	0	0	23	21
<b>TOTAL ESTIMATED AUTHORIZATIONS</b>					
Estimated Authorization Level .....	2,220	3,303	2,594	2,239	2,197

Note.—For every item in this table except the authorization for the Coast Guard reserve and for payments to WWII slave laborers, the 2002 levels are included in the amounts specifically authorized to be appropriated in the bill. Those amounts are shown in Table 2. Amounts shown in this table for 2003 through 2006 are not included in Table 1.

Section 122 would authorize DoD to enter into a multiyear contract to buy engines for F/A-18E/F aircraft starting in 2002. The Navy currently purchases the aircraft from Boeing under a multiyear contract covering the 2000-2004 period, while the engines are purchased separately from General Electric under annual contracts. Each engine costs about \$4 million today. According to the Navy, it plans to purchase 48 aircraft a year over the next five years starting in 2002. CBO estimates that the savings from buying F/A-18E/F engines under a multi-year contract would total about \$50 million over the 2002-2006 period, or about 3 percent of total engine costs. This estimate assumes that the Navy would buy 96 engines a year (two engines for every aircraft purchased) over the five-year

period and that there would be no up-front investment required to implement the multiyear contract.

Section 131 would authorize DoD to enter into a new multiyear procurement contract to buy up to 60 additional C-17 aircraft. Under the current multiyear contract, the Air Force will buy 15 aircraft in 2002 and another 8 aircraft in 2003. Assuming that the Air Force would proceed with follow-on procurement of up to 60 additional aircraft, CBO estimates that savings from buying 60 additional C-17s under a multiyear contract arrangement would total \$934 million or an average of about \$250 million a year over the 2003-2006 period. Funding requirements would total just under \$8.3 billion instead of the almost \$9.2 billion needed under annual

contracts. This estimate assumes that the Air Force would purchase the 60 additional aircraft starting in 2003 at a rate of 15 a year.

**Force Structure.** The bill contains various sections that affect endstrength and personnel grade structure.

**Endstrengths.** The bill would authorize active and reserve endstrengths for 2002. The authorized endstrengths for active-duty personnel and personnel in the selected reserve would total about 1,387,000 and 865,000, respectively. Of those selected reservists, about 67,000 would serve on active duty in support of the reserves. The bill would specifically authorize appropriations of \$82.4 billion for the costs of military pay and allowances in 2002. Of that amount, discretionary

authorizations for military pay and allowances would total \$82.3 billion, while \$0.1 billion would be provided to cover mandatory costs. The authorized endstrength represents a net increase of 3,152 servicemembers that would boost costs for salaries and other expenses by \$262 million in the first year and about \$600 million annually in subsequent years, compared to the authorized strengths for 2001.

The bill also would authorize an endstrength of 8,000 in 2002 for the Coast Guard Reserve. This authorization would cost about \$83 million and would fall under budget function 400 (transportation).

**Grade Structure.** Sections 402, 415, and 502 would increase the number of servicemembers in certain grades. Under section 402, the number of servicemembers in pay grade E-8 in the Navy would increase. Section 415 would change the grade structure of active-duty personnel in support of the reserves. Section 502 would reduce the time-in-grade required for promotion to captain in the Army, Air Force, and Marine Corps, and lieutenant in the Navy when service staffing needs require. These changes would not increase the overall endstrength, but would result in more promotions to these ranks. CBO estimates these provisions would cost \$20 million in 2002, rising to \$55 million by 2006.

**Compensation and Benefits.** S. 1416 contains several provisions that would affect military compensation and benefits.

**Military Pay Raises.** Section 601 would raise basic pay by 5 percent across-the-board and authorize additional targeted pay raises, ranging from 1 percent to 10 percent, for individuals with specific ranks and years of service at a total cost of about \$3.1 billion in 2002. Because the pay raises would be above those projected under current law, CBO estimates that the incremental costs associated with the larger pay raise would be about \$1 billion in 2002 and total \$7.1 billion over the 2002-2006 period.

**Expiring Bonuses and Allowances.** Several sections would extend DoD's authority to pay certain bonuses and allowances to current personnel. Under current law, most of these authorities are scheduled to expire in December 2001, or three months into fiscal year 2002. The bill would extend these authorities through December 2002. CBO estimates that the costs of these extensions would be as follows:

Payment of reenlistment bonuses for active-duty personnel would cost \$327 million in 2002 and \$174 million in 2003; enlistment bonuses for active-duty personnel would cost \$91 million in 2002 and \$140 million in 2003.

Various bonuses for the Selected and Ready Reserve would cost \$64 million in 2002 and \$73 million in 2003.

Special payments for aviators and nuclear-qualified personnel would cost \$52 million in 2002 and \$55 million in 2003.

Retention bonuses for officers and enlisted members with critical skills would cost \$23 million in 2002 and \$13 million in 2003.

Authorities to make special payments to nurse officer candidates, registered nurses, and nurse anesthetists would cost \$7 million in 2002 and \$2 million in 2003.

Most of these changes would result in additional, smaller costs in subsequent years because payments are made in installments.

**Housing Allowances.** Section 605 would limit the out-of-pocket cost of housing for servicemembers receiving basic allowance for housing (BAH) within the United States. Currently, DoD pays members BAH rates which cover about 85 percent of the cost of adequate housing in the United States. DoD plans to reduce the average out-of-pocket housing expense for members by increasing

BAH by about 4 percent annually, until BAH covers the full cost of adequate housing by 2005, adjusting the rate each January. Section 605 would accelerate DoD's plan by limiting out-of-pocket costs to 7.5 percent in 2002 and eliminating average out-of-pocket costs in 2003, adjusting the rates on January 1, 2002, and October 1, 2002, respectively. CBO estimates that accelerating the increase in BAH would cost \$230 million in 2002 and \$1.4 billion over the 2002-2006 period.

**Travel and Transportation Allowances.** Sections 631 through 634 would affect travel and transportation allowances by expanding eligibility or increasing benefits. CBO estimates that the cost of these changes would be as follows:

Expanding eligibility to receive the basic allowance for housing (BAH) to junior enlisted members in grades E-3 and below who are on leave or traveling between permanent duty stations would cost \$34 million in 2002 and \$182 million over the 2002-2006 period.

Expanding eligibility for temporary subsistence allowance to officers would cost \$6 million in 2002 and \$30 million over the 2002-2006 period.

**Authorizing dislocation allowances (DLA)** for married servicemembers without dependents where the spouse is a member of the military, would cost \$4 million in 2002. Expanding eligibility to receive DLA to members with dependents moving to their first duty station would cost \$34 million in 2002. Authorizing a \$500 allowance to compensate members who must move for government convenience (e.g., because of housing privatization or renovation) would cost \$6 million in 2002. CBO estimates that these three provisions would cost \$256 million over the 2002-2006 period.

In total, these provisions affecting travel and transportation allowances would cost \$84 million in 2002 and \$468 million over the 2002-2006 period.

**Increases in Incentive Pay and Bonuses.** Sections 537, 616, and 617 would expand eligibility for bonuses and increase pay for personnel with special skills. Section 537 would expand the population eligible to receive stipends under the Health Professional Stipend Program to include medical and dental school students. Assuming the number of participants would increase gradually, at about 5 percent a year, CBO estimates that implementing section 537 would cost less than \$500,000 in 2002 and \$7 million over the 2002-2006 period.

Section 616 would raise the maximum pay rates for servicemembers performing submarine duty. CBO estimates this pay increase, effective October 1, 2002, would have no cost in 2002, cost \$21 million in 2003, and cost \$111 million over the 2003-2006 period.

Under section 617, certain officers and enlisted servicemembers would become eligible to receive career sea pay, regardless of their rank, time-in-service, or time-at-sea. CBO estimates section 617 would cost \$49 million in 2002 and \$245 million over the 2002-2006 period. Together, these increases in incentive pay and bonuses would cost \$49 million in 2002 and \$363 million over the 2002-2006 period.

**New Bonuses.** Sections 619 and 661 would authorize new bonuses for commissioned officers and enlisted members with critical skills. Section 619 would authorize a new officer accession bonus for officers with critical skills. The bonus, limited to \$20,000, could be paid in a lump sum or installments. This authority would expire on December 31, 2002. Based on information from DoD, CBO expects that the Air Force and the Navy would use this authority starting in 2002, and that the provision would cost \$18 million in 2002 and \$22 million over the 2002-2006 period.

Under section 661, the Secretary of Defense could purchase United States savings bonds for certain officers and enlisted members with critical skills, who agree to extend their period of service for a minimum of six years. The face value of the bonds would range from \$5,000 to \$30,000, depending on the members' years of service and prior receipt of this benefit. Based on DoD's use of similar bonuses, CBO estimates that section 661 would cost \$20 million in 2002 and \$104 million over the 2002-2006 period.

Together, CBO estimates these new bonuses would cost \$38 million in 2002 and \$126 million over the 2002-2006 period.

**Subsistence Allowances.** Section 604 would extend the current authority to provide an additional subsistence payment when rations-in-kind are not available. DoD plans to prescribe this incremental subsistence allowance until payments may be fully offset by the annual increases in basic allowance for subsistence (BAS). CBO estimates that under DoD's plan, additional subsistence payments would end in 2005. This section also would delay the termination of BAS transition authority by three months, making termination effective on January 1, 2002, and saving an estimated \$15 million in 2002. CBO estimates the combined effects of implementing these provisions would cost \$6 million in 2002 and \$32 million over the 2002-2006 period.

**Uniform Allowances.** Section 607 would loosen restrictions on eligibility of officers to receive an additional \$200 clothing allowance by doubling the cap on the dollar amount a member may receive in an initial clothing allowance over the prior two years. Under current law, officers are ineligible to receive the additional allowance if they have received more than \$200 in an initial clothing allowance during the past two years. Raising the cap would increase the number of officers eligible for the additional \$200 allowance. CBO estimates that implementing this provision would cost \$4 million in 2002 and \$20 million over the 2002-2006 period.

**Commissary Benefits.** Section 662 would allow new members of the ready reserve to use the commissary benefit up to 24 times a year. CBO estimates that implementing this section would cost about \$3 million in 2002 and \$17 million over the 2002-2006 time period. Currently, new reservists do not automatically qualify for commissary benefits, since they have not had sufficient time to accumulate the necessary annual training points. Under this section, new reservists would be allowed to visit the commissary two times a month until they meet the eligibility requirements which CBO estimates to be about six months. Based on data from DoD, CBO estimates that up to 70,000 reservists would become eligible for this benefit each year. Allowing up to 70,000 more customers to shop at commissaries would increase the administrative costs associated with the commissary system, which are paid out of appropriated funds and are estimated by CBO to be about \$8 per reservist per month.

**Education and Training.** Several sections of the bill would affect education and training by expanding eligibility. CBO estimates that the cost of these changes would be as follows:

Section 532 would remove the cap on the number of Junior Reserve Officers' Training Corps (JROTC) units. DoD plans to have 3,185 units in 2002, less than the current cap of 3,500 units. Based on recent growth rates, CBO expects the number of units would exceed 3,500 in 2005. CBO estimates implementing section 532 would increase JROTC costs by \$2 million in 2005, rising to \$5 million in 2006.

Section 536 would increase the number of international students authorized to be admitted to the service academies and would eliminate the restrictions on full tuition waivers. CBO estimates that this section would cost \$17 million over the 2002–2006 period. Removing the restrictions on tuition waivers would allow about 70 additional international students to receive full tuition assistance each year. This figure includes students admitted because of the higher number of international slots made available under this section, as well as slots that are currently receiving only partial tuition assistance. The current cost of tuition for an international student is about \$62,000 a year, and the annual cost of implementing this section would be about \$4 million.

Section 539 would provide DoD with the authority to allow certain military personnel the option to transfer up to 18 months of their entitlement to Montgomery GI Bill (MGIB) educational assistance to any combination of spouse and children. To be eligible for this benefit, servicemembers would have to have a critical skill or specialty, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, the service would be required to deposit an amount equal to the net present value of the transferred MGIB benefit into the Defense Education Trust Fund when a servicemember was granted this benefit.

Under current law, participants in MGIB who serve at least three years on active duty are entitled to receive \$650 a month if they are full-time students. CBO estimates that the value of 18 months of MGIB benefit would be \$11,700 in 2002. In estimating the net present value of transferring a portion of an individual's MGIB benefit, CBO assumes that one-third of the benefit transfers would be to spouses and two-thirds would be to children, that spouses would begin using the benefit after two years and children after 16 years, and that 75 percent of the amount available for transfer would be transferred and used. Using these assumptions, CBO estimates that the cost to DoD of the transferred benefit would be an average of \$6,640 per person in 2002 and, because of the automatic cost-of-living increases in the MGIB benefit, the cost of the transferred benefit would increase to \$7,365 in 2006.

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transfer benefit, and that this number would increase to 4,400 by 2006. Thus, CBO estimates implementing this provision would cost \$20 million in 2002, and about \$130 million over the 2002–2006 period. (There would also be direct spending costs of about \$91 million over the 2004–2011 period for outlays from the Defense Education Trust Fund as the transferred MGIB benefit is used. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

CBO notes that, because this section offers a benefit to the families of servicemembers, it is possible that the demand for equal treatment across families might cause the services to offer this benefit more widely than CBO has estimated. If this benefit were offered to the entire eligible population by 2011, CBO estimates the cost could be more than \$200 million over the 2002–2006 period.

Defense Health Program. Title VII contains several provisions that would affect DoD health care and benefits. Tricare is the name of DoD's health care program and the spending under Tricare for beneficiaries under age 65 is subject to appropriation. Spending under Tricare for beneficiaries age 65 and over, often called Tricare for Life (TFL), is subject to appropriation in 2002, but beginning in 2003 this spending will be paid out of a trust fund and will not be subject to appropriation.

Payment Rates. Under current law, DoD has the regulatory authority to set maximum allowable rates for medical services to limit how much the Tricare program pays to health care providers. Although DoD has set maximum rates for many services, it has not yet set rates for hospital outpatient diagnostic services, including clinical lab work and radiation services, and long-term care services such as skilled nursing and home health care services. As a result, Tricare currently pays 75 percent of billed charges for these services. DoD has started the regulatory process to establish maximum rates for the services listed here and estimates it will take upwards of two years to implement the changes by regulation.

Section 713 would require DoD to implement these rates by October 1, 2001. Under this provision, DoD would be able to lower its costs for both hospital outpatient and long-term care services over the 2002–2003 period before the regulations would have been implemented. These savings would affect spending subject to appropriation as well as direct spending for retirees of the other uniformed services in 2002 and 2003 and the TFL trust fund that starts operation in 2003. CBO estimates that the total savings in spending subject to appropriation for hospital outpatient and long-term care services would be about \$230 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts. Section 713 would affect two different programs: Tricare (under 65) and Tricare for Life. Those two effects are discussed below.

By lowering payment rates for hospital outpatient diagnostic services, DoD would be able to reduce spending on its beneficiaries under age 65. (This portion of the provision would not affect beneficiaries age 65 and over because Medicare is first payer for these services and TFL would only be responsible for the Medicare deductible and copayments.) Using data from DoD, CBO estimates that making payment rates for hospital outpatient diagnostic services equivalent to Medicare rates would lower Tricare spending for these services by about 30 percent. CBO estimates that lowering the payment rates for hospital outpatient services would save about \$150 million over the 2002–2003 period, assuming appropriations are reduced by the estimated amounts.

Under section 713, DoD also would lower the rates paid for skilled nursing and home health care. This change would primarily affect the TFL program since beneficiaries under age 65 do not use much long-term care (DoD spent only \$10 million on long-term care for those under 65 in 2000). Savings arise because Tricare's skilled nursing benefit has no time limit while Medicare's benefit expires after 100 days. The change in payment rates would have no impact on Tricare for the first 100 days because Tricare would only be liable for the deductibles and copayments charged under Medicare. However, this provision would lower the amount that Tricare would pay for those beneficiaries who need more than 100 days of skilled nursing care. Additionally, Tricare would reduce its costs for providing skilled nursing and home

health care to those beneficiaries who use these services without a prior hospital stay and are thus not Medicare-eligible.

CBO estimates the savings to Tricare would initially be low because the Tricare for Life program does not actually begin operation until the start of fiscal year 2002 and CBO expects that it will take about a year before all beneficiaries take full advantage of the program. CBO estimates that lowering payment rates for skilled nursing and home health care would save DoD about \$80 million in 2002, assuming appropriations are reduced by the estimated amounts. (There also would be direct spending savings of about \$7 million over the 2002–2003 period for the other uniformed services, and about \$215 million in 2003 for DoD when the trust fund begins operation. CBO's estimates of those savings are discussed below under the heading of "Direct Spending.")

Long-term Care Rules. Tricare does not currently require a hospital stay prior to using long-term care services such as skilled nursing and home health care. Requiring prior hospitalizations would reduce the number of beneficiaries who use long-term care. DoD has stated the regulatory process to require such prior hospitalizations and expects to complete the process by the start of fiscal year 2004.

Section 703 would require DoD to structure the Tricare long-term care program to resemble Medicare, which requires prior hospitalization before being eligible for skilled nursing and home health care. Under section 703, DoD would be required to implement this provision on October 1, 2001. Requiring prior hospitalization under Tricare's long-term care program would reduce the benefit for those beneficiaries who would otherwise have used long-term care and would save DoD the cost of providing this care over the 2002–2003 period before DoD's new long-term care rules would have gone into effect under DoD's plan. CBO estimates that some of those beneficiaries would likely be able to get a prior hospitalization before seeking care. In those instances, Medicare would become the first payer while a few beneficiaries would end up using Medicaid. Thus the savings to DoD would be partially offset by increased costs to both Medicare and Medicaid (discussed below).

Using data from DoD and the Agency for Healthcare Research and Quality, CBO estimates that about 3,500 beneficiaries, who would have used skilled nursing without a hospital stay, would be affected by these new rules along with about 24,000 beneficiaries who would have used home health care. CBO estimates that some of those beneficiaries would pay for the long-term care through Medicare or Medicaid, while others would pay the costs themselves, use other insurance, or do without the long-term care. For those beneficiaries who would be covered by Medicare, DoD would not save the full cost because Tricare would be liable for all deductibles and copayments. Taking this information into account, CBO estimates that, under section 703, Tricare spending would be reduced by about \$40 million in 2002, assuming appropriations are reduced by the estimated amounts. (There would also be direct spending savings of about \$120 million for both the trust fund and the other uniformed services in 2003 and Medicare and Medicaid costs in both 2002 and 2003.)

Travel Reimbursement. Under current law, if the military health care system refers an active-duty servicemember to a new doctor or hospital greater than 100 miles from the member's home or duty station, the servicemember is reimbursed for the costs of

traveling to the new doctor or hospital. Section 712 would require the Secretary of Defense to also reimburse reasonable travel expenses for a parent, guardian, or responsible family member when the covered beneficiary is a minor. Based on data provided by the department, CBO estimates that this provision would apply about 10,000 times each year and expects that reimbursements would average about \$500 per occurrence, although those costs would rise with inflation. CBO estimates that implementing this provision would cost about \$5 million a year, assuming appropriation of the necessary amounts.

**Strategic Forces.** Section 1011 would repeal section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as amended by section 1501(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65), to allow DoD to initiate actions to retire or dismantle the Peacekeeper intercontinental ballistic missile force. CBO estimates that implementing this provision would yield net savings of \$650 million over the 2002-2006 period. Those savings would come from eliminating the cost to operate the missiles starting immediately in 2002, eventually saving about \$200 million a year. These savings would be partially offset by the costs of removing the missiles and warheads from the silos and the costs of monitoring the silos. CBO assumes that the retirement process would take about three years and that the missiles would be completely retired by the end of 2004. CBO estimates missile retirement costs would total about \$100 million over the 2002-2004 period.

**Voluntary Separation and Early Retirement Incentives.** S. 1416 contains several provisions that would allow DoD and the Department of Energy (DOE) to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates implementing these provisions would cost \$145 million in 2003 and \$6 million in 2004.

Section 1113 would provide DoD with the authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to \$25,000 to employees who voluntarily retire or resign in fiscal year 2003. The authority under this section would be provided only during fiscal year 2003 and would be limited to 4,000 employees. Assuming that 4,000 DoD employees would participate in the buyout program, CBO estimates that the buyout payments would cost \$100 million in 2003, assuming appropriation of the estimated amounts. DoD also would be required to make a payment to the Civil Service Retirement and Disability Fund (CSRDF) for every employee who takes a buyout. The payments would equal 15 percent of the final basic pay of each employee and come out of the agency's appropriated funds. CBO estimates these payments would cost \$29 million in 2003. CBO estimates that enacting this section also would increase direct spending for federal retirement and retiree health care benefits by a total of \$46 million over the 2003-2011 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending."

Section 3153 would provide the Department of Energy with authority to offer payments of up to \$25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO assumes that about 600 DOE employees would participate in the buyout program in calendar year 2003. CBO estimates that the cost of the buyout payments would total \$11 million in 2003 and \$4 million in 2004. Like DoD, DOE also would be required to make a payment to

the CSRDF for every employee who takes a buyout payment. CBO estimates these payments would cost \$5 million in 2003 and \$2 million in 2004. (CBO estimates that enacting this provision also would increase direct spending for federal retirement and retiree health care benefits by \$16 million over the 2003-2011 period. CBO's estimate of those outlays is discussed below under the heading of "Direct Spending.")

**Payment to World War II Slave Laborers.** Section 1064 would authorize the Secretary of Veterans Affairs (VA) to pay a gratuity of \$20,000 to certain veterans and civilians who were held as prisoners of war (POWs) or prisoners of Japan during World War II and sent to Japan to perform slave labor. Section 1064 also would authorize VA to pay this gratuity to a surviving spouse if the claimant is deceased. During the war, thousands of American POWs and civilians who were employees of the United States (either directly or through contractors) were forced to provide slave labor for Japanese corporations. While the precise number of people who might qualify for this gratuity is not known because many Japanese documents are still unavailable for examination, at least one historian has estimated that as many as 25,000 Americans were forced to perform slave labor for about 40 different Japanese companies, and thus would qualify for this gratuity.

Based on historical and actuarial data about the veteran and civilian populations, CBO estimates that about 6,000 claims would be made for the \$20,000 payment resulting in a cost of about \$118 million over the 2002-2006 period. (CBO assumes that surviving spouses who have subsequently remarried would not be eligible for this benefit, a standard VA policy. Should this rule not apply for this benefit, CBO estimates that an additional 2,000 claims would be made and costs would increase to \$161 million over the 2002-2006 period.)

**Purchase of Alternative Fuel Vehicles for DoD.** Section 317 would increase the number of alternative-fuel light duty trucks purchased for DoD use above the levels set forth in the Energy Policy Act of 1992. CBO estimates that implementing this section would cost about \$23 million in fiscal year 2005 and \$44 million over the 2005-2006 period.

Based on data from the General Services Administration (GSA), CBO estimates that about 11,500 light duty trucks are purchased annually for DoD use. CBO also estimates that to meet the levels specified in section 317, GSA would need to purchase about 7,700 alternative-fuel light duty trucks for DoD in 2005 and every year thereafter. These vehicles would be purchased in lieu of conventional gas or diesel vehicles and do not include vehicles purchased to satisfy the terms of the Energy Policy Act. Based on data provided by GSA, CBO estimates that in 2005 the average alternative-fuel light duty truck would cost about \$3,000 more than a conventionally powered vehicle. When this cost differential is multiplied by the 7,700 trucks estimated to be purchased under this section, CBO estimates that the net annual cost to the department would be about \$24 million a year. This cost would be partially offset by savings in DoD's fuel purchases. CBO estimates fuel savings would average about \$2 million a year over the 2005-2006 period or about \$300 per vehicle per year.

**Emergency Response Equipment.** Section 1063 would allow DoD to give state and local governments equipment needed for responding to emergencies involving weapons of mass destruction. Only states and local governments in possession of this equipment prior to enactment of this bill would be eligi-

ble for this transfer. CBO estimates that this provision would have no budgetary impact because giving equipment to a state or local government would not result in additional spending or cause the federal government to forgo receipts, nor would it affect DoD's authority under current law to lend equipment to other governments. It is possible, however, that giving this equipment away now could lead to DoD experiencing shortages in equipment later, but CBO projects that any future spending would occur after 2011.

**Reduction in Authorizations of Appropriations for DoD Management Efficiencies.** Section 1002 would authorize a \$1.6 billion reduction to the amounts authorized for procurement, research and development, and operation and maintenance in the bill to reflect savings that should be achieved through implementation of the provisions in title VIII and other management efficiencies. Specifically, section 802 would set savings goals for the procurement of services (other than construction) within DoD. Section 802 specifies savings goals beginning in fiscal year 2002 (3 percent) that increase annually until 2011 when DoD would be expected to achieve a 10 percent cost savings in the procurement of services. CBO has no basis for estimating the extent to which those savings targets could be achieved. CBO notes that the department has undertaken similar savings initiatives in the past and that there is little evidence that these initiatives produced the savings levels that were promised. If the total of the authorization amounts in the bill are appropriated in 2002 and the savings goals for next year are not achieved, then the department would need to reduce funding elsewhere in its budget to achieve the \$1.6 billion reduction called for by section 1002.

#### *Direct Spending*

The bill contains provisions that would reduce direct spending, primarily through revision to payments rates for certain defense health care program services and certain asset sales from the National Defense Stockpile. The bill also contains a few provisions with direct spending costs. On balance, CBO estimates that enacting S. 1416 would result in net savings in direct spending totaling \$209 million over the 2002-2006 period (see Table 4).

**Medical Care Trust Fund.** Sections 703 and 713 would change the way DoD administers long-term care and the way it pays for that care under the Tricare for Life program. DoD has the regulatory authority to make the changes that are directed in these sections but thinks it will take upwards of two years to implement the changes by regulation. Both sections would require that the changes take effect on October 1, 2001. Accordingly, DoD would save money over the roughly two-year period before the regulations would have been implemented. The Tricare for Life program will begin on October 1, 2001, but the trust fund will not begin operation until one year later, so only the savings to DoD in fiscal year 2003 would be considered direct spending savings. There also would be some minor savings in 2002 for retirees of the other uniformed services.

**Payment Rates.** Under current regulations, the Tricare for Life program will pay all deductibles and copayments associated with Medicare's skilled nursing benefit and will pay for skilled nursing care in excess of the Medicare benefit (100 days). Additionally, Tricare will pay for skilled nursing and home health care even if the beneficiary does not have a prior hospital admission. (Tricare will pay 75 percent of billed charges, with no maximum charge, until the beneficiary has paid \$3,000 in out-of-pocket costs and then

will pay 100 percent of billed charges after that point.) Section 713 would require DoD to set maximum allowable charges for skilled nursing and home health care, which would lower its cost of providing long-term care. CBO estimates that implementing new

charges based on Medicare rates would lower what DoD pays for skilled nursing and home health care by about 30 percent. Under section 713, CBO estimates that direct spending from the trust fund for DoD retirees would decline by about \$215 million in 2003. (The

discretionary savings for 2002 are discussed earlier in the "Spending Subject to Appropriation" section under the heading of "Defense Health Program.")

TABLE 4.—ESTIMATED DIRECT SPENDING FROM HEALTH CARE AND OTHER PROVISIONS IN S. 1416, AS REPORTED

(By fiscal year, outlays in millions of dollars)

	2002	2003	2004	2005	2006
<b>CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES)</b>					
Medical Care Trust Fund:					
Payment Rates .....	-2	-220	0	0	0
Long-Term Care Rates .....	21	-47	0	0	0
Voluntary Separation and Early Retirement Incentives (DoD) .....	0	44	35	3	-6
Voluntary Separation and Early Retirement Incentives (DOE) .....	0	6	7	2	(1)
Improvements to Energy Employees Compensation Program .....	11	14	14	13	13
Transferability of MGIB Education Benefits .....	0	0	2	5	8
Armed Forces Retirement Home Fees .....	2	2	2	2	2
Land Conveyance of Navy Property in Maine .....	0	1	1	0	0
Subtotal .....	32	-200	61	25	17
<b>ASSET SALES<sup>2</sup></b>					
National Defense Stockpile—New Sales .....	-2	-2	-2	-2	-2
National Defense Stockpile—Accelerated Cobalt Sales .....	-20	-30	-14	-3	33
Authority to Transfer Naval Vessels .....	-18	-82	0	0	0
Subtotal .....	-40	-114	-16	-5	31
<b>TOTAL CHANGES IN DIRECT SPENDING</b>					
Estimated Outlays .....	-8	-314	45	20	48

<sup>1</sup> Less than \$500,000.<sup>2</sup> Asset sale receipts are a credit against direct spending.

The Tricare for Life program also covers retired members of the Coast Guard and retired uniformed members of the Public Health Service and the National Oceanic and Atmospheric Administration. Health care spending for these retirees is considered direct spending. Under section 713, CBO estimates that the other uniformed services would save about \$2 million in 2002 and \$5 million in 2003.

**Long-Term Care Rules.** Under current law, Medicare will not pay for skilled nursing and home health care unless the beneficiary has been hospitalized before receiving that care. Tricare, on the other hand, will pay for long-term care without a prior hospitalization. For those cases, Tricare becomes the primary insurance because Medicare will not pay. Section 703 would require DoD to structure its long-term care benefit to resemble Medicare's, which requires prior hospitalization. Implementing this provision would lower DoD's costs because fewer beneficiaries would be eligible for skilled nursing and home health care. CBO estimates that under section 703, direct spending from the trust fund would decline by about \$120 million in 2003. CBO also estimates that, under section 703, the other uniformed services would save less than \$500,000 in 2002 and about \$1 million in 2003. (There would also be discretionary savings of about \$40 million, as discussed earlier.)

The Tricare for Life program would be able to lower costs by shifting many of those costs to their beneficiaries and other government programs, primarily Medicare. CBO estimates that about 50 percent of individuals who would have used long-term care without a prior hospital stay would be able to qualify under the Medicare rules (about 1,600 for skilled nursing and about 12,000 for home health care). CBO further estimates that the average cost of skilled nursing is about \$250 a day, and for home health care about \$2,300 for 60 days of care, which is the Medicare benefit. Accordingly, CBO estimates that under section 703 direct spending for Medicare benefits would increase by \$20 million in 2002 and \$70 million in 2003. In addition, a few beneficiaries would eventually become eligible for Medicaid, which also provides long-term care benefits. CBO estimates that Med-

icaid costs under section 703 would be \$1 million in 2002 and \$3 million in 2003.

**Voluntary Separation and Early Retirement Incentives.** S. 1416 contains several provisions that would allow the DoD and DOE to offer voluntary separation incentives and voluntary early retirement to their civilian employees. Taken together, CBO estimates enacting these provisions would increase direct spending for federal retirement and retiree health care benefits by \$50 million in 2003 and \$62 million over the 2003–2011 period.

Section 1113 would provide DoD with authority to offer its civilian employees early retirement annuities as well as separation incentive payments of up to \$25,000 for employees who voluntarily retire or resign in fiscal year 2003. The authority under this section is provided only during fiscal year 2003 and is limited to 4,000 employees. CBO estimates that enacting section 1113 would increase direct spending for federal retirement and retiree health care benefits by \$44 million in 2003 and \$46 million over the 2003–2011 period.

Section 3153 would provide DOE with authority to offer payments of up to \$25,000 to employees who voluntarily retire or resign in calendar year 2003. Current buyout authority for DOE is scheduled to expire on December 31, 2002. CBO estimates enacting section 3153 would increase direct spending for federal retirement and retiree health care benefits by \$6 million in 2003 and \$16 million during the 2003–2011 period.

**DoD Retirement Spending.** CBO assumes that 4,000 DoD employees would participate in the buyout program in 2003. CBO further assumes most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the Civil Service Retirement and Disability Fund. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 1113, CBO estimates direct spending for retirement benefits would increase by \$38 million in 2003 and \$34 million over the 2003–2011 period. (The discretionary

costs for 2003 associated with the buyout payments were discussed earlier in the "Spending Subject to Appropriation" section under the heading of "Voluntary Separation and Early Retirement Incentives.")

**DoD Retiree Health Care Spending.** Enacting section 1113 also would increase direct spending on federal benefits for retiree health care because many employees who accept the buyouts would continue to be eligible for coverage under the Federal Employee Health Benefits (FEHB) program. The government's share of the premium for these retirees—unlike current employees—is mandatory spending. Because many of those accepting the buyouts would convert from being an employee to being a retiree earlier than under current law, mandatory spending for FEHB premiums would increase. CBO estimates these additional FEHB benefits would increase direct spending by \$6 million in 2003 and \$12 million over the 2003–2011 period.

**DOE Retirement Spending.** CBO assumes that about 600 DOE employees would participate in the buyout program in calendar year 2003 and that most workers who take a buyout would begin collecting federal retirement benefits an average of two years earlier than they would under current law. Inducing some employees to retire earlier initially would result in additional retirement benefits being paid from the CSRDF. In later years, annual federal retirement outlays would be lower than under current law because the employees who retire early receive smaller annuity payments than if they had retired later. Under section 3153, CBO estimates direct spending for retirement benefits would increase by \$6 million in 2003 and \$15 million over the 2003–2011 period.

**DOE Retiree Health Care Spending.** Section 1113 also would increase direct spending on federal retiree health benefits because many employees who accept the buyouts would continue to be eligible for coverage under the FEHB program. CBO estimates these additional FEHB benefits would increase direct spending by less than \$500,000 in 2003 and by \$1 million in 2004.

**Energy Employees Compensation.** Section 3151 would make technical changes to the Energy Employees Occupational Illness Compensation Program (EEOICP) created by

Public Law 106-398, which enacted the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. CBO estimates that enacting this provision would increase direct spending for EEOICP by \$11 million in 2002, \$65 million over the 2002-2006 period, and \$108 million over the 2002-2011 period.

Section 3151 would establish more relaxed criteria for determining whether a claimant suffers from chronic silicosis. Specifically, this section would reduce the required pneumoconiosis classification of a claimant to a more lenient category. CBO estimates that relaxing this criteria would allow about 550 new claimants, who were not previously eligible, to receive compensation from EEOICP.

Under current law, successful claimants are entitled to a one-time, lump sum payment of \$150,000. CBO estimates that relaxing the criteria for chronic silicosis would increase direct spending for EEOICP by about \$55 million over the 2002-2006 period, and \$83 million over the 2002-2009 period. CBO assumes these payments would be spread evenly throughout the 2002-2009 period because screening programs are still ongoing and will need several years to identify all potential claimants.

Additionally, under current law, once a claim is approved EEOICP becomes the primary payer for all medical bills related to a claimant's condition. CBO estimates that the average annual cost for treatment of chronic silicosis is about \$4,000. After considering mortality rates associated with this disease, CBO estimates that medical costs paid under EEOICP would increase direct spending by about \$1 million in 2002, \$5 million over the 2002-2006 period, and \$21 million over the 2002-2011 period.

Section 3151 also would make other changes to EEOICP. The age requirement for those claimants afflicted with leukemia attributable to occupational exposure to radiation would be lowered to include those whose initial exposure occurred before age 21. CBO estimates that lowering the age requirement would create a negligible number of additional claims. Section 3151 would also clarify the rules for making payments to survivors of former energy workers. Currently, widows or children can claim the entire \$150,000 payment in the event that the former employees are deceased. Grandparents, grandchildren, and siblings can claim the payment if they can prove dependency on the deceased employee. Section 3151 would allow these other relatives to make such claims without proving dependency. CBO estimates that only about 2.5 percent of all survivors would be someone other than a widow or child, generating about 25 additional claims. CBO estimates that the relaxed restrictions on survivors would increase direct spending for EEOICP by less than \$500,000 in 2002, and \$4 million over the 2002-2006 period. CBO expects that almost all these additional claims would be paid in the 2002-2006 period.

Transfer of Entitlement to MGIB Education Assistance. Section 539 would provide DoD with the authority to allow certain military personnel to transfer up to 18 months of their entitlement to MGIB educational assistance to any combination of spouse and children. To be eligible, servicemembers would have to have a critical skill or specialty, to have served at least six years in the Armed Forces, and to agree to serve an additional four or more years. Under section 539, an amount equal to the net present value of the transferability option would be deposited into the Defense Education Trust Fund when a service member was granted this benefit, and would be paid to the Secretary of Veterans Affairs as

the benefit was used. The monies deposited into the trust fund are subject to appropriation and were discussed earlier under the heading of "Spending Subject to Appropriation."

CBO expects that DoD would use the authority in 2002 to enhance retention in those areas where the maximum authorized retention bonuses are currently being paid and that the benefit would be offered to a larger population in subsequent years. Based on information from DoD, about 20,300 servicemembers, with six or more years of service, will receive a selective re-enlistment bonus in 2002. Under section 539, CBO assumes that about 3,000 of those would receive the MGIB transferability benefit, and that this number would increase to 7,100 by 2011. CBO also assumes that two-thirds of the transfers would be used by children. Since most selective re-enlistment bonuses go to servicemembers with 10 or fewer years of service, few of their children would be of an age to use post-secondary education benefits over the next 10 years. CBO's estimate of mandatory outlays for this benefit, therefore, focuses on the use of the remaining one-third of the transfers that would go to spouses.

CBO expects the spouses would, on average, begin training two years after the transferability option was granted, and that they would train, on a part-time basis, over a period of several years. Based on these assumptions, CBO estimates that about 700 spouses would receive an average annual benefit of \$2,400 in 2004 and that, by 2011, almost 840 spouses would receive an annual MGIB benefit of about \$2,800. Thus, CBO estimates that enacting this provision would increase direct spending for MGIB education benefits by \$2 million in 2004, \$15 million over the 2004-2006 period, and \$91 million over the 2004-2011 period.

Changes to Armed Forces Retirement Home Fee Structure. Section 1045 would authorize changes to the fees levied on residents of the Armed Forces Retirement Home. These fees are deposited into the Armed Forces Retirement Home Trust Fund, which pays the operating and maintenance costs of the U.S. Soldiers' and Airmen's Home in Washington, D.C., and the U.S. Naval Home in Gulfport, Mississippi. The legislation would change the percentage of monthly income charged to residents of the two homes and alter the monthly caps on resident fees. Section 1045 would also authorize the Chief Operating Officer of the Armed Forces Retirement Home, in consultation with the Secretary of Defense, to make additional changes in the resident fees in accordance with the financial needs of the Retirement Home. However, Armed Forces Retirement Home staff have indicated that no significant changes in the fee structure, other than those indicated by the bill, are anticipated in the near future.

Information provided by the Armed Forces Retirement Home indicates this provision would reduce fees for more than 1,200 residents, almost 80 percent of all residents. CBO estimates the affected residents would see their fees reduced by an average of about 15 percent in 2002. Therefore, CBO estimates that section 1045 would reduce offsetting receipts (a credit against direct spending) by \$2 million in 2002 and a total of \$20 million over the 2002-2011 period.

Land Conveyances. Title XXVIII would authorize a variety of property transactions involving both large and small parcels of land.

Enacting this bill would result in direct spending by authorizing a conveyance that would reduce offsetting receipts collected by the federal government. Under section 2823,

the Navy would be authorized to convey 485 acres of property to the state of Maine or other governmental jurisdictions. Under current law, however, the Navy will declare that property excess to its needs and transfer it to the General Services Administration for disposal. Under normal procedures, GSA sells property not needed by other federal agencies or by nonfederal entities in need of property for public-use purposes such as parks or educational facilities. Information from GSA indicates that portions of the land will likely be sold under current law after the entire parcel is screened for other uses in 2002. As a result, CBO estimates that the conveyance in the bill would result in forgone receipts totaling about \$1 million in 2003 and \$1 million in 2004.

CBO estimates that other conveyances would not significantly affect offsetting receipts because according to DoD some of the properties have values of less than \$500,000 while others are not likely to be transferred to GSA for disposal.

Concurrent Receipt. Upon passage of qualifying, offsetting legislation, section 651 would allow total or partial concurrent payment of retirement annuities together with veterans' disability compensation to retirees from the military, the Coast Guard, the Public Health Service, and the National Oceanic and Atmospheric Administration who have service-connected disabilities. The provision also would discontinue special compensation for certain uniformed service retirees who are severely disabled.

Under current law, disabled veterans who are retired from the uniformed services cannot receive both full retirement annuities and disability compensation from the Department of Veterans Affairs. Because of this prohibition on concurrent receipt, such veterans forgo a portion of their retirement annuity equal to the nontaxable veterans' benefit.

Section 651 would become effective only upon passage of legislation that would fully offset its costs in each of the first 10 fiscal years after passage of the offsetting legislation. If qualifying, offsetting legislation were enacted in 2001, CBO estimates that implementing this section in 2002 would increase direct spending for retirement payments and veterans' disability compensation by about \$3 billion in 2002, \$17 billion over the 2002-2006 period, and \$41 billion over the 2002-2011 period. Because those effects are contingent upon subsequent legislation, they are not included in Table 4.

In addition, the military retirement system is financed in part by an annual payment from appropriated funds to the military retirement trust fund, based on an estimate of the system's accruing liabilities. If section 651 were implemented, the yearly contribution to the military retirement trust fund (an outlay in budget function 050) would increase to reflect the added liability from the expected increase in annuities to future retirees. CBO estimates that implementing this provision would increase such payments by about \$1 billion in 2002, and \$6 billion over the 2002-2006 period, assuming appropriation of the necessary amounts.

Other Provisions. The following provisions would have an insignificant budgetary impact on direct spending:

Section 314 would extend a pilot program for the sale of air pollution emission reduction incentives. DoD would be allowed to spend all receipts less than \$500,000 on environmental programs. Any receipts above \$500,000 would go to the Treasury.

Section 505 would allow officers whose mandatory retirement has been deferred for medical reasons to further postpone their retirement for up to 30 days.

Section 515 would allow disability retirement for reservists whose disability was incurred or aggravated while remaining overnight before inactive-duty training, or between successive periods of such training. Currently, reservists are only covered during overnight stays for such periods if they are outside reasonable commuting distance of their residences.

Section 552 would require the military to review the records of certain Jewish American war veterans to determine if any of these veterans should be awarded the Medal of Honor. A \$600 a month pension is available to living Medal of Honor recipients. Based on similar reviews in the past, CBO estimates that a small number of awards would be presented (many posthumously), resulting in an increase in direct spending of less than \$500,000 a year.

Section 586 would allow DoD to accept voluntary legal services as a way to provide legal help to DoD beneficiaries. Although the service is voluntary, in the event of a legal malpractice suit the government would be liable for any claims against the legal volunteer. Payment of those claims is considered direct spending, but CBO estimates that this provision would cost less than \$500,000 each year.

Section 1111 would provide federal retirement credit to certain former employees of Nonappropriated Fund Instrumentalities (NAFI). Under current law, most workers who transfer from NAFI employment to regular federal employment may transfer any NAFI retirement service credits earned as NAFI employees to the appropriate federal retirement program. However, under certain circumstances, some former NAFI employees have not been permitted to transfer NAFI retirement credits to their federal service. Section 1111 would permit many of these employees to use NAFI credits that otherwise would not have been credited to their federal service in order to qualify for retirement annuities under the Civil Service Retirement System or the Federal Employees' Retirement System.

Although workers would be able to use these credits in order to qualify for federal retirement benefits earlier than they would

have otherwise, the provision mandates that annuities be actuarially reduced. The actuarial reduction would be calculated in such a way that the present value of a retiree's benefits would be actuarially equivalent to the value of the annuity that would have been provided without the NAFI service credit. Information provided by the Department of Defense and Office of Personal Management indicates that only between 5 and 15 employees would claim NAFI service credit under this provision in any given year. Therefore, CBO estimates that Section 1111 would increase direct spending for federal retirement benefits by less than \$500,000 a year.

Section 1112 would provide greater pension portability for certain civilian employees who have been employed by a NAFI employer and then become federal workers. The provision would eliminate the requirement that workers who move between a NAFI employer and the civil service must be fully vested in order to transfer any accrued service credits from one retirement system to another. According to the Department of Defense, relatively few workers would be affected by this provision; thus, CBO estimates that Section 1112 would increase direct spending by less than \$500,000 per year.

Section 2804 would expand DoD's ability to substitute in-kind payments for cash from the lease of its property. The provision would raise direct spending because it would lower the amount of cash that DoD receives and deposits in the Treasury as offsetting receipts. CBO estimates that the loss of offsetting receipts would total less than \$500,000 annually.

#### Asset Sales

The bill would authorize various asset sales totaling \$144 million over the 2002-2006 period.

National Defense Stockpile. Section 3301 would authorize DoD to sell certain materials contained in the National Defense Stockpile that are obsolete or excess to stockpile requirements. CBO estimates that DoD would be able to sell the materials authorized for disposal and achieve receipts totaling about \$2 million in 2002, \$10 million over the 2002-2006 period, and \$20 million over the 2002-2011 period.

Section 3302 would amend previous authorization bills allowing managers of the stockpile to achieve near-term sales in excess of the established interim targets. Because actual sales have already exceeded those targets and because the bill would not increase total program targets, CBO estimates that enacting this provision would have no net budgetary impact.

Section 3303 would accelerate by one year the disposal of cobalt that was previously authorized for sale in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85). The 1998 bill authorized the sale of all remaining cobalt starting in 2003. The sales of cobalt authorized for disposal under earlier bills are projected to be completed this year. This bill would allow all remaining cobalt to be sold starting in 2002, thus avoiding a one-year gap in sales. CBO estimates that DoD would be able to expedite that disposal without impacting current market prices, resulting in more receipts from asset sales over the next five years, but no net budgetary impact over the 2002-2011 period.

Naval Vessels. Section 1216 would authorize the transfer of 13 naval vessels to foreign countries. It would authorize the sale of six vessels; the other seven would be given away. Information from DoD indicates that the asking price for the six ships would be approximately \$175 million. There is significant uncertainty as to whether all six vessels would be sold and what the sale price might be. Reflecting this uncertainty, CBO estimates that receipts from these sales would total \$18 million in 2002 and \$82 million in 2003.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in direct spending that are subject to pay-as-you-go procedures are shown in Table 5. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

TABLE 5. ESTIMATED IMPACT OF S. 1416 ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—										
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays .....	0	-8	-314	45	20	48	51	19	21	15	17
Changes in receipts .....						Not applicable					

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that enforce the constitutional rights of individuals. CBO has determined that subtitle F (Uniformed Services Overseas Voting) of title V is excluded because the provision would enforce an individual's constitutional right to vote.

Section 1062 of the bill would prohibit possession of significant former military equipment that has not been demilitarized and require the Secretary of Defense to notify the Attorney General of any known cases of persons holding such equipment. The Attorney General would be given the authority to require holders of such equipment either to ensure that the equipment is demilitarized or returned to DoD for demilitarization. In either case, those requirements would be considered mandates. If the equipment is not returned to DoD for demilitarization, the recipient must bear the costs of demilitarizing the equipment. However, the instances in

which this provision would be used are expected to be small; in most cases DoD demilitarizes equipment prior to transferring ownership. Consequently, the costs of this mandate would be minimal.

The remaining provisions of the bill either contain no mandates or are excluded, as specified in UMRA, because they would be necessary for national security. The bill also would affect DoD's Tricare long-term care program by increasing costs in state Medicaid programs by about \$1 million in 2002 and over \$2 million in 2003. Such costs would not result from mandates as defined by UMRA.

Previous CBO estimates: On August 22, 2001, CBO transmitted a cost estimate for H.R. 2586, the National Defense Authorization Act for Fiscal year 2002, as ordered reported by the House Committee on Armed Services on August 1, 2001. The House bill also would authorize approximately \$343 billion in defense funding for fiscal year 2002. Both H.R. 2586 and S. 1416 would reduce di-

rect spending over the 2002-2006 period, but the Senate bill contains less such savings.

On May 22, 2001, CBO prepared cost estimates for S. 170 and H.R. 303, identical bills titled the Retired Pay Restoration Act of 2001. S. 170 and H.R. 303 would provide identical benefits to those specified in Section 651 of S. 1416. If section 651 is implemented by October 1, 2001, the costs would be identical to those estimated for S. 170 and H.R. 303. As noted above, however, the provisions of section 651 cannot be implemented until additional legislation is enacted (to offset the section's costs). S. 170 and H.R. 303 do not contain such a contingency requirement.

Estimate prepared by: Federal Costs: Military Construction and Other Defense: Kent Christensen (226-2840); Military and Civilian Personnel: Dawn Regan (226-2840); Civilian Retirement: Geoffrey Gerhardt (226-2820); Stockpile Sales and Strategic Forces: Raymond Hall (226-2840); Military Retirement: Sarah Jennings (226-2840); Health Programs:

Sam Papenfuss (226-2840); Multiyear Procurement: Raymond Hall (226-2840); Naval Petroleum Reserves: Lisa Cash Driskill (226-2860); Operations and Maintenance: Matthew A. Schmit (226-2840). Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220). Impact on the Private Sector: R. William Thomas (226-2900).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. LEVIN. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1595

Mr. INHOFE. Mr. President, I have amendment No. 1595 before the Senate. I am very distressed right now over some things that are happening. I have an amendment before the Senate that will change our relationship with and the understanding many people have concerning the island of Vieques. The island of Vieques has been a live range for us for over 50 years. It has had a very successful record. There has only been one civilian killed during that time period. Contrast that with a range in the State of Oklahoma. In the State of Oklahoma we have had a live range much longer than that, and we have lost eight civilians during that period of time—because of purely political reasons and in a lust for the votes and a mistaken notion that if you vote to close a range as a result of people who are protesting, breaking the law, people who are former terrorists, such as Mrs. Lebron, who led a bunch of terrorists into the House of Representatives many years ago and opened fire, wounding five of our Members of the House of Representatives, and others now protesting, trespassing on property that we own, property owned by the U.S. Navy, where we train our troops for their deployments from the east coast to the Persian Gulf.

When we deploy battle groups to the Persian Gulf, those troops are going to see combat. The chances are better than 50-50 they will see combat. They have relied on this live-fire training for a long time. It has always been there. It is the only place we can do that type of training. We have had all kinds of committees to find another place that is just as good, but they cannot do it.

The reason they cannot find a new range is because there has to be unified training: a battle group of aircraft carriers and the F-14s, F-18s, using live munitions, bombing, and at the same time our Navy using live munitions, and at the same time our Marine expeditionary units going in under that live fire.

For those of us in this room—and I do not know how many besides the two I am looking at have actually been in the service—there is a huge difference between inert and live ammunition. I can remember when I was in basic training. It is easy to crawl under that barbed wire when it is not real bullets, but when it is real ammunition, that is

different. That is exactly what we have to have to train these people who are going off to the Persian Gulf.

We have been unable to do it because of these protests. This is the first time in the history of America we have allowed a bunch of illegal protesters to change our policy. They will not be successful, but if they were successful, think about our other ranges. I have talked to the chiefs of every service. The Air Force is in desperate need of ranges right now.

I have talked to people in Lawton, OK. There are 100,000 people who live right next to a live range, and a few of them said: All you have to do is protest and they close the range?

There is a clear right and wrong. I have 2½ years of my life in this issue. I have been around the world. I have looked at every possible area where we could have an alternative training source. Some people say let us send the F-18s over there and let them go to England or some place and drop their loads. Let us train over here with live fire and let us let the marines train over in this area, and I was suggesting at least that notion to some of the Navy pilots that were on one of the—this is probably over a year ago—on one of the aircraft carriers on which they were supposed to be training, and he said, well, wait a minute, that is like having the very best football players you can have anywhere in the world; you have the best quarterback, the best halfback, the best defense but they never scrimmage together. So what happens on the day of the opening game? They lose it. They have to train together.

Now, people say you get the same training with inert. You do not get the same training with inert, but when we allowed that bunch of illegal trespassers to take us out of live fire and put us in inert, we lost five American lives. Did we lose these lives because of that? Yes, we did. They had to go over and they were trying to carry out an exercise in Kuwait. It did not work, and six people died, five of whom were Americans.

I have the investigation. It shows clearly those individuals who were unable to have live fire training—they had inert training on Vieques but not live fire training. There is a huge difference. Talk to anyone in the Navy who has to handle those live missiles. When they are deploying them, when they are handling live ordnance, it is a big difference from inert. Anyway, we have already lost that many, and I am hoping we will be able to resolve this problem.

Senator CORZINE is going to offer an amendment if I bring up my amendment. It is a second-degree amendment, and that amendment would have the effect of killing what I am trying to do. That would make it so we would not have a range to practice at or to train on on these deployments from the

east coast. I have had to think long and hard about this as to whether or not it is better not to have an amendment at all and resolve this problem in conference, or whether we go ahead and succumb to the second-degree amendment.

I say to Senator CORZINE, I think the votes are there to pass his amendment. If we did that, we would be closing the range and at the same time we would be giving that responsibility to the President on a year-by-year basis. If one stops and thinks about the 200-and-some ranges we have, if the President had to go through and debate this every year as to whether or not to allow that range to stay open as a live range, he would not have time to do anything else. That would not work.

Secondly, that puts politics right back in it. My amendment is a good amendment. It said call off the referendum. We should never have had a referendum. Then it says we will use the range we own—and at this very time we are in the middle of war—to train our troops until such time as both the CNO of the Navy and the commandant of the Marine Corps certify we do not need it. Those are military people. They are not political people.

I have this gnawing feeling that the way this is worded I would lose that amendment, and rather than have the Corzine language in there, we are far better off not to have any language at all.

I regrettably say I think we will end up in the same situation as we would be if we passed this amendment, or if we did not pass it or if we just left it like it is in conference.

As we speak, in Puerto Rico they are considering a resolution. That resolution says we, Puerto Ricans, as proud American citizens with the same responsibilities as our brethren in the continental United States, have the obligation of contributing to this fight, allowing and supporting military training and exercises in the island municipality of Vieques.

This may not pass. It is being debated right now. But certainly there is a very large number of people saying—and that number is much larger today after September 11 than it was before—we are American citizens first. We have to train our people and we have to train them with quality training so they do not lose their lives when they get over to the Persian Gulf.

That is my situation. That is the dilemma that we have right now.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. INHOFE. I will be glad to yield.

Mr. WARNER. Mr. President, frankly, there is no Senator in this Chamber, on either side of the aisle, who has worked more conscientiously on this extremely complex issue than our distinguished colleague from Oklahoma, Mr. INHOFE.

I had indicated to him I felt his amendment was one that certainly

merited my support, and my support remains. I wonder if we laid his amendment aside, perhaps in further consultations we could come up with some affirmation of a position that fostered, No. 1, the current obvious willingness among responsible people in Puerto Rico to recognize the extenuating circumstances in which our American servicemen are now preparing to embark, as we speak, for various points worldwide in response to an issue taken by a very courageous and bold President of the United States.

I wonder if we could lay it aside, enabling the Senator from Oklahoma to counsel with our colleague from New Jersey in the hopes that perhaps he could reach a position again that would foster the strengthening of this opportunity to continue the use of this base as the Puerto Ricans at the present time are doing.

Mr. INHOFE. I appreciate that counsel, and I think it is very wise counsel. If I could count the votes, and I knew I could defeat the Corzine amendment and have mine, I would do it, but I think we would be in far worse shape if we had that language.

For that reason, I am down to two choices: one to go ahead and withdraw my amendment, and the other to lay it aside so we can talk to see if something can happen. I think I will choose the latter and ask at this time to lay aside amendment No. 1595 for a period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the chairman of the committee and I will confer on what matter we next have at hand.

Mr. LEVIN. I wonder if we have any cleared amendments we can take up?

The PRESIDING OFFICER. The Senator from Michigan.

#### AMENDMENT NO. 1677

Mr. LEVIN. On behalf of Senators CLELAND and HUTCHINSON, I offer an amendment which would give the Secretary of Defense direct hiring authority for certain health care professionals, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CLELAND, for himself, and Mr. HUTCHINSON, proposes an amendment numbered 1677.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary of Defense to exempt certain health care professionals from examination for appointment in the competitive civil service)

On page 377, between lines 3 and 4, insert the following:

#### SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.

(a) AUTHORITY TO EXEMPT.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§ 1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination

“(a) AUTHORITY TO EXEMPT.—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

“(b) COVERED HEALTH-CARE PROFESSION OR OCCUPATION.—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

- “(1) Physician.
- “(2) Dentist.
- “(3) Podiatrist.
- “(4) Optometrist.
- “(5) Pharmacist.
- “(6) Nurse.
- “(7) Physician assistant.
- “(8) Audiologist.
- “(9) Expanded-function dental auxiliary.
- “(10) Dental hygienist.

“(c) PREFERENCES IN HIRING.—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.”.

Mr. WARNER. We both urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1677) was agreed to.

Mr. LEVIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1678

Mr. WARNER. On behalf of Senators COLLINS and LANDRIEU, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Ms. COLLINS, Ms. LANDRIEU, and Mr. AL-LARD, proposes an amendment numbered 1678.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize waivers of a prohibition of requirement for a nonavailability of health care statement or a preauthorization of health care, and to make other modifications regarding the prohibition)

At the end of subtitle B of title VII, add the following:

#### SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.

(a) CLARIFICATION OF COVERED BENEFICIARIES.—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-184) is amended by striking “covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,” and inserting “covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code.”.

(b) REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.—Subsection (b) of such section is repealed.

(c) WAIVER AUTHORITY.—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

“(b) WAIVER AUTHORITY.—The Secretary may waive the prohibition in subsection (a) if—

“(1) the Secretary—

“(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

“(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

“(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

“(2) the Secretary provides notification of the Secretary’s intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

“(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary’s intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

“(4) 60 days have elapsed since the date of the notification described in paragraph (3).”.

(d) DELAY OF EFFECTIVE DATE.—Subsection (d) of such section is amended—

(1) by striking “take effect on October 1, 2001” and inserting “be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002”; and

(2) by redesignating the subsection as subsection (c).

(e) REPORT.—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary’s plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

#### MEDICAL TECHNOLOGY

Ms. COLLINS. Mr. President, I rise today to bring to the attention of our distinguished chairman of the Senate

Armed Services Committee an issue that we must consider as potential military action is taken to address our national crisis. There are many aspects to consider in taking care of our soldiers, sailors, airmen and Marines who are sent into harm's way. However, there is an immediate and critical area that may not seem like a high priority in these times of deployment and mobilization of our armed forces, an area that in times of war becomes absolutely necessary in preserving their well-being. I am speaking of medical technology and research as it concerns the battlefield.

I have recently been made aware of two efforts that could dramatically improve the current medical challenges involved in blood and tissue preservation. These programs would aim to develop stable blood products, organs, and wound-repairing tissues that could enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions that are common in combat.

Mr. LEVIN. The Senator from Maine is quite correct in her observation and assessment that medical treatment is a part of war that sometimes may be taken for granted, and that the medical care of our service men and women is an area of defense that should not be overlooked. Particularly in the area of military combat casualty care, the Department must consider any initiative that could have benefits for saving the lives of men and women whose service to our nation puts them at risk of severe injury.

Ms. COLLINS. I have recently been briefed on these two medical research efforts and would like to offer a couple of comments on their potential impact in combat casualty care. They are research initiatives by our research laboratories and universities across the country, which could provide a unique capability to develop new tissue products that are vitally important for the military. Recent U.S. military actions have resulted in stationing troops in harsh climates, from Kuwait to Bosnia to Saudi Arabia. Future locations and missions will require new capabilities in combat casualty care, and these capabilities would include stable blood products, organs, and wound repairing tissues that will enhance human survivability under conditions of trauma, shock, anoxia and other extreme conditions, including extreme environment. These projects aim to develop tissue with a long shelf life that are necessary for combat casualty care. Additionally, the research would serve as a large-scale source of murine models for the scientific community to utilize mouse genetics in understanding how the products of multiple genes interact to develop and maintain entire physiological systems. I would strongly urge the Department to investigate research that would permit the long-term storage of blood cells and tissues in deployed environments.

Mr. LEVIN. I thank the distinguished Senator from Maine for highlighting the critical nature of this research, and for voicing her support for investments in the well-being of a most precious national asset—our men and women in uniform, who will fight and risk their lives for each of us.

Mr. WARNER. Mr. President, this authorizes the Secretary of Defense to waive the prohibition against requiring statements of nonavailability to authorized health care services other than mental health services of beneficiaries receiving care under TRICARE standard. It is my understanding this amendment is cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1678) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1679

Mr. LEVIN. Mr. President, on behalf of Senator FEINGOLD, I offer an amendment which requires the Under Secretary of Defense to provide a report on certain matters pertaining to the V-22 Osprey Program before the aircraft is returned to flying status, and I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FEINGOLD, proposes an amendment numbered 1679.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the V-22 Osprey aircraft before a decision to resume flight testing)

At the appropriate place in title II, insert the following:

#### SEC. \_\_\_\_ REPORT ON V-22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.

Not later than 30 days before the planned date to resume flight testing of the V-22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V-22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V-22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommenda-

tions of the Panel to Review the V-22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

Mr. LEVIN. This amendment has been cleared by the other side.

Mr. WARNER. Mr. President, if we can hold.

Mr. LEVIN. I ask unanimous consent this amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I see colleagues coming to the Chamber. I will not be lengthy. I surmise we may be debating an amendment. But until we do, let me just take this time to present kind of a bit of an overview—I see the Senator from Virginia.

Mr. WARNER. Mr. President, perhaps we can just go into morning business for a period of time.

Mr. WELLSTONE. That is fine. I appreciate that.

I ask unanimous consent that we go into morning business for 10 minutes so that I may speak.

Mr. WARNER. I reserve the right to object.

Can we stipulate some time period?

Mr. WELLSTONE. I say to my colleague, 10 minutes.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE are printed in today's RECORD under "Morning Business.")

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have talked to the managers of the bill about two amendments I intend to offer. I would like to comment about these matters now and will be glad to get into a greater discussion about them later. I believe that these amendments address issues that are extremely important and directly relate to our fighting men and women and those service members who have disabled children.

First, I want to thank the committee, especially Senators LEVIN and

WARNER, for taking the first step toward ensuring that disabled families of our active-duty military have greater access to the health care they deserve. The first amendment I intend to offer is another step toward achieving that goal.

Early last year, a young man in the U.S. Air Force, SGT Faye, drove over 12 hours with his wife and disabled 4-year-old daughter to testify how important it was to make Medicaid more accessible. Why? The military health care system does not provide for his daughter's needs, and Medicaid does.

Unfortunately, in order to continue her eligibility for Medicaid, this service member could not accept a promotion to the next rank. No member of the Armed Forces who risks their life for our country should ever be put in a position of having to decide between health care for a disabled child and doing their job for our country, nor should these families have to rely on Medicaid to find health care that works.

My amendment corrects the injustices these families have suffered by giving these families in TRICARE what they effectively receive in Medicaid. It allows disabled dependents to receive the health care that is necessary to maintain their function and prevent further deterioration of their disability, provides community-based services so disabled dependents can stay at home with their families and live in their communities rather than being institutionalized. This is no different from what Medicaid provides. The amendment includes respite care and hearing aids which can help a disabled person stay or become independent. It includes more flexible mental health services, and also gives the physician the final decision regarding what health care services are necessary.

These guarantees are effectively what are in existence under the Medicaid program. But what harmed SGT Faye was that in order to be able to get these kinds of services for his 4-year-old child, he had to decline his promotion to the next rank a promotion that would have raised his family's income above the Medicaid threshold. SGT Faye had outstanding recommendations and the Air Force wanted to promote him, but he couldn't accept it because it meant giving up the health care his daughter needed.

Right now, the President is activating many servicemen and women who face these very same circumstances. We clearly know that these servicemen and women should not have to worry about finding adequate health care for their children, especially when their children have a disability. Half of all the members of the Armed Forces are married, more than half have children, and many of those children are under 10 years of age. As in any population, a number of those

children are special needs children and require the services I have outlined.

This amendment ensures that servicemen and women don't have to go to Medicaid to get the health care their children need.

We know how far we have come, over many decades, to guarantee that disabled people have the health care and independence they need to be participating members of their communities. Our military families with disabled dependents should not be denied that opportunity. These improvements to TRICARE are some of the most significant steps we can take in this Congress. They offer a new and better life to large numbers of military families. I commend Senator CLELAND, who did a great deal of work in this area and provided great leadership in the development of a number of different programs to reach out to children with special needs.

This amendment gives servicemen and women and their disabled family members the health care they need.

My other amendment also addresses the needs of our military families, but from a different angle. It relates to the needs of the families of servicemen and women who will be impacted by the call up of the National Guard and Reserves components. As we examine the immediate and long-term needs of our military, we cannot forget the families, especially the children, whose daily lives and routines are disrupted by their parents' commitments to preserving America's freedoms. Husbands and wives, parents and children, will be separated more frequently and for longer periods during the coming months and years. These separations will be filled with uncertainty about the safety of their loved ones, and the families will be profoundly affected.

Today, over half of the active-duty members are married, almost half have children. There are 2 million family members of active-duty personnel and 900,000 family members of those in the Reserve. There are nearly half a million children under the age of 6 of active-duty members, and a majority need some type of child care.

Families of reservists will also be affected because they often lack the support provided by military installations. Reserve members are located in more than 4,400 communities nationwide. More than half of them live at least 75 miles from a military installation. Support is especially critical to provide needed assistance to these geographically isolated families.

This amendment uses the lessons learned from Desert Storm and Bosnia to authorize additional wartime support for military families. Included are provisions for child care and youth programs and family support programs, such as parent education, to help families cope with the stress of deployments. It also provides assistance for Reserve families geographically sepa-

rated from military installations, as well as support for security for DOD schools and children's facilities in areas of high risk for terrorist attacks.

We have a number of children attending schools that are off base that come to mind immediately. In Turkey, children of U.S. service members ride in buses through areas which could put these children at risk should there be any deterioration in the security conditions we are facing throughout the world. This amendment would also provide additional resources for protecting these children in overseas schools.

Many husbands and wives share child care responsibilities. When a service member deploys, the burden is left to one spouse, and in some cases a guardian. The need for child care is greater. If a spouse works irregular hours, such as nights or weekends, the challenge is even more difficult. In many instances, the base operating hours are extended and longer shifts are required. Additional operating funds are needed for the non-traditional care in centers and family child care homes.

Guard and Reserve families do not typically live close to the military bases where they can obtain military child care. We should do all we can to offer these families the same assistance with child care that we are offering active-duty personnel on their bases. We can do so through a cooperative agreement with The National Resource and Referral networks. Modeled on a project called "AmeriCorps Care" established by the National Service Corporation. Child care assistance can be provided on the same sliding fee scale available to military families on base. This step will prevent financial hardships for many young reservists called to active duty.

With parents not available, youth, especially young teens, are stranded, with no place to go after school or no way to get to after school activities. Families not located close to installations find child care problems after school. Youth are often left home alone after school. During Desert Storm, to help give parents peace of mind that children were engaged in positive after school activities, transportation and activities were provided free to over 17,500 Guard and Reserve families through a partnership between DOD and the Boys and Girls Clubs of America. The youths participated in after school programs, sports and recreational activities, and received help with homework. We ought to be prepared to provide those kinds of services to these Guard and Reserve families. This is what was done during the Persian Gulf War. It worked well then and was good for the morale of the Reserve and the Guard who were serving overseas.

My amendment doesn't reinvent the wheel. We had many of these programs in place before. We simply need to reauthorize them for today's deployments.

During Desert Storm, additional aid funds were provided to civilian community schools when large units were deployed. We also learned during Desert Storm that there is a need for counselors for family support activities. This amendment authorizes the additional funds for counselors.

There are serious school security issues on our overseas bases, including safety on school buses in foreign countries. Approximately 40 percent of military families living overseas live off their bases. Their children are bused to schools, either on the base, or, in many cases, to schools in unprotected foreign communities that are potential targets for terrorist attacks. We also need to fund bus safety personnel and equipment for school buses to ensure the personnel are adequately trained to identify risk.

Military families face an extended period of anxiety and sacrifice for our Nation. It is our responsibility to ensure they have the support they need in the face of this extreme danger and sacrifice.

I urge the Senate, when we have the opportunity, to support my amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 1679

Mr. WARNER. Mr. President, parliamentary inquiry, I believe the Feingold amendment is the pending amendment.

The PRESIDING OFFICER. That is correct.

Mr. WARNER. At this time I indicate we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1679.

The amendment (No. 1679) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1683

Mr. WARNER. Mr. President, on behalf of Senator SANTORUM, I offer an amendment which would authorize an additional \$1 million for the Air Force for research, development, test and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative, offset by a reduction of \$1 million in the bill from Navy RDT&E funds provided for Modular Helmet Development. I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, proposes an amendment numbered 1683.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To add \$1,000,000 for the Air Force for research, development, test, and evaluation for the Agile Combat Support, Integrated Medical Information Technology System Initiative (PE 604617), and to offset the increase by reducing by \$1,000,000 the amount provided for the Navy for research, development, and test and evaluation for Modular Helmet Development (PE 604264N); Aircrew Systems Development)

On page 23, line 12, increase the amount by \$1,000,000.

On page 23, line 11, reduce the amount by \$1,000,000.

Mr. LEVIN. We have no objection to the amendment.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1683) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1684

Mr. LEVIN. Mr. President, I send an amendment to the desk which I offer on behalf of Senator MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Ms. MIKULSKI, proposes an amendment numbered 1684.

Mr. LEVIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 10, United States Code, to provide for an insensitive munitions program)

At the end of subtitle D of title VIII, add the following:

#### SEC. 833. INSENSITIVE MUNITIONS PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

#### “§2405. Insensitive munitions program

“(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and fielding when subjected to unplanned stimuli.

“(b) CONTENT OF PROGRAM.—The program shall include safety criteria, safety proce-

dures, and requirements to conform to those criteria and procedures.

“(c) REPORTING REQUIREMENT.—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

“(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

“(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2404 the following new item:

“2405. Insensitive munitions program.”.

Mr. LEVIN. Mr. President, this amendment would require the Department of Defense to have a program to address the accidental detonation of munitions and to report on this program along with the budget request. I believe this amendment has been cleared.

Mr. WARNER. Mr. President, the chairman is correct. It is cleared.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1684) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1685

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I offer amendment which would provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension. I understand this amendment has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HUTCHINSON, proposes an amendment numbered 1685.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the retroactive entitlement of Robert R. Ingram to Medal of Honor special pension)

At the end of subtitle D of title V, add the following:

#### SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105-103 (111 Stat. 2218), shall be entitled to the special pension provided for under section

1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) AMOUNT.—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

Mr. LEVIN. We have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1685) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1686

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator KENNEDY. I ask the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. KENNEDY, proposes an amendment numbered 1686.

Mr. LEVIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

#### SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM.

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105-85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraph (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if—

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

Mr. LEVIN. Mr. President, this amendment would allow the Navy to renew long-term leases to oceanographic research vessels without re-competing the award of those leases. I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the chairman is correct.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1686) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1687

Mr. WARNER. Mr. President, on behalf of Senator VOINOVICH, I offer an amendment that would authorize Federal agencies to pay for employee credentials, including professional accreditation, licenses, and certification for civilian employees. This amendment, I understand, has been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 1687.

Mr. WARNER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize agencies to use appropriated or other available funds to pay the cost of credentials and related examinations for Federal employees)

At the end of subtitle C of title XI, add the following:

#### SEC. 1124. PROFESSIONAL CREDENTIALS.

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

##### “§ 5758. Expenses for credentials

“(a) An agency may use appropriated or other available funds to pay for—

“(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

“(2) examinations to obtain such credentials.

“(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“5758. Expenses for credentials.”.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1687) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I rise today not to offer an amendment but, first, to express my thanks and appreciation to the managers of the bill for responding to a concern that I raised. I have spoken with Chairman LEVIN, and his staff, as well as Chairman INOUE and Senator STEVENS, and the Defense Department about the concern I have over our industrial base for the production of tactical fighters.

It seems to me that the tragedy of September 11 brings with it the realization that we are in a long contest with terrorists. We are in a long, drawn out contest that may require us to provide all kinds of responses. The tactical aircraft we are planning to build in the future is just one of the tactical aircraft that we might have to provide in years beyond.

So it is my concern that when the competition for the joint strike fighter—the JSF—is over, that if one of the two contestants—Boeing and Lockheed Martin are competing—is selected, if there is not production and an active role for the second one, we would be left with only one major producer of tactical aircraft.

It is for that reason I have raised the concern that, either before or after the contract is let, the Defense Department and both contractors must be willing to agree that production will go on in both facilities.

Boeing and Lockheed Martin are this country's sole remaining tactical aircraft manufacturers. Whoever wins the contract will have a long-term foothold in tactical aircraft manufacturing due to the very large number of aircraft expected to be built for both here at home and the overseas market.

If nothing else happens, whoever loses out of the jet fighter business, in about 10 years, when our current production of F-22s, F-16s, and FA-18s will have reached the end of their production runs, there will be nothing left for them to do. That would leave us with just one military house capable of providing the full line of services necessary to build whatever aircraft will follow. And the JSF, while it is the state of the art now, will not be the state of the art 10, 20, 30 years from now.

The competitiveness exhibited by Boeing and Lockheed Martin in the JSF competition has been good for the U.S. and for our military forces. Without it, we would not now be looking at two sets of prototypes that, by all independent accounts, meet and exceed the

criteria set by the Department of Defense.

My concern is what happens on the next complex tactical aircraft program we build. I am a big fan of Boeing; I am a big fan of Lockheed Martin—the two finest producers in the world. One of them happens to be located in my State; one of them happens to be located in the President's State. Both companies have excellent design and manufacturing teams. And without them we would not now be fielding the best military aircraft in the world. But I am an even bigger fan of having them both in the business of making tactical aircraft with concomitant design, engineering, manufacturing, and support services.

With only one domestic military tactical aircraft producer, we would seriously cripple our ability to field state-of-the-art tactical aircraft in the future, as any serious competition would be eliminated. And as is the case in so many other areas, competition is essential to the health of our tactical aircraft industry.

We do not have to look far to see examples of how we can ensure a robust split production program. The two primary competitors for JSF—Lockheed Martin and Boeing—currently share production of the F-22 Raptor. Boeing has a one-third share and Lockheed Martin a two-thirds share of the program. Supporting split production would ensure a minimum of two primary contractors in the tactical fighter industrial base.

An issue associated with split production is second sourcing. That has been productive, and it has been a prudent working theory in the years past. It still is practiced effectively in many areas.

During the defense buildup period, the Department of Defense and Congress worked diligently to increase the amount of competition in the development of major defense systems. In the defense aerospace industry, during those years, there were five primary companies capable of developing and producing fighter weapons systems.

The benefits of competition were well understood in commerce at large but difficult to establish in the military. So emphasis in some programs shifted to second sourcing. The production piece of weapons systems programs was divided in two. A single design was produced. The Government financed creation of both production lines. The firms competed for the largest share of the production run each year, but both remained in production.

This worked to keep costs under control for large volume purchases because each firm saw the potential for decent earnings by investing in cost reduction programs to remain competitive. If one producer let its costs get out of control, well, then, the purchaser—the Department of Defense—could go to the more efficient producer.

The same logic was successful in setting up second sourcing for propulsion systems for the joint strike fighter. And my question is, if the logic is compelling enough to institutionalize competitive competition in second sourcing for engine competition, why wouldn't the same logic work for the prime aircraft manufacturing companies, especially since there are only two left in the industry?

The second sourcing expands the mobilization base as well as producing an increased surge capability. And it encourages higher product quality and reliability at a competitive cost. And that helps the Government in contract negotiations.

One other example I would cite is the joint cruise missile project, second sourcing of the Tomahawk missile in 1982. Every review of that effort demonstrated abundant cost savings to the Government, and a steady production of missiles which have been used for years by our Armed Forces.

The success of the program resulted from at least two factors: One, the cost for entry for a second source was low, given the large projected production run, and, two, the annual production quantities were large enough to absorb direct and indirect manufacturing costs.

The Tomahawk experience is directly applicable to the current JSF Program because we have a large projected number of aircraft deliveries spread over many years, for both the armed services—all branches—and those of our allies, and gives us an opportunity to retain the benefits of second sourcing.

It worked for engines, and it worked for prime aircraft developers and manufacturers, while preserving the domestic industrial base. However, second sourcing alone does not ensure the sustenance of full design and development capability.

I think it would also be unwise for the country to have only one company capable of designing an appropriate fighter aircraft. I hope, as we move forward, we will continue to utilize the design and development capacity of both of the manufacturers.

Despite the fact that there may be some additional costs for having two production lines—some say costs may be a half billion to a billion dollars—when you are really talking about a couple of hundred billion dollars, a multiyear program, it seems to me the protection of the search capacity, production protection of a second major source, and the protection of competition are well worth the price. That is why I have been arguing that we must maintain two tactical aircraft providers.

We cannot prevent the pendulum from swinging radically in the opposite direction without maintaining split production. The recent terrorist attack teaches us that if we skimp on defense, we will pay for it. Maintaining a strong

defensive posture is not done on the cheap, unless we are willing to expose our national security and homeland security.

For this reason, I have discussed at length with my colleagues, with the managers of this bill, with the chairman and ranking member of the Appropriations Committee, as well as the Department of Defense, the need to continue to keep two tactical aircraft fighters in production. Based on the discussions I have had and the understanding that has been developed, I believe now that we are in a position where we will not see one company alone winning the competition and taking over the entire tactical aircraft production in the United States. I think that would be a significant mistake for the Nation, and it would not serve our military well because we would not ensure that competition to provide not only this airplane and the most economical and highest quality product available but future design and manufacture of aircraft to follow on.

So while we had discussed the possibility of offering an amendment, I believe the position is well understood. And from the conversations I have had, I believe there will be efficient steps taken to ensure that we do maintain two tactical aircraft producers. If we don't move down that path, then I will be back on the appropriate measure, whether it is on an authorization or an appropriations bill, to ensure that we do have two strong tactical aircraft manufacturers in this country.

Mr. President, I thank the managers and the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, at this time, I withdraw my amendment No. 1595 from consideration.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I express my gratitude, and I understand the differences of opinion we have regarding this issue. I think we now have an opportunity to have a good discussion on this issue in conference committee. In that vein, I ask unanimous consent to have printed in the RECORD the amendment I would have proposed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Strike all after the first word and insert in lieu thereof the following:

**SEC. 1066. CLOSURE OF VIEQUES NOVEL TRAINING RANGE.**

(a) Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is amended by adding at the end the following new subsection:

“(e) NATIONAL EMERGENCY.—

“(1) EXTENSION OF DEADLINE.—The President may extend the May 1, 2003 deadline for

the termination of operations on the island of Vieques established in Subsection (b)(1) for a period of one year (and may renew such extension on an annual basis), provided that—

“(A) The President has declared a national emergency, and such declaration remains in effect; and

“(B) The President determines that, in light of such national emergency, the actions required by subsections (b), (c) and (d) would be inconsistent with the national security interest of the United States.

“(2) EFFECT OF EXTENSION.—An extension of the deadline pursuant to paragraph (1) shall suspend the requirements of subsections (b), (c) and (d) for the duration of the extension.”

(b) Subsection (a) of Section 1505 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed and subsections (b) through (e) are redesignated as subsections (a) through (d) respectively.

(c) Section 1503 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 is repealed.

Mr. CORZINE. Mr. President, before I discuss the provisions of this amendment, let me make something clear. I am very sensitive—painfully and personally so—of the human tragedy and national emergency created by the cowardly attacks of the terrorists on our nation on September 11. Just as much as my colleagues, I stand united with our President, our military personnel, and the people of America in accepting, as President Bush put it, our “mission and moment” to end this scourge of terrorism.

But just as so many of America’s leaders have implored the nation to be measured and thoughtful in our actions in the wake of this tragedy, and just as President Bush has asked that Americans go on about their lives, so too should the workings of America’s democracy. That’s why I believe it would be a mistake to approve the amendment by the Senator from Oklahoma, which represents a significant change in direction from the policies formulated by both Presidents Bush and Clinton, while frankly undermining the President’s authority as commander in chief. Why should the Chief of Naval Operations, and the commandant of the Marine Corps, be given the authority to make decisions that go well beyond military considerations? In my view, full access given the extended public debate and deep concerns, surrounding this Vieques facility this decision rightfully rests, as it did before September 11, with the President of the United States.

Mr. President, I believe, in the long run, we should respect the views of the people of Puerto Rico and Vieques. Their voice has been clear on this issue, certainly before the current circumstances. Just a few months ago, more than 70 percent of those living in Vieques voted to suspend operations and there was a broad element of support for that view throughout Puerto Rico’s leadership and public.

At the same time, I understand and am sympathetic to the concerns of

many of my colleagues about the need for combined Navy and Marine amphibious training in this time of national emergency. But, as Presidents Clinton and Bush both have said, in the long-term, we should respect the will of the people. And, in my view, while there is justification for changing the timing of implementation of current policies given the current circumstances, we should return to agreed upon policy as soon as practical. Any exceptions to the agreed upon policy should be at the judgment of the president of the United States—our commander in chief.

And that, Mr. President, is exactly what this amendment does. It would provide for the termination of operations on Vieques by May 1, 2003, subject to the national security judgment of the President. In fact, my amendment would codify the policy already established by President Bush. However, in an effort to give the President necessary flexibility in these extraordinary times, the amendment would allow the President to continue operations on Vieques for one-year periods in times of national emergency beyond the May 1, 2003 deadline, if the President determines, in light of the emergency, that the termination of operations would be inconsistent with national security interests.

I also would note, that my amendment eliminates the requirement for a second referendum required by last year’s DOD authorization. Finally Mr. President this is a compromise endorsed by the Resident Commissioner of Puerto Rico, Congressman ANIBAL ACEVEDO VILÁ and supported by the National Puerto Rican coalition. After all, there already has been a referendum with the results showing that 70 percent of Vieques residents favor closure.

Mr. President, I think that’s a reasonable compromise that makes commonsense. And I hope it can win the support of my colleagues.

Mr. President, I’ve heard some people say that the Navy bombings in Vieques are merely a political issue. But to the 9,000 residents of Vieques who live immediately adjacent to the field of fire and have suffered with constant and severe noise, and whose environment and health have been threatened by related pollutants, the bombing of Vieques is a humanitarian issue. And to all the people of Puerto Rico, it’s an issue about respect and democracy.

I have personally visited Vieques and seen the disastrous impact that constant bombing has had on the island’s natural resources and environment, on its resident’s health and on its economy. The people of Puerto Rico are Americans. They raise our flag. They have fought valiantly in our wars. Many hundreds—maybe as many as 800—died on September 11th in the World Trade Center tragedy. Puerto Ricans deserve to be treated justly.

Both President Clinton and President Bush have recognized this reality in

formulating their responses to this difficult issue.

Mr. President, like all Americans, I believe that the people of Puerto Rico have shown throughout history that they are willing to make sacrifices if asked to protect America. But we shouldn’t use the current circumstances to justify continued bombing over some indeterminate period. We should and must find an alternative training site and more on as soon as possible.

So, in summary, Mr. President, this amendment recognizes our current military needs and provides the President flexibility to deal with America’s war on terrorism. But, over time, this action would respect the will of the people of Puerto Rico, and end the Vieques debate on the bombings.

I hope my colleagues will support this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, in consultation with our colleagues on both sides of the aisle, I feel the need to propound another unanimous consent request. I know there have been requests made throughout this debate regarding the list of finite amendments.

I ask unanimous consent that the list that I will send to the desk at a later time tonight be the only first-degree amendments remaining in order to S. 1438, the Department of Defense authorization bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all the amendments, the bill be read the third time and the Senate vote on passage of the bill with no intervening action or debate.

Mr. WARNER. Madam President, reserving the right to object, most readily, I say to our leader that I have to object. There are still Members on our side with concerns.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Madam President, will the leader yield.

Mr. DASCHLE. Madam President, I am happy to yield to the Senator from Michigan.

Mr. LEVIN. Madam President, if the majority leader will yield for one moment, this bill has provisions in it which we need to pass. There is a special pay provision in it for short war-time specialties, for instance. We have special provisions which will allow us to hold onto enlisted members in high priority units who otherwise might

leave the military. We have special reenlistment and enlistment bonuses in this bill. We have a targeted pay raise of 4½ percent for everybody. And we have targeted pay raises of between 5 and 10 percent for special categories.

This is a vital bill for the success of our military.

The problems we have now are no longer related to the jurisdiction of this committee. We think we have resolved the last problem, or we are close to resolving the last problem that relates to the jurisdiction of this committee. Everybody else is willing to have their amendments placed on this list so we have a finite list. We are not trying to preclude anybody from offering amendments of any kind. It is just a list of their amendments and a finite list.

I thank the majority leader for his patience. I thank Senator REID for his extraordinary effort to get us to where we are. I express disappointment that we can't get that finite list so we can proceed to complete this important bill, but to report to him and to our colleagues that the problem we think we have now is not related to the jurisdiction of the Armed Services Committee, and that is too bad.

Mr. DASCHLE. Madam President, if I could just add to what the distinguished Senator from Michigan has said, and let me repeat also the compliment of our two managers. I think they have done an admirable job. They have shown remarkable patience with all of their colleagues. But I don't know of a bill that deserves more urgency than this one. I don't know of a bill that ought to be the source of unity as we look at the array of challenges that our country is currently facing.

This afternoon, we were given one of the finest briefings that I have heard in recent years by the Secretary of State and the Secretary of Defense. They did an outstanding job in laying out the challenges that we have to face, not only in the short term but in the longer term. At the very least, it seems to me, the Senate ought to respond to the tremendous challenges we face by providing the support that we can to this administration at a time of need.

I must say that I know we have worked off the earlier objections. And now, as the Senator from Michigan said, we have objections tonight that I am told have nothing to do with the Defense bill but have to do with the schedule on other issues. I am willing to work with my colleagues. No one wants to pass an energy bill more than I do. We know we have to do that. That has to be an important part of the Senate's agenda. I am willing to enter into a colloquy with Senators who have concerns about how high a priority that is. But, for heaven's sake, let us not hold up one of the most urgent bills before the Senate tonight.

I must say, I will tell my colleagues, that we may be left with no other op-

tion than to pull this bill and go straight to Defense appropriations when that bill is ready. We can resolve this on Defense appropriations. I don't want to have to do that, but I will do that if there is no other choice. Tomorrow we are going to go to the military construction bill.

This is our last opportunity tonight until sometime later.

There are so many other urgent pieces of work that have to be done. We have an airport security bill that we all have talked about that we know is important. That has to be brought up, hopefully next week.

We can't continue to deliberate, object, delay, and confound the two managers here as we try to address this important question. We have a window. If we lose this window, we are going to have to look for another window under the appropriations process.

I put my colleagues on notice. We will either work this out this way or we will work it out another way. But these laborious objections are very troubling to me and ought to be troubling to all of our colleagues.

I will work with our managers.

I appreciate as well the distinguished assistant majority leader for his efforts tonight.

If I sound frustrated, I am. I will be patient. But patience wears thin. We have a lot of work to do.

I yield the floor.

Mr. REID. Madam President, before the leader leaves the floor, I am a member of the Committee on Appropriations. We are not an authorizing committee. We should not have to do the Defense authorization bill because the hard work that these two managers and the committee members have put in will be for naught.

Yesterday, I had to make some phone calls. One-hundred National Guardsmen who have been called to active duty out of Ely and Las Vegas. These are MP's—military policemen. We had eighty-three out of Reno call the same day. They are military intelligence. They are leaving as I am speaking.

There are provisions in this bill to help them and their families. At Nellis Air Force Base, we have 10,000 military personnel, and at Fallon we have 7,000.

How can I go back to Nevada and face these people? This bill is going to go down as a result of something that has nothing to do with this bill.

The leader talked about these two managers. They have worked so hard. They have worked so hard. They are two veteran legislators. They are two of the best we have. They have done everything they can to move this legislation.

Ninety-eight percent of the Senate wants to move this bill. It is too bad that 2 percent decided they don't want this bill to move anyplace. It is too bad for the country. It is too bad for the military personnel in Nevada and all over this country, and for those serving

outside the United States' continental limits. It is just too bad.

If the leader is frustrated—and I know he is because he has been on this all day—I can't imagine how these two managers feel who have spent months working on this legislation. And they are being told, well, you can have the appropriators do it. That is what it is coming to. It is a sad day in the history of the Senate and this country.

Mr. DASCHLE. Madam President, in light of our circumstances, I reluctantly concluded that there will be no more votes tonight. There is so much work we could do. Clearly, we are not at a point where we can move any further on the bill. If Members wish to express themselves, they are welcome to do that. But there will be no more votes tonight.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, the fiscal year 2002 National Defense Authorization Act that was reported out of the Committee on Armed Services was a good bill. In particular, it included important provisions regarding missile defense.

It required prior Congressional approval of any activities during the next fiscal year that are barred by the ABM Treaty. This provision assured Congress its proper role in any decision to walk away from a cornerstone of strategic stability which has served the United States well for the past 30 years.

It strengthened transparency and Congressional oversight over the Administration's missile defense programs. If the Congress is to authorize billions of dollars for national missile defense, we deserve a clear blueprint for how the administration will spend that money.

And it reallocated \$1.3 billion from missile defense to other pressing defense priorities.

As a result of the managers' amendment adopted last week, the first two provisions were dropped. The third one was altered to permit the President to spend the \$1.3 billion on missile defense or on counter-terrorism.

As every other Member, I understand the need to forge a unity of purpose in fighting the difficult war which lies ahead. That is why I did not prevent action on the managers' amendment last week. Let the record show, however, that I strongly disagree with the decision to delete those very sensible provisions.

The prior approval provision did nothing to prohibit the President from

withdrawing the United States from an international treaty. Nor did it prohibit the Department of Defense from undertaking any activity in violation of the ABM Treaty. Rather, it simply enabled the Congress to exercise its rightful power of the purse to approve or disapprove the use of funds for any DoD activity barred by a major U.S. treaty.

I believe that the President has the constitutional authority to withdraw from a treaty in the face of congressional silence. I also believe, however, that Congress must exercise its appropriate responsibility. That is why it was also a mistake, in my view, to delete the missile defense transparency provisions in this bill.

Finally, in my view, there is no question how marginal dollars must be spent. The tragic and unconscionable attacks of September 11, 2001, have thrust upon us a war that we absolutely must win, not only for our own sake, but for all civilized nations. The wisdom of any element of defense spending must be evaluated in that light.

As President Bush has made clear, this war will be complex. The battle to dry up terrorist funding will be as crucial as any military offensive. Both battles may hinge on the support we receive from other countries.

President Bush has done a wonderful job of turning world reaction into positive and specific support for an effective campaign against international terrorism and those who aid and abet it. That is precisely what is needed.

Today, that international support is broad and strong, at least in words. It extends from NATO to Russia, Pakistan, and even North Korea. We must maintain and strengthen that international coalition, however, in the months, and years, to come.

Russia may very well play a crucial role in any military action against Osama bin Laden or those who aid him in Afghanistan. By virtue of both geography and its involvement in the region, Russia can do much to aid or hinder our operations. Already, some of its military leaders are cautioning against military action that we may find essential to the defeat of terrorism.

What will happen, if the President chooses this time to walk away from the Anti-Ballistic Missile Treaty in the face of Russian objections? Russia's official stance is that anti-terrorism is a separate issue, and that cooperation will continue. But I fear that both military and public opinion in Russia could shift substantially against cooperation with the United States.

Neither can we take our European allies for granted. Their governments overwhelmingly oppose any unilateral abandonment of the ABM Treaty. Even Prime Minister Tony Blair, the leader of our staunchest ally, warned that Great Britain's support was not a "blank check."

Alliance cohesion requires our willingness, too, to cooperate with other nations in pursuit of a common aim. Our leadership role in the battle against terrorism is clear today, but will be maintained in this conflict only by convincing others of both our wisdom and our care to take their concerns into account. That is why precipitate actions to deploy a missile defense, such as our unilateral withdrawal from the ABM Treaty, could undermine our vital war efforts.

A defense against ICBM's will have little impact on international terrorism. Terrorists are not likely to develop or acquire such weapons and the complex launch facilities that they require. Rather, terrorists are likely to seek to attack the United States through infiltration, smuggling in a nuclear weapon in a ship into a city's harbor or carrying lethal pathogens in a backpack.

A national missile defense would do nothing to defend against these more likely threats. Indeed, too much investment in it now could drain needed resources from the war effort, not just in money, but also in technical manpower and production capability.

Let me give some examples of how \$1.3 billion could be used to further the war on terrorism: The greatest threat of a nuclear weapons attack on the United States is from a weapon smuggled into the United States. Terrorists cannot build such a weapon, but they could hope to buy one. According to the bipartisan Baker-Cutler task force report issued earlier this year, Russia has tens of thousands of nuclear weapons, sensitive nuclear materials and components. Some are secure, but others are not. Some nuclear facilities don't even have barbed wire fences to keep out potential terrorists. The task force called for spending \$30 billion over the next 8 to 10 years, to address what it called "the most urgent unmet national security threat to the United States today."

Biological terrorism is a real threat to both our military personnel and our civilian population. It is a challenge we can sensibly face, but only if we invest in the necessary preparation today. For instance, the Department of Defense should produce or acquire the necessary vaccines and antibiotics to protect our armed forces against a range of pathogens. It should assist civilian agencies in procuring and stockpiling similar medicines for emergency use. According to Dr. Fred Iklé, who testified at a Foreign Relations Committee hearing earlier this month, \$300 to \$500 million will be needed just to ramp up our vaccine stockpile. This is a common-sense response to an otherwise frightening threat.

The Department of Defense should also test and procure inexpensive biohazard masks that could save lives both in the event of a terrorist attack and through everyday use in military

hospitals. By conducting the necessary testing and creating an initial market for such masks, the Defense Department will pave the way for use of these masks in our civilian health care system.

A more immediate step to help our armed forces would be to improve the security of our domestic military bases and installations. Many of them lack the basic anti-terrorism protections that our overseas bases have.

Another war-related need is to speed up the Large Aircraft Infra-Red Counter-Measures program that gives our military transport aircraft increased protection against surface-to-air missiles. We gave Afghan groups hundreds of Stinger missiles in the 1980's, and scores of them could be in the Taliban's inventory today. We owe it to our fighting men and women to give them maximum protection as they move into combat or potentially hostile staging areas.

Winning the war on terrorism, a war that we face here and now, is infinitely more important than pouring concrete in Alaska or an extra \$1.3 billion into combating the least likely of threats.

We can take the time to perfect our technology and to reach understandings with Russia and China that will minimize the side-effects of missile defense. But we have precious little time to do what is essential: to win the war against terrorism, to dry up the supply of Russian materials or technology, or to prepare our military, our intelligence community, our health care system, and our first responders to deal with a chemical or biological weapons attack by the terrorists of tomorrow.

In the fury of the moment, Congress will let the President have the final say on the use of these funds. So be it. It will be up to the President to take the sensible course.

In the midst of a war, let us not be diverted by the least likely threat. Let us turn our attention, our energies, and our resources to winning the war that is upon us, and to building our defenses against terrorism of all sorts.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE RESPONSE TO TERRORISM

Mr. WELLSTONE. Madam President, I would like to, in 10 minutes, cover three topics. First, I want to talk a little bit about September 11 and now. And I want to just say, in an ironic way—not bitterly ironic—the days I have had in Minnesota have maybe been some of the better days I have had

because—and I am not putting words in anybody's mouth; and I do not do damage to the truth; I have too much respect for people, even when we disagree—most of the people with whom I have spoken back in Minnesota have said a couple things.

First of all, they have said we need to do a better job of defending ourselves. Who can disagree with that? Second of all, they have said—they have not been jingoistic; and they have not said we need to bomb now—we need to do this the right away. Many of them have expressed concern that we not let terrorists define our morality and that we should take every step possible to minimize the loss of life of innocent civilians in Afghanistan, or any other country, starting with innocent children. I am proud of people in Minnesota for saying that.

People in Minnesota have also said they understand this is not going to be one military action. They know this is going to be a long struggle. They know we are going to need a lot of cooperation from a lot of other countries. They think it should be international.

Above and beyond the way people come together to support each other, I am so impressed with the way I think people are really thinking deeply about this and want us to stay consistent with our own values as a nation. I just want to say that. That is my view.

I find myself kind of on two ends of the continuum. I had a discussion with some friends who were telling me that I should speak out more about the underlying conditions and causes of this violence, this hatred and violence. I told them there is a divide between us because I cannot do that because there are no conditions or explanations or justification for the mass murder of innocent people. I do not even like to talk about war because I do not think warriors murder people. Warriors are not involved in the slaughter of innocent people; criminals are.

A second point, which now gets closer to the defense authorization bill: On economic recovery, we have to really focus on economic security. I believe, and will always believe, we should have included assistance for employees in the package we passed last Friday.

I say to the Senator from Massachusetts, when I went home to Minnesota, I heard about that. People were not bitterly angry, but they said: How could that happen to us and our families who are out of work? That has to be a priority, along with safety, to get help to employees.

I would argue, maybe it is a sequence; you can't do everything at one time. It is easier to give a speech than to actually do it. But above and beyond help for employees and employment benefits and making sure people can afford health care needs and making sure there is job training and dislocated worker funding and, I would argue, having to deal with some child care ex-

penses, I want to say one other thing. The truth is, I think we have to also think about an economic recovery package. And that should include, I say to my colleague from New Jersey, a workforce recovery package because not only are we going to need to extend the lifeline to people by way of helping them—when people are flat on their back, Government helps them; that is what Government is for—it is also true that that is part of an economic stimulus because you do not want to have a lot of people—people who work in hotels and restaurants and small businesspeople, all of whom now are really hurting—you do not want to have a whole lot of people shut down and not able to consume at all.

So we need to think about this package in broader terms as well. Finally, on the defense authorization bill, if I had my own way, there are at least a couple of provisions I wish were in it. One of them Senator LEVIN worked so hard on, and other colleagues support it. It made it clear that if President Bush requested funding for missile defense tests that violated the ABM Treaty, he would need congressional approval to spend those funds. I wanted that language in this bill in the worst way. If I had time, I would argue over and over again, but I don't want to impose my own agenda on what our country is facing right now. But we need to reorder some of our priorities, and clearly more of the money—some of the money in this bill that I don't think we need for certain items I would put into homeland defense and helping families with economic security.

I think there are a lot of threats our country is faced with that come way before a rogue nation sending missiles our way by suitcase, by boat, by plane, chemical, biological—there are lots of other threats with a much higher priority. I wish we hadn't dropped that language. I understand that the majority leader and Senator LEVIN and others made a commitment that we will come back to that language and that provision.

I believe missile defense doesn't make the world more secure; it makes it less secure for our children, grandchildren, and for all God's children. I could argue that for the next 5 hours. I don't have 5 hours.

I congratulate Senators on both sides of the aisle for the way in which we have worked together. We probably need each other as never before. There will be some sharp disagreement on policy issues—some of the issues that deal with education and health care, prescription drugs, you name it. Frankly, I am sure there will be questions many of us have as we go forward. But for right now, I want to just dissent on missile defense and say to my colleagues we need to get back to that debate. I think we are going to have to see more of an emphasis on priorities, including some of the money

from some weapons systems that are not necessary to what we are talking about now by way of our own national security and homeland defense.

I say to Senator LEVIN and others, I appreciate the additional support for the armed services, especially when they are about to go into harm's way. I want to say to every Senator that we did not do well for too many people in this package for the industry, which was necessary. I don't think the companies and CEOs were crying wolf, but we didn't help the employees, and the economic security of these working families has to be the next step, along with safety. That has to happen soon.

Finally, I believe we are going to have to have a broader workforce recovery bill as part of economic recovery legislation, as a part of how we deal with this recession in hard economic times, because there are a lot of other people who are really hurting right now. The Government should be there to help people when they are flat on their backs through no fault of their own. That is going to be a big part of our work as well.

#### VOTE EXPLANATION

Mr. BIDEN. Madam President, I was unable to be here for an earlier vote today. I was at the funeral of a brave young American, Aerographer's Mate Second Class Matthew Michael Flocco, whose life was one of those so tragically ended at the Pentagon on September 11. I believed it was important to be there with the family, to make sure they knew that America shares in their grief and stands ready to assist them in any way we can.

#### CRITICAL INFRASTRUCTURE INFORMATION SECURITY ACT

Mr. BENNETT. Madam President, yesterday Senator KYL and I introduced the Critical Infrastructure Information Security Act, CIISA, which is designed to minimize a dangerous national security blind spot by: one, protecting voluntarily shared critical infrastructure information; two, providing critical infrastructure threat analysis; and three, encouraging proactive industry cooperation.

Critical infrastructures are those key sectors such as financial services, telecommunications, transportation, energy, emergency services, and government essential services, whose disruption or destruction would impact our economic or national security. On September 11, 2001, America suffered a senseless strike, where America's commercial air space was "weaponized" and turned viciously against its financial and defense establishments in an infrastructure attack that resulted in staggering losses.

About 85 percent of the United States' critical infrastructures, telecommunications, energy, finance, and

transportation systems, are owned and operated by private companies. If our critical infrastructures are targets, it is the private sector that is on the front line. Thus, we have to think differently about national security, as well as who is responsible for it. In the past, the defense of the Nation was about geography and an effective military command-and-control structure. However, now prevention and protection must shift from the command-control structure to partnerships that span private and government interests.

The American economy is a highly interdependent system of systems, with physical and cyber components. Preventing, detecting, responding, mitigating, and recovering from attacks to these systems requires an unprecedented exchange of information. It is essential to remove unnecessary barriers that prevent the private sector from sharing information. Because in many cases, releasing sensitive information into the public domain could have extremely negative consequences for business, it is understandable why the private sector is reticent to share this information with the Government as it is not protected.

The Critical Infrastructure Information Security Act, CIISA, is intended to clear the way for increased critical infrastructure information sharing and improve threat analysis for these infrastructures. The bill seeks to increase the two-way sharing of information between the Federal Government and the private sector by first, protecting information voluntarily shared by the private sector, and second, requiring the Government to send analysis back to the private sector. It also encourages information sharing within the private sector so industry can better solve its own problems.

CIISA outlines a process by which critical infrastructure information, information which would not normally be shared due to its sensitivity, can be submitted to one of 13 designated Federal agencies with a request that the information be protected. Such a request would mean that this information will not be disclosed even in a response to a request under the Freedom of Information Act, commonly known as FOIA.

FOIA has helped make a transparent government. Initially enacted in 1966, FOIA establishes for any person, corporate or individual, regardless of nationality, presumptive access to existing, unpublished agency records on any topic. CIISA does not change FOIA in any way. In fact, it seeks to protect information which would not be in the public domain in the first place and if publicly released, could interfere with, disrupt, or compromise critical infrastructure operations. CIISA will protect voluntarily shared information without diminishing Federal transparency.

Access to information is essential to our democracy. However, it is impor-

tant to realize that the ability to make a request under FOIA does not apply only to American citizens interested in seeing what the Government is doing. Corporations, associations, foreign citizens, and even foreign governments have the same access. There are no limitations on FOIA even during times of war. Furthermore, the narrow provisions provided in CIISA are nothing new. Congress has on 40 other occasions created certain classes of information that are not subject to the Freedom of Information Act.

In order to ensure the uniform protection of voluntarily shared information, CIISA requires the Director of the Office of Management and Budget to establish procedures for the Federal agencies to receive, acknowledge, mark, care, and store voluntarily submitted critical infrastructure information. Today, there is no uniform standard of care under FOIA.

CIISA requires that information and analyses from the Federal Government be shared back with the private sector in the form of notifications, warnings, and strategic analyses. The bill requires a Federal agency receiving voluntarily submitted critical infrastructure information to make reasonable efforts to do the following: one, analyze the information; two, determine the tactical and strategic implications for such information; three, identify interdependencies; and four, consider conducting further analysis in concert with other Federal agencies. Following this analysis, a Federal agency may issue warnings regarding potential threats to: one, individual companies; two, targeted industry sectors; three, the general public; or four, other government entities. Federal agencies must take appropriate actions to prevent the disclosure of the source of any voluntarily submitted critical infrastructure information that forms the basis for any warnings.

CIISA also requires the President to designate an entity within the executive branch to conduct strategic analyses of potential threats to critical infrastructure; and to submit reports and analyses to information sharing and analysis organizations and the private sector. These analyses draw upon this information submitted to the Federal Government by the private sector, as well as information from the Federal Government, such as national security and law enforcement information. The President is also required to submit a plan for developing strategic analysis capabilities in the Congress.

When competitors work closely to address common problems, antitrust concerns always surface. Security in a networked world must be a shared responsibility. To encourage the private sector to find solutions to common security problems, CIISA provides a narrow antitrust exemption, not unlike that of the Information Readiness Disclosure Act or the Defense Production

Act. Information sharing and analysis organizations formed solely for the purpose of gathering and analyzing critical infrastructure information and to help prevent, detect, mitigate or recover from the effects of a problem relating to critical infrastructure, will be exempt from antitrust laws. Again, this exemption only applies to the activities specifically undertaken to address infrastructure problems. The antitrust exemption will not apply to conduct that involves or results in an agreement to boycott any person, to allocate a market, or to fix prices or output.

The threats to our critical infrastructure are varied. Some of those threats are physical; some may come from cyberspace. From wherever they come, the private sector and Government each has different vantage points. It is my hope that this bill will help both entities work together to reduce the blind spot.

I thank Senator KYL for his interest and leadership on this issue.

#### COMMENDING THE TRUCKING INDUSTRY

Mr. BROWNBACK. Madam President, I rise to speak today in recognition of the noble truck drivers across the Nation. For the past 2 weeks, our truckers have been valiant in their service to this country, delivering important supplies to the attack sites of New York City and Arlington, VA. Many of these truckers have been volunteering time, equipment, and use of their vehicles to supply these areas in efforts of relief, regardless of the escalating gas prices throughout the country. This is a commendable act, as airlines have been shut down and delivery has been severely restricted, truckers have responded to the call of America. I commend the work performed by this industry. We have often heard about those on the front line, but not of those in the shadows, holding part of America's infrastructure intact with their service. I say thank you to the hard-working men and women of the trucking industry who continue to contribute to the relief effort throughout the country.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 25, 1994 in Hollywood, CA. Three men and five juveniles wielding baseball bats and a golf club allegedly assaulted two gay

men. Juan Huiza, 19, and Marvin and Guillermo Hendriquez, both 20, were charged with suspicion of civil rights violations and assault with a deadly weapon.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DAVID R. CHEVALIER

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to former U.S. Army Sgt. David Chevalier of North Hampton, NH, for his heroic service to the United States of America during the Korean Conflict.

On June 13, 1953, David was injured in action while courageously serving his country in Korea. David has earned the Purple Heart medal for his dedicated service to our country with pride.

As a Vietnam veteran and son of a Naval aviator who died in a World War II related incident, I commend David for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.●

##### TRIBUTE TO ELETROPAC COMPANY, INC.

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Electropac Company, Incorporated, of Manchester, NH, on the celebration of their 25th year in business.

For 25 years, Electropac Company, Incorporated headed by Raymond Boissoneau, has provided high quality printed circuit boards to businesses in New Hampshire, the United States and worldwide markets. The company has constantly invested in the latest technology and processes and has produced innovative products for their customers.

Electropac is one of North America's leading suppliers of printed circuit boards with \$45 million in annual revenue and currently employs more than 400 dedicated team members. Electropac has consistently prided itself in their dedication to complete customer satisfaction and teamwork.

I commend the leadership and employees of Electropac for their exemplary accomplishments in the business world. The contributions of Electropac have been of significant benefit to the citizens of our state and have provided economic stimulus and employment opportunities. It is truly an honor and

a privilege to represent you in the U.S. Senate.●

##### TRIBUTE TO JAMES E. O'NEIL

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to James E. O'Neil of Chesterfield, NH, on being named as the Keene Chamber of Commerce 2001 Citizen of the Year.

Jim has served the community of Keene for many years contributing to the overall quality of life in the region. He is involved in leadership positions with organizations including the Monadnock United Way and Center Stage of Cheshire County and is a board member for Cheshire Medical Center and Monadnock Family Services. Jim is also an executive trustee of Kingsbury's charitable foundation to benefit the Chesterfield School.

Jim and his wife, Joan, have been married for 29 years and have two children: a daughter, Rachel, who resides in Cambridge, MA, and a son, Jay, a resident of Durham, NH.

I commend Jim for a lifetime of community service to the greater Keene area. He is an exemplary role model for the citizens of his community and our entire State. It is an honor and a privilege to represent him in the U.S. Senate.●

##### TRIBUTE TO COVER

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to COVER, a non-profit program based in Lebanon, NH.

The COVER organization works in partnership with low income, elderly and disabled citizens assisting them with urgent home repairs. The volunteers organized by COVER have successfully prevented the imminent displacement of more than 100 Upper Valley residents due to substandard or inaccessible housing.

The members of COVER work together to ensure that home repair projects are supplied with recycled materials to conserve natural resources. The volunteer labor pool allows cover to build positive relationships throughout the community bringing neighbors together to accomplish the refurbishing needs of area homes.

More than 700 hard working volunteers at COVER have completed more than 100 home repair projects in the Upper Valley region since 1998.

I applaud the tireless efforts of the organizers and volunteers of COVER. Their valuable contributions have aided and enriched the lives of the elderly and disabled citizens in the community. The citizens of Lebanon and our entire state owe a debt of gratitude to the COVER organization. New Hampshire is a better place in which to live because of their kind acts of charity. It is truly an honor and a privilege to represent them in the U.S. Senate.●

##### TRIBUTE TO ALEXANDER LEVERIS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Alec Leveris of Kensington, NH, for his heroic service to the United States of America during World War II.

On September 17, 2001, I will present Alec with the medals he so bravely earned while serving his nation in battle. Alex joined the U.S. Navy in Boston and was trained in Newport, RI. He served as an ordinary seaman on tours of duty on the U.S.S. *Yorktown* including the Battle of Midway and trained pilots to take off and land on the aircraft carrier, U.S.S. *Alabama*.

Alex earned medals for his dedicated military service including: the Honorable Service Lapel Button, a Combat Action Ribbon, the European-African-Middle Eastern Campaign Medals, a World War II Victory Medal, an American Campaign Medal, the Navy Good Conduct Medal and an Asiatic-Pacific Campaign Medal.

As a son of a Naval aviator who died in a World War II related incident, I commend Alex for his selfless dedication to his state and country. He is an American hero who fought to preserve liberty and justice for all citizens of the United States. It is truly an honor and a privilege to represent him in the U.S. Senate.●

##### TRIBUTE TO LESLIE E. ROBERTS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Leslie E. Roberts of Belmont, NH, who passed away on July 27, 2001.

Leslie was born in Wolfeboro, NH, and served with honor in the U.S. Army during world War II with Company C, 64th Armored Infantry Battalion, 16th Armored Division in Germany. He also served with the U.S. Army Corps of Engineers where he oversaw construction of major public works restoration projects during the Occupation Period.

After returning to New Hampshire, Leslie joined the 368th Combat Engineer Battalion of the Army Reserve and served for more than 20 years with the reserves as a Battalion Equipment Officer.

Leslie was a small business owner in Belmont, NH, in the dairy and heavy equipment hauling industries. He also served as treasurer of Roberts Cove Corporation of Alton, NH.

He was an active supporter of his community and served in positions including: member and leader in the 4H club, charter member of the Belmont Historical Society and member of the New Hampshire Farm Bureau. Leslie was also a charter member of the Belmont Rotary Club and had been a Paul Harris Fellow. In 1988 he received the Citizen of the Year Award from the town of Belmont.

Leslie is survived by his wife, Suzanne; his sons: Clive Roberts, Mark

Roberts and Roy Roberts, and his two daughters: Lynn Wilson and Diane C. MacKey. He is also survived by 14 grandchildren, three great-grandchildren, two brothers: Preston T. Roberts and Irving R. Roberts and two sisters: Mary Goodrich and Ruth Scheneck.

Leslie served his country and state with pride and dignity. As a Vietnam veteran, I commend him for his service in the U.S. Army and for his exemplary personal and business contributions to his state and community. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.●

#### TRIBUTE TO BOB AND ESTELLA HUGHES

● Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Bob and Estella Hughes of Bedford, NH, on the occasion of their 50th wedding anniversary.

Bob and Estella are natives of Manchester, NH. Bob graduated from St. Anselm College and worked in the automobile industry for more than 40 years as a manager of financial operations prior to retiring.

Estella graduated from Mount Saint Mary's College and received a master's degree in Special Education from Salem State College in Salem, MA. She worked as a school teacher until 1985, when she started Manor Home Builders, Inc. To date, Manor Home Builders, Inc. has constructed more than two hundred homes in the greater Manchester area. Since his retirement, Bob has joined Estella and their son, David, at Manor Home Builders, Inc.

Bob and Estella have been strong supporters of the local community in many charitable activities. They have also been actively involved in the New Hampshire and national political arena.

Bob and Estella have a large and close-knit family including: 3 daughters, Cindy, Pam and Lisa, 3 sons: David, Kevin and John, and 14 grandchildren.

Mary Jo and I send our warmest congratulations to Bob and Estella on this important wedding anniversary and wish them many more happy years together. It is truly an honor and a privilege to represent them in the U.S. Senate.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 717. An act to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy.

H.R. 1583. An act to designate the Federal building and United States courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee H. Hamilton Federal Building and United States Courthouse."

H.R. 1850. An act to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission.

H.R. 1860. An act to reauthorize the Small Business Technology Transfer Program, and for other purposes.

H.R. 2589. An act to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes.

H.J. Res. 65. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests, the concurrence of the Senate:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Week.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and has agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. WOLF, Mr. ROGERS of Kentucky, Mr. KOLBE, Mr. TAYLOR of North Carolina, Mr. REGULA, Mr. LATHAM, Mr. MILLER of Florida, Mr. VITTER, Mr. YOUNG of Florida, Mr. SERRANO, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. CRAMER, Mr. KENNEDY of Rhode Island, and Mr. OBEY.

The message also announced that the House has passed the following Senate bill, without amendment:

S. 248. A bill to amend the Admiral James W. Nance and Meg Donovan Foreign Rela-

tions Authorization Act, Fiscal Years 2000 and 2001, to adjust a condition on the payment of arrearages to the United Nations that sets the maximum share of any United Nations peacekeeping operation's budget that may be assessed of any country.

At 4:16 p.m., a message from the House delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 717. An act to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1850. An act to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2199. An act to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2944. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 84. Concurrent resolution supporting the goals of Red Ribbon Week in promoting drug-free communities; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 204. Concurrent resolution expressing the sense of Congress regarding the establishment of National Character Counts Weeks; to the Committee on the Judiciary.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 2589. An act to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4145. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2001-02 Late Season" (RIN1018-AH79) received on September 24, 2001; to the Committee on Indian Affairs.

EC-4146. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2001-58) received on September 24, 2001; to the Committee on Finance.

EC-4147. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding Reverse Subsidiary Mergers under Section 368" (Rev. Rul. 2001-46, 2001-42) received on September 24, 2001; to the Committee on Finance.

EC-4148. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenthrin; Pesticide Tolerances for Emergency Exemptions" (FRL6801-5) received on September 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4149. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyhalofop-butyl; Pesticide Tolerances for Emergency Exemptions" (FRL6800-25) received on September 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4150. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Framework for Late Session Migratory Bird Hunting Regulations" (RIN1018-AH79) received on Sep-

tember 21, 2001; to the Committee on Environment and Public Works.

EC-4151. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Season and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AH79) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4152. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "California: Final Authorization of Revisions to State Hazardous Waste Management Program" (FRL7065-7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4153. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of Delaware; Department of Natural Resources and Environmental Control" (FRL7056-7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4154. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Texas: Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators" (FRL7067-6) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4155. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress and Contingency Measures for the Baltimore Ozone Nonattainment Area" (FRL7066-3) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4156. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Class Deviation from the Provisions of 40 CFR 35.3.25(b)(1)" received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4157. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permits Program; Commonwealth of Massachusetts" (FRL7065-9) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4158. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to Mixture and Derive-from Rules" (FRL7066-2) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4159. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Missouri: Final Authorization of the

State Hazardous Waste Management Program Revision" (FRL7068-1) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4160. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities" (FRL7067-9) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4161. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL7066-7) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4162. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Imperial County Air Pollution Control District" (7066-8) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4163. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Industrial-Commercial-Institution Steam Generating Units" (FRL7066-4) received on September 24, 2001; to the Committee on Environment and Public Works.

EC-4164. A communication from the President of the United States (received and referred on September 24, 2001), transmitting, consistent with the War Powers Act, a report relative to terrorist attacks in the United States; to the Committee on Foreign Relations.

EC-4165. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report relative to the authorization of the Military Departments to incur obligations in excess of available appropriations; to the Committee on Appropriations.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees Of Budget Totals For Fiscal Year 2002" (Rept. No. 107-67).

By Mrs. FEINSTEIN, from the Committee on Appropriations, without amendment:

S. 1460. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107-68).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

S. 1270: A bill to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

\*Roy L. Austin, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

Nominee: Roy Leslie Austin.

Post: Ambassador, Republic of Trinidad & Tobago.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: \$485,00, 9/11/99 to 12/11/00, G.W. Bush campaign & the Repub. Party.

2. Spouse: (gave jointly with me most of the time).

3. Children and Spouses Names: Roy and Traci Austin, no contribution; Roger Austin, no contribution; Deborah Austin Depay, no contribution.

4. Parents Names: Clarence Austin & Florence Ferris (both deceased); no contribution.

5. Grandparents Names: Audley Austin & Estella Austin, deceased for more than 50 years; Martha Butcher, Deceased for more than 40 years; no contribution

6. Brothers and Spouses Names: No brothers; one half-brother in the U.S.

7. Sisters and Spouses Names: Two living half-sisters; neither in the U.S.

Franklin Pierce Huddle, Jr., of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Nominee: Franklin Pierce Huddle, Jr.

Post: Republic of Tajikistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Chanya Huddle: None.

3. Children and Spouses Names: Son—Pavarage Huddle (unmarried), none.

4. Parents Names: Clare Huddle (deceased); Franklin Huddle (deceased).

5. Grandparents Names: Eleanor Huddle and David Huddle (deceased); Clara Scott and George Scott (deceased).

6. Brothers and Spouses Names: David Huddle (wife Kathleen Huddle), none.

7. Sisters and Spouses Names: Elizabeth Tagliamento (husband John Tagliamento), Christy Huddle, none; Eleanor Huddle, none.

\*Kevin Joseph McGuire, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: Kevin J. McGuire.

Post: U.S. Ambassador to Namibia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: \$25.00, 1995, Democratic National Committee.

3. Children and Spouses Names: Kiernan McGuire, David & Virginia McGuire, John D. McGuire, none.

4. Parents Names: Both deceased, John Francis McGuire, Alice K. McGuire, none.

5. Grandparents Names: Deceased, Mr. & Mrs. John Francis McGuire, Mr. & Mrs. Patrick J. Kelly, none.

6. Brothers and Spouses Names: Mr. & Mrs. Frank McGuire, none.

7. Sisters and Spouses Names: None.

\*Pamela Hyde Smith, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Nominee: Pamela H. Smith.

Post: Ambassador to the Republic of Moldova.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee:

1. Self: None.

2. Sidney G. Smith, (deceased 2/15/98), none.

3. Catherine E. Smith, none; Marian H. Smith, none.

4. William B. Hyde, \$100, 1998 Republican Nat'l Committee; \$50, 1999, Republican Nat'l Committee; \$200, 2000, Republican Nat'l Committee; \$50, 2001, Republican Nat'l Committee; \$100, 1999, Bush for President. Elizabeth D. Hyde: None.

5. Donald H. Doud and Sonya C. Doud (both deceased); Robert H. Hyde and Beulah L. Hyde (both deceased).

6. None.

7. None.

\*Patricia de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs).

\*Charlotte L. Beers, of Texas, to be Under Secretary of State for Public Diplomacy.

\*Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

\*Michael E. Malinowski, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Nepal.

Nominee: Michael E. Malinowski.

Post: Ambassador, U.S. Embassy, Nepal, Kathmandu.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses Names: None.

4. Parents Names: Edward S. Malinowski, None; Helen J. Malinowski, None.

5. Grandparents Names: None.

6. Brothers and Spouses Names: None.

7. Sisters and Spouses Names: Melanie J. Olszewski, None.

\*Hans H. Hertell, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

Nominee: Hans H. Hertell.

Post: U.S. Ambassador to the Dominican Republic.

Nominated: On or about March 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: (Please see enclosed list.)

2. Spouse: Marie Stubbe Hertell, \$500.00, March/99, George W. Bush Campaign; June/99, Gov. Bush Presidential Expl. Committee.

3. Children Names: Marie Alexandra Hertell, none; Hans Hertell, none; Hermann Josef, none.

4. Parents Names: Hilger Hertell, deceased; Ivelisse San Juan, deceased.

5. Grandparents Names: Manuel San Juan and Carmen San Juan, deceased; Carl Anton Hertell and Anna Maria Bravant, deceased.

6. Brothers Names: Johann Hilger Hertell, none; Manuel Hertell, deceased.

7. Sisters Names: Carmen Ana Hertell, none; Erika Hertell, none.

Hans H. Hertell, S.S.# 583-26-5053—amount, date, and donee:

\$1,000, Feb/98, Kupka for Congress.

\$1,000, Dec/98, Abraham Senate 2000.

\$500, Apr/99, Bush for President Inc.

\$500, Jun/99, Bush for President Inc.

\$250, Sep/99, Comite Eleccion de Carlos Romero-Barcelo al Congreso Inc.

\$20,000, Jun/00, Republican National Committee.

\$250, Dec/99, Comite Eleccion de Carlos Romero-Barcelo al Congreso Inc.

\$1,000, Nov/99, Bush-Cheney 2000 Compliance Committee.

\$2,576, Jan/01, RNC National State Elections Committee.

\$110, Jan/01, RNC National State Elections Committee.

\$8,960, Jan/01, RNC National State Elections Committee.

John J. Danilovich, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: John J. Danilovich.

Post: Ambassador/Republic of Costa Rica.

Nominated: May 16, 2001.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: \$1,000.00, 04/99, Bush for President; \$20,000.00, 10/00, Republican Nat'l Cts; \$2,425.00, 01/01, RNC State Elections.

2. Spouse: None.

3. Children and Spouses Names: None.

4. Parents Names: None.

5. Grandparents names: None.

6. Brothers and Spouses Names: None.

7. Sisters and Spouses Names: Joan M. Danilovich, \$1,000.00, 05/99, Bush for President.

R. Barrie Walkley, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Reuben Barrie Walkley.

Post: Conakry, Republic of Guinea.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jolyon Walkley, Brett Walkley, none.
4. Parents Names: R.H. Walkley, Joan Walkley, none.
5. Grandparents names: William & Fanny Howard, Samuel & Catherine Walkley, all deceased.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: Janice Kelley and Craig Butcher, none.

\*Mattie R. Sharpless, of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Nominee: Mattie R. Sharpless.

Post: Central African Republic.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: N/A (single).
3. Children and Spouses Names: No children.
4. Parents Names: Father—James E. Sharpless, Sr. (deceased); Mother: Lecola Sharpless, none.
5. Grandparents Names: Grandfather—Agusta Shepard, (deceased); Grandmother: Estella Shepard (deceased).
6. Brothers and Spouses Names: James E. Sharpless, Jr., none, Marsha Sharpless, none; Melvin J. Sharpless (divorced), \$50.00, 8/2000, Democratic National Committee; Robert E. Sharpless, none, Edith Sharpless, none; Carl D. Sharpless, none, Valerie Sharpless, none; Ronald Sharpless (divorced), none.
7. Sisters and Spouses Names: Glorious Leaven (divorced), \$450, 1997-2000, Democratic National Committee. Delores Marie Fuller (divorced), none. Mamie R. Sharpless, none, Nelson Villa Vencencio, none.

\*Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d'Ivoire.

Nominee: Arlene Render.

Post: Cote d'Ivoire.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses Names: Jonathan, age 11, Kiera, age 5 None.
4. Parents Names: None.
5. Grandparents Names: None.
6. Brothers and Spouses Names: None.
7. Sisters and Spouses Names: None.

\*Jackson McDonald, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United

States of America to the Republic of The Gambia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Jackson Chester McDonald.

Post: Ambassador to The Gambia.

Contributions, Amount, Date, and Donee:

1. Self, none.
2. Spouse: Françoise Corbière McDonald, none.
3. Children and Spouses: Thomas Dubray McDonald, none (minor); Cécile Marie Ortoló, none (minor); Alice Marie Ortoló, none (minor).
4. Parents: John M. McDonald, none (deceased in 1994); Margaret C. McDonald, none.
5. Grandparents: James W. McDonald, none (deceased in 1967); Elsie Y. McDonald, none (deceased in 1967); George B. Chester, none (deceased in 1974); Mabel W. Chester, none (deceased in 1983).
6. Brothers and Spouses: James B. McDonald, none; Doris McDonald, \$35 in 2000 Democratic National Committee; John O. McDonald, none; Linda N. McDonald, none; Kenneth D. McDonald, none; Linda R. McDonald, none; William D. McDonald, none; Pam G. McDonald, none.
7. Sister and Spouse: Margaret M. Davis, none; Mark Davis, none.

\*Rockwell A. Schnabel, of California, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Rockwell Anthony Schnabel.

Contributions, Amount, Date, and Donee:

1. Self: Rockwell Schnabel: \$1,000.00, 6/26/1997, Cyprus Amax Minerals PAC; \$1,000.00, 10/01/1997, Friends of Dylan Glenn; \$500.00, 11/13/1997, Susan Golding for U.S. Senate; \$1,000.00, 05/04/1998, Matt Fong U.S. Senate (Genl. Election); \$1,000.00, 05/04/1998, Matt Fong U.S. Senate (Primary Election); \$2,500.00, 05/07/1998, International Game Technology (IGT) PAC; \$1,000.00, 05/28/1998, Cyprus Amax Minerals PAC; \$12,500.00, 05/31/1998, Natl. Republican Congressional Committee Contributions; \$25,000.00, 05/31/1998, 1998 Republican House-Senate Dinner; \$12,500.00, 05/31/1998, Natl. Republican Senatorial Committee; \$1,000.00, 09/09/1998, Retain Chief Justice George (Ronald George, Chief Justice); \$1,000.00, 11/04/1998, McCain for Senate '98; \$1,000.00, 03/15/1999, GW Bush Exploratory Committee; \$1,000.00, 05/11/1999, Christopher Cox Congressional Committee; \$1,000.00, 05/17/1999, Kasich 2000; \$500.00, 06/23/1999 Cyprus Amax Minerals PAC; \$1,000.00, 10/06/1999, Friends of Giuliani Exploratory Committee; \$1,000.00, 10/13/1999, 21st Century Freedom PAC Federal (FKA Economic Freedom PAC); \$1,000.00, 12/30/1999, Friends of Dylan Glenn; \$1,000.00, 03/15/2000, Tom Campbell for Senate; \$12,500.00, 06/30/2000, Republican National Committee—RNC; \$5,000.00, 11/13/2000, Bush-Cheney Recount Fund; \$1,000.00, 03/21/2001, McConnell Senate Committee '92; \$1,000.00, 03/23/2001, Lindsey Graham for U.S. Senate.
2. Spouse: Marna Schnabel: \$1,000, 10/01/1997, Friends of Dylan Glenn; \$500, 11/13/1997, Susan Golding For U.S. Senate; \$25,000, 06/11/1998, RNSEC; \$8,000, 10/13/1998, Senatorial Ma-

jority Fund; \$8,000, 10/13/1998, National Republican Senatorial Committee; \$1,000, 10/15/1998, Matt Fong U.S. Senate Committee; \$1,000, 11/30/1998, Dreier For Congress Committee; \$1,000, 03/24/1999, Bush For President Inc.; \$5,000, 12/09/1999, California State Republican Party; \$1,000, 12/30/1999, Friends of Dylan Glenn; \$5,000, 06/02/2000, American Success Political Action Committee; \$12,500, 06/30/2000, Republican National Committee—RNC; \$300, 08/02/2000, Tribute to Laura Bush; \$2,000, 08/19/2000, Lazio 2000 Inc.; \$1,000, 09/22/2000, Friends of Dylan Glenn.

3. Children and Spouses: Darrin Schnabel (daughter); \$1,000, 3/14/99, G.W. Bush; \$1,000, 7/03/98, Friends of Dylan; \$1,000, 5/06/98, Matt Fong U.S. Senate Committee.

Christy Schnabel (daughter), none; Jerry Di Rienzo (son-in-law), none; Everton Schnabel (son), none; Alexis Schnabel (daughter-in-law), none.

4. Parents: Mother: Wilhelmina Schnabel van Baer—deceased; Father: Hans Schnabel—deceased.

5. Grandparents: NA.

6. Brothers and Spouses: Henk Schnabel (brother), none; Sylvia Schnabel (sister-in-law), none; Bert Schnabel (brother), none; Marijke Schnabel (sister-in-law).

7. Sisters and Spouses: Margariet Schnabel (sister), none; Ed Daniels (brother-in-law), none.

\*John Stern Wolf, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Non-proliferation).

\*Ralph Leo Boyce, Jr., of Virginia, to be a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Ralph Leo Boyce, Jr.

Post: Ambassador to Indonesia.

Contributions, Amount, Date, and Donee:

1. Self: Ralph L. Boyce, Jr., None.
2. Spouse: Kathryn S. Boyce, None.
3. Children and Spouses: Matthew S. Boyce, None; Erin J. Boyce, None.
4. Parents: Ralph L. Boyce, None.
5. Grandparents: Deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Elizabeth Emory, None. Robert Emory, None.

\*Kevin E. Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kevin E. Moley.

Post: United Nations, Geneva, SW.

Contributions, Amount, Date, and Donee:

1. Self: Kevin E. Moley: \$20,000, 6/26/2000, RNC; \$1,000, 3/5/1999, Bush for President.
2. Spouse: Dorothy M. Moley: \$1,000, 3/5/1999, Bush for President.
3. Children and Spouses: Damon E. Moley, None.
4. Parents: Harold E. Moley, None (Deceased); Marie F. Moley, None (Deceased).
5. Grandparents: John and Isabel Moley, None (Deceased); James and Mary O'Connell, None (Deceased).

6. Brothers and Spouses: David E. Moley, None; Gloria J. Moley, None.  
7. Sisters and Spouses: None.

\*Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

\*Kenneth C. Brill, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Kenneth C. Brill.

Post: U.S. Rep to the Vienna Office of UN and U.S. Rep to the IAEA.

Contributions, Amount, Date, and Donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Katherine, Christopher (minor), None.
4. Parents: Mr. H.C. Brill, None; Ms. C.E. Ulrich, None.
5. Grandparents: Mr. and Mrs. Alfred Brill, deceased; Mr. and Mrs. Chandler Lapslev, deceased.
6. Brothers and Spouses: Mr. Bruce Brill, None; Mr. and Mrs. Douglas Brill, None; Mr. and Mrs. Gary Brill, None.
7. Sisters and Spouses: Mr. and Mrs. R. Dodson (Janet), None; Mr. and Mrs. M. Cummings (Diane), None.

\*Clifford G. Bond, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Clifford G. Bond.

Post: Sarajevo, Bosnia-Herzegovina.

Contributions, Amount, Date and Donee:

1. Self: Clifford G. Bond, None.
2. Spouse: Michele T. Bond, None.
3. Children and Spouses: Robert C. Bond, None; Lillian Bond, None; Elisabeth Bond, None; Matthew Bond, None.
4. Parents: Edward E. Bond, deceased; Dorothy C. Bond, deceased.
5. Grandparents: Lillian Craig, deceased; George Craig, deceased; Francis Bond, deceased; Elizabeth Bond, deceased.
6. Brothers and Spouses: Francis C. and Mary Lou Bond, None; Edward C. Bond, deceased; Robert R. Bond, None; Anthony Peter Bond, None.
7. Sisters and Spouses: Barbara Susan Bond, None.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1459. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 1460. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DURBIN:

S. 1461. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 1462. A bill to establish the Federal Emergency Transportation Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire:

S. 1463. A bill to provide for the safety of American aviation and the suppression of terrorism; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1464. A bill to amend the Internal Revenue Code of 1986 to modify the definition of rural airports for purposes of the air transportation tax; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. 1465. A bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 345

At the request of Mr. ALLARD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 677

At the request of Mr. HATCH, the names of the Senator from Alabama

(Mr. SESSIONS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 706

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 950

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 980

At the request of Mr. FITZGERALD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 980, a bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 990

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 990, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal

civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1078, a bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1138

At the request of Mr. ALLEN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1138, a bill to allow credit under the Federal Employees' Retirement System for certain Government service which has performed abroad after December 31, 1988, and before May 24, 1998.

S. 1204

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

S. 1243

At the request of Mr. GRAHAM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1243, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

S. 1257

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1257, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1286, a bill to provide for greater ac-

cess to child care services for Federal employees.

S. 1390

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1390, a bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes.

S. 1409

At the request of Mr. MCCONNELL, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. KYL), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1432

At the request of Mr. SMITH of Oregon, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in funding of the war against terrorism, and for other purposes.

S. 1434

At the request of Mr. SPECTER, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1452

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1452, a bill to provide for electronic access by the Department of State and Immigration and Naturalization Service to certain information in the criminal history records of the Federal Bureau of Investigation to determine whether or not a visa applicant or applicant for admission has a criminal record.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Maryland (Mr. SARBANES), and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are sepa-

rated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S.J.Res. 8, a joint resolution designating 2002 as the "Year of the Rose".

S. RES. 109

At the request of Mr. REID, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S.Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S.Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 160

At the request of Mr. HATCH, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S.Res. 160, a resolution designating the month of October 2001, as "Family History Month."

S. CON. RES. 66

At the request of Mr. STEVENS, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S.Con.Res. 66, a concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001.

AMENDMENT NO. 1594

At the request of Mr. INHOFE, the names of the Senator from Utah (Mr. HATCH), the Senator from Georgia (Mr. CLELAND), and the Senator from Georgia (Mr. MILLER) were added as cosponsors of amendment No. 1594 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1599

At the request of Mr. LOTT, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of amendment No. 1599 intended to be proposed to S. 1438, a bill

to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## AMENDMENT NO. 1621

At the request of Mr. DAYTON, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1621 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## AMENDMENT NO. 1634

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 1634 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## AMENDMENT NO. 1639

At the request of Mr. ALLARD, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 1639 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## AMENDMENT NO. 1641

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1641 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## AMENDMENT NO. 1642

At the request of Mr. DOMENICI, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of amendment No. 1642 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military

constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1459. A bill to designate the Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, as the "James A. McClure Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

Mr. CRAPO. Madam President, I rise today to introduce legislation naming the Federal building and United States courthouse in Boise, ID, for our former colleague Senator James A. McClure.

Jim McClure ably served Idaho for 24 years in the United States Congress, including 18 years here in the Senate. At the time of his retirement from the Senate in 1991, Jim McClure was one of the most senior members of the Republican Conference, serving as its Chairman from 1981 to 1985. Prior to entering Congress in 1967, Jim McClure also served 6 years in the Idaho State Senate.

Throughout his service in Congress, Jim McClure was widely recognized for his expertise on energy and natural resource issues, especially in the areas of mining, forestry, public land, water, and natural resource law. As Chairman of both the Senate Interior Appropriations Subcommittee and the Senate Energy and Natural Resources Committee, Jim McClure was a key legislator behind the establishment of the Hells Canyon National Recreation Area in western Idaho and eastern Oregon. Jim McClure also led the drive for the creation of the Frank Church River of No Return Wilderness in Idaho, and he was instrumental in helping to assist and improve Idaho's rural economy and standard of living.

Known for his ardent support of second amendment rights and hard-line stance on foreign policy and defense issues, Jim McClure was an influential voice in working with several administrations on arms control issues. In 1990, he was a part of a four-member Senate delegation that visited Iraqi President Saddam Hussein to express concern about Iraq's development of chemical, biological, and nuclear weapons.

Having retired from the Senate more than 10 years ago, Jim McClure has continued to be active in working with Congress on behalf of many important groups in Idaho and throughout the country. His civic-mindedness has also been illustrated through his service as a Trustee for the Kennedy Center for the Performing Arts.

As former Prosecuting Attorney for Payette County, ID, as well as former City Attorney for Payette, the renam-

ing of this courthouse for Jim McClure is an appropriate tribute to his service to Idaho and to the Nation. I invite my colleagues to join Senator CRAIG and me in honoring Senator James A. McClure through this legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1459

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. DESIGNATION OF JAMES A. MCCLURE FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

The Federal building and United States courthouse located at 550 West Fort Street in Boise, Idaho, shall be known and designated as the "James A. McClure Federal Building and United States Courthouse".

## SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the James A. McClure Federal Building and United States Courthouse.

By Mr. DURBIN:

S. 1461. A bill to amend title 49, United States Code, to require that the screening of passengers and property on flights in air transportation be carried out by employees of the Federal Aviation Administration, and to assist small- to medium-size airports with security enhancements; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Madam President, I rise today to introduce a very timely and important piece of legislation, the Airline Passenger Safety Enhancement Act of 2001.

This legislation would require the Federal Government to operate passenger and carry-on baggage security checkpoints and screening operations in airports. The federalization of the screening process, and the Federal Government's role, will be accomplished by using FAA or U.S. DOT personnel, security personnel detailed by other Federal agencies, or by establishing a government or government-controlled corporation to screen carry-on baggage and the traveling public. Additionally, the FAA will have the authority under this Act to make changes and adjustments in screening policy to assure safety.

This legislation would require the FAA Administrator to immediately make arrangements with airport operators for armed, uniformed law enforcement personnel at passenger, carry-on baggage and employee security checkpoints. O'Hare and Lambert Airports have already posted such personnel at passenger and carry-on baggage checkpoints.

The Airline Passenger Safety Enhancement Act of 2001 also would require the FAA Administrator to conduct a comprehensive study to determine how best to organize the security operations at airports in cooperation with air carriers and local airports in order to secure the safety of passengers and workers. A report to Congress would be required no later than 30 days after the enactment of this legislation. This report would include recommendations for legislation to assure greater airport security.

I've heard from a number of Downstate Illinois airports that support stronger airport security procedures. However, these airports will be asked to shoulder a heavy financial burden. For example, the Central Illinois Regional Airport in Bloomington-Normal will likely need to spend as much as \$30,000 per month for additional security measures. These funds are above and beyond what has been budgeted and could create a financial hardship for the airport. The Department should explore ways to help smaller airports by providing resources and technical assistance to upgrade security and enhance passenger safety. My legislation would provide for additional support to these small-to-medium size airports by providing them with added financial and technical support which would enhance, upgrade and improve security operations.

I am hopeful that these upgrades and improvements of a federalized security system can be paid for through an added fee of up to \$1.00 per domestic flight segment.

While this concept generally appears to be supported by the airlines and by some in the Administration, I think it's important for Congress to act swiftly to codify these important changes.

In closing, together, we can craft common-sense solutions that protect passengers, secure our airports, and ensure that our aviation system is the safest in the world and I believe this legislation can make that happen.

By Ms. SNOWE.

S. 1462. A bill to establish the Federal Emergency Transportation Administration; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce legislation, the National Emergency Transportation Coordination Act of 2001, to address a serious concern I have in the wake of last week's tragic events.

Last week, I met with local transportation officials in my home State of Maine to review the enhanced security measures implemented since the September 11 attacks. During my meetings, these officials expressed serious concerns about security coordination among different modes of transportation. Apparently, drastically differing standards of safety and security were used by Federal officials in different cities during the attacks.

For obvious reasons, this lack of coordination could be of significant concern in the future. The fact of the matter is, we did not know last Tuesday's attacks were coming. We certainly didn't know where, or in what form. In the future, my hope is that our intelligence will be enhanced so that we may thwart terrorist attacks before they occur. Nonetheless, I believe it is critical that we be prepared for any contingency. To this end, the legislation I am introducing today gives the U.S. Department of Transportation, U.S. DOT, the authority and tools necessary to safeguard our national transportation infrastructure in the event of a national emergency.

Specifically, my legislation will enhance coordination within the U.S. DOT and with other federal agencies to safeguard our transportation infrastructure in the event of an emergency. It will centralize within U.S. DOT the authority to: 1. coordinate national transportation and transportation-related activities of all federal agencies during a national emergency; 2. disseminate critical transportation-related information during an emergency; and 3. develop and notify appropriate federal, state and local authorities of uniform emergency transportation security standards to be followed during an emergency and to ensure those standards are followed.

It will establish within the U.S. DOT a Federal Emergency Transportation Administration, FETA. FETA would be responsible for coordinating domestic transportation during a national emergency, including aviation, maritime and port security, and surface transportation, including rail. FETA would coordinate transportation-related responsibilities of other agencies during an emergency as well. FETA could serve as a point of contact within U.S. DOT for the Office of Homeland Security laid out by the President last Thursday.

In addition, FETA would be responsible for establishing uniform national transportation "emergency" standards, and notifying appropriate Federal, State, and local agencies and governments about transportation-related security threats in the event of an emergency. It would also develop appropriate standard operating procedures for agencies and municipalities to follow during an emergency and disseminate critical transportation-related information during.

As a member of the Senate Committee on Commerce, Science, and Transportation, I know that steps are already being taken to safeguard our airports and our skies. However, there is no guarantee that, should there be another terrorist attack on our soil in the future, that aviation will be the only mode of transportation targeted. We must not take that chance. We must take steps to ensure that all our modes of transportation are coordi-

nated in the event of such an attack. I strongly urge my colleagues to join me in a strong show of support for this legislation.

By Mr. SMITH of New Hampshire:

S. 1463. A bill to provide for the safety of American aviation and the suppression of terrorism; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1463

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Safety Act of 2001".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and navigators with proper training will serve as a deterrent to future contemplated acts of terrorism.

(6) Secured doors separating the crew cabin from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

#### SEC. 3. AVIATION SAFETY AND SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.

(a) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—No department or agency may prohibit a pilot, co-pilot, or navigator of a commercial aircraft, or any law enforcement personnel specifically detailed for the protection of a commercial aircraft, who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm for the protection of the aircraft.

(b) REINFORCED COCKPIT DOORS ON COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a commercial aircraft described in paragraph (2) that is operated in the United States shall possess a door or doors separating the crew cabin of such aircraft from the passenger cabin of such aircraft, which door or doors shall be certified by the Secretary as being secure against forcible entry from the passenger cabin into the crew cabin of such aircraft.

(2) COVERED COMMERCIAL AIRCRAFT.—A commercial aircraft described in this paragraph is any commercial aircraft that, as determined by the Secretary, is configured so as to permit a door to separate the crew cabin and passenger cabin of such aircraft.

(c) REGULATIONS.—The Secretary may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

By Mr. BROWNBACK (for himself and Mr. MCCONNELL):

S. 1465. A bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003; to the Committee on Foreign Relations.

Mr. BROWNBACK. Madam President, I am introducing today a bill, along with Senator MCCONNELL, and there will be others who will be added as cosponsors to the bill, to provide limited authority to the President to provide assistance to Pakistan and India.

This bill provides a limited waiver authority to the President to provide foreign aid assistance to Pakistan and to India. I do not need to remind anybody in this body of the difficulty facing particularly Pakistan at this time, as General Musharraf, the Chief Executive of the country, stepped forward to support the United States in this time of fighting international terrorism, particularly that which is based in Afghanistan.

Yet because of prior legislation, the United States cannot provide certain types of aid to Pakistan that I believe the administration may well need to provide to Pakistan to keep the Government there, to provide support and help to the Government.

For instance, the U.S. Government today, because of sanctions that were put on Pakistan by law and there is no waiver authority, cannot provide more than \$50 million in foreign aid assistance to Pakistan. They can in some areas provide below \$50 million, but they cannot provide any more than that. They can do no debt rescheduling. There are no balance of payment supports the United States can provide to Pakistan. These are a lot of funds, but I want to point out what would take place if the Pakistani Government gets into great difficulty and the United States is not able to help.

General Musharraf controls nuclear weapons and missile capacity as well. If the Government of Pakistan does not survive, it will probably move to a more radical regime that will have both nuclear weapons and the capacity to deliver those nuclear weapons to our allies and even possibly U.S. interests.

Pakistan is helping us against this battle of terrorism. We need to lift all sanctions to work with them. We are going to need to help them economically during this very difficult time for them and for us.

As we move forward in this battle on terrorism, we are going to have to work with people in many ways. There is a military component that people watch, but there is also a strong cooperative component which needs to take place. We need to work with our potential allies around Afghanistan so that we can go into the country of Afghanistan or support resistance fighters around Afghanistan and in Afghanistan, which I think is the better route to go, for us to drain the swamp and be able to get the terrorism at that point in time or cause them to move and capture them at that time.

The administration is asking for this important assistance. They will need to work very closely with Pakistan. The Musharraf government has had sanctions imposed on it because they triggered particular provisions by their own actions. The administration is going to have to weigh that very carefully. If they are going to return to an elective government, which the Pakistani President and the Supreme Council of Pakistan, the Supreme Court has stated that they will next October have free elections to elect their leadership, we are going to have to appraise this as it moves forward.

Right now the Bush administration does not even have the authority to waive these sanctions to provide foreign aid, debt repayment, and assistance. They do not even have the option. This bill will provide them the waiver authority to provide that assistance. It means the sanctions will still be in place, and the administration will have to decide whether or not to lift them.

I am introducing this bill now because I would like to see it included either on the Defense authorization bill, foreign ops appropriations bill, or as a freestanding bill passing through this Congress. This needs to take place. That is why I am introducing this bill and drawing it to the attention of my colleagues. We need to do this, and we should not be parsimonious in this time of great difficulty for us and for them. I thank the Chair.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1672. Mr. DOMENICI (for himself, Mr. ALLARD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 1673. Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUE, Mr. CLELAND,

Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1674. Mr. WARNER proposed an amendment to the bill S. 1438, supra.

SA 1675. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1676. Mr. NELSON, of Nebraska (for himself, Mr. BUNNING, Mr. CLELAND, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1677. Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, supra.

SA 1678. Mr. WARNER (for Ms. COLLINS (for himself, Ms. LANDRIEU, and Mr. ALLARD)) proposed an amendment to the bill S. 1438, supra.

SA 1679. Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, supra.

SA 1680. Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1681. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1682. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1683. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, supra.

SA 1684. Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1438, supra.

SA 1685. Mr. WARNER (for Mr. HUTCHINSON) proposed an amendment to the bill S. 1438, supra.

SA 1686. Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, supra.

SA 1687. Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill S. 1438, supra.

SA 1688. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1689. Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, Mr. BINGAMAN, Mr. BIDEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

SA 1690. Mr. HELMS (for himself, Mr. MILLER, Mr. SHELBY, Mr. BOND, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1672. Mr. DOMENICI (for himself, Mr. ALLARD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for

military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ RADIATION EXPOSURE COMPENSATION ACT MANDATORY APPROPRIATIONS.**

Section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

**“(e) APPROPRIATION.—**

**(1) IN GENERAL.**—Subject to the limits in paragraph (2), there are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 2002, and each fiscal year thereafter through 2011, such sums as may be necessary to the Fund for the purpose of making payments to eligible beneficiaries under this Act.

**(2) LIMITATION.**—Amounts appropriated pursuant to paragraph (1) may not exceed—

- “(A) in fiscal year 2002, \$172,000,000;
- “(B) in fiscal year 2003, \$143,000,000;
- “(C) in fiscal year 2004, \$107,000,000;
- “(D) in fiscal year 2005, \$65,000,000;
- “(E) in fiscal year 2006, \$47,000,000;
- “(F) in fiscal year 2007, \$29,000,000;
- “(G) in fiscal year 2008, \$29,000,000;
- “(H) in fiscal year 2009, \$23,000,000;
- “(I) in fiscal year 2010, \$23,000,000; and
- “(J) in fiscal year 2011, \$17,000,000.”

**SA 1673.** Mr. THURMOND (for himself, Mr. LOTT, Mr. BOND, Mr. INOUE, Mr. CLELAND, Mr. HUTCHINSON, Mr. MCCAIN, Mr. LUGAR, Mr. REID, Mr. SESSIONS, Mrs. HUTCHISON, Mr. DEWINE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. SHELBY, Ms. COLLINS, Mr. BREAUX, Mr. DODD, Mr. JOHNSON, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. CRAPO, Mr. ENSIGN, Mr. HELMS, Mr. INHOFE, Mr. JEFFORDS, Mr. KERRY, Mrs. LINCOLN, Mrs. MURRAY, Ms. SNOWE, Mr. TORRICELLI, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 209, between lines 12 and 13, insert the following:

**SEC. 652. COMPUTATION OF SURVIVOR BENEFITS.**

**(a) INCREASED BASIC ANNUITY.**—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking “35 percent of the base amount.” and inserting “the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 40 percent for months beginning after such date and before October 2005, and 45 percent for months beginning after September 2005.”

**(2)** Subsection (a)(2)(B)(i)(I) of such section is amended by striking “35 percent” and inserting “the percent specified under subsection (a)(1)(B)(i) as being applicable for the month”.

**(3)** Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking “35 percent” and inserting “the applicable percent”; and

(B) by adding at the end the following: “The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.”

**(4)** The heading for subsection (d)(2)(A) of such section is amended to read as follows: “COMPUTATION OF ANNUITY.—”

**(b) ADJUSTED SUPPLEMENTAL ANNUITY.**—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking “5, 10, 15, or 20 percent” and inserting “the applicable percent”; and

(2) by inserting after the first sentence the following: “The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002, 15 percent for months beginning after that date and before October 2005, and 10 percent for months beginning after September 2005.”

**(c) RECOMPUTATION OF ANNUITIES.**—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

**(2)** The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2005.

**(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.**—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

**SA 1674.** Mr. WARNER proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 821 of the bill.

**SA 1675.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the De-

partment of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXXI, add the following:

**SEC. 3159. CLARIFICATION OF CALCULATION OF ANNUAL INFLATION ADJUSTMENT FOR ECONOMIC ASSISTANCE PAYMENTS FOR THE WASTE ISOLATION PILOT PLANT.**

**(a) CLARIFICATION.**—Section 15(c) of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579; 106 Stat. 4791) is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting after “such subsection” the following: “, as adjusted from time to time under this subsection,”; and

(B) in subparagraph (B), by inserting after “decrease” the following: “for such fiscal year”; and

(2) in paragraph (2), by striking “the fiscal year prior to the first fiscal year to which subsection (a) applies” and inserting “the fiscal year preceding such preceding fiscal year”.

**(b) EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply with respect to fiscal years beginning on or after the date.

**(c) AVAILABILITY OF ADDITIONAL AMOUNTS FOR PAYMENT UNDER RETROACTIVE AMENDMENT.**—(1) The Secretary of Energy shall determine the amount that would have been available for economic assistance payments under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act in each of fiscal years 1999, 2000, and 2001 if the amendments made by subsection (a) had taken effect on October 1, 1998.

**SA 1676.** Mr. NELSON of Nebraska (for himself, Mr. BUNNING, Mr. CLELAND, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXIX, add the following:

**SEC. 2905. RENAMING OF DEFENSE BASE CLOSURE AND REALIGNMENT ACT OF 1990 AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.**

**(a) RENAMING OF ACT.**—(1) Section 2901(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking “Defense Base Closure and Realignment Act of 1990” and inserting “Defense Base Review Act of 1990”.

**(2)** Any reference in any law, regulation, document, paper, or other record of the United States to the Defense Base Closure and Realignment Act of 1990 shall be deemed to be a reference to the Defense Base Review Act of 1990.

**(b) RENAMING OF COMMISSION.**—(1) Section 2902(a) of that Act is amended by striking “Defense Base Closure and Realignment Commission” and inserting “Defense Base Review Commission”.

**(2)** Any reference in any law, regulation, document, paper, or other record of the

United States to the Defense Base Closure and Realignment Commission shall be deemed to be a reference to the Defense Base Review Commission.

**SA 1677.** Mr. LEVIN (for Mr. CLELAND) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 377, between lines 3 and 4, insert the following:

**SEC. 1124. AUTHORITY TO EXEMPT CERTAIN HEALTH CARE PROFESSIONALS FROM EXAMINATION FOR APPOINTMENT IN THE COMPETITIVE CIVIL SERVICE.**

(a) **AUTHORITY TO EXEMPT.**—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

**“§1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination**

“(a) **AUTHORITY TO EXEMPT.**—The Secretary of Defense may appoint in the competitive civil service without regard to the provisions of subchapter I of chapter 33 of title 5 (other than sections 3303, 3321, and 3328 of such title) an individual who has a recognized degree or certificate from an accredited institution in a covered health-care profession or occupation.

“(b) **COVERED HEALTH-CARE PROFESSION OR OCCUPATION.**—For purposes of subsection (a), a covered health-care profession or occupation is any of the following:

- “(1) Physician.
- “(2) Dentist.
- “(3) Podiatrist.
- “(4) Optometrist.
- “(5) Pharmacist.
- “(6) Nurse.
- “(7) Physician assistant.
- “(8) Audiologist.
- “(9) Expanded-function dental auxiliary.
- “(10) Dental hygienist.

“(c) **PREFERENCES IN HIRING.**—In using the authority provided by this section, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter I of chapter 33 of title 5.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1599d. Appointment in competitive civil service of certain health care professionals: exemption from examination.”.

**SA 1678.** Mr. WARNER (for Ms. COLLINS (for himself, Ms. LANDRIEU, and Mr. ALLARD)) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

**SEC. 718. MODIFICATION OF PROHIBITION ON REQUIREMENT OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.**

(a) **CLARIFICATION OF COVERED BENEFICIARIES.**—Subsection (a) of section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted in Public Law 106-398; 114 Stat. 1654A-184) is amended by striking “covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard,” and inserting “covered beneficiary under TRICARE Standard pursuant to chapter 55 of title 10, United States Code.”.

(b) **REPEAL OF REQUIREMENT FOR NOTIFICATION REGARDING HEALTH CARE RECEIVED FROM ANOTHER SOURCE.**—Subsection (b) of such section is repealed.

(c) **WAIVER AUTHORITY.**—Such section, as so amended, is further amended by striking subsection (c) and inserting the following:

“(b) **WAIVER AUTHORITY.**—The Secretary may waive the prohibition in subsection (a) if—

“(1) the Secretary—  
“(A) demonstrates that significant costs would be avoided by performing specific procedures at the affected military medical treatment facility or facilities;

“(B) determines that a specific procedure must be provided at the affected military medical treatment facility or facilities to ensure the proficiency levels of the practitioners at the facility or facilities; or

“(C) determines that the lack of nonavailability statement data would significantly interfere with TRICARE contract administration;

“(2) the Secretary provides notification of the Secretary's intent to grant a waiver under this subsection to covered beneficiaries who receive care at the military medical treatment facility or facilities that will be affected by the decision to grant a waiver under this subsection;

“(3) the Secretary notifies the Committees on Armed Services of the House of Representatives and the Senate of the Secretary's intent to grant a waiver under this subsection, the reason for the waiver, and the date that a nonavailability statement will be required; and

“(4) 60 days have elapsed since the date of the notification described in paragraph (3).”.

(d) **DELAY OF EFFECTIVE DATE.**—Subsection (d) of such section is amended—

(1) by striking “take effect on October 1, 2001” and inserting “be effective beginning on the date that is two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2002”; and

(2) by redesignating the subsection as subsection (c).

(e) **REPORT.**—Not later than March 1, 2002, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the Secretary's plans for implementing section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by this section.

**SA 1679.** Mr. LEVIN (for Mr. FEINGOLD) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

**SEC. \_\_\_\_ . REPORT ON V-22 OSPREY AIRCRAFT BEFORE DECISION TO RESUME FLIGHT TESTING.**

Not later than 30 days before the planned date to resume flight testing of the V-22 Osprey aircraft, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress a report containing the following:

(1) A comprehensive description of the status of the hydraulics system and flight control software of the V-22 Osprey Aircraft, including—

(A) a description and analysis of any deficiencies in the hydraulics system and flight control software of the V-22 Osprey aircraft; and

(B) a description and assessment of the actions taken to redress such deficiencies.

(2) A description of the current actions, and any proposed actions, of the Department of Defense to implement the recommendations of the Panel to Review the V-22 Program.

(3) An assessment of the recommendations of the National Aeronautics and Space Administration in its report on tiltrotor aeromechanics.

**SA 1680.** Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, line 9, strike “(A)” and all that follows through “(4)” on line 25.

On page 271, between lines 8 and 9, insert the following:

(c) **EVALUATION OF BUNDLING EFFECTS.**—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) in subparagraph (C), by inserting “, and whether contract bundling played a role in the failure,” after “agency goals”; and

(2) by adding at the end the following:

“(G) The number and dollar value of consolidations of contract requirements with a total value in excess of \$5,000,000, including the number of such consolidations that were awarded to small business concerns as prime contractors.”.

(d) **REPORTING REQUIREMENT.**—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended to read as follows:

“(p) **REPORTING REQUIREMENT.**—

“(1) **IN GENERAL.**—The Administrator shall conduct a study examining the best means to determine the accuracy of the market research required under subsection (e)(2) for each bundled contract, to determine if the anticipated benefits were realized, or if they were not realized, the reasons there for.

“(2) **PROVISION OF INFORMATION.**—A Federal agency shall provide to the appropriate procurement center representative a copy of market research required under subsection (e)(2) for consolidations of contract requirements with a total value in excess of \$5,000,000, upon request.

“(3) **REPORT.**—Not later than 270 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2002, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the results of the study conducted under this subsection.”.

On page 290, between lines 3 and 4, insert the following:

**SEC. 824. HUBZONE SMALL BUSINESS CONCERNS.**

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) **RULE OF CONSTRUCTION RELATING TO CITIZENSHIP.**—

“(A) **IN GENERAL.**—A small business concern described in subparagraph (B) meets the United States citizenship requirement of paragraph (3)(A) if, at the time of application by the concern to become a qualified HUBZone small business concern for purposes of any contract and at such times as the Administrator shall require, no non-citizen has filed a disclosure under section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) as the beneficial owner of more than 10 percent of the outstanding shares of that small business concern.

“(B) **CONCERNS DESCRIBED.**—A small business concern is described in this subparagraph if the small business concern—

“(i) has a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l); and

“(ii) files reports with the Securities and Exchange Commission as a small business issuer.”

“(C) **NON-CITIZENS.**—In this paragraph, the term ‘non-citizen’ means

“(i) an individual that is not a United States citizen; and

“(ii) any other person that is not organized under the laws of any State or the United States.”

**SA 1681.** Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 142. PROCUREMENT OF ADDITIONAL M291 SKIN DECONTAMINATION KITS.**

(a) **INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE-WIDE PROCUREMENT.**—(1) The amount authorized to be appropriated by section 104 for Defense-wide procurement is hereby increased by \$2,400,000, with the amount of the increase available for the Navy for procurement of M291 skin decontamination kits.

(2) The amount available under paragraph (1) for procurement of M291 skin decontamination kits is in addition to any other amounts available under this Act for procurement of M291 skin decontamination kits.

(b) **OFFSET.**—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby decreased by \$2,400,000, with the amount to be derived from the amount available for the Technical Studies, Support and Analysis program.

**SA 1682.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize ap-

propriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**SEC. .** It is the sense of the Senate that adjacent parcels of land at the former Marine Corps Air Station, Tustin, should be transferred to the Santa Ana Unified School District and Rancho Santiago Community College District for educational purposes.

**SA 1683.** Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 23, line 12, increase the amount by \$1,000,000.

On page 23, line 11, reduce the amount by \$1,000,000.

**SA 1684.** Mr. LEVIN (for Ms. MIKULSKI) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 833. INSENSITIVE MUNITIONS PROGRAM.**

(a) **REQUIREMENT FOR PROGRAM.**—Chapter 141 of title 10, United States Code, is amended by inserting after section 2404 the following new section 2405:

**“§ 2405. Inensitive munitions program**

“(a) **REQUIREMENT FOR PROGRAM.**—The Secretary of Defense shall carry out a program to ensure, to the extent practicable, that munitions under development or in procurement are safe throughout development and fielding when subjected to unplanned stimuli.

“(b) **CONTENT OF PROGRAM.**—The program shall include safety criteria, safety procedures, and requirements to conform to those criteria and procedures.

“(c) **REPORTING REQUIREMENT.**—At the same time that the budget for a fiscal year is submitted to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a report on the insensitive munitions program. The report shall include the following matters:

“(1) The waivers of requirements referred to in subsection (b) that have been granted under the program during the fiscal year preceding fiscal year in which the report is submitted, together with a discussion of the justifications for the waivers.

“(2) Identification of the funding proposed for the program in that budget, together with an explanation of the proposed funding.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 2404 the following new item:

“2405. Inensitive munitions program.”

**SA 1685.** Mr. WARNER (for Mr. HUTCHINSON) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 556. RETROACTIVE MEDAL OF HONOR SPECIAL PENSION.**

(a) **ENTITLEMENT.**—Notwithstanding any other provision of law, Robert R. Ingram of Jacksonville, Florida, who was awarded the Medal of Honor pursuant to Public Law 105-103 (111 Stat. 2218), shall be entitled to the special pension provided for under section 1562 of title 38, United States Code (and antecedent provisions of law), for months that begin after March 1966.

(b) **AMOUNT.**—The amount of special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of special pension provided for by law for that month for persons entered and recorded in the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or antecedent Medal of Honor Roll required by law).

**SA 1686.** Mr. LEVIN (for Mr. KENNEDY) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert:

**SEC. . LEASING OF NAVY SHIPS FOR UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM**

Subsection (g) of 10 U.S.C. 2667 (section 1061, National Defense Authorization Act, 1998, P.L. 105-85) is amended by adding a new paragraph at the end as follows:

(3) The requirements of paragraphs (1) shall not apply to renewals or extensions of a lease with a selected institution for operation of a ship within the University National Oceanographic Laboratory System, if

(A) use of the ship is restricted to federally supported research programs and non-federal uses under specific conditions with approval by the Secretary of the Navy;

(B) because of the anticipated value to the Navy of the oceanographic research and training that will result from the ship's operation, no monetary lease payments are required from the lessee under the initial lease or under any renewals or extensions; and

(C) the lessee is required to maintain the ship in a good state of repair readiness, and efficient operating conditions, conform to all applicable regulatory requirements, and assume full responsibility for the safety of the ship, its crew, and scientific personnel aboard.

**SA 1687.** Mr. WARNER (for Mr. VOINOVICH) proposed an amendment to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military

activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title XI, add the following:

**SEC. 1124. PROFESSIONAL CREDENTIALS.**

(a) IN GENERAL.—Chapter 57 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

**“§ 5758. Expenses for credentials**

“(a) An agency may use appropriated or other available funds to pay for—

“(1) employee credentials, including professional accreditation, State-imposed and professional licenses, and professional certifications; and

“(2) examinations to obtain such credentials.

“(b) No authority under subsection (a) may be exercised on behalf of any employee occupying or seeking to qualify for appointment to any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“5758. Expenses for credentials.”.

**SA 1688.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on that table; as follows:

On page 31, between lines 15 and 16, insert the following:

**SEC. 233. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION DEFENSE-WIDE.**

Section 201(4) of Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-32) is amended by striking “\$10,873,712,000” and inserting “\$10,874,712,000”.

**SA 1689.** Mr. DOMENICI (for himself, Mr. HAGEL, Mr. LUGAR, Mr. BINGAMAN, Mr. BIDEN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle C—Coordination of Nonproliferation Programs and Assistance**

**SEC. 1231. SHORT TITLE.**

This title may be cited as the “Nonproliferation Programs and Assistance Coordination Act of 2001”.

**SEC. 1232. FINDINGS.**

Congress makes the following findings:

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states.

(2) Although these efforts are in the United States national security interest, the effectiveness of these efforts suffers from a lack of coordination within and among United States Government agencies.

(3) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states.

(4) Increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union require the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on nonproliferation efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

**SEC. 1233. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**

(a) ESTABLISHMENT.—There is established within the executive branch of the Government an interagency committee known as the “Committee on Nonproliferation Assistance to the Independent States of the Former Soviet Union” (in this title referred to as the “Committee”).

(b) MEMBERSHIP.—(1) The Committee shall be composed of 6 members, as follows:

(A) A representative of the Department of State designated by the Secretary of State.

(B) A representative of the Department of Energy designated by the Secretary of Energy.

(C) A representative of the Department of Defense designated by the Secretary of Defense.

(D) A representative of the Department of Commerce designated by the Secretary of Commerce.

(E) A representative of the Assistant to the President for National Security Affairs designated by the Assistant to the President.

(F) A representative of the Director of Central Intelligence.

(2) The Secretary of a department named in subparagraph (A), (B), (C), or (D) of paragraph (1) shall designate as the department’s representative an official of that department who is not below the level of an Assistant Secretary of the department.

(b) CHAIR.—The representative of the Assistant to the President for National Security Affairs shall serve as Chair of the Committee. The Chair may invite the head of any

other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

**SEC. 1234. DUTIES OF COMMITTEE.**

(a) IN GENERAL.—The Committee shall have primary continuing responsibility within the executive branch of the Government for—

(1) monitoring United States nonproliferation efforts in the independent states of the former Soviet Union;

(2) coordinating the implementation of United States policy with respect to such efforts; and

(3) recommending to the President, through the National Security Council—

(A) integrated national policies for countering the threats posed by weapons of mass destruction; and

(B) options for integrating the budgets of departments and agencies of the Federal Government for programs and activities to counter such threats.

(b) DUTIES SPECIFIED.—In carrying out the responsibilities described in subsection (a), the Committee shall—

(1) arrange for the preparation of analyses on the issues and problems relating to coordination within and among United States departments and agencies on nonproliferation efforts of the independent states of the former Soviet Union;

(2) arrange for the preparation of analyses on the issues and problems relating to coordination between the United States public and private sectors on nonproliferation efforts in the independent states of the former Soviet Union, including coordination between public and private spending on nonproliferation programs of the independent states of the former Soviet Union and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(3) provide guidance on arrangements that will coordinate, de-conflict, and maximize the utility of United States public spending on nonproliferation programs of the independent states of the former Soviet Union to ensure efficiency and further United States national security interests;

(4) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union to voluntarily report these efforts to the Committee;

(5) arrange for the preparation of analyses on the issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts in the independent states of the former Soviet Union; and

(6) consider, and make recommendations to the President and Congress with respect to, proposals for new legislation or regulations relating to United States nonproliferation efforts in the independent states of the former Soviet Union as may be necessary.

**SEC. 1235. COMPREHENSIVE PROGRAM FOR NONPROLIFERATION PROGRAMS AND ACTIVITIES.**

(a) PROGRAM REQUIRED.—The President may, acting through the Committee, develop a comprehensive program for the Federal Government for carrying out nonproliferation programs and activities.

(b) PROGRAM ELEMENTS.—The program under subsection (a) shall include plans and proposals as follows:

(1) Plans for countering the proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies of the Federal Government.

(3) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(4) Proposals for establishing in the United States appropriate legal controls and authorities relating to the export of nuclear, radiological, biological, and chemical weapons and related materials and technologies.

(5) Proposals for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(6) Proposals for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(7) Plans for reducing United States and Russian stockpiles of excess plutonium, which plans shall take into account an assessment of the options for United States co-operation with Russia in the disposition of Russian plutonium.

(8) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terrorism or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time the President submits to Congress the budget for fiscal year 2003 pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under this section.

(2) The report shall include the following:

(A) The specific plans and proposals for the program under subsection (b).

(B) Estimates of the funds necessary, by agency or department, for carrying out such plans and proposals in fiscal year 2003 and five succeeding fiscal years.

(3) The report shall be in an unclassified form, but may contain a classified annex.

#### SEC. 1236. ADMINISTRATIVE SUPPORT.

All departments and agencies of the Federal Government shall provide, to the extent permitted by law, such information and assistance as may be requested by the Committee Chair in carrying out their functions and activities under this title.

#### SEC. 1237. CONFIDENTIALITY OF INFORMATION.

Information which has been submitted to the Committee or received by the Committee in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the Committee only for the purpose of carrying out the functions and activities set forth in this title.

#### SEC. 1238. STATUTORY CONSTRUCTION.

Nothing in this title—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing department or agency of the Federal Government over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the Committee shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

#### SEC. 1239. INDEPENDENT STATES OF THE FORMER SOVIET UNION DEFINED.

In this title the term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

**SA 1690.** Mr. HELMS (for himself, Mr. MILLER, Mr. SHELBY, Mr. BOND, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill S. 1438, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following new title:

#### TITLE XIV—AMERICAN SERVICE-MEMBERS' PROTECTION ACT OF 2001

##### SEC. 1401. SHORT TITLE.

This title may be cited as the "American Servicemembers' Protection Act of 2001".

##### SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court". The vote on whether to proceed with the statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of April 30, 2001, 139 countries had signed the Rome Statute and 30 had ratified it. Pursuant to Article 126 of the Rome Statute, the statute will enter into force on the first day of the month after the 60th day following the date on which the 60th country deposits an instrument ratifying the statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

(6) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, "I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied".

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States should be free from the risk of prosecution by the International Criminal Court, especially when they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by the International Criminal Court.

(9) In addition to exposing members of the Armed Forces of the United States to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression over United States objections, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than members of the Armed Forces of the United States, senior officials of the United States Government should be free from the risk of prosecution by the International Criminal Court, especially with respect to official actions taken by them to protect the national interests of the United States.

(10) Any agreement within the Preparatory Commission on a definition of the Crime of Aggression that usurps the prerogative of the United Nations Security Council under Article 39 of the charter of the United Nations to "determine the existence of any . . . act of aggression" would contravene the charter of the United Nations and undermine deterrence.

(11) It is a fundamental principle of international law that a treaty is binding upon its parties only and that it does not create obligations for nonparties without their consent to be bound. The United States is not a party to the Rome Statute and will not be bound by any of its terms. The United States will not recognize the jurisdiction of the International Criminal Court over United States nationals.

#### SEC. 1403. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS TITLE.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 1405 AND 1407.—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for a single period of one year. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the

International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

- (i) covered United States persons;
  - (ii) covered allied persons; and
  - (iii) individuals who were covered United States persons or covered allied persons; and
- (B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) **AUTHORITY TO EXTEND WAIVER OF SECTIONS 1405 AND 1407.**—The President is authorized to waive the prohibitions and requirements of sections 1405 and 1407 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. A waiver under this subsection may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

- (I) covered United States persons;
  - (II) covered allied persons; and
  - (III) individuals who were covered United States persons or covered allied persons; and
- (ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) **AUTHORITY TO WAIVE SECTIONS 1404 AND 1406 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.**—The President is authorized to waive the prohibitions and requirements of sections 1404 and 1406 to the degree such prohibitions and requirements would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. A waiver under this subsection may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) **TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).**—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 1404 and 1406 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 1405 and 1407 expires and is not extended pursuant to subsection (b).

(e) **TERMINATION OF PROHIBITIONS OF THIS TITLE.**—The prohibitions and requirements of sections 1404, 1405, 1406, and 1407 shall cease to apply, and the authority of section 1408 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

#### **SEC. 1404. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.**

(a) **APPLICATION.**—The provisions of this section—

(1) apply only to cooperation with the International Criminal Court and shall not apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict; and

(2) shall not prohibit—

(A) any action permitted under section 1408; or

(B) communication by the United States of its policy with respect to a matter.

(b) **PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.**—Notwithstanding section 1782 of title 28, United States Code, or any other provision of law, no United States Court, and no agency or entity of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to the Rome Statute.

(c) **PROHIBITION ON TRANSMITTAL OF LETTERS ROGATORY FROM THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding section 1781 of title 28, United States Code, or any other provision of law, no agency of the United States Government may transmit for execution any letter rogatory issued, or other request for cooperation made, by the International Criminal Court to the tribunal, officer, or agency in the United States to whom it is addressed.

(d) **PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government may extradite any person from the United States to the International Criminal Court, nor support the transfer of any United States citizen or permanent resident alien to the International Criminal Court.

(e) **PROHIBITION ON PROVISION OF SUPPORT TO THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no agency or entity of the United States Government or of any State or local government, including any court, may provide support to the International Criminal Court.

(f) **PROHIBITION ON USE OF APPROPRIATED FUNDS TO ASSIST THE INTERNATIONAL CRIMINAL COURT.**—Notwithstanding any other provision of law, no funds appropriated under any provision of law may be used for the purpose of assisting the investigation, arrest,

detention, extradition, or prosecution of any United States citizen or permanent resident alien by the International Criminal Court.

(g) **RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.**—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(h) **PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.**—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

#### **SEC. 1405. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.**

(a) **POLICY.**—Effective beginning on the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) **RESTRICTION.**—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such operation.

(c) **CERTIFICATION.**—The certification referred to in subsection (b) is a certification by the President that—

(1) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because, in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution or other assertion of jurisdiction by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) members of the Armed Forces of the United States are able to participate in the peacekeeping or peace enforcement operation without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because each country in which members of the Armed Forces

of the United States participating in the operation will be present either is not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the national interests of the United States justify participation by members of the Armed Forces of the United States in the peacekeeping or peace enforcement operation.

**SEC. 1406. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CLASSIFIED NATIONAL SECURITY INFORMATION AND LAW ENFORCEMENT INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.**

(a) IN GENERAL.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information and law enforcement information to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(b) INDIRECT TRANSFER.—The procedures adopted pursuant to subsection (a) shall be designed to prevent the transfer to the United Nations and to the government of any country that is party to the International Criminal Court of classified national security information and law enforcement information that specifically relates to matters known to be under investigation or prosecution by the International Criminal Court, except to the degree that satisfactory assurances are received from the United Nations or that government, as the case may be, that such information will not be made available to the International Criminal Court for the purpose of facilitating an investigation, apprehension, or prosecution.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 1408.

**SEC. 1407. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.**

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), and effective one year after the date on which the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) NATIONAL INTEREST WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that it is important to the national interest of the United States to waive such prohibition.

(c) ARTICLE 98 WAIVER.—The President may, without prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand); or

(3) Taiwan.

**SEC. 1408. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS DETAINED OR IMPRISONED BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.**

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release of any person described in subsection (b) who is being detained or imprisoned by, on behalf of, or at the request of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, investigated, prosecuted, or imprisoned by, on behalf of, or at the request of the International Criminal Court, the President is authorized to direct any agency of the United States Government to provide—

(1) legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section);

(2) exculpatory evidence on behalf of that person; and

(3) defense of the interests of the United States through appearance before the International Criminal Court pursuant to Article 18 or 19 of the Rome Statute, or before the courts or tribunals of any country.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—This section does not authorize the payment of bribes or the provision of other such incentives to induce the release of a person described in subsection (b).

**SEC. 1409. ALLIANCE COMMAND ARRANGEMENTS.**

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not

later than one year after the date of the enactment of this Act, the President should transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

**SEC. 1410. WITHHOLDINGS.**

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

**SEC. 1411. APPLICATION OF SECTIONS 1404 AND 1406 TO EXERCISE OF CONSTITUTIONAL AUTHORITIES.**

(a) IN GENERAL.—Sections 1404 and 1406 shall not apply to any action or actions with respect to a specific matter involving the International Criminal Court taken or directed by the President on a case-by-case basis in the exercise of the President's authority as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution or in the exercise of the executive power under article II, section 1 of the United States Constitution.

(b) NOTIFICATION TO CONGRESS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 15 days after the President takes or directs an action or actions described in subsection (a) that would otherwise be prohibited under section 1404 or 1406, the President shall submit a notification of such action to the appropriate congressional committees. A notification under this paragraph shall include a description of the action, a determination that the action is in the national interest of the United States, and a justification for the action.

(2) EXCEPTION.—If the President determines that a full notification under paragraph (1) could jeopardize the national security of the United States or compromise a United States law enforcement activity, not later than 15 days after the President takes or directs an action or actions referred to in paragraph (1) the President shall notify the appropriate congressional committees that an action has been taken and a determination has been made pursuant to this paragraph. The President shall provide a full notification under paragraph (1) not later than 15 days after the reasons for the determination under this paragraph no longer apply.

(c) CONSTRUCTION.—Nothing in this section shall be construed as a grant of statutory authority to the President to take any action.

**SEC. 1412. NONDELEGATION.**

The authorities vested in the President by sections 1403 and 1411(a) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law. The authority vested in the President by section 1405(c)(3) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law to any official other than the Secretary of Defense, and if so delegated may not be subdelegated.

**SEC. 1413. DEFINITIONS.**

As used in this title and in section 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **CLASSIFIED NATIONAL SECURITY INFORMATION.**—The term “classified national security information” means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) **COVERED ALLIED PERSONS.**—The term “covered allied persons” means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) **COVERED UNITED STATES PERSONS.**—The term “covered United States persons” means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) **EXTRADITION.**—The terms “extradition” and “extradite” mean the extradition of a person in accordance with the provisions of chapter 209 of title 18, United States Code, (including section 3181(b) of such title) and such terms include both extradition and surrender as those terms are defined in Article 102 of the Rome Statute.

(6) **INTERNATIONAL CRIMINAL COURT.**—The term “International Criminal Court” means the court established by the Rome Statute.

(7) **MAJOR NON-NATO ALLY.**—The term “major non-NATO ally” means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) **PARTICIPATE IN ANY PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means to assign members of the Armed Forces of the United States to a United Nations military command structure as part of a peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations in which those members of the Armed Forces of the United States are subject to the command or operational control of one or more foreign military officers not appointed in conformity with article II, section 2, clause 2 of the Constitution of the United States.

(9) **PARTY TO THE INTERNATIONAL CRIMINAL COURT.**—The term “party to the International Criminal Court” means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(10) **PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.**—The term “peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations” means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(11) **ROME STATUTE.**—The term “Rome Statute” means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(12) **SUPPORT.**—The term “support” means assistance of any kind, including financial support, transfer of property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(13) **UNITED STATES MILITARY ASSISTANCE.**—The term “United States military assistance” means—

(A) assistance provided under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.); or

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees, under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at 10 a.m., in open session to consider the nominations of Gen. Peter Pace, USMC, for reappointment in the grade of general and for appointment as the Vice Chairman of the Joint Chiefs of Staff; Gen. John W. Handy, USAF, for reappointment in the grade of general and for appointment as Commander in Chief, United States Transportation Command and Commander, Air Mobility Command; and Adm. James O. Ellis, Jr., USN, for reappointment in the grade of admiral and for appointment as Commander in Chief, United States Strategic Command.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Tuesday, September 25, 2001, at 9:30 a.m., to conduct a business meeting to consider the following nominations: Brigadier General Edwin J. Arnold, Jr. to be a

Member and President of the Mississippi River Commission; Nils J. Diaz to be a member of the Nuclear Regulatory Commission; Marianne Lamont Horinko to be Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Patrick Hayes Johnson to be Federal Cochairperson, Delta Regional Authority; Harold Craig Manson to be Assistant Secretary for Fish, Wildlife, and Parks, Department of the Interior; Paul Michael Parker to be Assistant Secretary of the Army for Civil Works, Department of Defense; Mary E. Peters to be Administrator of the Federal Highway Administration, Department of Transportation; and Brigadier General Carl A. Strock to be a Member of the Mississippi River Commission.

In addition, the following will be considered: S. 950, Federal Reformulated Fuels Act; S. 1206, to reauthorize the Appalachian Regional Development Act of 1965; S. 1270, to designate the United States courthouse located at 8th Avenue and Mill Street in Eugene, Oregon, as the “Wayne Lyman Morse United States Courthouse”; and Several GSA Building and Lease Committee Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President. I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: Mr. Dennis Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada; Mr. John Danilovich, of California, to be Ambassador to the Republic of Costa Rica; and Mr. Roy Austin, of Pennsylvania, to be Ambassador to Trinidad and Tobago. Additional nominees to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President. I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 25, 2001, at approximately 2:30 p.m., to hold a Business Meeting.

Nominees: Ms. Charlotte Beers, of Texas, to be Under Secretary of State for Public Diplomacy; Mr. Ralph Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; Mr. Kenneth Brill, of Maryland, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador; Mr. Kenneth Brill, of Maryland, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador; Mrs. Patricia

de Stacy Harrison, of Virginia, to be an Assistant Secretary of State (Educational and Cultural Affairs); Mr. Hans Hertell, of Puerto Rico, to be Ambassador to the Dominican Republic; Mr. Robert Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia; Mr. Michael Malinowski, of the District of Columbia, to be Ambassador to the Kingdom of Nepal; Mr. Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; Mr. Kevin McGuire, of Maryland, to be Ambassador to the Republic of Namibia; Mr. Kevin Moley, of Arizona, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador; Mrs. Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire; Ms. Mattie Sharpless, of North Carolina, to be Ambassador to the Central African Republic; Mr. R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; and Mr. John Wolf, of Maryland, to be an Assistant Secretary of State (Non-proliferation). Additional nominees to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 25, 2001, at 2:30 p.m., for a hearing entitled "Weak Links: How Should the Federal Government Manage Airline Passenger and Baggage Screening?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on "Homeland Defense" on Tuesday, September 25, 2001, at 11 a.m., in Dirksen 106.

Witness list: The Honorable John Ashcroft, United States Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON THE PUBLIC LANDS AND FORESTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 25, at 3:15 p.m., to conduct an oversight hearing. The subcommittee will receive testimony on the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment that was recently agreed to by the Western Governors' Association, Secretary of the Interior

Gale Norton and Secretary of Agriculture Ann Veneman.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. ALLARD. On behalf of Senator WARNER, I ask unanimous consent David Kirk, a military fellow in his office, be granted floor privileges for the duration of the Senate's debate on Senate bill 1438, the Department of Defense authorization bill for fiscal year 2002.

And also I ask unanimous consent that Lon Pribble, a national defense fellow in my office, have floor privileges during the entire debate of the national defense authorization bill fiscal year 2002.

And on behalf of Senator ENSIGN, I ask unanimous consent to grant floor privileges to his military legislative fellow, Ms. Gemma Meloni, for the duration of debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Josh Silverman, a fellow in my office, be granted floor privileges during the consideration of S. 1438.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Mr. Andrew Rumbaugh, a fellow in Senator BILL NELSON's office, be granted the privilege of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEE H. HAMILTON FEDERAL BUILDING AND U.S. COURTHOUSE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1583 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill [H.R. 1583] to designate the Federal Building and United States Courthouse located at 121 West Spring Street in New Albany, Indiana, as the "Lee Hamilton Federal Building and United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

Madam President, before you rule, this is a courthouse to be named for Lee Hamilton. I had the pleasure of serving with him in the House of Representatives on the Foreign Affairs Committee. He is such a fine man. He served 25 or 28 years in the House. He

retired. He is still heavily involved in America's foreign policy. He is one fine person, a great representative of what a person who serves the public should be.

I extend my appreciation to the committees of jurisdiction in the Congress for making this possible for a very fine person, Lee Hamilton.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1583) was read the third time and passed.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 26, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 tomorrow morning, Wednesday, September 26. I further ask that on Wednesday, following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following exceptions: Senator DASCHLE or designee, 15 minutes; Senator LOTT or designee, 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. So tomorrow the Senate will convene at 9:30 a.m. with morning business until 10 a.m. The majority leader asked me to announce that he expects us to consider the Military Construction Appropriations Act. Both Senators DASCHLE and LOTT believe this bill should move very quickly. We hope that we can complete this bill in a very short period of time. Rollcall votes are possible tomorrow until 2 p.m.

#### ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that following the statement by Senator BROWNBAC, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBAC. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBAC. Madam President, I ask unanimous consent to speak for

up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair. (The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1465 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. Madam President, I yield the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:49 p.m., adjourned until Wednesday, September 26, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 2001:

DEPARTMENT OF ENERGY

EVERET BECKNER, OF NEW MEXICO, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE MADELYN R. CREEDON, RESIGNED.

DEPARTMENT OF DEFENSE

MARY L. WALKER, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE JEH CHARLES JOHNSON.

DEPARTMENT OF THE INTERIOR

STEVEN A. WILLIAMS, OF KANSAS, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE JAMIE RAPPAPORT CLARK.

SOCIAL SECURITY ADMINISTRATION

HAROLD DAUB, OF NEBRASKA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 30, 2006, VICE MARK A. WEINBERGER, RESIGNED.

DEPARTMENT OF STATE

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CHARLES LAWRENCE GREENWOOD, JR., OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS COORDINATOR FOR ASIA PACIFIC ECONOMIC COOPERATION (APEC).

STEPHAN MICHAEL MINIKES, OF THE DISTRICT OF COLUMBIA, TO BE U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE NORMA V. CANTU, RESIGNED.

DEPARTMENT OF JUSTICE

DREW HOWARD WRIGLEY, OF NORTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE JOHN THOMAS SCHNEIDER, RESIGNED.

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

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WITHDRAWAL

Executive message transmitted by the President to the Senate on September 25, 2001, withdrawing from further Senate consideration the following nomination:

DONALD R. SCHREGARDUS, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 4, 2001.

## HOUSE OF REPRESENTATIVES—Tuesday, September 25, 2001

The House met at 9 a.m.

### MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentlewoman from Florida (Ms. ROSLEHTINEN) for 5 minutes.

### U.S. POLICY IN THE FIGHT AGAINST INTERNATIONAL TERRORISM ORIGINATING IN SOUTH ASIA

Ms. ROS-LEHTINEN. Mr. Speaker, a regional approach to the war on terrorism is critical to success.

The U.S. national security team must fully understand the dynamics between actors, as well as the strategic considerations which are guiding the responses to U.S. requests in this battle of good versus evil.

In developing our policy toward Pakistan, for example, some have argued that it is imperative that we address the long-standing relationship between the ISI and the Taliban and between the ISI and Osama bin Laden. We must not ignore facts such as the ISI's past warnings to bin Laden about U.S. military action.

There are reports that on August 20, 1998, when the United States launched cruise missile strikes on bin Laden terrorist training camps in southeastern Afghanistan, it was the head of Pakistan's ISI at the time who contacted bin Laden to warn him about U.S. surveillance and attempts to track down his whereabouts. He also cautioned bin Laden to relocate immediately because U.S. strikes were imminent.

We must also address the power relations within the Pakistani government to accurately assess the General's ability to contain challenges from the ISI. These and other factors have a direct bearing on U.S. short-term capabilities and long-term response to terrorism originating in this region.

In looking at Afghanistan, we must be careful not to follow a microcosmic view of the problem. While an immediate, comprehensive and multi-tiered

military and political response to the September 11 terrorist attacks is necessary, the U.S. must also prepare a strategy which takes into consideration the myriad of factors contributing to the proliferation of terrorist activities in Afghanistan.

For one, we must look at the nature of the regime. This is not a reference to the process offered by the administration to evaluate intelligence sources. However, when formulating and implementing U.S. foreign policy toward a state, the nature and behavior of the regimes or governments which rule these countries is a critical variable to be considered.

As chairman of the Subcommittee on International Operations and Human Rights, I bear witness on a regular basis to the carnage that some regimes undertake against their own people and how this abhorrent behavior manifests itself in their views and approach to global relations.

As the President stated during his address to the Congress last week, a regime such as the Taliban which tortures its own people and shows no regard for human life can never be trusted.

A regime such as the Taliban can never understand or appreciate the magnitude of the loss suffered by our country 2 weeks ago.

Secretary of State Powell stated, when he was chairman to the Joint Chiefs of Staff, that our military objective must also have a political objective. This political objective in Afghanistan and elsewhere in south Asia should be to support and promote pluralistic representative systems guided by respect for human rights, civil liberties and religious freedoms; governments who would not promote and foster terrorism. Only then can we hope to achieve our long-term goal of eradicating the world of the cancer of terrorism.

As many have stated in the aftermath of the brutal attacks of September 11, democracy is the best antidote for Islamic militancy and radicalism. In studying the nature of the leadership which rules these countries and these regions, we must also differentiate between those who oppress and those who are guided by democratic tenets.

The U.S. must, as the Financial Times stated on September 17, be careful not to align itself too closely with authoritarian regimes that have dreadful records of suppressing minority groups. This view was echoed in a Washington Post editorial of September 24 that warned against forming

tactical bonds with central Asian republics. It stated that in forming such bonds, America must not forget what it is fighting for as well as what it is fighting against.

Further, cooperation with the U.S. should not require inducements. Support for the U.S. and the war against terrorism should come from an understanding of the abhorrent nature of terrorist methods and tactics, not from a quid pro quo.

As President Bush has underscored, you are either with us or you are with the terrorists.

Ultimately, having learned the lessons of the Cold War, the U.S. must embark on this battle from a position of overwhelming strength if we are to be victorious.

I fully support the President and his advisors in this difficult journey and I wish them Godspeed.

### MONETARY ASSISTANCE FOR THE AIRLINES

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, 2 weeks ago, you were in the Chair and I had taken to the floor for this session. As we have seen the impacts of September 11 continue to unfold, it does, as you and I have remarked, seem like a lifetime ago. Yet, in these times of emergency, the American public deserves our very best efforts. They deserve to have Congress look after the interests of all our citizens, America's workers as well as its businesses, in a careful, cost-effective manner.

In our rush to meet the growing demands created by the devastation in New York, Washington, D.C., and Pennsylvania, Congress would do well to follow Mr. Greenspan's cautious advice, that it is more important to be right than to be quick.

Last week, Congress approved \$15 billion in Federal support for airline carriers. While no one doubts that the aviation industry has had enormous impacts on our communities, on American business and on our people's daily lives, our rush to provide relief created what I feel is a dangerous precedent.

Within a week of receiving airlines' demands for help, Congress passed and the President signed a \$15 billion package that appears to go well beyond the amount needed to provide the stabilization required for this vital part of the economy.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pushed aside for later consideration were many of the more difficult questions, providing assistance to over 100,000 airline employees laid off since the attacks, questioning what role the Federal Government should play to ensure greater airport security, or addressing the numerous collateral victims across the country directly related to air transport who have also been attacked and damaged, even though they live far away from ground zero.

These ripple effects need to be heard and addressed. The question is not merely whether the industry got too much money. When huge sums of taxpayer dollars are involved, we need to establish clearly what will be the value that the public receives in return. Is it going to receive an equity interest in return for an extraordinary investment? Or perhaps we could have purchased the noisy, polluting, inefficient airplanes and retired them from service.

It seems, Mr. Speaker, that in the upcoming weeks and months, we know Congress will be asked to provide assistance to other interests and industries and clearly to help bolster our troubled economy. We would do well to seize this as an opportunity to be thoughtful in our approach and to capitalize on this renewed bipartisan spirit on Capitol Hill to craft legislation that addresses the complexity of the problems that adds real value and makes sufficient use of tax dollars.

This is not the time to throw money at problems without a sense of the trade-offs, without failing to include all impacted individuals and businesses or weakening labor, environmental or fiscal protections.

Above all, it is not a time to use the sense of crisis to push through questionable legislation, whatever the motivation. The American public deserves our best at the time of crisis, and we in Congress would do well to heed the open letter from taxpayers for common sense that calls for these very best efforts for our taxpayers, our citizens to make sure that we are equal to the challenge.

#### INTRODUCTION OF CESAR ESTRADA CHAVEZ STUDY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, in the wake of the most horrific attack in the United States history, we have seen many modern American heroes among us.

Today's heroes are firefighters, police officers, chaplains, paramedics, steelworkers and those who have fought to prevent further destruction, and the families of the victims who dis-

play the strength of going on and living.

Their heroism is in the spirit of those who have gone before them such as Martin Luther King, Junior, John F. Kennedy, Robert F. Kennedy, and Cesar Chavez, former founding president of the United Farm Workers.

Today, Mr. Speaker, I proudly introduce this bill that will honor one of our past heroes, Cesar Estrada Chavez, founder of the United Farm Workers and passionate champion of human and civil rights. These values and beliefs and dedication to all working men and women, regardless of socioeconomic background, make him truly an American hero.

This bill will highlight his contributions by studying the ways to honor him within the National Park Service. It is a first step in honoring his tremendous accomplishments and the local communities where he placed his footprints.

Cesar Chavez was a humble man. Little did anyone know of the greatness he would bestow upon future generations. In his early childhood, Cesar was raised as a farm worker in Yuma, Arizona. Raised during the Great Depression, his family lost everything and were forced to join thousands of farm workers that wandered the southwest just to find work.

During his youth, the Chavez family migrated throughout the southwest working on various farms that fed our country. The young Cesar Chavez experienced firsthand the hardships and injustices of thousands of farm workers at that time. His home was barely livable and his school hardly fit to be called a schoolhouse.

Unfair labor practices, harassment, abuse, long hours, low pay, hazardous working conditions and limited educational opportunities kept many farm workers from being self-sufficient and empowered citizens. Witnessing and experiencing this type of lifestyle, Cesar Chavez sought to make changes in the way farm workers were treated throughout the country.

He united many others who suffered similar atrocities with those who empathized with the struggle and became a part of the union movement, and back in 1952, he left the fields and joined the Community Service Organization. There he conducted voter registration drives and campaigns against racial and economic discrimination.

In 1962, he took that vast experience, his compassion, along with his brothers and sisters and developed a multiethnic struggle and started the National Farm Workers Association, which today is known as the United Farm Workers of America.

The UFW, as it is known, succeeded in organizing the oppressed. They overcame this opposition through boycotts and pickets, and when all else failed, Cesar Chavez almost died by participating in a hunger strike.

Chavez was a student of Mahatma Gandhi's nonviolent philosophies. He knew that he could not unite people through violent means but he could connect them by joining hands in peaceful demonstrations.

Since its inception the UFW has achieved incredible results throughout the country. Fair wages, better health care coverage, pension benefits, housing, pesticide regulations and countless other rights and privileges that protect all farm workers in the fields of the United States.

In the past, we have honored other heroes like Martin Luther King, Jr., and the civil rights movement, through the national parks and land. The life of Cesar Chavez and his family provides an outstanding opportunity to interpret the history of agricultural labor in the United States through honoring him through this particular National Park Service.

Most importantly, this bill that I introduced today provides an excellent opportunity for us to honor a true American hero.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 18 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 10 a.m.

#### PRAYER

The Reverend Walter L. Solomon, Mt. Moriah Missionary Baptist Church of North Pratt, Birmingham, Alabama, offered the following prayer:

Our Father, whose presence brings joy to every condition, and whose favor brings strength to every endeavor in life, we thank You for the blessings of this day. Thank You for life and for freedom. God, we acknowledge You as the ruler of our Nation.

Father, bless these representatives that You have given the task of leading this Nation in times like these. Father, lead them to do Your will. Allow them to uphold the traditions that have made our Nation great. We pray that they will be led with vision, integrity, structure, and accountability.

Father, bless those of this Nation who are hurting, those who are weak, those who are weary. Bless our President and his cabinet with wisdom, that together they may lead our Nation during this period of restoration.

Bless our Nation with favor, that we might do great things in Your name.

Keep us together as one Nation under God, indivisible, with liberty and justice for all.

In Jesus' name, we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND WALTER L. SOLOMON, MT. MORIAH MISSIONARY BAPTIST CHURCH OF NORTH PRATT, BIRMINGHAM, ALABAMA

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, we welcome Reverend Walter Solomon to this Chamber. We are very appreciative of his leadership in Birmingham, Alabama, and indeed in this Nation. His work on the national level with the National Baptist Convention is extraordinary. Many opportunities have been afforded this young man and many things are expected from him.

Mr. Speaker, as we move forward in these difficult times, there will be men like Reverend Solomon, who will make the difference. There will be men in this Chamber who will perform to the utmost. We thank him for coming this morning. May God bless him and his family, and may God bless America.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches from each side.

### ORGAN DONATION, THE GIFT OF LIFE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the stinging attacks of September 11 remind us of the fragility of life. Life is fleeting, and no one knows it better than the nearly 60,000 patients waiting to receive transplant organs. Today

alone, nine patients will die because a match was not found.

The Transplant Foundation at the University of Miami is dedicated to transplant research because there is no greater gift than the gift of life. On October 13, the Foundation will host its sixth annual That's Life ball to raise funds for patient services and public education. I congratulate president Donnie Coker and president-elect Ivan Gomez of the Transplant Foundation of Miami. Also Ellie Compton, Jeffrey Barash, John Venezia, and surgeons Joshua Miller, Andreas Tzakis, and Si Pham.

I commend the That's Life committee and members of all boards who devotedly educate our community on organ procurement.

Becoming an organ donor is as easy as checking a box on your driver's license, and it could literally mean a life to a transplant patient. I have signed up as an organ donor, and I encourage all of my colleagues to leave a lasting legacy by giving the gift of life.

### ENVIRONMENTAL PRIORITIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, all around America firefighters, policemen, and rescue workers prove to be heroes. What is troubling though, in Washington State, weeks before the attack, four firefighters died because of red tape and the Endangered Species Act. Officials there delayed using helicopters for 4 hours on a massive fire because it might harm the protected bull trout fingerlings.

Beam me up. Since when are fish more important than the lives of our brave firefighters?

This is bull trout.

I yield back all the cod liver oil in the bowels of these conservationists and bureaucratic leaders.

### PROTECTING LIBERTY AND FREEDOM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we continue to mourn the senseless loss of thousands of Americans, let us begin to ensure that the tragic events of September 11 never happen again.

This week we will consider legislation to begin providing our military men and women the resources they have needed for years. According to Secretary of Defense Donald Rumsfeld, the United States military needs "every penny" of the \$343 billion provided in the fiscal year 2002 Defense budget, because in real terms the Defense budget has declined every year from 1985 until 1998. Our battle to com-

bat terrorism will require dedication and commitment not only by our armed services and by the American public, but by Congress, this very Congress as well.

We need to ensure that our military has every tool and resource available to enable them to protect freedom and liberty. Therefore, I encourage all of my colleagues to support the defense authorization bill, a down payment for our military to enable them to meet the challenges of today and to begin preparing for those of tomorrow.

### KEEP FAITH WITH OUR AIRLINES

(Mr. MATHESON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHESON. Mr. Speaker, over the last 2 weeks, we have all seen what has become of our airline industry. Airport concourses across the country seem more like ghost towns than centers of international commerce. The lounges are empty, the taxi stands and busses are vacant. Across the country, airports that should be at the center of municipal liveliness, now seem to be monuments to a bygone era.

The terrorist attacks left our nation reeling, but they did not change the fundamental soundness of any of our industries or the safety of future fliers. Over the past 2 weeks, our airline system has been hurt much more by perception than reality. It is our responsibility in this Congress not only to provide cash to the airlines, but also to provide reassurance and security to their passengers.

Airport and airplane safety should now become the domain of the Federal Government. Before September 11, security was provided by the airlines that usually contracted this service to the lowest bidder. Securing the safety of the traveling public should be a basic function of government. We have the Coast Guard to protect boaters, we make sure the State Police monitor our highways, the skill of government-trained air traffic controllers has all but guaranteed the safety of our space. Why should security in airports and airplane cabins be any different?

### COMING TOGETHER IN A TIME OF NEED

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, today I rise with a great deal of pride to salute the communities I represent, Palm Beach County, Martin, St. Lucie, Okeechobee, Glades, Hendry, and Highlands, the 16th Congressional District in Florida.

I am so proud because every citizen of our community rallied together for this Nation, supporting those who are

in need, helping raise funds, donating blood, doing whatever little bit they could to make not only those in New York and Washington feel better, but unite as a Nation against evil.

I am proud because our community at times during the last election was disparaged for not getting their votes right. Today we prove not only did we send the right person to Washington to lead this Nation, but we are also committed to making certain this terror never rains on America again.

The firefighters, the paramedics, the police, the National Guard, everybody virtually joined hands together to work together to make this Nation stronger. We may have had a difficult day September 11, but out of the ashes comes a greater resolve to make America a more perfect union, under God, protecting liberties, defining the future, and making certain we support our commander-in-chief, the President of the United States, George Bush, who I am proud to call a friend, and particularly proud to call a great leader today in times of adversity. I salute him, I thank him, and God bless his family as we endeavor to protect our country.

#### A GREAT LEADER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, times of trouble expose either the greatness or the weakness of a leader. Last week, we saw our President rise to become the chief steward of freedom on planet Earth. It was a sight to behold. It was a defining moment in our country. America has once again stepped up to the plate to rid the world of tyranny.

Osama bin Laden and the world's terrorists are at war with all civilized people. They are trained, barbaric terrorists who will stop at nothing, even the killing of thousands of innocent people, to accomplish their evil goals.

Last week, the President rallied the civilized nations of the world against the world's terrorists and those who harbor them. All nations, Muslim, Christian, Jewish, Hindu, Buddhists, will unite to accomplish this noble goal. There is no fence-sitting this time.

Mr. Speaker, great words have been spoken in this Chamber. Example, "Our Nation, this generation, will lift the dark threat of violence from our people and our future. We will rally the world to this cause by our efforts, by our courage. We will not tire, we will not falter, and we will not fail."

Mr. Speaker, those were the words of George W. Bush, the 43rd President of the United States. Those are some of the words we heard last week, a rallying cry to freedom-loving people around the world.

#### PROVIDING FOR CONSIDERATION OF H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 245

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for the other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. The amendment printed in part B of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part B of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering and amendment has caused it to be printed in the portion of the Congressional Record designated for the purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

□ 1015

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 245 is an open rule providing for the consideration of H.R. 2944, the Fiscal Year 2002 District of Columbia Appropriations Act. Overall, this bill provides a total of \$7.1 billion in local funding and a \$398 million Federal payment to the District of Columbia. By way of comparison, the final fiscal year 2001 D.C. appropriations bill provided a total of \$6.8 billion in local funds and \$464 million in Federal payment. The rule waives all points of order against consideration of the bill.

Mr. Speaker, H. Res. 245 provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and it waives clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provision in a general appropriations bill) against provisions within H.R. 2944. The rule also provides that the bill be considered for amendment by paragraph.

The rule provides that amendments in part A of the Committee on Rules report accompanying H. Res. 245 shall be considered as adopted.

It also waives points of order against the amendment printed in part B of the Committee on Rules report, which may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule also allows the chairman of the Committee of the Whole to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for one motion to recommit, with or without instructions.

I urge my colleagues to support this rule on H.R. 2944, which will allow the House to work its will on the various funding and policy matters contained in this bill. I should note that the bill is the 11th of 13 regular appropriations bills that the House will need to consider and enact in order to complete the fiscal year 2002 discretionary budget.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary one-half hour, and I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, this is an open rule. The gentleman from Pennsylvania (Mr. FATTAH), the ranking minority member, was consulted throughout the process of developing this legislation, along with the gentleman from Michigan (Mr. KNOLLENBERG), who is a fine chairman and a

great Member, in the process of developing this legislation, a trend we hope will continue with developing other appropriations measures in the days ahead. I would further note that this version of the D.C. appropriations bill is much improved over past years. In fact, 35 of the 69 riders included by the subcommittee were eliminated at the full committee markup.

Far too often, Congress takes it upon itself to micromanage the citizens of the District to advance an agenda that few of its residents share. Every year, the gentlewoman from the District of Columbia (Ms. NORTON), my friend, has made eloquent pleas to this body, asking it to refrain from making social policy in the city that she represents. But it is not to be.

While this is a much-improved bill, it is still flawed. The measure includes controversial prohibitions against using local funds, not a dime of Federal money, for abortion services and the needle exchange programs. Moreover, the Committee on Rules took it upon itself to make in order an amendment that prohibits Federal as well as local funds from being used for the implementation of the District of Columbia Domestic Partnership Act which was passed in 1992 and never implemented because the House of Representatives does not like it. This amendment was defeated in the full committee on a bipartisan vote. But a gift from the Committee on Rules puts it before us today.

I look forward to the day when Congress gives the Mayor and the council of the city an opportunity to govern and make the kind of decisions with their own money that other governments are allowed to make without interference by the House and by the Congress.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, may I begin by thanking the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, for their very hard work on this bill, the best bill in some time for the District of Columbia.

I must say that there was a very good chance that for once we might be able to support a rule, especially since the Committee on Appropriations, to its credit, made substantial progress on the infamous social riders by voting to eliminate one that had long plagued this bill, a rider that provides for health care benefits if paid for by a partner who may be a grandmother or mother, or may be a gay person. So the Committee on Appropriations decided that wherever they stood on gay rights, it was not worth taking down every-

body at a time when health care is so important and when this body has not done its job to make sure that everyone has health care.

This, I say to my colleagues, is no time to make hay or to make politics over the local budget of a city. A city where Congress time and again has shown it has no expertise to get into its local budget, who could expect Congress to? I do not have any expertise on the D.C. budget. We have limited interest, and the District of Columbia respects that interest, because of the Federal presence here.

My side has tried to respond to the crisis we are in. We agreed to a limited time for general debate, for example. We have agreed to limited time for amendments. Otherwise, of course, we would not be acting in the national interest. If, in fact, what we do is to crowd this bill with the usual riders, we will not only look silly, this year we would look careless and insensitive to the suffering and the felt needs of the American people.

At the very least, in recognition of the uniquely serious crisis we are in, I am asking Members to forebear attachments and amendments, even if protected, which they know are opposed by D.C. law. I thank the Committee on Appropriations for, in fact, not including, not including a domestic partners rider in this bill. I ask my colleagues to respect what the Committee on Appropriations did when its position is put before us here today. After all, we are defending democratic values more than rhetorically this session. At a time when the world is watching, this body must not be seen as engaging in patently undemocratic actions such as overturning local laws against the democratic will of the people of the District of Columbia.

I was prepared, absent actions taken on social riders, to support a rule this time, even with some serious imperfections; and let me say what has happened to those imperfections, because there was a puzzling decision made to delete completely noncontroversial budget provisions which had never been bothered before in the history of home rule. I brought this to the attention of the chairman and the ranking member, and I must say I am deeply appreciative for the way both have worked with me to make substantial progress. As they have had the time to study these provisions, we have made many of them consistent with the will of the Mayor and the city council of the District of Columbia. Moreover, the chairman has promised me that he will continue to work with me, even into conference, if necessary.

What he has done shows very substantial good faith. He has, in his manager's amendment, included provisions that went before the Committee on Appropriations. We made very substantial progress on the remaining deletions, and the chairman had already removed

35 redundant and duplicative amendments and provisions beforehand. In other words, the chairman, the gentleman from Michigan (Mr. KNOLLENBERG), and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, and I have tried to behave like grown-up Members of Congress, not able to get all we wanted, understanding that we had some disagreements, each reciprocating; and I was prepared not to object to moving forward.

Mr. Speaker, I regret that this rule must be opposed. I hope that if this bill does, in fact, make it to general debate, we will respect the chairman's call. He made it known as soon as he became chairman that he would like no attachments on his bill. I recognize some have been made in order. I hope that my colleagues who have such attachments will reconsider, in light of the chairman's call. He simply wants to get his bill through. He wants to be an appropriator. If my colleagues have other matters, I am willing to take them to the D.C. City Council or to take them to the authorizing committee.

Matters such as domestic partners, abortions, other matters of controversial local concern do not belong on this bill. Let us get this bill done; let us make this a banner year for D.C. We are off to a bad start on the rule. I ask my colleagues to oppose the rule. If my colleagues vote for the rule, I certainly ask my colleagues to be mindful of the fact that this is a local appropriation and to follow the lead of the Mayor of the District of Columbia and the council when it comes to how to respond to any attachments that may come forward.

Once again, I thank the chairman and the ranking member for very important progress and for the respect they have shown the people and the government of the District of Columbia.

Mr. LINDER. Mr. Speaker, at this time I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH), the ranking member of the subcommittee.

Mr. FATTAH. Mr. Speaker, I rise in support of the underlying legislation, and I would like to compliment the gentleman from Michigan (Mr. KNOLLENBERG), the majority chairman, and the staff for their hard work on this legislation.

However, even as I rise to support the underlying legislation, I have difficulty with this rule, for it seems to lack any respect for the work product of the subcommittee or the full Committee on Appropriations and wants to reverse a bipartisan vote in the full committee. I think that that is unwise and inappropriate. I particularly feel that, at this particular hour, there would be other uses of all of our time than to get

into the micromanaging of the District's affairs. But nonetheless, I oppose the rule, but I support the bill; and I hope that we can move beyond this at some point to the underlying legislation.

I think that the chairman has done a remarkable job in terms of building a consensus around how we should move forward in terms of the District of Columbia, the capital city; and I would hope that we will be able to get there from here, but I think that there has to be respect for the committee's position. I think that the rule is one that should be revisited and, therefore, I oppose it.

□ 1030

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I have not thought of myself as naive in a long time, but I guess I am. I have heard and read and even participated in saluting unity, in arguing that divisive issues ought to be deferred at this time; indeed, while I continue to think spending billions on missile defense is a diversion from the real defense needs of this country and a waste, and destabilizing at a time when the world does not need that, I understand the decision not to press that at this time.

So I was deeply shocked to be told yesterday that the Republican leadership has chosen to use this bill to make an assault on millions of gay and lesbian Americans in general, and on those who live in the District of Columbia, in particular.

Not only are they launching this assault, but they are going to extraordinary lengths to do it. A nongermane amendment has been protected by the Committee on Rules so that a decision of the Committee on Appropriations, recognizing the right of people in the District of Columbia to make their own choices about how their money will be spent, can be overruled.

The District of Columbia, by its small "d" democratic processes, decided to say that if two men or two women were in love and were prepared to commit themselves to each other legally and financially, as well as emotionally, the District of Columbia, if they work for the District of Columbia, they would honor that.

For reasons I do not understand, that willingness to accept a mutual declaration of responsibility from two people in love deeply offends some of my colleagues.

On a personal level, it does not matter to me what they think. They are entitled to their opinions, prejudicial as I might think they are. But to tell the 550,000 people of the District, who have voted through their democratic processes, that they may not use money raised in the District by taxation voted by the District on residents

of the District, that they may not use that money to carry out a policy that recognizes that love, shame on those who perpetrate it, and particularly now.

Everybody in America is concerned about the people who died, and gay and lesbian and bisexual and transgendered people are no different than others. In addition to the general mourning, there is discussion of those in that particular community, of which I am a member, who died.

Indeed, we have the military announcing what we call a "stop loss" policy, which says that gay and lesbian Americans in the military who are, I think, wholly unfairly and incorrectly and unwisely subject to being thrown out, may not be thrown out now. In other words, at this time of terrible crisis, when we are going to ask Americans to go and risk their lives for the defense of freedom, overwhelmingly supported here, we are going to make an exception in some cases to the policy of excluding gays and lesbians. Gay and lesbian people who have been asking for the right are going to get it. They are going to be allowed to die for their country.

But according to some, we are just not allowed to live here freely, because this bill says that we will violate what some have said is a philosophical principle that local people at the local level ought to be able to decide how to spend local money.

We are not talking formally about States' rights. The District of Columbia is not a State, it is a self-governing group of Americans who have voted through an open and democratic process, through a public policy, which they are prepared to support with their money. And the Republican leadership says, no, no, we cannot let them do that. We cannot let them do that, because if two women are allowed to express their love for each other and one of them works for the District of Columbia and wants to extend health benefits to her partner, we cannot allow that. That somehow is going to undo the great fabric of this Nation.

And we will even violate the normal rules of the House, because it is the one amendment that is nongermane. In our technical terms, it is legislating in an appropriations bill.

And by the way, how seriously do they take this terrible assault on the dignity and freedom and emotions of gay and lesbian Americans? They give us 10 minutes to talk about it. There will be 5 minutes in which those of us who are appalled by this intrusive, divisive assault on so many millions of their fellow citizens, because those of us who do not live in the District on a legal basis, share the pain of those in the District who will be penalized by this punitive amendment, and they give us 5 minutes to talk about it.

I do not see how anyone who has talked about not being divisive, who

has talked about unity at this time, can agree to dealing with this amendment at this time, and certainly not to a 5-minute debate on each side, where people's fundamental rights, the right of the District to self-governance, that is to be disposed of in 5 minutes? Have people so little concern for the rights and feelings of others? I hope the rule is voted down.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in yielding time to me to speak briefly to this rule.

Mr. Speaker, like the previous Member, I am deeply concerned that, in a time when we should be coming together as a Congress, lifting up our eyes to deal with big issues and finding ways to bring Americans together, that this Congress sees fit to, sadly, divide people by playing with the budget for the District of Columbia.

It seems to me that responsible businesses across the country and a number of local governments, some of which I represent, have seen fit to extend in a reasonable fashion insurance coverage to their employees and their domestic associates, people that they have an insurable interest, people that they care about. This is something that is reasonable.

I had an opportunity in my prior life to help craft provisions like this. It was good for our employees, it was the right thing to do.

For the last 8 years, the District of Columbia's government has chosen to do this with their own resources. Yet, Congress, in its wisdom, has intervened, seen fit to deny them the right to do what is being done by progressive people across the country. It is wrong. It is particularly wrong to do it now. We do not need to have these gratuitous efforts at bringing forth unnecessary political battles. This ought to be one time that we can move beyond it.

Mr. Speaker, I was also embarrassed that the Congress of the United States saw fit, in dealing with needed resources for emergency planning, that we were going to micromanage the District of Columbia and withhold some of its funds in dealing with the \$16 million in special Federal payments for emergency security planning.

I find that particularly ironic, Mr. Speaker, when I consider that the events of the last 2 weeks demonstrated that the Federal Government did not have its act together regarding the District of Columbia; and further, that if the standard for preparedness is what we as Members of this House have done in terms of preparing our offices and our employees for these emergencies, that bar is very low.

Every man and woman who serves in this Chamber knows that we were not ready, and has doubts about whether

we are ready today. Yet, for the committee to therefore overlook our shortcomings and try to manage the District of Columbia by withholding funds, I find egregious and embarrassing. I hope we will reject the rule and reject the bill.

Ms. SLAUGHTER. Mr. Speaker, I call for a no vote on the rule, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support this rule so we can get on with the debate on the important appropriations bills.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 183, not voting 11, as follows:

[Roll No. 351]

YEAS—236

Aderholt	Cubin	Hart
Akin	Culberson	Hastings (WA)
Armey	Cunningham	Hayes
Bachus	Davis, Jo Ann	Hayworth
Baker	Davis, Tom	Hefley
Ballenger	Deal	Herger
Barr	DeLay	Hilleary
Bartlett	DeMint	Hobson
Barton	Diaz-Balart	Hoekstra
Bass	Doolittle	Holden
Bereuter	Dreier	Horn
Berry	Duncan	Hostettler
Biggert	Dunn	Houghton
Bilirakis	Ehlers	Hulshof
Bishop	Ehrlich	Hunter
Blunt	Emerson	Hyde
Boehlert	English	Isakson
Boehner	Everett	Issa
Bonilla	Ferguson	Istook
Bono	Flake	Jenkins
Boyd	Fletcher	John
Brady (TX)	Foley	Johnson (IL)
Brown (SC)	Forbes	Johnson, Sam
Bryant	Fossella	Jones (NC)
Burr	Frelinghuysen	Keller
Burton	Gallegly	Kelly
Buyer	Ganske	Kennedy (MN)
Callahan	Gekas	Kerns
Calvert	Gibbons	King (NY)
Camp	Gilchrest	Kingston
Cannon	Gillmor	Kirk
Cantor	Gilman	Klecza
Capito	Goode	Knollenberg
Castle	Goodlatte	LaHood
Chabot	Goss	Largent
Chambliss	Graham	Latham
Coble	Granger	LaTourette
Collins	Graves	Leach
Combest	Green (WI)	Lewis (CA)
Cooksey	Greenwood	Lewis (KY)
Costello	Grucci	Linder
Cox	Gutknecht	Lipinski
Cramer	Hall (OH)	LoBiondo
Crane	Hall (TX)	Lucas (KY)
Crenshaw	Hansen	Lucas (OK)

Manzullo	Quinn	Souder
McCrery	Radanovich	Stearns
McHugh	Ramstad	Stenholm
McInnis	Regula	Stump
McIntyre	Rehberg	Sununu
McKeon	Reynolds	Sweeney
Mica	Riley	Tancred
Miller (FL)	Rogers (KY)	Tanner
Miller, Gary	Rogers (MI)	Tauzin
Moran (KS)	Rohrabacher	Taylor (MS)
Morella	Ros-Lehtinen	Taylor (NC)
Myrick	Ross	Terry
Nethercutt	Roukema	Thomas
Ney	Royce	Thornberry
Northup	Ryan (WI)	Thune
Norwood	Ryun (KS)	Tiahrt
Nussle	Saxton	Tiberi
Ortiz	Schaffer	Toomey
Osborne	Schrock	Trafigant
Ose	Sensenbrenner	Upton
Otter	Sessions	Vitter
Oxley	Shadegg	Walden
Paul	Shaw	Walsh
Pence	Shays	Wamp
Peterson (PA)	Sherwood	Watkins (OK)
Petri	Shimkus	Watts (OK)
Phelps	Shows	Weldon (FL)
Pickering	Shuster	Weldon (PA)
Pitts	Simmons	Weller
Platts	Simpson	Whitfield
Pombo	Skeen	Wicker
Portman	Smith (MI)	Wilson
Pryce (OH)	Smith (NJ)	Wolf
Putnam	Smith (TX)	

NAYS—183

Abercrombie	Gonzalez	Millender-
Ackerman	Gordon	McDonald
Allen	Green (TX)	Miller, George
Andrews	Gutierrez	Mink
Baca	Harman	Mollohan
Baird	Hastings (FL)	Moore
Baldacci	Hill	Moran (VA)
Baldwin	Hilliard	Murtha
Barcia	Hinchey	Nadler
Barrett	Hinojosa	Napolitano
Becerra	Hoefel	Neal
Bentsen	Holt	Oberstar
Berkley	Honda	Obey
Berman	Hoolley	Olver
Blagojevich	Inslee	Pallone
Blumenauer	Israel	Pascrell
Bonior	Jackson (IL)	Pastor
Borski	Jackson-Lee	Payne
Boswell	(TX)	Pelosi
Boucher	Jefferson	Pomeroy
Brady (PA)	Johnson (CT)	Price (NC)
Brown (FL)	Johnson, E. B.	Rahall
Brown (OH)	Jones (OH)	Rangel
Capps	Kanjorski	Reyes
Capuano	Kaptur	Rivers
Cardin	Kennedy (RI)	Rodriguez
Carson (IN)	Kildee	Roemer
Carson (OK)	Kilpatrick	Rothman
Clay	Kind (WI)	Roybal-Allard
Clayton	Kolbe	Sabo
Clement	Kucinich	Sanchez
Clyburn	LaFalce	Sanders
Condit	Lampson	Sandlin
Coyne	Langevin	Sawyer
Crowley	Lantos	Schakowsky
Cummings	Larsen (WA)	Schiff
Davis (CA)	Larson (CT)	Scott
Davis (FL)	Lee	Sherman
Davis (IL)	Levin	Skelton
DeFazio	Lewis (GA)	Slaughter
DeGette	Lofgren	Smith (WA)
Delahunt	Lowey	Snyder
DeLauro	Luther	Solis
Deutsch	Maloney (CT)	Spratt
Dicks	Maloney (NY)	Stark
Dingell	Markey	Strickland
Doggett	Mascara	Stupak
Dooley	Matheson	Tauscher
Doyle	Matsui	Thompson (CA)
Edwards	McCarthy (MO)	Thompson (MS)
Engel	McCarthy (NY)	Thurman
Eshoo	McCollum	Tierney
Etheridge	McDermott	Turner
Evans	McGovern	Udall (CO)
Fattah	McKinney	Udall (NM)
Filner	McNulty	Visclosky
Ford	Meehan	Waters
Frank	Meek (FL)	Watt (NC)
Frost	Meeks (NY)	Waxman
Gephardt	Menendez	

Weiner	Woolsey	Wynn
Wexler	Wu	Young (FL)

NOT VOTING—11

Conyers	Peterson (MN)	Velázquez
Farr	Rush	Watson (CA)
Hoyer	Serrano	Young (AK)
Owens	Towns	

□ 1103

Ms. McKINNEY, Messrs. SMITH of Washington, KUCINICH, DAVIS of Illinois, ROEMER, DOGGETT, MOLLOHAN, RAHALL, Ms. CARSON of Indiana, Ms. LOFGREN, Mrs. MINK of Hawaii, Mrs. MEEK of Florida, and Mrs. JOHNSON of Connecticut changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the voted was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HOYER. Mr. Speaker, yesterday evening a tornado ripped through several towns and I was in Maryland surveying the damage.

I would like the RECORD to reflect that had I been present I would have voted “no” on rollcall 351.

#### GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2944) making appropriation for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, and that I be permitted to include tabular and extraneous material on the bill.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT 2002

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to House Resolution 245 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2944.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House the Fiscal Year 2002 District of Columbia Appropriations Act. Before I present the details of this legislation, I want to remind my colleagues of the context in which we consider the bill. A little more than 6 years ago, this Congress took a drastic, but necessary, action in response to the completely unacceptable financial condition of our Nation's Capital by creating the District of Columbia Financial Responsibility and Management Assistance Authority, or better known as the Control Board.

We gave the Control Board authority over virtually every function of District governance. We asked it to help the city recover after years of mismanagement and accumulated budget deficits. Back in 1995 that looked like no small task, and only starry-eyed dreamers would have said that just 6 years later the District would have had 4 consecutive years of budget surpluses leading to the sunset of the Control Board. That is exactly what happened.

Today is September 25, and in 5 days the Control Board will disband. This I believe is a tremendous credit to the steady hand of Mayor Anthony Williams and his policies as well as the efforts of Chief Financial Officer Nat Gandhi. City Council Chair Linda Cropp also deserves recognition, and all of her colleagues on the city council are to be commended for their efforts as well.

Along with the Control Board and the District's delegate to Congress, the gentlewoman from the District of Columbia (Ms. NORTON), these leaders have turned yesterday's starry-eyed dreams into reality.

When I became chairman of the Subcommittee on the District of Columbia, I had the benefit of working with a city on the rise.

From the outset, I said that I wanted to be a partner with the District of Columbia and we jointly developed an agenda that promotes the continued renaissance of the city. My focus was on economic development, education and public safety; and this budget reflects those priorities.

Mr. Chairman, the package before my colleagues is the product of the very hard work of every member of the Subcommittee on D.C. Appropriations. Each member contributed extensively, and this bill reflects our commitment to helping the city.

I would like to acknowledge the work of two of my colleagues in particular.

First, I recognize the ranking member of the subcommittee, the gentleman from Pennsylvania (Mr. FATTAH). He brought his experience in city politics to us and has been an invaluable guide. I believe we formed a solid working relationship, and that is what has brought us to where we are today.

I also want to express my appreciation for all that the gentlewoman from the District of Columbia (Ms. NORTON) has done to help me find my way through this city and to keep me up to date on local issues. She is a tireless advocate for the District of Columbia, and Washington, D.C.'s residents are fortunate to have her.

I would also like to recognize a former colleague of ours who is no longer here. Julian Dixon, the longtime chairman of this subcommittee, passed away late last year; and this is the first D.C. bill that has come before this committee since then. A native Washingtonian, he chaired the subcommittee for 14 years and was truly a friend of the District if there ever was one. He recognized the District's fiscal instability and helped get Washington's house in order. His expertise, his advice and his counsel are missed.

The fiscal year 2002 District of Columbia Appropriations Act totals slightly more than \$7.14 billion, of which approximately \$5 billion is from local funds, and \$2.1 billion is from Federal funds, including Federal grants. I will not go into the portion of the bill dealing with the local funds except to say that we fully funded every penny of the city's budget. What the city asked for, we provided.

The Federal funds portion of the bill, excluding Federal grants, totals \$398 million, which my colleagues will note is slightly more than the \$359 million that the President requested, but \$66 million less than what was enacted in fiscal year 2001. The difference between this bill and the President's budget is due primarily to two items: first, the bill provides \$23.3 million above the President's request to the District of Columbia courts for the reform of the D.C. Family Court.

Just last Thursday this House passed the District of Columbia Family Courts Act, which provides for the first major overhaul of the District of Columbia courts' Family Division in some 30 years. The additional funds in this legislation will pay for the transition.

Second, the bill provides a \$16 million Federal payment for security planning. The funding was originally intended to offset the cost of police protection at the World Bank-IMF meetings, which were supposed to occur at the end of this month. Those meetings have been canceled; but in light of recent events, we have decided to shift the purpose of this funding to the development and implementation of an

emergency security plan for the District.

Beyond these two items, this bill fully funds the Federal Government's responsibilities in the District of Columbia, including, among other things, \$17 million in resident college tuition support, \$5.5 million for the Children's National Medical Center, \$585,000 for the chief medical examiner to clear a backlog of autopsies, and \$1 million for the St. Colletta of Greater Washington Expansion project.

In addition, this legislation eliminates 35 of the 69 general provisions contained in last year's bill. Let me repeat that. The bill deletes over half of the general provisions that were in last year's bill. I conducted a thorough review of each and every general provision and removed the ones that are now permanent law, not requested by the President, or had been rendered obsolete.

I know that the gentleman from Pennsylvania (Mr. FATTAH) and the gentlewoman from the District of Columbia (Ms. NORTON) have expressed reservations about certain parts of this bill. As the managers' amendment that the gentleman from Pennsylvania (Mr. FATTAH) and I offered at the Committee on Rules will attest, I am committed to working with them and will continue to do so as the bill winds its way through the legislative process. I am hopeful that we can reach a solution that is satisfactory to all.

Before I close, I would like to thank the many staff members who make it possible to bring this bill to the floor today. Migo Miconi and Mary Porter of the subcommittee staff and Jeff Onizuk and Candra Symonds from my staff have been invaluable in this whole process. Let me also say that Tom Forhan of the minority staff has been of great help. We reasoned together and talked things through, and I appreciate his support; and also Williams Miles from the personal staff of the gentleman from Pennsylvania (Mr. FATTAH). They all deserve great applause.

Mr. Chairman, the District of Columbia is a city full of treasures and rich history and should be the crown jewel of all American cities. After all, the leading Nation in the world deserves a world-class capital. Make no mistake, the District of Columbia is on its way back, and this legislation is another important step. This is a good bill, and I urge my colleagues to support it.

Mr. Chairman, I am submitting at this point for the RECORD a chart comparing the amounts recommended in H.R. 2499 with the appropriations for fiscal year 2001 and the request for fiscal year 2002:

**DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2002 (H.R. 2944)**  
**(Amounts in thousands)**

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>FEDERAL FUNDS</b>					
Federal payment for Resident Tuition Support.....	17,000	17,000	17,000		
Federal payment for World Bank/IMF meeting.....		15,918			-15,918
Federal payment for Security.....			16,058	+16,058	+16,058
Federal payment to the Chief Financial Office of the District of Columbia.....	1,250		2,350	+1,100	+2,350
(Supplemental funding).....	750			-750	
(By transfer, supplemental funding).....	(250)			(-250)	
Federal payment for Commercial Revitalization program.....	1,500			-1,500	
Federal payment to DCFPS.....	500			-500	
Federal payment for Metropolitan Police Department.....	100			-100	
Contribution to Covenant House Washington.....	500			-500	
Federal payment to the District of Columbia Corrections Trustee Operations.....	134,200	32,700	32,700	-101,500	
Federal payment to the District of Columbia Courts.....	105,000	111,378	111,238	+6,238	-140
Miscellaneous appropriations (PL 106-554).....	400			-400	
Crime victims Fund (misc appropriations PL 106-554) 1/.....	18,000			-18,000	
Federal payment for Family Court Act.....			23,316	+23,316	+23,316
Defender Services in District of Columbia Courts.....	34,387	34,311	34,311	-76	
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia.....	112,527	147,300	147,300	+34,773	
Federal payment of Washington Interfaith Network.....	1,000			-1,000	
Federal payment for Plan to Simplify Employee Compensation Systems.....	250			-250	
Metrorail construction.....	25,000			-25,000	
Federal payment for Brownfield remediation.....	3,450			-3,450	
Presidential Inauguration.....	5,961			-5,961	
Children's National Medical Center.....	500		5,500	+5,000	+5,500
Child Advocacy Center.....	500			-500	
St. Coletta of Greater Washington Expansion Project.....	1,000		1,000		+1,000
Capitol City Career Dev & Job Training Partnership.....			1,500	+1,500	+1,500
District of Columbia Special Olympics.....	250			-250	
Fed payment to the Fire & Emergency Med Services Dept.....			500	+500	+500
Federal payment to the Chief Medical Examiner.....			585	+585	+585
Federal payment to the City Administrator.....			300	+300	+300
Fed payment to the Voyager Universal Literacy System.....			1,000	+1,000	+1,000
Fed payment to the Office of the Chief Tech Officer.....			500	+500	+500
Federal payment to the Youth Life Foundation.....			250	+250	+250
Federal payment to Food and Friends.....			2,000	+2,000	+2,000
Federal payment to Southeastern University.....			500	+500	+500
Federal payment to Faith and Politics Institute.....			50	+50	+50
Federal Contribution for Enforcement of Law Banning Possession of Tobacco Products by Minors (Sec 132).....	100		100		+100
Total, Federal funds to the District of Columbia.....	484,125	358,607	398,058	-86,067	+39,451
<b>DISTRICT OF COLUMBIA FUNDS</b>					
<b>Operating Expenses</b>					
District of Columbia Financial Responsibility and Management					
Assistance Authority.....	(3,140)			(-3,140)	
Governmental direction and support.....	(195,771)	(284,569)	(285,359)	(+89,588)	(+800)
(Supplemental funding).....	(5,160)			(-5,160)	
Economic development and regulation.....	(205,638)	(230,878)	(230,878)	(+25,240)	
(Supplemental funding).....	(1,685)			(-1,685)	
Public safety and justice.....	(762,546)	(632,668)	(633,853)	(+128,893)	(+1,185)
(Supplemental funding).....	(6,671)			(-6,671)	
Public education system.....	(998,918)	(1,106,165)	(1,106,165)	(+107,247)	
(Supplemental funding).....	(13,000)			(-13,000)	
Human support services.....	(1,535,654)	(1,803,923)	(1,803,923)	(+268,269)	
(Supplemental funding).....	(28,000)			(-28,000)	
Public works.....	(278,242)	(300,151)	(300,151)	(+21,909)	
(Supplemental funding).....	(131)			(-131)	
Recruitment Programs.....	(389,528)	(403,368)	(403,368)	(+13,840)	
Workforce Investments.....		(42,896)	(42,896)	(+42,896)	
(Supplemental funding).....	(40,600)			(-40,600)	
Reserve.....	(150,000)	(150,000)	(150,000)		
Repayment of Loans and Interest.....	(243,238)	(247,902)	(247,902)	(+4,664)	
Repayment of General Fund Recovery Debt.....	(39,300)	(39,300)	(39,300)		
Payment of Interest on Short-Term Borrowing.....	(1,140)	(500)	(500)		
Presidential inauguration.....	(5,961)			(-5,961)	
Certificates of Participation.....	(7,950)			(-7,950)	
Security Planning.....			(16,058)	(+16,058)	(+16,058)
Security for meetings.....		(15,918)			(-15,918)
Wilson Building.....	(8,409)	(8,859)	(8,859)	(+450)	
(Supplemental funding).....	(7,100)			(-7,100)	
Optical and Dental Insurance Payments.....	(2,675)			(-2,675)	
Management Supervisory Services.....	(13,200)			(-13,200)	
Tobacco Settlement Trust Fund Transfer Payment.....	(61,408)	(33,254)	(33,254)	(+28,152)	
Operational Improvements Savings (Including Managed Competition).....	(-10,000)			(+10,000)	
Management Reform Savings.....	(-37,000)			(+37,000)	
Cafeteria Plan Savings.....	(-5,000)			(+5,000)	
Non-Department Agency.....		(5,799)	(5,799)	(+5,799)	
Total, operating expenses, general fund.....	(4,955,153)	(5,306,140)	(5,308,265)	(+353,112)	(+2,125)

**DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2002 (H.R. 2944)—Continued**  
**(Amounts in thousands)**

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
<b>Enterprise Funds</b>					
Water and Sewer Authority and the Washington Aqueduct .....	(275,705)	(291,488)	(291,488)	(+15,783)	
(Supplemental funding) .....	(2,151)			(-2,151)	
Stormwater Permit Compliance .....		(3,100)	(3,100)	(+3,100)	
Lottery and Charitable Games Control Board .....	(223,200)	(229,986)	(229,986)	(+6,486)	
Sports and Entertainment Commission .....	(10,866)	(9,127)	(9,127)	(-1,841)	
Public Benefit Corporation .....	(78,235)			(-78,235)	
DC Retirement Board .....	(11,414)	(13,386)	(13,386)	(+1,974)	
Correctional Industries Fund .....	(1,806)			(-1,806)	
Washington Convention Center .....	(52,726)	(57,278)	(57,278)	(+4,552)	
Housing Finance Agency .....		(4,711)	(4,711)	(+4,711)	
National Capital Revitalization Corporation .....		(2,673)	(2,673)	(+2,673)	
<b>Total, Enterprise Funds .....</b>	<b>(656,207)</b>	<b>(611,453)</b>	<b>(611,453)</b>	<b>(-44,754)</b>	
<b>Total, operating expenses .....</b>	<b>(5,611,360)</b>	<b>(5,917,593)</b>	<b>(5,919,718)</b>	<b>(+308,358)</b>	<b>(+2,125)</b>
<b>Capital Outlay</b>					
General fund 2/ .....	(1,022,074)	(1,074,605)	(1,074,605)	(+52,531)	
Water and Sewer Fund .....	(140,725)	(152,114)	(152,114)	(+11,389)	
<b>Total, Capital Outlay .....</b>	<b>(1,162,799)</b>	<b>(1,226,719)</b>	<b>(1,226,719)</b>	<b>(+63,920)</b>	
<b>Total, District of Columbia funds .....</b>	<b>(6,774,159)</b>	<b>(7,144,312)</b>	<b>(7,146,437)</b>	<b>(+372,278)</b>	<b>(+2,125)</b>
<b>Total:</b>					
Federal Funds to the District of Columbia .....	464,125	356,607	398,066	-68,067	+39,451
District of Columbia funds .....	(6,774,159)	(7,144,312)	(7,146,437)	(+372,278)	(+2,125)

1/ Section 403 PL 106-554, 114 Stat 2763a-198

2/ Rounded

Mr. Chairman, I reserve the balance of my time.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. FATTAH. Mr. Chairman, I thank the majority chairman of this subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG), for doing a magnificent job with an extraordinary degree of sensitivity to the issues involved and the intricacies involved in the affairs of the capital city. He has visited schools, met with local officials, worked with the delegate, the gentlewoman from the District of Columbia (Ms. NORTON), and been ever-present in the effort to work toward a piece of legislation that could build a strong consensus in this Congress.

□ 1115

I want to commend him and his staff, for we have a bill that I support, and I know that as we move the manager's amendment and our work in conference will even be a better bill than it is now. But it is the best bill for the District that has arrived on this floor in many, many years.

The gentleman from Michigan (Mr. KNOLLENBERG) is not the only Member of the majority, there are others like my friend the gentleman from California (Mr. CUNNINGHAM) and others who have shown in the various committee meetings a real sensitivity and a legitimate effort to make this city a better place. I want to commend them. I would like to thank the staff, particularly Tom Forhan and William Miles, for their work. And for the majority staff also, Migo and his team, because they have done a terrific job.

This bill, as has been stated, is about \$65 million less than what the appropriation was last year. It is about \$30 million above what the President requested. It represents a response to the needs of the school district with its 68,000 children and the need for a first-class police department. It responds to each and every item that the city has suggested that they have a need at the dollar amount that was requested.

There are a number of issues that deserve mention. I will first start with the fiscal control board, a piece of legislation that the gentleman from Virginia (Mr. TOM DAVIS) and myself and a number of others, like the gentleman from Virginia (Mr. MORAN) and the gentlewoman from Maryland (Mrs. MORELLA) worked on in my first term in this Congress. This control board has worked very well. This city has had an improvement in its bond ratings for each of the last 4 years. It has a cash reserve that I think is unmatched by any other American city. The mayor and the city council deserve all of the credit, working with the control board, to moving the fiscal functioning of this city to where it is today.

I would also like to take a minute to talk about the tuition support program, another piece of legislation that I had an opportunity to join with a

number of my colleagues in cosponsoring, for it has responded to the needs of literally hundreds and hundreds of students from the District and allowing them to pursue an education in colleges all across this country and to do so at an in-State tuition rate. It is, I think, representative of the kind of legislation that this House can produce when we avoid getting mired down in the activities of trying to micromanage the District, but really focus on a higher mission, which is how to really improve the capital city and its functioning in a cooperative way with the local officials.

All that is good about this bill could and hopefully will not be overshadowed by some of the activity that will take place after the general debate. There will be amendments unfortunately in which some of my colleagues, I believe, perhaps, well intentioned, but nonetheless, will attempt to overrule, not just the wisdom of the full committee when we made certain decisions about how the bill should be finally shaped when it was brought to the floor, but, moreover, they will attempt in these amendments to micromanage and to overrule the local city council and the mayor.

I want to say one thing about this. The District of Columbia and its citizens, who have sent more people to be involved in our military than many of our States, they pay a higher share of taxes than some of our States in terms of the total aggregate amount, deserve a right to have their votes count. They have no vote here on the floor of the House or in the U.S. Senate. The only place that they really have a vote is when they vote for city council and for the mayor. We should respect those votes in a way in which when the city council and the mayor come to a consensus around even controversial public policy, that we avoid the need for the Congress to try to sit as a larger city council. We come from other places and other towns, many who have made decisions on these similar types of matters, and we should not, unless it is a matter of national policy for the whole country, interject ourselves in the affairs of the capital city. I would hope that we would avoid that today.

I would like to compliment the full committee for avoiding it and voting in the right way on these issues when we dealt with this bill in full committee.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations who does extraordinary work in so many ways.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill. I also rise to congratulate the gentleman from Michigan (Mr. KNOLLENBERG) for having done an outstanding job in de-

veloping this legislation, which is one of the best D.C. appropriations bills that we have seen in a long time, and also the ranking member, the gentleman from Pennsylvania (Mr. FATTAH) who was there every step of the way and had a lot of input in how this bill was finally developed.

When the gentleman from Michigan became chairman of this subcommittee at the beginning of the Congress, I asked him to do two things: One was to have as good a relationship between the Congress and the Nation's capital city, Washington, D.C., as was humanly possible. I think he has done that extremely well. Also, I asked him to avoid using this bill as a vehicle for many riders that really did not belong on an appropriations bill. I think he deserves a tremendous round of applause for having eliminated 35 of those riders that really did not belong on this bill at any time, and especially not this year.

So he has done a really good job. He has done a good job for our capital city, he has done a good job in the proper positioning of the Congress relative to the capital city, and he has established a great working relationship with the minority and his ranking member. He has already complimented the staff, and they certainly deserve those compliments because they have done a good job. While this is not one of the larger appropriations bills, oftentimes it has been one of the most difficult to prepare and to pass through the Congress. They have done a good job. They worked well with the city. They worked well with the gentlewoman from the District of Columbia (Ms. NORTON). That is the type of teamwork that we believe the American people want to see.

Mr. FATTAH. Mr. Chairman, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding time. At the same time I thank him for very hard work on this appropriation. The gentleman from Michigan (Mr. KNOLLENBERG) began his chairmanship by seeking a smooth and fair appropriation process as the chairman of the full committee, the gentleman from Florida (Mr. YOUNG) and our ranking member, the gentleman from Wisconsin (Mr. OBEY), always have. This year we have not had to pull our Appropriation Committee chairman and our full ranking committee into this little appropriation just to help us get it through because of the work of our chairman and ranking member of our subcommittee.

Even when the chairman and I have disagreed as we have occasionally, he has been a pleasure to work with, not only because of his well-known pleasant disposition, there have been lots of folks with pleasant dispositions where when it came to the District appropriation, that did not much matter. It has

a lot to do with the way in which the chairman has approached his job. He said to himself, "What am I? I am an appropriator. My job is to get this appropriation out. Let me see if I can do that the best way I can." With that workmanlike approach to his job, whenever he and I have had some points of disagreement, we have simply agreed to disagree and try to work it out.

I hope that the way in which the gentleman from Michigan (Mr. KNOLLENBERG) and I have worked sets a precedent for how the D.C. appropriation will be handled in the future. The chairman said early on, for example, as he took over the chairmanship, that attachments to the D.C. appropriation were not welcome or appropriate. The ranking member, the gentleman from Pennsylvania (Mr. FATTAH) is the first big-city leader of the D.C. subcommittee since the death of the legendary Julian Dixon.

The gentleman from Pennsylvania has brought very unusual, special skill and insight to this subcommittee. How lucky we are that as we emerge from a control board, we have gotten a ranking member who helped bring his own big city out of precisely the situation the District of Columbia found itself, so that I have turned to the gentleman from Pennsylvania (Mr. FATTAH) for special advice given his long history and his extraordinary unique background so relevant to our own city.

Mr. Chairman, especially at a time when Congress has made a successful effort, at least thus far, to put aside the usual quarrels, I hope that the bipartisanship we have shown on other matters will be especially evident on the D.C. appropriation. After all, it is the smallest. It is really tiny. It is a tiny fraction of every other appropriation. It consists almost entirely of local funds, raised from local taxpayers. It is a local budget that does not belong here at all.

I apologize that you are distracted by having to get into the business of a local jurisdiction. You should be embarrassed at a time like this to have to do so. Finding ourselves distracted from the most serious business, the business of war and peace following a vicious attack on American soil, I can only hope that this body will not allow the local budget of a city to detain us long or headlines to read after this matter is done here, Congress of the United States Overturns the Laws in Its Own Capital, even as it is asking, telling us, that the country is fighting in behalf of democracy.

At a time when our country's message to the world is that we are defending democracy and freedom, I ask that no attempt be made to nullify the democratically expressed will of the people of the District of Columbia by attachments that overturn local law.

D.C. is in sterling shape. That is an amazing thing to say to this body, who

saw just the opposite just a few years ago. The city should be rewarded, not burdened with intervention, from this body. Imagine, this city has a larger surplus than our neighboring State of Maryland, a rich State, with all kinds of industry. Virginia has no surplus at all. The District has outdistanced its rich local States through its own prudence. This Congress needs to say to the District, "Well done. We're going to step back when you do as well as you have done."

The control board goes out at the end of this appropriation period. We have investment grade bonds. Our cup does not run over. Our cup has been filled by the people of the District of Columbia and the prudence of its public officials. This bill is moving forward with flaws, budget deletions that should not have been touched, but progress made by the relationship that I have formed with the ranking member and with the chairman. Thirty-five redundant and duplicative provisions removed. We are going to go after the rest of them next time. But I appreciate the progress we have made. Fewer attachments compared to prior years, when attachments had become a chronic disease on the D.C. appropriation.

Make the D.C. bill a bill worth supporting by clearing attachments from the bill. Do not mar this bill. Let us keep us moving forward in the way that the chairman and the ranking member have said.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM) who is a valuable member of this committee. He has been involved in the environmental arena and the education arena.

□ 1130

Mr. CUNNINGHAM. Mr. Chairman, 8 years ago I was put on the Subcommittee on the District of Columbia, and I am still on the Subcommittee on the District of Columbia, because I volunteered to stay there. This was during the time of Marion Berry, and I thought what better place can we make some changes.

I set out in three specific areas. One, the education system. You recognize, the fire department had to take over control. The roofs, the schools did not open because the roofs were unsafe and the schools were unsafe. We got in a new school board, we reorganized, we took some of the board members off who were totally unqualified, and the new board has done a good job with charter schools, et cetera.

The one area that I am disappointed in this bill is that for two of those terms I was enabled to take the trial lawyers, liberal trial lawyers that were ripping off the system within the special education program, and they had charter organizations that would literally take millions of dollars out of the special education program. We stopped that. We capped the trial law-

yers' fees and put in valuable programs for special education and children, but yet no child was left without representation. I hope that the Senate takes that up. I think they are, and hopefully that will be changed in the Senate, like it was last year.

Another area was the waterfront. The U.S.S. *John Glenn*, an ice cutter, when we lost an airliner on the 14th Street Bridge the only ship that could get to that was the U.S.S. *John Glenn*, an ice cutter, fire boat, to rescue those people. The chairman specifically, the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, supported putting the new engine that was needed, so for airlines and the waterfront, that will provide a lot of safety for that particular area.

One of the areas that I am also not that happy with on the waterfront, when I first started, this city would only give 1-year leases. No one is going to invest in a waterfront to make it like a San Diego waterfront.

The City Council at that time was taking money under the table to support leases. We changed that. But one of the areas now is when the city assigned an 8(a) to do some work down on the waterfront. The original bid was \$1.6 million. They said well, let us do it with an 8(a), a small business. I said okay. But now that same 8(a), that has never done this kind of work, where it would be done by professionals at \$1.6 million, it is now \$2.6 million, and they are giving the Corps of Engineers \$300,000 and the 8(a) \$200,000, which will be taken off the top. That is \$1.5 million that I think is squandered in this particular bill.

I am going to ask within the conference that we get support from both sides to account for that \$1.5 million that is not going to the waterfront, because of, in my opinion, mismanagement.

I support the bill. What better place, two Irishmen, the gentleman from Virginia (Mr. MORAN) and myself, have become very, very close friends when he was ranking member, and I thank the ranking minority member as well.

Mr. FATTAH. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me time and for his leadership, and the gentleman from Michigan (Mr. KNOLLENBERG).

This is a good bill, but I do have a problem with it. The problem is with the rule. The rule should not have made in order the Weldon amendment, because we had a better bill coming out than might pass if we include the Weldon amendment.

This is a time when we need to come together as a Nation. We should not be advancing amendments that are intended to divide us. That is what the Weldon amendment would do. It would reverse a vote on the full Committee

on Appropriations that took place last week, and it took place purely on the substance of the issue.

In 1992, the District of Columbia passed a domestic partnership program. We have forbidden them from implementing that program for the last 9 years. All it did was say that the District employees can purchase health insurance at their own expense for a domestic partner. Who qualifies? Well, disabled people and their health care provider, two widows or widowers living together, a grandmother and mother who are jointly raising children, two relatives raising their children together, as well as domestic partners.

The amendment today would continue the ban on the use of local funds to implement the Domestic Partnership Act. But no Federal funds are involved. Why are we involved? Why should we be against expanding health care coverage to widows, to children and to unmarried couples? They are using their own money. If they do not use their own money, many of them will have to be financed by the Medicaid program. Most of which is paid for by Federal funds. It just does not make sense, and I think it is mean-spirited as well.

Throughout this country, in Los Angeles; in Denver; in Baltimore; in Seattle; in St. Louis; in Philadelphia; in Pittsburgh; in Austin, Texas; in Iowa City, Idaho; Tucson, Arizona all those cities have the same domestic partnership policy. Yet we are denying it to the District of Columbia to be able to use their own funds and to enable people to purchase at their own expense health insurance?

Why should we be doing this kind of legislation? No Member is on the floor today proposing that they ban domestic partnership programs in their own cities, in their own jurisdiction. There are over 113 State and local governments that have this policy, at least 155 colleges and universities, more than 145 of the largest corporations in the country, at least 4,000 other private companies and not-for-profits.

The Weldon amendment should be defeated, and then let us enact a good bill.

Mr. KNOLLENBERG. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the chairman of the authorizing committee and a person I have worked with on a number of problems and situations.

Mrs. MORELLA. Mr. Chairman, I certainly want to thank my good friend, the chairman of the Committee on Appropriations subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG), for yielding me time, but also for the kind of work that has been done on this bill.

The gentleman from Michigan (Chairman KNOLLENBERG) and his staff deserve a great deal of credit for their tireless work on the D.C. appropriations bill this year. In particular, I

want to compliment the chairman for producing a generally clean budget, devoid of some of the provisions and limitations that have rightly disturbed D.C. officials in the past. It actually provides for the amount of money that had been requested by the mayor and the council.

I also think this is an appropriate time to publicly thank once again members of the District of Columbia Financial Responsibility and Management Assistance Authority, which we call the Control Board. The Control Board has played a pivotal role in helping the District turn around a huge budget deficit, improve its bond rating, and begin the process of making government more citizen-friendly.

The Control Board's tenure expires on Sunday, but it is all of our hope that its legacy of fiscal prudence has made an indelible mark on the city. Indeed, as the economy continues to slow, the District must resist spending pressures that could return it to the days of financial crisis. It also must continue to work on strengthening internal accounting. The recent disclosure that the D.C. public school system has overspent its budget by \$80 million represents an astounding lapse in management. This must serve as a final wake-up call if the city is to thrive in the post-Control Board era.

As the city goes forward, this fiscal year 2002 budget will be of help as it addresses some substantial needs for the District. First and foremost, it provides more than \$23 million to reform the City's Family Court and Child and Family Services Agency. It is not an overstatement to say the City has on more than a few occasions completely failed its children. The District's poor child welfare system has literally left some children to die.

There has been some talk about whether \$23 million is enough to complete these much-needed reforms. Frankly, I am not sure anymore. I do not think the judges nor the lawmakers nor the Congressional Budget Office has a really true handle on how much these changes will cost. But \$23 million is more than an adequate start; and if the judges can demonstrate they need more money, I am sure we will work with them to address these concerns in the next budget.

Let me point out just a few of the other budget highlights: \$1 million for an innovative literacy program in D.C. schools; \$1.5 million for job training; \$1 million for the expansion of St. Colleta's, which does such good work training mentally retarded and disabled youngsters and adults; \$2 million to promote high-tech education at the City's Southeastern University; \$300,000 to the newly constituted Criminal Justice Coordinating Council, that bill will be coming up later today, which will foster cooperation among various Federal and local criminal justice agencies that operate in the District.

I must, I must, mention that there are several elements in this bill that trouble me deeply. Once again, Congress is intending to ban the use of local money for effective programs that the District deems appropriate: the needle exchange program, as an example, that has proven successful elsewhere, including in Maryland; the use of money, the local money even, for abortion as deemed appropriate in the District of Columbia; and, again, the prohibition of using any local money for domestic partner benefits. I am disappointed that the amendment will be allowed to be offered, and I intend to certainly vote against it.

The Committee on Appropriations also has decided to withhold several million dollars, some of it earmarked for the very successful and popular D.C. Tuition Access Program and the rest intended for fire and emergency services and other vital services. It is going to be withheld until the District provides Congress with an emergency security plan.

To be sure, none of us was pleased with the District's lack of preparedness that became evident on September 11. The Nation's capital, the capital of the free world, must be the most-prepared city when it comes to possible terror attacks. However, the Congress ought not, ought not, to punish the students and the other citizens of the District by withholding funds in this manner.

So, overall, this is a very good appropriations bill. It achieves what Chairman KNOLLENBERG and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), who has worked very hard on this bill also, what they set out to do at the beginning of the session, something with which I agree, giving the District more direct control over its own spending, by reducing, if not eliminating, Congressional micromanagement of the budget. We still have a way to go.

So I would say well done, Mr. Chairman, Mr. Ranking Member, and I look forward to working with you, the gentlewoman from the District of Columbia (Ms. NORTON), my House and Senate colleagues, Mayor Williams, the City Council and all for the revitalization of the Nation's Capital.

Mr. FATTAH. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I, too, take the floor to oppose the amendment that will be offered by the gentleman from Florida. That amendment, as the gentleman from Virginia (Mr. MORAN) has indicated, would reinstate the ban that for the past 9 years has prohibited the District of Columbia from providing the most minimal protections to citizens who live with their domestic partners; the right to visit a partner in the hospital and not to be turned away; the opportunity for local government workers to buy health insurance to cover their partners at their

own expense. And I want to commend the committee for at last allowing the District to use its own local funds to implement this modest measure.

Their action is consistent with the atmosphere of tolerance and reflection which has characterized our debates since the terrible events that occurred on September 11. It has been genuinely inspirational to see Americans come together from all parts of our national community to mourn, to heal, and to honor our heroes, and yet today we have this amendment.

Well, one of those heroes was a 31-year-old rugby star from San Francisco whose name was Mark Bingham. He was one of the four passengers who thwarted the hijackers on United Flight 93 which crashed in Pennsylvania, and he was a gay man.

Well, he was a hero who may very well have prevented that plane from destroying this building in which we are now debating. And this is how we thank him for his heroism.

What a disappointing contrast, to the actions of Senator JOHN MCCAIN, one of Mr. Bingham's favorite political figures, who flew to San Francisco from Washington yesterday to attend his memorial service. Let me quote Senator MCCAIN: "We now believe the terrorists intended to crash that plane into the Capitol, where I was that morning. I may very well owe my life to Mark Bingham," and so may we all here.

Mr. Bingham had the good fortune to live in one of the 117 jurisdictions across the country that provide health benefits to domestic partners. It is time for Congress to let the people of the District of Columbia do the same thing, and may I submit to my colleagues, it is time for us to heed the word that is inscribed right there in the center of the Clerk's counter, and that word is "tolerance."

□ 1145

#### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair reminds Members to avoid such quoting of Senators.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to make two important points about the debate surrounding my amendment. I too, along with my colleagues on the other side of the aisle, have been blessed by the high level of comity and good relations we have had since the tremendous tragedy that struck our Nation on September 11, and some of my colleagues seem to be implying: Why are you bringing this up at this time?

I just want to point out to everyone involved in this debate that for 9 years the policy of the Congress has been to not allow this provision to move ahead.

Indeed, it was originally endorsed by a Republican President and a Democratic Congress, and then for 2 years, a Democratic President and a Democratic Congress, and then from 1995 on, a Democratic President and a Republican Congress. It is actually the other side of this debate who brought this issue up on September 18.

I would agree that this is a somewhat divisive issue, but I would just like to point out to my colleagues that I did not bring it up; they did. They introduced this issue for debate at this time.

Now, the other issue I would like to address straight up is there have been people who have gotten up and said that this provision would allow grandmothers and mothers living together, raising children, or persons with disabilities and a live-in care provider, or two sisters raising children to be able to get one of the persons in the house to be covered. The District of Columbia had the option to write a law that would have covered those types of hardship cases; but instead, they chose to write a law that was a blanket provision that simply allows heterosexuals cohabitating to qualify for this benefit and homosexuals cohabitating to qualify for this benefit.

I, along with previous administrations and previous Congresses, have endorsed the policy that simply stated that we do not want to do this, and my amendment simply maintains current law, the law for 9 years.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), a member of the full committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise to defend the committee position and this very excellent bill that the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, are presenting to the floor. Unfortunately, the Committee on Rules decided to put a very unfortunate amendment in, and I was very pleased to join the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the full Committee on Appropriations, in opposing that rule in a recorded vote.

Mr. Chairman, I come to the floor on this issue as one with some family involvement. My father was Chair of the Subcommittee on the District of Columbia of the Committee on Appropriations in the 1940s. How proud he would be of the leadership of the gentleman from Pennsylvania (Mr. FATTAH) and that of the gentleman from Michigan (Mr. KNOLLENBERG). He was a great advocate for home rule, and that was part of his legacy as a Member of Congress and later as the Mayor of Baltimore, the pride he took in that, and the recognition that we must respect the opinions of localities.

The Congress should be supporting the decisions that local communities make about their health care. We respect the importance of local control, and interference with the District of Columbia is contradictory to that goal. No citizen should be denied the right to care for an ailing partner or visit them in the hospital. No citizen should be prevented from taking the bereavement leave necessary to make funeral arrangements when his or her partner has passed away. All citizens should have access to quality health care. Over 4,200 employers across the country, including one-third of the Fortune 500, have recognized this by establishing domestic partnership health programs. Many of these programs go much, much farther than this law.

Cities as diverse as Atlanta, Albany, Chicago, New Orleans, and Scottsdale all have domestic partnership benefits in place that are much more comprehensive than the D.C. law. Would any of the Members who represent those districts or the States that they are in like funds withheld from their appropriations their States would receive?

Mr. Chairman, I urge my colleagues to oppose the Weldon amendment when it comes up, and I again thank the ranking member for this good bill; and I urge my colleagues to support the committee position and oppose the Weldon amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to congratulate the gentleman from Michigan and the gentleman from Pennsylvania for the fine job that they have done on this bill. We have heard it from many people, but I think these plaudits are really due here for a very good job that they have done on this bill.

I am rising to speak at this point because the time on the amendment that will be coming up later offered by the gentleman from Florida (Mr. WELDON) is very limited; and I want to give just a little bit of background, although it has already been covered to some extent. I do hope my colleagues will, when the time comes, oppose the Weldon amendment.

By way of background, the District has had a health benefits law for domestic partners since 1992. We have heard it said here today, 113, 117 other jurisdictions around the country also have a similar provision, so this is hardly anything that is new or different. In fact, the District of Columbia provision is much, much more limited than that offered by most other governmental units. It would allow a partner, and it can be, as the gentleman from Florida noted, a grandmother and

a mother together raising a child; it could be a disabled person with a caregiver; it could be two heterosexual people living together; it could be a lesbian or gay couple living together, it allows the one of them who is employed by the District of Columbia to sign the other up for health benefits. I want to emphasize, this benefit is entirely, entirely, at the expense of the individual. No Federal or District of funds are used to subsidize the premiums for the domestic partner.

Now, for the last 9 years, Congress has blocked that D.C. statute from being implemented. But as we have heard on the floor this morning, the state of the District is different from nine years earlier. The Control Board is about to expire. We have confidence in the local government. Now, if we are going to demonstrate that confidence, is this not a good place to start, by lifting this particular ban and saying to the District of Columbia that along with 113 other jurisdictions around the country, you can make these decisions about who among your employees can have health benefits? This is the time to lift this prohibition.

Mr. Chairman, it is time to start bringing our country together. We should be uniting our country; we should be bringing people together. We do not need this kind of mean-spirited amendment that is being offered here today.

Mr. Chairman, I urge my colleagues to reject the Weldon amendment.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman of the subcommittee for a very excellent appropriations bill that recognizes how much we cherish our capital and its people, and particularly in this time. Let me thank them for providing the funds for the emergency security plan, and for the \$23 million that helps the family court to protect abused children. Many good things. Let me acknowledge former Chairman Dixon for his leadership.

However, I must stand in opposition to the Weldon amendment. I would just say to the gentleman from Florida, my good friend, there were words that he said that particularly struck me as a reason to oppose this amendment. What he said was the District of Columbia chose to draft this domestic partnership legislation as it did. The Mayor, the city council, the citizens chose to make a determination to protect all of its citizens within its boundaries, provide all of them with good health care to allow them, no matter what their sexual orientation, to be respected and to alleviate the problem of these individuals trying to be on public assistance. We have already heard about 4,500 corporations and 117 jurisdictions. How would we like to violate,

as a member of the Committee on the Judiciary, the constitutional provisions of local and Federal jurisdiction?

Mr. Chairman, we are now here disregarding freedom and justice, right here in this Congress today, after we have united this country around freedom and justice, by denying the District of Columbia its right to promote its domestic partnership act for good health care under its own local funding.

I ask my colleagues to oppose the Weldon amendment. Let us promote the unity that we promoted in this country. Let us respect the District of Columbia. Let us cherish our capital, and let us cherish freedom and justice for all of the people, no matter what their beliefs. Whatever their beliefs may be and however they stand, whatever their sexual orientation, it is our right to protect their freedom and to protect justice.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to support the Weldon amendment, since others are criticizing it. I must admit that I am a little embarrassed that some have decided to use this bill and this era of bipartisanship to advance the gay agenda.

This Congress and the vast majority of the American people believe that marriage is a sacred union between a woman and a man. This is not a radical concept. No culture in the history of the world has ever thought otherwise. There is no serious religion anywhere in the world that believes otherwise.

I oppose using government funds to promote gay partnerships because I have tremendous respect for the families of this country. I oppose using funds in that way because I believe that every child in this country deserves a chance of life with a mother and a father.

Mr. Chairman, I know there are a few vocal voices who will disagree. But the violence of our country that we just suffered requires our unity. We should not be talking about this divisive issue now and trying to move the gay agenda. I urge my colleagues to vote for the Weldon amendment so that we can get on with the real business facing our country.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume to remind us of the hatred that brought about the incident of 2 weeks ago. We heard the statements of Jerry Falwell attacking certain Americans as being "responsible." We need to pull together.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I would associate myself with the comments of some of my colleagues commending the Committee on Appropriations and subcommittee process that

resulted in this bill. Nevertheless, I rise in strong opposition to the Weldon amendment.

At a time when 43 million people in our country lack health care coverage, this amendment would maintain barriers for certain citizens of our capital city to obtain health insurance. This amendment would prohibit the implementation of the District's plan to extend health care coverage to domestic partners of city employees with its own local funds.

This amendment stands as the only barrier between affordable health care for countless families of city employees. This amendment could mean the difference between a person having a sensible health care plan or no plan at all. It could mean the difference between wellness and illness for the families of city employees.

I implore my colleagues, do not continue to overrule the democratic process that brought this benefit in the first place. The people of this city have spoken, and they have made it clear that health care coverage for domestic partners is wanted and absolutely needed. This amendment is a slap in the face, both to the citizens and the leaders of this city.

I can only imagine the uproar that would occur if this House sought to directly overturn the municipal law of any other city in this Nation. Let the democratic process stand. Let the District leadership do their job. Let the District spend its own money. Vote "no" on the Weldon amendment, and let the District implement a health care benefit plan for domestic partners and their families for city employees.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this bill and the Weldon amendment. During this debate, as in years past, we have heard that Congress should not impose its will on the District of Columbia regarding its so-called domestic partnership law.

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We have been told that it is a matter of home rule, and we have been lectured that Federal interference is both unwarranted and unconscionable.

Mr. Chairman, I would remind my colleagues of the oath they took to uphold the United States Constitution. I would remind them that article 1, section 8 of that great document states that "Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District."

The District of Columbia was established as a unique entity. In order to prevent any one State from exercising undue influence over the Capital city, the Founders wisely created a Federal district that would belong to the whole Nation. As such, the District of Columbia should be a reflection of the values shared by the rest of the Nation.

Mr. Chairman, regardless of which party has been in power, Congress has consistently prohibited both Federal and District of Columbia tax dollars from being spent on the District's domestic partnership law. I urge my colleagues to remember their constitutional obligations and to support this amendment.

Mr. FATTAH. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, the gentleman from Pennsylvania who got off the floor invoked religion as a reason to support the amendment that would prevent the District of Columbia's democratically-elected decision on domestic partnership from going into effect, and I know there are religious views of this sort. We have heard them expressed recently in various ways. Indeed, my guess is one could quote from the Taliban at great length about how terrible all of this is.

But the question is not what people in their own individual religious views think, but what a self-governing people in the District of Columbia, self-governing thanks to our grant, but it is a grant that I am proud that we made, should be allowed to go forward.

I now want to talk a little bit about the substance. Here is what we are talking about. It used to be illegal in the District of Columbia for two people of the same sex to express their affection physically. That was illegal, physical intimacy. The District of Columbia repealed that, and to its credit, this Congress allowed that repeal to stand. So understand that according to this Congress, only recently, a few years ago, we allowed the physical expression of intimacy.

So the question now is, do we then follow it up by saying to the people, okay, they can live together and can express their love in a physical way, but by God, if they try to show responsibility, if they try to show that financially they are going to be responsible for each other, if they try to couple their emotional and physical sense with some degree of commitment, we are not going to allow it; because what we are talking about here are two people, one of whom works for the District of Columbia and one of whom does not, one of whom has health insurance and one of whom does not.

So do not think Members are banning people's ability to live together. We are beyond that. This Congress has said the District could make that decision. The question is, once the people live together, do they think it makes sense to say that the person who is working and wants to jointly pay for health insurance cannot do it?

What Members are talking about, let us be very clear, there are people whose lives they do not like, and I am one of those, and I regret that, but I must admit I am far beyond losing sleep about what the Taliban or anybody else thinks about the way I live.

But what I assert is my right to live that way equally and freely as an American, and I implore my colleagues, what motivates them to inflict pain on fellow citizens who have done them no wrong? They just want to live. Can they not let them live?

Our government is about to say that, in times of crisis, they can die for their country, because we are going to put a temporary cessation to the "gays in the military" policy. Let people live and let them die freely.

Mr. FATTAH. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), a member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to associate myself with the remarks of my colleague, the gentleman from Massachusetts, who can always be so very eloquent on this issue and on so many others.

Mr. Chairman, I rise in support of the underlying bill, but I do want to state my very strong opposition to the effort expected here shortly on this floor to prevent the people of D.C. from spending their local tax dollars, which is nearly 95 percent of the whole budget that we are talking about, for the city, for the District of Columbia, to spend that money as they see fit: namely, to implement a 1992 District law that provides health plan benefits to unmarried domestic partners of city employees, regardless of gender.

Mr. Chairman, the people of Washington, like all Americans, have had a long 2 weeks. It is appalling to me that we are now considering what can only be described as a slap in the face to the people of D.C. and their elected officials. Washington, D.C. should have the right to grant domestic partner benefits with their own local tax dollars.

This issue is not new. Across this country, at least 113 local jurisdictions over the length and breadth of the country, from large cities like San Diego to small towns, like Bar Harbor in Maine, offer similar benefits and rights for the domestic partners of local residents. It is clearly not unusual and is clearly a matter of home rule, or should be a matter of home rule. What is unusual is the effort to insert the heavy hand of the Federal Government in this local municipal issue.

After the tragic events of September 11, average Americans are feeling a renewed desire to participate and contribute to this great democracy. Let us not ridicule their efforts with gratuitous, mean-spirited riders. I urge Members to vote against that amendment when it comes up.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding time to me. I commend him for his

leadership as chairman of this subcommittee, and their staff for the excellent work they have done in reviewing the D.C. budget this year and in bringing this bill to the floor in a timely manner.

Mr. Chairman, with the assistance of the Control Board, the Citizen Council, and the mayor, the District of Columbia has made tremendous progress in overcoming the spending and management crisis that drove it to the verge of bankruptcy in 1995.

After four consecutive balanced budgets, Congress restored the mayor's management authority over nine major departments. Now the city is well on its way to a full recovery. This budget not only maintains the momentum of the management stability and reform, it will also allow the city to implement much needed social service reforms.

Legislation recently passed the House that will implement structural and management reforms in the D.C. Family Court so it can better serve the needs of the city's most vulnerable children. It addresses the recruitment and retention of Family Court judges, mandates longer judicial terms of service in the Family Court, and imposes the critically important one family-one judge requirement on the Family Court.

As an original cosponsor of that legislation, I am pleased that the Subcommittee on the District of Columbia in the Committee on Appropriations, under the leadership of the gentleman from Michigan (Chairman KNOLLENBERG), has ensured that more than \$23 million will be provided for these critical reforms.

The bill also provides \$17 million to maintain the D.C. tuition assistance program. Since its inception, this program has grown in popularity among D.C. students and participating colleges and universities. This funding is imperative to ensure that D.C. students have more educational choices, and have the same opportunities for higher education that those students in the rest of the country have.

The bill provides \$5 million to help the D.C. Child and Family Services Agency promote and facilitate adoptions of D.C. children in the city's foster care system.

Sixteen million dollars is provided for security planning that is vital to the city, particularly in the wake of the September 11 terrorist attacks.

Overall, Mr. Chairman, this is a budget that keeps the Nation's Capitol moving forward and addresses some of its most pressing needs. Once again, I applaud the chairman for his leadership, commend the subcommittee for its bipartisan cooperation. I urge my colleagues to support this legislation.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Weldon amendment against allowing the District of Columbia to endorse the controversial domestic partnership. Without this amendment, the District of Columbia will be able to recognize domestic partnerships, to offer domestic partners benefits to the city employees, and encourage businesses in the District to do the same.

The requirements of domestic partnership are simply mutual caring and sharing of experience. No long-term commitment is required. Congress oversees D.C. law, and American taxpayers provide roughly one-third of its budget. I could not, in good conscience, commit the taxpayers in my district to subsidize benefits for domestic partners. It is our duty to uphold the traditional marriage and to stop this misguided law, as we have for the past 3 years.

Mr. Chairman, I urge my colleagues to support the Weldon amendment.

Mr. FATTAH. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I would read, in part, a statement from the ranking member of the full committee. This is from the gentleman from Wisconsin (Mr. OBEY).

"In full committee, Chairman Young and I presented an amendment to redirect \$13 million in Federal funds to help the District prepare and begin to implement a revised emergency operations plan."

It was first thought, and I am paraphrasing, that there was no plan available. It later it became obvious that the District was not prepared. It submitted a plan to the committee, and the ranking member goes on to say, however, that this plan needs serious revision.

He said, "I trust this bill provides adequate resources to do a careful and complete revision of the Emergency Operations Plan, fully coordinated with other entities in the District, like the U.S. Capitol Police, the Federal Office of Personnel Management," and other local governments.

Mr. Chairman, I include for the RECORD the full remarks of the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, Chairman KNOLLENBERG has done a good job with this bill, and I thank him.

He has approved the overall budget for the use of local funds, judiciously used the Federal allocation to fund required services and boost several local initiatives, cut back the number of general provisions, and worked with Mr. FATTAH, the ranking member, to restore a lot of the District's specific spending plans.

In full Committee, Chairman YOUNG and I presented an amendment to redirect \$13 million in Federal funds to help the District prepare and begin to implement a revised Emergency Operations Plan.

In the aftermath of September 11th, it became apparent that many government entities—Federal, state and local—were not prepared for the new reality.

In the District, the Police said there was no plan. The fire department said it had a plan—

but it was over thirty years old. The Federal government never told the city it was sending its workers home for the day—the District had to learn that from the press.

So we took this opportunity to help the District make certain that it had an excellent, coordinated Emergency Operations Plan.

The bill withholds about \$8 million in unrelated Federal funds until the plan is done to make the point that this was a very serious matter.

Those other funds are not needed right away; this will not have any immediate impact on the District or its citizens.

Now, it turns out the district does have an emergency operations plan, but it is clear it has some very serious problems.

These problems cannot be addressed by a hasty revision.

I trust this bill provides adequate resources to do a careful and complete revision of the Emergency Operations Plan, fully coordinated with other entities in the District, like the U.S. Capitol Police, the Federal Office of Personnel Management and other local governments.

The District should not rush through the process of developing its Emergency Operations Plan—it owes its citizens and the nation the best product possible.

Mr. FATTAH. Mr. Chairman, a lot has been said in particular about the Weldon amendment that we expect to hear from. I want to return, however, to compliment the chairman for the full body of work that is represented in the committee's efforts. I would hope that the committee bill will survive the day's attempts to amend it.

Mr. Chairman, I would now say in terms of the expected amendment offered by the gentleman from Florida (Mr. WELDON), I am reminded of the Hippocratic oath: First, do no harm. Obviously, if we were to pass the Weldon amendment, we are preventing an opportunity for citizens in the District to have health insurance. That is not something we should do, especially when they are going to pay for it with their own money.

Absent doing that, these people will have to be paid for through Federal resources in terms of their health care. So that the gentleman who just spoke is worried that he could not, in good conscience, have his citizens provide resources for this, but by supporting the Weldon amendment, we would, in a direct way, require that Federal resources through Medicaid have to be expended for the health care of these citizens who would have paid for, absent the Weldon amendment, health care under their own resources.

Mr. Chairman, we heard the gentleman from Massachusetts (Mr. DELAHUNT) refer to one of the heroes that saved the plane from crashing perhaps into the Capitol, who happened to be a gay person, but nonetheless, and maybe even because of, he felt a need to stand up and to do what was right.

I would hope that this House would do what is right and defeat the Weldon amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

In closing, I would like to thank all Members of Congress who took such an active interest in the District of Columbia appropriations bill this year. The subcommittee received an unprecedented number of requests from Members, which I think shows, as much as anything, how committed they are in this body to our Nation's Capital, and how far this city has come in the last 6 years.

Mr. Chairman, the bill before us is a good, bipartisan bill that reflects the priorities I set when I first became chairman, that being economic development, public safety, and education.

As was mentioned, this fully funds every penny of the city's budget, and it ensures that all Federal obligations are met. I want to reemphasize, as has been attested to here, that we have eliminated more than half of the general provisions that were included in last year's bill and by our manager's amendment that was included in our rule, we have shown our commitment to addressing any remaining concerns with the bill.

I intend certainly to do that with the various participants, including the gentleman from Pennsylvania (Mr. FATTAH), obviously, and the gentleman from the District of Columbia (Ms. NORTON).

My first year as chairman of the Subcommittee on the District of Columbia of the Committee on Appropriations has been a very positive experience for me. I began to meet the leadership of the city, I began to meet the people in the city, and I got an understanding from them as to what was on their minds. Their input has been invaluable to me in crafting this bill.

I might also say that the residents have been very kind to me.

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I look forward now to wrapping up this year's bill as quickly as possible, and I hope our colleagues in the other body will expeditiously consider their version of this legislation so we can get it to the President's desk and the District of Columbia can go about its business.

Mr. NUSSLE. Mr. Chairman I rise in favor of H.R. 2944, which provides appropriations for the District of Columbia. As modified by the rule, this bill is consistent with the budget resolution and complies with the Congressional Budget Act of 1974.

H.R. 2944 provides \$402 million in budget authority and \$409 million in outlays for fiscal year 2002. As reported by the Committee on Appropriations, the bill exceeds the subcommittee on the District of Columbia's 302(b) allocation of new budget authority by \$3 million. Accordingly, the original reported bill violates section 302(f) of the budget, which stipulates that appropriations bills may not exceed the reporting subcommittee's 302(b) allocation.

I understand the overage was caused by an amendment in committee, which permitted revenue collected from the sale of surplus property associated with the Lorton correctional facility in Virginia to be made available for use by the District.

The appropriations committee has, to its credit, requested a self-executing rule that will bring the bill back within its 302(b) allocation. Accordingly, the bill as modified by the rule is consistent with the budget resolution and complies with the Congressional Budget Act.

H.R. 2944 contains no emergency-designated appropriations, advanced appropriations, or rescissions of previously appropriated budget authority.

As reported, the bill provides \$44 million less in new budget authority than the enacted level for fiscal year 2001 but exceeds the President's request for fiscal year 2002 by \$60 million.

I commend my colleagues on the appropriations committee for producing a bill that meets the needs of the District of Columbia within the framework of the budget resolution.

Mr. KNOLLENBERG. Mr. Chairman, I yield back any time remaining.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the amendments printed in part A of House Report 107-217 are adopted.

The amendment printed in part B of the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2944

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2002, and for other purposes, namely:

#### FEDERAL FUNDS

##### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a nationwide program, to be administered by the Mayor, for District of Columbia resident tuition support, \$17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further*, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.

##### FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106-113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: *Provided*, That such funds shall remain available until September 30, 2003, and shall be used to carry out all of the provisions of title 38 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172), as amended, except for section 3808."

##### FEDERAL PAYMENT TO THE CAPITOL CITY CAREER DEVELOPMENT AND JOB TRAINING PARTNERSHIP

For a Federal Payment to the Capitol City Career Development and Job Training Partnership, \$1,500,000.

##### FEDERAL PAYMENT TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

For a Federal payment to the Fire and Emergency Medical Services Department, \$500,000 for dry-docking of the Fire Boat.

##### FEDERAL PAYMENT TO THE CHIEF MEDICAL EXAMINER

For a Federal payment to the Chief Medical Examiner, \$585,000 for reduction in the backlog of autopsies, case reports and for the purchase of toxicology and histology equipment.

##### FEDERAL PAYMENT TO THE YOUTH LIFE FOUNDATION

For a Federal payment to the Youth Life Foundation, \$250,000 for technical assistance, operational expenses, and establishment of a National Training Institute.

##### FEDERAL PAYMENT TO FOOD AND FRIENDS

For a Federal payment to Food and Friends, \$2,000,000 for their Capital Campaign.

##### FEDERAL PAYMENT TO THE CITY ADMINISTRATOR

For a Federal payment to the City Administrator, \$300,000 for the Criminal Justice Coordinating Council for the District of Columbia.

##### FEDERAL PAYMENT TO SOUTHEASTERN UNIVERSITY

For a Federal payment to Southeastern University, \$500,000 for a public/private partnership with the District of Columbia Public Schools at the McKinley Technology High School campus.

##### FEDERAL PAYMENT FOR VOYAGER UNIVERSAL LITERACY SYSTEM

For a Federal payment to Voyager Expanded Learning, to implement the Voyager Universal Literacy System in the District of Columbia public schools and public charter schools, \$1,000,000: *Provided*, That the payment under this heading is contingent upon a certification by the Inspector General of the District of Columbia that the District of Columbia has deposited matching funds to implement such System into an escrow account held by the Chief Financial Officer of the District of Columbia.

##### FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF TECHNOLOGY OFFICER

For a Federal payment to the Chief Technology Officer of the District of Columbia to carry out the Local-Federal Mobile Wireless Interoperability Demonstration Project, \$500,000: *Provided*, That the payment under this heading is contingent upon a certification by the Inspector General of the Dis-

trict of Columbia that each entity of the Federal Government which is participating in such Project has deposited matching funds to carry out the Project into an escrow account held by the Chief Financial Officer of the District of Columbia.

##### FEDERAL PAYMENT FOR EMERGENCY PLANNING

For a Federal payment to the District of Columbia for emergency planning, \$16,058,000: *Provided*, That \$4,623,000 of such amount shall be made available immediately for development of an emergency operations plan for the District of Columbia, to be submitted to the appropriate Federal agencies as soon as practicable: *Provided further*, That upon submission of such plan, \$8,029,000 of such amount shall be made available to begin implementation of the plan: *Provided further*, That \$3,406,000 of such amount shall be made available immediately for reimbursement of planning and related expenses incurred by the District of Columbia in anticipation of providing security for the planned meetings in September 2001 of the World Bank and the International Monetary Fund in the District of Columbia: *Provided further*, That one-half of the amounts under the headings "Federal Payment for Resident Tuition Support", "Federal Payment to the Fire and Emergency Medical Services Department", "Federal Payment to the Chief Medical Examiner", and "Federal Payment to the City Administrator", shall not be made available until the emergency operations plan has been submitted to the appropriate Federal agencies in accordance with the preceding proviso: *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations on the use of the funds under this heading, beginning not later than January 2, 2002.

##### FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Chief Financial Officer of the District of Columbia, \$2,350,000, of which \$1,000,000 shall be for payment to the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis; \$300,000 shall be for payment to the Woodlawn Cemetery for restoration of the Cemetery; \$250,000 shall be for payment to the Real World Schools concerning 21st Century reform models for secondary education and the use of technology to support learning in the District of Columbia; \$300,000 shall be for payment to a mentoring program and for hotline services; \$250,000 shall be for payment to a youth development program with a character building curriculum; and \$250,000 shall be for payment to a basic values training program.

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$32,700,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712) of which \$1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system, \$2,500,000 to remain available until September 30, 2003, for building renovations required to accommodate functions transferred from the Lorton Correctional Complex, and \$2,000,000 to remain available until September 30, 2003, to be

transferred to the appropriate agency for the closing of the sewage treatment plant and the removal of underground storage tanks at the Lorton Correctional Complex: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies.

#### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$11,238,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,003,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$66,091,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$31,149,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$5,995,000 to remain available until September 30, 2003, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

#### FEDERAL PAYMENT FOR FAMILY COURT ACT

For carrying out the District of Columbia Family Court Act of 2001, \$23,316,000, of which \$18,316,000 shall be for the Superior Court of the District of Columbia and \$5,000,000 shall be for the Mayor of the District of Columbia: *Provided*, That the chief judge of the Superior Court shall submit the transition plan for the Family Court of the Superior Court required under section 2(b)(1) of the District of Columbia Family Court Act of 2001 to the Comptroller General (in addition to any other requirements under such section): *Provided further*, That the Comptroller General shall prepare and submit to the President and Congress an analysis of the contents and effectiveness of the plan, including an analysis of whether the plan contains all of the information required under such section: *Provided further*, That the funds provided under this heading to the Superior Court shall not be made available until the expiration of the 30-day period (excluding Saturdays, Sundays, legal public holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) which begins on the date the Comptroller General submits such analysis

to the President and Congress: *Provided further*, That the Mayor shall prepare and submit to the President, Congress, and the Comptroller General a plan for the use of the funds provided to the Mayor under this heading, consistent with the requirements of the District of Columbia Family Court Act of 2001, including the requirement to integrate the computer systems of the District government with the computer systems of the Superior Court: *Provided further*, That the Comptroller General shall prepare and submit to the President and Congress an analysis of the contents and effectiveness of the plan: *Provided further*, That the funds provided under this heading to the Mayor shall not be made available until the expiration of the 30-day period (excluding Saturdays, Sundays, legal public holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) which begins on the date the Comptroller General submits such plan to the President and Congress.

#### DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,311,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$5,995,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That, in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$5,995,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

#### FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the

Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), \$147,300,000, of which \$13,015,000 shall remain available until expended for construction project; not to exceed \$1,500 is for official receptions related to offender and defendant support programs; \$94,112,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$20,829,000 shall be transferred to the Public Defender Service; and \$32,359,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast Washington, District of Columbia, to house or supervise offenders and defendants, with funds made available by this Act: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection.

#### CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, \$5,500,000, of which \$500,000 shall be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia and \$5,000,000 shall be used to modernize the Children's National Medical Center and update its medical equipment.

#### ST. COLETTA OF GREATER WASHINGTON EXPANSION PROJECT

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, \$1,000,000.

#### FEDERAL PAYMENT TO FAITH AND POLITICS INSTITUTE

For a Federal payment to the Faith and Politics Institute, \$50,000, for grass roots-based racial sensitivity programs in the District of Columbia.

#### FEDERAL PAYMENT FOR BROWNFIELD REMEDICATION

Notwithstanding any other provision of law, the funds made available in the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2445), for Brownfield Remediation shall be available until expended.

#### DISTRICT OF COLUMBIA FUNDS OPERATING EXPENSES DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current

fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 119 of this Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a), the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2002 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$6,043,881,000 (of which \$124,163,000 shall be from intra-District funds and \$3,571,343,000 shall be from local funds): *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2002, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

#### GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$285,359,000 (including \$229,271,000 from local funds, \$38,809,000 from Federal funds, and \$17,279,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That not less than \$353,000 shall be available to the Office of the Corporation Counsel to support increases in the Attorney Retention Allowance: *Provided further*, That not less than \$50,000 shall be available to support a mediation services program within the Office of the Corporation Counsel: *Provided further*, That not less than \$50,000 shall be available to support a TANF Unit within the Child Support Enforcement Division of the Office of the Corporation Counsel.

#### ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$230,878,000 (including \$60,786,000 from local funds, \$96,199,000 from Federal funds, and \$73,893,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C.

Law 12-26; D.C. Official Code, sec. 2-1215.15(1)(2)): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: *Provided further*, That the fees established and collected pursuant to D.C. Law 13-281 shall be identified, and an accounting provided, to the District of Columbia Council's Committee on Consumer and Regulatory Affairs.

#### PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$633,853,000 (including \$594,803,000 from local funds, \$8,298,000 from Federal funds, and \$30,752,000 from other funds): *Provided*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other law, section 3703 of title XXXVII of the Fiscal Year 2002 Budget Support Act of 2001 (D.C. Bill 14-144), adopted by the Council of the District of Columbia, is enacted into law: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That no less than \$173,000,000 shall be available to the Metropolitan Police Department for salary in support of 3,800 sworn officers: *Provided further*, That no less than \$100,000 shall be available in the Department of Corrections budget to support the Corrections Information Council: *Provided further*, That not less than \$296,000 shall be available to support the Child Fatality Review Committee.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$1,106,165,000 (including \$894,494,000 from local funds, \$185,044,000 from Federal funds, and \$26,627,000 from other funds), to be allocated as follows: \$810,542,000 (including \$658,624,000 from local funds, \$144,630,000 from Federal funds, and \$7,288,000 from other funds), for the public schools of the District of Columbia; \$47,370,000 (including \$19,911,000 from local funds of which \$17,000,000 is from a Federal payment previously appropriated in this Act for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents, \$26,917,000 from Federal funds, and \$542,000 from other funds), for the State Education Office, and \$142,257,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter school currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (Public Law 104-134; D.C. Official Code, sec. 38-1804.03(a)(2)(D)): *Provided further*, That \$480,000

of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That \$76,542,000 (including \$45,912,000 from local funds, \$12,539,000 from Federal funds, and \$18,091,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That \$750,000 shall be available for Enhancing and Actualizing Internationalism and Multiculturalism in the Academic Programs of the University of the District of Columbia: \$1,000,000 shall be paid to the Excel Institute Adult Education Program by the Chief Financial Officer quarterly on the first day of each quarter, and not less than \$200,000 for the Adult Education and \$27,256,000 (including \$26,030,000 from local funds, \$560,000 from Federal funds and \$666,000 other funds) for the Public Library: *Provided further*, That \$2,198,000 (including \$1,760,000 from local funds, \$398,000 from Federal funds and \$40,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Official Code, sec. 38-201 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2002 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2002, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That the District of Columbia Public Schools shall spend \$1,200,000 to implement the D.C. Teaching Fellows Program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2002, an amount equal to 25 percent of the total amount provided for payments to public charter schools

in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2003: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2002, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2003 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2003.

#### HUMAN SUPPORT SERVICES

Human support services, \$1,803,923,000 (including \$711,072,000 from local funds, \$1,075,960,000 from Federal funds, and \$16,891,000 from other funds): *Provided*, That \$27,986,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That \$90,000,000 transferred pursuant to the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2452), to the Public Benefit Corporation for restructuring shall be made available to the Department of Health's Health Care Safety Net Administration for the purpose of restructuring the delivery of health services in the District of Columbia shall remain available for obligation during fiscal year 2002: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.): *Provided further*, That no less than \$500,000 of the \$7,500,000 appropriated for the Addiction Recovery Fund shall be used solely to pay treatment providers who provide substance abuse treatment to TANF recipients under the Drug Treatment Choice Program: *Provided further*, That no less than \$2,000,000 of this appropriation shall be used solely to establish, by contract, a 2-year pilot substance abuse program for youth ages 16 through 21 years of age: *Provided further*, That no less than \$60,000 be available for a D.C. Energy Office Matching Grant: *Provided further*, That no less than \$2,150,000 be available for a pilot Interim Disability Assistance program pursuant to title L of the Fiscal Year 2002 Budget Support Act (D.C. Bill 14-144).

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$300,151,000 (including \$286,334,000 from local funds, \$4,392,000 from Federal funds, and \$9,425,000 from other funds): *Provided*, That \$11,000,000 of this appropriation shall be available for transfer to the Highway Trust Fund's Local Roads, Construction and Maintenance Fund upon certification by the Chief Financial Officer that funds are available from the fiscal year 2001 budgeted reserve or

where the Chief Financial Officer certifies that additional local revenues are available: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

#### RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$403,368,000 (including \$250,015,000 from local funds, \$134,339,000 from Federal funds, and \$19,014,000 from other funds).

#### WORKFORCE INVESTMENTS

For workforce investments, \$42,896,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

#### RESERVE

For replacement of funds expended, if any, during fiscal year 2001 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104-8, \$150,000,000 from local funds: *Provided*, That none of these funds shall be obligated or expended under this heading until the emergency reserve fund established under Sec. 450A(a) of the District of Columbia Home Rule Act (Public Law 93-198 as amended; 114 Stat. 2478; D.C. Official Code, Sec. 1-204.50a(a)) has been fully funded for fiscal year 2002.

#### CONTINGENCY RESERVE FUND

For the contingency reserve fund established under section 450A(b) of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.50a(b)), the amount provided for fiscal year 2002 under such section, to be derived from local funds.

#### REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (Public Law 93-198 as amended; D.C. Official Code, secs. 1-204.62, 1-204.75, 1-204.90), \$247,902,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106-113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance \$14,300,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That \$4,440,000 is allocated for the Fire and Emergency Medical Services Department, \$2,010,000 for the Department of Parks and Recreation, and \$7,850,000 for the Department of Public Works.

#### REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Official Code, sec. 1-204.61(a)).

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$500,000 from local funds.

#### EMERGENCY PLANNING

For an emergency operations plan, implementation of the emergency operations plan, and reimbursement of planning and related

expenses incurred by the District of Columbia in anticipation of the planned World Bank and International Monetary Fund September 2001 meetings, \$16,058,000, from funds previously appropriated in this Act as a Federal payment: *Provided*, That this appropriation shall be apportioned by the Chief Financial Officer within the various appropriation heading in this Act.

#### WILSON BUILDING

For expenses associated with the John A. Wilson Building, \$8,859,000 from local funds.

#### EMERGENCY RESERVE FUND TRANSFER

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title, and, interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Trust Fund Establishment Act of 1999 (D.C. Official Code, sec. 7-1811.01(a)(2) et seq.) and the Tobacco Settlement Financing Act of 2000 (D.C. Official Code, sec. 7-1831.03), there is transferred the amount available pursuant thereto, but not to exceed \$33,254,000, to the Emergency Reserve Fund established pursuant to section 450A(a) of the District of Columbia Home Rule Act (Public Law 93-198, as amended; 114 Stat. 2478; D.C. Official Code, sec. 1-204.50a(a)).

#### NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget including anticipated employee health insurance cost increases and contract security costs, \$5,799,000 from local funds.

#### ENTERPRISE AND OTHER FUNDS

##### WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$244,978,000 from other funds, of which \$44,244,000 shall be apportioned for repayment of loans and interest incurred for capital improvement projects (\$17,952,936 payable to the District's debt service fund and \$26,291,064 payable for other debt service). For construction projects, \$152,114,000, in the following capital programs: \$52,600,000 for the Blue Plains Wastewater Treatment Plant, \$11,148,000 for the sewer program, \$109,000 for the combined sewer program, \$118,000 for the stormwater program, \$77,957,000 for the water program, and \$10,182,000 for the capital equipment program: *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further*, That section 106(b)(2) of the District of Columbia Public Works Act of 1954 (sec. 34-2401.25(b)(2), D.C. Official Code) is amended by inserting after "the Office of Management and Budget," the following: "the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,": *Provided further*, That section 212(b)(2) of the District of Columbia Public Works Act of 1954 (sec. 34-2112(b)(2), D.C. Official Code) is amended by inserting after "the Office of Management and Budget," the following: "the Secretary of the Treasury, and the head of each of the respective Federal departments, independent establishments, and agencies,":

##### WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$46,510,000 from other funds.

##### STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,100,000 from other funds.

#### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982 (95 Stat. 1174, 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$229,688,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

#### SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$9,127,000 (including \$2,177,000 to be derived by transfer from the general fund of the District of Columbia and \$6,950,000 from other funds): *Provided*, That the transfer of \$2,177,000 from the general fund shall not be made unless the District of Columbia general fund has received \$2,177,000 from the D.C. Sports and Entertainment Commission prior to September 20, 2001: *Provided further*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Official Code, sec. 1-204.42(b)).

#### DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Official Code, sec. 1-711), \$13,388,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

#### WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$57,278,000 from other funds.

#### HOUSING FINANCE AGENCY

For the Housing Finance Agency, \$4,711,000 from other funds.

#### NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$2,673,000 from other funds.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,550,787,000 of which \$1,348,783,000 shall be from local funds, \$44,431,000 from Highway Trust funds, and \$157,573,000 from Federal funds, and a rescission of \$476,182,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,074,605,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be

managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495), for which funds are provided by this appropriation title, shall expire on September 30, 2003, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2003: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

#### GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 34, line 24, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. FATTAH. Mr. Chairman, reserving the right to object, I just want to clarify that the gentleman from Florida (Mr. HASTINGS) would have an opportunity to offer his amendment. Obviously I think that there may be a point of order or something raised at that point, but that his opportunity not to offer be void by this unanimous consent.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I will continue to reserve the point of order, but I would be glad to yield to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding.

The amendment that I would offer, I talked with the chairman and ranking member about the fact that I will withdraw it. I apologize for the delay. I was trying to get an additional copy for the Reading Clerk.

I rise to have this considered to provide the District of Columbia's Metropolitan Police and Fire Department with an additional \$5 million for the purpose of emergency preparation. In the wake of the terrorist attacks of September 11, it is clear that our coun-

try needs to do more to prepare for such attacks.

Let me make it very clear, the chairman and ranking member of this committee, as well as the chairman of the Committee on Appropriations, have already addressed this particular subject.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman from Pennsylvania (Mr. FATTAH) yield.

Mr. FATTAH. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, it would be appropriate, I think, for the amendment to be read so that the gentleman from Florida (Mr. HASTINGS) can, in fact, present it.

The CHAIRMAN. The gentleman has that opportunity, but under his reservation, the gentleman from Pennsylvania (Mr. FATTAH) is yielding to the gentleman from Florida (Mr. HASTINGS) for a discussion under his reservation.

Mr. FATTAH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Are there any amendments to this portion of the bill?

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida:

In the item relating to "FEDERAL FUNDS—FEDERAL PAYMENT FOR SECURITY PLANNING"—

(1) strike "\$16,058,000" and insert "\$21,058,000"; and

(2) strike "\$8,029,000" and all that follows through "security plan:" and insert the following: "\$13,058,000 of such amount shall be made available to begin implementation of the security plan, of which \$5,000,000 shall be made available for the Metropolitan Police Department and the Fire Department of the District of Columbia:".

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order.

Mr. HASTINGS of Florida. Mr. Chairman, I would hurry through this in the interest of time.

I was saying that I wanted to thank the chairman of the subcommittee and the ranking member, as well as the chairman and ranking member of the full committee. I know that they have observed the necessity by virtue of the fact that there are funds that are here, but I also know that in the District of Columbia there are significant problems that have not been addressed with reference, as we did at the Committee on Rules last night, I pointed this out, that they in some respects have inadequate resources in the fire and police department.

As our Nation's capital, the District of Columbia is an obvious target. However, as we saw 2 weeks ago, it is in many respects unprepared for such attacks. I applaud, as I have, and commend the efforts and actions of the District's law enforcement agencies and

officials. I am equally concerned about the inadequacy of resources available to the District's police and fire departments, however.

No plan was in place on September 11 that dictated how the D.C. police and fire department would deal with a plane attack anywhere in the District, and I am unaware of any plan currently in place that deals with chemical or biological attacks or any other domestic disaster that may occur in the future. This is unacceptable.

In a day and age that warfare is unconventional and casualties will most likely occur within our homeland, our country needs to be prepared. Cities, States and the Federal Government, all need to do their part in developing emergency plans on how to deal with such disasters.

Congress needs to do its part today, and that is why I had offered the amendment which at this time I do thank the chairman and the ranking member for giving me the opportunity and the great hopes that if a supplemental comes along that we will contemplate the fact that we, this capital, are in the District of Columbia and that they need resources in order to be prepared for any future attacks that we may suffer.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. Are there any other amendments to that portion of the bill under consideration?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

AMENDMENT NO. 3 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. NORTON:

Strike sections 102, 104, 105, 106, 107, 108, 109, 111, 113, 114, 116, 117, 118, 120, 121, 122, 123, 124, 125, and 127 through 134.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the amendment.

Ms. NORTON. Mr. Chairman, my amendment would strike all general provisions in this bill. There are 27 in all. They include so-called social riders, and they include redundant and duplicative provisions.

I recognize that the chairman has removed half of those provisions. He will be the chairman next year. If this amendment does not prevail, we can perhaps work together next year to at

least rid this bill of those redundant and duplicative riders.

Mr. Chairman, the Hill newspaper has an important headline this week: Congress United For Now. And the first paragraph reads: "After a week of extraordinary bipartisanship, inspired by the terrorist attacks on New York and Washington, Members are questioning how long their unprecedented unity will last."

I rise to ask that the appropriation for the District of Columbia not be the one that breaks this unity. We have heard of at least two riders that would break this unity. I ask that the Members hold back on breaking the unity that the Committee on Appropriations tried to preserve and that is in danger here.

These general provisions that I would have struck are a fancy word for attachments, legislating on an appropriation undemocratically, against the will of the people of the District of Columbia. Most of them are so-called social riders, the riders that chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG) and chairman of the full committee, the gentleman from Florida (Mr. YOUNG), meant when they said let those riders go this time; that the ranking members, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. FATTAH) meant when they said it is inappropriate to put such riders, attachments, to a bill of local jurisdiction.

These riders are duplicated in every jurisdiction of the United States. They are laws there, they are laws here. They are almost always controversial. That is the difference between L.A. and New York, yes and the District of Columbia on the one hand and small rural areas on the other. My colleagues, this is a Federal Republic. We are one Nation. And the only reason we have been able to hold together as one Nation is we have respected diversity and difference between jurisdictions and local law according to the democratic will.

It is here that we get a national consensus, not in local jurisdictions. We say to local jurisdictions, democracy means you can go your own way, we are not to intervene. That is your right as Americans. Do I have to remind this body that the 600,000 people I represent are Americans every bit as much as they, and they should demand exactly the rights that they would demand?

And yet there will be abortion services denied to poor women if the riders remain, even though almost half the States allow their local jurisdictions to pay for abortions for poor women. And in any case, what my colleagues have done is to create a fund in the District of Columbia so that private funds may be used to pay for abortions for poor women, and they are regularly used. So we have not reduced abortion in that way, but may I inform this body that, on our own, we have reduced abortion.

The District of Columbia is one of only three jurisdictions in the country that is being awarded extra Federal funds for reducing teen pregnancy without abortion.

We are getting \$25 million that almost none of the rest of my colleagues are getting because we, on our own, have reduced teen pregnancy without sending those teens to abortion clinics. We do not want those teens to go to abortion clinics. We want them to abstain. We want them to use birth control. And it is working. We, indeed, had the largest decline in teen pregnancy without the use of abortion.

And let me compare what we have done in the District as my colleagues try to bar our youth from abortion with what other States have done. Forty-eight States saw increases in their unwed birth rates that make almost all of my colleagues ineligible for the bonus that the District of Columbia will get. Virginia, right next door, had their unwed birthrate climb by 2.3 percent, making Virginia number 18 in the country; and Maryland's rate climbed 3.3 percent, making them number 33 in the country.

Mr. Chairman, I believe that in the name of democracy and the people I represent, I had to put this matter before the body.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

□ 1230

The CHAIRMAN. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. GEORGE MILLER of California. Mr. Chairman, I want to commend the committee, in particular the gentleman from Michigan (Mr. KNOLLENBERG), the gentleman from Pennsylvania (Mr. FATTAH), and the gentleman from Wisconsin (Mr. OBEY) for deleting from this legislation a very unjust restriction on the limit of legal rights of parents of special-needs children.

Mr. Chairman, I want to commend the Committee, and particularly the gentlemen from Michigan (Mr. KNOLLENBERG), from Pennsylvania (Mr. FATTAH) and Wisconsin (Mr. OBEY) for deleting from this legislation very unjust restrictions that limit the legal rights of parents of special needs children.

The DC appropriations law over the past several years has placed a very restricted ceiling on the legal awards to parents who successfully litigate to win special education benefits for their children. As the author of those due process provisions in the 1975 Education of All Handicapped Children Act (P.L. 94-142), now known as IDEA, and the senior Democratic Member of the authorizing Committee, I greatly appreciate the Appropriations Committee's decision to delete this punitive and discriminatory provision.

The Congress included attorney fees in the 1975 law specifically because we anticipated that some states would be reluctant to provide

children with the special education service the Supreme Court and the Congress declared they have a right to receive. Particularly in the case of low income parents who might be unable to otherwise secure legal representation to challenge Board of Education decisions to refuse to provide special education services, the possibility of receiving reasonable attorney fees is all that gives these parents a hope of securing a lawyer to win educational services for their children.

It is disgraceful that the Congress chose to deprive only the poorer parents of special needs children in the District of Columbia of these rights. The only entity in the continental United States that lacks voting rights. The only entity with a majority minority population. Yes, some fees awarded to some lawyers were excessive; that is why the law allows for reasonable fees. And high fees occurred in states other than the District of Columbia; but interestingly, no one suggested that their constituents be denied access to attorneys to secure special education services. We just decided to impose that restriction on parents—and generally, poor and minority parents—in D.C.

These legal fees can run \$40,000 or more in Maryland and Virginia. yet the Congress has limited D.C. parents to a fraction of that amount. In effect, that means D.C. parents cannot find lawyers to represent them in cases against a Board of Education that has run a dreadful special education program for many years. The law granted parents the remedy of attorney fees specifically so that could pressure recalcitrant education officials to providing the services that special needs children require. Instead, the Congress has insulated the D.C. Board of Education at the expense of students who need special ED services.

The D.C. City Council and the Mayor have rightly opposed such a cap and I am delighted that this legislation before us today treats D.C. like every other jurisdiction in the country. It comes as no surprise that some in the education bureaucracy favor retaining a cap; they are the ones being sued. We should not be swayed by the cynical argument that money allocated to lawyers could otherwise go towards educating special needs children. If the D.C. schools were educating these children, there would be no need for suits, and the suits would not be successful and thereby generating attorney fees.

If anyone has been misusing the attorney fees section of IDEA, that is a subject to be addressed in the reauthorization of the IDEA law, and it would be raised with respect to all jurisdictions that fall under the law, not just the residents of the District of Columbia who happen to have no vote here in the Congress. I will wait to see who appear before our Committee to recommend that residents of their district or state be denied access to attorneys to protect their child's right to special education services.

In the meantime, I congratulate the Committee for treating D.C. fairly and for allowing parents of special needs children in this city the same rights that all other parents in this country have to seek appropriate education services for their children.

Mr. STEARNS. Mr. Chairman, I move to strike the last word.

Mr. STEARNS. Mr. Chairman, I have come here to speak in the debate por-

tion on behalf of the Weldon amendment that is going to be voted on soon. I think the point that the gentleman from Florida (Mr. WELDON) is making when he offers this, is that if we have in place the words that allow them to use private funds within the D.C. appropriations but not Federal funds, I am not sure that money, being fungible, won't turn out to be Federal funds also. Federal and private funds will be mixed.

I do not think we can be sure that by not adopting the Weldon amendment that we will have in place a bill that, up until the last 9 years, has essentially not allowed domestic partnerships. So I think by not adopting the Weldon amendment we are changing historically what the House has agreed to overwhelmingly in the past.

In fact, we have had several recent votes on this and I think just to remind Members, on June 30, 1993, 8 years ago, 251 to 177, rollcall No. 313, the Istook amendment for the full funding ban was passed. Then on November 1, 1995, it was 249 to 172, rollcall No. 759, the Hostettler amendment when the ban was sustained. So the House has spoken on this.

I hope the Weldon amendment will be adopted again. When the Members come to the House floor to vote on the Weldon amendment, I want them to realize that if they do not adopt it, then Federal and private money is fungible and that Federal and private will be mixed. That is the real issue. I do not think we have to go into what the will of the House has been year after year on this matter.

The gentleman from Texas (Mr. DELAY) in 1992 when we were in the minority, when the Democrats controlled Congress, offered an amendment to recommit the D.C. appropriation bill and force them to put the funding ban on D.C. domestic partners. This goes back to 1992. The motion of the gentleman passed 235 to 173. That was rollcall No. 420. The ban was ultimately signed into law.

So my colleagues, if Members come on the floor and vote against the Weldon amendment, they are voting against the tradition and history of this House that has overwhelmingly supported time and time again, going back to 1992, what the gentleman from Florida (Mr. WELDON) is doing today. So I think the argument is clear. I support the Weldon amendment.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 43, line 15 be considered as read, printed in the RECORD and open to any amendment at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the bill from page 35 line 8 through page 43 line 15 is as follows:

SEC. 103. There are appropriated from the applicable funds of the District of Columbia

such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Official Code, sec. 47-1812.11(c)(3)).

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 106. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 107. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-422 et seq.).

SEC. 108. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 109. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 110. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days

in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming of funds which transfers any local funds from one appropriation to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed two percent of the local funds in the appropriation.

SEC. 111. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 112. (a) Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Official Code, sec. 1-204.22(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

(b)(1) CERTIFICATION OF NEED BY CHIEF TECHNOLOGY OFFICER.—Section 2706(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, as added by section 2 of the District Government Personnel Exchange Agreement Amendment Act of 2000 (D.C. Law 13-296), is amended by inserting after “Director of Personnel” each place it appears the following: “(or the Chief Technology Officer, in the case of the Office of the Chief Technology Officer)”.

(2) INCLUSION OF OVERHEAD COSTS IN AGREEMENTS.—Section 2706(c)(3) of such Act is amended by striking the period at the end and inserting the following: “, except that in the case of the Office of the Chief Technology Officer, general and administrative costs shall include reasonable overhead costs and shall be calculated by the Chief Technology Officer (as determined under such criteria as the Chief Technology Officer independently deems appropriate, including a consideration of standards used to calculate general, administrative, and overhead costs for off-site employees found in Federal law and regulation and in general private industry practice).”.

(3) REPORTING REQUIREMENT.—Section 2706 of such Act is amended—

(A) by redesignating subsection (f) as subsection (g); and

(B) by inserting after subsection (e) the following new subsection:

“(f) Not later than 45 days after the end of each fiscal year (beginning with fiscal year 2002), the Chief Technology Officer shall prepare and submit to the Council and to the Committees on Appropriations of the House of Representatives and Senate a report describing all agreements entered into by the Chief Technology Officer under this section which are in effect during the fiscal year.”.

(c) NO LIMIT ON FTEs.—Notwithstanding any other provision of law, no limit may be placed on the number of full-time equivalent employees of the Office of the Chief Technology Officer of the District of Columbia for any fiscal year.

(d) Section 424(b)(3) of the District of Columbia Home Rule Act (sec. 1-204.24b(c), D.C. Official Code) is amended by striking “level IV” and inserting “level I”.

(e) EFFECTIVE DATE.—The amendment made by subsection (d) shall apply with respect to pay periods in fiscal year 2002 and each succeeding fiscal year.

SEC. 113. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures.

SEC. 114. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

#### ACCEPTANCE AND USE OF GIFTS

SEC. 115. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2002 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 116. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 117. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

The CHAIRMAN. Are there any amendments to this portion of the bill? The Clerk will read.

The Clerk read as follows:

SEC. 118. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

PART B AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment offered by Mr. WELDON of Florida:

In section 118 (relating to the use of funds to implement or enforce the Health Care Benefits Expansion Act of 1992), strike “Federal”.

The CHAIRMAN. Pursuant to House Resolution 245, the gentleman from Florida (Mr. WELDON) and a Member opposed, the gentleman from Arizona (Mr. KOLBE), each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am offering my amendment because the bill before us is such a stark departure from 9 years of previous law. My amendment simply continues current law.

Ever since the District of Columbia passed its domestic partnership act in 1992, the Congress has included a provision to prevent its implementation. Congress and the President have chosen to uphold the institution of marriage, and I am disappointed that others would choose this time to try to reverse it.

Please do not believe for a moment that this is about home rule. If you want to believe that, then I have a bridge in Brooklyn I would like to sell.

How you vote on this today will have an impact on the institution of marriage in the United States and on how corporations and State and municipal governments treat this issue throughout our Nation for the years to come. Furthermore, under article I of the Constitution and the D.C. home rule law, the Congress maintains full authority to do this.

Today, marriage is under assault from culture, the media, and many other entities. Do we want to add the Federal Government to that list? It is critical that we do not go down this path and that we take steps to encourage strong marriages.

Study after study have demonstrated that strong marriages between a man

and a woman have a stabilizing influence on our community and our societies. The children suffer fewer problems and are less at risk when they are raised in families with a mother and father. We should be passing laws to encourage traditional families. We should not be passing laws that make traditional marriage simply one of several morally-equivalent options.

Mr. Chairman, a vote against my amendment is a vote to place heterosexual and homosexual cohabitating relationships on an equal footing with traditional marriage. A vote for my amendment says Members believe that traditional marriage is important and should remain a priority in our society.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, it has been 9 long years since the District of Columbia passed the Health Care Benefits Expansion Act. The locally approved law has never taken effect, however, because each year Congress has banned the use of Federal or local money to implement the program. This is unfortunate. Let us put an end to this today, this congressional meddling.

Mr. Chairman, defeat the amendment offered by the gentleman from Florida (Mr. WELDON). Let the District of Columbia do what hundreds of other local governments and private businesses have done. It is a humanitarian measure. It grants not only gay and lesbian couples the same protections against illnesses as married heterosexual couples, but also extends the benefits to disabled people, to live-in health care providers, a single man or woman caring for an elderly parent, and other living situations not traditionally covered by health insurance.

The appropriations bill, and I must commend the chairman and the ranking member, as reported did not have that provision. It allowed for the first time the District to put its own money toward this program that it believed in. Let the bill stand as is. Vote against the Weldon amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, let me explain to Members, a domestic partner means a person with whom an individual maintains a committed relationship. And a committed relationship means a familial relationship, not recognized by the United States in terms of marriage; it is just a committed relationship. The idea is the mutual caring and the sharing of a mutual residence. But commitments change.

What happens if that person says yes, I am living with this person and I want health care; but he or she does not report that he or she has left this person. How will the Federal Government de-

velop all of the regulations that are required to get competent jurisdiction in civil suits to recover damages if this person does not show that he or she has a committed relationship. Why is the Federal Government getting involved in deciding what is a committed relationship? They should get married and be recognized as married, and it should be a heterosexual marriage.

Mr. KOLBE. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN), a member of the subcommittee.

Mr. MORAN of Virginia. Mr. Chairman, the bill that is before us says no Federal funds can be used to implement the D.C. Health Benefits Act, an act that was passed back in 1992. Since that act was passed, 113 other local cities have implemented the same domestic partnership legislation, cities like Atlanta, Albany, Chicago, New Orleans, and New York. They did it because their constituents wanted it.

D.C.'s elected city council understands its constituents, has asked them to pass this legislation. But it is not just municipal governments. Corporations like IBM, AT&T, Boeing, Citigroup, they have the same domestic partnership policy. It does not do exclusively what has been suggested. It applies to every situation where you have caring people living together, and in many cases providing for the other person.

Mr. Chairman, in so many households in D.C., we have a grandmother and a mother taking care of the children. We have disabled people, and their live-in care provider would be able to purchase health insurance. We have two sisters living together, two elderly people who cannot marry for economic reasons. They should be able to purchase health insurance at their own expense. At their own expense. There is no Federal Government money involved here. Keep the bill the way it is. Defeat the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, does the gentleman from Arizona have any remaining speakers? I only have one remaining speaker.

Mr. KOLBE. Mr. Chairman, I have two remaining speakers; but representing the committee position, I believe I have the right to close.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE), representing the committee position, has the right to close.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, how can anyone with a heart or mind try to keep anyone from paying money for their own health care today? Cities such as Atlanta; Scottsdale, Arizona; New Orleans, and thousands of businesses have more comprehensive domestic partnership plans than the District of Columbia.

Mr. Chairman, the Weldon amendment is an expression of unadulterated

bigotry. Do not mar the D.C. appropriations with ugly prejudice.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, sometimes words that are said on the floor are very unfortunate. This amendment has nothing to do with bigotry; it has to do with tradition and understanding what is marriage and what is the role of marriage in this country.

Members should support the Weldon amendment because it defends the traditional understanding of marriage. The Weldon amendment rejects a broad new recognition of relationships that would extend the benefits of marriage to people who have not made that special commitment. Marriage can only take place between a man and a woman, in my opinion.

Mr. Chairman, introducing domestic partnership benefits would have broad consequences extending far beyond the specific action contemplated here. We would be walking away from the traditions and virtues that we have respected and honored since our country was founded, and even before.

Doing so would radically undermine the special privileges and incentives of marriage by distributing them without requiring the unique commitment between a man and a woman. When married couples forsake all others and bind themselves together, they form a vital unit to rear their children and they strengthen society immeasurably.

Mr. Chairman, we should protect the sanctity of that special bond called marriage. Members should support the Weldon amendment.

□ 1245

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) has 30 seconds remaining if he wishes to use it.

Mr. WELDON of Florida. Mr. Chairman, for 7 years, I was one of the only physicians in my county who treated AIDS patients. I got up in the middle of the night, went into the hospital, examined them, took care of them, for years.

I really take offense at some of the language that has been used in response to my amendment. The purpose of my amendment is to protect the integrity of the institution of marriage in the United States. Some people do not understand that. But I would never call them names because they do not seem to understand that.

The CHAIRMAN. The time of the gentleman from Florida has expired.

The gentleman from Arizona (Mr. KOLBE) has 2 minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

In contrast to what the two previous speakers said, I do not believe this has anything to do with marriage. Family law in our country is State law. One hundred thirteen or 117 jurisdictions in the United States have adopted similar

provisions. Those States did not alter their definition of marriage when they allowed municipal jurisdictions in their States to audit these provisions.

This does not have anything to do with the definition of marriage in family law. This has to do with whether or not the District of Columbia, like those 113 other government units and one-third of the Fortune 500 companies, is going to be allowed to permit its employees to extend, to include in their health coverage at 100 percent expense to the individual, to include a partner, a woman who is raising her child who has her mother living with her as the caretaker, to include that grandmother in the coverage; a disabled person, to include his caregiver or her caregiver in the coverage.

That is what this is all about. It is not about the definition of marriage. And it is not expensive. Eighty-five percent of companies that offer these provisions do not experience additional costs according to the Society for Human Resources Management.

This is about allowing the District of Columbia and its employees to purchase the insurance at their own expense. Let me reiterate that. One hundred percent of the cost at their own expense. Not the Federal Government, not the District of Columbia. The only expense for the District of Columbia is the cost implementing the law by maintaining a register of domestic partners. There is no subsidy that is involved in this. It applies to all potential familial partners. It is not just a gay partner, a lesbian partner; it is heterosexual, it is the disabled partner, it is the grandmother and the daughter that I mentioned earlier. It is all kinds of people, seniors who might be living together.

The fact is that our traditional families have changed in American society. The family today is likely to include the arrangements mentioned earlier. I urge my colleagues to defeat this amendment. Show confidence in the District of Columbia; show respect for the individuals who are affected and defeat this amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Florida to restrict the District of Columbia's ability to use their own local funds to implement the Health Care Benefits Act of 1992. For almost a decade now, this body has blocked the District of Columbia from using any local or federal funds to implement this law, which would expand health care benefits for domestic partners. This must stop.

Particularly today, with the attacks on our country fresh in our mind, it is extremely important that we come together as a nation and on our communities. Our American family includes many families, traditional and non-traditional. Our nation should welcome diversity. We should respect each other, not be divisive.

Domestic partnership laws acknowledge and respect the non-traditional family structures in our world today. These include relationships such as grandmothers and mothers living to-

gether raising children, persons with disabilities and their live-in care providers, and unmarried partners, both heterosexual and gay and lesbian. We as a government must grow with the society we are governing and embrace it.

We must respect the rights of non-traditional families. We must also respect the right of the District of Columbia to respond to the concerns and needs of its residents. Many other cities across the country provide domestic partnership benefits to their employees. Since 1997, the City of Chicago has offered domestic partner benefits. Other cities have been offering these benefits since the early 1990's. Those laws are working well, providing important protections for our constituents. There is absolutely no justification for this body to prevent D.C. residents from receiving those same benefits.

This amendment is anti-local control, anti-good public health policy, and just plain bad business. In 1999, a survey in Human Resources Management ranked domestic partner benefits as the most effective recruiting incentive for executives and the third most effective recruiting incentive for managers and line workers. Employers must have the ability to offer competitive benefit packages in order to recruit quality applicants.

I urge my colleagues to join me in opposing this restriction and allow the implementation of the Health Care Benefits Expansion Act of 1992 in the District of Columbia.

Mr. NADLER. Mr. Chairman, I rise to strongly oppose the Weldon amendment which would prevent the District of Columbia from using its own funds to provide domestic partner benefits.

There has been a lot of discussion in the past two weeks about sadness and anger, and most of that discussion was about the attacks of September 11th. Today, there is yet another reason to be both sad and angry.

Today, this House is departing from its partisan truce and healing rhetoric of unity. Today, the war will have to wait, while we strip gays and lesbians of legal benefits and once again thwart democracy right here in Washington, DC.

There are 113 jurisdictions nationwide that have domestic partner benefits and Congress has taken no action to block any of these benefits provided to other Americans.

The fact that some Members of Congress seek to do so today is insulting, outrageous, and, quite frankly, offensive.

The House Appropriations Committee acted in a bipartisan manner to allow DC to offer its residents domestic partner benefits, and now the House leadership has authorized the violation of House Rules in order to undo the work of the Committee on this issue.

Domestic partner benefits allow residents to visit loved ones in hospitals and long term care facilities, officially register as partners, and, for employees of the District of Columbia government, to purchase health insurance at their own expense for their partner. This is hardly revolutionary or even uncommon in our nation today. Over 4,200 employers around the country, including hundreds of cities, colleges, and universities, have already established domestic partnership health programs.

In fact, this amendment is not only mean-spirited and unwarranted, it is also bad health

care policy. At a time when millions of Americans lack any health insurance, why would we stand in the way of any extension of health care benefits? Do we as a Congress really want to tell D.C. residents, they should be denied health care simply because of whom they love?

This amendment is a disgrace and should be defeated.

Mr. KUCINICH. Mr. Chairman, I rise in opposition to the Weldon amendment to H.R. 2944, the District of Columbia appropriations bill for FY2002. This amendment would prohibit local funds from being used to implement the District of Columbia domestic partnership act.

I would like to point out that the heroes of the tragic attacks on New York, Washington, D.C., and Pennsylvania include:

Mark Bingham, a passenger on American Airlines 77 who helped resist the hijackers and prevented the plane from crashing into a national monument in Washington, D.C.

David Charlesbois, American Airlines flight 77 co-pilot and resident of Washington, D.C.;

Father Mychal Judge, Fire Department Chaplain and Franciscan priest who died while delivering last rites to victims of the attack on the World Trade Center.

These three courageous Americans are all heroes and are all gay. Many more gay Americans continue to assist in efforts in the aftermath of the tragedies—rescue workers, healthcare professionals and volunteers from around the country.

How can we deny these heroes domestic partnership benefits? I strongly encourage my colleagues to vote against the Weldon amendment and support local funding for domestic partnership benefits.

I would also like to submit into the record a commentary from the National Public Radio show "Weekend Edition Saturday."

COMMENTARY: INAPPROPRIATE COMMENTS MADE BY THE REVERENDS JERRY FALWELL AND PAT ROBERTSON REGARDING THE WORLD TRADE CENTER BOMBING

(September 22, 2001)

SCOTT SIMON (host). I really don't want to be critical of anyone during a national crisis, especially people who are sources of spiritual guidance to millions of Americans. But sometimes the Reverends Jerry Falwell and Pat Robertson say something so staggering, they renew your capacity to be shocked, amen, even in a shocking time. Last week when America was wounded and confused, the Reverend Falwell was a guest on Pat Robertson's television show, "The 700 Club." He said that God Almighty, angered by America's abortion rights, gay rights and secularism in schools, had permitted terrorists to slay the World Trade Center and smite the Pentagon.

SOUNDBITE OF "THE 700 CLUB"

Reverend JERRY FALWELL. What we saw on Tuesday, as terrible as it is, could be minuscule if, in fact, God continues to lift the curtain and allow the enemies of America to give us probably what we deserve.

Reverend PAT ROBERTSON. Well, Jerry, that's my feeling. I think we've just seen the antechamber to terror. We haven't even begun to see what they can do to the major population.

Rev. FALWELL. I really believe that the pagans and the abortionists and the feminists and the gays and the lesbians who are actively trying to make that an alternate lifestyle, the ACLU, People for the American

Way—all of them who've tried to secularize America, I point the finger in their face and say, "You helped this happen."

SIMON. This week, both the reverends issued apologies. Mr. Falwell called his own remarks "insensitive, uncalled for and unnecessary," everything but wrong. This week, it was reported that Mark Bingham, a San Francisco public relations executive, may well have been one of the passengers who so bravely resisted the hijackers of American Airlines Flight 77. That flight crashed into an unpopulated field outside of Pittsburgh instead of another national monument. Mr. Bingham was 31. He played on a local gay rugby team and hoped to compete in next year's Gay Games in Sydney, Australia.

I don't know if Mark Bingham was religious, but it seems to me that he lived a life that celebrated the preciousness of this world's infinite variety. Not so the Reverends Robertson and Falwell and the mullahs of the Taliban, who seem to see a god who frowns at tolerance and smiles with approval on murder and destruction. Let me put it in the bold terms in which many Americans may be thinking right now. If your plane was hijacked, who would you rather sit next to? Righteous reverends who will sit back and say, "This is God's punishment for gay Teletubbies," or the gay rugby player who lays down his life to save others? And by the way, which person seems closer to God?

## SOUNDBITE OF MUSIC

SIMON. And you're listening to NPR's WEEKEND EDITION.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

Mr. MORAN of Virginia. Mr. Chairman, could I ask how the Chair determined that a sufficient number had risen to ask for a recorded vote?

The CHAIRMAN. By a count of Members on their feet. It is not subject to appeal.

The vote was taken by electronic device, and there were—ayes 194, noes 226, not voting 10, as follows:

[Roll No. 352]

## AYES—194

Aderholt	Callahan	Deal
Akin	Calvert	DeLay
Armey	Camp	DeMint
Bachus	Cannon	Diaz-Balart
Baker	Cantor	Doolittle
Ballenger	Capito	Duncan
Barr	Chabot	Dunn
Bartlett	Chambliss	Ehlers
Barton	Clement	Emerson
Bereuter	Coble	Everett
Berry	Collins	Flake
Billirakis	Combust	Fletcher
Blunt	Costello	Forbes
Boehner	Cox	Fossella
Bonilla	Cramer	Gallegly
Brady (TX)	Crane	Gekas
Brown (SC)	Crenshaw	Gibbons
Bryant	Cubin	Goode
Burr	Culberson	Goodlatte
Burton	Cunningham	Goss
Buyer	Davis, Jo Ann	Graham

Granger	Mascara
Graves	McHugh
Green (WI)	McInnis
Grucci	McIntyre
Gutknecht	McKeon
Hall (OH)	Mica
Hall (TX)	Miller, Gary
Hansen	Moran (KS)
Hart	Myrick
Hastings (WA)	Nethercutt
Hayes	Ney
Hayworth	Northup
Hefley	Norwood
Herger	Nussle
Hilleary	Osborne
Hoekstra	Otter
Holden	Oxley
Hostettler	Paul
Hulshof	Pence
Hunter	Peterson (PA)
Hyde	Petri
Isakson	Phelps
Istook	Pickering
Jenkins	Pitts
John	Platts
Johnson (IL)	Pombo
Johnson, Sam	Portman
Jones (NC)	Putnam
Keller	Quinn
Kennedy (MN)	Radanovich
Kerns	Ramstad
King (NY)	Reynolds
Kingston	Riley
Knollenberg	Rogers (KY)
LaHood	Rogers (MI)
Largent	Roukema
Latham	Royce
Lewis (KY)	Ryan (WI)
Linder	Ryun (KS)
Lipinski	Saxton
LoBiondo	Schaffer
Lucas (KY)	Schrock
Lucas (OK)	Sensenbrenner
Manzullo	Sessions

## NOES—226

Abercrombie	Deutsch
Ackerman	Dicks
Allen	Dingell
Andrews	Doggett
Baca	Dooley
Baird	Doyle
Baldacci	Dreier
Baldwin	Edwards
Barcia	Ehrlich
Barrett	Engel
Bass	English
Becerra	Eshoo
Bentsen	Etheridge
Berkley	Evans
Berman	Farr
Biggert	Fattah
Bishop	Ferguson
Blagojevich	Filner
Blumenauer	Foley
Boehert	Ford
Bonior	Frank
Bono	Frelinghuysen
Borski	Frost
Boswell	Ganske
Boucher	Gephardt
Boyd	Gilchrest
Brady (PA)	Gillmor
Brown (FL)	Gilman
Brown (OH)	Gonzalez
Capps	Gordon
Capuano	Green (TX)
Cardin	Greenwood
Carson (IN)	Gutierrez
Carson (OK)	Harman
Castle	Hastings (FL)
Clay	Hill
Clayton	Hilliard
Clyburn	Hinches
Condit	Hinojosa
Conyers	Hobson
Coyne	Hoefel
Crowley	Holt
Cummings	Honda
Davis (CA)	Hoolley
Davis (FL)	Horn
Davis (IL)	Houghton
Davis, Tom	Hoyer
DeFazio	Inslie
DeGette	Israel
Delahunt	Issa
DeLauro	Jackson (IL)

Shadegg	Miller, George	Regula
Sherwood	Mink	Reyes
Shimkus	Mollohan	Rivers
Shows	Moore	Rodriguez
Shuster	Moran (VA)	Roemer
Simpson	Morella	Rohrabacher
Skeen	Murtha	Ros-Lehtinen
Smith (MI)	Nadler	Ross
Smith (NJ)	Napolitano	Rothman
Smith (TX)	Neal	Roybal-Allard
Souder	Oberstar	Sabo
Stearns	Obey	Sanchez
Stenholm	Olver	Sanders
Stump	Ortiz	Sandlin
Sununu	Ose	Sawyer
Tancred	Pallone	Schakowsky
Tanner	Pascarella	Schiff
Tauzin	Pastor	Scott
Taylor (MS)	Payne	Shaw
Taylor (NC)	Pelosi	Shays
Terry	Pomeroy	Sherman
Thornberry	Price (NC)	Simmmons
Thune	Pryce (OH)	Skelton
Tiahrt	Rahall	Slaughter
Tiberi	Rangel	Smith (WA)
Toomey		
Trafficant		
Upton		
Vitter		
Walden		
Walsh		
Wamp		
Watkins (OK)		
Watts (OK)		
Weldon (FL)		
Weldon (PA)		
Weller		
Whitfield		
Wicker		
Wilson		
Wolf		
Young (AK)		
Young (FL)		

Snyder		
Solis		
Spratt		
Stark		
Strickland		
Stupak		
Sweeney		
Tauscher		
Thomas		
Thompson (CA)		
Thompson (MS)		
Thurman		
Tierney		
Turner		
Udall (CO)		
Udall (NM)		
Visclosky		
Waters		
Watt (NC)		
Waxman		
Weiner		
Wexler		
Woolsey		
Wu		
Wynn		

## NOT VOTING—10

Cooksey	Rehberg	Velázquez
Meeks (NY)	Rush	Watson (CA)
Owens	Serrano	
Peterson (MN)	Towns	

## □ 1312

Messrs. MALONEY of Connecticut, ORTIZ, ROSS, LaFALCE and Ms. WOOLSEY changed their vote from "aye" to "no."

Mr. GEKAS and Mr. RADANOVICH changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. REHBERG. Mr. Chairman, on rollcall No. 352 I put my voting card in the machine but the vote was not recorded. I would have voted "aye."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 119. (a) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND COUNCIL APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council within 15 days after receipt of the report submitted under (A) has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia,

and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

SEC. 120. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2001, an inventory, as of September 30, 2001, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the Office of the Chief Technology Officer) may enter into an agreement in excess of \$2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 121. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 122. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 123. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2002 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 124. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 125. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 126. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to pre-

pare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 127. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 128. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 129. Notwithstanding any other provision of law, the Mayor of the District of Columbia is hereby solely authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 130. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 131. Section 149 of division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(A)(4) of Public Law 106–554 shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals during fiscal year 2002, and claims received previously that remain unpaid at the end of fiscal year 2001 and would have qualified for interest payment under such section 149.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 132. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of \$100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

"BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS

"SECTION 1. (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

"(b) EXCEPTIONS.—

"(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

"(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing

products in the course of a valid, supervised law enforcement operation.

“(C) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

“(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

“(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed \$50.

“(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed \$100.

“(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.”.

(b) USE OF CONTRIBUTION.—The Metropolitan Police Department shall use the contribution made under subsection (a) to enforce the law referred to in such subsection.

SEC. 133. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 134. (a) Section 11201(g)(4)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 24-1201(g)(4)(A), D.C. Code), as amended by section 163 of the District of Columbia Appropriations Act, 2001, is amended—

(1) by striking “and” at the end of clause (ix);

(2) by striking the period at the end of clause (x); and

(3) by adding at the end the following new clause:

“(xi) obligate and expend the proceeds and funds deposited under clauses (ix) and (x) as provided in such clauses.”.

(b) The amendment made by subsection (a) shall take effect on October 1, 2002.

“SEC. 135. No later than the later of November 1, 2001, or 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 136. Section 403 of the District of Columbia Home Rule Act, approved December 24, 1973 (Public Law 93-198; D.C. Official Code, sec. 1-204.03), is amended as follows:

(1) Subsection (c) is amended by striking “shall receive, in addition to the compensation to which he is entitled as a member of the Council, \$10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman.”

(2) A new subsection (d) is added to read as follows:

“(d) Notwithstanding subsection (a), as the effective date of the District of Columbia Appropriations Act, 2001, the Chairman shall receive compensation, payable in equal installments, at a rate equal to \$10,000 less than the compensation of the Mayor.”.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of

the bill, through page 55, line 15, be considered as read, printed in the RECORD, and open to amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT NO. 1 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

□ 1315

Mr. HOSTETTLER. Mr. Chairman, I rise today to offer an amendment that will protect the Boy Scouts of America from the latest political attack on its constitutionally protected rights.

The most recent assault against the scouts occurred on June 20 when the District of Columbia Commission on Human Rights ruled that the Boy Scouts of America had violated the D.C. Human Rights Act of 1977. The Boy Scouts' crime? In keeping with their longstanding values and standards, the Boy Scouts had expelled two homosexual scout masters in Washington, D.C.

Now, despite the constitutional protection of freedom of association, and despite the Supreme Court ruling that reaffirmed the Boy Scouts' right to determine its criteria for members and leaders, the District of Columbia Human Rights Commission ordered the Boy Scouts to reinstate the troop leaders and pay them \$50,000 each. In addition, the Commission ruled that the Scouts must also pay all attorneys' fees and court costs.

Mr. Chairman, this arrogant and intrusive ruling is just the latest in a long string of cultural broadsides against the Boy Scouts of America, a group dedicated to instilling selflessness, character, responsibility, and love for God and country of our Nation's boys and young men.

It was a year ago this month that legislation was brought to the floor that would have ended the Boy Scouts' Federal charter. I would remind my colleagues that of the 435 Members of the House of Representatives, only 12 voted to punish this private organization for putting its beliefs into practice.

Now, during this debate, we will hear that this is a local issue, a matter best

left to home rule. But as Members who have sworn to uphold the Constitution, I would remind my colleagues that article I, section 8 states that “Congress shall have the power to exercise exclusive legislation in all cases whatsoever over the District.”

The Constitution requires that we watch closely the power we have delegated, in this case to the District of Columbia. Since the District is a national city, it should be a reflection of our Nation's value system.

Mr. Chairman, all of us should be troubled by this ruling.

When a government agency tells a private organization it must accept behavior that violates its members' core beliefs, then every civic organization, service group, church, synagogue, and mosque is vulnerable to government interference. This so-called civil rights organization clearly does not have the best interests of our Nation's boys and young men at heart. Instead, its goal is to force a radical political agenda on a private civic group.

While ostensibly advancing the virtue of “tolerance,” the commission has approved only one politically correct viewpoint, determining that all other beliefs must be excluded or penalized, in this case.

The decision of the commission runs counter to our most basic liberties and, as such, must be stopped. My amendment would prohibit the District of Columbia from enforcing the commission's decision by preventing funds from being spent to do so, and I urge its passage.

Mr. Chairman, I simply say that in the discussion of this body's control and authority over the District of Columbia, it is clearly pointed out, not only in the home rule statute, but in the very Constitution itself. This body is afforded the obligation and authority, according to the Constitution, to effectively be the city council of the District of Columbia. So, whether we vote on Federal funds or local funds, every Member that votes on these issues votes as a Member of the legislative body overseeing all matters whatsoever according to the Constitution in this area.

This is not an issue of home rule. We do not have the authority, according to the Constitution, to govern on issues regarding the city of Atlanta or the city of San Francisco or the city of Tucson, Arizona. We do have constitutional authority over all legislative matters whatsoever in regard to the District of Columbia; and Members should stand up, recognize their constitutional authority, and recognize that all groups are under assault here with regard to the values that they hold dear.

Mr. Chairman, I would hope that all Members would support my amendment, would allow the Boy Scouts of America to determine the criteria for their members and their leaders, and

allow them to freely associate without doing any damage whatsoever to the community when, in fact, the opposite is true. They strive to make the country and their community a better place to live, with all of the activities in which they endeavor.

Mr. HAYES. Mr. Chairman, I rise in support of Mr. HOSTETTLER's amendment—a vote in support of the Boy Scouts of America.

The Supreme Court has ruled on this issue—and they said that to force the Boy Scouts to accept homosexual troop leaders would violate their right to free association and would dilute the Scout's message. We must not threaten the Scouts' constitutional freedoms that were clearly upheld by the Supreme Court.

The process of appealing this ruling is costing the Scouts valuable dollars each day that could be better used to benefit the lives of young men—Young men who are being taught values such as duty to God and country, honor, respect, and community service.

We must send a message that Congress will uphold the full benefits of freedom of association, and that the Scouts, a private organization, may continue to define their own leadership and promote core American values that have been taught to children for over a century. I urge my fellow Members to vote in favor of the Hostettler amendment.

AMENDMENT OFFERED BY MS. NORTON TO THE AMENDMENT OFFERED BY MR. HOSTETTLER

Ms. NORTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Ms. NORTON to the amendment offered by Mr. HOSTETTLER:

In the matter proposed to be inserted by the amendment, insert "Federal" before "funds".

Ms. NORTON. Mr. Chairman, this House has just done a historic act. For the first time, it has broken through the prejudice against gay men and lesbians on this floor. It is an extraordinary moment. It is even more important than recognizing the local prerogatives of the District of Columbia.

I am asking this House to do with respect to my amendment exactly as we have just voted very decisively to do in the last vote. My amendment would disallow any Federal funds for the enforcement of the provision and decision of the District of Columbia Human Rights Commission. Only local funds could be used. That is what we have just voted. Please be consistent.

Mr. Chairman, this was not a knee-jerk vote by the District of Columbia Human Rights Commission. They submitted a very well-reasoned, 74-page decision which I think they can reasonably argue is very much consistent with the Supreme Court decision on this very issue. The Supreme Court says that gay men cannot interfere with the message of the Boy Scouts. The District of Columbia found that the gay men here were not strong activists of the kind that the Supreme Court recognized as interfering with the message of the Boy Scouts. Let us suppose that the District of Columbia

is wrong. If the District is wrong, the Boy Scouts of America, as I speak, are pursuing their remedy. They are pursuing it because that decision was appealed on July 19. Therefore, they are now in the courts.

If we proceed, we are not only undermining the local courts of the District of Columbia, which, by the way, are Federal courts, but we are undermining the independence of the Federal judiciary as well, because this decision is based on a decision of the Supreme Court of the United States; and this matter will ultimately find its way there, if it has been incorrectly decided by the District's Human Rights Commission. We interfere with the independence of the judiciary when we, the Congress of the United States, decide that a politically unpopular decision has been made and, therefore, we will politically intervene into a court decision. We do not want to do that. We do not want to go there, especially not now.

So long as this matter is not settled, we ought to let it be, because there will always be another time to settle it. Suppose we do not like what the local courts find. We could come back and overturn the local courts. If, on the other hand, the Supreme Court finds that what the District of Columbia has done is consistent with Supreme Court decisions, then we will be barred and ought to be barred.

The fact is, Mr. Chairman, that this amendment piles on yet another constitutional violation, because the Congress of the United States is, in fact, imposing its own one-sided views on a matter that is of constitutional import. We cannot do that. Justice Scalia himself wrote, "The government may not regulate speech based on hostility or favoritism towards the underlying message expressed." If it is the underlying message that you object to, you are in violation of what Justice Scalia has said, because the amendment is not viewpoint-neutral. My amendment, on the other hand, gets the Federal Government out of this messy business, leaving only the District of Columbia to do what it is doing anyway, which is responding to the appeal.

This matter will not be settled by my amendment. It still leaves to us, ultimately, if the local courts are wrong, the ability to come back next year and overturn it so long as the Supreme Court does not say that that amendment was correct. Leave this be. Vote as we have just voted on the prior amendment. Do not cast another vote against people who are gay just because they are gay.

Mr. KERN. Mr. Chairman, I rise in support of the Hostettler amendment, and I move to strike the last word.

Mr. KERN. Mr. Chairman, the Boy Scouts of America is an institution that since 1910 has been creating leaders and instilling principles to guide young men down the right path as they

form their basic values and grow into adults. The scout oath and the scout law serve as the foundation of this organization's beliefs, including duty to God and country.

In June of 2000, the United States upheld the Boy Scouts' standing that as a private organization it has a right to set its own standards for membership.

We know that some have tried to force their views on the Scouts and confuse the true mission of the scouting organization. This effort has taken place right here in our Nation's Capitol. Since the Supreme Court's ruling, the D.C. Human Rights Commission has ignored the decision and acted directly to the contrary.

Mr. Chairman, I have had the opportunity to visit a variety of Boy Scout events in west central Indiana and I have talked with scouts; and I have had the honor of presenting the Eagle Scout Badge to a young man in Tippecanoe County. I have always been impressed by these young scouts. My son is a scout. I am impressed by their enthusiasm, their devotion, and their sense of pride in their communities. That is why I am here on the floor today to stand with the Boy Scouts of America and oppose the efforts to undermine this outstanding organization.

I thank the gentleman from Indiana (Mr. HOSTETTLER) for his leadership on this issue in trying to correct this wrong. I encourage my colleagues to support his amendment.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the underlying amendment for two good reasons. On June 28, 2000, the U.S. Supreme Court said that the Boy Scouts of America have the constitutional right to block gays from becoming troop leaders. That is what they said. They are the law of the land. The Court ruled 5 to 4 that the New Jersey Supreme Court was wrong in forcing the Boy Scouts to accept James Dale, who was fired from the organization when the organization learned of his sexual orientation.

The Boy Scouts of America is a private organization which does not receive public funds. They have consistently won court judgments; and they have won, in part, because they do not receive taxpayer money.

Last September, September 13, 2000, this House voted 362 to 12 to reject an effort to revoke the 80-year-old Federal charter of the Boy Scouts of America because the group excludes gays. I believe it would be inconsistent to challenge the decision of the Supreme Court of this land.

□ 1330

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a former Scout, and my son is a Scout. I am amazed

that we are debating this matter as part of the D.C. appropriations bill.

It is probably appropriate in the authorizing bill, or perhaps maybe not even there, since it has always been the majority party's view that local communities, those closest to the people, should make decisions; that they know best, and that we should not, as a Federal government, intervene in these local matters.

But nonetheless, absent a reversal of the Supreme Court's viewpoint, I do not know why we are in this at all. I would hope that we could move on with the more important business of the Nation, which at this time makes this matter a pretty small issue, given tens of thousands of our troops being arrayed across the world, to be here now debating back and forth a decision by the Human Rights Commission here in the District.

Maybe some want to be a Member of the D.C. City Council, and I know that there are elections coming up, and perhaps they want to offer themselves.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the District of Columbia (Ms. NORTON) to the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from the District of Columbia (Ms. NORTON) to amendment No. 1 offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

Page 55, after line 15, insert the following new section:

SEC. \_\_\_\_\_. No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a-10c).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is a straightforward amendment that would prohibit anybody from getting any grants under this bill who has violated the Buy American Act. It has been added on to all the other appropriations bills.

I want to just take one second and commend the gentleman from Pennsyl-

vania (Mr. FATTAH). As a representative of a large city, I think he has shown and demonstrated leadership on our side, and I want to commend the gentleman from Michigan (Mr. KNOLLENBERG), who has worked very hard and brought forward a very good bill.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I say to the gentleman from Ohio (Mr. TRAFICANT), we have examined his amendment and we have no objection to it.

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I am prepared to accept the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I ask for an aye vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. NORTON TO AMENDMENT NO. 1 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from the District of Columbia (Ms. NORTON) to amendment No. 1 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote. The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the underlying amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The vote was taken by electronic device, and there were—ayes 173, noes 243, not voting 14, as follows:

[Roll No. 353]

AYES—173

Ackerman  
Allen  
Andrews  
Baca  
Baldacci  
Baldwin  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Biggert  
Blagojevich  
Blumenauer  
Boehlert

Bonior  
Bono  
Borski  
Boswell  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Capps  
Capuano  
Cardin  
Carson (IN)  
Clay  
Clayton  
Clyburn  
Condit

Conyers  
Coyne  
Crowley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Deutsch  
Dicks  
Dingell  
Doggett

Dooley  
Doyle  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gilman  
Gonzalez  
Green (TX)  
Gutierrez  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holt  
Honda  
Hooley  
Houghton  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee (TX)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kelly  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)

Klecza  
Kolbe  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Leach  
Lee  
Levin  
Lewis (CA)  
Lofgren  
Lowey  
Luther  
Maloney (CT)  
Maloney (NY)  
Markey  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McKinney  
Meehan  
Meek (FL)  
Menendez  
Millender  
McDonald  
Miller, George  
Mink  
Moore  
Moran (VA)  
Morella  
Nadler  
Napolitano  
Neal  
Oberstar  
Olver  
Pallone  
Pascarell  
Payne

Pelosi  
Price (NC)  
Pryce (OH)  
Rangel  
Reyes  
Rivers  
Rodriguez  
Rothman  
Roybal-Allard  
Sabo  
Sanchez  
Sanders  
Sawyer  
Schakowsky  
Schiff  
Scott  
Shays  
Sherman  
Simmons  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Stark  
Strickland  
Stupak  
Tauscher  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Udall (CO)  
Udall (NM)  
Visclosky  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

NOES—243

Aderholt  
Akin  
Armey  
Bachus  
Baird  
Baker  
Ballenger  
Barcia  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Berry  
Bilirakis  
Bishop  
Blunt  
Boehner  
Bonilla  
Boucher  
Boyd  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clement  
Coble  
Collins  
Combest  
Cooksey  
Costello  
Cox  
Cramer  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann

Davis, Tom  
Deal  
DeLay  
DeMint  
Diaz-Balart  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Holden

Horn  
Hostettler  
Hulshof  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
LaHood  
Largent  
Latham  
LaTourette  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas (KY)  
Lucas (OK)  
Manzullo  
Mascara  
Matheson  
McCrery  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Mica  
Miller (FL)  
Miller, Gary  
Mollohan  
Moran (KS)  
Murtha  
Myrick  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle

Ortiz	Ros-Lehtinen	Sweeney	Cunningham	Kelly	Roemer	Jackson-Lee	McDermott	Sanchez
Osborne	Ross	Tancredo	Davis (FL)	Kennedy (MN)	Rogers (KY)	(TX)	McGovern	Sanders
Ose	Roukema	Tanner	Davis, Jo Ann	Kerns	Rogers (MI)	Jefferson	McKinney	Sawyer
Otter	Royce	Tauzin	Davis, Tom	Kind (WI)	Rohrabacher	Johnson, E. B.	Meehan	Schakowsky
Oxley	Ryan (WI)	Taylor (MS)	Deal	King (NY)	Ros-Lehtinen	Jones (OH)	Meek (FL)	Schiff
Pastor	Ryun (KS)	Taylor (NC)	DeLay	Kingston	Ross	Kaptur	Millender-	Scott
Paul	Sandlin	Terry	DeMint	Kirk	Roukema	Kennedy (RI)	McDonald	Shays
Pence	Saxton	Thomas	Diaz-Balart	Knollenberg	Royce	Kildee	Miller, George	Sherman
Peterson (PA)	Schaffer	Thornberry	Doolittle	LaHood	Ryan (WI)	Kilpatrick	Mink	Simmons
Petri	Schrock	Thune	Doyle	Lampson	Ryun (KS)	Klecza	Moore	Slaughter
Phelps	Sensenbrenner	Tiahrt	Dreier	Largent	Sandlin	Kolbe	Moran (VA)	Smith (WA)
Pickering	Sessions	Tiberi	Duncan	Latham	Saxton	Kucinich	Morella	Solis
Pitts	Shadegg	Toomey	Dunn	LaTourette	Schaffer	LaFalce	Nadler	Stark
Platts	Shaw	Traficant	Edwards	Lewis (CA)	Schrock	Langevin	Napolitano	Tauscher
Pombo	Sherwood	Turner	Ehlers	Lewis (KY)	Sensenbrenner	Lantos	Neal	Thompson (CA)
Pomeroy	Shimkus	Upton	Ehrlich	Linder	Sessions	Larsen (WA)	Oliver	Thompson (MS)
Portman	Shows	Vitter	Emerson	Lipinski	Shadegg	Larson (CT)	Pallone	Tierney
Putnam	Shuster	Walden	English	LoBiondo	Shaw	Leach	Pastor	Udall (CO)
Quinn	Simpson	Walsh	Everett	Lucas (KY)	Sherwood	Levin	Payne	Udall (NM)
Radanovich	Skeen	Wamp	Ferguson	Lucas (OK)	Shimkus	Lofgren	Pelosi	Visclosky
Rahall	Skelton	Watkins (OK)	Flake	Maloney (CT)	Shows	Lowey	Price (NC)	Watt (NC)
Ramstad	Smith (MI)	Watts (OK)	Fletcher	Manzullo	Shuster	Luther	Rangel	Waxman
Regula	Smith (NJ)	Weldon (FL)	Foley	Mascara	Simpson	Maloney (NY)	Reyes	Weiner
Rehberg	Smith (TX)	Weller	Forbes	Matheson	Skeen	Markey	Rivers	Wexler
Reynolds	Souder	Whitfield	Fossella	McCrery	Skelton	Matsui	Rodriguez	Woolsey
Riley	Spratt	Wicker	Frelinghuysen	McHugh	Smith (MI)	McCarthy (MO)	Rothman	Wu
Roemer	Stearns	Wilson	Gallegly	McInnis	Smith (NJ)	McCarthy (NY)	Roybal-Allard	Wynn
Rogers (KY)	Stenholm	Wolf	Ganske	McIntyre	Smith (TX)	McCollum	Sabo	
Rogers (MI)	Stump	Young (AK)	Gekas	McKeon	Snyder			
Rohrabacher	Sununu	Young (FL)	Gibbons	McNulty	Souder			
			Gilchrest	Menendez	Spratt			
			Gillmor	Mica	Stearns			
			Goode	Miller (FL)	Stenholm			
			Goodlatte	Miller, Gary	Strickland			
			Gordon	Mollohan	Stump			
			Goss	Moran (KS)	Stupak			
			Graham	Murtha	Sununu			
			Granger	Myrick	Sweeney			
			Graves	Nethercutt	Tancredo			
			Green (TX)	Ney	Tanner			
			Green (WI)	Northup	Tauzin			
			Greenwood	Norwood	Taylor (MS)			
			Grucci	Nussle	Taylor (NC)			
			Gucknecht	Oberstar	Terry			
			Hall (OH)	Ortiz	Thomas			
			Hall (TX)	Osborne	Thornberry			
			Hansen	Ose	Thune			
			Hart	Otter	Thurman			
			Hastings (WA)	Oxley	Tiahrt			
			Hayes	Pascrell	Tiberi			
			Hayworth	Paul	Toomey			
			Hefley	Pence	Traficant			
			Hefner	Peterson (PA)	Turner			
			Hilleary	Petri	Upton			
			Hobson	Phelps	Vitter			
			Hoekstra	Pickering	Walden			
			Holden	Pitts	Walsh			
			Hostettler	Platts	Wamp			
			Hulshof	Pombo	Pomeroy			
			Hyde	Portman	Waters			
			Isakson	Pryce (OH)	Watkins (OK)			
			Issa	Putnam	Watts (OK)			
			Istook	Quinn	Weldon (FL)			
			Jenkins	Radanovich	Weller			
			John	Rahall	Whitfield			
			Johnson (CT)	Ramstad	Wicker			
			Johnson (IL)	Regula	Wilson			
			Johnson, Sam	Rehberg	Wolf			
			Jones (NC)	Reynolds	Young (AK)			
			Kanjorski	Riley	Young (FL)			
			Keller					

## NOT VOTING—14

Abercrombie	Obey	Towns
Doolittle	Owens	Velázquez
Hunter	Peterson (MN)	Watson (CA)
Lewis (GA)	Rush	Weldon (PA)
Meeks (NY)	Serrano	

## □ 1355

Messrs. GOODLATTE, DUNCAN, SAXTON, REGULA, Mrs. CUBIN, and Messrs. GILCHREST, CLEMENT, SHADEGG, MASCARA and GREENWOOD changed their vote from “aye” to “no.”

Mrs. KELLY, Mr. GREEN of Texas, Mrs. BONO and Ms. TAUSCHER changed their vote from “no” to “aye.”

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTTLER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. HOSTETTTLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 262, noes 152, not voting 16, as follows:

[Roll No. 354]

AYES—262

Aderholt	Bishop	Cannon
Akin	Blunt	Cantor
Armey	Boehrlert	Capito
Bachus	Boehner	Carson (OK)
Baird	Bonilla	Castle
Baker	Bono	Chabot
Ballenger	Boucher	Coble
Barcia	Boyd	Collins
Barr	Brady (TX)	Combust
Bartlett	Brown (SC)	Cooksey
Barton	Bryant	Costello
Bass	Burr	Cox
Bentsen	Burton	Cramer
Bereuter	Buyer	Crane
Berry	Callahan	Crenshaw
Biggert	Calvert	Cubin
Bilirakis	Camp	Culberson

## NOES—152

Ackerman	Clyburn	Ford
Allen	Condit	Frank
Andrews	Conyers	Frost
Baca	Coyne	Gephardt
Baldacci	Crowley	Gilman
Baldwin	Cummings	Gonzalez
Barrett	Davis (CA)	Gutierrez
Becerra	Davis (IL)	Harman
Berkley	DeFazio	Hastings (FL)
Berman	DeGette	Hill
Blagojevich	Delahunt	Hilliard
Blumenauer	DeLauro	Hinchey
Bonior	Deutsch	Hinojosa
Borski	Dicks	Hoeffel
Boswell	Dingell	Holt
Brady (PA)	Doggett	Honda
Brown (FL)	Dooley	Hooley
Brown (OH)	Engel	Horn
Capps	Eshoo	Houghton
Capuano	Etheridge	Hoyer
Cardin	Evans	Inslee
Carson (IN)	Farr	Israel
Clay	Fattah	Jackson (IL)
Clayton	Filner	

## NOT VOTING—16

Abercrombie	Meeks (NY)	Towns
Chambliss	Obey	Velázquez
Clement	Owens	Watson (CA)
Hunter	Peterson (MN)	Weldon (PA)
Lee	Rush	
Lewis (GA)	Serrano	

## □ 1403

Mr. PASTOR changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “District of Columbia Appropriations Act, 2002”.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2944) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 245, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 327, nays 88, answered “present” 1, not voting 14, as follows:

[Roll No. 355]

# YEAS—327

Abercrombie Dreier Langevin  
Ackerman Edwards Lantos  
Aderholt Ehlers Largent  
Allen Ehrlich Larsen (WA)  
Andrews Emerson Larson (CT)  
Baca Engel Latham  
Bachus English LaTourette  
Baird Eshoo Leach  
Baker Etheridge Lee  
Baldacci Evans Levin  
Baldwin Farr Lewis (CA)  
Ballenger Fattah Linder  
Barcia Ferguson Lipinski  
Barrett Filner LoBiondo  
Barton Fletcher Lofgren  
Bass Foley Lowey  
Becerra Ford Lucas (OK)  
Bentsen Frank Luther  
Bereuter Frelinghuysen Maloney (CT)  
Berkley Frost Maloney (NY)  
Berman Gallegly Markey  
Biggart Ganske Mascara  
Bilirakis Gekas Matheson  
Bishop Gephardt Matsui  
Blagojevich Gibbons McCarthy (MO)  
Blumenauer Gilchrest McCarthy (NY)  
Boehlert Gillmor McCollum  
Boehner Gilman McCreery  
Bonilla Gonzalez McDermott  
Bonior Granger McGovern  
Bono Greenwood McHugh  
Borski Grucci McIntyre  
Boswell Gutierrez McKeon  
Boucher Gutknecht McKinney  
Boyd Hall (OH) McNulty  
Brady (PA) Harman Meehan  
Brown (FL) Hastings (FL) Meek (FL)  
Brown (OH) Hastings (WA) Menendez  
Brown (SC) Hill Mica  
Burr Hilliard Millender-  
Buyer Hinchey McDonald  
Callahan Hinojosa Miller (FL)  
Calvert Hobson Miller, Gary  
Camp Hoeft Miller, George  
Cannon Hoekstra Mink  
Capito Holden Mollohan  
Capps Holt Moore  
Capuano Honda Moran (VA)  
Cardin Hooley Morella  
Carson (IN) Horn Murtha  
Carson (OK) Hostettler Myrick  
Castle Houghton Nadler  
Chambliss Hoyer Napolitano  
Clay Hulshof Neal  
Clayton Hyde Nethercutt  
Clement Inslee Northup  
Clyburn Isakson Nussle  
Condit Israel Oberstar  
Conyers Issa Oliver  
Cooksey Istook Ortiz  
Costello Jackson (IL) Osborne  
Coyne Jackson-Lee Ose  
Cramer (TX) Oxley  
Crane Jefferson Pallone  
Crenshaw John Pascarelli  
Crowley Johnson (CT) Pastor  
Cubin Johnson, E. B. Payne  
Cummings Jones (OH) Pelosi  
Cunningham Kanjorski Peterson (PA)  
Davis (CA) Kaptur Phelps  
Davis (FL) Keller Pombo  
Davis (IL) Kelly Pomeroy  
Davis, Tom Kennedy (RI) Portman  
DeFazio Kildee Price (NC)  
DeGette Kilpatrick Pryce (OH)  
DeLaunt Kind (WI) Putnam  
DeLauro King (NY) Quinn  
DeLay Kingston Radanovich  
Deutscher Kirk Rahall  
Diaz-Balart Kleczka Ramstad  
Dicks Knollenberg Regula  
Dingell Kolbe Rehberg  
Doggett Kucinich Reyes  
Dooley LaFalce Reynolds  
Doolittle LaHood Rivers  
Doyle Lampson Rodriguez

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schakowsky  
Schiff  
Scott  
Shaw  
Shays  
Sherman  
Sherwood  
Simmons  
Simpson  
Skeen  
Slaughter  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stupak  
Sununu  
Sweeney  
Tanner  
Tauscher  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thune  
Thurman  
Tierney  
Toomey  
Traficant

Turner  
Udall (CO)  
Udall (NM)  
Upton  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watt (NC)  
Watts (OK)  
Waxman  
Weiner  
Weller  
Wexler  
Whitfield  
Wilson  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

# NAYS—88

Akin Green (TX)  
Armey Green (WI)  
Barr Hall (TX)  
Bartlett Hansen  
Berry Hart  
Blunt Hayes  
Brady (TX) Hayworth  
Bryant Hefley  
Burton Herger  
Cantor Hilleary  
Chabot Hunter  
Coble Jenkins  
Collins Johnson (IL)  
Combest Johnson, Sam  
Cox Jones (NC)  
Culberson Kennedy (MN)  
Davis, Jo Ann Kerns  
Deal Lewis (KY)  
DeMint Lucas (KY)  
Duncan Manzanillo  
Everett McInnis  
Flake Moran (KS)  
Forbes Ney  
Fossella Norwood  
Goode Otter  
Goodlatte Paul  
Gordon Pence  
Goss Petri  
Graham Pickering  
Graves Pitts

Platts  
Riley  
Roemer  
Royce  
Ryan (WI)  
Ryun (KS)  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shows  
Skeltan  
Smith (NJ)  
Stearns  
Stenholm  
Strickland  
Stump  
Tancred  
Taylor (MS)  
Thornberry  
Tiahrt  
Tiberi  
Watkins (OK)  
Weldon (FL)  
Wicker  
Young (AK)

# ANSWERED “PRESENT”—1

Obey

# NOT VOTING—14

Dunn  
Lewis (GA)  
Meeks (NY)  
Owens  
Peterson (MN)  
Rangel  
Rush  
Serrano  
Shuster  
Smith (MI)  
Townes  
Velázquez  
Watson (CA)  
Weldon (PA)

□ 1423

Mr. RYAN of Wisconsin and Mr. FOSSELLA changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SHUSTER. Mr. Speaker, on rollcall No. 355 I was unavoidably detained. Had I been present, I would have voted “nay.”

**AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2944, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2002**

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections and other conforming changes

in the engrossment of H.R. 2944 to reflect the actions of the House.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Michigan? There was no objection.

**PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO HAVE UNTIL MIDNIGHT, WEDNESDAY, SEPTEMBER 26, 2001 TO FILE A REPORT ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002**

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence may have until midnight tomorrow night, September 26, 2001, to file a report on the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

# DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2510) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike out all after line 8 down to and including line 14 and insert “2002”.

# SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking “2001” and inserting “2002”.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Without objection, the Senate amendment is agreed to, and a motion to reconsider is laid on the table.

There was no objection.

# GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2510, the legislation just passed, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

# VACATING PROCEEDINGS ON H.R. 2510, DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

The SPEAKER pro tempore. Without objection, the previous action of the House on H.R. 2510 will be vacated.

There was no objection.

## DEFENSE PRODUCTION ACT AMENDMENTS OF 2001

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Senate amendment:

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### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "2001" and inserting "2002".

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment:

Line 3, strike "2002" and insert "2003".

Line 7, strike "2002" and insert "2003".

Mr. OXLEY. Mr. Speaker, I rise today in strong support for the reauthorization of the Defense Production Act and the amendment that will be adopted by the House today. As you are aware, the Defense Production Act gives the President important emergency powers to ensure that industry produces needed material during times of military or civil emergencies.

Unfortunately, with the events of September 11, we find ourselves in the midst of both. The President's authority under the DPA expires on Sunday, and it is important that we renew these powers during this critical period in our Nation's history.

The House passed a clean 3-year reauthorization on September 5. The Senate returned the bill to us late Friday night, limiting the President's authority to only one year. With the clock ticking, we don't want to be back in this same position next year. Therefore, in the best spirit of compromise, we are amending the Senate bill and splitting the difference—extending the DPA for 2 years. I know that some of my colleagues in the other body have some concerns about the powers granted to the President under the DPA, and particularly in how they have been used in the past. They have my assurance that we will look closely at those concerns in the interim, and make changes where they are necessary.

I want to thank Chairman KING, and ranking members LAFALCE and MALONEY for their help in moving this bipartisan legislation forward. I urge my colleagues to support this bill and this amendment.

Mr. LAFALCE. Mr. Speaker, I want to express my strong support for the extension of the Defense Production Act for a two-year pe-

riod. I also want to commend the Chairman of the Financial Services Committee, as well as the Chairman and Ranking Member of the subcommittee on Domestic Monetary Policy, for their vigilance and bi-partisanship in ensuring that these statutes are extended prior to expiration.

Clearly, this body would have preferred a 3-year extension of the Act, as reflected in the earlier legislation already passed in the House. However, it is also clear that a 2-year extension is the most prudent course of action in order to ensure that reauthorization of the Act is signed into law within the next few days.

As I have argued repeatedly during the past two weeks, the Act contains Presidential powers that may well be needed to be called upon in the aftermath of the terrorist attack. In fact, we already have indications that the DPA will be invoked in the coming weeks. One news report from this morning states, "[The DPA] is one of an array of statutes likely to be used frequently in the coming weeks as DOD seeks to expedite procurements—especially in the information technology and telecommunications sectors."

With today's action in this body, I am confident that we will have an extension of the DPA signed into law prior to its expiration on September 30, and I want to thank my colleagues again for demonstrating the wisdom and flexibility that has been necessary to make that happen.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I once again ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2510, the legislation just passed, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## DISTRICT OF COLUMBIA POLICE COORDINATION AMENDMENT ACT OF 2001

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2199) to amend the National Capital Revitalization and Self-Govern-

ment Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes.

The Clerk read as follows:

H.R. 2199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Police Coordination Amendment Act of 2001".

### SEC. 2. PERMITTING ADDITIONAL FEDERAL LAW ENFORCEMENT AGENCIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH METROPOLITAN POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Section 11712(d) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 4-192(d)) is amended by adding at the end the following:

"(33) Any other law enforcement agency of the Federal government that the Chief of the Metropolitan Police Department and the United States Attorney for the District of Columbia deem appropriate to enter into an agreement pursuant to this section."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

### GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2199.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Our colleague the gentlewoman from the District of Columbia (Ms. NORTON) introduced this bill, H.R. 2199, on June 14 of this year. It was referred to the House Committee on Government Reform and was then referred to the Subcommittee on the District of Columbia on June 19. The subcommittee considered and marked up the legislation on June 26, forwarded it to the full committee by unanimous consent, and the committee considered and marked up H.R. 2199 on July 25 and ordered it to be reported.

Mr. Speaker, H.R. 2199 amends the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into an agreement with the D.C. Metropolitan Police Department in order to assist the

Metropolitan Police Department with local law enforcement in the District.

□ 1330

The original 1997 legislation provided great assistance to the District of Columbia by enabling Federal law enforcement agencies to enforce local laws on or near their jurisdictional boundaries.

The 1997 legislation specified certain law enforcement agencies, inadvertently leaving out some agencies. H.R. 2199 cures this restriction by allowing other law enforcement agencies to enter into cooperative agreements with the Metropolitan Police Department if the Chief of the Metropolitan Police Department and the United States Attorney for the District of Columbia deem it appropriate.

Mr. Speaker, I would like to express my appreciation to the gentlewoman from the District of Columbia (Ms. NORTON), the ranking minority member of the Subcommittee on the District of Columbia, for her leadership in expanding the provisions of the existing law to improve public safety and reduce crime in the Nation's capital.

I would also like to thank the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), for his interest in District of Columbia issues and for his guidance in bringing this bill to the floor, and of course to the ranking member, the gentleman from California (Mr. WAXMAN).

Mr. Speaker, I urge all Members to support H.R. 2199, the District of Columbia Police Coordination Amendment Act of 2001.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill to amend P.L. 105-33, legislation that has done much to cure our coordinated efforts of Federal and local law enforcement officials in the Nation's capital. I want to thank the chairman of the Subcommittee on the District of Columbia (Mrs. MORELLA) for her leadership and her work in bringing this bill to the floor today and moving so quickly to facilitate this important bill.

H.R. 2199, the District of Columbia Police Coordination Act of 2001, amends the Police Coordination Act I introduced in 1997, signed that year, by allowing those agencies not named in the original legislation to assist the Metropolitan Police Department with local law enforcement in the district. Inadvertently, P.L. 105-33 failed to make the language sufficiently open-ended to include agencies not mentioned in the original bill.

Prior to the Police Coordination Act, Federal agencies often were confined to agency premises and were not able to enforce local laws on or near their premises. Instead, for example, Federal officers sometimes called 911, taking

hard-pressed D.C. police officers from urgent work in neighborhoods experiencing serious crime. Federal officers were trained and willing to do the job, but lacked the authority to do so before the passage of the Police Coordination Act. When our country has been attacked, this flexibility provided to Federal police officers to pursue suspects beyond their desks is both timely and necessary.

Five agencies have already signed agreements with the U.S. Attorney for the District of Columbia enabling them to assist the Metropolitan Police Department, including the Federal Protective Service, the largest Federal force to participate. Now over 400 officers are assisting D.C. police.

Federal agencies understand that the extension of their jurisdiction will enhance safety and security within and around their agencies, while offering needed assistance as well to District residents. The Capitol Police and Amtrak police, who have the longest experience with expanded jurisdiction, report that the morale of their officers was affected positively because of the satisfaction that comes from being integrated into efforts to reduce and prevent crime in and around their agencies and in the Nation's capital.

This non-controversial technical amendment to the Police Coordination Act is another step toward achieving my goal of assuring the most efficient use of all the available police resources to protect Federal agency staff, visitors, commuters, and D.C. residents. I urge all of my colleagues to support H.R. 2199.

Once again, I thank the chairman for her work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I reiterate my thanks to the sponsor of the legislation, the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership on these issues. I urge unanimity supporting this important bill to coordinate the police action in the District of Columbia to provide for further public safety and reduction of crime.

Mr. Speaker, I yield back the balance of my time.

THE SPEAKER pro tempore (Mr. BE-REUTER). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2199.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

# PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 246

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes. No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a rule providing for further consideration of H.R. 2586, the fiscal year 2002 Department of Defense Authorization Act. The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule

waives all points of order against such amendments. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this rule allows us to finish up our work on the defense bill. All of us on both sides of the aisle recognize that we must provide for our military in this time of crisis. The gentleman from Arizona (Chairman STUMP) and the gentleman from Missouri (Mr. SKELTON) deserve great credit for coming together this week to grease the skids on this bill.

The rule simply ratifies their agreement by providing for five amendments. The gentleman from Texas (Mr. FROST), who is managing the rule for the minority, worked hard on one of these amendments. In the wake of the terrorist attacks 2 weeks ago, the gentleman from Texas (Mr. Frost) and the gentleman from Arizona (Mr. STUMP) worked to ensure that the Pentagon commends its civilian employees who are killed and injured by terrorist attacks by awarding them a medal for the defense of freedom. This is a new medal to recognize civilian Department of Defense employees who are injured in the line of duty.

The rule makes in order another amendment that I strongly oppose, an amendment to allow abortions on our military bases overseas. There is no place for abortion at our sensitive foreign bases.

Finally, Mr. Speaker, in addition to a noncontroversial manager's amendment, the rule provides for two amendments that would beef up our military's ability to fight terrorism. All of America realizes how important this is. We can leave nothing to chance. The primary purpose of our Federal Government is to defend our citizens, and the military is our primary source of that defense.

The need for these amendments is all too clear. We must act quickly to give our men and women the tools that they need to patrol our borders and prevent terrorist attacks to protect us.

So let us pass this rule and pass the underlying defense authorization bill. At the end of the day, we will have provided \$343 billion to our Armed Forces, the largest increase in support for our military since the 1980s. At this crucial time in our history, this bill is most important.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start by saying that I am glad that today the House of Representatives will complete this bill, H.R. 2586, the National Defense Authorization Act for fiscal year 2002. It is a good example of the bipartisan support America's Armed Forces enjoy. It passed the Committee on Armed Services on a bipartisan vote of 58 to 1. That is because Democrats and Republicans are strongly committed to a

first-rate military that will protect this Nation and its people and that will maintain our position as the chief protector of democracy and the rule of law throughout the world.

Since the horror of September 11, Mr. Speaker, America's commitment to the finest military in the world has only become stronger. That is clear from the hard work that went into reaching bipartisan consensus in this rule.

In the interest of national unity, several of the military's strongest defenders on the Democratic side agreed to forego important priorities. For example, I am disappointed that the manager's amendment strips out the provision of the gentleman from Hawaii (Mr. ABERCROMBIE) to make contracting procedures more equitable for Department of Defense civilian employees, a provision that was passed by the Committee on Armed Services. Last night, Democrats on the Committee on Rules tried to restore this important provision, but failed in a party line vote. I hope that we can revisit this issue at a later date.

On the other hand, I am pleased that there is bipartisan support for the amendment offered by the gentleman from Arizona (Chairman STUMP) and the ranking member, the gentleman from Missouri (Mr. SKELTON). It provides \$400 million for intelligence and counterterrorism initiatives by reducing the President's request for national missile defense. It reflects how America's national defense priorities have changed since September 11.

The rule also makes in order an amendment by the gentlewoman from California (Ms. SANCHEZ) to restore equal access to health services at overseas military hospitals for service men and women and their dependents stationed overseas.

Finally, I personally appreciate the work of the gentleman from Arizona (Chairman STUMP) and the gentleman from California (Chairman DREIER) to recognize the sacrifice of Defense Department civilians killed or injured at the Pentagon on September 11. The amendment of the gentleman from Arizona (Chairman STUMP) is a sense of the Congress resolution commending the Defense Department's decision to create a new award, a medal for the defense of freedom, to be awarded to Defense Department civilian employees killed or wounded as a result of terrorism.

Mr. Speaker, we urge the Secretary of Defense to move quickly to produce and present this new medal. These medals are typically awarded about the time of burial, and the Defense Department is now in the process of identifying the civilians killed in the September 11 attack on the Pentagon.

Until 1998, Mr. Speaker, civilian employees of the Defense Department were eligible for the Purple Heart, an honor begun by the Kennedy administration and continued during the

Reagan Administration. The amendment of the gentleman from Arizona (Chairman STUMP) would ensure that once again they can receive the recognition they deserve for their service to America.

As for the bill itself, Mr. Speaker, I am pleased that it makes crucial quality of life improvements by raising military pay, improving military housing, and ensuring medical care for military retirees for the men and women of the Armed Forces and their families.

I am also pleased that the Committee on Armed Services has continued its commitment to the wide range of weapons programs that ensure our military's superiority throughout the world. The bill includes \$865 million for research and development of the F-22 Raptor, the next generation air dominance fighter for the Air Force, as well as \$2.7 billion for 13 low-rate initial production aircraft, and \$379 million for advance procurement of 24 LRIP aircraft in fiscal year 2003.

□ 1445

Mr. Speaker, H.R. 2586 also includes \$1.5 billion for continued development of the Joint Strike fighter and \$1 billion for the procurement of 12 MV-22 helicopters. These aircraft are important components in our national arsenal, and moving forward on their research and development sends a clear signal that the United States has no intention of relinquishing our air superiority.

Mr. Speaker, the first duty of the Congress is to provide for the national defense and the men and women who protect it. This bipartisan bill does a great deal to improve military readiness and to improve the quality of life of our men and women in uniform, as well as for their families. For that reason, I urge the adoption of this rule and of the bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

Mr. ACEVEDO-VILÁ. Mr. Speaker, I am glad the House today finally agrees on a rule to approve H.R. 2586, that will authorize the adequate funds for the Defense Department at this critical time, but I want to clarify some issues with regard to Puerto Ricans and Puerto Rico's commitment at this moment to the Nation.

Puerto Ricans will continue to support this great Nation and President George W. Bush in efforts to fight against the horrific elements of terrorism. Let no one question our commitment. Governor Calderon and I have reached out to support those directly impacted by the cowardly acts of September 11, 2001. Some 800 Puerto Ricans died that day in the Pentagon and in New York. We stand in steadfast support of efforts to realize justice and to heal the many wounds inflicted on America. We recognize that this bill works toward that commitment.

Nevertheless, I am concerned, however, about language contained in the

chairman's mark that would, if enacted, alter the commitment of the Navy to find sufficient alternative training grounds to Vieques by May 1, 2003. I am also concerned about how this change in policy will be received in Puerto Rico should it become law. We reaffirm our support of President Bush's position that there is no need for another referendum and that the Navy depart Vieques on or before May 1, 2003.

Furthermore, since Navy Secretary Gordon England yesterday stated in a letter dated September 24, 2001, to Senate Committee on Armed Services Committee Chairman LEVIN that the Navy will meet its goal of May 1, 2003, there is no need to change the existing commitment. Such a change would create confusion and distrust in Vieques. We do not need that at this time of national unity.

I am confident that the President, this House, and the Senate will comply with the commitment made to the people of Vieques that the Navy will leave Vieques by 2003.

I want my colleagues to appreciate how committed Puerto Ricans are to our national defense. All of the recruitment goals of the armed services have been surpassed in Puerto Rico over the last 4 years. Even as this issue has been discussed on the island, young Puerto Ricans enlist to serve our Nation in numbers that increase year after year and exceed recruiting goals of our armed services, including the Navy.

Puerto Rico's support of this Nation is unconditional. However, I believe that the administration can still meet the commitment to find alternatives to Vieques by May 1, 2003.

Mrs. MYRICK. Mr. Speaker, I would just like to say to the gentleman from Puerto Rico that I hope he will accept our condolences for all of the people of Puerto Rico who lost their lives in that senseless act.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I rise in support of this rule. Both the gentleman from Utah (Mr. HANSEN) and I had asked that amendments be made in order that deal with base closure. They were not made in order; but in the spirit of comity, we understand why that is the situation.

However, the other body has clearly made its preferences clear, and this will be an item at conference. Secretary Rumsfeld also made a very strong statement within the last 24 hours that he believes the events of 2 weeks ago in Washington and New York bring home even more the importance of finding dollars to save as we transform our military into dealing with the threats of the future. So while we will not have any language in this defense bill today that deals with base

closure, I believe that at conference, we need to improve the language of the Senate so that those communities that go through this process hopefully can have more peace of mind than they did in previous rounds of base closure. We need to do base closure, and at some point we will save an additional \$3 billion a year that can go into items that we need to deal with the threats of the future.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to take this opportunity to oppose this rule.

I find at a time when we are getting ready to ask another generation of Americans to lay their lives on the line for our Nation, that we are now willing to fulfill a promise made to previous generations of Americans who have served our country. One of the many promises that were made to the men and women in uniform was the promise of free lifetime health care. The implied promise for almost all of those people who served and enlisted back then was that the base hospital would be made available to them for the rest of their lives.

Mr. Speaker, last year, after some effort to get an amendment to the floor, 406 of my colleagues voted to pass something called Medicare subvention, which would allow 65-year-old military retirees to use the base hospital and for Medicare to reimburse that base hospital so that there was no cost to the DOD for providing health care to our Nation's military retirees. Our military retirees, like every other American, pay Medicare taxes. This would allow them to take those Medicare taxes to the doctor of their choice.

Unfortunately, the other body, after we passed that by such a large vote, chose not to include that in the final version of the defense authorization bill. They took our language that said "you must do it" and said "you may do it." Unfortunately, events have shown that neither HCFA, which is Medicare, nor the DOD could reach an agreement on the compensation.

So now, because the Committee on Rules said we would have to waive the budget rule, we cannot take care of our Nation's military retirees. I guess the gentleman from Arizona (Mr. HAYWORTH) and I would be the only two guys in this room to know that there is a song by the Isley Brothers called "Harvest for the World." The rhetorical question is why do those who pay the price come home with the least? Mr. Speaker, if these Americans have paid the price, then why are they coming home with the least?

We are told that for hundreds of millions of dollars, we cannot reimburse the base hospitals with their own Medicare money. Mr. Speaker, 31 times this year, the Committee on Rules has seen fit to waive the budget rules; but al-

most always, it was for someone who had a big PAC, folks who made big contributions. Well, military retirees do not have big PACs; and they do not make big contributions, not the least donation-wise. What they have done is contributed their lives to our Nation, and we are not even willing to see to it that we can keep the promise to them.

So I am going to oppose this rule, and I would ask my fellow colleagues to oppose it.

I would also like to point out that one more budget tightening that is going on has to do with concurrent receipt. Federal employees who are disabled on the workplace are allowed to draw their disability and their retirement pay. Once again, the only Americans who are singled out to get one or the other are our Nation's military retirees. As the President just pointed out, we are going to have casualties in this war against terrorism; and if those casualties happen to have been someone who served our Nation for 20 years or more, and if they become disabled as a result of their military service, they will get their disability; but it will be deducted from their retirement pay.

Mr. Speaker, I want my colleagues, the Committee on Rules, I want the gentleman from California (Mr. THOMAS) of the Committee on Ways and Means, I want somebody to come to this floor and tell me that that is fair. Just last week we bailed out the airlines, and I voted for it, and some of the people we bailed out make \$20 million and \$30 million a year to run those companies, and they have not run them very well. We have seen to it that the wealthiest 5 percent of all Americans got more than their fair share of 1 trillion, 200 billion dollars worth of tax breaks; but we cannot take care of folks who have been disabled serving their country, and we cannot honor the promise of lifetime health care to our Nation's military retirees.

I want the Speaker of the House, I want the gentleman from California (Mr. THOMAS), I want someone to come forward and just tell me if they think that is fair, because if we are willing to do it behind the cloak of secrecy, if we are willing to get the folks on the Committee on Rules to do our dirty work for us, then please do not have the nerve 2 months from now to go to Veterans' Day celebrations, and when that military retiree comes to you and says, you know what, they will not let me in the base hospital, and when that disabled veteran comes to you, and says, you know what, I can get my military pay or disability pay, but I have earned both of them, and I cannot get both, you can look that guy in the eye and say, well, I was not aware of that, and maybe he will forget about it a year from November, or you can tell him the truth: yes, I knew you had a problem, but we were trying to move that bill along, so we just ignored you one more time.

Just last week we found \$18 billion to bail out the airlines. The week before that we allocated \$40 billion additional defense funds, but not one of those pennies is allocated to solve either one of these problems. Does somebody want to tell me that is right? This defense bill is more famous for what it does not do. It does not balance the budget. As of the end of August, even before the tragedy on September 11, our Nation was \$31 billion in the red, again. It does not build ships. At the rate we are going, we are losing 15 ships a year, that is the impact, and headed towards a 200 ship fleet. I say to my colleagues, not the 400-ship fleet of just a few years ago and not the 600-ship fleet of the Reagan years. So someone tell me where the heck all the money goes and why we cannot set better priorities.

So for a lot of reasons, on behalf of my 405 colleagues who supported Medicare subvention last year, and who only asked for a fair up and down vote on that issue so that we can fulfill the promise to our Nation's military retirees, I ask my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, we have no additional speakers. I urge adoption of the rule, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 57 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1747

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McHUGH) at 5 o'clock and 47 minutes p.m.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, September 25, 2001.

Hon. J. DENNIS HASTERT,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representa-

tives, the Clerk received the following message from the Secretary of the Senate on September 25, 2001 at 4:41 p.m.

That the Senate PASSED without amendment H.J. Res. 65.

With best wishes, I am

Sincerely,

JEFF TRANDAH,   
 Clerk of the House.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

The SPEAKER pro tempore. Pursuant to House Resolution 246 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2586.

□ 1748

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, with Mrs. BIGGERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, September 20, 2001, proceedings pursuant to the order of the House of Wednesday, September 19 had been completed.

Pursuant to House Resolution 246, no further amendment to the committee amendment in the nature of a substitute is in order, except amendments printed in House Report 207-218. Amendments printed in the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107-218.

#### AMENDMENT NO. 1 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. STUMP:

At the end of subtitle A of title I (page 18, after line 25), insert the following new section:

#### SEC. \_\_\_\_ ADDITIONAL AMOUNT FOR SHIPBUILDING AND CONVERSION, NAVY.

(a) INCREASE IN SCN AMOUNT.—The amount provided in section 102(a)(3) for shipbuilding and conversion for the Navy is hereby increased by \$57,100,000, to be available for the U.S.S. Eisenhower (CVN-69) Refueling Complex Overhaul program.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by \$57,100,000, to be derived from amounts for consulting services.

Strike section 121 (page 20, line 2, through page 21, line 2).

At the end of subtitle B of title II (page 27, after line 24), insert the following new sections:

#### SEC. \_\_\_\_ COST LIMITATION APPLICABLE TO F-22 AIRCRAFT PROGRAM ENGINEERING AND MANUFACTURING DEVELOPMENT.

Section 217(c)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660) is amended by inserting "plus \$250,000,000" after "and (2)".

#### SEC. \_\_\_\_ C-5 AIRCRAFT MODERNIZATION.

(a) INCREASE IN AIR FORCE RDTE AMOUNT.—The amount provided in section 201(3) for Research, Development, Test, and Evaluation for the Air Force is hereby increased by \$30,000,000, to be available for Re-engineing and Avionics Modernization for the C-5 aircraft.

(b) OFFSET.—The amount provided in section 301(5) is hereby reduced by \$30,000,000, to be derived from amounts for consulting services.

Strike section 331 (page 58, beginning on line 19) and insert the following:

#### SEC. 331. WORKFORCE REVIEW LIMITATIONS.

(a) LIMITATION PENDING GAO REPORT.—No more than 50 percent of the workforce reviews planned during fiscal year 2002 may be initiated before the date that is the earlier of (1) May 1, 2002, or (2) the date on which the Comptroller General submits to Congress the report required by section 832 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-221), regarding policies and procedures governing the transfer of commercial activities from Government personnel to Federal contractors.

(b) REQUIRED COST SAVINGS LEVEL FOR CHANGE.—(1) A commercial or industrial type function of the Department of Defense may not be changed to performance by the private sector as a result of a workforce review unless, as a result of the cost comparison examination required as part of the review that employed the most efficient organization process described in Office of Management and Budget Circular A-76 or any successor administrative regulation or policy, at least a 10-percent cost savings would be achieved by performance of the function by the private sector over the term of the contract.

(2) The cost savings requirement specified in paragraph (1) does not apply to any contracts for special studies and analyses, construction services, architectural services, engineering services, medical services, scientific and technical services related to (but not in support of) research and development, and depot-level maintenance and repair services.

(3) The Secretary of Defense may waive the cost savings requirement if—

(A) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

(B) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a cost comparison examination.

(C) The Secretary of Defense shall publish a copy of the waiver in the Federal Register.

(c) WORKFORCE REVIEW DEFINED.—In this section, the term "workforce review" with respect to a function of the Department of Defense performed by Department of Defense civilian employees, means a review conducted under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

Strike subtitle G of title III (page 71, beginning on line 12), relating to the Department of Defense Service Contracting Reform Act of 2001.

At the end of subtitle F of title III (page 71, after line 11), insert the following new sections:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING SECURITY TO BE PROVIDED AT THE 2002 WINTER OLYMPIC GAMES.**

It is the sense of Congress that the Secretary of Defense should provide essential and appropriate public safety and security support for the 2002 Winter Olympic Games in Salt Lake City, Utah.

Page 179, line 18, insert "(a) ACCESS TO DIRECTORY INFORMATION.—" before "Section".

Page 180, after line 3, insert the following: (b) ENHANCED RECRUITER ACCESS.—Section 503(c)(5) of such title is amended by striking "do not apply to—" and all that follows through "(B)" and inserting "do not apply to".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2002, immediately after the amendment to section 503(c) of title 10, United States Code, made, effective that date, by section 563(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-131).

Strike section 715 (page 231, beginning on line 8, and all that follows through page 234, line 18) and insert the following new section:

**SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARDING THE DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.**

(a) CLARIFICATION REGARDING COVERAGE.—Subsection (b) of section 1111 of title 10, United States Code, is amended to read as follows:

"(b) In this chapter:

"(1) The term 'Department of Defense retiree health care programs' means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care under a Department of Defense or uniformed service program for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

"(2) The term 'eligible dependent' means a dependent (as such term is defined in section 1072(2) of this title) described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3).

"(3) The term 'medicare-eligible', with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

"(4) The term 'participating uniformed service' means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c)."

(b) PARTICIPATION OF OTHER UNIFORMED SERVICES.—(1) Section 1111 of such title is further amended by adding at the end the following new subsection:

"(c) The Secretary of Defense may enter into an agreement with any other administering Secretary (as defined in section 1072(3)) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. Any such agreement shall require that Secretary to make contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary comparable to the contributions to the Fund made by the Secretary of Defense under section 1116, and such administering Secretary may make such contributions."

(2) Section 1112 of such title is amended by adding at the end the following new paragraph:

"(4) Amounts paid into the Fund pursuant to section 1111(c)."

(3) Section 1115 of such title is amended—

(A) in subsection (a), by inserting "participating" before "uniformed services";

(B) in subparagraphs (A)(ii) and (B)(ii) of subsection (b)(1), by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services";

(C) in subsection (b)(2), by inserting "(or to the other executive department having jurisdiction over the participating uniformed service)" after "Department of Defense"; and

(D) in subparagraphs (A) and (B) of subsection (c)(1), by inserting "participating" before "uniformed services".

(4) Section 1116(a) of such title is amended in paragraphs (1)(B) and (2)(B) by inserting "under the jurisdiction of the Secretary of Defense" after "uniformed services".

(c) CLARIFICATION OF PAYMENTS FROM THE FUND.—(1) Subsection (a) of section 1113 of such title is amended to read as follows:

"(a) There shall be paid from the Fund amounts payable for the costs of all Department of Defense retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents described in section 1111(b)(3) who are medicare eligible."

(2) Such section is further amended by adding at the end the following new subsections:

"(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropriations of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

"(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year that the appropriation to which the funds were originally transferred is available for obligation.

"(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be based (in whole or in part) on a proportionate share of the volume (measured as the Secretary determines appropriate) of health care services provided or paid for under Department of Defense retiree health care programs for beneficiaries under those programs who are medicare-eligible in relation to the total volume of health care services provided or paid for under Department of Defense health care programs.

"(e) The regulations issued by the Secretary under subsection (d) shall be provided to the Comptroller General not less than 60 days before such regulations become effective. The Comptroller General shall, not later than 30 days after receiving such regulations, report to the Secretary of Defense

and Congress on the adequacy and appropriateness of the regulations.

"(f) If the Secretary of Defense enters into an agreement with another administering Secretary pursuant to section 1111(c), the Secretary of Defense may take actions comparable to those described in subsections (c), (d), and (e) to effect comparable activities in relation to the beneficiaries and programs of the other participating uniformed service."

(d) SOURCE OF FUNDS FOR MONTHLY ACCRUAL PAYMENTS INTO THE FUND.—Section 1116 of such title is further amended—

(1) in subsection (a)(2)(B) (as amended by subsection (b)(7)), by striking the sentence beginning "Amounts paid into"; and

(2) by adding at the end the following new subsection:

"(c) Amounts paid into the Fund under subsection (a) shall be paid from funds available for the health care programs of the participating uniformed services under the jurisdiction of the respective administering Secretaries."

(e) LIMITATION ON TOTAL AMOUNT CONTRIBUTED DURING A FISCAL YEAR.—Section 1116 of such title is further amended by adding at the end the following new subsection:

"(d) In no case may the total amount of monthly contributions to the Fund during a fiscal year under subsection (a) exceed the amount paid from the Fund during such fiscal year under section 1113."

(f) TECHNICAL AMENDMENTS.—(1) The heading for section 1111 of such title is amended to read as follows:

**"§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements".**

(2) The item relating to section 1111 in the table of sections at the beginning of chapter 56 of such title is amended to read as follows:

"1111. Establishment and purpose of Fund; definitions; authority to enter into agreements."

(3) Section 1115(c)(1)(B) of such title is amended by inserting an open parenthesis before "other than for training)".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-179).

(h) FIRST YEAR CONTRIBUTIONS.—With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of such title, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.

At the end of title X (page 307, after line 20), insert the following new sections:

**SEC. \_\_\_\_ . AMENDMENTS RELATING TO COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.**

(a) DEADLINE FOR REPORT.—Subsection (d)(1) of section 1092 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-302) is amended by striking "March 1, 2002" and inserting "one year after the date of the first official meeting of the Commission".

(b) TERMINATION OF COMMISSION.—Subsection (g) of such section is amended by striking "30 days" and inserting "60 days".

**SEC. \_\_\_\_ AUTHORITY TO ACCEPT MONETARY CONTRIBUTIONS FOR REPAIR AND RECONSTRUCTION OF PENTAGON RESERVATION.**

Section 2674(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

“(2) The Secretary of Defense may accept monetary contributions made for the purpose of assisting to finance the repair and reconstruction of the Pentagon Reservation following the terrorist attack that occurred on September 11, 2001. The Secretary shall deposit such contributions in the Fund.”; and

(3) in paragraph (3), as redesignated, by inserting at the end the following new sentence: “However, contributions accepted under paragraph (2) shall be available for expenditure only for the purpose specified in such paragraph.”.

At the end of title XIV (page 348, after line 8), insert the following new section:

**SEC. 1408. RELATIONSHIP TO AUTHORITIES AND RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.**

Nothing in this title or the amendments made by this title shall modify, alter, or supersede the authorities and responsibilities of the Director of Central Intelligence.

Strike section 2863 (page 424, line 9, through page 426, line 6), and insert the following new section:

**SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRANCISCO.**

(a) **AUTHORITY TO LEASE CERTAIN HOUSING UNITS FOR USE AS ARMY HOUSING.**—Title I of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 460bb note) is amended by adding at the end the following new section:

**“SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN HOUSING UNITS WITHIN THE PRESIDIO.**

“(a) **AVAILABILITY OF HOUSING UNITS FOR LONG-TERM ARMY LEASE.**—Subject to subsection (c), the Trust shall make available for lease, to those persons designated by the Secretary of the Army and for such length of time as requested by the Secretary of the Army, 22 housing units located within the Presidio that are under the administrative jurisdiction of the Trust and specified in the agreement between the Trust and the Secretary of the Army in existence as of the date of the enactment of this section.

“(b) **LEASE AMOUNT.**—The monthly amount charged by the Trust for the lease of a housing unit under this section shall be equivalent to the monthly rate of the basic allowance for housing that the occupant of the housing unit is entitled to receive under section 403 of title 37, United States Code.

“(c) **CONDITION ON CONTINUED AVAILABILITY OF HOUSING UNITS.**—Effective after the end of the four-year period beginning on the date of the enactment of this section, the Trust shall have no obligation to make housing units available under subsection (a) unless, during that four-year period, the Secretary of the Treasury purchases new obligations of at least \$80,000,000 issued by the Trust under section 104(d)(2). In the event that this condition is not satisfied, the existing agreement referred to in subsection (a) shall be renewed on the same terms and conditions for an additional two years.”.

(b) **INCREASED BORROWING AUTHORITY AND TECHNICAL CORRECTIONS.**—Paragraphs (2) and (3) of section 104(d) of title I of division I of the Omnibus Parks and Public Lands Management Act of 1996, as amended by section 334 of appendix C of Public Law 106-113 (113

Stat. 1501A-199) and amended and redesignated by section 101(13) of Public Law 106-176 (114 Stat. 25), are amended—

(1) in paragraph (2), by striking “including a review of the creditworthiness of the loan and establishment of a repayment schedule,” the second place it appears; and

(2) in paragraph (3)—

(A) by striking “\$50,000,000” and inserting “\$150,000,000”; and

(B) by striking “paragraph (3) of”.

At the end of subtitle A of title XXXI (page 461, after line 6), insert the following new section:

**SEC. \_\_\_\_ INCREASED AMOUNT FOR NON-PROLIFERATION AND VERIFICATION.**

(a) **NATIONAL NUCLEAR SECURITY ADMINISTRATION.**—The amounts provided in section 3101 for activities of the National Nuclear Security Administration, and in paragraph (2) of that section for defense nuclear nonproliferation, are each hereby increased by \$10,000,000, for operation and maintenance for nonproliferation and verification research and development (and the amounts provided in subparagraph (A) of such paragraph (2) and in clause (i) of such subparagraph are each hereby increased by such amount).

(b) **OFFSET.**—The amount provided in section 301(5) is hereby reduced by \$10,000,000, to be derived from amounts for consulting services.

Strike section 3304 (page 483, lines 9 through 16) and insert the following new section:

**SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY TO DISPOSE OF COBALT FROM NATIONAL DEFENSE STOCKPILE.**

(a) **DISPOSAL AUTHORIZED DURING FISCAL YEAR 2002.**—Subsection (a)(1) of section 3305 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 50 U.S.C. 98d note) is amended by striking “fiscal year 2003” and inserting “the two-fiscal year period ending September 30, 2003”.

(b) **LIMITATIONS ON DISPOSAL AUTHORITY.**—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: “The total quantity of cobalt disposed of under such subsection during fiscal year 2002 may not exceed 700,000 pounds.”.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

The amendment that I offer at this point in the bill has been developed in consultation with the gentleman from Missouri (Mr. SKELTON), the committee's ranking member, and results mostly from the unusual process the Committee on Armed Services had to deal with this year.

As Members are aware, we did not receive the administration's amended budget proposal for the Department of Defense until after the July 4 break. Details regarding the submission and backup justification materials continued to come into the committee throughout the month of July and even into August. However, the gentleman from Missouri (Mr. SKELTON) and I determined that in order to get the defense bill to the floor this month, the

committee needed to get through the markup before the August district period.

The committee compressed what would normally be a 3-month deliberation into less than a month, but strived to accomplish the committee's usual comprehensive work product. Unfortunately, the reality of moving so quickly while greater levels of detail kept arriving from the administration, inevitably necessitated that a variety of changes be made to the bill based on that information.

Some of the provisions are more technical than others but, again, all have been worked out in consultation with the gentleman from Missouri (Mr. SKELTON), and I urge my colleagues to support the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Madam Chairman, one might call this a “cats and dogs” amendment. In this bill, as in every bill, there are minor housekeeping matters and new ideas and agreements that do not require their own specific amendment; and the gentleman from Arizona (Mr. STUMP), the chairman of the committee, and I have rounded up the strays and now present them en bloc. I have worked with the chairman to resolve these items. I support all of them, and I ask the Members to join us in the passage of this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

I rise to engage the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the Permanent Select Committee on Intelligence, in a colloquy on space launch.

Madam Chairman, I yield to the gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the House Select Committee on Intelligence for a colloquy regarding section 121 of the bill.

Mr. BEREUTER. Madam Chairman, I thank the gentleman for yielding.

The gentleman from Florida (Mr. Goss), the chairman of the Select Committee on Intelligence, and I appreciate the willingness of the gentleman from Arizona (Mr. STUMP), the chairman of the committee, to reach common ground on the issue of responsibility for contracts on defense space launches. We are particularly grateful that he has agreed with our amendment to remove section 121 from the bill.

As the gentleman knows, the House Permanent Select Committee on Intelligence included a provision in the fiscal year 2001 intelligence authorization bill that would encourage the National Reconnaissance Office to have greater input with respect to contracting related to the launch of national reconnaissance payloads. There have been

positive developments from the introduction of this language in last year's intelligence bill, even though that language was removed by the other body prior to final passage. Since the beginning of 2001, the U.S. Air Force has been more forthcoming with the NRO on contracting matters, and this trend needs to be encouraged.

Mr. STUMP. Madam Chairman, reclaiming my time, it is my understanding that the House Select Committee on Intelligence does not plan to adopt any additional space launch contracting provisions in the fiscal year 2002 intelligence authorization bill; is that correct?

Mr. BEREUTER. Madam Chairman, the chairman's understanding of our position is correct.

Mr. STUMP. Madam Chairman, I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I rise to engage the gentleman from Arizona (Mr. STUMP), the chairman of the committee, in a colloquy.

Madam Chairman, I appreciate the gentleman's willingness to discuss an issue that takes on even more significance in light of the attacks on September 11, and that is computer cybersecurity. I had proposed an amendment to provide \$2 million to the Secretary of Defense in order to assist the Department of Defense in ensuring that computers and computer-related products that the Department purchases from the commercial sector meet the highest level of national security and information security requirements. Unfortunately, my amendment was not ruled in order. This is a very important topic to me, and I hope to have the chairman's support as I continue to discuss and promote the need for information assurance within the Department of Defense.

Mr. STUMP. Madam Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Arizona.

Mr. STUMP. Madam Chairman, the gentleman raises a very important issue. In this day and age, information assurance and security of the Department's computers is vital. Our national defense relies on it. I assure the gentleman that I will continue to work with the gentleman on this matter.

Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Chairman, I thank the gentleman for yielding me this time.

I would like to speak in support of the manager's amendment, but I would like to talk briefly about part of that amendment that came from the heart of West Virginia.

The day after the tragedy on September 11, the eighth grade class of Moorefield Middle School, Mr. Sisler's

class, got together and talked about what they could do to help. One of the girls in the class said, I would like to give some money to rebuild the Pentagon. So we engaged in a conversation; and what we came up with was a specific bill, part of this amendment, that would allow children and adults throughout the country to specifically donate to the Department of Defense to create a fund to rebuild and restructure our Pentagon. That is part of this manager's amendment.

It is with great pride that I offer this from the Moorefield Middle School children, from the hearts of West Virginia to the hearts of America; and I thank the gentleman for letting me be a part of this.

Mr. SKELTON. Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I thank the gentleman for yielding me this time.

I rise today in strong support of the manager's amendment of the gentleman from Arizona (Mr. STUMP). This amendment contains \$57.1 million to complete the funding required for the refueling of the U.S.S. *Eisenhower* and will help to ensure our carrier force is ready for war.

Madam Chairman, there is no question that we have underfunded our true defense needs for over 10 years. Now is the time to correct this. Now is the time to fully fund our carriers.

Who could have imagined just 2 weeks ago that we would require two carriers in the New York Harbor flying combat air patrols? Who could have imagined that just 2 weeks ago we would require four carriers in just one theater of operation?

Madam Chairman, H.R. 2586 is a start toward funding our military at adequate levels, but it is only a start. This manager's amendment will rush critical funding not only to our carriers, but C-5 aircraft modernization. These are two critical areas that need our immediate attention, and the gentleman from Arizona's amendment does just that.

In closing, I encourage all Members of the House to vote in support of this critical amendment.

Mr. SKELTON. Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House report 107-218.

AMENDMENT NO. 2 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STUMP:

At the end of subtitle E of title V (page 161, after line 12), insert the following new section:

**SEC. \_\_\_\_ . SENSE OF CONGRESS ON NEW MEDAL TO RECOGNIZE CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE KILLED OR WOUNDED AS A RESULT OF HOSTILE ACTION.**

(a) FINDINGS.—Congress makes the following findings:

(1) The role and importance of civilian nationals of the United States as Federal employees and contractors in support of operations of the Armed Forces worldwide has continued to expand.

(2) The expanded role performed by those civilians, both in the United States and overseas, has greatly increased the risk to those civilians of injury and death from hostile actions taken against United States Armed Forces, as demonstrated by the terrorist attack on the Pentagon on September 11, 2001, in which scores of Department of Defense civilian and contractor personnel were killed or wounded.

(3) No decoration exists for the recognition of civilian nationals of the United States who, while serving under competent authority in any capacity with the Armed Forces, are killed or wounded in the line of duty under circumstances which, if they were members of the Armed Forces, would qualify them for the award of the Purple Heart.

(4) Both the Congress and the Secretary of Defense have previously agreed to the need for such a decoration.

(5) On September 20, 2001, the Deputy Secretary of Defense approved the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action and at the same time directed that a comprehensive review be conducted to develop a more uniform approach to the award of decorations to military and civilian personnel of the Department of Defense.

(b) COMMENDATION OF CREATION OF NEW AWARD.—Congress commends the decision announced by the Deputy Secretary of Defense on September 20, 2001, to approve the creation of a new award, a medal for the defense of freedom, to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense—

(1) should move expeditiously to produce and award the new medal referred to in subsection (b); and

(2) should develop a more comprehensive, uniform policy for the award of decorations to military and civilian personnel of the Department of Defense.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

My amendment expresses a sense of Congress regarding the recognition of civilian employees within the Department of Defense who are killed or wounded as a result of hostile action.

□ 1800

For those in the uniformed services who have died or were injured in the recent terrorist attacks, the services have a variety of decorations that may be awarded in recognition of their service, including the Purple Heart. However, appropriate medals or decorations have not been available to recognize the sacrifices of civilian employees of the Department of Defense who befall fates similar to those of their military counterparts.

In the 105th Congress, we realized the need to give proper recognition to U.S. civilians who were killed or wounded while serving in an official capacity with our Armed Forces. Public Law 105-261 required the Secretary of Defense to study the need for such awards. Subsequently, former Secretary of Defense William Cohen signed a letter to the Speaker of the House dated January 28, 2000, which stated that in situations that are, "analogous to the circumstances wherein military members receive the Purple Heart, we will move forward to create an appropriate recognition for civilian nationals of the United States within the near future."

Unfortunately, nothing came to fruition during this 18 months, and DOD did not have an appropriate civilian award in place. I understand that now the Department is finally moving forward to establish an award appropriately recognizing civilians.

Many veterans' organizations and military associations that believe the Purple Heart should remain an exclusive military decoration support the Department's action. My amendment commends the Department of Defense for approving the creation of a new medal, a medal in the defense of freedom to be awarded to civilians employed by the Department of Defense who are killed or wounded as a result of hostile action.

I urge my colleagues to support this amendment.

Mr. SKELTON. Madam Chairman, I ask to claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri in opposition to the amendment.

Mr. SKELTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me state that I do rise in support of the amendment offered by my friend and our chairman, the gentleman from Arizona (Mr. STUMP). This amendment expresses the sense of Congress that the Secretary of Defense should move expeditiously to produce an award of a freedom medal to be awarded to civilians employed with the Department of Defense who are killed or wounded as a result of hostile action.

It also urges the Secretary of Defense to develop a comprehensive, uniform policy for the award of decorations to military and civilian personnel.

The tragic and deadly attack of the Pentagon by terrorists has raised public awareness that our Nation's civilian personnel also take an oath to defend and protect our Nation. Their selfless contributions and their sacrifices are just as vital to our efforts to protect the constitutional freedoms that we enjoy.

On September 11, nearly 200 of our finest military personnel and civil servants gave the ultimate sacrifice, their lives, in a terrorist war against our Nation. Members of the Armed Forces who were killed or wounded in the Pentagon attack will receive the Purple Heart. Sadly, the sacrifices of their civilian coworkers will not be acknowledged, since no decoration existed to recognize civilians who were also killed or wounded in the line of duty.

These and many other civilians often work with their military colleagues side by side, and oftentimes are deployed to hostile areas in support of military operations. They are essential to support military operations worldwide, and it is right and just that we recognize their contributions and sacrifices on behalf of our Nation.

On September 20, the Deputy Secretary of Defense approved of a new defense of freedom medal for civilians of the Department of Defense who were killed or wounded as a result of hostile action. The defense of freedom medal, like the Purple Heart, will recognize the sacrifices of our civilian personnel.

I urge the support of my colleagues.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Chairman, I rise in support of my friend and chairman, the gentleman from Arizona, and his efforts in this Purple Heart area. I think he has given us a very great argument on it, and one that I totally support.

I would like to say on the manager's amendments that he just recently passed, the State of Utah will be hosting the 2002 Winter Games starting in coming February. A lot of people go to that, and in the other body there was a very misguided amendment that said that the U.S. military could have nothing to do with the Winter Games, and that is the law we have now.

Fortunately, that amendment that the gentleman from Arizona (Mr. STUMP) recently carried here would straighten that thing out. I do not think people realize how many people watch the downhill, for an example. Do Members know how many people watched the last Winter Games downhill? Take this figure, 3 billion people.

So this is not something that just the State of Utah is going to be doing, it is basically something the United States is going to be doing. The world watches

this. The men's downhill, that is the number one thing they watch. They watch the skating, they watch every part of it, which they find interesting.

Our Nation has a responsibility to our citizens and the citizens of the world to ensure that these games are very safe and they are very successful. The Department of Defense must be freed from unnecessary bureaucratic red tape and misguided past legislation to provide all necessary security for this event that only the United States military can provide.

In light of something that happened 2 weeks ago, it would seem to me the very prudent and reasonable approach to this is the amendment offered by the gentleman from Arizona (Mr. STUMP), and which has been accepted by this body. I compliment the chairman for putting that in and support him completely, and the Secretary, to ensure safe and successful Winter Games, which should be a wonderful thing that we will all take great pride in next winter.

Mr. REYES. Madam Chairman, I ask unanimous consent to control the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Texas may control the time.

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of the Stump Amendment to H.R. 2586.

This amendment recognizes the role that civilians play in support of our Armed Services during peace and war. I am happy to join my colleagues in commending the Defense Department for its decision to create a new medal for civilians employed by the Department of Defense who are wounded or killed as a result of their presence in or near the theatre of action.

There are numerous duties carried out by government civilians during wartime. Civilians conduct the necessary tests on essential military equipment and serve as liaisons between government contracts and active duty field commanders.

At a time when we have seen the personal sacrifice that American civilians are willing to make in defense of freedom, an amendment honoring Defense Department civilian employees is a meaningful way to show our friends and foes the resolve of the American people.

Madam Chairman, we must ensure that those civilians who risk their lives for us are never forgotten.

Mr. REYES. Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 107-218.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 271, after line 17), insert the following new section:

**SEC. \_\_\_\_ . ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**“§374a. Assignment of members to assist border patrol and control**

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Attorney General or the Secretary of the Treasury may establish ongoing joint task forces when accompanied by a certification by the President that the assignment of members pursuant to the re-

quest to establish a joint task force is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(2) When established, any joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2004.”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, 2 weeks ago a foreign force came across our borders and attempted to take away our domestic tranquility. In 1941, Japan attacked Pearl Harbor, a nation with evil intent, and their victims claimed were less than half of that, of three terrorist strikes, with no Nation coming forward to claim, if you will, that debacle.

We are not talking about the border between D.C. and Virginia, we are not talking about the border between Pennsylvania and Ohio, and we are not talking about only the Southwest borders of the United States. The two planes that struck the World Trade Center, those individuals came through Canada.

The Traficant amendment does not mandate anything at this point. It does not deal with illegal immigration. I think the Border Patrol is well capable of doing that. The Traficant amendment allows the President, Mr. Ridge, my friend and former neighbor, now in charge of our homeland security, the Pentagon, in conjunction with the Secretary of the Treasury, and the U.S. Attorney General, to provide that support, land or air.

I say to this Congress again, if 300,000 illegal immigrants trying to find a better life can gain access to America, do not believe for one moment that a large-

er contingent of people with evil intentions could not gain entry into America and continue to kill American citizens.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. Who rises to control the time in opposition?

Mr. REYES. Madam Chairman, I rise in strong opposition to this amendment.

The CHAIRMAN. The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I want to, first of all, commend my colleague, the gentleman from Ohio (Mr. TRAFICANT). Year after year he comes to the floor, out of sheer frustration with this recommendation.

I am here this afternoon, Madam Chair, because I spent a whole career on the border between the United States and Mexico, so I know and understand the frustrations that we face as a country about controlling and doing a better job, and understanding and identifying and stopping those that are coming into this country. This arises perhaps out of frustration, making sure that we do a better job.

But this amendment is not a good idea. It was not a good idea 4 years ago, it was not a good idea last year, and it certainly is less of a good idea today, because just recently, President Bush activated 50,000 reservists. That tells us, it sends a very clear message that we do not have enough troops to go around.

Those reservists that have been activated have been activated because we are about to go and make those accountable for the very acts that my colleague mentioned, the bombing and the terrible and tragic acts against the World Trade Center and against our own Pentagon.

This is not an argument about illegal immigration, this is not an argument that we are engaged here in about who has a better plan. It is a practical understanding of the limitations that our military is capable of carrying out.

We clearly do not have enough active military to carry out the mission that the President has stated will be necessary against terrorism, so he has activated 50,000 reservists.

I would ask my colleague to, instead, work to get a plan to fund on, an overtime basis, police and sheriff's department personnel to augment and better staff our already understaffed Border Patrol and Customs personnel.

Madam Chairman, I yield 1½ minutes to my good friend and colleague, the gentleman from Texas (Mr. ORTIZ), the distinguished gentleman who, prior to coming to Congress, was in law enforcement as a sheriff.

Mr. ORTIZ. Madam Chairman, I stand in opposition to the Traficant amendment.

Madam Chairman, I understand that my friend from Ohio, he is a very good friend, and I think his amendment has some merits, but I think this is the wrong time to be moving troops and to be positioning them at the border when we have a more serious problem of dealing with terrorists.

It takes people at the border who understand the skills, or who have the skills to do the right job. The military, and I served in the military, we are trained to do a different job: to destroy the enemy, to do covert operations. We are dealing with a friendly country on both sides, Canada and the United States.

Now, this new war that we are now involved in includes a host of fronts which include law enforcement on our borders, which includes Customs, Border Patrols, the INS, and just like what we are trying to do now, to be sure that when we get people who work at airports, that we pay them a decent salary, that they have the skills necessary so that they know exactly what they are dealing with, what they are looking for. Stationing troops at the border will not do the job.

I was in law enforcement for about 8 years.

Mr. TRAFICANT. Madam Chairman, I continue to reserve my time.

Mr. REYES. Madam Chairman, I yield 15 seconds to the gentleman from Missouri (Mr. SKELTON), my colleague and the distinguished ranking member.

Mr. SKELTON. Madam Chairman, let me say, in recent testimony, Madam Chairman, the Chief of Staff of the United States Army, as well as the Secretary of the Army, testified that they are in need of at least 40,000 additional soldiers for our present missions. I have recommended publicly at least an additional 20,000.

I would point out that these are soldiers, as opposed to those who are policemen. Their job is to protect America's interests as soldiers.

□ 1815

Mr. TRAFICANT. Madam Chairman, might I inquire how much time is remaining on either side?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 3 minutes. The gentleman from Texas (Mr. Reyes) has  $\frac{3}{4}$  of a minute, and the gentleman from Texas has the right to close.

Mr. TRAFICANT. Madam Chairman, I yield myself such time as I may consume.

Over 6,300 Americans are now dead since our last debate. President Bush has shown wisdom in calling up 50,000 reservists. If we need more, tell me what is more important than the national security of the United States nor the charge that we have here in Congress.

I am a former sheriff. Sheriffs and police chiefs do not fight wars. Border patrols and customs do not fight wars. They are a great help.

All this business about traffic and deploying troops is an absolute lie. We, in fact, through legislation create the training for a specific mechanism of military combat to terrorism. We do not know who our enemy is, but I know this: on September 11 there was one other unusual headline. China signed a cooperative agreement economically with the Taliban government, and today there was another headline, that China is testing super missiles.

If not now, when? If not this, what? We cannot guard all these borders. We give the chance to make sure that there is adequate training; that we support our President; that there is a strong aviation presence; and that if there are to be troops deployed, they are deployed as former-President Bush did with his task force that worked successfully. Yes, there were some setbacks, but never has America been more threatened.

Let me ask this question of Congress. How do we defend our home if our back door and our front door is unlocked? It is unlocked. That is not offending customs. That is not offending border patrol. There is one border patrol for every two miles, and that is not talking about the northern border. I am not talking about the Southwest border. Quite frankly, I think the most inviting aspect to most terrorists now looks to the North.

We have a responsibility to secure our Nation. This is a national security location checkpoint, our border. I know the politics. It took me 12 years to pass changing the burden of proof in the civil tax case, 12 years. It was the right thing to do and seizures of homes dropped from 10,050 to 51.

We have lost double the amount from three terrorist strikes than we did from an attack from Japan. My God, what do we stand for? If we cannot secure our borders, how many more Americans will die? I hate to say this, but I assure you they will, because if 300,000 illegal immigrants come across a border, an army could come across one, perhaps maybe with a nuclear device, in some subway.

I ask the Members and urge them to vote aye on this amendment and fight to keep it in our conference.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. TRAFICANT) has expired.

Mr. REYES. Madam Chairman, I yield myself the remainder of my time.

I know this puts my colleagues in a difficult situation, whether to show the courage to vote against this amendment, which is the right thing to do, or whether to go along and seem patriotic by saying let us put our troops on the border.

My colleague mentioned we do not know who our enemy is but we do know that the people who live along the border, both on the Southern border and the Northern border, are not the enemy; and we should not deploy the

military to the Southern border or the Northern border.

Let us use some of that money that we just authorized, that \$40 billion, to augment through overtime the presence of professional law enforcement personnel to help the border patrol and to help customs. That is the rational thing to do. That is the right thing to do. Putting the military on the border has never been a good idea.

Marshal law is not a good idea just because we fear terrorism. President Bush, the Secretaries this afternoon have said, let us go back to normal life. A normal life is not marshal law. I urge all my colleagues to vote against this amendment.

Mr. STUMP. Madam Chairman, I rise in support of the amendment offered by the gentleman from Ohio, Mr. TRAFICANT.

The amendment would reaffirm existing authorities of the President to use members of the Armed Forces in support of law enforcement operations to deny terrorists and drug traffickers entry into the United States. The Department of Defense currently provides personnel, equipment, and intelligence to assist local, state, and federal law enforcement organizations to include the Customs Service and the U.S. Border Patrol.

I believe the Department of Defense must continue to be prepared to respond to the range of threats against the nation and participate where appropriate with law enforcement. While this amendment does not mandate any specific actions by the President, it would establish a process by which the Secretary of Defense may make available additional personnel at the request of the Attorney General or the Secretary of the Treasury.

Madam Chairman, the amendment is reasonable and I support its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in opposition to the Traffican Amendment to H.R. 2586.

The Traffican Amendment would assign, at the request of the Attorney General and the Treasury Department, military personnel to assist in patrolling the borders of the United States. The Traffican amendment also provides for the establishment of a task force by either the Treasury Department or the Justice Department to aid in counter-terrorism and drug interdiction efforts.

The Traffican Amendment is a bad amendment for a number of reasons. First, Mr. Chairman, our military forces are spread too thin internationally. This amendment would cause additional stress on our service men and women and their families at a time when our forces are engaged in the world's largest terrorist eradication campaign. Even our National Guard and reserve units around the country are engaged in this effort. To use military personnel in civilian roles is simply not an efficient use of this nation's manpower, especially when our border patrol agents can accomplish the same goals with the assistance of new rules and regulations. Let me point out a few key reasons why we need a policy change in our current structure.

The U.S.-Canadian border, which extends for approximately 4,000 miles (excluding Alaska) is one of the longest land borders in the world. Approximately 300 Border Patrol

Agents assigned to one of eight Sectors share responsibility for controlling this vast border.

The current national strategy of the Border Patrol directs the vast majority of Border Patrol resources to the Southwest border which is about half the length of the U.S.-Canada border. We need more resources to be directed to the northern border. Currently, threadbare resources have left the United States vulnerable to terrorist sneaking into the country from Canada.

Monitoring the Northern Border is an enormous task and we do not have enough border patrol agents to be dispatched when illegal crossings are detected and there is a lack of agents on duty from midnight to sunrise.

With such a low number of agents assigned to each station that only cover a portion of the border—and no coverage of the border at certain hours—it is surprising that people are apprehended at all.

The best enforcement strategy should be a regional one that will ultimately focus key screening efforts at the two countries external borders through the use of joint intelligence.

Madam Chairman, I do acknowledge the fact that State and federal military personnel have been used in civilian law enforcement activities. For example, the U.S. Forest Service and U.S. Customs Service have used federal military personnel to plan drug interdiction operations. But, the utilization of federal military personnel is rarely used to implement and carryout full blown civilian law enforcement activities.

The Traffican Amendment goes too far and could very well violate the posse comitatus prohibition found in Title 10 of the U.S. Code which, in most cases, prohibits the use of full time active U.S. personnel for civilian law enforcement purposes. I urge my colleagues to oppose the Traffican Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 107-218.

AMENDMENT NO. 4 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. SANCHEZ:

At the end of title VII (page 234, after line 18), insert the following new section:

**SEC. 7. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.**

Section 1093(b) of title 10, United States Code, is amended by inserting "in the United States" after "Defense".

The CHAIRMAN. Pursuant to House Resolution 246 the gentlewoman from California (Ms. SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ). Ms. SANCHEZ. Madam Chairman, I yield myself 1 minute.

Today, I join my colleague the gentlewoman from California (Ms. HARMAN) to offer this amendment. Our amendment is about safety and choice, and it is simple and fair.

This amendment allows military personnel and their dependents overseas to use their own funds to obtain legal, safe abortion services in military hospitals. The amendment has been re-drafted to leave no room for misinterpretation. It only affects U.S. military bases overseas.

In light of the recent events, I cannot think of a better time to address this issue. The President has already started to activate reserve units, and our brave men and women are being deployed overseas.

The military will not transport a woman out of a forward deployment unit to obtain medical services in a U.S. hospital. That is why our amendment has never been more important.

Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights because of a policy with no valid military purpose.

This is a health care concern. Local facilities in foreign nations are not equipped to handle procedures. This is a matter of fairness.

Our amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortion on principle to perform an abortion.

Vote for the Sanchez-Harman amendment.

Madam Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Madam Chairman, I rise in opposition, and I yield myself such time as I may consume.

Our military serves to protect the lives of the innocent. This is clear to us now more than ever. Military treatment centers are dedicated to healing and nurturing life. They should not be forced to facilitate the taking of the most innocent of human life, the child in the womb.

Supporters of abortion in military hospitals argue that women in countries where abortion is not permitted will have nowhere else to turn. However, the U.S. military follows the prevailing laws and rules of the host country regarding abortions. Military doctors must obey the laws of the country where they are providing services, so abortions still could not be performed in these locations even if we passed this amendment that we are considering today.

This is also the wrong time for Congress to allow overseas military treatment facilities to become abortion clinics. Our administration is working hard to recruit Muslim countries to be a part of our coalition against terrorism. They are working to build a partnership to allow our military to operate in these countries. It would be counterproductive to risk eroding relationships with these countries that oppose abortion.

For the past 5 years, since 1996, the House has rejected attempts to overturn the ban on overseas abortions. The Sanchez amendment is simply one more attempt to reopen a contentious issue that this House has rejected from time to time. I urge my colleagues to maintain current law by voting "no" on the Sanchez amendment.

Madam Chairman, I reserve the balance of my time.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. HARMAN), my colleague and the cosponsor of this amendment.

Ms. HARMAN. Madam Chairman, I thank my colleague, the gentlewoman from California (Ms. SANCHEZ), for her leadership and co-leadership on this very important issue.

Madam Chairman, as we mount our multilayered global efforts to fight terrorism, we need America's best talent. All of it. That includes the majority of Americans: women. And those women serving in our military overseas need access to health care.

As we have heard, this amendment is about health care, which may be denied these women, especially serving in austere countries, as travel back to the United States may become impossible.

We are not asking that the Federal Government pay for abortions for women overseas. Women who want this procedure will have to pay for it themselves. We are not asking that health professionals who do not wish to perform abortions be required to do so. Only willing doctors would provide this service.

As women deploy abroad, it is time to send the right message: as they protect our constitutional rights to life and liberty, we need to protect theirs.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Madam Chairman, I rise today to speak against this amendment to expand abortion services in overseas military hospitals.

Madam Chairman, let us be clear what we are talking about here. We need to put aside all the rhetoric. What this amendment does is allow the use of hard-earned taxpayer money to fund the procurement of abortions in our military hospitals overseas. The other side will throw out all kinds of false arguments and accusations concerning

this, but the amendment is fundamentally about how we use our taxpayer dollars.

This is not a controversial issue. The overwhelming majority of taxpayers oppose the use of publicly held Federal tax dollars for abortion. This is an amendment that has been rejected five times by this same House. Do the right thing and vote against passage of this amendment again.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), my colleague on the committee.

Mr. KIRK. Madam Chairman, I thank the gentlewoman for yielding the time, and rise in support of this amendment.

Currently, Congress bans all abortions for military service members and their dependents in U.S. military hospitals overseas, including those which are privately funded. Women stationed overseas depend on base hospitals for medical care, often situated in areas where local facilities are inadequate. Prohibiting women from using their own funds to obtain these services endangers their health and well-being.

Madam Chairman, I speak as someone who served in Operation Northern Watch at Incirlik Air Base in Turkey just last year. The thought of sending one of our service women from Incirlik to a Turkish hospital in Adana for the kind of services they would receive there is not something I want to support.

I think our women in uniform deserve the very best health care, especially when they use their own funds.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Madam Chairman, I was in the Army Medical Corps when the original policy banning abortions in U.S. military facilities was instituted by Ronald Reagan back in the early 1980s. And I could best describe the climate in those hospitals at the time as a collective sigh of relief.

While there were many people who were pro life, who objected to having abortions performed in the military facilities, there were quite a few people who were pro choice that I encountered who, nonetheless, took the position that they did not want to in any way, directly or indirectly, be affiliated with the performance of an abortion.

Anyone who has ever seen an abortion can understand why I am saying that. Typically, at the conclusion of the procedure, the abortionist attempts to reassemble the body of the aborted baby to make certain that they obtained all of the products of the conception, quote-unquote. It is quite a grisly procedure, and I think a lot of people who perhaps maybe lean on the pro choice side would nonetheless prefer it be done elsewhere.

I believe the current policy should be supported. This amendment should be voted down.

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Ms. SANCHEZ. Madam Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentlewoman from California (Ms. SANCHEZ) has 2 minutes. The gentleman from Kansas (Mr. RYUN) has 1½ minutes.

Ms. SANCHEZ. I reserve the balance of my time, Madam Chairman.

Mr. RYUN of Kansas. Madam Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Chairman, the best reason to reject this amendment is because the military medical personnel want you to. It has only been fairly recently we actually had a law enforcing the policy that has been in effect for a long time that we are not going to do abortions in military medical facilities. Our military medical personnel do not want abortions done in their facilities no matter who pays for it. It is very important now to support our military. Please reject this amendment. This is not helpful to our military.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 1 minute remaining. The gentlewoman from California (Ms. SANCHEZ) has 2 minutes. The gentleman from Kansas has the right to close.

Ms. SANCHEZ. Madam Chairman, I yield 1 minute to my colleague, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Chairman, as I said earlier, this is an amendment on which I have spent considerable time. Let us understand what we are talking about.

The gentleman from Maryland (Mr. BARTLETT) just said personnel in military hospitals do not want to perform this service. They do not have to under this legislation.

He said let us support our military while deployed abroad. That is my point too.

Our military includes American women who have a constitutional right to reproductive health care. So let us give them access. Let us support them while they are deployed abroad. If there were easy answers, easy ways for them to return to the United States to have these procedures, that might be fine, but that is not the case.

If they are in Pakistan or other far-off places where access to quality health care may be difficult, they will not be able to return to the United States and their constitutional rights will be abridged.

The point I made earlier, consistent with the thrust of this amendment, is that we need to respect women and men in our military. We need to pass the Sanchez amendment.

Ms. SANCHEZ. Madam Chairman, I will leave the closing of this amendment to the gentlewoman from New York. I yield the balance of my time to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Chairman, I rise in support of the Sanchez-Harman amendment.

Our country is at war. Our troops overseas are risking their lives to protect our lives and our rights as U.S. citizens. One of those rights is a woman's right to choose. But women serving effectively lose this constitutional right at U.S. military bases where they literally cannot even buy an abortion.

A male member of the armed services needing medical attention receives the best. A female member needing a specific medical procedure must return to the United States, often at great expense, or go to a foreign hospital which may be unsanitary and dangerous. All she wants is the right to choose and the right to pay for the bill.

We need to come together as a Nation to support our armed services. Passing this amendment is the least that we can do.

Mr. RYUN of Kansas. Madam Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, have not we had enough violence lately? With all due respect to the gentlewoman from California (Ms. SANCHEZ), the amendment she offers will result in babies being brutally killed by abortion and will force pro-life Americans to facilitate the slaughter of innocent children. Sanchez will turn military hospitals into abortions mills. I want no part of the carnage.

Madam Chairwoman, abortion is violence against children. Some abortion methods dismember and rip apart the fragile little bodies of children. Other abortion methods chemically poison children. There is nothing benign or "curing" or nurturing about abortion. It is violence.

We worry today about the agony of chemical attack. Yet abortionists routinely attack unborn children with lethal chemicals. Abortionists turn the babies spines to jelly. Abortionists turn children's bodies into burned corpses, a direct result of the caustic effect of salt poisoning and other methods of chemical abortions. It's gruesome yet the apologists sanitize the awful deed with soothing, misleading rhetoric.

Abortion methods are particularly ugly, Madam Chairman, because under the guise of choice, they turn human baby girls and baby boys into dead baby boys and baby girls. We have had enough loss of innocent life. Reject the Sanchez amendment.

Ms. SCHAKOWSKY. Madam Chairman, I strongly support the amendment offered by the Gentlewoman from California to lift the ban which forbids service women and female military dependants from using their own funds for abortions at overseas military hospitals. At a time when we are sending more military personnel overseas, we must not limit the medical care those individuals will have to be able to access.

These brave women serving our Nation risk their lives for our freedom and they deserve the same constitutionally protected health care we enjoy in the United States. Their lives should not be further endangered because they can not receive quality health care while they are serving in the line of duty. This policy is unfair. It denies women in the military the right to make their own decisions regarding their reproductive health. Is this the way we really want to treat women who are overseas or heading overseas to defend our Nation?

We as lawmakers can not continue to place the reproductive health of American women in uniform at risk. I urge my colleagues to join me in supporting this amendment and repealing this ban which discriminates against our Nation's service women and their dependents, preventing them from obtaining needed medical services simply because they are stationed overseas.

Ms. JACKSON-LEE of Texas. Madam Chairman I rise in support of the Sanchez/Harman Amendment to H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002. This amendment would reverse the ban on privately funded abortion services at U.S. military bases overseas.

The brave men and women serving our Nation risk their lives for our freedom, and they give up liberties that many of us take for granted. But our soldiers and their families deserve the same constitutionally protected health care as we enjoy living in the United States. This amendment is not only in the best interest of our military families, but will help our national recruiting and retention efforts as well.

The facts are simple: No Federal funds would be used for these abortion services. Health care professionals who are opposed to performing abortions as a matter of conscience or moral principle would not be required to do so. This simply repeals the statutory prohibition on abortions in overseas military hospitals, allowing women stationed overseas to use their own funds for abortions. It returns the policy to the way it was for decades—during administrations of both parties.

Our soldiers cannot do their jobs when they have to go off base—often in hostile nations—for medical care. And they cannot do their jobs if they are taking time off to go halfway around the world to come back to the United States for a procedure they should have been able to get on base. This is a legal procedure available to all other American women.

Further, this is not the time to debate abortion, or to argue over whether it's right or wrong. Roe v. Wade guarantees the right to choose, and that should be the rule for military bases as well. Abortion is legal, and the law should apply to all U.S. citizens, not just those who don't wear our country's uniform.

In the past this amendment has been supported by the Department of Defense. And let me repeat, this amendment requires no taxpayer money, no public funds for any expenses related to an abortion.

I urge my colleagues to correct this misguided policy and vote for the Sanchez-Harman amendment.

Ms. MCKINNEY. Madam Chairman, I rise in support of the Sanchez amendment. Though the U.S. Supreme Court has affirmed the right of women to seek abortions if they choose,

this right does not carry with women when they travel overseas with our military. This amendment would simply permit service women and female dependents who serve or reside overseas to obtain privately funded abortions in military facilities. Should we instead force them to seek such medical procedures in back alleys or third world hospitals, or are we ceding ourselves the authority of the Supreme Court in prohibiting a woman's right to choose? We all respect women's health, we all support the sanctity of the Supreme Court, and we should all support this important amendment.

Ms. MILLENDER-MCDONALD. Madam Chairman, I rise today in support of the Sanchez/Harman amendment because I believe in healthcare parity. Our servicemen and servicewomen operate under the premise that the level of health care they receive anywhere they are stationed will be consistent with the same quality of care they would receive in the United States.

This amendment is not about the legal merits of Roe v. Wade. We are not evaluating the moral merits of a woman's right to choose. We are debating the policy of parity and the assurance that uniform health care services will be delivered to service people wherever they are stationed. Medical services will be provided consistent with historical practice, medical convention and statutory requirements consistent with the laws of the state where they reside. The facts are clear. Federal funds will not be used to terminate pregnancies. Furthermore, physicians opposed to performing said operations are not forced to do so.

Finally, the provision of health services should not be predicated on one's ability to pay for it. We must ensure that all female service personnel can avail themselves of legal medical services that are comparable to those in the United States, even if they are on a military base. Otherwise we will be creating a caste system, whereby only persons with the financial means to return to the states to receive the medical treatment they want and need would be able to do so. I ask my colleagues to support the Sanchez/Harman amendment.

Ms. WATERS. Madam Chairman, I rise in support of the amendment being offered by Representatives SANCHEZ and HARMAN. This amendment is a common sense approach to the question of abortion procedures for servicewomen at bases overseas.

The law is clear here in the United States: women have the right to choose to have an abortion and to obtain it without undue interference from the government. Roe v. Wade established that right nearly 30 years ago, and no case since then has struck it down. That right belongs to all women residing in the U.S. It should not be taken away when our women decide to serve this country and are stationed overseas.

Without this amendment, our servicewomen will not have access to safe abortion procedures in U.S. military medical facilities overseas. They are at risk of being subjected to unsafe methods in non-military medical facilities. Meanwhile, overseas servicemen and servicewomen seeking any other type of health care are able to access good, safe health care at military medical facilities.

This amendment does not ask the government or taxpayers to fund the abortions. And

the amendment would not force anyone in a U.S. military medical facilities overseas to perform the procedure. Rather, this amendment merely gives our servicewomen the right to have an abortion in a safe facility, provided that they pay the cost of the procedure and the doctor agrees to perform it.

This is the very right those same women would have here in the United States, if they had not willingly sacrificed so much to serve our country. The amendment simply would restore previous policy that was in effect for decades, through both Democratic and Republican administrations. It is the least we can do for our servicewomen.

Mrs. LOWEY. Madam Chairman I rise in strong support of the Sanchez amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. And I want to thank my colleague LORETTA SANCHEZ for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country. And yet, these women—for the past 7 years—have been denied the very Constitutional rights they fight to protect.

My colleagues, this restriction is un-American, undemocratic, and would be unconstitutional on U.S. soil. How can this body deny constitutional liberties to the very women who toil to preserve them? Mr. Speaker, as we work to promote and ensure democracy worldwide we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions because no federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to because they are protected by a broad exemption. This amendment is about ensuring that all American women have the ability to exercise their Constitutional right to privacy and access to safe and legal abortion services.

As our Nation prepares for a severe and lengthy battle to preserve our freedoms and democracy, now is not the time to put barriers in the path of our troops overseas. We know that not one of these restrictions on abortion does anything to make abortion less necessary—it simply makes abortion more difficult and dangerous.

It is time to lift this ban, and ensure the fair treatment of our military personnel. I urge passage of the Sanchez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. RYUN of Kansas. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 107-218.

AMENDMENT NO. 5 OFFERED BY MR. STUMP

Mr. STUMP. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUMP:

At the end of division A (page 348; after line 8), insert the following new title:

**TITLE XV—ACTIVITIES TO COMBAT TERRORISM**

**Subtitle A—Increased Funding to Combat Terrorism**

**SEC. 1501. INCREASED FUNDING.**

(a) IN GENERAL.—The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby increased by \$400,000,000, to be available as follows:

(1) INTELLIGENCE PROGRAMS.—For increased situational awareness and upgrades to intelligence programs to enhance United States security posture, \$100,000,000.

(2) ANTI-TERRORISM INITIATIVES.—For enhanced anti-terrorism and force protection initiatives to reduce vulnerabilities at United States military installations and facilities in the United States and worldwide, \$150,000,000.

(3) COUNTER-TERRORISM INITIATIVES.—For offensive counter-terrorism initiatives, \$100,000,000.

(4) CONSEQUENCE MANAGEMENT ACTIVITIES.—For consequence management activities, \$50,000,000.

(b) TRANSFER AUTHORITY.—The amounts specified in subsection (a) are available for transfer to other current accounts of the Department of Defense, as determined by the Secretary of Defense.

**(c) OFFSETTING REDUCTIONS.—**

(1) The amount provided in section 201(4) for Research, Development, Test, and Evaluation, Defense-Wide is hereby reduced by \$265,000,000, to be derived from amounts for the Ballistic Missile Defense Organization, of which—

(A) \$145,000,000 shall be derived from the Mid-Course Defense Segment program element (PE603882C); and

(B) \$120,000,000 shall be derived from the Boost Phase Defense Segment program element (PE603883C) for space-based activities.

(2) The amount provided in section 301(5) for Operation and Maintenance, Defense-wide Activities, is hereby reduced by \$135,000,000, to be derived from amounts for consulting services.

**SEC. 1502. TREATMENT OF TRANSFERRED AMOUNTS.**

Funds transferred under authority of section 1501(a) shall be merged with, and shall be available for the same time period as, the appropriations to which transferred. The transfer authority under that section is in addition to the transfer authority provided by section 1001.

**Subtitle B—Policy Matters Relating to Combating Terrorism**

**SEC. 1511. ASSESSMENT OF DEPARTMENT OF DEFENSE ABILITY TO RESPOND TO TERRORIST ATTACKS.**

(a) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the ability of the Department of Defense to provide support for the consequence management activities of other Federal, State, and local agencies, directly taking into account the terrorist attacks on the United States on Sep-

tember 11, 2001, and the changed situation regarding terrorism.

(b) RECOMMENDATIONS.—The Secretary of Defense shall submit to the President and Congress a report providing recommendations for ways to enhance the ability of the Department of Defense to provide support described in subsection (a). The report shall address the recommendations made by the Vice President in his report to the President on the development of a coordinated national effort to improve national preparedness, including efforts to combat terrorism, as directed by the President in May 2001. The report shall be submitted not later than 60 days after the date on which the Vice President submits to the President the report under the preceding sentence.

**SEC. 1512. REPORT ON DEPARTMENT OF DEFENSE ABILITY TO PROTECT THE UNITED STATES FROM AIRBORNE THREATS.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the ability of the Department of Defense to protect the United States from airborne threats, including threats originating from within the borders of the United States. The report shall identify improvements that can be made to enhance the security of the American people against these threats and shall recommend actions, including legislative proposals, designed to address and overcome existing vulnerabilities.

**SEC. 1513. ESTABLISHMENT OF COMBATING TERRORISM AS A NATIONAL SECURITY MISSION.**

Section 108(b)(2) of the National Security Act of 1947 (50 U.S.C. 404a(b)(2)) is amended by inserting “, including acts of terrorism,” after “aggression”.

**SEC. 1514. DEPARTMENT OF DEFENSE COORDINATION WITH FEMA AND FBI.**

The Secretary of Defense shall seek an agreement with the Director of the Federal Bureau of Investigation and the Director of Federal Emergency Management Agency that clarifies the roles of Department of Defense Weapons of Mass Destruction Civil Support Teams in relation to both agencies with respect to coordination of the roles and missions of those teams in support of crisis management and consequence management efforts.

The CHAIRMAN. Pursuant to House Resolution 246, the gentleman from Arizona (Mr. STUMP) and a Member opposed each will control 20 minutes.

Mr. TIERNEY. Madam Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts (Mr. TIERNEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of this amendment. The September 11 terrorist attack on the United States was a wake-up call for our country. It demonstrated the vulnerability of our Nation to attack on a magnitude unseen since Pearl Harbor. Thousands of innocent Americans lost their lives as a result of terrorist attacks that we failed to detect and prevent. This situation must never be allowed to happen again.

Terrorists have declared war on the United States, and it is up to the Con-

gress to ensure that the United States has the appropriate means to respond. H.R. 2586 provides nearly \$6 billion to the Department of Defense for the purpose of combating terrorism. This amendment would authorize an additional \$400 million as a down payment on additional improvements to ensure that our ability to detect, prevent and, if necessary, respond to terrorist attacks is strong and effective.

Madam Chairman, this amendment would increase funds to the Department of Defense in a number of important areas that will strengthen our ability to combat terrorism. It would provide an additional \$100 million for improved intelligence.

It includes an additional \$150 million for antiterrorism initiatives. Force protection is an essential priority if we are to reduce existing vulnerabilities at military installations at home and abroad.

An additional \$100 million would be dedicated to improvements in our offensive counterterrorism capabilities. In addition, the amendment would add \$50 million to improve DOD's ability to assist in the effort to deal with the consequences of a terrorist attack.

Clearly, more than this will be needed to respond and to properly equip the Pentagon to deal with this new challenge. This amendment provides an initial down payment until the President can better assess the long-term needs.

Finally, this amendment would grant the Secretary of Defense the flexibility he needs to apply these additional funds to the most critical priorities. The amendment also contains a number of legislative initiatives designed to improve DOD's overall ability to protect Americans against the threat of terrorism.

This amendment has been carefully crafted with the support of the committee's ranking member, the gentleman from Missouri (Mr. SKELTON), and is well balanced; and I thank the gentleman for his cooperation. I urge my colleagues to support the amendment.

Madam Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Madam Chairman, I support this amendment because I believe it correctly sets out today's priorities for the Department of Defense. I have to say that this amendment represents an unusual, but successful, collaboration.

The gentleman from South Carolina (Mr. SPRATT) and I set out earlier this year to revise what we believed to be a disproportionate increase in the amount dedicated to missile defense. Members from both sides recognize the gentleman from South Carolina (Mr. SPRATT) as a true authority on the subject with a grasp of detail which is astonishing. We believe that other items in the budget deserve a higher priority, so we proposed to move a substantial

amount from national missile defense into increased pay and improved family housing and counterproliferation efforts. And had matters turned out differently, this may have been a very spirited debate.

Then America was struck with an abominable act that demanded a united response. Both parties, from the Speaker and the minority leader on down, agree whatever our differences are on this subject, the Nation would not be served by a divisive debate. So we reached a compromise.

While I support missile defense, and the gentleman from South Carolina (Mr. SPRATT) supports missile defense, we have clear differences on how rapid and wide-ranging the research effort should be. But those differences pale next to our common goal of enhancing the security of our country from its most proximate threat.

Today, that threat is acts of terror against the innocent by the inhuman. This revealed importance of fighting terrorism has joined us in common cause.

The public is so often cynical about agreements in Congress, but we made an agreement; and this is one that aims toward the highest military priority, the fight against terrorism; and that is what this amendment does.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I, too, have high words of praise for the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arizona (Mr. STUMP), who worked hard on this issue.

However, I have to make mention that I think we are going in the right direction perhaps in reducing the amount of money allocated to national missile defense, but we are not going far enough. We would all love to throw an umbrella around this country and stop any type of missile projection coming in here; and if we could do that, there would not be a Member of Congress that would hesitate to vote for it.

The fact of the matter is that we do not have a system that works that way, and every reputable scientist indicates that we will not have a system like that in the foreseeable future, if at all.

The Pentagon's own operations office and research office and technical office has indicated that not only have the tests not been successful to indicate that a system would work, but that the regime for testing as we go forward is not adequate to ever give us the confidence that any system would be reliable. In essence, we would be buying a false sense of national security.

We have to as a Nation set our priorities on this issue. We have been setting our priorities supposedly in line with what dangers, what risks, what threats may actually exist. But our in-

telligence services do not tell us that the primary risk threat to us is an intercontinental ballistic missile sent from a so-called rogue nation.

It is, instead, something along the lines of what we experienced on September 11, and yet we do not align our national security budget in that direction. We are going to pay the price if we do not pay attention on that.

There are a number of reasons why we should not go beyond just testing this system; and yet this budget calls for not only testing a national missile defense system, but actually deploying it and violating the ABM treaty in the process, something which many in this country do not think is wise, certainly our allies do not think is wise, and gives great concern to Russia and China, nations upon whom we are now calling for their cooperation, yet telling them at the same time that we are going to unilaterally violate an agreement, a treaty, binding their countries and ours.

□ 1845

It does not make sense, it is not good fiscal policy, and frankly it is not good national security policy. If we want to really protect this country and give our citizens some feeling that we are secure in our lives and in this land, we should organize our priorities, understand which risks really are threats of immediacy, and allocate our resources in that direction. Spending 60 to \$100 billion on a system we have not yet proven can work and have not yet shown that we can have any confidence in its reliability is not the right direction.

Putting resources into home front security, where we know now especially what our concerns are, knowing that we have some 40 agencies whose efforts have to be coordinated, knowing that we have to work diplomatically, through intelligence, through law enforcement, as well as the military, and we have to make sure we have cooperation of everyone throughout the world, we know that this is going to be expensive, and we know that we still have a domestic budget and items that we have to confront at the same time.

We should get our priorities straight, Madam Chairman. We should not put this excessive money into national missile defense. Even those of us who think that we are nowhere near ready to go forward can get others to agree that we should just, at most, do testing and not move us into this dangerous path of starting to build before we are ready, before we have something that can be shown to work. We have done that in other programs, the F-22, the Osprey, at our great risk and disappointment and sometimes lives. We ought not to start down this particular path.

We ask people to consider that when they vote on this particular amendment. It does not go far enough in cutting funds for national missile defense.

It does not put our priorities in the proper order. It does not give us true national security but, rather, gives us a prospect of national insecurity.

Madam Chairman, I reserve the balance of my time.

Mr. STUMP. Madam Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Madam Chairman, I thank the gentleman for yielding time. I rise to support his amendment and also support his intent.

He talks about this being a down payment on what we are going to need to do to fight a war on terrorism, and it is. It is really just a placeholder, a down payment on what will be required in conference with the Senate. All of us know in this Chamber that with respect to fighting the war on terrorism, this bill is woefully inadequate. It is a pre-September 11 bill.

I would like to highlight some of the things that we are going to have to do in conference with the Senate and with the assistance and the leadership of the President of the United States. Our job is to look forward at what are the capabilities we need to make sure are in place to defend this country when our men and women are called upon to defend this country. We need to establish in law the Office of Homeland Security. I am glad Governor Ridge will be taking up that responsibility. But we need to give him the support he will need to do the job.

We are going to have to completely rebuild airport security in this country. What we have now is inadequate, and everyone who travels on our airlines knows it. We are going to have to fund the operations, readiness and munitions accounts at much higher levels. The assumptions in this bill on operational tempo do not take into account what we are currently asking our military to do. And, perhaps most importantly, the most gaping hole that has been shown to the world in the last 2 weeks is the gaping hole in domestic intelligence. Without even changing the laws on what the government can gather for information, we are not coordinating the information that we have now between the Border Patrol and Customs and local law enforcement and the FBI. Without doing that, we will never be able to provide the protection that we need that will come first and foremost from intelligence.

Finally, Madam Chairman, this bill is inadequate with respect to what it funds for the National Nuclear Security Agency. We have authorized the refurbishment of four classes of weapons. Yet we do not fund that refurbishment. We have said that we want to have science-based stockpiled stewardship so we can have a safe, reliable nuclear weapons stockpile without nuclear testing, but we do not fund it. We are short \$300 million in those accounts. We are short also on cybersecurity in the National Nuclear

Security Agency which the Cox report and the President's foreign intelligence advisory board have said is a major priority for this country. That total shortfall of over \$800 million in the National Nuclear Security Agency must be remedied.

We are going to have to make major changes in this bill in conference. I think all of my colleagues understand that.

Mr. TIERNEY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman for yielding me this time.

Madam Chairman, on September 11, America was assaulted, attacked, not with missiles, but with knives. This amendment reflects that new reality. It reduces funds for programs that could violate the ABM treaty and shifts that money to counterterrorism and sends the message that America honors its commitment.

Former Secretary of Defense Mel Laird, who played a key role in the treaty's ratification under President Nixon, recently said, and I am quoting, "An amended ABM treaty remains as relevant to peace and security today as it was 30 years ago. Deep-sixing the treaty instead of negotiating amendments would only create a less stable relationship."

Last week, there were reports that the U.S. was about to withdraw from the treaty, but since then, Secretary Powell has reaffirmed our commitment to a new understanding with Russia on missile defense. That is eminently wise. Russia will be a key ally in the days ahead as the administration attempts to create an international coalition to fight terrorism.

So let us support those efforts and commit resources to the real threat we face today.

Mr. STUMP. Madam Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Madam Chairman, let me thank the chairman and obviously the Congress for looking very critically at this amendment. This is very, very important.

I never served in the military. My father did. But one thing I know for certain, the responsibility of the Federal Government is to provide for national security and domestic tranquility. These two points of view that are shared in this bill are essential to that operation.

I appreciate the work of the gentleman from Missouri (Mr. SKELTON) and certainly of the gentleman from Arizona (Mr. STUMP) and all the Members who have been active in military preparedness for this Nation. Yes, September 11 was a horrifying day. It woke this Member up to the fact that we are ill prepared to meet the challenge and this is vitally important.

People have scoffed at missile defense, they have said it is not nec-

essary, and they make the representation that the attack was by knives. I agree. There were issues in that attack that knives were used. But if we allow our safeguard to diminish, if we do not properly apply technology and we do not thoroughly fund this program, we will rue the day we were ill prepared to defend American soil.

I applaud the manager's amendment, and I support the underlying legislation.

Mr. TIERNEY. Madam Chairman, I yield myself 45 seconds.

First, we will have national insecurity, not national security if we start down the path of deploying and actually building and producing a system that is not yet workable. I do not think anybody can make a logical argument that this system is ready to work. I understand everybody would love to have it, but it just does not work that way. Our testing is not there. That is simply the argument here. Are we going to give in this budget so much money that it goes beyond testing and starts with building when it is not ready, therefore giving us national insecurity?

Are we going to give ourselves just the amount that we need for testing and continue to do that until testing shows that we have something that is workable, or are we going to waste resources by building something and then have to go back to the beginning at far more expense, at possibly the expense of lives, because we relied on something that does not work? For \$1.6 billion, we can put money into airline security that we choose to put it in this way, and that is wrong.

Mr. STUMP. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Chairman, I rise in an attempt to try to set the record straight on some of the facts for those who have spent the time attending all the classified hearings and briefings and asking the questions of both the intelligence community and the members of the committee. I might say for the 6 years that I chaired the Research Committee, we opened up our briefings and hearings to every member. I do not know how many of those my colleague attended. I know I attended 160.

So we can get up on the floor publicly and talk about something, but it is something else to sit in on all the classified briefings and ask the tough questions of the people who are making these decisions. I am not challenging the gentleman's motives because he has the right to do what he thinks is in the best interests of the country, but I also think we need to understand that many of our colleagues have sat through these briefings, and let us clarify some misinformation.

First of all, we do not have an adequate testing program. It was this Congress for the past 6 years, 7 years, with

an overwhelmingly bipartisan vote that called for more money for testing. It was this Congress, in spite of the objections of those who opposed missile defense, who now say we need more testing, who opposed us when we put more money in for testing. It was this Congress who led the effort to find a way to come together in a bipartisan effort to support a consensus around missile defense. It is this Congress that tomorrow will send 12 Members of Congress to Russia to seek very deliberate discussions to build a cooperative arrangement with the Russians that does not have them feel as though they are isolated.

I invite my colleague to go with us. We still have room on the plane. I can get him a visa tomorrow so that he can support our effort which his colleagues will be a part of to meet with the Russian Duma leaders, to meet with the Russian defense ministry to show them that we do care about a cooperative arrangement as opposed to sitting on the floor of the House and in some cases, not particularly perhaps the gentleman, but in some cases demagoging this issue.

Let us get down to the facts and let us talk about tests. The last time I checked, we had about 31 tests of our missile defense programs. Sixteen times, I will admit, we did not have successes. But that was not because of missile defense. It was because the contractors could not get the rocket in the atmosphere.

Now, if the gentleman's argument is that that constitutes a failure, then he better shut down Cape Kennedy, because the same technology for stage separation, the same technology for launching a ballistic missile is the same identical technology for launching rockets. If you believe that is a reason to cancel missile defense, you better shut down our space program. It is the same technology.

Of the 15 times that we had tests where we did get out to the atmosphere, we hit the target 13. We missed it twice. Thirteen of 15 where the interceptor saw the target and hit it is not a bad track record. I ask for my colleague to dispute that with the facts. I will back mine up with ballistic missile defense organization numbers. So, in fact, our testing program has been successful.

The point is, Madam Chairman, the colleague is saying we need more money for weapons of mass destruction. Cut me a break. If you check the facts of our defense bill, in each of these last 7 years, we have put more money into weapons of mass destruction than the President asked for. We have put more money into cyberterrorism, more money into detection systems by hundreds of millions of dollars every year. And my colleague says, well, an airplane is not going to be impacted by a missile defense system.

Well, I hate to make the comparison here, but what do you think an airplane is? It is a large missile. It just so happens that these terrorists could use people on that plane because they did not have the technology ready to put that missile on a cargo ship off of our coast. We have no defense against that kind of capability. I can tell you, when the Iranians, when the Iraqis, the Syrians and Libyans have that capability, which they are very close to now, we are not going to have the capability to defeat it and then it will not be an airplane, it will be a missile without people in it.

So I say to my colleagues, support the compromise. I am not happy with this. But the gentleman and the ranking member do what they have to. Support it. It is good policy and it is a good vote in favor of, I think, a logical solution.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume only because I do not want to let time pass between the gentleman's comments and reality.

The fact of the matter is, I heard the word "demagogue" used in there, and I certainly hope that it was not pointed in this direction after what I just heard. The true fact of the matter is we only have to look at scientists. There are a number of people missing from this debate that would not be in favor of national missile defense. They are basically most scientists, our European allies and friends in other countries and a large part of our military.

The fact of the matter also is that we do not rely on the same technology for NASA that we rely on for the missiles because if NASA fails, we understand that we need to go forward in there, we can have other attempts at this. If we are relying on a missile defense system and it fails, we are all dead. The fact of the matter is we need to test to make sure it works.

As to further facts on that, I have been to classified briefings. You would think after 106, that that would settle in and the information would come out clearer. It does not take 106 to understand what is going on here and what is happening with the allocation of resources. This system has never fully tested the exact system that will be used ultimately. It has never shown that that would work. In fact, when there have been so-called successes here, it has usually been because there has been a beacon, because there has been some other sort of radar systems working other than the ones that will eventually come in. We have spent over \$60 billion in the last several years on trying to design a national missile defense system that has not worked.

□ 1900

If we are going to continue to spend money, it ought to be testing to get to a system that we can then have some level of confidence in its reliability, not start building something that the

Pentagon's own Office of Testing and Evaluation tells us has not been tested properly, has not been tested to show it is successful, and whose testing regime does not show that.

It is not a lack of money. Colonel Welch on the panel says clearly, you can keep throwing money at this. Money is not the issue. The issue is doing the tests, doing them properly, and getting to a point where you have some success on that.

Madam Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Chairman, I thank the gentleman for yielding me time and for the opportunity to work with him on this. I also want to thank the gentleman from Pennsylvania (Mr. WELDON), because in the time I have been in Congress, there are not many people as patriotic and concerned about defending America as the gentleman from Pennsylvania (Mr. WELDON). I have had the chance to go to Russia with him and travel with him on many opportunities.

We may not agree on this issue, but I do not doubt for a second the gentleman's commitment to this country. And I would ask that our commitment to our country not be doubted when we say that it is really time to look at missile defense with great skepticism. When we look at the events of the last 2 weeks, we have seen our President put together a coalition of countries from around the world, a world coalition that is going to challenge terrorism.

I think that now, more than ever, we have an opportunity to build from this world cooperation; to get rid of nuclear weapons once and for all, which was the promise of the non-proliferation treaty, it was the promise of the ABM treaty, and the United States has a new opportunity here.

I think the gentleman from Massachusetts is right when he raises questions that go to the heart of national missile defense, because the truth of the matter is if we pursue national missile defense, we inevitably deconstruct the ABM treaty, which is a basis for bringing nations together. And that ought to be our effort now as we are in the 21st century, at a time when democratic institutions are under attack.

I rise in support of the amendment, because I think the amendment reflects the new priorities of our Nation in the wake of the terrorist attacks. And I appreciate the ranking member's work and the chairman of the committee for their work in crafting the amendment.

The events of September 11, I would submit, have demonstrated that missile defense is ineffective in the threats facing the Nation today. Who can argue that a missile shield would have protected against the events of 2 weeks ago? We know that that attack on our

country was so devastating, precisely because it was perpetrated anonymously and amorphously, disarming and instilling fear in our Nation.

Aggressors employing this type of battle, what Pentagon experts have long known as fourth generational warfare, shun the conventional. Rather than intercontinental ballistic missiles, they employ car bombs; rather than armies, they target civilians and institutions. That is why this transfer of funds, from the development of an unproven, ineffective weapons system, to programs that will immediately help protect Americans citizens from attack, is so crucial.

Madam Chairman, let me say there is no illusion here. This amendment is not nearly enough. The defense bill authorizes the expenditure of \$343 billion. We must ask ourselves, will the expenditure of this money protect our Nation from the type of attack we faced 2 weeks ago?

Madam Chairman, I believe we need a new set of principles to guide our national defense. We need a lighter, more mobile force, capable of adapting to changing circumstances, including the emergence of terrorists and other fourth generational threats. We need to recognize that people, not machines, are our most effective asset. It is not excusable that our armed service members go wanting for housing and proper equipment, while we sink money into an unworkable weapons system.

We need to demand financial accountability from the Pentagon, which has not once passed the test of an independent audit. Similarly, we need a new comprehensive threat and risk assessment; and we need to combine these efforts to a comprehensive program to prevent attacks like we had 2 weeks ago.

Mr. STUMP. Madam Chairman, we have only one speaker remaining. I reserve the balance of my time.

Mr. TIERNEY. Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Chairman, the gentleman from Missouri (Mr. SKELTON) and I began with an amendment of \$920 million to be taken out of ballistic missile defense and transferred into a pay raise, family housing, homeland defense, and counterproliferation, all urgent needs, none of which is fully met.

It became apparent to us, particularly after September 11, that we were not going to be able to sell an amendment cutting this amount. So we, in the spirit of bipartisanship, made a deal. We agreed to lower the amount of the amendment to \$400 million, of which \$135 million had already been cut or reduced by the gentleman from California (Mr. HUNTER), the chairman of the subcommittee with jurisdiction over this matter. That left \$265 million to be taken from basically two places in the BMDO budget.

First of all we took \$120 million out of space-based lasers. Why? To put it in common parlance, we are simply saying, walk before you run. We have got an airborne laser system which has yet to prove itself. We should prove that technology on an airborne platform before we try to put it in outer space. This is a futuristic system, way over the horizon. Ballistic missile defense does not lose anything at all by that cut.

Secondly, we took \$145 million out of mid-course systems and particularly out of sea-based mid-course systems. Why? The Navy has two systems now which are ship based. One is an area-wide system called "lower tier," the other is a theater-wide system called "upper tier." The area-wide system has just been slipped 20 months. The upper tier system has yet to make the first intercept. We are simply saying again, walk before you run, and, for goodness sake, do not start up a proliferation of programs that cannot be sustained in follow-on budgets. So we would trim there.

We made the cuts discreetly. We did not make hand-fisted, meat-ax cuts; we made discrete cuts that will allow this program to go forward more, I think more efficiently and more effectively.

Where did we put the money? Well, September 11 caught us nodding, and it also caught us focused on a threat, almost fixated on this threat, and ignoring other threats. So taking a page, a cue from the lesson of September 11, we took this \$400 million and put \$100 million into intelligence programs, \$150 million into antiterrorism initiatives, \$100 million into counterterrorism initiatives, and \$50 million into consequence-management activities, the kind of activities that will have to occur in the wake of the next tragedy, God forbid that there be one.

So we have made the cuts wisely and discretely. We have made the allocation of the savings wisely as well. This is a good compromise, it is a good amendment. I urge support for it.

Madam Chairman, on September 6, 2001, Ranking Member IKE SKELTON and I filed an amendment with the Rules Committee affecting the Ballistic Missile Defense Organization (BMDO) title of H.R. 2586, the National Defense Authorization Act for Fiscal Year 2002.

The amendment would have taken less than one-third, \$918 million, out of the \$3 billion increase proposed for BMDO and transferred the money to three areas of urgent national security interest: \$450 million for an additional 1 percent pay raise for military personnel; \$250 million to address the most pressing family housing improvement needs; and \$219 million for homeland defense and counter-proliferation efforts. Even with our amendment, spending on ballistic missile defense (BMD) programs would have increased next year by \$2 billion to \$7.3 billion, or 38 percent.

The largest cut in our amendment as originally filed would have come from Fort Greely, Alaska, and here's why:

Greely is said to be part of the Pacific test bed, but in truth, no missiles can be launched

and tested from the silos at Fort Greely, as the booster stages would separate and drop over populated areas.

The booster on the missiles to be based at Fort Greely is not the objective booster; it's an improvised Minuteman booster. The kinetic kill vehicle that sits atop the booster is also a test article, far from being proven. Its configuration will surely change as a result of testing before the final production design is selected.

The site at Fort Greely lacks an X-band radar for tracking incoming re-entry vehicles and guiding the interceptors as they close on their targets; a radar with this kind of range and resolution is essential to a mid-course intercept system.

Finally, the system of Low-Earth Orbit, Space-Based Infrared Sensors known as "SBIRS-Low" is still years away from being deployed; any ground-based intercept system without X-band radar and SBIRS-Low is going to be an extremely limited system.

BMDO argues that the 5 interceptors at Ft. Greely may give us an "early capability" against an emerging threat. But with test article components and a subpar radar, this system will have little, if any, utility against a threat launched against the West Coast of the United States, and BMDO freely admits it will have no capability whatsoever against a missile launched at the East Coast.

I felt then that given the unmet needs in this budget, it was not wise to sink so much money into these silos, for such little gain. Frankly, I continue to believe that. However, in the wake of the horrible events of September 11th, Members on both sides of the aisle have come together to seek a compromise on this issue.

We have agreed not to cut funding for Ft. Greely, but in truth, many on this side of the aisle continue to have concerns about that proposal. In the interest of bipartisanship, we are putting aside this issue today, but I expect that we will revisit this issue in the next budget cycle. As a result, the amount of the cut contained in the compromise amendment is far below the level contained in the Skelton-Spratt amendment. However, two important elements of our original amendment have been largely preserved. I want to thank Chairman STUMP for his willingness to work on this with us.

The compromise makes a total cut below the President's request for BMDO of \$400 million. \$120 million of this total is taken from Space-Based Programs. This is the same amount as was cut by the Skelton-Spratt amendment, and reflects the good government logic that this immature technology should be funded only at a concept development level.

Another \$145 million is taken from the Mid-Course Intercept program. I argued for this cut to come out of Sea-Based Mid Course intercept, which is where the Skelton-Spratt amendment would have taken it, but the agreement leaves the cut less specific. I believe the cut should be made out of the Sea-Based NMD account, and it is my hope we can make the cut more specific at a future time.

A sea-based mid-course defense would entail an entirely new NMD platform, and before embarking on such an effort, BMDO should first demonstrate the maturity of the Navy's theater defense programs, which are technically less demanding. At present, however,

the Navy Area Wide program has seen its schedule slip by 20 months, and the Navy Theater Wide program has yet to have a successful intercept. Until these simpler technological hurdles are cleared, it does not make sense to pour hundreds of millions into an even more challenging, and even less mature system like sea-based NMD.

The balance of the \$400 million is a cut of \$135 million, based on the grounds that the funding could not be executed wisely in 2002.

I have been saying for many years now that Congress needs to stop treating missile defense like a political totem. And while this compromise is disappointing to many on both sides, perhaps it represents a small step in that direction. I urge my colleagues to support the Stump-Skelton amendment.

Mr. TIERNEY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Madam Chairman, I rise reluctantly in support of this amendment, not because in the current context I have any hesitations about it, but because I would rather that we have been having the fuller debate on this issue that a few weeks ago it looked like we could have. Obviously, we regret, all of us terribly, the circumstances that have compressed this.

I believe that the continued expenditure on missile defense is gravely mistaken. I understand that to have a debate under these circumstances would not be in our interests on the broader aspects of this, because, frankly, given the impulse, the understandable and laudable impulse to show our unity and support, I think the project would get more votes than it might get in a calmer atmosphere. I look forward to our being able to debate this at a future time, because I think the leadership on our side, on the committee and on the Committee on Appropriations subcommittee, has done an excellent job of vetting this project. So I am going to vote for this amendment because it is the most reasonable thing to do in this context.

But I want to repeat again what I think is a very important point to the President: there is an accommodation going forward here. There is less of a debate on this issue and less of an attempt to reduce it than would otherwise have happened in the interests of showing national unity.

I hope we will see a reciprocal response, in particular at a time when we are trying to build an international cooperative coalition with Russia, with China, and with other nations. It would ill-behoove this Nation to take unilateral action to undermine the ABM treaty. It would be an error to use the fact that the House has said, okay, and the other body has said okay, we understand that this is not the appropriate time to have the full debate. I regret that, but I understand the decision.

But I hope we will not see the executive branch take advantage of that to go forward with steps that would lead

to a fracturing of our efforts to build an international coalition and that would inappropriately unilaterally undermine the ABM treaty and the international cooperative framework.

Mr. TIERNEY. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, listening as this debate goes on to both the gentleman from South Carolina (Mr. SPRATT), who eloquently set forth his position, and the gentleman from Massachusetts (Mr. FRANK), who also did the same, I think they make convincing arguments about why, as much as many of us feel this does not go nearly as far as it should go, it may in this instance be all that we can get, as sad as that is to say.

It is important that we spend the money on intelligence and that we spend it on antiterrorism and counterterrorism and consequence management. It is just amazing sometimes to some of us that we do not think to do that without extracting a price of overspending on a system that has not been tested, and starting to deploy a system that, I think, in many ways will work to our disadvantage; that we will have \$2.9 billion, or 55 percent of an increase over current spending on this. That we would have initial deployment that would lead to the breaching of the ABM treaty is somewhat beyond comprehension.

As I mentioned earlier, for \$1.6 to \$2 billion, we could secure Americans in their air travel. Yet we will put \$2.9 billion instead on getting way ahead of ourselves, starting to build something before it is adequately tested, pursuant to the Pentagon's own operations and testing and evaluation firm.

We are risking the stability internationally that this might present in unilaterally breaking that treaty. We are certainly going well beyond this Congress' intention, who said we should move forward only if it ever proved feasible. We are certainly failing to put our priorities in proper order. Where it is clear we are spending some \$60 billion to \$100 billion on an item that has not been proven to work and our own intelligence services say falls well behind the needs for security against terrorism, it just does not seem to make sense.

But I do want to commend the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Missouri (Mr. SKELTON) for the work they have done on this. I was with them at the \$920 million mark. I was a little beyond that, as were many, because that is what we really ought to be doing, being sensible.

But I join in congratulating them for getting at least something from folks that do not seem to want to take a really objective look at this and see where we are going.

I say that the gentleman from Massachusetts (Mr. FRANK) is probably right.

Let us see what we get for a reciprocal response. Let us hope that this administration can evaluate the entire situation and understand that this would not be the time to unilaterally violate this treaty. This would be the time to show good faith, and we can be responsible partners in cooperating with people as we ask for their cooperation internationally.

Madam Chairman, I yield back the balance of my time.

Mr. STUMP. Madam Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Madam Chairman, I want to thank the chairman and the ranking member for putting together this compromise that allows us to stand united during this defense bill and not send out the wrong signal to the world, and yet continue to move forward on missile defense.

It has been suggested that the question of the day is will we ever be attacked by ballistic missiles? Is it possible, is it imaginable that someday Americans will be killed by ballistic missiles?

Well, that question has been answered. It was answered 10 years ago when 28 Americans were killed, the first American casualties, by ballistic missiles during Desert Storm.

□ 1915

They were killed by the slow ballistic missile known as the Scud, the Model-T of ballistic missiles, the ones that are proliferated around the world.

So the facts are, we have been struck by ballistic missiles, they have killed Americans, they are a real threat, and Democrats and Republicans agree that we have to be able to stop these thousands of ballistic missiles that are proliferating around the world, some of them a function of military sales where countries like North Korea and China and Russia sell these missiles to countries and to groups that would aim them at us; and the other one as a result of information and technology now that is going to rogue groups, going to nations that are not our friends around the world which, indeed, will aim these systems at the United States.

Now, let me just address this compromise and what it does. First, it has been suggested over and over again by the gentleman from Massachusetts (Mr. TIERNEY) that we do not want to use these things; we do not want to deploy a ballistic missile defense system until we know it works. That is the point. Most of the testing is for the so-called national missile defense system, that is, being able to stop the fast ballistic missiles that can go intercontinental. It is for testing.

Now, we just had a test about a month ago, a successful test in which we shot our standard shot; and when we shot our standard shot, we launched a target missile from Vandenberg Air Base. It went west across the Pacific.

It was hit, it went about 4,800 miles, it cleared Hawaii; and after it cleared Hawaii, we fired up an interceptor missile out of Kwajalein Island that hit it about 148 miles above the Earth's surface and killed it. Now, we fired that shot several times; and if we ask the ballistic missile defense program, can we make that shot, we can make that shot. With that angle, with that speed, with those physics, we can make that shot.

But the critics of the system have said, wait a minute. There are other things we have to be able to do. How about the tougher angles? How about the faster closing speeds? How about the different closing speeds? How about all of those things that are variables?

Well, the answer is to this cry for tough testing, we have to expand the test range to have tough testing; and that means we cannot have the same shot time after time where we shoot over Hawaii and we come up with an intercept from Kwajalein Island. We have to now have the Alaskan dimension. The Alaskan dimension is going to make the closing angles, the shooting angles. Just like we are shooting on a skeet range, instead of shooting at the clay bird going straightaway every time, we are now going to have to shoot one that is going at a fast angle. It is going to give us a variety of speeds that we have to shoot at. It is going to give faster interceptor speeds. It is going to make all the difficult challenges that our critics are telling us and that the gentleman from Massachusetts (Mr. TIERNEY) alluded to when he talked about these commissions that have said we have to make tougher testing. It is going to give us tougher testing.

So I would say to my colleagues, whether one is for missile defense or against missile defense, we certainly want to know what the outcome of these tough tests are going to be.

Well, I have news for my colleague. There is not going to be any outcome for us to judge if we do not build the range. Most of the money that goes into this system goes to build the range.

Now, let me just say with respect to the Soviet Union, because the ABM Treaty has been mentioned, and I think everybody has reflected on the effect of this strike on America with respect to our position in the world, our relationship with the Soviet Union. We told the Soviet Union, we did make the agreement, the ABM agreement, not to defend ourselves. That is an agreement not to defend ourselves. But we have always said to them, we are not just worried about you, we are worried about these other people. We are worried about all of these nations that are depicted here on this map of the world which are now building and developing ballistic missiles and none of these countries, none of these groups signed any treaty not to defend themselves. They did not sign the ABM

Treaty, and we are concerned about that. I think that the Russians now are looking at this more realistically, and I think the President has more credibility in his statement when he said we are truly worried about the unimaginable happening.

For those people who said up until a few weeks ago a strike on the United States is unimaginable, a missile strike on the United States is unimaginable, it now becomes apparent to us that unimaginable things happen.

So what we need is not just defense against people that take over airlines, it is not just defense at our borders against cargo containers coming in, it is not just defense against submarines and ships and guerrilla warfare and terrorism; it is broad capability against a number of threats. We live today, I say to my colleagues, in an age of missiles; and we are going to have to learn to defend against those missiles if we are going to maintain the national security.

Our two leaders have put together a compromise that I do not fully agree with; it does make a \$265 million cut from this missile defense budget. However, they did it in a spirit of compromise to get this bill moving, to move it into the conference, and to be able to work our will from that point. Because of that, and because of the need to let the world know that we stand together, that we are not fractured, I support this compromise. I urge everyone to vote for it.

Ms. MCKINNEY. Madam Chairman, I rise in support of the Stump/Skelton amendment to combat terrorism. If there is one thing that we have learned from the tragedy of September 11, it is that the greatest threat to our Nation is not from high-tech weapons such as ballistic missiles being launched at our Nation. Therefore, the defense that is of the greatest priority to our Nation is not an \$8.3 billion missile defense shield that has no guarantee to work. Instead, we need to protect ourselves from the modern threat of terrorism, protecting our airports and hubs of activity, seeking out those who are responsible for previous attacks, to be aware of and prepared for plans of future attacks, and to act appropriately with the intelligence we gather. This amendment takes away less than 9 percent of the increase for missile defense research and development, and only 3 percent of the entire missile defense budget. I believe that we should reprogram much more towards protecting our constituents from the real threats that our Nation is facing, and spend much less on some Star Wars program. This amendment supports that concept of refocusing our priorities on the true threats to our Nation, and I urge my colleagues to support it.

Mr. UNDERWOOD. Madam Chairman, I rise in strong support of this amendment and I thank the Chairman and the Ranking Member for bringing it to the floor in a bi-partisan fashion. This amendment deserves our attention and support if we are to begin addressing our pressing national needs in combating the horrific practice of terrorism. The tragic events of September 11th prompt use to do more in this

effort and this amendment gives us the opportunity to enact sound policy in this regard. By providing \$400 million in new funding for intelligence, anti-terrorism and counter-terrorism initiatives, this amendment equips the Department of Defense with the resources needed to begin defending our nation against future terrorist aggression.

Combating terrorism is and should be a national security concern and this amendment establishes it as such. This amendment is a significant step towards overcoming existing vulnerabilities, as it requires DoD to report on their ability to defend the nation against airborne threats. Furthermore, as assessment of DoD's ability to respond to terrorist attacks and provide support for Federal, State, and local consequence management activities as required by this amendment will ensure that our government is better prepared to handle any future terrorist crisis.

This amendment addresses our national security needs with regards to terrorism without compromising our need to protect and defend the nation against ballistic missile attacks. As the individual in this body representing Guam, well within striking range of nations like North Korea, I am keenly aware of our Nation's vulnerability to the threat of a ballistic missile attack. But I am also acutely aware of our need to defend our people against terrorism.

If we are to protect our nation, safeguard our democracy, and rid the world of terror, we must begin to vigorously combat terrorism. Passage of this amendment is a significant start towards this end and it is necessary if we are to reduce vulnerabilities at our military installations and facilities, not only within the continental United States, but also in Guam, and throughout the world.

Mr. RODRIGUEZ. Madam Chairman, I rise in support of the Stump-Skelton amendment to take \$400 million from the national missile defense program to fund intelligence, anti-terrorism, force protection, and counter-terrorism efforts. The funding shift in the amendment is a good start but more needs to be done.

We must question spending an additional \$2.5 billion next year and possibly \$100 billion in the future to establish a national missile defense system when deadly terrorist attacks can occur with the purchase of an airline ticket.

Don't get me wrong. I strongly support a theatre missile defense system to protect our troops and allies on the battlefield. But not a national missile defense system that threatens our world wide treaties. But, let's take this one step at a time in light of our many priorities. The enormous sum of \$100 billion could be better spent on intelligence, diplomacy, rebuilding the military, and protecting America's ports of entry.

My Congressional district includes several border crossings between the U.S. and Mexico. The U.S. Customs agents at the border crossings are undermanned and underfunded even though they are on the frontline of protecting our Nation.

For three years Customs has been attempting to upgrade its computer systems to enhance the inspection of goods crossing U.S. borders. Funding shortfalls have prevented the implementation of this critical system.

Customs is only one example of where money could be better spent to protect Americans from terrorist attacks.

I urge my colleagues to support the amendment.

Mr. HOLT. Madam Chairman, I rise in strong support of the Stump/Skelton amendment. As our Nation is working to deal with the tremendous needs of our armed forces in the wake of the September 11 terror attacks, this is one amendment that is particularly important.

The Stump/Skelton bipartisan amendment cuts \$400 million from the President's request for National Missile Defense programs, and transfers these funds to intelligence and counter-terrorism initiatives. The Stump/Skelton amendment represents a consensus, compromise position that all of us should support.

As a Nation, there are many lessons to be learned from the recent attacks on the World Trade Center and the Pentagon. One of the things that is underscored by the events of September 11 is how careful we must be about where we put our defense dollars and the priorities that we as a nation fund in our defense budget.

The pursuit of a National Missile Defense is an expensive, unproven and destabilizing policy that should be rejected. There are so many more important needs to fund in our defense budget. While this amendment does not eliminate all of the funds the President has requested for a National Missile Defense system, it does make important reductions in that account and important increases in areas where we clearly need to make investments, particularly in our intelligence and counter intelligence efforts.

The National Missile Defense as proposed would not be effective. It would be costly to deploy and easily circumvented. It could be confused with decoys. It could be bypassed with suitcase bombs and pickup trucks and sea-launched missiles or need I say it, wayward airlines. It would be billions of dollars down the drain. But it is not just a diversion of precious resources that we are told are not available for health care, for smaller class sizes, for modern school facilities, for securing open space or for taking care of America's veterans.

It is worse than a waste. Simple strategic analysis will tell us that provocative yet permeable defenses are destabilizing and lead to reduced security.

The U.S. has not been able to develop a workable missile defense system after 40 years of trying and spending \$108 billion.

Clearly this money is better spent in supporting up our intelligence and counter intelligence efforts. I urge all of my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. STUMP).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 3 by Mr. TRAFICANT of Ohio and amendment No. 4 by Ms. SANCHEZ of California.

The Chair will reduce to 5 minutes the time for the second electronic vote.

## AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

## POINT OF ORDER

Mr. TIERNEY. Madam Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TIERNEY. Madam Chairman, just looking around and counting, I am not sure that I reached the same conclusion that the Chairman did, and I am wondering if she might want to count again.

The CHAIRMAN. A recorded vote has been ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 173, not voting 15, as follows:

[Roll No. 356]

## AYES—242

Aderholt	DeMint	Hyde
Akin	Deutsch	Isakson
Armey	Diaz-Balart	Israel
Bachus	Doolittle	Issa
Baker	Duncan	Istook
Ballenger	Dunn	John
Barcia	Emerson	Johnson (CT)
Barr	English	Johnson (IL)
Bartlett	Eshoo	Johnson, Sam
Barton	Etheridge	Jones (NC)
Bass	Everett	Kaptur
Biggert	Ferguson	Keller
Bilirakis	Fletcher	Kelly
Bishop	Foley	Kennedy (MN)
Blunt	Forbes	Kerns
Boehlert	Fossella	Kildee
Bonilla	Frelinghuysen	Kind (WI)
Bono	Galleghy	King (NY)
Boswell	Gekas	Kingston
Boyd	Gephardt	Kirk
Brady (TX)	Gibbons	Knollenberg
Brown (SC)	Gilchrest	LaHood
Bryant	Gillmor	Langevin
Burr	Gilman	Lantos
Burton	Goode	Largent
Callahan	Goodlatte	Latham
Calvert	Gordon	LaTourette
Camp	Goss	Lewis (CA)
Cannon	Graham	Lewis (KY)
Cantor	Granger	Linder
Capito	Graves	Lipinski
Carson (OK)	Green (WI)	LoBiondo
Castle	Greenwood	Lowe
Chabot	Grucci	Lucas (KY)
Chambliss	Gutknecht	Lucas (OK)
Coble	Hall (OH)	Luther
Collins	Hall (TX)	Maloney (CT)
Combest	Hansen	Manzullo
Cooksey	Hart	Matheson
Costello	Hastings (WA)	McCarthy (MO)
Cox	Hayes	McCarthy (NY)
Cramer	Hayworth	McCrery
Crane	Hefley	McHugh
Crenshaw	Herger	McIntyre
Cubin	Hilleary	McKeon
Culberson	Hobson	McNulty
Cunningham	Hoekstra	Mica
Davis (FL)	Horn	Miller (FL)
Davis, Jo Ann	Hostettler	Miller, Gary
Davis, Tom	Houghton	Moran (KS)
Deal	Hulshof	Morella
DeLay	Hunter	Myrick

Nethercutt  
Ney  
Northup  
Norwood  
Otter  
Pallone  
Pascarell  
Pence  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Pryce (OH)  
Quinn  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rivers  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Ros-Lehtinen  
Rothman  
Roukema  
Royce  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Souder  
Spratt  
Stearns  
Stenholm  
Strickland  
Stump  
Sununu  
Sweeney

Tancred  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thune  
Thurman  
Tiahrt  
Tiberi  
Toomey  
Traficant  
Udall (CO)  
Udall (NM)  
Upton  
Vitter  
Walden  
Walsh  
Wamp  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Wicker  
Wolf  
Young (AK)  
Young (FL)

## NOES—173

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barrett  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Blagojevich  
Blumenauer  
Boehner  
Bonior  
Borski  
Boucher  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Buyer  
Capps  
Capuano  
Cardin  
Carson (IN)  
Clay  
Clayton  
Clement  
Clyburn  
Condit  
Coyne  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doyle  
Dreier  
Edwards  
Ehlers  
Ehrlich  
Evans  
Farr  
Fattah  
Filner  
Flake  
Ford  
Frank

Frost  
Ganske  
Gonzalez  
Green (TX)  
Gutierrez  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kennedy (RI)  
Kilpatrick  
Klecza  
Kolbe  
Kucinich  
LaFalce  
Lampson  
Larsen (WA)  
Larson (CT)  
Leach  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Maloney (NY)  
Markey  
Mascara  
Matsui  
McCollum  
McDermott  
McGovern  
McKinney  
Meehan  
Meek (FL)  
Menendez  
Millender-McDonald  
Miller, George  
Mink  
Moore  
Murtha  
Napolitano  
Neal

Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Ose  
Owens  
Oxley  
Pastor  
Paul  
Payne  
Pelosi  
Petri  
Putnam  
Radanovich  
Rahall  
Rangel  
Reyes  
Rodriguez  
Ross  
Roybal-Allard  
Ryan (WI)  
Sabo  
Sanchez  
Sanders  
Sandin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Sherman  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (WA)  
Snyder  
Solis  
Stark  
Stupak  
Tanner  
Terry  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tierney  
Turner  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Whitfield  
Wilson  
Woolsey  
Wu  
Wynn

## □ 1946

Ms. MCKINNEY, Ms. DeLAURO, and Messrs. INSLEE, HOLDEN, and DINGELL changed their vote from “aye” to “no.”

Mrs. NORTHUP and Messrs. JOHNSON of Illinois, BURTON of Indiana, WATKINS of Oklahoma, LANTOS, SHIMKUS, AKIN, SPRATT, ISRAEL, DEUTSCH, BLUNT, ISSA, RYUN of Kansas, CARSON of Oklahoma, and REYNOLDS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## □ 1945

## AMENDMENT NO. 4 OFFERED BY MS. SANCHEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 217, not voting 14, as follows:

[Roll No. 357]

## AYES—199

Abercrombie	Davis (FL)	Houghton
Ackerman	Davis (IL)	Hoyer
Allen	DeFazio	Inslee
Andrews	DeGette	Isakson
Baca	Delahunt	Israel
Baird	DeLauro	Jackson (IL)
Baldacci	Deutsch	Jackson-Lee
Baldwin	Dicks	(TX)
Barrett	Dingell	Jefferson
Bass	Doggett	Johnson (CT)
Becerra	Dooley	Johnson, E. B.
Bentsen	Dunn	Jones (OH)
Berkley	Edwards	Kaptur
Berman	Ehrlich	Kelly
Biggert	Eshoo	Kennedy (RI)
Bishop	Etheridge	Kilpatrick
Blagojevich	Evans	Kind (WI)
Blumenauer	Farr	Kirk
Boehlert	Fattah	Klecza
Bonior	Filner	Kolbe
Bono	Foley	Lampson
Boswell	Ford	Lantos
Boucher	Frank	Larsen (WA)
Boyd	Frelinghuysen	Larson (CT)
Brady (PA)	Frost	Leach
Brown (FL)	Gephardt	Lee
Brown (OH)	Gilchrest	Levin
Capito	Gilman	Lewis (GA)
Capps	Gonzalez	Lofgren
Capuano	Gordon	Lowey
Cardin	Green (TX)	Luther
Carson (IN)	Greenwood	Maloney (CT)
Carson (OK)	Gutierrez	Maloney (NY)
Castle	Harman	Markey
Clay	Hastings (FL)	Matheson
Clayton	Hill	Matsui
Clement	Hilliard	McCarthy (MO)
Clyburn	Hinchey	McCarthy (NY)
Condit	Hinojosa	McCollum
Coyne	Hoeffel	McDermott
Cramer	Holt	McGovern
Crowley	Honda	McKinney
Cummings	Hooley	Meehan
Davis (CA)	Horn	Meek (FL)

## NOT VOTING—15

Conyers	Moran (VA)	Serrano
Engel	Nadler	Towns
McInnis	Peterson (MN)	Velázquez
Meeks (NY)	Peterson (PA)	Visclosky
Mollohan	Rush	Watson (CA)

Menendez	Ramstad	Solis	Whitfield	Wilson	Young (AK)
Millender-	Rangel	Spratt	Wicker	Wolf	Young (FL)
McDonald	Reyes	Stark			
Miller (FL)	Rivers	Strickland			
Miller, George	Rodriguez	Tanner	Conyers	Nadler	Towns
Mink	Rothman	Tauscher	Engel	Peterson (MN)	Velázquez
Moore	Roukema	Thomas	McInnis	Peterson (PA)	Visclosky
Moran (VA)	Roybal-Allard	Thompson (CA)	Meeks (NY)	Rush	Watson (CA)
Morella	Sabo	Thompson (MS)	Mollohan	Serrano	
Napolitano	Sanchez	Thurman			
Neal	Sanders	Tierney			
Obey	Sandlin	Turner			
Oliver	Sawyer	Udall (CO)			
Ose	Schakowsky	Udall (NM)			
Owens	Schiff	Walden			
Pallone	Scott	Waters			
Pascarell	Shaw	Watt (NC)			
Pastor	Shays	Waxman			
Payne	Sherman	Weiner			
Pelosi	Simmons	Wexler			
Pomeroy	Slaughter	Woolsey			
Price (NC)	Smith (WA)	Wu			
Pryce (OH)	Snyder	Wynn			

## NOES—217

Aderholt	Green (WI)	Paul
Akin	Grucci	Pence
Armey	Gutknecht	Petri
Bachus	Hall (OH)	Phelps
Baker	Hall (TX)	Pickering
Ballenger	Hansen	Pitts
Barcia	Hart	Platts
Barr	Hastings (WA)	Pombo
Bartlett	Hayes	Portman
Barton	Hayworth	Putnam
Bereuter	Hefley	Quinn
Berry	Herger	Radanovich
Bilirakis	Hilleary	Rahall
Blunt	Hobson	Regula
Boehner	Hoekstra	Rehberg
Bonilla	Holden	Reynolds
Borski	Hostettler	Riley
Brady (TX)	Hulshof	Roemer
Brown (SC)	Hunter	Rogers (KY)
Bryant	Hyde	Rogers (MI)
Burr	Issa	Rohrabacher
Burton	Istook	Ros-Lehtinen
Buyer	Jenkins	Ross
Callahan	John	Royce
Calvert	Johnson (IL)	Ryan (WI)
Camp	Johnson, Sam	Ryun (KS)
Cannon	Jones (NC)	Saxton
Cantor	Kanjorski	Schaffer
Chabot	Keller	Schrock
Chambliss	Kennedy (MN)	Sensenbrenner
Coble	Kerns	Sessions
Collins	Kildee	Shadegg
Combest	King (NY)	Sherwood
Cooksey	Kingston	Shimkus
Costello	Knollenberg	Shows
Cox	Kucinich	Shuster
Crane	LaFalce	Simpson
Crenshaw	LaHood	Skeen
Cubin	Langevin	Skelton
Culberson	Largent	Smith (MI)
Cunningham	Latham	Smith (NJ)
Davis, Jo Ann	LaTourette	Smith (TX)
Davis, Tom	Lewis (CA)	Souder
Deal	Lewis (KY)	Stearns
DeLay	Linder	Stenholm
DeMint	Lipinski	Stump
Diaz-Balart	LoBiondo	Stupak
Doolittle	Lucas (KY)	Sununu
Doyle	Lucas (OK)	Sweeney
Dreier	Manzullo	Tancredo
Duncan	Mascara	Tauzin
Ehlers	McCrery	Taylor (MS)
Emerson	McHugh	Taylor (NC)
English	McIntyre	Terry
Everett	McKeon	Thornberry
Ferguson	McNulty	Thune
Flake	Mica	Tiahrt
Fletcher	Miller, Gary	Tiberi
Forbes	Moran (KS)	Toomey
Fossella	Murtha	Trafigant
Galleghy	Myrick	Upton
Ganske	Nethercutt	Vitter
Gekas	Ney	Walsh
Gibbons	Northup	Wamp
Gillmor	Norwood	Watkins (OK)
Goode	Nussle	Watts (OK)
Goodlatte	Oberstar	Weldon (FL)
Goss	Ortiz	Weldon (PA)
Graham	Osborne	Weller
Granger	Otter	
Graves	Oxley	

## NOT VOTING—14

□ 1956

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STUMP. Madam Chairman, I ask unanimous consent to strike the last word.

The SPEAKER pro tempore. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. STUMP. Madam Chairman, as the House is about to move to final passage on this defense authorization bill, I think it is appropriate that we take a moment to note that this will be the first defense bill in over 30 years that we have passed that Floyd Spence did not have a part in. Floyd had a hand in shaping and guiding all the defense bills for the last 3 decades, and particularly in the last 6 years where he served as chairman of the House Committee on Armed Services.

Madam Chairman, there was not a stronger defender of our military, no truer friend of the men and women in uniform, and no tougher critic on those who allowed our defenses to deteriorate over the years. Floyd Spence had vision, he had sense of purpose, and he had a clear commitment to ensuring that the Congress fulfill its constitutional obligation to provide for the common defense.

We all miss Floyd, but I did not want this moment to go without the record reflecting his leadership, his commitment, and his wise counsel on national security matters, which still burns bright in the many of us that were privileged to work with this quiet, unassuming and passionate American patriot.

Mr. SKELTON. Madam Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Missouri.

Mr. SKELTON. Madam Chairman, I applaud the gentleman on his comments and his memory of Floyd Spence. He was truly a gentleman's gentleman, a true Southern gentleman, from his infectious laugh to his strong support of the troops. We will recall him very, very fondly; and I thank the gentleman for his remembrance of him.

And for 19 years, I might say, sitting next to me on the Committee on Armed Services was our colleague Norm Sisisky, who made such a great contribution. At this moment, I would also like to pay tribute to his memory for the wonderful work that he did. And I thank the gentleman.

□ 2000

Mr. STUMP. Madam Chairman, may I take a moment to thank our staff on

both sides of the aisle for the tremendous job and the many late nights that they have spent here and put up with us and produced this good bill.

Madam Chairman, I urge everyone to support the bill.

Mr. SHAYS. Madam Chairman, as a long-time critic of the manner in which we finance our nation's military, I had intended to oppose the legislation being considered today.

This year's defense budget contains a number of deficiencies, the most glaring of which is this: it is not designed to equip our military for the task at hand. Written prior to the attack of September the 11th, this legislation continues the mistakes of the past decade. It is designed to fight the cold war, but that war ended years ago, and as we saw all too brutally in New York and Washington, the world is a far more dangerous place.

Furthermore, this bill leaves our military, on the eve of an epic undertaking, with a number of acute needs that have yet to be adequately addressed—needs we've known about for many years.

As the chairman of the Government Reform Subcommittee on National Security, which has oversight jurisdiction over the entire Department of Defense, I have seen first hand the needs of our military. We need to do a better job attracting new enlistees and maintaining the necessary level of reenlistment. Our training has suffered in recent years. We lack the necessary munitions for new encounters. We are cannibalizing existing planes, tanks and other equipment for their parts, in order to make other equipment operational. Our soldiers, sailors, pilots and Marines are overworked and underpaid. At least this last part we have begun to address. And I strongly support the military pay raise included in this legislation.

Regretfully, like its predecessors, this year's National Defense Authorization Act fails to cancel the procurement of expensive, unnecessary weapon systems; close unnecessary bases and depots, at home and overseas; and require our allies, particularly Europeans, to pay their fair share of stationing U.S. troops in their countries.

So why will I vote for this bill? Because I strongly support the President of the United States and the campaign against terrorism on which we've embarked. And I don't want anyone, particularly our enemies, to misunderstand a No vote.

Unlike the climate in which we debated past budgets, today our country is entering a new, uncharted period. In these trying times, I want to be certain we're providing the brave men and women of our military with every resource they will need in the difficult days, months and years to come.

The Government Reform Subcommittee on National Security has conducted 19 hearings on our preparedness against terrorist threats, chemical and biological defense programs, the Defense Department's role in homeland security, and proposals to reorganize our terrorism programs. We know waging the war on terrorism will require not only enormous expenditures, but also a fundamental reexamination of our changing national security needs.

Unfortunately, this legislation provides the funding, but not the reforms. I pray future defense bills address these glaring needs, but

mostly I pray for the brave men and women going into battle.

Mr. STARK. Madam Chairman, I rise in support of our armed forces that are preparing to deliver justice to the organizations who initiated the attack on the United States on September 11, 2001. However, I must still oppose the Defense Department Authorization bill before us today. This legislation simply fails to meet the mark for what is needed to defend our nation today.

It does have several measures that I support including: pay raises for the average soldier and increased funding for medical benefits. However, all that's bad in this bill outweighs these positive components.

Like previous defense authorization bills, it wastes billions of dollars on attack submarines, advanced destroyers, a National Missile Defense (NMD) System, and continues to fund the outdated F-22 program.

The investment of hundreds of billions of dollars in aircraft carriers and ships has done little to protect American citizens from attack. It has only been used to line the pockets of big defense contractors who are more interested in profit margins than defending the United States. We continue to waste billions of dollars to build these ships at the cost of truly effective military investments like training in counter-terrorism, anti-guerrilla warfare tactics, and intelligence gathering—all of which would yield far greater benefits than the big ticket items currently included in the bill.

The F-22 program is another wasteful program. We continue to fund this program despite its consistent cost overruns and failures to meet performance and production guidelines. This program made sense in the late 1990's when we were still preparing to defend against advanced Soviet technology, but today that is no longer the case. Our potential enemies are flying old Soviet fighters Su-22's and MiG-21's. These planes are on par with our old F-4 Phantoms which were the premier fighter when we were fighting in Vietnam.

Finally it provides over \$8 billion to continue to develop the National Missile Defense system. The attack on September 11th proves that any potential enemy would be far wiser to invest a couple million dollars to train people to fly a plane into the US to deliver weapons of mass destruction, rather than hundreds of billions of dollars to develop an Inter-Continental Ballistic Missile. In light of this reality, it seems foolish, wasteful and completely inappropriate to direct huge sums of money at a national missile defense system that has never been proven to work and is probably irrelevant to the dangers we face today.

It is for these reasons that I must oppose this authorization bill.

Mr. UNDERWOOD. Madam Chairman, I rise in support of H.R. 2586, the National Defense Authorization Act for FY02. Among the many provisions included in this legislation are a number of measures that directly support Guam and its military infrastructure. Our nation's military readiness stands to benefit from over \$66 million in new construction and improvements to Guam's military installations and facilities. The people of Guam welcome this funding as it strengthens U.S. military presence and national security in the Asia-Pacific region in addition to providing an economic boost for our island.

Seven major military construction projects for Guam are included in this bill. Phase II of the Guam Army Guard Readiness Center will receive \$7 million and \$4 million is included for a training facility for the Guam Air National Guard. Other projects include \$4.5 million for a Forward Operation Location War Reserve Material Facility at Andersen Air Force Base and \$24 million for the upgrading of the Navy's Bachelor Enlisted Quarters and Public Works Waterfront Utilities. The bill also includes \$20 million for the continued replacement of Andersen's hydrant fuel system. These projects are significant towards modernizing Guam's military infrastructure and equipping our troops stationed in the Western Pacific with the resources they need to meet our increased national security demands.

In addition to military construction projects, the bill also provides for the conveyance of a water supply system at Andersen Air Force Base and the construction of a war memorial on Guam to honor the victims of the Yigo Massacre, which occurred during World War II. Guam was the only U.S. State or Territory with a civilian population to suffer occupation during World War II. Immediately following the liberation of Guam, decapitated bodies of 45 men were discovered in the village of Yigo. Today, it is presumed that these men were forcibly conscripted by the Japanese forces to be of service to them during their retreat. The story of these men has largely been forgotten since the time they were forcibly separated from their homes and families. The memorial included in this bill will commemorate the sacrifices made by these men and resurrect and preserve their story in history.

I am also pleased that the House Armed Services Committee has addressed the issue of the Department of Defense's responsibility and duty to clean up former military sites. Guam was home to significant and tremendous military activity during World War II. Unexploded ordnance and other weaponry have been found on Guam in recent years as a result of this activity. The report accompanying this bill stresses the need for the Department of Defense to be more aggressive in their management and clearance of unexploded ordnance and other dangerous weaponry found on Guam. This language is essential in ensuring that the proper attention is devoted towards the cleanup of our island.

In conclusion, this bill goes a long way towards improving our nation's military readiness and supports Guam role in contributing to our national security. The people of Guam welcome the forthcoming military construction activity and look forward to doing their part in providing for the national defense.

Mr. DEFAZIO. Madam Chairman, I have worked for more than a decade to reorient federal budget priorities so they better reflect the needs and wants of average Americans.

I have also been a vocal advocate for taking a serious look at the spending priorities within the Department of Defense (DOD). I have regularly drafted legislation and amendments to force the Pentagon to reevaluate and justify how it spends taxpayer money.

We demand accountability from all other federal agencies. We should demand no less of the DOD. After all, the \$343 billion authorized in this legislation represents one of every two dollars in discretionary spending that can be appropriated by Congress.

There are clearly significant flaws with H.R. 2586. While the basic needs of many of our young men and women in uniform have not been met, this legislation provides tens of billions of dollars to fund weapons systems that are of dubious necessity, over-budget, behind schedule, and fail to meet performance requirements.

For example, at G.I. Joe's in Eugene, Oregon, I met a dad who was buying a waterproof bag for his son in the Marines. He told me his son was issued an expensive radio without any waterproof protection. All the Pentagon supplied was a plastic garbage bag.

The legislation provides around \$8 billion for an ill-defined, unworkable national missile defense system. This represents more than a 50 percent increase over current spending levels. American taxpayers have already generously provided more than \$60 billion over the last two decades to develop this system with little to show for it.

Even if the system could be made to work consistently, it doesn't address the most significant threat our nation faces. As I've said in debates over NMD in past years, given our awesome retaliatory power, one of the least likely threats confronting the U.S. is an inter-continental missile with a return address. In those previous debates, I went on to raise concerns about the money NMD was diverting from our preparation for more likely attacks by terrorists with primitive delivery systems like rental trucks, freighters, or even suitcases.

The legislation continues to fund the development of three new fighter jets when one should do, and continues to fund an oversized nuclear stockpile.

I am concerned that the spending priorities reflected in this bill are oriented to fighting the last war, not meeting the threats our nation faces today.

That said, I am going to support this legislation. I do not make this decision lightly. The world changed on September 11, 2001. The terrorist strikes on U.S. soil have created a sense of urgency to guarantee our troops are adequately supplied and supported in order to respond and defend our country.

Some of the funds in this legislation and the emergency package approved by Congress last week will go to make sure our men and women in uniform have everything they need to deal with the current crisis. However, I fully intend to revisit the spending priorities of the Pentagon next year and look forward to reviewing Secretary Rumsfeld's plans for retooling our nation's military to more adequately meet the threats of today.

But, that critical debate can wait for another day. In this time of crisis, I will vote in favor of this legislation in order to stand firmly behind our young men and women in uniform who may soon be put in harm's way.

Ms. BALDWIN. Madam Chairman, when President Dwight D. Eisenhower gave his farewell address in 1961, he spoke about the "military-industrial complex." He said, "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

It is forty years later, and yet his words still ring true. The corporations and organizations

that profit so much from military build-ups are unaccountable to the American people. That was true in 1961, it was true on September 10th, 2001, and it remains true today. In America, the nation's military priorities ought to be set by the people.

For that reason, I have been a harsh critic of our nation's military budget.

I have regarded its priorities as misplaced.

I have vehemently opposed deploying National Missile Defense.

I have disagreed with the decision to build the F-22 Raptor.

I have questioned the need for new attack submarines, battleships and guided missile destroyers.

I lament our failure to adequately compensate the men and women who serve in the Armed Forces and our failure to keep our promises to our nation's veterans.

I decry the failure to fully fund our non-proliferation efforts and nuclear disarmament programs.

I have opposed every defense authorization and defense appropriation bill put before me since I came to Congress.

And I would expect to do so again in the future, if I am not able to have greater influence on their content, their magnitude and their priorities.

But today is different. I have struggled with this vote as I have struggled with no other. Here is where that struggle has brought me. I regard my two central duties at this unprecedented time to be the protection of American lives and the protection of the American way of life—our freedoms of speech, our expectation of privacy, our right to due process.

I do not know what our President is being told by our intelligence agencies or by the criminal investigators. I do not know what tools our President will need to protect our families from further attacks and threats. I could not accept the responsibility for denying those charged with protecting our immediate safety and security with the tools they need. The Administration has told us that these are the tools they need. Not knowing what they know, I take them at their word.

No one should interpret this vote as any indication that I will not continue to question and criticize policy that I believe is wrong. No one should take this vote as an indication that we should not push to reconfigure, rethink and reprioritize our national defense program.

In this unprecedented time, we give our President what he has requested in order to protect American life. At the same time, I do not forget General Eisenhower's caution that we must guard against the acquisition of unwarranted influence by the military-industrial complex.

Mr. BLUMENAUER. Madam Chairman, in these times of extreme pressure on our national security team, we want to be assured that America is properly prepared. This defense authorization bill has much that I find commendable. It provides funding for providing the essential defense requirements that will assure that the United States continues to have the most powerful armed forces anywhere in the world, far and away superior to the next seven countries combined. There are many improvements that are made to quality of life for our fighting men and women including increased resources for their pay and for

their housing which are critical and which I strongly support. It also recognizes work that I've been championing to have the military clean up after itself and deal with unexploded ordnance and other military pollution. Having an inventory of these contaminated sites is an important step forward and I appreciate the work that Committee leadership and staff have done in that regard.

I reluctantly vote in opposition to this defense authorization because of the continued clear misallocation of resources it includes for national missile defense. In fact, I have grave reservations about several of our patterns in military technology and hardware. For example, we are still developing three new tactical aircraft systems simultaneously. It is critical that we deal with the meat and potatoes of our nation's defense and the support of our military retirees before launching forth with some of these troubling weapons systems. The most problematic of them all is missile defense. There is nearly \$8 billion in this bill for a system that was demonstrated two weeks ago to not be our top priority. We were caught flat-footed with a severe act of domestic terrorism illustrating that we need to be doing more to protect against conventional threats: intelligence on the ground and improving civilian capacity to assist our citizens. It is ill-advised to continue to feed money into a system for remote risks that are far into the future which may not even work and may further destabilize the world balance of power.

We need to focus our efforts now more than ever before on making sure that our armed forces are equipped to deal with today's threats and responsibilities, not what we wish they would be in the future or know they were in the past. Missile defense is the worst example of both these premises.

I hope that we will be able, in the course of this Congress, to do a better job of effectively evaluating our threats and redeploying our resources to protect our citizens and support our fighting men and women.

Ms. BROWN of Florida. Madam Chairman, as you may know, the Senate has authorized another round of military base closures. I rise in opposition to any attempts to weaken our national defense through another round of base closing.

Another round of base closing will subject the future of our national defense to a political and arbitrary process of back-room-deals and broken promises. All of the past BRAC rounds have been full of last-minute games, empty promises, false cost savings and unreliable data.

At a time when our nation has been attacked by terrorist forces, further base closures would make our country look weak and further undermine the security of the American people. Closing additional military installations will make our remaining bases easier targets.

Why should we be shutting down existing bases when we are only beginning to understand the extent of our enemies' evil wishes?

Why should we be shutting down existing bases when we are still learning of our enemies' ability to completely surprise even our best defenses?

Why should we be shutting down existing bases when we need all of our people and materials to fight against the terrorist enemy?

I rise in strong opposition to another round of base closing and encourage our conferees to do the same.

Ms. LOFGREN. Madam Chairman, I had urged that this Department of Defense spending bill be brought up without including the controversial missile defense program. It was my belief that we, as a Congress, would be best served by taking up a bill that most of us could vote for, which could then be followed with the controversial missile defense bill about which so many of us disagree.

Last week, on the floor, I had occasion to discuss the missile defense plan with a Congressman from across the aisle. There has been a lot of that lately, discussions among Republicans and Democrats that are respectful. He said he would vote for "missile defense" if it would save one American city from nuclear annihilation.

Well, so would I. But this missile defense program won't do that. It won't make us safer. The technology doesn't work. Further, in order to proceed, we also have to abrogate treaties just at the time when we need international allies in the war against terrorism.

As the September 11 attacks on our country showed us so terribly, we need more and better defenses. Some of those defenses need to be in the Department of Defense and in the Department of Justice, and I favor increased funding to enhance those capabilities. Enhancement of our intelligence capabilities is also called for along with better coordination and communication between intelligence and law enforcement. Improved airport and airline safety is also a necessity.

But spending billions on missile defense, in my view, will not make our country safer. It wouldn't stop the terrorists who attacked us on September 11th and it won't work to stop "nuclear terrorism" either. Unfortunately, the technology isn't even advanced enough to stop the so called rogue nations that are identified to be its target.

I favor additional funding for avionics, parts, upgraded technology and military pay. I wish I were able to vote for such good things separately from this flawed missile defense plan.

Mr. GUTIERREZ. Madam Chairman, I rise in strong opposition to the language in this bill concerning the future of the Puerto Rican island of Vieques.

The United States Navy has trained in Vieques for more than sixty years.

The effects of that training on the environment of the island and on the lives of its 9300 residents are painfully clear.

Thousands of acres on that beautiful tropical island are devastated, bearing witness to the presence of hundreds of thousands of tons of metals, chemicals and materials that have been shown to increase the incidence of cancer and other diseases.

Vieques, which was once a thriving, albeit developing agricultural, fishing and tourist society of 12,000 residents, has been mired in poverty, unemployment, forced migration and underdevelopment for several decades, because the largest "tenant" on the island—the U.S. Navy—who occupies close to two thirds of the total land mass of the island, prevents the development of any significant economic activity in Vieques.

After the accidental death of David Sanes—a civilian security guard from Vieques—the people of Vieques, supported by the people of Puerto Rico and by many people from the United States declared that they had enough

of the bombing, enough of the contamination, enough of the constraining of their lives hopes and aspirations by the U.S. Navy. Together with the religious, civic, political, and labor leadership of Puerto Rico, the people of Vieques began a sustained campaign of peaceful protest and peaceful civil disobedience to put a stop to the abuses of their land by the Navy.

Madam Chairman, last year President Clinton and this Congress attempted to mediate in the dispute.

I believe that President Clinton, as commander-in-chief under our Constitution could have resolved the issue the same way President Ford had resolved the matter of Culebra in 1975, or President Bush had resolved the issue of Kahoolawe in 1991, by simply ordering his subordinates in the U.S. Navy to cease operations in Vieques.

He chose, instead, to do a combination of Executive orders and Congressional action.

That is now known as the Clinton-Rosselló agreement.

I opposed that "compromise" precisely because I suspected that what is happening here today—that Congress is literally going back on its word given to the people of Vieques and the people of Puerto Rico could happen. That is why I called on President Clinton to resolve the matter once and for all.

Madam Chairman: The people of Vieques have expressed their aspirations for peace in every peaceful manner possible. They have protested peacefully, the have engaged in peaceful civil disobedience . . . and they voted-overwhelmingly, 70 percent of the vote—for the Navy to leave them in peace.

And this Congress had promised them that the Navy would indeed leave, if—we told them last year—you vote in a federally sponsored referendum to be held at a date of the Navy's choosing, for the Navy to leave.

That referendum, that opportunity for the people of Vieques to once again express their wish to live in peace and free of contaminants and threats to their lives and their safety, was going to take place on November, on the date chosen by the Navy.

But the Navy and their allies in Congress now know what I always said, that the people of Vieques, whom the Navy was called their "neighbors" no longer want the Navy in their land.

So, what do we do when the people of Vieques are about to beat the Navy at a game whose rules were designed by the Navy and its political allies in Congress? We will now change the rules, to prevent the people of Vieques from winning fair and square.

In this time of crisis, we are all feeling a growing sense of patriotism. I am pleased and proud that the people of our nation are rallying to our country and about what it stands for. Sadly, what this Congress intends to do to the people of Vieques does not represent the best of America. It disrespects the clearly and democratically expressed will of the majority of the people of Vieques.

Madam Chairman, tonight I will vote for this DOD authorization bill, because, despite this and many other disagreements I have with this bill, its enactment is necessary for the defense of our country and of our democracy.

But I want to make clear for the record that we are committing a grave injustice to a

peaceful people who have the right, the same right as any of my constituents or any of the constituents represented in this body to live in peace, free of fear, free of deadly contamination with a hope for a decent future for themselves and their children. I vote for this bill to support that defense of our nation—and despite language regarding Vieques that is unjust and counterproductive.

Mr. BENTSEN. Madam Chairman, I rise in strong support of this legislation, which authorizes appropriations for the Department of Defense for a total of \$343 billion in budget authority, consistent with the President's amended defense budget request.

H.R. 2586 provides the men and women in our nation's armed forces with the tools needed to address the challenges our country will face in the next decade and beyond. This legislation provides much needed increases in weapons procurement; research and development; operations and maintenance; and a 32 percent increase in military construction and family housing. This legislation also addresses military health care by fully funding lifetime health care for military retirees and their eligible family members. I am pleased that this bill contains the largest military pay raise since 1982 and provides significant increases in funding for key military readiness accounts. The bill also makes great strides in beginning to address our aging military infrastructure and makes a modest down payment toward the next priority—the modernization of our fleet of combat equipment. Perhaps most importantly, this bill takes critical steps toward ensuring that the United States is ready to meet the challenges that lie ahead, including the challenge of meeting and defeating international terrorism.

I also want to express my strong support for the Stump/Skelton managers amendment to transfer \$400 million from missile defense to intelligence and anti-terrorism measures. From the bill's \$8.2 billion authorization for missile defense programs, the amendment would direct \$100 million to offensive counter-terrorism initiatives; \$100 million for enhanced intelligence programs; \$150 million for increased security at U.S. military bases, and \$50 million for consequence management activities. The amendment would also require the Defense Department to assess its capability to respond to terrorist attacks; require a DoD assessment report on airborne threats and establish counter-terrorism as a national security priority. I believe this amendment offers a reasonable approach to counter the growing threat of terrorism on our soil, while providing the funds necessary to continue development of the missile defense program. In fact, the funds provided under the underlying bill for missile defense are 55 percent more than the amount appropriated for FY2001. As such, I believe the \$400 million transfer included in the Stump/Skelton amendment is a reasonable trade-off to bolster our nation's intelligence and counter-terrorism initiatives, and I urge my colleagues to support its passage.

As we all know, the September 11, 2001 terrorist attacks on the World Trade Center and the Pentagon have forever changed our nation. This horrible incident removed forever the belief that Americans here at home were safe from the kinds of attacks that have occurred against our citizens, our military per-

sonnel, and our allies overseas. It is clear that the United States itself is a target, and that terrorists will not hesitate to use whatever means at their disposal to kill innocent Americans on a massive scale. Our response to the terrorist actions must be deliberate and calculated. As we consider this bill today, our armed forces are preparing again to defend our nation—this time from the scourge of terrorism. While I have no doubt that they will respond effectively, we must make sure that they have the necessary tools and resources to do the job. To that end, this legislation authorizes \$6 billion for Department of Defense programs to combat terrorism.

While this bill is carefully balanced to address the most critical needs of our military forces, we must be prepared to provide additional resources, if needed. The war against terrorism cannot be won in a single year, and we must be prepared to provide the funding necessary to get the job done. We must also recognize that our responsibility to protect the citizens of the United States against other emerging threats cannot be assured with a single year of defense increases. The effort to improve our nation's defenses and our people's security must be significant and it must be sustained. With that in mind, the funding levels provided in this legislation may not be sufficient to support the level of effort that the DoD must undertake to track down the perpetrators of last week's terrorist attack. The Administration in consultation with the Pentagon are working to identify the additional resources required and we stand ready to address these needs in the near future.

I urge my colleagues to support passage of this critical legislation. By enacting this legislation today, we are reaffirming our commitment to our national security, and to the men and women who so ably serve and defend our nation.

Mr. CARDIN. Madam Chairman, I rise today in support of this important bill. Since 1987, my first year in the House of Representatives, perhaps no defense authorization vote has been more timely or more significant, and I am proud to join my colleagues on the floor as we consider this legislation.

The health care provisions of this bill are key. In an effort to fully meet America's promises to the military, last year Congress created a Senior Pharmacy Benefit that took effect last April 1, and authorized expanding TRICARE to Medicare-eligible retirees and their dependents. Starting Oct. 1, 2001, all military retirees and their dependents who are age 65, or who are otherwise eligible for Medicare will be able to use TRICARE as a second payer. This year's bill authorizes full funding for these programs, a necessary and important step that our military retirees and their spouses deserve.

In the past, military retirees who reached the age of 65 lost their TRICARE eligibility and were required to purchase supplemental policies, which are often prohibitively expensive, to cover Medicare's deductibles and coinsurance. By expanding TRICARE to the 65 years of age and older population, Congress can ensure that these men and women who served our nation are eligible for the best health care this nation can offer.

There is one more step that Congress should take as soon as possible to ensure that

every Medicare-eligible retiree can access the health care benefits to which they are entitled. I recently became aware of an inequitable situation facing many military retirees. Under current law, seniors who failed to enroll in Medicare Part B when they first became eligible are subject to a premium penalty of 10 percent for every year they did not enroll, effectively increasing the monthly premium for a 70-year old first-time enrollee from \$50 to \$75 for the rest of his or her life. Because military retirees could not have anticipated how their benefits would change, tens of thousands of retirees are now subject to these late penalties.

On June 6, 2001, the 57th anniversary of D-Day, I introduced the TRICARE Retirees Opportunity Act, legislation to waive the penalty for military retirees who enroll between January 1, 2001 and December 31, 2002. There is another barrier to full participation facing our military retirees. Current law permits late enrollees to sign up only during Medicare's annual open enrollment period—January 1 through March 31—with benefits beginning on July 1. My legislation will create a continuous open enrollment period through the end of 2002 for military retirees so that these prospective beneficiaries may access their new coverage immediately.

Because the cost of this bill—a scant \$10 million a year, as scored by the Congressional Budget Office—would affect the Medicare Part B Trust Fund, this authorization bill is not the appropriate venue to correct this inequity. However, I want to urge Congress to adopt this provision with all deliberate speed this year.

Madam Chairman, this country has done a good job of meeting the health care needs of our active duty military. The Floyd A. Spence National Defense Authorization Act of Fiscal Year 2001 was a milestone in our efforts to help the military retirees who devoted years of their lives to defend this nation. This year's authorization bill builds upon that work. My bill takes one more important step to ensure that these retirees, their spouses, and their survivors have full access to the benefits we enacted for them last year. I urge all my colleagues to join me in support of this key legislation so that we may truly fulfill our promise to the nation's military retirees this year.

Mr. STRICKLAND. Madam Chairman, last year a single group of veterans in my district, the 6th District of Ohio, volunteered to perform military honors at over 60 funerals. They perform this solemn duty out of the kindness of their hearts and with the deepest respect for our nation's fallen heroes. A sad fact is that many of these same veterans lack the financial resources necessary to purchase the appropriate uniform for a full rendering of military honors.

The Department of Defense (DoD) implemented important provisions with the FY00 Defense Authorization Act, providing support for honor guard details performing military honors to veterans. The bill specifies the Secretary of Defense may provide material, equipment, and training to support non-governmental organizations as necessary to support honor guard details.

However, in discussion with DoD about their proposed plans to implement these provisions, I have been told that no uniforms will be pro-

vided to a veteran performing military honors. The DoD has even said no to the idea of providing uniforms to veterans who can demonstrate financial hardship. This decision by DoD is arbitrary and indefensible.

I am pleased that the committee leadership accepted my amendment as part of the en bloc amendment which passed on September 20, 2001. This provision will require the DoD to supply the appropriate civilian uniforms to those veterans performing an honor guard program who demonstrate a financial need for such support. Posing little difficulty, this authority gives the DoD broad discretion in developing a policy of which we all can be proud.

On another matter, I would like to bring to your attention a provision in the Senate Defense Authorization Act that is of importance to workers and their survivors who were made ill as a result of their employment in the nations' nuclear weapons facilities and beryllium suppliers to the energy Department across the nation. One of these facilities, the Portsmouth Gaseous Diffusion Plant, enriched uranium for the nation's nuclear deterrent and naval propulsion programs in my district.

The Senate included technical corrections to the Energy Employees Occupational Illness Compensation Program Act of 2000—a compensation program that was included in Title 36 of the FY 2001 Defense Authorization Act. These changes embodied in Section 3151 of the Senate Committee report include:

Expanding the definition of a "survivor" for uranium miners and nuclear weapons workers to eliminate a requirement that survivors must have been under the age of 18 when the covered worker died.

Adjusting definition of the disease "silicosis" to conform to the medically accepted definition of 1/0.

Setting a 10% cap on attorney fees for contested compensation claims beyond the 2% cap for the initial filing of compensation claim.

Clarifying that rights of third party tort claimants to receive federal benefits who did not receive any recovery from these suits prior to the date of enactment of the FY'02 Defense Authorization Act.

Requiring a study on residual radiation and beryllium contamination in facilities that supplied materials to the Department of Energy for use in nuclear weapons.

Clarifying that leukemia will be covered without regard to age of occupational exposure to radiation (currently the law only covers those exposed after age 20) for those in a Special Exposure Cohort.

These amendments were accepted on a bipartisanship basis in the Senate and the costs estimated at \$100 million are covered within direct spending authorized for the Defense Authorization Act as part of the FY'02 budget resolution.

These amendments respond to concerns that were raised by hundreds of participants at over 50 field meetings conducted by the Department of Labor in its implementation of the EEOICPA. It is my understanding that the Department of Labor has no formal position on these amendments, and has not raised any specific objections.

In conclusion, I hope the Armed Services Committee will agree to include in these amendments in the final legislation.

Mr. SPRATT. Madam Chairman, the devastation wreaked by terrorists on September 11, 2001 was horrendous. But had the terrorists used nuclear weapons, the death and destruction would have been even worse. The one essential element terrorists lack in making nuclear weapons is fissile materials, and we should make every effort to ensure that they do not obtain them. Only days before September 11, smugglers were apprehended in Turkey trying to move weapons-grade uranium out of Russia. This was not the first instance, and there is no doubt that terrorists and their sponsors are trying. There is however, reason to doubt that we are doing all that we should to keep such materials and nuclear know-how out of their hands.

The Department of Energy shares the non-proliferation campaign with the Department of Defense and focuses on its particular realm of expertise: nuclear materials. Despite the gravity of this mission, this bill follows President Bush's request, and without explanation, cuts the DOE budget for stopping the spread of nuclear materials.

The Department of Energy oversees several programs to stem the spread of weapons of mass destruction, particularly nuclear weapons. All told, the DOW non-proliferation budget for FY 2001 is \$874 million. The President cut those programs in his FY 2002 budget request by \$101 million, a cut of almost 12 percent. The committee's original mark did not restore this cut at all, even though the House and Senate Appropriations Committees added \$71 million and \$106 million, respectively, to the President's budget. The manager's amendment to the bill before us today restores only \$10 million, leaving the DOE's non-proliferation budget \$90 million below the 2001 level, and well below the appropriated levels in the House or Senate.

#### DOE'S NON-PROLIFERATION AND VERIFICATION R&D

Los Alamos National Laboratory and Lawrence Livermore National Laboratory have been involved for years in developing sensors placed on U.S., satellites to monitor the production, testing, or use of nuclear, biological, or chemical weapons. Before 1991, the program was diffuse and unfocused. This changed in the aftermath of the Persian Gulf when U.N. inspectors discovered that Iraq's weapons of mass destruction programs were far more advanced than the U.S. intelligence community or anyone else had anticipated. Shortly after the Gulf War, Congress established a specific line in the DOE budget for non-proliferation and verification to develop technologies that detect the production, testing, transfer, or use of such weapons.

The President's budget request for this critical research in FY 2002 is \$170 million, which is \$57.5 million (25 percent) below the 2001 level of \$227.5 million. The bill ratifies the administration's request—not one dime is added to restore this cut. Here are examples of items that will not be funded if these cuts are not reversed:

New seismic monitoring devices that will help ensure that Russia, China, or others are not improving their nuclear weapons by conducting underground tests with a nuclear yield below 1 kiloton.

The Biological Aerosol Sentry and Information System ("BASIS") which is designed to detect a bio-terrorism attack within a few

hours so that public health agencies can react quickly and effectively to stop the spread of the agent. We do not have this capability in hand, but it is maturing: BASIS was field-tested at Salt Lake City in March 2001. This cut will slow down the development of a promising technology.

Development of new sensors that can detect atmospheric nuclear explosions. Our satellites that have such sensors are retiring. We do not have any of the old sensors on hand—they were all custom built. This cut may delay the effort to build new sensors in time to be placed on replacement satellites. If not built on time, the U.S. will not be assured of the ability to detect an atmospheric nuclear explosion.

New sensors specifically geared to go on platforms to detect the production, testing, transfer, or use of WMDs. The sensors detect various “signatures”—tell-tale clues that may be chemical, electromagnetic, infrared, optical, or radio-nuclide in nature—all absolutely critical to improving the ability of the U.S. intelligence community to keep watch on what countries like North Korea, Iran, Iraq, and Libya are doing.

Although the threat of WMDs is seen as the gravest threat facing the U.S., we are depriving our intelligence community of the resources to improve the technical means to gather information and track the threat if this cut stands.

Another victim of this cut is people. Dr. John Browne, Director of Los Alamos, was in my office a few weeks ago. Besides the programmatic impacts I just described, Dr. Browne is worried that these cuts will force long-time employees to seek employment elsewhere. And when they leave, they will leave for good. They will not come back to their work when the funding comes back, and not only will we lose their expertise, we will lose their ability to pass their expertise on to the next generation of scientists and engineers at the national labs.

That's way these cuts are so shortsighted and the exact opposite of what we should be doing. I had an amendment in committee that would simply have restored funding to the 2001 level, and I sought, to no avail, to do the same through my BMD amendment included in the managers' amendment. We should not be so single-minded, so focused on the threat of ballistic missiles that we allow cuts like these to stand while bestowing a 49 percent increase on BMD.

#### SUMMARY OF DOE NON-PROLIFERATION ACTIVITIES

**Non-Proliferation and Verification Research and Development**—This program develops technologies to help the U.S. meet four primary goals:

1. Detecting nuclear weapons development efforts. The labs develop sensors that detect the tell-tale signatures of a nuclear weapons development program—which can be chemical, infrared, optical, radionuclide, or electromagnetic in nature.

2. Monitoring Nuclear Explosions. The labs develop methods to detect nuclear explosions, either atmospheric events or underground, low-yield events that require seismic detection.

3. Detering the Spread of Nuclear Weapons. The labs develop technologies needed to improve the detection and tracking of fissile materials. These technologies include handheld devices for border security forces and au-

tonomous sensing devices that can be stationed at fissile material holding areas.

4. Responding to Chemical and Biological Attacks. The labs are developing technologies that will quickly identify the exact nature of a chemical or biological weapon. Quick identification is essential to providing first responders the information they need to treat victims and to contain the damage caused by such weapons.

**Arms Control**—The Office of Arms Control and Non-Proliferation includes several programs well known to Congress: the longstanding Reduced Enrichment Research and Test Reactor (RERTR) program, the Nuclear Cities Initiative, and the Initiatives for Proliferation Prevention. The office also provides DOE expertise to ensure that nuclear reductions are transparent, improve export controls, and generally strengthen existing nonproliferation agreements. The major responsibilities of this office include:

1. Nonproliferation in the Newly Independent States (NIS). The DOE tries to make sure that nuclear materials and human expertise in nuclear weapons resident in the NIS do not spread to other countries, such as North Korea, Iran, or Iraq. Two recent programs to stop such proliferation are the Nuclear Cities Initiative (NCI) and the Initiatives for Proliferation Prevention (IPP). The IPP tries to prevent “brain drain” from the ten major laboratories and engineering institutes that were involved in the former Soviet Union nuclear weapons programs. IPP establishes projects that gainfully employ these scientists, engineers, and technicians. Some of the projects are joint ventures with U.S. industry. The Nuclear Cities Initiative is a “sister” program to IPP that focuses exclusively on the closed nuclear cities of the former Soviet Union, creating new jobs through economic diversification at these closed cities.

2. Nuclear Nonproliferation throughout the World. The Arms Control office supports programs that aim to curb the ability of countries to convert spent nuclear fuel into nuclear weapons. Activities include: (i) a major program to control and protect spent fuel in Kazakhstan; (ii) implementation of the agreement with North Korea to switch to nuclear reactors that produce little weapons-grade fissile materials; and (iii) the Reduced Enrichment Research and Test Reactor program (begun by the Eisenhower Administration) to ensure that spent fuel from test and research reactors throughout the world is not used for military purposes.

3. Export Controls. DOE is active in U.S. government efforts to internally improve and enforce export controls on nuclear materials, and to help train other nations in detecting/interdicting illegal exports of nuclear materials.

4. International Safeguards and Treaties. DOE helps verify that other countries are living up to various nonproliferation agreements and treaties. The Arms Control Office is the principal U.S. entity for assessing and proposing new treaties and agreements, and the means to verify and enforce them.

**Material Protection, Control, and Accounting (MPC&A)**—This program was established by provisions that I helped write in the FY 1994 Defense Authorization Act. MPC&A helps Russia improve security at the 95 sites identified as having nuclear weapons or nuclear mate-

rials. These sites contain about 850 metric tons of weapons-usable fissile materials, and many are poorly protected. These sites include 53 Navy sites, 11 MinAtom sites, and 31 civilian sites. To date, MPC&A has completed security upgrades at 37 of these sites which contain about 400 metric tons of weapons-usable fissile materials. Security improvements are underway at many, but not all, of the remaining 58 sites.

**HEU Transparency**—DOE is in charge of the 1993 Highly Enriched Uranium (HEU) Purchase Agreement between the U.S. and the Russian Federation. Under this agreement, the U.S. is to purchase civilian reactor fuel derived from 500 tons of weapons-grade HEU over a 20-year period. This activity verifies that the fuel the U.S. is buying is indeed from former Soviet nuclear weapons, and supports reciprocal monitoring by Russia to ensure that the U.S. is using the HEU for fuel. Through December 30, 2000, this program has resulted in the purchase of 111.3 metric tons of NEU.

**Fissile Material Control and Disposition**—The DOE is in charge of safely disposing of surplus U.S. fissile materials (plutonium and HEU) as well as helping Russia get rid of its surplus stocks. Both countries have agreed to track each other's progress toward elimination of these materials, so that both can be confident the other will not be able to quickly expand its stock of nuclear materials (a “break-out” scenario) and gain strategic dominance in nuclear weapons. These U.S. efforts with Russia are currently focused on plutonium disposition, since the 1993 agreement on HEU is already underway. U.S. and Russia have to convert much of their respective plutonium (34 metric tons each) into mixed oxide (MOX) fuel to be burned in civilian nuclear reactors. The U.S. also plans to vitrify (also known as “immobilize”) approximately 13 of its 47 or so metric tons of plutonium because these materials are not in a form suitable for easy conversion into MOX.

**International Nuclear Safety**—This program helps Russia and the NIS prevent another Chernobyl disaster. There are 66 operating nuclear powered reactors at 21 sites in Russia and 7 NIS countries. Many of these reactors are either identical to the Chernobyl reactors or have their own serious design defects. This program helps these nations improve the training of their operators and create safety procedures for these plants, which still operate far below international safety and operational standards.

**Program Direction**—This pays the salaries of the Nuclear Proliferation workforce, as well as the expenses normally charged to salary and expense accounts. The workforce is comprised of 233 Full-Time Equivalents (FTEs) at DOE headquarters, 34 FTEs in field offices, and 25 FTEs in offices located abroad.

Ms. McCOLLUM. Madam Chairman, I rise today in support of the Defense Authorization Act (H.R. 2586), and in support of our armed forces and the service men and women who defend our great country. In this time of national awareness of the very real threat of terrorism, I believe it is our responsibility as lawmakers to ensure the readiness and quality of life of our military by providing these forces with the necessary resources, equipment and training to defend our nation's interests and to keep the American people secure.

I am encouraged that the Armed Services Committee, the Administration and our joint Congressional leaders have crafted legislation that firmly addresses many of our military's most pressing needs. I am firmly committed to maintaining a strong national defense, especially during this time of domestic and international crisis. I am also very pleased we have not forgotten our equally important responsibility of improving the quality of life of our military personnel. The current defense budget includes significant commitments to military salaries, health care, housing allowances and housing construction opportunities. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

While I am supporting passage of this authorization, I am particularly concerned that we are placing too high an emphasis on an untested and unproven method of defense. Specifically, I am opposed to provisions in this bill that authorize an increase in funding for national missile defense. By moving forward with a costly national missile defense system, we are investing billions of scarce federal dollars in an unproven and dangerous scheme. Deployment and testing of the proposed missile defense system will jeopardize our obligations under the Anti-Ballistic Missile Treaty that has served our nation and the world well for nearly three decades. In addition, evident by the recent attacks on our country, we must consider the possibility that an anti-missile system completely fails to address one of our most serious threats of attack the introduction of chemical, biological or nuclear weapons by non-state actors through as pedestrian means. The proposed missile defense system not only does not make our nation more secure, it diverts resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong.

Before we add billions of additional dollars to untested and unproven programs that destabilize relationships with allies and undermine our treaty obligations, let's use this appropriation to focus on strengthening our home security and providing our citizens with the appropriate resources necessary to ensure the events of September 11th never happen again on American soil.

Mr. ABERCROMBIE. Madam Chairman, I rise in strong support of the National Defense Authorization Act for Fiscal Year 2002, and urge my colleagues to support this important measure.

This year, we lost two great friends on the House Armed Services Committee, our former Chairman, Floyd Spence from South Carolina, and Norm Sisisky from Virginia. Both of these men dedicated the majority of their time here in Congress to ensuring the defense of our Nation, and they are deeply missed on the Committee and in this Congress. Their tremendous contributions to our national defense serve as an example to this Congress as we look to strengthen our military and continue to improve living and working conditions for our men and women in uniform.

I would like to recognize Chairman Stump and Ranking Member Skelton for their astute leadership of this Committee and for the bipar-

tisan manner in which they have crafted a bill to address the immediate needs of our Armed Forces. In the venerable tradition of the Armed Services Committee, these gentlemen have worked side by side, across party lines, to provide our military with the means to defend our Nation.

I would also like to commend my good friend and colleague, Jim Saxton, Chairman of the Military Installations and Facilities Subcommittee, whom I have been so fortunate to work closely with, both on Armed Services and the Resources Committees. His sincere concern for the quality of life of our troops, as well as his truly bipartisan, cooperative leadership, have guaranteed an equitable bill that directly answers the pressing needs of our military infrastructure.

Finally, I would like to thank the Committee staff for their tireless work and invaluable expertise. I would especially like to thank the Military Installations and Facilities Subcommittee professional staff, George Withers and Phil Grone, who is leaving the Committee to serve as an Administration official at the Pentagon.

As Ranking Member of the Military Installations and Facilities Subcommittee, I am particularly proud of the remarkable boost this bill will give to our military housing and infrastructure. The Military Construction provisions build upon a healthy budget proposed by the President, and I am gratified to see that when it comes to taking care of our service members and their families, we are all unified in opinion. Our people, and their living and working conditions, must continue to be our number one priority.

The unspeakable events of September 11, 2001, should not alter our commitment to quality of life initiatives. Five carrier battlegroups are currently underway, preparing for potential offensive operations. The President has authorized mobilization of up to 50,000 Ready Reservists. Now more than ever, it is imperative that we show our appreciation for those who volunteer to go in harm's way. Even in light of extreme uncertainty about the future, these young men and women pledge to support and defend American democracy, both at home and abroad. We owe it to them, and to their families, to keep our promise of increased safety and morale in the home and in the workplace.

This bill does just that. It authorizes \$10.3 billion for construction and renovation of critical infrastructure and family housing, approximately \$350 million more than the Administration's request. Our bill includes \$1.2 billion to build 51 new barracks and dormitories for single and unaccompanied service personnel. Often, our junior, single soldiers, sailors, airmen, and marines get overlooked in the rush to raise the standards on quality of life. This Committee has taken substantive steps to remedy this inequity, through improved living accommodations and a significant pay raise. The bill authorizes \$1.1 billion for new construction and modernization of 6,800 family housing units—a down payment on our commitment to eradicate deteriorating, World War II-era living conditions. It also makes permanent the authorities in the Military Housing Privatization Initiative that use private sector expertise and capital to accelerate improvement of government-owned housing and help elimi-

nate a serious shortage of quality affordable housing. Of special note, the Committee has responded to the concerns of our modern military families by recommending \$36.2 million for six child development centers—a critical need for couples who both work as well as single parents.

Our achievements in Military Construction will be an ongoing effort aimed at providing quality living and working facilities for our entire military family, stationed at home and overseas. I know that under Mr. SAXTON's excellent stewardship, the Subcommittee on Military Installations and Facilities will continue to focus on raising the living and working standards for our Armed Forces. They have volunteered to protect our freedom. Now we must protect them by building safe, modern facilities for the 21st century military.

Again, I urge my colleagues to support this measure.

Mr. ACEVEDO-VILÁ. Madam Chairman, Puerto Ricans will continue to support this great nation and President George W. Bush in efforts to fight against the horrific elements of terrorism. Let no one question our commitment. Governor Calderón and I have reached out to support those directly impacted by the cowardly acts on September 11, 2001. Some 800 Puerto Ricans died that day. We stand in steadfast support of efforts to realize justice and to heal the many wounds inflicted on America. I am concerned however about language contained in the Chairman's mark that would, if enacted, alter the commitment of the Navy to find sufficient alternative training grounds to Vieques by May 1, 2003. I am also concerned about how this change in policy will be received in Puerto Rico should it become law. We reaffirm our support of President Bush's position that there is no need for another referendum and that the Navy depart Vieques on or before May 1, 2003.

Furthermore, since Navy Secretary Gordon England stated in this letter dated September 24, 2001, to Senate Armed Services Committee Chairman LEVIN that the Navy would meet its goal of May 1, 2003, there is no need to change the existing commitment. Such a change would create confusion and distrust in Vieques. We do not need that at this time of national unity.

I want my colleagues to appreciate how committed Puerto Ricans are to our national defense. All the recruitment goals of the armed services have been surpassed in Puerto Rico over the last four years. Even as the divisive issue surrounding Vieques continues to be at the forefront of our conscience, young Puerto Ricans enlist to serve our nation in numbers that increase year after year and exceed recruiting goals of our armed services, including the Navy.

Furthermore, Congress should remember that in 1990, then President George Bush issued an executive order that called for the immediate cessation of bombing on Kaho'olawe, Hawaii. President Bush, despite protestations from the Navy that mirror those used today concerning Vieques, signed the executive order on the eve of the Gulf War.

Puerto Rico's support to this nation is unconditional. However, I believe that the Administration can still meet the commitment to find alternatives to Vieques by May 1, 2003.

Mrs. TAUSCHER. Madam Chairman, I would like to lend my strong support for Mr.

STUMP's manager's amendment to the Defense authorization bill. This important provision adds \$10,000,000 to the National Nuclear Security Agency (NNSA)'s vital defense nuclear nonproliferation activities.

The tragic events of September 11 and repeated incidents of groups trying to purchase unsecured Russian nuclear material, demonstrate in no uncertain terms that groups hostile to the United States may seek to cause wide-scale destruction to our nation using weapons of mass destruction.

The increased funding in Mr. STUMP's amendment will enable the NNSA to continue to develop technologies to detect weapons of mass destruction, from a small nuclear device concealed in a ship's cargo-hold to anthrax spores hidden in a suitcase. These threats are elusive and hard to counter, but our national laboratories, through the NNSA, are working on critical technologies to make our nation less vulnerable.

Madam Chairman, I remain concerned that the overall defense authorization bill does not restore the President's cuts to the Department of Energy's vital non-proliferation activities. These programs are instrumental in downsizing Russia's aging nuclear weapons complex, accounting for and securing Russia's nuclear material, and preventing the outflow from Russia of nuclear weapons expertise.

I am pleased, however, that Mr. STUMP's amendment takes a step toward improving our ability to counter the threat of weapons of mass destruction and I will work in conference to fully restore the funding to this year's level. I strongly encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mrs. BIGGERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes, pursuant to House Resolution 246, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BONIOR. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BONIOR moves to recommit the bill H.R. 2586 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

Strike section 331.

At the end of title III, insert the text of subtitle G of title III (Service Contracting Reform) of the bill, as reported (page 71, line 12, through page 81, line 15).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me start by saying, if this motion is adopted, we will immediately vote on final passage without further delay. It is reported back forthwith or immediately back to the House. So we will vote on final passage immediately following this vote no matter what the outcome of this vote is on the motion to recommit.

The motion to recommit simply reinstates the original provision on the question of service contracting processes that was adopted on a bipartisan basis in the Committee on Armed Services.

The motion to recommit will make the service contracting process at the Department of Defense more fair to Federal employees and more accountable to taxpayers. It will save an enormous amount of taxpayer dollars.

Right now, Mr. Speaker, less than 1 percent of defense contracts allow Federal employees a chance to openly compete for their work before it goes to the private sector. Less than 1 percent. That is not fair. When given a chance to compete, Federal employees actually win 60 percent of the contracts. Why? Because they do a great job, and they do it for less money. It is as simple as that, Mr. Speaker.

Too often what happens at our bases, and those of you who have facilities know this, private contractors get the work, they fail to do the job; and then when the Federal Government has to take over, the employees are gone. Their work experience is gone. Competition for defense contracts can reduce costs and give workers a chance to compete for their jobs before they are contracted out.

This would not prevent the Department of Defense from contracting out as long as it is done fairly. DOD is given the maximum flexibility and can waive the requirement if it is threatened by national security.

This motion to recommit is a win for the Department of Defense, a win for Federal employees, and I think a win for the taxpayers.

Mr. Speaker, I just want to reiterate again, it is like voting on an amendment. It will be brought back forthwith whether it passes or does not pass. It is a good amendment for Federal employees, for saving tax dollars and to make sure we have competition in this sector.

Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, if a military base is deciding whether or not to contract out car washing at that military base, this amendment says before they can make that decision to take those jobs away from public employees, they must give those public employees a fair chance to compete for and win the contract.

Mr. Speaker, the record shows that privatization is often a failure. It means lower quality at a higher price. It means taking jobs away from people with benefits and giving them to people without benefits for private profit. But this motion is not anti-privatization. It is pro-competition and it is pro-taxpayer and it is pro-Department of Defense.

Mr. Speaker, I would urge a vote in favor of the motion to recommit.

Mr. BONIOR. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this motion to recommit. I am a strong supporter of the contracting community. I have a very vibrant contracting community in my district. They perform an invaluable service for the defense of this Nation, in my case, for the United States Navy.

The gentleman from Michigan (Mr. BONIOR) and the gentleman from New Jersey (Mr. ANDREWS) have stated it well. What we want is we want a competition which will produce the best product for the best price. What this amendment that the gentleman from Michigan (Mr. BONIOR) is adding simply says that in the competition we will not exclude Federal employees who were doing the job now. If they lose that competition, the job will be contracted out as it ought to be.

On the other hand, if they win the competition, and the competition shows that the Federal employees can do it cheaper and better, then it ought to be done in-house because that is what the taxpayer would want.

I think that is good for America. I frankly think it is good in the final analysis for contractors, and it clearly is fair to our Federal employees.

Mr. Speaker, I thank the gentleman for yielding me this time in support of the motion to recommit.

Mr. BONIOR. Finally, Mr. Speaker, let me say that basically what we are

saying to Federal employees is, we will not take your job away without letting you make your case. Then we will decide based on your opportunity to make your case. That is all this does. It is fair. It is supported on a bipartisan basis in committee. As I said, it will not kill this bill or send it back to committee. It will come forthwith back to the House. I hope Members will vote for it.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. STUMP) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have served on the Committee on Armed Services for 15 years, and I love that committee because we are a bipartisan committee. I have as much respect for the gentleman from Missouri (Mr. SKELTON) as the gentleman from Arizona (Mr. STUMP) because the two gentlemen work in concert on every issue.

We have had a bipartisan approach under Floyd Spence, under Ron Delums, and under Les Aspin. We have worked together to reach compromises that may not be what we want at the time, but in the end worked to the best interest of our military and our personnel. We worked out our differences.

The amendment my colleague seeks to offer today was offered identically by the gentleman from Hawaii (Mr. ABERCROMBIE) in the committee. The amendment has some problems. Despite what my colleague has said, the Pentagon has estimated it will cost \$100 million a year to implement this.

Despite what my colleague has said, it will require us to establish a new classification system that will require every private contractor to open their records, and we do not even know what it will look like.

My colleague knows that I am a friend of labor. I have been with my colleagues on that side of the aisle on some key labor issues. I do not want anyone thinking I am not in favor of equal competition for workers.

Mr. Speaker, what bothers me about this motion to recommit is we sat down, the gentleman from Missouri (Mr. SKELTON), the gentleman from Arizona (Mr. STUMP), the chairmen of the subcommittees, the ranking members from the other side of the aisle, we worked out a good-faith agreement.

Mr. Speaker, my colleagues will notice the gentleman from Hawaii (Mr. ABERCROMBIE) is not offering this amendment. The gentleman from Hawaii (Mr. ABERCROMBIE) told me on the way over that the gentleman did not even talk to the gentleman from Hawaii (Mr. ABERCROMBIE) about this amendment.

My friend and my colleague on the other side knows full well that we reached an agreement to solve a problem that the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Texas (Mr. ORTIZ), the gentleman from New York (Mr. MCHUGH), and the gentleman from North Carolina (Mr. JONES) raised that I agree with; but this is not the solution.

This Congress 1 year ago in our defense authorization bill with a bipartisan vote established a task force, which organized labor has a member of that, will report back in March on a plan to correct the A-76 process.

My amendment that we offered with the support of the gentleman from Hawaii (Mr. ABERCROMBIE) in the en bloc amendment puts a moratorium of 50 percent of all A-76 work through that time.

We also require that there must be a 10 percent threshold met. It was a good-faith compromise that the administration reluctantly accepted.

Now my colleague comes up on the final vote, without consulting with the members of the leadership of his own party on the committee, and seeks to undo the bipartisan spirit of trying to resolve the A-76 process which I agree needs to be changed and modified. This is not, in my opinion, a good-faith effort on behalf of working people.

This is a chance to perhaps have Members of the other side score points when we had a good-faith agreement with the leadership on the other side of the aisle on the committee, a unanimous agreement to move forward and resolve this problem.

I ask my friends and colleagues to follow the request of the leadership of this committee, the leadership of the gentleman from Arizona (Mr. STUMP), the leadership of the gentleman from Texas (Mr. ORTIZ), the leadership of the gentleman from Hawaii (Mr. ABERCROMBIE), the leadership of the gentleman from North Carolina (Mr. JONES), and the other Members on both sides of the aisle and allow us to enact this bill and reject this amendment and do the right thing for the military in this country and move on to resolve the problems with the A-76 process.

Ms. WATERS. Mr. Speaker, I rise today to express my disappointment that the Abercrombie language is not included in the Defense Authorization bill, and I support the motion to recommit so that it may be restored.

Representative Abercrombie's amendment was an effort to ensure that the most knowledgeable and experienced individuals are contracted with to do the work for the Department of Defense. And his amendment was adopted in Committee by a bipartisan majority.

But what the other side wants to do is contract out these projects which does not guarantee the best workers for the job, it does not guarantee that the work will be done at a lower cost. All it does is jeopardize the jobs of thousands of federal employees and put the lives of Defense employees on the line.

The language was intended to place Federal employees on equal footing as private contractors.

It does not say that the Federal government cannot contract out but rather that the best people must be employed to do the job. The government must look at all the options.

The recent events have illustrated that our federal employees are constantly on the front line. We should be doing everything possible to protect them and their jobs.

I urge that my colleagues support the motion to recommit.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

#### PARLIAMENTARY INQUIRIES

Mr. BONIOR. Mr. Speaker, is there a way to respond to the gentleman from Pennsylvania?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BONIOR. Mr. Speaker, is there a way to respond to the gentleman from Pennsylvania, who has made allegations and has thrown names around in this House before this vote? Is there a way to respond to the inaccurate statements of the gentleman from Pennsylvania with respect to the leadership of my own party here on the committee?

The SPEAKER pro tempore. All time for debate has expired.

Mr. LANTOS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LANTOS. Mr. Speaker, is it proper for a Member to question the good faith of a colleague? It is fine to disagree with his position, but the good faith of the gentleman from Michigan (Mr. BONIOR) was questioned, which I think is outrageous.

The SPEAKER pro tempore. The Chair cannot rule on the words. The words were not taken down.

Mr. LANTOS. Mr. Speaker, I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman's request for the words to be taken down is not timely.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

#### RECORDED VOTE

Mr. HOYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 197, noes 221, not voting 12, as follows:

[Roll No. 358]

AYES—197

Ackerman	Baldacci	Bentsen
Allen	Baldwin	Berkley
Andrews	Barcia	Berman
Baca	Barrett	Berry
Baird	Becerra	Bishop

Blagojevich Holt  
Blumenauer Honda  
Bonior Hooley  
Borski Hoyer  
Boswell Inslee  
Boucher Israel  
Boyd Jackson (IL)  
Brady (PA) Jackson-Lee  
Brown (FL) (TX)  
Brown (OH) Jefferson  
Capps John  
Capuano Johnson, E. B.  
Cardin Jones (NC)  
Carson (IN) Jones (OH)  
Carson (OK) Kanjorski  
Clay Kaptur  
Clayton Kennedy (RI)  
Clement Kildee  
Clyburn Kilpatrick  
Condit Kind (WI)  
Conyers Kleczka  
Costello Kucinich  
Coyne LaFalce  
Crowley Lampson  
Cummings Langevin  
Davis (CA) Lantos  
Davis (FL) Larnson (WA)  
Davis (IL) Larson (CT)  
DeFazio LaTourette  
DeGette Lee  
Delahunt Levin  
DeLauro Lewis (GA)  
Deutsch Lewis (KY)  
Dicks Lipinski  
Dingell Lofgren  
Doggett Lowey  
Doyle Lucas (KY)  
Edwards Luther  
Eshoo Maloney (CT)  
Etheridge Maloney (NY)  
Evans Markey  
Farr Mascara  
Fattah Matheson  
Filner Matsui  
Ford McCarthy (MO)  
Frank McCarthy (NY)  
Frost McCollum  
Gephardt McDermott  
Gilman McGovern  
Gonzalez McIntyre  
Gordon McKinney  
Green (TX) McNulty  
Gutierrez Meehan  
Hall (OH) Meek (FL)  
Hall (TX) Menendez  
Hastings (FL) Millender-  
Hill McDonald  
Hilliard Miller, George  
Hinchey Mink  
Hinojosa Moore  
Hoeffel Napolitano  
Holden Neal

## NOES—221

Abercrombie Chambliss  
Aderholt Frelinghuysen  
Akin Collins  
Armey Combest  
Bachus Cooksey  
Baker Cox  
Ballenger Cramer  
Barr Crane  
Bartlett Crenshaw  
Barton Cubin  
Bass Culberson  
Bereuter Cunningham  
Biggart Davis, Jo Ann  
Bilirakis Davis, Tom  
Blunt Deal  
Boehlert DeLay  
Boehner DeMint  
Bonilla Diaz-Balart  
Bono Dooley  
Brady (TX) Doolittle  
Brown (SC) Dreier  
Bryant Duncan  
Burr Dunn  
Burton Ehlers  
Buyer Ehrlich  
Callahan Emerson  
Calvert English  
Camp Everett  
Cannon Ferguson  
Cantor Flake  
Capito Fletcher  
Castle Foley  
Chabot Forbes

Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Turner  
Udall (CO)  
Udall (NM)  
Waters  
Watt (NC)  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
Leach  
Lewis (CA)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McKeon  
Mica  
Miller (FL)  
Miller, Gary  
Mollohan  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nethercutt  
Ney

Engel  
McInnis  
Meeks (NY)  
Nadler  
Northup  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Schrook  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood

## NOT VOTING—12

Peterson (MN)  
Peterson (PA)  
Rush  
Serrano  
Townes  
Velázquez  
Visclosky  
Watson (CA)

## □ 2031

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. STUMP. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 398, noes 17, not voting 15, as follows:

[Roll No. 359]

## AYES—398

Abercrombie Becerra  
Ackerman Bentsen  
Aderholt Bereuter  
Akin Berkley  
Allen Berry  
Andrews Biggart  
Armey Bilirakis  
Baca Bishop  
Bachus Blagojevich  
Baird Blunt  
Baker Boehlert  
Baldacci Boehner  
Bonilla Bonilla  
Bonior Bonior  
Bono Bono  
Borski Borski  
Boswell Boucher  
Brady (PA) Boyd  
Brady (PA) Castle

Chabot  
Chambliss  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Cooksey  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crenshaw  
Crowley  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frelinghuysen  
Frost  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Gutierrez  
Gillmor  
Goode  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra  
Horn  
Hostettler  
Houghton  
Hulshof  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Kleczka  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Largent  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McGovern  
McHugh  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Miller (FL)  
Miller, Gary

Mink  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Ortiz  
Osborne  
Ose  
Otter  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Pence  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Riley  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roukema  
Roybal-Allard  
Royce  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schaffer  
Schiff  
Schrook  
Scott  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simpsons  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stearns

Stenholm	Thune	Watts (OK)
Strickland	Thurman	Waxman
Stump	Tiahrt	Weiner
Stupak	Tiberi	Weldon (FL)
Sununu	Toomey	Weldon (PA)
Sweeney	Trafficant	Weller
Tancredo	Turner	Wexler
Tanner	Udall (CO)	Whitfield
Tauscher	Udall (NM)	Wicker
Tauzin	Upton	Wilson
Taylor (MS)	Vitter	Wolf
Taylor (NC)	Walden	Wu
Terry	Walsh	Wynn
Thomas	Wamp	Young (AK)
Thompson (CA)	Waters	Young (FL)
Thompson (MS)	Watkins (OK)	
Thornberry	Watt (NC)	

## NOES—17

Blumenauer	Lee	Paul
Conyers	McDermott	Schakowsky
Eshoo	McKinney	Stark
Filner	Miller, George	Tierney
Frank	Oliver	Woolsey
Jackson (IL)	Owens	

## NOT VOTING—15

Berman	Meeks (NY)	Serrano
Cubin	Nadler	Towns
Engel	Peterson (MN)	Velázquez
Gallegly	Peterson (PA)	Visclosky
McInnis	Rush	Watson (CA)

□ 2042

Mr. GREEN of Texas changed his vote from "no" to "aye."

The bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2586, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. STUMP. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2586, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the action of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

#### ADJOURNMENT FROM WEDNESDAY, SEPTEMBER 26, 2001, TO FRIDAY, SEPTEMBER 28, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, September 26, 2001, it adjourn to meet at 10 a.m. on Friday, September 28, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### ADJOURNMENT FROM FRIDAY, SEPTEMBER 28, 2001, TO TUESDAY, OCTOBER 2, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, September 28, it adjourn to meet at 12:30 p.m. on Tuesday, October 2, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, OCTOBER 3, 2001

Mr. KENNEDY of Minnesota. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, October 3, 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### PREPARING OUR MILITARY TO FIGHT THE WAR OF TODAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, during the debate of the Stump-Skelton amendment regarding missile defense, I did not have the opportunity to submit my statement; and I believe with the vote cast today it is extremely important to acknowledge that we are in a crisis.

We do need to fund our military and ensure that our men and women are prepared, but I still believe that the missile defense funding is excessive and unnecessary. I, frankly, believe that we have a new war and a new day, but we need to use those dollars to prepare our military and to prepare us with the resources that we need and to be able to use those dollars to be able to really attack terrorism where it is.

I think it is important to provide more dollars for FEMA. I think it is important to provide more dollars for our senior citizens, our veterans; and yes, I believe in a strong defense, as evidenced by my just recent vote.

But I ask the President, I ask the administration, to clearly rethink the investment in missile defense. Let us invest more in our military in terms of its preparedness, so we can fight the war of today.

□ 2045

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's an-

nounced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### LOSS OF NORTHWEST ALLOYS CREATES VOID FOR WASHINGTON STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to honor the workers of Northwest Alloys, a company located in Addy, Washington, in the north part of the Fifth Congressional District. Since beginning operations in 1975, Northwest Alloys has become the largest private sector employer in Stevens County. It employs about 350 people. These are good people with good paying jobs and a wide variety of families that support the community of Addy and Stevens County, Washington.

The void that the absence of this company will leave in our communities is immeasurable, because they have supported our schools, they have supported youth activities, community activities, and provided a great resource for northeast Washington State.

The plant at Northwest Alloys in Addy, Washington, is only one of two magnesium smelters in the entire United States, and Northwest Alloys has had a sterling reputation ever since it has been in business over the years. It received OSHA's Voluntary Protection Plan Merit Status one year ago for a comprehensive evaluation of its safety processes and performance. The company recently received Star Status, the highest level of achievement within OSHA's Voluntary Protection Plan, making it one of only three manufacturing locations to do so in Washington State. Safety was their code word, their standard. They worked very, very hard to have a safe manufacturing plant of magnesium.

So I am deeply saddened by the events that have lead to the closure of Northwest Alloys and the impact the closure is having on families and the communities surrounding this facility in our State. But I also remain hopeful that new opportunities will arise out of such adversity. The reason the plant is closing in large measure is because countries like China and Russia have flooded the market with magnesium, and that has put tremendous pressure on community operations like that which is located in Addy in Northwest Alloys.

The employees have been remarkably upbeat; and under the leadership of Jerry Turnbow, they have worked against incredible odds, considering the market situation, production, and energy conditions. They have been fighting a battle to try to get low-cost energy to run this plant, and they

worked in a very cost-effective way to have a safe work environment.

Their commitment to our communities in the Fifth Congressional District has been a blessing. It will be sorely missed. I will be there this week to pay tribute as they close the plant and finish their job operations this Friday and to wish them well and all of God's blessings as they move on in life; and we will do everything we can at the Federal level to assist them in their next steps along the way.

#### EXPRESSING WHOLEHEARTED GRATITUDE AND PRIDE FOR OUR BRAVE AND HEROIC EMERGENCY PERSONNEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, on September 11, the world watched in horror as the primary symbols of our Nation's strength and prosperity were attacked. There is an aching in our hearts as we mourn for the senseless loss of life, and we share the grief of the victims' families, friends, and coworkers.

As the list of casualties from the World Trade Towers, from the Pentagon, and from Pennsylvania grows to 6,500, it is frightening to imagine that the toll would have been higher, even higher, were it not for the extraordinary courage and valor exhibited by our firefighters, police officers, and emergency rescue workers. For this reason I rise today to pay homage to all emergency service personnel, but particularly to the brave and heroic men and women of the Arlington County, City of Alexandria, and Fairfax County Fire and Rescue Department and Police Department. These, along with the Federal firefighters at Fort Myer, are the emergency service personnel who first responded to the attack on the Pentagon.

If there is one thing that distinguishes firefighters from the rest of us, it is that they are trained to run toward a blaze while the rest of us run away from it. Every day, these men and women face risks and challenges that few of us can relate to. With little regard for their own safety and well-being, these firefighters responded within minutes after the attack to the Pentagon. The Arlington County Fire Department and Police Department, which have primary responsibility for first response at the Pentagon, were among the first emergency teams to arrive at the scene of the plane crash.

Firefighters and emergency medical service personnel from Arlington and assisted by response teams from around the area courageously fought the flames, rescued victims trapped inside the building, and treated and transported the injured. A few days after the attack, I had the opportunity

to tour the destruction site at the Pentagon. In the midst of the ruins and the lingering smoke, the firefighters were working around the clock to extinguish the blaze and continue with rescue and recovery efforts. Response teams from the entire D.C. area, including fire and rescue teams from Fort Myer, the Metropolitan Washington Airport Authority, the City of Alexandria, Fairfax County, and many localities are to be commended for their bravery and life-saving efforts.

Mr. Speaker, I would like to express my wholehearted gratitude toward these men and women who are responsible for saving so many lives. Together with the firefighters and police of New York City, they reminded all of us of what it means to exhibit courage and valor. It is with great pride and admiration that I rise today to honor these firefighters and rescue personnel for their commitment on behalf of our country.

I want to particularly commend Fire Chief Ed Plaughter of the Arlington County Fire Department and Police Chief Ed Flynn for their leadership during this terrible time in our community. The fire chief and police chief of Alexandria and those of Fairfax County also were able to command their forces with the kind of courage and immediate responsiveness that reflects their professional dedication, their selflessness and unwavering dedication which is an inspiration to all Americans.

Mr. Speaker, history will show that during a time of one of America's greatest tragedies, a heroic group of firefighters, police officers, emergency personnel, and volunteers from around the Washington Metropolitan area brought our community and our country immense pride and honor.

#### OUR ETERNAL GRATITUDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, it has been nearly 2 weeks since war came to New York City, Virginia, Pennsylvania, and America. These cowards have waged war not on our Army and Navy, but on ordinary men and women who were killed simply because they showed up for work.

This unspeakable tragedy has been New York's darkest hour, but it has also been its finest hour. We knew New York's bravest and finest would respond with great courage; but we did not know how many firefighters, police officers, and other rescue workers we would lose.

Last week, the gentleman from New York (Mr. FOSSELLA) and I introduced legislation honoring Mayor Giuliani for his leadership, the rescue workers, and the people of New York City for their courage, volunteerism and enduring

spirit. Through their selfless attempts to save innocent people, hundreds of rescue workers and citizens made the ultimate sacrifice. We appreciate all that they have done.

We owe them our eternal gratitude.

Mr. Speaker, our city and country are mobilizing as never before.

The day after the terrorist attack at ground zero I saw not only the devastation but the determination in all New Yorkers and Americans to rescue, rebuild—and repay the terrorists in calculated, just, multi-national strikes at them and those who harbor them.

We're getting back to work to rebuild Lower Manhattan and to keep our economy strong.

From the bottom of my heart I thank my colleagues for their swift support for the \$20 billion we've approved to rebuild.

I've never seen this Congress more united or more determined.

The airline bill passed last Friday was also a boon to New York.

It included funds to support the victims and their families. And it helped keep planes flying into New York.

Today we will make this airline initiative more comprehensive by passing legislation that supports airline workers who were laid off through no fault of their own.

The impact of this tragedy is being felt far beyond ground zero.

New York City's second largest industry is tourism.

Right now restaurants are empty. Hotel rooms are vacant and Broadway shows are closing.

Yesterday morning I met with Don Winter, a Chamber of Commerce President.

He said small businesses in particular are being devastated and that they pass under the radar screen of many relief efforts.

Last week to help address this problem and bring people back to New York Congressman REYNOLDS and I introduced the "I Love New York Tax Deduction Act".

For the next year it would allow individuals to deduct from their income taxes up to \$500 and families up to \$1,000 for spending money in NYC restaurants, lodging and entertainment outlets whether or not they itemize their taxes.

All Americans who want to help the relief effort would be eligible for this deduction. All they would have to do is come to New York and help our economy by enjoying all that our city has to offer.

Right now, tourism is patriotism.

3,000 New York City hotel workers have already lost their jobs.

The City's 300,000 food service workers are facing heavy layoffs.

Eleven current Broadway productions have closed.

I think it's important that we as a country remember both this tragedy and the extraordinary human response that is fundamentally American.

Even as the ground-zero cleanup continues I've been assured by Ken Holden, Commissioner of the New York City Department of Design and Construction, that fragments of shells of the Twin Towers which landed in the ground like daggers in our heart will be preserved for the purpose of creating a national monument. A reminder of the day our lives turned upside down. And how we have come together as a city and nation.

# A NEW RELATIONSHIP WITH RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, tonight I rise to applaud those colleagues of ours who will join me tomorrow, equally divided between both sides of the aisle. Ten of our colleagues will join me as we travel to Moscow. The purpose of our trip is to lay the foundation for a new relationship with the Russian people and the Russian Government.

Over the past 2 months, we have worked out an in-depth assessment of a way to engage the Russian people. Not to pour massive amounts of American money into Russia, because that is not the answer, but ways to continue to support those efforts that are already underway by private foundations, by nonprofit groups, by academic institutions, and, in some cases, by governmental entities.

The document and the process that will be speaking to our Russian counterparts will include a new era of engaging Russia, the culture, the economy, the environment, justice and legal system, health care, science and technology, defense and security, agriculture, space, local government and energy.

Today, I had a chance to brief our colleagues on the other side of the Capitol in both parties, and the White House and the National Security Council as well. This new initiative is designed to create a new era of opportunity for us where Americans and Russians can work together. We will also be providing an opportunity for the Russian Parliament, the Duma, and the Federation Council to enact a piece of legislation that I will be introducing in the Congress, and they are identical, that calls for a joint task force on terrorism, a legislative task force that has Russian members of the Duma and the Federation Council working with Members of the Congress and the Senate, the House and the Senate. This will follow and support the efforts of our two Presidents. Our meetings will include senior leaders of the Duma, members of the Federation Council, the Minister of Interior for Russia, and members of President Putin's leadership in terms of security and foreign policy and the other major issues that we will be dealing with.

We will leave Moscow on Saturday and travel to Rome where we have planned meetings with the King of Afghanistan, who is in exile, and leaders of the opposition forces in that country. We will be extending our best wishes and our praise to the King as he attempts to reunify the people of that troubled country and to let him know that Americans do not have a problem with the Afghan people, that we want to be their friends.

We will leave Rome and travel on to Turkey where we will meet with the leadership of the Turkish Government, letting them know that we appreciate their support and solidarity with the U.S. and the allies, that we appreciate the work of the Turkish military, and that we appreciate their friendship during this troubled time.

I look forward to the trip. Our colleagues are giving up time that they could be home with their constituents. It is an important role they are playing to support our President in his effort to have a unified world in eradicating the terrorism that has done so much devastation here in this country in this past month.

So I thank our colleagues for being involved in this process. We will issue a report upon our return, giving the response by the various parties that we meet and making recommendations back to our colleagues about future actions.

□ 2100

## TRIBUTE TO TED C. CONNELL, A PATRIOT AND TRUE PUBLIC SERVANT

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, on Sunday, September 16, Texas and the Nation lost a patriot and a true public servant, Mr. Ted C. Connell. My friend, our Nation's friend, passed away at his home in Killeen, Texas, after a courageous battle with cancer.

Ted Connell lived a life of service to others and to his beloved country. He was a World War II combat veteran, was elected Commander-in-Chief of the Veterans of Foreign Wars. He was a great friend of my political mentor, former Congressman Olin E. (Tiger) Teague, and he was a friend of President Lyndon Johnson and the Johnson family.

Ted Connell was born in 1924 in the small town of Hamlin, Texas, the fifth of ten sons. He dropped out of high school, but finished his diploma while serving in the U.S. Army field artillery on the island of Guam during World War II.

During his 30-month tour in the South Pacific with the 316th Tank Destroyer Battalion of the 98th Division, he also fought in Saipan, Tinian and Okinawa. He eventually rose to the rank of Lieutenant Colonel in the Army Reserve.

While on Okinawa, in one of the bloodiest battles of the war, Ted Connell rescued a young Marine who had been shot in the chest. He sat with his mortally wounded comrade for 3 hours, comforting him in the last moments of his life. When Ted returned to the United States, he traveled to the Marine's hometown in Colorado to tell his parents in person about their son's death.

That mission of comfort and solace opened a new chapter of service in Ted Connell's life. The Marine's father was heavily involved in veteran's affairs, and encouraged Ted, young Ted Connell, to do likewise.

He did just that, becoming active in his local VFW post, and rising to the leadership at the State and national levels, culminating with his election as national Commander-in-Chief of the VFW in 1960.

Ted Connell was a friend and confidante of President Lyndon Johnson, coordinating and advancing Presidential visits to Guam, Uruguay, Central America, South Vietnam, Australia, and Pakistan, and serving as an on-scene coordinator for a meeting with Pope Paul VI with the Vatican.

He served on several congressional and Presidential fact-finding missions, taking him to Vietnam five times, to Laos, Thailand, Malaysia, and Korea.

Ted Connell also served the State of Texas with great distinction as a member of the Texas Veterans Land Board, chairman of the Texas Veterans Commission, and as a member of the Sam Rayburn Foundation.

When his hometown of Killeen needed leadership, Ted Connell answered the call to duty once again, spearheading efforts to build the Lake Belton Dam, Central Texas College, and Metroplex Hospital, and to strengthen the U.S. Army's Fort Hood.

He served two terms as mayor of Killeen, was director and president of the Killeen Chamber of Commerce, the Industrial Foundation, a director of the Metroplex Hospital, and chairman of the hospital's building fund campaign.

Somewhere in all of this service to the public Ted Connell found time to operate his successful car dealership for 46 years, and to further leave his mark by bringing local airline service to his community. He opened an airline in 1965, eventually merging it with Hood Airlines and with Rio Airways. By 1974, Rio, serving small- and medium-sized cities in central, north, and south Texas, had become the seventh largest commuter airline in the country.

Fittingly, the Killeen City Council recently named the new passenger terminal at the about-to-be-completed, over the next few years, Fort Hood-Killeen Joint-Use Airport in honor of this great veteran and community leader.

Ted Connell fought for his Nation, Mr. Speaker, in time of war, and served his community and country in time of peace. His indomitable optimism and love of country were quintessential American values. He represented the special spirit that makes me optimistic about our Nation's future.

As a businessman and community leader, Ted Connell worked tirelessly for jobs, prosperity, and opportunities for central Texans. His unparalleled

record of public service and his enduring legacy to his community are matched only by his countless quiet acts of caring for those in need.

All those who knew or were the beneficiaries of Ted Connell and his humanity were enriched by his life and are diminished by his passing. Winston Churchill once said, "We make a living by what we get, but we make a life by what we give." By that high measure, Ted Connell's life was a true success.

Mr. Speaker, if I could just finish with one story, at Ted Connell's funeral recently in Killeen, Texas, a friend of his, Gaylen Christy, told the story, in the last 2 years where he and Mr. Connell were sitting in a coffee shop, but this time Ted was a patient of chemotherapy.

Rather than worrying about his own concerns, he heard a middle-aged couple at a table nearby talking about their problems. Their son had just been assigned to Fort Hood, but recently thereafter was asked to go to serve his Nation in Bosnia as a helicopter mechanic.

Their problem was they did not know how to get their son's belongings to the airport in Austin to be freighted back to Pennsylvania to their home, and then to get their son's car back. Mr. Connell, having heard their concern over their son's matters, walked over to their table, gave them a card, and said, come talk to me at my car dealership and we will take care of your problem.

He proceeded to provide a driver and a car to take that son's belongings to Austin, Texas, and then provided a driver to drive their son's car back to Pennsylvania, and paid for that driver to fly back to Texas. When Mr. Connell made this offer to this great family, they responded to him by saying, "Sir, we don't know how we can pay you back." Ted Connell's answer was, "You have already paid me back by raising a son who was willing to serve his Nation in uniform."

That was the man, Ted Connell. Our Nation will forever remember and be better for his spirit and public service.

#### AMERICA'S RESPONSE TO THE SEPTEMBER 11 ATTACKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, Sunday was an important day in the United States as we come to terms with the senseless terrorist attacks of September 11. In a brief mourning ceremony at Camp David, President Bush watched as the U.S. flag was hoisted to a full staff for the first time in 12 days.

Later that afternoon, thousands of mourners gathered at Yankee Stadium in New York for a multi-faith event to remember their loved ones and all those lost in the terrorist attacks.

Our collective grief and confusion during the last 2 weeks have not waned and will likely remain with us for years. However, Sunday's two events remind all Americans of the strong foundation on which this Nation is built, and of the need to defend our citizens and principles from future threats.

Paramount among America's concerns following the attacks was the realization that terror could strike on our own soil. However, we cannot live in constant fear and hand a victory to the terrorists, so it is incumbent upon Congress to restore faith in national security. We need immediate action to enhance safety in airports and on planes by improving passenger and baggage screening procedures, strengthening airplane security features, and installing sky marshals on flights.

Additionally, we must identify other vulnerabilities in our infrastructure, and work to safeguard food and water supplies, financial institutions, electricity grids, energy production facilities, and transportation and communications networks.

Once we have improved any shortcomings in our infrastructure, we can enact fundamental reforms such as ensuring police departments, firefighters, rescue workers, health care systems, and local governments are prepared in the event of biological or chemical attacks.

The Rhode Island Disaster Initiative has served as a pioneer in developing a model disaster plan for every State in the Nation. I am proud of this initiative, and hope that it will play an integral role in developing national solutions to problems revealed on September 11.

Also, an investment in mental health services, whose importance is often overlooked in times of tragedies, would help Americans, especially children, deal with the trauma of witnessing violence and terrorism around the globe.

All of these efforts must be pursued in conjunction with a careful, coordinated counterterrorism program. The new Office of Homeland Security is an essential step towards preventing terrorism, and Congress must provide this office with the authority it needs to be effective.

By consolidating existing responsibilities from the 40 different agencies managing terrorism prevention, and by establishing information-sharing procedures with the FBI and CIA, the Office of Homeland Security can safeguard our lands, citizens, and facilities from future threats.

I also look forward to working with the administration on its request for increased authority to combat terrorism. As terrorists gain access to new technology, our law enforcement offices must be equipped to intercept and analyze these communications.

However, in our rush to action, any new authority Congress grants must be

consistent with the civil liberties guaranteed in the Constitution and upheld by the courts.

Furthermore, we must focus on the true perpetrators of terrorist crimes, and condemn the unfounded targeting or harassment of innocent Americans because of their skin color, customs, or beliefs.

Mr. Speaker, we are just beginning to fathom the implications of the September 11 attacks. Yet, we may take comfort that our Nation's principles are still intact. The valiant and selfless efforts of emergency responders are to be commended. The generosity of those who have donated to relief efforts and the multifaith ceremony at Yankee Stadium all demonstrate that Americans of all backgrounds join in condemnation of terrorism.

For many years to come, when we look at our flag proudly waving at full staff, we will remember the victims of September 11, but we will also be reminded of the principles that make the United States a great Nation, and which we must always strive to preserve.

#### INTRODUCING H.R. 2953, LEGISLATION TO EXTEND SOCIAL HEALTH MAINTENANCE ORGANIZATIONS AND MAKE THEM PART OF MEDICARE+CHOICE PLANS PERMANENTLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today I introduced H.R. 2953, which is legislation to extend and make social health maintenance organizations a permanent part of Medicare+Choice. It is an important benefit option helping seniors maintain a healthy lifestyle longer in their own homes. As such, it represents a fiscally sound approach to managing our long-term health care needs in this country, and I urge all of my colleagues to support this important legislation.

I am fortunate to represent one of the four social HMOs that were approved as part of the initial Medicare demonstration project in 1985. This effort, called the Seniors Care Action Network, or SCAN, provides coordinated personal and health care to more than 50,000 Medicare beneficiaries in Los Angeles, Orange, Riverside, and San Bernardino Counties in southern California.

The concept actually originated more than 20 years ago when a group of seniors in my district became frustrated with how difficult it was to get both personal care and health care services. The principle underlying SCAN is that some individuals, although relatively happy and healthy, may need some outside assistance to remain in their homes.

These extra services, in the case of SCAN, includes, among other things,

transportation assistance, light house-keeping, prescription drug services, home health care, adult day care, and caregiver relief programs. By providing these services, SCAN expects to keep its seniors healthier longer, relieving the need for them to enter into more costly long-term care facilities.

Participants are not charged an extra fee for the coordinated care approach by SCAN. Instead, SCAN is reimbursed by the centers for Medicaid and Medicare services based on a formula that provides additional reimbursement for more seriously ill seniors, but a slightly smaller fee for healthier participants.

The demonstration project, first approved by Congress as part of the 1994 Deficit Reduction Act, has been revalidated by five subsequent acts of Congress. Unfortunately, only four demonstration sites exist now, which means that huge groups of seniors are denied coordinated care as a meaningful alternative to nursing home facilities.

It is time to expand the number of individuals who can benefit from this option by including the social HMOs as a permanent part of Medicare+Choice program. My legislation takes the necessary steps to realize this objective, and I urge all of my colleagues to join with me to pass this important bill.

#### FOREIGN INTERVENTIONISM

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, the last 2 weeks have been tough for all Americans. The best we can say is that the events have rallied the American spirit of shared love and generosity. Partisanship was put on hold as it well should have been. We now, as a free people, must deal with this tragedy in the best way possible. Punishment and prevention is mandatory.

We must not, however, sacrifice our liberties at the hand of an irrational urgency. Calm deliberation in our effort to restore normalcy is crucial. Cries for dropping nuclear bombs on an enemy not yet identified cannot possibly help in achieving this goal.

Mr. Speaker, I returned to Congress 5 years ago out of deep concern about our foreign policy of international interventionism and a monetary and fiscal policy, I believe, would lead to a financial and dollar crisis.

Over the past 5 years, I have frequently expressed my views on these issues and why I believe our policies should be changed. This deep concern prompted me to seek and receive seats on the Committee on Financial Services and the Committee on International Relations.

I sought to thwart some of the dangers I saw coming, but as the horrific

attacks shows, these efforts were to no avail. As concerned as I was, the enormity of the two-pronged crisis that we now face came with a ferocity no one ever wanted to imagine. Now we must deal with what we have and do our best to restore our country to a more normal status.

I do not believe this can happen if we ignore the truth. We cannot close our eyes to the recent history that has brought us to this international crisis. We should guard against emotionally driven demands to kill many bystanders in an effort to liquidate our enemy. These efforts could well fail to punish the perpetrators while only expanding the war and making things worse by killing innocent noncombatants and further radicalizing Muslim people.

It is obviously no easy task to destroy an almost invisible ubiquitous enemy spread throughout the world without expanding the war or infringing on our liberties here at home. Above all else that is our mandate and our key constitutional responsibility, protecting liberty and providing for national security.

My strong belief is that in the past efforts in the U.S. Congress to do much more than this has diverted our attention and, hence, led to our neglect of these responsibilities. Following the September 11 disasters, a militant Islamic group in Pakistan held up a sign for all the world to see. It said: "Americans, think! Why you are hated all over the world." We abhor the messenger, but we should not ignore the message.

Here at home we are told that the only reason for the suicidal mass killing we experienced on September 11 is that we are hated because we are free and prosperous. If these two conflicting views are not reconciled we cannot wisely fight nor win the war in which we now find ourselves. We must understand why the hatred is directed toward Americans and not any other Western country.

In studying history, I, as many others, have come to the conclusion that war is most often fought for economic reasons, but economic wars are driven by moral and emotional overtones. Our own revolution was fought to escape from the excessive taxation but was inspired and driven by our desire to protect our God-given right to liberty.

The War Between the States, fought primarily over tariffs, was nonetheless inspired by the abhorrence of slavery. It is this moral inspiration that drives people to suicidally fight to the death as so many Americans did between 1861 and 1865.

Both economic and moral causes of war must be understood. Ignoring the importance of each is dangerous. We should not casually ignore the root causes of our current fight nor pursue this fight by merely accepting the explanation that they terrorize us out of jealousy.

It has already been written that Islamic militants are fighting a holy war, a jihad. This drives them to commit acts that to us are beyond comprehension. It seems that they have no concern for economic issues since they have no regard even for their own lives, but an economic issue does exist in this war. It is oil.

When the conflict broke out between Iraq and Iran in the early 1980s, we helped to finance and arm Iraq and Saddam Hussein. At that time, Anwar Sadat of Egypt profoundly stated, "This is the beginning of the war for oil." Our crisis today is part of this long-lasting war over oil.

Osama bin Laden, a wealthy man, left Saudi Arabia in 1979 to join American-sponsored so-called freedom fighters in Afghanistan. He received financial assistance, weapons and training from our CIA, just as his allies in Kosovo continue to receive the same from us today.

Unbelievably, to this day our foreign aid continues to flow into Afghanistan, even as we prepare to go to war against her. My suggestion is, not only should we stop this aid immediately, but we should never have started it in the first place.

It is during this time, bin Laden learned to practice terror tragically with money from the U.S. taxpayer, but it was not until 1991 during what we referred to as the Persian Gulf War that he turned fully against the United States. It was this war, said to protect our oil, that brought out the worst in him. Of course, it is not our oil. The oil, in fact, belongs to the Arabs and other Muslim Nations on the Persian gulf.

Our military presence in Saudi Arabia is what most Muslims believe to be a sacred violation of holy land. The continuous bombing and embargo of Iraq has intensified the hatred and contributed to more than a million deaths in Iraq. It is clear that protecting certain oil interests and our presence in the Persian Gulf helps drive this holy war.

Muslims see this as an invasion and domination by a foreign enemy which inspires radicalism. This is not new. This war, from their viewpoint, has been going on since the Crusades 1,000 years ago. We ignore this history at our own peril.

The radicals react as some Americans might react if China dominated the Gulf of Mexico and had air bases in Texas and Florida. Dominating the Persian Gulf is not a benign activity. It has consequences. The attack on the U.S.S. *Cole* was a warning we ignored. Furthermore, our support for secular governments in the moderate Arab country is interpreted by the radicals as more American control over their region that they want.

There is no doubt that our policies that are seen by the radicals as favoring one faction over another in the

long-lasting Middle East conflict adds to the distrust and hatred of America.

The hatred has been suppressed because we are a powerful economic and military force and wield a lot of influence. But this suppressed hatred is now becoming more visible. And we, as Americans, for the most part, are not even aware of how this could be. Americans have no animosity toward a people they hardly even know. Instead, our policies have been driven by the commercial interests of a few, and now the innocent suffer.

I am hopeful that shedding a light on the truth will be helpful in resolving this conflict in the very dangerous period that lies ahead. Without some understanding of the recent and past history of the Middle East and the Persian Gulf, we cannot expect to punish the evildoers without expanding the nightmare of hatred that is now sweeping the world. Punishing the evildoers is crucial. Restoring safety and security to our country is critical. Providing for a strong defense is essential. But extricating ourselves from a holy war that we do not understand is also necessary if we expect to achieve the above-mentioned goals.

Let us all hope and pray for guidance in our effort to restore the peace and tranquility we all desire. We did a poor job in providing the security that all Americans should expect, and this is our foremost responsibility. Some Members have been quick to point out the shortcomings of the FBI, the CIA, and the FAA, and to claim more money will rectify the situation. I am not so sure. Bureaucracies, by nature, are inefficient. The FBI and CIA records come up short. The FBI loses computers and guns and is careless with records. The CIA rarely provides timely intelligence. The FAA's idea of security against hijackers is asking all passengers who packed their bags.

The clamor now is to give more authority and money to these agencies. But remember, important industries like our chemical plants and refineries do not depend on government agencies for security. They build fences and hire guards with guns. The airlines have not been allowed to do the same thing. There was a time when airline pilots were allowed and did carry guns, and yet this has been prohibited by government regulations. If this responsibility had been left with the airlines to provide safety, they may well have had armed guards and pilots on the planes, just as our industrial sites have.

Privatizing the FAA, as other countries have, would also give airlines more leeway in providing security. My bill, H.R. 2896, should be passed immediately to clarify that the Federal Government will never place a prohibition on pilots being armed. We do not need more laws restricting our civil liberties, we need more freedom to defend ourselves.

We face an enormous task to restore the sense of security we have taken for

granted for so long, but it can be done. Destroying the evildoers while extricating ourselves from this unholy war is no small challenge. The job is somewhat like getting out of a pit filled with venomous snakes. The sooner we shoot the snakes that immediately threaten us, the sooner we can get safely away. If we are not careful, though, we will breed more snakes; and they will come out of every nook and cranny from around the world and little will be resolved.

It is no easy task, but before we fight, we had better be precise about whom we are fighting and how many there are and where they are hiding; or we will never know when the war is over and our goals are achieved. Without this knowledge, the war can go on for a long, long time. And the war for oil has already been going on for more than 20 years. To this point, our President and his administration has displayed the necessary deliberation. This is a positive change from unauthorized and ineffective retaliatory bombings in past years that only worsened various conflicts. If we cannot or will not define the enemy, the cost to fight such a war will be endless.

How many American troops are we prepared to lose? How much money are we prepared to spend? How many innocent civilians in our Nation and others are we willing to see killed? How many American civilians will be jeopardized? How much of our civil liberties are we prepared to give up? How much prosperity will we sacrifice?

The founders and authors of our Constitution provided an answer for the difficult task that we now face. When a precise declaration of war was impossible due to the vagueness of our enemy, the Congress was expected to take it upon themselves to direct the reprisal against an enemy not recognized as a government. In the early days, the concern was piracy on the high seas. Piracy was one of only three Federal crimes named in the original Constitution. Today, we have a new type of deadly piracy in the high sky over our country.

The solution the founders came up with under these circumstances was for Congress to grant letters of marque and reprisal. This puts the responsibility in the hands of Congress to direct the President to perform the task, with permission to use and reward private sources to carry out the task, such as the elimination of Osama bin Laden and his key supporters. This narrows targeting the enemy.

This effort would not preclude the President's other efforts to resolve the crisis but, if successful, would preclude a foolish invasion of a remote country with a forbidding terrain like Afghanistan, a country that no foreign power has ever successfully conquered throughout all of history. Lives could be saved, billions of dollars could be saved, and escalation due to needless

and senseless killing could be prevented.

□ 2130

Mr. Speaker, we must seriously consider this option. This answer is a world apart from the potential disaster of launching nuclear weapons or endless bombing of an unseen enemy. Marque and reprisal demands the enemy be seen and precisely targeted with minimal danger to others. It should be considered, and for various reasons, is far superior to any effort that could be carried out by the CIA.

We must not sacrifice the civil liberties that generations of Americans have enjoyed and fought for over the past 225 years. Unwise decisions in response to the terror inflicted on us may well fail to destroy our enemy, while undermining our liberties here at home. That will not be a victory worth celebrating.

The wise use of marque and reprisal could negate the need to undermine the privacy and rights of our citizens. As we work through this civil task, let us resist the temptation to invoke the most authoritarian of all notions that not too many years ago tore this Nation apart, the military draft.

The country is now unified against the enemy. The military draft does nothing to contribute to unity, nor as the Pentagon again has confirmed, does it promote an efficient military.

Precise identification of all travelers on our air flights is a desired goal. A national ID issued by the Federal Government would prove to be disastrous to our civil liberties and should not be considered. This type of surveillance power should never be given to an intrusive, overbearing government no matter how well intentioned the motives.

The same result can be better achieved by the marketplace. Passenger IDs voluntarily issued by the airlines could be counterfeit-proof, and loss or theft of an ID could be immediately reported to the proper authorities. An ID, fingerprints, birth certificates, or any other information can be required without any violations of anyone's personal liberty.

This delicate information would not be placed in the hands of the Government agents, but could be made available to law enforcement officers, like any other information obtained with probable cause in a search warrant.

The heat of the moment has prompted calls by some of our officials for great sacrifice of our liberties and privacy. This poses great danger to our way of life and will provide little help in dealing with our enemies.

Efforts of this sort will only punish the innocent and have no effect on a would-be terrorist. We should be careful not to do something just to do something, even something harmful.

Mr. Speaker, I fear that some big mistakes could be made in pursuit of our enemies if we do not proceed with

great caution, wisdom, and deliberation. Action is necessary. Inaction is unacceptable.

No doubt others recognize the difficulties in targeting such an elusive enemy. This is why the principle behind the *marque* and reprisal must be given serious consideration. In retaliation, an unintended consequence of a policy of wanton destruction without benefit to our cause could result in the overthrow of moderate Arab nations by the radicals that support bin Laden. This will not serve our interests and will surely exacerbate the threat to all Americans.

As we search for a solution to the mess we are in, it behooves us to look at how John F. Kennedy handled the Cuban crisis in 1962. Personally, that crisis led to a 5-year tour in the U.S. Air Force for me. As horrible and dangerous as the present crisis is, those of us that held our breath during some very tense moments that October realized we were on the brink of a worldwide nuclear holocaust.

That crisis represented the greatest potential danger to the world in all of human history. President Kennedy held firm and stood up to the Soviets as he should have and the confrontation was resolved. What was not known at the time was the reassessment of our foreign policy that placed nuclear missiles in the Soviet's back yard in Turkey. These missiles were quietly removed a few months later, and the world became a safer place in which to live. Eventually we won the Cold War without starting World War III.

Our enemy today, as formidable as he is, cannot compare to the armed might of the Soviet Union in the fall of 1962. Wisdom and caution on Kennedy's part in dealing with the crisis was indeed a profile in courage. But his courage was not only in his standing up to the Soviets, but his willingness to reexamine our nuclear missile presence in Turkey which, if it had been known at the time, would have been condemned as an act of cowardice.

President Bush now has the challenge to do something equally courageous and wise. This is necessary if we expect to avert a catastrophic World War III. When the President asks for patience as he and his advisors deliberate seek a course of action, all Americans should surely heed this request.

Mr. Speaker, I support President Bush and voted for the authority and the money to carry out his responsibilities to defend this country. But the degree of death and destruction and chances of escalation must be carefully taken into consideration.

It is, though, only with sadness that I reflect on the support, the dollars, the troops, the weapons and training provided by U.S. taxpayers that are now being used against us. Logic should tell us that intervening in all the wars of the world has been detri-

mental to our own self-interest and should be reconsidered.

The efforts of a small minority in Congress to avoid this confrontation by voting for the foreign policy of George Washington, John Adams, and Thomas Jefferson and all the 19th century Presidents went unheeded.

The unwise policy of supporting so many militants who later became our armed enemies makes little sense, whether it is bin Laden or Saddam Hussein. A policy designed to protect America is wise and frugal, and hopefully it will once again be considered.

George Washington, as we all know, advised strongly, as he departed his Presidency, that we should avoid all entangling alliances with foreign nations.

The call for a noninterventionist policy over the past year has fallen on deaf ears. My suggestions made here today will probably meet the same fate. Yet, if truth is spoken, ignoring it will not negate it. In that case, something will be lost. But if something is said to be true and it is not and it is ignored, nothing is lost. My goal is to contribute to the truth and to the security of this Nation.

What I have said today is different from what is said and accepted in Washington as conventional wisdom, but it is not in conflict with our history and our Constitution. It is a policy that has, whenever tried, generated more peace and prosperity than any other policy for dealing with foreign affairs. The authors of the Constitution clearly understood this. Since the light of truth shines brightest in the darkness of evil and ignorance, we should all strive to shine that light.

#### EVERY WEAPON IN ARSENAL NEEDED TO DEFEAT TERRORISM

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, during my comments tonight, I will refer to one phrase that I think is important to place on the minds of the people of this country, and that phrase is this: "The defense of the Nation starts with the defense of our borders."

Mr. Speaker, we have begun a massive buildup of forces as a result of the events of September 11. Indeed, the President has issued a call for units of the National Guard to be activated. Troops are being dispatched, planes, ships, all over the world. The President has issued an executive order to restrict the flow of capital so that we will, hopefully, inhibit the ability of terrorists around the world in that particular capacity.

We have done a great deal to try to figure out how to make it more difficult for hijackers to take over planes. We have increased security at all of our

airports. Recently, we ordered that even crop dusters would not be allowed to fly for fear that some sort of chemical agent might be introduced into the atmosphere. We have increased security around water facilities and power plants throughout the Nation for fear of some sort of, again, biological or chemical attack that might come in that direction.

We have, indeed, created a brand-new, or will create a brand-new, cabinet level agency for homeland defense that I hope will do what is desperately needed to be done, and that is to coordinate the activities of all of our agencies that are designed to provide some sort of defense for this Nation.

The President and the Secretary of State have been extremely successful up to this point in time in creating some sort of international coalition to help fight terrorism everywhere that it rears its ugly head. We have even talked about trying to tighten up on visas, visas that are given to people who might have backgrounds that are suspicious, have terrorist connections, not allow them to either enter the United States, or if they are here, to be held perhaps even indefinitely.

All of these things are good, and I totally support them. They are all important. We were told today by a general in the Israeli Army at a briefing that was available to any Member, it was not classified, but it was, indeed, a fascinating discussion. We were told about the Israeli experience in dealing with terrorists for now well over 2 or 3 decades.

Mr. Speaker, one of the things that this particular general said was that it is imperative that we think about terrorism as a phenomenon, as a system. What he meant by that is it is global in nature. It is not anything like we have ever dealt with before; and, of course, we have heard many, many people, including the President of the United States in his address to the Nation just last week in a very articulate and incredibly compelling address to the Nation say it is a brand-new world in a way, and a brand-new kind of war. The Israeli general that gave the briefing today was talking about the fact that low-intensity warfare, a minimum of power, it is not an appropriate approach.

Terrorism, he said, requires maximum power to be applied against it in order to be successful; and that because it is a systemic problem, you must treat it systematically or holistically, treat it in every way you can. Attack the problem every way you possibly can.

He suggested that we should look at terrorism as a cancer; and that just like any other cancer that invades the body, if it is attacked in a piecemeal way, even though several different kinds of approaches may be tried, it will eventually gain control and overcome the body, the host body. Therefore, it must be attacked with every single thing in one's arsenal.

Mr. Speaker, the President said from that podium just a few nights ago essentially the same thing. He said, we will use every weapon in our arsenal to defeat terrorism. Every weapon in the arsenal.

□ 2145

I for one was heartened to hear that, because that is exactly what we are going to have to do.

I refer again, however, to the phrase that I opened these comments with, that the defense of the Nation begins with the defense of our borders. It begins with our ability, our desire, the necessity of defending our borders, of making sure that we as a Nation, to the greatest extent possible, are able to determine who comes into the United States and for how long and when they leave, and how many will come into the United States. This is what is referred to as an immigration policy. It is something we do not really have. It is something we have abandoned over the course of the last couple of decades.

And we have abandoned this policy, we have abandoned our borders, we have succumbed to the siren song of open borders, a phrase used so often by organizations like the Wall Street Journal and the Cato Institute and others, libertarians and liberals looking for votes from the massive number of immigrants that would come into the country and perhaps become part of a voting bloc that they could then take advantage of.

For all of these reasons, we have abandoned our borders for all intents and purposes. They do not really exist. No one believes that they are there in reality. They may be there on maps, but they are not there in reality, because if a border is important for determining who comes, how many and how long, then, of course, America is just this place on a map, not distinguishable by lines that separate it from any other country on the globe. That has been the desire of a great many people. Many industrialists, many members of the, quote, elitist establishment in this country, many of the biggest, the Fortune 500 companies, other individuals who employ cheap labor, illegal immigrants, because, of course, they can be hired cheaply, they can work cheaply, and they are frightened to turn their employers in for ill treatment, all of those people have formed a bloc over the course of the last couple of decades to destroy our borders.

And, Mr. Speaker, I suggest to you that one part of the result that we witnessed that came from this process, of the destruction of our borders, were the events of September 11. Every single person that we now know that was involved in the hijackings, in the suicide bombing, that is, turning the plane into a bomb and crashing it into the World Trade Center and the Pentagon and the other attempt that was made outside Pittsburgh, and I am told, I understand that now they be-

lieve that there were several other planes, there was a great possibility that the same thing had been planned but they were not, for whatever reason, able to accomplish it, thank God, accomplish their goals, but every one of the people that we know that were on those planes that took them over, that killed the airplane crew, members of the crew, that took over and crashed them, every one of them was here on some sort of visa or were here illegally, and even the ones that were here on visas, we are not really sure exactly what kind.

We have written now, my office and other Members have asked the INS for clarification about the status of each one of these people. They sent me back a list of the names of every single one of them and the status of only two, two, they said, that were here on visas, one with a visa that had expired, essentially illegally.

It is now my understanding that every one of them were here on some sort of visa, but many of them were, in fact, here illegally because they had overstayed their visa or they were not living up to the obligations of the visa. But we did not care. Or we did not know. Or if we knew, we simply paid no attention to that particular problem, because, Mr. Speaker, we do not pay attention to the fact that there are millions, I say millions, of people in the United States who are here illegally. You know it. I know it. Everyone hearing my words knows that there are millions of people in the United States who are here illegally.

Now, I do not for a moment suggest that the vast majority of those people, or even a small percentage factually are involved with terrorist activity or are people that we should be concerned about because of the threat to the Nation. At least not a direct threat to the Nation. But I do suggest to you that it is the philosophy, it is the attitude that we ignore millions of people here illegally, millions coming across the border illegally, that makes it impossible for us to then go back and say, well, but these folks, this particular group, maybe they are Middle Eastern by ethnicity and heritage and, therefore, we should watch them more carefully. Well, that is not going to happen. I mean, that is, of course, profiling. We would not ever want to do a thing like that. You cannot segregate out these particular portions of the population for a different kind of treatment.

If they are here illegally, they should be sent home. I do not care where they are from. It does not matter to me if they are from Mexico, or Egypt, or Lebanon, or Brazil, or Bolivia. It does not matter. It is of no consequence, the place of origination. The fact is they are here illegally and we as a Nation have a duty for the protection of our system of government, and, indeed, for our very lives, we have a duty to secure our borders, because, again, I will say,

Mr. Speaker, that the defense of the Nation begins at our borders.

We can do all of the things that I have outlined at the beginning of this presentation, and I agree with every single one of them. You notice that I left to the end any discussion about tightening up on visas, because the only thing I have seen so far as part of the administration's proposal to deal with terrorism that deals specifically with the issue of immigration is this aspect of tightening up on visas.

Mr. Speaker, let me suggest to you that although I completely and totally support that particular provision, the horses are out of the barn at that point in time. The people are already here. The task we have ahead of us, the task we must face, is the one that would prevent them from getting here. It is defending our borders. It is defending the sovereignty of this Nation. That is what we seek.

Mr. Speaker, it has been many, many hours that I have spent almost right here, at various podiums on this floor, cajoling, arguing, using all of the effort that I can muster, any degree of articulation of the issue that I can possibly develop over the past several months, long before this event, by the way, of September 11, I have come to this floor and asked my colleagues to please join me in an attempt to make our borders secure. It has been a relatively lonely fight. I have been assailed by some of my colleagues.

I have certainly been assailed by members of the general public, e-mails and letters and calls and that sort of thing. I have been called a racist, I have been called xenophobic, I have been called a lot of things that I certainly do not want to repeat on the floor of the House. But I persist, Mr. Speaker, because I believe that this is one of the most important, one of the most significant issues with which this body can deal, and, that is, the determination of our own system of government, how long our system will survive. I really believe it has that kind of significance.

There are literally hundreds of reasons that I can bring forward to argue my case for lower immigration, for tightening our borders, for controlling our borders, I should say, for determining who comes in, and they certainly deal with just the simple issues of population growth, the pressure it puts on the infrastructure of the United States, of every community in the country, the costs that are involved, the economic costs involved, the cultural issues that come up when we balkanize America with different languages and different ideas about government and philosophies of life. All of those things we can confront. And I certainly have done so from this floor. But they all pale in comparison to the importance of this issue that was brought home to us all in the most stark of manners, in the most horrendous proof I can possibly offer.

What can I say, Mr. Speaker, what can I possibly say on the floor of this House that could ever compare in terms of encouragement to do something about the control of immigration? What can I say or do that could ever compare with the events of September 11?

Mr. Speaker, if that does not help my colleagues come to some conclusion about the need to do something about immigration, I do not know what else will. And there will still be libertarians who come to the floor as my dear friend did just before me here, the gentleman from Texas (Mr. PAUL), whom I respect immensely, on almost every issue I have been supportive of what he has tried to do, but I must admit I disagree with him wholeheartedly on the issue of, especially immigration controls and our policy now, the policy we should now adopt vis-a-vis the terrorists that reside in Afghanistan and, indeed, around the world.

But there will still be voices like the gentleman from Texas. There will still be voices like many of my colleagues on the other side tonight who fought against an amendment which, I might add, passed overwhelmingly, and which I was just amazed to see the number. It was an amendment by the gentleman from Ohio (Mr. TRAFICANT) that simply said that the Armed Forces of the United States could be employed, if requested by the Attorney General, could be employed in the protection of our borders.

Now, there were individuals who stood up and argued that, and there were 180, if I remember correctly, 180 some people who voted against it. Even in light of what has happened, 100 and some of our colleagues, I do not recall the exact number now, but well over 100 said, No, I don't think I would use the military on the border to protect our sovereignty, to protect our Nation.

And so you say to yourself, Mr. Speaker, my God, what does it take? What does it take? How many people in this country have to lose their lives before we come to the understanding that the defense of the Nation begins at the defense of our borders? All the other things we talk about are important, but, Mr. Speaker, nothing surpasses the importance of our borders and their integrity. That is why I will continue to raise this issue, as long as I have breath, anyway, and as long as I am a Member of this body, because I can think of nothing more important.

There are hundreds of issues with which I have been involved, I am confronted by them as you are, and every other Member of our body here every single day, important issues, and I say, I have got to do something about that, and we should do something about that. You want to go off in about 20 different directions, but always I am pulled back to this, always I am grounded in this particular issue, because everything begins to come back

to it, everything I hope to accomplish for the Nation, everything I hope to add my voice in defense of depends upon our ability as a Nation to control our own destiny. And to control our own destiny, we must control our own borders.

It is a world, Mr. Speaker, that has changed so dramatically in so many ways. There are intellectuals, I think, perhaps I would refer to them as, a famous old reference to them, perhaps pseudo-intellectuals, effete snobs, there were a couple of other things that I can remember, people who pride themselves on talking about a brand new day dawning in the world, that it is really a world that should not be separated by borders, that there is really no purpose for borders anymore. Now, these things we did hear before September 11. I must admit, Mr. Speaker, I have not heard as much of that recently.

□ 2200

But we will begin as soon as things calm down a little bit. I assure you there will be; they will be out in force. They will be saying things like, we really do not need to defend our borders so much, so long as we go out there and we make sure we attack terrorism in other lands, that we root them out, as we have heard often. I am all for doing that, do not get me wrong. Draining the swamp, all those other things, absolutely need to be done. So they will suggest if we can just do that, somehow we do not have to have borders.

I refer back to now the presentation and the little briefing that we had today by this particular Israeli general, who again talked about the systemic approach to this; that you had to use every single thing in your arsenal. That it was not enough just to go out and find them, it had to be done, you will have to go outside of your borders and find the people who are trying to kill you, and you will have to kill them. You will have to disrupt their organization.

You will have to do all of that, Mr. Speaker, but you recognize, and we all recognize, the fact that Israel has another aspect of that core policy, that holistic approach, and that is they defend their borders. They defend their borders in every way they possibly can, using every kind of technology, low-tech and high-tech, barbed wire to electronic surveillance, they use it all to defend their borders.

Now, they have an easier task than we would have, it is true, a smaller land mass, a more homogenous population. All of those things are true. It does not, however, excuse us from the responsibility.

What more are we to do here? What else is more important for us, Mr. Speaker? Is it the Department of Health and Human Services? Is it the Department of Natural Resources? Is it the Department of Transportation? I

know I would encourage you to think about that one, Mr. Speaker. Is it the variety of things we do out there, that this Federal Government does, that we spend hundreds of billions of dollars every single year doing? Are all of those things as important as the protection of the life and property of the citizens of this Nation?

No, sir. In my opinion, my humble opinion, they all pale in comparison. I mean from HHS-Labor, which is a thing we are going to be voting on here, and we will dump hundreds of billions of dollars on that thing to get it out the door, and it is more important, yes, even than the Department of Education. I know, there I have said it. The defense of the Nation, the security of the people of the Nation, yes, it is, Mr. Speaker, it is more important than all of the other things we do.

So I am not opposed to efforts to increase, in fact, I heartily support all efforts to increase the appropriations for our military. As I say, it is the most important thing we can do. But how can we ignore in that process, how can we ignore perhaps the most important aspect of that defense system? Where can we be expected to draw the line, so-to-speak, if it is not at our borders?

Mr. Speaker, one of our colleagues, a very respected Member of this body, the gentleman from Connecticut (Mr. SHAYS), he is also the chairman of one of the security committees of this Congress and has been a member of that committee for many years, and I respect his observations. And I have seen him now on television and I have heard him on the radio in the past couple of days, and he has stated unequivocally that it is not a matter of if we are ever going to be confronted by biological or chemical or even nuclear attack by terrorists; it is indeed, he says, a matter of when.

Mr. Speaker, we are well aware of the fact that many countries, several countries anyway, that have already demonstrated their mastery of this particular form of warfare, that is, biological and chemical especially, Iraq, I refer to specifically, as it has used this particular weapon, biological weapons, against its own people, the Kurds, killed many thousands of them a few years ago.

We know that there are governments out there that have perfected these particular weapons. We know that those governments harbor terrorists. We know that those governments provide succor to terrorists, provide support; not just physical support, not just a place to live and some food on the table, but support of every kind and variety.

What makes us think for a moment, Mr. Speaker, that they have not provided them, or at least are not willing to provide them, with these other agents to carry out their dastardly deeds?

Now, I do not know if the gentleman from Connecticut (Mr. SHAYS) is right

or wrong when he says it is a matter of when, not a matter of if we are confronted with this. I can certainly say that the odds are that we will be in some way, at some time, confronted with that kind of a situation.

I pray to God that it will not happen and that we will do everything in our power to make sure that it does not, and there are things we can do. That is the other side. That is the thing to think about. We should not dwell on the inevitability so much of this particular kind of terror, but we should dwell on our ability to stop it.

There are many things we can do, and certainly finding the terrorists out there, that is number one. But how can we suggest for a moment, even a second, how can it be in anyone's mind in this body, that as part of our defense against that next act of terrorism would not be the closure of our borders to anybody who is not well-known to us, anybody who we can determine is not a threat to this Nation's survival?

How can we not do it? If something were to happen, Mr. Speaker, of this nature, and, again, I pray to God, of course, that it never does, but if it does, and if we have done nothing to increase our ability to protect our borders, then there is culpability here, because this is not, as they say, rocket science.

I do not suggest for a moment, Mr. Speaker, that if we did everything we possibly could, if we put troops on the border, if we reduced immigration dramatically so we could actually get a handle on it for a while, if we tightened up on INS regulations, if we found out where all of the people in the United States who are here illegally are and sent them home, if we did all of that, I am not able, of course, to promise that we would make ourselves immune to or impervious to or unable to be attacked in the way we have suggested. All I know is it is something we have to do.

To those who suggest that there are other options open to us that do not include controlling our own borders, I just say this: perhaps there are others, perhaps in times past there were others who said, look, let us explain to the Vandals in ancient Rome, or the Huns, that there is no reason to be all that upset to us; we will open our borders to them and let them in and just discuss it with them. We will just peacefully deal with it, because, really they are just all members of the human race, you know? The Nazis, the Japanese militarists, you could go on and on and on.

There were people here who said, I am sure, not many, thank heavens, but people who suggested that there probably is some way we could have just negotiated our way out of and around the Second World War, and any other war with which we have been involved, because, after all, they are just people, just like us.

What are their needs? How are they different from us? There are still peo-

ple who say that, and I suggest that it is almost irrational. People who suggest that we should not care about who comes across our borders are, to a certain extent, maybe to a large extent, irrational. Because I guarantee you this, Mr. Speaker: the American public, they do not feel that way. The vast majority of the American people believe in their heart of hearts in the very common sense idea of controlling our own borders; and they are not heartless, cruel people, who just hate foreigners. No, they all recognize that all of our roots are from someplace else. Even if you call yourself a Native American, your ancestors, how far back, came across a land bridge from Siberia, from Asia.

So all of us are immigrants. That is not the issue. The issue is will we be able to control who comes for how long and how many. Will we be able to do that? And the American people want us to do that.

There is only one way, of course, Mr. Speaker, that this body will ever move in the direction that we are hoping for tonight, even though there was a great sign that things may have changed tonight with that vote on the Traficant amendment to put troops on the borders. However, I am told that has passed before, it has always been taken out in the conference committee. Perhaps it is different tonight. Perhaps September 11 changed all of that. I certainly hope so.

I certainly hope that there were more people in this body who were voting for that amendment without the thought in mind that it would be taken out, and they could easily cast their vote and sort of cover their tracks. They say, well, I voted for it, but knowing in their heart of hearts it will probably be taken out in committee.

I hope there were not many like that in our body. I hope the 250-odd people who voted for it tonight did so because they know what we are saying here tonight, that it is the duty, the responsibility, of every Nation on the face of the Earth, including our own, to defend our borders, and that in our case, because of the geographic problems that we confront, it will require perhaps a far stronger force than we have available to us tonight in the INS, and it may in fact require the positioning of Armed Forces on our borders. That is, of course, what the Armed Forces are for, to defend our borders. It is not an inappropriate use, it is an absolutely logical use of our Armed Forces, because it is very difficult for us to patrol the length of our borders. I understand that.

Mr. Speaker, there was an op-ed that was written by a gentleman by the name of Mark Krikorian who is with an organization called the Center for Immigration Studies. I am going to enter it in the RECORD and read it tonight as my final statement, because I believe that it encapsulates so much of what it is I am trying to say here this evening.

It stays, "As we consider our response to last week's horrific attacks, we must be careful not to seek scapegoats among foreigners who live among us. But if immigrants in general are not the problem, a broken immigration system almost certainly is partly to blame. While much attention has been focused on the failure of intelligence and airport security, it is also clear that we have failed to properly police our borders, borders being any place where foreign citizens enter the United States. It would be a grave error if we did not ask ourselves the fundamental question: How did these terrorists get in? Despite all the cant about globalization, borders are not irrelevant in today's world, nor are they unenforceable. In fact, the need to secure them is more pressing than ever, given ease of travel, coupled with very real terrorist threats. "Most Americans understand that our border is not an obstacle to be overcome by travelers and businesses but, instead, a critical tool for protecting America's national interests. Unfortunately, much of America's elite does not get it.

"Most notorious among the cheerleaders for open borders have been libertarians such as the Cato Institute. The Wall Street Journal has frequently called for a 5-word amendment to the Constitution: 'There shall be open borders.'"

□ 2215

I have not heard that recently from the Wall Street Journal. In fact, as an aside, I had a reporter from the Wall Street Journal call me the other day saying, has there been a change of attitude in Congress about immigration as a result of what has happened? I said, it is funny you should ask that question. I had exactly the same question for you. Has there been a change on the Wall Street Journal editorial board about immigration as a result of what happened on September 11? He just laughed and said, Well, you are not the first person to ask.

Back to Mr. Krikorian's op-ed: "Even minimal borders to strengthen controls have been stymied. Congress in 1996 directed the Immigration and Naturalization Service to record arrivals and departures of foreigners at border crossings so as to identify people overstaying their visas. Business interests prompted Congress to postpone this requirement several times and ultimately to eliminate it.

"If we take the physical safety of our people seriously, we cannot continue to allow libertarian ideologies, immigration lawyers, cheap-labor business interests, and ethnic pressure groups to hobble our ability to manage our borders. What, then, is to be done?

"The Border Patrol, despite recent increases, remains almost laughably inadequate. At any given time, there are only about 1,700 agents patrolling the southern border, an average of less than 1 agent per mile, and the northern border is even less well defended.

"Establishing a computerized system to track entries and exits from the United States should not even be a subject of debate. There are no technological obstacles, merely a lack of will and funding. What is more, the practice of requiring permanent residents who are not yet citizens to annually register their whereabouts with government, which was discontinued in the 1970s, should be revived.

"The State Department's visa officers overseas need to be recognized as 'America's other Border Patrol.' Visa officers often have only 2 or 3 minutes to consider an application, and are pressured to approve a high proportion of applicants to avoid offending the host country. The granting of visas should become a freestanding, well-funded function that people sign up for from the start, rather than today's dreaded right of passage for rookie Foreign Service officers.

"The very morning of the September 11 attack, the House was about to resurrect a provision called 245(i), which allows illegal aliens to receive green cards in the United States rather than in their home countries.

"Because personnel abroad are best equipped to screen applicants, 245(i) negates any efforts to keep out those judged to be ineligible.

"Finally, whatever one thinks about the level of immigration, a temporary reduction in legal immigration and the admission of temporary workers and students is essential to allow the overhaul of our immigration infrastructure."

Did we hear that, Mr. Speaker? "A temporary reduction in legal immigration," and I will say a pause in all immigration; I want a pause. I will soon be introducing a bill to that effect. A pause, at least a 6-month pause, in all immigration into the United States, except for special circumstances, maybe national defense-related issues. But other than that, let us stop it. Because we have an overhaul to do with our entire system. Let us let the Department, let us let our new Secretary for the Department of Homeland Defense determine how best to go back into the field and try to defend our borders. But let us call a pause or a halt to immigration for at least 6 months.

"Only by lightening the INS' load can the agency both process its huge backlog and strengthen border controls.

"Improved border and visa controls may not catch all malefactors, but it will help alert us to conspiracies such as last Tuesday's attacks. If only a dozen of the conspirators had been identified by consular officers during visa processing or border inspectors, it is very possible the entire conspiracy would have been unraveled. We have, of course, seen some home-grown terrorists as well, but there is no reason to neglect border control.

"We should not overreact by eviscerating constitutional rights, includ-

ing those of Muslim Americans, but an overhaul of our lax border controls is precisely the kind of reasonable reform that would make future attacks less likely and does not represent any threat to the civil liberties of American citizens. Americans are going to have to wait in longer lines at airports, and it is not too much to ask people entering into the country to do the same.

"Moreover, more foreign citizens may be denied visas."

"The measure of a successful immigration system is not how many people are allowed to enter and how fast, but rather whether the broad national interests of the United States are being served, including the safety of Americans."

Mr. Krikorian is the executive director, as I say, for the Center for Immigration Studies here in Washington, D.C.; and I certainly commend his reading and his efforts, by the way, which I am sure one can go online and get. In fact, it is on here: <http://www.cis.org>. One can go on the Net and look into the Center for Immigration Studies and Work. They do great stuff.

And the other thing, of course, everyone must do, Mr. Speaker, is to let their representatives in this body and in the other body know how they feel. Believe it or not, Mr. Speaker, believe it or not, there are still people in this body who are opposed to immigration reform, even after September 11; and there is only one way they are ever going to change their mind. There is only one way they are ever going to see the light and that, of course, is when they feel the heat.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATSON of California (at the request of Mr. GEPHARDT) for today on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mrs. MALONEY of New York) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:

Mr. NETHERCUTT, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mrs. KELLY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area.

H.J. Res. 65. Joint resolution making continuing appropriations for the fiscal year 2002, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 25, 2001 he presented to the President of the United States, for his approval, the following bills.

H.R. 2603. To implement the agreement establishing a United States-Jordan free trade area.

#### ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 26, 2001, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3839. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3840. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Government National Mortgage Association Mortgage-Backed Securities Program—Payments to Securityholders; Book-Entry Procedures [Docket No. FR-4629-F-02] (RIN: 2503-AA16) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3841. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Amendments for Testing and Monitoring Provision Removal of a Provision for Opacity Monitoring [FRL-7039-2] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3842. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Idaho: Final Authorization of

State Hazardous Waste Management Program Revision [FRL-7031-5] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3843. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Attainment for PM-10; Shoshone County (City of Pinehurst and Pinehurst Expansion Area)[Docket ID-01-003; FRL-7042-5] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3844. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District [CA 248-0288a; FRL-7028-7] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3845. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District [CA 248-0288c; FRL-7028-9] received August 21, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3846. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permit Programs; North Carolina, Mecklenburg County, and Western North Carolina [NC-T5-2001-02; FRL-7047-2] received August 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3847. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Senate Joint Resolution 23, to help ensure that the Congress is kept fully informed on actions taken to respond to the threat of terrorism; (H. Doc. No. 107-127); to the Committee on International Relations and ordered to be printed.

3848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Japanese Fisheries High School Training Vessel EHIME MARU Relocation and Crew Member Recovery, Pacific Ocean, South Shores of the Island of Oahu, HI [COTP Honolulu 01-054] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, New Jersey Pierhead Channel and Kill Van Kull [CGD01-01-118] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3850. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Oswego Harbor, Oswego, NY [CGD09-01-083] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lake Michigan, Grand Haven, MI [CGD09-01-067] (RIN: 2115-AA97) received August 23, 2001, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3852. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Naval Force Protection, Bath Iron Works, Kennebec River, Bath, Maine [CGD01-01-093] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3853. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Lower Mississippi River, LMR mile 531.3 to 537, Vaucluse Trenchfill [COTP Memohis 01-007] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3854. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Naval Force Protection, Bath Iron Works, Bath, ME [CGD01-01-047] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3855. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Summerfest 2000—Harbor Island Lagoon Activities, Milwaukee, Wisconsin [CGD09-01-075] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3856. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Naval Submarine Base Bangor and Naval submarines, Puget Sound and Strait of Juan De Fuca, WA [CGD13-01-015] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3857. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07-01-036] (RIN: 2115-AA97) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3858. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Inner Harbor Navigation Canal, LA [CGD08-01-018] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3859. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Controlled Substances and Alcohol Use and Testing [Docket No. FMCSA-2000-8456] (RIN: 2126-AA58) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3860. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; PGA Boulevard Bridge (ICW), West Palm Beach, FL [CGD07-01-045] (RIN: 2115-AE47) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3861. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulation; Lake Washington Ship Canal, Seattle, WA [CGD13-01-001] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3862. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Donald Ross Road Bridge (ICW), West Palm Beach, FL [CGD07-01-047] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3863. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Chelsea River, MA [CGD01-01-055] received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3864. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Inner Harbor, Patapsco River, Baltimore, Maryland [CGD05-01-027] (RIN: 2115-AE46) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3865. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Newton Creek, Dutch Kills, English Kills and their tributaries, NY [CGD01-01-089] (RIN: 2115-AE47) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3866. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Kennebec River, ME [CGD01-01-098] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3867. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Bay City Relay for Life Fireworks, Saginaw River, MI [CGD09-01-114] (RIN: 2115-AA97) received August 28, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3868. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; John Limehouse Bridge (ICW), Johns Island, SC [CGD07-01-078] (RIN: 2115-AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3869. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, NY [CGD01-01-129] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3870. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manitowoc River, Wisconsin

[CGD09-01-001] (RIN: 2115-AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3871. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Brorein Street Bridge, across the Hillsborough River, Tampa, FL [CGD07-01-027] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3872. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Brooks Memorial (S.E. 17th Street) bridge Atlantic Intracoastal Waterway, Ft. Lauderdale, FL [CGD07-01-035] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3873. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Connecticut River, CT [CGD01-01-060] received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3874. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Fort Lauderdale, Broward County, FL [CGD07-01-034] (RIN: 2115-AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3875. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Harlem River, Newtown Creek, NY [CGD01-01-054] (RIN: 2115-AE47) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BAKER:

H.R. 2948. A bill to direct the Administrator of the Federal Aviation Administration to provide for random deployment of Federal air marshals on certain commercial air passenger flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FARR of California (for himself, Mr. SHAYS, Mr. HALL of Ohio, Mr. WALSH, Mr. HONDA, and Mr. PETRI):

H.R. 2949. A bill authorizing the President of the United States, on behalf of the Congress, to present a gold medal to Sargent Shriver; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself and Mr. QUINN):

H.R. 2950. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GANSKE (for himself, Mr. ANDREWS, Mr. LEACH, Mr. DINGELL, Mr.

GRAHAM, Mr. SHAYS, Mr. NORWOOD, Mr. SMITH of New Jersey, and Mr. TOM DAVIS of Virginia):

H.R. 2951. A bill to improve aviation security, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. CUBIN:

H.R. 2952. A bill to ensure the orderly development of coal, coalbed methane, natural gas, and oil within a designated Dispute Resolution Area in the Powder River Basin, Wyoming, and for other purposes; to the Committee on Resources.

By Mr. HORN:

H.R. 2953. A bill to amend title XVIII of the Social Security Act to make the social health maintenance organization a permanent option under the MedicareChoice program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 2954. A bill to prohibit the importation into the United States of colombo tantale from certain countries involved in the conflict in the Democratic Republic of the Congo, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr.

HASTINGS of Florida, Mr. BONIOR, Mr. LARSEN of Washington, Mr. DINGELL, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. BACA, Mr. BAIRD, Mr. BARCIA, Mr. BARRETT, Ms. BERKLEY, Mr. BISHOP, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Ms. CARSON of Indiana, Mr. CLEMENT, Mr. COYNE, Mr. CROWLEY, Mr. DELAHUNT, Ms. DELAURO, Mr. DOYLE, Mr. FARR of California, Mr. GONZALEZ, Mr. HILLIARD, Mr. HINCHAY, Mr. HOFFFEL, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mrs. MALONEY of New York, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OBEX, Mr. PAYNE, Mr. RAHALL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SANDERS, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. UNDERWOOD, and Ms. WOOLSEY):

H.R. 2955. A bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 2956. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to accept contributions for the Pentagon Reservation Maintenance Revolving Fund to be used to repair the damage caused by the terrorist attack on the Pentagon that

occurred on September 11, 2001; to the Committee on Armed Services.

By Mr. CASTLE:

H.R. 2957. A bill to amend title 49, United States Code, to direct the Administrator of the Federal Aviation Administration to implement a criminal background check program for pilot and flight service training applicants, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CUNNINGHAM:

H.R. 2958. A bill to improve passenger airline safety and security; to the Committee on Transportation and Infrastructure.

By Ms. HOOLEY of Oregon:

H.R. 2959. A bill to authorize former Federal employees who receive voluntary separation incentive payments under the Department of Agriculture program to accept subsequent employment with the Federal Government, without loss of their payments, when such employment is directly related to fighting forest fires; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. BARTLETT of Maryland, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, Mr. GRAHAM, Mr. DEMINT, Mr. SAXTON, Mr. CANTOR, Mr. WOLF, Mr. OTTER, Mr. BURTON of Indiana, Mr. BARR of Georgia, Mr. HALL of Texas, Mr. TAYLOR of Mississippi, Mr. BASS, Mrs. CUBIN, Mr. POMBO, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mrs. EMERSON, Mrs. MYRICK, Mr. GALLEGLY, Mr. CRENSHAW, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HAYES, Mr. SCHROCK, Mr. CHAMBLISS, Mr. GRAVES, Mr. PENCE, Mr. NORWOOD, Mr. CHABOT, Mr. AKIN, Mr. HAYWORTH, Mr. COBLE, and Mr. ROYCE):

H.R. 2960. A bill to require inspection of all cargo on commercial trucks and vessels entering the United States; to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Ms. HOOLEY of Oregon, Ms. LEE, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ROSS, Mr. RANGEL, Mr. BONIOR, Mrs. MEEK of Florida, Mr. FERGUSON, Mr. JONES of North Carolina, and Mrs. MORELLA):

H.R. 2961. A bill to authorize the Administrator of the Small Business Administration to make loans under section 7(b)(2) of the Small Business Act to small business concerns and certain other business concerns that suffered substantial economic injury as a result of the terrorist attacks on the United States that occurred on September 11, 2001; to the Committee on Small Business.

By Mr. McCRERY:

H.R. 2962. A bill to reduce employer taxes and simplify tax filing, to reform the administrative funding of the unemployment compensation and employment service programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MCINNIS:

H.R. 2963. A bill to establish the Deep Creek Wilderness Area, and for other purposes; to the Committee on Resources.

By Mr. PICKERING:

H.R. 2964. A bill to provide clarification regarding the market name for the fish

Pangasius bocourti and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHAYS (for himself and Mr. HALL of Ohio):

H.R. 2965. A bill to amend the Immigration and Nationality Act to provide for the exchange of information by electronic means between the Federal Bureau of Investigation and other Federal agencies; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mr. GONZALEZ, Mr. MENENDEZ, Mr. GUTIERREZ, Mr. BACA, Mr. BECERRA, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mr. PASSTOR, Mr. REYES, Mr. FROST, Mr. FILLNER, Mr. WYNN, and Ms. MCKINNEY):

H.R. 2966. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement to determine appropriate methods for their preservation and interpretation; to the Committee on Resources.

By Mrs. THURMAN:

H.R. 2967. A bill to provide duty-free treatment for certain foodstuffs originating in NAFTA countries; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Ms. DUNN, Mr. SERRANO, Ms. HART, and Mrs. CHRISTENSEN):

H.R. 2968. A bill to amend the Internal Revenue Code of 1986 to allow expanded penalty-free withdrawals from certain retirement plans during periods of unemployment for any employee of an air carrier or of a manufacturer of aircraft or parts or components of aircraft; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Ms. ESHOO, Mr. SAWYER, Mr. HOYER, Mr. FORD, Mr. MCGOVERN, Ms. LOFGREN, Mr. MOORE, Mr. MARKEY, Ms. PELOSI, Mr. MORAN of Virginia, Mr. LANGEVIN, Mr. DEFazio, Mr. TURNER, Mr. KUCINICH, Mr. HOLT, Mrs. MALONEY of New York, Mr. REYES, Mr. PASTOR, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. LAMPSON, Mr. GONZALEZ, Mr. CLEMENT, Mr. RODRIGUEZ, Mr. CLAY, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. BALDACCI, Mr. HOLDEN, Mr. CUMMINGS, Mr. DELAHUNT, Mr. SANDLIN, Mr. FARR of California, Mr. MATSUI, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. WATT of North Carolina, Mr. WYNN, Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. PAYNE, Ms. BROWN of Florida, Mr. OWENS, Ms. JACKSON-LEE of Texas, and Mrs. CLAYTON):

H.R. 2969. A bill to amend the Internal Revenue Code of 1986 to restore a partial deduction for personal interest and thereby to encourage economic recovery and to avoid the need to borrow against home equity; to the Committee on Ways and Means.

By Mr. WELLER (for himself and Mr. CROWLEY):

H.R. 2970. A bill to amend the Internal Revenue Code of 1986 to allow businesses to expense qualified security devices; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ENGEL introduced a bill (H.R. 2971) for the relief of Inna Hecker Grade; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mrs. NAPOLITANO.  
H.R. 123: Mr. CALVERT.  
H.R. 134: Mr. MANZULLO.  
H.R. 189: Mr. CALVERT and Mr. CULBERSON.  
H.R. 208: Mr. MANZULLO.  
H.R. 257: Mr. CAMP.  
H.R. 265: Mrs. NAPOLITANO.  
H.R. 281: Mr. PASCRELL.  
H.R. 311: Mr. KERNS.  
H.R. 320: Mr. MANZULLO.  
H.R. 368: Mr. TANCREDO.  
H.R. 370: Mr. TANCREDO.  
H.R. 442: Mr. MANZULLO and Ms. MCCOLLUM.  
H.R. 488: Ms. HOOLEY of Oregon.  
H.R. 506: Mr. FROST.  
H.R. 534: Mr. STRICKLAND and Mr. STUMP.  
H.R. 544: Mrs. NAPOLITANO and Ms. DELAULO.  
H.R. 590: Mrs. NAPOLITANO.  
H.R. 604: Mr. HINCHEY and Mr. SCHIFF.  
H.R. 655: Mrs. NAPOLITANO.  
H.R. 781: Mr. BOYD.  
H.R. 840: Ms. SCHAKOWSKY, Mr. KELLER, Mr. QUINN, Mr. BENTSEN, and Ms. BALDWIN.  
H.R. 848: Mr. JENKINS, and Ms. MCCARTHY of Missouri.  
H.R. 898: Mr. LUCAS of Kentucky and Mr. WAXMAN.  
H.R. 919: Mrs. MINK of Hawaii.  
H.R. 936: Mr. MANZULLO and Mr. ROTHMAN.  
H.R. 959: Ms. WATERS.  
H.R. 968: Mr. HERGER.  
H.R. 1086: Mrs. NAPOLITANO.  
H.R. 1092: Mr. OLVER.  
H.R. 1125: Mr. OWENS.  
H.R. 1143: Mr. BECERRA, Ms. JACKSON-LEE of Texas, and Ms. RIVERS.  
H.R. 1191: Ms. DELAULO and Mrs. NAPOLITANO.  
H.R. 1194: Ms. VELÁZQUEZ.  
H.R. 1198: Mr. GOODLATTE, Ms. KAPTUR, Mr. FORD, Mr. BENTSEN, and Mr. MILLER of Florida.  
H.R. 1343: Mr. LOBIONDO, Mr. DAVIS of Florida, Mr. CLEMENT, and Mrs. BONO.  
H.R. 1401: Mrs. CHRISTENSEN.  
H.R. 1440: Ms. ROS-LEHTINEN.  
H.R. 1450: Mr. SHAW.  
H.R. 1487: Mr. KNOLLENBERG.  
H.R. 1509: Mr. LAHOOD.  
H.R. 1522: Ms. BROWN of Florida.  
H.R. 1582: Mr. DAVIS of Illinois and Mrs. NAPOLITANO.  
H.R. 1594: Mr. STUPAK.  
H.R. 1609: Mr. WELDON of Pennsylvania and Mr. GEKAS.  
H.R. 1613: Mrs. CLAYTON.  
H.R. 1624: Mr. BARTON of Texas, Mr. KELLER, Mr. MATHESON, and Mr. GOODLATTE.  
H.R. 1645: Mr. CARSON of Oklahoma and Ms. LOFGREN.  
H.R. 1693: Mrs. NAPOLITANO.  
H.R. 1700: Mr. GEKAS.  
H.R. 1744: Mr. CUMMINGS and Mr. BLAGOJEVICH.  
H.R. 1764: Mr. REYNOLDS, Ms. MCCOLLUM, and Mr. ENGLISH.  
H.R. 1841: Mr. LATOURETTE, Mr. PETERSON of Minnesota, Mr. UNDERWOOD, Mr. MORAN of Virginia, Mr. EHRLICH, Mr. WALSH, Mr. DEUTSCH, Mr. EVANS, Mr. BAIRD, and Mr. TERRY.  
H.R. 1851: Mrs. NAPOLITANO.  
H.R. 1890: Mr. ARMEY, Mr. NORWOOD, Mr. BALLENGER, Mr. CANNON, and Mr. DEMINT.  
H.R. 1897: Mr. KUCINICH.  
H.R. 1911: Mr. PICKERING.  
H.R. 1918: Ms. HART, Mrs. MORELLA, Mr. KING, Mr. CROWLEY, Ms. LOFGREN, Mr. MATHESON, Mr. WEXLER, Mr. HINOJOSA, Mr.

REYES, Mr. BACA, Mr. GEORGE MILLER of California, Mr. FARR of California, Mr. FILLNER, Ms. WATERS, Ms. SOLIS, Mr. RUSH, Mr. ANDREWS, Mr. PASCRELL, Mr. OWENS, Mr. RODRIGUEZ, Mr. RANGEL, Mrs. NAPOLITANO, Mr. FRANK, Mr. ENGEL, and Mr. GONZALEZ.

H.R. 1964: Mrs. MINK of Hawaii, Ms. WOOLSEY, and Mr. FARR of California.

H.R. 1975: Mr. REHBERG.

H.R. 1979: Mr. STENHOLM.

H.R. 1990: Mrs. NAPOLITANO.

H.R. 1992: Mr. BURTON of Indiana, Mr. PAUL, Ms. HART, Mr. PLATTS, and Mr. PETRI.  
H.R. 2008: Mr. BONIOR and Mr. ROSS.

H.R. 2097: Mr. ENGEL Mr. KENNEDY of Rhode Island, and Mr. UDALL of New Mexico.  
H.R. 2117: Ms. DELAULO, Mr. PALLONE, and Mr. WAMP.

H.R. 2123: Mr. PICKERING.

H.R. 2181: Mr. SHERMAN, Mr. CONYERS, and Mr. SANDLIN.

H.R. 2208: Mr. HINCHEY.

H.R. 2219: Ms. HART.

H.R. 2220: Mr. MORAN of Kansas, Mr. KUCINICH, Mr. WOLF, Mr. LAHOOD, Mr. STUPAK, and Mr. GILCREST.

H.R. 2235: Mr. SOUDER, Mr. SHOWS, and Mr. SCHAFER.

H.R. 2269: Mr. CANNON, Mr. KELLER, Mr. BASS, Mr. JONES of North Carolina, and Mr. BURR of North Carolina.

H.R. 2293: Mr. VITTER and Mr. OTTER.

H.R. 2348: Mr. KUCINICH and Mr. ABERCROMBIE.

H.R. 2352: Mr. STUPAK.

H.R. 2354: Mr. CAMP and Ms. HOOLEY of Oregon.

H.R. 2357: Mr. TOOMEY, Mr. FLETCHER, Mr. TAYLOR of North Carolina, Mr. MANZULLO, Mr. YOUNG of Alaska, Mr. SHADEGG, and Mr. DOOLITTLE.

H.R. 2362: Mr. WALSH and Ms. MCKINNEY.

H.R. 2410: Mr. TANCREDO.

H.R. 2418: Mr. NORWOOD.

H.R. 2423: Mr. LEACH, Mr. LAHOOD, Mr. REHBERG, Mr. SHIMKUS, Mr. POMEROY, Mr. LATHAM, and Mr. NUSSLE.

H.R. 2457: Mr. PAUL, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, Mr. NORWOOD, Mr. SCHAFER, Mr. BONILLA, Mr. HAYES, and Mr. WALDEN of Oregon.

H.R. 2485: Mr. SESSIONS and Mr. WAMP.

H.R. 2546: Mr. GRAVES and Mr. KIRK.

H.R. 2561: Mr. HERGER.

H.R. 2623: Mr. BACA and Mr. STUPAK.

H.R. 2636: Ms. DELAULO.

H.R. 2663: Mr. LANTOS.

H.R. 2667: Mr. PICKERING.

H.R. 2675: Mr. STUPAK and Ms. MCCOLLUM.

H.R. 2690: Mr. WATT of North Carolina.

H.R. 2692: Mr. DOYLE and Ms. ROS-LEHTINEN.

H.R. 2709: Mr. GREENWOOD.

H.R. 2725: Ms. CARSON of Indiana, Mrs. CUBIN, Ms. DEGETTE, Mr. SWEENEY, Mrs. JOHNSON of Connecticut, Mrs. MINK of Hawaii, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRELINGHUYSEN, Ms. BALDWIN, Ms. KILPATRICK, Mrs. MEEK of Florida, Mrs. NAPOLITANO, Mrs. NORTHUP, Ms. SANCHEZ, Ms. WATERS, Mrs. WILSON, Mr. HOBSON, Mr. BOEHLERT, Mr. ENGEL, Ms. RIVERS, Mr. HOUGHTON, Mr. ISRAEL, Mr. QUINN, Mr. BACHUS, Mr. LAHOOD, Mr. OSE, and Mr. HONDA.

H.R. 2740: Mrs. JONES of Ohio, Mr. GREENWOOD, Mr. WAXMAN, Mr. GOODLATTE, and Mr. DOYLE.

H.R. 2787: Mrs. NAPOLITANO.

H.R. 2794: Mr. PRICE of North Carolina and Mr. CUNNINGHAM.

H.R. 2800: Mr. SCHAFER.

H.R. 2809: Mr. PAUL and Mr. CUMMINGS.

H.R. 2820: Mr. GREEN of Texas, Mr. MCGOVERN, Mr. WEINER, Mr. SANDERS, Mr. FOLEY, Mr. GOODE, Mr. GILLMOR, Mr. BRADY of Pennsylvania, Mr. WEXLER, Mr. OWENS, and Ms. MCKINNEY.

H.R. 2839: Ms. MCKINNEY, Ms. CARSON of Indiana, Mr. FILNER, Mr. MCGOVERN, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINCHEY, Mr. EVANS, and Ms. ROYBAL-ALLARD.

H.R. 2846: Mr. LAHOOD.

H.R. 2887: Mr. FRANK.

H.R. 2894: Mr. OSBORNE and Mr. CALVERT.

H.R. 2895: Mr. GONZALES, Mr. BARRETT, Mr. HOEFFEL, Mr. BLUMENAUER, and Mr. MOORE.

H.R. 2896: Mr. CULBERSON and Mr. HALL of Texas.

H.R. 2897: Mr. BACA, Mr. ACEVEDO-VILA, Mr. TOWNS, Mr. PASTOR, and Mr. ORTIZ.

H.R. 2899: Mr. KING.

H.R. 2900: Mr. FROST and Mr. WALSH.

H.R. 2902: Mr. MORAN of Virginia and Mrs. NAPOLITANO.

H.R. 2906: Mr. GREENWOOD.

H.R. 2907: Mr. HORN, Mr. BERMAN, Mr. BARTON of Texas, Mr. COMBEST, Mr. MALONEY of Connecticut, Mr. RUSH, Mr. NADLER, Mr. BOUCHER, Mr. JACKSON of Illinois, Mr. POMEROY, Mr. LANGEVIN, Mr. RODRIGUEZ, Mr. RANGEL, Mr. MOORE, Mr. PAYNE, Mr. DOOLEY of California, Mr. NORWOOD, Mr. BALDACCI, and Mrs. MEEK of Florida.

H.R. 2908: Ms. HOOLEY of Oregon.

H.R. 2932: Mrs. THURMAN, Mr. HOEFFEL, Mr. GREENWOOD, Mr. BARTLETT of Maryland, Mr. STEARNS, Mr. CASTLE, Mr. TOM DAVIS of Virginia, and Mr. GRAHAM.

H.R. 2940: Mr. HASTINGS of Florida, Mrs. NAPOLITANO, Ms. BALDWIN, Mrs. CAPPS, Ms. KAPTUR, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Ms. MILLENDER-MCDONALD, Mrs. BIGGERT, Ms. MCCARTHY of Missouri, and Mrs. MEEK of Florida.

H.R. 2946: Mr. FARR of California, Ms. HOOLEY of Oregon, Mr. DICKS, Mrs. MCCARTHY of New York, Mr. CLYBURN, Mr. RODRIGUEZ, Mr. WEXLER, Mr. JEFFERSON, Mr. ROSS, Mrs. MEEK of Florida, Ms. SCHAKOWSKY, Mr. BISHOP, Mr. WATT of North Carolina, Mr. CROWLEY, Mr. WYNN, Mr. PHELPS, Mr. LUCAS of Kentucky, Mrs. MALONEY of New York, Mr. GREEN of Texas, Ms. RIVERS, Mr. COSTELLO, Mrs. EMERSON, Mr. REYES, Mrs. CLAYTON, Ms. DUNN, Ms. MCCOLLUM, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Washington, Mr. FORD, Mr. MOORE, Mr. GONZALEZ, Ms. DEGETTE, Mr. BOUCHER, Mr. PALLONE, Mr. OBERSTAR, Mr. EVANS, Mr. SIMMONS, Mrs. JONES of Ohio, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. LAFALCE, Mr. TRAFICANT, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. ENGEL, Mr. DEUTSCH, and Mr. UNDERWOOD.

H. Con. Res. 102: Mr. PASTOR.

H. Con. Res. 104: Mr. DEUTSCH, Mrs. MALONEY of New York, Mr. UNDERWOOD, and Mr. SCHROCK.

H. Con. Res. 182: Mr. FROST, Mr. OWENS, Mr. KLECZKA, and Ms. NORTON.

H. Con. Res. 184: Mr. SESSIONS, Mr. WELDON of Florida, Mr. BRYANT, Mr. TIBERI, Mr. SAM JOHNSON of Texas, Mr. HYDE, Mr. CALLAHAN, and Mr. HERGER.

H. Con. Res. 188: Mr. SCHAFFER.

H. Con. Res. 199: Mrs. MINK of Hawaii.

H. Con. Res. 202: Mr. SAXTON, Mr. OWENS, and Mr. DOYLE.

H. Con. Res. 232: Mr. COBLE, Mr. JONES of North Carolina, Mr. BERMAN, Mrs. MINK of Hawaii, Mrs. TAUSCHER, Mr. JOHNSON of Illinois, Mr. EVERETT, Mr. STENHOLM, Mr. PUTNAM, Mrs. MORELLA, Mr. CASTLE, Mr. TERRY, Mr. WHITFIELD, Mr. GILLMOR, and Mr. HORN.

H. Con. Res. 233: Mr. TURNER, Mr. KIRK, Mr. LANTOS, Mr. MANZULLO, and Mr. OTTER.

H. Con. Res. 234: Ms. HART, Mr. SANDERS, Mr. MURTHA, Mr. DINGELL, and Mr. NEY.

H. Res. 50: Mr. OWENS.

H. Res. 52: Mrs. MYRICK and Mr. FALEOMAVAEGA.

H. Res. 133: Mr. PETERSON of Minnesota, Mr. COSTELLO, and Ms. LEE.

H. Res. 198: Ms. CARSON of Indiana.

H. Res. 226: Ms. PRYCE of Ohio and Mr. WYNN.

## EXTENSIONS OF REMARKS

EXPRESSING SENSE OF CONGRESS  
REGARDING ESTABLISHMENT OF  
NATIONAL CHARACTER COUNTS  
WEEK

SPEECH OF

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mrs. MORELLA. Mr. Speaker, I rise today in support of establishing a National Character Counts week. Developing strong character in our children today ensures the foundation of our Nation for the future.

Today's youth experience events that were unimaginable 40 or 50 years ago. Public scandals, violence by and against youth, and now for the first time in their lives they have seen a hatred for the character of our Nation. This exposure to negative influences threaten their physical and psychological well-being. Recognizing the importance of strength of character through this legislation can help us combat these negative influences.

I support funding character education and I am pleased that the reauthorization of the Elementary and Secondary Education Act included language authorizing the Secretary of Education to make grants for the design and implementation of character education programs. Our youth deserve our support for developing the strength of character necessary to maintain a strong nation.

Maryland has been a shining example of the benefits character education programs bring to schools. Three Maryland schools have been recognized as National Schools of Character under the Character Education Partnership. In fact, these schools reduced the number of discipline referrals and suspensions, within a caring learning environment. Also, as a result of the program, student test scores and parent involvement in student education increased.

Character education programs help students identify and develop character traits that prepare them for life. Through trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty, our children can possess the tools for leadership. In addition, the programs recognize that character development does not necessarily begin at school, but rather at home with parents and family.

It is the responsibility of all adults to demonstrate good character traits to our young people. This includes faith communities, schools, and youth, civic, and human service organizations. All of us are responsible for the character and conduct of our young people because each of us reflects the values of our society.

Therefore, I urge all Members to support this legislation and encourage schools around

the Nation to participate in character education programs, and our young people to become responsible citizens for today and tomorrow.

AIR TRANSPORTATION SAFETY  
AND SYSTEM STABILIZATION ACT

SPEECH OF

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. SMITH of Washington. Mr. Speaker, it is with great disappointment that I vote against this legislation before us tonight.

The tragic events of September 11, 2001, have shocked and saddened all of us. In the weeks, months, and even years ahead, they will challenge us to fight for our freedoms and our values, and to figure out precisely how best to do that. As a Member of the U.S. Congress, representing not just the 650,000 people of my district, but the Nation as a whole, I want to do my part to decide what action must be taken and to constantly work with the people I represent so that their views and concerns can be heard, and so that I can keep them informed of the actions our Nation is taking and plans to take.

Last week, I voted to authorize necessary and appropriate force in response to the attacks, and I voted for \$40 billion in emergency funding to assist the victims and fund the investigation. I looked forward to supporting a package that would keep America's economy strong, by providing assistance to the American airline industry, helping our workers, and improving safety so that Americans feel confident in our skies again.

I looked forward to doing all of this in a bipartisan way. I know there are many differences of opinion in this body, even in times of great national emergency, regarding corporate liability, job training, federal control of aviation security, and other critically important issues, but I hoped that both sides would be able to give a little and compromise so that we could quickly put forth a package that would help heal the economic wounds that have been inflicted since September 11.

The leadership of both parties in both the House and the Senate and their staffs have worked tirelessly to put together a package that could garner bipartisan support and address all of these issues I've outlined, and I appreciate that. However, I don't believe this package in front of us tonight is nearly well-balanced enough because it doesn't address the worker concerns or safety concerns. I am opposing it because I think we need to go back to the drawing board and fix it. If it takes until tomorrow, or Monday, or Tuesday, we need to get this right.

This legislation provides \$5 billion in direct aid to the airlines, \$10 billion in loan guarantees to airlines, government aid with insurance for airlines, and caps the airlines' financial liability. I support all of these provisions.

However, I believe it would be irresponsible not to also address safety issues and employee issues. After all, we cannot have a strong and vibrant airline industry in this country without people who want to fly, and that will require both people who have money in their pockets to buy airline tickets, and a dramatic improvement in consumer confidence that will only come with real safety improvements.

This legislation will cost over \$15 billion. I find it unbelievable that we could not find one dollar to cushion the blow for the workers who will be affected—by latest estimates, approximately 100,000 workers will be laid off as a direct result of the attacks on September 11. Bolstering the airline industry so that we can minimize these layoffs is imperative, but the sad truth is, even this \$15 billion will not save very many of the jobs lost due to the terrorist attacks. Many workers in my district, who work at Boeing's 737 plant in Renton, fear a layoff notice as early as next month. I'm sure the thousands of Alaska Airlines and SeaTac Airport employees in my district are worried too. I have faith that the industry and the economy will recover, but that won't help with these workers' mortgage, electric bill, or car payment.

Right now, if a group of workers can prove that their job was lost due to trade, they are eligible for a series of benefits including job training and income support. Why can't we extend the same benefits for the thousands of workers who will lose their jobs and have trouble finding a new one right away? Can't we send just a few dollars to the men and women who will no longer fly the planes, sell the tickets, load the bags, attend to the passengers, or build the planes?

Before he passed away, my father was one of those men. He worked for thirty years as a ramp serviceman for United Airlines at SeaTac Airport, so I know firsthand how important these jobs are to Americans, and I can't imagine what my father would have said if, after this attack, Congress had passed a relief package that gave \$15 billion to the airline industry and not a dollar for the thousands of workers who will be impacted within the next weeks.

Let me just say a few words about safety and security issues. I strongly support the U.S. airline industry, and I believe that we should, at this critical moment in history, stand behind them. However, I think we have to fairly and reasonably examine the events of September 11. Our current airport security system allowed four U.S. planes to be hijacked by men with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

knives, some of whom were on the terrorist watch list. It's safe to say that the airport security system failed us.

If we are passing legislation to improve the condition of the airline industry, shouldn't we also address this issue? Perhaps airport security should truly be a security issue, not merely a business issue that, until last week, was mostly considered in terms of a company's bottom line. Don't get me wrong—the bottom line is important to our capitalist economy, but I have come to the conclusion that airport security should not be subject to those concerns. There are many interesting ideas out there for how to improve it, but I believe first and foremost we need to make airport security a responsibility of the Federal Government: perhaps under the Department of Transportation, or the Coast Guard.

In conclusion, I want to again express my disappointment at having to oppose this bill. I sincerely hope that the President, Senate leaders, and House leaders will work to address these important concerns before a package is signed into law.

#### AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT

SPEECH OF

**HON. C.L. "BUTCH" OTTER**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Mr. OTTER. Mr. Speaker, I rise today to share with my colleagues and constituents my reasons for voting against H.R. 2926, the Air Transportation Safety and Stabilization Act. I believe it is important for every member to make known their thinking behind such an important vote.

The terrorist attacks on Sep. 11 devastated the American aviation industry. Hundreds of passengers, dozens of airline employees and thousands of innocent people on the ground died in the fiery crashes of the four airliners. America's commercial airlines were grounded for 3 days. Most of general aviation was grounded for more than a week, and some components of the general aviation industry remain grounded today. Insurers of aviation airlines are canceling their policies, and banks are refusing to extend loans to keep the system intact. Under these circumstances some form of assistance to the airline industry is essential for our economy and national security.

H.R. 2926, however, is the wrong form of relief. What should have been immediate relief from the effects of the attacks has become a golden parachute for the aviation industry, indemnifying many airlines from the effects of calamitous business decisions made long before Sep. 11. In a time of tragedy for our nation and the world this Congress has failed to closely examine this bill.

The airline industry takes in at most \$400 million a day. With a grounding of 3 days, and the continued closure of Reagan National Airport, the direct losses to the industry by government action can be calculated at roughly

\$2 billion. This act makes available cash in the amount of \$4.5 billion for the passenger airlines, more than twice the direct losses of the airlines. Furthermore, this cash will be apportioned among the airlines, not according to how much revenue they lost because of the attacks, but how much capacity they had. This preference for available seat miles over revenue passenger miles can only benefit those carriers whose own bad business decisions before September 11 had left them with too much capacity and too little sales.

H.R. 2926 supposedly contained extra funding for security. The \$3 billion authorized for security measures, however, has already been appropriated by Congress from the \$40 billion emergency spending package, which I supported. To claim that this bill had any new funding for security is simply not true. Without needed security improvements it is impossible to see how airline traffic can return to normal levels. The bailout legislation should have waited for a security package in order to comprehensively deal with this situation.

H.R. 2926 would have been constitutional if it had been drafted as a focused bill to keep our airlines flying in the wake of the devastating attacks on our country. The creation of an entitlement fund, the overcompensation of the airlines, rewards for inefficient carriers, and lack of new funding for airline security all combined to make this a deeply flawed bill. For all of these reasons and more I voted against H.R. 2926 and urged my colleagues to do the same.

#### HONORING SERGEANT DANIEL P. O'SHEA

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. McINNIS. Mr. Speaker, to place your life in the line of duty day in and day out for the sake of others is an honorable and noble task, yet that is exactly what police officers do regularly. I would like to take the opportunity to recognize Sergeant Daniel P. O'Shea for his outstanding service to his community as a member of the Denver Police Department.

Sergeant Daniel P. O'Shea has been named one of America's finest at the upcoming TOP COPS Awards ceremony. Officer O'Shea is one of only twenty officers to be honored at the ceremony. I'm proud to know that the State of Colorado is so well represented with Sergeant O'Shea being named in the top echelon of police officers across our entire nation.

Mr. Speaker, Sergeant Daniel P. O'Shea has acted with great professionalism in all that he has done. His top priority is the safety and protection of the people in his community. It is my pleasure to acknowledge Sergeant O'Shea's accomplishments. He is a role model for all Colorado law officers and I wish him the warmest regards and best wishes in his continued service to his community.

#### TO HONOR MR. RICHARD FIMBRES AS A RECIPIENT OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize a special individual who was honored for his leadership qualities and service to his community. On September 5th, Mr. Richard G. Fimbres was honored by his peers at the Annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its twelfth year of honoring worthy individuals.

Honored in the category of Exemplary Leadership, Mr. Fimbres, of Tucson, Arizona, was recognized for his work as a community leader. He serves as a board member of Pima Community College, which helped to raise funds for the Hispanic Student Endowment Fund, create the Amigos de Pima, and partnered with the League of United Latin American Citizens (LULAC) to create and fund a year-round program to assist young students with their reading skills. He is dedicated to various organizations such as LULAC, the Metropolitan Education Commission, the Knights of Columbus, and the Tucson Pima Arts Council. He also devotes his time to serving on the State's Behavioral Health Planning Council, Arizona Supreme Courts Juvenile Detention Advisory Committee and the University of Arizona's Diversity Action Council.

Mr. Fimbres' standing as a community leader is evident by his commitment to these organizations and countless hours of volunteer work throughout the community. Mr. Speaker, I ask you to join me in recognizing this outstanding citizen and community leader for his fine work and dedication.

#### SPEECH BY U.N. SECRETARY GENERAL KOFI ANNAN

**HON. JOHN M. SPRATT, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SPRATT. Mr. Speaker, as the Congress continues to move forward following the horrific and tragic events of September 11, 2001, I would like to insert for the RECORD a recent and I think timely speech given by United Nations Secretary General Kofi Annan.

Mr. Annan's speech is about the contributions and vision of former U.N. Secretary-General Dag Hammarskjöld. While the speech was given on September 6th, five days before the attacks, I believe it provides for interesting reading as we examine our notions of international security and multi-lateral cooperation.

DAG HAMMARSKJÖLD AND THE 21ST CENTURY  
(By Kofi Annan)

As Secretary-General of the United Nations, I have to give many speeches, and even quite a few lectures. But I can think of no invitation to speak that is a greater honour, or a greater challenge, than this one.

It will not surprise you to hear that Dag Hammarskjöld is a figure of great importance for me—as he must be for any Secretary-General. His life and his death, his words and his action, have done more to shape public expectations of the office, and indeed of the Organisation, than those of any other man or woman in its history.

His wisdom and his modesty, his unimpeachable integrity and single-minded devotion to duty, have set a standard for all servants of the international community—and especially, of course for his successors—which is simply impossible to live up to. There can be no better rule of thumb for a Secretary-General, as he approaches each new challenge or crisis, than to ask himself, “how would Hammarskjöld have handled this?”

If that is true for any Secretary-General, how much more so for one of my generation, who came of age during the years when Hammarskjöld personified the United Nations, and began my own career in the UN system within a year of his death.

And how much more true, also, for one who has the special relationship that I do with this, his home country!

So you see, it is quite a solemn thing for me to give this lecture, especially so close to the 40th anniversary of Hammarskjöld's death. And I feel all the more solemn about it coming here, as I do, directly from the part of Africa where he met that death—and where, 40 years later, the United Nations is again struggling to help restore unity and peace to the Democratic Republic of Congo.

I can tell you that the Congolese have never forgotten Dag Hammarskjöld. Four days ago, during my visit to the Congo, I met with representatives of the parties involved in the Inter-Congolese Dialogue. Their spokesman began the meeting by telling me how much they appreciated the late Secretary-General's dedication, and the fact that he gave his life for peace in their country. And he asked us to pay tribute to Hammarskjöld's memory by observing a minute of silence. I found it very moving that people could feel like that about him after 40 years.

In Zambia, too—which, as you know, was where he actually died—Hammarskjöld's death is commemorated annually. The Zambian government, together with your own and with the United Nations system, has launched a “living memorial”, which includes a programme to educate young Africans as “messengers of peace”, as well as a Centre for Peace, Good Governance and Human Rights. There could be no better way to commemorate him than by promoting these ideals, which he held so dear.

If Dag Hammarskjöld were to walk through that door now, and ask me what are the main problems the United Nations is dealing with today, I could easily answer in a way that would make him think nothing much had changed.

I could talk to him not only about the Congo, but about the Middle East, or Cyprus, or the relations between India and Pakistan, and it would all seem very familiar.

But I could also tell him things that he would find very unfamiliar—though some would surprise him less than others, and some would gratify him more than others.

He would probably be relieved, but not surprised, to hear that China is now represented at the United Nations by the government that actually governs the vast majority of Chinese people.

It would surprise him much more to learn that the Soviet Union no longer exists. But he could only be pleased to find that there is no longer an unbridgeable ideological difference between the permanent members of the Security Council.

He might be struck by the number of conflicts the United Nations is dealing with today that are within, rather than between, States—though the experience of the Congo would have prepared him for this—and also by the number of regional organisations that have developed as partners for the UN in different parts of the world.

I feel sure, in any case, that he would be pleased to see the way United Nations peace-keeping has developed, from the model that he and Lester Pearson so brilliantly improvised in 1956 to something much more diverse and complex, which is often more accurately described as “peace building”.

And I imagine he would be equally impressed by the wide range of issues that the United Nations is now called upon to face outside the traditional security arena—from climate change to HIV/AIDS.

He would be gratified, and perhaps not all that surprised, to hear that human rights and democracy are now generally accepted as world norms—though he might well be distressed to see how far, in many countries, the practice still falls short of the rhetoric.

He would definitely be distressed to learn that, within the last decade, genocide had again disfigured the face of humanity—and that well over a billion people today are living in extreme poverty. I think he would see preventing the recurrence of the former, and putting an end to the latter, as the most urgent tasks confronting us in this new century.

He would no doubt be impressed by the speed and intensity of modern communications, and momentarily confused by talk of faxes and sat-phones—let alone e-mails and the Internet. But I'm sure he would be quick to grasp the advantages and disadvantages of all these innovations, both for civilisation as a whole and for the conduct of diplomacy in particular.

What is clear is that his core ideas remain highly relevant in this new international context. The challenge for us is to see how they can be adapted to take account of it.

One idea which inspired all his words and actions as Secretary-General was his belief that the United Nations had to be a “dynamic instrument”, through which its Members would collectively “develop forms of executive action”.

During his time in office he became increasingly sensitive to the fact that some Member States did not share this vision, but regarded the United Nations as only “a static conference machinery for resolving conflicts of interests and ideologies with a view to peaceful coexistence”.

In the Introduction to his last Annual Report—a magisterial work, which reads almost as if he was consciously writing his political testament—Hammarskjöld argued

that those who regarded the Organization in this way were not paying adequate attention to certain essential principles of the Charter.

He showed that the Charter clearly implies the existence of “an international community, for which the Organization is an instrument and an expression”. The overriding purpose of this community was to save succeeding generations from the scourge of war, and to do this it had to follow certain key principles.

These were:

First, “equal political rights”—which encompassed both the “sovereign equality” of all Member States, in Article 2 of the Charter, and “respect for human rights and fundamental freedoms”, in Article 1.

Second, “equal economic opportunities”—spelt out in Article 55 as the promotion of “higher standards of living, full employment, and conditions of economic and social progress and development”, as well as “solutions of international economic, social, health, and related problems”.

Third, “justice”—by which he meant that the international community must be “based on law . . . with a judicial procedure through which law and justice could be made to apply”.

And finally the prohibition of the use of armed force, “save in the common interest”.

These principles, Hammarskjöld argued, are incompatible with the idea of the United Nations as merely a conference or debating chamber—as indeed is the authority the Charter gives to its principal organs, and particularly to the Security Council, which clearly has both legislative and executive powers.

The context in which he put forward these arguments was, of course, the Cold War, and particularly the Soviet campaign against him during the Congo crisis of 1960–61.

That campaign is happily long past. But we still face, from time to time, attempts by Member States to reduce the United Nations to a “conference mechanism”.

Those attempts no longer come systematically from one particular ideological camp. Instead, they tend to vary according to the subject under discussion.

Broadly speaking, industrialised countries remain reluctant to see the United Nations act on Hammarskjöld's second principle—the promotion of “equal economic opportunities”. And the governments of some other countries are equally loath to see it actively promote “respect for, and observance of, human rights and fundamental freedoms for all”.

In both cases, I believe the Secretary-General has no choice. He has to follow in the footsteps of Hammarskjöld, upholding the right and duty of the United Nations to pursue the aims laid down for it by the Charter.

Of course there is always a need for negotiation and discussion on the appropriate forms of action. But the United Nations will fail in its duty to the world's peoples, who are the ultimate source of its authority, if it allows itself to be reduced to a mere “static conference”, whether on economic and social rights or on civil and political ones.

The same applies to Hammarskjöld's exalted view of the “international civil servant”, which he also pursued in that last annual report, and in a lecture given that same summer at Oxford University.

His argument here was that the people charged with carrying out the executive

functions of the United Nations could not be neutral in relation to the principles of the Charter. Nor could they be regarded, or allowed to regard themselves, as nominees or representatives of their own nations. They had to represent the international community as a whole.

Here too, Hammarskjöld based his argument on a very careful reading of the Charter itself—in this case Articles 100 and 101.

Article 100 forbids the Secretary-General or any of his staff either to seek or to receive instructions from States, and Article 101 prescribes “the highest standards of efficiency, competence, and integrity” as “the paramount consideration in the employment of the staff”.

Once again, Hammarskjöld was arguing in the context of the Cold War, in which first one side and then the other had tried to insist on the right to be represented, within the Secretariat, by people who were loyal to its political or ideological point of view.

Again, the context has changed, and I am glad to say that States today, while extremely keen to see their nationals appointed to senior positions, no longer seek—or at least, not in the same way—to exercise political control over them, once appointed.

But the principle of an independent international civil service, to which Hammarskjöld was so attached, remains as important as ever. Each successive Secretary-General must be vigilant in defending it, even if, on occasion, changing times require us to depart from the letter of his views, in order to preserve the spirit.

To give just one example: Hammarskjöld insisted that the bulk of United Nations staff should have permanent appointments and expect to spend their whole career with the Organisation.

That may have been appropriate in his time. It is less so now that the role of the United Nations has expanded, and more than half of our employees are serving in missions in the field. This is a development which Hammarskjöld would surely have welcomed, since it reflects a transition from the “static conference” model to the “dynamic instrument” model which he so strongly believed in.

But what is clear is that his ideal of the United Nations as an expression of the international community, whose staff carry out decisions taken by States collectively rather than bending to the will of any one of them, is just as relevant in our times as in his.

And that, of course, has very important implications for the role of the Secretary-General himself.

Hammarskjöld pointed out that Article 99 of the Charter—which allows the Secretary-General, on his own initiative, to bring matters to the Security Council’s attention when in his view they may threaten the maintenance of international peace and security—makes him clearly a political rather than a purely administrative official.

In practice, successive Secretaries-General, including Hammarskjöld, have invoked this article very sparingly. I myself have never yet found it necessary to do so. But the fact that the Secretary-General has this power crucially affects the way he is treated by the Security Council, and by the Member States in general.

Few people now question the responsibility of the Secretary-General to act politically, or to make public pronouncements on political issues.

In fact, the boot today is if anything on the other foot: I find myself called on to make official statements on almost everything that happens in the world, from royal marriages to the possibility of human cloning!

I do my best to satisfy this demand with due respect for the decisions of the Security Council and General Assembly. But those bodies would find it very strange if on each occasion I sought their approval before opening my mouth!

Their members can, and do, take exception to some of my statements—and thank goodness they do. There must be freedom of speech for governments, as well as for international officials! But they do not question my right to make such statements, according to my own understanding of the purposes and principles of the United Nations as set out in the Charter.

No doubt Dag Hammarskjöld would also disagree with some of the specific positions I have taken. But I suspect he would envy me the discretion I enjoy in deciding what to say. And I have no doubt he would strongly endorse the principle that the Secretary-General must strive to make himself an authentic and independent voice of the international community.

What he might not have foreseen is the way our concept of that community has developed in recent years. In his time it was essentially a community of separate nations or peoples, who for all practical purposes were represented by States.

So if we go back to the things about today’s world that we would have to explain to him, if he unexpectedly joined us now, probably the most difficult for him to adjust to would be the sheer complexity of a world in which individuals and groups of all kinds are constantly interacting—across frontiers and across oceans, economically, socially and culturally—without expecting or receiving any permission, let alone assistance, from their national governments.

He might well find it difficult to identify the precise role, in such a world, of a body like the United Nations, whose Charter presupposes the division of the world into sovereign and equal States, and in which the peoples of the world are represented essentially by their governments.

He might find that difficult—and if so, he would not be alone! But I am convinced he would relish the challenge. And I am sure he would not stray from his fundamental conviction that the essential task of the United Nations is to protect the weak against the strong.

In the long term, the vitality and viability of the Organization depend on its ability to perform that task, by adapting itself to changing realities. That, I believe, is the biggest test it faces in the new century.

How would Hammarskjöld approach that task?

First of all he would insist, quite correctly, that States are still the main holders of political authority in the world, and are likely to remain so. Indeed, the more democratic they become—the more genuinely representative of, and accountable to, their peoples—the greater also will be their political legitimacy. And therefore it is entirely proper, as well as inevitable, that they will remain the political masters of the United Nations.

He would also insist, I am sure, on the continuing responsibility of States to maintain

international order—and, indeed, on their collective responsibility, which their leaders solemnly recognised in last year’s Millennium Declaration, “to uphold the principles of human dignity, equality and equity at the global level”.

And he might well say that, with a few honourable exceptions, the more fortunate countries in this world are not living up to that responsibility, so long as they do not fulfill their longstanding commitments to much higher levels of development assistance, to much more generous debt relief, and to duty- and quota- free access for exports from the least developed countries.

But then he would also see that his own lifetime coincided, in most countries, with the high watermark of State control over the lives of citizens. And he would see that States today generally tax and spend a smaller proportion of their citizens’ wealth than they did 40 years ago.

From this he might well conclude that we should not rely exclusively on State action to achieve our objectives on the international level, either.

A great deal, he would think, is likely to depend on non-State actors in the system—private companies, voluntary agencies or pressure groups, philanthropic foundations, universities and think tanks, and, of course, creative individuals.

And that thought would surely feed into his reflection on the role of the United Nations.

Can it confine itself, in the 21st century, to the role of coordinating action by States? Or should it reach out further?

Is it not obliged, in order to fulfill the purposes of the Charter, to form partnerships with all these different actors? To listen to them, to guide them, and to urge them on?

Above all, to provide a framework of shared values and understanding, within which their free and voluntary efforts can interact, and reinforce each other, instead of getting in each other’s way?

Perhaps it is presumptuous of me to suggest that this would be part of Hammarskjöld’s vision of the role of the United Nations in the 21st century—because it is, of course, my own vision.

No doubt if he were alive today he would offer us something nobler and more profound.

But I like to think, Ladies and Gentlemen, that what I have just described would find some place in it.

Thank you very much.

HONORING MS. GARLAND MILLER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mrs. MORELLA. Mr. Speaker, I have a longstanding commitment to supporting women who venture out into the professional world. Today, I ask my colleagues to join me in recognizing and honoring a constituent, Ms. Garland Miller, as a woman who has had immense success in founding and running her own company.

Ms. Miller is the President of Schoolfield and Associates, a highly successful bookkeeping and association management firm in

September 25, 2001

my district. I would like to congratulate Ms. Miller, who is celebrating 25 years of business in Chevy Chase and Bethesda, Maryland. A graduate of the University of Maryland, Ms. Miller and her family have lived in my district for generations. She has over 100 clients, and employs several people. Thanks to leaders like Ms. Miller, women entrepreneurs have made great strides in the business world. She serves as a role model for other women in the business community. On behalf of my colleagues, I would like to wish Ms. Garland Miller many more successful years.

#### PERSONAL EXPLANATION

### HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BRYANT. Mr. Speaker, yesterday I was inadvertently delayed getting back to Washington from my district, and as a result missed Rollcall votes 349 and 350. Had I been present, I would have voted "yea" on both votes. As an original co-sponsor of H.R. 717, I regret being unable to cast a vote in favor of this important legislation that will have a positive effect on those children who suffer from Duchenne muscular dystrophy.

#### HONORING HUBERT TABOR FOR HIS DEDICATED SERVICE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. McINNIS. Mr. Speaker, to place your life in harms way in order to defend our Nation is indeed a noble and honorable action. Hubert Douglas Tabor dedicated himself by serving in World War II and is certainly worthy of the praise and admiration of this body. During the campaign in Northern Burma, Hubert placed his well-being before all else in order to ensure a victory for the Allies in that war-stricken area.

Hubert was raised on a farm in Colorado. Throughout his time there, he grew tired of horses and wished to escape from the farm life by signing up for the Army. However, after entering the Army, the Army recognized that Hubert possessed superior riding skills and was sent to Ft. Riley, Kansas to be a member of the 124th Cavalry. This unit was the last mounted cavalry in the Army and it was with the 124th that Hubert deservingly received his silver spurs due to his accomplishments in the service. Upon his relocation to Burma, his role was that of a packer.

The 124th Cavalry, teamed with the 56th Cavalry and the 613th Field Artillery Battalion, was charged with the duty of opening the Burma Road that was closed by the Japanese. As the team trekked across the Himalayan landscape, the Japanese enemy was encountered at night. Although Hubert had

#### EXTENSIONS OF REMARKS

several close calls during his service, perhaps none was as serious as one that occurred during this battle. Hubert and a fellow soldier were assigned the duty of attracting the attention of the Japanese to distract them while the rest of his team was able to penetrate the enemy's flank. His friend was killed in the line of duty while Hubert survived, but not without debilitating injuries.

Due to his bravery and courage, Mr. Speaker, Hubert Tabor was awarded the Purple Heart and Bronze Star. This battle was brutal, but Hubert offered his patriotism to our country and fought for its sake in Burma. I would like to take this moment to recognize the incredible sacrifices that Hubert made for our country and thank him for his service to our Flag. Hubert helped to make our country great and I extend my warmest regards and best wishes to Hubert for many years to come.

#### TO HONOR MS. ELVIRA ORTIZ AS A RECIPIENT OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

MR. PASTOR. Mr. Speaker, I rise before you today to recognize a special individual who was honored for her leadership qualities and service to her community. On September 5th, Ms. Elvira Ortiz was honored by her peers at the Annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its twelfth year of honoring worthy individuals.

Honored in the category of Exemplary Leadership, Ms. Ortiz, of Phoenix, Arizona, was recognized for her civic activism in raising awareness of the issues that Latinos face today. She has risen to her position as Publisher and Editor-in-Chief at Ashland Media from humble beginnings, immigrating to this country from Mexico nearly twenty years ago, and has played an active role in addressing many civic issues. She was the co-founder of Cambio Magazine, a magazine addressing Latino issues in Arizona, and continues to work with Alma de la Gente's Mexican Independence Day to replicate and promote the traditions and culture of Mexican-Americans.

Mr. Speaker, please join me in honoring Ms. Ortiz, who truly represents the determination of the new immigrant enriching this great country of ours with love and compassion for her family, community and profession.

17965

#### THE BROWNFIELDS REDEVELOPMENT ENHANCEMENT ACT OF 2001 (H.R. 2941)

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. GARY G. MILLER of California. Mr. Speaker, last Friday, I introduced the "Brownfields Redevelopment Enhancement Act of 2001 (H.R. 2941)."

I would like to thank my colleagues U.S. Representative MALONEY, Chairman MIKE OXLEY and Chairwoman MARGE ROUKEMA for joining me in supporting this important measure.

The biggest barrier that cities and communities face when trying to acquire and redevelop contaminated "Brownfields" properties is their lack of access to adequate and affordable capital to carry out critical activities including site assessment, remediation planning, cleanup and initial redevelopment activities.

This legislation is designed to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic development of Brownfields.

For nearly 25 years, HUD's Section 108 Loan Guarantee program has encouraged local economic development by giving cities access to the up-front financing needed for key site preparation and infrastructure projects that make an area ready for revitalization. This bill would, in essence, improve the ability of local governments to use HUD's Section 108 Loan Guarantee program and the Brownfields Economic Development Initiative (BEDI) program to address Brownfields projects by recognizing one of the new realities of the redevelopment process—that environmental evaluation and cleanup activities have become a necessary part of the process for reusing old, often abandoned sites, and that the public sector frequently must jump start that process.

This legislation will modify HUD's existing Section 108 Loan Guarantee program to make it a more flexible and usable tool for Brownfields projects and provide BEDI grant funding in a more flexible form.

First, it authorizes, for the first time ever, appropriations specifically for the BEDI program, to clarify through the conventional authorization and appropriation process that Brownfields redevelopment assistance is a congressional priority. The authorization of such sums as may be necessary is for fiscal years 2002–4. This 3-year authorization would result in need for authorization after 3 years and prompt a timely congressional re-examination of the need for such funding and funding levels.

Second, it establishes the BEDI program as an independent program by separating it from the requirement that local governments obtain Section 108 loan guarantees in order to obtain BEDI grant funding. While Congress has funded the BEDI program at a level of \$25 million annually since FY 1998, the program has existed solely as a line item in appropriations.

This "de-linking" of BEDI funding from the Section 108 program will help to improve its visibility as a key source of Federal funds to trigger Brownfields redevelopment activities. Additionally, it establishes the BEDI program as an independent program by separating it from the section 108 (q) economic development initiative program as a new section 123 of the Housing and Community Development Act of 1974.

Third, it increases the allowable guarantee limit for Section 108-backed loans used in conjunction with Brownfields activities—cities and states could access an additional five times their annual entitlement for Brownfields cleanup and redevelopment. This provision will provide smaller communities with the opportunity to assemble a capital pool of sufficient size to cover the costs of Brownfields site preparation. It also gives cities more practical options to pursue Brownfields reuse strategies—for example, to acquire and clean up sites themselves, and assemble them into tracts that best fit markets and uses they have identified. The increase in the allowable guarantee limit for section 108-backed loans for Brownfields activities applies only prospectively to obligations guaranteed after the date of the enactment of the legislation.

Fourth, it promotes Section 108 Loan Guarantee Brownfields activities by better addressing the developmental realities of this type of real estate development. This will be achieved by clearly identifying Brownfields redevelopment activities as eligible activities under the Section 108 program, thereby enabling the loan funds to be used for a wider range of activities that support Brownfields reuse. It also encourages communities to identify and coordinate other public and private funding sources for Brownfields projects by allowing them to count as leverage in terms of award criteria.

Fifth, it implements HUD's Community Empowerment Fund (CEF) Pilot program. The CEF Pilot is designed to use the Section 108 Loan Guarantee program in combination with the Economic Development Initiative (EDI) grant program. It is noteworthy that several years ago, HUD issued a Notice of Funding Availability (NOFA) and guidelines, but failed to implement the CEF Pilot program. The CEF Pilot is designed to mitigate or even eliminate the risk of loss to a community's CDBG program inherent in making business loans funded by the Section 108 Loan Guarantee program. The CEF Pilot combines modern private sector financial engineering with privatization of much of the administration of business loans. The EDI grants are to provide a pooled cash loan reserve to cushion against losses resulting from defaults on business loans funded through the Section 108 Loan Guarantee program and reducing the risk to the community's CDBG program.

Sixth, and finally, it directs HUD to undertake a comprehensive study of Brownfields redevelopment issues on a nationwide basis. While Brownfields redevelopment has become a critical community and economic development issue over the past five years, it seems that there has not been a thorough Federal ef-

fort to collect data and analyze key issues in a manner which would serve as the foundation for Legislative and Executive branch decision-making in this area.

Mr. Speaker, I urge my colleagues to support this legislation which will foster and promote the revitalization of American communities.

#### PERSONAL EXPLANATION

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. TANNER. Mr. Speaker, I would like for the RECORD to indicate that had I been present on Monday, September 24th I would have voted "yea" on both rollcall votes 349 and 350, the Duchenne Muscular Dystrophy bill and the continuing resolution. My plane was delayed as a result of inclement weather in the Washington, D.C. area.

#### PERSONAL EXPLANATION

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. WATTS of Oklahoma. Mr. Speaker, due to tornado warnings, my flight was diverted to Philadelphia, and I was unavoidably detained on September 24, 2001. As a result, I missed Recorded Votes #349 (H.R. 717, Duchenne Muscular Dystrophy Childhood Assistance, Research and Education Amendments of 2001), and #350 (H.J. Res. 65, Continuing Appropriations for FY2002).

I ask that the RECORD reflect that, had I been present, I would have voted "aye" on all of the above motions on September 24, 2001.

#### PAYING TRIBUTE TO WILLIAM ADAMS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor the bravery and military service of William Adams, a great American who currently resides in Montrose, Colorado. William Adams learned very important lessons about life and death when he was faced with the challenges of self-preservation and patriotism in the South Pacific during WWII.

At the young age of nineteen, William Adams, along with the rest of his advance landing unit of the 4th Marines landed on Saipan. There he struggled through one of the bloodiest campaigns his Division had seen and finally took control of the small island. By the end of the battle, 3,400 American soldiers

had lost their lives. William managed to survive several other battles including the invasions at Tarawa and Tinian. He finished his tours in the South Pacific having been wounded three times and being awarded the Purple Heart and the Bronze Star. William is a proud servant of his nation, exemplified by several accounts of bravery including putting his own life on the line to rescue a fellow soldier.

William is no longer the young man who landed the many shores of the Pacific Theater to defend freedom and liberty in the United States. Amidst all of the violence and death, William Adams returned to the United States although many of his friends did not. William now lives a peaceful life as a resident of Colorado but the sacrifices he made while serving our nation will never be forgotten. Mr. Adams fought selflessly for the ideals and protection of all Americans. He helped to ensure that our freedoms and way of life would live on. It is my pleasure to honor William Adams for the great sacrifices that he has made and assure him that his countrymen are grateful for his service.

#### SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT OF 2001

SPEECH OF

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 24, 2001*

Mrs. MORELLA. Mr. Speaker, I rise today in support of reauthorizing the Small Business Technology Transfer (STTR) Program. Continuing this program will encourage the development of small businesses and help strengthen our economy.

I have been a long time supporter of this program. It helps small businesses, including minority and women owned businesses, to participate in the research and development of new technologies. Various businesses in my district have benefitted from the STTR program as they work with the many research institutions and federal agencies located in the Washington region.

The STTR program has been successful since the launch of its pilot program in 1992. This success was recognized as funding for the pilot program was twice reauthorized in 1994 and 1996. Now, we can make this a permanent program and encourage participating agencies to implement outreach programs to small businesses and research institutions that will enhance the STTR program.

The STTR program has helped small businesses benefit the economy by encouraging technology innovations and job creation. This program has been credited for promoting collaborative efforts in research and development. Under this program, small businesses are exposed to the scientific knowledge available at our nation's research institutions. In addition, the STTR program helps move academic theories from research institutes to viable commercial use that benefit our nation and the world.

Furthermore, in a recent GAO report that examined 102 projects under the STTR program, companies and research institutions indicated that they felt both contributed significantly to the research and development of new technologies. Their collaborative effort contributed to the construction and testing of prototypes and in providing equipment and facilities. Most of these projects were successful. For those projects that were discontinued, companies indicated insufficient funding for further technical development as a basis for terminating their projects.

This piece of legislation, encourages the continued viability of the STTR program. The legislation increases the percentage of the extramural budget required to be expended by agencies participating in the program from 0.15 percent to 0.3 percent. The permanent nature of the program is acknowledged by striking the word 'pilot' as previously used to describe the program. Also, the amount a small business can receive under a Phase II award increases from \$500,000 to \$750,000, in line with the Phase II awards of the Small Business Innovative Research (SBIR) program.

In addition, the legislation requires participating Federal agencies to collect and maintain information. This will allow for a quick oversight of the program's progress. Also, the information would be kept in similar databases that agencies have already created to monitor the SBIR program.

By passing this legislation we will endorse a program that has been successful since 1992. The STTR program will ensure that the partnership between research institutions and small businesses, which adapts research technologies for commercial use, continues till at least 2008.

Therefore, I urge all members to support this legislation that encourages the development of small businesses and the continued cooperation between federal agencies and small businesses in the research and development of new technologies that benefit the nation.

GENE AUTRY DAY FESTIVAL IN  
TIOGA, TX

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. HALL of Texas. Mr. Speaker, I rise today to announce the first annual Gene Autry Day Festival this weekend, September 28 and 29, 2001, in Tioga, Texas, in the Fourth Congressional District. Tioga is Gene Autry's hometown, and I join all those in Tioga and Grayson County, as well as friends and admirers throughout the Nation, in celebrating the life of this legendary American.

Gene Autry was born on a ranch near Tioga, Texas, on September 29, 1907, to Delbert and Elnora Autry. Gene's grandfather, William T. Autry, was a Baptist preacher who taught Gene to sing when he was five years

old. At the age of twelve, Gene bought his first guitar from a Sears and Roebuck catalog for eight dollars. In his autobiography, *Back in the Saddle Again*, Gene noted that by his fifteenth birthday he was comfortable singing and performing before audiences at school and around his hometown.

At a young age, Gene began working as a telegraph operator at the old Tioga railroad depot, where he reportedly sang and played for local townsfolk and passengers on the railroad. By the late 1920s, Gene was working as a telegrapher for the railroad in Oklahoma. While singing and playing in the office one night, Gene was discovered by the great cowboy humorist, Will Rogers, who recommended that he try performing on the radio. And thus began a career that would span more than 60 years in the entertainment industry and that would bring fame and fortune to this young man from Tioga, Texas.

Gene Autry was successful in radio, recordings, motion pictures, television, rodeo, and live performances. He is the only entertainer to have five stars on Hollywood's Walk of Fame—one each for radio, records, film, television, and live theatrical performance, including rodeo. Gene appeared in 94 feature films and made 635 recordings, over 300 of which he wrote or co-wrote. Some of his best known movies are based on his hit records, including *South of the Border* and *Back in the Saddle*. He sold over 60 million records, including more than a dozen gold records and two platinum records, *Here Comes Santa Claus* and *Peter Cottontail*. Another record, *Rudolph the Red-Nosed Reindeer*, remains the second best selling single of all time, with sales totaling more than 30 million. From 1950 to 1955 Gene produced and starred in *The Gene Autry Show* and produced other popular television series as well.

In addition to his success in the entertainment industry, Gene was successful pursuing another passion—a love of baseball. In 1961 he purchased the American League's California Angels (now the Anaheim Angels) and held the title of Vice President of the American League until his death in 1998.

Gene Autry was always proud of his hometown, Tioga, and he would have been honored by this Festival and by the efforts of local citizens in memory of him. Proceeds from activities associated with the Gene Autry Day Festival will be used to build a Tioga Heritage Museum, featuring Gene Autry, and to benefit Boys & Girls Clubs through United Way of Grayson County. Mr. Speaker, I want to commend the citizens of Tioga for planning this tribute to their hometown hero and to a legendary American whose contributions to our culture will long be remembered and appreciated—the late, great Gene Autry.

## CHILLING INDICATORS OF THE TERRORIST ATTACK

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. STEARNS. Mr. Speaker, in the events that have followed the tragic attack on our Nation, we have seen a flurry of activity in both responding to the attack, and attempting to uncover the network, financing, and planning behind the attack. Though I believe our law enforcement and intelligence agencies understand and are closing the apparent gaps that may have aided the terrorist's ability to launch the attack on September 11, there is a recent piece in the September 21 edition of *Washington Times* that gave me pause.

The *Inside the Beltway* column titled "Signs in Cyberspace" alleged that indications of the impending attack might have existed in certain registered domain names, recently expired, on the Internet. Some of the domain names quoted in the article were:

[worldtradetowerattack.com](http://worldtradetowerattack.com);

[nycterroriststrike.com](http://nycterroriststrike.com);

[pearlharborinmanhattan.com](http://pearlharborinmanhattan.com); and

[terroristattack2001](http://terroristattack2001).

It is indeed chilling that no one appears to have taken notice until it was too late. Mr. Speaker, I am hopeful that our federal agencies, along with Congress, continue to take a hard look at where our intelligence system failed and make the difficult and necessary decisions.

## PERSONAL EXPLANATION

**HON. JIM DeMINT**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. DeMINT. Mr. Speaker, on September 24, 2001, I missed rollcall vote No. 349 and rollcall vote No. 350 due to a delay in my flight. Had I been present, I would have voted "yes" on H.R. 717 and "yes" on H.J. Res. 65.

## IN RECOGNITION OF SISTER JOAN MCKEE FOR HER 50 YEARS OF SERVICE TO THE SISTERS OF CHARITY

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Sister Joan McKee, who, on Sunday, September 30, 2001, will be honored at a special ceremony for her 50 years of service to the Sisters of Charity organization. The Sisters of Charity organization assists in ensuring adequate access to quality social services and educational opportunities for the poor and disadvantaged. The ceremony honoring Sister

McKee will take place at Saint Joseph's Church in Jersey City, New Jersey.

A native of Jersey City, New Jersey, Sister McKee is a graduate of St. Mary's Elementary School and St. Dominic's Academy.

Throughout her career, she has demonstrated a remarkable ability to assist those in need. As a schoolteacher and school administrator for 50 years, she has instructed and counseled thousands of poor and underprivileged students in the Jersey City school system. Countless school children throughout Jersey City have prospered and excelled academically under Sister McKee's guidance and supervision.

Later this year, Sister McKee will officially retire as Principal of Saint Joseph's Elementary School in Jersey City. During her years as Principal of Saint Joseph's, she has implemented and coordinated several education initiatives that have fostered and enhanced the intellectual and learning capabilities of Jersey City students. Sister McKee's 22 years as Principal of Saint Joseph's ranks as one of the longest tenures for a school administrator in Hudson County history.

Outside of her teaching and administration obligations, Sister McKee has served as an essential contributor to the viability and successes of the Jersey City community. She has actively participated in programs dedicated to assisting disadvantaged women get back on their feet. In addition, she has donated her time to projects dedicated to providing quality social services to the needy.

Today, I ask my colleagues to join me in honoring Sister Joan McKee for her tireless work on behalf of the community of Jersey City, New Jersey.

#### VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

#### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

I am asking that these statements be printed in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

#### REGARDING NAPSTER

(By Hydie Buchanan)

I am here today to talk about whether it is right to shut down Napster over the record companies' feeling it infringes on the copyrights of artists.

This case first started in April 1999 when the recording industry brought a lawsuit against Napster, saying that Napster violated copyrighted material. Since then, just

recently, district courts ruled that Napster has to put blocks on copyrighted material, which Napster has complied with.

However, although it is against Napster's file-sharing rules to change file names to get around the copyrighted blocks, people change a song, they add letters or numbers to the file name, and therefore it can pass the block. And although Napster says that they will warn people and then kick them off the Napster community, there is over 500,000 users, so it is kind of hard to keep track of them all.

It's not that many artists are intimidated by Napster. Many artists actually support Napster. It is the recording industry that thinks they are losing profits, when, in all reality, profits were up in 1999 because of Napster.

I have a few quotes to share about artists who support Napster. Dave Matthews Band, in July 2000, said: "There are a lot of bigger problems in the world than whether Napster succeeds or fails. I don't think there is a malice coming out of Napster. We allowed people to tape our concerts from the beginning, and the record company questioned us about allowing that."

My thinking was that it only makes people want to buy more, and increases the devotion of people who are really going to listen to us." Which, in this case, shows that he supports Napster because it promotes the music, not takes away profits, but actually increases them.

Another quote: "We're not afraid of the Internet. We think it is a very cool way to reach our fans. If a band sells 12 million albums, what are we supposed to say? 'Oh, maybe we could have sold 13 million if we had just been Internet Nazis.'"

At a certain point you have to say, Let the people have the music."

Dexter Holland, from Offspring: "Many of the bands that support Napster are maybe not the manufactured bands created as boy bands, the popular music of today." A lot of people think that Napster doesn't infringe on copyrights. And it really doesn't. Napster does not copy the MP3s. The people that are on Napster, they're the ones that create the MP3s, either from the program that they downloaded off the Internet or burning the—ripping the CD onto their hard drive. So, really, it's not Napster. They just created a community where people can swap everything, and that is not necessarily so wrong.

A lot of people that use Napster use it as a way to find out more about an artist. Like, say they hear one song on the radio and they want to hear more about the band before they go out and buy the CD. So that's actually helping the profits. So, really, the recording industry, they shouldn't stop people from doing that, because it is promoting the music.

Also, Napster is not the only company of its sort. There are many other file-sharing companies out there, such as Scour or Livewire, that also have the same sort of system with filesharing. It is also the same thing as, say, burning a CD for your friend, or recording a tape of songs off the radio. It is all the same thing. And, sure, they said that recording CDs and tapes is illegal, but never really did anything about it.

In order to shut Napster down, I think you would have to stop selling the recordable CDs and recordable tapes, because it is all the same thing. And you would also have to

go out onto the Internet and search for every site like Napster in order to shut them all down, because shutting one down out of thousands isn't really fair.

#### REGARDING ABENAKI AND NATIVE AMERICAN ISSUES

(By Fellicia Gagne)

I am here today to talk about the lack of academic success among minorities, specifically Abenakis. Basically what I'm going to be talking about is from last year's Vermont Framework of Standards, which all schools are supposed to take, show that 19 percent of tenth grade Native Americans met the reading and knowledge interpretation. This means that 81 percent can't read a one- to two-paragraph passage and understand and interpret what they have read.

In mathematical skills, the test shows that American Indians fall 52 percent below standards. Only 14 percent meet the standards, which is really low. The difficulty is with fractions, multiplying, et cetera. What that means is they have difficulty with basics, rather than what normal students would be able to do.

Continuing, I would like to talk about why this is happening. Abenakis are a majority of my school, and like over 50 percent fall below standards. And I don't see why that should be happening. If Abenakis aren't meeting standards now, then how do they expect to go to college, get a degree, and have a good life? That means that my people, Abenakis, would be lower in poverty, wouldn't be able to support their families, and it is just going to keep happening over and over and over again.

This has been happening for years and years, and I feel that it should have been changed long ago. What are the reasons that this is happening? Racism, maybe. It has been in society and schools for years, and probably never will leave. Also, Eugenic Survey. This could also prove what had happened during the 1920s through the '40s.

A professor at UVM thought that he would improve Vermont. He thought that he could cleanse or change genetically inferior people. Because we were different, we had to go through a phase where you had to feel uncomfortable, you couldn't be proud of who you are or what you have been as an individual, and you lost a lot of your dignity, your pride.

And, in 1931, Vermont had a sterilization law, and it remained until 1973. The effects of the survey were loss of pride, dignity, and loss of heritage. Many students today that are Abenaki either don't know it or they don't know about their heritage, because it has been lost, because of the Eugenics Survey. If someone can't be proud of who they are or who they come from, then how do they expect to show pride in everything that they do?

Another reason why Abenakis lack the academics is because of courses in teaching at my school, students feel separated and intimidated at school. People are put in certain classes and special groups where they feel that they're not intermingled enough. They don't have the right people to be around them, where they will feel that they fit in with all these topics.

I would like to talk about how we can make things better. There will be core-plus classes next year, which means that our

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school is trying core-plus classes. Whether you are an honor student or an applied student, you are going to be in the same class. That could start issues with honor students being bored or people being rushed into things.

Mr. Barnett, a teacher at my school, he tries to teach reading and writing in all of his classes. He tries to help students improving the skills that they need in everyday life. And he is one of the many at my school that are trying to change. But I think you need the whole school to help make a difference, or it's not going to—it's not going to have an effect.

Another way that you could make things better is through volunteer work. My family and I help out at a learning center. It is the Abenaki Learning Center in Swanton. Four days a week, we help kids with homework, and we try and help them understand the basics of what they need for when they get into high school. We open kids to Native American arts and crafts, and we do cooking with them.

And I feel that, if you are Abenaki or if you are not, you should know a little about the background of the Abenakis, and try and pass it on to more people. Because, as the years go by, more and more people are forgetting, and they're losing everything.

I feel that these things will help the Abenakis, and even other races of our school. Like I said, you need everybody to work together, not just a few here and there.

I want to thank you for inviting me here to speak on a topic that concerns me greatly. And I think that one day the Abenakis will earn their pride back.

HONORING RON BORSKI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the efforts made by Mr. Ron Borski on behalf of all war veterans of the great State of Colorado. Mr. Borski single-handedly started a campaign to create a veterans memorial in Carbondale, Colorado. After fourteen months of maneuvering his way through the state legislature, he has succeeded in his mission.

A resolution was adopted by the state legislature on April 17, 2001 to rename the Highway 133 Bridge in Carbondale. On Memorial Day, it has become tradition that veterans throw a wreath from the bridge in remembrance of soldiers whose lives were lost in battle. This "Veterans Memorial Bridge," seems an appropriate tribute. Due to Mr. Borski's noble efforts there will be a formal dedication ceremony for the renaming of the bridge on November 11, 2001. A monument will also be dedicated at the Scenic Overlook off of Highway 82, which looks out to the bridge.

Mr. Speaker, this project was the vision of one man who worked tirelessly in the name of all veterans. He undertook this mission on his own and saw it through to the end. I would like to recognize Ron Borski for his commit-

## EXTENSIONS OF REMARKS

ment to such a worthwhile cause. The State of Colorado and veterans across the country appreciate Ron's contribution.

### CHILDREN'S VISION AWARENESS DAY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. MATSUI. Mr. Speaker, I rise today, in honor of Children's Vision Awareness Day. Vision Services Plan, which is headquartered in Sacramento, California, has joined forces with several non-profit organizations to develop the Sight for Students program. This charitable program is designed specifically to help children in need of vital eyecare services. I ask my colleagues to join me in support of Vision Services Plan and their tireless work and determination to bring proper vision care to our nation's underprivileged children.

Whereas, our children represent the future of this great nation and deserve every opportunity to succeed in the classroom, at play and in life in general;

Whereas according to the United States Center for Health Statistics, only 14 percent of children in the United States under the age of 6 receive an eye exam;

Whereas vision problems affect one in four school-age children, according to Prevent Blindness America;

Whereas untreated eye problems can affect learning ability, adjustment in school, athletic ability and self-esteem;

Whereas Vision Services Plan which has their headquarters in Sacramento, California has a Sight for Student's Program to help low-income, uninsured children obtain the proper vision care that they so greatly need;

Whereas the Sight for Students program covers the cost of an eye examination and glasses or medically necessary contact lenses as well as vision therapy and treatment.

Whereas numerous community agencies, such as America's Promise, Prevent Blindness America, Head Start, the Boys and Girls Clubs of America and Communities in School, have joined forces with Vision Services Plan to address this issue;

Whereas these many partners have come together to hold vision awareness events across the country on September 26, 2001, National Children's Vision Awareness Day.

Since 1997 Vision Services Plan and the Sight for Students program have provided free eye exams and eyewear to nearly 90,000 children across the nation who would not otherwise have access to these services. I applaud their efforts and I am proud to lend my support to this program.

17969

BILL BRACE HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long and dedicated record of public service of Bill Brace, who is retiring after 31 years of working for the people of Wilkes-Barre, Pennsylvania. He has served as city clerk for 29 years and for five of those years, he has also served as city administrator. He will be honored with a retirement dinner on Sept. 28.

Bill graduated from Kingston High School in 1962 and served in the Army from 1963 to 1966. He joined the City of Wilkes-Barre government as a city license clerk in 1970 and within two years, he had moved up to city clerk, the chief administrative officer for the City Council.

It is a testament to Bill's abilities that he has served under seven different mayors. It also speaks very well of him that in 1996, rather than lose Bill's services as city clerk because incoming Mayor Tom McGroarty wanted him to serve as city administrator, the City Council convinced Bill to serve in both positions. This dual role meant that Bill took on the added responsibility of serving as the chief administrative officer of a city government that employs 425 people.

Bill has also made time for extensive community involvement over the years, including his membership at Veterans of Foreign Wars Wilkes-Barre Post 6227, where he served as commander from 1973 to 1976. He is a past exalted ruler of Elks Wyoming Valley Lodge No. 109, where his fellow members recognized his contributions by naming him Elk of the Year in 1993. He is also founder and chairman of the board of governors of the Killer Bees Athletic Club, a life member of AMVETS Post 59 in Hanover Township, and a member of the North End Slovak Citizens Club, the St. Conrad's Society, and the St. David's Society. He has also served as a board member and officer of the Wilkes-Barre City Employees Credit Union for 30 years.

He has also participated in numerous professional organizations, including the International Institute of Municipal Clerks, the International Municipal Clerks' Advanced Education Academy, the Pennsylvania Local Government Secretaries Association, Pennsylvania League of Cities and Municipalities, National League of Cities and Wyoming Valley Municipal Managers Association.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long and dedicated service of Bill Brace to the people of Wilkes-Barre, and I wish him all the best.

17970

CRIMINAL ALIEN VISA DENIAL  
ACT OF 2001

**HON. CHRISTOPHER SHAYS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SHAYS. Mr. Speaker, today I am introducing the Criminal Alien Visa Denial Act of 2001 to ensure the State Department and Immigration and Naturalization Service (INS) have access to U.S. criminal databases before they let aliens into the country.

The State Department and INS currently lack the ability to access the FBI's National Criminal Information Center's Interstate Identification Index (NCIC-III) database. That means an alien can come into our country, commit a crime, leave, and get a reentry visa from our State Department or cross the border without being stopped.

There is evidence this has already happened. Between 1998 and 1999, serial killer Angel Maturino Resendiz, the "Texas Railroad Killer," a Mexican with a lengthy criminal record in the United States, was allowed to cross the border because the INS didn't know he had a record. And when he got here, he killed at least six people before his capture. And just last week, we heard unconfirmed reports one of the terrorist hijackers may have been allowed to cross the Canadian border even though he too had a criminal record in the United States.

Strengthening national security, particularly border security, against dispersed but deadly criminals and terrorists requires interagency cooperation and coordination on an unprecedented scale. Data matches between federal agencies today are often the product of good luck and the happenstance of personal relationships. The modern threat demands a more systematic collection and dissemination of the information needed to identify suspects or prevent known criminals from entering the United States.

The gap in data-sharing between Departments is no longer simply a matter of bureaucratic inertia, but a threat to national security.

In 1996, the FBI and State Department issued a joint report recommending the State Department receive limited access to the NCIC-III database so the State Department could better identify aliens with a criminal background in our country and prevent their entry. Nevertheless, for four years this report lay dormant while the Departments could not find a mutually agreeable way to institute their recommendations. The language in this bill should meet with the approval of both the Justice and State Departments.

Last year the House Committee on Government Reform's Subcommittee on National Security, Veterans Affairs, and International Relations, began a series of meetings and briefings to discuss data-sharing. On July 24th of this year, the Subcommittee held a hearing on Federal Interagency Data Sharing and National Security. That hearing taught us effective border security begins with our embassies, where U.S. visas are issued.

EXTENSIONS OF REMARKS

CELEBRATING THE 250TH ANNI-  
VERSARY OF CANE CREEK  
FRIENDS MEETING

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. COBLE. Mr. Speaker, on October 7, 2001, the Sixth District of North Carolina will be celebrating with Cane Creek Friends Meeting its 250th anniversary. The Cane Creek Friends Meeting opened its doors for worship for the first time in 1751, when George Washington was just 19 years old.

The Cane Creek Friends Meeting is a Quaker Church that opened to serve 30 families. These families desired a place to worship near to their homes. It was two women, Abigail Pike and Rachel Wright, with some others, who traveled some 200 miles to the governing body of the Friends in Perquimans, North Carolina, to secure permission for the establishment of the Cane Creek Meeting. As you may have realized, this all happened before our great country had a Constitution or even its first President. Cane Creek Friends Meeting has witnessed every event in our proud history.

During the first 13 years of the Meeting's existence, it was located on a parcel of land, which was a part of the original grant of John Stanfield. Since 1764, Cane Creek Friends Meeting has been located on a 26-acre site donated by William Marshall.

The Meeting's Sesquicentennial Committee, has planned and carried out several projects to celebrate this remarkable anniversary. Some of these projects include the publication of a pictorial history book, the design and stitching of a heritage quilt, and the construction of a memorial garden at the Meeting-house.

Cane Creek Friends Meeting places a strong emphasis and takes great pride in its belief regarding the equality of women. Over the years there have been several female ministers, beginning with Abigail Pike in 1751. Furthermore, the Meeting prides itself on the fact that it has conducted many educational programs for children in the area.

Through the years, Quakers have had a very important input into the development of this country. Many elected officials have been Quakers. Indeed, despite the fact that I am a Presbyterian, I went to school at Guilford College in North Carolina, which is a Quaker institution, so Quakers have affected my upbringing and education as well.

On behalf of the Sixth District of North Carolina, I would like to wish Cane Creek Friends Meeting our congratulations on reaching this historic and momentous anniversary. Only a very small number of organizations in this country can claim to have been operating for 250 years. It is a truly remarkable achievement.

*September 25, 2001*

HONORING THE FRIENDS OF THE  
OPERA OF MICHIGAN ON THE OC-  
CASION OF THE INAUGURAL  
OPERA PERFORMANCE AT THE  
FORD COMMUNITY AND PER-  
FORMING ARTS CENTER

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Friends of the Opera of Michigan as they celebrate the opening of the city of Dearborn's wonderful new Ford Community and Performing Arts Center. The Friends of the Opera will christen this impressive new facility with its first opera on September 22, 2001. A performance of Verdi's *Messa da Requiem* has been chosen for this inaugural event. An impressive cast of international artists directed by the Friends of the Opera's own Quinto Milito will showcase their talents to an appreciative audience in Dearborn.

Additionally, a statue of Verdi will be unveiled at the opening. Verdi stands as a monumental figure in Italian opera and his compositions are greatly admired by the large Italian-American population in Dearborn, the communities of Downriver and throughout metropolitan Detroit. We are blessed to have such a fine facility and such extraordinary talent available to us here in Dearborn.

I am pleased to extend my best wishes to the Friends of the Opera of Michigan and to the Ford Community and Performing Arts Center for many years of beautiful performances.

SERMON BY PASTOR CAROL  
CUSTEAD

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SHUSTER. Mr. Speaker, I rise today to bring this great chamber's attention to a sermon I recently heard at Zion Lutheran Church in Hollidaysburg, Pennsylvania. I fully believe that there is a message in the sermon for all of us to learn. There are many people across the United States of American who are continuing to deal with the effects of the recent deadly terrorist attack on the World Trade Center and the Pentagon. I believe this sermon may help those people deal with this tragedy.

THINGS TO KEEP IN MIND

(By Pastor Carol Custead)

The scene is etched in our minds. It entered over our television screens in the safety and comfort of our homes, schools, and places of work; and it left us feeling vulnerable and shaken. The scene seemed surreal: a beautiful blue September sky over Manhattan, those magnificent human-made towers of the World Trade Center gleaming in the sunshine, with a jet airliner in the background—and then, suddenly we realized that

that airplane was headed right for the towers at full speed. It struck with explosive force which ultimately toppled the tower with its thousands of innocent people in a cloud of dust on the floor of lower Manhattan. At first it looked like Hollywood's special effects at work on our screens. But soon the reality of this horrific scene sunk deeply into the American collective consciousness—indeed into the world's: America was under attack!

Those headlines Tuesday morning were so unbelievable. For those who lived through Pearl Harbor the headlines, and the feelings that accompanied them, brought back memories of December 7, 1941. For those younger who have never experienced an attack on our great and powerful nation, it left us feeling helpless, frightened and confused like never before.

What do we make of these things? So much has been said and written these past few days in an attempt to answer that question. I add my preacher's words in these short minutes to suggest a few spiritual things to keep in mind in the aftermath, and as we bravely face an uncertain future together.

First, God is still good. These terrible acts of terrorism are in no way a part of God's plan. They are not God's will. What we have seen in the acts is that radical evil exists. Let me quote a basic definition of evil, which I have found to be helpful. "Evil is anything that twists, blurs or destroys the goodness of God in His creation". I repeat: Evil is anything that twists, blurs or destroys the goodness of God in His creation. God is good, and God's good will is ultimately accomplished, but that does not mean that everything that happens in this world is God's will. Evil runs its course in opposition to God's will.

We can illustrate this in this way. Picture a stream running its course down the mountain and into the ocean. Someone could try to stop that stream from coming down the mountain. They might take some large rocks and build a dam across the course of the stream. But we know what would happen. The water would simply be diverted and find another way down the mountain. It will get to the ocean one way or another. So it is with God's will. We human beings can obstruct God's plan, intentionally or unknowingly, but it will ultimately reach its goal.

We saw the face of evil on Tuesday. There are evil people in this world. The hijackers were trained to be killer pilots and indoctrinated with fanaticism—with an extremely twisted understanding of God's will which made them embrace mass murder and suicide, believing it to be a part of God's plan. Make no mistake: this is not what traditional Islam teaches. The Islamic or Muslim faith does not condone violence or suicide. These Islamic extremists are very sick people who have twisted their religion—we should keep in mind that the strong majority of Muslims are good people who seek to do God's will within a moral code shared by Muslims, Christians, and Jews alike.

Yes, we have seen radical evil at work this week, but goodness exists even more strongly. God is still good, and the goodness of God will ultimately prevail.

Second, God is still in control. Part of what is so frightening in all this is that sense of helplessness, that sense that we have lost control. While evil seems to have struck a huge blow we need to keep in mind that God is at work healing and restoring

goodness and order to our world. This can be seen through the many actions of good people following the attacks. Even though the scenes of horror have been etched into our minds, so have the countless scenes of heroism, bravery, mercy, kindness, compassion and goodness as the American people and people across the world have come to the aid of those directly affected. We must keep these scenes before us and remember them. We must dwell on the goodness and not on the evil so that evil will not win the day. Look at all the good things that God is still working even in the midst of this enormous tragedy. The world community is coming together in a common bond against the evil. The people of this huge nation are coming together like a close knit family to face the task of grieving and healing and getting on with our lives, knowing that if we stop living because this happened then we give the terrorists what they wanted. The words of encouragement from the people of Oklahoma City to the people of New York and Washington D.C. were well stated: "Have hope. Life and goodness will return." Yes, God is still in control.

Third, God is still our God. God is not some remote force out there that leaves us on our own in this desperate and broken world. He calls and gathers us into communities of faith where we can seek mutual comfort, assurance, and guidance. This week more than ever we can see why religion is not a private matter. We need these communities of faith. We need each other especially at times like this and God has not left us alone. We have the good resources of our faith—the faith that has been passed down by countless generations that have faced adversity. As the psalmist has written long ago, "God is our refuge and strength, a very present help in trouble . . . The Lord of hosts is with us, the God of Jacob is our stronghold." (Psalm 46)

Finally, let me shift gears to answer a question that has been asked of both Pastor Scott and me this week. "Would it be the Christian response to retaliate?" While pacifistic Christians may answer "no"; our answer is deeply steeped in the theology of Martin Luther—and St. Augustine and others before him. It is the God-given vocation of good government to maintain order, peace, and safety so that civilization can function. Civilized society is based upon the free movement and gathering of people for work, for school, and for the basic production and exchange of goods and services. Terrorism undermines the basic function of civilization—the free and safe movement and gathering of people for these purposes. The nations of this world do need to hold accountable and responsible those governments that allow these terrorists to function.

A look back in history makes this clear. When the Roman Empire fell, and when the Empire was no longer able to provide for the safe movement and gathering of people; the economy, education, and culture collapsed. Then, what we now call the "Dark Ages" began—that period when Barbarians ruled the forests and no one was safe to leave their homes.

Another example: What if some one was wandering the streets of this town and randomly shooting and killing innocent people? Would we not need the police to act to put an end to that so that we could safely leave our homes and go about our business again?

The situation we face in our world today is much the same only on a much larger scale.

More than ever, today we exist in a global community or a global society. This means that all governments must participate in fulfilling the basic function of government—that is to maintain the peace and order needed for civilization to function for the common good of all people. That is their God-given calling.

The nations of this world will need to come together to take action as best we can against this new illusive enemy of terrorism that has attacked not only America but all of the civilized world. We must act not for the sake of vengeance or retribution, but for the sake of restoring safety, order and peace to our world. The very core of civilization has been threatened this week. The Christian response is not one of vengeance and retribution but one that will best restore order to our world—and that may only be possible in this broken world through military action. It is time for us to band together to pray earnestly for clarity in this matter by our nation's leaders, by all responsible and civilized national leaders of this world, and by the military. God help us! Amen.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

SPEECH OF

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2001*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2586) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes:

Ms. SANCHEZ. Mr. Chairman, on September 20, 2001, during debate on the Defense Authorization bill for fiscal year 2002, H.R. 2586, I entered into a colloquy with Representative SKELTON regarding the Marine Corps Air Station Tustin. I have attached related correspondence between myself and the Department of the Navy which was inadvertently left out of the RECORD.

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES,

*Washington, DC, July 19, 2001.*

Hon. DUNCAN HOLADAY,

*Deputy Assistant Secretary, Installations and Facilities, Department of the Navy, Washington, DC.*

DEAR SECRETARY HOLADAY: When you met with me and representatives of the Santa Ana Unified School District in my office on March 20, 2001 to discuss the Base Reuse Plan for Marine Corps Air Station (MCAS) Tustin, we discussed the local resolution of the City of Tustin's failure to include public benefit conveyances to Santa Ana Unified and Rancho Santiago Community College District in its Base Reuse Plan. You assured me then, and in your follow-up letter dated March 26, 2001, that the Department of Navy would not convey MCAS property until the parties concerned come to an agreement on the allocation of land.

We also discussed the possibility that, in implementing any such agreement, the

September 25, 2001

Record of Decision (ROD) for the Base Reuse Plan may be required to be amended, to substitute a public benefit conveyance to the Districts in place of commercial development, or otherwise to accommodate a compromise among the City and the Districts. You stated in our meeting that such an amendment to the ROD would not create a significant problem for the Department of Navy. Furthermore, you stated that such a change may not even require an amendment to the ROD, but that if an amendment were required, that the Department of Navy could approve such an amendment to the ROD expeditiously and without undue delay.

Could you please affirm these statements to me by way of a short confirming letter. I would appreciate hearing from you by August 3rd, 2001. Thank you very much.

Sincerely,

LORETTA SANCHEZ,  
*Member of Congress.*

DEPARTMENT OF THE NAVY,  
OFFICE OF THE ASSISTANT SECRETARY,  
*Washington, DC, August 3, 2001.*

Hon. LORETTA SANCHEZ,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSWOMAN SANCHEZ: Thank you for your letter of July 19, 2001, regarding the need for local resolution of the reuse-related issues concerning the conveyance of Marine Corps Air Station Tustin to the Local Reuse Authority, the City of Tustin.

As you requested, I am re-affirming the statement I made to you in my letter of 26 March: The resolution of the issues surrounding conveyance of MCAS Tustin property for educational needs is critical to any conveyance decision. This is why the Navy continues to encourage a local agreement addressing all requests for property for these requirements. The lack of an agreement on educational transfers seriously complicates any Navy decision to convey MCAS Tustin property.

Regarding the Record of Decision (ROD), we continue to believe that the final resolution of the issues between the City of Tustin and the Santa Ana Unified School District can be accommodated within the ROD as presently configured. If the two sides reach a solution that would materially affect the ROD, then Navy would have to reevaluate the issue.

As always, if I can be of any further assistance, please let me know.

Sincerely,

DUNCAN HOLADAY,  
*Deputy Assistant Secretary,*  
*(Installations and Facilities).*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 7, 2001.*

Hon. DUNCAN HOLADAY,  
*Deputy Assistant Secretary of Defense, Installations and Facilities, Department of the Navy, Washington, DC.*

DEAR SECRETARY HOLADAY: Thank you for your letter of 3 August 2001 reaffirming that the Navy will not convey any Tustin MCAS property until the parties concerned come to an agreement on the allocation of land. I appreciate your prompt and helpful response. I write to again seek your assistance on another matter, directly relating to the Record of Decision (ROD).

In our meeting of 20 March 2001, you indicated to me that the following two potential

compromise solutions to the impasse between the City of Tustin and the Santa Ana Unified/Rancho Santiago Community College District would not require an amendment to the ROD. Or, if an amendment would be necessary, that it could be approved expeditiously.

(1) A compromise involving swapping the zoning of approximately 40 acres of commercially-designated land within the Districts' boundaries for 40 acres of educationally-designated land within the "Learning Village."

(2) The re-designation of approximately 100 acres of commercially-designated property within the Districts' boundaries to educational uses.

Your written confirmation of this would be very helpful relative to negotiations between the parties at this juncture and, for that reason, I ask that you please respond to my inquiry no later than August 14, 2001. Thank you, again, for your continued assistance with this difficult matter, and for your timely attention to this further request.

Sincerely,

LORETTA SANCHEZ,  
*Member of Congress.*

DEPARTMENT OF THE NAVY,  
OFFICE OF THE ASSISTANT SECRETARY,  
*Washington, DC, August 14, 2001.*  
Representative LORETTA SANCHEZ,  
*House of Representatives,*  
*Washington, DC.*

DEAR REPRESENTATIVE SANCHEZ: Thank you for your letter of August 7 inquiring about the Department of the Navy's Record of Decision (ROD) regarding MCAS Tustin.

Let me assure you that the Department's principal interest is that the parties directly involved—the City of Tustin, the Santa Ana Unified School District, and Rancho Santiago Community College—reach an agreement rapidly on how to allocate the land so that we may begin to transfer the property.

The potential effect of an agreement on the ROD should not stand in the way of the negotiations. The Department is prepared to work with you and the parties directly involved if doing so would help answer questions or resolve issues associated with any proposals being considered.

We will review any agreement to determine whether we need to amend the ROD; if that proves necessary, we will do so expeditiously. If I may be of further assistance, please let me know.

DUNCAN HOLADAY,  
*Deputy Assistant Secretary,*  
*(Installations and Facilities).*

#### PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during yesterday's roll call votes on H.R. 717, the Duchenne Muscular Dystrophy CARE Act, and H.J. Res. 65, making continuing appropriations for the 2002 fiscal year.

Had I been present, I would have voted in favor of both H.R. 717 and H.J. Res. 65.

#### HONORING THE STAFF OF THE OREGON FARM SERVICE AGENCY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize the extraordinary efforts of the Oregon Farm Service Agency staff as they assist the farmers of the Klamath Basin in dealing with the crisis that arose earlier this year from the denial of irrigation water by the federal government.

In April of this year the Bureau of Reclamation announced that, based on biological opinions rendered by the National Marine Fisheries Service and U.S. Fish and Wildlife Service, the farmers of the Klamath Basin would be denied irrigation water for agriculture from Upper Klamath Lake. This decision, coupled with a severe drought in the region, has subjected local farmers to extreme financial hardship. The devastating combination of drought and poor management decisions by the federal government has literally put the future of their way of life in doubt, as farming as it has existed in the Basin for over 100 years has virtually ceased.

Long before the full impact of this decision upon Klamath Basin farmers was understood, the Oregon Farm Service Agency was hard at work in delivering relief, guidance, and information to those affected. State Executive Director Larry Frey was in touch with my office almost immediately. He and his exceptionally competent staff made themselves available at any time, day or night, to keep me informed. They worked tirelessly to identify federal programs to help the farmers survive this season.

Mr. Speaker, on July 20, 2001, the Congress passed a partial relief measure of \$20 million to be disbursed to the devastated Klamath Basin farmers. The Klamath County office of the Oregon Farm Service Agency is now in the process of signing up farmers for that relief. Manning their offices in Klamath Falls from before dawn until late into the evening, they are dispatching the requests for relief quickly and efficiently. This is just the latest effort in a long-standing record of outstanding service to farmers by the Klamath Falls office, which is headed by County Executive Director Denise Martin. Denise's unflagging efforts serve as an inspiring example of a federal employee going the extra mile to meet the needs of her clients with compassion and professionalism.

Denise Martin would be the first to tell you that she has not delivered this tremendous service alone. Indeed, she has been assisted by a staff whose effectiveness is matched only by its dedication to the farmers of the Basin. Throughout this crisis she has relied heavily on fellow professionals Harvey Bush, Josh Hanning, and Kristen Bingaman. Additionally, the efforts of Anna Flemming, Linda Watson, Lindsay Miles, Dorothy Scull, and Rowena Chase have been invaluable to the operations of the Klamath Falls Office.

An effort of this magnitude, which has entailed many weeks of 13-hour days, could not

proceed as smoothly as it has without the help of Farm Service Agency staff members brought in from all over the State of Oregon. These talented and committed individuals assisting the Klamath Falls office are: Lois Loop, Janice Knutz, Linda Miller, Kelsey Hanning, Toni Williams, Ilene Berry, Patti Anderson, Charley Newhouse, Alycia McCord, Marty Hamilton, Bret Harris, and Lee Go.

Delivering these urgently needed funds to Klamath Basin farmers in a fair, accurate, and efficient manner is a monumental task. What makes this effort even more remarkable is the fact that the program for disbursing the funds, designed by State Office Specialist Fred Ringler, does not require one dime in administrative fees for the Farm Service Agency.

Mr. Speaker, we should all take pride in this selfless group of federal workers whose tireless efforts have made the difference between despair and hope for so many of the farmers in the Klamath Basin. They truly represent the best of what our government stands for. Their hearts are guided by compassion and they have the personal commitment to do their job to the fullest, regardless of the extreme effort required. I offer them both my praise and my most sincere gratitude for caring for the farmers in the Klamath Basin who have faced such significant trials.

Many hurdles remain in the path of Klamath farmers, and I am delighted that the Oregon Farm Service Agency will be working with us throughout the challenges that lie ahead.

TRIBUTE TO MARTIN STEWART  
NIEDERER

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Martin Stewart Niederer.

Martin Niederer was young, he was a hard worker, a loyal citizen, and represented the bright, young future of America—the next generation. Martin's life was robbed from him, and from us, by the hand of terrorists—radical extremists, seeking to rule the world by instilling fear and spreading hatred. Henrico, and indeed the entire Richmond area, has experienced a great loss. Our entire community mourn along with Martin Niederer's parents and his loved ones.

On Tuesday, September 11, 2001, a precious life was ripped from our midst. Martin Niederer forged his way as a leader—in his case, a leader in the center of the world's economic capital. Sadly, Martin Niederer reported for work on September 11, as he always did, to Cantor Fitzgerald at the World Trade Center—only on that day, America was to become victim to a set of horrific terrorist atrocities. Martin was conducting the nation's economic business, when he and the World Trade Center were attacked.

Because Mr. Niederer lived as a symbol of American greatness and success, he was at-

tacked. Not because he, as an individual, was hated, but because he stood with his colleagues as a symbol of America's prosperity and our democracy. We owe Martin Niederer for paying our price for freedom. We must forever honor his memory. Mr. Niederer's memory will be honored as America secures its future, fights against a maniacal hatred of freedom and human rights, and continues to demonstrate strength.

AMERICAN HEROES AT PENTAGON  
FROM BAKERSFIELD AND KERN  
COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. THOMAS. Mr. Speaker, I rise to acknowledge the real contributions of many individuals from California's 21st District to the relief effort because of the horrible tragedy on September 11, 2001. I am continually encouraged by the courageous and unselfish acts of our communities.

Yesterday, I visited a group of American heroes at the Pentagon. Over the past two weeks, a tireless and dedicated crew of 11 firefighters and Forest Service personnel from Bakersfield and Kern County in California has helped with the rescue and cleanup efforts at the Pentagon. Facing, long days of work in a stressful environment, they kept their resolve. The display of internal fortitude by these heroes serves as a great example of generosity and selflessness.

Soon, this talented and brave group returns home, and I would like to express my appreciation to Steve Gage, Kevin Harper, Nick Dunn, Ken Stevens, Bob Klinoff, Bob Lehtreck, Dean Clason, Pat Caprioli, Steve Shoemaker, Jim Scritchfield, and Dan Kleinman for all their hard work in assisting with the rescue and recovery efforts at the Pentagon. I would also like to thank their families for the sacrifices they also endured during these uncertain times.

I am extremely proud of these firefighters and our communities for the compassion shown to the victims of this horrific act of terrorism. The blood, sweat, and tears shed throughout our history in the quest for life, liberty, and pursuit of happiness have never been in vain. That is why I am certain the American people will rise to the occasion and triumph in these most trying of times. Together, there are no difficulties we cannot overcome as the greatest example of freedom and democracy in the world.

THE SAFE SKIES ACT OF 2001

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. CRENSHAW. Mr. Speaker, by now we are all aware of the events that took place on

September 11th and the many actions that took place before the tragedy. One circumstance that I found troubling was many of the terrorists at the controls of the commercial airliners used in the attacks received training in our own flight training schools.

The United States attracts men and women from throughout the world looking to acquire the skills needed to pilot an aircraft. There are several factors that make the United States an ideal place to receive flight training: it is inexpensive to rent aircraft, fuel is reasonably priced, landing fees are nonexistent, and it is quick and easy to be accepted for flight training.

We have now witnessed firsthand the destruction that can be wrought when the skills acquired in our flight training schools are used for evil purposes. Currently, The Federal Aviation Administration does not require a background check of any type for individuals seeking civilian instruction to fly an airplane or helicopter in our nations' skies.

In order to close this loophole, I have introduced the Safe Skies Act of 2001, which will require background checks of all those seeking civilian instruction to fly airplanes or helicopters. It is my hope that we can stop international and domestic terrorist groups from using innocent and necessary skills for purposes other than innocence and necessity. Mr. Speaker, I realize not all terrorist organizations are those that infiltrate our borders from the outside, but also threaten us domestically. For that reason, we must ensure that the best information from the FBI and CIA is used to comb all civilian aviation applicants' history for criminal activity, espionage, or links to terrorist organizations.

The skies over this great land belong to its hard-working, law-abiding citizens. Let's help ensure that it stays in their hands.

RECOGNIZING THE CIVILIAN CON-  
SERVATION CORPS AND NA-  
TIONAL PUBLIC LANDS DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. GEKAS. Mr. Speaker, I rise today to recognize and honor the Civilian Conservation Corps on the occurrence of their upcoming 60th anniversary. This Saturday, ceremonies around the country will commemorate the work and sacrifice of the members of the Civilian Conservation Corps, these unsung heroes who built over 800 of America's national and state parks. In addition to these ceremonies, volunteers will work to restore original CCC projects. The achievements and contributions of the CCC to our nation are still being realized nearly sixty years after the program ended. I also would like to recognize the efforts of thousands of volunteers who will donate their time on Saturday, September 29, 2001. These volunteers, participating in National Public Lands Day, will put in a day of real work on projects ranging from trail construction and repair to habitat restoration and

making public lands more accessible for disabled visitors. In short, the volunteers participating in National Public Lands Day will work on projects much like the projects that the Civilian Conservation Corps completed so many years ago. I express my deep gratitude to the volunteers and to the men who made up the CCC.

Following the stock market crash of 1929, the United States, and the entire world, slid into depression. Banks failed, loans and mortgages were foreclosed, unemployment soared as factories closed their doors, farms were abandoned and bread lines grew in cities. In 1933, to help get men out of bread lines and back to work, newly elected President Franklin D. Roosevelt engineered the passage of legislative measures which created government work programs designed to lift the country out of the Depression. One of these programs was the Civilian Conservation Corps.

The CCC would work in every state as well as in Alaska, Hawaii, Puerto Rico and the Virgin Islands. Although one of the most recognizable and remembered CCC projects is Skyline Drive, in Virginia's Blue Ridge Mountains, the CCC's roots are planted firmly in the Commonwealth of Pennsylvania. The CCC was based on a program that was already put in place by Pennsylvania Governor Gifford Pinchot. Pinchot, a Yale graduate who went to France and became recognized as the first American trained in forestry, served as Governor from 1923 until 1927 and again from 1931 to 1935. The work camps that he created throughout the Commonwealth are credited with building 20,000 miles of paved roads. Governor Pinchot's work camps would become the model for President Roosevelt's CCC. Because of Governor Pinchot's early leadership, Pennsylvania would have 113 CCC camps, second only to California. A total of 194,000 Pennsylvania citizens served in the CCC nationwide. The CCC transformed the forests and natural areas of Pennsylvania and greatly enhanced the Pennsylvania Bureau of State Parks.

The CCC, officially formed in 1933, would instill a unique blend of military-style discipline and social responsibility in every man that served. From 1933 until 1942 millions of men, mostly youths but also World War I veterans and some skilled laborers, gathered to complete civil engineering projects for a mere thirty dollars a month, twenty-five of which was sent back home to their families. This work would not only earn them money to help their families through hard times but would teach them the value of their labor and challenge their minds. Upon introduction to the CCC the men would be given military-style physicals and then transported to Army training camps where they would be subject to a basic training and orientation program conducted by military personnel. From there they would be transported to the CCC district where they were assigned. Aside from the strong military presence there were also civilian teachers and ministers that would teach the men more useful skills that they would use throughout their lives.

Mr. Speaker, it is clear that the CCC had a great impact not only on the lives of its mem-

bers but on the country as a whole. It was a program that put men to work building roads, walls, bridges, parks and countless other projects at a time when other nations put their populations, equally touched by depression, into work building bombs, planes and tanks. The same bombs, planes and tanks that former CCC men would face in Europe and the Pacific. The CCC worked to pull the nation out of depression but it also unified the country for the trying times to come.

I urge every American to take the opportunity to find out about the CCC. Use the internet to look up the accomplishments of the CCC or take a trip to the Allegheny National Forest, Gifford Pinchot National Forest, Skyline Drive, the Appalachian Trail, the Pacific Crest Trail or any of the thousands of CCC sites to see the results of their commitment. Most importantly, seek out a person who served in the CCC. There are fewer every year and the knowledge and wisdom they possess is invaluable. Mr. Speaker, let us all recognize the CCC and its men for their contributions, and also recognize the volunteers of National Public Lands Day who are working to bring the accomplishments of the CCC to light.

#### TRIBUTE TO COLONEL EDWARD C. GRUETZEMACHER

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SKELTON. Mr. Speaker, let me take this opportunity to speak of the recent retirement of Colonel Ed Gruetzemacher, 1107th Aviation, Classification and Repair Activity Depot commander, Missouri National Guard. Colonel Gruetzemacher retired after over 30 years of service to the United States military. He has distinguished himself, the military and our nation with dedicated service.

Colonel Gruetzemacher began his career in 1967 when he was drafted into the U.S. Army. After basic training, Colonel Gruetzemacher was selected for officer training school and then flight school. Upon completion of flight school, Colonel Gruetzemacher flew COBRA helicopters in the 1st Squadron, 9th Cavalry, the same unit his father served in years earlier. After service in Vietnam, Colonel Gruetzemacher was assigned to Fort Knox, Kentucky, where he deployed an attack helicopter company to Europe for restationing.

In 1974 Colonel Gruetzemacher joined the Missouri National Guard as deputy at the Transportation Aircraft Repair Shop, now known as the 1107th AVCRAD. During his 27 years in the Missouri National Guard Colonel Gruetzemacher has served in the 142nd Transportation Battalion, the 1107th AVCRAD, the 635th Aviation Group and the State Aviation Office.

Mr. Speaker, Colonel Gruetzemacher has dedicated 34 years of his life to the military, serving with honor and distinction. As he prepares to spend more time with his wife Jean and daughter Eve, I know the Members of the

House will join me in wishing him all the best in his retirement.

#### TRIBUTE TO MARGARET ANSLEY OF SAN BERNARDINO, CALIFORNIA

#### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BACA. Mr. Speaker, it is with great joy and personal pride that I give tribute to a great American, Margaret E. Ansley of San Bernardino, California on the occasion of her 100th birthday.

The history of one person can be a deep sea of history, as is the case with Margaret. Margaret was born in 1901 Norwalk, Connecticut. The daughter of Hungarian immigrants, Margaret grew up in Connecticut and moved to San Bernardino, California in 1926 with her husband Alex. Like many others of that simpler and more dedicated time, she commuted to work from Connecticut to New York City everyday. When she moved to California, Margaret and her sister Anne ran a grocery store in San Bernardino next to the Santa Fe Railroad. Unfortunately, in 1933 her husband Alex passed away from tuberculosis, but she remarried in 1936 to Howard Ansley. Together Margaret and Howard bought some land in Bloomington to grow grapefruits and raise a family. Since then, she has been a loving wife, active member of her parish, and a good citizen. Margaret and I attend Saint Catherine of Sienna Catholic Church on Sundays. I've gotten to know this wonderful lady over the years and I can say without a doubt, Margaret is one of the most decent and fine examples of our community.

Margaret lives in the Inland Empire to this day. She is an active and distinguished California resident that has brought credit and distinction to her family. It is because of her legacy of commitment to our region and the value of hard work that she has demonstrated every day of her life, that I pay homage and tribute to this wonderful woman.

#### EXPRESSING APPRECIATION TO JONATHAN Y. THOMAS

#### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. HORN. Mr. Speaker, I rise today to pay tribute to Jonathan Y. Thomas, a former member of the Los Angeles Board of Harbor Commissioners and the Alameda Corridor Transportation Authority Governing Board.

Between 1994 and 2001, Mr. Thomas provided seven years of distinguished public service as a Port of Los Angeles representative to the public agency undertaking the Alameda Corridor, a rail cargo expressway critical to speed the movement of goods from the Ports of Los Angeles and Long Beach into the

stream of commerce. At the time, the Corridor needed to develop a financing package, and given Mr. Thomas' well-known expertise in public finance, he was appointed to the Governing Board specifically to develop the financing concepts to underpin the Corridor.

Utilizing his expertise, Mr. Thomas has played a vital role in developing a unique financing package for the Alameda Corridor. In fact, this package has become a model for other major public works projects across the country. Mr. Thomas was also instrumental in generating political support for the project when it was little more than a concept.

This body identified the Alameda Corridor as "a project of national significance" in 1995. The Ports of Long Beach and Los Angeles comprise our nation's busiest port complex, and cargo volumes are projected to triple by the year 2020. The Alameda Corridor will link the ports to the transcontinental rail yards near downtown Los Angeles, creating a more efficient and timely way to distribute cargo into the stream of commerce, thus allowing our ports and our mainstream economy to maintain competitive advantages.

It is a testament to the distinguished service of Jonathan Y. Thomas that the Alameda Corridor is now in full-scale construction, on budget and on schedule to open in April, 2002.

We owe a debt of gratitude for his dedicated service.

#### TRIBUTE TO EARL MIDDLETON

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Earl Middleton of South Carolina, who was recently named Orangeburg South Carolina's Citizen of the Year. Mr. Middleton is recognized for his noteworthy contributions to the community as a successful realtor, businessman, political history-maker, and respected citizen of South Carolina.

Along with having served the country during World War II as one of the Tuskegee Airmen, Mr. Middleton has displayed incredible service to his church and college. After returning to his hometown after his service during World War II, Mr. Middleton embarked on a career in business and politics. His hope was that through his career he could overcome the social inequalities that faced him as an African American during that time.

In 1974, he became the first African-American to represent Orangeburg County in the South Carolina State House of Representatives since the Post Reconstruction Era. He would go on to serve in the legislature for 10 years.

Mr. Middleton worked as a barber and an insurance salesperson while contributing his time and effort toward various social causes and political campaigns. Later, his business grew to include real estate sales. In 1985 his real estate business, Middleton Agency, would grow to include a franchise of Coldwell Bank-

er, becoming its first black-owned affiliate. Honorably, Mr. Middleton accepted an invitation to serve on the governing committee of Middleton Place, a plantation near Charleston, South Carolina where his great grandfather had been held in servitude before the Civil War.

Mr. Middleton is a life member of the NAACP. He has served on the trustee board of The Methodist Home, the mayor's and the governor's commission on employment of the handicapped and the Salvation Army board. His many awards include: being named to the Clafflin University Hall of Fame and becoming a recipient of the Edisto Award.

Mr. Speaker, I ask you and my colleagues to join me today in honoring my good friend and confidant, Earl Middleton for the dedicated service he has provided to the citizens of South Carolina and the noteworthy contributions he has made in the real estate business. I sincerely thank Mr. Middleton for his service to the country and to the state. I congratulate him on his recent recognition as Orangeburg's Citizen of the Year and truly wish him good luck and Godspeed in all of his future endeavors.

#### TRIBUTE TO LISTON RAMSEY

##### HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise to honor the memory of the Honorable Liston B. Ramsey, a resident of the Eleventh Congressional District of North Carolina, who died on September 2, 2001.

Rep. Ramsey served nineteen terms as a Democrat in the North Carolina State House of Representatives, including an unprecedented eight years as Speaker of the House. Liston Ramsey put Western North Carolina on the political map and used his influence in the legislature, for the benefit of his constituents.

Rep. Liston Ramsey was first elected to the legislature from Madison County in 1961. In those days, before the interstate highway system served our region, legislators from Western North Carolina faced an eight-hour drive from the mountains across the state to Raleigh. Liston Ramsey faithfully made that trip for years in order to be a voice and a force for the mountain region.

In rankings by the North Carolina Center for Public Policy Research, Rep. Ramsey consistently ranked as one of the most powerful legislators in the state. Ramsey ranked as the most powerful lawmaker during his four terms as speaker, was eleventh in 1989, twelfth in 1991, ninth in 1993, twenty-third in 1995, and nineteenth in 1997.

Among projects that Rep. Ramsey played a key role in funding for Western North Carolina were: Haywood Community College; Southwestern Community College; Western Carolina University; UNC-Asheville; the North Carolina Arboretum; the Western North Carolina Farmers' Market; and countless roads.

I know all my colleagues join me in expressing condolences to his family members: daughter Martha Louise and her husband, Robert Donald Banks of Marshall; two sisters, Marie Prichard and Grace Castelloe, both of Asheville; one stepsister, Edna Sprinkle of Asheville.

#### HONORING CALIFORNIA RESTAURANT ASSOCIATION'S 2001 DIAMOND CUISINE AWARD WINNERS

##### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor and congratulate Tom and Doris Chester, Lloyd and Leona Beiderwell, and Kenny and Myrna Hook for being the recipients of the Central Valley Chapter of the California Restaurant Association's 2001 Diamond Award.

In 1946, Lloyd and Leona Beiderwell opened a Foster's Freeze restaurant in Visalia, California. Today, 55 years later, the Beiderwells are still serving food at Foster's Freeze to their friends and neighbors in Visalia.

Tom and Doris Chester have owned and operated the Wagon Wheel Steak House in Visalia since 1975. In 1984, the Chesters expanded their business and began growing oranges. Most recently, the Chesters added a pizza operation to their restaurant.

Estrada's Spanish Kitchen was a Visalia landmark from the time it opened, in 1912, until its closing eighty years later, in 1992. Kenny and Myrna Hook were an integral part of Estrada Kitchen's long tradition of service and unique cuisine. The Hooks, along with numerous other members of their extended family, worked at Estrada's Spanish Kitchen for 34 years.

I am pleased to take this opportunity to congratulate Kenny and Myrna Hook, Tom and Doris Chester, and Lloyd and Leona Beiderwell on their receipt of the California Restaurant Association's 2001 Diamond Award. Furthermore, I would like to thank them for their hardwork and dedication to providing quality food and outstanding customer service to the people of California's Central Valley.

#### CONGRESSMAN KILDEE HONORS LORRAINE STONE

##### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. KILDEE. Mr. Speaker, I rise today and ask my colleagues to join me in honoring a

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woman who has been a loyal friend and a tireless advocate of America's workers. On September 26, Lorraine Stone will celebrate 33 years and one month with the United Auto Workers. In appreciation for her long dedication, the next day, Ms. Stone will be the guest of honor at a retirement celebration organized by both family and friends.

Lorraine began working for the International Union, UAW Region 1-C Office, on August 26, 1968, in Owosso, Michigan. In 1973, she was transferred to the Lansing Sub Regional Office until 1980, where she then returned to the Flint Regional Office, where she has remained to this day. Over three decades, Lorraine has been a vital component to Region 1-C, helping to establish a solid foundation for the progress of America's labor movement, and a better way of life for autoworkers everywhere. She has worked under several Directors and International Representatives, and has worked as Secretary to the Educational Director and Secretary to the Assistant Director, the position she has held since 1998.

Lorraine's work with the UAW extends outside the office as well. She has been an important part of the Region I-C Bowling Tournament for 29 years, and an organizer of the annual Sit Downers Dinner for 15 years. She has served as Chairperson of the Sam Duncan Scholarship Committee and as a member of the Fred Meyers Scholarship Board of Trustees. Earlier this year, Lorraine was selected as one of Region I-C's three Corporate Women of Achievement.

As a Member of Professional Secretaries International for more than 25 years, Lorraine has helped represent clerical workers throughout the state. She has held several executive positions within the organization, and in 1986 was recognized for her stellar contributions by being selected Secretary of the Year.

Mr. Speaker, we in Genesee County have been extremely fortunate to have someone like Lorraine Stone live in our community. Lorraine believes that the UAW must play a role in the larger community and I am appreciative for efforts in making a positive impact in the fields of scholarship and community activism. As we in Michigan are proud of our reputation as the automotive capital of the world, we are as equally proud and grateful for the men and women who day in and day out work to provide these quality products and bolster our pride. Lorraine Stone is one of those people. I ask my colleagues to join me in wishing Lorraine, her husband Harold, and their family, all the best.

## EXTENSIONS OF REMARKS

### A TRIBUTE TO JOHN NEECE

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

**HON. ANNA G. ESHOO**

OF CALIFORNIA

**HON. SAM FARR**

OF CALIFORNIA

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. HONDA. Mr. Speaker, today I join with my colleagues, Representatives STARK, ESHOO, FARR, and LOFGREN in honoring the retirement of a dedicated public servant, John Neece. John's retirement as Chief Executive Officer of the Santa Clara and San Benito Counties Building and Construction Trades Council ends 21 years of exemplary service to his community.

A native of San Jose, California, John Neece attended Lowell Elementary and Roosevelt Junior High, and graduated from San Jose High in 1962. After becoming a member of the Ironworker's Apprenticeship Program, John went on to join the Santa Clara and San Benito Building and Construction Trades Council in 1979. John became the youngest Chief Executive Officer of any council in the State, as well as the youngest delegate from the State of California to the International Iron Workers.

Through John Neece's visionary leadership, the Building and Construction Trades Council became the important organization that it is today: a source of strong advocacy for workers and labor. A former ironworker himself, John utilized his insight, energy and vision to become the Trades business agent. As an organizer and a leader, John has been successful in creating growth in the union movement and cooperation with other local unions and developers. His efforts made the Trades Council a crucial force within the Bay Area.

However, John Neece's service has not been limited to the building and construction industry. John has participated in various community programs in Santa Clara County and volunteered his time on numerous boards throughout Silicon Valley. John is an Executive Board Member and Second Vice President of the South Bay AFL-CIO Labor Council, and serves on the Board of several agencies such as the Valley Medical Center Foundation and the Joint Venture Silicon Valley Board and Visioning Council. John has also served in the past on the Boards of the Red Cross Capital Campaign Committee and the Red Cross Disaster Relief Program.

Mr. Speaker, John Neece leaves behind a life-long legacy of excellence and professionalism. It has been a great pleasure for my fellow Members and I to work with him, and it is an honor to be able to pay tribute to him here. John Neece has been a great friend to us all, and we wish him well.

*September 25, 2001*

ON THE INTRODUCTION OF THE RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT FOR THE 21ST CENTURY ("RIDE-21")

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. YOUNG of Alaska. Mr. Speaker, Today, I introduce the Rail Infrastructure Development and Expansion Act for the 21st Century. RIDE-21 is the first truly workable proposal for developing high-speed passenger rail infrastructure in the United States.

As Chairman of the Transportation and Infrastructure Committee I have made easing congestion on the ground, in the air and on the water the top priority this Congress. I believe that construction of a true high-speed passenger rail system in the United States is an integral piece of that solution.

The United States needs safe and efficient high-speed rail, whether it is steel wheel or magnetic levitation. It will help reduce congestion on America's highways and air lanes by connecting urban centers. It will also provide the traveling public more options.

The tragedies of September 11, and the resulting short-term cessation of air travel, demonstrated the need for transportation alternatives for passengers. The increase in the amount of time it will now take to clear airport security has added to the time it takes to travel by air, potentially making high-speed rail a competitive alternative in some regional markets. Simply stated, it is time for the United States to make high-speed passenger rail a transportation priority.

RIDE-21 is not the only proposal before Congress that makes federal dollars available for the development of high-speed passenger rail. Other bills, such as H.R. 2329 in the House and S. 250 in the Senate, are well intended and are designed to address high-speed rail infrastructure needs as well; but those bills fall short. There are three significant reasons why other proposals will not get our nation any closer to a comprehensive national system of high-speed passenger rail corridors: (1) They do not provide enough funding, (2) they do not provide sufficient flexibility in the hands of States in making transportation decisions, and (3) what little money is provided comes at too high a cost to the Federal Treasury.

#### HIGHER INVESTMENT

RIDE-21 generates more than \$71 billion for high-speed passenger rail infrastructure through the sale of bonds and the approval of federal loans and loan guarantees. In the hearing held by the Subcommittee on Railroads of the Committee on Transportation and Infrastructure on July 25, we learned that Amtrak estimates that it would cost up to \$70 billion to build high-speed rail in the United States. That's what I mean when I say that RIDE-21 is the first truly credible high-speed passenger rail proposal. It gets the job done.

In addition, I am very concerned that states may misunderstand the scope of other bills.

Amtrak's Northeast Corridor needs \$20 billion to upgrade the southern portion of the Northeast Corridor alone. Meanwhile, on September 12, U.S. Rail News reported that Virginia and North Carolina estimate that it will take more than \$2.5 billion just to build high-speed rail infrastructure from Washington, D.C., to Charlotte, North Carolina. Proposals such as these and similar projects in Florida and in the Midwest would far surpass the funding level provided in competing bills.

TOO LITTLE FLEXIBILITY FOR STATES

Under competing proposals, Amtrak has too much control over the approval and funding of high speed systems. Amtrak's financial condition is in serious jeopardy, and I am concerned about its ability to perform the tasks assigned to it under these bills, such as issuing bonds, managing a fund to repay the bonds, managing the proceeds from the bonds, and repaying the bonds. I also have doubts that Amtrak could even raise the intended \$12 billion. As the Congressional Budget Office noted in a report on H.R. 2329 issued yesterday, bond buyers would be very reluctant to pay the face value of the bonds in later years because of the high risk that Amtrak could not repay the bonds. Moreover, Amtrak should concentrate on its core business of operating passenger trains and carrying mail and express and premium traffic.

RIDE-21 puts the federal and state governments in control of the development of high-speed passenger rail and balances their roles. On the one hand, it places the federal government, through the Department of Transportation, in control over approving the basic design of the high-speed rail network in the United States. Among its roles, the DOT must determine whether a corridor is a comprehensive and viable high-speed corridor. The DOT must determine whether the proposal makes a significant step toward achieving speeds of at least 125 miles per hour on the corridor. The DOT must determine whether all at-grade rail crossings are eliminated.

On the other hand, RIDE-21 puts states and compacts of states in the conductor's seat by giving them flexibility to address their transportation needs. States are free to develop the high-speed rail proposals that the DOT will review. States can choose which technology to employ and which routes make the most sense. States can take their project proposals directly to the DOT, without having to go through Amtrak as an intermediary. States, not Amtrak, control the bond proceeds, how they are managed, and how they are spent.

RIDE-21 does not leave states holding the bag, though. In fact, the cost of RIDE-21 to the states is about the same as the cost to the states of H.R. 2329. H.R. 2329 requires states to provide Amtrak with a minimum of 20 percent of the project cost. The states' contributions are then intended to grow over time so that Amtrak can use that money to pay off the bonds. If the states use a similar "sinking-fund structure," they will need to put up about the same amount of money so that it will grow into enough to pay off the bonds. Of course, under RIDE-21 states need not use a "sinking fund," because they are given flexibility to determine how to pay off the bonds.

Finally, Amtrak benefits from RIDE-21. As the only operator of high-speed passenger trains in the United States, Amtrak will be a partner with the states in many projects. And, it will have a clear competitive advantage when it comes time to bid on contracts to operate trains on this new rail network. As owner of the Northeast Corridor, Amtrak can also benefit from infrastructure improvements there, financed by the states under this bill. Amtrak can focus on operating trains more efficiently while the DOT and states worry about the improvement of passenger rail infrastructure. Therefore, if it demonstrates its ability to seriously compete for operation of new high speed corridors, Amtrak will actually benefit under RIDE-21.

MORE BANG FOR THE BUCK

RIDE-21 is fiscally responsible. The \$71 billion investment in infrastructure through RIDE-21 will cost the federal government about \$6 billion. The other bills, which provide for only a \$12 billion investment, will cost the treasury about \$7.4 billion, according to CBO. Any taxpayer can tell that RIDE-21 is a better value.

Finally, RIDE-21 creates jobs. \$71 billion to construct high-speed passenger rail infrastructure means good jobs for hard-working Americans.

I encourage Members to study RIDE-21 carefully and to become cosponsors of this bill.

TRIBUTE TO CALIFORNIA TASK FORCE 7

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. MATSUI. Mr. Speaker, I rise in tribute to the California Task Force 7, Sacramento Urban Search and Rescue Unit. On September 11, 2001, just hours after the murderous attacks on the World Trade Center and the Pentagon, sixty-four members of the Sacramento Urban Search and Rescue Team departed for New York City to assist with the recovery efforts. As their family and friends gather to welcome them home, I ask all my colleagues to join with me in saluting one of America's finest search and rescue teams.

The California Task Force 7, Sacramento Urban Search and Rescue Team, is comprised of members from Sacramento Metropolitan Fire District, Sacramento Fire Department, West Sacramento Fire, and El Dorado County Fire Protection District.

The Sacramento Urban Search and Rescue Unit is considered a multi-hazard discipline, as it may be needed for a variety of emergencies or disasters, including earthquakes, hurricanes, typhoons, storms, tornadoes, floods, dam failures, technological accidents, terrorist activities, and hazardous material releases.

The California Task Force 7 has always been a leader in supporting rescue efforts throughout the United States. The Unit was one of the first Urban Search and Rescue teams mobilized after the Oklahoma City

bombing, arriving thirteen hours after the blast. The Unit also played an instrumental role in the rescue and relief efforts in the 1996 Atlanta Olympics bombing, the 1996 Yosemite Rock Slide, and the 1996/1997 California Floods.

The Sacramento Search and Rescue Unit is comprised of sixty-four highly qualified and dedicated specialists divided into four groups: Search, Rescue, Technical, and Medical. Team members include specialists in structural engineering, hazardous materials, heavy rigging, search and rescue, canine response, logistics, and medical response, which includes four medical specialists and two physicians. By design, there are two personnel assigned to each position for the rotation and relief. This allows for round-the-clock task force operations. A comprehensive equipment cache totaling 60,000 pounds supports the task force.

For ten days, the members of the California Task Force 7 worked tirelessly and selflessly in search of survivors in the rubble of the World Trade Center towers in New York City. These outstanding search and rescue specialists courageously answered our nation's call for their assistance and compassion during this hour of need. Their bravery, valor, and patriotism in the face of such tragic events is inspiring to all Sacramentans and to all Americans, and deserves our most heartfelt gratitude.

Mr. Speaker, as the exceptional people of the Sacramento Urban Search and Rescue Unit return home, we are honored to pay tribute to some of our area's most heroic and dedicated citizens. The California Task Force 7 serves as an invaluable resource to the Sacramento Region, the State of California, and the United States of America. We ask all of our colleagues to join us in thanking the men and women of the Sacramento Urban Search and Rescue Unit for their fearless dedication and service to our country during this national tragedy.

EDITORIAL IN THE JEFFERSON CITY NEWS TRIBUNE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2001

Mr. SKELTON. Mr. Speaker, I am proud to share with the Members of the House the excellent editorial in the Jefferson City News Tribune following Tuesday's horrific events. The fine statement is set forth as follows:

AMERICANS UNDER ATTACK

Abject honor does not begin to describe the reaction to this morning's attack on New York City and Washington, D.C.

Much remains unknown.

What is certain, however, is that the attack was an act of war on American people on American soil.

At this juncture, we know that shortly before 9 a.m. EDT today an American Airlines jet hijacked after take-off from Boston,

struck one of the twin towers at the World Trade Center in lower Manhattan.

Within minutes, a second airplane, also believed hijacked from American Airlines, struck the trade center's second tower.

Both towers caught fire and subsequently collapsed in a massive implosion of burning debris.

Later this morning a commercial jetliner, also believed to have been hijacked, crashed into the Pentagon in Washington D.C. That was followed by a car bomb exploding outside the State Department.

In addition, another jetliner, possibly hijacked from United Airlines, crashed outside Pittsburgh, PA.

The death toll, although yet unknown, will be staggering. The World Trade Center itself houses an estimated 50,000 employees, exceeding the population of Jefferson City.

Passengers on the hijacked jet and other people on the ground also have perished. In reaction, all flights in the nation have been cancelled, key buildings have been evacuated and the military has been placed on alert.

The miscreants, presumably terrorists, who perpetrated these malevolent attacks also remain unknown.

They must be identified, and they and their ilk must be exterminated like the vermin they have shown themselves to be.

America has been attacked mercilessly. To serve notice that this must never happen again, our response must be equally merciless.

#### TRIBUTE TO TIM McCALLION

##### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BACA. Mr. Speaker, it is with great pleasure that I rise to pay tribute to my friend, Tim McCallion, who will be inducted into the Independent Telephone Pioneer Association's Hall of Fame on September 29, 2001 in recognition of his distinguished career with GTE.

Mr. McCallion is an individual of great distinction, and we join with his colleagues, family and friends in honoring his remarkable achievements in the telecommunications industry and his service to his community.

Tim's long career with Verizon, formerly GTE, began in 1976 when he joined the accounting department in Erie, Pennsylvania, as he was finishing up his MBA at Gannon University. Over the next two decades, Tim's career with GTE took him all around the country from Pennsylvania, to Indiana, Connecticut, Hawaii and finally to California.

Though Tim's career began in the accounting field, he quickly moved into public policy. Tim currently serves as the Pacific Regional President responsible for Regulatory, Government Affairs, Public Affairs and corporate interests in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming.

Tim's colleagues refer to him as the "go to guy." A man who applies initiative and creativity to his service, Tim never fails to take on daunting tasks. When the ITPA needed to

have their books audited, and incredibly demanding job with Verizon, Tim volunteered. His colleagues remark that in the fast paced and ever changing telecommunications market it is nice to know that there are people like Tim willing to help.

I personally know this to be true. As a member of the California State Assembly and Senate, I worked closely with Tim over the years on several pieces of telecommunications legislation. I could always count on Tim for his tenacity and his expertise in telecom regulation and policy. He worked to spearhead telecom legislation in California that greatly benefited my constituents and the rest of the state. It was always a pleasure and an honor to work with Tim.

Tim has continued to be a valued informational resource to me here in Congress. America leads the world in the Telecommunications Revolution, but there are still many goals to accomplish. I salute Verizon for its efforts to end the Digital Divide. Verizon has been a key supporter of HR 1542, the Tauzin-Dingell Bill, which will stimulate competition in the high speed internet market, giving consumers more choices, lower prices and more services. Tim's hard work supporting this important legislation has been critical in the two-year struggle that I have been involved with since I came to Congress to bring this bill to fruition.

Tim is not only being recognized for his career achievements with Verizon. A man committed to his community, Tim serves on the boards of several civic and charitable organizations. He is very involved in his local Catholic Church in Thousand Oaks, California and remains highly dedicated to the United Way of Ventura County having served on the Executive Board as co-chair, vice-chair and campaign chair. He has also acted as Verizon's Executive chair on annual United Way campaigns. Tim has displayed his civic leadership on the boards of the Los Angeles Urban League, the California Telephone Association, Los Angeles Children's Museum, and the Ventura County YMCA, and as a member of the California Chamber of Commerce, and the California Business Roundtable. It is precisely this commitment to his community that makes him such a vital asset in public policy.

I have personally seen how Tim brings community service to Verizon. Tim facilitated Verizon's support of young students from my district who came to the Nation's Capitol to perform Mariachi music during Cinco de Mayo. It is employees like Tim McCallion that make Verizon a leader in community and charitable events.

And so, Mr. Speaker, I join Tim's loving family, wife, Anne, sons, Brian and Keith, and daughter in law, Melinda, numerous friends and colleagues at Verizon in admiration of Tim McCallion's long and distinguished career in telecommunications and public policy, and we express admiration that he has received this wonderful and well-deserved honor from the ITPA.

#### RECOGNIZING BILL IVEY, CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE ARTS

##### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. HORN. Mr. Speaker, as the chair of the National Endowment for the Arts, Bill Ivey's contribution to the benefit and growth of American culture and arts education is undeniable. Since his chairmanship began in 1998, Bill Ivey's determined outreach has given more people in more places in our country the opportunity to learn about America's arts and cultural heritage. Under his leadership, the National Endowment for the Arts received bipartisan support for the critical need to adequately fund our national cultural agencies. While I am sad to see him leave, I wish Bill well in his future at Vanderbilt University and have no doubt that he will continue to contribute to the arts community and public service as he has for the past 30 years.

#### TRIBUTE TO OFIELD DUKES

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ofield Dukes of Washington, D.C., who is a recent recipient of the Public Relations Society of America's 2001 Gold Anvil Award.

First awarded in 1948, the Gold Anvil Award is the PRSA's most prestigious individual honor and is presented to the public relations professional whose contributions to the field have advanced the profession. Ofield Duke's accomplishments as a journalist, public relations executive, and as a public relations educator speak for his recognition as a reputable leader in his field and in the community.

After receiving three national Newspapers Publishers Association awards for editorial, column and feature writing published in the Michigan Chronicle in Detroit, Mr. Dukes became a member of the Johnson-Humphrey administration in 1964. Later, he would go on to serve an additional 3 years on the staff of Vice President Humphrey.

He opened his first public relations firm in 1969, with Motown as his first client and Lever Brothers as his second. In 1975, he was the recipient of the Silver Anvil Award. As noted by the Washington Post Mr. Dukes is "one of the top public relations persuaders in the city."

Mr. Dukes assisted in the organization of the Inaugural Congressional Black Caucus Annual Legislative Conference. He has served on the boards of the Congressional Black Caucus Foundation and the Martin Luther King Jr. Center for Nonviolent Social Change. Mr. Dukes became a communications consultant for the Democratic presidential campaign in 1972 and has been a consultant for every

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presidential campaign thereafter. He is president and founder of the Black Public Relations Society of Washington, which was established in 1993.

Mr. Dukes has served as an adjunct professor at Howard University for seventeen years and was instrumental in establishing the University's public relations curriculum. For the past eight years, Mr. Dukes has been an adjunct professor in the School of Communications at The American University. He is responsible for inspiring hundreds of students to enter public relations.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Ofield Dukes for the incredible services he has provided to his students and the field of public relations. I sincerely thank Mr. Dukes for his outstanding contributions, congratulate him on becoming a recipient of the 2001 Gold Anvil Award, and wish him well in all of his future endeavors.

#### TRIBUTE TO JAY HENSLEY

### HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. TAYLOR of North Carolina. Mr. Speaker, Jay Hensley, a newspaperman of old-school traditions who spent much of his career with the Asheville Citizen-Times, died Wednesday, September 5, at the age of 75. Hensley was with the Citizen-Times from 1956 until 1997. He covered politics, courts and crime, local government and civil rights, took feature photos and editorialized on local, state and national issues.

It is perhaps Hensley's political coverage that he will be best remembered for. Hensley covered every state legislative session from 1967 until 1979 and was a familiar face around the state capital.

"Jay would ask that second and if necessary that third question to get to the heart of things," said former Gov. Bob Scott, who served from 1969-73. "He asked the tough questions but was always fair. At that time, the capital press corps was a crusty bunch of guys. But when the day was done and they'd filed their stories, it was a professional job."

Former Citizen-Times executive editor Larry Pope described Hensley as "an encyclopedia on local and state politics," adding "Jay probably knew more about politics than some of the people who held office."

Jay Hensley, once a three-pack-a-day smoker, chronicled his battle to quit smoking and his resulting respiratory problems in 1990 article titled "A Smoker's Last Chance."

Jay Hensley was a World War II veteran, serving with the 32nd Special Seabees in the South Pacific and China. A Madison County native, he had a degree in journalism from Stetson University in DeLand, FL.

I know all my colleagues join me in expressing our condolences to Jay Hensley's family members: Surviving are his former wife, June Murphy Hensley of Asheville; his son, Dick Hensley of Raleigh; his daughter, Teresa

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Hensley Wall of Asheville; grandsons, Jeremy Jay Oland and Ryan Lee Wyatt; his sisters, Pansy Watts of Asheville and Mary Sawyer of Cincinnati; and his brother, Jack Hensley of Greer, SC.

#### HONORING JOHN C. FREMONT HOSPITAL

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to John C. Fremont Hospital for 50 years of service to the Mariposa community.

In 1947, the Mariposa county voters overwhelmingly approved the formation of the John C. Fremont Hospital District. Shortly after, the 1st meeting of the Board of Directors was held and they proceeded to purchase 20 acres of land to build a facility. In 1951, the John C. Fremont Hospital opened a 24-bed facility. As the community grew, so did the hospital facilities. A 10-bed skilled nursing facility was created in 1964. Additionally, the Ewing Wing has been added. The Ewing wing is a "home" facility that has beds to accommodate 28 residents.

In 1975, a Home Health Agency was established to serve patients with at-home health needs. In 1981, the hospital was designated a primary health service hospital by the state of California and a sole community provider by the Federal Government.

In 1994, the hospital received a complete face-lift. Revenue bonds totaling \$5.84 million allowed the hospital to expand their emergency services, build a new clinic, enlarge a heliport pad, reopen surgery capabilities, and add additional facilities. In 1995, a hospice was added to serve the terminally ill and their families.

John C. Fremont is one of the few California hospitals granted the "Critical Access Hospital" designation, which allows the health care district to receive a higher reimbursement for its Medicare patients. The John C. Fremont Health Care District supplies education to the community by conducting CPR courses, Certified Nursing Assistant programs, and Licensed Vocational Nurse prerequisite programs. The health care district is one of the largest employers in the area with 168 employees.

Mr. Speaker, I rise to honor John C. Fremont Hospital for serving the health care needs in Mariposa County for 50 years. I urge my colleagues to join me in wishing John C. Fremont Hospital many more years of continued success.

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100TH ANNIVERSARY OF LEXINGTON ELKS LODGE, LEXINGTON, MISSOURI

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate my friends at the Lexington Elks Lodge, Lexington, Missouri, who recently celebrated their 100th Anniversary as a lodge.

The Benevolent and Protective Order of Elks Lodge 749 has served a proud role in the city of Lexington since the lodge's chartering in 1901. The Elks have played a vital and active role in the community, sponsoring programs aimed to better the town, the people, and the people's safety.

The Elks organization is primarily involved in two community service programs, drug awareness and veteran services. Lexington Elks are strong supporters of the D.A.R.E. program in Lexington schools. They have sponsored the purchase of D.A.R.E. signs and drug awareness programs. The Elks also show support and appreciation to the veterans of our nation.

The Lexington Elks Lodge has sponsored numerous other community projects. They have distributed fire alarms, hosted community Christmas dinners, donated to organizations such as the Ministerial Alliance and they sponsor a yearly scholarship for graduating high school seniors.

Mr. Speaker, the Lexington Elks Lodge has contributed to the city for a century. I know that the Members of the House will join me in congratulating them and wishing them continued success.

#### SALUTE TO AL ROSS

### HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a man who has served his country bravely and who also serves as a role model in his community.

I speak of Al Ross, one of my constituents and the youngest surviving veteran of the First World War. Al, the son of Russian immigrants, enlisted in the United States Navy in 1917, when he was only 16 years old. He served as a Seaman First Class aboard the U.S.S. Richmond. In fact, Al is the last surviving member of Barracks 507, a West Palm Beach World War One veterans group.

On October 11, 2001, my friend Al Ross turns 100 years old. He is a frequent speaker at veterans', civic, and school events and is best known for his talks about "Why We Pledge the Flag." Mr. Ross gives these talks in his original U.S. Navy uniform, which still fits him perfectly.

Al Ross has been a teacher and organizer for the National Amputee Foundation. He has

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worked for the Palm Beach Daily News and the Selective Service System. Most recently, Mr. Ross has been an advocate for the voting rights of U.S. military personnel serving overseas. He is also an avid golfer.

Mr. Speaker, please let the RECORD reflect this Congress' appreciation for his efforts.

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TRADE PROMOTION AUTHORITY  
NEEDED

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial, entitled President Needs Trade Authority, from the September 5, 2001, edition of the Norfolk Daily News, which emphasizes the need to grant the President "fast track" trade negotiating authority.

This Member is a longtime supporter of Trade Promotion Authority (TPA), or "FastTrack Authority" (as it was previously called), because TPA is necessary to enable the United States to commence, conclude, and implement trade agreements with foreign nations. Without the enactment of TPA, the United States will continue to fall further behind in expanding its export base, which in turn will cost America thousands of potential jobs. Congressional passage of TPA for the President is absolutely essential for America to live up to its export potential.

Therefore, this Members urges his colleagues not only to carefully read this editorial, but also to support granting trade promotion authority to the President now!

[From the Daily News, September 5, 2001]

PRESIDENT NEEDS TRADE AUTHORITY

FORMER SECRETARIES OF AGRICULTURE OF ONE  
MIND REGARDING "FAST TRACK" ISSUE

Members of Congress ought to be impressed that 10 former secretaries of agriculture, Democrats and Republicans alike, are in agreement on an important matter of trade policy. From Orville Freeman, who served under President Kennedy, to Dan Glickman, who served under President Clinton, all were in agreement that President Bush ought to be granted "fast track" trade negotiating authority.

With some exceptions among those in farm organizations who fear only big companies find ways to profit from exports, the agricultural community seems unified regarding benefits of foreign trade. That accounts for broad bipartisan support of measures to promote it.

Presidents had fast-track authority beginning in 1974, and until congressional Republicans failed to renew it for the Clinton administration in 1994. They erred, and that error should not now be compounded. Trade negotiations are already conducted under broad guidelines approved by Congress and the president.

Having arrived at specific trade pacts under such authority, Congress must not pick and choose, second-guess and thereby jeopardize agreements. With the fasttrack

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arrangements, it can either accept or reject an agreement, not nitpick and rewrite the terms. Thus Congress retains an overall veto; the president retains negotiating power. It is the right balance.

Through the administrations of Presidents Ford, Carter, Reagan, Bush I and early in the first Clinton term, the fast-track authority existed in the White House. The error of failing to restore it after 1994 should not be compounded now by defeat of the proposal.

America's efficiency in all phases of food production means it can compete effectively on a worldwide basis. This advantage cannot be exercised to improve the economic status of agriculture by tying the hands of the one individual who can, with a cooperative Congress, do most to encourage beneficial trading terms to reach consumers in foreign nations.

The letter to current Secretary of Agriculture Ann Veneman, signed by those 10 former secretaries, said, "American agriculture has much to gain by passage of Trade Promotion Authority and too much to lose if Congress fails to seize this opportunity."

Re-establishing this authority would do much to assure Americans, and especially those involved in farming and ranching, that their economic opportunities will not be hostage to narrow partisanship.

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HONORING 76 YEARS OF THE NEW  
ENGLAND COUNCIL

**HON. CHARLES F. BASS**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BASS. Mr. Speaker, I rise today to congratulate the New England Council as they celebrate their 76th Anniversary of being a regional voice for the people of New England.

For over seventy-five years, the New England Council has been instrumental in uniting the region's business and political leaders to discuss and shape public policies and programs that advance the economic well-being of the region. As a non-profit alliance of schools, hospitals, corporations, public agencies and other organizations throughout New England, the Council has worked diligently to promote economic growth and quality of life in the six-state region.

I commend your leadership in looking for regional solutions on issues including energy, workforce development, health care, transportation and privacy. Under the leadership of Jim Brett and the Council's esteemed Board of Directors, the Council has played a significant role in both providing a forum and in advocating an agenda that addresses those issues impacting New Englanders and the regional economy.

I applaud the Council's efforts to promote the economic growth of New England and to improve the quality of life for those who live throughout the region.

I ask my colleagues to join me in honoring the 76th Anniversary of the New England Council and in wishing the Council continued success as it faces the challenges and possibilities of the 21st Century.

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"BAND OF BROTHERS": THE  
STORY OF EASY COMPANY, 101ST  
AIRBORNE DIVISION

**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. GEKAS. Mr. Speaker, it was during the early morning hours prior to the D-Day invasion of June 6, 1944 that the men of Easy Company parachuted into Normandy. Company E, as was their official designation, was part of the 101st Airborne Division that carried out many objectives during World War II. Their acts of heroism begin with their participation in Operation Market Garden and continue on to the climactic Battle of the Bulge. Their service continued through Germany, ending with the capture of "Eagle's Nest," Adolf Hitler's mountain fortress. Their brave deeds, documented in Stephen Ambrose's book, "Band of Brothers" is now an HBO television mini-series.

On Monday, September 24, 2001, we had the opportunity to meet many of the great members of Easy Company. They came from far and wide to share, with Members of Congress, their story of defending freedom across Europe. In these trying times, their story is an inspiration to the men and women of the Armed Forces.

Last evening we watched in a special screening of the television mini-series as Easy Company landed behind the German battlements and took out an artillery battery that was firing on the Allied forces at Utah Beach. By destroying four 105mm guns, and killing or running off 60 soldiers, Easy Company significantly contributed to the successful landing of Allied forces on D-Day. Because of the overwhelming success of this mission, Easy Company's maneuvers are still studied at West Point today.

Those Members of Congress who represent the veterans of Easy Company were privileged to speak briefly of these heroes. It is my pleasure to represent Major Dick Winters. He was the commanding officer of Easy Company, and perhaps best represented the heroism of Easy Company through his courage, character, and charisma. Unfortunately, Dick could not make the event from his home in Hershey, Pennsylvania, but he sent me his remarks which I was honored to read.

Here are the kind words written by Major Winters about his fellow soldiers, "In 1942, I was assigned by Colonel Sink to Company E. Ever since then the men of Company E have been my buddies in combat, my friends, my family—forever. I shall never forget them."

At the conclusion of the event, everyone in attendance rose in applause for several minutes to praise the heroic efforts of Easy Company. Among Members of Congress, top military personnel and guests alike, dry eyes were few and far between.

The story of Easy Company is testament to the Allied forces' fight for freedom in World War II. Today, we benefit from their sacrifices made nearly sixty years ago, and for that, we are all eternally grateful. I know that the

House of Representatives joins me in honoring these brave soldiers. Let us never forget their story.

WISR 680 AM

**HON. PHIL ENGLISH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. ENGLISH. Mr. Speaker, during the past 60 years, we have gone to war four times, landed on the moon, seen the rise and fall of the Berlin Wall. During the past 60 years, presidents have been shot and assassinated, computers were invented, presidents resigned and were impeached and the pope was shot. During the past 60 years, we've added two states to the union and amended the U.S. Constitution six times.

During the past 60 years, WISR 680 AM has kept residents of Butler County up to date on those events and more, becoming a part of the community in the process. WISR brought visits to Butler County by figures such as First Lady Eleanor Roosevelt and presidential candidate John F. Kennedy into people's homes as well as provided an outlet for opinions by local residents.

WISR was licensed to broadcast by the Federal Communications Commission on Sept. 26, 1941. It was one of the first radio stations in northwestern Pennsylvania to focus on regional, local and community news as well as broadcast local editorials. It was also the first in the area to develop a local talk radio format. Hosts such as Dave Malarkey and before him Larry Berg offered the community a valuable outlet for the views.

The Rosenblum family owned the station for 55 years and the station call letters stand for Isaac Samuel Rosenblum, the father of the station founder, David. As a local, family run station, the station has supported and continues to back countless charity and community events.

I join the Butler area community in congratulating WISR for delivering quality news and talk radio to the area for 60 years. As a radio station, WISR was not only responsible for delivering the news but also took on an important role in shaping our community. I hope that the future allows many, many more generations of Butler area residents to learn to tune into to WISR.

HONORING TWO REMARKABLE INDIVIDUALS DURING HISPANIC HERITAGE WEEK

**HON. LORETTA SANCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Ms. SANCHEZ. Mr. Speaker, a wonderful thing about our country is how we celebrate each other in art, custom, food and friendship.

A "nation of immigrants" might have been blighted had Pilgrims not learned from Native

Americans. Proof? Check the menu for the first Thanksgiving Dinner.

Now almost everyone samples each other's traditional dishes, catches the color and feeling of each other's special days, senses the human goodness in each heritage and faith. This is how strangers turn into neighbors in so many ways that our ways of getting along have become unique in the world.

It is so American no one else even comes close.

Now we are joyfully in another such season of sharing and appreciation.

On September 17, 1968, the U.S. Senate and House of Representatives adopted House Joint Resolution 1299, creating an Hispanic Heritage Week. Twenty years later, Public Law 90-498 was enacted expanding the Week to a month eventually stretching from September 15 through October 15 each year. The period includes the anniversary of Mexican Independence and "birthdays" of many other Latin American countries.

Cultural sharing will take many forms across the United States of America. At heart, it will reveal itself in real people not only glad they are who they are but glad to be here.

LOS AMIGOS OF ORANGE COUNTY, persons who have met weekly for 23 years to talk over community concerns in my district, asked that the two following stories be shared. Millions of people create a blur but sketches of two—a book creator and a bookseller—are offered in the hope they will convey very personal, human glimpses of America's lively, evolving Hispanic Heritage.

[From La Voz, Nov. 16, 2000]

LIFE'S AN OPEN BOOK? CRACK IT

(By Galal Kernahan)

Miami? A big city in Florida? A river in Ohio?

Or is it someplace baked and a little bleached? Is it where the sun is a presence, winds sometimes mutter and deer browse on the other side of the hill? Is it where you could read the day away in an outhouse with no more interruption than a buzzing fly?

Rueben, the first of the five boys and two girls of Cipriano Marfinez and Rometia Rivas de Martinez, was born in Miami, Arizona, in 1940. There he grew to young manhood. His parents were transplanted Chihuahuenses. One took root. The other didn't.

The children attached their mother to that small copper town, but their father blew away on the notes of an alto saxophone. He made it big with Big Bands like the Glenn Miller Orchestra. By the time the road and that life got old and he got old, his boys and girls were men and women who remembered him no more clearly than he did them.

Rueben came to love books during his school years. He took them everywhere. They took him everywhere. All in Miami,

When he was 10, the town, like other Southwestern copper towns, was coming off its World War II-hyped mining high. By the time he graduated from high school, nothing was being hauled to the smelter anymore. At 18, he went to East Los Angeles.

Beside what books taught him, what did Miami teach? What has stayed with him? "My grade school was segregated to Apaches and Mexicans, but the teachers were good. I loved shop," remembers Rueben. "And Miami? It was so ugly, it was beautiful."

In California, he worked and read, got married and read, attended East Los Angeles Community College and read, had children and read and got divorced and read. Also, he raised three teenagers and read and lived to tell the tale.

Then he read and read and looked up to see he had nine grandchildren.

Rueben is more than 40 years a barber, more than 25 in Santa Ana. There were places and times in human history when barbers probably ran everything. They certainly knew everything that went on.

If they loved reading, too, they were formidable forces in the life of their communities. Rueben is a formidable force in the Orange County Latino community and far beyond.

Locally? Consider that most Latino candidates for any political office hold fundraisers in his Santa Ana bookstore. And now with a unique cross-the-alley emporium of children's books he is reaching for youngsters.

Far beyond? Six years ago, he suggested to Community Leader and Actor Edward James Olmos ideas that became the Latino Book and Family Festival. Wherever it goes—Chicago, Los Angeles, Houston, San Jose, San Diego, New York—Rueben's books anchor a "Book Village" that contributes directly to the goal of encouraging Latino parents to read to their children and children themselves to read. Families come by the thousands.

Acting on his own advice, he reaches for future generations with a unique emporium of children's books just cross-the-alley from his Santa Ana bookstore. It is full of color and lined with stories in Spanish and English . . . and Vietnamese, Cambodian, Chinese, and . . .

It all makes you wonder. Which is its purpose. Rueben's life is an open book he seems to read like a child. He turns pages, laughs and says, "What's this?" Then he tries to tell you he knew it all the time . . . that he planned it.

He is a strong believer we all should write down our goals. He writes his down. No one could have that many! And do credit to them, too.

On a coast-to-coast TV program, he commanded fathers to be perfect husbands: "Take out the trash and read to your children!" He, is a sought-after motivational speaker, a consultant to publishers, a friendly prod to writers and artists, an energizer to teachers and a media personality.

The biggest independent bookstore in Orange County, California, began as a few books for customers in a barber shop. Now he carpets the space next door with kids eager to be read to.

Rueben's life is an open book with one new chapter after another. He reads on and says, "Amazing!" And then, "That's me, too!"

VICTOR STRINGS WORDS TO COMPUTE LIFE X 13

(By Galal Kernahan)

As Victor Villasenor emerged from adolescence, his parents sent him to Mexico City. He was overwhelmed by what he saw. The world suddenly opened, widened, deepened.

He became ill. A doctor was summoned. "You are a doctor?" "Yes." "You are a Mexican?" "Yes," answered the baffled physician. Victor thought that, though all Mexicans might not be farm workers like his friends on his father's place in Oceanside, it was unlikely they would be persons in the professions,

New realities shook him. The discovery of books catapulted him into dawning understanding of human landscapes and feelings, strivings and failures. A conflicted teenage functional illiterate he started down an endless road to finding himself. In writing.

He drove himself for decades ten hours a day, six days a week untying, re-ordering and retying strings of words. Eventually, some books reached print and modest success. Then, in 1981, he wrote the made-for-TV motion picture *THE BALLAD OF GREGORIO CORTEZ*.

Well-wishers came to the large, old Spanish colonial house on a bluff in Oceanside, California. He paid an emotional tribute to his parents, Salvador and Lupe. He promised he would write their lives. All celebrated the Public Broadcasting System (PBS) telecast. The picture was released to movie houses the next year.

In 1991, ten years later, a more-than-500 page work—parts of it laboriously rewritten more than 40 times—became a milestone in Latino literature. *RAIN OF GOLD* sold more than 200,000 copies in hardcover. Any given copy may have been read by six-to-ten people.

It recounts the Mexican youth of Lupe and Sal: surviving the Revolution, their separate journeys across the Border, how they met on this side. It ends with their marriage in Santa Ana, but not before sketching the personalities of their mothers, Victor's grandmothers. His father's scandalized the faithful at her church in Corona. Her lively conversations—even arguments—with God and Mary did not go unnoticed.

Now, more than another decade has passed. Victor has gone through multiple rewritings of his latest book. It is about Sal, Lupe and their lives in 1929, 1930 and 1931. It is published by HarperBooks.

Salvador has been dead for years. Lupe passed away in 2000. Both are very alive in pages Victor has filled. So is the cosmically talkative grandmother who, together with Sal, finally makes clear to the author what lies behind all he has been writing.

There have been tumultuous first years of marriage not made any smoother by Sal's profession. He's a bootlegger.

Victor remembers what his father often told him: *Casi todos nacen y mueren y nunca abren los ojos. Poca gente abre los ojos porque no usa todo su sentido.* ("Almost everyone is born and dies without opening their eyes. Few people open their eyes because they don't try fully to perceive things.")

What that really might mean became clear in a startling brush with the law. Salvador is driving a truck heavily laden with barrelsful of whiskey in Corona. His well-connected mother is with him. A cop pulls them over.

She begins telling God the officer will not see the barrels and that she needs help for her son and that God owes her one and that she wants it right now! The cop looks in the back of the truck and says, "Nothing here, but you better get some air at a gas station because your tires are almost flat."

Crisis over, Sal asks, "How did you do that?" "Easy," she says, and explains.

"When people finish this book," Victor claims, "They are going to think magic is possible." The title: *THIRTEEN SENSES*.

## EXTENSIONS OF REMARKS

### TRIBUTE TO JOHN B. GOURLEY

#### HON. JOSEPH M. HOFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. HOFFEL. Mr. Speaker, I rise today to congratulate John B. Gourley the Chairman of the East Norriton Township Board of Supervisors for twenty-four years as a distinguished community leader in this Pennsylvania community.

A forty-year resident of East Norriton, Mr. Gourley has served as vice president and twice as president of the Montgomery County Association of Township Supervisors. He was the founder and first president of the Delaware Valley Association of Township Officials which encompasses the Counties of Bucks, Chester, Delaware and Montgomery. Mr. Gourley also founded and was the first vice president of the League of Municipalities which includes 56 Pennsylvania communities. He founded the first Township newsletter in East Norriton and initiated television coverage of township meetings.

After serving five years in the United States Navy, Mr. Gourley built a professional career as a national and executive sales manager in the chemical field. Mr. Gourley has been a dedicated member of multiple civic organizations including the American Legion Post in Jeffersonville, the Sons of Italy, the East Norriton Republican Committee, and the Boy Scouts of America. He is also a long time member of Visitation B.V.M. Roman Catholic Church.

Mr. Gourley is married to Nancy Pistilli-Gourley and they are the proud parents of John B. Gourley, Jr., Esquire, William Scott Gourley and Ann Marie Gourley. I am pleased to have this opportunity to recognize John Gourley for his outstanding service and commitment.

### IN MEMORY OF MR. CHET OBLOCK

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Chester A. Oblock, owner of the infamous Pyramid Cafe and beloved friend, for a lifetime of dedicated service to his community.

Mr. Oblock, a Cleveland native, has been a lifelong resident of the city's South Side. He is perhaps best known for the delicious meals he has been serving in the Pyramid Cafe since 1964. Three years later he began sponsoring the Pyramid Cafe slow-pitch softball team. The team grew and with practice became the first Cleveland team to win the Amateur Softball Association's National Men's Open Slow Pitch Tournament in 1975. In 1987, he was inducted into the Greater Cleveland Slow-Pitch Hall of Fame.

Mr. Oblock was known by his friends for his great love and generosity to all his players,

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friends, and family. When the team traveled out of Cleveland, he took money out of his own pocket to pay for the families of the softball players to stay in hotel rooms. More important than any of his prized softball games was his family.

Before sponsoring his prize-winning softball team, Mr. Oblock served his nation selflessly in military service. During World War II, he served in Europe with the Army's 104th Infantry Division, the "Timberwolves."

Mr. Speaker, please join me in honoring the memory of Mr. Chester A. Oblock, a truly great man. Mr. Oblock is a man who truly will be missed in the Cleveland community. His love for not only the game of softball, but for all his community is an inspiration to many. His warm smile and gentle spirit will be remembered by many.

### AUTHORIZING THE USE OF UNITED STATES ARMED FORCES AGAINST THOSE RESPONSIBLE FOR THE RECENT ATTACKS LAUNCHED AGAINST THE UNITED STATES

#### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. UDALL of New Mexico. Mr. Speaker, I, like you, have been watching in disbelief and sadness the reports from New York City and Washington, D.C. in the aftermath of the terrible attacks launched against the United States.

Never before in our history have Americans borne witness to such an egregious, savage, violent, and cowardly attack on American soil. The situation defies belief and embodies much of what had once been our greatest fear. I join with every American in support of our great country and am confident that our nation will overcome this challenge just as we have conquered past challenges.

When I swore my oath to preserve, protect, and defend the Constitution of the United States, I never imagined that this country or I would be where we are today. Each member of Congress swears our allegiance to our constituents, to one another and to the country, yet the magnitude of our oath only is truly understood when we face situations like we face today. During trying times such as these, the American Spirit shines most brightly, and we find within ourselves the ability to overcome challenges once thought unthinkable and unimaginable.

Tuesday, September 11, 2001 is a date so packed with tragedy and meaning, we have tremendous difficulty fully understanding the implications of what has been done to our country and our people.

Not since the time of my father Stewart Udall's service in the Cabinets of Presidents Kennedy and Johnson, have we faced such difficult and trying issues. From the fear and terror of the Cuban Missile Crisis to the national horror following the assassination of our

President to the anguish of the Vietnam War, our nation was confronted with innumerable and difficult challenges. The strength of citizens overcame all these challenges, and it will once again overcome what lies before us today.

As we see images of the devastation in New York City and at the Pentagon, we are flooded by emotions ranging from profound sorrow to unbridled anger. Yet we are also called upon to defend ourselves from unknown threats and invisible enemies. Ours is a responsibility to put our raw feeling and emotions aside and focus on the grim work at hand of responding to the attacks against us and doing everything in our power to ensure that such attacks will not be perpetrated against us in the future.

The question now arises how we may best fulfill our duty to protect the citizens of the United States and, indeed, the citizens of countries around the globe. The scourge of terrorism affects more than just the United States homeland. For years our friends and allies in Europe, Asia, the Middle East and Africa have suffered the horrors of terrorism. While offering our support and solidarity, we always believed and hoped that America would be spared from the type of tragedy which befell us last Tuesday. We hoped against hope that New York, Washington, or any American city would not be added to the infamous list which includes London, Paris, Belfast, Beirut, Johannesburg, and Tokyo. Now the fight has been brought to us, and we will respond. We must respond.

The question is how we respond. We will be quick to act, or will we be thorough, careful, deliberate, and patient?

We first responded by granting to President Bush the authority needed to prosecute this effort with the strength the task requires. The Congress will appropriate money, grant authority, and rouse popular support for the President as we take each step against terror together and jointly exercise the Constitutional responsibilities invested by our Founders in both branches of the government.

Our efforts require and are receiving the support of the international community of responsible nations. The support is a crucial component of any action which our government may take in defense of the American People. The world must not be seen as tolerant in the least of terrorists or those who support terrorists. The strong backing of our allies is a reassuring sign that our international partners stand beside us as we jointly face this danger.

As we embark, we recognize that the Congress and the President are equal partners in the effort. We are making decisions and taking action only after tremendous consideration and deliberation. We have a profound understanding of the gravity of the situation which lies before us. We understand that the Constitutional principles upon which this great country is founded must be respected at every turn. As we defend the safety of Americans, we must also defend their liberties. To defeat terror in a way that robs us of our most cherished freedoms must be avoided. I believe

that it is possible for America to be safe and free. As we continue to contemplate further actions and investigate those that have taken place, we must be vigilant in the defense of both our safety and our freedom.

As we respond to the attacks, Americans will continue to unite as we have over the past several days and in ways that we have not seen for years. We draw strength from our tremendous diversity as a nation and from our myriad experiences and abilities. We defeat terror by embracing each other in the face of those who would terrorize us and rising above the petty differences that might once have separated us. Our unity will be our strength as we confront this new challenge. The American House in which we all live will not, as President Lincoln said, be divided against itself. We will continue on, stronger and more united than ever.

The United States will meet this challenge as we have met previous challenges before. Our great nation will unite more strongly than ever, and we will prevail. My faith in our country is exceeded only by my admiration for those who place their own safety in jeopardy so that others will be free. America is great. God bless America.

#### HONORING PAUL F. MARKS ON HIS RETIREMENT

#### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. DINGELL. Mr. Speaker, I rise today to recognize, honor and salute my dear friend Paul F. Marks on the occasion of his retirement from Michigan State University Agricultural Extension, and for his many years of dedicated service to our community.

Paul began his career with Extension more than 27 years ago. Since that time, Paul has received numerous awards and citations, including the National Distinguished Service Award from the National Association of County Agricultural Agents.

At heart, Paul is a teacher. He is recognized throughout the state for his expertise and skill in the areas of vegetable crops, fruit crops and beekeeping. In his professional capacity, he has developed and implemented a large number of award-winning educational programs in such areas as cider safety, agriculture employer seminars and pesticide certification.

Paul's passion for teaching extends well beyond Extension. When working with kids in 4-H or the Junior Livestock Association, one can see Paul's gift truly shine. Paul's exemplary teaching efforts were again recognized when he received the Monroe County 4-H Alumni Award. Paul's leadership has also been outstanding in directing Monroe County's Ag Awareness Day that annually gives more than 1,300 county elementary students a better understanding and appreciation of agriculture. And when the County Fair rolls around each summer, you can be sure Paul will be there making sure that every kid has their animal ready for show.

When Monroe County was added to my District in 1982, I gained a special knowledge of Paul's ability to educate. Knowing little about farming, I paid a visit to the Extension office and met a young Extension Agent by the name of Paul Marks. I asked him to do the impossible—teach a Polish lawyer from Detroit about farming. To his great credit, Paul was up to the task.

Since then, I have come to rely greatly on Paul's advice and counsel on agricultural matters. More importantly, Paul has become a great friend. His expertise and knowledge will be greatly missed by all of us.

Mr. Speaker, as Paul leaves behind a long and rich history as an Extension Agricultural and Natural Resources Agent to spend time with his beautiful wife Jeannine and his family, I would ask that all of my colleagues salute Paul, his excellent service to his community, his wonderful sense of humor and above all his earnest good will and compassion for his fellow man.

#### TRIBUTE TO FRANCESC DE PAULA SOLER

#### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SERRANO. Mr. Speaker, it is with great pride that I rise to pay tribute to Mr. Francesc de Paula Soler, a gifted and prolific musician. This world-renowned instrumentalist will grace the Library of Congress on October 2, 2001, and fill it with his music. This concert will feature music to soothe and lift our spirits during this difficult time in the wake of the national tragedy.

Francesc de Paula Soler was born in 1949 to a celebrated Catalan family of artists. He began studying music at age 6 and was dedicated to his guitar by age 11. As a young adult, he became an astute and devout student of the great Andrés Segovia, known as the father of the classical guitar. He also studied under the great Narciso Yepes for a number of years. From these musical founders, Soler was taught the classical guitar in its pure form. His music has an original, raw quality that makes it distinct and loved by many.

Although the guitar's ancestor probably originated in ancient Egypt, the version that we use today came from Spain in the early 16th century and became popular throughout Europe later in the century. Soler's first mentor, Andrés Segovia, is credited with legitimizing and revolutionizing the traditionally-regarded "Instrument of peasants" in the late 1800s. Spanish culture embraced the guitar and, as a result, the majority of music throughout Latin America is flavored with the instrument. Whether listening to Argentinian chacareras, Ecuadorian danzantes, Panamanian murgas, Mexican rancheras, a Cuban mambo, Puerto Rican salsa, or Dominican merengue, one can hear the prolific influence of the guitar. It is indeed a fundamental element of Spanish and Latin culture, which Soler has mastered and re-defined.

Mr. Speaker, Francesc de Paula Soler is routinely referred to as "The Poet of the Guitar" throughout the world, based on the way he conveys raw emotion and tells complex tales with only his fingers and the strings of a guitar. He has mesmerized audiences at the Levine School of Music and the Achison Auditorium in the U.S. State Department, and has entertained a myriad of cultural societies throughout the United States. Thousands have filled the auditoriums of colleges and universities from coast to coast to hear Francesc de Paula Soler's guitar. Beyond these American performances, Soler has engaged audiences around the world.

In commemoration of Hispanic Heritage Month and the ways that Hispanic Americans have served our country throughout history, I encourage all of my colleagues to attend the concert and enjoy an hour of exquisite music.

Mr. Speaker, I ask my colleagues to join me in thanking Francesc de Paula Soler for his contributions to the world of music and for honoring us with his art.

#### PRO BONO PROJECT

#### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Ms. LOFGREN. Mr. Speaker, I rise to recognize the dedicated volunteers of the Pro Bono Project of Santa Clara County. The Pro Bono Project uses volunteer attorneys, judges and other legal professionals to represent low income and indigent clients in Santa Clara County in family law cases, including divorce, custody, child/spousal support, and domestic violence issues. Often, the Pro Bono Project is the last chance its clients have at securing representation.

The success of the Pro Bono Project is a direct result of 150 volunteers, through whose efforts the Project offered over 200 clients per year over \$958,000 in volunteer services. Thanks to these volunteers, the Pro Bono Project was able to staff several clinics, including a Bankruptcy clinic and a Paternity clinic. Pro Bono Project attorneys staff the Domestic Violence Collaboration in conjunction with Bay Area Legal Aid, Battered Women's Support Network, Next Door and South County Alternatives. The Domestic Violence Collaboration provides divorce, support and custody services to victims of domestic violence. The Project's Family Law Mentor Program provides a volunteer mentor attorney in the office every Wednesday to provide family law advice and help to attorneys.

With very little funding, the Pro Bono Project does an amazing amount of work. I commend the Project's founders and volunteers. On behalf of Santa Clara County, I thank these remarkable volunteers for all of their hard work.

#### TRIBUTE TO DAN TRANT

#### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. McGOVERN. Mr. Speaker, sadly today many American families continue to mourn the loss of their loved ones during the senseless tragedies at the World Trade Center and the Pentagon. As each day passes, their stories are being heard by a growing number of Americans who are becoming intimately affected by these devastating losses.

I have spoken of several of these Americans here on the floor. I am also drawn to the story of Dan Trant, a former basketball legend at Clark University in Worcester, MA, and the older brother of a friend. Dan was a successful bond trader with the firm Cantor Fitzgerald at the World Trade Center.

Recently, the Boston Herald described Dan as an icon in New England college basketball who was drafted by the Boston Celtics in 1984 and went on to play professional basketball in Ireland, his family's ancestral home. Dan later played for the Springfield Fame during the inaugural season of the U.S. Basketball League, assisting his team in the first-ever league championship.

Off the court, Dan was even more inspiring. He was a father and neighbor who used his great successes in sports and in the business world to inspire hundreds of children in his church congregation, local school district and a nearby university near his home in Northport, LI. Many of the local children he helped attended his memorial service in New York, where they had an opportunity to express their love and say goodbye.

Mr. Speaker, our thoughts and prayers are with Dan's wife Kathy, his children Jessica, Daniel, and Alex, and all of those who loved him.

#### TO HONOR THE REVEREND CLARENCE D. ROBINSON

#### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to recognize the work of the Reverend Clarence D. Robinson as he leaves St. Mark African Episcopal Church in Milwaukee after more than a decade of service. Rev. Robinson is moving to Chicago where he has been appointed presiding elder for 23 congregations in the city and its surrounding communities.

Following his ordination as an Elder in the African Methodist Episcopal Church in 1959, Rev. Robinson's career took him to churches throughout the Midwest. He came to St. Mark's in August, 1991 from Ebenezer A.M.E. in Detroit, Michigan, and truly left his mark as a leader in our community.

In addition to giving his time as a board member of several Milwaukee organizations,

Rev. Robinson has also served our young people as a tireless advocate and role model. St. Mark's offers the Men to Boys mentoring program, and opens its recreation center doors on Friday nights for Word Up—a night of Bible Study, basketball, board games and other activities. Rev. Robinson has helped provide productive and non-violent options for young people, linking them with positive role models and encouraging them to lead a life free of drugs and violence.

Rev. Robinson's legacy will surely be felt at St. Mark A.M.E. Church for years to come. Last September the church opened its second senior citizen housing facility. The congregation named this 25 unit building the C.G. Robinson Terrace in honor of their leader.

During his 10 years in Milwaukee, Rev. Robinson has impacted our community in many ways, and he will be sorely missed. I am proud to join the members of St. Mark A.M.E. Church in thanking him for his service to the people of Milwaukee, Wisconsin and wishing him the best of luck in his new position.

#### VOLUNTARY SEPARATION INCENTIVE PAYMENTS

#### HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Ms. HOOLEY of Oregon. Mr. Speaker, as part of an effort to reduce the federal work force within the United States Forest Service, Forest Service employees were offered the opportunity to participate in a "voluntary separation incentive payments" program a few years ago. This program was included in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 1997 (P.L. 104-180). As part of the agreement, employees were paid \$20,000; in exchange, they agreed to retire and not be employed by any federal agency for at least five years; if they were re-employed by the federal government they would have to forfeit all or part of the money from said agreement.

However, there has been a severe shortage of qualified firefighters to combat the extraordinary number of forest fires throughout the country over the past several years, specifically in the West. Many retired Forest Service employees have been asked to help fight many of these blazes, unfortunately many of them cannot without risk of forfeiting the payments they received through the buyout program.

My bill will amend Public Law 104-180 to allow former Federal employees who received voluntary separation incentive payments under the Department of Agriculture program to accept employment with the Federal Government once again, without loss of their payments, as long as their employment is directly related to fighting forest fires.

At a time when we need qualified, willing, well-trained individuals to fight these fires

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more than ever before, it's egregious if we do not change this law to allow these brave men and women to fight the fires that threaten our forests, wildlife, and our homes without having to worry about forfeiting past reparations they've received from the government.

INTRODUCTION OF THE  
TERRORIST DISASTER RELIEF FOR  
SMALL BUSINESSES ACT

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. LAFALCE. Mr. Speaker, the tragic events of September 11, 2001, have caused a massive disruption of businesses all over the country. The most visible of the economic scars can be found in lower Manhattan, which some 15,000 businesses called home, and in the air transport industry, which the government was forced to close. But, the economic hardships caused by the September 11th terrorist attacks reach far beyond the areas immediately impacted by the attacks and involve all types of businesses.

In order to overcome their current difficulties, businesses who have suffered substantial hardship because of the September 11th terrorist attacks will need access to low-cost credit to cover their uninsured losses and to provide needed operating cash while they regain their footing. Congress has provided financial assistance to the airline industry. And, thankfully, many small businesses in the New York City area will qualify for economic injury disaster loans from the Small Business Administration. However, there are many more innocent small businesses who need the Government's help to overcome the economic difficulties caused by the terrorist attacks and the resulting turmoil in the air transportation industry.

Among the small businesses that have been injured are those that sell goods and services to the airports, airlines and airline passengers. The current crisis has also taken a heavy toll on the entire tourist industry, particularly, the many small businesses that are integral to that industry. The closing of commercial air traffic during the week of September 11th had a severe impact on many businesses that depend on the airlines and air cargo industry for the delivery of items crucial to the conduct of their enterprise. While we cannot yet measure the economic impact of the attacks on the small business community, many small businesses all over the country are clearly suffering.

The SBA has received requests for disaster assistance from small businesses all over the United States, including small businesses in the Dallas-Fort Worth area and California, and small businesses from as far away from New York City as Hawaii. But, under the current restrictions that apply to the SBA disaster loan program, the SBA cannot provide disaster assistance to businesses outside of a declared disaster area and contiguous communities.

My bill, the Terrorist Disaster Relief for Small Businesses Act, would provide needed

EXTENSIONS OF REMARKS

disaster assistance to businesses all over this Nation. First, the bill gives the Small Business Administration the authority to provide economic injury disaster loans to a small business located anywhere in the United States that can demonstrate it experienced a substantial economic injury because of the terrorist attacks, including injuries caused by actions taken by the government in response to attack. Additionally, the bill would permit the Administrator of the SBA to relax, as he deems necessary and appropriate, the "small business" size standards for an injured business that, as a technical matter, does not meet the size standards. These exceptions to the normal SBA criteria would only apply to businesses that have been injured by the September 11th attack.

These are extraordinary times that call for extraordinary solutions to overcome the Nation's current crisis. I believe altering the criteria for SBA disaster loans will help the Nation's small businesses to begin to recover from the economic hardships caused by the September 11th attack. I urge my colleagues to support this important legislation.

TRIBUTE TO GORDON GALVAN

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. STARK. Mr. Speaker, I would like to pay tribute to Gordon Galvan's many years of dedicated service on the San Leandro City Council.

A lifelong San Leandro resident, Gordon is a third generation San Leandran and grandson of Spanish immigrants. He is a graduate of St. Leander's School and San Leandro High School.

Gordon began his service to the local community in 1992 as co-founder and President of the Bancroft Area Neighborhood Association. He went on to be elected in 1994 to the San Leandro City council, representing District One and was re-elected by a mandate in 1998.

During his two terms on the Council, Galvan was recognized as a champion of small and large businesses and a passionate advocate for revitalization of Downtown San Leandro. He led the way for public/private partner investments in the area resulting in over \$2.5 million of improvements to downtown San Leandro.

Local and regional civic and community leaders recognized Gordon's leadership on the Council. His colleagues on the San Leandro City Council elected Galvan for an unprecedented two terms as Vice Mayor.

He served as vice chair of the City of San Leandro's Disaster Preparedness Council, and worked on San Leandro's FEMA award-winning Disaster Preparedness Campaign.

After seven years of service to the city of San Leandro, Gordon has stepped aside to devote more time to his business. Still devoted to serving his community, he is overseeing the management of the San Leandro Shuttle Pro-

17985

gram and the San Leandro Industrial Industrial Roundtable.

The Mayor, the San Leandro City Council and the Chamber are hosting a tribute to Gordon on September 27. I join in expressing appreciation for his many years of dedicated service on the San Leandro City Council.

PRESERVE U.S. JOBS IN THE  
PASSENGER VESSEL INDUSTRY

**HON. ROBERT A. BORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. BORSKI. Mr. Speaker, I rise today to express my opposition to a proposal to amend the 1886 Passenger Vessel Services Act (PVSA) by designating Panama as a distant foreign port of call. Such designation would allow foreign-flag vessels to carry passengers from one U.S. port to another U.S. port, provided only that the vessels stop in Panama en route.

Under the existing PVSA, vessels making U.S. point-to-point services must be owned, built, flagged and manned in the U.S. This statute has served our country well for over a century, ensuring a vibrant domestic passenger vessel industry that creates and preserves jobs in the U.S. Designating Panama as a distant foreign port would create no U.S. jobs, generate no economic benefits for the U.S., and result in no new business for U.S.-flag cruise vessels. Only foreign-flag—which pay no U.S. corporate income taxes, operate largely outside of U.S. laws, and employ foreign labor—would benefit from this misguided proposal.

The PVSA authorizes the U.S. Customs Service to provide the flexibility needed to meet the needs of the cruise industry public while at the same time preserving important national interests. By arbitrarily designating Panama as a distant foreign port, Congress would supersede the regulatory authority of Customs and contravene the longstanding purposes of the PVSA to bar foreign vessels from engaging in domestic transportation. Such an act would also create a dangerous precedent that could have even graver implications for U.S. cargo transportation governed by the Jones Act.

Mr. Speaker, the proponents of the Panama proposal hope to include it as an amendment to the Coast Guard Authorization bill. I urge my colleagues to strongly oppose this misguided attempt to undermine one of our nation's most important maritime laws.

TRIBUTE TO PAUL W. IVORY, AD-  
MINISTRATOR OF CHESTERWOOD

**HON. JOHN W. OLVER**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. OLVER. Mr. Speaker, it gives me great pleasure to commend Paul W. Ivory, who as

of September 30 will retire as the Administrator of Chesterwood, the former country home and studio of sculptor Daniel Chester French in Stockbridge, Massachusetts. French was the creator of two of America's most powerful symbols: The Minute Man (1875) in Concord, Massachusetts and Abraham Lincoln (1922) for the Lincoln Memorial in Washington, DC.

At Chesterwood, which was designed by noted architect Henry Bacon, French executed many commissions, and he also designed the gardens and woodland walks around the grounds. French is considered to be one of the most important artists of the late 19th century and early 20th century when our country was undergoing enormous change as an emerging world power. Playing a large role in a national movement to commemorate its heroes, French created more than 100 works of public sculpture.

In 1969, Chesterwood was donated to the National Trust for Historic Preservation by French's daughter, Margaret French Cresson. Shortly thereafter, Paul Ivory took over as Administrator of the museum and residence, and he has been its guiding force for the past 30 years. Mr. Ivory employed unparalleled dedication, expertise and commitment to excellence in overseeing the facilities and programming at Chesterwood during a time when it evolved into one of the most outstanding artistic and cultural attractions in the region, and indeed in the country.

Today, Chesterwood holds nearly 500 pieces of sculpture by Daniel Chester French, including molds, casts and studies—making it one of the largest collections of fine art devoted to a single American sculptor. Visitors to Chesterwood can enjoy a number of activities, including the studio where French worked and a residence that demonstrates the architectural elements of the Italian Villa and Colonial Revival styles. They can also walk through the studio garden with its flowered borders, sculptures and vistas of the Berkshire Hills. And they can view exhibits at the new Barn Gallery that bring the career and classical work of French to life even more. Among the other programs and exhibitions that have come to life under Mr. Ivory's charge are the Contemporary Sculpture at Chesterwood Series (22 years running), which allows visitors to compare diverse artistic styles and materials from both the past and the present, and the Sculpture in Residence, where visitors can become engaged in the art through a series of exhibitions and demonstrations, along with the Walking Tours of Contemporary Sculpture and the Annual Antique Car Show.

Mr. Speaker, Paul Ivory has demonstrated by his many accomplishments at Chesterwood that he is a man of outstanding ability and professionalism. At the same time, he has always exhibited deep respect for all of his associates and everyone connected with Chesterwood. Under his management, patronage at Chesterwood has grown to several thousand visitors every year, who come to be informed, entertained and edified. I also think it is appropriate to note that Mr. Ivory is a decorated Viet Nam veteran who earned the Army Com-

mendation Medal, the National Defense Service Medal, the Viet Nam Service Medal, and the Republic of Viet Nam Campaign Ribbon with Device. I am proud to honor Mr. Ivory today and to express appreciation on behalf of myself and the western Massachusetts community in recognizing his accomplishments as Administrator of Chesterwood.

#### THE DISPLACED WORKERS ASSISTANCE ACT

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. RAHALL. Mr. Speaker, I am pleased to be an original co-sponsor of the "Displaced Workers Assistance Act" introduced today by Mr. Gephardt. This bill will provide job training skills, health care benefits and extension of income support to employees of the airlines, and related industries, who lost their jobs as a result of the terrorist attacks on September 11, 2001.

I am especially pleased that the bill has been introduced just days after the House passed the "Air Transportation Safety and System Stabilization Act" last Friday.

I have always supported legislation to improve the quality of life for the American Worker. Last week, when the House passed the "Air Transportation Safety and System Stabilization Act," I joined in the concern expressed by several unions that the bill did not contain provisions for displaced workers.

During floor debate on the airline stabilization bill, Speaker Hastert and Democratic Leader Gephardt pledged to address the needs of displaced workers in separate legislation as soon as possible. I voted for the "Air Transportation Safety and System Stabilization Act" last Friday because we were given these assurances.

I am pleased that the bill we introduce today has solid provisions to provide relief and security to displaced workers. I will work as hard as I can to help to get the bill passed and enacted into law expeditiously.

Regarding job training, workers who are not expected to return to their jobs within the airline industry will be eligible for retraining benefits for other types of work.

Workers who are not expected to return to their present jobs, but who may find some alternative job within the airline industry, will be eligible for upgrade training.

Regarding health care benefits, the federal government will fully reimburse eligible workers for their COBRA premiums.

Workers who do not qualify for COBRA and are otherwise uninsured will be eligible for Medicaid. The federal government will cover 100 percent of the premiums. These health care benefits will last for a maximum of 18 months.

Regarding income support, workers who exhaust their 26-week eligibility for state unemployment insurance will be eligible for an additional 52 weeks of cash payments funded entirely by the federal government.

Workers who do not meet their states' requirements for unemployment insurance will receive 26 weeks of federally financed unemployment insurance.

Workers who are eligible for the benefits provided in this bill are employees of airlines, commercial airline manufacturers, suppliers to airlines, and airports.

Only those workers who lost their jobs as a direct result of the terrorist attacks of September 11 or security measures taken in response to the attacks, are covered under this bill.

All Americans, and all people in the civilized world, were horrified at the events of September 11, 2001. But for those workers in the airlines and related industries, the pain was even more severe because of the loss of their livelihood, through no fault of their own, but through the fault of the terrorists' heinous crimes.

It is my fervent hope that the provisions of this bill will help the fine people who lost their jobs to rebuild their financial security.

By providing these displaced workers with job training, extended health care coverage and extended unemployment benefits, we are giving them the tools to get a new job, while receiving compensation and continued health care coverage during the process.

These benefits will provide the displaced workers with peace of mind as they rebuild their lives and financial security. They deserve our help, and we must pass the "Displaced Workers Assistance Act" expeditiously.

Thank you, Mr. Speaker.

#### RETIREMENT OF CHIEF FRANK J. COX WEST WINDSOR TOWNSHIP POLICE DEPARTMENT

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. HOLT. Mr. Speaker, I rise to recognize retiring Police Chief Frank J. Cox of West Windsor Township, New Jersey and of his thirty-nine year long commitment to serving the people of New Jersey as a distinguished law enforcement officer.

A native of Princeton, New Jersey, Frank Cox first served on the Princeton Township Police Department from 1962 to 1968 before joining Chief Frank Maquire to create the West Windsor Township Police Department in 1968, becoming Chief in January 1980.

During his tenure with West Windsor Township's police department, Chief Cox was nominated and attended the 109th Session of the FBI National Academy and then served as the President of the New Jersey Chapter of the FBI National Academy. Additionally, he served as President of the Mercer County Chiefs of Police Association as well as serving on the executive board for the past fifteen years.

Because of his tremendous abilities, Chief Cox was even called upon to serve as the Interim Business Administrator of West Windsor Township from June 2000 to September 2001.

September 25, 2001

Chief Cox's stalwart leadership for the past half century serves as an enduring example of unending commitment and selfless public service. It has been a pleasure working with him in recent years.

Mr. Speaker, I applaud Chief Frank Cox on his many years of service to the people of West Windsor Township and ask my colleagues to join me in recognizing his invaluable contributions to our community and New Jersey.

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IN RECOGNITION OF THE CITY OF  
LA CAÑADA FLINTRIDGE

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Southern California community of La Cañada Flintridge. On December 8, the city will celebrate its 25th year of cityhood.

In 1843, in the wake of the Mexican Revolution, Ignacio Coronel, a Mexican schoolteacher from Los Angeles, was granted a valley named "Rancho La Cañada." Later, U.S. Senator Frank Flint divided 1,700 acres south of modern-day Foothill Boulevard into large lots and called his subdivision "Flintridge." Eventually, the valley came to be known as "La Cañada Flintridge," as it is called today.

La Cañada Flintridge experienced its most rapid growth during the 20th Century. A diverse and resourceful collection of farmers, professionals, intellectuals, and ranchers toiled to develop a prosperous city. To this day La Cañada Flintridge reflects their hard work. It is a city with extensive cultural resources and an educated population that has never abandoned the vision of its founders of successful small-town life.

La Cañada Flintridge is a bustling suburb with several important landmarks. The most recognizable institution in La Cañada Flintridge is the Jet Propulsion Laboratory, the world's leading center for robotic exploration of the solar system, which is managed for NASA by the California Institute of Technology. La Cañada Flintridge is also home to Descanso Gardens, a 165-acre botanical garden famous throughout the nation. The city also provides its citizens a full range of vital services and an excellent education in an independent school district.

On this 25th anniversary of the incorporation of La Cañada Flintridge, I offer my sincere congratulations to the city and its residents. La Cañada Flintridge exemplifies the American dream of a diverse coalition of individuals and families working together to secure business success, a high quality of life, and the friendliness and cooperation that is a hallmark of America's small-town suburbs.

EXTENSIONS OF REMARKS

FOR ALAN BEAVAN

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. SHAW. Mr. Speaker, many have discussed the national honors and medals that we should confer upon those brave souls who sacrificed themselves September 11 to bring down United Airlines flight 93 before it could reach Washington, DC, and perhaps this very Capitol building. I would like to submit the following piece for the record to highlight the actions and the life of one of those on board the flight, who was known to the family of one of my staff members. The following was written by my legislative director's brother-in-law, Michael A. Edwards, who is a director at the Ford Foundation in Manhattan:

ALAN BEAVAN, OCTOBER 15, 1952–SEPTEMBER 11, 2001

"Fear—who cares?" reads a sign on Alan Beavan's desk. Alan was my friend, and he died defending the same principles for which he lived: love, self-sacrifice, and the rule of law over the rule of violence.

Alan was a passenger on United Airlines Flight 93 that crashed in Pennsylvania on September 11th, just after 10 o'clock in the morning. Just before 10, two members of his family, separated by thousands of miles in California and Boston, had the exact same vision flash across their consciousness: Alan, with his arm around the throat of an unknown assailant, locked in a life-or-death struggle, and singing at the top of his lungs as the plane went down.

Now, of course, the world knows that this vision was reality. Alan and his fellow bravehearts overpowered their hijackers and forced flight 93 away from its intended target in Washington, DC, sacrificing themselves in the process. His wife Kimi will be at the White House on Wednesday, September 26th, to collect the Congressional Medal of Honor from President Bush on Alan's behalf.

Alan died the day after his eighth wedding anniversary, returning to California to prosecute his latest case against pollution in the South Fork of the American River. After a lifetime spent teaching and practicing public interest law in New Zealand, London, New York and San Francisco, Alan had risen to become the finest environmental lawyer on the West Coast. His specialty was the defense of the natural world against corporate interests, though he lost more cases than he won, especially against the oil and logging companies. Nevertheless, the evidence he presented, and the arguments he made, have helped to strengthen corporate responsibility in the public eye.

Alan leaves behind a large and loving extended family, including John and Chris, his two sons by his first wife Liz, and the exquisite Dahlia Sonali, his 5-year old daughter by his second wife, Kimi Kaipaka.

"Where is Alan?" a friend asked Sonali last week, worried that she might not understand the reality of her father's death.

"He's in court", she said, understanding perfectly well, "defending the angels."

I love that, not just because it sums up Alan exactly, but also because it reminds us to hold onto the highest as we stumble for-

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ward in the weeks and months ahead. War, even death, would be no defeat for Bin Laden and his kind. This is what they want. Only the triumph of non-violence, secured through just laws justly applied, will bring the terrorists down.

Alan's family and friends said goodbye to him yesterday, Sunday, September 23rd. We swapped our favorite stories, sang to his memory, and saw photos of the heart of flowers, rice and sesame seeds that Sonali had made and left at the crash site, amid the hills and forests of Somerset County.

"Have I told you lately that I love you?"

Have I told you there's no one else above you?

Fill my heart with gladness, take away my sadness,

Ease my troubles, that's what you do."

Alan was a great soul, and he enriched the lives of everyone who knew him.

He was love in action.

Fearless, even in the darkest of circumstances.

And always on the side of the angels.

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IN MEMORY OF STAN MATLOCK

**HON. ROB PORTMAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. PORTMAN. Mr. Speaker, I rise to honor the memory of Stan Matlock, a friend and Cincinnati broadcasting legend, who passed away on September 16, 2001.

Stan's WKRC-AM morning radio program, "Magazine of the Air," was a Cincinnati area institution for 27 years. It was a simple concept—he would tell human interest stories, then play a record, then tell another vignette—but he did it better than anyone. The popularity of his program was extraordinary; at times fully 50 percent of radio listeners in the Cincinnati area tuned in to Stan Matlock's Magazine of the Air.

And he was more than a great storyteller. He loved research and writing and always considered himself first a writer. It's not surprising that his poignant stories were commentaries on our times. Impeccably organized, it was said that he had his vignettes cross-filed by subject and appropriateness for a particular time of day or national holiday or event. He was said to have over 30,000 "Magazine of the Air" scripts on file. Thankfully, some of his stories can still be heard on Saturday mornings in Cincinnati on WVXU-FM.

Stan grew up in Pleasant Ridge in Cincinnati, was a graduate of Withrow High School, and began his career as a news writer in 1945 at WKRC-FM while a student at the University of Cincinnati. He switched to WKRC-AM in 1946. He retired from WKRC-AM 29 years later in 1975, but returned to broadcasting with stints at WLQA-AM (now WRRM-AM) in 1976, and again with WKRC-AM in 1993.

Stan's influence on broadcasting in Cincinnati was summed up by John Soller Sr., former general manager of WKRC-AM, who said, "He set the standard for excellence in radio here."

Stan was devoted to his family, and is survived by his wife, Louise, and daughter, Anna. All of us in Cincinnati have suffered a great loss with Stan's passing, just as we so benefited from his full life.

## ECONOMIC REVIVAL PLAN FOR AMERICA

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. RYAN of Wisconsin. Mr. Speaker, I submit for the RECORD a letter to the President of the United States from a large number of reputable economists and public policy advocates who have identified a pro-growth pro-jobs strategy to revive the U.S. economy.

DEAR MR. PRESIDENT. We, the undersigned, believe that quick and decisive action is needed to rebuild the nation's capital stock and restore economic growth. The economic slowdown that began in the middle of last year was perilously close to becoming a recession. But, because of what happened on September 11, what was a cause for concern is now a threat to national security.

The terrorist attacks destroyed a significant amount of wealth and damaged the short-term capability of key sectors of America's economy. Recovering from these despicable assaults will be a tremendous ordeal, but dealing with this challenge is only part of the problem. Equally important is the need to restore the economy's overall performance. If America is to successfully wage war on terrorism, we will need the resources that only can be generated by an economy firing on all cylinders.

This means substantial tax reform and significant tax rate reductions. We believe the core elements of an Economic Rebuilding and Recovery Package are:

A shift toward "expensing" of business investment. It is counterproductive not to allow companies to fully deduct the expense of investments in new factories, machines, structures, and technology. Replacing the current "depreciation" rules with immediate expensing—or at least a significant shift in that direction as contemplated in the High-Productivity Investment Act introduced in the US House of Representatives—will boost capital formation and help rebuild the wealth destroyed by terrorists.

Accelerated implementation of the income tax rate reductions. The tax rate reductions enacted earlier this year constitute sound long-term tax policy, but many of the pro-growth elements do not take effect until 2004, 2006, and 2010. This means the additional growth will not take effect until that time. The rate reductions, IRA expansions, and death tax repeal should be made effective as of September 11, 2001.

Capital gains tax rate reduction. The capital gains tax is a form of double taxation that penalizes risk-taking and entrepreneurship. This tax should not exist, and it certainly imposes significant economic damage in today's uncertain environment. A large—and permanent—reduction in the capital gains tax will stimulate new investment and more productive use of capital.

We look forward to working with you to rebuild America and restore economic

growth. Thank you for your attention to this critical issue.

Sincerely,

Paul Beckner, President, Citizens for a Sound Economy; John Berthoud, President, National Taxpayers Union; David Burton, Senior Fellow, Prosperity Institute; Steve Entin, President and Executive Director, Institute for Research on the Economics of Taxation; Robert Funk, Executive Director, American Shareholders Alliance; James Gattuso, Vice-President for Policy, Competitive Enterprise Institute; Tom Giovanetti, President, Institute for Policy Innovation; Lawrence Hunter, Chief Economist, Empower America; Charles W. Jarvis, Chairman and CEO, United Seniors Association; Dave Keene, Chairman, American Conservative Union; Karen Kerrigan, Chairman, Small Business Survival Committee; Jim Martin, President, 60 Plus Association.

Dan Mitchell, McKenna Senior Fellow in Political Economy, Heritage Foundation; Steve Moore, President, Club for Growth; Grover Norquist, President, Americans for Tax Reform; Duane Parde, Executive Director, American Legislative Exchange Council; Andrew F. Quinlan, President and CEO, Center for Freedom and Prosperity; Richard Rahn, Senior Fellow, Discovery Institute; Gary Robbins, President, Fiscal Associates; Paul Craig Roberts, former Assistant Secretary of Treasury for Economic Policy; Terrence Scanlon, President, Capitol Research Center; Tom Schatz, President, Citizens Against Government Waste; Lew Uhler, President, National Tax Limitation Committee.

\* Organizational affiliations are included for identification purposes only.

Identical letters were sent to the following: Speaker of the House Dennis Hastert, House Minority Leader Richard Gephardt, Senate Majority Leader Thomas Daschle, and Senate Minority Leader Trent Lott.

## PERSONAL EXPLANATION

**HON. JIM TURNER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Mr. TURNER. Mr. Speaker, on Friday, September 21, I was unavoidably detained and missed rollcall vote 344. Had I been present, I would have voted "aye."

## THE HOME EQUITY LOSS PREVENTION AND ECONOMIC RECOVERY ACT

**HON. MAXINE WATERS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Ms. WATERS. Mr. Speaker, I rise to introduce legislation which I believe is critically necessary at this time. My bill, the "Home Eq-

uity Loss Prevention and Economic Recovery Act" or HELPER, will restore the tax deduction for personal interest, such as that on automobile loans and credit card debt. It will also eliminate the limitations on the deduction of student loan interest.

This legislation will help prevent the reprehensible practice of stripping home equity to pay nondeductible debt. I have been working on ways to stem predatory lending for years. These practices often end in families losing their homes. I decided to turn to the tax code to eviscerate this problem of predatory lending, known as home equity stripping.

Home equity loans have historically been the privilege of the middle class and wealthy, who generally have high credit ratings, income, and home equity. However, beginning in the 1980s, non-depository finance companies—lending institutions other than commercial banks, thrifts, and credit unions—began to provide home equity loans to lower-income communities, which were not served by mainstream lenders.

Persons in low-income communities typically have little disposable income, but may have substantial home equity as a result of paying down their mortgages or through the appreciation of their property values. This equity can secure sizable loans. While offering loans to low-income and minority communities can benefit these communities, predatory lending practices, which oftentimes use the borrowers' home as collateral, have milked the last drops of wealth from many of these neighborhoods, leading to increased poverty and public dependence.

When vulnerable persons incur substantial medical costs, suffer sudden loss of income, require credit consolidation, or need funds to maintain their homes, predatory lenders step in, offering loans secured by the borrower's equity. Unfortunately, predatory home equity lenders target the most vulnerable homeowners—the elderly and people in financial or personal crisis.

The primary selling tools of these loans is the need to consolidate debt on which the interest is not deductible into a home equity loan, so that the interest can be deducted. Individuals with car loans, credit card debt and certain student loans cannot deduct the interest paid on these loans from their taxes. Often, these individuals will strip equity from their homes and pay high fees in an effort to consolidate this debt into one loan on which the interest is deductible. Frequently, these transactions involve high fees which offset any tax benefit that may be realized. Furthermore, after a loan consolidation, many consumers will accrue additional credit card debt.

My bill will remove the greatest incentive for equity stripping by making the interest on personal loans deductible, meaning that people with car loans, credit card debt and student loans that fall outside of current parameters, will now be able to deduct the interest they pay for these loans. The deductibility of the interest will lower the cost of borrowing for individuals and will prevent many individuals from overextending themselves in an effort to reap tax benefits.

I have been working on this legislation for several months, but decided that now is the appropriate time, because it has the potential to provide much needed economic stimulus. People will keep more of their money with these deductions, and will not be encouraged to pay high fees and risk losing their homes. I think that the time is right to restore the deductibility of personal interest and I would urge my colleagues to support this legislation.

AIR TRANSPORTATION SAFETY  
AND SYSTEM STABILIZATION BILL

SPEECH OF

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2001*

Ms. DELAURO. Mr. Speaker, today I rise with troubled conscience, to vote for the Air Transportation Safety and System Stabilization Bill. The events of September 11, 2001 marked one of the darkest moments in our country's history. On that day, terrorists struck at the heart of our social and economic fabric and the ripple effects of this tragedy are still being felt. In particular, the airline industry was severely impacted, resulting in tremendous economic hardship for the carriers, the people who work for them and the travel industry as a whole. This bill will allow the airlines to continue flying; provide for the security of our airports and airways; and grant critical compensation to the families of victims of last week's heinous and barbaric attack. For these reasons, I hesitate to vote no.

Nonetheless, the bill does little for more than a hundred-thousand workers laid off as a result of this tragedy, nor does it help the employees in associated industries, such as engine and parts manufacturers, hotels, restaurants, travel agencies, limousines and rental car services, and all the others now facing lay-offs. I have serious reservations that if these concerns are not addressed in concert

with this legislation, millions of laid-off workers and their families will be left behind with no guarantee that they will retain their unemployment benefits, health care benefits or receive any re-training opportunities.

The security provisions in this bill do not go far enough. The airline industry has repeatedly fought the government tooth and nail over increased airline and airport security measures and efforts to improve customer service. We cannot afford for them to fail, but they deserve a stern warning, not just a check.

I had sincerely hoped that last week's tragic events would have brought this Congress together in a bipartisan fashion to help everyone facing economic hardship. I look forward to legislation next week that brings relief and protection to those already unemployed and to the thousands of additional workers whose jobs are in jeopardy.

AIR TRANSPORTATION SAFETY  
AND SYSTEM STABILIZATION ACT

SPEECH OF

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2001*

Ms. SCHAKOWSKY. Mr. Speaker, every single member of this body and every person in this country understand fully that a functioning airline industry is vital to the functioning of our country. Yet I stand in opposition to this legislation. Why?

Because, remarkably, this bill completely ignores the heroes in the airlines industry who were and are most deeply and personally affected by the September 11 atrocities. I am speaking of the pilots who fly the airplanes, the flight attendants, the baggage handlers, the mechanics, the ticket agents—the workers who are now losing their jobs as a result of the September 11 attacks.

You can look through every line of every page of this bill and you won't find a single

mention of them. But those airline executives who earn over \$300,000 will find a whole section of this bill devoted to them. It says that they can continue earning the same amount they did in year 2000, compensation amounting to \$35 million for one CEO, \$16 million for another, and \$12 million for a third. And if those CEO's decide they've had enough, this bill says their golden parachute can be twice their salary.

But not a word about the up to 100,000 airline industry workers who will lose their jobs even if we pass this bill. An angry and hurt Association of Flight Attendants says, "It's sad how quickly those who sacrifice to make our great country work, even in these times of tragedy, get left out when corporations go asking for taxpayer money." These workers are going to lose their jobs, and this bill says nothing about their loss of income, their loss of health insurance, nothing about job retaining.

Some other people are missing from this bill—passengers. Without them, no amount of money will save the airline industry. Yet nothing in this bill addresses the reason why airports are quiet and airplanes are nearly empty, why business travelers, vacationers, families, conventioners are changing their plans and staying home or driving. That reason is simple: Fear of flying. In this entire bill there are only two sentences that refer to airline safety and then only in passing. If passengers are looking for a list of measures that will be implemented to make airplanes and airports more secure, they better not look in this bill. If they are looking for a security timetable, they won't find it here.

I stand here tonight ready to help the airline industry—but not just a part of it. Those who say they will help the workers next week or next month must be asked, Why not tonight? To those who tell consumers to wait for airline safety measures, I ask, Why can't they be part of this package? Are they less deserving, less important, less needy? We can go back and within hours add them. Then I would gladly and proudly vote yes.

